



Annual Report 2011

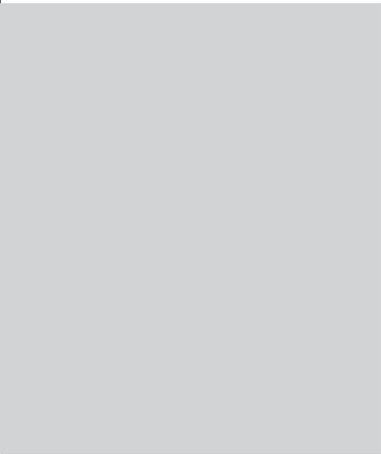
জাতীয় মানবাধিকার কমিশন



National Human Rights Commission

National Human Rights Commission

Annual Report 2011



National Human Rights Commission

8 Shahid Sangbadik Selina Parvin Sarak
(11th floor, Gulpheshan Plaza), Boro Maghbazar
Dhaka-1217, Bangladesh
Web: www.nhrc.org.bd

National Human Rights Commission

Annual Report 2011

Editorial Board

Chairman

Prof. Dr. Mizanur Rahman

Editor

Kazi Reazul Haque

Member of Editorial Board

Prof. Dr. Niru Kumar Chakma

Selina Hossain

Fawzia Karim Firoze

Aroma Datta

Nirupa Dewan

Associate Editors

Md. Tajul Islam Chowdhury

Kyra Buchko

Zahid Hossain

Design & print

ARKA

Cover and Chapter head Photo

Kamal Pasha

Copyright

National Human Rights Commission

Published by

National Human Rights Commission

Supported by

Bangladesh National Human Rights Commission

Capacity Development Project

Funded by

UNDP, DANIDA, Sweden, Swiss Confederation



Commission Members

From Left: **Nirupa Dewan**, Honorary Member, **Aroma Dutta**, Honorary Member, **Selina Hossain**, Honorary Member, **Prof. Dr. Mizanur Rahman**, Chairman, **Kazi Reazul Hoque**, Full Time Member, **Fawzia Karim Firoze**, Honorary Member, **Prof. Dr. Niru Kumar Chakma**, Honorary Member

Foreword

This is the second Annual Report of the current Commission. The first report this Commission submitted to the Honourable President of the People's Republic of Bangladesh was in fact a half-year report, since it covered the time period following the reconstitution of the Commission in June 2010. This year's report is in a true sense an annual report as it has captured the performance of

the Commission for 12 months, from January through December 2011. From that perspective, it is

the first complete annual report offered by the Commission. The report presents the achievements and setbacks of the Commission over the last year. At the same time, it identifies ongoing challenges facing the NHRC and offers strategies for overcoming these obstacles which developed in large part because of gaps between expectations and reality. The NHRC Annual Report 2010 introduced two main guiding principles for the Commission. First, the Commission's strategy will follow a "rights-based but duty-oriented" approach. Second, given the realities of life for the people, special emphasis will be placed on economic, social and cultural rights to place them alongside Commission efforts to protect and promote political and civil rights. Applying these principles has enabled the Commission to bring a fresh perspective to human rights protection, which has helped it engender the respect and confidence of growing segments

of the population. This year the Commission sought to convey an unequivocal message to domestic and international governments and NGOs regarding reporting on the state of human rights in Bangladesh. The NHRC has noticed, with some concern, that many domestic and international organizations confuse the "human rights situation" with the "law and order situation". In fact, there are

The report presents the achievements and setbacks of the Commission over the last year. At the same time, it identifies ongoing challenges facing the NHRC and offers strategies for overcoming these obstacles which developed in large part because of gaps between expectations and reality

subtle but very distinct differences between these two concepts and never are they synonymous. Although an increased number of killings, rapes, acid throwing incidents, etc., may reflect the eroding law and order situation in a country, these crimes cannot be presumed to be direct evidence of human rights violations.

The NHRC has stated repeatedly that though there is an important correlation between the criminal activity and human rights violations, treating them as interchangeable is unethical, offensive to the state and confusing to the public. It is unacceptable and should be avoided. Rape and murder are, of course, criminal offenses and must be punished. However, if there is no direct or indirect persuasion, influence or any other responsibility of the state (any organ of state or agency employee), such an offense cannot be treated as human rights violation by the

state, and for this reason the state cannot be considered liable.

Nonetheless, the NHRC recognizes and has stated repeatedly that a deteriorating law and order situation will likely have a tremendous negative influence on the human rights situation. It is thus the Government's responsibility to ensure that the state of law and order remains above an acceptable minimum level.

The work of a human rights commission can be daunting in a country like Bangladesh where half of the population is not acquainted with the term "human rights". Even for those who have heard the term, the NHRC learnt through its baseline survey of 2011 that most of them have no idea what it means. Therefore, the Commission has placed priority on education and awareness-raising activities for the public about human rights and implementing such plans will continue into the future. From this perspective, 2011 can be regarded as a good beginning for human rights awareness efforts by the Commission.

Following the political plot and brutal killing in 1975 of the Father of the Nation, his family members and the murder of four national leaders, the way the then-government leaders rewarded the killers created a 'culture of impunity' which is harmful to the rule of law in any country and plainly contradicts any measures to foster a culture of humanity. The NHRC firmly believes that it is the responsibility of the Government to ensure that crimes against humanity committed during the Liberation War are prosecuted in order to establish the rule of law. Such a crucial responsibility of the state cannot be ignored. From this perspective, the Commission has extended its utmost support to the ongoing War Crimes Tribunal in the country. At the same time, the Commission strongly urges the authorities concerned to place special emphasis on upholding international standards and transparency

throughout the process. The NHRC itself continues to keep careful watch over the trial process.

Though this report is based on the events of 2011, the Commission received a substantial number of complaints of human rights violations that took place a decade ago, in 2001. These incidents were gruesome, brutal, and tragic, representing flagrant human rights abuses. All of these complaints were linked to events surrounding the 2001 parliamentary elections which resulted in broad-based human rights violations. While the NHRC sincerely intended to take up these complaints, the matters are cases currently pending before the courts, and per the 2009 Act the Commission cannot take the issues as such under its cognizance. The Commission truly regrets the inability to pursue any effective remedies for the complainants. However, the NHRC has strongly advised the Government to compensate victims. It believes the state must take responsibility to speed up trials to ensure justice and relieve the physical and mental suffering of many helpless victims

Amidst the ongoing global economic recession, the Government's actions to extend the social safety net of allowances for widows, the elderly and freedom fighters has inspired the Commission to remain true to its philosophy and priorities regarding the welfare of citizens in spite of difficult financial realities. The Commission maintains that a state respectful of human rights must remain committed to taking special responsibility for two types of citizens: (1) children and those who have yet to start working; and (2) the elderly, physically challenged, and others who cannot work. Moreover, to the extent that social safety net coverage expands, so citizens' socio-economic rights will be effectively protected.

The NHRC is pleased to note the Government's efforts to enact legislation protecting rights of autistic children and other

physically challenged citizens. The Commission strongly believe all these efforts to protect human rights will strengthen the nation as a whole. Any kind of discrimination (except positive discrimination) is specific violation of human rights. Both the Bangladesh independence declaration of April 10, 1971 and the Bangladesh Constitution are considered powerful protectors in this regard.

It is a matter of great hope that every effort is taken to impede discrimination currently in Bangladesh. Efforts under the amended Vested Property Act, for example, to return property to the original proprietor aim to reverse the tide of decades of discrimination, and will reignite efforts to build peace and religious harmony in society. In addition, the term 'monga' (famine) has become something of the past now due to actions taken by the Government. All of these forward-looking steps inspire hope, though by themselves do not ensure the dream of the Bangladesh war of liberation where 'equity, social justice and human dignity' will be protected and upheld. The way forward requires democracy to be alive, so that the dream of 1971 is not interrupted. The Commission notes some positive developments vis-à-vis political and civil rights during the reporting period. Toward the end of 2011, it was evident that the number of extra judicial killings was down from earlier in the year. The issue of custodial torture has deeply troubled the Commission, and there was also some success in stemming the tide of abuse through bringing the issue to the attention of the High Court. The NHRC is optimistic that progress will continue in these areas so that no actions offensive to the dignity of citizens will be taken by the Government or any of its representatives or agencies. The NHRC this year has firmly established its presence both nationally and in the international community. It is notable that this Commission secured international recognition--within quite a short time period--through accreditation by the International

Coordinating Committee (ICC) and became a member of the prestigious regional body, the Asia Pacific Forum (APF). These acknowledgments by the regional and international human rights community came as a result of the Commission's commitment and active engagement in carrying out its mandate. These dual recognitions will enhance the image and reputation of Bangladesh as a nation determined to uphold and protect human rights.

While recognizing some significant achievements over the course of 2011, the Commission certainly cannot become complacent. The ICC accreditation awarded to the NHRC was with 'B' status. In order to achieve 'A' status, the Commission must work toward ensuring its reputation as an independent body, which will require unflagging efforts to be independent in principle and in practice and to rise above any fears or threats which can interfere with the pursuit of Commission mandates. The support and cooperation of the Government is very much indispensable in this regard. The Government must be more proactive in taking necessary steps to implement NHRC recommendations. Moreover, the Commission should be viewed by the Government not as an opponent but as a catalyst for good governance. Bearing this in mind, the allocation of sufficient human and financial resources to empower the Commission will send a clear message that the state is truly dedicated to its duty to safeguard the human rights of its citizens. If any citizen is killed by the state without any recourse, human rights are violated. If any citizen dies from lack of proper medical treatment, human rights are invisible. If any citizen suffers from hunger, human rights are offended. If any individual lives in fear or terror, where are human rights? The nation of Bangladesh came into its very existence in order to uphold and protect human dignity. Let us not forget that if the state fails to serve its citizens, the state takes on the character of a common criminal. In the words of Nobel

Laureate Rabindranath Tagore:

“Oh! My miserable land, those whom thou hast disgraced,
It is to their level where thou must place thyself down
Whom thou hast declined the rights of man
Whom thou denied their rightful place on thy lap,
It is to their level where thou must place thyself down.”¹

Bangladesh has awoken. Everywhere, more
and more people are keen to protect human
rights. Who says that Sonar Bangla – our
Golden Bangladesh -- is far, far away!

Prof. Dr. Mizanur Rahman

Chairman

National Human Rights Commission, Bangladesh

¹Transtated by Arpeeta Shams Mizan

Antecedents

During the mid 1990s, civil society and the international community in Bangladesh came together to advocate for the creation of a national institution to serve as a watchdog to monitor and address the human rights situation across the country. In 1998, draft legislation was prepared following extensive communication and coordination among a wide range of stakeholders. As a part of this process, an ordinance was promulgated in 2007 which formally established the National Human Rights Commission (NHRC). The Commission started functioning officially in December 2008, albeit in a very limited sphere.

After a free, fair and credible election held in December 2008, the Parliament enacted the National Human Rights Commission Act 2009, superseding the 2007 Ordinance. The 2009 Act reflects the constitutional and international human rights obligations espoused in the Paris Principles adopted by the UN. Accordingly, based on the Act and Paris Principles, the NHRC was established as an independent and statutory national institution to promote and protect human rights.

The 2009 Act provides for a high-level Selection Committee, headed by the Honourable Speaker of the Parliament and comprising Ministers and Cabinet Secretaries, including MPs from both the Treasury and the Opposition bench. Following a thorough screening process, the Committee recommends two names for each Commissioner position, considering their expertise and contributions in the field of

human rights, education, health, social work and management.

Upon the recommendation of the Selection Committee, the Honourable President of the People's Republic of the Bangladesh appointed the following individuals to serve the Commission for a three-year term: Professor Dr. Mizanur Rahman (Chairman); Kazi Reazul Hoque (Full Time Member); Professor Dr. Niru Kumar Chakma (Honorary Member), Mrs. Selina Hosain (Honorary Member), Advocate Fawzia Karim Firoze (Honorary Member), Ms. Aroma Dutta (Honorary Member) and Ms. Nirupa Dewan (Honorary Member). Thus, the pluralistic nature of the Commission, as envisaged by the UN through the Paris Principles, has been ensured. Among the seven members, Chairman Dr. Mizanur Rahman and Full Time Member Kazi Reazul Hoque were appointed with the privileges and remuneration of the judges of the Appellate Division and High Court Division of Bangladesh Supreme Court, respectively. The reconstituted Commission began working on 23 June 2010. Initially, the NHRC faced some significant challenges in regards to office space, personnel, finances and budget management, and other logistics. It is noteworthy that NHRC's development partners, including UNDP, DANIDA, SIDA and SDC have contributed invaluable support in assisting the Commission to establish a solid foundation and begin to conduct its activities. This partnership was formalized through a Memorandum of Understanding signed in 2010 by the Economic Relations Division (ERD) of the Ministry of Finance, UNDP and NHRC.

This is the third Annual Report of the NHRC, but the second report filed by the reconstituted Commission. The report provides an account of NHRC activities during 2011, focusing on the promotion and protection of economic, social and cultural rights along with civil and political rights. The report highlights Commission achievements, including being accredited by the International Coordination Committee for NHRIs and gaining membership in the Asia Pacific Forum, as well as progress made in addressing human rights violations. The Commission has finalized its 5-year strategic plan (2010-2015) through a very extensive consultation with stakeholders, and has identified the major areas of human rights violations on which the NHRC will focus its efforts.

Bangladesh has ratified most of the core human rights treaties and protocols, including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, these instruments must be incorporated properly into domestic law and reporting procedures must be improved. It should also be mentioned that with respect to legal compliance with CRC and its two Optional Protocols (one regarding the involvement of children in armed conflict and the other on the sale of children, child prostitution and child pornography), there remain some challenges and further improvements are necessary. The Government of Bangladesh has also adopted the National Child Development Policy 2011 and prepared draft amendments to the Child Act of 1974. However, relevant clauses of the Labour Law 2006 and the National Policy for the Elimination of Child Labour must also be amended. In order to expedite the protection and promotion of child rights in Bangladesh, the Commission established the Child Rights Committee, comprising NHRC members, representatives of UN organs, national and international NGOs and relevant Government

actors. The Commission's Child Rights Committee is in close contact with the Government, urging officials to pursue the amendment of these laws and formulation of all such policies to ensure conformity with CRC and other international rules as well as the Bangladesh Constitution. Among other instruments, the ratification of CEDAW and adoption of the National Women Development Policy are very positive steps. But as a result of Bangladesh's formal reservations to CEDAW, the property rights of women, protection of women from violence and true empowerment of women are still far from being guaranteed. Recently, the Government has enacted legislation and policies that may prove helpful in mitigating the negative impact of its CEDAW reservations, thereby supporting the process of women's empowerment, the fight against gender-based violence and the right of women to economic, social and cultural rights. The success of these initiatives now depends on effective implementation.

In this context, the ratification of the Convention on the Rights of Persons with Disabilities (CPRD) and subsequent protocol is praiseworthy. Moreover, the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the ratification of relevant protocols should also be pursued with great urgency. In reality, while treaty ratifications are evidence of a state's goodwill and commitment to human rights, what is essential is the domestication of such international instruments into the national legal regime so that policies can be implemented for the benefit of victimized and marginalized people. Another important aspect of measuring the human rights situation is the UN Universal Periodic Review (UPR). The UPR is a rather new mechanism of the UN Human Rights Council, designed to monitor and evaluate the human rights situation of each Member State. The situation in Bangladesh was reviewed by Human Rights

Council in 2009 as a part of the UPR process. As the second cycle of UPR will be held in May 2013, Bangladesh must submit its State Report by 2012, while stakeholders' reports, including that of the NHRC, are due to the Human Rights Council in Geneva by October 2012. Accordingly, the NHRC formulated a detailed plan of action in support of the UPR process which goes into effect from the beginning of 2012. During 2011, NHRC organized several capacity building programs for the Commissioners, NHRC staff and various stakeholders as a part of the initial support for the UPR process.

The NHRC fervently hope that the country's human rights record will continue to improve and the rule of law will be strengthening through effective implementation of core human rights treaties as well as existing national laws that safeguard people's fundamental rights. The Commission acknowledges the Government's commitment and support to the NHRC, and recognizes the essential role of NGOs and civil society in supporting the Commission to build its institutional capacity, which in turn will enable the NHRC to fulfil its duty to protect and promote the rights of the people of this country.

Kazi Reazul Hoque
Full Time Member
National Human Rights Commission

Table of Contents

Foreword	05
Antecedents	09
Executive Summary	15
Acronyms and Abbreviations	17
Chapter One : Building a Human Rights Culture	19
Chapter Two : Human Rights Complaints and Investigations	27
Chapter Three : Human Rights Awareness and Education	37
Chapter Four : Human Rights Research and Policy Advocacy	43
Chapter Five : Institutional Development	49
Chapter Six : Challenges to the NHRC and the Way Forward	59
Annexure	65
NHRC Act	65
NHRC Organogram	76
NHRC Strategic Plan	78
NHRC Complaint Statistics	95

Executive Summary

The National Human Rights Commission is very pleased to present its Annual Report 2011 to the Honourable President of the People's Republic of Bangladesh, in accordance with the National Human Rights Commission Act 2009. The Annual Report 2011 presents the activities of the NHRC over the course of the year in the following key areas of endeavour as directed by the 2009 Act: Human Rights Monitoring and Investigation, Human Rights Awareness and Education, and Human Rights Research and Policy Development. In addition, the Commission has continued to build its capacity as an institution. Significant achievements in each of areas illustrate meaningful progress made by the Commission in responding to human rights abuses, expanding its profile within Bangladesh, enhancing the national dialogue on human rights issues, reaching out to the international human rights community – all in pursuit of its statutory mandates.

This year's NHRC Annual Report is organized into six chapters. Chapter 1: Building a Human Rights Culture, sets the stage for discussion about the current state of human rights in Bangladesh, with a focus on the results of the NHRC-commissioned study, "Perceptions, Attitudes and Understanding: A baseline survey on human rights in Bangladesh." This investigation into the knowledge and beliefs of Bangladeshis about human rights reveals a number of important realities that are assisting the NHRC to prioritize its activities and develop successful strategies to raise awareness about how individuals and groups can secure their rights most effectively. The

chapter also offers an overview of the progress the NHRC has made in four areas of Commission activity and highlights the most significant achievements of 2011.

In Chapter 2: Human Rights Complaints and Investigation, the Commission describes the progress it has made in developing a transparent, credible, responsive, accountable process for receiving and handling complaints from victims of human rights abuses. Commission efforts to develop a user-friendly computerized complaints management system are presented. The chapter includes statistics on numbers of cases filed, resolved or pending, and sets forth quantitative and qualitative information on some noteworthy cases which represent the range of complaints filed with the NHRC over the last year. Site visits taken by the Chairman and Commissioners around the country to public facilities including prisons, schools and hospitals are also detailed.

The NHRC sets forth its public awareness, training and education activities in Chapter 3: Human Rights Awareness and Education. This section describes the myriad of educational and awareness-raising initiatives of the Commission, such as conferences, workshops, and trainings organized by the NHRC; public awareness campaigns; the 2011 International Human Rights Day program and Youth Arts Competition in December; and Consultative Workshops on the NHRC's draft Strategic Plan. Chapter 4: Human Rights Research and Policy Development presents the activities conducted in support of promoting the application of international

human rights laws in Bangladesh and the compliance of national laws with those international commitments. The methodology and major findings of the 2011 NHRC baseline survey are also described.

Chapter 5: Institutional Development details the achievements of the Commission in the areas of organizational management, networking and raising its own profile on the national scene and in the international sphere. It elaborates on the NHRC achievements of earning both accreditation with “B” status by the International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs), as well as Associate Membership in the Asia Pacific Forum (APF). The chapter also explains the results of the extensive consultative process completed by the Commission on the Strategic Plan 2010-15, which was formally adopted in the spring of 2011. The NHRC continued and expanded its international outreach and cooperation through participation of NHRC Members, Secretary and Directors in conferences and study tours abroad, as well as consultations with other national and regional human rights institutions. These exchanges allowed the Commission to establish or reinforce ties and share knowledge and experiences relevant to human rights protection and promotion. The Commission also hosted various foreign officials and international delegations in Dhaka.

The NHRC delineates some of the main obstacles to its progress in serving the people of Bangladesh in Chapter 6: Challenges to the NHRC and the Way Forward. These challenges continue to be both external and internal. Some of the most significant external challenges include the magnitude and complexity of violations, lack of public awareness, and a negative domestic political climate. Internal challenges include limited human and financial resources and

management difficulties. The final 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. The Annexure includes key documents and reports relating to the organizational development and activities of the NHRC in 2011: (1) NHRC Organogram; (2) NHRC Standard Operating Procedures (SOP) for Complaints Handling (Draft December 2011); (3) Consultative Workshops on NHRC Strategic Plan at a Glance; (4) Presentation on Recommendations of Ten Consultative Workshops on NHRC Strategic Plan; (5) Core Human Rights Instruments Ratified by Bangladesh. The NHRC would like to express its deep appreciation to the Government of Bangladesh for its ongoing support of the Commission. Thanks are due also to the United Nations Development Programme (UNDP) which, together with the Government, has established the Bangladesh National Human Rights Commission Capacity Development Project (BNHRC-CDP) for the period July 2010–June 2015. BNHRC-CDP has been generously supported in 2011 by project donors including the Swedish International Development Cooperation Agency (SIDA), the Danish International Development Agency (DANIDA), and the Swiss Agency for Development and Cooperation (SDC).

The Commission is confident that, working in close collaboration with our stakeholders, supporters, and especially the people of our country, a solid foundation is emerging for a strong and independent human rights watchdog in Bangladesh. The NHRC trusts this report provides the Honourable President, the Government, NHRC development partners, and all other stakeholders with a comprehensive review of the Commission’s achievements during 2011 and the challenges ahead.

Acronyms and Abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions
ASK	Ain O Shalish Kendra
BLAST	Bangladesh Legal Aid and Services Trust
BNHRC-CDP	Bangladesh National Human Rights Commission Capacity Development Project
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CMS	Complaints Management System
CRC	Convention on the Rights of the Child
CRPD	Convention on Rights of Persons with Disabilities
CSO	Civil Society Organisation
DANIDA	Danish International Development Agency
ERD	Economic Relations Division
FIR	First Information Report
GoB	Government of Bangladesh
HRC	Human Rights Council
HRD	Human Rights Defender
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
MLAA	Madaripur Legal Aid Association
MWC	Migrant Workers Convention (Convention on the Rights of All Migrant Workers and Members of Their Families)
NHRC	National Human Rights Commission of Bangladesh
NHRI	National Human Rights Institution

OP	Optional Protocol
OPCAT	Optional Protocol to the Convention Against Torture
OPCRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
SCA	Sub-Committee on Accreditation
SDC	Swiss Agency for Development and Coordination
SIDA	Swedish International Development Cooperation Agency
SOP	Standard Operating Procedures
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UPR	Universal Periodic Review



1

Building a Human Rights Culture

Chapter One

Building a Human Rights Culture



The pursuit of human rights promotes the freedom, dignity and worth of every person. When human rights are made real, the poor can participate in decisions affecting their lives; the absence of such rights is a defining characteristic of human poverty. The Constitution of Bangladesh provides for the protection of human rights of all citizens. The rights to life, to liberty, to equality and non-discrimination, and to be treated in accordance with law, are the fundamental human rights principles enumerated in the

Constitution, as are a range of civil, political, social and cultural rights.

In addition to these national guarantees, Bangladesh has ratified eight of nine core international human rights treaties, and has adopted several Optional Protocols (OPs) related to discrimination against women (CEDAW) and rights of the child (CRC). However, it has yet to ensure consistency with national laws and align the application of human rights protection with its international

obligations. Moreover, there are numerous international human rights treaties and covenants which Bangladesh has yet to approve or ratify. Human rights awareness is lacking among the wide majority of the public, and knowledge and sensitivity to human rights issues within government agencies remains extremely limited. In February 2009, the first Universal Periodic Review (UPR) of Bangladesh's human rights record highlighted a number of critical areas of human rights violations in Bangladesh, including extra-judicial killings by law enforcement agencies; custodial death and torture with impunity; discrimination and violence against women; discrimination against indigenous peoples and religious minorities; child labour and early marriage; and disregard for the rights of prisoners. In this context, an independent human rights institution with sole responsibility of promoting and protecting human rights has been a long term objective of many groups. As previously explained, the NHRC was formally established in December 2008 with the appointment of three Commissioners, with the current Commission comprising a total of seven members, each serving three-year terms (2010-13). In accordance with its official mandate, the NHRC serves as the major national human rights watchdog, monitoring implementation of state obligations to respect and protect the rights of every single member of society. The institution is charged with addressing specific human rights complaints through investigation, mediation and conciliation, and where necessary, through constitutional litigation, and more broadly through raising public awareness. It also has a vital role to play in ensuring consistency of laws and policies with international standards.

During 2011, the NHRC began to add staff through its own direct recruitment, following the approval of a 28-person organogram in the second half of the year. These staff members, along with the government-seconded directors and deputy directors,

comprise the personnel the NHRC currently has to build the necessary technical capacity required to act effectively as a watchdog and engage in targeted activities to protect and promote human rights.

In response to the Commission's need for foundational support, on May 6, 2010, the NHRC joined with development partners and the Government of Bangladesh to initiate a five-year capacity development project. The Bangladesh National Human Rights Commission Capacity Development Project (BNHRC-CDP) was created to support the establishment and growth of the Commission into a strong institution capable of fulfilling its statutory mandate. During 2011, the NHRC continued to collaborate closely with the BNHRC-CDP during the first full year of the project's activities, carrying out activities in the four major areas described above according to a jointly-developed annual work plan (AWP).

One of the most important NHRC activities during 2011 was conducting a national survey of Bangladeshi peoples' attitudes and perceptions of human rights. The summary report of findings, "Perceptions, Attitudes and Understanding: A baseline survey on human rights in Bangladesh" was published by the Commission in December 2011. The purpose of the survey was to learn what people across the country think, know and understand about human rights, and to determine what they see as their most important rights issues facing Bangladesh. Survey participants were asked about where people go, and why, when seeking redress for human rights violations, and their level of satisfaction with the services provided. The NHRC was also interested in finding out the general level of awareness about the Commission itself.

The baseline surveyed revealed very interesting and important information for human rights institutions such as the NHRC, human rights defenders and activists, the

Government of Bangladesh, and of course, for the people. More than half of those surveyed had never heard of “human rights”, with those who had heard of it much more likely to be from an urban area, male, educated or among the least poor. But when asked to identify what “human rights” means, those familiar with the term showed a fairly good understanding of them as basic rights accorded to all people from birth and relating to personal freedoms. Even so, nearly 1 out of 5 people who had heard of “human rights” could not describe what the term means.

When asked which human rights people should have, most respondents recognised the right to life as the primary human right, along with key civil and political rights, such as equality and freedom from discrimination, personal freedoms and freedom of expression. There was also recognition of socio-economic rights and access to services. Those who had previously heard of human rights were also generally aware that knowing your rights is the most effective way to claim them.

But another troubling statistic revealed that more than half the people surveyed were either not aware or did not believe that human rights, or at least some of them, are legally protected and enforceable in Bangladesh. Since people can only claim and defend their rights when they know and understand that they can be enforced by law, the lack of understanding around legal protection of rights is problematic, and something the NHRC is committed to addressing through its countrywide awareness campaigns which began in 2011.

The survey also inquired about the link between human rights and the responsibility to respect the law and the rights of others. Respondents generally were aware that rights and obligations are closely connected, particularly the duty to know and abide by the law. However, nearly a quarter to a third of survey participants did not know about this

connection, indicating that public awareness campaigns must communicate that human rights create corresponding obligations. Another aspect of the survey focused on where to go for redress of a human rights violation. When asked what they would do if the government violated their rights, a wide majority of survey participants said they would take some form of individual or collective action, rather than look to someone else to protect or defend their rights. But only about one percent said they would report a violation to police, and even less would report it to a lawyer or the NHRC.

The responses to the baseline survey show that the people of Bangladesh have an innate understanding of how democracy works, especially in regards to the potential impact of citizen mobilisation and articulation of concerns. Though less than half of respondents knew or had heard of the technical term “human rights”, this does not necessarily mean Bangladeshis do not understand the concept of having certain rights and being able to demand them. Instead, the responses indicated that people need to know more about other means to advocate for their rights and deal with violations. The NHRC recognizes this lack of awareness of human rights as legally enforceable and has been focusing its efforts since 2011 on enhancing rights awareness and its own role in promoting and protecting those fundamental guarantees.

In analyzing the survey outcomes, the Commission has been able to assess the strengths and weaknesses of the legal and policy framework for human rights protection in the country. The NHRC also received recommendations regarding how stakeholders and other interested actors can support the Commission in its quest to improve dramatically the basic rights situation in Bangladesh. The baseline that has been established as a result of the survey will be used by the Commission as a measurement against which to evaluate the

success of the NHRC's future efforts in all areas of endeavour -- complaints handling, human rights monitoring, awareness-raising and education, and advocacy and policy development. By measuring progress in this way, the Government, Commission, NGOs, and all stakeholders will be able to coordinate more effectively to fill in gaps and build on strengths, in order to hasten the emergence of a true national human rights culture.

Even considering the disconcerting results of the baseline survey in many areas, the NHRC has nonetheless made significant progress toward the overall objective of establishing itself as a strong and independent institution capable of fulfilling its statutory mandates. The following key achievements represent results in four Commission activity areas: Human Rights Complaints and Investigations; Human Rights Awareness and Education; Human Rights Research and Policy Development; and Institutional Development. NHRC 2011 Key Achievements:

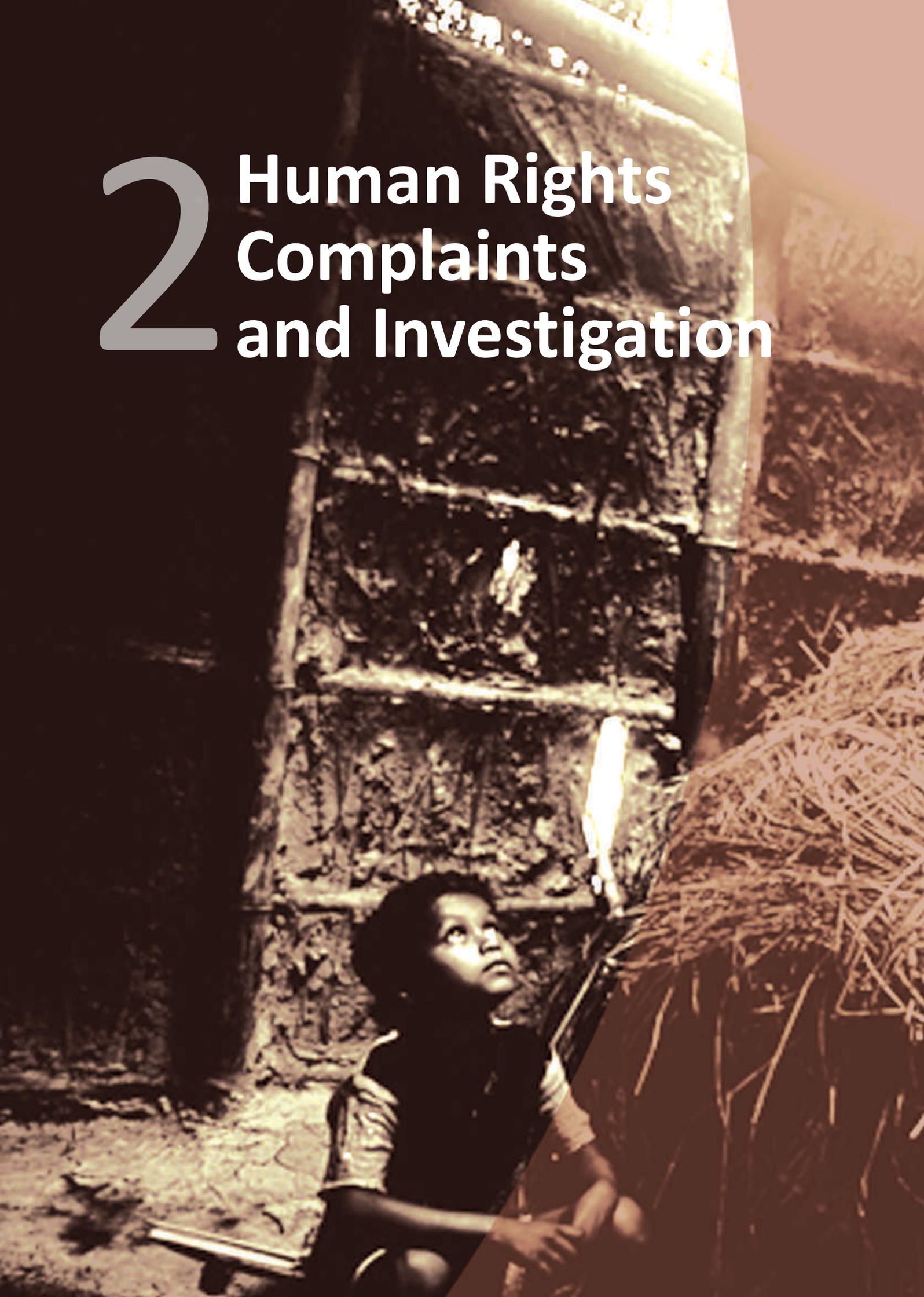
- The NHRC Strategic Plan (2010-2015) was formally adopted following an extensive and inclusive stakeholder consultation process. Ten thematic workshops were conducted in districts around the country, which culminated in March 2011 with a national program highlighting the major recommendations made by stakeholders on the NHRC's priority areas of intervention and how best to achieve its strategic objectives (See Chapter 5: Institutional Development).
- The NHRC conducted and published the results of the study, "Perceptions, Attitudes, and Understanding: A Baseline Survey on Human Rights in Bangladesh," the first national survey of its kind in the country. (See Chapter 4: Human Rights Research and Policy Advocacy).
- The NHRC initiated its complaints handling mechanism by drafting Rules on Enquiry and Investigation, developing Standard Operating Procedures (SOP) for handling complaints, and designing an online Complaints Management System (CMS) (See Chapter 2, Human Rights Complaints and Investigations).
- NHRC-sponsored public awareness and human rights education activities expanded significantly during 2011. The Commission conducted workshops, roundtables and dialogues across the country for a broad range of stakeholders, focused on pressing human rights issues and the NHRC's mandate. Informational pamphlets, fact sheets, newspaper and journal articles, human rights-themed TV spots, and other promotional materials were disseminated widely. The NHRC website has been designed and is online (See Chapter 3, Human Rights Awareness and Education).
- The NHRC commissioned three research studies to assess the compliance of Bangladesh's national laws with international human rights obligations (ICCPR, CAT, ICESCR, and CEDAW), and has provided recommendations and policy advice to the Government of Bangladesh in the areas of women's rights, human trafficking, child rights and constitutional reform (See Chapter 4, Human Rights Research and Policy Advocacy).
- The NHRC's position as the apex national institution on human rights in Bangladesh has been recognized throughout the Asia Pacific region and internationally. The Commission was awarded "B" status by the International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs) in May 2011 and became an

Associate Member of the Asia Pacific Forum (APF) of NHRIs at the 16th Annual Meeting of the APF in Bangkok, Thailand in September 2011 (See Chapter 5, Institutional Development).

These successes illustrate the very strong start the Commission has made in establishing a presence and working to raising

its profile among policy makers, stakeholders and the public. The most important activities have focused on creating awareness of human rights concepts and the NHRC itself as well as building an institutional foundation comprising both physical infrastructure and human capital. Commission achievements and impacts in all four areas are detailed in subsequent chapters.

2 Human Rights Complaints and Investigation



Chapter Two

Human Rights Complaints and Investigation



During 2011, the NHRC formulated its system of inquiry and began to build its complaints management system and monitoring team for the effective investigation and monitoring of human rights abuses in Bangladesh. One of the Commission's most important mandates is to receive and inquire into incidents of alleged human rights violations. In order to process and investigate more effectively the allegations of human rights abuses it receives,

the Commission has developed a number of tools, including its Standard Operating Procedures (SOP) Manual for Complaints Handling, which specifies procedures for intake, processing and investigation of complaints of human rights violations as well as the NHRC mediation and conciliation procedures. Coupled with an online complaints management system, these tools have begun to assist the Commission to improve its proficiency in dealing with

complaints, thereby enhancing its ability as an institution to meet its mandate. Highlights of Commission activities in the area of complaints management and investigation include:

1 Standard Operating Procedures (SOP) Manual drafted.

The NHRC designed an operations manual for the staff, directors and Commissioners of the NHRC to facilitate effective handling of complaints of human rights violations. This SOP Manual provides guidance and step-by-step instruction on how to: (1) receive and record complaints of human rights violations; (2) investigate and take appropriate action regarding such complaints; (3) conduct investigations, suo moto, into possible human rights abuses, particularly on a systemic level; (4) make recommendations to resolve issues related to human rights violations through mediation and conciliation processes. This Manual will help ensure that the NHRC carries out these functions in a consistent, fair, and efficient manner, and can contribute to an overall streamlined and professional working environment.

2 Complaints handling fact sheet for public designed.

The Commission in prepared a user-friendly pamphlet in Bangla on complaints handling by the NHRC. The pamphlet provides information on why, when, where and by whom a complaint related to human rights violations can be submitted to the Commission, and how the NHRC deals with any complaints received. It also includes information about the elements of human rights guarantees and what the Commission can do to protect and promote human rights. The NHRC has begun to distribute the pamphlet at workshops, meetings and other organized activities, and has planned broad public distribution in hard copy and electronically beginning in the first quarter of 2012.

3 Professional exchange with the NHRC India staff.

Staff members of the NHRC visited New Delhi in May 2011 to meet with counterparts from the National Human Rights Commission, India (NHRCI), the National Commission for Women, and the National Commission for Minorities, and the Asian Centre for Human Rights, which pioneered the principle of accountability for human rights violations. Participants included the Commission's Chairman and Members and also Director and Deputy Directors of Complaints and Enquiry, and Secretary of the Commission. Through its interaction with the oldest Commission in the SAARC region, the NHRC benefitted from experience sharing, which has informed the work of the NHRC in developing complaints management mechanisms.



NHRC Bangladesh with NHRC India at Indian Human Rights Commission

4 NHRC mediation capacity and procedures considered

In preparation for Commission work in the area of mediation and conciliation, the NHRC consulted with various NGOs working on legal aid services, including Ain O Shalish Kendra (ASK), Bangladesh Legal Aid and Services Trust (BLAST) and Madaripur Legal Aid Association (MLAA). Observations of mediation and village court sessions in Madaripur revealed the significant participation of women and their critical role in decision making. It was also observed that the mediators (shalishkars) are relatively

younger than the traditional matbar, or headman, of a village. Building upon these consultations, the Commission is developing a mediation scheme and establishing a network of NGOs with experience in mediation and conciliation, with a goal of identifying and training a core group of professionals to serve as NHRC mediators and facilitators.

5 Template for custodial death report prepared.

Incidents of extra-judicial killing and custodial deaths have been critical human rights issues in Bangladesh. In order to expedite NHRC responses in this area, the Commission requested that it receive all custodial death reports from the person in charge of the concerned law enforcement agency within 24 hours of the incident. In order to maintain cohesion between reporting and data generating, a standard reporting format along with forwarding letter was developed and circulated amongst all law enforcement agencies. The Commission has drafted a template for custodial death report as well as a forwarding letter explaining the purpose and advantages of such reporting. Templates such as this help to ensure consistency in Commission decision making and can improve administrative efficiencies.

6 Online complaints management system designed

The NHRC is developing and implementing a computerized system for managing complaints of human rights violations it receives from individuals and groups, those referred to the NHRC by outside organizations as well as suo moto investigations. The system will be used by Commission staff in order to streamline the handling of complaints in a transparent and timely manner. The NHRC will also be able to monitor and analyze the complaints according to a variety of criteria (category of violation, type of complainant, demographic and geographic information, category of respondent, etc.) The system will be linked to the Commission website which allows citizens to file complaints online with the Commission from anywhere in Bangladesh – or the world.

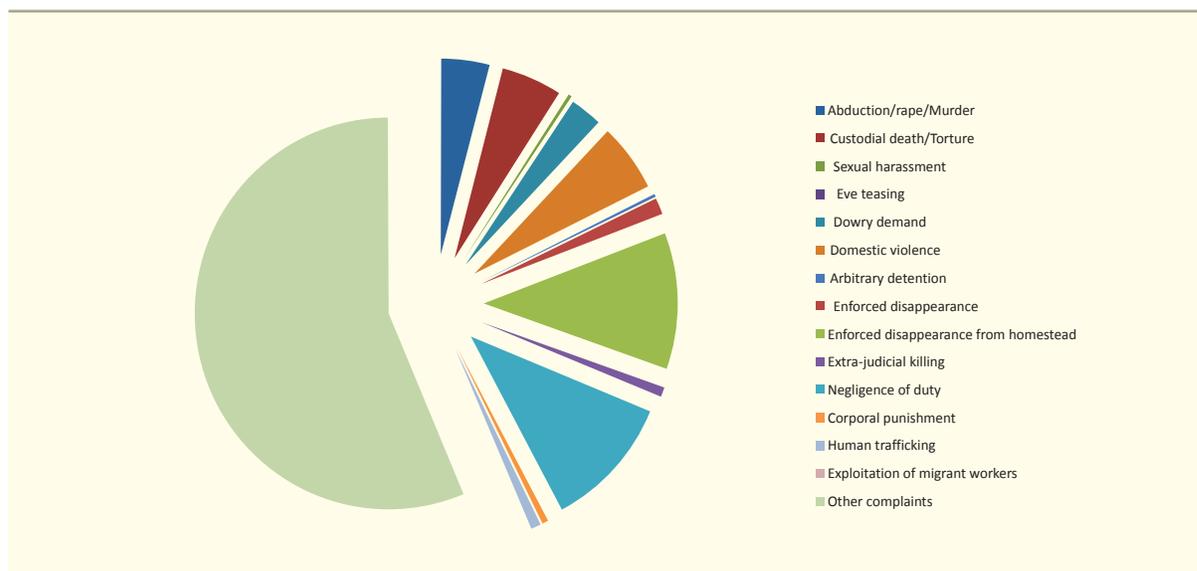
Human Rights Complaints Lodged with the NHRC in 2011

During 2011, the NHRC received a total of 453 complaints. Among these complaints, as of January 1, 2012, the Commission has resolved or disposed of 346 cases, while 107 cases remain pending.

It is important to note that the number of cases categorized as “other complaints”

Category of Complaints	Cases disposed of	Cases pending	Total
• Abduction/rape/Murder	15	3	18
• Custodial death/Torture	19	13	32
• Sexual harassment	1	2	3
• Eve teasing	0	0	0
• Dowry demand	10	2	12
• Domestic violence	21	8	29
• Arbitrary detention	1	4	5
• Enforced disappearance	5	3	8
• Enforced disappearance from homestead	42	2	44
• Extra-judicial killing	3	8	11
• Negligence of duty	41	10	51
• Corporal punishment	2	2	4

Category of Complaints	Cases disposed of	Cases pending	Total
• Human trafficking	3	0	3
• Exploitation of migrant workers	0	0	0
• Other complaints	211	22	233



include matters brought to the Commission but were determined to be outside its jurisdiction. As more people have become aware of the role and mandate of the NHRC, the number of complaints brought before the Commission continues to increase, as is to be expected. Among the growing number of complaints are reports of abuse, violence, mistreatment and injustice – all of which are tragic and regrettable, but not all of which constitute violations of human rights. Considering the range and types of issues coming before the Commission, the NHRC is striving to strike a balance between encouraging citizens to seek redress for harms suffered with utilizing the complaints process as a means to educate the public about the mandate and jurisdiction of the Commission.

The following cases are noteworthy or otherwise represent the range of cases considered by the NHRC over the last year.

Juvenile incarceration halted

On July 11, 2011 the NHRC learned that a 12-

year old child had been imprisoned in the Kishoreganj Central Jail for at least 25 days. The national Bangla-language daily, Prothom Alo, reported that a child was incarcerated together with adult criminals, some of whom were considered severe offenders and dangerous. On that day the Commission directed the District Magistrate in Kishoreganj to inquire into the matter and inform Commission of the status of the child. On July 13, the District Magistrate confirmed to the NHRC that the child was removed from Kishoreganj and transferred to the Child Development Centre in Gazipur. This case illustrates the Commission's effectiveness in putting pressure on the local judiciary to intervene in the situation to protect children from unlawful imprisonment.

Patient released after being detained for non-payment of medical bill

On July 4, 2011, a prominent national Bangla-language daily reported that a man from Kishoreganj named had been kept under observation for 20 days at Bajitpur Jahurul

Islam Medical College and Hospital following the completion of his medical treatment because of his inability to pay his medical bill. The NHRC then took the matter into cognizance suo moto, and directed the District Magistrate and Civil Surgeon of Kishoreganj to investigate the matter. On July 5, the District Magistrate of Kishoreganj informed the Commission that the man had been released from the Bajitpur Jahurul Islam Medical College and Hospital and returned home safely.

Jailed children transferred to safe home

On April 28, 2011 Dainik Bangladesh Protidin reported that Joypurhat-3 BGB Battalion members of Utpara detained seven children in connection with a human trafficking case in India, after which the children were taken into jail custody according to a court order. The Commission took up the case suo moto, and directed the Joypurhat District Magistrate, Social Welfare Office, Probation Officer and Jail Superintendent to intervene based on the Child Act of 1974 and follow up with the Commission as soon as possible. The District Magistrate of Joypurhat informed the Commission on May 2, 2011 that the children were transferred from jail custody to a safe home/juvenile facility.

Disabled victim homicide case filed

On June 6, 2011 Bably Begum, Executive Director of the Disability & Development Centre (DDC) informed the NHRC about a case of physical abuse and violence involving Razia Akhter (not her real name), who used to work as a domestic servant. It was alleged that Razia's employer repeatedly raped her during times when she was alone in the house. As a result, Razia became pregnant and later was brutally tortured in the name of arbitration by the authorities of her village.

A case was filed in Deviganj Thana by Razia's mother, after which the employer Mr. Sahjahan became aggressive and threatened

to take action to have the case withdrawn. DDC Panchagar referred this action to the police but there was no effective response. On May 31, 2011, neighbours informed Razia's mother that Razia had been seen purposely taking poison. Razia was taken to Sadar hospital in Thakurgaon, where she later died. Many newspapers published the news of her tragic death but no action was taken to inquire into the matter.

The NHRC directed the Deputy Commissioner (DC) of Panchagar to send a report to the Commission after investigating the case. In response, DC Panchagar conducted an inquiry and sent report to the Commission stating that while initially the case was classified as an "unnatural death", upon further review and following additional evidence, it should be converted to a case of homicide. The NHRC then sent a letter to the Secretary of the Ministry of Home Affairs to direct the Police Superintendent of Panchagar to take the necessary steps to convert UD case-34/11 into a case for murder and also to take legal action against the accused. The case has been converted into a murder case and is currently pending at the court. The NHRC continues to monitor the situation.

NHRC directs school to be reopened following unlawful closure

On September 11, 2011 The Daily Star reported news of a former school committee chief who locked his school following an election at the Krishnapur High School, Sadullahpur Gaibandha District, where he failed to be re-elected to the school's Managing Committee. In the recently held election. The newspaper article indicated that a group of people blocked the main gate of the school, preventing students and teachers from entering the premises. The NHRC took note of the report and instructed the District Commissioner of Gaibandha to unlock the school and submit a report to the Commission on the incident. On September 14, 2011, the DC Gaibandha confirmed that the school had

been opened as per the direction of the NHRC.

NHRC presses Education Ministry to handle teacher harassment case

On March 23, 2011 Rabela Khatun (not her real name) submitted a complaint to the NHRC regarding her recent “suspension and threatened dismissal for not responding to the indecent proposal of the Headmaster” at the high school where she worked. The complainant is an assistant teacher working in Rajarhat, Kotualy, Jessore, where she had been teaching since the school was founded. She alleged that she had to endure physical assaults from the Headmaster and was prevented from collecting her salary and securing promotions. In this regard, the Commission requested the NGO Rights Jessore to investigate the matter and submit a report to the Commission. On October 18, 2011 Rights Jessore submitted the report with the recommendations that the Headmaster should be punished and the school’s managing committee should be replaced. On October 30, 2011 the Commission sent a letter to the Secretary of the Ministry of Education specifying the two recommendations and urging the Ministry take the appropriate steps to redress the human rights violation. However, seeing no response from them, the Commission is in process of informing the Honourable President about the case, as per the provisions stipulated in the founding Act.

NHRC intervenes in dowry and divorce dispute

Aklima Khatun (not her real name) was married to Mr. Md. Saiful Ibrahim on October 12, 2008 with the sum of BDT 5 lakh for dowry money. During the marriage, the bride’s family gave many gifts, including ornaments and many kinds of household furniture, to the groom and his family. But soon after the wedding, Aklima claimed that she experienced mental torture by her in-laws in a variety of ways – by hindering her studies and

preventing Norwin from communicating with her father’s family. She was also deprived of sufficient food. When Aklima complained to her husband about what had been happening to her, he was unable to help her due to his ill-tempered father who controlled the situation.

Despite attempting to remain living with her husband, Aklima became sick and began to suffer from anemia. Following months of abuse by her husband’s family, Norwin finally returned to her father’s home in June 2009. Subsequently, her husband did not provide any kind of maintenance, but rather tried to defame Aklima and her parents by telling lies about them in the community. Aklima proceeded to divorce her husband, and the divorce became final on January 16, 2011. However, Mr. Ibrahim refused to return selected dowry money, past maintenance, ornaments and furniture pursuant to the legal demand. Aklima then lodged a complaint with the NHRC requesting the return of the items due following the divorce. The Commission took the case into its cognizance and sent a summons notice to both the parties for settling the disputed matter. After delivering the summons notice three times, the respondents returned to Aklima everything she had specified in her allegation.

Jailed BDR Case defendant provided necessary medical treatment in hospital

On February 27, 2011, Nirmola Das (not her real name) on behalf of her husband Mr. Nironjon Das (not his real name) brought an allegation to the Commission that her husband, who was an accused in the 2009 BDR mutiny cases, was being deprived of critical medical treatment. She reported that he was arrested on April 22, 2009 and sent to the Dhaka Central Jail. The accused was suffering from various chronic diseases and conditions, including diabetes, gallstones, and had previously suffered a heart attack. While in the Central Jail, the accused was admitted to the PG Hospital of the prison on

January 25, 2011. There the elderly disabled patient was subjected to “danda beri” (or “bar fetters” -- two long iron rods ringed together at one end to fasten to the groin with two separate rings at the other end to tie up the ankles as a method of torture) and remained in the prison hospital for one month, his physical condition deteriorating every day. The complaint filed by Nirmola requested that her husband be released from the Central Jail in order to receive proper treatment for danda beri. The NHRC took the case into cognizance and sent a letter on February 13, 2011 to the IG of the prison directing him to free Mr. Nironjon for the purpose of adequate treatment for the effects of danda beri. Finally, on March 7, 2011, the Commission received a report that Mr. Nironjon had recovered and was now under better treatment in PG Hospital prison cell in Dhaka.

IGP pursues investigation of police abuse of Dhaka University student

A national newspaper reported on July 28, 2011 that Abdul Kader, a student of Dhaka University, was arrested and brutally tortured by police, after which police filed a case against him for robbery. The student was then taken to Dhaka Central Jail. The NHRC took the case suo moto and directed the IGP to inquire into the matter as early as possible and to submit a report by August 2, 2011. The IGP responded to the Commission by forming an investigation committee, which conducted an inquiry and prepared a report on the matter. On December 11, 2011, the Commission received a report from IGP that Abdul Kader was innocent and that S.I. Md. Shahidur Rahman had been suspended for his role in the abuse. Police headquarters also filled departmental proceedings against the police officers involved. Being released and proven innocent, victim Abdul Kader filed a case against the concerned police officers. The case is at trial and the officer- in-charge is in custody.

NHRC intervenes in high-profile case of shooting of teenager by RAB

On April 6, 2011, Prothom Alo reported news of “extreme police brutality” involving a 16 year-old youth, Limon Hossain, who was shot in the leg by a RAB officer. Limon is the youngest son of day labourer Mr. Toafzzal Hossain and lives in the village of Saturia, Rajapur Upazilla, Jalakhati District. On March 23, 2011, according to the article, Limon Hossain was bringing the family’s cows home from the field, when on the way a team of RAB-8 stops him to and ask his name. Limon identified himself as a student but one RAB officer shoots him in the leg without any provocation. Later, the RAB-8 claimed he was a suspect in a crime and they filed two cases against him. The Commission took the case suo moto and directed the Home Ministry to establish a “high standard” committee to investigate the matter and submit a report to the Commission as early as possible. Since receiving direction from the NHRC, the Home Ministry has formed a committee but still a report yet not been submitted. However, the NHRC secured legal assistance for the family in defending Limon from the case filed against him by RAB and continues to monitor the situation. Later, a leading NGO, Ain O Salish Kendra, filed a writ petition to High Court where NHRC also took part. As a result, public support has spread throughout the country for Limon, and one of the cases against him has been dropped. Fortunately, Limon has been able to sit for his Higher Secondary School Exam, and is trying to return to some type of normal life.

Special recommendation regarding law enforcement personnel: Although many of the Commission’s interventions have resulted in positive outcomes for complainants, much more remains to be done, particularly in the area of abuse by law enforcement agencies. In light of the cases received by the Commission in 2011, in addition to the recommendations set forth in Chapter 6, the NHRC strongly urges that all

cases of promotion or advancement of personnel working with law enforcement agencies be considered only after the concerned official or employee has received a No Objection Certificate (NOC) from the NHRC to the effect that no valid complaint of a human rights violation has been lodged against him or her.

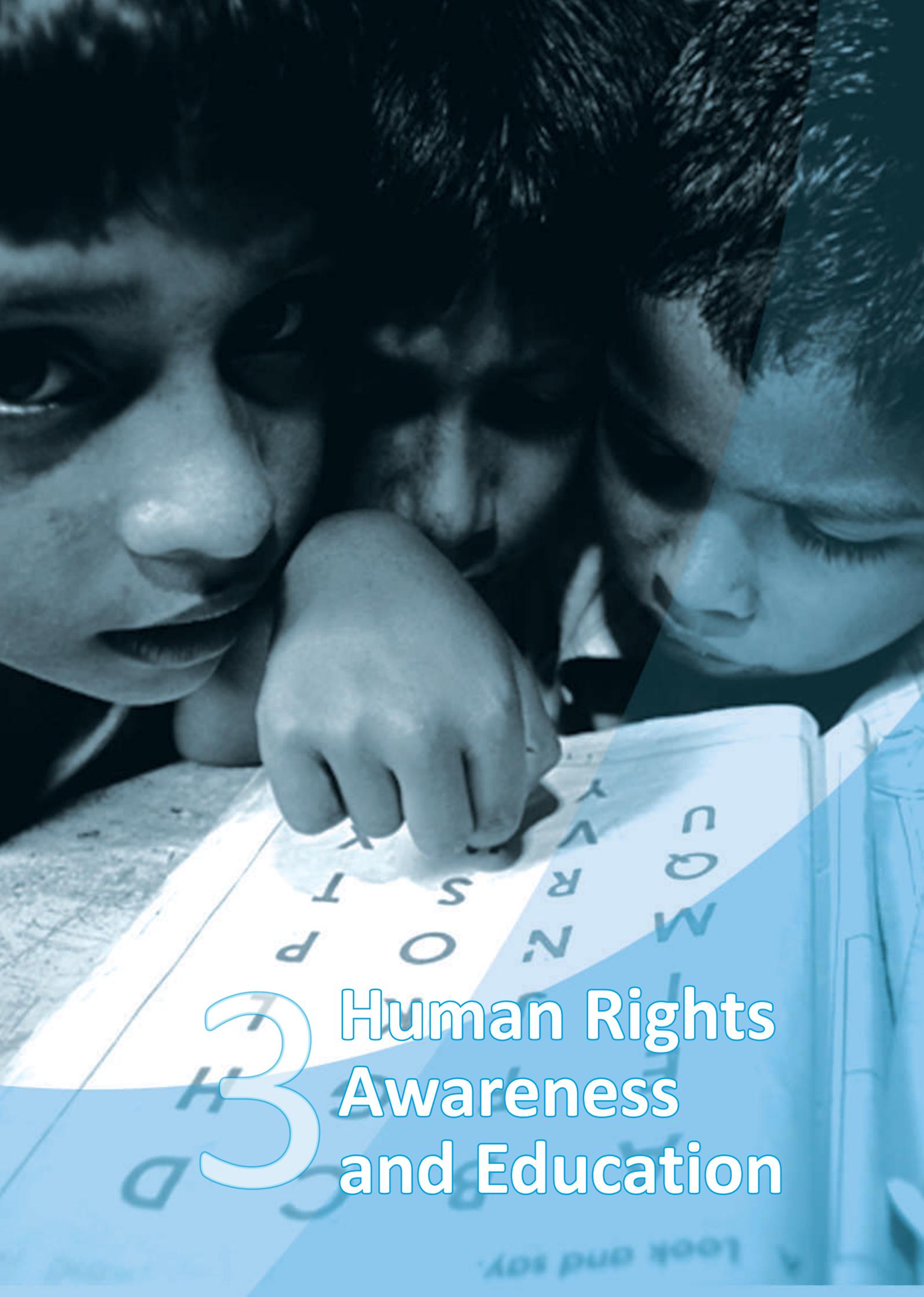
Inspections and Site Visits in Bangladesh during 2011

The NHRC Chairman, Members and staff conducted various site visits and inspection during the year, some in connection with public awareness and education programs in the vicinities of the hospitals and prisons

visited. Other inspections were part of particular case investigations or specific human rights monitoring of public facilities providing a range of services to citizens on behalf of the Government of Bangladesh. The site visits to schools included Gaibandha (January) and Sylhet District (September); visits to hospitals included Gaibandha (January), Kurigram (March), Barisal (March), Gazipur (June), Sylhet (September); and a prison inspection was conducted in Gaibandha (January).

NHRC Chairman Prof. Dr. Mizanur Rahman visiting a school

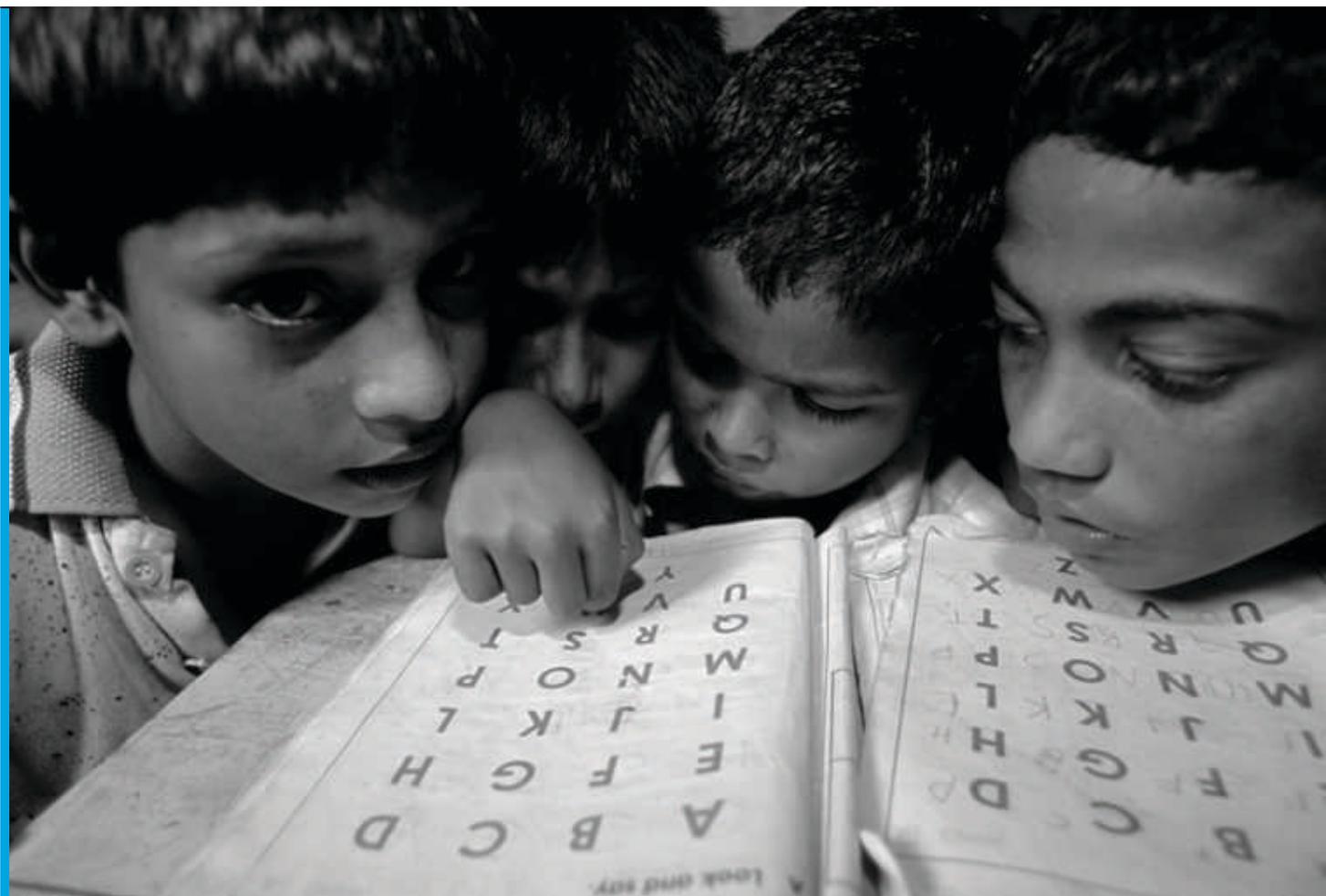




3 Human Rights Awareness and Education

Chapter Three

Human Rights Awareness and Education



In 2011, the NHRC made significant progress in raising awareness about the Commission itself as well as the human rights issues which the NHRC seeks to target. Activities have focused on expanding knowledge amongst stakeholders and the general public about the NHRC's existence, mandate and structure. Equally important are NHRC actions to promote widespread understanding of basic human rights and fundamental freedoms.

1 Human Rights Day 2011 campaign expands awareness.

Around 1 million people were introduced to basic human rights principles and the role of the NHRC through the Commission's International Human Rights Day awareness-raising campaign targeting young Bangladeshis and entitled "Working together to promote human rights: giving young people a voice". As part of the campaign, the NHRC sponsored a human rights-focused art



NHRC Members in Human Rights Day 2011 rally in Dhaka University



ASK members performing Play "Tasher Desh" in Human Rights Day 2011 program



Prize distribution of Photography and Art competition on Human Rights Day 2011



Open discussion in the National Human Rights day 2011

competition for youth around the country. Featuring drawing, painting, photography and essays, the competition aimed to encourage young people to explore human rights concepts through art, sensitizing them to rights issues and identifying ways in which they can become more actively involved in their protection. More than 100 workshop participants learned about the NHRC and human rights concepts, particularly those affecting youth. This outreach has led to the development of a network with various stakeholders focused on engaging youth in human rights promotion efforts.

2 Human rights promotional materials disseminated countrywide.

The Commission produced a wide variety of informational materials to expand knowledge and understanding of human rights issues, and to enhance the profile and presence of the NHRC throughout the country. Promotional materials include pamphlets presenting basic facts about the NHRC, a plain-language leaflet explaining how to file a complaint with the NHRC, fact sheets about the project and work of the NHRC, and a series of newspaper articles and editorials on human rights themes (women's rights, the right to food, baseline survey results, access to justice, International Human Rights Day, among others).

3 Commissioners lead national awareness-raising campaign.

The NHRC designed and began implementation of a national campaign titled "Working together for the protection and promotion of Human Rights: Role of key stakeholders". Through this campaign, the Commission intends to visit all 64 districts in the county, with 30 workshops planned by the end of 2012. The first two workshops were conducted in October in Gopalganj and in December in Cox's Bazaar.

More than 100 participants, including district administration, members of the judiciary, law



Human Rights Awareness program at Gopalganj



Full Time Member Kazi Reazul Hoque, Human Rights Awareness program at Gopalganj

enforcement officials, journalists and others, engaged in discussion about their roles as professionals and the duties of their institutions in ensuring respect for human rights in Bangladesh. Representatives of the local administration appreciated the clarification of the obligation to comply with NHRC's directions and recommendations. They committed to extend full cooperation to the NHRC in the protection and promotion of human rights.

4 NHRC engages Human Rights Defenders.

Twenty-five Human Rights Defenders (HRDs) participated in a two-day training programme in November 2011. Objectives of the training were to strengthen the capacity of human rights defenders to monitor and report on human rights violations and to inform them about the role and mandate of the NHRC. Equally important was reaching out to



NHRC Chairman Prof. Dr. Mizanur Rahman at Human Rights Training Program for Human Rights Defender

develop a partnership with HRDs to work together on providing better support to victims of human rights violations, advocating for better governance and government policy to secure the effective implementation of human rights treaties. The participants evaluated the training as extremely useful and effectively presented. Participants are now included in the project/NHRC contact list in order to establish regular communication about the activities of the NHRC and participant organizations. Similar training is planned for other target stakeholder groups, after which follow-up trainings will be developed and conducted.

5 Commission dialogues with media personalities.

As an introduction to a the series of training activities for journalists, the NHRC organised a dialogue with senior media personalities to build rapport with them and to solicit input on the preparation of a journalist's training manual on human rights. About 30 journalists from 20 news media outlets participated in the dialogue where they made some important suggestions on the scope and content of the training modules. The event was an excellent opportunity to establish relationship with senior management of media organizations. A major outcome of the program was the recommendation that each media house designate a human rights focal point in their organization.



Podium Members in a round table discussion on Refugees in Bangladesh : A Way Forward

6 Commission and UNHCR tackle human rights issues facing refugees in Bangladesh.

With support from the Office of the UN High Commissioner on Refugees (UNHCR), the Commission organized four training programs targeted to police and BGB personnel on human rights and refugee law during 2011. From July 29-30, the NHRC sponsored a Training on Refugee Law in Cox's Bazaar. Fifty-two participants included BGB, Police, local community leaders and other stakeholders. Another Training on Refugee Law was held in Dhaka on 14-15 October, 2011 at the National Academy for Planning and Development Auditorium, with 50 participants including BGB personnel, lawyers, media representatives, academics and students. Both programs focused on basic concepts of human rights law which are particularly relevant to refugee issues.

7 NHRC Human Rights Resource Centre established.

The Commission identified key books, periodicals, and other media for the NHRC resource centre, to be housed at the NHRC offices in Maghbazar, and open to the public. In addition to collecting basic documents and books on international human rights law – in both Bangla and English -- the NHRC acquired a collection contributed by UNHCHR. Publications on a variety of human rights themes, including women's rights, CEDAW, MDGs and development, environmental rights, human trafficking, child rights, democratization and regional cooperation. In

2012, computers with internet facilities will be available for public use at the centre.

8 Commission website designed and piloted.

One of the NHRC's very important tools for its awareness-raising and outreach efforts is the Commission website (www.nhrc.org.bd). The NHRC recognizes that an online presence is an essential component of any overall communications and education strategy in the 21st century. Accordingly, the Commission has designed and developed content for its website, which provides comprehensive information on the mandate, operations and activities of the NHRC, and improves citizen access to the Commission by offering the possibility of filing a complaint online. Website features, including online complaints filing, are being tested in various districts around the country.

9 Communications strategy formulated.

In terms of communications, the Commission has a dual responsibility: it must fulfil its mandate to make itself known and its work recognized, while managing both its internal and external communications effectively. A draft communications strategy has been developed, focusing on external communications, which will guide the NHRC in using different media to assist it to identify key stakeholders, messages, and communication tools to increase human rights awareness and to inform the public of its roles and activities.

A person wearing a white lab coat and glasses is crouching in a field of footprints. The scene is dimly lit, with a strong green tint. The person is looking down at the ground. The background is a vast expanse of footprints, suggesting a search or investigation. A large, solid green diagonal shape is on the right side of the image.

4 Human Rights Research and Policy Development

Chapter Four

Human Rights Research and Policy Development



The NHRC began to develop its legislative review, policy advice and research functions, in order to fulfil its mandate regarding domestication of international human rights norms. The Commission worked in 2011 on building capacity to analyse existing laws and draft legislation from a human rights perspective, in order to identify inconsistencies arising from the application of national laws, policies, programmes and practices and to

recommend how best to achieve harmonisation with international standards.

1 Baseline survey on human rights informs and challenges

More than 4000 Bangladeshis participated in a baseline survey on human rights, which covered 7 divisions, 39 districts, 56 upazilas, and 222 villages. This groundbreaking survey, the first of its kind in the country, offers solid new “mapping knowledge” about human

rights awareness and the mandate of the Commission. Research participants gained knowledge about the NHRC and human rights issues facing the country. Moreover, the results of the survey provide the project with baselines for monitoring and evaluation and have informed Commission decisions regarding priority thematic issues on which to target its efforts.



Among others Hon'ble Law Minister Barrister Shafique Ahmed in a program on "A Baseline Survey on Human Rights in Bangladesh"

The findings of the survey were shared with different targeted stakeholders through a national sharing meeting organized on November 1, 2011 in Dhaka. Key findings highlighted included the fact that half of the survey respondents had not heard the word human rights, and there is a general lack of knowledge among citizens about their rights, and the protection of these rights under the laws of Bangladesh. The survey report emphasized the urgent need to raise awareness around human rights, accompanied by a campaign to inform people of where they may go to seek redress if their rights have been violated. Also highlighted in the survey results was the fact that gender-based violence remains a great concern in Bangladesh.

2 NHRC provides law and policy recommendations to GoB.

The Commission provided policy advice to the Government of Bangladesh through

recommendations made on the National Women Policy and review of national legislation such as the Law on Human Trafficking, the Child Act and reforms of the Constitution in order to ensure that new laws and policies are consistent with international human rights standards. Comments on the Law on Human Trafficking related to the investigation and prosecution of cases as well as victim protection. The Commission's recommendations on constitutional amendments focused on human rights issues, specifically the recognition of basic necessities as fundamental rights; rejecting the legitimacy of any form of torture; and recognition of indigenous peoples. Within this framework, the NHRC has initiated a dialogue with the Government on the review of the recommendations made to Bangladesh during the 2009 Universal Periodic Review.

3 Roundtable meeting on National Women Development Policy.

Leading women's rights activists groups joined together with representatives of government institutions and the Commission at a roundtable discussion in May 2011. The objective of the meeting was to create a bridge between groups on opposing sides of the National Women Policy debate. The Commission facilitated the discussion and encouraged constructive dialogue among the



NHRC members on a round table discussion on "Women Rights"

participants. The NHRC formulated its own recommendations informed by the exchange and submitted a report to the Ministry of Women and Children's Affairs to take immediate steps to implement the policy.

4 Bangladesh's compliance with international human rights standards analyzed.

In the policy arena, several evidence-based analysis reports have been drafted on Bangladesh's legal instruments and their compliance with five core human rights instruments (ICCPR, CAT, ICESCR, CRC, and CEDAW). These analyses have strengthened

the NHRC's own knowledge and understanding of international human rights standards. In addition, the reports have enhanced the NHRC's ability to influence policy level change on certain human rights issues by improving the level of evidence-based discourse in public debates. On the basis of these analyses, the NHRC is providing sound advice to the Government and Parliament on human rights matters which will assist them in taking appropriate measures to improve the human rights situation through ratification, domestication and review of national laws, as well as through institutional reforms.



5 Institutional Development

Chapter Five

Institutional Development



One of the major priorities during 2011 was to focus on establishing fundamental operational functions – administration, human resources, finance and management – to enable the NHRC to become an effective institution. The Commission worked to develop its organizational vision, strategic plans, budgeting process and policy as well as

building its human resources policies, procedures and capabilities.

1 NHRC Strategic Plan formally adopted.

The 5-year Strategic Plan of the NHRC (2010-2015) was finalized following an extensive and inclusive national consultation process. The Commission organized ten thematic



Among others Hon'ble Foreign Minister Dr. Diipu Mond in a Consultative Workshop on "Rights of Migratory workers in Bangladesh "

workshops held in 10 districts across the country to obtain feedback from a wide range of stakeholder groups. More than 1,000 participants attended the workshops which raised awareness about the mandates of the NHRC and its vision for establishing a human rights culture in Bangladesh. The consultative process provided the NHRC with a scope for improving its plan by incorporating the perspectives and opinions of a variety of groups and individuals concerned with human rights. The workshops also acted as a catalyst for identifying human rights organizations with whom the NHRC can



Honorary Member Aromita Dutta Presenting a keynote paper in a consultative workshop on Strategic Plan



Full Time Member Kazi Reazul Hoque at a Consultation workshop on building Human Rights culture in Bangladesh



Honorary Member Selina Hossain in a Consultative workshop in Sylhet

collaborate. In addition, the process helped to disseminate information about the NHRC's existence and its mission to promote and protect human rights throughout the country.

The ten workshops were held at various venues in Dhaka and five other districts, and focused on different human rights thematic areas as a basis for discussion and feedback: (See Table B)

Appendix 3 of the report presents a chart listing the ten programmes, including venues, participating Commissioners and honored

1.	Rights of Indigenous Peoples	December 2010	Dhaka
2.	Combating Human Trafficking	January 2011	Dhaka
3.	Rights of Migrant Workers	January 2011	Dhaka
4.	Women's Rights and VAW	February 2011	Dhaka
5.	Access to "Remedies"	February 2011	Chittagong
6.	Child Rights	February 2011	Khulna
7.	Economic, Social & Cultural Rts.	March 2011	Rangpur
8.	Right to Education	March 2011	Sylhet
9.	Climate Change/ Environ. Rts.	March 2011	Barisal
10.	Violations by State Mechanisms	March 2011	Dhaka

guests for each workshop. A final workshop was held in March in Dhaka to provide stakeholders with a summary of inputs and recommendations gathered over the course of the consultations. The summary workshop presentation, including stakeholder recommendations on the strategic plan and NHRC interventions, is included as Appendix 4.

2 NHRC earns international accreditation from the ICC.

As the apex national institution on human rights in Bangladesh, the Commission fulfilled the expectation of accreditation by the International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs) somewhat earlier than anticipated. In 2011, the Commission earned "B" status from the ICC, a prestigious acknowledgment that is an important entry point for the NHRC to various international fora. The Sub-Committee on Accreditation (SCA) made its recommendation after thorough analysis of the activities of the NHRC. In its report to the ICC, the SCA mentioned inter alia:

"The SCA welcomes the recent establishment of the NHRCB. In particular, the SCA recognises the significant public advocacy undertaken by the new Chairperson, as well as the various activities undertaken by the NHRCB as outlined in the Annual Report. The SCA also welcomes the information that the NHRCB is working in cooperation with the

UNDP to develop further the capacity of the Commission."

As an accredited NHRI, the NHRC enjoys full status and recognition by the international community, and has gained membership in the top international organization of human rights institutions. This affiliation and relationships developed through participation in conferences and networking opportunities will strengthen regional and global cooperation and expand opportunities for knowledge transfer.

3 NHRC gains membership in the Asia Pacific Forum (APF).

The Commission successfully applied for membership in the Asia Pacific Forum (APF) and was granted Associate Membership by the institution. Established in 1996, the primary goals of the regional body are to provide support to governments in the region to establish and develop national human rights institutions, and to expand mutual support, cooperation and joint activity among member institutions. Through its work advising and providing legal drafting assistance to governments and parliaments, the APF has helped to ensure that institutions are established in accordance with the international standards set out in the Paris Principles. Membership in APF reflects confidence in the Commission's ability to fulfil its mandate, and facilitates access to APF



National Human Rights Commission Bangladesh with Danish Institute of Human Rights at DIHR, Copenhagen

services, including advice, training, capacity building, professional networks and staff exchanges – all in support of further institutional development of the NHRC.

4 Commissioners gain knowledge and build rapport on Denmark/UK study tour.

The NHRC Members participated in a peer exchange/study tour in June 2011, travelling to Copenhagen, Denmark, and London, United Kingdom. The program was organized in collaboration with the Danish Institute for Human Rights, the Commonwealth Secretariat and the UK Equality and Human Rights Commission. The study tour provided the NHRC with the opportunity to learn practical approaches to address a variety of issues related to the implementation of the Paris Principles on NHRIs. Participants

included NHRC Chairman, Full Time Member, Honorary Members.

As a result of the exchange, the Commissioners learnt strategies for building a sustainable NHRI which operates according to its mandate and reflected on the appropriate activities and functions of its Members vis-a-vis the roles of the staff. The Commissioners expanded their knowledge of how other NHRIs are implementing their mandates according to the Paris Principles and other national legislation. The potential for further networking and partnership with the three hosting institutions was explored, which will assist the NHRC to further develop its leadership and teamwork.

5 Commission conducts own recruitment.

The NHRC's rules on recruitment were approved and by the end of the year, the Commission recruited 12 new administrative and professional staff. Nearly all the positions in the 28-person NHRC staff organogram have been filled, and the Commission has developed a 94-person organogram for consideration by the Government in 2012. This recruitment has provided critical manpower for the NHRC, and enables the project to begin to transition from an implementation role to an advisory role with the Commission.

National Human Rights Commission Bangladesh visiting the Danish Institute of Human Rights, Denmark





Learning week program for NHRC staff

6 Learning Week conducted for the newly-recruited NHRC staff.

The NHRC worked with the BNHRC-CDP to design and conduct a week-long new staff orientation on basic human rights concepts. Thirteen staff members participated in the five 90-minute sessions of the Learning Week, covering five distinct but interrelated topics, including: (1) concept, evolution and principles of human rights; (2) domestication of international human rights standards; (3) Paris Principles and the mandate of NHRC, Bangladesh; (4) complaints management principles and practice; and (5) NHRC operations and the role of BNHRC-CDP. Participants found this initiative very useful and stressed the need for such regular professional development in order to carry out their responsibilities most effectively. This model for in-house training is a dynamic management tool and will continue throughout the life of the project to expand staff technical knowledge and commitment to the institution.

7 International Exchanges on Human Rights Issues.

The NHRC Chairman, Members and staff participated in various conferences,

workshops, and professional exchanges in 2011. These opportunities for learning and sharing furthered the knowledge and experience of Commission and staff and raised awareness abroad about the NHRC and its mandate. The following list presents the various programs and their objectives and attendees who participated in each event:

Asia Pacific Forum of National Human Rights Institutions

Bangkok (23-25 March 2011)

Senior Executive Officers Roundtable (NHRC Secretary Shamsuzzaman Bhuiyan)

Programme on Human Rights and Democratization (Asia Pacific), Kathmandu School of Law, Kathmandu Nepal (28 March 2011)

The aim of the programme is to develop the capacity of people working in the Asia Pacific region to effectively advocate for promote awareness of and encourage respect for human rights and democratic principle, including constitutional issues both across the region and within their local communities. (NHRC Chairman, Prof. Dr. Mizanur Rahman)

**Commonwealth Forum of NHRIs (CFNHRI),
Brewell, England
(11-14 April 2011)**

Annual Meeting (Full Time Member Mr. Kazi Reazul Hoque)

**National Human Rights Commission of India,
New Delhi (24-29 May 2011)**

Dialogue and meetings regarding human rights with a focus on complaints handling and complaints management systems (NHRC Secretary Shamsuzzaman Bhuiyan; Director, Complaints and Inquiry, Shamim Ahmed;

human rights and training for the Commission on management, collaboration, communication and organizational issues (Chairman Prof. Dr. Mizanur Rahman; Full Time Member Kazi Reazul Hoque, Honorary Members Prof. Dr. Niru Kumar Chakma., Ms. Selina Hosain, Ms. Fawzia Karim Firoze, Ms. Aroma Dutta, Ms. Nirupa Dewan, BNHRC-CD Project Manager Mona M'Bikay Boin).

Asian Forum for Human Rights Development (FORUM Asia) and Informal Sector Service Centre (INSEC), Kathmandu, Nepal (25-26 July 2011)

The purpose of the "Second Sub-regional workshop on South Asian Human Rights Mechanisms" was to raise awareness and sensitize the participants to the experience of existing regional mechanism of human rights and facilitating discussion on the possible role of civil society organizations to engage with SAARC on advocacy for regional human rights mechanisms in South Asia. (NHRC Chairman Prof. Dr. Mizanur Rahman)



National Human Rights Commission Bangladesh with UK Equality & Human Rights Commission

Deputy Director, Complaints and Inquiry, Imam Uddin Kabir; Project Director A.Q.M. Nasir Uddin)

**Danish Institute of Human Rights and UK
Commonwealth Secretariat
Copenhagen, Denmark and London, England
(20-29 June 2011)**

Experience sharing meetings, promotion of

**University of Burdwan, West Bengal, India
(30-31 July 2011)**

National Seminar on Human Rights in the 21st Century, the Issues and Challenges (NHRC Chairman Prof. Dr. Mizanur Rahman)

**Asia Pacific Forum of National Human Rights
Institutions**

Bangkok, Thailand (6-8 September 2011)

At the 16th Annual Meeting & Biennial Conference of the APF, the Commission was granted Associate Membership in the institution, after a relatively short period of service by the current Commission. (NHRC Chairman Prof. Dr. Mizanur Rahman, Full Time Member Mr. Kazi Reazul Hoque, Commission Secretary Sheikh Abdul Ahaed)

Lord Avebury with members of National Human Rights Commission Bangladesh in UK



**Asia Pacific Forum of NHRIs/Association for
the Prevention of Torture**

Kathmandu, Nepal (19-23 September 2011)

The Prevention of Torture training program, developed by APF and APT, is designed to

provide participants with the knowledge, skills and processes to effectively monitor places of detention and investigate allegations of torture. The program included an overview of the international human rights standards relating to the prevention of torture, as well as practical training to prepare for and undertake visits to places of detention and interviewing detainees. (Director, Complaints and Inquiry Shamim Ahmed; Director, Administration and Finance Muhammed Al-Amin; Deputy Director, Complaint and Inquiry Mr. Imam Uddin Kabir)

Korean International Cooperation Agency (KOICA)

Seoul, Korea (25 September – 15 October, 2011)

Training on “Human Rights Policy Development” (NHRC Secretary Sheikh Abdul Ahaed)

Commonwealth Human Rights Initiative – Friedrich Nauman Foundation (FNF), New Delhi, India (10–15 October 2011)

Third South Asia Visiting Program on Police Reforms in India (Deputy Director, Complaints and Inquiry Mr. Imam Uddin Kabir)

National Human Rights Commission of Korea & Asia Pacific Forum

(10-14 October 2011)

The purpose of the programme “Asia Pacific National Human Rights Institutions Conference on Business and Human Rights” was to revisit the organizations’ original commitment on business and human rights for the Asia Pacific region through identifying regional priorities in this area. Participants discussed and developed business and human rights training for NHRIs and other relevant actors. This was the follow-up meeting to the ICC conference in 2011 in Edinburgh, Scotland. (NHRC Chairman Prof. Dr. Mizanur Rahman)

SAARCLAW, UNAIDS, UNDP, World Bank Kathmandu, Nepal (8-10 November 2011)

The purpose of the programme “Regional Roundtable Dialogue on HIV and the Law” was to identify and understand legal and policy barriers to HIV prevention, treatment, and care services for PLHIV, MSM transgender persons, sex worker and drug users; to identify and discuss strategies and initiative to address these barriers; and to promote strengthening a rights-based response to HIV-related issues.



6 Challenges to the NHRC and the Way Forward

Chapter Six

Challenges to the NHRC and the Way Forward



Looking back at the activities and interventions of the Commission over the course of the year, there have been numerous lessons learnt, which can be applied to decision making in the future. Some of the key lessons can be summarized as follows

- To ensure the NHRC maintains positive forward momentum and growth, it must ensure public support and increase awareness among the wider population of its function and mandate.
- Considering ground realities, the NHRC must work together with the Government towards reform, while still maintaining its independence.
- To maintain and enhance its credibility, the Commission must advocate and consistently demonstrate transparency and accountability, not only in its strategic planning but in all its activities.
- In order to better capture and

communicate the results of its work, and illustrate its achievements, the NHRC should fine tune its evidence-based methods for measuring its impact.

Programme priority areas for 2012 include

1 Establishment of an operational Secretariat for the NHRC, including development and implementation of:

- Policies, structures, rules and procedures for human resource management
- Policies, structures, rules and procedures for effective budgeting and financial management
- Internal manuals for staff orientation and training
- Internal monitoring and evaluation policies and procedures.

2 Expansion of the Commission's communication initiatives to increase demand-side pressures for improvements in the human rights situation in Bangladesh and to raise awareness of human rights among the general public.

To achieve this, the NHRC will use education campaigns to positively impact public knowledge and understanding about specific human rights issues and the role of the NHRC in securing those rights. Activities will include the street law programme, broadcast of videos on human rights and targeted initiatives at the grassroots level to influence behavioural change. NHRC will also develop a tailored campaign highlighting violence against women and the terrible impact it has on all of society, not just women.

3 Active involvement of stakeholders and a wide range of human rights actors to ensure they are well informed about the NHRC's mandate and engaged with NHRC in

awareness raising and public education. This will be achieved through further engagement with human rights defenders and journalists, with particular emphasis on a training programme on reporting on human rights, and through a review of the school curriculum to make recommendations on incorporating human rights education.

4 Increased capacity of the NHRC to undertake investigations and monitor the human rights situation effectively and in line with international best practice, through the implementation of monitoring and investigation tools and training NHRC staff on how to use them.

5 Expansion of NHRC advocacy for policy reform on priority human rights issues, through activities including:

- NHRC facilitation of a national-level dialogue, via workshops or a roundtable with key Ministries and NGOs, on the implementation of international human rights law in Bangladesh through alignment of national laws with international standards.
- NHRC will advocate to the Government and other stakeholders (i.e., Parliament) to approve certain international human rights instruments not yet ratified by Bangladesh, such as the Optional Protocol to the Convention Against Torture (OPCAT).
- NHRC will advise the Government on implementation of Universal Periodic Review (UPR) recommendations from the 2009 review and provide support to the preparation of reports for the UPR process in 2013.

Finally, the Commission expresses its gratitude to the highest levels of the Government for the ongoing support and

cooperation it has received during this year. As the institution strengthens, the NHRC can more effectively play its dual role vis-à-vis the Government – not only what some may say is “a thorn in its side” but just as importantly, “a feather in its cap.” By acknowledging the

unique role of the NHRC, and continuing to provide the necessary financial and other resources, the Government will effectively play its part in ensuring the NHRC can lead the way toward a culture of human rights in Bangladesh.

NHRC Act

An Act to establish National Human Rights Commission

Act No.53 of 2009

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-I

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;
- (l) "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 immoveable, 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 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) There 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 in to the complain 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 its 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:

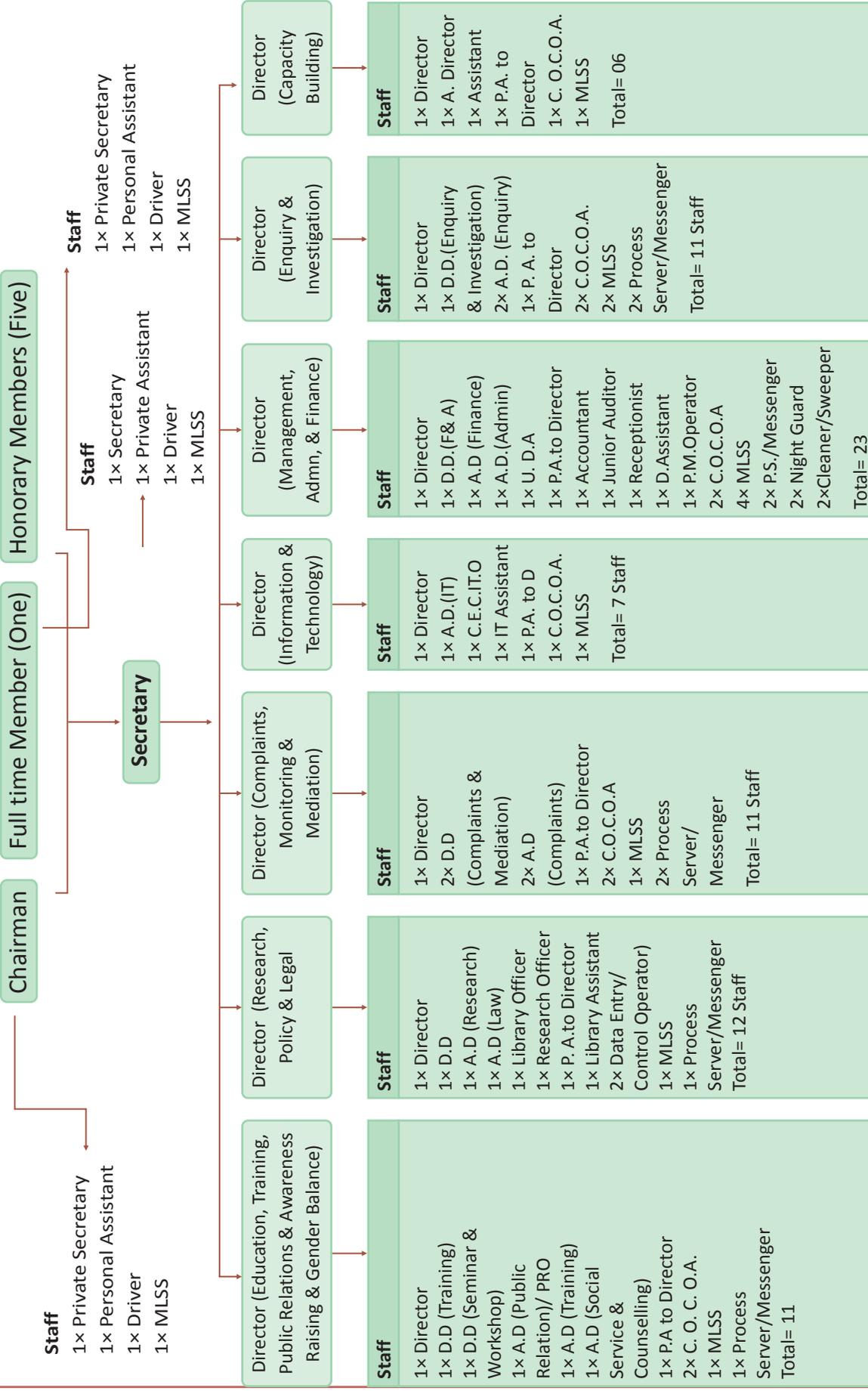
- (1) The Government shall, after the commencement of this Act, by notification in the official Gazette, publish an authentic text of authorized translation in English of the Act.
- (2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

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.

COMMISSION

NHRC ORGANOGRAM



● 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.A = Computer operator Cum Officer Assistant
- P.S = Process Server

NHRC Strategic Plan

National Human Rights Commission

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.

CONTENTS

1. Chairman’s Foreword
2. Vision and Mission
3. Long-Term Goals
4. Key Strategies
5. Pressing Human Rights Issues
6. Focal Areas for Next Five Years
 - 6.1 Institutional Development of NHRC
 - 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. Foreword

Chairman

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:

Pressing Human Rights Issues

- 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



5 year outcome	Key Strategies	KPI
	Work with authorities, including the Land Commission, to accelerate resolution of longstanding CHT land disputes in consonance with the law, custom and practice in	KPIs indicate improved access to justice for local tribes 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

5 year outcome	Key Strategies	KPI
	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

5 year outcome	Key Strategies	KPI
	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



5 year outcome	Key Strategies	KPI
	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	



NHRC Complaints Statistics

Table 1



Table 2



Table 3

2009
Total Complaints Received 72 (General 53+SuoMoto 3+ Others 16)

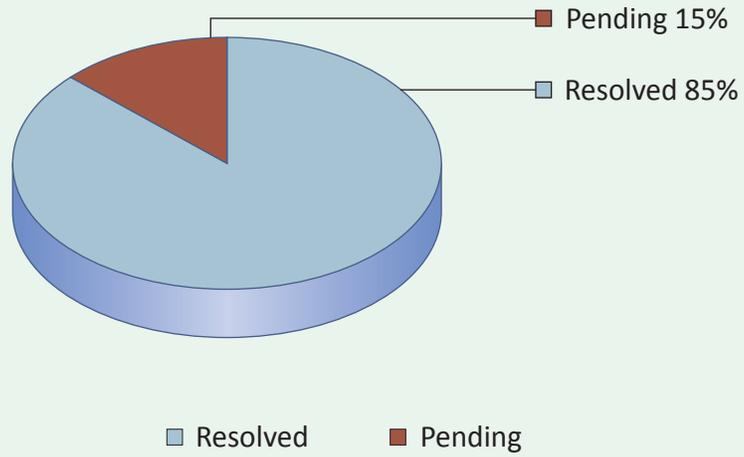
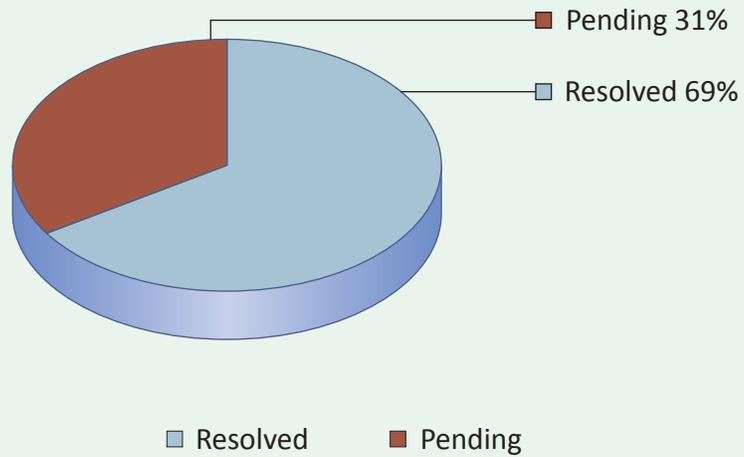


Table 4

2010
Total Complaints Received 205 (General 142+SuoMoto 8+ Others 55)





Empowering people.
Transforming nations.



SWEDEN



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

National Human Rights Commission

8 Shahid Sangbadik Selina Parvin Sarak
(11th floor, Gulpheshan Plaza), Boro Maghbazar
Dhaka-1217, Bangladesh
Web: www.nhrc.org.bd