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**NATIONAL HUMAN RIGHTS COMMISSION**  
ANNUAL REPORT, 2012

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National Human Rights Commission

**ISBN**

978-984-90611-2-0

**Supported by**

Bangladesh National Human Rights Commission Capacity Development Project

**Funded by**

UNDP, DANIDA, Sweden and Swiss Confederation

**Published by**

**National Human Rights Commission**

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# FOREWORD

1. In the course of its three year tenure, the present Commission has stepped into its last year, making this the last of its Annual reports. As such, it is only natural that the topic of discussion for this report should encompass not only an evaluation of the activities of last year ( 2012), but rather an assessment of the Jatiyo Manobadhikar Komisson (NHRC)- the National Human Rights Commission- for the whole of its tenure. This is expected and logical. But then again we must not be oblivious to the fact that despite the National Human Rights Commission (NHRC) being established only in December 2008, its commenced its *de facto* journey from 23 June 2010, that is since the present Commission took up office. Why the 2008 Commission could not appear to be a capable one has been discussed at length in our 2010 Report which had been submitted before the Honourable President in 2011 as per law. The Report contained a detailed discussion on all the activities of the Commission in the past years. As such, I would be emphasizing mainly upon the overall scrutiny of *the* NHRC activities: what impact did NHRC have upon the human rights protection and promotion of the citizens, what are its successes, where lies the failure, what expectations have not been met and last but not the least, what measures are required to be taken if NHRC is to become a diligent and internationally acclaimed institution.
2. It goes without saying that public awareness is a prerequisite to Human Rights Protection. However, the concept of “Human Rights” has to be simple, lucid and unambiguous. In a developing country like Bangladesh, the concept of Human Rights is often confused with the idea of mere 'rights', and at times used as a synonym to 'law and order situation'. It is extremely important that such misconceptions are eradicated for a better and transparent understanding of Human Rights.
3. We have assiduously focused on this awareness raising programme right from the very beginning of our tenure. In course of conducting such activities, we have followed a two-dimensional goal: one. To give an easy, clear and solid idea of Human Rights, and two. To make people aware of the existence and activities of the National Human Rights Commission.  
Having reached the end of its tenure, NHRC can today say with a bit of pride that we have been successful at achieving our cherished goals. The most blissful matter is that many human rights organizations , who have been

working on these issues for decades and yet had the susceptibility of muddling up 'human rights' with 'law and order situation', have rectified themselves, accepted the jurisprudential definition of human rights and vehemently engaged in promoting it.

All the more gratifying is that, "Jatiyo Manobadhikar Commission"- this name today has become a household term. Not only in the big metropolitans, but by virtue of the media, especially the electronic media, the rural people are familiar with at least the name of the Commission.

4. Having said that, it demands mentioning that the task of awareness building and self promotion had to be done by a number of techniques: visiting the prisons, the child care centres, safe homes, orphanages; visiting the cadet colleges and primary schools etc. We visited these institutions regularly, analyzed the concerned human rights situation and furthered our considered suggestions to the Government for ameliorating the prevailing circumstances.

Not only that, whenever there have been sensitive incidents of human rights violation, we have tried to respond immediately and demanded the government that necessary measures be taken for the protection of human rights.

By way of almost daily appearance before the press, official and public statements, NHRC organized workshops, seminars, consultations etc. we have been able to create expectations and demands amongst the citizens, which we regard as one of the feats of NHRC. In the eyes of many critics NHRC has created expectations beyond its capacity. One of the critics went even so

far as to say that "National Human Rights Commission is in critical juncture of hype versus real action". Such assessment may not be totally devoid of truth, but the way NHRC proclaimed its existence to catch the attention of the mass, is not that praise worthy?

5. Our self-proclaimed achievement becomes all the more real when we see that NHRC achieved all these feats in an environment of inadequate of human resources and infrastructural facilities. The 28 persons' workforce that had been approved for NHRC almost one year after its assuming office has not increased till today. Time and again did we mention that amongst the allotted 28, except the 4 deputed government employees, almost 20 belong to various categories of support staff (e.g. drivers, P.A., Sweeper, night guard, telephone operator etc). Only 8 persons are capable of intellectual contribution (including the 4 deputed officers). This in a country of nearly 160 millions! Probably, it goes without saying that doing anything with a force of only 8 persons is doing the impossible.

6. Within four months of taking up the office, NHRC outlined the Five Year Strategic Plan wherein "Establishing Human rights Culture in the Society and the State" was defined as our ultimate objective. So as to materialize this goal, we devised the 'Rights-based Yet Duty-conscious' approach. Therefore, whenever we investigated any human rights violation case or visited any State service-delivery institution or whenever there had been hearing of any complaint whatsoever, it was our first and foremost concern to find out whose negligence led to the human right violation., whose non-performance of

duties created the problem. We endeavored to find out what and whose rights had been violated, and what remedies should ensue.

7. By means of the Strategic Plan, we realized that in this country with limited resources, if the scanty government allotment of any public service institution is responsibly expended, then the present amount of allotment is adequate to render more effective services to the people and to more meaningfully realize the economic social and cultural rights of the people. The present Commission from its start emphasized more on the economic and social rights because it has now been perceived beyond any doubt that in order to ensure the most prime right of the common people – right to life- there is no alternative to realizing the social and economic rights. We can proudly say that our policy and work plan has yielded fruitful results in the sense that at present the Non Government Human Rights organizations too are being more vocal about these rights vis-a-vis political and civil rights.
8. It is a historical truth that it is always the state who is held liable for violation of human rights and more often for pilfering of civil and political rights and in this respect also the NHRC did not show any laxity in maintaining its duty during the tenure -the perpetrator of human rights violations whether it is an individual or an institution has been made accountable, measures have been taken to provide effective remedy to the aggrieved or victims, the concerned Government institutions has been recommended to take due measures for human rights protection.

In respect of the civil and political rights of the people, NHRC recommended that “The state has to be more humane”.

9. A large part of the NHRC workload during the reporting year accounted for a number of national consultation seminars as a preparation for the second round of Universal Periodic Review by the UN Human Rights Council where for the very first time NHRC as the national human rights institution submitted its stakeholder report. The way NHRC has conducted its activities has drawn appreciation both at the domestic and international levels and by way of this submission of report NHRC has appeared as a bright new star in the international arena too. These consultation seminars in the truest sense have been a glaring example of participatory democracy and brilliant endeavour to bring the idea of human rights at the door step of the common people.
10. In today's world, the prevalent human rights situation in a State has been recognized as the determinant of its civility. The NHRC report, once in every year, is not merely for the purpose of realization, practice, and development of the various traditional generations of human rights; on the contrary whenever any special situation occurred, NHRC did not play the role of passive spectator-we have relentlessly strived to make our presence felt-however limited it may be- relying upon our own strength as well as by way of conjuring assistance from others. With this intention, last year NHRC has jointly taken a number of initiatives with various inter-governmental and international organizations such as

UNHCR, ILO, OXFAM etc. followed by their successful completion.

In this way, NHRC has been able to expand and extend its hand and rightfully established itself as a significant catalyst for the human rights movements. In this respect at least three aspects deserve to be mentioned: 1. NHRC believes that after forty two years of independence, right to food cannot merely remain an aspirational goal; rather it deserves to be considered as a fundamental right and accordingly receive constitutional recognition. NHRC as such having determined its function is progressing slowly albeit steadily .2. Forty two years after independence the society is still shackled with various forms of discrimination. The Constitutional provisions on 'non-discrimination' have failed to be strong enough to eradicate such discrimination. Therefore, NHRC has been working on a draft Anti-Discrimination Legislation intending to make any sort of discrimination a penal offence. We are hopeful about submitting the Draft before the Government within next two months .3. Bangladesh is beautiful as the habitat of numerous ethnic and linguistic entities and thus is a perfect illustration of 'unity in diversity'. But it is a matter of great regret that on many a occasion the State and its actors have behaved in a manner detrimental to communal harmony. In this respect too NHRC conducted workshops to make the BGB, RAB and Police force more sensitive, responsive and cautious towards the special rights of the Indigenous people. This also added a new magnitude to the NHRC activities.

11. Whatever be our achievement, It has all been possible because of our combined effort. Nonetheless when the critics

remark that “the presence and participation of the honorary members of the NHRC in its activities are not noticeable enough”- it is then not possible to dismiss such crude comments as distortion of facts. NHRC is fully aware of this practical predicament and has taken manifold steps for its resolution. But unfortunately, none of the steps proved fruitful. As a way of overcoming this impediment NHRC has already sent recommendation to the government for making the honorary positions full time and salaried ones. In order the make the commission more vigilant, the future commission will resort to effective measures after due consultations with the government, such is our firm belief.

12. Despite various constrains, last year NHRC has made impressive contributions in the field of research and publications. A number of researches focused on the observance of all the various international human rights treaties which have been signed and ratified by Bangladesh. Amongst them the notable ones concern the ICESCR, the ICCPR, the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the Migrant Worker Convention, Guidelines on Detention, and the Convention on the Rights of Persons with Disabilities etc. Moreover, the Commission came up with a handy compilation in Bangla of the major international human rights treaties and documents. Two more research publications on the human rights of the ethnic minorities are on their way to see the daylight shortly. Another training manual on human rights for the law enforcing agencies is currently in the

press. We believe that this manual will make effective contribution to creation, enhancement and dissemination of human rights awareness.

We are happy to mention that another valuable research work is awaiting its revelation in printed words. This is a book on the human rights philosophy of the Father of the nation- Bangabandhu Sheikh Mujibur Rahman. The magnetic extracts from the public speeches of Bangabandhu made during his lifetime relating to human rights have been compiled in this book. We claim it as undoubtedly the most precise and genuine reflection of Bangabandhu's rumination. We believe that this book shall be considered an important historical document on Bangabandhu's thoughts on human rights.

13. During its tenure, the present commission has been praised and acknowledged as a potential, promising and crucial state institution in the international plane. Despite many limitations, within a single year of this commission taking up the office NHRC has been recognised as a complying institution according to the Paris Principles by the apex international organization of the national human rights institutions –the ICC (International coordinating Council of national human rights institutions). In the acknowledgement letter the ICC specifically mentioned that “the SCA (Sub-Committee on Accreditation) welcomes the recent establishment of the NHRCB. In particular, the SCA recognizes the significant public advocacy undertaken by the new Chairperson, as well as the various activities undertaken by the NHRCB...” However, it must be mentioned here that NHRC has been awarded the ' B'

status, whereas the topmost status is that of category 'A'. The ICC suggested that the NHRC Act of 2009 make concrete amendments to make it comply with the Paris Principles. Recommendations in this regard has already been placed before the government and we believe that the government shall take measures necessary for enhancing NHRC's goodwill and acceptance in the international community and also as a proof of Bangladesh's genuine commitment towards human rights.

As a direct consequence of the ICC recognition NHRC has also acquired the associate membership of the Asia Pacific Forum (the regional forum for the national human rights institutions of this region). By participating in various conferences, workshops etc. conducted by both the forums, NHRC got opportunity to uphold its image whilst the positive achievements and challenges in the national arena could also be projected which received wide acclamations from all. This is indeed a remarkable feat for any institution!

14. Another remarkable feat for the NHRC was that in this moderate span of time we have been able to secure a place of trustworthiness and confidence in the mind of the general people. Whosoever has come in touch with the NHRC , knows that here at NHRC, from the point of lodging a complaint till the final disposition, nowhere during the process does any person have to undergo any harassment. Any Officer of the Commission, including the Chairman, is available for a tête-a-tête without any prior appointment for discussing any grievance. It needs no require mentioning that not all types of complaints fall within the jurisdiction of

NHRC. Nonetheless, even in ultra- vires cases, NHRC never fails to give the necessary instruction and advice to the aggrieved person for resorting to the proper forum. We would never claim that we are cent percent successful at solving the problems. At times the government office or agency resorts to the time-killing strategy, on other occasions they remain silent despite being sent reminders after reminders by the Commission.

But the situation is gradually changing and at present, more than at any time before, NHRC is being increasingly given importance. But even then it cannot be claimed that every complainant and every complain are being resolved satisfactorily. In spite of that we do feel a sense of satisfaction, not in the least because of a comment from one of the complainants visiting our office. In her own words: "Sir may be my grievance won't be remedied, maybe I shall not be benefitted. May be you won't be able to do anything, but nonetheless, I have no regrets! Had I not come here, I would have never known that even I am also a human being, that even I also possess dignity. You have treated me with dignity, and I am satisfied with that!" For any Institution, is it not a colossal achievement?

15. approaching the end of the tenure, we want to claim that the NHRC has given an auspicious start to the protection of the human rights of the people of Bangladesh. However, there is no scope to be complacent. The bulk of our statutory obligations and objectives as defined in the Five year Strategic plan is yet to be fulfilled. We have miles to go crossing mountainous impediments, but we are not deterred. We believe that, yes, we can. At the very first

meeting with just demised President, Md. Zillur Rahman, the President told the Commission that, "Please never forget that Bangladesh is the fruit of human rights, therefore there can be no such institution in Bangladesh which can take precedence to or reside above the National Human Rights Commission." This statement by the late president gives us immense courage, encouragement and reinforcement on our journey. We have no choice but to establish a human rights culture. Victory shall be ours!

16. But the self-seeking quarters has and shall always create hindrance in our way- fundamentalist brandishing, communal riots and attitude, hate speech, impeding the trial of the perpetrators of the crimes against humanity, irrational, unfounded and illogical criticism of the NHRC and questioning its activities- all these have to be overcome for the sake of the State which came into being in order to ensure "equality, social justice and respect for human dignity" of its people. In that State, NHRC is firmly determined to hoist the flag of human rights in full mast. We do believe:

"Do not get afraid of the clouds,  
The sun does shine beneath its veil;  
The smile of the lost moon,  
Does return but in the darkness."

—Rabindranath Tagore

(Translated by: Arpeeta Shams Mizan)

**Professor Dr. Mizanur Rahman**  
Chairman  
National Human Rights Commission,  
Bangladesh



# Executive Summary

It is indeed extremely gratifying for the National Human Rights Commission, (NHRC), to present its Annual Report, 2012 to the Honorable President of the People's Republic of Bangladesh, in pursuance of the National Human Rights Commission Act, 2009. The Commission has made all out efforts throughout the year to carry out its mandated responsibilities. This Report provides a brief account of NHRC activities during 2012, focusing on the promotion and protection of economic, social and cultural rights along with civil and political rights. The major emphasis during 2012 was continuation of the implementation of its 5-year Strategic Plan (2010-15) through multi-dimensional programs and projects. The NHRC spent a very busy year in organizing a large number of Round Table Conferences, Seminars, Workshops and Rallies etc. with the participation of Government organizations, NGOs, Civil Society groups, students and members of the public to raise awareness, encourage them to be vocal against human rights violations and obtain appropriate remedy.

While implementing its Strategic Plan, the NHRC, in collaboration with the key actors of human rights, have identified minorities and vulnerable groups and constituted group-specific committees to look into the human rights issue of each of these groups. Another remarkable feature of this year's achievement was to send specific proposals on the formulation of the Human Trafficking Deterrence and Suppression Act

2012, Pornography Control Act 2012, proposed Children Act 2012, and proposed Rights of Persons with Disabilities Act 2011, in conformity with International human rights standards. The Commission appreciates the State for ratifying the different human rights treaties and requests them to revisit those which have not yet been ratified. The most significant role the Commission played in the year 2012 was wide consultation on the Universal Periodic Review (UPR). The UPR Team of the Commission adopted a Road Map and on the basis of the Road Map, the Commission conducted a series of Consultation Meetings and Seminars with the different Stakeholders.

The Annual Report of NHRC, 2012 summarizes a wide range of subjects and activities implemented by the NHRC over the last year.

**Chapter –I Introduction** illustrates the background to the creation of the seven-member Commission and their selection procedure. The women represented and pluralistic composition of the Commission, in conformity with the Paris Principles, reflects the demand of civil society groups and other stakeholders from home and abroad. In order to ensure the impartiality of the NHRC, the Chairman and Members of the Commission were appointed by the Honourable President of the People's Republic of Bangladesh upon recommendation by a high level Selection Committee. The committee is headed by

the Speaker of the Parliament, and represented by the Minister of Home, Law, Justice & Parliamentary Affairs, Chairman of Law Commission, Cabinet Secretary and Members of Parliament (MPs) - one from the treasury bench and one from the opposition bench. This chapter also briefly describes the key functions of the Commission.

**Chapter: 2 Institutional Framework and Development** illustrates the institutional capacity of the NHRC to undertake the important responsibilities assigned to it by the NHRC Act, 2009. Since its inception, the NHRC has been playing a very laudable role at national, regional and global forums and as such was awarded “B” status accreditation by the ICC and Associate Membership by the Asia Pacific Forum.

Some of the remarkable features of the NHRC are its identification of the thematic areas and vulnerable groups, formation of theme-wise committees to address the issues, establishment of links among the different groups of stakeholders etc. Holding of policy dialogue of the Commission with the Secretaries of Bangladesh Government and nomination of Focal Points in each relevant ministry in the process of UPR is a milestone in the human rights arena. This has not only created links between the Government, NGOs and UN agencies and the international community but also helped the state actors to better prepare themselves for the 2nd cycle of UPR.

As an apex national human rights monitoring body, the NHRC has been able to successfully create awareness and consensus on basic human rights issues through a series of seminars and workshops. Besides these, the Commission

has organized seminars on Prosecuting Crimes against Humanity currently being tried by the International Crimes Tribunal Bangladesh (ICTB). Partnerships with NGOs, INGOs and UN bodies have also strengthened the institutional capacity. The reflection of the NHRC's role in the Honourable President's speech in the Parliament and Prime Minister's Address to the Parliament also bear testimony to the successful performance of the NHRC of its statutory responsibility.

**Chapter : 3 Human Rights Complaints and Investigation** highlights the progress NHRC has made during the year, 2012 in making the complaints management system computerized, transparent, credible, responsive and accountable. A series of steps undertaken towards this end include among others, preparation and application / distribution of a Standard Operating Procedures (SOP) Manual, a Complaints Handling Fact Sheet, a Template for Custodial Death Report, an On-line Complaint Management System and so on. Complaint statistics for the last 3 years show a remarkable increase in the number of complaints received and disposed of. This clearly speaks of increased awareness on what to do in the case of human rights violation and successful intervention of the NHRC in addressing those cases. Besides these, professional exchanges with the International Juvenile Justice Observatory (IJJO), lodging by NHRC of 14 *suo-moto* complaints of human rights violation by the NHRC and conducting a large number of inquiries of the cases of human rights violation by the NHRC are some of the examples of success stories of the NHRC.

**Chapter: 4 Human Rights Awareness and Education** elaborate the achievements of NHRC in respect of its most important



Celebration of Human Rights Day, 2012

mandated goal of raising awareness amongst people of all walks of life. The major areas of success include, among others, a Mass Awareness Campaign of Working Together for the Promotion of Human Rights, Awareness Creation on Child Rights and Juvenile Justice System, Violence against Women, Production and Dissemination of Video Documentation and Public Service Announcements (PSA), Installation of Billboards, the Brave Men Campaign, Human Rights Day Celebration on the 10th Dec 2012 at Dhaka, Chittagong and Khulna simultaneously, Round Table discussion with civil society groups in collaboration with media on communal harmony and the role of all actors in the compliance of safety, security and welfare of garment workers and Publication of Supplements, NHRC visibility in the Media and so on.

**Chapter: 5 Human Rights Research and Policy Advocacy** presents the activities conducted for assessing the State's human rights status and advocating for the compliance of national legislations and policies with international standards and principles. This chapter also highlights the research studies on the Compliance of the International Convention on the Protection of Human Rights of all Migrant Workers and Members of their families, the International Convention on the Rights of Persons with Disabilities, the High Courts' Direction on Arrest And Detention, Protection of Women's Rights, the Legislative Review of the Children's Act, Guidelines on Custody Management, Policy Dialogue with the Secretaries on UPR follow-up, UPR Stakeholder's Report submission of the NHRC and various other issues.



**Chapter: 6. Challenges to the NHRC and the Way Forward** highlights the challenges and obstacles side by side with the success stories of the NHRC. During 2012, The NHRC succeeded in creating accelerated expectations through its large number of proactive programmes and could create a large body of human rights activists, who in future will be able to protect and defend human rights. In spite of these successes, there are some multifaceted challenges in the NHRC founding legislation, which need to be revisited in order to ensure compliance with the provisions of the 'Paris Principles' and to make the Commission truly effective and independent. The other such challenges relate to inadequate manpower, resources, logistics etc. The administrative and financial autonomy, mentioned in the NHRC Act, are not being exercised properly due to lack of proper legal coverage. The Commission recommends that the State undertakes initiatives in ratification of human rights Instruments which the State has not yet ratified and withdrawal of reservations to CEDAW, ensuring Economic, Social and Cultural Rights, stoppage of Extrajudicial

Killings, ensuring transparency, accountability and due process of law at the International Crimes Tribunal Bangladesh (ICTB), stoppage of Border Killings and violence against vulnerable groups.

The Commission is well aware that maintaining and ensuring human rights in a densely populated country like Bangladesh with diverse religions, languages and ethnic groups, is a herculean task. The Commission, with its limited resources, is stepping forward to face these challenges in collaboration with the stakeholders including policy implementing agencies. The NHRC is confident of successful performance of its responsibility through the combined efforts of NHRC and its stakeholders. The NHRC believes this report provides the Honorable President, the Government, development partners and all other stakeholders with a fair, well founded and comprehensive picture of what the Commission has achieved during 2012 and what the Commission is aspiring to achieve in the days ahead. ■

# Acronyms and Abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions	ICESCR	International Covenant on Economic, Social and Cultural Rights
ASK	Ain O Shalish Kendra	ILO	International Labour Organization
BLAST	Bangladesh Legal Aid and Services Trust	NHRC	National Human Rights Commission (Jatiyo Manobadhikar Komisson)
BNHRC-CDC	Bangladesh National Human Rights Commission Capacity Development Project	MWC	Migrant Workers Convention (Convention on the Rights of All Migrant Workers and Members of Their Families)
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	NHRC	National Human Rights Commission of Bangladesh
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	NHRI	National Human Rights Institution
CMS	Complaints Management System	OP	Optional Protocol
CRC	Convention on the Rights of the Child	OPCAT	Optional Protocol to the Convention Against Torture
CRPD	Convention on Rights of Persons with Disabilities	OPCRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization	SDC	Swiss Agency for Development and Cooperation
DANIDA	Danish International Development Agency	SIDA	Swedish International Development Cooperation Agency
ERD	Economic Relations Division	SOP	Standard Operating Procedures
FIR	First Information Report	UNDP	United Nations Development Programme
GoB	Government of Bangladesh	UNHCHR	United Nations High Commissioner for Human Rights
HRC	Human Rights Council	UPR	Universal Periodic Review
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights		
ICCPR	International Covenant on Civil and Political Rights		

# CHAPTER ONE

## Introduction



Foreign Minister Dr. Dipu Moni at NHRC.

### NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

#### Background

After the Second World War, the world manifested its deep concern for Human Rights. The United Nations adopted the Universal Declaration of Human Rights on December 10 of 1948. Later on, the UN adopted two Covenants on Economic, Social and Cultural Rights and Civil and Political Rights on 16th December 1966. Bangladesh acceded to the Covenant on Civil and Political Rights on 6 September 2000 and the Covenant on Economic, Social and Cultural Rights on 5 October, 1998.

Since its inception, Bangladesh has been actively participating in all these developments. Moreover, the State was also facing severe pressure to address the alleged violations of human rights particularly among the minorities, ethnic and other marginalized groups by the law enforcing agencies and other State actors.

#### Establishment of the NHRC

The establishment of a National Human Rights Institution for the promotion and protection of human rights was a long standing demand from the civil society groups as well as members of the International Community. The Civil Society



and International Community strengthened their advocacy to establish a State watchdog to monitor the human rights situation in the country. As part of this process, draft legislation was prepared in the late 1990s following a wide range of consultations among the stakeholders.

An ordinance was promulgated in 2007 which formally established the National Human Rights Commission which started functioning from December 2008 in a very limited sphere. After the free and fair general election in 2008, the Parliament enacted the National Human Rights Commission Act-2009, superseding the 2007 Ordinance reflecting the constitutional and international human rights obligation espoused in the 'Paris Principles' relating to the status of national

human rights institutions. The UN General Assembly in 1993 endorsed a set of minimum criteria designed to ensure the independence, effectiveness and pluralism of the national human rights institution in the name of the 'Paris Principles'. Accordingly, based on the 'Paris Principles' and in pursuant to the NHRC Act 2009, the the National Human Rights Commission, Bangladesh was established as an independent and statutory institution.

### **Appointment of the Chairman and Members of NHRC**

The Honourable President, upon recommendation of an impartial Selection Committee, appointed the Chairman and Members of the National Human Rights Commission. The Selection Committee was headed by the Speaker of Parliament and



included the Minister for Home Affairs, Minister for Law, Justice and Parliamentary Affairs, Chairman of the Law Commission, Cabinet Secretary, one Member of Parliament from the treasury bench and one Member of Parliament from the opposition bench as members of the Committee. The very composition of the Selection Committee shows that the members of the Commission must have the confidence of not only the ruling party but also the Opposition. The budget of the Commission was passed by the Parliament.

The National Human Rights Commission-Bangladesh is a seven-member Commission with one Chairman, one Full Time Member and five Honorary Members with financial and administrative autonomy and also with the power of a court under the Code of Civil Procedure. The Chairman and Members must have remarkable contribution in the field of legal or judicial activities, human rights, education, social services or human development and management. The Chairman and Full Time Members are appointed with the privileges and remuneration of the Judges of the Appellate Division and High Court Division respectively. The Chairman or any member of the Commission cannot be removed from the office except in like manner and on like grounds as a Judge of the Supreme Court. Needless to say, this ensures independence of the NHRC members in discharging their functions without any fear or favour.

#### **Officers and employees of the NHRC:**

In addition to the Chairman and Members, the NHRC has the following officers:

- 1 Secretary
- 27 Officers and Support Staff

#### **Functions of the Commission**

Pursuant to the standard functions the NHRC,

- (a) inquires, *suo-moto* or on a petition presented to it by a victim or any person on his behalf, into the violation of human rights or abetment thereof and negligence by a public servant in the prevention of such violation,
- (b) visits any jail or any other institution under the control of the Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;
- (c) reviews the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and makes necessary recommendations,
- (d) advises the Government for ratifying or signing international human rights instruments and take necessary steps for their implementation;
- (g) the field of human rights;
- (h) spreads human rights literacy among various sections of society and promotes awareness of the safeguards available for the protection of these rights through publications, media, seminars and other available means;
- (l) encourages the efforts of non-governmental organizations and institutions working in the field of human rights;

Additionally, the NHRC may engage in any functions as it may consider necessary for the protection of human rights.



## CHAPTER TWO

# Institutional Framework and Development

### Institutional Framework

#### Appointment of Chairman and Members of NHRC

The institutional framework provides the critical underpinning to the success of any organization. The NHRC is a statutory body created with a mandate of promotion and protection of human rights of the citizens of Bangladesh. In order to enable the NHRC to achieve its objective, an effective institutional framework has been created. (Please see Annexure: B). The NHRC is headed by a Chairman, and includes one Full-Time Member and five Honorary members appointed through an impartial Selection Committee. All of them have brilliant academic records and rich human rights backgrounds. However, the NHRC still lacks an effective institutional framework and adequate manpower to unleash the huge potentials of a national institution like the NHRC. Despite institutional weaknesses and insufficient human resources the NHRC has attained considerable success in a very short period of only 3(three) years.

#### Manpower and Logistics

The NHRC has completed recruitment of its officers and staff as per the approved organogram. Reasonably sound office facilities were created within relatively a short



Consultation workshop on UPR, 2012.

period of time. Systems of supply of other administrative and logistic support services were ensured at an accepted level to facilitate relatively smooth functioning of the NHRC.

#### Pluralistic Composition

The pluralistic representation from ethnic and religious groups has been ensured in the appointment of Members of the NHRC. Similarly, women representation has also been maintained in the appointment of Members and support officers and staff of the NHRC. This is a unique feature of the institutional framework of NHRC.

#### Standard Operating Procedures (SOP)

In order to ensure smooth functioning of the NHRC, SOP was developed and implemented covering the major functional ar-



NHRC dialogue with media at Khulna.

ease of operations of the NHRC. To strengthen the institutional capacity a 3-day retreat was organized with an international expert during the year. This contributed to the development of skills, effectiveness and efficiency of both the Members of the NHRC as well as the supporting officers and staff.

### Consultation Process

A wide range of consultations were conducted in preparation for the 2nd Cycle of UPR between the members of the NHRC and the representatives of major actors of human rights, such as, Secretaries of relevant Government Ministries and NGOs both local and international. This consultation process helped develop consensus on major human rights issues amongst the key actors on the one hand and contributed to the strengthening of institutional capacity of the NHRC on the other.

### Partnership Development

During the year 2012, a good number of joint programmes were implemented covering different aspects of human rights. A unique partnership among the NGOs, International NGOs and International Organizations was developed through these joint programmes.

### Institutional Development

During 2012 the NHRC has a good number of achievements in its activities which have enriched its institutional profile. These can



NHRC partnership with Oxfam.



be presented under four headings, namely, Institutional Accreditation, Policy Dialogue and interaction with representatives of a multi-section of organizations, human rights Education Programmes organized by the NHRC and attendance of NHRC officials at different international conferences, seminars and training programmes.

### **Institutional Accreditation**

The NHRC is the apex statutory body to take care of the human rights issues in Bangladesh. During the last three years, consequent upon its continued efforts, the NHRC has achieved a number of important successes, such as, ICC Accreditation, Membership of Asia Pacific Forum (APF) etc. to mention a few.

### **Dialogue with the Representatives of various Organizations**

A number of policy dialogues were conducted during the year 2012 which have

helped the NHRC to carry out its mandated responsibilities. A few of these are as follows:

### **Meeting with the Secretaries of 28 Ministries**

During the year 2012, the NHRC launched a massive programme of awareness raising, management of complaints on human rights violation, development of consensus amongst the policy making and implementing agencies about prompt action against human rights violations. In order to expedite implementation of its multi-dimensional programme, the NHRC organized a high level meeting with almost all the policy making and implementing Ministries. As many as 28 Ministries attended the meeting and helped develop a consensus on the issues. All of them expressed their readiness to extend all out support towards the NHRC in attaining its objectives.



Dialogue with the Secretaries of Government.





International exposure visit in Thailand.

### Human Rights (HR) Education Programmes

The NHRC has organized a large number of training and educational programs to raise awareness about human rights violations and how to get remedies of these, including celebration of International Human Rights Day (HRD) in Dhaka and in selected districts and Round Table Discussion jointly organized by the NHRC and the Daily Purbocon Khulna, the NHRC and the daily Azadi in Chittagong etc. The NHRC also organized a series of District-Level Seminars on Awareness Building on human rights violations, Role and Services available with the NHRC and on specific issues of human rights violations prevalent in these districts. Each of these District-level seminars was attended by the representatives of the NHRC (Chairman, Full Time Member and other senior executives), concerned Deputy Commissioners and other government officials, local civil societies, students of schools, colleges and universities, law enforcing agencies, NGOs. District Level Seminars were organized at Rangpur (August 30, 2012) Sylhet (March, 02 2012), Serajgoanj (July, 18, 2012), Gazipur (November, 24,

2012). Discussion of these seminars covered both the general human rights awareness raising issues as well as issues specifically important for their particular district.

### International Exposure of the NHRC Personnel

During 2012, the high officials of the NHRC attended a number of international seminars, conferences, round table colloquium through the knowledge on human rights practices throughout the world has been enhanced. These programmes can be discussed under four broad headings, namely, Policy Related Programmes, Experience Sharing Programmes, Skill Development, Disadvantaged Group's Human Rights Related programmes.

### Policy-Related Programmes

As many as six international programmes were attended by the Chairman, Full-Time Member and other high officials of the NHRC. Some of these programmes were : **Human Rights Policy Development** organized by KOICA, South Korea (7-28 March, 2012), **25th Meeting of International Coordination Committee (ICC)** of NHRIs held

during 19-22 March, 2012 at Geneva, Switzerland, **Sustainable Development in Bangladesh: A Civil Society Perspective** held on 24 April, 2012 in Brussels, Belgium, **Meeting of Forum Asia on SAARC Human Rights Mechanism** Held during 19-25 July, 2012 in Delhi, India and **International Conference of NHRC** held during 4-8 November 2012, in Jordan. Participation in these programmes has enriched the knowledge and experience of the high officials of the NHRC in respect of formulation and implementation of HR Policy

### Experience Sharing Programmes

Dealing with the policy formulation and management of complaints on human rights violations is a relatively new phenomenon in Bangladesh. So, sharing the experience of those countries who have more experience in this field is of great use for NHRC functionaries. With this end in view the high officials of the NHRC undertook visits to a number of countries and gathered practical experience about how they are managing these issues. Examples of such programmes include, among others, visit to **the State Human Rights Commission of Kerala, India** during 18-20 June, 2012; **Visit to Human Right Commissions of Philippines and Malaysia** during 25-29 June, 2012; **Experience sharing Meeting on UPR held at Manila, Philippines** during 10-15 July, 2012, and **Experience Sharing Meeting with Commission on Human Rights, the city of New York**, held during 03-10 September, 2012.

### Skill Development Programmes

In order to carry out its statutory responsibilities properly, the NHRC has provided need-based skill development training to its officials. Through these training programmes, the concerned officials have not only enriched their knowledge and

skills but have also allowed their co-participants to share their experience and thereby facilitated cross-fertilization of new ideas. Such training programmes included among others, **Training of Trainers arranged by Asia Pacific Forum (AFP)**, during 17-24 June, 2012 at Manila, Philippines; **Training Course on Human Rights Education, Public Participation and UPR**, held during 18-30, November, 2012 at Copenhagen, Denmark and **Training Program for the Librarians and Resource International Officers of NHRIs in Asia Pacific**, Organized by Raoul Wallenberg Institute of Human Rights and Humanitarian Law, during 26-30, June 2012, in Sweden.



French Ambassador at NHRC.

### Disadvantaged Group's Human Rights Related Programmes

Cases of human rights violations occur more frequently amongst disadvantaged groups such as women, children, migrant workers etc. In order to gather relevant experience in these areas, the NHRC sent its high officials to various international programmes abroad. Such programmes included among others, **Meeting at the Asia Pacific Council for Juvenile Justice** and to the **National and Regional Conference: Towards Comprehensive and Effective Juvenile justice System in Thailand and the**



**Region**, held during 12-15 June 2012 in Thailand, **Training workshop on Migrant Workers' Rights**, held during 11-15 Oct, 2012 at Doha, Qatar and **International Conference on Migrant workers**, held in Nepal during 26-27, November, 2012.

### **Enhanced Visibility and Recognition of the NHRC**

There are provisions in the founding Act which mandate the NHRC to seek reports from the government or other authorities mainly regarding alleged human rights violations by their agents. It had been a reality that the response from those authorities was comparatively low. However, by dint of country-wide awareness raising campaigns and participatory activities, the response

rate from other organizations including law enforcers has significantly increased. This demonstrates enhanced respect of these organizations towards the mandate and jurisdiction of the NHRC. For example, in the 2nd quarter of the year 2012, the NHRC received 5 reports, 32 in the 3rd Quarter and 42 reports from different authorities in 4th quarter of the year.

### **Recognition of the contribution of the NHRC by the Honourable President and the Prime Minister**

#### **President's Speech**

In his speech delivered at the First Session of the National Assembly in 2012, under



Farewell to Stefan Priesner, UNDP, Country Director.



Advocate Sultana Kamal addressing in the UPR consultation.



Dr. Shadeen Malik addressing in the UPR consultation.

the section "Public Administration and Good Governance", the President mentioned that after being reconstituted, the National Human Rights Commission, as a statutory independent state organization, has been successfully performing its duty to protect and establish human rights in Bangladesh. Referring to the statistics of complaints received and resolved, the President mentioned that in order to eradicate human rights violation and also to eradicate threats against human rights promotion, the Commission has been dealing with the complaints lodged against discipline forces, law enforcing agencies, and other persons or organizations. The President noted with appreciation the international recognition of the Commission (associate membership of APF and B status of ICC). He assured that the Government, in order to implement its commitment to protect human rights, would provide continuous assistance to further strengthening of the Commission. Finally, the President expressed his satisfaction with the overall performance of the Commission so far.

### Prime Minister's Address

On December 11, 2012, the Prime Minister, in her address to the nation, mentioned the name of the National Human Rights Commission, as an example of the realization of the pledge made by the Government to promote and protect human rights in the country.

### Supreme Court's Referral

In Section 13 of the Human Rights Commission Act, 2009, reference from the Supreme Court (SC) is mentioned. It says "the SC may send any issue derived from an application made under Article 102 of the Constitution.....". Based on this, in response to a writ petition, the High Court Division of the Supreme Court (SC) ordered the National Human Rights Commission (NHRC) to suggest names for the committee to probe the Ashulia factory fire. The NHRC proposed names for the members of the probe committee in order to ensure proper investigation of the Tazreen Garments fire<sup>1</sup> incident which took more than 100 lives.

1) The November 24 fire at Tazreen Fashions in Ashulia – the deadliest the country has ever witnessed killed 112 workers.



## CHAPTER THREE

# Human Rights Complaints and Investigation



Book Launching

As per the NHRC Act, 2009, one of the most important functions of the NHRC is to inquire, *suo-moto*, or on the basis of a petition presented to it, into complaints of violation of human rights. The NHRC has put great emphasis on this issue since its inception. The year 2012 saw a good number of success stories of

the NHRC in respect of complaints and investigation. The standard operating Procedures (SOP) developed in 2011 was put into operation in complaint handling as well as in mediation and conciliation. Coupled with an online complaint management system, these tools contributed greatly to improve the efficiency of the NHRC in dealing





Kazi Reazul Hoque, FTM, NHRC visiting Jail in Syhelt.

with complaints, thereby enhancing its mandate. Some of the milestones of achievement of the NHRC in respect of complaints and Investigation are summed up in this chapter.

#### **(a) Standard Operating Procedures (SOP) Manual**

The SOP designed by the NHRC was applied by officials of the NHRC to: (1) receive and record complaints of human rights violations; (2) investigate and take appropriate action regarding such complaints; (3) conduct investigations, suo moto, into possible human rights abuses, particularly on a systemic level; (4) make recommendations to resolve issues related to human rights violations through mediation and conciliation processes. This will ensure an overall streamlined and professional working environment.

#### **(b) Complaints Handling Manual**

The Complaints Handling Manual will help to know the functions of the NHRC in a consistent and efficient manner, and will contribute to an overall streamlined and professional working environment. This user-

friendly manual is designed for complainants, who will find an effective guide in providing information on why, when and by whom a complaint for the violation of human rights can be submitted to the NHRC, and how the NHRC deals with the complaints received. This manual was made available for the public both in hard copy and On-line. So far, 4000 copies of this manual have been distributed.

#### **(c) Mediation and Conciliation**

On the basis of the findings of a series of consultation meetings with relevant NGOs, the Commission has developed a scheme and established a network of NGOs with experience in mediation and conciliation, with the aim of identifying and training a core group of professionals to serve as NHRC mediators and facilitators. The Rules for Conducting Mediation and Conciliation have been drafted by the NHRC and are being prepared for submission to the line Ministry for approval.

#### **(d) Template for Custodial Death Reports**

Incidents of extra-judicial killing and custo-



Prof. Dr. Mizanur Rahman, Chairman, NHRC visiting Hospital.

dial deaths have been critical human rights issues in Bangladesh. In order to expedite NHRC responses in this area, the Commission requested that it receive all custodial death reports from the person in charge of the concerned law enforcement agency within 24 hours of the incident. In order to make the reporting system more effective & efficient, the Commission has drafted a template for custodial death reports as well as a forwarding letter explaining the purpose and advantages of such reporting.

This template is being used to ensure consistency in the decision making of the Commission as well as contributing to improve its administrative efficiency.

#### (e) On-line complaints Management System

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

**Table: 1 Statistics on Complaints Disposal during 2012**

Category of Complaints	Disposal	Pending	Total
Abduction/Rape/Murder	29	21	50
Custodial death/Torture	15	22	37
Sexual harassment	00	00	00
Eve Teasing	02	01	03
Dowry Demand	11	07	18
Domestic Violence	28	19	47
Arbitrary detention	00	00	00
Forced Disappearance	05	15	20
Forced Disappearance from homestead	00	00	00
Extra Judicial Killing/crossfire	00	01	01
Violation of HR for Negligence of duty	36	21	57
Corporation punishment	04	06	10
Human trafficking	00	01	01
Exploitation of Migration Worker	03	01	04
Others human rights violation	266	121	387
<b>Total</b>	<b>392</b>	<b>236</b>	<b>635</b>



### (f) Human Rights Complaints Lodged with the NHRC in 2012

During 2012, the NHRC received a total of 635 complaints. Among these complaints, the Commission has resolved or disposed of 392 cases, while 236 cases remain pending; that means more than 62% of the complaints were disposed of. (Table 1)

It is important to note that the number of cases categorized as “other complaints” include matters brought to the Commission but were determined to be outside its jurisdiction. As more people have complaints brought before the Commission continues to increase, as is to be expected. The more frequently reported complaints concerned incidents of abuse of power, domestic violence, maltreatment of citizens by State agencies and various impediments to access to justice. Considering the range and types of issues coming before the Com-

mission, the NHRC is striving to strike a balance between encouraging citizens to seek redress for harm suffered, with utilizing the complaints process as a means to educate the public about the mandate and jurisdiction of the Commission.

### (g) Trend of Complaints handling

The number of complaints lodged with the NHRC in 2012 has witnessed a sharp increase. Commensurate with that disposal of the complaints by the NHRC has also experienced significant upward trend. This may be explained, inter alia, by enhanced human rights awareness, especially about the NHRC among the general people.

**Table: 2** Trend of Complaints Disposal by NHRC

2012	2011	2010	2009
635	453	206	76



Kazi Reazul Hoque, FTM, NHRC delivering speech in a seminar in Sirajganj.

The data appended in Table: 2 exhibits an increasing trend of complaints disposal over the last few years. The number of Complaints has increased, from 76 in 2009 to 635 in 2012. It should be noted that in 2011, all applications including the CC copies (e.g. applications sent originally to someone other than the NHRC), has also been included and aggregated. However, in 2012, the NHRC received 635 complaints excluding the CC copies of which 392 were disposed of and 242 are under review. Had the CC complaints been included, the total number of complaints for the year 2012 is 885 (635 + 250).

#### **(h) Handbook on Complaints Management Developed and Distributed**

The NHRC has arranged the reprinting of a user-friendly handbook in Bengali on lodging complaints at the NHRC in collaboration with ASK. The handbook was prepared after a thorough review on the basis of the results of a number of field tests and sharing with Community based Organisations (CBOs). With illustrations on every page for easy understanding, the handbook provides information on why, when, where and by whom a complaint related to human rights violations can be submitted to the Commission, and how the Commission deals with any complaint so received. It also includes information about the elements of human rights guarantees and what the Commission can do to protect and promote human rights. The NHRC has begun to distribute the handbook at workshops, meetings and other organized activities.

#### **(i) Professional Relationship with the International Juvenile Justice Observatory (IJJO) Established**

Under the leadership of the Full Time Member of the NHRC a delegation of the NHRC

participated in the Conference and the First Meeting of the Asia Pacific Council for Juvenile Justice during which event they also visited the Department of Juvenile Observation and Protection of the Thai Ministry of Justice. Later, Mr. Cédric Foussard, Director, Affaires Internationales, IJJO was invited by the NHRC to attend its International Seminar on UPR. Thus a professional relationship has been established between the NHRC and IJJO, which has enhanced the NHRC's capacity, particularly in handling child rights issues.

#### **(j) *Suo-moto* Cases**

In the year 2012, the NHRC took up 14 *Suo-moto* complaints (complaints that are not submitted by any person but are taken into consideration at the NHRCs own discretion). Of these 14 *suo-moto* complaints, investigations (by visiting the place of occurrence, interviewing people, reviewing the situation of human rights violation and preparing and submitting a written report to the NHRC) have been conducted by the NHRC into 9 cases. Most of these missions have been held under the leadership of one Commission Member and assisted by the Director, Deputy Director and Assistant Directors of the Complaints and Inquiry Wing of NHRC.

#### **Snapshots of a Number of Inquiry Reports Conducted by the NHRC Team**

##### **Innocent yet deprived of liberty for 22 years**

One, Mr. Abul Hossain of Shatkania, Chiattagong was given a life term by the Sessions Judge, Chittagong in 1997 in a case filed against Mr. Hossain in 1988. He was incarcerated since the filing of the case. On appeal the High Court Division of the Supreme Court of Bangladesh, found Mr.





NHRC Human Rights Awareness campaign in Rajshahi.

Hossain not guilty and ordered to release him immediately. The release order reached the concerned section of the Session of Court in Chittagong in May 2003 but because of certain reasons unknown the order was never placed before the concerned Judge. Meanwhile, 3 Bench Assistants came and went by but none of them took up the matter of Mr. Hossain with the Judge. Meanwhile, Mr. Hossain, an innocent person had already spent 22 years of life behind the bar. While, investigating a different incident

the NHRC came to know about this unfortunate episode, took up the matter, conducted a thorough investigation and found all of the 3 Bench Assistants guilty of negligence. The NHRC already recommended the Registrar of the Supreme Court of Bangladesh to ensure the release of Mr. Hossain and take punitive action against the guilty Bench Assistants.

### **Poor Laboni- Casualty of arrogance of power**

One Laboni Sultana, aged about 16 years was appearing at the S.S.C exam. The UNO, while visiting the exam centres allegedly found Laboni talking to another examinee. The UNO snatched her script and directed the invigilator to expel Laboni. Laboni insisted that she did not resort to any unfair means, did not copy answers from any other source and therefore, requested the UNO to return her script. The Officer turned a deaf ear to all requests even the request made by other invigilators present including the Head invigilator in the centre. Laboni felt totally rejected, humiliated, and found her long cherished dream of a bright future shattered in no time. She went home and committed suicide.

The NHRC took up the matter, conducted an investigation on site, and interviewed concerned persons including the UNO. The



Prof. Dr. Mizanur Rahman, visiting Orphanage in Faridpur.

NHRC summoned the UNO to appear before the Commission, in Dhaka, and explain his action. The UNO regretted his action and promised to be more cautious and sensitive in like situations in the future. The commission reprimanded the officer and recommended the Ministry of Public Administration to take necessary actions.

### **Greed versus Communal Harmony**

A complaint was lodged with the NHRC by a local NGO in Rangamati that Bengali Settlers had demolished the *Buddist Vabna Kendra* (Old age Training Centre) located at Kilachori of Rangamati. Day before the demolition taken place, a Bengali Social Forestry Farmer was murdered. Tension was high, almost on the brink of explosion threatening the communal harmony between the Bangali Settlers and the local inhabitants. The NHRC instantly dispatched its investigation team to defuse the existing tension and bring about a peaceful solu-

tion. The NHRC team found the root cause of all the troubles was the greed of local *Headman* in collusion a few Settlers to grab the land used for social forestry and gradually extend its claws over the land on which Vabna Kendra was situated. The NHRC identified the individuals responsible for demolition of the Vabna Kendra as well as death of the Bangali setter and made recommendations to the concerned authority of the Government to take necessary legal action.

### **The Ramu Tragedy**

The incidence of Ramu is one of the most tragic incidents in the recent social history of Bangladesh. As many as 12 Buddhist temples were burnt, damaged and 30 houses owned by Buddhist minorities were set ablaze during communal violence that took place in September 2012. A series of attacks took place in three adjacent *Upazilas* namely, Ramu, Teknaf and Ukha.



Professor Dr. Mizanur Rahman, Chairman, National Human Rights Commission visited the places of these occurrences and expressed solidarity with the community in distress.

"We are ashamed, aggrieved, sorry and asking for your forgiveness," Mizanur Rahman told a crowd while visiting Shima Bihar temple at Ramu in Cox's Bazar. He said, this type of incident was a crime not only against the minority people but also against the state and nation as well. He also urged the government to identify the perpetrators and bring them to justice after proper investigation.

Satyapriya Mohathero, Principal of the temple, told the Chairman, NHRC that the monastery, which was not only a temple but also a museum of the history of Buddhism, had been lost forever. He demanded security of his community as well as of the temples from the NHRC Chairman.

Immediately after the visit the NHRC made concrete recommendations to the Government to ameliorate the situation, revive confidence and sense of security among the religious minorities and suggested punitive actions against the perpetrators.

### **Smile of conciliation**

A retired officer of the Bangladesh Navy brought a complaint before the Commission to the effect that while he was walking along the footpath in North Kafrul region of the capital, he was hit by piece of brick falling from a height of a roadside building under construction. He was severely injured, had to be hospitalized and subsequently the doctor found that his eye sight was badly affected. However, the doctors assured him that proper surgery could revive his eyesight. But that was expensive and not within the ability of the retired officer. The NHRC summoned the respondent, the owner of the building along with the execu-



Prof. Dr. Mizanur Rahman, visiting Jail in Dinajpur.



Ramu visit

tive engineer in charge and the matter was successfully resolved by way of mediation conducted by the Commission. The respondents agreed to bear the lion's share of the expenses for surgery. Both the parties left the NHRC office with smile.

### **NHRC's persistence does miracle**

A caption of a news published in two national dailies on 4 November 2009 'Titu arrested by RAB, a year ago still missing' captured the attention of the NHRC. It was alleged that the Deputy Assistant Director of RAB 3, arrested a youth leader Tushar Islam Titu in *Dhukuria Bera Bazar*, in Belkuchi Upazila of Sirajgong district. Since then there was no whereabouts of Titu and RAB 3 subsequently denied arresting Titu. Initial inquiry conducted by the Ministry of Home Affairs contained conflicting statements. And therefore, the NHRC demanded reinvestigation by a team under the leadership of an officer not below the rank of a deputy secretary. The new com-

mittee submitted its report in June 2010. However, in the opinion of the NHRC the second report too was incomplete and fell far short of identifying the real perpetrators of enforced disappearance. The report, therefore, was rejected by the Commission and the Home secretary was asked to send a full fledged, complete report. In his report submitted on 29 September, 2010 it was mentioned that there is sufficient evidence to believe that Titu was arrested by RAB 3 and 5 RAB officials were implicated in this act of enforced disappearance. Pursuant to these findings the NHRC recommended that Ministry of Home Affairs lodge criminal cases against the 5 alleged offenders and inform the Commission on the actions taken. Subsequently, on 11 November, 2012 the Ministry of Home Affairs informed the NHRC that the Police and the RAB Headquarters have been directed to begin criminal proceedings against the 5 identified offenders and also comply with other recommendations made by the NHRC.

this persistence re the RAB incident is great but shows how the hrc alone in an unjust system can't bring ICCPR compliance



## CHAPTER FOUR

# Human Rights Awareness and Education

Throughout the year 2012, NHRC took a good number of initiatives in order to promote and protect human rights through raising public awareness and education for building human rights culture in Bangladesh. To achieve this goal, it is essential to build the capability of the NHRC for leading the countrywide campaign targeting the general public.

As part of these endeavours, a series of activities have been undertaken to disseminate knowledge and information among the stakeholders and the general public about the NHRC's existence, mandate, structure and functions and to promote widespread understanding of human rights.



Celebration of Human Rights Day, 2012 in Khulna.

# Celebrating Human Rights Day 2012

Chief Guest:

**Barrister Shafique Ahmed**, Hon'ble Minister of Law, Justice and Parliamentary Affairs

Special Guests:

**M. Musharraf Hossain Bhuiyan**, Cabinet Secretary

**His Excellency Svend Olling**, Ambassador of Denmark

**Mr. Stefan Priesner**, UNDP Country Director

Angabandhu International Conference Centre, December 10, 2012



Celebration of Human Rights Day, 2012 in Dhaka.

## The Key results are summed up below:

- Perception and understanding of the general public on human rights issues increased;
- Level of awareness of people in the community on NHRC and Human Rights issues enhanced;
- Participation of the stakeholders including youth, students, adolescents and women in awareness campaigns increased;
- Level of understanding of the district level government officials on NHRC's role, mandate and functions increased;
- Adoption of the *Dhaka Declaration on the Right to Land and the Right to Food* that encourages Governments of the region to take action against land grabbing, to protect the land of indigenous people and to assure an effective implementation of the;
- indigenous people and to assure an effective implementation of the International Covenant on Economic Social and Cultural Rights;
- The NHRC's communication strategy is in place;

- The NHRC engaged for the first time for the protection of sexual minorities;
- The NHRC visibility in the media increased.

## Mass Awareness Campaign on Working Together for the Promotion of Human Rights:

The NHRC has designed and implemented an awareness campaign entitled 'Working Together for the Protection and Promotion of Human Rights in collaboration with the Deputy Commissioner's office at district level. The objective of the campaign was to raise awareness about the NHRC at district level with stakeholders of government and non government organisations, law enforcement agencies, CSO staff, teachers and students etc.

In this effort, the workshops have widely addressed the human rights issues, NHRC's role, mandate and functions and the complaint lodging mechanism of the NHRC.

More than 400 participants, including the government officials of district administration, members of the Judiciary, law enforcement officials, and journalists, NGO



representatives, students, youths among others attended the consultations.

In 2012, the NHRC organized 4 campaigns in Sylhet, Sirajganj, Rangpur and Moulvibazar. A good number of recommendations emerged out of these interactions. These are as follows:

- NHRC should form a Human Rights Watchdog Group in each district comprising different sections of people.

dates, taking action to ask for the release of prisoners who are being incarcerated for minor offence, foreign prisoners who are in acute need of legal protection etc.

### **Seminar on Prosecuting Crimes against Humanity**

In order to help prosecution of crimes against humanity by the International Crimes Tribunal Bangladesh (ICTB) and ensure due process of law in accordance with



**Roundtable on Communal Harmony and Human Rights.**

- NHRC should lead a mass awareness campaign to enrich people's understanding and shape a rights sensitive mind-set.
- Children's voice should be heard and their best interest should be taken into account:
- A separate body, either Children's Ombudsman or Children's Commission has to be established in order to look after children's interests. The NHRC should take an initiative to put the matter on the table of the apex level of policy makers;
- The NHRC should review the Special Marriage Act in order to prohibit child marriage;
- The NHRC should pay more attention to monitoring of prison conditions especially condition of the under-trial prisoners who should be brought to the court on due

the principles of fairness and justice, the NHRC organized a seminar on 28 January, 2012 focusing on Transparency, Accountability and Due Process of Law at the ICTB.

### **Dialogue on Communal Harmony, Human Rights and Today's Bangladesh**

A dialogue was initiated by the NHRC on a number of national issues, such as communal harmony and human rights in the perspective of current political situation in the country. A round table discussion was organized by the NHRC on December, 02, 2012, on these issues, which was attended by the representatives of a cross-section of organizations, civil society members, academics, government officials, NGOs and media personalities.



US Ambassador Dan W Mozena at NHRC.

**South Asian Regional Workshop on  
“Human Rights, People's Right to**



presence of Kazi Reazul Hoque, Full Time Member with other officials of National Human Rights Commission The facebook campaign aims to reach out to the general public at the national and international level to

spread the importance of a brave man to end violence against women and girls.

The mass community awareness phase of the campaign was the Brave Men March, organized by the National Human Rights Commission on November 23rd 2012. The Rally was inaugurated by the Chairman of the National Human Rights Commission Bangladesh, Prof Dr. Mizanur Rahman, with the declaration: “The one who respects women are all true examples of a brave man. We are all together in this journey to find the most courageous and brave men to reach our goal in ending violence against women”. The event ended with the brave men cycle rally around the premises of Dhaka University. Around 800 young activists were present at the Brave Men March.

**Table: 3 The Billboards, NHRC have been displayed**

Khulna Division	Rajshahi Division	Barisal Division
Khulna	Rajshahi	Barisal
Jessore	Sirajganj	Patuakhali
Meherpur	Chapaina-wabganj	Barguna
Bagerhat	Bogra	Bhola
Satkhira	Joypurhat	Jhalokati
Norail	Pabna	Pirojpur
Magura	Naogaon	
Chuadanga	Natore	
Jhenaidah		
Kushtia		



Homage to the Father of the Nation Bangabandhu Sheikh Mujibur Rahman.





Launching of Brave Men Campaign.

### NHRC Celebrates Human Rights Day 2012

The theme of the 2012 Human Rights Day was "Inclusion and the right to participate in public life". A discussion was held on the theme of the day. About three hundred people attended the discussion. On this occasion Prof. Dr. Mizanur Rahman, Chairman, National Human Rights Commission said that the NHRC had so far received 586 complaints in the current year and solved 356 complaints; the number of complaints has risen by 300 percent over the last two and a half years.

The NHRC organized similar programs at Chittagong and Khulna on December 10 to celebrate Human Rights Day 2012.

**Chittagong:** The rally organized at

Chittagong was attended by people of all walks of life and a discussion session and cultural program were held at *Shilpa Kola Academy* on the theme of the day where the Divisional Commissioner of Chittagong, Md. Sirajul Hoque Khan spoke as the chief guest. The program was addressed by eminent academics, journalists among others.

**Khulna:** There was a mass rally at Khulna, which was attended by students and people from all walks of life. At the end of the rally, a discussion session and cultural program were held at the DC's Conference Room on the theme of the day where the Mayor of Khulna City Cooperation was the Chief Guest.

The program was addressed by the Divisional Commissioner of Khulna, Deputy

Commission of Khulna. More than five hundred people including, NGO representatives, journalists, police, local elite and mass people attended the program.

### **Round Table with Media and Publication of Supplement on Human Rights Day**

As part of the celebration, the NHRC organized three round tables with the media and published supplements on 10 December, 2012. These supplements were published in the *Daily Star* on Communal Harmony and Human Rights, *The Azadi*, Chittagong-based newspaper on Communal Harmony and Human Rights and the *Purbacon*, Khulna-based newspaper on Human Rights and Social Responsibility. Academics, human rights activists, NGO representatives, government officials, youth and students attended the discussions. These supplements covered messages on the importance of communal harmony in the country. The discussion emphasized the role of the State and the individuals to protect the rights of minorities in the country.

### **Production and Dissemination of Promotional and Educational Materials**

During 2012, the Commission helped production and dissemination of the following promotional, awareness and learning materials:

The materials convey key messages on human rights, including quotes from both the Bangladesh Constitution and the Universal Declaration of Human Rights. The materials were distributed through workshops, seminars and local level campaigns of the stakeholders.

### **NHRC Visibility in the Media**

During the reporting period, the following statements and press releases were sent to the press houses and this created excellent coverage of NHRC events both in print and electronic media. In 2012, the NHRC issued 21 press releases for the media on different issues.

The media messages help the audience to understand the role and position of the



Prof. Dr. Mizanur Rahman, Addressing in a Workshop in Bogra.





The delegation of Danish School of Human Rights at NHRC.

NHRC on different issues. As follow-up actions, the government has taken some steps that NHRC made as recommendations, particularly for a rehabilitation program for the people in the distressed communities (Table 5).

### NHRC Communication Strategy Revised:

The NHRC revised its communication strategy, in order to put the lessons learnt from the baseline survey into practice.

### US Ambassador Dan W Mozena visits National Human Rights Commission

US Ambassador to Bangladesh Dan W Mozena paid a visit to the National Human Rights Commission (NHRC), Bangladesh on 24 July, 2012. The ambassador met the Chairman and Members of the Commission to understand its mission, challenges, commitment, and modality and to explore future areas of cooperation to promote and protect human rights. The NHRC sought support from the US Ambassador for developing the skills of NHRC staff in conducting investigations and inquiries of human rights violation issues. The US ambassador Dan W Mozena also expressed

interest in working with the NHRC.

**Table: 4** promotional, awareness and learning materials

Name of the Item	Number
Poster	20000
Baseline Survey (Reprint)	1000
Compliance Handbook (Reprint)	10000
Regional Seminar (Reprint)	1000
Research Report	1000
Flyers (3 sets)	60000
Bag (UPR)	400
Pen	400
Folder	400
Supplements	4
Published in <i>The Daily Star</i> on 11 October, 2012 on International Day of the Girl Child.	
Published in <i>The Daily Star</i> , <i>Azadi</i> and <i>Daily Purbanchal</i> on Human Rights Day, on 10 December, 2012.	



**Table: 5** Number of Press Statements issued from January to December, 2012

Date	Event
11 Jul	On Limon Issue
24 Jul	US Ambassador's Visit to the NHRC
25 Jul	Pre-event press release on UPR
26 Jul	Workshop on UPR – Institutional development
27 Jul	Media advisory Workshop on UPR
28 Jul	Workshop on UPR – Ratifications of human rights instruments
3 Aug	Media advisory, Workshop on UPR – Vulnerable groups and women's rights
4 Aug	Workshops on UPR (2) – Vulnerable groups and women's rights
7 Aug	Workshops on UPR (2) – Civil and political rights, Economic, Social and Cultural Rights
10 Aug	Death Threat to NHRC Chairman
13 Aug	Workshop on UPR – Climate change and disaster management
14 Aug	Meeting with the Teacher's Association
26 Aug	NHRC meeting on Limon Issue
29 Aug	Workshop on UPR, Child Labour and human trafficking
18 Sep	National Seminar on UPR
19 Sep	National Seminar on UPR
5 Oct	Visit to Ramu
7 Oct	Meeting with Oxfam and the press: MOU with Oxfam and NHRC
29 Oct	Seminar on Business, Women and Child
1 Dec	Submission of Annual Report of NHRC to the Hon'ble President of Bangladesh

## CHAPTER FIVE

# Human Rights Research and Policy Advocacy

**H**uman rights declarations, charters, conventions and covenants have endorsed a recurring core of rights and obligations linked to the protection of fundamental human dignity, equality and justice. Nevertheless, there has been a growing concern that simply ratifying or legislating human rights conventions and laws do not lead to effective enjoyment of human rights by millions of individuals. With the view of revealing the truth, both known and unknown, about impediments to proper implementation of international obligations with regard to human rights in Bangladesh, the NHRC planned to conduct studies on the human rights treaties signed or ratified by Bangladesh.

The National Human Rights Commission Act, 2009 in light of the 'Paris Principles' includes the NHRC's function to conduct research on treaties and other international instruments on human rights, State compliance on treaties ratified/signed and to make recommendations to the Government for their effective implementation.

Accordingly, the NHRC has been conducting studies on the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the

Rights of Persons with Disabilities, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Convention on the protection of the Rights of All Migrant Workers and members of their Families, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, and International Convention on the Elimination of All Forms of Racial Discrimination. The studies of the NHRC aimed at finding out the present status of Bangladesh to regard to ratification/signing, and the gaps between the international instruments and the national regime and implementation status.

### Two new research studies

The NHRC had conducted two research studies this year on Bangladesh's compliance with the:

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)**
- **International Convention on the Rights of Persons with Disabilities (ICRPD)**

These two studies, conducted during 2012, led to identification of the inconsistencies between the treaty provisions and related national laws, policies and programs. In addition, the reports provided a number of



National Human Rights Commission, Bangladesh

National Seminar on

# Universal Periodic Review

18-19 September, 2012  
Pan Pacific Sonargaon Dhaka

Guest of Honour:

**Barrister Shafique Ahmed**, Hon'ble Minister, Ministry of Law, Justice and Parliamentary Affairs  
**Dr. Dipu Moni**, Hon'ble Minister, Ministry of Foreign Affairs

Special Guest:

**Justice S. K. G. Balakrishan**, Chairperson, NHRC, India  
**H.E Mr. S. Olling**, Ambassador, Denmark  
**Mr. Neelam**, The United Nations Resident Coordinator and UNDP Resident Representative in Bangladesh  
**Prof. Dr. Wazur Rahman**, Chairperson, Bangladesh



UPR Seminar

recommendations on how national laws can be harmonized with international standards. Findings and recommendations of the reports are to be used for advocacy for legislation and policy change, targeting the Government and Parliament.

## Studies on Landmark High Court Judgment

Another two studies on the Landmark High Court judgments/directions/guidelines on Arrest and Detention and also on the Protection of Women's Rights, in line with basic human rights provisions, were also conducted with the view of assessing the national regime in the concerned areas.

## Legislative Review

### Review of the Children Act

The Children Act 1974 was well advanced for its time but some aspects of it was found in conflict with the principles and provisions of the Convention on the Rights of the Child

(CRC) 1989. Like wise stakeholders, the NHRC also felt the need for a comprehensive law incorporating the Convention on the Rights of the Child, and thus, revising the Children Act 1974 in line with the Convention. With a view to make recommendations for revising the Children Act 1974 the NHRC organized a Consultation Meeting on Child Rights to ensure wide stakeholder input into the recommendations which took place on 9 June, 2012. With the inputs of the Consultation, the NHRC sent its written comprehensive recommendation to the concerned Ministry for incorporating the recommendations for ensuring compliance with CRC in the proposed draft Children Act.

### The highlights of the recommendations are:

- Minimum age of criminal responsibility to be raised from 9 to 12 years
- Definition of child to include all persons below the age of 18



- Juvenile justice database
- Introduction of Alternative to sanction/prison
- Promotion for Social Integration for the Juvenile Offenders
- Safe home at every district and development centre at every divisional levels
- Juvenile Court in every districts

The Child Rights Committee of NHRC had separate meetings with the Ministry of Social Welfare, Ministry of Women and Children Affairs, Ministry of Primary and Mass Education and Ministry of Labour and Employment during 2012 discuss these issues.

The NHRC learned that the Government approved a draft bill which incorporated

the recommendations made by the NHRC defining a child as an individual below the age of 18 years, establishing a separate desk at each policy station to deal with the offences against children, setting up of a juvenile court in each district so that no child would be tried by any court other than the juvenile court.

During 2012 the NHRC also advocated for the establishment of the Office of the Child Ombudsman and ratification of OP3-CRC.

### Recommendation on the draft Act on the Rights of Persons with Disabilities 2011

The NHRC analysed and made recommendations on the draft Act on the Rights of Persons with Disabilities 2011.



Barrister Shafique Ahmed, Law Minister, delivering speech in a seminar.



Dialogue on Business Women's and Children's Rights

This has enabled the Commission to exercise its legal mandate in overseeing any proposed or existing legal instruments through a human rights lens. The recommendations to be incorporated are:

- Definition of disability in line with the pertinent international instruments
- Periodic survey or census of persons with disability etc.
- Participation of the NGOs in decision making process.

### Guidelines on Custody Management jointly with the Police Reform Project (PRP) and the Bangladesh National Human Rights Commission-Capacity Development Project (BNHRC-CDP) UNDP

The NHRC, jointly with the PRP and the BNHRC-CDP, UNDP conducted workshops in Dhaka, Jessore and Sylhet in the preparation of drafting Guidelines on Custody Management and shared the study findings on landmark High Court judgments/directions on Arrest and Detention, in the workshops. The draft Guidelines on Custody Management will be shared with the Stakeholder and then with the feedback it will be sent to the concerned Ministry for adoption.

### UPR and Consultation Process

The Universal Periodic review (UPR) is a mechanism, established by the Human Rights Council (HRC) in 2006, which aims to improve the human rights situation in the 193 UN Member States. In Bangladesh the NHRC took an initiative to organize a policy dialogue with the Secretaries of different Ministries to discuss the UPR implantation.

The National Human Rights Commission (NHRC), Bangladesh, conducted a series of consultations and meetings to ensure wide stakeholder input into the Stakeholder Report and to ensure the credibility and reliability of the report. The NHRC developed a UPR Action Plan and prepared a **Road Map** for analysing and consulting on the process on UPR implementation.

### Policy Dialogue with Secretaries of different Ministries

On 25 February, 2011, NHRC organized a policy dialogue with the Secretaries of different Ministries to discuss UPR implementation and activities with regard to the respective Ministries. In total, twenty-four senior representatives from the Ministries (Senior Secretary, Secretary, and Joint Secretary) participated in the



dialogue. The NHRC sought to act as a bridge between the Government and civil society. The policy dialogue was successful with each government ministry appointing a senior official to act as a **focal point** for the NHRC and human rights more broadly.

### Stakeholders' consultation and workshops

In light of the large number of recommendations made to Bangladesh at the 1st cycle of UPR 2009, the NHRC categorised them into thematic groups (Annexure E). The NHRC then organized consultation workshops on each thematic areas with the relevant Government agencies and subsequently with the CBOs, NGOs and other stakeholders. Consultations were held throughout the country. Human rights activists, development partners, key actors from GOs and NGOs attended those programs. The objective of the workshops was to ascertain perspectives on the progress made since February, 2009 in implementing the accepted recommendations. In addition, the workshops provided a forum for participants to provide guidance and suggestions for the effective implementation of recommendations. Further to the consultation meetings with key government actors, the following workshops were organized in order to assess the progress made

in the implementation of the recommendations and define the way forward.

- Institutional Development: 26 July, 2012
- Ratification on Human Rights Instruments, 28 July, 2012
- Refugees, Persons with Disability, Indigenous people, 4 August, 2012
- Women Rights and Compliance with CEDAW, 4 August, 2012.
- Civil & Political Rights, 7 August, 2012
- Economic, Social & Cultural Rights, 7 August, 2012
- Climate change & Disaster Management, 13 August, 2012
- Child labour & Trafficking, 29 August, 2012

### National Seminar on the Universal Periodic Review: “Preparation for the 2nd Cycle Review Facilitated by the Human Rights Council”

Building on these consultations, and in order to bring all stakeholders together, the NHRC, organized a two day National Seminar entitled “Preparation for the 2nd Cycle Review facilitated by the Human Rights Council” on 18-19 September 2012. The Seminar provided an opportunity for the NHRC to share its draft stakeholder report and to gain feedback from concerned stakeholders including concerned Government Ministries, NGOs



M. Mosharraf Hossain Bhuiyan, Cabinet Secretary and Stefan Priesner, UNDP, Country Director addressing in HRD Program .





The delegation of UK Justice Sector at NHRC.

and civil society. Delegates from around the country attended. Feedback was incorporated into the final report of the NHRC recommendations (Annexure E).

### National Human Rights Commission, Bangladesh and International Labour Organization partnership project to promote the rights of the Indigenous People

Bangladesh is home to around 3 million indigenous and tribal people, from 45 or more different ethnic groups with their distinct, language, culture and heritage. As in other parts of the world, indigenous and tribal peoples in Bangladesh are the most marginalized and excluded groups in society due to loss of land and forest/natural resource rights, displacement, loss of culture and social disintegration, loss of local self-governance, discrimination and violent suppression of autonomous movements. In general, indigenous and tribal peoples are not effectively protected by ex-

isting laws and policies. National laws often do not address their specific situations, characteristics and needs and they are often among the most impoverished and disadvantaged groups in any country.

As a result, despite ratification of important international human rights treaties related to indigenous peoples, there is little palpable change or progress in the overall human rights situation of indigenous and tribal peoples in Bangladesh. National Human Rights Commission being a national watchdog of the human rights conditions of every citizen including indigenous and tribal people has adopted strategic planning *inter alia* for the promotion and protection of the rights of the indigenous peoples.

To materialize above mentioned strategic planning, National Human Rights Commission, Bangladesh in collaboration with International Labour Organization has launched a Partnership Project named

**'Capacity Building on Indigenous and Tribal Peoples Issues, Rights and Good Practice in Bangladesh'**. Under this project NHRC, Bangladesh has organized a number of National Seminars on various issues mostly covering the indigenous peoples' issues. On 03 October 2012 **'National Seminar on Universal Periodic Review (UPR): Rights of the People of the Chittagong Hill Tracts'** in Dhaka where the presence of various stakeholders were highly commendable.

Later, on 22 January 2013, NHRC conducted another important National seminar under this project on 'The ILO Conventions relating to Ethnic Minorities'. The line Ministries (i.e. Ministry of CHT Affairs and Ministry of Law, Justice and Parliamentary Affairs) actively participated in the seminar.

### Memorandum of Understanding between National Human Rights Commission, Bangladesh and Oxfam

The Memorandum of Understanding was signed between the NHRC and Oxfam in September, 2012 for the period of September, 2012 to March, 2013. Under this agreement NHRC and Oxfam agreed to work together on 1) organizing national seminars on right to food and women's rights; 2) publishing a booklet on economic, social and cultural rights from Bangladesh perspective; and 3) any other campaign advocacy that commonly serve the vision and mission of Oxfam and NHRC where both parties are willing to work jointly, such as joining the proposed national alliance on right to food as part of the advisory body.

### UNHCR Project 2012 –way forward

There had been a beginning of mutual understanding and friendly relations between National Human Rights Commission and UNHCR from the month of May 2011. The activity of UNHCR project moved forward by developing a mutual agreement to achieve two specific goals-improvement of the human rights and protection of refugees residing in Bangladesh and play important role to attain legitimate rights of enclave dweller as citizen of Bangladesh.

UNHCR Project started working in 2012 on the basis of two different indicators -

Firstly, ensuring protection of refugees residing in Bangladesh. Secondly, ensuring citizen rights of enclave dwellers.

#### Indicator 1: Ensuring protection of Refugees in Bangladesh

Human Rights Commission organized three training programs with support of UNHCR.

To observe the contemporary adverse situation of refugees a 3 members inspection committee of National Human

**Table: 6 UNHCR project and cooperation of EICOP**

Training	Place	participants		Topic of discussion
		No	Identity	
1	Dhaka	28	Bangladesh Border Guard, Police, RAB	Human Rights Law, Convention regarding refugees
2	Cox's Bazar	25	Coast guard, lawyers	Rules of human behaviour about UN refugees and Protocol and practical experiences regarding refugees
3	Cox's Bazar	–	–	–



Distinguish participants in a seminar.

Rights Commission, inspected the unregistered refugee camp 'Lada Sight' and 'Make Shift' in Cox's Bazar. In the post-inspection report, the picture of the living condition of the unlisted refugees and the absence of basic rights were portrayed. In this report, two major recommendations were made:

1. To ensure minimum standard of living of the unregistered refugees.
2. To record the number of unlisted refugees and their identity.

A discussion meeting called “journey towards a solution of Rohingya Problem: A National Consultation” was organized by National Human Rights Commission at Nowab Ali Chowdhury Senate Auditorium, Dhaka University. Different stakeholders including civil society members, academics, lawyers, students, NGO workers, journalists from national and international level participated in the discussion.

After an earnest effort for long one year ,UNHCR Project visited the National Human Rights Commission, Myanmar. The visit was led by Prof. Dr. Mizanur Rahman the Chairman of National Human Rights Commission. Myanmar Human Rights Commission cordially entrusted the delegation and had a meaningful discussion. Both the Commissions are aware of the means of improving individual skills through mutual exchange of experiences. The main success of this visit is, it has built a bridge of the friendship and cooperation between the two distinct Commissions.

### **Indicator 2: Ensuring Citizen Rights of Enclave dwellers**

For the overall welfare of the enclave dwellers ,the first step was taken by the National Human Rights Commission in Dahagram and Angorporta of Lalmonirhat district. A discussion meeting titled “Existence of Dahagram and Angorporta



inhabitants in the light of present human rights situation” was held in the office of the Deputy Commissioner of Lalmonirhat District. People of Lalmonirhat district spontaneously participated in that meeting.

National Human Rights Commission has made an initiative for a research publication titled 'Gray Image of Humanity in the Enclave Zone'. As part of it, an inspection team of National Human Rights Commission made a field inspection. The first phase of the field inspection was in Dohogram and Angorporta of Lalmonirhat District. Through an in-depth enquiry, the inspection team observed that there has been enormous improvement in the life of the inhabitants of Dohogram and Angorporta by effective opening of '*Three Bigha Corridor*'. The team learned that Dohogram and Angorporta of Lalmonirhat district has received status of an union of Bangladesh. The second phase of the enquiry has been done in Masaldanga, Kochua, Falnapur and Nalgram enclave of Bangladesh under the jurisdiction of

KuchBehar district of India. The miserable condition of the people of those areas demands for ensuring the successful handing over of the enclaves between Bangladesh and India. The research book titled 'Gray Image of Humanity in the Enclave Zone' was published based on the report received from the investigation team.

The objective of UNHCR Project was to determine a route through the process of creative initiatives for solving the problems of Rohingas and to put to an end to the long history of discrimination of enclave dwellers. The initiatives of UNHCR Project was hope raising. The picture of this silent weeping of lonely hearts of enclave dwellers is portrayed in the research book titled 'Gray Image of Humanity in the Enclave Zone'. The visit of the National Human Rights Commission, Bangladesh to the Myanmar National Human Rights Commission opened a new horizon of friendship between them which is like a song of morning bird in the darkness of the cave namely 'Rohinga Problem'.

## Challenges and the Way Forward

### NHRC- An independent watchdog of Human Rights

#### Areas of Success

- The NHRC, a human rights watchdog, a statutory independent body, established under Human Rights Commission Act 2009 in light of 'Paris Principles', had undertaken a good number of positive initiatives during 2012, with the aim of promotion and protection of human rights in Bangladesh. Remarkable progress had been made in the area of policy advocacy, human rights awareness. The NHRC acted as a catalyst in linking State, Civil Society Organizations, Stakeholders, discussing the role of the respective Ministries and the NHRC, in the follow-up of the implementation of the recommendations made during 1st Cycle Universal Periodic Review (UPR) in 2009 and also ensuring Stakeholders input in the preparation of the Stakeholder Report of NHRC submitted to the UN Human Rights Council for 2nd Cycle Review in April, 2013.
- The NHRC has carried out its activities throughout the year on human rights issues identified as priorities set forth in the five-year Strategic Plan adopted in 2010.
- The NHRC focused on the lessons learnt in the previous years and thus ensured dialogue and consultation with the stakeholders; made recommendations for ensuring compliance with international standards, conducted wide human rights research and policy advocacy, worked together with the Government towards legislative and policy reform, while maintaining its independence.
- The NHRC learned that in 2012 the Parliament passed the Human Trafficking Deterrence and Suppression Act 2012 and Pornography Control Act 2012 in which the NHRC was involved in organizing a series of Consultations and Dialogue with the Stakeholders for providing recommendations for the enactment of these pieces of legislation aligned with the international frameworks.
- Number of complaints received and disposed of by the NHRC increased significantly in 2012 which reflects a significant improvement in the level public awareness about human rights in general and the NHRC in particular.
- While implementing its Strategic Plan, the NHRC in collaboration with the key actors have indentified minorities and vulnerable groups and helped formation of specific Committees to address the

human rights issues of the each of these groups.

- During the year 2012 another area of success of the NHRC was its positive role in the training and development of a large number of human rights defenders and activists including police officers, lawyers and social service officials. These well-informed activists will now onward play a proactive role in defending human rights.

### Challenges and the Way Forward

In spite all these successes, there are still a large number of challenges the NHRC has to combat and overcome:

- The NHRC is in need of restructuring and strengthening to cater to the increasing demand for investigating human rights violations. Such strengthening should be in terms of enhancing its organizational capability, manpower and other administrative resources.
- For ensuring human rights in a country like Bangladesh with very high rate of illiteracy and poor level of social awareness, the role of an organization like NHRC should be of continuous nature. The NHRC should therefore be housed in a permanent office building with modern facilities. Currently, it is located at a rented premise and is therefore, prone to frequently shifting from one location to another.
- The existing NHRC Act, 2009, has entrusted the NHRC with a number of important responsibilities. In order to carry out these responsibilities the NHRC, quite often is in need of working with law enforcing agencies, particularly the Police Department. As per the current legislation, the NHRC can refer these cases to the police Department. But the NHRC Act 2009 does not empower the NHRC to compel the authority to take action. So, in view of the nature and type of complaints, the NHRC Act, 2009 should be revised to empower the NHRC with adequate authority to enforce its decisions. The Recruitment Rules also needs to be revised in regards to secondment at the senior level positions for ensuring compliance with the 'Paris Principles'.
- The NHRC's complaint management capacity should be strengthened so that complaints on human rights violations can be received and disposed of quickly and properly. Modern on-line complaint handling system should be introduced to gear up the process with additional resources, manpower and training.
- The NHRC has decided to continue with the follow-up on the progress made on the recommendations made during 1st Cycle of Review after submission of the report to the Human Rights Council and thus to conduct a stock taking of the progress made and also arrange a Mock UPR with support of the Stakeholders before the 2nd Cycle of Review in April-May, 2013. The NHRC has also planned to develop its own and government's capacity on reporting to Treaty bodies culminating in submission of Stakeholder Report to at least one of the Treaty bodies where the State party report is overdue.
- The NHRC is relatively a new entrant to the arena of human rights organizations in Bangladesh. Compared to its size, strength and experience, the Commission has undertaken large number of programmes and activities on priority basis. The efforts were not always crowned with hundred percent success; but the interventions have already made perceptible impact. Myriads of cases of human rights violations are prevalent in almost all spheres of life of our society and the Commission believes that this situation has to be changed through sys-



tematic efforts to raise awareness on the part of services deliverers and justice receivers. In spite of its limited resources, the Commission is determined to continue its relentless efforts to argue, motivate and help establish fair and people-focused justice delivery system.

- The formation and functioning of the International Crimes Tribunal Bangladesh (ICTB) for trial of the perpetrators of crimes against humanity committed during the Liberation War of 1971 is a milestone in the history of international criminal justice. However, the NHRC will continue to observe the process at the ICTB as a watch dog to ensure its transparency, accountability and the due process of law.
- Violence, repression, burning of houses, demolition of temples, Buddhist monasteries, churches etc. belonging to different ethnic groups are posing serious challenge to the maintenance of human rights of the vulnerable groups. During recent months, these problems are posing serious threats to social harmony and peaceful community life. The NHRC is undertaking a series of actions in collaboration with relevant Government agencies, NGOs and civil society bodies to redress such problems through concerted efforts, campaign, workshop etc.
- Border killing is another serious concern for the NHRC, which needs to be addressed by the Government agencies. NHRC is following up the issue on a continuing basis and exerting its influence upon the Government of India through its Indian counterpart in order to stop such cases of serious human rights violation.
- The social fabric of our country inherits an exploitative systems aggravated by

illiteracy, lack of mass awareness about human rights and many more social ills. A large number of Government agencies and NGOs are working in this field. In this backdrop the NHRC is working as a catalyst organization to combine these efforts and guide those to achieve a society free from human rights violation. The NHRC believes it will, gradually but steadily, unfold it's still latent potential to create an environment where the dignity of the human person is preserved and ensured in all its manifestations.

# Concluding Remarks

This is the third Annual report of the current National Human Rights Commission (NHRC), holding the office for the term of three years. The current NHRC, began its journey in June 2010, established under the National Human Rights Commission Act 2009 enacted in line with the 'Paris Principles' adopted by the UN with the aim of protection and promotion of human rights in Bangladesh. In 2010 the NHRC adopted its five years Strategic Plan identifying its priority areas. The NHRC also focused on the recommendations made to Bangladesh during 1st Cycle of Universal Periodic Review in 2009 in carrying out its activities.

The NHRC is pleased to note the Government's efforts to enact legislation on Human Trafficking Deterrence and Suppression Act 2012 and Pornography control Act 2012, for which the NHRC was involved in 2011-2012 for organizing series of Consultations and Dialogue with the Stakeholders for providing recommendations for the enactment of these legislation for ensuring compliance with the International frameworks. The NHRC look forward to see that the Acts are operational through the promulgation of statutory rules and the provision of necessary resources, adoption of

action plan, to ensure the statutory intent of the legislation is realized.

The Child Rights Committee of NHRC, comprising NHRC Members, representatives of UN organs, National and International NGOs and relevant Government Actors, is diligent to work for the protection and promotion of the rights of child. The Committee is in close contact with the Government, urging officials to pursue the amendment/enactment of laws and formulation of policies to ensure conformity with the Convention on the Rights of the Child (CRC). With a view to make recommendations for revising the Children Act 1974 the NHRC organized series of Consultation Meetings on Child Rights to ensure wide Stakeholder input into the recommendations. With the inputs of the Consultation, Child Rights Committee, NHRC sent its written comprehensive recommendation to the concerned Ministry for incorporating the recommendations for ensuring compliance with CRC in the proposed draft Children Act.

The NHRC is delighted to note that the Cabinet approved the draft bill which has taken into consideration the recommendations made by the NHRC e.g. defining a child as

an individual below the age of 18 years, a separate desk at each police station to deal with the offences against children, setting up of a juvenile court in each district, no child would be tried by any court other than the juvenile court, to be established in each district under the proposed law. It is hoped that the bill will be passed in the Parliament shortly.

Throughout the year the Working Group on the UPR of NHRC was very actively engaged with the in Policy Dialogue with the Government for the follow-up of the recommendations made during the 1st Cycle of Universal Periodic Review (UPR) held in 2009. The NHRC organized Policy Dialogues with the relevant Secretaries of different Ministries and an outcome of the dialogue is the nomination of 15 Human Rights Focal Points by the key Ministries. The NHRC adopted a Roadmap for the UPR exercise and held series of Consultations, Workshops, and Dialogues throughout the year with all relevant Stakeholders on the follow-up and the preparation of the Stakeholder's Report submitted by the NHRC with the Stakeholders input and in preparation for the 2nd Cycle of UPR Review of Bangladesh during the Sixteenth Session in April 2013 in Geneva.

The NHRC continues its effort as a recommendatory body, in accordance with the Strategic Plan, UPR recommendations made during 1st Cycle of review and advocate with the Government and other Stakeholders to ratify/sign human rights instruments i.e. as Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Optional Protocol 3- to the Convention on the Rights of the Child on a Complaints Mechanism also in the process of harmonization of international standards into national laws and thus transplanting these standards/norms into ordinary human relations where they can truly achieve potential.

The Commission acknowledges the Government's commitment and support to the NHRC, recognises the essential role of NGOs and Civil Society in supporting the NHRC growing. The NHRC hopes to work with the Stakeholders in the future for the protection and promotion of human rights.

**Kazi Reazul Hoque**

Full Time Member, NHRC





# PROFILE OF COMMISSIONERS

The seven members of the present Commission were appointed in June 2010 (Chairman and Full Time Member) and in July 2010 (Honorary Members) for a three-year term(2010-13) according to the selection process set out in Chapter IV of the NHRC Act, 2009, which explains in more detail the criteria and selection process for these Commissioners. Profiles of current commission members:



## Dr. Mizanur Rahman

**D**r. Mizanur Rahman is Professor and former Chairman of the Law Department at the University of Dhaka. He had been a professor of Baltimore University at Maryland, USA as a Fulbright scholar. Until recently, he was a visiting professor at several Universities including Umeo University in Sweden, Oslo University in Norway, Tivier University in Russia, Tashkent University in Uzbekistan, Kathmandu School of Law, Nepal etc.

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

Dr. Rahman is a veteran Human Rights activist who has been dedicated to Human Rights promotion and research for over two



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

Dr. Rahman has been a consultant to a wide range of national and international organizations including the Government of Bangladesh, The World Bank, UNDP, UNICEF, ILO, Ford Foundation (USA), Soros Foundation (USA).

Save the Children, NORAD, European Commission, IOM etc. He has received a number of awards in recognition to his expertise in Law and Legal Education. He has travelled to numerous countries in Asia, Europe and the Americas as an invited guest speaker.

Dr. Rahman is also a renowned researcher. He is the author of 8 research monographs and more than 75 research articles. He has edited more than 18 books on Law, Human Rights, Legal Education and Governance and sits on the Editorial Board in a number of reputed scholarly journals at home and abroad.

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



## Kazi Reazul Hoque

**A**fter obtaining his Masters degree from Dhaka University, Kazi Reazul Hoque joined the Bangladesh Civil Service. After serving in local administration, autonomous institutions and in the Bangladesh Secretariat, he retired as a Secretary to the Government of the Peoples' Republic of Bangladesh in 2006. While serving as a District Commissioner, Mr. Hoque established the Khulna Foundation, Khulna Shishu Hospital, Liberation War Martyrs Monument at Gollamari and the Rabindra Complex at Dokkhindihi. During his service in the Government, Mr. Hoque played a key role in formulating the National Rural Development Policy-2000 and in establishing the Rural Development Foundation in 2000, the largest foundation in the public sector to reduce poverty under the Rural Development Foundation Act.

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

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



## Dr. Niru Kumar Chakma

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

Dr. Chakma is affiliated with several international philosophical institutions includ-

ing the American Philosophical Association. He participated in the 42nd conference of the General Assembly of the United Nations as one of the members of the Bangladesh delegation. He presented a paper at the 18th World Philosophical Congress and participated in several international seminars on Philosophy and religion.

Dr. Chakma was the Director of the Gobinda Dev Philosophy Research Center of Dhaka University. He has a wealth of publications in religion and human rights. He is a member of the editorial board of the *Banglapedia*, published by Asiatic Society. He has written a number of books on Buddhism and Human Rights.





## Selina Hossain

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

Mrs. Selina Hossain is the Executive Director of Fareea Lara Foundation. She worked at the Bangla Academy for 34 years in various capacities. In addition, she is actively involved in cultural and social work in the areas of human rights and gender issues at national and international levels. She has received several awards including Bangla

Academy Literary Award and Alaol Literary Award. She received the national 'Ekushe Padak' award in 2009.

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

Mrs. Hossain is a member of the governing council of the Delhi-based SAARC Writers and Literature Foundation. She has been nominated to join the UNESCO Executive Board as the Representative of the Bangladesh Government.



## Advocate Fawzia Karim Firoze

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

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



## Aroma Dutta

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

Ms. Dutta is also an Executive member of a number of national and international organizations working for poverty reduction and upholding human rights for the poor and disabled persons including the Interna-

tional Center for Non-Profit Law (ICNL-USA); Proshika; Campaign for Popular Education (CAMPE). She also worked for NORAD, USAID in the field of women in development, health and family planning, small scale cottage industry, rural development, rural credit programmes.

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





## Nirupa Dewan

**N**irupa Dewan is a retired Headteacher of Rangamati Government High School with 35 years experience in teaching. She is a member of several renowned national and international organizations including the National Social Welfare Council; District Women's Sport Association; Bangladesh Girls Guides Association; Red Crescent Society and Rotary Club.

Ms. Dewan was awarded the 'Star of Bangladesh' in 1994 from the Bangladesh Girl

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







