

CLS FOR WOMEN'S EMPOWERMENT

COMMUNITY LEGAL SERVICES (CLS) PROGRAMME

LEARNING BRIEF



This brief shares lessons on the role of CLS community interventions in empowering women, and the role of public interest litigation in strengthening women's equality under law.

LESSONS INCLUDE:



CLS awareness sessions develop 'knowledge-based' women's leadership



CLS women's groups and networks increases collective action for women's rights



Public Interest Litigation to change discriminatory laws and policies strengthens women's confidence and empowerment



CLS development of women mediators transforms local mediation and empowers women

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 all these NGOs by the CLS Programme produced major lessons learnt in strengthening legal service provision to help inform future programming.

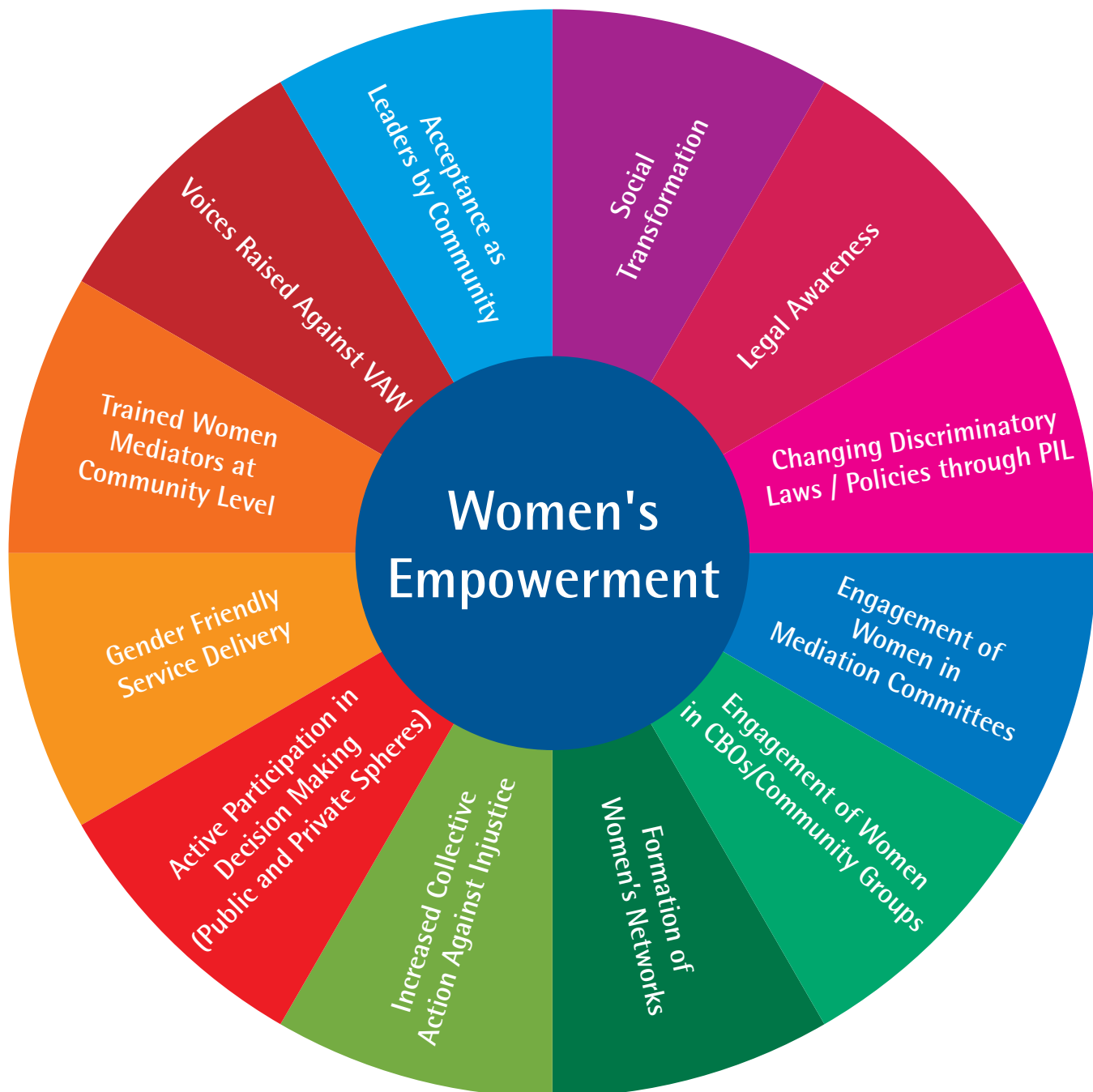
In its five years of implementation, the CLS Programme expanded access to justice making legal services available to an estimated 13.9 million people in 1232 rural unions or urban wards or 16% of the country. It did so through building citizen awareness of legal rights and supporting the just resolution of disputes through mediation or litigation in cooperation with communities and the Government of Bangladesh. Mediation was by far the most common method of resolving disputes at 73% of the total with litigation used for hard to resolve disputes or serious crimes. Over half of these mediations were

conducted by NGO-trained community mediation groups. CLS also supported NGO efforts on research, advocacy and public interest litigation to reform laws and policies or to improve their implementation when needed.

Despite constitutional guarantee of equal rights of men and women under the law, women face multiple barriers accessing justice in the formal legal system. Many women especially the poor and women living in the villages rely on the traditional *salish* (mediation) system of resolving disputes. Due to the prevailing norms and practices, the *salish* system often reinforces existing power structures. Male community leaders settle disputes, often undermining the interests and legal rights of women and entrenching gender discrimination.

Cultural practices such as early marriage, polygamy, dowry, female seclusion and arbitrary (oral) divorce contribute to women's subordination, with religious sanctions used to support these practices. Women's lack of awareness of their rights, coupled with deeply rooted gender inequalities, seriously constrain their access to appropriate gender-sensitive justice. To empower women, injustices and inequities must be challenged to bring about social change. The CLS Programme experience demonstrates that the provision of quality legal services does this and is an effective strategy to change social norms and to improve the socio-economic condition of rural women. Over 70% of the beneficiaries of CLS Programme services were women and girls.





LESSONS LEARNT

Community based legal awareness sessions develop 'knowledge-based' women's leadership increasing their active representation in public spheres and their decision making capacity in private spheres.

All CLS grantees conducted repeated 'courtyard' legal awareness sessions in their working areas to increase knowledge of specific legal rights and how to claim these. Numerous CLS partner case studies and testimonials demonstrate that CLS beneficiaries received information either directly from awareness sessions or from someone who gained legal knowledge from those sessions. As

women have become more knowledgeable and confident of their rights and the rights of other community women they have taken on active roles in protecting these.

"We did not know about legal rights for women and we did not speak out against injustice in our day to day lives. Now we have knowledge; we know where to go. Village elites are aware of this and they listen to us. This is a change. Earlier it was not possible for young girls like me to speak in front of elderly people. They have accepted us now and we are also able to talk to visitors like foreigners about our problems. This is a huge change for us."

CLS Beneficiary from DFID 2017 Annual Review Field Visit

With new knowledge has come new capacity to make decisions in the face of rights violations. Previously incidents of rape dealt with by traditional mediators ended in marriage between the raped victim and the rapist. Now women and girls seek a legal remedy with assistance from the government and courts. Previously social norms did not permit women who divorced their husbands to claim dower or maintenance money. Now women understand the importance of formally registering their marriage and in the case of separation or divorce have successfully claimed these monies. Also, women in many CLS communities have commented [FGD Endline Survey] on a decrease in incidences of dowry, child marriage, oral divorce and domestic violence.

Development of women mediators in community mediation groups has transformed the nature of traditional *salish* and created wider empowerment effects for women.

CLS grantees alter the composition of traditional *salish* committees by including women mediators and developing their capacity. No more do powerful male elites dominate the discussion. The participation of women mediators results in more gender friendly and pro-women resolution of disputes. Thousands of women have been trained developing their legal knowledge and skills in the practice of true mediation, rather than *salish* or arbitration.

“We know about the law and women rights and we know how to maintain documentation for every step of mediation. We receive complaints on our application form; send notices to the accused and also to the complainant. We listen to both parties with equal importance. We give advice to the conflicting parties, give them options for a solution according to the law and policies, and ask the parties to take a decision by themselves. We then create a written document of the result which is kept for follow up.”

Helena Begum, Mediator

As women mediators have confidently applied new knowledge and skills they have gained increasing respect from society, including males. Their male peers are more responsive to gender issues. At the start of the project period, most Union Council elected representatives (all males) resisted the new form of *salish* but have now changed their minds after observing the results of the transformed mediation sessions.

“Before women hardly had any opportunity to participate in local mediations and no woman was allowed to comment on the decisions. Now with training from the CLS project, we have acquired knowledge and gained confidence and even preside over mediation sessions. The men have also recognised our neutral role in mediation procedures.”

Lucky Akter, Mediator

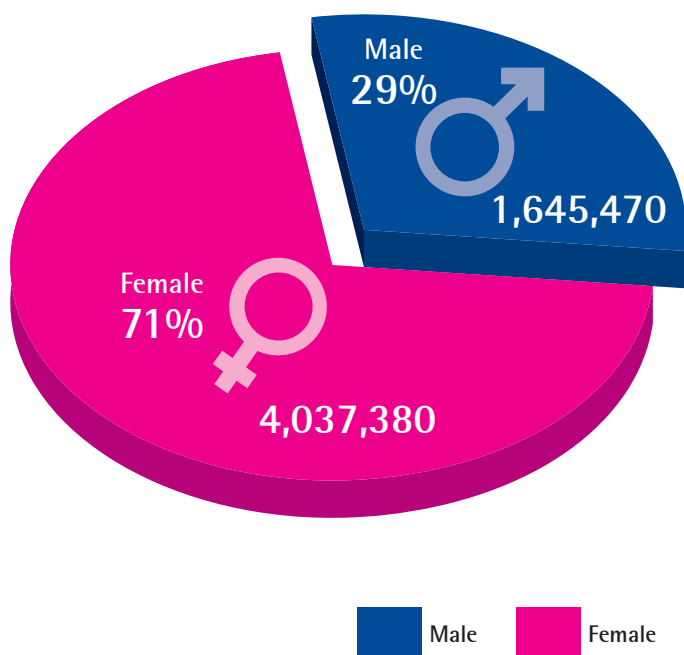
Case of a Woman Mediator

Rahima Begum is a young woman in the southern district of Jessore. When CLS began awareness activities in her neighbourhood she attended several courtyard meetings and later was selected as a member of a newly-formed local mediation committee.

Rahima received training in women's rights, laws related to family disputes, and mediation techniques. She has actively participated in 24 mediation sessions involving the complaints of 15 applicants and has successfully mediated at least 7 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, now share community issues and seek my advice on how to take action on women's rights violations in the locality."

Male-Female Ratio of CLS Beneficiaries



A significant number of women mediators have won election to their local union councils. One CLS NGO partner reported that a total of 169 members (76 male and 93 female) of their community mediation groups contested in local elections in 2016. Among them 63 candidates (29 male and 34 female) were elected – 33 males as ward councillors, 29 females as reserved seat councillors, and one female as Chair of the union council. Their engagement with CLS activities has changed community perceptions and the level of women's political empowerment locally.

Engagement of women in local volunteer groups and women's networks has increased their collective action against injustice and created a platform for wider empowerment of women.

All CLS grantees have engaged women and girls in volunteer groups and many have created local women's networks to support the poor in claiming their rights. Many women stated that previously they did not dare to go outside of the bounds of the family but after their involvement in CLS activities community attitudes have changed despite the prevailing religious stigma. They

took pride in being known as women leaders in their localities and said their new legal knowledge has given them the confidence to work for the poor while before they were limited to performing household chores.

“We now have social acceptance. Previously people did not pay any heed to women's voices.”

Sima Rani, Volunteer

Other women beneficiaries of NGO training like mediation group members and legal service recipients have taken initiatives to jointly start small business ventures together such as commercial flower cultivation or fish farming contributing towards their economic empowerment as well.

Pursuing *de jure* equality by changing discriminatory laws and enacting policies to eliminate discriminatory social norms contributes directly women's confidence and empowerment.

| FOR BRIDE/BRIDEGROOM | |
|---|--|
| MARRIAGE DEED/NIKAH NAMA | |
| Form of Marriage Deed as prescribed by rule 9 of the Bangladesh Muslim Marriage and Divorce (Registration) Act, 1974. | |
| 1. | Name of the word, Town, Union Tahsil / Police Station and District in which the marriage took place. |
| 2. | Name of bridegroom and his father, with their respective residence. |
| 3. | Age date of birth of the Bridegroom: |
| 4. | The names of the bride and her Father, with her respective residence. |
| 5. | Whether the bride is a maiden A widow A Divorcee- |
| 6. | Age date of birth of the bride- |
| 7. | Name of the Advocate, if any appointed by the bride his father name and his residence; |
| 8. | Name of the witnesses to the appointed of the bride's advocate with their Father's name their residence and their relationship with the bride. |

The constitution of Bangladesh contains provisions on equal access to justice (Article 27), equal protection of law (Article 28, 1), non-discrimination (Article 28, 2) and equal rights of men and women in all spheres of public life. However, in practice there remain laws, policies and social norms that discriminate against women. CLS has supported advocacy work on righting historical wrongs, challenging inhumane procedures, and revising discriminatory practices by changing existing laws and policies or enacting new ones to positively influence social norms and attitudes towards women.

CLS supported public interest litigation (PIL) to secure official recognition of women raped and tortured by opposing forces during Bangladesh's 1971 liberation war.



These women, known as *'biranganas'* were often portrayed as 'oppressed', 'disgraced' or 'dishonoured', their sufferings largely unrecorded and unrecognised, and many were ostracised by their families and by society at large. As a result of PIL, the government has taken steps to recognise their sacrifice and ensure their economic solvency by officially designating them as 'freedom fighters', providing them a monthly monetary stipend, and establishing special quotas for government jobs and additional benefits for their children and grandchildren. This recognition and support has put them officially on par with the males who are respected for their combat in the country's independence war in 1971.

"I have been waiting for the last 40 years. My wishes are fulfilled today. I am very happy as Biranganas have been given equal rights as those of freedom fighters,"

Surya Begum, *Birangana* interviewed by BBC Bangla Service

In a society where women, girls and their families are stigmatised for being victims of sexual violence, this official recognition has the potential to change social norms and attitudes for the better.

CLS also supported another PIL to prohibit use of the 'Two Finger Test', an arbitrary and medically unsound examination of rape victims that violates their fundamental rights.

"At the hospital they touched me in a way that hurt me and scared me. I felt very bad when they did it. I feel ashamed and still get scared when I pass the hospital."

CLS Beneficiary and Rape Victim

As a result of the PIL, the Court has moved to find the 'test' illegal and the Health Ministry has developed a comprehensive guideline for police, physicians and judges on the examination and treatment of victims of rape and sexual violence. The awareness created to end this inhumane and discriminatory practice will contribute significantly to changing attitudes and empowering women.

CLS supported a third PIL filing to challenge discriminatory provisions in the official marriage registration form used under the Muslim Marriages and Divorces (Registration) Act, 1974. This form requires a

bride to state her marital status and sexual history while the groom is not required to do so. This is humiliating and degrading for women; a form of *de jure* discrimination that perpetuates *de facto* discrimination. The Court has

moved to find the form illegal and discriminatory against women and CLS partner is continuing their advocacy efforts to have the form amended to eliminate this discriminatory provision.

Indicators of Women's Empowerment

- Women mediators have cited a major shift in attitudes towards women supporting an increase in their involvement in decision making, their freedom of movement within the community, and the level of respect received from their families and in-laws.
- Religious orthodoxy on the roles of women is changing and they are now accepted as mediators.
- Legal knowledge and volunteer group formation has empowered women to speak out or take collective action against violations of women's rights in the community.
- Women in volunteer groups are increasingly involved in income generating activities such as small business, livestock rearing, and poultry farming. Earnings have enhanced their status among family members.
- Women are participating in local elections and being elected as both members and Chairs of union councils.
- Changing discriminatory laws or enacting policies to eliminate discriminatory social norms and attitudes towards women contributes to ensure *de jure* equality which makes women confident and empowered to claim their rights.



CLS PROGRAMME

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