

DEVELOPING HUMAN RESOURCES FOR SERVICE DELIVERY



2

Good Practice Report Series:

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 - a. Delivering responsive client services through mediation and litigation
 - b. Delivering responsive client services through referral
2. Developing human resources for service delivery
3. Partnering with local justice providers and other stakeholders
4. Managing partnerships with other NGOs in consortium
5. Influencing national policy change
6. Campaigning and local level advocacy
7. Working with indigenous communities
 - a. Working with indigenous communities in Chittagong Hill Tracts
 - b. Working with indigenous communities in plain land
8. Working in hard to reach areas
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Credits

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Forward

The Community Legal Services Programme ends in July 2017. In the preceding five years, we have expanded access to legal services to an estimated 13.9 million Bangladeshis in an additional 16% of the country covering 1232 rural unions and urban wards. Most of our beneficiaries, over 74%, have been women and girls and survey research indicates significant increases in awareness of key legal rights and satisfaction with dispute resolution services in the communities in which we work. Our work has also improved use of legal aid assistance to the poor provided by the Government of Bangladesh. All this was possible through partnering with our NGO partners, drawing on their established expertise and building their capacities and skills to pursue high quality standards for legal service provision. Their remarkable improvements have yielded many examples of good practice that the team wishes to acknowledge and share with the broader community of stakeholders working on improving access to justice in Bangladesh and globally. This series of Good Practice reports is our attempt to do so.



Sincerely,

Jerome Sayre

Team Leader

CLS Programme

Preamble

Community Legal Services (CLS) is a five year programme funded by UKaid through the Department for International Development (DFID). CLS is implemented by a consortium consisting of Maxwell Stamp PLC, as principal contractor, with the British Council and the Centre for Effective Dispute Resolution (UK), as partners.

The programme aims to provide greater access to justice for poor, marginalised and socially excluded communities in Bangladesh, with a specific focus on women and girls. Its overall objectives are to improve the quality and coverage of CLS in Bangladesh, build sustainability into the CLS Programme interventions of potential grant partners, and encourage and create an enabling environment for legal services NGOs and community based organisations to coordinate their activities for improved delivery of CLS to target beneficiaries.

CLS provides grants to local and national NGO partners to deliver programme activities. NGO grantees include both specialised legal services organisations as well as development-focused organisations that are being funded to extend the reach and access of legal services for the poor.

During the course of the programme, the CLS team has recognised partners' strengths in providing different CLS modalities with a series of BEACONS awards for 'shining lights of good practice'. The awards process set a number of performance categories for good practice and research has been carried out to document each of these. This publication is one of 13 that demonstrate how good practice can be developed and results achieved that improve the quality of community legal service delivery.



Introduction

In a democratic country, it is a prerequisite that all citizens get economic and social justice. As long as poor and marginalised people exist in the society, legal aid is necessary to ensure their equal rights to access to justice. Legal aid has been identified as an effective instrument for reducing the socio-economic disparities in communities.

Currently legal services are provided in Bangladesh by both government and non-government organisations. The delivery of these services remains enshrined in the Constitution of the People's Republic of Bangladesh and in the laws of the land. The important laws which deal with alternative dispute resolutions are the Legal Aid Service Act, 2000; the Village Courts Act, 2006; the Muslim Family Laws Ordinance, 1961; the Resolution of Dispute (Municipal Area) Board Act, 2000; the Code of Civil Procedure, 1908; and *Salish Ain*, 2001 (Arbitration Act, 2001). Under these laws, the Government of Bangladesh (GoB) has made a provision to establish institutions to deliver justice at the community level.

However, the availability of legal aid from agencies and institutions does not ensure community access to quality justice. Taking this reality into account, DFID initiated a five-year project on Community Legal Services (CLS) in 2012 to enhance the access of the poor, the marginalised and the socially excluded communities to justice in Bangladesh.

The CLS is implemented by a consortium of Maxwell Stamp PLC as the principal contractor, British Council and Centre for Effective Dispute Resolution (CEDR) as the partners. The project in order to deliver community legal services, such as legal information and advice, community mediation, mediation facilitated by NGOs, litigation support, alternative dispute resolution through village courts and arbitration councils, and referral services CLS has provided grants to 18 organisations to implement the project. CLS chooses two of its PNGOs – Banchte Shekha and BLAST to capture practices in relation to human resource development for ensuring access of the marginalised and excluded communities to quality legal services.

Banchte Shekha Model: Empowering the Women *Salishdars*

Capacity building of the women *Salishdars* ensures access of the marginalised groups, especially women, to quality legal services. The women *Salishdars* are members of the Alternative Dispute Resolution (ADR) committees formed and supported by Banchte Shekha. Established in 1976 in Jessore, the organisation has been working primarily in the southern part of Bangladesh to improve the socio-economic condition of women in the region. Banchte Shekha believes that empowering women needs challenging injustice and inequity to bring about social change in the society, to ensure that women can enjoy their rights. According to Banchte Shekha, the provision of quality legal aid services is an effective strategy of improving the socio-economic condition of rural women, through ensuring justice and protecting their rights.

The Problem: Women lack access to quality legal services

Despite strong constitutional and legal commitments, poorer women and men find access to the formal justice system difficult, due to ineffective law enforcement, corruption, and the long delays and exorbitant costs of litigation. As a result, they rely on the traditional forums for mediation and conciliation called *Salish* (Alternative Dispute Resolution). *Salish* being low-cost and easily accessible, it has been used legitimately through generations by poorer women and men.



However, due to the prevailing values, norms and practices, the *Salish* system often reinforces existing power structures in rural society where male community leaders settle disputes, undermining the interests of women. The decisions made using the customary laws often create conflict with constitutional rights and entrench gender discrimination.

Cultural practices, such as early marriage, polygamy, dowry, female seclusion and arbitrary (oral) divorce, contribute to women's subordination, while religious sanctions are used to support these practices. Women's lack of awareness of their rights, coupled with deeply rooted gender inequalities, seriously constrains their access to appropriate gender-sensitive justice.

With this backdrop, Banchte Shekha implemented its legal aid programme, altering the composition of the *Salish* committees and increasing community awareness of rights. However, after two decades of interventions, the organisation realised that those initiatives were not enough to transform the community-based justice system, and with a grant from the Community Legal Services (CLS) Programme, it developed a new model using the lessons learnt so far.

Good Practice: Empowering the Women *Salishdars*

The model introduced by Banchte Shekha is focused on the community-based holistic development of Women *Salishdars*. It follows a comprehensive and integrated capacity-building approach that creates an enabling environment for the Women *Salishdars* to play potential roles.

Using the model under the CLS Programme, the organisation has developed 4,356 *Salishdars*, of which 2,772 are Women *Salishdars* in six *Upazilas* of Jessore and Gazipur districts. These *Salishdars* are recognised as social actors. They are settling social disputes and benefitting marginalised communities using their responsive services, knowledge, skills and expertise. These



Salishdars have conducted 2,435 mediation sessions, settled 1,612 disputes, and contributed to the resolution of 16 court cases.

Process of Developing the Women *Salishdars*

To empower the Women *Salishdars*, Banchte Shekha have maintained a process that involved the following activities being implemented by the organisation:

Recruiting and Training Staff

Banchte Shekha has maintained quality control as a major feature of its human development approach. It has deployed qualified staff and provided extensive training for them to ensure that all mediators, including the women mediators, receive quality support from the project. The union level facilitators have received week-long training on project objectives and strategy, human rights, gender and community level legal aid services and strategy, to conduct quality mediation. Staff members have also received refresher training.

Restructuring of *Salish* Committees

Banchte Shekha has reformed the traditional male-dominated *Salish* system and formed alternative *Salish* committees with each committee consisting of 11 members—seven women and four men—at the ward and union levels. The overwhelming representation of women in these committees creates an enabling environment for the women *Salishdars* to overcome the patriarchal discrimination on the one hand and improve the quality of their participation on the other.

Capacity Building

To empower the women *Salishdars*, BS has implemented a number of human resource development activities, including three-day training in leadership development, training and refresher training in law and mediation. The training has developed knowledge in leadership, rights, gender, marriage, divorce, dowry, land rights, early marriage and violence against women; developed procedures among the female mediators; and enhanced their mediation skills. The courses have been facilitated by project staff based at the central and *Upazila* levels.

Mentoring Support

The project has also provided mentoring support for the ward/union *Salish* committees during their quarterly meetings. In the meetings, the mediators have received practical guidance on the challenges they face in the field, from the *Upazila* level staff of the project.

Practical Guidance

In addition, the union facilitators have extended guidance to the mediators to accomplish certain practical tasks, such as the invitation of the parties in disputes, primary investigation, preparation of mediation proceedings, and follow-up.

Case of a Woman *Salishdar*

Rahima Begum is a young and energetic woman. She always wanted to do something for women in her locality. However, due to lack of opportunity, she remained busy doing household work as a housewife.

When Banchte Shekha began the CLS Programme in her neighbourhood she attended few courtyard meetings organised by a Union Facilitator of the organisation. Later on, she was selected a member of the Ward (No. 7) ADR Committee in Prembang Union of Avaynagar *Upazila*.

Subsequently, she received training in women's rights, gender, legal provision related to family disputes, and mediation techniques. She also received mentoring and hands-on support from *Upazila* and union level staff dealing with disputes placed in the Mediation committees and providing guidance to improve human rights situation of the locality.

Up to now she has actively participated in 24 *Salish* sessions on the complaints of 15 applicants. She is very satisfied that she has successfully mediated at least 07 women's disputes.

Rahima said, "I really enjoy the respect people are now showing to me. Even my relatives who only used to discuss household issues ask for household services now, share community issues, and try to influence my perceptions on human rights violations in the locality."

Developing a Handbook

A project implementation handbook has been developed under the CLS Programme and is used by staff and mediators to carry out their tasks.

Raising Community Awareness

Banchte Shekha has implemented the Behaviour Change Communication (BCC) activities, such as organising courtyard meetings, distributing Information, Education and Communication (IEC) materials, holding cultural events and observing national and international days related to women's rights. These activities have raised community awareness on gender, human rights and laws related to family matters, helped resist the pressure of powerful people, and created a space for mediators to deliver an unbiased mediation.

Changes in the Lives of Women

The implementation of this capacity-building model has created wider empowerment effects at personal, relational and collective levels.

- The decisions taken in the *Salish* meetings are no longer biased against women as the majority of *Salishdar* are women having human rights expertise and mediation skills.
- The model has increased self-confidence and self-esteem among the women *Salishdars* to be assertive, organised and united.
- The opportunities of attending meetings and training and mediating disputes through Alternative Dispute Resolution (ADR) have enhanced the capacity of the mediators and made an important contribution to the Leadership Development Process in the community.
- The programme has caused a major shift of attitudes towards the women *Salishdars* as a result of their involvement in decision making, and freedom of movement and mobility within the communities. Moreover, the interpersonal relationships of the mediators with their husbands' families and communities have improved.
- The participation of the *Salishdars* in collective forums is useful for them to gain access to social and political power and justice.
- Women victims feel encouraged to have their cases adjudicated in the ADR model used by Banchte Shekha because they receive better access to justice.





BLAST-RIB Model: Developing Human Resources for Quality Legal Services

Bangladesh Legal Aid Services Trust (BLAST) and Research Initiatives in Bangladesh (RIB) have jointly implemented a project to ensure access to justice for the marginalised and excluded through community legal services with a grant from the CLS Programme.

BLAST is a national organisation delivering legal services with a long track record of providing access to justice to poor women, men and children from the frontlines of the justice system to the apex court.

RIB is an action-research organisation established in 2002. It has since developed deep and longstanding relationships and networks with marginalised and excluded communities across the country.

Problem: Lack of human resources on rights activism in the marginalised and excluded communities

BLAST and RIB have both concluded that they lack clear insights into the barriers excluded and marginalised communities face to access justice. They have recognised that there are a limited number of specialised and motivated human rights activists at the national level. Even people from excluded communities were not showing an interest in becoming a human rights activist.

Fundamentally, marginalised communities such as the ethnic minorities, *dalit*, tea garden workers, and persons with disabilities are unable to protect their rights of access to land,



livelihoods, employments, legal aid and justice. Incidents of rights violation are higher in these communities than those at the national level. Moreover, national policy documents lack adequate reflections on the reality facing these communities.

Under these circumstances, BLAST and RIB have incorporated a fellowship scheme into its CLS Programme, to develop human resources on rights activism in marginalised and excluded communities.

Good Practice: Equality and Community Justice Fellowship

The fellowships provided by the consortium are of two categories as below:

- Equality Fellowships for individuals from marginalised/remote communities to undertake placements at BLAST and private law chambers/rights organisations, which will build capacity and promote legal thinking within those communities, and also promote discussion of legal issues relevant to marginalised communities amongst lawyers and general society.
- Community Justice Fellowships for young professionals/students for placements at BLAST and with a community organisation, which will emerge future leaders in legal, socio-economic and cultural issues surrounding marginalised communities, and also generate interest and focus on those issues.

The scheme has provided fellowships for 16 young persons/professionals/graduates (male-9, female-7 and nine of them are from religious/ethnic minorities) in two categories to carry out research to understand the difficulties facing the marginalised and excluded communities. A total of 10 men and women were selected from the marginalised and excluded communities (six from the plain-land indigenous communities, one from the Chittagong Hill Tracts (CHT) indigenous communities, and three persons with disabilities).

The Process of Developing Human Rights Activists

BLAST and RIB have used their respective organisational expertise to develop the capacity of the fellows. In specific terms, BLAST provided training, exposures, and mentoring support on issues related to legal rights, while RIB provided guidance and orientation on research methodologies.

Selection of Fellows

The selection process prioritised selecting individuals who may be committed to working as activists for and in excluded communities. The consortium invited applications from candidates with law, journalism or social science backgrounds, as well as the marginalised and excluded community members such as the persons with disability, *adivashi*, *hijra*, *dalit*, etc.

Selecting the Areas of Fellowships

The selection of fellowship areas is a well-thought out step, to ensure that the fellows develop insights into the challenges facing marginalised and excluded communities while seeking access to justice. For instance, research areas include issues related to expanding access to justice to marginalised communities, and creating learning opportunities for individuals from marginalised communities.

Capacity Building Support to Fellows

Immediately after selection, the fellows have been placed in the BLAST and RIB offices, where they receive formal training on laws on human rights and equality, research methodology and public interest law, Right to information, Participatory Action Research as well as getting exposure to on-going projects on legal aid services and human rights.

Hands on training and mentoring support has been provided for the fellows to use library resources, review literature, select a research problem, develop data collection methods and tools, process and analyse data, and write reports. They have also received two weeks of



externship under different organisations working on issues relevant to the research interest of the fellow.

Case of Kajal Rani, Equality Fellow

Kajal Rani, a post-graduate from Southeast University, is a practicing (junior) lawyer in Mymensingh Judge Court. By origin she is from the Koch community, one of the smallest communities of indigenous peoples of Bangladesh.

In academic life, she worked as a young leader of '*Koch Adivasi Chattra Parishad*' (Koch Community Students' Union) and she planned, organised, and implemented several programmes. She also received training under 'Service Solution Limited'.

She is enthusiastic about her academic and professional career. She is the first from her community who has completed graduation, and dreams of working to uphold the rights of people in her community.

Kajal applied for an Equality Fellowship in mid 2016 and was selected to conduct a study on the 'Land Rights of Indigenous Koch Community in Bangladesh'. She was placed in BLAST headquarters and provided with formal training on laws on human rights and equality, research methodology and public interest law, Right to Information, and Participatory Action Research. Exposure to on-going projects on human rights promotion and protection increased her practical knowledge and skills. To conduct the research, she received BDT 20,000/- per month for a period of six months.

The training and exposure enhanced the research capacity of Kajal Rani on the one hand and deepened her interest in doing the study in her own community as she realised that the study would be a strong instrument she could use in changing the life of her community.

Kajal used her research skills to make an appraisal of the indigenous land rights protections provided by existing laws and policies for the Koch community in Bangladesh and try to understand how the land rights of the indigenous Koch People could be realised in consonance with various national and international standards.

Kajal's study has contributed to proposals for a plan of action to recover the dispossessed land, and for effective measures for the proper implementation of Section 97 of State Acquisition and Tenancy Act, the first legal provision for protecting the land rights of plain-land indigenous people.

Once the fellows have gained sufficient knowledge to carry out the research, they are placed in the relevant communities to conduct field research. Subsequently, the fellows have presented their initial findings to RIB Research Advisory Group and BLAST. Later, the research reports have been finalised, incorporating feedback. Apart from the capacity building support, the fellows have also received monthly BDT 20,000/- for six months to carry out research.

Changes in Excluded and Marginalised Communities

A group of 16 human rights defenders have been developed at national level as a result of this fellowship programme. They may be recruited as resource persons by organisations working on human rights, particularly to defend the rights of the marginalised and excluded communities.

BLAST and RIB have published the research work undertaken by the 16 fellows and have taken initiatives to review the organisational strategy related to the BCC materials and activities, policy advocacy and intervention modalities, based on the research findings. From this, BLAST and RIB have gained new knowledge about the barriers the excluded communities are facing in accessing justice, as well as identifying directions for new types of legal aid intervention modalities.





Other Human Resource Development Activities

In addition to fellowships, BLAST is also developing panel lawyers and paralegals to ensure people's access to justice and protect human rights. The panel lawyers have been trained in relevant national and customary laws and international laws and treaties as well as in gender relation analysis to create gender-sensitivity among the lawyers. Those trainings are important, to make lawyers sensitive in conducting cases related to the right of a challenged group of society, as well as marginalised and excluded groups. Paralegal workers from the excluded and marginalised communities have been selected to provide services for client support in police stations, courts, hospitals and clinics. They have been trained to extend support through linking the excluded communities to the justice system and developing an inclusionary culture within the organisations and service provision. The organisation has developed five paralegals, 20 community permanent group leaders, and 584 panel lawyers in the five districts of the project area.

Conclusion

The Community Legal Services (CLS) Programme primarily aimed to ensure that marginalised and excluded people have access to legal aid services. The project considered the modalities for establishing various legal aid institutions, strengthening of government legal aid agencies, raising community awareness of rights, entitlements and legal aid provision, strengthening capacities and delivering legal aid services to the communities. These modalities were implemented by 18 NGOs having expertise in human rights and community awareness. The modalities followed by Banchte Shekha and BLAST-RIB consortium are focused on Human Resource Development to ensure sustainability of the fight for legal rights of the marginalised beyond the project period and the specific organisational sphere. The Women *Salishdars* (Mediators) Model primarily targeted Human Resources Development at the grassroots and the BLAST-RIB model worked at the national level. As a result of their 18-month interventions, BS succeeded in creating 2,772 female *Salishdars*, while BLAST-RIB through its fellowship model developed 16 HR activists at the national level to protect the rights of the marginalised and excluded communities. The main lessons from the two models are:

- Isolated community awareness, change of institutional structure and training of female *Salishdars* are not enough to empower the *Salishdars* as experts and advocates and rights defenders. It needs an alternative approach to integrating all three components.
- For the sustainability of the Banchte Shekha model, the 'graduate' women *Salishdars* require regular follow-up and guidance from rights organisations given the fact that the traditional *Salish* system in rural Bangladesh is driven by patriarchal values.



Through the fellowship model, BLAST-RIB consortium realises that there still exists a knowledge gap on the barriers and challenges faced by the marginalised and excluded communities, such as persons with disabilities and ethnic minorities. Therefore there is a critical need for policy research and advocacy towards the formulation of effective policy strategies and guidelines. The rights activists developed so far by the fellowship model are provided with institutional support to find network links to make effective use of their expertise.

Year	Significant Event	Achievement	Success	Impact
2013	Awareness Session Committee Formation Linkage with Diff. Stockholder/Institution	Know on legal Right ISSUES Committee formation	One Application Sent to V.S.	
2014	Regular Meeting C.L.S. has Training	Raffa Case to CEJ Case # Participants are aware of legal Rights/Issues	Dispute Case in Sea Custom They are participating in Different States	

Timeline

CLS PROGRAMME

A programme funded by the UK Government and implemented
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