Activating Village Courts in Bangladesh (AVCB) Phase II



MID-TERM REVIEW REPORT

for

UNDP / EUD / LGD

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Disclaimer: the contents of this report are those of the authors and do not represent the views of either the European Union delegation in Bangladesh, or UNDP.

LIST OF ACRONYMS

AACO	Accounts Assistant cum Computer Operator
AVCB	Activating Village Courts in Bangladesh
CHT	Chittagong Hill Tracts
CJM	Chief Judicial Magistrate
CTG	Chittagong / Chattogram
DC	Deputy Commissioner
DDLG	District Director Local Government
DLAO	District Legal Aid Officer
DMIE	Decentralised Monitoring, Inspection and Evaluation
DSJ	District and Sessions Judge
DTP	District Training Pool
EUD	European Union Delegation
JAM	Jamalpur
LF	Logical Framework ('Logframe')
LGD	Local Government Division
MTR	Mid-term Review
NAO	Naogaon
NET	Netrokona
NLASO	National Legal Aid Services Organisation
PPP	Public Private Partnership
PNGO	Partner Non-Governmental Organisation
RAN	Rangpur
SYL	Sylhet
ULAC	Union Parishad Legal Aid Committee
UNDP	United Nations Development Programme
UNO	Union Nirbahi Officer
UP	Union Parishad
VC	Village Court
VCA	Village Court Assistant
VCMC	Village Court Management Committee
VCMIS	Village Court Management Information System
VfM	Value for Money

Executive Summary

Introduction

1. The AVCB II provides a textbook example of how a project management unit can harness donor support to align with government policy and through partnership with civil society groups deliver an efficient and effective service.

2. The project area covers 27 districts (42% of the country[1]). It is visible in 128 Upazilas (just over 25% of the 492 Upazilas in the country). It has activated VCs in 1078 Union Parishads (out of 4,554, just under 25%) – in association with four partner NGOs.[2]

3. Government is contributing financial resources ($5.84 million) to providing *ejlas* in an additional 1000 UPs (bringing the total up to just under 50%) as well as human resources in the form of Accounts Assistant cum Computer Operators (AACOs) to be recruited one to each UP throughout the country.

4. The AACOs include in their 15 duties, servicing the VCs and taking over from the Village Court Assistants (VCAs) currently supplied under a service contract with the PNGOs. To-date 105 AACOs have been recruited and further recruitment is complicated by a stay order from the High Court inhibiting further recruitment in some districts.

5. The project (AVCB II) was conceived, planned, designed and budgeted around a five year time-frame aiming to start in January 2016. The five years were reduced to four years by the EUD . The TPP was signed in December 2016. A TPP revision is underway to work in the CHT and is (as of the date of writing) unsigned.

6. Funds for initiating training across the 27 districts did not become available until May 2017. The general election was fixed for December 2018 (so affecting the availability of government officers between October 2018 – Feb/March 2019 (depending on the outcome). The project will start to draw down in September 2019.

7. In summary, the effective project work time is less than 2 years (as indicated in the green highlight in the table below).

2016	2017		2018				2019				2020
TPP signed December	Training start May	Q3 & Q4	Q1	Q2	Q3 MTR	Elec	tions	Q2	Q3	Draw-down	Cancelled
TPP (CHT) unsigned						Q4	Q1	Q2	Q3		

Progress to LF targets

8. The MTR team RAG-rated[3] the likelihood of targets being met by December 2019. A full progress to LF matrix is set out later in this report (pp 17-28). In sum, the team found:

    - the Village Courts are unlikely to be self-sustaining[4] by the end of the project period;

[1] https://bangladesh.justiceaudit.org/national-data/key-measures/courts/

[2] BLAST, MLAA, WAVE Foundation and ESDO

[3] Red – Amber – Green, where Red indicates 'unlikely to meet target', Yellow indicates 'more work needed' and Green indicates 'target met or likely to be met'.

[4] 'Self-sustaining' means: Assistant Accountant (sic) cum Computer Operator (AACO) appointed, hearings carried out weekly on designated hearing days and compliant with VC Act and Rules (as per the Logical

- there remains work to be done for government to establish a robust oversight mechanism to monitor the operations of the VCs;
- the revised TPP allowing the project to extend to the Chittagong Hill Tracts (CHT) has yet to be signed. Given the 'extra caution' advised in the ProDoc[5] about working in the CHT, the time remaining may not be adequate to start anything in Phase II.

9. In terms of deliverables (*ejlas*, registers and forms, training) and likelihood of meeting its targets in the 27 districts (in terms of outreach and processing of cases), the project is broadly on track.

Methodology

10. Following a review of the literature, the MTR team conducted a series of meetings in Dhaka with key stakeholders[6] before deploying to Chattogram, Netrokona, Jamalpur, Naogaon and Rangpur districts. In these districts, the team directly observed four Village Court hearings, inspected documentation in VCs in 12 project UPs as well as checked 5 non-project UPs (as control sites); conducted key informant interviews (ie with UP chairmen, UNOs, local justice actors and local civil society partners); Focus Group Discussions (FGDs) with parties to cases brought to the VCs and members of the public; and collected data in the field.

11. The team divided into two to cover more ground and standardize their approach in data to be gathered and questions to be asked in each site visited (see Annex 5). The criteria for selection of the sites to be visited was agreed with UNDP and included sites that were proximate and remote, activated and non-activated and regard was had to the previous year's UP governance performance assessment scores of the Local Governance Support Programme-III. On returning to Dhaka, the team analysed the data collected and debriefed UNDP, EU and LGD on their initial findings.

Relevance

12. The relevance of the VCs was not questioned by anyone. VCs are seen to occupy a place at the entry point to the formal justice system and appear valued as such by police (to whom minor cases could be diverted) and the courts (as a way of filtering cases out of the formal system). Their potential to dispose of 'small causes' locally and quickly is seen as high.

13. The VCs are also relevant to the Sustainable Development Goals (SDGs) and a number of indicators for Goal 16[7] for instance, they promote the rule of law[8]; reduce corruption and bribery[9]; develop effective, accountable and transparent institutions[10]; ensure responsive, inclusive, participatory and representative decision-making at all levels[11];

Framework, AVCB Project Phase II). The ProDoc goes on to say: 'The sustainability of Phase II relies on the appointment of AACOs.' p16

[5] p15

[6] UNDP management, the AVCB II Project team, LGD, EU Delegation and other development agencies

[7] Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

[8] Goal 16 indicator 3

[9] Goal 16 Indicator 5

[10] Goal 16 Indicator 6

[11] Goal 16 Indicator 7

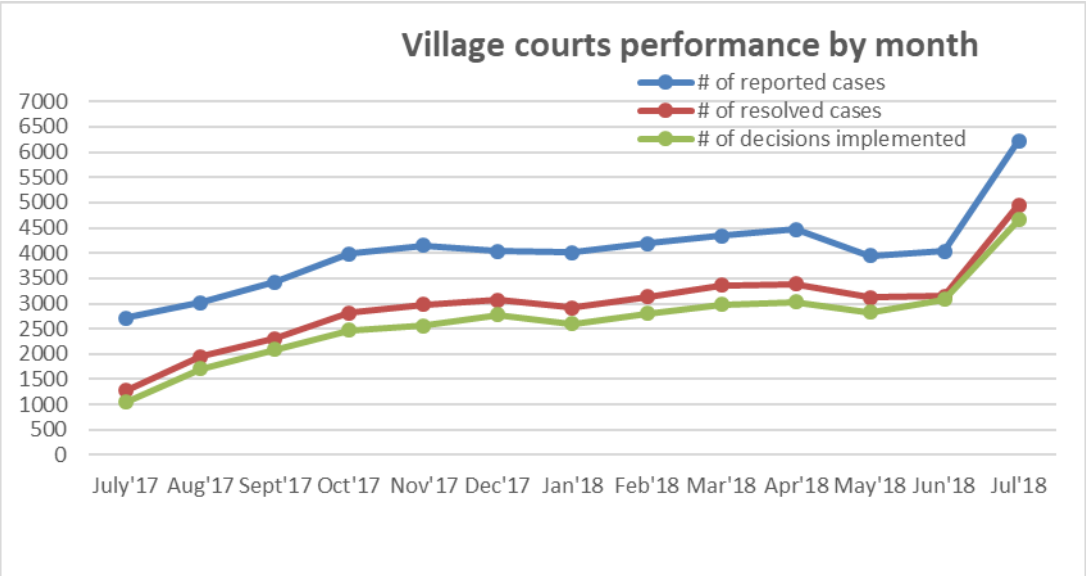
and promote and enforce non-discriminatory laws and policies for sustainable development.[12]

Efficiency

14. The project has delivered on its contract to provide *ejlas*, printed registers and forms to 1078 UPs.[13] Significant work has gone into developing and delivering an outreach strategy and training up master trainers (District Training Pools) and cascading that training to UP chairpersons, members, secretaries and Village police. The project is guided by strategies for Gender and Capacity development. Hearings appear to take place within a 6 week time frame and settlements are generally enforced. The consensus view of police, UNOs, UP staff and PNGOs is that where a VC is functioning properly crime is lower. Between 2016 to August 2018, AVCB II has utilised 45% of its available budget. An under-spend is likely.

Effectiveness

15. The monthly trend (July 2017- July 2018) is upwards. This view across the 27 districts and 1078 UPs is supported by the spot checks conducted in 12 UPs by the MTR team. The uptake in numbers (and direct applications, rather than referrals from other institutions which constitute less than 10%[14] of the total cases received) suggests information is being communicated. Any assessment of popular awareness and attitudes will have to await the outcome of the Impact study in the last part of 2019.



Source: M&E unit, AVCB II, UNDP

16. The District Training Pools (DTPs) set up with teams of Master Trainers at district level were an excellent idea but trainers have difficulty reaching more remote Upazilas (as the availability of cars for non-duty functions is low); and a significant proportion of the Master Trainers have rotated out to new districts.

17. The Upazila VCMC conceived as a quarterly meeting of UP Chairpersons in that Upazila and presided over by the UNO aimed at providing a forum for UP Chairpersons to share their challenges and successes in the conduct of VCs. While the VCMC meets in some

[12] Goal 16 Indicator b.
[13] There is a boundary dispute in two UPs in Bhola which the project was advised by the PIC to avoid.
[14] PNGO data shared with the MTR team.

places, more often than not Village Courts are added on as an agenda item to other committees.

18. The DMIE system is not functioning, nor is the VCMIS. The first is pending approval and a Government Order and the second lacks hardware (ie computers) which LGD indicated are to be provided to all UPs within the next five months.[15]

Impact

19. The caseload in project areas has increased from just over 8,000 in the 12 months preceding the start of Phase II[16] to just under 50,000 (2017/18) – of which 69% were resolved and generated compensation of BDT 320 million, or over EUR 3m.

20. The time-frame of the project is arguably too short (effectively <2 years). The caseload (low at present and averaging around 4 per month) is set to rise (see para 113 at page 38).

21. The police and judiciary observed in interviews that some members of the local Bar (and local touts) encouraged people to file FIRs and bring their cases to the courts (see paras 124-127 at pages 40-41) rather than use the VC.

Sustainability

22. The acid test for an intervention's sustainability is: would it be missed were it to stop? It appears to the MTR team that momentum is building and demand is increasing, giving rise to expectations that justice services are available locally and at low cost.

23. The premise of the project and definition of a 'self-sustaining' VC is the recruitment of the AACO. The MTR team is doubtful that the AACOs will be in place and up to speed by the time the project ends in December 2019. Even if they are, none of the key informants with whom we met were confident that the AACO could replace the VCA given his/her other duties.

24. Public-Private Partnerships (PPP) have emerged to improve services and share the burden between private and public sectors. The role of the PNGOs and providing VCAs (described in the ProDoc Add no 2 as 'key to the success of the project'.[17]) provides an example of an effective PPP. The apprehension is that in replacing this position with the AACO, the project risks undermining the gains made to-date and growing confidence of ordinary people in the VC as impartial instrument of justice. We observe that the question appears to revolve around costs and who is to pay.

Way forward

25. Given the time that was lost, the MTR team is requested to advance a 'delay recovery plan'. We note that time has been recovered where it could be (AVCB II teams appear to have hit the ground running from June 2017 when funding was released to cover training and other core activities); but is non-recoverable elsewhere for instance in the recruitment of AACOs and work in CHT if the project is to end in December 2019.

26. We advance three components for this delay recovery plan:

[15] MTR team debrief LGD, 23 September 2018

[16] 8,245 cited in the Baseline Report, IPA at para 9 p 9.

[17] Addendum No 2 to the Delegation Agreement ACA/2015/372-228 Activing Village Courts in Bangladesh Phase II, at p 7.

i) Focus on quality delivery (simplify forms, increase transparency in VCs, lobby for key law amendments in the VC Act and Rules);
ii) Continue to pursue the Chief Justice for a Practise Note; and the Inspector-General of Police for a directive to permit police in the thanas to divert cases to the VCs;.and engage with the Bar;
iii) Pilot a VC centre or hub, pivoting on the VCA. (see below at paras 34-37).

27. In the alternative, and given the likely underspend, UNDP might apply to the EUD for an extension period of 18 months to 2 years to allow time for the TPP to be signed for CHT where work can start and for government to recruit AACOs to enable the VCs to be self-sustaining.

Recommendations

Transparency and neutrality

28. In 2005, the VCs supported by MLAA discussed their findings in open court and negotiated the compensation with the parties openly. Any 'backroom' discussions were discouraged and all proceedings took place in open court. We noted during the four trial observations that in each the panel adjourned to deliberate on their decision. The chairman then delivered the ruling (each of the four hearings was an arbitration not mediation) and compensation to be awarded. This goes against the spirit of restorative justice and open dealings which ought to characterise the VCs.

    We recommend: the AVCB team develop a quick strategy for addressing this (both through formal letters from the relevant authorities, as well as project notes to VCAs and follow up on the ground and in refresher training courses).

    We further recommend that eligibility for chairing the VC panel be expanded to include a cadre of respected members of the local community regardless of political affiliation.

Simplification of documentation

29. We agree with the complaint of a number of VCAs that the documentation is excessive for the VCs (with five registers and 22 forms) and impractical to expect busy UP secretaries or AACOs to keep them completed.

    We recommend:
    - a review of the registers. A redesign of the format of the case register would allow for columns covering the payment of fee and issue of summons. The order made by the court could be recorded in the last column. We recommend retaining the Compensation register however; and
    - a review of the Forms. Are they all needed?
    - A new form be created to report back to the court a) as proof of receipt of the case; and b) on the result/outcome of the case.
    - Practical Roadmap for Monitoring Performance

30. At the initiative of the Local Government Division, Village Courts Management Committees (VCMC) at the district and Upazila level have been formed with a view to strengthen the monitoring the activities and performance of the village courts. If activated properly, these committees will be able to play a significant role in monitoring the performance of the village courts.

We recommend the government should send required circulars to the DCs and UNOs to make sure these committees sit separately to discuss the VC performance under their respective jurisdictions.

We further recommend the activation of the DMIE (Decentralised Monitoring, Inspection and Evaluation) framework which the AVCB aimed to support through LGD involving the DCs and UNOs to oversee the VC affairs and ensure its quality and accountability; and UNDP lend their technical expertise and comparative experience to LGD in drafting a Village court Roadmap complete with agreed targets, time-bound and performance framework.

In addition, we recommend that the ToRs for the Impact Study include a robust cost-benefit analysis of the operation of the VCs and calculate the cost of a case at the VC, as well as calculate the deterrence effect of a VC on crime and local disputes.

Balancing formal and informal

31. A number of legal amendments have been suggested both to the VC Act and UP Act 2009. We urge that any amendments be strictly necessary and avoid 'legalese' that undermines clear understanding of what the law says.

We recommend the following:

i) The duty to convene a VC be added to the 39 duties currently set down in the UP Act 2009;
ii) Section 5 (5) (b) of VC Act be deleted;
iii) The schedule of offences should be revised to include the type and nature of the offence (with examples in support) so as to emphasise the minor and petty nature of the dispute. Land disputes, for instance, should only be those that are simple to resolve and the value should attach to the area of land in dispute.
iv) Emphasis be placed in the VC Act on transparency of process (at all stages)

Maximising the message

We recommend:

i) thought be given to developing and dramatising stories from the VCs and airing them on the four most popular TV channels;[18]

ii) approaching the UP level Ward Shavas, Open budget meetings, Public hearings and Upazila Vice-Chairpersons (all women) to communicate the VC message (especially to women);

iii) District Information Offices are mandated to increase public awareness about government projects, programs and policies. This office can be used to help raising the awareness of the local people about the village courts. A directive sent from the Ministry of Information would be necessary to activate the district information office to this end. Alternatively, an instruction from the DC office must be sent to the district information office requesting the office to

[18] Channel I, NTV, RTV and Somoy TV)

popularize the concept of VCs covering different UPs and Upazilas under the district. A joint meeting should be organized involving the District Administration, UNDP and District information office to reach a consensus and discuss the modalities of future cooperation on the front of raising awareness about the village court.

iv) Using Government media such as BTV and Bangladesh Betar would help raise awareness of the VCs. This modality would also be cost effective.

v) Send a directive from Cabinet Division/MoPA/LGD to the DCs and UNOs to organize the NGO coordination meetings. NGOs will be persuaded to take part in the awareness raising campaign along with their regular activities in the rural areas.

We further recommend that in consultation with BLAST and MLAA, a strategy is developed for engaging with the Bar and moving it from spoiler to supporter.

Synergy and partnership

32. It appears that potential synergies with ongoing other projects and programmes could be further explored. A cost sharing mechanism of both financial and non-financial nature (between government and DPs working in the justice sector, i.e., GIZ) might be considered in order to ensure sustainability of the village courts.

33. On this front, it may be mentioned here that different programmes have set forth their own special requirements and therefore if the cost sharing agreement is to be made between different programmes and development partners the government of Bangladesh has to lead the initiative and coordinate with the parties involved.

We recommend that LGD open up a discussion with the World Bank as the Local Governance Support Project (LGSP III) is now being implemented throughout the country covering all UPs with a view to identify the potential areas for future cooperation and synergies. For activating the village courts, it is, however, possible for the UPs to use part of the block grants made available to UPs under the other different parallel governance development programmes such as LGSP III and others which are being funded by different development partners in collaboration with the government of Bangladesh.

Linking with other initiatives (both of government, the judiciary and development partners) and piloting the UP complex and VC as a hub for referral and other services

34. The NGO supported VCAs are seen to be independent of local power holders and to act as bridge to the community and source of disinterested advice and guidance. They are seen to be key to the success of the scheme. The risk is that in substituting them for government employees with other duties to attend to, the efficiency, effectiveness and Impact of the VC will be gravely affected and the project fail to deliver a quality of justice that engenders the confidence of users and other justice service providers (such as magistracy and police).

35. The AACO is a government employee and charged with a number of administrative tasks and duties (one of which includes servicing the VC). The VCA is a legal service provider. S/he not only clerks the court but also provides a range of advisory services to people in the community the VC serves.

36. We propose that as a legal services provider, the VCA might fall under the NLASO. This would have several advantages:
    i) Establish a link between the VC and the judiciary
    ii) Maintain the bridge between the lowest tier of administrative government and the people
    iii) Provide a dedicated officer for the VCs on the assumption that the caseload is set to grow and that the VC operates as a hub for a range of other services.

37. We also note the central location of the VC and office of the VCA and potential for these spaces to provide a broader set of legal services to the local community as 'paralegals' offering basic advice, assistance and referral services in line with the initiatives under consideration by GIZ and DFID, as well as organise continuous training on the VC Act and Rules (in support of the DTPs) and ensure the VC continue to function within the ambit of the law.

    We recommend a pilot scheme in 4 sites (under each of the four PNGOs) to test the economic viability of retaining the VCAs and eventually transitioning them to a contract, or cooperation agreement, with NLASO (sourced from the Legal Aid Fund) to provide these services.

Coordination and Collaboration

We recommend UNOs should be co-opted as a member of the DTP, this will help to encourage their ownership of the VC.

We further recommend:

i) organizing district level workshops for exploiting the benefits of horizontal learning about village courts. LGD as well as UNDP may consider organizing this at different districts involving the stakeholders from project area UPs as this initiative will allow the stakeholders to learn from each other experiences and the best practices;
ii) organizing central and district level workshops involving the police, judiciary and the Bar with particular focus on early screening of cases coming into the CJMC, District Courts and thanas; and
iii) lobbying the police HQ to add a module on VC in the foundation training programmes meant for the entry level policemen.

Institutional

We recommend LGD take the lead role in pursuing government to complete the appointment of the AACOs to all the UPs without further delay.

We further recommend that terms and conditions offered to the Village Police be reviewed as a matter of urgency as they play an essential role in serve summons' on parties and maintaining order and decorum in the VC.

INTRODUCTION

38. UNDP commissioned a team[19] to conduct the mid-term review of Phase II of EU/GoB funded project: Activating Village Courts in Bangladesh (AVCB) – the Terms of Reference are attached at 1. The team convened in Dhaka on 1 September, spent the first week in Dhaka meeting key stakeholders, then went to Chattogram (8-10 September) and divided up to visit Naogaon and Rangpur and Netrokona and Jamalpur (11-17). They presented their findings to the EUD, UNDP and LGD – the list of meetings is attached at 2. The team ended their field work on 23 September and report writing was undertaken from home bases.

Project Background and Chronology

2016	2017		2018				2019				2020
TPP signed December	Training start May	Q3 & Q4	Q1	Q2	Q3	elec	tions	Q2	Q3	Draw-down	Cancelled

39. Following the issue of the VC Ordinance 1976, little was done by central government to support the VCs until the Madaaripur Legal Aid Association (MLAA) initiated a pilot scheme in Madaripur (Danida funded) in 2002.

40. In 2005, the EU recommended building on the work of MLAA to 'activate' VCs across the country.[20] This led to the AVCB with a focus on 351 VCs in 14 districts and enlisting the support of four PNGOs. The initial time period was 2009-2013. Due to delays, the project was extended to 2014. The scheme gained the recognition and support of the Prime Minister and, following an injection of $1 million from LGD was extended to the end of 2015.

41. A second phase was then designed early in 2015 to start in January 2016 for a period of five years (ending December 2020). The AVCB II aimed to enlist the support of four PNGOs working in 27 districts to activate 1080 VCs and LGD committed $5 million to the overall budget and pledged to activate an additional 1000 VCs.

42. The project was reduced to 4 years duration (ending December 2019) and then lost a further year as the TPP was not signed until December 2016. Further delays in releasing funding for an extensive training programme meant the project did not get under way until May 2017. As of this MTR, the TPP for CHT has still to be signed (the chronology is set down in Annex 4) and disruption to all activities is expected in view of the general elections in December 2018. It is anticipated the AVCB II will start to draw down in September 2019.

Context

Local justice

43. At the local level (village) level, disputes are traditionally resolved through *shalish* whereby a group of elders (usually men) known as *shalishkar* sit to hear a dispute and reach a decision which the parties agree to implement. There are local variations tending more to a mediated settlement (ie the decision is discussed with the parties and agreed by them) or arbitrated (the shalishkar hear both sides and reach a decision without much

[19] Adam Stapleton, Barrister, Director, The Governance and Justice Group, Fellow the Human Rights Centre, Univ of Essex, UK: and Prof Mobasser Monem, Professor of Public Administration, Univ of Dhaka

[20] Activating the criminal justice system in Bangladesh, EU, Belanger et al, 2005

discussion). Both aim at reconciliation. Dissatisfaction with the way in which these shalish were conducted and their unjust outcomes (especially for women and young persons) led to the emergence of NGO-managed mediation (led by Madaripur Legal Aid Association and its mediation model) which is widely practised by all NGOs providing legal services.

44. Police too are reported to administer 'police shalish'. Anecdotally, they charge the parties a fee to facilitate resolution of a dispute (for instance party A pays the police to hold party B in custody over a night or two, B comes to an agreement with the other party and pays the police to be released and not file any FIR).

45. *Shalish* has become synonymous with mediation. For instance a UP Chair will be driving back from a meeting and come across an altercation on the side of the road. He will stop, discover the cause of the row and resolve it 'on the spot'. He will call this 'shalish' and UP members also term such prompt interventions as shalish.

46. Shalish has been operating since time immemorial in Bangladesh and, properly administered, provides a valuable service and public good.

47. The idea of Village Courts is not new. The term has been in currency for a long time (since the Ordinance in 1976).[21] The 'courts' draw on the shalish model and aim to settle disputes and reconcile parties in line with a restorative justice model (expressly the court has no powers to punish). They are presided over by the UP chair (or his/her nominated representative from the UP members). The VC presides over both civil and criminal matters (but not family matters which are subject to separate Ordinance and a three person panel called the Arbitration Council. These Arbitration Councils for all practical purposes do not function).

Administration of VCs

48. Two issues arose during the MTR concerning the UP chairpersons. Firstly, whether or not the UP chairpersons view the VC as a mandatory duty, or one that is optional. The UP Chair has 39 duties which are listed in the UP Act 2009. These duties s/he must undertake and can be sanctioned if s/he does not. The VC is not in this list. While most UNOs and UP chairs viewed the VC as a mandatory duty (under the VC Act, ie as law), some did not. The situation is somewhat unclear. However, it was suggested by UP chairs and members that if VC is added as one of the mandatory functions of UPs then all chairs will take their VC responsibilities seriously and put in more effort to make them functional.

49. Secondly, the neutrality of the Village Courts has been shaken following the requirement imposed by the present government of all UP chairpersons and members to be affiliated to a political party ('The possible consequences of allowing politically elected leaders to lead a court room cannot be expected to uphold the sanctity of rule of law or ensure independence of judiciary'[22]). In the local context in which these hearings are conducted, we are not sure this fear stands up to scrutiny.

    i) the law appears to be resilient to political interference in the outcome of any hearing (each party shall nominate two members;[23] and where a decision is by a majority of 3:2 an appeal lies to a magistrate or the Assistant Judge[24]

[21] The Addendum No 2 to the ProDoc has an excellent summary which is not repeated here, see pp1-3
[22] Daily Star, April 5 2016, Village Courts: a dilemma within…
[23] Section 5, VC Act 2006
[24] Id at section 8(2)(a) and (b)

who may set aside or modify the decision or send it back for reconsideration[25]). The proceedings are conducted in open court and everyone can hear the nature of the dispute and weigh the testimony of the witnesses.

ii) the political affiliation of the UP members and chairpersons are already common knowledge in the communities they serve.

iii) in interviews the team had with VCAs, several raised this development as a challenge. When asked if they had witnessed an occasion where the UP chair had sought to influence the decision of the panel along party lines, none had. One stated that her UP members were divided along party lines and were difficult to bring together to form a panel. Another observed the chair belonged to an opposition party while the members were split 50:50 (governing party: opposition). We observed a hearing and noted how the chair appeared to go out of his way to invite the questions and participation of the panel. He expressed the view of all the UP chairs we asked, that he left party politics aside when he presided over the Village Court. For these reasons we think the fears (understandable) raised are not supported by experience on the ground.

50. On the other hand, what the law alters in a fundamental way is the mind-set of the UP Chair. There are perceptions that UP elected representatives are no longer the servant of the people in his/her community, since their master is now the party. And the prioritisation of work may now be set by the party (especially if that party is in power). But we found no evidence to suggest that this is restricting the UP elected representatives from dispensing local justice. And, by way of general comment, we note local representatives do not try to find the out the political affiliation of the local people.

The Justice sector

51. The courts and police both state they are overburdened. In the view of the judiciary: 'for small causes, people should not be coming to the courts.'[26] The magistrates the MTR team met with in each district expressed positive support for the Village Courts. They suggested that 'local petty disputes must be resolved locally'. They saw an important role for VCs to filter cases out of the criminal justice system and act as a referral point for minor and petty cases.

52. The reason given for the relatively low number of referrals was, in some part, due to the peremptory nature of the case review process by magistrates (and the facts of the case and whether the charges initially preferred were justified); and in the main to lawyers and their touts who encourage police and complainants to inflate the value of the claim or seriousness of the offence to take it outside the compass of VCs.

53. Police interviewed in Dhaka,[27] Rangpur, Naogaon, Jamalpur and Netrokona (both at thana and district levels) viewed the VCs positively as they could help reduce the police workload and contribute to law and order by dealing with disputes locally and addressing grievances at their early stages and so prevent them escalating. One officer in charge in Pabna estimated that 80% of the complaints received at the thana were within the

[25] Id at section 8(3)
[26] Interview with the Registrar-General, Supreme Court, Dr Zakir Hossain, former Director, JATI, 4 September
[27] Interview with DIG (HR), 5 September.

jurisdiction of the VC.[28] All noted that they were inhibited from acting officially to divert cases as they lacked the authority (ie a directive from the SP or IGP) officially to refer such cases.

The Local Government Division (LGD)

54. The VCs fall under the LGD and the reports go up the chain from UNO to DDLG (who shares a copy with the CJM) and then to LGD and are copied to the DC–police do not obtain a copy. Notwithstanding the appellate function of the courts, and power to transfer cases to the VCs, the anomaly has arisen whereby the VCs are not required to report to the courts. In addition, there is no forum for either to meet. The Case Coordination Committees (supported by GIZ) which aim to address the case backlog in a district (and meet on a monthly basis in 25 districts) are jointly chaired by the District and Sessions Judge (DSJ) and Deputy Commissioner (DC) but the DDLG is not a member. The VCMC that meet quarterly at Upazila level do not include any judicial officer.[29]

METHODOLOGY

55. The MTR team started with a literature review (the documents reviewed are listed at Annex 3). The team gathered data through:

- consultation meetings (key stakeholders in Dhaka between 2-7 September),
- key informant interviews (with LGD, District administration, Divisional Administration, DTP members, police, judiciary, UP chairs and members, AACOs and VCAs as well as PNGOs),
- observations (VC hearings),
- FGDs with beneficiaries; and
- quantitative data on the VC performance collected in the field, from PNGOs and UNDP.

56. The team jointly visited Chattogram and then divided to visit Rangpur, Naogaon, Jamalpur, and Netrokona between 8-18 September. The team visited 12 project UPs where they conducted KIIs with UP Chairs, secretaries, members, VCAs and AACOs (where they were in place), Village Police, as well as observed hearings (4) and interviewed the parties to the hearing and beneficiaries and members of the public. In addition, the team visited 5 non-project (or control) UPs and interviewed the UP chair and secretary and inspected any documentation where it was produced.

57. The selection of site visits was determined based on the agreed criteria, namely that the sites represent a proportion of project and non-project sites that emphasis was given to more remote (and poorer) UPs and that preference be given to a court which was holding hearings on the day the team was to be in its vicinity.

58. The team was accompanied by senior UNDP project staff, their District Facilitators and at times PNGO Upazila coordinators. These were to facilitate the meetings. The UNDP withdrew from meetings with PNGOs. At no time did persons attached to the mission

[28] UNDP AVCB II Internal discussion paper on Referral of cases to Village Courts from Police stations, Shirin Sultana Lira, Legal specialist.

[29] Even if the judicial officers were made the members of Upazila level VCMC, they could not attend such meetings as the existing rules do not allow them to visit Upazilas without the official permission of the Chief Justice.

seek to influence the team's findings. Each KII was conducted in line with a structured questionnaire agreed in advance by the MTR team.

59. On returning to Dhaka, the team consolidated its findings and field notes, analysed them against the DAC criteria[30] and presented initial findings to the EUD (without UNDP present) and UNDP senior management in the presence of the AVCB II senior management. Finally the team presented to a joint meeting of LGD, EUD and UNDP in the Ministry of Local Government on Sunday 23 September. The team then returned to their home bases on 24 September.

60. A first draft was submitted to UNDP on 30 September. Consolidated comments were received on 1 November and the final report was submitted on 8 November 2018.

PROGRESS AGAINST LOGFRAME INDICATORS

61. The matrix below provides progress against the logframe targets and comments in addition where appropriate.

62. A RAG rating is included to guide the eye, where red indicates a target is unlikely to be met, yellow requires more work and green is on track to meet, or has already met, the target

63. The team scored red: i) the Village Courts are unlikely to be self-sustaining by the end of the project period (due to non-recruitment of AACOs) and ii) work in the CHT due to the delay in signing the TPP. The absence of a robust oversight mechanism to monitor the operations of the VCs scored amber, as there remains more work to be done in this regard.

[30] **Relevance -** the extent to which the objectives of an intervention are consistent with beneficiaries' requirements, country needs, global priorities and partners' and donors' policies; **Efficiency** – the measure of how economically resources and inputs, including funds, expertise, time etc., are converted into results; **Effectiveness** – implementation modalities and the extent to which objectives were achieved, taking into account their relative importance with particular reference to capacity building and project outreach strategies; **Impact** – the long-term effects, including positive and negative, direct and indirect, intended and unintended; **Sustainability** – the probability of long term benefits and the resilience to risk of those benefits over time.

MID-TERM REVIEW: PROGRESS AGAINST LOGFRAME

Red = unlikely to reach target; amber = needs more work to reach target: green = has met or likely to reach target

Overall Objective: to contribute to improving access to justice for disadvantaged and marginalised groups in Bangladesh

Project Indicators	Baseline	Target	Progress against target	RAG Rating	Comments
1. Union Parishads have fully self-sustaining village courts ('Self-sustaining' means: Accounts Assistant cum Computer Operator (AACO) appointed, hearings carried out weekly on designated hearing days, and compliant with VC Act and Rules).	0 (2016)	1080 (2019)	1078 in project area. Hearings conducted on a weekly basis (as much as this is within the VCA's control) and compliant with VC Act from spot checks conducted in x UPs. AACOs appointed in 105 UPs. Unlikely to meet target.		LGD state the reason AACOs not being recruited is that there is a writ before the High Court challenging the way in which AACOs are recruited (preference should be given to those working as entrepreneurs in the UDCs). Once this barrier is removed, recruitment will continue. However, GoB has made the appointment of AACO conditional on local resource mobilisation capacity of the UPs (ie the UP has to meet a minimum revenue ceiling – 'own-source revenue' – if it is to qualify for an AACO).
1b. CHT has self-sustaining local justice mechanisms providing improved justice services to the local population			TPP unsigned. No progress. Unlikely to meet target		If the TPP is not signed in October, due to the elections in December, informed view is that it is unlikely it will be signed until the end of the first quarter of 2019 when Phase II will start to draw down.
2. Percentage of female complainants registered at VC.		31%	28% (June 2018). Upward trend in women applicants / complainants in 10 / 12 project UPs spot- checked during MTR. More work to be done.		Interviews with beneficiaries and women UP members indicate women more comfortable in VC setting than shalish (where their voice is not always heard). Gender messaging could be better targeted emphasising 'stories' and common disputes / issues which the VC can resolve. Conservative districts (CTG and Sylhet) will record lower participation.

3. % of VC users who are satisfied with VC service.		80% (2019)	If measured by *access* (local, cheap, swift) the project is likely on track.		An Impact study will be commissioned in 2019 to measure 'satisfaction' of users.
4. % of VC complainants who are poor or extreme poor (using World Bank definition).		70% (2019)	Site visits did not gauge the poverty of complainants / beneficiaries. The nature of disputes suggested most were poor or extreme poor so likely on track.		The Impact study (above) will ascertain the economic status of complainants and beneficiaries.
Specific Objective 1: To make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well-functioning Village Courts / local justice mechanisms in CHT					
Indicators	**Baseline**	**Target**	**Progress against indicators**	**RAG Rating**	**Comment**
1. Average number of VC cases registered per year per UP in project areas by 2019.	16 (April 2017)	60 (2019)	Average 42 in project VCs across the 27 districts (Jul 2017-Jun 2018). Monthly data indicate upward trend. Spot checks in project UPs confirm in 8 / 12 UPs where the data checked. More work needed if target to be reached.		'Registration' is not a useful indicator. A case may be registered but subsequently dismissed either because outside jurisdiction or a party fails to appear. Suggest substitute: 'effective' for registered. Training did not start until May 2017 (delay in release of funds) which explains the relatively low pick-up of cases in the second half 2017.MTR visited one UP that was in Phase I (so 10 years of support): average cases 6-7 pcm. Project may need to develop strategies for closer engagement with the local thana police and CJM courts.
2. % of registered cases in village courts which are resolved within 6 weeks.	68% (id)	70% (id)	UNDP to provide data from project areas. Spot checks in 10 UPs in RAN, NAO, NET and JAM indicate 87% cases are resolved within 6 weeks, so likely to reach target.		Inspection of registers in 12 UPs show 60% of cases were resolved pre-trial or by R31 (de facto quick) between Jul 2017-Jun 2018. The PNGO data for the period indicate 80% of all cases resolved were by either in a pre-trial hearing or mediated agreement under Rule 31.

3. # of cases in VCs referred by court and police (disaggregated).	0 (id)	11,500 (id)	3,130 (UNDP, June 2018). Police state they have no authority to divert matters to the UP (though some do unofficially). Courts first review when the charge is framed (usually takes months) and charges often inflated to take a simple minor case out of the VC's jurisdiction). IGP directive + CJ PN both needed if to reach target.		It is doubtful this indicator is within the control of AVCB II as implied in the assumption column. From KIIs with CJMs in CTG, RAN, NAO, NET, JAM it appears a significant % of the case backlog at magistrates courts are minor/petty in nature and a significant % of these would meet VC jurisdiction (but have been 'inflated' by police / lawyers). In NET, CJM reported 1922 cases registered (Jan-Aug 2018) and 462 transferred to VCs (ie 25%). The PNGO data (NET) records 141 transferred from DC. From KIIs with police, the indication is that VCs would help them divert minor cases (the majority) but they lack the official authority to do so. Unofficially, police (ASP) claimed that they were diverting cases to the UPs but without a directive from the SP/IGP they could not record these officially.
4. % of people in project area who say VC has reduced crime and increased community safety.	31% (id)	60% (2019)	Anecdotally, the project appears on track to meet this target.		The Impact study in 2019 will address this indicator. Meetings with beneficiaries, the general public, UP chairs and members were of like mind that VCs did improve safety and reduce crime. KIIs with police also supported this as the VC was seen to 'nip matters in the bud' and stop them escalating.
5. % of cases resolved through traditional justice and other mechanism following developed system of the project		70% (id)	No progress on CHT due to unsigned TPP. Unlikely to meet target,		
6. Average days required to resolve a dispute through traditional system and other mechanism		7 weeks	No progress on CHT due to unsigned TPP. Unlikely to meet target,		

Specific objective 2: To empower local people, especially women, the poor and vulnerable groups in particular to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner.					
Indicator	**Baseline**	**Target**	**Progress against indicators**	**RAG Rating**	**Comment**
1. % of people who say they would first approach the VC to resolve petty disputes.	19% (April 2017)	45% (2019)	Spot checks in project UPs confirmed awareness of the service provided by VCs is increasing. But still more work needs to be done.		The wording of this indicator might be reconsidered. Shalish (properly administered) is a public good equal to VCs, why should the VC be preferred? Suggest delete the word 'first'.
2. % of women involved as panelists in village courts' decision making process.	2% (id)	15% (id)	UNDP M&E: 12% (June 2018). PNGO data support this mean figure. More work needs to be done.		In Kursha UP in Rangpur, UP women members were present in 50% of hearings. As women applicants increase so do the number of nominated women panel members. However, the prevailing view is that parties automatically nominate male representatives. This culture will take time to change.
3. % of people in CHT are satisfied with the services of traditional justice mechanisms and other local justice mechanism		70%	No progress on CHT due to unsigned TPP. Unlikely to meet target.		
4. % of female complaints in CHT registers at traditional justice mechanisms and other local justice mechanism		60%	No progress on CHT due to unsigned TPP. Unlikely to meet target.		

Result 1.1: Capacity of relevant stakeholders at local and national improved and key skills strengthened to enable VCs in new target UPs and local justice mechanisms in CHT to function effectively by the end of project implementation					
Indicator	**Baseline**	**Target**	**Progress against Indicators**	**RAG Rating**	**Comment**
1.# UPs equipped with *ejlas* (court bench), court forms and registers and have trained Village Courts Assistants	0 (Jan 2016)	1080	**1078** UPs equipped with *ejlas* (new: 761, repaired: 268, available: 48), court forms and registers and trained VCAs (529 men: 549 women). Indicator met.		Two UPs in Bhola district in dispute over new notification for formation of new UP. Case filed and stay order issued by High Court. LGD advised to postpone activation in the two UPs.
2.# of national training institutes who have updated information on VC issues in their regular training curriculum / syllabus.	1 (id)	2 by 2018 4 by 2019	2: NILG materials updated and endorsed - VC Training Manual & Flipchart (Dec 2017). JATI included module on VC. 2018 indicator met.		More work to be done to develop faculty staff in JATI. Ongoing discussions with BCSAA and BPA. Recommendation by one Additional SP that Police Staff College also included. DIG (Training) said a VC module had been included in police in-service training institutions and was needed in a foundation training module which required an official/policy decision.
3. # District Training Pools established.	0 (id)	27 by 2017	27 DTPs established (Dec 2017) comprising 315 MTs (56 women) from: Judiciary, Police, Social, Women & Youth Services + PNGOs and DF. Indicator met.		DTPs working better in some Districts / Upazilas than in others where problems with transport and official approval to visit remote Upazilas inhibit government and judicial officers from attending placing the burden on the PNGs and DF. Frequent transfers of DTP members out of the project areas and their extra-ordinarily busy schedules pose challenges.
4. # Officials and representatives of Union Parishads trained on village courts functions by District Training Pools (per UP = 1 UP Chair; 12 members; UP Secretary).	0 (id)	14000	15,854 including 3890 women trained by DTPs (Jun 2018). Refresher courses planned in last quarter 2018. Indicator likely to be met.		UNDP conducted 8 reflection workshops with DTP members to review first round of training and inform changes to the refresher courses.

5. % UP representatives and officials in AVCB areas who gave correct responses to 9 key knowledge questions.	0 (Id)	55%	Spot checks to12 project UPs suggest knowledge level by UP chairs, members and secretaries is mixed. More work needed.		Impact study to be conducted in 2019 to assess the state of knowledge of UP representatives.
6. % UPs in project area which correctly maintain all VC forms and registers.	0 (id)	100% (2019)	Spot checks to12 project UPs indicate Registers and forms correctly maintained by VCAs. Likely to meet target.		VCAs observed the 5 Registers and 17 forms could be rationalised and better formatted to reduce the paperwork (and so burden on AACOs and VC). VCAs took down statements of parties and their witnesses during the hearing and filed them for purposes of any appeal and future reference. Discrepancies noted in data (# cases dismissed/cancelled appeared to be included in total # resolved), these were in the minority.
7.# AACOs trained to take over role of Village Court Assistant.	0 (id)	80 (2018) 1080 (2019)	105 recruited (as of Sep 2018). Trained by DTP. Writ pending in High Court suspended further recruitment (LGD). Unlikely to meet target.		AACO has 15 duties in ToRs (including VC, duty no. 12). Principal tasks: manage the UP accounts and generate reports on computer. AACO seen as support to overburdened UP Secretary. Consensus view (UP Chairs, UP Secretaries) AACO little time to service the VC and retention of VCA ideal.
8. % of resolved cases which are enforced.	80 (2017)	80% (2019)	UNDP M&E record 82% (Jun 2018) resolved cases enforced. Likely to meet target.		PNGO data indicate the following rates of implementation: 82% (BLAST in CTG and SYL); 87% (MLAA in Netrokona and Jamalpur); 88% (Wave Foundation in Khulna); and 95% (ESDO in Rangpur and Rajshahi).
9. % of cases heard in AVCB area which are within the VCs jurisdiction and in compliance with the correct procedure.	0 (id)	100% (id)	Spot checks suggest general compliance (data from each PNGO shows 82% compliance). Further evidence will be adduced in the Impact study in 2019. Likely to meet target.		Case data collected from each of the PNGOs for the period Jul 2017-Jun 2018 indicate 18% of cases registered were either cancelled or dismissed.

10. In CHT, # of traditional leaders, local CSOs, local administrations, judiciary, legal professionals and other relevant actors are knowledgeable about local dispute resolution systems and norms		5362	No progress on CHT due to unsigned TPP. Unlikely to meet target.		
11. Proper documentation in support to the functioning of local justice mechanisms is in place		In 50% project areas	No progress on CHT due to unsigned TPP. Unlikely to meet target.		
12. Training material including other materials related to CHT is in place.			No progress on CHT due to unsigned TPP. Unlikely to meet target.		
Result 1.2: Legal and policy framework revised to enhance efficiency and effectiveness of VCs and local justice mechanisms in CHT					
Indicators	**Baseline**	**Target**	**Progress against Indicators**	**RAG Rating**	**Comments**
1. Proposals developed to amend Village Court Act / Rules or CrPC to facilitate transfer of cases to Village Courts	0 (2016)	Amend-ments adopted	VC Rules enacted Feb. 2016. 20,000 VC booklets printed / distributed. During Feb-May 2017, 15 sessions with Master Trainers producing recs. for amendments to the VC Act, and Rules. More work needed.		The position of Legal Specialist to the AVCB was vacated in Jul 2018. A new Specialist is being recruited to consolidate and draft proposed amendments in late 2018 and submit to MoLJ&PA in 2019. It is doubtful the target (adoption of amendments) is within the control of the project. Suggest substitute '**submitted**' for 'adopted'.

2.Proposal developed to facilitate transfer of cases to village courts	0 (Id)	Proposal developed	Consultation meetings held with judiciary and police in 27 districts. KIIs conducted with police on referrals from thana to UP and VCs. Likely to meet target.		A recent Justice Audit of Bangladesh (for the year 2016) placed strong emphasis on early diversion of cases at police and lower courts including to VCs. KIIs in MTR noted positive support by all stakeholders.
3. Directive from IG Police to facilitate referrals to VCs in place issued.	0 (Id)	Directive issued	Consultations with police in 27 districts (as above). More work needed.		KIIs with police & internal research report (UNDP) on police attitudes towards VCs suggest strong support for early diversion to VCs, but lack authorisation so to do. It is doubtful the project can control for the 'issuance' of the directive, suggest substitute for 'issue' the words: **drafted and submitted to IGP.**
4. Practice Note from CJ on screening and referral of cases by District Courts in place.	0 (Id)	PN issued	Consultations with judiciary in 27 districts (as above). More work needed.		KIIs with judicial magistrates in MTR indicate significant backlog of minor cases, many of which are within the jurisdiction of VC. Justice Audit emphasises early review of cases and referral of appropriate cases to VCs. SC Justice chair of Backlog committee agrees. As above, doubtful the project can control for the 'issuance' of the PN, suggest reword as above.
5. Judicial officers authorized to participate in VC training and become part of District Training Pool.	0 (Id)	Authorisat-ion issued from CJ	District Legal Aid Officers (additional judge) nominated as member of DTP. Target met.		
6.In CHT, existing customary laws & practices are reviewed, codified/documented and harmonized with other justice systems in CHT and the law (incl. gender rights)	0 (Id)		No progress on CHT due to unsigned TPP. Unlikely to meet target.		

Result 1.3: GoB monitoring capacity for evaluating VCs and other local justice mechanisms' performance is strengthened and systematised					
Indicators	**Baseline**	Target	Progress against Indicators	**RAG Rating**	Comments
1. # Districts submitting reports to LGD in accordance with Decentralized M&E (DMIE) system.	0 (2016)	27	DMIE not in place. More work needed.		The matter is in the Cabinet Division and awaiting issue of Government Order (GO). If not issued in October, unlikely to be issued before the end of the first quarter 2019. It is doubtful this indicator is within the control of the project.
2. % UPs supported by the project which submit quarterly reports to UNO in accordance with DMIE system.	0 (Id)	90%	The MTR KIIs with UP Chairs, UNOs and DDLGs indicate quarterly (and monthly) reports are regularly filed. However they are not in line with any DMIE system since there is not one. More work needed.		The reports are quantitative (cases pending, new, disposed and pending) and lack qualitative data (disaggregated by gender, type of dispute, type of resolution, # cancelled, dismissed, enforced, BDT amount of compensation paid etc). The only M&E tool UNOs have is a point system instrument for the functioning of the Upazila in which 5 points awarded if VCs are functioning.
3.% District and Upazila VCMCs in project areas which are meeting in accordance with the GO 2012.	0 (Id)	70%	VCMCs formed in 27 districts and 128 Upazilas (UNDP: Jun 2018). Target met to establish committees.		Some VCMCs meet on a quarterly basis under UNO. However, VCMCs usually 'tagged' on to Law and Order Committee meetings as an agenda point. It is doubtful the project can control for the meetings taking place.
4. # UPs using VCMIS system for reporting and monitoring purposes.	15	115	No progress is reported. Procurement of hardware authorised for the 15 in phase I was deliberately omitted in Phase II. Assuming ICT procured more work needed to meet target.		The expectation was that ICT would be procured from LGSP-2 or others to facilitate VCMIS. As yet this has not taken place.

5. LGD produces trends and pattern-based reports on VC performance.	0	1 annual report	UNDP produced its annual report for 2017. No data from LGD. More work needed.		It is doubtful this indicator is within the control of the project. Suggest delete.
6.A monitoring system of access to justice for the most vulnerable in CHT is in place.	0	M&E system in place	No progress on CHT due to unsigned TPP. Unlikely to meet target.		
Result 2.1: Beneficiaries in project areas understand the roles and functions of the VCs and other local justice mechanisms and are able to access their services when required.					
Indicators	**Baseline**	**Target**	**Progress Against Indicators**	**RAG Rating**	**Comments**
1. % People in project UPs who say they are aware of VCs and its functions.	9% (Baseline Report Phase II, 2017)	70%	KIIs with beneficiaries, PNGOs, UNOs in project UPs indicate general awareness of VC. Signboards outside UP prominent. Target % high. More work needed to meet target.		Impact study in 2019 to assess level of public awareness. Suggest revise target to 50% (due to selection criteria of the UPs). Some project UPs are located in the hard to reach areas (i.e, haor) for which performing planned outreach activities not easy particularly during monsoon season.
2. % People in project areas able to correctly answer that Village Courts deals with minor conflicts and disputes.	1% (Id)	50%	Outreach strategy developed to reach 5.7m people (52% women) through multi-media (CYMs; TVC - aired x600 in 2017 on 4 most popular channels + 1800 news, talk shows in 100 TV coverage; 3 community radios; Project		Project outreach strategy highly resource-intensive. Clear evidence of hard work by project officers. 'Traditional' media (ie CYMs) defended as most effective for learning as it allows for community participation and interaction. Impact study to follow (as above). MTR team question whether more use could be made of 'Ward Shavas' led by women UP members; and whether a) generic messaging relevant to all demographics (ie remote/conservative areas); and b)

			Facebook reaches 15-20,000 youth; and mobilisation of local NGOs, government and police + stalls at Development Fairs). More work needed.		messaging could be framed in a more entertaining format as TV soap opera and dramas rather than messages about 'successes' and jurisdiction? 'Word of mouth' generally deemed to be the best medium and evidence of this in MTR meetings with beneficiaries.
3. Knowledge gap on VCs between men and women narrowed compared to baseline.	12% (men) 7% (women) Baseline report Phase II, 2017	<10%	Outreach strategy (above) targeting women and men. Gender Equality Strategy and Gender Awareness Raising Implementation Plan developed. On the evidence of Baseline report, likely to meet target.		PNGO (BLAST) in CTG and SYL note society deeply conservative and reluctance of women to bring matters to the VC. Expected variance between districts. Impact study to evaluate in 2019.
4. % of people in CHT areas reporting that they are aware of local justice delivery system		70%	No progress on CHT due to unsigned TPP. Unlikely to meet target.		
5.% of women involved in disputes resolution mechanism of local justice delivery system.		15%	No progress on CHT due to unsigned TPP. Unlikely to meet target.		

Result 2.2: Evidence-base and knowledge-management on VCs and local justice mechanisms increased					
Indicators	**Baseline**	**Target**	**Progress Against Indicators**	**RAG Rating**	**Comment**
1. Number of studies commissioned which support the ability of VC/CHT local justice mechanisms to deliver access to justice.	0	i)Baseline, ii)MTR, iii)Final evaluation, iv)KAP survey (on VCMC and DMIE) v) End-line survey (CHT)	Baseline Report (2017) and this MTR completed. Project M&E plan developed + Monitoring, Evaluation and Learning (MEL) plan for the Gender Strategy. Project on track for delivery of remaining reports (save for CHT).		Web-based project MIS is under development. Project maintains case statistic database by month and district.
2. Number of lessons learned studies undertaken and disseminated.	0	1	Two in-house research papers produced (on police attitudes to VC: and Assessment of VC performance in 15 UPs during interim (Phase I/II) period. Consolidated lessons learned paper during project drawdown in 2019. Likely to meet target.		South-South cooperation activities in planning stage.
3. Increased understanding of gender and justice issues.	0	1	National level meeting planned (first quarter 2019) on women's access and representation in VC and national VC conference planned in second half 2019. Likely to meet target.		MTR recommend that key stakeholders be invited from the region to participate in the national conference.

RELEVANCE

64. It is quite clear to the MTR team that VC is highly relevant to the people it serves, especially the rural poor; and those responsible for justice services (the judiciary, police, NLASO and civil society organisations).

65. Beneficiaries and court users in 12 project UPs with whom the team met said they preferred VCs to shalish as the VC functioned according to law and there was both formality and order to the proceedings. Women in particular mentioned that they felt the space in VCs was safe and that they were listened to.

66. The relevance of the VC is less pronounced when it comes to those charged with administering them (the UP Chairs and secretaries) to whom it is yet another duty to attend to (perhaps optional) or to LGD which has other more pressing matters to manage.

67. The anomaly arises whereby the VC falls under local government for whom the VC functions as something of an annex (at the rear), rather than under Law and Justice for whom the VC is the entry point (at the front).

68. A glance at the type of disputes dealt with in the registers inspected by the team provide insight into the plight of the poor. They involve:

    - 'tree cutting' (ie a man cutting off the branches of the tree belonging to his widowed neighbour),
    - petty theft,
    - damage to property (ie A has just planted his paddy and B's goat wanders around damaging the seedlings. A throws sticks at the goat and breaks its leg. B slaughters the goat (worth BDT 14,000) for meat (for BDT 5,000); or A and B (both women) are in dispute, the dispute escalates into a physical fight and A's earrings are damaged (value BDT 500)),
    - land (A sets up a stall on X's land. Unknown to A, X is in dispute with B over title of the piece of land. B obtains a court order awarding her title. B charges A rent (BDT 100 pcm) for the 20 months he has run his small shop and wants him to vacate her land.)
    - an unpaid loan (BDT 300)
    - a deliberate obstruction to accessing a road, paddy field, house.
    - A slap or punch (ie minor assault) delivered in anger

69. While a number of UP chairpersons raised complaints about the cap on jurisdiction (BDT 75,000), the registers showed that settlements awarded over BDT 25,000 (ie the former cap) were the exception and not the rule. The nature of the disputes above appears typical and just what the VC was designed to address. When beneficiaries were asked what they would have done before the VC, the women in particular answered: nothing.

70. The people we met with appeared to know about the VC (for obvious reasons). We were unable to gauge in any meaningful way the level of knowledge and note that the Impact Study in 2019 will conduct this assessment. While we do not attach too much weight to what beneficiaries said about 'Shalish versus Village Court', there was a broad range of opinion from UNO to UP member and villager to the effect that shalish was often 'chaotic' with many people interrupting and people appreciated the order and formality of VC – especially the women, several of whom commented that in shalish the elders (men) did not listen to them, while in the VC they had a safe space in which to speak.

71. The MTR team also visited five non-project UPs and found cases were sent to the VCs from the district courts. However, the non-project VCs were unable to make much headway with those referred cases due to a number of reasons:

    a) VCs were not sitting
    b) UP chairs, members and secretaries were untrained on VC law and Rules
    c) unavailability of VCAs/AACOs; or
    d) unavailability of VC related forms and formats.

72. Several of the disputes referred by police, as well as a number of disputes registered in the 'VC Register' in non-project areas turned on family disputes (husband/wife). We found the absence of a forum for family grievances to be resolved problematic.[31]

73. The Judiciary see the VC as a key mechanism for reducing the inflow of cases and pressure on courts. The data we collected from the courts visited appear below in the table 1.

Table 1

Name of court	Cases pending	Number of magistrates	% minor / petty	% within VC jurisidiction
Chattogram	15-18000	6	15-20%	100%
Naogaon	19000	2	60%	10-20%
Rangpur	23000		25-30%	0%*
Jamalpur	12000	4	15-20%	10-15%
Netrokona	14000	5	15-20%	15-20%

**0% was given (after some discussion) on the basis that cases that fell within the jurisdiction of the VC would have been transferred either when the sitting magistrate took cognizance of the case, or when s/he frames the charges – not at trial court.*

74. These data suggest that the volume of cases transferred from District Courts could increase significantly and raise the question whether the VCs as they function at present could manage the caseload.

75. The VC is not obliged to report back to the court and thana on the outcome of any case referred to it by courts or police. This should be reviewed and forms developed for this purpose: not only is it good practice and demonstrates accountability, it also builds trust in the sending agency.

76. This said, the VC needs to guard against bureaucracy. Currently there are five Registers[32] and 17 forms. These could be simplified and formatted properly to reduce the amount of documentation needed by VCAs and AACOs.

[31] However the questions this raises falls outside the ambit of the ToRs of this MTR and are not directly addressed here.

[32] There is i) a Case Register; ii) Order Register; iii) Fees Register; iv) Notice of Summons Register; and v) Compensation Register.

77. LGD might clarify the duty of the UP chair and members as concerns VCs, namely that it is mandatory (and not optional) and accordingly add the VC to the list of duties set down in the UP Act 2009.

78. The VCs are also relevant to the Sustainable Development Goals (SDGs) and a number of indicators for Goal 16[33] for instance, they:

- promote the rule of law[34]
- reduce corruption and bribery[35]
- develop effective, accountable and transparent institutions[36]
- ensure responsive, inclusive, participatory and representative decision-making at all levels[37]; and
- promote and enforce non-discriminatory laws and policies for sustainable development.[38]

EFFICIENCY

79. The spot checks conducted in this MTR of 12 project unions VCs and the registers support the UNDP data and LF targets that:

- All project areas were equipped with *ejlas*¸ benches, registers and forms and serviced by VCAs trained and supported by the PNGOs;
- the hearings are completed within six weeks (in addition we found that 60% of cases were resolved either 'pre-trial' or by a mediated settlement under Rule 31, rather than by full hearing);
- in the main judgments are enforced. UNDP claims 82% are enforced (ie the defendant pays the compensation awarded). The MTR team found only one UP where the figure was significantly less than this[39] and discrepancies in counting in two others but high rates of enforcement in the others – and several recording 100%;
- compensation awards are significant (to the poor person suffering the loss) and offset the cost of the hearing.

80. The team met with a group of applicants / respondents in four UPs. Table 2 below provides a typical summary of the distance they had to travel, the total number of appearances, total costs incurred and total time taken from case filing to disposal.

[33] Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
[34] Goal 16 indicator 3
[35] Goal 16 Indicator 5
[36] Goal 16 Indicator 6
[37] Goal 16 Indicator 7
[38] Goal 16 Indicator b.
[39] Chaor UP at <50%.

Table 2

Man	Woman	Distance (km)	Number visits	Total cost (BDT)	Total duration (days)
1		1.5	2	40	14
1		2	2	200	<45
1		2	2	50	14
1		1	2	20	7
	1	0	3	10	<28
	1	2	3	100	14
	1	2	3	110	14
	1	2.5	4	80	28

81. Absent is a robust cost analysis of the actual cost per case, complete with opportunity costs (and so savings) to the magistrates' trial courts, police (investigation) and to the parties (lost productivity and transaction costs) in attending at police and district level courts – and value(s) given to the social benefits that accrue. The study produced to-date falls short.[40] The data presented in the Justice Audit Bangladesh (2016)[41] suggests a compelling argument to government can be made.

82. The costs of training and sensitisation also bear analysis. Training is always expensive and given the remote location of many of the UPs, sensible efforts were made to convene District Training Pools (DTPs) to deliver courses to UP chairpersons, UP Secretary and Village Court Assistants (VCAs) at district and UP members and Village Police at the Upazila. As discussed below, questions arise as to the sustainability of the DTP. Trial observations (in four UPs) support the general view that the proceedings were well ordered and in conformity with the law and general procedures. Considerable behind-the-scenes work has gone into lobbying with the police training directorate, JATI and NILG to include and update foundational training modules for their newly recruited officers with notable success. However government has shown itself to be reactive to UNDP prompting in this regard rather than pro-active in initiating such trainings calling on UNDP to provide the materials.

83. UNDP developed and delivered on an ambitious outreach strategy to bring VCs to the notice of, it is claimed, over 5 million citizens in the project areas. Staff embarked on a highly intensive awareness campaign in the 27 districts enlisting the panoply of media available. The Impact study will assess whether or not this has proved successful in increasing popular awareness levels to 70% and testing knowledge levels. The target of 70% is ambitious (given a baseline estimate of 9%[42]) and a more realistic figure might be 50%.

84. The key test is usage resulting from word-of-mouth. Two beneficiaries in one UP related that they had told their neighbours of their experience in the VC and, as a direct result, one said that three of his neighbours had filed a case and another said four had. The question then arises (and recommended in the ProDoc in Addendum 2) that thought be given to other avenues for communicating the VC message.

85. The team found in each of the four cases observed that:

    - the public gallery was full and people listened deeply to each story;

[40] Cost Benefit Study on Implementing Village Courts in UPs of Bangladesh, BRAC, 2016
[41] https;//Bangladesh.justiceaudit.org/Economies
[42] Baseline Report 2018 supra at p7

- each case contained an interesting story which was
- relevant to the experience of those listening.

86. Perhaps more thought needs to go into dramatising ‘Short stories from the VCs’ and inserting these into the programming of the four most popular TV channels they have successfully enlisted in disseminating somewhat drier material on the law and jurisdiction. Using Government media such as BTV and Bangladesh Betar may also help immensely raise awareness of the VCs, especially in the rural areas.

87. Alongside project specific communication strategies, the established structures and forum of UPs should be used for communicating VC messages — namely Ward Shavas, Open budget meetings and Public hearing. Even the Upazila level Women Development Forums can be useful in communicating the VC message to women.

88. Furthermore, we note District Information Offices (working under the Ministry of Information) have the mandate to increase the public awareness about government projects, programs and policies. This office can also be used to assist in raising the awareness of local people about the VCs.

Case study (1)
A purchased some cabbage seeds to cultivate from B who gave an undertaking that if they did not germinate, he would pay back the costs of the seeds (BDT3,500). A planted them and none germinated. B refused to pay. The court awarded BDT 7000 in compensation. A estimated the crop would have been worth BDT 50,000. He said he was content with the outcome as he had recovered the money he had spent plus something by way of compensation.

Case study (2)
A is a widow. She had no children. B is the owner of the house she rented. One day he abused her and assaulted her and evicted her from the property. A met the VCA at a Courtyard Meeting (CYM). The VCA encouraged her to register a case. The court ordered she be allowed to return to the house. B apologised for his conduct and was reconciled with A.

89. Both these short case studies are typical of the disputes the VC manages (from our observations and interviews with VCAs). The parties were poor and ultra poor. While the first is an example of a settlement that was acceptable to both parties, the second shows how the presence of the VC might deter the landlord from victimising the widow in the future.

90. The project was delayed in its start (January 2016) by almost one year when the TPP was signed (December 2016). Further delays were due to the slow release of GOB funds to start the training (May 2017). These were foreseen in the ProDoc and flagged as a high risk which the project management could not mitigate. The TPP for CHT is still pending for signature and, we understand, this is in process.

91. The delay in recruiting AACOs to work alongside the VCAs in the 1080 (now 1078) project UPs is alarming however and raises several questions. To-date it is reported that 105 AACOs have been recruited in project areas (41 in Naogaon alone out of 99 UPs). Government state this is due to a stay order by the High Court as staff in the Union Digital Centres (privately employed as ‘entrepreneurs’ operating under a Public-Private Partnership with LGD) issued a writ to claim that they should be preferred in any AACO

recruitment process. Whatever the merits of this action may be, the stay order, we understand, is not a blanket one and recruitment in other districts can proceed.

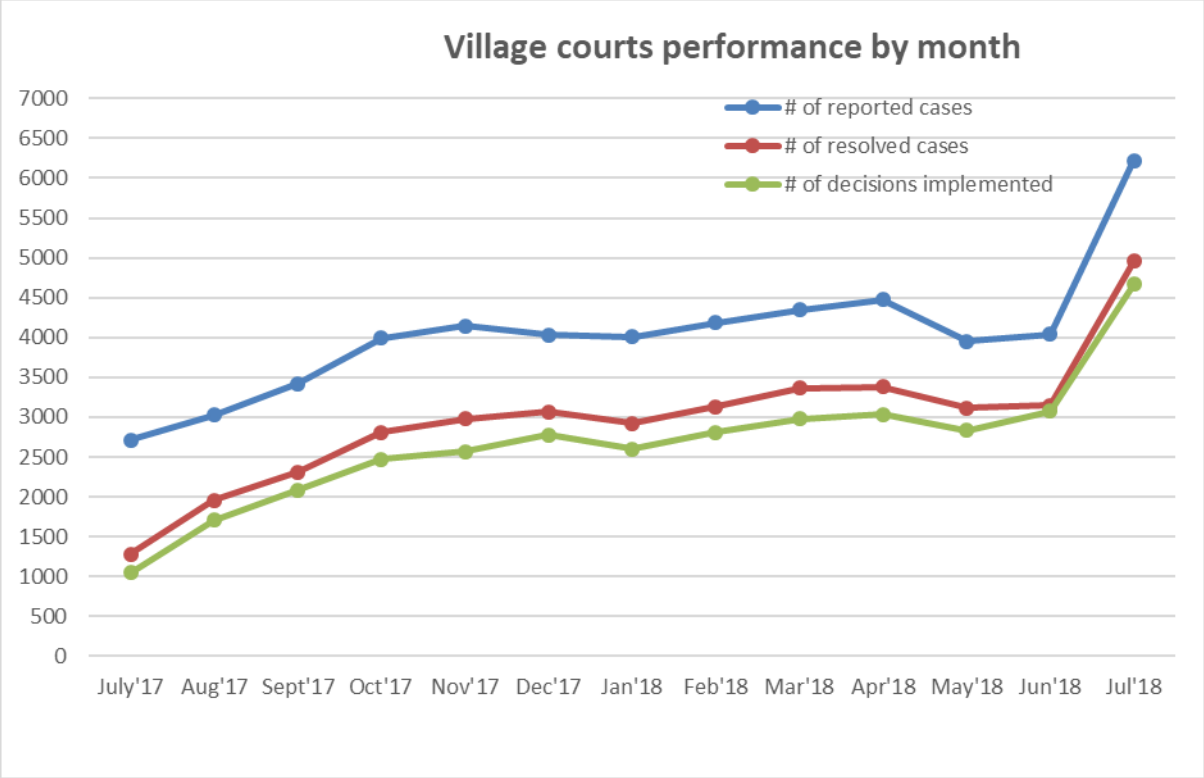
92. Observers indicate that further recruitment – if it is to take place at all – is unlikely until after the elections and settling down period. This means that the time available to the AVCB team to train and familiarise these officers with the working of the VC will shrink to vanishing point. This has a consequent bearing on sustainability and is discussed further below.

93. A robust cost benefit analysis might be included in the Impact study to follow in 2019. The MTR team's view, based on a preliminary (though incomplete) calculation, suggests a probably high return on investment when account is taken of a) the operating costs of the VC; b) the compensation awarded to complainants; c) the opportunity costs and savings to the state; and d) the value of the social benefits to the community.

EFFECTIVENESS

Upward trend...

94. The VCs appear to be speedy, affordable, timely, local, enforceable, restorative in outcome. UNDP's own trend analysis for the last fiscal year shows the following:



95. The patterns we observed in the VCs support these data and also show that women are increasingly applying to the VCs for relief, especially in less conservative geographies (where women are expected to stay in the home). For instance, in 11 VCs visited by the team the registers showed that in the six months Jul-Dec 2017, 30% applicants were

women; while in the six months Jan-Jun 2018, the proportion of women applicants had risen to 36%.

96. The mean numbers are also up over this period and given as 4 cases pcm by UNDP. These appear to be calculated by number of cases registered (in line with the LF). We noted in our inspections of the registers in 8 VCs that 23% of cases were 'dismissed' due to the non-appearance of one or both parties. This was stated by VCAs to be due either to the parties settling the matter between themselves, or failing to follow up on the matter at court. When asked why the court did not issue a summons[43] for the person to attend, the question was met with a shrug.

97. Numbers are an important part of the assessment (and targets in the LF). They are closely connected to the quality of the service being delivered (word-of-mouth referrals for instance). The team visited one UP that had been supported under the AVCB since the first phase, ie almost 10 years of support. The average monthly caseload was 7. These were direct referrals. It is reasonable to assume that with referrals from police and courts, this number will exceed 10 pcm. But the courts and police will seek reassurance that process is duly followed once they are transferred.

98. On the other hand, referrals from the VC to the District Courts (whether on appeal or due to jurisdiction) were *de minimis* according to PNGO data. In Rangpur and Rajshahi, 0.3% of cases registered were referred up. In Khulna, 0.4%, in Netrokona and Jamalpur, 0.01% and in CTG and Sylhet, 1%, according to PNGO data for the period Jul 2017-Jun 2018.

99. The team found that VCAs logged any court transfer in the register (this is important as courts claim they send case files which are not received by the VCA). We also learned that in some instances a report was sent back to the thana or referring magistrate but this was not systematically practised and it needs to be if courts and police are to gain in confidence in referring such cases.

Quality assurance ...

100. The focus over the last part of Phase II might consider zooming in on the quality of the courts' performance and the impact that an effective VC has in the local community it serves. Since the recorded numbers do not tell the full story. For instance, we learn from the baseline data that 16% households have an ongoing unresolved dispute and 13% have resolved at least one dispute in the past two years.[44] If right, this suggests one-third of households in the country experience one conflict or other.

101. The question arises: what deterrent or preventive effect does the mere presence of a VC have on a stronger neighbour who thinks he can cut the branches off his neighbour's tree when he feels like it, or not pay back a small loan? It would be interesting if the Impact Study can arrive at a calculation.

And transparency

102. In the course of observing the four cases, the team noted that in each case the panel adjourned to discuss their findings and agree their decision. This seemed to the team to tilt the balance too far away from the conciliatory and restorative spirit of the Act and purpose of the VC:

[43] Section 10, VC Act 2006
[44] Baseline 2018 supra at p6

- While the VC adheres to a legal framework, it is not a court of law.
- The panel members are not judges.
- The primary aim is to mediate between disputants not to arbitrate and pronounce a judgment.
- So, the full hearing should, in our view, be conducted in open court.
- The panel should negotiate the amount to be settled openly with the party after s/he has come around to a realisation that s/he was in the wrong.
- In like manner, disagreements among panel members should be aired in open court for all to hear.

103. These pointers (it seems to the MTR team) are especially important given the political flavour that has been added to the panel mix in recent times.[45] They also demonstrate how collective decisions can be reached through an open exchange between panel members (in which the views of women panel members are seen to be given equal weight) and interaction with the parties.

M&E

104. An objective assessment of the quality of service on offer requires a robust methodology for monitoring and evaluation from a solid baseline.[46] The AVCB aims to support LGD in developing a M&E framework comprising Decentralised Monitoring, Inspection and Evaluation (DMIE) under LGD, a Village Court Management Information System (VCMIS) at UP level and Village Court Management Committee meeting quarterly at Upazila level under the chairmanship of the UNO. None of these are functioning as at time of this report.

105. While the UP chairs forward monthly and quarterly reports to the UNO, they are not in line with any DMIE framework (as this is currently reported to be with the Cabinet Division and awaiting issue of a Government Order). The data contained in these reports appears to be confined to the caseflow of cases by month (new, resolved, pending) and no more. No VCMIS is in place as AVCB II expressly excludes procurement of any computer hardware (as it did as a trial run for 15 UPs in AVCB I) and instead passes this to government.[47]

106. The UNO is provided with a checklist by LGD for monitoring he VCs in the UPs s/he oversees. The checklist sets out a points system (100 max), out of which a functioning VC scores: 5.

107. While the UNO is tasked to preside over the VCMC at quarterly intervals, the VCMCs rarely meet. Instead the practice appears to be to 'tag' the operation of the VCs to Law & Order Committee meetings (which do take place) as an agenda item for discussion once the main business is completed.

108. Dips in VC attendance are noted at key religious events (such as Ramadan). It will be interesting to compare the trend data for the period July 2018 – Jun 2019 and observe what impact the elections have on the operation of the VCs as party affiliated chairpersons switch their focus to the electioneering.

[45] The MTR emphasise this is not an opinion. This was the practise observed in Madaripur when MLAA first activated the VCs in 2002-2005. Key to the success of the pilot scheme operated by MLAA and subsequently in AVCB I was the transparency of the process. There were no side meetings or conversations in the UP chairperson's room: everything was open to the public and parties from start to finish.

[46] Activating Village Courts in Bangladesh (Phase 2) Project: Baseline Report, Innovations for Poverty Action, 2018. Data collected Jan-April 2017.

[47] UNDP's request to BCC and LGSP-2 to procure computers has not met with any response as yet.

IMPACT

Added value?

109. Before the arrival of a Village Court, a dispute was resolved at shalish or taken to the police and on to the courts in the district sadar. The currency of locally administered shalish has diminished over time, according to those with long-term experience of working in the field of local justice. This is ascribed to the presence of bias, or an inclination towards maintaining the status quo (especially as concerns relations between men and women) and/or increasing reliance on a form of payment. In part payments may be made as a bribe but in the main are said to be levied by shalishkars to compensate them for their time. In addition, shalish was described to the MTR team as often 'chaotic' and with 'many loud interruptions' by the parties, their friends and relatives and neighbours and onlookers.

110. At police and the courts, the English word most commonly used to describe the experience of low income justice seekers is: 'harassment'. This word encompasses the 'touts' and the lawyers they serve, the transaction costs at police and court, delays in court hearings and numerous adjournments with their associated costs and losses in time spent travelling to - and waiting at – court, rather than tending to livestock or their fields. Costs to the average plaintiff or complainant attending the district court vary widely but no one appears to dispute the figure of between BDT 80,000-100,000 over a period of years.[48] When the average income is between BDT 5000-15000 pcm, these costs risk plunging the litigant into deeper poverty. Furthermore, they incur similar costs to the defendant. The result is more often than not lasting enmity.

111. By contrast, the VC functions in line with a law and set procedures. The complaint is registered and a time for the initial hearing is set within a short time. People appeared to appreciate the sense of order and formality attending the hearing.[49] During our observations, mobile phones rang and if a persons answered it, s/he would leave the hall at once to talk. The Village Policemen maintained order as did the members of the panel.[50]

112. Both UP chairpersons and members commented on the enhanced status they derived from sitting on the panel. Women members (rare in some UPs, more common in others) commented that their views and questions were given equal weight by the UP chair and parties or witnesses. UP chairs emphasised the reconciliation between the parties each sought to bring about after the decision of the court.[51]

[48] See the Justice Audit Bangladesh (2016) id at System in Practice.

[49] The hall looks like a court with the impressive *ejlas* (raised stage bordered by a fence) behind which the panel of five members are elevated. There is a table for the VCA on one side (behind whom a Village Policeman usually stands) and there is a witness box into which the parties and their witnesses go, escorted by a Village Policeman who administers the oath. After giving their account and answering the questions of the panel, the party or witness walk across to the VCA who has taken down their statement in long hand and they sign the statement which is then filed for future reference (ie whether to be included with the judgment and forwarded to the Assistant Judge or CJM on appeal where there is a 3:2 decision, or for the archive and future reference by either of the parties).

[50] On several occasions, the team witnessed one of the parties interjecting from the floor. On each occasion their representatives on the panel hushed them into silence.

[51] In all but one of the four observations, after the decision of the court was given, the UP Chair came down from the *ejlas* and approached the parties and brought them together and talked to them. At the end he invited them to embrace or shake hands or otherwise indicate the matter was resolved and over.

113. UNOs and police noted that law and order in the UP was better where a VC was functioning properly and that the vulnerable (not only women but the elderly and widowed) only had to register a case to trigger a summons served by the Village Police on the more powerful defendant.

114. The caseload in project areas has increased from 8,245 in the 12 months preceding the start of Phase II to:

- 48,676 registered cases (including 2,340 pending cases at the beginning of July 2017) between Jul 2017 – Jun 2018, of which
- 33,458 cases were resolved (68.73%) and generated
- total compensation of Cr 32 (BDT 320 million, or just under EUR 4m) – ie an average of just over BDT 9500 per case.

And is set to rise for a number of reasons:

i) the baseline report indicates one third of households are either in a dispute or have experienced a dispute in the past two years (though dispute is undefined) and 40% fall within the VC jurisdiction.[52]

ii) The CJMs we met with in Chattogram, Naogaon, Rangpur, Jamalpur and Netrokona all agreed that at least 15-20% of their case backlog were taken up with minor or petty cases.[53] Although they did not agree on the percentage that would come within the jurisdiction of the VC. In CTG, the CJM stated all of the minor cases would, on any analysis of the facts, fall within the jurisdiction of the VC. While elsewhere the range was given as 10-20%.

iii) The police indicated that they would 'divert' cases that fell within the jurisdiction of the VC if authorised to do so.

115. In sum, the AVCB has developed a momentum in a short time and raised expectations among poor citizens and the beginning of a demand for the service to continue and is:

- Formal (ejlas confers the formality of a court, forms)
- Set by law (shalish is informal and not bound by law)
- Documentation (provides a record which can be checked and sent on appeal)
- Restores peaceful relations between neighbours and family members
- Low cost (compared to 'district court')
- Quick and avoids lengthy procedures in police and at court
- Elevates UP members' status
- Women members sitting on the panel treated equally and their decisions are respected
- VC provides a forum for women to speak in a safe space. Taboos are breaking down (cultural, religious and familial).

[52] 16% households have an unresolved dispute and 13% have resolved at least one dispute in the past 2 years. 43% of unresolved disputes and 40% of resolved disputes fall within the VC jurisdiction. Source: Activating Village Courts in Bangladesh (Phase II) Project: Baseline Report. Innovations for Poverty Action (IPA) at p6.

[53] In Naogaon, the backlog was given as 19,000 with an estimate that 60% were minor or petty.

The role of the VCA

116. The VCA is provided by the PNGO.[54] One UNO bluntly stated that the VC would 'not function' without a VCA. All UNOs thought the VCs would suffer setbacks after the project ends, whether or not the AACO was recruited.

117. The central premise of AVCB II was that the VCAs should give way to government staff known as Accounts Assistants cum Computer Operator (AACO) recruited one to each UP. These have 15 listed duties, number 12 of which includes administering the VC. The main tasks of the AACO are to manage the UP accounts, enter the monthly and other reports into a computer and assist the UP Secretary with his tasks. The central question is whether they have the time to give to running VCs.

118. Below, we set down the list of tasks a UP Secretary might need to deal with on any one day (among the 40 duties s/he has to attend to):

- Citizenship certificate
- Death certificate
- Birth certificate
- Character certificate
- Succession certificate
- Trade licence
- Development work: LGSP, ADP, TR, social safety net
- Vulnerable Group Distribution / Vulnerable Group Funding
- Food for work
- Scheme for the ultra-poor (employment generation)
- Allowances for the elderly, widows, scheduled castes
- Manage tax collection
- Report writing
- Secretary to 13 Standing Committees
- UDCC coordination
- Government programmes (fisheries, health, education, sanitation, law & order etc).

119. From the DC, DDLG to UNO all said the UP Secretary was 'over-burdened'. So even if the AACO is willing and able, in practice will s/he have the time to listen to applicants coming to see about registering a case, organising the preliminary hearings and summonses, following up the parties / witnesses who fail to appear, maintaining the registers and court forms, preparing the full hearing, taking the notes of the hearing and filing the statements and completing the register and forms thereafter, following up the defendant for payment and the range of activities the VCA currently undertakes? The response from across the UPs and stakeholders we met with at district and Upazila level was sceptical at best.

120. The VCA was described as the 'bridge' between the community and the UP (and coming from a NGO background, s/he is seen to offer a more sympathetic and disinterested ear). Well trained on the law and procedures, s/he is able to offer accurate advice to the applicant (whether or not the dispute falls within the VC's jurisdiction) and set out the process, how much it will cost and how long it will take.

[54] The AVCB includes contracts with four partner NGOs working in two divisions each: BLAST work in Chattogram and Sylhet, the WAVE Foundation in Khulna and Barisal, MLAA in Dhaka and Mymensingh and ESDO in Rangpur and Rajshahi.

121. In the view of the UNOs, UP Chairs and secretaries, the quality of the VCs would be reduced without a VCA.

122. The question of ***time*** is fundamental it seems to us. Government officers are all overloaded. Duties pile up and decisions have to be made which to prioritise. VCs are not among the priority list. The party affiliation of the UP chair and members impacts on their time to give to the community when they have competing pressures from their own party to attend to. Without a dedicated officer to run them, the risk is that the VCs are activated under the AVCB only to raise and then dash expectations and hopes, especially of the poorest of the poor and the most vulnerable. We discuss options below (under Sustainability).

What of the law?

123. The clarity and simplicity of the substantive law is universally appreciated. The 2006 law was amended in 2013. One amendment in particular has had unforeseen consequences, namely section 5 (5) (b).[55] This provision has allowed a defendant to any action to frustrate the quick and simple dispatch of a dispute by simply not nominating a member to represent him/her on the panel. This has caused a number of cases to be cancelled due to defendants invoking this clause and so subverting the purpose of the law and undermining the opportunity it offers the vulnerable in society to obtain quick and affordable redress (the MTR team found from their spot checks of registers some 25% of cases registered were dismissed due to the non-appearance of a party, though it was not clear which party). In the view of the Registrar-General it ought to be abolished.

124. The AVCB II project team organized 15 Training of Trainers for District Training Pool (DTP) members.[56] During which the participants made a set of recommendations for amendments to the Village Courts (VC) Act, and Village Courts (VC) Rules, 2016. They collected over 30 recommendations for amendments. The MTR do not offer their views on the amendments put forward other than to caution against complicating and distorting the original purpose of the law.

Who are the 'spoilers'?

125. Aside from section 5 mentioned above, the conduct of some lawyers and local 'touts' was cited by the police and judiciary as discouraging people from going to the VC or seeking redress other than through them. The judiciary and police complain that some members of the profession encourage parties to inflate the value or gravity of a dispute to ensure it cannot be dealt with in the VC.

126. If these reports are accurate (and the consensus view of the judiciary and police is that they are), such conduct would be unethical (since all lawyers are enjoined by the ethics of the profession to uphold the laws of the land and enable the poor to access them), but it is also a mistake. The type of disputes heard in the VCs are neither complex nor serious and do not justify expert opinion of a lawyer or time (and cost) taken by courts to adjudicate. They are like the minor ailments and cuts that a primary health care

[55] Section 5 (5) Notwithstanding anything contained in this Act, or any other law in force for the time being, within the prescribed time –

(a) ...

(b) If the defendant fails to nominate a member, the Chairman shall return the application with a certificate, in the presecribed manner, saying that the applicant may file a case on the triable matter in any appropriate court.

[56] 26 Feb-31 May 2017

worker can deal with in the community without the need to refer each and every case to a qualified doctor.

127. The AVCB does not engage with the Bar since legal practitioners are prohibited from appearing before the VCs.[57] They are not included in the DTPs. One of the PNGOs, BLAST, was founded by lawyers to provide legal assistance and representation to the indigent which might offer strategies for engaging with and limiting the negative impact of some member of the legal profession.

128. The judiciary observed in interviews that a number of lawyers and local touts frustrate the resolution of a dispute in a VC (as they have no stake in it as they see it) by adding features to the case that take it outside the juri

Multiplier effects?

129. The MTR team was unable to gauge whether the project UPs were catalysing change in the non-project UPs. The team visited five 'control' UPs, one of which had a government-funded *ejlas* and a Register (but no forms) drawn from AVCB I, three were equipped by local NGOs with *ejlas*; and one had made its own *ejlas.*[58] This UP had no data for 2017, the Register produced started in Jan 2018 and showed 45 cases registered between Jan-June (over 7 pcm) including 11 women (with >50% pending at the end of June). It showed several 'family matters' (outside the VC's jurisdiction) and six cases referred from the district court and two from police.

130. Even though outside the project area, some are trying but are unsupported in terms of training and essential documentation. This view was supported by the UNOs who commended their efforts but expressed concern about the quality of the service being delivered.

131. In Naogaon, project UPs are supporting UNDP's Responsive Justice IP working in association with NLASO in Dhaka to activate Union Legal Aid Committees (ULACs) which are also chaired by the UP Chair to refer serious cases to the District Legal Aid Officer. The project started as a pilot in May and between Jun-August this year, the DLA officer has seen 62 referrals from UPs where before there was 0. This has had the effect of more than doubling his caseload. He says 48 of the 62 cases are mediatable the balance will be referred to panel lawyers.

132. The central location of the VCA's office in the UP complex near to the court and traffic of people to the complex for the range of services the UP Secretary provides (listed in para 117 above) suggested to the MTR team that more use could be made both of the space offered by the VC and the VCA's office and availability to act as a ***hub*** for a range of services.

133. The VCA's prime role in the VC is as legal assistance provider. Further thought could be given to expanding the role of the VCA in this regard and furthering the link with NLASO and the DLAO. Given the importance placed on the position of VCA and the sustained presence of the PNGOs in the project areas, greater focus might be given in the remaining months of the project to repositioning the VCA and PNGO as a partner in the provision of legal aid services in the UP.

[57] Section 14

[58] Bakterpur UP, Naogaon Sadar

SUSTAINABILITY

134. The LF defines a VC as sustainable if i) an AACO has been appointed, ii) hearings are conducted weekly on designated hearing days and iii) in compliance with the VC Act and Rules.

135. The ProDoc Addendum 2 stated baldly: 'The sustainability of Phase II relies on the appointment of AACOs'[59] whose deployment 'will be an indicator of sustainability.'[60] The absence of an AACO in almost 1000 project UPs fails the test.

136. The view of key stakeholders (ie UNOs and UP chairs and members) is that even with the AACOs, the VC is 'not going to function', or not well.

137. The DTPs were a good idea but given the regularity with which government officers are rotated out of the district and logistical challenges of organising the trainings, if not the PNGOs then thought needs to be given to who else will take on the task going forward of training up the UP chairs, UP Secretaries, UP members, AACOs and Village Police.

138. The VCMCs are also a good idea and are intended to 'accelerate the institutional monitoring of VCs performance by the local administration and introducing an accountability framework.'[61] However, it is reported that they seldom meet and time constraints reduce the VCMC to an agenda item added onto another committee meeting.

What then is to be done?

139. A leading academic who has worked extensively in Bangladesh and the region poses three sustainability 'myths'.[62]

i) support for state legal institutions will yield self-sustaining reforms and endurable improvements in services.
ii) government initiatives should always be seen as potentially sustainable and civil society efforts should not
iii) legal services NGOs must have the potential to become wholly self-supporting if medium-term outside support is to be justified

140. As to the first, the evidence across the world runs counter to this. They are usually driven by individual 'change agents' and intellectual ownership dissipates once they leave.

141. As to the second, legal services NGOs and other groups can and do outlast the personnel heading the many government agencies and acquire greater knowledge. NGOs develop track records over the course of years. This is especially the case in Bangladesh.[63]

[59] ProDoc Addendum 2 at p16
[60] Id at p17
[61] Id p16
[62] S Golub, 'Beyond Rule of Law Orthodoxy: the legal empowerment alternative', Rule of Law series no 41 October 2003. Democracy and Rule of Law Project. Carnegie Endowment for International Peace
[63] MLAA led the activation of VCs in 2002 (supported by Danida) and its mediation model has been widely copied in east and west Africa and Portugal. BLAST and BRAC provide support to the NLASO and enable it to expand its reach and coverage.

142. As to the third, Golub's comments (in summary) are that NGOs engaged in challenging the status quo whether in the developing world or more affluent societies may always depend on outside sources of funding. Given the strings attached, it is questionable whether developing country NGOs should seek government or private financing. In Bangladesh, NLASO embraces jointly working with other legal service providers.

143. The key question, Golub asks, is whether the action (here, the VC) would be missed if it were to disappear? If the answer is yes, he argues, then there is a need to rethink what we mean by sustainability and move from organizational sustainability (which is biased towards ineffective state institutions) to a more key consideration, namely sustainability of impact. If, runs his conclusion, a legal services NGO serves enough people, builds enough capacity for the poor to assert their own rights, or affects enough laws – such impact is sufficient to justify past and future donor investment.

144. The channel here could be through the Legal Aid Fund as administered by NLASO and service contracts (as they are called in the UK) or 'cooperation agreements' as they are called in South Africa entered with a network of service providers.

145. This does not quite let government off the hook however. It may be LGD could benefit from more technical assistance from UNDP to roll the project out to non-project sites in the time remaining. Even assuming the budget is available, this risks spreading the project scope too thinly over such a wide area and, in the effort to activate, serve more to frustrate expectations and produce confusion.

146. We argue instead for closer consideration of a Roadmap, or some such plan that incrementally scales up the VCs across the country, identifying geographies and demographics most at need of these services, with clear targets and time-frames that allow government to measure progress, identify what works (and what does not) and adapt accordingly.

147. This is an impressive task with VCs in over 3500 UPs still to be 'activated'. In many countries, governments are realising they cannot 'go it alone'. While PPPs are current in other sectors, they are relatively new in justice. Their track record in, for example, privatising prisons under confidential financing agreements have not been a success. However, in the provision of legal services (as mentioned above) there is good evidence that civil society actors with an established track record provide excellent value for money.

CROSS CUTTING ISSUES

Gender

148. UNDP reports good networking with local NGOs in getting the message out to their constituents, especially women. The MTR team was unable to check this. The Women Development Forums that showed early promise appear to be less active now and no sign of them was seen in any of our visits to the districts.

149. Inroads have been made in some districts in boosting women applicants and panel members. However in Chattogram and Sylhet, the PNGO observed that this proved a challenge owing to the deep conservatism in these (and other districts). The removal of cultural and religious taboos will take time.

Governance

150. One of the strengths of the VC is that it promotes inclusion and encourages citizens to take ownership of their problems *and* the solution to their disputes. The realisation that there is a remedy under the law that is both efficient and effective often generates demand for other services to be delivered to the same standard and so hold local government officers to account and, as mentioned, deters the bully from taking advantage of his weaker neighbour (especially when he might be exposed in a public forum like the VC). This then is the theory. The practice remains to be tested.

151. Another strength is the transparency of the VC process. In the view of the MTR this should be considered a cardinal principle of the VC. We can see no reason for deviating from this principle. When the MTR team asked the UP chair after the observations why he adjourned to allow the panel to deliberate on their decision, the answer was either 'this is the practice' or 'so we can discuss without interruption and avoid any excitement among the public.'

152. We find neither response satisfactory. Any public excitement can be dealt with by the Village Police who can simply clear the court leaving the panel with the parties. The point, surely, is to facilitate a mutually agreed settlement to restore the harm done to the other by one party and then the reconciliation of both parties based on a mutual agreement, rather than an arbitrated decision imposed on them.

LESSONS LEARNED

153. A number of lessons learned from Phase I were identified in the ProDoc and remain pertinent.[64] They are adopted and we would add several more.

Simple is Better: Practical Choices

Changes to the law

154. The substantive law (2006) is simple and straightforward. Some of the changes made in 2013 (such as to section 5 as mentioned) were clearly drafted by lawyers and the (English unofficial) text is full of 'Notwithstanding anything contained in...' and 'Save as otherwise provided ...'. These are unhelpful. Any further amendments should be written plainly so that the ordinary person is quite clear on the meaning.

The VCMC

155. The UP chairpersons and secretaries and the UNOs observed that there were many committees they had to sit on. Some perhaps more important than others. The question was raised in the presentation to LGD whether the VCMC was really needed? The VCMC is the only opportunity for UP chairs to sit around and discuss how their VCs are functioning and the challenges they face. It also provides the UNO with an overview of how the VCs are functioning in his/her Upazila and to identify a good practice here and a bad practice there. However it is an ideal and where time (and resources) do not allow, then it probably must give way and occupy an agenda item in another committee..

[64] They include: i) the 'critical role' played by the VCA; ii) the discussion on how to increase access for women (p7); iii) the need for balance between formal / informal; iv) referrals from police and courts; v) confusion about powers under the Act; vi) public awareness.

VC Registers and Forms

156. The VCAs observed politely that they seemed to have a proliferation of registers and forms on which often they entered the same information. These may perhaps be reviewed with a view to simplifying and reducing to essentials the documentation, especially if the maintenance of these forms and registers is to be handed over to someone who does not have the time to keep them updated and complete.

The operation of the VC

157. 'Justice should be seen to be done' may be a time-worn phrase, but it is singularly appropriate here. For the reasons mentioned, all VC proceedings should take place openly for all to hear and see – especially during the decision-making stage and negotiation with the parties. The VCs occupy a common space in all UPs. The lighting is good (whether from electricity or natural), the rooms are well ventilated and audibility (when people do not speak in a very low voice) is also good (unlike the district courts).

Less is sometimes more

158. The numbers are increasing. They are likely to grow in proportion to the confidence of justice seekers – and those who refer cases (ie magistrates and police) – that they are able to deliver. This imports the need for professionalism in the way in which the VCs are administered so that they can manage any number of cases and from whichever source.

159. For instance, the manner in which the VC accounts to the district courts and police for the cases they transfer to them will need to be explored. A prompt acknowledgement of receipt might assist (especially when the district court claims to have transferred a number of cases and the receiving VC has no record of any such cases having arrived) and a formal notice sent back stating the result. The risk is that the judiciary and/or police *perceive* that the person whose case is transferred was simply let off and no resolution was effected or that the transfer serves no purpose, so they stop.

GOING FORWARD

Delay recovery plan

160. In view of the shortened length of AVCB II, from the 5 years originally planned for, to the approximately 2 years it will have had to run before it starts drawing down, it has been asked that some thought is given to practical suggestions for recovering the time lost.[65]

161. We offer several preliminary remarks here:

a) the project team had to hit the ground running and has embarked on an intensive programme of work (set down in the progress to log frame matrix). Time will be needed to absorb and translate the learning into change behaviour if the desired goal is a quality service and not merely an uptick in numbers;

b) the overall objective of the project is a 'self-sustaining' VC wholly dependent on the recruitment of AACOs. It is unlikely that the AVCB can recover from this

[65] The MTR is 'specifically required to assess...whether remedial action or changes are required.' ProDoc Add 2

delay. While some activities can be 'cut and pasted' to another time slot, this one cannot. An alternative approach, or 'reformulation' is advanced below.

c) Following from this, government input to-date has been on the supply side. How the demand side is to be boosted without government input as well is not immediately apparent.

162. We advance three components for this recovery plan:

i) Focus on quality delivery (simplify forms, increase transparency in VCs, lobby for key law amendments)
ii) Lobby Chief Justice for Practise Note and Inspector General Police for directive; and engage with the Bar
iii) Pilot the development of a VC hub pivoting on the VCA.
- Local NGOs have already been mapped. Consult with these and local government offices to identify the range of services available and channels to go through to access them; and
- Develop the VCA as a paralegal aid provider (retaining links to his/her PNGO) and exploring links with the NLASO (as per the Naogaon ULAC scheme).

Phase out options

There appear to be two options either

a) start the project draw down in September 2019 and end the project by December 2019; or

b) apply to the EUD for an extension period of 18 months to 2 years to allow time for the TPP to be signed for CHT where work can start and for government to recruit AACOs to enable the VCs to be self-sustaining.

RECOMMENDATIONS

Transparency and neutrality

163. In 2005, the VCs supported by MLAA discussed their findings in open court and negotiated the compensation with the parties openly. Any 'backroom' discussions were discouraged and all proceedings took place in open court. We noted during the four trial observations that in each the panel adjourned to deliberate on their decision. The chairman then delivered the ruling (each of the four hearings was an arbitration not mediation) and compensation to be awarded. This goes against the spirit of restorative justice and open dealings which ought to characterise the VCs.

We recommend: the AVCB team develop a quick strategy for addressing this (both through formal letters from the relevant authorities, as well as project notes to VCAs and follow up on the ground and in refresher training courses.

We further recommend that eligibility for chairing the VC panel be expanded to include a cadre of respected members of the local community regardless of political affiliation.

Simplification of documentation

164. We agree with the complaint of a number of VCAs that the documentation is excessive for the VCs (with five registers and 21 forms) and impractical to expect busy UP secretaries or AACOs to keep them completed.

We recommend:

- a review of the registers. A redesign of the format of the case register would allow for columns covering the payment of fee and issue of summons. The order made by the court could be recorded in the last column. We recommend retaining the Compensation register however; and
- a review of the Forms. Are they all needed?
- A new form be created to report back the court; a) receipt of the case; and b) the result / outcome of the case.

Practical Roadmap for Monitoring Performance

165. At the initiative of the Local Government Division, Village Courts Management Committees (VCMC) at the district and Upazila level have been formed with a view to strengthen the monitoring the activities and performance of the village courts. If activated properly, these committees will be able to play a significant role in monitoring the performance of the village courts.

We recommend the government should send required circulars to the DCs and UNOs to make sure these committees sit separately to discuss the VC performance under their respective jurisdictions.

We further recommend the activation of the DMIE (Decentralised Monitoring, Inspection and Evaluation) framework which the AVCB aimed to support through LGD involving the DCs and UNOs to oversee the VC affairs and ensure its quality and accountability; and in the alternative, UNDP lend their technical expertise and comparative experience to LGD in drafting a Village court Roadmap complete with agreed targets, time-bound and performance framework that is realistic and accountable.

166. In addition, **we recommend** that the ToRs for the Impact Study include a robust cost-benefit analysis of the operation of the VCs and calculate the cost of a case at the VC, as well as the deterrence effect of a VC on local crime and disputes.

Balancing formal and informal

167. A number of legal amendments have been suggested both to the VC Act and UP Act 2009. We urge that any amendments be strictly necessary and avoid ‘legalese’ that undermines clear understanding of what the law says.

We recommend the following:

- The duty to convene a VC be added to the 39duties currently set down in the UP Act 2009;
- Section 5 (5) be deleted;
- The schedule of offences should be revised to include the type and nature of the offence (with examples in support) so as to emphasise the minor and petty nature of the dispute. Land disputes, for instance, should only be those

that are simple to resolve and the value should attach to the area of land in dispute.

- Emphasis be placed in the VC Act on transparency of process (at all stages)

Maximising the message

We recommend:

- thought be given to developing and dramatising stories from the VCs and airing them on the four most popular TV channels;

- approaching the Ward Shavas, Open budget meetings, Public hearings and Upazila level Women Development Forums to communicate the VC message (especially to women);

- District Information Offices are mandated to increase public awareness about government projects, programs and policies. This office can be used to help raising the awareness of the local people about the village courts. A directive sent from the Ministry of Information would be necessary to activate the district information office to this end. Alternatively, an instruction from the DC office must be sent to the district information office requesting the office to popularize the concept of VCs covering different UPs and Upazilas under the district. A joint meeting should be organized involving the District Administration, UNDP and District information office to reach a consensus and discuss the modalities of future cooperation on the front of raising awareness about the village court.

- Using Government media such as BTV and Bangladesh Betar would help raise awareness of the VCs. This modality would also be cost effective.

- Send a directive from Cabinet Division/MoPA/LGD to the DCs and UNOs to organize the NGO coordination meetings. NGOs will be persuade to take part in the awareness raising campaign along with their regular activities in the rural areas.

We further recommend that in consultation with BLAST and MLAA, a strategy is developed for engaging with the Bar and moving it from spoiler to supporter.

Synergy and partnership

168. It appears that potential synergies with ongoing other projects and programmes remain unexploited. A cost sharing mechanism of both financial and non-financial nature (between government and DPs working in the justice sector, i.e., GIZ) might be considered in order to ensure sustainability of the village courts.

169. On this front, it may be mentioned here that different programmes have set forth their own special requirements and therefore if the cost sharing agreement is to be made between different programmes and development partners the government of Bangladesh has to lead the initiative and pursue the parties involved.

We recommend that LGD open up a discussion with the World Bank as the Local Governance Support Project (LGSP III) is now being implemented throughout the country covering all UPs with a view to identify the potential areas for future cooperation and synergies. For activating the village courts, it is, however, possible

for the UPs to use part of the block grants made available to UPs under the other different parallel governance development programmes such as LGSPIII and others which are being funded by different development partners in collaboration with the government of Bangladesh.

Linking with other initiatives (both of government, the judiciary and development partners) and piloting the UP complex and VC as a hub for referral and other services

170. The NGO supported VCAs are seen to be independent of local power holders and to act as bridge to the community and source of disinterested advice and guidance. They are seen to be key to the success of the scheme. The risk is that in substituting them for government employees with other duties to attend to the efficiency, effectiveness and Impact of the VC will be gravely affected and the project fail to deliver a quality of justice that engenders the confidence of users and other justice service providers (such as magistracy and police).

171. We also note the central location of the VC and office of the VCA and potential for these spaces to provide a broader set of legal services to the local community as 'paralegals' offering basic advice, assistance and referral services in line with the initiatives under consideration by GIZ and DFID, as well as organise continuous training on the VC Act and Rules (in support of the DTPs) and ensure the VC continue to function within the ambit of the law.

We recommend a pilot scheme in 4 sites (under each of the four PNGOs) to test the economic viability of retaining the VCAs and eventually transitioning them to a contract, or cooperation agreement, with NLASO (sourced from the Legal Aid Fund) to provide these services.

Coordination and Collaboration

We recommend UNOs should be co-opted as a member of the DTP, this will help to encourage their ownership of the VC.

We further recommend:

- organizing district level workshops for exploiting the benefits of horizontal learning about village courts. LGD as well as UNDP may consider organizing this at different districts involving the stakeholders from project area UPs as this initiative will allow the stakeholders to learn from each other experiences and the best practices;
- organizing central and district level workshops involving the police, judiciary and the Bar with particular focus on early screening of cases coming into the CJMC, District Courts and thana; and
- lobbying the police HQ to add a module on VC in the foundation training programmes meant for the entry level policemen.

Institutional

We recommend LGD take the lead role in pursuing government to complete the appointment of the AACOs to all the UPs (with priority to the project area UPs) without further delay.

We further recommend that terms and conditions offered to the Village Police be reviewed as a matter of urgency as they play an essential role in serve summons' on parties and maintaining order and decorum in the VC.

Annex 1: MTR - Terms of Reference

Activating Village Courts in Bangladesh Phase II Project
Local Government Division (LGD)

TERMS OF REFERENCE (TOR)

FOR INDIVIDUAL CONTRACT (IC INTERNATIONAL -TEAM LEADER)

For Mid-term Review of AVCB II Project

Location	Home-based and at Dhaka, Bangladesh
Application deadline	
Type of Contract	Individual Contract
Post Level	IC-International/Team Leader
Languages required:	English
Duration of Initial Contract:	30 working days over the period of 45 calendar days after signing the contract

BACKGROUND

Extensive case backlogs in the lower (formal) courts and complex, long and cumbersome procedural requirements is excluding large proportions of the population of Bangladesh, particularly the citizens living in poverty and makes them vulnerable to access to justice. To address these issues the Government of Bangladesh passed Village Courts Act 2006 which amended in 2013. For some, the Act was not functional and the local citizenry had limited enticements and/ or confidence in taking disputes to the village courts.

To overcome these, the Local Government Division (LGD) under the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) implemented a pilot project Activating Village Courts in Bangladesh (AVCB) Project (2009-2015) in 351 unions of Bangladesh with financial and technical supports of EU and UNDP. The aim of the project was to improve access to justice by activating village courts in 351 unions of Bangladesh. In this regard, the piloted project provided supports for building the capacity of service providers, creating demand of village courts through its awareness raising initiatives, policy reform actions and strengthening institutional monitoring system.

The success of the piloted AVCB project has motivated the UNDP, EU, and GOB to increase the scale of the project in Bangladesh and launched the 2nd phase of AVCB project (2016-2019) in January 2016 targeting 21 million people of 1080 unions of Bangladesh in 27 districts under eight divisions. The Local Government Division (LGD) of the Ministry for

Local Government, Rural Development and Cooperatives (MoLGRD&C) has been implementing this project with financial and technical support from the EU, GOB and UNDP. The overall objective of the project is to contribute to improving access to justice for disadvantaged and marginalised groups in Bangladesh. The specific objectives are

1. To make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well- functioning village courts.
2. To empower local people, especially women, the poor and vulnerable groups to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner.

Phase II of the project has a strong focus on increasing gender equality and women's participation in, and access to, Village Courts from both quantitative and qualitative aspects. To contribute that women and other disadvantaged population can equally benefit from the project by accessing justice through VC, issues of gender equality are integrated in all aspects of the project implementation as a cross cutting issue. Project implementation strategy as outlined in the ProDoc includes the principle (principle four) on women's increased participation. Project planning documents (ProDoc, TPP) outlines different activities in this regard.

This project is implementing under National Implementation Modality (NIM) and there is a Project Management Unit (PMU) headed by National Project Coordinator. The day-to-day activities of the project are being implemented with the support of three components named Programme Components, M&E and Knowledge Management Component and Operations Component. In addition, four NGOs who have experience in dispute resolution and/or supporting Village Courts have hired by UNDP under Responsible Party Agreement (RPA) to implement several activities of the project. Besides this, two committees- the Project Steering Committee (PSC) headed by Secretary, LGD and the Project Implementation Committee (PIC) headed by Additional Secretary, LGD and National Project Director (NPD) have been providing policy guidelines and monitoring the progress of the programme, and guiding Project personnel in the preparation of the annual work plan.

According to TPP and ProDoc, a Midterm Review (MTR) are supposed to undertake just after two years (no later than 2 years after starting the activation phase) of the project implementation through commissioning one international and one national consultant. Hence the project has planned to hire one International and one National consultant to conduct the Midterm Review (MTR) of AVCB II Project.

The MTR will focus on the relevance, effectiveness, efficiency, and sustainability of project implementation. The findings of the review will be used for effective implementation during the rest of the period of the project.

Objective of Mid-Term Review:

To assess at what extent the AVCB II project is successfully achieving its desired outputs or results (short and medium-term), make strategic recommendations on how the Project and its partners can strengthen the programme for achieving the eventual objectives.

DUTIES AND RESPONSIBILITIES OF INTERNATIONAL CONSULTANT

- **Scope of Work:** The consultant will accomplish the following task as a team leader where one National Specialist will support him/her to produce and ensure the contractual deliverables: Prepare an inception report including methodologies and detailed action plan of the entire mission within four days from signing the contract;
- Meeting or interview with relevant Govt. officials, UNDP and EU authorities;
- A debriefing on the last day of the field mission with UNDP authorities (including project), the Local Government Division, MoLGRD&C , EU Delegation and other relevant stakeholders;
- Organize validation workshop at the end of the data collection and analysis to present preliminary findings, assessments, conclusions and, possibly, emerging recommendations to the evaluation reference group and other key stakeholders, and to obtain their feedback to be incorporated in the final drafts of the report.
- Prepare and Submit a draft MTR report (both hard and electronic versions);
- Prepare and submit high quality hard copy and electronic copy of Final MTR report including feedbacks of different stakeholders;
- The consultant will have to provide all soft copy of clean data (if applicable). Data file must be of an internationally recognized format for future necessary use.

With regard to the policy oriented progress, the review work will focus on:

- Assess GoB priority and status in relation to the law amendment process;
- Review various Government Orders (GO) issued to local administration and UPs in relation to strengthening the functions of village courts;
- Institutionalization of the sustainability issue with regard to Monitoring and Evaluation system and capacity building;
- Synergy and linkage with other Governance Project for mainstreaming village courts as a service delivery package of UPs;

Outputs/Deliverables:

It is anticipated that the contracted consultant will provide the following outputs to AVCB II project, UNDP:

- An inception report including methodologies and detailed action plan of the entire mission within four days of signing the contract;
- Field visit plan including meeting or interview schedule with the Govt. officials, UNDP, EU authorities ;
- Share preliminary findings including conclusions and possible recommendations after the

field visits that will be presented in the validation workshop;
- Submission of draft MTR report (both hard and electronic versions);
- Submission of high quality hard copy and electronic copy of Final MTR report;
- The consultant will have to provide all soft copy of clean data (if applicable). Data file must be of an internationally recognized format for future necessary use.

Team Combination and Supervision:

The team will constitute with two members. One is Team Leader (IC- International) and another one is National Specialist (IC-National):

- One Team Leader (IC-International), with overall responsibility of providing guidance and leadership for conducting the assessment, and for preparing and revising draft and final report. The Team Leader will be an international professional with significant experience across a broad range of development issues. It is estimated that workload of the Team Leader will be 30 working days and the task under the assignment will have to be done in line with below mentioned Section – Time frame of the assignment.
- One National Specialist (IC-National), who will support the Team Leader and provide the expertise in specific subject areas of the evaluation, and will be responsible for data collection through qualitative and quantitative method, data analysis and interpretation, and drafting relevant parts of the report with the guidance of Team Leader. The Specialist will be contracted to cover the following areas: evaluation expert, human rights and governance expert, Local justice and cross-cutting issues. It is estimated that workload of the team specialist will be 30 working days and the task under the assignment will have to be done in line with below mentioned Section – Time frame of the assignment.
- The UNDP will nominate one person from cluster or project as contract administrator of the contract, who will be responsible for the coordination of activities under this contract. Contract Administrator will be responsible for certifying that the work, tasks, assignment have been satisfactorily and also for receiving and approving invoices for payment etc.

Institutional Arrangement:

The evaluation team will consult and provide regular updates to the concern Port Folio Manager of Democratic Governance (DG) Cluster, UNDP. In addition, overall supervision and guidance will be provided by the Assistant Country Director, DG Cluster, UNDP.

Inputs (UNDP):

The client (AVCBII/UNDP) is only responsible to provide working/office space, transport facilities for field visit and limited logistic supports for report writing, and venue facilities for meeting and workshop (as needed). No ICT equipment and computer supports will be provided for this assignment to the consultant.

Time frame of the assignment:

This assignment can be for maximum of 30 working days over a period of 45 calendar days from signing of the contract. Tentatively-

- 04 days for literature review and submission of inception report-Home based work (for international consultant, it includes travel days from his/her home country to UNDP Bangladesh);
- 04 days for consultation with stakeholders- residing in Bangladesh;
- 10 days for field mission- residing in Bangladesh;
- 04 days for preparing debriefing note and preliminary findings on field findings and share with stakeholders in validation workshop- residing in Bangladesh
- 08 days for Final report preparation and submission–home based work (for international consultant, it is including travel days from Bangladesh to his home country)

Duty Station:

- **Home based work:** 12 days (preparation of inception reports and final report residing his/her home country) for international consultant, it includes travel to and from
- **Bangladesh**: 18 days (for consultation with stakeholders, field visit, preparing preliminary findings and debriefing note on field findings and share with stakeholders in validation workshop residing in Bangladesh).

REQUIRED SKILLS AND EXPERIENCE

Academic Qualifications:

Minimum Master degree in Law/ Social Science/ Public Policy/ Public Administration/ Sociology/ International Relations or any other relevant discipline. Advance degree in law will be given preference.

Experiences:

- Must be an international professional with at least 15 years of experience in governance, justice and human rights and have practical experience in formulating and evaluating governance and human rights related works specially in local justice/rule of law.
- Strong capacity of writing evaluation report including data collection using qualitative methods and data analysis;
- Good understanding of contemporary thinking on development practices and justice and human rights issues;
- Experience or knowledge of local justice, and broadly human rights and governance in Bangladesh and regional countries is essential;
- Previous experience of minimum five evaluations especially in the field of local justice and human rights;
- Publication on access to justice/Human Rights will be considered as an asset;
- Training on law and justice, paralegals, conflict resolution will be an added value;

Competencies:

- Good understanding of contemporary thinking on development practices and justice and human rights issues;
- Good understanding of local justice, and broadly human rights and governance in Bangladesh and regional countries is essential;

- Ability to plan, organize, implement and report on work Demonstrate Team Management Skill
- Excellent presentation and facilitation skills.
- Demonstrated review team management skills

Language requirements:

- Fluency in written and spoken English;
- Knowledge of Bangladeshi would be an asset.

REVIEW MANAGEMENT ARRANGEMENTS

The Review Team:
The Review Team (comprised of national and international consultants) will be responsible for conducting the evaluation in line with this ToR. This will entail, inter alia, preparing the inception report, conducting data collection, structured data documentation and analysis, presenting preliminary findings, conclusions and recommendations at debriefings and the stakeholder workshop, and preparing the first, second and final drafts of the assessment report as well as a draft Evaluation Brief.

Review Reference Group (RRG):
A review reference group as mentioned below will discuss key outputs from the review process and provide comments to the review team. The reference group will include representatives from:

- government stakeholders (ERD, IMED, LGD)
- key international development partners (EU, UNDP)

Phase 1: Data collection and analysis as disaggregated by sex and by other socio-economic, cultural identities

Data collection:

- The review team should establish a tentative schedule of its activities in consultation with UNDP CO, RRG. The field visits and observations should normally be arranged through CO. The schedule may need to be further adjusted during the data collection.
- The team will collect data according to the methodology proposed by him/her and as further defined by the RRG .

Data analysis:
The review team will analyse the data collected to reach preliminary assessments, conclusions and recommendations.

- Once the data is collected, the review team should dedicate some time to its analysis.
- Where possible, the review team should develop data displays to illustrate key findings;

- The outcome of the data analysis will be preliminary assessments for each review criterion/question, general conclusions, and strategic and operational recommendations;
- Once the preliminary assessments, conclusions and recommendations are thus formulated, the review team will debrief ERD, IMED, concern ministry (LGD) and CO to obtain feedback so as to avoid factual inaccuracies and gross misinterpretation.

Phase 2: Feedback workshop
A validation workshop will be organized by the team at the end of the data collection and analysis phase to present preliminary findings, assessments, conclusions and, possibly, emerging recommendations to the Review Reference Group and other key stakeholders, and to obtain their feedback to be incorporated in the early drafts of the report. AVCBP (Phase-II) will provide financial support and technical assistance to the team in organizing the workshop.

Phase 3: Drafting and reviews
First draft and the quality assurance – The Team Leader will submit a complete draft of the report to UNDP within two days after the feedback/validation workshop (but no later than 24 working days from signing of the contract). UNDP will accept the report as a first draft when it will be in compliance with the Terms of Reference, and satisfies basic quality standards. The draft is also subject to a quality assurance process through the Review Reference Group.

Final draft and the verification and stakeholder comments – The first draft will be revised by the Team Leader to incorporate the feedback from the external review process. Once satisfactory revisions to the draft are made, it becomes the second draft. The second draft will be shared with EU, UNDP CO and Government of Bangladesh for factual verification and identification of any errors of omission and/or interpretation. The Team Leader will revise the second draft accordingly, preparing an audit trail that indicates changes that are made to the draft, and submit it as the Final Draft. UNDP may request further revisions if it considers as necessary.

BACKGROUND DOCUMENTS:

The following documents will be provided to the consultant by UNDP/AVCB Project in order to perform the contract.

Core contextual documents
- Village Courts Act (Amended in 2013) 2006
- Village Courts Rules 2016
- Local Government (UP) Act 2009

Core UNDP and EU
- United Nations Development Assistance Framework (UNDAF)
- Country Programme document (CPD)
- EU Country Strategy Paper Bangladesh

Core programme documents
- ProDoc, TPP and other planning documents
- Baseline Survey Report and other study reports
- M & E Plan and LFA, Training Manual on Village Courts

- All Quarterly Progress Reports
- All Annual Progress Reports
- Field visit reports
- Approved AWPs
- NGO Performance Evaluation Reports
- PSC meeting minutes
- PIC meeting minutes
- FAPAD Audit Reports
- Copy of the NGO contracts
- Other knowledge products produced under the project intervention

Annex 2: Schedule of meetings

Activating Village Courts in Bangladesh (AVCB) Phase II project

Local Government Division (LGD)

Mid-Term Review Mission 2018

Tentative Programme Schedule

27 August -01 October 2018

Day & Date	Time	Activity	Venue	Team members	Remarks
A. Document review (Home based)-04 Days					
27 Aug-30 Aug 2018		Document review	Home based		
B. Consultation (Dhaka, Bangladesh) -05 days					
02 September 2018 **Sunday**	10.00- 13.00	Meeting with AVCB II Project Team	Level 12, IDB Bhaban, Dhaka	AVCBP II team members, MTR Mission	Confirmed
	13:00-14:00	Lunch			
	14:00-15:00	Meeting with UNDP Management	IDB Bhaban Agargaon, Dhaka	MTR Mission, SA and SH	Confirmed
	15:30-16:30	Work at AVCB II Project Office			
	16:30-17:00	Return to hotel	-	-	

Day & Date	Time	Activity	Venue	Team members	Remarks
3 September 2018 **Monday**	10.00–12.00	Work at Project Office	Level 12, IDB Bhaban, Dhaka		
	12:00– 13:00				
	13:00-14:00	Lunch			
	15:30– 16:30	Briefing with EU Delegation Dhaka	EU Office, Gulshan-2, Dhaka	MTR Mission, SA and SH	Confirmed
	16.30 –	Return to hotel			
4 September 2018 **Tuesday**	09:00- 10:00 11.00– 12.00	• Meeting with Registrar General, Supreme Court • Meeting with National Legal Aid Services Organization (NLASO)	NLASO Office, Dhaka Supreme Court, Dhaka		Confirmed
	16:00-17:00	Meeting with National Institute of Local Government (NILG)	NILG, Agargoan		Confirmed
5 September 2018 **Wednesday**	09:30-10:30	Meeting with Local Government Division (LGD)	NPD's room	NPD, Joint Secretary, Senior Assistant Secretary, SA, SH	Confirmed
	11:00-12:00	Meeting with Police HQ	PHQ, Dhaka	MTR Mission, SA and SH	Confirmed

Day & Date	Time	Activity	Venue	Team members	Remarks
	14:00– 15:00 15:00 - 16:00 16:00– 17:00	Meeting with GIZ Meeting with Danida Meeting with Dfid	Donor office	MTR Mission, SA and SH	SA to fix it pls
6 September 2018 **Thursday**	10:00-14:30	Work at Project Office	Level 12, IDB Bhaban, Dhaka		
	14:30:15:30	Meeting with IPA	Level 12, IDB Bhaban, Dhaka	MTR Mission, SA and SH	
	15:30-15:00	Work at Project Office	Level 12, IDB Bhaban, Dhaka		
C. Field visit (Chattogram, Naogaon, Rangpur, Netrokona and Jamalpur districts, Bangladesh)					
C1. Both Adam Stapleton + Mobasser Monem will visit Chittagong together (from 8-10 September 2018)- 03 days					
8 September 2018 **Saturday**	11:00-14:00	Travel to Chattogram by air			Night stay at Chattogram
	15:00-17:00	Meeting with NGO staff			
9 September 2018 **Sunday** **(**	08:30-09:30	Travel to project area's UP: Muradpur UP, Sitakunda upazila			
	09:30-12:30	• Meeting with UP representatives • Document review • Meeting with beneficiaries	UP Bhaban, Muradpur	Adam+ Mobasser Monem+ SA	-
	12:30-13:00	Travel to non-project UP- Saidpur UP, Sitakunda upazila			

Day & Date	Time	Activity	Venue	Team members	Remarks
	13:00-15:00	Meeting with UP Chair & Secretary and review VC's documents	UP Bhaban	Adam+ Mobasser Monem+ SA	
	15:30-16:30	Meeting with UNO Sitakunda and OC (Police Station)	UNO Office, Sitakunda Upazila, Chattogram	Adam+ Mobasser Monem+ SA	
	16:30-17:30	Return to Hotel			Night stay at Chattogram
10 September 2018 **Monday**	9:00-10:00	Meeting with District Judge, CJM, and District Legal Aid Officer	District Judge Office	Adam+ Mobasser Monem+ SA	
	10:00-11:00	Travel to Roshangiri UP, Fatikchhari Upazila	-	-	-
	11:00-13:00	• Meeting with UP representatives • Review VC documents • Meeting with beneficiaries	UP Bhaban	Adam+ Mobasser Monem+ SA	
	13:00-15:00	Lunch and travel back to Chattagram town	-		
	15:30-17:30	Meeting with DC, DDLG and DTP members	Chattogram DC Office	Adam+ Mobasser Monem+ SA	
	18:00-19:00	Meeting with DF			

Day & Date	Time	Activity	Venue	Team members	Remarks
	19:00-20:30	Travel to Airport			By road
	20:50-21:00	Return to Dhaka from Chattogram	-	-	By air
C2. Adam will visit Naogaon and Rangpur districts (from 11-18 September 2018)-08 days					
11 September 2018 **Tuesday**	08:30-11:00	Travel to Rajshahi by air in the morning	-		By air
	11:10-14:00	Travel from Rajshahi to Bakterpur Union of Naogaon Sadar Upazila (**Non-project UP)**			By road
	14:00-15:30	• Meeting with UP Chairman and Secretary • Review VC documents		Adam+ SA	
	15:30-16:15	Travel to Mithapur Union of Badalgachi Upazila (Project UP)			
	16:15-17:30	Observe CYM	Community	Adam+ SA	
	17:30-18:30	Back to Hotel			Night stay at Naogaon
12 September 2018 **Wednesday**	08:00-09:30	Travel to Chaor UP, Porsha Upazila		Adam+ SA	
	09:30-12:30	• Meeting with UP representatives • Review VC documents • Observe VC's hearing	UP Bhaban	Adam+ SA	

Day & Date	Time	Activity	Venue	Team members	Remarks
	12:30-13:30	Lunch+ Travel to Mosheedpur UP, Porsha Upazila			
	13:30-15:00	• Meeting with beneficiaries • Meeting with community people	UP Bhaban	Adam+ SA	
	15:00-16:00	Travel back to Naogoan			
	16:00-17:30	Meeting with District and Session Judge/District Legal Aid Officer	District Judge Office	Adam+ SA	
	17:30-	Back to Hotel			Night stay at Naogaon
13 September 2018 **Thursday**	09:00-09:45	Travel to Mohadevpur Upazila		Adam+ SA	
	09:45-10:30	Meeting with UNO, Mohadevpur Upazila	UNO Office		
	10:30-10:45	Travel to Hatur UP			By road
	10:45-12:30	• Meeting with UP representatives • Review VC documents • Observe VC's hearing	UP Bhaban	Adam+ SA	
	12:30-13:00	Travel to circle office to meet ASP Circle (DTP member)			
	13:00-14:00	Meeting with ASP circle (DTP member)	ASP circle office, Mohadevpur	Adam+ SA	
	14:00-15:00	Lunch+ Travel to Naogaon			

Day & Date	Time	Activity	Venue	Team members	Remarks
	15:15-16:30	Meeting with DC/ADC, DDLG	DC office	Adam+ SA	Night stay in Noagoan
14 September 2018 (Friday)	10:00-14:00	Travel to Rangpur by car			Night stay in Rangpur
15 September 2018 (Saturday)	09:00-09:20	Travel to Chandanpat UP, Rangpur Sadar			Duplicate UP (1st and 2nd phase)
	09:20-12:30	• Meeting with UP representatives • Review VC documents • Observe VC's hearing	UP Bhaban	Adam+ SA	
	12:30-14:30	Lunch+ Travel to Kursha UP under Taraganj upazila			
	14:30-16:00	• Meeting with beneficiaries • Meeting with Community people • Review VC documents	UP Bhaban	Adam+ SA	
	16:20-17:20	Meeting with OC, Taraganj Police Station		Adam+ SA	
	17:20-	Back to Rangpur town			Night stay at Rangpur
16 September 2018 Sunday	09:15-09:30	Travel to UNO, Rangpur Sadar			By road
	09:30-10:30	Meeting with UNO, Rangpur Sadar upazila	UNO Office	Adam+ SA	

Day & Date	Time	Activity	Venue	Team members	Remarks
	10:30-11:00	Travel to Payraband Union (Non-project UP), Mithapukur upazila	UP Bhaban		
	11:00-13:00	• Meeting with UP Chairman and Secretary • Review VC documents		Adam+ SA	
	13:00-14:00	Lunch			
	14:15-15:30	Meeting with ASP Circle (DTP member)	ASP (circle) office, Mithapukur	Adam+ SA	
	15:30-15:45	Travel back to district Judiciary office, Rangpur			
	15:45-17:00	Meeting with Judiciary	District Judiciary Office	Adam+ SA	
17 September 2018 Monday	09:15-09:30	Travel to DC office		Adam+ SA	
	09:30-11:30	Meeting with DC, DDLG, DTP members	DC office, Rangpur		
	11:40-13:00	Meeting with Divisional Commissioner, Additional Commissioner, DLG	Commissioners office, Rangpur	Adam+ SA	
	13:00-14:00	Lunch			
	14:15-15:45	Meeting with PNGO staff	PNGO Office	Adam+ SA	
	16:00-17:00	Meeting with DF	Hotel	Adam+ SA	Nigh stay at Rangpur
18 September 2018	7:00-8:00	Travel back to Saidpur			By road

Day & Date	Time	Activity	Venue	Team members	Remarks
Tuesday	8:40-9:30	Travel back from Saidpur to Dhaka			By air
C3. Mobasser Monem will visit Netrokona and Jamalpur districts (from 11-17 September 2018)-07 days					
11 September 2018 **Tuesday**	07:00-13:00	Travel to Netrokona		Mobasser Monem+ SH	By road
	13:00-14:00	Rest at Circuit house/hotel and take lunch			
	14:30-15:30	Meeting with DDLG & DC of Netrokona	DC Office Netrokona	Mobasser Monem+ SH	
	15:30-17:30	Meeting with DTP members - ASP, Youth/Social Service/ Women -Judiciary	DC Office Judiciary Office	Mobasser Monem+ SH	Night stay at Netrokona
12 September 2018 **Wednesday**	08:30-09:30	Travel to UNO Office, Madan Upazila	-	Mobasser Monem+ SH	
	09:30-10:30	Meeting with Upazila Nirbahi Officer (UNO), Madan upazila	UNO Office		
	10:30-11:00	Travel to Fatheapur UP, Madan Upazila			
	11:00-13:00	• Meeting with UP representatives • **Observe hearing session**	UP Complex	Mobasser Monem+ SH	

Day & Date	Time	Activity	Venue	Team members	Remarks
		• Document review			
	14:00-16:00	Travel to Tiyosree UP and -Meeting with community -Beneficiaries interview	UP Bhaban	Mobasser Monem+SH	
	16:00-18:00	Visit PNGO District Office and -Meeting with DCO, UC, Office Assistant	Project office	Mobasser Monem+ SH	Night stay at Netrokona
13 September 2018 **Thursday**	08:30-09:30	Travel to Kendua Police Station, Netrokona	-		By care
	09:30-10:30	Meeting with OC, Police Station, Kendua,		Mobasser Monem+ SH	
	10:30-11:00	Travel to Sindhikona Union, Kendua			
	11:00-13:00	-Meeting with UP representatives - Document review		Mobasser Monem+ SH	
	13:00-14:00	Lunch and Travel to Non-project areas UPs, Sadar upazila, Netrokona			
	14:00-16:00	-Meeting with UP Chairman - Document review		Mobasser Monem+ SH	
	16:00-17:00	Travel back to hotel			Night Stay at

Day & Date	Time	Activity	Venue	Team members	Remarks
					Netrokona
14 September 2018 **Friday**	**08:00-12:00**	**Travel to Jamalpur and work from hotel**			**Night stay at Jamalpur**
15 September 2018 **Saturday**	09:00-09:50	Travel to Madargonj PS		Mobasser Monem+ SH	
	09:50-11:00	Meeting with ASP (circle) -DTP member	M Madargonj	Mobasser Monem+ SH	
	11:00-12:00	Travel to Chargualini UP, Islampur Upazila	I		
	12:00-13:30	• Meeting with UP Chairman; • Meeting with beneficiaries • Review document	UP Bhaban	Mobasser Monem+ SH	
	13:30-15:00	Lunch+ Travel back to town			
	15:00-18:00	Meeting with DDLG and DTP member (Youth department)	Will be determined later	Mobasser Monem+ SH	Night stay at Jamalpur
16 September 2018 **Sunday**	08:00-09:00	Travel to Melandaho Upazila		Mobasser Monem+ SH	
	09:00-10:00	Meeting with Upazila Nirbahi Officer	UNO Office	Mobasser Monem+ SH	
	10:00-10:30	Travel to Mahmudpur Union			
	10:30-13:00	• Meeting with UP representatives and Secretary • Documentation review	UP Bhaban	Mobasser Monem+ SH	

Day & Date	Time	Activity	Venue	Team members	Remarks
		• Meeting with beneficiaries			
	13:00-14:00	Lunch +travel to non-project UP of Sadar upazila			
	14:00-15:00	• Meeting with UP Chairman and Secretary • Review documents		Mobasser Monem+ SH	
	14:00-16:00	Travel back to Hotel			
	16:00-17:30	Meeting with Judiciary		Mobasser Monem+ SH	Night stay at Jamalpur
17 September 2018 **Monday**	07:00-14:00	Travel back to Dhaka			
	15:00-17:00	Meeting with NGO staff	Level 12, IDB Bhaban, Dhaka	Mobasser Monem	
18 September 2018 **Tuesday**	09:00-17:00	Work at AVCB Project Office	Level 12, IDB Bhaban, Dhaka		
D. Compile field findings and prepare debriefing note (Bangladesh)-03 working days excluding Friday and Saturday					
19 September 2018 **Wednesday**	10:00-17:00	Compilation of field findings for debriefing session	Level 12, IDB Bhaban, Dhaka		
20 September 2018 **Thursday**	09:30-11:30	Meeting with EU		Adam+ Mobasser Monem+ PMU representative	
	12:00-13:00	Meeting with UNDP			
21 September					

Day & Date	Time	Activity	Venue	Team members	Remarks
2018 **Friday**					
22 September 2018 **Saturday**					
23 September 2018 **Sunday**	09:00-13:00	Work at AVCB project office	Level 12, IDB Bhaban, Dhaka		
	14:00-17:00	Debriefing session			
E. Prepare final report (Home based)-08 days					
24 September-01 October		Work at home for preparing final report			

Annex 3: List of reading materials

- Project documents
- PAGODA (Addendum)
- Annual Progress Report 2017(Publication)
- Annual Progress Report (January-December 2016) for EU
- Annual Progress Report (January-December 2017) for EU
- Annual Progress Report (January-December 2017) for UNDP
- Gender Equality Strategy
- Capacity Development Strategy
- Gender Awareness Raising Strategy
- M&E plan of AVCB
- Baseline report 2018
- Case Summary Reports (July 2017-July 2018): WAVE Foundation, MLAA, ESDO and BLAST
- Village Court Act (2006) unofficial English translation
- Village Court Rules (2016) Bangla translation

Annex 4: Chronology of CHT TPP signing

Progress of rollout AVCBII Project in CHT

(Progress till date)

Date	Activity	Remark
26.04.2016	Preliminary consultation	Preliminary consultation with EU delegation
26.06.2016-25.07.2016	Feasibility study	A national consultant was contracted/hired to conduct the feasibility study. The contract period was 26.06.16-25.07.2016. This contract was extended (no cost extension) up to 31.12.2016
	Series of consultation/negotiation continued	A series of consultation was taken place with i) Shontu Larma ii) MoCHTA and iii) LGD
18.09.2016	Comments in writing	Regional council commented in writing
26.09.2016	UNDP's initiative to initiate discussion	UNDP sent request letter to LGD for initiating discussion with MoCHTA
29.11.2016	Analysis of financing agreement	MoCHTA commented on financing agreement
08.12.2016	Meeting with MoCHTA	LGD organized a meeting with MoCHTA. This meeting was **chaired by NPD, AVCB II**
15.12.2016	Development of amendment financing agreement	EU sent draft amended financing agreement to ERD (Europe Wing)
20.12.2016	ERD sent letter to LGD	ERD (Europe Wing) wrote to LGD asking for comments of financing agreement
24.01.2017	Meeting with MoCHTA	LGD organized a meeting with MOCHTA and CHT leaders on 24.01.2017 at LGD. This meeting was **chaired by Secretary, LGD.**
16.02.2017	Joint meeting at Rangamati	LGD organized a joint meeting at Rangamati, **co-chaired by Secretary, LGD and MoCHTA.**
14.02.2017	LGD responded to ERD	LGD commented back to ERD on the draft financing agreement
20.02.2017	EU sent a letter to LGD Secretary	EU wrote to LGD secretary to reconfirm MoCHTA's comment
02.03.2017	Inter-ministerial meeting	ERD (Europe Wing) organized inter-ministerial meeting on amended on amended financing agreement
06.03.2017	MoCHTA's reconfirmation	MoCHTA reconfirmed their comments on financing agreement
25.05.2017	EU shared amended document to ERD	EU further sent amended financing agreement to ERD for reconfirming certain sections
05.11.2017	Signing of amended financing agreement	Amended financing agreement signed between EU and ERD (Europe Wing)
22.05.2018	Signing of amended PAGoDA	Amended PAGoDA signed between EU and UNDP
	Approval of revised ProDoc	Pending
	Approval of revised TPP	Pending

Annex 5: Field Questionnaires

Q1 AT VILLAGE COURT

Ongoing case...

Are you here as party, family, witness, observer

How did you hear about the VC

Do you know when the VC sits?

Why VC?

Why not shalish?

Why not DC?

What is the dispute you are here for?

How far did you travel?

How many times have you attended on this matter?

How much does it cost you to attend?

How much have you spent so far?

How long has this matter taken?

On what day(s) does the VC sit?

do you understand what is happening here?

Completed case

Are you here as party, family, witness, observer

What was the dispute you are here for?

How far did you travel?

How many times have you attended on this matter?

How much did it cost you to attend?

How much have you spent so far?

How long has this matter taken?

Did you understand the proceedings?

Was judgment enforced?

Would you recommend the VC to others?

Q 2: UP CHAIR + MEMBERS

Name

Population of the UP

How much time do you give to resolving disputes each week?

what % disputes resolved by shalish?

what % disputes resolved by VC?

how many hours to VC?

how many hours to shalish?

is VC a mandated duty, or optional?

when do you decide to convene a VC rather than conduct a shalish?

what type of dispute would you typically manage in shalish?

what type of dispute would you typically manage in VC?

is there a fixed day each week on which you hold the VC or does it depend?

which day is it?

do you advertise it?

do you report on the VC activities?

to whom?

how often?

do you meet with judicial officers?

in what forum?

how often?

do you meet to discuss the VC and its operations ever?

in what forum?

how often?

do you meet as a VCMC?

does VC impact on the life of the community?

How so?

could the VC be improved?

have you had training on VCs?

did you learn anything from the training?

what?

are you clear on the jurisdiction and procedures of the VC?

do you have a AACO?

do you have a VCA?

Is the person useful?

How?

Could you conduct the VC without them?

Would you pay for the position out of VC funds?

Q 3: VCA

check against the register

how often does the VC sit?

is the time and date of VC advertised to the community at large?

aside from the parties what is the average attendance at a VC hearing?

What is the trend in caseflow?

If up, to what attribute this?

is a report sent to UNO?

how often

Is a report sent to magistrates court on outcome of case transferred?

at least one woman generally sit as panel members

what are 3 main challenges you face?

what changes would you make?

aside from serving the court, what other services do you perform for the community?

Q 4: Judicial officers (judges/magistrates)

do you have a backlog of cases?

is it significant?

in your view what % of these cases are minor or petty in nature?

in your view what % of these cases should have been dealt with at VC?

do you transfer cases to the VC?

if no, why not?

if yes, do you get a report back on the cases you transfer

do you have confidence in the VC?

if no, why not?

what more could be done to divert minor cases through the VC?

Q 5: UNO

Upazila name:

how many UPs are you responsible for?

do you inspect the VCs?

how often?

what do you check?

do you receive a report from the UP chair?

how often?

is the format fixed?

can you produce a copy of such a report?

do you forward a copy of the report up the chain?

to whom?

in your experience are the VCs functioning in your area?

how regularly do they sit?

are days advertised and fixed so the community knows when they are held?

why is a VC not functioning?

Is the DTP functioning?

is the convening of a VC a mandated duty of the UP Chair?

why not?

should it be?

what would make it a mandated duty?

do you think there is adequate accountability of the VC?

how could accountability be improved?

is there any forum for VC chairmen to interact with judiciary?

Does the VCMC meet?

as part of law and order committee/other committee, or as VCMC?

how often?

are minutes of the meeting kept?

who keeps them?

are they included in any report?

why not?

Are WDFs active?

what are the 3 main challenges to conducting VCs in your view

what changes would you make to improve VC impact?

Q 6: DDLG / DC

It's estimated VCs hear 1% cases that fall within VCAct, what's happening?

It's said UP Chair don't prioritise VCs because not mandated to under UP Act, is it so?

AACOs meant to substitute for VCAs, how many recruited?

At end of phase 1, 2015, VCs withered where UP chairs unsupported by VCA, what will happen at end of this phase i

Do you see the VC having any impact? If so what?

Do you notice any difference between AVCB 'project' UPs and those outside the project area?

If so, what differences?

Are WDFs active?

what are the 3 main challenges in your view?

what do you think would improve the performance of the VC?

Q 7: NGOs (exclude UNDP)

Location

how many UPs do you cover?

how many UPs have VCAs?

how many VCAs do you support?

in your view are the VCs functioning?

are they under-used or fully-used by the community?

if under-used, why so?

is there a DTP?

does it function as intended?

what is the chief complaint of your VCAs?

what changes would you make to improve VC impact?

Is there a VCMC?

How often does it meet?

what value does UNDP add?

do funds come through in time?

if there are delays what has been the longest?

what is the NGO budget for the period and area covered

what is the operational cost per case in your area *(ie: excluding capital and start up costs, how much does it cost to 'run' a village court and so attach a cost to each case?)*

what are the total benefits (BDT) for the period

what are the social benefits (*ie reduction in crime, social cohesion, etc)*

At the end of the project (*Dec 2019)* what will happen if there is no AACO in place?

Q 8: POLICE

Upazila

what % caseload is minor or petty in nature?

how are these dealt with by police?

do you know about the VC?

what about its jurisdiction?

are cases diverted or referred to VC by police?
if yes, do you have any data to show how many?

if no, why not?

do you agree VC reduces crime?

do you see VC as relevant to police or not

is VC over-used or under-used?