

THE COMMUNITY LEGAL SERVICES (CLS) PROJECT

Final Report

Mapping Exercise and Institutional Survey for the Community Legal Services Project

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Submitted by:



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List of Abbreviations and Acronyms

ADR	: Alternative Dispute Resolution
ASK	: Ain o Salish Kendra
ASF	: Acid Survivor Foundation
AVCB	: Activating Village Courts in Bangladesh
BELA	: Bangladesh Environmental Lawyers Association
BLAST	: Bangladesh Legal Aid and Services Trust
BNWLA	: Bangladesh National Woman Lawyers' Association
BS	: Bachte Shekha
CBO	: Community Based Organization
CEO	: Chief Executive Officer
CIDA	: Canadian Development Agency
CLS	: Community Legal Service
CSOs	: Civil Society Organizations
DANIDA	: Danish International Development Agency
EC	: Executive Committee
EU	: European Union
ESDO	: Eco Social Development Organization
FSVGD	: Food Security for Vulnerable Group Development
GIS	: Geographical Information System
GO	: Government Organization
HRLS	: Human Rights and Legal Aid Services
IOM	: International Organization for Migration
IUCN	: International Union for Conservation of Nature
LH	: Light House
MIS	: Management Information System
MJF	: Manusher Jonno Foundation
MLAA	: Madaripur Legal Aid Association
NGOs	: Non-Government Organizations
NU	: Nagorik Uddyog
OCC	: One stop Crisis Center
PILs	: Public Interest Litigations
PMID	: Participatory Management Initiative for Development
RDRS	: RDRS Bangladesh
S&J	: Safety and Justice
SDF	: Social Development Foundation
SIDA	: Swedish International Development Agency
STD	: Step Towards Development
SUS	: Sabalamby Unnayan Samity
UK	: United Kingdom
UNDP	: United Nations Development Programme
UP	: Union Parishad
WB	: World Bank
WF	: WAVE Foundation

Executive Summary

Introduction and Objectives

Community legal service (CLS) is one of the mechanisms necessary to uphold human rights and equality. As a democratic society, Bangladesh needs to ensure justice for all its citizens in line with the Constitution which has, in clear terms, recognized the basic fundamental human rights. Accordingly, the government has framed different laws and acts to provide CLS, especially for the poor and the marginalized. More recently, some Non-Government Organizations (NGOs) have pioneered the CLS movement in Bangladesh.

The Community Legal Services Project (CLS) is a recently approved project, funded by the DFID and implemented by a consortium. The aim is to empower and support legal and human rights based NGOs in Bangladesh to enhance the delivery of community legal services, such as legal aid, community mediation, alternative dispute resolution, resolution of land rights issues in as many districts as possible.

To have a clear understanding of the prevailing situation, the CLS project conducted a baseline study consisting of a mapping exercise and an institutional survey. The objectives were to determine the current scope and extent of CLS activities being done by various legal NGOs by themselves, through their field offices or through their partner NGOs. The institutional survey was conducted to provide information on the extent of the work of the legal NGOs, their governance structure, their donors and their partner NGOs.

Approach and Methodology

The study consisted of Documents review, Key informants interview and Institutional visit to collect first-hand information as methods to collect data and information.

Constitutional Provisions

Article 7 of the Constitution vests all powers of the Republic on the people. From articles 26-44, there are 23 fundamental rights guaranteed for the citizens/ any person amongst which most important are equality before law, non-discrimination on grounds of religion, race, caste, sex etc., equal opportunity in public employment, right to protection of law, protection of right to life and personal liberty, safeguards as to arrest and detention, protection in respect of trial and punishment etc. which form the basis of CLS in Bangladesh. Besides, right to move the High Court Division under article 102 in order to enforce these fundamental rights is also guaranteed by the Constitution.

Legal Provisions

The important laws which deal with CLS specifically 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). There are also other laws which provide provision for arbitration or CLS in different manners.

Types of Community Legal Services (CLSs)

The CLS provided both by the Government and NGOs are of different types. The majority of which have legal bases. These are:

- Alternative Dispute Resolution (ADR)
- Arbitration
- Mediation
- Conciliation
- NGO Administered/ Assisted Shalish and Traditional Shalish
- Government Legal Aid
- NGO Based Legal Aid
- Legal and Human Rights Awareness Programs
- Local Justice
- Investigation, Monitoring and Reporting of Human Rights Violations

Organizational Mandate and Services

Thirteen NGOs have been purposely selected for conducting the study out of which Ain o Salish Kendra (ASK), Bangladesh Environmental Lawyers Association (BELA), Bangladesh National Woman Lawyers' Association (BNWLA), Bangladesh Legal Aid and Services Trust (BLAST), Madaripur Legal Aid Association (MLAA) are primarily legal service providing organizations which mainly endeavor to make the legal services accessible to the poor and the marginalized. Other than MLAA, all other above mentioned NGOs' operations cover the whole country as they cater to the legal needs of the aggrieved citizens coming across the country.

The rest 8 studied NGOs (Bachte Shekha, ESDO, RDRS, WAVE Foundation, SUS, Light House, Nagorik Uddyog and BRAC) are engaged in diversified functions and operation they also provide CLSs which in most cases are project based in nature. But some NGO's like RDRS Bangladesh has been continuing the CLS related activities as mainstreaming programme since 1995. Community legal service including legal assistance to the survivors, rehabilitation center for the women and girls survivors, referred to victims in different shelter home, awareness raising programme on legal issues began through short term project but still these programme is continued with limited capacity of RDRS as mainstreaming programme.

Community Legal Services (CLS) provided by the selected NGOs cover -

- Mediation of disputes at the village level
- Mediation of disputes through CBOs
- Referral of cases for legal aid to NGOs
- Legal aid from district level to the Supreme Court
- Legal and human rights awareness programs
- Activating Village Courts, Arbitration Council and Pouro Shalish Board (Municipal Arbitration Board)
- Investigating, Monitoring and Reporting Human Rights Violations
- Other Services
- Victim support Centre
- Shelter home / Rehabilitation Center
- OCC

Coverage by area

Organization	District	Upazila	Union
BRAC	61	43 ¹	-
ASK	32	-	-
BELA	37	60	-
BNWLA	34	12	06
BLAST	20 (district) 43 (non- unit district)	11	55
ESDO	06	21	86
RDRS	08	44	412
MLAA	12	43	282
BS	3	7	36
SUS	5	11	74
LH	5	41	189 (154up+ 35 municipality)
NU	08	18	137
WF	12	27	146

Partnership and cooperation with GO, CSOs and NGOs

All these activities of the studied organizations are complemented by engaging in collective action with other actors i.e. government agencies at different levels, civil society organizations and networks, professional and research institutions, the business sector and actors outside Bangladesh (partners, alliances, institutions) etc. to bring about synergies and impacts which are beyond the capacity of a single organization in order to achieve shared goals.

Panel Lawyers

The NGOs maintain panel of lawyers beyond their organizations to assist them on legal issues including court cases. Panel lawyers across Bangladesh provide legal advice and representation service to the clients. These organizations are also supported by consultative groups, comprised of young professionals, including researchers, lawyers, and human rights advocates. These NGOs maintain a close relationship with the Bar Associations at all levels, mainly through its management committees comprised of leaders of the Bar within each District.

Networks and Membership

In addition to direct bilateral links with many agencies and actors, these NGOs are members of a wide range of multilateral alliances and networks. Though the specific role of alliances and networks vary, they include policy advocacy and, even more critical implementation advocacy, in solidarity research, knowledge gathering and information exchange, liaison and co-ordination and capacity building.

Knowledge sharing

NGOs under the study undertake a number of activities that serve the purpose of knowledge sharing covering, these are -

- Organizing seminar/workshop
- Publication of newsletters
- Reports
- Website
- Disclosure of important information through the media
- Joint event with GO and other legal aid organizations
- Organizing and attending national and international conferences
- Organizing training.

Monitoring and follow up of CLS

The monitoring mechanism generally includes monthly report, individual case file maintained to observe subsequent developments, record keeping in MIS, interviewing the clients, lawyers and other stakeholders. Monitoring information is recorded by using tools like Monitoring Checklist, Monitoring Format, Report Card, Documents and Questionnaire etc.

Strengths and weaknesses of selected NGOs

The key strengths includes positive image, larger outreach, specialization and skilled human resources while important weaknesses are complete dependence on development assistance, changing priorities of the development partners and government policies.

Organization and management

All the studied organizations are guided by their organizational constitutions and policies on Human Resources, Gender, and Finance. In most cases there is a general body/trustee board which elects the executive committee (EC) that provides policy guidelines. A CEO runs the day to day operations and functions of the organizations.

Legal status

All these NGOs are registered with the NGO Affairs Bureau under Foreign Donation Regulation Ordinance, 1978. ASK, BELA, BNWLA, BLAST, Banchte Sekha, Nagorik Uddyog, and WAVE Foundation are also registered with the Registrar of Joint Stock Companies and Firms under Societies Registration Act, 1860. Besides, BNWLA is registered with the Women Affairs Department. Department of Social Services incorporated NGOs are RDRS Bangladesh (in 1981-DSW/FDO/R-003), ESDO, MLAA, Banchte Sekha, SUS, Light House, and WAVE Foundation. ESDO and Light House are also registered with the Department of Family Planning. In addition, Banchte Sekha, ESDO, Wave Foundation and SUS are registered with Micro Credit Regulatory Authority.

Resources/Funding sources

The funding mainly comes from external sources - bi-lateral, multi-lateral and individual organizations coming from across the globe.

Transparency and accountability

It has been reported that all the organizations are guided by their organizational constitutions and policies i.e. Human Resource Policy, Gender Policy, and Financial Policy etc. Governing bodies oversee their functions and operations. The CLS activities of NGOs are run with the financial assistance of various development partners for which these NGOs are accountable to them for operational purpose of those programs and projects. However, it has been also observed that all the selected NGOs are only accountable to their governing and general body members while the common people have little information especially about their financial management.

Conclusions and Way Forward

These NGOs, over the years, have made significant contribution in providing community legal services to a larger section of the country's population encompassing both rural and urban areas with the services wide ranging services covering indigenous to formal legal means. These organizations work singularly in their respective areas of operations building alliances and establishing networks to carry forward their services. They also assist the government agencies in establishing rights and justices in the country.

Based on the findings and observations, the following suggestions and recommendations are made as way forward.

Extend Coverage by area and population

Area coverage of CLS should be increased that will provide more access to a broader spectrum of the population and for this purpose three prong approaches may be adopted:

- NGOs (ASK, BLAST, BELA, BLWLA etc.) dealing with public interest litigation should extend their organizational presence in different districts to assist common people to access legal services more easily.
- Regional or local NGOs should expand their coverage to provide CLS services to a greater population.
- Village Court should be activated in more Unions with the aim of taking CLS services to the doorsteps of the rural masses thereby increasing the area and population coverage of CLS.

Build partnership/alliances/networks

To forge partnership and build alliance, a National CLS Service Providers Forum may be formed with the membership of the CLS service provider organizations. This will strengthen the process of CLS, develop common ground and working relationship with concerned agencies. Partnership and alliance should also be further strengthened with

the lawyers' community and associations throughout the country for their increased support and active participation in the CLS process. Partnership and networks should be developed between the CLS providing NGOs and the media for promoting the legal cause of the people.

Establish Knowledge sharing mechanisms

For knowledge sharing, there should be increased publications of good practices and learning by different CLS providing NGOs. Besides, study tours to different NGOs' project areas should be organized to help the learning process. Seminars, workshops etc. should be organized at the local, regional and national levels to disseminate the knowledge garnered through practice.

Build Capacity

A comprehensive capacity needs assessment should be conducted in the area of CLS within selected organizations to help identify capacity gaps in specific areas and specific organizations. Based on the findings, capacity building initiatives should be taken to further develop human resources, system, technology related to CLS.

Chapter 1: Introduction, Background and Rationale

1.0 Introduction

Community legal service is necessary to uphold human rights and equality to ensure justice since every democratic society needs to ensure justice for all citizens. Scholars have identified legal service as an effective instrument for ensuring rule of law in the society. Legal service is also an instrument to seek protection under law. It is the professional legal assistance given, either free or for a nominal sum, to indigent persons in need of such helps.

The Constitution of Bangladesh has in clear terms recognized the basic fundamental human rights. One of the basic fundamental rights guaranteed is that all citizens are equal before law and are entitled to equal protection of law. As a large number of the population live below the poverty line, they have little or no means to have access to justice to protect their legal rights. To address this problem, legal aid services have been instituted under different laws and acts. These laws and acts are intended to provide support to the poor to institute or defend cases in courts. In Bangladesh, some Non-Government Organizations (NGOs) have pioneered the CLS movement. Apart from court cases, these NGOs have training, mediation, legal awareness, and counseling services to help indigent people solve their legal problems.

1.1 Community Legal Services Project

Many in Bangladesh experience a high and pervasive level of insecurity. This is due to both lack of access to justice and weak crime prevention and deterrence. A Safer World survey found 31% respondents reported crime as a problem while 38% have experienced crime in the past 2 years. In particular, women, non-Muslims, non-Bengalis and those living in urban centers suffer. Recognizing these issues, **Safety and Justice (S&J) Program** have been initiated. One of the components of the program would support the expansion of the range of Community Legal Services (CLS) mechanisms. The purpose of this component is to “increase access to accountable and speedy dispute resolution, legal services, crime prevention mechanisms that protect the rights of women, children, ethnic and religious minorities and marginalized communities”. The main aim of the CLS is to help NGOs deliver more and better services for poor and marginalized people in a way that complements and stimulates government provision, will be sustainable and supports wider justice sector reforms.

The objective is to improve the quality and coverage of CLS, build sustainability into CLS programs and organizations, and improve the capacity of the formal justice sector to increase access to justice for the poor and most marginalized groups.

The project's results will be measured by enhanced delivery by NGOs to greater geographical areas (including urban areas), improved targeting of poor and excluded (specifically women, children and minorities), as well as greater quality assurance, attention to sustainability of interventions, better local level collaboration with government authorities, greater advocacy and policy dialogue with government at the national level. Impact will also be measured in terms of effect on prevalent and persistent issues such as violence against women, dowry and land disputes.

1.2 Background and Rationale of the Baseline Study

The Community Legal Services Project (CLS) is a recently approved project funded by the DFID and implemented by a consortium of Maxwell Stamp PLC, as principal contractor, the British Council and the Center for Effective Dispute Resolution (UK) as the consortium partners. The CLS seeks to empower and support legal and human rights based NGOs in Bangladesh in order to deliver community legal services, such as legal aid, community mediation, alternative dispute resolution, resolution of land rights issues, in as many districts as possible. The project was started in February 12, 2012, and the inception period ended on August 12, 2012. The main strategy of the project is to provide grants to CLS's partner organizations in order to deliver CLS in the areas where they are most needed, especially in the remote areas, and areas where there has been no CLS activity yet in the past.

In 2007, a mapping exercise had been conducted by the Asia Foundation, which had identified the various NGOs working in the area of CLS. This study had concluded that CLS activities are present in 35% area of the country. This is a conclusion which the baseline study would like to validate. Since the study had been conducted in 2007, the state of affairs in CLS may have changed over the years. The benchmarking of the extent of CLS activities in Bangladesh is important for several important reasons: (a) this data will inform the log-frame of the project, and target for expanding CLS in the future; and (b) this data will be the basis for making geographic expansion plan for the expanding CLS in Bangladesh; (c) the baseline will also serve as the inputs for a capacity development strategy wherein the project intends to tap the more mature and experienced NGOs to provide capacity building support to the less experienced NGOs or to NGOs who would like to adopt a CLS component in their existing development work; and (d) the baseline will also provide input data to the Geographical Information System (GIS) which will be a monitoring tool for the expansion of CLS in the country.

In this light, the CLS project invited qualified research organizations, NGOs, academic institutions, to provide services for conducting the baseline study, consisting of a mapping exercise and an institutional survey. After being awarded the contract, the Participatory Management Initiative for Development (PMID) conducted the baseline survey.

1.3 Objectives of the baseline study

The objectives of the baseline survey were synthesized in the following tasks:

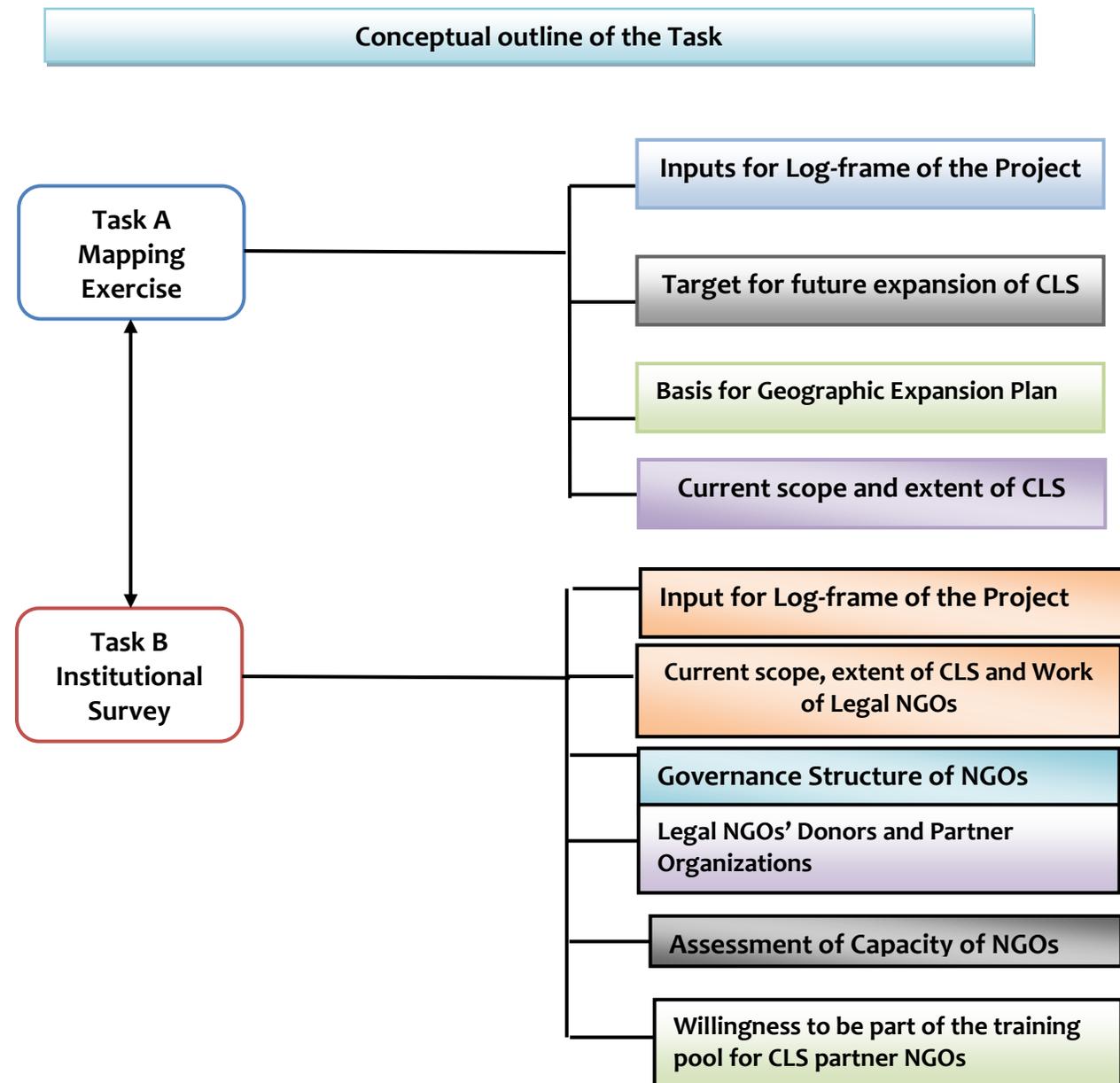
Task A: To conduct mapping exercise that will determine the current scope and extent of CLS activities being done by various legal NGOs by themselves, through their field offices or through their partner NGOs.

Task B: To conduct institutional survey that will provide information on the extent of the work of the legal NGOs, their governance structure, their donors and their partner NGOs. More importantly, to determine the training and knowledge sharing capabilities of the NGOs and their willingness to be part of the training pool for the CLS partner NGOs in the future through the institutional survey.

Chapter 2: Approach and Methodology

2.0 Approach

Based on the problem and objectives of the baseline study, a conceptual approach as presented below was developed to accomplish the objectives of the study.



2.1 Methodology

The following methodology was developed to meet the study objectives, which was however modified, based on discussions with the client.

Study Areas

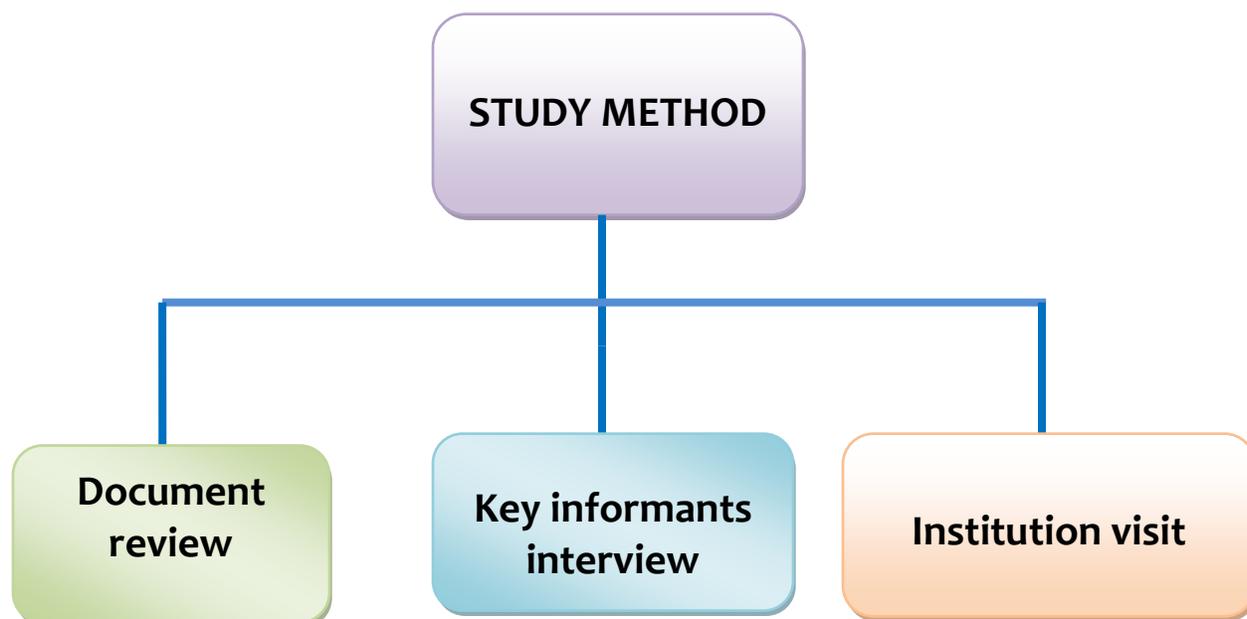
In total of 13 NGOs were selected by the project authority for in-depth study out of which 8 are national and the rest are regional and local.

Area	Total NGOs
National	8
Regional and local	5
	13

2.2 Data Collection Methods and Tools

The methodology used for this purpose included the following activities which are presented in the following diagram:

- Document review
- Key informants interview
- Institution visit to collect first-hand information



Chapter 3: Community Legal Services (CLS) in Bangladesh: An Overview

In order to assess the extent of CLS in Bangladesh it is very important to define and determine the legal ambit of CLS depicting the forms of CLS available in Bangladesh.

3.1 Constitutional and Legal Provisions

Community Legal Services are provided in Bangladesh by both government and non-government organizations the root of which is engraved in the Constitution of the People's Republic of Bangladesh as well as various enacted laws of the land. In order to assess the correct approach and extent of CLS provided by both GO and NGOs it is necessary to get a correct legal conception on CLS based on which the Report has been prepared.

3.1.1 Constitutional Provisions

Article 7 of the Constitution is the corner stone which vests all powers of the Republic on the people. This article prohibits the state to make any law inconsistent with the Constitution. This provision is the foundation of the people's empowerment and the fountain of the enforcement of people's rights enshrined in the Constitution as well as other laws of the land. Article 21 declares the fundamental policy of the Republic which states that citizens are to obey the Constitution and the laws, to perform public duties and protect public property. It imposes duty on the servants of the Republic to serve the people. This is another important basis of ensuring legal rights and services for the people.

From articles 26-44, there are 23 fundamental rights guaranteed for the citizens/ any person amongst which most important are equality before law, non-discrimination on grounds of religion, race, caste, sex etc., equality of opportunity in public employment, right to protection of law, protection of right to life and personal liberty, safeguards as to arrest and detention, protection in respect of trial and punishment etc. which lay the basis of CLS in Bangladesh. Right to move the High Court Division under article 102 in order to enforce these fundamental rights is also guaranteed by the Constitution. Article 102 provides for 5 kinds of writs e.g. writ of prohibition, mandamus, certiorari, habeas corpus and quo warranto. The basis of public interest litigation is engraved in this article.

3.1.2 Legal Provisions

The important laws which deal with CLS specifically 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). There are other laws which provide provision for arbitration or CLS in different manners have been provided in annexes.

3.1.2.1 Legal Aid Service Act, 2000

This law has been enacted to provide legal aid to the financially insolvents, paupers and people unable to get justice for different socio-economic reasons. The Act explicitly defines the term 'legal aid' as providing legal advice and assistance to the financially insolvents, paupers and people unable to get justice for different socio-economic reasons for cases which can be instituted in court of law and pending litigations, providing honorarium to the mediator or arbitrator appointed under sections 89A and 89 B of the Code of Civil Procedure, 1908, providing all reasonable expenditure of a case including any expenditure and providing fees of Advocates.

A National Legal Aid Organization has been set up under this law, the administration of which vests on a national administration board headed by the Law Minister where Attorney-General, Law Secretary, Home Secretary, Inspector General of Police, President Supreme Court Bar Association are members amongst others. The National Legal Aid Organization determines the criteria for receiving legal aid, prepares scheme for legal aid, takes measures for advocacy and communications of legal aid services and administers the District Legal Aid Committees. The Act provides constitution of a District Legal Aid Committee headed by the District Judge. The Board has its own fund as well as the District Legal Aid Committee also has its fund to carry on the functions of legal aid at the national and district levels.

3.1.2.2 The Village Courts Act, 2006

The Village Courts are established to dispose of trifling criminal and civil cases at the Union level under this Act. These courts are quasi formal courts the procedure of which is largely informal though the courts are backed by law. The court consists of the Union Parishad (UP) Chairman who acts as Chairman of the Court and each of the party is to nominate two members among which one must be a member of UP. It can only award compensation up to Taka 25,000 in criminal cases. It cannot inflict any punishment in a criminal case while it can order payment of money up to Taka 25,000 or delivery of property or possession to the actual owner thereof. The pecuniary jurisdiction of village courts is maximum Taka 25,000. The appeal lies only in case of a decision by a majority of 3:2 votes. For a criminal case, appeal lies to the Magistrate of first Class (Senior Judicial Magistrate) and for civil case appeal lies to the Assistant Judge having jurisdiction. The Village Courts cannot enforce its own decision.

3.1.2.3 The Muslim Family Laws Ordinance, 1961

This Ordinance provides for an Arbitration Council which is to be constituted by the Chairman UP/Mayor as its Chairman and two members to be nominated one by each of the parties. This Council deals with polygamy, maintenance and divorce of Muslim man and woman. The Chairman and all the members of the Council must be Muslims and if

the Chairman/ Mayor come from different religion in that case the Union Parishad/ Municipal Corporation/ City Corporation must nominate a Muslim member/ counselor as the Chairman of the Council.

3.1.2.4 The Resolution of Dispute (Municipal Area) Board Act, 2004

This Act provides for a Dispute Resolution Board to be constituted by the Mayor of the Municipal Corporation as Chairman and four members to be nominated by the parties where each of the parties is to nominate two members. Among the said two members one must be a counselor of the Municipal Corporation. The Board has almost similar powers and functions like a Village Court, the distinction being that the Village Court functions within the UP while the Board functions within the Municipal area.

3.1.2.5 The Code of Civil Procedure, 1908

The section 89 A of the Code provides for mediation. After filing written statement except in suit under Artho Rin Adalat Ain, 2003 (Money Loan Court Act, 2003) in all other suits the Court may itself mediate the suit or refer it to the parties or their respective pleaders or to a mediator empanelled by the District Judge. Section 89 B Provides for arbitration. At any stage of a suit if both the parties apply to the Court for arbitration in that case the Court shall give permission to withdraw the suit to be decided under the Salish Ain, 2001 (Arbitration Act, 2001).

3.1.2.6 Salish Ain, 2001 (Arbitration Act, 2001)

Under this Act, arbitration means arbitration led by any permanent arbitration authority or not. This Act also defines arbitration agreement as expressly provided provision for arbitration in an agreement or on mutual consent arises out of a legal relationship beyond such agreement. The parties are at liberty to choose the members of Arbitration Tribunal and the award of the Tribunal is binding upon the parties. Under specific grounds the Court of District Judge can cancel the arbitration award.

3.2 Types of Community Legal Services (CLSs)

The CLS provided both by the Government and NGOs are of different types, majority of which have legal bases are discussed below:

3.2.1 Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) is a mechanism through which two contesting parties come to an agreement short of litigation. In an ADR the conflicting parties might take the intervention of a third party or not. Over the years, the ADR is getting popular in Bangladesh like other developed countries. In 2003, the Code of Civil Procedure, 1908 was amended to incorporate the provisions of mediation and arbitration and make it

mandatory for court to mediate or refer for mediation and refer for arbitration on application of parties. There are three major forms of ADR which are stated below.

3.2.1.1 Arbitration

Arbitration according to the Code of Civil Procedure, 1908 means the arbitration caused under Shalish Act, 2001. The Arbitration Tribunal under this Act is at liberty to determine its own procedure. Therefore, procedurally the arbitration is informal. The award of the Arbitration Tribunal is binding on the parties unless and until is set aside by the Court of District Judge or by the High Court Division as the case may be on the specific grounds stated in the Act.

3.2.1.2 Mediation

In mediation, the mediator tries to guide the discussion in a way that optimizes parties' need, takes feelings into account and reframes representations.

3.2.1.3 Conciliation

Conciliation is an ADR process whereby the parties to a dispute (including future interest disputes) agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. They do this by lowering tensions, improving communications, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement. Conciliation differs from arbitration in that the conciliation process, in and of itself, has no legal standing, and the conciliator usually has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award.

3.2.1.4 NGO Administered/ Assisted Shalish and Traditional Shalish

This is the most frequently and widely used informal justice system in the rural areas of Bangladesh. NGO administered Shalish has developed some norms and standard by this time and comparatively more reliable than that of the traditional *Shalish*. The standard of traditional Shalish has deteriorated substantially and sometimes such Shalish gives illegal decision or inflict illegal punishment in the name of Fatwa.

3.3 Legal Aid

Legal aid is provided by both government and non-government agencies. National Legal Aid Committee and District Legal Aid Committee are the creations of the Legal Aid Service Act, 2000 and these two organizations consist of majority of government representatives. The NGOs provide legal aid as defined in the Legal Aid Service Act 2000 to some extent.

3.3.1 Government Legal Aid

The Government provides legal aid through District Legal Aid Committee as per the policy determined by the National Legal Aid Committee to poor and needy litigants in both criminal and civil cases. The District Legal Aid Committee consists of District Judge as Chair while the Chief Judicial Magistrate, representative of the Deputy Commissioner, Superintendent of police, Government Pleader, Public Prosecutor are the members among others.

3.3.2 NGO Based Legal Aid

NGOs provide legal aid in different forms e.g., legal counseling, legal assistance, financial assistance to the poor litigants, enhancing legal awareness etc. Some of the NGOs assist the justice seekers in getting assistance from District Legal Aid Committee.

3.3.3 Legal and Human Rights Awareness Programs

National Human Rights Commission is the statutory authority which offers different human rights awareness programs. Besides, some of the NGOs as well administer legal and human rights awareness programs.

3.3.4 Local Justice

Local justice in Bangladesh is based on both legally based administration of justice like Village Courts and informal justice system like NGO based Shalish and traditional Shalish.

3.3.5 Investigation, Monitoring and Reporting of Human Rights Violations

Some of the NGOs are engaged in investigation, monitoring and reporting of human rights violations like extra judicial killing, custodial death or torture etc.

Chapter 4: NGOs and Community Legal Services

4.1 Organizational Mandate and Services

As mentioned earlier 13 NGOs have been purposively selected for conducting the study. Here it needs to be mentioned that NGOs in Bangladesh are engaged in diverse activities. The same NGO may be involved in multiple areas of operation. The majority of the NGOs in Bangladesh work in broad areas, such as education, employment and income generation, micro-credit, health, family welfare, women and children welfare, etc.

However, there are some NGOs which primarily focus on providing legal services. Most of the Human Rights-focused NGOs provide legal services to the aggrieved. In the current study, out of 13 NGOs, Ain o Salish Kendra (ASK), Bangladesh Environmental Lawyers Association (BELA), Bangladesh National Woman Lawyers' Association (BNWLA), Bangladesh Legal Aid and Services Trust (BLAST), Madaripur Legal Aid Association (MLAA) are primarily legal services organizations and they mainly endeavor to make the legal services accessible to the poor and the marginalized. Other than MLAA, all other above mentioned NGOs operations cover the whole country as they cater to the legal needs of the aggrieved citizens coming across the country.

On the other hand, the rest 8 NGOs under study (Bachte Shekha, ESDO, RDRS, WAVE Foundation, SUS, Light House, Nagorik Uddyog and BRAC) are engaged in diversified functions and operations. These include education, employment and income generation, micro-credit, health, family welfare, women and children welfare, etc. In addition to the above, they also provide CLSs. But in most cases, these are project based in nature. It is also mentionable that some NGO's like RDRS Bangladesh has been continuing the CLS related activities as mainstreaming programme in organizational strategic plan, policy and programme implementation since 1995. Considering these through the short term projects have a scope for providing more support to the programme participants for ensuring their Legal Justice.

Ain o Salish Kendra (ASK)

Ain o Salish Kendra (ASK) is a national legal aid and human rights organization, established in 1986. Initially focused on providing free legal services to the disenfranchised in Dhaka City, its aims and activities have developed over twenty six years to encompass investigation, advocacy, media campaigning, documentation, training and action research in addition to its core activities of legal services including legal aid, mediation and public interest litigation.

Bangladesh Environmental Lawyers Association (BELA)

Bangladesh Environmental Lawyers Association (BELA) was set up in 1992 with the objective of establishing a sound environment and ecological order for all using law as tool. The organization has adopted various means to create awareness amongst major actors to activate the great bulk of environmental legislation. The broad objective of BELA is to promote environmental justice and contribute towards the development of a sound environmental jurisprudence. The specific objectives of the organization include:

- undertake studies on and research into the local, national and international regulatory regime on environment;
- undertake legislative advocacy;
- seek judicial or administrative relief to ensure implementation of existing environmental laws;
- resolve environmental disputes through court cases, alternative dispute resolution, mediation and other means;
- create greater awareness about environmental laws and issues;
- initiate participatory processes to ensure environmental good governance; provide legal assistance and support endeavours for protection of the environment and associated human rights; and
- develop networks with local, national and international groups/bodies/agencies working on environment.

Bangladesh National Woman Lawyers' Association (BNWLA)

Bangladesh National Woman Lawyers' Association (BNWLA) was established in 1979. The specific objectives of the organization are to provide legal protection to targeted women and children; undertake advocacy on enactment, reform and amendment of laws/policies; enhance the professionalism of members /staffs and stakeholders for ensuring social justice; provide comprehensive psychosocial supports and social safety net for targeted beneficiaries; and, practice gender equality & good governance.

The programs and service provisions of BNWLA are particularly targeted at the poorest and most disadvantaged areas of the country where comprehensive legal service delivery program along with others preventive and protective supports in establishing human rights and resisting violence against woman and child is most needed. As a human rights organization BNWLA engages itself with proactive individuals and institutions for establishing rule of law and gender equality by:

- constant advocacy (i.e., lobbying for reform of law/policy, action research/sensitization programs),
- capacity building specially of women lawyers',
- catering legal services,

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- delivering comprehensive psychosocial package services,
- building social safety net and ensuring good governance through democratic practices and also addressing women and children in conflicts (i.e. disasters-both political and natural & discriminatory laws etc).

Bangladesh Legal Aid and Services Trust (BLAST)

Bangladesh Legal Aid and Services Trust (BLAST) was established in 1993 as a free legal services organization with a Board of Trustees comprising eminent jurists, lawyers, and former judges of the Bangladesh Supreme Court. It provides advice and assistance in criminal, family, civil, land and constitutional law matters. The objective of BLAST is to provide free legal aid and to undertake public interest litigation and advocacy activities to ensure that opportunities for securing justice are not denied to any person for any reason. BLAST's mission is to make the legal system accessible to the poor and the marginalized. BLAST envisions a society based on the rule of law in which every individual, including the poor, marginalized and excluded, in particular women, children, people with disabilities, religious and ethnic minorities have access to justice and in which their human rights are respected and protected.

The major activities of BLAST are:

- capacity building,
- public interest litigation and advocacy,
- legal aid, mediation,
- investigation,
- Networking, etc.

BLAST provides access to legal aid across the spectrum, from the frontlines of the formal justice system to the apex court. It prioritizes support to women, men and children living in poverty or facing disadvantage or discrimination. It also provides legal aid, advice and representation across a range of areas, including civil, criminal, family, labour and land law, as well as on constitutional rights and remedies, providing access to judicial remedies alongside alternative dispute resolution wherever appropriate. Alongside individual legal aid, BLAST undertakes strategic litigation, or public interest litigation, as a key part of its advocacy for law and policy reforms to ensure effective legal protection of rights.

Madaripur Legal Aid Association (MLAA)

Madaripur Legal Aid Association (MLAA) was started in 1978 by a group of lawyers. MLAA is a team of full-time lawyers and paralegal workers providing free legal assistance in cases of land disputes, dowry, torture and abandoned women. It has the following objectives to:

- raise the awareness of citizens about their legal rights;

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- give legal protection to women whose husbands instigate arbitrary divorce proceeding;
- assist helpless and abandoned women to obtain maintenance from their husbands through legal redress;
- provide legal assistance for the poor and underprivileged in all cases affecting person or property;
- work closely with other similar organizations; and
- work to reform the law and legal system through seminars and research and publications.

People who cannot afford legal services may avail of MLAA's assistance upon recommendation of the local chairman or member of the Union Parisad or a teacher of the local school or college. Activities of MLAA include:

- free legal aid services,
- dispute resolution through mediation,
- activating UP judicial system (village court & arbitration council),
- advocacy and networking, institutional capacity building through training programs in the Training and Resource Center (TARC) of MLAA, capacity building of different stakeholders, and
- monitoring & evaluation.

MLAA operates offices in three neighboring districts-Madaripur, Gopalganj and Shariatpur. Other than MLAA, all other above mentioned NGOs operations cover the whole country as they cater to the legal needs of the aggrieved citizens coming from different parts of the country.

Eco Social Development Organization (ESDO)

Eco-Social Development Organization (ESDO) was established as a social institution in northern part of Bangladesh in April 1988. ESDO's goal and objectives include:

- reduction in income poverty and human poverty of the people in ESDO's working area through undertaking massive income generation activities,
- literacy program,
- nutrition and health program,
- human rights and good governance program giving proper importance to environmental protection and regeneration.

ESDO's functions and activities include:

- promoting human rights,
- dignity and gender equality through people's social, economic, political and human capacity building

Women in general and children are the core and central focus of its activities. Extending its services to the ultra-poor is its main manifesto. Eco Social Development Organization (ESDO) has developed some policies and guideline including IEC materials on community legal services for protecting and promoting rights and advocacy for pro-poor along with marginalized and excluded segment of the society.

RDRS Bangladesh

RDRS Bangladesh was established in 1972 to assist relief and rehabilitation operations of greater Rangpur-Dinajpur districts. The organization began its work in the remote and physically isolated northwestern corner of the country. Since inception, it has worked extensively and intensively in the very poor and backward rural areas in the North-west region and from the beginning RDRS has been giving emphasis on women's empowerment and always consider Gender as a cross-cutting issue. RDRS has always given emphasis to promote and protect women's rights through community awareness on women issues for men and women, enhance capacity of women's leader, improve access and referral system, establish effective network and involve in alliance, sustainable integration in the programme and policies.

The present Strategic Aims of RDRS is to ensure the rights of the rural poor, help enjoying full benefits of citizenship; challenge exclusion, discrimination, exploitation and injustice to women, landless, ultra-poor, char dwellers, ethnic minorities, physically challenged, to be represented and to have their voices heard, a sustainable livelihood (including food security), a decent quality of life (including access to basic social services and health), provide security from environmental degradation and climate change effects. Therefore, RDRS programs put a greater emphasis on:

- Empowerment of citizens, CBO's, CSO's and enhancing awareness and skills of local leaders
- Creating awareness on human rights, accountability of duty bearers and Right holders
- creating awareness and providing support on primary healthcare and decreasing infant and maternal mortality rates, jointly work with Govt. on TB & Leprosy
- improving quality education for children and adults,
- ensuring gender equality and women's empowerment through training/orientation, IEC materials, rural cinema show and peoples theater
- Providing legal, medical, counseling and shelter support (Shelter Homes are run) to the violence affected women and girls.
- Providing legal education to promote and protect women and child rights among the community people
- Improving access and referral services for women through network, professional forum, workshop/seminar
- Ensuring effective use of govt., laws and facilities like- legal aid fund, village court, medico legal examination up to Upazila level, etc in favor of vulnerable groups,

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- Policy advocacy with policy makers at national level on implementing limitation of existing laws, effective use of District Legal Aid Fund, creating new laws
- Skill development training for the vulnerable women
- raising awareness of social issues, introducing the idea of women's development, and
- backing up increased credit provision with relevant skills' training.
- Maintain liaison and jointly work with like govt. and like minded NGO's, network and alliance up to national level for ensuring gender equality and legal justices

Banchte Shekha (BS)

Banchte Shekha works in the southern part of Bangladesh with base in Jessore. It was established in 1976 to improve the socio-economic condition of women in the region with a long-term objective to empower women and reduce poverty in the depressed areas for the disadvantage people particularly vulnerable women. Banchte Shekha aims to improve the socio-economic condition of its beneficiaries in the working area especially to establish the women and child rights.

It endeavors to bring about a positive change in:

- economic, cultural and women empowerment,
- human rights establishment by facing different types of challenges and risks including prolonged conflict, confrontation, natural disaster, social trend and tendencies, fundamentalism etc.

Its works to:

- empower destitute, hardcore, marginalized, disadvantaged women through various human rights and empowerment activities
- ensure social and legal rights against inhumane torture & injustice under prevailing system
- assist them with multiple ways of income generation
- encourage them with savings generation
- make them aware of food preservation & development of expertise in the related fields
- ascertain health for all and develop awareness on diseases and population control
- raise awareness on environment, ecosystem, biodiversity and climate change and thus reduce the risk of disaster management
- create access of the women to justice and human rights
- educate people through functional and non-formal education
- provide legal aid (free) to destitute, vulnerable women and children who are most suffers.
- develop community based pond-fisheries and to conduct adaptive learning/ action research on it.

Sabalamby Unnayan Samity (SUS)

Sabalamby Unnayan Samity (SUS) was established in 1986. SUS is a multifaceted development organization. It works with poor and deprived people by providing different socio-economic and cultural services with a view to eradicate poverty and injustice. This organization aims to improve the health, education, agriculture and livelihoods of the local community. The vision of SUS is to create environment where people live in a society with dignity and justice with particular focus on gender equality and access to rights and justice.

Light House (LH)

Light House is based in Northern Bangladesh that works with rural and urban asset less poor, particularly the landless, distressed, school dropouts, child workers, marginalized and high risk groups, and other disadvantaged adults and children. The NGO was founded in 1988 following the devastating floods of that year. Light House's mission is to work in partnership with other development organizations, civil society and Government to ensure equal access to basic human rights, social security and good governance for the whole community, particularly the most vulnerable and most at risk groups. It targeted good governance with the objective to promote and protect human rights that supports local governance and empowers communities. Light House facilitates civil society groups so that they can initiate their own development activities with intensive public participation at all levels.

Light House is committed to strengthening local justice systems including access to justice of marginal population. The organization too pursues the need to improving and developing its services to empower target groups to become more self-sufficient and able to recognize and demand their rights and gain recognition for who they are. Light House is also committed to working towards the fight against TB, HIV/AIDS to prevent the epidemic from emerging in Bangladesh.

Nagorik Uddyog (NU)

Since its establishment in 1995, Nagorik Uddyog (NU) has worked to strengthen local government in Bangladesh through the dual imperatives, on the one hand, raising awareness among the general masses of people's basic human rights and, on the other, building people's capacity to pursue and realize these rights.

NU recognizes that democratic elections are by themselves insufficient in fulfilling democracy; that the poor, marginalized and disadvantaged must be given the power to participate in and contribute to all those decision-making processes that affect their lives. NU holds special interest in democratizing the historically gender-imbalanced *Shalish*, Bangladesh's traditional rural dispute-resolution system. A fair and equitable *Shalish* especially entails unprecedented access to justice for rural women – the 'poorest of the poor' in this country – and in turn a new and exciting horizon in Bangladesh's development journey.

Wave Foundation (WF)

WAVE Foundation was established in 1990. Since inception WAVE Foundation has been working in the field of human rights, good governance, micro-finance, agriculture, water & sanitation and other development related issues. The aims of these activities are socio-economic empowerment and livelihood, security of poor and marginalized people. Though WAVE Foundation does not have any formal stated policy or guideline around community legal services, however, since inception, WAVE undertook different activities on promoting human rights, socio-economic development of the poor and marginalized.

BRAC

BRAC was established in 1972 soon after the independence of Bangladesh. BRAC has organized the isolated poor and learned to understand their needs by finding practical ways to increase their access to resources, support their entrepreneurship and empower them to become agents of change. Women and girls have been the focus of BRAC's anti-poverty approach; BRAC recognizes both their vulnerabilities and thrust for change.

BRAC has large programs and projects. At the same time, it has the largest CLS program in the country run through more than 500 CLS clinics of its own. BRAC's Human Rights and Legal Aid Services (HRLS) Program is dedicated to protecting and promoting human rights of the poor and marginalized through legal empowerment.

The CLS program's activities include:

- legal education,
- legal aid service provision through Legal Aid Clinics which includes also Alternative Dispute Resolution (ADR),
- rescue operational support, counseling,
- legal referrals,
- staff training and capacity building and
- networking and strengthening partnerships

Alongside providing direct service, with partner support from like-minded legal aid and human rights institutions, HRLS is able to assist in Writ Petitions and Public Interest Litigations (PILs). In addition HRLS also engages in knowledge-generating sessions to collaboratively achieve mutual strategies that have direct impact on the lives of vulnerable communities.

4.2 Community Legal Services (CLS) provided by the selected NGOs

4.2.1 Mediation of disputes at the village level

As mentioned earlier that mediation is a voluntary process of resolving disputes whereby a mediator helps disputants find a settlement which is acceptable and workable. Mediation allows people to decide how they would like to settle their problem and tries

to help them reconcile. Resolving disputes through mediation allows individuals and families to quickly recover land, assets, maintenance, dower and/or arrears of wages. The recovered funds are used by clients for many purposes, such as, to earn livelihoods, begin savings, or send children to school.

BRAC, ASK, BLAST, BNWLA, ESDO, RDRS, BS, SUS and NU facilitates alternative dispute resolution (ADR) through mediation for family, land, financial, petty criminal and labour matters. BLAST has settled over 21,000 disputes across the country since 2003. On receipt of a complaint, and following standard procedures, the receiving staff (assistant coordinator, staff lawyer, junior staff lawyer, office assistant/paralegal at the Unit Offices and paralegal, staff lawyer, junior staff lawyers at Head Office) scrutinizes whether there is prima facie need for litigation or whether the matter complained of can be settled through mediation. By providing mediation services BLAST has also contributed towards reducing the overwhelming number of cases pending before local courts.

ASK emphasizes dispute resolution through mediation in all appropriate cases, prior to litigation. On receiving a response, it arranges one or more mediation hearings at which the staff lawyer, the complainant and the opposite party discuss the dispute. If no response is received to the written notice, the ASK field worker will make a personal visit to the other party to explain the matter and request them to take part in the mediation.

Light House has resolved around 3000 disputes at village and community level with support from staff of community based policing and PLSEW project. Trained salishker, UP representatives and member of community policing forum are actively conducting salish following the modules/guideline of gender responsive ADR and village court.

Assigned staffs and trained beneficiaries of BNWLA play mediators' role at village level. Some times their partners also do this.

Out of 1269 disputes under ESDO through the Activating Village Courts in Bangladesh (AVCB) project 36 disputes were resolved through mediation.

RDRS Bangladesh providing support for strengthening the capacity of the members of Community Policing and established linkage with different stakeholders at the village level.

A committee comprising 11 members exists at village level in Banchte Shekha working areas which facilitate alternative dispute resolution (ADR) through mediation. Besides, some committees are registered as CBOs.

4.2.2 Mediation of disputes through CBOs

Formation of CBOs and mediation of disputes at village level done through them are one of the major activities of BNWLA, ESDO, RDRS, MLAA, BS, SUS, LH, NU, WF and BRAC. BNWLA trained advanced level CBO members usually acts as mediator at village level. Under ESDO Food Security for Vulnerable Group Development (FSVGD) project disputes

mediation at village level are done through women and male group members. Union Federation of RDRS plays as mediator with the support of community key persons and Union Parishad members to resolve different family disputes (physical and mental torture for dowry, maintenance, polygamy and illegal marital affairs, etc.). To enhance capacity of federation and UP members, RDRS provide them trainings on mediation skills and laws so that they can conduct impartial mediation by following mediation procedure.

RDRS also has formed professional forum in eight districts and 24 upazila levels with the aim to establish an oppression free society by improving women's condition and position. The forums were formed with different key stakeholders i.e. Lawyers, journalists, doctors, teachers, religious leaders, police officers, representatives of GO and NGOs. The forums play major role in ensuring women's rights through mediating different dispute. Thus the forums have mediated different family disputes on physical and mental torture for dowry, extra marital affairs, polygamy, hilla and to collect maintenance, dower successfully. More than 15000 family related disputes were resolved by federation mediation committees and professional forums in favor of women and girls who faced different types of violence, 436 court cases supported for the violence affected women and girls (May 2006- June 2012), 89 women and children released from safe custody, 62 handed over to their legal guardians and 27 child and girls sent to different shelter home through court.

MLAA's refined and modified Salish, known as Madaripur Model of Mediation (MMM) with the assistance of CBOs, operates like traditional Salish but includes skill mediators with training on civil law and mediation procedures helped in establishing the rights of the disadvantaged people, particularly women to ensure peaceful settlement of dispute at local level.

4.2.3 Referral of cases for legal aid to NGOs

The selected NGOs often refer cases to other NGOs depending on the nature of the legal issues. RDRS, MLAA, BS, SUS, LH and NU often refer some cases for legal aid to other concerned NGOs with relevant expertise. ESDO refers cases to BLAST for legal aid support to the trafficked victim. On the other hand, many cases were referred from CBO to ESDO for legal aid support. RDRS Bangladesh also provides legal assistance to the women and girls victims when the cases are referred to it by the other organizations and institutions, like- Federations, Professional forums, NGOs and sometimes the UP. All the studied NGOs mentioned that they refer cases for legal aid to government legal aid providers when necessary.

4.2.4 Legal aid from district level to the Supreme Court

BRAC, ASK, BLAST, BNWLA, RDRS, MLAA, SUS, NU and WF provide legal aid from district level to the Supreme Court for poor litigants. RDRS provides legal assistance to vulnerable women and girls. It also rescues women and children from jail and hands them over to their legal guardians or keeps in different shelter homes. MLAA files cases in the Supreme Court through BLAST. NU has a special Legal Aid Cell which provides the legal

aid to the intended beneficiaries. NU receives application from the beneficiaries, arranges Salish (mediation), organizes meeting with the plaintiff and the accused for more than 3 times, if no result is achieved, it assists the plaintiff for legal aid. Besides, NU organizes Legal Aid Clinic in a specific area where a group of Panel Lawyers are engaged to provide legal services. Intended beneficiaries receive legal support free of cost from the lawyers.

4.2.5 Legal and human rights awareness programs

Since awareness about rights and responsibility is the key means to protect rights and establish justice, many NGOs organize awareness campaign on issues like human rights and constitutional laws, family laws, women rights and violence against women and children. All the studied NGOs organize awareness programs across the country on legal rights and remedies. These NGOs also conduct training workshops for local community leaders to build legal awareness. They organize events involving participants from grassroots communities to state institutions such as youth, community leaders, cultural activists, journalists, teachers and students. It uses theatre and socio-cultural activities, such as, debate competitions, publish wall magazines, etc., as awareness raising tools. They also try to create awareness among the policy-makers and actors working among the general masses. They also advocate to reform laws to eliminate social, legal and political discrimination on the basis of gender, class, ethnicity, race and religion. The advocacy programs are organized at different levels i.e., local, upazila and national through awareness building, lobbying and mass communication.

4.2.6 Activating Village Courts, Arbitration Council and Pouro Salish Board (Municipal Arbitration Board)

BLAST, ESDO, MLAA and WAVE FOUNDATION are involved in Activating Village Courts in Bangladesh funded by UNDP while BNWLA, BS, SUS, LIGHT HOUSE and RDRS also involved in promoting village court through providing training to the UP representatives and functionaries. The MLAA took the initial initiative and is a pioneer to activate Village Courts and provides training, developed modules for training UP representatives, Village courts assistant (Union worker) and CBOs. NU has program for Arbitration councils at Union Parishad and Pourashava levels. They work on issues that include divorce, maintenance of wife and second marriage.

4.2.7 Investigating, Monitoring and Reporting Human Rights Violations

Investigation on human rights violation is a vital element to effectively protect human rights. It entails a great deal of information-gathering in order to establish and verify the facts surrounding an alleged human rights violation. Human rights investigation also includes gathering information about incidents, observing events, visiting sites, discussions with government authorities to obtain information and to pursue remedies and other immediate follow-up. All the selected NGOs conduct regular investigations on human rights issues and abuses. These are conducted both in-groups and independently depending on the type of the abuse. Noteworthy issues are violence against women,

religious and ethnic minorities, children and issues that hinder the achievement of the rights of the people.

4.2.8 Other Services

Victim support Centre

BNWLA, BS, ASK, BRAC maintain victim support centers. The role of victim support centre is to comfort and assist victims in the aftermath of the crime from which they have suffered, to advise them of the remedial processes and to guide them through the ensuing prosecution of the person accused of the crime.

Shelter home

BNWLA, ASK, RDRS and BS reported to have shelter homes which provide shelter to women and children rescued from different jails, brothels and trafficking. RDRS Bangladesh has rehabilitation center for trafficked, raped/gang raped victims, brutally tortured and left out /divorced women for dowry, unmarried mother, victims of husband's polygamy, acid violence etc. In this rehabilitation center the women are kept for maximum one year and are provided different skills development trainings, counseling support and non-formal education. After successful completion of trainings they are rehabilitated in their homes with necessary training's equipment. They are given regular follow-up too. It is notable that earlier the rehabilitation center had begun through the short-term project but considering the necessity and to fulfill the demand from the govt. and community people the center is still continuing as a regular programme of RDRS.

Moreover 223 violence affected women and girls received counseling and skill development training and provide necessary kinds for their rehabilitation through Rehabilitation Center (2009- June 2012).

OCC

The One Stop Crisis Centre (OCC) has been founded to provide comprehensive care to survivors of domestic violence, burn and sexual assault. As a member of Acid Control & Prevention Committee and as an implementing partner of OCC project, BNWLA is playing a crucial role in this particular area. RDRS Bangladesh also works jointly with Rangpur division OCC. The counselor of RDRS is responsible to provide counseling support to the violence affected women and girls who come to the OCC and RDRS provide rehabilitation support to the survivors of OCC if needed.

4.3 Coverage by area

Coverage by area of the studied NGOs can be seen from the table presented below.

Organization	District	Upazila	Union
BRAC	61	431	4184
ASK	32	-	-

BELA	37	60	-
BNWLA	34	12	06
BLAST	20 (district units) 43(non-unit districts)	11	55
BLAST	20 (unit office) 41 (non-district unit)	11	55
ESDO	06	21	86
RDRS	08	44	412
MLAA	12	43	282
BS	3	7	36
SUS	5	11	74
Light House	5	41	189 (154 up+ 35 municipality)
LH	5	42	127
NU	08	18	137
WF	12	27	146

* Details of area coverage of each of the organizations are provided in the database

4.4 Partnership and networking

4.4.1 Partnership and cooperation with GO, CSOs and NGOs

All studied CLS providing NGOs' mission is to work with the poor and their organizations to establish and claim their rights as citizens; to build their capacity and confidence to advance their empowerment; and to promote good governance and improved access to opportunities, resources and services. This primary strategy is increasingly complemented by engaging in collective action with other actors to bring about synergies and impacts which are beyond the capacity of a single organization in order to achieve shared goals which includes government agencies at different levels, civil society organizations and networks, professional and research institutions, the business sector and actors outside Bangladesh (partners, alliances, institutions) etc.

These NGOs have intimate working relationship with the relevant ministries and departments of the government of Bangladesh. With the passage of time, they have become members of a number of Task Forces formed under different ministries.

The civil society organizations (CSOs) and groups help poor people to exercise their rights. But such organizations are not competent enough to mobilize people to establish their rights. Therefore, the selected NGOs involve local level organizations and community people to advocate the issues of concern. The partners NGOs are directly engaged with the efforts of studied NGOs to forge alliance with the community for preventing and protecting the rights of women and children and strengthen the voices against violence. The selected NGOs provide technical and financial support to the CSOs to enhance their capacity to protect the rights particularly of women and children.

4.4.2 Panel Lawyers

The CLS providing selected NGOs maintain panel of lawyers outside of their organizations to assist them on legal issues including court cases. Panel lawyers across Bangladesh provide legal advice and representation service to the clients. Staffs at the NGO unit offices coordinate the work of the panel lawyers who are paid a nominal fee to cover the costs of litigation and effectively provide their services. Selected NGOs organize coordination meetings and trainings for the panel lawyers to ensure the quality of services provided. These organizations are supported by consultative groups, comprised of young professionals, including researchers, lawyers, and human rights advocates. These NGOs have a close relationship with the Bar Associations at all levels, in particular through its management committees comprised of leaders of the Bar within each District.

4.4.3 Networks and Membership

Joint action is stronger than individual action for that purpose the studied organizations join different networks both in home and abroad. They invest resources (time and skills of lawyers and staffs) in these networking for achieving targeted results and policy changes.

In addition to direct bilateral links with many agencies and actors, these NGOs are members of a wide range of multilateral alliances and networks. The specific role of alliances and networks vary but include policy advocacy and, even more critical implementation advocacy, in solidarity research, knowledge gathering and information exchange, liaison and co-ordination and capacity building. The selected NGOs also have partners to fund their CLS programs and projects.

4.5 Knowledge sharing

The selected NGOs undertake a number of activities that serves the purpose of knowledge sharing which are:

Seminar/workshop

All the selected organizations organize seminar/workshop on public interest litigation and advocacy and hold issue-based meetings with NGO representatives, judges, lawyers and the media. Seminars/workshops and information campaigns increase women and children's knowledge and capacity to solve their problems.

Publication of newsletters

These NGOs produce newsletters regularly and these are readily available.

Reports

They also prepare annual reports project completion reports and evaluation reports etc.

❑ *Website*

All the selected NGOs have their own website. Different reports and publications of the NGOs could be accessed through the webpage.

❑ *Disclosure of important information through the media*

The studied NGOs involve the media to enhance awareness of masses through publishing special pages highlighting the major activities or recommendations of different professional groups made during various workshops, consultations and roundtables etc. They also organize special events with the media to disseminate the Land Mark Judgments rendered by the court.

❑ *Joint event with GO and other legal aid organizations*

All the selected NGOs have consultations with the Judiciary and other individuals involved with the justice system to contribute in the process of delivering justice to the victims. They also organize joint event with other legal aid organizations that include seminar, symposium, and theatre etc.

❑ *National and international conferences*

National and international conferences are organized by many of the CLS providing NGOs which help in disseminating information and knowledge sharing.

❑ *Training*

All the selected NGOs provide trainings on legal and human rights issues with the objective of creating awareness of rights, building the capacity of different stakeholders as human rights defenders and empowering citizens on issues of rights, responsibilities and duties in defense of human rights. They also conduct training workshops for local community leaders to build legal awareness.

4.6 Monitoring and follow up mechanism of CLS

Monitoring is a broad term describing the active collection, verification and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events, visiting sites such as places of detention and refugee camps, discussions with government authorities to obtain information and to pursue remedies and other immediate follow-up. All NGOs have a documentation team that keeps the organization updated with human rights abuses published in the major national dailies. The work of the documentation unit is to gather and document relevant information for investigation purposes from both the daily papers and personal and organizational sources/contacts, including human rights defenders.

It has been observed that broadly two types of monitoring systems are used by the NGOs. The five organizations that have primary focus on providing legal services of various types have specific monitoring system for CLS activities. These organizations are ASK, BELA, BNWLA, BLAST and MLAA. They monitor the human rights situation in Bangladesh through regular media scanning, and through its own direct investigations.

Here it needs to be mentioned that BRAC though has other focus areas of operations, its CLS operation is the largest in the country in terms of area and population coverage. As such, BRAC also claims to have an elaborate system of monitoring. RDRS has an inbuilt monitoring system to monitor the CLS based activities which is a continuous process.

The rest 7 NGOs (ESDO, RDRS, Banchte Shekha, SUS, Light House, Nagorik Uddyog, and Wave Foundation) have various mandates and activities. The CLS is one of them. In many cases these are project based in nature. These organizations monitoring systems are project oriented as per needs of the development partners and the project itself.

The monitoring mechanism generally includes monthly report, individual case file maintained to observe subsequent developments, record keeping in MIS, interviewing the clients, interviewing the lawyers and other stakeholders like members of the judiciary, law enforcement agencies, local elected representatives and NGO functionaries. Monitoring information is recorded by using tools like Monitoring Checklist, Monitoring Format, Report Card, Documents and Questionnaire etc.

4.7 Strengths and weaknesses of selected NGOs

Organizational strengths are those factors or characteristics of the organization that could serve as the basis for achieving mission and vision. On the other hand weaknesses are the factors that realistically may limit the extent or speed with which mission and vision may be accomplished.

4.7.1 Strengths

BRAC is the largest NGO in the world. BRAC's Human Rights and Legal Aid Services (HRLS) Program is the largest NGO-led legal aid program in the world. It has own funding source and skilled human resources. ASK has nationwide good reputation. ASK has a well reputed Trustee Board. It has reputed panel of lawyers. BELA over the years also earned a good name in taking up issues relating to peoples' environmental rights. On the other hand, BLAST is one of the leading legal services organizations in Bangladesh and provides access to legal aid across the spectrum, from the frontlines of the formal justice system to the apex court. BNWLA promotes the rights and status of women lawyers alongside fighting for access to justice for all women and children particularly for the most disadvantaged women and children in Bangladesh. ESDO has a strong network and coordination with district legal aid committee, trained staff on legal aid. It has also a good rapport with the legal Aid providing department and law enforcement agencies. RDRS has women rights unit. The main activity of this unit is to protect women Rights and to

reduce the violence against women and girls. 'Gender' is a cross cutting issue in RDRS Bangladesh. RDRS provide training and orientation. More than 85% program participants are female. Rehabilitation Center and Federation of RDRS provide vulnerable women and girls awareness raising and skill development training. RDRS works for improving access and referral services for women through network, professional forum, workshop/seminar, ensuring effective use of govt., laws and facilities like- legal aid fund, village court, medico legal examination up to Upazila level, etc. in favor of vulnerable groups, Policy advocacy with policy makers at national level on implementing limitation of existing laws, amendment of Hindu laws, combating human trafficking, effective use of District Legal Aid Fund, creating new laws etc. RDRS also maintains liaison and jointly work with govt. and like minded NGO's, network and alliance up to national level for ensuring gender equality and legal justices for women.

The MLAA has developed the alternative mechanism for dispute resolution through reformed *shalish* popularly known Madaripur Mediation Model (MMM) which has proved to be effective to address family disputes, community disputes, land disputes and minor criminal disputes in the local level. MLAA has Long experience for striving to strengthen the UP judicial system and CLS which is an initiative to promote justice at the grass root level. Its training cell is well equipped to transfer knowledge and skills to the local community and other organizations. Banchte Sekha can arrange awareness campaign with their own initiatives using their existing physical infrastructure. Banchte Sekha has good rapport and relationship with district administration. Banchte Sekha maintain network with national level organizations. SUS has locally recruited experienced staff. The commitment of these staff is a great strength of SUS. Light House has experienced and skilled staff. Alliance and networking are their other strength. Light house has infrastructure and logistics support to carry out their operations. Good rapport and networking with government agencies especially law enforcing agencies is also a noteworthy strength of Light House. Nagorik Uddyog also has skilled workforce and it follows investigative approach for establishing the rights of the marginalized community.

WAVE Foundation has a good experience in Local justice and governance. It has been and currently also engaged with activation and operationalization of Village Courts. WAVE Foundation has a strong CBO network called *Loak Morcha*.

4.7.2 Weaknesses

The NGOs are generally established to provide services particularly to the poor and the marginalized. But resources are needed to provide these services. In Bangladesh, the overwhelming majority of the NGOs rely upon funds received from foreign sources. This dependence to a great extent determines the performances, successes and failures of these organizations. This also causes them to take up project approach instead of program approach. The key strengths and weaknesses of the studied organizations are summarized and presented in the matrix given below.

Organization	Key Strengths	Weaknesses
BRAC	Positive image, largest NGO in the world, largest outreach CLS program in the country, own funding source, skilled human resources	Too diverse organization, BRAC's all purpose approach
ASK	Nationwide good reputation, well reputed Trustee Board, reputed panel of lawyers, confidence of the judiciary	Complete dependence on development assistance, changing priorities of the development partners
BELA	Reputation earned over the years, Confidence of the common people	Lack of own resources, policy change of the government
BNWLA	Specialization in its field of operation, achievements and reputation	Donor dependence
BLAST	Nationwide good reputation, well reputed Trustee Board, reputed panel of lawyers, confidence of the judiciary, good relation with government agencies	Donor dependence
ESDO	Strong network and coordination with district legal aid committee, trained staff on Legal Aid), good rapport with the legal Aid providing department and law enforcement agencies.	Donor dependence
RDRS	Women rights unit, Rehabilitation Center (more than 17 years) on CLS based activities Federation, professional forum, involvement in different network and alliance up to international level (Social protection committee, we can alliance, RTI committee, CEDAW committee, Hindu law reform committee, SAGA, ACT alliance etc)	Donor dependence/fund limitation
MLAA	MLAA developed the alternative mechanism for dispute resolution through reformed shalish effective to address family disputes, community disputes, land disputes and minor criminal	Donor dependence

Organization	Key Strengths	Weaknesses
	<p>disputes in local level.</p> <p>Long experience and skills in CLS.</p> <p>Skilled human resources</p>	
Banchte Sekha	<p>Infrastructure , Experience to work in various activities, Organizational Image & credibility , Community Activism, Democratization of Community leadership</p>	Donor dependence
SUS	<p>Experience & Commitment of Staff, Locally recruited Staff, Leadership</p>	Donor dependence
Light House	<p>Experience, skilled staff, Alliance, Advocacy and Networking, good relation with government agencies specially with law enforcement agencies, Positive image and CBOs</p>	Donor dependence
Nagorik Uddyog	<p>Last 15 years working on legal and human rights education in the community level and facilitating community mediation (shalish) so that it is more democratic, transparent and gender sensitive. The mediation is conducted by trained mediator while training is provided by the organization.</p> <p>This organization has been playing ground-breaking role to create women leadership at the community level, so that they can be active in the public space, women leaders in the working areas are playing role as mediator</p> <p>Systematic/methodical approach to legal and human rights education at the grassroots level</p> <p>Trained Community mediator to</p>	Donor dependence

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Organization	Key Strengths	Weaknesses
	<p>mediate disputes following legal and HR standards. Nagorik Uddyog plays the role as mere facilitator.</p> <p>Trained women leaders participating as mediators in the community</p>	
WAVE Foundation	Experience in Local justice and Governance Field , Activation and operationalization of Village Courts, CBO, Loak Morcha, Partners	Donor dependence

Chapter 5: Organization and Management of NGOs

5.1 Organization and management

All the studied organizations were found to have established guidelines or organizational constitutions and policies, such as, Human Resources, Gender, and Finance policies. In overwhelming cases there is a general body/trustee boards and the general body elects the executive committee (EC) which provides policy guidelines. A CEO runs the day to day operations and functions of the organizations. The CLS activities of the selected NGOs are run with the financial assistance of various development partners. As such, for operational purpose of those programs and projects these NGOs are also accountable to them. Existence of financial management system with the provision and practice of both internal and external auditing indicate that mechanisms exist to ensure financial transparency and accountability.

5.2 Legal status

All selected NGOs are registered with the NGO Affairs Bureau under Foreign Donation Regulation Ordinance, 1978. ASK, BELA, BNWLA, BLAST, Banchte Sekha, Nagorik Uddyog, and WAVE Foundation are also registered with the Registrar of Joint Stock Companies and Firms under Societies Registration Act, 1860. BNWLA is also registered with the Women Affairs Department. Department of Social Services incorporated NGOs are ESDO, MLAA, Banchte Sekha, SUS, Light House, RDRS Bangladesh and WAVE Foundation. Light House and ESDO are also registered with Department of Family Planning. Banchte Sekha, WAVE Foundation and SUS are also registered with Micro Credit Regulatory Authority.

Legal Status of selected NGOs

Registration	No. of Organizations
Registration of Joint Stock Companies and Firms (ASK, BELA, BNWLA, BLAST, Banchte Sekha, Nagorik Uddyog, WAVE, RDRS Bangladesh)	8
NGO Affairs Bureau (All NGOs)	13
Women Affairs Department (BNWLA)	01
Department of Social Services (ESDO, RDRS, MLAA, Banchte Sekha, SUS, Light House, WAVE)	07
Micro Credit Regulatory Authority (Banchte Sekha, ESDO, WAVE Foundation & SUS, RDRS Bangladesh)	05
Department of Family Planning (Light House, ESDO)	02
Licensed with Directorate of Health Services-for Hospitals (ESDO)	01

5.3 Resources/Funding sources

All the studied NGOs are solely dependent on external funding for running their functions and operations. Only BRAC, as reported, now has the ability to fund about 90% of its operations. The status of funding sources of the selected NGOs can be seen from the matrix furnished below.

Funding Sources of the NGOs

Name of the NGO	Funding Source
BRAC	AusAid, UKAid, BRAC
ASK	Oxfam-Novib, The Royal Norwegian Embassy- Dhaka, The Swedish Embassy-Dhaka, The Embassy of Denmark, Swiss Agency for Development and Cooperation, Save the Children International, NETZ-Germany
BELA	Inter Pares, NOVIB, Danida, SIDA, MJF
BNWLA	Government of Bangladesh, SIDA, Save the Children International, Plan Bangladesh, USAID, European Commission, MJF, Group Development, France, IOM, The Asia Foundation, European Commission
BLAST	OXFAM-NOVIB, UNDP, Danida, Diakonia Bangladesh, Embassy of the Kingdom of the Netherlands (EKN), GIZ, Save the Children International (SCI) , Harvard Law School Project on Disability, ICDDR, MGH Group Bangladesh
BLAST	OXFAM-NOVIB, UNDP, Danida, MGH Group Bangladesh
ESDO	SDF- WB, European Union, UNDP, IOM, HEKS –Switzerland, Department of Women Affairs- GoB, USAID. SDF-WB, European Union, UNDP, IOM, USAID, HEKS-Switzerland, CARE-Bangladesh, Plan-Bangladesh, DWA-GoB, WFP & STD.
RDRS	The Royal Nether Lands Embassy, RDRS core partner(CoS, DCA, ICCO, NCA, FCA, ELCA, BftW, CLWR, CORDAID, JEL/LLT,SF),DFID, Canadian Development Agency (CIDA)
MLAA	UNDP, EU, MJF, MoLGRDC, UNDP, EU, Danish Embassy, GIZ
Banchte Sekha	Danida, Norwegian Embassy, The Asia Foundation, The British Council, AED, DANIDA PSU- HRGG, MJF, Oxfam-GB, LilianeFond’s, World Fish Centre, IDEA-Italy, CARE Bangladesh, CIDA
SUS	ASK, MJF, Action Aid Bangladesh, Swedish Support group, The Swallows India Bangladesh, MJF , SUPRO National committee, Step Towards Development (STD)
Light House	FHI-360,USAID, Global Fund, The Asia Foundation, GIZ, BLAST, MJF, ASF, UNICEF, BRAC, ICDDR,UNDP, EC, EWG, World Bank, AUSAID,

	USDOL-ILO, Step Towards Development (STD), Action Aid Bangladesh, Elton Jhon Aids Foundation-UK, Care Bangladesh CCDB, Proshika, HASAB, US-Progati, Who/Embassy of the kingdom of Netherlands, ASF, UNODC, VSO, BRACA, GoB, Manusher Jonno Foundation.
Nagorik Uddyog	Bread for the World, Germany; Evangelischer Entwicklungsdienst e. V., (EED) Germany; European Union; Christian Aid, UK; Child Hope, UK; NETZ, Germany; TRAIID, UK; One World Action, UK; Manusher Jonno Foundation, Bangladesh.
WAVE Foundation	Action Aid Bangladesh, The Asia Foundation, ARD Inc./USAID, DANIDA, UNDP Bangladesh ,Own initiation

5.4 Human resources

Collected data and information on human resources of the studied NGOs are presented in the table furnished below.

Human Resources with specialization

Types	BRAC	ASK	BELA	BNWLA	BLAST	ESDO	RDRS	MLAA	BS	SUS	LH	NU	WF
Legal Aid	455	18	6	80	52	239	15	8	26	2	268	1	143
Local level justice (Mediation, VC, AC)	443	12	6	78	54	19	52	531	22	7	38	84	0
Public interest litigation	2	4	6	15	4	12	1		14				
Human rights	462	8	5	236	49		56	4	53		55	3	84
Gender	462	9	4	236		13	21	1	12	4	191	1	
Environmental justice	-		6	5			71		14			1	
Advocacy	462	5	9	8	5	150	70	2	20	2	44	3	12
Research	-		12	8		2	3		1	1	8	5	6
Financial Management	2	7	8	17	31	104	5	25	64	2	9	6	76
Monitoring and Evaluation	45	3	3	15	12	20	5	12	4	5	7	5	16
Capacity building	9	10		19	8	58	56	14	8	6	20	19	10

5.5 Transparency and accountability

Transparency and accountability is all about the openness of the organization's work and participation by all stakeholders in the decision making processes at all stages. These concepts have recently become prominent as a result of many internal and external factors. Internally, NGOs have realized the importance of internal accountability because it provides a learning platform for promoting responsive governance, effective and efficient management of resources as well as people participation in decision making processes. Externally, NGOs have to follow government rules and regulations and guidelines of funding partners/sources.

It has been reported that all the organizations are guided by their organizational constitutions and policies i.e. Human Resource Policy, Gender Policy, and Financial Policy etc. All these organizations have governing bodies that oversees their functions and operations.

The CLS activities of the selected NGOs are run with the financial assistance of various development partners. As such, for operational purpose of those programs and projects these NGOs are also accountable to them. There is existence of financial management system with the provision and practice of both internal and external auditing.

However, it is also observed that all the selected NGOs are only accountable to their governing and general body members. The common people have little information especially about their financial management.

Their CLS functions and operations are driven by donors' priorities. Local populations have very little or no say on them. Leadership is perpetual in nature. In overwhelming cases, these NGOs are run by the people who played the pioneering role in establishing them.

Succession planning is a critical leadership tool for ensuring organizational growth. One of the greatest challenges facing many organizations in the 21st century is how to affect a well-designed change of leadership while maintaining organizational continuity and meeting or exceeding organizational goals. It is observed that there is an absence of visible leadership succession plan in the studied NGOs.

Chapter 6: Conclusions and Way Forward

6.0 Conclusions

The NGOs selected for the purpose of the current study, have made significant contribution over the years in providing community legal services to a larger section of the country's population. The services offered are wide ranging from indigenous to formal legal means. It also encompasses both rural and urban areas. These organizations work individually in their respective areas and at the same time build alliances and establish network to carry forward these services. The selected NGOs also assist the government agencies in establishing rights and justices in the country.

Investigation revealed that all these organizations have legal entities through registration with different authorities of the government. Most of them have elaborate administrative apparatus and run under different organization approved policies and guidelines. However, for meeting expenses for the services are solely dependent on development partners' assistances. These organizations offer a wide range of services to a large section of the population, nonetheless coverage in terms of both geographical areas and the number of people need to be increased to ensure access to a broader spectrum of the population.

In view of the above, the following suggestions and recommendations are made as way forward. It is perceived that these will ensure wider geographical coverage, better services and increased access to community legal services especially for the poor and the marginalized.

6.1 Way Forward

Extend Coverage by area and population

Area coverage of CLS should be increased which will provide more access to increasing number of the population to CLS for which the following three prong approaches may be adopted:

- Those NGOs (ASK, BLAST, BELA, BLWLA etc.) which also deals with public interest litigation their organizational presence in different districts should be extended. This will help common people to seek their services more easily.
- Other NGOs which are regional and local in nature, their CLS services should be extended to other areas. This will take CLS services closer to the people and more people could be covered.

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- Village Court should be activated in more Unions in the country. For this purpose, the NGOs with expertise in this particular area should be used to increase the Gram Adalat activation process in increasing number of Unions. This will also help in taking CLS services to the doorsteps of the rural masses and thereby increase the area and population coverage of CLS.

Build Partnership/alliances/networks

A National CLS Service Providers Forum may be formed among the CLS service provider organizations to forge partnerships and build alliances. This will strengthen the process of CLS, develop common ground and working relationship with concerned agencies. Furthermore, the forum will provide a platform for knowledge sharing among the members and help disseminate information gathered from experience locally. Partnership and alliance should also be further strengthened with the lawyers' community and associations throughout the country for their increased support and active participation in the CLS process.

In the modern world, media of all forms and types play an important role in protecting the rights of the citizens. In recent years, media has also proved a catalyst in building awareness and shoring up public support for human and legal rights causes. As such, partnership and networks should be developed with the CLS providing NGOs and the media for promoting the legal cause of the people.

Establish Knowledge sharing mechanisms

For this, there should be increased publications of good practices and learning by different CLS providing NGOs. Besides, study tours to different NGOs project areas should be organized to help the learning process. Seminars, workshops etc. should be organized both at the local, regional and national level for awareness development and knowledge sharing. Publication of newsletters on CLS will help in knowledge sharing as well. This will also help in enlisting support from the wider sections of the population on CLS.

Build Capacity

A comprehensive capacity need assessment should be conducted in the area of CLS of selected organizations which will help identify capacity gaps in specific areas and specific organizations. Based on the findings, capacity building initiatives should be taken to further develop human resources, system, technology related to CLS.