

Community Mediation to Promote Human Rights and Change Social Norms: Experience of Nagorik Uddyog

[**Summary:** Nagorik Uddyog (NU), a national human rights organization, has been working on community mediation since its establishment in order to improve access to justice at community level. Over the period, by analyzing social dynamics and traditional justice system at community level, NU designs a distinctive community mediation system based on community needs with holistic approach. When community people including rural housewives engaged themselves with this distinctive process, their individual and collective capabilities improved significantly. In turn, with enhance capabilities, the community mediators, as agents of change, contribute to promote human rights and change social norms.]

1. Introduction

From historical period in Bangladesh, community mediation, in the name of *Salish*, a traditional alternative dispute resolution process at community level, has been predominantly practiced by the rural community people. It refers to ‘a community-based, largely informal Bangladeshi process through which small panels of influential local figures help resolve community members’ disputes and/or impose of sanctions on them’ (Gulab, 2003, p 3). It could be a voluntary submission of arbitration or mediation, or even a blend of both. One of the main reasons of this popularity is that community people can have easy access to community mediation because of its dynamic and flexible nature. However, over the period, this informal justice system is highly elites and male dominated. And, poor people, particularly women, hardly have access to justice through this traditional mediation due to patriarchal and traditional beliefs and practices embedded in the society.

In order to improve access to justice of poor rural communities, NU has been working on community mediation since its establishment in 1995. From its research and extensive working experience over the period, NU has learnt that this informal justice system could be an effective strategy promoting human rights and changes social norms, if marginalized and disadvantaged communities particularly women have meaningful participation in the mediation process. This transformation process enhanced disadvantaged communities’ individual and collective capabilities. In this case, poor community mediators, with their individual and collective capabilities, work as agent of change promoting human rights and changing social norms.

2. How NU Facilitates Community Mediation (*Salish*)

In order to enhance access to justice of rural disadvantaged people, NU has been working on community mediation with a distinctive process focusing on community mobilization.

2.1 Features of NU facilitated community mediation

NU facilitated community mediation can be illustrated by the following six distinctive features:

- a. *Ensure women’s and people participation:*** NU ensures effective participation of women and representative from general people in the mediation process. NU believes that women’s participation in the mediation process could have significant impact at community level and change dynamics of dispute resolution process. To ensure their effective participation, NU facilitate to build up their

capacities by transforming knowledge on legal and human rights issues, technique of mediation and building leadership among the committee members.

- b. Democratic space:** The NU facilitated mediation process is a democratic space where both parties are allowed to raise their concerns and the trained community mediators listen their concerns with patience and sincerity.

If the disputant parties feel hesitation to disclose private matters into public, the trained community mediators provide a private space for discussion that they can express their concerns. In order to keep *Salish* process free from bribe, political biasness and local influence, community mediators are selected based on their previous reputation of neutrality and expertise.

- c. Uphold human rights standard:** The disputant parties are respected equally by the mediators irrespective of their social identities and economic status. Both parties' concerns – irrespective with gender, political identity, level of income, class, and ethnicity – are considered in order to reach a win-win situation and decisions are taken in consensus with the disputant parties.
- d. Follow existing law:** In case of legal explanation is required to settle the disputes, the existing state laws are followed strictly. Traditionally in many cases the mediators give verdict based on customary practices and *Sharia* laws. However, in order to ensure existing law and order, NU promotes awareness on relevant laws and campaign against customary practices and *fatwa*.
- e. Gender responsive:** Gender responsiveness is one of the key features of NU facilitated community mediation. In the whole process men and women equal rights is ensured not only by ensuring women participation in decision making process but also given preference if women file a case. In that case, special measures are taken with care by front line staff. For instance, counseling services are provided and concern family members are consulted if needed. So that they can overcome the stigma if any.
- f. Documentation and follow-up:** Proper documentations are maintained of the dispute resolution process and decisions are taken. The settled disputes are followed-up thrice to monitor the decisions are implemented and further counseling are provided if needed.

2.2 Process of NU facilitated community mediation

Nagorik Uddyog follows a distinctive process in order to facilitated community mediation. The process is given below:

- a. Building community organization:** In the first step, NU mobilizes the traditional and potential mediators with equal emphasis of men and women. At the ward level, a *Salish* committee is formed with the membership of three men and three women. The representative of Ward *Salish* Committee formed Citizen Rights Group at Union and Upazila level. Grassroots Women Leaders Networks (GWLNs) are separately formed to build women leadership so that they can effectively participate at mediation process, can raise collective voices on violence against women, and also can participate other public affairs. The committee formation are given below:
- ❖ Wards *Salish* Committee (WSC): 6 members committee with (3 female + 3 male representatives)
 - ❖ Citizen Rights Groups (CRGs):
 - **Union level:** 18 members in each Union with 50% women representatives;
 - **Upazila level:** 2 members from each Union with 50% women representatives
 - ❖ Grassroots Women Leaders Networks (GWLNs):
 - **Union level:** 18 members in each Union + 3 female representative from each Union;
 - **Upazila level:** 2 members from each Union with 100% women representatives

- b. Capacity strengthening:** Series of training programmes organize for the member of community organizations. The issues include 'Mediation and human rights, 'Muslim family law', and 'Leadership and gender justice', etc.
- c. Facilitating Mediation:** The overall Salish process is facilitated in four steps: receiving the complaint, conduct investigation, organize *Salish* and regular Follow-up.
- ❖ **Complain Receive:** At the beginning, when a complaint first reaches to the Community Mobilizer (CM), a front line volunteer closely working with committees, a formal *Salish* registration takes place at NU office. The complaint must fill out a *Salish* form specifying the nature, history and details of the grievance. The *Salish* form serves as an official record of the proceedings.
 - ❖ **Fact Findings:** Second, the local staff then undertakes a fact-findings mission to investigate the validity of the charges. On the basis of this evidence, NU sends a notice announcing an upcoming *Salish* to both parties.
 - ❖ **Community Mediation:** In third Step, if both parties are willing, a mutually convenient date and place of *Salish* is fixed. The group or network members, based on availability, place and willingness, are informed and requested to mediate the process. In case any party does not show up on the date, NU set new dates. In a few cases, NU refers the aggrieved party to the formal court. In this case, NU provides the financial and technical support to the victim with the help of panel lawyers.
 - ❖ **Follow-up:** In Final stage, in order to monitor the result of facilitated *Salish*, disputant parties are kept in touch for at least three months. Three follow-up sessions are organized by front line staffs verifying from the disputant parties and neighbors.

If the situation goes wrong, follow-up *Salish* sessions are organized again.

3. Individual and Collective Capabilities of Community Mediators:

Committee members' individual and collective capabilities have improved, when they engaged themselves with the holistic approach of NU facilitated distinctive community mediation. This transforming process not only improves community mediators' individual and collective capabilities but also, in turn, promotes human rights and changes social norm.

- a. Individual Capabilities:** The overall community mediation process improves committee members' social belonging, leadership, relations of trust, a sense of identity, and values that give meaning to life, and the capacity to organize.
- b. Collective Capabilities:** When committees and networks members engaged themselves with the community mediation, their collective capabilities improve significantly. These include capacity of raising voice, representation, collective identity, solidarity and terms of recognition which help poor people to overcome external social and psychological barriers. Moreover, social capital – the norms and networks, as collective capabilities – enable them initiating collective actions in order to have access to resources.

4. Outcome of the NU facilitated community mediation:

It has significant evidence that NU facilitated community mediation could promote human rights and change social norms. Outcome of the NU facilitated community mediation are give below:

- a. Promote access to justice especially for women and disadvantaged groups:** From traditional community mediation, poor people especially women and disadvantage groups hardly have access to justice due to patriarchal norms and practices rooted in society. As NU facilitated community mediation

maintains certain features (that include democratic space, follow existing law, gender responsive, uphold human rights standard, ensure women's and community participation, and documentation, follow-up and counseling) and follows distinctive process, people irrespective with sex, religion, ethnicity, level of income get justice without any discrimination from this mediation system.

There are significant evidences that rural poor women are getting access to justice from domestic violence and torture. In societal level, a great number of women are way out from child marriage, *hilla* marriage, verbal divorce, and dowry that contributing to promote human rights and change social norms.

- b. *Changed justice seeking behavior among the community:*** In before, if any dispute occurs at village level, whether it is civil and criminal matters, community people rely on either traditional mediation or formal justice system. However, poor community people hardly have access to these justice systems (please see 2.2, 2.3 and 2.4 in page 3). Nowadays, disputant parties are relying and habituated with NU facilitated community mediation. Moreover, in before, if any human rights violation occurs at family and village level, disadvantaged communities particularly women have a tendency to hide the matters. But, these days they are filing cases at NU against **oppressor** whether they are family members or village elites and getting justice without any discrimination. As a consequence, among the community people justice seeking behavior has changed whenever human rights violation occurs whether it is in family or in the society.
- c. *Reduced litigation ... for general disputes, changed community mediation gained acceptance:*** It is reported that disputant parties rely and are habituated with committee members' facilitated mediations that has trickle down impact in the litigation system. As committee members handle the mediation with knowledge, skills and expertise, civil matters including family disputes, land and other issues, are settled at village level. As a consequence, tendency of filing cases in the formal court has reduced among the community people.
- d. *Strengthened peace and harmony at community level by increasing tolerance among the conflicting groups and in general:*** Community people are more aware on human rights and legal knowledge through networks and campaign. The human rights and legal education improve level of tolerance among the community people that in turn strengthened peace and harmony at community level prior to the project intervention.
- e. *Reduced violence against women, dowry and child marriage:*** Committee members and local government representatives admit that violence against women, dowry and child marriage have significantly reduced after project intervention. As network members are proactive against human rights violation. Even, since community people are aware on women rights, violence against women, dowry, and child marriage reduced significantly.
- f. *Enhanced women's leadership resulting participation as mediators and other public issues:*** After project intervention, women's emergence as mediators is one of the significant social changes boomed at community level. Siddiqi argues that women's participation as community mediators visibly changed the dynamics of community dispute resolution. Women leaders, with their enhanced knowledge and understating, handle the mediation process with confident and can confront other mediators who might attempt to inflict a corrupt practice.

Women's emergence as community mediators improves their individual and collective capabilities. With their improved individual social belonging, relation of trust, sense of identity, values, and leadership ability, women community mediators are confident to deal with other social issues too. It is reported that women leaders are assisting poorer section of communities not only organizing self initiated issue based campaigns at community level (such as school campaign on child marriage and dowry) but also

helping them in order to have access to basic services (such as, government provided safety net programme for hardcore poor).

- g. Enhanced women's participation in political process:** Women's individual and collective capabilities are improved when they engaged themselves in NU facilitated community mediation process. There enhanced capabilities in turn improve their participation in political process significantly. Their capacity of raising voice, representation, collective identity, solidarity and terms of recognition not only help them to overcome external social and psychological barriers but also enable them to participate in political process.

Ability to participate in political process is grown up among group members, when rural village housewife become active in NU facilitated community mediation process. This includes electing committee and networks leadership at Ward, Union and Upazila within two years of interval. Their leadership ability is sharpened up when they enjoy chair in community mediation, community level workshops and seminars that encouraged them to participate at local level political process. For instance, two women leaders - Mossamat Mohasina Khatun at Badargonj Upazila and Mossamat Manoara Begum at Kalihati Upazila – were elected as a Vice-Chairman in 2008 and 214 in Upazila elections respectively.

- h. Improved community/local governance:** There are significant evidences that NU facilitated community mediation could improve community/local governance. Committee and network members act pro-actively and organize protest rally, human chain and advocacy for justice with local authorities whenever human rights violations occur at local level. For instance, CRGs and GWLNs members at Ramnathpur Union in Rangpur district organized a human chain at the ground of Shahid Minar at Badargonj Upazila on 11 August 2014, demanding proper punishment under the law and order when an offender of a rape case was not under the custody, and a memorandum was given to Officer in Charge (OC) of Badargonj Police Station. Around 102 networks and civil society members (49 women and 53 men) were attended in this human chain, and local and national print and electronic media broadcast this news. These types of collective initiative organization by community mediators create a pressure among local police and administrative agencies to be more accountable and responsive in their responsibilities.

- i. Enhance access to government basic services:** Poor people have rights to access to government services. Government of Bangladesh has a social security and welfare fund to ensure social security among the hardcore poor in the county. Under the safety-net programme extreme poor people including widows, disable and old aged people are given cash grant and food stuffs every months. However, as local government institution (Union Parishad), the lowest body of the government, have less capability, and are politically biased, and even have the corrupt practices, in many cases extremely poor people remain out of the programme, non-deserving people received the benefits, due to patron-client political culture. Community groups' members that include CRG and GWLN members are actively monitoring distribution of this safety net support through local government. It is reported that, from July 2014 to June 2015, community groups identified 618 persons who deserve to get the benefits, and pursue with the local government's officials in getting this supports.

5. Conclusion

NU facilitated community mediations with distinctive features and unique process could promote human rights and change social norms at local level. Disadvantaged communities' individual and collective capabilities particularly rural housewives have improved significantly, when they are engaged themselves with this distinctive process. With learned human rights and legal education and being members of the

network, the community mediators work as agent of change at local level. Without any discrimination that base on sex, origin and ethnicity, religion, and level of income, the community mediators are providing justice to the poor communities. Moreover, their pro-active involvement as community mediators and preventing other social issues (such as child marriage, *hilla* marriage, dowry, and domestic violence) are promoting human rights and changing social norms through local level advocacy and campaign.

6. References:

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