Introduction

The Bangladesh Legal Aid and Services Trust (BLAST) has been making efforts, over its 20 years of operations, to build more effective and responsive law and justice mechanisms at local and national levels within both formal and informal institutions. Within the context of social inequity prevailing in Bangladesh, providing means to enable and increase access to justice for the poor and marginalized is critical to enable realization of rights and to address the impact of poverty on safety and security.

BLAST's legal aid services - advice, mediation, litigation, advocacy and legal education — provide a means to voice grievances of marginalized and impoverished women, men and children. BLAST also engages in strategic legal aid through public interest litigation for the protection of constitutional and legal rights. BLAST also pursues legislative and policy advocacy to frame laws and policies for those who are disempowered or face discrimination or arbitrary action. Moreover, capacity building and increasing knowledge on legal awareness, conducting research to identify gaps in the national legal system or in policy for changes and mobilizing public interest and expectations are among the top-most priorities of BLAST. These activities, and the outcomes, have enabled BLAST to contribute to legal protection for ensuring human rights and institutional reforms both at the local and national level.

BLAST works through its Unit offices in 19 districts in close collaboration with local Bar associations, in partnership with the government, other nongovernmental organizations, and within communities, with the ultimate aim of helping to increase and improve access to justice and thereby to accelerate sustainable economic and social development for the poor and marginalized.

Justification of Baseline Survey

In order to support and scale up BLAST's existing programme to ensure community outreach to the ultra poor and hard to reach communities, the project “Access to Justice for the Marginalized and Excluded through Community Legal Services” has been designed and is being implemented in five districts (Dhaka, Dinajpur, Faridpur, Rajshahi and Rangamati) and partly at the national level from January 2013. The objective of this project is to provide increased access to justice for socially excluded and marginalized women, men and children, and thereby reduce poverty, inequality and discrimination. The proposed project would contribute to building capacity among justice system actors, including NGOs at local and community level, and increased responsiveness of justice mechanisms as well as an
improved legal and policy framework to secure rights for women, men and children from marginalized, socially excluded and hard to reach communities. This would further improve awareness of rights, remedies and services among women, men, children, in marginalized, socially excluded and hard to reach communities, their increased capacity to seek redress from the informal and formal justice system and to expand demand-led legal services.

The duration of the project is four years from January 2013 to December 2016 and will cover a very wide range of target groups and beneficiaries -- an estimated 7,35,867 individuals -- through the provision of legal services including legal awareness, legal aid, advocacy, research and capacity building.

This concept note is aimed at developing a framework for conducting a baseline survey as part of a plan for effective implementation of the project. This baseline report will assess the existing situation of community legal system, both formal and informal, in rural and urban areas, and community perceptions about the existing justice system which would assist the Project:

1) To assess or evaluate the result-oriented outcome of the project according to the logical framework of the project, and

2) To develop monitoring tools to measure on-going progress regarding improvements in people’s knowledge or skills on legal services and the increased capacity of formal/informal legal institutions.

Framework of Baseline Survey and Perception Study

Knowledge of law is most valuable when it is converted into concrete action. Therefore this study aims to assess knowledge and perceptions of law and rights and remedies within particular communities, to identify capacity gaps within existing community legal services to meet public needs and to describe the scope and extent of legal support services available to marginalized and disadvantaged populations, in particular women. Furthermore the study will equip project personnel with information and strategic options to address the problems identified during implementation of the project. The overall objective of the baseline survey is to accumulate baseline information of different aspects of community legal services in five districts under CLS Project.

The specific objectives of the study include the following:

Specific objectives:

1. To examine the state of legal protection from various types of dispute faced by the poor and hard to reach, marginalized or socially excluded communities in the targeted areas.
2. To examine the state of legal awareness e.g human rights, fundamental rights, law, and the legal system in the targeted areas disaggregated by gender, ethnicity, and disability.

3. To examine the state of legal aid and counsel to seek readdress justice from formal and informal sector for upholding the rights and remedies of poor and hard to reach, marginalized or socially excluded communities.

Scope of Work

In view of the above mentioned objective of the baseline survey, the following are the areas of work to be considered while conducting the baseline survey:

1. **On legal protection**
   a. Types of disputes/offences that arise in the area/community (of respondents)
   b. Actions taken by them when such types of disputes/offences occur
   c. The methods/scope of seeking/securing justice through formal/informal/traditional justice systems
   d. Percentages of people using different (formal/informal/traditional) justice systems
   e. Perception of people in the community about these different kinds of justice systems (specifically people’s perception about the challenges they face in each of these justice systems)

2. **On legal awareness**
   a. Level of awareness about importance of family laws
   b. Level of awareness of different aspect of Village Courts, e.g. types of case to be dealt with by VC, pecuniary jurisdiction of VC, the formation and adjudication of VC, and enforcement of VC decisions
   c. Level of awareness about laws on violence against women and children, including domestic violence, and women and,’ fatwa’
   d. Level of awareness about government legal aid schemes
   e. Level of awareness about other legal and constitutional rights.
   f. Perception about gender relations
   g. Are there any legal awareness raising programmes in the area? If yes, then who is conducting these and for whom? Through what means (media/local level programmes
   h. If there are/were ongoing awareness raising activities on legal rights in the area, the issues on which they focused
   i. Identification of people to be brought under legal awareness and training programmes
   j. Identification of Issues to be included in the awareness and training programmes
k. To assess the level of awareness of nature of remedies available for rights violations

3. **On Legal Aid:**
   a. Whether there is scope of getting legal aid within the community
   b. Who provides the legal aid? NGOs, Government agencies?
   c. Percentages of people having access to legal aid from government and NGO
   d. State of government legal aid programmes/ actual access by the targeted people
   e. State of non-government legal aid programmes
   f. Identification of the groups in need of legal aid badly
   g. Identification of types of legal aid needed (advice/counseling/mediation/litigation)
   h. Identification of the group most in need of legal aid- explores the existing scope of getting mediation and litigation services.
   i. Existence of any govt monitoring mechanism regarding the operation of legal aid at community level.
   j. Level of coordination or inter- linkage among the judiciary, administration and Law Enforcement Agencies in ensuring access to justice at community level

**Geographical Coverage and Sample size**

The sample size and geographical location needs to be proposed by the consultant as per the requirement of the assessment. However it should cover:

- All project areas in five districts [what about head office and supreme court based work]
- For qualitative information covered:
  - In-depth interviews- 30%
  - FGDs – 30%
- Quantitative Information: 75%

**Description of Assignment for the Consultant/Researcher:**

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<thead>
<tr>
<th>Tasks</th>
<th>End Product/deliverables</th>
<th>Time frame</th>
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<tbody>
<tr>
<td>i. Review relevant literature, previous survey reports</td>
<td>i. Report on literature review/ brief situation analysis</td>
<td>10 days</td>
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<td>ii. Prepare a detailed survey and mapping plan including methodology, sample size, sample sites, and work plan</td>
<td>ii. Detailed baseline plan including methodology, sample size, research sites, and data analysis plan.</td>
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<td>iii. Prepare mapping and survey tools/guidelines for primary data collection</td>
<td>iii. Survey tools and guidelines</td>
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<td>iv. Administer field visits, FGDs and interviews/meetings to collect information on the assessment and analyze information.</td>
<td>iv. Information collected and analyzed</td>
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<td>30 days</td>
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<td>v. Prepare draft report and finalize the report with BLAST comment</td>
<td>v. Draft recommendations and suggestions</td>
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<td>vi. Prepare presentation and present the findings to senior management.</td>
<td>vi. Draft Report (Outline to be finalized with researcher)</td>
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<td>15 days</td>
<td>vii. Power point presentation on the findings of the survey</td>
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<td>vii. Prepare an abstract of the Baseline Report</td>
<td>viii. Abstract on the assessment ready to submit to BLAST</td>
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<td>15 days</td>
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