

Access to Justice During COVID-19 for Survivors of Domestic Violence



Gender and Social Transformation Cluster

BRAC Institute of Governance and Development (BIGD), BRAC University

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List of Abbreviations

ADR	Alternative Dispute Resolution
ASK	Ain O Shalish Kendra
BBFG	Building Better Future for Girls
BBS	Bangladesh Bureau of Statistics
BDT	Bangladeshi Taka
BIGD	BRAC Institute of Governance and Development
BLAST	Bangladesh Legal Aid and Services Trust
BNWLA	Bangladesh Women Lawyers' Association
BRAC	Bangladesh Rural Advancement Committee
BRAC HRLS	BRAC Human Rights and Legal Aid Services
CHT	Chattogram
CIDV	Citizens' Initiative against Domestic Violence
CMS	Case Management System
CNG	Compressed Natural Gas
COVID	Corona Virus Disease
DLA	District Legal Aid
DLAC	District Legal Aid Committee
DLAO	District Legal Aid Office
DMP	Dhaka Metropolitan Police
DNA	Deoxyribonucleic acid
DPS	Deposit Pension Scheme
DSS	Department of Social Services
DV	Domestic Violence
DVPP	Domestic Violence Prevention and Protection
DVPPA	Domestic Violence Prevention and Protection Act
DWA	Department of Women's Affairs
ECMEA	Ending Child Marriage through Empowerment of Adolescents
EO	Enforcement Officer
EO	Enforcement Officer
FIR	First Information Report
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GoB	Government of Bangladesh
GVB	Gender Based Violence
HR	Human Rights
HRLE	Human Rights and Legal Education
HRW	Human Rights Watch
IDI	In-depth Interview
IPV	Intimate Partner Violence
JA	Justice Audit
JPR	Justice and Prison Reform
KII	Key Informants Interview
LASA	Legal Aid Services Act
LCL	Local Community Leaders

LWF	Geneva-based Lutheran World Federation
MJF	Manusher Jonno Foundation
MLAA	Madaripur Legal Aid Association
MNE	Monitoring and Evaluation
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NGOAB	Non-Governmental Organization Affairs Bureau
NHRC	National Human Rights Commission
NLASO	National Legal Aid Services Organization
NTCC	National Trauma Counselling Center
NTCC	National Trauma Counselling Centre
OC	Officer-in Charge
OC	Officer in Charge
OCC	One-Stop Crisis Centre
ODI	Overseas Development Institute
ODR	Online Dispute Resolution
PIL	Public Interest Litigation
PPRC	Power and Participation Research Centre
PRP	Police Reform Program
RAB	Rapid Action Battalion
RJ	Restorative Justice
RMG	Ready-Made Garments
RoL	Rule of Law
SI	Sub-inspector
SP	Service Providers
TAF	The Asian Foundation
TOR	Terms of Reference
UN	United Nations
UNDP	United Nations Development Program
UNO	Upazila Nirbahi Officer
UNSRVAW	United Nations Special Rapporteur on Violence against Women
UP	Union Parishad
US	United States
USD	United States Dollars
VAC	Violence against Children
VAW	Violence against Women
VAWC	Violence against Women and Children
VDP	Village Defence Party
VSC	Victim Support Center
WHO	World Health Organization

List of Bangla and Arabic Terms

Aposhnama	A legal format through which one appeals at the court to withdraw legal case
Chowkidar	Village Police
Daroga	Police Officer (Inspector/Sub-inspector/Assistant Sub-Inspector)
Dhormo Bhai	Social relationship by which someone is called brother
Dhormo Chele	Social relationship by which someone is called son
Grammo Shalish	Village mediation
Iftar	Breaking of fast during Ramadan
Mahr	Arabic term to signify the obligation, in the form of money or possessions paid by the groom, to the bride at the time of Islamic marriage
Mamlabaaj	Person who loves to file cases
Matobbar	Local elite/influential person
paan-shupari	A ritual in celebrating when a child's hair is shaved off for the first time
Shalishkar	Traditional mediators
Shalish	Mediation
Union Parishad	Union Council, local rural government body

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Executive Summary

Women face various hurdles in their claims for justice when facing domestic violence in Bangladesh. The high tolerance of spousal violence, women's economic constraints, lack of knowledge of legal procedures, gaps in the law, and gender stereotypes prevalent in justice-providing institutions generally make it difficult for women to seek redress from domestic violence. With the disruption caused by the COVID-19 pandemic, access to justice for the domestic violence survivors was exacerbated when the Government of Bangladesh (GoB) imposed a lockdown on 26 March 2020 to prevent the spread of the infection. Redress for violence became challenging with courts and legal aid offices being closed and frontline services suspended. Although some legal aid service providers adopted virtual and tele-based solutions to tackle the needs of domestic violence survivors, women experiencing domestic violence were constrained by the COVID-induced restrictions while accessing justice.

As local representatives and police were busy with emergency responses, such as relief distribution, implementing lockdown and social distancing measures, issues of domestic violence seemed to be sidelined. Hospitals being the hotspots for COVID contagion put the victims of domestic violence in need of treatment at a greater risk of infection. There seemed to be a lack of understanding of the urgent nature and the challenges of domestic violence survivors in accessing justice in a time of crisis.

BIGD carried out research with the objective of exploring the experiences of women in seeking justice against domestic violence at different levels, such as their families, communities, non-governmental organizations (NGOs), and the formal justice system, during COVID and the types of remedies they were able to obtain. Both state and non-state actors' involvement in women's justice journeys were taken into account. The study examined the challenges faced and adjustments made by legal aid service providers during COVID.

This research is based on 12 in-depth case studies of women experiencing domestic violence who sought assistance from either the Bangladesh Legal Aid Services and Trust (BLAST), BRAC Human Rights and Legal Aid Services (HRLS) program, or RDRS Bangladesh during or before COVID restrictions. The respondents approached both the formal and informal justice systems for availing justice. Four case studies from rural and peri-urban areas from each three districts—Mymensingh, Patuakhali, and Rangpur—were selected. Stakeholders and different actors associated with these 12 survivors' justice-seeking journeys were also interviewed. A total of 80 interviews were carried out. In addition, process tracing was used to analyze the primary materials collected from case diaries (12), in-depth interviews (IDIs), and key informant interviews (KIIs).

The three partner NGOs offer services to women and children who seek remedies for domestic violence. RDRS provides legal support, medical assistance, rehabilitation centres, as well as engages in community mobilization to make these services available to the beneficiaries. BLAST, on the other hand, does not visit the communities to provide their services; instead, the beneficiaries come to BLAST to receive services. However, awareness campaigns and fairs organized by BLAST take place at the community level. BRAC HRLS program provides services such as Legal Aid Clinics dispensing alternate dispute resolution and online dispute resolution, facilitation of court cases, awareness at the community level, and conducting legal literacy classes. All three organisations have paralegals, HRLS has community-based outreach workers known as *ain shebikas* or barefoot lawyers and RDRS has Restorative Justice (RJ) Facilitators..

Women interviewed had experienced multiple types of domestic violence, namely physical, psychological, economic, sexual, and cyber abuse. Physical, psychological, and economic abuse were the most common forms of abuse experienced. Most of the respondents faced at least three forms of abuse. Multiple perpetrators were often involved in the violence. Most of the women interviewed were exposed to violence before COVID, and in some instances, a few women had experienced a history of abuse for years.

Respondents followed multi-dimensional trajectories while seeking justice for domestic violence. All the respondents attempted to access a combination of formal and informal justice options, such as mediation and redress offered by family, community, NGO, and state-level institutions such as police, hospitals, and courts. Transitions to different levels took place when the mediation at one level could not offer any acceptable remedy to their situation. The study found that most of the respondents went to the family level first while seeking justice, and when the mediation at the family level failed, they proceeded to the community level. However, the third step differed the most for different respondents. When the mediation at the community level failed, the respondents either approached NGOs or state-level institutions to seek justice. Some respondents went back and forth to different levels. Community is the most visited space where the respondents sought justice, despite availing services from the formal justice system. All these trajectories suggest that the justice journey is a long and complex process for the survivors, with or without COVID, who made multiple attempts to sustain their marriage.

Respondents tried to cope with the violence by hiding information on violence from their families, fulfilling their husbands' or in-laws' monetary demands, accepting their status as a second or sometimes as a fifth wife, and having a child. They also protested by threatening their husbands with police or legal action. However, when they could no longer bear with the violence, they reached out to their family members who were often the first responders. The findings suggest that the initial point of contact for disclosing the incidents are immediate family members, such as mother, father, brother, sister, and it is from there that the justice-seeking journey of the respondents began. Family members also supported the respondents by financially supporting them irrespective of their economic status, rescuing the respondents from abusive situations, helping them with information about different services (hospital, police, going to Union Parishad [UP] chairman) as well as helping them access these services. Other than immediate family members, extended family members also supported the respondents who took part in the mediations and negotiations on behalf of the respondents and their families. The COVID pandemic had an impact on the family level efforts which were constrained by increased economic hardship. The COVID also had an impact on the family income of the respondents which has led to increased stress and conflict within the households. However, it was not possible to find a direct impact of COVID on the violence but it may have exacerbated the violence the respondents were facing.

When the family-level efforts and support fell short to stop the violence, the community was another vital source for seeking justice. The respondents were accompanied by their family members when they sought help from the community. However, in some cases, it was the respondents themselves who approached the community members. The actors at the community level included neighbours, landlords, work colleagues, community animators, and social/political elites of the community. The latter were directly involved in conducting or facilitating mediations, encouraged the respondents to leave violent environments and seek legal support, worked as mediators between the respondent and her husband's family, and sometimes were approached by the husband's family to arrange mediations. Interestingly, COVID did not have an impact on women's justice-seeking journey at the community level. Since the respondents lived in semi-urban and rural areas, their mobility was not hampered, as the lockdown restrictions were not strictly imposed in these areas. The community members continued to support the respondents and their families during strict lockdowns and during the partial opening.

Seeking justice at the UP level was a common step in the respondents' quest for justice. When family attempts failed, the majority of our respondents chose to seek assistance from UP representatives in the hopes of mediation. Going to the UP was influenced by social norms, the cost of availing formal channels, and respondents' stigma associated with litigation. The mediations at the UP level reflected a strong presence of social norms related to marriage, where the elected representatives emphasized on the necessity of preserving families and keeping the status quo as divorce was seen as a social ill. During COVID, the UPs remained operational, busy with aid distribution related to COVID. The UPs dealt with violence-related

complaints on a limited basis, and meditations were carried out sometimes in people's homes with, they claimed, necessary safety precautions.

When community and UP mediations failed to resolve conflicts or deliver respondents' desired outcomes, they sought assistance from NGOs. NGOs attempted alternative dispute resolution (ADR), and if necessary referred the respondents to state institutions. In many cases, the respondents kept community alternatives open while seeking justice through NGOs. They were frequently seen seeking justice from numerous actors at the community and NGO levels at the same time. It was observed that COVID had an impact on the service delivery of legal aid organizations. Their offices were closed when the strict lockdown was imposed and as a result, the beneficiaries seeking assistance could not visit them in person.

When the NGO and community did not or could not resolve the matter or the matter was beyond the jurisdiction of the NGO/community, respondents approached various state-level organizations, such as the police, hospital, and the District Legal Aid Committee (DLAC). The state level was the final stage of the justice-seeking process for some of the survivors, and reaching out to state-level institutions for assistance was typically considered as the last resort in the justice-seeking process, as most of the survivors addressed these institutions after first attempting to address issues with their families, communities, and NGOs. For several of the responders, contacting the police was the initial step in gaining access to state-level institutions in their journey for justice. The respondents were referred to these institutions in the majority of the cases by members of the community or by NGOs. For those respondents who started their court proceedings, their process of accessing justice was delayed as the courts were closed due to COVID.

Except in two of the twelve cases reaching out to state actors, such as the police and health service providers, was unaffected by COVID. Due to the lockdown, however, the respondents had difficulty accessing court services. In three of the six court cases, the impact of COVID was clear—access to services was restricted and what they were meant to get was delayed. The court proceedings were hampered in two periods: the first time during the lockdown of March 2020, and again during the second lockdown of April 2021. Because of the uncertainty due to the closure of courts, one of the respondents withdrew her lawsuit and decided to settle with her abusive husband. In other words, the COVID restrictions hampered the respondent's quest for justice.

The study also found that most of the women were dissatisfied with the outcomes of the justice-seeking process. Most respondents were not able to sustain their marriages despite their multiple attempts to do so. It was only when reconciliation within marriage was perceived to be unattainable that they accepted divorce and claimed maintenance or their due *mahr* money. Some respondents expressed frustration over the lengthy process of justice and the hidden costs associated with it, particularly those who had to deal with court cases. Only two cases seemed to be resolved and domestic violence seemed to be stopped, but it was not guaranteed that the violence would not start again. Based on the findings of this study, some recommendations have been proposed to tackle domestic violence in a crisis situation, which is discussed at length in Chapter 5. The recommendations are divided into two categories—general recommendations and COVID-specific recommendations—to address the plights of domestic violence survivors in accessing justice in general and in an extraordinary situation like the COVID pandemic.

1. Introduction

1.1. Background and Rationale

Women facing domestic violence (DV) are extremely vulnerable in general and more so during times of crisis. Ensuring access to justice for women experiencing domestic violence is difficult for a myriad of reasons, including the (a) normalization of violence within the family and community; (b) stigmatization faced by women and girls who speak out against violence; (c) limited access to formal institutions, often due to time and cost prohibitions as well as lack of knowledge and/or confidence; and (d) bias of service-providing institutions. Such gaps in domestic violence prevention and response existed in Bangladesh before COVID-19. The COVID crisis risks magnifying these gaps as resources and access to services become even more strained. Women and girls face an increased risk of experiencing violence at the hands of family members or others living within their homes because of the physical distancing and movement restrictions that have been put in place to tackle the pandemic (Peterman, et al., 2020). It was feared that additional economic, financial, and health stressors in the household would serve to increase tensions and exacerbate the already high rates of violence (Care USA, 2020; UN, 2020).

According to the BIGD Media Tracking Exercise on Domestic Violence during COVID 19, after the government's announcement of a lockdown on 26 March 2020, the courts were shut and non-governmental organizations (NGOs) providing legal aid closed their offices, with the latter adapting more virtual- and tele-based methodologies of operations. Local authorities and the police became burdened with relief distribution, implementing lockdown and social distancing measures, and monitoring the spread of infection within communities (Mizan, 2020). The already limited number of shelter homes also stopped taking in new survivors due to a lack of testing kits and fear of the spread of the contagion (Mahpara, 2020). Lockdown measures made it difficult for women to reach out for help and access justice. Though an increasing number of legal aid NGOs have begun using technology to reach out to beneficiaries and community members to both raise awareness and dispense services, it, however, has raised the question as to whether certain groups of people are being left out due to their lack of access to technological devices or knowledge of their use (Mahpara, 2020).

Denial of, or limitations in access to, these services represents a deprivation of the fundamental rights to access justice, as provided under the Constitution of Bangladesh in Article 27, 28(2), 31, and 32. Article 27 stipulates that “All citizens are equal before law and are entitled to equal protection of law.”

It is in this context that the BRAC Institute of Governance and Development (BIGD) proposed to undertake research to understand how women survivors of domestic violence were able to access justice during the COVID-19 pandemic and the type of remedies they have obtained, and examine the ways the different stakeholders have adapted their service delivery to the crisis. Keeping these objectives in mind, this research explores the justice-seeking journeys of women facing domestic violence and studies the accessibility of justice for women survivors and the type of remedies/services they have obtained. It also sought to understand the accessibility and effectiveness of different domestic violence response mechanisms (helplines, referral services, *shalish*, mediation/alternative dispute resolution [ADR] mechanisms), from the perspective of the survivors. Case studies were selected purposely to have half of the cases who had approached legal service organizations *before* COVID and half *during* COVID (see description of case selection under Section 3 for details).

While designing the research, a number of consultations were held with various stakeholders through which the Rule of Law Program GIZ-BD expressed interest in supporting the research after which an understanding was reached and a contract signed.

After discussing the research questions in Section 1.2 and the context of domestic violence in Bangladesh in Section 1.3, the report will set out the conceptual, institutional, and legal framework within which the case

studies of domestic violence survivors seeking justice will be analyzed (Chapter 2). This chapter is based on secondary materials and serves as a background. Chapter 3 describes the methodology used in the research. Chapter 4 presents the research findings based on the justice journeys of the 12 case studies and describes how and where COVID influences the process. It separates the justice journey into different spheres or levels: family, community, local government, NGO, and state. It also discusses how the various state and non-state actors were affected by COVID in their response to DV survivors. Chapter 5 presents the conclusions and recommendations.

1.2. Research Questions

The first research question centres on the survivors of violence to understand if and how women survivors of domestic violence have been able to seek and access justice, and what remedies they have obtained. The larger research question can be broken down into how women facing DV were affected by the COVID situation and the responses they could or could not take in terms of:

- a) coping mechanisms utilized by them and other women in their community in response to violence;
- b) experiences of accessing support from the community and local government levels; and
- c) experiences of accessing services from state and non-state actors to seek assistance and services, including helplines, police, local government, health centres, legal aid organizations, and the court system.

The second research question centres on the legal aid organizations to understand how various stakeholders adapted to the crisis situation to meet justice demands. This research question explores the followings:

- a) how various challenges were met;
- b) how their services have been impacted;
- c) their adaptations (including any innovative uses of technology and models of community involvement); and
- d) responsiveness of other relevant stakeholders (e.g., the police, local authorities, community members, etc.) in relation to resolving these cases.

The research also sought to understand the strategies and activities of NGOs that provide legal aid to identify their challenges and achievements of responding to the needs of women justice seekers as well as their innovative solutions for service delivery.

1.3. Domestic Violence in the National Context

This section of the report analyzes recent data available on domestic violence. The sources include research surveys, the Justice Audit, reports, and media briefs.

1.3.1. Prevalence of Domestic Violence in Bangladesh

Domestic violence is widely prevalent in Bangladesh. According to a multi-country study by the World Health Organization (WHO), 42% of ever-partnered women had experienced lifetime physical violence by their intimate partners, and 50% had experienced lifetime sexual violence in different parts of Bangladesh (WHO, 2005). In urban areas, 40% of ever-partnered women had experienced lifetime physical violence, and 37% had experienced lifetime sexual violence. According to a national survey of 21,688 women by the Bangladesh Bureau of Statistics (BBS) in 2015, almost three in every five women (57.7%) reported having experienced some form of physical, sexual, or emotional violence in their lifetime. The survey further reported 72.6% of ever-married

women to have experienced violence from their husbands in their lifetime. In the BBS 2015 survey on violence against women (VAW), 55.4% of women reported controlling behaviour, 49.6% reported physical violence, and almost three in every five women experienced several different forms of violence (BBS, 2015).

1.3.2. Risk Factors, Causes, and Under-Reporting of Domestic Violence

Several domestic violence risk factors were identified at the household level, including household poverty, marital conflicts, extended family structures, and dowry demands (ODI, 2017). In addition, factors such as poverty, high rates of child marriage, male dominance, and lack of economic independence of women contribute to the high numbers of domestic violence cases in Bangladesh.

According to the BBS Gender Statistics Report, in Bangladesh, women and men widely hold the perception that it is justified for women to be beaten and assaulted by their husbands for various reasons. These include arguing with their husbands, going out without informing them, burning food, neglecting children, and refusing to have sexual intercourse (BBS, 2018). A multi-country study by WHO (2005) reported that two-thirds of women in Bangladesh who were physically abused by their partner had not told anybody about the violence prior to the study interview. The study further reported that 70% of ever-physically abused women in Bangladesh had told no one about their experience of intimate partner violence; and those who did, 30% turned to families and 35% turned to friends and neighbours. Only 10% sought help from services and authorities.

1.3.3. Bangladesh and COVID-19's Impact on Domestic Violence

Initially, the issue of domestic violence was under-reported in Bangladeshi newspapers. However, with increased international coverage and concern about the issue, there was a surge of dialogues in social media by partner organizations and members of the Citizens Initiative against Domestic Violence (CIDV) in forms of awareness-building on domestic violence. The National Human Rights Commission (NHRC) produced and broadcast information on public and private television channels to raise public awareness on VAW. Existing government hotlines were strengthened and other response mechanisms, including psychosocial services, were established (UNDP, 2020). More data were made available through surveys on the extent of domestic violence. Manusher Jonno Foundation (MJF) and its partners conducted multiple telephone surveys to understand the impact of COVID-19 on violence against women and children. In April 2020, out of the 17,203 individuals surveyed, 4,249 women and 456 children reported being subject to domestic violence in 27 districts of Bangladesh during the lockdown. In May 2020, out of the 53,340 individuals (37,437 women and 15,906 children) surveyed, 11,025 women reported being subjected to domestic violence in 53 districts of Bangladesh. The types of abuse faced were economical, physical, psychological, sexual, and cyber. In the follow-up survey of July 2020, out of the 63,968 women and children surveyed, 11,471 women and children became new victims of violence (MJF, 2020). The National Emergency Helpline of the Government of Bangladesh (GoB) reportedly received 796 calls relating to VAW between 26 March and 12 April 2020 (the first phase of the nationwide shutdown), which was higher than before COVID (Kamal, 2020). According to Ain O Shalish Kendra (ASK), based on newspapers reports it was found that from the period of January to December 2020, 240 women were murdered by their husbands, 71 were murdered by their husbands' families, and 45 were tortured by their husbands (ASK, 2020).

1.3.4. Data From Partner Organizations

While the different data given below is not comparable with each other as it covers different areas and periods, it shows attempts to track and understand the effect of COVID on incidences of DV.

BRAC Human Rights and Legal Aid Services (HRLS) reported that a total of 25,607 complaints of gender-based violence were received by its 410 Human Rights and Legal Aid Clinics in 61 districts across Bangladesh (except three districts of CHT) in the first ten months of 2020 (Dhaka Tribune, 2020). Of these complaints, 15,047 were resolved through alternative dispute resolution, 3,239 survivors received legal counselling, and 1,724 complaints led to civil and criminal cases being filed. Almost USD 5.1 million in dower and maintenance was recovered for the survivors as well (brac.net, 2020).

The Case Management System (CMS) of the Bangladesh Legal Aid and Services Trust (BLAST) showed that from January to December 2020, the organization's head office and 19 unit offices provided legal advice to 2,523 persons. In the same period, the organization received 5,900 applications, settled 1,617 mediations, and filed 1,889 litigations. During the initial phase of the lockdown (26 March–31 May 2020), BLAST provided legal advice to 29 individuals regarding VAW, where advice to 16 individuals was given in relation to incidents of domestic violence. These incidents had, in fact, begun to rise since the beginning of March. In contrast, from 1 January to 29 February 2020, BLAST's CMS recorded only nine instances of legal advice and/or assistance provided for domestic violence incidents. According to the organization, the entries regarding domestic violence had increased by 10 in less than a month's time, from 1 to 25 March 2020. From January to December 2020, BLAST provided legal service, according to the report. However advice figures are incomplete as many do not record what advice they give on the phone. There may be significant under-reporting

A study conducted by RDRS Bangladesh and its partners in 2020 in six different districts reported that during COVID-19, the marital home was considered to be the most prone to all forms of violence. RDRS covered the Rangpur district with a sample size of 400 women who were their beneficiaries. Out of the 400 women survivors surveyed in Rangpur, 96% were unaware of the government's 24-hour helpline 109, 74% of the respondents who experienced violence from their husbands did not inform anyone, and 56% thought taking legal action against their husbands was not necessary. Only 5% of women lodged legal complaints to the police and courts, or went to legal aid organizations for mediation.

1.4. COVID Context

COVID restrictions came into effect gradually and were lifted gradually as well. Although the government announced a strict lockdown from 26 March 2020, with restrictions on movement, economic activities, public events such as prayers, these became increasingly hard to enforce because of economic necessities of the population, and gradually the situation reverted to the “new normal” by the end of May 2020 with the encouragement to follow health guidelines.

BIGD has conducted various primary research studies related to COVID-19 which allows us to provide information about people's experiences of the pandemic and the effect it had on them. BIGD conducted a survey in 2021 on people's perceptions related to the 2020 COVID experience. Since 2021, BIGD and the Power and Participation Research Centre (PPRC) have conducted repeat panel surveys on “Livelihood, Coping, and Support during the COVID-19 Crisis” between April 2020 and March 2021. BIGD also conducted community case studies between April and June 2020 (i.e., during and after the first lockdown).

BIGD research shows that even during the “strict lockdown” period, the lockdown was not enforced evenly, with certain areas and socioeconomic groups following it more strictly than others.

The nationwide survey conducted by BIGD in 2021 revealed how the public perceived the strictness of the lockdown in their communities. Of the surveyed respondents, the majority (57%) reported strict lockdown for the entire period in their locality, compared to 14% of respondents experiencing a relaxed lockdown from the

beginning (Figure 1). Nearly one-fourth of the respondents observed strict lockdown at the beginning, which was relaxed over time.

The survey further reveals that at least 42% of respondents observed a loosened or no lockdown during this period. The survey asked these respondents to mention the reasons behind such a relaxed state of lockdown in their localities. Of them, 71% of respondents identified “livelihood pressure,” followed by 39% mentioning people’s dislike towards social distancing. Nearly one-third of the respondents stated that people did not believe that the lockdown was necessary or could prevent virus spread. However, very few respondents blamed the enforcement agencies behind the relaxed lockdown (Figure 2).

Although the strict lockdown was limited in time and space, COVID-19 has had far-reaching economic impacts. Even in June 2020, after three months of the pandemic by which time economic activities had largely resumed, the second survey (Phase II) on Livelihood, Coping, and Support during the COVID-19 Crisis found a steep decline in income across all income categories, from extreme-poor to non-poor, “indicating a system-wide income shock, not limited to a specific group.” Moderate poor, vulnerable non-poor, and non-poor households all experienced an income drop of 41–45%, while the extreme poor, with a very low income to start with, suffered an income drop of 34%. While 76% were able to continue in the same occupation in June, 17% lost their livelihoods and became unemployed. The survey found that female workers were worse off compared to male workers, with certain categories suffering more (PPRC & BIGD, 2020). The first phase of the survey had shown that a category of “new poor” had emerged, and this group remained vulnerable up to 2021, as shown in the third phase of the survey. (PPRC & BIGD, 2021).

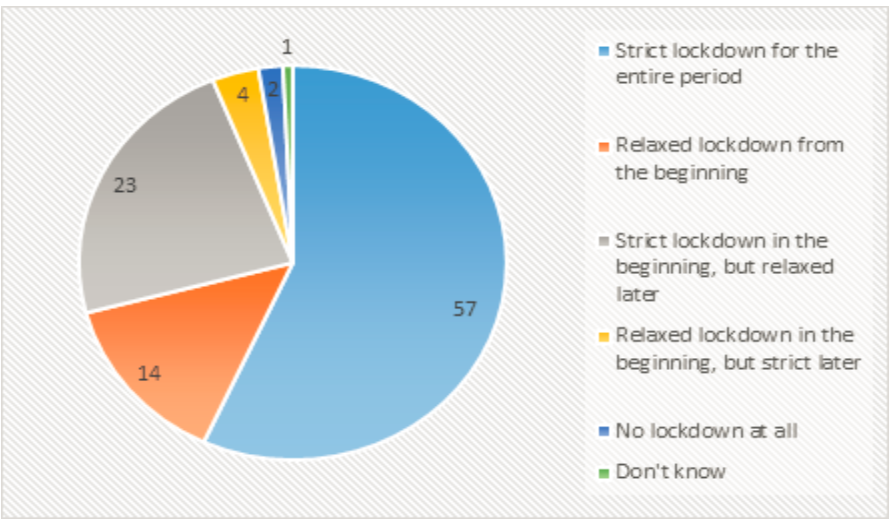


Figure 1: Lockdown Situation From 26 March to 30 May 2020, Reported by Respondents in % (n=2,750)

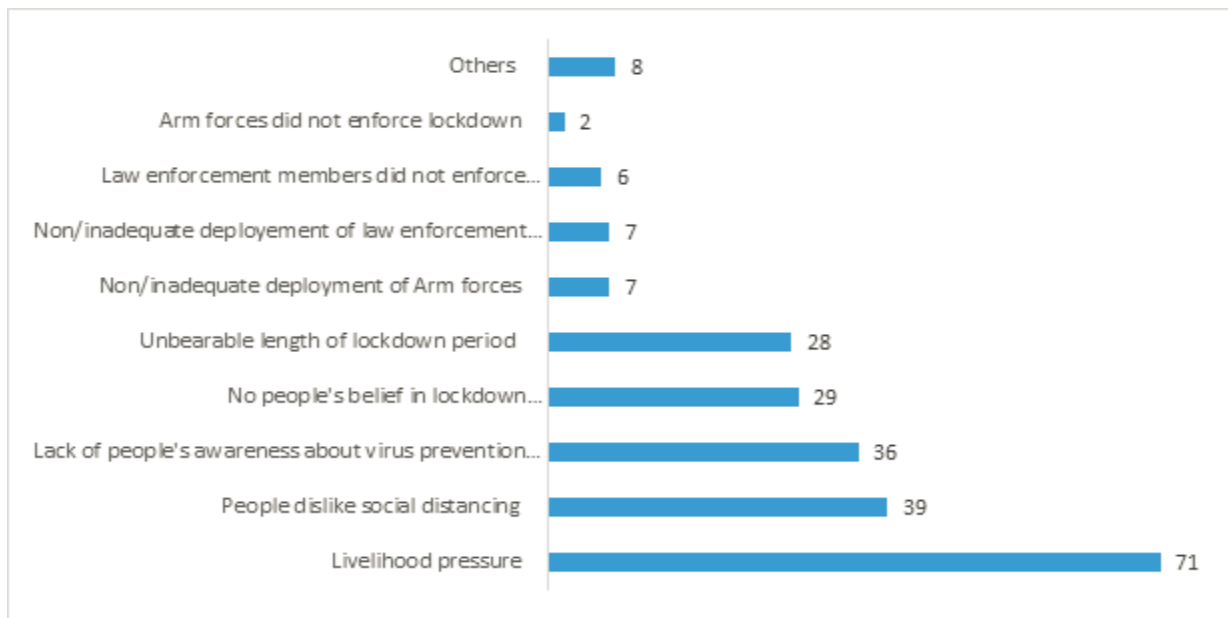


Figure 2: Reasons Behind Relaxed Lockdown, Identified by Respondents in % (n=1,167) (Multiple Responses)

2. Conceptualization, Institutional Framework, and Legislation Related to Domestic Violence

2.1. Introduction

While analyzing the case studies of women's justice journeys, we will be using various concepts to understand their behaviour and choices. They are embedded within their families, communities, and the state. We will be following their justice journey through these various spheres which are also influenced by the institutional landscape that they are living within. Different intersecting concepts can explain how women perceive justice, their justice-seeking behaviours, and access to the formal and informal justice system. This section presents some key concepts that will be used in this report and sets out the existing institutional and legal framework that establishes the context for the women's justice journeys. The final chapter will return to some of these concepts with reflections based on the research findings. The discussion here is based on secondary literature.

2.2. Definitions of Domestic Violence

For the purpose of this study, we will use the definition of domestic violence as it appears in the Domestic Violence Prevention and Protection (DVPP) Act 2010 of Bangladesh with slight modifications. According to the Act, "Domestic violence means physical, psychological, sexual or economic abuse against a woman or a child of a family by any other person of that family with whom the victim is, or has been, in family relationship." Family relationship here means a relationship between two persons who are related by consanguinity or marriage or adoption or member of joint family. The present study excluded children from its definition of domestic violence, and emphasized women in marital relationships. As marital rape is not included in the DVPP Act and considering the difficulties in approaching it, it was not included in this study.

2.3. Conceptualizing Justice and Access to Justice in Domestic Violence

John Rawls' *A Theory of Justice* is one of the most important works which defines justice as a state of affairs when a "person has been given what he is due or owed, and therefore has been given what he deserves or can legitimately claim" (Beauchamp, 1982; Chowdhury, 2012). The definition of Rawls offers principles of designing rules and political institutions that will bring happiness to the greatest number of people (Wenar, 2021). The concept of justice is associated with access to the legal system and political institutions and attaining legitimate claims. For instance, a person who has been excluded from one's rights or is in a disadvantageous position may face challenges seeking equal opportunities and rights. Access to the legal system is the key to ensuring justice for disadvantaged groups. This has been recognized in the Bangladesh Constitutions under Articles 27, 26 (2), 31, and 32, as mentioned in Chapter 3.

The concept of access to justice is premised on the fundamental principle of *ubi jus ibi remedium*, which means that every right, whenever violated, must be provided with a right to a remedy. The United Nations Development Programme (UNDP) defined access to justice as the ability of people from disadvantaged groups to seek and obtain remedies in accordance with human rights standards through the justice system (UNDP, 2004). UNDP defined poor access to justice as being when marginalized and poor people are deprived of choices, opportunities, access to basic resources, and voice at the decision-making of justice-seeking (UNDP, 2004). Thus, the definition of justice comprises both obtaining access to the justice system and increasing the ability to seek remedies.

Violence against women, including domestic violence, is not only a violation of rights in itself but it also hampers access to and enjoyment of other rights. It can affect women's attempts to access justice and their "will" and capabilities to seek justice. We will be referring to Martha Nussbaum's framework of capabilities and rights to discuss violence against women and access to justice. Nussbaum (2005) discusses how the continuous, direct or threat of VAW can have an adverse impact on women's capabilities. Women, being from a disadvantaged group, may not always get or seek remedies as they deserve or can legitimately claim. Women's direct and indirect experience of violence "crippled imagination, thought, and the enjoyment of the senses, as well as hindered their ability to access to education, to the freedom of speech, and to artistic creation, and control over environment" (Nussbaum, 2006: 172). The worst damage violence can cause to women is to bring about a change in understanding in a way that, instead of feeling anger, women tend to feel "guilt" (Nussbaum, 2006: 172). This may result in women's reluctance to report or accept domestic violence committed against them in the private spheres. Women who lack protection from the state as well as from society are even more disadvantaged in their efforts to seek justice.

Here Nussbaum's conceptualization of how VAW hinders women's capability and the role of state and non-state actors in the justice-seeking process is helpful. Nussbaum's (2005) argues that the capability approach is helpful for analyzing survivors' justice-seeking behaviours and access to justice in the case of domestic violence. The capabilities approach attaches intrinsic importance to the entitlements it specifies, and considers them as of central importance to basic justice. The author states that seeing rights as capabilities has four consequences. Firstly, the capabilities approach makes it clear that securing a right to someone requires making the person really capable of choosing that function. Secondly, the approach makes it clear that all human rights have an economic and material aspect. Finally, the capabilities approach does not rely on a traditional discourse of human rights between state action and state inaction. It rejects the notion of "negative liberty," which states that women are free if they are left alone by a lazy state. The approach insists that all fundamental entitlements require state action for their protection, or else basic justice remains unattained. Actual capability is the benchmark. The problem of violence against women makes this issue particularly clear. Therefore, the author argued that strong state action and support from organizations are required to pay serious attention to domestic violence, and to give remedies to women for physical, psychological, sexual, and economic abuse.

Justice is not about one's ability to claim but also about accessing the available remedies to grievances. Justice will not be ensured where victims or survivors do not have access to the system of justice, fear the system, find it financially inaccessible, if there is a lack of information/knowledge on rights, or the system itself is weak. Scholars have identified various factors as barriers to access to justice and prevent survivors from seeking justice. Barriers cause a difference between the availability of the legal system and access to justice (Hutchinson, 1990). Improving the availability of the legal system, i.e., courts or acts/policies, can overcome the barriers to access to justice for survivors of domestic violence. Improving an individual's access to justice is not only about improving one's access to courts or guaranteeing legal support, but also about one's ability to seek remedies (United States Institute of Peace, 2009r).

The study will emphasize the importance of state action to ensure women's entitlements to be free from violence, and will refer to the distinction made between the ability to claim and the ability to access available remedies of grievances.

2.4. Social Determinants of Justice-Seeking Behaviour

In order to understand when and why women will speak about domestic violence, it is also important to understand the social norms that determine gender relations and the importance of marriage in the socioeconomic and cultural perspective of Bangladesh. This sets the context for what women and men are seeking within a married relationship and the lack of options they have outside it.

2.4.1. Marriage and Expectations From Marriage

The concept of marriage, in most cases, is a culturally approved model for a bride to join the household of her husband or father-in-law (White, 2017). It is a core social institution, not only concerned with individuals or even couples, but also involves families and communities as well. As a social institution, it materializes and symbolizes the underlying moral order, which configures people being in the right position and living in the right relationship with one another, each following their proper path in life (White & Devine, 2013). Male community leaders and family members see themselves as women's guardians. For instance, women seem to be under male guardianship all through their lives: father's in childhood, husband's and fathers-in-law's in marriage, and their son's in widowhood (White, 2007). The guardian is responsible for his wife and children's protection, which entails rights to ensure discipline through violence, if necessary (White, 2007, 2017). Women's reasoning to be in marriage is also guided by the perceived moral obligation towards such guardianship, relationship maintenance, and taking care of others (Meyer, 2012). Such moral reasoning can explain the women's decision to stay in a marriage and stay with an abusive husband and in-laws amidst violence. So, women's acceptance of violence may justify VAW in light of their acceptance of conventional gender roles, cultural and religious norms, financial and emotional dependency, and so forth (Begum et al., 2015; Koenig et al., 2006). This attitudinal acceptance develops through a process of social learning; it starts from the family and is then shaped by cultural and social norms.

Studies have shown how under-reporting of VAW is correlated with women's attitudinal acceptance of VAW, which is an important factor influencing women's justice-seeking behaviour (Aslam et al., 2015; Gage, 2005; Jesmin, 2015b). The effects may be particularly important for a female child being reared in a patriarchal culture with a climate accepting of VAW (Amir-ud-din et al., 2021). The risk of leaving an abusive husband or so-called guardianship is even higher among women in disadvantaged groups. In studies, children's safety, financial hardship, a lack of accommodation, and the risk of fatal retaliatory violence were mentioned by women who decided to stay with an abusive husband in Bangladesh (Mayer, 2012). Women's attitude towards domestic violence or adjustment can be influenced by their socioeconomic status, lack of education, and lack of an alternative place to go or to take shelter (Flood & Pease, 2009; Markowitz, 2003). Along with social and cultural

norms, Gilligan (1982) provides examples and illustrates how survivors' decision to stay in an abusive marriage is influenced by the presence of children and financial dependence. Such expectation or perceived benefits from marriage and lack of alternatives often overshadowed the abusive relationship one was experiencing, and women ended up staying with an abusive husband (and to some extent, with abusive in-laws).

2.4.2. Social Norms

One of the reasons for acceptance of domestic violence by DV survivors and unwillingness to exit such relationships is the fear of censure and social alienation in the wake of any challenge to existing power relations or injustice in the family or community (Berkowitz, 2005; Khair, 2008). Victims of domestic violence are often forced to conceal or tolerate the violence to avoid social exclusion. Social norms consider men as head of the family and therefore entitled to discipline the wife through violence, if necessary (White, 2007). Wife-beating is deemed by both men and women to be the prerogative of the husband, at whose feet supposedly lies the heaven of wives (Khair, 2008). As mentioned by Hasle (2003), women are often suppressed or forced to keep silent by influential community leaders. Shalishes publicly discipline "unruly" women and poor men in small face-to-face rural communities, primarily for transgressions of moral codes (Siddiqi 2006). Marginalized elites try to reassert their dominance in these through recourse to the re-legitimated language of Islam (Siddiqi, 2011). Golub (2000), Khair (2008) and Siddiqui (2006) all mention the gender bias prevalent in traditional shalish where those carrying out the arbitration or mediation are bearers of social and community norms which are discriminatory towards women. Golub states "With some exceptions this is a male dominated procedure in a male dominated society. A woman who resorts to shalish rarely expects equal treatment as much as she deserves it (Golub 2000: 138).

2.4.3. Women's Agency and Justice-Seeking Behaviour of Survivors

Another concept that we will be using to understand women's actions is that of "agency," as they are not passive subjects completely determined by social norms, structures, and various determinants. They are able, within their various constraints, to take decisions and initiatives, and bring about changes in their lives. The concept of women's agency has been studied most in terms of capabilities literature (what makes agency possible) and empowerment literature (expression of empowerment as an end goal), and is about taking action connected to the realm of what is possible and what resources are available. (Kabeer, forthcoming). It is important to study how women make their decisions within their various constraints and negotiate within the family, the community, and with various actors both inside and outside their community. They reach out to persons and institutions that they believe will assist them and use their allies and well-wishers to counter others who are opposing them.

Increased agency is, in fact, enabled by increased literacy, increased access to information, increased mobility (including migration experiences as our data show), and also better access to different kinds of support, such as NGO and government legal aid services.

2.5 Institutional Measures to Address VAW: Government and NGO Efforts

2.5.1 Overview

Before starting the analysis of the data, we will briefly present the institutional landscape for seeking justice for domestic violence. The prevailing justice system in Bangladesh can be broadly divided into two categories: formal justice system and informal justice system. The formal justice system refers to the application of formal rules and institutions to uphold rights and deliver justice. The system includes all players in the criminal and civil justice system—law enforcement agencies, prosecutors, prisons, ministries, lawyers, the National Legal Aid Services

Organization (NLASO), and courts (criminal, civil, and special courts). There are other key actors such as social workers, probation officers, enforcement officers, health service providers, and helplines. NGOs too play a role in providing advice, legal counselling and assistance in accessing the formal justice system.

On the other hand, the informal justice system mainly refers to informal rules and unwritten customs and social values which are used as mechanisms in dispute resolution (Begum & Shaha, 2017). Justice is provided by traditional shalish (a mixture of mediation and arbitration, often administered by the UP Chair and elected members); religious, customary, and other leaders; and NGO-led mediation, often based on traditional shalish but modified to be fairer to women and other vulnerable groups and is sometimes referred to as NGO-led shalish. There are different forms of this, with community dispute resolution done by some NGOs, while others have a more structured lawyer-led mediation. Other authors and practitioners have referred to community legal services to include a range of dispute resolution services, including mediation and Alternative Dispute Resolution (ADR); local government Village Courts (VC) and Arbitration Councils (AC); and legal information, legal advice and legal aid to support litigation in the court system (Jahan et al, 2015). However the village courts and arbitration councils are part of the formal system and do not deal with domestic violence and therefore will not be discussed here.

The informal dispute resolution can be categorized into two types:

- 1) Traditional shalish system, which follows the social and cultural norms. This is led by traditional leaders, generally male-dominated and “inclined to embody inequalities and patriarchal interpretations of culture, producing patriarchal outcomes” (Begum & Saha 2017: 49); and
- 2) NGO-sponsored and organized mediation (with various forms) which includes NGO facilitation and documentation of the process.

Government bodies, such as NLASO, the Department of Women’s Affairs (DWA), and the Victim Support Center (VSC), also conduct ADRs following various rules and procedures that have been laid down.

Begum and Shaha (2017: 44) highlight how the existence of parallel legal systems of justice—formal courts, alternative dispute procedures, and informal systems of community justice which are not officially sanctioned by the state—affect women’s access to justice. They argue that the “existing legal pluralism creates complex legal frameworks characterised by overlapping rights, multiple and competing levels of authority (including state, non-state/customary and hybrid institutions) and often contradictory rules. For women, navigating the different systems can be particularly difficult.”

The Arbitration Councils were originally established under the Muslim Family Law Ordinance 1961 to hear and resolve family disputes, including divorce, polygamy, and maintenance. The arbitration may be defined as the reference of a dispute for adjudication to a third party chosen by the parties in dispute and whose decision is binding on the disputants. However, research by BLAST and the Madaripur Legal Aid Association (MLAA) has found that there is a lack of information about the process, practices differ from area to area, and matter of maintenance and polygamy were found to be solved outside the Arbitration Council, as local government representatives preferred informal arbitration (shalish) to solve the matters.

2.5.2. Formal Justice System

Law Enforcement Agencies

Most people have access to a police station less than 10 kilometres from their homes and urban citizens are closer to a police station than rural citizens (Morgan, 2015). Technically, the prosecution of a case begins with the police. The situation analysis household survey of the Justice Sector Facility Project found that public understanding of the police’s role and function is good, but expenses associated with availing their services, lengthy investigations, and interference by powerful or political persons are some of the main problems more

often experienced by men (65%) than women (56%). The Justice Sector Audit 2018's citizen household survey found that 60% of respondents felt that they could easily communicate with the police if in need, with a slightly higher percentage of men (65%) finding it easier to communicate with them than women (56%). However, 57% also mentioned that they would have to pay something extra to the police (GIZ RoL, 2018).

A common complaint by human rights and women's rights groups is that there is a marked reluctance amongst the law enforcement agencies to assist women in distress. It is common for the police to trivialize women's problems and there is a general disinclination to investigate incidents of violence in the apparent absence of sufficient grounds for intervention. The role of police officers, under the DVPP Act, is limited to informing the victims of their rights under the DVPPA Act and other relevant laws, as well as informing the enforcement officer regarding any domestic violence-related information that has been received by them. A significant role that has been assigned to police officers under the Act is to assist the enforcement officers in discharging their responsibilities under the Act or according to the direction of a court (Yasmin, 2020).

Although the police do not have the responsibility to carry out mediation or arbitration, they often do so. In the Police Practitioner Survey carried out by GIZ RoL in response to the question "How often do police try to mediate a case/complaint before registering an FIR?" 13% of respondents said "often," and 49% replied "sometimes."

Victim support centres have been established in a number of police stations to serve women and children victims by providing legal assistance, counselling support, and rehabilitation facilities. The police have recently established special desks for women, children, persons with disability, and the elderly in 663 police stations as part of the Sheikh Mujib Centenary, and have tried to assign women sub-inspectors (SIs) there. However, the Police Practitioner Survey carried out by GIZ RoL asked respondents "How often does a female police officer investigate a case involving a woman or child?" Only 3% answered "always," 10% answered "often," 24% answered "sometimes," and 20% answered "rarely."

Special Courts

In addition to the general criminal courts that are empowered to adjudicate crimes of violence against women under the Penal Code 1860, special courts and tribunals have been introduced for the trial and punishment of VAW. The Nari o Shishu Nirjaton Damon Tribunals, set up under the Nari o Shishu Nirjaton Damon Ain, 2000 (Amendment in 2003) and a Sessions Judge acts as a Special Judge for adjudicating cases filed under this Act. There are also the Acid Crime Control Tribunals that are headed by a Sessions Judge who acts as a Special Judge for adjudicating acid crimes filed under the Suppression of Acid Crimes Act 2002. Appeals may be preferred against the decisions of both these tribunals to the High Court Division of the Supreme Court within 60 days of the decisions.

State-Sponsored Legal Aid: NLASO

Under the Legal Aid Services Act (LASA) 2000, the government has established the National Legal Aid Services Organization (NLASO), responsible for implementing government legal aid across the country. The act was enacted to help financially incapable and poor people access justice. As a part of the initiative, NLASO set up District Legal Aid Offices (DLAOs) in each district's District Judge Court. There are 64 District Legal Aid Committees (DLAC) through which NLASO implements the government legal aid program at the district level. DLAC is a legal aid service provider concerned about ensuring access to justice to poor and marginalized people, especially women. Along with the litigation, District Legal Aid (DLA) officers provide legal advice, ADR, and counselling services to women who come with complaints of VAW/DV. DLAC maintains a legal aid fund allocated by the government that is spent on the litigation process of the poor. A DLA officer from the Senior Assistant Judge tier is designated to the DLAO. Currently, there are 52 districts with a full-time DLA officer, while the remaining districts are covered by judicial officers as their additional responsibilities. There is also a post of office assistant that has been created to run the DLAO. Upazila and union level committees of NLASO are also working to spread the legal aid program at the grass-root level. To make people aware of legal aid availability in different

districts, DLAC also uses print and electronic media to broadcast various programs. To digitalize the government legal aid services, NLASO has launched a website (www.nlaso.gov.bd) containing necessary laws, data, statistics, and application form. The government had a target of completing 25,000 meditations by 2020. These can only be conducted by DLAOs with a full-time DLA officer. The government had another target of providing legal aid services to at least 37,000 people (Justice Audit 2018). NLSAO also runs a hotline that functioned 24/7 during the pandemic. In addition, online applications were allowed during the 2020 COVID period. In the 2019/20 Annual Report of NLASO, it was reported that 92,585 people benefited from its legal aid services, 24,271 accessed the hotline, 24,068 ADRs were carried out, and online information services were provided to 17,328 individuals (NLASO, 2020).

Multisectoral Program on VAW

The government has established One-stop Crisis Centres (OCCs), affiliated with medical colleges in seven divisions and the Faridpur Medical College to provide, in collaboration with selected NGOs, integrated services to women and girls victims of violence. DNA Profiling Laboratories have been established in eight locations to facilitate the work of the OCCs, as a lack of forensic facilities resulted in the failure to convict perpetrators of violence, particularly in rape cases. A total of 67 One-stop Crisis Cells have been established. Their role is to provide information to women and children survivors of violence regarding various services available, and refer them to the relevant organizations. The government has set up a National Trauma Counselling Centre (NTCC) to cater to the mental health needs of women and children who are victims of violence. This centre also provides training to the government, non-government, and officials and teachers on psychosocial counselling skills. A National Helpline Centre for violence against women and children was established in 2012 so that women, children, and their families can get the necessary information and suggestions about available services by calling the helpline number, 109. These measures have been taken under the Multi-Sectoral Programme on Violence against Women supported by the Danish Government.

Department of Women's Affairs

The District and Upazila Women Affairs Officers under the Ministry of Women and Children Affairs have been appointed as Enforcement Officers (EOs) to perform the duties under the DVPP Act. The responsibilities of the EOs, in regards to domestic violence survivors, include recording information of domestic violence incidents, informing survivors of their rights and remedies under the DVPP Act, assisting the court in discharging functions under this Act and submitting reports of domestic violence to the court, communicating with the officer in charge (OC) of the police station and informing him/her on domestic violence reports, sending survivors to shelter homes or medicals where needed, and most importantly, making applications to the court on behalf of the survivors. The Act also rests the duty on the EOs to follow up the progress of domestic violence cases with the help of service providers if needed. Besides them, there are law enforcement officers and service providers, providing legal, medical, and other services.

Shelters

There are only 21 government-run shelters and 15 NGO-run shelters. Of those available, short-term shelters only allow victims to stay for a few days and most shelters have strict rules which exclude some women from being able to access them at all. There are also eligibility requirements in some, like requiring a court order, and many of the NGO shelters are only for survivors of particular types of violence (Yasmin, 2020). These shelters are supplemented by the eight Victim Support Centres (one in each division in the metropolitan areas where women and children can have shelter for up to five days).

2.5.3. Constraints in Accessing Formal Justice System

Lack of Information and Knowledge

Due to socio economic and cultural constraints outlined above, women tend to generally have less knowledge about their rights as well as about the justice system. The majority of women are unaware that they would be required to produce written documents. Even if they do, they are unaware of where to find them. Women from a disadvantaged group with limited educational background lack the ability to use the system and access information which ultimately affect women's ability to access justice (Anderson, 2003a; Khair, 2012). The GIZ RoL Justice Audit found that only 56% of respondents can file a case in court easily if in need, with men being more confident (60%) than women (52%) (Citizen household survey, 2018).

Procedural Complexities and Delays

Court cases involve travelling to court and to see the lawyer and repeat appearances. The GIZ RoL Justice Audit found that 58% of court users surveyed had spent between one and four hours to reach the court; the duration of their current case had been going on for almost one year for 21%, almost two years for 21%, and three years for 12%. When asked about their understanding of what was happening in their case, only 11% said that they totally understood (higher for men at 13% and lower for women at 6%), with the majority (47%) answering that they partially understood and as many as 41% saying that they understood nothing (lower for men at 36% and higher for women at 52%). Only half of the respondents said that their lawyers briefed them regularly about what was happening (GTZ RoL Court User Survey 2018).

Resource Constraints

Economic constraints include a lack of economic independence of women. One of the major constraints is the cost of initiating a legal process and continuing. The legal system of Bangladesh continues to be inaccessible to economically and socially disadvantaged segments of society, including women, as many cannot afford to pay lawyers (Khair, 2012). The government "Legal Aid Fund" applications approved by DLACs cover the legal costs of panel lawyers assigned to cases and DLA officers carry out the ADRs. Over the years the access to and utilization of these funds have improved. However, the funds provided by DLAC does not cover all the costs involved in legal cases, such as travel and other related costs.

As everyone cannot access DLAC support, the costs of a court case are a big constraint. In the GIZ RoL Justice Audit, only 44% of respondents said that they would have the ability to pay the lawyer, with more men answering in the affirmative (47%) than women (40%). While the costs of the lawyer are hard to afford, there are additional costs involved. In the same survey, 48% said that they would have to pay extra to the court other than the usual court fee (Citizen household survey, 2018). The costs of accessing courts add up to substantial amounts. The Court User Survey found that 25% of respondents had spent between BDT 25,000 and 50,000 and 21% had spent between BDT 50,000 and 100,000.

Lack of Confidence

There is a general hesitation in accessing the formal justice system with women being less confident than men and people from economically disadvantaged backgrounds being less confident than those from more privileged backgrounds in dealing with formal institutions, such as law enforcement agencies and courts. Negative attitudes to the poor among people working in and with law enforcement, including lawyers, judges, and police, has been observed (Hasle, 2003).

Gender Bias

Women also reported not feeling comfortable in court facilities. According to the Justice Audit, "58% women say that they feel insecure in getting justice." This finding referred to women feeling insecure when using the courts due to psychological stress (e.g., fear of high costs, outcome, threats of opposition, and others). Women litigants face gender-stereotyped attitudes and behaviour by male lawyers during hearings. Questions attacking a

woman's character, especially her "loyalty" or "chastity," are common. There is also an underrepresentation of women among those who dispense justice (Begum & Saha, 2017; Khair, 2012).

Moreover, there are other constraints, such as lack of capacity and lack of coordination among the stakeholder.

2.5.4. Role of NGOs

NGOs have been active in the area of legal empowerment and have contributed both to the informal justice mechanisms as well as to the formal justice mechanisms. Khair (2008) has divided the types of activities by the NGOs into two categories: (a) state-centric activities which aim to improve the effectiveness of justice delivery mechanisms of the state, namely the courts, the legislature, the police, and relevant agencies of the government; and b) people-centric activities which address vulnerable segments of society by providing legal services that include legal literacy, legal aid, public interest litigation, and alternative dispute resolution. The adaptations of the traditional shalish undertaken by NGOs as ADR will be discussed under the informal justice mechanisms.

The principal thrust of the activities undertaken by various organizations generally includes raising awareness on gender-based discrimination and its political, social, and legal implications; providing advice and counselling services; offering victim support through health and rehabilitative measures; providing training to local government officials and police on VAW issues; setting up shelter homes for survivors; helping settle disputes locally; providing legal aid if a dispute reaches the court and at a higher level; and pushing for law and policy reforms. NGOs like BRAC HRLS, BLAST, ASK, BNWLA, and RDRS have panel lawyers to conduct cases free of charge if mediation fails. Many NGOs are running different kinds of programs, such as mediation of legal disputes, legal aid to the distressed women, Public Interest Litigation (PIL), courtyard meeting, and legal awareness and legal literacy programs, for women's legal empowerment and ensuring women's access to justice.

Some of the key NGOs working in this area include ASK, BLAST, BRAC HRLS, RDRS, MLAA, BNWLA, Mahila Parishad and Naripokkho.

2.5.5 Informal Justice System

Shalish is a widespread form of community-based, non-state dispute resolution technique. Golub (2003) has identified three forms of shalish: a) traditionally administered by village leaders and other influential persons, including religious figures; b) as modified through national legislation and administered by a local government body, the union Parishad; and c) as modified and overseen by NGOs in many parts of the country. We will not be discussing the second category as Village Courts and Arbitration Councils are not supposed to deal with domestic violence.

The Traditional Shalish

This would seem to be the most commonly used method of dealing with both civil and criminal conflicts in Bangladesh, both in rural and urban areas. The survey done by the Justice Sector Facility project in 2015 found that almost all the respondents (97%) were aware of the traditional shalish and understood its roles; and among its strengths, mentioned the proximity to where people live, the speed with which matters are disposed of, and the fact that they are less expensive than other mechanisms (Morgan, 2015: 25). As mentioned above, the Survey of Court Users under Justice Audit, BBS showed that the time and cost of seeking justice at the district level are big constraints. It can take hours to reach court for each appearance; most cases require five or more visits to complete, take two or more years to complete, and cost more than BDT 25,000 to complete for people whose yearly income is on average less than BDT 15,000. On the other hand, the time, costs, and the number of visits required are much less for local-level dispute resolution. The Citizen Household Survey by BBS/GIZ found that the "first advice by respondents if someone is slapped or pushed by husband or in-laws and is seriously

wounded” is for 31% to go to the local UP Chairman/Ward Member or Ward Councillor, 11% suggest going to a respectable person in the locality, and 13% suggest going to the police.

However, common criticisms are that vulnerable groups and women face discrimination in the traditional shalish, which tend to prefer the rich, those who are politically connected, and involved in corruption of some form (Begum & Saha, 2017; Morgan, 2015). Another criticism is that access to the informal justice system presents a challenge for women, as informal justice systems are male-dominated, inclined to embody inequalities and patriarchal interpretations of culture, producing patriarchal outcomes (Golub 2000, 2003 and Human Rights Watch, 2020). As described by Golub “Traditional shalish is typically marked by gender bias and legal ignorance. This includes ignorance of Islamic law and how its more equitable aspects have been incorporated into the national legal framework. Patronage ties with community leaders also can come into play. These easily can work against a person who is less well connected than her or his opponent (Golub 2000: 139).

It has been seen that the shalish may involve voluntary submission to arbitration (i.e. parties agreeing to submit to the judgement of the “shalishkars”) or mediation where the “shalishkars” facilitate the disputants to reach a settlement by themselves. In the worst cases the decision of the Shalish is imposed on the weaker party where the shalish “constituted a de facto criminal court that inflicts trial and punishment on individuals who have not consented to its jurisdiction” (Golub: 2003)

Jahan et al emphasized the role of elite interests and how these could bias the shalish: “Where elites play a role in relation to community legal services, justice is still possible in the resolution of disputes but may be difficult to achieve where elite interests are directly involved. In particular, some traditional forms of CLS, such as Shalish, may not result in equitable and fair results, particularly for women” (2015: 2)

Although in the writing of Golub, Khair and Siddiqui one finds that women would hardly participate in shalishes or would be heard, Golub does observe that even in the period 1993 to 1997 he found that women were beginning to attend shalishes and to have a voice (2000). This was also seen in the study carried out by Mahmud et al in 2013.

NGO-led ADR or Shalish

The NGO model of alternative dispute resolution uses mediation rather than arbitration and is more participatory. The *Shalishkars* are trained in mediation and oriented on human rights principles to follow and on the remit of what they can and cannot mediate. Findings have shown there is a high degree of trust in such shalishes and satisfaction with the results (Morgan, 2015). NGOs have developed procedural guidelines to mediations, including strategies and tools to facilitate access of clients to services offered, application processes, guidelines for mediators and privacy and confidentiality issues. They have also developed documentation and monitoring mechanisms for following up on the mediations conducted (Begum & Saha, 2017). However, their presence is limited to those areas where the NGOs providing such services are located. Although at earlier stages less emphasis was given to gender equality issues this was addressed later by most organisations and NGOs such as Banchte Shekha were able to do pioneering work on having women led ADRs (Golub 2003). More gender responsive ADR models were tried out and promoted by programmes such as PLSEW (Mahmud et al 2013)

Golub 2003 and Khair 2009 and others recognize the significant improvement of the NGO mediated/facilitated ADR over the traditional shalish and both cite a number of studies where respondents have shown their preference for this type of dispute resolution mechanisms over the traditional shalish. The review done by Jahan et al in 2015 also found that “the activities of CLS providing NGOs, particularly reforming of CLS processes and capacity building of key stakeholders, can enable change to happen, moderating elite influence and achieving fairer processes with more effective outcomes”.

2.6. Legal Framework on Domestic Violence: Domestic Legal Regime

2.6.1 The Framework

Bangladesh has a host of laws that address VAW in its different manifestations. Laws enacted have been amended and special laws introduced in response to increasing concerns over multi-dimensional transgressions on women's security in a transitional society. This section lists the various national laws that address domestic violence and prescribe appropriate measures. The essential point is that complainants have various legal options to address incidents of domestic violence, not just the DVPP Act, each with its various limitations and potentials.

The Constitution of Bangladesh: The Preamble to the Constitution explicitly states that “it shall be the fundamental aim of the State to realize through the democratic process a socialist society, free from exploitation—a society in which the rule of law, fundamental human rights and freedom, equality and justice, political and social, will be secured for all citizens.” Accordingly, the Constitution guarantees inter alia equality before the law and equal protection of the law (Article 27, 28 (2), 31, 32).

The Penal Code, 1860: This encapsulates a wide spectrum of criminal offences affecting the human body and prescribes punitive action against each in consonance with the degree of seriousness of the crime. The penal code contains many sections relevant to women facing violence.

The Dissolution of Muslim Marriages Act, 1939: This Act essentially lays down the grounds on the basis of which a woman married under Muslim law is entitled to obtain a decree for the dissolution of her marriage (Section 2). One of the grounds prescribed in the law pertains to “cruelty” by the husband, that is to say, he (i) habitually assaults her or behaves cruelly, even if such conduct does not involve physical ill-treatment; (ii) associates with disreputable women; (iii) attempts to force her to lead an immoral life; (iv) disposes of her property or prevents from exercising her legal rights over it; (v) obstructs her in the observance of her religious profession or practice; or (vi) if he has multiple wives, and does not treat her in accordance with the dictates of the Quran.

Muslim Family Laws Ordinance, 1961: The Ordinance brings together personal laws relating to Muslim inheritance, marriage registration, polygamy, divorce and maintenance of wives and children. Section 5 of the ordinance specifies that a man, without the previous permission of the shalish council in writing, shall not contract another marriage having already a wife or wives living, and such marriage contracted without such permission shall not be registered under this ordinance. The law has made the registration of marriage mandatory. This ordinance empowers the local councils (union council, municipality, municipal corporation) to issue licenses for marriage registration to one or more persons. If any husband fails to maintain his wife adequately, or where there are more wives than one and fails to maintain them equitably, the wife, or all or any of the wives, in addition to seeking any other legal remedy available, may apply to the chairman. Finally, this ordinance provides the decision that where the amount of dower is not paid, shall be payable on demand.

The Nari o Shishu Nirjaton Damon Ain, 2000: Amended in 2020, the Act was enacted to contain prevalent forms of violence against women and children. This Act varyingly addresses grievous hurt (Section 4 [2] [ka] [kha]), dowry-related offences (Sections 11 [ka] [kha] [ga]), and provides stringent measures, including the death penalty in some cases, for deterring such offences.

The Legal Aid and Services Act, 2000: This Act provides assistance to the poor and others who, on account of various socioeconomic considerations, cannot effectively access justice. Women, who constitute a major disadvantaged social group, may seek this state-sponsored legal aid in the form of legal advice, lawyers' fees, and litigation costs, including cases in the Supreme Court (Section 2 [a]).

The Acid Crimes Prevention Act, 2002: It provides for stringent punishments, including capital sentence, for acid attacks that cause injury to any women or child leading to a partial or complete destruction of eyesight or

hearing or disfigurement of the face, breasts, reproductive organs, or any other organ of the body (Section 4). The law penalizes not only the actual act of throwing acid but also attempts to throw acid on any woman or child, even if the latter does not sustain any injury.

The Domestic Violence (Prevention and Protection) Act, 2010: The Act aims to prevent and protect women and children from domestic violence. The Act defines “domestic violence” to include physical violence, psychological abuse, sexual abuse, and economic loss caused to a woman or a child by any person with whom the woman or child has a family relationship (Section 3). An aggrieved person under the Act has a right to seek protective orders from the court against domestic violence. Accordingly, the court is empowered to issue suitable orders against the respondent, including protection orders and the payment of compensation to the aggrieved person (Sections 14–16). Violation of a court order may result in imprisonment and/or fine (Section 30).

The Domestic Violence (Prevention and Protection) Rules, 2013: These were adopted to clarify implementation procedures for the 2010 DVPP Act.

Child Marriage Restraint Act, 2017: A revision of the Child Marriage Restraint Act of 1929 which set the legal minimum age of marriage at 18 for women and 21 for men. In the new Act, the punishment for child marriage has been made much more severe—2 years’ imprisonment or a fine of BDT 100,000 (USD 1,250) or both for any adult who marries an under-aged person. The underage boy or girl also face punishment—one month’s imprisonment or a fine of BDT 50,000 (USD 625) or both. An “exception clause” has been introduced that would enable parents or guardians to marry off boys and girls before they reach the legal minimum age if a court rules that this is “in the best interest of the child.”

Family Court Ordinance, 1985: The Ordinance aims at resolving legal disputes related to the dissolution of marriage, restitution of conjugal relation, dower, maintenance, and guardianship and custody of children. It specifies that family courts shall have exclusive jurisdiction to entertain, try, and dispose of matters relating to marriage, conjugal relations, dower, maintenance, guardianship, and custody of children.

The Dowry Prohibition Act, 2018: The escalation of dowry demands as part of a marriage transaction, often involving violence for non-payment, led to the enactment of the Dowry Prohibition Act in 1980. This law prohibits the demanding, taking, and giving of dowry, and prescribes punishment for those involved in the practice (Sections 3–4). Every offence under this Act is non-cognizable, non-bailable, and compoundable (Section 8).

2.6.2. Inadequacy of Legal Framework System

Many poor women live far away from district towns where legal services are available and have very few legal resources and facilities in their communities (Begum & Shah, 2017). Justice Audit pointed out that most of the operations and resources of the justice system are concentrated at the district level or even national level (e.g. DNA Lab). The legal framework is inadequate to protect women. In many cases, laws are discriminatory against women, particularly family laws on issues related to marriage and divorce. The existence of a parallel legal system of justice—formal court, personal law systems, alternative dispute procedures, and informal systems of community justice—affect in varying degrees women’s access to justice (the formal and informal system is discussed in the latter part of the chapter). The co-existence of plural or parallel systems of traditional justice poses a challenge to women’s access to justice. Delays in justice and case backlog are other reasons that discouraged survivors to continue their application. It is reported that for those who seek help and legal remedy, there is only about a 1% likelihood that they will receive that legal remedy (Human Rights Watch, 2020).

2.6.3. People’s Perceptions of Justice and VAW

According to the World Health Organization (WHO), about 1 in 3 (30%) of women worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime (WHO.org, 2021). The Justice Audit carried out in 2018 included information on the criminal justice system as it appears to function in practice, drawing on the survey (Citizens and Practitioners) and baseline data. One of the significant findings from the Justice Audit survey is that 87% of the people in Bangladesh are not within the embrace of the formal justice system, as they tend to seek justice locally. Firstly, the citizen survey shows that the average cost and time for travelling to court and police located at the district level is very high compared to the average income. Secondly, it showed that citizens' primary experience of crime is local neighbourhood disputes that could be settled locally at much lower costs. It is, therefore, worth looking at the citizen's perception of justice and confidence in the justice system that often influence citizen's justice-seeking behaviour and the justice outcomes in the context of VAW. In response to the question of whether the respondent will be able to get justice, Justice Audit Survey found that 37% of respondents felt that they would be able to get justice, 40% thought that they might be able to get justice, 27% felt that the chance was limited, and 6% felt that they would not get justice (GIZ Rule of Law Programme, Justice Audit, Citizen Household survey, 2018).

In another citizen perception survey study, "The State of Bangladesh's Political Governance, Development, and Society: According to its Citizens," conducted by the Asia Foundation in collaboration with the BRAC Institute of Governance and Development (BIGD), investigated Bangladeshi citizen's perception of the main things needed to live a life with dignity. Most of the respondents placed materialistic needs over issues such as human rights and the rule of law. Respondents perceive money (51%), food (47.1%), housing (46.7%) as the essential needs, as opposed to the rule of law (7.7%) and human rights (7.3%) (TAF, 2019: 69). The responses varied across different income and education levels. Respondents with the lowest income and education level preferred food and housing over human rights and the rule of law, whereas the need for human rights and the rule of law increased for the higher educated respondents with higher income levels. Moreover, people's perception on whether justice obtained through various justice-providing institutions and organizations is fair or not is varied. The Asia Foundation survey found out that the village court and shalish are the two most popular dispute resolution forums. Approximately 67% of the respondents thought village courts to be fairer, as opposed to 56% of respondents who found Shalish to be fairer. These findings are not so different from the baseline survey conducted by BLAST back in 2003, which found 42% of women opted for village shalish, 62% mentioned police/court, and 52% mentioned UP member/chairman for seeking justice against VAW (BLAST, 2020).

3. Methodology

Qualitative in-depth research was done on the access to justice during COVID-19 for survivors of domestic violence through in-depth case studies and interviews with key informants.

3.1. Scope of Research

This research emphasized the experience of women on their justice journeys and interacted with their families, communities, NGOs, and the formal justice system during the COVID-19 period. The context in terms of institutions, laws and actors, both state and non-state, was explored as part of the conceptualization of the research. It also emphasized the experience of organizations providing legal aid services and other service agencies in responding to and adapting themselves to the COVID situation while responding to the needs of women facing DV in the pandemic.

Three legal aid organizations were identified as partners on the basis of innovative approaches or adaptation of strategies during the COVID period to maintain and ensure access to justice for survivors of domestic violence. The legal aid organizations' interest in participating in this research was also considered. Keeping these criteria in mind, BRAC HRLS, BLAST, and RDRS were selected. Memoranda of understanding (MOUs) were developed with each of the three organizations, and focal points were nominated from each who would be part of the research design, management of the work, and also participate in the analysis of the research. The nominated focal points, persons who participated in the analysis, and who were part of the field research were as follows:

Table 1: List of Organizations, Focal Points, and Contributors

	Focal points	Persons contributing to analysis phase	Persons involved in field research
BLAST	Mohammed Rakinul Hakim	Barrister Sara Hossain Taposhi Rabaya Farjana Fatema Nusrat Meraji Nusrat Tasnim Sifat Khanam Abu Bakar Siddique	Advocate Rasel Advocate Dipok
BRAC HRLS	Abdullah Al Rashed	Mitali Jahan Abdullah Al Rashed Sonia Kabir Joyshri Sarker	Zarine Mohadev Biplob
RDRS	Mazbahun Nahar	Mazbahun Nahar	Abdullah Nawrine Parul Ashraful

This research focused on 12 case studies of women experiencing domestic violence. In-depth information was collected through using various research techniques, such as process tracing through case diaries, in-depth interviews (IDIs), and key informants interviews (KIIs). The case studies were prepared by bringing together information from the IDIs, KIIs, and the case dairies. The research team selected four case studies of domestic violence survivors in consultation with each legal aid organization. Cases were selected from rural and peri-urban areas: Cases from Rangpur were located in rural areas, whereas two cases from Mymensingh were located in the peri-urban area. Criteria for the selection of the areas are as follows:

Table 2: Study Areas and Rationale for Selections

Organization	Study area	Rationale
RDRS	Rangpur, northern district of Bangladesh	RDRS, Bangladesh has conducted research on VAW in 2020. On that basis, they suggested selecting Rangpur
BLAST	Patuakhali, southern district of Bangladesh	Patuakhali was suggested as a southern district where BLAST had responded to COVID
BRAC/HRLS	Mymensingh, north-central district of Bangladesh	From BRAC HRLS's data, a few hotspots were identified where the rates of VAW were higher. HRLS also suggested selecting peri-urban areas with ready-made garments (RMG) industries which would enable the selection of cases of women working in factories. Accordingly, Mymensingh was selected

3.2. Key Selection Criteria of the Cases

The following criteria were used to select four case studies from each organization. The BIGD team asked each organization to propose four complaints, two of which came to them before the March 2020 lockdown and two of which came after March 2020. As we came to realize later, even though some complaints were filed after March 2020 (during the COVID period), it did not indicate that violence started during the lockdown period.

- Affected women: Should be related to domestic violence (leave out cases of custody, maintenance, and rape);
- At least one case study should have been dealt with by the innovative COVID and domestic violence approaches of the particular NGO;
- At least one case study tried to access government services/agencies, such as health/DWA/police;
- Case studies should have had various kinds of interactions and several touchpoints;
- At least one case study where the conflict has been resolved or is in the process of being resolved; and
- Select women from varied backgrounds (working outside the home/not working outside the home; educated/less-educated).

Four types of domestic violence disputes were chosen based on a combination of the following:

- Incidence of violence has started during the COVID situation/incidence of violence happened earlier/before COVID situation, but increased during the pandemic; and
- The dispute was addressed using informal mechanisms (by non-state actors)/ the dispute was addressed using a formal mechanism (by state actors).

Based on these criteria, the following case studies were selected:

Table 3: Case Selection Criteria

BLAST	resolved	On-going
Before COVID		Komola (ongoing, multiple touch points: mamla, hospital, BLAST, etc) Sadia (ongoing, formal to informal)
During COVID	Dilruba (resolved, family and community base shalish, BLAST ADR)	Reshma (ongoing, case filed under DV Act)
RDRS	resolved	On-going
Before COVID		Fatema DLAC complain in 2019. Went to UP, working in RMG, money sent to in-laws. 27.10 sends divorce notice, On-going,
During COVID	Ayesha (Resolved through community shalish,) Rina (Second marriage hidden, demand for money, physical violence, Shalish, DLAC, case, On-going)	Beauty (Resolved. Approached RDRS Aug 2020. Formal and informal. UP ADR, Legal Aid application,
HRLS	resolved	On-going
Before COVID	Meena , Fulbaria, (Formal-informal, Resolved, Homemaker)	Afroza, Bhaluka (Formal, RMG, ongoing)
During COVID	Mita, Fulbaria, (Resolved, RMG)	Rupa, Bhaluka, (Formal, RMG, ongoing)

3.3. Sources and Phases of Data Collection

3.3.1. Qualitative Method for Primary Data Collection

A case diary tool and interview guidelines were developed and further revised based on the feedback received by the partner organizations (see Annexe-4 and Annexe-3 for case diary format and interview guidelines). The draft guidelines were piloted and the feedback received from the field test was incorporated.

After the selection of the organizations, BIGD prepared the **terms of reference (TOR) for focal points** and asked them to nominate two of their staff members who would fit the criteria, and would be able to provide time for this project to fill out the case diaries.

Once the tools were finalized, BIGD held a **training workshop** with the nominated staff to orient them on the purpose of the research. After the training, BIGD researchers and the partner organizations selected cases on the basis of commonly agreed criteria. The **case dairies** were the key source of data to analyze the steps, processes, challenges, adaptations, of the case study subjects in seeking justice during the time of COVID. The case dairies prepared by the staff were supplemented by **IDIs** with each of the case study respondents. The case dairies and the IDIs with the subjects of domestic violence were used to identify other key actors in the process of accessing justice.

3.3.2. Secondary Literature Review

The literature and document review supplemented the findings and provided background information to support the primary findings. Apart from related literature, the research has also used BIGD media tracking information

of domestic violence during the time of COVID, and quantitative data gathered by other organizations related to domestic violence during COVID (e.g., Data of Telephone survey on VAW of Manusher Jonno Foundation; data on VAW and justice mechanisms by our partner organizations: BLAST, BRAC and RDRS; etc).

3.4. Phases of Data Collection

The data collection was done in three phases: the first phase consisted of **pilot visits** to selected research areas of the relevant organizations from October to November 2020 in order to understand the operations of each of the organizations and ensure that the research tools and approaches were appropriate. **Main data collection** took place from January to April 2021 when IDIs and KIIs were done. A total of 12 IDIs and 84 KIIs were conducted. On an ongoing basis, the case diaries were updated by the partner organizations and weekly follow-ups were conducted with the respondent to trace developments. Although in the beginning, the plan was to do most of the interviews over the phone, as the COVID situation improved, it was decided to do the interviews in person.

Follow up visits took place to reinterview the case study respondents to check on their status and whether there was any new development of the case. The first two follow up visits to Rangpur and Mymensingh (for two cases) took place in person. However, by the end of the data collection phase at end of March 2021, the COVID infection rates were on the rise again. Therefore, for the safety of the researchers as well as the respondents, the rest of the follow-up interviews at Mymensingh (for the remaining two cases) and Patuakhali took place over the phone.

Phases of lockdown

The lockdown period was divided into the following phases for the purposes of the study:

- 26 March–30 May 2020: Lockdown;
- June–September 2020: “Partial opening,” i.e., educational institutions staying closed, offices opening with shifts and various other organizations choosing to “work from home.” Courts were also closed till 1 August 2020;
- October 2020–March 2021: New normal;
- April 14–23 May 2021 (as of 22 May 2021): Phase two lockdown.

3.5. Data Analysis

The research took a “deep-dive” approach to thoroughly investigate the case studies and identify the relationship between the factors influencing survivors’ justice-seeking journey in general and during the COVID period.

All the interviews and KIIs were recorded and transcribed. The data from the case diary and interview transcripts were analyzed by developing a timeline to understand the development of each case study, an analytical summary to understand the case study in terms of the indicators identified and coding of the case study data (see Annexe-5). The coding framework was developed based on the research questions and emerging findings. The multiple sources of data allowed researchers to triangulate information about domestic violence in the time of COVID; for instance, about household dynamics, resource allocations, factors aggravating violence, and recourse to health services.

3.6. Limitations

Since the data collection period took place during COVID, it was mandatory for the researchers to follow safety precautions. When the infections rate increased in-person follow-up visits were replaced by phone interviews.

In two cases, the interviews took place at the respondents' in-laws' homes. This did not allow the respondent to speak freely. To ensure their safety, the legal aid organizations were requested to follow up with them to ensure that the interview would not have negative consequences for them. During the interviews, conducting private interviews was difficult, as other household members of the respondent, sometimes neighbours would show up and intervene in the interviews. The respondents also had difficulties remembering details about events, such as dates, and had to rely on recall. The interviews were supplemented by documents collected by the legal aid organizations in order to understand the sequence of incidents. Finally, in the case of those case studies where the conflict had not been resolved or the case closed, respondents' interactions with researchers might have influenced the development of those cases.

When interviewing government service providers, in about half of the cases, the researchers did not receive consent to record the interviews.

4. Findings

4.1. Respondents' Profile

Table 4: Respondents' Profile

Resp't Code	Location	Age	Education	Profession	Occupation (parents, brother/sister)	Age at marriage	Serial of marriage case of polygamy	Occupation husband	# children	# Years of marriage	Type of violence	Reasons of violence	When VAW started	Type of steps	Impact of COVID	Present status
1. Ayesha 0	Rangpur	16	8 th grade	Student	Mother: day labour and household helper	14	3 rd	Mason	0	2	Physical & psychological	Dowry demand; not conceiving a child	10 days after marriage	Family, community; NGO	None	Divorce; received Mohr money
2. Rina (during COVID)	Rangpur	25	7 th grade	Housewife	Day labourer	16	1 st	Van driver	2	11 (?)	Physical & psychological	Polygamy; family land disputes	After husband's 2 nd marriage	Family, community; NGO; police;	Husband returned to village and	Divorced (did not receive the

	u r													hospital ; court	VAW increase d, court hearings delayed (L2)	Mohr money)
3. Beauty (during COVID)	R a n g p u r	18	Not know n	House wife	Mother: garment worker	16	1 st	Farmer	1	2	Physical , psychol ogical, & econom ic	Dowry disputes, argument with in-laws	5–6 months after marriage	Family, commu nity, NGO, DLAC	Family level	Living with husband (resolved)
4. Fatema (before COVID)	R a n g p u r	24	Illiter ate	Farmer	Tobacco farmer	19	1st	Laboure r	1	5	Physical , psychol ogical, econom ic, & sexual	Dowry disputes	right after marriage, dowry-r elated	Family; commu nity; NGO; court; DLAC	Family helped husband earn money during lockdow n	divorced . Living with parents (on-goin g case on Mohr money)
5. Meena (during COVID)	M y m e n s i n g h	19	6 th grad e	House wife	Father: labour	15	2 nd	Auto ricksha w driver	1	4	Physical , psychol ogical, & econom ic	Dowry disputes; argument with in-laws	6 months after marriage	Family; UP; police; NGO	Police delayed, NGO ADR delayed	Living with husband (Resolved)
6. Lipy (during COVID)	M y m e n s i n	29	Not know n	Unempl oyed	Father: works at community centre; Mother: housewife	26	2 nd	Fish seller	1	3	Physical , psychol ogical, & econom ic	Husband' s unemploy ment; responde nt being unable to earn	After several months of marriage	Family, commu nity, NGO	Job loss; husband support ed by Lipy's mother	Divorce d, received Mahr money but dispute continue

	g h										money or offer other assets					s over child's maintenance
7. Rupa (during COVID)	M y m e n s i n g h	18	B.S.S. (3 rd year)	Unempl oyed	Father: retired govt. clerk; Mother: housewife	16	1 st	Unempl oyed, gave up job, wants to do business	0	2	Physical , psychol ogical, & econom ic	Dowry demand; husband's affair; father in law not accepting the marriage	6 months after marriag e	Family; commu nity; NGO; court; hospital ; police	None	Divorce d; received her Mahr money
8. Afroza (During COVID)	M y m e n s i n g h	24	HSC	Works at a spinnin g mill	Formerly dairy farm, shop	17	1 st	Migrant worker (Malaysi a)	0	7	Physical , psychol ogical, & econom ic	Dowry disputes; argument s with mother-in-law; having no children	2 months after the marriag e	Family; commu nity; NGO; police; court	Court dealings delayed (L2)	Divorce d; working; (has not received Mahr money)
9. Komola (Before COVID)	P a t u a k h a l i	19	7 th grade	Unempl oyed	Brother: van driver	16	1 st	Pickup truck driver	1	3	Physical , psychol ogical, & econom ic	Dowry disputes	1 year after the marriag e	Family; commu nity; NGO; court; hospital ; DLAC	Did not get admitte d to hospital; court delayed (L2)	Ongoing case
10. Dilruba (During)	P a t u a k h a	30 +	N/A	Money lending	Both parents: day labourers/b eggars	13	2 nd for her; 5 th for husb and	Manage r at sand business	n o n e t h i s m a r	6	Physical , psychol ogical, & sexual	Husband would take out loans under her name; sexual harassme	From beginni ng	Family; commu nity; NGO; court; DLAC	Case affected , family level (mother provide d for both	Divorce d; received Mahr money; unempl oyed

	l i								ri a g e			nt by stepson			during lockdown)	
11.1 Reshma (during)	P a t u a k h a l i	27	5 th grade	Household helper	Fish trade	11	1 st	Business man (trees, ring slabs)	2	16	Physical , psychological, & economic	Not fulfilling monetary demands as her father was poor; increased violence after birth of daughter	From beginning	Family; community; hospital ; police; court; NGO	Case affected (L2)	Living with parents, son with husband
12 Sadia (Before COVID)	P a t u a k h a l i	21	10 th grade	Housewife	Father: Chowkider; Mother: housewife	17	4 th Wife	Auto rickshaw driver	1	4	Physical , economic, & psychological	Dispute with mother-in -law; husband contacting ex-wife	After few months of marriage	Family, community, police, NGO, DLAC	Family Level NGO, DLAC delays (L1 and L2)	Staying with father (getting on and off maintenance money)

Note: Compiled by the researchers

4.2. Patterns of Violence

In line with the definition of domestic violence of the DVPP Act and the identification of types of abuse based on the experiences of the 12 women who have participated in this research, we found four categories of domestic violence, namely physical, psychological, economic and sexual. In addition, we found cyber abuse used within the family where offensive internet images were sent by a man to his wife with the intention to distress her. Most of the women in the case studies experienced multiple forms of abuse simultaneously instead of facing just any one type. Physical, psychological, and economic abuse were the most common forms of abuse. Most of our respondents faced at least these three forms and one respondent experienced all four forms of abuse. Multiple perpetrators often carry out the abuse. In addition, what triggers abuse is not always straightforward and is often influenced by multiple factors.

In all the cases studies, the abuse started before COVID, and some respondents had a history of abuse for years. The complaints might have been made before, during, or after the COVID lockdown/lockdown easing period.

Physical abuse is the most common form of abuse experienced by women who seek justice for domestic violence, as this study shows. All the respondents faced physical abuse to a certain degree, reaffirming its pervasiveness in Bangladesh. However, the severity of physical assault or injury varied from case to case. Attempt to murder was the most extreme form of physical abuse found in two cases. Ayesha's husband and in-laws tied her up and attempted to cut her throat when her parents failed to pay dowry. Meena was poisoned by her husband when her father asked for the money her husband owed to him. Other types of physical abuse included cigarette burns and breaking a leg (Fatema), pulling out teeth (Afroza), head injury (Meena), and burns with hot rice water (Sadia and Rupa). Some respondents were beaten at the time of pregnancy. Komola was beaten during pregnancy, as she was unable to meet her husband's ever-increasing demands for dowry. Her husband demanded a motorbike even after he was already given a gold chain worth BDT 30,000 and all the necessary household items at the time of their marriage. Sadia was also beaten by her husband during her pregnancy when she tried to stop him from talking to his ex-wife.

Sexual abuse was also inflicted on some of the respondents. Due to social taboos, this type of abuse is most likely underreported. Fatema's father-in-law made sexual advances to her. Sadia's mother-in-law injured her genitals when she dared to go to the police after she was accused of stealing money from her husband. Another respondent named Dilruba was sexually harassed by her eldest stepson a few times. All of these cases were reported to the NGOs, and in Sadia's case, to the upazila health complex.

Psychological abuse is another common form of abuse that covers a range of harmful and coercive actions affecting the victim's mental health, social life, and many other areas of life. Almost all the respondents faced psychological abuse at one point or another by their husbands and in-laws. Meena was beaten up by her husband and turned out from her in-law's house before the enforcement of lockdown and forced to leave her breastfeeding child behind. The child was kept from her mother for two months. Reshma, Dilruba, and Rina also met the same fate as Meena, as they were separated from their children by their husbands and in-laws. Fatema and Sadia had to live under constant fear that their in-laws would take their children away from them at any moment. Sadia was denied a sexual relationship with her husband. Ayesha's grandmother complained that her husband was not affectionate towards Ayesha. Komola's husband called her a worthless woman by pointing out that she was not worth anything anymore as she was "used" and he had found someone better than her. According to Komola,

“কম্ব তোর তোর রাস্তা তুই দেখ, আমার রাস্তা আমি দেখছি। ঠিক আছে? তোর চেয়ে ভালোতা পাইছি। আমারে এমন এমন কতা কম্ব, কম্ব তোর যদি খোলা বাজারেও নিয়া ছাড়ে, তায় তোর দাম নাই এহন আর। গুড়াগাড়া হইছে, গুড়াগাড়ার মায়রে কেউ জিগায় না।”

(“He told me, ‘You go your way and I will go mine. I have found someone better than you.’ He said nasty things to me. He said I wasn’t worth anything if I were to be put on sale. I wouldn’t be attractive to anyone else since I already have a child.”)

Some respondents (Beauty, Fatema, Meena, Sadia, and Reshma) were subjected to verbal abuse using harsh and derogatory language directed towards them and their parents. Fatema’s mother-in-law told her to be her father-in-law’s wife. Beauty’s in-laws used abusive language against her mother.

“আমার মারে ফলনা করে। ঢাকাত যারা থাকে তারা বোলে গোয়া বেচে থায়।”

(“They neglect my mother. They say women who live in Dhaka [the place where Beauty’s mother works] sell their bodies.”)

A few respondents also faced pressure to have children or boys. Ayesha and Afroza were pressured to have children by their in-laws. Beauty and Rina were berated by their in-laws for giving birth to a girl.

Her husband threatened Beauty with divorce if she did not return soon from her brother’s house, where she was stuck during the lockdown. Beauty’s brother took her to his house before lockdown when she was pregnant, as her in-laws did not feed her according to her nutritional needs. In this case, the impact of COVID lockdown seemed to be adding to the psychological abuse faced by the respondent.

Komola faced **cyber abuse** by her husband when he sent pictures of him with other women saying that he no longer feels attracted to Komola and has, in fact, found someone else. He also edited the respondent’s photo and threatened to blackmail her in front of the court.

Many of the respondents were subjected to **economic abuse** or deprivation throughout their marriage. While this took place even before COVID, the pandemic might have exacerbated the situation. The economic impact of COVID on some families is discussed in section 4.3.5 below. The non-COVID-related economic abuse is discussed here.

Beauty and Fatema underwent a cesarean delivery for childbirth, but neither their husbands nor their in-laws bore the medical expenses. Instead, Beauty’s elder brother and Fatema’s sisters took care of all the expenses. Beauty’s husband was affected by Polio in his childhood. He was completely dependent on his father for earning, as he assisted his father in his farming business. Therefore, his financial constraints and his turbulent relationship with Beauty may have contributed to his reluctance behind bearing the cost of Beauty’s child delivery.

Similarly, Fatema’s husband was unemployed. To deal with his financial insolvency, he was constantly pressurizing Fatema for dowry. In other cases, the women had to hand over their savings and sell their jewellery to finance their husbands. Mita’s husband made her encash her deposit pension scheme (DPS) account and took away the money. Rupa repaid her father-in-law’s and husband’s loans by selling her jewellery and bringing money from her parents. Her husband also took away her savings worth BDT 2 lacs for his business.

In some cases, the deprivation was because the husband would not pay the costs of the child’s food and clothing or household expenses. For example, Komola faced economic abuse from her husband who did not provide Komola’s and her child’s maintenance at all. Fatema, Dilruba, and Reshma’s husbands did not provide them with maintenance.

4.3. Justice Journey at Family Level

4.3.1. Introduction

This section discusses the respondents' coping strategies when faced with DV, the escalation and trigger points that decide them to seek justice, and the justice-seeking journey within the family. It will discuss who the respondents reached out to when they felt they needed help and how, and different responses of the family members and their roles. It also covers the families' expectations of their "justice journey" (of what sort of remedy they wanted and from whom), norms associated with their expectations of a desirable outcome, as well as respondents' satisfaction and dissatisfaction regarding the help they received. This section will explore the impact of COVID on the justice journey at the household level.

4.3.2. Role, Agency, and Coping Strategy of Respondent

Literature and experience tell us that women will generally not report or take action about domestic violence from the beginning. It is only after repeated failed attempts to cope with the situation that they would tell their families. For most of our respondents, the journey for justice started at the family, as the first step in conflict resolution. The respondents sought help from their families when they faced dowry-related pressures. For instance, Fatema, Komola, Ayesha, and Afroza sought help from their families when they faced dowry pressures and got beaten up. In Rina's case, she sought help from the family when her husband remarried. Beauty, Meena, and Reshma resorted to their family when they were beaten by their husbands and in-laws. However, Sadia and Mita's cases were an exception, as their journey started at the community level, from where they were referred to seek support from their respective families.

Our interviews found that respondents decided to disclose their incidences of violence to their family members when they could no longer put up with violence related to dowry, physical assault, and sometimes polygamy. These acted as escalation points for respondents to seek help at the family level. However, the decision often came after a long process of putting up with the violence. The research findings showed that when an incident of violence occurred, the respondents took different strategies to cope with them, to reach out to others, complain, or protest. We will discuss some of these below.

Coping

One of the strategies was borrowing money to fulfil monetary/dowry demands. This also includes selling one's jewellery or encashing savings.

The interviews suggested that some of their coping strategies were also influenced by social norms. When Ayesha and Mita were their husband's 2nd wife and Dilruba was her husband's 5th wife, all three of them chose to be patient by thinking that it is alright for men to be married multiple times.

Rupa, on the other hand, chose to hide the information about the violence from her family as long as she could, as she had chosen her husband on her own.

The initiatives the women could take to stop violence included deciding to have a child or not and taking up paid work. The interviews suggested that some of the respondents had some control over their reproductive health. Afroza decided not to have a child, Ayesha refused to conceive as she felt she was too young, whereas Reshma decided to conceive a child hoping that it would stop the violence. Beauty also thought that having a child can be beneficial and her in-laws would accept her because she has a child.

In cases where the husband would not provide financial support to the respondents, they would look for an alternate source of income. Reshma worked as a household help and kept her children at her parents' home to send them to school. Dilruba would do money lending and support herself from the profits she would receive.

Protests

Some of the respondents decided to protest to stop the violence they were facing. One of the ways was to threaten the husband or in-laws with police or legal action. This strategy worked sometimes but also backfired. Rina's husband did not want to continue their marriage after getting arrested and spending 25 days in jail. On the other hand, when Beauty lodged a legal complaint at the DLAO, her in-laws got scared and tried to resolve the issue by "*grammo shalish*." Some of the respondents protested when their in-laws made increased dowry demands as well as physical assaults, even though they later faced repercussions. Rina, on the other hand, broke her husband's phone when she found out that he still talks to his second wife, whom he had married after Rina, although he had divorced the second wife at Rina's insistence.

Disclosure/Speaking out

Their decision to disclose the incidents of violence was also influenced by the status of their marriage, such as being in a love marriage, knowingly marrying to be the second wife. Ayesha and Rupa did not have access to mobile phones when they were subject to violence by their husbands and in-laws. Ayesha secretly informed her mother about the violence. Beauty would call up her brother and mother each time she would get beaten up and be verbally abused. Dilruba informed her mother and sister about being sexually harassed by her stepson. Sadia informed her mother when her husband burnt her foot. Fatema told her mother when her father in law hit her on the head and was sexually harassing her.

In Rina's case, it seemed the fact that she faced DV was open knowledge from the beginning and the neighbour would inform her family when she was beaten. Similarly, Afroza's DV incidents for dowry were well known by her family from the beginning.

4.3.3. Role of and Support From Family Members

Family members responded by providing financial support, irrespective of their economic situation. They would also use their networks to access socially and politically influential people to try and bring pressure on the husband and his family. Another role was providing information about different services, such as hospitals, police, NGOs or, courts, and also taking the respondents there. Family members of the respondents confronted their daughters' in-laws when their daughters were beaten up badly. In most cases, it was the family members who rescued the respondents from the hostile and abusive environment, either going directly to bring back the respondent or sending money so that the respondent could return to her parents' home.

Mothers of the respondents played an active role by providing different forms of financial and psychological support. The mothers' involvement could be conciliatory: Fatema, Ayesha, Beauty, and Afroza's mothers financially supported their daughters and others bought household utensils and furniture for their daughters (Komola, Ayesha, and Beauty). Some of the mothers tried to give gifts, such as *iftar* during Ramadan and new clothes before Eid, and came to celebrate "*paan-shupari*" (a ritual in celebrating when a child's hair is shaved off for the first time), hoping that it would improve relations between the families and therefore help to reduce the violence.

Some of the mothers were more confrontational. Ayesha, Beauty, and Afroza's mothers went to rescue their daughters when they were being subjected to violence. The mothers also faced repercussions while they were trying to rescue their daughters. Beauty's mother was verbally abused and Ayesha's mother and Fatema's father were physically assaulted by their daughters' in-laws family and their neighbours.

The fathers of the respondents were active in the community sphere, participating and arranging shalish. Rina's father helped her with the construction of her house, Meena's father rescued her from her in-laws' house, Sadia's father is also a village *chowkidar* who used his connections to get help from the police (*daroga*) in a

mediation. Dilruba's father sent her money to return to her parents' house and also took her to see a lawyer to file a legal case.

Brothers, sisters, and in-laws were also supportive. The interviews showed that the brothers of the respondents were also directly involved in rescuing and providing for their sisters, taking them to the hospital and bearing treatment costs, and paying dowry money. Rupa's brother used his contacts to confront the police when they were not making an arrest after filing a case. In some interviews, the involvement of sisters, sisters-in-law, and brothers-in-law were also found. Fatema's sisters and brother-in-law gave her loans to support herself as well as to cover her hospital costs; Dilruba's sister confronted her in-laws; Sadia's sister-in-law disguised herself as a ward member and called Sadia's husband to motivate him to confront his mother. Although this took place during the post-COVID lockdown period, such strategies are not necessarily COVID-related.

Other than immediate family members, there were extended family members who have helped the respondents either using their social position, their social network and previous experience to access different services, both before and during the COVID period. Rupa's maternal aunt was a UP member; Ayesha's paternal uncle was a politically influential person of the ruling party; Afroza's mother sought help from Ontu Mia who was also a politically influential person and husband of a ward commissioner. The respondents' families tried to utilize the role of their influential extended family members to negotiate on their behalf.

COVID Impact on Family Support

Some of the family members mentioned how it was difficult for them to provide support because of the COVID restrictions and economic hardships. For example, Sadia's mother mentioned that the travel costs to visit Sadia increased during that period (when she was in the hospital, for example). This was also mentioned by Beauty's mother. Dilruba and her husband returned to Patuakhali during the lockdown and stayed with Dilruba's parents and neither had any work. Dilruba's mother had to earn money by begging during that period. Mita's father who worked as a cook in a wedding/convention centre was not earning any money during the lockdown but had to bear the costs of Mita and her child. When Fatema lost her job during COVID, her mother and sister lent her money, which she used in buying a flask for her husband to sell betel leaves and tea.

Beauty's brother took her away to his home during her pregnancy to care for her, and she could not return when the lockdown started. This led to further conflict with her husband and in-laws who were demanding her immediate return.

In our follow-up interviews, we found that the second wave of COVID lockdown restrictions have increased Komola's family's economic burden, as her brother's work has been affected. He is a driver and the sole earner of the family, who looks after Komola and her son as well.

4.3.4. Family Expectations of the Justice Journey and Norms

The respondents and their family members adopted various strategies to fulfil the demands made by the in-laws so that the respondent did not face violence at their in-laws' home. The objective was for the violence to stop (or to be limited within a "reasonable level") so that the respondents could continue the marriage in peace and their children could have a better future (in cases where respondents have children). Beauty's brother said that Beauty was fated to deal with the violence, and she would have to stay with her in-laws. Beauty explained, "Those who don't have anything, have Allah. My brother tells me to not worry, he'll take care of everything."

However, once her life was at stake, such as in the case of Ayesha, her family no longer wanted to keep her at her in-laws' fearing that the next time the respondent's in-laws would kill her.

In the case of legal procedures and the justice outcomes, there were various expectations. Rupa's family wanted severe punishment for her husband and they were unhappy when Rupa decided to withdraw the legal case.

However, Reshma and her family believe that the court will help them resolve matters and she will go back to her husband and he will stop abusing her.

Some of the respondents blamed their in-laws for the violence rather than their husbands. Ayesha, Afroza, Komola, and Sadia blamed their mothers-in-law for the violence they faced saying that their husbands were being directed by the mothers-in-law. Rupa, on the other hand, said that it was her father-in-law who would control her husband's behaviour.

“জামাইর কোন দোষ নাই, সব ওই মহিলা [mother-in-law]।”

(“It's not the husband's fault. That woman [mother-in-law] is to blame.”)

—Sadiah's mother

“ঐ ছেলে টাও না, মা যা করে তাই। মা যদি বলে তুই সারাদিন এই যায়গায় বসে থাক, বসে থাকবে।”

(“It's not the boy [husband], he does what his mother says. If his mother tells him, ‘You will sit here all day long,’ he will do that.”)

—Ayesha's grandmother

“৭ দিন হয়ে গেছে, সে আর আসছে না। এর পর ওর বাবা যা বুঝ দিয়েছে তাই।”

(“It's been seven days, he didn't come. He has agreed to whatever this father told him.”)

—Rupa

4.3.5. COVID Impact

The impact of COVID can be seen at the family level as increased economic hardship due to lockdown. However, a direct impact of the economic hardship on the violence or increased violence was not found. The economic hardship increased due to the husbands losing jobs; some of the husbands were migrant workers who returned to their villages with factories being shut, vehicles no longer allowed on the roads, and construction sites being closed off. Some respondents' family members lost incomes during the pandemic. Respondents' family members either had to feed their daughters along with their husbands or arrange an alternative income source for their husbands. While we can see the impact of COVID on the family income in some of the cases, we cannot say that this translates directly into increased domestic violence. In all the cases mentioned below, the respondents had faced domestic violence from before the COVID period.

- Rina's husband lost his job during the lockdown and came back to the village in March 2020 when the disputes with the respondent increased. When he came back, she found out that he was still in touch with the wife he had divorced.
- Fatema was not given her salary during the COVID period when the factory she used to work in closed down, she almost starved for six days without food. Finally, she asked her mother to lend her BDT 1,000 and her sister BDT 500. She bought a flask and cigarette, betel leaves, and sugar with the remaining BDT 500. Her husband started selling tea and they barely survived with the income. Even from that money, her father-in-law demanded a share. She used to divide the money into two shares, and give the larger share to the in-laws as they had more mouths to feed.
- During the lockdown, Mita used to live with her husband who sold fish. Her husband lived with her and his first wife by turn. During the lockdown, the sale of fish went down. He first used Mita's savings and then when these were exhausted, he tried to abandon her. When she traced him and demanded his

return, he said that he could no longer provide for her expenses. She then had to go back to the village where she had her child.

- During the lockdown, Dilruba and her husband came back to Patuakhali, as the husband's earning stopped due to the lockdown (he worked in supplying sand to construction sites). Both stayed at her parents' house for the entire month of the lockdown. Respondent's mother was the only earning person during that time and supported them by begging.
- Sadia's husband used to work as a driver when they were living in Dhaka. However, he lost his job due to the COVID-19 pandemic. He currently works occasionally as a CNG driver or goes on a replacement duty for other drivers. He cannot provide regular maintenance to the respondent and her child.

4.3.6. Summary

In summary, the respondent's justice-seeking journey started within the family, as their family members were the first point of contact when they found that violence was no longer bearable. The respondents' role in their justice-seeking journey can be seen in forms of coping with the situation, protesting to stop the violence, speaking out about the violence they had been facing, and choosing to seek justice. In response, family members provided support irrespective of their financial constraints. Apart from this, both immediate and external family members supported the respondents by helping to access socially and politically influential people, rescuing them from hostile environments, taking them to hospitals, helping the respondents access information about different available services and taking them there. They provided these support so that the violence would stop and the respondents' marriage could continue peacefully. However, their efforts were constrained in the COVID period by increased expenses and their own economic hardships.

While we can see the impact of COVID on the family income of the women facing DV—in some of the cases, leading to greater stress and conflicts—we cannot say that this translates directly into increased domestic violence. Although half of the case studies were selected to have approached NGOs with complaints after the beginning of COVID, we found that in all the case studies, the respondents had faced domestic violence before the COVID period. The economic hardships and stress may have exacerbated the DV faced. What we can say, however, is that their justice-seeking journey had either begun before or during the COVID period.

4.4. Justice Journey at the Community Level

4.4.1. Introduction

In this section, we will analyze stories of respondents' justice-seeking journey within the community, review how respondents reached out to different community members for help, the roles of community actors in responding to them, and how these were affected by COVID, if at all. This section also covers the respondent expectations from community members and prevailing norms of actors related to marriage, divorce, separation, and having children. The discussion in this section excludes the role of UP members as community actors, which will be addressed in section 5.5.

4.4.2. Approaching the Community: Agency of Respondents and Coping Strategy

Community actors played a crucial role in respondents' justice-seeking journey. Most of the respondents reported reaching out to different community actors at some point in their justice-seeking journey. Not only did they take part in dispute settlement at the community level but they also referred respondents to individuals or institutions providing services, such as UP chairman, police, or legal aid organizations. Respondents approached community actors when they failed to resolve disputes at the family level. Community actors included neighbours; extended family members, i.e., *dhormo bhai/dhormo chele*; relatives from in-laws' side; work

colleague; landlords, community animators; journalists, “proctors” (in college); village police (chowkidar); and social, political, and religious elite of the community. The respondents approached those living in the same neighbourhood, those who were well known (or they had a family relationship with), and actors who were influential in the community due to their profession or connection with local elites.

Various patterns emerged in how women seek justice from the community. A few respondents voiced their complaints and took the initiatives to approach different community members, while family members of some other respondents accompanied them. In one or two instances, it was not clear who (respondent or family members) took the first step in asking for help or seeking justice at the community level. There was a case where neither the respondent nor her family members reached out to community actors, but the neighbour took the initiative to help the respondent. In Amena’s case, when she was beaten up badly by her husband and in-laws, the neighbour ran to the respondent’s parents and informed them and other community members and later took part in organizing a community shalish.

Some of the women mobilized neighbours’ (of her in-laws’) support. Beauty managed to gain her neighbour’s sympathy by sharing stories of physical and psychological violence she experienced and the abusive language her in-laws used to insult her. She approached her neighbours, one of whom happened to be restorative justice (RJ) facilitator of RDRS and another a political “elder brother” from the village, who worked as Chowkidar, and who were approached as reliable people who could be of help. In another case, Fatema strategically selected an extended family member as the best alternative available to her. She reached out to a cousin of her sister’s in-laws, an army soldier, who she thought was appropriate to threaten her husband over the phone. Similarly, Lipy reached out to her husband’s elder cousin as a first contact to reveal their secret marriage and complained about her husband for not caring for her.

Respondents’ approach to different influential actors can be seen as a part of their coping strategy at the community level. Sadia approached a powerful local elite in Mohakhali, while living far from the village, she identified him as a suitable person who could incite fear in her husband. She also was able to gain the support of the landlord’s wife, who stood up for her:

“যদি এই বউর গায়ে ও আবার হাত তোলে তাহলে আমরা মহিলারা কিন্তু এর অ্যাকশান নিমু”

(“If he beats his wife again, then we women will take action against him”.)

Some of the respondents’ justice-seeking journey within the community was initiated by her natal family members who participated actively. Even when family members initiate the community-level justice-seeking journey, the women would show courage to explain her experience of violence in front of the community shalish. Ayesha narrated the incident openly about her husbands’ and in-laws’ attempt to murder her and how she made her husband confess his family’s misdeeds in the shalish.

“আমার হাত বাধসে, ওড়না দিয়ে আমার মুখ বাধসে। পা বাধসে রশি দিয়ে। ছুড়ি আছে না, ছুড়ি দিয়ে আমাকে জবাই করতে নিসে। বটি দিয়ে পেট ধরসে, আমি তো ভাবসিলাম আমার জীবন মনে হয় এখানেই শেষ।”

(“They tied my hands, they tied my mouth with a scarf, they tied my legs with a rope. They tried to slaughter me with a knife. I thought my life was about to end.”)

—Ayesha

In some cases, it was difficult to say who had taken the first step in seeking help from the community—respondents or her family members or the community members themselves. The social relations and proximity of living in the rural areas make it easier for the community members/neighbours to get involved in the disputes and be part of the shalish. In the case of Amena, when she was beaten badly by her husband and in-laws, neighbours rescued her and called for a shalish by bringing respected community members. So the immediate help came from the neighbours themselves.

Same community members could be approached by both respondents' family and the respondent's husband's family to mediate the dispute. An acquaintance of Rupa's family, *Matobbar* (village head), Rupa's neighbour, was approached by both families to play a mediating role in resolving the disputes.

4.4.3. Actors' Roles at the Community Level

Some community members appeared as the first point of contact, and later more actors got involved as the violence escalated. Community members performed different roles: (i) "*Shalishkar*" where actors directly involved in or initiated the shalish; (ii) "facilitator" showing the pathways of seeking justice, i.e., who to go for justice or how; (iii) encouraging respondents to leave the abusive husband/in-laws; (iv) putting peer pressure on husband or husband's family members; (v) "mediator" for both respondents and husband's family; and (vi) facilitating approaching services, such as the hospital or the police. None of the women in our case studies managed to resolve their disputes and achieve redress from perpetrators at this level.

The role as "facilitator"—sharing information and showing the right pathways—for seeking justice was a common one performed by several community actors. Respondents confirmed that they were given the information on available services and accompanied them all through, and supported them whenever needed. We have seen facilitating roles of community animators of RDRS (in the case of Rina, Fatema, and Beauty), neighbours (Meena's case), village police (Fatema's case), and *Matobbar* (Rupa's matter). In a few instances, community members accompanied the respondent and her family to the police station. Apart from providing guidance, the community actors encouraged the women to seek justice. Rupa's landlord suggested her to leave her abusive husband. In Afroza's case, community members suggested fighting back and establishing her authority by entering in-laws' house forcefully, from where her husband and mother-in-law turned her out. Community actors were seen putting pressure on perpetrators or perpetrator's family members to stop the violence.

Community members arranged community or traditional shalish in several of the case studies. Traditional shalish in the community was seen as a platform for resolving immediate physical violence or addressing the reasons for disputes. It also provided respondents with a scope of negotiation with perpetrators and their families in disputes over land, dowry, *Mahr*, or child maintenance. For instance, while negotiating with Ayesha's husband and in-laws on the amount of dower money, the community actors used the threat of police and legal complaint to get things done. The strategy worked, and in-laws agreed to pay the dower money, including returning the furniture and utensils given during the marriage as wedding gifts.

The shalish also gave community members a platform for performing a mediator role between respondent and perpetrators family. For instance, the RDRS RJ Facilitator tried to resolve matters by requesting the respondent's in-laws to be patient since the respondent is very young and inexperienced in maintaining the household. On the other hand, she suggested to Beauty that she respect her in-laws and asked her to consider the physical constraints of her husband as a point for reconciliation—this attempt to make peace settled the dispute in this particular case of Beauty. Community actors also advised women to tolerate the violence and sent them back to abusive husbands. Such practices are evidently not in the best interest of the women, as it puts them at risk of

physical and mental harm in abusive situations and does not allow them to voice any alternative views on what they would like for themselves.

4.4.4. Community Actor's Norms and Expectations About Marriage

The community actors tended to see the continuation of marriage as one of the most desirable solutions, especially if there were children. Therefore, recommendations from the community or traditional shalish were primarily aimed at maintaining the marital life. Even when the respondents are in an abusive relationship, they were asked to give it another try. Breakdown of marriage was seen negatively: “Breaking of a marriage is not good.” While violence by the husband is considered acceptable, the idea of in-laws being physically abusive towards the women was not:

“তোমার বউ তুমি শাসন করো। তুমি একটা খপ্পড় না পাঁচটা খপ্পড় দাও। এটা তোমার বউ, এখানে তো বাহিরের কারো সালিশি লাগেনা কিন্তু তোমার মা যে গায়ে হাত দিচ্ছে, এটাকি বিষয়টা কি ভালো দেখায়।”

(“Husband can slap his wife. He has the right. But mothers-in-law are not allowed to so.”)

4.4.5. Satisfaction/Dissatisfaction

The respondents and their family members generally appreciated the services received from the community actors. However, there were cases where respondents and their families blamed the respective community actors, who happened to be their first contact point in the community. Mita accused community leaders of collaborating with perpetrators and helping them. In another case, the respondents and her family members were disappointed due to the actor's inability to resolve the disputes and reach a desirable settlement in disputes over demand of dower money and the maintenance of the children. Disappointment at the community level led the respondents and their family either to look for an alternative “mediator (Shalishkar)” or approach the next higher level—UP members. For example, being disappointed by the role of community actors, Afroza's mother decided to contact the UP chairman with the hope of getting justice.

Community actors were also disappointed by the behaviour of the respondent or her family. Respondents' sudden decision to change Shalishkar or not agreeing to use the venue for shalish were reasons for disappointment. In Afroza's case, the community mediator wanted to resolve the disputes at his place by arranging a shalish with the help of the police, which the respondent's mother refused:

“আমার কাছে একটু কষ্ট লাগছে। মানে কষ্ট লাগছে এইটাই, আমি যারে এত আপন করে নিলাম, সে আমারে বিশ্বাস করেনা, আমি কি কইরা এই কাজটার মধ্যে যাই?”

(“I was hurt. I did so much for them, but they could not trust me. How could I get involved in this Shalish?”)

—Ontu Mia

4.4.6. COVID Impact

Analysis of the case studies revealed that reaching out to community actors by the women subjected to violence and the justice journey at the community level were not impacted by the lockdown restrictions due to COVID. This is because restrictions were not enforced strictly at the village level and people could meet and go out. We

have observed community actors' active role in mobilizing support for respondents, arranging shalish/meetings or performing the role as negotiators without any hindrance under both strict and partial lockdowns.

4.4.7. Summary

The discussion in this section covered the justice-seeking journeys at the community level of women experiencing domestic violence. It revealed that DV survivors usually preferred to approach the people they know best for help. It is people in their community that they prefer to go to first after their respective families for advice or suggestions on how to resolve the domestic disputes. They are often accompanied by their family members in their attempts to seek help from the community. However, in a few cases, the agency of women survivors was visible in approaching and bringing community members on their side. Women were strategizing by approaching different community actors and keeping multiple options open for resolving the dispute. The selection of the community actors to approach was often done selectively and influenced by the societal status of the respective actors. While performing their roles in the community shalish, social norms and community members' expectations in marriage got the utmost importance in the decision-making process. Often DV survivors were expected or suggested to tolerate the abusive husband or in-laws for their children's better future, or to behave properly so that in-laws would not find any fault. However, the research found a few exceptions when community actors advised survivors to leave abusive marriages or seek legal remedies. In general, the women in the case studies were satisfied with the support or services they received from community actors regardless of the outcome of their intervention. No impact of the COVID lockdown on DV survivors' justice-seeking journey within the community was found, as mobility of survivors or community actors was not restricted within the community even during the strict lockdown between March and May.

4.5. Justice Journey at the UP Level

4.5.1. Introduction: What Happens at the UP Level

The involvement of the public representatives at the UP level was a crucial stage in our respondents' justice journeys at the community level. Although some of the case study respondents were from peri-urban areas, all the cases were of involvement of UP representatives. When respondents failed in resolving disputes through their families or other extended support systems in the community, reaching out to this influential group seemed to be the next best alternative. The UP representatives were either involved in traditional shalishes of the community or in NGO-led shalishes, and had a significant role in facilitating mediation. They conducted multiple shalishes for the respondents.

4.5.2. Role/Agency of Respondent and Coping Strategy

Respondents along with their family members (in most cases, mothers, fathers, or both) approached UP Members when family mediations failed. Both mothers and fathers played active roles in taking their daughters to the UP representatives. Our respondents—Afroza, Komola, and Ayesha—went to seek help from the UP along with their mothers. In the case of Afroza, her mother approached the husband of a UP Member, who was also a politically influential person, as well as her distant relative, to have access to the UP Chairman. In the case of Ayesha, her mother went to two UP Chairs, one from her village and the other from Ayesha's in-law's village, in an attempt to seek justice. Rina's father approached the UP Chairman first to conduct a shalish, both for her marital disputes, as well as his land-related disputes with her in-laws. In the case of Meena, her father approached the UP Chairman when she was poisoned by her in-laws. Meanwhile, Fatema approached the RDRS community animator first to ease her access to the UP Chairman.

4.5.3. Actors and Roles at the UP Level

The UP representatives conducted traditional shalishes in the communities. These included the UP Chairman, Members, as well as *gram police* (village police). The traditional shalishes did not follow formal guidelines and had certain common characteristics. Firstly, these were mediums of reaching crucial decisions about the survivors' marital lives. One of the common decisions reached in these was whether respondents were to stay in their parents' house or go back to their in-laws'. Afroza, Fatema, Komola, Ayesha, Beauty, and Reshma reported that in the shalishes, it was decided that they would go back to their husbands' homes and continue their marriages. These decisions, however, were not sustainable and ultimately the respondents were required to seek legal help.

Secondly, this created scope for negotiations between families in dispute. This was particularly seen in Rina's case, where her father asked the UP Chairman to call a shalish to solve the land disputes between the two families, as well as his daughter's marital disputes. In the shalish, it was decided that Rina's husband will take her back, withdrawing the divorce papers, and both the families were asked to solve things between themselves. Sometimes negotiations were done after filing legal complaints. For instance, when Beauty made an application under the Dowry Prohibition Act to the DLAC, her in-laws wanted to resolve matters through a traditional shalish by the UP. This illustrates how the threat of a court case can be used to leverage more favourable resolutions/settlements. With the presence of UP Member and RDRS RJ facilitator, the dispute was resolved, and the application to DLAC was ultimately withdrawn.

Negotiations related to *mahr* money, dowry, and repayments of loans were common too. For instance, in Afroza's case, the shalish decided that her husband will repay all of his loans from the market and will stop putting pressure on her for dowry. Similarly, in Mita's case, the shalish decided that her husband would pay for her maintenance.

Thirdly, these acted as pressure mechanisms on perpetrators and their families. In Afroza's case, despite sending multiple notices, her husband and his family remained absent in the shalishes. The UP Chairman sent a strong threat to Afroza's in-laws about picking them up from their house. When that did not work either, he sent over the village police (gram police/VDP) to pick the family up from their house. In another case, when Mita's husband did not come to see his newborn son, the UP Member, along with a political leader, went to her husband's house and took him there forcibly to see his son. Sometimes the pressure was given over the phone, and UP representatives carried out backdoor negotiations for mediation. Komola reported that the UP Chairman had pressurized her husband over the phone to withdraw the search warrant he had had issued by the police as a revenge against her. He advised her husband to admit in front of the court that he loves his wife, will take her back, look after her, and have the search warrant withdrawn from the police. However, this did not work and neither did Komola withdraw her case.

In some of our case studies, UP Members provided information to our respondents and their families, referring them to other institutions that provide legal aid, for example, DLAC or the court. They facilitated these referrals when mediation through their shalishes had failed. For example, the UP Chairman asked Afroza to seek legal help when she went back to her parents' house for the third time for her mother-in-law's unchanged behaviour despite the shalishes' decisions. In Fatema's case, the UP Chairman asked her to go to DLAC when she received the divorce notice. In Beauty's case, the RDRS community animator sent her to the UP Secretary, who then provided her with the necessary information and sent her to DLAC. In Reshma's case, a UP Member referred her case to another UP Chairman. When her family went to her husband's UP to ask for a shalish, the member

referred the case to the UP Chairman of Reshma's area, on the grounds that Reshma's UP Chairman can take better responsibility for her. In the later stages of her justice journey, the UP Chairman asked her to file a legal case when all the shalishes failed.

UP members and chairmen were also active in NGO-led shalishes. NGO mediation and shalishes were generally held in offices of the NGOs, and UP representatives were present there whenever they were called. Our research found that NGO staff at the community level and UP members worked hand in hand. BRAC HRLS and RDRS staff maintained good relationships with the UPs, and accessing the UPs seemed convenient for these organizations, with the regular flow of communications over the phone. For instance, in Beauty's case, the RDRS RJ facilitator informed the UP member and asked him to be a part of the shalish. The mediation took place in the presence of the respondent's mother, the UP Member and the RJ facilitator. The organizations also worked in linking the respondents with their respective UPs. For instance, with the advice and help of the RDRS community animator, Fatema was able to approach the UP Ward Member and UP Chairman, when her husband sent her the divorce papers.

4.5.4. Views of Local Representatives About Their Role in Facilitating Access to Justice

The UP Chairs considered conducting shalish and resolving conflicts as an important part of their responsibilities. When they undertook shalishes, they considered themselves responsible for the families and the outcomes reached.

“আমি ওই পরিবারের একটা দায়িত্ব নিয়া গ্রামে সালিশ দিছি।”

(“I took the responsibility of that family and conducted the shalish.”)

—UP Chairman for Rina's case

Sometimes when they sent respondents back to their in-laws' house, they assured their families that if something happens afterwards, they would take care of it. This was seen in Ayesha's case when the Chairman assured her mother to take care of future disputes when he sent her back to her in-laws' place. They reported holding themselves accountable for the decisions that were given in the shalishes, and therefore closely monitored all the cases.

“আমার চেয়ারম্যান হিসেবে যেটা ভূমিকা, যে দুইটা পরিবারকে যাতে মামলা, মোকদ্দমা, হয়রানী, টাকা, পয়সা, বিভিন্ন যে গ্রামীণ টাউট বাটপার, সেখান থেকে উদ্ধার করে একটা সুন্দর পরিবেশ দিয়ে, সালিশ দিয়ে মোটামুটি একটা সমাধানের চেষ্টা করছি।”

(“As a chairman, it is my responsibility to assure that families do not go through cases and legal complexities and get harassed by “village crooks” who claim money; and bring them a solution through shalishes which has better environments.”)

—UP Chairman for Rina's case

In Meena's case, the UP Member asked her husband to stop beating her, and beat the UP Member instead whenever he felt like committing violence.

“বউরে অত্যাচারী না কইরা, সাজা শাস্তি না কইরা আমগোরে মারবা। ২ টা চর মারার হইলে, আমগোরে মারবা।”

(“Instead of beating and punishing your wife, beat us. If you need to give two slaps, slap us.”)

—UP member for Meena's case

UP Chairs in our interviews reported that complaints of domestic violence reached them first before going to the police or the court, as people take the costs behind seeking formal channels of justice into account. Besides, court processes are time-consuming, where complainants need to visit the court every month; whereas when they go to the chairman, he gives a date, calls both parties, and tries to resolve the issue.

4.5.5. Respondents' Expectations From UP Representatives

Most of our cases reflected that survivors opted to seek help from members of the UP before heading for courts. This was mainly because they felt approaching these influential persons would help them go back to their husband's homes. When Afroza approached the UP Chairman for help, her objective of seeking justice was to get access to her husband's home, because she considered that to be her rightful place. They also felt approaching them in the communities was easier compared to dealing with legal complexities. Social norms were also significant in choosing shalishes conducted by UP members. Respondents' mothers wanted to resolve cases in the UP Chairman's office in order to avoid matters going to court, because of the stigma associated with litigation and publicity. They felt court cases would affect their daughter's image and would minimize their chances of getting remarried in future.

Some of the case study survivors opted for traditional shalish conducted by UPs when they received divorce letters. These looked like their last-ditch efforts of saving their marriages. For instance, right after receiving her divorce letter, Fatema sought help from her UP Chairman (which is a provision of the Family Court Ordinance). At that point, her objective of seeking justice was solely saving her marriage. In Rina's case, her father decided to seek help from the UP Chairman when all forms of mediation had failed, including the court. Rina's husband had already sent her divorce papers, but she, along with her father, wanted to save the marriage at any cost. Since availing the formal system could not ensure mediation, they decided to seek the informal channel at the very last stage of the justice journey.

4.5.6. Local Government Representatives' Norms About Marriage

The interviews brought out that the UP representatives felt that one of their core objectives was to preserve marriages. Preserving families and maintaining the status quo is of utmost importance. This also implies that divorce is considered to be a wrong choice for women or men. The UP Chairman of Komola's village reported that divorce takes away women's respect in society, and that is why he always opts for mediation. Women going to the city for finding jobs in the garments after divorce is also viewed negatively.

“আমার অনেক বছরের অভিজ্ঞতা, একটা মেয়ে যদি হাজব্যান্ড হারা হয়, তারপর ওই মেয়ের কিন্তু লজ্জাটা থাকেনা, অনেক লজ্জা কমে যায়। তারপরও তালাকপ্রাপ্ত হওয়ার পরে, ইচ্ছে করলে অনেক কিছুই করতেই পারে। ইচ্ছে করলে ঢাকা যাইয়া গার্মেন্টসে চাকরি করে। ইচ্ছা করলে অন্য পেশায় জড়িয়ে যায়। প্রথম সংসার যখন ছাড়াছাড়ি হয় তার ভিতর থেকে লজ্জা এবং মানুষের বোধ ফিফটি পার্সেন্ট কমে যায়।”

“(In my many years of experience, I can tell that a woman loses her honour when she loses her husband. She can do anything after being divorced. She can even go to Dhaka and join garments, or even get involved in other professions. If a woman's first marriage breaks, then she loses her honour and humanity by fifty per cent.)”

—UP Chairman for Komola's case

The UP representatives interviewed felt that women filing court cases were looked upon negatively by society, and it was felt that such cases create a negative impression about a woman and affect her future chances of getting married. As a result, UPs were more inclined towards mediation, even if that required compromising on the amount of the *mahr* money and solving things at the community level.

“মামলা মোকদ্দমা দৌড়াদৌড়ি পারলে একটা মেয়ের বিয়ে সাদি দিবার গেলে, কিছু দোষ না থাকলেও, কিছু দোষ দিয়া দিব, মেয়ে মামলাবাজ, হ্যান ত্যান। ওইটা থেকে রেহাই পাওয়ার জন্য, ম্যাডাম, আমরা এই কাবিন থেকে 10 হাজার টাকা ছাড় দিয়া, নগদ টাকাটা বুঝিয়ে দেওয়া হয়েছে”

(“If a woman files a legal case, then it becomes challenging to get her remarried. Even if she does not have any faults, people label her as a “mamlabaaaj” [one who loves filing cases] and whatnot. In order to avoid these, we decided to negotiate the *mahr* money.”)

—UP Member for Mita’s case

The case studies showed that during the shalishes, UP Chairmen sometimes compelled respondents to ask for forgiveness from their in-laws in attempts of mediation. In response to the complaint about Afroza’s behaviour from her in-laws, the Chairman asked her to apologize and beg for their forgiveness in the shalish. Similarly, Beauty was asked to beg for forgiveness from her in-laws for her behaviour and asked to go back to her in-laws, whereas she wanted to end her marriage. The UP Chokidar also requested her in-laws to come to him if the respondent does anything wrong. In some cases, the respondents’ families were asked to apologize to their in-laws as well. This was seen in Komola’s case, where her mother was asked to apologize to her son-in-law for shouting at him whenever he physically assaulted Komola. The wife’s family has to concede to the husband’s family.

“জামাইয়ের কাছে উনাকে মার চাওয়াইয়া দিলাম। বাসায় পাঠালামা”

(“I asked her to beg for forgiveness from her son-in-law.”)

—UP Chairman for Komola’s case

There was also a stereotypical view of looking at domestic violence as an effect of disputes between mothers-in-law and respondents. Conflicts between mothers-in-law and daughters-in-law were blamed more compared to conflicts between the husband and wives. In most cases, mothers-in-law were held more responsible than their sons for causing violence.

UP Chairmen and Members felt that child marriage was a triggering factor for domestic violence. The UP Chairmen of Afroza, Komola, and Ayesha reported that the respondents faced domestic violence because of their young age at marriage. They stated that in their long years of work experience, most cases of child marriages resulted in domestic violence. According to the UP Chairman of Ayesha’s village, all the incidents related to child marriage have ended up in divorce.

“কোন টা টেকে নাই বাচ্চা হওয়ার পর টেকে নাই বাচ্চা হওয়ার আগে টেকে নাই টেকার কথা নাতো, তাদের যে বয়স যে ইয়া, স্বাভাবিক ভাবে তারা মানে আর তো অ্যাডজাস্ট করতে পারে নাই।”

(“The marriages did not last before or even after having children. These were not supposed to last either way, considering their age at marriage. It becomes hard for them to adjust.”)

— UP Chairman for Ayesha’s case

4.5.7. Satisfaction/Dissatisfaction of Respondent and Her Family With UP Members' Help or Interventions

Our interviews reflected both satisfaction and dissatisfaction of respondents in seeking help from the UP. For instance, Komola and her mother had high expectations from the UP Chairman, but they were ultimately unhappy with his role. The respondent thought the Chairman, being a man himself, was not able to understand her struggles. Her mother held the same opinion, and mentioned how community shalish systems and the shalishkars were all about money. This also highlights the fact that the majority of those carrying out shalish are still men.

“পর তো পরই। মেস্বার তো মেস্বারই। একটা মাইয়া একটা মাইয়ার মতোই আমরা দিমে। সালিশি তো সালিশিরা করে। সালিশিরা তো টাহা খায়। পোলাগো কথা পোলারাই কইবে। মাইয়ার কষ্ট মাইয়ারাই বোঝে। ব্যাডারা কি বোঝে? যেমন আমরা মাইয়ারা মাইয়ারা বোঝতে পারছি। পোলারা তো ওড়া বোঝে না।”

(“Strangers remain strangers. Members are Members. Shalishes are done by shalishkars. They even take money. Women understand women’s pain, which male shalishkars will never do.”)

—Komola’s mother

In the case of Ayesha, her mother went to the UP Chair twice but no notice was sent for mediation. She went there twice as he had promised to take care of future disputes during the first mediation. She was not happy with his overall contribution, as he did not live up to the assurance he had provided her.

“গেলাম কারন সে আগে একবার মেয়ে পাঠিয়েছে, তাকে আবার জানাই। কারন যে বলেছিল মেয়ে টা পাঠায় দেন, পরে কিছু হলে যানাবেন। তো চেয়ারম্যান দেখবে না? মেয়েটার সমস্যা হচ্ছে কিনা, মেয়েট ৯ মাস পরে আছে, একটা দায়িত্ব আছে না? তাই চেয়ারম্যানের কাছে গেছি।”

(“After sending her back to her in-laws, he assured me that he will take of my daughter’s situation if something happens. He was supposed to look after her, right? He had a responsibility after all.”)

—Ayesha’s mother

Some of our interviews also suggested that respondents were unhappy whenever UPs advised them to head for divorce. Mita seemed to be dissatisfied with the shalishes conducted by the UP, as those compelled her to leave her husband’s house and stay at her parents’ on the ground that her parents would provide the prenatal care she needed during pregnancy. According to the shalish, her husband was supposed to be in touch with her and provide for her during her pregnancy, but he did not. The UP Member had assured that this would be done, but he ultimately did not live up to his promises.

“কি করমু? কথা শোনে না বললে!” কথা যে শোনে না, এইডা আপনারা আগে জানেন না? তাইলে আপনারা আমরা আগে ফয়সালা করাইলেন ক্যা? “

(“‘What will I do? He doesn’t listen to me.’ Didn’t you know this before that he doesn’t listen to anyone? Why did you then ask me to reach a decision before?”)

—Mita

When the shalishes could not influence her husband to take her back, the UP Member suggested she agree to divorce, which made her upset as she wanted to continue her marriage. In Meena’s case, she, too, seemed to

be dissatisfied with the role of UP Members, as they proposed she get a divorce. They told her that her husband will not change and opting for a divorce was better. However, she found that solution unacceptable thinking about her child, who she thought would be fatherless if she divorced her husband.

4.5.8. COVID Impact

The research found that the Union Parishad functioned on a limited scale during COVID for dealing with violence-related complaints. The office premises remained open and they were mainly busy with relief distribution activities. Shalishes, however, continued with smaller groups of people. In Rangpur, the UP offices conducted shalishes with fewer people present. One of the UP Chairs reported following all necessary precautions when conducting shalishes.

“আগে যেমন আমরা বিচার করতাম গ্রামে বসে দেখা গেছে যে ৪০০/৫০০ লোকের সমাগম হতো কিন্তু কোভিড নাইন্টিন এর সময় দুই পক্ষের ২/৩/৪ জন, ৫ জন আমরা এভাবে বসে মিটমাট হইতাম, ঘরোয়া ভাবে যে ভাবে বসে মিটমাট, স্বাস্থ্যবিধি মেনে যেভাবে করা দরকার সেভাবে আমরা করেছি”

(Before there used to be 400–500 people in shalishes. But after COVID, 2–4 people from each family used to be present. We used to sit in people’s houses, and maintain health precautions whenever and wherever needed.”)

—UP Chairman for Rina’s case

In Mymensingh, people did not go to the UP office for resolving conflicts but UP Members went to people’s houses in the community to conduct shalishes. In Patuakhali, shalishes took place at UP Members’ houses, complainants’ houses, as well as in bazaars during the lockdown.

One of the UP Members reported dealing with more domestic violence or divorce cases during COVID. According to him, disputes arose because people had incurred losses in business during the lockdown.

“বলে যে, ব্যবসা বাণিজ্য, অর্থনৈতিকভাবে ক্ষতিগ্রস্ত হওয়ার কারণে, অনেক ধরনের ক্যাঁচাল হইছে”

(“For business and financial losses, there were many disputes and complexities.”)

—UP Chairman for Mita’s case

In terms of emergency violence cases, where women were thrown out of their houses, the UPs went beyond their official duties and assigned Gram Police to take care of situations when needed.

“আমরা কিছু অ্যা নিয়মতান্ত্রিকভাবেই নিসি যেটা অতি গুরুত্বপূর্ণ দেখা গেছে যদি বা অভিযোগ নেওয়া নিষেধ ছিল আমাদের। কিন্তু আমরা অভিযোগটি আমলে নিয়ে হয়তো চৌকিদার দফাদার সহো তাকে বাড়িতে পৌঁছে দেওয়ার যে রকম ব্যবস্থা করা দরকার সেটাই করেছি।”

(“We decided to send over Gram Police in emergency cases, though we were officially not allowed to take complaints. We helped women go back to their houses under the guard of our Gram Police.”)

—UP Chairman for Rina’s case

4.5.9. Summary

Justice seeking at the UP level was a common (and popular) stage of the respondents’ justice-seeking journey. Most of our respondents opted for seeking assistance from the UP representatives in hopes of mediation, when

family efforts had failed. For some, it was their last-ditch efforts of saving marriages. They went to the UP before going to the police or the courts, considering the costs associated with seeking formal channels of justice. Social norms were another major factor in choosing the UP over courts for the stigma associated with litigation and publicity. The UP Chairs considered conducting shalish and reaching solutions as an important part of their responsibilities. However, the way the UP justice mechanism functioned reflected a strong prevalence of social norms around marriages. Preserving families and maintaining the status quo was given utmost importance. Divorce was looked upon as a wrong choice, and in efforts of mediation, survivors were asked to beg for forgiveness from their in-laws during the shalises. The UP functioned on a limited scale during COVID for dealing with violence-related complaints, and the shalishes continued with small groups of people.

4.6. Justice Journey with NGO

4.6.1. Introduction

As the design of the research involved selecting cases of women who had faced domestic violence, through the three partner legal aid organizations/programs, it was not surprising that all of the cases had contacts with one of the three organizations which had assisted them in various ways. In this section, we will review how the respondents had contacted or approached the NGOs, their dealings with the NGOs, and how these were or were not affected by the COVID pandemic. Each of the three organizations has its own way of working which is reflected in the case studies and how they were assisted by the NGOs. The specific organizational ways of dealing with domestic violence are discussed in section four of the report.

4.6.2. Approaching the NGO

RDRS

In the case of RDRS, the women and their families had heard of or were told about the RJ facilitators and community animators through the federations at the community level. Access was, therefore, very easy. Except for one case where RDRS had been assisting Fatema from 2019, their involvement happened in the period when COVID restrictions were virtually fully lifted. In the case of Ayesha, a politically influential person in the community (Faruque) who had been trying to help her solve her family problems, referred her to the Community Animator Siddique because he had taken suggestions and advice on similar matters before. In the case of Amena, the Community Animator Siddique was a neighbour of Amena and her husband Rahim. Amena's father approached him for advice (after the strict lockdown). In the case of Beauty, there were repeated Shalishes and both the RJ Facilitator Moshir and the Community Animator Parvin played important role in the post-lockdown period. In the case of Fatema, in 2020, Parvin was able to advise her, take her to the UP chair, and also have a case filed through DLAO. As needed, Parvin consulted with RDRS staff for advice. This also happened post-strict lockdown.

HRLS

In the case of BRAC/HRLS, the respondents were referred to in different ways. Two of the respondents approached HRLS before the lockdown in March 2020 and two after the strict lockdown. In one case, it was HRLS itself who approached Rupa but in the other three cases, the family members took the respondents there. Meena was taken to HRLS by her father at the beginning of March, and HRLS attempts at mediation were delayed by the lockdown. Lipy went to BRAC/HRLS because her father had heard about it from his workplace (he worked as a guard in a community centre) and advised her to go there. This took place right after the strict lockdown was lifted. In the case of Rupa, it is only when the violence against her came in the news and police were taking action, the HRLS staff learned of the matter on her routine visit to the police station in October 2020 and then became involved in the case. Later, the police sent the details of the respondent's case over to BRAC

HRLS over email. Afroza lived very close to the BRAC office but had approached local leaders and UP chair before for a conflict resolution. It was only in February 2020 that they approached HRLS which then started the process of arbitration, but then got interrupted by the strict lockdown.

BLAST

The women who had approached BLAST in Patuakhali had come to know of it through various means and knew about its reputation for providing legal services for free to poor people. As the services expected from BLAST involved the use of the courts, the closure of the courts and the BLAST office during the COVID lockdown delayed access to BLAST for Reshma, Dilruba, and Komola.

In the case of Sadia, she had picked up a leaflet several years ago in a legal aid camp organized by BLAST and she approached BLAST for legal assistance in November 2019.

“একটা গোল কাগজে ব্লাস্ট লেখা আছে না? হেইটা এখন আমার ঘরে টাঙ্গানো আছে ওইখানে। মানে আমি যে রুমে ঘুমাইতাম, সেই রুমে কাগজ দিয়া সব জায়গায় ই কইরা রাখছিলাম। ওই যে sticker গুলো দেত, ওই sticker গুলো। তখন তো ছোট ছিলাম, ওইগুলো আইন্যা একসের ঘরে লাগাইয়া রাখছি।”

(“There was a round paper with BLAST written on it. It is still hanging in my room. I mean I used to paste papers on the wall where I used to sleep. Those stickers they used to distribute. I was young back then and I used to paste them all over my house.”)

—Sadia

Reshma had approached BLAST for assistance in October 2020 after she had heard of it through relatives. Her nephew who sells fish in Patuakhali near BLAST’s office suggested that she go there as they did not have the money to afford lawyers’ fees and BLAST had been able to help a cousin who had had similar problems.

“পোলা সম্পর্কে হয় আঝার নাতি। এইদিকে তো আপনারা নানা গরীব মানুষ। দাদা, আপনার পক্ষে তো সম্ভব না কেস চালানো, এই যাগায় গেলে সুবিধা পাবেন কেস চালানোর। এইটা করেন। তার মাধ্যমে আমরা গেসি।”

(“That boy is my father’s grandson. He said, ‘Since you are poor, it will be impossible for you to pursue the case, grandfather; you will get benefits to pursue the case from here [BLAST]. Do this.’ We went there through him.”)

—Reshma

Dilruba was referred to BLAST when her father took her to talk to a lawyer he is acquainted with. After hearing her story and being aware of her family’s financial situation, the lawyer took them to BLAST as soon as the office opened after the strict lockdown (August 2020). Before that, she had called the BLAST office during the lockdown and had been told to come back once the office opened.

Komola’s mother took her to BLAST in October 2020 after various attempts at conflict resolution at the community level and with UP members failed. Her mother knew about BLAST because of its popularity in the community, and knew that they provide legal aid to the poor and disadvantaged. She had previously sent people from her village to BLAST.

“অনেক মক্কেলরে চিনায় দিছি। গরীব যারা, টাকা-পয়সা নাই, মামলা চালাইতে পারে না তাদের চিনায় দিছি। আগে থেকেই নিয়ে দিছি”

(“I have referred many people from my village to BLAST lawyers, particularly those who are poor and disadvantaged and find it challenging to bear the costs of cases.”)

4.6.3. Actors and Roles at NGO Level

RDRS Cases

The RJ facilitators and community animators have the role of advising the respondents and their families as well as counselling the husband's and their families on how to resolve the situation. Depending on the nature and severity of the situation they provide information on the various options available and assist in seeking assistance from the local government representatives, lawyers, or DLAO. This is done at the local level without the women or their families having to come to the RDRS office. As RDRS does not have its in-house legal services, it referred cases to DLAO as needed. It also has a working relationship with the BLAST Rangpur Unit Office. However, RDRS does have the option of providing skills development training for clients and access to a shelter home (both of which were suggested for Rina and Fatema, although both refused).

In Ayesha's case, the RDRS Community Animator Siddique was able to advise Ayesha and her family where to go and what to do and the matter was resolved at the community level. In Amena's case, RDRS Community Animator Siddique was the neighbour of both the respondent as well as Rahim. He tried to advise both sides on how to solve the problems (post-strict lockdown period). When court cases were filed by both sides, RDRS assigned a panel lawyer to assist Amena's case. In Beauty's case, various mediations were conducted to resolve the conflicts of which two mediations were conducted by the RDRS RJ Facilitator Moshir who was the respondent's cousin and also lived in the same locality. Another attempt at mediation was done by the RDRS Community Animator Parvin at the request of Moshir. When she failed to resolve the issue, she suggested that Beauty approach DLAC for legal assistance where she lodged a complaint under the Dowry Prohibition Act. Parvin has been following up on Beauty's situation even after the case was withdrawn. In Fatema's case, after her husband gave her a divorce notice, Parvin the RDRS Community Animator got involved in her case and called a project officer from RDRS, Abdullah, to look further into her case. She first personally filed a case but later, with the advice of RDRS, she received DLA legal support.

HRLS Cases

The BRAC HRLS program has the advantage of having a large number of offices which are located at the upazila level, making access easier. In the four cases, the staff have had the role of advising the clients; linking them up with government services or facilitating access to agencies, such as the police; providing legal services, such as carrying out ADR and providing panel lawyers to those who require them. HRLS was able to facilitate Meena seek help from the police to bring back her child that her in-laws had separated from her. In the case of Lipy, HRLS tried to mediate between her and her husband for a reconciliation but when this failed and he sent a divorce notice, HRLS facilitated an ADR so that she received BDT 70,000 as dower money and it was also agreed that the father would pay maintenance costs for the child. In the case of Rupa, HRLS got involved after she had been physically assaulted by her in-laws, had gone to the police and had filed a case. After hearing about it from the police, the BRAC HRLS officer reached out to the respondent to offer legal help. They then assigned a panel lawyer and continued to follow up with the case proceedings. In the case of Afroza, BRAC filed a complaint about *Mahr* money and maintenance against Saiful and sent two notices for mediation. Then BRAC decided to send the third legal notice, but the process got delayed as courts were closed for COVID. After more conflicts and other

attempts at community-level mediation, the respondent and her mother went to Mymensingh to meet a BRAC panel lawyer in August 2020, with the help of the BRAC staff. They had learned that Saiful had remarried. Therefore, they filed a legal case for dower money and maintenance.

BLAST Cases

BLAST's role in the case studies was more limited to their office and court than the other two organizations, as the staff do not participate in community-level mediations or follow-up with the service agencies or police. The exception was their referrals to DLAC. In the case of Komola, when earlier shalishes did not work, the respondent decided to take legal action. BLAST filed a complaint against Jibon and sent two notices to him and his family for mediation, but they did not show up. As Jibon did not show up, a lawsuit was filed against him under the Dowry Prohibition Act 2018. After the violence continued and later Komola and her son were severely beaten by her in-laws, BLAST referred the case to DLAC where a case was filed under the Nari O Shishu Nirjaton Damon Ain, (Amendment in 2020). In the case of Dilruba, BLAST assigned her a panel lawyer who filed a case under the Dowry Prohibition Act, section 3. When the case was heard at Court the judge sent it for mediation to DLA Office. The BLAST panel lawyer assisted in the DLA Office mediation on 12 January 2021, and a settlement of BDT 55,000 was agreed upon and paid as dower money. In the case of Reshma, she went to the BLAST office in October 2020, and she said that she wanted to file a court case against her husband. After an attempt at mediation, the BLAST lawyer filed a case under the DVPP 2010 Act at the Senior Judicial Magistrate Court, since the violence is not related to dowry and in earlier shalishes/ADRs, he had promised he would not demand dowry.

Each of the three organizations has paralegals, which is a project-based position responsible to provide legal assistance to the poor and vulnerable justice seekers inside the court, as well as in the prison. Responsibilities of paralegal that directly link with DV survivors include: (a) providing legal assistance to DV survivors, and help them in filing the application in DLAC; (b) helping survivors in court premises to find out the specific courts of trials and different wings of courts; and (c) developing good relation with District Legal Aid Office and doing regular follow up about the status of referred cases by the respective organization. One of the case study respondents in Rangpur received support from a paralegal who helped her fill the DLAC application form and followed up with the DLAO office and panel lawyer.

The following incidence of Afroza shows the complex relations between NGO intervention, community involvement, police intervention, and the determined actions of the survivor to go back to her home and reclaim her marriage:

In May 2020 during Ramadan, fearing her husband might be remarrying, Afroza returned to her in-laws and was handed a divorce letter by her husband. She did not read the divorce letter, fearing that reading it would result in divorce. People from the neighbourhood came and shamed her for wanting to live with her in-laws, claiming it is *haram* to stay in the husband's house after getting divorced. Despite all the insults, she refused to leave and stayed over the night in her in-laws' where she was kept locked up in a different room than hers and was served food. In the meantime, she called up the UP Chair, her mother, a local journalist, and the HRLS officer. Upon their advice, she decided to stay. However, the respondent's mother became worried for her daughter's safety and begged the Member to help her to rescue the daughter. Both the Member and respondent's mother went to the police station and met the SI at 11 p.m.

As per the police officer's suggestion, they filed a written complaint, and did not intervene in the night. In the morning when the door was opened, Afroza announced she had no intentions of leaving. As a reaction to that, her father-in-law, alongside other in-law members became furious, and she was immediately thrown out of the house. Afroza's mother called the police and the police then came to rescue her. Upon the arrival of the police the father-in-law ran away and the mother-in-law refused to meet them.

The police stated that she had a right to stay in that house as the divorce was not final. The police further suggested that the respondent should not give up on the Mahr, which amounted to BDT 300,000, and not leave

the house without claiming the remaining Mahr money, which was BDT 280,000. However, despite the police's advice, the respondent's mother thought it was not safe to leave the respondent in her in-law's house alone, so she finally took her to Bhaluka.

4.6.4. COVID Impact

The case studies reveal that the mediation activities of the legal aid organizations on behalf of the respondents were affected by the COVID lockdown. In the case of Meena (HRLS), even though the second notice was sent to the respondent's husband on 25 March 2020 and a date for mediation was fixed, the mediation could not take place. The same happened with Afroza where BRAC filed a complaint about *Mahr* money and maintenance against Saiful and sent two notices for mediation, but he did not show up. Then BRAC decided to send the third legal notice in late March 2020, but the process got delayed as courts were closed for COVID.

Another aspect was how COVID affected ongoing court cases, delaying filing and hearings (discussed in greater detail in Section 5.7). Finally, another aspect of the difficulties created by the strict lockdown when the legal aid organizations' offices were closed is that those seeking advice could not visit these offices personally. BLAST mentioned that Dilruba had called BLAST office during the strict lockdown when they had given her some advice and asked her to come to the office when it opened. She then went back in August 2020.

4.7. Justice Journey at the State Level

4.7.1. Introduction

Different actors were involved in respondents' justice-seeking journeys at different phases. This section reviews how respondents approached various government agencies and the formal justice system for help, the roles of actors in responding to them, and how these were affected by the COVID. The actors included law enforcement agencies, health, DWA representatives, DLA offices, panel lawyers in court, and public prosecutors. The involvement of these actors in the respondent's justice-seeking journey took place at different times. However, the legal battle through DLAC or the court usually occurs at the last stage of the respondent's justice-seeking journey.

While following the respondents' justice-seeking journey within the state institutions, this section also covers the respondents' expectations from government service providers and prevailing norms of actors related to marriage/divorce/separation/children. This section discusses police, hospital (OCC), DWA, DLAO, and courts as possible service providers for survivors of domestic violence, where our respondents had also availed of services at some point of their justice-seeking journey.

4.7.2. Law Enforcement Agencies

Compared to other government institutions/agencies, the police seemed easier to reach and mobilize although at a cost, and five out of 12 cases had recourse to them (2.1, 7.1, 5.1, 8, 12). Except for one case in a remote area of Fulbaria, Mymensingh police activities did not seem affected by the COVID situation. The police seemed to go beyond their mandate in some cases, such as not wanting to take any case and advising both Amena and her husband to try mediation. This would amount to obstruction of justice as the police officer could 'recommend' that they consider mediation; but could not divert the process from formal recourse to justice to the informal.

In Meena's case, they were able to rescue her child and reunite her with him. In Afroza's case, the police tried to negotiate a settlement of the *Mahr* payment for a divorce; and in Rupa's case, the police took the necessary action to file a case (after first trying for mediation). However, in all the cases the respondents or their families had to go to them to ask them to get involved. The Police did not take up their cases as a matter of course. In Afroza's case, her mother had to persuade the police and incentivize them to take action. Nevertheless, once they did go, they were able to strongly defend her rights to stay in her home as the divorce was not final. The police further suggested that the respondent should not give up on the *Mahr*, which was BDT 300,000, and not leave the house without claiming the remaining *Mahr* money. In Meena's case, she had to take the help of the HRLS staff to approach the police so that they took her case and make sure that they went to her in-laws and helped her get her child. Even with HRLS facilitation, there were some expenditures.

The out-of-pocket expenditures related to the involvement of the police came out in three of the five case studies involving the police, and as Meena, Afroza, and Rupa mentioned, it was a matter of frustration for the respondents and their families. In the case of Rupa, although the police seemed prompt in dealing with her complaints, it is when she filed her case that her husband's family began to use money to influence the police. Rupa's family knew that the police would go to arrest her husband and then his family would hide him and make payments to the police.

While she was angry and frustrated that her husband could not be arrested; at the same time, she felt sorry that her husband was being harassed in this way and that they were having to spend so much money. One of the reasons for her wanting to withdraw the case was the money her father and brother were having to spend to advance the case. The community shalishkars and her husband appealed to them to resolve the matter as it was costing the husband and his family a lot of money to deal with the police and the court.

“সবাই মুক্তি হল। সবার ব্যস্ততা, আমার জন্য কে যাবে এত দৌড়াদৌড়ি কে করবে? দৌড়াদৌড়ি কে করতে চায়? আমিই এটা বাদ দিছি। থাক, এটা নিয়ে আর দৌড়াদৌড়ি দরকার নাই। কারন এত এত টাকা দাওয়ার পরে একটা আসামিও ধরতে পারে নাই। এদতিন হয়ে গেছে। আর যতদিন যাবে, ততই নরম হবে। পরে আমি তাকে বুঝাইছি। বড় ভাইকে বুঝাইছি”

(“Everyone is free now [that I have withdrawn the case]. Everyone's busy, who will run around for me? Who wants to go here and there? I decided to withdraw the case. Let it be, there is no need to run around with it. Because after paying so much money, not a single accused could be caught. It's been so long. And the longer it goes, the weaker it will be. Later I explained to him. Explained to my older brother.”)

—Rupa

It is only in Meena's case that we can see that the police's movement and response were affected by the COVID lockdown, as both Meena and the HRLS officer had to contact the police repeatedly so that they responded to her appeal, took her case, and sent police to her in-laws' home (which is in a slightly remote location and distant from the police station).

When Meena was thrown out of her house and separated from her child in February 2020, she sought the assistance of BRAC HRLS. They sent several notices but her husband did not respond. Finally, when nothing else worked, the HRLS officer sought assistance from police over the phone in April 2020. However, the police station was locked from outside due to COVID and they were not taking any case unless it was an emergency. Finally, the sub-inspector came down physically and took the complaint only after the HRLS officer introduced himself as a BRAC staff. The sub-inspector took a general diary against the respondent's husband. The respondent mentioned that they had to provide the police with some costs for the police to take action. Eventually, police went and talked to the

respondent's husband. Being scared of the police, her husband came to take her back from her father's house the next day.

Although Sadia's attempt to seek help from the police also took place during the lockdown period, it did not seem to be affected by the pandemic situation. She called 109 (the helpline number) but was told to go to the police station, which she did.

Sadia had called up 109 and later went to the police when she was physically assaulted by her husband after she was accused of having stolen money from her husband (during the lockdown period). After getting beaten, she called on the national helpline number 109 and the operators suggested she go to the police station. Then she went to the police station (as the lockdown was not strictly enforced) and called her father to meet her there. She insisted that the SI (*Daroga*) resolve the matter before she goes back to her in-laws', fearing she might get beaten again for her attempts to take shelter from police. The inspector already knew her father (who is a gram police). After that, both her father and the SI went to her in-laws' and mediated the dispute. Her in-laws still insisted that she was responsible for the theft. She was beaten again two days after the inspector and her father mediated the dispute.

However, Sadia's case study brings out the negative consequences of involving the police. In Sadia's case, she made a complaint to the police and her father and the police came and tried to resolve matters; but after the police and her father left, she was beaten up again for having dared to involve the police.

4.7.3. Health

Out of the 12 case studies, half have had recourse to the government health services at one time or another (two of them before 2020). Only in one case did the respondent not choose to stay in the hospital because of the COVID situation.

Komola and her child were badly injured after her husband and his relatives beat them up while demanding dowry (the child's collar bone was broken). However, she did not get admitted, to hospital fearing COVID infection and how that might be harmful to her baby. The respondent's mother also thought it was best if they did not get admitted.

“হের লগে বাচ্চাডা আছিল। ওই মরলে তো কোনো ই নাই; বাচ্চাডা মরলে, বাচ্চাডার তো একটা ভবিষ্যৎ আছে। এরলাইগা আমি ভর্তি করি নাই। ওষুধ লেইখা দিছে”

(“She has the child with her. There is no such if she [her daughter] dies. But the child has a future [will inherit his father's property]. That is why I did not admit them. They prescribed us medicine.”)

Amena, Rupa, and Komola were all admitted to the hospital in the post-lockdown period, and given medical certificates by the hospitals. Although Amena did not want to mention to the hospital authorities how she got her injuries, she was still given the certificate. Rupa and Komola were urged to file cases by the hospital authorities who also said that they would assist during the case. In Komola's case, the hospital authorities advised them that this was a criminal offence, and advised the respondent and her mother to file a court case.

They also prescribed medicine for both the respondent and the baby who had a broken collar bone, and assured them to provide all the medical documents that were necessary to file the case.

“চাচী এই ওষুধগুলো খাওয়ান আর পুলিশ কেইস হইবে। আর সুস্থ হইলে যদি মামলা দেন,আমরা রেকর্ড কইরা দিয়া দিবো। কোর্টে দিয়া দিমু নে”

(“Aunt, give them this medicine. This will be a police case. If when they get better and you want to file a case, we will give you a medical certificate.”)

4.7.4. DWA

DWA was not accessed by any of the case study respondents. We, however, interviewed the District DWA Officers in the three districts covered and the discussion in this section is based on that.

As the DWA has limited staff and capacity, it seeks to collaborate with legal aid NGOs (specifically the ones we researched) and other organizations. The Barishal DWA officer mentioned that the cases they could not deal with were referred to BLAST or DLAC. They preferred BLAST because it is able to cover the travel costs of the complainant. The Rangpur office also mentioned their close collaboration with RDRS.

The DWA offices work closely with the local administration and the police. The local administration will refer to them cases of violence against women, including domestic violence and child marriage, to take action or provide advice. If they have to try and prevent cases of child marriage, they mentioned that they will also take recourse to local administration and locally elected representatives.

During the COVID lockdown period, the office premises were closed from 27 March to 27 April. The Mymensingh DWA office presented the number of VAW and child marriage complaints they received during the strict COVID lockdown phase of 20 March–30 May 2020. They received a total of 150 complaints of VAW, stopped 81 child marriages, and conducted 35 *nispatti* (settlements). However, the number of complaints received increased from the period of August to September 2020 (when lockdown restrictions were lifted). This might indicate pent up demand.

The DWA staff felt that the VAW hotlines had been very effective in recent times, particularly during COVID, as it actively received significant numbers of phone calls. Strict measures have also been taken by the government in cases of child marriage. However, the most effective hotline during COVID was the National Emergency Hotline 999 in terms of preventing child marriage. This hotline can take direct and immediate action against any forms of complaints. The respondent particularly mentioned that in recent times, police have become more cooperative to work with in cases of VAW.

The Rangpur DWA office also mentioned that most of the complaints they received during the COVID lockdown were over the phone through their hotline number 109 and some came as texts from journalists and the District Administration. The 109 service had the DWA staff's phone numbers. Also at the upazila level, citizens are provided with the UNO and the police phone numbers. When they called there for a DV or child marriage complaint, the police or UNO would give the number of the DWA officer to deal with the problem.

Both Rangpur and Mymensingh DWA offices mentioned that during the early COVID period, initiatives were taken, like keeping regular contacts with the Nari Nirjaton Protirodh Union Committees and conducting regular update zoom meetings. Counselling was done over the phone to different unions on how to deal with VAW cases.

The Patuakhali DWA stated that child marriages did not seem to increase during the lockdown but incidences of DV did. One of the reasons the DWA Officer mentioned was that the domestic migrants returned to Patuakhali and being together in a time of livelihood crisis led to conflicts.

The general constraints and challenges mentioned by the DWA officers in dealing with VAW included the following (not limited to the COVID period):

- DWA Officers do not have magistracy power and therefore cannot exert much pressure on the accused, as their authority is restricted. For example, they can only have the parties involved in a child marriage sign a deed or *muchleka*. However, this is also not their role.
- DWA officials conduct enquiries in domestic violence cases and dowry cases (as instructed by the courts) which they present before the court.
- Other constraints include a lack of human resources in the DWA offices and also dedicated transport to be able to respond to complaints of DV and/or child marriage.

4.7.5. DLAC

DLA Office receives cases directly from clients or through referrals by different legal aid organizations. BRAC/HRLS and BLAST have informal understanding and commitment with DLAC. Each of this organization referred a significant number of cases yearly (in between 2,000 and 3,000 cases) to the DLA Offices in their areas of operation. The research found that RDRS, BRAC, and BLAST maintained a good working relationship and partnership with DLAC with cases being referred to each other. BRAC/HRLS is developing an MOU with NLASO for formalizing the partnership. BLAST also has an understanding with NLASO and relevant DLACs, as does RDRS. In addition, DLA officers often seek advice from BLAST and BRAC while dealing with complicated cases because of their good working relations.

Clients reached DLA Office either directly or through referrals from legal aid organizations. As this research was conducted with the help of three partner organizations, all cases DLAC handled were referred to them. Among the 12 case studies, a total of six cases were referred to DLAC from the three partner organizations.

The respondents were usually referred to the DLA Office, as it provides legal assistance and guidance to poor and marginalized women coming with VAW/DV complaints, as well as financial support to cover the lawyers' costs. The client's financial condition is one of the determining factors for legal aid organizations to forward the case of DV. Some of those cases were forwarded to DLAC following several failed attempts of resolving the dispute through NGO-led ADR.

DLA Officers reported that they seek the views of complainants whether they wish to undertake mediation or go for litigation. The agency of respondents seemed to be more apparent during their attempt of seeking legal remedies. For example, Komola, in spite of facing threats of physical and psychological harm to withdrawing the complaints, refused to withdraw the case or compromise.

DLA Office provides litigation support and mediation services through ADR to victims of DV. The legal aid officer decides on the preferred way of addressing the case in consultation with respondents and their expected outcomes and considering the type of offences—compoundable or non-compoundable case. In this research, we had cases in both categories.

In non-compoundable instances, as the nature of the offence is so grave and criminal that it causes severe physical injury, the legal aid office advises the client to go for legal remedies. If the clients want the same

thing, the application is then sent to the district legal aid committee for approval. Upon approval, the legal aid office appoints a lawyer from amongst the enlisted panel lawyers to lead the case.

DLAC also resolves disputes through ADR in the case of compoundable offences. This happens especially when a domestic violence victim wishes to resolve the matter outside of court and wants to resume her marriage, the legal aid office arranges ADR to give both sides a chance to settle the dispute. DLAC staff mentioned that complaints related to dowry demand, maintenance, Mahr, and children's custody are considered eligible for ADR. Among our case studies, Dilruba's case was forwarded to court by BLAST upon a failed attempt of NGO-led mediation in August 2020. Later, when the case was forwarded to court, the judge forwarded it to DLAC for ADR where it was resolved.

DLA Office-led mediation is usually conducted by the DLA Officer (Senior Assistant Judge). In the case of Dilruba, BLAST panel lawyer, who happened to be also DLAC's panel lawyer, was involved in the mediation process. In ADR, notice for mediation is first sent to perpetrators to sit together with the survivors. If the first notice does not work, then a second notice is sent, followed by a third if they do not respond to the second notice. In the face-to-face meeting, the legal aid officer listens to both parties and tries to find a middle ground to convince both parties to resolve the disputes and so that the client can resume her married life and return to her husband or agree to end the marriage through payment of *Mahr* or other allowances. Dilruba's case was resolved through a mediation facilitated by a BLAST panel lawyer. A divorce was agreed and her husband paid the dower money.

DLA Offices were closed during the first phase of COVID lockdown and no case was handled until August. NLASO had a national hotline number, which was centrally used during the lockdown. During the field visit, we saw a DLAC poster with a hotline number placed at the court premises. The district-level hotlines were active and used to provide psycho-social counselling and referral services to women who experienced domestic violence. However, none of our respondents in this study availed their services online.

4.7.6. Courts

As legal aid organizations, BRAC HRLS and BLAST facilitated court cases to ensure/facilitate disadvantaged women's access to justice. The formal complaints of Reshma, Afroza, and Rupa were submitted to courts by these two legal aid organizations. Respondents reached out to BRAC HRLS and BLAST for seeking help in most of the cases. Among these three cases, respondents showed courage in deciding to pursue legal remedies by refusing all sorts of inducements, i.e., threats or financial offer from the perpetrators. In Reshma's cases, the only case filed under the DVPP 2010 Act out of the six cases, was initiated by BLAST. Similarly, Rupa wanted her husband to be punished in front of the court, as her husband tricked her into compromise with the help of a local *Matobbar*. They had led her to believe she was withdrawing the case filed but in fact they had also wanted her to accept a divorce, which was done without the knowledge of HRLS which was handling her case.

However, in one or two cases, respondents were referred from government service providers to BRAC HRLS, BLAST, and court. For instance, Rupa filed a police complaint when her husband physically assaulted her and was admitted to the hospital. Police later forwarded the case to BRAC HRLS to take up the legal battle for Rupa in October 2020, after the strict lockdown. In the case of Amena, the police inspector advised them to file the case under Nari O Shishu Nirjatan Daman Ain, 2000 and the court rejected his bail and he was in prison for 25 days. This depicts a good working relationship between the police as state actors and legal aid NGOs.

Similarly, Fatema was able to directly approach a lawyer with the help of a village police, who happened to be a family friend. However, considering the cost involved in the court procedures, she requested RDRS for helping her access DLAC. Following the clients' request, RDRS volunteers and panel lawyers applied to DLAC for her.

For enquiries of cases related to domestic violence, the responsibility is sometimes given to the DWA, DSS, or sometimes to the headmistress of the nearby schools. Reshma's case was sent by the public prosecutor to the

neighbouring headmistress. The investigation process was delayed, when she tried to resolve the dispute by arranging a shalish. However, the attempt failed as Reshma and her father did not want to enter into a compromise and were adamant in seeking legal remedies.

Respondents had experienced several hurdles in accessing courts services. For instance, Rupa had to visit the courts several times to collect her marriage documents (when her husband was claiming that they were not legally married), and she eventually managed to collect the document by bribing the clerk for it. She felt helpless throughout the process, as she did not know anything about the court, which made her feel vulnerable. As there is no public information or maps in the courts to explain what is to be found where, her problems are understandable. In addition to such administrative hurdles, people, in general, are scared of court proceedings, this is partly because of the lengthy process with financial and social implications.

Nine of the 12 women had used various legal remedies to address their marital conflicts and domestic violence:

- Two women had filed cases under Muslim Family Law Ordinance for maintenance,
- Three had filed cases under Nari O Shishu Nirjaton Damon Ain,
- Five had filed cases under the Dowry Prohibition Act, 2018,
- Only one person had filed a case under the DVPP Act 2010,
- Two people had two simultaneous cases ongoing, and
- In addition to the case she had filed, Rina had a criminal case for theft filed against her.

Table 5: Legal Cases Filed by Case Study Women

Respondent	Types of cases				
	The Dowry Prohibition Act, 2018	Nari O Shishu Nirjaton Damon Ain (amended 2008)	The Domestic Violence (Prevention and Protection) Act, 2010	Muslin Family Law Ordinance, 1961	
Rina*		X			Ongoing
Beauty	X (withdrawn)				Case withdrawn
Fatema	X (withdrawn)			X for maintenance	Ongoing
Rupa		X			Case pending
Afroza				X for maintenance	Case pending
Komola	X	X			Two cases ongoing
Dilruba	X				Case settled
Reshma			X		Ongoing
Sadia	X (withdrawn)				Case withdrawn

4.7.7. State-Level Actors' Norms About Marriage

Some lawyers and prosecutors tend to see the continuation of marriage as one of the most desirable solutions. The panel lawyer in Sadia's case did not want to take the risk of filing another case in "Family Court," since a case under the Dowry Prohibition Act was already going on, and therefore, another legal pressure could lead to the break up of her marriage.

“মামলাটা চাওয়ার পরে যদি ওর সংসার টা ভেঙে যাওয়ার জন্য খুব বেশি দ্রুত এগিয়ে যায় সেটা তো আমার করা উচিত হবে না।”

(“Her marriage would not last if I filed the case, which I should not do,”)

—Sadia's panel lawyer

“আর একটা সংসার ভেঙ্গে দিব, আমার দ্বারা হয়না।”

(“I cannot break a marriage.”)

—Afshari Mohol, Panel Lawyer

The lawyer and the public prosecutor of the court were seen giving marriage a second chance considering the socioeconomic condition of the respondents. In Reshma's case, the headmistress was given the task of enquiry from the court. The process of her investigation was delayed because of her attempt to resolve the dispute

through mediation which she justified by saying that she was thinking about Reshma's two children and their future.

“যখনই ওই মেয়েটা বিয়ে দেবেন, তখন কিন্তু কথা আসবে যে, ওর মাকে তালাক দেওয়া হইছে। ওর মা কিন্তু তালাকপ্রাপ্ত।”

(“When you arrange a marriage for the girl, people will raise the issue of her mother’s divorce. [They will say] Her mother was a divorcee.”)

—Headmistress

4.7.8. Satisfaction/Dissatisfaction

The respondents and their family members generally appreciated the services they received from the state actors. However, in some instances, they have shown dissatisfaction with the court's procedures causing delays. They lacked knowledge about the legal practice and the documents required for a legal case to file, making them unhappy. Amena mentioned that she did not understand the court proceedings much:

“শুধু চোখ দিয়ে দেখে যাচ্ছে আর চোখ বন্ধ করে বাড়িতে গিয়ে ঘুমাচ্ছে, ওখানে কী হইলো কিছু জানেনা, কোনটা মামলা, কি মামলা, এতকিছু তার মাথায় নাই।”

(“I did not understand anything about court and its procedures, I just go there and return closing my eyes.”)

Also, respondents and family showed dissatisfaction when they failed to get expected compensation money from the DLA Office-led mediation (Dilruba).

In Rupa’s case, she felt helpless throughout the process as she did not know anything about the court proceedings. The community mediators persuaded her and her family to go to another lawyer outside BRAC HRLS who convinced her to sign an *aposhnama*; however, she was unaware that she would also have to sign the divorce paper.

“উকিলে, আমাকে আগে বলে নাই যে ডিভর্স দাওয়া লাগবে। বাড়িতে বলছে যে আপসনামায় সাইন দেন। ডিভর্সের কথায় কোর্টে তো আমি যাইতাম না।”

(“The lawyer did not explain to me before I signed the settlement document that I have to divorce.”)

Her family was told that they would be given a compensation of BDT 200,000 if they kept this secret from BRAC HRLS.

On the other hand, lawyers were also frustrated with the client's behaviour. They felt that the clients were impatient and did not understand that court proceedings are slow and it usually takes two to three years for a case to reach court and a long way to go to get justice. In between, court activities got further delayed when the opponents did not comply with the system i.e. not show up for court hearings. The client then gets impatient and withdraws or resolves the dispute through family or community shalish.

4.7.9. COVID impact

Analysis of the case studies revealed that reaching out to police and health services was not affected much by the COVID situation, except in a few instances. However, the respondents did face challenges in availing the court services due to the lockdown. Out of six court cases, the impact of COVID observed in three cases was straightforward, where access to services they were supposed to get was hampered and delayed. The lockdown

situation increased the uncertainty in the case of Reshma, Komola, and Fatema. The court proceedings were delayed in two instances—one during the first lockdown and the other two in the second phase of lockdown. While respondents were unhappy with the court closure, the perpetrators seemed happy with the delay and even taunted the respondents for not being able to do anything. In another case, the respondent decided to withdraw the case and agreed to a settlement and compromise with an abusive husband because of the uncertainty; thus, the respondent's justice-seeking journey was affected by the COVID restriction.

4.8. Impact of the Pandemic on Services and Key Trends in COVID

This section provides a summary of the impact of the pandemic on services provided for domestic violence survivors. It also provides an overview of the key trends of how the organizations adapted to the pandemic and handled cases accordingly.

4.8.1. UP Representatives

Our interviews found that the Union Parishad functioned on a limited scale during the first phase of lockdown (25 March–30 May) for dealing with domestic violence-related complaints. Though the UP representatives were busy with relief distribution activities, shalishes regarding domestic violence continued with small groups of people, where UP representatives were seen playing an active role in facilitating or mediating or resolving disputes. In many cases, people did not go to UP offices; instead, UP representatives went to people's houses to conduct shalishes. In emergency situations (survivor being thrown out of in-laws' house), the UP Chairs sent Gram Police to take care of the situation. The UP representatives continued to conduct shalishes in the community as well as in the office premises from partial lockdown onwards.

4.8.2. NGO Legal Aid Services

BLAST Patuakhali

BLAST office was closed during the first lockdown, but clients who had ongoing cases followed up on case proceedings and hearing dates over the phone. BLAST Patuakhali office could not receive new applications as courts were closed, but they received a significant number of phone calls regarding legal advice. BLAST Patuakhali did not arrange any virtual ADR during the strict and partial lockdown. The office premises opened during the partial lockdown and started facing an increase of formal complaints compared to the phase before the lockdown. According to the BLAST Patuakhali office, during these three months (June–August) around 70 new applications of DV were filed. During the second wave of COVID strict lockdown (starting from 14 April 2021), the BLAST Patuakhali office was closed, and premises were partially open for dealing with emergency issues and official business.

BRAC HRLS Mymensingh

HRLS Mymensingh office was closed during the first lockdown. It opened from June 2020 until the second strict lockdown from 14 May 2021; staff were also available over the phone and called clients to check up on them and build awareness on domestic violence. They also provided referral services and advice to the women experiencing violence at home.

HRLS Mymensingh office opened during the partial lockdown phase and has conducted a few telephone ADRs (through conference call) as well as socially distanced physical ADRs. With the opening of courts, BRAC HRLS experienced a surge of complaints and cases from September 2020 till 13 April 2021 (declaration of the second lockdown). HRLS Mymensingh resumed their office after 5 May 2021 but are conducting only the official routine work. Nonetheless, they are taking online applications and conducting telephone ADRs if necessary.

RDRS Rangpur

During the strict lockdown in 2020, RDRS Rangpur staff provided advice to women who needed help on the phone and put them in touch with UP representatives and Federation members. Federation members of RDRS participated in mediation at the community and UP levels during the strict lockdown and community animators were also available.

RDRS Rangpur resumed office in June and continued their community-level activities and facilitated a few ADRs through UP representatives and cases with the help of paralegal and panel lawyers from August onwards.

4.8.3. DLAO Office

DLAO offices in Rangpur, Mymensingh, and Patuakhali were closed during the first phase of lockdown. The district-level hotlines were active and used to provide psycho-social counselling and referral services upon receiving calls from women experiencing domestic violence. DLAO offices resumed their activities slowly after June and were fully operational after the opening up of the courts from August 2020. Limited numbers of socially distanced ADRs were arranged by the DLAO office during the partial opening. The online application process was open; however, since the court was closed until August, applications for court cases were not considered immediately. The Mymensingh DLAO office reported receiving a greater number of complaints when they opened their office which would seem to show that complaints piled up as the courts were closed.

4.8.4. Courts

During the lockdown, when the courts were closed, clients who had ongoing cases, followed up on case proceedings and hearing dates over the phone with the (panel) lawyers and NGO staff. Although some virtual courts were operating, these did not deal with cases of domestic violence as priority was given to bailable cases only. With the government's announcement of a second nationwide lockdown, the courts and office premises shut down from 14 April 2021 onwards. Respondents expressed concerns regarding delays in their case proceedings due to the closure of courts.

4.8.5. Police

Interviews showed that some of the case study women went to the police for help during the lockdown, and even different service providers were also seen referring severe cases of domestic violence to the police. Except for one case where police action was delayed due to the strict lockdown, in none of the remaining cases or interviews was there mention of police not being available due to the COVID situation.

Table 6 provides a summary of the COVID impact on DV-related service providers.

Table 6: Summary of COVID Impact on Service Providers

Service providers	COVID impact	Adjustments made to deal with COVID
GO/NGO	Staff COVID infections and deaths	
UP	Hardly affected; conducted shalish; intervened locally as necessary	Doing shalish with health precautions, meeting outside the office

Legal aid NGOs	<p>Offices closed till 30 May, ADRs and legal cases stopped during the strict lockdown.</p> <ul style="list-style-type: none"> ▪ BRAC conducted both virtual and physical ADR during the partial opening; ▪ Community animators of RDRS were active at the community level during the strict lockdown and were involved in shalishes; ▪ BLAST online radio shows, advice, training of paralegals, sim cards to staff, online (WhatsApp mediation), some offline—i.e., mobile clinics; 	Followed up with existing clients, provided referral services over the phone
Health and police	Open for business during the strict lockdown; access of clients constrained due to mobility restrictions and fear of infection; only severe cases availed services	
District Legal Aid Office	Offices closed till 30 May; hotline continued; not fully functional till courts opened fully	Online applications continued
Courts	Courts closed altogether from April to July 2020 and reopened from August 2020	Virtual courts only for bail hearings but not for family matters or DV

4.8.6. Summary

Apart from the police, UP representatives, and community members, responses of the service providers from 25 March to 30 May were limited to connecting survivors with UP representatives and police on the phone, following up with their existing clients over the phone, providing psycho-social counselling and advice; and building up their client's morale, as courts were closed and case proceedings got delayed. NGO staff suggested that although incidences of violence took place, fewer complaints came to them over the phone during this period of lockdown. A concern was raised about there being a gap between service providers and women experiencing domestic violence as none were able to reach out to one another. Limited services of service providers, as well as a lack of information from clients' side on how to reach service providers in lockdown are probable reasons for this.

4.9. Justice Journey Transitions and Escalation Points of Survivors

4.9.1. Introduction

Most of our interviews suggested that the cases followed similar patterns from the family to community levels. For most of the respondents, the first step of the justice journey included respondents opening up to their families. The next step was reaching out to the community when family mediations had failed. The third step, however, varied for different respondents, depending on their respective situations. When community mediations failed, respondents either opted for NGOs or for state-level institutions. Some of the respondent's justice journeys went back and forth from different levels which reflected their multiple attempts in reaching mediation. However, a few respondents followed different justice journeys. Instead of asking their families to mediate, they first went to the community for mediation and later on sought assistance from NGOs and state-level institutions. Overall, our respondents followed a multi-pronged and multi-dimensional journey of justice-seeking. Transitions to each stage were results of escalation points of the respondents, which pushed them further to take forward their justice journeys.

4.9.2. Seeking Help From Family

For most of our respondents, the journey for justice started at the family, as the first step in conflict resolution. Respondents sought help from their families when they faced dowry-related pressures. For instance, Fatema, Komola, Ayesha, and Afroza sought help from their families when they faced dowry pressures. In Rina's case, she sought help from the family when her husband remarried. Beauty, Meena, and Reshma resorted to their family when they were physically assaulted by their husbands and in-laws. However, Sadia and Mita's cases were an exception as their journey started at the community level, from where they were referred to seek support from their respective families.

Respondents decided to disclose their incidences of violence to their family members when they could no longer put up with violence related to dowry, physical assault, and sometimes polygamy. These acted as escalation points for respondents to seek help at the family level. However, the decision often came after a long process of putting up with the violence.

4.9.3. Seeking Help From Community

Most of our respondents' justice journeys had reached the community level after family mediations had failed. Once reaching the community level, the pathways varied for different cases. Communities played an important role which worked as a starting point, then they branch off to different services. When traditional shalishes failed, some decided to approach the NGOs, while others approached state-level institutions, like the court, DLAC, or hospitals. In some of the cases, the respondents chose to move from one UP Chair to another when they were dissatisfied with their efforts. Sometimes community actors and NGOs facilitated access to state services. Out of our 12 respondents, four went to the NGOs, two went to the police, two went to the hospital, and one went to DLAC from the community. One of the respondent's case got resolved in the community, and two of the respondents started their journey at the community and then went to the family.

Our interviews found that respondents sought help from the community when violence escalated and it was necessary to move beyond the family sphere. Our respondents Fatema, Komola, Afroza, Meena, Beauty, Ayesha, Rupa, Dilruba, and Reshma, and their families decided to reach out to the communities when they could not negotiate with the in-laws to resist violence. In some cases like Rina's, it was seen that community members got involved by themselves when the respondent needed to be rescued from being beaten. There were a number of escalation points that determined respondents to seek help from the community. These included being physically assaulted during pregnancy, being thrown out of their husbands' houses, facing increased dowry pressures, being denied maintenance, and in severe cases, being almost murdered by in-laws.

4.9.4. Seeking Help From NGOs/Legal Aid NGOs

Some of the respondents reported seeking help from the NGO level after community and traditional shalishes had failed in resolving conflicts (e.g., violence was not stopped). This implied for Dilruba, Komola, Afroza, and Beauty, who went to seek support from NGOs when their attempts of mediation through traditional shalishes failed. Dilruba and Komola went to BLAST, Afroza went to BRAC HRLS, and Beauty went to the RDRS Community Animators. NGOs then referred the respondents to state institutions as necessary or tried to conduct ADRs themselves. In some of the cases, the NGO ADRs were delayed due to the COVID situation, as were the court processes.

In interviews, our respondents reported that they sought help from NGOs when they needed advice and decided to pursue a different form of mediation approach. In many cases, the escalation points emerged at the family level, and continued through the later levels of the justice journey. The respondents' decision to go from community to NGOs happened when they were unsatisfied with the outcome of traditional shalishes. However,

Dilruba's case was exceptional, as her father pressured her to file a legal case against her husband when he (Dilruba's father) was verbally abused by him. The respondents' transition from the community to the NGO level is often complicated as they like to keep all available community options open while seeking justice through NGOs. In many cases, they were seen seeking justice simultaneously from multiple actors, from both the community and NGO level.

4.9.5. Seeking Help From State Institutions

Respondents had approached different state-level institutions, such as police, hospital, and DLAC after their journey with the NGOs and communities. In most of these cases, the respondents were referred to these institutions by people from the community, or by the NGOs. In some of the cases, transition to the court or those who initiated the court proceedings were delayed for COVID. Reaching the state-level institutions for help was seen to be an advanced stage in the justice-seeking process, as most of the survivors had approached these institutions after trying to resolve matters at the family, community, and NGO levels. For some of the respondents, the state level was the final stage of the justice-seeking process. Reaching out to the police was the first step of entering the state-level institutions in the justice journey for some of the respondents. This included Afroza, Sadia, Meena, and Rupa. For the respondents Fatema, Dilruba and Beauty, DLAC was the first state-level institution in their justice journey, where they went to file formal complaints against their husbands and in-laws. Some of the respondents also reported reaching out to hospitals as their first transitions to the state level. This included Rina and Reshma, who were taken to the hospital after being severely beaten by their in-laws. Komola's first state-level institution was the court.

Experiences, like getting severely beaten and watching children being beaten too, bearing the children's expenses and responsibilities alone, being locked up in a room and later thrown out of the house by in-laws, and being accused of theft, acted as escalation points for respondents to take their justice journeys forward at the state level. Our escalation points highlight the need to ensure opportunities to seek justice earlier. This is because violence is violence, not only when it is extreme.

4.9.6. Complex Trajectories

Our research found that some of the respondents' justice journeys did not follow similar trajectories. Throughout their journeys, they were seen going back and forth to different levels. For instance, respondents were seen reaching out to their family members in different stages of their justice journeys. Beauty and Meena went to the family for redress three times, whereas Sadia went two times. Even in terms of approaching the state-level institutions, most of the respondents had availed these in two stages. Some of them first thought of reaching out to the police, and then going to the court or DLAC. Some were seen going to the hospitals, collecting medical certificates, and then filing complaints at the court. Some were also seen going to court several times, where they had filed a case at first and later withdrawn in attempts of mediation; but when these efforts failed, they went back to filing cases again.

The community remained the most visited space of the justice journeys. Most of the respondents made attempts to return to the community at the last stage of their justice journeys, despite availing formal channels of justice. These were rather last attempts of mediation, where they wanted to give one last shot to their marital lives. Both Rina and Fatema decided to approach the traditional shalish again when they received divorce letters from their husbands at the last stage of their justice journeys. Similarly, Mita, Komola, and Meena returned to the community twice and Beauty went to the community thrice in attempts of mediation. In Sadia's case, she withdrew one case, filed another, tried community-level mediation—in which process we can trace the influence of COVID disruption.

All these trajectories suggest that the justice journey is a long process, and survivors often struggle to make decisions while going through it. It also illustrates a complex process of the justice journey of the survivors of domestic violence.

Figure 3: Sample of a Justice Journey and Its Transitions

family→community (failed attempts)→NGO (BLAST) →state (court) →community
(failed attempt)→state (hospital, DLAO)

4.10. Expectations of Justice and Satisfaction Versus Dissatisfaction With Overall Outcomes

4.10.1. Expectations of Justice

This section discusses both respondents' and their family members' expectations of justice which led them to undertake a justice-seeking journey. Their perceptions and expectations of justice as well as their understanding of their rights were influenced by social and cultural norms, including expectations of marriage, divorce, guardianship and upbringing of children, their circumstances, and financial constraints.

The two most important demands of the respondents were to end the violence they are facing from their husbands and in-laws and continue their marriage. Respondents and their families tend to see the continuation of marriage as one of the most desirable solutions, especially if there are children, a perception that may be influenced by the lack of options outside of this. Even when the respondents were in abusive relationships, they were willing to give another chance to the marriage. Breakdown of marriage was seen as bad—a failure, a misfortune, and something to be avoided at almost all costs.

“আশা কি, আমার দু-দুইটা সন্তান, আমি চাই আমি সুখ শান্তি মত যেন থাকতে পারি। আমি তো আর চাব না আমি স্বামী ঘর থেকে বের হইয়ে যাই। আমি চাই আমার স্বামী মারধর অত্যাচার ভবিষ্যতে না করতে পারে।”

(“What do I hope for? I have two children, I wish I could live happily ever after. I wouldn't want to leave my husband's house. I wish my husband did not beat and torture in the future.”)

—Reshma

“মেয়ে হয়ে জন্ম নিসি, ঝড়-ঝাপটা যা সব মেয়ে দেব কপালে। তো এভাবে সংসার ভেঙে যাবে, এটা কখনো ভাবিনি।”

(“I was born as a woman. Women are destined to have storms and disasters in their lives. I never expected that my family would break like this.”)

—Afroza

Similarly, family members wanted to see their daughters live with their husbands in harmony and to be able to do so would be considered as achieving justice. Beauty said, “My brother said that I was fated to deal with this marriage, and I would have to stay.”

Other respondents perceived justice as ensuring that their husbands fulfilled their responsibilities, which included bearing of their children's expenses, providing them food, shelter, clothes and taking care of them. They

approached different actors, starting from community to court, with the objective that they would help fulfil these basic demands of food, shelter, clothes, for themselves and their children.

“টাকা লাগবে না; আপনে ভালোই-ভালোই আমারে নেন; টাকার দরকার নাই আমি টাকা দিয়া কী করুম। আপনে বাচ্চাডারে নিয়া বড় করেন; ভবিষ্যৎ করেন।”

(“I don't need your money; I just want you to take me back. What will I do with money? I want you to take our son and raise him and give him a good future.”)

—Komola

Respondents who were turned out from husband and in-laws' homes see justice as restitution of their *shajano shongshar* where they've invested their time, energy, and resources for years.

“নিজের বাড়ি না আপা।[referring to her father's house] এডা বাপের বাড়ি তো বাপের বাড়িই। নিজের বাড়ি তো স্বামীর বাড়ি। নিজের সব গইরা লমু হেইডা হইছে নিজের। বাপের বাড়ি কোনদিন নিজের হয়, কন?”

(“My father's house is not my house. My husband's house is my house. Is your father's home your own?”)

—Sadia

“পরে আমার জিনিস-টিনিস যা আছে, ওগুলো আনতে গেছিলাম। এগুলো তো আমি কষ্টে ইয়ে করেছি। চাকরি করেছি, বাড়ি থেকে দিয়েছে, এগুলো আমি এক বছরে ভাল জিনিস উঠায়ছি, পরে আনতে গেছি, দেয়না।”

(“Later I went to fetch my belongings. I accumulated these things with difficulty. I had a job. I was given things by my family. I was able to build up my home in a year. I went to get my things but they did not let me bring them.”)

—Rupa

Some of the respondent's expectations of justice changed over the course of their justice-seeking journeys. For example, during the initial stages of her justice-seeking journey, Afroza wanted to go back to her husband's house considering it to be her right. Later when the violence escalated and her husband remarried, her expectations of justice changed and she did not want to reconcile with her husband anymore or continue the marriage. Reshma and her family believed that the court will help them resolve disputes and she will be able to go back to her husband and he will stop abusing her. Interestingly, when it seemed inevitable that their marriage would not last, the respondents' justice claims shifted to seeking their entitlements under the dissolution of marriage. They demanded payment of their Mahr money, asked for alimony, and in a few cases, demanded the return of the goods given to in-laws as dowry. It was also evident in a case, where the respondent decided to withdraw the case against her family's will, being worried about her husband's physical condition. Rupa thought it would not be fair if continuing the marriage would put someone's life in danger when her father-in-law threatened to commit suicide. However, she changed her mind when her husband remarried and wanted to withdraw the *aposh* she previously agreed upon.

4.10.2. Satisfaction and Dissatisfaction with the Outcomes

Our research found that two out of the 12 respondents went back to their husbands and are living with their in-laws. According to them, they are satisfied with the outcome. Four of the respondents got divorced and have received their Mahr money. Among them, one is still going through disputes over child maintenance. Two of

them seemed unhappy with the amount of money received, as they had expected more. One of them seemed to be relieved after the divorce because she had escaped alive (almost being murdered by in-laws during the marriage). Three of the respondents who got divorced did not receive their due Mahr money.

The cases of four of the nine women who filed cases are still ongoing and the decision of divorce and Mahr money is still pending. Due to the second phase of COVID lockdown, the schedule of court hearings have become uncertain, and they are worried about getting their due justice on time.

One of the respondents tried to resolve her family disputes using various actors and service providers, and even went to court twice and filed complaints under the Dowry Prohibition Act 2018. In both cases, she withdrew the complaints and went for *aposh*. The respondent was frustrated with the pending status of the case and the cost associated with running the litigation.

Unfortunately, we have to conclude that most of the women were not satisfied with the outcome in comparison with their expectations when they started their justice journey. Most have not been able to go back to their homes or patch up their marriages. It is only when they compromised with reality and accepted divorce (against their will) were they then able to get some compensation or claim their due *mahr* money. This reflects the lack of choices available to the women and their families to lead their lives differently, such as to live independently or care for their children on their own. In only two cases, the domestic violence might have been stopped but there is no guarantee that it will not start again. Those who chose divorce or were divorced took the exit option. For those who are still in the legal process, there is no surety of being able to resume their married life free of violence.

5. Conclusions and Recommendations

The research was conceptualized and designed when the COVID-19 pandemic had started in Bangladesh, and both internationally and nationally there was concern about the effect the restrictions on mobility would have on women in terms of increasing threats or experiences of domestic violence. Due to the restrictions experienced by NGOs and government agencies, outreach and contacts with clients and program participants had been restricted and as the majority of the population are not connected online, it was difficult to know what was happening. It is in this context that BIGD proposed to carry out an in-depth qualitative study in partnership with legal aid organizations active in working on DV and women's rights to understand the processes by which women's access to justice was being affected by COVID and also how the organizations were able to provide services during this time. The approach taken was to carry out in-depth case studies, selected following specific criteria, to follow women's justice-seeking journeys at various levels from the family to the community to the state level.

While the physical restrictions of the COVID lockdown were limited and uneven and lasted only two months, there were long-term health impacts (e.g., psychological worries and stress) and significant economic impacts (e.g., loss of livelihoods, earnings, and jobs, both in the country and outside). It was, therefore, sometimes challenging to understand how this impacted individual lives, families, and organizations.

As laid out in Chapter 2, social and cultural norms and the social institution of marriage determine the understanding of the kind of justice and the remedies women experiencing DV are seeking. The social determinants in justice-seeking behaviour were seen in the outcomes they wanted. The respondents repeated the demand “ami bhaat khabo” (I want to eat rice), signifying that they wanted to continue the marital relationship. The home they built after their marriage was their *shongshar*, with the various material possessions they accumulated, and they claimed that the *shoshur bari* (in-laws' home) was their home by the right of their

marriage. While they faced multiple forms of abuse and violence, generally over a long period, the objective of all of the women studied who entered upon a journey to seek justice was to continue their marriage while bringing an end to violence (or controlling it within tolerable levels), and ensure that the husband would play the socially accepted role of a provider for the wife and children. In order to do so, some were willing to accept polygamy by their husbands as long as they are given what is due to them as wives and mothers. However, the goal of the justice journey would be revised if and when it was found that there was no scope for restitution of the marriage. Then the goal was to ensure that their dues in terms of dower money and maintenance were claimed, and the children, if any, looked after. However, only in two of the 12 cases were the women and their families happy that the marriage was over.

The case studies showed that the women and their families tried various strategies to keep the marriage going, by trying to build better relations between the couple and the two families, providing gifts, lending money, using social pressure, and also threats of police action or court cases. Even when reaching a point where the violence became too much, they would still repeatedly try to go back and resume their marriage.

It is possible the women's experience of violence and the lack of capability to change their situation or find other alternatives may have led to their willingness to put up with violence and abusive marriages (either by husbands or in-laws or both). We have to acknowledge and respect their views while realizing that their choices are made under various constraints. As discussed in Chapter 2, Nausbaum has shown that to have an entitlement or right, you must be capable of choosing that right. Justice remains unattained unless there is an actual capacity to claim that right. The case studies would seem to show that the women had limited or constrained capability to exercise their right to be free of violence.

It is here that the role of state and non-state actors becomes important, in taking proactive roles in creating capability for those who are unable to claim their rights or to promote and protect those rights for them.

The case studies brought out that women survivors of DV do have various forms of agency within social, cultural, and economic constraints. Some of the women were active in reaching out for support to family members and neighbours. Others tried to contact local leaders, journalists, and NGO workers. A few proactively called up the police, helplines, or lawyers. When faced with financial pressures, a few women took up jobs in factories or work as domestic workers. Some protested and spoke out about the abuse they were facing, leading neighbours to intervene on their behalf but also leading to local leaders labelling them as quarrelsome. They were fighting against various odds to protect their marriage, *shongshar*, and the rights of their children.

At the household level, we can see that COVID did disrupt respondents' lives with migrant husband returning to their villages, other husbands losing their jobs, business getting worse, families being separated because of travel restrictions. While none of these factors led to DV beginning, it did lead to aggravations of conflicts and tensions with increased demands for money from wives and their families, difficulties paying for children's costs, and also refusals to bear household expenses by husbands. The women's families were also affected in their efforts to support the survivors, with increased travel costs, loss of their own incomes and jobs, and restrictions in their movements.

The justice journeys at the community level were least affected in that access to community leaders and also to NGO paralegals and community animators was not hampered as they lived nearby. At the state level, while the police and health services could be reached if needed (although strict lockdown restrictions did make things more difficult), it was the access to formal institutions and offices that was hampered the most. This included the courts and DLAC which resulted in delays in case hearings and filing of cases, thus delaying the disposal of cases.

The closure of NGO offices also delayed both ADRs and legal advice and action. Although both government agencies and NGOs tried to overcome the restrictions of lockdown by trying online dispute resolutions, telephone outreach and advice through hotlines (GO and NGO), and online filing of applications (DLAC), the outreach and use of these remained limited.

We would like to suggest the following recommendations based on our findings:

Priority Recommendations

1. Recognizing and prioritizing the needs of domestic violence survivors is of fundamental importance.

- Domestic violence is a case of emergency, including during times of pandemic. Primary and support services for DV survivors should be comprehensive, to be treated as essential and uninterrupted. Other relevant services, such as medical, shelter, referral, financial, counselling as well as accompaniment to these services, should also be open to citizens.
- Greater dissemination of information related to medical, legal services, shelter is essential to ensure that DV survivors know where to go.
- Greater outreach by government agencies and NGOs is needed during emergencies. Greater dissemination of information about emergency and legal services is also crucial. Newly set up Women, Children, Elderly and Disability Service Desks in 663 police stations should be publicized. Transparency about services available in all offices and charges at all levels should be ensured. Citizen's charters at UP and other government agency offices (such as police stations) should provide information on services and charges.

2. Justice is an essential need and courts should remain open to accept family matters and DV-related cases.

- Domestic violence is a case of emergency and should be included in the mandate of virtual court and treated as such by the state, taking into account the impact of the lockdowns/closures on the private lives of individuals.

3. Increasing gender responsiveness to counter prevailing social pressure on women by family, community, and individuals working within government and non-government institutions to accept violence and abuse in marriage.

- Media campaigns should promote diverse family models beyond the traditional heteronormative model, e.g., women-headed households, divorced/separated mother/father bringing up children, so that women are not forced to compromise and return to an abusive marriage.
- Social pressure by family, community, and individuals working with government and non-government agencies on women towards preserving families at any cost and social stigma around divorce should be countered by greater awareness of risks entailed and human rights violations involved.

4. The capacity of survivors to stand on their own two feet should be strengthened through the provision of mental health support, financial support, alternative livelihoods through the allocation of programmatic support by the government and NGOs.

- Mental health issues of domestic violence survivors, as well as their perpetrators, should be taken under strong consideration. Support including psycho-social counselling should be made available to women and girls, their families, and the perpetrators.
- Explore options to provide financial support to survivors to cover costs of shelter, and for reimbursement of medical costs.

- Marriage counselling for couples and anger management for perpetrators should be piloted in response to women's demands for marriages without violence.

5. Strengthening community role in preventing domestic violence and providing support to DV survivors.

- Ensuring that community-level mediation efforts respect domestic laws, international human rights principles, and allow space for women to express themselves freely.
- The capacity of UP elected representatives, including women UP members, to address DV issues to be developed.
- Introduce the “every door is the right door” approach for DV survivors to ensure the grievance redressal process at the earliest time of occurrence. For example, UP representatives, community clinics.
- Recognition of paralegals, *ain shebikas*, community animators, and legal aid providers as essential service providers to be supported by the state.

6. Enabling family members to support survivors.

- Family members need to be made aware of different services available, as well as have information on how to access them.
- Families supporting domestic violence survivors to be provided advice and counselling on options and services available for the affected family member to seek redress.

7. Further research to understand long-term implications of the pandemic for women survivors, children, and their families, which will lead to:

- A better understanding of the impact of economic changes faced by families on creating further vulnerabilities to violence for women and girls.
- A better understanding of the provision of emergency responses for DV survivors through the legal process in other jurisdictions and on strengthening frontline multi-sectoral response and community response.
- An understanding of the factors that constrain or enable women to protest, speak out against, and challenge the violence they face.
- An understanding of the impact on more vulnerable members of the family, such as the elderly, children, and those with disabilities or of diverse gender identity or sexual orientation.

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