



**National Human Rights Commission (JAMAKON)
Bangladesh**

ANNUAL REPORT 2015



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National Human Rights Commission (JAMAKON) Bangladesh Annual Report 2015

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List of Acronyms and Abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions
APCJJ	Asia Pacific Council for Juvenile Justice
ASK	Ain o Salish Kendra
BGMEA	Bangladesh Garment Manufacturers & Exporters Association
BLAST	Bangladesh Legal Aid and Services Trust
BNHRC	National Human Rights Commission of Bangladesh
BNHRC-CDP	Bangladesh National Human Rights Commission-Capacity Development Project
BNWLA	Bangladesh National Woman Lawyers' Association
BRAC	Bangladesh Rural Advancement Committee
BRTA	Bangladesh Road Transport Authority
BTEC	Bangladesh Textile Engineering College
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
CFNHRI	Commonwealth Forum of National Human Rights Institutions
CHT	Chittagong Hill Tracts
CIRDAP	Centre on Integrated Rural Development for Asia and the Pacific
CPI	Corruption Perception Index
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
CBOs	Community Based Organizations
DC	Deputy Commissioner
DMC	Dhaka Medical College
DUET	Dhaka University of Engineering and Technology
EPI	Extended Programme of Immunization
FBCCI	Federation of Bangladesh Chambers of Commerce and Industry
GANHRI	Global Alliance of National Human Rights Institutions, Formerly known as ICC
GDP	Gross Domestic Product
GoB	Government of Bangladesh
HIV	Human Immunodeficiency Virus
HR	Human Rights
HRC	Human Rights Council
ICC	International Coordinating Committee of National Human Rights Institutions
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technology
IDLO	International Development Law Organization

INGOs	International Non-Governmental Organizations
IJJO	International Juvenile Justice Observatory
ISIS	Islamic State of Iraq and the Levant (often translated as Islamic State of Iraq & Syria)
JAMAKON	Jatiyo Manobadhikar Commission (National Human Rights Commission, Bangladesh)
JTS	Jatiya Tarun Sangha
KPI	Key Performance Indicator
MLAA	Madaripur Legal Aid Association
MLC	Maritime Labor Convention
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MOWCA	Ministry of Women and Children Affairs
NGOs	Non-Governmental Organizations
NHRC	National Human Rights Commission
NHRI	National Human Rights Institutions
NIPORT	National Institute of Population Research and Training
NITOR	National Institute of Traumatology and Orthopaedic Rehabilitation
NU	Nagorik Uddyog
OEWG	Open-ended Working Group
OHCHR	Office of the UN High Commissioner for Human Rights
OSH	Occupational Safety and Health
Oxfam	Oxford Committee for Famine Relief
PASS	Participatory Advancement Social Service
RAB	Rapid Action Battalion
RJ	Rights Jessore
RMG	Ready Made Garments
RTI	Right to Information
RWI-APF	Raoul Wallenberg Institute-Asia Pacific Forum
SAARC	South Asian Association for Regional Co-operation
SCA	Sub-Committee on Accreditation of ICC/GANHRI
SOP	Standard Operating Procedure
TOTs	Training of Trainers
TSC	Teacher-Student Centre
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugee
UNO	Upazilla Nirbahi Officer
UPR	Universal Periodic Review
UP	Union Parishad
VAW	Violence against Women
VAW&G	Violence against Women and Girls



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Chairman, National Human Rights Commission, Bangladesh

Foreword

1. This appears to be the last annual report prepared by the present Commission. Therefore, it seems only natural that the report would contain a description of the multifarious works of JAMAKON during 2015, but would also portray a snapshot of the achievements and challenges of the Commission during the last two tenures (June 2010- June 2013 and June 2013-June 2016) of its functioning. We sincerely hope that the reader will keep this in consideration while going through the pages of the present report. However, no one should lose sight of the fact that no report can claim to be exhaustive or fully complete – that hardly is possible. This report similarly is not an exception. Nevertheless, since this is an Annual Report for the year 2015, it is only logical and reasonable that the report would concentrate more on the events that had taken place during the period July 2014 to June 2015.

2. For a number of reasons, 2015 happened to be a significant and crucial year for JAMAKON- the National Human Rights Commission, Bangladesh. The beginning of the year was unfortunately marked by heated political activities evolving around the anniversary celebrations of the general elections held in January the previous year i.e. in 2014. Acts of violence and terror resorted to by a number of opposition political parties in the name of politics culminated in the creation of a dire, horrendous situation in the country – destruction of public property, arson, throwing of petrol bombs targeting innocent citizens indiscriminately, including women and children, daily labourers etc. was a

direct threat to the life and security of the innocents! No one was safe- whether the new born or the old people! Scream of victims of

acid-burn in the burn units of the hospitals made the air heavy threatening the basic right of citizens to safety and security of life! For obvious reasons, JAMAKON could not remain indifferent to this situation of terror and violence. The Commission invited members of the diplomatic corps working in Bangladesh, donor agencies, international development partners, international human rights organizations with presence in the country to a national consultation to apprise them of the catastrophic consequences of the horrendous acts of violence and terrorism resorted to by some opposition political parties in the name of 'politics'. JAMAKON believes that violence and terror can never be the language of politics. Hence, in the context of prevailing situation in the country, the Commission organized series of awareness programmes making severe critique of the flagrant violation of human rights of the common citizens. This demonstrated, in my opinion, the level of maturity, patriotism and allegiance to human rights standards by JAMAKON.

3. Today it is universally recognized that increasing deterioration of law and order situation poses serious threat to human rights in any society anywhere on the globe. On this premise, JAMAKON has been unceasingly demanding more stern and effective intervention by the state to maintain law and order in the country. However, JAMAKON never forgot to remind the law enforcement agencies of their

primary responsibility to 'play their role within the ambit of law and showing proper respect to the minimum human rights standard'. At the same time, JAMAKON also never failed to reiterate its words of caution to the LEAs that

they must never deviate from the minimum acceptable standard of 'rule of law, 'due process of law', and under no context whatsoever the 'protector should turn into the perpetrator' of the rights of the common citizens. Appreciation of the gravity of its role led the Commission to voice its concern whenever it came to know of any incident of extra-judicial killing, enforced disappearance, apparently arbitrary detention, custodial torture or custodial death. In of these events, JAMAKON demanded commission of inquiry and submission of report, and in applicable cases what kind of punishments has been awarded to those found guilty of violation of human rights. In majority of cases, the authority upon whom such pressure was put by the Commission was the Ministry of Home Affairs. Timely intervention by JAMAKON was crucial to saving, in many incidents, the life and liberty of the citizens and saved the concerned families from dire consequences. Significance of such successful interventions by JAMAKON cannot be underestimated, though we know for certain that there is no room for being complacent! It is hard truth that in order to build a society based on rule of law and culture of human rights we still need to walk a long path!

4. Probably it will not be inappropriate to say that the year 2015 will be remembered in the history of Bangladesh as a black chapter because of horrendous attacks on freedom of expression and exercise of free mind! It is however very striking that the main actors in infringements of freedoms of speech and expression were not state agencies but non-state actors like certain religious fundamentalist and extremist groups, terrorist and ultra-nationalist (fascist) forces. Even some comments made in the social media did not escape the wrath of these fundamentalist terrorist groups. As a result, young intellectuals with creative and imaginative minds, free thinkers with huge potentials even a-political social media

activists fell victim to the inhuman, cruel and brutal attack by the fundamentalist quarters – a number of them were hacked to death merely for expressing their opinion! While JAMAKON made severe and unqualified critique of such heinous killings, demanded immediate arrest and prosecution of the culprits, it also made no secret of the frustration it experienced because

of lack of immediate, non-compromising and stern response from the state agencies. JAMAKON accused the concerned state agencies (law enforcement agencies, intelligence services etc.) of inefficiency, indifference and callousness. In each of these incidents of attack and murder, the Commission Chairman sent DO Letter to the Hon'ble Minister of Home Affairs.

Likewise, JAMAKON also was vigilant so that the state can not infringe or squeeze the freedom of speech and expression. On this context, the Commission arranged wide consultations on the proposed ICT Act both in-house and also with participation of different stakeholders and made concrete recommendations to the government.

5. In line with the experience of the bygone years, in 2015 too JAMAKON conducted a number of original research projects. Findings and recommendations emanating from these research projects helped the Commission to prepare its Annual Work Plan which is now being implemented. These research findings have strengthened the Commission's approach to address Corporate Social Responsibility as Corporate Human Rights Responsibility and enabled JAMAKON to engage more pro-actively with FBCCI, BGMEA, Trade Unions, Ministry of Labour, and Foreign Buying Companies etc. and take initiatives to protect and promote the rights of the garment factory workers, especially female workers. Various recommendations and suggestions have been made to the concerned bodies.

Establishment of a 'Research Cell' within JAMAKON is now a demand of time. I strongly believe that if more qualified researchers are employed in the Commission, their research finding will demonstrate the fragility, futility and hollowness of many "Human Rights Report" on Bangladesh prepared and disseminated by a number of internationally reputed(?) Human Rights Organizations!

6. In 2015, owing to its multidimensional activities JAMAKON was praised and appreciated at the international level as well. Throughout the year, JAMAKON's presence in the media was very clearly visible. Visits to hospitals, prisons, Child Development Centres, Orphanages, Health Clinics, Maternity Centres, Educational institutions etc. helped raise awareness among all stakeholders leading to improvement in the service delivery to the

ultimate benefit of the poor and common citizens of the country. The beneficiaries have been magnanimous in acknowledging the positive role and contribution of JAMAKON.

Likewise, active participation of JAMAKON in different international and regional conferences, seminars, workshops, training programmes etc. enabled the Commission to occupy a position of respect in the international community. This was clearly noticed when in 2015 re-accreditation of JAMAKON by the ICC (now renamed as GANHRI- Global Alliance of National Human Rights Institutions) it was once again awarded 'B' status. When it was announced, I was personally approached by a number of NHRC Chairpersons expressing their 'disbelief' and telling me "if your Commission does not get 'A' status, what's the use of so much of hard work?"

What is lamentable is that, JAMAKON has been awarded with 'B' status not because of inherent weakness of the Commission or not for not doing enough for protection and promotion of human rights in the country, but because of certain provisions of the JAMAKON founding act of 2009 which, in the opinion of SCA of ICC/GANHRI are not compliant with the Paris Principles – the core legal document identifying the necessary ingredients of an independent national human rights institution. In the opinion of SCA, if these provisions (please see the annexure) are amended, NHRC Bangladesh can enjoy the elevated, desired and expected prestigious 'A' status and take its due place among the international community of NHRIs.

I am confident that the reader will not dissent that amendment of the Act is beyond the jurisdiction of JAMAKON. Hence, during the Annual General Meeting of ICC/GANHRI in March, 2016 in Geneva, I told the general body in no unequivocal term, followed by huge applause that "it is unfair, unjust and unacceptable to shift the burden of State's non-compliance/negligence to the shoulder of the NHRC!" It is really unfortunate that a country which sits as a proud member of the UN Human Rights Council cannot boast of a NHRC of the highest status, and that merely because of a few provisions of the law which in the opinion of all stakeholders may be amended without any hassle whatsoever and without inviting any serious problem for the state. JAMAKON has already made concrete

recommendations to the government to this effect and we sincerely hope that the government will give a serious thought over the issue.

7. In the following pages dear readers will get a more detailed picture of divergent activities of JAMAKON in 2015. We realize that common citizens' expectations from JAMAKON are sky-high! But, the truth is that we are compelled to work under serious constraints-limitations of economic nature, lack of requisite human resources, institutional and structural weakness, legal barriers, lack of due respect to the Commission on the part of the bureaucracy, etc. Nonetheless, I can today say with all firmness that JAMAKON of 2015 is not the JAMAKON of 2010! We have travelled a long way, though we know that we will have to traverse even a longer distance! We only expect and hope that the hands of collaboration and cooperation of all and sundry that we have been so fortunate to be blessed with will not be taken away. Your help and assistance enriched us, emboldened us, and gave us the courage not to bow down to undue pressure, criminal threats, compromise with the dignity of a human being. Challenges will be there, path ahead may be a thorny one, but there is no force today that can stop the forward march of JAMAKON-a trusted institution of the poor, marginalized, deprived common citizens of the People's Republic of Bangladesh. So, please allow me, borrowing these couplets from Tagore, to make this final appeal to all the citizens of Bangladesh:

"The dark evening creeps in,
slowly, silently
All the songs of nature are
hushed by unknown omen
There is no companion for the
lonely bird in the sky
Tiredness crushes its wings like
heavy mountains
The drowning silence warns of
an unholy fear
And the darkness engulfs every
horizon, every last ray of light.
But alas, my lonely bird,
'Tis not time!
For you must fly on, for there

Translation: Arpeeta Shams Mizan]

Executive Summary

It is indeed immense pleasure for National Human Rights Commission (JAMAKON), Bangladesh to present its Annual Report 2015 to the Honorable President of the People's Republic of Bangladesh, in pursuance of National Human Rights Commission Act 2009. The Commission has made all out efforts throughout the year to carry out its mandated responsibilities. This report provides an almost crystal clear understanding of JAMAKON activities during 2015. Care was taken to shed light on almost all sectors of human rights. JAMAKON spent a very busy year in complying with its' mandated responsibility during 2015 in organizing a large number of Round Table Conferences, Seminars, Workshops, Rallies etc with the participation of Government organizations, NGOs, CSOs, CBOs, Students and Members of the public to raise awareness, encourage them to be vocal against human rights violations and obtain appropriate remedy.

In the year 2015, JAMAKON adopted its Strategic Plan (2016- 2020). Moreover, JAMAKON revised its Thematic Committees which are dedicated to protection and promotion of human rights.

Annual Report 2015 projects huge issues which have been categorized in different chapters.

To sum up the whole report we can present it as follows -

Chapter 2- Human Rights Situation in Bangladesh: In this chapter it was attempted to give a comprehensive picture of total human rights scenario of 2015 in Bangladesh. Effort was also given to take care of all aspects of human rights.

Chapter 3- Activities of NHRC in 2015: This chapter illustrates the activities performed by the JAMAKON in the year 2015. In this chapter, the Statistics of Complaints, Seminars, Workshops and Meetings, Research and Publications, Awareness and Training, Visits, JAMKON in the media, NHRC and ICT have been shown.

Chapter 4- A Portrayal of Success Stories of NHRC: JAMAKON bagged huge success stories. However, amongst them, some of the success stories have been highlighted here.

Chapter 5- Challenges and Ways Forward: In spite of the successes, there are some multifaceted challenges in the NHRC founding legislation, which need to be revisited in order to ensure the compliance with the provisions of the Paris Principles 1993 to make the Commission truly effective and independent. The other such challenges relate to inadequate manpower, resources, logistics etc. The administrative and financial autonomy, mentioned in the NHRC Act, are not being exercised due to lack of proper legal coverage.

The commission is well aware that, maintaining and ensuring human rights in a densely populated country like Bangladesh with diverse religions, languages and ethnic groups, is a tough job. The Commission, with its limited resources, is stepping forward to face these challenges in collaboration with the stakeholders including the policy implementing agencies.

Chapter 6 – Annual Financial Statement: This chapter gives a clear picture of the budgetary details of the preceding fiscal year.

Annexure - This Report ends with an annexure which contains National Human Rights Commission Act 2009, Standard Operating Procedure, Strategic Plan (2016-2020), Members of the Commission, List of Officers, Thematic Committees, Complaint Form and Organogram of the Commission.

National Human Rights Commission (JAMAKON), Bangladesh believes this report provides the Honorable President, the Government, development partners and all other stakeholders with a fair, well founded and comprehensive picture of what the Commission has achieved during 2015 and what the Commission is aspiring to achieve in the days ahead.



Submission of NHRC Annual Report 2014 to the Honorable President of the People's Republic of Bangladesh

Chapter 1:

Five Year Journey of National Human Rights Commission: Achievements and Challenges

Kazi Reazul Hoque

Full Time Member

National Human Rights Commission

The National Human Rights Commission (NHRC), Bangladesh was established in 2010 under the National Human Rights Commission Act, 2009. NHRC works as the apex national human rights institution in the country. It is noteworthy to mention that the current Commission will complete its two tenures on June 22, 2016. The report reflects its last five years' activities.

Institutional Development

The core attention of the capacity building of the staff for ensuring better delivery in monitoring & investigation, research, communication and media and complaint handling. The commissioners and staff participated in series of training program at home and abroad. Capacity assessment survey was conducted for the commissioners and staff of the commission by Asia Pacific Forum in Dhaka in December 2013. This enabled NHRC to identify the areas where further capacity building is required. Accordingly some recommendations were adopted some of which are yet to be implemented. A week long training on the national enquiry and other human rights violation for the Commissioners and staff were jointly conducted by APF and Raul Wallenberg Institute of Sweden. The Commission also took up a comprehensive approach to build the capacity of key actors working for the promotion and protection of human rights such as; Government officials,

Police, Human Rights Defenders, NGO representatives, journalists, judges, lawyer, Students, Community Facilitators and Union Parishad Representatives. The training covered a wide range of issues, including reporting to treaty bodies, ToT on human rights, women, children and minority rights. As a result of this intervention, motivation and skills were developed among the participants so that they were better prepared to protect human rights.

Human Rights Awareness

The Commission has developed its capacity to efficiently and effectively undertake human rights awareness raising and developing a human rights-based culture in Bangladesh.

In 2010, NHRC conducted a Nation-wide Baseline Survey where data revealed that about 50% respondents heard of the term "human rights" and 32% respondent heard of the terms "National Human Rights Commission". NHRC's interventions over the years created a major impact to bring significant changes in the areas of human rights awareness. The follow-up survey in 2014 explored that 68% respondents heard of the term "human rights" and 45% respondents heard of the term "National Human Rights Commission". This is the reflections of National Human Rights Commission achievements in human rights awareness creation. In addition, the NHRC

implemented a campaign program on human rights messaging at national and local level by using different modes of public communications including public service announcement.

Legal Reforms

The NHRC has legal mandate to review and monitor human rights-related national legislations or policies to ensure compliance with the international legal framework. Over the last five years, the NHRC provided high quality policy advice to the Government of Bangladesh on pressing human rights issues in compliance with various international instruments. The NHRC reviewed various national legislations and submitted its recommendations to the Government.

As a part of its continuous efforts, NHRC reviewed its founding act (Act 53 of 2009) with a view to lobbying for specific changes that would bring the institution closer to comply with the Paris Principles and to empower it to investigate violations of human rights by law enforcement agencies.

The NHRC submitted specific recommendations to the Government in the Children Act-2013, Proposed legislation on Child Marriage Restraint, Child Labour Elimination Policy, Domestic Workers Protection and Welfare Policy, Anti Trafficking Act following series of consultations. NHRC also drafted the proposed Anti-Discrimination Legislation to protect the rights of the Dalit community in Bangladesh.

Reporting to Human Rights Council and Treaty Bodies

One of the key functions of the NHRC's mandate is to submit a stakeholders' report to the United Nations Human Rights Council as well as to spearhead the process for preparing the Government delegation to participate in the Universal Periodic Review (UPR) process.

The NHRC submitted independently its alternative reports to the United Nations Human Rights Council in 2nd Cycle of Universal Periodic Review of Bangladesh in 2012. As part of it a follow-up session on the implementation of 2nd Cycle of Universal Periodic Review held in 24 June 2015, which was attended by the Hon'ble Law Minister, State Minister for MOWCA and state and non- state actors including the Ambassadors and UNDP and other development partners. The sessions helped NHRC to understand the implementation status of the recommendations during the 2nd cycle of UPR and to facilitate the Govt to prepare for 3rd cycle of UPR, to be held in 2017.

NHRC Chairman, Fulltime Member and honorary members and Commission Officers participated in various national, regional and international conferences. The Chair presided in some sessions in ICC in Geneva. The Fulltime Member presented papers in the international conference UN office in Geneva as a designated speaker in the deferent Plenary Sessions, among them, child rights and Bangladesh compliance: Autism and persons with disabilities: Protection of human rights defenders and rights of older persons in UN HQ in NYC. These exposures made the Commission confident to develop and implement its strategic plan for the future and highlighted Commission profile at home and abroad.

Thematic Committee

To ensure better coordination of its strategic priorities, NHRC formed 9 thematic committees comprising members from civil societies, INGOs, UN bodies and state actors with NHRC Member as Chair to implement its strategic plan. These include the Committees on Child Rights, Child Labour and Anti-Trafficking Women's Rights, Chittagong Hill Tracts Affairs, Dalits and other Excluded Minorities, Business and Human Rights, Persons with

Disabilities, Migrant Workers' Rights, Protection of Religious Minorities, Child Labour and Anti-Trafficking, and the Committee for Protection of Rights for Ethnic Groups and Economic Social and Cultural Rights. Committees started operation since 2011 under the umbrella of NHRC and contributed to promoting respect for human rights by addressing the needs of specific groups of human rights violations. The committees are rigorously working for better promotion and protection of rights of children, autistic children, women, migrant workers, garment workers', disadvantage community and rights of the minority groups.

Visiting Prison, Orphanage, Child Correctional Centre, Hospitals

Over the last five years, the NHRC Chairman and Fulltime Member visited many prisons, orphanages, hospitals and Juvenile Development Centers. For instance, the Chairman made several recommendations to the Government. Following a serious incidence in Tongi Development Centre and also in Jessore Child Development Centre by the detainees, the NHRC team, led by the NHRC Full Time Member, visited Tongi and Jessore Child Development Centre and on investigation made specific recommendations to take action against the alleged staff and to create a better living environment for the inmates. As a response, the Government took prompt actions in regards to ensure better environment and took disciplinary actions against some of the staff and officers, who were found guilty for their negligence, which eventually has changed the quality of the management of those centre.

NHRC Gender Concerns

The Commission is extending its effort in ensuring gender-responsive human rights efforts as women and girls of all ages in

rural and urban areas. Many victims still do not have access to law and order agencies. To this end, NHRC published several colorful posters and informational materials, which were disseminated to local NGOs at the grass-roots level who is working with human rights issues so as to respond to that gap to a certain extent. These materials contain information about human rights organizations, government officials, civil society organizations, human rights advocates, police stations in order to make sure that these entities can be contacted about any incidence of human rights violations.

Enhancing Partnership

The NHRC has built a strong partnership with local NGOs, private sector, international non-governmental organizations (INGOs) and other civil society organizations (CSOs). This partnership and MoU helped the commission to develop and implement human rights awareness programs to build the capacity of human rights defenders, government officials, judges, police, NGOs representatives to address the human rights violation cases,

The primary results of these partnerships have been to broaden the NHRC's scope and reach. The partnerships also helped the NHRC to increase its outreach at grassroots level for the purpose of raising public awareness and education on human rights.

Research and Policy Development

The Commission conducted high-quality, human rights-based analyses of legislative proposals, draft laws & existing legislation and administrative practices, with regard to the country's obligations under international human rights conventions, and to provide high quality policy advice to Government on human rights matters.

Achievement and Challenges

The NHRC conducted a number of studies on different national and international laws, policies, conventions and treaties to identify challenges in implementation, gaps and compliance issues. Research findings helped the NHRC to make specific recommendations to the Government to ensure the effective adoption and implementation of international treaties, and adoption or amendments of national laws. NHRC was although very much cautious and vocal in regards to civil and political rights and economic, social and cultural rights. As a result of combined efforts of govt. and other stakeholders, Bangladesh has made tremendous success over the last few years in reducing poverty, ensuring right to food, right to education, right to health and right to shelter & clothing. And as such Bangladesh is being acclaimed globally in reducing child mortality, social safety net for disadvantaged people, allowances for older persons and many such successful initiatives.

A good number of policies and legislations have been developed for the protection and promotion of the rights of the women, children, disable, older persons, religious ethics minorities and marginalized communities importantly; the culture of impunity that surrounded heinous crimes during the war of liberation has been addressed through ICTB.

Nevertheless, significant challenges remain. Disappearance and custodial torture continues to be practiced allegedly by the law enforcement officials with impunity. Killing of bloggers, teachers, cultural personalities and even the member of the public including children and women in broad daylight is also a very big concern for the society, Child labour continues to be pervasive in the informal

sector including the child domestic workers. Torture against the religious and ethnic minorities continues.

In the path of its journey towards perfection, like any other newly established institution, NHRC has also been encountering difficulties in achieving desired goal.

For example, according to NHRC Act-2009 there shall be a secretary to the commission and the commission may appoint such officers and employees as it considers necessary for the efficient performance of the commission but the key positions like commission secretary and directors are being filled up by deputation of the government, which is conflicting with the Paris principles.

The commission has got only 48 permanent staffs. With the shortage of human resources and other logistics including vehicles the commission faces difficulties to perform the huge mandated activities. The commission doesn't have its own premises. The current Head Office is located at the 11th floor in one of the busiest vicinity, which is not at all convenient for the victims.

Despite all such challenges, the commission sees light at the end because of the support provided by the government and other development partners in particular UNDP, SIDA, DANIDA and SDC. With the untiring efforts of the commissioners & the commission and project staff the commission is a trusted platform for the victims of human rights. The commission recommends that the commission act should be revisited to order to ensure financial and administrative independence of the commission and the power to investigate the human rights violation by law enforcing agencies to make it fully compliance with Paris Principles.

Chapter 2: Human Rights situation in Bangladesh

National Human Rights Commission (JAMAKON) Bangladesh was constituted by the enactment of the National Human Rights Commission Act 2009 in the light of Paris Principle with the aim of promotion and protection of human rights in Bangladesh. The key functions of the JAMAKON is to raise awareness and to provide human rights education and training, research human rights issues and policy advocacy and monitoring and investigation of human rights violations.

JAMAKON has been watchful about the overall human rights situation and also the law and order situation throughout 2015. There was reasonable peace and the overall situation was encouraging. JAMAKON has observed that there was no incidence of political violence since February, 2014. But the situation turned violent since 05 January, 2015. A new element introduced this time is petrol bomb. Because of indiscriminate petrol bomb attacks, hundreds have suffered serious burn injuries; many have died and many others will continue to endure a painful life as long as they live. This situation had threatened the normal academic activities of the students and day labors. 1.5 million students have been pushed to uncertain and bleak future because of county-wide blockades and strikes called by certain political parties –their school final examinations being postponed and shifted time and again. Similarly, academic life of all students going to kindergartens, primary and secondary schools, colleges and universities has been paralyzed. The

JAMAKON observed very carefully that attacks are been made targeting on the lives and property of innocent people-day laborers, farmers, petty officers and clerks and ordinary men, women and children.

At the end of the year 2015, the NHRC of Bangladesh has the duty to put light upon the human rights situation in Bangladesh during the year. The NHRC, therefore, described the major points of human rights situation in Bangladesh which will help readers to understand the overall human rights situation of the country.

Insecurity of religious minorities and foreigners

Religious intolerance was seen at alarming level in 2015. On 24 October, several bombs were blasted in the get-together of Tazia procession in Old Dhaka resulting in the death of 1 person and injury to more than 100 persons. Such incident is seen for the first time in the 400 years of the procession.¹ Another attack on a Shia mosque in Bagura on 26th November where one person was killed and three persons were injured.² One person was killed and three others were injured in a bomb attack at a mosque of Ahmadiyya Muslim community during prayer in Rajshahi on 25 December 2015.³ Attackers attempted to slit the throat of a Christian pastor. Attacks

¹ <http://www.prothom-alo.com/bangladesh/article/664120>.
http://www.bbc.com/bengali/news/2015/10/151024_bd_hosni_dalan_bomb_blst_ashura

² http://www.bbc.com/bengali/news/2015/11/151127_wr_bogra_shia_mosque_is_responsibility

³ <http://www.thedailystar.net/country/1-killed-ahmadiyya-mosque-bomb-attack-192535>

and evictions of Hindu people were also reported. In case of an eviction of 14 Hindu families in Barguna district on 12 March 2015, the High Court directed the Chief Judicial Magistrate, Barguna to conduct Judicial Inquiry on the eviction and submit report including Police initiatives to the Court.

The killing of two foreigners in this year created a sense of insecurity amongst the foreigners.

Right to work

On 29 December 2015, Bangladesh Bank issued a direction not to take any application fee in case of applying to any post of any Bank. The Governor stated that, paying application fees is a hardship for the people who are looking for job.⁴

There is no data of unemployed persons in the Ministry of Labour and Employment. However, from estimates of other organizations it can be presumed that, the number of unemployed persons is counted several hundred thousand in 2015! Such a huge number of unemployed persons' remain deprived of many human rights. Further, there is no unemployment allowance in Bangladesh.

Social Security

The allowances of old age, widow, disable etc. have been increased in 2014 - 15 & 2015 - 16 Fiscal Year. Moreover, it is a matter of soothing relief for us all that GoB has adopted huge social safety net programs. JAMAKON believes that such initiatives taken by the GoB will be a step forward in ensuring Economic, Social and Cultural Rights of the mass people.

Law for International Treaty implementation in Bangladesh

The Law Commission has proposed the text of the Conclusion and Enforcement of

Treaties Act, 2015.⁵ This Act will be helpful to abide by the norms of treaties and fulfill the international obligations under treaties and apply their norms within domestic jurisdiction. Unfortunately, the proposed Act is yet to see daylight.

Sustainable Development and Human Rights:

Bangladesh won ICTs in Sustainable Development Awards 2015.

International Telecommunication Union (ITU) presented ICTs in Sustainable Development Awards 2015 to the Honorable Prime Minister of Bangladesh in New York on 26 September 2015.

The award recognizes success stories and impressive progress made in ICT development over recent years in individual countries, as well as the over-arching importance of ICTs as an essential enabler for the achievement of the 17 Sustainable Development Goals.⁶ This award testifies that, Bangladesh is going towards sustainable development which ensures that the rights enjoyed by the present generation do not harm the rights of the future generation.

Bangladesh ranked 142 out of 188 countries in the Human Development Index 2015

The Human Development Index (HDI), prepared by UNDP, is a summary measure of average achievement in key dimensions of human development: (i) a long and healthy life, (ii) being knowledgeable and (iii) have a decent standard of living. According to the 2015 Human Development Report launched by United Nations Development Programme (UNDP), Bangladesh ranked 142 out of 188 countries.

⁴ <http://www.manobkhantha.com/2015/12/30/91257.php>

⁵ lc.gov.bd

⁶ www.itu.int/en/ict-sdg-award/2015/Pages/default.aspx

Health⁷

According to FAO 2015 report the percentage of population having below minimum level of dietary energy consumption came down to 16.4% in 2015 from 32.8% in 1990.

According to the United Nations estimate Bangladesh's under-5 mortality rate dropped to stunning 38 per 1,000 live births by 2015 from 144 per 1,000 live births in 1990. According to the same estimate, the current infant mortality rate in Bangladesh is 31 per 1,000 live births, and the neonatal mortality rate is 23 per 1,000 live births.

According to the latest estimate by the United Nations (2015), the current maternal mortality is 176 per 100,000 live births. According to Bangladesh Maternal Mortality Survey by NIPORT showed the MMR to be 194 per 100,000 live births which was 574 per 100,000 live births in 1990.

The FAO acknowledged, in its report named "The state of Food Security in World - 2015" that, Bangladesh is the most successful in South Asia in attaining agricultural and food security in MDG.

The draft of two new medical universities i.e. Chittagong Medical University Act and the Rajshahi Medical University is a matter of hope for us.

The draft of National Health Protection Act, National Medical Biotechnology Commission Act, Community Clinic Health Assistance Trust Act, the Non Government Treatment Services Act, the Patient Protection Act, the Addition of Limbs in Human Body (Amendment) Act and the International Diarrhea Research Center Bangladesh Act is completed.

The Government has drafted the National psycho-social counseling policy 2015. This

policy aims to increase the efficiency of parents in mental growth of children, increase life oriented efficiency like anger management, social communication, stress management, mutual respect and good relation etc., bring positive change in the marginalized people, persons related with criminal activities etc. and facilitate cure of mental situation after accident. The Formalin Control Act 2015 was framed.

Environment and Human Rights

Bangladesh bagged the Champions of the Earth award.

The Honorable Prime Minister of Bangladesh, Sheikh Hasina, has accepted The Champions of the Earth award in the Policy Leadership category on 27 September 2015 in recognition of Bangladesh's far-reaching initiatives to address climate change.

The annual Champions of the Earth award is the United Nations highest environmental honour recognizing visionary people and organizations all over the world that exemplify leadership and advocate action on sustainable development, climate change and a life of dignity for all.

The award cites the progressive Bangladesh Climate Change Strategy and Action Plan of 2009, which made Bangladesh the first developing country to frame such a coordinated action plan. Bangladesh is also the first country to set up its own Climate Change Trust Fund.

The government currently earmarks 6-7 per cent of its annual budget on climate change adaptation. A 'Climate Change Fiscal Framework' is also in the works to enable the government to track the demand and supply of climate change funds. For the first time, climate change is no longer merely an additional demand, it is central to the country's development prospects.

In addition, under the leadership of the Prime Minister, the Constitution was

⁷ Health Bulletin 2015 - MoHFW

amended to include a constitutional directive to the State to protect the environment and natural resources for current and future generations.

By 2050 it is estimated that one in every 7 people in Bangladesh is likely to be displaced by climate change, and they are also likely to move to urban centres already burdened with meeting the needs of a dense population.

As part of climate change mitigation, the government is giving high priority to clean and renewable energy including one of the world's largest solar home energy systems, covering 10 per cent of the off-grid population, and reducing emissions from brick-making, one of the largest sources of stationary emissions in the country.

The Sundarbans still not secured

In 2015, a ship bearing 500 ton Potash fertilizer sank in the Vola river in May⁸ and a ship bearing 510 metric ton coal sank in the Poshur river in October.⁹ Besides, there are other reported ship sinking incidents. In all major incidents, the environment of the Sundarbans, the life of animals and aquatic beings and the life and living of the people living in that area are affected. The government still did not take any effective step to protect the forest and lives related to the forest. Further, the GoB also has to take preventive measure to save the Sundarbans from accidental incidents related to the Rampal Power Plant.

JAMAKON deems that development cannot be done at the cost of human life and the environment. Moreover, Environmental Impact Assessment (EIA) should be conducted with due care and scientifically.

In December 9 of 2014, a ship bearing 357664 liter furnace oil sank in the

Shelariver.¹⁰ After the incidence, a writ was filed seeking direction to save the Sundarbans on 15 December 2014 against environment and forest ministry, shipping corporation, BIWTA, SP Khulna and SP Bagerhat.¹¹ The speedy disposal of the writ is necessary to save the forest and environment of Bangladesh.

Corruption

OHCHR recognized that, corruption has negative impact in the enjoyment of the human rights. The Human Rights Council also recognized the importance of fighting corruption for the prevention of human rights violations. The existence of corruption shows that, people are falling victim of violation of human rights.

Corruption Perception Index (CPI) of Transparency International has wide acceptance in assessing the corruption situation of a country. The Corruption Perceptions Index ranks countries/territories based on how corrupt a country's public sector is perceived to be. It is a composite index, drawing on corruption-related data from expert and business surveys carried out by a variety of independent and reputable institutions.

In its CPI of 2015, Bangladesh scored 25 out of 100 points and ranked 13th position from the bottom and 139th from the top among 168 countries. Bangladesh's score remained same at 25 compared to scores of 2014, while the rank went down by a position from the bottom, and moved up six positions from the top. This year's data for Bangladesh were collected from seven sources: Economist Intelligence Unit-Country Risk Assessment, Global Insight Country Risk Ratings, International Country Risk Guide, World Bank Country Policy and Institutional Assessment, World Economic Forum Executive Opinion Survey,

⁸ <http://www.jugantor.com/old/current-news/2015/05/05/258920>

⁹ <http://www.amadershomoyos.com/unicode/2015/10/28/27201.htm#.VsraO0CVPI0>

¹⁰ <http://www.jugantor.com/old/current-news/2015/05/05/258920>

¹¹ <http://www.dw.com/bn/mýýeþb-æchq-giþQ-RjR-clYr-tRþji-i-teKri/a-18129291>

World Justice Project-Rule of Law Index and Bertelsmann Foundation Transformation Index.

The low score of Bangladesh in the CPI generally leads to the conclusion that, human rights of the people are being violated because of corruption.

Political Violence

The beginning of 2015 witnessed huge political violence led by BNP alliance in connivance with Jamaat-e-Islami Bangladesh. The then opposition party boycotted the national election of 5th January 2014. In their absence Awami League won the election and formed the government. At the anniversary of the election, BNP led blockade programs where throwing patrol bombs, killing of people took place. The daily life of people of Bangladesh was hampered in January and February. The Secondary School Certification examination also delayed many times for the protest programs. On 15 February 2015, the High Court ordered the government to take effective action to quash ongoing protests that have left more than 100 people dead.

JAMAKON played a pivotal role during that time. A lot of press releases were issued condemning the role played by those political parties. JAMAKON criticized the role played by media which termed it as political violence but JAMAKON deems it as terrorism. So it should have been termed as terrorism. Terrorism or violence cannot be the language of protest in the dictionary of democracy.

Disappearance and killing by law enforcing agency

Spokesman of a political party was abducted on March 10, 2015 from an apartment where he was hiding. Witnesses said the abductors identified themselves as member of the Detective Branch, while other witnesses reported the presence of

RAB vehicles in the area. In May, he was found in India and was charged by Indian authorities with illegal entry. He sought protection from the United Nations Refugee Agency (UNHCR), saying he had been abducted by unknown gunmen and feared for his life if returned to Bangladesh. The government failed to investigate the possible role of security forces in this and other disappearances, even in cases where family members identified the perpetrators to be members of RAB or police.

The total number complaints of extra judicial killing dealt by JAMAKON is only 6 amongst them suo moto initiative taken by JAMAKON is 5! That means only one complaint was lodged by the complainant.

The main reason of this meager figure is the circumscribed power given by the NHRC Act 2009. JAMAKON deems that the Act should be revised and empower JAMAKON according to the call of time.

Freedom of expression and association

Five secular writers and publishers have been hacked to death in Bangladesh in 2015. However, judgment of killing of blogger Rajib was delivered on 31st December 2015. This is the first decision against killing of bloggers.

Section 57 of ICT Act 2006 goes against people's right to freedom of expression and free speech. The HC on September 1 questioned the legality of section 57, issuing a rule upon the government to explain as to why the section should not be declared unconstitutional. The government is drafting Digital Security Act 2015 where all the contradictory sections of, including section 57, will be repealed.

The position of JAMAKON in this regard was very much clear during that time. JAMAKON condemned every attack on the bloggers and demanded the trial of the perpetrators. JAMAKON was a constant vocal of freedom of expression throughout the year.

The Appellate Division declared mandatory death sentence as unconstitutional

On May 5, the Appellate Division of the Supreme Court declared section 6 (2) (3) (4) of the Women and Children Repression (Special Provisions) Act 1995 and section 34 (2) of the Suppression of Oppression Against Women and Children Act 2000 to be unconstitutional in so far as it prescribes a mandatory death penalty. This judgment was pronounced in an appeal arising out of a Writ Petition filed jointly by the BLAST and Shukkur Ali, a convict who was sentenced to death under the Special Act of 1995.

The sections were challenged as those violate Articles 7 (Supremacy of the Constitution), 26 (laws inconsistent with Fundamental Rights to be void), 27 (Equality before law), 31 (Right to protection of law), 32 (right to life) and 35 (prohibition on cruel and degrading treatment or punishment) of the Constitution and because of absence of judicial power of discretions in awarding sentence.

The High Court declared Joint Drive Indemnity Act 2003 as illegal:

On 13 September 2015, the High Court declared the Joint Drive Indemnity Act 2003 as illegal and unconstitutional. The court ruled that any aggrieved person or victim of the operation can seek compensation from the government through the HC or any other court.

The 'Operation Clean Heart' was executed from October 16, 2002 to January 9, 2003 to restore law and order. Members from Army, Navy, BDR, police and Ansar joined the anti-crime drive. On Feb 24, 2003, a law was enacted providing indemnity to the military officials who took part in the special operation. The law was challenged on June 14, 2012.

The petitioner's argument was that Bangladesh has signed the International

Convention Against Torture (CAT) in 1998. Article 14 of the CAT provides for raising a fund to compensate anyone harmed by government forces. But the indemnity law says that anyone harmed during the operation cannot seek compensation.

HC directs for law on witness protection

On 7 December 2015, the High Court directed the government to enact a witness protection Act to ensure safety of witnesses and their appearance before court and speedy disposal of cases. An HC bench passed the order after hearing a bail petition filed by the accused of a murder case. The court asked the Home Secretary and the Law Secretary to ensure execution of the direction. The court also asked these secretaries to include necessary rules in the law so that public prosecutors and police remain accountable for absence of witnesses.

A law relating to witness protection in Bangladesh is required to ensure the right to life, right to security of person and right to equality before the courts and tribunals.

Exchange of enclaves

After 68 years of the partition of Indian subcontinent, Bangladesh and India became successful in bringing an end to one of the most complicated and confusing border disputes in the world i.e. enclaves. On 1st August 2015, 51 Bangladeshi enclaves situated in India merged with India, while 111 Indian enclaves in Bangladeshi territory integrated with Bangladesh. Around 14,000 people living in 51 Bangladeshi enclaves in the Indian Territory, and another 37,000 residing in 111 Indian enclaves in Bangladesh, now have a country of their own.

The chair of JAMAKON paid visit to the Enclaves which are within Bangladesh. JAMAKON advocated for the rights of those

people and played a pivotal role in this regard.

The residents of the enclaves will now be able to access public services of their country like electricity, schools, hospitals etc. without having to negotiate the border bureaucracy. After exchanging enclaves, the Government has also taken steps to ensure human rights of those people such as establishing schools, roads, pools, health treatment etc. The exchange of enclaves is milestone towards ensuring human rights of over 51000 enclave dwellers of both states.

The entire process, including the physical exchange of enclaves and boundary demarcation, is expected to be completed by June 30, 2016.

Dhaka: the second least livable city in the world

In the Global Livability Ranking 2015 by the Economist Intelligence Unit (EIU), Dhaka has ranked the second least livable city in the world having scored 38.7 out of 100. Last year, it was the most unlivable city in the world.

The report lists 140 cities worldwide based on a variety of lifestyle issues such health care, education, culture, environment and infrastructure.

Such ranking of Dhaka denotes that, human rights of adequate standard of living of the people living in Dhaka city are not met.

High Court directives for saving lives in road

On August 3, the High Court asked the government and the police to keep unfit motor vehicles off the roads across the country. The bench also asked the authorities to seize around 19, 000,00 fake driving licenses and take action against the holders of the fake licences. The bench asked secretaries to the ministries of the road transport and bridges, and home affairs, the inspector general of police and

the Bangladesh Road Transport Authority chairman to take necessary measures for the implementation of the directives.¹²

On 7 December 2015, The High Court ordered the government to immediately remove all unauthorized structures within 10 meters of highways, restore visibility of motorists at blind curves, and install speed-limit signs to prevent road accidents. The court asked the government to have the relevant rules amended in the Highways Act, 1994, as well, so that no structures could be built within 10 meters of highways. It also asked the authorities concerned to build central reservations on highways and underpasses at places where they were needed. The court asked the government to submit a report on the progress of the implementation of the directives by April 1, 2016.

The High Court verdicts came at a time when the rising number of road crashes in the country had become a serious concern. Bangladesh has one of the highest rates of deaths due to road accidents. The statistics of 2015 is not compiled yet, but according to BRTA, total number of accidents is 2027 where 2067 persons met death and 1535 persons suffered injuries in 2014. The number of total casualties is 3602.

High Court orders for a House Rent Commission

On 1 July, 2015, the High Court has directed the government to form a commission tasked with recommending maximum and minimum standard house rents for different areas in the capital city.

The Commission, to be formed by the cabinet secretary, will first identify the problems that exist by holding discussions with both house-owners and tenants. It will also put through recommendations for updating the Premises Rent Control Act 1991.

¹² <http://newagebd.net/143814/keep-unfit-vehicles-off-road-hc/>

The commission will fix area-wise highest and lowest house rents through mass hearing if required, said the HC.

Human Trafficking

According to the statistics of the police, 1028 cases of human trafficking were filed where the number of victims is 1733. Though 1540 persons were arrested, but only 4 persons were convicted. This low rate of conviction cannot play deterrent role in human trafficking. The UNHCR estimated that some 25,000 Rohingya and Bangladeshis boarded smugglers' boats between January and March in 2015.¹³

On 1st July 2015, the National Plan of Action for Combating Human Trafficking 2015-17 was launched. The new plan aims at making the government functional in taking stewardship of trafficking combatant activities, prosecuting perpetrators, ensuring justice for the victims, ensuring community participation etc.

The National Human Trafficking Suppression Institute Rules 2015, Human Trafficking Prevention and Suppression Rules 2015 and Human Trafficking Prevention and Fund Rules 2015 are in the pipeline.¹⁴

Increase in the salary of government employees

The Government increased the salary of government employees almost two fold in 2015. The increase in the salary will be helpful in attaining adequate standard of living and meet human rights of themselves and their dependents. It is expected that there would be no corruption. JAMAKON appreciates the decision of GoB for enhancing salary scale. JAMAKON deems that the scale will commensurate the cost of living or living standard hence will ensure a dignified human life.

¹³ <http://www.dhakatribune.com/bangladesh/2015/may/08/unhcr-25000-trafficked-through-bay-3-months>

¹⁴ www.dainikamadershomoy.com/2015/07/28/39502.php

Persons with disability

Bangladesh has formulated the Rights and Protection of Person's with Disability Rules 2015 and Neuro-Developmental Disability Trust Rules 2015. These rules shall be helpful in ensuring the rights of the persons with disability.

A monitoring Committee was formed to monitor implementation of laws on persons with disability.

Bangladesh has become a country of middle income

The per capita income of the people has increased. As a result, the World Bank has recognized Bangladesh as a country of middle income in July 2015.

Education Act is being drafted again with due care

The Ministry of Education is reviewing the draft of the Education Act 2015. The Act is expected to bring a legal change in the education sector of Bangladesh.

Border killing

Human rights violations by the Indian Border Security Force (BSF) have been going on for a long time along borders between Bangladesh and India. Shooting/attack at anyone seen near the border or anyone trying to cross the border should be proportionate otherwise it would be a clear violation of international law and human rights.

The trial of murder of Felani was a great step towards ensuring human rights in border areas. But, the acquittal of the accused on 2nd July 2015 for the second time created disappointment. After the acquittal, a writ was filed in the supreme court of India, but no hearing is conducted yet.

JAMAKON played a time suiting role in every incidents of Border Killing. Commission maintained a routine correspondence with the National Human Rights Commission of

India as a result of which Family of Felani got compensation from the Government of India. Besides, JAMAKON condemns the same incidents with Myanmar.

Trial of war criminals

The Tribunal trying war crimes of 1971 i.e. International Crimes Tribunal, has given verdict in 21 cases till present. In 2015, the verdicts of three war criminals have been executed. The punishment of these three persons who committed grave violation of human rights is a great step in ensuring human rights.

JAMAKON published a brochure of FAQ (Frequently Asked Questions) on the trial of war criminals. JAMAKON was very much vocal for the trial of the perpetrators of liberation war.

Recognition as freedom fighter

The Government has recognized 41 women as freedom fighters in 2015. JAMAKON deems that the initiative deserves appreciation as it will make freedom fighters as privileged section of the society due to whom we have got a space in the world map.

Rights of the Children

In 2015, the government has made draft of the following:

- The Child Marriage Restraint Act, 2015.
- The Ban on Corporal Punishment Policy and Guideline, 2015.
- The Children Rules, 2015.
- The National Corporate Social Responsibility for Children Policy, 2015.

In December 2015, the state minister mentioned in her speech that, no children shall live on street. She told that, government is taking rehabilitation program for street children. The children shall live in child care where necessary education, food etc. shall be given.

According to survey published on 29 July 2015 by the Bangladesh Bureau of Statistics on the human census 2011, 10,000,00 children of 10-14 years are engaged in different kinds of labour.

The Finance Minister introduced 'Budget Thoughts for Children' report, first of its kind in Bangladesh, in fiscal year 2015-16. The report is presented taking into account the budgetary allocations of five ministries directly related to socio-economic development of children.

JAMAKON deems that to ensure the rights of the Children there should a separate Commission like "Child Commission". JAMAKON is doing a lot to make it happen.

Labor Rights

The draft of the protection and welfare of domestic workers policy 2015 was approved by the cabinet in December 2015. In the policy, the domestic workers have been brought under the umbrella of it and the policy ensures proper and dignified environment of work including protection, welfare, leisure, recreation and leave etc. For, light work the age of the domestic worker has to be 14 years and for heavy works 18 years. There is penal provision against physical and mental torture of the worker. The worker welfare foundation shall supervise the welfare of the domestic workers. The government shall also start a helpline.

The government has introduced the Bangladesh Labor Rules 2015 on September 15, 2015 with a view to implementing the Labor Act 2006. Workers will mostly be benefitted with the rule as the annual collection of the labor welfare fund will stand at Tk 720 million and the workers will enjoy different benefits from the fund.

In 2015, about hundreds of workers died in work area. This data shows that, thought major occurrence is not happening, but workers; right to life is not ensured due to lack in occupational safety measures.

Chapter 3:

Activities of NHRC in 2015

JAMAKON has been playing the role of the whistle-blower for prevention, promotion and protection of human rights of the citizens when such rights are under threat of infringement by the state actors (law enforcing agencies, public officials etc). The commission deals with such incidents on regular basis. This may be said to be the over-arching role of JAMANKON.

Since assuming the responsibility of JAMAKON, it can safely be said that Bangladesh has been making gradual progress in the area of economic, social and cultural rights as well as in the area of civil and political right.

JAMAKON's attention has always been on the state actors as any violation of human rights is, in most cases, committed by the state. But now, we are in a complicated situation where human rights violations are committed more by the non-state actors. And we noted that this is being conducted by the terrorists allied with support from abroad in the guise of political movement. The world is witnessing a dramatic evolution of the terrorist threat that the international community want to encounter. And we believe that the action taken by France to address terrorism in the aftermath of Charlie Hebdo incident or by the Danish authorities after the Copenhagen incident or by Jordan and Egypt after ISIS's brutal beheading of Coptic Christians are just, reasonable and legitimate. In the same line we believe that the authorities in Bangladesh should act decisively and strongly against acts of terrorism.

Expressing concern over the attacks on innocent people, the JAMAKON advised law-enforcing agencies to be more active to

protect people's life and property. In doing so the JAMAKON urged them to follow the national and international standards in fulfilling their duties. Moreover, JAMAKON has always condemned any extra-judicial killing, enforced disappearance and advised the law-enforcing agencies to be diligent while encountering the attackers and terrorists. The JAMAKON is keen to conduct inquiry into the alleged cases of extra-judicial killings and enforced disappearance. The JAMAKON also insists to ensure security of the lives and property of the people and to take stern actions against those creating violence and terrorism and bring the criminals to justice. The JAMAKON urged the government to take action to identify perpetrators and conduct thorough and impartial investigations into all instances of arson attacks and killings and bring those responsible to justice. This we believe would be Bangladesh's contribution in curbing and eliminating terrorism as part of combating global terrorism.

In fulfilling the legislative mandate, the NHRC performed huge activities. Amongst them, the following activities deserve special mention:

Complaint Management System:

JAMAKON has been receiving complaints on human rights violations and made inquiry on those. JAMAKON made recommendations to the government and concerned agencies on the findings and resolved the issues. The JAMAKON visits jails, hospitals and child development centers to see the condition and send recommendations to the government for necessary action and improvement.

JAMAKON is trying to upgrade the Complaint Management System and the Complaint and Inquiry Department of the Commission. Of late, Commission has developed a mobile app by which any one

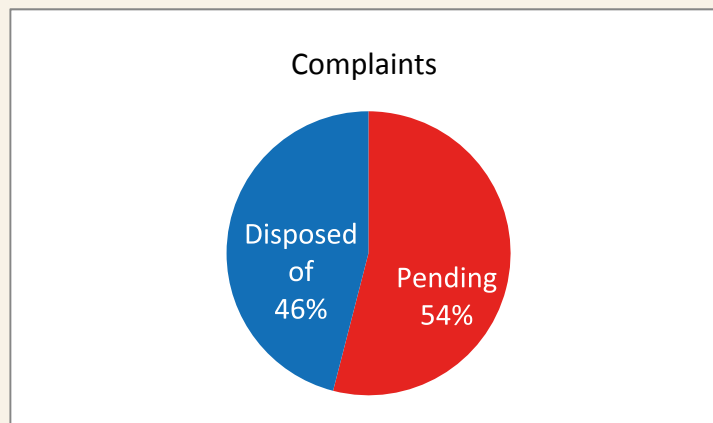
from any corner of the world can lodge a complaint before JAMAKON by a single tap.

The total statistics of complaints lodged before JAMAKON in 2015 can be summed up as follows-

a) Statistics of Complaints

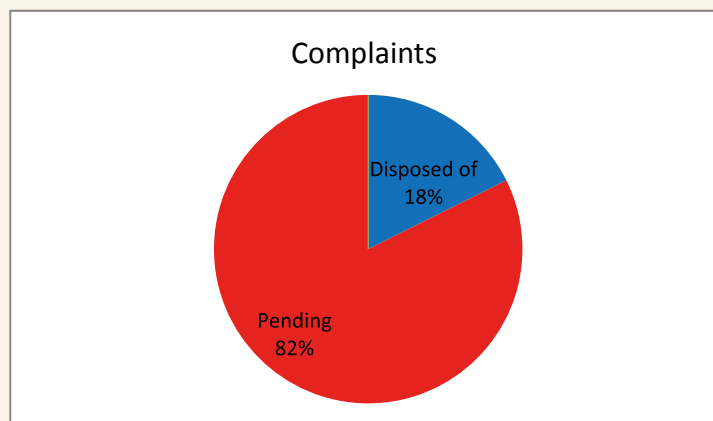
SL No	Case category	Disposed	Pending	Total
1.	Rape	5	6	11
2.	Murder	5	8	13
3.	Torture	1	4	5
4.	Sexual Harassment	4	2	6
5.	Domestic Violence	13	27	40
6.	Arbitrary Detention	-	3	3
7.	Forced Disappearance	-	15	15
8.	Disappearance from Homestead	-	1	1
9.	Extra Judicial Killing	-	1	1
10.	Negligence of Duty	-	-	-
11.	Corporal Punishment	2	3	5
12.	Custodial Torture	6	2	8
13.	Custodial Death	-	-	-
14.	Human Trafficking	3	-	3
15.	Exploitation of Migrant Workers	7	9	16
16.	Job Related	19	16	35
17.	Dowry	5	1	6
18.	Abduction	9	5	14
19.	Others	162	180	342
	Total	241	283	524

It is to be noted that, most of 'Others' category complaints include land related disputes and family or personal problems and complaints which do not fall within the purview of NHRC jurisdiction.



Suo moto steps taken by the National Human Rights Commission (JAMAKON) of Bangladesh -

Sl No.	Category of offence	Disposed	Pending	Total
1.	Extra Judicial Killing	-	5	5
2.	Murder	-	1	1
3.	Rape	-	3	3
4.	Torture	-	2	2
5.	Sexual harassment	1	-	1
6.	Negligence of duty	-	1	1
7.	Others	2	2	4
	Total	3	14	17



b) Seminars, Workshops and Meetings

➤ National Consultation on Anti-Discrimination Legislation held

A National Consultation arranged by The National Human Rights Commission, (JAMAKON) entitled: 'Anti-Discrimination Legislation: A Firm Step to Promote Human Rights' that was held on 30 April, 2015 at NababNawab Ali Chowdhury Senate Bhaban, Dhaka.

As the Chair of the event, Prof. Dr. Mizanur Rahman, Chairman, National Human Rights Commission hoped that the law could help stop the outburst of hatred because of one's identity. In his speech, the JAMAKON chairman stressed on developing the outlook of people from all walks of life to preserve the rights of marginalized people besides the enactment of Discrimination Elimination Law. 'It is difficult to abolish discrimination only enacting the law, so we all should develop our minds' he said.

The objective of the National Consultation was to analyze and collect input from stakeholders of the draft legislation on anti-discrimination and prepare a set of

February, 2013 and the National Consultation on Equal Opportunities for all: Towards an Anti-discrimination Legislation on 30th March, 2014.

Participants' recommendations called for preparation of a list of marginalized and vulnerable groups, collection of disaggregated data on those groups in the future census, considering the Rights and Protection of the Persons with Disabilities Act 2013 including 'disability' as ground for discrimination, addressing the issue of outsourcing the job of the sweepers (Dalits), and inclusion of a provision for a sanction for breach, assessing options for alternative dispute resolution, repealing any conflicting



Professor Dr. Mizanur Rahman, Chairman, JAMAKON delivering his speech

recommendations on the areas which need amending, to learn about the status of the draft legislation on anti-discrimination submitted to the Ministry of Law, Justice and Parliamentary Affairs last year and to expedite the process of enacting the draft legislation on anti-discrimination.

This was a follow-up event after the National Seminar on 'Protecting the Rights of Dalits as the Most Vulnerable Marginalised Communities in Bangladesh' on 2nd

provisions/laws with the proposed legislation, justification of mobile court under the proposed Act, and reconsidering if the proposed legislation will provide a jurisdiction to the Commission for receiving complaints and also investigations. The speakers added importance of caution in use of words in the proposed law so as not to offend any community and of the inclusion of HIV patients who fail to receive treatment from doctors.

The participants made critical analysis and suggested recommendations for the draft legislation on anti-discrimination. Advocate Anisul Huq, Minister, Ministry of Law, Justice and Parliamentary Affairs, assured that the draft legislation is under review and could be passed by the end of this year. After reviewing the feedback and making a

comparative analysis of what was submitted to the Ministry last year and the JAMAKON's current position on the proposed legislation will be sent to the Ministry of Law, Justice and Parliamentary Affairs.

➤ **Consultation on CEDAW Stakeholder Report Prepared by JAMAKON held**



The event titled 'Consultation on CEDAW Stakeholder Report Prepared by JAMAKON' was held on 15 June, 2015, Monday at 10 a.m. at CIRDAP, Dhaka.

Prof. Dr. Mizanur Rahman, Chairman, JAMAKON in his concluding remark stated that discrimination is the root cause of violation of human rights. Article 2 of CEDAW that obliges the state parties to eliminate discrimination against women. A reservation on Article 2 jeopardizes the whole spirit of ratifying CEDAW as it leaves a get-way on the state parties to refrain from discrimination against women. Moreover, he concluded that international laws takes precedence over domestic laws. Thus, imposition of any condition that in case of any contradiction between any terms of the Convention and religious norms/domestic law, and religious norms taking precedence infringes international laws.

Recommendations received from the participants:

- Any alternative report should reflect the short comings and missing issues in the State Party report.
- The alternative report could also include suggestions and recommendations about what should be done at the country level to better address some of the challenges and enhance the implementation of the Convention.
- The alternative report should not be longer than 10 pages (i.e. very focused and targeted to priorities and main issues).

- The alternative report should spotlight on the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined sixth and seventh periodic reports of Bangladesh as well as on information provided by Bangladesh on the follow-up to the concluding observations of the Committee.
- The National Human Rights Commission should share the draft

report to the CEDAW Forum and Citizens' Initiatives on CEDAW-Bangladesh.

- Bangladesh has reservations on Article 2 and 16(1)(C) of CEDAW- the report should explore where Bangladesh is standing at present on withdrawing reservations. The report should also focus on Bangladesh's position on any existing discriminatory laws, policies and practices.

➤ **Workshop on The Child Marriage Scenario in Bangladesh held**

'We want to put across a clear message – there can be no marriage below the age of 18. The National Human Rights Commission will not accept any deviation from this position' - was voiced by Prof. Dr. Mizanur Rahman, Chairman, National Human Rights Commission (JAMAKON), Bangladesh at the workshop titled, 'Child Marriage Scenario and Legal Reforms' on 11th June, 2015, RDEC Conference Room, LGED Bhaban, Dhaka. In spite of having one of the highest rate of child marriage of girls, the current government has been considering to lower the legal marriageable age for girls from 18 to 16.

In his speech, the Chief Guest of the event Mr. Iqbal Sobhan Chowdhury, Information Advisor to the Prime Minister, encouraged the NGOs and activists to consult with the Parliamentary Standing Committees'. He added, 'The Prime Minister will not enact any law that is contrary to the rights of women and children. She will not force anything without considering all voices to enact laws.' He agreed that State institutions and media play enormous role to prevent child marriages in the society. The importance of Kishori Clubs to empower young women to take a stand against this social problem was voiced.

The keynote presentation was made by Mr. Kazi Reazul Hoque, Full Time Member,

JAMAKON. His presentation highlighted problems of poverty, ignorance, lack of birth registration, weak legislative reforms, penalty system as factors behind the practice.

In his concluding remarks Prof. Dr. Mizanur Rahman emphasized on joint efforts to tackle push and pull factors for which this practice has remained prevalent. Bangladesh undoubtedly has immense success in meeting social indicators, yet child marriage is a social ill that can take us backwards.

Key recommendations were:

- The meeting urged the government to keep the minimum age of marriage at 18 years.
- The new legislation on Restraining Child Marriage should be enacted as an apriority and without any delay.
- To stop child marriage by reducing poverty, ensuring social security and continuing education of girl child.
- Media campaigns to raise awareness among all stakeholders are important. Need to focus on awareness of parents and the community.
- Prohibition of affidavit as a proof of age- for marriage.



Panel of discussants at the workshop



Child Forum representatives speaking at the event

➤ Consultation on 2nd Five Year Strategic Plan of JAMAKON (2016-2020) held

The National Human Rights Commission, Bangladesh organized a day long consultation meeting on its Strategic Plan for the period 2016-2020, on the 16th August, 2015 at CIRDAP Auditorium, Dhaka.

The objective of the program was to present the 2nd Five Year Strategic Plan (2016-2020) of JAMAKON which was prepared on the basis of lessons learnt during the implementation of the 1st (2010- 2015) Strategic Plan. State agencies, NGOs, JAMAKON Commissioners and members of civil society attended the sessions and contributed to fruitful discussions.

Key recommendations

- ✓ JAMAKON must maintain a national database of human rights violations and abuse
- ✓ JAMAKON should have a mandate to sensitize political and religious leaders, government officials, District Commissioners regarding HR awareness
- ✓ The JAMAKON strategic plan should be aligned with the current Five Year plan of the government
- ✓ The plan must include stringent improvements to the complaint receiving mechanisms
- ✓ The right to freedom of speech should be prioritized in the strategic plan
- ✓ The right to food and right to work has to be included in the strategic plan
- ✓ The content on health rights should needs to include sexual and reproductive health rights



- ✓ The strategic plan should recognize the concept of 'traditional community ownership' of indigenous population. Additionally, it should consider dalit identity and land rights, right to be educated in one's mother tongue, the diverse identities of indigenous communities and their meaningful participation in activities
- ✓ JAMAKON can design a position paper for partnerships and develop a network of institutions which work in this field
- ✓ Using potentials of all existing commissioners of JAMAKON
- ✓ Similar to NHRC Nepal, JAMAKON should recruit interns and students who are dedicated to human rights and train them accordingly
- ✓ JAMAKON to prepare a guideline on how prisoners should be treated, in order to combat custodial torture and death
- ✓ Pressurise the government to ban begging to protect women and children and greater social support for children



**Courtesy Crest to the Honorable Speaker
Dr. Shirin Sharmin Chaudhury by JAMAKON Chair**

- ✓ Take initiatives to protect/defend the defenders of HR in Bangladesh
- ✓ Budget allocations for commission should be increased because it is obstructing independent functioning
- ✓ Regional offices would make JAMAKON more effective at researching, monitoring and gathering data among other things.
- ✓ Revisit how the recommendations by the UN Special Rapporteur on Violence against Women who visited in 2013 are being implemented
- ✓ Nationwide campaign against torture for children should be spearheaded by JAMAKON

➤ **National Human Rights Commission attends Second Meeting of the Asia-Pacific Council for Juvenile Justice (APCJJ)**

The International Juvenile Justice Observatory (IJJO) had invited JAMAKON to attend the Second Meeting of the Asia-Pacific Council for Juvenile Justice (APCJJ), which took place in Phuket –

There was also a day assigned for APCJJ policy oriented event for participants and APCJJ official members. This was focused next course of actions that the APCJJ will pursue in coming years. This also complemented with the practical experience of the training event with a policy-oriented perspective.

The FTM presented the implementation of CRC in Bangladesh and Bangladesh's best examples regarding restorative justice while honorable Justice Imman Ali, another participant from Bangladesh presented a new idea of establishing International Court of Child Rights as an international statutory body to protect and promote child rights worldwide.

The participation has allowed the delegation (and so the NHRC) to be in touch with the regional endeavors in terms of juvenile justice and child rights protection. Moreover, this has also accelerated the process of ongoing initiatives regarding examining the proposed children Act, preparing UPR and CRC treaty body reporting and also opened new avenues for the NHRC to work together with regional and international organizations related to the children.



Full Time Member of JAMAKON Kazi Reazul Hoque is delivering his speech

Thailand, from the 5th to 8th May, 2015, organised by the IJJO and Ministry of Justice of Thailand.

Three-day professional development training event co-organised in collaboration with the United Nations Office on Drugs and Crime (UNODC). The training event concentrated on a practice-oriented approach to international standards and norms in the area of juvenile justice.

➤ **Seminar on 'Prevention of Torture and Custodial Death: Our Responsibilities' held**

National Human Rights Commission (JAMAKON), Bangladesh organized a seminar titled 'Prevention of Torture and Custodial Death: Our Responsibilities' on Tuesday, 16th June, 2015 at Azimur Rahman Conference Hall, The Daily Star Centre, Dhaka.



Participants at the discussion

The Torture and Custodial Death (Prevention) Act, 2013 does not fully comply with Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984, though Bangladesh has an obligation under international law to prevent acts of torture and custodial death. Few provisions of the Act remain ambiguous and lack clarity as to Bangladesh government's obligations.

'We are yet to realise how contemptuous and shameful the custodial deaths are for the state', said the chair of the discussion, Prof. Dr. Mizanur Rahman, Chairman, JAMAKON.

In his closing remarks, Prof. Dr. Mizanur Rahman stated that about 70 percent of the complaints of violation of human rights received by the NHRC are against the law enforcement agencies and about half of all complainants raise allegations of torture by the law enforcement agencies. The commission looks into the complaints and submits its findings to the Ministry of Home Affairs. He expressed his disappointment that representatives of the law enforcement agencies were not present in this event, in spite of being invited by JAMAKON.

Key Recommendations from the seminar:

- ✓ The Torture and Custodial Death (Prevention) Act, 2013 should be amended as soon as possible.
- ✓ Amending the definition of torture in section 2(6) of the Torture and Custodial Death (Prevention) Act, 2013 to bring it into closer conformity with Article 1 of CAT.
- ✓ Section 5 of the Act should be amended by adding the provision of judicial investigation instead of the current provision of investigation against the law enforcement agencies by the law enforcement agencies.
- ✓ Amending section 15 of the Torture and Custodial Death (Prevention) Act, 2013: providing for adequate payment of compensation to the victims of torture.
- ✓ The amount of compensation should be given directly to the victims or aggrieved person of torture and custodial death.
- ✓ Amending the Torture and Custodial Death (Prevention) Act, 2013: providing for protection to witnesses related to torture prosecutions.
- ✓ The punishment of the offences mentioned in the Act should be increased.
- ✓ The Rules under section 20 should be formed as soon as possible.
- ✓ Law enforcing agencies must show their ID card during arrest & should be in official uniform and not in civil dress at the time of arresting a person.
- ✓ Arrest must be made in the presence of two neighbours as witness.
- ✓ Law enforcement agencies must inform the family member or friend of arrested person as soon as possible about the arrest and place where arrested persons are taken. .
- ✓ Ensuring the protection of the persons who file a case against a member of law enforcement agencies.
- ✓ If any custodial death is occurred, this incident must be informed to the National Human Rights Commission (JAMAKON), Bangladesh within 24 hours.
- ✓ Amending the National Human Rights Commission Act, 2009 to empower the NHRC to investigate human rights violations by law enforcement agencies.

JAMAKON delegation attends International Conference In Mexico

JAMAKON delegation attended the 12th International Conference of National Human Rights Institutions (NHRIs), held in Merida, Mexico on October 3-14. NHRIs from 51 countries and 118 delegates attended the important annual conference. The conference produced and adopted the Merida Declaration- the formation of which centered on this year's theme of: "The Sustainable Development Goals: What is the Role of NHRIs?" The discussions were premised on how the NHRIs could support the new global agenda especially in terms of their role in monitoring and implementation of human rights aspects of the goals.

The JAMAKON delegation was comprised of Prof. Dr. Mizanur Rahman, Chairman,



JAMAKON Delegation headed by Honorable Chairman

JAMAKON; Kazi Reazul Hoque, Full Time Member, JAMAKON; MD. Amjad Hossain Khan, Secretary, JAMAKON. They actively took part in the week long seminar discussions where they exchanged their views with other NHRIs, and strengthening the coalition of NHRIs. The comments and

contribution made by Prof. Dr. Mizanur Rahman and Kazi Reazul Hoque were highly revered and the Bangladesh delegation was honored by other participating NHRIs. As a conference outcome in order to help

the SDGs get implemented properly and timely, JAMAKON will monitor the progress of the implementation process of SDGs and incorporate this into the UPR; design awareness raising programs regarding the SDGs supported by the ICC; hold interactive sessions with other NHRIs.

➤ Seminar on “Role of NHRC in Protection of Human Rights” held in Meherpur

On November 16, 2015 Seminar titled “Role of NHRC in Protection of Human Rights” was held at the Deputy Commissioner's office, Meherpur. The seminar was attended by government officials, NGO representatives, teachers, students and journalists. A brief presentation on NHRC and its role was presented before the participants. Participants asked various questions regarding the role of NHRC and gave their opinions and told about their expectations on NHRC. NHRC chief Dr.

Mizanur Rahman addressed the questions of the participants as the chief guest.



JAMAKON Chair is delivering his speech



Participants

- **Seminar on “Human Rights for all: Untouchability Perspective” held at the District Commissioner’s Office, Chuadanga District**



Guests of the Seminar



Participants

On November 15, 2015 NHRC and Deputy Commissioner’s office jointly organized a seminar titled “Human Rights for all: Untouchability perspective”. The seminar was held at the deputy commissioner’s office in Chuadanga. As the response of the complaint of Horijon community of Chuadanga district lodged at the NHRC,

the seminar was organized to address the rights violation of the Horijon community. The spontaneous participation of different NGO representatives, teachers, journalists, students and Horijon community people made the seminar vibrant. DC and SP promised to ensure the rights of the Horijon Community in their district.

➤ **JAMAKON organized “2nd Cycle UPR Recommendations: Status of Implementation”**

JAMAKON organized a two-day long consultation on the Follow-up of the Implementation of Recommendations of 2nd cycle UPR on 6-7 December, 2015 at the CIRDAP International Conference Centre. The Consultation was titled as “2nd

Cycle UPR Recommendations: Status of Implementations.”

Recommendations include passing the Anti-Discrimination law, full- compliance of CHT Peace Accord, withdrawal of the reservation of the provisions of CEDAW, putting an end to child labor. The consultation ended with the closing remarks by JAMAKON Chief Prof. Dr. Mizanur Rahman. At the closing session of the consultation, Ms. Meher Afroze Chumki, Honorable State Minister, Ministry of Women & Children Affairs; H.E. Mr. Christian Fotsch, Ambassador, Embassy of Switzerland; H. E. Mr. Johan Frisell , Ambassador, Embassy of Sweden were present as the Special Guests.



Guests at the Consultation



Participants at the event



JAMAKON Chair Professor Dr. Mizanur Rahman and Honorable State Minister of MoWCA Meher Afroze Chumki are delivering speech at the Closing Session.

➤ JAMAKON Observed International Human Rights Day 2015

JAMAKON observed the International Human Rights day in a befitting manner on 10th December 2015. This year the theme of the day was “Our Rights. Our Freedom.



Always” aims to promote and raise awareness on the two Covenants on Human Rights on their 50th anniversary: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which were adopted by the United Nations General Assembly on 16 December 1966.

The day witnessed a grand Human Rights Day Rally followed by vivid discussion and seminar by distinguished guests.

After the rally, seminar on “Freedom of Expression and Human Rights: Bangladesh Perspective” was held at Abdul Karim Shahitaya Bisharad Conference Hall, Bangla Academy.

At the seminar it was highlighted that freedom of expression should be ensured. Banning of religion based politics was also demanded at the event. Concern was expressed over restriction imposed on Facebook, and proposed national broadcasting policy and online media registration.



Guests at the Seminar

➤ **NHRC chief attended Human Rights Conference 2015 of ASK and met with Human Rights Taskforce members**

On 12th December 2015, NHRC chief Prof. Dr. Mizanur Rahman attended Human Rights conference 2015 organized by Ain o Salish Kendra (ASK) held in BRAC BLC, Savar. He took part in a seminar on National Human Rights Commission's role, experience, achievements and way forward.

people, NHRC divisional office will be established by January 2016.

NHRC Chief listened to the Human Rights Taskforce members' experience on lodging complaints in NHRC and some success stories. The taskforce members also told about some challenges they face in



JAMAKON Chair is delivering speech at the Conference

In his speech, NHRC chief said NHRC appreciates the role of Human Rights Taskforce in bringing the human rights violation cases in front of NHRC. He also declared that in order to reaching to more

protesting against human rights violation incidents. In addition, they urged to resolve the pending complaints. He also visited the fair organized by the taskforce.



Visiting the fair



JAMAKON delegates headed by Chair at 20th Annual General Meeting of Asia Pacific Forum in Mongolia

c) Research and Publications:

JAMAKON conducted prolific research works in the year 2015. It has a handsome list of research works e.g.-

There are 9 topics/ proposals for the publication in the Year Book 2015 –

Serial No.	Title of Research or Study	Author	Date of Publication
1.	Rights and status of Hindu Women in Bangladesh	Govinda Chandra Mandal	In Process
2.	The land problem in the CHT: A Human Rights Anatomy	Dr.Sadeka Halim & Dr. KhairulChowdhury	In Process
3.	JAMAKON at 5 : A Critique	Dr. Rahamat Ullah & Bayazid Hossain	In Process
4.	Right to Food: From Charity to Justiciable Right	Dr. Abdullah Al Faruque	In Process
5.	Right to Health: From Rhetoric to Pragmatic Approach	Muhammad Rezaur Rahman	In Process
6.	Dalit narider shikka o shastha babostha abong CEDAW issue	Zannat –a – Ferdousi	In Process
7.	Repatriation of Trafficked victims: Problems and Challenges	Khandaker Farzana Rahman	In Process
8.	The role of different stakeholders in enabling working environment in RMG sectors and GSP facilities and challenges	Syed Robayet Ferdous (as a Team Leader)	In Process
9.	Developing a manual/ handbook for ensuring migrant workers' rights vis a vis development in national economy : Achievements and challenges	Mohammad AzizurRahman & Md. AurongajebAkond	In Process

Moreover, JAMAKON has selected the following topics for the Year Book 2016—

1. Freedom of religion and Expression in the shadow of state religion: Bangladesh Context
2. Rule of Law and impunity: Effect of colonial laws on human rights
3. Anatomy of NHRC Act of 2009 in the Context of Paris Principles
4. Safe Migration and its Challenges: A Situational Analysis of Bangladesh
5. Cultural Rights in the perspective of indivisibility of Human Rights: Bangladesh Context
6. Understanding the Identity of 'Hijra': Policy Implications
7. Determining constitutionality of Death Penalty under the Penal Laws in Bangladesh

d)Awareness and Training:

➤ NHRC Patronized Biggest Ever Public Gathering on Preventing Violence Against Women



JAMAKON Chair Professor Dr. Mizanur Rahman and Secretary Md. Amjad Hossain Khan delivering their Speech at the public gathering

On December 22, 2015 NHRC Chairman Professor Dr. Mizanur Rahman attends a public gathering on “Preventing Violence against Women” held at Girls’ High School Premises, Bharatkali, Saghata, Gaibandha. The “Public Gathering” at Bharatkali Girls School premises was the biggest ever public gathering where 2100 women and 900 men participated.

Considering the fact that, consisting of a group of villages, the UPs are the most remote tier of local administration in Bangladesh and an easy gateway to access people in rural areas, it was decided by NHRC to collaborate with at least two UPs as a pilot initiative. Through this, the NHRC will establish a standard modality of working with UPs. It was envisaged that the community strength of UPs can be utilized as a hub between the NHRC and the vulnerable population. Squeezing the vast area of its jurisdiction into specific issues, NHRC decided to develop a Memorandum of Understanding (MoU) with at least two UPs on a pilot basis and start promoting women rights as a whole and eradicating VAW in particular. The primary objectives of collaborative efforts between the NHRC and the UPs were to:

- Enhance overall understanding of human rights principles and practice at community level regarding VAW and its detrimental social and legal affects;
- To inform and educate UP Chairmen, Members, community leaders about the power and function of the NHRC in dealing with complaints and mediating and conciliating thereto;
- To develop standard complaint referral and investigation methodology in order to practice them in the daily works of UPs and to replicate it in other UPs when needed.

Under the MoU the following results have been achieved:

- Two trainings for Chairmen, Members and community leaders were done to educate the participants about the rights of the women and girls, roles and mandate of the NHRC, complaints management of the NHRC and to motivate the participants to provide visible evidences of their knowledge gained

- 54 Court Yard meetings were held where the knowledge gained in the training had been disseminated amongst 1350 women and girls.
- 10 fact finding missions were convened in different villages of the UP on the alleged complaints of violence against women.
- 6 meetings with the UP Standing committee were held at the UP head

office where up to date data of received complaints had been discussed.

- A public gathering was held in Bharatkali UP where the Chairman UP have placed the statistics on how the the number of VAW cases have been decreased as a result of the implementation of the MoU (30 in 2014 but 20 in 2015)



Participants

Training for JAMAKON Officers

International Human Rights Law Training On their first day of work, JAMAKON's seven new officers enthusiastically received two days of International Human Rights training on October 20 & 21. The training session was inaugurated by Md. Amjad Hossain Khan. Professor, Dr. Lyal S. Sunga-IDLO Special Advisor on Human Rights and Humanitarian Law and Head of the 'Rule of Law Program' at the Hague Institute for Global Justice took the session.

The key concepts included: a session on the relationship between international law and the law of Bangladesh where he explained in depth the development of human rights law in historical and political context. Over the course of the training, he explored the question of how the UN Human Rights

systems work and its application to JAMAKONS work. He answered a question by showing how the international law is binding in Bangladesh and he explained the differences between the UN treaty body system and the charter based system including special procedures such as the Universal Periodic Review. It was clear from the in depth the discussions that the new officers were already cognizant of the leading human rights issues in the country as they drew from their various experiences to substantiate the seminar debates asking many questions such as how to advocate for the right to self-determination using the articles contained in the ICCPR and other Instruments.



JAMAKON Officers with Professor Dr. Lyal S. Sunga



Training on Human Rights Violation and Investigative Techniques

Training for journalists on 'Human Rights Journalism' in Chittagong and Chittagong Hill Tracts (CHT) Area

In November and December, the NHRC held a series of training sessions in Chittagong and the CHT area (Khagrachari, Bandarban and Rangamati). The objective of the sessions was to enhance the capacity of journalists to improve their skills and competence in covering issues of human rights and also to promote respect for the human rights. Details about each session

Parishad Conference room. NHRC Chairman Dr. Mizanur Rahman opened the training session and emphasized on the role of human rights defenders & use of media to promote human rights in society. Mir Masurzaman, News Editor of Chanel- I. Azhar Hossain, Assistant Director of NHRC; Zahid Hosain and Rabiul Alam of UNDP also facilitated the training session. The session



Participants with Md. Amjad Hossain Khan, Secretary, JAMAKON

are as follows: The session in Chittagong on November 15-16 was held at Hotel Pitstop in collaboration with the Chittagong Press club and 20 journalists attended the session. It was facilitated by UNDP's Mr. Rabiul Alam and ANGAM Golam Kibria, Output Editor of 'Independent Television'. Md. Amjad Hossain Khan, Secretary, NHRC made concluding remarks on future action about how the media can collaborate with NHRC. The Bandarban, session on November 14 - 15 was held at the Pourashava Conference room in collaboration with the NGO GARUS and 20 journalists attended. Kazi Reazul Hoque, Full Time Member, NHRC remarked how the NHRC is keen on the media coverage of rights issues in the CHT.

The session in Khagrachari was held on December 1-2 at the Kharachari Zilla

in Rangamati on November 22-23 was held at SAS training rooms in collaboration with the NGO Tunga and 20 journalists attended. Over all the training was found to be very effective and useful to the journalists. However, if the following recommendations are accommodated, the initiative will generate better results ensuring a good ratio of female and male participants in the training; Integrate a separate training on 'Gender Sensitive Journalism; Develop a follow-up mechanism in relation to the events to continue interaction with the participants to increase their knowledge base and to make their skills operational and sustainable. For that matter, JAMAKON plans to arrange workshop with them in every six months at the divisional level where progress, opportunities, challenges will be discussed and addressed.

e) JAMAKON in the Media



JAMAKON Chair Professor Dr. Mizanur Rahman in the Media

Date	Issue of Press Release
22/01/2015	Expressing deep concern over political violence led by the opposition party & overall situation of human rights of the country
27/01/2015	Press Invitation to Join "March for Peace" organized by JAMAKON
17/02/15	Expressing concern over petrol bomb hurling and arsoning by the Opposition party
19/02/15	Opinion sharing with the delegates of European Parliamentary Committee on Human Rights
19/02/15	Expression of concern over the leaked phone tape and attempt to foil democracy
26/02/15	Expressing deep concern over the killing of blogger Avijit Roy and demanding the trial of killers
05/03/15	Press invitation to cover a JAMAKON opinion sharing on "Human Rights on the verge of threat: Our duty"
23/03/15	Condemning the torture of a ProthomAlo Journalist & expressing of concerns
12/04/15	Expression of concern over the disappearance of BNP Joint Secretary Mr. Salah Uddin Ahmed.
19/04/15	Press Conference on the incidents of violence & sexual harassment against women at Dhaka University and other area during the celebration of Bangla New Year 1422.
22/04/15	Press Invitation to cover the Public hearing on the right to life and livelihood of the sex workers

29/04/15	Press Invitation to cover a National Dialogue on Anti Discrimination legislation
13/05/15	Expression of concern over the police attack on the protestors of sexual harassment
14/05/15	Press Invitation to cover a Seminar on "Anti Human Trafficking and Repatriation of the Trafficking victims"
24/05/15	Expression of severe condemnation and concerns over the mass rape of a 22 years old Garo girl
10/06/15	Press Invitation to cover a Workshop on "Child Marriage Scenario in Bangladesh: Legal Reforms"
15/06/15	Press Invitation to cover a seminar on " Torture and Prevention of custodial death: Our duty"
23/06/15	Expression of concern and anger over the arrest of BGB NaikAbdurRazzak by Myanmar Border Security Force BGP
13/08/15	Press Invitation to cover consultation on 2 nd Five Year Strategic Plan (2016-2020)
31/08/15	Press release on the Order of National Human Rights Commission of India about awarding of 5 lac Rupee as a compensation by the Government of India to the Felani
10/09/15	Press Invitation to cover a Seminar on " Reproductive health and protection of the rights of women: Our duty"
31/10/15	Press release of JAMAKON Chairman protesting the statement of Amnesty International (AI)
01/11/15	Press Conference on the Repatriated Labor Migrants from Iraq
09/11/15	Press release on the killing of two children SamiulAlamRajan and Rakib
06/12/15	Press Invitation to cover a Consultation on "2 nd Cycle UPR Recommendations: Status of Implementation"
09/12/15	Press Invitation to cover the JAMAKON's observance of International Human Rights Day 2015

f) NHRC and ICT:

National Human Rights Commission (JAMAKON), Bangladesh has successfully launched and redesigned its website and ICT sector in a more responsive way. Moreover, JAMAKON introduced an online complaint lodging system. JAMAKON has a mobile app which is now available at the Google Plays store. So by launching this app, JAMAKON has reached to the public at large just at a finger tap distance.

Moreover, up gradation of JAMAKON

Broadband internet connection is now in the pipeline. IT department of JAMAKON is always standby to look after the updates of the website.

NHRC has taken steps to setup their own server and Local Area Network(LAN) connection to improvise the internal workflow and data process as well as to maintain a strong compliant database management system in the near future with a view to fully digitizing the office.

g) NHRC and RTI

The NHRC disposed of the applications submitted under the RTI Act 2009. The statis-

tics of applications filed before JAMAKON under the RTI Act in 2015 are given below.

Number of application Received	9
Number of application settled	9

How to get information under the RTI Act:

To get information under the RTI Act 2009, the person has to submit a written application including prescribed information under the Right to Information (Regarding Information Receipt) Rules 2009 to the designated officer. The applicant can communicate the written application to the Commission according to section 8 of the

RTI Act 2009. The applicant has to receive information after paying the price (if any) prescribed under the Right to Information (Regarding Information Receipt) Rules 2009.

The Designated Officer and Appellate Authority of the Commission under the RTI Act are given below.

Sl. No.	Purpose	Forum	Address	Time-limit
1.	To receive any information under the Right to Information Act 2009	Designated Officer	Name: Humayun Kabir. Post: Director (Admin & Finance). (till october, 2015) Phone: +880-02-9335564. Email: nhrc.bd@gmail.com	According to section 9 of the RTI Act 2009.
2.	If the designated officer fails to provide service within time	Appellate Authority	Name: Md. Amjad Hossain Khan. Post: Secretary. Phone: +880-02-9336863 Email: nhrc.bd@gmail.com	

Chapter 4: A Portrayal of Success Stories of NHRC

National Human Rights Commission of Bangladesh bagged a lot of success stories in the preceding year. Amongst them following are noteworthy—

➤ **NHRC Bangladesh Aids Ms. Fatema to Get Back Her Son**

Ms. Fatematuz Zahra Luky was used to be tortured by her parents since her childhood. She became mentally sick due to the torture by the nearest ones. In 2008, she got married to whom she loved and went to London. But unfortunately, her husband was a greedy man and married to Luky for the greed of her father's wealth. Even her husband also used to torture her. Luky conceived in 2010 but the torture was not stopped. In 2012, London police made them separated and police sent Fatema to mental hospital. And her 2 years old son Zuquwwah Layeeq Lahiah was taken care of by the government.

In 2015 after being mentally stable, Ms. Fatema got her son back and went to India in her uncle's home and from there her parents took her along with her son Lahiah to Jessore, Bangladesh. Ms. Fatema came to know that her husband gave money to her parents to take her with them from London. In Bangladesh, her parents confined her in a room and took away her son along with some important documents including her passport, visa card of London as well as money.

Somehow, Ms. Fatema managed to flee from her parents' home. On 17th November 2015, Ms. Fatema came to JAMAKON office to lodge complain against her parents and she claimed that she want her son and her documents. The Chairman of NHRC,

Bangladesh, Dr. Mizanur Rahman had taken up the case with strong conviction in order to rescue her son and her documents. JAMAKON Chairman ordered Police Super to take action and rescue Fatema's son. Md. Shorif Uddin, Director (Complaint & Inquiry) of JAMAKON was given the charge of handling the case and he consulted with Police Super and Officer in charge of Jessore. Finally, Fatema was reunited with her son Lahiah and got her passport, visa and other important documents.

Ms. Fatematuz Zahra Luky congratulated National Human Rights Commission Bangladesh (JAMAKON) by expressing her gratitude and appreciation of the initiatives taken by the JAMAKON. Ms. Fatema also mentioned that the effective and efficient intervention of JAMAKON have made it possible in establishing her fundamental rights as a mother.

➤ **Success Story of Salary and Allowance of School Teachers of Feni**

One Md. Joynul Abedin, Headmaster of Sonagazi Md. Saber Model Pilot High School, Sonagazi, Feni lodged a complaint bearing the Complaint No.114/15 before National Human Rights Commission (JAMAKON), of Bangladesh on 22/02/2015 claiming that about 34 teachers and employees of the aforesaid school are not getting their due salary and allowances from September, 2014. Just after receiving the complaint JAMAKON on an urgent basis make an attempt to redress their grievances by sending a letter to the Director General of the Directorate of Secondary and Higher Secondary Education instructing him to take it into consideration on a humane basis. Letter was also sent to

the Secretary of Ministry of Education.

The result of the JAMAKON's move was fruitful. On 22/10/15 Mr. Md. Joynul Abedin sent a thanks giving letter to the Commission by saying that they have got the salary according to their claim. He in his letter addressed to the JAMAKON also wished a grand success of the Commission in the days ahead.

➤ **JAMAKON Aids Khuki Bewa Getting Old Age Pension**

Ms. Khuki Bewa, an old widow woman lives in Gaibandha. She did not get her old age pension. Md. Badruddoja Manik, a local human rights activist in Gaibandha found that her name is incorporated at the top of the list of old age pension beneficiaries. But she was listed as a belated old woman in spite of being alive and another person was getting old age pension instead of her.

Mr. Manik could not tolerate the injustice and came to NHRC to lodge complaint on behalf of Ms. Khuki Bewa. NHRC paid attention to the complaint immediately and ordered the Upazila Nirbahi Officer to investigate the case and submit report to NHRC accordingly. The Upazila Nirbahi Officer found that the allegation was true and he immediately took action to ensure that Ms. Khuki Bewa gets the old age pension. As a result, at present Ms. Khuki Bewa gets her pension and she as well as Mr. Manik have expressed their gratitude to NHRC.

➤ **JAMAKON Protects Right to Movement of Local People of Barguna Sadar Thana Area**

The Muslim population of Thanapara (The area where Police Station is situated), Barguna District used to say their prayers at Thana Mosque and they used the Thana Road through a number of linked roads for their daily communication. This linked road is the only way for going to the Thana Mosque. Children and youths used this road for going to Thana Madrasa regularly. Besides, there is no road though which Fire

Service vehicles and Ambulance can enter into the Thanapara (Police Station Area). But The District Superintendent of Police (SP) closed the road building a wall.

On 3rd May 2014, Md. Wahed Khan Gong on behalf of the local people lodged complaint in NHRC against District Superintendent of Police (SP), Barguna. NHRC took the case with strong conviction in order to pave the way of communication of the local people of Barguna Sadar Thana. NHRC chairman sent letter to the Ministry of Home Affairs and received report from Senior Secretary, Ministry of Home Affairs that it was necessary to build wall for the protection of Police Station. However, after getting NHRC chairman's letter, a pocket gate has been built for the local people for their movement.

➤ **JAMAKON took action against illegal arrest of Mr. Tanvir Rahman**

One Mr. Mahbubur Rahman alleged on 02/07/14 before JAMAKON that his son Md. Tanvir Rahman had been falsely implicated in the Journalist Sagar- Runi Murder Case. On 1st October, 2012 Mr. Tanvir went missing and later on 9th October, 2012 his family came to know by a press briefing of Ministry of Home Affairs that he had been shown arrested under the aforesaid case. Later on 17th October Mr. Tanvir had been sent to jail where he spent 21 Months without trial and led an inhumane life albeit having no involvement with the murder which is proved by the investigation of RAB and DNA test report.

Mr. Mahbubur Rahman filed a petition before JAMAKON bearing the hope of release of his son. Considering this complaint on 07/07/14 JAMAKON on its 28th Commission Meeting decided to move before High Court Division (HCD) of Bangladesh Supreme Court to file a Writ Petition. Advocate Fawzia Karim Firoze, Honorary Member of the Commission filed a writ petition before the HCD with a prayer to release Mr. Tanvir on bail. HCD granted bail. Later Government filed an appeal before

Appellate Division (AD) challenging the bail. But AD rejected the petition of the Government and upheld the decision of HCD.

➤ **JAMAKON took action against sending Children to the Jail**

Mr. S. M. Rezaul Karim, Director and Law Adviser, BLAST, sent a letter to the Chairman, National Human Rights Commission which the commission received on 02/03/2015. In that letter, he told that, a news published in the Daily Star on 24th January 2015 drew attention of the BLAST. On the perspective of the news, BLAST, after communicating with BLAST Dinajpur unit, came to know that, on 24th January one Jahirul Islam was injured and his son Md. Sohag was killed due to a clash between Bangali and indigenous people for land. A case was filed in the Parbotipur police station accusing 26 persons and arrested some persons. The Magistrate sent one accused named Entanius Tudu to Dinajpur jail. Entanius Tudu was an SSC examinee and a person under the age of 18. According to section 4 of the Children Act 2013, child means persons whose age is not above 18 years. And children cannot be detained in jail under that Act. Tudu was made free on bail for the attempt of BLAST local unit. BLAST applied to the Commission asking

the Commission to take immediate step to stop sending children to jail. The Commission told the Secretary, Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs to take suitable steps immediately to issue directions to all concerned authority to follow properly the Children Act 2013. Directions were issued by the Ministry on 30/03/2015.

➤ **JAMAKON ensured Freedom of Religion**

Mrinal Kanti Baul, a pastor of Tangail Evangelical Holiness Church, sent an e-mail to the Commission on 22/01/2015. He mentioned that, they bought a land at Bilbathuagani village in Tangail in 2013 to build a church. But local Chairman stopped their project. He forced them to worship in mosque and threatened of eviction from their village. He applied to many persons and offices of the administration, but in vain. The Commission ordered the Secretary of the Ministry of Religious Affairs to take necessary steps. Later, a written compromise was reached between the local Chairman and the complainant in the presence of Ashrafuzzaman, SI, Tangail Police Station. Later, the complainant thanked the Commission and expected Commission's assistance if any bar arises in future.

Chapter 5: Challenges and Ways Forward

Starting its journey in the year of 2009, the NHRC has gone a long way towards increasing the capacity of the NHRC and ensuring human rights in the country. The role of the NHRC depends on its capacity. In May 2010, the Government entered into a five-year agreement with the UNDP launching the National Human Rights Commission Bangladesh Capacity Development Project (NHRCB-CDP) to make the NHRC an effective and sustainable institution. The Project came to an end the year 2015. At present, the NHRC faces the following challenges in building its capacity.

B Status of the NHRC

In accordance with the Paris Principles (These principles set out the responsibilities, status and functions of national human rights institutions.) and the ICC Statute, the following classifications for accreditation are used by the ICC:

- A: Compliance with the Paris Principles;
- B: Not fully in compliance with the Paris Principles
- No Status: Non-compliance with the Paris Principles.

In the latest ICC Sub-Committee on Accreditation Report of March 2015, the SCA recommends that the National Human Rights Commission be accredited with B status. The full compliance with Paris Principles is necessary for the NHRC to be full-fledged to serve the people.

The challenges which the NHRC is facing right now are depicted in short beneath. These challenges include the concerns made by the SCA in accrediting the NHRC with B status.

1. Restrictions in investigation against the disciplined forces or any of its members:

The NHRC is not empowered to directly investigate allegations of human rights violations against the disciplined forces or any of its members (section 18). Rather, it must request that the Government provide it with a report on the matter. The NHRC should be provided with a broad mandate to investigate all alleged human rights violations, including those involving the military, police and security forces, where these occur outside situations classified as international or internal armed conflicts. The scope of the mandate of the NHRC may be restricted for national security reasons, such restrictions should not be arbitrarily applied and should only be exercised in accordance with domestic law and international obligations.

2. Selection and composition of the commissioners:

The President, upon recommendation of the Selection Committee, appoints the Chairman and members of the NHRC (section 6(1)). The Selection Committee is comprised of: the Speaker of the Parliament; the Minister of the Ministry of Law, Justice and Parliamentary Affairs; the Minister of the Ministry of Home Affairs; the Chairman of the Law Commission; the Cabinet Secretary of the Cabinet Division; and two other Members of Parliament nominated by the Speaker of the Parliament, one of whom shall belong to the Treasury Bench and the other from the Opposition. Four members shall constitute a quorum. It is to be noted that, the Selection Committee is primarily comprised of

government appointees and that the quorum requirements would appear to allow nominations solely by those members. The SCA highlighted the importance of having a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the senior leadership of the Commission, and called upon the NHRC to advocate for the formalisation of the selection process in relevant legislation, regulations or binding administrative guidelines as appropriate. In response, the NHRC has proposed amendments to section 6(1) of the Act to increase membership on the Selection Committee to include: a Judge from the Appellate Division; a member of civil society nominated by the Speaker of the Parliament; the Chairperson of the Public Service Commission; and a Vice Chancellor of any public university nominated by the Vice Chancellor's Forum. It also proposed an amendment to section 7(3) of the Act to increase the quorum requirement from four to six. The SCA encourages the NHRC to ensure that the new process addresses all of the following issues:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- e) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

Further, of the seven commissioners, the chairman and only one member are full time, the other five are appointed on honorary basis and they do not serve full time. However, it still lacks an effective institutional frame-work and adequate

manpower to unleash the huge potential of the National Human Rights Commission. The honorary members are not giving their full potential and they are attending the commission on invitation. The Commission needs more full time members who can enhance the functions effectively.

3. Organogram of the NHRC:

In addition to one Chairman and six members, there is one Secretary and 48 officers and staff. Though the organogram contains 139 positions, but the rest positions are vacant. The NHRC is working with the Government to fill the additional 91 positions. The NHRC is still short off adequate manpower and is suffering for lacking of effective institutional framework to unleash the huge potentials of the institution. Besides, the NHRC needs more employees to extend its services to the divisional levels.

At present, the Secretary and two Directors are seconded from the Peoples' Republic of Bangladesh. The Deputy Directors are seconded from the Peoples' Republic of Bangladesh if no suitable candidate be found in-house to fill vacancy through promotion.

A fundamental requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. Where a NHRI's staff members are seconded from the public service, and in particular where this includes those at the highest level in the NHRI, it brings into question the capacity of the NHRI to function independently. The SCA is of the view that senior level posts should not be filled with secondees and that the number of secondees should not exceed 25% except in exceptional circumstances.

Success of the NHRC mostly depends on the devotion and activeness of the people working in the NHRC. So, the appointed officers and staff need adequate training and skill enhancement activities to institutionalize the NHRC. The NHRC has to

establish a continuous training plan for its employees.

4. Establishment of divisional offices:

The NHRC has only one office located in the capital Dhaka which is running under rental basis. That means NHRC has no its own building for office. The NHRC acknowledges that this office is not easily accessible to the broader population, including persons with disabilities. To enhance accessibility to the services of the NHRC, the NHRC intends to establish regional offices in all divisions of the country within 2016.

5. Financial Independence and management:

An NHRI should have control over its finances and how they may be used. The NHRC must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities.

The parliament should approve the budget (and not a part of the executive branch of the government such as ministries). The NHRC intends that a human rights budget for NHRC be added in the national budget just like newly added children budget. Exclusion of NHRC's annual expenses from national budget has been marked as negligence of the government to the Commission. The SCA emphasizes that government funding should be allocated in a separate budget line item applicable only to the NHRC. Such funding should be regularly released and in a manner that does not impact adversely on its functions, day-to-day management and retention of staff.

Under the Act, the NHRC enjoys freedom in spending its budget without any prior approval from the GoB (section 25). But the Commission has no authority to fix its annual expense which is a serious and a specific defiance of the Paris Principles. It is meaningless to think over the independence of NHRC without self-budgetary power. It cannot implement its plan due to short of

fund and government dependency. At present, the Government provides 25%, and the development partners provide 75%, of funding for the NHRC. There are currently negotiations underway for a new funding agreement from October 2015. The SCA emphasized that, the funding from external sources e.g. international development partners, should not compose the core funding of the NHRC, as this is the responsibility of the State. The NHRC should not be required to obtain approval from the state for external sources of funding, which may otherwise detract from its independence. Such funds should not be tied to donor-defined priorities but rather to the pre-determined priorities of the NHRC.

A Human Rights Commission Fund of NHRC is prescribed to be formed by the grant of the GoB and local authority under section 24 of the NHRC Act, 2009. The NHRC is framing rules for formation and management of the fund.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where

the NHRI has been designated with additional responsibilities by the State, additional financial resources should be provided to enable it to assume the responsibilities of discharging these functions.

6. Complaint Handling:

The NHRC has been given the mandate to deal with complaint of violations of human rights. The number of complaint is increasing every year as the people are being aware of their rights and the NHRC. The NHRC is dealing efficiently and diligently with all complaints without any discrimination. However, the present complaint management system has to go further.

The NHRC drafted two rules on appointment of conciliator and mediator and investigation and aims to complete the framing of these rules in 2016. After framing of these rules the functions of the NHRC shall be facilitated.

At present, special mechanism has not been designed to deal with the complaints where the complainants needs or wants to hide their identity during the complaint management process. Further, the NHRC has planned to make mobile app and website mechanism where the complainants can check the status of their complaints and communicate online about a complaint. Further, the mechanism to allow the persons with disability to use the sign language is yet to be established.

The NHRC believes, it should have easy to remember toll free mobile number in which people will be allowed to call anytime or during a period on seven days of each week. The NHRC also intends to add recording and tracing mechanism to that number.

7. Absence of specialized Tribunal

Tribunals are set up for speedy disposal of certain cases and specialization. The cases of human rights violation need speedy disposal and specialization. But, the NHRC has no institutionally specialized judicial

body to resolve any complaint of human rights violation. Whereas, NHRIs of other states e.g. New Zealand, India etc. has Human Rights Tribunal to conduct trials involving human rights violation. Such Court is necessary for the purpose of providing speedy trial of offences arising out of violation of human rights.

8. Integration of ICT with the services of the NHRC

ICT is a great tool to reach the services of state organizations to the doorstep of people and to facilitate the working methods of the organizations. The NHRC is still growing in the use of ICT in its working and providing services to the people. The NHRC is on the way to developing its online complaint management system. The NHRC has yet to introduce remote hearing technology through videoconferencing, resourceful website, and online recruitment procedure.

Barriers in serving the people:

Besides the challenges mentioned above, the NHRC is facing the following problems which are needed to be solved by the Government.

a. Problem with Bangladesh Human Rights Commission

There is an NGO in Bangladesh named Bangladesh Human Rights Commission. The name of the organization is misleading. People generally assume that it is an organization established by the state. People take the Bangladesh Human Rights Commission for the National Human Rights Commission. This kind of misunderstanding of the organization leaves a bad impression on the people about the National Human Rights Commission. It is an impediment in getting redress from the National Human Rights Commission.

JAMAKON drew attention of Ministry of Law, Justice & Parliamentary Affairs, Ministry of Social Welfare, Ministry of Home Affairs, NGO Bureau etc regarding this issue. Now a writ petition is pending before the High

Court Division (HCD) of Supreme Court of Bangladesh. Now it is the duty on the concerned department of the government to move for this issue to be settled by the apex court.

b. Not all human rights are enforceable under the constitution of Bangladesh

In the constitution of Bangladesh, some socio-economic and cultural rights are placed in part II and some civil and political rights in part III. The part II is the fundamental principles of state policy which has to be progressively attained by the state and is not enforceable in the court of law. So according to our constitution socio-economic and cultural rights contained in part II are not recognized and not guaranteed by State.

c. NGOs on Human Rights:

The NHRC has noticed in 2015 that, some NGOs in Bangladesh are operating in the name of human rights organization. These organizations are taking money and deceiving people instead of helping the people in distress. Such organizations are causing damage to the reputation of human rights organizations including the NHRC and aggravating the people of whom human rights may be violated. The negative roles of these NGOs are required to be tackled by the concerned ministry of the GoB.

Making NHRC a Constitutional Body:

The promotion and protection of human rights have been included in the constitution of Bangladesh. The institution which has been given the duty to promote and protect

human rights is not included in the Constitution. NHRI are constitutional bodies in many states. Being a constitutional body gives NHRI a superior status, independence and powers necessary to function as an ideal NHRI. Therefore, the NHRC of Bangladesh also wishes that, the NHRC be made a constitutional body and strengthen human rights situation in Bangladesh. If NHRC becomes constitutional body, it shall generally receive identity from the people. It shall receive such status which other constitutional body like Election Commission, Public Service Commission etc. receives. In fine constitutional status will not only safeguard but also confirm the autonomy of JAMAKON

Strategic plan 2016 - 2020

The NHRC adopts strategic plan for its systemic working the designed goals. The NHRC has finished working according to its last strategic plan 2010 to 2015 and the evaluation of the achievements of the strategic plan is being undergone. In 2015, the NHRC has made a strategic plan for its future activities of the term 2016 to 2020. This strategic plan can be found in the annex.

Conclusion:

The NHRC holds the will to serve the nation and the human civilization. In its duty to promote and protect human rights, the NHRC shall always be aware and effective. The NHRC shall, without any doubt, gain its vision to build a culture of human rights in the country.

Chapter 6: Annual Financial Statement

Annual Financial Statement is the statement of actual income and expenditure of the NHRC during a financial year. As the financial year starts from July 1 and ends in June 30 of the succeeding year, it is not possible for the NHRC to present a financial statement of the 12 months of the year 2015. Therefore, financial statement of the fiscal year 2014 - 2015 is presented in the annual report of 2015.

In the financial year 2015 - 2016, the NHRC received the allotment of 3,82,21,000 taka from the Government of Bangladesh and it has spent 1,39,50,126 taka till December 2015. It got no money from local authorities for the year 2015-2016.

Audit of the Annual Financial Statement:

According to section 26 (2) of the NHRC Act, the accounts of the Commission shall be audited by the Comptroller and Auditor-General of Bangladesh every year and a copy of the audit report shall be submitted to the Government and to the Commission.

The NHRC could not present an audited annual financial statement of the last financial year 2014 - 2015 in this report, because the office of the Comptroller and Auditor-General of Bangladesh did not finish audit of the statement.

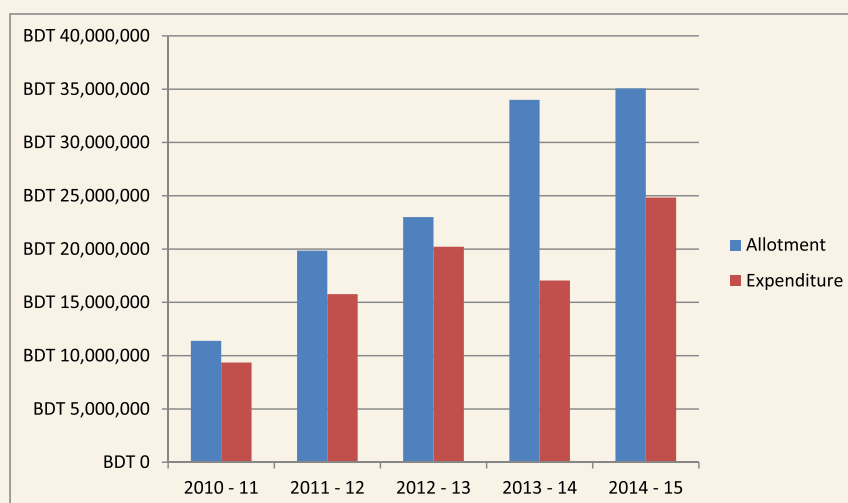
Annual Financial Statement of the Fiscal Year 2014-2015 (Unaudited)

Code No. -Account Details	Total Allotment	Total Expenditure	Unexpended money
4501 - Pay of Officers	4,000,000	351,187	488,129
4601 - Salary of the Staffs	600,000	557,672	42,328
4701 - Dearness Allowance	700,000	567,105	132,895
4705 - House Rent Allowance	2,100,000	1,668,116	431,884
4709 - Rest and Recreation Allowance	150,000	100,520	49,480
4713 - Festival Allowance	747,000	725,064	21,936
4717 - Medical Allowance	150,000	142,179	7,821
4733 - Felicitation Allowance/ Cost Controlling Allowance	109,000	105,000	4,000

4755 - Tiffin Allowance	16,000	14,267	1,733
4765 - Conveyance Allowance	16,000	14,267	1,733
4773 - Educational Allowance	15,000	11,700	3,300
4794 - Mobile/Cellular Telephone Bill	16,000	16,000	0
4795 - Other Allowance	1,000,000	977,456	22,544
Supply Service:			
4801 - Travel Expenses	1,400,000	1,369,574	30,426
4802 -Transfer Cost	100,000	0	100,000
4805 - Overtime	150,000	0	150,000
4806 - Rent - Office	3,200,000	2,960,210	239,790
4808 - Equipments Rent	105,000	0	105,000
4815 - Postage	150,000	129,766	20,234
4816 - Telephones/ Telegram/ Tele printer	400,000	335,825	64,175
4817 - Telex/ Fax/ Internet	105,000	90,256	14,744
4819 - Water	150,000	101,471	48,529
4821 - Electricity	600,000	389,372	210,628
4822 - Gas & Fuel	20,000	0	20,000
4823 - Patrol, Oil & Lubricants	1,500,000	1,061,406	438,594
4824 - Insurance/ Bank Charges	265,000	0	265,000
4827 - Printing & Binding	500,000	364,753	135,247
4828 - Stationary, Seals and Stamps	500,000	225,154	274,846
4829 - Research Cost	1,800,000	1,800,000	0
4831 - Books & Periodicals	500,000	262,665	237,335
4833 - Advertising & Publicity	1,500,000	188,824	1,311,176
4840 - Training Cost	1,000,000	999,500	500
4842 - Seminar, Conference	1,500,000	333,375	1,166,625
4845 - Entertainment Expenses	500,000	202,273	297,727
4846 - Freight and Transport Charges	1,930,000	586,174	1,343,826

4851 - Wage of Workers	1,370,000	1,363,470	6,530
4869 - Medical Expenses	1,400,000	486,505	913,495
4877 - Maintenance Cost of Privileged Officers	600,000	481,500	118,500
4883 - Honorarium/ Fees/ Remuneration	500,000	310,700	189,300
4888 - Computer Consumables	400,000	379,650	20,350
4898 - Special Expenditure	60,000	7,200	52,800
4899 - Other Expenses	500,000	498,424	1,576
Maintenance & Preservation:			
4901 - Motor Vehicles	800,000	799,768	232
4906 - Furniture	50,000	0	50,000
4911 - Computer & Office Equipment	150,000	148,485	1,515
Asset Collection/ Purchase			
6813 - Machinery and Other Equipment	280,000	91,900	188,100
6815 - Computer & appliances	525,000	16,354	508,646
6821 - Furniture	840,000	437,500	402,500
6853 - Fire Extinguishing Equipment	100,000	0	100,000
Total	35,069,000	24,833,271	10,235,729

Graph of Government Allotment and expenditure in the last five years



Annexure

- 1. National Human Rights Commission Act 2009**
- 2. Standard Operating Procedure**
- 3. 2nd Five Year Strategic Plan (2016- 2020)**
- 4. Members of the Commission**
- 5. List of Officers**
- 6. Thematic Committees**
- 7. Complaint Form**
- 8. Organogram**



1. National Human Rights Commission Act, 2009

Act No.53 of 2009

An Act to establish National Human Rights Commission

Whereas in the Constitution of the People's Republic of Bangladesh the main aim of the State is to protect, promote and ensure human rights; and

Whereas it is expedient and necessary to establish a Commission to be called the National Human Rights Commission and make provisions relating thereto for protecting, promoting and ensuring human rights properly;

It is hereby enacted as follows :

Chapter I **Preliminary**

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 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 that are declared in different international human rights instruments ratified by the People's Republic of Bangladesh and are enforceable by the existing courts of Bangladesh;
- (g) "disciplined force" means the disciplined force mentioned in article 152(1) of the Constitution of the People's Republic of Bangladesh;
- (h) "Member" means any Member of the Commission, and also includes the Chairman;
- (i) "Evidence Act" means the Evidence Act, 1872 (I 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) As soon as may be after the commencement of this Act, a Commission to be called the National Human Rights Commission shall be established for carrying out the purposes of , and in accordance with the Provisions of, this Act.
- (2) The Commission shall be a statutory independent body having perpetual succession,

with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(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 at Dhaka and the Commission may, if necessary, establish its offices in Division, District and Upazilla level.

5. Constitution of the Commission.

(1) The Commission shall consist of a Chairman and not more than six Members.

(2) The 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 a woman and one shall be from the ethnic groups.

(4) The Chairman shall be the Chief Executive of the Commission.

6. Appointment, terms of office, resignation, etc. of the Chairman and Members.

(1) The President shall, upon recommendation of the selection committee, appoint the Chairman and the Members of the Commission: Provided that no person shall be eligible for appointment to the post of the Chairman or Member of the Commission or shall hold office if he is less than 35 (thirty five) years of age and over 70 (seventy) years of age.

(2) The Chairman and the Members 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 welfare.

(3) The Chairman and the Members of the Commission shall hold office for a term of three years from the date on which they enter upon their office: Provided that a person shall not be appointed for more than two terms as a Chairman or a Member of the Commission.

(4) The Chairman or any Member may, before completion of his tenure prescribed under sub-section (3), resign his office by writing under his hand addressed to the President.

(5) If any vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the full-time Member shall act as Chairman until a newly appointed Chairman holds office or until the Chairman resumes the functions 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, namely :

(a) Speaker of the House of the Nation, who shall also be its president;

(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 Parliament, nominated by the Speaker of the House of the Nation, out of whom one shall belong to the Ruling Party and the other from the Opposition Party.

(2) The Ministry of Law, Justice and Parliamentary Affairs shall provide the selection committee with necessary secretarial assistance for performing its functions.

(3) To constitute a quorum at a meeting of the selection committee, at least 4 (four) Members shall be present.

(4) For the purpose of making recommendation on the appointment of the Chairman and the 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 in the meeting, and in case of equality of votes, the person presiding over the meeting shall have right to exercise casting vote.

(5) The selection committee may determine the procedure of its meeting.

8. removal of the Chairman and any 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 a 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 the Chairman and the 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 in the post of the Member not to invalidate acts or proceedings.

No act or proceeding of the Commission shall be invalid or be called in question merely on the ground of any vacancy in the post of the Member, or any defect in the constitution of, the Commission.

10. Salaries, allowances etc, of the Members.

(1) The Chairman shall be entitled to such salaries, allowances and other privileges as are admissible to a Judge of the Appellate Division of the Supreme Court.

(2) The full-time Member shall be entitled to such salaries, allowances and other privileges as are admissible to a Judge of the High Court Division of the Supreme Court.

(3) The honorary Members shall be entitled to such honorarium and allowances for discharging other duties including for attending the meeting of the Commission at the rates as may be determined by the Commission.

11. Meeting of the Commission.

(1) The Commission shall, subject to the provisions of this Act, 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) To constitute a quorum at a meeting, the Chairman and at least 3 (three) Members shall be present.

(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 in two months.

Chapter III

Power to inquiry and 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-motu or on a petition submitted to it by the person affected or any person on his behalf, into any allegation of violation of human rights or abetment thereof,

by a person, any state owned or any government agency or institution or organization;

(b) to inquire, suo-motu or on a petition submitted to it by the person affected or any person on his behalf, into any allegation of violation of human rights or abetment thereof or negligence in resisting violation of human rights by a public servant;

(c) to inspect the living condition of the inhabitants of the jails or correction centers and the places where people are confined for custody, treatment and other different welfare, and to make necessary 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 matters, including acts of terrorism that inhibit the safeguards of human rights and to make recommendation to the Government for their appropriate remedial measures;

(f) to research treaties and other international instruments on human rights and to make recommendation to the Government for their effective implementation;

(g) to examine the proposals for new legislation for verifying their conformity with international human rights standards and to make recommendation for necessary amendment to the appropriate authority for ensuring their uniformity with the international human rights instruments;

(h) to advise the Government for ratifying or signing the international human rights instruments and to ensure its implementation;

(i) to research into the field of human rights and to take part in its 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 the efforts of non-governmental organizations and institutions working in the field of human rights and coordinate the activities of the organizations and institutions;

(l) to inquire and investigate into complaint related to the violation or probability of violation of human rights and to resolve the issue through mediation and conciliation;

(m) to advise and assist the Government by providing necessary legal and administrative directions for protection and promotion of human rights;

(n) to make recommendation to the Government so that the measures to be taken according to the laws of the land in force and administrative programs for ensuring human rights may be of international standard and level;

(o) to advise and assist the organizations or institutions working in the field of human rights and generally the civil society for application of human rights;

(p) to raise public awareness through research, seminar, symposium, workshop and such other activities and to publish and disseminate the outcomes thereof;

(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 complaint before the Commission; and

(s) to perform such other functions, as may be considered necessary for the promotion of human rights.

(2) Notwithstanding anything contained in sub-section (1), the following matters shall not be included in the functions or duties of the Commission, namely :

(a) any matter relating to the cases pending before any court;

(b) any matter to be dealt with by the Ombudsman under the Ombudsman Act, 1980 (Act No. XV of 1980);

(c) any matter relating to the service of the public servants of the Republic and any employee engaged in the service of a statutory public authority which is triable in any tribunal established under the Administrative Tribunals Act, 1980 (Act No. VII of 1980).

13. Reference from the Supreme Court.

(1) The Supreme Court may refer any matter arising out of an application made under article 102 of the Constitution, to the Commission for submitting report upon inquiry.

(2) The Commission shall, after making an inquiry into the matter referred under sub-section (1), submit a report to the Supreme Court within the time frame, if any, mentioned in the reference.

14. Measures to be taken in case of revelation of human rights violation.

(1) If any human rights violation is revealed from the inquiry of the Commission, the Commission may take measures to resolve it through mediation and conciliation.

(2) If the mediation and conciliation under sub-section (1) do not succeed, the Commission shall

(a) recommend to the appropriate authority to file any case or to take any other proceeding against the human rights violator;

(b) recommend to the appropriate authority or person to prevent and take remedial measures for protecting the violation of human rights.

(3) The Commission shall not make any recommendation under this section without giving the opportunity of being heard to the person who has been accused of violation of human rights or is about to violate human rights.

(4) The Commission shall send a copy of its recommendation made under this section to the complainant.

(5) The Commission may require the person or authority to whom or 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 such person or authority to comply with such requisition.

(6) If any person or authority to whom or to which the recommendation is 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 is insufficient, the Commission shall, if it considers appropriate, send the report with full description of the issue to the president and the president shall cause a copy of the report to be laid before the parliament.

15. Appointment of mediators or conciliators.

(1) If any issue is sent under this Act for mediation or conciliation, the Commission may appoint one or more persons to mediate or conciliate between the parties.

(2) The Procedure of appointment and power of the mediator and conciliator shall be prescribed by rules.

(3) The Commission may issue direction to the concerned parties to be present before the mediator or conciliator for mediation or conciliation.

(4) The sessions of the mediators and conciliators may be held in open or in camera.

(5) If the issue is not resolved through mediation or conciliation or any party objects for the mediation or conciliation, the mediator or conciliator shall inform the matter to the Commission.

(6) If any settlement is reached through mediation or conciliation, the mediator or conciliator 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 instructions of imposing such fine as it deems fit.

16. Power to inquiry.

For the purposes of investigation and inquiry under this Act, the Commission shall have the same powers in respect of the following matters as of a Civil Court under the Code of Civil Procedure, 1908 (Act No. V of 1908), namely:

(a) summoning and ensuring the attendance of the witnesses and to examine the witnesses;

(b) calling for submitting written documents or taking oral evidence on oath;

(c) calling for 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. Investigation as to complaint.

(1) The Commission may, while making an investigation into the complaints of violation against human rights, require a report or information from the Government or any authority or organization under it within the time specified by the Commission.

(2) If the Commission does not get the report or information within the time specified under sub-section (1), the Commission may, on its own initiative, start the investigation.

(3) On receipt of information within the time specified under subsection (1), if the Commission is satisfied,

(a) that the matter does not require further investigation; or

(b) that the Government or the authority, as the case may be, has taken proper action or has started to undertake proper action; then the Commission shall not undertake any step to investigate the matter.

18. Procedure to be followed in case of disciplined force.

(1) Notwithstanding anything contained in any other provisions of this Act, the Commission may, suo-motu or on any application, require the Government to submit a report in respect of the allegation of violation of human rights against the disciplined force or any member thereof.

(2) If any report is asked for under sub-section (1), the Government shall submit a report on the concerned matter to the Commission.

(3) On receipt of the report under sub-section (2), the Commission,

(a) if satisfied, shall not undertake any further step into the matter;

(b) if it deems necessary, may make recommendation to the Government for actions to be taken into the matter.

(4) If any recommendation is received under sub-section (3) from the Commission, the Government shall inform the Commission in writing about the actions taken into the matter within 6 (six) months from the date of such receipt of the recommendation.

(5) On receipt of the report under sub-section (4) the Commission shall provide its copy to the complainant or his representative, as the case may be.

19. Action to be taken after inquiry.

(1) Notwithstanding any provision contained contrary to this Act, if the allegation proved true after inquiry, the Commission may

(a) recommend to the Government to initiate proceeding for prosecution or to take any other legal action against the concerned person and, at the same time, shall mention the type of case or legal action that should be appropriate to be taken in perspective of the matter, in the recommendation;

(b) cause a petition to be submitted on behalf of the aggrieved person before the High Court Division of the Supreme Court, or on its own initiative, submit a petition before such Division if any order or instruction is issuable under article 102 of the Constitution.

(2) The Commission may under sub-section (1) recommend to the Government or the concerned authority to sanction such amount of temporary grant to the affected person 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 furnish a copy of the inquiry report with recommendation made under sub-section (1) and (2) to the Government or to the concerned authority and the Government or the concerned authority shall, within a period of three months from receiving the report, inform the Commission regarding the action taken or proposed to be taken on the basis of such recommendation.

Provided that if the Government or the authority contradicts with the Commission, or fails or refuses to take decision according to the recommendation of the Commission, the Government or the authority shall inform the Commission regarding the reasons of such contradiction, inability or refusal 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 deems fit :

Provided that if the Commission is satisfied that it is necessary to publish the inquiry report on the whole or any part thereof for general information considering its importance, it shall publish 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 report.

(6) The Commission shall have the right to compete as a party to any case or legal proceeding involving allegation of violating human rights pending before any court.

20. Privileges of the witness giving evidence to the Commission.

(1) The person giving evidence to the Commission shall enjoy the same privileges as of a person giving evidence to the court.

(2) No suit or prosecution shall lie against any person for his statement or deposition which is recorded as evidence before the Commission and that statement or deposition shall not be used in any proceeding of criminal or civil nature ; but if there is any false evidence in his statement or deposition, he shall not be discharged of any offence of giving false evidence.

21. Service of summons.

(1) Each summons under this Act shall be issued under the signature of the Chairman or any Member or any officer of the Commission authorized by it in this behalf.

(2) Each summons shall be issued and served to the person specified therein and, if it is not possible, to the last known residential address of that person by delivery or by registered post.

(3) The Person to whom the summons is served, shall remain present before the Commission in such time and place as mentioned therein, and shall answer all the questions put to him by the Commission, and produce all the documents asked for and available in his custody pursuant to the summons.

22. Annual report of the Commission.

(1) The Commission shall submit an annual report on its affairs of the pervious year to the President on or before 30th March of each year.

(2) There shall be a memorandum with the report to be submitted under sub-section (1), wherein, among others, the reasons of not taking necessary actions or measures by the Government or the concerned authority, if no such action or measure is taken in accordance with the recommendations of the Commission, shall be recorded in writing in so as far it is known to the Commission.

Chapter IV **Officers, etc, of the Commission**

23. Officers and employees of the Commission.

(1) There shall be a Secretary to the Commission.

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

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

Provided that the salary, allowances and other terms and conditions of the services 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 of the Commission, appoint any officer and employee of the Republic to the Commission on deputation.

24. Human Rights Commission Fund.

(1) There shall be a fund to be known as the Human Rights Commission Fund for carrying out the purposes of this Act.

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

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

(4) The following money shall be credited to the fund, such as:

(a) annual grant made by the Government;

(b) grants provided by the local authorities.

25. Financial freedom of the Commission.

(1) The Government shall allocate a specific amount of money for the Commission in each financial 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 heads.

(2) The provisions of this section shall not be construed as 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 an 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 access to all records, documents, cash or bank balance, 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 employees and every officer assigned to work under this Act by the Commission shall be deemed to be public servant within the meaning of section 21 of the Penal Code.

28. Delegation of Powers.

The Commission may, subject to the terms and conditions determined by it, delegate any of its powers to the Chairman, any Member or the Secretary.

29. Protection of actions taken in good faith.

No suit or prosecution or other legal proceedings shall lie against the Government, the Commission, any Member, any officer or employee of the Government or the Commission or against any publication, report or activity made or performed under the authority of the Government and the Commission, for anything which is, in good faith, done under this Act or rules made thereunder, which may cause or likely to be caused any damage to any person.

30. Power to make rules.

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 Authentic English Text.

(1) After the commencement of this Act, the Government shall, by notification in the Official Gazette, Publish an English text to be called the Authentic English Text of this Act.

(2) In case of any conflict between the Bangla and the English text, the Bangla text shall prevail.

32. Provision relating to savings.

(1) Anything done or any action taken under the National Human Rights Commission Ordinance, 2007 (Ordinance No. XL of 2007) hereinafter referred to as the said Ordinance, shall, subject to the provisions of this Act, be deemed to have been done or taken under this Act.

(2) Notwithstanding the expiry of this said Ordinance under the provision of clause (2) of article 93 of the Constitution of the People's Republic of Bangladesh, anything done or any action taken after such expiry, in continuation or purported to be continuation of the said Ordinance, shall, subject to the provisions of this Act, be deemed to have been done or taken under this Act.

2. Standard Operating Procedures for Decision-making and Follow-up

Section I: Commissioners Acting Collectively As the Commission

1.1 Introduction

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

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

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

1.2 Independence

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

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

1.3 Membership of the Commission

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

1.4 Governance Responsibilities

The Commission has adopted the following

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

Set strategic direction

- Decide the Commission's vision and mission, values, strategic priorities, as detailed in the Strategic Plan and Operational and Annual Work Plans;
- Ensure that there are adequate resources available to give effect to the strategy;
- Monitor the overall implementation of the Strategic Plan;
- In a general sense, determine the nature of the activities to be undertaken in the performance of the Commission's functions.

Monitor and enhance performance

- Ensure accountability and transparency within the Commission, through effective reporting processes;
- Foster constructive relationships with the Commission's stakeholders, encouraging them to engage effectively with the Commission;
- Identify risk and protect the Commission's reputation;
- Ensure that adequate conditions exist for proper management and oversight and for the Commission's efficiency and effectiveness.

Ensure accountability and foster high ethical standards

- Act diligently, prudently and in a financially responsible manner;
- Act consistently with the Commission's responsibilities, functions and objectives;
- Observe high ethical standards in the spirit of service to the public and consistent with the Commission's Code of Ethics (Appendix I);
- Act honestly, with integrity, in good faith and in the Commission's best

interests;

- Encourage strong and service-oriented performance;
- Act as a "good employer".

1.5 Functions of the Commission

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

In setting strategic direction, the Commission:

- Engages in a continuous cycle of Strategic Planning (approval, implementation, review and evaluation);
- Approves Commission strategies, programmes and activities initiated by individual Commissioners;
- Approves, reviews, evaluates Commission strategies, programmes and activities proposed to the Commission by staff and Directors/Secretary;
- Approves the Annual Report for the previous year;
- Approves the Operational and Annual Work Plans, including budget, prepared by the Directors and the Secretary; and the project manager, as the case may be,
- Sets the parameters for the Commission's internal policies, approves the Commission's Values Statement and other strategic documents.

In monitoring and enhancing performance, the Commission:

- Reviews performance against indicators via the consideration of a monthly report from the Directors and the Secretary and other internal and external evaluations and reports;
- Assesses and manages risk on an ongoing basis through the same

monthly report and through other forms of internal evaluation;

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

In ensuring accountability and fostering high standards, the Commission:

- Ensures the quality and independence of internal monitoring and audit processes
- Delegates authority on financial and human resource management to the Full Time Commissioners (pending the Commission's appointment of its own Managers and Staff), Secretary and Director, Administration and Finance;
- Delegates specific responsibilities in relation to complaints and monitoring to the Commissioners ((pending the Commission's appointment of its own Managers and Staff), Director, Complaints and Inquiries;
- Delegates authority to implement Commission strategies in the areas of their responsibility to the Commissioners (pending the Commission's appointment of its own Managers and Staff), Director, Research, Policy and Legal and the Director, Education and Training;
- Sets standards and guidelines for the performance of each Department as developed by Directors and coordinated by the Secretary;
- Appoints the Secretary and, in consultation with the Secretary, the Directors;
- Approves staff appointments on the basis of the recommendations made by the Secretary and Directors;
- Reviews the performance of the

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

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

1.6 Specific Functions of Individual Commissioners

The Commission will agree on the allocation of spheres of responsibility to Commissioners, including through the establishment of thematic committees. To give effect to these responsibilities, the Commissioners lead discussion, provide advice and mentor the Director and staff operating within their sphere of responsibility. Reporting to the Secretary and thence to the Commission within these spheres of responsibility remains the responsibility of the relevant Director.

PART II: COMMISSION OPERATING PROCESSES

2.1 Commission Meetings

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

The Chairman and the Full-time Member set the times and places for Commission meetings and the Secretary will ensure that Commissioners are promptly advised of the time and date of the meeting. A quorum is three Commissioners and either the Chairman or the Full-time Member if the Chairman is absent. Decision-making is by consensus where possible, but where a vote is taken, each Commissioner has one vote

and the Chair of the meeting has a casting vote. Commissioners are presumed to have agreed to a resolution of the Commission unless he or she expressly dissents from it. A resolution signed or assented to in writing (including by electronic communication) by all Commissioners is as valid and effective as if it had been passed at a meeting of the Commission.

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

2.2 Commissioner-only Meetings

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

- Canvassing matters relating to the Commission itself;
- Dealing with staff matters in confidence, including the performance of the Directors and Secretary;
- Discussions about the external environment in which the Commission operates.

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

2.3 Framework for Delegation of Authority

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

- Implementing the Commission's decisions;
- Developing recommendations, in consultation with the Director of the relevant Department, for the appointment, assigning and management of staff. Directors are appointed by the Commission in consultation with the Secretary;
- Approving and varying expenditure and entering into contracts for services to implement the Commission's decisions;
- Developing policies and processes within parameters set by the Commission;
- Producing an Operational plan and budget and/or Annual Work Plans;
- Sub-delegation to the Directors.

2.4 Performance of the Commission and staff

The primary mechanism for fulfilling the Commission's responsibility to monitor and enhance performance is the performance evaluation the Commission (or delegated Commissioners) undertake(s) of the Secretary. The evaluation is based on the Secretary's job description and performance objectives along with quality indicators relating to leadership, style, vision, integrity and effectiveness. Similarly, the Secretary and the Commissioner designated with responsibility for a particular Department undertakes the performance assessment of the relevant Director.

Directors are responsible for monitoring the performance of the staff in their team and reporting on such performance to the Secretary and thence to the Commission. As a matter of principle, performance

feedback is provided to the staff member at the earliest opportunity in order to maximize learning from the experience.

2.5 Register of Interests

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

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

3.1 Introduction

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

3.2 Principles

- The Secretary and Directors support the Commission to fulfill its statutory responsibilities and functions;
- The Commission supports the Secretary to achieve his or her responsibilities.

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

- The Secretary and Directors deliver work to purpose, to high standards and to deadline;
- Directors engage strategically on substantive issues and on

approaches to best practice and are in a position to make strategic connections between issues and between activities across the Commission;

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

3.3 Commissioners' Responsibilities in Activities

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

At the strategic level:

- Providing external profile through giving speeches, media interviews and giving presentations/undertaking training of senior target groups;
- Steering, writing or contributing to high level reports, policy submissions and documents that are for external consumption;
- Leading keynote external events on behalf of the Commission;
- Strategic relationship building;
- Advising on programme development.

At the operational level:

- Delivering projects and activities;
- Writing or contributing to media releases;
- Contributing to the Strategic Plan

and the Annual Report.

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

3.4 Responsibilities and Functions of the Directors and the Secretary

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

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

- The responsibility of the Management Team is to lead and develop staff, manage resources, provide advice to the Commission on the development of the Operational and/or Annual Work Plans and to ensure the strategic implementation of plans;
- The functions of the Management Team are to:
 - o Propose strategy and plans to the Commission;
 - o Develop, monitor and manage the delivery of agreed plans, including strategic implementation through agreed approaches;
 - o Lead, motivate and develop the Commission's staff;
 - o Set and maintain standards
 - o Support Commissioners in the delivery of activities through quality engagement in the

substance of the issue and in the management of the task

- o Develop and implement processes, systems, infrastructure and ways of working to manage the organization, meeting the responsibility to be a "good employer" of the staff;
- o Manage the organizational finances, human and other resource allocation;

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

- Providing strategic advice;
- Internal and external relationship management;
- Resource management.

PART FOUR: MANAGEMENT SUPPORT OF COMMISSIONERS' ENGAGEMENT IN ACTIVITIES

4.1 Strategic Engagement

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

- Agree and define the task with the Commissioner, including consideration of the substantive issues and of strategic approaches;
- Allocate adequate resources and redefine the task if resources are not available;
- Ensure that the purpose, content, standards, points of communication and deadlines are clear and that assigned staff fully understand what is required of them.

The Director will communicate a written

note of this meeting. Following this briefing meeting, the Director will:

- Be accountable for the delivery of the activity or project;
- Manage the staff member(s) in the implementation of the activity or project, to the agreed brief;
- Consult on any changes to the agreed brief with the Commissioner;
- Facilitate resolution of any issues that arise between the Commissioner and the staff member.

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

4.2 Operational Engagement

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

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

- To agree and communicate the brief for the project following the same process as in 5.1 above;
- To manage the project, or assign a staff member to manage the project;
- To ensure the Commissioner is included in operational project team meetings at points of engagement identified in the brief
- To manage the delivery of the project following the same process as in 5.1 above.

PART FIVE: CURRENT OPERATING ARRANGEMENTS

5.1 Introduction

Since this SOP was first drafted, in November 2010, down to the present time, the Commission has had to operate with few staff, especially technical staff, some of them seconded, others paid for by the UNDP BNHRC-Capacity Development project. The Secretary, Directors and Deputy Directors are all seconded from the Ministry. The Commission has been able to appoint only four graduates as its own staff. A more realistic organogram for 96 staff awaits approval by the bureaucracy, but this may take many months.

Also, the Commission has yet to secure an adequate budget from the Ministry of Finance (which is channeled through the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA)). Although the Commission has secured replacement premises, these may not be adequate to house the staff that will arrive once the new organogram is implemented. In short, the Commission faces severe challenges in fulfilling its mandate. Even when adequate funds are authorized and paid to the Commission, there will still a major recruitment exercise to be undertaken. There are very few staff who can support Commissioners as contemplated by this SOP and it is likely to be several months before there is any significant change in this situation.

Despite this, there are already high expectations of Commissioners. Human rights situations need to be responded to. Speeches have to be made, media interviews undertaken. The Commission receives a regular flow of complaints and these have to be resolved as effectively as possible under the prevailing circumstances. This necessarily involves a greater input from all Commissioners at the operational level – a more hands-on approach than the governance responsibilities set out earlier in this SOP.

Commissioners have therefore taken the

following decisions about how Commissioners will work together to begin the implementation of the Strategic Plan and respond to the expectations of all its stakeholders.

5.2 Decision-making by Commissioners

In order to harness the broad range of expertise of all seven Commissioners, all but the most routine policy decisions will be taken by all Commissioners, working together. Day-to-day activities which require decisions to be taken before without the opportunity for discussion by all Commissioners will be taken by the full-time Commissioners, working together, who will inform the honorary members of decisions taken at the next Commission meeting. Where these involve policy matters, the decision will be taken to the next Commission meeting for endorsement.

The administration of complaints relating to human rights violations will be dealt by the two full-time commissioners. Sensitive cases will be dealt by all Commissioners during a special meeting called for that purpose.

The Secretary and directors will perform day-to-day activities under the guidance of the two full-time Commissioners.

5.3 Decision-making by Full-time Commissioners

Until the Commission has a strong and effective Secretariat that is independent of the Executive, some management responsibilities require to be assumed by the full-time Commissioners. These will be agreed between these two Commissioners but will reflect

- Frequency of meetings – need to be more regular to ensure proper oversight of the organization as a whole, receive reports, decide overall policy etc. Meetings can be designated for different purposes. For example, the reporting process to two-monthly meetings of the Commission can continue, but meetings held on a regular basis in between for other purposes;
- Delegation of particular responsibilities to Chairman and/or the Full-time Member;
- How the Chairman and the Full-time Member will report on the carrying out of their delegated functions;
- The collaboration with UNDP project;
- Clarification on what matters should be brought to the Commission in plenary session for advice and decision, including issues related to overseas travel;
- Who is responsible for overseeing the performance of the Secretary and staff;

5.4 Dealing with the media

The Commission will decide in a meeting the modus operandi when dealing with the media. This will delegate responsibility for speaking to the media to appropriate commissioners while reflecting the need to ensure that media responses are undertaken promptly. A media log will be kept to record all public statements made on behalf of the Commission to ensure consistency and accountability.

3. 2nd Five-Year Strategic Plan (2016-2020) of National Human Rights Commission (JAMAKON), Bangladesh

About JAMAKON

The National Human Rights Commission of Bangladesh (JAMAKON) was reconstituted in June, 2010 under the National Human Rights Commission Act of 2009 as a statutory and independent institution to promote and protect human rights in Bangladesh. It is committed to the realization of human rights in a broad sense, as enshrined in the Constitution of the People's Republic of Bangladesh and different international human rights conventions and treaties to which Bangladesh is a signatory.

The purpose of establishing such a unique institution is to contribute to the embodiment of human dignity and integrity as well as to the safeguard of the democratic milieu so that the fundamental and inalienable human rights of all individuals are protected and human rights standards demonstrate their continuous upward trend in the country.

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.

Section 1. Long Term Goals

JAMAKON identified Four Long-Term Goals representing the destination of its journey. To attain these goals, JAMAKON has developed 5-year outcomes, set key strategies to achieve the outcomes and set some key performance indicators to measure the changes.

Goal One:

A human rights culture throughout Bangladesh, where the dignity of every person 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, independent, objective, effective and respected for spearheading human rights protection throughout the country.

Section 2. Key Strategies

To attain these long-term goals, clear strategies are essential. JAMAKON's basic approach is to develop strong working relationships with civil society, state agencies and international human rights organizations.

In Bangladesh, a considerable amount of human rights awareness-raising, research and policy development and monitoring activities is being undertaken by national and international organizations. JAMAKON

intends to add value to these efforts. JAMAKON has ample opportunities to coordinate and collaborate with these organizations in order to monitor the human rights situation, implement education and awareness program, and conduct research and policy advocacy.

JAMAKON hopes to be able to use NGOs as conduits for receiving complaints, and to strengthen the human rights monitoring which may already have been undertaken by these NGOs. The Commission's function of inspecting places of detention centres, for example, can open doors that have traditionally 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 acknowledge and applaud the tireless efforts of the human rights defenders working throughout Bangladesh to promote human rights and defend the fundamental freedoms of people and individuals. We intend to advocate for ensuring compliance of domestic legislation with the UN Declaration on Human Rights Defenders. JAMAKON has a mandate to protect and support human rights defenders.

We recognize that often much more progress can be made on the human rights front by focusing on systemic change. The National Human Rights Commission Act 2009 empowers the Commission to inquire into complaints of human rights violations from affected individuals and from those complaining on their behalf. We are already receiving a regular flow of complaints and are committed to pursuing these as effectively as we can. We are working 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 in 2008, efforts have been made to secure an adequate budget, accessible premises and an effective

secretariat. However, a number of challenges remain. The funding that has been made available from the state budget to date is 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 is required to fulfil its role, including reaching out to all administered divisions of Bangladesh. JAMAKON, thus, will put its efforts into establishing divisional offices.

Key Strategies:

Investigate and monitor cases and situations of human rights violations;

Cooperate and coordinate with state agencies, civil society, regional and international bodies for better promotion and protection of human rights;

Add value to what is already being done by stakeholders;

Support and protect human rights defenders;

Focus on systemic change for better promotion and protection of human rights;

Enhance the accessibility, effectiveness and organizational development of JAMAKON;

Foster transboundary cooperation amongst NHRIs from the region.

Section 3. Pressing Human Rights Issues

JAMAKON's mandate is broad – it has to act across the full range of human rights set out in the Constitution and other international human rights instruments. These include civil and political rights as well as economic, social and cultural rights. In reality, as it is difficult to address all human rights issues at once, JAMAKON will need to prioritize.

The Commission identified the most pressing human rights issues in Bangladesh in its first strategic plan for 2010-2015. At the end of the first strategic plan, the JAMAKON consulted with different stakeholders and identified the following pressing human rights issues:

Pressing Human Rights Issues with Priority Areas for 2016-2020:

1. Violence by State Mechanism, particularly Enforced Disappearances, Torture including Custodial Torture, Extra-judicial Killings and Culture of Impunity;
2. Violations of Economic, Social and Cultural Rights, including Health Rights, Discrimination against the Marginalized and People with Disabilities;
3. Full and Prompt Implementation of, and compliance with, the Chittagong Hill Tracts (CHT) Accord Focusing on Land Rights;
4. Violence against Indigenous, Ethnic and Religious Minorities with Special Focus on Land Rights of the Indigenous and other Marginalised & Excluded Communities in Plainlands;
5. Women Empowerment and Discrimination against Women, Gender-based Violence;
6. Protection of Child Rights, Elimination of hazardous Child Labour and Prevention of Early and Forced Marriage;
7. Human Trafficking, Safe Migration and Discrimination and Abuse of Migrant Workers;
8. Impediments to Access to Justice, particularly for the Poor;
9. Occupational Safety, Wages and Welfare including Trade Union Rights of the Garments Workers;
10. Ensuring Right to Education;
11. Right to Food (ensuring food security, safety, nutrition, etc.);
12. Addressing Climate Change and Environmental Justice;
13. Rights of the People of Char Land and newly Acquired Territories (former Enclaves);

14. Social and Religious Cohesion and Harmony;

15. Rights of Older Persons;

16. Rights to Freedom of Expression;

17. Establishment of a Database of Human Rights Violations and Abuses.

This list is not exhaustive and it may be amended by JAMAKON from time to time. Moreover, there may be other urgent human rights issues that emerge which may require JAMAKON's immediate attention. These will be added to the Commission's priorities as necessary.

Section 4. Focal Areas for the Five-Year Period (2016-2020)

4.1 Institutional Development of JAMAKON

Unless JAMAKON is an efficient and effective institution, it has little hope to achieve its long-term goals. Moreover, it will be challenging for JAMAKON to meet the high expectations of the people of Bangladesh that have been generated after its establishment.

At present, JAMAKON has limited staff to operate its day-to-day work. JAMAKON needs, as a matter of urgency, to employ more staff and, train them in all their functional roles, including in processing complaints of human rights violations, implementing awareness and education programs and conducting research. The budget of JAMAKON needs to be increased substantially. JAMAKON is encouraged that the Hon'ble President of the Republic, the Prime Minister and the Government has expressed a commitment to protect and promote human rights and to make JAMAKON a more effective organization. The following goals have been identified for institutional development, taking into consideration the implementation status of the first Five-Year Strategic Plan and the recommendations from the Capacity Assessment of JAMAKON conducted in December 2013 by UNDP, APF, OHCHR and

other stakeholders:

1. Enhance the capacity of JAMAKON to fulfil its mandate and legal responsibility;
2. Improve organizational operational systems for better performance;
3. Develop human resource management system, policies, structures and procedures and enhance manpower of JAMAKON to the limit of it approved organogram;
4. Equip the office with physical resources;
5. Develop strategy and plan for outreach to all divisional offices;
6. Establish JAMAKON regional offices;
7. Develop user friendly website, and establish a media and external relations division;
8. Enhance cooperation, collaboration and partnership with GO, NGOs, CSOs, CBOs, and locally elected representatives for better protection and promotion of human rights and develop a standard position paper for partnerships;
9. Fully equip all Commission Members, including effective engagement of Honorary Members, by enhancing their remuneration and upgrading their status so that they may better provide leadership and management support to the institution;
10. Develop and manage budget and financial management policies, structure, systems and procedures.

Outcome: General awareness of JAMAKON's mandate and role, and awareness of human rights issues, increased.

4.2 Human Rights Promotion, Education and Awareness-raising

National institutions need effective human rights information, education and

communication strategies, including extensive human rights awareness-raising programs. JAMAKON has already implemented a series of human rights awareness and education programs targeting different stakeholders, including NGO representatives, national and local elected public representatives, government officials, lawyers, teachers, students, women and children. This comprehensive program helped JAMAKON to increase awareness of its existence among the population and make it as a credible organization in the country. Moreover, the program also helped people to gain a better understanding of human rights.

Following JAMAKON's first Strategic Plan, a Baseline Survey was conducted to assess perception, attitude and understanding of human rights issues among common people in Bangladesh. As per the recommendations from the Baseline Survey, a human rights awareness program, including public campaigns, training, courtyard sessions, public lectures, marking international days and other events were designed and implemented at the local and national level. Relevant training modules, education and audio-visual materials were developed and distributed accordingly. The awareness program was implemented through partnerships with national and international organizations.

This effort needs to be continued in order to disseminate JAMAKON's messages around the country, using different modes of communication. If the Commission is to meet its long-term goal of a just society where violence by the state is an episode of the past and officials know - and are held accountable for - their responsibilities, extensive training programs and policy initiatives need to be further expanded.

As the Commission does not have the capacity by itself to develop a human rights culture throughout the country, 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 public sector to train their trainers with a view to mainstreaming human rights into the trainers' training programs.

In the first phase of its campaign program, JAMAKON followed a systematic communication approach to disseminate messages on JAMAKON and Human Rights issues to a large audience around the country, including students, youths, community people, public officials, NGOs and CBOs, media representatives and the mass people. Campaigns, Training, Public Service Announcements, Billboards and Traditional Media tools have been used to disseminate the messages.

As a follow-up action, the priority needs to be given to ensure maximum coverage of the messages targeting the poor, marginalized, ethnic and religious minorities, and indigenous peoples.

The following goals have been identified for Human Rights Promotion, Education and Awareness-raising, taking into consideration the implementation status of the first Five-Year Strategic Plan and the recommendations from the Capacity Assessment of JAMAKON conducted in December 2013 by UNDP, APF, OHCHR and other stakeholders:

1. Enhance human rights awareness and education within the different strata of society, in particular, among the poor, vulnerable, marginalized and sexual minorities;
2. Build partnerships with national and international organizations for the purpose of implementing human rights education program;
3. Develop the capacity of human rights defenders, including civil society organizations, the media, students and other key stakeholders to deliver education programs;
4. Engage youths and students in

implementing human rights campaign;

5. Train governmental officials, especially law enforcement agencies, on human rights issues.
6. Advocate with the Government to incorporate human rights issues into school textbooks.

Outcome: Public awareness raised, people enjoyed their rights and state actors are more responsible to protect and promote human rights, and more accountable to the citizens.

4.3 Human Rights Monitoring and Investigation

JAMAKON receives complaints of human rights violations on a regular basis. The number of complaints received is steadily increasing. To deal with complaints, JAMAKON developed a computer-based 'Complaint Management System' and developed a 'Roster of Investigators' to assist the Commission. Moreover, the Commission initiated a pilot effort with two Union Parishads (UP) to develop a complaint referral system with local administration. Moreover, the Commission has been developing the capacity of UP representatives to address human rights violation issues and report back to the Commission. As part of this effort, a number of rules, manuals and templates are being developed.

The existing staffs of JAMAKON have been trained; however, their knowledge needs to be regularly refreshed while newcomers are in need to pursue training on monitoring and investigation of human rights violations as well as on mediation and conciliation. Systematic monitoring will be restructured with the inclusion of data archiving to establish formal cooperation with CBOs, NGOs and local governments (UPs). This initiative will, among other things, focus on accountability of law enforcement agencies, on prison and detention centre inspections, on eradicating violence against women and

girls, extra-judicial killings, torture and disappearances, and on fulfilment of economic, social and cultural rights.

The following goals have been identified for Human Rights Monitoring and Investigation, taking into consideration the implementation status of the first Five-Year Strategic Plan and the recommendations from the Capacity Assessment of JAMAKON conducted by UNDP, APF, OHCHR and other stakeholders in December 2013:

1. Build an adequate infrastructure along with trained human resources to respond to clients' complaints efficiently and effectively;
2. Enhance the institutional capacity of JAMAKON to monitor and investigate cases of systematic human rights violations, including through national inquiries and fact-finding missions;
3. Enhance the capacity of law enforcement agencies on human rights issues, particularly their role in dealing with children, women, indigenous, Dalit, sexual minorities and other marginalised communities;
4. Improve the human rights situation in detention centres through regular and robust monitoring, visits and investigation of complaints;
5. Develop JAMAKON's guidelines on preventing torture (including custodial torture) and custodial deaths;
6. Develop human rights manuals for police, judiciary, public servants and the armed forces;
7. Resolve and archive the previous complaints and analyse the data to identify the trend of human rights violations;
8. Protect and defend human rights defenders in Bangladesh;
9. Collaborate with GO and NGO's with

a view to improving prison conditions and protecting the rights of prisoners.

Outcome: Human rights grievances effectively resolved through investigation and conciliation. A progressive and sustained reduction in human rights violations by the authorities. A visible reduction of human rights violations reflected in data management. New guidelines developed for police, civil servants, the judiciary and the armed forces.

4.4 Human rights research, reporting and policy development

Following its first Five-Year Strategic Plan, JAMAKON has published a significant number of research and study reports on compliance with international human rights legislation and policies (e.g. ESCR, CAT, CEDAW, CRC and ICERD)

At the same time, stakeholders or shadow reports on CAT and CRC were submitted to UN Treaty Bodies. A baseline survey and a follow-up survey were conducted to assess the attitude, perception and understanding of the population regarding the human rights situation in the country.

The Commission provided a number of policy recommendations to the government on pressing human rights issues. JAMAKON reviewed different laws and policies including the National Human Rights Commission (NHRC), Act 2009, the Child Marriage Restraint Act, 1929, the Child Labour Elimination Policy and Women Development Policy, and submitted specific recommendations to the government. JAMAKON also conducted robust policy advocacy with the Law Commission, Bangladesh to enact anti-discrimination legislation for better promotion and protection of the rights of Dalits.

In the future, 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, a reliable database is 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 obligations, both for international Treaty Bodies and for the UN Human Rights Council's Universal Periodic Review. Where necessary, JAMAKON will prepare alternative reports to Treaty bodies.

To continue these efforts, however, the Commission needs to expand the scope of its human rights research and policy advice, as outlined below:

1. Advocate with the GOB for enactment of anti-discrimination legislation and the Child Marriage Restraint Act;
2. Advocate for implementation of the recommendations from the 2nd cycle of the UPR and develop own mechanism to review progress of UPR implementation;
3. Establish a mechanism within JAMAKON to review national laws for compliance with international human rights legislation;
4. Advocate for the ratification of OPCAT and OP-3 of CRC;
5. Ensure compliance of the CHT accord;
6. Establish better coordination between government and civil society organizations for the reform of selected laws to comply with

international human rights legislation;

7. Strengthen capacity to advocate for the reform of various laws, policies and standards, including labour laws and the rights of garment workers;
8. Enhance capacity to conduct human rights research;
9. Take appropriate measures for the protection of the rights of the HIV/AIDS population and sexual minorities;
10. Take part in the preparation process of the UN Convention for the Rights of Older Persons;
11. Strengthen JAMAKON's role in building social cohesion;
12. Develop partnership with national and international agencies;
13. Enhance the compliance regime on UN treaty body reporting.

Outcome: Human rights compliant legislation and state policies – up-to-date and informative reports to UN Treaty Bodies, social cohesion strengthened, and the rights of minority groups, garment workers, etc. protected.

5. Five-Year Outcomes

Based on wide consultations with different stakeholders and the recommendations from the Capacity Assessment conducted by UNDP, AFP and OHCHR, JAMAKON has prioritized pressing human rights issues and set 5-year outcomes as well as key strategies to achieve these outcomes and key performance indicators (KPI) to measure the results.

OUTLINE OF KEY STRATEGIES TO ADDRESS PRESSING HUMAN RIGHTS ISSUES

1. VIOLENCE BY STATE MECHANISM, PARTICULARLY ENFORCED DISAPPEARANCES, TORTURE INCLUDING CUSTODIAL TORTURE, EXTRA-JUDICIAL KILLINGS AND CULTURE OF IMPUNITY		
5-year outcome	Key Strategies	KPI
Visible and ongoing reduction in the incidence of violence by state mechanisms	Promote independence, professionalism and accountability of the police through law reform and capacity development	Police Act, Police Regulation of Bengal, Evidence Act and Code of Criminal Procedure revised
	Advocacy with the GOB and Parliament Members to stop the culture of impunity in order to establish the rule of law and to ensure access to justice and good governance. Situation analysis and prepare strategic guidelines to lead advocacy with relevant government agencies and lawmakers to bring result based changes	A number of pieces of evidence recorded and interventions achieved
	Roundtable with leading NGOs , monitoring and investigating violence by state mechanisms	Roundtables produce Action Plans with KPIs
	Develop a JAMAKON program for unannounced visits and monitoring prison, detention centres and other places of detention	Sustained reduction in deaths in custody and reports of torture
	Work with authorities to ratify: OP-CAT and establish a national torture prevention mechanism; Convention for the Protection of All Persons Against Enforced Disappearance	OP-CAT ratified NPM established CPPED ratified
	Develop strong advocacy with GOB to provide an open invitation to UN Special Rapporteurs	UN Special Rapporteurs visited Bangladesh more often than in previous years.
	Reliable data collected at District level	Information from database included in JAMAKON's annual and thematic reports
	Develop strong working relations with disciplined forces	Joint programs developed and operationalised

	Human Rights Standard will be developed for all disciplined forces to eliminate violence by state mechanisms	Number of human rights standards developed and practiced
2. VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING HEALTH RIGHTS, DISCRIMINATION AGAINST MARGINALIZED AND PEOPLE WITH DISABILITIES		
5-year outcomes	Key Strategies	KPI
General improvement in situation of access by disadvantaged and marginalized groups to economic, social and cultural rights; and general improvement on issues related to SOGI.	Roundtable on ESC rights with NGOs and other stakeholders	Roundtables produce action plans with KPIs
	Work with NGOs in urban poverty alleviation field to ensure no evictions without notice or no rehabilitation come to an end.	No evictions without notice and No rehabilitation come to an end
	Work with relevant NGOs to monitor five year annual development plan of GOB	Poverty reduced and livelihood of disadvantaged and marginalised groups improved
	Develop effective relationship with the SOGI communities to create an enabling environment to protect their human rights.	Focus group discussion, produce action plan and advocacy with the government and other stakeholders to reduce stigma.
Health and human rights exercised on a non-discriminatory basis	Roundtable with NGOs and other stakeholders working on right to health and human rights.	Roundtables produce action plans with KPIs
	Work with authorities to ensure implementation of the right to health in government policies and plans such as: the development of health institutions; human resources; accessibility and availability; resource distribution; rural-urban and gender disparities; access for minorities	Comprehensive Implementation Plan developed and implemented
	Issue based MOU with NGOs working to establish equal access to the GoB health services and to ensure health and human rights of the sexual minority population.	MOU done with a number of NGOs and implemented

General improvement in the eradication of begging and decrease in the number of beggars.	Work with GO and NGO's in the urban areas to detect number of beggars and address the reasons for begging with a view to eradicating the practice	Numbers of beggars detected and decrease of begging taken place
General awareness raised about rights of people with disabilities. Discrimination highlighted and action taken.	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 reduced
	Work with authorities to address issue of access to buildings for people with disabilities, including noncompliance with existing laws	Complaints of discrimination in access to buildings reduced
	Work with GO and NGO's to accelerate withdrawal of reservations on Article 2 of ICESCR	Dialogues, seminars, roundtables. Reservation withdrawn.

3. FULL AND PROMPT IMPLEMENTATION OF THE CHITTAGONG HILL TRACTS (CHT) ACCORD FOCUSING ON LAND RIGHTS

5-year outcome	Key Strategies	KPI
Chittagong Hill Tracts Accord honoured and fully implemented	Coordination with relevant authorities and stakeholders for Implementation of the CHT Accord and monitoring HR issues and investigating into HRVs	Roundtable produces action plans with KPIs. KPIs indicate improved access to justice for local communities
	Work with authorities, including the Land Commission, to accelerate resolution of long-standing CHT land disputes in consonance with the laws, customs and practices in force in the CHT	Land disputes effectively resolved on a regular basis

4. VIOLENCE AGAINST INDIGENOUS, DALIT, ETHNIC AND RELIGIOUS MINORITIES WITH SPECIAL FOCUS ON LAND RIGHTS IN THE PLAIN

5-year outcomes	Key Strategies	KPI
Nationwide 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	ILO Convention ratified

	and Tribal Peoples	
	Work with government to support 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
Awareness of rights of religious minorities and Dalits raised and accepted by general population	Roundtable with key indigenous and ethnic minority NGOs and other stakeholders	Awareness and education increased on the rights of the people and on JAMAKON
	JAMAKON to appoint Rapporteur on Dalit rights to make a national study on discrimination on grounds of caste, work and descent	Rapporteur appointed and national study published
	Strong monitoring on the status of existing State commitments formally notified and advocacy for effective implementation	Existing quota for Dalits are maintained and positive discrimination is provided.

5. WOMEN EMPOWERMENT, ELIMINATING DISCRIMINATION AGAINST WOMEN & ENDING GENDER-BASED VIOLENCE

5-year outcomes	Key Strategies	KPI
Causes of discrimination clearly identified, relevant state agencies develop reform programmes to eliminate discrimination against women GBV taken seriously by authorities i.e. police, judges, media and MPs	Support GBV initiatives to be pursued by Bangladesh police	Positive indicators from police KPIs
	Roundtable organised with key stakeholders in working on eliminating discrimination against women to identify where JAMAKON can add value	Action Plan developed and Implemented
	Roundtable organised with key stakeholders in GBV field to identify where JAMAKON can add value - GBV Action Plan developed addressing preventive action by authorities on acid attacks, rape, beatings, eviction etc.	Action Plan developed and implemented
	Work with authorities and parliament to ensure Domestic Violence (Protection and Prevention) Act 2010	Implementation plan Developed

	implemented effectively	
	Complaints of violence against women prioritized at JAMAKON in conjunction with Union Parishad, local administration and NGOS; gender sensitive complaints process developed	Significant and improved outcomes in complaints of violence against women
	Media campaign based on complaints statistics, including on child marriage , sexual harassment and street harassment	Women freely report harassment and violence in the form of complaints to JAMAKON
	Legislation and administrative practices reviewed for compliance with international standards on discrimination against women	Reviews completed, reform programme started with agreed KPIs
	Policy advocacy with the GO and NGO's to withdraw CEDAW reservations on Articles 2 and 16.1.c	Reservations withdrawn. Acceleration to adopt uniform family code.
	Work with National Council for Women and Child Development and other authorities and key NGOs on National Woman Development Policy (2011) to identify where JAMAKON can add value	Action Plan for JAMAKON developed and implemented
	Complaints to JAMAKON 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
	Monitoring the implementation of GOB initiatives to ensure sexual & reproductive health rights	Inclusion of sex education in academic curriculum. Implementation status of

	and advising the relevant authorities for necessary development.	GOB circular on protection of menstrual health rights at a number of schools are reviewed and reported for better execution.
	All human rights awareness raising includes issues of discrimination against women.	Pre and post campaign surveys

6. PROTECTION OF CHILD RIGHTS, ELIMINATION OF HAZARDOUS CHILD LABOUR AND PREVENTION OF EARLY AND FORCED MARRIAGE

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 and hazardous child labour, and with other stakeholders	Roundtables produce action plans with KPIs
	In consultation with child rights, NGOs ensure that JAMAKON's complaints procedures are easily accessible and child-sensitive	Child Friendly Complaints Wing established at JAMAKON
	Educating and mobilizing parents and community members and empowering girls with information, skills and support networks	Formal relation with the GoB agencies developed
	Enhancing the accessibility and quality of formal schooling for girls. Offering economic support and incentives for girls and their families	Situation analysis of drop-out school girls and other obstacles to education done in collaboration with NGOs
	Fostering an enabling legal and policy framework	Legal framework established
	Work with government for removal of reservations to Art 14(1) and Art 21 of CRC and for ratification OP-3 of CRC.	Reservations withdrawn OP- 3 of CRC ratified.
	Work with relevant authorities to implement the United Nations Study on Violence against Children	Action Plan to implement UN Study developed and implemented
	Work with authorities to finalize National Child Labour Policy incorporating effective monitoring mechanism and to implement plan of action to eliminate the worst forms of child labour	Action Plan developed

7. HUMAN TRAFFICKING, SAFE MIGRATION AND DISCRIMINATION AND ABUSE OF MIGRANT WORKERS

5-year outcome	Key Strategies	KPI
Causes of unsafe migration and trafficking are identified, GoB has developed and adopted policy to ensure safe migration and stop human trafficking	Work with GO, NGOs and NHRIs to map out the issues and causes of unsafe migration and human trafficking	Study to detect hotspots and to identify issues that can be immediately addressed conducted in collaboration with organizations working in the field
	Developing cohesive working modalities between national and international organizations working for the rescue, repatriation and rehabilitation of trafficking victims	Issue-based MoU with relevant stakeholders signed and implemented
	Acceleration of the implementation process of existing laws and policies, and enactment of new legal instruments	Laws are better implemented and rules thereunder are enacted
	Awareness raising to stop unsafe migration and strengthen G2G and B2B cooperation	Workshop and roundtables
	Support the trafficking victims, in cases under trial at different courts.	Significant number of victims supported by JAMAKON, other NHRIs and NGOs.

8. IMPEDIMENTS TO ACCESS TO JUSTICE, PARTICULARLY FOR THE POOR

5 year outcome	Key Strategies	KPI
Significantly improved access to justice for the poor	Collaboration, cooperation and coordination with Parliament Members, Judiciary, Law Commission, Relevant Ministries and Department of GOB and partnership with civil society organizations already working on access to justice and with other stakeholders to identify where JAMAKON can add value to current and proposed initiatives Vigorously work with the law faculties and students on empowerment of the poor and their access to justice, organise in-house /residential training	Roundtables produce action plans with KPIs Training produces lawyers for the poor, street lawyers etc.

	programme for the students, TOTs etc. Support street law initiatives.	
9. OCCUPATIONAL, SAFETY , WAGES AND WELFARE INCLUDING TRADE UNION RIGHTS OF THE OF THE GARMENTS WORKERS		
5-year outcome	Key Strategies	KPI
Establish a mechanism to ensure occupational safety, fair wages and social welfare compliance with national and international legal framework and standard practice.	Analysis of the working conditions, trade union, building safety, housing, health and hygiene situation. Compliance with relevant laws and standards. Work with GOB, authorities, civil society and trade union organizations to improve workconditions of garment workers.	Trade union rights and job security established for the workers. Labour laws are implemented, particularly for minimum wages, rest and recreation. Health and hygiene standards are maintained for all with special focus on women.
10. ENSURING THE RIGHT TO EDUCATION		
5-year outcome	Key Strategies	KPI
Significantly improved access to education for disadvantaged, marginalized and minority groups	Roundtable with NGOs working on the 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 included in the curriculum at all levels
	Work with authorities to ensure access to education for disadvantaged, marginalized and minority groups	Action plan developed and implemented
11. RIGHT TO FOOD (ENSURING FOOD SECURITY, SAFETY AND NUTRITION ETC.)		
5 year outcome	Key Strategies	KPI
Experience on initial implementation of the Right to Food, lessons learned and cooperation among stakeholders	Adequate and stable supply of safe and nutritious food for women and children in rural areas	Roundtable produce action plans with KPIs
	Purchasing power and access to food increased	Data on number of intervention and results collected
	Roundtable with INGOs and NGOs on implementation of	Laws and Policies adopted

	the standards on right to food. Work with local authorities including UPs to ensure proper execution of social safety net programs. Strong advocacy with GoB and CSOs to develop policy framework to protect right to food. Ensure to farmers their access to land, water, seeds, organic production and institutional credit. Ensure freedom of consumers to choose their own food. Recognition of women farmers' contribution in food production. Ensure adequate nutrition for all particularly women and children.	
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12. ADDRESSING CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE

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

13. HUMAN RIGHTS OF THE PEOPLE OF CHAR LAND AND NEWLY ACQUIRED TERRITORIES (FORMER ENCLAVES)

5-year outcome	Key Strategies	KPI
Resettlement of newly acquired territories, reduce poverty and hunger of poor people, accredit chars to them, and protect them from climate change.	Resettlement of newly acquired territories. Develop advocacy with GOB to establish a sustainable system to protect the <i>char</i> inhabitants from climate migration and provide social safety coverage.	Settlement of land in a number of Chars and newly acquired territories. Allotment of Khas land to landless people. Mechanism of climate change mitigation for the <i>char</i> inhabitants.

14. SOCIAL AND RELIGIOUS COHESION AND HARMONY

5-year outcome	Key Strategies	KPI
Social and Religious Cohesion and Harmony Enhanced	Consultation, Sharing, Survey, Peace Program and Diversity Program	Violence reduced, tolerance enhanced and diversity promoted, mutual understanding developed.

15. RIGHTS OF OLDER PERSONS: LAWS AND POLICIES		
5 year outcome	Key Strategies	KPI
Visible and effective standards and loyal framework set for older persons	Identify the laws and policies that ensures or hinders older persons' rights and their implementation status. Find out the causes of poverty, violence and abuse and to take specific measures and services.	Accelerate the enactment of laws and policies to protect older persons' rights. Improve the living conditions of older persons.
16. RIGHT TO FREEDOM OF EXPRESSION		
5 year outcome	Key Strategies	KPI
JAMAKON's role further strengthened to create a more enabling environment for the right to freedom of expression	Promote different voices, tolerance and inclusiveness	Take some proactive measures by the State to promote and protect the right to freedom of expression
	Address issues that affect the right to freedom of expression	People and Media enjoy ore freedom of expression
	Form alliance, conduct research and policy advocacy with GoB and other relevant stakeholders to create an enabling space	Cases of free thinkers forced into exile are dealt with and their freedom is re-established
	Address resonant cases/killing/harassment for better promotion and protection of freedom of expression	Freedom of expression is better promoted and protected
17. ESTABLISHMENT OF A DATABASE OF HUMAN RIGHTS VIOLATIONS		
5 year outcome	Key Strategies	KPI
Data collection capacity of JAMAKON strengthened	Develop digital data archive system to get easy access	Develop Digital Data Bank
	Document data on the human rights situation and mandate of JAMAKON	Enhance flow of quality information on HR Issues
	Sign MoUs with CSOs and Think Tank organizations to share data and resources	Support JAMAKON to produce evidence based reports and education materials
	Develop Dissemination Strategy	Increase knowledge based sharing among different stakeholders

4. Members of the Commission



Professor Dr. Mizanur Rahman
Chairman



Kazi Reazul Hoque
Full Time Member



Professor Mahfuza Khanam
Member (Honorary)



Selina Hossain
Member (Honorary)



Advocate Fawzia Karim Firoze
Member (Honorary)



Aroma Dutta
Member (Honorary)



Nirupa Dewan
Member (Honorary)

5. List of Officers

Sl. No.	Name	Designation	Telephone No.	E-mail Address
1.	Md. Amjad Hossain Khan	Secretary (Additional Secretary to the GoB)	88-02-9336863	ahkhanbd@gmail.com
2.	Md. Shorif Uddin	Director (Complaints & Inquiry)	88-02-8331492	shorifzipu@gmail.com
3.	Md. Shorif Uddin (additional charge)	Director (Admin & Finance)	88-02-9335564	shorifzipu@gmail.com
4.	Md. Imam Uddin Kabir	Deputy Director (Complaints & Inquiry)	88-02-9354399	uddin_imam@yahoo.com
5.	Kazi Arfan Ashik	Deputy Director (Admin & Finance)	88-02-58314091	ashik.nhrc@gmail.com
6.	Kazi Arfan Ashik (additional charge)	Private Secretary to the Chairman	88-02-9351113	ashik.nhrc@gmail.com
7.	Mohammad Gaji Salauddin	Assistant Director (Complaint & Inquiry)	88-02-9351017	gaji_salauddin@yahoo.com
8.	M. Rabiul Islam	Assistant Director (Complaint & Inquiry)	88-02-9351017	robinnhrc@gmail.com
9.	Susmita Paik	Assistant Director (Complaint & Inquiry)	88-02-9351017	paikusmita@gmail.com
10.	Mohammad Touhid Khan	Assistant Director (Information Technology)	88-02-9351017	abir9813@gmail.com
11.	Joydev Chakraborty	Assistant Director (Complaints, Mediation & Conciliation)	88-02-9351017	joydev.law.du@gmail.com
12.	Farhana Syead	Public Relations Officer	88-02-9347979	farhana.du63@gmail.com
13.	Farjana Najneen Tultul	Assistant Director (Social Service & Counseling)	88-02-9347979	farzanatultul@gmail.com
14.	Md. Azahar Hossain	Assistant Director (Training)	88-02-58314093	nhrc.bangladesh@gmail.com
15.	Md. Sazzatur Rahaman	Assistant Director (Research)	88-02-58314093	shazel.law02@gmail.com
16.	Anisur Rahman	Assistant Director (Law)	88-02-58314093	anisur3@gmail.com
17.	Md. Azahar Hossain (additional charge)	Assistant Director (Admin & Finance)	88-02-58314093	nhrc.bangladesh@gmail.com
18.	Md. Jamal Uddin	Assistant Director (Finance)	88-02-58314092	mjamal.nhrc@yahoo.com

6. Thematic Committees of the Commission

JAMAKON formed the following thematic committees dedicated to human rights of different groups of people.

SI No.	Committees	Name & Designation	Member Secretary
1.	Committee on Women Rights	(a) Professor Mahfuza Khanam, chair (b) Aroma Dutta, co-chair (c) Advocate Fawzia Karim Firoze, member	Farhana Syead Public Relations Officer
2.	Committee on CHT Affairs	(a) Nirupa Dewan, chair (b) Professor Mahfuza Khanam, member (c) Selina Hossain, member (d) Advocate Fawzia Karim Firoze, member	Anisur Rahman Assistant Director
3.	Committee on Dalits and other Excluded Minorities	(a) Selina Hossain, chair (b) Advocate Fawzia Karim Firoze, member (c) Nirupa Dewan, member	Md. Sazzatur Rahaman, Assistant Director
4.	Committee on Business and Human Rights	(a) Kazi Reazul Hoque, chair (b) Advocate Fawzia Karim Firoze, co-chair (c) Aroma Dutta, member	Md. Azahar Hossain, Assistant Director
5.	Committee on Disabled People	(a) Advocate Fawzia Karim Firoze, chair (b) Nirupa Dewan, co-chair (c) Aroma Dutta, member	Md. Azahar Hossain, Assistant Director
6.	Committee on Migrant Worker's Rights	(a) Kazi Reazul Hoque, chair (b) Advocate Fawzia Karim Firoze, member (c) Aroma Dutta, member	Md. Sazzatur Rahaman, Assistant Director
7.	Committee for Protection of Religious Minorities and Ethnic Indigenous Groups	(a) Aroma Dutta, chair (b) Professor MahfuzaKhanam, member (c) Selina Hossain, member (d) Advocate Fawzia Karim Firoze, member	Joydev Chakraborty, Assistant Director
8.	Committee for Child Rights, Child Labor and Anti Trafficking	(a) Kazi Reazul Hoque, chair (b) Professor Mahfuza Khanam, co-chair (c) Advocate Fawzia Karim Firoze, member	Joydev Chakraborty, Assistant Director
9.	Committee on Economic and Social Rights	(a) Professor Dr. Mizanur Rahman, chair (b) Kazi Reazul Hoque, co- chair (c) Professor Mahfuza Khanam, member (d) Selina Hossain, member (e) Advocate Fawzia Karim Firoze, member (f) Aroma Dutta, member (g) Nirupa Dewan, member	Anisur Rahman Assistant Director

7. Complaint Form

(ক) অভিযোগকারী সম্পর্কিত তথ্য

(১) নাম

(২) পিতার নাম

(৩) মাতার নাম

(৪) ঠিকানা

গ্রাম/মহল্লা

থানা

জেলা

ফোন

ই-মেইল

জাতীয় পরিচয়পত্র নম্বর

সংগঠনের নাম

(প্রযোজ্য হলে)

(৫) লিঙ্গ

পুরুষ

নারী

অন্যান্য

(৬) ধর্ম/উপজাতি/ক্ষুদ্র

জাতিসত্তা/নৃ-গোষ্ঠী ও

সম্প্রদায়/বিশ্বাস, ইত্যাদি

(খ) ক্ষতিগ্রস্ত ব্যক্তি সংক্রান্ত তথ্য

ক্ষতিগ্রস্ত ব্যক্তি নিজেই অভিযোগকারী কি?

হ্যাঁ

না

(১) নাম

(২) পিতার নাম

(৩) মাতার নাম

(৪) ঠিকানা

গ্রাম/মহল্লা

থানা

জেলা

ফোন

ই-মেইল

জাতীয় পরিচয়পত্র নম্বর

সংগঠনের নাম

(প্রযোজ্য হলে)

(৫) লিঙ্গ

পুরুষ

নারী

অন্যান্য

(৬) ধর্ম/সংখ্যালঘু সম্প্রদায়/বিশ্বাস

ইত্যাদি

(৭) প্রতিবন্ধী কিনা:-

হ্যাঁ

না

(৮) প্রতিবন্ধী হইলে তাহার ধরণ:-

(গ) যদি মানবাধিকার লঙ্ঘনের ঘটনা ঘটে তাহার সংক্ষিপ্ত বিবরণ:-

(১) তারিখ সময়

(২) ঘটনাস্থল:- গ্রাম/এলাকা/ওয়ার্ড:

(৩) থানা..... জেলা..... বিভাগ.....

(৪) প্রত্যক্ষদর্শী/ সাক্ষী (যদি থাকে)

(৫) ঘটনার বিবরণ:.....

(৬) বর্ণিত অভিযোগের বিষয়ে কোন আদালতে মামলা হয়েছে কিনা: হ্যাঁনা.....

(৭) শৃঙ্খলা-বাহিনীর কোন সদস্যের বিরুদ্ধে অভিযোগ কিনা: হ্যাঁনা.....

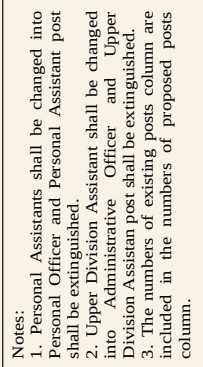
(৮) শৃঙ্খলা-বাহিনীর সদস্য হলে বাহিনীর নাম অবস্থান..... র‍্যাঙ্ক/পদবী

(৯) যে প্রতিকার প্রার্থনা করা হয়েছে:

আমি অভিযোগকারী এই মর্মে হলফ পূর্বক ঘোষণা করিতেছি যে, এই অভিযোগে বর্ণিত সকল তথ্য ও বিবরণ আমার জ্ঞান ও জানা মতে সত্য।

অভিযোগকারীর স্বাক্ষর

[দ্রষ্টব্য:- প্রয়োজনে অতিরিক্ত কাগজ ব্যবহার করা যাইবে এবং যে কোন প্রামাণিক দলিলপত্র, ম্যাপ, ছবি, অডিও বা ভিডিও ক্লিপ, ডাক্তারি সনদ ইত্যাদি সংযুক্ত করা যাইতে পারে।]

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AMAKON

Human Rights for all, Everywhere, Equally



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