Do legal empowerment activities of NGOs reduce gender-based violence in Bangladesh?

Pradip Kumar Panday*

Department of Mass Communication and Journalism, University of Rajshahi, Bangladesh
Email: pdpanday@yahoo.com
*Corresponding author

Golam Rabbani

Department of Public Administration, University of Rajshahi, Bangladesh
Email: rabbani001@yahoo.com

Abstract: This article explores the role of NGOs’ legal aid activities in empowering women and reducing gender-based violence in Bangladesh. For collecting primary data, a field survey was conducted in Bangladesh, where come to work (CTW) provides legal aid services. It implements a number of activities. The list of its activities include conducting human right education sessions, supporting community people to establish a people’s organisation, sensitisation of the elite people and establishing a network with national level organisations to deal with the gender ‘cases’ at courts. As an outcome of these activities, women have become more knowledgeable about their legal rights. Moreover, people’s organisations have been founded overseeing informal justice, for making sure that women are receiving proper justice. This paper reveals that a comprehensive approach developed by the NGOs for empowering women legally has been successful in reducing gender-based violence in a patriarchal society of Bangladesh.

Keywords: legal; empowerment activities; non-governmental organisations; NGOs; gender-based violence; Bangladesh.

Reference to this paper should be made as follows: Panday, P.K. and Rabbani, G. (2017) ‘Do legal empowerment activities of NGOs reduce gender-based violence in Bangladesh?’, Int. J. Gender Studies in Developing Societies, Vol. 2, No. 1, pp.1–18.

Biographical notes: Pradip Kumar Panday is currently the Chairman of the Department of Mass Communication and Journalism at Rajshahi University, Bangladesh. His main research includes development communication, gender and media, new media and society, health communication and disaster, risk and climate change communication. He is the author of two books, a number of research articles and book chapters that have come out from reputed publishers from home and abroad.
Introduction

‘Empowerment’ is now a popular lexis in the field of social science, humanities and legal studies. Among different dimensions of empowerment, ‘legal empowerment’ has gained paramount interest among the practitioners and academicians. The issue of legal empowerment has become crucial in an environment where the formal justice system has failed to guarantee fairness and justice. Most people in the developing world are quite unfamiliar with, and have low levels of understanding and trust in the formal justice system and the court environment. It is also true that some factors, such as physical and financial limitations, act as hindrances to obtaining services from the formal or state-sponsored justice system. Some critiques criticise the formal justice system for its high cost, corruption and lengthy processes which make it inaccessible for the poor and disadvantaged groups. In addition, others regard the system as ‘culturally uncomfortable’ (Wojkowska, 2006; Daly and Immarigeon, 1998).

On the other hand, people tend to seek justice from the informal system when they fail to get proper access to the formal legal system despite the fact that it is controlled by the local power structure. Evidence suggests that this system is exploitative, biased and iniquitous for the poor, minorities, the disadvantaged and women (Coyle and Dalrymple, 2011; Levrant et al., 1999). ‘Legal empowerment’ can be an alternative solution, which can be of great help to the poor and disadvantaged to get justice from the informal justice system. This kind of empowerment can also make common people capable of seeking justice from the formal courts. Given these advantages, many organisations (e.g., Development agencies, public interest law firms, legal clinics attached to academic institutions, non-governmental organisations (hereinafter NGOs) and community-based organisations) dealing with legal services have developed strategies to assist, especially the poor and disadvantaged, and have been executing awareness-building programs (Cotula and Mathieu, 2008). Among the legal service organisations, NGOs are playing a more proactive role than other organisations (Bordat and Kouzzi, 2009; Barendrecht, 2011; Harrold, 2007). Therefore, NGOs have been implementing awareness-building programs on gender justice, throughout the world, to empower poor and disadvantaged people and save them from injustice.

Like other countries of the world, NGOs, since 1990s have been implementing legal assistance programs in Bangladesh for empowering women, and to combat gender-based violence. Though NGOs are working to reduce gender-based violence, there is a lack of recent research aiming at assessing the role of NGOs’ legal empowerment activities in combating violence against women. Therefore, this study was an effort to define the role of NGOs’ legal aid activities, in empowering women and reducing gender-based violence in Bangladesh, and to assess its effectiveness.
2 Legal empowerment and gender-based violence: a theoretical note

Before making an effort to understand the meaning of ‘legal empowerment’, it is necessary to know the meaning of empowerment.’ Since the meaning of ‘empowerment’ varies from discipline to discipline and from context to context, it can be treated as an elusive concept. While conducting a study for the World Bank, Alsop et al. (2006) defined empowerment as “the process of enhancing an individual’s or group’s capacity to make purposive choices and to transform those choices into desired actions and outcomes” [cited in Bruce et al. (2007, p.2)]. This definition has stressed importance on both improving the ability to think about and to choose the options as they want, and making them able to maximise their benefit from ‘opportunity structures’ (the set of rules/laws, and regulatory frameworks that govern the operation of political processes, public services, private organisations, and markets) (Bruce et al., 2007).

Empowerment has different dimensions, including economic, social, political, legal and so on. As a new concept, ‘legal empowerment’ does not have any recognised and widely accepted definition (Banik, 2009). Golub and McQuay (2001, p.7) defined ‘legal empowerment’ as “the use of law to increase the control that disadvantaged populations exercise over their lives”. Cotula (2007, p.18) defined empowerment and legal empowerment as “the process whereby disadvantaged groups acquire greater control over decisions and processes affecting their lives, while legal empowerment is empowerment brought about through the use of legal processes.” Similarly, Golub (2010) defined legal empowerment as a systemic process to make the poor or disadvantaged people capable to use the law, maximise their rights and achieve their interests as citizens and economic actors. Consequently, while defining legal empowerment, Legal Empowerment and Assistance for the Disadvantaged (LEAD) identifies some components of legal empowerment. These include support from legal services in getting access to justice, legal capacity development, and legal and human rights consciousness-raising (UNDP Indonesia, 2007). On the whole, legal empowerment is considered as the use of formal (legal) and informal (social norms, informal justice) means to create rights, capacities, and/or opportunities for the deprived or disadvantaged people that bring new power to use law and legal tools to escape from deprivation or marginalisation (Bruce et al., 2007).

The above discussion leads us to identify three components of a legal empowerment process. The first one is to provide knowledge as a means of empowerment, which refers to improving the knowledge level of the poor and disadvantaged community so that they can understand their rights and the processes by which they can acquire what is due to them under their rights. The second one is to construct the level playing field so that the poor are able to overcome bureaucratic, political and social barriers that broadly impede their access to rights and justice. The last one is to provide access to enforcement, which means making sure that the poor can protect their rights and have access to opportunities and assets through affordable, and fair mechanisms, so that they can protect their rights and can solve disputes.

Margaret Schuler deals with the concept of legal empowerment considering a relationship among women, law, and development. Schuler mentioned empowerment as a process where education or awareness raising is regarded as the prerequisite to this process [Schuler (1986) cited in Harrold (2007)]. Schuler divides this process into four strategic programmatic blocs (for description, see Table 1).
Table 1  Schuler’s programmatic categories of legal empowerment

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Structure</th>
<th>Content</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal education, legal literacy, and consciousness raising programs</td>
<td>Legal advocacy, legal assistance, and providing legal services</td>
<td>Legal advocacy for legal reform.</td>
<td>Monitoring, enforcement, documenting discrimination, and developing public interest litigation cases</td>
</tr>
</tbody>
</table>

| Implications | | |
|--------------|-------------------------------|
| Goal of reforming the legal culture, i.e., empowering women and others with knowledge of their rights | I.e., enabling women and other marginalised groups to access the formal and informal structures of justice delivery | Agendas aimed at changing the content of the law in order to benefit women and other marginalised groups | It implies that laws and policies will ensure the benefit of women and other marginalised people properly |

Source: Cited in Harrold (2007, p.6)

According to Schuler’s description, legal empowerment activities work to bring changes at cultural and structural levels as well as in legal content. These changes have positive effects on the lives of women because legal education and consciousness-raising create an enabling environment, so that the women and disadvantaged people become capable to raise their voices and take effective action against discrimination and violence. Besides awareness raising, legal empowerment activities include advocacy programs for reforming the legal content and systems, legal assistance, and providing legal services for enabling women and other marginalised groups to access the formal and informal systems of justice.

On the basis of these theoretical considerations, this study explored the role of rights education and awareness raising, legal assistance and organisation formation of community-level advocacy activities to obtain access to justice. Also, this article measured to what extent these activities played a vital role in reducing ‘gender-based violence’.

Gender-based violence is violence against women, which is the result of women’s subordinate status in society. Inflicting physical, sexual, or psychological harm on a woman or a girl because of her gender identity in a masculine society is regarded as gender-based violence (Heise et al., 2002; Okello and Hovil, 2007). In this study, gender-based violence includes violence due to demands for dowry, sexual harassment, as well as deprivation of property rights, and not only physical assaults, because these kinds of violence are more common than any other forms of violence in Bangladesh.

3 State of gender-based violence in Bangladesh

Violence against women is a pervasive and prevalent problem, especially in the developing and least-developed countries. Bangladesh, with its patriarchal nature, is not an exception. Formally, women and men have the same rights legally and are entitled to equal treatment, but most women, especially the poor, have to face strong religious,
Do legal empowerment activities of NGOs reduce gender-based violence

Do legal empowerment activities of NGOs reduce gender-based violence

historical and cultural forces that tend to restrict them unequally in every aspect of their lives.

A woman’s life usually starts out on a weak footing in Bangladeshi society. Generally speaking, discrimination against women starts before they are born and continues throughout their lives. The lives of unborn girls are terminated through sex-selective abortions (Khan and Arefeen, 1989). Similarly, daughters are seen as bringing neither benefit nor prestige to the family. Rather, they are considered as a liability with the expense of the dowry-based marriage system. Conversely, sons are generally preferred to daughters because they contribute to the family income, which leads to less financial burden on the family. This is attributable to patriarchal influence and authority (Khan and Khanum, 2000). Despite constitutional guarantees of gender equality, patriarchy, with all its ideological manifestations, plays a crucial role in creating a vulnerable situation for women. Men are considered economic providers and women are considered their dependents, their role restricted to biological reproduction.

Under the circumstances, violence against women in Bangladeshi social structure is very much related to gender inequality. Women are being victimised within their families and even by their husbands. Jahan (1988, p.200) argued that: “all Bangladeshi social institutions permit, even encourage the demonstration of unequal power relations between the sexes” [cited in Afsana et al. (2005)]. In concert with social customs, the majority of women get married at young ages, frequently not receiving better treatment from their husbands or family members. Indeed, some of them are mistreated, beaten and abused sexually and mentally.

Women, irrespective of socio-economic status, are subjected to discrimination and violence within the household, at the workplace and in wider society generally. The major forms of violence against women in Bangladeshi society are seen in:

1. dowry-related violence
2. rape
3. acid throwing
4. other domestic violence
5. illegal fatwa and related penalties given by Islamic scholars
6. sexual harassment
7. wage discrimination.

Although the Cruelty to Women Act 1973, followed by the Violence against Women Act 1998, made rape, sexual exploitation for gain, abduction, kidnapping and attempted murder offences subject to life imprisonment or death, there has still been a substantial rise in the number of rapes, abductions and murders of women throughout Bangladesh (Hashmi, 2000). For instance, Barkat and Ahmed’s (2001) study found that almost 67% of women experienced physical domestic violence in the form of beating, sexual harassment or acid throwing. Similarly, a report based on 14 daily newspapers in Bangladesh published by the Bangladesh Mohila Parishad found 34 types of violence against women. According to their report, approximately 2938 women and girls were found to be the victims from January, 2012 to May, 2012. The report also suggests that not all cases of violence are reported in the mass media (The Daily Ittefaq, 8th March,
Odhikar\textsuperscript{5} reported 1,257 cases of deaths, 348 cases of abuse and discrimination, 243 suicide cases and 526 acid throwing incidents between January 2005 to February 2011. The finding also suggests that 1876 women and 1598 girls were raped during this time. 216 girls and women were found to be the victims of stalking in 2010 (Odhikar, 2012). Another statistic of the Bangladesh National Women Lawyers Association\textsuperscript{6} claims that only in May 2011 the number of cases of violence against women, girls and children was 339, where the number of deaths was 176 (The Daily Ittefaq, 17 June, 2011). However, according to the researchers and women specialists dealing with violence against women, it is obviously difficult to get exact statistics of the total number of violence cases against women, since mass media in Bangladesh do not focus on violence against women in news reporting. They suggest that the number is more than triple that mentioned in news reports (The Daily Ittefaq, 8th March, 2011).

Indeed, the number of women victims of different types of violence has been increasing significantly each year. This violence against women obviously keeps them subjugated, assigns them a subordinate and dependent role, and, prevents them from accessing independent resources or independent power. Such imbalanced gender relations exclude women from making any decisions about life choices for themselves (Panday and Panday, 2006). The result exists in all spheres and is perpetuated by injustices in education, employment, and marriage (via the system of dowry payments), reinforced by the widespread use and acceptance of violence. As soon as a case of violence against women occurs, women seek access to justice. It is stated in a report that 18% of all criminal cases in the formal justice system in Bangladesh belong to ‘persecution of women’ [LGD, (2010), p.31]. The victims seek access to justice with a view to rescuing them from criminal activities.

Basically, access to justice is much more important than improving an individual’s access to courts, or guaranteeing legal representation (UNDP, 2004). It typically refers to the ability of the people to go to formal courts for seeking justice. Though it is the basic right of each individual to seek justice in a democratic state, the process to access the courts is often convoluted in Bangladesh, especially for the poor and rural disadvantaged people. This is because of the unwritten customary rules of procedure, excessive costs, unnecessary delays, backlogs and lack of proper knowledge about the formal justice system. Hence, people, especially the poor and disadvantaged, seek justice from the informal justice system. This is supported by the findings of a survey that around 60%-70% of local conflicts are mediated through the salish\textsuperscript{7} in Bangladesh (UNDP, 2005).

Recently, donors and the government have taken initiatives to reactivate the Village Courts in Bangladesh. Another study revealed that people who were not aware of Village Courts usually go the village elite to seek justice or to settle disputes. Another study found that about 78% of people usually go to elite people of their villages for negotiating disputes [LGD, (2010), p.31]. NGOs in Bangladesh are taking some initiatives so that women get justice from the formal and informal justice systems.

4 NGOs’ and legal empowerment activities in Bangladesh

With a view to minimising the shortcomings of informal (traditional) justice, called shalish, as well as to widen access to courts and other formal State procedures, NGOs have started arranging their own shalish, which is popularly known as ‘alternative dispute
Do legal empowerment activities of NGOs reduce gender-based violence

resolution’. They started working in the field of legal aid in Bangladesh a few decades back. NGOs usually train up the community workers and local leaders, as well as religious leaders. They also arrange advocacy activities to have knowledgeable and experienced persons conduct the Salish (Harrold, 2007).

Initiatives have been taken by NGOs to offer informal justice a formal shape. A formal application is made by taking the victim assistance from the community level solicitor of NGOs to ask for arbitration. Afterwards, a date for arbitration is fixed. For keeping records of the decisions and compliances of the arbitration, a piece of paper is used, where all the decisions of the arbitration are written down with the signatures of both the parties along with adjudicators. This system is called the modified form of traditional shalish. Although NGOs help to organise shalish, emphasis has been given on using the State’s statutes (Alim and Ali, 2007).

5 Research methodology

Come to work (CTW) is a local NGO, in the northern part of Bangladesh that has been working to empower the rural poor with special reference to gender issues. The intention of CTW, under the project ‘gender justice’, is to widen access to justice among the poor and marginalised. For this purpose, it has been executing programs on legal rights awareness, human rights education, and legal aid, by establishing modern shalish as an alternative to traditional shalish. The present study is an attempt to assess the role of this third sector, of modernised traditional methods of dispute resolution, as an alternative to the court sector and the traditional shalish sector, in making women empowered to seek formal and informal justice in Bangladesh. A case study was performed on CTW as an example of this third sector.

CTW was selected as a relatively successful example of the sector, located in the poorest part of the country: its rural north. It was also easily accessible to the researchers, from their base in Rajshahi, at minimal cost. The paper is based on a case-oriented qualitative research approach, supplemented by quantitative data as available or collectible (although in limited scale) and presented in the form of tables. For collection of primary data, a field survey was conducted in Dinajpur District of Bangladesh, where CTW works to provide legal services. In this study, 100 service recipients, along with ten key informants from this area, were interviewed, using a pre-formulated structured questionnaire. From the official categories, five employees of CTW were interviewed. In order to ensure authenticity and validity of data, the relevant documents were reviewed by the study team. Secondary data were collected from published documents in the form of published journals, books, research reports, and newspapers.

6 Findings

In a patriarchal society women find their lives difficult as males dominate every sphere of their life. Along with male domination issues like low level of education and lack of proper initiatives to educate them and build their awareness in the past, women in Bangladesh passed their lives in misery. Most importantly, the State, with its formal and informal institutions, always acts as an instrument to ensure the supremacy of masculinity
in every aspect of social and family life (Ricardo and Barker, 2008; Zaman, 1999; Jahan and Isalm, 1997). This has compelled the women to encounter different sorts of violence and discrimination in the society. Thus, it is important to make sure that the human rights of women must be ensured if we really want to ensure sustainable development in the society. In order to transform these goals into reality, a number of human rights based organisations have been implementing different projects aiming at empowering women legally for bringing them into the mainstream of the development process (Islam and Sultana, 2005). In the context of this paper, it has been learnt that initiatives of local level organisations, empower women legally has become successful in many respects. The following section provides a detailed analysis of the findings of the study.

6.1 Community organisations

To empower women, along with the empowerment of the community in general, a major strategy of Bangladeshi NGOs is to form community-based organisations. Such community-based organisations allow communities to make their voices heard, to negotiate with decision-makers and pool their limited resources to achieve results on their own. One such example could be Palli Samaj of Bangladesh Rural Advancement Committee (BRAC) that has been working to establish a network and trust among the women members so that they could collectively raise their voice against any sort of discrimination in the society.

Yet, women cannot be empowered in the vacuum of a community that is powerless. Such community organisations, when they develop workable strategies and achieve some credibility, can then turn to women’s needs, represent them, and take action on their concerns. Group formation and mobilisation of the community are considered as effective strategies in the process of empowering a group of people legally and also for mainstreaming them in the society (Golub, 2010), in this case, both a community and the women among them.

6.1.1 Organisation formation and capacity development by CTW

For mainstreaming legal empowerment process in the project area, CTW has formed Human Rights Watch Groups (HRWG) and Federations.

6.1.1.1 Formation of HRWG and their activities

Nine HRWG have been formed for nine Wards in the Union Parishad (UP) selected for this study. Each group is responsible for overseeing the human rights situation and gender-based violence in their locality. A staff member of CTW is assigned, who helps to form HRWGs, taking members from all classes of people, irrespective of economic status, gender, religion, and education.

Moreover, a Nagorik Adhikar (Citizens’ Rights) Committee is formed. Each Nagorik Adhikar Committee is comprised of 11 members, including seven women and three male members. Taking help from CTW, these groups make an action plan and try to implement the plan. The plans made and the activities executed are presented in the monthly coordination meeting, where all the members of Nagorik Adhikar Committee and HRWGs are present. One staff member from CTW is assigned to the monthly coordination meeting, and this support person is responsible for providing training to
members on different dimensions of issues in human rights and gender justice: how to make the *shalish* free and fair and the duties and responsibilities of the members of each committee.

The poor and women can also be incorporated into a group and can participate in making plans and executing the activities of HRWGs, which no one even thought of a few years ago. Field investigation found that a total of 72 meetings were held in the selected *UP*, where 307 women and 474 men were present during the project tenure (Interview Data, 2011). Although powerful people of the society sometimes try to influence the decisions by proposing benefits to the marginalised members, and even by threatening them, to get them to work for them, the members of the committees cohesively face these challenges.

It is found that HRWG members are active in stimulating dialogue about human rights issues, including gender rights, in their Wards, with family members and neighbours. Members of the committees are also involved in supervising the human rights situation in their working area. They also make people aware about human rights issues in general, as mentioned by a male *UP* member quoted here:

*“Members of HRWGs are very active in preventing gender-based violence. They are working to make people aware that it is a bad practice. This is good news for the society, but attitude, behavior and interest of our people, including me, are not always positive to good work. I can say that because of the hard work of the HRWG members, people at least consider the gender-based violence from the negative point of view.”*  

The comment of the Ward member signifies that HRWGs of CTW are working positively and help not only to aware people about gender-based violence and their legal rights but also to minimise the number of cases of violence against women.

### 6.1.1.2 Formation of federations

A federation at *UP* level is formed under the auspices of CTW in order to mobilise community people, to establish a good relationship between *UP* Councillors and HRWG members, and to modernise the *shalish*. The purpose of the Federation is to ensure the participation of the gatekeepers, or primary leaders, of the society. In Bangladeshi society, formal leaders, who are elected or informal leaders, who hold positions of respect due to their lineage, occupation, wealth or social reputation normally, influence social activities in every sphere.

Consequently, as shown in previous studies, the poor and women have little role in development activities (Datta, 2007). Thus, the local power structure can play a vital role, either to empower the poor, disadvantaged and women and engage the poor in the development process of the country, or to keep them securely on the sidelines as they usually do. For this reason, CTW helps to form the local federation, to ensure that the local leaders are playing on the same team as the NGO and the poor, women and other marginalised community members.

The federation is composed of ten members, including nine members, (one member from each of 9 wards) along with the chairman of the concerned *UP* Council, who is an *ex-officio* member of the federation. Meetings of the federation are held once in every four months. A total of three meetings were held in 2010. The findings of the study indicate that members of different HRWGs, all the members of the concerned *UP*
Council, school teachers, and civil society members participated in the last meeting of the federation.

The federation played a vital role to mobilise and empower all levels of people with the help of community leaders. About the role of the federation, one of the female respondents expressed her feelings in the following way:

“All community leaders, including religious leaders, are actively involved with the process and they do not oppose any activity of HRWG. If they were not positive toward the process, it would be tough for us to mobilize the vulnerable people, because the poor and disadvantaged somehow are beholden to the elite people. Also, UP (Union Parishad Council) members, chairman and other community leaders are changing their attitudes to the women.” (Interview data, 2012)

The comment suggests that women are being empowered with the help of the activities performed by CTW's federations. Further, the members of the federation help to change the patriarchal attitudes of the majority of people, especially of men towards women. Since the federation helps to change males’ attitudes towards women, it must help to reduce violence against women in Bangladesh to some extent.

6.2 Consciousness-raising

Making people aware of, or educating them about, their rights and responsibilities is considered the first and foremost component of an empowering process. ‘Awareness of one’s legal rights’ is the central component in the legal empowerment process (Bruce et al., 2007). To make the common people, especially women, aware about their legal rights, CTW organises Uthan Baithak (courtyard meetings) and conducts sessions on human rights education.

6.2.1 Uthan Baithak

Uthan baithak a part of the community awareness program is arranged in different paras within the working area of CTW. Staff members of CTW are responsible for conducting 72 uthan baithak in 72 paras in a UP in which 1,632 women and 160 men are present (Document of CTW, 2011). There are community volunteers who are responsible for inviting all men and women of the community for attending the meeting. Awareness-building sessions for vulnerable women and the poor are held, where the main components of family laws, elements of women’s and human rights, meaning and types of violence and/or discrimination against women, the way people can have access to informal and formal justice, etc., are discussed (Interview with CTW staff, 2012). From the discussion, both men and women become aware about their legal rights, gender discrimination, gender-based development, etc. The meetings also help to change men’s patriarchal viewpoint on women in some instances. To question about the benefits of such meetings, a community leader (primary school teacher) remarked:

“Both men and women members are informed about women’s rights, gender development, and gender discrimination through discussion. The meetings also play an important role in changing the viewpoint of male members of the community.” (KII with Community Leader, 2012)
During an in-depth interview, most of the women who participated in the meeting mentioned that they are able to understand about the nature of violence and/or discrimination against women and the places to go for seeking help if such violence occurs. One woman respondent mentioned that:

“I am not so much worried about my life because I have already passed many years as a vulnerable woman. However, I am now very much aware of my daughters’ lives. I do not want their lives to be vulnerable like mine. I have two daughters and one son. After attending uthan baithak of CTW, I am now confident and aware of the rights of a woman in every aspect of her life. I am not making any discrimination between boys and girls, and if I am alive, I will not tolerate any kind of violence or discrimination against my daughters.”

(Interview data, 2012)

Such understandings of a woman are strong evidence that women who participated in the meetings of CTW can become aware of their rights, feel empowered and are motivated to change their lives and the lives of others around them for the better.

6.2.2 Sessions on human rights education

The intention of CTW is not only confined to making the people, women and disadvantaged aware of the legal and human rights issues, but also to provide ‘gender and human rights education’. Therefore, for prospective community leaders, where issues of gender discrimination, women empowerment, violence against women and early marriage issues are important, the organisation conducts education sessions. Students, including 217 females and 212 males of classes 9 and 10 (age 14–15), have been given training on the above issues in such sessions, during the period of this research. During focus group discussions, most of the students indicate that they have learned about basic issues of human rights, gender-based violence and discrimination and the methods of overcoming violence and discrimination. One of the female students mentioned that:

“We face different types of discrimination at every step in our lives. Before receiving the training we thought that it was our fate, but now we can realize that this is created by our parents, our relatives, our neighbors, our teachers and our society.” (Interview data, 2012)

The training also helps the male students to gain in-depth knowledge of gender discrimination and violence against women. They report that they have learned about these issues in an interactive manner during training and discussed the issues with their female classmates, community leaders, and other people of the society. During field work, it was observed that students of a local high school saved an adolescent girl, their friend, from early marriage. A teacher of this school informed, during an interview, how the students were able to stop the marriage of the adolescent girl. He said,

“Our students are now working as activists against violence against women and are sometimes challenging the evil forces of the society. Even though they often have to face challenges themselves, there are some success stories. Our Class Ten students prevented one early marriage of their friend, Sahana. Sahana’s parent arranged a marriage for her. After hearing the news of her marriage, Sahana tried her best to make her parents understand that she was not adult enough to get married and that early marriage is a curse. However, she failed to convince her parents and then informed her classmates. Then her friends, with the help of the teachers, were able to make her parents understand
the problems. Finally, Sahana was rescued from early marriage.” (Interview Data, 2012)

The first comment indicates that Bangladeshi society does permit some sort of discrimination against women and this has become a social norm. However, after getting training from CTW, they become aware that the existing societal norms are created by males as the members of a patriarchal society. Then women no longer want to carry on this social role and act to oppose it. At the same time, the second comment along with the observation, demonstrates that CTW is able to build up awareness among males about different issues detrimental to women’s development. This understanding among male counterparts in the patriarchal society should have some impact to reduce violence against women in Bangladeshi society.

6.3 Making informal justice just

The informal justice system has been playing an important role in the Bangladeshi society for a long time. When the poor people fail to reach to the formal judicial system, they are relying on the informal justice system that has different manifestation.

6.3.1 Shalish

The shalish is an informal gathering of several locally elite people who are known as deoani (honourable people). These honourable people are usually men, who are powerful in the society due to their political and/or economic power. The shalish committee takes decisions based on their own judgements, after listening to the aggrieved parties, as they normally know the parties and the history and context of their relations well.

However, in most cases, the shalish system is found to be corrupted and biased, in which the poor and disadvantaged women often become victimised. To make shalish fair and impartial, CTW has taken initiatives to educate the people about legal issues and rights, including women; formulated HRWGs and federations; and mobilised the community people to protect the rights of women and disadvantaged people.

The study findings indicate that a positive change has been made in the area where CTW has been working. From the in-depth interview with the staff of CTW, it is found that CTW has received 321 applications for settlement of disputes, among which 186 have been mediated, 83 annulled and 48 disputes have been transferred to Bangladesh Legal Aid and Services Trust (BLAST) office. During the study, four disputes were found pending.

6.3.2 Dispute resolution as prevention of gender-based violence

The following success stories will help to explain how CTW works effectively to finalise disputes, which, in turn, helps to ensure legal empowerment of women and also to reduce violence against them.

6.3.2.1 Safe from sexual harassment: Anita’s story

Anita married a person who lived in a joint family. Her father was a hairdresser by profession and her husband was a day labourer. Anita became the mother of her daughter after having been married for 16 months. In spite of poverty of her husband,
Anita was still happy in her family. Suddenly, after that, Anita’s brother-in-law, who was unmarried, began to sexually harass Anita. Once in the absence of Anita’s husband, her brother-in-law entered into Anita’s bedroom and hugged her. Anita tried to resist and shouted loudly. Hence, the incident became public. A family shalish was called. The arbitrators of the shalish advised Anita not to talk about the incident to others. After that, her brother-in-law continued his advances. Anita came back to her mother and they complained to the CTW Citizens Rights Committee together. The CTW Citizens Rights Committee called a meeting and invited both parties. It was decided in this meeting that Anita would live separately from her husband’s family after putting an affidavit of explanation into court. Her husband’s family would provide Tk 20,000 as Anita’s maintenance. Anita then bought a cow and some goats with that settlement money. Now, Anita and her daughter are living in peace and financially are a little better off.

6.3.2.2 Protection from Dowry: Sweety’s story

Sweety Ara Khatun (Golapi) is a pretty girl who lives in Parbatipur Upazilla. She was married to Mr. Kamal Rahman Shah, son of Mahabubar Rahman of the same village. The marriage took place with the consent of both families. Abdul Matin, Sweety’s father, was a lower middle class farmer, but still paid a handsome amount of money and also decorated the house of Mr. Kamal Rahman Shah. A few months later, the bridegroom’s family began to put pressure on Golapi to get more dowry money from her father. However, Golapi’s father was not well off enough to offer more money to the bridegroom’s family. As a result, Golapi’s father-in-law, mother-in-law and husband started to assault her both physically and mentally. Day-by-day, the level of violence began to increase at an alarming rate. Golapi’s friend came to visit her. On learning of Golapi’s situation, Golapi’s friend advised her and Golapi’s parents to talk to CTWs legal assistant (paralegal), Mr. Khademul Islam. After talking with the paralegal, Golapi filed a case in court, accusing her husband and husband’s parents for assault and the crime of dowry on the 24th of April, 2011. A shalish was called on the 9th of May, 2011 to reach a solution through the mediation of CTW. Mr Khademul Islam, CTWs Paralegal, explained the crime of dowry to the shalish and its’ penalty under law to the parents of Golapi’s husband. He also highlighted the crimes and penalties for violence against women. Finally, Golapi’s husband and father-in-law promised in the shalish that they would neither assault Golapi nor demand any dowry again. Since then, Golapi is has been living in peace with her husband’s family.

6.3.2.3 Protecting a widow’s home and inheritance: Rahima’s story

Rahima was the loving wife of her husband. She used to live a happy life with her two daughters. For the marriage of her elder daughter, Rahima had to sell half of the land owned by her husband with a view to meeting up the demand of proposed dowry and to fulfilling the cost involved in the marriage ceremony. Two of Rahima’s husband’s brothers did not like it. In a very short time after the marriage ceremony, Rahima’s husband died. He was a tailor by profession and was the only earning member of the family. Rahima became afraid that her second daughter might have to be married too, quickly, to provide financial means for her family. To prevent this, Rahima sold most of the rest of her lands. Her two brothers-in-law became very much annoyed with Rahima for selling her lands and started to quarrel with her often. They subjected her to mental
torment. One day they dragged Rahima out of the house and threatened her, saying that Rahima did not have any right to stay in their family house. They also accused her of planning to sell the rest of the land of Rahima’s husband, including the house, and took possession of the said house and lands, turning her out. Rahima then brought the matter to the CTW Citizens Rights Committee to seek their help. The committee advised her to seek justice in court. It is worthwhile to mention that a traditional *shalish* had been conducted three times, on this very complaint, with no result. Rahima then was provided with legal aid support from BLAST through CTW to file the case in court. As a result, Rahima’s husband’s two brothers came to settle the matter. Thus, another *shalish* was organised by CTW. It was decided in the CTW *shalish* that the two brothers would never again torment Rahima and would return the family house to her. Thus, the helpless widow, Rahima, was restored to her house and lands and now has lived in peace since that CTW *shalish*.

6.3.2.4 Safe from physical violence\(^{14}\): Sharmin’s story

Sharmin was married to Amjad Hossain’s son, Abdul Bari, in the village of Mahadani in Chirirbandar, of Dinajpur District, Bangladesh. This marriage was arranged with the consent of both families. Abdul Latif, the father of Sharmin, arranged a big festival for the marriage ceremony of his daughter but the marriage was never legally registered. There were no discords or problems in the new family in the first year of marriage. But after a year, the happy marriage turned sour. Her mother-in-law started to quarrel with her and lied to her son against Sharmin. As a result, Amjad beat Sharmin several times. The torture became relentless on Sharmin both physically and mentally. Many times, she was given no food or clothes. Although Sharmin’s parents were quite concerned, her husband’s family refused to release Sharmin to her parents. When a staff member of CTW learned about Sharmin’s situation, he advised Sharmin and her father to file a case against Amjad. On the 5th of April, 2011 Sharmin filed a case against Amjad.

As a result, a *shalish* was held on the 12th of July, 2011. The *shalish* was able to settle the dispute through the mediation of CTW. In that *shalish*, Amjad and his family undertook to cease their attacks on Sharmin. Furthermore, their unregistered marriage became registered, with the help of CTW. The CTW Federation played a vital role in the process of mediation. Sharmin has now been living a happy life with Amjad’s family since the day of that *shalish*.

7 Conclusions

The study revealed that activities of local NGOs include awareness and sensitisation campaigns; building capacity among the poor and disadvantaged people to enable informed participation in consultations, dispute resolution, of judicial and other legal sorts; training and consciousness-raising activities on human rights standards and mechanisms; and building capacity for disadvantaged groups to monitor violations of human rights, including building/strengthening mechanisms for monitoring. Apart from these building maturities of disadvantaged groups about the process of claiming their rights (e.g., understanding that the process is long and requires patience) is another important aspect of NGOs’ activities.
In these activities, NGOs have developed some specific and effective approaches, such as community mobilisation, networking and building linkages between local elites and disadvantaged groups, integrating legal empowerment activities with other development activities, obtaining legal advice for poor clients, conducting fair mediation (‘modern shalish’) processes, training and education. As a part of community mobilisation activities, they form HRWG which obtain information of abuses and counsel and support victims in taking action.

Respondents overwhelmingly (89%) believe that such activities of NGOs help to reduce the climate of violence and oppression in their communities. After participating in such activities, they feel better-informed, about their problems, rights and resources (78%), and more-confident to resist oppression in their own lives (58%). The NGOs get results for them in disputes that solve their problems and stop violence and abuse against them (70%).

So, we can conclude that NGO intervention to stop violence and abuse against women and the poor can be successful in Bangladesh. The NGOs are doing good work and getting good results. They achieve this with information, counselling and support, establishing networks between the advantaged and disadvantaged, restructuring traditional dispute resolution processes to be fair to the poor and women, and linking victims with resources such as free legal representation. Such methods do indeed empower the poor, legally and in other ways.

Acknowledgements

We would like acknowledge the assistance of Mr. Shajahan Ali during the data collection.

References


Do legal empowerment activities of NGOs reduce gender-based violence


Notes
1 Economic, legal and political dimensions. See below.
2 Legal empowerment is the process of making people informed, trained, and confident about their legal rights. Cf. the definitions discussed at below.
3 A dowry is the money and/or gifts given by a woman’s family to her husband’s family at the time of marriage. However, a dowry has been given an extended meaning in Bangladeshi law. Whatever is presented, whether before or after marriage and by demand, compulsion or pressure, in consideration of the marriage can be termed as a dowry.
4 A fatwa is religious decision given by mufti (Islamic scholar) on the basis of Islamic law.
5 An organisation that deals with rights of the poor and disadvantaged including women.
6 An organisation that offers legal supports to the women who are discriminated against and victims of violence.
7 The shalish is a centuries-old system of informal adjudication of petty disputes, both civil and criminal, by local elites, such as matbars (leaders), religious leaders, or shalishkars (adjudicators). A shalish starts with interrogating two groups to ascertain the facts. Then, the shalishkars offer their solution and seek opinions of the disputants and finally come to a decision. Its’ judgement would be accepted by both parties. The process of shalish although uniform across the country, has some local variations depending on societal values and customs. In Bangladeshi society, the shalish is usually male dominated arbitration system, which sometimes bias justice. Elite people and religious leaders usually use shalish as a means of social control, including upholding gender and social hierarchies. Since the system is male dominated and used for social control, women become the victim, which hampers their physical, psychological and social status (Das and Maru, 2011).
8 Para is a Bengali term used to mean the collection of numbers of families in a small territory. Generally, a village is the summation of several paras.
9 UP is the lowest tier of local government of Bangladesh. There are three tiers in the local government system in Bangladesh, below the city level: Zilla Parishad, Upazilla Parishad and UP.
These cases were not treated as a subject of mediation.

It is a national level legal service proving legal services in Bangladesh including capacity development of small and local level service proving NGOs.

A day labourer is a casual worker who comes to work on any day when he is asked and is not paid otherwise, who works for others in the houses or fields or elsewhere.

A paralegal is a worker who assists the legal practitioner or lawyer in his or her legal work.

Physical violence is any deliberate action using one’s body or strength against another person which impairs a victim’s physical integrity. Physical violence occurs in the form of beating, biting, throwing, and being abused, threatened and slashed by others.