



Executive
summary

Getting to grips with power

Can NGOs improve
justice in Bangladesh?

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Development
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Cover photo: 'Courtyard Meeting' for raising awareness on legal rights and entitlements, Madaripur Sadar Upazila, Madaripur District, Bangladesh, 2012 © Emdadul Islam Bitu

Executive summary

For many years, donors have supported justice interventions in Bangladesh: providing small-scale grants to activist NGOs, facilitating large-scale national justice sector reforms, and doing community-based work. The latter typically involves funding paralegals, alternative dispute resolution, ‘village courts’ and more. Into this mix comes the Community Legal Services (CLS) project, a £17 million project funded by the UK’s Department for International Development (DFID). Over five years, CLS provided grants to 18 non-governmental organisations (NGOs), who aimed to support improved community legal services.

The CLS project provoked some big questions. What are the most effective strategies Bangladeshi NGOs use to improve legal services? What role does capacity building play in this? Should international donors focus on promoting legal services, empowerment, or both? The project also had a strong focus on providing access to justice for women and girls. How can this happen in a culturally sensitive way that also protects women from backlash? Furthermore, many of the grantees were selected due to their wide community reach, rather than legal expertise. Is this an effective way to expand legal services?

This research sought to unpack these questions through an in-depth **qualitative research study**. It sought to

understand what worked, where, and why. We conducted a total of over 100 interviews, focus groups and observations of CLS in action. We worked with seven grantees, in four districts of Bangladesh. We spoke at length with clients of CLS, NGO staff, a range of stakeholders involved in the justice sector, and the diverse communities across the country. We observed community-led legal aid clinics, government-run legal aid, yard meetings and NGO field facilitators.

Our research took into account the **political economy of justice** in Bangladesh. Two main parties dominate Bangladeshi politics: the Awami League and the Bangladesh Nationalist Party. Local political parties can influence traditional dispute resolution and formal court cases through their patronage networks. Religious norms and beliefs also shape justice processes and outcomes.

NGOs often seek to challenge power relations in Bangladesh. However, their attempts to change justice processes and outcomes are both shaped by, and dependent on, their relations with elites at the village and district level. In addition, donors have shaped how, and what, NGOs are able to focus on, making them vulnerable to shifting international finances and priorities.



What did the CLS project achieve? And how?

We found DFID's support to CLS NGOs to be commendable. They took, as their starting point, the day-to-day legal problems faced by poor and marginalised groups in Bangladesh. As such, huge numbers of people gained greater awareness of the formal law and avenues for redress. Some progress was also made in improving the fairness of the processes and outcomes of justice in diverse institutions and places across the country.

Awareness raising activities resulted in a number of citizens, mostly women, coming forward to claim their rights and resolve disputes. Yard meetings were used to disseminate information about the formal law. Using existing community groups, some NGOs exerted their collective influence to tackle individual dispute issues and raise broader awareness. Street theatre was also a participatory way to encourage community engagement and reflection. We found that awareness raising had to be conducted sensitively, by trusted NGOs and individuals – particularly where initiatives were invoking religious or cultural justifications for reducing violence against women.

The CLS project has increased **access to justice** by reducing social and geographic barriers. However, the vast majority of disputes, particularly those which involve violence in the family, will still not be made public. Attempts to make disputes public are fraught with personal risk, particularly for women. The ability of CLS grantees' staff to challenge social barriers depended upon their own worldviews and ability to convince influential elites of the value of an alternative justice process or outcome. Access to justice is of little use if that 'justice' remains discriminatory.

NGOs can improve the **quality of justice** processes through providing timely, clear and respectful support to disputants. This can be a marked contrast to what the disputants are used to, particularly through traditional *shalish*. Gaining the support of an NGO can help disputants secure a fairer outcome of their case. However, in the CLS project, we found that a lack of sustained follow-up or broader social and economic support to women facing violence put them at risk.

The CLS project had a thorough approach to **capacity building**. Training was to be only one of the ways by which overall organisational development would take place. Their flexible approach proved necessary given internal project and external political challenges. Through short and targeted training, regular NGO frontline staff members have been trained as CLS workers. More broadly, however, the project missed opportunities for ongoing evaluation and more in-depth learning about the different approaches, modalities and activities that CLS was funding.

Was the CLS work **sustainable**? When the project ends, most staff will move into other roles and to different NGOs. Yet a cadre of professional staff with CLS capacity will remain in the development sector. This could, therefore, mainstream legal services in other areas. Furthermore, it is plausible that CLS has contributed to

some attitudinal change around access to justice. However, the CLS project, like the majority of donor projects, did not have a sufficient time frame nor mandate to ensure longer-term sustainable changes.

Challenges for the CLS Model

While the CLS project has been valuable, there were a number of problems and challenges observed, which are linked to overall strategic outlook.

Having a specific focus on community **legal services** was constraining. Firstly, it appeared to prevent a holistic view of how disputes affect people's lives. If a woman makes a domestic violence case public, she may require other forms of social or economic support, or even physical protection. However, this was not directly possible through CLS funding. Secondly, it meant the project neglected to take a broader view of legal empowerment. Doing so would have encouraged a focus not just on individual disputes, but on how to mobilise around problems of collective significance in local communities.

Development NGOs have shown themselves capable of encouraging awareness and access to legal services: they are often embedded in their project locations and are able to secure the trust of local people. The challenge has been to ensure that all development NGOs play to their strengths. Some NGOs were required to expand into areas they had never worked in before, which meant they didn't carry the trust and legitimacy that can come with being a 'community' NGO. Furthermore, the role of expert legal organisations, in relation to development NGOs, was not sufficiently established. There were some good practices, such as funding development grantees to help implement existing public interest litigation rulings. But few issues were translated from the community to national NGOs to focus on, nor was there significant implementation of national legal rulings by community NGOs.

DFID Bangladesh was required to support DFID HQ's push to **reach targets** for increasing access to justice for women and girls. Therefore, the CLS project partnered with development NGOs whose services naturally had a wide reach. In some respects, this was a positive development, supporting improved justice in particularly remote or underserved areas. Yet there is a tension between expanding and deepening service. Some organisations did not have the time to give the due attention required to sensitive situations.

Gender relations were not sufficiently considered in the project. Most CLS grantees worked on issues relating to violence against women. They helped many women disputants receive at least partial remedies, based on some good gender-sensitive practices. However, the grantees often struggled to tackle the overwhelming barriers to women accessing good quality justice. In part, this was because the focus on women and girls was taken too literally, when a broader gender focus, including looking at male attitudes to domestic violence, was required.

Recommendations for improving CLS

Implementers

1

Implementers and NGOs should work closely with elites. Improving the quality of justice in politically sensitive areas requires local NGOs who have trust and legitimacy. However NGO's should remain conscious that they are not just influencing power relations; they are part of them.

2

They need to acknowledge and work with diversity. Staff must be sensitive to the socio-political, cultural and economic aspects that influence what people view as 'justice' and where they might go to seek it. Sensitivity is particularly important when working with indigenous groups, who have often experienced years of discrimination and will rightly be wary of outsiders.

3

They must offer a holistic approach. Many women end up being socially and economically disempowered after entering into a legal claim. Therefore, legal, social and economic pathways are needed to ensure 'access to justice'.

4

They should put the local perspectives first. A 'local first' approach means analysing community needs, and working out where and how a legal approach can be genuinely helpful to tackle local problems. Recourse to the law may not always be the best solution.

International donors

1

CLS projects need a wide-ranging focus on violence against women. Projects should be guided to understand and mitigate the risks of the potential impact of programming activities on women and girls. Future work in this area must have a broader gender approach, taking account of the diverse male attitudes and actions in relation to violence against women.

2

Donors should take a multi-sectoral approach. Focusing on 'results' can obscure an examination of the underlying drivers of disputes and crimes, which is far more important. The challenge is to ensure a focused programme while tackling cross-cutting legal, social and economic issues.

3

Donors need to recognise that extensive capacity building is a key part of sustainability. This involves building legal, managerial and political capacities and skills. Donors could consider longer-term, smaller scale core funding.

4

Encourage a politically smart and adaptive approach. A 'politically smart' approach encourages greater attention to NGO's relationship building with key counterparts at all levels. Using 'adaptive' programming would have meant more explicit testing of the different legal modalities, and changing these as required.



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