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SURVEY: CITIZENS' EXPERIENCES OF THE LEGAL SYSTEM

This conceptual framework will outline the background to, and rationale for, a proposed survey which focuses upon citizens' experiences of civil wrongs and criminal offences and their use of formal and informal dispute resolution mechanisms to obtain redress. It details the proposed methodology, sample characteristics and provides a broad outline of the questionnaire.

1. Background

The World Bank began its engagement on legal and judicial reform in Bangladesh with the Legal and Judicial Capacity Building Project;¹ a Government strategy supporting the reform agenda in this package was adopted in 2000. The project was a product of its time, and focused on a series of technocratic reforms to the civil justice system.² The last decade has seen a significant evolution in the Bank's approach to the overall governance agenda in its client countries. It has also witnessed a broadening of the Bank's agenda to "demand side" interventions and pro-poor justice,³ and a new interpretation of the Articles of Agreement which comprehends that working on criminal justice and human rights is within the Bank's mandate.⁴ At the same time, there has been a shift in the Government's stated policy priorities to reform of the criminal justice sector and enhancing affordable justice for the poor.⁵ Other donors in Bangladesh have shifted their attention to a number of interventions relating to access to justice for the poor,⁶ after limited success with the formal institutions involved in the administration of justice.⁷

¹ The existing project commenced in 2001 and has been extended until December 2008.

² Improving the commercial legal framework, increasing court efficiency (strengthening court administration, improving case management, strengthening judicial training), upgrading infrastructure and facilities, establishing capacity in law reform and legal drafting, and attempting to establish and support a legal aid framework.

³ Take, for instance, the Justice for the Poor program, which is operating in a number of countries in East Asia: AUSAID/World Bank, *East Asia and the Pacific Justice for the Poor Initiative: 2008-2013*, January 2008.

⁴ Since the 2000/2001 World Development Report, the Bank has adopted a definition of poverty that incorporates vulnerability, exposure to risk, voicelessness and powerlessness, seeing poverty as multi-dimensional -- the absence of "fundamental freedoms of action and choice". So, the poverty reduction aspiration is logically also one which incorporates the notion of increasing human security and individual dignity/reducing vulnerability. The Articles of Association were interpreted to comprehend criminal justice and human rights issues as within the Bank's mandate in separate legal opinions of the General Counsel in early 2006.

⁵ The PRSP of 2005-8 proposes a number of institutional reforms in the justice sector (embracing the judiciary, police, public prosecution system and prison reform) as well as initiatives to increase access to justice, develop informal mechanisms of dispute resolution, and meaningful progress on the separation of the judiciary from the executive. Only the last of these matters has been the subject of significant progress, one of the governance reforms introduced by the Caretaker Government during 2007. A new PRSP is in the process of being prepared at the time of writing.

⁶ Amongst the new interventions that are planned are a £10 million project from DFID aimed at upscaling NGO-facilitated local dispute resolution.

⁷ In fact, reform of legal institutions has met with scant success anywhere in the world. A World Bank assessment concluded that "less overall progress has been made in judicial reform and strengthening than in almost any other area of policy or institutional reform: James H. Anderson, David S. Bernstein and Cheryl

When the existing project concludes at the end of 2008, the Bank is interested in designing a new intervention in this field. However, there needs to be a greater evidence base about the existing state of play before preparatory work on a new project can begin. While a literature review reveals a multitude of analyses of Bangladesh's legal system, much of this material is doctrinal,⁸ with little empirical work and practically no work which engages with the political economy of institutional reform. Few initiatives have been informed by hard analysis of the day to day experiences of citizens in dealing with civil and criminal wrongs on the one hand and the embedded political, economic and cultural incentives that surround institutional change on the other.

What is proposed is a set of empirical investigations that is closely tailored to the initial literature review's findings. A survey would provide insights into the dispute resolution experiences and needs of the bulk of citizens in the country. Qualitative work would probe the current institutional responses (both formal and informal) – how the institutions operate and why, the incentive structures within, the dynamics of institutional change. Through the results of this work, the Bank will be better equipped to put the two parts of the puzzle together (basic institutional reform and ensuring that the poor are benefited) in planning any future interventions.

2. Rationale

The rationale for the survey lies in the paucity of robust data regarding citizens' experience of civil wrongs and crime and about their experiences and perceptions of formal and informal institutions involved in dispute resolution (including NGO service-providers). As is the case in many developing countries, official statistics cannot be relied upon, due to the chronic under-reporting of crime⁹ – in fact, some countries undertake or use crime victimisation surveys in the absence of any other reliable basis upon which to develop public policy in this area. The existing record-keeping practices of NGO service-providers often catalogue numbers of cases processed but fail to disaggregate this data¹⁰ or to collect meaningful statistics about the incidence of crimes and civil wrongs more generally.¹¹ Thus, this survey could establish a baseline for monitoring purposes that could be repeated in coming years.

After sifting through the existing empirical work, several recent surveys stand out as worthwhile background. Survey work on dispute resolution and legal systems tends to be folded into larger “high-end” governance surveys.¹² This genre of surveys usefully outlines the dimensions of

W. Gray, *Judicial Systems in Transition Economies: Assessing the Past, Looking to the Future* (Washington DC, World Bank, 2005).

⁸This includes much of the preparatory work for the World Bank project (with the exception of the preparatory work on case management).

⁹ According to the official statistics, the crime rate in the United Kingdom is 70 times that in Bangladesh. The rate of total crime recorded by police per 100,000 people in Bangladesh is 138.6, in the UK it is 9766.73. These figures appear to reflect the extent to which victims have confidence/trust that their complaints will be dealt with effectively and impartially by the police, rather than the actual incidence of crime.

¹⁰ The Asia Foundation, *Promoting Improved Access to Justice: Report on Community Legal Service Delivery in Bangladesh*, Dhaka, 2007, p p. 35-36.

¹¹ Khan, M., ‘Bangladesh Human Security Assessment 2005’, Dhaka: UK Department for International Development, 2006

¹² Hossain Zillur Rahman, *Unbundling Governance: Bangladesh Governance Report 2007* (PPRC: 2007). There was also some interesting survey work undertaken for *The State of Governance in Bangladesh 2006* (BRAC University: 2006), and its successor report for 2007.

governance problems in Bangladesh including, at a general level, the relationship of institutions that enforce laws and resolve disputes. Three surveys more specifically probe law and order and human security issues, one of which is being finalized at the present time.¹³ Another survey draws on the data bases of four prominent legal aid NGOs to provide a profile of perceptions of beneficiaries of the services of those NGOs.¹⁴ And another probes public opinion more broadly with respect to alternative dispute resolution mechanisms.¹⁵

Collectively, the existing surveys are useful; they provide glimpses into the institutional pathologies of law enforcement and dispute resolution from a citizen's perspective and potential policy prescriptions and programmatic interventions. But they have certain limitations for the purposes of examining very broadly the contours of dispute resolution at informal and formal levels, the enforcement of norms, and citizens' behaviour in response to the civil and criminal wrongs that increase their vulnerability and reduce control and predictability over their lives:

- (i) a narrow topical focus;
- (ii) the sample size is insufficient to show regional differentiation, that could be expected to be substantial;¹⁶
- (iii) the sample pool is bounded geographically and by beneficiaries of on-going NGO programs;
- (iv) the surveys potentially have a bias toward empirically justifying an on-going activity; and/or
- (v) donor pressure in terms of time frame and methodology employed.

Finally, a lot of the social change in Bangladesh over the last three decades is not adequately documented in the scholarship on the justice-poverty nexus. It thus does not capture the effects of increased urbanization, the breakdown in the authority of traditional mediators (and thus presumably compliance with the outcomes of traditional dispute resolution) as well as the penetration of partisan political patronage into the fabric of collective social life down to the village level in the period since 1991.¹⁷ Recent years have also witnessed the growth in the variety of dispute resolution fora available to parts of the population, especially with the rise of community legal service providers. The latter term refers to NGOs, which in the Bangladesh

¹³ *Baseline Study Report on Community-Police Relations* (The Asia Foundation: 2004); *Public Attitude Baseline Survey for the "Police Reform Programme – BGD/04/001"* (conducted for UNDP by Research Evaluation Associates for Development, 2006) and *Bangladesh Crime and Security Survey* (BRAC Research and Evaluation Division, forthcoming, 2008).

¹⁴ Mirza Hassan, *Access to Formal and Informal Justice System and Legal Empowerment Strategies in Bangladesh* (BLAST: 2007).

¹⁵ *Promoting Improved Access to Justice: Community Legal Service Delivery in Bangladesh* (The Asia Foundation: 2007).

¹⁶ Recent studies reflect a significant divisional variation in MDG outcomes in the country which correlate with progressive and conservative social norms; disaggregated analyses of selected social indicators also point out significant inter-district variation as well as social differentiation in certain social MDGs. Sen B. and Ali Z, 'Spatial Inequality in Social Progress in Bangladesh', *PRCPB Working Paper 7*, (Dhaka/Manchester: Bangladesh Institute of Development Studies, Dhaka and Chronic Poverty Research Centre, University of Manchester, 2005); Ali, Z. and Begum, S. (2006): 'Recent Trends in Poverty and Social Indicators: An Update', *PRCPB Working Paper 16*, Dhaka/Manchester: Bangladesh Institute of Development Studies, Dhaka and Chronic Poverty Research Centre, University of Manchester; Zulfiqar Ali and Taifur Rahman, "A Tale of Two *Upazilas*: Exploring Spatial Differences in MDG Outcomes" (background paper prepared for the World Bank, 2006).

¹⁷ *The State of Governance in Bangladesh 2006* (BRAC University: 2006); Hossain Zillur Rahman and S. Aminul Islam (ed), *Local Governance And Community Capacities: Search for New Frontiers* (Dhaka University Press, 2002)

context provide a variety of dispute resolution services in addition to assisting clients with legal advice and representation in the courts where appropriate.

3. Objectives

The broad objectives of the survey have been identified through the literature review and are designed to supplement existing knowledge:

A. To provide a national and regionally representative profile of civil disputes and crimes and their impacts, by gathering data on:

- i. Reported personal and household experience of civil disputes and crimes: type, frequency, severity
- ii. Community security and social cohesion profile: knowledge of civil disputes and crimes in the locality (type, frequency, severity) as well as social harmony (trust, confidence, collective action, feeling of safety etc.)
- iii. Which legal violations (criminal actions, human rights violations and civil wrongs) are the most serious for the average citizen (viz. that reduce to the greatest extent feelings of control over, and predictability in planning, one's life or for which redress is difficult/impossible to obtain.).
- iv. Self-help strategies, routine practices for avoiding exposure to civil and criminal wrongs, and the impacts on individual citizens of institutional failure. This includes assessing the impact of chronic conditions of crime and violence on coping strategies and pre-emptive behaviour which may have negative consequences for economic and social well-being. These include risk-averse economic behaviour, incorporation into exploitative social networks or patron-client relationships, violent and other forms of vigilante or retaliatory behaviour. This will enable a fuller assessment of the extent of 'unmet need'.
- v. Variations on (a-c) by gender, socioeconomic status, social networks (including patron-client relationships, membership of organizations such as microcredit organizations, exposure to work of legal aid NGOs) and location (division; rural/urban/peri-urban; ecologically fragile/flood-prone).

B. To map the full range of behaviours through which citizens seek redress for perceived wrongs, and their determinants, by gathering data on:

- i. Knowledge of various legal institutions and dispute resolution fora.
- ii. The civil disputes or crimes for which an institutional response is sought: strategies and patterns of sequencing behaviour to obtain redress.
- iii. Determinants of demand: motivations for seeking/avoiding resolution through different fora; which features of a dispute resolution system are valued and by whom?
- iv. User experiences of legal institutions and dispute fora: citizens' views on substantive fairness, procedural fairness and enforcement capability.
- v. Whether citizens perceive any role for the state in dispute resolution. If so, which are the areas that are perceived as important for state involvement?
- vi. Forum shopping (going from one dispute resolution mechanism to another in the absence of a favourable verdict): Variations according to socio-economic and other status will be mapped. For those who choose to use the formal system, the survey will probe the number of fora through which a case has typically passed before it comes before the courts.

C. To assess perceptions of law enforcement, incidence of crime, accountability and rule of law over time, using the recall method. The focus on a two year time frame is to track whether any of the changes in law enforcement and the political environment during the period of the Caretaker Government (ie. a change in the formal rules of the game at

national level, post January 2007) have resulted in any meaningful changes to citizens' experiences with the justice system in their daily lives.

- i. Experiences of civil disputes and crimes within last two years and at least two years ago
- ii. Experiences of formal and informal dispute resolution mechanisms within the last two years and at least two years ago.
- iii. Changing patterns of patronage and their impact on informal and extra-legal behaviour of local people of influence (including mastaans, politically sponsored criminal networks etc) within the last two years and atleast 2 years ago.
- iv. Perceptions of law and order, accountability, rule of law within the last two years and before.

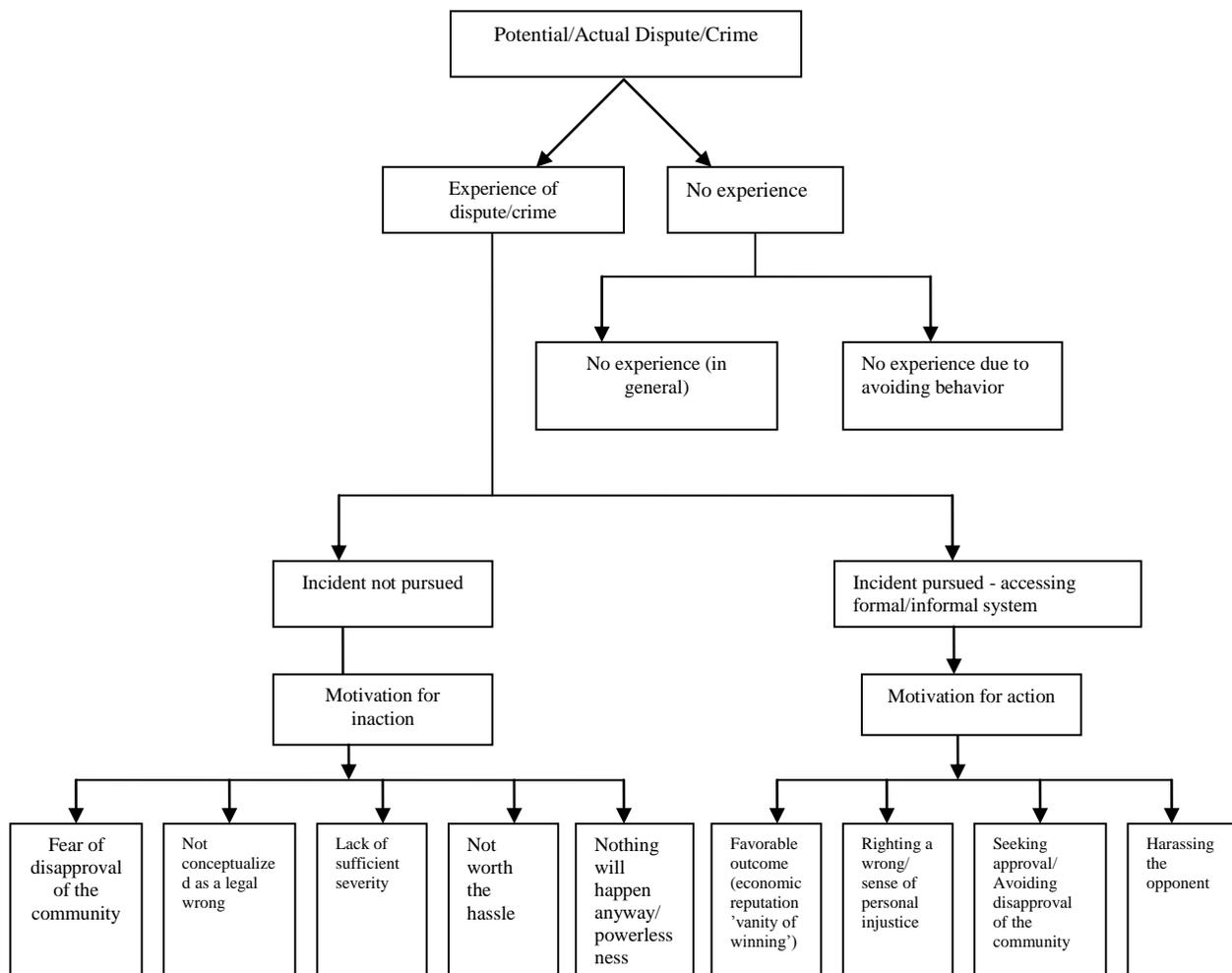


Diagram 1: Decision Tree

The conceptual framework begins with a citizen facing the threat of a potential wrong/crime. Citizens may actively respond to the threat by engaging in risk-avoiding or

pre-emptive behaviour which means that they do not experience the crime/dispute¹⁸ or the threat may simply not eventuate into a wrong. It is highly likely that most respondents will fall within this group.

In the event of experiencing a civil or criminal wrong, an individual may choose not to take any action to resolve the problem for a variety of reasons:

- (i) he or she does not conceptualize the matter as a legal wrong;
- (ii) the matter may not be of sufficient severity to warrant action;
- (iii) while of sufficient severity to justify action, the process involved in resolution of the dispute may not be “worth the hassle” to warrant an investment of time or energy (a crude cost-benefit calculation);
- (iv) he/she may fear the disapproval of the community if any action is pursued;
- (v) he/she feels may feel nothing will come from taking action anyway;
- (vi) he/she is powerless and has to conform to his or her “status” in life.

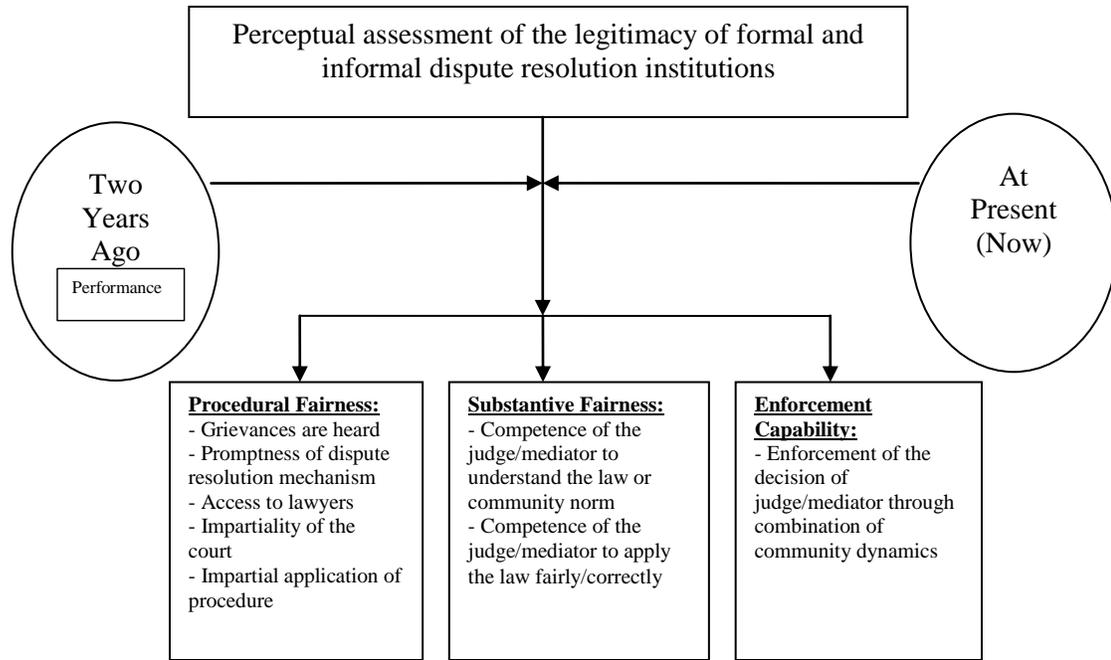
The second largest group of respondents will likely belong to this group.

Conversely, if an individual chooses to pursue a dispute/crime, the motivating factors for pursuing the case may be various:

- (i) obtaining a favourable outcome (financial, restoration of reputation, ‘vanity’ involved in winning a claim/beating an opponent);
- (ii) seeking the approval of the community or avoiding its disapproval where community norms are at play;
- (iii) the assertion of one’s self in the face of a personal violation/wrong;
- (iv) harassment of an opponent regardless of the merits of the claim (for instance, the use of false cases).

¹⁸ It is highly likely that most respondents will be within this group. We would like to record the threats and fears faced by citizens which affect the quality of their lives and whether they modify their behaviour to prevent a dispute/crime from taking place.

Diagram 2: Perceptual Assessment of Dispute Resolution/Legal Institutions two years ago and today



This framework analyzes the perception of citizens regarding the legitimacy of formal and informal dispute resolution institutions using the indicia of procedural fairness, substantive fairness and enforcement capacity. In case of procedural fairness, relevant factors include the following: the party is heard and not interrupted; the dispute resolution mechanism is relatively timely/prompt, i.e. the party is not struggling for years to be heard; the mediator, judge or arbitrator shows impartiality in conducting the hearing and in the application of procedure. In formal settings, access to lawyers/advocates is available.

Substantive fairness is more complex. Substance overlaps with form of the laws themselves (that they are general, prospective, clear, and consistent). Substantive rule of law also has content requirements, such as some protection of individual rights.¹⁹ We will explore citizens' perceptions regarding existing laws and their application using a "substantive fairness" lens. Furthermore, the mediator/judge must understand the relevant laws and community norm and apply the law in a just and fair manner

¹⁹ Thin views on content stress limitations on government action. A thicker social welfare version of substantive rule of law includes the affirmative duty of the government to make the lives of citizens better, distribute resources justly, and recognize the right to dignity of citizens.

Enforcement capacity refers to some combination of community dynamics (and political dynamics in terms of “higher-end disputes”) that would lead to the enforcement of the decision of judge/mediator/ intermediary. The survey would attempt to break this down into different types of cases.

4. Sample characteristics and methodology

The basic sampling unit for the survey will be households, with interviews to be conducted with an equal number of women and men each representing their household within each area. Area and regional sampling units and sample sizes remain to be determined. Depending on considerations of time, cost and robustness, the sample will be at least nationally and aspires to be divisionally representative, with an estimated sample size of between 5,000 and 16,000 households. Given the large sample size, rural-urban differences may also be captured. Efforts will be made to ensure representative coverage of ethnic and religious minority groups, as well as communities in ecologically fragile areas. Depending on the sample size, however, population sizes may be too small within these groups to provide more than broadly indicative findings of differences between these and other population groups. Some oversampling and purposive sampling may be considered to capture difference among population groups (e.g litigants, ultra-poor, areas where there is a strong presence of NGO community legal service providers.)

Depending on considerations of cost and time, focus group discussions may be undertaken in a number of primary sampling units (PSU), in order to undertake a more robust assessment of the influence of community level institutions and infrastructure on respondents’ experiences (a qualitative rating from 1-5 will be given to each PSU). We will also use those focus groups to pursue questioning in areas of interest that are dropped from the questionnaire during pre-testing due to their complexity.

5. Outline of questionnaire

A Demographic and household profile data

Demographic and household profile data will be collected on: age, gender, marital status, type of household (nuclear, joint), number of family members, location (urban, peri-urban, rural), ethnicity, religion, level of education, socio-economic status, and social capital (membership of groups such as microcredit providers, access to influential people, beneficiaries of NGO legal services programs).

B Civil disputes and crime in the community/area

B1 How common would you say the following problems are in your community or area?

How common are the following problems:	Very common	Fairly common	Not very common	Not at all common	Not applicable
Family matters (a) divorce					

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(b) maintenance (c)dower (d) inheritance					
Dowry					
Domestic violence					
Sexual harassment in a public places					
Problems at work (a) harassment at work (b) dangerous working conditions/environmental safety (c)sexual harassment (d)injury at work (e) not being paid etc)					
Violent crimes (murder, rape, acid violence and other serious assaults)					
Petty crimes (theft, minor assaults)					
Drug related problems (too many addicts, trading of drugs, no medical treatment and rehabilitation facilities)					
Land/property related (a) selling or buying property from a private individual, (b) disputes with neighbours over boundaries (c) disputes over land title (d) family disputes over inheritance of land					
Land expropriation or land grabbing (a) expropriated by Government without compensation for development projects (b) taken by Government fiat, but at the behest of powerful elites (c) taken by powerful individuals, but with the collusion of government officials					
Personal injury (eg. road accidents, being victim of medical malpractice)					
Landlord/tenant disputes (payment of rent, repairs, eviction, safety standards, arson)					
Abuse of power by law enforcement authorities (arbitrary arrest or detention, harassment by police, Rapid Action Battalion or joint forces)					
Problems with local authorities, government agencies, utilities (access to public services)					
Business matters (a) unable to recover loan, (b) not getting loans from banks/ Financial Institutions, (c) difficulties with contract enforcement, (d) obtaining government permits/licenses, (e) extortion (f) other					
Corruption of public employees (specify)					
Other (specify)					

B2 How do people in your area usually resolve disputes and crimes?^[w1]

- i. Try to solve through negotiation
- ii. Request a third party to help settle the dispute (if so, who)
- iii. Use traditional dispute resolution
- iv. Go to a UP-sponsored dispute resolution systems (UP arbitration council or VC)
- v. Go to an NGO CLS
- vi. Bring the dispute to court only if the other informal solutions do not work
- vii. Immediately bring the case to court
- viii. (DO NOT PROMPT) depends on the nature of the problem—severe crimes go to police/court and less severe ones go to informal systems.
- ix. Other (specify).

B2(i): (For household heads who are old enough): Does the mode of dispute resolution in B2 differ from that which was commonly used in the period after the war/around the famine? Who/where did you go to resolve disputes in the period after the war? How is it different today?^[w2]

B3 When is it acceptable for citizens to take violent or unlawful action to resolve problems of this kind?

- i. Only in response to very serious crimes involving violence
- ii. Serious injury or serious wrong (grave injury to person/s, severe injustice like land taken away without compensation)
- iii. To protect one's belongings from theft
- iv. If the perpetrator is well-known to be involved in serious criminal activity
- v. When the whole community is affected by a crime
- vi. When police fail to respond at all
- vii. When police act unjustly
- viii. If one doesn't get resolution through formal/informal institutional processes
- ix. Never

C. Threat and risk-avoidance in relation to civil disputes and crime

C1 We sometimes worry that someone may treat us or our family members unfairly or unjustly in our day-to-day lives. Using one of the phrases that I read now, could you tell me if you have been worried about the following:

How worried are you about:	Very worried	Fairly worried	Not very worried	Not at all worried	Not applicable
Family matters					
(a) divorce					
(b) maintenance					
(c) dower					
(d) inheritance					
Dowry					
Domestic violence					

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Sexual harassment in a public places					
Problems at work (a) harassment at work (b) dangerous working conditions/environmental safety (c)sexual harassment (d)injury at work (e) not being paid etc)					
Petty crimes (theft, minor assaults)					
Drug related problems (too many addicts, trading of drugs, no medical treatment and rehabilitation facilities)					
Land/property related (a) selling or buying property from a private individual, (b) disputes with neighbours over boundaries (c) disputes over land title (d) family disputes over inheritance of land					
Land expropriation or land grabbing (a) expropriated by Government without compensation for development projects (b) taken by Government fiat, but at the behest of powerful elites (c) taken by powerful individuals, but with the collusion of government officials					
Land taken by powerful individuals, but with the collusion of government officials					
Personal injury (eg. road accidents, being victim of medical malpractice)					
Landlord/tenant disputes (payment of rent, repairs, eviction, safety standards, arson)					
Abuse of power by law enforcement authorities (arbitrary arrest or detention, harassment by police, Rapid Action Battalion or joint forces)					
Problems with local authorities, government agencies, utilities (access to public services)					
Business matters (a) unable to recover loan, (b) not getting loans from banks/ Financial institutions, (c) difficulties with contract enforcement, (d) obtaining government permits/licenses, (e) extortion (f) other					
Corruption of public employees (specify)					
Other (specify)					

C2 [To those who report being ‘fairly’ or ‘very’ worried] Why are you worried about this?

Likelihood of occurrence

- i. It has happened to me before
- ii. It has happened to my family members before
- iii. It has happened to other people in the area

- iv. It happens regularly to me or my family members

No redress in event of occurrence is possible or likely

- v. If it happens, there is nothing I can do to get redress for what has happened or compensation for what is taken

If it occurs, it will cause long term damage for which there is no redress

- vi. If it happens, it will cause serious financial problems for my family
- vii. If it happens, it will damage our family name and social respect
- viii. Other.

C3 [To those who report being ‘fairly’ or ‘very’ worried] Have you done anything to feel less threatened? (some of these questions not applicable with all of the categories of wrongs above)?

- i. Improved personal and home security (installing new locks, gate, keeping valuables in secured cabinets etc.)
- ii. Discussed your concerns with the person concerned
- iii. Gone to the authorities (police, Union Parishad, other officials) for help in preventing the problem
- iv. Accepted the situation (there is no way out and I cannot do anything about it)
- v. Avoided the situation (stopped trading with the person, left the job, left the household, avoided travelling to risky areas, or at certain times etc.)
- vi. Made an extra-legal payment or a bribe to secure protection
- vii. Did not do anything (will be different from iv—cannot do anything)
- viii. Other (specify)

C4 If you have acted in trying to reduce potential threats, was your sense of insecurity lessened?

- i. Yes
- ii. No

D Experience of serious civil wrongs or crimes: severity as perceived by respondents

D1 Have you or any of your family members experienced problems with any of the following issues?

D2 Which of these was the most serious incident affecting you and your HH?

[w3]

Type of incident	Yes/no	If it was the most serious incident affecting you/HH?	When did it happen? 1=within last two years 2= at least two years ago and within last 5 years
Family matters (divorce, maintenance, dower, inheritance)			

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Dowry			
Domestic violence			
Problems at work (harassment at work, dangerous working conditions, sexual harassment, injury at work etc)			
Violent crimes (murder, rape, acid violence and other serious assaults)			
Petty crimes (theft, minor assaults)			
Drug related problems (too many addicts, trading of drugs, no medical treatment and rehabilitation facilities)			
Land/property related <ul style="list-style-type: none"> - selling or buying property from a private individual, - disputes with neighbours over boundaries - disputes over land title 			
Land expropriated by Government without compensation for development projects			
Land taken by Government fiat, but at the behest of powerful elites			
Land taken by powerful individuals, but with the collusion of government officials			
Personal injury (eg. road accidents, being victim of medical malpractice)			
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Abuse of power by law enforcement authorities (arbitrary arrest or detention, harassment by police, Rapid Action Battalion or joint forces)			
Problems with local authorities, government agencies, utilities (access to public services)			
Business matters <ul style="list-style-type: none"> (a) unable to recover loan, (b) not getting loans from banks/ financial institutions, (c) difficulties with contract enforcement, (d) obtaining government permits/licenses, (e) extortion (f) other 			
Corruption of public employees (specify)			
Other (specify)			

D3 Why do you consider this as the most serious incident?

- i. Resulted in physical harm to family member
- ii. Resulted in financial or wealth losses
- iii. Harmed family business or income source
- iv. Caused distress and worry
- v. Caused loss of social respect or family name
- vi. Took up time and effort to resolve
- vii. Still not resolved

viii. Other.

E Responses to civil disputes and crime

E1 What did you do in response to the most serious incident?

Actions taken		Yes	No
Acted alone or with help of family members	Talked to the perpetrator/other side		
	Sought help from own family members		
	Threatened the perpetrator		
	Took some form of direct action against perpetrator		
Sought help/advice from local leaders	Went to a local political leader (Union Parishad chairman/member, other) for advice or mediation		
	Went to a religious leader for advice or mediation		
	Went to local community leader for advice or mediation		
	Went to employer or landlord for help		
	Requested a village shalish		
Sought or threatened law enforcement/legal redress	Threatened the other side with legal action		
	Went to the police		
	Went to Rapid Action Battalion or army/joint force camp		
	Sought legal advice from a private lawyer		
	Went to the Village Court		
	Sought government legal aid		
Sought help/advice from an NGO	Went to an Non-Government Organization for legal advice, mediation or shalish		
	Sought Non Government Organization advice and representation before the courts		
	Went to the Upazila Nirhabhi Officer or other administrative official for advice or mediation		
Did nothing/coped without help			
Other			

E2 If you did not do anything, why was that?

- i. It would cost more than I can afford
- ii. It would take too much time
- iii. I did not know where to go/how to go about it
- iv. It was not very important
- v. Thought the other person was right
- vi. Thought the other person was more influential
- vii. Fear of reprisal by offenders/make matters worse
- viii. Would damage the relationship with the other party?
- ix. Would damage my family's reputation
- x. It was a private or family matter
- xi. No material loss/damage took place
- xii. Previous bad experience with shalish or community mediation
- xiii. Previous bad experience with courts and police

- xiv. Previous bad experience with NGO legal services.
- xv. It would be useless anyway (“I am just a little man”/poor person – hopelessness, internalized sense that this is my lot in life at the hands of the rich and powerful)

E3 If you did decide to seek resolution through one of these systems, we would like to know about your experience in detail.

Activities	Detail Information
Which system did you go to? 1=Traditional Dispute Resolution (TDR) 2= Dispute resolution provided by Non-Government Organizations etc).....	
Why did you bring this problem to this forum? 1=, 2=..... (list of options)	
What did you hope to achieve? (list of options)	
Source of information about these systems (list of options)	
Who were the main actors participating in these systems? (list of options)	
Did you understand the procedure that the system followed?	
Were the procedures easy/difficult to understand? 1=easy, 2=difficult	
Did someone explain them to you/answer your questions about the procedure? 1=yes, 2=no	
During the procedure, did you get a chance to say what you wanted to say? 1=everything, 2=almost everything, 3=hardly anything, 4=nothing	
Did both the parties get a chance to tell their side? 1=both parties got a chance 2=only I got a chance 3=only the other party got a chance	
Did you think that the procedure that the system followed was.. 1=fair 2=unfair 3=competent 4=incompetent 5=Attentive 6=inattentive 7=corrupt 8=uncorrupt	
Do you think that the shalishkars/lawyers/judges understood the relevant laws/community norms related to your case?	
Do you think the <i>outcome</i> was fair? If not, why not? (is there any response other than “I lost”?) Did the community think that the outcome was fair?	
Would you go to the same system for any future problem? 1=yes, 2=no	
If no, then what do you regret about the whole process that took place?	
If no, what would you do differently?	

E4 [For those who sought resolution through a system] Has the dispute been settled?

	Detail Information
Dispute has been settled	
Dispute has not been settled	
Time taken between reporting the incident and the settlement (in months)	
If settled, the outcome was fair	
[If satisfied with the procedure] Why were you satisfied? (list of options)	
[If dissatisfied with the procedure] Why were you dissatisfied (list of options)?	

[If satisfied with the outcome] Why were you satisfied? (list of options)	
[If dissatisfied with the outcome] Why were you dissatisfied? (list of options)	
Did you comply with the decision? Yes or no	
What are the reasons for compliance or non-compliance?	
Did the other party comply with the decision? Yes or no	
What are the reasons for the other party's compliance or non-compliance?	
What has been the best part of the experience of resolving this problem?	
What has been the worst part of the experience of resolving this problem?	

E5 Did you consider trying any of the following to resolve the problem under discussion?

- E6 What factors did you take into account when deciding whether or not to go through these systems?
- i. Financial cost (affordable/too costly)
 - ii. Physical access or proximity (close by/involving travel)
 - iii. Understanding of the system and procedures (familiarity/unfamiliarity)
 - iv. Confidence in the process (fairness/unfairness of the process)
 - v. Outcomes (restorative/punitive)
 - vi. Confidence in the enforcement of decision (sanctions will hold/sanctions will not hold)
 - vii. Other.

Systems	Question E5	Question E6		
	Considered trying	Reason 1	Reason 2	Reason 3
Traditional Dispute Resolution				
Dispute resolution by NGOs				
Village court				
Union Parishad/ward shalish				
Family court				
Criminal court				
Civil court				
Special court (acid violence or Violence Against Women Tribunal)				

F Evaluation of civil dispute resolution and criminal justice system

- F1 Do you have any family members who are currently or have recently (in last 5 years?) (i) been detained by the police? (ii) been in prison awaiting a trial (without being convicted) (iii) appeared before the courts (iv) been convicted.
- F2 If so, how were they treated by the police/prison guards/courts while in detention/prison? (list of options)
- F3 Did this encounter with police/prison/courts change your view about these institutions? If so how? (list of options)
- F4 Who do you think should be responsible for preventing and solving civil disputes, crimes and injustices in your area?
- i. Community groups
 - ii. Community leaders (*matbar, dewan, morol*)
 - iii. Religious leaders
 - iv. Union Parishad/Ward chairman/members
 - v. Police
 - vi. Courts
 - vii. Parents, guardians and families
 - viii. Community police
 - ix. Neighbourhood Watch
 - x. Upazila or District officials (Upazila Nirhaba Officer, District Commissioner)
 - xi. Rapid Action Battalion
 - xii. Army/Bangladesh Rifles
 - xiii. Members of Parliament
 - xiv. Other.
- F5 Where do you get information about how to resolve civil wrongs, abuses or crimes?

- i. Newspaper
- ii. Radio or television
- iii. Posters, leaflets
- iv. School or college
- v. Mosque/Church/Religious organization
- vi. Family and neighbours
- vii. Co-workers
- viii. Community meeting
- ix. Non-government Organizations
- x. Union Parishad chairmen/member
- xi. Upazila officials
- xii. Police station
- xiii. Neighborhood watch group
- xiv. Other.

F6 Where would you go/who would you ask to learn more about the law, your legal rights, and responsibilities? (list of options)

F7 How much confidence do you have in the following institutions?

F8 How would you rate them in terms of their honesty or corruption?

F9 Do they treat everyone - rich and poor, Muslim and non-Muslim, Bengali or non-Bengali, women and men equally?

F10 Is it equally easy for everyone – rich and poor, Muslim and non-Muslim, Bengali or non-Bengali, women and men – to access these institutions and services?

F11 Which of these institutions would be the fairest and most accessible for poor people, women, and minority groups?

Justice Institution	Question F7 Confidence 1=very confident 2=fairly confident 3=not at all confident	Question F8 Honesty and corruption 1 = very honest 2 = somewhat honest 3 = somewhat corrupt 4 = very corrupt	Question F9 Equal treatment	Question F10 Equal access	Question F11 Fairest and most accessible		
					poor	women	Minority groups
Traditional dispute resolution							
Union Parishad chair /ward commissioner shalish							
Village court							
UP arbitration Council							
NGO							
District court							

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Magistrates' court							
Acid violence tribunal							
Tribunal for violence against women and children							
High court/supreme court							
Upazila magistrate							
Upazila Nirhabhi Officer/government officials							
Land settlement office							
Police							
Rapid Action Battalion							
Joint forces camp							
Anti-corruption commission							
Administrative Tribunal							
MP							
UP chair/city mayor							
Politicians							
Village leaders							
Hospitals and doctors							
Schools and teachers							
Upazila or district officials (eg UNO, DC)							

F12 We would like to know how well each of these groups of people are performing compared to 2 and 5 years ago? (excellent, very good, good, fair, poor)

Name of institution/individual	Within last 2 years	At least 2 years ago but within last 5 years	Principal reason for perceived improvement or decline
Traditional Dispute Resolution			
UP/ward commissioner shalish			
Village court			
UP arbitration Council			
NGO Dispute Resolution (which NGO?)			
District civil court			
District criminal court			
Acid violence tribunal			
Tribunal for violence against women and children			

High court/supreme court			
Upazila magistrate??			
Upazila Nirhab Officer/government officials			
Land settlement office			
Police			
Rapid Action Battalion			
Joint forces camp			
Anti-corruption commission and its predecessor			
Administrative Tribunal			
Government hospitals			
Government schools			

F13. Do you think that law enforcement during the current Caretaker Government period (especially the anti-corruption prosecutions) is likely to act as a constraint on the future behaviour of:

- (i) officials
- (ii) politicians at national level
- (iii) politicians at local level
- (iv) organized criminal networks at the local level?

F14 How do you think the following make decisions to settle disputes and resolve problems?

- i. Based on accurate understanding of the law
- ii. Based on a misreading of the law
- iii. Based on what is fair or just
- iv. Based on religious teachings or rules
- v. Based on political favours/ connections
- vi. Based on who can pay
- vii. Don't know
- viii. Other

Actor	Basis
Judges	
Union Parishad shalishkars	
Mediators	
Community shalishkars	
[Add others]	

F16. Do you strongly agree/agree/disagree/strongly disagree with the following statements:

- i. Bringing problems to court is likely to make them worse.
- ii. Government officials are responsive to citizen's demands.
- iii. People who try to challenge the government in court will face serious problems with regard to their property and personal security.

- iv. The law only serves the interests of the government.
- v. People who dare to demand their rights are egocentric and self-indulgent.
(comparing individualism vs communitarian lenses)
- vi. The purpose of the law is to protect citizens' rights.
- vii. The formal law only protects the interests of the wealthy.
- viii. People like me can't do business because it is too difficult to get government permits and there is too much red tape.
- ix. Labor unions represent the interests of Government more than workers.
- x. Courts are an important way for ordinary people to enforce their rights.
- xi. Citizens should give up their land if it is required for the success of national development projects.
- xii. It is important for citizens to know about their legal rights and responsibilities.
- xiii. It is better to settle disputes by negotiating than going to court.
- xiv.** Laws act as a restraint on behaviour of the rich and powerful
- xv. Even though I may not use legal aid or the formal court system, it is important that the state (or surrogate) is involved in the dispute resolution process and in assisting parties to appear before the courts.
- xvi. Recent Government efforts to improve the performance of the police are apparent in my local area through more responsive policing and less harassment by police of citizens.
- xvii. It is acceptable for the Government to evict people from land on which they had been living or working (never; depends on the circumstances; always)
- xviii. It is acceptable for the Government to suspend rights to protest or take part in politics.
- xix. I experience less crimes and civil wrongs than two years ago.