



Report

Women and power

Mediating community justice
in rural Bangladesh

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About the research

This case study is an output from the Women's Voice and Leadership in Decision-Making project. This two-year (2014-2016) evidence and learning project, funded by the UK Department for International Development, asks: (i) What enables women's substantive voice and influence in decision-making processes? (ii) Does women's presence and influence in decision-making improve outcomes for other women and advance gender equality? (iii) How can international actors better support women's leadership and decision-making? In answering these questions, the research has examined the relationship between women's political, social and economic power and resources, both individual and collective.

Project activities and outputs include:

- A global review of the evidence on women's voice and leadership, with thematic chapters on women's political participation, social activism and economic empowerment,
- A rapid review on women and girls' leadership programmes,
- A rapid review on women and girls' use of digital information and communication technologies,
- Five empirical case studies on women's leadership and decision-making power, in Afghanistan, Bangladesh, Gaza, Kenya and Malawi,
- A synthesis report and policy briefings.

More information can be found at:
www.odi.org/women-and-power

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Acronyms

| | |
|-------------|--|
| AVCB | Activating Village Courts in Bangladesh |
| CLS | Community Legal Services |
| DFID | Department for International Development |
| EC | European Commission |
| EU | European Union |
| FGD | Focus Group Discussion |
| GWLN | Grassroots' Women's Leadership Network |
| LGD | Ministry of Local Government Division |
| MLAA | Madaripur Legal Aid Association |
| NGO | Non-governmental Organisation |
| NU | Nagorik Uddyog |
| UNDP | United Nations Development Programme |
| UP | Union Parishad |

Bengali terminology

| | |
|-----------------------|--|
| <i>Shalish</i> | Community dispute resolution process |
| <i>Shalishkar</i> | Mediator in a community dispute resolution process |
| <i>Netri</i> | Leader |
| <i>Samaj</i> | Society |
| <i>Mohilla</i> | Woman |
| <i>Nagorik Uddyog</i> | Citizens Initiative |
| <i>Upazilas</i> | Sub-district |

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Summary

In rural Bangladesh, women have historically been excluded from participating in traditional justice, rarely even attending even their own hearings. The state, non-governmental organisations (NGOs) and women leaders have been working towards changing this situation for the better.

Our study in one of the poorest areas of the country suggests women's participation as leaders in community dispute resolution has increased, although we remain doubtful as to whether they can influence what kind of justice is delivered. In-depth interviews with women leaders at the community level in Rangpur suggest their ability to participate depends on their family dynamics, political connections, household economy, education and NGO networks. The personal stories of women show how these interrelate and interact with legal, institutional and social changes in Bangladesh.

We conclude that progress on this front requires sustained engagement – from the state, NGOs and women leaders. International donors can continue to support progressive social change through providing careful, context-specific funding to trusted grassroots organisations.

Here's the **what**, **how** and **what next**:

What has changed?

- **Historically, in rural Bangladesh, women have been excluded from participating in community dispute resolution.** In traditional forms of community justice in rural Bangladesh (*shalish*), women rarely even attend their own hearings, let alone act as mediators.
- **The state, NGOs and women leaders have been working towards changing this situation for the better.** NGOs have drawn on traditional ideas to develop their own community dispute forums, which create space for women's voice. A quasi-state justice forum, the village courts, now has at least one woman on all cases involving women and minors in project areas.
- **Women's access to and influence in these forums remains restricted.** The dominance of elite (predominantly male) interests on political, social and economic public and private decision-making limits the progress that can be made. For example, the participation of women in community dispute resolution tends to be restricted to 'women's issues', which excludes land and property disputes.

How has it changed?

- **Institutional and legal change is creating opportunities for women to participate in public decision-making spaces.** 1997 reforms of local government included quotas for women's participation via direct elections, embedding their numerical (if not substantive) participation in community politics. A 2013 amendment to the Village Court Act mandated that a woman be present during cases involving women and minors. Procedural rules within the village courts mean these are often drawn from these same politicians, deepening their community participation.
- **NGOs have strategically negotiated community power relations to improve women's access to community justice.** Nagorik Uddyog (NU), a social mobilisation NGO, has for decades been working on building women's leadership, in part through creating networks of women leaders and offering training opportunities. However, they also facilitate an alternative *shalish* in which the same women play a part as mediators. Their strategy of *co-opting* community elites into these NGO-*shalish* has been essential to ensuring women's participation.
- **A mix of family dynamics, political connection, household economy, education and women's networks helps determine whether they can participate in community justice.** Much depends on whether women are perceived by themselves and others as having a 'voice' or 'an ability to speak', which is underpinned by these different capabilities and tied into the broader institutional and social changes that are ongoing in Bangladesh.
- **Women mediators tend to act in a manner that is both practical and strategic.** The language of gender equality appeared to be avoided in favour of appearing confident, logical and aware of the law. This allowed women to highlight deeply gendered issues such as child marriage or domestic violence in a way that is perceived as non-confrontational.
- **Women's individual stories matter and may defy easy categorisation.** Women's personal desire to engage in public decision-making is likely a key factor in whether they are effective. While this does not constitute a policy lever to be pulled, these stories form the messy reality of social change that should be acknowledged.

What needs to happen next?

- **Progress requires sustained community engagement.** There is often a significant time lag from when individual women participate as mediators in these forums and when they feel it is seen as socially acceptable. Indeed, women spoke of discrimination they had faced for pursuing these roles.
- **Work with women *and* men is necessary to shift the rules of the game at the community level.** The

dominance of males in family and political life in rural communities means their engagement is essential to creating opportunities and shifting social norms for women. Tackling the idea of ‘women’s issues’ within community justice is a long-term but essential goal.

- **International donors can support progressive change through building trusting relationships with grassroots organisations.** There is a need for a ‘light footprint’ approach to supporting women’s leadership, which is modest about the role aid can play in facilitating social change.

1. Introduction

Women's leadership in developing countries is under-analysed. There is plenty of valuable scholarship and development programming on gender issues, particularly in relation to women's empowerment, but whether and how women become 'leaders' and hold decision-making power across different sectors and contexts remains largely an unknown (Domingo et al., 2015). All the more worrying, we know little about how women in leadership positions feel about their roles – and indeed how and for what purpose they exercise any influence they have.

This research explores pathways to women's leadership in rural Bangladesh through the lens of community dispute resolution. The provision of justice in rural Bangladesh has historically reflected patriarchal divisions of political, social and economic roles, with women taking little to no part in traditional practices of local justice (*shalish*) (Chen, 1983; Hashemi, 2000; Kabeer, 2011). The recent revival of 'village courts' in certain areas, as well as ongoing non-governmental organisation (NGO)-facilitated mediation, has increased women's participation in community dispute resolution. This presents an important area of analysis for those in Bangladesh, and beyond, seeking to understand women's access to decision-making and influence in highly gendered community spaces.

Numerous studies have looked at the gender dynamics of the *shalish*, as well as the role of NGOs in reforming such practices (Harrold, 2007; Kolisetty, 2014; Nazneen, 2004). There is also a growing body of literature around women's political participation in Bangladesh, including at the community level (Nasneen and Tasneem, 2010; Panday, 2013). However, few have investigated the pathways by means of which women can participate in community justice, nor the extent to which they can exercise an influence over proceedings.

Women's participation in community dispute resolution has important moral value from a gender equality perspective. The vast majority of women in rural communities will use such dispute resolution forums for many diverse justice needs. Therefore, importantly, we

also question whether women's participation in decision-making in these forums can lead to improvements in outcomes for female disputants. This paper explores this as well as outlining the different enabling factors for positive change in women's access to decision-making. The research questions informing this specific paper, then, are threefold:

1. To what extent do women have presence and influence in community dispute resolution?
2. To what extent does this translate into improvements in gender equality?
3. What are the enabling factors for changes in women's presence and influence in community dispute resolution?

This paper draws its findings from analysis of two programmes: Activating Village Courts in Bangladesh (AVCB) and Nagorik Uddyog's (NU's) Grassroots' Women's Leadership Network (GWLN). In different ways, these two programmes seek to embed women's participation in community justice forums. This paper is not an evaluation of these programmes, but rather an attempt to learn from their practice to understand the nature and enablers of women's access to decision-making forums.

Overall, this paper shows that, while many barriers remain to women accessing and having influence in justice forums, their growing numerical presence in this sphere is an important step in the right direction. The study explains women's growing presence and influence through their own understandings of how these are shaped by family life, local politics, economic status, education, NGO involvement and their own agency and voice in their communities. Female NU-*shalishkars* and 'panel judges'¹ leverage their capabilities to take advantage of opportunities provided to them by NGOs or the changing institutional rules around their participation in dispute resolution, in the context of wider shifting gender relations. International actors have helped fund such opportunities amid a broader shift in the aid environment in Bangladesh.

1 For the remainder of this paper, we distinguish between those who work on the NU Shalish as NU-*shalishkars* and those who work with the village court as panel judges. The former are not NU employees but have been trained by them.

1.1 Methods

This research paper is part of a broader Department for International Development (DFID)-funded project on women's voice and leadership in decision-making. As such, it builds on the key propositions, and attempts to fill the evidence gaps, established by an initial global evidence review on these topics (Domingo et al., 2015).² The primary research for this project took place in Rangpur district,³ northern Bangladesh, between July and August 2015. We conducted research predominantly in three *upazilas* in the district: one with GWLN presence, one with AVCB presence and one with the presence of both. This research involved 18 in-depth interviews with women community leaders, 13 of whom had participated as judges or *shalishkars*. Four focus groups were conducted with women judges or *shalishkars*, with a total of 25 participants. The findings from these were triangulated through interviews with NGO staff, union *parishad* (UP) chairs and members and four random community-level focus groups. The latter allowed us to compare women's own perceptions of social change with those of random community members, male and female. Further limited research took place in a nearby *upazila* with no specific justice sector interventions to our knowledge, which allowed us to cross-check our findings on women's leadership in project areas

Annexes 1 and 2 provide further details on our research methods, including a list of interviewees and focus group discussions.

1.2 Structure

This paper begins by providing an overview of the justice sector in Bangladesh, with a specific focus on community-level institutions. After this scene-setting, it examines whether women are present in these different justice

forums, whether they have influence over decision-making and with what effects. The paper then outlines the different factors that have contributed to (but also sometimes restricted) women's presence and influence in these forums. The relationship between these different factors is analysed before recommendations are offered: both for national gender advocates and for international donors.

Box 1: Leadership and decision-making power

Leadership means the individual and collective capabilities to mobilise 'people and sVer, 2009). Leadership involves the ability to influence the ideas and behaviour of others and is effective when it translates into outcomes, whatever the content of those might be. In this paper, we view leadership as both a process and an outcome. That is, women may occupy formal leadership positions and have influence (outcome), but our research commonly indicated that leadership is an ongoing process of change in women's lives and the lives of those around them.

Decision-making power is the ability to influence decisions that affect one's life – both private and public. Formal access to positions of authority and to decision-making processes is an important, if insufficient, condition for women to have decision-making power in the public domain. In fact, decision-making power is a composite of access, capabilities and actions that shape whether women have influence over village life or decisions about their private life. Having influence with, over and through people and processes is therefore central to both leadership and decision-making power.

Source: O'Neil and Domingo (2015).

2 This review looked at the evidence relating to increasing women's voice and leadership through interventions in women's social activism, political participation and economic empowerment.

3 The formal administration of Bangladesh is divided into (with largest first) divisions, districts, upazilas (sub-districts, previously called thanas), unions and wards. There are eight divisions, 64 districts, 488 upazilas and 4,550 unions.

2. Community justice in rural Bangladesh

Bangladesh became an independent nation state in 1971. In 1972, a constitution was adopted that guaranteed the citizenry a range of fundamental rights, rooted in democracy, non-discrimination and equality. Much like other South Asian countries, this reflected ‘the socialist vision of a post-colonial state in the second half of the twentieth century’ (Byrne and Hossain, 2008: 125).

Part VI of the Constitution of the People’s Republic of Bangladesh deals with the formal justice sector. The apex court of the country, the Supreme Court, consists of the chief justice and other judges appointed by the president. Article 114 of the Constitution paved the way for establishing courts subordinate to the Supreme Court. Accordingly, the Civil Courts Act 1887 provides for the subordinate civil courts and the Code of Criminal Procedure provides for the courts of magistrates and sessions. Today, the legal sector is well established, with possibilities for both grassroots legal empowerment through to social justice lawyering in the Supreme Court, although the latter is being tempered by increasing politicisation of the judiciary (Farid, 2013; Golub, 2003; Harrold, 2007; Kolisetty, 2014).

Legal pluralism is a fact of life in Bangladesh, with many different forms of justice institutions apparent in rural areas. There is a formal court system, whose lowest body is the village courts, with district-level courts and Supreme Court above them. The district courts are backlogged and corrupt and tend to have limited relevance for rural people (Harrold, 2007). In the recent Justice Audit (2015) data for Rangpur, when asked, ‘Where would you go to get justice?’, only 15.8% of rural respondents stated the court, with 32.7% saying they would go to the UP chair. This reflects a general desire to resolve disputes within the community, something that was frequently reiterated during our research. It also demonstrates that the village courts and NGO-facilitated shalish are rarely the first point of contact in the justice system when a grievance is raised (Jahan, 2009).

Historically, the dominant forum of dispute resolution within rural communities has been the shalish, a ‘small-scale local council which is convened for conflict resolution’ (Lewis and Hossain, 2008: 54). This

typically involves village elders, religious leaders, elected representatives or other influential community members. There is no available literature comparing *shalish* across Bangladesh, but it is well acknowledged that the practice remains dominant in the country. The *shalish* has no formal legal authority — although it is well acknowledged that it remains a key part of the justice landscape. *Shalish* practices across the country have tended to reinforce patriarchal norms and values, with women rarely attending even their own hearings and very rarely participating as *shalishkars* (Golub, 2003; Riaz, 2005). Decisions of the shalish may reflect conservative interpretations of Islamic law, which often works to ‘sanctify male dominance’ (Panday, 2013: 154). While such Islamic law is not necessarily rigid, it is clear there is often space between the rights guaranteed in the Bangladeshi Constitution and subsequent laws and the practices of community justice.⁴

For many years, NGOs have sought to draw on the tradition and popularity of *shalish* in the country to institutionalise their own forms of dispute resolution, which aim to be fairer, particularly for women. NGOs differ in model and approach. Some organise small hearings in their offices with trained paralegals, for example; others try to replicate community *shalish* through engaging with local elites directly and conducting the process in public spaces (Harrold 2007; Nazneen, 2004). In discussions, respondents from NU made clear their perceived distinction between NGO-led *shalish*, in which the NGO dominates the process (e.g. through providing *pro bono* lawyers) and NGO-facilitated *shalish*, in which NGOs take a step back (e.g. by training community members to participate in *shalish* and helping facilitate the session). There has been no comprehensive mapping of NGO activity across the country on this issue, but The Asia Foundation estimated in 2007 that legal aid NGOs provided such services to 30% of the country (The Asia Foundation, 2007: 11). Cases heard in these forums tend to be ‘domestic’ in nature, in relation to different forms of violence, maintenance payments, land and dowry. NGOs often use the Constitution and legal frameworks at the national level to give legitimacy to their attempts to shift attitudes and practices in shalish at the community level.

4 Bangladesh is close to 90% Muslim. We interviewed Hindu shalishkars during our research who noted considerable restrictions in other ways, for example on property ownership.

The village courts⁵ were first initiated under the Village Courts Ordinance 1976. They are quasi-formal – mandated by parliament, dealing with both civil and criminal cases, yet legally required to follow an informal procedure of dispute settlement. Lawyers are barred from proceedings. Filing a case is affordable even for the poorest in society. The chair of the UP is also the chair of the village court, tying the latter into community governance structures. The legitimacy and efficacy of these courts depend heavily on this chair (Hassan and Ali, 2006; Quader, 1995). The panel of village courts consists of five members: the chair and two members each for the disputants, selected by them, one of whom must be a UP member.

In theory, village courts are present across all the UPs in the country, but in reality they have often remained underused (Das and Maru, 2011; Harrold, 2007; Lewis and Hossain, 2008; Quader, 1995; UNDP, 2002). Cases often involve money matters, assault or land. While by law cases the village courts cannot hear cases on domestic violence, our discussions indicate that in reality such cases are present in civil and criminal cases under other labels, such as land, maintenance or dowry. The village courts have previously received support from NGOs, particularly Madaripur Legal Aid Association (MLAA) (Das and Maru, 2011; Hassan and Ali, 2006).

How these different forums relate to each other remains unclear in the literature. In our research, it seemed cases travelled in a multitude of directions: there was some evidence to suggest cases are passed from village court to NGO-*shalish*, from NGO-*shalish* to village court, from the district court to village court and from traditional *shalish* to village court and NGO-*shalish*.

What we know is the justice landscape in rural Bangladesh has been (and continues to go) through processes of change (Lewis and Hossain, 2008). In particular, UP chairs appear to facilitate an understudied practice of *shalish* within normal traditional processes. This can take different forms – and has likely been strengthened in part by their central role in the revived village court (Das and Maru, 2011). As traditional *shalish* processes continue to change, there may be increased space for alternative forms of dispute resolution processes to play a greater role.

How people choose between these various changing institutions remains unclear from our research, yet we know from the growing body of research on informal justice that people will often forum shop in an attempt to attain the best outcomes (Sandefeur and Siddiqi, 2012).

5 Relevant legislation for these courts include the Village Courts Ordinance 1976; the Council of Disputes (Municipal Areas) Ordinance 1979; and the Village Council Act 1989, the Village Courts Act 2006 and an amendment to the 2006 Act in 2013. For a fuller legal analysis, see Murshed (2012).

3. Women's participation in rural justice

3.1 Are women participating in rural justice? With what effects?

In our research across Rangpur, we were interested to analyse whether and how women have been able to participate in community justice, why and to what effect. Women's access and participation should be understood as a matter of degree, in relation to the power they and others hold in other parts of their lives and the community (Domingo et al., 2015).

We analysed two broad outcome areas:

- **Direct:** women's presence and influence in community dispute resolution;
- **Indirect:** improved outcomes for women disputants.

These outcomes were selected in part because of our overarching research questions (see Introduction), but also because they each emerged in different ways during the research process.

Direct outcomes: presence and influence

A common assumption in the global literature (and in many donor/NGO programmes) on women's voice and leadership is that women in public decision-making positions will actually have influence in those roles (Domingo et al., 2015; Higgitt, 2011). Our research challenges this basic assumption.

In the following section, women's 'presence' refers to their physical, 'numerical', presence in these forums,⁶ rather than presence in a more substantive sense. While this is a more limited understanding of presence, it should not be dismissed, particularly where it marks a change from past practices. Influence can be distinguished from presence through whether (i) women are able to contribute freely to debates (and whether the chair takes their contribution into account); and (ii) whether they themselves are chairs (or given senior panel roles). The latter is rare: in the

village courts, the chair is also the UP chair, who is very rarely a woman. In NU-*shalish*, the chair tends to be an influential community leader – who may also be the UP chair – who again is very rarely a woman.

Traditional *shalish*

Our research presented mixed messages on the prevalence of traditional *shalish* in Rangpur. It is certainly ongoing in some form in many areas, particularly (but not exclusively) where the village courts or NGO-*shalish* are not active. One female leader identified in community focus groups, Mahbuba (#16), stated,

My father-in-law had been the chair of this union for a long 25 years and the people would abide by his words like the blind [...] After his judgement nobody needed to go to the village court.

The majority of the women involved in dispute resolution we interviewed made clear how women's participation in these forums – both as mediators and as disputants – had historically been limited and often remained so. A woman who had moved into the village when she got married a few years previously stated,⁷

If we want to talk in the community-level shalish, then older members of the community say: "You are women, you are young, we have more experience, and you only came from your parent's village only a couple of years ago – how can you talk about the community? We know more about the community than you, so you stop it" (FGD3).

Wider research outlines how *shalish* have become more inclusive, in that women can sometimes attend sessions as observers or witnesses, although they rarely participate as *shalishkars*. Active participation appears dependent in part on whether a woman is an elected UP member (Das and Maru, 2011).

⁶ This distinction is also made in Goetz (2002).

⁷ Women are expected to live with their husband's family.

Importantly, our research suggests that what counts as a ‘traditional *shalish*’ is blurred, since ‘traditional’ methods of conflict resolution include simply discussing among extended family, bringing in influential outsiders or perhaps discussing with UP members or chairs. As part of their increasing identification as community leaders, many women are involved in resolving disputes in their own forums. Kabeer (2011) notes a similar trend among female members of social mobilisation organisations in Bangladesh, where traditional *shalish* are rejected as heavily gender-biased and women have sought to use their own forms of dispute resolution – typically informal gatherings – instead.

NGO-*shalish*

The majority of NGOs working with *shalish* aim to improve women’s participation, which is often a valuable step for women previously excluded from such forums (Golub, 2003; Harrold, 2007; Hasle, 2003; Kabeer, 2011; Kolisetty, 2014; Siddiqi, 2004).

Nagorik Uddyog (NU), meaning ‘Citizens Initiative’, began in 1995, based on the desire to raise both women’s awareness of their rights and their capacity to pursue them. It uses Bangladesh’s relatively progressive constitutional and legal framework to encourage and legitimise individual and collective activism at the local level, particularly among marginalised women. Equally, it aims to transform the institutional dynamics of *shalish* in its project areas. NU-*shalish* are linked into NU’s GWLN, which seeks to provide a space for the ongoing growth of social awareness and mobilisation. These networks are operational in 93 of the 4,550 unions across the country.

NU staff estimate that roughly 50% of the women (from around 24 members in each network) who participate in the GWLN are active as *shalishkars* to some extent, which differs depending on geographical location. While this is far from conclusive for NU-*shalish* as a whole, in our interviews and FGDs with randomly selected women who participate in the GWLN in Rangpur (a relatively liberal area), the vast majority had participated in an NU-*shalish*, alongside a range of other more informal local-level dispute resolution (FGD1, FGD2). In practice, NU-*shalish* staff say they aim for a third of their *shalishkars* to be women, normally members of the GWLN, whom they support institutionally. NU’s most recently available annual review data suggest the figure may more often be close to a quarter: for example, in 2011/12, 1,150 out of a total of 4,831 NU-*shalishkars* were women.

Women’s space for influence depends in part on the forum they enter. We watched only one village court session and one NU-*shalish*. While information gained was anecdotal, they proved to be instructive. Women participated actively (speaking aloud, contributing to discussions) in these forums, particularly in NU-*shalish*. However, elite figures, such as the UP chair, continued to dominate the proceedings. In the NU-*shalish*, when (at the request of NU staff), a female GWLN member tried to make a point, the UP chair told her to stop talking. While she later got to speak, this illustrated that dominant village gender and power relations still persist in such forums.

NU-*shalishkars* were particularly clear that gaining legitimacy – both in the *shalish* itself but also in society – takes time. For example, according to two women who participate in NGO-*shalish*,

When I first started in the shalish [NU], it was tough to talk. People are always asking why women are talking so much [...] the people who protest at the start, now they support me. I had to prove my honesty and capability (Rabela, #1, NU-shalishkar).

At the initial stage, people neglected me, didn’t give me importance. The situation is changing all the time, but it’s a slow process [...] This is a gradual development. Even though women leaders participate in the shalish, the leadership role is still played by men (Muslima, #2, NU-shalishkar).

There is a broader literature on the role of NU-*shalish* that suggests women *shalishkars* are indeed able to speak with much greater freedom in these forums (Hasle, 2003; Higgitt, 2011; Siddiqi, 2004). Our research tentatively confirms this but made clear it is tied into a longer-term process of personal and social change.

Village courts

The AVCB project is being jointly undertaken by the Ministry of Local Government Division (LGD), the United Nations Development Programme (UNDP) and the European Commission (EC).⁸ The project works with 350 out of the total 4,550 possible village courts to ‘develop capacity of the village court members, elected representatives and support staff’.⁹ Its main aim appears to be to tackle court backlogs and provide an accessible justice forum for people in villages across the country.¹⁰ An amendment to the Village Court Act in 2013 (in part devised by the AVCB project) raised the potential jurisdiction of cases from 25,000 to 75,000 taka, as well as

8 The majority of funding comes from the European Union (EU) but technical assistance comes from UNDP. See www.bd.undp.org/content/bangladesh/en/home/operations/projects/democratic_governance/activating-village-courts-in-bangladesh.html

9 See www.villagecourts.org/

10 See www.bd.undp.org/content/bangladesh/en/home/operations/projects/democratic_governance/activating-village-courts-in-bangladesh.html

mandating that, in cases involving women and minors, at least one panel judge must be female.

Women increasingly have a presence in the project areas with active village courts in Rangpur. Our interviews with panel judges, female UP members and UP chairs point to broad awareness of the 2013 amendment, and women do indeed take their place on panels where there is a ‘women’s issue’ being adjudicated on. Data provided to us by UNDP indicate that representation of women in the decision-making process has increased from 8% in 2012 to 16% in 2015 in project locations. National information for village courts across the country is not available.

Previous studies on the village courts across the country do not indicate that women previously played a role as panel judges (Hassan and Ali, 2006), although it is clear NGO involvement in village court activities can change that rapidly. MLAA reports that, in 2011/12, 18.7% of mediators on cases in its programmes were women, which includes the village court and the arbitration council.¹¹ In 2013/14, it was 37.9% (MLAA, 2014). This raises the question, which the current literature does not answer, of whether women are playing any substantive role in village courts outside of areas focused on by programmes such as AVCB or by MLAA. It appears unlikely. Ongoing project support for the village courts appears to be a key variable in whether they are active in any way, let alone inclusive of women mediators.

We remain doubtful as to whether many women are able to exercise genuine influence in the village courts. In the village court hearing we saw, the female panel member did not contribute to discussions between the male panel members and the chair, although she did speak for a short time when called upon. Although this was one hearing, which says little in and of itself, we know from existing research that presence is not enough: women also need decision-making power, which, as we outline in the next section, is heavily dependent on their capabilities (Domingo et al., 2015). However, the very fact that the female members of the NU-*shalish* and village court ever feel they are able to raise their voice in this environment at all – given women’s historical exclusion from community justice – speaks to the broader shift in women’s role in public decision-making forums.

One of the most dominant limitations of women’s influence we observed was the confinement of women’s influence to ‘women’s issues’. In the village courts, women’s participation as panel judges is mandatory only for cases that involve women and minors. This is partly pragmatic, since those seeking such changes have to work within the bounds of what is likely to be socially acceptable. However, it does have the rather worrying corollary of reinforcing patriarchal norms and values: that women are capable of dealing only with those issues perceived to affect them, that

issues outside of traditional gender roles do not concern or affect women and that they should have no power over broader disputes, for example involving land allocation in the union. Some women we spoke to accepted this division; others actively challenged it. One female panel judge in an FGD (#3) stated,

In general cases usually we are not asked to participate. The chair and male panel judges think we can’t handle these sorts of things. But I think women are not such fools that they can’t handle 75,000 taka problems. We have the ability to handle these cases. They are underestimating our attitude and behaviour.

Conclusion

Our community FGDs, in both project and non-project areas, suggested that, while much has changed over the past few decades, women’s participation in community justice has remained largely symbolic – and is contested by many men and women. Indeed, during a random community-level FGD in the upazila with both a village court and an NU-*shalish* active, we spoke with an extended family that rejected the authority and values of these forums. One man in the group said women did not attend traditional *shalish* in the area. When asked why, he said, ‘This is not a woman’s activity. Women have a strong religious belief in their mind, and they also respect their husbands strongly’ (FGD6). Such findings show the need to recognise that women’s participation in the different forms of *shalish* is likely to remain contested among different communities.

Indirect outcomes: female disputants and the lives of *shalishkars*

There are three major questions in relation to outcomes for female disputants: does women’s presence (i) increase the number of women who bring disputes to these forums; (ii) improve their space for voice in these forums; and (iii) improve the outcomes they receive from them, from a gender equality perspective? None of these outcomes should be assumed. Woven into these is a broader question: if women have influence in public decision-making, will they use it to achieve improvements in women’s empowerment (Domingo et al., 2015)? This is often assumed, yet we know ‘women’s diversity means we cannot assume that individual women leaders will identify with or represent other women and their causes’ (O’Neil and Plank, 2015). Our reflections on these questions are necessarily limited by our research method (see Section 1 and Annex 1).

¹¹ In theory, the arbitration council is responsible for dealing with marriage-related cases. We do not discuss this council in depth here since it did not emerge as relevant during our research in Rangpur. More information is provided in Das and Maru (2011: 16): ‘The Muslim Family Ordinance of 1961 provides for arbitration councils to deal with family matters, including divorce, dowry, and maintenance. Arbitration council panels are comprised of three members: the UP chairperson and two others, one of whom is chosen by each party.’

Increase in the number of women

Many of the women we spoke to felt their presence encouraged women to bring cases to these forums; indeed, this is a broader aim of both AVCB and NU. Figures provided by AVCB are inconclusive on this front. They suggest an increasing number of women using the village courts: in 2011, 2,850 women sought justice in the village courts whereas in 2014 it was 6,926 in project areas. But it should not be assumed this is because there are more women panel judges, particularly since these numbers coincide with a total increase in the number of people who use village courts and their ongoing revival.¹² NU annual reports (2008; 2009; 2010) suggest a growing use of their NU-*shalish* by women. This is likely to be more directly because they explicitly focus on 'women's issues' in many cases – and their GWLN members are trained on legal issues in relations to gender equality. Increase in demand for such services should not imply that most disputes, particularly when they are of a sensitive personal nature (such as domestic violence), reach such a public forum (Wojkowska, 2006).

Women's space for voice

Whether female *shalishkars* create the space for female disputants to have a voice in their cases is under-analysed in the literature, both globally and in Bangladesh.¹³ This issue is not tracked in monitoring and evaluation of the programmes we analysed or in the existing body of work that looks at NU-*shalish* specifically (Hasle, 2003; Higgitt, 2011; Siddiqi, 2004). Siddiqi (2004: 16) argues that the presence of female *shalishkars* 'allows women to voice their concerns and claims more confidently and directly than they would be able to otherwise'.

Women's voice within the village courts as disputants is clearly limited by the social norms around such public speaking. However, this is an area in much need of further research. Women's voice as disputants in these forums will be heavily influenced by other factors beyond the presence of female *shalishkars* or panel judges. While development discourses commonly dismiss 'technical' procedural rules, these can shape how and when people are able to speak. In both the village courts and NGO-*shalish*, disputants (including women) are actively given the chance to present their case, which the rules of both forums mandate. This is a marked change from the informal procedures of traditional *shalish*, in which women rarely have physical presence, let alone voice (Jahan, 2009).

Gender equality outcomes

There is a troubling lack of analysis available on whether increased female participation as mediators in community dispute resolution leads to improved outcomes for female disputants. Our interviews suggest many *shalishkars* are sensitive to specific social practices that have negative impacts on women. NU-*shalishkars*, who receive training on women's legal rights under the Constitution, commonly spoke of the negative effects on women and girls of child marriage, dowry in terms of subsequent violence against women and inheritance rights. Many women said their views on damaging social practices did often lead them to speak up for women during hearings. It was less clear whether this applied across other forms of identity and exclusion, although there was a general acknowledgement across our *shalishkar* interviews that economic status plays a big role in *shalish* outcomes – in that wealthier disputants tend to have more power to guide the process in their favour.

Our own observations of whether women use their knowledge of the damaging impact of these practices during NU-*shalish* or village court sessions are limited. Yet, according to NU, women are now consistently able to access their rights in terms of alimony, maintenance, loan payment and compensation for various reasons through NU-*shalish* (Higgitt, 2011; NU, 2008; 2009; 2010). Are these benefits because of a more empowering *shalish*, including women's participation, or because of the institutional weight of NU? As Higgitt (2011) outlines, this is a tough issue to work out. The institutional weight of NU certainly plays a role, as does its co-option of elites, as we highlight in the next section.

When asked how and why they intervened in NU-*shalish* or village court sessions, few female interviewees framed their interventions in terms of women's equality; they framed them more in terms of what is legal, logical or, where appropriate, religiously acceptable. This is at once practical and strategic; most women implied that the only way they obtained any legitimacy in this forum at all was through proving their ability to be logical and have a 'voice'. As Habiba, a village court panel judge, stated, 'If I make an argument and establish logic, they will consider my opinion' (#8). Those with obvious women's equality agendas are likely to face a backlash from elites in the community who feel their authority is being challenged. Regardless, questioning the 'rightness' of these practices is arguably an important first step towards challenging them over the longer term.

12 <http://villagecourts.org/News-web/23-04-2015.php>

13 There exists a large amount of literature on mediation processes, but this tends to focus predominantly on Western countries, with a large focus on the US. Other research takes a broader look at this issue but does not go into the depth needed for this study (Moore, 2014).

Reconciliation was predominantly understood as the best way of improving the situation for female disputants in these forums. Every single female *shalishkar* we interviewed said their main aim when resolving disputes was to promote reconciliation, often between husband and wife. This included in domestic violence cases.¹⁴ The reality of rural village life in Rangpur severely limits a women's fall-back position in the event of separation. Resolution is a pragmatic choice because of their social and economic dependence on male family members: this makes it 'rational' to try to improve/negotiate better conditions for women within what are still oppressive and hierarchical relationships, even if this reinforces their vulnerability in the short term (Jahan, 2009; Schuler et al., 2008; 2013). This points to the value, in this context, of having recourse to strong laws, but not forcing such issues through the formal system (Jahan, 2009).

Many NGOs use the threat of legal action in the case of domestic violence in line with the Domestic Violence (Prevention and Protection) Act 2010 (Jahan, 2009; Kolisetty, 2014).¹⁵ This is also the case for NU, although, in the messy reality of these processes, reconciliation is often preferred, according to female *shalishkars* themselves. The effectiveness of court threats in these cases often depends on the perceived ability of the organisation to follow through on that threat. BRAC has an extensive legal aid programme that facilitates local mediation, which carries considerable institutional weight and is recognised by those engaged in dispute resolution (Jahan, 2009; Kolisetty, 2014). According to AVCB, the village courts do not hear domestic violence cases. Yet, even in our single viewing, we saw it was present in a case ostensibly looking at another issue – a common finding in quasi-state justice mechanisms that try to avoid domestic violence (by law) but end up trying to tackle it (in reality) (Jayasundere and Valters, 2014).

3.2 What factors influenced change?

In this section, we analyse how women and their advocates have achieved change. We do so through looking at how progressive institutions and organisational opportunities, women's own growing capabilities and shifting gender norms interact to shape different women's access to and participation in these justice forums – for better and for worse.

Progressive institutional and legal change

Institutions are 'rules and norms that shape people's behaviour and interactions in social, political and economic life' (O'Neil and Domingo, 2015: 2). Whether women are able to participate in community dispute resolution forums in Rangpur is decided in part through how permissive these institutions are, formally and informally. Organisations such as AVCB and NU (sometimes implicitly rather than explicitly) seek to influence the 'rules of the game', by shifting what is and is not permissible in justice institutions. Here, we place their efforts in the context of shifting institutional and legal rules – and examine how and why their attempts are generating opportunities for certain women – as well as their limitations.

Over the years, the government of Bangladesh has enacted a number of progressive gender laws and policies after long-standing advocacy by women's organisations (Farid, 2013).¹⁶ These legal and policy changes serve three main purposes. First, within a legal framework, the impact of the introduction of new laws or a change in existing laws or policies is felt initially in the subordinate courts; sometimes, the judiciary initiates new arrangements to respond to new legal requirements.¹⁷ Second, in some cases, community organisations use such legal changes as advocacy and sensitisation tools to try and influence processes and practices within 'informal' justice institutions. Third, in other cases, these changes open up new opportunities and avenues for women's participation in the socio-political and economic domain. The latter two can have mutually reinforcing effects.

One of the most important progressive gender laws has been the Local Government (UP) Second Amendment Act of 1997, which not only continued the previous provisions of reserved women seats within the UP but also allowed women to be selected for these seats through direct elections. It also increased the number of UP standing committees to 12, with the government instructing that 25% of such committees had to be headed by women. As we demonstrate below, this major change paved the way for future changes in women's access to justice forums.

Village courts

AVCB aims to increase women's presence as part of a broader attempt to revive village courts across the country. According to UNDP, the 2013 amendment to the Village Court Act can help women become more vocal and empowered (in turn achieving greater *influence*) in dispute resolution. An increased number of female panel judges is

14 Bangladesh has high reported levels of intimate partner violence, with some estimates of between 32% and 72% of married women in rural areas reporting experiencing it at some point in their lifetime (Sato et al., 2015).

15 This Act defines domestic violence as physical, psychological, sexual or financial abuse by a family member.

16 Including the Suppression of Violence against Women Act 2000, the Acid Crime Prevention Act 2000, the Acid Control Act 2000, the Family Violence Prevention and Protection Act 2010, the Domestic Violence Act 2010. Policies include the including the National Women Policy 2011.

17 One such example is the Special Tribunal on Violence against Women and Children, which was set up as an institutional response to implement the Suppression of Violence against Women Act 2000.

understood to increase female *participation* in the courts. This project has less of an explicit focus on building women's leadership than does NU – and does not provide specific training for women entering the village court.

The 2013 amendment is potentially powerful because the village court system is tied into the UP and therefore the power dynamics of village governance. In rural areas of Bangladesh, the UP is the only functioning political administrative unit and is therefore a major locus of power and patronage. Members of this elected body are commonly involved in managing local development activities and social safety net programmes and administering justice. The chair tends to be highly influential, setting the tone 'for the outcomes of local politics and decision making' (Lewis and Hossain, 2008: 39).¹⁸ Women's participation since 1997 has allowed them to gain 'social legitimacy and acceptance in formally participating and deciding on matters that are perceived as "women's issues"' (Nasneen and Tasneem, 2010: 41).

The 2013 amendment extends this participation to the justice sector. As cases must have two UP members present (one for each side), as well as a female panel judge during women and minors cases, female UP members have a greater chance of participation than before. The corollary of this is that this amendment is largely likely to extend opportunities for women who already have entered into the village elite, through either UP or sometimes other forms of community recognition. There is little evidence to date to suggest village courts will be effective *in any way* outside of the project areas, let alone in relation to women panel judges, where there is an absence of some form of external support (Das and Maru, 2011). This raises a question as to whether it is necessarily beneficial for women (or indeed men) to build their leadership in predominantly weak institutions – a topic that will need close analysis as attempts to strengthen the village courts continue.

NU-*shalish*

NU aims to increase women's *presence* in community dispute resolution forums through facilitating an alternative *shalish* in which at least one-third of *shalishkars* are women. Women's influence in these forums is encouraged through regular training on their constitutional and legal rights in relation to a range of issues, such as dowry, child marriage and domestic violence. NU aims to encourage women's confidence and ability to speak in public forums in part through the GWLN.

This network is voluntary and participants are selected based on their perceived power, desire and aptitude to pursue social issues in the public domain (Higgitt, 2011: 108). It is sustained through quarterly meetings as well as participation in different community initiatives. NU

GWLNs are established on the basis that increases in social capital will allow women to mobilise around their collective practical and strategic interests, with almost all of the women being involved in group discussions and/or campaigns on a regular basis. In creating space for female *shalishkars'* presence and influence, NU hopes women will participate more and receive fairer outcomes from the *shalish* process.

NU-*shalish* is part of an explicit attempt to co-opt traditional *shalish* and make them more equitable, particularly for women (Higgitt, 2011; Siddiqi, 2004). Before an NU-*shalish* is set up, NU staff meet with elected representatives and existing dispute resolution providers to allow them to voice concerns and to convince them of NU's aims and values. Securing their agreement allows the NU-*shalish* to gain some legitimacy in the eyes of the community. Several NU-*shalishkars* argued the support of NU was invaluable, particularly when they first engaged with the *shalish*, with field officers speaking to reluctant elites and even family members. This shows how NU itself becomes part of the power structure in the village. Its institutional power comes in part because it is a Dhaka-based organisation with presumed ties to the formal court system and international funding (Hasle, 2003).

This shows the success of an intervention relies not just on it being morally valuable but also on it taking into account the local socio-political and economic context and acting accordingly in order to get the buy-in of powerful elites. In other words, the intervention needs to be 'sold' to influential groups. Our research indicates this approach helped build a sense legitimacy for the entire institutional arrangement, in part through making clear to local politicians that affiliation with an NGO conflict resolution forum has its own benefits: one UP chair stated to us after the NU-*shalish* hearing that such forums were a useful way of deflecting criticism for impact of decisions. From this perspective, the process through which NU designed its intervention shows including local elites may very well transform a possible challenge to social values into a win-win situation for both the NGOs (and their female members) and the local elites.

Growing capabilities

Our research looked closely at the kind of women who can (or cannot) become 'leaders' in rural Rangpur, what capabilities and interests they have and how these have interacted with broader institutional or social changes to give them voice in the community. In our interviews with female *shalishkars*, five main overlapping issues emerged: family relations and status, political connections, household economy, education and finally NGO affiliations. Some of these areas are more fixed (such as family and political history), whereas external

18 Party politics, however, increasingly influence UP decision-making, and party affiliation and patronage can have a significant effect on how MPs allocate resources to chairs at the union level (Lewis and Hossain, 2008).

actors can influence others (such as household economy and particularly NGO affiliations). By embedding their narratives in what we know about the changing political, social and economic context of rural Bangladesh, we outline the reasons why women's presence in community dispute resolution is increasingly accepted – and why their practical influence comes under considerable limitations.

Family relations and status

Bangladesh is commonly characterised as a 'classic patriarchy' (Cain et al., 1979; Kabeer, 1994; Nazneen, 2004), with socio-cultural rules, norms and ideas consistently reinforcing women's dependence on men, their exclusion from household and public decision-making roles and their limited access to material resources and broad social interactions. The overarching social institution that defines women's role is *family*: women have little choice but to marry men, often at a young age, in order to ensure relative economic stability as well as family and kinship support in their lives (Kabeer, 1994). Patrilocal marital practices, whereby women are expected to live with their husband's family, reinforce women's dependence. However, in the context of restrictive socio-religious norms, including that of (but not limited to) *purdah*,¹⁹ which limits women's participation in public spaces, families and kin also provide them an extended social network, which can be an important personal resource (Kabeer, 2011). This is even more the case in the context of village life in which family name and lineage can be a powerful signifier for respect and patronage, for both women and men.

The issue of how family relations shape women's opportunities to access different forms of *shalish* cut across all of our interviews with women. Husbands, as well as extended families, play a major role here. Where husbands support their wives, this could be for a range of reasons, including both self-interest, principle and indifference (#6, #7). Rahela (#1), a NU-*shalishkar*, outlined how her husband recognised her desire and ability to lead:

My husband had always helped me in performing different social services and also encouraged me a lot. He told me, "You must get involved in these activities. This is in your blood."

The status of other family members plays a major role in whether the community sees women entering the public sphere as legitimate actors. The majority of women we interviewed identified a male, who, through his own community leadership, gave a source of legitimacy to the woman as a public actor. In some cases, a history of family leadership set the groundwork for women's personal desire to contribute to the community. Rahela went on to state,

My father was a religious leader at the mosque [...] I feel very proud of my father's leadership activity, he was working for society. When I was a child, my mother died, and my father took responsibility. He cooked and did household activities; this is very challenging for a man. I've never seen another man like him.

Support for women pursuing a role in the public space can change depending on perceived benefits to the household, which themselves can change over time, as the impact of community work becomes clearer. Interestingly, while far from uniform, some women indicated that their involvement with the village court or NU-*shalish* had improved their household standing. Improvements in family standing and broader community relations can go hand in hand. Nishat (#4), a NU-*shalishkar*, stated that,

'My family importance has improved since becoming a shalishkar. If anyone asks my son or husband about their problems then they will suggest me, even though they are males.'

However, the many personal challenges women face as they seek to push boundaries became very apparent. A constant narrative throughout our fieldwork was the struggle the vast majority of women had to go through to pursue 'leadership' positions. On more than one occasion it was implied that women suffered abuse in some form

Box 2: Having a 'voice' in rural communities

Having a 'voice' can mean different things to different people. As Domingo et al. (2015: 1) highlight, as an abstraction, voice 'risks masking the socio-political and economic cleavages that separate women and underplaying their diverse interests, identities, and ideological or normative preferences.' When we asked these women what allowed them to play a community leadership role, many referenced their 'ability to speak' (#2, #3, #13, #14). This was understood in diverse ways, including being logical, honest, trustworthy and knowledgeable. When we asked Romena (#14) why she was a female leader, she stated, 'If I speak to any neighbour of mine or a relative, they listen to me. My husband has a good position in the community and also within our family and relatives. My son is a teacher. I have some knowledge and some good speaking ability, that's why they listen to me.' Women's voice in these rural communities is in part underpinned by a range of factors, not least in relation to family, politics, economy, education and NGO affiliations.

¹⁹ Purdah means 'curtain', implying female seclusion.

as a result of taking on leadership roles in the community, including in speaking publically in community dispute resolution forums. Clearly, these changes can lead to family tensions if the behaviour is not fully sanctioned by a woman's husband, particularly if there is a perception that influential community members do not agree with her taking that position.

This perhaps helps explain why we found examples where women's espoused views on violence against women, child marriage and more did not appear to align with their actions in their own lives. According to Momtaz (#3), an NU-*shalishkar*, 'Even though they [women] have rights on their parents' properties, they do not claim them.' As one woman mentioned during an FGD with NU-*shalishkars*, 'If I want to live with my husband peacefully, it is acceptable that I have to go through occasional beatings.' This aligns with Kabeer's analysis of women who work with social mobilisation NGOs in Bangladesh. She argues the degree of 'patriarchal risk' they face limits their opportunities to bring about change in their own lives. Despite taking a public stand on many gender equality issues in the public domain, these women tend to be much less uncompromising in the personal domain, particularly in relation to marital issues (Kabeer, 2011: 522).

Certainly, becoming a *shalishkar* had brought many women we met into conflict both with their family and with the broader community. Their ability to pursue this kind of work *in spite* of such challenges is related to and dependent on other factors, such as their political connections.

Political connections

In Bangladesh, women's participation in local level politics has increased gradually over the years and this has led to 'changes in their aspirations and increased their voice and legitimacy within their communities' (Nazneen and Tasneem, 2010: 36). Our interviews highlighted how political connections, particularly for women panel judges, were particularly important. Of the 18 women we interviewed, eight of them were involved in politics, with five of them being UP members.

Family history and political connections are closely entwined for women, given the sometimes limited social networks women may have in rural village life. As noted by Cornwall and Goetz (2005), family relations can prove an incubator for 'political apprenticeship'. As Hasina (#15), a 55-year-old UP member, stated, 'I have a vote-bank of almost 350 votes of my kin and kith, which suffices to make a clean sweep in election.'

Husbands and fathers' position in the political arena helped a number of female *shalishkars* enter into politics, which can in turn open up access to positions in dispute resolution. According to Momtaz (#3), an NU-*shalishkar*,

My father was involved in politics and that is why everyone in my locality knows my family. There was no women member from our locality in the UP and, as a result, people told me to participate.

Importantly, a political position, or close relationship with a male who has such a position, tends to be a significant factor in providing women with greater influence in community dispute resolution. Momtaz went on,

I can make decisions in the shalish [...] but this is not the case for all women leaders. I have trust, I can speak. I'm quite different from the others as I'm a political leader, so I have some control over the community.

Their influence will be determined in part by how well they are embedded in (or can negotiate with) local elites.²⁰ In Bangladesh village life, important parts of the power structure include the UP, dispute resolution forums, NGOs and extended family networks. Elites such as political and religious leaders, NGO workers and respected community members therefore can be gatekeepers for women's (and men's) access to and influence in dispute resolution. Women's influence then is dependent in part on being engaged in party politics and leveraging patronage (e.g. the ability to disperse relief funds) similarly to men (Lewis and Hossain, 2008).

In reality, the women we spoke to struggled to secure such leverage, which in part explains limitations to their influence in dispute resolution. Growing research on women's participation in local governance in Bangladesh helps explain this: according to Panday's (2013: x) in-depth study, many elected women work in deeply 'adversarial circumstances in which the majority of the people, including their peers, families, and constituents, appear to be their opponents'. Women we spoke to often implied they undertook political positions at the behest of their husbands and the majority suggested they needed their permission to act in these spheres. Women involved in the UP in our research consistently spoke of discrimination they faced from male members and the chair. Such discrimination can set the tone for women's involvement in the village court or NGO-affiliated *shalish*.

At the same time, women may choose to play a role in community dispute resolution because it can strengthen their legitimacy in the community – and in turn their political ambitions. This was made particularly clear by Habiba (#8), who is both a UP member and a village court panel judge: 'It will develop my political status. That's why I'm going to the village court.' In contrast, there were also women leaders who rejected the idea of being involved in politics since it would cloud the respect they had in the community: Mahbuba (#16), a local female

20 Power is often mediated through 'elites', which Bottomore (1964: 14) defines as 'functional, mainly occupational, groups which high status for whatever reason in a society'.

leader identified by her own community, did not want to be involved in politics, saying it was ‘something dirty’ and ‘corrupt and turbulent’.

Household economy

Marriage continues to play such a dominant role in women’s lives, in part because of their continued economic reliance on their male partner (Kabeer, 2011). While for many years women have been working in public spaces – for example managing cattle or working in paddy fields – they rarely earn enough to be economically self-reliant. This is unsurprising given the general conditions of poverty in areas of rural Bangladesh such as Rangpur, where economic opportunities beyond subsistence agriculture and small-scale business are limited. It is in part poverty itself that has pushed women into public work, as well as long-standing efforts by the government and NGOs. The latter have overwhelmingly focused on microfinance as a means of poverty reduction and women’s empowerment, through offering loans exclusively to women. While the effects of these practices (on poverty, household relations, women’s empowerment and more) are mixed, there is little doubt such efforts have encouraged women into public spaces in rural Bangladesh and increased their interactions with other women outside of their family and kinship networks (Das et al., 2013; Goetze and Sen Gupta, 1994; Kabeer, 2001). Hasina (#15), a female UP member, noted that:

The people of this area are very poor. The NGOs started giving loans to the women, so their families became lenient enough to allow them to go for work outside the houses [...] Seeing one or two girls join the outside working force, the rest of the women stepped into their shoes in no time.

A clear relationship emerged during our research between household economy and women’s ability to participate in dispute resolution forums in Rangpur. Based on our perceptions and community FGDs, the majority of women who participate in the village court or the NU-*shalish* are not the poorest members of the community (despite the use of the term ‘grassroots’ by NU). There are obvious reasons for this, not least the ‘triple burden’ women tend to shoulder (housework, public paid work and childcare), which leaves little room for social work. Furthermore, as would be expected in the socio-cultural context of rural Bangladesh, wives are largely economically supported by their husbands, and generally their contributions to the household income are perceived to be relatively small. Those women who were widows and participated in the village court or NU-*shalish* tended to have extended family networks that supported their own income, normally their sons. There was widespread

agreement that class status does affect whether women have influence in NU-*shalish*; as outlined in one discussion (FGD2), to have sway over elites some of the *shaliskars* have to be from that class.

Yet a source of some income was deemed important by many as providing them with relative independence and power in the household. As Shirin stated during an FGD (#1) with NU-*shalishkars*, ‘If I can contribute some money to the family, my husband will listen to me and value my opinion. Otherwise, why will he listen to me?’ This was not always necessary for female *shalishkars* to take up the public position. Perhaps more important are the economic and social networking opportunities finance groups in the area provide. Our research indicates that many of the women taking these loans were doing so at the behest of their husbands. While this challenges the notion that such schemes are necessarily economically empowering, historically they have drawn women into the public space, often for the first time beyond the family network (largely because of *purdah* norms). This can form an important building block for the future.

Women’s access to different assets, such as property, will influence not only their household relations but also their potential to mediate on particular kinds of disputes in either the village court or the NU-*shalish*. Property is a complex social issue in Bangladesh, with different but related social practices apparent for Muslims and Hindus.²¹ The vast majority of women are landless, because of patrilineal practices in which property is commonly passed down the male line (Nazneen, 2004). As Shumitra (#11), a Hindu panel judge stated,

In my religion, as a Hindu, I have no inheritance rights. So how do I raise my voice inside the family? I have nothing, so people will give me no importance. If I have something, people will give me importance.

We asked Shumitra why women do not participate in land cases. She succinctly responded, ‘It might be because we have less experience with land [...] as a woman I do not own any land, so how do I resolve a land case?!’ Of course, women rarely sit on the panel of land cases in the village court, in part because of the institutional set-up, whereby their participation is mandatory only for cases involving women or minors. To date, to our knowledge, there has not been any specific advocacy by women or their advocates to take part in such cases in the village courts.

There is a clear intersection between family relations, political connections and the household economy in creating opportunities to enter dispute resolution forums for women. All of the *shalishkars* we spoke to who were involved in politics identified the need for large sums of money to compete in elections, alongside a large family

21 For more information, see Nazneen’s (2004) literature review, which discusses this topic.

network (FGD2; interview #6). Hasina (#15) outlined how she had to spend around 100,000 taka for her second-term UP election, which she managed through borrowing 50,000 taka and selling six cows. This has the parallel effect of largely excluding women who cannot get such support from politics – and therefore often community justice. However, this is much less the case in the NU-*shalish*. Members of the GWLN are normally determined simply through finding women who are prominent in the community and have an interest in the network (there is no direct financial gain).

Education

Bangladesh has had significant success in increasing women's access to and participation in education.²² Most studies have given credit for this to social safety net programmes and developmental interventions carried out by government agencies, complemented by social awareness-raising by NGOs (particularly in relation to early marriage). NGOs have also established their own primary schools (Asadullah and Chaudhury, 2015; Heath, 2013). Importantly, women's education often allows them to develop stronger bargaining power within the household, which can lead to greater control over resources (Heath, 2013).

Our research findings show this bargaining power can be extended at the societal level, with the vast majority of our *shalishkar* interviewees indicating that broader social improvements in the education of women have contributed to better opportunities for participation in public decision-making. As one UP member stated (#3), 'UP members can solve some issues in traditional *shalish*. If people feel you have enough education then they may come to you.' While panel judges are called dependent on the request of the chair and community members, it is clear their education plays a role. Golapi (#13) attended a courtyard session where women were given information about the village court:

They tried to choose people who had [at least a] minimum education and no children to look after. I think that's why they selected me. They need women who can make people understand judgements.

Our interviews suggested many educated women were more likely to aim to be self-sufficient and, as a result, were trying to get involved in different income-generating activities conducted by different NGOs. This is eventually helping them in providing financial assistance to the family,

which in turn is strengthening their bargaining position and ultimately encouraging them to play a broader role within society. According to Momtaz (#3),

I am honest, I can make the right decisions, I can talk, I maintain a strong network and I have a strong educational background. All of these have encouraged me to work for social development.

This shows how access to and influence in dispute resolution depends on combinations of capabilities.

NGO affiliations

Women's involvement in different NGOs varied in our study. For some, it clearly had an important snowballing effect; involvement with one NGO had led to involvement with another, each of which tended to encourage that woman into public space. However, as is well acknowledged in the literature, whether women are involved in different community initiatives depends on the type of NGOs they work with. For example, of those who work with BRAC and Grameen Bank, the former are more likely to participate in protests and rallies, given the approach of BRAC, which stresses women's awareness of their rights (Kabeer, 2011; Nazneen, 2004; Schuler and Hashemi, 1996). Among the women we interviewed, particularly those from NU, there was certainly an increased desire and willingness to participate in public life.

NU has a specific strategy to nurture female leaders 'who are confident, creative and armed with knowledge' (Siddiqi, 2004: 16). In the GWLN, members of a group attend two- to three-day workshops that make them aware of their constitutional rights. Importantly, these workshops deliberately attempt to include 'critical reflection upon traditional domains of male and female responsibility as well as analysis of the negative impact of prevalent cultural practices like patrilineal inheritance systems, dowry, child marriage and female seclusion' (Higgitt, 2011: 108). Focusing on these issues requires challenging deeply held societal values and threatening existing economic and political structures. Legislation prohibiting dowry,²⁴ for example, has been largely ineffective, according to Huda (2006: 266), because it goes against 'the powerful patriarchal system'. Local elites, such as religious leaders, play a major role in preserving or shifting social norms in Bangladeshi village life. Religious edicts (fatwas), for example, continue to be enforced by such leaders in many

22 According to one study, whereas in 1970, just one year before independence, of total enrolment in primary and secondary schools only 32% and 18% were girls, 'by the early 2000s, gender parity at primary and secondary levels was achieved, and enrolment of girls currently surpasses that of boys, with the exception of tertiary level education' (Adams et al, 2013: 2033).

23 Among these programmes, whereas some aimed at increasing the overall enrolment of children in primary educational institutions (e.g. Food For Education, which provided free monthly cereal rations to poor households if they sent their children to the primary educational institutions), others (e.g. the Female Stipend Programme initiated in 1994) specifically targeted the female child. In fact, the Female Stipend Programme has played a key role in increasing women's participation in educational institutions (Khandker et al., 2003) and, according to one estimate, this has increased the eligible female child's years of education by 14% to 25% (Hahn et al., 2015). Another study indicates a far greater impact and suggests 'female enrolment has increased more than five-folds since 1994 when the conditional cash transfer scheme was introduced' (Asadullah and Chaudhury, 2015).

24 Dowry Prohibition Act 1980.

areas, despite state laws to the contrary (Siddiqi, 2004). It is extremely difficult for women to negotiate such social norms in the absence of some knowledge of such laws and how they apply in their own contexts.

Through the GWLN, NU is hoping to build women's 'power within', increasing their personal capabilities to engage in public life. This gives them a sense of self-worth and confidence that they have something legitimate to say. Yet, at the same time, this approach builds women's 'power with', increasing the shared leverage and opportunities that emerge from regularly engaging with other women in similar circumstances. This gives them greater power and impetus to speak out on social issues, supported by NU. While NU does not frame the issue in this way, this strategy seeks to move women's role from one of numerical presence to one of active influence.

It appears that those women who enter into NU-*shalish* are more likely to do so with more of a shared agenda and way of thinking than those who are panel judges in the village court, given the actively empowering approach of NU. Members of the GWLN often commented on the value of legal knowledge they had and how they used it to sensitise others in the community, on issues of child marriage, dowry and inheritance. In this respect, there was a form of collective leadership, which led many women we spoke with to challenge rights violations in their community outside of formal community dispute resolution. Higgitt (2011) also demonstrates how this has led GWLN women to be recognised by their neighbours as valuable sources of experience and knowledge.

For many women, their involvement with a single social mobilisation NGO such as NU was catalytic in opening up new opportunities. As one female *shalishkar* said during an FGD (#1), most of their participation in GWLN had begun in 2004:

After being involved in GWLN, we had a chance to move frequently, to participate in social discussion and social activity. This is a platform we had to change their [males'] perceptions to going outside the home.

A different woman in the same FGD made clear how being involved in leadership activities with NU was difficult, but that over time they proved themselves:

Husbands were not supportive at first. But when we tried to explain what kinds of activities we were doing, what practical things we were doing, our husbands can realise we are doing something good. In the same way we have to prove ourselves to society, we have to prove ourselves within the home.

This work with NU has led to gradual change but also awareness among many women that they need to act both collectively and strategically to achieve change:

*When we first started working with Nagorik Uddoyog, the local influential people did not like that. They used to say, "Now, they have become leaders! Drive them out from here, they are no good." But things have changed. For women, it is not possible to work alone but we can achieve something if we work through an institution and work with the local-level political leaders. Together, it is possible to do something (Rahela #1, NU-*shalishkar*).*

Another more subtle strategy NU takes is embedded in the name of these networks. Calling them *mohilla netri* (women leaders) allows them to identify publically in a way NU hopes in itself has an empowering and catalytic effect. This process is a good demonstration of ways to draw on individual and collective ideas around leadership. Indeed, the very fact that women were speaking with us in a group forum, emphasising their role and influence as *netri*, suggests an increasing affiliation with 'leadership' in the community.

The contribution of international actors

There is a long history of women's mobilisation in Bangladesh that precedes donor involvement and influence. Women were involved in anti-colonial struggles before independence, and, after 1971, focused on a range of issues such as political empowerment, legal reform and violence against women (Nazneen et al., 2011). Many women's rights organisations were therefore formed without donor funding, based on the personal desire and drive of activists to tackle a range of issues. However, through the 1970s and 1980s, the gender and development movement led many international donors to fund a range of gender-related projects. This allowed these groups to reach an increasing number of women and broaden their scope of activities, but also diluted the radical political edge they once had (Nazneen and Sultan, 2009: 199). One impact of donor funding has been that a focus on gender equality has come to be seen as a 'Western import', despite the national roots of many women's rights organisations (Nazneen et al., 2011: 16).

On the back of neoliberal shifts in emphasis by donors in the 1980s, now women's grassroots work tends to be mainstreamed as part of broader service delivery, such as microcredit or community legal services (Kabeer et al., 2009). Organisations that have a strong focus on women's leadership, such as NU, often work strategically in this space to achieve their own objectives. It is common for such organisations to emphasise their affiliation with state objectives or the law (such as the Constitution), in order to appear non-adversarial to donors, to the government and

to local elites in programme areas. Women's organisations play a fine balancing act between remaining activist in nature yet being perceived as fundable and unthreatening to the state and donor discourses. Small and medium-sized organisations have struggled to stay alive in an aid environment where funds have increasingly gone to larger organisations or been built into government budgets (Nazneen et al., 2011). Interestingly, neither of the organisations we focused on in this study would be perceived as a women's rights organisation, but they have a considerable role to play in women's access to community dispute resolution.

Nagorik Uddyog

NU formed in 1995, focused predominantly on community justice and building social capital, not limited to issues of women's equality. International funding does not appear to have played a major role in its strategic direction. However, for NU, the support and approaches of donors have been crucial in two main ways. First, long-term funding (although over short project cycles) has allowed the organisation to learn, adapt and ultimately gain roots in communities. The project in question here, titled Improving Access to Justice through Human Rights Education and Community Mediation, is currently funded by Christian Aid (UK) and Bread for the World (Germany). It started in August 2004 and is now in its fourth phase, having scaled up from 30 to 43 unions. Past evaluations highlight that NU is a 'learning organisation' (Uddin and Rowshan, 2010); this has been facilitated in part by consistent project-based donor funding and relatively flexible funding. Through the support of Community Legal Services (CLS) funded by DFID, NU expanded to a further 50 unions in different project areas from January 2013.

Second, this funding has supported a set of ideas that are fundamentally home-grown rather than donor-imposed. Over the course of three separate discussions with Mr Hossain and his staff, it became clear the

organisational vision is more important to NU than is securing funding at any cost – and that NU 'does not like work that is donor driven'.²⁵ Furthermore, NU believes the GWLNs are increasingly becoming self-sustaining, given that they require only limited funding and guidance once they are well established in a community. This of course comes with the caveat that the current long-term funding received for this project has been essential, and also that institutional support, albeit from a distance, will be required for GWLN groups for some time.

Activating Village Courts Bangladesh

Donor involvement was a crucial driver in reactivating the village courts, which prior to this had remained dormant for some time. Perhaps the most important action to date has been advocacy and consultation by the EU and UNDP, which resulted in the government eventually enacting the 2013 amendment. As part of the AVCB project activities, a report was prepared on the legal frameworks surrounding village courts, which gave recommendations, including the draft amendment bill itself. As part of the review process, AVCB organised several seminars, workshops and discussions. These took place at the different administrative levels of Bangladesh, from the union to the national level, and involved a broad range of state, judiciary, civil society and community members (Murshed, 2012). Our interviews in project locations suggest knowledge of the functions of the village court did begin to spread in 2006, but it is only in the past few years that they have been functioning in AVCB project areas, because of the increase in its mandate by government and capacity-building and awareness-raising activities by the AVCB project.

One of the most important questions for international donors has been the sustainability of village courts after they are made functional through the project. The aim, then, has been to ensure the government fully supports the project and is willing to continue funding once the project ends. As it stands, five more years will be added to the

Box 3: Different women, different lives, different choices

Identifying often-shared capabilities among women should not suggest they are homogenous in their circumstances and outlook: different women leverage different capabilities in different ways. In the search for tangible factors or triggers for women's increased voice and leadership, it can be too easy to neglect more subtle yet crucial elements of their story that convince them to pursue positions despite considerable barriers. For example, Susan (#6), an NU-shaliskar, said the turning point in her life was when she spoke up publically after hearing a traditional shalish had fined a girl and arranged a marriage when a man had assaulted her while she was sleeping. Another shalishkar, Ferdousi (#7), realised she wanted to play a role as a community leader after defusing a conflict for another female politician over welfare payments. Of course, women may be involved as shalishkars for personal gain, out of conviction it is the 'right' thing to do, at the behest of their husbands – and much will depend on what stage of their life they are at and the outlook they have when opportunities are available. Future research would benefit from taking a life histories approach, to get a better sense of this and the nuance of their stories.

25 Personal communication with NU, 15 September 2015.

project in 2016, but it is foreseen that it will stop then and the government will take it forward. One problem with this support to date, in part because of a desire to work closely with the government, is that the project's goals are rather legalistic and formulaic. For example, while the 2013 amendment is a major step, there is no guarantee women who enter into the village courts will have a voice, and the project is not putting in place any form of capacity-building to ensure that is the case. This displays perhaps the expected differences between programmes initiated by major donors like UNDP and the EC, in relation to the government, and grassroots social mobilisation NGO such as NU. While the former may have a greater chance of expansion, since it encourages long-term government action, the latter takes a more empowering and holistic approach.

Comparing approaches

These examples present potential dilemmas for donors seeking to influence women's access to decision-making through community dispute resolution. Clearly, donor funding has been important to both, and it does appear they are providing positive opportunities for women to access decision-making forums. Yet, in its project areas, NU has a holistic approach that seeks to build incrementally towards changes in women's roles in those communities. It is typically assumed that working with NGOs rather than governments is unsustainable, yet many organisations have been working in communities for decades. Consistent funding for organisations sensitive to community justice and gender concerns (in practice not just in name) can be a valuable contribution.

Working with the state, as AVCB has done, requires greater funding and, in some respects, is higher risk. The sustainability of the AVCB work with the village courts requires a level of government buy-in that historically has been tough to capture for these forums. This project appears to be having some successes on this front through the 2013 amendment and inclusion of 'active village court' as a criterion for UPs to receive performance-based block grants from the government.

Presenting these two justice forums as contradictory would be misleading. In fact, the reality of justice provision is that often people forum shop, and an array of options may well suit those working towards a better outcome. Of course, it may also suit more powerful disputants, who can manipulate these different forums to their advantage. This highlights the importance of creating related systems that maintain basic strong procedural rules around women's participation and voice.

It seems both types of intervention can learn from one another: AVCB could benefit from a more holistic approach to women's involvement in the village courts, whereas NU could consider how to draw women who play a role in their GWLN into more formal decision-making spaces, such as the UP and village courts. In truth, neither quasi-state nor NGO-related justice forums can guarantee women's access to decision-making and/or better gender outcomes, by virtue of the social world within which they function. But there is certainly room for improvements, as detailed in the recommendations below.

4. Conclusion

What is the relationship between the different outcomes and our explanation for how change has happened? Women's *numerical* presence in dispute resolution forums can be ensured relatively simply through changes in procedural rules in formal or quasi-formal justice institutions. Women's *influence* in these institutions is mitigated by their own capabilities and desire to be involved in social work, as well as existing (although far from static) social norms. The combinations of capabilities become important here. Family, politics and household economy are central. Yet engagement with an NGO that aims to build women's power within and with creates a better chance at having confidence and voice in community affairs – and therefore more influence in justice institutions. This has knock-on effects for whether women are able (or choose) to use their influence to improve the gender-related outcomes in these institutions. Again, if they have been encouraged to reflect critically on the patriarchal nature of rural Bangladeshi society – perhaps through a family member who is a politician or consistent training and networking with an NGO – they are more likely to push for improved gender equality outcomes. These complex relationships are explained in more depth below.

4.1 Relationship between institutions, capabilities and social change

Interventions aiming to ensure women's access to justice forums play a key role in changing norms, rules and behaviours in rural community life. Even where the result appears to be just numerical *presence*, women in these positions are still challenging the *status quo*. This is perhaps sadly demonstrated by the backlash women have faced from their families and communities. In the vast majority of cases, it has certainly resulted in insults, the spreading of rumours and a loss of social status for some community members. Therefore, while we focus on how institutional change, women's own capabilities and social change have been the key factors in women's participation in rural justice, it is important, in the search for key drivers of change, not to neglect the human element underpinning many of the changes in women's lives: their own determination to be involved in positive social change.

Interventions focused on positive institutional change, in the context of shifting gender norms, allow women with certain capabilities to take the opportunities these interventions present to them. These interventions need to be socially legitimate, to the extent that communities use

these forums regularly and respect the decisions they make. Legitimacy for NU has been gained through its strategic approach at the community level; the village courts achieve legitimacy through their relationship with the state. A recent in-depth study of women's political participation in Bangladesh concluded that, despite many barriers, their physical presence through the quota system introduced in 1997 helped 'change the popular political culture to gradually become more conducive to women's political participation' (Panday, 2013: x). The increasing physical presence of women in community justice in Rangpur is a notable further step in the right direction.

Family support, political connections, a favourable household economy, improvements in education and NGO associations underpin whether particular women (or groups of women) have 'voice' in the community. There is not a single formula for how combinations of these capabilities will lead to improvements in women's access to decision-making positions or their influence. Yet two to three factors tend to be essential in underpinning improvements. For example, many women had a form of political apprenticeship in their family home, which exposed them to improved educational and social networking opportunities, which paved the way for future involvement in politics *and* dispute resolution. Women tended to appear most committed to social change where they had a significant personal or family story, but that desire is undermined where the relevant capabilities and institutional opportunities are not in place.

The nature and pace of social change in rural communities both allows yet also inhibits women's participation and influence in community dispute resolution. Gradual change in women's economic participation and educational opportunities has contributed to shifting conceptions of women's role in public spaces, as have long-running quota systems at the UP. Institutional interventions in the justice sector build on these and contribute to an ongoing gradual shift in broader understandings of women's role in the community.

Women have to manoeuvre within and around gendered rules and practices of these forums in order to incrementally increase their influence and achieve progressively better outcomes. This is because certain social structures and norms remain pervasive and fundamentally restrictive. While some social norms have changed, others have not so much, including those around eligibility for marriage revolving around chastity and purity. Women's increased 'mobility and participation in education and the

labour force fails to provide such guarantees' (Huda, 2006: 254).

This can result in the contradictions in position we outlined earlier: while women profess certain ideas and norms, for example in relation to child marriage, in dealing with their own family they will often pursue a different path. One female village court member outlined to us how her daughter got married before she was 16, because she was worried she may be sexually assaulted by one of the boys in the village – which would then deem her impure for marriage.

Equally, the dominance of elite (predominantly male) interests on socio-political and economic public and private decision-making limits the progress that can be made. Women's participation in dispute resolution, as well as in a wider public space such as the UP, has made great strides when it has not been seen as explicitly threatening to male authority. For example, the UP chair may be happy to have the support of women in an NU-shalish when the issue is a time-consuming 'small' domestic one but less likely to allow involvement on issues of power and patronage, like land and other resources. This is not just a gender issue: poorer men, for example, will also be excluded. But for women there is an extra layer of exclusion, so their involvement depends more heavily on the capabilities outlined above.

Ultimately, socioeconomic changes have influenced gender norms in progressive ways – for example making women's participation in public life more acceptable – but they are still exclusionary and this places limits on women's ability to participate in meaningful ways and influence decision-making in practice.

4.2 Recommendations for gender advocates and frontline women's organisations

Our experience during the research was that the women we spoke to were resourceful and to some extent would seek out their own ways to build their individual and collective power. Equally, organisations such as NU that have been working on these issues for many years will know the potential and limitations of their programme well, not least because of previous studies and past evaluations (Hasle, 2003; Higgitt, 2011; Siddiqi, 2004). Therefore, we propose the following suggestions modestly, and hope they have wider resonance than NU and AVCB for other Bangladeshi organisations working on similar issues.

Dangers of reinforcing divides between men and women: This dilemma cannot easily be settled, as it is in women identifying as women leaders that so much traction has been gained. Building on gender difference has proven both necessary and restricting. Where this is not happening already, training women on land laws (regularly and with practical application in mind), for example, is vital to challenge the power imbalances they face owing to lack

of knowledge. At the same time, there should not be an assumption that women cannot handle such cases; this discrimination can be actively challenged through ensuring women sit on all forms of cases in the village court, for example. But it should also be borne in mind that the perception that women cannot handle such cases is linked to their lack of assets, such as property, and grassroots organisations could focus more actively on this area as a fruitful area for campaigning. While campaigns for landless people have long been a feature of Bangladesh's social movements (Ahmed et al., 1992), currently they appear to have less vitality.

Consider what can be done to promote diverse women's leadership: There are good reasons why women who are already elite, or with a voice, enter into public spaces. But in the interests of not further entrenching village power dynamics, broader representation of different kinds of women could be deliberately pursued. As it stands, the selection of women comes from a pragmatic standpoint, building on those already with a voice, but more could be done to introduce balance into this system. This may mean seeking to work with women from a younger age and taking the time to nurture their capabilities. Such an approach is possible only for organisations that are truly grassroots and understand the community dynamics with which they engage. This may mean making a judgement call over whether to focus on the quantity or the quality of women leaders. While the reality will not be so binary, it can be a question of priorities for implementing organisations and donors. Our limited research suggests quality may well be more important, if the goal is to improve the outcomes for female disputants.

Develop women's leadership in a multidimensional way: Many of the women we spoke to in the GWLN welcomed the network but bemoaned the lack of economic opportunities they had (although economic concerns are an issue for both men and women in Rangpur). NU does take a multidimensional approach, in that it uses a range of activities to build women's capabilities, but it seems more could be done to link up with other NGOs, or the government, even if this is as small in scale as giving regular advice and updates on potential economic opportunities. For the village courts, our research indicates that the one-dimensional approach of guaranteeing a women on a 'women's' case will most likely encourage those women who are already involved in politics into the community justice forum. No further empowerment effects from this are guaranteed – and the programme could do more to make their support multidimensional. At the least, the programme could consider how to link up with social mobilisation organisations, such as NU, that work with women to build their capabilities.

Engage with the community as a whole, not just women: Women's access into justice forums in Rangpur has been facilitated by shifting rules around their role in village courts and co-option of traditional shalish by

NU. In both cases, women's access and influence depend largely on elites (often men), who act as gatekeepers. This is not to suggest 'men' are a homogenous group with similar views and roles in the community. Like women, the men we discussed these issues with came from diverse backgrounds and held different opinions – and where they hold progressive gender views, they are themselves held back from implementing changes because of pervasive social norms in the community. NU is well aware of the need to work with powerful elites; this recommendation is therefore for grassroots organisations more generally. An analysis of power dynamics is here crucial to understanding local governance, gender relations and the personal capacities of women to play a role in public decision-making forums, including the *shalish*.²⁵

Consider institutions beyond the justice sector in which female leaders can play a role: Throughout the research, the women we spoke to did not identify themselves specifically as *shalishkars*. They tended to be involved in numerous groups and organisations. Organisations such as NU could more explicitly seek to encourage women from the GWLNs into political positions. While anecdotal evidence from NU suggests this happens organically from time to time, a more concerted attempt could have considerable knock-on effects. Equally, there are other platforms beyond the GWLN, such as 'women development forums' being promoted by local government, to which GWLN members and *shalishkars* could make a contribution. These are at the district level and could form a valuable bridge between community and district activism. Generally, this points to how a fresh power analysis of the different forums available to grassroots women could aid local organisations in building new connections and opportunities for women.

4.3 Recommendations for international donors

While support for the organisations considered here has come from diverse sources, the following recommendations are broader, drawing both from our previous research in Bangladesh and from the wider literature on how donors can best support women and girls' leadership in diverse contexts.

Support grassroots organisations that are explicitly aiming to build women's leadership: The approach of NU with the GWLN and associated advocacy and training helps build a sense of individual and collective leadership among women. This creates an enabling environment for them to challenge a wide range of damaging gender norms in their communities. The commitment of grassroots organisations and therefore donors needs to be consistent, since such social change will not happen overnight. The UK government is well placed to contribute to such an agenda

in Bangladesh with its current dominant focus on women and girls. Our interviews suggest there is no coherent or joined-up strategy among donors to focus on gender in the country or specific regions of it, or specifically on women's leadership. This needs to change. Yet there is also a need for a 'light footprint' approach: the kinds of social movements required for long-term social progress on gender equality, according to one local NGO member, 'cannot be bought'. There is some evidence to suggest social mobilisation can be more effective when it develops organically (Evans and Namibiar, 2013; Klugman et al., 2014), which means donors should play a backseat role and avoid imposing outside agendas and ideas. Balancing these two ideas means developing complementary portfolios within and across donor programmes but being modest about the role aid can play to facilitate social change.

Fund and build trust with organisations that can demonstrate their expertise and aptitude to learn and adapt: As Kabeer (2011: 511) finds, the most successful women's groups look to build women's power with and within through 'on-going processes of learning, reflection, action, experience, observation and analysis, reflective forms of practice generally absent in lives that were dominated by the struggle for survival'. The notion of trusting local organisations has been subsumed into a broader more technocratic understanding of 'results' by donors in recent years. Yet the most effective donors will know a country and its NGOs well enough to strategically select NGOs based on their reputation and ability to provide locally relevant programming. Short-term projectisation can be a problem for this model, but this can be ameliorated if the outputs of the project are flexible and donors assume they will build on that project in the future unless there are strong reasons not to. This is far from a new recommendation but that does not stop it being relevant for this context.

Ensure context-specificity and long-term programming: This extends beyond being country-specific to understanding the power dynamics across different subdivisions of the country – even down to the village level. Understanding who the gatekeepers are in a given village – be they religious or political leaders, influential businessmen or indeed prominent female community leaders themselves – can allow for nuanced programmes that 'work politically' (Rocha Menocal, 2014). Given the multitude of development programmes and their implementers, this ultimately needs to be taken up by local organisations. Donors and contracting organisations need to vet organisations to ensure they take such an approach. A longer-term donor approach can help provide space to manage and address potential reversals and backlashes against social change (Domingo et al., 2015). Our study indicates that women have suffered abuse as

25 Rowlands' (1996) power to, power over, power within and power with gives a strong basic framework for analysis. Power analysis should draw attention to the importance of and relationship between agency, social structures and the formal and informal institutional opportunities for change.

a result of engaging in leadership processes. Donors need to ensure local organisations have adequate mechanisms in place to support women in these positions. This should not necessarily be interpreted as supporting legal proceedings when this occurs; such issues need to be dealt with in ways that reflect the social reality of women's position in these communities.

Develop sensible monitoring, evaluation and research frameworks: Any indicators used should reflect that quantitative measures of how many women trained, in a network or participating in a shalish are only one small part of the story. Both of the projects we looked at to some extent demonstrate their progress through such numbers, yet they are well aware presence is not the same as influence – and that the latter is the toughest and perhaps more important element of progress to make. If donors encourage closer attention to outcomes and impact rather than outputs, this may help in building a body of evidence that speaks to the most important questions in this area: do women in decision-making positions have influence? If so, what do they do with that influence? Our study sought to address these questions

but was limited by data availability issues and our own research methods. A research agenda for the future needs to include a longitudinal study of how women's presence and influence affect outcomes for female disputants.

Big impact doesn't need big money: Most women's rights and social mobilisation NGOs do not need huge sums of money to do their work: they existed before donors funded them and already often find new and strategic ways of working at times of scarcity, such as by building coalitions with other organisations (Nazneen et al., 2011). The DFID CLS project, which provides 'small' (relative to its large funding pot) grants to numerous local organisations, seems in part to understand this dynamic. However, during this research (and previous research in January 2015), it became clear that many of those organisations had no genuine experience in community legal services and were in fact unable to cope with the relatively large amounts of money they were receiving. Donors need to find ways of supporting relevant local organisations on these issues and only funding them with as much money as they can realistically use wisely.

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Annex 1: Methods

Site selection:

Rangpur was selected for a number of reasons. It is one of the poorest districts in the country, which we felt gave it ethical importance as well as being of interest to DFID, which commissioned this research project. Both programmes (NU and AVCB) we had formal permission (and support from) to conduct research with were present across the district. Furthermore, our research team knew the area well enough to facilitate high-quality research. While Rangpur is commonly considered an archetypal rural area in country, only the findings we explicitly generalise should be considered so.

Interview process:

Three field team members were present at all interviews – a female Bangladeshi interviewer, a male British interviewer and a male Bangladeshi translator. Interviews can become stilted and translation can be messy. As such, the female interviewer led the sessions with occasional inputs from the international interviewer in order to ascertain more information. Interviews were not recorded. Notes were taken down in both English and Bengali at the time and checks were made on adequate translation both during and after the interview process.

Ethics:

Interviews with all women took place in their homes and verbal informed consent was obtained prior to any discussion. Female interviewees were selected at random from full lists provided by local partners. Discussions with women were around three broad areas: their personal lives, the community situation and dispute resolution opportunities in the area. We agreed prior to the research that wherever necessary (for privacy or ethics), *both* males would leave the interview or FGD, based on our judgement at the time. This was not deemed necessary at any point and, since domestic violence, for example, was not the main topic of our research, we did not pursue such issues in any depth when they emerged.

Challenges:

One challenge faced was the need to avoid misleading positive reflections from women on their access to and participation in justice forums. While we do not question the integrity of those we spoke to, their opinions were undoubtedly influenced by the perceived need to present a positive story, not least because our interviews were often facilitated by programme staff. This is also a common problem for researchers coming from other countries or even the capital Dhaka.

It is well known that such researchers are interested in ‘gender equality’ (often because women have been interviewed for a range of projects before this one) and this can influence the answers they give. We did our best to ameliorate this during interviews through careful questioning, but also by understanding our findings in the context of what is known more broadly about gender relations and access to public decision-making in Bangladesh. Inevitably, a certain degree of subjectivity about these findings remains, and we leave it to others with expertise in this field to compare our findings with their own. Given the limitations of this study, these topics would benefit from further research.

Annex 2: Interview and focus group data

Table 1: Interviews with women leaders

| Interview # | Date | Name | Age | Profession | Affiliation | Education | Politics | Marital status | Time (hours) |
|-------------|------------|-----------|-----|------------------------|-------------|-----------|----------------------|-----------------|--------------|
| 1 | 29/07/2015 | Rahela | 48 | Tailor | NU | Class 8 | N/A | Widowed | 2 |
| 2 | 29/07/2015 | Muslima | 36 | Tailor | NU | SSC | N/A | Married | 2 |
| 3 | 30/07/2015 | Momtaz | 53 | Tailor | NU | HSC | Local AL leader | Married | 2 |
| 4 | 30/07/2015 | Nishat | 50 | Housewife | NU | SSC | Ex-UP member | Married | 2 |
| 5 | 01/08/2015 | Anita | 30 | Housewife | NU | BSS | N/A | Second marriage | 2 |
| 6 | 01/08/2015 | Susan | 50 | Service (health), LEMP | NU | Class 7 | Went for UP election | Married | 2 |
| 7 | 02/08/2015 | Ferdousi | 35 | Teacher | NU | BSC | Ward councillor | Married | 2 |
| 8 | 03/08/2015 | Habiba | 26 | UP member | VC, NU | SSC | UP member | Married | 2 |
| 9 | 03/08/2015 | Parul | 55 | Housewife, healer | VC | Class 5 | Ex-UP member | Married | 2 |
| 10 | 03/08/2015 | Sharifun | 46 | UP member, housewife | VC | Class 9 | UP member | Widowed | 2 |
| 11 | 04/08/2015 | Shumitra | 45 | Farmer | VC | Class 10 | N/A | Widowed | 2 |
| 12 | 04/08/2015 | Kironbala | 65 | UP member | VC | Class 8 | UP member | Widowed | 1.5 |
| 13 | 04/08/2015 | Golapi | 30 | Housewife | VC | Class 9 | N/A | Married | 2 |
| 14 | 05/08/2015 | Romena | 45 | Housewife | N/A | Class 5 | N/A | Married | 1 |
| 15 | 06/08/2015 | Hasina | 55 | UP member | N/A | Class 8 | N/A | Married | 1 |
| 16 | 06/08/2015 | Mahbuba | 36 | School teacher | N/A | Bachelors | N/A | Married | 1 |
| 17 | 06/08/2015 | Gol | 55 | Housewife/ agriculture | N/A | Class 5 | N/A | Widowed | 1 |
| 18 | 06/08/2015 | Anjuara | 45 | Housewife | N/A | Class 5 | N/A | Married | 1 |

Table 2: Focus groups with women leaders and community members

| FGD # | Date | Organisation | Participants | Women | Men | Time (hours) |
|-------|------------|--------------|--------------|-------|-----|--------------|
| 1 | 30/07/2015 | NU | 9 | 9 | 0 | 2 |
| 2 | 31/07/2015 | NU | 9 | 9 | 0 | 2 |
| 3 | 02/07/2015 | VC | 3 | 3 | 0 | 2 |
| 4 | 02/08/2015 | VC | 4 | 4 | 0 | 1.5 |
| 5 | 05/08/2015 | Village* | 20 | 5 | 15 | 2 |
| 6 | 05/08/2015 | Village | 10 | 7 | 3 | 1 |
| 7 | 06/08/2015 | Village | 10 | 5 | 5 | 1 |
| 8 | 06/08/2015 | Village | 10 | 5 | 5 | 1 |

**The number of participants in the village focus groups are estimates. In addition to these interviews and focus groups with women leaders and community members, interviews and more informal discussions were conducted with DFID, Nagorik Uddyog and the Activating Village Court project staff and local government officials.*



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