



Annual Report 2010



National Human Rights Commission

ANNUAL REPORT 2010



National Human Rights Commission
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CHAPTER 1

FOREWORD

The Philosophy of the Reconstituted National Human Rights Commission

The reconstituted National Human Rights Commission ('NHRC') began its journey on 23 June 2010, with the appointments of the Chairman and Full Time Member. Soon thereafter, five Honorary Members joined the Commission, and the first full Commission meeting convened on 8 July 2010. Prior to that time, the NHRC consisted of the former Honourable Chairman, who was the sole member working on behalf of the Commission, which understandably limited the scope and breadth of its work. Consequently, the Annual Report for 2010 should be considered primarily as a six-month report on the activities of the Commission between July and December 2010.

The NHRC is envisioned as a preeminent organization of the State, having been created to support and embody the philosophy of the Peoples' Republic of Bangladesh. According to Article 11 of the Bangladesh Constitution, the guarantee of "fundamental human rights and freedoms and respect for the dignity and worth of the human person" has been promulgated as the main mission of the State. Likewise, the National Human Rights Commission Act 2009 ("2009 Act") preamble, read with section 2(f), establishes the institution in order to protect, promote and foster human rights as envisaged in the Bangladesh Constitution and international instruments.

Indeed, it is impossible to separate this philosophy of human rights from the birth of the Republic of Bangladesh. In the early moments of our Liberation War, on 10 April 1971, the Proclamation of Independence which was declared and accepted in Mujibnagar clearly asserted that war was being waged "ensure equality, human dignity and social justice for the people of Bangladesh." Post-modern definitions of jurisprudence describe human rights as a "combination of equality, human dignity and social justice." Thus the fundamental duty of the State is to establish and protect human rights, and the NHRC is committed to fulfilling its duties on this basis.

Yet the act of establishment by the State of a statutory independent body such as the NHRC must be realized in accordance with international conventions and the "Paris Principles," a set of minimum criteria endorsed by the General Assembly of the United Nations in 1993. The Paris Principles set forth recommendations as regards the status and functioning of national institutions for the protection and promotion of human rights. According to the Paris Principles, for a national human rights institution to be truly independent, it must be: (1) established by a distinct law or legislation; (2) financially solvent and able to act independently with respect to budget and expenditures; (3) autonomous of any State agency or entity in carrying out its administrative functions. If any of these standards is ignored or hampered, the organization cannot secure recognition as an independent, self-governing body and will not be considered legitimate and credible in the international arena.

From a strictly legal standpoint, the Commission is an independent and non-partisan organization, as provided by the 2009 Act. In his first meeting with the members of the NHRC, His Excellency the President of the Peoples' Republic of Bangladesh Zillur Rahman emphasized the sincere dedication of the State in establishing the National Human Rights Commission as an independent, non-partisan and people-oriented organization. The Honourable President clearly stated that, from its conception, Bangladesh has been committed to human rights.



From the State's perspective, the NHRC is unrivaled in its role of protector of the fundamental rights of the people, and no organization can claim to be above the Commission. The NHRC considers the President's comments to embody the expression of respect for human rights by the State. For that reason, the NHRC believes that "to create human rights culture in Bangladesh" is the essential and sacred duty of the Commission.

The Commission believes that upholding human dignity requires protecting the full spectrum of human rights through effective enforcement of the human rights laws. It is insufficient to focus only the civil and political rights recognized by our Constitution as fundamental guarantees; economic, social and cultural rights also must be protected. Jurisprudence recognizes human rights as universal, indivisible and interdependent, with the State bearing primary but not exclusive responsibility as protector of those rights. Working from this approach, the Commission will always be vigilant in protecting the human rights of Bangladeshi citizens.

This commitment is reflected in the practice of the Chairman and Commissioners of visiting jails, vagrant homes, child development centres, safe homes, as well as public hospitals, mother and child centres, orphanages, and government primary and secondary schools. These field visits have not only revealed the deficiencies of public allotments promised but not delivered, but have begun to create social consciousness on a variety of human rights issues. We believe these Commission interventions will play a very important role in creating a culture of human rights in Bangladesh.

Respect among citizens is the cornerstone of a strong and vibrant human rights culture. Such an atmosphere demands the elimination of all forms of discrimination, respect for the rule of law, and adherence to the principle of Sobor Upore Manush Shotto (human beings above all considerations). In establishing a human rights culture in Bangladesh, the NHRC has chosen a "rights-based but duty-oriented approach." We believe that if every citizen properly fulfils his or her duty to fellow citizens or the State, then individual rights will be assured. In a duty-oriented society, the rights of all citizens will naturally be exercised and protected. The National Human Rights Commission is committed to playing a key role in building such a society.

We are compelled to address the assertion in the first Annual Report submitted by the previous Commission that violations of human rights are generally considered to be abuses by the State. On the other hand, where human rights protection is concerned, the State is called upon only as a last resort. By maintaining an open and constructive relationship with the State, the Commission intends to encourage transparency, accountability and responsibility on the part of the State and its agencies and organizations so that the State can better perform its duty to guarantee human rights.

It must be remembered that the State is an abstract idea, and an "idea" cannot itself violate human rights. But a person or group of people, as representatives of the State, can commit such abuses, and it is the sacred duty of the Commission to call attention to the protection of human rights by shedding the light of the law on violators. If the State is determined to see itself as democratic and welfare-oriented, then there is no enmity between the Commission and the State. Though a sensitive matter, it must be clearly understood and accepted by the Government that independence of the NHRC, both actual and perceived, is to be ensured. Only then can the Commission play its rightful role as a strong, credible and effective voice for human rights. By following recommendations of the Commission, the Government greatly benefits by earning the respect of the people; the security of the State would be strong and steady in a real sense.



The reconstituted NHRC has just started its journey – but is it possible for the Commission to enforce its legal authority with the current paucity of human and financial resources? Plainly, the Government must step up to resolve the existing deficiencies.

The Annual Report 2010 offers a concise review of the initial activities of the Commission over the last months. But the NHRC draft Strategic Plan, which is included as an annex to the report, offers an indication about the extensive work plan the Commission has for the year 2011. The NHRC strongly believes that in 2011, with the coordination and support of all stakeholders, it will be able to win the respect and faith of people of all classes and socio-economic groups.

If 2010 is the year of pledge, 2011 will be the year of the accomplishment of the pledge. With the support of the Government, human rights groups and our stakeholders, and above all the confidence and trust of our citizens, the NHRC reaffirms its objectives and commitment to the promotion and protection of human rights of the people of Bangladesh.

Prof. Dr. Mizanur Rahman

Chairman, NHRC



CHAPTER 2

EXECUTIVE SUMMARY

The National Human Rights Commission is very pleased to present its Annual Report 2010 to the Honourable President of the People's Republic of Bangladesh, in accordance with the National Human Rights Commission Act 2009 ("2009 Act"). The 2009 Act provides for an annual reporting on NHRC activities, achievements and recommendations to be filed by 30 March of the year following the reporting period. As the NHRC is still in its nascent stages, having been formally reconstituted in June 2010, this year's Annual Report reflects largely the organizational activities and infrastructure development inherent in the first phases of building an entirely new institution.

The Annual Report 2010 is organized into seven chapters. Following the Foreword from the NHRC Members and this Executive Summary, Chapter 3: Introducing the Members of the Commission offers brief biographical profiles of the seven NHRC Members. The current Commission is serving for a three-year term (2010-13) and includes: Prof. Dr. Mizanur Rahman (Chairman); Mr. Kazi Reazul Hoque (Full Time Member); Prof. Dr. Niru Kumar Chakma (Honorary Member); Ms. Selina Hossain (Honorary Member); Adv. Fawzia Firoze Karim (Honorary Member); Ms. Aroma Dutta (Honorary Member); and Ms. Nirupa Dewan (Honorary Member).

Chapter 4: NHRC: Organization and Mandate provides an overview of the NHRC Act and describes the current structure and operations of the Commission, both at the policy making level and day-to-day management. This section highlights some of the grey areas in the 2009 Act, weaknesses of the existing situation and suggests what might be done to address the gaps. It also explains the ongoing institutional development of the NHRC, including progress toward international accreditation, collaboration with development partners, and sets forth the very important strategic planning process the Commission began in 2010.

The Commission presents its perspective on the human rights situation in Bangladesh in Chapter 3: The Role of the NHRC in Protecting Human Rights. The NHRC's guiding principles and philosophy are discussed, as well as its intentions regarding how to address the wide range of human rights abuses in the country, with special emphasis on citizens' own involvement in the protection of human rights. The chapter also summarizes the human rights related legislation currently in force -- both the national laws in place and international treaties that Bangladesh has signed and/or ratified. The gaps between national legislation and international agreements are highlighted, and recommendations are presented regarding the NHRC's approach to closing those gaps. In addition to the legal framework of international human rights laws and Bangladesh's commitments regarding those laws, the report also offers information about national laws that directly or indirectly can contribute to the promotion and protection of human rights.

Chapter 6: Commission Activities sets forth the most significant NHRC activities of the reporting period, including: (1) noteworthy cases and complaints received and handled by the Commission; (2) site visits around the country by the NHRC Chairman and Commissioners; (3) conferences, workshops, and programs organized by the NHRC, such as the Regional Seminar on Human Rights held in November 2010, the International Human Rights Day program and rally in December, and the first of a ten-part series of Consultative Workshops on the NHRC's draft Strategic Plan. Also described is the international cooperation forged by the NHRC during 2010, including participation of NHRC Members and Secretariat in conferences and consultations with other national



and regional human rights institutions in order to establish ties and share knowledge and experiences relevant to human rights protection and promotion.

The NHRC explains some of the main obstacles to its progress in serving the people of Bangladesh in Chapter 7: Challenges to the NHRC and the Way Forward. It is important to note that these challenges are both external and internal. Some of the most significant external challenges include the magnitude and complexity of violations, lack of public awareness, and a destructive domestic political climate. Internal challenges include the lack of human and financial resources and limited organizational development.

This chapter also offers the NHRC's recommendations regarding its ability to function effectively and carry out its mandate, and the opportunities the Commission intends to pursue on the road ahead. With the requirements for an effective NHRC clearly explained, the Commission expresses its sincere hope that the Government will refocus efforts to ensure that the NHRC is not merely a paper organization, but a vibrant and active institution serving the needs of the people of the country. Genuine interest and commitment on the part of the Government are critical if the Commission is truly to become a credible institution that is internationally recognized for its effectiveness in protecting human rights.

The report also includes an annexure which includes key documents and reports relating to the organizational development and activities of the NHRC in 2010: (1) National Human Rights Commission Act of 2009; (2) NHRC Organogram; (3) NHRC Strategic Plan (October 2010 Draft); (4) Concept Paper on Consultative Workshops on Draft Strategic Plan; (5) NHRC Standard Operating Procedures (October 2010 Draft); (6) Report on Regional Seminar on National Human Rights Institutions in the Asia Pacific (November 2010); (7) Dhaka Declaration on Human Rights and National Human Rights Institutions; (8) International Human Rights Day 2010 Program Agenda; (9) Report on Consultative Workshop on the Rights of Indigenous Peoples (December 2010); and (10) Report on ICC Conference on National Human Rights Institutions, Edinburgh, Scotland (October 2010).

The Commission expresses its gratitude towards the highest levels of the Government for their assistance and cooperation thus far. The NHRC is hopeful that the Government views and attitude towards the Commission will continue to be positive in creating human rights culture in Bangladesh.



CHAPTER 3

Profiles of Commissioners

The seven members of the present Commission were appointed in June 2010 (Chairman and Full Time Member) and July 2010 (Honorary Members) for a three-year term (2010-13) according to the selection process set forth in the 2009 Act. Chapter 4 explains in more detail the criteria and selection process for these Commissioners. Prior to these appointments, the NHRC was composed of Mr Justice Amirul Kabir Chowdhury as Chairman and Prof Dr. Niru Kumar Chakma and Mrs. Munira Khan as Members. Profiles of current commission members:



Prof. Dr. Mizanur Rahman, Chairman

Dr. Mizanur Rahman is a Professor and former Chairman of the Law Department at the University of Dhaka. He had been a professor of Baltimore University at Maryland, USA as a Fulbright scholar. Till recent times, he served at several universities of the world like Umeo University of Sweden, Oslo University of Norway, Tivier University of Russia, Taskhand University, Kathmandu School of Law, Nepal etc of Uzbekistan as a visiting Professor.

Mr. Rahman is the founding coordinator of Continuing Legal Education Program (CLEP), the professional legal education program of the Bangladesh Bar Council, now known as Bar Vocational Course (BVC). He pioneered the Clinical Legal Education program in Bangladesh.

Dr. Rahman is a veteran Human Rights activist who is dedicated in Human Rights promotion and research for over two decades. He has been conducting Human Rights Summer School (HRSS), an initiative towards human rights education in favor of the rights of the poor and marginalized people since 2000. This

initiative has got popularity around the world and students from India, Nepal, Iran, Pakistan and Canada are participating in the course. Dr. Rahman also initiated the Community Law Reform (CLR) program which has helped to widen legal education outside the classroom. He contextualized the idea of 'Street Law' in Bangladesh which is practiced over 70 countries of the world. These initiatives have made Dr. Rahman a great organizer. He also established a nonprofit voluntary organization named Empowerment through Law of the Common People (ELCOP) in 2000 and served as its Honorary Executive Director before being appointed in the present position.

Dr. Rahman has been a consultant to a range of national and international organisations including Government of Bangladesh, The World Bank, UNDP, UNICEF, ILO, Ford Foundation (USA), Soros Foundation (USA), Save the Children, NORAD, European Commission, IOM etc. He received a number of awards in recognition to his expertise in Law and Legal Education. He has travelled numerous countries of Asia, Europe and the Americas as an invited guest.

Dr. Rahman is also a renowned researcher. He is the author of 8 research monographs and more than 75 research articles. He has edited more than 18 books on Law, Human Rights, Legal Education and Governance.

Recently Mr. Rahman has been awarded 'Professor N.R. Madhava Menon Best Law Teacher Award 2010,' which is considered to be the most prestigious law teacher award in the SAARC region. He is the lifetime member of a number of organizations like Bangla Academy, Asiatic Society, Legal Education and Training Institute (LETT), Global Alliance for Justice Education (GAJE), Old Rajshahi Cadets' Association (ORCA) etc.



Kazi Reazul Hoque, Full Time Member

After obtaining his Masters degree from Dhaka University, Kazi Reazul Hoque joined the civil service of Bangladesh. After serving in local administration, autonomous institutions and in Bangladesh secretariat, he retired as a Secretary of the Peoples Republic of Bangladesh in 2006. While serving as the District Commissioner, Mr. Hoque has established the Khulna Foundation, Khulna Sishu Hospital, Liberation war martyrs monument at Gollamari and the Rabindra complex at Dokkhindihi. During his service in the Government, Mr Hoque played key role in formulating National Rural Development Policy-2000 and in establishing Rural Development Foundation in 2000-the largest foundation in the public sector to reduce poverty under the Rural Development Foundation Act.

After his retirement from Government service, Mr Hoque has served as the Executive Director of the Legal Education and Training Institute (LETI), Bangladesh Bar Council where he has successfully commissioned a series of human rights training programmes on Child rights and juvenile justice, trafficking and migration, conformity of domestic law with international instruments etc. for the Government of Bangladesh projects funded by UNICEF, USAID, UNDP, IOM and Australian Bar Association.

Mr. Hoque has studied Law, Public Administration and Management at several institutions at home and abroad including Bangladesh Civil Service Academy, Birmingham University of UK, British Civil Service College and International law Institute, Georgetown University of USA.



Prof. Dr. Niru Kumar Chakma, Honorary Member

Dr. Niru Kumar Chakma, is a Professor and former Chairman of the Philosophy Department of the University of Dhaka. He was a founding Member of the National Human Rights Commission of Bangladesh. Dr. Chakma obtained his Honours and Masters Degree in Philosophy from Dhaka University. He achieved postgraduate degree from the Dundee University of UK. He was a visiting professor at the Zurich University of Switzerland. He is also the part time teacher of the 'World religious philosophy and culture' department of Dhaka University and teaches in several private Universities.

Dr. Chakma is affiliated with several international philosophical institutions including the American Philosophical Association. He participated in the 42nd conference of the General Assembly of the United Nations as one of the members of Bangladesh delegation. He presented paper at the 18th World Philosophical Congress and participated in several international seminars on philosophy and religion.

Dr. Chakma was the Director of Gobinda Dev Philosophy Research Center of Dhaka University. He has a wealth of publications in religion and human rights. He was one of the editorial board members of the Banglapedia, published by Asiatic Society.



Selina Hossain, Honorary Member

Selina Hossain is an acclaimed writer in Bangladesh. She has been writing for over four decades. In addition with stories, novels and articles, she has edited several books on women rights, women empowerment, gender and development issues. Several of her books have been included in the syllabus of the leading universities of Bangladesh, India and OKTAN Community College, Chicago, USA.

Mrs. Hossain is the Executive Director of Farca Lara Foundation. She worked at the Bangla Academy for 34 years in various capacities. In addition, she is actively involved in cultural and social work in the areas of human rights and gender issues at national and international levels. She received several awards including Bangla Academy Literary Award and Alaol Literary Award. She received the national 'Ekushe Padak' award in 2009.

She was conferred the D.Lit (honoris causa) degree from Rabindra Bharati University, India in 2010. Recently in 2011 she received the 'Premchand Fellowship' from the Kolkata, Sahitta Akadomi (Academy of Letters). She also received the 'Rabindra Smriti Puraskar', British Council Fellowship and Ford Foundation Fellowship, among many others.

Mrs. Hossain is the member of the governing council of Delhi based SAARC writers and literature foundation. She has been nominated at the UNESCO Executive Board as the Representative of Bangladesh Government.



Fawzia Karim Firoze, Honorary Member

Advocate Fawzia Karim Firoze is a practicing lawyer, Supreme Court of Bangladesh; Human Rights Activist and Women Rights Advisor. She is the President of Bangladesh National Women Lawyers Association (BNWLA). Besides BNWLA she is the president of Workers Rights Coalition; SEWA (an organisation of women workers in the informal sector); and Legal Secretary: Bangladesh Labour Foundation. Advocate Karim started her career as a lawyer in 1982 practicing in Civil, Criminal, Labour and Corporate Law.

She obtained her Masters and Honours in Law from Dhaka University. In addition, she was awarded an Advocacy Fellowship from Advocacy Institute, Washington, USA and Parliamentary Fellowship from the Institute for Constitutional and Parliamentary Studies, New Delhi, India. She has a significant number of publications in legal and human rights issues.



Aroma Dutta, Honorary Member

Aroma Dutta is the Executive Director of PRIP Trust, a national NGO working to meet the development needs of the poor in Bangladesh since 1989. She has expertise in management, institutional development, planning, monitoring and evaluation, gender and development and governance/local governance.

Ms. Dutta is also the Executive member of a number of national and international organisations working for poverty reduction and upholding human rights for the poor and disabled persons including International Center for Non-Profit Law (ICNL-USA); Proshika; Campaign For Popular Education (CAMPE). She also worked for NORAD, USAID in the field of women in development, health and family planning, small scale cottage industry, rural development, rural credit programme.

Ms. Dutta completed her Masters in International Management from E.I.L., Vermont, USA and in Sociology from University of Dhaka. She started her career as a Lecturer of Dhaka University.



Nirupa Dewan, Honorary Member

Nirupa Dewan is a retired Headmaster of Rangamati Government High School with 35 years experience in teaching. She is a member of several renowned national and international organisations including National Social Welfare Council; District Women Sports Association; Bangladesh Girls Guides Association; Red Crescent Society and Rotary Club.

Ms. Dewan was awarded as 'Star of Bangladesh' in 1994 from Bangladesh Girl Guides Association and in 2001 she received a national gold medal award as the best Girl Guides teacher. She has participated in several meetings and seminars at home and abroad representing Bangladesh Girls' Guide Association. She has recently received "life time achievement award" by "Nari Uddyog Kendra", Bangladesh and "Sultana Kamal Independence Day Award" by National Women sports Association, Bangladesh for her outstanding contribution in the field of women sports.



CHAPTER 4

NHRC: Organization and Mandate

Why a National Human Rights Commission?

When human rights are at stake, it is inherent human dignity which is offended. It is humanity which suffers. This reality prompts the issue of protection, promotion and realization of human rights and fundamental freedoms. The paradox is that while the State is obligated to defend the life, liberty, property, reputation and dignity of its people, it is the State itself that appears to be the leading encroacher of human rights. So in the strident clamor of alternative mechanisms to guard citizens' rights, it is the people who must come forward to fight a discriminatory legal system and rally the true power of the law.

In the mid 1990s the civil society of Bangladesh and the International community strengthened their advocacy with the state to create such watchdog institution which will be able to recommend the state to ensure its accountability to protect and promote the rights of the people. Among many catalysts of human rights defense, NHRIs are considered to play the bridging role between and among state and its citizens, able to raise voice and find remedy to human rights infringements.

Accordingly, in 1993 the UN General Assembly endorsed the "Paris Principles," a set of minimum criteria designed to ensure the independence, effectiveness and pluralism of societal views. Since then the global momentum toward establishing NHRIs has conditioned the protection and promotion of human rights and dignity.



Commission Meeting

The potential benefits of embedding a dedicated human rights institution within the State are many. In the context of Bangladesh, three benefits are particularly significant. First, members of a national institution remain in a position to work closely with the Government in implementing strategies to realize human rights. Second, members of the human rights institution are acutely aware of the socio-cultural



Commission Meeting

context into which the panoply of human rights must be translated. Third, the non-state actors and people at large feel a sense of ownership in the human rights institution and the principles it embodies. In the long run, a national human rights commission can serve as a main catalyst in creating a culture of human rights in Bangladesh.

Launching of the Bangladesh NHRC

The Government took initial steps to establish a national human rights commission more than a decade ago, in 1998. Although a draft law was prepared and debated, it was not finalized. The NHRC was later formally established by the National Human Rights Commission Ordinance 2007 and commenced activities on 1 September 2008 with the appointment of a Chairman and two Members.

The 2007 Ordinance was superseded by the National Human Rights Commission Act 2009, which was approved by the Parliament on 14 July 2009 with retrospective effect from 1 September 2008. Under the 2009 Act, the NHRC was reconstituted on 22 June 2010 with the renewed aim of establishing and

securing human rights in every sphere of Bangladeshi society. The seven-member Commission commenced its three-year term with the appointment of one Chairman, one full-time member and five other honorary members. The present Commission is dedicated to securing and upholding human dignity through the protection of fundamental rights and by advancing human security. In fulfilling these goals, the NHRC seeks to maintain its independence in accordance with the provisions of Paris Principles. The commission is committed to ensure its reputation in a manner consistent with the norms and practices of respected human rights institutions worldwide.

Structure of the Commission

The Commission's accountability, transparency, productivity, and ultimate success all depend upon the right combination of individuals who are chosen to serve the Commission. The NHRC's structure consists of a Chairman and six other members who have been selected in accordance with the Paris Principles. The Commission Members are all accomplished professionals with proven expertise, appropriate versatility and the diverse experience needed to address the myriad human rights issues facing the NHRC. The Chairman and one Member serve the Commission on a full-time basis, with five Honorary Members providing their expertise and support to them. Within the structure of the Commission the representation of ethnic communities and women has been ensured.

Appointment, Tenure and Removal of Commissioners

Upon the recommendation of a highly-ranked Selection Committee consisting of seven members under the Chairmanship of the Honorable Speaker of the Parliament, the President of Bangladesh appoints the Chairman and Members of the Commission. The Selection Committee considers candidates with recognized expertise and who have made significant contributions in the fields of law, human rights, education, social work, human development and other relevant disciplines.

Commission Members must be between the ages of 35 and 70 years at the time of their appointments. The

Chairman and Members of the Commission are appointed for three years from the date of their joining and are eligible for reappointment, but no person can serve on the Commission for more than two terms. The Chairman or any other Member may resign before the completion of his or her term by submitting a written request letter to the President. In case of any vacancy in the office of Chairman, or if the Chairman is unable to discharge his or her duties on account of absence, illness or any other reason, the Full Time Member acts as the Chairman until a new Chairman may be appointed or until the Chairman can resume his or her duties, as the case may be.

The Chairman or any other Member may be removed from his or her position in accordance with the rules and procedures followed by the Supreme Court of Bangladesh to terminate a Justice of the Supreme Court. The President may remove the Chairman or any other Member upon the recommendation of the Judicial Council of the Supreme Court (consisting of the Chief Justice and the two next senior Justices of the Appellate Division) if the Council so recommends after inquiry into alleged "physical or mental incapacity" or "gross misconduct." If the Chairman and the Full Time member engages in any other full time job for remuneration other than the assigned tasks of the Commission, he or she may be removed. Other bases on which the Chairman or any Member may be removed upon the recommendation of a competent court include: being declared insolvent; by any competent court being declared mentally disabled; or conviction on the grounds of moral turpitude.

Structure of Manpower of the Commission

A good number of officers and staff under the supervision of a secretary are working in the commission office in order to implement the decision of commission and the day to day activities of the commission in an effective and efficient manner. Upon commencement of NHRC activity, the Ministry of Establishment appointed an Joint Secretary of the Govt. as Secretary of the Commission and a Senior Assistant Secretary was appointed as Deputy Director on deputation. In addition, an Additional District Judge was appointed as Director and another Joint District Judge was appointed as Deputy Director by the Ministry of Law, Justice and Parliamentary Affairs. To assist the



day-to-day work of the Commission, four other staff members and an information technology (IT) specialist were assigned from the UNDP-sponsored project 'Promoting Access to Justice and Human Rights Project' of the Ministry of Law, Justice and Parliamentary Affairs. In May 2010, a project between NHRC and UNDP was launched, with donors from Denmark, Sweden and Switzerland, in a collaborative effort titled the 'Bangladesh National Human Rights Commission Capacity Development Project'. Through this project, 13 staff were appointed temporarily in place of the staff appointed earlier under the 'Promoting Access to Justice and Human Rights Project'.

With respect to the organizational structure of the Commission staff, on 22 December, 2008, a 62-person organogram was sent to the Establishment Ministry, which by its order on 12 December, 2010 approved 28 positions. However, the positions remain unfilled pending the approval of the Recruitment Rules. To accelerate the work of the Commission, 93 positions have been approved by the reconstituted NHRC. Under the new organizational plan, the Commission's workload is divided among seven different departments headed by seven Directors: (1) education, training, public relations, public awareness and gender equality department; (2) research, policy and legal department; (3) complaints, monitoring & mediation department; (4) Information technology department; (5) management, administration and finance department; (6) enquiry and investigation department; and (7) capacity building department. These departments cover the broad range of responsibilities set forth under the mandate of the Commission.

Progress and Shortcomings of 2009 Act

The National Human Rights Commission Act of 2009 was passed on 14 July 2009 with retrospective effect given from 1 September 2008. The 2009 Act includes a number of important changes and improvements over the 2007 Ordinance. The definition of human rights has been incorporated into the 2009 Act more extensively and accurately. The number of Commission Members was increased from three to a maximum of seven, and the offices of the Commission may now be established outside of Dhaka. There are several other positive modifications: development in selection committee, violations of human rights by law enforcing agencies

and steps of the followings; a provision for training law enforcing agencies has been added; and Commission may be a party to a pending suit.

Despite these encouraging modifications, the Act still contains some sections in the Act which seems to be gray and needs clarification. For example, in respect of violation by law enforcement agencies (Sec.18), the Commission has limited jurisdiction and can only demand report from the government. There is no clear provision about commission's further action, in case of non compliance of the reporting of the Government. On the other hand, according to sec 12 (2) of the NHRC Act, the following matters shall not be included into the functions or duties of the Commission, such as:-

- (a) Issues relating to the cases being tried before a court;
- (b) Issues being considered by the ombudsman under the ombudsman Act, 1980(XV of 1980)
- (c) any issue relating to the service matters of the public servants of the Republic and any employee engaged in the service of a statutory government authority which is triable in a Tribunal established under the Administrative Tribunals Act, 1980(VII OF 1981).

In this regard, it is necessary to extend the Commission's jurisdiction so Commission can exercise its authority with the approval of the concerned court or tribunal.

Regarding the NHRC budget (sec. 24), it is sanguine to say that the Commission has the full authority concerning the management and administration of the budget. But sec 24(4) provides that the fund should be constituted only by the Government grant and the grants provided by the local authority. The local authority has not been defined. At present the Government allocation is coming through national budget. This should continue and needs to be ensured through law.

Institutional Development

An agreement was signed between the Government of Bangladesh and UNDP, Bangladesh on 6 May 2010 to assist the NHRC in developing a strong and effective institutional framework. The Bangladesh National Human Rights Commission Capacity Development Project (BNHRC-CDP) is described in more detail in Chapter 4 below. The focus of the five-year project is "institutional capacity development of NHRC with a



view to protect and promote human rights of all particularly of vulnerable and marginalized communities such as women, the disabled, indigenous peoples, and children.” A significant desired goal of this agreement is “to develop and implement a strategic plan on the basis of NHRC’s planning, budgeting and evaluation of activities”.

The NHRC’s Draft Strategic Plan lays out the vision and mission of the Commission, with the vision being to establish “a human rights culture throughout Bangladesh” and the mission being to ensure “the rule of law, social justice, freedom and human dignity through promoting and protecting human rights.” The Commission has also established four long-term goals for itself and the country, which the NHRC will vigorously pursue during the current terms of the Commissioners and beyond.

- Goal One: A human rights culture throughout Bangladesh where people’s human dignity is respected;
- Goal Two: A just society where violence by state is an episode of the past and officials know, and are held accountable for, their responsibilities;
- Goal Three: A nation that is respected internationally for: (1) its human rights compliance; (2) ratification of all human

rights instruments; (3) up-to-date reporting to treaty bodies; (4) open cooperation with UN special mechanisms;

- Goal Four: An NHRC that is credible, apolitical, objective and effective and respected for leading human rights protection throughout the country.

In addition to articulating vision, mission and long-term goals, the draft Strategic Plan sets forth five major outcomes that will result from its successful implementation:

- Outcome One: A general awareness of the NHRC and all its roles. A credible institution established and operating effectively and efficiently.
- Outcome Two: Public awareness of their rights and freely exercising them; state actors meeting their responsibilities
- Outcome Three: Human rights grievances effectively resolved through investigation and conciliation. A progressive and sustained reduction in human rights violations by the authorities.
- Outcome Four: Human rights compliant legislation and state policy, and up-to-date and informative reports to UN treaty bodies



Workshop: Strategic Plan Development



Full Time Member Kazi Reazul Hoque addressing a strategic plan workshop

In order to achieve these outcomes, the Commission is well aware that meaningful cooperation between the NHRC and state actors is essential. Equally important is coordination, networking and collaboration amongst the NHRC, non-state actors and other civil society organs. The Commission also recognizes the many human rights organizations with long histories of activism and accomplishments and continue to work on the broad range of human rights issues identified in the draft Strategic Plan. The NHRC does not seek to duplicate these efforts, but rather to complement and build upon their successes.

The NHRC acknowledges that for change to be truly effective, it must go beyond reactions to events and surface to what lies beneath the surface. It is only with the full support and tireless advocacy from all stakeholders can make the Commission ever hope to reach its potential and fulfill its statutory mandates. Thus, the four main strategies in the draft Strategic Plan can be summarized as follows:

- Strategy One: Cooperate with others in the human rights field, with state agencies and civil society alike;
- Strategy Two: Add value to what is already being done by stakeholders;
- Strategy Three: Focus on systemic change;
- Strategy Four: Identify and resolve road blocks to acting independently -- for example, our current inability to secure own budget and staff.



Honorary Member Prof. Dr. Niru Kumar Chakma addressing a strategic plan workshop

The Commission also identified sixteen thematic areas as pressing human rights issues on which it will pay particular attention, while being responsive to other human rights-related concerns or matters that may arise. These pressing human rights issues are set forth in the draft Strategic Plan:

- Violence against women
- Discrimination against women
- Violence by state mechanisms, particularly enforced disappearance, torture and extra-judicial killings
- Situation in CHT and local access to justice
- Discrimination against indigenous peoples and ethnic minorities
- Religious minorities
- Migrant workers
- Discrimination against people with disabilities



Participants at the Workshop on the Rights of Indigenous Peoples



- Basic economic and social rights for all citizens
- Health rights
- Lack of awareness and responsibility of public servants towards peoples' human rights
- Child rights and child labour
- Right to education
- Access to justice for the poor
- Climate change and environmental issues
- Compliance with ratified international human rights instruments

On 30 September 2010, the NHRC officially unveiled its draft strategic plan for the next five years to make the commission an efficient, effective and credible one. Representatives from different government agencies and development partners were also present at the workshop, which is described further in Chapter 6(E) (1). A copy of the complete draft Strategic Plan is included as *Annex 3* to this report.

In order to publicize the draft Strategic Plan and obtain input and feedback from a wide range of stakeholders and civil society members, it was decided that the Commission would organize a series of 10 consultative workshops. (See *Concept Note on Consultative Workshops on the Draft Strategic Plan, Annex 4*). It was determined that the workshops would be scheduled from the end of December 2010 through March 2011. The workshops were planned to be held not only in Dhaka city but also outside the capital. The suggestions from the workshops would be assimilated and by a final workshop in Dhaka it would be further developed. In this way suggestions and feedback would be absorbed into a single one and the strategic plan would be finalized. The first consultative workshop focused on rights of indigenous peoples, and was held in Dhaka on December 29, 2010. The results of the workshop are discussed more fully in Chapter 6 (E) (4). (See also *Report on Consultative Workshop on the Rights of Indigenous Peoples, Annex 7*).



Strategic Plan Presentation



CHAPTER 5

Role of NHRC: Human Rights Protection

The NHRC is endowed with a comprehensive mandate as outlined in the 2009 Act. A glimpse at the functions of the Commission reflects several major areas of responsibility: investigation and inquiry, recommendations, legal aid and human rights advocacy, research and training on human rights laws, norms and practices. After being reconstituted, in the very second meeting the NHRC identified some general themes and areas of human rights violations:

Means of Violation:

1. Disappearance
2. Arbitrary Arrest
3. Extra Judicial Killings
4. Torture
5. Human Trafficking
6. Interference with Right to Property
7. Denial of Migrant Labour Right
8. Others

Rights Violated:

1. Women's Rights
2. Children's Rights
3. Rights of Mentally and Physically Challenged persons
4. Labour Rights
5. Others

At the same time the NHRC formed separate committees for making citizens charter, framing of rule for investigation and resolution of disputes, framing of service rules for the NHRC staff, resolution of land related disputes of the indigenous communities, protecting rights of the religious minorities and the women, protecting child rights and ethnic minorities' rights. In this regard, the commissioners have been assigned with specific responsibilities. The Commission continues to work according to the strategic plan on the areas specified above.

The Commission has taken steps to organize workshops for the purpose of exchanging views to achieve the first fifteen goals specified in the working plan. Steps are being taken as per the suggestions extracted from the workshops. In order to reach the target mentioned in the last paragraph of the working

plan the NHRC has already taken steps to review the relevant national laws. Apart from this, the NHRC has made a continuous effort to implement the international treaties ratified by the country. For this purpose, in line with obligations under Child Rights Convention ratified in 1990 and Palermo Protocol on Human Trafficking, the Commission has rendered its opinion in the Children Act and Human Trafficking Act proposed by the government. The Commission has observed with utmost importance that though Bangladesh has ratified the major human rights conventions, yet it has either not ratified the protocols thereto or has not submitted its report as per the treaty obligations. Besides, the Commission has also observed that the 'reservations' to some of the clauses of the conventions ratified by Bangladesh, have appeared as a great barrier to the way of protection and promotion of human rights. In these circumstances, the commission is desirous to see more enthusiasm and eagerness of the Govt. to frame the national legal framework in conformity with the international standards.

Once an international treaty is ratified, necessary implementing laws are to be enacted. Indeed, if any right remains beyond the recognition of law or is not enforced, that rights turns into a buzz word. In this age of free flow of information, both good and evil news are being disseminated throughout the world. So, on the one side, people become vulnerable to violation of human rights, international reputation of the state is also tainted, on the other side. In the long run, students may be refused to foreign study; laborer may be refused to foreign employment. In this background, the NHRC has reviewed the international and regional conventions relating to protection and promotion of human rights. The Commission recommends that the Govt. should take initiative to harmonize the national legislations in line with the conventions ratified by the Govt. The commission also advice the Govt. to ratify other UN conventions and protocols which are favourable for our citizen.

The table lists the major human rights instruments which Bangladesh has ratified or to which it has acceded:



CORE HUMAN RIGHTS INSTRUMENTS RATIFIED OR ACCEDED BY BANGLADESH

1. Convention on the Prevention and Punishment of the Crime of Genocide (Adopted on 9 December 1948, Came into Force on 12 Jan 1951)

Acceded on 5 October 1998

Declaration

Article IX: For the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all parties to the dispute will be required in each case.

2. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966 (Adopted on 7 March 1966, Came into Force 4 Jan 1969)

Acceded on 11 June 1979

3. International Covenant on Economic, Social and Cultural Rights 1966 (Adopted on 16 Dec 1966, Came into Force on 3 Jan 1976)

Acceded on 5 Oct 1998

Bangladesh interprets the self-determination clause in Article 1 as applying in the historical context of colonialism. It also reserves the right to interpret the labour rights in Articles 7 and 8 and the non-discrimination clauses of Articles 2 and 3 within the context of its constitution and domestic law. A Protocol to this Convention was adopted on 10 Dec 2008, but it is not yet ratified by Bangladesh.

4. International Covenant on Civil and Political Rights 1966 (Adopted on 16 Dec 1966, Came into Force on 28 March 1979)

Acceded on 6 Sept 2000

Reservation Article 14: Equality before court and tribunal and due process rights. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989) has not been ratified by Bangladesh.

5. International Convention on the Suppression and Punishment of the Crime of Apartheid 1973 (Adopted on 30 Nov 1973, Came into Force on 18 July 1976)

Acceded on 3 Feb 1985

6. Convention on the Elimination of All Forms of Discrimination against Women 1979 (Adopted on 18 Dec 1979, Came into Force on 3 Sept 1981)

Acceded on 6 Nov 1984 with reservation.

Declaration

The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [f] as they conflict with Sharia law based on Holy Quran and Sunna.



7. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999 (Adopted on 6 Oct 1999, Came into Force 22 Dec 2000)

Signed and Ratified in 6 Sept 2000 with Declaration: The Government of the People's Republic of Bangladesh declares in accordance with Article 10 (1) thereof, that it would not undertake the obligations arising out of Articles 8 and 9 of the said Optional Protocol.

8. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (Adopted on 10 Dec 1984, Came into Force on 26 June 1987)

Acceded on 5 Oct 1998

Declaration: The Government of the People's Republic of Bangladesh will apply article 14 para 1 in consonance with the existing laws and legislation in the country. There is an amendment to the Convention and there is a protocol to this. Bangladesh has not yet acceded to the amendment or protocol.

9. Convention on the Rights of the Child 1989 (Adopted on 20 Nov 1989, Entered into force: 2 Sept 1990)

Signed and ratified on 3 August 1990

Reservations: Article 14, paragraph 1, Article 21 applies subject to the existing laws and practices in Bangladesh. There are two amendments to the Convention, one of which has been ratified by Bangladesh. It has two Protocols, one has been ratified with reservations and the other has been ratified without any reservation.

10. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)

Signed on 7 Oct 1998, but not yet ratified.

11. The Convention on the Rights of Persons with Disabilities and its Optional Protocol (Adopted on 13 December 2006, Opened for signature on 30 March 2007)

Signed on 9 May 2007, Ratified on: 30 Nov 2007. The Optional protocol was ratified by Bangladesh on 12 May 2008.

12. International Convention for the Protection of All Persons from Enforced Disappearance (Adopted on 20 Dec 2006, Came into Force on 23 Dec 2010)

Bangladesh has not yet ratified it.

Apart from international instruments, there are myriad national laws of Bangladesh which protect the fundamental rights of the people. Effective implementation of legislation, and particularly the human rights-related provisions of such laws, is imperative in order for a human rights culture to emerge and thrive. Enforcing authorities must take this duty most seriously and sincerely, moving purposefully and without delay to remove any obstacles to implementation. The national laws require Governmental action to ensure implementation of key provisions focused on or affecting fundamental rights.

The Commission strongly believes that the country's human rights record will improve and the rule of law will strengthen through the effective implementation of the above-mentioned laws.



Chapter 6

Commission Activities

A. Complaints Handling

It may be stated that the more civilized the nation, the more that country protects human rights. Indeed, our constitution has recognized certain human rights as inherent and fundamental and in cases of violations of these rights, they are enforceable by the high courts. Unfortunately, the majority of people are not well aware about the process of enforcement of human rights. The consciousness on the part of the people to prevent or redress human rights abuses and to build a human rights culture social remains inadequate. Moreover, it is the downtrodden segments of the society which are more vulnerable to such human rights abuses.

For many years, the people of our country have lacked an effective mechanism for addressing their grievances when basic human dignities were involved. With the reconstitution of the Commission, people's confidence is beginning to be revived. This is evident from the fact that the Commission received 23 complaints during the year 2008, while in 2009 and 2010, it received 72 and 205 complaints respectively. Though the numbers may suggest that the number of incidents of human rights violations has increased, these figures may also be interpreted as an indicator of rising level of people's awareness of and confidence in the Commission's activities. The following are summaries of some of the noteworthy complaints of human rights violations addressed by the Commission during 2010:

1. Investigation of RAB firing reveals responsibility

Md. Akkas Ali, a war-disabled Freedom Fighter, lodged a written complaint with the Commission alleging that the Rapid Action Battalion (RAB) had taken away his son Nur Alam Babu on 13 May 2009. The next day, Mr. Ali inquired about his son at various different police and RAB headquarters, but the inquiries were in vain. He learned on 15 May that his son was shot to death in an encounter with RAB-3 on the previous night. Also on 15 May 2009, a case was filed in Sabujbag Thana against Babu, identifying him as a terrorist. In the complaint with the Commission, Mr. Ali claimed that there was no case or even general diary (GD) against Babu before he was killed. The Commission looked into the matter with utmost importance.

The Commission requested the Ministry of Home affairs to form a high-ranked investigation committee consisting of a Deputy Secretary ranked officer from the Administration, one Deputy Commissioner from the Police Department and one from civil society as per the choice of the complainant. The committee was to thoroughly investigate the matter and send a written report to the Commission.

The report was not sent in due time and after persistent requests the Home Ministry, through a circular on 22 August 2010, formed a committee and so informed the Commission. The committee was asked to submit a report to the Home Ministry within 30 days from the date of the circular. A follow up letter was sent to the Secretary of the Home Ministry on 29 November 2010 as no report was received within the stipulated time. The report is due till today.

But a report of the daily Prothom Alo titled, 'RAB ke daec koreche todonto committee' (The investigation committee holds RAB responsible) revealed that the committee formed at the request of the Human Rights Commission did prepare a report in which it determined that 'the concerned member of the RAB and its source is responsible for the killing of Nur Alam Babu.'

This is a significant recognition of the NHRC's ongoing effort to bring an end to the culture of extra-judicial killings. Though the original report has not yet received by the Commission, it is following up to obtain the report, after which the Commission will take further action based on its review.

2. Apprehension by RAB and later disappearance

A national daily reported that one Md. Tushar Islam Titu was arrested by RAB-3 under the leadership of a Deputy Director from Dhukuria Berabazar of Belkuchi Upazilla of Sirajgonj District and after that Titu went missing. RAB-3 denied any such arrest.

The relatives of Mr. Titu briefed journalists on the case at the National Press Club. When the allegation was published in the newspaper, the Commission suo moto took the matter into its cognizance. A high-level investigation committee was requested by the Commission to be formed by the Home Ministry consisting of a Deputy Secretary from the



Administration, a Deputy Commissioner from the police department and a representative from the civil society. After recurrent requests, a report was sent to the Commission, which ultimately appears to be self-contradictory and incomplete. The Commission again requested the Home Ministry to initiate a full-fledged investigation committee under a Joint Secretary. Though the Commission continues to put pressure on the Home Ministry, it is yet to receive any further report.

3. Mistaken arrest and custodial death

The attention of the NHRC was drawn to a news item published by different dailies of Bangladesh that one Kaiser Mahmud Bappy was captured and shot dead by the RAB, who had misidentified him as Kamrul Islam Bappy. The Commission suo moto took notice of the complaint and urged the Home Ministry to form a high-level inquiry committee and report to the NHRC.

In addition, the Hong Kong-based Asian Human Rights Commission (AHRC) wrote a letter informing the NHRC that a white-clad RAB officer captured one young Mohiuddin Arif from his residence. The next day, Arif's family was informed by RAB that Arif had been handed over to a police station, after which he was sent to court but was not produced before the judge. Arif's relatives discovered that Arif received serious injuries to his legs and eyes and was unable to walk. Arif told them that police had spurned him on the chest and broke his legs. Police submitted before the court that when they received Arif from the RAB, he already had injury marks on his body. A certificate to that effect was also submitted by the police. The AHRC also mentioned in their letter that the court ordered accused into police custody without personally examining him and without giving him a hearing. Some days later Arif succumbed to death. The NHRC requested the Home Ministry to conduct an inquiry into the matter and send a report to the Commission.

Following numerous requests, the Home Ministry formed an inquiry committee for both the incidents. The time limit for submitting the report was extended several times and on 25 August 2010 the committee sent a letter to the NHRC indicating that the report had been submitted, although no copy of the report was attached. To date, the NHRC has not received any report on the matter, so it remains uninformed about the incidents.

On 26 December 2010, the daily Prothom Alo reported that the committee formed by Home Ministry termed Mohiuddin Arif's death as a 'homicide'. On the same day the newspaper also revealed that the committee formed at the request of the NHRC to investigate the death of Kaiser Mahmud Bappy determined that the RAB had relied on incorrect sources and weak corroboration of information. The outcome of these two incidents is a positive reflection of the NHRC's efforts irrespective of its various limitations. The Commission will take further steps once it receives the inquiry reports.

4. Accused man apprehended, but no court appearance

On 1 August 2010 the NHRC received a complaint that some white-clad persons described as members of DB Police captured Md. Al Jubaer Mahmud Sumon, age 25, from his residence in the late evening. The next morning Sumon's relatives reported the incident at the nearest police station, Araihaazar, but the police claimed to know nothing about the incident. Afterwards, the complainant and other relatives of Suman communicated with the DB police headquarters and learned that Suman had been kept in custody by the DB police office at Minto Road in the capital. The complainant alleged that the DB police failed to present Suman before the court within 24 hours of the capture, in violation of the law.

The incident is a violation of human rights. The NHRC asked the Deputy Commissioner of Narayanganj to conduct an inquiry and submit a report on the matter. The District Administration wrote a letter to the Police Department of Narayanganj as regards the matter. The Commission is yet to learn the response of the District Administration and the Police Department. The NHRC on 29 November 2010 again wrote a letter to the District Administration requesting a briefing on the incident.

5. Children in custody

Two reports titled, 'Niom nei tobu 165 shishu karagare' (Law does not support: Yet 165 children is in jail) and 'Niom nei, thana hajote rakha hocche shishuder' (In violation of laws, children are kept in thana custody) were published in the national daily Prothom Alo. The editorial of the same daily on 9 March 2010 expressed concerns about the indifference



of the law enforcing agencies to comply with child rights laws.

The High Court Division of the Supreme Court issued seven directives in 2003 in order to protect the rights of the children under custody. The NHRC took notice of the child rights violation. It wrote a letter to the Inspector General of Police to take steps to comply with the apex court's directives, in particular to arrange separate rooms for child prisoners. The Home Ministry was also asked to take the same initiatives and to inform NHRC about the steps taken. In addition, the Social Welfare Department was asked to take necessary measures to transfer the children as soon as possible to juvenile correction centers.

On 29 November 2010 the Home Ministry submitted a summary report of the Prison Department (not its own) in which it was claimed that the report of the Prothom Alo was not completely true. Yet the Commission regards it as a success that the consciousness of the concerned departments would be fortified at this.

6. Death in police custody

Ain O Shalish Kendra (ASK), a leading human rights organization of the country, lodged a complaint with the NHRC that a person under police custody in Barishal was killed by 'crossfire'. The allegation was made on the basis of findings by ASK's own investigation team. According to ASK's allegation some white-clad police arrested Mr. Alauddin Hawlader and after some hours Mr. Hawlader was shot dead. The ASK investigation team did not find any specific allegation from the police station against the victim. As per ASK's statement, Mr. Hawlader's death was not a consequence of chance encounter, rather he was murdered.

The NHRC requested the Inspector General of Police (IGP) to inquire of the matter. The IGP was requested again to send the follow up but there was no response. Next the NHRC requested the Home Ministry to do the same. The first letter to the IGP was sent on 5 August 2009 and afterwards the series of requests were made both to the IGP and the Home Ministry.

Nearly one year later, on 14 June 2010, the Commission was informed that the matter was under trial (sub-judice). Section 12 (2) (a) of the Human Rights Commission Act 2009 excludes the Commission's jurisdiction on a sub-judice matter and so the Commission had nothing to do further but to enlist it accordingly.

From the complaint lodged by Ain O Shalish Kendra (ASK) and Bangladesh Institute of Human Rights (BIHR) and from reports published in the daily Prothom Alo, Janakantha, Jugantor, Amader Shomoy and Daily Star, it was alleged that an accused in custody died in Nabinagar, B'Baria. The importance of the news was stressed and the NHRC requested the Home Ministry to investigate and submit a report on the matter. The Home Ministry formed a one-member committee headed by a Deputy Secretary. To date no report has been submitted to the NHRC.

7. Missing RAB member

The Bangladesh Institute of Human Rights (BIHR), in a letter to the NHRC, called attention to the fact that during the course of employment, RAB-1 member Nuronabi had been missing for ten months. Quoting the news from the daily Prothom Alo of 11 March 2010 alleged that RAB-1 member Nuronabi had been missing from 5 May 2009 while he had been working at RAB headquarters. Nabi's wife Yasmin along with his mother went door to door of the Higher RAB/Police Office to find her husband but was not successful. Yasmin alleged that her husband had been abducted and murdered at the hand of the former Director of RAB-3 Lt. Col. Zakir Hossain. Yasmin also alleged that her husband had arguments with Zakir Hossain when he had been working for him.

In the complaint, Yasmin stated that her husband had been transferred to the RAB-1 on 10 April 2009. On the night of 3 May 2009 Nuronabi phoned his wife and told her that he was in great trouble and perhaps they would never meet again in life. After that Nuronabi's mobile was found switched off. On 5 May 2009, when Yasmin went to RAB headquarters, she was informed that RAB did not know of her husband's whereabouts. The incident is yet another example of the most serious human rights violation.



As the statements of RAB headquarters and Nuronnabi's wife contradicted one another, the NHRC took notice of the matter and asked the government to form a high-ranking committee with representatives from the administration, police and civil society. Despite recurrent requests, no report on the incident has been received by the NHRC.

8. Alleged abduction by RAB, dead body later recovered

Ain O Shalish Kendra (ASK) requested the NHRC to inquire into and take action on the complaint of a 'bulleted dead body of Suman recovered after being abducted by the personnel in the guise of RAB'. The facts of the complaint are that Shahidullah, alias Shuman, and his wife Rani Akter were held by white-clad RAB personnel from the Amin Bazar area of Savar on the night of 14 April 2010. They were detained in the custody of temporary RAB-4 Camp located at Nabi Nagar. Around midnight on 15 April 2010 a RAB team set Rani Akter free at a bus stand in the Mohammadpur area. Returning home, Rani described the incident and went to RAB-4 Camp at Nabi Nagar in search of her husband Suman. Any allegation of detention of Shahidullah, alias Suman, was denied by RAB.

The next morning, Suman's elder brother Manik received a phone call from the Pallabi Thana police station and recovered his brother Suman's dead body from Dhaka Medical College Moratorium. Suman's wife Rani claimed that RAB shot her husband dead after incarcerating him for 12 days. The company commander of RAB-4, Squadron Leader Shah Nizamul Haque, denied the matter and said that he had no information about any arrest of Shahidullah Suman and on 14 April 2010 no RAB officer was in duty in white dress. The Commission requested an investigation by the Home Ministry, but has not been informed about any follow up.

9. Firing in broad daylight

Mr. Azizul Haque Rana, a resident of Chuadanga district, submitted a complaint against the Alom Danga Thana Police and local joint forces, which

allegedly went to Atharo Khada village in Chuadanga on 30 June 2004 to arrest a criminal suspect. But the suspect, one Md. Abdul Mannan, who had a history of domestic disputes and political rivalry, convinced the police to arrest his younger brother, Mahbulul Haque Uzzal. Uzzal was tortured and shot dead in broad daylight in a clear violation of human rights. Under these circumstances, the Chuadanga District Superintendent of Police was asked to take necessary steps following proper investigation of the incident. The superintendent reported that the incident had been investigated by an executive magistrate, who found that a firing had taken place during the casualty.

10. Pension rights for Freedom Fighter Ila Rany Roy

The NHRC has not restricted its activities to considering cases brought to it under a traditional complaints receiving process. In certain instances, it has suo moto (of its own motion) responded on behalf of the causes of humanity; the matter relating to Ila Rany Roy is one such example. Ila Rany Roy is a resident of Kishoregonj who fought in the Liberation War of 1971 under Sector Five. The private TV Channel NTV broadcast a program called Agrozo highlighting the contribution of Ms. Roy in the Liberation War and her present uncertainty of getting a pension for her service. The case caught the attention of the NHRC's Full Time member, who took the initiative to place the matter under the scrutiny of the Commission, treating it as a threat to human rights of Ms. Roy. The Commission thought it just and proper to inquire into the matter suo moto.

The District Commissioner was urged to file a report about the matter with the NHRC. The content of the complaint was that the Matriculation Certificate of Ms. Roy wrongly mentioned her birth date as 18 October 1936, which was corrected by Affidavit to list 18 October 1942 as her actual date of birth. As per the regulations of the Family Planning Board, she was appointed to the service with 18 October 1942 as her date of birth. The concerned official attested this date and secured entry into the service book accordingly. But even after serving 31 years, 8 months and 22



days, she remained in a precarious position about her LPR pension money.

Under these circumstances, on the basis of the information received from the DC office in Kishoregonj and the Local and Revenue Audit Department and by NHRC's own actions, the Commission has been assured that the complexities of obtaining the LPR/pension by Ms. Roy are about to be resolved. The NHRC has witnessed progress in this matter and is satisfied that its initiative will bring some solace to the life of a veteran lady freedom fighter.

11. Disposal of complaints by alternative dispute resolution mechanisms

a. Dismissal without cause: On 14 October 2009, Md. Kamrul Islam brought to the NHRC's attention an alleged violation of human rights by the Bangladesh Development Partnership Center (BDPC). The complainant alleged that during the probation period of the complainant, he was terminated from service without any notice. He claimed at least 15 days to join another service or be compensated in the amount equivalent to 15 days' salary. The BDPC Director or his authorized agent was requested to appear in person before the Commission on a stipulated date. The complainant was also asked to appear before the Commission. The BDPC Chairman explained the matter in detail to the NHRC Chairman and submitted the necessary papers on the basis of which another date was fixed for a hearing. On the stipulated date, both parties appeared at the NHRC and after hearing them the Commission resolved the issue on the basis of arbitration. The Commission convinced the BDPC to award the complainant compensation in the amount equivalent to one month's salary. The complainant later informed the Commission that he received the money and no other allegations against him remained. The matter stands resolved. The mandate of the NHRC to conduct arbitration as appropriate was skillfully exercised by the Commission in this case.

b. Recommendation of arbitration: Ranu Ara Begum lodged a complaint against Md. Razu Miah and Md. Wazuddin. Given the importance of the issue, the NHRC referred the matter to the District

Magistrate and requested that the necessary steps be taken to resolve the matter after proper investigation. Afterwards, the Commission was informed by the District Magistrate that the issue had been resolved through arbitration. The Commission expressed satisfaction after examining the papers and confirming that the parties had consented to the result of the arbitration. The NHRC's mandate includes promoting and utilizing alternatives to the traditional court procedures, including arbitration, negotiation, mediation, conciliation and consensus. These processes can be extremely effective methods of resolving disputes and allowing parties to continue or rebuild family, business or community relationships. Such interventions are speedier, less costly, more likely to be enforced, and generally more satisfying to the parties than court-based procedures.

In addition to the cases described above, the Commission has the following observations regarding the overall disposal of cases and ongoing matters:

1. The majority of the number of allegations of violation of human rights have come against RAB and Police;
2. The majority of the victims are youths. This does not necessarily imply that other people, including women, children, and the elderly are not suffering human rights' violations. It is likely that they do not know about mechanisms available outside the traditional courts/justice system for the protection and promotion of human rights. Lack of human rights awareness has been a contributory factor to this scenario;
3. A significant number of complaints have been initiated by human rights NGOs and as a result of newspaper reports;
4. The number of complaints filed has increased 300 percent over the years since the establishment of the NHRC;
5. Generally, comparatively well-educated people and urban residents are lodging complaints



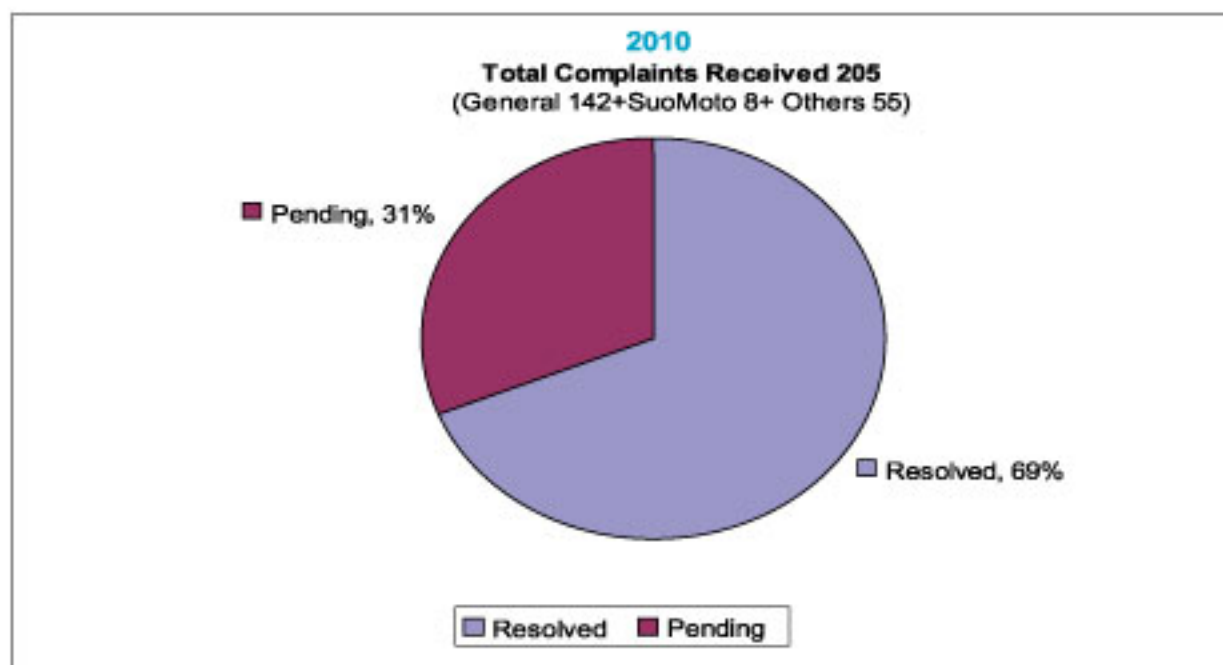
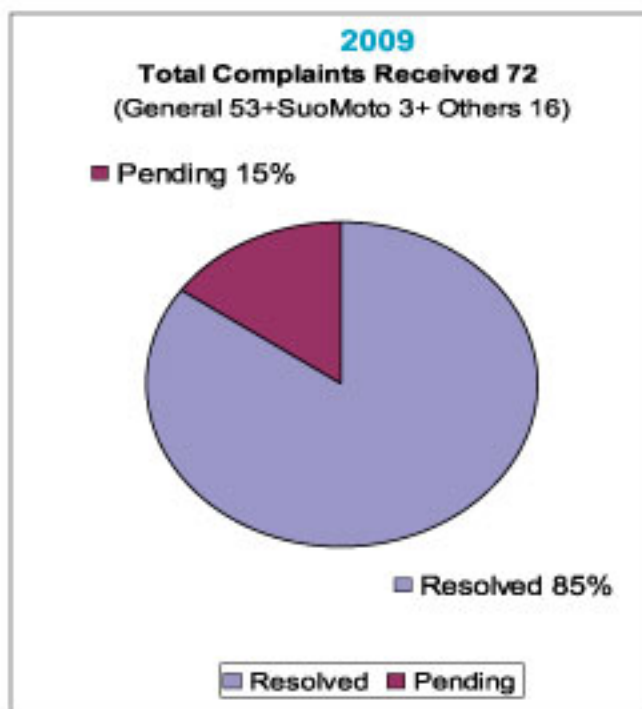
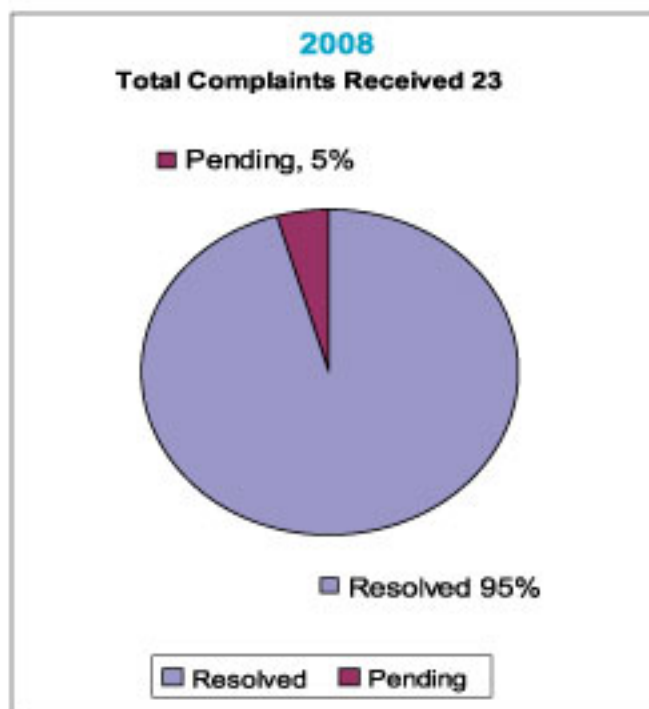
with the NHRC or trying to access the services of the Commission. To a lesser extent, poorer people and rural residents and communities are coming to the Commission. Nonetheless, they are gradually becoming aware that a new human rights institution has been established to defend the people striving for justice;

6. The Government of Bangladesh is seeking to restore the integrity and dignity of the downtrodden and poverty-stricken people of the country through establishing and supporting the NHRC; this message is being conveyed through the media all over the country. As a result, the image of the Government is improving nationally and globally.
7. In the majority of complaints filed, the Commission requests an inquiry committee and report from the relevant government ministry. This process is time-consuming. The problem can be addressed through amendments to the National Human Rights Commission Act. Such amendments are essential to ensuring the effectiveness of the Commission, which in turn will improve the image of the Government nationally and globally.
8. With increasing numbers of complaints and larger numbers of matters resolved come also increasing numbers of complaints that are pending. This is attributable to a lack of human resources at the NHRC. The number of complaints have increased, but the staff numbers at the Commission have not kept pace with the demand;
9. The number of suo moto petitions has increased three-fold, but the success of these investigations will depend on the availability of sufficient financial and human resources.
10. With the incident of the disappearance of a RAB member, it appears that even citizens within the “safety net” of society are vulnerable to violations of their human rights.
11. From the date of the NHRC’s establishment up to 31 December 2010, a total number of 300 complaints were received by the Commission, of which 224 complaints have been disposed of and 76 complaints are pending.
12. Under the direct supervision of the Honorable Prime Minister in furtherance of Vision 2021, access to information technology must be extended to the grassroots level. As a corollary to Vision 2021, the activities and reach of the NHRC must be expanded to include the remote villages around the country. The Commission is developing its website and designing the necessary software so that any person can lodge complaints through the internet and can track the progress and status of complaints that have been filed. In addition, the NHRC is focused on facilitating the filing and processing of complaints in person so that the complaint mechanism is easily understood and accessible to all.
13. Many complaints do not fall within the purview of the 2009 Act, and so remain outside the jurisdiction of the NHRC. It is important that potential complainants understand what is and what is not a human rights violation, so that they have realistic and proper expectations regarding what the Commission can and cannot do and say.
14. The majority of complaints deal with labor/services and domestic/family matters.
15. Frequently there is important information missing in the complaint document, so the Commission is delayed in responding while attempting to fill the gaps. This puts the Commission in a difficult position and undermines credibility, with other complexities arising due to a belated response.



COMPLAINT HANDLING BY THE NHRC

Year	2008	2009	2010
Total	23	72	205
Resolved	22	61	141
Pending	1	11	64





B. Meetings and dialogue with government institutions, including law enforcement

30 June 2010: The NHRC Chairman Mizanur Rahman and Full Time Member Kazi Reazul Hoque made a courtesy call on the Honorable Minister for Law, Justice and Parliamentary Affairs Barrister Shafique Ahmed. NHRC Honorary Members Dr. Niru Kumar Chakma, Selina Hossain, Fawzia Karim Firoze and Nirupa Dewan were also present. During the meeting, the Honorable Law Minister reiterated the government's commitment to cooperate with the Commission to establish and protect human rights in all segments of society.

5 July 2010: The Commission held a dialogue with the Dhaka Metropolitan Police Commissioner at NHRC office about the current human rights situation in the country. The Commission expressed its concern on the increasing occurrences of death of detainees under police custody.

6 July 2010: The Commission held a meeting with the Director General of Rapid Action Battalion (RAB) at NHRC office to discuss violence by state mechanisms. In the discussion, the NHRC conveyed its concern and strong disapproval of extra-judicial killings by RAB authorities.

15 August 2010: The NHRC observed National Mourning Day and offered the bouquet of flowers at the Monument of the Father of the Nation at Road No. 32 Dhanmondi.

18 August 2010: The Commission held a meeting with the Honorable Adviser to the Prime Minister on Establishment and Administration Affairs H T Imam. The discussion focused on human resources for the Commission, budget issues, infrastructure for the NHRC, including its own building etc. The Honorable Adviser assured the Commission of its full cooperation in helping to support the Commission in running its affairs.



Commission Members offering the bouquet of flowers at the Monument of the Father of the Nation on National Mourning Day



22 August 2010: A discussion with Honorable Labour and Expatriate Welfare Minister was held regarding the protection and promotion of the human rights of overseas laborers. On the same day, in a separate meeting, the Honorable Foreign Minister was briefed about the Regional Human Rights Seminar to be held in Dhaka on 12-14 November 2010. The Foreign Minister conveyed her best wishes for the distinguished guests at the seminar and wished its great success.

14 September 2010: The Honorable NHRC Members made a courtesy call on the Honorable President of the People's Republic of Bangladesh. During the meeting, the Honorable President highlighted the overall background of the human rights situation and heartily endorsed the NHRC's mandate to work for the protection and promotion of human rights. He pledged all possible cooperation to the Commission. The NHRC Chairman expressed his gratitude to the Honorable President for appointing him and other Members of the Commission to serve the NHRC and the country. The Chairman also extended the Commission's thanks to the Honorable President for giving the opportunity for the Commission to meet with him.

On the same day, the NHRC Chairman in a press briefing declared that the Commission would pay visits to the hospitals and clinics to take a closer look at the medical facilities and the state of the people's right to health.

22 September 2010: The NHRC Chairman made a courtesy call on the Honorable Minister of Education of the Government. The meeting stressed the need to introduce human rights education in the curricula of all levels of education.

13 October 2010: The NHRC Chairman met with the Honorable Law Minister Barrister Shafique Ahmed and informed him about the activities of the Commission and the problems it has been facing.

14 October 2010: The Chairman of the Commission held a meeting with the Director General of BDR (presently BGB) and discussed violations of human

rights in border areas.

19 October 2010: It was alleged that the complainant in a case was beaten up by the Assistant Police Superintendent of Madaripur District. The Commission immediately formed a three-member committee led by the Commission Secretary. The committee speedily investigated the matter and submitted its report to the NHRC.

28 October 2010: The Commission issued a press release expressing its concern about the death of two protestors of 'eve teasing'.

C. Site visits and inspections of service providers vis-a-vis human rights situation

As part of the Commission's mandate and functions set forth in chapter III of the 2009 Act, the NHRC conducted site visits to schools, child homes, prison systems, hospitals, and other providers of services in furtherance of fundamental rights to education, health,



Hospital visit by the NHRC Chairman



NHRC Chairman visits Child Home



Hospital visit by the Chairman

due process, etc. The purposes of these visits were to view firsthand the human rights situation regarding and provide guidance and recommendations for the development and improvement of services offered.

23 September 2010: The Chairman and the Full Time Member of the Commission visited the Shuhrawardi Hospital.

27 September 2010: The NHRC Chairman and Honorary Member Ms. Fawzia Karim Firoze visited Dhaka Medical College.

9 October 2010: The NHRC Chairman visited the Jessore Jail and Government Hospital.

4-5 November 2010: The NHRC Chairman visited primary and secondary schools, a child home, government hospital and prison in the Sirajgonj District. He participated in an awareness program on human rights organized by Manobadhikar Nattya Parishad.

24-25 November 2010: The NHRC Chairman visited a prison in the Gaibandha District. He also visited primary and secondary schools and child homes. He was offered a public greeting by Gaibandha Nagorik Parishad.

27-30 December 2010: The NHRC Chairman visited prisons in the Rangamati and Khagrachari Districts. He also visited primary and secondary schools and child homes.

D. NHRC Capacity Development Project

In May 2010, the Government entered into a five-year agreement with the United Nations Development Programme launching the National Human Rights Commission Bangladesh Capacity Development Project (NHRCB-CDP), established for the purpose of building the NHRC as an effective, sustainable institution. In the early years, the project is designed to assist the Commission in putting into place its physical and administrative infrastructure. Some programs are focused on enhancing the expertise and efficiency of the NHRC, i.e., conducting investigations, receipt and disposal of complaints, monitoring and evaluation, research and policy advocacy, public awareness raising, education and training, etc. This includes providing expert opinion to the NHRC so that it becomes efficient at the local and regional level by translating experiences of other NHRIs in the region.

The project has determined four objectives that are consistent with the organogram proposed by the NHRC:

1. Institutional development
2. Monitoring and investigation of human rights situation
3. Awareness raising about human rights
4. Research on human rights, reporting and policy development



It is expected that through institutional development the NHRC will be able to create and implement a modernized system of administration, regulation and process. To create a healthy working environment the project is assisting the NHRC by providing technical assistance and financial support.

The Commission anticipates it will be able to monitor the human rights situation more effectively as the project progresses. Free and independent monitoring is a prerequisite for a vibrant commission. The search of information, dissemination of information forms the basis of the complaints and its subsequent steps. To give an effective remedy to the victim case management is also important. The NHRC staff would be equipped to inculcate the art of effective procedural management by making training manuals containing strategies of disposal of disputes.

With project assistance, the NHRC will be able to provide human rights education and training and as a result a culture of human rights would begin to take root in the country. The Commission would be equipped with necessary tools to create human rights awareness and focus on the issues of its concern. In this connection, under the project a communication and information dissemination strategy is being prepared. During 2010, as a result of the dynamism of the NHRC Chairman and Members, the Commission is beginning to enjoy public familiarity and confidence through the cooperation of the media.

In the case of research and advocacy it can be said that through this process the discrepancies of the prevailing laws with international standards of human rights would be unveiled. The commission would be able to advocate repealing and amending laws in line with Bangladesh's commitment to international human right laws. In the meantime, the NHRC has stipulated its

strategy to make the inconsistent laws on par with human rights standards.

The NHRC is independently implementing the work of this project. The Secretary of the Commission is in charge overall as the National Project Director (NPD). UNDP is carrying out the responsibilities of coordination of the development partners: DANIDA, SIDA and SDC. Work under the project is being administered according to the National Execution Manual (NEX). Already, a draft Standard Operating Procedure (SOP) has been developed under this project (*Annex 5*).

In May 2010 Bangladesh Government entered into a Five years agreement to develop the capacity building of the NHRC. Though the main concentration of the agreement is to develop the capability of the work force of the NHRC, yet emphasis has be laid on some other infrastructural aspects. Some programs have been designed under this project to enhance the efficiency of the NHRC i. e. investigation on long term basis, reception of complaints, research, increasing public awareness and advocacy etc. This includes rendering expert opinion to the NHRC so that it becomes efficient at the local and regional level by translating experiences of other NHRIs in the region.

E. Institutional development, organization of workshops and seminars



Full Time Member Kazi Roazul Hoque addressing the inaugural session of the Regional Seminar



UNDP Administrator Helen Clark addressing the inaugural session of the Regional Seminar as the Guest of Honour

1. Workshop on National Human Rights Institutions

The regional workshop, 'Human Rights Institutions: Moving Forward', was organized by the NHRC at Hotel Radisson Water Garden Hotel, Dhaka on September 30, 2010. The Honourable Minister for Law, Justice and Parliamentary Affairs was present as the Chief Guest. Invited guests included the Secretary of the Establishment Ministry, UNDP Country Director and other development partners from Danish Embassy, Swiss Embassy and Swedish Embassy.

2. Regional Seminar on National Human Rights Commissions in the Asia Pacific

The NHRC, with the support of UNDP's National Human Rights Commission Capacity Development Project, organized a two-day regional seminar titled "National Human Rights Commissions: Experiences and Challenges" on 13-14 November in Dhaka. Seminar participants included delegates from 19



ICC Chair Rosslyn Noonan addressing the inaugural session of the Regional Seminar

countries and representatives from 7 national human rights institutions in the Asia Pacific region, including India, Indonesia, Malaysia, Maldives, Nepal, New Zealand and Sri Lanka. Mr. H. T. Imam, Honourable Adviser to the Prime Minister, hosted a reception for guests of the seminar. The Honorable Adviser reiterated the commitment of the government to uphold human rights and preserve the human dignity of its citizens. He also stated that the Government is working hard to fulfill the pledge of its election manifesto to protect and promote human rights. Mr. Imam assured all possible help on the part of the Government to ensure that the NHRC is functional and fully operational.

Minister for Law, Justice and Parliamentary Affairs Barrister Shafique Ahmed was present at the Inaugural Session as Chief Guest. Dr. Shirin Sharmin Chowdhury, State Minister for Women and Children Affairs and Ms. Rosslyn Noonan, ICC Chair and Chief Commissioner, New Zealand was special



Minister for Law, Justice and Parliamentary Affairs Barrister Shafique Ahmed addressing the inaugural session of the Regional Seminar as the Chief Guest



State Minister for Women and Children Affairs Dr. Shirin Sharmin Chowdhury addressing the inaugural session of the Regional Seminar as the Special Guest



NHRC Chairman Dr. Mizanur Rahman addressing the inaugural session of the Regional Seminar

guests. Geoffrey Robertson, QC delivered the keynote paper which explored the foundations of human rights in law and policy (*See Report on the Regional Seminar on National Human Rights Commissions in the Asia Pacific, Annex 6*). In a series of plenary and parallel sessions on a variety of relevant themes, seminar participants shared their experiences and knowledge on key human rights issues affecting particular groups in the country, including women, children, indigenous peoples, migrant workers and other minority groups.

At the end of the two-day program, the Dhaka Declaration on Human Rights and National Human

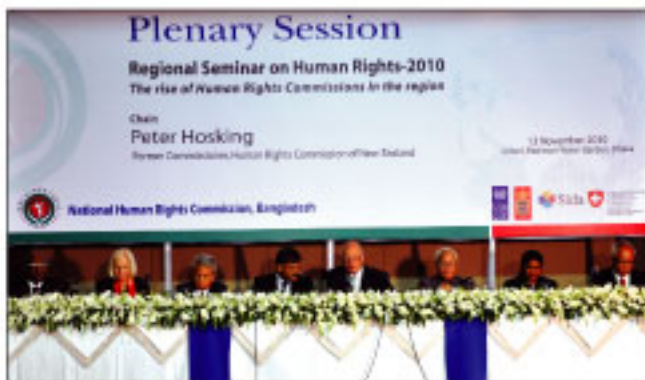
Rights Institutions was adopted by seminar participants. The Dhaka Declaration emphasized the importance of independent, transparent, accountable and effective national human rights institutions. The Declaration also focused on the need for funding and cooperation to ensure that human rights institutions can function strongly and independently. In addition, the Declaration highlights the need for greater regional cooperation in the fight for human rights, particularly regarding human trafficking and migrant labor. It was noted that creative and novel approaches were necessary to address the rights of the downtrodden in the current political and economic environment.



Presence of the participants at the inaugural session of the Regional Seminar



Regional Seminar: Discussion on Child Rights



Plenary Session of the Regional Seminar



Regional Seminar: A thematic session



Group photo of the participants attending the Regional Seminar



HUMAN RIGHTS DAY 2010

Chief Guest : Md. Abdul Hamid Advocate M.P.
Hon'ble Speaker of the Bangladesh Parliament

NEC Auditorium, Sher-e-Bangla Nagar
10 December, 2010

SPEAK UP
STOP DISCRIMINATION



Discussion Meeting in observance of the international Human Rights Day

3. Observance of International Human Rights Day 2010

The NHRC observed International Human Rights Day on 10 December 2010. The theme of the day reflected the year's UN message, "Speak Up, Stop Discrimination". As a part of the program, law students from different universities participated in an awareness campaign by distributing educational materials and promotional stickers on human rights amongst the public in various areas of Dhaka City. In the afternoon, a discussion meeting was held at the NEC Auditorium, Sher-E-Banglanagar, Dhaka.

Honourable Speaker of the Parliament Md. Advocate Abdul Hamid was present at the discussion as Chief Guest. Professor Dr. Shah Alam, Chairman of the Law Commission of Bangladesh, presented a key note on the "Role of National Human Rights Commissions". Stefan Priesner, UNDP Resident Representative in Bangladesh and Ms. Rabab Fatema, Regional Representative of IOM were also present at the occasion as Special Guests. Representatives from various government ministries, civil society members, NGO representatives, news media personalities, and students attended the occasion.



Students' Rally in observance of the international Human Rights Day



Honourable Speaker of the Parliament Advocate Abdul Hamid addressing the Discussion Meeting as the Chief Guest



NHRC Chairman Dr. Mizanur Rahman addressing Discussion Meeting in observance of the international Human Rights Day



Guests having chat after the Discussion Meeting



Presence of the participants at the Discussion Meeting



F. International networking, workshops and seminars

During 2010, NHRC Members and staff participated in the following human rights programs, seminars and international networking activities, and meeting with representatives of foreign missions in Bangladesh:

Thailand

10-12 March 2010: The NHRC Secretary attended a Regional Seminar on the Human Rights of the AIDS/HIV Patients held in Bangkok, Thailand.

United Kingdom

17-18 March 2010: Two NHRC Staff Directors under the leadership of the NHRC Chairman Mr Justice Amirul Kabir Chowdhury participated in a seminar in the United Kingdom. The delegation visited the House of Commons and the House of Lords and observed sessions of the parliament.

Qatar

31 March 2010: NHRC Chairman Justice Chowdhury and several NHRC Staff Directors observed the functions of the Qatar Human Rights Commission and exchanged views on human rights issues. The American Center for International Labour Solidarity arranged a reception in honour of the Chairman and visiting delegation at Hotel Ater Abbas, Doha. The Bangladesh delegation also exchanged views on functions of NHRIs and human rights issues with the representatives from Nepal, the Philippines, Egypt, Pakistan, and the Maldives.



Participation at the 15th APF Annual Meeting

Maldives

30 May-2 June 2010: The NHRC Chairman, Secretary and Director attended a Regional Seminar on International Human Rights Mechanisms in the Maldives. In addition to Bangladesh, representatives of NHRCs from India, Nepal, Sri Lanka and host country Maldives participated in the seminar. The five-day seminar focused on the powers, functions and mechanisms of different UN human rights bodies and various international human rights laws. The seminar adopted a future course of action based on the participant discussions. These “next steps” include:

1. Formation of national human rights institutions at state levels
2. Strengthening human rights awareness campaigns under the leadership of NHRI Chairmen
3. Appointment of adequate staff by NHRIs following confirmation of organogram and service rules



Group photo at the 15th APF Annual Meeting



UN High Commissioner for Human Rights addressing at the 10th ICC Conference



Meeting of the ICC bureau at the 10th ICC Conference

4. Applying for membership in the Asia Pacific Forum
5. Strengthening national human rights commissions by: providing training to members and staff of NHRIs, including opportunities to share and exchange experience; and building an effective network among stakeholders on different human rights issues.

Iran

12-16 July 2010: The NHRC Chairman attended a workshop on Comparative Child Labour Law and Islamic Law at The Mofid University, Iran.

Indonesia

3-5 August 2010: The NHRC Chairman and Secretary attended the 15th Annual Meeting of the Asia Pacific Forum (APF) in Bali, Indonesia. Prof. Dr. Mizanur Rahman, NHRC Chairman, made a presentation on the future plans and upcoming activities of the NHRC.

European Union

12 August 2010: The Commission held a discussion with the Ambassador of the European Union in Bangladesh.

India

5 September 2010: The NHRC Chairman met with the Chairman and Commissioners of the National Human Rights Commission, India. They exchanged views on the human rights situations in their respective countries and explored possibilities for future collaboration.

Afghanistan and Norway

12 October 2010: The Chairman had a courtesy call with the Ambassadors of Norway and Afghanistan in

the office of the Secretary of Foreign Affairs, Dhaka.

Germany

4 October 2010: The Chairman of the Commission met with the German Ambassador to Bangladesh at the NHRC's office in Dhaka to discuss its aims and objectives, challenges and opportunities in the coming year.

Scotland

8-10 October 2010: Kazi Reazul Hoque, Full Time Member, NHRC attended the 11th ICC Conference of National Human Rights Institutions in Edinburgh, Scotland. The Honourable Member called on Ms. Mary Robinson, the former UN High Commissioner for Human Rights and Mr. Navin Pillay, the present UN High Commissioner for Human Rights. Mr. Hoque made a presentation on child rights, child law and human trafficking in the seminar, which included participants from a majority of NHRI representatives around the world (See Report on ICC Conference of NHRIs, Annex 10).

New Zealand

1-3 December 2010: The NHRC Chairman participated in the Conference of the UN High Commissioner on Human Rights held in New Zealand. As a follow up to the previous Auckland meeting, the Conference stressed the important role of NHRIs in promoting the implementation of the UN Declaration on Rights of the Indigenous Peoples and protecting the rights of these peoples. A complementary policy was shared with conference participants, who also discussed best practices for a variety of issues relevant to indigenous



Chapter 7

Challenges to the NHRC and the Way Forward

Human rights, basic freedoms, social equality and democracy are all guaranteed in the Constitution of Bangladesh. Hence the social, economic and political empowerment of the mass population can be ensured through our constitutional framework. Yet these rights have been curtailed many times by military force and through illegal amendments to the Constitution. Consequently, religion-based politics has been elevated to an unprecedented level, which jeopardizes democracy and worsens the human rights situation in the long run. And now the State through its various institutions has become involved in human rights abuse whereas protection should have been its first priority. The reason behind these corrupt activities is the lack of accountability of these state and service provider institutions where voting rights has been the only power left to the citizens.

In order to establish justice for the poor people of Bangladesh, modifications and appropriate implementation of laws and role of poverty to work as impediments in getting justice need to be taken into consideration. To have a meaningful application of the rule of law, truthful and poor-friendly enactments need to be ensured. An effective "Judicial Justice" requires the two prongs of "Legal Justice" and "Administrative Justice" to guarantee social justice for everyone.

Building a Human Rights Culture

Access to justice is a prerequisite to ensuring empowerment of the common people. Yet it is these people who often have to struggle to achieve their rights as citizens of Bangladesh where deprivation has been a common picture nowadays. Law cannot be poor friendly in a major way due to procedural and execution failing culture prevailing in Bangladesh which made people habituated to believe that Law or State- nobody protects people and this misconception is increasing due to poverty and ignorance. On the top of that, procrastinated process discourages every section of society including educated and solvent section from having legal assistance. These bitter

experiences have become the major obstacles in developing a bridge of confidence between the state and the citizens.

But this situation can be improved if state institutions and service provider institutions exercise their professional accountability and ethical transparency to people. And for that, a healthy culture of Human Rights establishment and implementation is necessary all over Bangladesh. To begin this journey, the NHRC has been successful to build confidence through independent activities in observing human rights situation and giving necessary suggestions to uphold human rights. To maintain this confidence of common people, lawyers and legal aid institutions, policy makers and service provider institutions have to change their views to make a successful contribution along with NHRC. Besides, National and International Organizations, Media and every conscious citizen of Bangladesh will have to come forward to make NHRC more powerful. NHRC has just initiated this journey but a collective effort is required to achieve it for Bangladesh.

Partnerships and Coordination to Improve Human Rights Situation

The NHRC has liaisons with other institutions, people from different levels of the society, Government, donor agencies, educational institutions etc. NHRC is committed to discharge following responsibilities:

- To conduct in depth research on human rights-related treaties and documents and to recommend to the Government for their ratifications and possible implementations;
- To analyze the standard of proposed Bangladeshi legal drafts with international standards and to recommend appropriate amendments to the concerned authority;
- To introduce and implement human rights issues in the educational and professional institutions;



View sharing at the NHRC office with the delegation from Nepal

- To cooperate with civil society and business institutions in promoting and protectin human rights in their concerned areas;
- To initiate human rights awareness programs and training in educational, legal and other sectors in order to encourage human rights activism all over the country.

Enhancing Institutional Power and Efficiency of the NHRC

NHRC is committed to analyzing and reporting on the human rights reality nationally and internationally. Being a member of international forum is one of the best ways to communicate consistently with other human rights institutions worldwide. The Asia Pacific Forum (APF) is a very important platform for NHRIs in this region. To become an APF member requires accreditation from the International Coordinating Committee (ICC) of NHRIs, which in turn recognizes Commissions with a minimum level of institutional development. To enhance the institutional power and efficiency of NHRC requires:

- **Legalizing NHRC through National Act:** The establishment and initiatives taken by NHRC require legalization through a National Act. Bangladesh Government has already enacted NHRC Act 2009 to legalize the Commission. The Act got its enforcement from September 01, 2008.
- **Appointment of Full Time Members and Selection of Representatives in Different Sectors:** At present, NHRC has a Chairman and one full

time Member. Other Members are discharging their divisional and issue- based responsibilities as well. Present members are putting their best efforts to contribute to Human Rights promotion. The composition of the Commission is based on plurality where four out of seven members are women along with the presence of religious minority member and indigenous member. We believe our further success with the condition of getting opportunity of giving full time service by the Honorary Members.

- **Appointment of Staffs According to approved Organogram:** The effectiveness and success of NHRC has been impeded due to an insufficient number of staff. NHRC has already approved an organogram of 93 staff members along with relevant Regulations. To achieve ICC approval, appointment of deputation of High Rank Officer cannot be higher than 25% of the entire appointment. Since this appointment process is of a long-term nature, a new Commission will not be able to succeed without the immediate and meaningful cooperation of the Government.
- **Commission Fund:** NHRC Act 2009 includes the establishment of Fund which will be under Commission's supervision. This Fund will provide necessary expenses and salary for Commission's Member and Staffs in accordance with Appointment Stipulations. This monetary source is needed to be allocated by yearly budget. Besides, the approval by ICC also requires own Head Office, monetary and other facilities for the staffs, required remuneration and salary for the Members and all these expenditure should be arranged by Government including other technical supports (i.e. Telephone and Internet). Because the independent functioning of the Commission can be expected by the Government's initiatives and cooperation.
- **Commission's Own Secretariat:** To secure international recognition, NHRC requires its own Secretariat so that the Commission can perform its job directly with the relevant agency promptly and independently.



- **Recognition as a Constitutional Institution:** Addressing the importance of Human Rights Commissions, many states recognized the Commission as a Constitutional one. A recent example is Nepal's Human Rights Commission. NHRC is as important as the other Constitutional Institution like Election Commission and Public Service Commission. Most importantly, Protecting Human Rights is Government's Constitutional rights so NHRC has to have its Constitutional recognition.

Though the reconstituted NHRC has started its journey just a few months ago, Bangladesh has enormous expectations of this Commission. In spite of having certain limitations, NHRC will be able to improve the current human rights situation, which will improve Bangladesh's reputation on the world stage as well.

In light of the potential of the NHRC, its responsibilities and the legitimate expectations of the people, the NHRC offers these specific recommendations to the Government for immediate action in the following areas:

Torture in Detention:

- To provide prisoners with regular medical examinations;
- To issue circular by the Home Ministry stating that if anyone is accused of torturing any prisoner, he will be suspended immediately and for every occurrence there will be a complete investigation to ensure a fair execution of the report;
- To sign and ratify the UN Convention relating to enforced disappearance;
- To establish a separate "Human Rights Protection" unit under the Home Ministry.

Rights of Prisoners and Due Process:

- To resolve the problem of delayed detention of death penalty prisoners, and to establish a Press under the jurisdiction of the Supreme Court to prepare paper book immediately;

- To resolve "minor offences" outside the court with the help of probation officers;
- To take appropriate measures to assist with reintegration of prisoners who have been released and do not have anywhere to go.

Right to Health Care:

- To display the names and amounts of all the medicines those have been allocated by Government free for the hospitals;
- To mark separately all the prescriptions and necessary medicines provided by doctors.

Child Homes:

- Given the current market situation, the per capita food value allocated for the children of the child homes are very meager. The per capita allocation should be increased immediately in line with price and market conditions.
- To appoint cooks for ensuring food quality and so that children are not required to make and cook their own food;
- To maintain consistent food quality and kitchen/eating area cleanliness.

Rights of Indigenous People:

- To accord constitutional recognition of Indigenous Peoples.
- To take proper initiatives to protect the land rights of the adivashis.

Chittagong Hill Tract Peace Treaty:

- To ensure full-fledged implementation of the Chittagong Hill Tract Peace Treaty.

Rights of Migrant Workers:

- To appoint more "Labor Attache" where majority of Bangladeshi migrant workers reside;
- To provide more training initiatives to ensure their rights;
- To appoint "Press Counselor" for enhancing



efficiency and rights awareness in Middle Eastern countries;

- To award the best “Labor Attach” on behalf of NHRC as inspiration/motivation for excellent service.

Right to Education:

- To ensure human rights-based education in every level of education system;
- To include human rights topics in Madrassah schools.

Amendments to the Constitution:

- To recognize economic, social and cultural rights as fundamental rights guaranteed by the Constitution of Bangladesh

Today, there is widespread disenchantment about the role of law and general cynicism about the rule of law. Violations of human rights are frequently defended by

state mechanisms in the subterfuge of administrative trappings. The challenge for the NHRC therefore is the paraphrase of the challenge of governance and the justice system. The NHRC will continue its tireless efforts to argue for a justice delivery system which is socially inspired and people oriented. It aspires to see a society where the art of progressive, innovative delivery of justice is attuned to the needs and situation of the common man. Change being the ultimate desire, the gravestone of the old and the foundation of the new must be laid.

In the larger canvas of our history, the goals and means of justice are the compulsions of human masses hungry for social justice. The NHRC in this journey is set to work as a caravan for those millions who are eternal tenants of an exploitative system. The machinery of the Government has the opportunity to imprint an impression of prudence and secure public confidence by bearing with constructive criticisms and recommendations while extending its support and cooperation to the NHRC in its endeavors.



NHRC presents gift to the ICC Chair Rosslyn Noonan



(Unofficial English version)

Act No.53 of 2009

An Act to establish National Human Rights Commission

Whereas human rights are enshrined in the Constitution of the People's Republic of Bangladesh; and Whereas Protection, Promotion and providing guarantee of human rights have been enshrined in the Constitution of Peoples Republic of Bangladesh as the main aim of the State: and Whereas it is expedient and necessary to establish a National Human Rights Commission and make provisions in this behalf for protecting, promoting and providing guarantee of human rights properly;

It is therefore enacted as follows:-

CHAPTER 1

PREAMBLE

1. Short title and commencement: (1) This Act may be called the National Human Rights Commission Act 2009.
- (2). It shall be deemed to have come into force on the 1st September 2008.
2. Definitions: In this Act, unless there is anything repugnant in the subject or context-
 - (a) "Commission" means the National Human Rights Commission;
 - (b) "Chairman" means the Chairman of the Commission and the person acting as the Chairman of the Commission;
 - (c) "Public servant" means the public servant as defined in section 21 of the penal code;
 - (d) "Penal Code" means the Penal code, 1860(XLV of 1860)
 - (e) "Rules" means the rules made under this Act;
 - (f) "Human Rights" means Right to life, Right to liberty, Right to equality and Right to dignity of a person guaranteed by the constitution of the People's Republic of Bangladesh and such other human rights documents and ratified by the People's Republic of Bangladesh and enforceable by the existing laws of Bangladesh.
 - (g) "Discipline" force means the discipline force stated in the Article of 152(1) of the Constitution of the People's Republic of Bangladesh;
 - (h) "Member" means a Member of the Commission and also includes the Chairman;
 - (i) "Evidence Act" means the Evidence Act, 1872 (1 of 1872);
 - (j) "Constitution" means the Constitution of the People's Republic of Bangladesh.

CHAPTER-II

ESTABLISHMENT OF HUMAN RIGHTS COMMISSION

3. Establishment of the National Human Rights Commission: (1) After the Act comes into force, a Commission to be called as the National Human Rights Commission shall as soon as possible, be established for carrying out the purposes of this Act and in accordance with the provisions of this Act.



- (2) The Commission shall be a statutory independent body having perpetual succession and the power, among others, to acquire, hold, manage, dispose of property, both moveable and immovable, and shall by the said name sue and be used.
- (3) The Commission shall have an official seal, which shall be kept under the authority of the Secretary of the Commission
4. Office of the Commission: The Head office of the Commission shall be situated in Dhaka and the Commission in case of necessity may establish offices in the Divisions, Districts and Upazillas.
5. Formation of the Commission:(1) The Commission shall consist of a Chairman and Members not exceeding six.
 - (2) Chairman and one Member of the Commission shall be full time and other Members shall be honorary.
 - (3) Among the Members at least one shall be woman and one shall be from the ethnic group.
 - (4) Chairman shall be the Chief Executive of the Commission
6. Appointment, terms of office, resignation, etc of the Chairman and Members of the Commission: (1) The President shall, upon recommendation of the Selection Committee, appoint the Chairman and Members of the Commission:

provided that, no person shall be qualified for appointment to the post of the Chairman or a Member of the Commission if he is less than 35 years of age and over 70 years of age.

 - (2) The Chairman and the Members of the Commission shall, subject to the provisions of this section, be appointed from amongst the persons who have remarkable contribution in the field of legal or judicial activities, human rights, education, social service or human development.
 - (3) The Chairman and Members of the Commission shall hold office for a term of three years from the date on which he enters upon his office:

Provided that a person shall not be appointed for more than two terms as a Chairman or Member of the Commission.
 - (4) The Chairman or any Member of the Commission may, before completion of his tenure as stated in Sub-section (3), resign his office by writing under his hand addressed to the President
 - (5) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the function of his office on account of absence, illness or any other reason, the Full Time Member of the Commission to act as Chairman until a newly appointed Chairman holds office or until the Chairman resumes the function of his office, as the case may be.
7. The selection Committee: (1) To make recommendation on the appointment of the Chairman and Members, a selection Committee shall consist of the following seven Members:-
 - (a) Speaker of the parliament who shall also be its Chairman
 - (b) Minister, Ministry of Law, Justice and Parliamentary Affairs
 - (c) Minister, Ministry of Home Affairs
 - (d) Chairman, Law Commission
 - (e) Cabinet Secretary, Cabinet Division



- (f) Two Members of the Parliament, nominated by the Speaker of the Parliament, out of whom one shall belong to the Treasury Bench and the other from the opposition.
 - (2) The Ministry of Law, Justice and Parliamentary Affairs shall provide the Selection Committee with necessary secretarial assistance for discharging its function.
 - (3) The presence of four (4) Members shall constitute the quorum of the Selection Committee
 - (4) For the purpose of making recommendation on the appointment of the Chairman and Members, the Selection Committee, Shall recommend two names against each vacant post on the basis of the decision of the majority of the votes of the Members present, and in case of equality of votes, the person presiding over the meeting shall exercise casting vote.
 - (5) The Selection Committee shall determine the procedure of its meeting.
8. Removal of the Chairman or a Member: (1) The Chairman or any Member of the Commission shall not be removed from his office except in like manner and on the like grounds as Judge of the Supreme Court.
- (2) Notwithstanding anything contained in sub-section (1), the President may remove the Chairman or any other Member from his office, if he-
 - (a) is declared insolvent by any competent court; or
 - (b) In case of Chairman and full time Member engages himself in any post extraneous to his own duties during his term of office for remuneration; or
 - (c) is declared by a competent court to be of unsound mind; or
 - (d) is convicted of any offence involving moral turpitude
9. Vacancies to the post of Members not to invalidate any act or the proceeding of the Commission: No act or proceeding of the Commission shall be invalid or called in question merely on the ground of existence of any vacancy in the office of the Member or defect in the constitution of the Commission.
10. Salaries, allowances etc of the Members: (1) The Chairman shall be entitled to get salaries, allowances and other privileges as a Judge of the Appellate Division of the Supreme Court.
- (2) The Permanent Member shall be entitled to get salaries, allowances and other privileges as a Judge of the High Court Division of the Supreme Court.
 - (3) The Honorary Members shall be entitled to get Honorarium and allowances for discharging their duties including attending Commission Meeting at the rates as determined by the Commission.
11. Meeting of the Commission: (1) The Commission shall, subject to the provisions of this Ordinance, determine the procedure of its meetings.
- (2) The Chairman shall preside over all the meetings of the Commission and in his absence the full time member shall preside over the meeting.
 - (3) The presence of the Chairman and at least three members shall constitute the quorum of a meeting
 - (4) For taking decision in the meeting of the Commission each Member shall have one vote and in case of equality of votes, the person presiding over the meeting shall have a second or casting vote.
 - (5) These shall be at least one meeting of the Commission within two months.



CHAPTER-III

FUNCTIONS OF THE COMMISSION

12. Functions of the Commission: (1) The Commission shall perform all or any of the following functions, namely:-
- (a) to inquire, suo-moto or on a petition presented to it by a person affected or any person on his behalf, into complaint of violation of human rights or abetment thereof, by a person, state or government agency or institution or organization.
 - (b) to inquire, suo-moto or on a petition presented by the person affected or any person on his behalf, into any allegation of violation of human rights or abetment thereof or negligence to obstruct violation of human rights by a public servant.
 - (c) To visit any jail or any other places where persons are detained or lodged for the purpose of correction, custody, treatment, or such other welfare, and to make recommendation to the government thereon for the development of those places and conditions;
 - (d) To review the safeguards of human rights provided by the Constitution or any other law for the time being in force and to make recommendation to the government for their effective implementation.
 - (e) To review the factors, including acts of terrorism that inhibit the safeguards of human rights and to make recommendations to the Government for their appropriate remedial measures;
 - (f) To research or study treaties and other international instruments on human rights and to make recommendation to the government for their effective implementation.
 - (g) To examine the draft bills and proposals for new legislation for verifying their conformity with international human rights standards and to make recommendations for amendment to the appropriate authority for ensuring their uniformity with the international human rights instruments.
 - (h) To give advice to the Government for ratifying or signing the international human rights instruments and to ensure their implementation;
 - (i) To research into human rights and to take part in their execution in educational and professional institutions;
 - (j) To publicize human rights literacy among various sections of society and to promote awareness of the safeguards available for the protection of those through publications and other available means;
 - (k) To encourage and coordinate the efforts of Non-Governmental Organizations and institutions working in the field of human rights;
 - (l) To enquire and investigate into complaint related to the violation or probability of violation of human rights and resolve the issue through mediation and consensus.
 - (m) To advise and assist the Government by providing necessary legal and administrative directions for protection and development of human rights.
 - (n) To make recommendation to the Government so that the measures taken through the laws of the land in force and administrative programs are of international standard ensuring human rights;
 - (o) To assist and advice the organizations, institutions and generally the civil society for effective application of human rights;
 - (p) To arrange research, seminar, symposium, workshop and related activities for increasing public



awareness and to publish and disseminate the research results.

- (q) To provide training to the members of the Law enforcing agencies regarding protection of human rights
 - (r) To provide legal assistance to the aggrieved person or any other person on behalf of the aggrieved person to lodge a complain before the Human Rights Commission.
 - (s) To undertake such other functions, as it may consider necessary for the promotion of human rights.
- (2) Notwithstanding anything contained in sub-section(1), the following matters shall not be included into the functions or duties of the Commission, such as:-
- (a) Issues relating to the cases being tried before a court;
 - (b) Issues being considered by the ombudsman under the ombudsman Act, 1980(XV of 1980)
 - (c) any issue relating to the service matters of the public servants of the Republic and any employee engaged in the service of a statutory government authority which is triable in a any Tribunal established under the Administrative Tribunals Act, 1980(VII OF 1981)
13. Reference from the Supreme Court:(1) The Supreme Court may send any issue derived from an application made under article 102 of the Constitution, to the Commission for submitting report after enquiry.
- (2) The Commission shall, after making an enquiry into the matter under sub-section (1), submit the report to the Supreme Court within the time frame, if any, mentioned in the reference.
14. Steps to be taken in case of revelation of Human Rights violation: (1) If any human rights violation is revealed from the enquiry of the Commission, the Commission may take steps to resolve it through mediation and arbitration.
- (2) If the mediation and arbitration under sub-section (1) does not succeed, the Commission shall-
- (a) Recommend to the appropriate authority to file case or take any proceedings against the human rights violator.
 - (b) Recommend to the appropriate authority or person to prevent and treat human rights violation.
- (3) The Commission shall not make any recommendation under this section without giving opportunity of hearing to the person who has violated human rights or who is about to violate human rights.
- (4) The Commission shall send a copy of the recommendation of the Commission under this section to the complainant.
- (5) The Commission may require the person or authority, to which the recommendation is sent for action, to send a follow up report on the measures taken according to the recommendation and it shall be the duty of the person or authority to send the report required.
- (6) If any person or authority to whom recommendation was sent under this section from the Commission, fails to submit the report required, or if the Commission considers the action taken or proposed to be taken as insufficient, the Commission shall, if it considers appropriate, send the full description of the issue to the President and the President shall take necessary measures to lay a copy of that report to the Parliament.
15. Appointment of arbitrators or mediators: (1) If any issue is sent under this Act for mediation or



- arbitration, the Commission may appoint one or more persons to mediate or arbitrate between the parties.
- (2) the procedure of appointment and power of the mediator or arbitrator shall be determined by rules.
 - (3) The Commission may order the concerned parties to be present before the mediator or arbitrator for mediation or arbitration.
 - (4) the sessions of the mediators and arbitrators may be held in open or in camera.
 - (5) If the issue is not resolved through mediation or arbitration or any party objects for the mediation or arbitration, the mediator or arbitrator shall inform the matter to the Commission.
 - (6) If there is a settlement through mediation or arbitration, the mediator or arbitrator shall inform the matter to the Commission.
 - (7) In order to execute the settlement made under sub-section (6), the Commission may, along with other instructions, give instruction to impose fine as it deems appropriate.
16. Powers relating to inquiries: The Commission shall have the following powers for the purposes of investigation and inquiries under this Act, namely:
- (a) Summoning and ensuring the attendance of witnesses and examining them;
 - (b) Summoning for giving written or oral evidence by oath.
 - (c) Summoning any person living in Bangladesh to give evidence being present before any meeting of the Commission and to produce any document which remains in his possessions;
 - (d) Providing authorization for or against the public participation in an investigation or inquiry.
17. Enquiry as to complaint: (1) The Commission while inquiring into the complaint of violation of human rights may call for report or information from the Government or any authority of the Government or any other organization within the time specified by the
- (2) If the Commission does not receive the report or information within the time specified under Sub-section(1) the Commission may on its own initiative may start inquiry
 - (3) On receipt of information under sub-section(1)if the Commission is satisfied that
 - (a) There is no necessity of further inquiry: or
 - (b) The Government or the Authority as the case may be has taken proper action or has started initiative to take up proper action,-Then the Commission will not proceed to make any inquiry into the matters.
18. Procedure to be followed in case of disciplined force: (1) notwithstanding any other provision of this Act the Commission suo-moto or on the basis of any application may call for report from the Government on the allegation of violation of human rights by the disciplined force or any of its members
- (2) If any report is called for under Sub-section(1) the Government shall submit the report to the Commission
 - (3) On receipt of the report under Subsection (2) the Commission
 - (a) if satisfied would not proceed in the matter any further.



- (b) if deems it necessary may make recommendation to the Government for actions to be taken in the matter.
- (4) On receipt of the recommendation under Subsection (3) the Government shall inform in writing the action taken in the matter within six months.
- (5) On receipt of the report under sub-section (4) the Commission shall furnish its copy to the Complainant or his representative, as the case may be.
- 19. Procedure after inquiry: (1) Notwithstanding anything to the contrary contained in the Act, if the Commission finds the complaint is true, after concluding the inquiry, it may,
 - (a) Recommend to the Government to initiate proceeding for prosecution or take such other legal action against the concerned person and at the same time shall recommend appropriate case or other legal proceedings.
 - (b) Submit or cause to submit a petition before the High Court Division of the Supreme Court on behalf of the aggrieved person if the High Court Division is competent to pass order or give instruction under article 102 of the Constitution.
- (2) The Commission may under sub-section (1) recommend to the Government or concerned authority to sanction such amount of temporary grant to the victim or his family as the Commission may consider appropriate.
- (3) The Commission shall provide a copy of the inquiry report to the aggrieved person or his representative.
- (4) The Commission shall send a copy of the inquiry report with recommendations under sub-section (1) and (2), to the Government or to the concerned authority and the Government or to the concerned authority shall, within a period of three months from receiving the report, inform the Commission about the action taken or proposed to be taken thereon provided that, if the Government or the authority contradicts with the Commission, or fails or denies to take decision according to the recommendations of the Commission, the Government or the authority shall inform the Commission about the reasons of such contradiction, inability or denial within the aforesaid time limit.
- (5) The Commission shall publish the summary of its inquiry report and its decision or recommendation on the report, in such manner as it thinks fit.

Provided that, if the Commission is satisfied that it is necessary to publish the inquiry report, the whole or any part thereof for general information considering its importance, it shall publish the report, the whole or any part thereof, as the case may be:

Provided further that, if the Commission is satisfied that, it is not necessary to publish the summary of any report, it shall not be necessary to publish anything of the said report.
- (6) The Commission shall have the right to intervene in any proceeding involving allegation of violation of human rights pending before any court or in any legal proceeding.
- 20. Privileges of the witness giving evidence to the Commission: (1) The person who gives evidence to the (2)Commission shall have the same privileges of the person who gives evidence to the court.
- (2) No suit or prosecution shall lie against any person for his statement or speech that is recorded as evidence before the Commission and that statement or opinion shall not be used in any proceeding of criminal or civil nature; but he shall not be absolved of any offence for false evidence; if there is any, in his statement or speech.



21. Execution of summons: (1) Each summons under this Act shall be issued with the signature of the Chairman or any Member or officer of the Commission authorized by it for this purpose.

(2) the person to whom the summons is served, shall be present before the Commission in the time and place mentioned thereon and that person shall answer all the questions asked by Commission and, in accordance with the spirit of the summon, also submit all the documents which are in his possession.
22. Annual report of the Commission: (1) The Commission shall submit an annual report to the Honorable President regarding it's activities of the previous with 30 March in each year.

(2) There shall be memorandum with the annual report under sub-section (1), in which the Commission shall, among other things, in so far as it knows, note the reasons of not taking necessary action or measures as per the recommendations of the Commission.

CHAPTER-IV

OFFICERS ETC OF THE COMMISSION

23. Officers and employees of the Commission: (1) There shall be a Secretary of the Commission

(2) The Commission may, under this Act, appoint such officers and employees as it considers necessary for the efficient performance of its functions.

(3) Salary, remuneration and other terms and conditions of the services of the Secretary and other officers and employees of the Commission shall be determined by rules

Provided that the salary, remuneration and other terms and conditions of the service of the Secretary and other officers and employees shall be determined by the Government until such rules are made
- (4) The Government may, on request from the Commission, appoint any officer and employee of the Republic to the Commission on deputation.
24. Human Rights Commission Fund: (1) A fund to be called as Human Rights Commission Fund shall be formed for carrying out the purposes of the Act.

(2) The Management and administration of the Human Rights Commission Fund hereinafter referred to as the Fund in the section, shall, subject to the provisions of this section and of the rules, be vested in the Commission.

(3) Salary, remuneration and other monetary facilities in accordance with the terms and conditions of the service of the Members, officers and staff of the Commission and other necessary expenses of the Commission shall be disbursed from the fund.

(4) The following money shall be deposited to the Fund, such as
 - (a) Annual grant allocated by the Government
 - (b) Grants provided by the local authorities.
25. Financial Freedom of the Commission: (1) The Government shall allocate specific amount of money for the Commission in each fiscal year; and it shall not be necessary for the Commission to take prior approval from the Government to spend such allocated money for the approved and specified purpose.



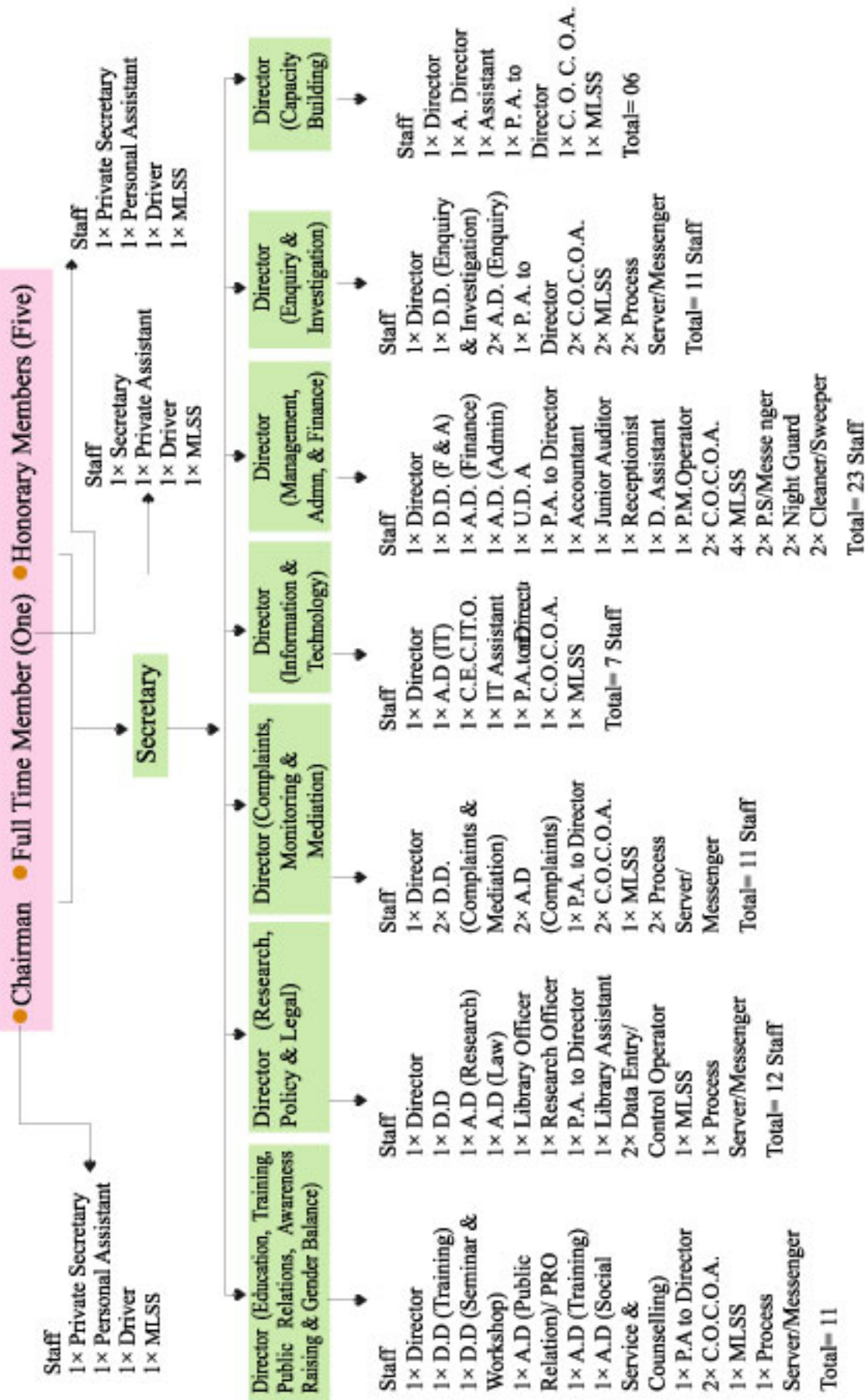
The provisions of this section shall not be construed to have prejudiced the rights of the Auditor-General under Article 128 of the Constitution.

26. **Audit and Accounts:** (1) The Commission shall maintain its accounts properly and prepare annual statement of its accounts.
 - (2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, every year and a copy of the audit report shall be submitted to the Government and to the Commission.
 - (3) For the purpose of an audit under sub-section (2) the Auditor General or any person authorized by him in this behalf shall have accesses to all records, documents, cash or deposited currency to the bank, securities, stores and other property of the Commission, and may examine any Member or any other officer or employee of the Commission.
27. **Public Servant:** the Chairman, Members, Secretary, other officers and staff and every officer assigned to work under this Act by the Commission shall be deemed to be public servant as it is defined under section 21 of the penal code.
28. **Delegation of Power:** The Commission may delegate any of its powers to the Chairman, Members or Secretary, subject to such terms and conditions as it may determine.
29. **Protection of action taken in good faith:** No suit or prosecution or other legal proceedings shall lie against the Government, the Commission, any Member, officer and employee of the Government or the Commission for any publication, report or any other activity of the Government and the Commission, for anything which is, in good faith, done under this Act or the rules made there under, for any damage caused or likely to be caused by such thing.
30. **Power to make rules:** (1) The Commission may, with prior approval of the President and by notification in the official Gazette, make rules for carrying out the purposes of this Act.
31. **Publication of English text:** (1) The Government shall, after the commencement of this Act, by notification in the official Gazette, publish an authentic text of authorized translation in English of the Act.
 - (2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.
32. (1) **Provision as to saving:** Anything done or any action taken under the National Human Rights Commission Ordinance (Ordinance 40 of 2007) hereinafter referred to as the aforesaid Ordinance, shall be deemed to have been taken and done under the provisions of this Act.
 - (2) Not with standing the cessation of the aforesaid Ordinance under the provision of Article 93(2) of the Constitution of the People's Republic of Bangladesh any act done or action taken in continuity shall, subject to the provisions of this Act, be deemed to have been done or taken under this Act.

NHRC ORGANOGRAM

COMMISSION

Annex 2



● Grand Total= 87+06=93

- D.D = Deputy Director
- A.D = Assistant Director
- P.A = Personal Assistant
- U.D.A = Upper Division Assistant
- C. O. C. O.A = Computer Operator Cum Office Assistant
- P.S = Process Server



National Human Rights Commission

Draft Strategic Plan for Consultation

Consultation on Strategic Plan

This draft of the Strategic Plan has been distributed for consultation purposes. The Commission plans to consult widely on it – both to access the breadth of human rights experience in the community and also as a measure of transparency and accountability. Public meetings will be held to get feedback on the plan and meetings will also be held with relevant stakeholders. The NHRC will also accept written submissions on the plan and emailed comment.

Draft of 27 October 2010



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 - 6.2 Human Rights Promotion, Education and Awareness-raising
 - 6.3 Human Rights Monitoring and Investigation
 - 6.4 Human Rights Research, Reporting and Policy Development
7. Five Year Outcomes



1. Chairman's Foreword

This is the NHRC's first strategic plan. It sets our broad direction and priorities for the next five years. Its theme is cooperation – reflecting the reality that the NHRC cannot function in isolation. In order to achieve our long-term aims we will need to harness the considerable amount of human rights experience and expertise that exists not just in Bangladesh but abroad as well. Although ours is a unique institution in bringing together the human rights education, investigation and policy roles in one organisation, we expect to work in each of these areas in cooperation with both civil society and the official sector.

National human rights institutions lie in a special place in the national infrastructure. NHRIs are official organisations – established by legislation, funded by the government and appointed through state structures. But, like NGOs, they are also independent of government control and are in charge of their own budgets, appoint their own staff and decide their own priorities and strategies. This special character suits working with both the civil and state sectors and we intend to exploit it to the full.

Our independence is the key to our effectiveness. A number of features of the NHRC legislation ensure this – the appointment process; provisions in the law to the effect that we are able to appoint our own officers and employees and establish their terms and conditions of work; and sections that establish our financial freedom. We have yet to work through all the implications of this with the government secretariat but are hopeful that an effective working relationship with the authorities can be established soon.

Being independent of the executive does not mean, however, that we are not accountable. Our accounts are scrutinised by the auditor-general and we are required to report annually to the President and publicise our work. We intend to operate in a transparent manner to enhance this accountability.

Nor does being independent mean that we should isolate ourselves. On the contrary we aim to develop active partnerships with civil society and government agencies alike and we look forward to their active engagement with us. We know that we will have to establish our credibility on this front through adopting an objective and apolitical standpoint in all that we do. It helps that we are a diverse and pluralistic group of commissioners but we recognise the need to consult widely among all sectors – and will begin that process with a broad consultation process around the first draft of this strategic plan.

The journey to the establishment of the NHRC has been long and winding – and we pay tribute to the persistence and commitment shown by all those who worked to bring the organisation into existence. The challenge for the NHRC now is to meet the expectations of these and all our constituents. It is a challenge we readily accept and commit to.

2. Vision and Mission

We have developed vision and mission statements to identify our overall direction for staff and commissioners alike. While achieving our vision may take a generation or more, we all need to be working to achieve the same outcomes. And clearly defining our role will assist with defining the parameters of our relationships with our stakeholders.



Vision – A human rights culture throughout Bangladesh

Mission – To ensure the rule of law, social justice, freedom and human dignity through promoting and protecting human rights

3. Long-Term Goals

We have identified four long-term goals – representing the destination of the journey the Commission is embarking on. While the present commissioners are unlikely to see these achieved during our terms, we can start down the road with good plans, some clear priorities and the most effective systems in place to fulfil these priorities.

Goal One: A human rights culture throughout Bangladesh where people's human dignity is respected

Goal Two: A just society where violence by state is an episode of the past and officials know, and are held accountable for, their responsibilities

Goal Three: A nation that is respected internationally for:

- its human rights compliance
- ratification of all human rights instruments
- up-to-date reporting to treaty bodies
- open cooperation with UN special mechanisms

Goal Four: An NHRC that is credible, apolitical, objective and effective and respected for leading human rights protection throughout the country

It is unlikely that our long-term goals will be achieved in the life of the present commission, or, indeed, many commissions to come. None the less it is important to be clear about what we are all trying to achieve. This will give us a basis for deciding on shorter term strategies that are achievable within a reasonable timeframe.

4. Key Strategies

In order to reach these long-term goals, clear strategies are needed. Our basic approach will be to develop strong working relationships with both civil society (to take advantage of the breadth of human rights experience in the country) and with state agencies (in order to have our policy proposals and recommendations implemented). Both are equally important.



We are fully aware that a considerable amount of human rights awareness-raising, research and policy development and monitoring is being undertaken by a range of NGOs. We hope to be able to tap into this experience and to add value to it where we can. It may be, for example, that we can use the Commission's official status to have existing awareness-raising programmes broadcast on state media, suitably modified if necessary.

Similarly, we will be making our own recommendations to the authorities on human rights policy, but we hope to cooperate with those already doing research on particular human rights to strengthen their recommendations. And we hope to be able to use NGOs as conduits for complaints, and to strengthen monitoring work already being undertaken with the NHRC's legal powers. The Commission's function of inspecting places of detention, for example, can open doors that have hitherto been closed to NGOs. Similarly, when undertaking inquiries the Commission has powers to summon witnesses and examine them on oath. These official powers go well beyond what NGOs or other civil society actors are able to do.

We recognise that often much more progress can be made on the human rights front by focussing on systematic change. The National Human Rights Commission Act 2009 does empower the Commission to inquire into complaints of human rights violations from individuals affected and others complaining on their behalf. We are already receiving a regular flow of complaints and will pursue these as effectively as we can. However, securing changes in the system change can affect very large numbers of people. Wherever possible we will work to achieve large-scale changes affecting groups of our constituents.

Since the first Commission was established by ordinance during the period of the caretaker government, efforts have been made to secure an adequate budget, accessible premises and an effective secretariat. These initiatives have continued since the appointment of current commissioners, but a number of difficulties remain. Although we are currently housed in a building in Lalmatia, this will need to be vacated shortly and we need to locate more secure accommodation. Some funds have been made available from the state budget but these are far from adequate and will need to be increased substantially if we are to become an effective institution. Similarly, the staff currently allocated to the Commission fall short by a substantial margin in numbers and capacity for what we require to fulfil our role. We need to give priority to overcoming these hurdles.

Key Strategies:

- Cooperate with others in the human rights field – with state agencies and civil society alike
- Add value to what is already being done by stakeholders
- Focus on systemic change
- Identify and resolve road blocks to acting independently – for example, our current inability to secure own budget, staff etc



5. Pressing Human Rights Issues

The NHRC's mandate is extremely broad – it has to act across the full range of human rights set out in the Constitution and ratified international human rights instruments. These include both civil and political rights as well as economic, social and cultural rights. It is clear however that the NHRC will be unable to address every human rights issue at once – it will need to prioritise. This is not to rank any particular human right as more important than another. Rather it recognises that the Commission, particularly in its early period, will be under severe capacity constraints and will be able to focus initially on a limited range of issues.

The Commission will decide on its initial priorities only after consultation with its stakeholders, particularly civil society. For the purpose of generation discussion, a number of pressing human rights issues have been identified in the list that follows:

- Violence against women
- Discrimination against women
- Violence by state mechanisms, particularly enforced disappearance, torture and extra judicial killings
- Situation in CHT and local access to justice
- Discrimination against indigenous peoples and ethnic minorities
- Religious minorities
- Migrant workers
- Discrimination against people with disabilities
- Basic economic and social rights for all citizens
- Health rights
- Lack of awareness and responsibility of public servants towards peoples' human rights
- Child rights and child labour
- Right to education
- Access to justice for the poor
- Climate change and environmental issues
- Compliance with ratified international human rights instruments

This is not an exclusive list, nor is it in any particular order. It may be amended following consultation on this strategic plan. Moreover, other urgent human rights issues are likely to emerge from time to time which require the Commission's attention. These will be added to the Commission's priorities as necessary.

The NHRC's intention is to hold a roundtable with relevant stakeholders working in each of these thematic areas. The purpose of the roundtables would be to identify what strategies and activities are already underway and how the Commission can use its official status and powers to advance the particular human rights issue. A working agreement would result which would specify the roles of each of the partners in the exercise with medium term outcomes and key performance indicators.



6. Focal Areas for Next Five Years

6.1 Institutional Development of the NHRC

Unless we build the NHRC into an efficient and effective institution, we have little hope in achieving the long-term goals we have set for ourselves, let alone our shorter term strategies or meeting the high expectations that the establishment of the NHRC has generated. At present nearly all the staff allocated to the Commission have administrative or financial roles – we have practically no technical staff. As already noted, our current premises are only temporary and we have received only a nominal budget. These shortcomings have meant that we have been unable to establish appropriate systems, infrastructure and logistics, let alone make a start on fulfilling our extensive responsibilities.

In addition, we need to further raise public awareness of the NHRC and our broad-ranging functions. Unless our constituents know we exist, and what we can do, we will be unable to protect their human rights. Our budget needs to be increased substantially – and we are encouraged that the government and the President have expressed their support and commitment to enable the NHRC to operate effectively. We also need, as a matter of urgency, to employ staff, train them in all their functional roles – including in processing the complaints of human rights violations we are already receiving – and support them with effective resource management systems. We also have to develop effective operating systems – decision-making, administrative and financial.

The NHRC is fortunate to have the support of a five year capacity development project coordinated by UNDP in partnership with the governments of Denmark, Sweden, Switzerland and Korea. That project has established the following benchmarks which the NHRC adopts as its institutional goals:

- NHRC's organisation structure is designed and implemented
- Strategic planning systems designed and implemented underpinning the NHRC's activities with planning, budgeting and performance measurement (M&E)
- Human Resource Management, policies, structures, systems and procedures developed and implemented
- Regional Offices of the NHRC established and fully operational
- Commission members and Secretary are fully equipped to provide leadership and good management to the NHRC.
- Budgeting and financial management policies, structure, systems and procedures developed and implemented.

Outcome: General awareness of the NHRC and all its roles. A credible institution established and operating effectively and efficiently.



6.2 Human Rights Promotion, Education and Awareness-raising

National institutions need effective human rights information, education and communication strategies, including human rights awareness-raising programmes extensive. This recognises that unless NHRI constituents are aware of and understand their rights, they will be unable to access them. That said, the NHRC is aware that there have been a range of human rights awareness-raising programmes initiatives in various parts of the country over a considerable period of time. Whatever the Commission does in this area should complement and build on these initiatives and the commission is committed to working with NGOs to spread the NHRCs message countrywide.

As a starting point, the Commission proposes to undertake a detailed baseline study to determine public attitudes and awareness of human rights as well as awareness of the Commission's existence and role. The Commission will also may current and recent awareness-raising initiatives to better coordinate future information and education strategies. These activities will provide critical baseline data which will support the development of appropriate and targeted community education campaigns by the Commission. It is intended that the baseline study be repeated after two years and after a further three years to enable the Commission to monitor and evaluate the effectiveness of its programmers. The capacity development project coordinated by UNDP will support these activities, including assisting with the design and implementation of a comprehensive public education and information strategy based on the baseline study.

If the Commission is to meet its long-term goal of a just society where violence by state is an episode of the past and officials know, and are held accountable for, their responsibilities, extensive training programmes and policy initiatives are going to be required. Just as the Commission does not have the capacity by itself to develop a human rights culture throughout the country, so it will need considerable assistance from partners to make officials aware of their responsibilities and ensure that they comply with them. The Commission intends to work with all relevant training institutions and departments in the official sector to train their trainers to mainstream human rights into their own training programmes.

In time, the NHRC intends to undertake regular national inquiries into specific human rights issues. While the intense nature of national enquiries and the extensive resources they will require means the first inquiry will need to wait until the Commission is at full capacity, it is a medium term strategy to take advantage of the profile and effectiveness that such initiatives can generate.

Outcome: Public awareness of their rights and freely exercising them; state actors meeting their responsibilities



6.3 Human Rights Monitoring and Investigation

The NHRC currently receives a regular flow of complaints of human rights violations and expects these to grow exponentially as the Commission's profile rises. At present its capacity to resolve these grievances is very limited, both in terms of staff capacity and systems. Effective complaints systems that avoid bureaucracy need developing. Once staff are recruited, they will need training in investigation and monitoring as well as mediation and conciliation to resolve grievances effectively.

Systematic monitoring systems will be established in cooperation with the institutions where violations are reported, particularly in the law enforcement sector where the NHRC intends to focus on enforced disappearance, torture and extra judicial killings.

Outcome: Human rights grievances effectively resolved through investigation and conciliation. A progressive and sustained reduction in human rights violations by the authorities.

6.4 Human rights research, reporting and policy development

If the Commission is to achieve compliance of existing and new legislation and administrative practices with international human rights standards, it will need to enlist the active cooperation of all ministries. There is a large volume of legislation to be reviewed and new policies are required to ensure that future legislation is human rights compliant. Rather than have its own staff review all legislation (a very large task) the NHRC plans to develop a programme to train ministry officials to conduct audits of the legislation for which their ministries have responsibility and to develop plans to upgrade laws where required. Subordinate legislation and administrative practices will also be included in the process. The Commission's role will be to review these audits and plans and oversee the whole process.

The Commission will also work with Parliament to ensure that Members of Parliament are aware of the need for legislation to be human rights compliant. New Parliamentary committees may be needed which would also review and debate the Commission's annual and periodic reports.

In relation to human rights research, reliable databases are needed that accurately record human rights violations. The data collected will feed into the Commission's recommendations as well as the state's international reporting responsibilities, both to international treaty bodies and UN Human Rights Council's Universal Periodic Review. Where necessary the NHRC will prepare parallel reports to treaty bodies.

Outcome: Human rights compliant legislation and state policy – up-to-date and informative reports to UN treaty bodies

7. Five Year Outcomes

On each of the pressing human rights issues that the Commission has prioritised, the Commission will, in cooperation with relevant stakeholders, develop key strategies and performance indicators. The following schedule is tentative, developed to promote discussion with civil society sectors and state agencies working in the area of each pressing issue. One of the outcomes of the Roundtables will be action plans with clear KPIs.

**OUTLINE KEY STRATEGIES FOR PRESSING HUMAN RIGHTS ISSUES****1. GENDER BASED VIOLENCE**

5 year outcome	Key Strategies	KPI
GBV taken seriously by authorities = police, judges, media, MPs	Roundtable organised with key stakeholders in GBV field to identify where NHRC can add value - GBV Action Plan developed addressing preventive action by authorities on acid attacks, rape, beatings etc	Action Plan developed and implemented
	Work with authorities and parliament to ensure Domestic Violence (Protection and Prevention) Act 2010 implemented effectively	Implementation plan developed
	Complaints of violence against women prioritised at NHRC in conjunction with NGOs working in the field; gender sensitive complaints process developed	Significant and improved outcomes in complaints of violence against women
	Media campaign based on complaints statistics, including on behaviour such as so-called "eve teasing"/ public sexual harassment, street harassment or molestation of women by men	Women freely report harassment and violence. Pre and post campaign surveys show improved public awareness and attitudes
	Support GBV initiatives undertaken by Bangladesh police	Positive indicators from police KPIs



2. DISCRIMINATION AGAINST WOMEN

5 year outcome	Key Strategies	KPI
Causes of discrimination clearly identified, relevant state agencies develop reform programmes to eliminate discrimination against women	Roundtable organised with key stakeholders in working on discrimination against women to identify where NHRC can add value - Action Plan developed	Action Plan developed and implemented
	Legislation and administrative practices reviewed for compliance with international standards on discrimination against women	Reviews completed, reform programme commenced with agreed KPIs
	Work with National Council for Women and Child Development and other authorities and key NGOs on Policy for the Advancement of Women (2008) to identify where NHRC can add value	Action Plan for NHRC developed and implemented
	Complaints to NRHC of discrimination against women prioritised - focus on developing systematic solutions	Increased reporting of discrimination against women
	Media campaign on discrimination against women	Pre and post campaign surveys show significant and progressive increase in awareness and improved attitudes towards discrimination against women
	All human rights awareness-raising includes discrimination against women.	Pre and post campaign surveys

3. VIOLENCE BY STATE MECHANISMS

5 year outcome	Key Strategies	KPI
Visible and ongoing reduction in the incidence of violence by state mechanisms	Roundtable with key NGOs monitoring and investigating violence by state mechanisms	Roundtables produce Action Plans with KPIs
	Work with authorities to ratify:- OP-CAT and establish a national torture prevention mechanism; - Convention Against Enforced Disappearance;	OP-CAT ratified NPM established CED ratified
	Develop a programme of NHRC unannounced visits/monitoring for Police detention/cells and other places of detention	Sustained reduction in deaths in custody and reports of torture
	Promote independence, professionalism and accountability of the police through law reform and capacity development	Police Act, Bengal Police Regulations, Evidence Act and Code of Criminal Procedure revised
	Reliable data collected at District level	Information from database included in NHRC annual and thematic reports
	Develop strong links with disciplined forces	Joint programmes developed
	All disciplined forces develop policies and programmes to reduce violence by state mechanisms	Disciplined force report positive outcomes under policies and programmes



4. SITUATION IN CHT AND LOCAL ACCESS TO JUSTICE

5 year outcome	Key Strategies	KPI
Chittagong Hill Tracts Peace Treaty honoured and fully implemented	Roundtable with National Committee for Implementation of the CHT Peace Treaty and key NGOs monitoring and investigating CHT issues to identify role(s) for NHRC	Roundtable produces action plans with KPIs KPIs indicate improved access to justice for local tribes
	Work with authorities, including the Land Commission, to accelerate resolution of longstanding CHT land disputes in consonance with the law, custom and practice in force in the CHT	Land disputes effectively resolved on a regular basis

5. DISCRIMINATION AGAINST INDIGENOUS PEOPLES AND ETHNIC MINORITIES

5 year outcome	Key Strategies	KPI
Nation-wide recognition of rights of indigenous peoples and ethnic minorities	Roundtable with key indigenous and ethnic minority NGOs	Roundtables produce Action Plans with KPIs
	Work with government to ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples	ILO Convention ratified
	Work with government to support for UN Declaration on the Rights of Indigenous Peoples	Support announced within one year
	Work with authorities to ensure rights of indigenous peoples and minorities protected by constitution or legislation	Constitutional recognition of rights of indigenous people and effective implementation of new and existing laws

**6. RELIGIOUS MINORITIES**

5 year outcome	Key Strategies	KPI
Awareness of rights of religious minorities raised and accepted by general population	Roundtable with key indigenous and ethnic minority NGOs and other stakeholders	Roundtables produce action plans with KPIs
	Promote withdrawal of reservations to Convention on the Rights of the Child - Article 14, para 1 (freedom of thought, conscience and religion)	Reservation withdrawn
	NHRC to appoint a rapporteur on Dalit rights to make a national study on discrimination on grounds of caste, work and descent	Rapporteur appointed and national study published

7. MIGRANT WORKERS

5 year outcome	Key Strategies	KPI
General awareness raised of reality of migrant labour. Systematic measures protect migrant workers	Roundtable with key NGOs active in rights of migrant workers and other stakeholders	Roundtables produce action plans with KPIs
	Work with government to ratify Migrant Workers Convention	Convention ratified and incorporated into domestic law
	Work with authorities to confront immigration control measures in neighbouring countries that violate human rights	Government raises immigration control measures with neighbouring governments
	Work with authorities, civil society and migrant organisations to improve performance of migrant recruitment agencies	Improved regulation of recruitment agencies Improved public awareness of reality of practices that lead to illegality and exploitation



8. DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES

5 year outcome	Key Strategies	KPI
General awareness raised of rights of people with disabilities. Discrimination highlighted and actioned.	Roundtable with key disability NGOs and other stakeholders	Roundtables produce action plans with KPIs
	Work with authorities to ensure access to mainstream primary education for children with disabilities	Complaints of discrimination in education reduce
	Work with authorities to address issue of access to buildings for people with disabilities, including non-compliance with existing laws	Complaints of discrimination in access to buildings reduce

9. BASIC ECONOMIC AND SOCIAL RIGHTS FOR ALL CITIZENS

5 year outcome	Key Strategies	KPI
General improvement in situation of access by disadvantaged and marginalised groups to economic, social and cultural	Roundtable with NGOs in ESC rights field and other stakeholders	Roundtables produce action plans with KPIs
	Work with NGOs in urban poverty alleviation field to ensure no evictions without proper notice or adequate rehabilitation plans	Evictions without notice or rehabilitation come to an end
	Work with relevant NGOs to monitor PRSP-II for human rights implications	Poverty reduction strategies improve situation of disadvantaged and marginalised groups

**10. HEALTH RIGHTS**

5 year outcome	Key Strategies	KPI
Health rights exercised on a non-discriminatory basis	Roundtable with NGOs working on right to health and other stakeholders	Roundtables produce action plans with KPIs
	Work with authorities to ensure implementation of the right to health in government policies and plans in: the development of health institutions; human resources; accessibility and availability; resource distribution; rural-urban and gender disparities; access for minorities	Implementation plan developed and implemented

11. LACK OF AWARENESS AND RESPONSIBILITY OF PUBLIC SERVANTS TOWARDS PEOPLE'S HUMAN RIGHTS

5 year outcome	Key Strategies	KPI
Civil service respects human rights of the general public	Roundtable with organisations training public servants and other stakeholders to include human rights focus in all training programmes for public servants	Roundtables produce action plans with KPIs



12. CHILD RIGHTS, TRAFFICKING AND CHILD LABOUR

5 year outcome	Key Strategies	KPI
Situation of children in relation to trafficking and child labour improves significantly	Roundtable with NGOs working on child rights, trafficking and child labour and other stakeholders	Roundtables produce action plans with KPIs
	In consultation with child rights NGOs ensure NHRC complaints procedures are easily accessible and child-sensitive	Child sensitive complaints procedures developed and implemented
	Work with government for removal of CRC reservations to Art 14(1) and Art 21	Reservations withdrawn
	Work with government to harmonise legislation (particularly the 1974 Children's Act) with the principles and provisions of the Convention on the Rights of the Child and incorporate the Convention into domestic legislation	Children's Act revised CRC incorporated into domestic legislation
	Work with relevant authorities to implement the United Nations Study on violence against children, based on the Regional Consultations for South Asia	Action Plan to implement UN Study developed and implemented
	Work with authorities to finalise National Child Labour Policy incorporating effective monitoring mechanism and to implement plan of action to eliminate the worst forms of child labour	

**13. RIGHT TO EDUCATION**

5 year outcome	Key Strategies	KPI
Significantly improved access to education for disadvantaged, marginalised and minority groups	Roundtable with NGOs working on right to education and other stakeholders	Roundtables produce action plans with KPIs
	Work with authorities to include human rights education in the official curriculum at all levels of education	Human rights education in curriculum at all levels
	Work with authorities to ensure access to education for disadvantaged, marginalised and minority groups	Action Plan developed and implemented

14. ACCESS TO JUSTICE FOR THE POOR

5 year outcome	Key Strategies	KPI
Significantly improved access to justice for the poor	Roundtable with NGOs and development partners already working on access to justice and with other stakeholders to identify where NHRC can add value to current and proposed initiatives	Roundtables produce action plans with KPIs

15. CLIMATE CHANGE AND ENVIRONMENTAL ISSUES

5 year outcome	Key Strategies	KPI
Systematic approach to climate change by government in international negotiations	Roundtable with NGOs working on climate change and the environment and other stakeholders	Roundtables produce action plans with KPIs



16. COMPLIANCE WITH RATIFIED INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

5 year outcome	Key Strategies	KPI
Significantly improved compliance with international human rights instruments, including reporting	Roundtable with NGOs working on treaty body reporting and implementation of recommendations and other stakeholders	Roundtables produce action plans with KPIs Treaties incorporated into domestic law
	Work with government and parliament to incorporate all ratified international human rights treaties into domestic law	



**Bangladesh National Human Rights Commission Capacity Development Project
National Human Rights Commission**

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Concept Note on Consultation Meeting with NGOs on Draft Strategic Plan

Introduction

On 1 December 2008, establishment of the Bangladesh's National Human Rights Commission (NHRC) was completed with the appointment of three Commissioners. In accordance with its official mandate, the NHRC is to serve as the major national human rights watchdog, monitoring implementation of state obligations to respect protection and fulfillment of rights of every member of society, addressing specific human rights complaints through investigation, mediation and conciliation, where necessary through constitutional litigation, and more broadly through raising public awareness. The Commission is expected to play a strong role in ensuring consistency of laws and policies with international human rights standards.

Subsequent to the promulgation of the National Human Rights Commission Act in June 2009 and upon retirement of the then Chairman, the Commission was reconstituted on 23rd June 2010. In addition to a new Chairman, the newly constituted Commission comprises of a full time member and five honorary members.

On 06th May 2010 a Project Document was signed between development partners and GoB to commence a 5 year capacity development project to support establishment and growth of the NHRC into a strong institution capable to fulfil its statutory mandate.

The Project purpose is: To improve the promotion and protection of human rights of all particularly for disadvantaged and vulnerable groups, such as women, disabled, ethnic minorities and children through institutional capacity development of the National Human Rights Commission

The Project Document under Outcome 1 (Institutional Development) highlights a specific output as that:

Strategic planning systems designed and implemented underpinning the NHRC's activities with planning, budgeting and performance monitoring.

The primary objective of this outcome is to build the capacity of the NHRC's operational functions-administration, human resources, finance and management to enable it to become an effective institution. The focus is on supporting the Commission to develop its organizational vision, strategic plans, budgeting processes and policy as well as building its human resources policies, procedures and capabilities.



Keeping the stated objective in mind, with the assistance and facilitation of international expertise from senior NHRI specialist, the NHRC has drafted a 5 year strategic plan.

The Strategic Plan of NHRC highlights five key areas of focus for the next five years that will result in a more efficient, effective and credible Human Rights Commission;

- more people aware of their rights and exercising them;
- significant reductions in violence;
- responsible and committed cooperation between state actors and the Commission to reduce violations;
- human rights research and analysis that informs national policy development; and
- stronger relationships of cooperation built between the Human Rights Commission, state agencies and civil society

On 30 September 2010, through a workshop attended by different state agencies, development partners and media, the Commission unveiled its draft strategic plan, future work map on promoting and protecting the human rights of the people. As part of consultation process, the draft plan has to date been distributed among around 400 stakeholders at three public events, Workshop on "National Human Rights : Moving Forward" held on 30 September, Regional Seminar on Human Rights held on 13-14 November 2010 and Seminar Program on International Human Rights day, 10 December, 2010.

Purpose & Scope

To receive feedback from the concerned groups and individuals, encompass broader range of human rights experiences and to ensure transparency and accountability, the Commission intends to enter into a thorough consultation process through holding a number of consultation meetings with various relevant stakeholder groups and across the country. It is envisaged that through this process the strategic plan will be finalised and each of the proposed human rights thematic focus areas identified in the draft strategic plan covered in the consultation process. Outputs from the brainstorming process are further expected to feed into the Commission's future action planning in each of the focus areas.

Methodology

It is envisaged that a **total of 8 consultation meetings will be held in Dhaka and also at divisional level** to ensure feedback is solicited from best cross-section of stakeholder groups.

Consultation Meetings will be held with NGOs and Groups working on in the following thematic focus areas:

1. Child Rights, Child Labour
2. Women's rights & Gender Based Violence
3. Discrimination against religious minorities, indigenous groups and ethnic minorities;
4. Migrant workers
5. Trafficking Issues
6. Climate change & environment
7. Social & Economic Rights including Education and Health Rights
8. Access to Justice/Remedies

The thematic content of each meeting and number of meetings may be subject to change in light of scheduling and logistical issues.



Objectives

1. Finalisation of 5 year strategic plan for the Commission in transparent and accountable way through direct interaction and solicitation of feedbacks from the stakeholder groups.;
2. Strengthening capacity of NHRC to undertake its mandated activities by establishing effective network with key actors in the public and private sectors engaged in promoting and protecting human rights.;
3. Brainstorming with stakeholders as precursor to action planning in thematic focus areas which is expected to support the NHRC to better protect individual rights, especially for the poor, disadvantaged and vulnerable population
4. Improved awareness among stakeholder groups of the NHRC and its mandate

Participants

Participants of the workshop would include NGOs working on human rights in general and on child rights in particular and relevant state agencies.

Number of participants: 35

Date, venue and timeframe: Half Day Programme

Modality of the Meeting

Time	Agenda Item	Responsibility
9.30 -10.00	Registration	Project Staff
10.00 - 10.15	Introduction and outline of the session	Member, NHRC
10.15 - 10.45	Presentation on the Strategic Plan	Member, NHRC
10.45 - 11.45	Seeking inputs from the participants (Group work and Report Back)	Member, NHRC
11.45 – 12.10	Wrapping up the workshop	Member, NHRC



NATIONAL HUMAN RIGHTS COMMISSION STANDARD OPERATING PROCEDURES FOR DECISION-MAKING & FOLLOW-UP

SECTION I: COMMISSIONERS ACTING COLLECTIVELY AS THE COMMISSION

1.1 Introduction

The NHRC is a new institution in Bangladesh and because of its independence from the Executive, it is able to determine its own work methods rather than using the more bureaucratic processes of the public service. In any event, it will necessary to develop effective and efficient systems to cope with the anticipated workload. So the Commission will need to adopt modern policy and decision-making processes. These are designed to ensure that the Commission meets the burden of the considerable expectations that have been placed on it by its stakeholders, and which require it to operate effectively and efficiently. It can do so only if its corporate governance – planning, setting goals, prioritising and overseeing staff implementation of Commission policies – is transparent and successfully carried out.

These Standard Operating Procedures (SOP) have been developed to ensure that all the Commission members, whether full-time or honorary, as well as the staff, have clarity about their respective roles, understand their responsibilities within the Commission's corporate structure, and can be held accountable where these are breached.

The Human Rights Commission Act 2009 sets out the responsibilities of the Commission, Commissioners and staff. These Operating Procedures set out how the Commission and staff will comply with the legislation and undertake best practice in all the Commission's endeavours.

1.2 Independence

According to its legislation, the Commission is “a statutory independent body.” Independence is also emphasised in the Commission's Strategic Plan and, worldwide, is an essential requirement for institutions like the NHRC. Unless the Commission is independent, unless it acts independently and unless it is seen to act independently, it will not have the credibility it needs to act effectively. If the NHRC is not independent, it will not be trusted by its constituency, especially the poor, the vulnerable and the disadvantaged. It also needs to be seen as neutral and non-partisan.

Given the importance of independence, the Human Rights Commission Act has entrenched the NHRC's independence in a number of ways. Commissioners serve for fixed terms – three years – and cannot be removed, even by the Chairman, during that time except by due process in accordance with the Act, or after following the process for the removal of a Judge of the Supreme Court. Commissioners also expect the staff to carry out their responsibilities in an independent manner.

1.3 Membership of the Commission

The members of the Commission, both full-time and honorary, under the leadership of the Chairman, are the governing body of the organisation. In this SOP, “the Commission” refers to the Commissioners acting as the governing body of the Human Rights Commission.

1.4 Governance Responsibilities

The Commission has adopted the following governance responsibilities based on the Human Rights Commission Act 2009, the Paris Principles and other good practice guidance that is consistent with the Act:



Set strategic direction

Decide the Commission's vision and mission, values, strategic priorities, as detailed in the Strategic Plan and Operational and Annual Work Plans;

Ensure that there are adequate resources available to give effect to the strategy;

Monitor the overall implementation of the Strategic Plan;

In a general sense, determine the nature of the activities to be undertaken in the performance of the Commission's functions.

Monitor and enhance performance

Ensure accountability and transparency within the Commission, through effective reporting processes;

Foster constructive relationships with the Commission's stakeholders, encouraging them to engage effectively with the Commission;

Identify risk and protect the Commission's reputation;

Ensure that adequate conditions exist for proper management and oversight and for the Commission's efficiency and effectiveness.

Ensure accountability and foster high ethical standards

Act diligently, prudently and in a financially responsible manner;

Act consistently with the Commission's responsibilities, functions and objectives;

Observe high ethical standards in the spirit of service to the public and consistent with the Commission's Code of Ethics (Appendix I);

Act honestly, with integrity, in good faith and in the Commission's best interests;

Encourage strong and service-oriented performance;

Act as a "good employer".

1.5 Functions of the Commission

All decisions relating to the operations of the Commission must be made collectively by, or under the authority of, the Commission, via the following mechanisms:

In **setting strategic direction**, the Commission:

Engages in a continuous cycle of Strategic Planning (approval, implementation, review and evaluation);

Approves Commission strategies, programmes and activities initiated by individual Commissioners;

Approves, reviews, evaluates Commission strategies, programmes and activities proposed to the Commission by staff and Directors/Secretary;

Approves the Annual Report for the previous year;

Approves the Operational and Annual Work Plans, including budget, prepared by the Directors and the Secretary;

Sets the parameters for the Commission's internal policies, approves the Commission's Values Statement and other strategic documents.



In monitoring and enhancing performance, the Commission:

Reviews performance against indicators via the consideration of a monthly report from the Directors and the Secretary and other internal and external evaluations and reports;

Assesses and manages risk on an ongoing basis through the same monthly report and through other forms of internal evaluation;

Monitors and approves the Commission's monthly financial reports (including budget review) of the Director, Administration and Finance.

In **ensuring accountability and fostering high standards**, the Commission:

Ensures the quality and independence of internal monitoring and audit processes;

Delegates authority on financial and human resource management to the Secretary and Director, Administration and Finance;

Delegates specific responsibilities in relation to complaints and monitoring to the Director, Complaints and Inquiries;

Delegates authority to implement Commission strategies in the areas of their responsibility to the Director, Research, Policy and Legal and the Director, Education and Training;

Sets standards and guidelines for the performance of each Department as developed by Directors and coordinated by the Secretary;

Appoints the Secretary and, in consultation with the Secretary, the Directors;

Approves staff appointments made by the Secretary and Directors;

Reviews the performance of the Secretary and, in consultation with the Secretary, of the Directors;

Approves overseas travel undertaken on behalf of the Commission, or for training purposes on the advice of the Director of the staff member undertaking the travel.

1.6 Specific Functions of Individual Commissioners

The Chairman is responsible for allocating spheres of responsibility to Commissioners. To give effect to these responsibilities, the Commissioners lead discussion, provide advice and mentor the Director and staff operating within their sphere of responsibility. Reporting to the Secretary and thence to the Commission within these spheres of responsibility remains the responsibility of the relevant Director.

SECTION II : COMMISSION OPERATING PROCEDURES

2.1 Commission Meetings

The Human Rights Commission Act 2009 provides that there shall be at least one meeting of the Commission every two months (s.11(5)) but the Commission can decide to meet more regularly if this is necessary. Commissioners are expected to attend all meetings of the Commission unless agreed otherwise with the Chairman. The Secretary is responsible for keeping minutes of Commission meetings, ensuring they are accurate and distributing them in a timely manner.

The Chairman appoints the times and places of meetings, where possible in consultation with Commissioners. A quorum is three Commissioners and either the Chairman or the Full-time Member if the Chairman is absent. Decision-making is by consensus where possible, but where a vote is taken, each Commissioner has one vote and the Chair of the meeting has a casting vote. Commissioners are presumed to have agreed to a resolution of the Commission unless he or she expressly dissents from it. A resolution signed or assented to in writing (including by electronic communication) by all Commissioners is as valid and effective as if it had been passed at a meeting of the Commission.

The Chairman and the Secretary liaise over meeting agendas to ensure adequate coverage of key issues and an appropriate balance of strategic, performance and compliance matters. The Secretary and Directors attend the meeting as requested by the Chairman and liaise with Commissioners as necessary between meetings. The Secretary and the Directors are responsible for providing reports and other papers for the Commission agenda that provide high quality advice and analysis, propose strategy, provide quality performance information for monitoring purposes and propose parameters and framework policies for implementation by management of the Commission's decisions.

2.2 Commissioner-only Meetings

Commissioners also hold informal meetings attended only by Commissioners, which are private meetings for the purpose of:

Canvassing matters relating to the Commission itself;

Dealing with staff matters in confidence, including the performance of the Directors and Secretary;

Discussions about the external environment in which the Commission operates.

Such informal meetings may be held before or after regular meetings of the Commission or on other occasions. Minutes may not be kept of all matters dealt with at informal meetings, but where decisions are taken for implementation by management or the staff, these may be reduced to writing.

2.3 Framework for Delegation of Authority

Decisions relating to the operations of the Commission may be delegated to management and staff. Specific standing delegations to the Secretary include:

Implementing the Commission's decisions;

Developing recommendations, in consultation with the Director of the relevant Department, for the appointment, assigning and management of staff. Directors are appointed by the Commission in consultation with the Secretary;

Approving and varying expenditure and entering into contracts for services to implement the Commission's decisions;

Developing policies and processes within parameters set by the Commission;

Producing an Operational plan and budget and/or Annual Work Plans;

Sub-delegation to the Directors.

2.4 Performance of the Commission and Staff

The primary mechanism for fulfilling the Commission's responsibility to monitor and enhance performance, is the performance evaluation the Commission (or delegated Commissioners) undertake(s) of the Secretary. The evaluation is based on the Secretary's job description and performance objectives along with quality



indicators relating to leadership, style, vision, integrity and effectiveness. Similarly, the Secretary and the Commissioner designated with responsibility for a particular Department undertakes the performance assessment of the relevant Director.

Directors are responsible for monitoring the performance of the staff in their team and reporting on such performance to the Secretary and thence to the Commission. As a matter of principle, performance feedback is provided to the staff member at the earliest opportunity in order to maximise learning from the experience.

2.5 Register of Interests

The Commission requires the Commissioners, the Secretary and Directors to submit, on an annual basis, a Declaration of Interest in relation to financial affairs, business relationships and significant memberships. Disclosure of any conflict of interest is required to be made at the beginning of any meeting at which the conflict is relevant.

SECTION III: WORKING RELATIONSHIPS BETWEEN COMMISSIONERS AND THE SECRETARY AND BETWEEN COMMISSIONERS AND THE DIRECTORS

3.1 Introduction

The purpose of this Part is to set out the responsibilities, functions and work processes which enable the Secretary, Directors and staff to provide the best possible service to Commissioners. It is intended to provide clarity to Commissioners and staff members alike, to assist the Commission to be an effective organisation, comply with statutory requirements and to fulfil its purpose to promote and protect human rights in Bangladesh.

3.2 Principles

The Secretary and Directors support the Commission to fulfil its statutory responsibilities and functions;

The Commission supports the Secretary to achieve his or her responsibilities.

The responsibilities, functions and work processes outline below support this relationship when Commissioners are engaged in activities, to ensure that:

The Secretary and Directors deliver work to purpose, to high standards and to deadline;

Directors engage strategically on substantive issues and on approaches to best practice and are in a position to make strategic connections between issues and between activities across the Commission;

Directors facilitate contact between Commissioners and staff so that work flows smoothly.

3.3 Commissioners' Responsibilities in Activities

The governance responsibilities of Commissioners are set out in Part I. However, often it will be necessary for Commissioners to become involved in non-governance activities, such as considering whether to uphold complaints of human rights violations. The involvement of Commissioners in this way adds value to the work of the Commission in bringing the experience and expertise of Commissioners as well as their strategic and tactical thinking and the profile they can bring to an issue or activity. This involvement can be at a strategic level or at an operational level.



At the strategic level:

Providing external profile through giving speeches, media interviews and giving presentations/undertaking training of senior target groups;

Steering, writing or contributing to high level reports, policy submissions and documents that are for external consumption;

Leading keynote external events on behalf of the Commission;

Strategic relationship building;

Advising on programme development.

At the operational level:

Delivering projects and activities;

Writing or contributing to media releases;

Contributing to the Strategic Plan and the Annual Report.

At times, Commissioners will undertake these functions or activities through acting alone or with external partners. On other occasions, Commissioners will work alongside Directors and staff on the implementation of activities agreed by the Commission.

3.4 Responsibilities and Functions of the Directors and the Secretary

The responsibility of the staff of the Commission and the Directors to whom they are accountable is to implement the decisions of the Commission through carrying out its strategic direction. In this, the Secretary is responsible to the Commission and reports to the Commission on a regular basis.

Broadly the responsibilities and functions of the Management Team (Secretary and Directors) are set out below:

The responsibility of the Management Team is to lead and develop staff, manage resources, provide advice to the Commission on the development of the Operational and/or Annual Work Plans and to ensure the strategic implementation of plans;

The functions of the Management Team are to:

Propose strategy and plans to the Commission;

Develop, monitor and manage the delivery of agreed plans, including strategic implementation through agreed approaches;

Lead, motivate and develop the Commission's staff;

Set and maintain standards;

Support Commissioners in the delivery of activities through quality engagement in the substance of the issue and in the management of the task;

Develop and implement processes, systems, infrastructure and ways of working to manage the organisation, meeting the responsibility to be a "good employer" of the staff;

Manage the organisational finances, human and other resource allocation.

These responsibilities and functions are part of the job description of the Secretary who is responsible for:

Providing strategic advice;

Internal and external relationship management;

Resource management.



SECTION IV : MANAGEMENT SUPPORT OF COMMISSIONERS' ENGAGEMENT IN ACTIVITIES

4.1 Strategic Engagement

In support of a Commissioner's responsibility to provide advice, leadership and high level guidance or input into substantive activities, the appropriate Director will hold a briefing meeting with the Commissioner and assigned staff at the beginning of an activity or project to:

Agree and define the task with the Commissioner, including consideration of the substantive issues and of strategic approaches;

Allocate adequate resources and redefine the task if resources are not available;

Ensure that the purpose, content, standards, points of communication and deadlines are clear and that assigned staff fully understand what is required of them.

The Director will communicate a written note of this meeting. Following this briefing meeting, the Director will:

Be accountable for the delivery of the activity or project;

Manage the staff member(s) in the implementation of the activity or project, to the agreed brief;

Consult on any changes to the agreed brief with the Commissioner;

Facilitate resolution of any issues that arise between the Commissioner and the staff member.

If any issue arises between a Commissioner and a Director, they should attempt to resolve the issue themselves in the first instance. If it remains unresolved, the issue should be raised with the Secretary. The Chairman may be involved if the issue cannot be resolved through the involvement of the Secretary.

4.2 Operational Engagement

When a Commissioner delivers activities alone or with external partners, the Director need be engaged only to provide strategic advice. At other times, a Commissioner may engage in the delivery of an activity or project alongside Directors and staff members. Once the Commissioner has set the brief, he or she in effect becomes a member of the project team.

The Director's role in providing support to the Commissioner in such instances is:

To agree and communicate the brief for the project following the same process as in 5.1 above;

To manage the project, or assign a staff member to manage the project;

To ensure the Commissioner is included in operational project team meetings at points of engagement identified in the brief;

To manage the delivery of the project following the same process as in 5.1 above.



SECTION V : INTERIM ARRANGEMENTS

5.1 Introduction

At the time this SOP is being prepared, the Commission has few staff, especially technical staff, some of them seconded, others paid for by the UNDP project. It has yet to secure an adequate budget from the Ministry of Finance. It must vacate its premises in January 2011 and currently does not have replacement accommodation. In short, it is unable to fulfil its mandate. Even when its funds are authorised and paid to the Commission, there is still a major recruitment exercise to be undertaken. It will also take time to relocate to new premises. There are virtually no staff who can support Commissioners as contemplated by this SOP and it is likely to be several months before there is any significant change in this situation.

Despite this, there are already high expectations of Commissioners. Human rights situations need to be responded to. Speeches have to be made, media interviews undertaken. The Commission receives a regular flow of complaints and these have to be resolved as effectively as possible under the prevailing circumstances.

Decisions therefore are required about:

Frequency of meetings – need to be more regular to ensure proper oversight of the organisation as a whole, receive reports, decide overall policy etc. Meetings can be designated for different purposes. For example, the reporting process to two-monthly meetings of the Commission can continue, but meetings held on a regular basis in between for other purposes;

Delegation of particular responsibilities to Chairman and/or the Full-time Member;

How the Chairman and the full-time member will report on the carrying out of their delegated functions;

How the UNDP project is managed;

Clarification on what matters should be brought to the Commission in plenary session for advice and decision, including issues related to overseas travel;

Who is responsible for overseeing the performance of the Secretary and staff;

And other matters.

DRAFT, NOVEMBER 2010



Regional Seminar on National Human Rights Commissions in the Asia Pacific Region

Dhaka, 13-14 November 2010

Background

In November 2010 national human rights commissions and stakeholders from a range of organisations across the Asia Pacific region gathered together to discuss human rights issues and exchange their experiences.

As part of its international activities the National Human Rights Commission of Bangladesh (NHRC), in partnership with the United Nations Development Programme (UNDP), successfully hosted this two day regional seminar, *National Human Rights Commissions: Experiences and Challenges*. The seminar's sessions were based around the work/issues of national human rights commissions in Bangladesh and wider Asia Pacific region.

The NHRC invited national as well as international stakeholders with expertise and interests in the field of human rights. High level representatives of major national human rights commissions in the region and delegates from 19 different countries attended the event to discuss a number of common themes. Also key international human rights bodies the International Coordinating Committee of National Human Rights Institutions (ICC) and Asia Pacific Forum (APF) were present as well as representatives from the Commonwealth Secretariat.

The aims of the conference were to showcase human rights issues in Bangladesh and the region as well as increase understanding of these issues in a regional context amongst key stakeholders and the general public and further strengthen relations between stakeholders in the region in the human rights field.

Themes of the Seminar

The structure of the seminar was based around plenary sessions and parallel working groups focusing on particular human rights topics that included: the role of state and non state actors in promoting and defending human rights; rights of women; rights of the child; rights of minorities, migrants and indigenous peoples; challenges for national human rights commissions in the region.

These areas were discussed both in respect to the obligations that countries attended have as well as regional experiences and challenges faced by national human rights commissions.

Plenary Session

In the opening session that was attended by over 500 stakeholders from a broad range of human rights areas and civil society including media the importance of promoting and defending human rights was stressed. Kazi Reazul Hoque, Full Time Member, National Human Rights Commission of Bangladesh opened the seminar with a welcome address.

This was followed by speeches by Barrister Shafique Ahmed Minister for Law, Justice and Parliamentary

Affairs and Dr. Shirin Sharmin Chowdhury MP Hon'ble State Minister, Ministry of Women and Children Affairs, Rosslyn Noonan, Chief Commissioner, Human Rights Commission of New Zealand, Chairperson of the International Coordinating Committee of National Human Rights Institutions (ICC) and Asia Pacific Forum (APF) as well as Professor Dr. Mizanur Rahman, Chairman, National Human Rights Commission of Bangladesh. Helen Clark, Administrator, UNDP also addressed the audience. The opening session also included a keynote speech delivered by the human rights lawyer Geoffrey Robertson, Queens Council, of Doughty Street Chambers, London.

Speakers recognised the positive contributions that can be made by human rights defenders in promoting and protecting human rights across the region, but they also stressed the need for these institutions to be supported in fulfilling their mandates in an independent manner.

A central theme of the speeches in this opening session was that it was important to move beyond legal recognition of the human rights of societies and peoples to ensure that these rights were translated into reality in the lives of people, particularly the most vulnerable and disadvantaged. The role of national human rights commissions working independently alongside state and non state actors was seen as a positive trend representing an opportunity for states in the region to further promote human rights and ensure that these rights are protected.

Many of the principles discussed in this opening session referred back to the Paris Principles. These principles outline the range of activities that legislators can assign a human rights commission. These include:

1. Being able to submit advisory opinions, recommendations and reports concerning the promotion or protection of human rights to national governance institutions and legislators.
2. Making recommendations and comments on legislation to ensure that it fully meets and conforms to the fundamental principles of human rights as well as monitor effective implementation of laws that are introduced. They can also be responsible for promoting the adoption of international treaties relating to human rights and encouraging their implementation.
3. Preparing reports on the situation of national human rights either generally or in regards to a specific issue. This also includes contributing to the regular reports to be submitted to the United Nations' committees and bodies.
4. To publicise human rights and assist in public information awareness raising of human rights issues in the public domain as well as contribute better understanding of human rights issues in schools and other teaching institutions.
5. Receiving complaints and petitions on human rights abuses. These can be received from a wide range of stakeholders including individuals, civil society organisations, trade union associations and other similar groups.
6. The second session was comprised of a moderated discussion of the representatives of the national human rights commissions and an interactive question and answer session with the audience. Each representative took questions from the floor and elaborated on how they perceived the issue of human rights to be relevant to the work of national human rights commissions.



Parallel Sessions Main Points and Conclusions

A total of six parallel sessions were convened with a rapporteur appointed to report back to the plenary session. The main conclusions to the different sessions are summarised below:

Session 1: The role of non-state actors in defending and promoting human rights

Chair: Rohan Edrisinha, Centre for Policy Alternatives, Sri Lanka

Co-Chair: Prof. Dr. Niru Kumar Chakma, Member, National Human Rights Commission of Bangladesh

Summary

A range of non state actors are now recognised as important and vital to both the functioning of a system of democratic governance as well as promoting and defending human rights. There is at the same time also greater realisation that non state actors can also be a threat to human rights and can undermine any human rights regime without adequate mechanisms to protect and promote human rights. This session assessed the role, possible role and effect of the growth of non state actors on human rights issues. It both looked at the positive effects of the growth of civil society and other groups taking up human rights issues as well as the threats of actors that operate outside the state structures on fundamental human rights in the region.

Main Points:

There were potentially great benefits of civil society organisations working together on human rights issues. The need for unity between groups was seen as a key point to stress in order to closer coordinate activities in this field. A collective and coordinated approach by civil society could be a potent force in the defence and promotion of human rights areas.

It is vital to protect the space that civil society continues to work in so they are able to continue to support the promotion of human rights and act as and in support of human rights defenders. In a number of countries it was felt that civil society was under pressure and it was vital to support this space and protect it.

The importance of a free and independent media in protecting human rights and the need to look at human rights and the role of non state actors in the context of wider questions including the question of constitutionalism and the rule of law. And that it was essential for non-state actors to stress this importance.

A key priority should be to target the public and encourage a human rights based culture in the public domain by increasing awareness and education in the human rights field. By supporting the growth of a popular human rights tradition in society greater respect for human rights can be nurtured at local levels as well as greater accountability and reporting measures from the level of state institutions.

Session 2: The role of state actors in defending and promoting human rights**Chair: Shri KG Balakrishnan, Chairman, NHRC, India****Co-Chair: Gopal Siwakoti Chintan, Tribhuvan University Centre for Human Rights, Nepal****Summary**

The responsibilities of the state in protecting and promoting human rights are fundamental for a human rights regime to be successful. Traditional arguments about the role of the state have focused on principles such as the legitimate use of force, but today the state, and its responsibilities to citizens has taken on board a whole range of dimensions. These include human rights and both obligations as to what the state should not do in order that its institutions do not violate the human rights of the individual and societies as well as responsibilities to ensure that human rights are enjoyed by all individuals. These two folded obligations, the right to protect and defend are key constituent principles were explored in the international and regional context.

Main Points

First and foremost it was necessary for states to acknowledge their responsibility to defend and promote human rights. One of government's fundamental obligations was to ensure the state does not commit human rights violations itself.

A crucial responsibility of the state is the actual prevention of violations of human rights by all actors in the region and this should also include transnational corporations.

Greater responsibility needs to be encouraged to ensure full compliance with international human rights obligations. The state should continue to work towards resolving not only issues of violations, but also economic and social exclusion that also undermined human rights in communities and created exclusion. Having good laws was a positive step, but also the state has a responsibility to ensure the laws were respected and people had access to their human rights.

The state also has an obligation to reach out to the public and openly promote knowledge and awareness of human rights amongst their citizens. This requires investment in both institutions and material to ensure key messages are filtered down to all communities especially more vulnerable groups.

Session 3: Human rights and women in the Asia Pacific region**Chair: Md. Abdul karim, Principal Secretary, Prime Minister's Office****Co-Chair: Mrs. Mamataz Begum, Chairperson, Jatiyo Mohila Sangstha****Summary**

The rights of women are enshrined both in international law and national legislation under the principle of equality. However, the region remains a challenging environment for women's issues, and despite greater recognition of the human rights of women and the growth of groups defending and promoting women's rights



there remains huge inequality. This session raised the issue of human rights and women and outlined some of the key challenges and solutions to ensuring the rights of women are better understood and incorporated into actual change in countries in the region with both general as well as specific cases studies explored.

Main Points

Although equal rights are set out in constitutions there remains wide scale violations of the rights of women in the region, especially more vulnerable groups of women, and there is a lack of adequate protection.

There is a need to recognise that there was a long tradition in the region of oppression towards women and it was important to look at the role of cultural practices and the use of these to discriminate against women.

It was essential for state and non state actors to encourage more representation of women in leading decision making positions and in governance institutions such as parliaments to ensure representation.

Session 4: Human rights and indigenous peoples, minorities and migrant workers in the Asia Pacific region

Chair: Rosslyn Noonan, Chief Commissioner, Human Rights Commission of Newzeland

Co-chair: Nirupa Dewan, Member, National Human Rights Commission of Bangladesh

Summary

This group explored the issue of human rights from the prism of three different communities. The positions, that of the rights of indigenous peoples, minority groups and migrant workers are often assumed to hold very similar rights. However, by looking at human rights from the angle of these different groups the session seeks to highlight not only similarities but also differences in the approach to human rights of these communities. Globalisation and the movement of people around the world poses new challenges to human rights both in ensuring that the human rights of indigenous peoples are protected and promoted as well as ensuring minority groups and other vulnerable communities enjoy the full human rights. Migration for labour purposes also poses new challenges as to the extent these members of the community are able to enjoy their basic human rights in countries away from their homes and country of citizenship.

Main Points

It was acknowledged what a vast subject area these issues covered. A point stressed was that these communities had at times different sets of problems and needs when their human rights were raised. An indigenous group faced different challenges than migrant workers and other minorities. This required policies that respected these differences and ensured all people had access on an equal basis to human rights.

Greater recognition of vulnerable groups was required with more proactive initiatives to ensure that these communities were both aware of their human rights and had access to enjoy these rights. The Dalit community as an example of one of these vulnerable groups was stressed and more action was required to ensure they were included in a human rights approach.

The region has witnessed huge growth in the movement of migrant labour to places such as the Middle East. These groups were vulnerable especially in times of economic crisis. There are pressing issues regarding both what kinds of rights these workers have in their host countries as well as issues such as their own civil and political rights in their home country. The group highlighted that human rights do not stop at borders and it was essential to recognise these rights regardless of a person's status or location.

Session 5: Rights of the child: child labour and human trafficking

Chair: Kazi Reazul Hoque, Full Time Member, National Human Rights Commission, Bangladesh

Summary

Children under the age of 18 years old have been afforded special rights as it is recognised that minors are a particularly vulnerable part of our societies. International and national human rights laws recognise because children lack the moral and mental maturity of adults and the capacity to make decisions that affect their lives and potential life chances they require special treatment in respect to protecting and promoting their human rights. These special categories of rights although many of which can be generalised for adults take on special significance for minors. This session discussed the challenges of ensuring children had access to basic human rights, and explored the regional context and experience in a televised debate programme. The session was subsequently broadcast by the broadcaster Channel i to a national audience in Bangladesh.

Main Points

Whilst it was important for states to ratify the Convention on the Rights of the Child it was also vital for them to align national legislation to the provisions of this instrument. Even in cases where these provisions have been adopted into national law there remained issues of implementation.

The group was concerned about the very big problem of human trafficking which was in some cases a result of poverty, lack of access to education and opportunity and a lack of awareness. It was felt that human rights commissions had an important role to play in raising awareness of human trafficking and they should work in cooperation with civil society to provide greater protection to children from trafficking.

It was essential to raise public awareness of the problems of violations to the rights of the child in countries in the region. This was the responsibility of all stakeholders including state and non state actors working in the field. The role of human rights commissions could be to bring these groups together in a coordinated response to the problems that children faced in the region.

Session 6: The challenges ahead for human rights in the Asia Pacific region

Chair: Kieran Fitzpatrick, Director, Secretariat of the Asia Pacific Forum of National Human Rights Institutions

Co-Chair: Selina Hossain, Member, National Human Rights Commission, Bangladesh

Summary

The past years have seen many challenges for the region in the field of human rights. National human rights commissions have been established to promote and protect human rights and these fairly recent and novel institutions have a key role to play in tackling some of the human rights issues that are raised in the region.



This group discussed the challenges for human rights defenders in the Asia Pacific region and the role that can be played by human rights commissions in improving these conditions.

Main Points

The human rights commissions are not a panacea for solving all human rights problems. The state as a whole through the executive, parliament and judiciary has an equal if not greater responsibility for the implementation, promotion and protection of human rights and norms.

Establishing a human rights commission is a long term investment and the region has learnt that to have a successful human rights commission it is important to start out with realistic objectives and resources for these institutions to invest in their staff and build up a range of activities that can be prioritised in country context.

There is further need for public education in the human rights field that both empowers the public and vulnerable groups to take advantage of their human rights and makes them aware of what they can do when these rights have been infringed and violated.

Following the final session and the presentations of the parallel working groups a declaration was submitted to the participants and adopted during the session. The text of "The Dhaka Declaration on Human Rights and National Human Rights Institutions" is included in the Annexure of this report.

Key Regional and International Participants in the Seminar

- Asia Pacific Forum (APF)
- Centre for Policy Alternatives, Sri Lanka
- Centre for Human Rights, Tribhuvan University, Nepal
- Commonwealth Secretariat, UK
- Danish Institute for Human Rights
- Doughty Street Chambers, UK
- Independent Human Rights Commission of Afghanistan
- International Coordinating Committee of National Human Rights Institutions
- Migrant Forum in Asia (MFA), Philippines
- National Human Rights Commission of Bangladesh
- National Human Rights Commission of India
- National Human Rights Commission of Indonesia
- National Human Rights Commission of Malaysia
- National Human Rights Commission of Philippines
- National Human Rights Commission of the Maldives
- National Human Rights Commission of Nepal
- National Human Rights Commission of New Zealand
- University Centre for Human Rights, Nepal
- Women's Resource Centre, Pakistan

The Dhaka Declaration on Human Rights and National Human Rights Institutions

adopted at the Regional Seminar on Human Rights,
National Human Rights Commission: Experience and Challenges,
13-14 November 2010

Reaffirming the inherent dignity, equal and inalienable rights of all human beings, the need for universal and effective recognition of human rights and fundamental freedoms, and to promote social progress and better standards of living, as expressed in the Universal Declaration of Human Rights;

Recognising the significant role played by non-state actors such as individuals, non-governmental organisations, the media and corporations play in defending human rights – as a voice for the voiceless and as watchdogs;

Emphasising the importance of independent, transparent, accountable and effective national human rights institutions with broad mandates to promote and protect all human rights, in accordance with the *Principles relating to the status of national institutions under UN General Assembly Resolution 48/134* 20 December 1993 (Paris Principles);

Further emphasising the importance, in accordance with the Paris Principles, of every NHRI having adequate funding to enable it to have its own staff and premises, in order to be independent and not be subject to financial control or interference by government which might impair that independence;

Welcoming the valuable discussions of the Seminar's six Working Groups which addressed the following issues:

- The role of non-state actors in promoting and defending human rights and experiences in the region;
- The responsibilities of the state to promote and defend human rights and experiences in the region;
- Human rights and women in the Asia Pacific region;
- Human rights and indigenous peoples, minorities and migrant workers in the Asia Pacific region;
- Rights of the child: child labour and human trafficking;
- The challenges ahead for human rights in the Asia Pacific region.

The participants here assembled agree:

NHRIs should initiate formal dialogue with relevant non-state actors when taking up human rights issues, to develop a common understanding on human rights that reflects their universality, indivisibility, interdependence and interrelatedness. Public awareness raising should educate the people and empower the poor. NHRIs should work to have human rights included in all education curricula and training programmes for relevant professional groups such as the police and the judiciary;



NHRIs should encourage their states to sign, ratify and effectively implement international human rights obligations, including the Convention on the Rights of People with Disabilities, by developing human rights action plans and policies that enable the full participation of all marginalised groups with adequate provision for monitoring and evaluation. Recognising the intersection of human rights and development, NHRIs should assist the government and international donors in the pursuit of development goals (including the MDGs) to secure economic, social and cultural rights and access to justice for all;

To ensure its complete independence, separate rules of business should be developed for the Bangladesh NHRC. These should enable the NHRC to act without the need for approval or permission from any executive authority;

Women's rights are human rights. NHRIs should pay particular attention to being accessible to, known and trusted by women. NHRI programmes should be: outcome oriented – focused on implementation as much as improving the legal environment; developed in partnership with women and audited from a gender perspective; acknowledge the causes of violence and discrimination against women, which include patriarchy, culture and religion;

Migrant workers, minorities and indigenous peoples are entitled to all human rights and full participation in public life.

In Bangladesh, the NHRC should urge the government:

- to ratify the UN Convention on the Rights of All Migrant Workers and their Families, support the development by the International Labour Organisation of a Convention on Domestic Workers and support the Declaration on the Rights of Indigenous Peoples;
- to ensure that the Constitution and laws are consistent with international standards, including recognition of the rights of indigenous peoples;
- to implement these rights, including through building bridges and leadership among faith communities, regulating the recruitment industry and facilitating the resettlement of returning migrant workers;
- to honour and fully implement the Chittagong Hill Tracts Peace Treaty, including restoring CHT land ownership and making the Land Commission effective;

The NHRC should promote implementation of child rights, including their right to adequate nutrition and the rights of children with disabilities, and the need to eliminate hazardous child labour and human trafficking through:

- broad public awareness-raising of child rights;
- coordination among state and non-state actors (including the media); and
- encouraging the development of bilateral arrangements with neighbouring states.

Adopted on 14 November 2010
Dhaka, Bangladesh

Consultative Workshop on the Role of NHRC in Protecting Rights of Indigenous Peoples

Date: 29 December 2011

Venue: YWCA Auditorium, Mohammadpur, Dhaka

Programme Leaders:

Prof. Dr. Niru Kumar Chakma, Member, NHRC

Ms. Nirupa Dewan, Member, NHRC

Mr. Kazi Reazul Hoque, Full Time Member, NHRC

Number of participants: Approximately 40

Methodology: Half-day workshop (plenary session with presentations by programme leaders followed by small group discussion and reporting back to large group)

Workshop Objective: To analyze the situation in CHT and discrimination against Indigenous People and Ethnic Minorities to define key strategic actions for the National Human Rights Commission

Relevant linkages between the theme and Strategic Plan: Pressing Human Rights Issue 4 (Situation in CHT and Local Access to Justice) and Issue 5 (Discrimination against Indigenous Peoples and Ethnic Minorities) as included in the draft strategic plan are connected with this theme.

Recommendations by participants regarding the role of the NHRC may be categorized as follows:

1. Partnerships, networks and linkages:

Participants recommended better coordination and collaboration to ensure effective implementation of CHT Peace Treaty and to protect rights of the Indigenous People and Ethnic Minorities according to UN standard. They identified some key stakeholders (parliamentary caucus and MPs, ministry bureaucracies, political parties as well as civil society, academic institutions, international NGOs and the UN) to work on this issue with NHRC. Participants recommended that NHRC facilitate the process of building a national network of local and national NGOs/human rights organizations working on CHT issues and/or rights of Indigenous Peoples/Ethnic Minorities. NHRC may also play a vital role to ensure representation in regional and global forums on this thematic area.

2. Awareness and capacity building:

Participants suggested a nationwide campaign to increase awareness about the situation in the CHT, the CHT Peace Treaty, and discrimination faced by Indigenous Peoples and Ethnic Minorities. They also identified the importance of raising awareness among the military, police force and civil authorities regarding their duties to safeguard Indigenous Peoples' rights and to ensure awareness among these groups about customary law. NHRC may also play a role in organizing training to provide updated information about the CHT and to emphasize the moral obligation of the police, land commission, and other governing bodies in fulfilling the promises of the CHT Peace Treaty. NHRC should examine the constitutions of other countries, such as the Philippines and others, in order to make recommendations to the GoB about any necessary modifications/amendments to address the Indigenous Peoples issue. It is also necessary to educate policy makers about the objections of Indigenous Peoples against the Land Commission Act and to strengthen the



negotiating capacity of relevant parliamentary groups. Participants expect that the NHRC will build the capacity of human rights defenders, journalists and other professionals to investigate and monitor HR violations in this field.

3. Advocacy and lobbying:

Participants requested that the NHRC engage in targeted, high-level advocacy to ensure implementation of the CHT Peace Treaty and to influence the Government to immediately ratify the ILO Convention 169 and UN Declaration on the Rights of Indigenous Peoples. The NHRC should conduct formal analysis of the current status of national compliance with international laws and practice, organize policy dialogue with government, and strengthen its relationship with the Ministry of Law on this issue. The NHRC could also facilitate dialogue with different stakeholders to bridge the gaps in knowledge and understanding in order to build mutual trust among the interested parties. Conducting mediation and conciliation sessions could be another responsibility of NHRC, with a view toward settling land disputes and different forms of exploitation. Participants also suggested that the NHRC lobby MPs to build critical awareness about the importance of the recognition of “indigenous peoples” and to clarify that it does not affect the country's sovereignty. Strong advocacy is required to draw attention and focus on the National Education Policy and National Child Policy to ensure the right to education for all children from the Indigenous Peoples/Ethnic Minority communities. Participants suggested that the NHRC consider traditional land management procedure and CHT regulation 1900 to influence the Government to make necessary amendments in the Land Commission Act. In all of these efforts, NHRC should work closely with the media, electronic and print, to magnify its advocacy efforts.

4. Investigation, monitoring and research:

Participants advised expanding the institutional capacity of NHRC by establishing a professional research and investigation unit to address CHT and Indigenous Peoples/Ethnic Minority issues. NHRC should play a neutral, apolitical role of watchdog through regular monitoring and investigation of any violation of human rights and oversight of activities of CHT treaty implementation committees. Participants suggested that the NHRC prepare a status report on indigenous people's dispossessed land and an analysis of implementation gaps vis-a-vis international obligations. NHRC should immediately finalize its complaint procedure and rules, and should consider establishing local/regional to support local NGOs in making the complaints procedure easier and more accessible to citizens and local communities.



National Human Rights Commission
(Statutory Independent Institution established by National Human Rights Commission Act, 2009)
6/3 Lalmatia, Dhanmondi, Dhaka-1207

Back To Office Report

Submitted by: Kazi Reazul Hoque
Designation: Full Time Member, NHRC, Bangladesh
Report Submission Date: December 26, 2010

1. **Mission/Conference Duration (incl. of travel days):** 10th Annual conference of ICC on Human Rights
Tracking: 06-14 October, 2010 (09 days)

- Edinburgh, Scotland from 07- 11 October, 2010?
- Human Rights, Commonwealth Secretariat from 12-13 October, 2010

2. **Type of Service/Mission/Conference:**

- Participation in the Tenth Annual Conference of ICC as Delegate representing NHRC, Bangladesh at Edinburgh
- Meeting with Head of Human Rights of Commonwealth and her team members at Commonwealth Secretariat

3. **Purpose of Conference:**

Sharing experiences regarding priorities and strategies to enhance the application of human rights norms in the context of Corporate Sector and also to discuss strategies to strengthen the cooperation among NHRI, OHCHR and Civil Society to learn the best practices of NHRIs in protecting and promoting Human Rights.

4. **Cost and funding source:** NHRC Capacity Development Project, sponsored by UNDP

5. **Brief Summary of the Conference:**

The 10th International Conference of National Human Rights Institutions was held at the Scottish Parliament at Edinburgh from 8 - 10 October 2010. The Conference was hosted by the Scottish Human Rights Commission in cooperation with the Office of the High Commissioner for Human Rights (OHCHR), Scottish Parliament, the International Coordinating Committee for National Human Rights Commissions (ICC). The Conference addressed the theme of Business and Human Rights: Role of National Human Rights Commission.



Delegates from over 80 countries including national human rights institutions (NHRIs), international and regional experts, United Nations officials, government representatives, civil society and business organizations attended the conference. The National Human Rights Commission, Bangladesh was represented by its Full Time Member Kazi Reazul Hoque with a view to share experiences with the different NHRIs of the globe and to learn the best practices of the different NHRIs.

The 2 daylong conference started with the opening welcome addresses of the following dignitaries:

- Alex Fergusson MSP, Presiding Officer of the Scottish Parliament
- Kenny Mac Askill, Cabinet Secretary for Justice, Scottish Govt
- Mary Robinson, founder, Realizing Rights Initiative and former President of Ireland
- Navi Pillay, United Nations High Commissioner for Human Rights
- Mr. Alan Miller, Chair, Scottish Human Rights Commission
- Rosslyn Noonan, ICC, Chair

In their opening remarks the distinguished guests made very significant opinions on human rights issues, the role of Scottish Parliament in enacting Climate Change Act to face climate challenges, role of Transnational and large Corporate houses for their contribution in global and national economy but also expressed their concern on the negative impact, created by the multinational and large corporate bodies.

Bangladesh participation for the 1st time in ICC Conference was acknowledged by the distinguished guests in particular the ICC Chair and the host Scottish Human Rights Commission. The participation greatly helped to know the human rights issues on the theme of Business and Human Rights, and the role national institutions in promoting and protecting human rights in a globalised world.

Professor John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights presented the key note paper. In his presentation, Prof. Ruggie highlighted his three pillar policy framework on "Business and Human Rights" which was unanimously endorsed by the UN General Assembly. The three pillars are:

- State duty to protect corporate Human Rights abuse;
- Independent Corporate responsibilities/corporate responsibilities to respect human rights. In this context Prof. Ruggie mentioned that in OECD- companies always say that they respect Human Rights but do they have system that demonstrate they respect human rights;
- Principles of access to remedy- like judicial remedy, non judicial remedy thro. ADR/ conciliation and mediation agt. the abuses of human rights by the corporate bodies. In his deliberation Prof. Ruggie also highlighted the role of NHRIs in regards to access to remedy in the following ways;
- To review whether corporate activities affect human rights;
- To ensure whether state actors are playing vital role in protection of human rights abuses by the corporate bodies;
- To resolve the corporate dispute thro. ADR;

In the intervention remarks on state duty to protect against corporate human rights abuses session, Bangladesh delegates mentioned the child rights and child labor scenario in Bangladesh context. Govt. of Bangladesh has already taken an initiative in harmonizing the children Act-1974 and children Policy-1994 in the context of CRC and ILO convention, he added. Former UN High Commissioner for Human Rights Mary Robinson acknowledged the great importance of Prof. Ruggie's policy framework, 7000 corporate bodies which are expected to be 20000 within short time would be key concern of human rights violation, she added.

Four themes were identified by the four regional chair's from Africa, America, Asia Pacific and Europe through consultation with NHRI's from the regions and the conference preparatory committees are:

- 1) Africa-Child Labor
- 2) America-Environment Degradation
- 3) Asia Pacific-Human Trafficking
- 4) Europe-Privatization and Public Procurement.

The thematic group from the Asia Pacific region discussed on the assigned subjects in two sessions.

In the beginning of day one session of the thematic group the chair gave an overview of the global scenario on human trafficking. 3.1% of the total global population i.e. 215 million people are migrant workers, he added. He also mentioned that 12.5 million people are trafficked in each year. Bangladesh delegation Mr. Hoque made a brief presentation on human trafficking, in particular trafficking of women and children, in the context of Bangladesh. In his presentation Bangladesh delegate cited the different initiatives of Bangladesh Govt. LETI (a think tank in the sociolegal arena) and others including IOM in regards to capacity building of different stake holders and awareness creation for combating human trafficking. Mentioning the Palermo protocol and other optional protocols including the SAARC Convention on combating and preventing human trafficking of women and children for prostitution, proposed of formulating a national legislation for the member states and in this connection APF and ICC can take lead in formulating a draft. The model draft, prepared by UNODC, may help the member states concerned in formulating such legislation, he added. He requested all concern to move for a national legislation from own context, who have not yet formulated any comprehensive national legislation.

The Chair of APF gave emphasis on the legal framework and capacity building of the NHRIs. Highlighting the impact of human trafficking in the region he requested to come forward in protecting human trafficking and formulating national legislation.

In the two day long program in different sessions NGO Forum, Amnesty International and other panelists from NHRI, Business Community, State actors came up with several recommendations on the basis of the best national, regional and international practices:

- NHRI to be more proactive;
- To encourage the govt. to enact laws;
- To promote Human Rights Diligence;
- Regional Strategic plan on negative impact on human rights;
- To publish a report by ICC;



The Biennial conference obviously brought an opportunity for national human rights institutions to discuss and share priorities and strategies to improve the application of human rights norms in the corporate arena. The outcome of the Previous NHRI International Conferences, held in Kenya (2008), Bolivia (2006), Korea (2004), Denmark (2002) and Morocco (2000) was also reiterated. The conference opened on Friday 8 October and ended on Sunday 10 October, where delegates participated in adopting the 'Edinburgh Declaration' which will initiate the development of national, regional and international programmes of action. The outcome of the Conference helped in developing guidance for NHRIs on human rights and business and in adopting the Edinburgh Declaration and Plan of Action.

The Declaration calls for more national and international monitoring of businesses' compliance with human rights law. Because the institutions themselves have an important role to play in supporting the victims of potential human rights violations. Rosslyn Noonan, Chair of the International Coordinating Committee, and Chair of the New Zealand Human Rights Commission said "We are at a tipping point. Successful businesses are crucial for development, but recognition and protection of human rights has not kept pace with the power and influence of globalize economies. "Over the past three days we've come together as national human rights institutions to agree in the Declaration that more must be done to support businesses to understand their rules and responsibilities" Mr. Alan Miller, Chair of the Scottish Human Rights Commission, said "The Edinburgh Declaration gives organizations like ours a road map on business and human rights at a time when private companies have increasing influence in so many parts of our lives. "Commissioners from countries including Venezuela, India, France, Bangladesh and Australia have agreed that we can support businesses understand their responsibilities, while helping individuals claim their rights. The end of the conference is the start of all the national institutions putting renewed emphasis on what they can do in their own countries on this vital issue."

There were a number of side events, fringe meetings and parallel events to the 10th International Conference of National Human Rights Institutions including the meeting with Dr. Purna Sen, Head of Human Rights, in Commonwealth in Secretariat.

6. Follow up Action Matrix:

- Regional Seminar, hosted by NHRC, Bangladesh in cooperation with UNDP which was held on Nov 13-14, 2010 in Dhaka. During this time we had the opportunity to share our experiences with the ICC Chair, Head of Human Rights of Commonwealth Secretariat, and commissioners of different NHRIs.
- During our interaction with the different stakeholders we would like to involve the corporate bodies so that they play more proactive role in protecting human rights of their employees. We discussed it with the President FBCCI, the apex body of the business community to organize a roundtable.

7. Actions to be taken By NHRC

To commence Orientation Workshops/training of NHRC in consultation with local administration and NGOs working on HR.

8. Key counterpart (s) and persons met in Edinburgh Conference and Commonwealth Secretariat

- Hon Alex Fergusson MSP, Presiding Officer of Scottish Parliament
- Mary Robinson, Former UN High Commissioner for Human Rights



- Navi Pillay, High Commissioner for HR
- Rosslyn Noonan, ICC Chair

9. Relevant Documents:

- Conference Program
- Edinburgh Declaration

10. Acknowledgement:

Expressing gratitude to Prof. Dr. Mizanur Rahman, Chairman of NHRC for nominating me in participating the 10th Annual Conference of NHRIs on Human Rights and to Mr. Stefan Priesner, Country Director of UNDP for their generous support in attending the programme. Also acknowledge the co-operation of distinguished commissioners of NHRC, Bangladesh and UNDP office in Dhaka.

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