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**NATIONAL HUMAN RIGHTS COMMISSION (JAMAKON)
BANGLADESH**

National Human Rights Commission (JAMAKON) Bangladesh Annual Report 2014

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List of Acronyms and Abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions
ASK	Ain o Salish Kendra
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
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
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
DC	Deputy Commissioner
DMC	Dhaka Medical College
DUET	Dhaka University of Engineering and Technology
EPI	Extended Programme of Immunization
GDP	Gross Domestic Product
GOB	Government of Bangladesh
HR	Human Rights
HRC	Human Rights Commission
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

IDEA	Institute of Development Affairs
IDLO	International Development Law Organization
INGOs	International Non-Governmental Organizations
JAMAKON	Jatiyo Manobadhikar Commission (National Human Rights Commission)
JTS	Jatiya Tarun Sangha
MLAA	Madaripur Legal Aid Association
MLC	Maritime Labour 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
NITOR	National Institute of Traumatology and Orthopaedic Rehabilitation
NU	Nagorik Uddyog
OEWG	Open-ended Working Group
OSH	Occupational Safety and Health
Oxfam	Oxford Committee for Famine Relief
PASS	Participatory Advancement Social Service
RJ	Rights Jessore
RMG	Ready Made Garments
RWI-APF	Raoul Wallenberg Institute-Asia Pacific Forum
SAARC	South Asian Association for Regional Co-operation
SOP	Standard Operating Procedure
TOTs	Training of Tainers
TSC	Teacher-Student Centre
UN	United Nations
UNDP	United Nations Development Programme
UNO	Upazilla Nirbahi Officer
UPR	Universal Periodic Report
UP	Union Parishad
VAW	Violence against Women
VAW&G	Violence against Women and Girls



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Introductory Remarks by the Chair

Despite formidable challenges, JAMAKON has now grown up into an institution and become the ultimate voice for human rights in the country. In fact, it would not be an exaggeration to say that in Bangladesh there has not been a single institution which, in spite of so many constraints, has accomplished so much; with so little resources has met so high expectations. JAMAKON has transformed itself into the inevitable human rights forum for everyone including the government, non-government human rights organizations, individuals and other stakeholders.

Alongside institution building, one major achievement of JAMAKON in the last five years is that it could effectively bring Economic, Social and Cultural Rights into focus - a shift in popular perception that helped see human rights beyond the realms of civil and political rights as the only benchmark for measuring human rights situations in the country. On the other hand, JAMAKON believes Civil and Political Rights goes hand in hand with Economic, Social and Cultural Rights. For better realization of the both are required robust political commitment and vigilant citizens. And, vigilance comes from awareness of the people. In the preceding years, awareness building remained the topmost priority of all activities of JAMAKON.

There is no denial that the ultimate responsibility to human rights for everyone lies with the State. Even for the government, it is a sheer challenging task to ensure human rights for every citizen of the country. Hence, JAMAKON is ready to extend its cooperation to the government in this regard. At the same time, JAMAKON expects that State, for its own sake, will come forward with due reciprocity to strengthen JAMAKON's hand. What else could be the reason for having a State other than full realization of human rights?

In expectation of a society well aware of human rights values as well as a bright future to look forward to, we do place our faith in Tagore:

"Is the dark night over?
The eastern sky shows promises of a new morning,
Let us wait for the magnificence of light
In our life, in our hearts, in the world"

Rabindranath Tagore
(Translation by Arpeeta S. Mizan)

A Portrayal of Achievements and Challenges

Kazi Reazul Hoque

Full Time Member (FTM)
National Human Rights Commission
(JAMAKON) Bangladesh

It is now evident that the National Human Rights Commission (JAMAKON) of Bangladesh, in the last five years of its journey, has been able to transform itself into an effective human rights institution. It may be recalled that the Baseline Survey conducted in 2010 had revealed that of all the respondents, only 50 per cent had heard about the term 'human rights' and 32 per cent the term 'the National Human Rights Commission'. By comparison, the Follow-Up Survey conducted in 2014 revealed that 68 per cent respondents had heard about the term 'human rights' and 45 per cent the term 'the National Human Rights Commission'. This reflects JAMAKON's utmost sincerity in promotion and protection of human rights in the last five years.

Capacity Enhancement of JAMAKON:

A Capacity Assessment Survey was undertaken by Asia Pacific Forum (APF) in December 2013 in order to determine JAMAKON's overall capacity to carry out its functions. The Survey enabled JAMAKON to identify areas where further capacity building is required. Accordingly some recommendations were adopted. Despite some visible progress made in 2014 still a number of recommendations underway to be implemented.

Policy and Legal Issues:

In 2014, JAMAKON provided a number of policy recommendations to the

Government on pressing human rights issues to bring conformity with international human rights laws. JAMAKON reviewed a number of national legislations and submitted its recommendations to the Government.

Review of the Act of 2009:

JAMAKON reviewed its founding law, the National Human Rights Commission Act, 2009 with a view to bringing in certain amendments that would bring it closer to complying with the Paris Principles. The reform proposals include: (1) making transparent the selection process of the Commissioners; (2) immediately filling-up senior level positions (Secretary and Directors) through direct appointment by JAMAKON; (3) ensuring the financial and administrative independence of JAMAKON; and (4) empowering JAMAKON to investigate violations of human rights by law enforcement agencies.

Reform in Legislation Relating to Child Marriage:

In 2014, JAMAKON organized several stakeholders' meetings on combating child marriage, human trafficking and eradication of child labour, in particular child domestic work. JAMAKON also recommended the adoption of a Child Ombudsman Act and establishment of the office of Child Ombudsman. JAMAKON submitted specific recommendations to the Government on the proposed amendment in the Child Marriage Restraint Act and Child Labour Elimination Policy - recommendation which are under active consideration by the government. JAMAKON also played an important role in persuading the government to raise the minimum age of Criminal responsibilities from 9 to 12 years.

Shadow Report to Treaty Bodies:

JAMAKON drafted one shadow report on the Convention on the Rights of the Child, submitted it to the concerned Treaty Body. Apart from these, a number of consultation meetings were held for preparing shadow reports on CEDAW and ICESCR.

Establishment of Thematic Committees:

In order to ensure better coordination in relation to matters of strategic priority, JAMAKON formed 9 thematic Committees, comprising members from civil societies, NGOs, UN Bodies and state actors, to implement its strategic plan. These Committees aim at helping JAMAKON to fulfill its mandate given by the NHRC Act, 2009. The committees have been functioning since 2011 and contributing to promoting respect for human rights by addressing the needs of specific groups that are victims of human rights violations. These committees are rigorously working for better promotion and protection of the rights of children, women, migrant workers, garment workers, disadvantaged communities, minorities and marginalized and ethnic groups (both hill and plain land) and ensuring economic, social and cultural rights.

Research on Human Rights Issues:

JAMAKON conducted a number of studies in 2014 on international human rights treaties, national legislations and policies in order to identify challenges in implementation at the domestic level. The research findings helped JAMAKON to make recommendations to the Government to ensure the effective adoption and implementation of international human rights treaties as well

as adoption or amendments of national laws.

Capacity Building and Awareness Raising Initiative:

In 2014, JAMAKON organized training programmes for Government officials, Police, Human Rights Defenders, NGO Representatives, Journalists, Judges, Lawyers, Students, Community Facilitators and Local Government Representatives. The training covered a wide range of issues, such as 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 training participants so that they were better equipped to protect human rights. In addition, JAMAKON implemented a campaign program on human rights messaging at national and local level by using different modes of public communication, including public service announcement. JAMAKON regularly organized seminars and workshops on different thematic issues at national and local level, including on the rights of minorities, women's rights, child rights, food security, garment workers' rights, etc.

Enhancing Partnership:

JAMAKON has built a strong partnership with NGOs, private sector, international non-governmental organizations (INGOs) and other civil society organizations (CSOs). This partnership helped to develop the capacity of human rights defenders, Government officials, judges, police, NGOs representatives and students concerning human rights. In 2014, JAMAKON co-operated with Save the Children, World Vision, Wave Foundation, Madaripur Legal Aid Association and Eco-

social Development Organization. The partnerships also helped JAMAKON to increase its outreach at grassroots level for the purpose of raising awareness and education on human rights.

Human Rights Monitoring:

JAMAKON co-operated with seven NGOs, namely Ain O Salish Kendra (ASK), Bangladesh Legal Aid Service Trust (BLAST), Bangladesh National Woman Lawyer's Association (BNWLA), Nagorik Uddyog (NU), Rights Jessore (RJ), Madaripur Legal Aid Association (MLAA) and Jatiya Tarun Sangho (JTS) to enhance its human rights monitoring and investigation capacity. JAMAKON itself developed a roster of the Investigators so as to reach people living in the remote areas of the country. ASK, BLAST, MLAA, NU, RJ and BNWLA came forward to assist in developing the Roster by nominating staff to monitor the human rights situation at the district level and refer cases to JAMAKON. ASK and BLAST jointly conducted a good number of training sessions with JAMAKON throughout the country for 172 Human Rights Defenders of the JAMAKON's Roster, of whom many conducted fact-finding missions in their respective communities and reported to JAMAKON.

Visiting Prisons, Orphanages, Hospitals and Juvenile Development Centres:

In 2014, JAMAKON visited a numbers of Prisons, Orphanages, Hospitals and Juvenile Development Centres. For instance, JAMAKON visited Juvenile Development Centres at Tongi, Gazipur and Child Development Centre in Jessore where the child detainees protested mismanagement by the staff in those places. The investigation team was led by the Full Time Member of JAMAKON. Following the visit, JAMAKON made

specific recommendations to create a better living environment for the inmates. In response, the Government took prompt disciplinary action against some of the staff and officers who were found responsible in this regard.

Others:

In the aftermath of a number of judgments of the International War Crime Tribunal against the War Crime Offenders, the Hindu minority community became the targets of attacks throughout the country. The Chairman and the other Commissioners visited the affected areas to oversee overall human rights situation of the minority community. JAMAKON advised the Government to ensure the safety and security of the minority community, arrest and punish the perpetrators, take appropriate measures to compensate the victims in order to swiftly bring back a sense of security within the community.

JAMAKON also addressed the issue of alleged extra-judicial killing' or 'cross fire' by treating it as a major threat to the rule of law in the country. JAMAKON believes that no one is above the law and the principles of human rights must be respected by all. JAMAKON made recommendations to the Government to take necessary actions, investigate such incidents and bring the perpetrators of extra-judicial killing to justice. JAMAKON urged upon the Government to stop the culture of impunity and to ensure human dignity, equality and social justice in order to promote the rule of law.

In 2014, JAMAKON closely monitored human rights violations against disadvantaged and vulnerable groups with the aim of promoting their human rights. JAMAKON actively advocated for the creation of an enabling legal and

policy environment for the transgendered persons (hijra), Sex Workers, Dalit, Children and Minority groups. JAMAKON continued its support to ensure access to health, education, housing and welfare for disadvantaged and socially marginalized people.

Challenges:

The Key Challenges of JAMAKON in 2014 were:

- **Limitations in the NHRC Act, 2009:**

The Act of 2009 does not fully comply with the Paris Principles as regards institutional independence in areas like human resources, financial management, power of investigation against Law Enforcement Agencies in case of HR violations etc.

- **Lack of Resources:**

JAMAKON has an approved organogram for 93 staff whereas at present the number of available staff is 28. With this shortage of human resources, JAMAKON faces enormous difficulties to perform its day-to-day mandated activities. As regards budget, the government allocation of fund (revenue allocation) can cover only a small number of JAMAKON's activities.

- **Lack of Permanent Office Building:**

The present office of JAMAKON is located in a private building under a rental arrangement. The building and its location are not suitable for all types of people especially for the physically challenged persons.

- **Lack of Regional Offices:**

JAMAKON needs to extend its activities all over the country. In order to make its

presence feel at the grassroots JAMAKON should be allowed to have sufficient resources to establish and operate regional offices.

- **Key position filled up by way of Deputation:**

The key administrative positions of JAMAKON such as Secretary, Directors and Deputy Director are being filled up by deputation of the government officials, which is conflicting with the Paris Principles. JAMAKON, despite of huge successful performance in creating awareness and addressing HR violations is still deprived of Full Membership of the Asia Pacific Forum (APF) and 'A' status of the International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs). The reasons ICC mentioned include, selection Committee of Chairman & Members, secondment of Government officials in the senior positions and inadequate resources.

Conclusion:

Despite all such challenges, now the National Human Rights Commission is a trusted platform for the victims of human rights. JAMAKON believes that Govt. will extend more support in strengthening the Commission. JAMAKON values the cooperation of NGOs, INGOS, inter-governmental agencies and various Ministries and Directorates. JAMAKON highly values the financial support of UNDP, DANIDA, SIDA and SDC. The Commission acknowledges the hard work of Commission staff and intellectual contribution of BNHRC-CDP staff and experts.

Chapter One



Consultation on Child Marriage Restraint Act

JAMAKON's Thematic Committees:

With a view to achieving the targets of the Strategic Plan 2010-2015, JAMAKON has formed nine (9) Thematic Committees. Every committee is headed by one Commissioner. In addition, an Assistant Director was appointed to serve as Member Secretary for providing secretarial support to each committee. These Committees have enabled the JAMAKON to better address human rights issues in a number of areas pertinent to domestic condition.

Some of the events imparted by the Thematic Committees have been furnished in the following Table.

Name of the Committees	Special Events Imparted	Objective of the Event	Date
Committee on Economic, Social and Cultural Rights	Public Hearing on Right to Food	To raise poor peoples' awareness on right to foods.	27 October 2014
	National Consultation on Eliminating the Issues in Ensuring the Rights of the Pavement Dwellers	To identify the elements in specific existing laws and policies i.e. the National Identity Registration Act and the Birth and Death Registration Act as those are preventing the pavement dwellers from birth registration and voter registration	19 November 2014
	Consultation on Draft Shadow Report on ICESCR and CAT	To share the findings with the wider range of stakeholders and to receive their opinion/ observation, if any, for further improvements	8 May 2014, Dhaka



Sharing Meeting on Stakeholder Report

	Consultation on 2nd Cycle UPR	Follow-up on the implementation of the recommendations that Bangladesh accepted during 2nd Cycle UPR in 2013 and part of a series of consultative workshops in view of drafting an action plan for the implementation of the UPR recommendations made in 2013 to Bangladesh	24 June 2014, Dhaka
Committee on Child Rights, Child Labour and Anti Trafficking	Awareness Raising Events on Elimination of Child Labour to Save the Children	To stop the child labour specially bonded labour in fish farm in southern part of Bangladesh	20 December 2014, Khulna
	Consultation on the Proposed Child Marriage Restraint Act	To review the Child Marriage Restraint Act, 1929 to measure its compliance with international human rights standards	23 February 2014 at C I R D A P , Dhaka
	Workshop on Child Labour Eradication, Combating Violence Against Children and Restraining Child Marriage	To raise awareness on Prevention of Child Labour, Violence Against Children and Restraining Child Marriage	24 April 2014 in Khulna



Consultation on Human Rights and Communal Harmony

	Consultation with the key stakeholders on the Shadow Report on CRC	To discuss the basic content of shadow report on CRC prepared by JAMAKON and get the comments from key stakeholders	October 2014
Committee on Dalits and other Excluded Minorities	CEDAW & Dalit Women: Perspective Bangladesh.	To prepare recommendations for submission to the relevant authority of the state for improving Dalit Women's rights in compliance with CEDAW	30 January 2014 at C I R D A P Auditorium, Dhaka
Committee on CHT Affairs	Seminar on Land management in CHT	To discuss and prepare recommendations for the relevant authority for the better management of land in CHT	31 May 2014 at Rangamati District Council Auditorium
Committee on Women Rights	Seminar on "Women Empowerment in Bangladesh: Prospect and Achievement"	To discuss the status of Women Empowerment in Bangladesh and to prepare a set of recommendations for submission to the relevant authority of the government	26 February 2014 at C I R D A P Auditorium.
Committee on Persons with Disabilities	Seminar on "Right and Protection Laws, of persons with disability- 2013"		5 June 2014 at RDEC Auditorium
Committee on Migrants Worker's Rights,	Holding a Meeting at JAMAKON	To discuss the migrant workers rights, situation and to identify scope of work of the Committee on the issue	10 March 2014 at J A M A K O N Office
Committee on Business and Human Rights	Roundtable Discussion on Improving the Safety and Security of Workers in RMG Sector in Bangladesh	To review existing labour laws, government, and private sector initiatives in regard to safety, security and welfare of RMG workers and to formulate recommendations for submission to the relevant authorities.	8 June 2014, Dhaka & 12 June 2014, Khulna

Business and Human Rights	Round table discussion on Creating Better Environment for Garments Workers and Improving their Working Conditions: Reform the labor Law	To play action oriented role by JAMAKON in protecting and promoting human rights of the garments workers in Bangladesh. To suggest Government for legal reforms by ensuring Trade Union Rights.	4 July 2013 at BRAC, Dhaka
Committee on Protection of Religious Minorities and Ethnic Indigenous Groups	A number of press conferences have been organized in regard to the 2014 political violence on the religion minorities	To put pressure on the state machineries to be more active in protecting rights of the religion minorities and to take legal actions against violence and terrorism	Different times of the year

Chapter Two

Human Rights Situation in Bangladesh in 2014

The year 2014 in terms of human rights situation in Bangladesh could be regarded as a milestone in many ways. In this year, Bangladesh won membership of the United Nations (UN) Human Rights Council for 2015-2017. In addition, the Government of Bangladesh had taken steps to submit some of its outstanding reports to the human rights treaty bodies. While the country was free from any large scale natural or man made disaster, there prevailed relative social stability and security as there was no major incidences of political violence from February onward till the end of the year.

In 2014, the Government enacted a number of important legislations, for example: (a) the Bangladesh Journalist Welfare Trust Act, 2014 (b) the National Broadcasting Rules, 2014 (c) the Semi-formal Education Act, 2014, d) the Chittagong Hill Tracts Development Board Act, 2014, e) the D.N.A. Act, 2014 etc. In addition, the



Foreign Delegation at JAMAKON

Government adopted the Broadcasting Policy, 2014 in order to facilitate development of the broadcasting media. The Government is currently taking measures to draft a Broadcasting Act under the purview of the policy in consultation with all relevant stakeholders, including media personnel and experts.

Throughout 2014, Bangladesh continued to make steady progress in human development, as evident from a number of indicators such as reduction of under-five child mortality rates, infant mortality rates, improvement in school enrolment, reducing dropout of students in primary and secondary level schools, minimize the underage marriages especially of girl child, immunization coverage, vitamin A supplementation coverage and safe drinking water supply. Discrimination between boys and girls as regards access to education has been eliminated to a great extent. The country retained its GDP growth rate at over 6% despite global slowdown. There was overall growth in export, investment, per capita income and calorie consumption. The country has been on track to achieve most of the Millennium Development Goals.

Like preceding years, the Government also in 2014 demonstrated her utmost commitment to implement birth registration of every child within Bangladesh, including the children born to the refugee families. Remarkable progress has been made in reducing child and maternal death rates. About 87% children have come under the Expanded Program on Immunization [EPI]. Child Marriage has declined to 29%. JAMAKON appreciates that the Government sets the target to eliminate marriage of girls below 15 years by 2031 and girls between 15 to 19 years by 2045. In addition, JAMAKON took note of the fact that the Government is sincerely trying to eradicate child labour from sectors, such as ready-made garment industries. In 2014, JAMAKON organized several meetings and workshops on combating child marriage, trafficking of children, and eradication of child labour in particular child domestic workers and submitted specific recommendations to the Government on the proposed law on

Prevention of Child Marriage, child labour elimination policy, Anti Trafficking Act. Remarkable progress was made in elimination of illiteracy from the country. The Government delivered free textbooks to the students of primary and secondary level including Madrasa and technical educational institutions. Moreover, the Government is currently providing subsidies to provide education to the poor girls and boys. Following the Education Master plan (2012-2021), a total number of 20500 Multimedia Classrooms has been established in 500 schools, 15,200 secondary schools and 5,300 Madrasas in 2014. More than 300 e-versions of textbooks are available in primary and secondary levels including technical, vocational and Madrasa education. In the financial year 2013-2014, about 3.52 million students received TK. 8802.70 million as stipends and in other forms of assistance. It is to be noted that about 75% of them especially at secondary level are female.

In 2014, Bangladesh signed the Maritime Labour Convention, 2006 (MLC, 2006) which will enter into force after one year therefrom. The Government has been working to support the victims of Rana Plaza incidents. A Coordination Unit on Rehabilitation of Victims of Rana Plaza disaster helped rehabilitation of more than 1,700 persons. In 2014, the Government took significant initiatives for ensuring for ensuring safety and welfare of RMG workers in a number of areas. They are: (a) Building, Fire and Electricity Safety Assessments, (b) Labour Inspection and OSH, (c) Employer and Workers Organizations and OSH, (d) Fire Safety, (e) Better Work Program, (f) Dispute Resolution and Trade Union Registration, (g) Workers' Education and Trade Union Rights, and (h) Skills Development in the RMG Sector.

The Government continued increasing its effort and fund for education of the disabled students. The National Foundation for the Disabled Persons is committed to providing education to the autistic children. In cooperation with private organizations, 55 schools have been established for mentally disabled children. In addition, 5 schools have been established for blind children and 7 schools have been established for children who cannot hear or speak a language. An institution for mentally disabled children has been established in Chittagong. During 2013-14 Financial Year about 1.33 billion taka was distributed among 315,000 financially constrained disabled persons.

In 2014, the Government of Bangladesh continued its efforts to ensure empowerment of women in all spheres of public life. The ratio of men and women in government service from first class rank to 4th class rank rose up to 74.8:25.2. The number of female judges serving the Supreme Judiciary increased in 2014 - there were 6 Judges in the High Court Division and 1 Judge in the Appellate division. At the same time, the proportion of female members in the parliament increased by 20 per cent. In addition, a total number of 1,509 women contested in 458 Upazila Parishad elections. The number of enlisted female voters was 47,747,010 and the ratio of male and female voter is 50.37:49.63.

JAMAKON noted that by 2014, 48 out of the 72 clauses of the Accord have been fully implemented, while 15 had been partially

implemented and the remaining 9 were under process of implementation. Two thirds (up to 23) of the departments out of the mandated 32 have been transferred to the three CHT District Councils. 238 army camps were withdrawn.

Despite notable progress as mentioned above, JAMAKON observed that there was frequent reporting on killing by the law enforcement agency, disappearance, medical malpractice, violence against women, sexual assault and molestation in 2014. In particular, the civil society and NGOs repeatedly expressed their concern regarding incidents of extra-judicial killings (crossfire) and disappearances. On the other hand, JAMAKON noted numerous attacks on public transports with firebombs (often dubbed as petrol bomb) in early January in the name of political activities. Because of such attacks, hundreds of persons suffered serious burn injuries; many died and many others continue to endure a painful life as long as they would live. While JAMAKON always condemned political violence, extra-judicial killing, enforced disappearance etc, it thinks that these issues deserve more attention from the State.

After threadbare discussion the Commission approved Annual Work Plan 2014, supported by the development partners and implemented its phase by phase.

Chapter Three

POLICY DECISIONS

In total, 7 Commission Meetings of NHRC were held in 2014. In those meetings JAMAKON took the following policy decisions:

1. Laws and Reports

In the 26th Commission Meeting, the recommendations on the draft proposed Child Marriage Restraint Act was approved. It was sent to the MOWCA after incorporating the suggestions of the stakeholders meeting. In the 30th Commission Meeting, the draft CHRI guideline, the Draft Rules on Mediation and Conciliation, and BNHRC Shadow

Report to UNCAT were in principle approved by JAMAKON. On the 31st Commission Meeting, the BNHRC Shadow Report to UNCAT was finally approved.

2. Seminars and Workshops

In the 27th Commission Meeting, JAMAKON decided to organize awareness raising program, so that human organs cannot be immorally taken for transplantation and traded. In the same meeting, JAMAKON approved the proposals for organizing seminars on UPR, Business and Human Rights, Women Rights, CHT issues, disability issues, and the UN Convention on the Rights of Older persons. In the 29th Commission Meeting,



APF-19 Annual Meeting



ICC Conference in Geneva



JAMAKON Rally on Stop Genocide in Gaza

it was decided that the JAMAKON would organize 'People's tribunals for right to food' in collaboration with OXFAM in October of 2014. In the 26th Commission Meeting, the proposal for "RWI-APF workshop on National Inquiries 2014" was approved. The Secretary and the Project Manager of BNHRC-CDP were advised to liaison with IDLO in order to arrange TOT program with IDLO in Rome.

3. Dalit and Minority

In the 25th Commission Meeting, JAMAKON decided to organize a seminar on dalits and other socially marginalized

minorities. In the 26th Commission Meeting, decision was taken to conduct a research named "Current Condition of Religious Minorities in the Country". As per discussion of the Commission meeting Government was requested to nationalize the 228 primary school in CHT as a special case.

4. Garments Workers

In the 26th Commission Meeting, decision was taken to organize a seminar on "Responsibilities and Duties in Protection of Human Rights of Garments Workers"

5. Administrative Matters

In the 26th Commission Meeting, the Committee for Protection of Religious Minorities and Committee for Protection of Rights for Ethnic Group were merged together. A new committee on ESC rights has been formed. It was decided that consultant from UNDP will assist the thematic committees. Committee for Child Rights, Child Labour and Trafficking will arrange seminar on elimination of child labour focusing on child domestic workers and prohibition of child marriage was also decided on that meeting.

6. Filing Writ Petition

In the 27th Commission Meeting, JAMAKON decided to file a writ petition regarding “Seven Murder at Narayanganj” and briefed the press about the Commission’s decision regarding this very case. In the 28th Commission Meeting, it was decided that one Commissioner will file a writ petition regarding “Two years unlawful detention of Tanvir for murder of journalists” and Adv. Fawzia Karim Firoze will take necessary actions in this regard. .

7. ICC Accreditation

In the 28th Commission Meeting, it was decided that the JAMAKON would submit application for ICC accreditation (‘A’ status) by September 2014.

8. Others

In the 29th Commission Meeting, JAMAKON decided that JAMAKON would conduct a National Inquiry on ‘Access to Education of the Children of Slum Dwellers’. Mr. Zahid Hossain of BNHRC -CDP was given responsibility to prepare a detailed concept note in this regard.

Chapter Four



Regional Seminar: Towards South Asian Human Rights Mechanism

Implementation Progress:

4.1 Institutional Development of JAMAKON

As a relatively new institution, JAMAKON identified institutional development as one of the major focal area of its first Strategic Plan 2010-2015. With a view to ensuring rapid capacity development, the Strategic Plan 2010-2015 provided for a roadmap of organizational structure and staffing, procedures and system, and day-to-day management system. The following points represent the activities

undertaken by JAMAKON in 2014 in regard to institutional development:

JAMAKON Organized SAARC regional workshop of NHRIs in Dhaka:

On 17 - 18 November 2014, a regional seminar on 'Towards a South Asian Human Rights Mechanism: Prospects and Challenges' was organized by JAMAKON. Commissioners from other NHRIs i.e. Afghanistan, India, Nepal, Maldives & Sri Lanka attended the programme. The programme was also attended by civil society members from home & abroad

including representatives from APF, GOB officials, lawyers, academic, development partners, journalists and students etc.

The main objectives of the workshop were to develop vision and strategies for furthering advocacy for the establishment of a South Asia Human Rights Mechanism and to deepen understanding among civil society actors in South Asia on regional human rights mechanisms to promote and protect human rights.

A landmark achievement of the workshop was 'Dhaka Declaration' which has been a milestone for the regional cooperation in Human Rights protection. The declaration marked the following issues that needed to be addressed for improving human rights situation in the region:

- Continuation of efforts made by civil society in developing discussions relating to the need for a South Asian Human Rights Mechanism;
- Enhancing systematic and close

cooperation among National Human Rights Institutions in the region in addressing the common challenges and struggles of the people of South Asia;

- Supporting and providing constructive inputs to other National Human Rights Institutions in the region towards better protecting human rights at the domestic level;
- Ensuring fullest cooperation among National Institutions in the region in addressing violations that impact lives across borders;
- Strongly urging the SAARC member States, where there are no National Institutions, to establish National Human Rights Institutions in conformity with Paris Principles and further strengthen existing National Institutions;
- Collectively advocating with SAARC member States to establish a robust South Asian Human Rights Mechanism;
- Inclusion of commitments relating to



Regional Seminar: Towards South Asian Human Rights Mechanism



human rights and the establishment of a regional human rights mechanism at the SAARC conferences and summits; and

- Convening annual consultation of the National Institutions in the Region to strengthen inter-NHRI collaboration and cooperation to promote and protect human rights, and for fulfilling the above objectives.

JAMAKON Drafted its 2nd Strategic Plan for Year 2016-2020

Developing Strategic Plan is the most important roadmap of JAMAKON for its institutional development. The 1st Strategic Plan of JAMAKON was developed for a five-year period (2010-2015). For developing a comprehensive and inclusive 2nd Cycle Strategic Plan (2016-2020), JAMAKON started its drafting in 2014. The 2nd Strategic Plan of JAMAKON has targeted the following issues as its priorities:

- Violence by State Mechanism, particularly Enforced Disappearance, Torture including Custodial torture, Extra-judicial Killings and Culture of Impunity;
- Violations of Economic, Social and Cultural Rights, including Health Rights, Discrimination against Marginalized and People with Disabilities;
- Full and prompt implementation of the Compliance of Chittagong Hill Tracts (CHT) Accord Focusing on the Land Rights;
- Violence against Indigenous, Ethnic and Religious Minorities with Special Focus on Land Rights of the Indigenous and other Marginalized and Excluded Communities in the Plan;
- Women Empowerment and Discrimination against Women, Gender-based Violence.

- Protection of Child Rights, Elimination of hazardous Child Labor and Prevention of Early and Forced Marriage;
- Human Trafficking, Safe Migration and Discrimination and Abuse of Migrant Workers;
- Impediments to Access to Justice, Particularly for the Poor;
- Occupational Safety, Wages and Welfare including trade union rights of the Garments Workers;
- Ensuring Right to Education;
- Right to Food (ensuring food security, safety and nutrition etc.)
- Addressing Climate Change and Environmental Justice;
- Rights of the People of Char Land and newly acquired territories (former enclave);
- Social and Religious Cohesion and Harmony;
- Rights of Older Persons

JAMAKON Managed its Staff Development Programs throughout the Year-2014

In 2014, JAMAKON formulated a learning plan for its staff in furtherance of a learning need assessment survey carried out in 2013. The survey identified key improving areas of its staff members in different departments with regard to their responsibilities. The implementation of learning plan is presently in progress. Moreover, in order to improve JAMAKON's capacity to perform its statutory responsibility, a number of need-based skill development training have been provided to its officials abroad throughout the year. Through these training programmes the concerned officials have not only enriched their knowledge and skills but also allowed their co-participants to share their experience and thereby facilitated cross-fertilization of new ideas. Such training programmes included among others, Media and

Communication Training workshop from 7 - 10 April, 2014 in Maldives (03 Staff), Investigations Training Workshop from 19-23 May, 2014 in Malaysia (01 Staff), Mediation and Negotiation Training for National Human Rights Institutions from 11-15 August (02), 2014 in Malaysia, Human Rights Library and Information Management from 22 - 26 September, 2014 in Malaysia (02). In addition to the foregoing, JAMAKON organized a day long training for its staff on 25 September 2014 at JAMAKON Conference Room on

Training on Communication for JAMAKON Staff. The training covered writing press release, press statements and how to deal with media.

International Exposure of the JAMAKON Personnel

During 2014, the Commissioners and the Officers of JAMAKON attended a number of international seminars, conferences, roundtable colloquium. Through these visits, JAMAKON's knowledge on human



Training on National Inquiry



rights practices throughout the world has been enhanced. These programs can be discussed under two broad headings, namely, Policy Related Programs, and Disadvantaged Group's Human Rights Related programs.

Policy-Related Programs:

The Chairman and the Full Time Member participated in the Annual Meeting of Commonwealth Forum of NHRIs (CFNHRI) and the 27th Annual Meeting of the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights (ICC) in Geneva, Switzerland in March 2014. As a result, the JAMAKON initiated a number of actions including: preparing a schedule to follow-up on the commitments made by Bangladesh in its 2nd cycle UPR; organizing stakeholders meeting as a part of follow-up process; consulting with Line Ministries; organizing a workshop to evaluate Bangladesh compliance with different UN HR Treaties; preparing a draft report and sharing with stakeholders

(Ministry of Foreign Affairs, Line Ministries) and submitting JAMAKON Report to HRC. Apart from these, as many as seven international programmes were attended by the Chairman, Full-Time Member and other Honorary Members of the JAMAKON. In addition, the Chairman and the Full Time Member visited Geneva, Switzerland to participate in the 27th regular session of the Human Rights Council and 12th session of the Committee on the Rights of Persons with Disabilities from 23-26 September 2014. A delegation of 5 members attended the 19th Annual meeting of the Asia Pacific Forum of National Human Rights Institutions held on 3-5 September 2014 in Delhi, India headed by Chairman of JAMAKON.

Disadvantaged Group's Human Rights Related Programs:

Cases of human rights violations occur more frequently amongst the disadvantaged groups such as women, children, migrant workers, older persons etc. In order to gather relevant experience



Kazi Reazul Hoque, Full Time Member, NHRC speaking in the UN organized Conference on the Rights of Older Person at UN HQ, New York

in these areas, the Commissioners attended various international programmes abroad. Such programmes included among others, Regional Workshop on the Rights of Older Persons from 11-15 May, 2014 in Australia, Fifth substantive session of Open-Ended Working Group (OEWG) on Ageing from 30 July – 1 August, 2014 in New York, Commonwealth Secretariat-UN Women Regional Consultation on Jurisprudence of Equality from 24-29, November, 2014 in Thailand, Regional Consultation on the Role of Key Stakeholders in Ending Impunity for Violence against Women and Girls in Asia from 25-28 November, 2014 in Thailand.

Other Activities and Achievements in Institutional Development:

- *Implementation of Capacity Assessment Recommendation:*

A Capacity Assessment on JAMAKON was conducted in December 2013 to determine the level of its present capacity and to identify the gaps

where more capacity building is required. Although a number of recommendations still remain to be fully implemented, some progress has already taken place.

- *Institutional Accreditation:*

JAMAKON has applied for 'A' status to the Sub Committee on Accreditation in 2014.

- *Partnership Development:*

During the year 2014, a good number of joint programmes were implemented covering different aspects of human rights. JAMAKON developed partnership with the NGOs, International NGOs and International Organizations through these joint programmes

- *Annual Reporting 2013:*

JAMAKON submitted its Annual Report for year 2013 in 2014 to the Hon'ble President of Bangladesh.



Professor Dr. Mizanur Rahman, Chairman, JAMAKON, visiting attacked Hindu Community



Submission of NHRC Annual Report 2013 to the Honorable President of the Republic of Bangladesh

The report is available in JAMAKON's website in both Bangla and English versions.

4.2 Human Rights Monitoring and Investigation

According to the NHRC Act, 2009 and the National Human Rights Commission Strategic Plan 2010-2015, one of the most important functions of JAMAKON is to inquire, suo-moto, or on the basis of a petition presented to it, into allegations of violation of human rights. JAMAKON has put great emphasis on this issue since its establishment.

Complaints Lodged with JAMAKON in 2014:

During 2014, JAMAKON received a total of 635 complaints. Among these complaints, the Commission resolved or disposed of 272 cases, while 363 cases remain pending. In most of the cases, the complaints concerned incidents of abuse of power, domestic violence, negligence/inaction by government officials etc.

Category of the Complaints during 2014

SL No	Case category	Disposed	Pending	Total
1.	Rape	06	08	14
2.	Murder	15	12	27
3.	Torture	03	14	17
4.	Sexual Harassment	04	04	08
5.	Eve Teasing	01	05	06
6.	Domestic Violence	21	39	60
7.	Arbitrary Detention	00	00	00
8.	Forced Disappearance	01	13	14
9.	Disappearance from Homestead	00	00	00
10.	Extra Judicial Killing	00	02	02
11.	Negligence of Duty	18	45	63
12.	Corporal Punishment	01	06	07
13.	Custodial Torture	02	15	17
14.	Custodial Death	00	00	00
15.	Human Trafficking	00	01	01
16.	Exploitation of Migrant Workers	01	07	08
17.	Job Related	21	29	50
18.	Dowry	05	11	16
19.	Abduction	03	05	08
20.	Others	170	147	317
Total		272	363	635

It is to be noted that the number of complaints lodged with JAMAKON in 2014 increased by considerable margin than the earlier year (in 2013 the number of complaint lodged was 433).

Suo-moto Complaints

In the year 2014, JAMAKON took up 23 incidents of human rights violations suo motu for investigation under its complaint handling mechanism. Among them 8 complaints were disposed of, and the remaining 15 complaints are pending for disposal.

JAMAKON's effort to Monitoring of State Obligations and Responsiveness by the Government towards JAMAKON Concerns Increased:

In accordance with its legal mandate, JAMAKON serves as the key national human rights watchdog that watches over implementation of state obligations to respect and protect

the rights of every member of the society. JAMAKON has been continuously working on raising awareness about human rights violations by state agencies/ authorities/ statutory bodies/ law enforcement agencies and etc. In the year 2014, JAMAKON sent 23 recommendations to different government authorities through Dummy Official (DO) Letter. A few of the important DO letters and their subsequent outcomes are briefly provided below:

JAMAKON's Concern	Government Authority
To develop and adopt a Policy for the online newspapers in order to follow international standards and to uphold diversity, plurality and neutrality	The Minister, Ministry of Information. (On track)
In the aftermath of a visit to the affected villages in the Rangamati District of CHT, JAMAKON made recommendations in order for restoring peace between the conflicting Bengalis and indigenous community	The Secretary, Cabinet Division. The Division had forwarded the recommendations to the CHT Ministry. (On track)
Following the news that children were injured while swimming across a canal at Baherchar, Keraniganj so as to attend school; JAMAKON recommended for building a bridge over the canal and approach road in between the school and the village	The Executive Engineer, Local Government Engineering Department. (On track)
JAMAKON came to know that it was necessary to produce copies of utility bills in order to get the national ID cards. However, it is impossible to get utility bills for the slum dwellers. Therefore, JAMAKON made recommendation to make this provision optional so that there would not be any discrimination	Chief Election Commissioner. (On track)
After a visit by the Chairperson of JAMAKON to the Safe Home at Rajshahi, JAMAKON recommended for providing treatment and other health services to the detainees	Minister, Ministry of Health (treatment provided)

Report on Custodial Death

In view of incidents of extra-judicial killing and custodial deaths in Bangladesh, JAMAKON requested that it should receive report on every occurrence of extra-judicial killing/ custodial death from the person in charge of the concerned law enforcement agency within 24 hours of such incident.

Media Monitoring and Digital Archive System for JAMAKON:

In order to monitor human rights situations in Bangladesh, make timely response any urgent human rights issues as well as archive relevant news, JAMAKON ran a pilot project for Media Monitoring and Digital Archive System from 2013 to October 2014. During the aforesaid period, 40 media (including print and electronic media) and 15 newspapers

were monitored to archive news reports on JAMAKON, and also on human rights issues i.e. child rights, civil and political rights, access to justice, police and human rights, persons with disability, social, economic and cultural rights, labour, right to standard of living, women, non-discrimination, migrant workers, rights of indigenous people, refugees and climate change etc.

Overview of Some Visits and Fact Finding by JAMAKON Team

Visiting Jessore Juvenile Correction Center

The National Human Rights Commission, JAMAKON visited the Juvenile Correction Center located in Poolerhaat, Jessore on 9th May, 2014. The 4 member team was led by the Full Time Member of JAMAKON and the Chairman of its Children Rights Committee, Kazi Reazul Haque. M.A. Salam, Secretary of JAMAKON also accompanied the visit. This visit was in response to a news report published on this particular center, a month previously.

To know about the overall situation of the center, The Full Time Member of JAMAKON Kazi Reazul Hoque and the team spoke with the Jessore District Commissioner, Mr. Mostafizur Rahman. The team observed the facilities, and spoke to the trainers, managers and the youth in detention themselves. There are young people convicted of petty crimes as well as more serious criminal offenses, and are housed in this center. They openly discussed on overall management of the center and voiced their complaints to the team of visitors.

From this field mission The Full Time Member of JAMAKON made the following recommendations:

- The investigation found some children

to be visibly less than 9 years old. A medical board can be formed to assess the authentic age of these children and return them to their parents following a legal process.

- According to the Children Act 2013, those in detention over the age of 18 should be sent to prison with the aid of the court.
- Segregate children according to age groups and crimes committed.
- Juvenile offenders without identifiable guardians should be integrated to the community.
- There has to be adequate arrangement of entertainment and games for the young detainees.
- Permission to meet parents 4 times



JAMAKON, visiting Rajshahi Safe Home

a months instead of the existing rule of 2 times and for a telephone communication at least once a week with the family.

- There can be provision to bring dry food from the homes for the children.
- There can be an observation committee created with the help of local citizen groups.

Visiting Tongi Juvenile Correction Center

After a news report published on the Daily Prothom Alo on suicide attempts by young offenders in Tongi Juvenile

Correction Center, the National Human Rights Commission, JAMAKON made a visit to the facility. The Full Time Member of JAMAKON and Chairman of its Children Rights Committee, Kazi Reazul Hoque and the Secretary of JAMAKON M.A.Salam were in the team that made the investigative visit.

The Full Time Member spoke to some of the juvenile offenders who had attempted suicide, to understand the scenario. He went to the rooms of other children who had no direct connection to the protestation event and spoke with them. The team also visited the safe home situated in the old building of this center. After analysis of news reports on this topic, center visit and after dialogue with the inmates- it was clear that the ill treatment, physical and mental abuse and insults on children by the management made them bring harm upon them to draw attention of the authorities. There could have been subsequent deaths from this protestation. Some recommendations made from this visit:

- Segregate children according to age groups and crimes committed and observe the treatment on them.
- Separating children on trial and convicted offenders and also manage education, entertainment, sports etc for them separately.
- Assess the age for inmates who look visibly younger than 9 years old and arranging their speedy trial.
- Forenhancing the overall management there needs to be training for the officials to provide entertainment, counseling services and a child-friendly environment.
- To arrange workshops, entertainment, counseling for development of juvenile offenders and to provide adequate nutrition for their physical

development.

- Establish Children Centers in divisional levels, even in a small capacity.
- Demand for apt punishment for the offending officials of the 11th February event.

Visiting Rajshahi Safe Home

JAMAKON visited Safe Home at Rajshahi on 23 June 2014 to monitor the overall human rights situation there. Professor Dr. Mizanur Rahman, Chairman, JAMAKON led the team. The team members talked to the inmates and officials of the safe home to know their problems. Furthermore, the team carefully reviewed the profiles of the inmates, records and documents to prepare a report and recommendations for better protection of human rights of the inmates.

The Major Findings and JAMAKON's Recommendations:

- The capacity of the safe home is 50. However it is currently accommodating 132 inmates;
- A number of inmates are not being produced before the court on due dates for a time. JAMAKON recommended that necessary steps should be taken against persons failing to produce the inmates before the court on due date;
- The children, adolescents, aged persons, physically and mentally challenged children are living without distinction. JAMAKON recommended for providing separate cells for different age groups taking into consideration the types of mental and physical challenges of the concerned inmates;
- The security measures of the safe home were found very poor. JAMAKON recommended that necessary steps be taken to ensure safety and security of the home;

- No doctor was found in the safe home, moreover the only ambulance for the sick inmates was not operational for a long time. The education, health and accommodation facilities for the inmates are insufficient. JAMAKON recommended for taking actions to ensure health, education and accommodation services for the inmates;
- The infrastructural condition of the safe home was found very poor. Therefore, JAMAKON recommended for forming a committee comprising the representatives of Ministry of Social Welfare, Women and Children Affairs and Health to assess the overall conditions, rehabilitating the inmates whose age were above 18; appointing an official not below the rank of Assistant Director; taking necessary steps to reintegrated the inmates with their parents in applicable cases.

Rajshahi Prison Visit

A monitoring team led by Professor Dr. Mizanur Rahman, the Chairman, JAMAKON visited Rajshahi Prison on 24 June 2014. The team talked with the prisoners and the officials with a view to assessing human rights conditions of the prisoners. In addition, the team inspected relevant documents. JAMAKON team observed the key features of the prison such as prison infrastructure, officials and staff, capacity of the prison, ward-wise features, hospitals and medical wards, records of the prisoners, women wards, information about jail appeals and its progress, disciplinary issues, food, health and hygiene, entertainment etc.

Major Findings and Recommendations:

- The number of inmates in Rajshahi Prison is at least twice its maximum capacity.
- The government should appoint an assistant surgeon in the prison on urgent basis since the post is vacant for a long time;
- There are a number of foreign detainees in Rajshahi Prison for long; JAMAKON made recommendation was made to the government to take necessary actions in this regards;
- JAMAKON made a few recommendations to the district & session judges and the district magistrate in regards to the children who are living with their mothers in the prison;
- JAMAKON recommended to the Prison Superintendent of Rajshahi to take necessary action to issue letters to the concerned person and departments regarding jail appeal in applicable cases;
- JAMAKON recommend to the Senior Prison Superintendent to launch anti-drug campaign in the prison to make it drug free;
- JAMAKON recommend to the Executive Engineer, Rajshahi to establish sufficient number of toilets for the prisoners.

Cox's Bazar Prison Visit

A monitoring team led by a Director (Complaint and Inquiry) of JAMAKON visited Cox's Bazar Prison on 16-17 July of 2014 to monitor the human rights situation of the Cox's Bazar Prison. The team interviewed the prisoners and the officials, inspected documents and prepared a report on human rights situation in the prison.

Major Findings and SOME SUCCESS CASES Recommendations:

- The number of inmates exceeded the maximum capacity of the prison.
- JAMAKON recommended that under trial prisoners should be made available before the courts on due date;
- JAMAKON recommended that the foreigner prisoners who had completed their terms should be repatriated;
- JAMAKON drew attention of the district and sessions judges and the district magistrate of Cox's Bazar so that they would take necessary steps for mental and physical development of the children who are living in the prison with their mother;
- JAMAKON recommended to the government to appoint an assistant surgeon in the Cox's Bazar Prison to ensure proper health care of the prisoners;
- JAMAKON recommended to the Prison Superintendent of Cox's Bazar to take necessary actions to issue reminder letters to the concerned authority about jail appeal;
- JAMAKON recommended to the Senior Prison Superintendent to launch anti-drug campaign in the prison;
- JAMAKON recommended for investigation of the allegations of misappropriation and corruptions done by the prison authority and report back to JAMAKON;
- JAMAKON recommended to the district and sessions judge of Cox's Bazar to take necessary steps for the poor prisoners to let them have access to legal aid services provided by the government.

JAMAKON intervenes to recover Khas Land in Kishoreganj

Mr. Maznu Mian, a rickshaw puller lodged a complaint with JAMAKON alleging that some terrorists threatened him with dire consequences if he would move into the land which he had been allocated by the government as a landless person. He also alleged that the local police station did not render any assistance. Having regard to the importance of the case, JAMAKON issued a letter to the Deputy Commissioner (DC), Kishoreganj district for inquiry. The DC requested the Police Super of Kishoreganj to look into the matter. According to the said inquiry report, the land in question belonged to Akola Ravi Dash and he had been possessing the land by building infrastructure in it. None of the parties had sole and absolute title in the said land. However, JAMAKON was not convinced with the report and requested the Additional District Commissioner for another inquiry. After a thorough inquiry involving dialogue and discussion with both of the parties and others concerned, it transpired that Akola Ravi Dash had been unlawfully possessing the land. Finally, the Court issued an order for handing over the land to Mr. Maznu Mian.

Mr. Sohel Rana got his job back

Mr Sohel Rana was dismissed from his job because of his sexual orientation. His case was conveyed to the JAMAKON by BANDHU. JAMAKON investigated into the allegation and summoned the employer. JAMAKON finally succeeded in mediating the matter and the employer paid compensation and also committed not to do such discrimination in future.

Students got back their certificates through the intervention of JAMAKON

Thirty-Four students of Bangladesh Textile Engineering College (BTEC), Tangail Session 2013-2014 lodged a complaint with JAMAKON alleging that since they were admitted to B.Sc. Textile Engineering course in DUET, Gazipur. Therefore, they wanted to cancel their BTEC admission and get their certificates back from the BTEC authority. However, BTEC authority had not returned their certificates and mark-sheets. JAMAKON requested the Deputy Commissioner, Tangail and the Registrar of Dhaka University to take necessary steps. The Register of Dhaka University informed JAMAKON that on the basis of the letter of JAMAKON, the DEAN's Committee issued an order to the concerned BTEC authority to return the certificates and mark-sheet of the said 34 students.

Police station registered case of Nazrul Islam because of the intervention of JAMAKON

Mr. S. Nazrul Islam, a human rights defender of Sheloydoho, Kustia lodged a complaint with JAMAKON alleging that some criminal in his locality apprehended him and threatened to murder him. In view of the inaction of the local police, he lodged a complaint with JAMAKON. JAMAKON took the matter into its consideration and asked the Officer in Charge of Kumarkhali Thana to take necessary action. The Officer in Charge of Kumarkhali Thana in a subsequent correspondence informed that they had made an entry of the matter in their General Diary and the investigation officer converted it into a non-FIR case bearing no. 25/2014 dated- 11/08/2014 under section- 107/11. The case is now pending before the Executive Magistrate Court, Kumarkhali.

JAMAKON protected the right of a Migrant worker

Mr. Mojammel Haque, lodge a complaint alleging that he had been cheated and harassed by a recruiting agent. The recruiting agent sent the victim to Iraq fraudulently, promising that he would be employed there. However, having failed to find any job in Iraq he came back with the help of Bangladesh Embassy. After receiving this complaint JAMAKON forwarded it to the Ministry of Expatriates' Welfare and Overseas Employment. The said Ministry inquired into the matter and cancelled the license of the recruiting agent.

JAMAKON took steps against corporal punishment

BLAST lodged a complaint stating that a student of class 5 of Keratul Kuran Cadet Scheme Madrasa had been brutally beaten by his teacher and was admitted to Upazilla health complex for treatment. JAMAKON asked UNO, Patharghata, Barguna to look into the matters as well as to take legal step against the teacher. The UNO informed JAMAKON that the taka 5000.00 was realized from the teacher and handed over to the student for treatment. The teacher had also been suspended.

JAMAKON took action against torture in police custody

Mr. Md. Mansur Manur alleged that he was taken to police custody although there was no formal allegation against him. In the police custody, he was tortured physically. JAMAKON asked the concerned authority to investigate into the matter and take legal action against the alleged police personnel if appropriate. JAMAKON was informed that the principal accused, SI Md. Jahangir had been suspended and

other police persons who were involved with the incident were subjected to a deduction of 7 days salary.

Punishment to a person impersonating a doctor

There was a complaint that Md. Rasel Mia was impersonating a licensed doctor and running a medical center named Unique Medical in Kurigram district. JAMAKON asked the Deputy Commissioner (DC) of Kurigram district to look into the matter and take legal action. The DC of Kurigram informed JAMAKON that the doctor was sentenced to one year imprisonment and 50,000/- (fifty thousand) taka fine by mobile court.

Man receives his claimed interest

A complainant from Kushtia lodged a complaint stating that the post office authority refused to pay him due interest accrued on his savings. JAMAKON asked the Director General, Bangladesh Post Office to look into the matter and take necessary steps. The Director General in a subsequent correspondence informed that the complainant had been paid his due interest.

Step against NGO using the name of JAMAKON

An NGO named Manobadhikar Unity was running their activities using the name of JAMAKON. Having come to know of this, JAMAKON asked the Ministry of Social Welfare to take necessary steps.



Human Rights Training for Union Parishad Representatives

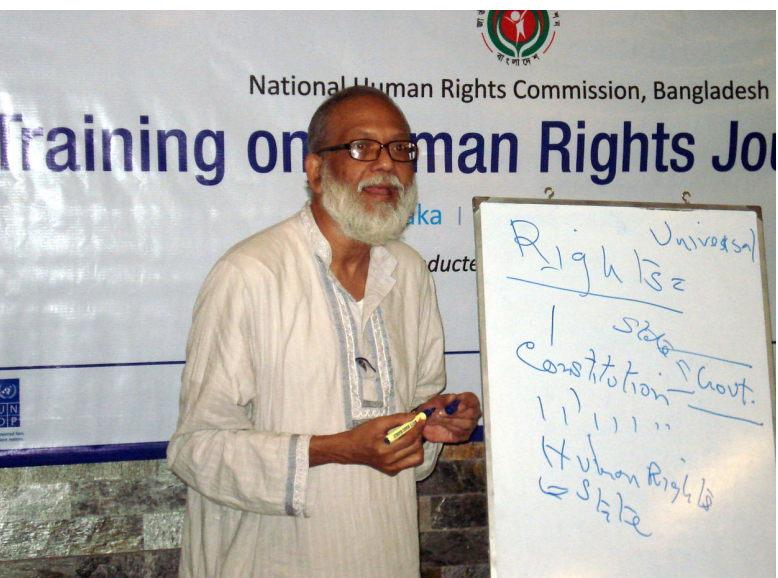
The Ministry of Social Welfare cancelled registration of that NGO in due process.

4.3. Human Rights Awareness and Education:

In order to raise awareness about human rights among government officials, civil society, journalist, human rights defenders and other professionals, JAMAKON organized a series of events and programmes throughout the country. The awareness programmes include Courtyard Sessions, Traditional Cultural Events, Brave Man Campaign, Human Rights Day Celebrations, Installation of Billboard, distribution of Posters, Leaflet, and other types of Training and Orientations.

JAMAKON Conducted TOTs and Training for UP Representatives and community facilitators:

JAMAKON organized a number Training of Trainers (TOTs), and Training Sessions for the UP Representatives and community facilitators during 2014. A total of 188 participants from different Union Parishads (UPs) and NGOs designated as Community Facilitator participated in the training. The main objective of the training was to develop understanding and skills in facilitating courtyards sessions at the community level and also to inform the common citizens of Bangladesh about JAMAKON and different human rights issues. The participants shared that before participating in the training they had little idea about JAMAKON, whereas upon participating in the training they got clearer understanding about JAMAKON.



Training on Human Rights Journalism

JAMAKON Conducted 235 Courtyard Sessions at the Grassroot level:

JAMAKON supported the trained Community Facilitators from different NGOs to conduct a series of Human Rights Awareness events through courtyard sessions among the community people. The courtyard sessions were implemented in the selected unions of Rangpur, Nilphamari, Madaripur, Gopalganj, Magura, Chudanga, Rajshahi, Norail and Khulna districts through PNGOs. 235 courtyard sessions were held where 4700 persons attended of which 80% were female. From the experience of implementation of the courtyard sessions, JAMAKON realized that such programmes should be conducted in more places involving more persons.

Training for the Journalist on Human Rights Journalism:

JAMAKON organized 4 trainings and 3 thematic sessions for journalists on themes like human rights journalism and role of media in promoting human rights issues from 12 May to 3 June of 2014 in Dhaka. 81 journalists, of which 13 were female from print, electronic, radio and television attended in these trainings.. Apart from this, 77 journalists, of which 20 were female attended in three thematic workshops.

The themes of these workshops were:

- Women Rights and Media (23 Participants)
- Child Rights and Media (28 Participants)
- Minority Rights and Media (26 Participants)

The objective of the workshop was to improve skills relating to monitoring and reporting on human rights issues and also to build the capacity of Journalists



Human Rights Conference in Barguna

on human rights reporting. During the two days long training journalists were given orientation on fundamental freedoms, different human rights issues, the mandate of JAMAKON, the role of media in promoting human rights, human rights reporting and professional ethics. In the end, the participants acknowledged that the training and workshops has contributed in improving their knowledge and skills on different aspects of human rights including human rights and media reporting.

JAMAKON facilitated a Series of Training for Sensitizing Police, School Teachers and Students on Human Rights:

- JAMAKON facilitated a series of training for around 1500 Police Officers including Sub-Inspectors and Senior Police Officers on Human Rights and Policing in different police training academi
- JAMAKON also conducted human rights awareness training programmes for the teachers. Approximately 20 teachers from Engineering University Higher Secondary School, Udayan Higher Secondary School, Nilkhet High School, Surovi School (under



Human Rights Awareness for Students

privileged children), Holy Cross Girls' High School participated in the training.

- Apart from these, JAMAKON also conducted human rights awareness training for the students of the above-mentioned schools where around 2000 students between 12-15 years from class 6-8 attended.

JAMAKON Conference on Human Rights in Barguna

JAMAKON and Fareea Lara Foundation organized two-day long Human Rights Conference and Workshop at Barguna. The Chairman of National Human Rights Commission, the Full Time Member, and the Honorary Members and other high officials of JAMAKON attended in the programme.

The key issues discussed in the workshop were:

- Role of JAMAKON in protecting human rights
- Effective implementation of law in protecting rights of the people;
- Legal framework for protection of women and children;
- Importance of mass awareness to stop violence against women and children;
- The Hindu Marriage Registration Act;

- Raise awareness to stop child marriage; and
- Correlation amongst child marriage, dowry and domestic violence and consequences thereof.

A series of working sessions were held to cover the above issues. A total numbers of 225 participants including students, teachers, lawyers, NGOs workers, parents, government officials, people of the minority community and journalists participated in the sessions. At the end of the program a memorandum of recommendations was handed over to the Chairman of JAMAKON.

Roundtable with Media as Part of Marking Human Rights Day:

JAMAKON organized four roundtables in Dhaka, Barisal, Rangpur and Sylhet on Protected Human Rights for Prosperous Lives. The roundtable discussions were held on 21 November 2014 in Barisal with the Daily Ajker Paribarton, 27 November 2014 in Dhaka, 30 November 2014 in Rangpur with the Daily Poribesh and 3 December 2014 in Sylhet with the Daily Uttor Purbo. The objective of the programs was to stimulate discussion on human rights and livelihood issues and also to publish supplements in the newspapers on 10 December 2014. A total 120 participants from the Government, NGOs, Media, Academic, Human Rights Defenders, and Lawyers participated in the roundtable. On 10 December 2014, five supplements published in the Daily Star, the Prothom Alo in Dhaka the Daily Uttor Purbo in Sylhet and the Daily Ajker Paribarton in Barisal and the Daily Paribesh in Rangpur. Through these supplements, message on importance of protected human rights and prosperous lives reached around 1.2 million readers in the country.



Roundtable Discussion on Human Rights Day

Celebration of International Human Rights Day 2014:

In order to observe Human Rights Day, JAMAKON organized a rally on 10 December 2014. The rally started from the Teacher-Student Centre (TSC) and ended at Shaheed Minar of University of Dhaka. Holding placards and banners and wearing colorful T-shirts and caps hundreds of people from NGOs and Brave Men volunteers participated in the rally. About 300 participants attended the rally. At the outset of the rally, Professor Dr. Mizanur Rahman released balloons to launch the rally. Referring to this year's theme, i.e. Human Rights 365, he said that every day should be a human rights day and that its importance is significant for Bangladesh. He mentioned that Bangladesh is fought for a society where equality, social justice and human dignity would be treated as core values.

Another three rallies were organized in Barisal, Rangpur and Sylhet in partnership with Saint Bangladesh, IDEA, and PASS respectively. The rally rounded around

the city centre of the three districts. More than six hundreds participants attended in the rally. Representatives of local administration, civil society members, NGOs representative and students participated in the rally with holding colorful placards, banners and festoons which were containing key messages of



Human Rights Day Rally

human rights. The local folk team also played their different instruments in the rally. The local organizers and public representatives delivered speech in the rally on the theme and importance of the human rights day.

As part of celebrating human rights day, 2014, JAMAKON also arranged two television programmes which were aired on 9 and 10 December 2014 in the Channel-i and Channel-71. One programme was about rights of children and the role of JAMAKON while the other one was about human rights for prosperous lives. Professor Dr. Mizanur Rahman, the Chairman, JAMAKON, Kazi Reazul Hoque, Full Time Member, JAMAKON, Advocate Sultana Kamal, Executive Director, Ain O Salish Kendra, Advocate Momtaz Begum, Chairman, Jatiya Mohilla Sangstha, Binoy Krisna Mallick, Executive Director, Rights Jessore and Shamsul Alam Bakul, Deputy Director, Child Governance, Save the Children and Mr. Sanjeeb Drong, Secretary, National Adivashi Forum attended the discussions.

Dissemination of human rights message through Gamvira, Pot Song, Drama, and installing Billboards:

JAMAKON took initiatives to disseminate human rights message through popular forms of traditional media i.e. Gamvira, Pot Song, Drama, and installing Billboards throughout the country. In 2014, 12 districts were covered where 11950 participants including women, youth students and adolescents participated in these events. In 2014, JAMAKON installed a total 192 billboards in 64 Districts in Bangladesh containing messages on JAMAKON mandate, complaint filling mechanism, child marriage and domestic violence.



Brave Men Campaign Continued for Making Boys and Girls Gender Sensitive:

Brave Men Campaign is an awareness-building event on Violence against Women and Gender among the children through school based campaign. In view of the success of the previous year, the campaign

Discussants in the Roundtable of Human Rights Day

was extended to more 16 schools in different locations of the country in 2014. Apart from the Brave Men campaign, the schools also observed 16 days of activism from 25 November to 10 December.

The events implemented by the schools are furnished in the table below:

Name of the School	Date and Name of the Event	Participants	Talking Points
Chaikola Union Model Girls High School	28 November 2014, 'Orange your way to the finish line' rally	BMC Participants, Community People and Teachers	VAW, Sharing Experiences
Chachkoir Nazimuddin School and College:	27 November 2014, 'Floating Wishes' rally	BMC Boy and participants, Community People and Teachers	Say NO to VAW&G
Katengha High School	27 November 2014, 'Oranging Wheels'	BMC Participants	VAW &G
Boalmari high school	2 December 2014, 'Puthi Path'	BMC Participants and Community People, Teachers	End VAW &G
Chaikola Girls High school	26 November 2014 'Oranging the tree' Rally	BMC Boy and Girls Participants and Community People, Teachers	To stop Violence against Women & Girls
Langolmora High School:	30 November 2014 'Floating Wishes' rally	BMC Boys and Girls, Community People and Teachers	to say 'NO' to VAW&G



Human Rights Awareness Campaign

Khubjipur High School	7 December 2014, 'SOPHIST'S PUSH' rally	BMC Boys and Girls, Community People and Teachers	Gender Justice and say 'NO' to VAW&G
Mashinda Girls High School	26 November 2014, 'SOPHIST'S PUSH' rally	BMC Boys and Girls, Community People and Teachers	say 'NO' to VAW&G
Gurudaspur Pilot High School	4 December 2014, 'Oranging Wheels' rally	BMC Boys and Girls, Community People and Teachers	VAW & G
H a s h m a r i Model High School:	4 December 2014, 'Oranging the tree' rally	Do	Child marriage and eve teasing
Bhangura High School:	29 November 2014, 'FLASH MOB'	Do	Violence against Women.
Demra High School:	3 December 2014, 'Orange Drama' rally	Do	Say 'NO' to VAW&G
V e r a m a r a U d a y e n Academy:	6 December 2014, 'ORANGING WHEELS' rally	BMC, Community People, Teachers, Elected Public Representatives,	Do
Banwari Nagar C.B. Pilot high school:	26 November 2014, 'Floating Wishes' rally	BMC, Community People, Teachers, Elected Public Representatives, Journalists, UNDP	Say 'NO' to VAW&G
Pungali Model High school:	30 November 2014, 'ORANGING THE TREE' rally	BMC, Community People, Teachers, Elected Public Representatives,	child marriage and eve teasing



Brave Men Campaign



Brave Men Campaign

Allah Abad High School:	1 December 2014, 'Oranging Wheels' rally	BMC Boys Community and Teachers	Girls, People	say 'NO' to VAW&G.
Dighulia High School	7 December 2014, 'Oranging the Tree' rally	BMC Boys Community and Teachers	Girls, People	Child Marriage and Eve Teasing.
Solapara High School:	8 December 2014, 'Oranging the Tree' rally	BMC Boys Community and Teachers	Girls, People	Do
Tarash Girls High school:	9 December 2014, 'Oranging the Tree' rally	BMC Boys Community and Teachers	Girls, People	Do

Media & Communication:

In 2014, JAMAKON disseminated following press Releases.

Date	Issue of Press Release
6 January 2014	Press release on violations of human rights
7 January 2014	Press Release on post-election violence on minority community
9 January 2014	Press invitation to the journalists of Jessore to cover JAMAKON visit
12 January 2014	JAMAKON condolence on demise of Justice Habbibur Rahaman
15 January 2014	Press invitation to the journalists of Dinajpur to cover JAMAKON Visit
16 January 2014	Press Invitation to the Journalists of Thakurgoan on JAMAKON Visit
13 February 2014	Press Release on JAMAKON visit in Tongi Juvenile Correction Centre
18 February 2014	Press invitation on consultation on women empowerment, challenges and opportunity
18 February 2014	Press invitation on consultation on the proposed Child Marriage Restraint Act
06 May 2014	Press Release on Narayanganj 7-murder Incident and JAMAKON Concern
18 May 2014	Press Release on the Seminar on Women Development Policy
4 May 2014	Press Release on Homna Comilla Incident and attack on Minority Community
8 May 2014	Press Invitation to Cover visit FTM, JAMAKON to Jessore Youth Development Centre
20 May 2014	Press Release on the abduction attempt on Mr. Nur Khan, ASK Director
26 May 2014	Press Invitation to Cover Brave Men Campaign Launching Program
4 June 2014	Press Invitation to Cover Seminar on Disability Issues
12 June 2014	Press Invitation to Cover a Press Briefing of the Visit of Commonwealth Delegation to JAMAKON
22 & 23 June 2014	Press Invitation to Cover the visit of the JAMAKON Chairman to Prison and Safe Home in Rajshahi
24 June 2014	Press Invitation to Cover UPR Seminar
25 June 2014	Press Invitation to Hospital Visit of Chairman, JAMAKON
14 July 2014	Press Release on Gaza attack



Press Briefing

14 September 2014	JAMAKON Chairman Visit to Professor Dr. Mahabubullah of Dhaka University at Labaid Hospital
01 October 2014	JAMAKON Visit to Puja Mandup at Different Locations of Dhaka City
01 October 2014	JAMAKON Visit to Puja Mandup at Different Locations of Dhaka
26 October 2014	Joint Program of JAMAKON and Oxfam on Public Hearing on Food Security
1 November 2014	NITOR Visit
11 November 2014	DMC Visit
16 November 2014	Regional Seminar Toward South Asian Human Rights Mechanism
17 November 2014	Regional Seminar Toward South Asian Human Rights Mechanism
18 November 2014	Seminar on the Rights of the Street People
10 December 2014	Human Rights Day Rally, 2014
28 December, 2014	JAMAKON Visit to Bogachori Rangamati

4.4 Human Rights Research and Policy Development

While preparing its Strategic Plan, JAMAKON found that a large number of laws and policies needed to be amended to make sure that they were in line with the national and international Human Rights principles and standards. In addition, carrying out the mandate of JAMAKON on promotion and protection of Human Rights throughout the country requires extensive research. To address this issue, Human Rights Research and Policy Development was targeted as one of the focal area of JAMAKON.

Follow-up on the Implementation of 2nd Cycle Universal Periodic Review (UPR) of Bangladesh:

JAMAKON organized and facilitated a daylong 'Workshop on the Follow-up of the Implementation of 2nd Cycle Universal Periodic Review (UPR) of Bangladesh' held on 24 June 2014. The First session of the workshop was held on "Economic, Social and Cultural Rights with a focus on access to education for slum dwellers' children and Civil and Political Rights: Bangladesh scenario".

Main points of discussion and recommendations were as follows:

- The achievements were discussed in regards to legal reform of the Children Act, the Labour Act, and Education Policy.
- Adoption of National Social Security Policy.
- Systematic monitoring of the implementation of UPR at the country level.
- Adoption of an action plan by JAMAKON for the follow-up of

implementation of UPR during 2nd Cycle.

- Capacity building of the actors-training of judiciary e.g. The Domestic Violence Act, 2010.
- Incorporating the economic, social and cultural rights in chapter III of the Constitution of Bangladesh as fundamental rights thus making those justiciable rights. Ensuring right to education for all as well as human rights education.
- Ensuring full implementation of the CHT Peace Accord.
- Anti-corruption.
- An active civil society is also very important.

The JAMAKON should play an independent role in the promotion and protection of human rights. And most importantly, JAMAKON needs to decide its priorities and stick to them. Law is important; however policy and practice are also important.

State accountability mechanism should be in place.

Strong political commitment is needed.

On the same occasion, there was a Working Group Session on 'Business and Human Rights-compliance of safety measures in RMG sectors'.

Main points of discussion and recommendations made:

- Non-compliance with existing laws including the Labour Act, 2006.
- The existing Labour Act, 2006 (section: 5,6,7 &11) needs to be revisited.
- Ensuring occupational health, safety and security.
- Ensuring factory inspection as well as imparting training to the factory inspectors.
- Compliance with safety measures.

- Compensation in case of health hazard and injury.
- Establishment of trade unions and making them functional.
- Job security during pregnancy and maternity.
- Compliance with building code for RMG factories.
- Ensuring the enlistment of the RMG workers, online registration.
- Providing training for the workers on the health, safety, security, and rights and duties.
- Ensuring that the workers are receiving wages as per prescribed rules.
- Addressing the issue of sexual harassment of the workers.
- Addressing the issue related with the accommodation of the workers

Disadvantaged Group's Human Rights Related Programmes

JAMAKON felt that it should resort to litigation for combating human rights violations. In order to gather relevant experience in these areas, the Commissioners attended various international programmes abroad. Such programmes included among others, Regional Workshop on the Rights of Older Persons from 11-15 May 2014 in Australia, Fifth substantive session of Open-Ended Working Group (OEWG) on Ageing from 30 July – 1 August 2014 in New York, Commonwealth Secretariat-UN Women Regional Consultation on Jurisprudence of Equality from 24-29 November 2014 in Thailand, Regional Consultation on the Role of Key Stakeholders in Ending Impunity for Violence against Women and Girls in Asia from 25-28 November 2014 in Thailand.

JAMAKON's Research, Study and Publication in 2014:

Sl. #	Title of Research/Study	Researcher Name	Date of Publication
1.	From Basic Need to Basic Right: Right to Food in Context	Dr. Abdullah Al Faruque	June 2014
2.	Regulating the Unregulated Domestic Works by Children	Dr. Md. Rizwanul Islam	June 2014
3.	Security And Safety Net Of Garments Workers: Need For Amendment Of Labour Law	Syed Robayet Ferdous	in process
4.	Protection of Human Rights of Religious Minorities	Syed Masud Reza	in process
5.	Protection of Rights of Marginalized People Focusing Tea Plantation Workers	Dr. Md. Rahmat Ullah	in process
6.	Diverse Streams of Education in Bangladesh and Realization of the Right to Education	Arpeeta S. Mizan & Muhammad Rezaur Rahman	in Process

Other activities of JAMAKON in regard to Research and Policy Development:

Apart from the above, in 2014 JAMAKON facilitated a number of activities under this focal area:

- JAMAKON submitted a draft Anti-discrimination law to the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) for their next course of actions. A number of workshops and seminars were conducted in this regard.
- JAMAKON intimated its recommendations to the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) for amending the NHRC Act, 2009 to comply with the recommendations from the International Coordinating Committee for NHRIS (ICC) to obtain "A" status with the ICC (JAMAKON, currently, only has "B" status). The ICC recommendations concerned the composition of the Selection Committee of Members of the JAMAKON; JAMAKON's recruitment rules; and JAMAKON's financial independence.
- JAMAKON Child Rights Committee organized a number of consultations in order to mobilize support for the draft Child Marriage Restraint Act and in April 2014 the new draft law was sent to the concerned ministry for its consideration. Following persistent lobbying by JAMAKON and civil society, the Cabinet approved the draft Act on 15 September 2014.
- JAMAKON drafted and submitted a shadow report to the UN Committee on the Rights of the Child in 2014. The aim of the shadow report was to provide an alternative view on the status of the implementation of the UN Convention on the Rights of the Child (CRC), 1989.
- In 2014 JAMAKON conducted studies on the legal compliance of Bangladesh national laws with core human rights instruments. The aim was to identify inconsistencies between the treaty provisions and related national laws, policies and programmes. The studies thus, enabled JAMAKON to provide the necessary details and recommendations to strengthen the GoB's informed decision-making process regarding enactment of legislations and adoption of policies complying with international obligations.
- JAMAKON reviewed basic school textbooks and submitted recommendation to the concerned Ministry. Key recommendations for incorporation mainly focused on the basic concepts of human rights, rights and duties, child rights, women rights, duties within the families, rights of the minorities, non-discrimination, communal harmony, international human rights instruments, constitutional rights and the roles and functions of the National Human Rights Commission.

Members of the National Human Rights Commission (JAMAKON) Bangladesh



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)

Annex

(Authentic English Version of Act No. 53 of 2009)

The National Human Rights Commission Act, 2009

[14th July, 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 nay 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 previous 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.

NATIONAL HUMAN RIGHTS COMMISSION

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 be necessary to develop effective and efficient systems to cope with the anticipated workload. So the Commission will need to adopt modern policy and decision-making processes. These are designed to ensure that the Commission meets the burden of the considerable expectations that have been placed on it by its stakeholders, and which require it to operate effectively and efficiently. It can do so only if its corporate governance – planning, setting goals, prioritising and overseeing staff implementation of Commission policies – is transparent and successfully carried out.

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

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

in all the Commission's endeavours.

1.2 Independence

According to its legislation, the Commission is "a statutory independent body." Independence is also emphasised in the Commission's Strategic Plan and, 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 organisation. In this SOP, “the Commission” refers to the Commissioners acting as the governing body of the Human Rights Commission.

1.4 Governance Responsibilities

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

Set strategic direction

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

Monitor and enhance performance

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

Ensure accountability and foster high ethical standards

- Act diligently, prudently and in a financially responsible manner;
- Act consistently with the Commission’s responsibilities, functions and objectives;
- Observe high ethical standards in the spirit of service to the public and consistent with the Commission’s Code of Ethics (*Appendix I*);
- Act honestly, with integrity, in good faith and in the Commission’s best interests;
- Encourage strong and service-oriented performance;
- Act as a “good employer”.

1.5 Functions of the Commission

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

In setting strategic direction, the Commission:

- Engages in a continuous cycle of Strategic Planning (approval, implementation, review and evaluation);
- Approves Commission strategies, programmes and activities initiated by individual Commissioners;
- Approves, reviews, evaluates Commission strategies, programmes and activities proposed to the Commission by staff and Directors/Secretary;
- Approves the Annual Report for the previous year;
- Approves the Operational and Annual Work Plans, including budget, prepared by the Directors and the

Secretary; 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 maximise learning from the experience.

2.5 Register of Interests

The Commission requires the Commissioners, the Secretary and Directors to submit, on an annual basis, a Declaration of Interest in relation to financial affairs, business relationships and significant memberships. Disclosure

of any conflict of interest is required to be made at the beginning of any meeting at which the conflict is relevant.

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 organisation, comply with statutory requirements and to fulfil its purpose to promote and protect human rights in Bangladesh.

3.2 Principles

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

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

- The Secretary and Directors deliver work to purpose, to high standards and to deadline;
- Directors engage strategically on substantive issues and on approaches to best practice and are in a position to

make strategic connections between issues and between activities across the Commission;

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

3.3 Commissioners' Responsibilities in Activities

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

At the strategic level:

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

At the operational level:

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

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

3.4 Responsibilities and Functions of the Directors and the Secretary

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

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

- The responsibility of the Management Team is to lead and develop staff, manage resources, provide advice to the Commission on the development of the Operational and/or Annual Work Plans and to ensure the strategic implementation of plans;
- The functions of the Management Team are to:
 - 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 organisation, meeting the responsibility to be a “good employer” of the staff;
- o Manage the organisational finances, human and other resource allocation;

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

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

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 channelled 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 authorised 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 organisation as a whole, receive reports, decide overall policy etc. Meetings can be designated for different purposes. For example, the reporting process to two-monthly meetings of the Commission can continue, but meetings held on a regular basis in between for other purposes;
- Delegation of particular responsibilities to Chairman and/or the Full-time Member;

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

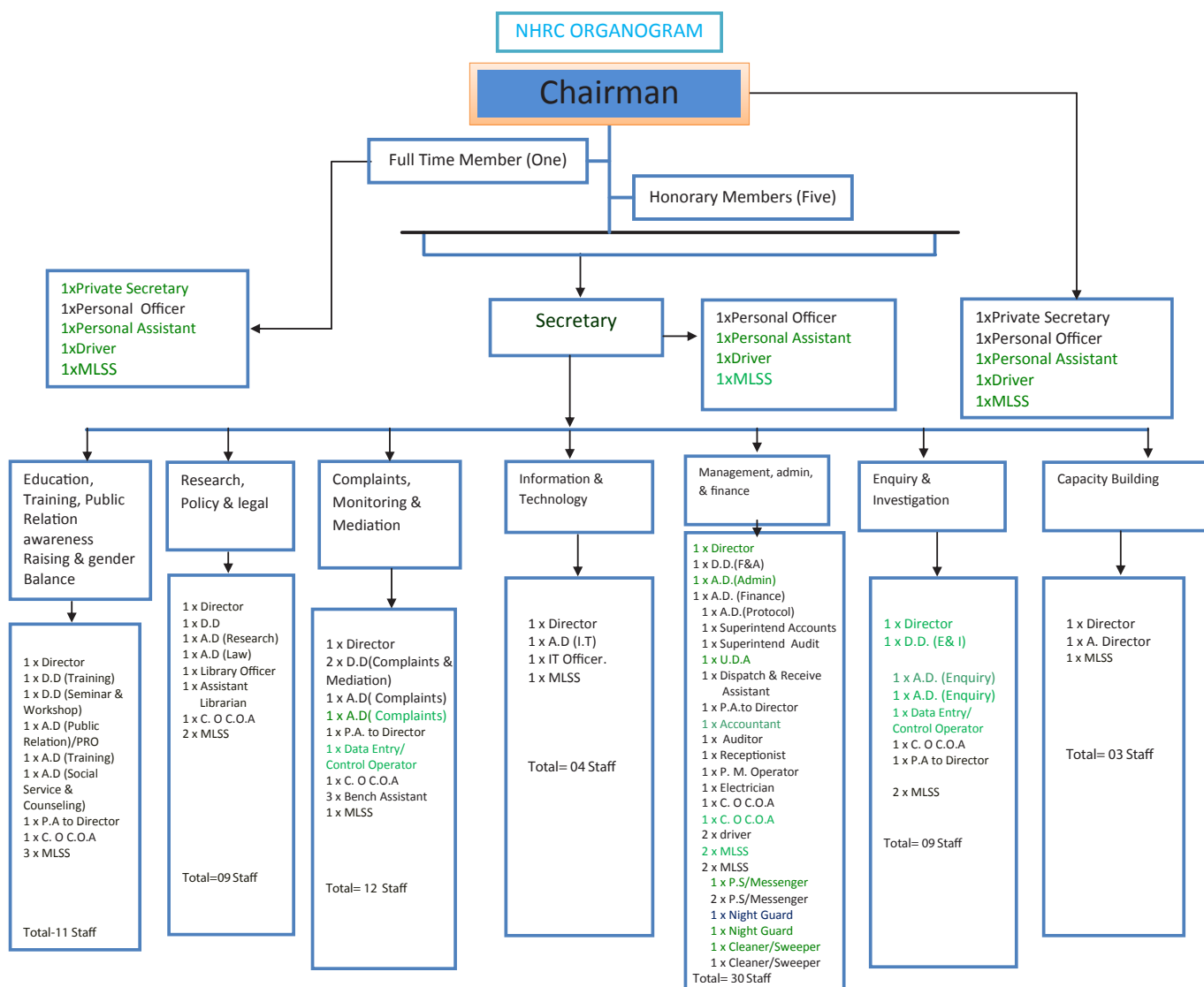
The Commission will decide in a meeting the modus operandi when dealing with the media. This will delegate responsibility for speaking to the media to appropriate commissioners while reflecting the need to ensure that media responses are undertaken promptly. A media log will be kept to record all public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

JAMKON Thematic Committees

SL	Committee	Member of Committee	Member Secreatry
1	Committee on Women's Rights	Professor Mahfuza Khanom- Chair Ms. Aroma Dutta- Vice Chair Adv Fawzia Karim Firoze- Member	Ms. Susmita Paik 017164901521 paiksusmita@gmail.com
2	Committee on CHT Affairs	Ms. Nirupa Dewan - Chair Ms. Selina Hossain- Member Adv. Fawzia Karim Firoze- Member	M. Rabiul Islam 01717208210 robinhrc@gmail.com
3	Committee on Dalits and other Excluded Minorities	Ms. Selina Hossain- Chair Adv Fawzia Karim Firoze- Member Ms. Nirupa Dewan- Member	M. Rabiul Islam 01717208210 robinhrc@gmail.com

4	Committee on Business and Human Rights	Mr. Kazi Reazul Hoque- Chair Adv Fawzia Karim Firoze-Vice-Chair Ms. Aroma Dutta- Member	Ms. Fatema Farzana 01756955050 fatema.farzana.saati@gmail.com
5	Committee on Disabled People	Adv Fawzia Karim Firoze- Chair Ms. Nirupa Dewan- Vice Chair Ms. Aroma Dutta- Member	Ms. Susmita Paik 017164901521 paiksusmita@gmail.com
6	Committee on Migrant Worker's Rights	Mr. Kazi Reazul Hoque- Chair Adv Fawzia Karim Firoze- Member Ms. Aroma Dutta- Member	Mohammad Gaji Salahuddin 01556313441 gaji_salauddin@yahoo.com
7	Committee for Protection of Religious Minorities and Ethnic Indigenous Groups	Ms. Aroma Dutta- Chair Professor Mahfuza Khanom- Member Ms. Selina Hossain-Member Adv Fawzia Karim Firoze- Member	Mohammad Gaji Salahuddin 01556313441 gaji_salauddin@yahoo.com
8	Committee for Child Rights, Child Labor and Anti Trafficking	Mr. Kazi Reazul Hoque- Chair Professor Mahfuza Khanom- Vice Chair Adv Fawzia Karim Firoze- Member	Ms. Fatema Farzana 01756955050 fatema.farzana.saati@gmail.com
9	Committee on Economic and Social Rights	Professor Dr. Mizanur Rahman- Chair Mr. Kazi Reazul Hoque- Vice-Chair Professor Mahfuza Khanom- Member Ms. Selina Hossain-Member Ms. Aroma Dutta- Member Adv Fawzia Karim Firoze- Member Ms. Nirupa Dewan-Member	Ms. Fatema Farzana 01756955050 fatema.farzana.saati@gmail.com

* State and non-state actors have been co-opted in the committee for better sharing, transparency, and accountability.



Existing posts- Green colored
Proposed posts-black colored

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

Total 93

Footnote: An organogram of 93 personnel was approved by NHRC. 21 personnel out of 93 were cleared by the Public Administration Ministry and Finance Ministry and accordingly they were appointed by the Commission.