

Introduction to the project:

“The Justice and Prison Reform for Promoting Human Rights and Preventing Corruption” project, co-financed by the Foreign, Commonwealth and Development Office (FCDO) has operated from 2013 to 2023. Its primary objectives were to improve justice services for the poor and vulnerable populations while supporting the Government of Bangladesh in adopting new reform approaches that proved highly successful in enhancing access to justice for the most vulnerable and marginalized, especially women, in reducing prison overcrowding through proactive legal assistance, addressing the backlog of cases in courts, and promoting the use of digital applications.

Enhancing Access to justice for vulnerable women

1) Promoting gender equality

Strengthening access to justice for the poor and vulnerable women has remained at the heart of the project’s activities. The challenges faced by women in Bangladesh in accessing justice, particularly in rural areas, due to deeply entrenched patriarchal socio-economic structures are significant. Informal arbitration procedures mostly involve conservative village male elders, who do not allow women to voice their grievances. This results in disadvantages for women and does not adequately address their needs within their communities. According to the Justice Audit, a comprehensive assessment of the Justice system of Bangladesh, 41% of surveyed women stated that they do not know whom to approach when they require legal support. Moreover, women also face restrictions in travelling independently to seek legal assistance outside their communities. Factors such as social pressure, financial constraints, and safety concerns further undermine vulnerable women’s access to justice. This has also been confirmed by the findings of the Justice Audit, a comprehensive assessment of the justice system of Bangladesh, where 87% of respondents stated their preference to resolve disputes in their communities.

To overcome these challenges and strengthen access to justice at the community level, especially for vulnerable women, the project has introduced the “Restorative Justice Facilitation” (RJF) in its target communities. RJF is a network of trained community volunteers and mediators who resolve disputes at the community level before their potential escalation to reach already overburdened formal courts. In setting up these networks, a key focus was placed on recruiting and training female dispute resolvers. Such an approach was undertaken with the acknowledgement that women are not only justice seekers but must also be justice providers. This has situated them as active, informed, and knowledgeable actors in the communities, who can facilitate justice in a gender-sensitive manner and reach out to other vulnerable and marginalized community members. Through these services, a total of more than 25 thousand community-based disputes have been resolved using gender-sensitive approaches.

As evidenced by the project’s social mobility mapping exercise¹, RJ facilitation had a positive impact on vulnerable women’s empowerment, enhanced their participation in the

¹ A field research to assess the impact of RJ facilitation. Available at: [Social mobility mapping of female RJ facilitators](#)

local decision-making processes, contributed to further strengthening of the social capital and transformed their role in the families, communities, and institutions. This transformation is attributed to RJF's role in reshaping the socio-political landscape of women and other vulnerable groups within the target communities. This fundamental shift was realized through ensuring equal representation of women as RJ facilitators, who were equipped with the knowledge and skills to resolve disputes at the local level.

“At the beginning, I had doubts about whether I would be able to resolve disputes within our community. However, after receiving training and beginning this work, my interest grew. The encouragement from my family members and neighbors played a significant role. Gradually, it became easier for me. Now, I am confidently resolving petty disputes within our community people”- stated Amena Begum, female RJ Facilitator from Pairabond Union of Rangpur district.

Through RJ facilitation, women were empowered to challenge patriarchal norms by demonstrating their positive role in the lives of their communities. They were provided with a platform (which was absent previously) to hold and lead discussions with all the key actors on the ground, ranging from Union Parishad (UP, lowest tier of local government), Department of Social Service to District Legal Aid Office. This has allowed them to jointly identify and address community-based disputes and other issues, such as access to social services and allowances by the most vulnerable groups of the population. This has fostered their recognition and upward mobility. Their contribution to improving the well-being of their communities and their professionalism were also recognized by local power structures. *“The female RJ facilitators resolve disputes with patience and fairness. They also maintain neutrality and confidentiality”* – stated a UP member from Baishakanda Union, Dhamrai, Dhaka during a Key Informant Interview (KII) as part of social mobility mapping exercise, launched by the project to assess the work and impact of RJ facilitation.

RJ facilitation is highly sustainable as it has been designed and implemented by engaging community members as volunteers, mediators and RJ facilitators who work on a voluntary basis and have a strong sense of ownership. There is a recognition and acceptance of RJ approach by all the key local actors, including UP, District Legal Aid Committee as well as village courts. Additionally, RJ facilitators' accomplishments are included in the Annual Performance Agreement of the Law Ministry. This agreement is an important document that helps review how different government entities are performing. This shows that the government at national level supports and recognizes the RJ approach.

2. Gender as a quality feature of our work

In introducing RJF in the target communities, the project has anticipated difficulties in terms of fostering its recognition and acceptance by community members, the local-government, police, as well as village court representatives². However, despite these expectations RJF has quickly gained support of all the key actors by positioning itself as an instrument that complements the work of existing dispute resolution mechanisms at the community level. This strategic framing has allowed RJ facilitators to establish closer ties with all the mentioned actors, including village courts, which can then focus on addressing more

² A form of alternative dispute resolution at the grassroots level led by mostly conservative village elders.

complex community-based disputes. *“I was not able to spend much time to resolve disputes in our community, but RJ facilitator Asma Apa is dealing with all the small disputes. Her efforts ease my work pressure as well. “I am grateful to her”- said Mr. Mahbubur Rahman, member of the local council of Baishakanda Union Parishad of Dhaka district.*

Furthermore, the very design of RJ facilitation has also contributed to its rapid recognition and acknowledgement by community members. RJ offers several advantages, including saving time and reducing costs for community members. It operates as a confidential mechanism to resolve community-based disputes. The disputes are tackled through RJ and mediation between a victim and a wrongdoer who come with a readiness to compromise and seek mutually acceptable solutions. This also restores relations not only between the conflicting individual sides but subsequently contributes to strengthening social ties and capital in the communities through active participation of community members in RJ processes.

The effectiveness of RJ facilitation has also been recognized by FCDO, one of the project’s commissioning parties, alongside BMZ, as evidenced in its final project evaluation report.³ *“Early concerns that RJ would be perceived as an imposition on the country’s traditional systems of customary justice have been allayed. There is demand for forms of justice that better balance the needs of complainants and the accused. Participants valued being able to get quick resolution to community disputes locally, and women are playing a more prominent role as Restorative Justice Facilitators.”*

3. Implementing feminist core principles

Through the launch of RJ facilitation, the project has effectively addressed structural causes of inequalities by mobilizing and empowering women to act not only as justice seekers but also as justice providers in highly patriarchal communities. Through RJ facilitation, women have been empowered to take on leadership roles and challenge the status quo that have previously confined them to specific roles, like household chores. RJ work has also demonstrated its capability and effectiveness in going beyond a mere settlement of community-based disputes. For example, female RJ facilitators from Moulvibazar district of Bangladesh have also collected 24,000 BDT (200 EUR app.) in their communities and provided immediate assistance to families affected by flooding in June 2022. This example illustrates that RJ has also evolved into a catalyst for civic activism and community mobilization as well.

Besides female community members, RJ facilitators also include representatives from indigenous communities, tea garden workers, transgender community, Dali⁴ and fisherfolk communities as well as persons with disabilities. These groups face multiple forms of discrimination based on their identities, socio-economic status, ethnicity, sexual orientation, and other factors. Their active involvement in RJ facilitation has resulted in better protection of their rights and has made the RJ process more inclusive and aligned to the different individual needs of community members. *“We have established a good relationship with local police station, now Police Officer divert compoundable offence to us, if any, of our*

³ The project was given an “A” mark in the FCDO Project Completion Review.

⁴ “Dalit” is a Bengali word which literally means “someone trampled under the feet of someone else”. It is used to identify an outcast minority of oppressed, exploited, and deprived people.

community members go there with an allegation. Now we can express our opinion in any meeting with local leaders, professionals, and club members”- stated Munni, Transgender RJF from Uttor Badda, Dhaka during the Social mobility exercise.

On October 19, 2023, Milon Hawlader, another esteemed Transgender Restorative JF from Dhaka, delivered a keynote address at the National Planning Event on Access to justice for women. Amid an audience including the Minister of Law, Justice, and Parliamentary Affairs, representatives from the judiciary, government, development partners and civil society, Milon shared her personal journey and experiences. Milon highlighted prevalent discriminatory practices faced by the transgender community ranging from social stigma, limited employment opportunities, violence, and harassment. She has also elaborated on the positive impact that RJ facilitation had on the confidence and empowerment of transgender community members.

4. Cooperation

In launching RJ facilitation, the project has cooperated with a number of partners, including non-governmental organizations, representatives from the local government structures, community actors and others. The work of RJ facilitators and community paralegals was administered by the project’s partner non-governmental organizations (PNGO). This has contributed to further development of their institutional and organizational capacities. As reported by PNGOs, they have established close partnership with all the key actors on the ground, including local government structures and state legal aid providers. This has built a solid basis to implement similar initiatives in the future. Several PNGOs have now included RJ in their core operational programs as well.

As mentioned earlier, the project has anticipated challenges in fostering the recognition of RJ facilitation within patriarchal community structures. However, these challenges were successfully addressed by positioning RJ facilitation as a vital support mechanism and by enhancing the capacities of female RJ facilitators to effectively resolve disputes at the local level through objective analysis of disputing parties’ needs and ensuring that everyone’s voice is heard.

Regarding the success factors, the very design of RJ facilitation has contributed to its success and recognition. It has emerged as an easily accessible, cost-free for community-based dispute resolution. Furthermore, it has gained the trust of the communities by involving community members themselves who are recruited as volunteers, mediators, and RJ facilitators, all of whom work on a volunteer basis and possess in-depth knowledge of their communities. The success of RJ facilitation is also due to the fact that it was launched following the results of the aforementioned Justice Audit, where 87% of respondents have stated that they would prefer to resolve disputes at the local level, instead of seeking long-awaited justice in the already overburdened courts of Bangladesh. By different estimates, the backlog of cases in courts currently amounts to more than 4 million cases. Therefore, facilitation of justice at the local level through quicker and informal channels remains important.