



USAID
FROM THE AMERICAN PEOPLE

FINAL REPORT ASSESSMENT OF RULE OF LAW AND JUSTICE SECTOR IN BANGLADESH

March 12, 2022

FINAL REPORT

ASSESSMENT OF RULE OF LAW AND JUSTICE SECTOR IN BANGLADESH

March 12, 2022

Contract No./Order No. GS-I0F-I54BA/72038819M00001
USAID Bangladesh Monitoring, Evaluation, and Learning (B MEL) Activity

Prepared by:
ME&A, Inc.
4350 East-West Highway, Suite 210
Bethesda, MD, 20814 USA

DISCLAIMER

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

ABSTRACT

This report presents the findings of a nationwide assessment of the rule of law (ROL) and justice sector of Bangladesh conducted by the United States Agency for International Development (USAID) in November and December 2021, and recommendations for potential areas of USAID intervention in the sector. The assessment was guided by seven assessment questions (AQs) covering the judicial priorities of the Government of Bangladesh (GOB), overall state of judiciary, power dynamics between the executive and judiciary, and feasibility of further USAID investment in the ROL and justice sector given the current level of political will for reforms. Other AQs focused on the prevalent issues faced by women justice seekers and human rights progress. Finally, the team was asked to identify strategies that would enable USAID to make a positive change in ROL and justice in Bangladesh in the coming years. The assessment examined these questions through a mixed-methods research design including a desk review of documents relevant to the scope of the assessment, 106 key informant interviews with national- and district-level respondents, 30 focus group discussions with 144 participants including lawyers, journalists, legal aid and justice seekers, and civil society organization representatives, and a mini survey with 159 justice seekers (134 women and 25 men). Across all data collection methods, the assessment involved 409 respondents.

The assessment found that, in the last decade, Bangladesh undertook some positive ROL reforms aimed at increasing the number of judges, courtrooms, and support staff, increasing the availability of state-provided legal aid to people in need, and expanding the use of alternative dispute resolution in civil and other cases. However, it also found that the highly polarized nature of political competition and weaknesses in the checks and balances between the three branches of government have resulted in a gradual erosion of judicial independence and accountability, and declining judicial performance and integrity. The judicial branch is not perceived to be independent, impartial, or professionally competent, and suffers from very low public trust. Reform-minded justices are in a minority so “change-makers” and “change-enablers” face difficulties in pushing for judicial reforms as the ruling party has shown a tendency to appoint lawyers who demonstrate loyalty but lack strong professional credentials. Across all data collection methods, the assessment found broad convergence that impunity for rights violations allegedly committed by state institutions including enforced disappearances, extra-judicial killings, custodial killings and police brutality by the Rapid Action Battalion and military intelligence apparatus remains widespread. Violations of freedom of speech/suppression of critical voices in the media and civil society are increasing. Moreover, the GOB lacks the political will to undertake comprehensive reform which will genuinely lead to enhanced judicial independence and accountability. The feasibility of investing in the ROL and justice sector in the current political situation depends on the level of convergence between GOB interests and the anticipated impact of the donor interventions. International or local efforts which have the potential to change the power dynamics between the judicial and executive powers in favor of strengthening judicial self-governance and independence are likely to be resisted or derailed by the ruling majority.

Opportunities for realistic and effective interventions in the ROL and justice sector by USAID should focus on responding to the increasing demand for improvements in the administration of justice and making the judiciary more accessible and affordable through the provision of legal aid for women, the poor, and other vulnerable communities. The assessment recommends that USAID should consider combining two streams of work in the next program cycle: 1) work with the Supreme Court and GOB to further modernize court processes/administration of justice (through backlog reduction and E-Judiciary); and 2) further support legal aid and access to justice for women and other disadvantaged groups.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1. INTRODUCTION	1
1.1 Overview of Rule of Law and the Justice Sector	1
1.2 USAID Development Goals in Bangladesh.....	2
1.3 Assessment Purpose and Intended Audience.....	3
1.4 Assessment Questions.....	3
2. METHODOLOGY	4
2.1 Approach.....	4
2.2 Data Collection.....	4
2.3 Data Analysis	5
2.4 Limitations.....	5
3. FINDINGS AND CONCLUSIONS	6
3.1 GOB Judicial Priorities and State of Judiciary	6
3.2 Political Will.....	14
3.3 Feasibility of Investing in Rule of Law and Access to Justice.....	17
3.4 Power Dynamics.....	19
3.5 Current and Ongoing Initiatives in Rule of Law.....	24
3.6 Prevalent Issues Facing Women Seeking Justice	33
3.7 Human Rights Progress.....	41
4. RECOMMENDATIONS	49
4.1 Strategy and Working Methods.....	49
4.2 Potential Rule of Law and Access to Justice Programming Initiatives	53
4.3 Conclusions	55
ANNEXES	56
Annex 1: Statement of Work.....	57
Annex 2: KII Guides for Various Respondent Categories Assessment Tools.....	59
Annex 3: Guidelines for FGDs.....	70
Annex 4: Mini Survey.....	78
Annex 5: List of Key Informant Interviews and Focus Group Discussions.....	82
Annex 6: Mini Survey Results.....	88
Annex 7: List of Documents Reviewed.....	92
Annex 8: Assessment Team CVs, Conflict of Interest Forms and Non-Disclosure Agreements ...	100

LIST OF TABLES

Table 1: Assessment Purpose and Questions.....	3
Table 2: Stakeholders by Method of Data Collection.....	4
Table 3: NLASO Statistics 2017-2021	8
Table 4: Number of Judges on December 31, 2021.....	10
Table 5: Projected Pending Cases as Percentage of the Total Caseload, 2018-2022	10

Table 6: Pending Cases of All Categories in December 2021	11
Table 7: Bangladesh in World Rankings	31
Table 8: Prevalent Issues of Women Justice Seekers (FGD and Mini Survey Compared)	38
Table 9: Alleged Extra-Judicial Killings 2011-2021	43
Table 10: Enforced Disappearances 2011-2021	44

LIST OF FIGURES

Figure 1: Prevalent Problems of Legal Aid Seekers of Justice	34
Figure 2: Reported Satisfaction Levels with Legal Aid Services.....	38
Figure 3: Reported Satisfaction with Legal Aid Lawyers' Professional Competence	39
Figure 4: Reported Satisfaction with the Length of Legal Aid Proceedings	39
Figure 5: Reported Satisfaction with the Non-Monetary Costs of Legal Aid Services	40
Figure 6: Level of Trust in the Legal System Before and After Receiving Legal Aid.....	40

ACRONYMS

ADJSB	Accelerating Digitalization in the Justice System of Bangladesh
ADR	Alternative Dispute Resolution
AL	Awami League
AQ	Assessment Question
ASK	Ain o Salish Kendra
AT	Assessment Team
BBS	Bangladesh Bureau of Statistics
BLAST	Bangladesh Legal Aid and Services Trust
BMEL	Bangladesh Monitoring, Evaluation, and Learning Activity
BNP	Bangladeshi Nationalist Party
BNWLA	Bangladesh National Women's Lawyers Association
CCC	Case Coordination Committee
CDCP	Country Development Cooperation Policy
CDCS	Country Development Cooperation Strategy
COVID-19	Coronavirus Disease 2019
CSO	Civil Society Organization
DANIDA	Danish International Development Agency
DLAC	District Legal Aid Committee
DLAO	District Legal Aid Office
DO	Development Objective
DRG	Office of Democracy, Human Rights, and Governance
DSA	Digital Security Act
EU	European Union
FCDO	Foreign Commonwealth and Development Office
FGD	Focus Group Discussion
FIDH	International Federation for Human Rights
FS/TIP	Fight Slavery and Trafficking-in-Persons
GBV	Gender-Based Violence
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GOB	Government of Bangladesh
HCD	High Court Division
HRP	Human Rights Program
ICG	International Crisis Group
ICITAP	International Criminal Investigative Training Assistance Program
ICT	Information and Communications Technology
INL	Bureau of International Narcotics and Law Enforcement Affairs
IR	Intermediate Result
IRI	International Republican Institute
IT	Information Technology
JATI	Judicial Administration Training Institute
JFA	Justice for All Activity
JICA	Japan International Cooperation Agency
JSC	Judicial Service Commission
JSF	Justice Sector Facility Project of UNDP

JUST	Judicial Strengthening Project of UNDP
KII	Key Informant Interview
KOICA	Korea International Cooperation Agency
MCC	Millennium Challenge Corporation
ME&A	ME&A, Inc.
MOHA	Ministry of Home Affairs
MOLJA	Ministry of Law, Justice, and Parliamentary Affairs
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NJCC	National Justice Coordination Committee
NLASO	National Legal Aid Society Organization
NPA	National Programme of Action
OPDAT	Office of Overseas Prosecutorial Development and Training
PPJ	Promoting Peace and Justice
RAB	Rapid Action Battalion
ROL	Rule of Law
SC	Supreme Court
SCSCJR	Supreme Court's Special Committee on Judicial Reform
SDC	Swiss Agency for Development and Cooperation
SIDA	Swedish International Development Agency
SOW	Scope of Work
TAF	The Asia Foundation
TIB	Transparency International Bangladesh
U.S.	United States
UK	United Kingdom
UN	United Nations
UN CAT	United Nations Committee Against Torture
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UP	Union Parishad
USAID	United States Agency for International Development
USG	United States Government
VC	Village Court
WB	World Bank
WGEID	UN Working Group on Enforced or Involuntary Disappearances

EXECUTIVE SUMMARY

INTRODUCTION

Bangladesh celebrated its 50th anniversary as an independent state in 2021. As a new nation emerging from war with many challenges and limited resources, Bangladesh experienced a protracted political crisis, military rule, and instability including two martial law regimes (1975, 1978) and four states of emergency during which constitutional guarantees were largely suspended by military and caretaker governments.

Despite its challenging circumstances, Bangladesh's short history of statehood is one of impressive economic growth and poverty reduction. For decades, it has achieved sustained economic development with an average economic growth close to 7 percent. Bangladesh is one of the world's top performers in human development, surpassing most regional competitors; and it achieved low middle-income country status in 2015. Bangladesh aspires to qualify for upper middle-income country status by 2031.¹ It hosts approximately 1.1 million Rohingya refugees who have fled Myanmar since 2016 and is the top contributing country in United Nations (UN) peacekeeping missions for 2021.²

Constitutional and Political System

Bangladesh is a parliamentary democracy with a unicameral Parliament (*Jatiyo Shangsad*) consisting of 350 members, 300 elected directly in constituencies, and 50 seats reserved for women candidates of each party based on their proportion of the popular vote. The dominant political office in Bangladesh is that of the Prime Minister currently held by Sheikh Hasina, the leader of the Awami League (AL) which has been in power since 2008. The most recent general elections, in December 2018, came under heavy criticism for numerous allegations of election fraud, irregularities, and incidents of deadly violence.³

While politics in Bangladesh have historically been highly confrontational and deeply polarized, observers note that three consecutive terms in power have enabled the ruling party to develop and consolidate extensive networks of patronage in state administration, law enforcement, and the judiciary representing an unprecedented political continuity in Bangladesh's history.⁴ In part, this has been made possible by the boycott of the Bangladeshi Nationalist Party (BNP) in the elections of 2014 and its decimation in the contested elections of 2018. The incumbent governing party now has 301 out of 350 seats of parliament and the BNP represents a weak opposition with only eight seats.⁵ The next elections are anticipated in 2023. The President of the Republic is the head of state, and the current President Abdul Hamid (2013-present), formerly a senior politician of the AL, is now serving his second term.⁶

The shrinking space for oppositional politics and efforts to silence government critics show a consistent pattern of moving from a "competitive clientelism" system into "vulnerable authoritarianism." The ruling party continues to win successive elections due to its ability to integrate more people into its informal power networks and deploy legal and extra-legal means to crack down on political opposition and

¹ Government of Bangladesh 8th Five Year Plan 2020-2025, at http://www.plancomm.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/68e32f08_13b8_4192_ab9b_abd5a0a62a33/2021-02-03-17-04-ec95e78e452a813808a483b3b22e14a1.pdf

² UN Peacekeeping in Figures 2021, at https://peacekeeping.un.org/sites/default/files/01-summary_of_contributions_36_mar2021.pdf

³ HRW (2018), "Creating Panic: Bangladesh Election Crackdown on Political Opponents and Critics," available at <https://www.hrw.org/report/2018/12/22/creating-panic/bangladesh-election-crackdown-political-opponents-and-critics>. Also, the State Department's 2019 Country Report on Human Rights Practices described the 2018 election as "not considered free and fair and was marred by reported irregularities."

⁴ Riaz, A. (2019) "Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election," Palgrave MacMillan.

⁵ UK Home Office (2020). "Country Policy and Information Note Bangladesh: Political parties and affiliation" at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921445/Bangladesh-Political_parties_and_affiliation-CPIN.pdf

⁶ Abdul Hamid as a Speaker of Parliament after the first election victory of the AL and served in that post from 2009 to 2013.

dissenting voices.⁷ It has also been able to make key appointments in all levels of the judiciary, including the new Chief Justice appointed on December 31, 2021.

Challenges

The Bangladesh Constitution guarantees an independent judiciary and equality under the law for all citizens, but advances in the rule of law (ROL) and the protection of human rights have not kept pace with Bangladesh's economic and social development.⁸ While the ROL and justice feature prominently in several national strategies and development plans, Bangladesh's rankings in the relevant international indices on the ROL and judicial independence have only slightly improved over the last decade.⁹ It is still placed 124th among 139 nations in the World Justice Rule of Law Index of 2021, ranking the fourth of the six countries of South Asia.¹⁰ The highly polarized nature of political competition and weaknesses in the checks and balances between the three branches of government have resulted in the erosion of judicial independence and accountability, poor judicial performance and integrity, and widespread impunity for serious violations of human rights.¹¹ The formal justice system remains insufficiently accessible and user friendly, especially for women and other vulnerable communities. These significant challenges have made the constitutional promises of equality under the law and respect for human rights an elusive concept for most citizens of Bangladesh.

Justice System

The justice system in Bangladesh is historically dominated by the executive branch which exercises inordinate control over the judiciary through court administration, judicial appointments, promotions, and dismissals as well as the training of judges through the Ministry of Law, Justice, and Parliamentary Affairs (MOLJPA). The MOLJPA has the greatest responsibility on issues related to the ROL and justice system including legal policy and legislative drafting, legal representation of the Government of Bangladesh (GOB), supervision of civil litigation, administrative adjudications, criminal prosecutions, and funding and overall supervision of legal aid services. The MOLJPA acts as a line ministry for the lower judiciary and controls its budget for both operational costs and capital investments.

State of Judiciary

The judiciary of Bangladesh consists of a Supreme Court (SC),¹² subordinate courts, and tribunals. The SC is comprised of the Appellate Division¹³ and the High Court Division (HCD).¹⁴ The SC has the power to interpret laws made by the Parliament, as well as to declare them null and void. It also has the authority to enforce the fundamental rights of citizens. The lower judiciary consists of district courts that hear civil cases and sessions courts and magistrates' courts that hear criminal proceedings. Approximately 1,800 judges appointed by the President following an examination administered by the Judicial Service

⁷ Khan, M. (2017) "Anti-Corruption in Bangladesh: A political settlements analysis," Working Paper No. 03/2017, Anti-Corruption Evidence programme of School of Oriental and African Studies, available at https://ace.soas.ac.uk/publication/anti-corruption-in-bangladesh_a_political_settlements_analysis/

⁸ Constitution of the People's Republic of Bangladesh, available at <http://bdlaws.minlaw.gov.bd/act-367.html>

⁹ "Government of Bangladesh, "Making Vision 2041 a Reality: Perspective Plan of Bangladesh 2021-2041," available at <http://oldweb.lged.gov.bd/UploadedDocument/UnitPublication/1/1049/vision%202021-2041.pdf> and Digital Bangladesh Strategy 2021, available at https://a2i.gov.bd/wp-content/uploads/2017/11/4-Strategy_Digital_Bangladesh_2011.pdf

¹⁰ World Justice Project, Rule of Law Index Scores for 2021, available at https://worldjusticeproject.org/sites/default/files/documents/Bangladesh_2021%20WJP%20Rule%20of%20Law%20Index%20Country%20Press%20Release.pdf

¹¹ FIDH (International Federation for Human Rights), (1 December 2021) "Out of Control: Human rights and rule of law crises in Bangladesh," available online at <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>

¹² The jurisdiction of the Supreme Court of Bangladesh is described in Article 94(1) of the Constitution of Bangladesh.

¹³ The Appellate Division hears both civil and criminal appeals from the High Court Division. The Appellate Division may also decide a point of law reserved for its decision by the High Court, as well as any point of law of public interest arising in the course of an appeal from a subordinate court to the High Court, which has been reserved by the High Court for the decision of the Appellate Division.

¹⁴ The High Court division of the Supreme Court consists of civil courts, criminal courts, and some special courts and tribunals.

Commission serve in the subordinate courts.¹⁵ The Judicial Service Commission (JSC), created in 2007 has overall responsibility to organize the oral and written examination of candidates for judicial office who, upon appointment, become members of the Judicial Service. In addition to the judiciary, Parliament has created numerous special courts and tribunals to hear cases involving specialized subject matters.¹⁶ The informal justice is provided through traditional *Shalish*, community leaders, village courts (VCs), arbitration councils, alternative dispute resolution (ADR) by religious leaders, and non-governmental organization (NGO)-led mediation.

The judiciary suffers from widespread perceptions of lack of independence, impartiality, and inefficiency. Increased politicization of judicial appointments at both levels, widespread judicial corruption, and a large and growing backlog of cases are reported as the main causes for weak public trust in the formal court system.¹⁷ This results in lengthy periods of pre-trial detention and general dissatisfaction with the financial and time costs of justice.¹⁸

Human Rights

Human rights are another area of major concern for Bangladesh. Bangladesh is a signatory to several major conventions of the UN, but national and international human rights organizations have documented serious human rights violations, often involving law enforcement agencies. In the last decade, the GOB has adopted numerous laws and institutions to address the systemic human rights violations against women, children, and other disadvantaged and marginalized communities. However, implementation is lagging, and state officials involved in gross violations of human rights, such as extra-judicial killings, custodial killings and enforced disappearances, enjoy impunity.¹⁹

Access to Justice

Formal justice institutions are complex, costly, and fraught with delays, resulting in low levels of citizen confidence in the legal system. Widespread poverty hinders access as citizens cannot afford the costs of litigation or even taking time off from work to travel to the courts, which are often located outside their immediate district. Women and marginalized people lack an effective jurisdictional choice to exercise and protect their rights due to cultural, social, legal, and economic barriers which limit their ability to access state provided legal aid.

USAID's Rule of Law Objectives in Bangladesh

The complex challenges of the ROL system and access to justice and human rights outlined herein are hindering the country's progress towards achieving its full democratic potential and development goals. The GOB recognizes the need to respond to these challenges and benefits from the support of many development partners and international organizations.

¹⁵ Supreme Court of Bangladesh, Annual Report for 2020 at http://www.supremecourt.gov.bd/resources/contents/Annual_Report_2020.pdf

¹⁶ The special courts and tribunals include the following: Special Anti-Trafficking Tribunal, Special Counter-Terrorism Tribunal, Cyber Crimes Tribunal, Cyber Crimes Appellate Tribunal, Women and Child Repression Tribunal, Acid Violation Prevention Tribunal Administrative Tribunal, Administrative Appellate Tribunal, Customs Appellate Tribunal, Tax Appellate Tribunal, Labor Appellate Tribunal, Special Tribunal for Firearms and Explosives Cases, Family Courts, Small Causes Courts, Bankruptcy Court, Money Laundering Court, Juvenile Court, Speedy Trial Tribunal, Public Safety Tribunal, Settlement Court for Abandoned Properties, Environment Court, Environment Appellate Tribunal, Electricity Court, Mobile Court run by executive magistrates.

¹⁷ Transparency International and U4 (2018), "Overview of Corruption within the justice sector and law enforcement agencies in Bangladesh." <https://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh>. Transparency International (2017),

"Subordinate Court System of Bangladesh: Governance Challenges and Ways Forward." https://www.ti-bangladesh.org/beta3/images/2017/lower_judiciary/Executive_Summary_English_Judiciary_30112017.pdf

¹⁸ International Federation for Human Rights (FIDH), (December 1, 2021) "Out of Control: Human rights and rule of law crises in Bangladesh," available online at <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>

¹⁹ Human Rights Watch Country Report on Bangladesh for 2020, available at <https://www.hrw.org/world-report/2021/country-chapters/bangladesh>

The United States Government (USG) has developed a strong partnership with Bangladesh in the Indo-Pacific region and provides support in the areas of law enforcement, counterterrorism, trafficking in persons, and human rights. The United States Agency for International Development (USAID) has been engaged in the ROL, access to justice, and anti-trafficking areas in Bangladesh since 2011. In 2020, USAID adopted a new Bangladesh Country Development Cooperation Strategy (CDCS) for the period 2020 to 2025, acknowledging Bangladesh's aspirations and challenges in the ROL and governance.²⁰

Under Development Objective 1 (DO 1), support for the ROL and human rights, including the rights of women and vulnerable minorities, are among top priorities of USAID in the coming years. The new CDCS also acknowledges that the feasibility, success, and sustainability of any initiative will depend on the political will and buy-in of the GOB. USAID requested this assessment to better understand the current state of the judiciary and determine areas in which its future assistance may have a positive impact on the ROL and justice sector of Bangladesh.

Purpose and Intended Audience

The main objective of this nationwide assessment is to provide the state of affairs in the Bangladesh ROL and justice sector focusing on the broader justice reform needs and country priorities, and to develop recommendations on possible areas of interventions for potential USAID engagement in the sector. The assessment will enable USAID/Bangladesh to identify areas where they can implement effective interventions and have a positive impact in the ROL and justice sector.

The primary intended audience for the assessment findings and recommendations is the Office of Democracy, Human Rights, and Governance (DRG) of USAID/Bangladesh. Depending on the sensitivity of the findings of the assessment report, USAID will decide whether to publish the report in the Development Experience Clearinghouse. USAID may request two versions of the report, *i.e.*, a public version and a version for USAID's internal use.

Assessment Questions

As specified in the Scope of Work (SOW), the assessment team (AT) was tasked to answer seven assessment questions (AQs). USAID requested the AT to identify judicial priorities of the GOB, assess the overall state of judiciary, power dynamics between the executive and judiciary, and political will for reforms. Other AQs focused on the current ROL initiatives implemented by the GOB and development partners, the prevalent issues faced by women justice seekers, and human rights progress. Finally, the team was asked to identify strategies that would enable USAID to make a positive change in ROL/access to justice in Bangladesh in the coming years.

METHODOLOGY

To conduct this assessment, the AT used a mixed-methods research design combining qualitative and quantitative data collection instruments, including a desk review of documents relevant to the scope of the assessment, 106 key informant interviews (KIIs), 30 focus group discussions (FGDs) with 144 participants including lawyers, journalists, legal aid and justice seekers, and representatives of civil society organizations (CSOs) working in the sector, and a mini survey with 159 justice seekers administered by phone. Across all data collection methods, the assessment involved 409 respondents.

FINDINGS AND CONCLUSIONS

AQs 1 and 1a: GOB Judicial Priorities and State of Judiciary

The following judicial priorities of Bangladesh are set out in several national development plans and strategies adopted by the GOB and SC including the Digital Bangladesh Plan, 8th Five Year Plan, Perspective

²⁰ Bangladesh Country Development and Cooperation Strategy (CDCS) 2020-2025, at <https://www.usaid.gov/results-and-data/planning/country-strategies-cdcs>

for Bangladesh Plan 2021-2041, and the Supreme Court Strategic Plan 2017-2022.

- Increase the number of courts, judges, their salaries, and resources for the judiciary (8th Five Year Plan, p. 165).
- Reduce Case Backlog (8th Five Year Plan, pp. 176-177).
- Activate Village Courts (8th Five Year Plan, p. 177).
- Increase support to the state provided legal aid service (8th Five Year Plan, p. 177).
- Enhance the use of ADR in all categories of cases allowed by law (8th Five Year Plan, p. 165).
- Establish Independent Prosecution Services through a phased plan (8th Five Year Plan, p. 178).
- Implement an E-Judiciary (8th Five Year Plan, p. 178) as part of a \$33 million (Tk. 2,690 crore) set aside for 2022.
- Increase legal awareness on Women and Children Repression Prevention Tribunals/Nari O Shishu Nirjatan Daman (8th Five Year Plan, p. 176).
- Translate laws from English into Bangla and draft new laws through the Law Commission (8th Five Year Plan, p. 178).

Bangladesh undertook some positive reforms to increase the number of judges, courtrooms, and support staff, provide legal aid to people in need, and introduce ADR in civil and other cases. However, the current state of the judiciary is inadequate to address the rising backlog and other challenges it faces in any significant way. Backlog reduction is key to prevent further erosion of trust in the justice system as old cases (currently estimated to be 4 million) are increasing by 9 to 10 percent per year and will continue to do so if not dealt with through a comprehensive and well-coordinated multi-year program. Some gains have been made in the last decade, in increasing the number of judges and courts, doubling judicial salaries, and increasing the resources dedicated to digitalization of the justice system. There has also been a steady development of the legal aid service which per GOB plans will serve 200,000 citizens each year by 2025.²¹ Additional VCs have been activated and are resolving close to 60,000 cases per year, relieving the lower judiciary of its rising backlog of case. Women's access to the formal justice system has slightly improved owing to the important support of development partners and domestic CSOs.

However, Bangladesh faces a myriad of challenges in strengthening judicial independence and accountability, tackling judicial corruption, improving judicial efficiency and human rights, and making the formal justice system more accessible and user friendly, especially for women and other vulnerable communities. Bangladesh must address these challenges to realize the aspiration of becoming a well governed, democratic, middle-income country of opportunity.

The judicial branch is not perceived to be independent, impartial, or professionally competent and suffers from very low public trust. The High Court is becoming more politicized as the ruling party has shown a tendency to appoint lawyers who demonstrate loyalty but lack strong professional credentials. In recent years, the SC has not been perceived to be a strong advocate for reforms. Reform-minded justices are in a minority so “change-makers” and “change-enablers” face difficulties in pushing for judicial reforms. The SC Special Committee on Judicial Reforms achieved some progress in juvenile justice and the introduction of virtual trials, but reform has slowed down due to coronavirus disease 2019 (COVID-19) restrictions and because many judges who are superseded by less senior ones in the SC have been demotivated and are losing interest.²² International rankings relevant to the scope of this assessment show very little

²¹ GOB 8th Five Year Plan, p. 177.

²² Bari, M. Ehteshamul (2016) “Supersession of the Senior-Most Judges in Bangladesh in Appointing the Chief Justice and the Other Judges of the Appellate Division of the Supreme Court: A Convenient Means to a Politicized Bench,” San Diego International Law Journal, 18 (1), pp. 33-76.

progress in areas related to the ROL, judicial independence, and a regressive trend in civil liberties since the last USAID Rule of Law Assessment conducted in 2011.²³

AQ 2: Political Will

Perspectives are divided over the level of GOB political will on justice reforms. KIs close to the state (police, prosecutors, judges) declared that GOB has the political will, but success is constrained by budget, complexity of challenges, and inefficient civil administration. Academics, lawyers, and CSOs say the GOB has no political will for major reforms. A small minority claimed the system is hard to fix as the GOB and judiciary are part of the problem. Political will to implement reforms related to separation of powers in accordance with the landmark decision in the *Mossdar Hossain* case of 1999 is lacking. In addition, the extremely low budget for the judiciary is smaller than the budget allocated to Bangladesh Television, demonstrating that budgetary commitments are not commensurate with needed reforms. In sum, the AT found that the political commitment of the GOB exists but is limited to the areas of reform which do not decrease the ruling party's control and influence over the justice system. Building better courts, reducing case backlog, providing more legal aid, and appointing new judges and increasing their salaries are expected to continue in the coming years. However, there is no demonstrable political will to strengthen judicial independence, integrity, and accountability.

AQ 2a: Feasibility of Investing in Rule of Law and Access to Justice

The feasibility of investing in the ROL and access to justice in the current political situation depends on the level of convergence between GOB interests and the anticipated impact of the donor interventions. Broad consensus exists that “interest alignment,” “prior agreement,” and continued coordination between the USG and GOB will be essential for the feasibility of any areas of assistance.

Improved case management and backlog reduction initiatives which enhance court efficiency are supported by the GOB and SC. Implementation of an E-Judiciary project for which the GOB has already committed \$33 million for 2022 is welcomed by all justice sector actors. Investment in the increase of ADR in all types of cases is non-controversial and feasible. Expansion of legal aid to justice seekers from rural communities, women, and detainees is an area where the GOB already has plans to allocate more resources. Judges would also welcome investment in training programs, in-country and abroad, in new areas of law.

A standing prosecution service is unfeasible as most development partners mentioned that the GOB promised this in 2012 and, after a lot of work by the Canadian International Development Agency (CIDA) and USG, no progress has been achieved. Similarly, investment in separation of powers, and making the judiciary more independent and accountable, is unfeasible given the current power dynamics between the three branches of government as outlined below.

AQ 3: Power Balance

During the data collection, most GOB officials refused to answer questions around separation of powers and power relations. Separation of powers initiated in 2007 remains largely unimplemented except for the magistracy's separation and the JSC which is primarily tasked to organize admission tests for new entrants in the judiciary. The executive dominates the other branches of government. Most importantly, the MOLJPA controls the lower judiciary (through the power of the purse, appointments, and transfers) and can exert pressures on the judicial system and individual judges. Parliament's role has been weakened further by the boycott/decimation of the BNP following the third term in power of the ruling party. Parliament is pushing for the power to remove High Court judges, although a case challenging this power has been pending in the Appellate Division since 2017. Depending on the outcome of this case, the domination of the ruling majorities over the judiciary could be further strengthened. A majority of

²³ The team reviewed eight international rankings in the areas of political freedom, rule of law, judicial independence, gender quality, corruption, and freedom of the press. Annual scores and methodologies of each index are presented under AQ 1 section.

respondents observed that there is no meaningful parliamentary opposition to encourage ROL reforms as Jatiya Party (Ershad's Party) is not perceived as real opposition and does not represent an independent voice on justice reforms.

The SC, as the apex institution of the judiciary, can be an influential actor through judicial review and ordinances to lower courts, but its ability is constrained by the legal framework and the power balance. The ruling party supports initiatives for improved court efficiency but does not tolerate dissenters among the judiciary. Many KIs pointed to the former Chief Justice Sinha, who was forced to resign and leave Bangladesh after the SC found a proposed amendment giving the Parliament the power to remove judges unconstitutional. One legal professional interviewed summed the situation as “*my way or the highway*” when it comes to challenging the ruling party.

AQ 4: Current and Ongoing ROL Initiatives by the GOB, SC, and Development Partners

Previous initiatives implemented by development partners like the World Bank (WB), United Nations Development Programme (UNDP), and USAID have achieved limited success due to the weak political will and commitment to reforms. The GOB has its own plans and prefers donors gain its approval on interventions, objectives, and key personnel before initiating programs. New initiatives that can potentially decrease the control and influence of the ruling party over the justice system will not find local acceptance. The ruling party is further consolidating its power; and it is becoming more difficult to apply pressure and conditionality for needed reforms. As a result, many partners like Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and UNDP negotiate their areas of intervention in advance and work with the consent of the GOB throughout the implementation stage. Cognizant that addressing major challenges of the ROL requires GOB buy-in, donors are increasingly focusing on areas of “interest alignment” such as the efficiency of courts, legal aid, and expansion of ADR. In recent years, donors’ ability to apply constructive pressure on the GOB has been adversely affected by the lack of donor coordination and a “donor agreed” justice reform agenda to represent one voice on key issues. This allows GOB to manage donors separately, prevent them from tackling challenging areas, and, to some extent, use them to push forward reforms in the areas where GOB has an interest. Except for the recent United States (U.S.) sanctions on Bangladesh for human rights abuses and the United Kingdom’s (UK) expressed concerns on human rights practices raised in the bilateral summit of September 2021, donors have been reluctant to apply pressure on the GOB.²⁴

AQ 5: Most Prevalent Issues Faced by Women Justice Seekers

The mini survey found the lack of legal awareness, inequality with male legal aid seekers, unaffordable costs associated with legal aid representation (transportation, travel time, number of trips, and documents needed), and family condemnation/social stigma as the most prevalent issues for women legal aid justice seekers. These findings are similar to those identified through the desk review of relevant national and international reports as follows: discrimination and social stigma, cost of formal justice and lengthy proceedings, male bias in issues of rape, sexual violence, divorce, adultery, child marriages and domestic violence, and court facilities not safe and suitable for women in general (pregnant women, breastfeeding, and witnesses).

Due to the accessibility and time in rendering decisions, the informal justice system of *Shalish* is still the preferred venue, but the extent of the transparency, fairness, and equality of parties ensured in informal justice was questioned by many respondents in KIs and FGDs who think that the powerful and rich get favorable rulings to the detriment of disadvantaged people.

²⁴ UK Government (2021). “Fourth Bangladesh - UK Strategic Dialogue Communique,” at <https://www.gov.uk/government/news/fourth-bangladesh-uk-strategic-dialogue-communique>

AQ 6: Human Rights Progress

Bangladesh is a party to major international conventions on human rights, is declaratively committed to protect human rights for all, and contributes to UN peacekeeping missions around the world. In recent years, the GOB has adopted numerous important acts to strengthen the human rights protection institutional framework. It has created special tribunals for women and children and victims of human trafficking and free of cost one-stop crisis centers for victims of domestic violence.

Despite these notable achievements, the majority of interviewees stated that the human rights situation in Bangladesh is concerning. Reports from Amnesty International (AI), Human Rights Watch (HRW), and the USG have identified serious human rights violations allegedly perpetrated by law-and-order agencies with impunity. The AT's research identified four broad categories of human rights violations which need to be addressed:

- Human rights violations allegedly committed by state institutions including enforced disappearances, extra-judicial killings, and custodial killings and police brutality by regular police, the police's Rapid Action Battalion (RAB), and military intelligence apparatus;
- Targeted attacks against minorities including Hindus, the lesbian, gay, bisexual, and transgender (LGBT) community, and liberal bloggers/activists;
- Gender-based violence (GBV) including sexual harassment and gang rape against women; and
- Violations of freedom of speech/suppression of critical voices.

Many interviewees claim that the Digital Security Act (DSA) of 2018 is being used to target dissent and political opponents. Progress in improving the human rights record is hampered by the weak mandate of the National Human Rights Commission (NHRC) which is considered a second-tier human rights institution due to weak enforcement powers. In addition, the NHRC is perceived as politically controlled and unsuccessful in influencing GOB to improve its human rights practices. The High Court itself considers the NHRC as a “toothless tiger.”

Public outrage and avoidance of international condemnation appear to be the main drivers behind the GOB's increased determination to prosecute police officials involved in serious human rights violations including some of the RAB personnel. The U.S. sanctions of December 10, 2021, that were imposed by the U.S. Department of Treasury on the RAB and seven of its current and former officers allegedly involved in serious human rights violations and abductions, are welcomed by independent activists,²⁵ but it is unclear if the GOB's response²⁶ will lead to a change of practice and end impunity for human rights violators.

AQ 7: USAID Strategy for Future Interventions

The reputation of the USG/USAID is good but recent sanctions on the RAB may affect access and the GOB's willingness to cooperate. Political will to implement large-scale reforms that strengthen judicial independence and accountability is currently lacking. Alignment of interest between the USG and GOB is critical for success and high-level involvement from the U.S. Embassy and USAID Chief of Mission is essential to properly negotiate areas of assistance and follow through during the implementation stage of any program. To get local buy-in, the GOB has to clearly see prospective benefits in terms of strengthening its legitimacy and shoring up public support.

A donor coordination mechanism referred to as the “Local Consultative Group of Development Partners” existed until 2015. It worked well for several years but has become passive in recent years. As a result,

²⁵ For a report on reaction of CSO activists see Voice of America (December 2021) “Rights Activists Welcome US Sanctions on Bangladesh's Elite Paramilitary Force,” at <https://www.voanews.com/a/rights-activists-welcome-us-sanctions-on-paramilitary-unit-despite-bangladesh-s-rejection-/6357236.html>

²⁶ Eurasian Times (17 February 2022), “Rapid Action Battalion: Bangladesh to Challenge US Sanctions On ‘Trigger-Happy’ Anti-Terror Force Linked To Over 600 Killings,” at <https://eurasianimes.com/bangladesh-plans-to-challenge-us-anti-terror-force/>

there is no donor agreed agenda on ROL and justice interventions and monitoring for results. The poor coordination and lack of a donor agreed agenda prevent partners from speaking with one voice on the most pressing issues of justice reform identified during this assessment, namely the separation of powers, politicization of the higher judiciary, case backlog, and widespread judicial corruption. Coordination with the European Union (EU), UNDP, and other donors is needed as these donors are preparing long-term plans and talking to the GOB about future ROL initiatives and the division of responsibilities.

RECOMMENDATIONS

The following recommendations are offered regarding program design, working methods, relevant areas of support, and illustrative initiatives that USAID may undertake in the future.

1. **Principles of program design:** Program design should acknowledge the possibility for limited change due to the prevailing weak political will. Program design should recognize the reality that opportunities for positive change lie mostly in areas where change bolsters public support for the GOB without a significant change of power relations that disfavor the government. Programs aimed at strengthening judicial independence are likely to be resisted or derailed during the implementation stage. On-demand technical assistance in areas agreed by the GOB is a “safer instrument” but will prevent USAID from addressing the more fundamental challenges of the judiciary and ROL. Program design should clearly articulate the “added value” of USAID’s role as relevant areas of support may be overcrowded.
2. **Working Methods:** USAID should consider combining two streams of work in the next program cycle: 1) work with the SC and MOLJPA to further modernize court processes/administration of justice (through backlog reduction and E-Judiciary); and 2) further support the legal aid and access to justice for women and other disadvantaged groups. New interventions should be grounded in the need for further modernization and advancing court efficiency but should avoid turning separation of powers and judicial independence into key programmatic objectives. For example, the establishment of a Secretariat of the SC should be justified with the need to increase the SC’s capacity to implement initiatives for backlog reduction and E-Judiciary and not as a step to further delineation of powers between the judiciary and the executive. USAID should continue to work with CSOs to enhance access to justice, legal aid, and women’s legal empowerment. In terms of working methods, consider including embedded long-term advisors in key MOLJPA/SC units to mitigate the problem of “donor capture” or designate focal points in each beneficiary institution to maintain a high level of coordination.
3. **Relevant Areas of Support:** Relevant areas of assistance which are non-controversial include backlog reduction, E-Judiciary, strengthening legal aid and ADR, and activating VCs. USAID should consider investing in the E-Judiciary, but this is likely to be a multi-million-dollar project as 1,500 courtrooms need to be fully equipped and 64 data centers are needed. USAID should continue to further expand legal aid’s reach through information campaigns and information offices, mindful of the fact that while legal aid improves access to justice, the resultant increase in public trust of the formal justice sector could also increase caseload and case backlog in the courts if these issues are not dealt with through a comprehensive National Backlog Reduction Strategy. At least five international partners claim to be working on various initiatives aimed at reducing backlog (UNDP, GIZ, EU, USAID, and Japan International Cooperation Agency [JICA]) but there is currently no plan to develop a National Backlog Reduction Strategy. The impending expiry of the SC Strategic Plan (June 2022) and the recent appointment of the new SC Chief Justice represents an opportunity for the GOB, SC, and international partners to address the backlog through a coordinated, multi-institutional and long-term approach. However, the only international partner that appears to actively advocate for a backlog reduction strategy to both MOLJPA and SC is the UNDP. Since UNDP is finalizing the five-year country strategy and has shared with the AT its intention to continue their work on backlog reduction, USAID should

consider joining efforts with UNDP and other partners to promote the need for a National Backlog Reduction Strategy that will encompass legal, financial, institutional, and human resource measures to tackle the backlog comprehensively.

4. **Illustrative Rule of Law and Access to Justice Initiatives:** The following illustrative initiatives are recommended based on feasibility and the possibility for positive impact:

- Support further modernization of court processes/administration including E-Judiciary.
- Support the implementation of a National Backlog Reduction Strategy and improved case management processes.
- Strengthen judicial competence through the Judicial Academy and/or international training/exchange programs.
- Continue supporting efforts on anti-trafficking in persons and tackle the rising backlog in special anti-trafficking tribunals.
- Continue supporting further the expansion of legal aid services with a special focus on reaching out to women in rural communities, the poor, and detainees/prisoners.

I. INTRODUCTION

I.1 OVERVIEW OF RULE OF LAW AND THE JUSTICE SECTOR

I.1.1 Rule of Law

The Bangladesh Constitution guarantees an independent judiciary and equality under the law for all citizens, but advances in governance and the rule of law (ROL) have not kept pace with Bangladesh's economic and social development.²⁷ While the ROL and justice feature prominently in several national strategies and development plans, Bangladesh's rankings in the relevant international indices on the ROL and judicial independence have only slightly improved over the last decade.²⁸ It is still placed 124th among 139 nations in the World Justice Rule of Law Index of 2021, ranking the fourth of the six countries of South Asia.²⁹ The highly polarized nature of political competition and weaknesses in the checks and balances between the three branches of government have resulted in the erosion of judicial independence and accountability, poor judicial performance and integrity, and widespread impunity for serious violations of human rights.³⁰ The formal justice system remains insufficiently accessible and user friendly, especially for women and disadvantaged and marginalized communities. These significant challenges have made the constitutional promises of equality under the law and respect for human rights an elusive concept for many citizens of Bangladesh.

I.1.2 Justice System

The justice system in Bangladesh is historically dominated by the executive branch which exercises inordinate control over the judiciary through court administration, judicial appointments, promotions, and dismissals as well as the training of judges through the Ministry of Law, Justice, and Parliamentary Affairs (MOLJPA). The MOLJPA has the greatest responsibility on issues related to the ROL and justice system including legal policy and legislative drafting, legal representation of the Government of Bangladesh (GOB), supervision of civil litigation, administrative adjudications, criminal prosecutions, and funding and overall supervision of legal aid services. MOLJPA is a large and powerful institution acting as a line ministry for the lower judiciary and providing secretariat responsibilities for the Supreme Court (SC) Bar and other institutions of the justice system.

I.1.3 State of Judiciary and Access to Justice

The judiciary of Bangladesh consists of the SC,³¹ subordinate courts, and tribunals. The SC is comprised of the Appellate Division³² and the High Court Division (HCD).³³ The SC has the power to interpret laws made by the Parliament, as well as to declare them null and void. It also has the authority to enforce the fundamental rights of citizens. The lower judiciary consists of district courts that hear civil cases and sessions courts and magistrates' courts that hear criminal proceedings. Approximately 1,800 judges

²⁷ Constitution of the People's Republic of Bangladesh, <http://bdlaws.minlaw.gov.bd/act-367.html>

²⁸ Government of Bangladesh, "Making Vision 2041 a Reality: Perspective Plan of Bangladesh 2021-2041," available at <http://oldweb.lged.gov.bd/UploadedDocument/UnitPublication/1/1049/vision%202021-2041.pdf> and Digital Bangladesh Strategy 2021, https://a2i.gov.bd/wp-content/uploads/2017/11/4-Strategy_Digital_Bangladesh_2011.pdf

²⁹ World Justice Project, Rule of Law Index Scores for 2021,

https://worldjusticeproject.org/sites/default/files/documents/Bangladesh_2021%20WJP%20Rule%20of%20Law%20Index%20Country%20Press%20Release.pdf

³⁰ International Federation for Human Rights (FIDH), (December 1, 2021) "Out of Control: Human rights and rule of law crises in Bangladesh," available online at <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>

³¹ The jurisdiction of the SC is described in Article 94(1) of the Constitution of Bangladesh.

³² The Appellate Division hears both civil and criminal appeals from the HCD. The Appellate Division may also decide a point of law reserved for its decision by the High Court, as well as any point of law of public interest arising in the course of an appeal from a subordinate court to the High Court, which has been reserved by the High Court for the decision of the Appellate Division.

³³ The HCD of the SC consists of civil courts, criminal courts, and some special courts and tribunals.

appointed by the President following an examination administered by the Judicial Service Commission (JSC) serve in the subordinate courts.³⁴ The JSC, created in 2007, has overall responsibility for organizing the oral and written examination of candidates for judicial office who, upon appointment, become members of the Judicial Service. In addition to the judiciary, Parliament has created numerous special courts and tribunals to hear cases involving specialized subject matters.³⁵ The informal justice is provided through traditional *Shalish*, community leaders, village courts (VCs), arbitration councils, alternative dispute resolution (ADR) by religious leaders, and non-governmental organization (NGO)-led mediation.

The judiciary suffers from widespread perceptions of lack of independence, impartiality, and inefficiency. Increased politicization of judicial appointments at both levels, widespread judicial corruption, and a large and growing backlog of cases are reported as the main causes for weak public trust in the formal court system.³⁶ Widespread poverty hinders access as citizens cannot afford the costs of litigation or even taking time off from work to travel to the courts, which are often located outside their immediate district. Court proceedings result in lengthy periods of pre-trial detention and general dissatisfaction with the financial and time costs of justice.³⁷ Women and marginalized people lack an effective jurisdictional choice to exercise and protect their rights due to cultural, social, legal, and economic barriers which limit their ability to access state provided legal aid.

1.1.4 Human Rights

Human rights are another area of major concern for Bangladesh. Bangladesh is a signatory to all major conventions of the United Nations (UN), but national and international human rights organizations have documented serious human rights violations, often involving law enforcement agencies. In the last decade, the GOB has adopted numerous laws and institutions to address the systemic human rights violations against women, children, and other disadvantaged and marginalized communities. However, implementation is lagging, and state officials involved in gross violations of human rights, such as extra-judicial killings, custodial killings and enforced disappearances, enjoy impunity.³⁸

1.2 USAID DEVELOPMENT GOALS IN BANGLADESH

The complex challenges of the ROL system and access to justice and human rights outlined herein are hindering the country's progress towards achieving its full democratic potential, development, and good governance goals. The GOB recognizes the need to respond to these challenges and benefits from the support of many development partners and international organizations.

The United States Government (USG) has developed a strong partnership with Bangladesh in the Indo-Pacific region and provides support in the areas of law enforcement, counterterrorism, trafficking in persons, and human rights. The United States Agency for International Development (USAID) has been engaged in the ROL, access to justice, and anti-trafficking areas in Bangladesh since 2011. In 2020, USAID

³⁴ Supreme Court of Bangladesh, Annual Report for 2020, http://www.supremecourt.gov.bd/resources/contents/Annual_Report_2020.pdf

³⁵ The special courts and tribunals include the following: Special Anti-Trafficking Tribunal, Special Counter-Terrorism Tribunal, Cyber Crimes Tribunal, Cyber Crimes Appellate Tribunal, Women and Child Repression Tribunal, Acid Violation Prevention Tribunal, Administrative Tribunal, Administrative Appellate Tribunal, Customs Appellate Tribunal, Tax Appellate Tribunal, Labor Appellate Tribunal, Special Tribunal for Firearms and Explosives Cases, Family Courts, Small Causes Courts, Bankruptcy Court, Money Laundering Court, Juvenile Court, Speedy Trial Tribunal, Public Safety Tribunal, Settlement Court for Abandoned Properties, Environment Court, Environment Appellate Tribunal, Electricity Court, Mobile Court run by executive magistrates.

³⁶ Transparency International and U4 (2018), "Overview of Corruption within the justice sector and law enforcement agencies in Bangladesh." <https://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh> Transparency International (2017),

"Subordinate Court System of Bangladesh: Governance Challenges and Ways Forward," https://www.ti-bangladesh.org/beta3/images/2017/lower_judiciary/Executive_Summary_English_Judiciary_30112017.pdf

³⁷ FIDH, (December 1, 2021) "Out of Control: Human rights and rule of law crises.

in Bangladesh," available online at <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>

³⁸ Human Rights Watch Country Report on Bangladesh for 2020, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh>

adopted a new Bangladesh Country Development Cooperation Strategy (CDCS) for the period 2020 to 2025, acknowledging Bangladesh’s aspirations and challenges in the ROL and governance.³⁹

Under Development Objective I (DO I), support for the ROL and human rights, including the rights of women and vulnerable minorities, are among USAID’s top priorities in the coming years. The new CDCS also acknowledges that the feasibility, success, and sustainability of any initiative will depend on the political will and buy-in of the GOB. USAID requested this assessment to better understand the current state of the judiciary and determine how and in which areas it should focus potential assistance to have a positive impact on the ROL and justice sector of Bangladesh.

1.3 ASSESSMENT PURPOSE AND INTENDED AUDIENCE

The main objective of this nationwide assessment is to provide the state of affairs in the Bangladesh ROL and justice sector focusing on the broader justice reform needs and country priorities, and to develop recommendations on possible areas of interventions for potential USAID engagement in the sector. The assessment will help USAID/Bangladesh to identify areas where they can implement effective interventions and have a positive impact in the ROL and justice sector.

The primary intended audience for the assessment findings and recommendations is the Office of Democracy, Human Rights, and Governance (DRG) of USAID/Bangladesh. Depending on the sensitivity of the findings of the assessment report, USAID will decide whether to publish the report in the Development Experience Clearinghouse. USAID may request two versions of the report, i.e., a public version and a version for USAID’s internal use.

1.4 ASSESSMENT QUESTIONS

As specified in the Scope of Work (SOW), the assessment team (AT) was tasked to answer the following assessment questions (AQs) organized below based on the purpose of each question.

Table 1: Assessment Purpose and Questions

Assessment Purpose	Assessment Question
<i>Understand the state of country’s justice system, judicial priorities, state of reforms, and the ROL</i>	1. What are the most important judicial priorities of the GOB? 1/a. What is the state of the judiciary on judicial reforms and improved ROL in the country?
<i>Analyze the feasibility of future programmatic interventions in the light of current level of political commitment</i>	2. Does the GOB have the political will and readiness to reform the justice sector? 2/a. How feasible is it to invest in the ROL/access to justice sector under the prevailing political commitments?
<i>Examine the power dynamics between the executive and judicial branches</i>	3. What are the prevalent power dynamics between the judiciary and executive branches in relation to judicial review and reforms?
<i>Map out current and ongoing ROL initiatives of the GOB and development partners</i>	4. What are the current and ongoing initiatives by the a) GOB, b) judiciary, and c) development partners that are aiming to improve the overall ROL and justice situation of the country?
<i>Examine the access to justice challenges faced by women</i>	5. What are some of the most prevalent issues women face when seeking access to justice?
<i>Assess the progress of the GOB in human rights protection</i>	6. How much progress has Bangladesh made to ensure the protection of human rights?
<i>Identify USAID strategies to enable positive change in the ROL/access to justice</i>	7. What kind of strategy should USAID employ for effective interventions in the ROL/access to justice

³⁹ Bangladesh Country Development and Cooperate Strategy (CDCS) 2020-2025, <https://www.usaid.gov/results-and-data/planning/country-strategies-cdcs>

Assessment Purpose	Assessment Question
	sector?
<i>Examine the power dynamics between the executive and judicial branches</i>	8. What are the prevalent power dynamics between the judiciary and executive branches in relation to judicial review and reforms?

2. METHODOLOGY

2.1 APPROACH

The AT used a mixed-methods approach consisting of six techniques that balance each other: quantitative vs. qualitative data; individual vs. group responses primarily obtained through extensive desk research, key informant interviews (KIIs), focus group discussions (FGDs), and mini surveys. During the work plan development stage, the AT conducted a thorough desk review, which included academic studies; national policies and strategies and reports by national and international institutions; USG reports; project evaluations on the ROL, justice, human rights and women’s access to justice; international rankings and surveys on judicial independence, corruption, gender equality, press freedom, and civil liberties; and media and journal articles. Annex 7 includes a full list of documents reviewed by the AT.

2.2 DATA COLLECTION

Once the Work Plan was approved by USAID, the AT conducted fieldwork from November 9 to December 16, 2021. The team conducted data collection in six locations including Dhaka, Chattogram, Khulna, Rajshahi, Barishal, and Sylhet divisions.

As Table 1 shows, over the course of 32 days of fieldwork, the AT conducted 106 KIIs with GOB officials, judges, police, development partners, civil society organization (CSO) activists, and legal academics. The AT also moderated 30 FGDs with 144 participants including lawyers, journalists, CSO representatives, justice seekers, women, and vulnerable group members, and administered a survey with 159 justice seekers including 134 women and 25 men. Combining the KIIs, FGDs and surveys, the total number of respondents/participants in this assessment was 409. Please see Annex 5 for a full list of KII and FGD participants.

Table 2: Stakeholders by Method of Data Collection

Category of Stakeholders	KII	FGD	Survey ⁴⁰
USAID	1	-	-
Other USG	2	2	-
USAID Implementing Partners	7		
GOB	6	3	-
Judiciary	23	-	-
Police	12	-	-
Prosecutors	12		
Legal Aid Officers	12		
Bilateral Cooperation Programs	3	-	-
International Organizations	3	-	-
International CSOs	4	-	
Academics	4	-	
National CSOs	5	30	-

⁴⁰ Mini survey respondent justices seekers came from 16 locations distributed as follows, Narayangonj 37, Satkhira 32, Barishal 22, Chattogram 14, Dhaka 10, Rajshahi 8, Jashore 8, Narail 6, Naogaon 5, Sirajgonj 4, Tangail 3, Khulna 3, Bogura 3, Mymensingh 2, Panchagar 1, Lalmonirhat 1. They reported the following educational statuses: Illiterate 12, Primary 44, Secondary 50, Higher secondary 21, Honors 20, Masters 8, No response 4.

Category of Stakeholders	KII	FGD	Survey ⁴⁰
Lawyers	14	30	-
Journalists	3	28	-
Legal Aid Clients	-	28	
Justice Seekers	-	28	159
Total	106	144	159

2.3 DATA ANALYSIS

The AT used a variety of data analysis techniques to support the development of assessment findings, conclusions, and recommendations. Qualitative data collected during the field work were used to identify emergent themes or hypotheses and refine assessment research tools and strategies. Over the course of the assessment, the AT held regular debriefs and brainstorming sessions to analyze emerging findings. The AT used different forms of frequency, trend, theme, and pattern analysis to compare results across various respondent groups.

Intrinsically quantitative data (court performance, case backlogs, trends of clearance rate and disposition times of civil and criminal cases, and legal aid statistics) were analyzed separately and cross-checked for accuracy between various sources. The AT used quantitative analysis to capture trends related to AQs on case backlog, women’s access to justice, human rights violations, and legal aid service.

The AT captured preliminary findings and conclusions in a matrix that categorized findings, conclusions, and recommendations for each AQ, which was used as a living document during the field work. The AT shared a summary of preliminary findings, conclusions, and recommendations with USAID on January 6, 2022.

During the writing phase, the AT continued to triangulate evidence from different data sources using the above mentioned qualitative and quantitative methods. This was done to substantiate and strengthen the credibility of findings. The AT also focused on findings that 1) recurred with relatively greater frequency, 2) were common from across data gathered through different methods, and 3) were generated from a variety of respondent categories (national, local, USG/USAID, development partners, and state and non-state stakeholders). The AT used these findings and conclusions to make recommendations to USAID.

2.4 LIMITATIONS

Due to the ongoing coronavirus disease 2019 (COVID-19) pandemic, the international consultants were unable to travel to Bangladesh and conducted all KIIs remotely. All FGDs were conducted in person by the national team. All justice seekers surveys were administered via phone. The AT encountered the following limitations during the data collection phase.

2.4.1 Government Respondent Access

The AT managed to interview officials at the various levels of government in Bangladesh but encountered two main challenges with the interviewees at the national level. Respondents from various institutions were initially approached for online meetings. First, due to the lack of timely responses and short time available for data collection, the national team returned to Dhaka to organize in-person meetings with the MOLJPA, SC Justices, SC’s Special Committee for Judicial Reform (SCSCJR), and the Parliamentary Affairs Commission. Gaining access to members of the higher judiciary was difficult as the data collection period coincided with discussions on the anticipated appointment of a new Chief Justice and several judges were not willing to be interviewed due to the sensitive nature of the ROL assessment. Secondly, the AT was unable to interview an official from the Ministry of Home Affairs (MOHA) and the Police Superintendent of Dhaka both of whom did not want to engage. The AT consulted with USAID to secure meetings with these government organizations and officials but was unable to do so within the time allocated for data collection.

2.4.2 Reluctance to Speak on Sensitive Topics

The AT observed a level of reluctance and hesitation from respondents to speak on sensitive topics related to the political will to implement justice reforms and power relations between the three branches of the government. In this assessment, the need to be cautious was also imminent as various respondents expressed their unease to say anything critical about progress on human rights protection and judicial corruption. The vague answers offered could have been the result of respondents not wanting to provide information that would render them subject to backlash. Several respondents mentioned that the Digital Security Act (DSA) has been used to prosecute people for expressing criticism or dissent against the government. Despite the pledge by the AT that their statements would be kept confidential, concerns about potential repercussions for making unpopular statements may have prevented some interviewees from being more forthcoming.

2.4.3 Lack of Reliable Data on Judicial Performance, Backlogs, and Judicial Budgets

The availability and reliability of data related to judicial performance, budgets, and efficiency in Bangladesh was also a limitation. The AT compensated for the lack of up-to-date data on the judiciary, with information obtained from international reports, media reports, and KII with academics and researchers.

2.4.4 Remote Interviews Due to COVID-19

The remote nature of the interviews limited personal interaction between interviewers and interviewees and made it difficult to capture non-verbal cues or body language which are possible during in-person interviews. Limitations related to the online nature of the interviews included delays in connecting, internet bandwidth, and poor audio and voice quality. In a few cases, the AT received written follow-up input from respondents who faced connection problems.

Notwithstanding these difficulties, the AT did have sufficient information to answer all the AOs. Holding interviews remotely allowed the AT greater flexibility to meet key informants outside of normal business hours and to connect with busy individuals during the limited windows of availability.

3. FINDINGS AND CONCLUSIONS

3.1 GOB JUDICIAL PRIORITIES AND STATE OF JUDICIARY

3.1.1 Findings

Identified judicial priorities

The vast majority of respondents were not familiar with the judicial priorities of the GOB but provided their views on the recent ROL and justice system achievements and challenges (see section on State of Judiciary) below. However, the AT did identify several judicial priorities in the national long-term plans of the GOB and SC including the Digital Bangladesh Plan, 8th Five Year Plan for the period 2020-2025 (8th Five Year Plan), Perspective for Bangladesh Plan for the period 2021-2041, and the SC Strategic Plan for the period 2017-2022.⁴¹

- Increase the number of courts, judges, their salaries, and resources for the judiciary (8th Five Year Plan, p. 165).
- Reduce Case Backlog (8th Five Year Plan, pp., 176-177; SC Strategic Plan pp. 29-44).
- Activate VCs (8th Five Year Plan, p. 177).

⁴¹ 8th Five Year Plan (July 2020-June 2025), <https://bnrc.net/bangladesh-eighth-five-year-plan-july-2020-june-2025-has-published-eversion/> Making Vision 2041 a Reality: Perspective Plan of Bangladesh 2021-2041, <http://oldweb.lged.gov.bd/UploadedDocument/UnitPublication/1/1049/vision%202021-2041.pdf> Strategic Priorities of Digital Bangladesh, https://a2i.gov.bd/wp-content/uploads/2017/11/4-Strategy_Digital_Bangladesh_2011.pdf Supreme Court Strategic Plan 2017-2022, http://www.supremecourt.gov.bd/resources/contents/Strategic_Plan.pdf

- Better supervision of subordinate courts (SC Strategic Plan, pp. 36-40).
- Increase support to the state provided legal aid service (8th Five Year Plan, p. 177).
- Enhance the use of ADR in all categories of cases allowed by law (8th Five Year Plan, p. 165).
- Establish Independent Prosecution Services through a phased plan (8th Five Year Plan, p. 178).
- Implement an E-Judiciary (8th Five Year Plan, p. 178, SC Strategic Plan, pp. 29-44) as part of a \$33 million (Tk. 2,690 crore) set aside for 2022.
- Increase legal awareness on Women and Children Repression Prevention Tribunals/Nari O Shishu Nirjatan Daman (8th Five Year Plan, p. 176).
- Translate laws from English into Bangla and draft new laws through the Law Commission (8th Five Year Plan, p. 178).

Increase the number of courts, judges, their salaries, and resources for the judiciary

Judicial salaries were almost doubled on July 1, 2015, and approximately 400 additional judges have been recruited since 2011.⁴² The judicial budget has increased steadily on a year-to-year basis although its overall share of the national budget does not exceed 0.5 percent.⁴³ Court buildings are being expanded and/or built to increase the number of available courtrooms including in the SC.⁴⁴

Legal Aid

State-provided and NGO-supported legal aid services have continued to improve over the last five years and currently over 100,000 citizens receive legal aid each year in the form of either legal information, legal counseling, or legal representation.⁴⁵ Notwithstanding the shortage of funding, lack of skilled personnel, and poor capacity of the National Legal Aid Service Organization (NLASO), the legal aid is contributing to increased access to the formal justice system including for women and the poor in rural communities.⁴⁶

ADR Mechanisms

The use of ADR is also showing positive results due to changes in the Code of Civil Procedure of 1908 in 2003 (amended in 2006, 2012, and 2017) and the efforts of many development partners to promote court-connected ADR.⁴⁷ GOB plans to expand court-connected ADR mechanisms despite a lack of cooperation by practicing lawyers, a shortage of well-trained mediators, and insufficient public awareness on ADR.⁴⁸

⁴² Daily Start (2016), "Pay hike for judges," <https://www.thedailystar.net/backpage/pay-hike-judges-576463>

⁴³ Judicial Audit Data on Salaries, Training and Oversight, <https://bangladesh.justiceaudit.org/national-data/governance/salaries-training-oversight/>

⁴⁴ 8th Five Year Plan (July 2020-June 2025), <https://bnnrc.net/bangladesh-eighth-five-year-plan-july-2020-june-2025-has-published-eversion/>

⁴⁵ NLASO Annual Reports from 2018 to 2020, http://nlaso.portal.gov.bd/sites/default/files/files/nlaso.portal.gov.bd/annual_reports/4264134d_fcc9_487c_906a_8531a0539460/0559eb416edf65806136ac1b440b231d.pdf

⁴⁶ Mian, Nannu & Rashid, Md. (2014). A Critical Analysis of Legal Aid in Bangladesh. International Journal of Social Science Research. 2. 10.5296/ijssr.v2i1.5268. For challenges see Akter, F. (2017). Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox? Asian Journal of Law and Society, 4(1), 257-275. doi:10.1017/als.2016.60.

⁴⁷ In 2012, the CPC was again amended to replace the word "may" with "shall" in section 89A and 89C to make mediation mandatory in both pre-trial and appellate stage in every civil litigation and sections 89D and 89E were newly added. Section 89D provides special provision for mediation when the contesting parties to a suit or of an appeal applied for mediation thereof started before the amendment of 2012. See Imtiaz Ahmed Sajal, "ADR Mechanism in Ordinary Civil Courts of Bangladesh" (Bangladesh Law Digest, October 7, 2015), <https://bdlawdigest.org/adr-in-civil-justice-system-in-bangladesh.html>

⁴⁸ Md. Abbas Uddin and K M Rakibul Islam (2018), Practice of Court Annexed ADR in Bangladesh: Flourishing or Declining Green University Review of Social Sciences, Volume 04, Issue 01, June 2018.

Table 3: NLASO Statistics 2017-2021⁴⁹

Year	Advice	Legal Representation	ADR
2017-2018	32,065	35,824	5,700
2018-2019	58,575	33,581	8,168
2019-2020	52,321	25,962	14,302

Activating Village Courts

A network of recently activated VCs is currently processing up to 60,000 cases per year.⁵⁰ In the last 10 years, the GOB has established special tribunals to expedite the adjudication of cases related to violence against women and children, labor disputes, counterterrorism, and anti-trafficking. These tribunals have received substantial support from the USG and other development partners.

Case Backlog

In 2017, the SC adopted a Strategic Plan (July 2017-June 2022) with the technical support of the United Nations Development Programme (UNDP). The plan focused on backlog reduction, modernization of the judiciary at all levels, better supervision of subordinate courts, and implementation of E-Judiciary (SC Strategic Plan pp. 29-44). The SC acknowledged the magnitude of the problem and identified several causes for the backlog including judicial shortages, skill deficits, lack of resources, and inadequate use of information technology (IT) in courts. For example, the majority of backlogged cases accumulated in District Courts and Tribunals and the HCD whereas the Appellate Division and Magistrates' Courts had the situation under control. The SC also found that, on average, litigants visited the court 63 times during their case and the average duration of cases was 5.3 years for civil cases and 3.7 years for criminal cases.⁵¹ The SC predicted the backlog of cases to rise to 5 million by 2020. The fact that the reported case backlog in 2021 is over 4 million, indicates that during the five years of implementing the Strategic Plan, other things remaining equal, the SC has prevented the further rise of the backlog by 1 million cases of by (25 percent). The AT learned that reducing the backlog continues to be a top priority for the SC and a new strategic plan will likely be developed in 2022 with support from the UNDP.⁵²

E-Judiciary

The E-Judiciary initiative is an important SC priority that is strongly supported by the executive.⁵³ KIs revealed that the introduction of information and communication technology (ICT) in Bangladeshi courts has been a priority for many years. This process was expedited by the need to provide citizens with access to the judicial system amid the COVID-19 pandemic. Presidential Ordinance No. 1 of 2020 on the "Use of Information and Communication Technology by Courts" of May 9, 2020, enabled virtual judicial proceedings. On May 12, 2020, the SC issued practice directives for the Appellate Division, HCD, and subordinate courts for conducting judicial proceedings through video conferencing.⁵⁴ The SC has committed to work in close cooperation with the office of the Prime Minister and the Bangladesh

⁴⁹ Calculated on the basis of NLASO Annual Reports for 2018-2021, http://nlaso.portal.gov.bd/sites/default/files/files/nlaso.portal.gov.bd/annual_reports/4264134d_fcc9_487c_906a_8531a0539460/0559eb416edf65806136ac1b440b231d.pdf

⁵⁰ Village Courts Performance (July 2017- May 2021), <https://www.villagecourts.org/case-statistics/>

⁵¹ Supreme Court Strategic Plan 2017-2022, p. 16.

⁵² Interview with UNDP staff, November and December 2021. See also BD News (January 2022), "Chief Justice Siddique sets sight on combating court case backlog crisis," <https://bdnews24.com/bangladesh/2022/01/02/chief-justice-siddique-sets-sight-on-combating-court-case-backlog-crisis>

⁵³ 8th Five Year Plan (July 2020-June 2025), <https://bnnrc.net/bangladesh-eighth-five-year-plan-july-2020-june-2025-has-published-eversion/>

⁵⁴ Daily Star (2021), "Virtual Court System in Bangladesh," <https://www.thedailystar.net/law-our-rights/law-vision/news/virtual-court-system-bangladesh-2154136>

Computer Council to implement its E-Judiciary initiative in all courts but as of now there is no action plan with clear timelines.⁵⁵

State of the Judiciary

In addition to the positive developments described above, the AT identified some negative trends in the overall state of the judiciary. The unrealized reforms on clearer delineations of powers initiated in 2007, executive control and domination over the judiciary, and increased politicization of judicial appointments in the High Court and subordinate courts have further eroded judicial independence and accountability.⁵⁶ As a result, the judiciary is not perceived as independent, impartial, and efficient and suffers from low public trust.

Executive domination over the judiciary is systemic and increasing.

Domination of the judiciary by the executive branch is not new for Bangladesh. Under both Awami League (AL) and Bangladeshi Nationalist Party (BNP)-led governments, the MOLJPA has had inordinate control over court administration, judicial appointments, promotions, and dismissals as well as the training of judges. The MOLJPA is a large and powerful institution that acts as a line ministry and secretariat responsible for the judiciary, the SC Bar, and other institutions of the justice system. Under the current ruling majority, it has amassed even more power and functions related to the ROL, judiciary, and overall supervision of the legal aid service.

After 2014, efforts of SC to reaffirm the constitutional principles of separations of powers have met with strong resistance and pushback from the executive branch (see section on Power Dynamics). The ruling party declined to implement or reacted harshly to verdicts in several cases regarding the appointment criteria for SC justices,⁵⁷ parliamentary proposals to regain the power to remove justices of the SC,⁵⁸ and the operation of Mobile Courts by the executive branch.⁵⁹ Many informants noted the executive's resolve to confront any sign of judicial independence by citing the case of former Chief Justice Surendra Kumar Sinha who was forced to step down after presiding over a case that struck down a proposal to give Parliament the power to sack judges as unconstitutional. In the view of many legal researchers, academics and CSO activists, the SC has tried to defend the fundamental constitutional principles of separation of powers but is now becoming less vocal in the face of executive encroachment and intimidation. One legal professional described this situation in the following way: *"You can imagine how judges of the lower judiciary feel if the Chief Justice is forced to step down for issuing an unfavorable verdict against the government. Of course, others are going to feel intimidated and think twice before they rule against the executive."*⁶⁰

As a result, the judiciary has not been able to develop its capacity to deal with other challenges it faces. The MOLJPA still continues to exercise most of the powers related to planning, budgeting, human resource management, transferring judicial officers and support staff, and compiling plans for the capital development budget which have to be agreed upon with the Ministry of Finance. The judicial budget remains at only 0.4 to 0.5 percent of the national budget, smaller than that of Bangladeshi Television (which is the state-owned television network of Bangladesh) or the Ministry of Fisheries and Livestock, and only a fraction of what the government spends on police forces.⁶¹ This level of budget is not only insufficient

⁵⁵ Supreme Court Strategic Plan 2017-2022 at http://www.supremecourt.gov.bd/resources/contents/Strategic_Plan.pdf

⁵⁶ FIDH, (December 1, 2021) "Out of Control: Human rights and rule of law crises in Bangladesh," <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf> Institute of Developing Economies Japan (2019), "Discussion Paper No.758, "Politicisation of the Appointment and Removal of Judges in a Declining Democracy: The Case of Bangladesh" <https://www.ide.go.jp/English/Publish/Reports/Dp/758.html>

⁵⁷ Idrisur Rahman v. Bangladesh 2009.

⁵⁸ Siddiqui v. Bangladesh case of 2017.

⁵⁹ Mobile Courts Case of 2017 as Writ no. 8437 & 10482 of 2011, and 4879 of 2012, www.supremecourt.gov.bd/resources/documents/382548_WP8437of2011.pdf

⁶⁰ Interview with a member of the legal profession, November 2021.

⁶¹ Prothomalo "April 2021," "Increase the Budget for Judiciary," <https://en.prothomalo.com/opinion/editorial/increase-budget-allocation-for-judiciary>

for the judicial branch to effectively discharge its responsibilities as an equal power with the executive and parliament, but also violates the principle of financial independence for the judicial branch (see section on Power Dynamics for details).

Judicial inefficiency is eroding trust in the formal justice sector.

The mounting backlog of cases has been a significant challenge for the Bangladesh court system for more than 20 years. In 2010, the total backlog of cases in both the upper and lower judiciary was approximately 1.8 million, it reached 3 million in 2014, close to 3.8 million in 2020, and surpassed 4 million in 2021. All KII (106) and FGD participants (144) mentioned that the increasing backlog of pending cases has become unmanageable and long delays in delivering justice in both criminal and civil jurisdiction are eroding public trust in the formal justice sector. The GOB, SC, and development partners including USAID and UNDP have tried to implement projects to improve case management, but various structural limitations have led to limited results.⁶² The SC itself identified the insufficient number of judges, poor courtroom facilities, lack of skills and knowledge of support staff, and outdated rules, procedures, and systems of case management as major causes for the backlog of cases.⁶³ Structural factors like the insufficient number of judges, court buildings, and courtrooms cannot be addressed by the judiciary itself. With a population of almost 170 million, Bangladesh still has only 11 judges per million inhabitants, while India, which is also known for having an insufficient number of judges and huge backlog of 45 million cases, has 19 judges per million inhabitants.⁶⁴ The AT learned that case delays are widespread because district courts grant far too many adjournments due to the failure of lawyers, witnesses, plaintiffs, and defendants to appear in court. In many cases, lawyers purposely procrastinate and delay proceedings so they can continue to charge clients.

Table 4: Number of Judges on December 31, 2021

Court Level	Number of Judges
Appellate Division	5 ⁶⁵
HCD	87
District Judges/Special judges of equal status	298
Additional District Judges and Chief Judicial Magistrates	229
Joint District Judges and Additional Chief Judicial Magistrates	384
Senior Assistant Judges, Assistant Judges and Magistrates	1,037
Total	2,040

While all courts are suffering from rising backlogs, the Justice Audit Initiative implemented by the MOLJPA and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in 2017 found that the percentage of old cases is rising most in the HCD (89 percent), District Sessions Courts (80 percent), and Metropolitan Sessions Court (82 percent).

Table 5: Projected Pending Cases as Percentage of the Total Caseload, 2018-2022⁶⁶

Court	Pendency Rate in 2018	Pendency Rate in 2022
Appellate Division	58	61
HCD	87	89
Chief Judicial Magistrate Court	62	72

⁶² USAID Justice for All, USAID Promoting Peace and Justice Project, UNDP JUST, UNDP JSF, UNDP JSSD.

⁶³ Supreme Court Strategic Plan (2017-2022), available at http://www.supremecourt.gov.bd/resources/contents/Strategic_Plan.pdf pp. 16-25.

⁶⁴ Administrative Staff College of India (2018) “An analysis of the Causes for the Pendency of Cases in the High Court and Subordinate Courts.”

⁶⁵ As of January 22, the Appellate Division has four justices due to the recent appointment of the new Chief Justice on December 31, 2021.

⁶⁶ Justice Audit Data, <https://bangladesh.justiceaudit.org/national-data/system-overview/justice-system-case-flow/>

Court	Pendency Rate in 2018	Pendency Rate in 2022
Chief Metropolitan Magistrate Court	66	79
District Sessions Court	71	80
Metropolitan Sessions Court	71	82
Nari O Shishu Court	77	77

The GOB recognizes the seriousness of case backlog and featured it prominently in the relevant sections of the 8th Five Year Plan of the GOB, covering July 2020-June 2025.⁶⁷ In the plan, GOB the stated the objective to reduce the backlog by increasing average case disposal rate of incoming cases from 35.8 percent in 2021 to 50 percent in 2024. However, if one looks at the number of pending cases in all courts, without a significant increase in the number of judges, it will be impossible to meet this target. The complexity of the challenge is exacerbated by the fact that the MOLJPA initiates decisions on the recruitment, promotion, and transfer of judges. It also decides on support staff, additional facilities, logistical support, and capital investment in new technologies.

Although the GOB increased the number of subordinate judges from 1,400 in 2017 to around 1,800 in 2021, the Research Unit of the SC found in 2017 that close to 20 percent of judges are deputized by the executive to perform administrative rather than judicial work or are on leave,⁶⁸ further exacerbating the problem of judicial shortages. This also illustrates the lack of resources available to the SC to improve case management. According to the SC, the backlog is expected to increase by 9-10 percent annually if a comprehensive solution is not found. The respondents who commented on backlog reduction efforts (nine KIIs) noted that well-intended efforts had been restrained in both the policy formation and implementation phases by insufficient coordination between the MOLJPA and SC.

The high number of cases per judge and increasing percentage of old cases in the total caseload further illustrate the seriousness of the backlog problem. The HCD has between 90 and 100 judges (depending on vacancies) and a total of 452,963 pending cases or 4,592 cases per judge. The Justice Audit shows, in 2022, out of every 10 cases that HCD has to resolve, nine will be old cases (one year or older). Given that one judge can clear a maximum of 900 cases per year, it would require at least five years for the entire HCD bench to clear just the current case backlog.

Table 6: Pending Cases of All Categories in December 2021⁶⁹

Court	Cases
Appellate Division	15,225
High Court Division	452,963
Subordinate Courts	3,464,998
Total	3,933,186

The delays have constitutional and human consequences in both criminal and civil jurisdiction. The real meaning of the principle of presumption of innocence is diluted if an accused person is deprived of liberty for five years while awaiting the decision of a judge. Delays also have a direct influence on the overcrowding of prisons and poor conditions for detainees pending trial. These are well documented in the Justice Audit study.⁷⁰ Most prisons were found to be operating with extremely excessive levels of prison occupancy from two up to eight times the maximum holding capacity. One CSO activist considered

⁶⁷ 8th Five Year Plan, p. 141. Governance is listed as a key priority aligning with Sustainable Development Goal (SDG) 16 areas, namely, Promoting inclusive, transparent, accountable and effective democratic governance system and ensuring justice for all.

⁶⁸ Supreme Court Strategic Plan 2017-2002, p. 18.

⁶⁹ Supreme Court Annual Report 2020 and BD News (January 2022), “Chief Justice Siddique sets sight on combating court case backlog crisis,” <https://bdnews24.com/bangladesh/2022/01/02/chief-justice-siddique-sets-sight-on-combating-court-case-backlog-crisis>

⁷⁰ Justice Audit Data on Prisons, <https://bangladesh.justiceaudit.org/national-data/key-measures/prisons/>

the impact of the lengthy proceedings to be even more deleterious than corruption stating: “*Corruption is a real problem, but it is not worse in judiciary than other branches of state administration. For most people delays in having their case resolved are what destroys the trust in the court system.*”⁷¹

Politicization of judicial appointments is concerning.

Eleven (11) key informants pointed out the increasing politicization of HCD appointments as one of reasons for the judiciary’s declining professionalism, corruption, and inefficiency. The Constitution envisages that the President should appoint SC judges after extensive consultation, but the criteria for selection of the SC has remained unspecified by the GOB for years.⁷² The MOLJPA also retains, in the name of the President, the authority to decide the number of judges who will be appointed to the SC. According to the Constitution, any advocate of the SC Bar or any judicial officer with over 10 years of experience or other such qualifications as prescribed by law may be qualified for appointment as a judge of the SC.

Recent appointments made to the SC in late 2019 did not respect the seniority rule, resulting in many inexperienced candidates superseding senior judges. Similarly, Article 95 of the Constitution, which entrusts the president with the power to appoint the Chief Justice, has not been further detailed in legislation about the type of consultation process required for an appointment. This leaves everything to the discretionary power of the President. The lack of clear criteria for appointments has been misused by the ruling party to fill the court with judges who lack professional credentials and integrity.⁷³ The AT also learned that, while the seniority rule had become an unwritten convention under caretaker governments, in the last decade many junior judges have been promoted to the HCD and Appellate Division on the basis of political considerations and alleged loyalties to the ruling party.⁷⁴ An experienced member of the legal community stated: “*Most High Court appointees in recent years have only finished two years of legal education in private colleges and not the four-year university-based degree LL. B (honors). Many people are surprised to see lawyers who are not perceived as ‘best and brightest’ ending up on the Supreme Court.*”⁷⁵

International organizations have also reported the increasing number of judicial appointments made based on political considerations. Seventy-nine (79) of the 101 HCD judges appointed during the last three governments were allegedly appointed by the ruling majority.⁷⁶ As a law professor told the International Federation for Human Rights (FIDH) on conditions of anonymity: “*Irrespective of the government in power—whether it’s the AL, the BNP, or one led by the military—the government tends to appoint judges who are loyal to them.*”⁷⁷

The practice has affected the work of the SCSCJR which, despite initial results improving case management processes and introducing virtual courts, has recently become more passive due to a combination of COVID-19 restrictions, deprioritization of reform, and a lack of interest from senior judges who are being superseded by younger, politically supported judges. This was confirmed by a legal professional

⁷¹ Interview with civil society representative, November 2021.

⁷² 8th Five Year Plan of Government of Bangladesh 2020-2025.

⁷³ Institute of Developing Economies Japan (2019), “Politics and Independence of the Judiciary in Bangladesh” https://www.ide.go.jp/library/English/Publish/Reports/Rb/2018/pdf/2017_2_40_003.pdf. See also Siddiq, Imran A. (2018), “The Judicial Appointments Process in Bangladesh: In Search of Transparency,” In *The Rule of Law in Developing Countries: The Case of Bangladesh*, edited by Chowdhury Ishrak Ahmed Siddiky, New York: Routledge, pp. 59-101.

⁷⁴ See also, Bari, M. Ehteshamul (2016) “Supersession of the Senior-Most Judges in Bangladesh in Appointing the Chief Justice and the Other Judges of the Appellate Division of the Supreme Court: A Convenient Means to a Politicized Bench,” *San Diego International Law Journal*, 18 (1), pp. 33-76.

⁷⁵ There are two kinds of legal degrees in Bangladesh. These are the college-oriented two-year Bachelor of Laws (LL. B pass) degree and the University-based four-year LL. B (honors) degree. The latter is more academically rigorous. Over 70 part-time, evening colleges now offer the LL. B (pass) course established by the National University. These evening colleges generally do not offer a quality of instruction comparable to that of the more established law faculties.

⁷⁶ FIDH Report “Out of Control,” p. 22.

⁷⁷ *Ibid.*

interviewee: “The ruling party has been good at filling up the Higher Court with ‘yes-men.’ Senior judges have no incentive do their job properly as there is no meritocracy in the system.”⁷⁸

Judicial corruption remains widespread and unpunished.

Bangladesh ranks 147 out of 180 countries in Transparency International’s 2021 Corruption Perceptions Index.⁷⁹ This assessment found that the judiciary is also perceived as corrupt both financially and politically. Corruption in the judiciary takes the form of petty bribery, nepotism, embezzlement of funds, and trading of influence. Citizens and businesses face a high risk of corruption in lower courts where bribes are small but widespread.⁸⁰ Magistrates, attorneys, and other court officials frequently demand bribes from defendants or render their verdicts based on parties’ connections to the patronage networks of the political and business elite. A lawyer interviewed by the AT expressed the prevalence of corruption and partisan influence in the justice system in the following statement: “To be a successful lawyer, it is not important how well you know the law, but who you know in political and business circles”⁸¹

The National Household Survey 2017 found a substantial increase in the percentage of households that had experience with corruption in the judiciary—from 48.2 percent in 2014 to 66.5 percent in 2017.⁸² Among the households who received services from the judiciary, 59.6 percent reported that they had to pay a bribe. The households that paid or were forced to pay a bribe had to spend on average Tk. 16,314 (\$190) to receive judicial services. The enforcement of contracts also remains a challenge for businesses without political connections, and extremely costly enforcement procedures take an average of 1,442 days.⁸³ Dismissal of judges for corruption is very rare, leading to calls by the HCD for more determined action against corrupt judges.⁸⁴

In addition to financial bribes, the judiciary is also prone to making politically corrupt decisions due to the pressure exerted on judges from outside the judiciary.⁸⁵ USG reports have also observed that the judiciary does not always protect the constitutional right to a fair and public trial due to corruption, partisanship, and weak human resources and institutional capacities.⁸⁶ Another respondent described the prevalence of financial and political corruption in the exercise of justice in the following way:

“There is corruption at both the higher and lower judiciary. Lower-level judges are connected with certain law chambers who are politically loyal to the ruling elite and act as intermediaries. The Appellate Division may not be financially corrupt, but they are very close to the government and their verdicts are politically corrupt in favor of the government.”⁸⁷

⁷⁸ Interview with a legal professional, November 2021.

⁷⁹ Transparency International Corruption Perception Index for 2021 Report and full data set available at <https://www.transparency.org/en/cpi/2021/index/bgd>

⁸⁰ Transparency International and U4 (2018), “Overview of Corruption within the justice sector and law enforcement agencies in Bangladesh.” <https://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh>.

Transparency International (2017), “Subordinate Court System of Bangladesh: Governance Challenges and Ways Forward.” https://www.ti-bangladesh.org/beta3/images/2017/lower_judiciary/Executive_Summary_English_Judiciary_30112017.pdf

⁸¹ Interview with the legal professional, November 2021.

⁸² The level of corruption was found to have increased between 2007 and 2010 and the rate of corruption was higher in urban areas (90.5 percent) than rural areas (86.2 percent) (Transparency International Bangladesh, 2010).

⁸³ Risk and Compliance Portal of Global Anti-corruption Network (2022), <https://www.ganintegrity.com/portal/country-profiles/bangladesh/>

⁸⁴ Daily Star (October 5, 2020), “Corrupt judges have to be discharged immediately,” <https://www.thedailystar.net/frontpage/news/corrupt-judges-must-be-discharged-immediately-1972461>

⁸⁵ FIDH Report, “Out of Control,” p. 22.

⁸⁶ US Department of State Report 2017 <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/bangladesh/>

⁸⁷ Interview with a legal practitioner, November 2021.

3.1.2 Conclusion

The GOB has achieved some progress in building more courts, increasing the number of judges and doubling their salaries since 2015. Several ROL initiatives are stipulated in the national plans and policies. The GOB's long-term plans show a readiness to continue increasing the capacity of the judiciary, modernizing the court system, and expanding the legal aid service.

The GOB also has no plans to address the lack of institutional capacity and financial independence of the judicial branch or enhance the capacity of the SC to design, implement, and monitor longer-term strategies for improvement of the judiciary. While GOB and SC priorities are informed by the immediate challenges they face on daily basis, the GOB does not have a national sectoral strategy on the justice sector, including the judicial branch. Also, there is a lack of coordination on priority setting and policy development between the MOLJPA, SC, lower judiciary, NLASO, the legal profession, law faculties, and CSOs. The full implementation of the separation of powers as directed by the SC in 2007 is not a GOB priority for the next five years.

3.2 POLITICAL WILL

3.2.1 Findings

The AT's access to a variety of state and non-state stakeholders enabled it to collect sufficient information to assess the current level of political will and determine the feasibility of investing in the ROL/access to justice sector.⁸⁸ Key findings are presented below on the level of political will, followed by those on the feasibility of further investment in the sector, and main conclusions.

Political will for major reforms on strengthening judicial independence is currently lacking.

Based on the declared objectives in the national plans reviewed under AQ I, strengthening the ROL and improving access to justice is a long-term priority of the GOB. However, the GOB's grand vision is to achieve rapid and inclusive growth leading to shared prosperity and elimination of extreme poverty.⁸⁹ Sustained economic growth remains the central focus of GOB while building effective institutions of governance: a properly functioning judiciary, a citizen-centric civil administration, efficient land management, and sound economic management are expected to facilitate this goal.⁹⁰ The Vision 2041 also expresses a commitment to meeting Sustainable Development Goal (SDG) 16: Peace, Justice, and Strong Institutions – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels.

KIIs revealed that perspectives over the level of GOB political will on justice reforms differed widely. Respondents close to the state (police, prosecutors, and judges) declared that the GOB has the political will to reform the justice sector, but success is limited due to budget constraints, the uniqueness of Bangladesh's justice system, the complexity of the challenges faced, and an inefficient administration. Non-state respondents (academics, CSOs, and development partners) stated that the GOB has no political will to undertake major reforms. A small minority (four KIIs) claimed the justice system is in serious crisis and is hard to fix precisely because the GOB and SC wish to preserve the status quo and not implement reforms.

Determining the current level of political will for justice reform, requires an understanding of the historical context of the ROL and justice system and current state of play. In its five decades of statehood, the two main parties and most caretaker governments have demonstrated a tendency to subordinate the judiciary

⁸⁸ A proper assessment of the current level of political will would be best conducted through a Political Economy Analysis (PEA) of Justice Sector Reforms in Bangladesh.

⁸⁹ Making Vision 2041 a Reality: Perspective Plan of Bangladesh 2021-2041, p. i. Specifically, Vision 2041 seeks to eliminate extreme poverty and reach Upper Middle-Income Country (UMIC) status by 2031, and High-Income Country (HIC) status by 2041 with poverty approaching extinction.

⁹⁰ Making Vision 2041 a Reality: Perspective Plan of Bangladesh 2021-2041, p. i.

through repeated challenges to their independence, appointment of people loyal to them in senior judicial offices, or executive interference in the administration of justice.⁹¹ The “zero sum” game of political competition where the winner excludes the opposition from access to power while the opposition challenges the legitimacy of the winner has encouraged distrust between political parties and a tendency to capture the judiciary.⁹² The pressure to dominate the judiciary is historically entrenched in Bangladesh’s politics and abrupt change in the attitude of the two main parties in favor of respecting the separation of powers is unlikely to happen.⁹³

To understand the dynamics of power and the “here and now,” looking at the recent governing history of the ruling party shows a mixed record on reforms in the ROL and justice sector. After returning to power with a landslide victory in 2008, impressive economic results enabled the GOB to invest more in court infrastructure, increase the number of judges and their salaries, and expand the legal aid service provided by the state. During the same time, the AL has increased its governing majority and has unconstrained authority to implement large scale reforms without any real parliamentary opposition. It missed the opportunity to give practical effect to the 12 directives of the SC in the Masdar Hossain case, showing continuous reluctance for major systemic reforms.⁹⁴

After 2014, the ruling party took efforts to perpetuate its domination over the judiciary choosing to confront and attack the SC and maintain control over the lower judiciary through the MOLJPA, Home Ministry, and Ministry of Finance.⁹⁵ In addition, the GOB has continued the practice of partisan appointments and demonstrated a clear propensity to confront any challengers within the judiciary.⁹⁶ As a result, the judiciary has not improved its ability to address the rising backlog of cases, strengthen judicial integrity and discipline, manage its human resources, and improve other aspects of judicial self-governance.

Inquiring about the recalcitrant stance of the executive to such proposals, the AT found that there is a critical lack of political will and readiness to undertake reforms that would diminish the executive’s control and influence over the judiciary. A respondent from the civil society sector explained the attitude of the GOB in the following statement: “People in the power understand what needs to change but they continue to work for the status quo. It serves the interest of the ruling party and its loyalists to maximize power and control.”⁹⁷

International organizations have also pointed out that the GOB’s track record of economic growth stands in stark contrast with multi-year negative trends in the world rankings in the ROL and judicial independence. Bangladesh’s score places it at fourth out of the six countries in the South Asia region (Afghanistan, Bangladesh, India, Nepal, Pakistan, and Sri Lanka) in the World Justice Rule of Law Index with a worsening trend in the category of “Constraints on Government Powers” where it now ranks 125th out of 139 countries and jurisdictions ranked.⁹⁸

Development partners also expressed their frustration with the slow pace of moving from the declared political will to concrete results. In general, international respondents described the GOB’s attitude as

⁹¹ Dr. Md. Ershadul Karim (July/August 2018) “The Legal System of the Peoples’ Republic of Bangladesh,” <https://www.nyulawglobal.org/globalex/Bangladesh1.html>

⁹² The International Crisis Group, “Political Conflict, Extremism and Criminal Justice in Bangladesh,” April 11, 2016. <https://www.crisisgroup.org/asia/south-asia/bangladesh/political-conflict-extremism-and-criminal-justice-bangladesh>.

⁹³ The Constitution of Bangladesh provides for the independence of the judiciary under Articles 7, 35(3) and 116A of Part VI that deals with the judiciary. The separation of judiciary is enshrined in Articles 22, 95 (1), 107, 113, 115, and 116.

⁹⁴ Secretary, Ministry of Finance vs Md. Masdar Hossain and others, 52 DLR (AD) 82.

⁹⁵ Md Milan Hossain, “Separation of Judiciary in Bangladesh-Constitutional Mandates and Masdar Hossain Case’s Directions: A Post Separation Evaluation,” (2020) 11(2) International Journal for Court Administration. 4. DOI: <https://doi.org/10.36745/ijca.310>

⁹⁶ International Crisis Group (2015), “Mapping. Bangladesh’s Political Crisis,” Asia Report N°264, <https://www.crisisgroup.org/asia/south-asia/bangladesh/mapping-bangladesh-s-political-crisis>.

⁹⁷ Interview with CSO activist, November 2021.

⁹⁸ Bangladesh Score in the World Justice Rule of Law Index 2021, https://worldjusticeproject.org/sites/default/files/documents/Bangladesh_2021%20WJP%20Rule%20of%20Law%20Index%20Country%20Press%20Release.pdf

welcoming, constructive, and cooperative to developmental assistance as long as it does not disrupt the status quo or go against the government's interest in maintaining power. The nuanced attitude of the GOB towards development assistance was expressed by one of the development partners: *"For the most part, GOB listens and takes note of international advice. There are only two areas where you may expect a direct pushback. The first one is if you question the electoral practices in the last elections. The second one is if you criticize GOB's human rights record."*⁹⁹

Respondents illustrated the lack of will with the failure to establish a standing career-based prosecutorial service. Previous efforts by the Canadian International Development Agency (CIDA) and USG to support the gradual shift to a standing prosecutorial service met disinterest of the GOB and were eventually abandoned. Under the ruling majority, the MOLJPA continues to manage the function of prosecution by appointing practicing lawyers on an *ad hoc* basis to lead the prosecution on behalf of the state. In reality, the MOLJPA appoints prosecutors who are connected to the ruling party without due consideration for their professional credentials. A proposal for a permanent prosecutorial system does currently exist in the 8th Five Year Plan of the GOB but there are no plans for implementation. A legal professional summed up the attitude of the GOB to this proposal in the following manner: *"I doubt that the GOB will establish a permanent and professional institution of prosecution as this would decrease the ruling party's control over criminal proceedings. The idea of having independent and competent prosecutors is just another headache for the party in power."*¹⁰⁰

These examples do not mean that the GOB does not have plans to reform the justice sector but rather lacks the political will to implement the separation of powers and diminish its interference in the administration of justice. As highlighted in the previous AQ, political expediency appears to be a key factor in obtaining GOB's support for reform initiatives in the justice sector.

Regarding future trends, the last local elections (December 2021) were marred by electoral disputes. Anxious about securing a fourth consecutive term in office, the ruling party is doubling its efforts to ensure institutional subservience of election administration, law enforcement, state bodies, and the judiciary to prevent the BNP from any potential gains. Recent political dynamics in Bangladesh indicate that the ruling party may perform well in successive elections due to a combination of steady economic growth, a weak opposition, and the use of legal and extra-legal means to curb dissent.

A recent nationwide poll of Bangladesh by the International Republican Institute (IRI) showed that support for the GOB rebounded after the controversial 2018 general election. Despite concerns over economic inequality and corruption, 76 percent of respondents stated that the country was headed in the right direction.¹⁰¹ The GOB enjoyed the highest approval rating among state institutions (83 percent) followed by the army (79 percent). The poll shows that while the public is concerned about significant unmet expectations regarding rising inequality and combating corruption, a strong majority have a positive outlook when it comes to economic development. While these trends may change before the new elections are held in 2023, the order of priorities for voters indicates that citizens will continue to show support if economic gains continue. Given the advantages of incumbency and a mutually dependent relationship with key segments of the administration, electoral bodies, law enforcement, and the judiciary, the ruling party looks well set to gain a fourth consecutive term in office. A fourth term for the ruling party is not only unprecedented in the history of Bangladesh but is seen by many as a step in the direction of becoming a one-party state. As a result, no major changes are expected in the willingness of the GOB to implement needed reforms in the ROL and justice sector.

⁹⁹ Interview with development partner, November 2021.

¹⁰⁰ Interview with international legal professional, November 2021.

¹⁰¹ https://www.iri.org/sites/default/files/bangladesh_2019_poll_final_public_release_1_0.pdf

3.3 FEASIBILITY OF INVESTING IN RULE OF LAW AND ACCESS TO JUSTICE

3.3.1 Findings

The GOB's preference for harmonization of international assistance with its own development goals is stipulated in the Joint Cooperation Strategy which the GOB signed in June 2010 with 18 partners.¹⁰² It stipulates the GOB's intention to provide leadership affirming the primacy of national plans and strategies in the development cooperation process. It also calls for better alignment of development goals and mutual accountability for development outcomes.¹⁰³ A majority of development partners interviewed (nine out of 11) stated that the alignment of GOB priorities with development partner objectives is crucial to ensure GOB buy-in. One development partner described the GOB's attitude to international assistance as follows: *"The AL has a policy of 'friendship to all, malice to none' in international relations but it also has long term plans and priorities. It is impossible to come to the GOB with a 'wish list' and expect their cooperation."*¹⁰⁴

Respondents also pointed out that the opportunities for positive change lie in the areas where the GOB sees immediate or prospective benefits in terms of shoring up its public support and legitimacy. To this end, initiatives like E-Judiciary, expansion of the legal aid, enhancing the use of the ADR, and improving the legal framework are already underway and showing good, if limited, results. Since its creation in 1996, the Law Commission has made 164 proposals and recommendations for legislative changes.¹⁰⁵ Specific legal initiatives which have an impact on the ROL area relevant to this assessment include:

- Special Privileges for convicted women incarcerated in prisons rules, 2018 (proposed).
- Draft and recommendations of the Women Repression Prevention Act, 2021 (proposed).
- The Land Law, 2022 (proposed).
- Prevention and Management of Conflict of Interest Law, 2019 (proposed).
- Recommendations on the Work Plan for the Removal of Backlog of Under Trial Cases and Ensuring Speedy Justice (proposed).

While the nexus between reforms and political interests is inevitable, the challenge for development partners is to convince the GOB of the benefits of anticipated donor interventions in terms of advancing its agenda and bolstering their public support. One CSO activist summarized the links between political expediency and GOB investments in the ROL sector: *"You have to give something to the GOB that they can showcase as success. You cannot just ask them to change things and give up power but convince them how this is going to increase their public support."*¹⁰⁶

In addition to the "alignment of priorities," respondents pointed out that "prior agreement" of the GOB is important to ensure the feasibility of proposed initiatives. Respondents cited the initiatives aimed at improving the case management system as an example where the lack of prior agreement with the GOB and SC limited buy-in and intervention success. Experienced development partners highlighted the need for continued coordination of high-level representatives of bilateral and multi-lateral partners. They stated this is essential both in the design and implementation stages of a justice reform strategy and to get the buy-in of high-level GOB counterparts.

Opportunities for positive change exist in several areas of the ROL and access to justice.

In terms of the relevant areas of support, the AT found that while direct interventions to improve the ROL and strengthen judicial independence are unlikely to be effective under the prevailing political climate, there are opportunities to work with the GOB in areas where USAID's development goals align with the

¹⁰² Joint Cooperation Strategy for Bangladesh 2010, <https://www.un.org/en/ecosoc/newfunct/pdf/bangladesh.pdf>

¹⁰³ *Ibid.*

¹⁰⁴ Interview with development partner, December 2021.

¹⁰⁵ Law Commission reports available, <https://www.lc.gov.bd/reports.htm>

¹⁰⁶ Interview with civil society representative, November 2021.

GOB's plans and priorities. Out of the nine GOB priorities, opportunities exist to invest in eight ROL initiatives which are not controversial given prevailing political conditions and will. The areas include:

- Reduce the case backlog.
- Implement the E-Judiciary initiative.
- Increase support to the state provided legal aid service.
- Establish a Judicial Academy.
- Activate VCs.
- Increase legal awareness on Women and Children Repression Prevention Tribunals and facilitate speedy disposal of gender-based violence (GBV) cases.
- Enhance the use of ADR in all categories of cases allowed by law.
- Update and modernize laws in areas related to the ROL and justice.

Several of these areas, like legal empowerment and legal aid services, are outlined in the USAID CDCS for Bangladesh and the period of implementation matches with the 8th Five Year Plan of the GOB. Initiatives in relation to better case management, backlog reduction, improving legal aid, and raising citizen awareness of legal rights and access to justice are supported by both the GOB and SC. Implementation of an E-Judiciary is welcomed by all justice sector actors and the GOB has already committed around \$30 million as an initial budget. However, E-Judiciary needs a very large investment as a total of 1,500 courtrooms across the country need to be turned into e-courtrooms and may cost up to \$100 million. Investment in the increase of ADR in all types of cases is non-controversial and feasible. Expansion of legal aid to justice seekers from rural communities, women, and detainees is also an area where the GOB already has plans to allocate more resources. The GOB and SC welcome investment in training programs, both in country and abroad, in new areas of law. Improvements in the legal framework in the areas outlined above are ongoing, but there appears to be lack of coordination between the Parliamentary and Legislative Affairs Division of the MOLJPA (which is responsible for drafting and vetting bills before these are placed in the parliament) and the Law Commission. Despite the important role of the Law Commission as a statutory body entrusted to recommend legal reforms as well as “*necessary measures for improvement of the entire judicial system and related issues*,” in many cases, new legislation and amendments are initiated by the MOLJPA or even the Cabinet Division in the Office of the Prime Minister. USAID should explore opportunities to support increased coordination in the law-making process between the Law Commission, MOLJPA, Prime Minister's Office, and parliament with a particular focus on legal initiatives that directly impact the ROL and justice sector.

3.3.2 Conclusion

At present, Bangladesh faces a concerning trend toward diminished judicial independence and efficiency. The protracted lack of progress on the clearer delineation of powers, a consistent pattern of executive interference in the administration of the judicial branch, and the extremely low budget allocated to the judiciary are illustrative of the GOB's continuing lack of political will to advance judicial independence and accountability. New interventions aimed at diminishing the control and influence of the GOB over the judiciary are unlikely to gain GOB buy-in, be effective, or lead to positive, sustainable change. There is political will and readiness to work on initiatives aimed at modernization of the judiciary, improved judicial efficiency, and increased access to justice for vulnerable communities. Feasibility of investment depends on the level of convergence between the GOB's interests and the anticipated impact of the donor interventions. Interest alignment, prior agreement, and continued coordination between the USG, GOB, and other donors will be essential for the feasibility of any areas of assistance.

3.4 POWER DYNAMICS

3.4.1 Findings

Under AQ 1, the AT collected sufficient information to conclude that the executive branch continues to dominate the judiciary of Bangladesh. In AQ 3, the AT focused more specifically on the power dynamics between the executive and the judiciary in relation to judicial review and reforms. During data collection, most officials (police, prosecutors, and judges) refused to answer questions around power relations either by answering “no comment” or not engaging directly with questions around power dynamics. Respondents without formal links to the state (development partners, CSOs, lawyers, and journalists) were more forthcoming. The findings below draw on the KIs, FGDs, and literature review.

Power Dynamics in Judicial Review

The authority to review laws and declare them null and void if found unconstitutional is vested in the SC.¹⁰⁷ The Appellate Division, presided over by the Chief Justice, can also issue directives for regulating or unifying the practice of the HCD and subordinate courts. Within the judiciary hierarchy, the Appellate Division supervises the HCD whereas the HCD exercises supervisory power over the subordinate courts. Over the years, the SC has issued a series of decisions to counter executive and legislative acts designed to undermine constitutional safeguards to judicial independence and fundamental rights and liberties. However, legal professionals interviewed for this assessment observed that the SC’s ability to affirm its constitutional authority for judicial review has been impaired by executive encroachment. The executive has either confronted the SC or ignored verdicts which would disrupt power relations and strengthen judicial self-governance.¹⁰⁸

Executive curtailment of judicial independence

Even before the landmark case of Masdar Hossain, the SC tried to resist the government’s efforts to curtail its powers. In *Anwar Hossain Chowdhury v. Bangladesh* (1989), the SC invalidated a constitutional amendment proposed by the executive (the 8th Amendment) aimed establishing six additional benches of the HCD in various territorial districts, thereby diluting the power that a unitary HCD enjoys under the constitution.¹⁰⁹ Later, in the Masdar Hossain case (1999) case, the court called for the complete separation of the civil service and magistracy, requesting the establishment a judicial service free from control by the executive and other branches of government, and recommended 12 measures to advance judicial independence and self-governance. While the verdict was a clear exercise of judicial review, it took the executive eight years to separate the magistracy and create the JSC in 2007. Until now, the executive has not openly questioned the separation of powers initiated in 2007 and has taken no steps to implement the separation of powers in relation to the appointment, transfer, discipline, and dismissal of judges. This failure to enforce the principles of separation of powers has had an even more deleterious impact on the lower judiciary. Under current Articles 115 and 116, the President is empowered to make appointments of judges and judicial magistrates of the lower judiciary and to deal with the posting, promotion, and discipline of judicial officers in consultation with the SC. The President exercises this prerogative through the MOLJPA which means that once a judge passes the examination organized by the JSC, he or she is under the authority of the executive. In theory, the lower judiciary is institutionally supervised by the SC but, practically, all judges are individually subjected to executive pressure through the MOLJPA. For many years, the convention on applying a seniority rule for appointments in the Appellate Division and HCD

¹⁰⁷ Articles 7(2), 26, 44(1) and 102 of the Constitution.

¹⁰⁸ Hossain, S. (2010) “Confronting Constitutional Curtailments: Attempts to Rebuild Independence of the Judiciary in Bangladesh,” in Brass, P. R., Ed. Routledge Handbook of South Asian Politics, Routledge.

¹⁰⁹ *Anwar Hossain Chowdhury v. Bangladesh* 41 DLR (AD) 165 (1989).

have been ignored.¹¹⁰ The current Chief of Justice was also appointed in deviation of the rule of seniority as at least one justice of the SC was more senior than the presidential appointee.¹¹¹

Respondents pointed out two important SC decisions that have exposed the executive's authoritarian inclinations. The first is the SC decision in the Appellate Division (known as the Civil Appeal No. 06 case) of 2017 in which the Appellate Division¹¹² was asked to review the HCD decision which found a proposed amendment giving the parliament the power to remove judges as unconstitutional.¹¹³ The verdict became a turning point in the power relations between the executive and judiciary. It was followed by open challenges by the head of the executive and senior members of parliament and led to the forced resignation of Chief Justice Sinha who had to leave the country and apply for refugee status in Canada. The executive and parliament have not abandoned the initiative to give parliament the power to remove judges, but the case has been pending revision in the Appellate Division since 2017. Various respondents pointed out that the outcome of this case could further strengthen the domination of current and future ruling majorities over the judicial branch. The fact that the SC has not been able to make a ruling on this controversial case reflects the general attitude of fear and insecurity towards a powerful executive. A legal professional expressed the situation that justices of the SC face in the following way: "You can see from the case of former Chief Justice that 'it is my way or the highway' if you dare to challenge the executive. When you have to fear for your life or health, you cannot make independent decisions."¹¹⁴

In 2017, the SC also challenged the constitutionality of Mobile Courts operated by executive magistrates, which it stated was a direct interference of the executive in the constitutional functions of the judicial branch.¹¹⁵ Despite pledges by the MOLJPA to bring the courts under the supervision of the SC, the principles of the checks and balances and due process rights of the accused are still ignored by the continued operation of the Mobile Courts. The United States (U.S.) Department of State's 2019 human rights report on Bangladesh also stated that "mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms to defendants who were not afforded the opportunity for legal representation."¹¹⁶ Mobile Courts are allegedly used to bypass the formal judiciary and intimidate people who are not loyal through executive magistrates who can process the cases and issue speedy verdicts with scant evidence.¹¹⁷

Faced with executive pressure over judicial review and lacking any autonomous enforceable mechanism for its judicial review decisions, the SC remains inferior to the other two branches of the government. Although the Judiciary can still be an influential actor through the judicial review and ordinance to lower courts, its ability to confront executive encroachment is constrained by hugely unfavorable power relations. This power imbalance is exacerbated by the critical lack of budgetary and administrative independence covered in the next section.

¹¹⁰ Bari, M. Ehteshamul (2016) "Supersession of the Senior-Most Judges in Bangladesh in Appointing the Chief Justice and the Other Judges of the Appellate Division of the Supreme Court: A Convenient Means to a Politicized Bench," San Diego International Law Journal, 18 (1), 33-76. Since the appointment of the Chief Justice A.B.M-Khairul Haque by the President in September 2010 was alleged to have involved the supersession of two more senior judges of the Appellate Division. Similar controversies arose in the appointment of the present Chief Justice of Bangladesh, Justice Muzammel Hossain on May 18, 2011. In this appointment, Justice Shah Abu Nayeem Momihur Rahman was superseded (and then resigned).

¹¹¹ Hannan, M.A. and Arifuzzaman, Md. (2021) Separation of Judiciary and Judicial Independence in Bangladesh: An Appraisal. <https://doi.org/10.4236/oalib.1107002>.

¹¹² Civil Appeal No.06 of 2017, http://www.supremecourt.gov.bd/resources/documents/1082040_C.A.6of17.pdf

¹¹³ Judgment and order dated 05.05.2016 passed by the High Court Division in Writ Petition No.9989 of 2014, http://supremecourt.gov.bd/resources/documents/783957_WP9989of2014.pdf

¹¹⁴ Interview with legal professional, November 2021.

¹¹⁵ Mobile Court Case Full Verdict, http://www.supremecourt.gov.bd/resources/documents/382548_WP8437of2011.pdf

¹¹⁶ Department of State Annual Report on Human Rights in Bangladesh (2019), <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bangladesh/>

¹¹⁷ FIDH (2021), "Out of Control: Human rights and rule of law crises in Bangladesh," <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>

Power relations in judicial reforms

Consecutive Chief Justices have tried to play a role in the judicial reforms including but not limited to countering the backlog, improving court management practices and upgrading infrastructure and skills of judicial personnel. After, the creation of the SCSCJR in 2013, the SC tried to play a more proactive role in introducing several judicial reforms such as the development of IT, introduction of an Online Cause List, introduction of an Online Bail Confirmation system, and other related matters. USAID and UNDP also provided important support to the SC's many initiatives including formation of a case management committees, design of Court Implementation plans, determination of time limits for case disposal, and the introduction of Differentiated Case Management (DCM) directives for disposal of cases on a priority basis, among others. Under Chief Justice Sinha, a National Judicial Conference was introduced as a forum to discuss ways to improve case management and increase the use of digital technologies in the court system. Yet, despite this support, most respondents who commented on the role of judiciary in the reforms converged around the fact that the SC lacks the administrative and budgetary autonomy to play a meaningful role in judicial reforms. In particular, they noted that the legal control of the MOLJPA over the lower judiciary, extremely low budget allocation to the judiciary, and SC's limited capacity to design and implement reforms impose considerable constraints on the SC's ability to be a leading actor in judicial reforms.

Regarding the Higher Judiciary, the Chief Justice has little authority to ensure the high quality and integrity of newly appointed judges. Successive governments have failed to pass legislation that sets out the qualifications required for the selection of SC judges. Many respondents considered the absence of rigorous criteria for SC appointments as one of the key factors allowing the ruling party to appoint loyal judges to the highest court based primarily on partisan considerations, not on the quality of the judges.

The MOLJPA controls the lower judiciary.

The SC and MOLJPA share dual supervisory functions over the lower judiciary, but judges of the subordinate courts are not yet fully independent and autonomous as required by the Masdar Hossain case directives. This dual institutional control and supervision system is creating administrative delays and inter-institutional conflict and threatening judicial independence.¹¹⁸ The lack of coordination between the two institutions leads to serious operational problems for the courts which the SC can do little to resolve. During interviews, officials from the UNDP and GIZ revealed that despite their efforts to encourage coordination between the SC and MOLJPA, the two institutions face difficulties in addressing practical issues.¹¹⁹ For instance, at present, a key strategic priority of the SC is to address the mounting backlog of cases, particularly the criminal cases in the HCD. Yet this cannot be done without a coordinated effort with the MOLJPA, and other ministries and institutions of the justice system such as the NLASO managing the legal aid, the Ministry of Local Government operating the VCs, and the Ministry of Establishment managing building state institutions. The SC has repeatedly called for a substantial increase in the number of judges to deal with the pendency, but, as a matter of fact, it does not even control the number of judges in the system. As mentioned previously, the SC estimates that although Bangladesh has around 1,900 judges, between 15-20 percent of them are serving other quasi-judicial positions assigned by the MOLJPA and are not hearing cases.¹²⁰ The executive, through the MOLJPA, continues to have the authority to transfer judges or designate them to other positions within government. Even daily administrative issues, like judges' permission for leave, have to be submitted to the SC for consent and then forwarded to the MOLJPA which processes them before issuing a Government Order to grant the

¹¹⁸ Transparency International (2017), "Subordinate Court System of Bangladesh: Governance Challenges and Ways Forward," https://www.tibangladesh.org/beta3/images/2017/lower_judiciary/Executive_Summary_English_Judiciary_30112017.pdf

¹¹⁹ Interviews with GIZ and UNDP staff, November and December 2021.

¹²⁰ Supreme Court Strategic Plan 2017-2022 at http://www.supremecourt.gov.bd/resources/contents/Strategic_Plan.pdf See also BD News (January 2022), "Chief Justice Siddique sets sight on combating court case backlog crisis," <https://bdnews24.com/bangladesh/2022/01/02/chief-justice-siddique-sets-sight-on-combating-court-case-backlog-crisis>

leave. Judicial salaries are protected by Article 88 of the Constitution, but the MOLJPA often uses its power to delay honoraria or the payment of salaries as a way to pressure judges. The lack of personnel oversight impairs the ability of SC to plan comprehensively and reduce the caseload.

Kills revealed that the MOLJPA uses its power to exert pressure on judges through a combination of coercion and cooption. The reassignment of judges to more difficult regions is often considered a demotion; and the threat of this is used to coerce judges to rule in favor of the government. Secondly, deputation in easier positions in the state administration is often used by the MOLJPA as a form of reward for being loyal to the ruling majority. The MOLJPA also uses the possibility for post-retirement appointment of acting judges in other legal or quasi-judicial positions to reward judges who remain loyal to the government at the end of their judicial careers. The promise of generous honoraria after retirement serves as an incentive to sitting judges to be on the side of the executive in cases involving election-related disputes or political rivals. These broad powers on postings, transfers, promotions, and post-retirement positions not only give the MOLJPA inordinate control over the judiciary but also leave the SC in an inferior position to develop policies and implement reforms.

The judiciary is underfunded and uninfluential in the budget formulation process.

At the institutional level, the judiciary is entirely dependent on the generosity of the executive branch to perform its functions. The revenue generated by the court services through fees and stamps is collected by the MOLJPA and the amount of judicial revenues created by court services is not considered a factor in determining budget allocations for the judiciary.¹²¹ There are no provisions to enable the judicial branch to take part in this budget formulation process and the SC has to compete with other public institutions and agencies for funding. Every year the SC itself draws up a plan and processes a request for access to public funds to the Ministry of Finance.¹²² For example, the budget for 2020-2021 fiscal year was Tk. 1,585 (\$185 million) for the entire law and justice sector, and Tk. 222 crore (\$25.8 million) for the SC.¹²³ Given that the total budget of Bangladesh was \$71 billion for the same period, the budget allocations made to the justice sector are only 0.3 percent of the national budget. For both operational costs and capital investment, the subordinate judiciary depends on the MOLJPA. The inadequate budgetary allocation shows that, contrary to the GOB's pledges for increased investment, judicial reforms remain very low on the government's order of priorities. While the insufficiency of funds is certainly a key challenge to ensuring the proper functioning of the courts, the greater challenge is the lack of budgetary and operational autonomy of the judiciary to set its own goals and funding to achieve them.

Absence of a Judicial Secretariat

The lack of a separate secretariat to work on all matters related to the judiciary places the SC in an unfavorable position vis-à-vis the MOLJPA. At present, the MOLJPA serves as the judicial secretariat and exerts wide oversight over many components of the justice system.¹²⁴ Many participants in the FGDs and Kills (two legal academics, two practicing lawyers, five judges of the subordinate courts, one SC Justice, and one researcher of a public policy think tank) noted that inadequate resources, including personnel, logistical support, and research and analysis capacity, limit the SC's ability to shape its priorities, provide oversight to the lower judiciary, and undertake reforms that respond to public needs. A mini survey conducted by an independent legal researcher with 30 judicial officers who participated under the

¹²¹ Interview with CSO working in the rule of law and justice, December 2021.

¹²² Demands for Grants and Appropriations 2021-22 Supreme Court of Bangladesh, [https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/budget_mof/563f2dfe_53c5_433f_9097_010f79e8ab95/105%20\(1\).pdf](https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/budget_mof/563f2dfe_53c5_433f_9097_010f79e8ab95/105%20(1).pdf)

¹²³ Reported in Dhaka Tribune (June 2021) "Budget FY21: Tk1585 crore for law and justice sector, Tk222 crore for SC," <https://archive.dhakatribune.com/business/economy/2020/06/11/budget-fy21-tk1585-crore-for-law-and-justice-sector-tk222-crore-for-sc>

¹²⁴ This includes the administrative tribunals, Special Courts and Tribunals, Department of Registration, Office of the Attorney-General, Judicial Administration Training Institute, Office of the Administrator General and Official Trustee (AGOT), Judicial Service Commission Secretariat, Marriage Registration, Government Pleaders, Public Prosecutors, and Notary Public.

condition of anonymity concluded that a secretariat for judiciary is necessary to ensure true independence of the judiciary.¹²⁵ The establishment of a separate Secretariat is one of the 12 directives recommended in the Masdar Hossain case as a crucial element to counter the administrative and planning control of the executive over the judiciary. Without a central administration that has a clear overview of judicial affairs under the authority of the SC, the power balance will continue to be dominated by the executive.

Recent trends of power dynamics

Respondents pointed out there have been increased signs of judicial defense and institutional subservience by the judiciary towards the executive during the government's current third term. This has been particularly obvious after the incidents with Justice Sinha in 2017, but some of the practices of judicial deference to the executive predate this period. The International Crisis Group (ICG) has reported that, since 2015, the SC has been failing to prevent interference and politicization of the courts, and is itself losing independence as demonstrated by the High Court Ban of January 2015 on media coverage of the court proceedings against the son of the BNP's leader.¹²⁶ The UN Committee Against Torture (UN CAT) in 2019 expressed concerns that, in Bangladesh, pressures on members of the judiciary reportedly results in judicial officials having to accept arrests without warrants, extend custody without oversight, and accept other measures which undermine the fundamental legal safeguards against state abuses as ill-treatment and torture.¹²⁷ In 2021, the FIDH also reported that there is a worrying practice of selective disposal of cases in the HCD where courts have expeditiously issued verdicts against political opponents or refused their bail offer.¹²⁸

In addition, in 2021, the outgoing Chief Justice issued instructions to subordinate courts not to engage with international technical assistance projects without the expressed consent of the MOLJPA.¹²⁹ These are signs of increasing politicization and judicial subservience to the executive branch which coincides with the consolidation of AL power ahead of elections in 2023. According to a sitting senior Justice of the High Court: *"The Supreme Judiciary is politicized to the core, which is evidenced by supersessions and the appointment of the Justices of the higher Judiciary."*¹³⁰

Participants in one FGD expressed concerns over continued executive control of the judiciary noting, *"The fact that the increased judicial salaries, improved working conditions for judges and courts are going hand in hand with growing control of judiciary by the ruling party is very concerning."*¹³¹

Many respondents believed that judicial deference is also caused by the uncertainties surrounding the appointment of the new Chief Justice. The assessment took place at a time of intense discussion on the appointment a new Chief Justice who swore in on January 1, 2022. The Chief Justice Siddique was a member of the seven-member bench of the Appellate Division that scrapped the controversial 16th Amendment of the Constitution granting the Parliament the right to remove SC judges for incapacity or misconduct. The revision of this case in the Appellate Division will play a significant role in confronting efforts to prevent executive curtailment of judicial review power. Despite this context, in a country like Bangladesh, where personalities matter greatly in institutional and power relations, the new Chief Justice may be able to achieve positive change in relations with the executive and advance some of the non-controversial reform initiatives like reducing the backlog of cases or digitalization of the court system.

¹²⁵ Hossain, M.M., 2020. Separation of Judiciary in Bangladesh-Constitutional Mandates and Masdar Hossain Case's Directions: A Post Separation Evaluation. International Journal for Court Administration, 11(2), p.4. DOI: <http://doi.org/10.36745/ijca.310>

¹²⁶ International Crisis Group (2015), "Mapping. Bangladesh's Political Crisis," Asia Report N°264, <https://www.crisisgroup.org/asia/south-asia/bangladesh/mapping-bangladesh-s-political-crisis>

¹²⁷ UN Committee Against Torture, Concluding Observations on Bangladesh, 2019, paragraph. 27.

¹²⁸ FIDH 2021, "Out of Control."

¹²⁹ Interview with a legal professional, December 2021.

¹³⁰ Interview with the assessment team, December 2021.

¹³¹ FGD, November 2021.

3.4.2 Conclusion

The power relations in the areas of judicial review and judicial reforms leave the Bangladesh judiciary vulnerable to political domination and manipulation. Undue political influence on judicial affairs by the executive, inadequate resources allocated for the justice sector and the judiciary's inability to weigh in effectively on setting its budget and goals, and the absence of a separate secretariat for the courts has made the judiciary institutionally subservient to the executive.

These power dynamics are unlikely to change in any significant way in the near future. The general weakness of the judiciary in Bangladesh stems from the fact that the separation of powers enshrined in the Constitution is not realized in practice. The lack of independence leaves the SC and lower judiciary in an inferior position with the other branches. Finally, the resource dependency on the MOLJPA and lack of a Judicial Secretariat prevents the SC from planning, coordinating, and implementing judicial reforms. These weaknesses are deeply embedded in the current power structures and, as such, will be difficult to address and subject to slow and constrained change.

The prevailing power relations have consequences for any anticipated reforms as the power balance will continue to remain unfavorable for the judiciary. The new Chief Justice may be able to improve some elements of efficiency, but the MOLJPA will continue to dictate the direction and pace of reforms as long as judicial independence is not respected.

3.5 CURRENT AND ONGOING INITIATIVES IN RULE OF LAW

The AT interviewed 11 development partners working in the areas of ROL, access to justice, governance, and human rights. The projects and their lessons learned are presented below.

Findings on GOB and Judiciary Initiatives

Most ROL and justice sector initiatives of the GOB are implemented by the MOLJPA. Other ministries like the Ministry of Finance and Ministry of Establishment are involved in projects related to building new court infrastructure and equipment. The SC is engaged in projects related to better court management, E-Judiciary, and legal aid services, some of which are partially funded by development partners.

Improving Judicial Infrastructure: As mentioned in the Judicial Priorities section, the GOB is upgrading the physical infrastructure of judicial institutions and according to 8th Five Year Plan will complete the construction of 42 new Magistrates Courts. As of 2019, 30 were completed. In addition, 27 Judge Courts were vertically expanded in the last five years. The construction of Annex Build-2 of the Bangladesh SC commenced in 2019 and is expected to add 32 new courtrooms to existing facilities. This is an area where international support is welcome, but various development partners expressed their concerns that the new court buildings are of poor quality and do not reflect technological advancements and modern court management practices.

Improving Performance of the Case Coordination Committees (CCCs): The GOB and UNDP have introduced CCCs at the national and district levels as a forum to bring together key justice system actors to address prison overcrowding and case backlogs. District CCCs are led by the District Judge and include deputy commissioners, superintendents of police, and legal aid officers in the district. In 2018, the MOLJPA and UNDP established the National Justice Coordination Committee (NJCC) to provide oversight and act as an advisory body for the whole justice sector as well as lead the sector's strategic reform process. The primary role of the NJCC is to coordinate efforts of all justice institutions and development partners to improve the case management and justice service delivery based on the input of the CCCs and other key stakeholders. The NJCC is chaired by the Minister of Law and involves other institutions such as the Prime Minister's Office, Ministry of Finance, SC, and NLASO. In its four years of existence, the NJCC has not achieved meaningful results or led to any significant change in the piecemeal approach of implementing backlog reduction measures. The AT found no information about follow-up meetings after its launch and no reports on the results of its work. In two separate KIs, the UNDP

confirmed that it has been difficult to coordinate between the MOLJPA and SC, in part, because of the difficult situation caused by COVID-19 restrictions since March 2020 and, during 2021, the anticipated change of leadership in the SC.

E-Judiciary: Digital Bangladesh was announced in 2008 as a flagship project of the GOB but has received renewed attention due to the COVID-19 pandemic. E-Judiciary is currently one of the top priorities of the GOB, SC, and Bangladesh Computer Council. According to UNDP staff, the MOLJPA will invest \$33 million (Tk. 2,690 crore) to undertake this project.¹³² Initially, the GOB planned to implement the E-Judiciary without international assistance but due to the large scale of project and an estimated cost exceeding \$100 million, the UNDP and other donors have been approached for support. The SC is a strong supporter of the E-Judiciary project and played a proactive role to introduce the ICT Use in Courts Act in 2020. The SC started offering virtual courts in May 2020, soon after the COVID-19 pandemic lockdowns were introduced.

Activating Village Courts: This program started in 2009 to make courts available at the village level following the adoption of the Village Courts Act of 2006. The Local Government Division (LGD) of the Ministry of Local Government, Rural Development, and Cooperatives is the lead implementing body of the GOB. The European Union (EU) and UNDP are supporting with funding and technical assistance. The first phase of the project was implemented in 351 Union Parishads (UPs). The GOB then decided to expand the courts to 1,080 additional UPs. The second phase started in mid-2017 through a trilateral partnership of GOB, EU, and UNDP.¹³³ Since 2009, the VC project has cost more than \$50 million and the program was expected to be active in these 1,080 UPs until the end of 2020. Due to delays in some UPs, the project, GOB, and EU foresee that all VCs will now be operational by 2025. According to the EU, the next phase will focus on increasing public awareness about the VCs, enabling the GOB to fully take over the administration and funding needed for VCs, and ensuring VC sustainability.¹³⁴

Access to Justice: The GOB has invested in the legal aid service in the last decade and plans to increase NLASO's resources to serve 200,000 justice seekers by 2025.¹³⁵ NLASO was established in 2000 but until 2017 it was operating in only 41 districts.¹³⁶ At present, 64 District Legal Aid Offices (DLAOs), the SC Legal Aid Office, two Labor Court Legal Aid Cells, and the National Helpline Call Center are part of the state-funded legal aid services. The GOB plans to recruit additional legal aid officers in all 64 districts. Based on the positive results of paralegal assistance to address the backlog of cases of under-trial prisoners and reduce prison overcrowding, the GOB plans to integrate paralegal assistance in NLASO's work.¹³⁷

Professional Development of the Judges of Subordinate Judiciary: The GOB is working with international partners to offer training programs in country and abroad. According to the GOB, more than 700 judges were trained in foreign destinations: 253 judges were trained in Australia, 60 in Japan, and 250 in India.¹³⁸ The GOB and SC emphasize the importance of international standard orientation for judges and judicial staff in the areas of cybercrime, online security, transnational terrorism, ICT in courts, digital court management, environmental justice, juvenile justice, domestic violence, and other emerging areas of law. The GOB plans to establish a fully functioning Judicial Academy by 2041. Although there is no action plan for its establishment, the Judicial Academy appears to be an upgrade of the Judicial Administration Training Institute (JATI) and will be responsible for developing a standard curriculum, delivering training, and providing research services for the judiciary at all levels. According to the 8th Five

¹³² Interview with UNDP rule of law staff, November and December 2021.

¹³³ See project documents at <https://www.villagecourts.org/wp-content/uploads/AVCB-II-ProdDoc.pdf>

¹³⁴ Interview with EU staff, November 2021.

¹³⁵ GOB 8th Five Year Plan 2020-2025.

¹³⁶ *Ibid.*

¹³⁷ NLASO receives assistance from USAID, UNDP, EU, and GIZ on legal aid.

¹³⁸ GOB 8th Five Year Plan 2020-2025.

Year Plan of the GOB, the JATI upgrade will include new facilities outside of Dhaka which can provide sufficient space for training of all subordinate court judges.¹³⁹

3.5.1 Findings on Development Partners

Although the AT identified more than 15 development partners working in the justice sector, ROL, legal reforms, and access to justice. Following the World Bank's (WB) discontinuation of ROL projects in the early 2010s, the USAID, EU, United Kingdom (UK) Foreign Commonwealth and Development Office (FCDO), and UNDP are now the largest development partners working in the sector.

USAID

USAID has worked in the ROL sector since 2011. Two recent projects focused on judicial reforms, access to justice to vulnerable communities and combating trafficking in persons. Following the Justice for All (JFA) Activity (2012-2018) and Bangladesh Counter Trafficking-in-Persons (BC/TIP 2013-2018) Program, USAID has continued its support with two main projects in the ROL and access to justice:

Promoting Peace and Justice (PPJ) Activity (2018-2023) is a five-year, \$10.1 million, activity implemented by Democracy International under USAID's DO I: Citizen Confidence in Governance Institutions Increased. It started in October 2018 as a follow up to the JFA Activity implemented from 2012-2018. PPJ is working to achieve three main Intermediate Results (IRs):

- IR 1: Improve the delivery of legal aid in the formal justice sector.
- IR 2: Improve case management capacity of judiciary.
- IR 3: Increase citizen awareness of legal rights and responsibilities.

PPJ works to improve the performance of District Legal Aid Committees (DLACs) in 20 districts to better serve the public, increase citizen demand for legal aid services, and enhance the capacity of District Court judges to better serve citizens. Since 2020, PPJ's work to improve court processes through the adoption of the International Framework on Court Excellence (IFCE) standards has suffered as the SC focused on ensuring court operations through virtual hearings during the COVID-19 pandemic.

Fight Slavery and Trafficking-In-Persons (FS/TIP) Activity (2021-2026) is a six-year, \$10 million, activity implemented by Winrock International providing technical assistance to the GOB through the MOHA. It started in 2021 and works with stakeholders to reduce the prevalence of human trafficking and child marriage through four USAID areas of emphasis: Prevention, Protection, Prosecution, and Partnership. It works to achieve four IRs:

- IR 1: Increased responsiveness of criminal justice actors.
- IR 2: Strengthened capacity of communities to identify trafficking incidents/victims and to take action and support skill and behavior development for youth and adults that foster legitimate employment opportunities.
- IR 3: Improved access of trafficking victims to standardized assistance.
- IR 4: Coordinated and effective partnerships with stakeholders to counter human trafficking.

At the national level, the FS/TIP works with the MOHA and MOLJPA to monitor implementation of the National Programme of Action (NPA) and the progress of anti-trafficking cases in special anti-trafficking tribunals. At the local level it is assisted by Counter Trafficking Committees (CTCs). The activity supported the establishment of seven anti-trafficking tribunals stipulated in Bangladesh's anti-trafficking law and the 2018-2020 NPA.

Other USG Agencies

In addition to USAID, the U.S. Department of State Counter-Terrorism Bureau, State Department Bureau

¹³⁹ GOB 8th Five Year Plan 2020-2025.

of International Narcotics and Law Enforcement Affairs (INL), the Justice Department's International Criminal Investigative Training Assistance Program (ICITAP), and Office of Overseas Prosecutorial Development and Training (OPDAT) project provide technical assistance to the GOB in counter-terrorism, money laundering, prosecutorial development, and community policing.

U.S. State Department Counter-Terrorism Bureau

The U.S. Department of State Counter-Terrorism Bureau has supported the establishment of Counterterrorism Special Tribunals authorized under the Antiterrorism Act of 2009 (amended in 2012 and 2013). Since 2018, the Counter-Terrorism Bureau has been supporting the "Strengthening the Rule of Law" project implemented by the National Center of State Courts through a grant. The project aims to strengthen the capacity of Bangladeshi judges to manage and adjudicate terrorism cases and complex financial crimes. It provides technical assistance and training in close coordination with the MOLJA, JATI, and special tribunals adjudicating terrorism and money laundering cases in Dhaka, Chattogram, Rajshahi, and Sylhet, focusing on raising awareness of international best practices, delivering training to judges, and improving case management and scheduling procedures for the adjudication of terrorism cases and complex financial crimes.

U.S. Department of Justice Office of Overseas Prosecutorial Development and Training

Since 2005, OPDAT has been supporting the GOB's efforts to strengthen its anti-money laundering/terrorist financing regime and improve the capability of Bangladeshi law enforcement to investigate and prosecute complex financial and organized crimes. OPDAT provided significant support to Bangladesh in preparation for the signing of all 12 of the UN counterterrorism instruments, including the Convention for the Suppression of Terrorist Financing. The Resident Legal Adviser assigned by the Department of Justice works primarily with MOLJA, Attorney General's Office, and Financial Intelligence Unit to provide judicial and prosecutorial skills-development programs. OPDAT also played a key role in the passage of three of the most important tools for fighting terrorism and transnational crime: the Anti-Terrorism Act, the Money Laundering Prevention Act, and the Mutual Legal Assistance Act. OPDAT also advocates for the establishment of a career prosecution service in Bangladesh.

U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs and International Criminal Investigative Training Assistance Program

In cooperation with INL, ICITAP has provided training through the community-policing program for over 20,000 law enforcement officials since 2011. The community policing program focuses on increasing the capacity of Bangladeshi police to adopt new community-oriented practices and serve their communities more effectively. Trainings are mainly offered through the Bangladesh Police Academy.

Other Development Partners

UNDP: UNDP's ROL and justice sector strategy is based on the current United Nations Development Assistance Framework (UNDAF) 2017-2021.¹⁴⁰ The UNDP's justice sector projects are partially financed by the EU and other bilateral donors like the Danish International Development Agency (DANIDA), Swiss Agency for Development and Cooperation (SDC), and Swedish International Development Agency (SIDA). Its current assistance focuses on activating the VCs, reducing the case backlog, digitalizing court processes, and expanding access to justice and ADR. A new UNDAF is under preparation and, according to UNDP representatives, will continue its focus on improved case management, access to justice, human rights, and climate justice. Ongoing initiatives of the UNDP include:

- **Activating Village Courts:** This project seeks to strengthen local justice systems in UPs through the establishment and activation of VCs, improving access to justice, and strengthening local government. On the GOB side, the project is administered through the Ministry of Local

¹⁴⁰UNDAF 2017-2021 at <https://bangladesh.un.org/en/32562-united-nations-development-assistance-framework-2017-2021>

Governance. The project commenced in 2009 and has been extended several times through support of the EU.¹⁴¹

- **Accelerating Digitalization in the Justice System of Bangladesh (ADJSB):** This is a recent project implemented by UNDP in close collaboration with the MOLJPA and SC to respond to COVID-19 challenges faced by courts. The project provides technical support in developing a digital justice service system in the higher and lower courts. ADJSB focuses on reducing the existing case backlog and delivering low cost, easily accessible automated justice services during and beyond COVID-19. The project has four components including:
 - Component 1: Digitalized justice system is established at higher courts, subordinate courts, and Women and Children Repression Prevention Tribunal to provide timely justice services.
 - Component 2: The capacity of the justice sector is increased to provide digitalized justice services.
 - Component 3: Justice seekers, especially women, have knowledge of and access to digitalized justice services.
 - Component 4: Effective and efficient project management.
- **Improved Case Management in Courts:** The UNDP has been supporting the MOLJPA and SC to reduce the backlog of cases for two decades. It provided significant assistance to the SC for the preparation of the 2017-2022 Strategic Plan aimed at introducing new measures to tackle the backlog including the establishment of CCCs at the national and district levels. In 2018, the UNDP and MOLJPA announced the establishment of the NJCC to provide oversight and act as an advisory body for the whole justice sector as well as lead the sector's strategic reform process. The UNDP is continuing its technical assistance to the MOLJPA, NJCC, and SC, but reports limited results due the COVID-19 slowdown and poor coordination among key justice actors.
- **Human Rights Program (HRP):** The HRP program is supported by SDC and SIDA for the period April 1, 2020, to June 30, 2022. DANIDA also supported the earlier phase of the HRP (2016-2020). The HRP supports state-based institutions with a special focus on the National Human Rights Commission (NHRC) as well as key civil society interventions to improve human rights coalitions across the country. It works to achieve the following results:
 - Strengthened capacity of the NHRC to deliver on its mandate.
 - Enhanced capacity of civil society and community-based organizations to engage in human rights advocacy and awareness raising.
 - Enhanced capacity of law enforcement agencies, in particular police, on human rights issues.
 - Strengthened capacity of national stakeholders to better protect and promote women's rights.
 - Strengthened capacity of national stakeholders to better protect and promote the rights of ethnic minorities.

European Union Delegation in Bangladesh: The EU Delegation in Bangladesh is currently implementing a new 2021-2027 Multiannual Indicative Programme for Bangladesh.¹⁴² The three priority areas are human capital development, green inclusive development, and inclusive governance. Under the Inclusive Government priority area, the EU is focusing on legal and judicial development, ending violence against women and girls, democratic participation, and the civil society sector. Although the EU's assistance

¹⁴¹ International Initiative for Impact Evaluation (2020) "Rural institutional innovation: Can village courts in Bangladesh accelerate access to justice and improve socio-economic outcomes?" <https://www.3ieimpact.org/sites/default/files/2020-04/IEI16-DPW1.1100-Village-Courts-Bangladesh.pdf> BRAC-Institute of Development and Governance "Cost-Benefit Study on Implementing Village Courts in Union Parishads of Bangladesh," <https://bigd.bracu.ac.bd/wp-content/uploads/2020/03/2.-Cost-Benefit-Study-on-Implementing-Village-Courts-in-Union-Parishads-of-Bangladesh.pdf>

¹⁴² Inception Phase Evaluation Report, https://info.undp.org/docs/pdc/Documents/BGD/22%20JULY_FINAL%20REVISED%20VERSION_SA%20latest%20submitted%20o%20SDC%2001%20August%202018.pdf

spans many initiatives, its substantial contribution has been to support VCs to reduce case backlog. Currently the EU's efforts are focused on making the VCs effective in 1,080 UPs and formulating a strategy to hand the program over to the GOB to ensure sustainability

United Kingdom Foreign, Commonwealth & Development Office: The UK is one of the largest actors in the ROL and justice sector through the FCDO. It is co-funding community legal services, access to justice, and paralegal components of the Justice and Prison Reform for Promoting Human Rights and Preventing Corruption program implemented by GIZ. The latter program focuses on providing paralegal services as a way to address prison overcrowding and case backlogs (see below). FDCO also co-funds with USAID and The Asia Foundation (TAF), the Strengthening Political Participation Phase 2, a project working to increase public understanding of and engagement in political processes, with a focus on women and young people. This program includes the Strengthening Political Landscape (SPL) initiative implemented by Democracy International and Political Advocacy and Rights (PAR) project implemented by Counterpart International.¹⁴³ FDCO is also financing “Transparency and Right to Information,” aiming to improve the transparency of government processes implemented by Transparency International Bangladesh (TIB).

Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH: GIZ has been working in the justice and ROL sector for two decades. The priority areas for cooperation are good governance, ROL, and human rights. Its main project, “Justice and Prison Reform for Promoting Human Rights and Preventing Corruption,” is funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and FCDO.¹⁴⁴ The GOB's lead executing agencies are the MOLJPA and MOHA. The program is working to improve the quality and delivery of the justice system operating in three main areas: 1) institutional strengthening, 2) evidence-based policy advocacy, and 3) access to justice for the vulnerable. The main achievement of the program has been the introduction of the Paralegal Advisory Service (PAS), targeted towards reducing prison overcrowding and case backlog. GIZ reports that through the deployment of paralegals 22,527 prisoners were released from prison from the start of the project in 2012 through October 2019. Furthermore, GIZ reports that paralegals have assisted 279,024 justice seekers in courts and 25,488 in police stations.

In the previous phase (2012-2018), the program implemented an evidence-based policy dialogue for initiating legislative reforms. This led to the creation of the Justice Audit as a knowledge base on various aspects of the justice system developed in cooperation with the MOLJPA and Bangladesh Bureau of Statistics (BBS). The GOB is interested in integrating the work of paralegals in the NLASO in cooperation with NGOs.

Japan International Cooperation Agency (JICA): JICA has been working in Bangladesh since 1973. Its priority areas of support are defined in the Country Development Cooperation Policy (CDCP)¹⁴⁵ and its Action Plan.¹⁴⁶ Under the governance sector, JICA works directly with the MOLJPA in three main areas: 1) improving court service delivery, 2) increasing capacity building of the members of the subordinate judiciary, and 3) legal and human resources development. JICA also supports the reduction of case backlog through the increased use of ADR and funded a revision of a Manual on ADR previously supported by the UNDP. The work on the capacity of subordinate courts includes international exchange

¹⁴³ See Program Description Strengthening Political Participation in Bangladesh, Phase 2 (SPP 2), <https://en.thpbd.org/wp-content/uploads/2020/10/SPP2-Annual-Review-2020-on-6-April-2020-Final.pdf>

¹⁴⁴ Justice and Prison Reform for Promoting Human Rights and Preventing Corruption Project Summary, <https://www.giz.de/en/worldwide/15042.html>

¹⁴⁵ Country Development Cooperation Policy for the People's Republic of Bangladesh, February, 2018, at <https://www.bd.emb-japan.go.jp/files/100136824.pdf>

¹⁴⁶ See Action Plan, <https://www.bd.emb-japan.go.jp/files/100183604.pdf>

programs for judges based on the requests of the MOLJPA and judicial needs. Sixty (60) judges have been trained in Japan from 2015 to 2020.¹⁴⁷

Korea International Cooperation Agency (KOICA): KOICA's activities focus on supporting implementation of Digital Bangladesh, enhancing police capacity to counter cybercrime, and assisting the Department of Narcotics Control.¹⁴⁸ KOICA supported the ICT Division in developing the e-Government Master Plan for Digital Bangladesh. It also provided support to the Criminal Investigation Department of the Bangladesh Police to effectively combat emerging cybercrime and conventional crimes. It is also supporting the Department of Narcotics Control (DNC) to establish the Narcotics Information Management System (NIMS) which covers narcotics court case management.

The Asia Foundation: TAF has been working in Bangladesh for decades. Its current programs focus on access to justice, countering extremism, and advancing women's rights in Bangladesh. TAF provides most of its assistance through local NGOs.

Danish Agency for International Development: DANIDA's interventions are based on the Bangladesh Country Program 2016-2021 which should be renewed in 2022.¹⁴⁹ The key objectives of its program on "Governance and Rights" are promotion of the ROL, accountability, and rights for poor and vulnerable groups. DANIDA supports UNDP but delivers most of its assistance through rights-based NGOs working on access to justice and the protection of human rights.

Swedish International Development Agency: SIDA's relevant activities focus on democracy, gender equality, and human rights. It supports TIB on promoting transparency and accountability. It also works on gender equality, combating violence against women, and preventing child marriage by providing safe housing and legal aid for women who have been subjected to violence.

Swiss Agency for Development and Cooperation: SDC's multiyear assistance to Bangladesh is delivered on the basis of the newly adopted Swiss Cooperation Program Bangladesh 2022-2025.¹⁵⁰ Under the "Democratic Governance" priority area, SDC initiatives focus on fighting corruption; improving transparency, efficiency, and accountability of local government institutions (LGIs); water governance; strengthening women's political empowerment; and the protection of survivors of human rights violations. In cooperation with Bangladesh CSOs, SDC has been contributing to legal aid services for poor people in rural areas. It also provides social protection to Rohingya refugees and migrant workers.

Lessons Learned from Past Initiatives

Publicly available evaluations of previous ROL and justice sector projects have reported limited results in improving the quality and efficiency of the justice system, improving case management practices, introducing ICT solutions in the judiciary, reducing case backlog, and training judges.¹⁵¹ This is also supported by Bangladesh's international ratings in the areas relevant to this assessment. Bangladesh scores show no improvement in the ROL and justice sector in the last decade, and trends are negative in the rankings on political freedoms and civil liberties, corruption, and press freedom (see Table 7 for Bangladesh scores). Interviews with development partners pointed to four challenges that limited the results of previous justice sector projects: 1) weak political will and commitment for major justice reforms,

¹⁴⁷ GOB 8th Five Year Plan, p. 165.

¹⁴⁸ KOICA's 30 Years in Bangladesh (2021), <https://thefinancialexpress.com.bd/views/30-years-of-koica-in-bangladesh-1618065342>

¹⁴⁹ Denmark's Country Policy Paper for Bangladesh 2019-2021, <https://um.dk/en/danida-en/strategies%20and%20priorities/country-policies/bangladesh/>

¹⁵⁰ Swiss Cooperation Programme Bangladesh 2022-25. https://www.eda.admin.ch/dam/deza/en/documents/publikationen/Diverses/swiss-cooperation-programme-bangladesh-2022-25_EN.pdf

¹⁵¹ WB Rule of Law Project, UNDP Judicial Strengthening Project (JUST), UNDP Justice Sector Facility (JSF) Project, and USAID JFA Activity.

2) poor coordination between key GOB justice sector institutions and donors, 3) resistance to change by judicial staff and legal professionals, and 4) poor capacity of the executive and judicial administration.

Table 7: Bangladesh in World Rankings

Year	Freedom Score ¹⁵² (Freedom House)	Judicial Independence ¹⁵³ (World Economic Forum)	ROL Index ¹⁵⁴ (World Justice Project)	Bertelsmann Transformation Rule of Law Sub-Index ¹⁵⁵	Corruption Perception Index ¹⁵⁶ (Transparency International)	Gender Gap Index ¹⁵⁷	Press Freedom Index ¹⁵⁸ (Reporters Without Borders)
2012	N/A (Partly Free)	104/144	88/97	5	144/176	86/135	N/A
2013	N/A (Partly Free)	129/148	88/97	5	137/177	75/134	144 /180
2014	N/A (Partly Free)	132/144	80/99	3.8	145/175	68/142	146 /180
2015	N/A (Partly Free)	130/140	93/102	3.8	139/168	72/145	146 /180
2016	49 (Partly Free)	117/138	103/113	3.8	145/176	72/144	144 /180
2017	47 (Partly Free)	95/137	102/112	3.8	143/180	47/144	146/180
2018	45 (Partly Free)	93/140	102/112	3.8	149/180	48/149	146/180
2019	41 (Partly Free)	96/141	112/126	3.8	146/180	48/149	150/180
2020	39 (Partly Free)	98/142	115/128	3.5	146/180	50/153	151/180
2021	39 (Partly Free)	N/A	124/139	N/A	147/180	65/156	152/180

Many respondents observed that while the GOB is generally constructive with development partners, it prefers to anchor assistance to its long-term plans for achieving rapid inclusive growth, eradication of

¹⁵² Since 2016, the **Global Freedom Score** published by Freedom House measures aggregate freedom scoring as a composite result of: 1) freedom, 2) political rights, and 3) civil liberties. “Least free” is zero (0) and “most free” is 100. Bangladesh is rated as “partly free” with Global Freedom Score of 39 out of 100 in the last two years and a declining trend since 2016.

¹⁵³ The **Global Competitiveness Report** published by the World Economic Forum since 2010 includes a Sub-Index which measures judicial independence by the extent of undue influence of members of government, citizens, or firms on the judicial branch. Scores close to 1 mean “heavily influenced” and scores close to 7 mean “entirely independent.” Bangladeshi’s score is typically close to 3.0.

¹⁵⁴ The **World Justice Project’s Rule of Law Index** published by measures countries’ ROL performance across eight factors: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice.

¹⁵⁵ The **Bertelsmann Foundation’s Transformation Index** includes a Sub-Index which measures Rule of Law Score on a scale from 1 to 10 by considering: 1) separation of powers, 2) independent judiciary, 3) prosecution of office abuse, and 4) civil rights. Bangladesh has generally been at 3.8 but has experience a decline to 3.5 in 2020.

¹⁵⁶ **Transparency International’s Corruption Perception in Public Sector** calculated using 13 different data sources from 12 different institutions that capture perceptions of corruption in 191 countries. Bangladesh’s score since 2012 remains unchanged averaging 26/100 despite the change of position in the overall ranking.

¹⁵⁷ The **World Economic Forum’s Gender Gap Index** measures the gender equality gap by examining four main categories (subindexes): Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment. Bangladesh scores very well on Political Empowerment since the office of Prime Minister, the highest constitutional position in the country has been kept by two women for most of the time since 1991.

¹⁵⁸ Since 2013, the **World Press Freedom Index** published by **Reporters Without Borders** measures the freedom of press based on a composite score examining seven categories relevant to freedom of press including Pluralism of Opinions, Media independence, Environment and self-censorship, Legislative framework Transparency Infrastructure abuses. Countries have been given scores ranging from 0 to 100, with 0 being the best possible score and 100 the worst. Bangladesh score has been declining since 2013 and is categorized as a country with “difficult situation” of Press Freedom.

poverty, and shared prosperity. The ROL and judicial independence are identified as second-order priorities to facilitating economic growth and social development, and do not receive the same attention and political commitment by the GOB. Development partners like UNDP and GIZ are responding to this reality by negotiating their areas of intervention in advance and delivering “on demand” assistance following consultations with GOB. Faced with a lack of political commitment from the GOB, other partners have decided to significantly reduce their assistance in the ROL and justice sector, e.g., the WB and Asian Development Bank. A majority of development partners interviewed (eight out of 11) converged around the idea that interest alignment, prior approval, and continued consultation with beneficiaries is crucial to ensure buy-in from the GOB. USAID consults extensively with the GOB and its various ministries; however, it has considerably more autonomy compared to international partners like the UNDP, GIZ, and EU in designing and implementing projects.¹⁵⁹

Development partners also expressed their frustration with the decreasing level of donor coordination which makes it difficult to design feasible and impactful projects while avoiding donor duplication of efforts in the justice sector.¹⁶⁰ A donor coordination mechanism referred to as the “Local Consultative Group of Development Partners” that existed until 2015 worked well for a few years but has become passive in the recent years. As a result, there is no donor agreed agenda on ROL and justice interventions and monitoring for results. Various donors have their own formal or informal consultation mechanisms which are usually project driven and limited in membership. For example, the EU representatives suggested that they have a good overview of EU member state-funded projects but are less informed about the initiatives of other partners like USAID, JICA, or FDCO. The poor coordination and lack of a donor agreed agenda prevent partners from speaking in one voice on the most pressing issues of the justice reform which were identified during this assessment namely, the separation of powers, politicization of the higher judiciary, case backlog, and widespread judicial corruption. Implementing partners complained that donor fragmentation serves the GOB interest to deprioritize major reforms and gives the MOLJPA more room to manage each donor separately, directing them to work in the areas so it can deflect pressure for real reforms. This was expressed succinctly by one international development officer: *“I think it helps GOB to have poor donor coordination as it can avoid collective pressure to address shortcomings.”*¹⁶¹

Our assessment found that donor conditionality needs to be strengthened both in terms of incentivizing reforms in the justice sector with further funding in areas of support relevant to the GOB or in confronting the GOB to address key challenges.

The AT’s data collection coincided with the announcement of U.S. sanctions on several senior law enforcement authorities allegedly involved in serious human rights violations. Bangladesh was also not invited to participate in the Summit of Democracy organized by the White House in December 2021. While sanctions alone are unlikely to induce greater GOB political commitment, the need for some form of conditions or sanctions in response to a protracted lack of results in addressing key justice sector challenges was suggested by both development partners and civil society actors.

The lack of conditions and benchmarking seems to have prevented donors from scaling back or abandoning projects even when intended results were clearly not being achieved. Incentives deployed by donors could condition further investment in areas where the GOB has a vested interest to succeed or perform well.¹⁶² For example, further investment in the anti-trafficking special tribunals could be tied with concrete and objectively verified progress in reducing the mounting case backlog in the seven tribunal courts. This would require USAID and other donors to adopt some form of conditionality linked to innovation and modernization of justice sector. This has been successfully implemented by the Millennium Challenge Corporation (MCC) in other parts of the world regarding procurement reforms, business enabling

¹⁵⁹ Interview with USG development practitioner, November 2021.

¹⁶⁰ Interview with EU rule of law staff, November 2021.

¹⁶¹ Interview with USG development practitioner, December 2021.

¹⁶² *Ibid.*

environments, and anti-corruption initiatives. The MCC generally rewards countries based on their good results in promoting good governance, transparency, economic freedom, and investment through a competitive process and has achieved more success in lower middle-income countries.¹⁶³ USAID could link demonstrable progress towards achieving results with incremental increases in its investments in the E-Judiciary and expansion of legal aid.

Sustainability of the results achieved has been hard to maintain even for initiatives that have had discernible positive impact. Projects like JFA from USAID or the Judicial Strengthening Project (JUST), Justice Sector Strategic Dialogue (JSSD), and Justice Sector Facility (JSF) from UNDP have demonstrated that, once assistance is discontinued, things can return to the pre-intervention stage and sometimes worse.¹⁶⁴ This is clear in the case of reduction of case backlog, where results are negligible and new practices like the Counter Implementation Plan and differentiated case management introduced are abandoned. A development partner who commended some of the recent achievements in the legal aid sector stated: “I think the fact that we have to continue supporting all the ongoing initiatives is taken for granted by the GOB. Beneficiaries do not even think about sustainability at all.”¹⁶⁵

Finally, several donors mentioned that even when high-level political commitment is adequate, inaction by the administration can impact the pace of implementation for agreed projects. Donors which are considered relatively successful in dealing with the GOB and MOLJA explained that their success with local beneficiaries at both the political and administrative levels derives from close relationships. Implementing teams often have placed embedded advisors in the recipient institutions or have insisted on designating focal points to maintain communication and cooperation.

3.5.2 Conclusions

Projects related to improved judicial efficiency and performance will likely not be successful unless the clear political commitment of the GOB is secured. Concentration in areas of legal aid and access to justice is resulting in “development inertia” and “donor overcrowding” where projects continue without incorporating lessons from monitoring, evaluation, and learning (MEL). The lack of a donor-agreed justice sector agenda for issues like judicial independence, accountability, integrity, and efficiency undermines bigger impact in the sector. Most development partners are not willing or able to apply incentives or impose conditions for lack of results of the GOB on key challenges. As a result, the GOB is able to keep donors away from projects that decrease executive influence and control over judiciary.

3.6 PREVALENT ISSUES FACING WOMEN SEEKING JUSTICE

3.6.1 Findings

According to FGDs with 30 women justice seekers, the most common offenses committed against women or the issues for which they mostly seek redress are 1) domestic violence, 2) rape cases, 3) dowry-related offenses, 4) polygamy and extramarital affairs of their husbands, and 5) non-payment of maintenance. The mini survey conducted with 159 legal aid seekers of which 134 were women respondents (84.3 percent) and 25 men (15.7 percent) reflected these results. When asked about the most prevalent legal problems, respondents identified family violence (35.3 percent) and family disputes (29.9 percent) as more common

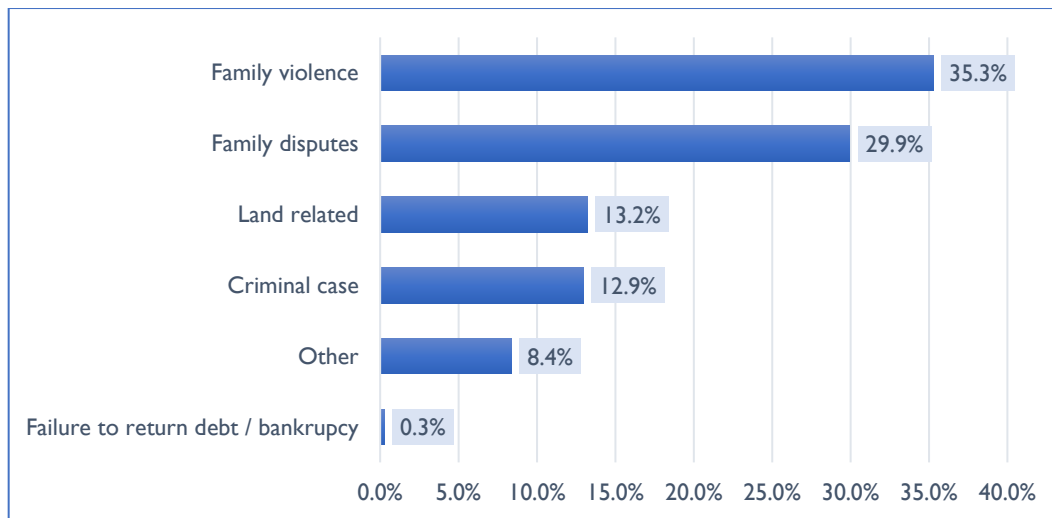
¹⁶³ U.S. Congressional Research Services (2019), “Millennium Challenge Corporation: Overview and Issues,” <https://sgp.fas.org/crs/row/RL32427.pdf> For some discussions on emerging findings on MCC success stories see Brookings Institute (2019), Millennium Challenge Corporation: An Opportunity for the Next President,” https://www.brookings.edu/wp-content/uploads/2016/06/12_mcc_rieffel.pdf

¹⁶⁴ USAID Bangladesh Justice for All Final Performance Evaluation (May 2018) at https://pdf.usaid.gov/pdf_docs/PA00T3PP.pdf. World Bank Independent Evaluation Group (2010), Implementation and Completion Report. Legal and Judicial Capacity Building Project. Bangladesh, <https://documents1.worldbank.org/curated/en/223531468007223731/pdf/ICR120001Public0Disclosed0July0121.pdf>.

¹⁶⁵ Interview with USG development practitioner, December 2021.

issues faced by legal aid seekers followed by land disputes, failure to return debt, and employment/social welfare benefit disputes.

Figure 1: Prevalent Problems of Legal Aid Seekers of Justice



Earlier studies by international organizations identified similar crimes against women in the family and community. A study published by UNDP in 2015, found that emotional violence/verbal abuse by family members (67 percent), domestic (physical) violence (30 percent), non-payment of maintenance (21 percent), and divorce (14 percent) were the most reported offenses committed against women.¹⁶⁶

Constitutional guarantees on the equal protection of the law and access to justice exist, but deeply embedded patriarchal attitudes, the perpetuation of gender inequality, and power imbalances mean that these rights are often not applied for women. Special laws adopted by successive governments such as the Acid Offense Prevention Act of 2002, the Women and Children Repression Prevention Act of 2000, Child Marriage Restraint Act of 2002, Domestic Violence Prevention and Protection Act of 2010, and Dowry Prohibition Act of 2018 have not led to a significant decrease of violence against women. For example, while the Dowry Prohibition Act prohibits the giving or receiving of a dowry which is one of the main causes of violence against women, the UN Special Rapporteur on Freedom of Religion noted that “*the tradition persisted and contributed to placing women in the humiliating position of being objects of bargaining.*”¹⁶⁷ Legal professionals, academics, and lawyers interviewed identified the lack of funding for local protection offices and courts and poorly trained police, social workers, lawyers, and judges as the main reasons for the inadequate implementation of laws. Added to these is the widespread impunity enjoyed by perpetrators on political and economic grounds. The Women and Children Repression Prevention Act of 2000 has a provision containing about a dozen death penalty offences including death caused due to dowry demands, rape, death caused as a consequence of rape, and similar offenses. Despite such strict laws, women and girls continue to be subject of persistent violence in both public and private life. Statistics show that in the period between January and December 2021, 1,321 women were raped, 47 were

¹⁶⁶ UNDP (2015), “Access to Justice in Bangladesh Situation Analysis Summary Report” at https://www.bd.undp.org/content/bangladesh/en/home/library/democratic_governance/access-to-justice-in-bangladesh-situation-analysis.html

¹⁶⁷ Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Bangladesh (2018).

murdered after rape, and nine women committed suicide after rape.¹⁶⁸ In the same period, 111 women were physically tortured for dowry and 72 were tortured to death.¹⁶⁹

Interviews with legal academics and researchers also revealed that violence against women remains systematic, underreported, and under-punished. According to a 2015 survey by the BBS, almost three-quarters (73 percent) of married women have experienced some form of violence by their husband at least once in their life, including physical violence, sexual violence, economic violence, emotional violence, and controlling behavior.¹⁷⁰ Cases of violence against women have reached alarming levels in recent times, particularly during the COVID-19 pandemic. This increase indicates that the legal framework (and its implementation) to prevent violence against women and children remains inadequate.¹⁷¹

Although more than 100 Nari-o-Shishu (Women and Children Violence Repression Tribunal) special tribunals are established to prosecute offenses against women and children, less than 3 percent of women subjected to violence report their victimization to authorities.¹⁷² Assessment respondents stated that underreporting is prevalent because the justice system is gender biased, anti-poor, and influenced by the rich and powerful. When women take steps to report crimes, they often experience indifference by the police, gender insensitive treatment by judges, and lengthy proceedings which end in acquittals or lenient sentences for perpetrators. In 2016, the Justice Audit Bangladesh, which collected data from 71 police stations investigating over 16,000 cases of violence against women, found that only 3 percent of cases resulted in a conviction, as compared to a 7.5 percent conviction rate for other cases under investigation.¹⁷³ Local experts claim that prosecutors, judges, and lawyers often assume that women are lying and presenting a false case when they seek justice for sexual violence or harassment.¹⁷⁴

The feeling of being powerless against perpetrators affects women's trust in the formal justice system and leaves them with few options to redress their grievances.¹⁷⁵

Women predominantly seek redress in the informal Shalish.

Despite the broad range of available jurisdictional choices for women, our informants noted that the formal court system in Bangladesh remains insufficiently accessible to economically and socially disadvantaged communities and poor women in rural communities. Courts concentrated in the main cities of a district are far away and the processes involved in gaining access to them are too complex and costly for poor women. Court procedures are hard to understand for legally illiterate women and good lawyers are very expensive.¹⁷⁶ Even when women decide to protect their rights through criminal or civil courts, the high number of adjournments leads to excessively lengthy proceedings making the overall cost of legal representation unaffordable to women justice seekers.¹⁷⁷ Four legal researchers interviewed stated that the lack of legal awareness, lengthy court proceedings, and lenient treatment by the justice system for perpetrators of domestic violence make women justice seekers reluctant to use the formal courts. As a

¹⁶⁸ <https://www.askbd.org/ask/2022/01/13/violence-against-women-rape-jan-dec-2021/>

¹⁶⁹ <https://www.askbd.org/ask/?s=dowry&id=21300>

¹⁷⁰ "Report on Violence Against Women (VAW) Survey 2015," Bangladesh Bureau of Statistics, 2016. According to the BBS, more than 21,000 women above the age of 15 were interviewed.

¹⁷¹ Available at: <http://mahilaparishad.org/vaw-chart/>

¹⁷² *Ibid.*

¹⁷³ Human Rights Watch (October 2020), "I Sleep in My Own Deathbed" Violence against Women and Girls in Bangladesh: Barriers to Legal Recourse and Support."

¹⁷⁴ HiLL (2018), "Justice Needs and Satisfaction in Bangladesh: Legal problems in daily life," <https://www.hiil.org/wp-content/uploads/2018/07/Hiil-Bangladesh-JNS-report-web.pdf>

¹⁷⁵ Naznin Shuvra, Atia, Women's Right to Access to Justice: The Role of Public Interest Litigation in Bangladesh (June 28, 2021). Australian Journal of Asian Law, 2021, Vol 21 No 2, Article 7: 99-117, SSRN: <https://ssrn.com/abstract=3875277>

¹⁷⁶ Akter, F. (2017). Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox? Asian Journal of Law and Society, 4(1), 257-275. doi:10.1017/als.2016.60.

¹⁷⁷ UNDP (2015), "Access to Justice in Bangladesh Situation Analysis Summary Report,"

https://www.bd.undp.org/content/bangladesh/en/home/library/democratic_governance/access-to-justice-in-bangladesh-situation-analysis.html

result, the informal justice provided by traditional *Shalish*, community leaders, VCs of the Union Council chairmen, arbitration councils under the Muslim Family Laws Ordinance 1961, and NGO-led mediation are the more frequent jurisdictional choices of women seeking justice.¹⁷⁸

Shalish is a social system for informal adjudication of petty disputes both civil and criminal, by local elders and influential members of the local community such as *matbars* (leaders) or *shalishkars* (adjudicators). They are particularly common in rural communities. According to a UNDP Baseline Report on the VCs, *Shalish* was the mechanism used in the vast majority (88 percent) of resolved cases whereas the formal district courts were used in 10 percent of all resolved cases.¹⁷⁹ Almost all Bangladeshis (97 percent) are aware of the traditional *Shalish* and understand its role.¹⁸⁰ Geographical proximity, speed, and the conciliatory nature of the proceedings between parties are the main factors determining their choice by women justice seekers.¹⁸¹ Despite these advantages, *Shalish* do not always operate on the basis of impartiality, independence, and accountability. Local government leaders, such as the UP chairmen and other *Shalish* members, may encourage the settlement of disputes by *Shalish* because they want to be seen to have the authority to solve constituents' disputes or because they want to prevent embarrassment of their community—or individuals within it—by having the disputes raised in the formal justice system.¹⁸²

NGO activists and legal researchers interviewed pointed out that the traditional *Shalish* is often used by local notables, the rich and politically connected, to silence women who suffer sexual harassment, rape, or violence through pay-outs to the victim or family members. A development partner stated: “*Shalish* is prone to be used by powerful people to prevent women from taking their disputes to courts. Mutual agreement and reconciliation often take place in clear disregard of women’s rights.”¹⁸³

While many women prefer to use *Shalish* because they can get some relief without the problems involved with accessing the formal courts, there is evidence that some women feel coerced to accept *Salish* decisions because of the social stigma that may attach to them and/or their families if they take a dispute outside of the community. As one DLAO officer stated: “*Because of the fear of losing good standing in society and affecting their family status, women prefer Shalish, as they always try to save their marriages.*”¹⁸⁴

To address some of the gender bias towards women, many NGOs have tried to reform the *Shalish* system by including more women as mediators in the *Shalish* proceedings. NGOs like Madaripur Legal Aid Association, Ain o Salish Kendra (ASK), BRAC, Bangladesh Legal Aid Services and Trust (BLAST), Banchte Shekha, and Nagorik Uddyong have received considerable support from development partners to make the *Shalish* a more friendly mechanism for women and the poor to access justice. Their services are largely provided for free or for a very small fee and are considered to be far more equitable in their treatment of women than the traditional and UP *Shalish*.¹⁸⁵ NGO-led *Shalish* or mediation offers several advantages compared to the traditional process, greater participation of women mediators in the decision-making

¹⁷⁸ Rule of Law and Access to Justice in Bangladesh: A Concept Note, A joint project of the United Nations Department of Economic and Social Affairs (UNDESA) and Access to Information Programme, Government of the People’s Republic of Bangladesh, https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/Bangladesh/CN%20SDG%2016.3.1%20%5BAccess%20to%20justice%5D_21102018.pdf

¹⁷⁹ UNDP, (2016) “Activating Village Courts in Bangladesh (Phase II) Project: Baseline Report,” p. 20, at <https://www.villagecourts.org/wp-content/uploads/Final-Baseline-Report-of-AVCB-Phase-II-Project-.pdf>

¹⁸⁰ UNDP (2015), “Access to Justice in Bangladesh Situation Analysis Summary Report” at https://www.bd.undp.org/content/bangladesh/en/home/library/democratic_governance/access-to-justice-in-bangladesh-situation-analysis.html

¹⁸¹ Naznin Shuvra, Atia, (June 28, 2021). “Women’s Right to Access to Justice: The Role of Public Interest Litigation in Bangladesh,” *Australian Journal of Asian Law*, 2021, Vol 21 No 2, Article 7: 99-117, SSRN: <https://ssrn.com/abstract=3875277>

¹⁸² FGD with Legal Aid Seekers, November 2021.

¹⁸³ Interview with development partner, November 2021.

¹⁸⁴ Interview with District Legal Aid Officer, November 2021.

¹⁸⁵ Akter, F. (2017). Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox? *Asian Journal of Law and Society*, 4(1), 257-275. doi:10.1017/als.2016.60.

and greater negotiating strength for the disadvantaged.¹⁸⁶ However, NGO-led *Shalish* are mainly driven by donor funding, are not present in all communities, and need a lot of outreach compared to traditional *Shalish*.

Women are also increasingly filing applications to VCs as these operate in over 1,080 UPs. According to the case statistics of the UNDP-supported Activating Village Courts Project, VCs received 235,891 cases from May 2017 to July 2021 and women filed 69,727 applications.¹⁸⁷ By being closer to remote communities and issuing decisions that are legally binding and enforceable, VCs have comparative advantages relative to *Shalish* and district courts. However, while each UP has the authority to operate a VC under the 2006 Village Courts Act, they currently operate in only 1,080 out of the 4,500 UPs of Bangladesh. This means that about 75 percent of UPs do not have a fully functional VC.¹⁸⁸ And even in the UPs where VCs, only 4 percent of the disputes were resolved in the VC two years after project's implementation. While both *Shalish* and VCs may have their shortcomings, they are locally accessible and inexpensive, making them more affordable and convenient for most women who seek justice.¹⁸⁹

Prevalent Issues of Women Justice Seekers

FGDs with justice seekers had a high degree of overlap with results from the mini survey regarding the most prevalent issues faced by women. Both methods revealed that social and family condemnation, lack of legal awareness, unfair treatment by police, unfordable costs, and the length of proceedings are among the most prevalent issues faced by women justice seekers.

The lack of legal awareness about the availability of legal aid, inaccessibility of district courts, and complexity of proceedings were issues commonly mentioned by all justice seekers, both men and women. However, there are gendered dimensions of access to justice that have a different effect on women compared to men. While laws are adequate and steps have been taken to suppress child marriage, dowry-related violence, domestic violence, and sexual violence against women, both the formal and informal justice systems are male dominated. Women justice seekers did not point to particular discriminatory legal provisions but mentioned that male domination is culturally entrenched and reflected within the sphere of ROL, access to justice, including legal aid, and legal proceedings in general. This results in more difficult experiences for women compared to male justice seekers. Lack of a supportive mindset among police, prosecutors and lawyers, lack of money for transportation, and lengthy processes in obtaining legal aid were mentioned by women justice seekers who participated in the survey. Women justice seekers in FGDs also complained that “*the process is not made easy for survivors of traumatic incidents of violence, including rape because society blames us as if we were culprits and not victims.*”¹⁹⁰ Court facilities and processes including the lack of information desks and proper signage are not conducive to making women feel comfortable with the process. Inadequate facilities for women at court can mean that they are vulnerable to being attacked, beaten, or otherwise harassed by the accused or members of the accused's family while waiting for their case to be heard. In addition, FGD participants complained about the lack of adequate facilities for pregnant women, breastfeeding women, and women with small children which can make the court experience uncomfortable for them. According to one respondent justice seeker:

“There are no information desks, restrooms for women, breastfeeding rooms or prayer rooms. The lawyers, most of the time, are not cooperative. The process is extremely lengthy, with the women needing to attend

¹⁸⁶ Ajnin Begum Nirmal Kumar Saha Women's Access to Justice in Bangladesh Constraints and Way Forward Vol. 44 No. 2. Dec. (2017): Journal of Malaysian and Comparative Law.

¹⁸⁷ Village Courts Performance Statistics for the period May 2017-July 2021, <https://www.villagecourts.org/case-statistics/>

¹⁸⁸ Each UP represents an average of 30,000 people and covering an area of 30 square kilometers.

¹⁸⁹ Hiil (2018), “Justice Needs and Satisfaction in Bangladesh: Legal problems in daily life,” <https://www.hiil.org/wp-content/uploads/2018/07/Hiil-Bangladesh-JNS-report-web.pdf>

¹⁹⁰ Women Justice Seeker participants in FGD, Chattogram, November 2021.

several hearings, for which they have to travel from their villages. They have to leave their children behind or bring them to Court with them. There is a general feeling of insecurity.”¹⁹¹

Table 8: Prevalent Issues of Women Justice Seekers (FGD and Mini Survey Compared)

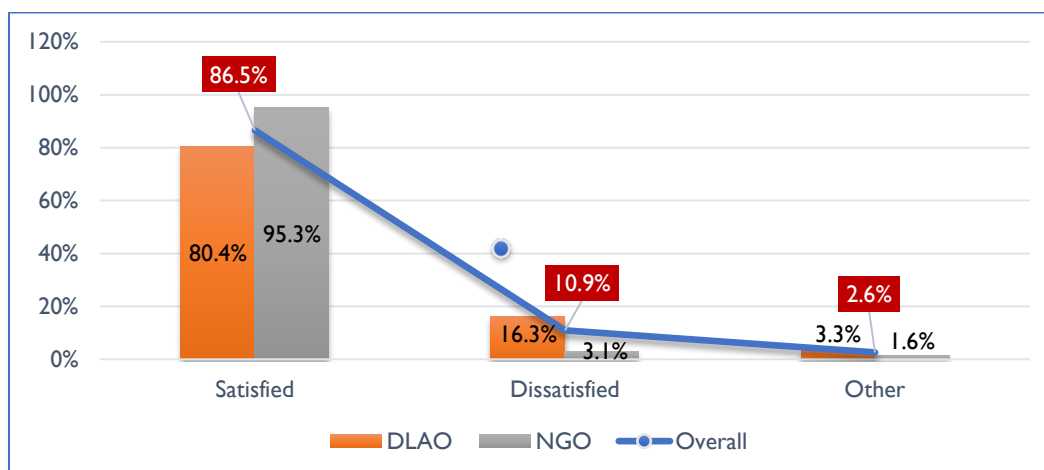
Focus Groups	Mini Survey
Lack of awareness on rights, available remedies, and court process	Lack of awareness about rights and responsibilities by justice seekers
Poverty and illiteracy	Unequal treatment between female and male legal aid seekers
Harassment and hassles caused by police as the first point of contact	Discrimination by the legal aid system
Unbearable cost of traveling to appear in court multiple times, produce witnesses, documents	Unaffordable cost to access legal aid system
Social condemnation and stigma for accessing a state agency (court) outside the community	Social stigma and family pressure against seeking justice
Unfriendly court staff and facilities	Judicial bias against women
Lengthy proceedings	Community revenge after the case

Mini survey results reveal that most justice seekers have a high level of satisfaction with the legal aid services they receive. While the survey sample was not representative of the whole legal aid population, some conclusions can be drawn. Of the 159 justice seekers interviewed, 58.55 percent were legal aid clients of state-provided legal aid through the DLAO while 41.45 percent were clients of NGO-provided legal aid. The 12 questions asked surveyed justice seekers about their level of satisfaction with legal aid, the professional conduct and competence of legal aid lawyers, the length and cost of proceedings, and other questions regarding the most prevalent issues for which respondents seek legal aid advice from the DLAO or NGOs.

Clients are satisfied with legal aid services.

The vast majority (86.5 percent) of mini survey respondents reported a high level of satisfaction (satisfied or very satisfied) with the legal aid services they received. Those receiving legal aid from DLAO reported an 80.4 percent level of satisfaction with the services received while the level of satisfaction reported for NGO-provided legal aid was as even higher at 95.3 percent. Only 10.9 percent of respondents reported that they were dissatisfied or very dissatisfied with the legal aid they received.

Figure 2: Reported Satisfaction Levels with Legal Aid Services

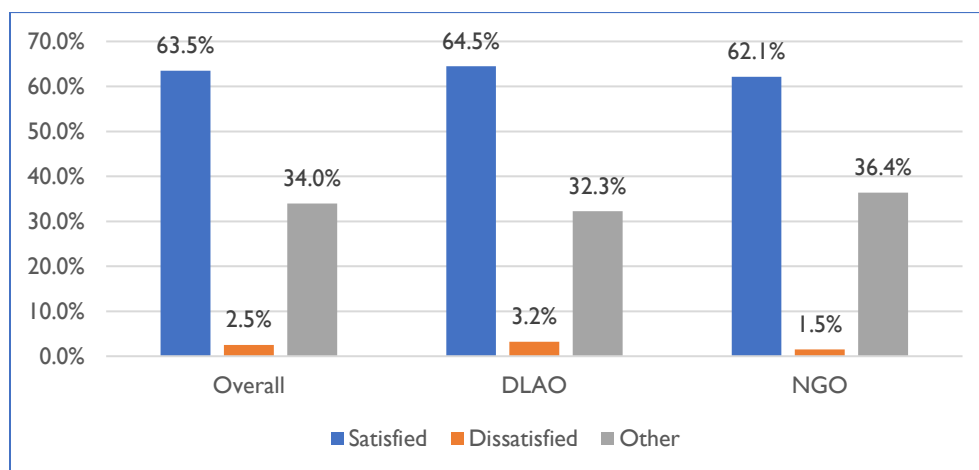


¹⁹¹ FGD with Justice Seekers in Sylhet, November 2021.

Clients are satisfied with legal aid lawyers' professional competence.

Respondents also report a high level of satisfaction with the professional competence of the lawyers providing legal aid.¹⁹² In total, 63.5 percent of respondents report that they were either satisfied or very satisfied with the professional competence of their legal aid lawyers. DLAO lawyers scored slightly higher than NGO lawyers at 64.5 percent versus 62.1 percent respectively.¹⁹³

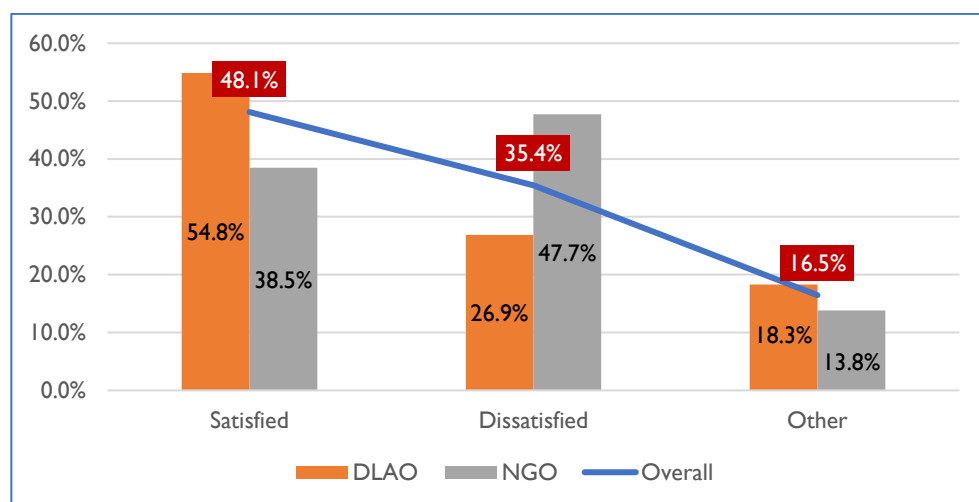
Figure 3: Reported Satisfaction with Legal Aid Lawyers' Professional Competence



Legal aid clients still find the court process too costly and too slow.

Survey respondents are less satisfied with two important aspects of their legal aid experience. First, less than half of respondents were satisfied with the length of legal aid proceedings (48.1 percent). While 54.8 percent are satisfied with the length of legal aid proceedings involving DLAO, only 38.5 percent are satisfied with the length of legal aid proceedings involving NGOs. Almost half of NGO legal aid justice seekers (47.7 percent) report dissatisfaction with the length of proceedings.

Figure 4: Reported Satisfaction with the Length of Legal Aid Proceedings

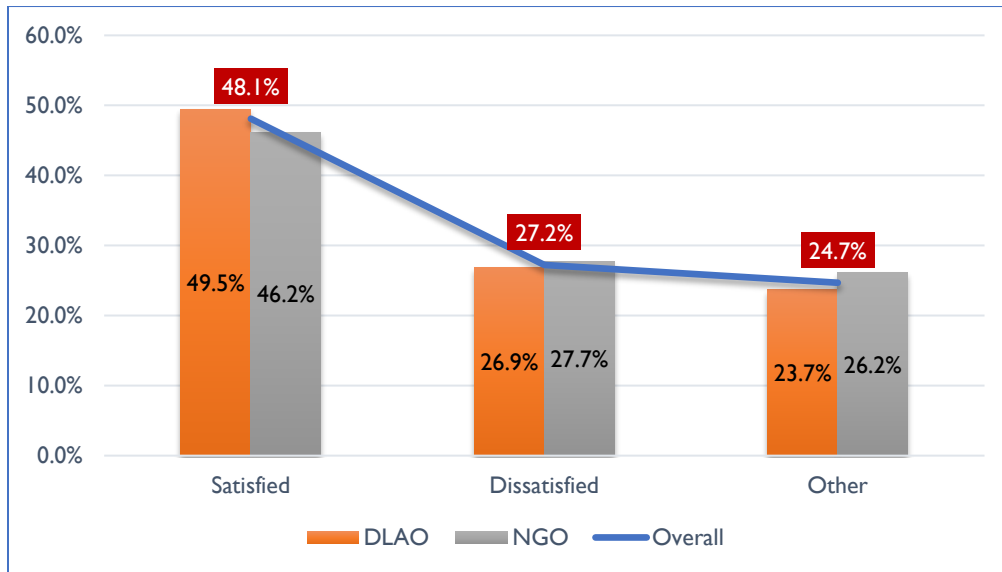


¹⁹² In reviewing these results, it should be noted that approximately one-third of respondents recorded either “do not know” (15.7 percent) answers or were not willing to provide a response (18.2 percent).

¹⁹³ Interestingly, when asked about the level of satisfaction with the attitude (e.g., courtesy) of legal aid lawyers, 78 percent of respondents report being satisfied or very satisfied. The level of satisfaction for DLAO lawyers is 75.3 percent, slightly higher than for lawyers from NGOs at 81.9 percent.

Second, less than half of justice seekers (48.1 percent) report being satisfied with the non-monetary costs of legal aid services (i.e., traveling time, number of trips, and time to secure papers/documents).

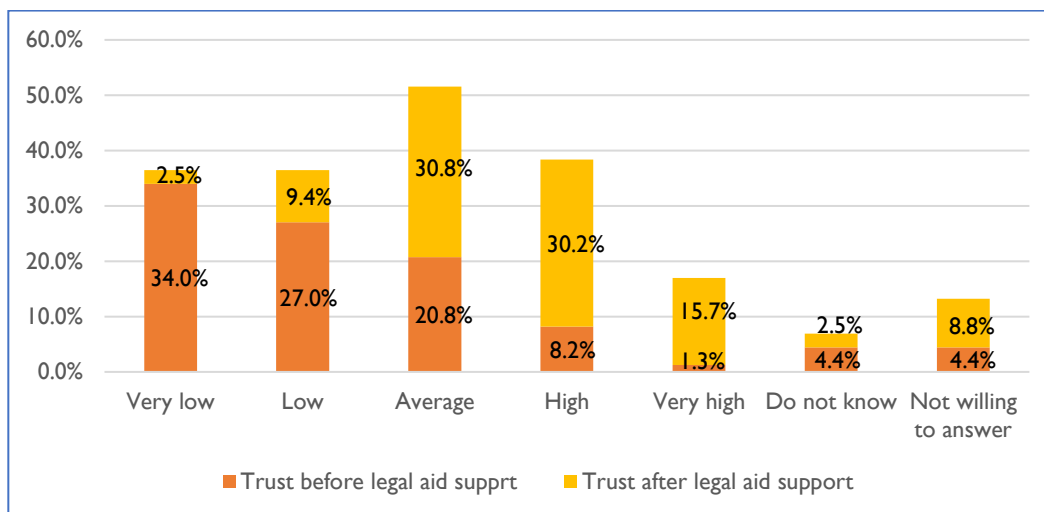
Figure 5: Reported Satisfaction with the Non-Monetary Costs of Legal Aid Services



Legal aid experience increases trust in the formal justice system.

Mini survey questions 9 and 10 provided an opportunity for legal aid justice seekers to report their level of confidence in the justice system before and after receiving legal aid. A majority (61 percent) of respondents report having low or very low confidence in the justice system before they were legal aid beneficiaries. After receiving legal aid, low or very low confidence responses fall to only 11.9 percent. At the same time, high or very high confidence in the justice system responses increase almost five-fold from 9.5 percent to 45.9 percent. These results suggest that experience with using legal aid services has a marked positive effect in boosting public confidence in the formal justice system.

Figure 6: Level of Trust in the Legal System Before and After Receiving Legal Aid



3.6.2 Conclusions

The Bangladesh justice system is not friendly to women justice seekers, especially those who are disadvantaged and/or vulnerable victims of violence. Most women justice seekers face social, cultural, economic, and legal barriers in seeking redress for their grievances. Formal justice institutions are complex and fraught with delays, resulting in low levels of citizen confidence in the system for women justice seekers. Widespread poverty hinders access to the formal justice system as citizens cannot afford the costs of litigation, time off from work, and travel to courts, which are often located outside their immediate district. Women and marginalized people lack an effective jurisdictional choice to exercise and protect their rights. Additionally, women face numerous legal problems and are generally constrained by economic circumstances and/or confined to households with limited access to information.

The provision of legal aid has been a positive development. Justice seekers are satisfied with the experience of legal aid and the professional conduct and competence of legal aid lawyers but remain unsatisfied with the length and costs associated with legal aid proceedings that are not covered by the state legal aid service such as travel expenses, costs for production of documents and ensuring witness appearance. They still find the court system to be too bureaucratic, time consuming, and complex, and generally prefer *Shalish* as a more expedient and culturally appropriate way to resolve disputes in their families and communities. The legal aid experience has contributed to an increase in confidence in the formal justice system. The expansion of legal aid services can improve public trust in the judiciary if other challenges related to case backlog and judicial corruption are also addressed.

3.7 HUMAN RIGHTS PROGRESS

3.7.1 Findings

As of January 2022, Bangladesh is a signatory to eight of the nine UN human rights treaties and just completed its three-year terms as member of UN Human Rights Committee from 2019 to 2021.¹⁹⁴ The only major international convention Bangladesh has not yet ratified is the UN Convention on Enforced Disappearance. The Constitution of Bangladesh contains provisions guaranteeing the fundamental rights of citizens. In the last 20 years, Bangladesh has adopted a comprehensive legal and institutional framework to prevent violence against women and children, torture and custodial death, and human trafficking and protect other human rights.¹⁹⁵ Based on the KIIs, FGDs, and an extensive literature review on human rights practices documented by local and international human rights organizations, the AT focused on the progress made by the GOB to ensure that the human rights enshrined in Bangladesh's international commitments and laws are, in fact, being protected and enforced.

Impunity of law enforcement authorities for grave human rights violations is entrenched.

While noting the advanced legal framework and some positive GOB initiatives to introduce mandatory human rights training for all police officers, expand community policing, and improve internal investigation and accountability mechanisms of police forces, respondents who commented on this topic raised serious concerns about the GOB's human rights record. The ruling party's authoritarian tendencies and rampant corruption at all levels of the government and justice system were reported as main causes for the widespread violations of human rights. One FGD participant commenting on the general situation of

¹⁹⁴ International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of Children, Convention on the Rights of Persons with Disabilities, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁹⁵ The Women and Children Repression Prevention Act of 2000, Children Act of 2000, Legal Aid Services Act of 2000, Domestic Violence (Prevention and Protection) Act of 2010, Prevention and Suppression of Human Trafficking Act of 2012, Torture and Custodial Death (Prevention) Act of 2013, Persons with Disabilities Rights and Protection Act of 2013, Child Marriage Restraint Act of 2017, and Dowry Prohibition Act of 2018.

human rights in Bangladesh noted: *“The rule of law situation in our country is disquieting and, in some areas, getting worse every year.”*¹⁹⁶

The deteriorating human rights situation has also been observed by UN monitoring bodies in 2018 and 2019. Some of the most serious human rights violations included: extrajudicial killings by the government or its agents; enforced disappearance by the government or its agents; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government or its agents; harsh and life-threatening prison conditions; arbitrary or unlawful detentions; arbitrary or unlawful interference with privacy; violence, threats of violence, and arbitrary arrests of journalists and human rights activists; overly restrictive NGO laws; violence against women and girls; and lack of investigation and accountability.¹⁹⁷ In the UN CAT session of 2019, the GOB received 233 comments, mostly focusing on grave human rights abuses by security forces and restrictions on freedom of expression imposed by the 2018 DSA.

CSO activists and respondents challenged the public statements of the GOB for a “zero tolerance” policy regarding criminal conduct by members of the law enforcement agencies. Allegations of widespread immunity for human rights violations including extra-judicial killings, enforced disappearances, arbitrary detention, torture, and death by law enforcement agencies was confirmed by a vast majority of the assessment’s non-GOB respondents. While in the past allegations have concentrated on the activities of the Rapid Action Battalion (RAB) and Directorate General of Forces Intelligence (DGFI), enforced disappearances, extrajudicial killings, arbitrary detention, torture, and custodial deaths are now allegedly perpetrated by the GOB’s numerous security agencies.¹⁹⁸ A legal professional who commented on the recent U.S. sanctions stated: *“Until 4-5 years ago, the RAB was the most notorious police force committing serious violations of human rights with impunity. Now all police and security forces are committing crimes and facing no consequences.”*¹⁹⁹

Efforts to shield members of law enforcement agencies from criminal and civil responsibilities for offenses committed while on duty have a long tradition in the civilian and military-led governments of Bangladesh.²⁰⁰ Article 46 of the Constitution empowering the Parliament to provide immunity from prosecution to state officials for acts done in maintaining or restoring public order has historically encouraged a sense of impunity and entitlement among security and law enforcement personnel.²⁰¹ Moreover, the Criminal Procedure Code requires explicit government approval to prosecute an officer purporting to act in an official capacity. Section 13 of the Armed Police Battalions Act of 2003 (as amended) exculpating RAB members for actions *“done or intended to be done in good faith”* has been criticized by UN CAT for enabling RAB forces to invoke a “good faith” defense to claim legal immunity from prosecution for torture or extrajudicial killing.²⁰²

In 2019, UN CAT requested the GOB take measures against members of the police and seconded military personnel serving in RAB who are credibly alleged to have committed torture, arbitrary arrests,

¹⁹⁶ FGD with CSO representatives, November 2021.

¹⁹⁷ Universal Periodic Review on Bangladesh, May 2018 and UN CAT “Concluding Observations on Bangladesh,” 2019, Paragraph 14, Human Rights Watch Report for Bangladesh for 2020, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh> and Human Rights Watch Report for Bangladesh for 2021, <https://www.hrw.org/world-report/2022/country-chapters/bangladesh>

¹⁹⁸ Police, Rapid Action Battalion, Directorate General of Forces Intelligence (DGFI), National Security Intelligence, Border Guard Bangladesh, Customs, Immigration, Criminal Investigation Department (CID), Detective Branch (DB), Special Branch (SB), Intelligence Agencies, Ansar Village Defense, and many other investigative and monitoring units created to implement the 2018 DSA.

¹⁹⁹ Interview with legal professional, November 2021.

²⁰⁰ International Crisis Group Report No. 182 (2009), “Bangladesh: Getting Police Reform on Track.”

²⁰¹ Article 46 “Power to Provide Indemnity” stating *“Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law make provision for indemnifying any person in the service of the Republic or any other person in respect of any act done by him in connection with the national liberation struggle or the maintenance or restoration of order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area.”*

²⁰² UN Committee Against Torture, “Concluding Observations on Bangladesh,” 2019, Paragraph 17. Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

unacknowledged detention, disappearances, and extrajudicial killings of persons in their custody.²⁰³ Law enforcement bodies are also allegedly involved in extrajudicial killings usually described by the government authorities as “crossfire killings,” “gunfights,” or “encounter killings.” Annual extrajudicial killings vary from 200 to 460 cases and are reported to increase dramatically in the period preceding or following elections. One stakeholder interviewed claimed that, in many cases, law enforcement units detained, interrogated, and tortured suspects, returned them back to the scene of the original arrest, executed them, and justified the death as lawful self-defense, often placing weapons on the crime scene.

U.S. sanctions imposed on December 10, 2021 by the U.S. Department of Treasury against the RAB were seen as a positive development by civil society representatives and human rights groups amid uncertainties about their impact on GOB human rights practices.²⁰⁴ A CSO activist expressed his skepticism about any change of course by the GOB as a result of U.S. sanctions:

“In my view sanctions against RAB were a long-deserved slap on the wrist of the GOB. However, GOB depends a lot on law enforcement authorities to maintain power so I am not sure it will change course because of U.S. sanctions.”²⁰⁵

Respondents mentioned the GOB’s practice of denying the involvement of law enforcement members in human rights abuses or protecting them from accountability for crimes committed in the official capacity as evidence of tacit state government support to RAB. In fact, there are very few cases where personnel of RAB or other forces have received convictions.²⁰⁶ The alleged extrajudicial killing of a retired army major in the Cox’s Bazar district in July 2020 raised fresh concerns about human rights violations conducted by law enforcement authorities and RAB forces. As a result, in January 2022, the District Court of Cox’s Bazar sentenced two ex-police personnel to death and six others to life imprisonment for their involvement in the extrajudicial killing of a retired army major.²⁰⁷ However, in the majority of cases it takes strong public outcry and international condemnation for any action to be taken against members of the disciplinary forces.

Table 9: Alleged Extra-Judicial Killings 2011-2021²⁰⁸

Year	Extra-Judicial Killings
2021	107
2020	225
2019	391
2018	466
2017	155
2016	178
2015	187
2014	172
2013	329
2012	70
2011	84
Total	2,364

²⁰³ UN CAT Concluding Notes on Bangladesh, 2019, para. 17. CAT also expressed concerns that RAB forces have frequently been deployed for service with UN peacekeeping missions without undergoing proper vetting procedures.

²⁰⁴ U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC), “Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day,” <https://home.treasury.gov/news/press-releases/jy0526>

²⁰⁵ Interview with CSO representative, November 2021.

²⁰⁶ In 2017, 16 members of the RAB received death penalties for their roles in killing seven people in Narayanganj city in April 2014.

²⁰⁷ The Financial Express (January 31, 2022), “Police officers Pradip, Liakat Ali sentenced to death over Major Sinha murder,” <https://thefinancialexpress.com.bd/national/police-officers-pradip-liakat-ali-sentenced-to-death-over-major-sinha-murder-1643626287>

²⁰⁸ Calculated based on the reports by Odhikar Human Rights Organization, <http://odhikar.org/wp-content/uploads/2022/02/Total-KLEA-2001-2021.pdf>

Human rights organizations have reported many incidents of enforced disappearances in Bangladesh. Such incidents usually involved disappeared individuals previously targeted by authorities through similar tactics and were followed by dismissive behavior or threats against family members inquiring about disappearances.²⁰⁹ According to reports from Odhikar and ASK, 588 enforced disappearances occurred from 2011 to 2021.²¹⁰

The UN Working Group on Enforced or Involuntary Disappearances (WGEID) has repeatedly urged for credible investigation and prosecution of the perpetrators of enforced disappearances.²¹¹ The GOB has not responded to two requests sent by the WGEID on March 12, 2013 and April 23, 2020 regarding a field mission to Bangladesh on enforced disappearances.²¹² State officials including the Minister of Law have denied allegations of enforced disappearances by UN human rights bodies, insisting that these are allegations made with the intention of maligning the GOB and its achievements.²¹³ However, according to ASK, since the UN Periodic Review of September of 2018, 44 more incidents of enforced disappearance have taken place.²¹⁴ Concerns about the enforced disappearances have also been raised by the U.S. Congress following a report published by Human Rights Watch in August 2021.²¹⁵ At the hearing, relatives of some of those forcibly disappeared said that police refused to accept any complaint that included allegations against law enforcement and that some families faced threats and harassment. Although UN WGEID is due to consider 76 cases of enforced disappearances from Bangladesh during its 126th session (February 7-11, 2022), the Minister of Home Affairs has rejected the allegations that state officials are involved in enforced disappearances.²¹⁶

Table 10: Enforced Disappearances 2011-2021

Year	Cases
2021 (September)	23
2020	31
2019	34
2018	98
2017	90
2016	93
2015	67
2014	39
2013	54
2012	27
2011	32
Total	588

²⁰⁹ FIDH (2019) “Vanished Without a Trace: The enforced disappearance of opposition and dissent in Bangladesh.”

²¹⁰ Calculated based on the Odhikar Statistics for the decade 2011-2021, http://odhikar.org/wp-content/uploads/2021/11/Enforced-Disappearances_2009-2021.pdf

²¹¹ Report of the Working Group on Enforced and Involuntary Disappearances April 24, 2017, <https://undocs.org/A/HRC/WGEID/11/1/1>

²¹² Human Rights Watch (2021), Human Rights Watch, (2021), “Where No Sun Can Enter: A decade of Enforced Disappearances in Bangladesh https://www.hrw.org/sites/default/files/media_2021/08/bangladesh0821_web.pdf

²¹³ HRW (2019), <https://www.hrw.org/news/2019/08/22/enforced-disappearances-met-denials-bangladesh>

²¹⁴ Documentation Unit, ASK, Enforced Disappearances, <https://www.askbd.org/ask/category/hr-monitoring/enforced-disappearance/>

²¹⁵ Human Rights Watch, (2021), “Where No Sun Can Enter: A decade of Enforced Disappearances in Bangladesh, https://www.hrw.org/sites/default/files/media_2021/08/bangladesh0821_web.pdf

²¹⁶ Daily Star (February 6, 2022), “Enforced disappearances: Government doubling down on stance,”

<https://www.thedailystar.net/news/bangladesh/news/enforced-disappearances-govt-doubling-down-stance-2955226>

Bangladesh has ratified the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment since 1998 but failed to submit the report to UN CAT for more than 20 years. Respondents who commented on human rights stated that torture and cruel, inhuman, or degrading treatment are widely practiced by law enforcement authorities despite the adoption of the Torture and Custodial Death Prevention Act of 2013.²¹⁷ During its session of 2019 on Bangladesh, UN CAT expressed concerns with allegations of widespread use of torture and mistreatment by law enforcement officials to obtain confessions or solicit the payment of bribes. Reports by domestic and international organizations have identified recurring patterns of abuse in various incidents investigated.²¹⁸ Human rights organizations alleged many instances of torture occurred during remand while law enforcement agencies continue to disregard a Supreme Court landmark decision of Bangladesh Legal Aid and Services Trust (BLAST) v. Bangladesh that provides detailed guidelines for arrest, remand, and detention.²¹⁹ In many cases, lawyers are not present at interrogations, persons are not informed about reasons of arrest, police officers do not provide an arrestee with their identity, and deaths in custody are not systematically investigated. Judicial redress by torture victims has been rare, apart from the case involving the custodial torture and death of Ishtiaq Hossain Johnny which involved five perpetrators, three of whom were law enforcement officers. In that case, the High Court imposed a sentence of life imprisonment to each of the accused.²²⁰

State repression of political opposition is increasing.

Since 2011, after the abolishment of the practice of caretaker government by the AL-dominated parliament, political conflict between the two largest parties has resulted in high levels of violence and a brutal state response.²²¹ In 2019, UN CAT expressed concerns about the arrest of almost 5,000 supporters of the opposition BNP, in January and February 2018, ahead of the verdict in the corruption case against the leader of the party, Khaleda Begum Zia.²²² The GOB has often justified its use of disproportionate force and massive arrests as part of the crackdown Islamic extremism alluding to the links between the largest Islamist party Jamaat-e-Islami (Jel) and the BNP.²²³ However, these prosecutions have also prompted allegations of politically motivated human rights abuses designed to strengthen the grip of the ruling party before elections. For example, before the elections 2018, a total of 360,314 individuals were already accused and 4,650 arrested in 4,135 cases all over the country including BNP members, party workers, and sympathizers.²²⁴ According to ASK statistics, between September 2018 and September 2020, a total of 8,822 people were injured and 112 people died in political clashes in 839 incidents.²²⁵ While it is evident violent extremism of both homegrown and transitionally linked Islamic groups is growing in Bangladesh, respondents expressed concerns that Bangladesh is becoming a heavily

²¹⁷ Odhikar and OMCT - World Organization Against Torture (Organization Mondiale contre la Torture in French) (July 2019) "Cycle of Fear: Combating Impunity for Torture and Strengthening the Rule of Law in Bangladesh."

²¹⁸ Shooting of legs or knees, breaking bones, drilling holes in arms and legs, rape, mock executions, and death threats are recurrent elements of over 300 alleged incidents of torture.

²¹⁹ BLAST and Others v. Bangladesh and Others. 55 DLR (2003).

²²⁰ Daily Star (2020) "A historic verdict: 3 policemen get life term for custodial death,"

<https://www.thedailystar.net/city/news/custodial-death-jonny-3-policemen-get-life-term-2-get-7-years-jail-1958473>

²²¹ Amendment 15 to the Constitution abandoned the practice introduced since 1996 to appointing a neutral government to ensure free and fair elections.

²²² UN CAT Concluding Observations on Bangladesh, September 2019.

²²³ International Crisis Group Report No.277, (April 11, 2016), "Political Conflict, Extremism and Criminal Justice in Bangladesh," at <https://www.crisisgroup.org/asia/south-asia/bangladesh/political-conflict-extremism-and-criminal-justice-bangladesh>

²²⁴ "Election Process Tracking: The Eleventh National Parliament Election 2018," Problem of Good Governance in Bangladesh and Way Forward, Transparency International Bangladesh, February, 2019.

²²⁵ A risk assessment of country-of-origin information (COI) by the UK Home Office, Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514400/CIG.Bangladesh

securitized state and counter terrorism measures are also used by the ruling party to crush political opponents.²²⁶

The heavy-handed security responses, case backlogs and high rates of bail refusals have led to severe overcrowding in prisons leading to human rights violations of prisoners. There are currently 83,107 inmates against a maximum holding capacity of 42,459 in the 68 jails in Bangladesh, according to the Department of Prisons' statistics for the month of March 2021.²²⁷ Bangladesh has the second highest proportion of total prison population in pre-trial/remand imprisonment now constituting 81 percent of people on remand.²²⁸ UN CAT has requested Bangladesh to address the very poor conditions of detention, which reportedly resulted in 74 deaths in 2018, as well as inadequate sanitary conditions, scarcity of food and drinking water, insufficient toilet and bathroom facilities and beds, inadequate light and ventilation, and a lack of recreational activities and mental stimulation.²²⁹

Violence against women, discussed under AQ5, is another area where, despite significant improvements in the legislation, progress remains limited. Both international and local respondents commended the GOB for its efforts to combat violence against women and children and measures to prevent child marriage and child prostitution. However, incidence of rape, including gang rape, domestic violence, and child marriage remains widespread. Child labor and violence against children also persists despite efforts from the government to address these issues.

During the COVID-19 pandemic, incidence of violence against women increased by nearly 70 percent during the period of March and April 2020 compared to the same time in the previous year.²³⁰ More recently, human rights groups, like Odhikar, reported that between January 2001 and December 2019 over 3,300 women and girls were murdered over dowry disputes.²³¹ ASK reported that at least 235 women were murdered by their husband or his family in just the first nine months of 2020. Other ASK findings include reports of least 1,321 women being raped or gang raped across the country in 2021.

Although most KII's praised the GOB's strong political commitment and minority-friendly approach, the exercise of freedom of religion or belief continues to be challenging for Bangladesh minorities—including Hindus, Buddhists, Christians, and Ahmadiyya Muslims. Both the Hindu and Ahmadiyya communities have been subject to violence and harassment, resulting in injuries and damage to property through looting, vandalization, and arson in multiple incidents. In several incidents, ethnic minorities have faced harassment and violence in the hands of Bengali settlers as well as military personnel stationed in areas such as the Chittagong Hill Tracts. In 2020 alone, the army and army-backed reformist groups arbitrarily arrested and beat up many individuals from the ethnic minority groups.²³² In addition to the grave violations of human rights, respondents also voiced concern about violent attacks committed against bloggers, academics, lesbian, gay, bisexual, and transgender (LGBT) activists, and religious minorities.²³³ According to ASK's statistics, from September 2018 to December 2020, a total of 78 homes of members of religious minority communities and 97 temples, monasteries, and/or idols were destroyed. One person died and 157 people were injured in these incidents. From January to December 2021, ASK documented 301 injuries on

²²⁶ Interview with legal practitioner, November 2021. Bangladesh's \$71.0 billion national budget in Fiscal Year 2021-2022 included a 6.2 percent (\$4.4 billion) allocation for defense and 3.6 percent (\$2.5 billion) allocation for public security. In contrast, its budget for justice system is less around \$30.0 million or less than 0.5 percent of the national budget.

²²⁷ <https://archive.dhakatribune.com/bangladesh/2021/04/09/what-is-causing-prison-overcrowding-in-bangladesh>

²²⁸ World Prison Brief, <https://www.prisonstudies.org/country/bangladesh> Libya has (90 percent), Bangladesh (81 percent), Gabon (80 percent), Paraguay (77 percent), Benin (76 percent), Haiti (75 percent), and the Philippines (75 percent).

²²⁹ UN Committee on Torture: Concluding Observations on Bangladesh, September 2019.

²³⁰ BRAC Report on COVID-19, <https://bigd.bracu.ac.bd/publications/phase-ii-media-tracking-of-domestic-violence-bangladesh/>

²³¹ Human Rights Watch (October 2020), "I Sleep in My Own Deathbed' Violence against Women and Girls in Bangladesh: Barriers to Legal Recourse and Support."

²³² Available at: <https://unpo.org/article/21799>

²³³ Human Rights Forum Bangladesh (2020), "Mid-term Report on the Universal Periodic Review of 2018."

minority members (300 Hindu and one Buddhist), 184 houses attacked, and 204 temples or statues attacked.²³⁴

Restrictions on Freedom of Expression and Civil Society

Across all data collection methods, respondents expressed almost unanimous opinion on the deteriorating situation of freedom of expression and restriction on CSOs. The Foreign Donation (Voluntary Activities) Regulation Act of 2016, enables government officials to inspect, monitor, and evaluate the activities of NGOs and their members and requires anyone receiving foreign contributions to get approval from the NGO Affairs Bureau. The law not only hinders the ability of human rights defenders and CSOs to seek and secure resources, but it also expands the government's ability to interfere with NGOs' work and arbitrarily cancel their registrations.²³⁵ In addition, derogatory remarks on the Constitution and constitutional bodies ("anti-State activities") are considered an offense under this act and can lead to rejection of NGO registration or its renewal.²³⁶

Both the ICT Act and DSA are being used as legal tools to target government critics. Cases under the DSA have increased rapidly from 34 cases in 2018 to 1,134 cases in 2021.²³⁷ In addition, 82 percent of the accusers are reported to be in leading positions with or working for the ruling party. While the accused have been acquitted in 66 percent of the cases as the allegations have not been proven in court, the chilling effect these cases have on freedom of expression for citizens in general remains serious.

In FGDs, human rights activists viewed the DSA as a government and ruling party tool to intimidate journalists. According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of security force retribution and the possibility of being charged with politically motivated cases. One media representative in the FGDs stated: "*We all practice self-censorship; it is not that our Editors ask us not to publish something. The situation is such that the journalists and the media outlets know what we can report on and what we cannot.*"²³⁸

FGD participants confirmed that the DSA has stifled critics, with most journalists applying self-censorship to avoid getting their editors and media outlets in trouble. Data also show that the efforts to suppress freedom of expression have disproportionately impacted the journalists, particularly local journalists, and the younger population who use social media platforms to voice their opinion on public interest issues.²³⁹

The fact that the DSA gives extensive powers to the police to search any premises and gain access to computers, seize servers, and arrest people without a warrant, and that it provides immunity from prosecution for any person, entity, or service provider who breaches the right to privacy or assists in surveillance "*for the interest of investigation*" is seen as a manifestation of the increasing authoritarian bent of the ruling party.²⁴⁰ According to the U.S. Department of State, the RAB has also been involved in intercepting and tapping, searching mobile phones, and has arrested people for "*anti-government*" chats with other accused individuals.²⁴¹ In 2021, the RAB also searched and detained family members of a blogger who lives in United States for posting online statement against the GOB's governing practices.²⁴²

²³⁴ Statistics on Violence on Religious Minorities January-December 2021, <https://www.askbd.org/ask/2022/01/13/violence-against-religious-minorities-jan-dec-2021/>

²³⁵ Amnesty International (2017) Caught Between Fear and Repression: Attacks of the Freedom of Expression in Bangladesh.

²³⁶ FIDH Report (2021), "Out of Control: Human rights and rule of law crises in Bangladesh."

²³⁷ Ali Riaz (April 2021), "Digital Security Act, 2018: How Is It Being Enforced,"

<https://freedominfo.net/dsa/media/documents/3a0d1bb1-f0f4-4d8f-9874-d5d866452e0d.pdf> Prosecutions under the Digital Security Act for the period 2018 through 2021 are as follows; 34 in 2018, 63 in 2019, 130 in 2020, and 1,134 in 2021.

²³⁸ FGD with journalists, November 2021.

²³⁹ Ali Riaz (April 2021), "Digital Security Act, 2018: How Is It Being Enforced,"

<https://freedominfo.net/dsa/media/documents/3a0d1bb1-f0f4-4d8f-9874-d5d866452e0d.pdf>

²⁴⁰ FIDH Report (2021), "Out of Control: Human rights and rule of law crises in Bangladesh."

²⁴¹ U.S. State Department Report on Human Rights, 2020.

²⁴² <https://cpj.org/2022/01/cpj-rights-groups-call-for-release-of-nusrat-shahrin-raka-sister-of-journalist-kanak-sarwar/>

During the session on Bangladesh in 2019, UN CAT expressed concerns that human rights defenders continue to be targeted with surveillance, politically motivated charges, and arbitrary detention.²⁴³ In its concluding remarks, UN CAT has recommended to the GOB to amend the legislation, including the ICT Act (2006), the DSA (2018), and the Foreign Donations (Voluntary Activities) Regulation Act (2016) to eliminate provisions prohibiting derogatory remarks being made about the Constitution and constitutional bodies, engaging in “*anti-State activities*,” “*tarnishing the image of the nation*,” and similar provisions that have provided a basis for arresting and prosecuting individuals who have publicized allegations of torture, disappearance, extrajudicial killings, or ill-treatment.²⁴⁴ However, ASK reports that 210 journalists have been harassed from January to December 2021 and 13 members of the ruling party or its affiliates issued threats against media.²⁴⁵

National Human Rights Commission of Bangladesh is ineffective.

The NHRC established by Bangladesh’s Caretaker Government in 2008 has not been able to play a strong role in protecting human rights. The NHRC has a legal mandate to hear complaints of human rights violations throughout Bangladesh, investigate allegations of human rights abuse, and make recommendations to government and/or judicial authorities on human rights abuses. It also has a broad range of powers which include entry to any facility, including prisons, access to government documents and reports, and authority to initiate prosecutions of persons it has reason to believe guilty of human rights violations. Despite these broad powers, the NHRC depends greatly on the cooperation of the GOB and law enforcement institutions and has not been able to carry out investigations in an independent and effective way.²⁴⁶ Under Section 18 of the Human Rights Commission Act, the NHRC, in the case of allegations of human rights violations against members of the disciplinary forces, can only report and send recommendations to the GOB; and the GOB is only obliged to inform the Commission about any action it takes in relation to such recommendations. In addition to the NHRC’s weak legal mandate and limited resources to address its growing caseload, stakeholders also cited the GOB’s non-transparent appointment of ex-government employees as NHRC chair and members as the main reason for the weak public confidence in the NHRC.

The High Court of Bangladesh has called upon the NHRC to be more assertive in exercising its mandate to protect citizens from human rights abuses, referring to it as a “*toothless tiger*” particularly with regards to its ability to address human rights violations committed by the law enforcement authorities and security forces.²⁴⁷ UN CAT also requested the NHRC independently investigate cases of torture, custodial death, and inhuman treatment, and to exercise its powers more effectively.²⁴⁸ According to the NHRC’s Annual Reports for 2018 and 2019, only one of 15 complaints of custodial deaths reported in 2019 had been disposed of, and only one of 13 were disposed of in 2018. Of the 24 complaints of extrajudicial killings reported in 2018 and 2019, only one was disposed of in 2019 and four in 2018.²⁴⁹

There is a clear need to strengthen the legal mandate of the NHRC and enhance its capacity for improved monitoring of the implementation of GOB obligations to respect and protect human rights; address citizen complaints through inquiry, investigation, mediation and conciliation; and provide compensation for victims of human rights violations. However, the feasibility of strengthening the legal mandate and

²⁴³ FIDH Report (2021), “Out of Control: Human rights and rule of law crises in Bangladesh”

²⁴⁴ UN Committee Against Torture, Concluding Observations on Bangladesh, 2019, Paragraph 31.

²⁴⁵ Statistics on Harassment of Journalists January-December 2021 <https://www.askbd.org/ask/2022/01/13/journalist-harassment-jan-dec-2021/>

²⁴⁶ Joint Report of Ain o Salish Kendra (ASK) and Human Rights Forum Bangladesh (HRFB) published in 2020 as the Bangladesh Chapter of 2019 ANNI Report on the Performance and Establishment of National Human Rights Institutions in Asia, available at <https://hrf-bd.org/wp-content/uploads/2020/06/ANNI-Report-2019-Bangladesh-English-1.pdf>

²⁴⁷ New Age Bangladesh Online Media (25 June 2020) “Law makes NHRC toothless tiger: HR Commission asked to use its powers,” <https://www.newagebd.net/article/109365/law-makes-nhrc-toothless-tiger-hc>

²⁴⁸ UN Committee Against Torture, Concluding Observations on Bangladesh, 2019, Paragraph 33.

²⁴⁹ Mid-Term Evaluation of the UN Periodic Review.

enhancing the institutional capacity through USAID support is limited due to two main factors identified by the AT. First, a more assertive and independent NHRC will inevitably expose serious human rights violations committed by law enforcement agencies and is likely to be resisted by the GOB. Second, most of the serious human rights violations have been allegedly committed by members of security forces like the RAB which have been sanctioned by the USG. The vested interest of the GOB to shield law enforcement agencies from accountability for human rights violations and its strong reaction against the U.S. sanctions may prevent the GOB from constructively engaging with USAID in a potential activity aimed at strengthening the NHRC's capacity.

3.7.2 Conclusions

Despite the comprehensive constitutional and legal framework on protection of human rights, the GOB is failing to address serious human rights abuses, including extrajudicial killings, torture, and enforced disappearances by its security forces. While some positive steps have been taken to increase the human rights awareness and internal accountability of the security forces, the GOB has not demonstrated sufficient commitment to promptly and thoroughly investigating all allegations of extrajudicial execution or enforced disappearance and bringing those responsible to justice. Despite the GOB's declarative political commitment, combating violence against women remains a significant human rights challenge in Bangladesh. Investigations under the DSA are intentionally targeting civil society, political opponents, and dissenters. The disproportionate use of the RAB and other security forces to implement the DSA against government critics is stifling freedom of expression and shrinking the space for debate on public interest issues. The NHRC is not exercising its powers to investigate human rights violations and initiate independent prosecutions. It remains severely constrained by the political appointments of senior staff which prevent it from publicly criticizing the government regarding human rights violations.

4. RECOMMENDATIONS

4.1 STRATEGY AND WORKING METHODS

This assessment offered an analysis of the GOB's key judicial priorities, positive developments in the ROL and access to justice, and key challenges of judicial independence, efficiency, and women's access to justice and human rights, which need to be addressed by Bangladesh and its development partners. It also described the prevailing level of political will, feasibility of further investment in the ROL and access to justice, and power dynamics between the executive and judiciary. Based on a review of the current and ongoing initiatives of development partners and lessons learned, at present, the GOB demonstrates weak political will to undertake comprehensive reform which will genuinely lead to enhanced judicial independence and accountability. International or local efforts which have the potential to fundamentally change the power dynamics between the judicial and executive powers in favor of strengthening judicial self-governance and independence are likely to be resisted or derailed during the implementation stage. Nonetheless, there are areas where the alignment of the objectives of the GOB, judiciary, and USAID allows for realistic and effective interventions in the ROL and justice sector. These areas respond to the increasing demand for improvements in the administration of justice and making judiciary more accessible and affordable through the provision of legal aid for women, the poor, and other vulnerable communities.

Improving the capacity of the justice system through further modernization of the court processes and increasing the availability of legal aid to vulnerable justice seekers correspond to USAID objectives (DO I and IR 1.2) and the GOB ROL and access to justice priorities of the 8th Five Year Plan (Key Area 2a: Justice and the Rule of Law). Further discussions will be needed to ensure alignment of USAID and GOB objectives and interests, but the existing CDCS DO I remains both relevant and flexible to enable effective interventions in the sector. These objectives are broadly shared by other development partners and enjoy the support of the judiciary and large parts of the legal profession and the public.

The following sections provide recommendations which may help USAID to formulate its strategy to bring about positive change in the ROL and justice system.

4.1.1 Strategy and Programming Principles

Local and international stakeholders stated that USAID's support is welcomed by justice institutions—not because of funding shortages but because USG support is important in Bangladesh and USAID has a good reputation. Recent U.S. sanctions may temporarily affect USAID's access to the GOB. However, broad support by the UN and other development partners for the sanctions is likely to mitigate unconstructive responses by the GOB to future approaches by USAID. Although USAID's track record of diligent performance constitutes a valuable asset for future initiatives in the ROL and access to justice, a successful strategy should integrate the following principles in the program design and implementation:

- **Interest Alignment:** Alignment of objectives of the USAID CDCS, GOB, and SC should precede any future initiatives the ROL and access to justice sector. As stated above, the CDCS is broadly aligned with the 7th Five Year Plan of the GOB for 2015-2020, but it also recognizes the fact that the CDCS formulation preceded the announcement of the GOB's judicial priorities in the ongoing 8th Five Year Plan for 2020-2025. While the present assessment has identified the two broad areas to design mutually-supported ROL initiatives, additional discussions will be required to search for the common ground between the USAID DO of improving democratic systems that promote transparency, accountability, and integrity with the GOB's focus on modernizing the judiciary, improving the efficiency of court services, and increasing the availability of the legal aid to justice seekers.
- **Local Ownership:** Local buy-in and mutual accountability for results should be the guiding principles for future initiatives of USAID in the sector. Although USAID's CDCS recognizes that the GOB's political commitment is critical for the success of development assistance, USAID should monitor and reassess political developments in the design and implementation stage of ROL programming. This will require high-level involvement from USAID and USG leadership to secure prior agreement of the program objectives, relevant areas of support, and working methods for further support in the ROL and justice sector. Broad consultations should also include the subordinate judiciary, UPs, and CSOs to harmonize approaches between USAID and national- and local-level justice actors. In particular, the buy-in in the legal aid and backlog reduction activities could be strengthened through the inclusion of state and non-state stakeholders at the local level.
- **Constraints of top-down changes and sustainability:** USAID future initiatives in the sector should reflect the lessons learned from its two decades of supporting justice reforms and leverage the cooperation of other relevant USAID and USG programs to ensure an integrated and solution-focused approach to the principal challenges faced by the Bangladesh justice sector. For example, discussions with development partners and publicly available evaluation reports on the recent initiatives implemented in the justice sector suggest that projects which failed to take into account the GOB's political commitments and priorities did not achieve their intended objectives. Recognizing the inherent limitations of top-down approaches to achieve separation of powers, USAID should ground its support to enhance SC capacity (including through a separate Secretariat for the Judiciary) in the need to improve the efficiency of criminal and civil justice, reduce case backlog, and avoid institutional debates over judicial independence. The establishment of a Secretariat for the Judiciary is in line with the Masdar Hossain case directives and was recommended by legal academics, practicing lawyers, judges of subordinate courts, one justice of the SC, and one public policy think tank as an important step in strengthening the judiciary.
- **People-Centered Justice:** In its future programming, USAID should continue to incorporate concepts and criteria for people-centered justice in the design and delivery of justice system

support. Emerging good practices documented by the Organization for Economic Development and Cooperation (OECD)²⁵⁰ in the last five years and lessons learned by USAID projects in Ukraine,²⁵¹ Kosovo,²⁵² and, more recently, in Georgia²⁵³ should be taken into account. People-centered justice should not be seen as a panacea to address the critical challenges that Bangladesh is facing, but as a strategy to overcome the inherent and context-dependent constraints of implementing significant change from above in Bangladesh. Therefore, whether tackling the backlog of cases or investing in the E-Judiciary, USAID should be guided by the justice seekers' unmet needs, the impact of unmet legal and justice needs on human rights and fair process, and specific solutions which could be deployed to meet these needs. For example, one of the difficulties for a fair outcome in rape and sexual violence against women and girls is the lack of DNA testing centers and trained professionals to conduct the tests. This shortage creates two additional problems with implications for the delivery of justice: 1) destruction of evidence which may deny justice to victims, and 2) lengthy pretrial detention of alleged suspects who may have to wait for years for verdicts in their cases. While DNA testing centers may not something that USAID itself can provide, many justice professionals mentioned this issue as a case of unmet needs resulting in human rights violations for which USG programs could offer support.

- **Apply incentives and conditions:** USAID should consider introducing a balanced mix of incentives and conditions to link enhanced support for ROL-related initiatives with demonstrated progress towards attaining the agreed results. For example, efforts should be made to link any potential support in the E-Judiciary initiative with the adoption of an evidence-driven National Backlog Reduction Strategy and the establishment of an inter-institutional coordinating mechanism to oversee its implementation. Alternatively, pilot interventions could be deployed in the areas where it is possible to link increased support for the pilot phase with the success in other areas of interest to the GOB. For example, USAID could link the implementation of a pilot project of electronic case management in one or two of the recently established anti-trafficking tribunals with progress in improving the case disposal efficiency of anti-trafficking cases. While both incentives and conditions appear to have a marginal impact in inducing the government's local ownership and commitment, the GOB generally strives to improve or maintain a good international standing. It has demonstrated clear interest not to fall below "Tier Two" in the human trafficking watch list and wishes to improve its performance further. Therefore, linking the digitalization of the case management system for the seven tribunals with the speedy resolution of anti-trafficking cases is both relevant and significant to show continued progress and commitment to combating trafficking. USAID should avoid unrealistic incentives and conditions which are likely to meet with defiance and generate unintended counterproductive reaction from the GOB.
- **Define the comparative advantage and added value of USAID:** Future USAID support should take into account the current and planned interventions of other development partners to define the niche area or added value of USAID activities, avoid donor overcrowding, and maximize the complementarities of donors working in similar ROL-related areas. The present assessment observed a decreasing level of donor coordination which, in the view of most development partners, is undermining the potential impact of the assistance due to overlapping objectives, repetition of similar initiatives, or implementation of piecemeal approaches in the delivery of

²⁵⁰ OECD Global Roundtables on Access to Justice (December 2021), https://www.oecd-ilibrary.org/governance/oecd-framework-and-good-practice-principles-for-people-centered-justice_cdc3bde7-en

²⁵¹ USAID Justice for All Activity Project (2021-2026), <https://chemonics.com/projects/championing-people-centered-justice-in-ukraine/>

²⁵² USAID Kosovo Justice Activity (2020-2025), <https://www.usaid.gov/kosovo/news-information/fact-sheets/justice-activity>

²⁵³ USAID Justice for All Activity in Georgia (2021-2026), <https://www.usaid.gov/georgia/news-information/news/usaid-launches-new-program-strengthen-georgias-courts-expand-access-justice>

assistance. For example, while the present assessment identified at least five donors working in enhancing access to justice—including USAID itself through the PPJ project—most of the development partners could not provide information on what their counterparts are doing or the measurable impact of the enhanced investment in the legal aid sector. The same applies to the case backlog area, to some degree. Development partners could benefit from harmonizing their approaches or sharing the results of their monitoring and evaluation processes to identify what does and does not work and how to sustain gains. USAID should use the broad consultation with other development partners to conduct a more thorough stock-taking exercise of the potential donor overlaps and clearly define its comparative advantage.

- **Do no harm:** USAID should make genuine efforts to apply the “do no harm principle” in its program design and implementation modalities. Although USAID’s strategy and plans take this principle into consideration, there is a growing understanding among local and international stakeholders that the current governing coalition is becoming increasingly authoritarian and does not hesitate to confront dissenters, often using intelligence and special police forces to prosecute people, even for critical social media postings. While Bangladesh still has a vibrant, influential, and resilient civil society, USAID should recognize that the conditions for CSO inclusion in programs intended to enhance government accountability and transparency are becoming less favorable each year. USAID should be prudent and strategic in its efforts to engage CSOs to avoid situations where civil society stakeholders are exposed to increased risk of retaliation by the state authorities.

4.1.2 Working Methods

Given the current environment in Bangladesh, demand-driven technical assistance constitutes a “safer instrument” to deliver support and is becoming an increasingly preferred method of work by some development partners. The AT recommends that USAID use the “push system” more ambitiously and attempt to provide policy-level assistance to modernize the way the courts are operating by going beyond a purely technical approach and striving to change the way things are done. This could include changing outdated practices, rules, and procedures, introducing modern technologies and creating positive examples that GOB will be interested to sustain. The on-demand technical assistance may facilitate short-term success with high visibility interventions. However, responding only to the GOB demands will prevent USAID from addressing the fundamental challenges of the justice system. The CDCS also points to policy assistance as the preferred modality for delivery of ROL support.²⁵⁴

Therefore, USAID should consider combining 1) work with the GOB and SC to increase the capacity of the justice system through further modernization of courts processes, reduction of the backlog, and the E-judiciary, and 2) work with local government bodies and NGOs to increase the availability of legal aid to vulnerable justice seekers.

USAID should consider the designation of implementing partners’ personnel in key beneficiary institutions as embedded advisors or focal points to ensure coordination and cooperation in advancing mutually agreed objectives. Although the GOB prefers to approve how support is implemented and the key personnel are engaged, USAID should try to have well-placed international or Bangladeshi experts in the beneficiary institutions at the national and/or district level. The posting of long-term residential embedded experts is a key aspect of USAID development pillars, namely local ownership and capacity development, and is a common element of USAID assistance within USAID’s Local Systems Framework in many countries. The use of embedded experts creates a culture that values openness, relationship building, and continuous learning, promoting a continuing loop of collaboration and adaptive management. As such, it is integrally related to co-creation and can help build and maintain trusting relationships between assistance providers and partner country officials and organizations that are important to achieving durable results.

²⁵⁴ USAID CDCS for Bangladesh 2020-2025, p. 1.

During the course of the assessment, the AT learned that USAID implementing partners do not have a presence in the justice institutions of Bangladesh (MOLJPA or SC). While an embedded expert (contractor) can serve as an essential resource for revealing a number of systemic issues, such as lack of judicial independence from the executive branch, lack of communication and/or coordination among justice actors, or a large access to justice gap, the feasibility of embedding U.S.-funded advisors in GOB ministries and institutions should be analyzed in the context of current relations between the USG and Bangladesh in the aftermath of the U.S. sanctions of December 2021.

Alternatively, USAID should insist that GOB beneficiary institutions of its ROL programs designate focal points to facilitate coordination and consultation throughout the implementation phase. Consultations with the GOB should take place continuously as agreed plans are often deflected or derailed during the implementation process and sustained engagement of USAID leadership and USG diplomatic staff may be needed to facilitate implementing partners' work and develop a culture of mutual accountability for results.

4.2 POTENTIAL RULE OF LAW AND ACCESS TO JUSTICE PROGRAMMING INITIATIVES

The AT offers the following ideas for USAID based on our consultations with stakeholders and the research on the principal challenges of the ROL and justice sector in Bangladesh. These initiatives fall under the two broad areas of 1) modernizing court processes and increasing judicial and 2) improving the quality and accessibility of the legal aid services. Additional data-driven studies and consultations with state and non-state stakeholders will be required to turn these tentative ideas into feasible result-oriented program activities.

4.2.1 Modernizing Court Processes and Increasing Judicial Efficiency

The 8th Five Year Plan priorities that aim to improve judicial infrastructure and efficiency are numerous: increase the number of courts and judges, their salaries, and resources for the judiciary; implement the E-Judiciary initiative; reduce the case backlog; improve the functionality of the Naro O Shishu Nirjatan Daman Tribunal; establish the Judicial Academy; and activate all VCs. The GOB may welcome USAID investment in increasing court buildings and resources, but USAID's contribution could be better directed towards systemic change such as modernizing court processes and enhancing the efficiency of court service delivery. Activation of VCs is also underway; and the EU is planning to have all VCs operational by 2025.

- **E-Judiciary:** USAID should consider the possibility of investing in the E-Judiciary initiative and case backlog. These initiatives enjoy the support of the GOB and SC, and both can be designed to address two important challenges identified by this assessment: poor judicial efficiency and excessively lengthy court procedures. The E-Judiciary is a resource-intensive multi-year project which, according to well-placed stakeholders, will exceed \$100 million and last for 5-7 years. USAID should engage in extensive dialogue with the GOB and SC about the precise needs and USAID's expected role and added value in the E-Judiciary. The fact that this initiative has received renewed attention by the GOB and SC leadership improves the potential feasibility of USAID's support.
- **Backlog Reduction:** As explained in this report, current efforts to reduce the backlog have not produced intended results due to the lack of coordination between justice sector actors and the SC's poor management capacity to deal more effectively with this systemic issue. This is a high-risk area for USAID involvement, but the risk will be even higher if Bangladesh does not have a National Backlog Reduction Strategy and if this is not accompanied with enhanced management capacity in the SC. The impending expiration of the SC Strategic Plan (June 2022) and the recent appointment of the new SC Chief Justice represent opportunities for the GOB, SC, and international partners to address the backlog through a coordinated, multi-institutional and long-term approach. This could entail the establishment of Judicial Secretariat or Judicial Administration

Department which will spearhead the reform through evidence-based interventions combining legal, policy, institutional, and human capital solutions to the backlog issue. The Secretariat would also enable better coordination with the subordinate judiciary which the SC currently cannot sufficiently provide. This initiative has broad support among the judiciary, Bar, Women Judges' Association, NGOs working in the ROL sector, and media, but leadership from the SC will be essential. Added to these challenges is the potential reaction of the GOB and MOLJPA, as any increase of the SC judicial governance capacity touches upon vested interests of the executive to control the judiciary. Therefore, USAID should ground the establishment of the Secretariat in the need to tackle the backlog in a more sustained and coordinated way and avoid making judicial independence a central theme of its consultations with the GOB.

- **Judicial Academy:** The upgrade of JATI into a fully-fledged Judicial Academy is a welcome development in the judiciary and efforts are underway to build new facilities. USAID should engage in a dialogue with the GOB to determine this initiative's needs with regards to institutional development and special expertise USAID can provide. Regardless of the outcome of such dialogue, USAID should try to provide further assistance improving formative and continuous judicial education programs. The international standard orientation, peer-to-peer exchanges with regional countries, and training opportunities both in country and abroad could have a positive longer-term effect to prepare reform-minded judges who are well-versed on international standards of human rights and court administration practices. Dialogue between the MOLJPA and SC in this area will also be crucial as the MOLJPA controls the initiative to upgrade JATI but recognizes the reality that the SC's support is crucial.

4.2.2 Improving the Quality and Accessibility of Legal Aid

Under this theme, GOB and USAID priorities converge regarding the need to further expand the legal aid project. The MOLJPA, NLASO, and SC would welcome USAID's continued support on this topic. However, this area is reaching a saturation point due to the number of donors funding many NGO-led legal aid services—e.g., GIZ, SIDA, SDC, DANIDA, and others. USAID should build upon the gains made during the JFA and PPJ activities and should also try to be more prescient and strategic in its legal aid initiatives. In particular, USAID should seek to make tangible impact in both raising awareness about and improving justice seekers' access to legal aid.

Before engaging with the GOB for the future initiatives in this area, USAID should first compile a nationwide inventory of legal aid services. This data-driven exercise should provide better information about the accessibility and quality of legal services. Although the AT's limited research on the topic suggests that legal aid has achieved positive results in the last five years, there are also many questions that need to be addressed including:

- How many DLAOs are operating effectively and what are their comparative performance rates?
- What is the level of satisfaction of justice seekers with the quality and integrity of legal aid service?
- What are the differentiated needs of women justice seekers and how are their user experience insights being captured by the legal aid providers?
- Why does the NLASO still offer services to more male than female justice seekers?
- What is the current level of awareness of legal aid and how can it be increased?
- What is the level of cooperation between UPs and NGOs providing legal aid?
- What groups in Bangladeshi society still face serious barriers to access justice?

This type of information can help USAID identify entry or improvement points to maximize its impact in improving service delivery. It will also be an opportunity to define USAID's niche area in legal aid support, focusing more on domestic violence and/or anti-trafficking victims, vulnerable minorities, and rural communities. Future interventions should consider the engagement of law faculties' legal clinics and legal

interns, which the NLASO plans to integrate into the legal aid service. This is a complex enterprise but can help promote and strengthen ownership of the legal aid service among future legal professionals.

4.3 CONCLUSIONS

This assessment concludes that, despite positive developments in several ongoing initiatives, the Bangladesh ROL and justice sector faces considerable challenges which are undermining the country's potential to achieve greater economic growth and inclusive development. The most significant challenges include: 1) the erosion of judicial independence and accountability; 2) the weak capacity and integrity of the judicial branch; 3) insufficient access to justice by vulnerable justice seekers such as women, poor, minorities, and rural communities; and 4) grave violations of human rights and impunity for law enforcement actors involved in such violations. In accordance with the GOB's multiple annual national plans and strategies, there are several areas where, realistically, USAID support could achieve positive results in ROL and access to justice initiatives. These areas include further modernization of court processes/administration of justice and improving the quality and accessibility of legal aid.

This report outlines some of the strategic, programmatic, and working methods that could facilitate the feasibility and success of future USAID programming in the sector. Any future ROL program should recognize that ROL and justice in Bangladesh remains a high-risk and limited impact environment. Based on the prevailing political commitment, a context-sensitive and complexity-aware approach in programming should acknowledge that only constrained and slow change is feasible. Possibilities for change mainly lie in the areas where justice reform can achieve positive results and increase the GOB's legitimacy without fundamentally changing the power dynamics between the executive and judicial branch. Yet, with consultation in the design stage and continuous coordination and monitoring for results in the implementation stage, future USAID initiatives have the potential to bring about positive change in the ROL and access to justice sector in accordance with the CDCS objectives and USG interests in Bangladesh.

ANNEXES

ANNEX I: STATEMENT OF WORK

USAID/Bangladesh

Tasking Request: Democracy, Human Rights and Governance (DRG)

Date of Request: August 25, 2021

Type of Task: Rule of Law Sector Assessment in Bangladesh

Description of Activity

The purpose of this rule of law assessment is to provide USAID/Bangladesh (also referred to as “the Mission”), its partners, and other stakeholders with a comprehensive appraisal of the rule of law and judiciary sector in Bangladesh and identify opportunities and challenges. The study will also help inform USAID/Bangladesh’s current activities as well as future strategy.

Background

The Bangladeshi Constitution guarantees an independent judiciary and equality under the law for all citizens. Forty-nine years after its adoption, the rights guaranteed by the Constitution remain elusive despite gains in independence at the highest levels of the judiciary, and the efforts of a vibrant civil society to advocate for legal services. Bangladesh still ranks 115 of 128 countries ranked in the World Justice Project’s Rule of Law Index 2020. [[WJP-ROLI-2020-Online_0.pdf](#)]. The justice sector in Bangladesh is dominated by the executive branch and plagued by corruption, poor court management and large number of case backlogs. Corruption affecting access to justice leads to human rights abuses, greater criminality, and the culture of impunity. An inefficient judiciary, which has created the case backlogs, is a source for the long delays citizens face in both civil and criminal cases. This leads to high levels of pre-trial detention and general dissatisfaction with the financial and time cost of justice.

The dysfunctional rule of law system and inadequate access to justice by citizens impacts the country’s progress towards achieving its democracy, development, and good governance goals. Formal justice institutions are complex and fraught with delays, resulting in low levels of citizen confidence in the system. Widespread poverty hinders access as citizens cannot afford the costs of litigation or even taking time off from work and traveling to courts, which are often located outside their immediate district. Women and marginalized people lack an effective jurisdictional choice to exercise and protect their rights. Women face numerous legal problems and are constrained by economic circumstances or confined to households with limited access to information.

Bangladeshi Civil Society Organizations (CSO) have been actively involved in rule of law, access to justice, legal aid, and legal empowerment initiatives for decades. In some respects, the work of CSOs in legal aid has offset deficiencies in public institutions. CSOs have also engaged in strategic litigation in cases of public interest—though the impact of such cases is limited by the extent to which judicial decisions are enforced.

Objective and Research Question

The objectives of the rule of law assessment are as follows (not in order of priority):

- To understand the judicial priorities of the Government of Bangladesh as well as to understand the state of judiciary on judicial reform and improved rule of law in the country.
- To analyze the feasibility of investing development resources in rule of law/access to justice sector (or on any priority agenda identified above) given the prevailing political willingness.
- To estimate power dynamics between the judiciary and executive branches in relation to judicial review and reforms.

- To assess current and ongoing initiatives by both the Government of Bangladesh, judiciary and other development partners, leading to improve the overall rule of law situation of the country.
- To learn the impact of lack of women's access to justice and the country's human rights condition
- To identify future USAID strategy for effective interventions in rule of law/access to justice sector

Geographic Coverage

This will be a nationwide rule of law sectoral assessment.

Dates of performance and timeline

The estimated level of effort (LOE) necessary to provide the two primary deliverables is expected to be 100 days and is estimated to start on or about October 2021.

Team Composition/Qualifications of Consultants

- One or two international or U.S. rule of law experts with relevant international experience in access to justice and other relevant judiciary issues or leading rule of law assessments, and with relevant expertise in political economy analysis and assessment methodology. LL.M. or JD is required, at a minimum.
- Three (both male and female) Bangladeshi rule of law, monitoring, evaluation, and assessment experts. Legal background for at least two consultants is must and for all three is preferred. Relevant evaluation/assessment/political economy analysis experience in Bangladesh and other countries preferred. Postgraduate degree preferred. Retired judges, development practitioners/has relevant rule of law related working experience, law school professors, and lawyers are some criteria to be used to select the three local consultants. Three of them must be fluent in both Bangla and English and should be willing to do translation when necessary.

Deliverables

The consultants will follow the preliminary tasks outlined in this Scope of Work (SOW) but also expand and refine key elements of this assessment, as needed and guided by USAID/Bangladesh.

1. In-brief presentation on workplan and out-brief presentation on preliminary findings and recommendations, with USAID.
2. Inception Report: Provide a detailed work plan, timeline, list of key informants, and desk research sources.
3. Conduct desk research and consultation sessions with key informants.
4. Conduct consultation sessions with judges, justices, attorney generals, prosecutors, lawyers, and police.
5. Conduct consultation session with government officials, civil society including media, development partners and donor organizations.
6. Conduct consultations sessions/focus groups discussions sessions with justice seekers, legal aid clients, law firms, legal advisors/consultants in Bangladesh.
7. Draft the Bangladesh rule of law assessment report.
8. Incorporate feedback received.
9. Submit the Final Report.

ANNEX 2: KII GUIDES FOR VARIOUS RESPONDENT CATEGORIES ASSESSMENT TOOLS

The following are illustrative questions for different stakeholders. The objective is not to ask all the questions to each stakeholder, but rather to offer the AT a guide to select the most relevant questions during the interview process. The goal is to obtain the necessary information to respond to the assessment questions. Different stakeholders can respond to different questions as long as the questions are addressed as a whole.

KII Guide for USAID

1. Does USAID have any justice sector or related initiatives where the GOB is a partner?
2. Could you explain your experiences in working with the Government/Judiciary to implement reforms?
3. Could you tell us about the sorts of projects your organization has undertaken and the experiences you have had?
4. How effective and sustainable have these programs/projects been?
5. Are there any types of projects where the GOB shows more political will/willingness to implement such projects?
6. Are there any rule of law initiatives where the GOB does not show sufficient commitment to implement projects? What seem to be the motivations of the GOB for supporting /not supporting certain types of USAID interventions?
7. What is, in your opinion, the most feasible approach to invest in a justice sector related project(s) to ensure rule of law and increase access to justice?
8. What do you think are the power dynamics between the executive and judicial branch?
9. Is the executive branch committed to reforming the rule of law and justice sector? What are the incentives and/or disincentives to push for greater reforms?
10. Are there powerful groups or individuals in the judicial branch who are resisting reforms? What are their motivations? Are there any drivers of change that are interested and willing to work on reforming the rule of law and justice sector?
11. Which development partners does the GOB listen to? Why is that the case?
12. What types of future programmatic interventions in the sector are more likely to succeed and why?
13. What would be an ideal type of USAID program in this sector and how would you design it?
14. What are the main problems and violations of human rights in Bangladesh? Is the situation of human rights improving or worsening?
15. What are the most prevalent issues that women face in accessing justice in Bangladesh?
16. What kind of initiatives could donor agencies support that would be sustainable and would ensure women's access to justice?
17. Describe some of the initiative taken by your organization which have empowered women?

KII International Organizations

1. How long has your organization been working in Bangladesh?
2. Could you tell us about your experiences in working with the Government/Judiciary to implement reforms?
3. Could you tell us about the sorts of projects your organization has undertaken and the experiences you have had?
4. What is your relationships with the GOB with regards to this project(s)? Please share the challenges you faced in implementing these projects?
5. Do you have any programs/projects related to the justice sector? How effective and sustainable have these programs/projects been?
6. Do you have any justice sector or related initiatives where the GOB is a partner? Could you explain your experiences in working with the Government/Judiciary?
7. How would you assess the power dynamics between the government and judiciary?
8. Are there powerful groups or individuals in the judicial branch who are resisting reforms? What are their motivations? Are there any drivers of change that are interested and willing to work on reforming the rule of law and justice sector?
9. Does the government have the political will and readiness to introduce reforms in the justice sector?
10. What is, in your opinion, the most feasible approach to invest in a justice sector related project(s) to ensure rule of law and increase access to justice?
11. What are the areas where reform projects funded by development partners are likely to make a positive difference in the Judiciary?
12. Some people claim that the backlog of cases in Bangladesh's courts is due to a dearth of Judges, the low number of courts, and poor court infrastructure? To what extent do you think the Justice system in Bangladesh is committed to introducing reforms to address these issues and reduce the backlog of cases in the courts. [may also be asked about other reforms in the justice system to increase efficiency in court administration and also improve the rule of law and access to justice situation in Bangladesh.]
13. Is the GOB welcoming projects aimed at infrastructural changes, improved service delivery in the justice sector? What type of assistance seems to attract their interest and why?
14. What would be the ideal type of project that would likely make a positive change in the rule of law and justice sector?
15. Which development partners does the GOB listen to? Why is that the case?
16. How is the USG and USAID viewed by the GOB? Does the GOB appear to listen to the US government? Why or why not?
17. What are the main problems and violations of human rights in Bangladesh? Is the situation of human rights improving or worsening?
18. What are the most prevalent issues that women face in accessing justice in Bangladesh?

KII International Organizations

19. What kind of initiatives could donor agencies support that would be sustainable and would ensure women's access to justice?
20. Describe some of the initiative taken by your organization which have empowered women?
21. Given your long experience with the justice sector related project in Bangladesh, what would be the priority for your organization in regard to ensuring the rule of law in Bangladesh? Could you identify some of the priority areas?
22. What is the best strategy that could be used for sustainable and effective interventions in the Justice sector by the Donor Agency?

KIIs with GOB

1. What is the greatest achievement of the Judiciary in the past five years?
2. What are the most important priorities in your opinion regarding the justice sector at present?
3. What do see as the most challenging area where reforms are facing difficulties? What are the reasons?
4. To what extent do you think the Justice system in Bangladesh is committed to introducing reforms to introduce backlog in the courts. [and may be asked about other reforms in the justice system to increase efficiency in court administration and also improve the rule of law and access to justice situation in Bangladesh.]
5. Could you tell us whether the facilities of the sitting Judges have been improved and their remuneration increased in the recent past? Do you think that the Government's priority is to increase the existing facilities for the existing judges rather than increasing the number of Judges to ensure more judges in line with the ration of population? If so, how can this be accommodated given the budget earmarked for the justice sector is very low?
6. Coordination Committees for Civil and Criminal Justice Sectors? Do they exist and function?
7. What are the initiatives to introduce e-justice? What has the impact of Covid-19 in resorting to greater use of e-justice? Does the GOB have any long terms for digitalizing service delivery in courts?
8. What are the different responsibilities of the MoL and the SC as a whole, and how are these responsibilities used to ensure rule of law and separation of powers?
9. What initiatives have been taken to deal with the massive case backlog of cases?
10. Are you aware of how much of the national budget is allocated for the justice sector? What are the categories or different areas for which the budget for judiciary is allocated?
11. Who negotiates for the Justice Sector for increased budgetary allocation?
12. Is the government ready to introduce reforms to the justice sector?

KIIs with GOB

13. What is your view of the international technical assistance projects in the rule of law? What projects could make sustainable difference in the Judiciary?
14. Some say that there is a dearth of Judges and number of Courts. Does the GOB expect the international community to invest in such infrastructural changes and consider it the best assistance?
15. Has there been any survey conducted by the Government on all the initiatives undertaken through donor funded projects and programs and the sustainability of such projects? How does GOB manage or monitor the effectiveness of externally funded projects?
16. It is said that the real separation of the executive and judiciary occurred from 2008. What the practical implications of such separation?
17. Who takes the real initiatives in order to make any judicial reforms, i.e., executive or the Supreme Court?
18. Can you tell me about the measures which have been taken by the GOB to reform the justice system to ensure rule of all?
19. How does the judiciary sector and the executive branches work together to ensure that the judicial reform initiatives are implemented in practice? Are there any areas of major disagreements and what are their causes?
20. Is there any specific policy by the Government of Bangladesh to ensure overall rule of law in the country? Could you describe the initiative? [e.g., the legal Aid Act 2000 that tries to broaden access to justice] How are different Ministries involved in such initiatives? Are there legal related focal points in each Ministry?
21. Have State initiative such as legal aid been successful in addressing the question of women's access to justice?
22. What are the main human rights concerns in Bangladesh?
23. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years? Do you think that the situation is improving or worsening?
24. What is the role of Judiciary in addressing the greyer violation of human rights in Bangladesh?
25. Bangladesh is a party to many international human rights instruments and there has been a number of laws enacted to ensure human rights in the country. What are the concrete steps by the GOB to implement such initiatives?
26. What is the role of the police to ensure Human Rights of the citizen of the country? Are the police easily accessible?
27. How many investigations has been done in cases where the police are alleged to be involved in Human Rights Violations?

KIIs with GOB

28. What is the best strategy that can be used for sustainable and affective interventions in the Justice sector by the Donor Agency?

KII Judiciary

1. What is the greatest achievement of the Judiciary in the last five years?
2. What are some of biggest challenges that rule of law and justice sector faces?
3. What are the most important priorities in your opinion regarding the justice sector at present?
4. To what extent do you think the Justice system in Bangladesh is committed to introducing reforms to introduce backlog in the courts. [and may be asked about other reforms in the justice system to increase efficiency in court administration and also improve the rule of law and access to justice situation in Bangladesh.]
5. Do you think the formal justice system is user-friendly?
6. Do you think political and economic pressure effects the administration of justice?
7. Can you tell us about Coordination Committees for Civil and Criminal Justice Sectors? Do they exist and function?
8. What Initiatives to introduce e-judiciary are underway? Have they been motivated by COVID-19 or do you have longer term plans to enhance digitalization of court services?
9. Could you tell us if the working conditions of sitting Judges have been improved and their remuneration increased in the recent past? Do you think that the Government's priority is to increase the existing facilities for the existing judges rather than increasing the number of Judges to ensure more judges in line with the ration of population? If so, how can this be accommodated given the budget earmarked for the justice sector is very low?
10. What are the different responsibilities of the MoL and the SC as a whole and how are these responsibilities used to endure rule of law and separation of powers?
11. What initiatives have been taken to deal with the massive case back log of cases?
12. Have there been legislative changes made to address the issue of backlog through ADR solutions e.g. including Section 89A in the CPC? How do you monitor the implementation of such Section and what is your opinion regarding the percentage of cases where mediation is done?
13. Are Judges actually sending civil cases for mediation as required by law? Do you have any statistics?

KII Judiciary

14. There is a Judicial Reform Committee of the Supreme Court. Are you aware of its existence? If yes, what are the steps you know they have taken? What would be your suggestion as to the necessary reforms which would improve rule of law in the country?
15. Are you aware of how much of the national budget is allocated for the justice sector? What are the categories or different heads for which the budget for judiciary is allocated?
16. Who negotiates for the Justice Sector for increased budgetary allocation?
17. Does the government have the political will and readiness to introducing reforms to the justice sector?
18. What are the areas where reform projects funded by development partners are likely to a positive difference in the Judiciary?
19. Some say that there is a dearth of Judges and number of Courts. Does the GOB expect the international community to invest in such infrastructural changes and consider it the best assistance?
20. Has there been any survey conducted by the Government on all the initiatives undertaken through donor funder projects and programs and the sustainability of such projects? How does judiciary or GOB monitor the effectiveness of the international aid in rule of law sector?
21. It is said that the real separation of the executive and judiciary occurred from 2008. What are the practical implications of such separation?
22. Who takes the real initiatives in order to make any judicial reforms i.e. executive or the Supreme Court?
23. What is your opinion ---is there real separation now? If not, why not?
24. As a member of the lower judiciary how relevant is the Ministry of Law to your appointment and other service-related issues?
25. As a member of the lower judiciary do you feel that the executive has a large part to play in the manner you dispense justice? For example, there are allegations that bails etc. are given or withheld on political considerations.
26. Could you explain the role of the Judicial Service Commission in ensuring separation and whether this means that the executive power over the judiciary has been done away with?
27. Could you tell me about the measures that have been taken by the GOB to reform the justice system to ensure rule of law?
28. How does the judiciary and the executive branches work together to ensure that the judicial reform initiatives are implemented in practice? Are there any areas of major disagreements and what are their causes?
29. What are the current and ongoing initiatives by the judiciary to improve rule of law through better case management; use of digital technology. Is there any Standard Operating Procedure

KII Judiciary

or uniform rules which deal with appointment of the Judges of the Higher Judiciary; Mediation by the lower judiciary and so forth?

30. What are the main problems and violations of rights women in Bangladesh face?
31. Generally, women prefer accessing informal systems such as *Shalish* and then the Village Courts. Accessing the formal courts is their last choice. Why do you think this is?
32. What are the main problems which hinder or discourage women justice seekers to access the formal judicial system? What can be done to increase women access to justice?
33. After accessing the Court what problems do women face?
34. What are the main human rights concerns in Bangladesh?
35. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years?
36. What is the role of Judiciary in addressing the greyer violation of human rights in Bangladesh?
37. Bangladesh is a party to many international human rights instruments and there has been a number of laws enacted to ensure human rights in the country. What are the concrete steps taken by the GOB to implement such initiative?
38. What is the role of police to ensure Human Rights of the citizen of the country? Are the police easily accessible?
39. How many investigations has been done in cases where the police are alleged to be involved in Human Rights Violations?
40. What is the best strategy that can be used for sustainable and affective interventions in the Justice sector by the Donor Agency?

KII Guide with Practicing Lawyers

1. To what extent do you think the Justice system in Bangladesh is committed to introducing reforms to introduce backlog in the courts. [and may be asked about other reforms in the justice system to increase efficiency in court administration and also improve the rule of law and access to justice situation in Bangladesh.]
2. Do you think the formal justice system is user-friendly?
3. Do you think political and economic pressure effects the administration of justice?
4. What are the main challenges of the rule of law and justice sector at present?
5. Do you think judiciary is independent from the executive? What are the power dynamics between the two?
6. Could you tell us about whether the facilities of the sitting Judges have been improved and their remuneration increased in the recent past? Do you think that the Government's priority is to increase the existing facilities for the existing judges rather than increasing the number of Judges to ensure more judges in line with the ration of population?
7. Coordination Committees for Civil and Criminal Justice Sectors, do they exist and function?
8. What are some of the initiatives taken to introduce e-judiciary?
9. There is a Judicial Reform Committee of the Supreme Court. Are you aware of its existence? If yes, what are the steps you know they have taken? What would be your suggestion as to the necessary reforms which would improve rule of law in the country?
10. Does the government have the political will and readiness to introducing reforms to the justice sector?

It is said that the real separation of the executive and judiciary occurred from 2008. What the practical implications of such separation? What is your opinion ---is there real separation now? If not, why not:
11. What are the main problems and violations of rights women in Bangladesh face?
12. Generally, women prefer accessing informal systems such as *Shalish* and then the Village Courts. Accessing the formal courts is their last choice. Why do you think this is?
13. What are the main problems which hinder or discourage women justice seekers to access the formal judicial system?
14. Have State initiative such as legal aid been successful in addressing the question of women's access to justice? After accessing the Court what problems do they face?
15. What are the main human rights concerns in Bangladesh?
16. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years? Is the situation getting better or worse in the last years?
17. What is the role of Judiciary in addressing the greyer violation of human rights in Bangladesh?
18. What is the role of police to ensure Human Rights of the citizen of the country?
19. Are the police easily accessible?

KII Guide with Practicing Lawyers

20. What initiatives should international development partners implement to achieve positive change in the justice sector? Does the GOB and judicial leadership welcome such initiatives?

KII CSO

1. To what extent do you think the Justice system in Bangladesh is committed to introducing reforms to introduce backlog in the courts. [and may be asked about other reforms in the justice system to increase efficiency in court administration and also improve the rule of law and access to justice situation in Bangladesh.]
2. Do you think the formal justice system is user-friendly?
3. Do you think political and economic pressure effects the administration of justice?
4. What are the main challenges of the rule of law and justice sector at present?
5. Do you think judiciary is independent from the executive? What are the power dynamics between the two?
6. What are the most pervasive forms of judicial corruption in Bangladesh?
7. Are there powerful groups or individuals in the judicial branch who are resisting reforms? What are their motivations? Are there any drivers of change who are interested and willing to work on reforming the rule of law and justice sector?
8. Do you have any justice sector or related initiatives where the GOB is a partner?
9. Could you explain your experiences in working with the Government/Judiciary?
10. How sustainable have these programs/projects been?
11. What would you suggest realistically is the feasible approach to invest in a justice sector related project to ensure rule of law and increase access to justice?
12. Does the government have the political will and readiness to introducing reforms to the justice sector?
13. Do you have any program/projects that focus on Governance and Rule of Law? If yes, please describe? If yes, how effective and sustainable is your project to ensure Rule of law and access to justice in Bangladesh?
14. What is your relationship with the GOB with regards to this project? Please share your challenge in order to run theses project/s?
15. What are the main problems and violations of rights women in Bangladesh face?
16. Generally, women prefer accessing informal systems such as *Shalish* and then the Village Courts. Accessing the formal courts is their last choice. Why do you think this is?

KII CSO

17. What are the main problems which hinder or discourage women justice seekers to access the formal judicial system?
18. What initiatives can donor agencies take which will be sustainable and will ensure women's access to justice?
19. Describe some of the initiative taken by your organization which have empowered women? After accessing the Court, what problems do they face?
20. What are the main human rights concerns in Bangladesh?
21. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years? Is the situation getting better or worse in the last years and why?
22. What is the role of Judiciary in addressing the greyer violation of human rights in Bangladesh?
23. Bangladesh is a party to many international human rights instruments and there has been a number of laws enacted to ensure human rights in the country. What are the concrete steps by the GOB to implement such positive initiative?
24. What is the role of police to ensure Human Rights of the citizen of the country?
25. Are the police easily accessible?
26. Given your long experience with justice sector related project in Bangladesh. What would be the priority for your organization relating to ensuring the rule of law in Bangladesh? Identify some of the priority areas?
27. What is the best strategy that can be used for sustainable and affective interventions in the Justice sector by the Donor Agency?

KII Independents Researchers and Law Professors

1. To what extent do you think the Justice system in Bangladesh is committed to introducing reforms to introduce backlog in the courts. [and may be asked about other reforms in the justice system to increase efficiency in court administration and also improve the rule of law and access to justice situation in Bangladesh.]
2. Do you think the formal justice system is user-friendly?
3. Do you think political and economic pressure effects the administration of justice?
4. What are the main challenges of the rule of law and justice sector at present?
5. Do you think judiciary is independent from the executive? What are the power dynamics between the two?
6. What are the most pervasive forms of judicial corruption in Bangladesh?

KII Independents Researchers and Law Professors

7. There is a Judicial Reform Committee of the Supreme Court. Are you aware of its existence? If yes, what are the steps you know they have taken? What would be your suggestion as to the necessary reforms which would improve rule of law in the country?
8. Does the government have the political will and readiness to introducing reforms to the justice sector?
It is said that the real separation of the executive and judiciary occurred from 2008. What the practical implications of such separation? What is your opinion: is there real separation now? If not, why not:
9. What are the main human rights concerns in Bangladesh?
10. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years? Is the situation getting better or worse in the last years?
11. What is the role of Judiciary in addressing the greyer violation of human rights in Bangladesh?
12. Bangladesh is a party to many international human rights instruments and there has been a number of laws enacted to ensure human rights in the country. What are the concrete steps by the GOB to implement such positive initiative?
13. What are the connections between the Rule of Law and Human Rights?
14. What is the role of police to ensure Human Rights of the citizen of the country? Are the police easily accessible?
15. What is the best strategy that can be used for sustainable and affective interventions in the Justice sector by the Donor Agency?

ANNEX 3: GUIDELINES FOR FGDS

Illustrative FGD Guide Questions with Justice Seekers (women and other vulnerable groups)

Facilitator Guide:

1. Make sure all participants have signed their names and understand and agree the discussion will be recorded and transcribed.
2. The discussion is confidential, no one outside the Assessment Team will have access to the information and individual names of participants are not identified in the transcript.
3. **Explain the objective of this FGD:** The discussion is part of a larger study commissioned by USAID in Bangladesh to assess the rule of law and justice sector. The AT is visiting several districts and talking to different people who are well positioned to provide valuable insights. We want to learn your opinions, contributions, and recommendations. The overall purpose of this study is to USAID to identify strategies and working methods that may bring about positive change in the rule of law and justice sector of Bangladesh.
4. **Some rules of engagement:**
 - Everyone has the same right to participate; all of your opinions are valuable.
 - We want all of you to participate, please allow everyone to express their point of view.
 - We don't have the answers and we don't expect you to answer in any specific way, please be as honest as possible in your responses.
 - There are no wrong or right answers; all are good answers.
 - You do not need to agree with the others; everyone can express their own opinions.
 - Only one person talks each time; we need to be able to hear the others.

[Note: Tailor the questions to participants profiles and central topic of the FGD]

1. What are the main problems and violations of rights as women you face in Bangladesh?
2. Why do you think women prefer accessing informal systems such as *Shalish* and then the Village Courts? Accessing the formal courts is their last choice.
3. What are the main problems which hinder or discourage you as women justice seekers to access the formal judicial system?
4. After accessing the Court what problems do you face?
5. Are the police easily accessible in case you face a problem where their helps needed? Can you share your experiences?
6. In your opinion, what are 2-3 things that should be done to improve women access to justice?

Concluding Question

Of all the things we've discussed today, what would you say is the most important issue facing the rule of law and justice sector in Bangladesh?

Closing the FGD

Thank you for participating. This has been a very rewarding discussion and your opinions will be a valuable asset to our assessment of the rule of law and justice sector in Bangladesh. We hope you have found the discussion interesting too.

Thank you!

Illustrative FGD Guide Questions with CSOs working in the rule of law and access to justice

Facilitator Guide:

1. Make sure all participants have signed their names and understand and agree the discussion will be recorded and transcribed.
2. The discussion is confidential, no one outside the Assessment Team will have access to the information and individual names of participants are not identified in the transcript.
3. **Explain the objective of this FGD:** The discussion is part of a larger study commissioned by USAID in Bangladesh to assess the rule of law and justice sector. The AT is visiting several districts and talking to different people who are well positioned to provide valuable insights. We want to learn your opinions, contributions, and recommendations. The overall purpose of this study is to USAID to identify strategies and working methods that may bring about positive change in the rule of law and justice sector of Bangladesh.
4. **Some rules of engagement:**
 - Everyone has the same right to participate; all of your opinions are valuable.
 - We want all of you to participate, please allow everyone to express their point of view.
 - We don't have the answers and we don't expect you to answer in any specific way, please be as honest as possible in your responses.
 - There are no wrong or right answers; all are good answers.
 - You do not need to agree with the others; everyone can express their own opinions.
 - Only one person talks each time; we need to be able to hear the others.

[Note: Tailor the questions to participants profiles and central topic of the FGD]

1. Do you have any program/ projects that focus on Governance and Rule of Law? If yes, please describe?
2. Do your organization have any justice sector or related initiatives where the GOB is a partner?
3. How would you describe the current situation of the rule of law in Bangladesh? Is it getting better or worse and why?
4. What are the main human rights concerns in Bangladesh?
5. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years?
6. What are the judicial priorities of the GOB? What are the motivations for such priorities?
7. In your opinion does the government have the political will and readiness to introduce reforms to the justice sector? If not, why?
8. To what extent do you think the Justice system in Bangladesh is committed to ensure rule of Law? If not, why?
9. What are the power dynamics between the executive and judiciary? Are there any areas of major disagreements between government and judiciary? What are their causes?
10. Could you explain your experiences in working with the Government/Judiciary?
11. Bangladesh is considered to have a vibrant civil society; do you think the situation for CSOs is becoming more enabling or constraining?

12. What would you suggest realistically is the most feasible approach to invest in a justice sector related project to ensure rule of law and increase access to justice?
13. What role do you envisage CSOs to play in rule of law and justice sector programs?
14. What are the main problems which hinder or discourage you as women justice seekers to access the formal judicial system?
15. What are 2-3 things that should be done to improve women access to justice?

Concluding Question

Of all the things we've discussed today, what would you say is the most important issue facing the rule of law and justice sector in Bangladesh?

Closing the FGD

Thank you for participating. This has been a very rewarding discussion and your opinions will be a valuable asset to our assessment of the rule of law and justice sector in Bangladesh. We hope you have found the discussion interesting too.

Thank you!

Illustrative FGD Guide Questions with Legal Aid Clients

Facilitator Guide:

1. Make sure all participants have signed their names and understand and agree the discussion will be recorded and transcribed.
2. The discussion is confidential, no one outside the Assessment Team will have access to the information and individual names of participants are not identified in the transcript.
3. **Explain the objective of this FGD:** The discussion is part of a larger study commissioned by USAID in Bangladesh to assess the rule of law and justice sector. The AT is visiting several districts and talking to different people who are well positioned to provide valuable insights. We want to learn your opinions, contributions, and recommendations. The overall purpose of this study is to USAID to identify strategies and working methods that may bring about positive change in the rule of law and justice sector of Bangladesh.
4. **Some rules of engagement:**
 - Everyone has the same right to participate; all of your opinions are valuable.
 - We want all of you to participate, please allow everyone to express their point of view.
 - We don't have the answers and we don't expect you to answer in any specific way, please be as honest as possible in your responses.
 - There are no wrong or right answers; all are good answers.
 - You do not need to agree with the others; everyone can express their own opinions.
 - Only one person talks each time; we need to be able to hear the others.

[Note: Tailor the questions to participants profiles and central topic of the FGD]

1. What is your legal problem that brings you to get the legal aid help? [If female], who in your family makes the decision about your ability to seek legal aid assistance?
2. Where did you hear about the Legal Aid and how legal aid helps you to solve your problem?
3. Did you try to solve your problem through accessing informal systems such as *Shalish* and then the Village Courts?
4. What are the main problems which hinder or discourage you as women justice seekers to access the formal judicial system?
5. After accessing the legal aid office what problems do you face?
6. Did you experience any discrimination in the proceedings? In what way?
7. What are 2-3 things that should be done to improve women access to justice?

Concluding Question

Of all the things we've discussed today, what would you say is the most important issue facing the rule of law and justice sector in Bangladesh?

Closing the FGD

Thank you for participating. This has been a very rewarding discussion and your opinions will be a valuable asset to our assessment of the rule of law and justice sector in Bangladesh. We hope you have found the discussion interesting too.

Thank you!

Illustrative FGD Guide Questions with Journalists

Facilitator Guide:

1. Make sure all participants have signed their names and understand and agree the discussion will be recorded and transcribed.
2. The discussion is confidential, no one outside the Assessment Team will have access to the information and individual names of participants are not identified in the transcript.
3. **Explain the objective of this FGD:** The discussion is part of a larger study commissioned by USAID in Bangladesh to assess the rule of law and justice sector. The AT is visiting several districts and talking to different people who are well positioned to provide valuable insights. We want to learn your opinions, contributions, and recommendations. The overall purpose of this study is to USAID to identify strategies and working methods that may bring about positive change in the rule of law and justice sector of Bangladesh.
4. **Some rules of engagement:**
 - Everyone has the same right to participate; all of your opinions are valuable.
 - We want all of you to participate, please allow everyone to express their point of view.
 - We don't have the answers and we don't expect you to answer in any specific way, please be as honest as possible in your responses.
 - There are no wrong or right answers; all are good answers.
 - You do not need to agree with the others; everyone can express their own opinions.
 - Only one person talks each time; we need to be able to hear the others.

[Note: Tailor the questions to participants profiles and central topic of the FGD]

1. How would you describe the current situation of the rule of law in Bangladesh? Is it getting better or worse and why?
2. What are the main human rights concerns in Bangladesh?
3. What are 2-3 most critical issues facing the judiciary in Bangladesh?
4. To what extent do you think the Justice system in Bangladesh is committed to ensure Rule of Law?
5. What is your opinion about the formal justice system in Bangladesh, *i.e.*, is it user-friendly, easy accessible, easy to get justice done, *etc.*?
6. How are the relations between the GOB and judiciary? Are there any areas of major disagreements?
7. What do you think about political and economic pressure effects the administration of justice?
8. Does the government have the political will and readiness to introducing reforms to the justice sector?
9. What are the initiatives (law/policy) by the Parliament/GOB has been taken in order to protect the situation of human rights violation in Bangladesh in last 10 years
10. How do view the role of police to ensure Human Rights of the citizen of the country?
11. Do you feel free to report on judiciary, judicial scandals and/or judicial corruption? Is the media situation getting better or worse?

12. What would you suggest realistically is the feasible approach to invest in a justice sector related project to ensure rule of law and increase access to justice?

What role do you envisage for the media in supporting rule of law and justice reform?

Concluding Question

Of all the things we've discussed today, what would you say is the most important issue facing the rule of law and justice sector in Bangladesh?

Closing the FGD

Thank you for participating. This has been a very rewarding discussion and your opinions will be a valuable asset to our assessment of the rule of law and justice sector in Bangladesh. We hope you have found the discussion interesting too.

Thank you.

Illustrative FGD Guide Questions with Lawyers

Facilitator Guide:

1. Make sure all participants have signed their names and understand and agree the discussion will be recorded and transcribed.
2. The discussion is confidential, no one outside the Assessment Team will have access to the information and individual names of participants are not identified in the transcript.
3. **Explain the objective of this FGD:** The discussion is part of a larger study commissioned by USAID in Bangladesh to assess the rule of law and justice sector. The AT is visiting several districts and talking to different people who are well positioned to provide valuable insights. We want to learn your opinions, contributions, and recommendations. The overall purpose of this study is to USAID to identify strategies and working methods that may bring about positive change in the rule of law and justice sector of Bangladesh.
4. **Some rules of engagement:**
 - Everyone has the same right to participate; all of your opinions are valuable.
 - We want all of you to participate, please allow everyone to express their point of view.
 - We don't have the answers and we don't expect you to answer in any specific way, please be as honest as possible in your responses.
 - There are no wrong or right answers; all are good answers.
 - You do not need to agree with the others; everyone can express their own opinions.
 - Only one person talks each time; we need to be able to hear the others.

[Note: Tailor the questions to participants profiles and central topic of the FGD]

1. As a member of the legal profession, to what extent do you think the Justice system in Bangladesh is committed to ensure Rule of Law?
2. What is your opinion about the formal justice system in Bangladesh, i.e. is it user-friendly, easily accessible, easy to get justice done, etc.?
3. How would you describe the current situation of the rule of law in Bangladesh? Is it getting better or worse and why?
4. What are the main human rights concerns in Bangladesh?
5. What are 2-3 most critical issues facing the judiciary in Bangladesh?
6. How are the relations between the GOB and judiciary? Are there any areas of major disagreements?
7. How do the political and economic pressures affect the administration of justice?
8. Does the government have the political will and readiness to introducing reforms to the justice sector?
9. Does the government have the political will and readiness to introducing reforms to the justice sector? Explain.
10. What is your opinion—is there real separation now? If not, why not:
11. Generally, women prefer accessing informal systems such as *Shalish* and then the Village Courts. Accessing the formal courts is their last choice. Why do you think this is?

12. What are the main problems which hinder or discourage women justice seekers to access the formal judicial system?
13. In your view, after accessing the Court what problems do justice seekers face to ensure proper justice?
14. What would you suggest realistically is the feasible approach to invest in a justice sector related project to ensure rule of law and increase access to justice?
15. What role do you envisage for the legal profession in supporting rule of law and justice reform?

Concluding Question

Of all the things we've discussed today, what would you say is the most important issue facing the rule of law and justice sector in Bangladesh?

Closing the FGD

Thank you for participating. This has been a very rewarding discussion and your opinions will be a valuable asset to our assessment of the rule of law and justice sector in Bangladesh. We hope you have found the discussion interesting too.

Thank you!

ANNEX 4: MINI SURVEY

MINI SURVEY FOR LEGAL AID AND JUSTICE SEEKERS

Survey Instructions

Hello, my name is _____ and I work for Mendez England and Associates, a U.S.-based independent company conducting a rule of law assessment for USAID Bangladesh. We would like to ask you to answer a few questions about legal aid and access to justice issues. This will take no longer than 10 minutes of your time. Your answers may help USAID develop new programming to support access to justice and legal aid for vulnerable groups in the future. We will not discuss your responses with anyone and your name will not appear in connection to the information you give us. We cannot pay you and you can stop answering questions at any point.

Are you willing to participate in this survey? YES X NO X

Respondent Identification

- Location/District: _____
- Upazila: _____
- Union: _____
- Village: _____
- Gender: _____
- Age: _____

A. What is your highest level of education?

- 1) Grades 1-6
- 2) Grades 7-9
- 3) Grade 10-12
- 4) Professional school
- 5) University education

Part I Satisfaction with Legal Aid

I. What is your level of satisfaction with the information you received on your right to access legal aid?

- 1) Not satisfied at all
- 2) Somewhat unsatisfied
- 3) Somewhat satisfied
- 4) Very Satisfied
- 98) Don't Know
- 99) Refused

2.1 Have you received legal aid from the District Legal Aid Office or Non-Governmental Organizations?

- 1) DLAO
- 2) NGOs

2.2 What is your level of satisfaction with the attitude (e.g., courtesy) of lawyers who provided legal aid to you?

- 1) Not satisfied at all
- 2) Somewhat unsatisfied
- 3) Somewhat satisfied
- 4) Very Satisfied
- 98) Don't Know
- 99) Refused

3. What is your level of satisfaction with the level of professional competence of the lawyers who provided legal aid to you?

- 1) Not satisfied at all
- 2) Somewhat unsatisfied
- 3) Somewhat satisfied
- 4) Very Satisfied
- 98) Don't Know
- 99) Refused

4. What is your level of satisfaction with the length of the proceedings in the process for which you received legal aid?

- 1) Not satisfied at all
- 2) Somewhat unsatisfied
- 3) Somewhat satisfied
- 4) Very Satisfied
- 98) Don't Know
- 99) Refused

5. What is your level of satisfaction with the non-monetary cost of the proceedings (i.e., travelling time, number of trips, time to secure papers/documents) for which you received legal aid?

- 1) Not satisfied at all
- 2) Somewhat unsatisfied
- 3) Somewhat satisfied
- 4) Very Satisfied
- 98) Don't Know
- 99) Refused

6. Has the legal problem for which you sought legal aid been resolved?

- 1) Yes, completely
- 2) Yes, partially
- 3) No, case was lost
- 4) No, I withdrew the lawsuit
- 5) No, case is ongoing
- 98) Don't Know
- 99) Refused

7. What is your level of satisfaction with the legal aid you received?

- 1) Not satisfied at all
- 2) Somewhat unsatisfied
- 3) Somewhat satisfied
- 4) Very Satisfied
- 98) Don't Know
- 99) Refused

8. What was the level of confidence you had in the justice system prior to your experience with legal aid?

- 1) Very low
- 2) Low
- 3) Average
- 4) High
- 5) Very high
- 98) Don't Know
- 99) Refused

9. What level of confidence do you have in the justice system after your experience as a legal aid beneficiary?

- 1) Very low
- 2) Low
- 3) Average
- 4) High
- 5) Very high
- 98) Don't Know
- 99) Refused

Prevalent legal issues for people seeking aid

10. What are the most common legal issues for which people are seeking legal aid?

Land disputes	1
Criminal offenses	2
Family disputes	3
Domestic violence	4
Failure to pay debts/insolvency	5
Denial of Employment/social welfare benefits	6
Corruption	7
Others, please specify_____	

Prevalent Challenges Faced by Women

11. What are the most common challenges women justice seekers face?

Lack of awareness on rights and responsibilities	1
Unequal position with male justice seekers	2
Discrimination by justice system	3
Unaffordable cost of access to justice	4
Family condemnation	5
Social bias and prejudice of taking a case to court	6
Community reprisal	7
Others, please specify _____	

Legal Aid Challenges

12. What are the most important challenges of access to justice for legal aid seekers in Bangladesh? (Please select all that apply.)

Formal legal system is too bureaucratic and time-consuming	1
People in need of legal aid are not aware of their right to resort to legal	2
Citizens, especially victims of TIP, GBV, VE, and AD, do not have access to legal aid	3
Informal ways of dispute resolution are more culturally appropriate	4
People are reluctant to resort to legal aid as courts have a weak public trust	5
DLAC members are not working enough to enhance access to legal aid to people in need	6
Others, please specify _____	

ANNEX 5: LIST OF KEY INFORMANT INTERVIEWS AND FOCUS GROUP DISCUSSIONS

Remote National Level Interviews

Stakeholder Type	Designation	Institution	Location/Platform
USAID/USG			
	Resident Legal Advisor, U.S. Embassy	USG/USAID	G. Meet
	Team Lead – Human Rights and Rule of Law	USG/USAID	G. Meet
International CSOs			
	Executive Director	Transparency International (TI)	G. Meet
	Representative	Amnesty international	G. Meet
Multilateral			
	Rule of Law Program Manager	UNDP	G. Meet
	Senior Governance Advisor	UNDP	Zoom
Bilateral/International			
	EDA CWA	Swiss Development Agency	Zoom
	AusAid/First Secretary	AusAid/DFAT	G. Meet
	Team Leader, Rule of Law Programme	GIZ	MS
	EEAS	EU	Webex
IPs			
	DCOP	DI	G. Meet
	COP	PPJ	G. Meet
	COP	Winrock	G. Meet
	Sr. Program Officer	IRI	G. Meet
	Program Officer	NDI	G. Meet
	COP	NCSC	G. Meet
	DCOP	DI	Zoom
	U.S. RLA	OPDAT	G. Meet
	Rule of Law/Senior Governance Advisor	UNDP (follow up)	Zoom
National CSOS			
	ED	Bangladesh Mohila Parisahd	Zoom
	ED	BNWLA	G. Meet
	Executive Director	Mahusher Jonno Foundation	Zoom
	Distinguished Fellow	Centre for Policy Dialogue	Zoom
	Country Director	Citizens for Good Governance	G. Meet
Academic			
	Professor	Dhaka University	Zoom
Research			
	Professor	University of Dhaka	G. Meet
	Executive Director	South Asian Institute of Advanced Legal and Human Rights Studies (SAILS)	G. Meet
Media			
	Gen, Secretary	FEXB	G. Meet
	Gen, Secretary/ Treasurer	BMSF/BSS	G. Meet
GOB/Judiciary			

Stakeholder Type	Designation	Institution	Location/Platform
	Member	Law Commission of Bangladesh	Dhaka
	Judge	High Court Division	Dhaka
	Judge	Bangladesh Women Judges Association	Zoom
	Staff Member	Judicial Administration Training Institute	Zoom
	Secretary	Supreme Court Bar Association	Dhaka
	Chairman	Human Rights and Legal Aid Committee	Dhaka
	Chairman,	Parliamentary Standing Committee	Dhaka
	Deputy Secretary	Ministry of Law and Justice	Dhaka
	Judge	High Court Division	Dhaka
	Director	National Legal Aid Service Organization	Dhaka

In-Person National Level KIIs

National Level KIIs

Date	District/Division	Institution/Organization	Gender
12/7/2021	Div: Dhaka Dist: Dhaka	Law Commission of Bangladesh	Male
12/6/2021	Div: Dhaka Dist: Dhaka	High Court Division of the Supreme Court of Bangladesh	Male
12/7/2021	Virtual	Bangladesh Women Judges Association	Female
12/12/2021	Virtual	The Judicial Administration Training Institute (JATI)	Male
12/7/2021	Dhaka	Supreme Court Bar Association	
12/8/2021	Dhaka	Human Rights and Legal Aid Committee	
12/9/2021	Dhaka	Government of Bangladesh	
12/5/2021	Dhaka	Ministry of Law and Justice Division, Bangladesh Secretariat Dhaka	Male
12/6/2021	Dhaka	Bangladesh Supreme Court, High Court Division, Dhaka	Male
12/7/2021	Dhaka	National Legal Aid Service Organization, Dhaka	Male
Total			10

LIST AND DETAILS OF KIIs BY DIVISION

Date	District/Division	Institution/Organization	Gender
11/20/2021	Dist.: Barisal Div: Barisal	Senior Advocate, Barisal Bar	
11/21/2021	Dist.: Barisal Div: Barisal	District Judge, Speedy Trial Tribunal	
11/22/2021	Dist.: Barisal Div: Barisal	DLAO, Barisal	
11/24/2021	Dist.: Barisal Div: Barisal	Public Prosecutor, Barisal District Court	
11/24/2021	Dist.: Barisal Div: Barisal	SP, Barisal	
11/22/2021	Dist.: Jhalakathi Div.: Barisal	District Legal Aid Officer, District Court	

Date	District/Division	Institution/Organization	Gender
11/23/2021	Dist.: Jhalakathi Div.: Barisal	ASP, Jhalakathi	
11/23/2021	Dist.: Jhalakathi Div.: Barisal	Senior Advocate, Jhalakathi Bar	
11/23/2021	Dist.: Jhalakathi Div.: Barisal	District Judge, District Court	
11/23/2021	Dist.: Jhalakathi Div.: Barisal	APP, District Bar	
11/27/2021	Dist.: Rajshahi Div.: Rajshahi	District Bar, Rajshahi	
11/27/2021	Dist.: Rajshahi Div.: Rajshahi	District Bar, Rajshahi	
11/28/2021	Dist.: Rajshahi Div.: Rajshahi	District Court Judge	
11/28/2021	Dist.: Rajshahi Div.: Rajshahi	District Legal Aid Officer, District Court	
12/1/2021	Dist.: Rajshahi Div.: Rajshahi	ASP, CTSB, Rajshahi	
11/30/2021	Dist.: Natore Div.: Rajshahi	District Judge	
711/30/2021	Dist.: Natore Div.: Rajshahi	District Legal Aid Officer	
1811/30/2021	Dist.: Natore Div.: Rajshahi	SP, Natore	
11/30/2021	Dist.: Natore Div.: Rajshahi	Lawyer	
11/30/2021	Dist.: Natore Div.: Rajshahi	Public Prosecutor	
11/21/2021	Dist.: Khulna Div.: Khulna	District Judge's Court, Khulna	Male
11/22/2021	Dist.: Khulna Div.: Khulna	District Judge's Court, Khulna	Male
11/22/2021	Dist.: Khulna Div.: Khulna	Metropolitan Sessions Judge's Court, Khulna	Male
11/22/2021	Dist.: Khulna Div.: Khulna	Khulna Bar Association	Male
11/22/2021	Dist.: Khulna Div.: Khulna	Metropolitan Sessions Judge's Court, Khulna	Male
11/23/2021	Dist.: Satkhira Div.: Khulna	District Judge's Court, Satkhira	Male
11/23/2021	Dist.: Satkhira Div.: Khulna	Satkhira Bar Association	Male
11/23/2021	Dist.: Satkhira Div.: Khulna	District Judge's Court, Satkhira	Male
11/24/2021	Dist.: Satkhira Div.: Khulna	Office of the Superintendent of Police, Satkhira	Male
11/24/2021	Dist.: Satkhira Div.: Khulna	District Judge's Court, Satkhira	Female
11/27/2021	Dist.: Dhaka Div.: Dhaka	Dhaka Bar Association	Male
11/27/2021	Dist.: Dhaka Div.: Dhaka	District Judge's Court, Dhaka	Male
11/28/2021	Dist.: Dhaka	Metropolitan Sessions Judge's Court, Dhaka	Male

Date	District/Division	Institution/Organization	Gender
	Div.: Dhaka		
11/29/2021	Dist.: Dhaka Div.: Dhaka	District Judge's Court, Dhaka	Male
12/1/2021	Dist.: Dhaka Div.: Dhaka	Traffic Office, Palton, Dhaka	Male
11/30/2021	Dist.: Narayanganj Div.: Dhaka	District Judge's Court, Narayanganj	Female
11/30/2021	Dist.: Narayanganj Div.: Dhaka	Office of the Superintendent of Police, Narayanganj	Male
11/30/2021	Dist.: Narayanganj Div.: Dhaka	Narayanganj Bar Association	Female
11/30/2021	Dist.: Narayanganj Div.: Dhaka	District Judge's Court, Narayanganj	Male
11/30/2021	Dist.: Narayanganj Div.: Dhaka	District Judge's Court, Narayanganj	Male
11/28/2021	Dist.: Chattogram Div.: Chattogram	Office of the Chief Metropolitan Magistrate	Male
11/28/2021	Dist.: Chattogram Div.: Chattogram	Office of the Chief Metropolitan Magistrate Court, Chattogram	Male
11/28/2021	Dist.: Chattogram Div.: Chattogram	Office of the Chief Metropolitan Magistrate Court, Chattogram	Male
11/29/2021	Dist.: Chattogram Div.: Chattogram	Office of the Chief Metropolitan Magistrate Court, Chattogram	Male
11/29/2021	Dist.: Chattogram Div.: Chattogram	District Legal Aid Office, Chattogram	Female
11/29/2021	Dist.: Cox's Bazar Div.: Chattogram	Office of the District Judge, Cox's Bazar	Male
11/29/2021	Dist.: Cox's Bazar Div.: Chattogram	Conference Room of the Office of the District Judge, Cox's Bazar	Male
11/30/2021	Dist.: Cox's Bazar Div.: Chattogram	Conference Room of the Office of the District Judge, Cox's Bazar	Male
11/29/2021	Dist.: Cox's Bazar Div.: Chattogram	Conference Room of the Office of the District Judge, Cox's Bazar	Male
12/1/2021	Dist.: Cox's Bazar Div.: Chattogram	District Legal Aid Office, Cox's Bazar	Female
11/24/2021	Dist.: Sylhet Div.: Sylhet	Senior Districts Judge's Office	Male
11/23/2021	Dist.: Sylhet Div.: Sylhet	Police Headquarters	Male
11/23/2021	Dist.: Sylhet Div.: Sylhet	Office of the District Judge, Sylhet	Male
11/23/2021	Dist.: Sylhet Div.: Sylhet	Rose View Hotel, Sylhet	Male
11/24/2021	Dist.: Sylhet Div.: Sylhet	District Legal Aid Office, Sylhet	Male
11/21/2021	Dist.: Moulvibazar Div.: Sylhet	Office of the Judge, Nari O Shishu Nirjatan Daman Tribunal, Moulvibazar	Female
11/22/2021	Dist.: Moulvibazar Div.: Sylhet	Moulvibazar Police Station	Male
11/21/2021	Dist.: Moulvibazar Div.: Sylhet	Office of the District Legal Aid Officer, Moulvibazar	Male
11/21/2021	Dist.: Moulvibazar Div.: Sylhet	Office of the District Legal Aid Officer, Moulvibazar	Male

Date	District/Division	Institution/Organization	Gender
12/4/2021	Dist.: Moulvibazar Div.: Sylhet	Virtual	Male
Total			60

LIST OF FOCUS GROUP DISCUSSIONS

Date	District	Category/Role	Organization	Number of Participants	Gender
	Barisal	CSOs	<ul style="list-style-type: none"> • BNWLA • Bangladesh Mahila Parishad • Bela • BLAST • Avash 	5	4 Female, 1 Male
	Barisal	Journalists	<ul style="list-style-type: none"> • Vorer Alo • Spice • News24 • Channel 24 • Matobad 	5	5 Male
	Barisal	Lawyers	<ul style="list-style-type: none"> • District Court 	5	5 Male
	Barisal	Legal Aid Seekers	<ul style="list-style-type: none"> • N/A 	5	4 Female, 1 Male
	Barisal	Women and Other Vulnerable Groups	<ul style="list-style-type: none"> • N/A 	5	4 Female, 1 Male
	Rajshahi	CSOs	<ul style="list-style-type: none"> • Sachetan • Hi Care Rajshahi • Bangladesh Mahila Parishad • Diner Alo Hizra Shongho 	5	2 Female, 2 Male, 1 Transgender
	Rajshahi	Journalists	<ul style="list-style-type: none"> • Sonali Sangbad • Daily Notun Provat • Dainik Barta • Sonar Desh • Dainik Sunshine 	5	5 Male
	Rajshahi	Lawyers	<ul style="list-style-type: none"> • District Bar 	5	3 Female, 2 Male
	Rajshahi	Legal Aid Seekers	<ul style="list-style-type: none"> • BLAST 	5	5 Female
	Rajshahi	Women and Other Vulnerable Groups	<ul style="list-style-type: none"> • N/A 	5	1 Female, 4 Male
11/27/2021	Chattogram	Media/Journalists		3	
11/28/2021	Chattogram	CSOs/NGOs		5	
11/28/2021	Chattogram	Lawyers		5	
11/28/2021	Chattogram	Justice Seekers		5	
11/28/2021	Chattogram	Legal Aid Seekers		5	
11/21/2021	Khulna	Justice Seekers		5	
11/22/2021	Khulna	CSOs/NGOs		5	
11/21/2021	Khulna	Legal Aid Seekers		5	
11/20/2021	Khulna	Journalists		5	
11/21/2021	Khulna	Lawyers		5	
11/28/2021	Dhaka	Justice Seekers		4	

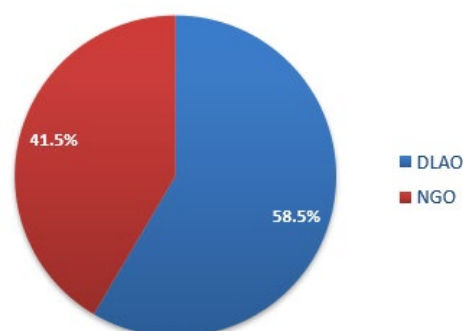
Date	District	Category/Role	Organization	Number of Participants	Gender
11/21/2021	Dhaka	CSOs/NGOs		5	
11/28/2021	Dhaka	Legal Aid Seekers		4	
11/28/2021	Dhaka	Lawyers		5	
11/28/2021	Dhaka	Journalists		4	
Total				120	

ANNEX 6: MINI SURVEY RESULTS

Brief Analysis of Survey Results

Summary of Results

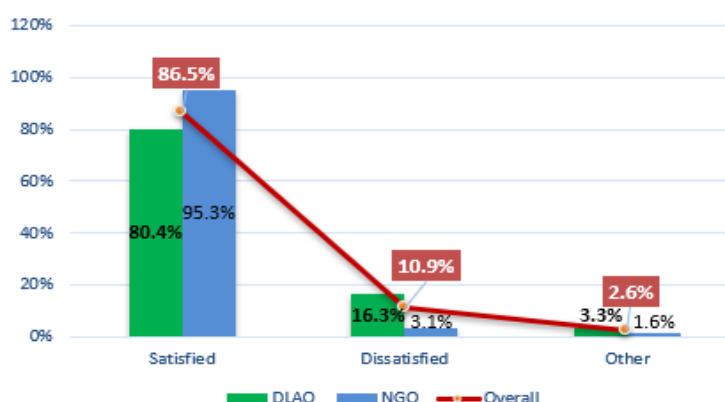
The survey included 159 legal aid seekers of which 134 were women (84.3 percent) and 25 men (15.7 percent). The mini survey was conducted via phone and administration time varied between 15-20 minutes per each respondent. The 12 questions surveyed the level of satisfaction with the legal aid, the professional conduct and competence of legal aid lawyers, the length and cost of proceedings, and other questions regarding most prevalent questions for which respondents sought legal aid from the DLAO or NGOs. Overall, **58.5 percent** of the respondents received the legal aid from the DLAO and **41.5 percent** from the NGOs. The following is a breakdown of respondents per district.



District	Number of Respondents
Narayangonj	37
Satkhira	32
Barishal	22
Chattogram	14
Dhaka	10
Rajshahi	8
Jashore	8
Narail	6
Naogaon	5
Sirajgonj	4
Tangail	3
Khulna	3
Bogura	3
Mymensingh	2
Panchagar	1
Lalmonirhat	1
Total	159

- **The large majority of the respondents are satisfied about how they were informed in the legal aid proceedings, but the satisfaction level is higher for the NGO-provided legal aid.**

The vast majority of respondents declared a high level of satisfaction with the services received. Overall, 80.4 percent of those receiving legal aid from DLAO were either satisfied or very satisfied with the services received and the level of satisfaction is even higher for the NGO-provided legal aid which is 95.3 percent.



- Respondents report a high level of professional attitude of the lawyers providing legal aid although the satisfaction is higher for lawyers working for the NGOs.

On the question about the level of satisfaction with the attitude and courtesy of legal aid lawyers 75.3 percent of the respondents reported that they were either satisfied or very satisfied with the DLAO lawyers and 81.8 percent are satisfied or very satisfied with the lawyers from NGOs providing legal aid.

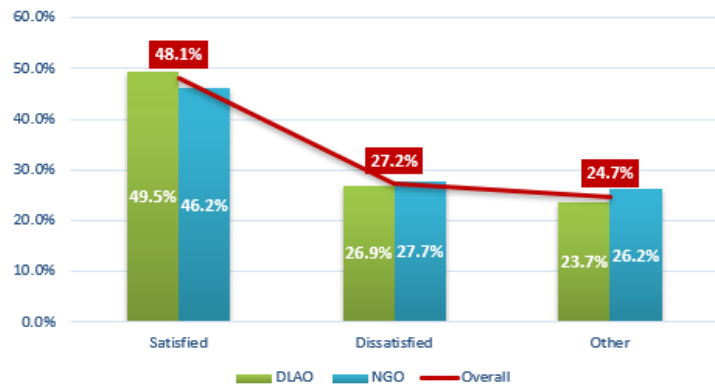
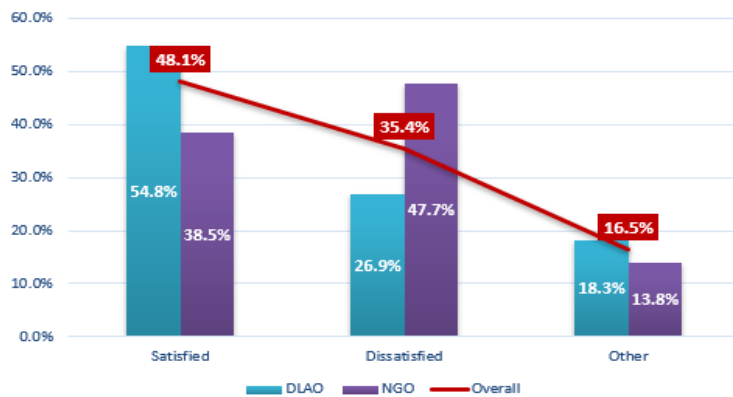
- Most respondents are satisfied with the professional competence and abilities of the legal aid lawyers, but the level of satisfaction reported is slightly higher for the DLAO lawyers.

When asked about the level of satisfaction with the level of professional competence and abilities of the legal aid lawyers, a large majority or two out three justice seekers reported they were satisfied or very satisfied with the legal aid. The level of satisfaction for the DLAO lawyers stands at 64.5 percent and is slightly higher than the lawyers from NGOs providing legal aid which stands 62.1 percent.

- Less than half of people are satisfied with the length of legal aid cases involving DLAO, but the level of satisfaction reported is significantly lower for the cases in which NGOs provided legal aid.

On the question about the level of satisfaction with the length of proceedings in the legal aid process, the AT found that only 48.1 percent of the respondents are satisfied or very satisfied with the time they spent in the legal proceedings for which they sought legal aid.

The level of satisfaction is much higher for the cases in which DLAO was involved (54.8 percent) but is significantly lower in the cases when NGO lawyers provided the legal aid (38.5 percent). One of the reasons for this result may be that judges are more expeditious when the DLAO lawyers are representing justice seekers since they may see DLAO lawyers as legal agents of the state.



judges are more expeditious when the DLAO lawyers are representing justice seekers since they may see DLAO lawyers as legal agents of the state.

- Less than half of justice seekers are satisfied with the non-monetary cost of proceedings (i.e., traveling time, number of trips, time to secure papers/documents) in the legal aid process.

Asked about their level of satisfaction with the non-monetary cost of their legal representation, 48.1 percent of the respondents declared that they are satisfied or very satisfied. The level of satisfaction is slightly higher in the cases represented by the DLAO (49.5 percent) compared to the cases represented by the NGOs (46.2 percent) but the level of satisfaction with the overall cost remains less than half.

- **Slight less than one-third of the justice seekers have had their case resolved, one in six reporting reports the case is partially resolved and close to 40 percent report their case to be ongoing.**

Asked about the status of the case for which they sought legal aid, a large majority of the justice seekers report that their case is still ongoing (39.7 percent) and more people who received legal aid from NGOs report that their case is ongoing (45.3 percent) compared to the DLAO cases (35.2 percent) which may indicate that cases involving state provided lawyers move faster in the court proceedings. Overall, only 28.8 percent of the people report that their case has been fully resolved whereas 16.7 percent stated that their case is only partially resolved. The self-reported status of the case indicates that a higher number of DLAO represented cases is resolved (34.1 percent) completely compared to those represented by the NGOs (21.9 percent)

- **More than four in five justice seekers reports that they are satisfied or very satisfied with the legal aid received and the self-reported level of satisfaction is almost the same for DLAO- and NGO-provided legal aid.**

When asked about the general level of satisfaction with the legal aid received, 81 percent of the justice seekers reported they were satisfied or very satisfied. The level of satisfaction is similar for the DLAO aid recipients (82.6 percent) and those receiving the aid from NGOs (78.8 percent). Only 7.6 percent of the respondents declared that they were dissatisfied or very dissatisfied with the legal aid.

- **A majority of the respondents had no confidence in the justice system before they were legal aid beneficiaries but the confidence in the justice system increases dramatically after receiving legal aid.**

Mini survey questions 9 and 10 provided an opportunity for the justice seekers to declare their level of confidence in the justice system before and after receiving the legal aid. The AT found that 61 percent of respondents had low or very low confidence before receiving legal aid but this percentage decreases by fivefold being close to 11.9 percent after their experience with legal aid. Similarly, results indicate that before being a legal aid recipient only 9.5 percent of the respondents had confidence in the justice system, but the level of confidence increases dramatically after their experience with the legal aid service based on which 45.9 percent have a higher confidence in the justice system. This suggests that prior to the experience of legal aid, justice seekers did not have any trust in the justice system, but their legal aid experience has been overall positive and gives a boost to public confidence in the courts.

- Family disputes and family violence are the most prevalent legal issues for which people are seeking aid following by land disputes and other criminal cases.
- Lack of legal awareness, unequal position with justice male seekers, the unbearable cost of the legal aid, and the condemnation by family are the most prevalent issues that women legal aid seekers face.
- The majority of respondents find the fact that the justice system is too bureaucratic and time consuming, the lack of legal awareness, the fact that informal justice remains more culturally appropriate, and the lack of public trust in the courts as the main challenges of justice seekers.

Main takeaways from the survey

- Justice seekers report high levels of satisfaction with the experience of legal aid, the professional conduct and competence of the lawyers.
- Justice seekers remain unsatisfied with the length and duration of the court proceedings in which they received legal aid.

- Justice seekers still find the court system to be too bureaucratic, time consuming, and complex and prefer the informal justice as a more culturally appropriate and expedient system and would still prefer *Shalish* due to the low confidence in the formal justice system.
- Justice seekers' confidence in the court system has increased dramatically after their experience with the legal aid.
- Provision of legal aid has been a positive development, but its impact can be limited if the court system does not improve efficiency, curb corruption, and increase the trust of the public in the formal justice vis-a-vis the informal justice system.

ANNEX 7: LIST OF DOCUMENTS REVIEWED

BOOKS

1. Constitution of the People's Republic of Bangladesh, available at <http://bdlaws.minlaw.gov.bd/act-367.html>
2. Riaz, A. (2019) "Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election," Palgrave McMillan, London.

ACADEMIC ARTICLES

1. Ajnin Begum Nirmal Kumar Saha Women's Access to Justice in Bangladesh Constraints and Way Forward Vol. 44 No. 2. Dec. (2017): Journal of Malaysian and Comparative Law.
2. Akter, F. (2017). Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox? Asian Journal of Law and Society, 4(1), 257-275. doi:10.1017/als.2016.60
3. Bari, M. Ehteshamul (2016). "Supersession of the Senior-Most Judges in Bangladesh in Appointing the Chief Justice and the Other Judges of the Appellate Division of the Supreme Court: A Convenient Means to a Politicized Bench," San Diego International Law Journal, 18 (1), pp. 33-76.
4. Hannan, M.A. and Arifuzzaman, Md. (2021). Separation of Judiciary and Judicial Independence in Bangladesh: An Appraisal. available at <https://doi.org/10.4236/oalib.1107002>
5. Hossain, M.M., 2020. Separation of Judiciary in Bangladesh-Constitutional Mandates and Masdar Hossain Case's Directions: A Post Separation Evaluation. International Journal for Court Administration, 11(2), p.4. DOI: <http://doi.org/10.36745/ijca.310>
6. Hossain, S. (2010). "Confronting Constitutional Curtailments: Attempts to Rebuild Independence of the Judiciary in Bangladesh," in Brass, P. R., Ed.; Routledge Handbook of South Asian Politics, Routledge.
7. Imtiaz Ahmed Sajal, "ADR Mechanism in Ordinary Civil Courts of Bangladesh" (Bangladesh Law Digest, October 7, 2015) <https://bdlawdigest.org/adr-in-civil-justice-system-in-bangladesh.html>
8. Karim, Md. Ershadul (July/August 2018). "The Legal System of the Peoples' Republic of Bangladesh" available at <https://www.nyulawglobal.org/globalex/Bangladesh1.html>
9. Md. Abbas Uddin and K M Rakibul Islam (2018), Practice of Court Annexed ADR in Bangladesh: Flourishing or Declining Green University Review of Social Sciences, Volume 04, Issue 01, June 2018.
10. Mian, Nannu & Rashid, Md. (2014). A Critical Analysis of Legal Aid in Bangladesh. International Journal of Social Science Research. 2. 10.5296/ijssr.v2i1.5268. For challenges see Akter, F. (2017). Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox? Asian Journal of Law and Society, 4(1), 257-275. doi:10.1017/als.2016.60.
11. Naznin Shuvra, Atia, (June 28, 2021). "Women's Right to Access to Justice: The Role of Public Interest Litigation in Bangladesh," Australian Journal of Asian Law, 2021, Vol 21 No 2, Article 7: 99-117, Available at SSRN: <https://ssrn.com/abstract=3875277>
12. Siddiq, Imran A. (2018) "The Judicial Appointments Process in Bangladesh: In Search of Transparency," In The Rule of Law in Developing Countries: The Case of Bangladesh, edited by Chowdhury Ishrak Ahmed Siddiky, New York: Routledge, 59-101.

WORKING/POLICY PAPERS

1. Institute of Developing Economies Japan (2019), “Discussion Paper No.758, “Politicisation of the Appointment and Removal of Judges in a Declining Democracy: The Case of Bangladesh,” <https://www.ide.go.jp/English/Publish/Reports/Dp/758.html>
2. Khan, M. (2017). “Anti-Corruption in Bangladesh: A political settlements analysis,” Working Paper No. 03/2017, Anti-Corruption Evidence programme of School of Oriental and African Studies, https://ace.soas.ac.uk/publication/anti-corruption-in-bangladesh_a_political_settlements_analysis/
3. Riaz, A. (April, 2021), “Digital Security Act, 2018: How Is It Being Enforced,” <https://freedominfo.net/dsa/media/documents/3a0d1bb1-f0f4-4d8f-9874-d5d866452e0d.pdf>

REPORTS

1. “Report on Violence Against Women (VAW) Survey 2015,” Bangladesh Bureau of Statistics, 2016. According to the BBS, more than 21,000 women above the age of 15 were interviewed. Available at: <http://mahilaparishad.org/vaw-chart/>
2. A risk assessment of country-of-origin information (COI) by the UK Home Office (2019), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809931/Inspection_of_Country_of_Origin_Information_2019_Burma_Iraq_and_Zimbabwe.pdf
3. Amnesty International (2017) Caught Between Fear and Repression: Attacks of the Freedom of Expression in Bangladesh.
4. Bangladesh accelerate access to justice and improve socio-economic outcomes?” <https://www.3ieimpact.org/sites/default/files/2020-04/IEI16-DPW1.1100-Village-Courts-Bangladesh.pdf>
5. Bangladesh Country Development and Cooperate Strategy (CDCS) 2020-2025, <https://www.usaid.gov/results-and-data/planning/country-strategies-cdcs>
6. Bangladesh Score in the World Justice Rule of Law Index 2021, https://worldjusticeproject.org/sites/default/files/documents/Bangladesh_2021%20WJP%20Rule%20of%20Law%20Index%20Country%20Press%20Release.pdf
7. Based on the reported Human Rights Statistics of ASK from 2015-2021, https://www.askbd.org/ask/statistics-on-human-rights-violations/?_page=2
8. BRAC Report on COVID-19, <https://bigd.bracu.ac.bd/publications/phase-ii-media-tracking-of-domestic-violence-bangladesh/>
9. BRAC-Institute of Development and Governance “Cost-Benefit Study on Implementing Village Courts in Union Parishads of Bangladesh,” <https://bigd.bracu.ac.bd/wp-content/uploads/2020/03/2.-Cost-Benefit-Study-on-Implementing-Village-Courts-in-Union-Parishads-of-Bangladesh.pdf>
10. Country Development Cooperation Policy for the People's Republic of Bangladesh
11. Denmark’s Country Policy Paper for Bangladesh 2019-2021, <https://um.dk/en/danida-en/strategies%20and%20priorities/country-policies/bangladesh/>
12. DFID (2020) Program Description Strengthening Political Participation in Bangladesh, Phase 2 (SPP 2), <https://en.thpbd.org/wp-content/uploads/2020/10/SPP2-Annual-Review-2020-on-6-April-2020-Final.pdf>
13. Digital Bangladesh Strategy 2021, https://a2i.gov.bd/wp-content/uploads/2017/11/4-Strategy_Digital_Bangladesh_2011.pdf

14. Digital Security Act Tracker, <https://freedominfo.net/>
15. Documentation Unit, ASK, Enforced Disappearances, <https://www.askbd.org/ask/category/hr-monitoring/enforced-disappearance/>
16. February, 2018, at <https://www.bd.emb-japan.go.jp/files/100136824.pdf> and Action Plan <https://www.bd.emb-japan.go.jp/files/100183604.pdf>
17. FIDH (2019) “Vanished Without a Trace: The enforced disappearance of opposition and dissent in Bangladesh”
18. FIDH (2021), “Out of Control: Human rights and rule of law crises in Bangladesh,” <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>
19. FIDH (International Federation for Human Rights) ((2021) “Out of Control: Human rights and rule of law crises in Bangladesh; 1 December 2021,” <https://www.fidh.org/IMG/pdf/bangladesh784ang.pdf>
20. FIDH Report (2021), “Out of Control: Human rights and rule of law crises in Bangladesh”
21. GAN Integrity Incorporated (2020). Risk and Compliance Portal of Global Anti-Corruption Network (2022), <https://www.ganintegrity.com/portal/country-profiles/bangladesh/>
22. GIZ, Justice and Prison Reform for Promoting Human Rights and Preventing Corruption Project Summary, <https://www.giz.de/en/worldwide/15042.html>
23. GOB (2020), “Government of Bangladesh 8th Five Year Plan 2020-2025,” http://www.plancomm.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/68e32f08_13b8_4192_ab9b_abd5a0a62a33/2021-02-03-17-04-ec95e78e452a813808a483b3b22e14a1.pdf
24. GoB (2020). “Government of Bangladesh, “Making Vision 2041 a Reality: Perspective Plan of Bangladesh 2021-2041,” <http://oldweb.lged.gov.bd/UploadedDocument/UnitPublication/1/1049/vision%202021-2041.pdf>
25. GoB (2020). 8th Five Year Plan (July 2020-June 2025), <https://bnnrc.net/bangladesh-eighth-five-year-plan-july-2020-june-2025-has-published-eversion/>
26. HiiL (2018), “Justice Needs and Satisfaction in Bangladesh: Legal problems in daily life,” <https://www.hiil.org/wp-content/uploads/2018/07/HiiL-Bangladesh-JNS-report-web.pdf>
27. HiiL (2018), “Justice Needs and Satisfaction in Bangladesh: Legal problems in daily life,” <https://www.hiil.org/wp-content/uploads/2018/07/HiiL-Bangladesh-JNS-report-web.pdf>
28. HRW (2019), <https://www.hrw.org/news/2019/08/22/enforced-disappearances-met-denials-bangladesh>
29. HRW (Human Rights Watch) (2018), “Creating Panic: Bangladesh Election Crackdown on Political Opponents and Critics,” <https://www.hrw.org/report/2018/12/22/creating-panic/bangladesh-election-crackdown-political-opponents-and-critics>
30. HRW (Human Rights Watch) (2021). Country Report on Bangladesh for 2020, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh>
31. Human Rights Forum Bangladesh (2020), “Mid-term Report on the Universal Periodic Review of 2018,” https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JoinsubmissionSolidarityGroup_Bangladesh.pdf
32. Human Rights Watch (October 2020), “I Sleep in My Own Deathbed” Violence against Women and Girls in Bangladesh: Barriers to Legal Recourse and Support,” https://www.hrw.org/sites/default/files/media_2020/10/bangladesh1020_web.pdf

33. Human Rights Watch, (2021), “Where No Sun Can Enter: A decade of Enforced Disappearances in Bangladesh, https://www.hrw.org/sites/default/files/media_2021/08/bangladesh0821_web.pdf
34. Institute of Developing Economies Japan (2019), “Politics and Independence of the Judiciary in Bangladesh,” https://www.ide.go.jp/library/English/Publish/Reports/Rb/2018/pdf/2017_2_40_003.pdf
35. International Crisis Group (2015), “Mapping. Bangladesh's Political Crisis”. Asia Report N°264, <https://www.crisisgroup.org/asia/south-asia/bangladesh/mapping-bangladesh-s-political-crisis>
36. International Crisis Group Report No. 182 (2009), “Bangladesh: Getting Police Reform on Track,” <https://www.crisisgroup.org/asia/south-asia/bangladesh/bangladesh-getting-police-reform-track>
37. International Crisis Group Report No.277, (April 11, 2016), “Political Conflict, Extremism and Criminal Justice in Bangladesh,” <https://www.crisisgroup.org/asia/south-asia/bangladesh/political-conflict-extremism-and-criminal-justice-bangladesh>
38. International Initiative for Impact Evaluation (2020) “Rural institutional innovation: Can village courts in Bangladesh accelerate access to justice and improve socio-economic outcomes?” <https://www.3ieimpact.org/sites/default/files/2020-04/IEI16-DPW1.1100-Village-Courts-Bangladesh.pdf>
39. Joint Cooperation Strategy for Bangladesh 2010, <https://www.un.org/en/ecosoc/newfunct/pdf/bangladesh.pdf>
40. Joint Report of Ain o Salish Kendra (ASK) and Human Rights Forum Bangladesh (HRFB) published in 2020 as the Bangladesh Chapter of 2019 ANNI Report on the Performance and Establishment of National Human Rights Institutions in Asia, <https://hrf-bd.org/wp-content/uploads/2020/06/ANNI-Report-2019-Bangladesh-English-1.pdf>
41. Justice Audit Bangladesh (2018). Justice Audit Data, <https://bangladesh.justiceaudit.org/national-data/system-overview/justice-system-case-flow/>
42. Justice Audit Bangladesh (2022). Judicial Audit Data on Salaries, Training and Oversight, <https://bangladesh.justiceaudit.org/national-data/governance/salaries-training-oversight/>
43. Justice Audit Bangladesh (2022). Justice Audit Data on Prisons, <https://bangladesh.justiceaudit.org/national-data/key-measures/prisons/>
44. KOICA's 30 Years in Bangladesh (2021), <https://thefinancialexpress.com.bd/views/30-years-of-koica-in-bangladesh-1618065342>
45. Minority Rights International (2016), “Under threat: The challenges facing religious minorities in Bangladesh,” <https://minorityrights.org/publications/threat-challenges-facing-religious-minorities-bangladesh/>
46. NLASO Annual Reports from 2018 to 2020, http://nlaso.portal.gov.bd/sites/default/files/files/nlaso.portal.gov.bd/annual_reports/4264134d_fcc9_487c_906a_8531a0539460/0559eb416edf65806136ac1b440b231d.pdf
47. Odhikar and OMCT – World Organization Against Torture (Organization Mondiale contre la Torture in French) (July 2019) “Cycle of Fear: Combating Impunity for Torture and Strengthening the Rule of Law in Bangladesh.”
48. Odhikar Statistics, http://odhikar.org/wp-content/uploads/2021/11/Enforced-Disappearances_2009-2021.pdf
49. OECD Global Roundtables on Access to Justice (December 2021), https://www.oecd-ilibrary.org/governance/oecd-framework-and-good-practice-principles-for-people-centered-justice_cdc3bde7-en

50. Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Bangladesh (2018), <https://www.askbd.org/ask/2022/01/13/violence-against-women-rape-jan-dec-2021/>
51. Report of the Working Group on Enforced and Involuntary Disappearances April 24, 2017, <https://undocs.org/A/HRC/WGEID/111/1>
52. Rule of Law and Access to Justice in Bangladesh: A Concept Note, A joint project of the United Nations Department of Economic and Social Affairs (UNDESA) and Access to Information Programme, Government of the People's Republic of Bangladesh, https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/Bangladesh/CN%20SDG%2016.3.1%20%5BAccess%20to%20justice%5D_21102018.pdf
53. Statistics on Harassment of Journalists January-December 2021, <https://www.askbd.org/ask/2022/01/13/journalist-harassment-jan-dec-2021/>
54. Statistics on Violence on Religious Minorities January-December 2021, <https://www.askbd.org/ask/2022/01/13/violence-against-religious-minorities-jan-dec-2021/>
55. Strategic Priorities of Digital Bangladesh, https://a2i.gov.bd/wp-content/uploads/2017/11/4-Strategy_Digital_Bangladesh_2011.pdf
56. Supreme Court of Bangladesh (2020), Annual Report for 2020, http://www.supremecourt.gov.bd/resources/contents/Annual_Report_2020.pdf
57. Supreme Court Strategic Plan 2017-2022, http://www.supremecourt.gov.bd/resources/contents/Strategic_Plan.pdf
58. Swiss Cooperation Programme Bangladesh 2022-2025, https://www.eda.admin.ch/dam/deza/en/documents/publikationen/Diverses/swiss-cooperation-programme-bangladesh-2022-25_EN.pdf
59. The International Crisis Group (2015). "Mapping. Bangladesh's Political Crisis," Asia Report N°264. <https://www.crisisgroup.org/asia/south-asia/bangladesh/mapping-bangladesh-s-political-crisis>
60. The International Crisis Group (2016). "Political Conflict, Extremism and Criminal Justice in Bangladesh." April 11, 2016. <https://www.crisisgroup.org/asia/south-asia/bangladesh/political-conflict-extremism-and-criminal-justice-bangladesh>.
61. TIB (Transparency International) (2017), "Subordinate Court System of Bangladesh: Governance Challenges and Ways Forward." https://www.tibangladesh.org/beta3/images/2017/lower_judiciary/Executive_Summary_English_Judiciary_30112017.pdf
62. TIB (Transparency International) (2018). National Household Survey 2017 of Transparency International Bangladesh (TIB), https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS_2017_Ex_Sum_EN.pdf
63. TIB (Transparency International) (2022). Transparency International Corruption Perception Index for 2021. Report and full data set available at <https://www.transparency.org/en/cpi/2021/index/bgd>
64. TIB (Transparency International) and U4 (2018), "Overview of Corruption within the justice sector and law enforcement agencies in Bangladesh." <https://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh>
65. TIB 2019 "Election Process Tracking: The Eleventh National Parliament Election 2018, Problem of Good Governance in Bangladesh and Way Forward," <https://www.ti-bangladesh.org/beta3/index.php/en/research-policy/94-nis/5750-2019-01-15-07-24-53> .

66. U.S. Congressional Research Services (2019), “Millennium Challenge Corporation: Overview and Issues,” at <https://sgp.fas.org/crs/row/RL32427.pdf> For some discussions on emerging findings on MCC success stories see Brookings Institute (2019), Millennium Challenge Corporation: An Opportunity for the Next President,” https://www.brookings.edu/wp-content/uploads/2016/06/12_mcc_rieffel.pdf
67. U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) “Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day,” <https://home.treasury.gov/news/press-releases/jy0526>
68. UK Government (2021). “Fourth Bangladesh - UK Strategic Dialogue Communique,” <https://www.gov.uk/government/news/fourth-bangladesh-uk-strategic-dialogue-communique>
69. UK Home Office (2020). “Country Policy and Information Note Bangladesh: Political parties and affiliation,” https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921445/Bangladesh-Political_parties_and_affiliation-CPIN.pdf
70. UN Committee Against Torture, Concluding Observations on Bangladesh, 2019, Paragraph 33. Mid-Term Evaluation of the UN Periodic Review, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkGI d%2FPPRiCAqhKb7yhsggRP%2BqMxsHC87ICA d8ka3DU pHWZxnSYIrsZb%2BjutT8cwUmdLcjzTGdyUVFhyA3LMfy86GCE%2BvjgXIE8Z6IaCE24rf03z5%2FOYIO95H7EP7rO>
71. UNDAF 2017-2021, <https://bangladesh.un.org/en/32562-united-nations-development-assistance-framework-2017-2021>
72. UNDP (2015), “Access to Justice in Bangladesh Situation Analysis Summary Report,” https://www.bd.undp.org/content/bangladesh/en/home/library/democratic_governance/access-to-justice-in-bangladesh-situation-analysis.html
73. UNDP (2018) Inception Phase Evaluation Report of Human Right Programme, https://info.undp.org/docs/pdc/Documents/BGD/22%20JULY_FINAL%20REVISED%20VERSION_SA%20latest%20submitted%20to%20SDC%2001%20August%202018.pdf
74. UNDP, (2016) “Activating Village Courts in Bangladesh (Phase II) Project: Baseline Report,” p. 20, <https://www.villagecourts.org/wp-content/uploads/Final-Baseline-Report-of-AVCB-Phase-II-Project-.pdf>
75. Universal Periodic Review on Bangladesh, May 2018 and UN CAT “Concluding Observations on Bangladesh”, 2019, Paragraph 14, Human Rights Watch Report for Bangladesh for 2020, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh> and Human Rights Watch Report for Bangladesh for 2021, <https://www.hrw.org/world-report/2022/country-chapters/bangladesh>
76. US Department of Justice, Rights and Choices (2017). US Department of State Report 2017 <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/bangladesh/>
77. US Department of State (2019). Department of State Annual Report on Human Rights in Bangladesh (2019), <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bangladesh/>
78. US State Department Report on Human Rights, 2020, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/bangladesh/>
79. USAID Bangladesh Justice for All Final Performance Evaluation (May 2018), https://pdf.usaid.gov/pdf_docs/PA00T3PP.pdf

80. USAID Justice for All Activity in Georgia (2021-2026), <https://www.usaid.gov/georgia/news-information/news/usaid-launches-new-program-strengthen-georgias-courts-expand-access-justice>
81. USAID Justice for All Activity Project (2021-2026), <https://chemonics.com/projects/championing-people-centered-justice-in-ukraine/>
82. USAID Kosovo Justice Activity (2020-2025), <https://www.usaid.gov/kosovo/news-information/fact-sheets/justice-activity>
83. Village Courts Performance (July 2017-May 2021), <https://www.villagecourts.org/case-statistics/>
84. Village Courts Performance Statistics for the period May 2017-July 2021, <https://www.villagecourts.org/case-statistics/>
85. World Bank Independent Evaluation Group (2010), Implementation and Completion Report. Legal and Judicial Capacity Building Project. Bangladesh, <https://documents1.worldbank.org/curated/en/223531468007223731/pdf/ICR120001Public0Disclosure0July0121.pdf>
86. World Justice Project, Rule of Law Index Scores for 2021, https://worldjusticeproject.org/sites/default/files/documents/Bangladesh_2021%20WJP%20Rule%20of%20Law%20Index%20Country%20Press%20Release.pdf
87. World Prison Brief, <https://www.prisonstudies.org/country/bangladesh>

MEDIA REPORTS

1. BD News (January 2022), “Chief Justice Siddique sets sight on combating court case backlog crisis,” <https://bdnews24.com/bangladesh/2022/01/02/chief-justice-siddique-sets-sight-on-combating-court-case-backlog-crisis>
2. Dhaka Tribune (2021), “What is causing prison overcrowding in Bangladesh?” <https://archive.dhakatribune.com/bangladesh/2021/04/09/what-is-causing-prison-overcrowding-in-bangladesh>
3. New Age Bangladesh (2020) “Law makes NHRC toothless tiger: HR Commission asked to use its powers,” <https://www.newagebd.net/article/109365/law-makes-nhrc-toothless-tiger-hc>
4. Prothom Alo (April 2021), “Increase the Budget for Judiciary,” <https://en.prothomalo.com/opinion/editorial/increase-budget-allocation-for-judiciary>
5. The Daily Star (2020) “A historic verdict: 3 policemen get life term for custodial death,” <https://www.thedailystar.net/city/news/custodial-death-jonny-3-policemen-get-life-term-2-get-7-years-jail-1958473>
6. The Daily Star (2021), “Virtual Court System in Bangladesh,” <https://www.thedailystar.net/law-our-rights/law-vision/news/virtual-court-system-bangladesh-2154136>
7. The Daily Star (Dhaka, January 7, 2018), “SCAB demand of separate secretariat for judiciary unrealistic: Law Minister,” <https://www.thedailystar.net/politics/demand-separate-secretariat-judiciary-unrealistic-bangladesh-law-minister-supreme-court-bar-gazette-1516231>
8. The Daily Start (2016), “Pay hike for judges,” <https://www.thedailystar.net/backpage/pay-hike-judges-576463>
9. The Financial Express (January 31, 2022), “Police officers Pradip, Liakat Ali sentenced to death over Major Sinha murder,” <https://thefinancialexpress.com.bd/national/police-officers-pradip-liakat-ali-sentenced-to-death-over-major-sinha-murder-1643626287>

10. Daily Star (6 February 2022), “Enforced disappearances: Government doubling down on stance”, available at <https://www.thedailystar.net/news/bangladesh/news/enforced-disappearances-govt-doubling-down-stance-2955226>

ANNEX 8: ASSESSMENT TEAM CVS, CONFLICT OF INTEREST FORMS AND NON-DISCLOSURE AGREEMENTS

Candidate: Steven Schiffman

Position: Team Leader – Assessment of the Rule of Law and Justice Sector in Bangladesh (BMEL S038)

Key Qualifications

Membership of professional bodies:	American Bar Association New York State Trial Lawyers Association
Other skills: (e.g., Computer literacy, etc.)	Microsoft Office Suite 2019 Adobe Suite 2020 (<i>Acrobat, Dreamweaver, Premiere Plus, Audition</i> , etc.).
Present position:	Senior Legal Advisor
Total Experience:	25+ years
Key qualifications: (Relevant to the project)	<ul style="list-style-type: none"> • Demonstrated expert-level knowledge of the structure and operations of developing countries justice system which are based on Common Law as well as Civil Law. • Team Lead (May 2020-Jan. 2021), EuropeAid/Jamaica, Justice Reform Project. • Resident Country Director with USAID-funded program, “Strengthening Elections and Political Processes in Armenia” (SEPPA), focusing on election reform and human rights. • Team Lead/senior legal advisor with Citizens Democracy Corps, in Eastern Europe. • Team Lead, Rule of Law/Criminal Law/Legislative Affairs, UNDP, Sierra Leone. • Team Lead, Rule of Law Advisor, OSCE Mission in Kosovo. • Senior Legal Advisor, Criminal Law Reform, DFID/Crown Agents, Iraq. • 25+ years’ experience: <ol style="list-style-type: none"> a. As Team Leader providing technical assistance to national authorities involving the design or management of rule of law/access to justice, criminal law reform. b. Relating to criminal law reform, human rights, anti-corruption vis-à-vis drafting legislation, Judicial training, outreach e.g., workshops, personal mentoring, and training vis-à-vis parliamentarians, officials, civil society leaders and other stakeholders sharing the best practices and international standards -- on behalf of the <i>US State Dept, Bureau of International Narcotics and Law Enforcement Affairs (INL), US Agency for International Development (USAID), EuropeAid, World Bank-funded programs, and the United Nations Development Program (UNDP)</i>; and, c. In the management of externally funded projects and or implementation of budget support programs, including being financed by the EU under the EDF (Jamaica, Rwanda).
Specific experience in key regions: <i>Zambia, Rwanda, Cape Verde, Sierra Leone, Namibia (Designate), Iraq, Gaza/West Bank, Indonesia, Afghanistan, Uzbekistan, Kazakhstan, Turkmenistan, Azerbaijan, Tajikistan, Kyrgyzstan, Jamaica</i>	

Education

Institute	Degree(s) or Diploma(s) obtained:
London School of Economics (LSE)	Master of Laws (LLM)
Touro College School of Law	Juris Doctor (JD)
Eotvos Lorrand University, Budapest	Diploma: East-West Law
Temple University Law School	Diploma: International Comparative Law (Criminal/Civil)
University of Denver Graduate School	Master of Arts (MA, Inc.)
University of Miami, Coral Gables, FL	Bachelor of Arts (BA)

Selected Professional Experience

From	To	Location	Agency/ Contract or/ Firm	Position	Description
05/2020	01/2021	Kingston, Jamaica	<i>European Aid/ADE-B&S Europe</i> EuropeAid/13877 8/DH/SER /multi	Team Lead/Senior Legal Advisor Access to Justice Strategic Reform	Development of a five (5) year Strategic Plan (and corresponding 5-year National Action Plan) bringing coherence to its service delivery and informs the future sector policy, in order to further strengthen the development of Rule of Law and Access to Justice in Jamaica. This included aspects of financial management, monitoring and reporting; identifying and designing development programs with a gender and rights-based approach.
06/2016	05/2020	Worldwide	<i>Alliance for Democratic Reform and Outreach</i>	Principle, Team Lead, Access to Justice	On-call for providing access to justice, criminal law reform, and anti-corruption policy advice, legal drafting, program management and capacity development with a specific focus on rule of law, transparency, evidence- based access to justice, etc.
09/2018	02/2019	Armenia	<i>International Republican Institute</i>	Resident Country Director/ Senior Legal Advisor	Legislative Advisor to both Parliament and various Ministries (Governance, Rule of Law/Access to Justice)
09/2016	02/2017	Windhoek, Namibia	<i>UNDP/Namibia/ Anti- Corruption</i>	Senior Advisor - Designate	Establishing/strengthen a comprehensive Coordination Mechanism for the effective

From	To	Location	Agency/ Contract or/ Firm	Position	Description
		Namibia	<i>Commission of Namibia</i>		implementation, monitoring and evaluation of Access to Justice and the National Anti-Corruption Strategy as well as implementation plan for key Strategic Objectives as identified by the ACC, including developing anti-corruption outreach to civil society.
01/2016	06/2016	Las Vegas, NV	<i>Steve Schiffman For Congress 2016</i> <i>Larry Garner, Campaign Manager</i>	Candidate for US Congress Primary Election Nevada Congressional District 3	Ran for political party nomination to US Congress, Nevada District 3, 2016 Primary election. Managed political campaign, "Steve Schiffman for Congress," providing both strategic and policy advice, legal drafting, program management and capacity development with a specific focus on anti-corruption, rule of law/access to justice.
01/2013	12/2015	Worldwide	<i>Alliance for Democratic Reform and Outreach</i>	Principle, Team Lead, Access to Justice	Providing legal consulting relating to criminal law reform, anti-corruption, rule of law/access to justice policy advice, legal drafting, program management and capacity development with a specific focus on rule of law, transparency, evidence-based access to justice, etc.
09/2014	05/2015	Afghanistan & Home Based	<i>World Bank Project Manager Artur Turchaev</i>	Team Leader – Senior Justice Advisor Organizational and Functional Diagnostics of Justice Institutions in Afghanistan	Evaluated access to justice "best practices" relating to current Institutions and propose reform. This included providing guidance in planning and implementing reform priorities; specify appropriate base for cooperation with communal organization and communities; identify, gather and analyze baseline data for monitoring and evaluation system; and strengthen anti-corruption capacity to assess reform results and performance.
09/2014	09/2015	Afghanistan & Home Based	<i>World Bank/ Icon-institute Project Manager Relja Bozic</i>	Team Leader – Senior Justice Advisor Building a Sustainable, Affordable and Accessible Legal Aid	Review of the current criminal law, anti-corruption, rule of law/access to justice legal framework, regulations, policies. Designed criminal law reform and anti-corruption roadmap in order to fix the shortcomings identified in various assessments and reports. I performed capacity building and awareness raising training for professionals involved in

From	To	Location	Agency/ Contract or/ Firm	Position	Description
				System in Afghanistan	criminal law reform, etc.
03/2014	08/2014	Rwanda & Home-based	European Consultants Organization /EuropeAid Jorge Cabaco, Managing Director, jorge.cabaco@ec_o3.be	Senior Legal Advisor Access to Justice/Criminal Law Reform EU Lot 7, Rule of Law/Governance Project – Rwanda	Performing legislative, criminal law reform, anti-corruption, rule of law/access to justice statutory and strategy/ policy review and analyses in the context of accountable and democratic governance in Rwanda with specific focus government sectors vis-à-vis furthering rule of law, access to justice, human rights, and public transparency. Performing rule of law statutory and strategy/ policy review and analyses in the context of accountable and democratic governance in Rwanda with specific focus government sectors vis-à-vis furthering rule of law, access to justice, human rights, and public transparency.
08/2011	01/2013	Afghanistan	USAID/Afghanistan Michael Sullivan - sullivan.michael.paul@gmail.com	USAID Foreign Service Officer (Rule of Law)	Supported parliamentary and judicial reform by enhancing legal awareness through greater access to information on criminal law reform legal issues e.g., laws, systems, procedures and decisions, as well as improved legal access to vulnerable population; Developed and implemented parliamentary anti-corruption program initiatives designed to increased outreach (awareness and understanding) of rights, laws, and procedures related to access to justice vis-à-vis Afghan judges, court personnel, officials from quasi-judicial bodies, and prosecutors.
12/2010	02/2011	Afghanistan	US State Department/ INL Robert Miller PRO-telligent International Tel: + 1 703.414.5610	Team Lead/Senior Justice Advisor	My senior level work involved reviewing and drafting proposed criminal law reform legislation, reviewing existing statutes and regulations designed to be conforming with UNCC standards. This included providing both “on-the-job” or classroom-based training, coaching and mentoring. My various outputs included: Legislative, institutional and operational anti-corruption assessment reports; operational roadmaps for an effective and efficient anti-corruption system; and capacity building and awareness raising

From	To	Location	Agency/ Contract or/ Firm	Position	Description
					activities.
08/2010	01/2011	Afghanistan	USAID TAFE <i>Chemonics/ USAID Farhat Y Farhat</i>	Component Team Lead Senior Justice Advisor	Supervised a local staff of legal experts, acted as trusted legal advisor to key Government of Afghanistan Ministers, Deputy Ministers, and members of Parliament (National Assembly) relating to criminal law reform, anti-corruption, rule of law/access to justice and policy issues. This included strengthening the oversight and monitoring mechanisms so as to create accountability among justice sector actors.
05/2010	08/2010	Baku, Azerbaijan	USAID TAFE <i>Chemonics/ USAID Farhat Y Farhat</i>	Senior Legal Advisor Trade and Investment Reform Support Program in Azerbaijan (TIRSP)	Focusing on access to justice and equities in both commercial and governance spheres, my duties included working with members of Parliament, senior ministerial officials, members of the judiciary as well as NGOs and other civil society stakeholders. Prepared draft laws and regulations and provided legal mentoring necessary to ensure proper and effective implementation of newly adopted laws.
09/2009	05/2010	Afghanistan	UNDP <i>Afghanistan Country Director manoj.basny at@ undp.org</i>	Senior Access to Justice/Rule of Law Legal Advisor, SEAL II	Working with the National Assembly, supervised the drafting and introduction of legislation and policies promoting of justice sector reform, human rights, anti-corruption, rule of law and its, evidence-based democratic-guided enforcement.
06/2008	07/2009	Sierra Leone	UNDP/Sierr a Leone <i>edward.kam ara@ undp.org</i>	Team Lead/ Project Director	Formulated both strategic and tactical programming to support criminal law reform, anti-corruption, rule of law/access to justice. Monitored and supervised initiatives designed to improve and enhance legal aid and other social services provided by governmental and non-governmental organizations.
01/2007	05/2008	Baku, Azerbaijan	USAID TAFE <i>Chemonics/ USAID</i>	Component Team Lead Trade and	Served as advisor to members of the judiciary as well as NGOs and other civil society stakeholders' vis-à-vis criminal law


From	To	Location	Agency/ Contract or/ Firm	Position	Description
			Farhat Y Farhat	Investment Reform Support Program in Azerbaijan (TIRSP)	reform, access to justice and social equality, and alternative dispute resolution (ADR).
10/2006	12/2006	Tajikistan	UNDP/Tajiki stan <a href="mailto:nargis.nurull
okho
ja@undp.or
g">nargis.nurull okho ja@undp.or g	Senior Access to Justice Expert UNDP Promoting Transparency and Accountability Project	Provided technical support and engaged in policy dialogue with senior MPs, Tajikistan political parties relating to criminal law reform, rule of law/access to justice, strengthening legal awareness through greater access to information on legal issues, laws, systems, procedures and decisions.
08/2006	10/2006	Afghanistan	USAID/Afgh anistan <a href="mailto:Charles.Cuts
hall@c
id.suny.edu">Charles.Cuts hall@c id.suny.edu	Component Team Leader/ Rule of Law Afghanistan Parl. Support Project	Developed ROL legislation with Afghanistan National Assembly while concurrently increasing civilian control or awareness and understanding of issues, laws, regulations and procedures.
06/2006	08/2006	Zambia	Millennium Challenge Corporation/ USAID Edward Garduno <a href="mailto:egarduno@i
ipi.org">egarduno@i ipi.org	Senior Access to Justice/Rule of Law Legal Advisor Zambia Threshold Program	Independently planning, designing, and evaluating regulatory and criminal law reform, rule of law/access to justice activities throughout Zambia. This includes establishing priorities and implementation plans for the program and continually assesses and adjusts them in coordination with ongoing programs. I provided technical advice and recommendations regarding the design and implementation of democracy activities.
03/2006	07/2006	Iraq, London, UK	Crown Agents/DFID <a href="mailto:demref@gm
ail.com">demref@gm ail.com	Senior Advisor Institutional Development of the Iraqi Ministry of Interior (MOI)	Departmental level legal and regulatory support through 1) stronger legal and regulatory frameworks defining the internal management structure of the MOI and how it will operate in a decentralized law enforcement system; 2) stronger legal and/or regulatory frameworks at the departmental level; and 3) strengthened capacity of the MOI legal department, including agreed statements of directorate mission, objectives and performance

From	To	Location	Agency/ Contract or/ Firm	Position	Description
					criteria understood by senior and middle directorate management.
03/2005	12/2005	Washington, DC	U.S. Department of Commerce/ USPTO Bob Stoll Robert.Stoll@USPTO.GOV	Senior Attorney Advisor Office of Enforcement and International Affairs	As a senior level attorney-advisor (GS-15/Step 10), responsibilities included reviewing appropriate foreign- based legislation (and making required evaluations and/or legislative and/or policy modifications) to ensure compliance with American foreign policy as well as “best international standards.” Duties included developing training to key foreign officials both overseas and in Washington, DC.
12/2004	04/2005	Iraq, Home Based	USAID Farhat Y Farhat	Component Team Leader Iraq Private Sector Growth and Employment Generation Project	As key legal advisor, developed and drafted proposed “best practices” draft Iraqi legislation relating to criminal law reform, anti-corruption, and access to justice. This included enhanced and improved awareness and understanding of issues, laws, regulations and procedures related to access to justice.
08/2004	12/2004	Israel West Bank	USAID Dennis sharma – USAID dsharma@usa.gov	Component Team Leader Palestine Economic Development Project	As senior legal advisor, developed proposed legal reforms on behalf of USAID vis-à-vis members of Palestinian Authorities legislative council, senior ministers.
07/2002	06/2004	Cape Verde Home Based	USAID Ben Irvin BLNEIrvin@aol.com	Acting Chief-of- Party / Team Leader	Established contacts and liaised with appropriate senior Cape Verde government officials, members of the parliament, and decision-makers vis-à-vis promoting criminal law reform, good governance, transparency, access to justice and rule of law. This included working to promote an equitable access to justice and its efficient enforcement for all citizens.
06/2001	06/2002	US Embassy Jakarta	USAID/Indonesia Robert Aten	Senior Access to Justice/Rule of Law Legal	Supervised multi-million-dollar USAID projects promoting criminal law reform, anti-corruption, and access to justice

From	To	Location	Agency/ Contract or/ Firm	Position	Description
			bobaten111@aol.com	Advisor	within Indonesia.
05/2000	05/2001	Kosovo	OSCE Kosovo <i>Amb. David Davidson OSCE High Commissioner to Bosnia</i>	Senior Legal Officer	Supervised legal team and designed projects for an improved criminal law legal framework ensuring adoption of and compliance with international standards.
1999	2002	Armenia	USAID/ <i>Che monics Dan Bosco</i>	Senior RoL Advisor	Director of legal team, provided advice (and drafted legislation) to members of parliament and senior minister officials.
1999	2002	Armenia	USAID/ <i>PAD CO</i>	Senior Legal Advisor	As senior legal advisor, advised and developed both strategy and proposed legislation relating to human rights, privacy, etc.
08/1999	05/2000	Moscow, Russia	<i>Citizens Democracy Corp</i>	Senior Rule of Law Advisor	Provided legal and rule of law advice/reform during the Boris Yeltsin era.
08/1997	04/1999	Central Asia Republics	USAID/ <i>Booz Allen Farhat Y Farhat</i>	Chief of Party, Country Manager, Component Team Leader/Senior Legal Advisor	In both managerial and technical support roles, advised the national parliament MPs and senior government officials and policy makers, relating to rule of law issues including commercial legal principles.

Languages

English (native)

Name:	Steven Mitchell Schiffman
Title:	Consultant
Organization:	ME&A, Inc.
Evaluation Position:	Team Leader
Evaluation Award Number: (or RFTOP or other appropriate instrument number)	BMEL S038
Project(s) Evaluated: (Include project name(s), implementer name(s) and award number(s), if applicable)	Assessment of the Rule of Law and Justice Sector in Bangladesh
I have real and/or potential conflict of interest to disclose:	XXXX NO
<p>If yes answered above, I disclose the following: Real or potential conflicts of interest may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USG operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USG operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	
Signature:	
Date:	October 26, 2021

AN AGREEMENT BETWEEN

Steven Mitchell Schiffman

(Name of Individual - Printed or typed)

AND THE UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

1. Intending to be legally bound, I hereby accept the obligations contained in this agreement in consideration of my being granted access to sensitive data. As used in this Agreement, sensitive data is marked or unmarked "sensitive but unclassified information" (SBU), including oral communications, that meets the standards set by Office of Management and Budget (OMB) Circular A-130 Appendix 3 and the U.S. Agency for International Development (USAID) Automated Directives System (ADS.) I understand that any data or systems of records protected from unauthorized disclosure by the provisions of Title 5, United States Code Sections 552 (often referred to as "The Freedom of Information Act") and 552a ("The Privacy Act") is/are sensitive data. In addition, other categories of information, including but not limited to medical, personnel, financial, investigatory, visa, law enforcement or other information which, if released, could result in harm or unfair treatment to any individual or group, or could have a negative impact upon individual privacy, federal programs, or foreign relations is sensitive data. The term includes data whose improper use or disclosure could adversely affect the ability of the Agency to accomplish its mission, as well as proprietary data and information received through privileged sources or procurement sensitive or source selection information, as those terms are defined by the Federal Acquisition Regulations.



2. I understand and accept that by being granted access to sensitive data, special confidence and trust has been placed in me by the United States Government.

3. I acknowledge I have been given access to USAID sensitive data to facilitate the performance of duties assigned to me for compensation. I understand it is my responsibility to safeguard sensitive data disclosed to me, and to refrain from disclosing sensitive data to persons not requiring access for performance of official duties. Before disclosing sensitive data, I must determine the recipient's "need to know" or "need to access" sensitive data. I will not use any sensitive data for personal financial gain.

4. I have been advised that any breach of this Agreement may result in the termination of my access to sensitive data, which, if such termination effectively negates my ability to perform my assigned duties, may lead to the termination of my employment or other relationships with the Departments or Agencies that granted my access. I am aware unauthorized release or mishandling of sensitive data may be grounds for adverse action against me. In addition, I have been advised unauthorized disclosure of data protected by the Privacy Act may constitute a violation, or violations, of United States criminal law, and that Federally-affiliated workers (including some contract employees) who violate privacy safeguards may be subject to disciplinary actions, a fine up to \$5,000.00, or both.

5. I understand all sensitive data to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government. I agree that I must return all sensitive data which have, or may come into my possession or for which I am responsible because of such access:

- (a) upon demand by an authorized representative of the United States Government; or
- (b) upon the conclusion of my employment or other relationship with the

<p>Department or Agency that last granted me access to sensitive data; or</p> <p>(c) upon the conclusion of my employment or other relationship that requires access to sensitive data.</p> <p>Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to sensitive data, and at all times thereafter.</p> <p>6. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.</p>		
WITNESS		ACCEPTANCE
THE EXECUTION OF THIS AGREEMENT WAS WITNESSED BY THE UNDERSIGNED		THE UNDERSIGNED ACCEPTED THIS AGREEMENT BEFORE ACCESSING SENSITIVE DATA OF THE UNITED STATES GOVERNMENT.
SIGNATURE 	DATE October 26, 2021	DATE October 26, 2021
	DA1  URE	

Candidate: Dr. Roland Gjoni (PhD, LL.M)

Position: Senior Evaluation Specialist/International Legal Expert

Professional Summary

Roland Gjoni is a justice and rule of law expert with 15 years of experience leading teams and performing senior advisory roles for international organizations including the USAID, UN, EU, and World Bank, and providing technical assistance programs in Europe, Central Asia, and South Caucasus. His evaluation experience includes designing and conducting eight large evaluations for missions in rule of law, justice sector reform, legal education, and property rights in Albania, Georgia, Kosovo, Iraq, and Kazakhstan with a combined funding of \$160 million during which he conducted over 1,000 key informant interviews with national, international and local government officials. He has extensive experience designing and implementing qualitative research instruments, evaluation tools, semi-structured interview plans, compiling and analyzing mini survey questionnaires, moderating focus group discussions, and analyzing quantitative data and surveys. He has worked on complex tasks, both in the field and remotely, building coalitions, and leading teams and working groups involving senior international officials, national ministries, and courts from different legal systems and cultural backgrounds. He has extensive experience in conducting sector or thematic analysis/assessments in the areas of rule of law, justice, political economy analysis, and countering violent extremism. He has over 15 years of experience providing legal and policy advice in multi-stakeholder government reform and decision-making processes and their implementation.

Mr. Gjoni is a Fulbright Scholar who holds a Master of Law (LL.M) degree from Columbia University Law School and is a recipient of a Wolfgang Friedman Fellowship for International Law awarded for his outstanding research in international law. He has a PhD in Political Science from the School of Politics and International Relations of University College Dublin and held the Postdoctoral Fellowship on Constitutional Futures funded by the Irish Department of Foreign Affairs to study BREXIT implications for Ireland and Northern Ireland.

Mr. Gjoni's professional areas of expertise include, justice sector reform, rule of law, judicial independence, legal education, legislative drafting, institution building, international law, human rights, and constitutional reform. His academic research interests include ethno-national conflicts, nationalist politics, politicization of ethnicity, political violence and countering violent extremism, violent and non-violent forms of ethno-nationalist contention, conflict settlement, and constitutional designs in divided societies.

Education

Post-Doctoral Researcher at University College Dublin (2020-2021) at the Constitutional Futures After Brexit project implemented by Institute for British-Irish Studies and funded by Irish Department of Foreign Affairs.

PhD, Political Science (2019), University College Dublin.

LL.M., International Law and Human Rights (2005), Columbia University Law School, New York.

Georgetown University Law Center (2004), Washington DC.

J.D., Legal Studies (2001), University of Tirana Law School, Albania

Professional History

Nov. 2020-May 2022 – Rule of Law Coordinator for the CEPEJ projects in Western Balkans.

As a Senior Project Officer for the projects implemented by the European Commission on the Efficiency and Quality of Justice (CEPEJ) in Albania and Kosovo* in the framework of the European Union/Council of Europe Joint Programme "Horizontal Facility for Western Balkans and Turkey (Phase II)," role focuses on:

- Organizing, coordinating, and implementing project activities in accordance with the project work plan and its calendar of activities.

- Preparing the programs and content for those activities, relying on the relevant Council of Europe instruments and mainly on the methodology and tools of the European Commission for the Efficiency of Justice (CEPEJ).
- Establishing and developing effective contacts with high-ranking officials, national stakeholders (in particular within the Ministries of Justice and the pilot courts concerned), donors, the CEPEJ members and experts as regards the implementation of the project activities.
- Drafting narrative reports, briefings, speaking notes and other documents related to the project and project activities.
- Preparing and ensuring project reporting and budgetary follow-up in line with required regulations and procedures.
- Contributing to raising the visibility of the projects by drafting web news items and press releases, disseminating information and providing advice and input on publications.
- Undertaking official journeys in connection with the activities described above.

Apr. 2020-Nov. 2020 – Research Coordinator, Transparency International (TI) Ireland.

Worked as Anti-Corruption Research Coordinator for TI Ireland, the Irish chapter of the worldwide movement against corruption (defined as the abuse of entrusted power for private gain). As Research Coordinator, led the National Integrity Index studies and had the following key responsibilities:

- Lead the research efforts on anti-corruption and anti-bribery studies for Irish companies, state-owned enterprises, semi-public enterprises, and local government authorities.
- Design research indicators and compile anti-corruption scorecards on a wide range of transparency and openness issues including anti-corruption and anti-bribery programs, operational structures, political engagement and lobbying activities, and whistleblowing protections frameworks.
- Select and manage volunteer researchers and interns and oversee their research and writing responsibilities.
- Lead the data collection, data control and validations efforts and maintain contacts with research interlocutors.
- Draft anti-corruption reports and engage in advocacy efforts to disseminate the results.

Nov. 2019-Apr. 2020 – Evaluation Team Leader/Senior Rule of Law/Justice Expert, USAID

Central Asia. Engaged as a Team Leader of the Evaluation Team for the Kazakhstan Judicial Program (KJP) Evaluation, a \$5 million project implemented by ABA/ROLI. Served as Chief Technical Advisor responsible for management of the entire evaluation, technical management of the evaluation team, and completion of all deliverables, work plan, evaluation methods and tools, draft evaluation report and final evaluation report. The evaluation had three main goals: 1) assess the extent of accomplishments of the KJP, 2) evaluate the internal monitoring system of the KJP and how the project reported its progress and 3) provide recommendations for future USAID assistance in the justice sector.

- Conducted extensive literature review, drafted the Evaluation Design, Methodology and Work Plan outlining the evaluation methods, tools, and implementation timeline.
- Prepared the Evaluation Design, Methodology, and Data Collection Plan for the implementation of evaluation mission.
- Prepared evaluation tools, semi-structured interview plans with key informants, mini survey questionnaires, and guiding questions for focus group discussions, and conducted analysis of relevant publicly available surveys.
- Conducted extensive field work and interviewed over 100 local and international stakeholders of the rule of law sector in Kazakhstan.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, and mini surveys, and co-drafted the final evaluation report for the USAID Central Asia.

- Conducted interviews with relevant interlocutors and counterparts in Almaty and Nursultan.
- Held focus groups discussions with members of Supreme Court of Kazakhstan, Almaty and Nursultan City Court, Justice Academy and Union of Judges.
- Formulated recommendations for future USAID programming, including potential activities and proposals for changes, if any, to be designed/implemented in the near- to mid-term.

Oct. 2019-Dec. 2019 – Evaluation Team Leader/Senior Rule of Law Evaluator, OSCE Mission in Kosovo. Evaluated Trial Monitoring/Rule of Law portfolio to assess the relevance, impact, efficiency, and effectiveness of its work in trial monitoring/Rule of Law portfolio from programmatic and organizational point of view. Evaluation focused on the following questions: 1) Program results and relevance, 2) Program Management and Efficiency, and 3) Lessons learned and future programming.

- As part of the assignment, conducted extensive desk review, drafted the Evaluation Design, Methodology and Work Plan outlining the evaluation methods, tools and implementation timeline.
- Prepared evaluation tools and semi-structured interview plans with key informants; mini survey questionnaires, focus group discussions, and conducted relevant survey analysis.
- Conducted interviews with relevant interlocutors and counterparts across Kosovo.
- Conducted comparative research on similarly situated regional programming to use as a baseline comparator with OSCE Kosovo trial monitoring.
- Measured the impact of the project/portfolio implemented activities, based on relevance, efficiency, effectiveness, impact, and sustainability of its results, including impact on gender.
- Identified progress and programming strengths and weaknesses.
- Formulated recommendations for future programming, including potential activities and proposals for changes, if any, to be designed/implemented in the near- to mid-term.

Jun. 2019-Feb. 2020 – Senior Researcher on CVE Landscape in Albanian-speaking communities in Western Balkans, MOONSHOT CVE, London, UK. Tasks included:

- Conducting a literature review and desk research on the Violent Extremism landscape in Albania and Albanian speaking communities in the Balkans including the Foreign Terrorist Fighters, returnees, transnational ties, and diaspora links.
- Mapping out national, regional, and international actors (including CSOs) working on CVE and provide a summary of their activities.
- Providing an overview of the online radicalization, terrorist recruitment strategies, main online platforms and any work on counter-narratives or alternative messaging.
- Providing recommendations on risks and opportunities working in the P/CVE including operational risks, ethical considerations, and entry point strategies for potential programmatic interventions.

May 2018-Sept. 2018 – Senior Technical Advisor/Countering Violent Extremism for Research Triangle Institute International/USAID Contractor. Acted as Senior Youth and CVE Advisor to RTI International in proposal design/development for the USAID Kosovo project on Youth and Countering Violent Extremisms. Research included:

- Analyzing drivers of violent extremism in Kosovo across geographic regions and demographics (including among young women).
- Analyzing to activity of government, institutional, civil society and other entities that play a role, should play a role, or may play a role in preventing violent extremism among youth.
- Assessing and analyzing the legal and institutional measures introduced by central and local institutions to counter violent extremism and prison radicalization.
- Understanding the challenges and opportunities of CVE and youth radicalization, and any examples of effective strategies that have been employed to manage challenges and take advantage of opportunities.
- Examining USAID perspectives on youth violent extremism and countering/preventing violent extremism in Kosovo, and USAID interests/expectations regarding this anticipated project.

- Familiarizing judges with international best practices in judicial decision writing techniques and substantive law, support the implementation of new legislation, and develop alternative dispute resolution methods.

Apr. 2018-Jul. 2018 – Co-Team Leader/Senior Rule of Law Expert Mendez England and Associates/USAID Georgia, Tbilisi. Conducted the evaluation of a large rule of law project Promoting Rule of Law in Georgia (PROLoG), a five-year \$25 million. As a senior member of the Evaluation Team of Mendez England and Associates, conducted the following tasks:

- Evaluated the result of PROLoG in providing technical assistance to Georgian justice institutions including Supreme Court, High Judicial Council, Judges' Associations and Georgian Parliament.
- Evaluated the capacity building and advocacy support provided to the NGO Coalition for an Independent and transparent judiciary.
- Evaluated the effectiveness of the legal education interventions of PROLoG to enhance the use of innovative teaching methodologies, clinical legal education program, moot courts, internships, summer school, and short-term courses to Georgian law schools.
- Evaluated project's accomplishments and challenges in working with Georgian Bar Association including its bar examination, ethics and disciplinary bodies, CLE program, pre-licensing internship programs, and the capacity of internal structures to perform their responsibilities.
- Prepared the Evaluation Design, Methodology and Data Collection Plan for the implementation of evaluation mission.
- Conducted extensive desk review and prepared an inception report outlining the evaluation methods, tools, and implementation timeline.
- Prepared evaluation tools, semi-structured interview plans with key informants; mini survey questionnaires, guiding questions for focus group discussions, and conducted analysis of relevant publicly available surveys.
- Conducted extensive field work and interviewed over 100 local and international stakeholders of the rule of law sector in Georgia.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, mini surveys, and co-drafted the final evaluation report for the USAID Georgia mission.

Jan. 2018-Apr. 2018 – Senior Justice Sector Analyst for Social Impact/USAID Kosovo. Conducted the evaluation of the Property Rights Program, a five-year \$10.5 million focusing on property rights. As a senior member of the Evaluation Team of Social Impact contracted by the USAID:

- Evaluated the program interventions at court level designed to expedite the case flow in property rights cases.
- Evaluated the implementation of National Property Rights Strategy (NPRS) and the challenges of its implementation.
- Evaluated the results of the PRP in improving the rights of internally displaced persons, minorities, and other disadvantaged groups.
- Evaluated the results of the PRP in strengthening the legal framework for the women's property ownership and inheritance.
- Evaluated the progress achieved by the PRP in tackling informality in property sector.
- Evaluated the PRP activities at municipal level in establishing shared land information systems between municipalities, civil registration offices and courts.
- Conducted extensive desk review and prepared evaluation design outlining the evaluation methods, tools and implementation plan.
- Prepared evaluation tools, semi-structured interview plans with key informants, mini survey questionnaires, and focus group discussions, and conducted relevant survey analysis.

- Conducted extensive field work and interviewed local and international stakeholders of the rule of law sector in Kosovo including 72 qualitative interviews with justice sector stakeholders and 200 mini surveys with court users.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, and rapid surveys, and co-drafted the final evaluation report for the USAID Kosovo mission.

Nov. 2017-Jan. 2018 – Researcher on Countering Terrorism Narratives in the Balkans for the United Nations Counter Terrorism Directorate, UN HQ, New York City. Under the supervision of the Senior Human Rights Officer, and in close consultation with UN Counter Terrorism Executive Directorate, contributed research for the implementation of resolution 2354 (2017), considering the Comprehensive International Framework on CVE. Specific duties included:

- Conducting research and analyzing the approaches and methods for communications used by terrorist groups, including ISIL (Da'esh), Al Qaida and associated individuals, groups, undertakings, and entities, to encourage, motivate, and recruit others to commit terrorist acts, with a focus on the Balkans, with a view to developing appropriate counter and alternative narrative.
- Researching different approaches that can be seen in terrorist narratives, both online and offline, to lay a foundation for effectively countering such narratives through counter-messaging and creating alternative messaging.
- Preparing a set of conclusions and recommendations for thematic and strategic responses to terrorist narratives.

Nov. 2017- Jun. 2018 – Senior Legal and Policy Expert in the EU Project Technical Assistance to promote a more enabling environment for civil society development in Albania Request 2017/388556. Duties included:

- Review the Albanian legislation applicable to the CSOs and provide recommendations to the Government of Albania in preparing amendments on legal, financial, and fiscal framework for civil society that would influence and contribute to a more enabling environment for civil society in Albania.
- Participate in Consultations with CSOs and to identify needs, bottleneck and challenges related to legal, financial, and fiscal framework affecting civil society in Albania.
- Analyze the legal, fiscal, and financial changes needed for the improvement of CSO operation.
- Draft recommendations for legal, fiscal improvements related to an enabling legal and financial environment for civil society.
- Submit recommendations on proposed legal changes related to legal registration, fiscal, and financial aspects finalized and submitted to the NCCS and PM office.
- Assist the Government in preparing amendment on legal, financial, and fiscal framework for civil society.

Oct. 2017-Dec. 2017 – Senior Political Economy Analyst/Researcher. Conducted a Political Economy Analysis of Kosovo for the USAID Kosovo Mission and USAID Program Office Washington, DC which covered a wide range of political, economic, social, and inter-ethnic questions on Kosovo from 1999-2017. As senior member of the research team:

- Researched and prepared a Literature Review covering past and current political events in Kosovo.
- Developed a draft work plan, reviewed existing research and report, and analyzed information discovered through the review process.
- Designed the fieldwork methodology based on the research questions and prepared field research instruments (semi-structured interview questions, focus group questions, and field research notes).

- Conducted extensive fieldwork and data collection, using a mixed methodology that may include key informant interviews, focus groups, structured and focused interviews, surveys, and archival and database research
- Co-drafted the final literature review, research methodology and research question instruments and presented key findings and conclusions to the USAID Mission
- Co-drafted the Final Report following the analysis of the information and data collected during fieldwork

Jul. 2017-Oct. 2017 – Team Leader/Senior Legal Education Expert, European Union, Office Kosovo. Engaged by the EU to conduct a Gap Assessment Report of the legal education in the Kosovo Serb majority municipalities and the alignment of curricula with professional examinations for joining the free legal professions in Kosovo. The screening of legal education in Kosovo and the compatibility with professional examinations included the following tasks:

- Research the relevant standards, including the academic quality assurance standards, for higher legal education, including Bologna process, as well as some best practices on the curricula within the higher legal education in view of the specifics of the local situation in Kosovo including bodies deciding on the curricula, possible autonomy of universities/law faculties on what they teach, basic (core) elements of the curricula for legal education offered, and what needs to be offered to learn about Kosovo's legal system.
- Main skills on which the basic curricula are focused and student intake and graduation rates.
- Role of practice-oriented subjects, credit requirement, teaching methods and student evaluation rules and procedures.
- Alignment of the law school curricula with the requirements for taking the Bar Exam, Notary Exam, and Private Enforcement Agents Exam in Kosovo.
- Conducted over 40 field interviews local and international stakeholders of the rule of law sector in Kosovo and focus groups with law students of public and private universities.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, and rapid surveys, and co-drafted the final evaluation report for the EU Delegation in Kosovo.

Apr. 2017-Jun. 2017 – Senior Policy and Governance Expert with USAID Albania's Transparency in Health Project (THE) implemented by University Research Center.

- Conducted a Baseline Assessment on the institutional activities in combating corruption in the health sector covering the following aspects.
- Assessment of the Ombudsperson's legal powers in receiving, treating, and resolving corruption related complaints in the health sector and institutional performance in discharging such powers.
- Assessment of the current rules and procedures of the Supreme Audit Institution of Albania to conduct performance audits in the health sector and refer corruption-related cases to Prosecution.
- Assessment of the existing legal framework and rules of procedure of the High Inspectorate for the Declaration of Assets to detect corruption in the management of health institutions and referral mechanisms between public administration and criminal justice institutions.
- Assessment of the CSOs' capacity to investigate corruption in health sector and expose cases of grand and petty corruption through innovative action-oriented campaigns.
- Prepared evaluation tools, semi-structured interview plans with key informants, a mini survey questionnaires, and focus group discussions, and conducted relevant survey analysis.

Mar. 2017-Jun. 2017 – Team Leader/Senior Legal Education Expert, EU Office in Kosovo. Produced an Assessment Report of curricula of law faculties from the perspective of the relevant international standards and best practices. The screening of legal education in Kosovo and the compatibility with professional examinations to join free legal professions included the following tasks:

- Conducted over 60 field interviews local and international stakeholders of the rule of law sector in Kosovo and focus groups with law students of public and private universities.
- Researched the relevant standards, including the academic quality assurance standards, for higher legal education, including Bologna process, as well as some best practices on the curricula within the higher legal education in view of the specifics of the local situation in Kosovo on the following main aspects:
 - Bodies deciding on the curricula.
 - Possible autonomy of universities/law faculties on what they teach.
 - Basic (core) elements of the curricula for legal education and main skills on which the basic curricula are focused.
 - Role of practice-oriented subjects, credit requirement, teaching methods, and student evaluation rules and procedures.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, and rapid surveys, and co-drafted the final evaluation report for the EU Delegation in Kosovo.

Aug. 2015-Nov. 2016 – External Advisor to the Minister of Foreign Affairs of Albania on Balkan Affairs. Primary tasks included providing advice on regional affairs in the Balkans and Albanian diaspora in EU and United States with special focus on strengthening the relations with diaspora communities. During this time, also served briefly as Senior Research on Countering Violent Extremism, Center of Excellence, Ministry of Foreign Affairs of Albania conducting the following tasks:

- Identifying and critically discussing the state-of-the-art research on the phenomenon of violent extremism as an emerging security threat.
- Describing and discussing the manifestation of the VE as a threat in the Western Balkans and particularly in Albania.
- Strategically forecasting and outlining the emerging issues and trends of violent extremism in the Albanian context.
- Elaborate the cutting-edge models of deradicalization and integration of extremists and provide an overview of the policy implications of successful CV in Albania.

Jul. 2016-Jul. 2018 – International Governance and Public Administration Expert, United Nations Development Program (UNDP). Hired as an individual contractor of UNDP-Kosovo on assignment basis (based on availability) to provide policy development and legal analysis in governance and public administration reform to Kosovo institutions.

Policy development area tasks included:

- Preparing comparative analysis.
- Drafting policy papers, strategies, and action plans (with costing).
- Developing systems and mechanisms for monitoring and evaluation of policy implementation.
- Advising and providing inputs for mechanisms for improved communication and coordination at horizontal and vertical level regarding implementation of the PAR strategy.
- Elaborating and introducing best practice with respect to the policy-making processes.

Legal analysis area tasks included:

- Reviewing, amending, and drafting primary and secondary legislation pertinent to public administration (comparative analysis, legal review, harmonization).
- Supporting implementation of the legal framework through capacity development activities (training, on-the-job learning, exchange of experiences).
- Providing legislative advice to beneficiary institutions on broadening the reform to the whole of the public sector.
- Providing strategic advice to senior leadership in government institutions.
- Contributing to and participating in the working groups for finalizing and amending primary and secondary legislation.

Dec. 2015-Feb.2016 – Co-Team Leader, USAID/Kosovo Midterm Evaluation of the Contract Law Enforcement Program.

- Conducted a mid-term evaluation of a three-year, \$6.5 million project of USAID/Kosovo based on qualitative and quantitative data collected through field work. The evaluation included consultation with many local and international stakeholders of the rule of law sector in Kosovo. Developed evaluation tools, semi-structured interview plans with key informants, mini survey questionnaires, and focus group discussions and conducted relevant survey analysis.
- Provided the impact of the legislative drafting assistance of the CLE in the commercial and property law area to the Ministry of Justice, Ministry of Trade and Assembly of Kosovo; work of the CLE in supporting the establishment of a new private enforcement system in Kosovo; impact of the CLE project in reducing the execution backlog working with Kosovo Judicial Council, court presidents and Central Bank of Kosovo; effectiveness of the actual results of the backlog reduction initiative versus the invested efforts of the USAID-Kosovo; activity of mediation centers supported through the CLE; and sustainability of the CLE activities and need for any programmatic shifts during the remaining life of the project.
- Prepared the Evaluation Design, Methodology, and Data Collection Plan for the implementation of evaluation mission.
- Conducted extensive desk review and prepared an inception report outlining the evaluation methods, tools and implementation timeline.
- Prepared evaluation tools, semi-structured interview plans with key informants; mini survey questionnaires, guiding questions for focus group discussions and conducted analysis of relevant publicly available surveys.
- Conducted extensive field work and interviewed over 70 local and international stakeholders of the rule of law sector in Kosovo.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, and mini surveys, and co-drafted the final evaluation report for the USAID Kosovo mission.

May 2015-Sept. 2015 – International Justice Sector Expert, USAID-Iraq Final Term Evaluation of Iraq Access to Justice Program.

- Conducted an overall and final performance of Access to Justice program a five-year, \$62 million project of USAID Iraq implemented in 18 Governorates based on qualitative and quantitative data and evidence collected through field work.
- Designed Qualitative and Quantitative data evaluation tools, compiled semi-structured interview plans with key informants, mini survey questionnaires, and focus group discussions and conducted relevant survey analysis.
- Held meetings with other USAID projects and international donors including UN, EU, UNIFEM, UNICEF, and UNDP to assess how the A2J program has coordinated and harmonized its assistance with other relevant actors.
- Collected host government and local stakeholders' inputs on the how the project has met changing legal aid needs of the vulnerable and minority groups, particularly in conflict-affected communities.
- Evaluated the activities and impact of the legal aid clinics offering free legal aid and representation to vulnerable and minority groups.
- Assessed the extent that program activities have increased local NGOs' capacity to sustain themselves financially and technically beyond the end of the program.
- Evaluation successes and failures of the program and lessons learned for future USG programming in access to justice.

**Project ended prematurely due to USAID's stop work order.*

Jul. 2014–Sept. 2014 – Constitutional Reform and Justice Advisor, Open Society Institute, Tirana, Albania.

- Developed a methodology for a comprehensive review of the Albanian Constitution.
- Prepared an organizational and workflow chart for the constitutional review processes and bodies.
- Drafted TORs for the required experts.
- Proposed a decision-making methodology for the constitutional review process.
- Proposed a publication consultation and civil society participation in the constitutional review process.

Mar. 2014-May 2014 – Co-Team Leader/Senior Justice Sector Analyst, USAID/Kosovo Midterm Evaluation of the Effective Rule of Law project and Kosovo Legal Program.

- Conducted an overall evaluation of two justice sector projects of USAID/Kosovo worth \$27.5 million. The activities of the two programs Effective Rule of Law (ERoL) and Kosovo Legal Profession (KLP) are evaluated for efficiency, impact, sustainability. As a Co-Team Leader, directed the data collection process and prepared evaluation tools, semi-structured interview plans with key informants, mini survey questionnaires, and focus group discussions and conducted relevant survey analysis. Evaluate the “Justice for All” outreach program to non-minority communities and implementation of grants by sub-grantees.
- Evaluated the clinical legal education program at the public university of Prishtina and private University Iliria and their sustainability beyond USAID’s assistance.
- Evaluated effectiveness of donor coordination and sustainability of donor interventions.
- The evaluation included wide consultation with stakeholders in the justice system (EU, USAID, EULEX, GIZ) and beneficiaries (Office of the President Ministry of Justice, Kosovo Judicial Council, Kosovo Judicial Institute, Kosovo Prosecutorial Council and Constitutional Court to:
 - Assess the current capacity and timeline for Justice Institutions to become effective in exercising prescribed responsibilities under the judicial package laws (i.e., Law on Courts, Law on Kosovo Judicial Council, Law on State Prosecutor, Law on Prosecutors Council, and the Law on Bar.
 - Evaluate the results of USAID judicial training assistance offered through the Kosovo Judicial Institute.
 - Assess the capacity of Kosovo Judicial Council to discharge its responsibilities towards judicial appointments, transfers, discipline, and evaluation of judges’ performance.
- Prepared the Evaluation Design, Methodology, and Data Collection Plan for the implementation of evaluation mission.
- Conducted extensive desk review and prepared an inception report outlining the evaluation methods, tools, and implementation timeline.
- Prepared evaluation tools, semi-structured interview plans with key informants, mini survey questionnaires, and guiding questions for focus group discussions and conducted analysis of relevant publicly available surveys.
- Conducted extensive field work and interviewed over 100 local and international stakeholders of the rule of law sector in Kosovo.
- Analyzed the qualitative and quantitative data obtained through literature review, key informant interviews, focus groups, and mini surveys, and co-drafted the final evaluation report for the USAID/Kosovo Mission.

Sept. 2013-Nov. 2013 – Senior Legal Expert, European Union Delegation Office, Kosovo. This assignment was part of the overall preparatory phase for EU assistance to Kosovo under the Instrument for Pre-accession and Association (IPA) 2013.

- Conducted a legal assessment of the applicable civil laws and property related legislation (family law, inheritance law, law on obligations and law on property and real rights) to assess the substantial uniformity with continental civil codes (French and German models).
- Assessed the current situation in the civil law sector and property legislation with a specific focus on mapping of the relevant stakeholders/activities in Kosovo.
- Drafted detailed Terms of Reference for the IPA 2013 service contract “Designing a Comprehensive Civil Code and a Property Rights Strategy for Kosovo.”

Jan. 2013-Dec. 2013 – Facilitator/Member of Technical Support Team, Constitutional Convention of Ireland.

- Offered technical support to the Constitutional Convention of Ireland, an assembly consisting of 66 citizens and 33 politicians charged by the Government of Ireland to review the Irish Constitution.
- Facilitated deliberations on the Constitution of Ireland of 1937 and put forward recommendations for changes/interventions.
- Prepared conference proceedings for the Chief Constitutional Advisor to the Convention.

2010-2012 – Legal Education Team Leader/USAID Albania Justice Reform Project.

- Managed the legal education component of a five-year, \$12-million USAID rule of law project.
- Initiated the first Continuing Legal Education program for Albanian lawyers in cooperation with National Chamber of Advocates and regional branches.
- Conducted needs assessment for legal education of licensed lawyers and legal interns for 400 members of the Albanian Bar Association.
- Developed curricula and oversaw the training modules of 12 legal subjects including family law, human rights, criminal law, and commercial law and property law.
- Delivered legal training as part of the continuing legal education program in legal ethics and rules of professional conduct.
- Monitored and evaluated the Continuous Legal Education program and provided sustainability advice to the Albanian Bar Association.
- Assisted the University of Tirana Law Faculty to set up a Legal Aid Clinic for criminal and civil law cases.
- Provided a needs assessment and feasibility study of the legal clinic education and resource centers.
- Assisted the Law School to review and revise the curricula introducing the legal clinic as an elective course.
- Provided a roadmap and action plan to establishing the legal clinic.
- Drafted regulations, rules, and procedures for the intake of cases; case assignment and case referrals from the legal clinic.
- Compiled easy-to-read legal guidance for disadvantaged people and minorities.
- Organized study tours in existing clinics in Poland for eight law professors of the Tirana Law Faculty.
- Provided legal and policy advice to the Minister of Justice of Albania and participate in the working groups under the auspices of the Ministry of Justice.
- Proposed and drafted changes to the civil and criminal procedure codes of Albania to create a more enabling legal framework on audio-recording of court hearings.

2007-2008 – Expert to the Kosovo Constitutional Drafting Committee seconded by USAID Kosovo. Expert to the Kosovo’s Constitutional Drafting Committee and a member of the working groups on drafting four basic laws on decentralization and local self-government based on the UN Special Envoy’s Comprehensive Proposal for the Kosovo Status Settlement (known as the Ahtisaari plan).

- Participated and provided substantial comments to the working group on Drafting the Law on the Constitutional Court of Kosovo.
- Participated as a principal drafter on the Constitutional Court Working Groups setting up the legal and regulatory framework for the internal functioning of the Constitutional Court.
- Provided substantial contribution in drafting the constitutional chapter on local self-government and on justice system.

Sept. 2007-Dec. 2007 – Acting Chief of Party/USAID-Effective Municipalities Initiative, Pristina, Kosovo. Due to unexpected departure of the Chief of Party served for the first four months of the projects as an Acting Chief of Party.

- Supervised all staff members until the transition to the Chief of Party.
- Concluded contracts with international short-term experts.
- Interviewed and hired locally recruited specialist and support staff.
- Liaised with USAID and Home Office.

2005-2010 – Team Leader/Legal and Policy Component/USAID Effective Municipalities, Pristina, Kosovo.

- Managed the legal and policy component of a USAID governmental reform project.
- Acted as the primary legal advisor of the USAID – EMI to the Deputy Prime Minister of Kosovo and the Minister of Local Government.
- Served as a principal advisor on decentralization and minority integration at national and local level.
- Drafted Terms of Reference for locally and internationally recruited experts.
- Principal Drafter of Kosovo’s Decentralization Implementation Plan.
- Provided training on research and legal drafting skills to the Legal Department of the Ministry.
- Principal drafter of following laws:
 - Law on Local Self-government.
 - Law on Administrative Municipal Boundaries.
 - Law on Local Government Financing.
 - Law on the Status of Capital City, Pristina (draft).
- Following the Declaration of Independence of Kosovo, trained over 2,000 municipal assembly members, directors, and prominent NGO representatives on the new local government laws and helped on improving legal drafting skills at local level.
- Assisted the Association of Kosovo Municipalities design the following model municipal regulations:
 - Regulation on Municipal Transparency.
 - Regulation on Treatment of Illegal Constructions.
- Trained Municipal Preparatory Teams of new Kosovo Serb majority municipalities to draft the following municipal acts:
 - Municipal Statute.
 - Municipal Organization Chart.
 - Municipal Regulation on Fees and Taxes.

2005 – Senior Rule of Law Consultant/High Council of Justice of Albania, a leading expert of the **Legal and Judicial Reform Project of World Bank, in Tirana, Albania.**

- Embedded as a senior advisor at the High Council of Justice of Albania.
- Co-led a study aimed at evaluating the Albanian High Council of Justice.

- Assessed the High Council's role in judicial education, evaluated judicial career laws and promotion systems, and analyzed the system for evaluating judicial performance.
- Evaluated the High Council's organization and administration and conducted a court rationality assessment.
- Recommended improvements to the evaluation of judges and suggested amendments to existing legislation to make the evaluation process more transparent.

2005 – Political Affairs Researcher (unpaid Political Affairs Intern). UN Security Council Practices and Charter Research Branch, Department of Political Affairs, United Nations, New York.

- Conducted research on Security Council practices and studied council resolutions on third party impact of sanctions.
- Compiled an annual comprehensive report of the council's decision-making practices.
- Participated in four Security Council meetings to on the "Standards Before Status" Plan for Kosovo.
- Assisted joint briefing on counterterrorism by UN Counter-terrorism bodies.

2002-2004 – International Legal Officer, Department of Justice, UN Mission in Pristina, Kosovo.

- Conducted research on relevant international law.
- Organized investigative and trial hearings.
- Drafted legal opinions and judicial decisions for international judges in criminal trials.
- Researched and wrote legal opinions on controversial issues that arose in court proceedings.

2002 – Rule of Law Consultant, East-West Management Institute, Tirana, Albania.

- Served as a personal aide for the Chief Justice of the Albanian Supreme Court, Assisted the committees of the National Judicial Conference (NJC).
- Published the NJC's first newsletter.
- Organized a plenary session that elected members to the High Council of Justice.

1999-2002 – Legal Assistant/Staff Attorney, Central European and Eurasian Law Initiative (CEELI), American Bar Association, Tirana, Albania. Started as a Legal Assistant, and upon graduating was promoted to be the youngest ever ABA/CEELI's Staff Attorney in its 36 offices worldwide.

- Supervised and trained legal assistants.
- Coordinated CEELI work with law-oriented Albanian non-governmental organizations and other foreign assistance providers.
- Worked directly with members of the legal community in Albania to organize activities, workshops, and seminars.
- Helped to prepare the "Judicial Reform Index of Albania," a tool for assessing the development of the judiciary.

Significant Professional Achievements

- Constitutional Reform and Justice Advisor of Open Society Foundation, Albania (2014)
- Member of the Technical Support Group to the Irish Constitutional Convention (2013)
- Expert to the Kosovo Constitutional Drafting Committee (2007-2008)
- Expert testimony before the US Congress Committee on Foreign Relations/Subcommittee on Europe, Eurasia and Emerging Threats. Testimony focused on the EU-led dialogue between Serbia and Kosovo and the prospects for sustainable peace in the Balkans (April 22, 2013)
- Led the efforts and successfully launched the first Continuing Legal Education program of the Albanian National Chamber of Advocates (2010-2011)
- Adjunct Professor of Constitutional Law at the American University of Kosovo (2008)

- A leading expert in assessing the effectiveness of the High Council of Justice of Albania for the World Bank (2005)
- Contributed to the preparation of “Judicial Reform Index of Albania” a tool for assessing a cross-section of about 30 key factors for the development of judicial reform in emerging democracies developed by ABA/CEELI
- Contributed to the drafting of the “Needs Assessment Report of Albanian Judicial System” delivered to the Ministry of Justice as a road map to reform the judiciary in Albania

Academic Experience

2013-2014 – Teaching Assistant, University College Dublin, School of Politics and IR

- Teaching assistant for Introduction to International Relations courses

2012-2013 – Teaching Assistant, University College Dublin, School of Politics and IR

- Teaching Assistant for Comparative Politics and Introduction to International courses

2008- 2010 – Adjunct Professor of Law (part time), American University of Kosovo

- Taught Constitutional Law and Human Rights Courses to undergraduate students

Training Courses and Conferences

- July 16-25, 2012, attended Olympia Seminars on Political Violence in Athens, Greece.
- November 21-25, 2011, presented at a Constitution Building for Democracy, a constitution drafters’ training course held in Barcelona, Spain.
- April 19-21, 2011, London attended and presented at the Annual Conference of the Political Studies Association of UK.
- June 27-30, 2010, attended and presented at the inaugural conference of the Exeter Center for Ethno-Political Studies’ Inaugural Conference, “Ethno-Politics in a Globalized World,” University of Exeter.
- February 1-12, 2010, attended and presented at the Winter Academy of Federalism in focusing on **Local Government in Federal and Regional Systems** organized in Innsbruck (Tyrol, Austria) and in Bolzano/Bozen (South Tyrol, Italy) and obtained a certificate of completion.

Foreign Languages

Albanian (mother tongue), English Fluent (almost native), Italian (good), Spanish (passive knowledge)

Publications

- “Ethnic Politics in the Western Balkans” paper presented at High Level Conference co-organized by Aspen Institute Germany and Albanian Ministry of Foreign Affairs, June 2016 available at <http://www.aspeninstitute.de/wp-content/uploads/Conference-Reader-Aspen-Durres.pdf>
- Expert testimony before the US Congress Committee on Foreign Relations/Subcommittee on Europe, Eurasia and Emerging Threats. Testimony focused on the EU-led dialogue between Serbia and Kosovo and the prospects for sustainable peace in the Balkans (April 22, 2013) <http://docs.house.gov/meetings/FA/FA14/20130424/100738/HHRG-113-FA14-Wstate-GjoniR-20130424.pdf>
- Logistical Nationalism: Kin State Intervention of the Post-communist Albania presented at the School of Sociology at University College Dublin in 2015
- A Different Kind of “Us”: National Identity Dynamics in Albania and Kosovo presented at the Joint Sessions of the European Consortium of Political Research in Warsaw April 2015
- Violent versus Peaceful Secessions in Multi-National Federation of Yugoslavia presented at Trinity College Dublin in December 2012
- Building a New State and a New Society through Constitutional Design, paper presented in April 2011, London/UK
- Decentralization as a Conflict Mitigation Tool: The Challenge in Kosovo co-authored article published by the Public

- Administration and Development in the fall of 2010
- Building a New State and a New Society through Constitutional Design presented in April 2011, London/UK
- Decentralization as a Conflict Transformation Tool: The Challenge in Kosovo, presentation for the Institute of Federalism, University of Fribourg. September 10, 2007, Fribourg/Switzerland.
- Co-Editor of “Decentralization Briefing Book” published by the Local Government Initiative (LGI) Budapest 2007
- Book Review “The Break-Up of Yugoslavia and International Law” published in the Journal of East European Law (JEEL) (August 2005)
- United Nations Counter Terrorism Efforts; Outlining the Strategy and the Institutional Framework” written for the seminar “The International Enforcement and the UN Security Council”, April 2005

Awards and Recognitions

- Government of Ireland Postgraduate Scholarship 2014-2016
- Open Society Fellowship for Civil Society Academics 2014-2016
- Open Society Institute Global Supplementary Grant 2012-2014
- PhD Teaching Scholarship, UCD, Dublin Ireland 2012-2014
- Fulbright Scholarship for postgraduate studies in Law at Columbia Law School, USA 2004-2005
- Wolfgang Friedmann International Fellowship awarded by Columbia Law School 2004-2005

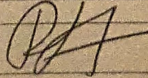
Memberships

- Member of Fulbright Association of Albania’s Steering Board
- International Board Member of Albanian Cultural Institute, New York City, USA
- Member of American Society of International Law (ASIL),
- Former Staff Member of Journal of East European Law (JEEL) at Columbia Law School,
- Member of Albanian Political Sciences Association (ALPSA)

PART III - APPENDICES

APPENDIX B: CONFLICT OF INTEREST (COI) VERIFICATION

(please fill/sign date the form below)

Name:	Dr. Roland Gjoni
Title:	Consultant
Organization:	ME&A, Inc.
Evaluation Position:	International Rule of Law Specialist
Evaluation Award Number: <i>(or RFTOP or other appropriate instrument number)</i>	BMEL S038
Project(s) Evaluated: <i>(Include project name(s), implementer name(s) and award number(s), if applicable)</i>	Assessment of the Rule of Law and Justice Sector in Bangladesh
I have real and/or potential conflict of interest to disclose:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>If yes answered above, I disclose the following: <i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> 1. <i>Close family member who is an employee of the USG operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated.</i> 2. <i>Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation.</i> 3. <i>Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project.</i> 4. <i>Current or previous work experience or seeking employment with the USG operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated.</i> 5. <i>Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated.</i> 6. <i>Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.</i> 	
Signature:	<i>Roland Gjoni</i> 
Date:	<i>26/10/2021</i>

AN AGREEMENT BETWEEN

Dr. Roland Gjoni

(Name of Individual - Printed or Typed)

AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

1. Intending to be legally bound, I hereby accept the obligations contained in this agreement in consideration of my being granted access to sensitive data. As used in this Agreement, sensitive data is marked or unmarked "sensitive but unclassified information" (SBU), including oral communications, that meets the standards set by Office of Management and Budget (OMB) Circular A-130 Appendix 3 and the U.S. Agency for International Development (USAID) Automated Directives System (ADS.) I understand that any data or systems of records protected from unauthorized disclosure by the provisions of Title 5, United States Code Sections 552 (often referred to as "The Freedom of Information Act") and 552a ("The Privacy Act") is/are sensitive data. In addition, other categories of information, including but not limited to medical, personnel, financial, investigatory, visa, law enforcement or other information which, if released, could result in harm or unfair treatment to any individual or group, or could have a negative impact upon individual privacy, federal programs, or foreign relations is sensitive data. The term includes data whose improper use or disclosure could adversely affect the ability of the Agency to accomplish its mission, as well as proprietary data and information received through privileged sources or procurement sensitive or source selection information, as those terms are defined by the Federal Acquisition Regulations.

2. I understand and accept that by being granted access to sensitive data, special confidence and trust has been placed in me by the United States Government.

3. I acknowledge I have been given access to USAID sensitive data to facilitate the performance of duties assigned to me for compensation. I understand it is my responsibility to safeguard sensitive data disclosed to me, and to refrain from disclosing sensitive data to persons not requiring access for performance of official duties. Before disclosing sensitive data, I must determine the recipient's "need to know" or "need to access" sensitive data. I will not use any sensitive data for personal financial gain.

4. I have been advised that any breach of this Agreement may result in the termination of my access to sensitive data, which, if such termination effectively negates my ability to perform my assigned duties, may lead to the termination of my employment or other relationships with the Departments or Agencies that granted my access. I am aware unauthorized release or mishandling of sensitive data may be grounds for adverse action against me. In addition, I have been advised unauthorized disclosure of data protected by the Privacy Act may constitute a violation, or violations, of United States criminal law, and that Federally-affiliated workers (including some contract employees) who violate privacy safeguards may be subject to disciplinary actions, a fine up to \$5,000.00, or both.

5. I understand all sensitive data to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government. I agree that I must return all sensitive data which have, or may come into my possession or for which I am responsible because of such access:

- (a) upon demand by an authorized representative of the United States Government; or
- (b) upon the conclusion of my employment or other relationship with the Department or Agency that last granted me access to sensitive data; or
- (c) upon the conclusion of my employment or other relationship that requires access to sensitive data.

Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to sensitive data, and at all times thereafter.

6. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

WITNESS		ACCEPTANCE	
THE EXECUTION OF THIS AGREEMENT WAS WITNESSED BY THE UNDERSIGNED		THE UNDERSIGNED ACCEPTED THIS AGREEMENT BEFORE ACCESSING SENSITIVE DATA OF THE UNITED STATES GOVERNMENT.	
SIGNATURE	DATE	SIGNATURE	DATE
		<i>Roland Gjoni</i>	26/10/2021

Candidate: Md. Abul Hossain Khan

Position: National Rule of Law Expert

Key Qualifications

Md. Abul Hossain Khan is a retired Senior District and Sessions Judge who has served the judiciary of the People's Republic of Bangladesh for 30 years. He was posted in different districts as Assistant Judge, Joint District and Sessions Judge, Additionally, he has served as District and Sessions Judge and as well as Senior District and Sessions Judge across the country. While serving the judiciary, he was also appointed as the Legal Advisor of the Ministry of Public Works where he had the opportunity to evaluate and assess the relevant activities of Public Works throughout the entire country. He had also been the chairman of several District Legal Aid Committees while serving as the Senior District and Sessions judge. Currently, he is member of both Dhaka Bar Association and Bangladesh Supreme Court Bar Association. He is a regular practitioner at the Supreme Court of Bangladesh and frequently acting as an expert Arbitrator and Chairman of different Arbitral Tribunals. Through participating and completing different judicial trainings and events, he has gained experience in pertinent sectors of law including Civil and Criminal Laws, Penal Code, Land laws, Family Laws, Service matters, Contract Laws, Company Act, Negotiable Instruments Act, Bankruptcy Act, Artharin Adalat cases, Law of Arbitration, and others.

Academic Qualifications

- **LL.M., Masters' of Jurisprudence, Rajshahi University, 1981**
- **LL.B. (Honors), Rajshahi University, 1979**
- **H.S.C, Government B.M College, Barishal, 1974**
- **S.S.C., Government Zilla School, Barishal, 1972**

Work Experience

- **30-years' experience (1983-2012) in Bangladesh Judicial Service, worked as:**
 - Assistant Judge
 - Joint District and Assistant Sessions Judge
 - Additional District and Sessions Judge
 - Senior District and Sessions Judge (equivalent to the post and status of Secretary of the government of the People's Republic of Bangladesh)
- **Legal Advisor, Ministry of Public Works (2006-2007).**
- **Chairman, District Legal Aid Committee (2008-2011).**
- **Advocate, Member, Dhaka Bar Association (2016-Present).**
- **Advocate, Bangladesh Supreme Court (2016-Present).**
- **Arbitrator as well as Chairman of Arbitral Tribunals (2012-Present).**


Legal Experience

- **Expert in Civil and Criminal Laws, Penal Code, Land laws, Family Laws, Service matters, Contract Laws, Company Act, Negotiable Instruments Act, Bankruptcy Act, Artharin Adalat cases.**
- **Expert in Arbitration Act, Law of Arbitration.**
- **Worked as chairman, District Legal Aid Committee and evaluated the activities of the concerned officers and staffs.**
- **Evaluated and assessed works and activities of the concerned office staffs of Department of Public Works throughout all the districts of Bangladesh.**

Training and Certification

- **Judicial training program, Bangladesh Institute of Law and International Affairs (BILIA), in collaboration with the Ministry of Law and Justice, Government of the Peoples Republic of Bangladesh, 1989.**
- **Land Survey and Settlement Training, Directorate of Land Record and Survey, Government of the Peoples Republic of Bangladesh, 1992-1993.**
- **Judicial Administration Training, Ministry of Law and Justice Affairs, Government of the Peoples Republic of Bangladesh, 1997, 2001, and 2008.**

Name	Md. Abul Hossain Khan
Title	Consultant
Organization	ME&A, Inc.
Evaluation Position	Sr. Rule of Law Specialist
Evaluation Award Number (or RFTOP or other appropriate instrument number)	BMEL S038
Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)	Assessment of the Rule of Law and Justice Sector in Bangladesh
I have a real and/or potential conflict of interest to disclose.	Yes No
<p>If yes answered above, I disclose the following facts: Real or potential conflicts of interest may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the DoS operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the DoS operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	

Signature:	
Date:	27. 10. 2021.

AN AGREEMENT BETWEEN

Md. Abul Hossain Khan

(Name of Individual - Printed or typed)

AND THE UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

1. Intending to be legally bound, I hereby accept the obligations contained in this agreement in consideration of my being granted access to sensitive data. As used in this Agreement, sensitive data is marked or unmarked "sensitive but unclassified information" (SBU), including oral communications, that meets the standards set by Office of Management and Budget (OMB) Circular A-130 Appendix 3 and the U.S. Agency for International Development (USAID) Automated Directives System (ADS.) I understand that any data or systems of records protected from unauthorized disclosure by the provisions of Title 5, United States Code Sections 552 (often referred to as "The Freedom of Information Act") and 552a ("The Privacy Act") is/are sensitive data. In addition, other categories of information, including but not limited to medical, personnel, financial, investigatory, visa, law enforcement or other information which, if released, could result in harm or unfair treatment to any individual or group, or could have a negative impact upon individual privacy, federal programs, or foreign relations is sensitive data. The term includes data whose improper use or disclosure could adversely affect the ability of the Agency to accomplish its mission, as well as proprietary data and information received through privileged sources or procurement sensitive or source selection information, as those terms are defined by the Federal Acquisition Regulations.

2. I understand and accept that by being granted access to sensitive data, special confidence and trust has been placed in me by the United States Government.

3. I acknowledge I have been given access to USAID sensitive data to facilitate the performance of duties assigned to me for compensation. I understand it is my responsibility to safeguard sensitive data disclosed to me, and to refrain from disclosing sensitive data to persons not requiring access for performance of official duties. Before disclosing sensitive data, I must determine the recipient's "need to know" or "need to access" sensitive data. I will not use any sensitive data for personal financial gain.

4. I have been advised that any breach of this Agreement may result in the termination of my access to sensitive data, which, if such termination effectively negates my ability to perform my assigned duties, may lead to the termination of my employment or other relationships with the Departments or Agencies that granted my access. I am aware unauthorized release or mishandling of sensitive data may be grounds for adverse action against me. In addition, I have been advised unauthorized disclosure of data protected by the Privacy Act may constitute a violation, or violations, of United States criminal law, and that Federally-affiliated workers (including some contract employees) who violate privacy safeguards may be subject to disciplinary actions, a fine up to \$5,000.00, or both.

5. I understand all sensitive data to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government. I agree that I must return all sensitive data which have, or may come into my possession or for which I am responsible because of such access:

(a) upon demand by an authorized representative of the United States Government; or


(b) upon the conclusion of my employment or other relationship with the

Department or Agency that last granted me access to sensitive data; or

(c) upon the conclusion of my employment or other relationship that requires access to sensitive data.

Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to sensitive data, and at all times thereafter.

6. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

WITNESS		ACCEPTANCE	
THE EXECUTION OF THIS AGREEMENT WAS WITNESSED BY THE UNDERSIGNED		THE UNDERSIGNED ACCEPTED THIS AGREEMENT BEFORE ACCESSING SENSITIVE DATA OF THE UNITED STATES GOVERNMENT.	
SIGNATURE	DATE	SIGNATURE 	DATE 27. 10. 2021.

Candidate: Arafat Hosen Khan	Nationality: Bangladeshi
Position: Evaluation Specialist / Legal Expert	
Education	
Barrister at Law , University of Law, UK	2009
M.A. in Global Ethics and Human Values, King's College London, UK	2013
LLB , University of Essex, UK	2008
O'Brien Fellow in Residence , Center for Human Rights and Legal Pluralism, McGill University, Montreal, Canada	2019

Key Qualifications

Arafat Hosen Khan is a fully qualified English Barrister and Advocate of the Supreme Court of Bangladesh with an advanced degree in law. He is a Partner at Apex Court Chambers and a Senior Lecturer in the Department of Law, North South University, Dhaka. Mr. Khan has also acted as an independent consultant in Constitutional Law, Democracy, and Contemporary Human Rights issues. He is also a member and Board of Trustee of the Institute of Inclusive Policy (IIP), a leading research-based think-tank in Bangladesh. Mr. Khan has significant experience in institutional capacity building for a range of institutions including, Department of Labor (DoL), Department of Inspections for Factories and Establishments (DIFE), criminal justice sector institutions, National Legal Aid Services Organization, Chittagong Hill Tracts (CHT), judicial capacity building among the indigenous population, Bangladesh Parliament, and women police (Police Reform). He is skilled in all aspects of research, from desk review to the design of research projects, drafting of research instruments, performance of field data collection (interviews, focus groups, surveys, observations), analysis of data, report preparation, and the presentation of results, and has 12 years of professional experience including assignments on access to justice and civil society. He has worked all over Bangladesh and with many national and international NGOs focused on the rule of law, access to justice, and human rights, including ILO, DFID, USAID, GIZ, UNDP, CHRI, BLAST, ASK, Manuser Jonno Foundation, and BELA. Mr. Khan worked on several ILO and UNDP projects as a legal expert (National Consultant) including the Justice Sector Facility (JSF) Project and the Justice Sector Strategy Dialogue Project. He worked as a National Consultant for the EU – Legal & Local Governance Expert for Activating Village Courts in Bangladesh (AVCB) Phase II. In addition, he has worked on various public interest litigation matters relating to access to justice and protecting the rights of the poor, women, children, labor, people with disabilities and the indigenous population of Bangladesh. Mr. Khan is a published writer on contemporary legal, political, and human rights issues. He holds an MA in Global Ethics and Human Values from King's College, London, where he was a Chevening Scholar, and was awarded an O'Brien Fellowship in Residence at the McGill Center for Human Rights and Legal Pluralism, Faculty of Law, McGill University, Montreal, Canada.

Consulting Experience

Jan. 2021, Consultant (Legal Expert), “A Study to scope out existing legislative and policy frameworks for ending violence against marginalized women and girls in the workplace,” Women Rights & Gender Equity, ActionAid Bangladesh.

Nov. 2020-Dec. 2020, Consultant (Legal Expert), Introducing and Employment Injury Scheme, ITCILO- International Training Center, ILO, Turin, Italy.

Sept. 2020-Oct. 2020, Legal & Policy Expert- Consultant, GFEMS RMG Law and Policy Analysis Study, National Opinion Research Center (NORC) at the University of Chicago.

Mar. 2020, Legal Expert – Consultant, Employment Injury Protection Scheme (EIPS), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH German Development Corporation, Dhaka Office, Bangladesh.

Jul. 2019, Third Party Monitor, USAID Bangladesh Monitoring, Evaluation, and Learning (BMEL) Activity, ME&A.

Jul. 2019, Workshop Co-Facilitator, USAID Bangladesh Monitoring, Evaluation, and Learning (BMEL) Activity, ME&A.

Jun. 2019, Third Party Monitor, USAID Bangladesh Monitoring, Evaluation, and Learning (BMEL) Activity, ME&A.

Mar. 2019, National Legal Expert, International Labor Organization (ILO) Country Office in Bangladesh.

Jun. 2017-Dec. 2017, National Legal Expert, International Labor Organization (ILO) Country Office in Bangladesh.

Apr. 2018, National Legal Expert, Justice Defenders Program, The American Bar Association (ABA), Center for Human Rights.

Dec. 2017-Jan. 2018, National Consultant (External Independent Evaluator), International Labor Organization (ILO) Country Office in Bangladesh.

Nov. 2017, National Legal Consultant for Danish Working Environment Authority, Royal Danish Embassy, Dhaka.

May 2017-Jun. 2017, National Consultant, Improving Working Conditions in the RMG Sector program in Bangladesh, International Labor Organization (ILO) Country Office in Bangladesh.

Jun. 2016-Oct. 2016, National Consultant, Danish Working Environment Authority, Royal Danish Embassy, Dhaka.

Jun. 2016, National Consultant (External Independent Evaluator), ILO Shrimp Project in Bangladesh.

Mar. 2016-May 2016, Research Consultant, BRAC University and SAILS (South Asian Institute of Advance, Legal and Human Rights Studies).

Jan. 2016-Feb. 2016, National Consultant (External Independent Evaluator), Promoting Fundamental Rights and Labor Relations in Export Oriented Industries in Bangladesh (FRLR) Project, International Labor Organization (ILO) Bangladesh.

Aug. 2015-Dec. 2015, National Consultant, Promoting Fundamental Rights and Labor Relations in Export Oriented Industries in Bangladesh (FRLR) Project, International Labor Organization (ILO) Bangladesh.

Nov. 2015-Dec. 2015, Legal Consultant, ActionAid Bangladesh under ACB project.

Feb. 2015-Mar. 2015, National Consultant (Legal & Local Governance Expert), Activating Village Courts in Bangladesh (AVCB), Phase II Formulation Mission, EU, Bangladesh.

Jun. 2014-Oct. 2014, National Consultant (Legal Expert to Support Case Monitoring and Coordination Expert), Justice Sector Facility (JSF) Project, UNDP, Bangladesh.

Apr. 2014-Jun. 2014, National Consultant, Development of a Directory of Expertise for the Parliamentary Committee on Ministry of Law, Justice & Parliamentary Affairs Improving Democracy through Parliamentary Development (IPD) Project, UNDP, Bangladesh.

Apr. 2014, Research Consultant, The Commonwealth Human Rights Initiative (CHRI), New Delhi, India.

May 2013-Oct 2013, National Consultant, Improving Democracy through Parliamentary Development (IPD) Project, UNDP, Bangladesh.

Oct. 2013-Nov. 2011, National Consultant, United Nations Development Programme (UNDP), Bangladesh.

Other Work Experience

Nov. 2013-to date, Advocate, Bangladesh Supreme Court, Dhaka, Bangladesh.

Dec. 2014-to date, Faculty Member (Senior Lecturer), Department of Law, North South University (NSU), Dhaka, Bangladesh.

Jun. 2011-to date, Legal Consultant, Bangladesh Legal Aid and Services Trust (BLAST), Dhaka, Bangladesh.

Mar. 2015-to date, Partner, Apex Court Chambers [www.apexcourtchambers.com], Dhaka, Bangladesh.

Aug. 2020-to date, Member, Board of Trustee, Institute for Inclusive Policy (IIP) [<http://www.iip-bd.org/>], Dhaka, Bangladesh.

Sept. 2009-Dec. 2014, Associate, Dr. Kamal Hossain and Associates [www.khossain.com], Dhaka, Bangladesh.

Publications

Books


- Khan, Arafat, *“The Right to Equality of the Indigenous Peoples of Bangladesh: An Analysis of the Challenges to the Peace Accord”* (Saarbrücken, Germany: Lambert Academic Publishing, 2012)

Articles

- Khan, Arafat, *“Protecting Human Rights: Situation of Rohingya Refugees in Bangladesh during Covid-19”* (2020), 4 PKI Global Justice Journal 30, Queen’s University, ON, Canada. (<https://globaljustice.queenslaw.ca/news/protecting-human-rights-situation-of-rohingya-refugees-in-bangladesh-during-covid-19>)
- Khan, Arafat, *“Restrictions on Freedom of Expression: Getting the Right Balanced”* (June, 2015), Journal of International Relations, (Vol. VI, No. 6, pp: 181-190), Jahangirnagar University, Savar, Dhaka-1342, Bangladesh.
- Khan, Arafat, *“Capability Approach and its Universality”* (December, 2013), Journal of the Chevening Society of Bangladesh, (Vol. 02, Issue. 01, pp. 163-182), British High Commission, Dhaka, Bangladesh. (<http://csb.org.bd/journal.html>)
- Khan, Arafat, *“Ethics and Action of Law Enforcement Agency in Bangladesh: A Study on RAB”* (September, 2013), Journal of the Society & Changes (Vol. VII, Issue. 03, pp. 51-69), University of Dhaka, Dhaka, Bangladesh. (<http://www.societyandchange.com/images/2013/allpagesjulysept.pdf>)

- Khan, Arafat Hosen, “Bangladesh charts a cleaner, fairer way forward,” Bangkok Post, Bangkok, Thailand, October, 2019 <https://www.bangkokpost.com/opinion/opinion/1781349>
- Khan, Arafat Hosen, “Pluralism in Women’s Property and Inheritance Rights – Challenges for realizing human rights in Bangladesh and India” McGill Center for Human Rights and Legal Pluralism, Faculty of Law, McGill University, October 11, 2019
- <https://mcgill.ca/humanrights/article/universal-human-rights/pluralism-womens-property-and-inheritance-rights-challenges-realizing-human-rights-bangladesh-and>
- Khan, Arafat, and Mahbub, Saqeb “Consumer Law in Bangladesh: An Overview,” (February, 2014), South Asian Jurist Magazine, (Issue. 04, pp. 7-10); <http://www.joomag.com/magazine/south-asia-jurist-volume4/0816982001388859425?page=23> , Date accessed: September 20, 2014.
- “Ensuring Effective Policing: Bangladesh High Court’s Guidelines on Arrest Without Warrant”, Network for Improved Policing in South Asia (NIPSA) [Online], May 2010; <http://www.blast.org.bd/news/news-reports/91-nipsa> Date accessed: May 30, 2010.
- “Asylum Seekers: Duty of the First World,” *Law Inter Alia* [University of Essex, UK] December 2007.
- “Fighting Lawlessness with Lawlessness,” *Law Inter Alia* [University of Essex, UK] December 2006.

Name	Barrister Arafat Hosen Khan
Title	Consultant
Organization	ME&A, Inc.
Evaluation Position	Sr. Rule of Law/Evaluation Specialist
Evaluation Award Number (or RFTOP or other appropriate instrument number)	BMEL S038
Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)	Assessment of the Rule of Law and Justice Sector in Bangladesh
I have a real and/or potential conflict of interest to disclose.	Yes No
<p>If yes answered above, I disclose the following facts: Real or potential conflicts of interest may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the DoS operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the DoS operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	

Signature:	
Date:	<u>10/27/2021</u>

AN AGREEMENT BETWEEN

Barrister Arafat Hosen Khan

(Name of Individual - Printed or typed)

AND THE UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

1. Intending to be legally bound, I hereby accept the obligations contained in this agreement in consideration of my being granted access to sensitive data. As used in this Agreement, sensitive data is marked or unmarked "sensitive but unclassified information" (SBU), including oral communications, that meets the standards set by Office of Management and Budget (OMB) Circular A-130 Appendix 3 and the U.S. Agency for International Development (USAID) Automated Directives System (ADS.) I understand that any data or systems of records protected from unauthorized disclosure by the provisions of Title 5, United States Code Sections 552 (often referred to as "The Freedom of Information Act") and 552a ("The Privacy Act") is/are sensitive data. In addition, other categories of information, including but not limited to medical, personnel, financial, investigatory, visa, law enforcement or other information which, if released, could result in harm or unfair treatment to any individual or group, or could have a negative impact upon individual privacy, federal programs, or foreign relations is sensitive data. The term includes data whose improper use or disclosure could adversely affect the ability of the Agency to accomplish its mission, as well as proprietary data and information received through privileged sources or procurement sensitive or source selection information, as those terms are defined by the Federal Acquisition Regulations.

2. I understand and accept that by being granted access to sensitive data, special confidence and trust has been placed in me by the United States Government.


3. I acknowledge I have been given access to USAID sensitive data to facilitate the performance of duties assigned to me for compensation. I understand it is my responsibility to safeguard sensitive data disclosed to me, and to refrain from disclosing sensitive data to persons not requiring access for performance of official duties. Before disclosing sensitive data, I must determine the recipient's "need to know" or "need to access" sensitive data. I will not use any sensitive data for personal financial gain.

4. I have been advised that any breach of this Agreement may result in the termination of my access to sensitive data, which, if such termination effectively negates my ability to perform my assigned duties, may lead to the termination of my employment or other relationships with the Departments or Agencies that granted my access. I am aware unauthorized release or mishandling of sensitive data may be grounds for adverse action against me. In addition, I have been advised unauthorized disclosure of data protected by the Privacy Act may constitute a violation, or violations, of United States criminal law, and that Federally-affiliated workers (including some contract employees) who violate privacy safeguards may be subject to disciplinary actions, a fine up to \$5,000.00, or both.

5. I understand all sensitive data to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government. I agree that I must return all sensitive data which have, or may come into my possession or for which I am responsible because of such access:

(a) upon demand by an authorized representative of the United States Government; or

(b) upon the conclusion of my employment or other relationship with the

<p>Department or Agency that last granted me access to sensitive data; or</p> <p>(c) upon the conclusion of my employment or other relationship that requires access to sensitive data.</p> <p>Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to sensitive data, and at all times thereafter.</p> <p>6. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.</p>			
WITNES S		ACCEPTANCE	
THE EXECUTION OF THIS AGREEMENT WAS WITNESSED BY THE UNDERSIGNED		THE UNDERSIGNED ACCEPTED THIS AGREEMENT BEFORE ACCESSING SENSITIVE DATA OF THE UNITED STATES GOVERNMENT.	
SIGNATURE	DATE	SIGNATURE	DATE
			10/27/2021

Candidate: Dr. Shahnaz Huda

Nationality: Bangladeshi

Affiliation: ME&A

Position: Senior Evaluation Specialist - Mid-Term Performance Evaluation for “Promoting Peace and Justice (PPJ)” Activity (BMEL S033)

Education

• Post Doctorate , University of London, UK	2010
• Ph.D. , University of East London, UK	1996
• LLM , University of Dhaka, Bangladesh	1985
• LLB , University of Dhaka, Bangladesh	1984

Key Qualifications

Dr. Shahnaz Huda started her professional career with University of Dhaka as a Lecturer in the Department of Law where she now serves as a full Professor. For two years she served as Chair of the Department of Law, University of Dhaka. Dr. Huda is also an adjunct faculty member at Eastern University, Dhaka, and in the Women and Gender Studies Department, University of Dhaka. Apart from serving as a teacher of Law, she has served as consultant to a variety of national and international organizations. Currently, she is an active member of the Governing Board of Manusher Jonno Foundation (MJF), South Asians for Human Rights (SAHR), Academic Council of Central Women’s University, Dhaka, and the National Committee for Prevention of Violence and Social Injustices to Women and Girl Children under the Bangladesh Mahila Parishad (Bangladesh Women’s Council). Additionally, she is an external Member of the Sexual Harassment Redress Committee, BRAC (Bangladesh Rural Advancement Committee) and Sexual Harassment Redress Committee, ULAB (University of Liberal Arts). She is a Former member of the Core Group of the Forum on Women in Security and International Affairs (FOWSIA).

Dr. Huda has authored 29 publications addressing different contemporary social issues. Her Ph.D. thesis (unpublished) was “*Born to be Wed: Bangladeshi Women and the Formation of the Muslim Marriage Contract*” which focused on aspects of Muslim marriage in Bangladesh from the perspective of women. She has worked all over Bangladesh and has broad experience working with National and International NGOs focused on rule of law, access to justice, justice sector reform, and human rights including ADB, ILO, DFID, UNDP, UNHCR, UNICEF, OXFAM-NOVID, CARE Bangladesh, Plan Bangladesh, BNWLA and BLAST.

Dr. Huda obtained first class LLB and LLM degrees in Law from the University of Dhaka. She obtained her Ph.D. from the University of East London, UK, and did her Post Doctorate at the University of London, UK.

Evaluation, Research, and Consultancy Experience

Nov. 2018-Dec. 2018, Consultant, Research on Gender Based Sex Selection—the Legal Regime; United Nations Fund for Population Activities (UNFPA).

Jan. 2017-Feb. 2017, Consultant, Analyzed laws of different countries on child marriage, CARE Bangladesh.

Jan. 2017, Lead Researcher (Consultant), Research on “Social and Legal Implications of Withdrawing the CEDAW Reservations on the Bangladesh Legal System and Norms,” UNDP and the Department of Law, University of Dhaka.

May 2016-Jun. 2016, Consultant, Study and publication on the effectiveness of the domestic violence (prevention protection act) during the first five years after enactment, Protecting Human Rights (PHR) Program, BNWL and PLAN Bangladesh.

Mar. 2015-Apr. 2015, Evaluation Expert (National Consultant), Mid-Term Evaluation of the CPD Outcome I, Democratic Governance Cluster, UNDP.

Nov. 2014-Dec. 2014, Evaluation Expert (National Consultant), Mid-Term Evaluation of the Judicial Strengthening (JUST) Project, UNDP.

Oct. 2014-Nov. 2014, Evaluation Expert (National Consultant), Mid-Term Evaluation of the Justice Sector Facility (JSF) Project, UNDP.

Jun. 2014, National Consultant, Study report to Treaty Bodies under BNHRC CDP, UNDP.

May 2014, Individual Consultant, Research on the problems or loopholes in the process of birth registration in Bangladesh; BNHRC & UNHCR.

Nov. 2013, Evaluation Expert (National Consultant), Mid-term review of the Bangladesh National Human Rights Commission – Capacity Development Project (BNHRC -CDP), UNDP.

Aug. 2013, Consultant, Review, analysis, report preparation and draft proposal for amendment of the Child Marriage Restraint Act, 1929 under: “Bride Not Before 18” campaign to stop Child Marriage; World Vision Bangladesh.

May 2013-Jun. 2013, Consultant, Update the Community Legal Services (CLS) Situation in Bangladesh, The Asia Foundation.

Jul. 2010-Jan. 2011, Consultant, Formal Alternative Care for Children Without Parental Care in Bangladesh, UNICEF.

May 2010-Mar. 2011, Senior Researcher, conducted a study entitled Combating Gender Injustice; South Asian Institute of Advanced Legal Studies (SAILS).

Aug. 2009-Sept. 2009, External Evaluator, conducted an evaluation of the project entitled “Extension of Realization of Human Rights and Democratization (ERHRD), Phase-III,” implemented by Bangladesh National Women Lawyers Association (BNWLA); OXFAM-NOVIB, The Netherlands.

Mar. 2008-Dec. 2008, Consultant, Conducted Research Study on withdrawal of reservation on Adoption; Networking & Advocacy for Child Rights in Bangladesh (NACR) Project, Bangladesh Shishu Adhikar Forum (BSAF).

Apr. 2007-May 2007 - Individual Consultant for the Asian Development Bank (ADB)’s TA-6188 (REG) Establishing Legal Identity for Social Inclusion.

Oct. 2005, Consultant, for conducting a feasibility study for developing a set of tools and techniques for engaging Muslim religious leaders to advance women’s rights informed by best practice models from South and Southeast Asia and other countries, The Asia Foundation.

May 2005 - Consultant for the Asian Development Bank (ADB)’s Regional Technical Assistance on Establishing Legal Identity for Social Inclusion (RETA 6188).

Dec. 2004 – Team Leader for an assessment of the capacity, performance, and programmatic impact Bangladesh Shishu Adhikar Forum (BSAF), an umbrella and networking organization that coordinates the work of 200 children’s rights NGOs in Bangladesh, DANIDA/BANGLADESH Human Rights and Good Governance Support Unit (HRGG-PSU).

Aug. 2004-Sept. 2004 – Independent Consultant, to finalize the draft on the Social Policy on Models of Care and Protection of Children in contact with the Law. UNICEF.

Mar. 2001-Apr. 2001 – Independent Consultant, to document the Progress and Development of Public Interest Litigation (PIL) under the Democracy Partnership of the Asia Foundation in Bangladesh.

Sept. 2000-Nov. 2000 – Consultant, to conduct research study on Sexual Harassment in Bangladesh; International Labor Office (ILO).

Dec. 1998-May 1999 – Honorary Convener, of a coalition of concerned trade unions and NGOs for ensuring the minimum wage of garment workers, American Center for International Labor Solidarity (Solidarity Center).

May 1998, Consultant, to develop indicators for the Audit of Human Rights in Bangladesh, DFID (Department for International Development), U.K.

Aug. 1997-May 1998 – Project Coordinator and Research Fellow, Marriages and Divorces Registration Laws Project, Bangladesh Legal Aid and Services Trust

Teaching Experience

Jul. 2005-to date, Professor, Department of Law, University of Dhaka, Bangladesh.

Feb. 2002-Jul. 2005, Associate Professor, Department of Law, University of Dhaka, Bangladesh.

Jul. 1996-Feb 2002, Assistant Professor, Department of Law, University of Dhaka, Bangladesh.

Mar. 1989-Jul. 1996, Lecturer, Department of Law, University of Dhaka, Bangladesh.

Languages

Bengali (native language), English (fluent).

Major Publications

- Huda, Shahnaz (1991). "Death penalty – The Continuing Controversy," Dhaka University Studies Part F, Journal of the Faculty of Law; Vol. II No. 1, June, 1991.
- Huda, Shahnaz (1992). "Human Rights under Emergency Situations," Dhaka University Studies Part F, Journal of the Faculty of Law, Vol. III No. 1, June, 1992.
- Huda, Shahnaz (1993) "Untying the knot – Muslim Woman's Right of Divorce in Bangladesh," Dhaka University Studies Part F, Journal of the Faculty of Law Vol. V No. 1, June, 1994.
- Huda, Shahnaz (1996). "The Imperilled Bangladeshi Girl Child," Dhaka University Studies Part F; Journal of the Faculty of Law; Vol. 4 No. 1, June 1996; pp. 49-66.
- Huda, Shahnaz (1997). "Child Marriage: Social Marginalisation of Statutory Law," Bangladesh Journal of Laws, Vol. 1, No. 2, December 1997; Bangladesh Institute of Law and International Affairs; pp. 138-181.
- Huda, Shahnaz (1998). "Women's Property Rights in Bangladesh: Effect of Religion and Custom," Development Issues Across Regions: Women, Land and Forestry, Wickramasinghe, Anoja (editor), Corrensa, Peradiniya, Sri Lanka; pp. 294-308.
- Huda, Shahnaz (1998). "Custody and Guardianship of Minors in Bangladesh," Gender and Law; Ahmad, Tahmina and Khan M.A. (Editors), Adtam Publishers, Dhaka; pp. 29-59.
- Huda, Shahnaz (1993-1994). "Female Child in Bangladesh: Abuse and Exploitation," Human Rights and Development Review, 1993-1994 Vol. III and IV; Humanist and Ethical Association of Bangladesh, Dhaka.
- Huda, Shahnaz (1998). "Double Trouble: Hindu Women in Bangladesh A Comparative Study," Dhaka University Studies Part F; Journal of the Faculty of Law; Vol. 7 No. 1, June 1996, pp. 49-66.
- Huda, Shahnaz (1999). Registration of Marriage and Divorce in Bangladesh: A Study on Law and Practice; Bangladesh Legal Aid and Services Trust, BLAST, Dhaka.
- Huda, Shahnaz (1999). "Perspectives on Sexual Harassment in Bangladesh: Acknowledging its Existence," Empowerment, Vol. 6 (1999), pp. 19-28.

- Huda, Shahnaz (1999). “Defining Sexual Harassment in Bangladesh: Its Impact and Effects,” Violence against Women and Children, Begum, Hamida Akhter et al (Editors), Department of Psychology, D.U. and DFID; pp.111-118.
- Huda, Shahnaz and Hasan Manzoor (2000). The Bangladesh Parliament and International Conventions; Monograph for the Bangladesh Institute of Parliamentary Studies, Dhaka.
- Huda, Shahnaz (2001). “Protection of Women in the Marriage Contract: An Exploration,” Bangladesh Journal of Laws, Vol. 5, Nos. 1 & 2, June & December 2001, Bangladesh Institute of Law and International Affairs, pp. 138-181.
- Huda, Shahnaz (2002). “Women’s Human Rights in Bangladesh: The Legal Framework,” State of Human Rights in Bangladesh: Women’s Perspective, Salahuddin, Dr. Khaleda et al (Editors), Women for Women: A Research and Study Group, Dhaka, pp. 150-161.
- Huda, Shahnaz (2002). “The New Millennium: Legislation and Precedents Relating to Women in Bangladesh,” in the Dhaka University Studies Part F; Journal of the Faculty of Law; Vol. 13 No. 1 June 2002, pp. 95-118.
- Huda, Shahnaz (2003). “Sexual Harassment and Professional Women in Bangladesh,” Asia Pacific Journal on Human Rights and the Law; 2:52-69, 2003, Koninklijke Brill N., Netherlands (Kluwer International).
- Huda, Shahnaz (2004). “Personal Laws in Bangladesh: the need for substantive Reforms,” Dhaka University Studies Part F; Journal of the Faculty of Law; Vol. 15 No. 1 June 2004, pp. 103-126.
- Huda, Shahnaz (2004). “Anglo Muhammadan and Anglo Hindu Law: Revisiting Colonial Codification,” Bangladesh Journal of Laws: Vol.8, Nos. 1 & 2, June and December 2004; Bangladesh Institute of Law and International Affairs, Dhaka.
- Huda, Shahnaz (2005). “The Concept of Consent in Muslim Marriages: Implications for Women in Bangladesh,” Dhaka University Studies Part F; Journal of the Faculty of Law; Vol. 16 No. 2 December 2005, pp. 41-70.
- Huda, Shahnaz (2006) (editor). Grey Lives in the Quest of White Gold – Situation Analysis on Child Rights Violations in the Shrimp Sector in the Southwest Coastal Region of Bangladesh; Tutu, Ashraful Alam; Coastal Development Partnership, Khulna.
- Huda Shahnaz (2006). “Dowry in Bangladesh: Compromising Women’s Rights,” South Asian Research, Vol. 26, No. 3, 2006, pp. 249-268.
- Huda Shahnaz (2008). A Child Of One’s Own – Study on Withdrawal of Reservation to Article 21 of the Child Right’s Convention and Reviewing the Issues of Adoption/Fosterage/Kafalah in the Context of Bangladesh, Bangladesh Shishu Adhikar Forum (BSAF), Dhaka.
- Huda Shahnaz (2011). Combating Gender Injustice: Hindu Law in Bangladesh; South Asian Institute of Advanced Legal Studies (SAILS), Dhaka.
- Huda Shahnaz (2016). Five Years After Bangladesh’s Domestic Violence (Prevention and Protection) Act: Is it Helping Survivors? USAID, BNWLA, PLAN Bangladesh.
- Huda, Shahnaz (2019). “Combating Gender Injustice: Women and the Hindu Law of Personal Status in Bangladesh: A Comparative Analysis” in Revisiting Personal Laws in Bangladesh, BRILL NIJHOFF, Leiden et al, pp. 58–144.
- Huda, Shahnaz (2019). “Gender, Personal Laws and Practices of the Bengali Barua Buddhists of Bangladesh,” Revisiting Personal Laws in Bangladesh; BRILL NIJHOFF, Leiden et al; pp. 195–211.
- Huda, Shahnaz et al (2019). Editor, Revisiting Personal Laws in Bangladesh; BRILL NIJHOFF, Leiden et al.
- Huda, Shahnaz and Islam, Rumana, Islam (2019). “Social and Legal Implications of Withdrawing the CEDAW Reservations on the Bangladesh Legal System and Norms,” Human Rights Programme (HRP), UNDP and University of Dhaka, Bangladesh.

Name	Dr. Shahnaz Huda
Title	Consultant
Organization	ME&A, Inc.
Evaluation Position	Sr. Rule of Law/Evaluation Specialist
Evaluation Award Number (or RFTOP or other appropriate instrument number)	BMEL S038
Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)	Assessment of the Rule of Law and Justice Sector in Bangladesh
I have a real and/or potential conflict of interest to disclose.	Yes X No
<p>If yes answered above, I disclose the following facts: Real or potential conflicts of interest may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the DoS operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the DoS operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	

Signature:	
Date:	10/26/2021

AN AGREEMENT BETWEEN

Dr. Shahnaz Huda

(Name of Individual - Printed or typed)

AND THE UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

1. Intending to be legally bound, I hereby accept the obligations contained in this agreement in consideration of my being granted access to sensitive data. As used in this Agreement, sensitive data is marked or unmarked "sensitive but unclassified information" (SBU), including oral communications, that meets the standards set by Office of Management and Budget (OMB) Circular A-130 Appendix 3 and the U.S. Agency for International Development (USAID) Automated Directives System (ADS.) I understand that any data or systems of records protected from unauthorized disclosure by the provisions of Title 5, United States Code Sections 552 (often referred to as "The Freedom of Information Act") and 552a ("The Privacy Act") is/are sensitive data. In addition, other categories of information, including but not limited to medical, personnel, financial, investigatory, visa, law enforcement or other information which, if released, could result in harm or unfair treatment to any individual or group, or could have a negative impact upon individual privacy, federal programs, or foreign relations is sensitive data. The term includes data whose improper use or disclosure could adversely affect the ability of the Agency to accomplish its mission, as well as proprietary data and information received through privileged sources or procurement sensitive or source selection information, as those terms are defined by the Federal Acquisition Regulations.

2. I understand and accept that by being granted access to sensitive data, special confidence and trust has been placed in me by the United States Government.

3. I acknowledge I have been given access to USAID sensitive data to facilitate the performance of duties assigned to me for compensation. I understand it is my responsibility to safeguard sensitive data disclosed to me, and to refrain from disclosing sensitive data to persons not requiring access for performance of official duties. Before disclosing sensitive data, I must determine the recipient's "need to know" or "need to access" sensitive data. I will not use any sensitive data for personal financial gain.

4. I have been advised that any breach of this Agreement may result in the termination of my access to sensitive data, which, if such termination effectively negates my ability to perform my assigned duties, may lead to the termination of my employment or other relationships with the Departments or Agencies that granted my access. I am aware unauthorized release or mishandling of sensitive data may be grounds for adverse action against me. In addition, I have been advised unauthorized disclosure of data protected by the Privacy Act may constitute a violation, or violations, of United States criminal law, and that Federally-affiliated workers (including some contract employees) who violate privacy safeguards may be subject to disciplinary actions, a fine up to \$5,000.00, or both.

5. I understand all sensitive data to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government. I agree that I must return all sensitive data which have, or may come into my possession or for which I am responsible because of such access:


(a) upon demand by an authorized representative of the United States Government; or

(b) upon the conclusion of my employment or other relationship with the Department or Agency that last granted me access to sensitive data; or

(c) upon the conclusion of my employment or other relationship that requires access to sensitive data.

Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to sensitive data, and at all times thereafter.

6. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

WITNESS		ACCEPTANCE	
THE EXECUTION OF THIS AGREEMENT WAS WITNESSED BY THE UNDERSIGNED		THE UNDERSIGNED ACCEPTED THIS AGREEMENT BEFORE ACCESSING SENSITIVE DATA OF THE UNITED STATES GOVERNMENT.	
SIGNATURE	DATE	SIGNATURE 	DATE 10/26/2021

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523