



Justice Needs and Satisfaction in **Bangladesh** 2018

Legal problems in daily life



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Disclaimer

This report is a living document and subject to revision. Whenever the report is revised it will be posted at www.hiil.org/publications/data-reports. This version of the report was generated on March 12, 2018.

Executive Summary

Hiil conducted a nationwide Justice Needs and Satisfaction survey (JNS) in Bangladesh with the cooperation of the Ministry of Foreign Affairs of the Netherlands. First, we aim to make the demand for justice of Bangladeshi citizens transparent. Our second goal is to find out how the people perceive the available justice journeys. Using a bottom-up approach, we interviewed 6000 randomly selected adults across all districts of Bangladesh during August and September 2017. Our local partner, BRAC Human Rights and Legal Aid Services (HRLS) conducted in-depth qualitative interviews with users of justice to complement the quantitative data with the human stories that normally stay hidden behind the numbers.

This report is the result of the examination of thousands of justice journeys. We discovered how people seek legal information and advice, and what steps, if any, they take to resolve their legal disputes. For those who achieve an outcome, we asked about their perceptions regarding the quality of the processes, the quality

of the outcomes and the tangible and intangible costs of justice. This data illustrates how the users of justice in Bangladesh evaluate the formal and informal processes for resolving legal problems.

This report has the following objectives:

- Enhance the understanding of the justice needs of people in Bangladesh.
- Highlight bright spots of the justice system and identify the potential for innovation.
- Examine the different paths to justice used by Bangladeshis.
- Provide an agenda for justice innovation built on evidence-based interventions.

Justice needs in Bangladesh

Article 27 of the Constitution of Bangladesh states that “all citizens are equal before law and are entitled to equal protection of law.” Protection of the law grants people the freedom to work, own assets, establish businesses, innovate and create new ideas. It allows them to form relationships and engage with their community, based on their own choices. In order to create policy initiatives that lead to real, sustainable improvement in access to justice, all stakeholders involved first need to understand citizens’ current experience of access to justice.

Four out of five adults in Bangladesh faced one or more legal problem in the past four years.

This implies that more than 31 million people experience a legal problem that requires the protection of the law every year. Land disputes (8 million per year), neighbour conflicts (6.8 million per year) and crime (3.8 million per year) are the most common and most serious legal problems in Bangladesh. These three categories account for approximately 60% of all legal problems that were identified as most serious. The people facing these problems need access to user-friendly and effective justice journeys that deliver fair outcomes.

Lack of legal awareness

Seeking legal information and advice and engaging in some form of dispute resolution are essential steps in resolving any legal dispute. However, only about half the people in Bangladesh choose to do so. Approximately 15 million people do not take any form of action when faced with a legal dispute every year.

The main barrier to these people seeking legal information and advice is the belief that it will not make a difference. There is a sense of hopelessness among the people and seeking legal advice or taking active steps to resolve a dispute are seen as pointless. The opportunity costs are simply too high.

For the people who do take action to resolve their legal problem, about four in ten find a solution to their problem. This places a substantial burden on the social fabric of a country. Unresolved legal problems cause significant uncertainty and difficulties at the individual level. Moreover, a lack of justice delivery also undermines trust in the system itself. The opposite is also true: when fair and accessible justice

31 million

Bangladeshis experience
one or more

legal problems every year

The most common and serious
legal problems in Bangladesh:



land disputes



neighbour conflicts



crime

Only 1/2 people in Bangladesh
seek legal information and advice.
They mostly rely on alternative
dispute resolution mechanisms.



journeys that produce just outcomes are available, the basis for productive relationships is much stronger.

People look for local solutions

Bangladeshis mostly rely on alternative dispute resolution mechanisms and very few problems are actually referred to courts of law (only 8% of those who take some sort of action end up using courts). Taking action yourself, such as gathering evidence, or going to local elites, such as the UP chairman or the matabdar, are far more common strategies than going to the police or to court. People thus try to find solutions to their legal problems in their locality and rely less on structured formal mechanisms.

One size does not fit all

Different people have different problems and the law should provide protection to all of them. Regardless of one's gender, affluence, ethnicity, religious background, disability or any other personal characteristic, access to justice has to be guaranteed for all members of society.

Women in Bangladesh face an uphill battle. When faced with a legal problem, particularly related to violence against women, they are often afraid to speak up or are persuaded to drop their cases; the system seems to work against them. It is crucial to improve gender sensitivity and take the specific justice needs of women into account when designing new procedures.

Additionally, the lowest income group tends to evaluate the quality of the procedures and the quality of the outcomes less favourably than Bangladeshis in higher income groups. Moreover, they are slightly less likely to take action to resolve their legal problems and experience a higher degree of stress and negative emotions. There should thus be a specific focus on the poor, to ensure they have access to justice and that their legal disputes are resolved in a fair and transparent manner.

Bright spots of justice in Bangladesh

The government of Bangladesh has been investing in access to justice. It is supporting the implementation of the Legal Aid Services Act of 2000.

The way forward

The act does not currently meet the needs of all potential beneficiaries, but it does suggest that access to justice is on the political agenda. We hope this report will contribute to this mission by mapping out the justice needs of citizens and clearly indicating areas for improvement.

The data indicates that there is a high level of legal empowerment. Despite the fact that the current system is not delivering justice for large numbers of people, many still indicate they are quite confident that they will receive fair solutions to their legal problems. This high level of trust provides a strong foundation on which to build better justice journeys.

In Bangladesh, lawyers are quite expensive and clearly not available to everyone. However, they are consistently rated as very helpful when dealing with a legal problem, by those who can afford them. The challenge that remains is improving access to lawyers and ensuring their affordability for all.

Align justice reform with the needs of the people in Bangladesh.

People indicate that in their daily lives they often have to deal with land conflicts, neighbour disputes and crime. Focusing on the improvement of these justice journeys will directly impact the millions of people facing these legal problems. Based on the lessons learned, justice reform can then focus on the next most prevalent legal problems. This is a step by step approach that incrementally improves access to justice for those who need it most. By first focussing on the legal problems that impact the largest number of people, quick gains can be made.

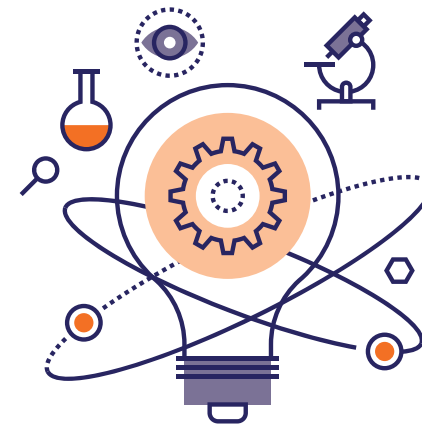
According to the data, justice concerning land is a particularly pressing issue. The current land laws are several decades old and are in dire need of updating. Digital innovation can play an important role here by, for example, with the creation a fully digitalised registration system. Procedural changes can also play a vital role; increasing coordination and creating a one-stop service for citizens would be a helpful first step.

Improve information delivery.

Currently, one in two people neither seek legal information and advice nor take any sort of action to attempt to resolve their dispute. This suggests there is a substantial lack of legal awareness among the citizens of Bangladesh. Providing the relevant information in a user-friendly manner when citizens need it most will empower and guide them on their justice journey towards a fair outcome. User-centric, targeted and actionable legal information should be provided proactively at the level where the people encounter a problem.

Design and provide affordable and accessible justice journeys for all.

Regardless of one's gender, affluence, ethnicity, religious background, disability or any other personal characteristic, access to justice has to be guaranteed for all members of society. This is the only way to guarantee true equality before the law and ensure peaceful and inclusive development. The data clearly shows that different people have different justice needs. These needs impact vulnerable people more profoundly. These differences should be taken into consideration when designing the delivery of justice services.



Explore the full potential of hybrid justice mechanisms.

Traditionally the focus of the justice sector is firmly on formal justice institutions. However, the data shows that very few people actually engage with these formal institutions when faced with a legal problem. Formal justice is considered to be expensive and time consuming. Instead of relying on formal justice institutions, the data reveals that many people go to local public authorities and powerful figures in their communities to resolve their legal problems. Linking these local institutions with the formal justice institutions has great potential for enhancing justice journeys and integrating access to justice into existing social and institutional mechanisms. For the design of hybrid justice mechanisms, it is crucial to recognise that justice journeys should be free from bias.

Build and sustain a justice innovation system.

In order to thrive, justice innovation has to be encouraged and supported. After mapping access to justice from the users' perspective, the next logical step is to invest in developing a robust system of justice innovation. Such system should include smart innovators, dedicated financing, engaged institutions and supportive policies. Most of all the building of such a system requires smart process design, clear ownership and engagement by public, private and civil society actors.

Create systems that listen directly to the users of justice.

To respond adequately to people's justice needs, continuous bottom-up monitoring is needed. Monitoring of justice journeys as the users encounter them should be mainstreamed into policy-making and service delivery. Active involvement of civil society organisations, particularly in leading roles, will increase the accountability of the justice system in Bangladesh.





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Introduction to Justice Needs & Satisfaction study in Bangladesh

Introduction
Purpose
Our approach
Research Methodology
Demographics

Introduction

In 2017, HiIL conducted a Justice Needs and Satisfaction (JNS) study among the Bangladeshi people in cooperation with the Dutch Ministry of Foreign Affairs. The aim of the project was to map out the most pressing justice needs of the people and to gain a better understanding of the different strategies that they employ to solve their legal problems.

We interviewed 6000 randomly selected adults across all eight divisions of Bangladesh to investigate the scale and nature of the legal problems that people had experienced in the past four years. The data was collected by Nielsen Bangladesh.

Article 27 of the Constitution of Bangladesh states that “all citizens are equal before law and are entitled to equal protection of law.” The government of Bangladesh, practitioners from the justice sector, civil society organisations and legal experts are devoted to keeping this promise. Protection of the law grants people the freedom to work, own assets, establish businesses, innovate and create new ideas. It allows them to form relationships and engage with

their community, based on their own choices.

By collecting data from the people, we listen to the voice of the regular Bangladeshi. In order to create policy initiatives that lead to real, sustainable improvement in access to justice, all stakeholders first need to understand the citizens’ current experience of access to justice. The JNS methodology aims to understand people’s complete journeys to justice, from when a legal problem is first experienced to its final resolution.

- **What works and what does not work on the justice journeys?**
- **In what ways could the justice journeys be improved?**
- **In what ways do the justice journeys need to be redesigned?**

We start by identifying the existing justice needs. What kind of legal problems do people face? The central characteristic of a legal problem is that the problem has a potential legal resolution. Whether the individual frames it as legal or whether the respondent resolves the issue using legal means is not essential. How many people are affected by these problems? Are specific groups in society impacted differently or do they face different legal problems altogether? These questions lead to a basic identification of the most pressing justice needs in Bangladesh.

We then look at what people do in response to these legal problems. Where do they go for legal information and advice, to understand their rights and determine what actions to take?

Who do they ask? Is the information they receive perceived as helpful? What do they do next to begin to resolve the legal problem? Hire a lawyer? Go to the police? Ask their friends for help? Go to a religious leader? Or do they try to solve the legal problem themselves?

Lastly, we investigate the quality of the justice journey. In this way, we can evaluate the existing processes as perceived by the people. Was the procedure they followed clear to them? Did they feel heard? Was it affordable? Was it too time consuming? Was the outcome helpful? Was the outcome implemented?

The report you are about to read contains all of this information and more. It serves as a valuable addition to the discussion around access to justice in Bangladesh and aims to contribute to positive change.



INTRODUCTION TO JUSTICE NEEDS & SATISFACTION STUDY IN BANGLADESH

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Purpose of the study

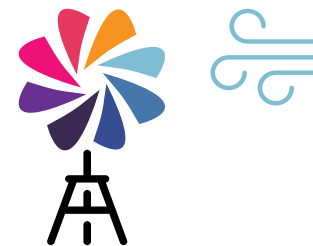
The main objective of this study is to explore and understand the justice needs and experiences of the Bangladeshi people. A legal problem is an event which can occur in the lives of everyone, and can include divorce, theft, a land dispute, unfair dismissal from work, or a refused public service, such as a driving license. Resolving these issues costs time, effort and money. Furthermore, it often imposes significant amounts of stress on people and affects their emotional well-being. Even if the dispute is resolved, damages are often not fully restored. Procedures are complicated and not accessible for many of the most vulnerable groups of people. Besides impacting individuals, injustice also affects social cohesion. In order to ensure stability and prosperity in a country, all people need to be able to depend on the justice system and know that they can expect fair outcomes. By mapping out the complete justice journeys of people, this report serves as a starting point for long-term justice innovation in Bangladesh. It highlights focus areas where innovation is most necessary and thereby acts as a guide for stakeholders.

Local partner

For the purpose of this study we worked in close cooperation with BRAC Human Rights and Legal Aid Services (HRLS). Besides conducting qualitative interviews with their clients, they provided valuable insights into the legal system of Bangladesh and supported us greatly in organising and hosting a data triangulation workshop in Dhaka. Moreover, BRAC HRLS is uniquely positioned to turn the data contained in this report into action and positive change with regard to access to justice.

Hiil's approach

- Focuses on justice in people's lives and understanding their experiences in seeking access to justice. Formal and informal justice journeys are mapped out.
- Enables decision-makers to focus on justice when and where it is needed most. The problem areas are highlighted by the citizens; a true bottom-up approach.
- Provides robust evidence that can support programming and policy-making in the areas of justice and the rule of law.
- Builds on local knowledge about what works best (identifying the bright spots).
- Informs users and suppliers of justice about the quality of existing services. Enables users to be informed about where to go and which services to use and assists suppliers in improving their services.
- Offers a cost-effective way of monitoring progress in the justice sector. A standardised and replicable approach leads to economies of scale, a reduction in operational costs, increased efficiency, a reduction in operational risk, and cross-country benchmarking.



1

Why the bottom-up justice matters

Men and women in Bangladesh experience many justice needs in their daily lives. Citizens' legal problems mostly concern thefts and disputes around land. Very few of these problems are referred to the formal justice system of courts and lawyers. Policy-makers, courts, providers of legal services and international donors are not always aware of these problems, or do not consider them to be high-priority issues. Whether citizens actually receive fair and effective solutions through transparent processes is rarely part of the debate about justice reform and its priorities. Most often, the focus is on the supply side: **How do courts, prosecutorial services, police and other justice institutions mobilise resources, cope with demand and deliver results?**

Understanding the demand for justice is key to innovation in justice design. Firstly, more effective and innovative

solutions could be designed and implemented if the citizens are at the centre of the reform. Secondly, change works best if it considers the problems at a macro level, and implements solutions where the people interact with justice mechanisms. Thirdly, justice innovation is about the re-design and improvement of justice journeys. This is an iterative process, which, if implemented well, can deliver more justice to the people of Bangladesh. There are no small justice problems: Every injustice that is prevented or resolved fairly, contributes to the legal empowerment of citizens. Moreover, justice and the rule of law are positively linked to socio-economic development.



How we measure access to justice

To understand access to justice in everyday life, we asked 6000 Bangladeshis about their experiences during their justice journeys. We used a specifically designed research tool, the Justice Needs and Satisfaction Tool, to measure their justice needs. The questionnaire addresses the type of legal problem that people encounter, the solutions they get, how they seek legal information and advice, which dispute resolution mechanism they engage and how they experience the resolution process and the outcomes.

In particular, we measure the cost and quality of the dispute resolution procedure. These are some examples of what we asked in order to measure the cost and quality of the justice journeys:

- To what extent (scale 1-5)
- Did the process make you feel frustrated?
 - Did the process make you feel angry?
 - Were you able to express your views and feelings during the dispute resolution process?
 - Were the same rules equally applied to you and to the other party/parties?
 - Was the dispute resolution process based on accurate information?
 - Did the adjudicator explain your rights and options during the process thoroughly and make sure you understood them?
 - How much time in days did you spend resolving the problem?



INTRODUCTION TO JUSTICE NEEDS & SATISFACTION STUDY IN BANGLADESH

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People use formal and informal processes to resolve their legal problems. In the Justice Needs and Satisfaction Tool the commonly applied justice processes are called justice journeys. HiIL quantifies these justice journeys by asking people about their perceptions of three dimensions: The process, the outcomes, and the costs of the journeys. The questions are categorised and displayed in ten easy-to-understand indicators of the costs and quality of access to justice.

1. The costs of justice

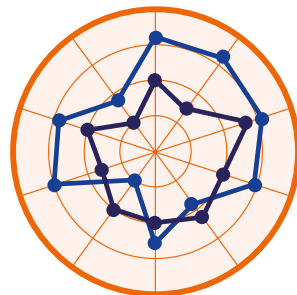
- Money spent: Monetary costs for legal fees, travel, advisors.
- Time spent: Time spent searching for information, attending hearings, travel.
- Stress and negative emotions.

2. The quality of the procedure

- Voice and neutrality: Process control, decision control, neutrality, consistent application of rules.
- Respect: Respect, politeness, proper communication.
- Procedural clarity: Timely and accurate explanation of procedures and rights.

3. The quality of the outcome

- Fair distribution: Distribution is fair according to needs, equity and equality criteria.
- Damage restoration: Fair compensation for monetary loss, emotional harm and damage to relationships.
- Problem resolution: Extent to which the problem is solved, and the result has been enforced.
- Outcome explanation: Extent to which the people receive access to outcome information.



A word of caution about the data

Data for this report was collected through survey research, in-depth interviews with clients from BRAC HRLS and discussions with various experts from the Bangladeshi legal sector. Inevitably, there are limitations to the data. 95% of the enumerators were male, which may have had an influence on the interviewing of female respondents. A small proportion of the findings are based on answers from a limited number of people. For greater detail about people's experiences with specific justice journeys, different and larger samples are needed.

Our experience tells us that people tend to underreport specific legal problems. This was confirmed by local experts, who indicate that this may be particularly the case for family disputes, employment problems and theft. Family disputes, for example, are considered to be a sensitive topic, making people less likely to seek justice outside of the family. Moreover, a lack of awareness of certain rights also plays a role here. For disputes related to theft, on the other hand, underreporting is problematic because people believe it is simply too costly to attempt to legally resolve something

that is considered petty crime. The reported prevalence of legal problems should be critically assessed in light of the following:

- Shame and fear may be reasons why some problems are not reported, for example when people have been detained.
- Cultural norms may cause people to under or over-report problems.
- The interviewers were not members of the local communities. It might have been daunting for some people to discuss personal experiences with strangers. Women in particular are sometimes not willing to talk to a stranger about conflicts they experience, for example domestic violence.
- We did not include subsamples of the most vulnerable groups, such as indigenous people and the disabled. We recognise that these are important members of the Bangladeshi society and hope to collect data on their justice needs in the future, through conducting focus group interviews, for example.

INTRODUCTION TO JUSTICE NEEDS & SATISFACTION STUDY IN BANGLADESH

1

Literature Review



In order to validate the data and find potential blind spots, a triangulation workshop was organised in Dhaka with a group of experts, including lawyers, researchers and civil society organisations. The data triangulation workshop revealed the need to include findings from similar studies in the report to supplement our data. We specifically include information on violence against women (VAW), due to the fact that experts in the triangulation session brought up concerns about underreporting of VAW in the survey. VAW is a known problem in Bangladesh, but it is also a sensitive topic that people are often reluctant to discuss. Below, we provide a short summary of access to justice studies that employ a similar approach, i.e. using citizen survey data.

Family disputes and violence against women

The Bangladesh Bureau of Statistics recently published the results of their 2015 Violence against Women Survey⁶. The government of Bangladesh is highly committed to eliminating violence against women and these findings are the result of the second wave of their VAW survey. More than 21000 women above the age of 15 were interviewed. Almost two thirds (73%) of married women have experienced one form of violence by their husband at least once in their life, including physical violence, sexual violence, economic violence, emotional violence and controlling behaviour. In the 12 months preceding the survey, 50% of married women reported to have experienced physical violence, and 27% experienced sexual violence. Almost three in four women never reported their experiences to others.

A study⁷ by the World Bank that uses the World Bank Gender Norms Survey (WBGNS) from 2006 (a nationally representative sample of 3000 women from two age-groups; 15-25 year-olds and 45-60 year-olds) as well as an additional survey of 1500 male household heads also finds evidence of a high rate of violence against women within the family. 24% of women in the 45-60 age group and 30% of women in the 15-25 age group reported to have experienced violence by their husbands in the past. Even more so, 43% of the interviewed male household heads reported to have been violent towards their wives in the past. The report also states that about three-fourths of cases handled by two big legal aid providers in Bangladesh (BLAST and BRAC HRLS) are family-related, with inheritance being a major dispute.

Problem prevalence, village courts and legal aid

The “Baseline Survey Report on Village Courts in Bangladesh”⁸ includes data from a survey of more than 10000 respondents from five different divisions. It finds a much lower problem prevalence than this report (19%). However, relative importance of different problem types is similar to our findings: The most prevalent justice needs are land disputes (47%) and theft (44%). In addition, they also report low prevalence of disputes between husbands and wives (4%). The report also states that awareness of village courts is low (23%) and that most people believe that support from legal aid is necessary to seek justice from village courts.

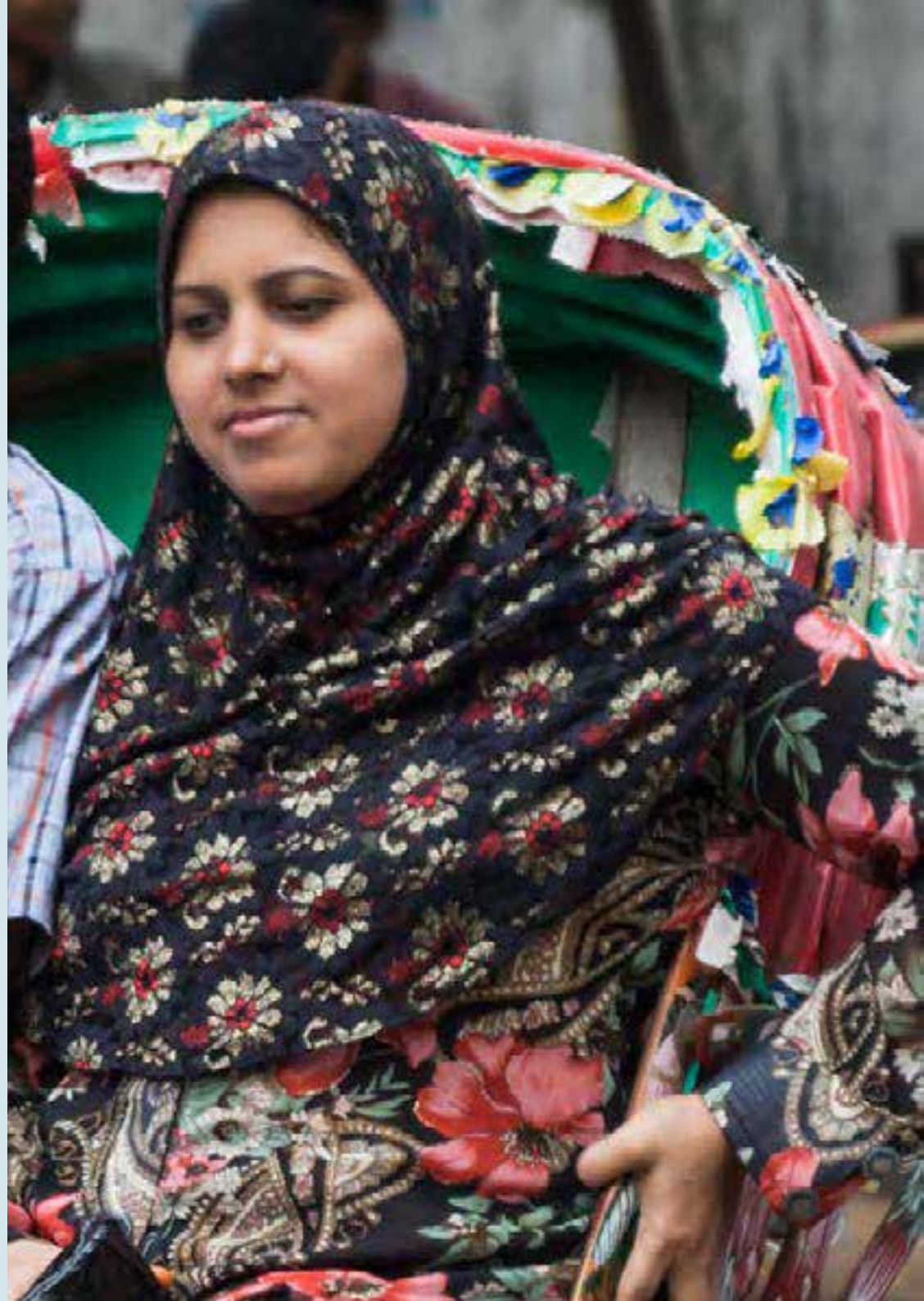
⁶ “Report on Violence Against Women (VAW) Survey 2015”, Bangladesh Bureau of Statistics, 2016

⁷ “Framing Local Conflict and Justice in Bangladesh”, World Bank Policy Research Working Paper, 2011 Das & Maru

⁸ The report is a knowledge output within the project “Activating Village Courts in Bangladesh”. The project was implemented by the Bangladeshi Ministry of Local Government, Rural Development and Cooperatives and supported by UNDP Bangladesh and the European Union.

The story of Panna

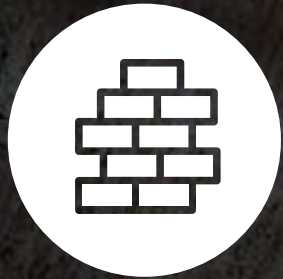
Panna is a 21-year-old woman from a rural area. She grew up in a very poor family and got married at age 18. Soon her husband started to rape and beat her. Moreover, he also badmouthed her in their community. After Panna's husband came home from working abroad for a long period of time, he accused Panna and her family of stealing gold and other assets from him. In addition, he demanded money from Panna's father, which the father eventually paid. In order to resolve the situation, Panna consulted local leaders. They called both parties for village arbitration, but Panna's husband did not attend. Finally, Panna sought help from BRAC HRLS. In arbitrations, her husband was sentenced to pay her 1.13 Lakh BDT. When her husband refused to pay, Panna sued him in court. Only after the court sentenced him to 2 years of imprisonment, did he finally pay the money.



Research methodology

The research has been divided in four different phases:

1. The 'Project Foundation' phase
2. The 'Research' phase
3. The 'Data validation' phase
4. Report launch



Project Foundation

Background research on the Bangladeshi judicial system and the local context in which it operates was conducted. Moreover, the research instruments were adapted to the local context and language through pilot testing and the use of Bangladeshi expertise.



Research

Quantitative data was collected by Nielsen Bangladesh. They interviewed 6000 randomly selected adult individuals across all 8 divisions of Bangladesh between August and September 2017. Additionally, qualitative data was collected in the form of 31 in-depth interviews with users of justice.



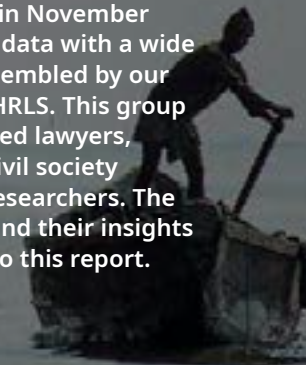
Data Validation

A triangulation workshop was organised in Dhaka in November 2017 to validate the data with a wide range of experts assembled by our local partner BRAC HRLS. This group of individuals included lawyers, representatives of civil society organisations and researchers. The provided feedback and their insights are incorporated into this report.



Report & Presentation

The final report was launched in May 2018. Participants in the launch included key stakeholders from the Bangladeshi justice sector.



INTRODUCTION TO JUSTICE NEEDS & SATISFACTION STUDY IN BANGLADESH

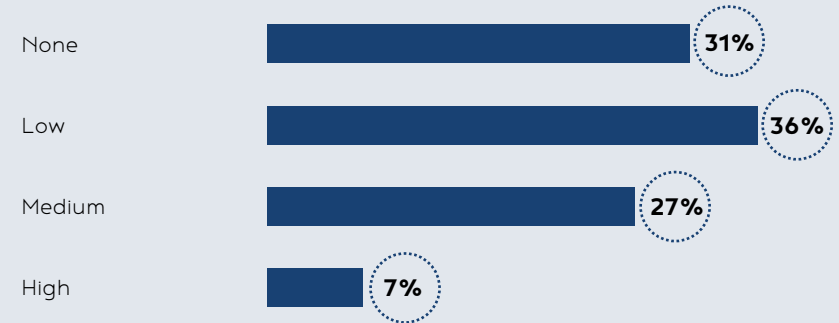
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Demographics

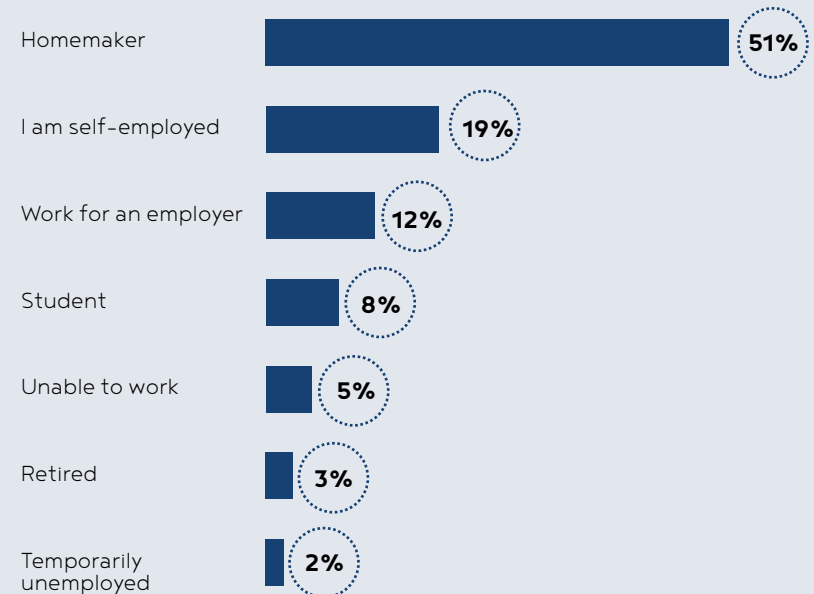
- The sample consists of **6000 randomly selected adults**, who were interviewed for this study in the period August to September 2017.
- The respondents are 50% male, 50% female.
- The average age of respondents is 37.
- The average household consists of 4.2 people.
- About 21% of respondents use the internet at least three times a week.

Age & category name		Marital status	
Youth (18-24)	20%	Single, never married	13%
Young adulthood (25-39)	42%	Married	82%
Middle adulthood (40-64)	33%	Married, but separated	1%
Seniors (65+)	5%	Divorced	0%
		Widowed	4%
Monthly household income			
Low (< 5.000 BDT)	10%		
Lower middle (5.000-10.000 BDT)	40%		
Middle (10.001-20.000 BDT)	36%		
High (>20.000 BDT)	14%		

LEVEL OF FORMAL EDUCATION



OCCUPATION

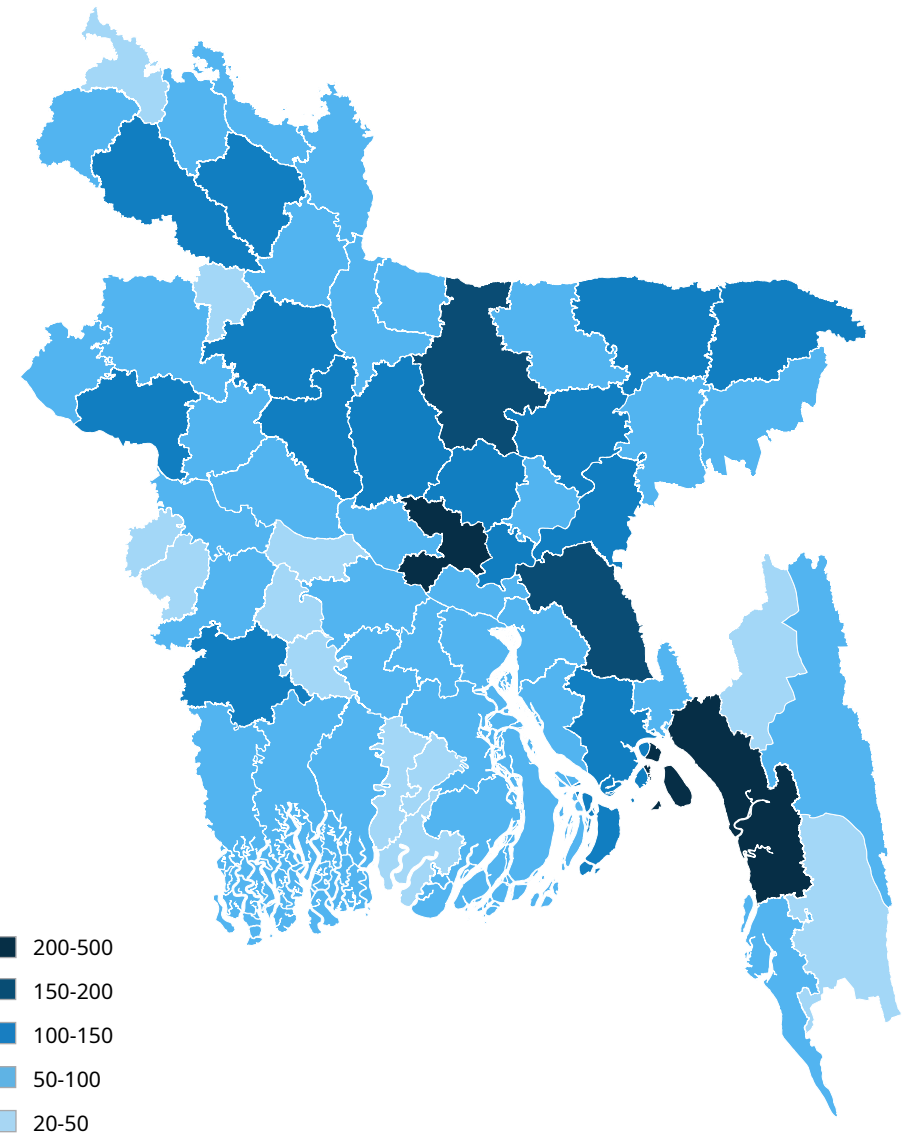


INTRODUCTION TO JUSTICE NEEDS & SATISFACTION STUDY IN BANGLADESH

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- The study was conducted in all 8 divisions and 64 districts of Bangladesh. The exact breakdown of respondents per division is displayed in the table below.
- The respondents are predominantly from rural settings: 66% of them, compared to 34% from urban settings. According to the World Bank, 35% of Bangladeshis live in towns and cities, and 65% live in rural areas⁹.

Division	%	number
Barisal	6%	380
Chittagong	19%	1140
Dhaka	25%	1500
Khulna	11%	660
Mymensingh	8%	460
Rajshahi	13%	760
Rangpur	11%	680
Sylhet	7%	420



Number of respondents sampled per district

⁹ data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=BD



2

Legal Problems in Bangladesh

Problem prevalence
Most pressing justice needs
Types of problems
Impact

Introduction

We asked people in Bangladesh to tell us about their experiences with legal problems during the past four years. Based on previous research, we have identified 99 specific problems that people can resolve through access to the justice sector. The list of problems has been adapted to the Bangladeshi context through collaboration with local legal and social science experts. We aggregate these problems into

16 categories:

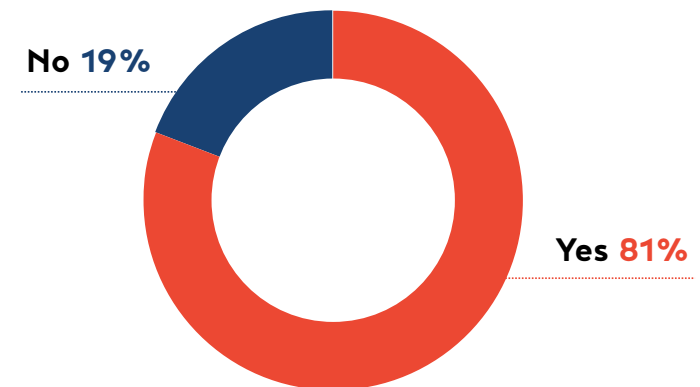
Land	Housing	Neighbours	Employment
Family	Children	Social welfare	Public services
Crime	Consumption	Accidents/ Personal injury	Money
Obtaining ID documents	Business related problems	Police related problems	Corruption related problems

In this chapter we present the prevalence, severity of the impact, and the types of consequence of the legal problems people reported. We disaggregate the results based on gender, location, household income, and level of education where relevant. We also analyse who the other party in the dispute was and the expected outcomes people hope to achieve.

Eight out of 10 people in Bangladesh experienced legal problems

The majority of adult Bangladeshis have encountered one or more legal problem during the past four years. The figure implies that approximately **31 million people¹⁰ experience a legal problem every year.**

EXPERIENCED A LEGAL PROBLEM

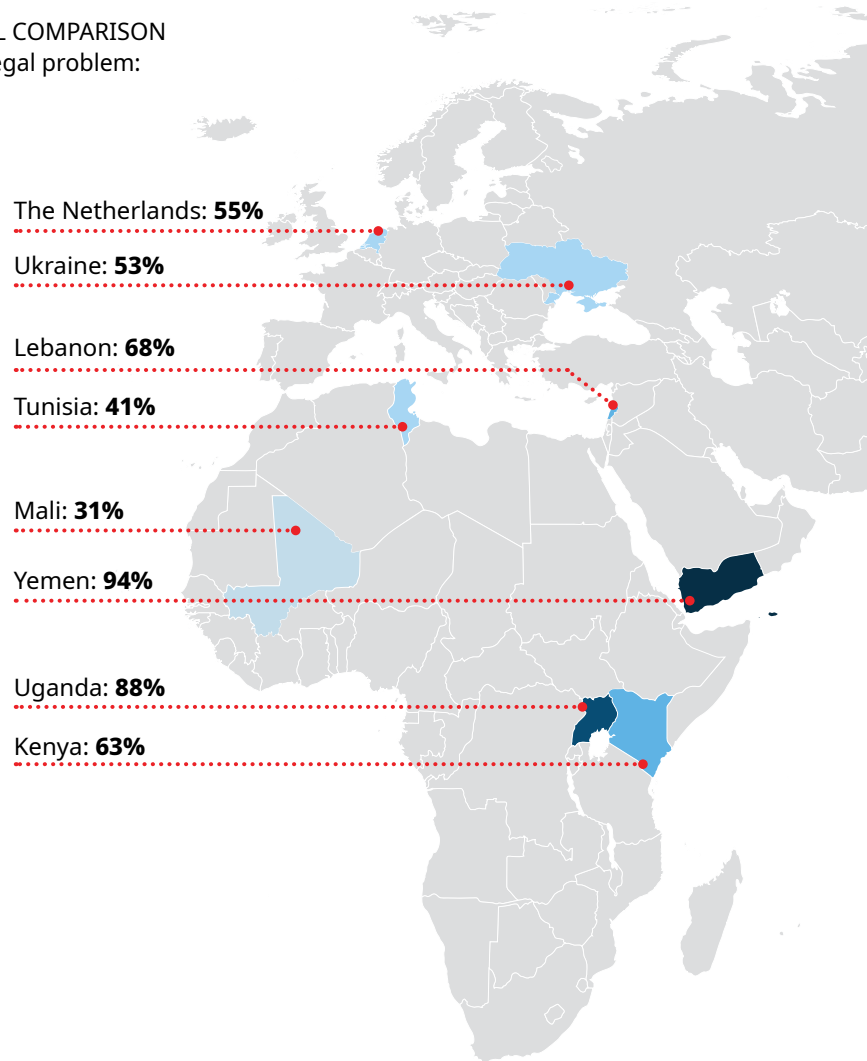


¹⁰ This estimate is based on the total adult population (15+) in Bangladesh of 116 million. Source: World Bank - [Population ages 15-64](#) ; World Bank - [Population ages 65 and above](#)

LEGAL PROBLEMS IN BANGLADESH

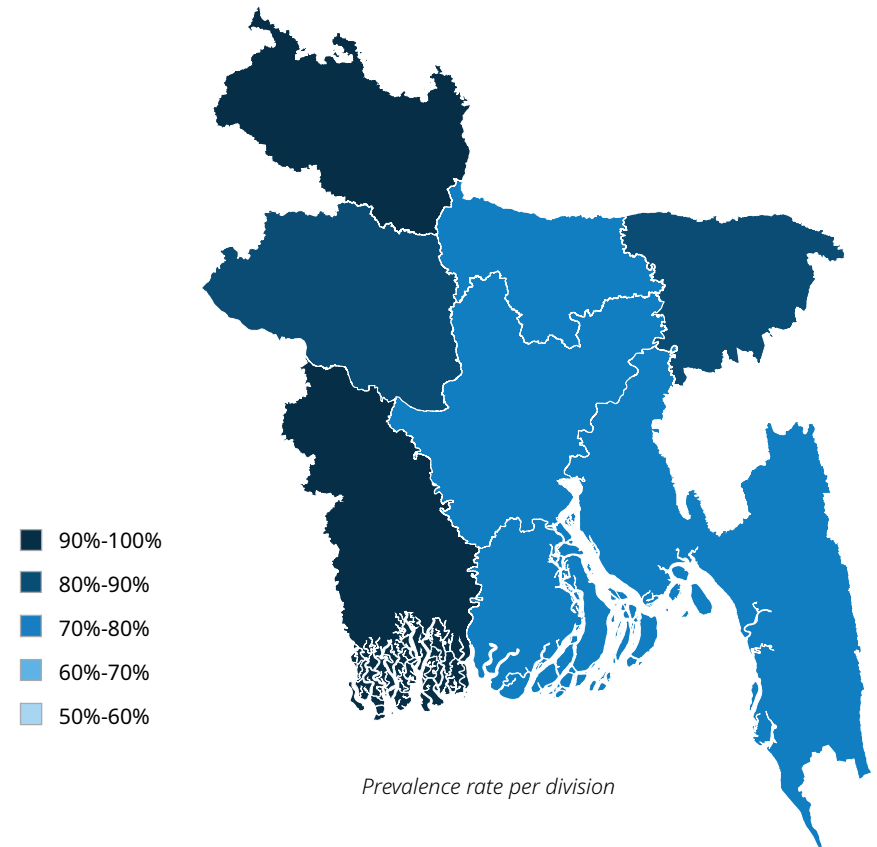
2

INTERNATIONAL COMPARISON
Experienced a legal problem:



The prevalence varies per division. The lowest rate is found in Dhaka (74%) and the highest rates are found in Rangpur (96%) and Khulna (92%). Higher levels of formal education and income lead to a slightly lower prevalence of legal problems.

It is 84% for those without formal education and 74% for individuals with a high level of formal education. For the low-income group (<5.000 BDT) it is 86% and for the high-income group (>20.000 BDT) the figure is 78%.



LEGAL PROBLEMS IN BANGLADESH

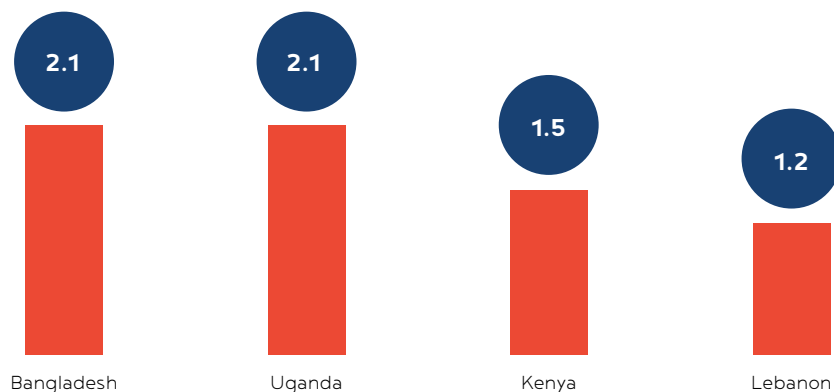
2

Substantial co-occurrence of legal problems

The people of Bangladesh have experienced, on average, **2.1 legal problems** in the four-year timeframe. There are differences in the co-occurrence of legal problems based on level of formal education, age and division.

- People without formal education (**2.3**) or with a high level of formal education (**2.5**) face a higher degree of co-occurrence than those with a low or medium (**2.0** each) level of education.
- Seniors (65+) have an average of **2.3** legal problems.
- Dhaka has the lowest degree of co-occurrence (**1.6**) Mymensingh (**2.4**), Khulna (**2.6**) and Rangpur (**3.1**) have the highest rates.

AVERAGE NUMBER OF LEGAL PROBLEMS EXPERIENCED

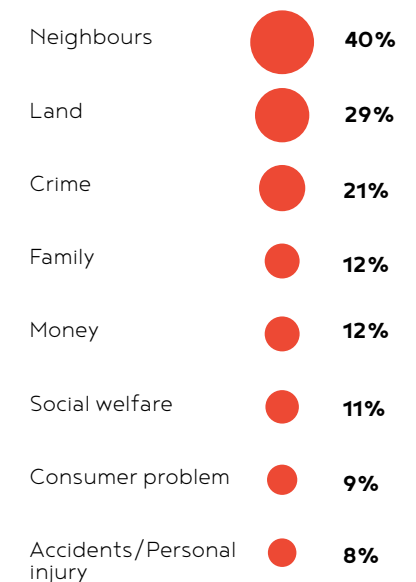


Neighbour disputes the most commonly occurring legal problem

People were asked to identify up to 10 legal problems they experienced during the past four years.

Land disputes and conflicts with neighbours are distinct categories in this study. Land disputes refer specifically to legal problems related to land, regardless of the involvement of a neighbour. Neighbour problems, as defined in this study, do not directly refer to any issues around land. Instead, these dispute revolve around, among others, excessive noise from a neighbour, disputes over repairs of shared amenities and harassment between neighbours. The two categories of legal problems can, and very frequently do, co-occur, but it is important to keep in mind that they represent separate categories of legal problems.

MOST PREVALENT LEGAL PROBLEMS



LEGAL PROBLEMS IN BANGLADESH

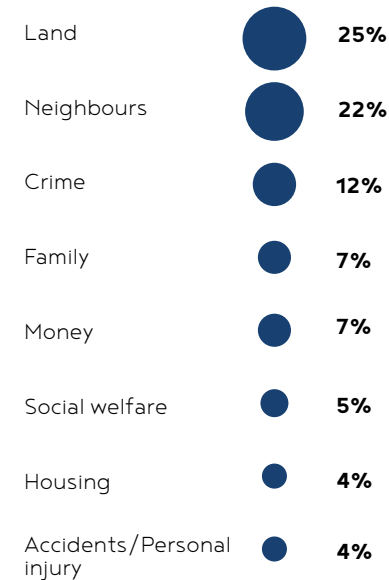
2

- Men (32%) are more likely to encounter a land problem than women (26%).
- The high-income group (>20,000 BDT) is less likely to encounter neighbour disputes (32%), but experiences crime (29%) more often and encounters slightly more consumer problems (12%). The low-income group (<5,000 BDT) encounters more social welfare problems (21%).
- People with a high level of formal education are less likely to experience a neighbour dispute (34%), but more likely to experience crime (27%), encounter consumer problems (18%), have an accident (12%) and experience an employment dispute (12%). Those without formal education are slightly more likely to experience land disputes (33%) and face more social welfare problems (15%).
- Age is a factor in land and social welfare problems. Seniors (65+) are more likely to experience land (42%) and social welfare problems (17%). Young people (18-24) are least likely to experience these two legal problems, at 23% for land and 10% for social welfare.
- Neighbour disputes are particularly common in Khulna (58%) and Rangpur (57%). Land related legal problems occur most often in Barisal (41%) and Mymensingh (37%). Crimes are experienced more by people living in Barisal (29%), Mymensingh (25%) and Dhaka (25%). Lastly, social welfare problems are most common in Rangpur (26%).

Legal problems around land disputes considered to be most serious

We also asked people to identify which of the legal problems they encountered they considered to be the most serious.

MOST SERIOUS LEGAL PROBLEMS

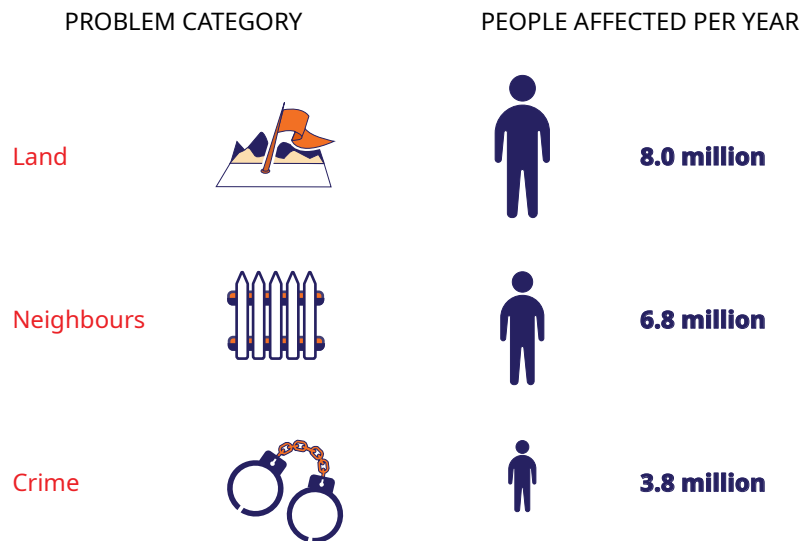


LEGAL PROBLEMS IN BANGLADESH

2

The three most serious legal problems account for 60% of the legal problems indicated as most serious. Land conflicts, neighbour disputes and crime are clearly important issues that affect a large proportion of the population.

The infographic below shows the estimated number of people in Bangladesh affected by the three most serious legal problems per year.



- Land and neighbour related disputes are considered to be the most serious legal problem less frequently as the level of formal education increases. For crime, the opposite occurs, as more individuals with a higher level of formal education report it as the most serious legal problem.
- The high-income group (>20,000 BDT) is less likely to consider neighbour disputes as the most serious. However, they are more than twice as likely (19% versus 8%) to consider crime related legal problems as the most serious, compared to the low-income group (<5,000 BDT). The low-income group are much more likely to select social welfare disputes (12%) as the most serious legal problem.
- For seniors (65+), land disputes are considered to be the most serious by far (37%). Young people (18-24) are more likely to consider crime their most serious problem category (17%).
- In the Barisal (34%) and Mymensingh (31%) divisions, land problems are considered to be the most serious by the majority. In Khulna (30%) and Rajshahi (30%), this is the case for neighbour disputes. For inhabitants of Dhaka (18%) and Sylhet (17%), crime is the second most serious problem. Lastly, social welfare issues are a major concern in Sylhet (11%).



The story of Josna

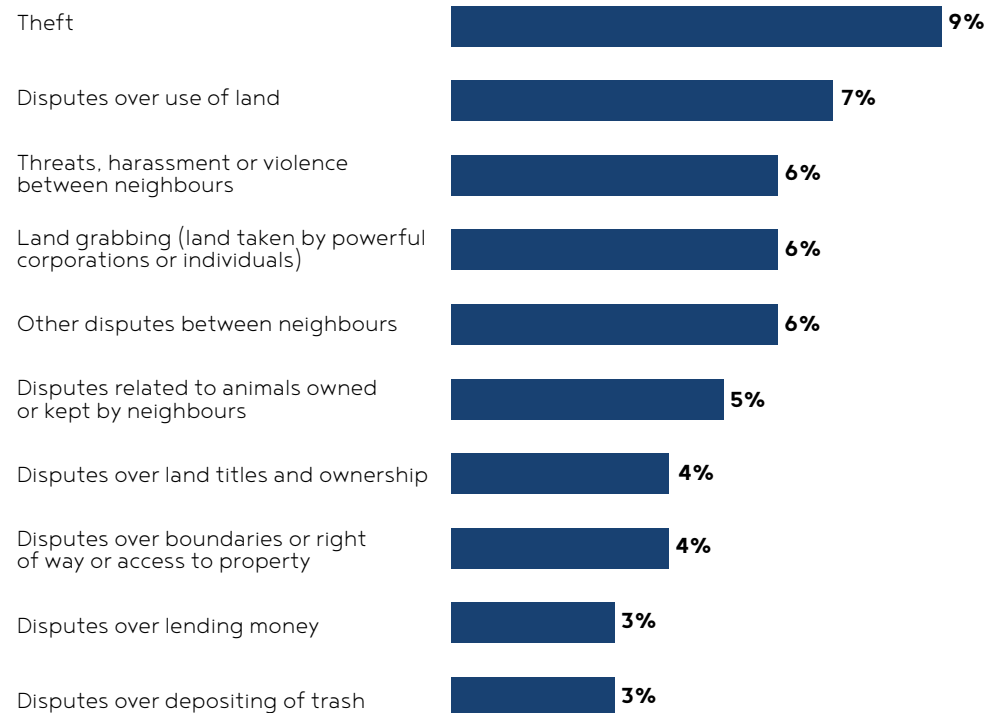
Josna is a 24-year-old woman. After getting married, her mother in law suggested she should engage in prostitution at her and her husband's house. Her husband was aware of this. Josna would later learn that the family had been in the business of prostitution for a long time. When Josna refused to prostitute herself, her mother in law made her leave the house and return to her family. Even at her family's house, Josna would regularly get sent "customers", who she rejected every time. Josna did not report her problem to the police, because she believed that she would have to pay a lot of money there. A local BRAC officer then referred her to HRLS. They helped her connect to a lawyer and file a lawsuit for her dower and maintenance costs. The judgement came out in her favour, but she still needs to go through additional procedures to enforce it.



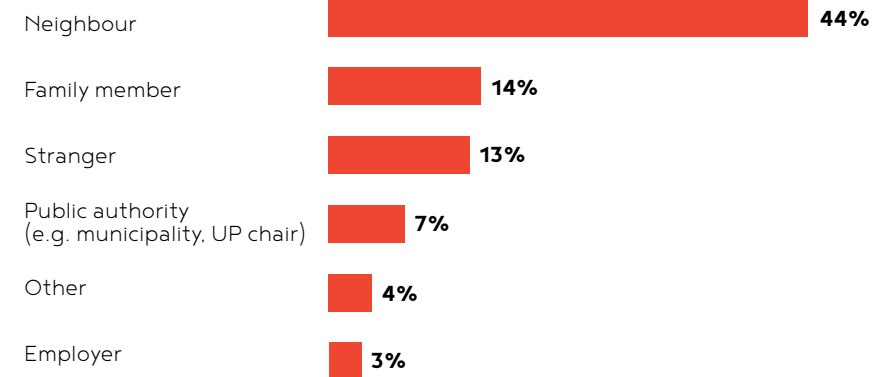
LEGAL PROBLEMS IN BANGLADESH

2

The 16 problem categories are comprised of 99 different individual legal problems. The graph below shows the top ten.

MOST SERIOUS SPECIFIC LEGAL PROBLEMS

The most common opposing party is a neighbour

COMMON OPPOSING PARTIES

The most common opposing party differs per type of legal problem:

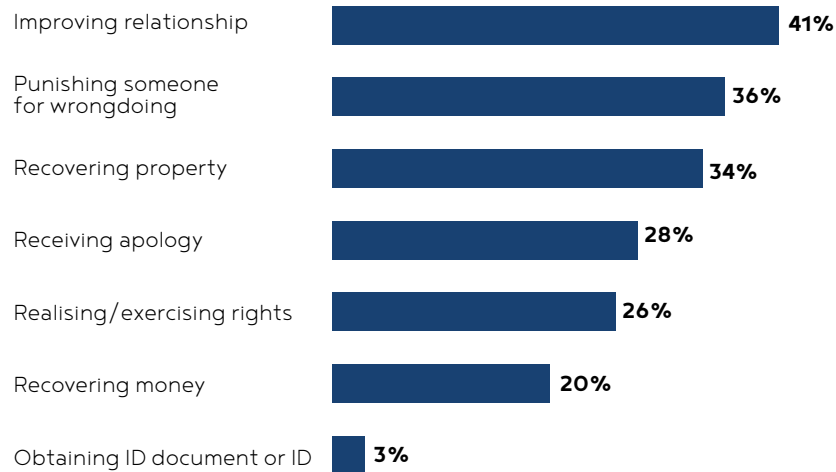
- A neighbour is the most common opposing party for conflicts with neighbours (92%), land disputes (59%), housing related problems (51%) and money issues (48%).
- A family member is the most common opposing party in family related problems (76%), and is also common in land disputes (22%).
- A stranger is the most common opposing party in crime (50%) and accidents/personal injury (40%).
- A public authority, such as the municipality or the UP chairman, is the most common opposing party in social welfare disputes (47%). A public authority also plays a major role in the less common legal problems related to public services (71%) and obtaining ID documents (54%).

LEGAL PROBLEMS IN BANGLADESH

2

Expectations differ per type of legal problem

WHAT DID YOU EXPECT TO ACHIEVE?



Expectations differ strongly per type of legal problem:

- Improving the relationship is the most commonly expected outcome in family related problems (76%) and neighbour disputes (68%).
- Punishing someone for wrongdoing is the most commonly expected outcome in accidents/personal injury related legal problems (50%).
- Recovering property is the most commonly expected outcome in land disputes (87%) and crimes (59%).
- Realising/exercising rights is the most commonly expected outcome in social welfare disputes (75%). It is also the most commonly expected outcome in the less common legal problems related to public services (76%) and employment disputes (45%).

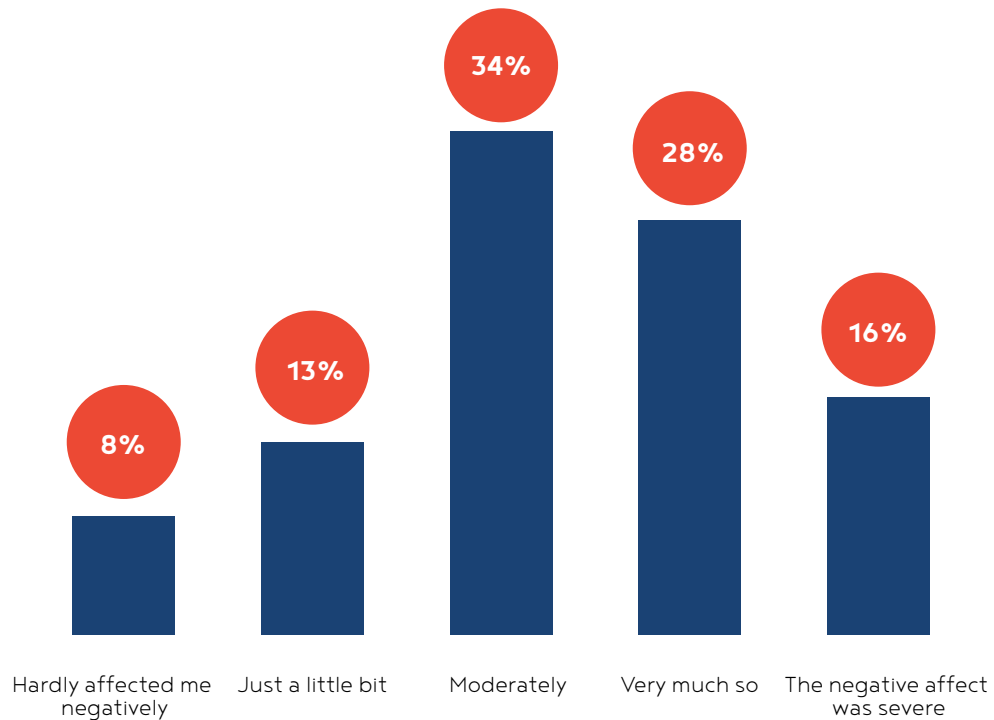


LEGAL PROBLEMS IN BANGLADESH

2

Legal problems have a strong impact on vulnerable groups

HOW DID THE PROBLEM AFFECT YOUR LIFE?



- There a major difference between problem types:
 - Land disputes are very impactful; **66%** indicate very much or severe.
 - Neighbour disputes are far less impactful; 17% indicate very much or severe.
 - The other prevalent problems are close to the average.
- For the **low-income group** (<5,000 BDT), the impact of experiencing a legal problem is substantially higher: 34% answer "Very much so" and 25% reply "The negative effect was severe".
- For **seniors** (65+), the negative effect is severe more often than for other age groups, at 23%.
- For people without formal education, the negative effect is severe slightly more often than for more highly educated individuals, at 20%.
- People residing in the Barisal (52%), Khulna (51%) and Rangpur (51%) divisions report "Very much so" and "The negative effect was severe" most often.

LEGAL PROBLEMS IN BANGLADESH

2

Legal problems have multiple consequences for people; personal injury stands out

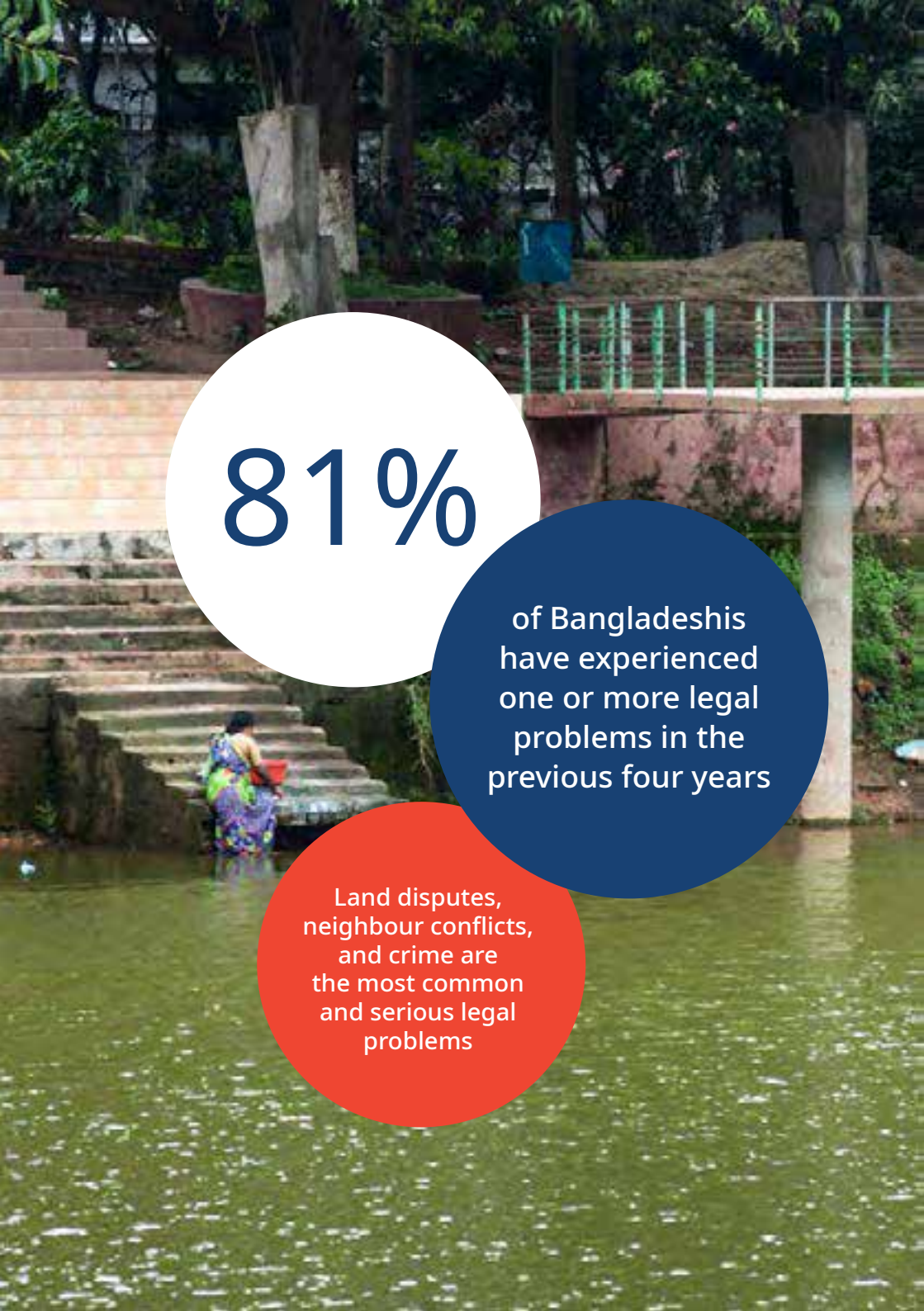
People report an average of 2.5 consequences of their legal problem. For people in the low-income group (<5,000 BDT) this is even higher, at 2.8 consequences. There is also a notable difference between divisions, with people in Khulna (3.2) and Rangpur (3.0) reporting substantially more consequences than the average.

DID YOU EXPERIENCE...?



- Personal injury is the most common consequence of experiencing a legal problem in Bangladesh.
- Of the 5 most serious legal problems, land disputes stand out (3.1 consequences). For both land and family disputes, personal injuries are very common. For crime, people report fewer consequences (2.0).
- In Barisal loss of time is the most common consequence (76%). Loss of income also occurs more frequently in Barisal (44%).
- Vandalism and violence against the individual occur about twice as often in Rangpur and Khulna as the average.





81%

of Bangladeshis have experienced one or more legal problems in the previous four years

Land disputes, neighbour conflicts, and crime are the most common and serious legal problems

Conclusion

Legal problems are a common occurrence in Bangladesh, with 81% of people indicating they've experienced one or more legal problems in the past four years. This implies that approximately 31 million people in Bangladesh are affected every year. Furthermore, co-occurrence of legal problems is common and land disputes, conflicts with neighbours and being the victim of a crime are the most common and most serious legal problem categories. What people expect to achieve by resolving the problem differs strongly per problem type. Lastly, the impact on people's lives is substantial and multiple consequences are experienced by those who face a legal problem. What is particularly concerning is that six out of ten people report personal injury as a consequence.

Individuals in the low-income group (<5,000 BDT) are more vulnerable. They indicate a more severe impact on their lives and experience more consequences as a result of facing a legal problem. Additionally, the low-income group reports social welfare problems as their most serious legal problem more often, at 12%.

The division that people reside in plays a major role in prevalence and co-occurrence. People in the Rangpur and Khulna divisions face particular hardship: Prevalence of legal problems is over 90%, there is a high rate of problem co-occurrence, people report a strong impact on their lives and they face the greatest number of consequences. Vandalism and violence against the individual are approximately twice as likely in these two division, compared to the average.



3

Access to Legal Information and Advice

Sources of legal information and advice

Most helpful sources

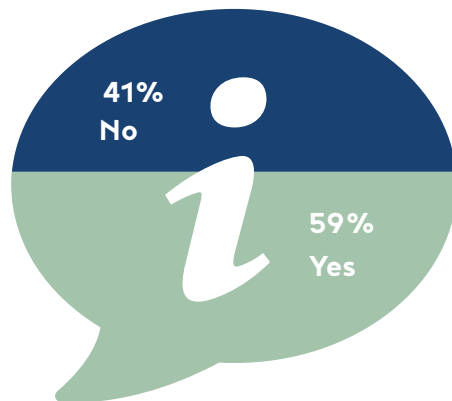
Reasons for not seeking information

Introduction

Seeking legal information and advice is a crucial first step in a justice journey. 59% of people who experience a legal problem take steps to seek legal information and advice. This implies that, every year, **18 million people seek legal information and advice, while 13 million do not.**

Men are slightly more active in searching for legal information and advice than women (61% versus 57%). Age, formal education level, household income or living in rural or urban areas does not substantially affect people's likelihood to seek information and advice.

HAVE YOU SOUGHT INFORMATION OR ADVICE TO RESOLVE THE PROBLEM?



INTERNATIONAL COMPARISON - SOUGHT LEGAL INFORMATION AND ADVICE:

- Kenya **75%**
- Uganda **65%**
- Lebanon **58%**

However, people are more or less active in seeking legal information and advice given the type of problem they experience and the division they live in.

LIKELIHOOD OF SEEKING LEGAL INFORMATION AND ADVICE FOR THE FIVE MOST SERIOUS PROBLEMS

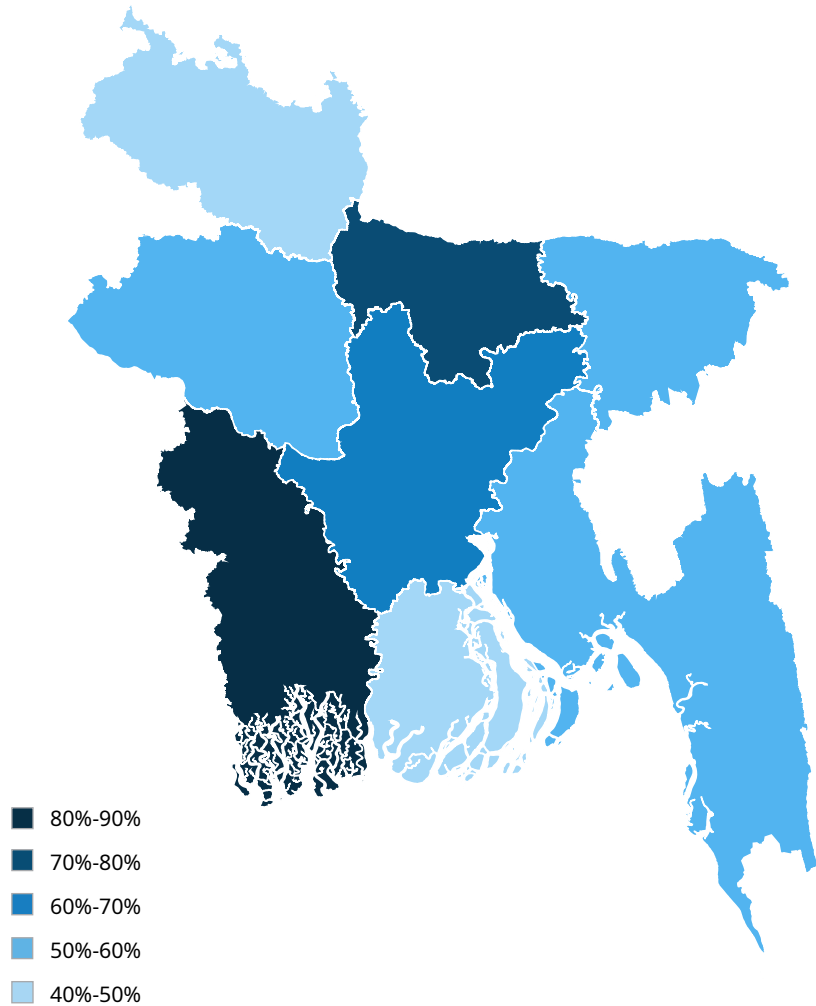
Problem category	Sought legal information & advice
Land	81%
Money	64%
Family	58%
Crime	46%
Neighbour	45%

A large percentage of people do not seek legal information and advice when faced with a legal problem. In the triangulation workshop, it was suggested that the government has been investing quite heavily in legal aid and there was surprise among the participants about the number of people who do not seek information. There was general acknowledgement of a lack of awareness among

people and that the messages are not reaching them. One of the key problems identified is the rigid legal aid system that is resistant to change. This makes it difficult to innovate legal aid to a substantial degree. However, it is important to keep in mind that among people who do seek legal information and advice, only very few rely on legal aid.

LEGAL INFORMATION & ADVICE

3



Percentage of people seeking legal information and advice per division

Multiple sources contacted

When people seek legal information and advice, they contact an average of 2.6 different sources. There are no substantial differences between gender, age, formal education level and household income. Regions, however, play a role. In Sylhet, people consult 1.8 sources on average, while

people in Barisal consult 3.2 sources on average. Of the top 5 problems, people consult the most sources when they face a land problem (3.3) and the least sources after experiencing a crime (2.3).

SOURCES OF LEGAL INFORMATION AND ADVICE INCLUDED IN THE STUDY

Social network	Institution
Friend(s)	Local public authority
Colleague(s)	Central public authority
Neighbour(s)	Lawyer
Relative(s)	NGO
Religious leader(s)	The police
Community leader	Civil society organisation
Political figure(s)	Shalish
Employer	

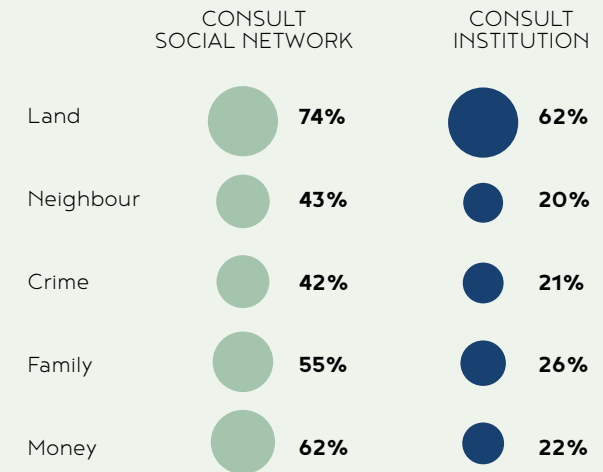
LEGAL INFORMATION & ADVICE

3

Social network more frequently consulted than institutions

Among all people who seek legal information and advice, **92%** consult at least one person from their social network, such as family and friends. 56% consult at least one institutional source. 48% consulted both sources of information. There is no substantial difference between genders, income

levels, formal education level or age. However, there is substantial variation across problem types and divisions. People who experience a land dispute are particularly likely to seek information and advice from multiple sources.



While the likelihood of seeking legal information and advice from the social network is fairly high in all divisions, consulting institutional sources varies considerably across divisions. Residents of Barisal have the highest likelihood of consulting institutions (74%), while those residing in Chittagong (44%) and Sylhet are least likely to do so (42%).

LEGAL INFORMATION & ADVICE

3

Social circle, community leaders and local public authorities most frequently consulted

DID YOU SEEK INFORMATION AND ADVICE?



TOP SOURCES OF LEGAL INFORMATION AND ADVICE

SOCIAL NETWORK



INSTITUTIONS



The percentages in the graphs above reflect the sources used by people who actually sought legal information and advice. Hence, 59% seek legal information and advice and of that group, 50% consult a relative. The most frequently consulted sources of information and advice are people

from one's social circle and local public authorities. Professional institutions such as the police, lawyers and courts are rarely used. Community leaders, neighbours and the Shalish are consulted more often by lower income groups than higher income groups.

LEGAL INFORMATION & ADVICE

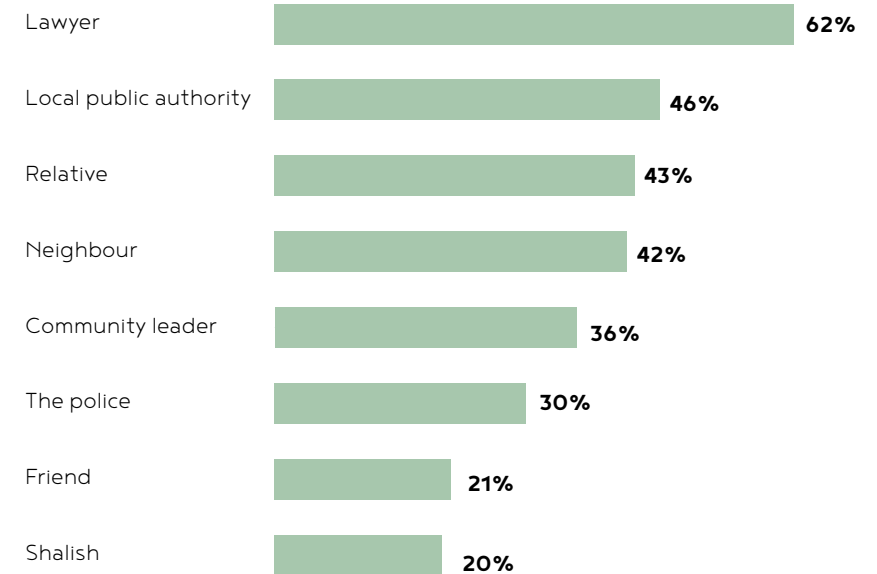
3

Institutions considered more helpful than social network

We asked people to identify which source of legal information and advice they considered to be most helpful. This allows us to calculate the relative helpfulness of each source, i.e. the percentage of people that deemed a specific source most helpful after having used it. The results show that **lawyers** are considered to be particularly helpful, despite only being used by a small percentage of people.

Disaggregating by income and formal education levels reveals that neighbours are considered more helpful by Bangladeshis with a lower level of formal education and/or income. People with a higher level of formal education and/or income view the police and friends as more helpful than average.

RELATIVE HELPFULNESS

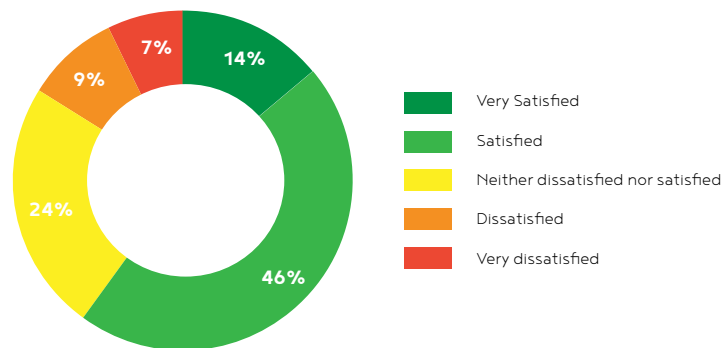


LEGAL INFORMATION & ADVICE

3

High level of satisfaction with information & advice

HOW SATISFIED ARE YOU WITH THE INFORMATION YOU RECEIVED?



There are no substantial differences in how satisfied people are with the legal information and advice they receive between genders, ages, types of problems, living areas or income levels.

Public sources of legal information & advice largely unused

We asked people whether they utilised publicly available sources of information, such as TV, magazines, or the Internet. These are typically fixed pieces of information that are available to all at some monetary cost. Only 6% of respondents seek legal information and advice from these

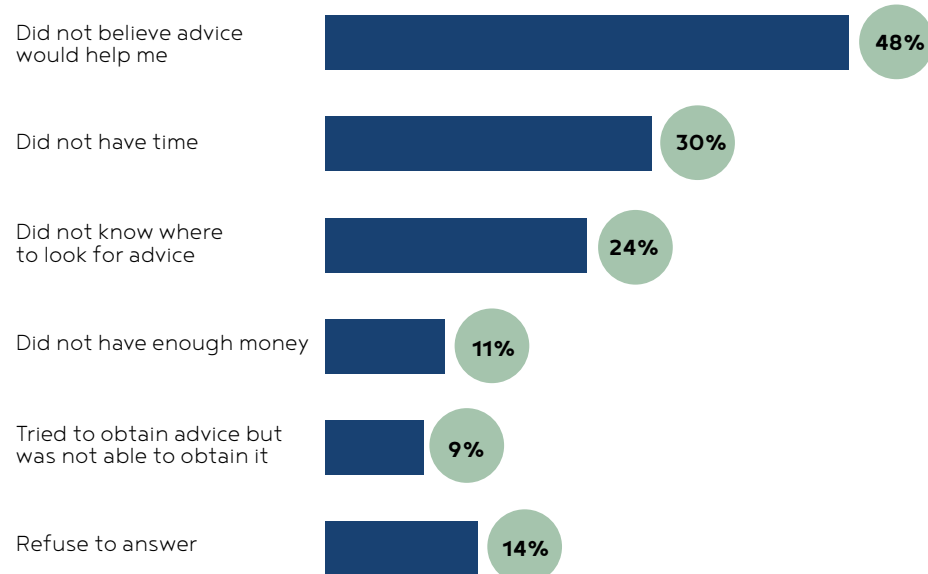
public sources. This varies slightly across divisions, with Dhaka having the highest percentage of people using public sources (11%) and Chittagong having the lowest percentage (1%). The most frequently used public sources of information are newspapers, closely followed by television.

LEGAL INFORMATION & ADVICE

3

Barriers to seeking legal information & advice

WHY DID YOU NOT SEEK LEGAL INFORMATION AND ADVICE?



- People with a higher level of formal education and/or income are less likely to indicate not knowing where to look for legal information and advice or a lack of money.
- Hopelessness, in the sense of not believing that advice would help, is equally prevalent among all age, income, education and gender groups.
- Not knowing where to look is particularly prevalent in Mymensingh and Sylhet (41% each).
- Not believing advice would help is most pressing in Barisal (77%) and Khulna (67%).



Conclusion

Six out of ten people in Bangladesh seek legal information and advice for their legal problem. The nature of the legal dispute and the location where people live play a substantial role in how frequently they seek legal information and advice. While the percentage of Bangladeshis who look for legal information and advice is not very high overall, they consult many different sources when they do. The social network is consulted more

often than institutions. In general, Bangladeshis consult sources that are located close to them: Relatives, neighbours, community leaders and local public authorities. The biggest barrier to seeking information and advice is that people do not believe that it would help them. Not having time and not knowing where to look for information are also common barriers. There are again substantial differences between the divisions of Bangladesh.



Six out of 10
Bangladeshi seek
legal information
and advice for their
legal problem



4

Dispute Resolution

- Problem solving strategies
- Most helpful dispute resolution mechanisms
- Barriers to action
- Costs and quality of justice journeys

Introduction

After establishing the most pressing justice needs and identifying the most commonly sought sources of legal information and advice, we focus on the different dispute resolution strategies that people use. We differentiate between three different approaches: Self-actions, engaging the social network, and engaging institutions. **We reveal the specific actions that people take, investigate how helpful they are, highlight existing barriers to justice and assess whether taking action is helpful in resolving the problem at hand.**

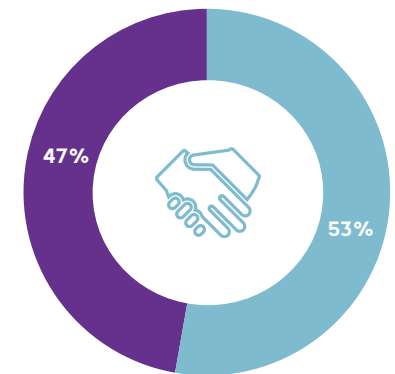
The Shalish and matabdars are very specific to Bangladesh. The Shalish is



a traditional form of informal dispute resolution that is particularly common in the rural areas of Bangladesh. It is a participatory mediation process that is led by elders and local elites. The main focus is conciliation between the contesting parties, but it has also been used to reaffirm the existing power structure. Matabdars are local leaders at village level. They would typically have a seat on the Shalish. They are not elected, and the position is also not necessarily hereditary. Matabdars are generally spontaneously acknowledged by the villagers. They are well informed on public matters within the village and are good mediators with strong conversational skills.

One in two people attempt to resolve their disputes

53% of people take some form of action to resolve their dispute. This implies that, every year, 17 million people take action, while 15 million people do not embark on a justice journey. This implies access to justice could be significantly improved.

DID YOU TAKE ANY ACTION TO RESOLVE YOUR LEGAL PROBLEM?



 Took action
 Did not take action

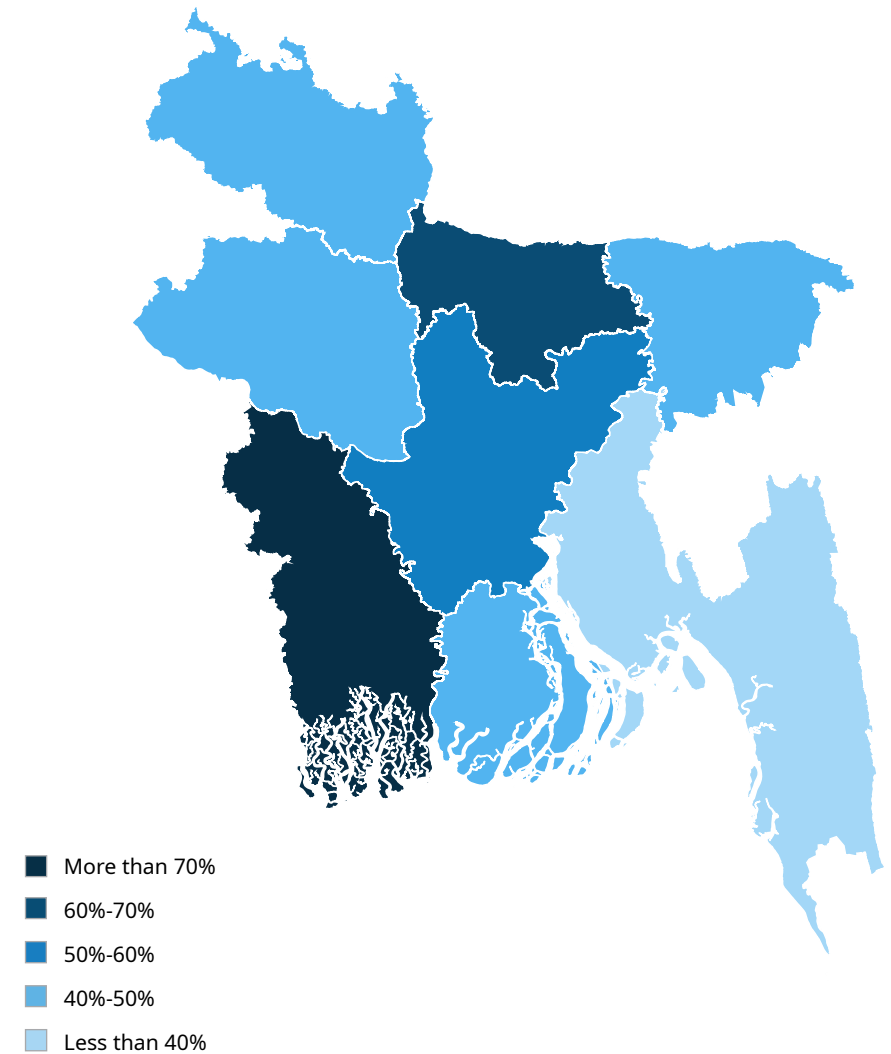
INTERNATIONAL COMPARISON -
PEOPLE TAKING ACTION:

Kenya **81%**
Lebanon **71%**
Uganda **62%**

DISPUTE RESOLUTION

4

- People in the low-income group are less likely to take action (47%) than the highest income group (56%).
- Men are slightly more likely to take action than women (55% vs 50%).
- Regional differences affect the likelihood of taking action. Chittagong inhabitants (38%) are less likely to act, while people residing in Khulna (84%) usually take action.



*Percentage of people engaging
in dispute resolution per division*

DISPUTE RESOLUTION

4

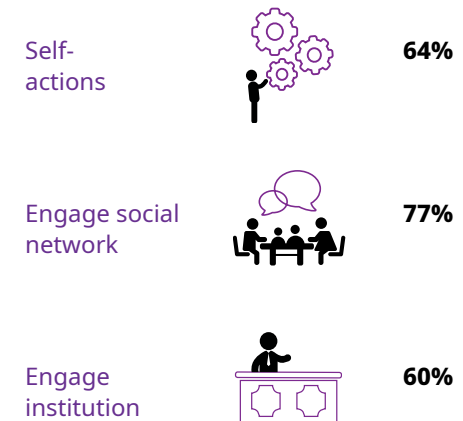
For the 5 most serious problem categories, land and money disputes have above average levels of action taken (77% and 63% respectively), while crime and neighbour related disputes have below average rates (36% and 42%). People with family disputes act in line with the overall average (51%).

		Action	
		No	Yes
I & A	No	91%	9%
	Yes	16%	84%

The table above shows that people who sought legal information and advice are much more likely to take action.

Social network engaged most frequently

DISPUTE RESOLUTION MECHANISM



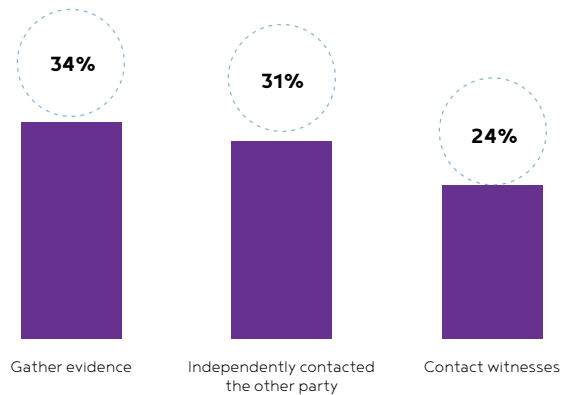
Engaging a person from your social network is the most frequently used dispute resolution mechanism in Bangladesh. Among all Bangladeshis who take some form of action to resolve their dispute, 77% engage at least one person from their social network, 64% engage in self-

actions, and 60% engage at least one institution. 35% use all three types of dispute resolution mechanism. Furthermore, people who take actions to resolve their dispute are very active and engage 3.4 different sources on average.

DISPUTE RESOLUTION

4

DISPUTE RESOLUTION - SELF-ACTIONS



- Men are slightly more likely to act via self-actions than women.
- People in the lower income groups are more likely to take self-actions than individuals in the higher income groups.
- People residing in Dhaka are more likely to take self-actions (72%), while those living in Barisal (50%) and Chittagong (56%) use this dispute resolution mechanism less often.

Dispute resolution mechanisms included in the study outside of self-actions

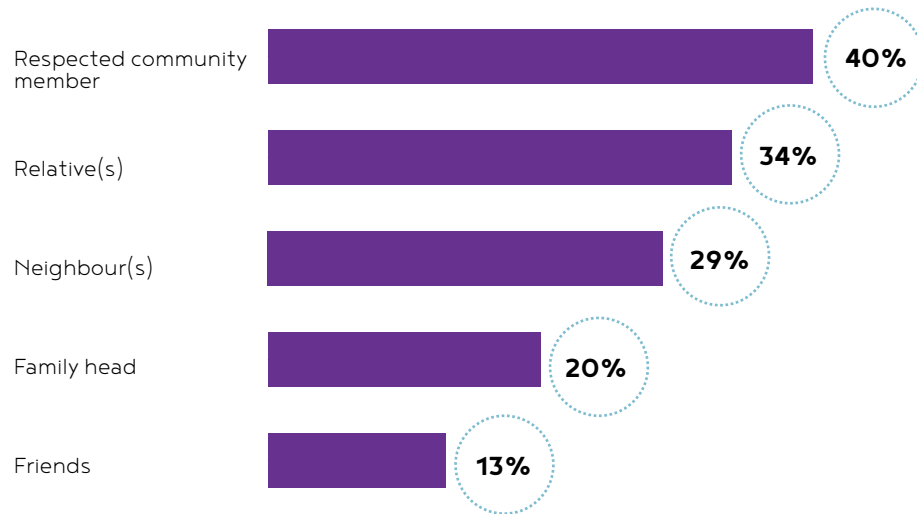
Social network	Institutions
Friend(s)	Court of law
Colleague(s)	Village court
Relative(s)	Shalish
Employer	Local public authority
Family head	Central public authority
Community organisation	The police
Religious authority	Lawyer
Respected community member	NGO
Neighbour(s)	Paralegal



DISPUTE RESOLUTION

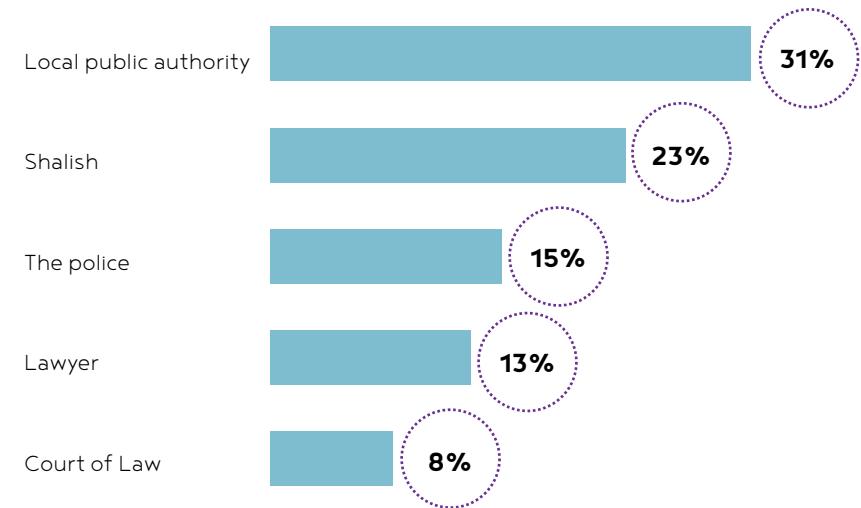
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The percentages in the graphs below are based on the group of people who actually take some sort of action.

DISPUTE RESOLUTION - SOCIAL NETWORK

- People with a lower level of formal education, in a lower income group or living in rural areas rely more on respected community members.
- People from Sylhet (41%) are considerably less likely to consult their social networks, while people from Khulna (84%) and Mymensingh (88%) are most likely to do so.

Institutions are used less frequently for dispute resolution; when engaged, it is at the local level

DISPUTE RESOLUTION - INSTITUTIONS

- Bangladeshi people use both formal institutions, such as local public authorities, and informal ones, such as the Shalish.
- The Shalish (26%) and local public authorities (34%) are engaged more frequently by rural inhabitants. The poor and those without any formal education also tend to rely more on the Shalish (34% and 29%, respectively).
- Lawyers are used more frequently in land disputes.
- One out of three people who take action in Barisal and Rajshahi engage the Shalish.

DISPUTE RESOLUTION

4

Barriers to taking action: hopelessness and a lack of knowledge

We see that more formal institutions, such as the police and lawyers, aren't used very frequently. This is in line with the views expressed by experts in the triangulation workshop who indicated that people are frustrated by the formal justice system; it is not user-friendly, and it is very costly in terms of time and money. One of the experts in the triangulation workshop used a common Bangladeshi saying to express this:

“If you come into contact with a tiger you are at less risk than when you have to deal with the police.”

In the workshop, two other major institutional challenges were identified, namely case backlog and the duration of procedures. The case backlog is a straightforward issue and significantly reduces the chances of having a legal problem resolved through an official decision. It also implies that cases take a long time to resolve, providing a window of opportunity for local elites to exercise their influence. Additionally, there are only standard procedures for criminal cases, whereas for other legal problems these simply don't exist, meaning cases can drag on almost indefinitely.

Recall that 47% of the people with legal problems do not act to resolve their disputes. We asked these people why they did not take any action. Their answers reflect that people in Bangladesh have developed a sense of hopelessness, considering that the most cited reason for not acting is that no positive result was expected.

At the same time, a large percentage argues that that they did not know what to do to resolve their legal problems, and that they did not have time. **This suggests that there is a need for legal empowerment in Bangladesh, a need for accessible justice mechanisms that deal with a large range of disputes that go from the simplest, everyday ones, to those that are more severe and difficult to resolve.**

Experts inform us that there is intimidation from local elites and the community. People should take their

legal problems to the police or court, but very few dare to do so. Powerful local figures expect people to come to them with all of their problems, even if the case should clearly go to court. These local elites attempt to influence procedures and even go so far as to intimidate local prosecutors. This substantial amount of pressure and intimidation causes a failure of justice, according to some experts.

Another problem identified by the experts attending the triangulation workshop is bias in the system. Only the ruling party can suggest candidates for the role of UP chairman and other local elites involved in legal disputes. The experts suggested that this introduces a potential bias to the system and might imply that in rural areas, where formal institutions are less accessible, people will have a harder time obtaining fair outcomes to their legal problems.



DISPUTE RESOLUTION

4

REASONS FOR NOT TAKING ACTION

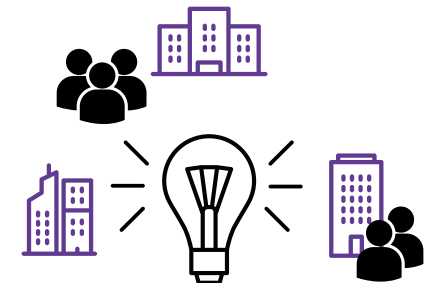


The level of formal education, age, income and the type of legal problem experienced directly influence the reasons for not taking action. People without formal education are three times more likely to say that they did not have money than people with a high level of formal education. Additionally, a third of the people without formal education state that they did not know what to do. The same occurs with people older than 65 years of age, and with people with a low level of income. Therefore, these groups are particularly vulnerable in terms of their needs for justice.

Fear of aggravating the relationship is a particularly pressing reason for not taking action in land disputes (30%). Additionally, for land disputes, a substantial number of people indicate that the other party was more powerful (24%) as a reason for not taking action. Neighbour disputes are often considered not serious enough to warrant action (60%).

People who indicate that the legal problem affected their life to a low degree are much more likely to indicate that the problem was not serious enough to warrant action. The more severe the impact of the legal problem, the more likely people are to feel they don't know what to do or not believe in a positive outcome.

The geographic distribution of reasons show that Barisal, Khulna and Sylhet are the divisions where hopelessness is more predominant. People residing in Chittagong, Rajshani and Rangpur, on the other hand, mostly argue that the problem was not serious enough to warrant action. Not having sufficient money is most common in Chittagong and Sylhet.



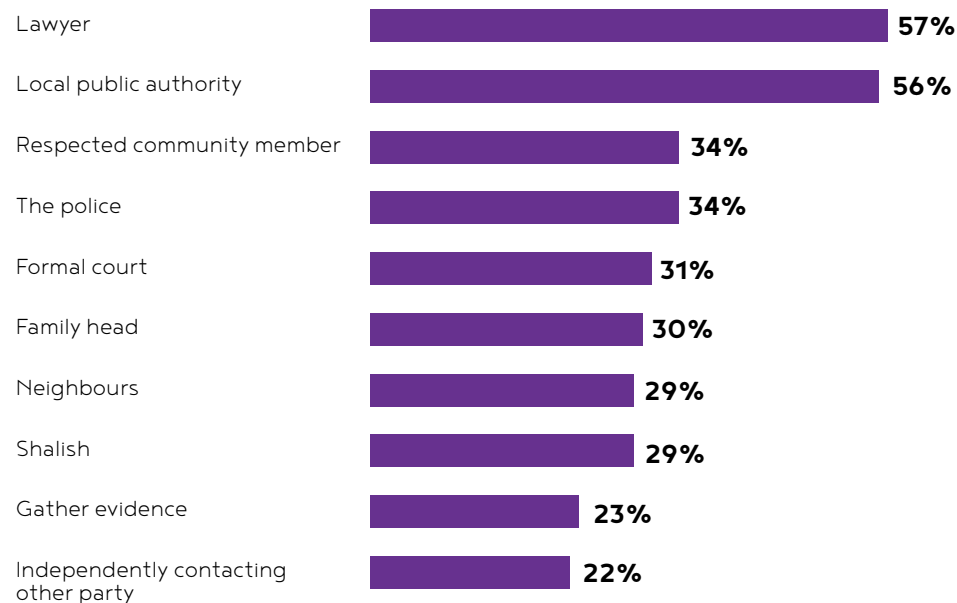
DISPUTE RESOLUTION

4

Local institutions & lawyers most helpful for resolving disputes

The graph below shows the relative helpfulness for selected strategies, calculated as the ratio between those who engaged the institution or action and those who identified them as most helpful in solving the problem.

RELATIVE HELPFULNESS OF DISPUTE RESOLUTION MECHANISMS



Lawyers, despite being far less accessible than local institutions or social networks, are considered to be the most helpful institution. Lawyers are mostly used for land disputes. There are no differences in the use of lawyers between income groups and formal education levels. Lawyers are closely followed by local public authorities, which, due to their accessibility and broader use, can be identified as the most helpful institution for the largest number of people to resolve legal problems in Bangladesh.

People from rural settings, and without formal education or with low levels of formal education are more likely to engage local public authorities and respected community members to resolve their disputes. People with low income also tend to engage local public authorities more often than other income groups do. Gathering evidence and engaging neighbours was more prevalent among low income people, but neither are considered to be very helpful.

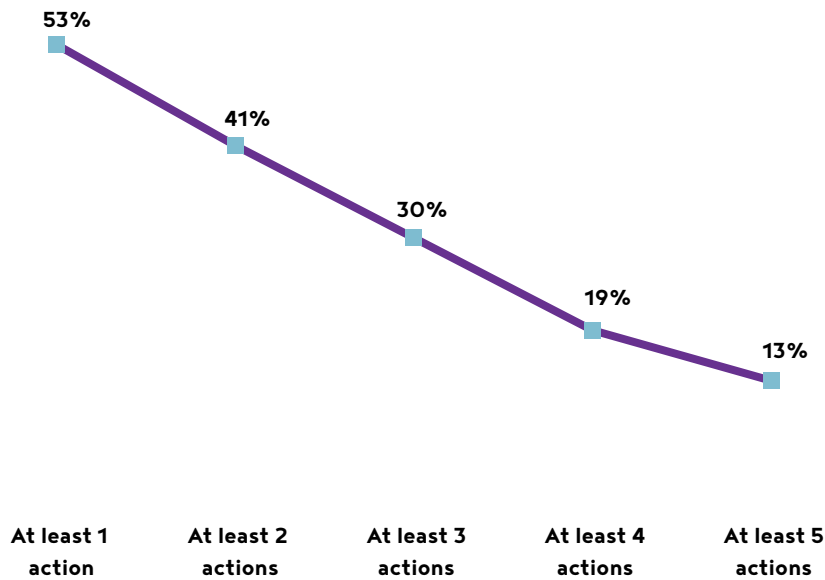
Courts are not frequently mentioned and there are no differences associated with demographic characteristics. The helpfulness of courts is relatively high however.



DISPUTE RESOLUTION

4

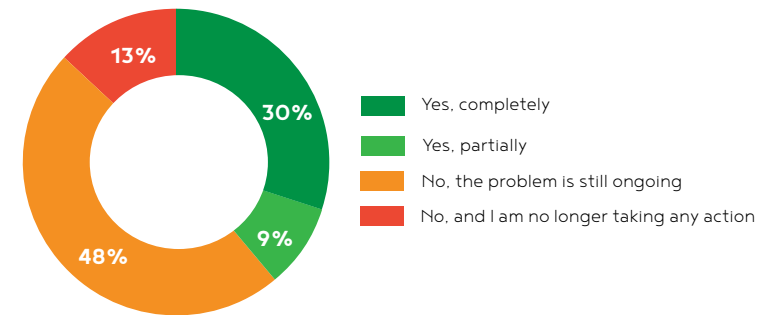
NUMBER OF ACTIONS TAKEN



When asked about the sequence of steps taken to try to solve their disputes, people start with their social network and tend to stick to it. Moving on to engaging institutions is rare.

Undelivered justice for 25 million Bangladeshis

HAS YOUR LEGAL PROBLEM BEEN RESOLVED?



Approximately two thirds of legal problems are not (yet) resolved when people engage in dispute resolution. This, together with the fact that 47% of people did not take action to resolve their problem, implies that 25 million people end their justice journeys every year without achieving justice, some of them without even having started it.

- 88% of the problems have lasted for four years or fewer, with 21% first occurring in 2017. 7% of the problems are older than four years and can be up to 20 years old. Almost 90% of these problems have not yet been resolved.

- People from the low-income group are less likely to resolve their legal problem.
- Barisal inhabitants have the lowest combined complete and partial resolution rate, at 12%. The highest rate can be found in Rajshahi (53%).
- The highest rates of people giving up on receiving an outcome happen among people with public services, social welfare and crime problems (between 37% and 48%).
- Neighbour-related problems (56%) and family disputes (41%) have the highest complete resolution rates.

DISPUTE RESOLUTION

4

How was the outcome obtained?	%
Through a decision of a public authority	25%
I talked to the other party with the help of a mediator/conciliator	20%
The problem sorted itself out	17%
I talked to the other party directly	13%
Through a decision of official court or similar tribunal	13%
Refuse to answer	8%
Through a decision of an informal (tribal) forum	3%
Through a decision of a non-governmental organisation	1%

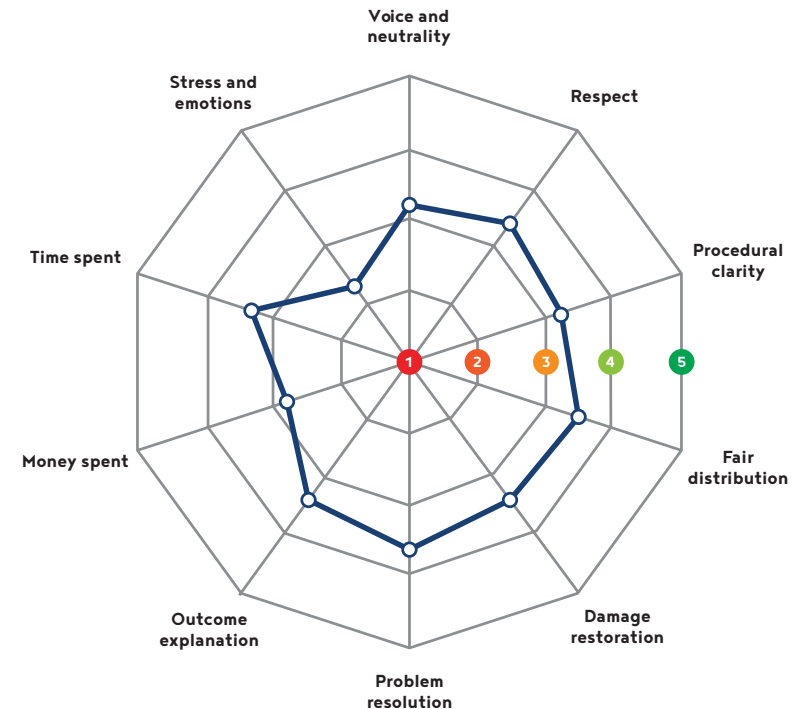
Public authorities issue the majority of dispute resolution outcomes in Bangladesh. Approaching the other party directly and courts provide fewer outcomes, at 13% each.

Income determines the type of institution that issues a person's dispute outcome: the probability of a public authority issuing outcomes decreases as household income increases, and the probability of a mediator/conciliator being involved increases with income.

Land disputes tend to be resolved through a decision by a public authority, official court or with the help of a mediator. For neighbour problems, resolution usually comes through direct talks with the other party or a public authority. In 21% of the neighbour disputes the problem sorted itself out. Criminal cases are typically resolved through a decision by a public authority or official court.

Justice processes are evaluated as average

COST AND QUALITY OF JUSTICE JOURNEYS



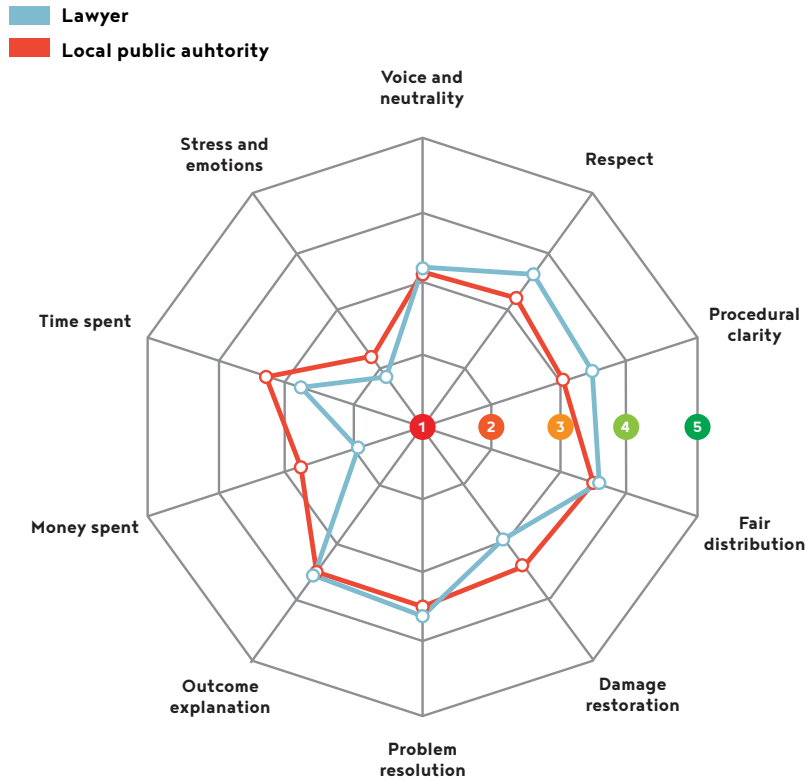
Bangladeshis rate their justice journeys as average on a scale of 1 (worst) to 5 (best). The costs of justice receive the two worst ratings. Processes are perceived as economically costly and stress-inducing. Outcome indicators, such as explanation and resolution score slightly above average.

DISPUTE RESOLUTION

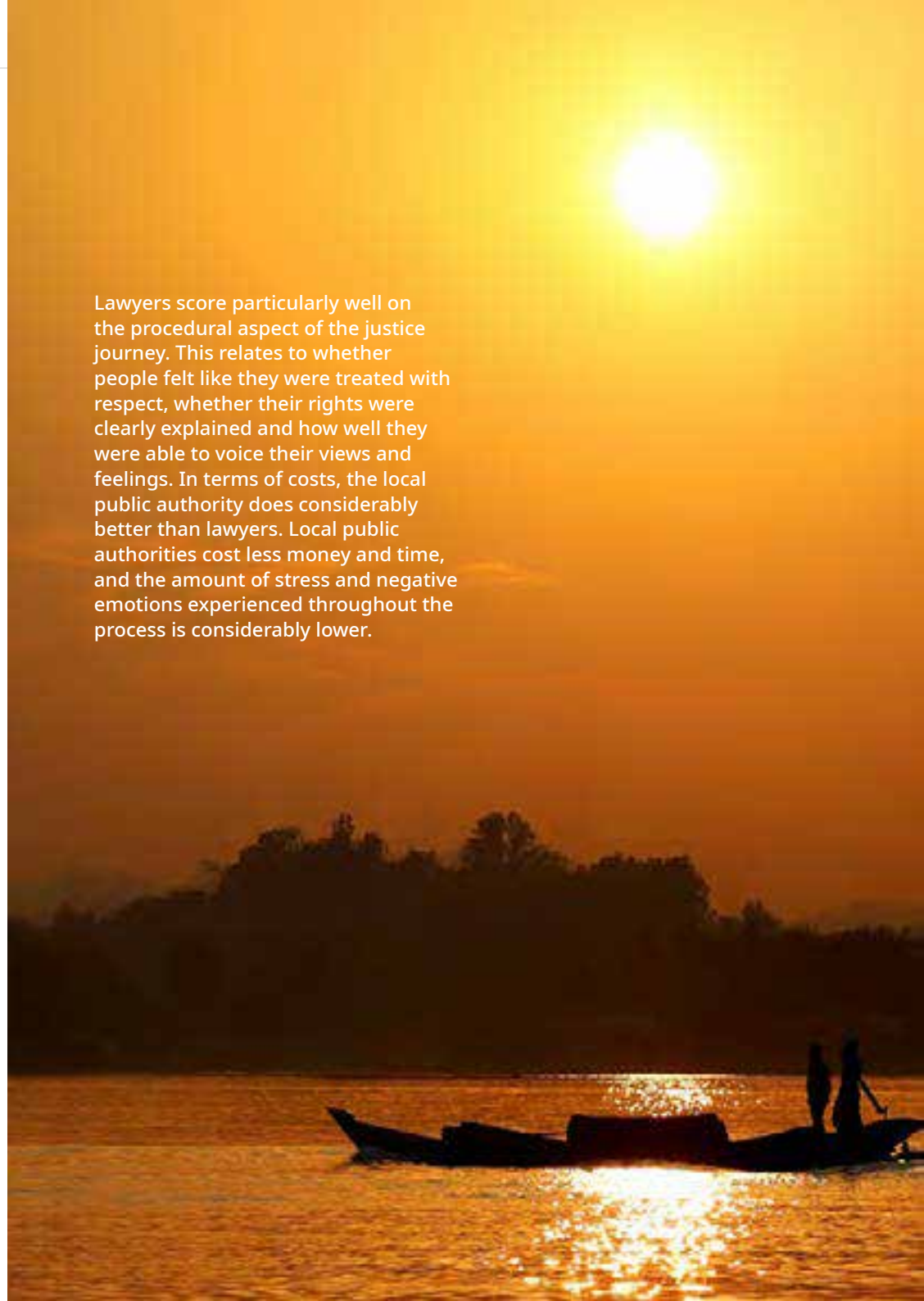
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There are differences in how people rate their justice journeys between the two most helpful dispute resolution mechanisms, lawyers and local public authorities.

EVALUATION OF JUSTICE JOURNEYS BY MOST HELPFUL MECHANISMS



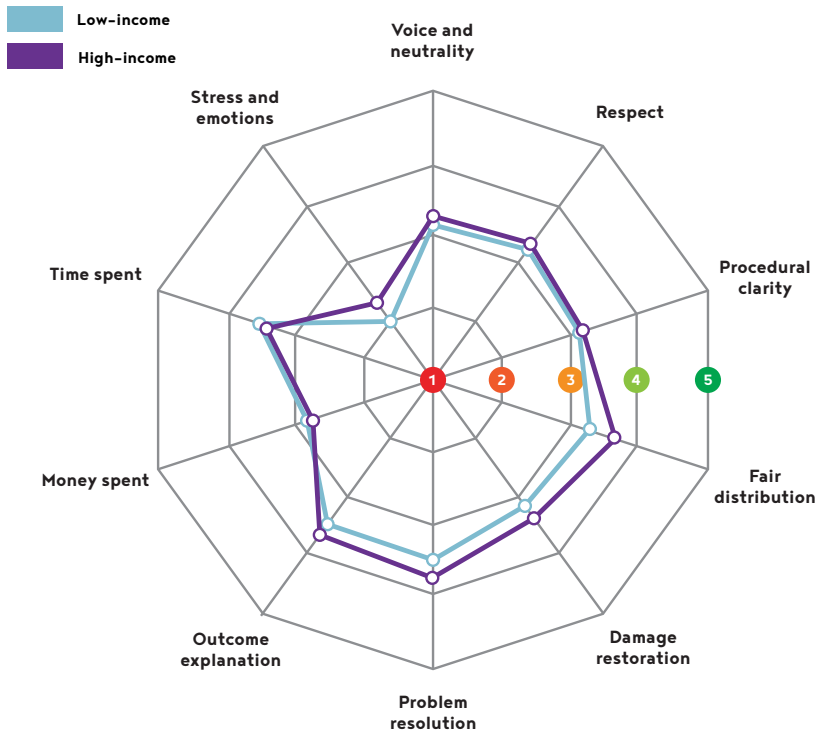
Lawyers score particularly well on the procedural aspect of the justice journey. This relates to whether people felt like they were treated with respect, whether their rights were clearly explained and how well they were able to voice their views and feelings. In terms of costs, the local public authority does considerably better than lawyers. Local public authorities cost less money and time, and the amount of stress and negative emotions experienced throughout the process is considerably lower.



DISPUTE RESOLUTION

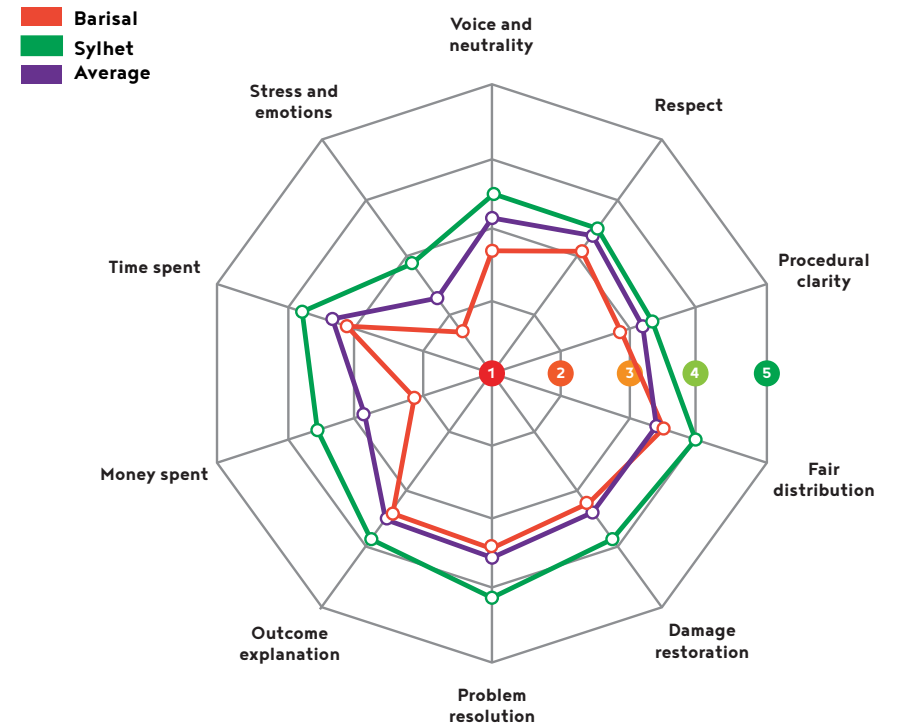
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QUALITY OF JUSTICE BY HOUSEHOLD INCOME LEVELS



People in the low-income group tend to rate their justice journeys worse than the other income groups in terms of procedures and outcomes. People in the high-income group rate them higher than average, including reporting lower levels of stress. This suggests that an improved justice procedure should pay special attention to improving the quality of procedures and outcomes for low-income groups.

REGIONAL DISPARITIES IN QUALITY OF JUSTICE



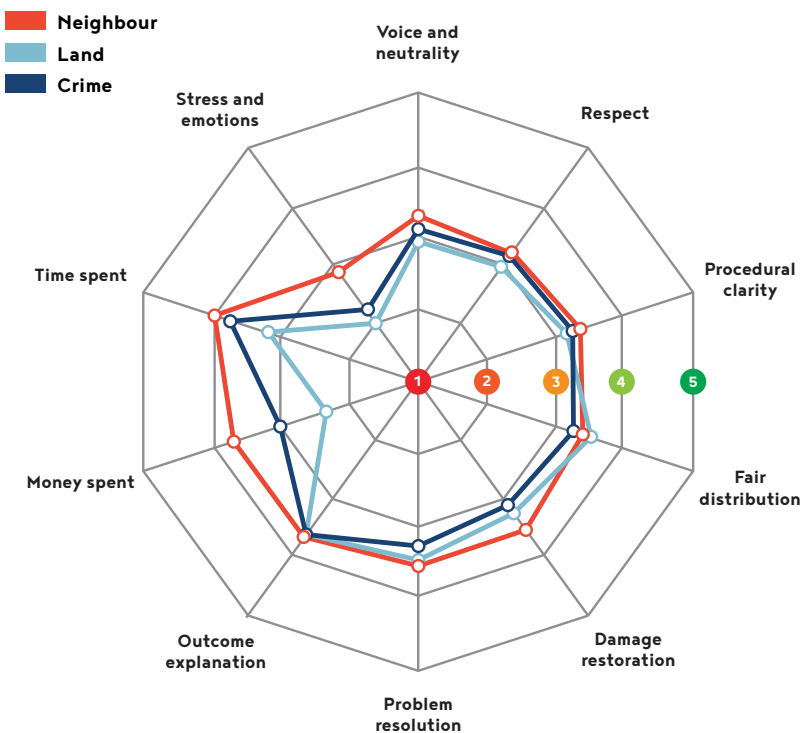
People living in different divisions experience justice in different ways. Barisal inhabitants tend to give the worst ratings consistently over all the dimensions. They go through costly and stressful procedures and have little chance of having their opinions heard.

People residing in Sylhet tend to evaluate their justice journeys as above average across the board. More research is needed to understand the causes of these phenomena, particularly because people in Sylhet take action at a lower rate than the average.

DISPUTE RESOLUTION

4

DIFFERENT PERSPECTIVES BASED ON PROBLEM TYPE



For the three most serious legal problems the main differences can be found in the cost dimension. Neighbour problems are evaluated as less costly to resolve, while land disputes are particularly costly in terms of money, time and levels of stress and negative emotions experienced. The quality of the procedure does not differ to any significant degree between the problems, but the quality of the outcome does show variation. The outcomes for crime are rated less favourably than the outcomes for the other two legal problems

Conclusions

25 million Bangladeshis have unmet justice needs, either because they do not try to take any action to solve their disputes, or because they do not receive an outcome after starting a dispute resolution process.

The decision to act or not mostly comes down to the type of problem and where people live. Among demographic characteristics, only household income somewhat influences the decision to take action, with low-income groups being less likely to act.

Acting via social networks is the preferred way to engage in dispute resolution. Lawyers and local public authorities are perceived as the most helpful. Disputes hardly ever reach formal courts. Courts of law are not very accessible, but are moderately effective, as one out of three of their users find them the most helpful dispute resolution mechanism.

Barisal inhabitants are the most critical users of justice. Their evaluations are probably influenced by the low completion rate of their justice journeys.

Monetary and emotional costs constitute the most serious complaints of justice users, particularly for the lowest income households.

There is a large role played by local elites in the resolution of legal problems. According to experts attending the triangulation workshop, this has several potentially negative consequences. Some use pressure and even intimidation to ensure they have an active role in the resolution of legal problems, even when matters should clearly be handled in court. Additionally, since these local positions of power are typically filled by individuals selected by the ruling party, there is also potential for systemic bias.

Improved justice procedures should be more accessible, especially for the most vulnerable in Bangladesh. Improving the human aspect of justice delivery is also recommended, because people go through very emotional and stressful processes.



5

Trust and Legal Empowerment

Trust in institutions
Perceptions of courts
Legal empowerment

TRUST & LEGAL EMPOWERMENT

5

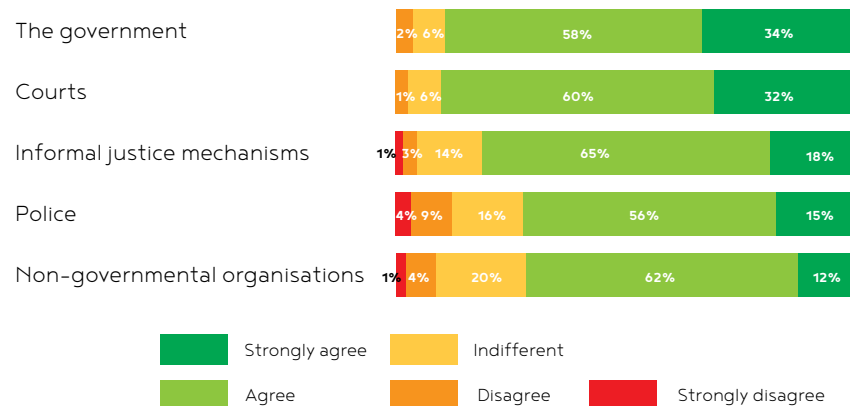
Bangladeshis report high levels of trust in institutions

In this section, we investigate the levels of trust in institutions, as well as the levels of legal empowerment in Bangladesh.

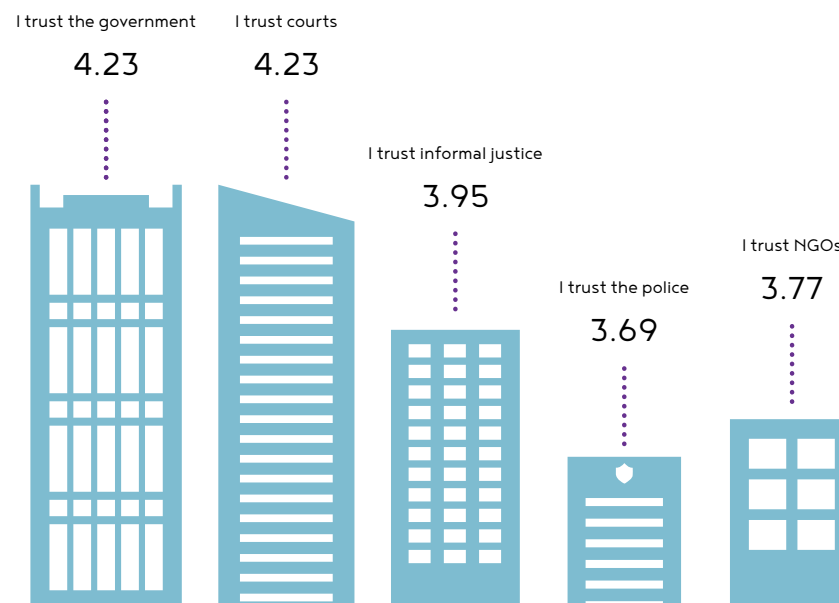
Previous research¹¹ has shown that Bangladeshis report high levels of trust and confidence in their public institutions. Our findings confirm this, as Bangladeshis show the highest

average level of trust in institutions of the countries we have surveyed around the world. In the triangulation workshop, local experts expressed a different view and suggested that institutional trust in Bangladesh is actually very low in practice. People can rate their trust in the different institutions from 1 (Strongly disagree) to 5 (Strongly agree).

TRUST IN INSTITUTIONS



The government and courts have above average levels of trust.



INTERNATIONAL COMPARISON - OVERALL TRUST IN INSTITUTIONS:

Bangladesh **3.98**
 Jordan **3.81**
 Uganda **3.40**
 The Netherlands **3.36**

¹¹ World Values Survey (2002), Hossain (2008)



Perceptions of courts are fairly positive

Demographic characteristics, experiencing a problem or even acting to resolve the dispute does not influence the average level of trust in institutions.

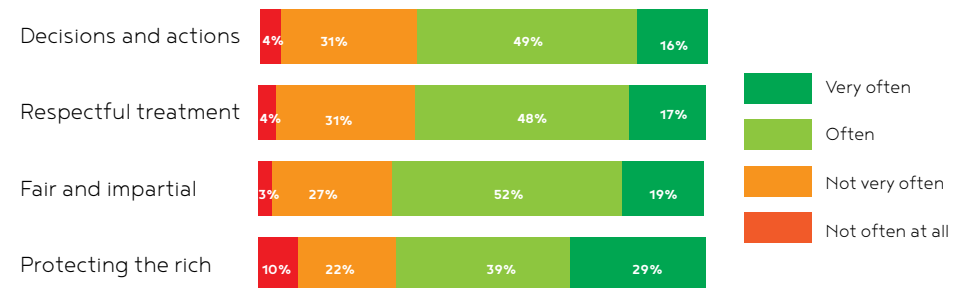
There are very small differences according to the type of problem experienced: the lowest average level of trust in institutions is found among those who have a police-related problem (3.78) while the highest average is found among those with social welfare problems (4.14). Still, the difference of means is too small to be policy-relevant.

Small differences are also found between divisions. The highest levels of trust are found in Mymensingh (4.20) and Chittagong (4.14), and the lowest levels of trust are found in Dhaka and Rajshahi (3.88 and 3.84 respectively). More research is needed to provide an explanation for this slight variation, but above all, the explanation for the high levels of trust, particularly in divisions like Chittagong, where people tend to be less active in resolving their legal disputes.

People were also asked about their specific perceptions of the Bangladeshi courts, based on four statements:

- i. Courts generally protect the interests of the rich and powerful above those of ordinary people
- ii. Courts make fair, impartial decisions based on the evidence before them
- iii. Courts generally treat people with respect
- iv. Courts generally explain their decisions and actions when asked to do so

PERCEPTIONS OF COURTS



TRUST & LEGAL EMPOWERMENT

5

Lower levels of legal empowerment in employment disputes

The perceptions of formal courts are mostly positive. For every question, at least two out of three people responded in a positive way. It is somewhat surprising that people mostly agree that courts tend to protect the interests of the elite, but still consider them predominantly fair and impartial.

Income levels influence perceptions regarding whether courts protect the rich or not, with a majority of the lowest income group and those without formal education choosing “very often”. This is substantially less for the highest income group and

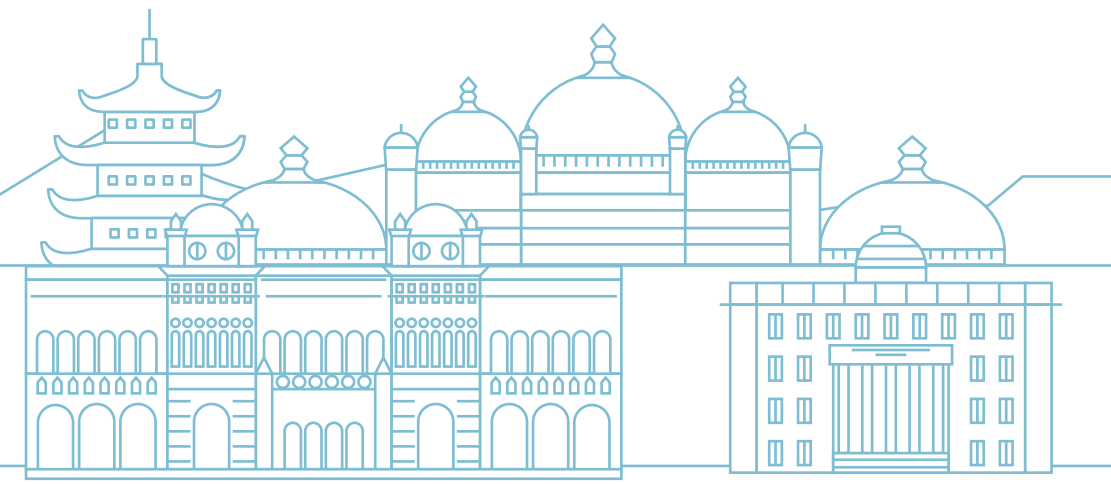
people with a high level of formal education. For the other questions, there is no influence of household income or level of formal education on the distribution of answers.

Contrary to what occurs in other countries, having experienced a crime in the past has no influence on perceptions regarding courts in Bangladesh.

People who took action to resolve their legal problem are slightly more likely to have a positive perception of courts, even if they did not consider engaging them as a dispute resolution mechanism.

Legal empowerment refers to the extent to which people are confident they can deal successfully with their legal problems themselves. To test the degree of legal empowerment among the Bangladeshi people we presented them with the following six hypothetical scenarios:

- i. Imagine you had a conflict with a neighbour who often causes a significant disturbance to you, for instance by making a lot of noise or leaving garbage out.
- ii. Imagine you had a problem with your employer, for example a conflict over your dismissal.
- iii. Imagine you bought a cell phone from a big retailer, and it was defective.
- iv. Imagine you had a conflict with the official authority that issues driving licenses (or similar).
- v. Imagine you became a victim of domestic violence and were physically hurt by a family member.
- vi. Imagine you lent approximately 3000 Bangladeshi Taka to a friend, and he refused to pay it back.



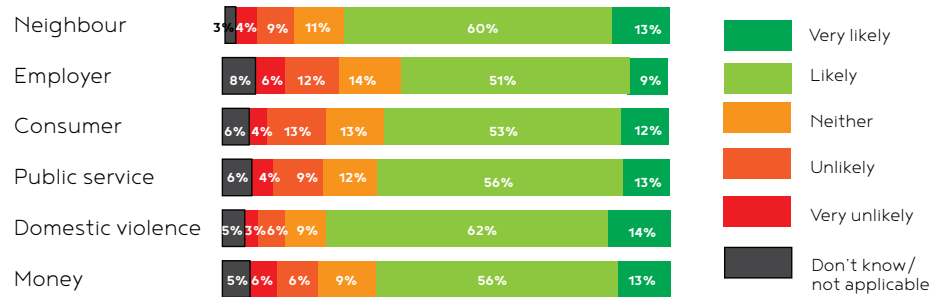
TRUST & LEGAL EMPOWERMENT

5



We asked people to rate these situations on both the likelihood of finding a solution to the problem and the fairness of the solution. As with institutional trust above, the scale ranges from 1 (Very unlikely/Very unfair) to 5 (Very likely/Very fair).

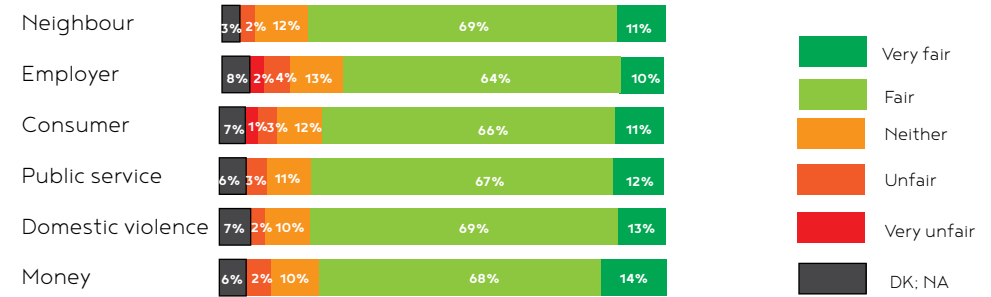
LIKELIHOOD OF FINDING A SOLUTION



Bangladeshis are very confident that they would receive a solution. For every scenario, over 60% of the people said they are likely to receive a solution, which clashes with the reality of dispute resolution seen in the previous chapter.

- The higher someone's income is, the more positive they are about the likelihood of receiving a solution.
- People in Barisal and Sylhet tend to be more optimistic, with more people stating that they would be very likely to achieve an outcome in every situation.

FAIRNESS OF OUTCOMES



Perceptions regarding fairness of the outcomes are even more positive than the likelihood of getting an outcome itself. Patterns here are very similar to what we found in the likelihood of obtaining an outcome.

- Low-income Bangladeshis are less optimistic than other groups.
- Barisal and Sylhet inhabitants are more optimistic than people in other divisions.

Conclusion

Bangladeshis exhibit high levels of trust in institutions. They have the highest average among the countries we have surveyed. This directly conflicts with the views of the experts we consulted in the triangulation workshop who suggested that institutional trust in Bangladesh is quite low, particularly trust in the police.

Trust in courts is generally also quite high. There is, however, somewhat of a paradox in the views provided by the people. On the one hand, they believe courts protect the interests of the rich and powerful, while on the other hand, they claim that courts make fair, impartial decisions.

Just like for the justice journey, geographical differences influence the

level of trust and legal empowerment. People in Barisal and Sylhet have the highest level of legal empowerment, so high that it seems implausible, considering the actual performance of the justice system.

The overall conclusion is that people in Bangladesh indicate a high level of legal empowerment and trust, while this does not seem to be in line with the actual reality of access to justice described in the previous chapters. This disconnect could be attributed to several factors: people could simply be overly optimistic, the different scenarios were not fully understood, or, more worryingly, the lack of legal awareness of the average citizen is skewing perception of the system.





6

Deep Dive: **Legal Problems of Young People**

Most serious problems

Legal information and advice

Dispute resolution

Costs and quality of justice journeys

Introduction

The focus in this chapter is on young people, specifically people between 18 and 24. The primary focus is to see if young people in Bangladesh experience different kinds of problems and to investigate their resolution strategies in direct comparison to the 25+ group. Young people typically have specific justice needs that are distinct from others. Understanding these needs properly can be vital when designing successful policies aimed at this group.

Demographics

Young people in Bangladesh are more highly educated than the other age categories, almost 50% of them are single or unmarried and they have slightly higher incomes. Furthermore, 20% of the people interviewed belong to this age group.

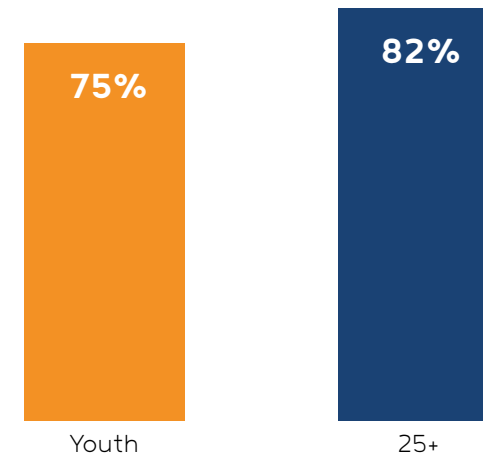
Education Level	Young people	25+
None	8%	36%
Low	34%	37%
Medium	52%	21%
High	7%	6%

Legal problems

Young people in Bangladesh encounter legal problems slightly less often than the other groups. Still, 75% of them had to deal with one or more legal problem in the past four years.

Poor young people are more likely to report a legal problem than those with higher incomes. 86% of low-income young people encountered at least one legal dispute, while 68% of the high-income young people experienced a legal problem.

PROBLEM PREVALENCE

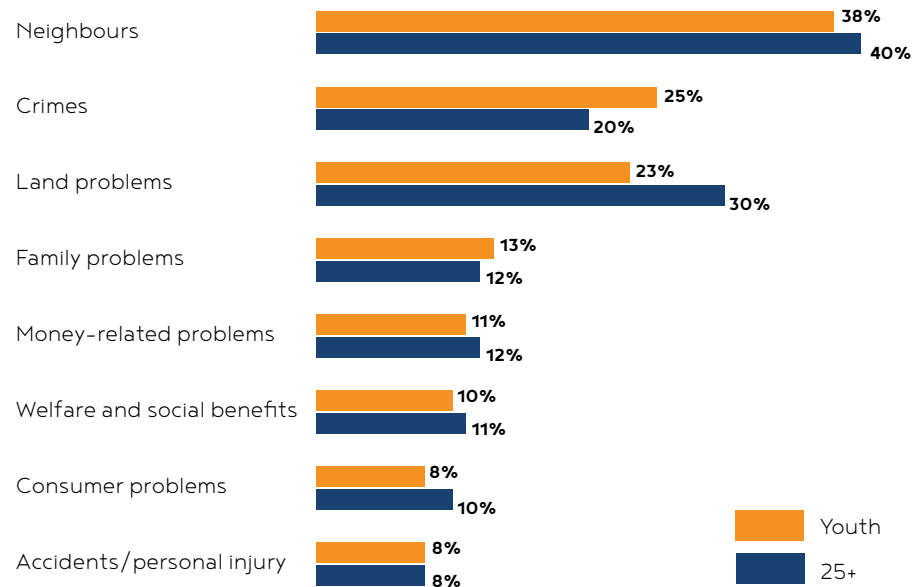


LEGAL PROBLEMS OF YOUNG PEOPLE

6

Young people more frequently affected by crimes, but less so by land disputes

MOST PREVALENT LEGAL PROBLEMS - YOUNG PEOPLE

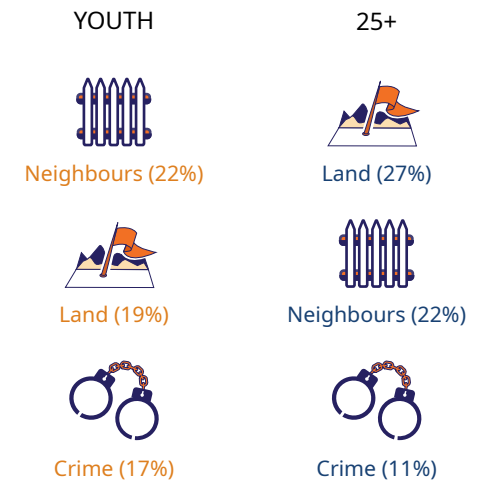


Young people in Bangladesh more frequently face crimes, but less frequently encounter land problems. The fact that land ownership is less prevalent among young people explains the latter fact.

In contrast to older respondents, young people experience neighbour disputes as their most serious problem. They also perceive crime to be a serious problem more often.

Low-income young individuals report a significantly higher impact on their life as a result of legal problems than their higher income peers.

TOP 3 MOST SERIOUS DISPUTES



LEGAL PROBLEMS OF YOUNG PEOPLE

6

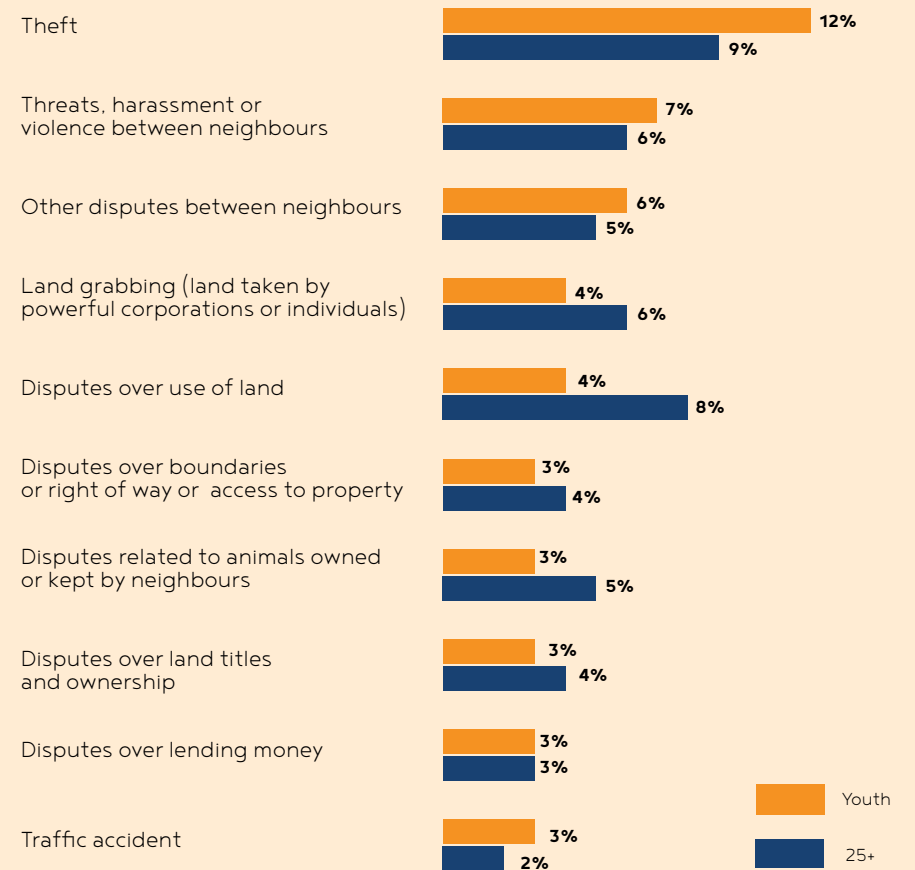
Theft most common specific problem

Among individual problems, young people in Bangladesh most often have to deal with crime, namely theft. Many report that laptops, mobile phones or motorbikes have been stolen. Threats, harassment and violence between neighbours is also common among young people. Quarrels with neighbours over trees or cattle are also regular occurrences in their lives.

Young Bangladeshis are frequently involved in various categories of land dispute. Most of the time, they encounter those problems together with their family members. In more than 80% of those land disputes, they were not the only party on their side of the dispute.



SPECIFIC PROBLEMS FACED BY YOUNG PEOPLE



LEGAL PROBLEMS OF YOUNG PEOPLE

6

Legal information & advice

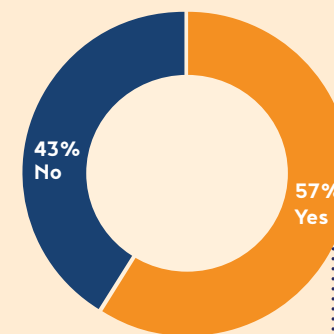
57% of young Bangladeshis seek legal information and advice for their dispute. They consult 2.5 sources on average. 92% of the young Bangladeshis who seek information and advice consult at least one person from their social network, while 53% consult at least one institution. Almost

half of the young Bangladeshis who seek legal information and advice consult both types of information source (48%). There is no difference compared to the 25+ group. The reasons why young people do not take action are also similar to those of the non-youth group.

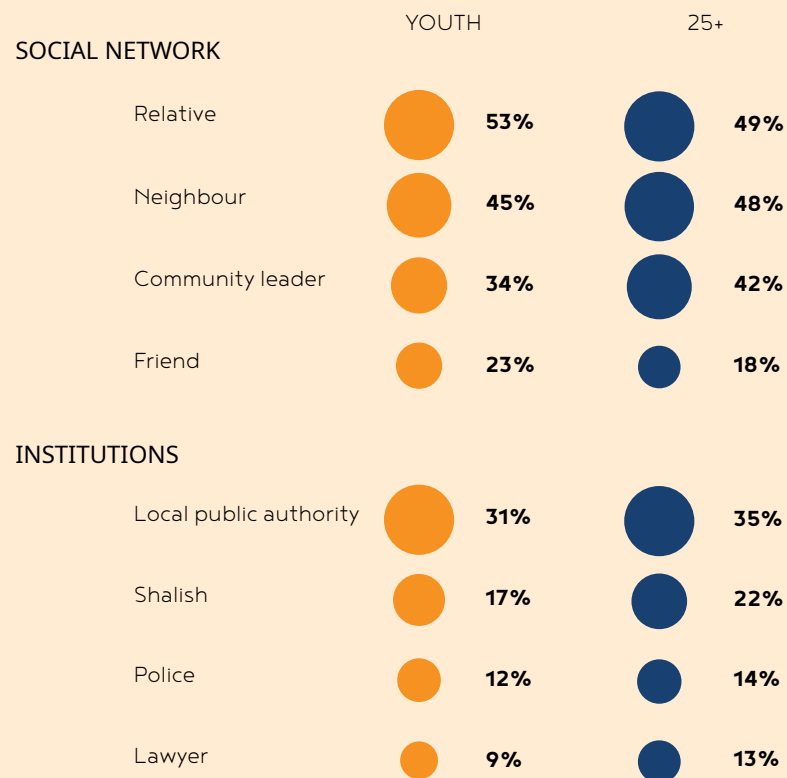
Social network most frequently used source of legal information and advice

Source	Young people	25+
Social Network	92%	92%
Institutions	53%	57%

DID YOU SEEK INFORMATION AND ADVICE?



TOP SOURCES OF LEGAL INFORMATION AND ADVICE



LEGAL PROBLEMS OF YOUNG PEOPLE

6

Young Bangladeshis seek legal information and advice mostly from local sources. They frequently engage people in their social network that are close by, such as relatives and neighbours. The institutions that they engage are also in their local community. For land disputes, young people tend to rely more on institutions (77%) than young people facing neighbour problems (49%) or crime (37%).

Lawyers are considered most helpful

Young people consider the following sources as most helpful:

Source	Relative helpfulness	
	Young people	25+
Lawyer	57%	62%
Local public authority	50%	45%
Relative	44%	43%
Neighbour	40%	42%
The police	39%	28%
Community leader	37%	36%
Friend	34%	18%
Shalish	22%	20%

Similar to the rest of the population, very few young people (5%) sought legal information and advice from public sources, such as social media, the internet, TV or books.



LEGAL PROBLEMS OF YOUNG PEOPLE

6

Dispute resolution

Young people are just as inactive as the rest of the population in resolving their legal problems. However, while only 51% of young Bangladeshis take some form of action towards dispute resolution, they consult multiple sources. On average, young people who take action engage **3.2** different dispute resolution mechanisms. 37% just use one type of dispute resolution, meaning they exclusively engage in self-action, their social network or institutions. One third engages two different types, and 29% engage all three types of dispute resolution mechanism.

Those who do not pursue dispute resolution most often do not believe that they could have achieved a positive result (**36%**). Other frequently occurring barriers to action are that the problem is not serious enough (34%) and that young people do not know what to do (25%).

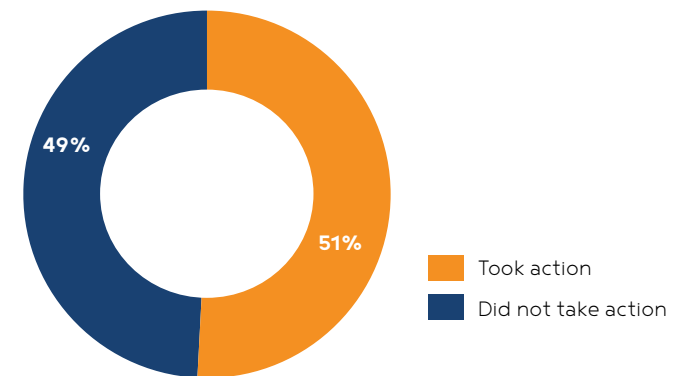


Only **51%** of young Bangladeshis take action towards dispute resolution

Common dispute resolution mechanisms for young Bangladeshis

Source	Young people	25+
Self-actions	59%	65%
Social network	76%	78%
Institutions	57%	61%

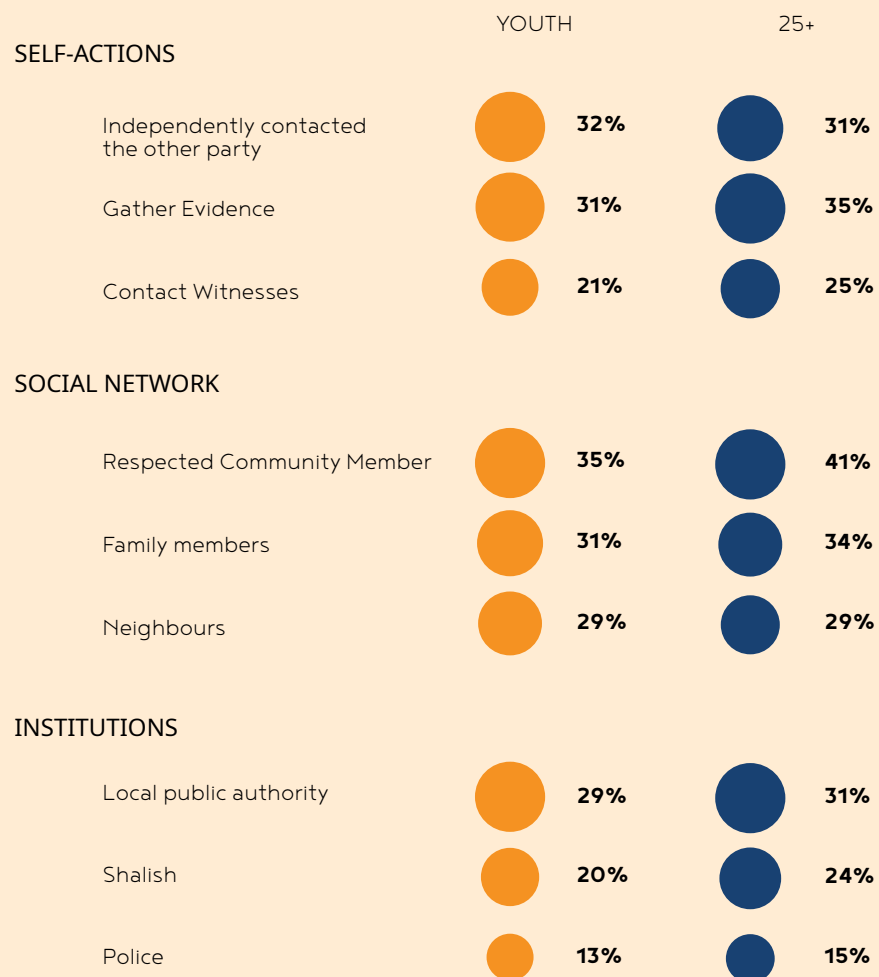
DID YOU TAKE ACTION TOWARDS DISPUTE RESOLUTION?



LEGAL PROBLEMS OF YOUNG PEOPLE

6

TOP DISPUTE RESOLUTION MECHANISMS



59% of young people who take action engage in self-actions to resolve their problem. Young people are most likely to engage in self-actions if they face land disputes or problems around obtaining ID documents. They are least likely to take self-action when confronted with a family problem.

76% of the young people who take action engage their social network to resolve their problem. Social network is most frequently used by young people for land, housing, money-related and family legal problems.

Institutions are used by just 57% of the young Bangladeshis who take action.



LEGAL PROBLEMS OF YOUNG PEOPLE

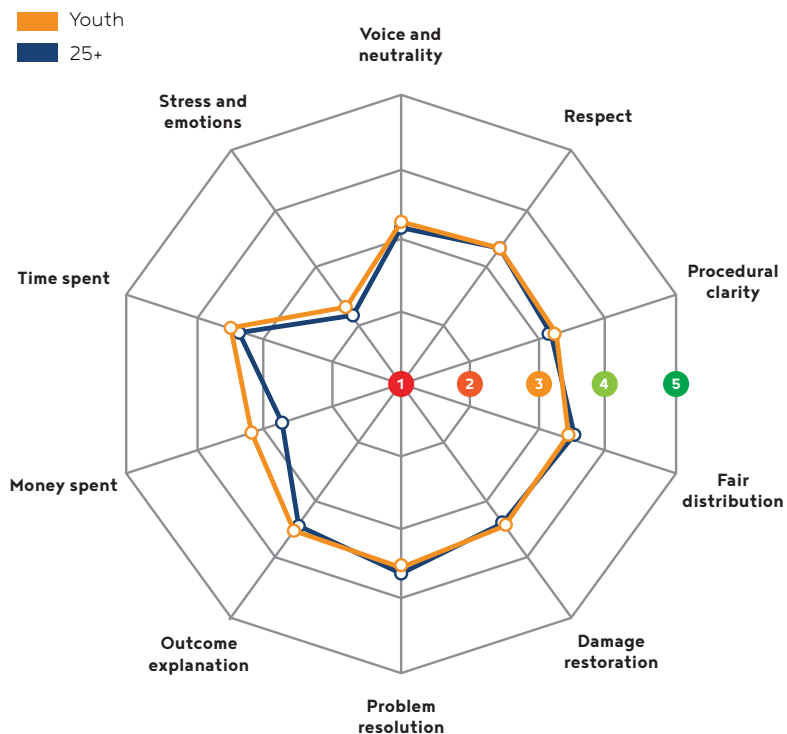
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Costs and quality of justice journeys

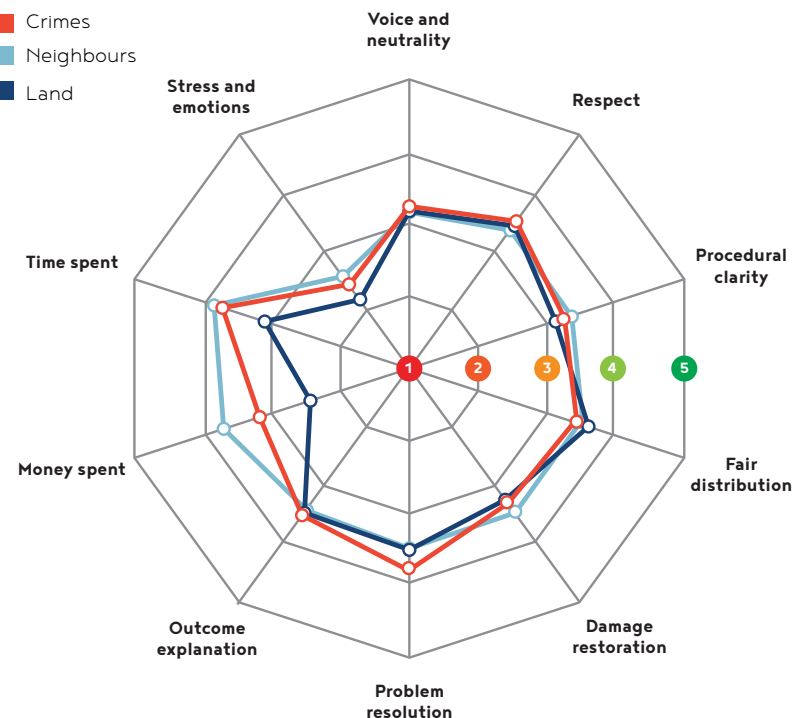
Young people do not experience their justice journeys very differently compared to their older counterparts. One notable exception is that **younger people perceive access to justice to be more affordable**. The costs in terms of money, time and stress are slightly lower than for the rest of the population.

Young users of justice encounter varying levels of costs when facing the three most common legal problems. Disputes with neighbours and crimes are the most affordable in terms of money spent, time spent and stress experienced. Resolving land disputes, on the other hand, is substantially more expensive.

COST AND QUALITY OF JUSTICE JOURNEYS



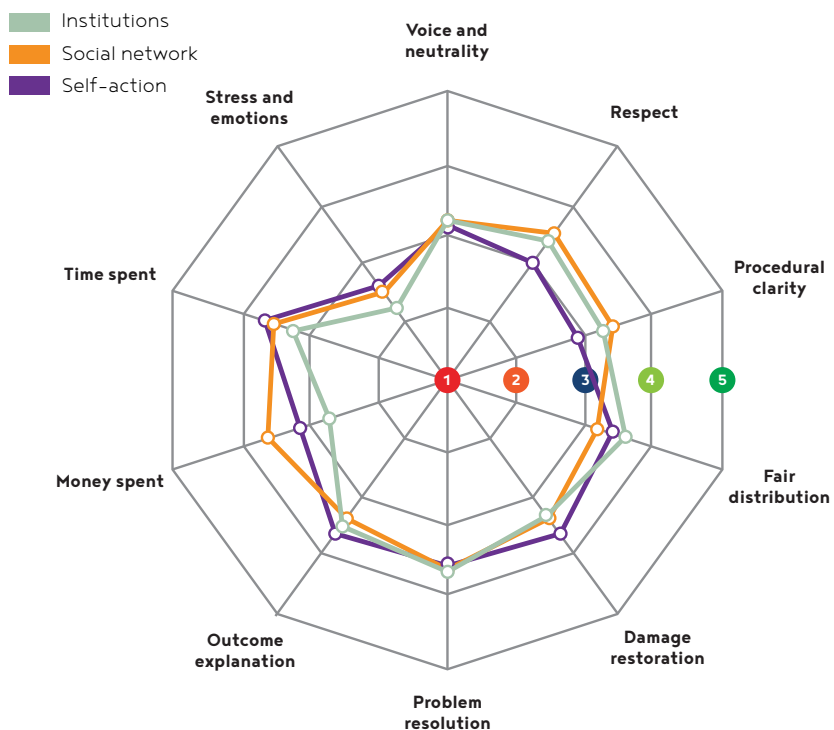
COST AND QUALITY OF JUSTICE JOURNEYS: TOP THREE LEGAL PROBLEMS



LEGAL PROBLEMS OF YOUNG PEOPLE

6

COSTS AND QUALITY OF THE JUSTICE JOURNEY BY TYPE OF DISPUTE RESOLUTION



The quality of the procedure is considered to be lower when taking self-actions than when engaging one's social network or institutions. Young people indicate receiving less respect and a worse explanation of the procedure when taking self-actions.

The quality of the outcome, though, is similar for all three dispute resolution mechanisms.

The costs of the procedure are the highest when engaging institutions, especially in terms of monetary cost.

Conclusion

Young people are slightly more likely to be the victims of different sorts of crime compared to the rest of the adult population. They have a relatively lower risk of facing problems concerning land and neighbours.

Poor young people are particularly exposed to the risk of encountering a legal problem and experience a more severe impact on their lives.

Very few young people consult a lawyer for the resolution of their legal problem. Only 5% of those who had to deal with a dispute with a potential legal resolution went to a lawyer for legal information and advice. Lawyers, local public authorities, relatives and

neighbours are viewed as the most helpful sources of legal information and advice.

About half of the young people in Bangladesh undertake some sort of justice journey to resolve their problem. Perception of disbelief that anything can be done is the most tangible barrier to taking action.

Young people in Bangladesh make a distinction between the performance of different justice journeys. On structured (formal or informal) paths to justice they see more process fairness than on journeys which revolve around respondents' own actions. The latter, however, are seen as less expensive.





7

Deep Dive: **Legal Problems of Women**

Most serious problems
Legal information and advice
Dispute resolution
Costs and quality of justice journeys

LEGAL PROBLEMS OF WOMEN

7

Demographics

In Bangladesh, women have slightly lower levels of education than men. The vast majority of women are married (84%). Most notably, only 6% of women indicate having a paid job, and more than 80% identify as homemakers. Since non-working women might face substantially different legal problems than working women, it prevents us from drawing conclusions for the general population of women in Bangladesh.

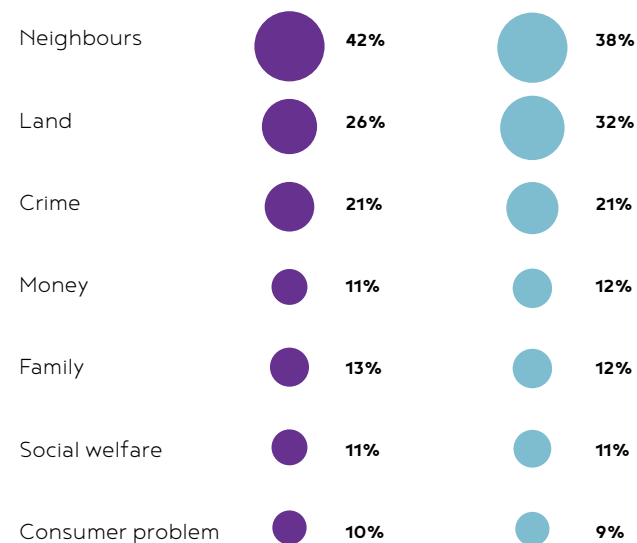
Education level	Women	Men
None	33%	28%
Low	39%	34%
Medium	25%	29%
High	4%	9%

Neighbour conflicts are the most serious legal disputes for women

81% of women have experienced a legal problem during the past four years. Their most prevalent justice need is conflicts with neighbours (42%). One in four women who experienced a legal problem also cites a neighbour conflict as her most serious legal problem. Most neighbour conflicts

concern threats, harassment or violence between neighbours, and animals owned or kept by neighbours. While neighbour conflicts are also men's most frequently occurring legal disputes, men report land conflicts as their most serious legal problem.

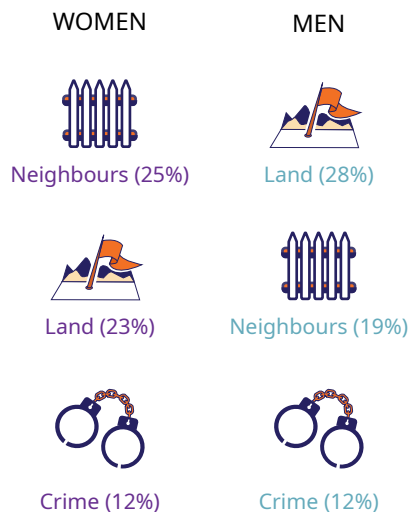
MOST PREVALENT LEGAL PROBLEMS FOR WOMEN



LEGAL PROBLEMS OF WOMEN

7

TOP 3 MOST SERIOUS DISPUTES



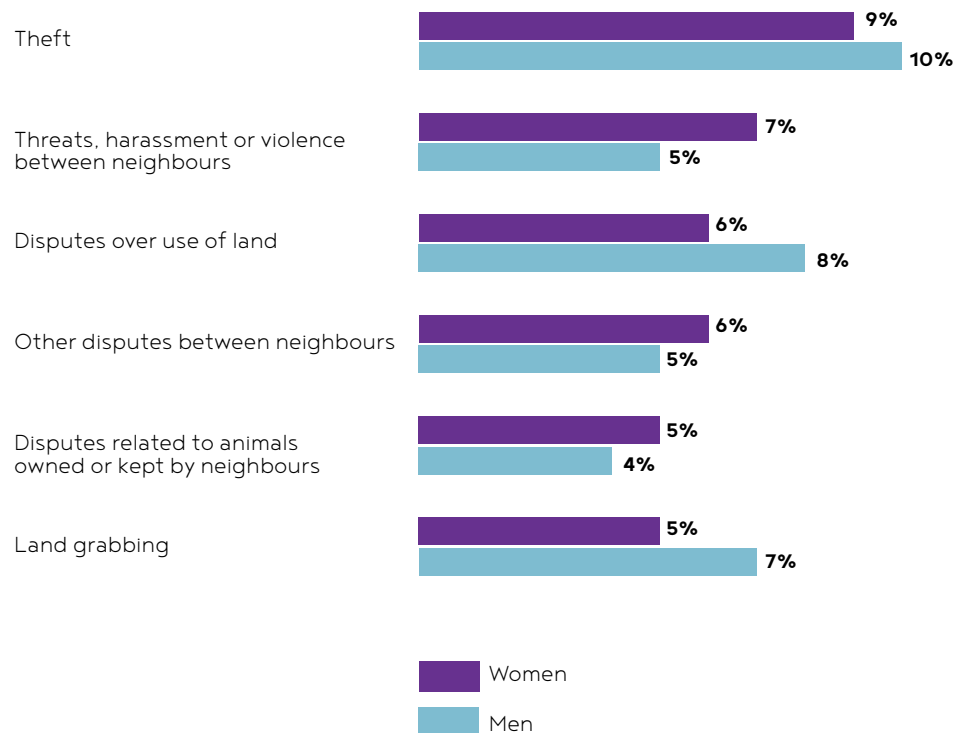
As mentioned in the introduction, **family disputes and especially violence against women**, is a known problem in Bangladesh. However, women are quite reluctant to discuss these matters with others. Experts inform us that women are often assumed to be lying and presenting a false case. Moreover, even when a case is filed, local elites try to intervene and convince the woman to drop the case. Alternatives are often suggested, such as paying the woman off, evicting the perpetrator from the community, etc.

In the triangulation workshop, it was suggested that improving gender sensitivity is crucial. There currently appears to be an automatic mistrust of women, and their treatment during their justice journey is perceived as unfair by the experts. This reduces faith in the system for women and impedes their access to justice. One expert in the triangulation workshop even went so far as to say that the entire system seems to be stacked against women.

Legal problems in Bangladesh tend to co-occur. Those women who experience at least one legal problem encounter, on average, **1.64** problems. The majority of women experience legal problems together with a family member as another party (54%), while the majority of men experience legal problems as the only party (63%).

Theft is the most serious specific legal problem

MOST SERIOUS SPECIFIC LEGAL PROBLEMS



There are no substantial differences between women and men in terms of the consequences experienced due to legal problems.

The story of Hosne

Hosne is a 60-year-old widow living in a rural area in Bangladesh. Her first husband, with whom she had three children, died early in their marriage. The village elders and her guardians encouraged Hosne to remarry quickly in order to be able to provide for her young children. Her second husband had previously been married as well and had seven children from his first marriage. They did not have additional children together – he did not want any more and forced her to get sterilised. During his lifetime, Hosne's second husband never gave her any land – he was afraid of angering his children from his first marriage. When Hosne's second husband recently died, his first wife and her powerful brothers divided the land among themselves, leaving Hosne with nothing. She sought help from the local government authority, which gave her certification and papers to file a claim in court. Hosne could not afford that, so a woman in her village referred her to BRAC HRLS. With their help, she managed to file a case in court. The court, however, has not yet made a decision.



LEGAL PROBLEMS OF WOMEN

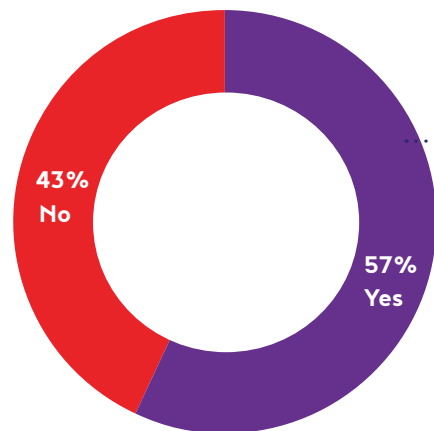
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Legal information & advice

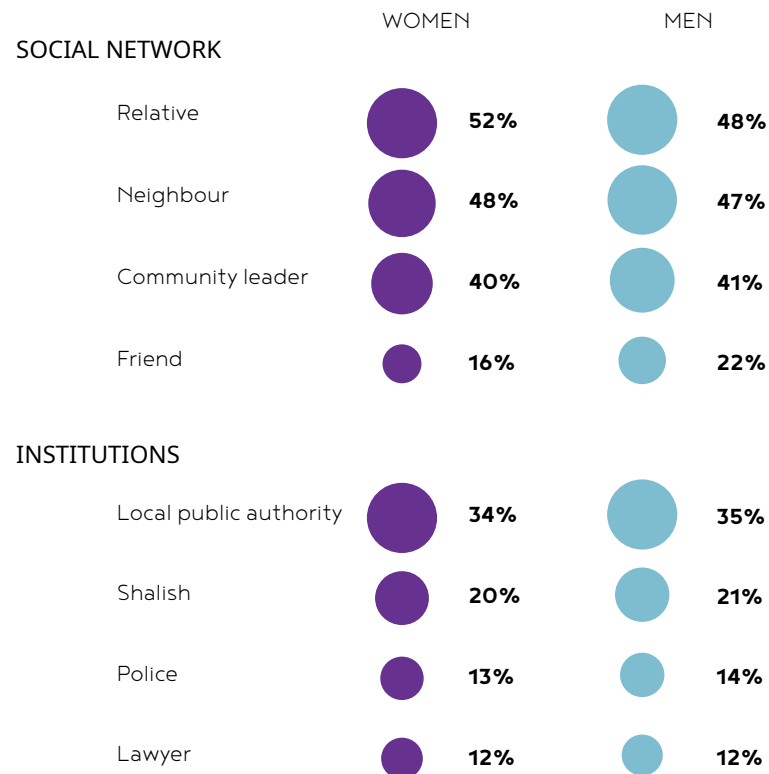
Women are slightly less active in seeking information and advice than men (57% versus 61%). There are again no major differences between women and men. However, women are slightly more likely to go to relatives for legal information and advice than men, and

slightly less likely to consult friends. The reasons why women do not seek information are also similar to men's: They do not believe advice would help, have insufficient time and do not know where to look.

DID YOU SEEK INFORMATION AND ADVICE?



TOP SOURCES OF LEGAL INFORMATION AND ADVICE



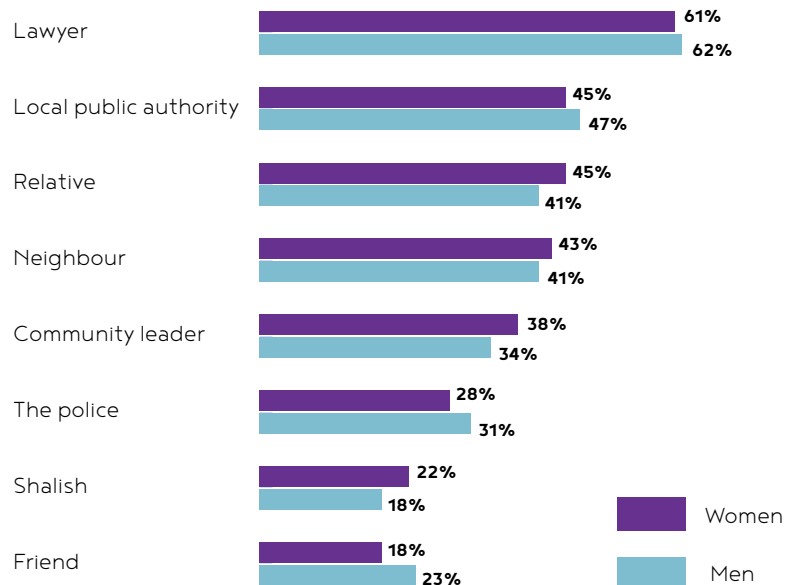
LEGAL PROBLEMS OF WOMEN

7

Women and men rate the same people from their social network and institutions as relatively most helpful in providing legal information and advice. Overall, there are also no differences in how satisfied women are with the information and advice provided by the most helpful source than men. Women are equally unlikely to use public sources of information as men.

Helpfulness is rated in a relative way. The percentages indicate the ratio of the number of people who find a specific source most helpful to the number of people who use the source. Hence, despite the fact that lawyers aren't used very frequently, they are still rated as relatively most helpful overall.

MOST HELPFUL SOURCE OF LEGAL INFORMATION AND ADVICE

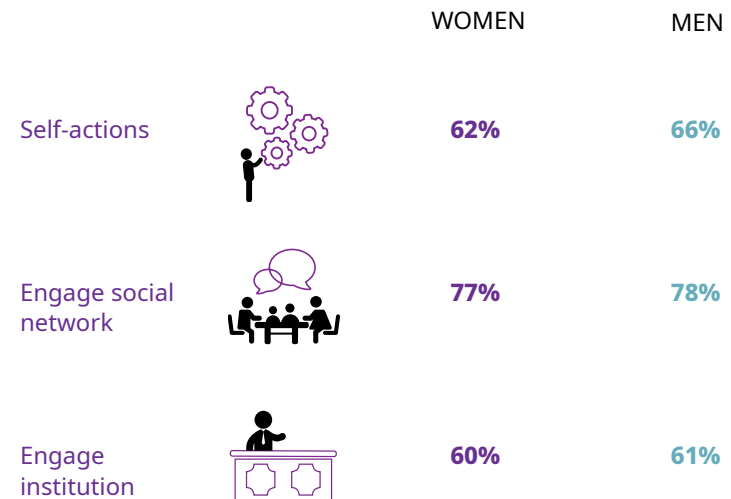


Taking action

Women are slightly less likely to take action in order to resolve their legal problem than men (50% versus 55%). Among all women who take some form of action to resolve their dispute,

62% engage in self-help actions, 77% engage at least one person from their social network, and 60% engage at least one institution.

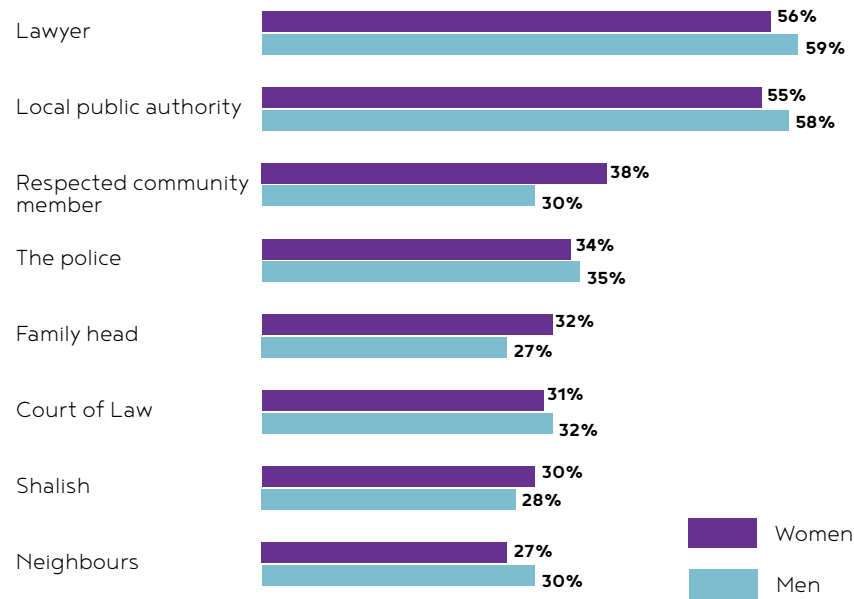
DISPUTE RESOLUTION MECHANISM



LEGAL PROBLEMS OF WOMEN

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MOST HELPFUL DISPUTE MECHANISMS

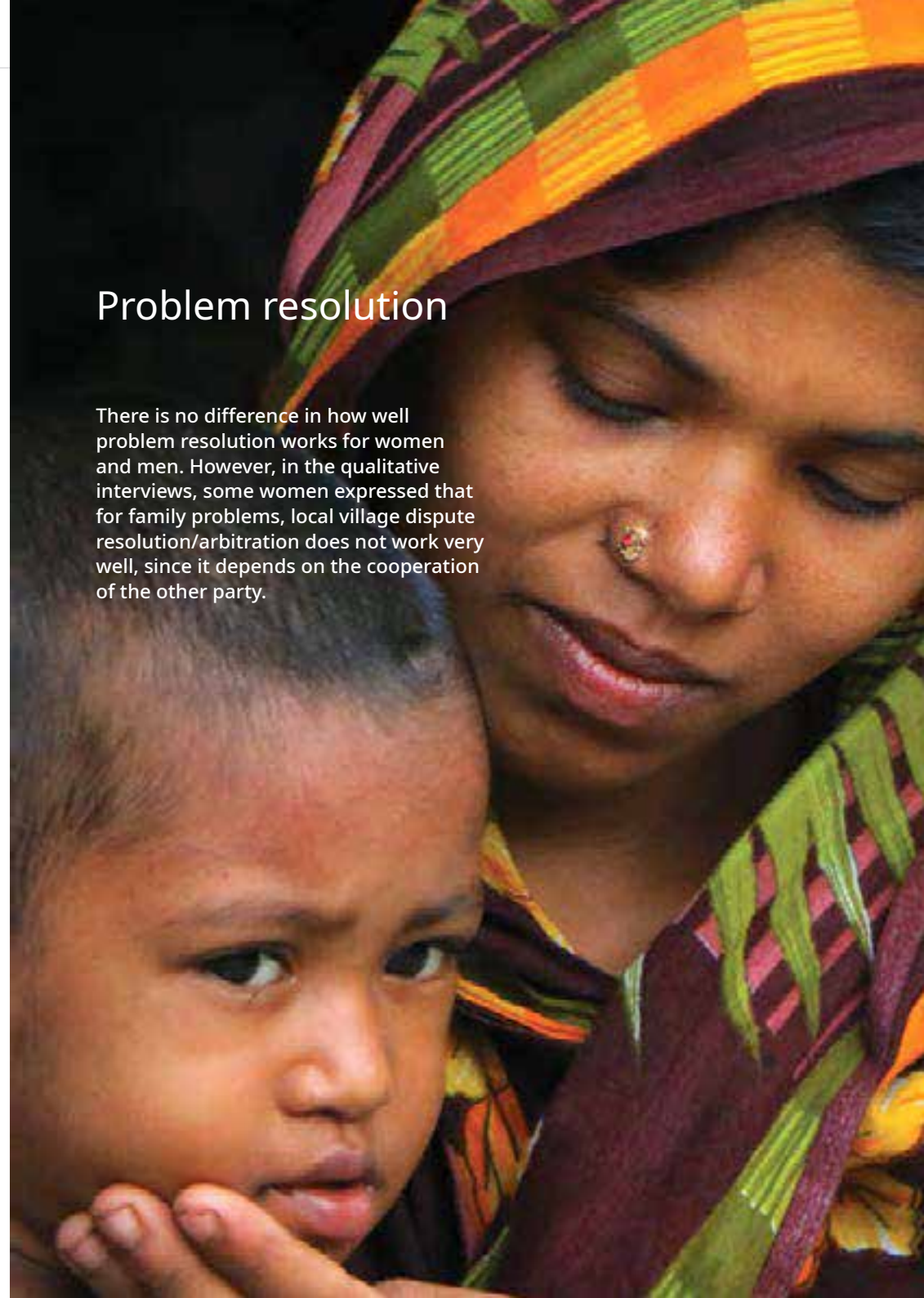


There are no substantial differences in the relatively most helpful dispute resolution mechanisms between women and men. Women tend to find respected community members

somewhat more helpful than men do. In terms of barriers to taking action, there are no differences between the genders.

Problem resolution

There is no difference in how well problem resolution works for women and men. However, in the qualitative interviews, some women expressed that for family problems, local village dispute resolution/arbitration does not work very well, since it depends on the cooperation of the other party.



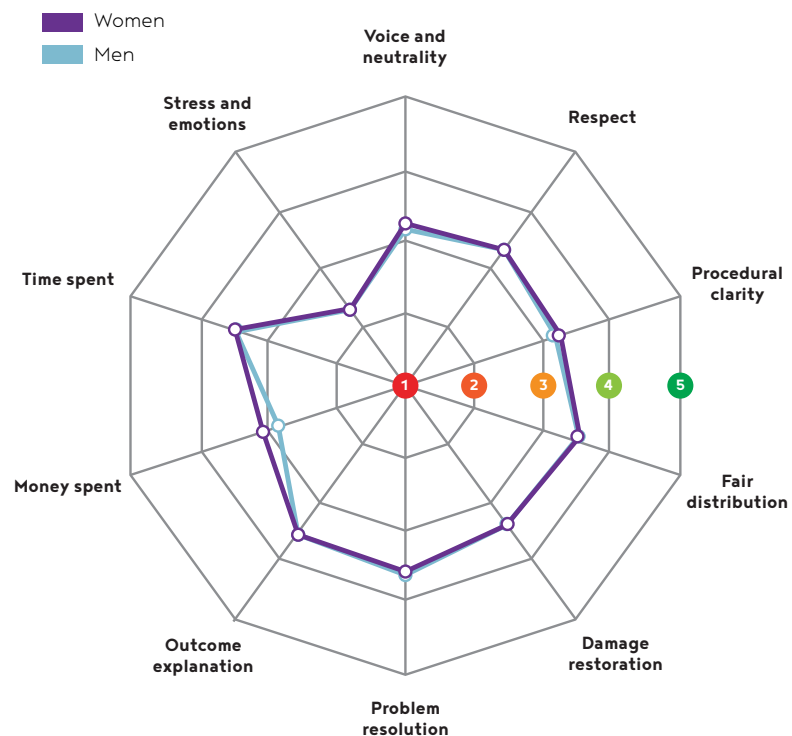
LEGAL PROBLEMS OF WOMEN

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Costs and quality of justice journeys

There is no difference in how women and men experience their justice journeys. Women's evaluations do not seem to be affected by whether they are the only party in the conflict, or if family members or other individuals join them.

COST AND QUALITY OF JUSTICE JOURNEYS



Conclusion

According to research, women are often disadvantaged in Bangladesh, especially in disputes around divorce and inheritance. However, the data reveals a different pattern. We rarely find evidence of women facing different legal disputes, harsher consequences or less favourable outcomes.

Women mostly face neighbour problems, land disputes and crime. Compared to men, they face slightly fewer land disputes and more neighbour problems. They are also slightly less active in seeking legal information and advice and taking action. Women tend to rely on neighbours, relatives, community leaders and local public authorities for legal information and advice. Lawyers are, however, considered to be relatively most helpful.

Dispute resolution is similar to men, with lawyers and local public authorities considered to be most helpful. Women also rate their justice journey very similarly to men, with no real difference in the quality of the procedure, quality of the outcome, or the costs.

The experts suggested in the triangulation workshop that improvement in gender sensitivity is crucial for Bangladesh. It was suggested that the current system is stacked against women, impeding their access to justice and fair resolution of their legal problems.



8

Deep Dive: **Land disputes**

Impact

Likelihood of experiencing a land problem

Legal information and advice

Dispute resolution

Costs and quality of justice journeys

Land disputes

Land disputes are the second most prevalent problem in Bangladesh. 29% of the people who encountered a legal problem had to deal with a conflict around land. Only disputes between neighbours are more prevalent. Experts confirmed the importance of land disputes in the triangulation workshop. It is also important to note that land problems themselves are seen as the root of many other legal problems.

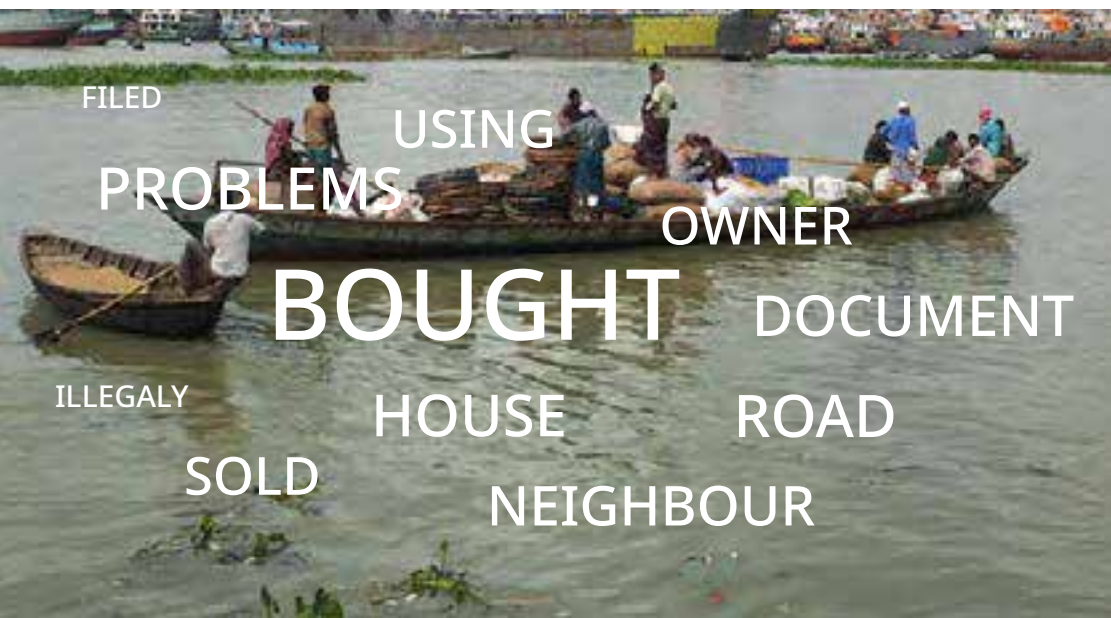
When we ask which legal problem is the most serious, land is mentioned most frequently. 25% of the most serious legal problems are about land. This means conflicts between neighbours are more common but legal problems around land are seen as more serious and impactful.

Land disputes in Bangladesh involve various parties. In more than half of the reported land disputes (55%) the respondents were engaged in the disputes together with their family. This shows that having a legal problem around land impacts more than just the individual; whole families and even entire communities are affected.

Most of the people who faced land problems say that the impact was considerable. **66%** report that the impact of the problem was very serious

(42%) or severe (24%). Compared to other legal problems, land disputes are considered to have the greater impact on people's lives.

There are tangible negative effects of land disputes. Two thirds of people who had to deal with land problems sustained some sort of personal injury as a result of the problem. Loss of time, deterioration of relationships and serious stress are frequent results of experiencing a land problem.

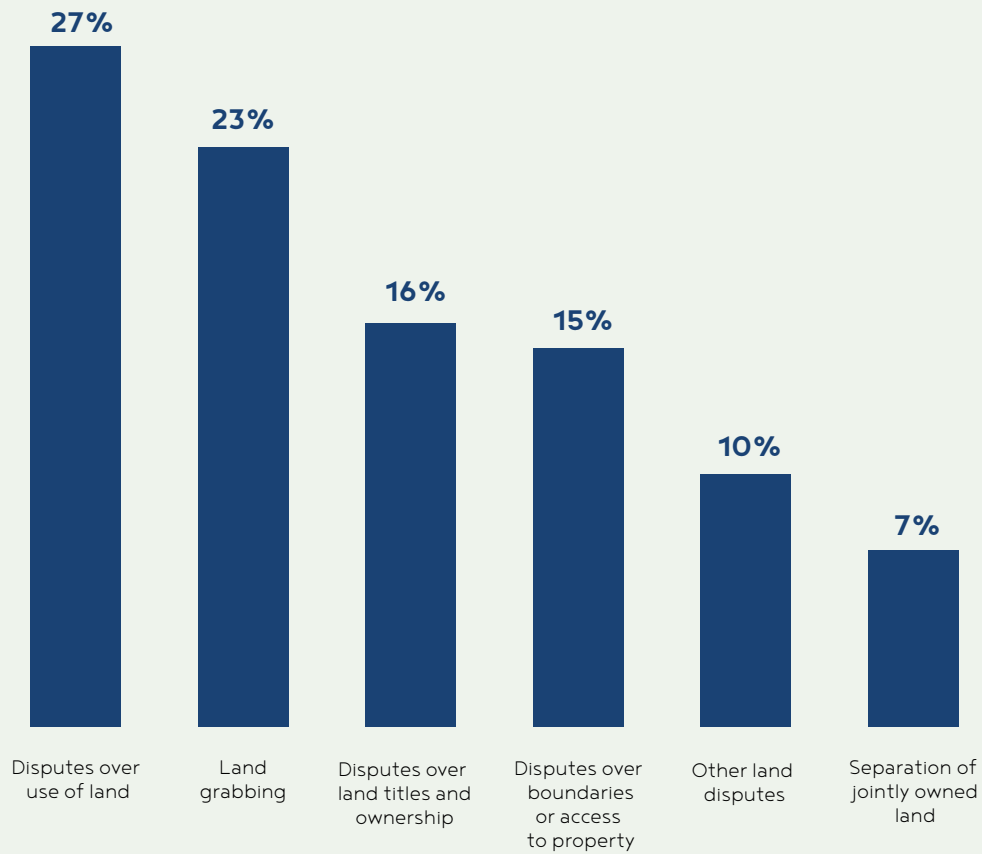


Type of negative impact	Land disputes	Other legal problems
Personal injuries	66%	55%
Loss of time	61%	46%
Problem with relationships	54%	34%
Stress-related illness	46%	34%
Loss of income	33%	19%
Violence against you	31%	20%
Vandalism against you	16%	8%
None of the above	3%	9%
Loss of job	2%	4%

LAND DISPUTES

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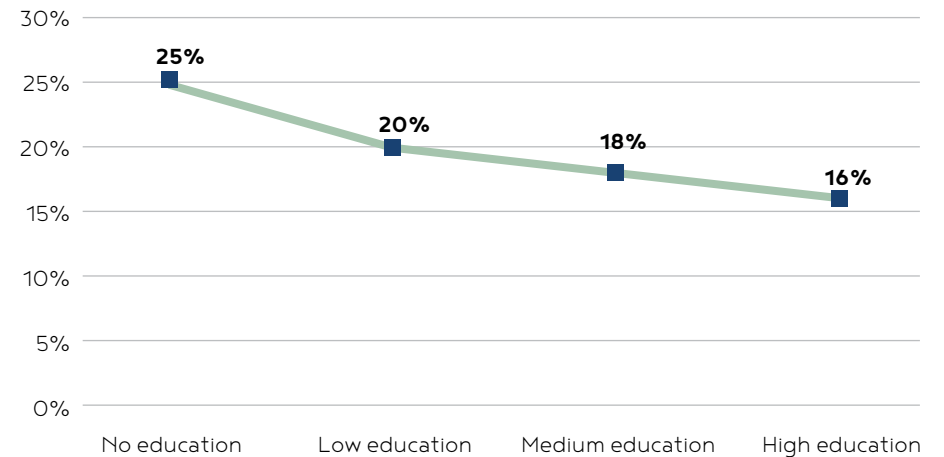
MAIN LAND PROBLEM CATEGORIES



The following factors play a role in the likelihood of experiencing a land dispute:

- Living in rural area – 22% of all rural dwellers encounter a legal problem with land, versus 17% of urban residents.
- Region – in some divisions of Bangladesh there are more land disputes than in others. People from the divisions of Khulna (26%), Barisal (26%), Rangpur (25%) and Mymensingh (25%) report more problems than those from Sylhet (17%), Rajshani (18%), Chittatong (18%) and Dhaka (18%).
- Gender – men have a higher risk of facing a legal problem around land than women do – 23% vs 19%.
- Education – a lower level of formal education increases the likelihood of encountering a land dispute.
- Age – occurrence of land disputes increases with age. Young people (18-24) are half as likely to report a problem as senior citizens (65+) are. 15% of the young respondents had to deal with a land issue, whereas for the senior citizens the proportion is 29%.

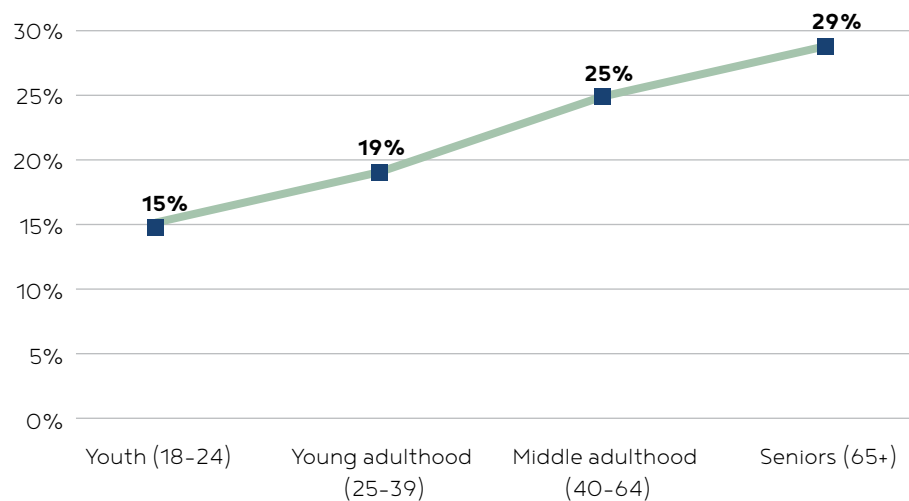
LAND PROBLEMS AND FORMAL EDUCATION



LAND DISPUTES

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LAND PROBLEMS AND AGE



The story of Abdur

Abdur is a 60-year-old farmer from a rural area. For the past 40 years, he has lived on land that he bought from two of his aunts. However, other people also claim the land, meaning he could lose his home. The claimants also forbade Abdur to cultivate the land and threatened and tried to beat him. This happened despite Abdur having the legal documentation to prove the land was his. Abdur tried to resolve this problem with the help of local government but was rejected due to being unable to afford to file a lawsuit. Finally, Abdur sought help from BRAC HRLS. The situation was resolved through a discussion with both parties. At first the opposing party did not respond, but they finally showed up after a legal notice was sent to them. Abdur's claim to his land was finally recognised.

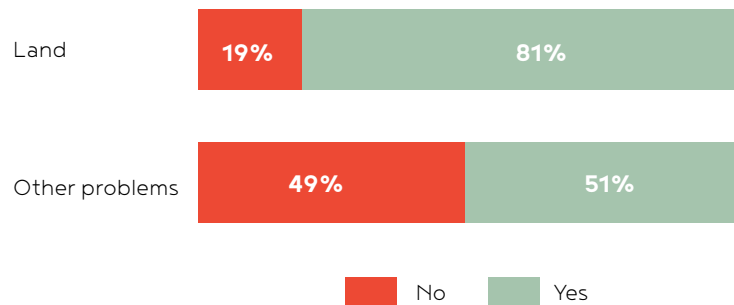


LAND DISPUTES

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People are generally well informed when it comes to resolving land disputes

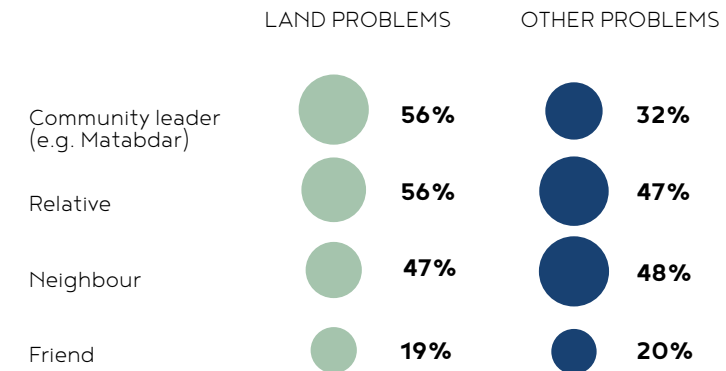
DID YOU SEEK LEGAL INFORMATION AND ADVICE



The most common reason (47%) for not seeking legal information and advice when resolving land disputes is that the people do not believe that this would help them. A further 24% did not know where to go for legal information and advice, 21% did not have sufficient funds, and 20% simply did not have enough time. 16% say that they tried to obtain legal information and advice but were not successful.

Land disputes take place within communities and often involve neighbours, relatives and other people from the immediate environment. 91% of the individuals who experienced a land dispute and sought legal information and advice did so from their social network.

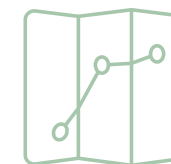
LEGAL INFORMATION AND ADVICE - SOCIAL NETWORK



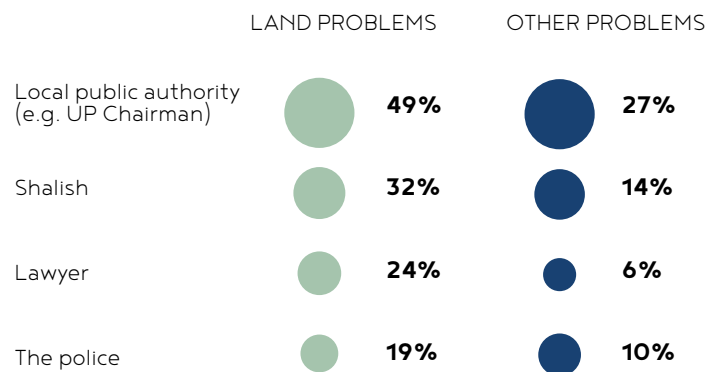
For land issues, matabdars and relatives are the most frequently consulted source of legal information and advice from the social network. They are consulted more frequently than for other legal problems.

LAND DISPUTES

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LEGAL INFORMATION AND ADVICE - INSTITUTIONS



Institutional providers are consulted slightly less often for legal information and advice around resolving land disputes. 76% of those who had to deal with such a legal problem and sought information and advice did so by consulting an institution. However, institutional sources are consulted far

more often in land disputes than for other legal problems, with only 46% consulting institutional sources at all.

Local public authorities are the most common institutional source of legal information and advice for resolving land disputes.

Type of negative impact	Land problems	Other legal problems
Lawyer	59%	68%
Local public authority	42%	51%
Relative	34%	49%
Community leader	31%	41%
Neighbour	29%	49%
Shalish	21%	18%

Many people seek information and advice for resolving their land problems from various sources. We asked them to identify the most helpful source. This is the ratio of the number of people who find the source most helpful to the number of people who used the source.

Just 6% of all who faced land problems sought legal information from publicly available sources. Newspapers (2.7%), legal services provided by mobile operators (2.6%) and TV (2.5%) are most frequently used.



LAND DISPUTES

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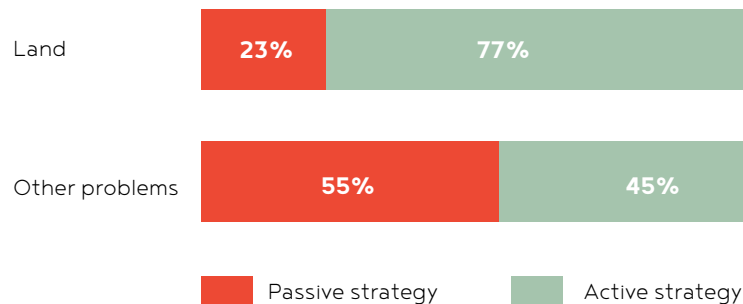
Dispute resolution

Most people who encounter a land dispute which might be resolved by legal means take active steps to resolve it.

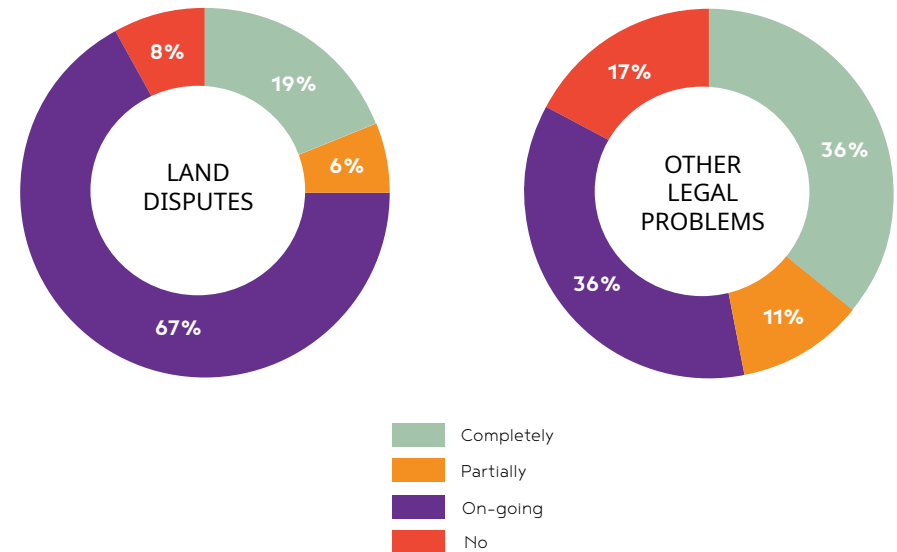
Taking actions does not mean, however, a successful outcome. Few of the legal problems related to land in

Bangladesh are resolved. Only **19%** of people say that the legal problem has been completely resolved, while 36% of other legal problems are completely resolved. The overwhelming majority of 66% say that the land dispute is ongoing, compared to 36% for other legal problems.

RESOLVING LAND DISPUTES



HAS THE PROBLEM BEEN RESOLVED?



The fact that land disputes are decided upon by government agencies is one of the major issues identified in the triangulation workshop. Two ministries and several departments are involved and, based on what we have heard, there appears to be limited coordination between them. Currently, the government will always be involved in the resolution and even smaller tasks, such as measuring land or creating documentation, can only be performed by the government. Delegating some of this authority to

non-governmental organisations or others could speed up the procedure.

Additionally, experts informed us that the current land registration system contains many errors. Most of these records are hand written and the registry is not up to date. Surveys take up to 30 years to complete and this provides people with the opportunity to misuse the system and grab land. Digital innovation could help improve this system.

LAND DISPUTES

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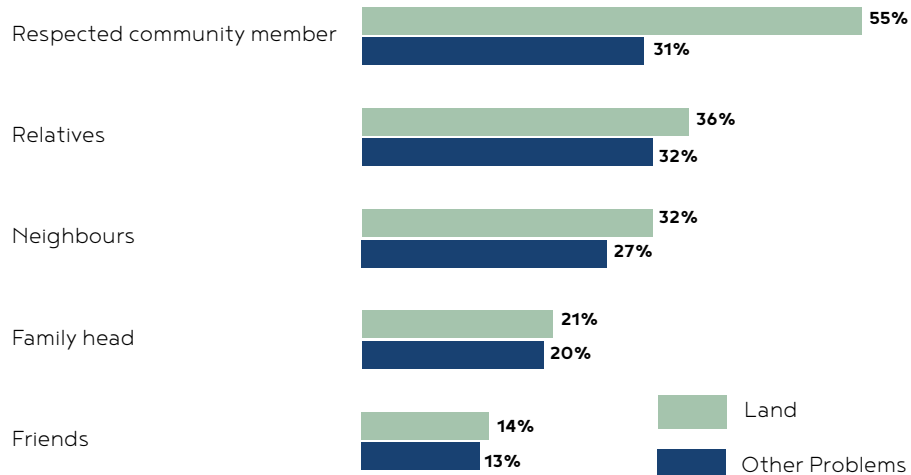
Self-actions

70% of people who faced a land dispute and pursued an active strategy took some sort of self-action to resolve the dispute; for other problems this is 61%. 44% of them say that they gathered evidence, 33% contacted the other party in the dispute and 28% contacted witnesses.

Social network

79% seek to engage a person from their social network. Matabdars, family members and community members are the most frequently engaged informal parties in the resolution of land disputes.

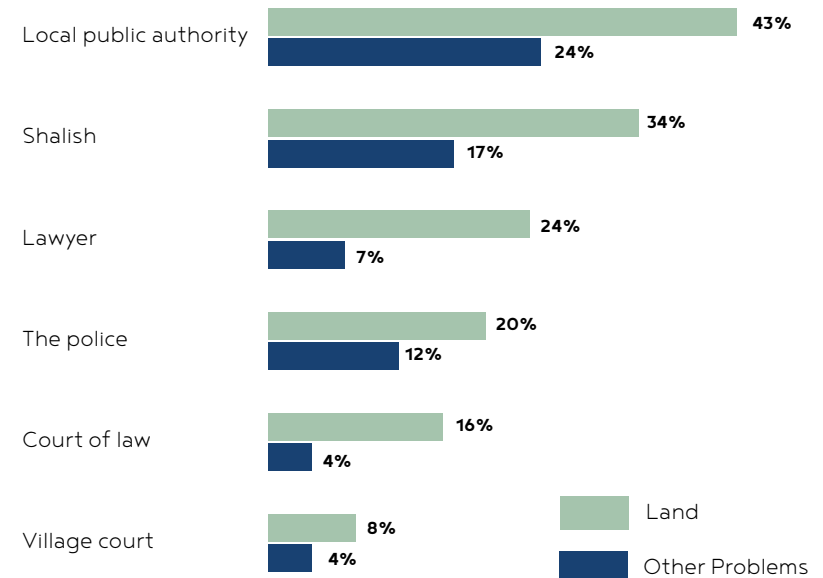
DISPUTE RESOLUTION - SOCIAL NETWORK



Institutions

79% of those who encountered a land dispute and pursued an active strategy brought the land dispute for resolution to a specialised institution or authority. The usage of formal institutions reveals significant demand for land justice. The use of institutions for dispute resolution is substantially higher in land disputes than for other legal problems.

DISPUTE RESOLUTION - INSTITUTIONS



LAND DISPUTES

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Relatively most helpful	Land problems	Other legal problems
Lawyer	56%	60%
Local public authority	52%	61%
Court of law	31%	33%
Shalish	28%	30%
Respected community member	27%	41%
Gathering evidence	23%	22%
Neighbours	19%	36%
The police	17%	52%
Relatives	10%	27%

The table above shows the ratio between the number of people who used a specific source and how many people identified this source as the most helpful. Lawyers and local public authorities are identified as the most helpful dispute resolution mechanisms.

Respected community members are rated as less helpful than for other legal problems. This also applies to neighbours and relatives. This could be related to the fact that these three parties are potentially involved in the land dispute.



LAND DISPUTES

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Costs and quality of the justice journeys for resolving land disputes

To resolve land disputes the people of Bangladesh travel complex justice journeys. In the search of fair outcomes, they start with self-action, and involve informal and formal providers. We asked the users of justice to rate the processes.

The fairness of the processes for resolving land disputes is rated rather low. First, the Bangladeshi users of justice do not feel that they have been provided with a fair process. People are particularly concerned that different rules were applied to different parties in the dispute. Another challenge for land justice is that the users do not feel that they have sufficient opportunities for redress.

The users of justice say that the neutral decision makers in land disputes have to provide more information. This will increase the clarity of the procedures.

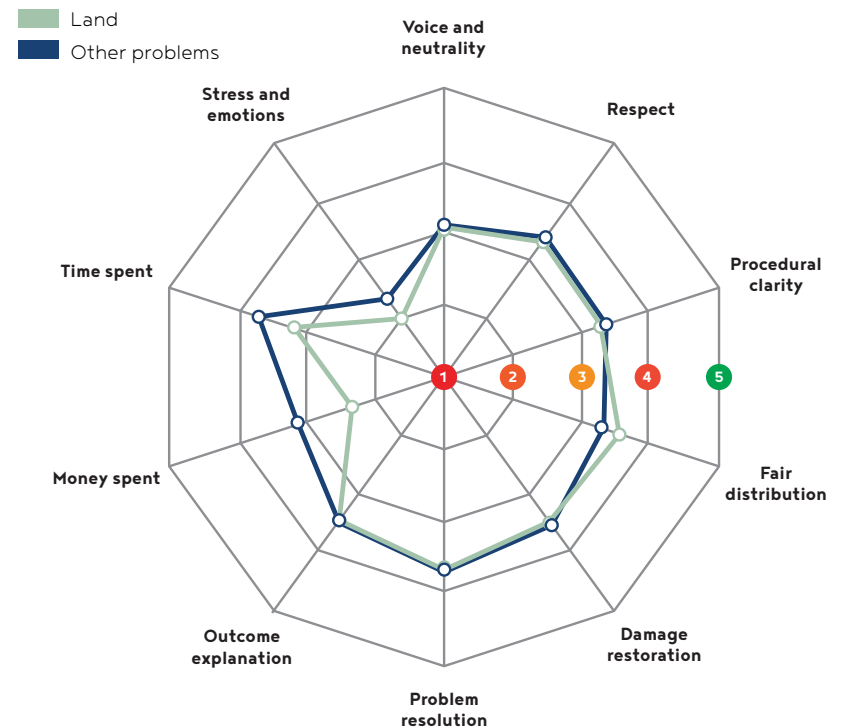
Costs of traveling the justice journeys for land problems are high. Monetary expenses and stress and negative emotions are particularly high in accessing justice for land disputes. On average, people report spending around 74.000 Taka¹² for fees, experts, travelling, collecting documents etc.



¹² Around €720 or \$880. Source: www.oanda.com/currency/converter/
Date: 06-03-2018



COST AND QUALITY OF LAND JUSTICE



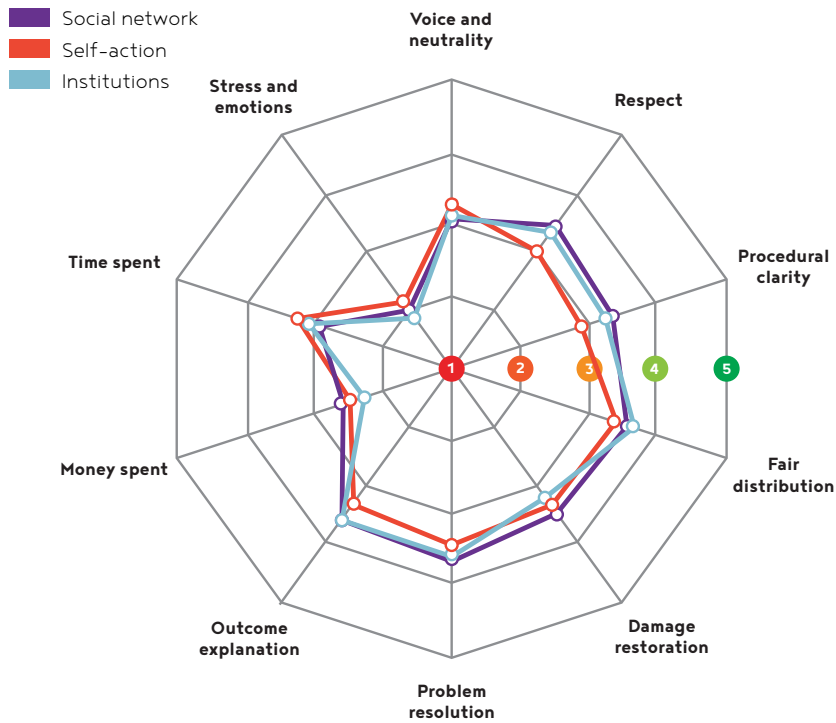
LAND DISPUTES

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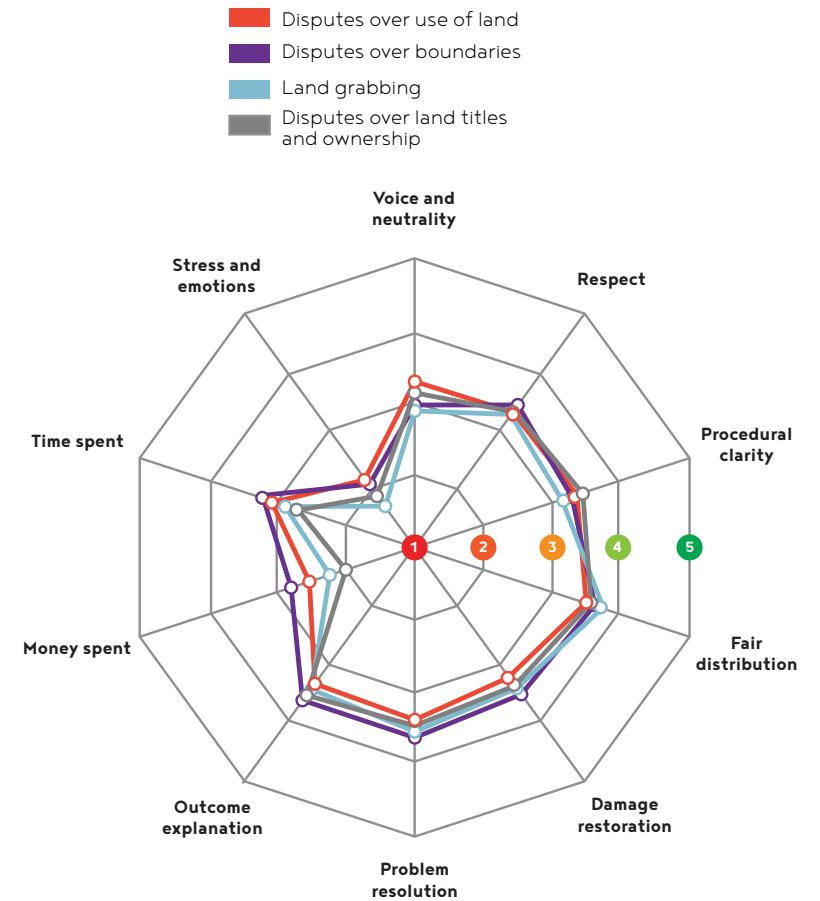
People assess the processes of solving land disputes with self-action as less fair in the dimensions of respect and procedural clarity. Involving a third party improves the satisfaction with the fairness of the outcome.

Different types of land dispute differ mostly in terms of monetary costs. Problems with boundaries of land are less expensive. Disagreements over land titles and the right of ownership are most expensive.

LAND PROBLEMS BY TYPE OF DISPUTE RESOLUTION



LAND PROBLEMS BY TYPE OF DISPUTE

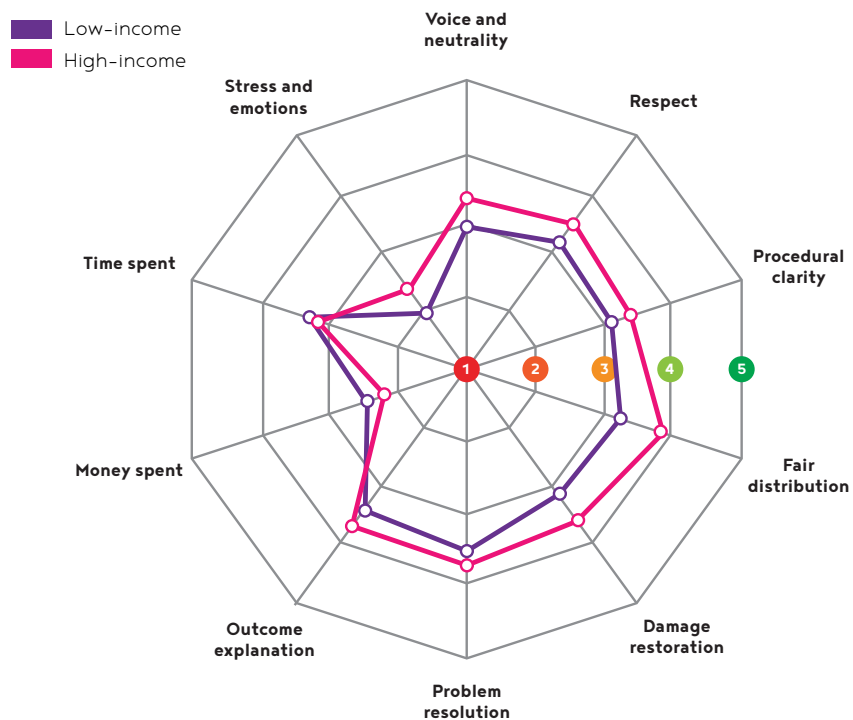


LAND DISPUTES

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Low-income people perceive land justice as less fair. This holds for both process and outcome fairness. Users of justice with a higher income spend slightly more money but also report less stress and fewer negative emotions in resolving land problems.

LAND PROBLEMS BY INCOME



Conclusion

Land disputes are the second most prevalent type of legal problem for people in Bangladesh. Problems with neighbours inevitably also have elements of protection of property and tenure rights.

Disputes about land are a direct threat to the livelihood of the individuals, families and communities involved. They take place within the community, and this is where people look for fair solutions. The UP chairman, matabdars, and shalish commission are often involved in these resolutions.

Compared to other types of legal problem, a relatively high proportion of land disputes are referred to lawyers for resolution. Still, many people deal with their land issues outside of the formal legal system.

People with lower incomes pay slightly less and spend less time in the pursuit of justice. However, they perceive the quality of the procedures and the quality of the outcomes of land justice journeys as less fair.

Indigenous people are a particularly vulnerable group in land disputes.

In the triangulation workshop it was claimed that the law to protect indigenous land is limited in reach and rarely upheld in practice. This means they have limited legal recourse when faced with a land dispute, and community land is being lost as a consequence.

Despite the active strategies pursued by the users of justice, many land problems remain unresolved. In the triangulation workshop, experts informed us that the current system is overly complex. Two ministries and several departments are involved, and people end up going back and forth between institutions. The land registration system is also mostly hand written and digital innovation can play an important role in reducing the time required to resolve land disputes.

The current system is not user friendly and people are suffering because of it. Moreover, resistance to change and length of procedures has resulted in people taking advantage of the system and grabbing land. There are even stories of powerful citizens grabbing government-owned land. The need for change is pressing and the time to act is now.



9

Conclusions and Recommendations

Conclusions

Legal problems are common

Four out of five adults in Bangladesh faced one or more legal problems in the past four years. This implies that approximately 31 million people experience a legal problem every year. Additionally, there is a high degree of co-occurrence of legal problems, with people facing an average of 2.1 legal problems. The most common legal problems revolve around land disputes, neighbour problems and crimes. These three categories also account for 60% of problems that were identified as most serious. The people facing these problems need access to user-friendly and effective justice journeys that deliver fair outcomes.

Most legal problems are an intrinsic part of everyday life

Disagreements with neighbours, disputes within the family and even conflicts around land might not be high priority issues from a policy perspective, but for the people involved in these conflicts the impact is substantial. Nearly half of the people indicate that the legal problem they experienced had a strong, negative impact on their lives. Perhaps even more concerning is the high amount of personal injury involved in legal conflicts. Clearly these disputes are having a substantial impact on people and the need for improved access to justice is pressing.

Focusing on the delivery of justice for commonly occurring legal problems has the potential to impact millions of people. It will create both more stable and more predictable relationships, reduce the number of conflicts and ultimately ensure people can focus on building better, more prosperous lives, all of which can

lead to the improvement of socio-economic structures in society and will ultimately contribute to the progress and growth of Bangladesh. A poorly functioning legal system will instead result in loss of livelihood, damaged relationships, loss of health, and violence.

Lack of legal awareness

Seeking legal information and advice and engaging in some form of dispute resolution are essential steps in resolving any legal dispute. However, only about half the people in Bangladesh choose to do so. Every year, approximately 15 million people do not take any form of action when faced with a legal dispute.

These people cannot be ignored; their pain is real and demands solutions. The main barrier for these people is the belief that it will not make a difference. There is a sense of hopelessness among the people, and seeking legal advice or taking active steps to resolve a dispute are seen as pointless; the opportunity costs are simply too high.

Legal awareness appears to be highest for land disputes, with four out of five people seeking legal information or taking some form of action. For neighbour disputes and crime, however, it is fewer than one in two. Combined with the fact that problems in certain categories, such as domestic violence, were likely underreported, this information paints a bleak picture. People are unlikely to act and may not even be aware of the fact that their problem has a potential legal resolution.

CONCLUSIONS AND RECOMMENDATIONS



Disputes are mainly resolved outside of formal institutions

One in two people take active steps to resolve their legal problem. However, they mostly rely on alternative dispute resolution mechanisms and very few problems are referred to courts of law. Taking action yourself, such as gathering evidence, or going to local elites, such as the UP chairman or the matabdar, is far more common than going to the police or court. There is an inherent risk to this strategy, since the influence of local elites in the dispute resolution process becomes substantial. This can lead to biases and conflicts of interest, and experts state that this is problematic in many instances.

Lawyers are recognised by Bangladeshis as being relatively helpful in legal disputes. However, a limited number of people is able to engage them; they are costly to retain and not necessarily easily accessible in more remote parts of the country. Legal aid provided by the government goes some way to cover this need, but is far from sufficient.

Many unresolved legal problems

For the people who do take action to resolve their legal problem, about four in ten find a solution to their problem. This places a substantial burden on the social fabric of a country. Unresolved legal problems cause significant uncertainty and difficulties at the individual level. Moreover, a lack of justice delivery also undermines trust in the system itself. When people's justice needs are not being met, voluntary adherence to the rules of the game is undermined. The opposite is also true: when fair and accessible justice journeys that produce just outcomes are available, people have a greater degree of peace of mind and the basis for productive relationships is much stronger.

Major divergence between the different regions

Access to justice varies strongly across Bangladesh. We find, among other things, substantial differences in problem prevalence, the number of people who seek legal information and advice, the number of people who take action, and the number of problems that are resolved between divisions. For example, in Khulna, 84% of people take action, while in Sylhet only 41% choose to do so. There are also large differences in how people rate their justice journey. People from Sylhet are generally more positive than average, while those residing in Barisal are more negative. There is no easy explanation for these differences, but it is essential to recognise them and attempt to move towards a convergence in access to justice. These structural differences imply that some divisions will be left behind, resulting in unequal access to justice.

Women face particular difficulties

The data does not reveal substantial differences between women and men. However, based on feedback from local experts, the situation for women with regard to access to justice is quite different than for men, particularly related to violence against women. Studies show that this is a major problem in Bangladesh, but very few women dare discuss the issue. Local experts state that women are often assumed to be lying and presenting a false case. This mistrust of women reduces their confidence in the system and reduces their options for obtaining fair outcomes; they are not fully protected by the law.

CONCLUSIONS AND RECOMMENDATIONS



Land disputes are a major concern

Land disputes are identified as the most serious legal problem in Bangladesh, affecting 8 million people per year. Disputes over the use of land, ownership and land grabbing are the most frequently cited specific problems. The negative impact these disputes have on people's lives is substantial, with 66% reporting a major impact. People generally inform themselves quite well when it comes to land disputes and are also likely to take action to resolve the dispute. Despite this, the resolution rate of land disputes is only 25%. A complex system of rules and procedures makes this a difficult problem to navigate for the average citizen in Bangladesh, while local elites have taken advantage of the confusion to exert their influence and grab pieces of land. The current situation is unsustainable, with many people suffering and having their livelihoods impacted. Change is an absolute must.

Bright spots of justice in Bangladesh

The government of Bangladesh has been investing in access to justice. There is a clear dedication to equal protection under the law in article 27 of the Constitution. Moreover, the government is supporting the implementation of the Legal Aid Services Act of 2000¹³. There are shortcomings in the implementation of this act and it is currently not able to meet the needs of all the beneficiaries¹⁴, but it does highlight that access to justice is on the political agenda. We hope this report will contribute to this mission by mapping out the justice needs of citizens and clearly indicating areas for improvement.

The data indicates that there is a high level of legal empowerment among the citizens of Bangladesh. Despite the fact that the current system is not delivering justice for large numbers of people, many still indicate they are quite confident that they will receive fair solutions to their legal problems. This high level of trust provides a strong foundation upon which to build better justice journeys. People believe in a path to justice, it just has to be paved with ways to enable them.

Lawyers are quite expensive and clearly not available to everyone. However, they are consistently rated as being very helpful in dealing with a legal problem. Lawyers in Bangladesh are thus performing well for those who can afford them and are delivering justice to some people. The challenge that remains is improving access to lawyers and ensuring their affordability for all.

¹³ Legal Aid Law, 2000 (English), National Legal Aid Services Organization

¹⁴ Akter, 2017, "Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox?", Asian Journal of Law and Society, 4, pp. 257-275.

CONCLUSIONS AND RECOMMENDATIONS



Recommendations

The Justice Needs and Satisfaction study reveals several challenges, but also bright spots in access to justice in Bangladesh. Based on the evidence collected and our experience of measuring and innovating justice, we invite discussion on the following approaches to improving justice journeys in Bangladesh:

Prioritisation

This study reveals the need to prioritise justice reform in accordance with the needs of the people of Bangladesh. Bangladeshi society is changing at a rapid pace, with social and economic progress being made on multiple levels. The justice system needs to change accordingly in order to stay aligned with the most prevalent and pressing justice needs. People indicate that in their daily lives they often have to deal with land conflicts, neighbour disputes and crime. Focusing on the improvement of these justice journeys will directly impact the millions of people facing these legal problems. Based on the lessons learned from improving these justice journeys, justice reform can then focus on the next most prevalent legal problems. This is a step by step approach that could incrementally improve access to justice for those who need it most. By first focussing on the legal problems that impact the largest number of people, quick gains can be made.

Land justice is particularly pressing, according to the data. The current land laws are several decades old and

are in dire need of updating. Digital innovation can play an important role here by, for example, creating a fully digitalised registration system. Procedural changes can also play a vital role; increasing coordination and creating a one-stop service for citizens would be a helpful first step, as currently two ministries and several departments are involved in legal disputes related to land. People feel lost and end up going back and forth between different institutions multiple times. Delegation of some functions to non-governmental actors can also contribute to reducing the current strain on the system and substantially improve the accessibility and speed of justice.

Improve information delivery

Access to justice also implies empowering citizens to find solutions to their legal problems. Currently, one in two people neither seek legal information and advice nor take any sort of action to attempt to resolve their dispute. This suggests there is a substantial lack of legal awareness among the citizens of Bangladesh. New ways to increase the flow of information to these people should be found. Without a basic idea of their rights, where to go and who to talk to, people will struggle to find fair outcomes to their legal problems. This effectively ends a justice journey before it even has an opportunity to start, leaving the citizens disappointed. Providing the relevant information in a user-friendly manner when citizens need it most, will empower and guide them on their justice journey towards a fair outcome. User-centric, targeted and actionable legal information can be provided pro-actively at the level where the people encounter a problem. This information can be provided by traditional legal providers, hybrid providers which target the problems holistically or through new channels of communication.



CONCLUSIONS AND RECOMMENDATIONS



Design and provide affordable and accessible justice journeys for all

Regardless of one's gender, affluence, ethnicity, religious background, disability or any other personal characteristic, access to justice has to be guaranteed for all members of society. This is the only way to guarantee true equality before the law and ensure peaceful and inclusive development. The data clearly shows that different people have different justice needs. These needs impact vulnerable people more profoundly. These differences should be taken into consideration when designing the delivery of justice services. Taking the perspective of the most vulnerable people should be the guiding principle of designing justice journeys.

Women in Bangladesh face particular difficulties. When faced with a legal problem, particularly related to violence against them, women are often afraid to speak up or persuaded to drop their cases; the system seems to work against them. It is crucial to improve gender sensitivity and take the specific justice needs of women into account when designing new procedures. Furthermore, women have to be made more aware of their rights. Awareness is the first step towards empowerment and improving access to justice for this group.

The poor are particularly vulnerable when it comes to access to justice in Bangladesh. The data shows that the lowest income group tends to evaluate the quality of the procedures and the quality of the outcomes less favourably than Bangladeshis in higher income groups. Moreover, they are slightly less likely to take action and experience a higher degree of stress and negative emotions. There should thus be a specific focus on the poor, to ensure they have access to justice and their legal disputes can be resolved in a fair and transparent manner.

Indigenous people are confronted with an unwilling system when it comes to community land. Access to justice could be improved by recognising all indigenous groups, understanding their needs and putting a stronger emphasis on implementation of the law. All people need to be able to rely on both the letter and spirit of the law. Based on the opinion of local experts, this is currently not the case in many instances and indigenous people are struggling to have their voices heard and to gain access to justice.



Explore the full potential of hybrid justice mechanisms

Traditionally the focus of the justice sector is firmly on formal justice institutions. However, the data shows that very few people actually employ these formal institutions when faced with a legal problem. Most people start the journey from their social networks, then some involve informal local institutions and relatively few reach formal justice. Formal justice is considered to be expensive and time consuming. Additionally, courts are plagued by a significant backlog, increasing the costs for the users even more. Developing standard procedures could begin to address this issue. These currently only exist for criminal cases.

Instead of relying on formal justice institutions, the data reveals that many people go to local public authorities and powerful figures in their communities to resolve their legal problems. This is a positive sign, with people resolving their disputes on a local level. Linking these local institutions with the formal justice institutions has great potential for enhancing justice journeys and integrating access to justice into existing social and institutional mechanisms.

For the design of hybrid justice it is crucial to recognise the role that local elites play. Justice journeys should be free from bias. This requires profound knowledge of the demand and supply of justice in Bangladesh. Neutral decision makers should be accountable in terms of processes, outcomes and accessibility. Appropriate redress mechanisms should ensure fairness in a transparent, effective and efficient manner.



CONCLUSIONS AND RECOMMENDATIONS

**Justice innovation**

Many people experience similar needs for justice. With relatively minor variations the legal problems in daily life often repeat and pose similar challenges for the individuals, communities and organisations involved. At the same time, more than 60% of the citizens who encountered legal problems say that the problem has not been resolved. This is a challenge but also an opportunity for scaling up innovative solutions. Justice innovation is not new in Bangladesh. In 2014, BRAC's Human Rights and Services Programme won the global justice innovation award with an ingenious land justice solution. Land entrepreneurs were trained to measure land and certify property rights and titles in a new way. This is a great example of justice innovation. Many more innovations are possible and, as the Justice Needs and Satisfaction Study confirms, much needed.

**Build and sustain a justice innovation system**

In order to thrive, justice innovation has to be encouraged and supported. After mapping access to justice from the users' perspective, the next logical step is to invest in developing a robust system of justice innovation. Such a system would include smart innovators, dedicated financing, engaged institutions and supportive policies. Most of all, the building of such an requires smart process design, clear ownership and the engagement of public, private and civil society actors.

**Digital innovation**

Nowadays, a lot of innovation takes place at the intersection between justice and technology. Smart and innovative solutions can empower people by leveraging their existing capabilities. Several countries are already experimenting with registering land titles on a decentralised ledger supported by blockchain technology. Artificial intelligence is powering a growing array of applications which advise people about rights, entitlements, fair processes and just outcomes. Online dispute resolution is proving capable of resolving high-volume, low-value disputes. Technologies are not a silver bullet, however, the Justice Needs and Satisfaction Study clearly shows that the massive volume of justice needs in Bangladesh requires bold and perhaps disruptive solutions.

**Continued monitoring of bottom-up justice**

An estimated 31 million Bangladeshi people encounter a legal problem every year. In order to develop their human, social and economic potential to the full extent, the people of Bangladesh need accessible, fair and effective justice journeys. To respond adequately to people's needs for justice, continuous bottom-up monitoring of justice needs is needed. Monitoring of justice journeys as the users encounter them should be mainstreamed into policy-making and service delivery. Active involvement of civil society organisations, and even taking a leading role, will increase accountability of justice in Bangladesh. Evidence about bottom-up justice will inspire improvement and innovation. It can be the basis for the formulation of citizen-centric targets - Justice Delivery Targets. Bangladesh can be a pioneer in measuring the progress towards the UNs Sustainability Development Goal 16.3 with its people in mind.



About Hiil

Our mission:

By 2030, 150 million people will be able to prevent or resolve their most pressing justice problems.

Our approach focuses on empowering innovation in the justice system. We collect data about the needs and satisfaction of the users of justice systems. We aim to understand how justice works in ordinary people's lives and how they fulfil their justice needs. Our Justice Needs and Satisfaction Tool (JNST) tracks more than 40 elements of the justice experience.

We believe that justice is about justice providers in the broadest sense, not only about courts or other formal institutions. We therefore argue that change needs to happen where justice occurs and recognise that many of the factors that influence justice lie outside the realm of traditional legal services.

To achieve this aim, we rely on international and local expertise to identify what works best in a specific context.

Furthermore, the JNST offers a cost-effective alternative to monitoring progress in the justice sector. This standardised and replicable approach leads to economies of scale, a reduction in operational costs, increased efficiency, a reduction in operational risk and cross-country benchmarking. We also make the data available to policy-makers through clever interfaces, so they can work with the findings. The responsible use of this data leads to knowledge, creates empowerment, and builds accountability.

The countries we have worked in since 2014 include The Netherlands, Jordan, Mali, Tunisia, Uganda, Ukraine, Kenya and the UAE. We are currently working in Bangladesh, Jordan and Lebanon. Our target countries for 2018 are Nigeria, Rwanda, Mali, Uganda and Fiji.

For more information, visit www.hiil.org

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