

Inception Phase Assessment Report of Human Rights Program

**United Nations Development Programme (UNDP)
Bangladesh**

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Abbreviations

Addl Sec	Additional Secretary APF
APE	Asia Pacific Forum
AWP	Annual Work Plan
BNHRC- CDP	Bangladesh National Human Rights Commission
CDP	Capacity Development Project
CA	Capacity Assessment
CBO	Community Based Organisation
CHT	Chittagong Hill Tracts
CMW	Committee on Migrant Workers
CRC	Child Rights Convention
CSO	Civil Society Organisations
CTTC	Counter Terrorism and Transnational Crime
DANIDA	Danish International Development Agency
DC	Deputy Commissioner
FAO	Food and Agriculture Organisation
FTM	Full Time Member
GoB	Government of Bangladesh
HR	Human Right
HRBA	Human Rights Based Approach
HRDs	Human Rights Defenders
HRP	Human Rights Programme
ICCIPR	International Covenant on Civil and Political Rights
IEC	Information Education and Communication
ILO	International Labour Organisation
INGO	International Non Government Organisation
JD	Job Descriptions
JS	Joint Secretary
KII	Key Informant Interview
MoFA	Ministry of Foreign Affairs
MoHA	Ministry of Home Affairs
MoHFW	Ministry of Health and Family Welfare
MoLJPA	Ministry of Law Justice and Parliamentary Affairs
MoWCA	Ministry of Women

MoU	Memorandum of Understanding
NGOs	Non Government Organisations
NHRC	National Human Rights Commission
OHCHR	Office of the High Commissioner for Human Rights
PAB	Programme Advisory Board
PIC	Programme Implementation Committee
PPPP	People Public Private Partnership
PTI	Primary Training Institute
SDGs	Sustainable Development Goals
SDC	Swiss Agency for Development and Cooperation
SIDA	Swedish International Development Cooperation Agency
SMART	Specific Measurable Achievable Relevant Timely
SWOT	Strength Weakness Opportunity Threat
ToR	Terms of Reference
UPR	Universal Periodic Review
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Populations Fund
WTC	Women Training Centre
YPSA	Young Power in Social Action

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I hope this report will help UNDP, to take steps accordingly and continue the programme and help to achieve its objectives on Human Rights Issues in Bangladesh effectively.

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Executive Summary

This report is presented in three sections. Section 1 seeks to provide an overview of the Human Rights Programme. Section 2 provides the details on the overall and specific objectives of the assessment and section 3 provides findings, observations, lessons learnt and way forward.

Democracy and human rights are mutually complementary concepts. Human rights ensure engagement, human dignity and democratic accountability. Furthermore, without respecting fundamentals of human rights principles of democracy cannot sustain.

Equality, Human Dignity and Social Justice, are the cornerstones of the Constitution of Bangladesh. However like many other developing countries unfortunately, the state of Human Rights in Bangladesh falls short of global standard.

The HRP is very much in consistent of the United Nations Development Framework (UNDAF) 2017 -2020 particularly with outcome area one: i.e. *People– All people have equal rights, access and opportunities.*

The Human Rights Programme (2016-2020) was conceived by UNDP supported by DANIDA, SIDA and SDC to achieve this outcome aiming at building the capacity of existing human rights architectures in Bangladesh. The Programme has a particular focus on working with vulnerable and marginalized groups, including women and girls, children and young people, ethnic and religious minorities, people with disabilities, *Dalit* and other minorities. It also aims to build gender equality initiatives, strengthen civil society activities for women girls, persons with disabilities and ethnic minorities.

Objective and scope of this review: To assess the progress made under outputs/results by the HRP against its targets during its first one year and explore any future scope and opportunity for further improvement in certain areas so that strategies for improvement can be formulated by Programme management and approved by donors. Specific purpose is to assess the performance (targets-achievements and effectiveness) during its first one year; assess the independence of the Commission and its capacity; assess the Programme ability to involve the civil society and other relevant actors. In view of the broad objectives, this study assesses the performance of the programme in terms of 18-month milestones being set as its operational activities. The Programme has 17 milestones to achieve and address during this review phase.

Methodology of the assessment: The assessment is based on number of methodological approaches. To begin with- the Consultant did a thorough Content Analysis and Document Review of variety of relevant published and unpublished materials, reports and documents. Some one to one Meeting/Discussion sessions with key Informants have been made. Two Focus Group Discussions have been

arranged to draw the insights and inferences from various stakeholders on the role, performance and institutional challenges of NHRC. A SWOT analysis was carried out with the HRP staff and members of the CSOs, media and social activist. A Problem Tree Analysis exercise has also been carried out.

Key findings and Observations: The assessment shows that almost all the milestones have been addressed /achieved or carried out in due time. Nevertheless, it is to be pointed out that adequate gestation time is needed to see the results and the implications of such interventions and or actions. However it can be inferred that such timely completion of the milestones will have significant and positive impact on the HRP and its future progression.

Observations as regards specific objectives: Independence of the Commission and as regards to external risks.

The NHRC is still below the standards as set forth in the Paris Principles and ICC (International Coordinating Committee of National Institutions for the promotion and protection of Human Rights). The Commission lacks an effective legal framework and adequate human resources to unleash the huge potential of a watchdog national institution.

According to the criterion set by the International Coordination Committee of National Human Rights Institutions, the NHRC is categorized as a B status institution. Category - B refers to a commission that is partially compliant with the Paris Principles.

The NHRC Act has a number of shortcomings that prevent the Commission complying fully with the Paris Principles. Those shortcomings include: i. inadequate definition of human rights; ii. the provision on the investigation of allegations of human rights violations committed by the ‘disciplined force’, that is, the military and the police; iii. deficiencies in the procedure for selection of members; iv. limitations on full financial independence.

The NHRC has developed a strategic plan (2016 - 2020) that envisions “a human rights culture throughout Bangladesh” along with the mission statement “to ensure rule of law, social justice, freedom and human dignity through promoting and protecting human rights”. The institutional capacity in terms of financial and human resources have been increased over the years. The NHRC budget has been doubled since 2013. Currently NHRC is seeking further increases in its staff number – at

present it has 48 staff and trying to bring its total staff number to 148.

Observers noted that in order to work in a harmonic and synchronized manner, NHRC has to work strategically along with the external actors and institutions, including government. Key informants and CSO members observed that NHRC's effectiveness depends largely on the willingness of Government ministries to accept and implement NHRC recommendations.

The CSO members also noted that the NHRC has to understand and recognize the political mosaic and the nature of the political economic environment of the country. The CSOs also noted that the NHRC was still below the expectation in terms of its institutional capacity. The relationship with the law enforcing bodies and its visibility, nature of activities, and the overall image of NHRC as an independent guardian body is still short of the expectation of the stakeholders.

All critical observers concluded that there is a need for the amendment of NHRC Act to make it more "responsive, functionally visible and develop greater institutional trust of the citizens". The SWOT analysis and the experts observed that "without full functional autonomy, NHRC would hardly be able to address its core concerns".

Programme ability to involve the civil society and other relevant actors

The HRP has been active in organizing workshops and training sessions to mobilize and capacitate the community based organization and members of the Thematic Committees. Some of the Thematic Committees, on "Women Rights", "Child Rights", "Dalit, Hijra and Excluded minorities", "Migrant Workers" and "Persons with disabilities" have been found more active and visible than other committees.

The performance of the Thematic Committees on average is 23.2% (ranging from 57 to 14%), indicate that there is scope to further strengthening and or activating the Committees

HRP has initiated a provision for small grants to support CSOs/CBOs under a Challenge fund provision. The challenge fund to a great extent opened opportunity for creating demand and enhancing awareness amongst the relatively disadvantaged members of the community. The challenge fund has been successful to bring rural CSOs to the policy table with NHRC and has facilitated them to be part of the thematic committees. Of the total challenge fund recipients fifteen (15) CSOs have

formed coalitions and are working in collaboration with local CBOs, in their respective areas.

HRP has assisted and capacitated different Human Rights Defender groups –that provide voluntary support to protect and promote human rights of the community. The Human Rights Defender groups however noted that NHRC’s support and visibility at the gross-roots level is “a critical factor for protection of human rights”.

Another significant attempt of the HRP is to assist the NHRC to enhance the capacity of law enforcement agencies with particular emphasis on assessing and understanding the approaches to handle human rights issues.

Human Rights Programme has mainstreamed gender in all its programmes interventions and implementation processes. All 5 outputs of HRP have a specific focus on gender where output 4 is dedicated to women empowerment and advancing women rights.

HRP has a specific focus on inclusion of ethnic and excluded minorities in various training sessions, workshops and advocacy initiatives to create towards claiming their rights and access to responsible authorities. HRP has been active to engage the multi-ethnic and religious leaders for promotion of “peace and social harmony” at Cox’s bazar as to promote conflict sensitivity due to emerging stress of Rohingya crisis. Youth engagement in the community radio programming, development of youth leadership and their online networking, and initiatives for inclusion of ethnic and excluded group representatives in the LGI standing committees has created space to participate in local decision and policy making forums.

Broad Observations

Like many other TA projects, HRP has created a base of technical support and has played the role of a “technical support team” which is deeply appreciated by NHRC.

The HRP has given importance to knowledge management and dissemination. In order to develop advocacy strategies and pro-active actions, the HRP has commissioned a number of research projects on child marriage, Situation analysis of excluded groups, climate change induced human rights, land rights, Human Rights of Stateless People etc.

HRP interventions have been successful to transfer technical knowledge of the NHRC staff to document and management of variety of data and information to track, follow up and promote human rights.

NHRC's visibility, operational efficiency and overall capacity have been enhanced by the interventions of HRP.

HRP has been able to create a "demand side wave" through the CSOs and their partnership with the NHRC.

GOB's political will to promote NHRC's mandate and its continued financial support is a critical and most important precondition for the effectiveness of NHRC.

The absence of desired number of NHRC regional and or field level offices has significantly reduced the credibility, operational efficiency, institutional image, broad based public trust and confidence and overall performance of the NHRC.

However, with the specific programme interventions: like training, policy researches, community dialogues, sessions, NHRC appears to be moving upward in the institutional "learning curve".

Most importantly, the implementation of the 18 Month Milestones is in right track with some indicators already achieved and the target on track.

NHRC is very keen to continue this partnership with UNDP - but it should be done in manner avoiding heavy dependency on HRP for every single issue. At present NHRC seems to be heavily dependent on HRP which must minimize during the next two years of the project.

Lessons learned

Including multiple stake holders in all levels of project administration and implementation ensures cross sectoral cooperation and coordination.

Capacity and stronger decision making power of Thematic Committees will ensure efficient implementation of the project as well as action plans of the Committees. The Thematic Committees have proven to be an effective platform but those need to be further strengthened and consolidated in order to address their mandates.

Wider consultations including at district level brings human rights issues to the limelight otherwise ignored or overlooked. Consultations have also led to several facts- finding missions raising NHRC profile among public.

Participation of members of the excluded minorities is vital in finding practical solutions to systemic problems compromising human rights.

Way forward

Continue to engage multiple stake holders in project implementation and decision making platforms.

Align NHRC strategic plan (2016 -2020) with the concluding observations made under treaty bodies and the recently held UPR cycle (3rd cycle recommendations).

Effective coordination and networking of CSOs working on Human Rights at local and national level need to be closely pursued.

HRP should continue its support to prioritize strengthening the following functions in the next three years –

- i. Research and legislative analysis,
- ii. Compliant handling and investigations,
- iii. Monitoring of detention facilities;
- iv. Strengthening / capacitating the focal points at the agency / ministry levels;
- v. Pursue further research and analysis on the address HR issues,
- vi. Strengthen in-house capacity for research and analysis to understand the diversity, implications and intervention approaches to address HR issues,
- vii. Developing Parliamentary caucus to understand and address HR issues in the Parliament and outside, and develop deeper cooperation with media to create the demand side of rights issues.

Section I

Back ground of Human Rights Context and the Human Rights Programme (HRP), UNDP

1.1 Introduction

It has been rightly argued by scholars that democracy and human rights are mutually complementary concept. Human rights ensure engagement, human dignity and democratic accountability. Furthermore, without respecting fundamentals of human rights principles democracy cannot sustain¹.

Bangladesh is a country with a land area of 144,000 square kilometers and a population of over 160 million² making it one of the most densely populated countries in the world. Party to both ICCPR and ICESCR, the Constitution of the People's Republic of Bangladesh pledges that its fundamental aim is to realize a society in which the rule of law, fundamental human rights and freedom, equality and justice will be secured for all citizens.

Bangladesh has made significant progress in socio-economic indicators during past two decades and performed well above initial expectations. Although Bangladesh has made significant strides in some of the development indicators, still its people particularly the marginalized, excluded and the poor are deprived of basic human rights as well as adequate access to basic services. The latest Household Income and Expenditure Survey (HIES-2010) data reveal that about 31.5% of people of Bangladesh live below the upper poverty line³. Despite laws/policies⁴ aimed at women empowerment, violence against women persists as an endemic problem⁵ with an estimated 60 per cent of married women reported to have experienced

¹Carol C. Gould, *Globalizing Democracy and Human Rights*, New York: Cambridge University Press, 2004, pp. 276

² Bangladesh Country Strategic Plan (2017–2020), WFP

³Bangladesh Bureau of Statistics, *Household Income and Expenditure Survey, 2010*

⁴ Party to CEDAW, the Bangladesh legal framework on VAW consist of several laws, policies and action plans including, Women and Children Repression Prevention Act 2000 (amended in 2003), Acid Crime Prevention Act 2002, Domestic Violence (Prevention and Protection) Act 2010 and Rules of Precedure2013, Human Trafficking Deterrence and Prohibition Act 2012, Pornography Control Act 2012. In addition, the State has formulated National Plan of Action to Prevent Violence Against Women and Children 2013-2025 and National Plan for the National Women Development Policy in the recent part to address VAW across the country.

⁵ Human Rights Council *Report of the Special Rapporteur on violence against women, its causes and consequences* 23 May 2013.

violence.⁶ Bangladesh is ranked 73rd in the Global Hunger Index 7 and at least 14% of children under five, suffer from under nutrition⁸. Violence against children has increased significantly with 20 children killed, 30 raped every month, 3,589 subjected to violence of 1,441 victims of unnatural deaths and 686 of sexual violence and harassment⁹. Child marriage is prevalent in poor communities in rural areas and urban slums. Girls as young as 12 years are given in marriage to avoid dowry¹⁰. UNICEF places child marriage in Bangladesh under the age of 15 at 18% and under the age of 18 at 52%.¹¹ Several laws¹² provide for special budgetary allocations¹³ aimed at welfare of religious groups and text books in five ethnic languages¹⁴ for primary grades are now in place. Hindus and Buddhist communities and some ethnic minorities witnessed several violent attacks¹⁵.

1.2 Domestic human rights frame work

Equality, Human Dignity and Social Justice, are the cornerstone of the Constitution of Bangladesh which is reflected in the Proclamation of Independence as well as in the Preamble of our Constitution. Bangladesh Constitution has assured that "it shall be a Fundamental aim of the state to realize through the democratic process a society in which the Rule of Law, Fundamental Human Rights and Freedom, Equality and Justice, Political, Economic and Social rights will be secured for all citizens". More specifically the Chapter III of the Bangladesh Constitution Bill of Rights has been introduced as Fundamental Rights. Rights enshrined in this Chapter include equality of all irrespective of religion, race, caste, sex or place of birth; equal protection of law: private life and personal liberty, non-discrimination in all matters including opportunity in public employment; safeguards as to arrest and detention; protection in respect to trial and punishment under retroactive law; freedom of movement and

⁶ See International Centre for Diarrhoeal Disease Research, Bangladesh *From Evidence to Policy: Addressing Gender-Based Violence against Women and Girls in Bangladesh* Dhaka, 2013. Almost two thirds (71.6%) of ever-married women experienced one or more forms of violence perpetrated by their husband at least once in their lifetime- Survey by BBS <http://www.bbs.gov.bd/pressrelease/2014/03/08/22389> add title

⁷ Grebmer, K.v., et al. *Global Hunger Index: Armed Conflict and the Challenge of Hunger*. 2015, International Food Policy Research Institute, and Concern Worldwide: Bonn, Washington, DC, and Dublin: Welthungerhilfe.2015.

⁸ NIPORT, Mitra and Associates, ICF International. *Bangladesh Demographic and Health Survey 2014*. Dhaka, Bangladesh and Calverton, Maryland, USA: NIPORT, Mitra and Associates, and ICF International; 2016

⁹ Bangladesh Shishu Adhikar Forum (BSAF) report (2016)

¹⁰ Child Rights in Bangladesh, Mohajan, Haradhan (2014): *Child Rights in Bangladesh*. Published in: *Journal of Social Welfare and Human Rights*, Vol. 2, No. 1 (31. March 2014): pp. 207-238. <https://mpr.ub.unimuenchen.de/58424/>

¹¹ Child Marriage Restraint Act 2017 to practise no restraint, February 28, 2017, Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/>

¹² Christian Religious Welfare Trust (amendment) Act 2011; The Buddhist Religious Welfare Trust Ordinance, 1983; and the Hindu Religious Welfare Trust Ordinance, 1983

¹³ Special budgetary allocation of 200 crores in the FY 2016-17 for the maintenance of temples and holy places of the Hindu community. It is noted here that In the FY 2015-2016, the Hindu Religious Welfare Trust received Tk 70 lakh; Buddhist Religious Welfare Trust Tk 80 lakh; and Christian Religious Welfare Trust Tk 10 lakh.

¹⁴ Chakma, Marma, Tripura, Sadri and Garo languages.

¹⁵ According to information of Hindu, Buddha and Christian Oikya Parishad (published in the Daily Star on June 03, 2016), 10 people from religious minorities were killed, 366 injured and eight women were raped in the country in the first three months of 2016. Another 24 people were killed, 25 women raped and 1,562 families were affected in 262 incidents of minority persecution in the country last year (2015).

assembly; freedom of thought, conscience and speech; freedom of profession or occupation; freedom of religion and right to property etc. Women are guaranteed equality before the law under the Constitution, “in all spheres of the state and of public life.” Nevertheless, women do not enjoy the same legal status and rights as men in a number of key areas of the legal system, including family, property, and inheritance law. Further part III, Article 26 of the Constitution, needs special mention. This specific Article can be interpreted as a safeguard to all guarantees mentioned under the Fundamental Rights Chapter, as it prohibits enactment of laws inconsistent with the Fundamental Rights.

Article 102 of the Constitution, the National Human Rights Commission, the Women and Child Repression Prevention Tribunal¹⁶, the Acid Violation Prevention Tribunal¹⁷ and the Torture and Custodial Death (Prevention) Act of 2013¹⁸ are among the key forums and avenues of redress available to victims of human rights violations. Unfortunately, not all victims of Human rights violation are able to access these forums. Lack of awareness, poverty, fear of reprisals and physical barriers has had an overall negative impact on seeking redress from these forums.¹⁹

Despite laws guaranteeing rights and inclusion, certain marginalized communities are systematically excluded, discriminated against, segregated from mainstream development, and denied recognition of their identities due to gender, age, religion, caste, sexuality, ethnicity or disability. Groups facing particularly pronounced marginalization include religious minorities, ethnic minorities and *Dalits*. There is still a dearth of credible data on the marginalized community²⁰. The marginalized groups also face discrimination in terms of representation²¹, employment, land rights, and basic economic and social rights.

1.3 Human Rights Programme - UNDP

Given the country and global context, and in order to help the Government of Bangladesh and its People to respond to these challenges, the United Nations Development Framework (UNDAF) 2012 -2016 and at present the United Nations

¹⁶ The Women and Child Repression Prevention Act, (2000) - offences relating to ransom, kidnapping, trafficking, abduction, corrosive substances, dowry etc. Will follow the provisions of the Criminal Procedure Code. Highest punishment is death penalty for offences such as rape resulting death (section 9) and death caused due to use of corrosive substance (section 4)

¹⁷ The tribunal exercises the powers under i) The Acid Control Act, 2002, ii) The Acid Violation Prevention Act, 2002.

¹⁸ The Torture and Custodial Death (Prevention) Act, 2013 is the only single piece of legislation on the right to freedom from torture in the legal system of Bangladesh enacted to implement the legal obligations under CAT. The main objective of the Act is to fulfil the obligations conferred by CAT.

¹⁹Extracted from the Access to Justice in Bangladesh Situation Analysis, Summary Report, 2015, UNDP

²⁰*The Human Rights Situation of Dalits in Bangladesh*, Joint NGO Submission related to Bangladesh for the 16th Universal Periodic Review 2013.

²¹Sharmin, S Socio Economic Situation of and Land Rights of the indigenous people in Bangladesh, at www.ssm.com/lonk/OIDA-Int-Journal-Sustainable Dev.html

Development Partnership Framework (UNDPF) 2017 – 2020, is providing support under outcome: ‘Justice and human rights Institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups’.²²

The Human Rights Programme (2016-2020) has been developed by UNDP in partnership with DANIDA, SIDA and SDC. The five -year programme aims to enable the human rights and justice institutions for promotion and protection of the rights of all persons within the jurisdiction of Bangladesh. The Programme supports state based institutions, with a special focus on the NHRC, providing s technical support to key civil society interventions to improve human rights coalitions across the country. It has a particular focus on working with vulnerable and marginalized groups, including women and girls, children and young people, ethnic and religious minorities, people with disabilities, *Dalit* and other minorities. It will build gender equality initiatives, strengthen civil society activities for women and girls and build the position of the NHRC as an important partner for gender equality within Bangladesh

The Programme focuses on the following outputs:

1. Strengthened capacity of the National Human Rights Commission to deliver on its mandate
2. Enhanced capacity of civil society and community based organizations to engage in human rights advocacy and awareness raising
3. Enhanced capacity of law enforcement agencies, in particular police, on human rights issues
4. Strengthened capacity of national stakeholders to better protect and promote women’s rights
5. Strengthened capacity of national stakeholders to better protect and promote the rights of ethnic minorities

HRP has been designed with extensive consultations with government bodies, national level NGOs, community based organizations, different human rights platforms and human rights associations. UNDP therefore has designed its next generation of support through this Programme addressing the recommendations from the Seventh five-year plan as well as working with a range of stakeholders to ensure that the most disadvantaged and vulnerable groups in society, including women, persons with disabilities, ethnic, religious minorities, other minorities and children are protected. UNDP in principle agreed that considering the situation analysis and the nascent NHRC’s capacities there is a clear need for this support to

²²BDERMandNagorikUddyog,*DalitWomeninBangladesh:MultipleExclusions* Dhaka, 2011at http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Dalit_Women_in_Bangladesh_-_Multiple_Exclusions.pdf,also see The Human Rights Situation of *Dalits* in Bangladesh, Joint NGO Submission related to Bangladesh for the 16th Universal Periodic Review 2013.

continue.

The Programme works and encourages the partnership approach of the NHRC with CSO/NGO/CBO, academic institutions, relevant agencies of the UN, projects within UNDP, media agencies both print and electronic, relevant government ministries through the human rights focal points of those ministries, local administration and the law enforcing agencies. The HRP is a continuation of support to the NHRC to fulfill its core mandate especially that is being identified by the Commission's Strategic Plan 2016-2020. The Programme intends to support and compliment the NHRCs activities to ensure protection and promotion of human rights in Bangladesh.

The majority of Programme activities are designed to engage multiple partnerships in a single activity reflecting the Programme focus on building coalitions and strengthening the human rights space in Bangladesh. While continuing to seek advice and consult with the NHRC, the Programme attempts to build the capacity of CSOs and Police where the situation warrants. This intends to encourage openness and sensitivity of the NHRC towards contextual realities.

UNDP has undertaken human rights related programming for the last five years through the Bangladesh National Human Rights Commission Capacity Development Project (BNHRC-CDP). Additionally, it has undertaken other programmes that have impacted rights enjoyment in Bangladesh, including the Police Reform Programme, Judicial Strengthening, Justice Sector Facility, Access to Justice and Activating Village Courts. While these interventions proved to be relatively successful in improving frameworks and services provided by the human rights and justice institutions to citizens, these institutions are still far short of meeting their responsibilities for human rights. Further, there is a growing need to incorporate stakeholders outside of government institutions more deeply in human rights work, and to provide platforms for a cohesive human rights dialogue at the national level. This is also in line with the UNDP New Strategic Plan 2014-2017 to meet citizen expectations for voice, development, the rule of law and accountability by stronger systems of democratic governance.

The BNHRC-CDP achieved modest success in undertaking its mandate to build the capacity of the NHRC. Its final evaluation identified successes, including; helping to professionalize the work of the NHRC through institution building; supporting steady progress in complaints handling; investigation and mediation; developing extensive media contacts for the Commission; and helping to produce a wide range of research studies and policy papers on key human rights issues. Further BNHRC-CDP's evaluation report's main recommendation was to continue support. However, recognizing the weakness of only supporting a single human rights body, UNDP developed to operate with established human rights CSOs and CBOs in

addition to the NHRC to foster human rights work at national, regional and local levels and a cohesive human rights dialogue in Bangladesh.

1.4 HRP Overall achievements in 2016 - 2017

Despite delays to commence work and recruit project staff, HRP was able to have 70 % of its staff on board and set up its office by end April 2017. Almost 2-3 months of the financial year 2017 was spent mostly to set up the office, programme planning, staff recruitment and troubleshooting administrative matters. Regardless of these challenges the Programme has been able to achieve several results in 2017.

Below presents a summary of key results achieved during the financial year 2016 (Sep – Dec) and 2017.

1.4.1 Submissions under international human rights instruments

Technical support provided to National Human Rights Commission to hold consultations and prepare reports under International Covenant on Civil and Political Rights and Intentional Convention on Migrant Workers and the Universal Periodic Review 2nd cycle has resulted in submission of independent reports to the treaty bodies , providing an update of the human rights status in Bangladesh and well-articulated recommendations to improve the human right situation in Bangladesh. All three reports were prepared based on input received from a series of consultation with a range of stakeholders based in Dhaka and the districts. These reports provide an update on the human rights status in Bangladesh and well-articulated recommendations to improve the human rights situation in Bangladesh. It also contributes to set agendas and to develop platforms for developing plans on national human rights issues for stakeholders including civil society organizations, relevant government agencies.

1.4.2 Support Thematic Committees to facilitate rights dialogues and policy debates

Constructive inputs during the formulation of the terms of reference of thematic committees, developing its annual work plan and planning interventions in line with the recommendations made under international human rights reviews and GOB priorities has enabled thematic committees to engage in contemporary policy and rights dialogues. The thematic committees consist of civil society organizations, human rights activist, state institutions, academician, development agencies and intergovernmental agencies. These committees are chaired by NHRC

commissioners, allowing space to own and promote work carried out by these committees using the NHRC platform.

1.4.3 Improved coordination with civil society organizations functioning at national and local levels

Challenge fund launched by HRP has enabled civil society organization operating in rural setting to establish better links and networks with national stake holders engaged in the human rights sector. HRP is currently working with 21 CSOs/NGOs of which 11 have never worked with NHRC before. The challenge fund has been successful to bring rural CSOs to the policy table with NHRC and has facilitated them to be part of the thematic committees. Of the total challenge fund recipients fifteen (15) CSOs have formed coalitions and are working in collaboration with local CBOs, in their respective areas

1.4.4 Support youth networks to advocate for human rights and raise awareness

Leadership and capacity building programmers for youth from ethnic minorities has enabled human rights advocacy on rights of ethnic communities.

1.4.5 Capacity building Human Rights Defenders for better human rights monitoring and reporting

Refresher Trainings for the Human Rights Defenders (HRD) has enabled better monitoring and reporting incidence of human rights violations to the National Human Rights Commission and other relevant authorities.

1.4.6. Joint fact-finding mission to ensure increase accountability and higher impact

HRP was instrumental in organizing a joint fact finding mission between NHRC and the Parliamentary Caucus on Indigenous Peoples, to investigate human rights violations perpetrated on the Santal community at Gaibandha, resulting in swift action from stakeholders responsible for protecting human rights

1.4.7 Awareness and advocacy tools promoting a culture of human rights

Policy debates, seminars and awareness programmers lead to greater sensitization of communities on human rights

1.4.8 Enhancing outreach through the establishment of two regional offices of NHRC

Two regional offices in Ramgamati and Khulna is established and will serve local communities in collaboration with the legal aid offices, police stations, networks of

local CSOs human rights legal practitioners and human rights defenders.

In addition to the results above HRP has invested substantial amount of time on several policy documents and draft laws including the draft law on anti-discrimination, draft Rules on Child Marriage Restraint Act, amendments to the NHRC Founding Act , National Policy of People with Disabilities and the draft law on Bangladesh Ethnic Minority People's Rights Act. Except the latter rest of the documents were all drafted by the HRP team jointly with NHRC. The draft law on Bangladesh Ethnic Minority People's Rights Act was drafted by Research and development Collective as part of the work commissioned under the challenge fund **launched** by HRP.

HRP has given importance to knowledge management and dissemination. In order to develop advocacy strategies and pro-active actions, HRP has commissioned a number of research projects to understand and assess the diversity of human right issues and its relevant intervention strategies. Following are some of the research sponsored by HRP:

1. Social safety net programme: Access and barrier for *Dalit* women.
2. Marginalization & discrimination of *Munda* community in education: A case study in *Barind* areas of Bangladesh.
3. *Mahalis* of Mundumala: negotiations of water rights and hydro politics.
4. Testimonies of violence and issues of human rights: *Rohinga* women in Bangladesh.
5. Land rights of *Khasi* Indigenous people in Bangladesh.
6. Social and Legal Implications of withdrawing the CEDAW reservations on the Bangladesh legal system and social norms.
7. Lapses in the Legal Framework related to Informal Employment Sector with Specific Focus on Women

All the above research studies were commissioned to Dhaka University with the first five research studies undertaken by the Anthropological department and the second two studies carried out by the Law department. All seven studies were found to be useful and are addressing contemporary human rights issues. The first five studies are different from the last two studies – as they were conducted by undergraduates from the ethnic minorities supervised by senior faculty members. Among other things these five research studies were intending to encourage knowledge exchange among ethnic youth and their engagement in human rights.

In addition to the above HRP has also provided technical support to NHRC to launch the following research studies all funded under NHRC funds.

1. Child Marriage Scenario in Bangladesh: Challenges and Way forward
2. Human Rights of Children with Autism Spectrum Disordered (ASD): Challenges and Way forward
3. Situation Analysis of *Dalits, Harijans, Hijra* and other socially excluded groups in Bangladesh: Challenges and Way forward
4. Climate Change induced Human Rights Violation in Bangladesh: Challenges and Way forward
5. Land Rights of the Plain Land Ethnic Communities: Challenges and Way forward
6. Human Rights of Stateless People: Current *Rohinga* Influx in Bangladesh and Way forward

A review of annual reports (2016 and draft 2017) reveals that HRP was able to achieve most of its activities proposed in the annual work plan of 2016 and 2017. Except for research studies and preparation of training manuals on gender diversity and law enforcement agencies and the work commissioned under the challenge fund, HRP implemented all the rest of the activities using in-house expertise and other resources.

HRP is found to be effective in its financial management. In the year 2017, the total budget was USD 1,749,089 of which USD 1,575,693 was spent. The total delivery rate was 90% against the budget which shows overall financial management efficiency of the program. Table below shows the budget and expenditure statements of each donor, namely SIDA, SDC and DANIDA in 2017 -

Sources of Fund	Budget (USD\$)	Expenditure	%
SIDA	1278442	1186219	62%
SDC	208392	128675	93%
DANIDA	262255	260799	99%

Section II

Performance Assessment

2.1 Rationale of the Inception Phase Assessment

Originally, the initiation of the Human Rights Programme was planned from January 2016. However, the Project document was signed on 28 April, 2016 and the initial activities of the programme started only after the recruitment of key staff in September, 2016. Originally the first 18 months of the Programme is considered as an inception phase but it was agreed that an inception phase assessment should commence 12 months after the Programme start date. Hence this assessment is required to provide an independent analysis of the project's achievements during its first 12 months. Furthermore, recommendations will be needed to help provide options for how UNDP might continue to support the NHRC and other stakeholders in the long term.

In consultation with its donors UNDP had agreed that the inception phase assessment will cover the following objectives;

Overall objective

To assess the progress made under outputs/results by the HRP against its target during its first one year and explore any future scope and opportunity for further improvement in certain areas so that strategies for improvement can be formulated by Programme management and approved by donors.

Specific objectives

- ✓ Assess the performance (targets-achievements and effectiveness) of the Human Rights Programme during its first one year;
- ✓ Assess the independence of the Commission and its capacity and other central conditions with regards to external risk,
- ✓ Assess the Programme ability to involve the civil society and other relevant actors in the Programme;
- ✓ Based on the findings of evaluation, prepare a rationale and recommendations for any further improvement and formulate the strategies for improvement.

Each of the dimensions of the assessment used specific questions and queries to draw inferences. Based on the findings of the assessment, some way forward approaches and recommendations have been suggested in section 3 of this report.

2.2 Methodology

The overall evaluation had benefited from several data collection and analysis tools and they are listed below.

1. Documents Review: The Consultant has reviewed relevant project documents, and other supportive and relevant reports to understand and assess the programme results and outputs.
2. Consultation/ Discussion meetings: The Consultant held a number of meetings with project staff as well as the officials of the NHRC. The prime purpose of such meetings was to assess the outputs/results achieved by the programme. Furthermore, the Consultant gathered some empirical evidences of the impact and or changes being made by the programme interventions within the NHRC and outside. In addition, semi-structured interviews have been made with thematic leaders (Women, Child and Disability), members of CSOs HRP and Officials of the relevant Ministries.
3. Key informant Interview: A number of meetings have been held with the senior officials of the NHRC including the Chairman, and Full time and Honorary Members of NHRC. In addition, the Chief Technical Advisor, HRP and UNDP senior management have also been consulted to understand and assess the operational issues related to the role and performance of NHRC.
4. Focus Group Discussion: The Consultant has conducted a number of Focus Group Discussions with different groups of stakeholders. Though the FGD, the consultant attempted to explore and assess the tangible benefits of the programme interventions and identified the areas where new interventions could be needed.
5. SWOT analysis exercise has been carried out with HRP staff and CSOs to assess the performance of the Human Rights Programme. A Problem Tree Analysis with HRP team members and CSOs have also been done.
6. An exercise on Changed Behavior Tree with the CSOs has been carried out to know about the effectiveness of NHRC and its required capacity and to assess the Programme's ability to involve the civil society and other relevant actors in the Programme.

2.2.1 Limitations of the Review

Although all efforts were made to meet with and talk to as many relevant respondents as possible during the course of this assessment, a number of logistical and practical factors prevented this from being fully successful. Due to time constraint all the field visits and meeting all relevant people could not be done, as planned. It was also difficult to get appointments with some of the key informants due to their busy schedule.

2.3 Assessment of the performance (targets-achievements and effectiveness during the first 18 months) as against 17 milestone

This section of the report seeks to present findings under each of the specific objectives of the assessment.

As part of the first objective of the assessment, this section looks at the specific performance of the program in terms of the 18-month milestones listed in annex C of the project document. In addition, this also reviews the criteria set out in the information sheet attached with the cost sharing agreement with the different development partners. There were 6 key milestones listed in the project document with 11 additional conditions listed out in the information sheet. The first table gives a status update on the 18 month milestone annexed in the project document while the second table looks at the conditions mentioned in the information sheet.

Matrix on the status of the 18 Month Milestones from the Project Document

Milestone with indicators	Timeline	Status/ Progress
<p><i>Independent Assessment of the NHRC:</i></p> <p>Indicator: Independent consultant to be recruited to assess the capacity of NHRC. In the capacity assessment of December 2013, key recommendations were made. This new assessment will look into the recommendations made in 2013, follow up on how many have of those recommendations been implemented and suggest further recommendations, if applicable.</p>	18 month milestones	Assessment done by the Asia Pacific Forum of national Human Rights Institutions and UNDP in January 2017 looking at key recommendations made from 2013. The report includes how many of those have been implemented and suggests further recommendations.
<p><i>The new commission is showing willingness and ability to function</i></p>	18 month milestones	Under the NHRC Act 2009 a new Commission was

Milestone with indicators	Timeline	Status/ Progress
<p data-bbox="352 322 743 434"><i>independently and address a broad spectrum of HRs violations:</i></p> <p data-bbox="352 510 743 689">Indicator: NHRC has made a proposal for changes to the NHRC Act 2009 in line with the Paris Principles</p> <ul data-bbox="352 696 743 2011" style="list-style-type: none"> <li data-bbox="352 696 743 875">- pro-activeness in starting the HRC fund (assuming current commission cannot complete it) <li data-bbox="352 882 743 1016">- pro-activeness in requesting for the remaining recruits of the NHRC staff <li data-bbox="352 1023 743 1464">- pro-activeness in addressing critical HRs violations under 3 of the 8 international treaties BD is State Party to (Chairperson’s statements have addressed rights in at least 3 core human rights treaties e.g. ICESCR, ICCPR, CEDAW) <li data-bbox="352 1471 743 1756">- NHRC to actively incorporate HRBA into all its documentation and implementation including the law formulation process, SOP, by-laws, legal analysis, etc. <li data-bbox="352 1762 743 2011">- NHRC will continue to ask for reports from govt or any authority or organization and follow up (Baseline: between April-Sept 2015 the NHRC issued 		<p data-bbox="1027 322 1420 875">appointed with effect from 2 August 2016. The previous Full-Time Member, was appointed as Chairman, while all other Commissioners are new to the Commission. The new (male) Full-Time Member and the current Commission comprises five honorary (part-time) Commissioners, two men and three women, including an indigenous woman from the Chittagong Hill Tracts. (ref CA 2017 2.2).</p> <p data-bbox="1027 913 1420 1279">As per the NHRC act a selection committee is formed consisting of seven members headed by honorable Speaker of the parliament. Based on its recommendation the President of Bangladesh appoints the Chairman and members of the Commission.</p> <p data-bbox="1027 1317 1420 1899">The efforts of the present Commission, has been instrumental to enhance its budget by 172%. Continuous lobbying with government and raising this issue in HRP supported high level policy meeting has resulted in increasing the budget. Following the budget increase the Commission is now lobbying to expand their human resources, advocacy & awareness, and capacity development of its staff and stakeholders.</p> <p data-bbox="1027 1937 1420 2011">The present Commission has been successful in relocating</p>

Milestone with indicators	Timeline	Status/ Progress
<p>approximately 310 letters and received response for 266 from different government departments/authorities)</p> <ul style="list-style-type: none"> - Govt funding to NHRC is sufficient to cover staff costs and separate premises - NHRC established its budget and based on that budget resources are provided by Govt. 		<p>to a venue which has easy access to public ensuring accessibility for the persons with disability and a disable friendly infrastructure. These efforts have enabled NHRC to recruit 2 persons with disabilities as staff members. The Commission has also recruited a member from the <i>Hijra</i> community as its receptionist. This in a way reflects the attitude of the Commission towards the vulnerable groups.</p> <p>The Commission has enhanced its outreach by establishing 2 regional offices in Khulna and Rangamati and it is processing the establishment of the 3rd regional office in Cox's Bazar.</p> <p>The Commission has continued its efforts to get the approval of the Government to recruit new staff. It has been successful in filling almost all 12 out of 13 approved staff at the officer level and is in the process of recruiting another approved 7 staff including 1 officer level staff, to expand the functions of NHRCB and establish additional regional offices at divisional level.</p> <p>The Commission has been active in submission of independent stakeholder's UPR report to the Human Rights Council and to the CRC, CEDAW Committee,</p>

Milestone with indicators	Timeline	Status/ Progress
		<p>Human Rights Committee, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, made its statement at the ICCPR review and to the Committee on Economic, Social and Cultural Rights. It has also been engaged with the review and follow-up processes including drafting of an action plan for the effective implementation of UPR.</p> <p>With support of HRP, the National Human Rights Commission, Bangladesh has been engaged into reviewing/proposing legislations/policies in line with the international human rights standards and instruments. It has reviewed its own founding (National Human Rights Commission Act 2009), amendment of Child Marriage Restraint Act, framed the Child Marriage Prohibition Rules, draft Anti-discrimination law. All policy dialogues and consultations were held following a HRBA approach by including all relevant stake holders in discussions and preparations of drafts/ documents.</p> <p>The Commission has been pro-active at a satisfactory level in addressing human rights violations. It has demonstrated efforts relating to Rohingya crisis in focusing on long-term and short-term possibilities to find durable solution. It has been</p>

Milestone with indicators	Timeline	Status/ Progress
		<p>courageous to state that the ‘Myanmar military officials who are responsible for the atrocities should be brought to justice.’”</p> <p>Per the media report NHRC took Suo Moto action – to address human rights violations of the two Marma sisters who were sexually abused, allegedly by some law enforcement agency members in Bilaichory, Rangamati on 24 January 2018. It has issued a directive to the Deputy Commissioner of Rangamati advising proper investigation and requesting for a full report on the matter by 26 February 2018.</p> <p>The National Human Rights Commission, Bangladesh has urged the Government to protect the human rights of those accused or suspected of drug-related offences. In a letter to the Home Minister, the Commission expressed all investigations, arrest, use of force must be within the parameters of law. And the Commission expressed grave concern over the rising number of deaths and injuries associated with the campaign. The above-mentioned steps are being seen as the positive efforts by the Commission in addressing human rights issues. However, there are many areas where an independent voice and distinguishing efforts for addressing the human rights issues is yet to be seen for</p>

Milestone with indicators	Timeline	Status/ Progress
		<p>which the Commission is mandated.</p> <p>In 2017 NHRC has issued few letters including asking for investigation reports/supporting documents to the Government concerning human rights violations and has been successful in receiving responses from them whereas still waiting for several responses.</p>
<p><i>Activated Thematic Committees:</i></p> <p>Indicator: Each TC has undertaken at least one issue based workshop</p>	<p>18 month milestones</p>	<p>The thematic committees have been restructured to better suit the current context. In the previous phase there were 7 thematic committees whereas now there are 12 thematic committees. Each of these Thematic Committees had organized at least one thematic discussions in 2017.</p> <p>In addition, annual action plans for the commission has been developed reflecting recommendations made under international human rights reviews and GOB priorities, which has enabled thematic committees to engage in contemporary policy and rights dialogues. Constructive inputs provided to NHRC through the project facilitated the drafting and finalizing process of those documents. Some key planned activities of the Thematic Committees have been included in HRP's AWP 2017 with proper justification</p>

Milestone with indicators	Timeline	Status/ Progress
		<p>to support and the AWP of HRP and NHRC are aligned.</p> <p>ToR of Thematic Committees have been adopted by NHRC with support of HRP.</p> <p>The Committees consist of civil society organizations, human rights activist, state institutions, academician, development agencies and intergovernmental agencies and are chaired by NHRC commissioners, allowing space to own and promote work carried out by these committees using the NHRC platform.</p> <p>An example of the initiatives that thematic committees are taking in the implementation of the Action Plan that they have adopted is being involved with the drafting process of the National Action Plan on the Rights of the Persons with Disabilities. Number of workshops/seminars was organized where the relevant focal points of the ministries were present. For instance, on April 25th, 2017 NHRCB jointly organized a Conference on Regional Action plan to combat child Marriage where the Joint Secretary MoLJPA, Addl Secretary MoWCA were present. Jointly organized workshop with MoHFW on Human Rights of HIV Aids on 15th March 2017 which are also reflected in NHRCs News Letter.</p>

Milestone with indicators	Timeline	Status/ Progress
		Number of thematic committee meeting held are as follows Women’s Rights (3),CHT Affairs (1) Dalit, Hizra and Excluded minorities (1),Business and Human Rights (2) Person with Disability- (1) Migrant Worker’s right (2) Protection of Religious and Ethnic Minorities (1), Child Rights, Child labour and Anti Trafficking (3)
<p><i>Police are engaging in activities as willing participants:</i></p> <p>Indicator: At least one joint event held by the NHRC/police/CSO</p> <ul style="list-style-type: none"> - At least one human rights champion identified in the Bangladesh Police - Programme staff have had 5 meetings with Police HQ to discuss activities 	18 month milestones	<p>HRP has been able to engage with the NHRC in enhancing the capacity of the law enforcing agencies, in particular police, on human rights issues. High level consultative meeting police have expressed their interest and willingness to engage themselves in HRP’s activities. 8 meetings with the Police were held to identify training needs and to chalk out content of the human rights training manual for police. A training manual on human rights has been developed and updated with support of HRP. The outline of the draft training manual on human rights developed with support of HRP has also been shared with Government and the Police department in July 2018. The National Human Rights Commission, Bangladesh have had dialogues with the Counter Terrorism & Transnational Crime for upholding human rights in the</p>

Milestone with indicators	Timeline	Status/ Progress
		<p>counter terrorism operations by the police.</p> <p>Focal person has been identified in the Bangladesh Police who has been instrumental in taking forward HRPs work with the police.</p>
<p><i>Coalition building with CSOs/CBOs:</i></p> <p>Indicator: At least 10 MOUs signed between NHRC and CSOs/CBOs</p> <ul style="list-style-type: none"> - The committee for challenge funds approve at least one round of challenge fund proposals from CSOs/CBOs 	<p>18 month milestones</p>	<p>- Please refer to item # 10</p>
<p><i>Human Rights focal points have been activated in different ministries and are proactive on HRs issues:</i></p> <p>Indicator: At least 2 workshops have been conducted with the HRs focal points of the ministries</p> <ul style="list-style-type: none"> - ToRs of the HRs focal points in the various ministries have been drafted 	<p>18 month milestones</p>	<p>Consultation meeting with human rights focal points in 25 ministries held in May 2017</p> <p>ToR articulating the roles and responsibilities of the HR focal points is being drafted. The commission intends adopting same and activating the human rights focal person as part of their plan to put in place a UPR action plan.</p>

Conditions Set out in the Information Sheet of the Cost Sharing Agreements

Requirement	Condition	Status/ Progress
1 <i>Govt. approval</i>	If the Programme document is not approved by the Government of Bangladesh within six months of signing the cost sharing agreement between Sweden and UNDP, the agreement shall be considered to be terminated. All unspent funds under the agreement are to be repaid to Sweden in accordance with UNDP standard conditions	The Cost Sharing Agreement (CSA) was signed on 03.12.2015 and subsequent government approval was obtained on 28.04.2016, thus within six months of signing the CSA.
2 <i>Inception Phase Assessment</i>	<p>An assessment of the commission's independence and capacity and other central conditions with regards to external risk. This assessment will cover previously agreed aspects related to NHRCs capacity and independence.</p> <p>It will also include an assessment of the Programme ability to involve the civil society and other relevant actors in the Programme (see Annex 3: Elevation Points after 18 months).</p> <p>This assessment should commence 18 months after Programme start date and report should be made available to donors within 90 days</p>	An assessment of the programmes ability to involve CSOs and other relevant actors were not carried out in the NHRC capacity assessment done by APF. Rather it is being carried out now. As per annex 3 of the project document on 18 month milestones 5 CSOs in 2016 and 10 CSOs in 2017 were selected by the Board under the Challenge fund to support small scale initiatives in HRP priority areas thus demonstrating the programs ability to involve CSOs and other relevant actors in the programme
3 <i>- Strategy for capacity and institutional</i>	UNDP shall in cooperation with NHRC produce a more substantial strategy for capacity and institutional development for the NHRC. It should address avoiding overdependence on	Based on the assessment a strategy was developed and shared with SIDA in February, 2017

Requirement	Condition	Status/ Progress
<i>development for NHRC:</i>	<p>Programme resources by the NHRC as well as an outline for an "exit strategy", i.e. a strategy for how the NHRC shall attain complete independence from the Programme and/or other capacity building initiatives over time</p> <ul style="list-style-type: none"> - A clear conceptual analysis of capacity and institutional building shall be the foundation of the strategy, which shall include clear targets and measurable indicators - The strategy shall serve as a foundation for implementation of capacity and institutional building of the NHRC throughout the Programme 	
4 <i>Result Framework</i> :	<p>The theory of change should be developed for the program as a whole.</p> <p>The Results Framework should be updated in accordance with results based management standards, with a focus on measurable indicators and targets.</p>	RRF developed and sent to donors for approval in December 2016
5 <i>Monitoring and Evaluation:</i>	Develop an updated substantial plan for monitoring and evaluation.	M&E framework developed and sent to donors for approval in December, 2016
6 <i>Gender Analysis:</i>	A gender analysis of the Programme in full (all components) shall be made. This analysis shall serve as a foundation for gender mainstreaming throughout the Programme.	<p>The strategy includes:</p> <ul style="list-style-type: none"> • To build the UNDP- HRP's profile as a key actor in the field of human rights to protect and promote women's human rights. • To ensure gender mainstreaming across all the five components.

Requirement	Condition	Status/ Progress
		<ul style="list-style-type: none"> To integrate gender perspective and women’s human rights in the process of any policy formulations, partnerships and activity implementation including monitoring and evaluation. To enhance the capacity of National Human Rights Commission to take emerging issues influence the women’s rights and contribute to promote gender equality in Bangladesh
7	<p>Reporting format: UNDP is to propose format for annual report. This should build on UNDP standard format (including reporting on results and risks etc) but include specific provisions for the following areas:</p> <ul style="list-style-type: none"> - Budget planning - Conflict analysis - Gender analysis - Anti-corruption <p>The first annual report should include annexes on gender analysis and conflict analysis and the proposed strategy for NHRC institutional development and the updated plan for monitoring and evaluation.</p>	<p>Format developed and shared with donors in January 2017. The first annual report was submitted to the donors following the format in April 2017. The Second annual report was submitted in Jan 2018.</p>
8 <i>Conflict Analysis:</i>	<p>A conflict analysis of the Programme in full (all components) shall be made. This shall serve as a foundation for continuous conflict sensitive programming.</p> <p>Yearly reporting shall include a section on how conflict sensitivity is applied in Programme implementation. Shall be included as an annex in the first annual plan for donor approval.</p>	<p>Done and submitted .The annual report includes a dedicated section on conflict analysis.</p>

Requirement	Condition	Status/ Progress
9 <i>Criteria for Selection, CSO Challenge Fund:</i>	Clear criteria for selection of proposals to the Challenge Fund for Civil Society actors should be developed.	Criteria for selection of CSOs and ToR for Challenge Fund Board developed and shared with donors in January 2017. Both were approved by PAB held on 27 February, 2017. Following the criteria, 5 CSOs in 2016 and 10 CSOs in 2017 were selected by the Board under the Challenge fund to support small scale initiatives in HRP priority areas. New call for 2018 is now in working progress
10 <i>Budget:.</i>	The annual budget for the Programme shall be subject to donor approval through the Project Steering Committee meeting	Annual budgets for 2017 and 2018 were approved during the Project boards held in 2017 and 2018 respectively

The matrix clearly testifies that almost all the milestones have been addressed /achieved or carried out in due time. From the status/progress column of the matrix, it can be inferred that such timely completion of the milestones will have significant and positive impact on the HRP and its future progression.

2.4 Assessment of the independence of the Commission and its capacity and other central conditions with regards to external risk.

2.4.1 The National Human Rights Commission

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

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

NHRC Act 2009 defines the "Human Rights" in the Section 2(f) of its Act as – “"Human Right" means Right to life, Right to liberty, Right to equality, and Right to dignity of a person guaranteed by the Constitution of the People's Republic of Bangladesh and such other human rights that are declared under different international human rights instruments ratified by the People's Republic of Bangladesh and are enforceable by the existing laws of Bangladesh”.

The core functions of the NHRC is to raise awareness and to provide human rights education and training, human rights and research and policy advocacy and monitoring and investigation of human rights violations.

The NHRC is composed of a Chairman, one Full Time Member, and five-part time members (of which 3 Female and 2 Male members). The Commission has a total of 48 staff as against proposed staff of 98.

The strategic plan (2016 – 2020) of NHRC has prioritized four focal areas. These are:

1. Institutional development of the NHRC;
2. Human rights promotion, education and awareness raising;
3. Human rights monitoring and investigation; and,
4. Human rights research, reporting and policy development

The Strategic Plan has emphasized the following areas as the pressing human rights issues for the period.

- i. Violence by State Mechanism, particularly Enforced Disappearances, Torture including custodial Torture, Extra –Judicial Killing and Culture of Impunity;
- ii. Violation of Economic, Social and Cultural Rights, including Health right, Discrimination against the Marginalized and People with Disabilities;
- iii. Full and prompt implementation of and compliance with the Chittagong Hill Tracts (CHT) Accord focusing on land rights;
- iv. Violence against indigenous, ethnic and religious minorities with special focus on *Dalits*
- v. Land Right of the Indigenous and other Marginalized & Excluded Communities in Plain lands;
- vi. Woman Empowerment and Discrimination against Women, Gender –based violence;
- vii. Protection of child rights, elimination of hazardous child labour and prevention of early and forced Marriage;
- viii. Human trafficking, Safe migration and discrimination and abuse of migrant workers
- ix. Impediments to Access to Justice, particularly for the Poor;
- x. Occupational Safety, Wages and Welfare including trade union rights of the Garments Workers;
- xi. Ensuring right to education;
- xii. Right to food (ensuring food security, safety, nutrition, etc.);
- xiii. Addressing Climate Change and Environmental Justice;
- xiv. Right of the people of char land and newly acquired territories (former Enclaves);
- xv. Social and religious cohesion and harmony;
- xvi. Rights of older persons;
- xvii. Rights to freedom of expression;
- xviii Establishment of a database of human rights violations and abuses.

2.4.2 Overview of Institutional capacity of NHRC

NHRC Act has several shortcomings that prevent NHRC from complying fully with the Paris Principles. Those shortcomings include: i. inadequate definition of human rights; ii. the provision on the investigation of allegations of human rights violations committed by the ‘disciplined force’, that is, the military and the police; iii. deficiencies in the procedure for selection of members; iv. Limitations on full financial independence.

The Paris Principles require a government to provide its National Human Rights Institution (NHRI) with adequate funding, the purpose of which is to "enable it to

have its own staff and premises, in order to be independent of the government and not be subject to financial control which might affect its independence"²³. NHRIs must be independent of the state yet maintain a working relationship with government in order to effect change".²⁴ The status of an NHRI as a state institution with access to the government is the institution's distinguishing feature vis-a-vis civil society; NGOs perceive one of the primary strengths of an NHRI to be the support and access that an NHRI enjoys from government. The most interesting feature of Human Rights Commission is – as an institution it is state-sponsored and state-funded, and at the same time, some of its major functions are to scrutinize state action, educate, state actors, and advise state entities.²⁵ According to the criterion set by the Global; Alliance on National Human Rights Institutions, the National Human Rights Commission, Bangladesh (NHRC) is categorized as a B status institution²⁶. According to the review of Global Alliances of National Human Rights Institutions (GANHRI) till May 2017, out of 121-member countries of GANHRI, about 64.4% belong to A category, while 27.3% belong to B category and about 8.3% to C.

The ICC General Observation on NHRC Bangladesh clearly emphasizes that the selection process has to be transparent, the vacancies should be advertised broadly, and broad consultation should take place throughout the selection and appointment process. In the past, there was no initiative from the selection committee for any open dialogue or public call or consultation with the civil society regarding the selection and appointment of the members of the National Human Rights Commission. It is dominated by the Executive and no representation from civil society is ensured. The selection committee merely assesses and selects from the candidates proposed by the Ministry of Law, which according to the NHRC Act, provides necessary secretarial assistance to the committee. NHRC, Bangladesh is also an Associate Member of the Asia Pacific Forum (APF)²⁷.

²³The Paris Principles, "Composition and Guarantees of independence and Pluralism". Also see Annex A- Principles relating to the Status of National Institutions (The Paris Principles)- adopted by General Assembly resolution 48/134 of 20 December 1993

²⁴Anne Smith, "The Unique Position of National Human Rights institutions: A Mixed Blessing?" Human Rights Quarterly, 28 (2006), 904-46

²⁵Mario Gomez, "Sri Lanka's New Human Rights Commission" Human Right Quarterly, Vol 20, 1998, pp 281-302.

²⁶ There are three categories of Human Rights Commission/agencies. Category A refers to the Commissions that is fully compliant with the Paris Principles; Category - B refers to commissions that is partially compliant with the Paris Principles; while category C refers to commissions that are in "Non-compliance with the Paris

²⁷<http://www.asiapacificforum.net/APF> advances human rights in the Asia Pacific through its member organizations by facilitating the formation and growth of national human rights institutions by providing training, networking and resource sharing.

In order to ensure compliances to international legal regime, NHRC has proposed new laws, regulations and procedures: These include:

- i. Amendments to the NHRC Act;
- ii. Rules and regulations on staffing procedures, including recruitment rules;
- iii. Rules related to NHRC independence in the expenditure of its budgetary allocation.

The institutional capacity in terms of financial and human resources have been increased over the years. NHRC budget size has been doubled since 2013. With the increased budget, NHRC is seeking further increases in its staff number. It had 23 staff at the end of 2013. It has 48 staff now. It is seeking to bring its total staff number to 148, a further increase of 93 positions. The NHRC has a new organogram incorporating these positions

The opening of the NHRC's two regional offices, in Rangamati and Khulna, in October 2016 is an important move. Such outlets have enhanced its visibility and institutional network and coverage. Although NHRC is committed to open four more regional offices in 2017 no such regional offices have been established yet. One of the reasons cited for the delay is the ongoing recruitment process to get new staff. However, plans are underway to establish a sub office in Cox Bazar.

Importantly over the years, NHRC has been actively engaged with UN human rights mechanism and in promoting Bangladesh's compliance with international standards, compliances and obligations. NHRC has prepared and submitted reports in relation to:

- ✓ The Convention Against Torture (2013);
- ✓ The Convention on the Rights of the Child (2014)
- ✓ The Convention on the Elimination of all forms of Discrimination Against Women (2015).
- ✓ The International Covenant on Civil and Political Rights (2013- report and the Statement to the Human Rights Council 2017));
- ✓ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2017)
- ✓ The Universal Periodic Review Report – 2nd cycle (2017)
- ✓ The international Covenant on Economic, Social and Cultural Rights (Both report and statement to the ICESCR committee - 2018)

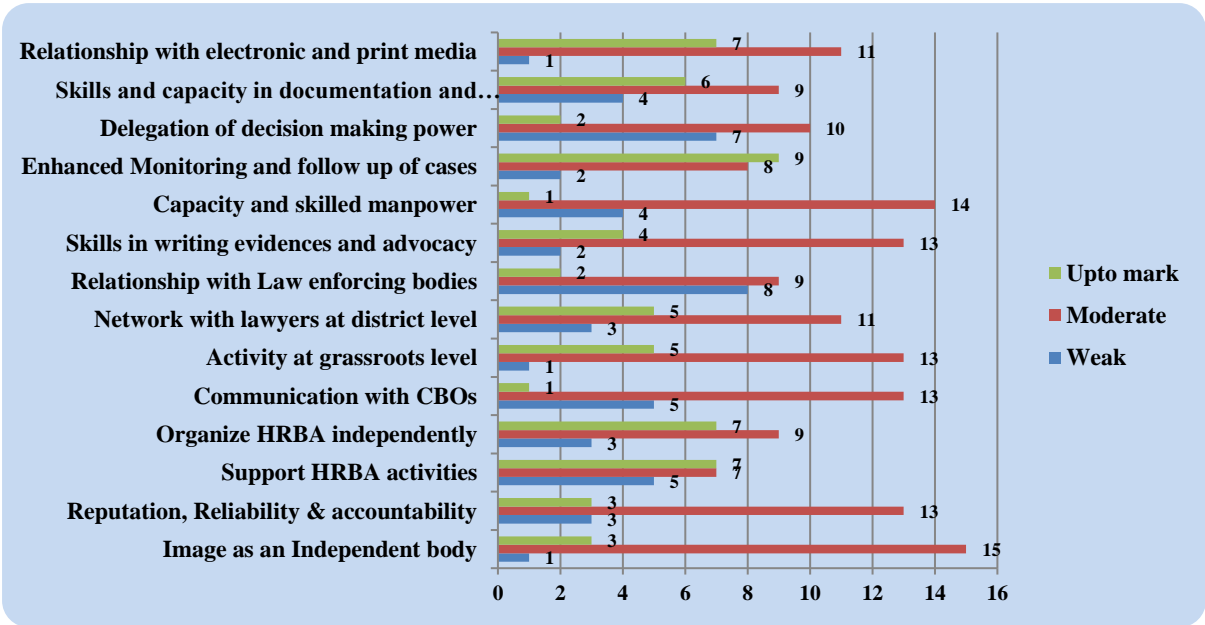
2.4.3 Observations on the independence, capacity and external risks

A consultative workshop was organized drawing participants from different line Ministries, CSOs to assess the degree of institutional independence and functional autonomy of the NHRC. The participants hinted that in order to work in a harmonic and synchronized manner, NHRC has to work strategically along with the external actors and institutions, including government. The CSO members also noted that the NHRC has to understand and recognize the political mosaic and the nature of the political economic environment of the country.

It has been recommended by the participants that there is a need for the amendment of NHRC Act to make it more “responsive, functionally visible and develop greater institutional trust of the citizens”.

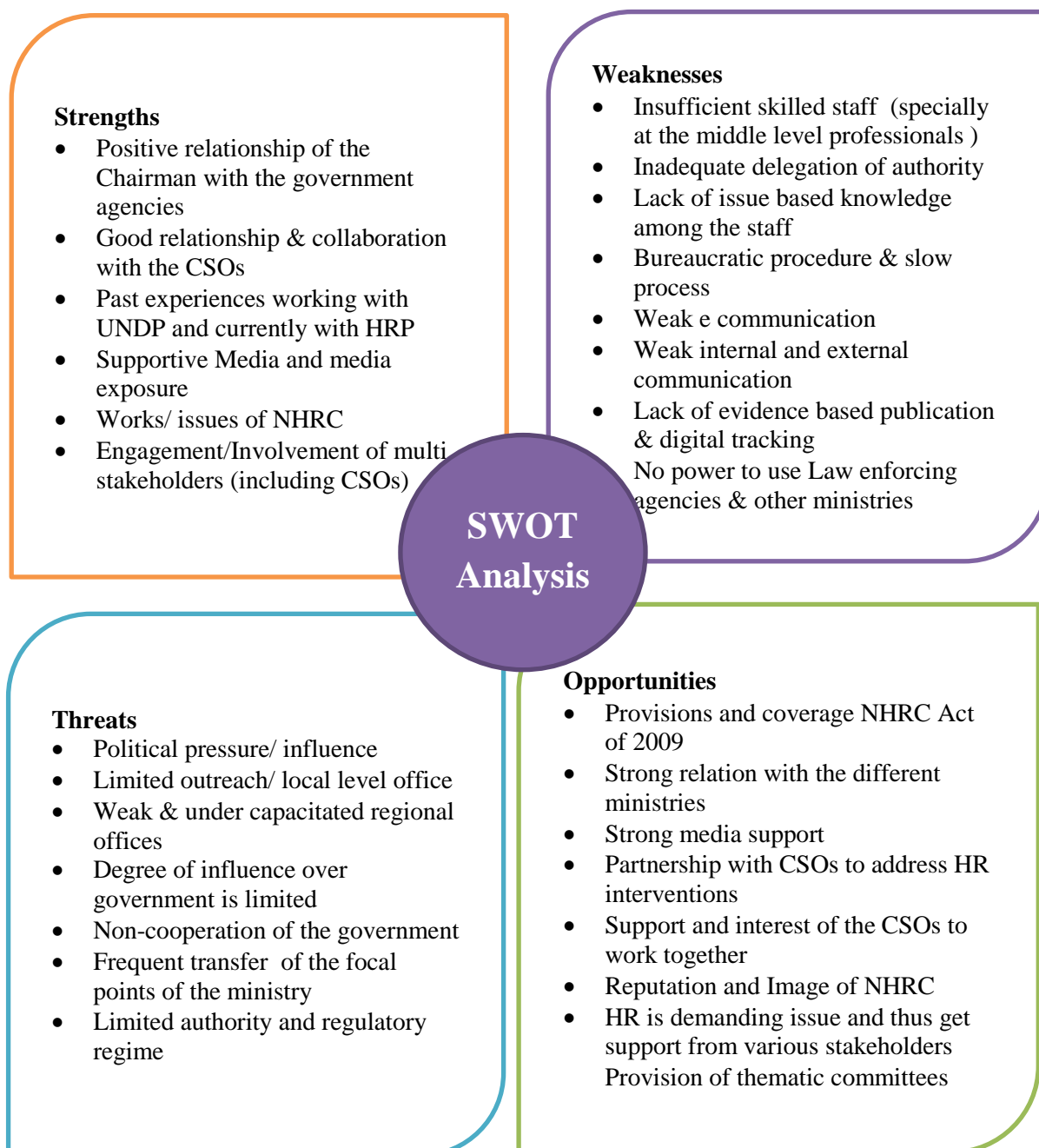
The participant also asserted that in order to make the NHRC effective, responsive and functionally effective, there is a dire need to amend its existing Act and bestow adequate executive and investigative power to NHRC.

The graph below provides the observations of the CSOs as regards to the role and functional features of the NHRC



Such observations have also been drawn by the KIs. It is recognized by the experts that “without full functional autonomy, NHRC would not be able to address its core concerns”.

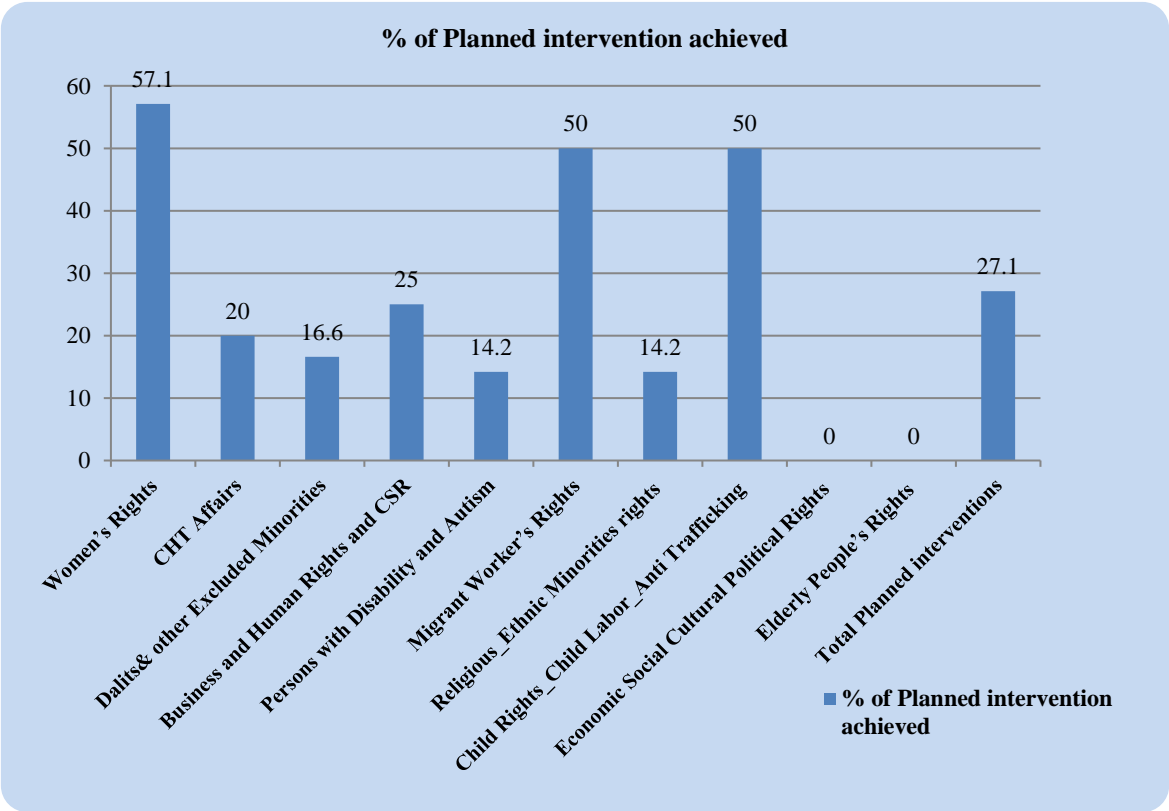
During a SWOT analysis conducted with NHRC staff, CSO representatives and the Thematic Committee members, it has been revealed that the Commission has a balance between the collective strengths and opportunities as against weaknesses and threats. See SWOT analysis below.



2.5 Assess the Programme ability to involve the civil society and other relevant actors

HRP has been active in organizing workshops and training sessions to mobilize and capacitate the community based organizations and, members of the Thematic Committees²⁸. Under the Chairmanship of the NHRC, the Thematic Committees, consisting of civil society organizations, human rights activists, state institutions, academician, development agencies and intergovernmental agencies have become more active and visible. The NHRC has encouraged the thematic committees to promote human rights issues as an extended platform of the NHRC. The Thematic Committees on “Child Rights”, “*Dalit, Hijra* and Excluded minorities”, and “Persons with disabilities” have been found to be active and visible.

NHCR has constituted 10 Thematic Committees to address and support various human rights issues for some selected target groups. Graphs below shows the overall performance of the Thematic Groups:



²⁸The Committees consist of civil society organizations, human rights activist, state institutions, academician, development agencies and intergovernmental agencies and are chaired by NHRC commissioners

Out of the 10 Thematic Committees in place, eight were found to be active in implementing the planned interventions. The overall performance of the Thematic Committees on average was 23.2% (ranging from 14% to 57%) of the target made. Thus, the Committees appear to be under-performing as against the targeted interventions.

In order to support and engage the CSOs/CBOs, HRP has initiated a provision for small grants to support CSOs/CBOs under a Challenge fund provision. The challenge fund provides small grants to the CSO, CSO coalitions and specialized institutions to address human rights awareness and rights-based advocacy, promotion of ethnic minority rights, women rights, child rights, rights of persons with disabilities and rights of excluded groups. The challenge fund to a great extent opened opportunity to create the demand side of justice system and enhancing awareness amongst the relatively disadvantaged members of the community.

Following the challenge fund awards several CSOs operation at district level have been invited by NHRC to join the thematic committees. The challenge fund awards have paved way to bring new voices and concerns from district levels to discussions taking place in thematic committees. In 2017 a total of 11 new CSOs were linked to NHRC. So far HRP has facilitated to form 15 Coalitions with CSOs/CBOs at local and national levels.

Specialized trainings have been organized by HRP to strengthen the network between NHRC and Dalit based CSOs. The prime purpose of knowledge and skills development program has been to sensitize the *Dalit* based CSOs representatives to take appropriate actions on VAW and increase understanding on complaint mechanism of NHRC.

Under the auspices of the NHRC, the Human Rights Defenders are working in voluntary human rights work across the country. The Human Rights Defender groups however noted that NHRC's engagement at the grass-root level and its visibility is "critical factors for promotion of human rights". NHRC should take more pro-active role in further consolidating its engagement and integration of the CSOs, Human Rights Defenders and the members belonging to the members drawn from the "Roster of Investigators".

Another significant attempt of the HRP is to assist the NHRC to enhance the capacity of law enforcement agencies with particular emphasis on assessing and understanding the approaches to handle human rights issues. A number of symposium and workshops have been organized. The key achievement of these event resulted in: a. enhanced consensus among all stake-holders (police, community and HR defenders) to undertake community based joint interventions; b. A focal person at the PHQ has been designated to liaise with HRP to further institutionalize the engagement.

Human Rights Programme has mainstreamed gender in all its programmes interventions and implementation processes. The principle of equality is being integrated throughout the project as a key strategy. Furthermore, the Programme is guided by a gender strategy and carries practical guidelines to ensure gender is a prime focus in its implementation.

HRP aims to build gender equality initiatives, strengthen civil society activities women and girls and work for to make the position of the NHRC as an important promoter of gender equality within Bangladesh.

All 5 outputs of HRP have a specific focus on gender where output 4 is dedicated to women empowerment and advancing women rights and all other outputs contributing to establishing gender through engagements with relevant stakeholders i.e. NHRC, CSOs, CBOs, law enforcement agencies, relevant ministries, youth groups, media representatives and others.

A seminar entitled “*Achieve Gender Equality and Empowering All Women and Girls*” was conducted with key stakeholders, including women’s rights activists, government representatives, development partners and media. Out of total 76 participants of the programme 47 were females. The seminar has provided some conceptual and thematic guidelines to mainstream gender issues in the broader framework of human rights.

Meanwhile a *Training Manual* and a *Handbook on Gender and Diversity* have been prepared by HRP. The manual and the Gender handbook have made substantive contribution for gender sensitization and capacity building on gender equality and rights.

To sensitize the religious leaders on the rights of women, prevent violence against women and their role in promoting women’s rights, a consultation seminar on “Recent Trend of Violence Against Women and Role of Religious Leader to Reduce Gender based Violence in Bangladesh” has been organized by the HRP.

HRP has a specific focus on inclusion of ethnic and excluded minorities in various training sessions, workshops and advocacy initiatives to create towards claiming their rights and access to responsible authorities. HRP has made significant contribution to raise long standing concerns of the ethnic minorities in plain land areas on “a separate land commission for plain land” in collaboration with the parliamentary caucus on Indigenous people and national stakeholders.

HRP has been active to engage the multi-ethnic and religious leaders for promotion of “peace and social harmony” at Cox’s bazar as to promote conflict sensitivity due to emerging stress of Rohingya crisis. A hand book on “Peace and Social

Harmony'' has been prepared by HRP, which is effectively used in facilitation of several training for multi-ethnic/religious leaders to make them as peace drivers.

Youth engagement in the community radio programming, development of youth leadership and their online networking, and initiatives for inclusion of ethnic and excluded group representatives in the LGI standing committees has created space to participate in local decision and policy making forums

Section III

Findings, Observations, Lesson learned & Way forward

3.1 Overall Findings and Observations

- Implementation of the 18 Month Milestones is on the right track. Most indicators have already been achieved and the targets are on track.
- HRP has created a base of technical support to NHRC which is appreciated by NHRC
- HRP interventions have been able to successfully transfer technical knowledge to NHRC staff particularly in areas of reporting on international human rights instruments, documenting and manage variety of data and information, tracking or following up on incidence of HR violations s and organizing and managing events
- HRP maintained a good documentation system as well as visual evidence of their engagement and programme activities. The Programme has also developed a functional monitoring system.
- HRP has supported the process of local knowledge generation on gender, human rights, state of disadvantaged communities through various research projects.
- NHRC's visibility, operational efficiency and overall capacity seems to have been enhanced by the interventions of HRP.
- HRP has been able to create a “demand side wave” through the CSOs and their partnership with the NHRC. Such partnership has extended the base of social and community accountability of the NHRC
- GOB's ownership is a critical and most important element to ensure effectiveness of NHRC. HRP has taken a number of initiatives through establishing dedicated focal points at the strategic ministries, initiating formal dialogues, advocacy and partnership with the government agencies to ensure participation and involvement of relevant government entities
- With the specific programme interventions like training, policy researches, community dialogues, fact finding, missions, NHRC appears to be moving and seem to be moving upward in the institutional “learning curve”.

- However, by default NHRC seems to have a “centralized leadership”. There appears to be an absence of visible “mid-level management leadership” with pro-active engagement. Delegation of authority is much needed to carry out the activities smoothly and in a timely manner.
- The absence of desired number NHRC regional and or field level offices have significantly reduced the credibility, operational efficiency, institutional image and broad based public trust and confidence and overall performance of the NHRC.
- NHRC is very keen to continue this partnership with UNDP - but it should be done in manner avoiding heavy dependency on HRP for every single issue. At present NHRC seems to be heavily dependent on HRP which must minimize during the next two years of the project.

3.2 Lessons learned

- Including multiple stake holders in all levels of project administration and implementation ensures cross sectoral cooperation and coordination. Project Advisory Board (PAB), Programme Implementation Committee (PIC) and Challenge Fund Board consist of representatives of relevant ministries, NGOs/CSOs and NHRC.
- The capacity review of NHRC conducted by AFP, UNDP and OHCHR is well placed to be used as a tool to track progress of all aspects of NHRC including the extent to which it can deliver its mandate.
- Capacity and stronger decision making power of thematic committee ensures efficient implementation of the project as well as thematic committee action plans. The committees have proven to be an effective platform for multi stake holder debates and advocacy.
- Mapping of good practices of CSOs related to human rights guides HRP to take a tailor-made approach in designing CSO capacity building initiatives under its call for grants (Challenge fund) CSOs are willing and eager to learn more on HRBA.
- Involvement of Youth leaders in knowledge building and transformation process is a key in empowering youth in local community.
- Wider consultations including at district levels brings human rights issues to the limelight otherwise ignored or overlooked. Consultations have also led to several facts- finding missions raising NHRC profile among public.
- Participation of members of the excluded minorities is vital in finding practical solutions to systemic problems compromising human rights
- Proper documentation and record keeping will help NHRC to respond and follow up any issue when needed. To strengthen NHRC more during the rest of

the programme period, it is important to improve the capacity of relevant staff so that they can do proper documentation and record keeping.

- Peer to peer collaboration between HRP and NHRC has worked quite well - particularly in areas related to thematic committees and human rights reporting under international instruments. This practiced should be continued.
- Staff capacity needs to be developed in order to avoid over reliance on external consultants.(Observed in activities done in 2016) For example, M&E framework and the theory of change could be developed by the programme staff rather than hiring the international staff. However, during the financial year 2017 no external consultants were hired except the training experts for preparing training manuals on gender and law enforcement agencies
- Delays in recruiting project staff has hampered programme delivery. Despite efforts to only 3- 4 member of the project staff had been recruited. The arrival of the International Chief Technical Advisor was also delayed.

3.3 Way forward

- Continue to engage multiple stake holders in project implementation and decision making platforms.
- Attempts should be made to align NHRC strategic plan (2016 -2020) with the observations made under the UPR cycle (3rd cycle recommendations)
- Continue to work with thematic committees and involve them in fact finding missions and advocacy campaigns.
- Take steps to closely involve focal points of the ministries during thematic committee meetings - this might give them opportunity to develop them and have ownership to the programme.
- Effective coordination and networking of CSOs working on Human Rights at local and national level needs to be closely pursued.
- Continue to expand the youth network and support to establish links with other international and regional networks. Support effective engagement of youth leaders in community-based actions.
- A regular review of the AWP of HRP should be operational for tracking progress.
- NHRC should avoid depending on HRP heavily. HRP while maintaining close coordination with NHRC should function as an entity to create the demand side

and bring human rights issues to the policy table which involves all needed stake holders including NHRC

- To ensure State ownership of HR advocacy, the HRP should explore partnerships with other government entities, in addition to the partnership it has with NHRC. Potential partnerships to be considered to include UN division of MOFA and State owned broadcasting and TV networks.
- NHRC should prioritize strengthening the following functions in the remaining period of the Programme:
 - Research and legislative analysis;
 - Compliant handling and investigations, especially in regional offices,
 - Monitoring of detention facilities, and
 - Establishing a focal point for human rights defenders.
- NHRC may also consider the following for further strengthening and consolidating its functional proficiency:
 - a. Pursue further research and analysis to identify legal reform and new policy approaches to address HR issues.
 - b. Strengthen in-house capacity for research and analysis to understand the diversity, implications and intervention approaches to address HR issues.
 - c. Constitute and mentor Parliamentary Caucus to understand and address HR issues in the Parliament and outside.
 - d. Develop platforms and institutional framework to develop and improve technical and institutional support from external partners and stakeholders.
 - e. Develop instruments of collaboration and deeper cooperation with media to develop demand side of HR issues.
 - f. Form a wider platform with CSOs and other key stakeholders and occasional meetings /workshop to review and stocktaking of the state of human rights in Bangladesh. Revisit the number of thematic committees and consider clustering some of the thematic committees.