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ABSTRACT

This qualitative study examines the impact of alternative dispute resolution (ADR) on two aspects of women's empowerment: the reduction of gender violence in family disputes, and the promotion of women in household decision-making. Data were collected through 18 case studies drawn from BRAC ADR cases for household disputes. Our findings suggest that ADR is effective in reducing domestic violence, but this generally does not transfer to increased power in household decision-making. ADR generally does not resolve disputes, which continue with the same intensity despite concessions made by defendants. Even when ADR has a positive impact, husbands and the in-laws act as "gatekeepers" to improvements; while household relations may be more functional, they do not become any less patriarchal. ADR empowers women by providing them with more options and resources although it compromises in promoting a massive structural change yet.

EXECUTIVE SUMMARY

The intra-family disputes are usually the outcome of deeper patriarchal attitudes. The attitudes are permissiveness towards domestic violence, the belief that women should have no decision-making power, and the willingness to exploit women for dowry or other concessions from her family. We examined the short and mid-term impact of alternative dispute resolution (ADR) on household disputes and women's role in household decision-making. We considered household decision-making as a measure of empowerment, as it demonstrates the level of control that women have over the decisions that directly affect their lives. It has also fleshed out theoretically and empirically in a number of studies that examined the relationship between microfinance and household bargaining in Bangladesh. The study investigated whether changes in household bargaining dynamics spilled-over from efforts made to resolve disputes.

Data were collected from samples randomly selected from the programme registers with the help of Programme Organizers (PO) from five *thanas* of the southern part of Bangladesh where 37 interviews were conducted on 18 cases. The plaintiffs, defendants, ADR witnesses, and the programme personnel were study respondents. For sampling, first we found the cases where an ADR had been conducted, then both husband and wife were living together after the ADR, and they were living in that particular BRAC branch area. Once our sampling was done, we went for case studies from the case files preserved in the branch offices before making any interview.

The inherent awkwardness of discussing domestic issues and sampling bias were the main limitations in case of data collection process. At the same time the programme personnel were, as usually, had a tendency to show their success stories always.

Most of the cases were involved in verbal and physical abuses, demands for dowry, withholding food and living expenses, seizure of the wife's property, infidelity or remarriage by the husband, and cutting off the wife's communication with her family as means of manipulations caused by the defendants.

In the case of household dispute most of the plaintiffs believed that there has been positive changes in terms verbal and physical abuses while most of the rest found no changes at all, while few mentioned some negative changes. Most of the respondents found negative changes or no increased power in the household decision-making while only three showed some sort of empowerment indications.

Most disputes involved the plaintiff's in-laws. Therefore, changes in the in-laws' attitudes affected the outcome of ADR. In most cases, the in-laws reacted negatively to the plaintiff's decision to lodge a case with BRAC. Plaintiffs identified their mothers-in-law as main antagonists in most of the cases, either acting in concert with their husbands or independently of them.

All plaintiffs except one stated, without reservation, that the ADR process had been conducted impartially and constructively, that POs had performed well, and that the resolutions were fair.

More or less all the plaintiffs were dissatisfied with the implementation of ADR resolutions. Some had seen modest improvements, while some were mostly waiting to see how the situation developed. As they described it, the cooling of hostilities had produced a more or less fragile ceasefire. Their strategy was, therefore, to preserve the peace rather than push for further rights. Some stated that although they were dissatisfied with their situation, they had backed down to maintain peace in their households and avoid further chaos only.

However, the improvement to women's role in household decision-making may follow from the warming of their relationship with the defendant(s); if the relationship sours, these improvements may be revoked. A plaintiff's assertiveness is a precondition for empowerment, but changes must also be conceded by the defendant, or at least a preponderant part of his family.

We offer two sets of recommendations. The first set looks at ADR's position in social and family power structures. The second set offers a number of procedural improvements. At present, ADR is most successful when it draws from social and family power structures. The plaintiffs benefit most if elites intervene in the dispute, and if key actors in their family support them. The HRLS programme must decide whether ADR will work with or against these structures, keeping in mind that they are paternalistic and patriarchal in nature.

Having raised these caveats, we propose two ways through which ADR can be strengthened by further integrating it into the power structure. The first is engaging sympathetic elites and family members, and secondly, this finding bolsters the rationale for HRLS' Legal Rights Implementation Committees to be strengthened, which can hopefully sensitize and engage a larger pool of elite witnesses.

The HRLS should consider the costs and benefits of promoting a mediation approach to ADR. This may improve ADR's capacity to resolve disputes and empower plaintiffs, but will undoubtedly provoke resistance and require increased time and resources. HRLS can also integrate ADR with the education and advocacy of the Gender Justice and Diversity programme of BRAC.

INTRODUCTION

The informal and formal justice systems are largely inaccessible to poor Bangladeshi women. BRAC's Human Rights and Legal Aid Services (HRLS) programme provides alternative dispute resolution (ADR) to save the massive time and resources needed for a court case, and avoid corruption and patriarchy in both the court system and *Shalish* (informal dispute resolution). ADR aims to be an accessible and impartial justice institution that provides a forum for (mostly) women to raise and resolve their grievances.¹ It is a key component of HRLS' mandate to promote legal empowerment, such as providing legal resources to the marginalized people to assert their rights.

A Chinese proverb states, "It is better to die of starvation than to become a thief; it is better to be vexed to death than to bring a lawsuit" (Cohen 1966). Most of the conflicts taken by HRLS programme are domestic disputes within the households. On an average, HRLS receives 11,550 cases per year and the number of resolution through ADR is 6,743 (HRLS 2010). These disputes are raised invariably due to deeper patriarchal attitudes such as permissiveness towards domestic violence, the belief that women should have no decision-making authority, or the willingness to exploit women for dowry or other concessions from her family. It is essential to examine whether interventions such as ADR have any impact on these underlying factors: while a dispute may be pacified, it is not resolved if the participants continue to live on oppressive terms. For the ADR cases where the husband and wife resolve to keep living together, we wished to see whether their relationship was substantively different.

This study examines the short- and long-term impact of ADR on household disputes and women's role in household decision-making. We considered household decision-making as a measure of empowerment, as it demonstrates the level of control that women have over the decisions that most directly affect their lives. It has also been fleshed out theoretically and empirically, most notably in a number of studies that examine the relationship between microfinance and household bargaining in Bangladesh. While it is somewhat mechanistic to split up household disputes and household decision-making, we have done so because ADR focuses directly on the former but not the latter. In other words, we wished to see whether changes in household bargaining dynamics spill-over from efforts made to resolve disputes.

DEFINING ADR

ADR is a term for describing the processes of resolving disputes in place of litigation and includes mediation, conciliation, expert determination, and early neutral evaluation. ADR is a process - alternative to court action - where the parties choose an independent third party and agree on the timetable rather than having these imposed by someone else. It is a process of adjudication and parties may, or may not, agree at the outset to be bound by the decision.

¹ For a summary of the BRAC ADR process, see Kundu DK, Khan A and Samadder M. Understanding alternative dispute resolution for the rural women in Bangladesh: some illustrations from BRAC HRLS programme. Dhaka: BRAC, 2007.

ADR is a term generally used to refer to informal dispute resolution processes in which the parties meet with a professional third party who helps them resolve their dispute in a way that is less formal and often more consensual than is done in the courts. Though often voluntary, ADR is sometimes mandated by the courts, which require that disputants try mediation before they take their case to court. (Brad Spangler, Undated)

"The term 'alternative dispute resolution' is defined as a 'collective description of methods of resolving disputes otherwise than through the normal trial process.' In practice, however, references to ADR are usually understood as being references to some form of mediation by a third party" (Lord Justice Dyson 2004).

ADRs are conducted in social, national and international level. Our study focused basically on NGO-ADR (*Shalish*) in dealing household disputes. Usually a third party (an NGO) intervenes by mediation/arbitration between the parties (usually husband and wife) to resolve the intra-family disputes.

DEFINING WOMEN'S EMPOWERMENT

It is well-established that in a patriarchal society like Bangladesh, women are ascribed lower status than men who have the sovereign power to control households and society as a whole, while women are often secluded in their homes (Balk 1997: 4).

The World Bank study in Bangladesh highlights that women have limited role in household decision-making, limited access to and control over household resources (physical and financial assets), low level of individual assets, heavy domestic workloads, restricted mobility and inadequate knowledge and skills that leading to women's vulnerability (Sebstad and Cohen 2002:44).

So, the term women empowerment is relatively a variable in social science. It varies with time, place, culture, religion, society, region, and so on. Our study focused on the women's household empowerment where we considered some specific indicators of empowerment.

METHODS

The study focused on ADR cases for household disputes in which the husband and wife resolved to stay together. ADR for these cases was initiated between August 2005 and May 2010, with a mean date of 25 July 2008 and a median date of 15 September 2008. Cases were selected from five *upazilas* (sub-districts) in Khulna district - Dhigolia, Fultala, Rupsha, Terokhada and Dumuria. These were covered by five BRAC branch offices and overseen by three HRLS programme organizers (PO).

Data were collected through 18 case studies. Eligible cases were identified by searching the records of each branch office. Cases were then chosen at random, and POs visited the participants to ensure that they were available. Ideally, the plaintiff, the defendant and a third party witness were interviewed for each case. All the plaintiffs except two were women, and defendants were their husbands and sometimes members of their families-in-law.

While all plaintiffs were interviewed, the defendants were not always available; some lived in other districts and others were unwilling to cooperate. It was not possible to interview witnesses in most cases, as some cases had no witnesses or only partisan and/or apathetic ones according to the PO. It was also difficult to find witnesses for interviews. These did not prove to be severe limitations. The defendants were not fruitful informants, tending to downplay the severity of the dispute and claimed that all issues had been resolved. POs were able to provide a third party perspective as the mediator of ADR and a community member. POs were also interviewed for their comments on the effectiveness of ADR and ways to improve it. 18 plaintiffs, 11 defendants, five witnesses and three POs were interviewed to gather necessary information.

Although the interviewees were encouraged to describe the post-ADR changes in their own terms, we developed a set of indicators for women's empowerment in household bargaining. This was drawn largely from studies on the link between microfinance and household bargaining.² The indicators are as follows:

- ⇒ Increased influence over household financial decisions:
 - Small purchases (e.g. food, daily supplies, clothing),
 - Large expenditures (e.g. livestock, land, house repairs or renovations), and
 - Independent income-generating activities.

- ⇒ Change in justice-seeking behaviour:
 - Increased willingness to return to ADR if necessary,
 - Increased willingness to raise other issues with one's husband or family-in-law, and

² See Malhotra *et al.* (2002). Measuring women's empowerment as a variable in international development. Washington D.C.: The World Bank; Hashemi *et al.* (1996). Rural credit programs and women's empowerment in Bangladesh. *World Dev* 24(4):635-53; Zaman H (1998). The links between BRAC inputs and 'Empowerment correlates' in Matlab. Dhaka: BRAC-ICCD, B Joint Research Project Nazneen S and Selim N (2005). Women's bargaining power and extreme poverty: an exploratory study of gendered relations of women in the targeting the ultra poor (TUP) programme. Dhaka: BRAC; Kabeer N (2001). Conflict over credit: re-evaluating the empowerment potential of loans to women in rural Bangladesh. *World Dev* 29(1):63-84.

- Changes in the husband's and family members' beliefs and attitudes regarding the dispute and the plaintiff's decision to undergo ADR.

⇒ Reduced domestic violence (broadly defined to include its physical, sexual, economic, psycho-social domains).

⇒ Increased freedom of movement outside the house.

This study was conceptualized considering three important dimensions of women's empowerment (following Malhotra *et al.*, 2002:13). These are socioeconomic, family and psychological dimensions.

LIMITATIONS

As with studies linking microfinance to empowerment, sampling bias presented a number of challenges. It is likely that women who reported grievances to BRAC for ADR are already more empowered than those who do not come to BRAC. So, we chose not to compare ADR participants with a control group. Rather, we analyzed women's narratives of the ADR process to evaluate whether and how they have been empowered.

Another issue related to sampling bias was the risk of preferential case selection by the POs. BRAC field staff tend to be defensive to the overseers or researchers from the head office. Hence, there might be a possibility that they tried to show us the positive cases only. While there were many eligible cases on file, many plaintiffs and defendants were unreachable because they lived outside the *upazila*.³ Once the cases were chosen, we relied on POs to check them and convince them to participate in our research. The POs, therefore, had the opportunity to limit our access to cases that might reflect poorly on them. Nevertheless, this did not appear to distort our data. The POs tended not to know the status of finished cases, and even if they did attempt to select cases preferentially, this did not prevent us from discovering the negative cases.

A third issue was the difficulty of speaking with women alone. (This problem was compounded by the fact that one author, as a foreigner, tends to draw large crowds in rural areas). As they were discussing sensitive personal issues which usually implicated their family-in-law⁴, it was imperative that the interviewees not felt compelled to withhold information due to the presence of family members and other onlookers.

The first case study provided a dramatic illustration of this issue. Although we and the PO insisted on speaking to the plaintiff privately, we ended up talking with the plaintiff on her balcony with a small crowd of her family-in-law and neighbours standing at a distance. Partway through the interview, her mother-in-law arrived and began to participate in the conversation. The next morning, the plaintiff came to the branch office in tears. She stated that she had felt compelled to withhold information during the interview, and that her household situation was much worse than how she described it. Even we had spoken with her husband beforehand, he was enraged that we had interviewed her; so he beat her.

This episode highlighted the importance of ensuring that informants feel as comfortable as possible to speak candidly. Needless to say, it also showed the importance of ensuring that our research did not harm our informants. The POs - who have established a rapport with the ADR participants - would invite both the parties to BRAC office, where they would be interviewed separately. If neither party would come, we visited them at their home, and interviewed them only if it was possible to keep others out of earshot. It was impossible to interview the plaintiffs or defendants who were unwilling to discuss their ADR case, or plaintiffs whose husbands did not allow

³ Most plaintiffs lodge a case with HRLS after moving to their family's house. When they resolve to go back to their husbands, they often move a considerable distance away from the branch office where they conducted ADR.

⁴ Bangladeshi culture is traditionally patriarchal, therefore, household disputes tend to involve a wife's extended family in law.

them to talk to us. For example, one plaintiff denied to experience any of the problems described in the case file. She stated that ADR had only been for minor issues. As such, the sample most likely does not include the worst domestic situations, and by extension, the least successful ADR cases and the least empowered women.

A final limitation was the inherent awkwardness of discussing domestic issues, moreover, considering that both authors are men and one is a foreigner. To mitigate it, we drew on the rapport that the POs have established with ADR participants, having POs make inquiries and introductions on our behalf. One author had previously worked at a branch office in the study area. Therefore, he was familiar to the community and conversant in the local dialect. For their part, the plaintiffs displayed remarkable openness in discussing their cases, possibly because they had already raised them during ADR. Yet it remains a possibility that they withheld key information, introducing a positive bias into the findings.

FINDINGS

CASE PROFILE

All the cases informed about verbal abuse (18 of 18 cases) and physical abuse (18) followed by demand for dowry (12), withholding food and living expenses (10), seizure of the wife's property (3), infidelity or remarriage by the husband (3), and cutting-off wife's communication with her family (2). The plaintiffs lodged cases at BRAC after the disputes escalated when a wife left or was forced to leave the house, and went to live with her parent.

The plaintiffs identified their mothers-in-law as main antagonists in 10 of 18 cases, either acting in concert with their husbands or independently. In several cases, the plaintiffs' problems lied exclusively with their mothers-in-law, which their husbands either mitigated, exacerbated, or were unable to change. The plaintiffs gave a variety of explanations for their mothers-in-law's hostility, from opposition to the match with her son, to pressurizing the wife's family for more hospitality and dowry, to disputes over household decisions, intra-family politics and personality clashes. One plaintiff could not provide an explanation.

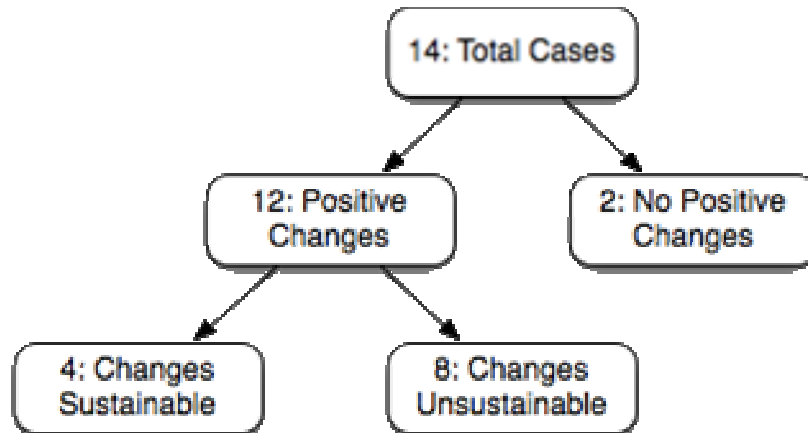
The plaintiffs might have focused on mothers-in-law because the women of a household are usually confined together, while the men spend most of the day outside. The plaintiffs may, therefore, blame their grievances on those with whom they encounter most, even if the source of a dispute lies elsewhere. Yet many plaintiffs identified their mothers-in-law as active players in conflicts. Nevertheless, this finding shows that disputes are rarely confined to husbands and wives, but involve other members of a household.

IMPACT OF ADR ON THE HOUSEHOLD DISPUTE

Four of the 18 cases were excluded. Data from the first two were compromised by the presence of family members, as described above. Another interview was excluded because the plaintiff denied the existence of most issues described in ADR, probably for similar reasons. The last interview was discarded because the plaintiff was ill and could not answer questions. In one case, the parties resolved the issue themselves after BRAC sent a summon to the defendant. Although ADR was not conducted for the case it appears to have acted as a catalyst.

Twelve of the 14 remaining plaintiffs reported that their situation improved after ADR (Fig. 1). In most cases, this meant a reduction in verbal and physical abuse. Six plaintiffs reported that their husbands stopped beating them, and three reported that their husbands beat them less often. The husbands of three plaintiffs started providing them their living expenses. Of these 12 cases, five plaintiffs described improvements as quite minor: for example, a slight reduction in beatings. In most cases hostilities continued as intensely as before, albeit less violently. As plaintiffs described the situation, it seemed a clear possibility that the situation might relapse sooner or later.

Figure 1. Impact of ADR on the dispute in question



Although the plaintiffs were reluctant to say so definitively, it appeared that the changes in four of the 12 cases were sustainable. Box 1 presents an example:

Box 1.

The plaintiff's problems began when her father-in-law remarried, and began to neglect her and her husband. When she complained to her husband, conflict broke out between her, her husband and her in-laws. The conflict escalated, her husband threw her out of the house, sent her back to her parents. Fierce arguments ensued, in which the husband beat the wife severely on several occasions. In anger, the plaintiff once threw herself into a river with her child. Eventually, the husband stopped all communication with her, at which point she filed a case at BRAC.

Immediately after ADR, the plaintiff's husband stopped beating and verbally abusing her. She attributed the change to two factors: firstly, she bore two children, which made her husband appreciate his paternal duties. Secondly, the ADR had helped him mature. In addition, her husband's brother died a year before, leaving him as the only living son. In the plaintiff's words, her parents-in-law "have no option but to treat him well."

The witness, a UP female member, explained that the wife used to be very antagonistic: she once went to the *Thana* (police station) to have her husband arrested, which the member prevented. Later, when the plaintiff went into labour, the UP female member took her to the hospital in the absence of her family. This reconciled the two, and enabled the member to convince the plaintiff to be less combative.

Before the ADR, the plaintiff's husband and father-in-law used to make decisions on their own. Now, they involve her in issues such as when to harvest fruit, repairing the house or buying livestock. The plaintiff still faces some unresolved issues regarding her step-mother-in-law, who is trying to increase her share of the father-in-law's inheritance. The plaintiff would be willing to bring other problems to the ADR should they arise, but at the moment she does not want to provoke conflict by raising anything.

In the second case, the ADR led the plaintiff's husband to understand that her in-law's family was telling him lies to pit him against her. While the in-law's family remains hostile to her, she has won her husband's support. In the third case, the husband agreed to work more and better support the family as described above. The plaintiff believed that her husband had become more responsible with time, and better appreciated his duty to bring up his son. The plaintiff did not think that the ADR had

played a substantial role, but the defendant stated that he was concerned that BRAC might take drastic action.

The fourth case was atypical: shortly after the marriage, the husband suspected that his wife had conceived a child from another man. The husband sent his wife to her parents' home and approached BRAC to arrange a divorce. After the ADR, the husband agreed to allow his wife to come back and considered the son as his own. After two years the arrangement appeared to be stable: both husband and wife stated that there were no major issues in their relationship except that the husband sometimes beat the wife. For them, ostracism by their neighbours, discrimination against their son and impingements on their land and property were far greater problems.

In six of the other eight cases, the ADRs brought about an incremental cooling of hostilities, but not a reconciliation of the underlying issues. While plaintiffs experienced a reduction in verbal and physical abuse, they faced intense outstanding grievances:

- Her husband was still not providing her living expenses, nor had he provided four decimals of land to support her while he was living out of district (as promised in a previous ADR session). He even did not replace her ornaments that he had sold.
- Her husband and his family stopped beating her and talking to her, except giving threats.
- The plaintiff appealed to the husband's brother in law, who threatened to oppress his wife (the husband's sister) if the husband did not improve his behaviour.
- Her husband now beats her less often and less intensely. Instead, he threatens her more often (See Box 2).
- Her husband beats her less often and became more mature, but her in-law's family is still hostile.
- Her husband began sending maintenance money, but infrequently (i.e. for three of the five months since the ADR took place). The ADR resolved that the wife move into his house in another district, and she moved there to rejoin him. But he did not allow her into his house, forcing her to stay temporarily with friends and family until she returned to her parents several months later.

These six plaintiffs did not consider the post-ADR improvements to be sustainable. The difficulty of assessing such changes is that the defendants appear to act as gatekeepers of their wives' roles and privileges. While women may become more assertive - as evidenced by their coming to ADR - if their husbands and family members are hostile to changes, it is difficult to override them. Likewise, improvements to women's role in household decision-making may follow from the warming of their relationship with the defendant(s); if the relationship sours, these improvements may be revoked. A plaintiff's assertiveness is a precondition for empowerment, but changes must also be conceded by the defendant, or at least a preponderant part of his family.

While plaintiffs described their post-ADR gains as tenuous, it is important to note that this attitude did not appear to change over time. In other words, plaintiffs were equally like to hold such a view whether comparatively more or less time had passed since ADR. This finding suggests that while the improvements following ADR may be fragile, they can and do persist for several years.

Box 2.

The plaintiff and her husband have been unable to have children, and each blames the other. The plaintiff's husband often beat and verbally abused her, demanded dowry, and had affairs with a number of women. As such, she lodged case for ADR twice.

The husband stopped demanding dowry after the first ADR, but in revenge prohibited her from leaving the house. His behaviour improved somewhat, but suddenly went very wrong. He began to beat her every day without reason, and took all household decisions without consulting her. He once beat her so intensely that she had to be hospitalized. After that, she lodged a second case for ADR.

In three years since the second ADR, the plaintiff's situation has somewhat improved. Her husband beats her less with less intensity; rather threatens to throw her out of the house (i.e. taking a more diplomatic approach). She has little influence over household decisions, but she generates her own income by raising chicken and sewing clothes. If she has further problems, she is not sure what she will do, but she is determined not to leave the house. If she does so, she worries that she will be ostracized; if she re-marries, the next husband could be more worse.

The 12 plaintiffs that experienced positive changes after ADR gave three major types of explanation: the husband matured (4, 3 of whom stated that ADR had helped); the husband was intimidated by BRAC (4); and family pressure (2). Three plaintiffs did not give a reason why their husbands' behaviour had changed, as they had experienced limited and unsatisfactory improvements in the household situation.⁵

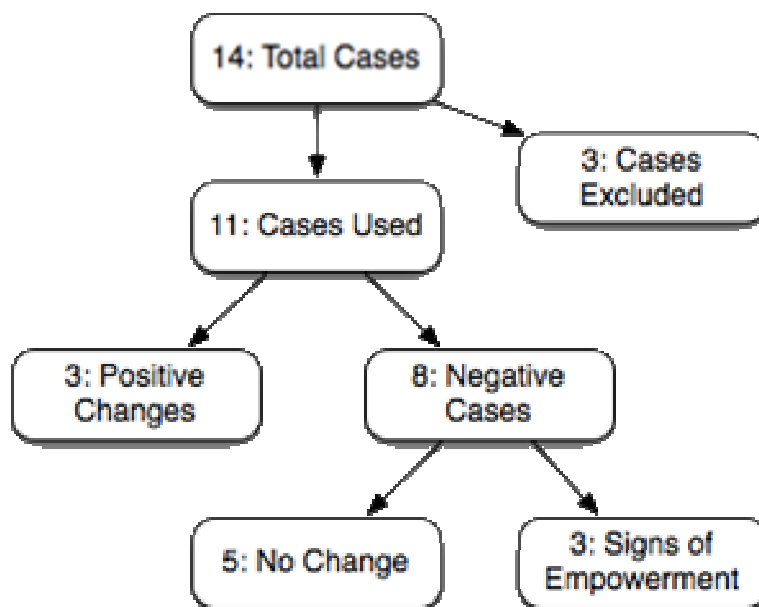
In two cases, the plaintiffs experienced no positive changes after ADR. One plaintiff reported that after the ADR her husband beat her more often and spent more time away from home. During this time she received no money for her living expenses. In the other case, the plaintiff coincidentally arrived at the BRAC office when we were leaving to visit her. She had been beaten by her in-laws the night before and again that morning after an off-hand comment raised the ire of her mother-in-law. She revealed that her husband's behaviour had improved somewhat after the ADR, but quickly regressed.

IMPACT OF ADR ON HOUSEHOLD DECISION-MAKING

Three cases were excluded from this section. In the first case, the plaintiff was living at her father's house, and therefore was not involved in household decision-making. In the second case, the plaintiff's husband initiated ADR to divorce her on the grounds of infidelity. This case could not be expected to translate to the wife's empowerment in household bargaining. The third case was excluded because it was not possible to discuss the issue with the plaintiff, who had come to the BRAC office after being beaten by her husband and in-laws.

⁵ Multiple responses were counted.

Figure 2. Impact of ADR on household decision-making



Three plaintiffs had gained more influence in household decision-making since their ADR. These correspond with three of the four cases that experienced sustainable positive changes in their disputes, the fourth case being the case involving the alleged illegitimate child. Box 3 presents an example:

Box 3.

According to the plaintiff, her husband was dissatisfied with her appearance. He and his mother began to beat and verbally abuse her pressuring for dowry, or to leave him so he could remarry. The abuse intensified once she had a child, leading her to lodge an ADR case.

ADR helped change her husband's attitude considerably. He realized that his parents were to blame more for disputes than his wife, as they told lies to turn him against her. According to the plaintiff, her parents-in-law oppressed her to extort meal invitations and gifts from her parents, and because they have a low general opinion of women in the family.

The plaintiff's husband also realized that she was very useful: she earned her income as a BRAC *Shasthya shebika* (health worker), by vaccinating livestock and other initiatives. With her savings, she bought a furniture shop for him, which he now operates. Now the plaintiff makes household decisions independently, and advises her husband when he faces difficult situations. Before ADR, she was kept out of household decision-making. If there are household conflicts, her husband is more eager than her to make a solution.

Of the other two cases, one was the example described in Box 1. In the third case, the plaintiff was not allowed to work for others before ADR. Since ADR, she earns a separate income from husking paddy and other grains; subsequently, she and her husband jointly purchased a tube well. The plaintiff also reports that she has more influence in family decisions. At the height of the conflict with her husband, he cut off

her communication with her family and did not allow her to leave the house. After ADR, she is free to visit friends and relatives. In this case, it is important to note that the plaintiff believed that she and her husband had resolved the dispute on their own, and that ADR did not have much role. We include this case nonetheless, as it illustrates the dynamics of constructively resolved disputes. Moreover, her husband reported that he had improved his behaviour for fear of the repercussions should BRAC intervene.

To better understand if they had become more assertive, the plaintiffs of these three cases were asked if they considered themselves to be in a stronger position to change other things about their relationships with their husbands. Only the plaintiff of Box 3 gave a definitive answer, saying yes. The other two plaintiffs equivocated, reiterating that they had a stronger role in family decision-making. The plaintiffs of Boxes 1 and 3 reported that they had outstanding issues with their in-laws, but not their husbands. The other one stated that she was satisfied with her household situation, saying “Bangladeshi women want some food and shelter from their husbands.”

In five cases, the plaintiffs reported that they did not gain more influence on household decision-making. Five of the six attributed this situation to the continuing hostility of their families-in-law, which ADR failed to affect. Husbands were ineffectual or continued to side with their in-law’s family.

In three cases the plaintiffs showed signs of empowerment, but these reflected that the plaintiffs had to provide for themselves without their husband’s or in-law’s support.

In the second case, the plaintiff lives alone with her husband. She lodged an ADR case once when her husband began to beat her brutally and left home for few months without providing her any support. His behaviour worsened after ADR. Consequently, the plaintiff runs the household and cultivates *pan* (betel leaf) on the household land.

THE ROLE OF THE FAMILY-IN-LAW AND WITNESSES

Most disputes involved the plaintiff’s family-in-law. Therefore, changes in the attitudes of in-law’s family affected the outcomes of ADR. In most cases, the in-law’s family reacted negatively to the plaintiff’s decision to lodge case with BRAC. In the most dramatic cases, the in-law’s family ‘panicked’ that leading the husband to throw the plaintiff out of the house. In another case, the in-law’s family threatened to kill the PO and burn his motorcycle. In one case the plaintiff reported that the attitudes of in-law’s family have changed after ADR. This was Case One described in the previous section, in which the plaintiff reported a substantial reduction of the intensity of dispute, and an increase in her influence over household decision-making. The plaintiff attributed this to the fact that her brother-in-law had died, leaving her husband as her parent-in-law’s only male son. In her words, “They have no option but to treat him [her husband] well.” In addition, the plaintiff had two children since ADR.

The attitudes of the in-law’s family were unchanged by ADR in all other cases. Whether they led to positive changes or not depended on the role that the husband played in the family balance of power. In Case Two from the previous section, the husband realized that his family was pitting him against his wife, and began to take a stand favouring her in family disputes. Although her family remains hostile to her, the plaintiff has experienced a substantial reduction in the dispute’s intensity, and a substantial increase in influence over household decision-making. (It is furthermore worth noting that the only two cases that had positive developments at the family level

[Cases One and Two from above] experienced sustainable changes to their household conflicts and increased influence in household decision-making). In the other case, the husband sided with his family in law, or did not take an effective stand on his wife's behalf. Two of the worst cases of abuse occurred in households where the plaintiff lived alone with her husband and family. This finding suggests that the in-law's family may play a regulating role in cases where the husband is severely abusive.

Each ADR usually includes neighbouring village elites as witnesses. Their inclusion in ADR is aimed to increase its legitimacy and enforcement power. Nevertheless, as household disputes are private matters, elites can only exert so much influence. We, therefore, set out to test the extent to which elites can improve compliance with ADR resolutions.

Elite witnesses successfully intervened in two of the three positive cases. In Case One, a neighbouring female UP member intervened in the dispute as described above. In Case Two, the witnesses included a number of retired policemen who lived in the neighbourhood and a village elite. The plaintiff approached them after ADR when her husband left without providing her money for living expenses, and they gave her 15 days' worth of money. When she cautioned them that such a response might encourage her husband's negligence, they told him that if repeats his behaviour, they will not give money and he will be responsible for the consequences. They also threatened him verbally. The plaintiff in Case Three did not go to witnesses after ADR, but after the issuance of summons she approached UP members and the BRAC PO when her family in-law threw her out of the house. With their help, she successfully re-entered it.

In two cases, the witnesses attempted to intervene but were unsuccessful. One plaintiff reported that when an incident occurs, the witnesses come to pacify the situation in the household. But once they leave, her family turns on her again. Another plaintiff stated that although witnesses may try to intervene in household conflicts, her mother-in-law would not listen to them. (The mother-in-law had shown herself to be a formidable personality. During the interview with the plaintiff, she stormed into the BRAC office and started a 20 minute-long shouting match). In the other cases, the plaintiffs reported that the witnesses were ineffective for a variety of reasons. In one case the witnesses were apathetic, making grand promises during ADR (including the provision of *Khas* [government] land to the couple) but failing to follow through. In another case, the husband was an influential and well-connected person, hence the witnesses supported him although they made dramatic promises during ADR.

In the two worst cases of abuse, both plaintiffs had hidden their problems from their families. Both explained that their families were fierce people and that the conflict would escalate out of control if they intervened. One plaintiff had undergone two ADRs. She attributed the failure of the first to the fact that there had been no witnesses. Because no one in the community knew that she had undergone an ADR, there was no pressure on her husband to rein in his behaviour. The second ADR had involved witnesses, and had been more successful. She had not called on the witnesses' help since ADR, as she had not experienced any severe beatings. Some plaintiffs also mentioned that they were reluctant to bring issues to the witnesses, as doing so would provoke their family-in-law.

POs acknowledged that village elites can help improve compliance with ADR, but noted several limitations. Most elites do not have strong convictions about intervening in household disputes or advancing women's rights. One PO estimated that about 30% of his cases had good witnesses. Another PO pointed out that people often come

to BRAC ADR if *Shalish* fails - in other words, when village elites are ineffective. While there are elites that are committed and helpful, the POs said they would be unwilling to take on the burden of more cases; the POs already do their best to encourage their participation.

PERCEPTION OF THE ADR PROCESS

All plaintiffs except one stated without reservation that the ADR process had been conducted impartially and constructively, that POs had performed well, and that the resolutions were fair. (One dissatisfied plaintiff made the rather wild claim that her husband and 20 others had bribed the PO). All defendants and witnesses agreed that the process had been fair and constructive, except for one defendant who claimed that it was biased towards women. Based on our analysis, the resolutions for most cases appeared to be reasonable and properly aligned with the plaintiffs' grievances.

The plaintiffs were dissatisfied with the implementation of ADR resolutions. Many were frustrated that ADR had not substantially improved their conditions, and they had no option but to start another ADR or a formal case in the court. Those that had seen modest improvements were mostly waiting to see how the situation developed. As they described it, the cooling of hostilities had produced a more or less fragile ceasefire. Their strategy was therefore to preserve the peace rather than push for further rights. Most stated that if they had further problems, they would start another ADR case. Some stated that although they were dissatisfied with their situation, they had backed down to maintain peace in their households. Those who were in especially bad household situations said they were unwilling to consider a divorce, partly out of personal conviction and partly out of a need for material support.

Two plaintiffs expressed their intention to start a court case. The first one was who just been beaten, and came to BRAC office. It is, therefore, possible that once the trauma of the day before had subsided, her resolve may have softened [not clear!]. The other plaintiff had lived apart from her husband for 11 years, and filed an ADR case as a final effort to re-establish conjugal relations with him. Now that the husband has not complied with the ADR resolutions, she planned to pursue a divorce to recover her dower and maintenance.

POs highlighted a number of procedural issues that limited the effectiveness of ADR. Firstly, they recommended that a copy of the ADR resolutions be given to the participants, which BRAC policy currently prohibits. Some cases have more than 10 resolutions. Therefore, it is easy to forget them, and easy for participants to deny the existence of certain articles. The POs added that the resolutions should be printed on official letterhead, which would make them command more respect. In the event that an ADR case goes to court, an official copy of the resolutions would also serve as more valuable evidence. One PO also added that it would be helpful to learn how to write resolutions in legal language, as they will be more effective in court cases.

DISCUSSION AND CONCLUSION

Eleven out of 14 plaintiffs experienced improvement in their household disputes after ADR - in most cases, a reduction or cessation of physical abuse. Among them, the changes in four appeared to be sustainable. In the other seven, the plaintiffs believed that the cases might regress according to the vagaries of household tensions and the attitudes of their families-in-law. But as this view did not appear to diminish over time, such post-ADR improvements may in fact be persistent. In three cases, the plaintiffs gained more influence in household decision-making. These corresponded with cases that had experienced sustainable improvements in their household disputes. While it appears that ADR is effective in reducing domestic violence, this generally does not translate to increased household decision-making power. When ADR successfully helped reduce violence, it usually did not reduce the intensity of the dispute, which carried on through other channels.

A major limitation to the impact of ADR is that positive changes, including improvements in household bargaining, take the form of concessions by the defendants, who may renege on them if a dispute intensifies. Even if a plaintiff becomes more assertive in claiming her rights, whether she obtains them appears to depend more on the balance of power within her family, and to a lesser extent, the influence of outside actors such as sympathetic elites and BRAC. While plaintiffs sometimes acquired a more powerful role in household bargaining, it is possible to imagine their husbands and families-in-law reasserting their dominance if a dispute re-emerges. In no cases did ADR appear to change this dynamic or other structure of household relations.

In four cases, the plaintiffs attributed positive changes to their husbands' maturation. In this regard, ADR acted as a catalyst for a process that the family might otherwise have undergone on its own. In five cases, it appeared that BRAC intimidated the defendant(s) into treating the plaintiff more respectfully. Two of the three cases that led to sustainable improvements in household disputes and household bargaining power had interventions by elite witnesses and positive changes in husband's or families' attitudes. This finding is understandable given that the willingness of family members to change their mind and the bargaining power of elites are linked. In two cases, witnesses intervened unsuccessfully. In the remainder, they were ineffective or did not exist.

According to Kumar *et al.* (2007) and one of the author's experience working as a PO, ADR is almost always arbitrated rather than mediated. In arbitration, the PO decides the resolutions after hearing both sides of a dispute, or delegates the role to an elite witness. In mediation, the parties decide the resolutions themselves in a process moderated by the PO. One can see several reasons why arbitration predominates. Firstly, arbitration is much easier than mediation, which is likely to foment conflict and take much greater time to resolve. Secondly, it is supported by a culture deference to authority figures such as can be seen in the *Shalish* system. Based on the author's experience, POs are not aware of the distinction between mediation and arbitration, and ADR participants expect the latter. Thirdly, arbitration allows POs to design resolutions that they believe are demonstrably successful. Namely, Kundu *et al.* suggest that POs may pressure couples to stay together, thus demonstrating that ADR has successfully resolved their dispute. This is in turn the

product of such factors as a low sense of job security, and concern about heavy handed interventions by superiors.

POs' reliance on arbitration may explain the finding that ADR is largely unsuccessful in resolving the dispute or changing participants' attitudes. Conversely, promoting mediation may improve these outcomes, encourage client ownership and thereby improve compliance with resolutions. While arbitration may eventually be necessary in some cases, POs should only resort to it after mediation proves impossible.

Participants almost unanimously agreed that the ADR process and POs' conduct were impartial and constructive. Plaintiffs' reservations lay with the limited capacity to enforce ADR resolutions.

RECOMMENDATIONS

We offer two sets of recommendations. The first set looks at ADR's position in social and family power structures. The second set offers a number of procedural improvements.

ADR AND THE SOCIAL/FAMILY POWER STRUCTURE

At present, ADR is most successful when it draws from social and family power structures. Namely, plaintiffs benefit most if elites intervene in the dispute, and if key actors in their family support them. HRLS must decide whether ADR will work with or against these structures, keeping in mind that they are paternalistic and patriarchal in nature. The former approach will only address the symptoms rather than the causes of family disputes. Oppressive family relations and the social structures that undergird them will be reinforced. On the other hand, this approach may provide the most direct and tangible benefits to plaintiffs.

Eyben *et al.* caution that one set realistic expectations for empowerment interventions by distinguishing between collective and individual empowerment. They define collective empowerment as leading towards structural change in power relations, and

as distinct from partial empowerment of some individuals who because of their overall societal position within a relatively unchanged status quo may nevertheless find themselves at risk of losing what they had previously gained (2008, pg 18).

Efforts at individual empowerment can appear to be unsuccessful when programme participants do not challenge the status quo. Eyben *et al.* give the example of a project that aimed to overturn gender relations, but whose beneficiaries sought to "impress their men with their new housewifely skills, and their mastery of polite feminine ways" (2008, p18). While such interventions do not promote structural change, they do give programme participants a broader set of options, and especially benefit those with few connections and resources.

By Eyben *et al.*'s categorization, BRAC ADR is promoting individual empowerment. It may not therefore be realistic to expect it to combat patriarchal social

structures on its own. But it may bolster more confrontational efforts at structural change, providing support to those that challenge social relations at the household level.

Having raised these caveats, we propose two ways that ADR can be strengthened by further integrating it into the power structure: engaging sympathetic elites and family members. It appears that if elites take a genuine interest in a case, it appears that they can pressure ADR participants to comply with the resolutions. POs have recognized this strategy, and stated that they use good witnesses as often as possible. *Polli Shomaj* Presidents—who are often village elites—have already established themselves as advocates for poor women and received training from BRAC. They should therefore be integrated into ADR as witnesses. UP Women Members might also be a good source of gender sensitive elites. Second, this finding bolsters the rationale for HRLS' Legal Rights Implementation Committees, which can hopefully sensitize and engage a larger pool of elite witnesses. However, Kundu and Samadder (2007) have found that in their present form, LRIC committees do not promote participants' sensitivity to human rights or gender, nor do they deepen participants' commitment to corresponding activities.

The family in law proved to be a key stakeholder in most cases. Mothers in law were particularly prominent, featuring as a main player in eight of 18 disputes. The customary focus on the husband and wife may therefore be neglecting key actors in a household dispute. Mothers in law and all relevant family members should participate in the ADR process as plaintiffs or defendants, and should also be bound by the resolutions. Members of the plaintiff's family should also be invited if the dispute involves them. POs should also identify members of the family in law that are sympathetic to the plaintiff, and commit them to safeguarding the plaintiff's interests. For example, one resolution could appoint a family member as a guardian to the plaintiff in case further incidents occur.

PROCEDURAL RECOMMENDATIONS

HRLS should consider the costs and benefits of promoting a mediation approach to ADR. Doing so may improve ADR's capacity to resolve disputes and empower plaintiffs, but will undoubtedly provoke resistance and require increased time and resource commitments. According to Kumar et al. some elites already feel slighted at the secondary role they play in ADR compared to *Shalish* (2007). Vesting authority entirely in the participants may compromise elites' support and the accompanying benefits. As mediation diverges from traditional practice and a paternalistic social structure, participants and witnesses are also likely to resist a mediation approach.

POs will be responsible for negotiating these risks. They will require more intensive training, not only to appreciate the distinction between mediation and arbitration, but also to handle the numerous challenges that will arise from a mediation approach: for example, explaining the process to participants, maintaining order and promoting constructive dialogue. Kumar *et al.* (2007) suggest that POs' training regime does not adequately prepare them for their duties as they presently operate. Promoting a mediation approach will only intensify their burden. Moreover, cases may take considerably longer to settle through mediation, meaning that POs would have to reduce their case loads. If it wishes to standardize a mediation approach to ADR, HRLS will have to reconsider the balance between the quality and quantity of its outputs.

There is an opportunity to engage the *Polli Shomaj* and HRLS *Shebikas* to monitor the progress of cases. POs were usually unaware of the status of the cases we selected for the study, even those that had been recently resolved. ADR plaintiffs may have difficulty visiting the BRAC office, or may not be able to speak freely if the PO, who is usually male, visits them. One PO reported that the families involved in ADR made it difficult for him to follow-up. He usually cannot enter the family-in-law's household, and must instead take information from the plaintiff's family. *Polli Shomaj* members and *Shebikas* may have more success in collecting reliable information, social networks, and would reduce the burden on POs' time.

HRLS can also integrate ADR with the Gender Justice and Diversity programme's activities in education and advocacy. ADR participants could be a promising target population for the latter, as they are struggling over the transition to a more gender-equal relationship. Conversely, the Gender Justice and Diversity programme may provide cost-effective and timely interventions to help change husbands', wives' and family members' attitudes to facilitate such a change.

ADR participants are usually responsible for providing witnesses. Consequently, participants often raise large groups of supporters rather than bringing people that can act as impartial mediators. POs should ensure that there are witnesses representing both parties, and do their best to limit numbers to those whose presence will be constructive. As discussed above, ADR should not just focus on the husband and wife, but incorporate those members of their families that are antagonists in the dispute and submit them to resolutions.

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ANNEX

Case studies

Case One

Rina Begum and Md. Habibulla Sheikh got married 11 years before. Dower was Tk. 25,000. The husband had problems with adultery, and married one of his mistresses. He was caught proposing adultery to a woman, and was beaten up. Rina then went and had him released. The defendant mistress divorced her husband to marry him. He beat her. Eventually he demanded Tk. 60,000 as dowry. She could not provide it, so he used to beat Rina in many occasions. He also sold some of her ornaments received during marriage. They have two children. But the husband was living with the another woman, and did not provide his wife any financial support. His family tried to convince her to leave his house.

After ADR they decided to stay together. Both were responsible for keeping peace in the family, but most go to the defendant. The husband has to bear the expenses of his wife and children. If any of the conditions are broken, Rina Begum may go to court. They are living together peacefully. He divorced the other woman, who is alone now.... At this stage we finished our interview with this couple assuming it as a successful case. After some days of the interview, Rina came to our branch office where we used to stay saying that whatever she delivered to us was just the other side of the coin. She did so in front of other in-laws because she thought that everything will be fine again. But that very morning his father beat her so much that she decided to leave for her parents with the children. As data were compromised, we had to abandon those.

Case Two

Nazma Khatun and Mohammed Iqbal Khan got married in 2004. Initially the husband beat Nazma without any reason. Sometimes he demanded money as dowry. Sometimes she took money from her parents. Once she took a loan from a microfinance organization and gave it to her husband. At the marriage, her father gave him Tk. 14,000 as dowry. He borrowed Tk. 7,000 more from her, but did not pay it back. When she gave birth to her child, her husband did not pay any expenses; she relied on her parents. Husband demanded Tk. 20,000 more; if she could not pay, he threatened to send her out of the home. She did not, and left the home. Demanded dowry and monthly expenses for her and her children from the ADR.

When living at her parents' home, she started a court case. The court decided that the husband pay the costs, wife move in. Conflict continued, and then someone recommended that she should go to BRAC. The ADR arrangements included issues like their staying together peacefully where the husband will be responsible in case of any breach of provision and he will maintain the family costs. Although we interviewed around five persons, in this case we had to abandon this case on the ground that data may have been compromised as during interview a lot of people encircled us and some of her in-laws intervened frequently in her in-law's house.

Case Three

Plaintiff Nadira Begum and the defendant MD. Shomsher Shekdar, two years after their marriage were expecting baby, but seven months into the pregnancy the husband kicked the wife and killed the baby. He also beat her a lot. From then, the man cut off all her communication with others, deprived her of adequate food and other living needs. She stayed with him, but had to pay her expenses from her own household. He used to take food from other houses (and live there) so he did not have to pay for her. He then demanded dowry from her family. When she failed to give it, he beat her. She came to ADR for a solution where he pledged not to demand dowry, to pay for all his wife's expenses, to live together and so on.

This ADR was conducted in 2005. We went to her place to interview her where she lives with her relatives and parents and thus we were surrounded by her family members and other on lookers. However she was reluctant to admit that once she took help from ADR. It seemed that she together with other family members (her) were avoiding the issue saying that now everything is fine and they do not want to talk about the issue anymore. She was also unwilling to meet us to her husband. In that case we had nullify this case also.

Case Four

Plaintiff Parina Begum and defendant Md. Abdul Hossain Sheikh got married in 1994 and took 9 years to have a child. During this period, there were problems. Her husband mentally and physically abused her for not producing a child. Demanded dowry and threatened to remarry if she could not produce one. Although a child came into the home the husband and the mother-in-law gradually increased abuse. Once, her mother-in-law accused her of stealing something. They two beat her together. Husband said that he would abandon her and remarry. She came to ADR to stay together with her husband, if he does not continue to abuse her.

In the ADR the husband promised everything as demanded by her. However, our observation says that she was not that much sound as she was saying. She was sick, so we went to her house. The women UP member was present at the interview, and various female in-laws. UP member frequently answers on her behalf. Considering all the issues we abandoned this interview also.

Case Five

Plaintiff Rehena Begum and defendant Md. Milan Sarkar (Milad) got married while it was the second marriage of the plaintiff. She complaint that her husband was not covering maintenance costs. The reasons were he used to beat her, and she was forced to leave his house. When she was away, she demanded maintenance. The ADR urged them to stay together while the husband will bear all the maintenance and avoid all sorts of abuses without demanding dowry.

There were multiple ADRs where the first one gave the husband permission to go to Tangail but in the second one he was urged to come back to Khulna which seems contradictory. There were no witnesses on her part and her children started disliking her on this issue. Nevertheless, the plaintiff was very assertive, and refused to make concessions for the sake of preserving peace. She thinks that there have been no substantial changes and she is waiting for justice. If the process fails, she wants her husband divorce her meeting all her demands.

Case Six

The plaintiff's problems originated from disputes with her family-in-law over household decisions - disputes that her weak-willed husband could not defuse. Although she is excluded from household decision-making (e.g. she was not allowed to sit for the HSC exam; her relatives are building a house on her husband's land), she frequently clashes with her family-in-law on household issues. As she is ostracized and her husband is ineffectual, she enjoys a great deal of autonomy. She built her house on her own, tends 11 goats and has complete freedom of movement. She will not consider leaving her husband as she does not believe in divorce, but she is planning to save money to move elsewhere.

Her main problem was with her in-laws. In various issues they beat her a lot though she thinks that her husband was not liable for those, but he has always been indifferent about those. Since she went to ADR, they stopped beating but also stopped talking to her except threatening her. Oppression is still intense. Although personally she was pretty empowered she does not have any access in household decision-making process. She is not sure about her future destination if ADR fails. However, the plaintiff was impressively assertive in spite of her family-in-law's oppression.

Case Seven

The plaintiff's problems began when her father-in-law remarried, and began to neglect her and her husband. When she complained to her husband, the conflict broke out between her, her husband and her family-in-law. The conflict escalated to the point that her husband sent her back to her parents. Fierce arguments ensued, in which the husband beat the wife severely on several occasions. In anger, the plaintiff once threw herself into a river with her child. Eventually, the husband severed all communication with her, at which point she filed a case at BRAC.

Immediately after ADR, the plaintiff's husband stopped beating and verbally abusing her. She attributed the change to two factors: firstly, she bore two children, which made her husband appreciate his paternal duties. Secondly, ADR had helped him mature. In addition, her husband's brother had died one year before leaving him as the only living son of his father. In the plaintiff's words, her parents-in-law "have no option but to treat him well."

The witness, a UP female member, explained that the wife used to be very antagonistic. She once went to the *Thana* (police station) to have her husband arrested, which the UP member prevented. Later, when the plaintiff went into labour, the UP female member took her to the hospital in the absence of her family. This reconciled the two, and enabled the UP member to convince the plaintiff to be less combative.

Before ADR, the plaintiff's husband and father-in-law used to make decisions on their own. Now they involve her in issues such as when to harvest fruit, repairing the house or buying livestock. The plaintiff still faces some unresolved issues regarding her step mother-in-law, who is trying to increase her share of the father-in-law's inheritance. The plaintiff would be willing to bring other problems to ADR should they arise, but at the moment she does not want to provoke conflict by raising anything.

Case Eight

Plaintiff Rahima Begum and defendant Shafiqul Sheikh. From the beginning of their marriage, the husband and mother-in-law oppressed (beating) her for dowry. He did not claim anything until after the marriage and did not allow her to use the things she brought from her father's house (the wedding gifts). Before lodging a complaint, they tried to resolve the problem through informal family *Shalish*. Eventually the husband and mother-in-law sent her to her father's house. The husband visited her sometimes, demanding Tk. 20,000. By that time, she had a boy. Her husband and relatives did not visit her place to see the newborn baby, which is a custom here. She came to BRAC demanding dower and maintenance.

ADR resolutions tried to put them together bring her from her father's house under the condition that he will not quarrel and not beat her. They seemed fine although only two months had passed since the ADR. The plaintiff complained that ADR did not deal with the mother-in-law. The mother-in-law continues to foment conflict; she disappeared from the house a week before because of a quarrel with other family members. She thinks that situations are changing very slowly as her husband is being matured but she is not sure whether there has been any positive changes.

Case Nine

The plaintiff Nazma Begum and the defendant Md. Nasir Sardar could not live together continuously after their marriage. The defendant did not work. If she would say something about him working, he used to beat her. She earned income and ran the family. If she asked him to buy things for her or the family, he would beat her, even though she provided the money. She wanted to go to her father's house, but he did not allow it. The child would cry for want of food, but the husband did not care. Instead, he used to beat the son. She wanted maintenance for herself and her child. The ADR resolutions cover their staying together where the husband will be responsible for their maintenance and will never beat her. On the contrary, the wife pledged not to be disobedient to her husband.

Now the plaintiff and defendant live alone. When ADR started, her family-in-law panicked, and the husband threw her out of the house. Family-in-law was still hostile, but her husband was supportive. The plaintiff did not think that ADR had played a strong role in improving her situation. She seemed to be quite assertive. After she left, the husband came back and said that she is not very smart, so it should be a short interview. It gave us the impression that the defendant still shows less respect for her.

Case Ten

Plaintiff - Rozina Begum and defendant - Monirul Sheikh. Since their marriage, the husband oppressed the wife and demanded some money from her (not specified whether it is dowry). As she could not pay it, he started the oppression. She sold some of her father's land, and gave some of the proceeds to her husband. Consequently, her family became angry with her. She still could not satisfy her husband. He beat her with or without any reason. This has been going on for the last 8 years. She did not tell her family (mother, brother, sisters) about the issue to avoid some unwanted violence. He beat her with the branch of a tree. Thinking about the future of her two kids, she came to BRAC to recover her conjugal life. In the ADR resolutions, it was said that if the husband would never oppress her, she will not disobey him and they will live together peacefully.

When we interviewed we did not find her husband at home. According to her, most of the time he stays out of the home for long time leaving her alone with two small kids without any food and maintenances. Suddenly he comes to sell betel leaves and manage money; and then gone again. She now runs the household herself and cultivates betel leaves herself. Most of the time she stays alone but can't share with anyone because that might causes other social and family problems.

Case Eleven

The plaintiff Bali and the defendant Islam Sheikh got married with the dower of Tk. 30,000. From the beginning, the husband and his family oppressed her for dowry. She gave them some, but they demanded more. The mother-in-law fed only her husband, but not her. Thus, it became intolerable to stay in the same house. Then she and her husband went to Dhaka, where she started working at a garment factory. Her husband did not work and took whatever money she made. When she came to the house from the job, he and her sister used to finish all the food by then. Once she saw that her husband had left her with all her stuffs and her child. She kept the remaining household stuffs with her landlord. The husband found out and demanded the money. She refused. He threatened to leave her, then did so and took all the household items with him. She came to BRAC, wanting her rights back, dower and maintenance.

Husband always expects good food from his in-law's house. But they are very poor and cannot feed him well. When they cannot produce, he beats her. As she made a comment about food, this made him angry, as this is a hot-button issue for him. At first, the husband came to ADR. In the verdict, BRAC sided with the boy. Later, she came and started another ADR. After the second ADR, the family seemed to be well behaved. She was in Dhaka with her husband, and he suddenly left Dhaka to come back here. We were on our way to pay a visit to the wife, but by coincidence, she came to the BRAC office. She was crying, and reported that her husband had beaten her although before we were informed that they were doing fine.

Case Twelve

Plaintiff Hosnara Begum and the defendant Md. Mintu Kazi got married with the promised dower of Tk. 49,999. Her parents gave Tk. 10,000 in dowry as well as another 5,000 in other things. The husband and mother-in-law began pressure for dowry after the marriage. When she refused, they beat her. She ran from the house. There were some informal family level *Shalish* sessions, but these led to no change. Husband took her to court for a divorce, but someone tipped her off so she did not go. That day, her husband started beating her. Her mother went to stop him, and he beat her too, sending her to the hospital. The husband is a hooligan, threatening to throw acid on her face. She was still living at her father's house, and stopped her studies. She wants to make a solution living with her husband, or if impossible, to get her dower and maintenance.

We did not conduct any ADR here because the parties set for a settlement after they received notice from BRAC. The plaintiff appealed to her husband's brother-in-law, who threatened to oppress his wife if the husband didn't improve his behavior. Family-in-law possibly intimidated by BRAC's issuance of summons.

Case Thirteen

The plaintiff Shefali Khaton and the defendant Zakir Mollah got married while the plaintiff's family gave Tk. 5,000 and other household stuffs as dowry. Just after the marriage, the mother-in-law and husband demanded Tk. 50,000 as dowry. Her husband beat her for dowry. They did a few local *Shalish* with the chairman and UP members. They resolved to start again. Husband continued to beat his wife, and one day sent her to her father's house. The husband did not pay maintenance for her and his three kids, although she demanded her dower and maintenance for her and her kids. ADR resolutions compelled them to stay together while a UP member, one of the witnesses, pledged to provide them some government *Khash* land and he was selected as their guardian.

But to the plaintiff the witnesses were big talkers but not of much help; one resolution is to provide *Khash* land to the couple. The plaintiff is also afraid to approach them for fear of the family's response. However, the husband still sides with the mother-in-law, feels unable to take issues to the witnesses. The husband serves his earnings from Dhaka to the mother-in-law, giving her more power over the plaintiff. The husband is working in Dhaka, and sends money every month to his mother, not to his wife. Because the mother controls the money and she has little advantage in household decisions.

Case Fourteen

Plaintiff Nihar Ranjan Mandal and the defendant Shadhana Ra. Two months after their marriage, the husband noticed abnormal growth in his wife's body. He took her to the doctor who reported that he was going to be a father. Once the baby was born, people began to talk, saying that the baby was the product of adultery. At the same time, local elites (Chairman, UP members) pressured him to send the son (baby) to her parents' home. Her parents came, and an informal *Shalish* was held. It was decided that she will go to her parents' home with the son. He came to BRAC to get a divorce. ADR put them together with the child. The husband took the wife back. Still beats her, but generally the problem is not between them, but with their neighbours. The husband initiated ADR.

Case Fifteen

The plaintiff Sheuli and the defendant Rabiul Islam got married with the dower of Tk. 35,000. She gave Tk. 6,000 in dowry later, but her husband and mother-in-law pressured her for more. When she did not comply, they beat her. Her husband gave her Tk. 30 to keep, which her [his?]mother stole and hid. When the husband asked for it, the mother-in-law accused her of stealing it, and showed her where it was hidden. The husband tried to burn the wife with a cigarette, beat her, and then sent her to her parents' house. She came to ADR for maintenance and dower. ADR arrangements covered their staying together while the husband won't demand any dowry; and if there are problems they will meet the witnesses for solution.

There were two ADRs, the first was unsuccessful. The second ADR was originally filed by the husband at the mother-in-law urging, but the PO registered under the wife's name. The mother-in-law was extremely aggressive, barging into the interview with the plaintiff and starting a 20-minute long shouting match. Shortly into the interview, the mother-in-law showed up. She was clearly hostile, rebuking the plaintiff for having come to BRAC without telling her, and abruptly taking her child from her. Although we tried to send her off with the PO, the plaintiff became reticent, her answers became more guarded, and she began glancing over her shoulder.

Case Sixteen

The plaintiff and her husband have been unable to have children, and each blames the other. The plaintiff's husband often beat and verbally abused her, demanded dowry, and had affairs with a number of other women. For these reasons, she lodged ADR case twice. The husband stopped demanding dowry after the first ADR, but prohibited her from leaving the house in revenge. His behaviour improved somewhat, but suddenly went wrong. He began to beat her everyday without reason, and took all household decisions without consulting her. He once beat her so intensely that she was hospitalized. Then she lodged the second ADR case.

In the three years since the 2nd ADR, the plaintiff's situation has improved somewhat. Her husband beats her less and less intensely, and instead threatens to throw her out of the house (i.e. taking a more diplomatic approach). She has little influence over household decisions, but she generates her own income by raising chicken and from sewing. If she has further problems, she is not sure what she will do but she is determined not to leave the house. If she does so, she worries that she will be ostracized; if she re-marries, the next husband could be worse.

Case Seventeen

According to the plaintiff, her husband was dissatisfied with her appearance. He and his mother consequently began to beat and verbally abuse her, give pressure for dowry, or to leave him so he could remarry. The abuse intensified once she had a child, leading her to lodge an ADR case. ADR helped change her husband's attitude considerably. He realized that his parents are to blame for disputes than his wife, as they tell lies to turn him against her. According to the plaintiff, her parents-in-law oppressed her to extort meal initiations and gifts from her parents because they have a low general opinion of women in the family.

The plaintiff's husband also realized that she is useful: she generates income for herself as a BRAC *Shastho Shebika* (health worker), by vaccinating livestock and other initiatives. With her savings, she bought a furniture shop for him, which he now operates. The plaintiff makes household decisions independently, and advises her husband when he faces difficult situations. Before ADR, she was shut out of household decision-making. If there are household conflicts, her husband is more eager than her to make a solution.

Case Eighteen

The plaintiff Halima Khatoon and the defendant Md. Ekram Sheikh got married 15 years back with the dower of Tk. 75,000. Immediately after the marriage, the husband took the wife to his house and told her that he did not like her. He demanded 240,000 in dowry, and said he would refuse to stay with her if she did not pay. He also mentioned that he had an affair with another woman. For various reasons, he beat the wife frequently. She did not tell all these to her parents. She got pregnant after eight months of their marriage and had a baby in due time. Nevertheless, her oppression did not lessen. Two years after marriage, she went back to her father's house. The husband never paid any maintenance for her and his daughter. Five years back, the husband remarried. The wife continues to stay in her father's house. She came to BRAC for their and the daughter's maintenance. The ADR resolutions consist of her coming back to husband's house, ensuring maintenance of both wife and daughter, and of their living in peace.

The husband has remarried, and lives in Dhaka with his second wife and her two or three children from this wife. He does not provide their maintenance regularly and seldom visit them. Now she is back to her parent's house after five months and will pursue a divorce through BRAC legal aid.