

# CLS APPROACHES

COMMUNITY LEGAL SERVICES (CLS) PROGRAMME

LEARNING BRIEF



This brief shares lessons and suggestions for legal service programme design and implementation to more effectively reach the poor and strengthen quality of services.

## LESSONS INCLUDE:



Support development-focused NGOs to provide legal services to the poor



Plan for longer time periods to reach geographically isolated populations



Localise techniques to reach indigenous communities



Offer a wide range of legal services to better serve community needs



Engage youth and adolescent groups to support sustainability of services



Promote Government - NGO collaboration to strengthen legal services of both



Involve women in the legal services to build trust and influence social norms

*A product of the CLS Projects Coordination Unit (PCU) and CLS project team*

## BACKGROUND

The United Kingdom's Department for International Development (DFID) designed the Community Legal Services (CLS) Programme in Bangladesh to broaden and test different approaches to the delivery of legal services to more effectively reach greater numbers of the poor and marginalised.

In Bangladesh, large national legal specialist NGOs have decades of experience providing legal aid for the poor, especially women and girls, and key regional specialist NGOs have expertise in establishing fair mediation of disputes by grassroots community groups. While the CLS Programme did fund services by these experienced national and regional NGOs, it broke new ground by also supporting legal service provision by development-focused NGOs. Work with these NGOs by the CLS Programme produced major lessons learnt in strengthening legal service provision to help inform future programming.

In its five years of implementation, the CLS Programme expanded access to justice making legal services available to an estimated 13 million people in 1232 rural unions or urban wards or 16% of the country. It did so through building citizen awareness of legal rights and supporting the just resolution of disputes through mediation or litigation in cooperation with communities and the Government of Bangladesh. Over 2.5 million people attended awareness activities, over 77,000 received legal information or advice, and almost 83,000 pursued resolution of their disputes. Mediation was by far the most common method of resolving disputes at 75% of the total with litigation used for hard to resolve disputes or serious crimes. CLS also supported NGO efforts on research, advocacy and public interest litigation to reform laws and policies or to improve their implementation when needed.

## LESSONS LEARNT

### ***Inclusion of development-focused NGOs supports broader access to justice and stronger ownership by communities***

The CLS Programme funded 18 lead Bangladeshi NGOs, five of which were experienced leaders in legal service provision. The remaining 13 organisations were primarily regional NGOs with experience delivering development activities in the health, agriculture, water and sanitation, governance and human rights sectors. These NGOs had limited or no experience delivering legal services prior to becoming CLS grantees and all required extensive technical assistance and capacity development. However, by drawing on their experience in community outreach and their positive reputations with local communities, these grantees showed great effectiveness in raising



awareness about legal rights through courtyard meetings, folk songs, popular theatre, school sessions, tea stall meetings, and other public education activities. Intensive awareness activities resulted in increased numbers of the poor and marginalised understanding their rights and seeking to claim these rights with the assistance of CLS NGOs.

These development-focused NGOs also demonstrated expertise in building community ownership. Many had mobilised and continued to support community-based forums that worked on various development initiatives. This experience assisted them greatly in identifying, training and motivating community volunteers to create awareness of legal rights, mediation and government legal aid, and to form community mediation groups to resolve disputes locally. These volunteers and groups were trusted by the community and were often effective in pressuring other community members to halt potential rights violations including child marriage and domestic violence.

As part of the CLS mandate to provide an additional 15% of Bangladesh's communities with legal services (a total of 1162 rural unions or urban wards), the role of development NGOs was essential. These NGOs helped extend the reach and availability of legal services. In addition, certain legal services provided by development NGOs were less reliant on external funding to be sustainable when compared to those provided by legal specialist organisations. This is discussed in more detail in the separate CLS Learning Brief on Sustainability of Services.

### *Offering a comprehensive range of legal services better meets the needs of a wider range of justice seekers*

In addition to public interest litigation, advocacy and research, CLS supported NGOs providing four broad legal service modalities: i) legal information and legal advice, ii) mediation, iii) litigation, and iv) referrals to legal aid. CLS NGOs offered different combinations of these modalities and legal services. Some combined legal information and advice with referrals to government legal aid, and others focused on alternative dispute resolution mechanisms such as local government village courts and arbitration councils, or supported community mediation while also offering litigation or referrals to legal aid. Still others relied on lawyers visiting local unions to provide legal advice and mediation before pursuing court litigation or referrals.

CLS and its partners learned that those with a broader range of services were better placed to respond to demands for justice. For example, those NGOs which only offered referrals to legal aid found some victims of injustice unwilling to initiate court cases or to continue court cases once filed. Others providing only lawyer-centred services locally had less ability to build community ownership of justice provision. In fact, in response to community demands, NGO partners that did not offer local dispute resolution methods sought to add these to their legal services portfolio in the final years of the programme. Those partners that offered three or four service delivery modalities, especially those that involved the community, were better able to reach, serve and retain more justice-seekers over time. After two years implementing services, one NGO leader who planned to





expand services said, "People really don't want to go to court. Many are asking for their disputes to be mediated locally and fairly."

### **Government - NGO collaboration strengthens both government legal aid and NGO legal services**

Under CLS, NGO partners referred serious crimes and more difficult disputes from the local level to the government's District Legal Aid Committees (DLACs). By law serious crimes cannot be mediated and mediation sometimes fails to resolve other disputes. The demand for government legal aid and the quality of DLAC lawyer services increased in those districts where strong ties between CLS NGOs and DLACs existed. The Chief Judicial Magistrate of Chittagong District observed, "NGOs deliver information to the grass roots making people aware of government legal aid service. DLACs receive many clients through NGOs."

In most districts served by CLS, NGO representatives attended monthly DLAC meetings and often shared client reports of poor practice by government-appointed lawyers. These reports resulted in remedial or disciplinary action by DLAC offices and an improvement in legal representation for the poor. Not only did these partnerships improve government legal aid at the district

level but they also improved NGO legal services at the local level by ensuring prompt legal assistance to justice seekers if community-based mediation was inappropriate or failed.

Under CLS, NGOs also referred justice seekers to other government service providers for legal, medical, law enforcement or other services. Other government service providers included: the Victim Support Centres (VSCs) under the Bangladesh Police, Women's Affairs Officers (WAOs) at sub district (*upazila*) offices and One Stop Crisis Centres (OCCs) in medical college hospitals both under the Ministry of Women and Children Affairs, and Village Courts and Arbitration Councils (VC and AC) of elected Union *Parishads* or Councils.

### **Special targeting and techniques are needed to reach indigenous communities**

Six of 18 CLS partners worked in areas with indigenous people (IP) populations including groups such as the Chakma, Marma, Rakhain, Santal, and Orao in both the Chittagong Hill Tracts (CHT) and in plain land areas. In several cases, NGOs that implemented awareness activities such as courtyard meetings, folk dramas and communications materials in indigenous languages to promote knowledge and understanding of legal rights

experienced a rise in use of legal services by these communities. Implementing localised awareness activities involved hiring staff from IP communities. This was challenging as NGO representatives from the majority Bengali population lacked credibility with IP communities and many locals had limited work experience and required extensive skills development.

Understanding the cultural context of justice in some regions was also important in reaching local populations. For example, in the CHT, IP communities were governed by special laws relating to land rights, taxation and petty crimes and specific roles were designated for traditional Headmen and *Karbaris* in resolving disputes. In other areas, indigenous traditions predominated and traditional forms of dispute resolution were used. In both cases, NGOs found that through respectful but sustained engagement, most traditional leaders were convinced to incorporate basic legal knowledge and mediation good practices in their work. Educating these local leaders

about the rights of women and illegality of child marriage changed practices for the better, and introducing referrals to government legal aid helped reduce the practice of resolving serious crimes like rape or murder out of court.

Understanding the unique threats faced by IP populations was also important in tailoring local legal interventions. Throughout Bangladesh, IP populations faced the threat of 'land grabbing' by influential local residents taking advantage of their lack of ownership documentation. To counter this threat, two CLS NGOs used techniques including education on land title documents, linking groups of IP leaders to local lawyers and media activists, and organising rapid joint action when land grabbing occurred. After one attempt to steal land in Dinajpur District, the NGO and IP group rapidly organised media attendance at a press conference with activist lawyers and victims, and petitioned local officials for action. The occupation of the land was successfully halted after an emergency court order.



A close-up photograph of a woman and a young child. The woman, on the left, has dark hair and is wearing a pink headscarf with a black and white patterned border. She is looking towards the right with a slight smile. She wears a red top and a colorful striped shawl. The child, on the right, is wearing a red shirt and is looking towards the left. The background is a plain, light-colored wall.

***Reaching geographically isolated populations requires standard strategies to be applied over longer time periods***

Four CLS partners worked in geographically hard-to-reach areas in steep hills, swampy lowlands and isolated coastal regions at greater risk from natural disasters. All these areas suffered from high rates of poverty and illiteracy and in most cases were among the most culturally conservative. High levels of communal conflict, rights violations, and violence against women and children were common. In most, knowledge of legal rights and provision of legal services were low to non-existent. Community members also explained that due to their isolation, many perpetrators believed they could violate rights with impunity as law enforcement authorities were rarely seen, and legal alternatives unavailable.

NGO partners applied similar strategies to those used elsewhere, but required longer periods of time and greater attention to building trust with influential community leaders to yield results. However, when trust and awareness was successfully built, these areas experienced a surge in demands for justice. In the Chittagong Hills Tract District of Rangamati, the District Judge estimated that 80% of disputes handled by the DLAC office came from referrals from one remote CLS sub-district or *upazila* working area and few to none from other remote *upazilas*.

***Engaging youth and adolescent groups to promote legal services is a sustainable approach***

Two CLS partners engaged with youth and adolescents to build community awareness of legal rights, and prevent domestic violence and child marriage. One NGO partner focused on adolescent girls and formed 200 groups totalling 2000 girls to work as 'change agents' among their peers and elders. These groups were linked with senior community members, NGO staff and government offices to ensure greater effectiveness in preventing violations and pursuing perpetrators. A second partner organised youth of both genders to serve a similar function in 140 villages where a third of the residents were indigenous peoples. In both cases, the energy and idealism of youth were effectively harnessed to increase claims for justice and prevent rights violations. It is expected that these groups will remain active with minimal financial support in the post-project period.

***Involving women in service delivery builds trust of female justice-seekers and influences perceptions of women's roles in society***

All 18 CLS partners involved women in awareness-raising activities, and the six partners which facilitated community mediation included 40% or more women as mediation group members. In almost all CLS target communities, males dominated decision making and women had limited roles outside the household. This extended to traditional dispute resolution.

Through NGO interventions, women developed an understanding of the law. Women conducting legal rights

awareness were more trusted by other women. Participation of women mediators made women disputants more willing to express their opinions and issues and limited domination of decision making by male mediators.

Increasing women's participation in CLS outreach and mediation modalities was essential to improving the fairness of local dispute resolution and reaching more women. In fact, almost 75% of CLS recipients were women.



**CLS PROGRAMME**

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\*The views expressed in this document are not necessarily those of UKaid or Department for International Development (DFID).