

Annual Report

January-December 2013



*Empowered lives.
Resilient nations.*

**Promoting Access to Justice and
Human Rights in Bangladesh Project**
Legislative and Parliamentary Affairs Division
Ministry of Law, Justice and Parliamentary Affairs

PROJECT INFORMATION

Country	: Bangladesh
No. and Title of the Project	: BGD/05/003: Promoting Access to Justice and Human Rights in Bangladesh
Implementing Agency	: Legislative and Parliamentary Affairs Division Ministry of Law Justice and Parliamentary Affairs
Project Duration	: July 2007-June 2014
Project Budget	: \$4,000,000
Reporting Period	: January – December 2013
Report Prepared By	: Project Coordinator
Report Reviewed By	: A2J Chief Technical Advisor (CTA)
UNDAF Outcome 2	: Justice and Human Rights institutions are strengthened to better serve and protect human rights of all citizens including women and vulnerable groups.
UNDAF Output 2.1	: Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid.
Contact Person	: M. Shahidul Haque, Secretary, Legislative & Parliamentary Affairs Division, MoLJPA and National Project Director, BGD/05/003.

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ACRONYMS

A2J	Access to Justice
ADR	Alternative Dispute Resolution
AWP	Annual Work Plan
CrPC	Code of Criminal Procedure
GoB	Government of Bangladesh
ICT	Information and Communication Technology
ICTPs	International Conventions, Treaties and Protocols
JSF	Justice Sector Facility
LPAD	Legislative and Parliamentary Affairs Division
M&E	Monitoring and Evaluation
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
NIM	National Implementation Modality
NPD	National Project Director
PIC	Project Implementation Committee
PSC	Project Steering Committee
ToR	Terms of Reference
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme

EXECUTIVE SUMMARY

The year 2013 was part of the second revised and extended phase of the Promoting Access to Justice & Human Rights in Bangladesh Project (A2J) that initially commenced in July 2007 and implemented by the Legislative and Parliamentary Affairs Division (LPAD) of the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) with support from the United Nations Development Programme (UNDP). From 2007-2012, the project goal was to strengthen mechanisms for promotion and protection of human rights and the delivery of justice for all, particularly the poor and disadvantaged persons. The extended phase (July 2012-June 2014) of the project is focusing on the following two strategic areas:

1. Strengthened institutional capacity to undertake prioritized, inclusive and higher quality legislative reform; and
2. Strengthened institutional capacity to provide advice on international treaties, conventions and international legal affairs.

The extended project supports the strengthening of the law making process; establishing a treaty desk to monitor compliance with Bangladesh's international obligations; developing a strategic plan and legislative calendar for LPAD; supporting the Law Commission with public policy debate on legislative reform; authentication of Bangladesh Code; and translation of some selective laws of Bangladesh from Bangla to English.

The project has made significant progress by accomplishing many of targeted activities. During the reported period 29 officials of various Ministries were provided training on Law Making Process that helped them to clearly understand the process of legislative reform and enhanced their legislative drafting capacity. A number of 10 selected laws relating to access to justice have been translated from Bengali to English to improve the understanding of foreign investors and people in general about the Laws of Bangladesh. The compilation of the translated law is awaiting printing. A national consultation workshop on the proposed amendment to the Code of Criminal Procedure has been organized that consequently initiated dialogue among the justice sector agencies regarding the necessity of reform in the age old legislations. With support from the A2J project, extensive research has been undertaken to review and amend the Evidence Act, 1872 to incorporate provisions relating to admissibility of scientific evidence. A detail study has been carried out to identify the obstacles in implementing the Arbitration Act,

2001 and provide recommendations for amendment. Draft Bills for amendments of these two laws have also been prepared that is currently under review by the LPAD. Support has also been provided to the Law Commission to prepare a recommendation for the amendment of Maritime Law. Process has been initiated to develop an effective Power of Attorney Rule under the newly enacted Power of Attorney Act, 2012 and to prepare a comprehensive explanatory note to be used as an advocacy tool for a wide range of justice sector professionals of Bangladesh. Revision and updating the Bangladesh Code is also under process. Activities relating to establishment of a Treaty Desk to improve and strengthen the institutional capacity of LPAD to provide advice on various International Conventions, Treaties and Protocols (ICTPs) have also been initiated during this reported year.

Financial delivery: The Annual Work Plan (AWP) 2013 targeted delivery of budget expenditure of USD 421,600. However, the project's actual expenditure from January to December 2013 is USD 410,132 which represents approximately 97% of the targeted expenditure.

SECTION I: CONTEXT

1.1 Key development issues related to access to justice and human rights in Bangladesh

Promotion and protection of access to justice, human rights and human security for all citizens including women and vulnerable groups is a key priority for the Government of Bangladesh (GoB). But the justice sector of Bangladesh is facing severe difficulties to deliver timely, affordable and accessible justice as a large case backlog is slowly overwhelming the court administration. The backlog is placing considerable pressure on the sector and is hampering timely, affordable and accessible justice. Therefore, intent to reduce the case backlog and speed-up trial procedures, Alternative Dispute Resolution (ADR) and mandatory time frames for each stage of lawsuit needs to be introduced in the formal justice system. This requires legislative reform. Further, a number of colonial era legislation need to be modernized for the benefit of people and the improvement of access to justice.

In this backdrop, the Government of Bangladesh has been implementing reform procedures for out-dated laws to make them up to date in the light of present situation. The government has also been enacting new laws in relevant areas.

In the law making process, LPAD, MoLJPA plays a crucial role. The LPAD examines all the laws to ensure the conformity with other national or international laws, treaties and conventions as well as Bangladesh Constitution. Therefore, the Government of Bangladesh has undertaken “Promoting Access to Justice and Human Rights in Bangladesh” Project to support the legislative reform procedures more inclusively and strengthen the institutional capacity of LPAD to produce high-quality legislation in a planned manner.

1.2 Description of key objectives and outputs of the project

The project was established in July 2007 with the objective to improve access to justice and the promotion and protection of human rights of all, particularly for disadvantaged and vulnerable groups, such as women, disabled, ethnic minorities and children. The Project was successfully implemented from July 2007 to June 2010 and has been extended for another two years until June 2012. During its first three years (July 2007-June 2010), the project focused on two major components: (i) Access to Justice and (ii) Human rights. During the period of July 2010 to June 2012,

the project focused on three components: (i) Building the strategic management capacity of the Ministry to improve service delivery; (ii) Improved access to legal aid; and (iii) Improved administration of justice through legal and policy reforms including strengthened ADR mechanism.

In July 2012, the Project was further extended for another two years until June 2014 within the overall development objective of all UN Projects working in the justice sector as set out in the United Nations Development Assistance Framework (UNDAF). UNDAF Outcome 2: Justice and Human Rights institutions are strengthened to better serve and protect human rights of all citizens including women and vulnerable groups. UNDAF Output 2.1: Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid.

The extended phase of the project is focusing on two critical areas: (i) Strengthened institutional capacity to undertake prioritized, inclusive and higher quality legislative reform and (ii) Strengthened institutional capacity to provide advice on international treaties, conventions and international legal affairs.

The extended project supports the strengthening of the law making process; establishing a treaty desk to monitor compliance with Bangladesh's international obligations; developing a strategic plan and legislative calendar for LPAD; supporting the Law Commission with public policy debate on legislative reform; authentication of Bangladesh Code; and translation of some selective Bangladesh laws from Bangla to English.

SECTION II: ACHIEVEMENTS

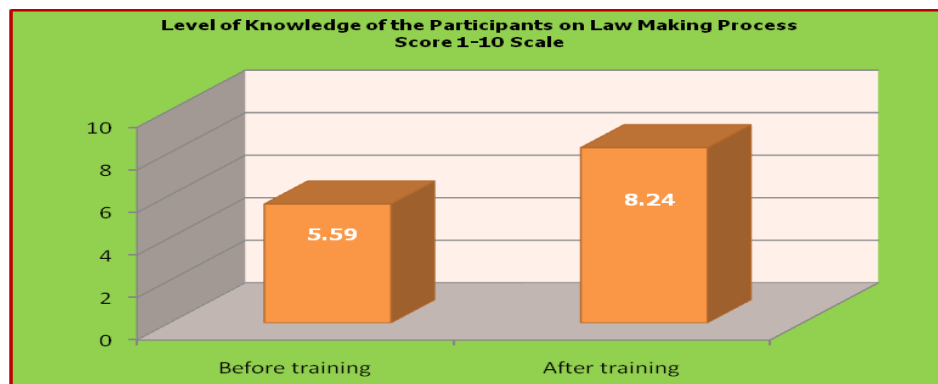
The progress achieved against the specific outputs under the Project during 2013 is highlighted below:

Output 1: Strengthened institutional capacity to undertake prioritized, inclusive and higher quality legislative reform

- **Development of Strategic Plan for LPAD:** Strategic vision, mission, and a plan of action are crucial for an institution to improve service delivery. Project has initiated a process to develop a strategic plan for LPAD. It will also include developing legislative calendar, bilingual drafting calendar, etc. to initiate planning and resource management. Terms of Reference (ToR) for hiring a consultancy firm has been finalized and approved. Process of recruitment will commence in February 2014.
- **Training on Law Making Process for Legislative Focal Points:** In a bid to improve efficiency of the legislative reform process, the project arranged training on law making process of Bangladesh for the legislative focal points from different ministries involved in law making process. Participated by a total of 29 government officials from 17 different Ministries and Divisions¹, the training was held on 28 March, 2013 at Hotel Ruposhi Bangla, Dhaka. The objective of such training was to improve the initiation process by the ministerial person involved in law making process so as to reduce any unexpected delay and to help to clarify the roles and responsibilities of the various key stakeholders to avoid any misunderstanding in the legislative process. The participants of the training were sensitized and made more aware on the law making process that should be followed from beginning to end in making or reforming any law in Bangladesh. Assessment

¹ Prime Minister's Office; Ministry of Chittagong Hill Tracts Affairs; Ministry of Civil Aviation & Tourism; Ministry of Commerce; Ministry of Communication; Ministry of Defence; Power Division; Ministry of Finance; Finance Division; Ministry of Housing and Public Works; Ministry of Land; Local Government Division; Statistics Division; Ministry of Posts & Telecommunication; Ministry of Railway; Ministry of Religious Affairs and Ministry of Science & Technology

showed that 97% participants have increased their level of knowledge from score 5.59 to 8.24 on the scale of 1-10.



- **Advocacy Tools on Powers of Attorney Law:** Recognizing the increasing use of irrevocable powers-of-attorney in property transactions and seeking to regulate their use, the Powers of Attorney Act was promulgated in 2012 with a view to reducing disputes as to their legal status and curbing risks of forgery. In order to give proper effect to the objectives of the said Act, there is a need for a Rule to be framed under the power given in Section 14 of the Act. ToR has been prepared, approved and advertised to hire a National Consultant to provide technical support in developing a report on the need for an effective Rule and prepare a comprehensive explanatory note on the Power of Attorney Act that will be used as an advocacy tool for a wide range of justice sector professionals of Bangladesh.
- **Translation and Authentication of Laws:** The laws of Bangladesh from 1836-1986 were made in English language and laws from 1987 to date are made in Bangla language. The laws made in English language are not easily understandable by the citizens of Bangladesh. Simultaneously, the laws made in Bangla language are not understandable by the foreign citizens. But in many cases foreign citizens require to study Bangladesh laws, particularly when the issue of foreign investment is concerned. In this context, the Legislative and Parliamentary Affairs Division (LPAD) with the support of the A2J Project has translated Bangladesh Code Volume XXVI from English to Bangla and Volume XXVII from Bangla to English. During the reported year, the project continued to provide support for translation, vetting and authentication processes for improved legal translation. A number

of 10 laws² selected by LPAD relating to access to justice have been translated from Bengali to English and reviewed accordingly with the objective to pave the way to improve the understanding of foreign investors and people in general about the laws of Bangladesh. The translated laws have been authenticated and certified by a Panel of Expert of LPAD through consultative process. The compilation is at present awaiting publication.

- **Laws Reviewed and Proposed Amendment Drafted:** Support has been provided to LPAD to prepare a draft bill for amendment to the Code of Criminal Procedure (CrPC), 1898. An external consultant has prepared and submitted a draft proposal and bill for amendment to the CrPC to LPAD. The approach of preparing proposed amendments included experimental learning and best practices from different countries and expert opinion from the justice sector in Bangladesh. A national consultation workshop on the proposed amendment was organized on 22 June, 2013 at Hotel Ruposhi Bangla, Dhaka where a number of 97 representatives from judiciary, magistracy, lawyers, public prosecutors, police and representatives from NGOs were present and provided valuable comments.



Distinguished guests at the National Consultation Workshop
on the Proposed Amendment to the Code of Criminal Procedure

² The Bangladesh Environment Conservation Act, 1995; The Climate Change Trust Act, 2010; The Bangladesh Tourism Protected Area and Special Tourism Zone Act, 2010; The Bangladesh Gas Act, 2010; The Securities and Exchange Commission Act, 1993; The Public Procurement Act, 2006; The Bangladesh Economic Zones Act, 2010; The Board of Investment Act, 1989; The Arbitration Act, 2001; The Value Added Tax and Supplementary Duty Act, 2012; The Consumer Rights Protection Act, 2009; The Bangladesh Private Export Processing Zones Act, 1996; The Domestic Violence (Prevention and Protection) Act, 2010; The Bangladesh Labour Act, 2006; The Bangladesh Telecommunication Act, 2001; The Padma Multipurpose Bridge Project Act, 2009; Bangladesh Tourism Board Act, 2010; The International Mother Language Institute Act, 2010; The Bangladesh Medical and Dental Council Act, 2010; The Border Guard Bangladesh Act, 2010; The Money Loan Court Act, 2003; and Transplantation of Organs in Human Body, 1999

Also a series of intra-ministerial meetings were held by LPAD to finalize the proposed amendments to CrPC. The recommendations drawn from the workshop and meetings have been reviewed and incorporated. The final version of the bill will be placed before the Parliament soon.

The project has also provided support to LPAD to develop proposals and prepare draft bills (both in English and Bangla language) for the amendment of the Evidence Act, 1872 in the area of scientific admissibility of evidence and for the amendment of the Arbitration Act, 2001 as prioritised by LPAD, MoLJPA. The same are under the process of review. Consultative meetings will be held to discuss the proposed amendments and to seek opinions of experts. The project has also ensured necessary support to undertake an experimental learning tour to Malaysia and Singapore from 11-19 May 2013 by 6 ministry officials to explore enhanced knowledge on admissibility of scientific evidence in relation to the proposed amendment of Evidence Act in Bangladesh as these countries represent best practice models in this regard.

- **Support Law Commission to Review Law:** Support has been provided to the Law Commission to prepare a recommendation for the amendment of Maritime Law. A seminar was scheduled to be held in November, 2013 on the proposed amendment to gather expert opinion but could not be held due to unavoidable circumstances.
- **Bangladesh Code Revised and Updated:** The project has initiated process to provide support to LPAD to revise and update Laws of Bangladesh (Bangladesh Code). Following a second round of advertisement (only one proposal was received during the first call), evaluation is being done to finalize the selection of Consultancy Firm.
- **Development of ICT system:** Support has also been provided to LPAD for further development of sustainable Information and Communication Technology (ICT) systems.

Output 2: Strengthened institutional capacity to provide advice on international treaties, conventions and international legal affairs

- **Establishment of Treaty Desk:** Improved access to justice for all requires a solid framework consistent with the Bangladesh Constitution and International treaties and conventions to which Bangladesh is a party. The project has initiated a process to establish a Treaty Desk to monitor compliance with Bangladesh's international obligations. A National Consultant has been hired and ToR for an international Consultant has been finalized to undertake a need assessment and propose the treaty desk framework. The establishment of such a desk will improve the institutional capacity to provide advice on various International Conventions, Treaties and Protocols (ICTPs). An index stating the status of major treaties signed, ratified and accessed by Bangladesh will also be developed. CVs of potential consultants have been received. Process for hiring the consultant is under way.

Support was provided to LPAD to undertake an experimental learning tour to Netherlands and Belgium from 11-20 April by a number of 4 Ministry officials including the Hon'ble Minister for Law to explore enhanced knowledge on international treaties and establishment of treaty desk as these countries represent best practice model in this regard. The visiting team of the learning tour prepared report based on their experience of the learning tour. This report will be helpful while preparing the operational guideline of the treaty desk.

SECTION III: ORGANIZATION AND MANAGEMENT

Organizational structure and management arrangement

Under the National Implementation Modality (NIM), LPAD of the MoLJPA, as the implementing agency ensures direct and transparent administration and management of project funds, in a manner consistent with UNDP policies through the National Project Director (NPD). Within the project management framework, Project Steering Committee (PSC), the highest level policy and oversight body chaired by the Minister of the MoLJPA provides policy guidance, reviews progress and ensures coordination with other national development initiatives. Further the Project Implementation Committee (PIC) chaired by NPD provides a forum to ensure speedy implementation and project results through necessary and critical support. Project quality assurance is vested upon UNDP. The Project Management Structure is enclosed in **Annexure-1**.

A2J staffing or specified capacities

End of December 2013, the staff members at posts are as follows:

SN	Position Title	Approved position	Staff at post
1.	International Chief Technical Advisor	1	1
2.	Project Coordinator	1	-
3.	Administration & Finance Manager	1	1
4.	Legal Reform Expert	1	-
5.	Training and Capacity Building Expert	1	1
6.	Monitoring & Evaluation Officer	1	1 (merged position with JSF)
7.	Communication Officer	1	1 (merged position with JSF)
8.	Project Officer	1	-
9.	Administration and Finance Assistant	1	1
10.	IT Support Officer	1	0
11.	Office Secretary	1	1
12.	Drivers cum messenger	2	1
	Total	11	06

Financial progress

As per the document and AWP, procurement of goods and services as well as payment for project activities has been undertaken, and the accounts have been maintained by UNDP. The project covers its day to day running expenses from a Petty Cash from a quarterly advance received from UNDP.

AWP 2013 targeted delivery of budget expenditure of USD 421,600. However, the project actual expenditure from January to December 2013 is USD 410,132 which represents approximately 97% of the targeted expenditure.

The Financial Statement for the period January-December 2013 is enclosed in **Annexure - 2**.

Project management and operational issues

PSC and PIC meeting: No meeting was held this year.

Progress review meeting: Mid-year review meeting held with the senior management team of the UNDP.

Planning: AWP, procurement plan, HR plan, monitoring plan for the year 2014 prepared.

Reporting: All financial and quarterly progress reports and annual report for the donor and government prepared and submitted on time.

Relocation of office premise: The office premise has been relocated from Baridhara to Gulshan 2 (House-10, Road-62) with all necessary arrangements.

SECTION IV: PARTNERSHIPS

The project is being implemented in joint collaboration between the Government of Bangladesh and UNDP under NIM modality. The LPAD is the implementing agency of the project. The Law Commission has also been selected as a partner of the project to review the aged-old laws and promote public-policy debate on legislative reforms in Bangladesh. Further, the project is continuously exploring the possibility of identifying other working partners and organizations that can contribute to achieve the expected outputs of the project.

SECTION V: LESSONS LEARNT AND WAY FORWARD

Lessons learned

In the course of implementation of the project activities during the year 2013, a number of lessons were learned, of which the following are the most significant.

- Legal reform processes have been improved with comparative research. The process of initiating expert group consultation on proposed amendment to CrPC was highly considered to be important that consequently initiated dialogue among the justice sector agencies regarding the necessity of reform in the age old legislations. These, however, require a huge investment in time and effort.
- The process followed for certification and authentication of laws translated from Bangla to English was treated as best practice by the legislative translators of LPAD. In this process, the participants had opportunity to exchange their views and enhance their level of knowledge. They have started using this improved knowledge and the modality of consultative practice while translating legislation within the LPAD.
- The training on law making process proved to be very fruitful. It helped to clarify the roles and responsibilities of the various key stakeholders to avoid any misunderstanding in the legislative process and significantly contributed to improve knowledge on the law making process that should be followed from beginning to end in Bangladesh.
- The implementation of project activities suffered severely due to shortage of human resources.
- Political turmoil was a big challenge faced during this year that significantly hampered the smooth implementation of project activities.

The way forward

Based on lessons learned during the implementation of project activities the following course of action may be recommended:

- Legal research and public consultations as well as expert opinions could be promoted for legal and policy reforms. Simultaneously, strategies would be explored for reducing time to finalise draft amendments.
- Knowledge and skill building initiatives particularly advanced training on bi-lingual drafting and international laws and multilateral treaties, conventions and agreements may be undertaken for those who are engaged in legal drafting and vetting process through a national pool of legal experts from civil society organisations (CSOs) and academia to undertake long term training.
- Regular meetings of the PSC and PIC need to be arranged for smooth functioning of the project.
- To address the shortage of human resources, process for staff recruitment needs to be immediately completed to carry out proper implementation of the project activities.
- As many activities under the project significantly suffered due to political turmoil as well as shortage of human resources, completing the on-going activities of the project within the specific project period i.e. till June 2014 remains a big challenge. Hence, no cost extension of the project for further 6 months can be taken into consideration.

ANNEXURE 1: PROJECT MANAGEMENT STRUCTURE

