



The Status of Knowledge on Legal Rights, Government Structure and Education

In the Northern *Chars* of Bangladesh

A Baseline Findings



Abu Muhammad Shihab
Ayesha Taasin Khan

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Dedicated to
Mr. Alimur Rahman Khan

A founding member of Friendship who is constantly toiling behind the scenes as an ambassador for Friendship and various other humanitarian and cultural works in order to create better opportunities for remote and inaccessible communities of the Country, and in developing a greater cultural awareness for the people of Bangladesh.

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FOREWORD

Plato is famously quoted stating “Human behaviour flows from three main sources: desire, emotion, and knowledge.” Therefore, when we have the desire and emotional energy to work for people, it is essential to work on building proper knowledge. Desire and emotion can answer the ‘why’ but without proper knowledge the ‘how’ remains ambiguous. To push the boundaries of our understanding and come up with better solution tailored for the hard-to-reach people, it is essential to take on research initiatives and link it with the intuitive learning gathered from field activities.

Friendship Bangladesh has been working for more than a decade to help address the needs of remote and marginalized communities in Bangladesh, touching millions of lives every year. We started with our first floating hospital- Lifebuoy Friendship Hospital- and our health program is now serving more than 2.5 million underprivileged remote people per year with primary and secondary healthcare solution. Today we deliver services in six Sectors: Health, Education, Disaster Management and Infrastructure Development, Good Governance, Sustainable Economic Development and Cultural Preservation. And our holistic need-based approach to delivering sustainable solutions through these sectors has developed to become a successful integrated model.

Our Good Governance Programme, that endeavours to make underprivileged beneficiaries aware of their citizen rights and offer them access to justice and legal services, is active in 35 *chars* hosting more

than 105,000 people. The knowledge we gathered from working so long in the remote areas have distinctly shaped this program that endeavours to help the underprivileged people live with dignity and hope. We felt the need to formalize this knowledge which is why this paper became a necessity.

I hope that this research paper will help us come up with better insights on taking forward the good governance activities in the *chars* (riverine islands) of Bangladesh. The finding may well have implication for further studies on governance, human rights, and justice system, in a national and global scale. However, for that, we need to keep on working closely with the marginalized community and keep re-evaluating our findings. My heartfelt gratitude goes out to the wonderful team behind this paper and I wish them all the best for future endeavours.



Runa Khan

Founder and Executive Director

ACKNOWLEDGEMENT

As the researcher, I would like to thank the people of the eight chars in the Gaibandha district for their cooperation and participation in the baseline survey. This research would not have been possible without their participation. In addition I want to show my heartfelt gratitude to the field staff of Good Governance and other Sectors of Friendship for being cooperative and offering their assistance, without which it would have not been possible to conduct this baseline survey. Special thanks go to Friendship's survey team who has made this research possible.

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A special thank you goes to ERIKSHJALPEN for their financial support, without whose trust and faith in us would not make it possible to conduct this study and to implement the programme activities.

Finally, a special thanks go to Runa Khan, Executive Director of Friendship, for her inspiration and overall supervision.

ACRONYMS

CARE	Cooperative for Assistance and Relief Everywhere	USAID	United States Agency for International Development
CRC	Convention on the Rights of the Child	UP	Union Parishad
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific	VGD	Vulnerable Group Development
MICS	Multiple Indicator Cluster Survey	VGF	Vulnerable Group Feeding
MoU	Memorandum of Understanding		
MP	Member of Parliament		
NGO	Non-Government Organization		
NIPORT	National Institute of Population Research and Training		
PM	Prime Minister		
RA	Research Assistant		
SHOUHARDO	Strengthening Household Ability to Respond to Development Opportunities		
SPSS	Statistical Package for the Social Sciences		
UN	United Nation		

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EXECUTIVE SUMMARY

The *char* inhabitants are very vulnerable due to the unpredictable nature of floods, soil erosion and other natural calamities that takes on magnified proportions. Every year *char* dwellers lose their means of livelihood, their agricultural land and livestock's due to events outside human control. Friendship is one of the leading organizations working in these areas, who contributes to livelihoods under the following Programmes: Healthcare, Nutrition, Population, Education, Good Governance, Disaster Management and Infrastructure Development and Sustainable Economic Development. Friendship is set apart from the rest, when considering its unique ways of ensuring sustainable development for the inhabitants. After having spent a great deal of time in these areas, Friendship identified the importance of tackling basic human rights issues through access to information, including knowledge of economic and social rights. The needs assessment study data shows that the *char* populace has limited access to legal education due to livelihoods patterns, repressive power structures and lack of initiatives from the government and legal aid organizations. Before implementing any rights based projects, it was necessary to gather information about the current state of knowledge amongst the *char* dwellers regarding their rights and the laws protecting them. The objective of this baseline study was to make a needs based assessments in order to determine whether *char* dwellers were interested in gaining information of legal rights, or to have access to further education.

INTRODUCTION AND METHODOLOGY

The study covered 8 *chars* in two upazilas in the Gaibandha District which were homogenous in terms of the geographical conditions. Six *Chars* were selected as intervention areas and two were selected as control areas. This study has covered households which include children studying in classes 3 or 4, as well as their parents/guardians. Data collection was done by different questionnaires and guidelines were prepared for each group by

the researcher. Friendship hired 8 Research Assistants (RA) and conducted a two day long orientation session regarding the questionnaire at Friendship local office. After the session, the team arranged a day long field test to pilot the questionnaire. During the data collection two supervisors and a researcher supervised this process. The sample size was 320 households. The sample was equally distributed among eight *chars*, which means that forty (40) household were randomly selected from each *char*. After the completion of data collection all questionnaires were

manually checked, edited for completeness and consistency, and finally coded for computer entry (SPSS).

DEMOGRAPHY OF SUBJECT HOUSEHOLDS

The findings show that, the adult population in the *char* areas have received formal education up to class one which could still be considered as a non-literate level. The respondent children in this research are currently studying between classes 3 and 4, which demonstrates an improvement. The livelihood patterns of the *char* dweller are different from citizens living on the mainland of Bangladesh. They build their houses with unique building skills and low cost materials which help them to shift easier during disasters. Most of the households in the study live in so called “*du-chalas*”, a type of one room lodging. The sanitation situation is very poor in the *chars*. The baseline findings shows that 64% of the households have 4 to 6 members and 29 % households have 7 to 9 members. However, 49% of the households need 4 to 6 kgs of rice per day, whereas 36 percent consumes 2 to 4 kg of rice. 44% of the households have a monthly income of 4501 to 6000 Taka (around \$58 to \$78) and a significant number (22%) of the households mentioned that their income ranges between 3001 to 4500 Taka (around \$39 to \$58).

KNOWLEDGE OF CHILD RIGHTS IN CHAR COMMUNITIES

The knowledge of ‘Child Rights’ are very limited amongst the *char* communities. Only 15.6% of the surveyed children, and less than

26% of the adults, were aware of the age in which a child is deemed to have ‘legal’ capacity. More than 55% of the studied respondents were unable to answer questions regarding compulsory education. The children do not have knowledge about birth registration, child labour laws and the UN child rights conventions. Corporal punishment against children is being practiced in schools and households in the *char* areas. The punishments used creates mental stress, and some children expressed that due to the punishments they received in school, they lost interest in returning to school. In addition, the baseline findings on how the parents of women and children in the *chars* who are victims of social violence and lack security, use ‘early marriage’ as a form of security for the female child.

INFORMATION ABOUT SHALISH IN THE CHAR

Shalish is a simple alternative traditional judicial system where disputes are resolved by groups of local experienced people called *dewanees*. Most of the respondents mentioned that there are six (6) *dewanees* in every *char*, that take the initiative to resolve conflicts by *Shalish*. A striking 81.3% of the female respondents, as well as 67.5% of the male respondents, were unaware of the features of a *Shalish*. More than 60% of the adults had no knowledge of what issues the *dewanees* could rightfully address. Among the adult respondents, 76% of the men mentioned that the *dewanees* imposes both physical and monetary fines as penalty and final judgement. However, by State law, a *dewanee* does not have the authority to sentence accused individuals to physical punishments. *Shalish* is

more powerful than any other formal justice system for an amongst the *char* dwellers and is the first point of conflict resolution. Thus, it is the first 'port of call' for dispute resolution and therefore hard to avoid. In addition it requires good knowledge on the mandates and methods used, which clearly is not the case.

CHAR DWELLERS PERCEPTION OF LAW AND JUSTICE SYSTEM

The meaningfulness of the word "law" for the State and its governed people cannot be stressed enough. This baseline paper presents the important perceptions of the *char* dwellers of the law and the justice system. Based on the survey data, women and children are less aware of the meaning of the law how and where law is legislated. While 68.8% of the male respondents were unaware of the process of implementing laws, the numbers of the female and child respondents were 88.4% and 92.5% respectively. Among the respondents a remarkable percentage mentioned that the purpose of law legislation is to save human lives. From the baseline findings, most *char* women and children mentioned that people prefer the informal justice system rather than the formal justice system. Additionally, women and children proved to have an unsatisfactory level of knowledge of the court system.

Amongst the respondents, more than 94% were unaware of what types of Courts that exists in Bangladesh. Finally, more than 90% of the adults were unfamiliar with the Family Court, a court that is vital to establish rights for women and children.

COMMUNITY'S UNDERSTANDING OF THE LOCAL GOVERNMENT STRUCTURE AND ADMINISTRATION

As a citizen, one should have basic knowledge of his/her country, as well as its administrative and political structure. This enables the citizen to participate in the direction to which s/he would like the country to grow and develop. The baseline data shows that most of the children do not understand the number of Wards and members that exists in a Union Parishad¹, functions of the Union Parishad, the Parishad Head's designation, as well as where or in which divisions their *char* is situated. As a part of the local government structure, the Union Parishad has a prominent role in implementing government services, aiding the central government and developing the area. Most of the children believe that people turn to the Union Parishad for relief and in order to get fair justice through *Shalish*. The baseline findings shows that the *char* communities astonishingly believes that the main duty of the Chairman is to facilitate the *Shalish*. In addition, children are scared to see the police on the *chars* and lack the accurate information of the *Gram* Police.

¹ Union Parishad (UP) is a service delivery organization and the lowest level of the local government system. Its role and responsibilities are represented and guided by levels, rules and various circulars. All local UPs are updated of any change regarding their affairs. Bangladesh has 4480 Union Parishads. These are run by directly elected representatives by the local citizens of Bangladesh. One UP consists of 9 wards and each Union Parishad has 9 members and 3 reserved seats for women. Thus there are 12 members (except the Chairman) in a Union Parishad. 9 members are directly elected from the 9 wards resulting in equal representation of the 9 wards. Though there are reserved seats for women, women can still be elected for the other 9 seats. The head of the Union Parishad is called the Chairman and is directly elected by the Citizens in the local area.

CHAR DWELLERS PERCEPTION OF THE GOVERNMENT STRUCTURE, ADMINISTRATION AND SYSTEM

The study shows that the *char* dwellers have limited knowledge of the government and the functions of the state system. More than 86% of the respondents lacked knowledge of the meaning of democracy. Only 13% of the men answered that they knew of the Constitution of Bangladesh, whereas women's and children's knowledge of this subject was as low as 4% and 0% respectively. According to the baseline findings, more than 79% of the children and women were unaware of the functions of the National Parliament of Bangladesh. In addition, a significant number of the women and children were unfamiliar with the status of the President, but showed to be knowledgeable of the name of the current Prime Minister and her responsibilities.

MUSLIM MARRIAGE AND DOWRY IN CHAR AREAS

This study focuses on *char* peoples' perception of the Muslim marriage and the dowry system. The study showed that the communities existing knowledge of Muslim Marriage and Dower is not sufficient enough to enforce and or demand such rights. According to baseline findings, more than 74% of the adults have an understanding of the legal age for a female to get married. However, more than 56% proved to be unaware of the legal age for men to marry. More than 68% of the respondents expressed that the female child should get married before or right after the completion of their primary education. The matter of the fact is that the *char* dwellers do not have

a clear conception of the characteristics of a legal marriage. An example of the lack of this type of knowledge relates to the witnesses of Muslim Marriage. The witnesses are a significant feature of Muslim marriage, and yet more than 86% of the adults answered that only men can be witnesses for a Muslim marriage. This is a misconception.

Denmohor is important in a Muslim marriage but the *char* dwellers, particularly the women, have limited knowledge of the importance of *denmohor*. *Char* dwellers believe that a *Talak*² (divorce) is effective when the husband announces *Talak* verbally. They also believe that a *hilla*³ marriage is mandatory for women if a divorced couple wants to re-marry. The baseline data shows that dowry is practiced as a precondition of marriage and cash, cattle, and furniture are common forms of dowry.

² '*Talak*' is as an Arabic word which translates to "to divorce" in English. Under the Muslim law '*Talak*' means 'freedom'. Divorce in Islam is known as '*talak*' i.e the elements of divorce are the same. These two words can be used interchangeably. The Bangladesh State law and Muslim law permits divorce if an individual do not want to continue his/her conjugal life.

³ The question of 'intention to Divorce' is very important when and before the act of divorce takes place in Islam. An intervening marriage is required to take place if a man divorces his wife irrevocably and wishes to remarry the same woman. This intervening marriage is called a '*hilla*' marriage and is only required in the above situation. The term therefore implies that there is a question of 'revocable' and 'irrevocable' divorce in Islam. If a man divorces his wife irrevocably, it will be unlawful for him to remarry her. However, if that woman marries another man and divorces him/her (without the intention of re-marrying the first husband), the previously divorced couple are free to remarry each other.

KNOWLEDGE OF HOW TO ACCESS INFORMATION AT GOVERNMENT FACILITIES

There is no health related infrastructure in the *chars*. Friendship provides health services in those areas through its floating hospitals and satellite clinics. Due to the lack of communication systems and services, the *char* dwellers are unable to receive services on time. According to the baseline findings, more than 84.1% of the children stated that *char* dwellers go to a village doctor⁴ for minor illnesses and 13.8% expressed that people prefer to go to district hospitals for major illness.

While sexual abuse is unusual in *char* areas, it does take place. Their perception of the phenomena of sexual harassment, as well as what actions should be taken if someone is raped or is a victim of acid attack, is very poor.

Access to information is a basic right and helps to access services on time. However, baseline findings shows that the *char* dwellers knowledge of the functioning of the system and how to seek assistance from the government in areas such as agriculture, education and legal sectors is extremely limited.

⁴ The question asked; who do people that are unwell go to? Answer-village doctor, (these village doctors' were Friendships floating hospital satellite clinic, Paramedics, FCMs' and those that sell over the counter medicine).



Chapter One

INTRODUCTION AND METHODOLOGY

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INTRODUCTION

The river basin areas of the Jamuna, Brahmaputra, Dharla and Tista, regularly sees the rise and fall of many *chars*⁵ that emerges in the middle or on the side of the river. This occurs due to deposits of silt which are carried upstream by flood water and soil erosion. Due to this flood and soil erosion, the geographical location of the land and rivers is constantly changing. A study shows that the rivers not only erodes land causing settlements to be constantly on the move, they also throw up new land through accretion for new settlements. These newly formed land, called *Char* or *diara* in Bengali, are inhabited by some of the most ill fated people in the country (Haque 1989).

The *char* communities are some of the most inaccessible, marginalized, underprivileged and underserved groups. They live in places which are disadvantaged areas in terms of river erosion, communication, employment and other mainstream facilities. Most of the *char* people are landless and a study showed that only 9.77% of the households had agricultural land (SHOUHARDO 2006). A disposition towards disasters in this area, the arbitrary power structure, lack of infrastructure and the limited access to information, makes the *char* populace even more vulnerable. Every year *char* dwellers lose their means of livelihoods, agricultural land and livestock's due to the unpredictable nature of floods, soil erosion and other natural calamities. Due to the remoteness from the mainland and lack of relevant information they are unable to overcome the hurdles which binds them to this life of misfortune.

Interventions both in the form of physical and livelihood support by the Government and other organizations are meager, and far less than what is required at the minimum level (Mahamud 2011). Multiple NGOs and Governmental organizations have attempted to remedy the situation in the last few years; Friendship is one of the leading organizations working in this arena. Friendship is set apart from the rest considering its unique ways of ensuring sustainable development for the inhabitants. Friendship has focused on their actual needs and has been trying to improve the livelihoods of these marginalized and deprived *char* dwellers through their development activities over the last decade. After having spent quite a lot of time in these areas, Friendship identified the importance of tackling basic human rights issues through access to information, including knowledge of economic and social rights. The aim of the good governance project is to work with *char* dwellers, those people who are living beside the unpredictable rivers of the Gaibandha district in the northern part of Bangladesh

⁵ *Char* - a tract of land, surrounded by water; it usually means any accretion in a river course or estuary (Chowdhury EH, 1988).

and to ensure their rights and eventually help them to improve their lives.

Before embarking on this project, it was necessary to learn about the current state of knowledge on subjects relevant to good Governance practices, this included knowledge of *char* dwellers regarding their rights and the laws protecting them. The objective of this baseline study was to make a needs based assessments in order to determine whether *char* dwellers were keen to gain information on legal rights, or to have access to further education. This research was conducted based on project goals and objectives. Educational curriculum, communication materials and project implementation plans will be taken based on the baseline outcomes. After the completion of the project this research should help Friendship to understand the progress in living conditions to which the projects it is implementing contribute.

The *char* education system has no proper and sufficient educational infrastructures, and even if there are some, there is a shortage of teachers. Absenteeism of teachers is common practice. Parents or family members are also unable to provide a favourable environment for their children. Early marriages is remarkably high in the *char* areas, particularly due to a lack of an education system, proper monitoring and implementation of law, awareness and practices of dowry payments which continue to be constant deterrent. In Bangladesh, 20% of the girls are married off before their 15th birthday (Crawford 2012). A national survey conducted by ICDDR,B (2013) found that an overwhelming, 64% of all women aged between 20-24 in Bangladesh, were victims of child marriage. The rate of child marriage among all women aged 20-24 was 54% in urban areas, compared to 71% in rural areas.

Before the introduction of the Good Governance Programme, a needs based data was gathered. The data indicated, as Friendship experienced through their work in

the areas, that the *char* populace has limited access to legal education, are exposed to repressive power structures and experiences a lack of initiatives from the Government or legal aid organizations.

The inhabitants are often dissatisfied with available services, and due to the lack of proper knowledge about existing laws, they are unable to access information on their own. As a Bangladeshi citizen, a *char* member should be aware of the laws that are meant to protect them, the functions of the local government and the facilities provided by them. These communities do not have, and are unable to, demand services because of their lack of knowledge of relevant legal matters and legal rights.

Legal education can help reduce social conflict and poverty levels, as well as help increase the knowledge of the people. Friendship believes that legal education can create mass awareness among the *char* dwellers in order to establish their rights and also build connecting bridges to reduce the gaps between the *chars* and the mainland. The Good Governance Programme aims to educate these communities on the functioning of local government systems, state policies and methods to access rights related information. The Friendship Program has been funded by ERIKSHJALPEN⁶ and is premised on the objective to create legal education opportunities for the remote *char* community to show the linkage between understanding law and justice and its effects to achieve a sustainable livelihood.

The purpose of this baseline study is to explore the existing knowledge level of the *char* dwellers regarding their rights in

⁶ ERIKS is a Swedish based child rights organization. Based on the Convention on the Rights of the Child and with a vision to fight for children living in poverty and vulnerability and their chances of a better life. The organization is working with vulnerable children in developing countries and is currently running projects in over 20 countries around the world. It focuses on children's right to education, health and protection.

terms of broad issues such as demography, household income, assets, local government institutions, the informal justice system “*Shalish*”, the Constitution of Bangladesh, the Parliament, law and justice systems, violence against women, child rights, marriages conducted under certain religions and access to information and justice. This can be seen to be representative of all *chars* in the northern river basin areas.

RESEARCH OBJECTIVES

General Objective

The objective of this study is to identify the baseline status of *chars* regarding rights based information for comparison with the level at the end of the project.

Specific Objective

The specific objectives of this study is to:

Assess the knowledge of school going children about law, government structure and its functioning systems and their rights.

- ▶ Evaluate children’s perception on local judicial system.
- ▶ Appraise communities’ perception on child and women rights and violence against woman.
- ▶ Identify community’s perception on the law, the judicial system and the government administration structure and functioning systems.
- ▶ Inspect the existing marriage systems and exchange of dowry and dower in the *char* communities.
- ▶ Assess the awareness and perception of communities on government services and facilities.
- ▶ Evaluate community’s perception on local *Shalish*.

- ▶ Support program implementation by providing necessary important data.

METHODS

Study Area

The study covers 8 *chars* in two Upazilas in the Gaibandha district which are geographically homogenous, and thus chosen. Among the eight *chars*, six was island *chars*, (3 for each Upazila) situated in the middle of the river. The other two *chars* were (1 for each Upazila) adjacent *chars* which are seasonally attached to the mainland. Of these, six were selected as intervention areas and two as control areas. During the winter, the *char* dwellers on the adjacent *chars* have access to information from the mainland dwellers as they can travel to the mainland by motorbikes. Thus, for these *chars*, communication is easier in comparison to the other *chars*. Island *char* dwellers depend on trawler⁷ boats which takes between one to three hours before reaching the closest banks in the summer. In case of an emergency, the dwellers on these *chars* have to rent boats at high prices. The scenario changes during winter as the water levels reduce. These areas were all carefully selected in order to represent a typical *char* scenario in the north of Bangladesh.

Study Population

The data of the survey was collected from the following groups of people.

- ▶ Children (classes 3 to 4) who are enrolled in Friendship Schools and government or register schools.
- ▶ Their Parents or guardians

⁷ Trawler: A traditional boat made by wood or wood and partly iron sheet, run by a shallow engine.

Questionnaire Design and Orientation

Data collection was done by different questionnaires which were prepared for each group by the researcher. At first, meetings were conducted with respective departments to outline the requirement for this survey.

A total of two and a half months was spent on designing the questionnaire. The first month was spent preparing the first draft of questionnaires which was sent to different Friendship personnel for review. After receiving the feedback, a second draft was sent to the same personnel. Further feedback was considered and the questionnaire finalized.

Friendship hired eight Research Assistants (RA) and conducted a two day long orientation session regarding the questionnaire at Friendships local office. After the session, the team arranged a day long field test for piloting the questionnaire and every RA filled two questionnaires. After the field test the team arranged a one and a half day long session for discussion. Based on RAs feedback, the questionnaire was rearranged and a draft was sent to respective department for further review. Based on the feedback, the questionnaires were finalized and the eight RA collected the data. The process of data collection was supervised by two supervisor and one researcher. During the whole process of the survey, two Friendship senior staffs were present at the field to supervise data collection. The data collection process was completed back in October 2012.

Sample Size Calculation and Sampling

This study has covered households which include children from classes 3 to 4, as well as their parents/guardians.

In order to make a representative sample, the sample size was determined using the well-known statistical formula, testing a hypothesis of equality of two proportions ($H_0: P_1 = P_2$ vs. $H_A: P_1 \neq P_2$) as follows:

$$n = \frac{p(1-p)}{(p_1 - p_2)^2} \times (z_\alpha + z_\beta)^2 (\text{deft.})$$

Where $p = (p_1 + p_2)/2$

and p_1 = proportions to be estimated for the indicator of interest in baseline

p_2 = proportions to be estimated for the indicator of interest in end line

z_α = standard normal value with 5% level of significance = 1.96

z_β = standard normal value with 80% power = 1.28

$p_1 - p_2$ = Admissible error difference between the estimates from baseline and end line

deft = design effect for cluster sampling.

Since there was no data regarding the knowledge of rights based awareness among children and adults in the *char* areas, a default rate of 50% was assumed. It was also assumed that after a comprehensive intervention, around 60% of the children will be aware of their rights. To have a baseline study for the given intervention area at 5% level of significance, 80% power and 1.20 design effects, a sample of 320 would be needed. This sample was equally distributed among the eight *chars* which means forty (40) households were randomly selected from each *char*.

Data Analysis

After the completion of the data collection all questionnaires were manually checked, edited for completeness and consistency, and coded for computer entry in SPSS. The computer outputs were checked for errors and all data cleared before analysis. All the data was thematically coded according to the research.

Limitations of the Research

Due to the remoteness of the study areas, communication is extremely poor. Throughout the year people are isolated from the mainland and the main source of communication is via the rivers. Flash floods and soil erosion are common in this delta. Considering these issues, a researcher has to be aware of the time limitation. The *char* dwellers are mostly dependent on *hatt* to conduct their livelihood activities. The *hatt*⁸ takes place twice a week, hence the research assistants had to visit more than once to collect the data since most male interviewees were highly involved in the weekly *hatt* and agricultural fields. Thus, the research took longer than anticipated.

Other limitations of the research were:

- ▶ Adults were given questions related to legal rights and justice systems, topics

which they were more interested to learn about rather than answer. Thus, in some particular cases, the interviews took more time than the team anticipated.

- ▶ Due to the nature of some questions, such as those related to sexual harassment, the women were hesitant in front of the male research assistants.

Friendship decided to use two *chars* as control *chars*, however, Friendship has now decided to extend its intervention to these *chars* as well. As a result, at the end of this project, Friendship will need additional *chars* as control areas.

⁸ *Hatt* is a local and traditional market system in Bangladesh. In this system almost all kind of ingredient are available. The vendor and consumer will fulfill their demand. Among the *char* dwellers *Hatt* plays a significant role for continuing livelihoods activities.



Chapter Two
**DEMOGRAPHY OF SUBJECT
HOUSEHOLDS**

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Chars in the northern part of Bangladesh comprise of the poorest settlement areas in the country. The country is the recipients of the highest amount of rainfall during the monsoon season which results in flash floods and the changing of the geographical patterns in the northern river basin. The lives of the *char* people depend largely on changing levels of the rivers and the formation of new *chars*. The indigenous dwellers have long practiced systems of coping in these types of situations. According to development indicators, the *char* people are the most marginalized group in the country. People in marginalized regions develop a great variety of mechanisms to strengthen their ability to cope with both slow climatic changes and extreme climatic events (Mula 1999; Maxwell 1996; Meze-Hausken 2000; Findley 1994).

The economic steadiness of these people is highly influenced by flood and river erosion. The floods differ in severity and frequently result in the loss of assets for the population. Homesteads are seriously damaged while the temperamental floods impede the smooth planning of agricultural activities. Livestock rearing becomes a hard task as animals

die because of water and fodder shortage. Thus, *char* dwellers are deprived of the mainstream facilities and basic rights due to the geographical condition.

In this chapter, a demographic profile of the selected households is discussed.

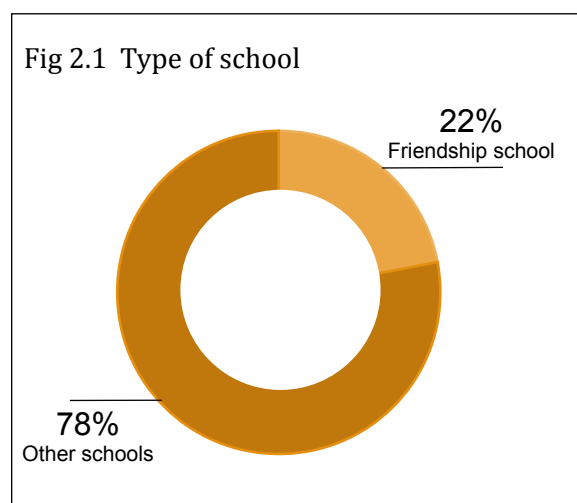
EDUCATION STATUS

Table 2.1 Educational status of the respondents

Education status	Children		Female		Male	
	N	%	N	%	N	%
Non-literate	0	0	141	44	116	36
Class one	0	0	119	37	102	32
class two	0	0	4	1	4	1
Class three	160	50	13	4	15	5
Class four	160	50	13	4	10	3
Class five	0	0	14	4	33	10
Up to class eight	0	0	8	3	19	6
Up to class ten	0	0	8	3	20	6
SSC	0	0	0	0	1	0.3
Above	0	0	0	0	0	0
N	320		320		320	

These groups were selected for the study in order to achieve the goals of the project. Thus, the respondents are; children and their parents. The results of the survey are based on the responses given by 320 households. The educational level of the respondents is presented in Table 2.1 36% of the adult male and 44% of the adult female respondents are non-literate, and 32% of the male and 37% of the women only completed class 1 in school. However, 50% of the respondents were studying in classes 3 and 4.

Type of School



There are different types of schools in the study areas: Friendship schools and other schools (government and registered). Fig 2.1 displays the percentages of children going to either of these schools. 78% of the child respondents study in different government and registered schools on the *chars*, and 22% at Friendship schools.

Status of Main Profession of the Household Head

According to Table 2.2, among 320 male respondents, most of the respondents are involved in the agricultural sector. However, 23% of the respondents are day laborers and 6% have other professions.

Table 2.2 Main profession of the household head

Main profession of household head	Total respondents	
	N	%
Agriculture (independently)	108	34
Agriculture (sharing)	94	29
Day labour	72	23
Small business	20	6
Rickshaw/van/boat puller	3	1
Carpenter	3	1
Driver (bus/truck)	2	1
Others	18	6
N	320	

Types of House

Most *char* dwellers are landless and live on *chars* based on an oral/verbal agreements with landowners, locally called *joudhder*. The dwellers houses are uniquely designed, easy to shift in case of a natural disasters. Fig 2.2 shows the pattern of *char* housing. According to 93% of the male respondents (out of a total of 320) stated that they live in a *chala*⁹ house, and 7% in a *hut/jhupri*¹⁰.

⁹ A *Chala* house is a house which has one slanting roof and the side walls are either made by straw or corrugated iron sheets.

¹⁰ A *hut/jhupri* house is a house which has one or two slanting roof parts and the sides, both are either made by straw or jute stick with polythene.

Fig 2.2 Types of house

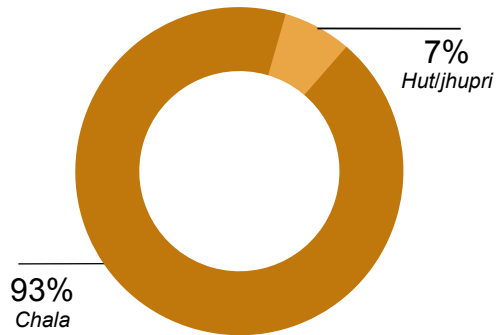
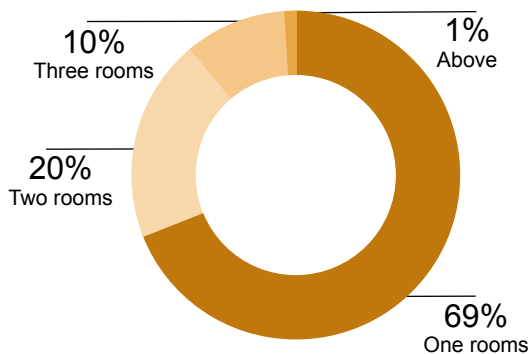


Fig 2.3 shows the number of rooms in the houses of the respondents. 69% of the households has one room, and 10% of the households have three rooms.

Fig 2.3 Number of rooms

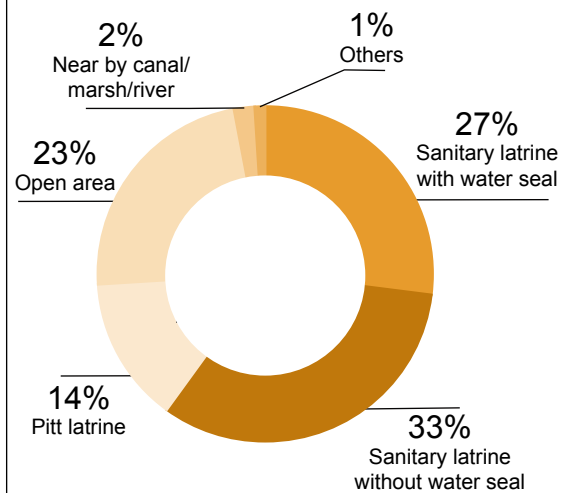


Types of Latrine in the Households

Sanitation systems are also indicators of the living conditions of households. *Char* dwellers have limited resources with which to improve their economic conditions. In addition they have poor water and sanitation systems. Multiple NGOs and government bodies are working towards the improvement of this situation. River basin *chars* are highly unstable and observations show that people have

little interest in installing costly sanitation systems. The baseline data presented states the sanitation status of *char* households'. Fig 2.4 shows that 33% of the households utilize sanitary latrines without water seal¹¹ and 23% of the households use an open area, a field or walk behind the house. The figure also states that only 27% of the households use sanitary latrines.

Fig 2.4 Types of latrine in the household

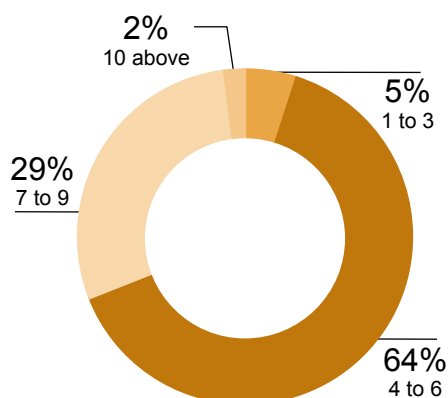


Number of Household Members

A household is defined as individuals, or a group of people, living together and sharing food from the same kitchen (Hadi 2006). Birth rates are comparatively high in the *chars*. Fig 2.5 states that 64% of the households comprises of 4 to 6 family members and 29% of the households comprise of 7 to 9. From the Figure it can be seen that only 5% of the respondents' households consists of a maximum of 3 members.

¹¹ Water seal- where water is used in toilet sanitation to prevent leakage and foul smell.

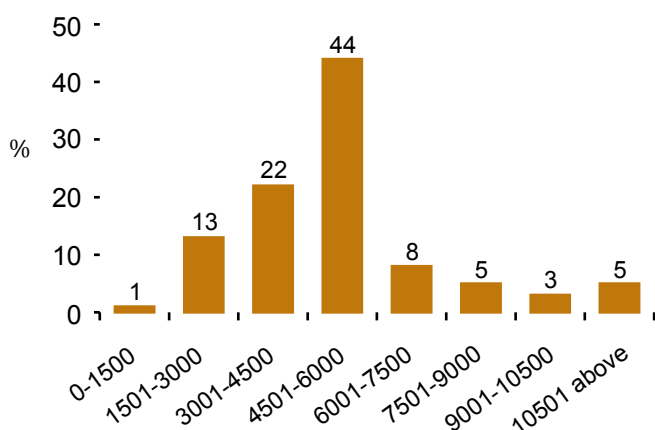
Fig 2.5 Number of household members



Monthly Household Income Range (Taka)

Bangladesh is one of the world's most densely populated countries with 150 million people, 49% of whom live below the national poverty line¹². According to the WORLD FACTBOOK (2001 est.), 31.51% of the Bangladeshi people live below the poverty line. The *char's* economy largely depends on agriculture and river based resources.

Fig 2.6 Monthly income range of households



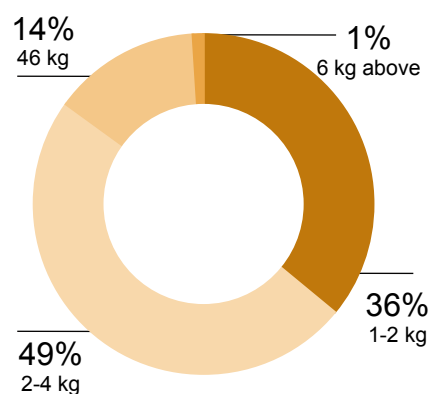
¹² Wikipedia : Poverty in Bangladesh: http://en.wikipedia.org/wiki/Poverty_in_Bangladesh

This section presents the *char* households income. According to Fig 2.6, 5% of the 320 questioned are amongst the highest income earners of the *chars* (over 10,500 Taka per month). Additionally, 1% are amongst the lowest earners in the *chars* with an income of 0-1500 Taka per month. The majority of the households (44%) have a monthly income of 4501- 6000 Taka.

Daily Rice Consumption

Rice is the staple food for the *Char* populace. Fig 2.7 presents the amount of daily consumption by each household. 49% of the households require 2-4 kg rice to fulfill their daily requirements, whereas, 36% of households consume 1-2 kg rice. A significant (14%) number of households consumes up to 6 kg rice per day.

Fig 2.7 Daily consumption of rice by each household



Daily Expenditure for Rice

The *char* populace spends a significant amount of money of their income to purchase rice for daily consumption. Table 2.3 shows the daily household

expenditure for purchasing rice. Most of the households (61%) spend up to 100 Taka in order to buy rice for daily consumption. 20% spend up to 50 Taka, and 17 % spend up to 150 Taka.

Table 2.3 Daily expenditure on rice

Expenditure amount on rice	Total households	
	N	%
1-50	63	20
51-100	196	61
101-150	53	17
151-200	5	2
201-250	2	1
251-above	1	0.3
N	320	

Weekly Expenditure of Households

Char dwellers also spend money on cooking ingredients and to meet other needs. This part

Table 2.4 Weekly expenditure of households (excluding rice)

Amount (est.)	Total	
	Household	%
1-100	6	2
101-200	39	12
201-300	74	23
301-400	83	26
401-500	50	16
501-600	28	9
601-700	9	3
701-800	3	1
801-900	0	0
901-1000	12	4
1001-above	16	5
N	320	

presents the weekly expenditure of studied households. According to Table 2.4, 26% of the respondent households spend 301 to 400 Taka, and the second highest percentage, i.e. 23%, spend 201 to 300 Taka on kitchen items. Few respondents spend over 1000 Taka for this same purpose.

Status of Stock of Food Grains

It is common for Bangladeshis to stock food grains during crises such as economic or natural disasters. The *char* dwellers are no different. However, this study does not present data on food stocks during a period of crisis (natural disaster or lean period). The information collected shows how much food is in stock for the coming period. Table 2.5 shows that 26% of the households stock 26 kg of rice or more. In contrast, 21% only stock 6-10 kg. The households have different personal preferences of how much food grains they would like to stock for times of crisis.

Table 2.5 Amount of current stock of food grains by the households

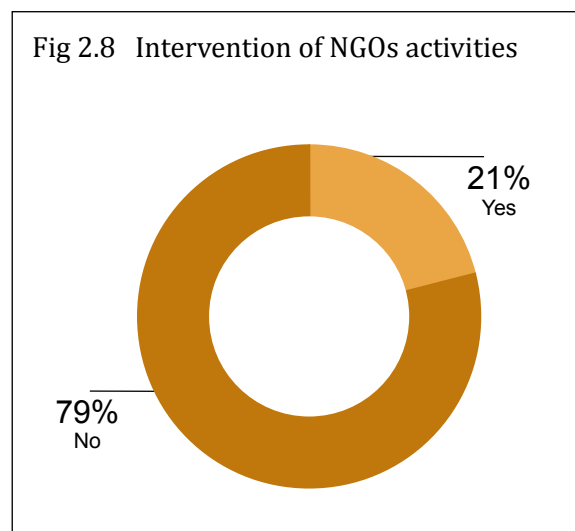
Stock food grains	Total household	
	N	%
Nil	14	4
1-5 kg	45	14
6-10 kg	68	21
11-15 kg	44	14
16-20 kg	51	16
21-25 kg	15	5
26 kg above	83	26
N	320	

Involvement NGOs in *Char* Households (excluding health services)

Among the 320 households surveyed it was revealed that only 21% of the households

questioned have received assistance from different NGOs.

Fig 2.8 Intervention of NGOs activities



DISCUSSIONS AND CONCLUSION

One of the objectives of this baseline study was to make a needs based assessment in order to determine whether the char dwellers were interested in gaining information on legal rights, and to have access to further education. This chapter has focused on the socio-economic status and livelihood patterns of the char communities. The baseline data shows that *char* dwellers are deprived of education and their socio-economic status, and that households depend on income

generated by agriculture and agricultural labour. During the lean¹³ period, it is common for char men to leave the chars to look for employment elsewhere. They usually return at the beginning of the monsoon season. This as their families become extremely vulnerable due to flood and soil erosion during the monsoon season. Many *char* dwellers are obliged to shift homes because of the aforementioned calamities. Thus, their livelihood patterns are different from that of the population in the mainland areas in Bangladesh. The *char* dweller build their houses using low cost materials and have unique building skills which help them shift their houses easier during disasters. According to baseline findings, most of the houses are *du-chala* and usually only consist of one room. Every family has 4 to 6 members with an average monthly income of 3000 to 6000 Taka. The food grain stock status suggests that char dwellers do not stock food for upcoming disasters or during times of family crises. The baseline data shows that only 26% of the families questioned stock up on food for adverse eventualities. Observations found that *char* dwellers have received sanitary latrines several times as multiple NGOs, as well as the government, previously have provided information to improve the sanitation. The *char* dwellers thus improved their toilet facilities by their own initiatives, but have not been able to maintain it due to costly setup, maintenance costs and lack of awareness of continued proper sanitation. Baseline data shows that the sanitation systems of our studied households are unsatisfactory, something awareness can help to improve.

¹³ The months of October to December is called the “lean period”. This is when there is no harvesting in the *chars*. During the ‘lean period’ the male members of the *chars* go to the main lands or other cities in search of temporary work

The percentage of *char* households involved with NGOs is not as high as assumed. One of the reasons is that the studied *chars* do not perceive Friendship as an NGO since it is not presently involved with micro-credit, a word that seems to have become a synonym for NGOs for the beneficiaries. Thus, despite being involved with Friendship they do not perceive it as being involved with an NGO.

The female members of the family contribute directly or indirectly to agricultural activities

of the family along with performing household chores. Socio-economic status should therefore be considered during the project planning period. Finally, for the sustainability of the results of this project, Friendship will initiate activities for sustainable economy to ensure an increased livelihood for *char* families.



Chapter Three

KNOWLEDGE OF CHILD RIGHTS IN *CHAR* COMMUNITIES

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The young child is naturally innocent – development is fostered by protecting their innocence and giving them the freedom to play, learn and to mature (e.g. as in the book *Emile*, by Jean Jacques Rousseau, 1712-1778).

In just a few years' time, we should be looking back with shame and bewilderment at the fact that in the early years of the second millennium, governments and individual adults were still justifying-even promoting-hitting and deliberately hurting babies and children as lawful and legitimate (Peter Newell, Advocate of children's rights, 2006)

The Rights of the Child defines 'child' for the purposes of the Convention as every human being below the age of 18 (UNICEF 2007). Bangladesh ratified the Convention on the Rights of the Child (CRC) in August 1990, marking children's rights to life, survival and development on the national agenda (UNICEF). According to a UNICEF (2009) report, one in every six children is working, with an estimated 7.42 million working children across the country. Around 26.5 million of the 63 million children in Bangladesh live below the national poverty line. Around 58% of all children are severely deprived of any one of the six deprivation indicators: shelter; sanitation; water; information; education; and health, with around 20% suffering from at least two severe deprivations. Around 13% of all children aged 5 to 14 years are engaged in child labour and 97.5% of these are unpaid. Child labour is no solution to household poverty. Of those households that send at least one child under the age of 15 to work, 56% still live below the poverty line. About 39% of girls

are married before the legal age of marriage (18 years). Despite the number of education policies and programmes in place, almost one-fifth of children of primary school-age (6-10 years) are deprived of school enrolment. According to the ILO estimation, in 2004 there were 218 million child labourers in the world (ILO 2006). Most of these working children, labeled "child labourers", are helping their family at home, on the family farm, or in the family business (Edmonds 2007).

Child development research offers a detailed account of complex biological and psycho-social dimensions of early childhood, the sensitivity of the child's growing individuality to the quality of environmental support, especially the significance of early attachments, sensitive care, guided exploration and communication (Schaffer 1996). The early stages of childhood are important for the child to build a notion of their responsibilities, but also their rights. According to the UN General Comments 7 (2005), children's right

to be consulted in matters that affect them should be implemented from the earliest stage in ways appropriate to the child's capacities, best interests, and rights to protection from harmful experiences. The home and educational environments play prominent roles in child development.

Bangladesh is one of the most disaster-prone countries in the world. One particular area is the river basin *char* areas in the North of the country where flash floods and soil erosion are responsible for discontinuing the children from their educational institution. The parents of these children often force them to work in the agriculture sectors or in other income generating activities, along with performing household chores. This is done in order to contribute to the family economy, something that to a great extent can be curbed by state policies.

A significant number of Bangladeshi children are deprived of the advantages of multiple State mainstream facilities, including health, education and access to development. Reasons being constraints brought on by their geographical settlement, social condition and lack of a functioning state system. The children also face physical and psychological violence at work and at home which is perceived as natural in the Bangladeshi society. Furthermore, the society itself may be held responsible for the violence perpetrated against the child. To top it all off, children are not aware of their basic human rights due to the inaccessibility of education and information of this matter. Bangladeshi children receive physical punishments from their parents, close relatives, teachers and employers. As it stands, physical punishment is the most

commonly accepted form of disciplining children. Further, Bangladeshi children are forced to engage in poor workplaces. Lack of employment opportunities in the rural areas drives children to cities where they end up working under appalling conditions.

The inhabitants of these rural areas are unable to establish their rights in every sector due to the lack of information. The situation is exacerbated in the Northern *char* regions. The state can minimize this disparity by ensuring that all policies regarding the rights of children are exercised with due diligence to bring forth equal opportunities for the *char* children.

Knowledge of the Bangladeshi Citizenship

The term “citizen” is an important concept to grasp in order to fully understand and establish one's rights. The first step was to discover whether the *char* dwellers were aware of the official definition of “citizenship”. When the data was subsequently analyzed, it was noted that most respondents did not have sufficient knowledge of what being “a Bangladeshi citizen” meant (Table 3.1). According to Table 3.1, only 18% of the children questioned knew what having a citizenship of Bangladesh entailed. There was a sufficient degree of knowledge lacking in the female respondent group as well, however, 57% of the male respondents answered correctly. The reason for the different level of knowledge between the groups could possibly lie in the fact that due to culture codes, female members are less aware of the outside world than their male counterparts. The men visit the mainland frequently in order to participate in social gatherings which in turn allow them to stay informed.

Table 3.1 Conceptual understanding of a Bangladeshi ‘citizen’ from respondents

Knowledge about Bangladeshi citizenship	Children		Female		Male	
	N	%	N	%	N	%
Know	56	18	103	32	181	57
Does not know	264	83	217	68	139	43
N	320		320		320	

Understanding of Age Groups Falling under the Terminology ‘Child’

In the UN Convention on the Rights of the Child (CRC), a ‘child’ is defined as a person under the age of 18. This includes infancy, early childhood, middle childhood and adolescence. Bangladeshi law on the other hand, has not followed a consistent pattern for the definition of a child. This is evident in the employment of Children Act 1938, where a child is defined as a person who has not reached the age of fifteen year, fourteen in the Factories Act of 1965 and according to the Children Act 1974, a child is defined as a person who has not reached the age of sixteen. Under the Mines (Amendment) Act 2004, the age of children who can be engaged in mines has been revised from 15 years to 18 years to conform to the CRC. Bangladesh Labour Law, 2006 deals, inter alia, with some prohibitions related to child labour. This law prohibits the performance of hazardous work by a individuals below the age of 18. For any other (non-hazardous) economic activity, the lowest limit of admission into employment is 14 years, with certification from a registered medical officer about the fitness and age of the child/adolescent. If children are unaware of the age that allows them to enjoy the “privilege of not having to work”, they can easily be deprived of rights that the State means for them to have. People in the *chars* do not possess the knowledge of the legal age for children to join the workforce. According to Table 3.2 only 15.6% of the children questioned were aware of the age in which a child is legally deemed as such.

Table 3.2 Children’s knowledge of the definition of ‘child’

Definition of child	Children	
	N	%
Right answer	50	15.6
Wrong answer	57	17.8
Do not know	213	66.6
N	320	

Table 3.3 indicates that more than 51% of the adult respondents is unaware of the age that constitute a person to be categorized as a child in Bangladesh. The female respondents seems less aware as seen in the Table below:

Table 3.3 Adults knowledge of the definition of ‘child’

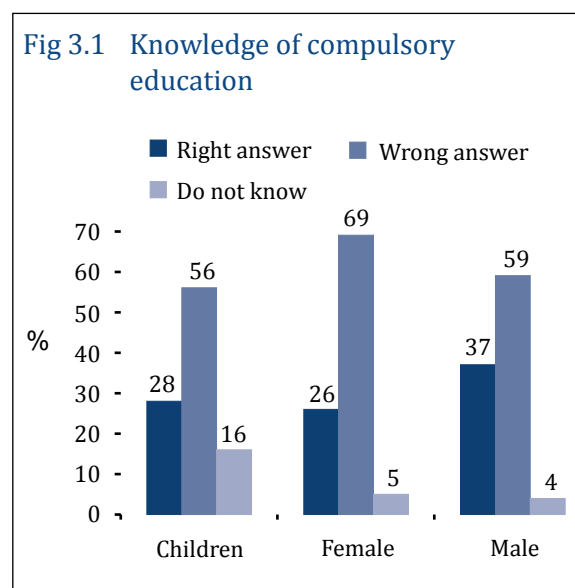
Definition of child	Female		Male	
	N	%	N	%
Right answer	56	17.5	82	25.6
Wrong answer	169	52.8	165	51.6
Do not know	95	29.7	73	22.8
N	320		320	

Knowledge Regarding Compulsory Education

According to UNICEF (2009), Bangladesh has one of the largest primary education systems in the world, with an estimated 16.4 million primary school aged children (6 to 10 years). The primary Education Compulsory Act, passed in 1990, made primary education free and compulsory for all children up to Grade 5. The Government of Bangladesh recognizes education as a means of reducing poverty and to improve the quality of life for children. The educational infrastructure in the Northern *char* areas is of a different design due to the geographical instability of the land. Most of the respondents were not aware of the compulsory education systems (Fig 3.1). According to Fig 3.1, more than 55% out of the

320 respondents could not answer questions regarding up to which class education is compulsory. In addition, it shows that only 28% of the children questioned knew the answer, and that 37%, respectively 26% of the male and female respondents answered correctly. The lack of this information, i.e. that education is compulsory and free up till grade 5, may be an important contributing factor adding to poor enrolment and attendance of children in the primary schools.

Fig 3.1 Knowledge of compulsory education

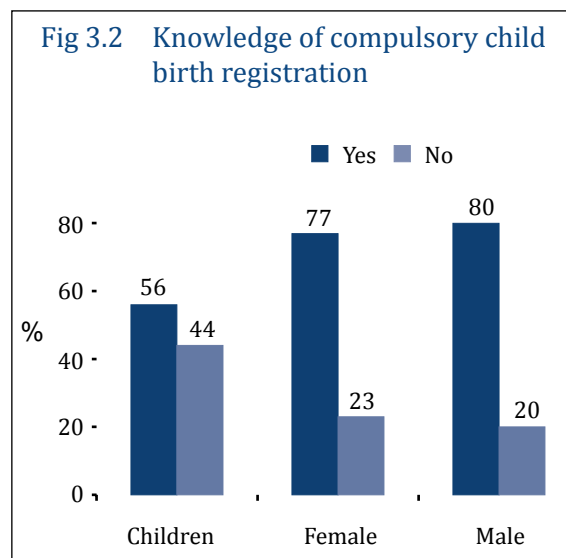


Knowledge of Birth Registration

Registration of one's birth is a fundamental human right as specified in the Convention on the Rights of the Child (CRC). The Births and Deaths Registration Act 2004 made the process of birth registration compulsory for anyone born in Bangladesh. According to MICS (2009), 54% of children aged less than five have completed birth registration. A birth certificate is of the utmost importance in proving one's age in order to protect him/her from early marriages, child labour, trafficking and criminal prosecution. Children without birth certificates do not exist in legal terms, and their right to an official name and nationality is denied (UNICEF 2010). Baseline data shows that a significant numbers of children are

unaware of the compulsory nature of birth registration (Fig 3.2). On the other hand, 75% of the studied adult respondents proved to be aware of the compulsion of birth registration.

Fig 3.2 Knowledge of compulsory child birth registration



Child Rights Information

The United Nations Convention on the Rights of the Child was adopted in the year of 1989. The text of this document includes novel aspects such as the survival, protection and development of children, as well as provisions for other rights, including the right to participation. A significant number of children who participated in the study had no conception of their rights (Table 3.4). Table 3.4 shows that more than 45% of the respondents mentioned the right to education from the State as a basic right for children. During the data collection it was observed that they were deprived of their rights due to the lack of information. A significant number of the respondents had no understanding of the basic rights of children. This information is very important for the children to have. During data collection it was observed that the *char* dwellers are deprived of mainland facilities such as healthcare and educational infrastructure, proper nutrition, media (TV, Radio, and newspaper) access and participation in social gatherings.

Table 3.4 The perception of the basic rights of children in the study area

Basic rights	Children		Female		Male	
	N	%	N	%	N	%
Identification name after birth	2	0.6	3	0.9	9	2.8
Nationality	1	0.3	5	1.6	6	1.9
Parents name	0	0.0	5	1.6	5	1.6
Care from parents	60	18.8	108	33.8	135	42.2
Health care services	43	13.4	66	20.6	99	30.9
Right of survival	60	18.8	86	26.9	90	28.1
Education	146	45.6	155	48.4	185	57.8
On the point of development	1	0.3	1	0.3	6	1.9
Full participation in family, culture and society	3	0.9	9	2.8	13	4.1
Do not know	137	42.8	109	34.1	78	24.4
N	320		320		320	

Note: Multiple responses considered

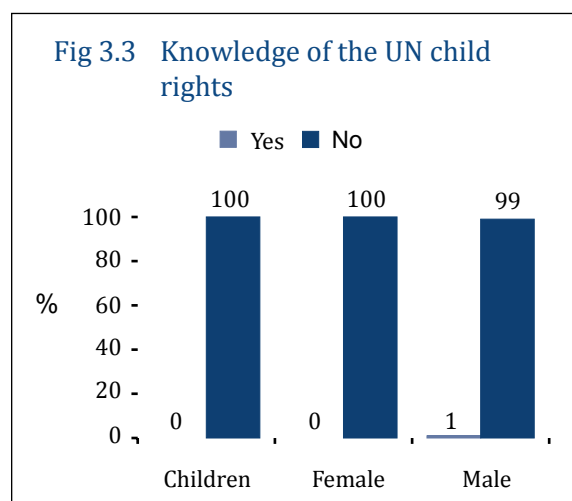
UN Child Rights Convention

Bangladesh ratified the international Convention on the rights of the children (CRC) in August 1990 and thus committed itself to respect, defend, and promote the rights of Bangladeshi children. This convention is a great initiative to ensure child rights and protection. However, if this information is not dispersed to the extent that it becomes common knowledge, the law will not achieve its goal. The children in the *chars* are particularly

deprived of mainstream facilities which prevent them from being aware of their rights under the State law. Fig 3.3 demonstrates an almost complete lack of knowledge in the *char* community regarding the UN Child Rights Convention. Awareness of the Convention is vital to ensure the protection of Children from extortion and violence.

Understanding of Extortion and Violence against Children

Children have a limited scope for personal growth due to lack of education and lack of vocational skills. They are vulnerable and victims of various kinds of exploitation ranging from arrests, confinement, torture by the police, hostility from major players of the State to societal violence such as early marriage, eve teasing, stalking, heckling, dowry, corporal punishment at home and in schools, and harassment in various forms by employers. *Char* children are more naturally inclined towards work like cultivation of agricultural crops, cattle rearing and domestic work. This process leads to child extortion and the violation of their rights, be it consciously



or unconsciously. Most inhabitants in the *chars* are completely ignorant of the concepts of child extortion and the violation of their rights (Table 3.5).

Table 3.5 Categories of exploitation of children's rights

Exploitation of basic rights	Children		Female		Male	
	N	%	N	%	N	%
Early marriage	6	1.9	52	16.3	81	25.3
Involvement in hard work	5	1.6	11	3.4	25	7.8
As domestic worker	9	2.8	10	3.1	16	5.0
Garments worker	2	0.6	9	2.8	18	5.6
Physically tortured by parents	35	10.9	52	16.3	54	16.9
Physically tortured by teacher	8	2.5	12	3.8	12	3.8
Do not know	255	79.7	244	76.3	194	60.6
Others	0	0.0	7	2.2	4	1.3
N	320		320		320	

Note: Multiple responses considered

The most agreed upon answer amongst the women regarding this issue, was that early marriage is a way of extortion and violence. 25.3% of the male respondents adhered to this view. The children proved to be less informed of this issue. The practicing of violence in the form of physical punishment by a child's parents appeared to be remarkably popular.

Physical Punishment Against Children

Physical punishments include the use of some degree of physical force with the intent to cause pain or discomfort. Children are often on the receiving end of physical and mental torture by adults at home or in educational institutions. These are not treated or perceived as an act of violence. It may be the key contributing factor to poor physical and mental growth in children. The simplistic ideology that propels these punishments is that physical punishments are the most effective way of deterring mischief. This system is indoctrinated to such an extent in Bangladeshi culture that parents, having received similar punishments as children, continue to perceive this to be acceptable and normal (Fig 3.4 and Fig 3.5).

Fig 3.4 History of having been physically punished as children

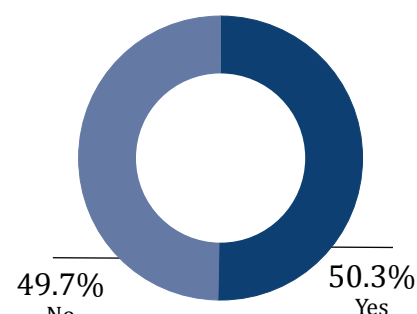
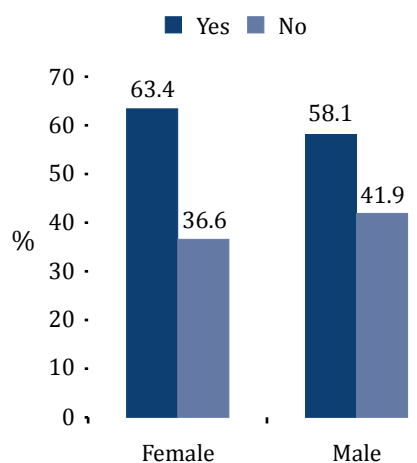


Fig 3.5 History of having been physically punished as adults



In this study, 50.3% of the 320 (children) respondents mentioned that they had been physically punished by their parents. The baseline data also presents that more than 58% of the adults in the *chars* stated that they had physically punished their children.

Furthermore, most children mentioned that they were frequently punished in the classroom by their teachers (Table 3.6). Baseline data shows that 74.1% of the children that

took part in this study were beaten, struck, or had sticks used on them as punishment tools. On the other hand, few children mentioned that their teacher(s) used abusive words in response to the students being inattentive. The position of school teachers are highly respected in Bangladeshi communities. This makes it difficult for students to raise their voice against abusive teachers. An initiative creating mass awareness among teachers can improve the situation and alleviate the depth of the problem.

Table 3.6 Punishment received in the classroom by the student

Types of punishment	Children	
	N	%
Physical punishment by a stick	237	74.1
Physical punishment by hand	44	13.8
By words	17	5.3
By shouting	32	10.0
Does not give any punishment	24	7.5
N	320	

Note: Multiple responses considered

Types of Elements Used for Physical Punishment

While inflicting physical punishments, adults use different types of hard object or their own hands, which can result in internal and external injuries. Most of the children respondents stated that their parents hit them with their hands (Table 3.7). According to the Table below, 6.8% of the children questioned mentioned that their parents used whatever household items close by to hit them with. More than 96.6% of the adults questioned regarding this issue admitted to having struck their children with their hands as a physical punishment (Table 3.8). In certain situations where parents had hit their children with household objects, it led to severe physical

or psychological damage. Teachers have been reported to have used cane straps¹⁴ as punishment.

Table 3.7 Mode of punishment used on children

Types of elements	Children	
	N	%
Use stick	16	9.9
Use hand	148	91.9
Whatever else they find near by	11	6.8
N	161	

Note: Multiple responses considered

Table 3.8 Mode of punishment used by adults

Types	Female		Male	
	N	%	N	%
Use stick	7	3.4	4	2.2
Use hand	196	96.6	184	98.9
Whatever else they find near by	27	13.3	10	5.4
N	203		186	

Note: Multiple responses considered

Reason Behind Inflicting Such Punishment

It is deduced that Bangladeshi parents use physical punishment to deal with what they perceive to be misbehavior from their children because they perceive it as their parental right. Sometimes they inflict punishment to release their own frustrations. This could be because they are not aware of any alternative forms of punishment as they have received the same kind of treatment in their own childhood. The teacher inflicts these punishments as they believe it to be the best way to discipline children.

¹⁴ Cane strap-thin strip of bamboo peel, which if hit against the skin cuts like a whip.

Table 3.9 Reasons for receiving punishment (children)

Reasons	Children	
	N	%
Being naughty	110	68.3
Low interest in studies	75	46.6
For not coming to school	41	25.5
Others	8	5.0
N	161	

Note: Multiple responses considered

The baseline data shows that children are punished by adults for a variety of reasons (Table 3.9). This Table shows 68.3% of the children (out of 161) mentioned that they received punishments for being naughty, whereas 46.6% mentioned being physically punished for showing little interest in studies. On the other hand Table 3.10 shows more than 43% of adults gave punishment to their children for being naughty. A significant number of respondents gave punishment when children were not showing interest in their study.

Table 3.10 Adults reasons for punishing the child

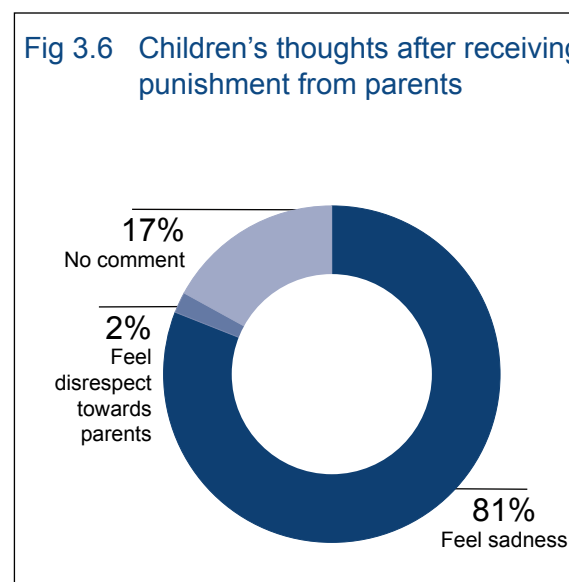
Reasons	Female		Male	
	N	%	N	%
Being naughty	171	84.2	155	83.3
Low interest in studies	43	21.2	55	29.6
Does not come to school	79	38.9	80	43.0
N	203		186	

Note: Multiple responses considered

Emotional State of Children following Punishment

Some of the children who had been subjected to punishment felt a sense of shame

following the punishment. This could give a rise to personality disorders. Receiving a punishment in front of one's peers during lessons causes embarrassment and low self-esteem. This causes a chain reaction that wastes time as it takes time to gather oneself after the punishment, which leads to delays in answering any further questions. This in turn leads to further punishment from the teacher. According to the baseline data, 161 out of 320 children respondents mentioned that they had received physical punishments from their parents (Fig 3.6). Among them, a majority (81%) mentioned that they felt sad following the punishment. 2% expressed that they felt disrespect towards their parents due to the punishment (Fig 3.6). In addition it was observed that 17% of the respondents did not comment.

Fig 3.6 Children's thoughts after receiving punishment from parents

This system of punishing children is an acceptable part of the Bangladeshi culture. If teachers practice this culture, be they school or home teachers, the guardians accept this as long as the punishments are not extreme. Sometimes the guardians themselves encourage teachers to punish their inattentive children. The children tend to accept this due to a built in custom that such punishments are a part of growing up. Thus, it is seen as completely acceptable for

adults to engage in such activities. Fig 3.6 shows that among 320 students, 296 reported that they had been punished by their teacher when she/he noticed that the student was inattentive in class. 81.4% of the punished remarked that they had felt sad following the reprimand, while 3% of them felt less inclined to go to school. Even though the percentage is unremarkable, a small number of the children mentioned that they came out of the incident feeling a degree of disrespect towards that particular teacher (Table 3.11).

Table 3.11 Children's opinion after receiving punishment from teacher

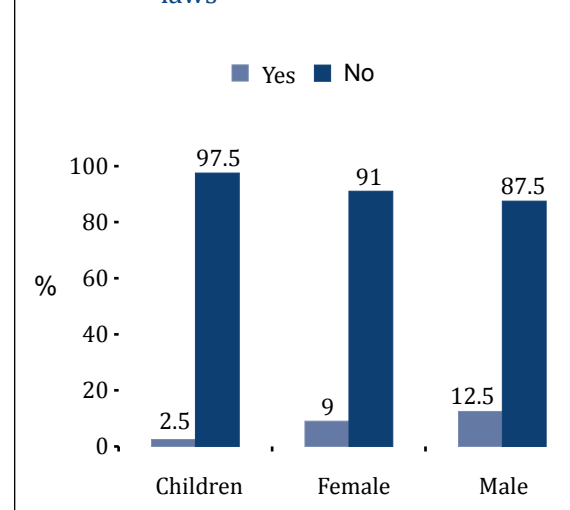
Opinion	children	
	N	%
Felt sadness	241	81.4
Felt disrespect towards the teacher	12	4.1
Felt less interested going back to school	9	3.0
No comments	34	11.5
N	296	

Knowledge on Child Labour Laws

Economically unsound parents often force their children into the workforce to improve the family's income generation. These numbers of incidents are rising alarmingly. Children are looking for work in (crop) cultivation, manufacturing industries and the commercial sectors, the environment of which could be hazardous. However, the fact is that the incomes of these children support their family and contribute to the country's GDP. Despite this, they are not treated well in society and at their workplace. Bangladeshi laws do not restrict children from working in various industries unless the work is strenuous or hazardous. Working children are frequently abused by employers. Children

are unable to raise their voices against such violence due to the lack of information of the State policies. School dropout rates are high in the *chars* as children are encouraged, and in some cases forced, to join income generating sectors, adding to which is a lack of infrastructure for secondary education. While it is easy enough to join these sectors, it is to be questioned whether they are aware of existing state laws that are looking out for their best interests. As Fig 3.7 shows, out of 320 respondents (in each of the three respondents groups), 88% or more have no knowledge of the labour laws. According to the Figure, only 3% of the children questioned were aware of the labour laws for children. It is vital that initiatives are taken for the improvement of knowledge of this topic and to ensure the enforcement of their rights.

Fig 3.7 Knowledge on labour laws



DISCUSSIONS AND CONCLUSION

Violence against children is a common occurrence in Bangladesh, without most of these occurrences amounting into violence in a social context. As previously stated, physical punishment at home and at educational institutions are not seen as violence. Parents or teachers usually punish the children with either their hand or with a stick, by pinching and/or kicking them or by pulling their hair. In addition, by hitting them with any object found at hand such as a duster, pen or other hard objects. Even cooking utensils are reported to be used. There are times when the punishments that the children face are so devastating that they drop out of school or engage in immoral activities. While these punishments are applied to children as acts of discipline, social experts are completely against them. According to their analyses, violence has an adverse impact on a child's physical and psychological growth. Physical punishments by adults falls into the natural order of things in Bangladesh as the adults themselves were punished in a similar fashion in their youth. It is also seen as acceptable for the "elders" in a family to "discuss" the physics of punishing or disciplining children.

There is no question about the need for guidance and rules in one's life, but it should be a positive one. In most developing countries in the world, corporal punishment is a general practice for disciplining children. What was outlawed in Sweden more than a quarter of a century ago, is still tolerated in many societies (Phillips and Alderson 2003). The Government of Bangladesh is however working hard to improve the situation.

Physical punishment has a tendency to give rise to the development of negative personal traits in children. In an international study of children's perception of their working

lives, children were asked to describe which circumstances in their lives made them feel bad. Their answers were almost identical (Woodhead et.al 1998). An Ethiopian student who had reported that he was punished in the classroom by his teacher who put a pencil in between his fingers and squeezed them, described the feeling; "it was not the pain that hurt me but the feeling of humiliation I underwent when my classmates laughed at me. That was the last day for me to be at the gate of that school." (The Ethiopian Educational Broadcasting Lagadadi Radio 1995). Adults impose such punishment as they are unaware of alternative options or because they are overly stressed out by some aspects of the children's behaviour. Parents in the *chars* are more likely to hit their children with their bare hands, while teachers use sticks. Due to received punishment children feel unhappy, sometimes to the point that they are no longer interested in returning to school.

The situation for the working child is, if possible, even worse. They are frequently subjected to harassment from their employers in the form of abusive language, physical punishment such as getting hit with different hard objects, all due to the lack of awareness of the right to protest! This study shows that only a minimal percentage of the children know about the different existing laws that are supposed to protect them from harassment. *Char* parents are unaware of issues regarding the rights of children and how their actions negatively impact their child's mental and physical growth. As a result, children are deprived of their rights in the family as well as those provided by State policy, and continue to face physical and mental damage. On the other hand, due to insufficient knowledge, parents do not realize how they unconsciously torture their child. For instance, early marriages are considered to be a form of social violence against children (although the female child is more commonly the victim of early marriage). However, the *char* dwellers consider this to be a positive thing. It is also noted in this survey

that this type of violence only is understood by a minimal percentage of the respondents. In addition, the study shows that this version of social abuse gives rise to a number of physical and social problems for the victims such as early pregnancy, divorce, and abandonment by the husband. This in turn puts them in precarious situations. The international community has formed an overarching law to protect the rights of children under the UN Child Rights Convention which was ratified by the Government of Bangladesh. However, baseline data found that almost none of our respondents knew about the convention. The documentation of a child's birth is integral to curb violence of this nature. This as the rights of the child is not respected without his/her birth certificates. In the study areas, a significant number of children are unaware that birth registration is mandatory. There is a pressing need to create mass awareness regarding this issue amongst the adult population on the *chars*.

Before establishing rights, we need to ensure the eligibility of the beneficiary in question. The first question would always be "are they citizens of this country?" So, the one thing they must know is what makes them a citizen of a particular country. Following this, they must understand the responsibilities they have

towards the State and vice versa. In the *chars*, most people are unaware of who is treated as a citizen of Bangladesh, the knowledge of women and children is particularly devastatingly limited. This scenario is likely to prevail in other rural areas of the country. Every child has the right to enjoy fundamental rights provided by their family and the State, such as health, education, food and the right to be cared for. Even though education is a fundamental right, most children are unaware of the minimum degree of education that they should cover. If one wishes to establish the rights of children, one must start by disseminating knowledge of standing rights. Based on that knowledge, initiatives can be taken to create mass awareness and sustainability of child friendly practices.

In conclusion, the Good Governance project will adopt precise activities to create mass awareness and education among the adults and children in the *chars*. This will be done once Friendship has taken all relevant information from the baseline data into consideration. Parents should come out of such activities and create an environment which allows children to interact positively in society, while they reciprocate with proper respect.



Chapter Four

INFORMATION ABOUT *SHALISH* IN THE *CHARS*

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INFORMATION ABOUT *SHALISH* IN THE *CHARS*

Most countries in the world practices some form of informal justice systems. Informal justice systems are practiced and administered by individuals particular to the area. These groups consist of people who the local inhabitants perceive to be powerful. Most South Asian villages do not have any formal administrative units, this system goes a long way in providing social administration to the villagers. It plays a role akin to that of a formal guardian for the villagers (Barman 1988). Informal justice is practiced at the local level and is a traditional system for resolving disputes. Broadly, it is a mean of resolving conflicts that takes place in the rural society between individuals, family, lineage and neighbours regarding land, unlawful activities, illegitimate relationships, non-cooperation etcetera. (Mohiuddin 1999). The system of '*Shalish*' is conducted by the local elites that come from different socio-economic, religious and political groups. According to Karim (1991), the local elite participate in "religious and ritual activities, politico-rural functions, economic and subsistence activities in the society". In other words, '*Shalish*' plays an important role as an informal system in different social, cultural and religious programs. These include activities that helps resolving conflicts, wedding ceremonies; participating in cultural and religious activities and livelihood assistance. The local elite is fairly powerful and exercise a strong degree of control over the aforementioned issues. The locals rely on them heavily, and in most cases they are the unfortunate recipients of improper justice due to the lack of communication and poor access to information, which therefore compels them to look to the local elites for justice. From an ideal perspective, the roles of these "local elites" are voluntary in nature but allegations of misuse of justice in the form of skewed judgments in favour of their own community groups, individuals sharing their political views, their kin and people who bribe them frequently may arise. The economically weaker communities in that locality are then too scared to speak out against them.

A more popular informal justice system, practiced on a wider level in Bangladesh, is called *Shalish*. The word derives from an Arabic word which means 'arbitrator'. Many researchers have attempted to form a definition of these informal institutions. An institution, from an anthropological and sociological perspective refers to this as, "an endurable status and role, sets of which collectively shape the behaviour of a group of people" (Wallis 1985). Informal institutions may then be understood as the collection of

social norms, conventions and moral values that constrain individuals and organizations in pursuit of their goals (North 1991). In this system, disputes are resolved quicker, and allow the parties to freely express their opinions to their greater satisfaction (Meyer 2002, Huq 1998). The result is that two-thirds of the disputes do not enter the formal court process; instead, they are either settled at the local level through an informal process by local leaders or by a village court. Some do however remain unsettled (Golub 2003).

8 out of 10 Bangladeshis live in village communities, thus access to the formal court system is extremely limited. The lowest formal court is at the district¹⁵ level making it difficult for an individual to reach the Courts from their village. The overwhelmingly rural poor have to bear travel and logistic costs that pose additional burdens (Siddiqi 2003). As stated earlier, the *chars* in north of Bangladesh are extremely remote and inaccessible due to the geographical situation. The *char* population has limited access to the mainland. The male members travel outside of the *char* for marketing and official work, whereas; the women travel outside of the *char* only for medical emergencies or selected occasions.

Shalish is considered to be an easy and cost free system that operates in place of any formal judicial systems. A *Shalish* can be arranged by the disputants or victims, and facilitated by their own family members, relatives or neighbours. This may take place either in their own house or any other area where the community easily can gather. A *Shalish* is generally held in a place that the disputants or elites (*dewanee*) deem ideal. In most cases they need to sit multiple times.

Traditional *Shalish*, is summarized by Khair (2001); “in a thoughtful review of NGO-modified *Shalish* - in its traditional form the practice is basically, gathering village elders and concerned parties, exclusively male, for the resolution of local disputes. Sometimes the UP Chairmen and elite members of the Union Parishad are invited to sit through the proceedings. *Shalish* has no fixed dimension and its size and structure depends entirely on the nature and gravity of the problem at hand”. Observations found that the common perception of *char* dwellers regarding the formal justice system is that “this system is more bureaucratic, time consuming and costly’.

Proof of this lies in a frequently used Bangla phrase ‘tokey high court *deykhaye chharbo*’-a statement used as a threat between disputants to instill fear of a long and arduous litigation or

conflict. This common saying showcases the general perception towards the formal justice system. He who gets trapped by the law falls into the mouth of a tiger (Siddiqi 2003). The formal legal justice system requires documents accordingly (Siddiqi 2003). It is ill equipped to deal with claims and claimants that are supported by nominal forms of evidence that is required under the law e.g. witnesses, legal documents such as marriage documents and divorce papers, land registration deeds and so forth (Siddiqi 2003).

Ultimately, *Shalish* is a system of resolving the disputants’ arguments which is conducted by their cultural, religious, and social norms and sometimes according to the State policies of that particular area. The term ‘*Shalish*’, commonly used in Bangladesh, profoundly refers to a community-based, largely informal process through which small panels of influential local figures help resolve community members’ disputes and/or imposes sanctions (Golub 2003). A number of people (*dewanee*s or local elites) selected by the disputants to conduct the *Shalish*, may not actively participate in the *Shalish*. Among them, one selected person reads out the summary decision of the *Shalish*, however, the decision may be amended by both parties. In these particular areas of the study, they are referred to by the nomenclature of “*dewanee*”.

The local *dewanee*s are “Selected people who practice power through their personal experience, tact and skill, superior socio-economic conditions, political standpoint, or ascribed power in particular geographical areas controlling all community activities as an unwritten guardian who would lose their power if any of the aforementioned substances are changed.” In a narrow sense Etzioni (1996) defines elites as a “group of actors who have power”. In addition, elites are those functional groups, who have high status for whatever

¹⁵ A District is an administrative division of Bangladesh’s government. The levels under the district are respectively Thana and Union Parishad – the lowest unit of local elected administration. After that; Village.

reason in a society (Bottomore 1964). According to Dube (1951), “rural elite” mostly means “people coming from higher status groups and high income, some education, and urban contacts who play an effective role in village politics as decision makers”. Due to the remoteness and access difficulties, *dewanees* who are settled in that area becomes powerful decision makers, sometimes superseding the police and law enforcement agencies. Thus, it is difficult for *char* dwellers to operate beyond their decision. While *dewanees* play a voluntary role in the *Shalish* system, their judgment is questionable in most cases. The *char* dwellers are highly dependent on *Shalish* in order to resolve any local disputes. This chapter focuses on the *char* people’s perception of *Shalish* and the *Shalish* systems.

Local Dewanee (Elite) in the Study Area

The northern river basin *char* areas are dominated by a group of people called *dewanees*. The *dewanees* plays a prominent role in the *Shalish* system in order to resolve conflicts in the *chars*, those *chars* which are divided into different social groups called *Shamaj*. The *Shamaj* can be developed through kinship, social status and on landowners.

All activities during social and cultural programmes like wedding ceremonies and religious festivals are based on their *Shamaj*. These factors and other considerations like political influences, family tradition and

land ownership, means that more than one person can act as *dewanee* during *Shalish*.

In the following survey, the respondents were asked questions regarding the number of people that acted as *dewanees* in their *char*. The *char* dwellers seemed to have a fairly clear idea of the *dewanees* (Table 4.1). The Table below shows that out of 320 respondents, more than 48% mentioned that at least 6 local individuals acted as *dewanees*. In addition, the Table shows that more than 40% of the respondents (less than 45%) answered that only 3 people acted as *dewanees* in the local *char shalish*.

Table 4.1 The extent of knowledge of the local *dewanee* by the respondents

Number of <i>dewanee</i>	Children		Female		Male	
	N	%	N	%	N	%
1-3	144	45	142	44	128	40
4-6	153	48	164	51	185	58
7-9	5	2	8	3	4	1
10 above	7	2	6	2	3	1
Do not know	11	3	0	0	0	0
N	320		320		320	

The Meaning of *Shalish*

Shalish is, as previously mentioned, an informal traditional judicial system in which disputes are resolved by a group of locals who are experienced in the ways of the *Shalish*. While *Shalish* is a commonly acceptable system for resolving disputes in the Bangladeshi social system, this method is also used in different South Asian countries. Most adults on the *chars* know what *Shalish* is (Table 4.2).

Table 4.2 Understanding of the meaning of *shalish* by the respondents

Perception on meaning of <i>Shalish</i>	Children		Female		Male	
	N	%	N	%	N	%
It is a simple social judicial system	135	42.2	215	67.2	273	85.3
It is an initial judicial intervention of the state	15	4.7	9	2.8	8	2.5
Do not know	170	53.1	87	27.2	29	9.1
Others	0	0	9	2.8	6	2.1
N	320		320		320	

Then again, there are those who are completely unaware of what *Shalish* is. Thus it is important that mass awareness is developed among the *char* communities so that they can develop a clear understanding of how *Shalish* operates, why it is necessary and how to make its use less daunting.

As seen in Table 4.2, children's understanding of *Shalish* is consistently lower than that of the other respondents.

Features of a Typical of *Shalish*

The leadership role of leading or mediating *Shalish* is dependent on the locals acceptance of the *dewanees's* facilitating skill and their standing in the local community.

Table 4.3 An understanding of the features of *shalish*

Features of typical <i>Shalish</i>	Female		Male	
	N	%	N	%
Both rival parties agree to sit together when <i>Shalish</i> will be held	38	11.9	62	19.4
One person or group should play the role as a third party	8	2.5	11	3.4
Condition is compromised by both the groups	4	1.3	8	2.5
Not to give extra privileges	7	2.2	21	6.6
To only identify the problem or confusion and resolve the conflict	4	1.3	16	5.0
Presence of witnesses is not obligatory	3	0.9	2	0.6
Do not know	260	81.3	216	67.5
Others	0	0.0	2	0.6
N	320		320	

Note: Multiple responses considered

It is prominent that the *dewanees* has a good understanding of the locality they represent.

Relying on some specific terms and conditions, a judgment declared by *Shalish* is to be enforced in the community. If locals have a clear understanding of the system, they will be able to establish their rights through *Shalish*. Even though the *char* dwellers depend on the *Shalish* system in order to resolve disputes, most adults on the *chars* do not fully understand the features of a typical *Shalish* (Table 4.3). As the Table states, women on the *chars* have a lower understanding than men of the functioning of the *Shalish*. Less than 20% of the male respondents and 11.9% of the females correctly answered that both parties in a dispute has to agree to participate for a *Shalish* session to be held.

Preference Issues of *Shalish*

According to the *Shalish* system, the *dewanees* are responsible for holding the *Shalish* sessions. In addition, the *dewanees* need to ensure the delivery of a fair judgment by taking the following into consideration; not imposing an irksome judgment on a single party, that he/she is not violating the rules and regulations of the law or doling out punishment. However, the baseline

Table 4.4 An understanding of the regulation issues of *shalish*

Regulation issues of <i>Shalish</i>	Female		Male	
	N	%	N	%
Not to give any decision forcibly	7	2.2	11	3.4
Not to give any extra privileges to particulars groups	9	2.8	19	5.9
To hear the appeal of the rival group	61	19.1	118	36.9
Do not know	252	78.8	195	60.9
N	320		320	

Note: Multiple responses considered

data makes it clear that most adults are unaware of the regulations of *Shalish* (Table 4.4). In the same Table, it is shown that 36.9% of the male respondents believed that the main rule in the *Shalish* proceedings is that both parties must hear each other out.

Knowledge on Unsolvable Issue

Controversial issue that arises frequently in the *char* areas is that *dewanees* often receive complaints regarding issues of which they have no jurisdiction. Under these circumstances, the *dewanees* are more likely to pass judgment in favour of people they are on friendly terms with or to accept bribes. Observations found that *dawanees* attempt to resolve all kinds of disputes in the *char* areas, many which violates the State law. Such examples include rape, acid attacks and even murder. Due to the lack of proceedings with documented materials and evidence processing, the judgments remain incorrect, unfair and illegal. In

Table 4.5 Knowledge of the *shalish* boards jurisdiction

Types of decision	Female		Male	
	N	%	N	%
Decision on Murder	157	49.1	208	65.0
Violence against women (rape)	17	5.3	54	16.9
Kidnapping	5	1.6	0	0.0
Robbery	45	14.1	56	17.5
Acid related incident	2	0.6	3	0.9
Child and women trafficking	10	3.1	17	5.3
Do not know	137	42.8	92	28.8
N	320		320	

Note: Multiple responses considered

most cases the disputants are unable to establish their rights. This is clearly due to the fact that they are unaware of the legal basis of the procedures of the *Shalish* (Table 4.5). According to the information presented in Table 4.5, more than 49% (less than 70%) of the respondents felt that murder should not be dealt with by a *dewanee*. In addition, it is noteworthy that a significant number of the female respondents lack even minimal knowledge of this issue.

Types of Judgment

The judgments passed by *Shalish* on the *chars* are matters of much controversy. The *Dewanees* orders a variety of punishments, such as hitting/slapping, caning, apologizing or monetary fines. It is not uncommon for Individuals who have been the recipients of such punishment to get depressed. In worst case scenarios suicides have occurred.

Table 4.6 Types of judgment incurred by the *dewanee* on the accused

Types of Judgment	Children		Female		Male	
	N	%	N	%	N	%
Physical torture	194	60.6	223	69.7	245	76.6
To hit with a cane	76	23.8	9	2.8	3	0.9
Various physically painful punishments	64	20.0	31	9.7	37	11.6
Monetary fine	120	37.5	263	82.2	288	90.0
Humiliating punishment	37	11.6	13	4.1	13	4.1
Excluded from the privileges of social life	0	0.0	2	0.6	8	2.5
Handover to the Police	0	0.0	7	2.2	4	1.3
Do not know	0	0.0	32	10.0	29	9.1
Others	25	7.8	17	5.3	27	8.4
N	320		320		320	

Note: Multiple responses considered

Baseline data reveals that physical torture is the most commonly practiced judgment in *Shalish* (Table 4.6). The adult respondents mentioned monetary stipulations as another popular form of punishment. The children's knowledge regarding monetary payment as a recourse penalty, is seen to be much lower. In addition, humiliating punishment that makes people feel unworthy are, while not common, still practiced.

Limitation of Judgment

The law clearly states the rules the *dewanees* has to abide by when passing a judgment

through *Shalish*. The rules stipulate that the *dewanees* have no authority to pass physical or degrading punishments which embarrass the parties. Preventing the *dewanees* from passing such judgments would be easier if members of the community were aware of this. However, the baseline data states that the *char* dwellers are unaware of the various punishments that are prohibited in *Shalish* (Table 4.7). It is to be noted that during the data collection of children there was no provision to ask any types of questions regarding *hilla* marriage.

Table 4.7 Knowledge regarding punishments that fall beyond the capacity of the *shalish*

Types of punishment	Children		Female		Male	
	N	%	N	%	N	%
Hit with a cane	7	2.2	11	3.4	33	10.3
<i>Hilla</i> marriage	0	0.0	9	2.8	16	5.0
Throw stones at the defendant	0	0.0	0	0.0	4	1.3
Physically painful punishment	6	1.9	2	0.6	20	6.3
Forcible <i>Talak</i>	0	0.0	8	2.5	12	3.8
Handing out of humiliating punishment	8	2.5	1	0.3	14	4.4
Monetary fine	10	3.1	0	0.0	0	0.0
Do not know	296	92.5	289	90.3	244	76.3
Others	0	0.0	7	2.2	8	2.5
N	320		320		320	

Note: Multiple responses considered

DISCUSSION AND CONCLUSION

One of the objectives of the Good Governance project is to create mass awareness among the *char* dwellers about the availability and awareness of fair justice through *Shalish*. Some *Shalish* judgments create big socio-economic problems and may even go to the extent of

suicide. Most *char* dwellers know that the *Shalish* is an initial form of a social justice system of the State, and that it functions with the involvement of the local elite whom the residents refer to as *dewanee*. In Consideration of the lifestyles of the *char* dwellers, *Shalish* is more powerful than any form of formal justice in the *char* area. *Shalish* has become the first point of conflict resolution and is therefore hard to avoid.

Based on preceding observations, the true judgment and role of the *dewanees* in the *Shalish* system is still questionable. This is due to many factors - lack of transparency, illegal money exchange, kinship and patron client relationship, types of punishment and the limited knowledge of the functioning systems of the *Shalish*. Power and economic benefits continue to influence the judgments handed out by the *dewanees* who guard these two aspects very closely. Due to the lack of understanding of the features of a typical *Shalish* and the official powers of the *dewanees* amongst the locals, they are unable to raise their voice against the *Shalish*. As a result, the locals are in most cases unable to receive justice. In addition, the judgment often gives rise to economic loss and social harassment. Most respondents mentioned that at least 6 *dewanees* operate and assist to resolve conflicts by *Shalish* in every *char*. Based on observations, it was found that every *char* has between 5 to 6 influential members who act as *dewanees*, based on a system whereby all *char* dwellers live under one unified identity. The *dewanees* do however divide the community into different social groups termed *Shamaj*. The informal justice system *Shalish* is a generally practiced system in Bangladesh and has resulted in the creation of guidance, directive and legislation. Even though the *char* dwellers depend on *Shalish*, most of them have no understanding of the rules of the *Shalish*. In addition, they are unaware of what issues should be considered to ensure justice during the proceedings. This knowledge is essential in order to establish their rights. The parties in the conflict are usually in the dark about the parameters of the *dewanees'* decision making process. The *dewanees* are known to deliver judgments in criminal cases such as murder and rape, something that according to the State law is illegal and beyond the jurisdictions of the *dewanees*. This raises questions such as why people continue to bring their issues to the *Dawanees*, how the powers of *dewanees* evolved, and why the situation has not improved. The primary problem is the lack of education amongst the *char* dwellers, followed

by a complete deprivation from mainstream facilities of formal justice institutions and legal support. The local power structure, livelihood patterns and inadequate knowledge of the functions of the *Shalish* has institutionalized *Shalish* into the hands of the *dewanees*. From the baseline findings, it is evident that the female population has less understanding of the *Shalish* process than the male population. This deprives the women of legal benefits. Most *Shalish* cases are conducted without proper documentation, including rape and murder cases.

Shalish cases usually deliver summary judgments which results in fast paced resolutions. However, this creates complications if the disputant is not completely clear of this process. Data from the research shows physical punishment to be a popular punishment of the *Shalish*. This is again, prohibited by State law. As mentioned though, most *char* dwellers are not aware of the fact that this type of punishment is illegal.

The informal justice system is a preliminary dispute resolution system in Bangladesh. Friendship's Good Governance team is attempting to build mass awareness among the *char dewanees* and dwellers, along with improving the understanding of the role and authority of *Shalish*. This will result in the establishment of their rights and increase easy access to the formal justice system.



Chapter Five

***CHAR* DWELLERS PERCEPTION OF LAW AND JUSTICE SYSTEM**

Chapter Five

CHAR DWELLERS PERCEPTION OF LAW AND JUSTICE SYSTEM

“Law is the formal glue that holds fundamentally disorganized societies together.”

- (Thomas Hobbes, 1651): English philosopher

The word ‘law’ is of utmost importance to the State and State governed people. Countries law are legislated based on their needs. Law is a term which does not have a universally accepted definition¹⁶, one definition is however that law is a system of rules and guidelines which are enforced through social institutions to govern behaviour¹⁷, thus law runs the judicial system. The judicial system is divided into two parts, one dealing with civil matters and the other dealing with criminal matters. The place where judicial matters are administered is called a Court. Violations of the law are initially addressed by law enforcement agencies. People turn to the Court to establish their rights and avail justice. This chapter focuses on the *char* dwellers perception of the law and the justice system of Bangladesh.

Perception of Law

It is noteworthy that ‘law’ (Ain) is a commonly used word in the *char* areas. When the *char* population face difficulties of any sort, they comfort each other with the reminder that the country has laws that one must follow. The simplistic ideology refers to the belief that if he/she is deprived of his/her rights, the remedy will surely lie in the law. Presently, there are no formal judicial institutions or legal aid services operating on the *chars*.

Thus as a result, and due to their livelihoods pattern, the *char* dwellers depend on the local elite to ensure fair judgments. Proper insight into the legal system is a very important tool to ensure the enforcement of their rights. Table 5.1 shows the data of how *char* dwellers discern the elusive concept of ‘law’.

Table 5.1 Children understanding of the definition of law

Meaning of law	Children	
	N	%
It is a system and base for governing the country	15	4.7
It is rules and regulation	52	16.3
Do not know	253	79.1
N	320	

¹⁶ Lord Lloyd of Hampstead. Introduction to Jurisprudence. Third Edition. Stevens & Sons. London. 1972. Second Impression. 1975. Page 39. http://en.wikipedia.org/wiki/Law#cite_note-Reference B-3

¹⁷ Robertson, Geoffrey (2006). Crimes Against Humanity. Penguin. ISBN 978-0-14-102463-9.

As per Table 5.1, 79.1% of the children stated that they do not understand the meaning of law.

Table 5.2 Adult understanding of the definition of law

Meaning of law	Female		Male	
	N	%	N	%
It is a system and base for governing the country	44	13.8	78	24.4
It is rules and regulation	84	26.3	145	45.3
Do not know	192	60.0	97	30.3
N	320		320	

Table 5.2 shows what the adults believe to be the meaning of 'law'. A higher percentage of men (45.3%) responded that the term 'law' encompasses the rules and regulation of the State. It is also worth noting that a large segment of the female population are completely at a loss of what the word 'law' stands for, only 26.3% answered correctly.

Place of Legislated Law

The Parliament of Bangladesh is the only legislative body in the country. Table 5.3 presents the knowledge of the *char* population of where the law is legislated.

Table 5.3 Children knowledge of where laws are created

Where law is legislated	Children	
	N	%
Parliament	11	16.4
Do not know	56	83.6
N	67	

It can be observed in Table 5.1 that out of a total of 320 students, only 67 children mentioned

that they knew the meaning of law. Table 5.3 presents the data of the same 67 children who felt that they knew the definition of law. Among those 67, only 16.4% knew the correct answer, namely the Parliament.

Table 5.4 Adults knowledge of where legislation is passed

Place of legislating	Female		Male	
	N	%	N	%
Parliament	50	15.6	162	50.6
Union Parishad	43	13.4	28	8.8
Do not know	227	70.9	130	40.6
N	320		320	

In the study of adults, 50.6% of the male participants knew that the laws are drafted in the Parliament, whereas only 15.6% of the female participants knew that to be so (Table 5.4). According to the baseline data, some adults are under the misconception that laws are adopted in the Union Parishad. The knowledge amongst the women regarding the legislation of law is by the baseline data proven to be limited.

Process of Legislation to Pass Law

Table 5.5 Knowledge of how legislation is passed (Children)

Process	Children	
	N	%
Parliamentary members votes to pass a bill	3	4.5
After passing a bill by the signature of the president	2	3.0
Do not know	62	92.5
N	67	

Table 5.5 indicates the degree of knowledge of the child respondents regarding the process

of creating laws. Among the 67 respondents (out of the 320 who were able to display some understanding of the definition of law), and from those who were questioned, more than 92% were unable to answer questions regarding how legislations are passed.

Table 5.6 Knowledge of how legislation is passed (adults)

Process	Female		Male	
	N	%	N	%
Parliamentary members votes to passing a bill	37	11.6	99	30.9
After passing a bill by signature of the president	0	0.0	1	0.3
Do not know	283	88.4	220	68.8
N	320		320	

Table 5.6 shows the comparative study between men and women about the law making process. Women have a much lower knowledge about this process.

Purpose of Establishing Law

Table 5.7 Knowledge about the purpose of establishing laws

Purpose	Children		Female		Male	
	N	%	N	%	N	%
To protect valuable asset from theft	45	14.1	21	6.6	15	4.7
For smooth functioning of social activities	27	8.4	84	26.3	123	38.4
To save human life	63	19.7	114	35.6	143	44.7
Do not know	185	57.8	108	33.8	55	17.2
Others	0	0.0	8	2.5	8	2.5
N	320		320		320	

Note: Multiple responses considered

Table 5.7 presents the reasons *char* dwellers gave as to why laws are established. The most popular reason appeared to be that laws are created to safeguard human life. Only 8.4% of the children questioned, answered that the law is a process for the smooth functioning of social activities. The adult population answered along the same line, 26.3% and 38.4% for female and male respondents respectively. It is worth noting that a large number of the female and child respondents stated that they had no knowledge of this matter.

Preservation of Rights by Law

Bangladesh's constitution declares that men and women have equal rights in all spheres of public life. According to Article 28 (2) of the constitution of People's Republic of Bangladesh, "Women shall have equal rights with men in all spheres of the state and of public life". Due to a lack of proper knowledge, most people are not aware of this fundamental right.

Table 5.8 presents how people perceive the law to treat them. According to the Table, more than 57% of the respondents answered that all are equal in the eyes of the law. The knowledge of children on this topic is noticeably lower than that of the adult population; 41.3% of the children questioned about this voiced the opinion that they had no knowledge whatsoever on this matter.

Table 5.8 Knowledge of the benefits of law

How are humans viewed in the eyes of law	Children		Female		Male	
	N	%	N	%	N	%
All people are equal by law	183	57.2	229	71.6	265	82.7
Different law for rich and poor	1	0.3	4	1.3	5	1.6
Laws are different for male and female	4	1.3	8	2.4	4	1.3
Do not know	132	41.2	79	24.7	46	14.4
N	320		320		320	

The Understanding of the Consequence of Violating the Law

A country uses laws to govern its citizens. Unscrupulous individuals breach and violate this law for their personal gain. Table 5.9 presents the data on what actions people think the State takes against violators of the law. According to the study, more than 27% and less than 35% of respondents thought that if

anybody violates the law, law enforcement agencies will arrest her/him. However, 45.3% of the male respondents thought that the violators receive both jail and fine. The female and child respondents who concurred with this answer is seen to be 36.6% and 23.1%. This Table also presents a significant number of children (35%) that replied that they did not know what happens to violators of the laws.

Table 5.9 The understanding of consequence of violating laws

Step taken against law violators	Children		Female		Male	
	N	%	N	%	N	%
Law enforcement department arrests her/him	87	27.2	96	30.0	104	32.5
Sent to jail	55	17.2	66	20.6	71	22.2
Fine	11	3.4	28	8.8	27	8.4
Both jail and fine	74	23.1	117	36.6	145	45.3
Do not know	112	35.0	55	17.2	25	7.8
Others	10	3.1	3	0.9	2	0.6
N	320		320		320	

Note: Multiple responses considered

Perception of what Constitutes as Violating the Law

Table 5.10 above presents data on what actions the people questioned believe to constitute an offensive act. The most popular single

response appeared to be that an individual that is involved in a physical conflict/assault, is committing an unlawful act punishable by law. 67.5% of the man, 63.4% of the women and 61.9% of the children respondents agreed on this issue.

Table 5.10 Types of offender

Types of offence	Children		Female		Male	
	N	%	N	%	N	%
If a person is involved in work which is harmful to others	27	8.4	52	16.3	70	21.9
S/he is involved in any work which is harmful for the environment	4	1.3	5	1.6	9	2.8
Murder	66	20.6	119	37.2	147	45.9
Involved in physical conflict with others/assault	198	61.9	203	63.4	216	67.5
Theft	121	37.8	196	61.3	206	64.4
Robbery	15	4.7	97	30.3	130	40.6
Do not know	37	11.6	10	3.1	4	1.3
Others	1	0.3	3	0.9	5	1.6
N	320		320		320	

Note: Multiple responses considered

Perception of Access to Justice

This study focused on the question of where people should go in order to receive justice. As per Table 5.11, most respondents mentioned that people usually go to the *dewanees* to get justice; children have considerably less

knowledge about this subject. The reason for the popularity of *dewanees* is that the informal justice system is more attractive in Bangladesh. On the other hand, a significant number of respondents mentioned that people should go to the Union Parishad to seek justice.

Table 5.11 Knowledge about where people go to seek justice

Place for getting justice	Children		Female		Male	
	N	%	N	%	N	%
<i>Dewanee</i>	204	63.8	281	87.8	294	91.9
Court	39	12.2	61	19.1	138	43.1
Police Station	54	16.9	71	22.2	118	36.9
Union Parishad	139	43.4	161	50.3	187	58.4
Do not know	23	7.2	3	0.9	2	0.6
N	320		320		320	

Note: Multiple responses considered

Knowledge about the Court System

This section presents the data regarding the perception of the *char* dwellers on the machinations of the courts system. As seen in Table 5.12, 73.8% of the male respondents believe the court to be a place where people are punished for violating the law. 45.6% of the female respondents and 34.7% of the child respondents concurred to this response. It is worth noting from the given data that a significant number of women and children are not well informed of the court system in Bangladesh.

Table 5.12 Knowledge about the definition of the country court

Definition of court	Children		Female		Male	
	N	%	N	%	N	%
Where it is decided whether anyone is violating the law or not	5	1.6	3	0.9	14	4.4
Where one is punished for violating the law	111	34.7	146	45.6	236	73.8
Where offenders/criminals are sent	3	0.9	14	4.4	4	1.3
Where cases are filed	0	0.0	3	0.9	7	2.2
Do not know	201	62.8	154	48.1	59	18.4
N	320		320		320	

Types of Court

This study focused on people's awareness of what types of courts that are operational in Bangladesh. 94.7% of the individuals questioned had no knowledge of this matter.

Table 5.13 Knowledge about types of court

Types of court	Children		Female		Male	
	N	%	N	%	N	%
Civil court	0	0	12	3.8	10	3.1
Criminal court	0	0	5	1.6	7	2.2
Do not know	320	100	303	94.7	303	94.7
N	320		320		320	

The Meaning of Family Court

The Family courts were established by the Family Courts Ordinance 1985¹⁸ to work as a quick, effective and amicable

way to solve family matters. A law is only effective when people are aware of its existence. Baseline data shows that most adults in the *chars* are completely unaware of the existence of the Family Courts (Table 5.14). Amongst the ones who answered correctly, the male respondents seemed to have more knowledge than their female counterparts.

Women and Children Laws

Violence against women and children are common in Bangladesh and presents itself in forms of both sexual and physical abuse. The Bangladeshi government legislated a special law to improve the situation called "Prevention of Repression against Women and Children (Act, 2000)". Table 5.15 shows the awareness amongst the *char* dwellers of the child and women legislation. Although baseline data shows a lack of awareness, the female perception is lower than that of their male counterparts, the numbers for "there is no such law" being 94.7% and 87.8% respectively. On the other hand, only 12.2% of the male respondents mentioned that they have heard about this law. Although this law was created to protect women, it is the group that lacks knowledge of this issues the most.

¹⁸ XVII of 1985. The ordinance was made by the President of the People's Republic of Bangladesh on 28.3.1985 and was published in the Bangladesh Gazette, Extra on 30.3.1985.

Table 5.14 Knowledge regarding family courts

Family court	Female		Male	
	N	%	N	%
It is a local and different system to quickly resolve woman and child related affairs	12	3.8	18	5.6
A judicial system for resolving family related conflict or problem	1	0.3	11	3.5
Do not know	307	95.9	291	90.9
N	320		320	

Table 5.15 Respondents knowledge about the existing laws protecting women and children

Existence of laws protecting women and children	Female		Male	
	N	%	N	%
Yes	17	5.3	39	12.2
No	303	94.7	281	87.8
N	320		320	

DISCUSSIONS AND CONCLUSION

The survey encompassed in this chapter presents important conceptual misunderstandings or outright lack of knowledge of the *char* dwellers regarding law and the justice system in Bangladesh. The male population seems to have a better understanding of issues relating to law than the female population. Based on findings, the women and children on the *chars* are mostly in the dark when it comes to the meaning of law and where it is applicable. This is a serious concern as women and children in Bangladesh are the most common subjects of sexual and physical abuse as well as trafficking. The socio-economic structure in Bangladesh is such that, when legal matters arise in families, a male family member or representative would be the one to pursue it on behalf of their aggrieved family member. An observation made was that in most cases, they were unable to establish their rights due to a lack of information. Even though a majority of the *char* dwellers seemed to know that all were equal in the eyes of law, women and children are unable to establish their rights in the family and much less in the society.

A country is governed by its constitution and all kinds of laws are legislated based on it to establish people's rights. Citizens should understand and be aware of the basics of different laws

which ensure their rights. Many people violate laws, intentionally or not, and one can identify such through their activities. Baseline data shows that the *char* dwellers go to different people or places to resolve their conflict or to receive justice. An interesting point worth noting is that most women and children on the *chars* mentioned that people prefer an informal justice system over a formal one as they believe that the former is more likely to be effective.

It is also important to note that all segments of the population have little knowledge of the functioning of the informal justice system. *Char* dwellers are dependent on local elites to resolve all conflicts because of the way they lead their lives. Local elites frequently attempt to either minimize the issues, or resolve the issues illegally. As a result, the informal justice system frequently violates State law and the judgment can be questioned since victims fail to receive fair judgment. This is why people should be cognizant of why the state established courts and laws. They should, in particular, be aware of special laws which are legislated to improve the situation involving violence against women and children. Baseline findings suggest that *char* dwellers do not have the necessary amount of understanding of the Prevention of Repression against Women and Children Act, 2000. The findings finally lead to the conclusion that in order for people to start enforcing their rights, there is a need for knowledge and rights based education programs.



Chapter Six

**COMMUNITY'S UNDERSTANDING
OF THE LOCAL GOVERNMENT
STRUCTURE AND ADMINISTRATION**

Chapter Six

COMMUNITY'S UNDERSTANDING OF THE LOCAL GOVERNMENT STRUCTURE AND ADMINISTRATION

Union Parishad forms the lowest part of formal governance structures in rural Bangladesh (De-Lay 2010). According to Wikipedia¹⁹, the name Union Parishad has a history. The term union dates back to the 1870 British legislation titled “The Village *Chowkidari* Act”, which established Union *Panchayets* in order to collect tax to maintain Chowkidars (village Police) in Bengal. Later, the rural layer of the local government became known as Union Councils. In 1972, the name of the Union Council was changed to Union *Panchayet*, which was changed to Union Parishad in 1973. The system included a Chairman and nine members, three from each ward, all of whom were directly elected. Accordingly, the first Union Parishad elections were held in 1973. The Local Government Ordinance of 1976 and a subsequent amendment demanded two women and two peasant members to be nominated by the sub-division (UNDP 2002). According to the functioning structure of the Union Parishad, it consists of 13 elected members. One chief and 12 members (three are reserved for women) are present (20 no. law by 1993-amendment). The basic responsibilities of the Union Parishads are to develop infrastructure. This includes implementing the different government activities and ensuring development by utilizing local resources and infrastructure. The Union Parishad plays a major role in the village court to establish law and order. The rural people are dependent on the Union Parishad as all government development plans are implemented by the Union Parishad. The Union Parishad²⁰ is a major grass-root level point of the Government structure, responsible for the citizen's contact with governmental activities. The following baseline findings help us to understand the *char* dwellers perception of the function of the local government structure and administration.

Meaning of Union Parishad (UP)

Table 6.1 Childrens knowledge of the definition of the union parishad

Definition of the Union Parishad	Children	
	N	(%)
Where member/chairman are seated	88	27.5
Where trials are conducted	6	1.9
Where one goes to get “relief”	34	10.6
Do not know	203	63.4
Others	5	1.6
N	320	

Note: Multiple responses considered

Every year the Government implements its annual plan through the Union Parishad. During the research work, it was highlighted by the community that the Union Parishad failed to deliver the services properly. The respondents expressed that they in most cases did not raise their voice due to the lack of proper knowledge. The baseline data shows that most of the *char* children lack the knowledge of the meaning of the Union Parishad (Table 6.1). Out of 320 children,

¹⁹ http://en.wikipedia.org/wiki/Union_Councils_of_Bangladesh

²⁰ Each Union is made up of nine Wards. Usually one village is designated as a Ward.

27.5% answered that it is where the members/chairmen are seated, only 10.6% mentioned the UP as a place to collect relief.

Information about UP Member

Fig 6.1 presents the knowledge regarding the members of the Union Parishad. Out of 320 children, most of the respondents answered that they do not know the numbers of members in a Union Parishad. Only 2.2% answered correctly, a significant number answered incorrectly (Fig 6.1). However, the baseline data shows that more than 80% of the studied children mentioned that the Union Parishad members are elected through public elections (Fig 6.2).

Fig 6.1 Knowledge about members of the UP

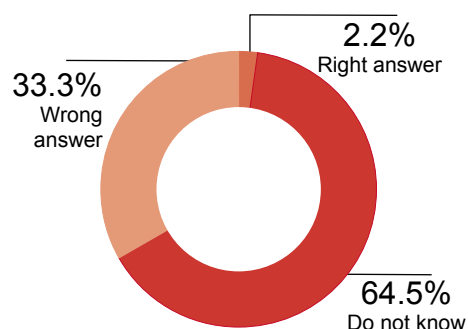
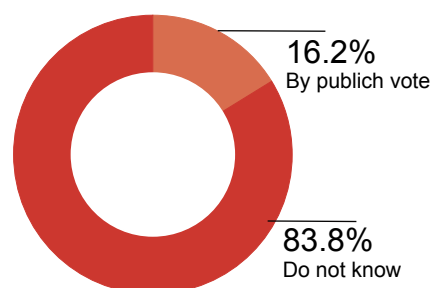


Fig 6.2 Knowledge of the selection process of the UP member



Existing Ward of Union Parishad

The lowest unit of the State by which an area is governed is called a Ward. Information was collected to assess the respondent's perception of the difference between a Ward and a Union Parishad. The Baseline data shows that the highest number (68%) of correct answer was given by the male respondents (Table 6.2). A significant number of the female and child respondents answered incorrectly, 45% and 27% respectively. According to Table 6.2, 51% of the children proved to have no clear idea of how many Wards that exists in a Union Parishad.

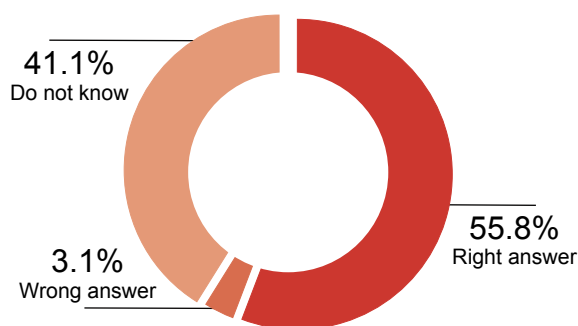
Table 6.2 Knowledge on how many wards in a union parishad

Existing ward in Union Parishad	Children		Female		Male	
	N	%	N	%	N	%
Know	71	22	97	30	217	68
Do not know	164	51	79	25	59	18
Gave wrong answer	85	27	144	45	44	14
N	320		320		320	

Understanding the Designation of the Head of the Union Parishad

The Head of the Union Parishad is called the Chairman and is an influential person in the local community. Observations found that the

Fig 6.3 Knowledge about the designation of the UP head



Union Parishad sometimes is known in the local community as the Chairman's office. Fig 6.3 shows

that a significant number of children (41.1%) have no knowledge of the designation of the Union Parishad Head.

The Role of the Union Parishad

Based on livelihood patterns, kinship, and political identity, the UP members, along with other local elites (*dewanees*), are treated as informal guardians by the local *char* dwellers. For any difficulties that may arise at any point in their lives, they approach the UP member at the first stage of the problem. *Char* dwellers visit the UP to protect a variety of personal interests. Table 6.3 shows the *char* dwellers' current knowledge on this matter. According to Table 6.3, 30.6% of the child respondents stated that people go to the Union Parishad in order to resolve their disputes by *Shalish*. The local government distributed relief packages among the *char* community to support livelihoods during periods of flood and emergencies. 30% of the child respondents said that people visit the Union Parishad in order to receive relief during or post disaster. However, 42.2% were unaware of the reason for people to visit the Union Parishad.

Table 6.3 Knowledge about the reason for visits to a union parishad (children)

Purpose of visit	Children	
	N	(%)
Relief	96	30
VGD/VGF Card	13	4.1
Elderly compensation money	3	0.9
Widow ration-money	4	1.2
Road/culvert building	3	0.9
For <i>Shalish</i>	98	30.6
Do not know	135	42.2
Others	10	3.1
N	320	

Note: Multiple responses considered

Frequency of Community Visits by UP Members

The general perception is that members of the UP work closely with the community. The UP members usually visit their working areas for different reasons. Fig 6.4 summarizes the adult perception of the visits of UP members in their area. According to Fig 6.4, 63% of the female respondents stated that the local chairman/member visited their *char* in the last three months. In addition, Fig 6.5 shows that 69% of the male population mentioned that the local chairman/member visited their *char* in the last three months (Fig 6.5).

Fig 6.4 Female study subjects responses

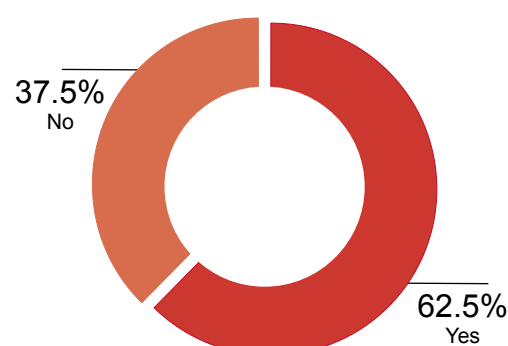
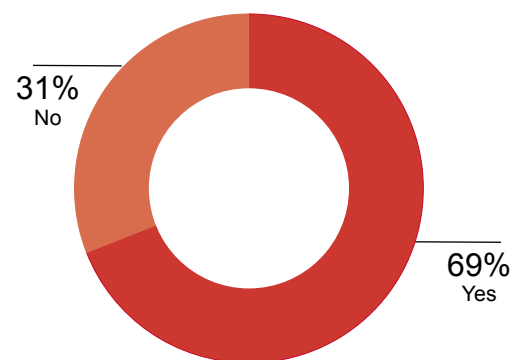


Fig 6.5 Male study subjects responses



Purpose of Visits

Table 6.4 shows that 42.5% of the female and 51.1% of the male respondents mentioned the

main reason for members of the UP to visit their areas is to supervise developmental activities. 23% of the female respondents mentioned that the main reason for the UP members visits were to facilitate *Shalish*. Additionally a remarkable number of adult respondents expressed that the UP members visit their working area to assess the losses incurred by flood/river erosion.

Table 6.4 Reason for visits by UP members (adults respondents)

Purpose	Female		Male	
	N	%	N	%
Supervise development activities	85	42.5	113	51.1
Conduct <i>Shalish</i>	46	23.0	49	22.2
Visit relative's house	15	7.5	13	5.9
Observe river erosion/flood situation	58	29.0	57	25.8
Others	10	5.0	7	3.2
N	200		221	

Note: Multiple responses considered

Responsibilities of UP Chairman

in his/her jurisdictional area. *Char* dwellers have minimal knowledge of the responsibilities of the UP chairman (Table 6.5). As seen in Table 6.5, more than 41% of the

Table 6.5 Perceived responsibilities of the union parishad chairman

Responsibilities	Female		Male	
	N	%	N	%
Operating development activities	119	37.2	163	50.9
Operating administrative work	18	5.6	22	6.9
Mass communication	33	10.3	43	13.4
Conduct <i>Shalish</i>	150	46.9	134	41.9
Attest different types of certificate	2	0.6	22	6.9
Do not know	66	20.6	46	14.4
Others	14	4.4	17	5.3
N	320		320	

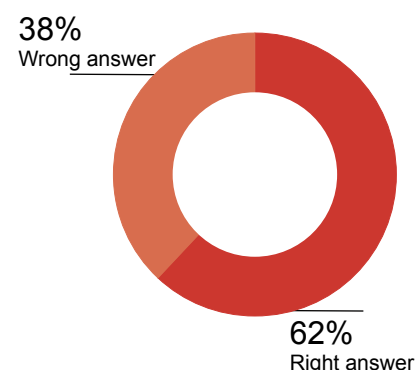
Note: Multiple responses considered

The UP chairman is the most powerful person among the local community and is responsible for the development adults (less than 50%) believed the main responsibility of the Union Parishad Chairman to be to conduct *Shalish*. Further, the Table shows that 50.9% of the male respondents expressed that it is the Chairman's responsibility to oversee the operations of all developmental activities. 37.2% of the female respondents concurred.

Children's Perception of how Geographical Divisions of Land and Public Offices are Made

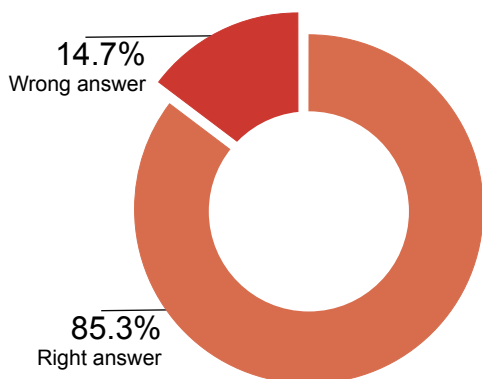
The Fig 6.6 presents the knowledge of the *char* children of their current location. To establish identity and rights, information about their birth place is important for individual record keeping. The baseline data shows that children do not have enough knowledge of their location (Fig 6.6). A child in class 3 or 4 should possess this information, unfortunately they do not. Observations found that many *chars* are attached to others *chars*.

Fig 6.6 Children knowledge of their local union parishad



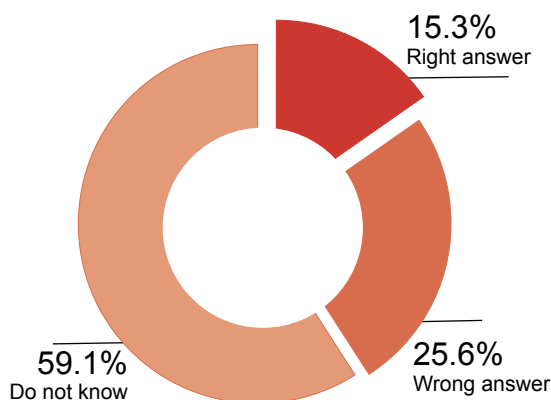
More than once a year, children can be forced to shift *chars* due to river erosion. In addition, the Baseline study found that 38% of the children do not know the name of their local union (Fig 6.6).

Fig 6.7 Knowledge of the name of their own district



The children are not only unaware of the name of their Union, but of the district in which they live. According to the findings of this study, 14.7% of the children were unable to name their own district (Fig 6.7).

Fig 6.8 Knowledge about their own division



The data that came out is alarming as the children in the *chars* were unable to name

the division they lived in. Fig 6.8 shows that 59.1% of the children do not know the name of the division where their *char* is located and 25.6%, when asked, answered incorrectly. The concept of division is very important for the State as the State implements its entire plan such as health, education, agriculture etc. through divisions’.

Presence of the Police in the *Char*

The Bangladeshi police are the main law enforcement agency of Bangladesh. It plays a crucial role in maintaining peace as well as law and order within the whole of Bangladesh. Though the police is primarily concerned with the maintenance of law, order and security of individuals and property, it also plays a vital role in the criminal justice system²¹. The State policy intervenes if and when any individual faces any kind of difficulty in their lives. In such instances police should be easy to access, as their help is sought as a first step towards justice. In addition, when people violate the State law or is seen as harmful to others, the police should arrest him/her. The *Char* areas are isolated but are not completely lacking law and order. The Police often visits the *Chars* as part of their duty. The baseline data shows that 82.5% of the children (out of 320) stated that the police had visited the *Chars* (Fig 6.9). Children react in different ways to the presence of the Police in the *chars* and reactions depend primarily on the activities of the Police. According to Fig 6.10, out of 264 respondents (who appeared to know about the activities of the Police in the *Chars*), 38.3% explained that people leave the *Char* due to fear of the Police. In addition, 31.4% confessed to approach the Police despite the fear. 3% mentioned that they feel scared when the police beat people in front of them. Thus, activities of the Police has a negative impact on the children.

²¹ Wikipedia: Bangladesh police: http://en.wikipedia.org/wiki/Bangladesh_Police

Fig 6.9 Knowledge about the police presence in the chars

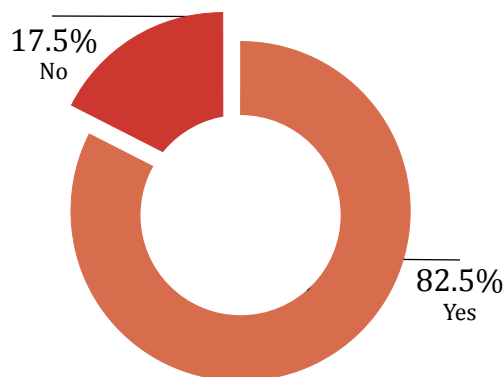
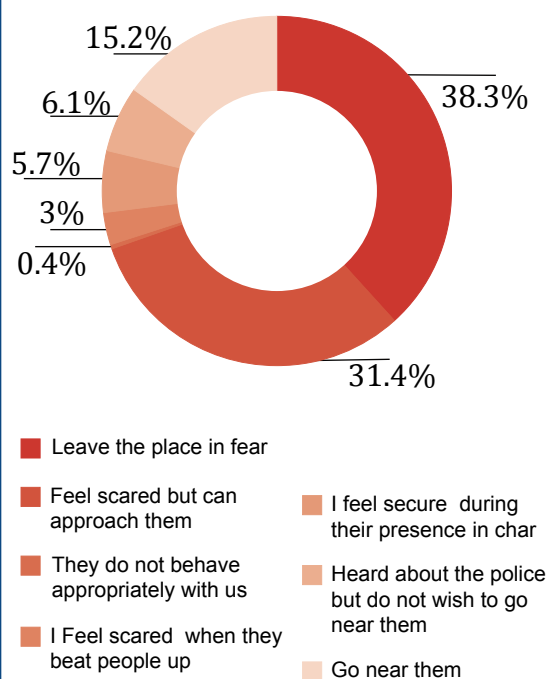


Fig 6.10 Children reaction to the police presence in the chars

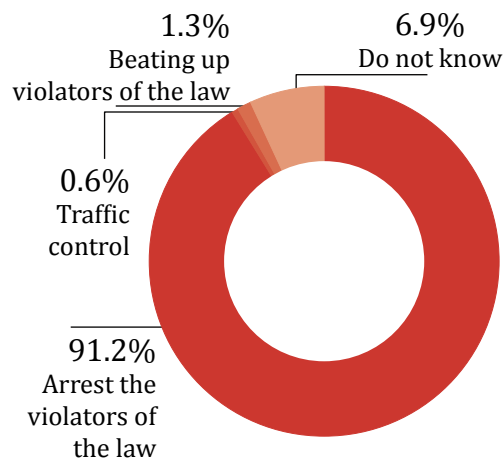


Role of Police

The Bangladesh Police force is primary responsible for the preservation of peace and order, the protection of life and property of the people, along with prevention and detection of crime. The Police is required to assist in

developing the State by providing the basic security required for sustained economic growth of the country (Wikipedia)²².

Fig 6.11 Children's understanding of the role of police



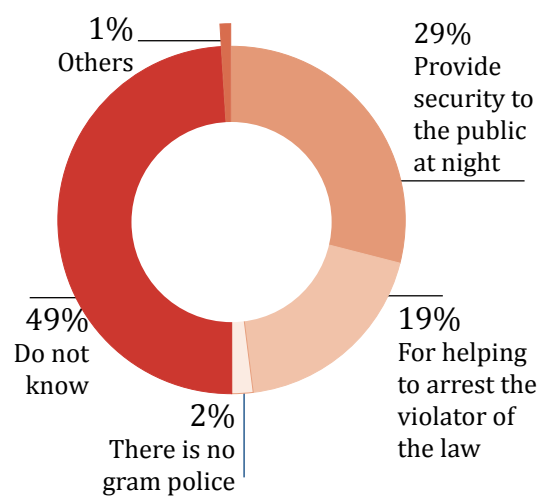
This section presents the knowledge of the child respondents of the responsibilities of the Police. Fig 6.11 shows that out of 320 children, 91.2% answered that the main responsibility of the police is to arrest violators of the law. On the other hand, 1% mentioned that amongst their work is to beat those who violate the law and traffic. The second highest number (6.9%) mentioned that they do not know the role and responsibilities of the Police.

The Responsibility of the Gram Police (Chowkider)

The perception on duties and responsibilities of the Gram Police are presented in Fig 6.12. Out of 320 children, 49% of the respondents answered that they were unaware of the responsibilities of the gram police. 29% mentioned that the main responsibility of gram police is to provide security at night for the locals. However, 19% answered that their responsibility is to aid the police in arresting violators of the law and 1% replied that there is no such thing as a "Gram" police.

²² http://en.wikipedia.org/wiki/Bangladesh_Police

Fig 6.12 Understanding of the responsibilities of the gram police/chowkider



DISCUSSIONS AND CONCLUSION

The development of a child's mental and physical growth is affected to a great extent by his/her environment. If the children get a suitable place where they can express their identity in society it can help in building their awareness of their rights and responsibilities. In order to become a good citizen, a child need some basic information about him/herself e.g. his/her name, parents' name, name of village, Union and District. This information is needed to express their identity and help them to develop their capacity. The aforementioned information is however glaringly absent in the *char* areas. The *char* children are unable to get hold of current information on most issues due to the lack of mainstream facilities. This in turn hinders their development. Elders should play an important role in providing the information about the government. However, in such situations the elderly should have a clear idea of the country and its people. The baseline data shows that most of the children are unaware of the name of the division to which their *chars* belong. One of the main purposes of conducting this research was to determine

the understanding of the *char* inhabitants regarding local government and administrative structure of the State. From the baseline data it was found that most of the *char* children are unaware of what a Union Parishad is or what its functions are. Even adults are ignorant of important things such as numbers of Wards in a Union Parishad. Everyone should know the primary information as government facilities are implemented under the Union Parishad. A poor relationship exists between *char* dwellers and the members of the Union Parishad which result in the *char* dwellers being deprived of their rights. Ignorance of the *char* dwellers allows the members of the Union Parishad to misuse their power and overlook their responsibilities.

The head of the Union Parishad is called the Chairman and is elected by the people. However, most of the children are unaware of the designation of such a person. The responsibilities of the Union Parishad members' are to work closely with the people and to ensure local development. The question posed to the *char* dwellers was "what is the responsibility of the Union Parishad and are they available in the *chars*". The *char* people mentioned that UP members visits their *char* and that the main responsibilities of the Chairman is to facilitate the *Salish* and developmental activities. Most children are under the assumption that people turn to the Union Parishad to receive relief and fair justice through *Shalish*.

The *char* dwellers, despite having only limited knowledge regarding the *Gram* Police, are familiar with regular Police. The children expressed that while Police visited the *chars* often enough, their presence and activities affected them in a negative manner. This scenario needs to be improved.

In order to ensure the *char* dwellers rights and for the development of the locality, it is essential to build bridges of communication between the *char* dwellers and the Union Parishad. While the program to a great extent should focus on child and female awareness, only mass awareness will improve the situation.



Chapter Seven

***CHAR* DWELLERS PERCEPTION OF THE GOVERNMENT STRUCTURE, ADMINISTRATION AND SYSTEM**

Chapter Seven

CHAR DWELLERS PERCEPTION OF THE GOVERNMENT STRUCTURE, ADMINISTRATION AND SYSTEM

This chapter seeks to present the *char* dwellers familiarity with the constitution of Bangladesh. This includes the functioning of the Parliament, democracy and government structures. Large numbers of the people who live in the *char* areas are unaddressed by the State and other non-government organizations due to its remote location. This means that there is a lack of use of government infrastructures in those areas. The *char* dwellers often becomes a valuable asset for political candidates who uses them as a tool to gain votes previous to Parliament or local Government elections. It is questionable whether these communities have any knowledge of the voting system, or the importance of voting as a citizen. However, the baseline findings may help Friendship Good Governance Programme to identify the areas which need assistance. This can be done by better use of communication as a tool of development.

The Perception on the Constitution

The constitution of Bangladesh is regarded as the supreme law of the country. It preserves the rights of all citizens of Bangladesh regardless of language, ethnicity, religion, class or cast.

According to Table 7.1, only 9.1% of the males correctly answered that the constitution

is the highest law of an independent and sovereign country. 3.8% mentioned that the constitution is a book and that Bangladesh is governed by that specific book. The female perception of the importance and use of the Constitution ended up on 3.1% and 1.2% respectively. Children had no knowledge of the Constitution.

Table 7.1 Knowledge about the constitution of Bangladesh

Constitution of Bangladesh	Children		Female		Male	
	N	%	N	%	N	%
It is the highest law of an independent and sovereign country	0	0	10	3.1	29	9.1
Bangladesh is governed by this book	0	0	4	1.3	12	3.8
Do not know	320	100	306	95.6	279	87.2
N	320		320		320	

The Perception of the National Parliament

Jatiya Sangsad is the National Parliament²³ of Bangladesh. The current Parliament of Bangladesh consists of 300 seats for general members who are elected through direct public election. 50 seats are reserved for women who are selected by elected MPs of the parliament. The individuals who have been elected by their constituency are the constituent's representative in the Parliament. Table 7.2 presents the study undertaken and shows people's perception of the National

Parliament of Bangladesh. It shows that more than 79% of the female and children knew nothing of the National Parliament, whereas male knowledge ends up at 39.1%. Therefore, providing this information among the *char* community is urgently needed in order to increase the knowledge about the States governing system.

Table 7.3 shows the level of knowledge of the National Parliament. It is observed that the knowledge regarding the Prime Minister is comparatively low. However, a significant number of the male population knew of the Speaker.

Table 7.2 Knowledge about the functions of the National Parliament

Functions	Children		Female		Male	
	N	%	N	%	N	%
The parliament has the authority to legislate	4	1.3	18	5.6	54	16.9
Working place of MP	41	12.8	52	16.3	162	50.6
Where the Prime minister delivers speech	15	4.7	19	5.9	46	14.4
Where the President delivers speech	1	0.3	4	1.3	6	1.9
Do not know	266	83.1	254	79.4	125	39.1
N	320		320		320	

Note: Multiple responses considered

Table 7.3 Knowledge about the members of the Parliament

Name of designation	Children		Female		Male	
	N	%	N	%	N	%
MP	38	70.4	51	77.3	180	92.3
Minister	36	66.7	52	78.8	164	84.1
Prime minister	27	50.0	43	65.2	29	14.9
Speaker	2	3.7	2	3.0	117	60.0
N	54		66		195	

Note: Multiple responses considered

²³ Wikipedia: Jatiyo Sangshad: http://en.wikipedia.org/wiki/Jatiyo_Sangshad

Perception on Parliamentary Seats

As mentioned earlier, the current Parliament of Bangladesh consists of 350 seats. The Parliamentary election is held every five years and citizens of Bangladesh who are above 18 years can participate in it, with a few exception. The pre-election period is a festive time when children participate in it just for fun and to play with festoons, banners, loud mikeing etc. adds to this festive mood. Adults also participate in a similar manner by adding their views about the elections very vocally. Table 7.4 describes perception about available seats of Parliament. Through “Parliament” is not an unknown word in the community, they were unaware about the relationship of parliament seats and how it works with the functioning of Parliament. The members of Parliament are elected by public votes. So, in view of this, it is important for the citizens to know the working and functioning of Parliament and the relationship of citizen to it.

Table 7.4 Knowledge on available seats in the Parliament

Number of Parliamentary seats	Children		Female		Male	
	N	%	N	%	N	%
Right answer	0	0.0	2	3.0	8	4.1
wrong answer	42	77.8	63	95.5	183	93.8
Do not know	12	22.2	1	1.5	4	2.1
N	54		66		195	

How to Choose a Parliament Member

Every five years a Parliamentary election is held in Bangladesh where people participate by voting. The members of the Parliament get elected by public vote as stated by the rules of the country’s Constitution. Among the children who were questioned whether they knew about the National Parliament (From Table 7.2), 8.5% are unaware of the selection procedure of MP’s (Table 7.5).

Table 7.5 Knowledge of the selection procedure of Parliament members (children)

Perception	Children	
	N	%
Rights answer	44	81.5
Wrong answer	10	8.5
N	54	

Perception on the Speaker

The title was first recorded in 1377 and used to describe the role of Thomas de Hungerford in the Parliament of England. The term Speaker is a title often given to the presiding officer (often the Chair of a deliberative assembly) of a legislative body. The Speaker’s official role is to moderate debate, lead sessions, announce the results of votes etcetera. The Speaker decides who may speak and has the powers to discipline members who break the procedures of the house. The Speaker also represents the body in person e.g. in ceremonial situations. According to the constitution has the jurisdiction to take on the Presidential responsibilities, should the President be absent.

Table 7.6 present the knowledge the studied population possesses of a moderator of the Parliament. According to Table 7.6, the adult population has a better understanding of the Speaker’s role as moderator than the children. It is worth mentioning that respondents seemed partly familiar with the word “Speaker”.

Table 7.6 Knowledge about the moderator of the Parliament

Knowledge on Parliament Moderation	Children		Female		Male	
	N	%	N	%	N	%
Speaker	19	35.2	34	51.5	143	73.3
Minister	3	5.6	6	9.1	5	2.6
Prime Minister	9	16.7	10	15.2	17	8.7
President	1	1.9	1	1.5	1	0.5
Do not know	22	40.7	15	22.7	29	14.9
N	54		66		195	

Perception on the President

In this study, the respondents were asked three specific questions related to the President. The questions were; the name of the President, his responsibilities and working period. The results are presented in Table 7.7.

Table 7.7 presents respondent's perception on the designation of a President. The majority of the children, and a remarkable number of the female respondents were unaware of the name of the President; 59.7% and 37.2% respectively. In addition, the baseline data shows that 35% of the male respondents answered the question correctly.

Table 7.7 Knowledge about the name of the current President

Name of President	Children		Female		Male	
	N	%	N	%	N	%
Right answer	45	14.1	29	9.1	112	35.0
Wrong answer	76	23.8	92	28.8	97	30.3
No idea about this designation	191	59.7	119	37.2	52	16.3
Do not know	8	2.5	80	25.0	59	18.4
N	320		320		320	

Knowledge of the Responsibilities of the President of Bangladesh

Table 7.8 presents the respondent's perception of the responsibilities of a President. The male populations understanding of responsibilities of the President is greater than that of the women and children. The char men frequently leave the chars and thus have access to shared ideas and information from social gathering. Some respondents were unaware of the current Presidents name, they did however know of his responsibilities.

Tenure of the President

According to Table 7.9, the majority of the respondents are aware of the tenure of

Table 7.8 Responsibility of the president of Bangladesh

Responsibilities	Children		Female		Male	
	N	%	N	%	N	%
To govern a country	40	31.0	85	42.3	166	61.9
Supervise the MP/Minister	2	1.6	3	1.5	7	2.6
Give speech to the people	10	7.8	10	5.0	24	9.0
Go aboard for official work	4	3.1	13	6.5	12	4.5
Give signature on bill	2	1.6	0	0.0	0	0.0
Do not know	71	55.0	92	45.8	66	24.6
Others	0	0.0	7	3.5	11	4.1
N	129		201		268	

Note: Multiple responses considered

the President of Bangladesh. The male responses and knowledge is higher than that of the female and children.

Table 7.9 Tenure of the President

Tenure of the President	Children		Female		Male	
	N	%	N	%	N	%
Right answer	84	65.1	134	67.3	229	85.4
Wrong answer	14	10.9	8	4.0	3	1.1
Do not know	31	24.0	57	28.6	36	13.4
N	129		199		268	

Perceptions on the Ruling Prime Minister

This section presents information related to the Prime Minister, her responsibilities and her working tenure (Table 7.10).

Table 7.10 Knowledge about the current Prime Minister

Name of Prime Minister	Children		Female		Male	
	N	%	N	%	N	%
Right answer	214	66.9	256	80.0	289	90.3
Wrong answer	18	5.6	22	6.9	16	5.0
No idea about the designation	88	27.5	12	3.8	0	0.0
Do not know	0	0.0	30	9.4	15	4.7
N	320		320		320	

Tenure of the Prime Minister

The respondents were asked to name the present Prime Minister. Most of the respondents answered correctly, children's knowledge was however the lowest with 66.9% correct answers. The female knowledge ended up at 80% and mens at 90.3%. According to Table 7.11, more than 67% of the respondents mentioned that the main responsibility of the Prime Minister is to govern the country. 18.1% of the children were unaware of the responsibilities of the Prime Minister.

The respondents who answered correctly were in addition asked about the tenure of the Prime Minister. The majority of the respondents were able to answer correctly; male 92.5%, female 80.5% and children 70.7%. A remarkable number of the children were unaware of the tenure of the Prime Minister (Table 7.12).

Knowledge of the Responsibilities of the Prime Minister of Bangladesh

Table 7.11 Knowledge of the responsibilities of the Prime Minister

Responsibilities	Children		Female		Male	
	N	%	N	%	N	%
To govern the country	158	67.2	237	76.9	281	87.8
Supervise the MP/Ministerial work	3	0.9	9	2.9	18	5.6
Give speech to the people	27	8.4	40	13.0	41	12.8
Go aboard for official work	24	7.5	38	12.3	56	17.5
Do not know	59	18.1	34	11.0	18	5.6
Others	0	0.0	10	3.2	12	3.8
N	232		308		320	

Note: Multiple responses considered

Table 7.12 Tenure of the Prime Minister

Tenure of the Prime Minister	Children		Female		Male	
	N	%	N	%	N	%
Right answer	164	70.7	248	80.5	296	92.5
Wrong answer	12	5.2	16	5.2	6	1.9
Do not know	56	24.1	44	14.3	18	5.6
N	232		308		320	

Democracy

Democracy is a form of governmental system that allows eligible citizens to participate in decision making processes either directly, or through elected representatives. It encompasses social, economic and cultural conditions that enable the free and equal practice of political self-determination. The term democracy originates from the Greek word δημοκρατία (dēmokratía), translated into “rule of the people”. However, going back further, till the 5th century BCE, the link to the word δῆμος (dêmos) “people” and κράτος (kratos) “power” or “rule” is found. It was then used to denote the political systems in the Greek city-states²⁴. Bangladesh is called a democratic country, thus people should have equal rights. To establish these rights it is vital that the citizens are aware of State policies and State structures. In contrast to this, Table 7.13 indicates that out of 320 respondents, more than 86% of the respondents are unaware of the meaning of democracy.

Table 7.13 Knowledge about democracy

About democracy	Children		Female		Male	
	N	%	N	%	N	%
Right answer	5	1.6	16	5.0	44	13.8
Do not know	315	98.4	304	95.0	276	86.3
N	320		320		320	

DISCUSSIONS AND CONCLUSION

The results shows that the *char* dwellers possesses limited knowledge about the Government and the States systems. More than 86% of the respondents do not know the meaning of democracy. The post of PM was created in 1991. According to the baseline results, the majority of the adults named the ruling Prime Minister. The children's understanding was however lower and they were even unaware of the designation of the Prime Minister. Additionally, the data shows that as much as 60% of the children were unfamiliar with the designation of the President. As seen by the data, the *char* communities are extremely unaddressed communities. Though the *char* adults have participated in several Parliamentary elections, they are unfamiliar with the governmental system. In addition, the *char* communities are unaware of the National Parliament and its functions. On this particular issue, the female knowledge is lower than that of the men and children. Interestingly, one remarkable female knew the name of the Parliaments moderator. The qualitative data shows that they are familiar with the term as they have heard it on the television as “mannio speaker”. The constitution of Bangladesh is the supreme law of Bangladesh. None of the participants, with the exception of 13% of the male respondents, were aware of the Constitution. In order to be able to claim their rights and being an active citizen in Bangladesh, people need to be aware of the issues mentioned above.

²⁴ <http://en.wikipedia.org/wiki/Democracy>

The *char* communities have limited access to media. Additionally, the females have limited access and opportunities to attend social gathering within or outside the *char* due to cultural codes. This is alarming as without this information it is not possible to establish once rights. Friendship has been working in these

particular areas for over a decade, meeting the needs of the *Char* dwellers by trying to improve their livelihood. The organization should now focus on establishing people's rights and responsibilities.



Chapter Eight
**MUSLIM MARRIAGE AND DOWRY
IN *CHAR* AREAS**

Chapter Eight

MUSLIM MARRIAGE AND DOWRY IN *CHAR* AREAS

Child marriage is here defined as “any marriage carried out below the age of 18 years, before the girl is physically, physiologically and psychologically ready to shoulder the responsibilities of marriage and childbearing. This was established through the national Child Marriage Restraint Act in 1929”.²⁵ The legal age for men to get married in Bangladesh is 21. It is estimated that every third second, a girl is forced to marry somewhere in the world. In Bangladesh, 20% of the girls become wives before their 15th birthday (Crawford 2012). According to NIPORT (2009), Bangladesh also has one of the world’s highest rates of adolescent motherhood, one in three women starts bearing children before the age of 20. According to Schurmann (2009), girls from very poor families may not complete their primary school, or may not be able to enter secondary school due to the lack of household resources to cover for costs that are not included in the stipend program. The children have a limited scope for personal growth through education and lack of skills that would allow them to move out of their current state of misery to a better future, due to the lack of education. They are victims of various types of exploitation which ranges from state-tolerated violence (arrest, confinement and even illegal police torture) to societal violence (child marriage, trafficking, sexual abuse, dowry, corporal punishment at home and at schools, abuse and exploitation by employers) (Barkat et al. 2009). Poverty is the main reason for early marriages in Bangladesh. In the *char* areas parents marry off their young daughters in order to avoid paying high rates of dowry, and in order to protect them from sexual abuse. The northern *char* areas are isolated and unaddressed, thus early marriage rates are high in comparison to the mainland.

The lack of proper secondary education forces the parents in the *chars* to arrange marriages for their female child, as they are scared that their child will be teased, stalked, heckled or even raped. The *char* parents do not foresee the negative effects early marriage has on their child, such as disturbed mental and physical growth. The situation sometimes compels them to return to their parents and become a burden. According to State law, parents that arranges an early marriage for a child should be punished due to the violation of the Child

Rights Law. However, observations shows that due to the lack of knowledge of child rights, parents do not hesitate to arrange early marriages for female children. In addition, *char* dwellers expressed that in some cases, local government personnel indirectly help the parents to collect an incorrect age certificate for their underaged daughter that states the child to be older than her actual age.

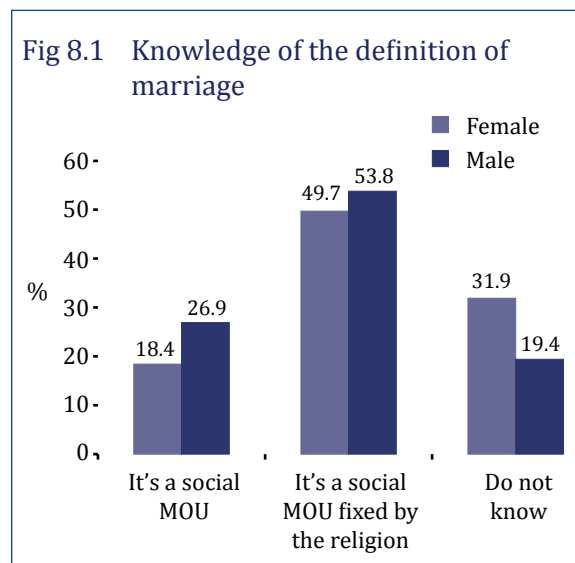
Marriage is generally seen as important in countries such as Bangladesh as it is related to rights, empowerment and dignity. In most cases, females are unable to establish their rights due to the lack of knowledge of the

²⁵ http://www.wikigender.org/index.php/Early_Marriage_in_Bangladesh

Muslim marriage law. Marriage is not only a part of religion but also a part of the culture. The Muslim law also allows separation should a couple want to end their conjugal life. This chapter presents the existing *char* scenario related to the Muslim marriage systems.

The Meaning of Marriage

The meaning of the word *nikah* is the setting in which the contract for marriage takes place. The meaning of marriage covers “A contract that results in the two parties physically enjoying each other in the manner allowed by the Shari’a.” Since this only focuses on one aspect of the marriage contract, Muhammad Abu Zahrah (a modern scholar) defines it in the following way: “A contract that results in the man and woman living with each other and supporting each other within the limits of what has been laid down for them in terms of rights and obligations.”²⁶



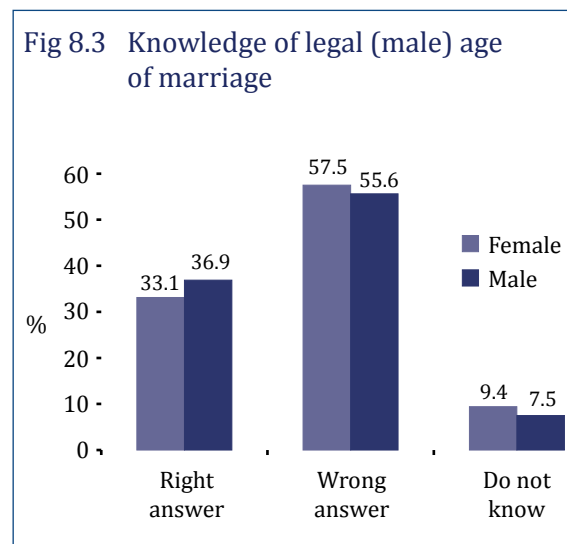
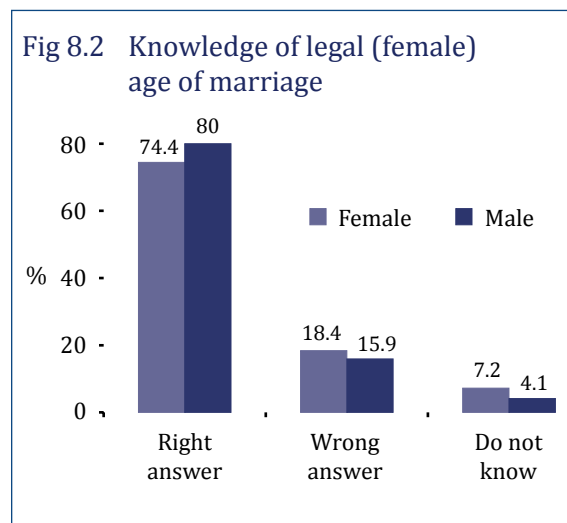
This section presents the respondents perception of the Muslim marriage (Fig 8.1). More than 49% of the adults mentioned marriage to be a social MoU, fixed by religion. However, 26.9% of the males described it as solely a social MoU. A significant number

²⁶ <http://www.java-man.com/pages/marriage/marriage02.html>

of participants were unable to answer this question. Based on Fig 8.1 it can be concluded that the female understanding of this matter is lower than that of their male counterpart.

Legal Age of Marriage

The legal age for marriage in Bangladesh is 21 years for boys and 18 years for girls. These age restrictions are however constantly breached, and marriage arrangements for underage children occur frequently. The following part presents the adult *char* populations view on the legal age of marriage. Fig 8.2 shows that more than 74% of the respondents answered that the legal age for girls is 18 years, however,



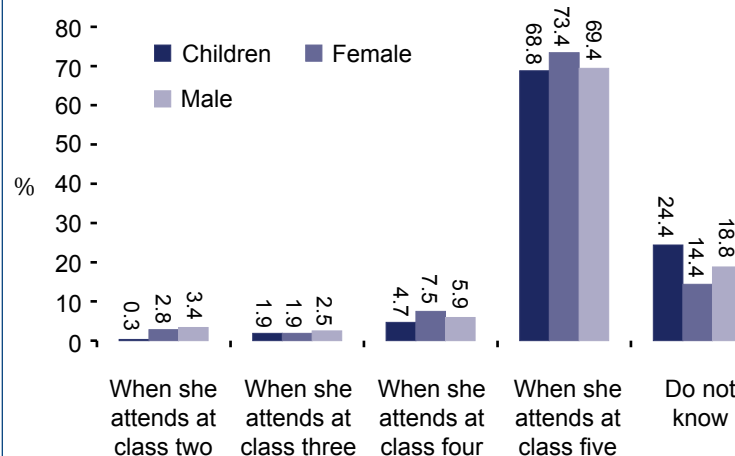
more than 15% answered incorrectly. The knowledge regarding the legal age for boys to get married is however seen to be lower. According to Fig 8.3, 57.5% of the female participants and 55.6% the male respondents answered inaccurately. However, 36.9% of more than 15% answered incorrectly. The knowledge regarding the legal age for boys to get married is however seen to be lower the male respondents answered correctly. This data does however prove the knowledge regarding the legal age for marriage to be low amongst the studied population.

Perception on the Marriage of Female Child

Due to the lack of proper educational infrastructure in the *chars*, the dropout rates in the schools are higher than on the mainland. Most of the male children are involved in income generating activities in order to provide financial support to their families. Underaged female children get married off early to save them from unsafe environments. Another reason is economic as the dowry increases the older the child becomes²⁷. Fig 8.4 shows that out of 320 respondents, more than 68% stated that the marriage of a female child is arranged by the time the girl reaches class five.

²⁷ The *char* populace are under the notion that younger girls needs to pay a lower dowry than older ones.

Fig 8.4 Knowledge of female child marriage



Features of a Legal Muslim Marriage

To legalize a Muslim marriage, there are mandatory features that helps the creation of cultural and religious acceptance in the community. In addition it establishes rights for the future, should either party want to terminate the marriage. In this baseline report, we tried to gather knowledge of the *char* dwellers (male and female) perception on the features of legal Muslim marriages. It is important to note that in most cases, the *char* people are deprived of their rights due to a

Table 8.1 Knowledge of the characteristics of a muslim legal marriage

Features of Legal Muslim Marriage	Female		Male	
	N	%	N	%
Acceptance by both bride and groom	113	35.3	156	48.8
The proper legally allowed age	12	3.8	25	7.8
Bride and groom should be mentally fit	5	1.6	7	2.2
<i>Denmohor</i> should be pre-fixed	25	7.8	36	11.3
Two physically and mentally fit witnesses should be present	21	6.6	21	6.6
*Marriage should be registered	139	43.4	170	53.1
Do not know	101	31.6	65	20.3
N	320		320	

Note: Multiple responses considered

* Marriage registration is not mandatory in Muslim Shariah Law but the government requires such to establish and protect rights of the couples.

lack of legal knowledge (Table 8.1). *Denmohor* (dower) is a compulsory element in Muslim marriage, however, only 7.8% of the females and 11.3% of the men are somewhat familiar with it. On the other hand, 48.8% of the respondents answered that the acknowledgement of the bride and groom is obligatory for a marriage to be legal. 53.1% of the male participants mentioned that marriage should be registered, whereas only 43.4% of the females provided the same answer.

Knowledge of Marriage Register

Muslim Marriage and Divorce (Registration) Act, 1974, states that every marriage solemnized under the Muslim Law shall be registered. For this purpose the Government shall appoint Marriage Registrars. Every Marriage Registrar shall maintain separate Registers of marriages and divorces in the prescribed manner. The Muslim Marriage and Divorce (Registration) Rules, 2009, outlines the qualifications when appointing a Marriage Registrar, fees to be paid to a Marriage Registrar as well as any other matter ancillary there to²⁸. Registry of Marriage can help women and men establish their rights. Fig 8.5 presents the current level of knowledge of marriage registration amongst the adult population in the *char* area. Out of 320 respondents, almost all answered that the registration of marriage is mandatory as per the Muslim law of Bangladesh (Fig 8.5). Fig 8.6 shows that more than 41% of the respondents were unaware of the time limit for registering a marriage. 59% of the respondents did however explain that a marriage must be registered within 15 days of the marriage ceremony.

Fig 8.5 Knowledge on the mandatory nature of marriage registry

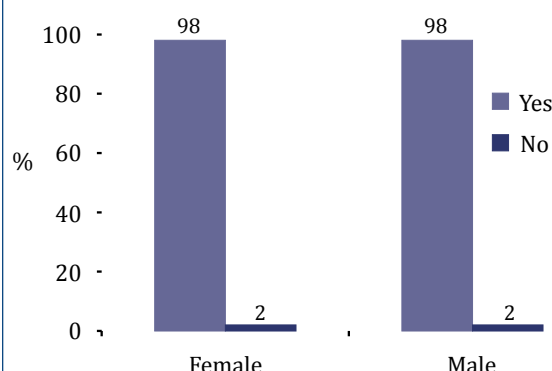
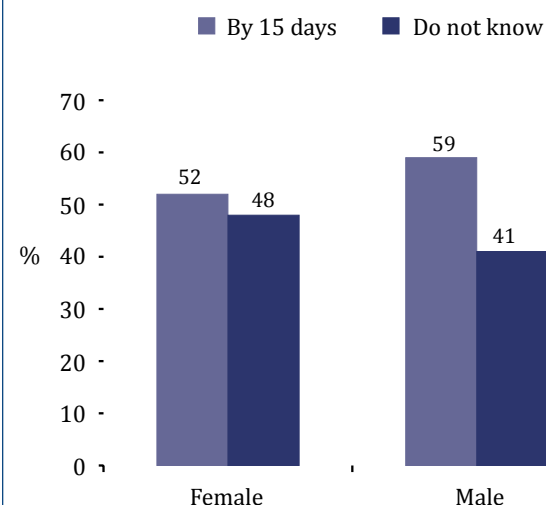


Fig 8.6 Knowledge of time duration within which register is mandatory



Necessity of Registering Marriages

Table 8.2 shows that more than 51% of the respondents reasoned that marriage registration is in place to verify a legal marriage. 38.9% of the female respondents and 42.9% of the males considered the registry copy as a legal document. The findings show that the respondents are aware of marriage registration, however, their awareness needs to be increased further.

²⁸ Marriage registration: Ministry of law, justice and parliamentary affairs: <http://www.minlaw.gov.bd/mregistrstion.htm>

Table 8.2 Knowledge of the reasons for registering a marriage

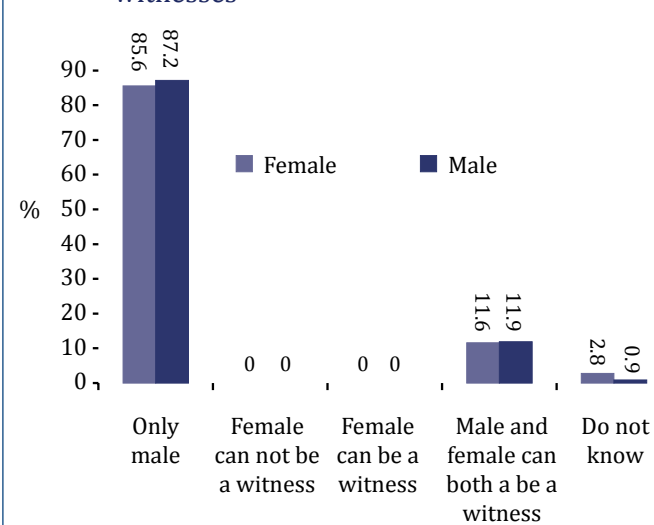
Necessity of registering a marriage	Female		Male	
	N	%	N	%
To verify the marriage	161	51.3	164	52.1
Registered copy is considered a legal document	122	38.9	135	42.9
During the divorce period wife should get sustenance based on this	23	7.3	24	7.6
Do not know	36	11.5	30	9.5
N	314		315	

Note: Multiple responses considered

Necessity of Witness in the Marriage Ceremony

One of the core features of a legal Muslim marriage is the presence of witnesses. It is widely believed that only males can act as witnesses in a Muslim marriage. Fig 8.7 shows the understanding of the need for witnesses in a Muslim marriage amongst the recipients. Out of 320 respondents more than 85% believed that only men can be witnesses. Only 11.9% of the respondents responded that both men and women can be witnesses to a Muslim marriage. However, female witnesses to a marriage ceremony is not recognized in the *char* community.

Fig 8.7 Knowledge of the important of witnesses



Denmohor (Dower)

In a Muslim marriage, the groom is required to provide dower. It stems from the Arabic word *mahr*; *mehr* or *meher*, but is in Bangladesh known as *denmohor*. The Groom can provide *denmohor* in form of money alternatively things of value such as gold, land, cattle or immovable property. According to the Muslim law, the groom should provide *Denmohor* before the occurrence of sexual intercourse. There are however multiple interpretations of this. Table 8.3 presents the adult *char* populations perception of *denmohor*. Most of the adults answered that it is prerequisite of the Muslim law, thus a right of the Muslim bride. However, 29.1% of the females and 19.4% of the males knew nothing of this issue.

Table 8.3 Knowledge of the significance of *denmohor*

Denmohor	Female		Male	
	N	%	N	%
It is a prerequisite of Muslim law	86	26.9	115	35.9
It is a special right of Muslim bride	103	32.2	114	35.6
Husband is in-debt to his wife	44	13.8	46	14.4
Do not know	93	29.1	62	19.4
N	320		320	

Note: Multiple responses considered

Necessity of *Denmohor*

Denmohor is a right, not a gift. In Bangladesh, women usually demand *denmohor* due to a divorce or after

the death of their husband. The following part presents the respondents views on the necessity of *denmohor* (Table 8.4). According to Table 8.4, 30.3% of the male and 25.3% of the female respondents mentioned that it improves the rights of the bride. On the other hand, more than 28% of respondents stated it to be a special right of the bride. However, 42.8%, the highest percentages of female respondents, expressed that they were unaware of the necessity of *denmohor*. The percentage of male respondents adhering to this status is 34.7%. Thus, there is a need to create mass awareness amongst the *char* dwellers to establish the rights of women in the family.

Table 8.4 Knowledge of the necessity of *denmohor* in muslim marriage

<i>Denmohor</i>	Female		Male	
	N	%	N	%
Increases bride's rights	81	25.3	97	30.3
Establish bride power in a family	5	1.6	2	0.6
It is a special right of a bride	92	28.8	103	32.2
Reduces divorce from taking place	5	1.6	7	2.2
Do not know	137	42.8	111	34.7
N	320		320	

How to Calculate the Amount of *Denmohor*

Muslim law does not specify a specific amount of money or objects for *denmohor*, it usually depends on the financial situation and traditions of the groom's family. It is a process of negotiation and naturally the bride's family attempts to settle on a higher amount than the groom's side. In this segment it is observed that different considerations are taken into account while settling the *denmohor*. Table 8.5 shows that the majority (42%) of the respondents stated that the *denmohor* is

fixed through a mutual understanding. Few respondents mentioned that the *denmohor* is fixed based on dowry²⁹. According to the same Table, a significant number of respondents are ignorant to the process.

Table 8.5 Knowledge of the method to calculating *denmohor*

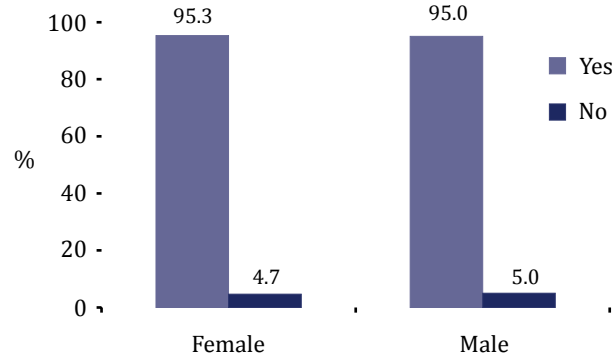
Way of Fixing <i>Denmohor</i>	Female		Male	
	N	%	N	%
Economic status of the bride family	9	2.8	12	3.8
Bride aristocracy	2	0.6	4	1.3
Bride's economic status	16	5.0	24	7.5
Personal skills	45	14.1	62	19.4
Compare with other family members of bride	11	3.4	13	4.1
Compare with other family members of groom	1	0.3	1	0.3
Through mutual understanding	134	41.9	118	36.9
Depends on whether dowry has been given	14	4.4	16	5.0
Do not know	88	27.5	70	21.9
N	320		320	

Perception of the Obligatory Nature of *Denmohor*

The mandatory nature of *denmohor* is to provide economic security to The mandatory nature of *denmohor* is to provide economic security for women along with possibly reducing the practice of unilateral divorce by the husband. Fig 8.8 shows that most respondents know that *denmohor* is mandatory for Muslim marriage.

²⁹ In the *chars*, the cultural code is that a high dowry given by the bride's family allows a high dower for her.

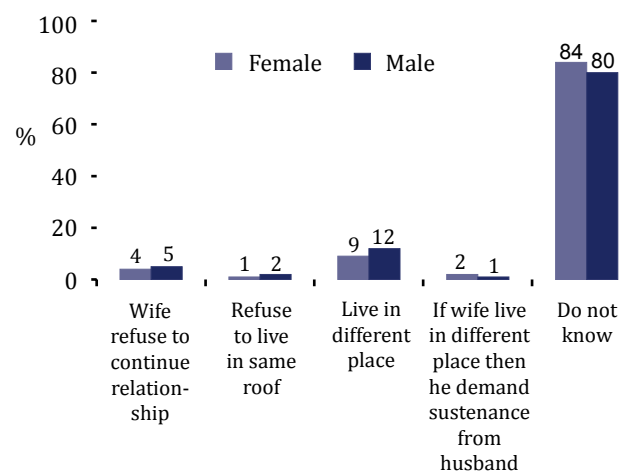
Fig 8.8 Knowledge of the obligatory nature of *denmohor* in muslim marriage



The Understanding of the Different Situations which Permit Sustenance

It is observed that many women are not cared for properly in Bangladesh. According to State policy, women have the right to demand compensation for maintenance costs from their husband.

Fig 8.9 Reasons for collecting sustenance



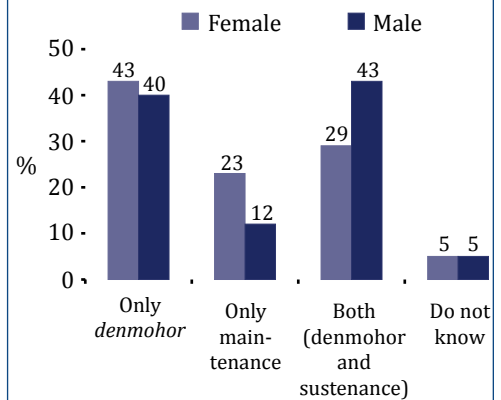
This part presents the *char* dwellers' views on in what situations a woman is allowed to obtain allowance from her husband. Most of the 320 respondents of both sexes are unaware of the correct legal scenario. Due to the lack of knowledge and information

presented in Fig 8.9, the *char* women can easily be deprived of their rights.

Rights of Women after Divorce

According to State and Muslim laws, women shall get particular forms of support from the husband after a divorce. This section presents the adult populations knowledge of this support. Fig 8.10 shows that more than 40% of the respondents (320 people from each gender) stated that the wife only has the right to the *denmohor* post-divorce. 23% of the female respondents answered that the woman only is entitled to sustenance costs. Regarding the entitlement of both the *denmohor* and sustenance costs, the response levels were 29% and 43% for female and male respondents respectively.

Fig 8.10 Types of support a wife will get from the husband after the divorce

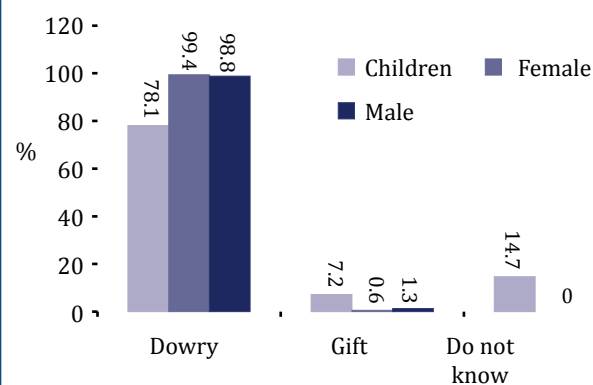


Meaning of Dowry

The payment of dowry is a commonly practiced system in Bangladesh. The family of a bride has to pay cash or various valuable assets as dowry to ensure a blessed conjugal life for their daughter. It is not permitted by the State law or the religion, but is accepted

by specific classes of people. Fig 8.11 presents the data found when respondents were asked to name the occurrence of the groom's side asking for money or alike from the bride's side. Out of 320 recipients, more than 78% responded that such a "demand" is called a dowry

Fig 8.11 The respondent knowledge of the meaning of dowry



Types of Asset

Different types of assets and amounts has been provided during the wedding ceremony as a form of dowry. It is a process of negotiation and mostly depends on the groom's family and their demands.

Table 8.6 Types of asset demand as a dowry

Types of assets	Children		Female		Male	
	N	%	N	%	N	%
Cash	277	86.6	305	95.3	299	93.4
Different types of furniture	106	33.1	130	40.6	131	40.9
Land	4	1.3	11	3.4	11	3.4
Rickshaw/Van	1	0.3	0	0.0	0	0.0
Bicycle	20	6.3	14	4.4	17	5.3
Motorcycle	4	1.3	1	0.3	4	1.3
Gold ornaments	145	45.3	162	50.6	182	56.9
Mobile phone	16	5.0	24	7.5	28	8.8
Cattle	166	51.9	186	58.1	185	57.8
N	320		320		320	

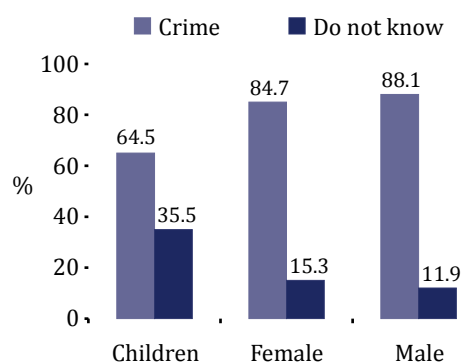
Note: Multiple responses considered

The following part presents the current situation of dowry in the *chars*. Table 8.6 shows that more than 86% of the respondents claimed that the groom's family usually demand cash as dowry. On the other hand, more than 51% of the respondents preferred decreed cattle as dowry.

Knowledge Regarding Dowry Demand as a Criminal Offence

State law do not permit the transaction of dowry during or after marriage. Based on standing statistics, dowry, or the lack of payment of such, is responsible for deadly violence against women. Fig 8.12 presents the knowledge of the respondents on the legality of this issue. Out of 320 respondents, the majority mentioned that any kind of asset transaction is illegal and treated as a crime by the existing laws of the state. 65% of the children, 85% of the female and 88% of the male respondents were aware of this. 35% of the children questioned lacked knowledge of this issue. Even though the *char* dwellers are aware of the illegality of dowry, the Figure shows that the system is still in practice.

Fig 8.12 Knowledge of demands of dowry amounting to a crime



Dowry Scenario at Weddings

Dowry is common and an essential feature of marriage in the *chars*. The groom's families bases the request for dowry on the current status of their family, taking into consideration the future economic sustainability of the groom. This section presents the answers of the adults in the *chars* regarding the receiving of dowry during the weddings of their children. According to Fig 8.12, more than 87% out of 320 respondents, answered that they did not ask for dowry at their son's wedding. Only 4% mentioned that they would accept or demand dowry.

Fig 8.13 Whether respondents demanded dowry at son's wedding

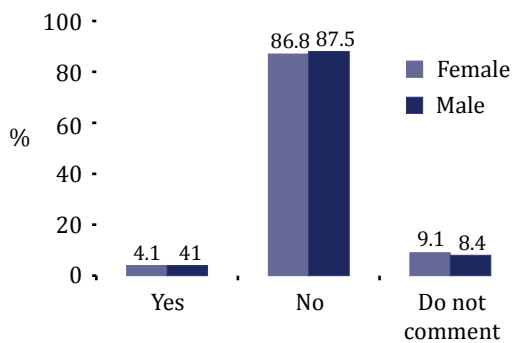


Fig 8.14 Whether respondents paid dowry at daughter's wedding

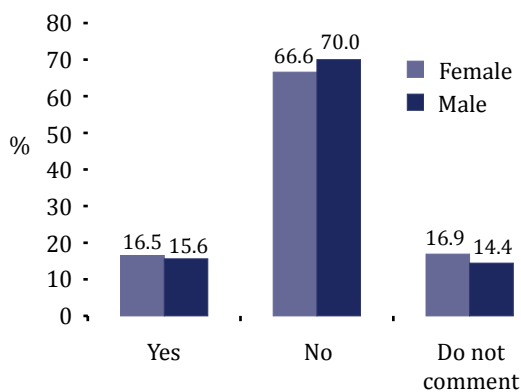
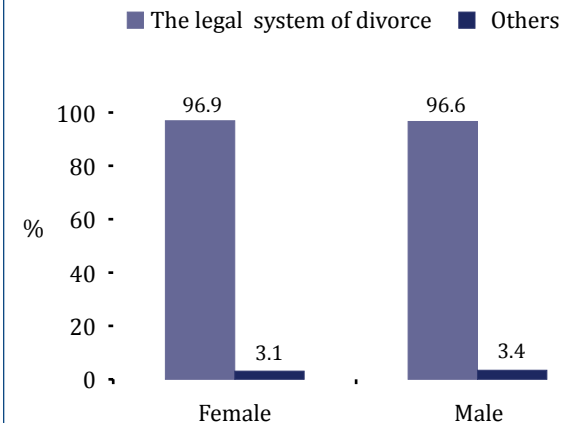


Fig 8.14 displays the responses to whether the individuals surveyed asked for dowry during their daughter's wedding. More than 16% of the respondents mentioned that they are bound to provide dowry for their daughters' marriage. On the other hand, more than 14% chose not to comment.

Divorce (*Talak*)

'*Talak*' is an Arabic word which in English translates into "to divorce". The State and Muslim law permits divorce if an individual want to terminate their conjugal life. It can be dissolved by an agreement between husband and wife. This part presents people's perception on the meaning of *Talak*. Fig 8.15 shows that out of 320 respondents, most of the respondents believe *Talak* to be a legal system of ending the conjugal relationship.

Fig 8.15 Knowledge of the meaning of the word *talak*



Procedure for Divorce (*Talak*)

The general perception is that only husbands can initiate a divorce. The reality is however that women are also given the opportunity to divorce. Table 8.7 show the adults' perception on the process of divorce. According to the Table, 55.3% of the respondents (the highest) remarked that only the husband can divorce. In line with this, only 24.1% of the women

respondents mentioned that they have the authority to divorce. 33.1% of the females and 25% of the males expressed that they had no knowledge of this process.

Table 8.7 Knowledge on the process of divorce

Types of process	Female		Male	
	N	%	N	%
Only husband's can divorce	173	54.1	177	55.3
Wife has rights to divorce	74	23.1	77	24.1
By court	41	12.8	73	22.8
Do not know	106	33.1	80	25.0
N	320		320	

Note: Multiple responses considered

Following Activities of Divorce

In Bangladesh, divorce is a common way to discharge of or end conjugal life. There are however certain procedures to be followed to ensure it is done accordingly. One of the main purposes of this study is to understand the knowledge the *char* dwellers hold of divorce and its main features. Table 8.8 shows that 71.3% of female and 54.7% of male respondents are unaware of the proper procedures of divorce. 25.9% percent of the male respondents answered that it is compulsory for the husband to hand in a notice to his wife through the Union Parishad if he intends to divorce her.

Table 8.8 Knowledge on the process of divorce (for husband) by the respondents

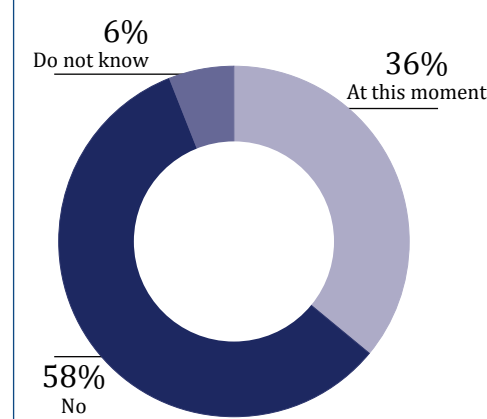
Types of process	Female		Male	
	N	%	N	%
Husband compulsorily gives a notice to his wife through the Union Parishad	49	15.3	83	25.9
Husband gives a legal notice	48	15.0	74	23.1
Do not know	228	71.3	175	54.7
N	320		320	

Note: Multiple responses considered

Understanding of the Effectiveness of Verbal '*Talak*'

Although not legally recognized, the most common mode of divorce by men in Bangladesh is the *Beda Talak* (Irrevocable Divorce)s which takes effect immediately without the requirement of communicating such to the wife for it to be valid. The husband announces three times that he divorces his wife and with the third announcement the *Talak* becomes irrevocable and takes effect on completion of a certain period. This may also be done by writing such a declaration on a piece of paper. Once this right has been exercised, the parties cannot re-marry without the intervention of another marriage, unless the wife marries a third person and then divorce after consummation of the marriage. (D.F.Mulla, Principles of Mohammedan Law, 17th Ed.) With the introduction of the Muslim Family Law Ordinance 1961, the position has

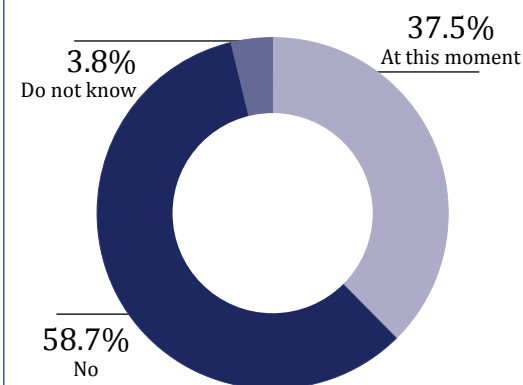
Fig 8.16 Knowledge regarding the effectiveness of a verbal '*talak*'- female respondents



changed. Section 7 of the ordinance provides that a divorce given by the husband shall not take effect until the husband has given notice of the divorce to the chairman of the local

administrative unit, i.e. the Union Parishad. Ninety days must elapse after issuance of said notice and the husband can revoke his declaration of divorce within that period. The husband is also to give a copy of said notice to the wife. This part presents the understanding of *char* adults on the effectiveness of verbal *Talak*. Fig 8.16 shows knowledge on the effectiveness of a verbal *Talak* by the female respondents.

Fig 8.17 Knowledge on the effectiveness of a verbal '*talak*' - male respondents



Out of 320 female respondents, 36% stated that if the husband verbally delivers the statement issuing a *Talak*, it is to be effective from that moment onwards. Among the female study subjects, 6% lack sufficient knowledge of divorce. On the other hand, Fig 8.17 shows that out of 320 male respondents, 38% answered that a verbal *Talak* is effective as of the moment the husband expresses it.

Perception Regarding Re-marriages Between Divorced Couples

If a divorced couple wishes to marry each other again they would need to follow certain State and religious laws. This section presents the adults perception of re-marriages. According to Table 8.9, more

than 77% of the respondents answered that a *hilla* marriage is mandatory for a divorced couple to re-marry. Only 1% did not believe a *hilla* marriage to be mandatory. Based on certain conditions, a *hilla* marriage is mandatory in cases of divorce for women who wish to remarry their previous husband. People misuse the rules surrounding such for the most part. Therefore, mass awareness is necessary to remove misperceptions in the community.

Table 8.9 Knowledge on re-marriage between divorced couple

Perception regarding a second marriage with a previous partner	Female		Male	
	N	%	N	%
<i>hilla</i> marriage is mandatory	246	76.9	253	79.1
<i>hilla</i> marriage is not mandatory	3	0.9	4	1.3
A second marriage can not take place with the person they have already divorced	13	4.1	17	5.3
Do not know	58	18.1	46	14.4
N	320		320	

Reasons Behind the Ineffectiveness of *Talak*

Both men and women have the right to divorce, however certain circumstances render a *Talak* valid. This part presents the opinions of the adults in the *char* area regarding the ineffectiveness or failure of the *Talak* system (Table 8.10). According to Table 8.10, the largest chunk of male respondents (70.3%) believed *Talak* to be ineffective if the wife is pregnant, a belief shared by 53.4% of the female respondents. 28.1% of respondents of both sexes have mentioned that an oral *Talak* is not taken to result in a permanent *Talak*. Furthermore, 54.1% of the female study subjects believe that a *Talak* is not valid if the husband expresses it in anger. In contrast, 52.2% of the males thought that a *Talak* is valid regardless of the mood the message is delivered in.

Table 8.10 Knowledge of the ineffectiveness of *talak*

Causes	Female		Male	
	N	%	N	%
Pregnancy of wife	171	53.4	225	70.3
Verbal <i>Talak</i> by Husband	90	28.1	90	28.1
if husband is drunk	27	8.4	41	12.8
<i>Talak</i> expressed in deep sleep	5	1.6	4	1.3
If husband expressed <i>Talak</i> in anger	173	54.1	167	52.2
N	320		320	

Note: Multiple responses considered

DISCUSSIONS AND CONCLUSION

Every major religion has accepted the relationship between a man and a woman and their desire to live together in a union called Marriage. Marriage has been regulated to make it morally, ethically and legally binding. If someone do not wish to continue the relationship, s/he can leave the relationship by using the rules in place. There are certain norms and values in the Muslim law governing the marriage system. This is incorporated into the State law in Bangladesh to suit the needs of the Bangladeshi Muslim society. It is however vital that people acquire better knowledge of the laws of marriage. From the baseline data it appears that most respondents have a limited knowledge of these laws, thus not enough to claim their rights. The most important criterion in marriage is age. There are controversies regarding the age limitation in the religious system, but the State law is clear on this issue. While *char* dwellers have some knowledge of the legal age of marriage, they do not have a complete conception of these laws. A marriage can bring forth violence in the family at times and a bad decision can destroy a child's life.

Early marriage is a common phenomenon in the *chars*. Education State policy states that education is mandatory for all children, but in reality, girls find themselves on the wedding stage immediately before or after the completion of their primary education. This means that girls are prevented from pursuing higher education, thus the State policy is constantly violated.

In Bangladesh, Muslims are bound to follow certain rules governing the Muslim marriage system. If they are violated, or not fulfilled, the marriage will be treated as illegal. As a result, female members of the society are deprived from establishing their rights in the future. The *char* dwellers do not have a clear conception of the characteristics of a legal marriage. Marriage registration is mandatory in Bangladesh, and while most *char* dwellers are aware of this, they are unaware of the reasons. Furthermore, a sufficient number of witnesses are mandatory for completion of the marriage ceremony. The traditional perception is that only men can be witnesses to a marriage; however, the situation is now evolving. The perception of the *char* dwellers is changing, the awareness of the fact that women can be witnesses is increasing.

Denmohor is an important factor in a Muslim marriage. The knowledge amongst the *char* dwellers regarding the importance of *denmohor*, particularly the women, is extremely limited. *Denmohor* is important for women to establish their rights and security within the family. Muslim scholars' consensus based policies called "ijma", attempt to outline certain structures regarding the amount of *denmohor* payable during a marriage. Some *char* dwellers even mentioned that *denmohor* is to be fixed based upon the amount of the dowry. However, they are aware that the payment of *denmohor* is mandatory for marriage. It is observed that husbands do not provide maintenance to their wives, but there are existing State laws dealing with

this particular issue. However, the majority of the *char* dwellers do not know how to collect maintenance from their husbands. Furthermore, they do not have a clear picture of women's rights and the facilities they are entitled to following their divorce. In comparison, the male population is aware of these issues to a greater extent. As far as women are concerned, they are only entitled to the *denmohor*.

Payment of dowry remains a popular practice in the *chars* and plays an important role in shaping our society for the worse. Many women faces violence everyday by their in-laws and family members due to the lack of payment of such. As a result, they are often forced to go back to their parents' house, suffer torture or even lose their life. The brides' parents are bound to provide dowry as a pre-condition of a marriage or to ensure a marriage for their daughter. This is not only the case on the *chars* or other rural areas, but in urban Bangladesh. The *char* children and adults are aware of the fact that if the groom's family demands any assets (monetary or non-monetary) from the bride's side as a condition of marriage, it is a form of dowry. The observation shows that dowry is a common term and is locally called a "demand". In the *char* areas, different types of assets are provided as dowry e.g, cash, cattle and furniture, gold ornaments are however a rarity. Most respondents mentioned that they will not receive dowry on their son's marriage ceremony but they will provide dowry for their daughter's marriage. They do however know that this type of transaction is criminal according to State law.

If an individual wish to end his/hers conjugal life, s/he can end the relationship following the rules at hand. This process is however not applicable for all societies or cultures. The *char* dwellers have vague notion of *Talak*. Based on the state policies, men and women have equal rights when it comes to *Talak*. Though most *char* dwellers believe that only men have the power to divorce, they have limited knowledge of the actual process. There is a

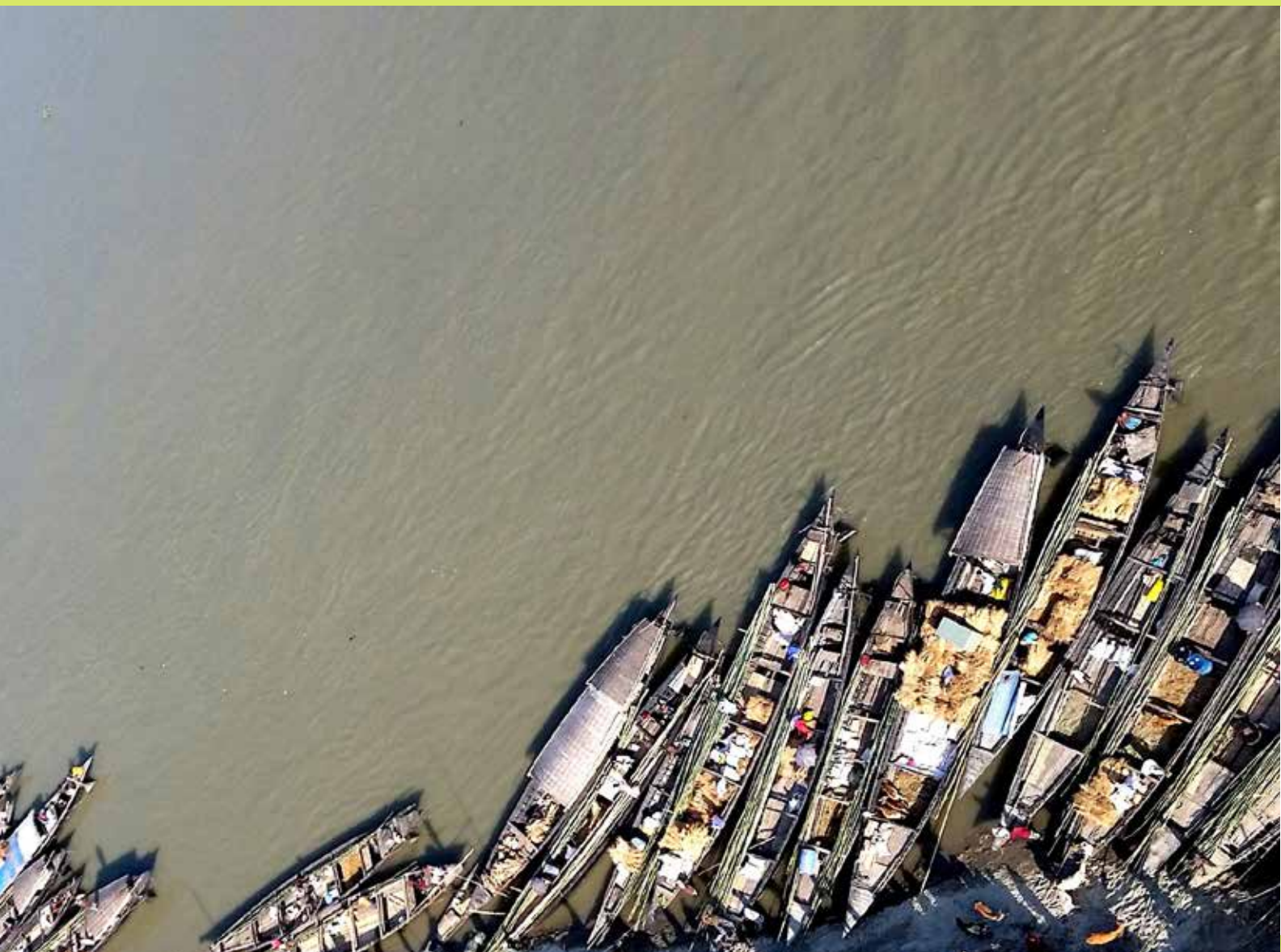
risk of the occurrence of serious issues when the women lack proper information about the *Talak* system and thus are unable to claim their rights. There is a common perception is that a *Talak* is valid when a husband verbally announces *Talak*. The Baseline data proves that this is the case even amongst the *char* dwellers.

According to provisions of Muslim marriage laws, a woman that wishes to discontinue her conjugal life can divorce her husband by certain prescribed methods. Most respondents believe that a woman that has been tortured by her husband, has the right to ask for a *Talak*. Baseline data do however show that a significant number of the respondents are uncertain regarding this matter. Muslim law permits *Talak*, but the State law has a few restrictions in place e.g. in case of a pregnancy or demanding a divorce in a state of anger. The *Talak* will then be valid after the delivery of the child, and when divorce, after much thought, has been verbally pronounced three consecutive times by the husband.

From the findings of the study, it is clear that the *char* dwellers lack knowledge of how to finalize a divorce. This makes it necessary to improve the knowledge amongst the *char* dweller in order to establish the womens rights.

Additionally, the *char* dwellers believe that a *hilla* marriage is mandatory for women if a divorced couple wants to remarry. It is also believed by some that a previously married couple never can re-marry. This is however not true as the State allows it.

In conclusion, it must be reiterated that interrelated interventions are needed amongst the *char* communities to improve knowledge regarding the above mentioned issues.



Chapter Nine

KNOWLEDGE OF HOW TO ACCESS INFORMATION AT GOVERNMENT FACILITIES

Chapter Nine

KNOWLEDGE OF HOW TO ACCESS INFORMATION AT GOVERNMENT FACILITIES

Freedom of thought, conscience and speech are identified as significant fundamental human rights by article 39 of the Constitution of the People's Republic of Bangladesh. Having considered the right to information as the precondition of ensuring civil liberties, the Government of Bangladesh enacted the Right to Information (RTI) Act, 2009. The foremost aim and objective of this Act is to reduce corruption and ensure good governance, transparency and accountability in all public and private organizations²⁹. The Government of Bangladesh adopted the Right to Information (RTI) act 2009 in the first session of the ninth parliament on March 29th, 2009.

In terms of most frequent cases of deprivation, over 25 million children between the ages of 3-17 years do not have access to any type of media (i.e. no radio, television, computer, land or mobile phone). Lack of shelter and information access has been seen as the two most common issues affecting children. About 7 million children are deprived of amenities. The three most frequent combinations of such amenities are shelter, information and education. Over 750,000 children are deprived of these three amenities taken together (Barkat 2009). Due to geographical conditions, *chars* are isolated from the mainland all year around. The *char* dwellers depend on internal resources to go about their daily routines. It is difficult for them to access necessary services on time. Furthermore, due to lack of information and knowledge, they are unable to establish their rights. This chapter

presents the *char* dwellers view on the existing government services and the access to information on different issues.

Health Seeking Behavior

This part presents the perception of children on health seeking behavior in the *chars*.

Table 9.1 Children knowledge of health services

Sources of health services	Minor illness		Major illness	
	N	%	N	%
Village doctor	269	84.1	44	13.8
Pharmacy at <i>char</i>	15	4.7	4	1.3
pharmacy outside <i>char</i>	21	6.6	3	0.9
Community satellite clinic	8	2.5	5	1.6
Family health care clinic	1	0.3	6	1.9
Union health complex	5	1.6	7	2.2
Government health worker	6	1.9	6	1.9
Thana health complex	4	1.3	32	10.0
District hospital	32	10.0	271	84.7
Do not know	19	5.9	3	0.9
N	320		320	

Note: Multiple responses considered

³⁰ Annual report (2011)-information commission of Bangladesh. http://www.infocom.gov.bd/ic/images/stories/annual_report_2011_english.pdf

Table 9.1 shows that 84.1% of the children explained that the *char* dwellers prefer seeing the village doctors for minor illnesses, only 10% mentioned that they preferred the district hospitals. Qualitative data shows that the *char* dwellers aspire to obtain health care services that are commensurate with their economic abilities. In addition, they use any means that ensures a quick recovery. However, the table also presents that 84.7% of the child respondents explained that *char* people go to district hospitals to receive health care for major illness.

Table 9.2 Adult knowledge of health services

Sources of health services	Female		Male	
	N	%	N	%
Village doctor	240	75.0	244	76.3
Pharmacy at <i>char</i>	15	4.7	26	8.1
pharmacy outside of the <i>char</i>	29	9.1	31	9.7
Community satellite clinic	11	3.4	15	4.7
Family health care clinic	7	2.2	16	5.0
Union health complex	21	6.6	26	8.1
Government health worker	23	7.2	23	7.2
Mother & child health care center	2	0.6	3	0.9
Thana health complex	8	2.5	14	4.4
District hospital	149	46.6	173	54.1
Do not know	33	10.3	20	6.3
N	320		320	

Note: Multiple responses considered

This Part of the survey, i.e. Table 9.2, presents the results of where the adults said they go for their treatment in general. More than 75% admitted going to the village doctor. 54.1% of the male and 46.6% of the female respondents did however say that people also go to the district hospital in

times of illness. Few respondents knew of the community satellite clinics and the government health workers.

Knowledge of Violence Against Women

Violence against women and children are increasing day by day, and as a result many women become the victims of premature death. This violence is in violation of the Human Rights Laws. Women represent half of the Bangladeshi population, and State law is there to protect their interests. According to Bangladesh Mahila Parishads reports, the deaths of 1,450 women in 2011 1,377 in 2010 and 1,373 in 2009, were the results of various forms of violence, including non-payment of dowry, rape and assault. Bangladesh Mahila Parishad also made the annual report on women's repression based on stories published in 14 national dailies of 2011. According to the report, a total of 6,616 women fell victims to repression throughout the country in 2011³¹. However, every year many victims lose their lives, become disabled and are unable to establish their rights or receive fair judgment. This due to not taking proper steps after the incidence of violence. One of the main reasons is that family members or witnesses lack the sufficient knowledge of what steps to take. This section presents the adult *char* populations view on the different types of violence against women.

Meaning of Sexual Harassment

The term 'sexual harassment' was used in 1973 by Dr Mary Rowe in a report to the then President and Chancellor of MIT about various forms of gender

³¹ Mahilla Parishad's 2011 Annual Report on Violence Against Women: <https://bijoya.crowdmap.com/reports/view/44>

issues (see Saturn's rings, 1974)³². Rowe has however stated that she do not believes she was the first to use the term, since sexual

harassment was being discussed in women's groups in Massachusetts since the early 1970s. According to Lawyers and Jurists, sexual harassment is intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favours³³. In Bangladesh, women and female children face sexual harassment so frequently that they in most cases are unaware of the fact that their experience amounts to harassment. The following section presents the *char* adult's view on the meaning of sexual harassment.

Table 9.3 shows that 27% of the male respondents answered that touching a female with sexual intent is sexual harassment. 16% of the female respondents adhere to this view. More than 71% of the respondents said that they had no idea of what amounted to sexual harassment. If

people have no knowledge about sexual harassment, they will not be able to establish their rights in this issue.

Table 9.3 Adult's perception of the meaning of sexual harassment

Meaning on sexual harassment	Female		Male	
	N	%	N	%
Touch female with sexual intent	52	16	87	27
Touch female in a crowded place with sexual intention	0	0	5	2
Do not know	268	84	228	71
N	320		320	

Perception of Rape as Violence

Every year a significant number of women face rape related violence in Bangladesh. According to a report of Bangladesh Mahila Parishad in January 2013, a total of 446 women

experienced violence across the country and among them 125 were raped, 30 were gang raped and 14 were killed following rape. A typical *char* scenario is an arranged marriage for the daughters before the completion of their primary education. Table 9.4 presents the adult respondent's perception on rape as violence. The Table also shows that 68% of the male respondents believed that if any man forcibly has physical relations with any female, it is rape.

Table 9.4 Adult's knowledge of rape violence

Perception on rape violence	Female		Male	
	N	%	N	%
Forced physical relation	121	38	217	68
If one has sexual relations before eighteen, even by consent	0	0	0	0
Do not know	199	62	103	32
N	320		320	

³² Rowe, Mary, "Saturn's Rings", a study of the minutiae of sexism which maintain discrimination and inhibit affirmative action in corporations and non-profit institution; published in Graduate and professional Education of Women, American Association of University Women, 1974, pp.1-9 "Saturn's Rings II" is a 1975 updating of the original, with racist and sexist incidents from 1974 and 1975. An excerpt appears in the Harvard Medical Alumni Bulletin, Volume 50, No. 1 (Sept./Oct. 1975), pp. 14-18. A more complete version appears in Bourne, Patricia and Velma Parness, eds., proceedings of the NSF Conference on Women's Leadership and Authority, University of California, Santa Cruz, California, 1977, also reprinted in Comment, Vol. 10, 3 (March 1978), p.3. Also revised and republished as "the Minutiae of Discrimination: The Need for Support," in Forisha, Barbara and Barbara Goldman, Outsiders on the Inside, Women in Organization, prentice -Hall, Inc., New Jersey, 1981, ch. 11, pp. 155-171.

³³ The lawyers & Jurists-Barristers, Advocacy & Legal Consultants. <http://www.lawyersjurists.com/resource/articles-and-assignment/what-is-sexual-harassment-in-bangladesh-how-deep-this-problem-is-causing-problem-is-there-any-law-according-to-bangladeshi-justification-if-there-is-any-is-it-properly-imposed-or-not>

Steps to be Taken after Being Raped

When a person is raped they are not aware of the steps that should be taken to preserve evidence; and that there is a need to see a doctor. Thus, no proceedings can take place due to the primary lack of evidence. In a common scenario, influential people delay medical examinations of the victim in favour of the perpetrator. This makes it impossible to prove rape in medical terms. The woman is then unable to prove rape and loses her rights to take legal action. Table 9.5 presents information on what *char* dwellers think rape victims should do to ensure fair justice. 81.3% of the females and 54.1% of the male respondents were unaware of what steps that need to be taken after such an incident. 45.3% of the males answered that a medical test for a rape victim was obligatory whereas, the female response on this subject was 18.8%. Female understanding of this issue is less coherent than that of a male.

Table 9.5 Adult's knowledge of what to do for rape victims

Types of initiative	Female		Male	
	N	%	N	%
Do not give her bath	2	0.6	18	5.6
Do not wash the dress worn during rape	9	2.8	16	5.0
Obligatory medical test	60	18.8	145	45.3
Do not know	260	81.3	173	54.1
N	320		320	

Note: Multiple responses considered

Initiatives for Acid Victims

Sulfuric acid is used as a weapon to mutilate the human body within a short time. It is used to deface and burn a woman's body, particularly her face. Acid is also used on men as a means of getting revenge and acid victims often become disabled. Acid attacks

in Bangladesh are higher than in other parts of the world. According to Mcfarnon (2011), between May 1999 and December 2010, about 2,433 men, women and children in Bangladesh became victims of these horrid attacks. Table 9.6 presents the knowledge the *char* adults hold on the actions that need to be taken to save acid victims lives and ensure fair justice. According to this Table 9.6, 48.8% of the females correctly answered that an acid victim immediately should be sent to the hospital, whereas 55% of the males answered correctly. 38.1% of the males and 27.2% of the females believed that water should be poured on the affected part of the body. However, a significant number of adults were unaware of actions that need to be taken to save an acid victims life. Pouring plenty of water on the acid affected organ is extremely important to minimize the gravity of the injuries.

Table 9.6 Adult knowledge of steps to be taken for acid victims

Types of initiative	Female		Male	
	N	%	N	%
Pour water on affected part	87	27.2	122	38.1
Not to use cotton or cloth on affected part	2	0.6	4	1.3
Send to hospital immediately	156	48.8	176	55.0
Do not know	115	35.9	92	28.8
N	320		320	

Note: Multiple responses considered

Knowledge on Access to Information and Government Services

According to the New Age Newspaper (2011), the term Right to Information is referred to in various ways across the world. Some talk of 'freedom of information,' others talk of 'access to information' or 'the right to know,' regardless, all these terms have the same meaning – people have a human right

to seek and receive government held information. The Right to Information (RTI) act was notified in the Bangladesh Gazette³⁴ on Monday, April 6, 2009. The aim of this system is to empower people with a way to increase transparency and accountability in the mechanisms of government activity. In addition it aims to reduce corruption which will help to achieve the development goal. The government provides services for its citizen through different departments. However, the controversial issue is that people do not get government services properly due to a lack of transparency and accountability. The scenario for the *char* people is worse than for the people on the mainland. This section presents the perception of the *char* adults' regarding information on different government services issues such as education, agriculture, health.

Table 9.7 presents the respondents knowledge of where people usually seek information related to agriculture. According to this Table, women and children know less about this than men, numbers being 94.4%, 63.4% and 27.8% respectively.

Table 9.7 Where people go for information related to agriculture

Sources	Children		Female		Male	
	N	%	N	%	N	%
Union Parishad	9	2.8	19	5.9	64	20.0
Local agriculture office	5	1.6	16	5.0	45	14.1
Thana agriculture extension office	4	1.3	11	3.4	47	14.7
Do not know	302	94.4	203	63.4	89	27.8
Do not go anywhere	0	0	72	22.5	89	27.8
N	320		320		320	

Note: Multiple responses considered

³⁴ A government gazette (official gazette, official journal, official newspaper or official diary) is a periodical publication that records the business and proceedings of a government and has been authorized to publish public or legal notices. https://en.wikipedia.org/wiki/Government_gazette

Land Related Information

Table 9.8 Where people go for information related to land

Source	Children		Female		Male	
	N	%	N	%	N	%
Union <i>Tohshilder</i> office	7	2.2	46	14.4	138	43.1
Thana land reform office	2	0.6	23	7.2	57	17.8
Land registry office	5	1.6	38	11.9	72	22.5
Do not go anywhere	0	0.0	30	9.4	35	10.9
Do not know	306	95.6	198	61.9	87	27.2
N	320		320		320	

Note: Multiple responses considered

Land is an important issue of contention for the *char* communities. People are continuously involved in conflicts related to land amongst themselves. Most of the time the *char* inhabitants depend on local elites to negotiate on behalf of the non-elite dwellers. This results in controversial judgments. Table 9.8 presents the knowledge of the *char* people regarding where people usually go for information related to land. Many children and women respondents do not know about this compared to the male respondents; the number is 95.9%, 61.9% and 27.2% respectively.

Education Related Matters

Most of the *chars* have no educational infrastructure, thus children are deprived of compulsory education. The most controversial and common issue is that teachers are late or absent from their workplace for long periods of time. Due to the lack of proper knowledge, students and parents are unable to raise their voices to improve the situation. Table 9.9 presents the level of knowledge the *char* dwellers possess about where to turn to get information related to education. 98.1% of the children were unaware of where to get information about their rights to education or what to expect. Table 9.9 also shows that more than 34% of the female and male respondents mentioned that it can be sourced from educational institutions such as schools and colleges.

Legal Support Related Matters

Chapter 3 described the conflict resolving system in the *char* areas. As previously mentioned, *Shalish* is the most powerful informal justice system in *char* areas and the *char* dwellers depend on *Shalish* as their informal dispute resolution method. This as they have limited access to formal justice due to

a lack of access to information and unfamiliar methodology of the justice system. Table 9.10 shows where they believe that people usually get legal support and related information. Most respondents do not know where to get legal support related information, least of all women and children. In addition, the baseline data shows that only 23% of the males knew that it can be sourced from district Judge Office whereas only 2% of the children knew about these sources.

Table 9.10 Where people go for information related to legal matters

Source	Children		Female		Male	
	N	%	N	%	N	%
Village court	2	0.6	13	4.1	8	2.5
Family court	0	0.0	0	0.0	2	0.6
District law help center	3	0.9	4	1.3	13	4.1
District judge office	6	1.9	38	11.9	75	23.4
Do not know	309	96.6	265	82.8	222	69.4
N	320		320		320	

Disaster Related Matters

Every year a large number of *char* dwellers are forced to move their households on a temporary or permanent basis due to flood and soil erosion. Floods are a cause of significant localized temporary migration, often to relief sites (El-Hinnawi 1985, O'Neill et.al. 2001, and Perch-Nielsen 2004). During and post flood related disasters, the government and different non-government organizations have taken initiatives to

Table 9.9 Where people go for information related to education

Sources	Children		Female		Male	
	N	%	N	%	N	%
Upazila Education Office	4	1.3	14	4.4	23	7.2
District Education Office	1	0.3	9	2.8	19	5.9
Others educational institution	1	0.3	110	34.4	124	38.8
Do not know	314	98.1	194	60.6	172	53.8
N	320		320		320	

Note: Multiple responses considered

improve the situation. The main question is whether they were properly allocated. Most *char* dwellers expressed that they have not been getting the proper support. If they would get accurate information on upcoming disasters, they could manage the situation by taking measures before the floods arrive. Table 9.11 shows the level of knowledge of *char* dwellers hold regarding where people can get disaster related information. Baseline data presented that more than 85% of the respondents did not know where they could get disaster related information.

Table 9.11 Where people go for information related to disasters

Disaster related information	Female		Male	
	N	%	N	%
District relief office	8	3	13	4
Bureau of disaster management	0	0	22	7
Red crescent	7	2	13	4
Do not know	305	95	272	85
N	320		320	

Sources of Information

Table 9.12. Knowledge of how to get information

Source	Children		Female		Male	
	N	%	N	%	N	%
Newspaper	20	6.3	46	14.4	74	23.1
Radio	108	33.8	108	33.8	169	52.8
Television	231	72.2	259	80.9	283	88.4
Mobile	92	28.8	61	19.1	83	25.9
Social contact	10	3.1	16	5.0	24	7.5
Group discussion	0	0.0	19	5.9	17	5.3
Do not know	55	17.2	44	13.8	18	5.6
N	320		320		320	

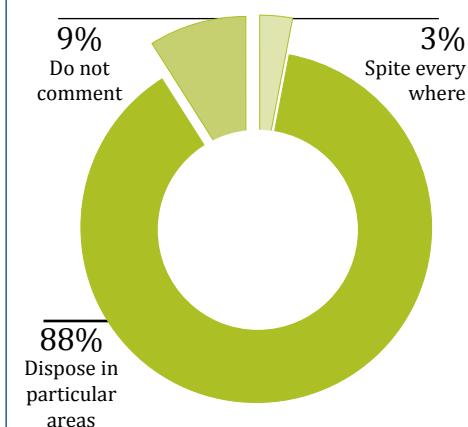
Note: Multiple responses considered

Table 9.12 shows that more than 72% of the respondents believed television is to be the best way to get information. Further, 52.8% of the male respondents also mentioned the radio as an important media source; 33.8% of women and children answered alike. This Table also shows the mobile phone as another important source of information.

Awareness and Knowledge of Personal Hygiene and Practices by Children

Fig 9.1 presents data of spitting practices of children. Out of 320 children, 88% have said that they dispose of their spit in a particular area where it is considered to be safe for others.

Fig 9.1 Spitting



Knowledge on Proper Ways to Sneeze to Avoid Contamination as Answered by Children

Fig 9.2 is a pictograph of the sneezing practices of children. Out of 320 respondents, 58% answered that they

cover their mouths and noses when sneezing. As per baseline data, 32% of the respondents mentioned that they were not aware of the requirements to do so.

Fig 9.2 Knowledge of sneezing techniques

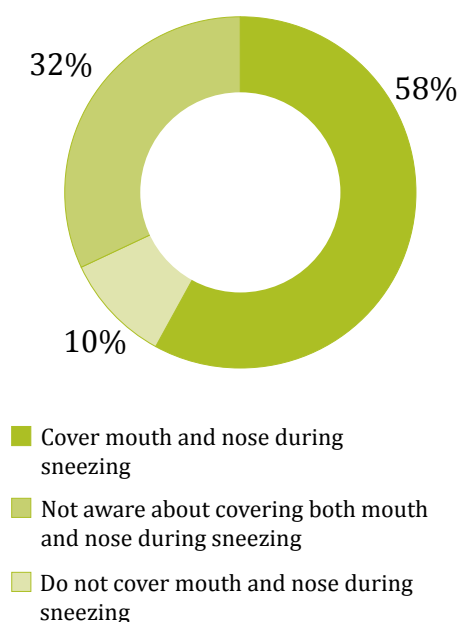


Fig 9.3 Knowledge on precautions when others sneeze

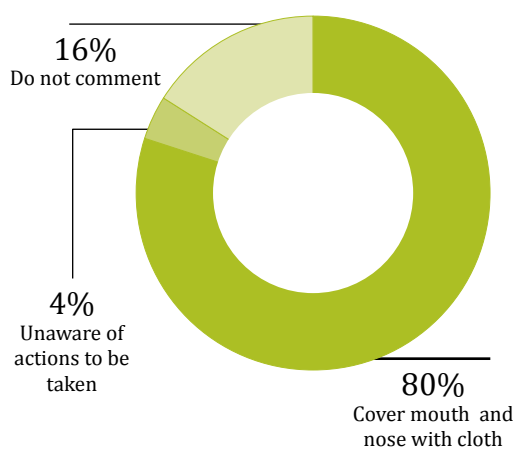


Fig 9.3 shows the knowledge of children on precautions to be taken when others sneeze. Out of 320 respondents 84% knew nothing of such precautions.

DISCUSSION AND CONCLUSION

There is no health related infrastructure on the *chars*. Friendship provides health services to those particular areas through floating hospitals and satellite clinics. These citizens are not only deprived of health, but also education, water and sanitation, legal services and training for sustainable economic development etcetera. Normally, they are unable to get services in time due to a lack of proper infrastructure, inept communication systems and inadequate access to other services. When they visit respective government departments they are also unable to establish their rights or ensure proper services due to a lack of sufficient information. The findings of this baseline survey show that the *char* dwellers depend on traditional healing systems or village doctors, but the qualifications of village doctors are questionable. It has been mentioned that community based government infrastructure is almost nonexistent in the *char* areas. *Char* people need information about where they can get proper services in time. This can be achieved through strong good governance and right based programmes.

Sexual harassment is not frequent in *char* areas, but it does happen. *Char* people live in constant fear for the safety of their female children. This is one of the reasons why *char* parents arrange early marriages for their female children before the legal age of marriage. Sexual harassment not only focuses on incidents of rape, but also on a variety

of harassment based acts. Baseline finding shows that the majority of the *char* adults do not have a clear idea of the phenomena of sexual harassment. If any sexual harassment based incident occurs in *char* areas, influential people try to minimize the issue. This results in the victim's loss of rights as well as dignity for the most part. Notably in rape cases, influential people try to cause delays in the legal process. Initiatives should be taken to create awareness on how to support rape victims and assist in establishing their rights in society. The baseline survey shows that only 39% of the adults' mentioned that a medical checkup is obligatory for the victims, female understanding of this topic being less than that of the men. The same scenario has been observed in case of acid victims but the female perception is here higher than the mens. Basic information regarding both issues can help save the lives of victims and establish their rights.

Access to information is a right of the Bangladeshi people. This means access to the information in due time. The *char* people lives in remote areas and are dominated by influential people. To change the existing scenario, the *char* people need to know about the functioning assistance of agriculture, education and legal sectors from the government. The Land provides the livelihood of the *char* people and their economy is dependent on it. During the harvesting season, farmers needs a different type of support to ensure substantial production. In this particular area, the government provides different kinds of support. However, due to the lack of knowledge the *char* communities are not properly getting these services. The baseline data shows that most of the *char* dwellers lack knowledge of where they will get support regarding issues related to agriculture, land and education. Particularly in the education sector students are deprived of proper education due to the lack of available teachers, despite the fact that some chars have government infrastructures. The government appoints teachers in these areas

but most of the time they are either absent or arrive late. It was found that local people have taken initiatives to ensure the presence of teachers in the *char* by providing shelter or food. However, the results are not satisfactory. *Char* dwellers could not access the higher authority on this particular issue simply because they do not have enough information on how to lodge complaints against government workers. The same scenario is observed regarding legal support systems and disaster management. As the *char* areas are disaster prone; flood and soil erosions are common phenomenons. The communities are unaware of where to access disaster related information. It was previously mentioned that the informal justice system is powerful in the *char* areas, and that this kind of justice system is facilitated by the local influential elites. The most common and controversial perception on this particular issue is that the elite do not provide fair judgment; bribes settle the matter in favour of whoever pays more. Most of the time the local people understand the issue but they are unable to raise their voice against them due to safety of livelihoods, poverty and a lack of information to rights. To develop their economic sustainability, capacity building, and improve their socio-economic status and to establish their rights, they need to be educated, informed and made aware of the existing structures of the justice system. In addition they need to get a better understanding of where they can turn to seek justice to resolve their needs.

FUTURE PROSPECTS OF THE BASELINE RESEARCH DATA IN RELATIONS TO AN IMPACT STUDY

Prior to starting the Good Governance project, it is vital to know how much the potential beneficiaries know about the issues aimed to be covered by the proposed project activities. Considering the remoteness of the *char* areas, the initiative to start a Good Governance project is undoubtedly an innovative and opportune idea. Friendship has a long working experience with the *Char* communities, and thereby an understanding of its people. The organization is however still in need of detailed information of the recipients' knowledge and awareness of the issues aimed to be covered. Thus, a baseline research was conducted and the Good Governance program as a pilot project will be formed based on these findings.

The main problem areas found is the lack of knowledge of the government structures, the sociocultural environment in relations to e.g. the informal justice system and the lack of knowledge regarding the State law and legal rights. This creates a series of issues which in addition are related to institutional shortcomings. Thus, Friendship will structure the Good Governance programme with these main areas as a base.

The common denominator is as seen the lack of knowledge. The will to learn is clearly present among the *char* dwellers. However, the relevant information is not available to them. This leaves the *char* dwellers in an even more vulnerable situation than the nature itself presents. The poor and marginalized people of the *char* areas need this type of

knowledge to be able to raise their voice and claim their constitutional and legal rights. In addition they need to be made aware of their civic role and their duty towards the State to be able to become responsible and productive citizens. As Bangladesh is a constitutional democracy, granted a young one, it is vital that its citizens know the meaning of such a state and governance system, especially if the State is non-responsive to the needs of the citizens. In contrast, the data shows that the majority of the respondents do not hold this knowledge. To break the circle of poverty and marginalization, legal skills, the knowledge of rights as well as the means to claim them are crucial and mass awareness is essential. Friendship thus aims to create mass awareness through the Good Governance Programme.

The issues found are in most cases related to the sociocultural environment the *char* population lives under in relation to the institutional shortcomings and structural problems. Due to the institutional issues, e.g., structural problems, there is a need to make the institutions and its duty bearers aware of, and to feel obligated to provide the *char* population what they are legally justified to. In addition, the building of bridges between the *char* dwellers and the duty bearers on local level is essential to ensure the rights and the availability of justice for the population in the *chars*. Thus, the problems, as well as the solutions, cannot exclusively be found within the *char* population, but within the institutions of the State e.g. the Union Parishad. Friendship

therefore find it crucial to introduce an interrelated and overall covering programme, i.e. the Good Governance Programme, to work on all levels of society with the issues and structural problems mentioned in the report, as they are all closely related.

In order to assess the efficiency of the Good Governance program, the baseline data will be used as comparative data to the new data that will be collected for the impact study. The impact study will cover the following areas;

- ▶ In which areas the inhabitants still require awareness improvement
- ▶ Areas of which improvement has occurred and to what level their knowledge has improved
- ▶ If they exercise their rights in their daily life

The baseline data thus plays a vital role in the evaluation process of the above mentioned

areas. Furthermore, it helps identifying in which areas a qualitative research is needed in order to strengthen the viability of the evaluation report which will be based on the findings of the impact study. This will in turn assist Friendship to continue to improve the Good Governance Project as time passes and making sure the programme is as effective as possible.

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