

Perception, awareness of human rights and complainants' satisfaction survey of NHRC, B

Conducted by



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Acronyms & Abbreviations

| | |
|-----------|--|
| APE | Asia Pacific Forum |
| AWP | Annual Work Plan |
| NHRC- CDP | National Human Rights Commission-Capacity Development Project |
| CA | Capacity Assessment |
| CMW | Committee on Migrant Workers |
| CRC | Child Rights Convention |
| CSO | Civil Society Organisations |
| CAPI | Computer Aided Personal Interview |
| CBOs | Community Based Organizations |
| CSOs | Civil Society Organizations |
| CTTC | Counter Terrorism and Transnational Crime |
| DANIDA | Danish International Development Agency DC Deputy Commissioner |
| FAO | Food and Agriculture Organisation |
| FGDs | Focus Group Discussion |
| FTM | Full Time Member |
| GO | Government Organization |
| GOB | Government of Bangladesh |
| HR | Human Right |
| HRBA | Human Rights Based Approach |
| HRDs | Human Rights Defenders |
| HRP | Human Rights Programme |
| HH | Household |
| IRGDSL | IRG Development Services Limited |
| 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 |
| KII | Key Informant Interview |
| LGBTI | Lesbian, Gay Bisexual, Transgender and Intersex |
| NGO | Non-Government Organization |
| NHRC, B | National Human Rights Commission, Bangladesh |
| SPSS | Statistical Package for Social Science |
| MOFA | Ministry of Foreign Affairs |
| MOHFW | Ministry of Health and Family Welfare |
| PPS | Population Proportionate to Size |
| UNCAT | United Nation Convention Against Torture |
| UNDP | United Nations Development Programme |

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Executive Summary

The objective of the current study was:

- 1) To assess people's understanding, perception, attitudes, and behaviour (disaggregated by gender, ethnicity, diversity, and age) on Human Rights issues in HRP priority districts of Bangladesh.
- 2) To assess people's perception, understanding and satisfaction on the existence, functions, initiatives and services of the National Human Rights Commission, Bangladesh (NHRC, B) in redressing Human Rights in Bangladesh.
- 3) To examine the complainants' satisfaction on complaint handling, investigation, and mediation mechanism of the NHRC.
- 4) To develop status information on the results (focusing on outcomes and impact) of initiatives/actions of the NHRC and HRP-UNDP project.
- 5) To define a set of recommended actions for better promotion and protection of Human Rights of the people in Bangladesh.

Along the line of these objectives, the Project had five components, which were the focus of the current survey:

- Strengthened capacity of the National Human Rights Commission to deliver on its mandate.
- Enhanced capacity of civil society and community-based organisations to engage in human rights advocacy and awareness raising.
- Enhanced capacity of law enforcement agencies, police, on human rights issues.
- Strengthened capacity of national stakeholders to better protect and promote women's rights; and
- Strengthened capacity of national stakeholders to better protect and promote the rights of ethnic minorities.

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 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 HRP is very much in consistent of the United Nations Development Framework (UNDAF) 2017 -2020 particularly with outcome area one: i.e. all people have equal rights, access, and opportunities. The Programme has a 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. Worth mentioning that, the HRP Monitoring and Evaluation (M&E) Framework has set the expected outputs related to the principles of UDHR.

Methodology of the Study

Methodology of the current assignment relied on both secondary and primary data collected through both qualitative and quantitative approaches. *Secondary data* for the study were collected through documentary survey, which included the review of the documents and reports related to the Project, while primary data were collected through adopting both qualitative and quantitative techniques. Qualitative data were collected through Key Informant Interviews (KIIs) and FGDs while questionnaire survey was conducted to collect quantitative data. A total respondent for quantitative survey was 3,234 while 43 KIIs, 20 FGDs, and 10 Case Studies were undertaken.

Key Findings of the Study

Following key findings have been drawn from the study:

1. The National Human Rights Commission, Bangladesh (NHRC, B) is currently being supported by UNDP, SDC and Sweden Sverige through the “*Human Rights Programme*” (HRP). One of the activities was to enhance human rights awareness. It was revealed from survey that more than 72% of respondents seriously want to know more about Human rights issues. This percentage has increased substantially in comparison to the baseline survey of 2011. HRP as well undertook awareness programmes of key civil society interventions to improve human rights coalitions across the country which also had good impact on rural people. Hence, NHRC, B may continue to enhance awareness of the people about Human Rights issues and the National Human Rights Commission, Bangladesh.
2. People’s perception is that law enforcers, including the police be more careful in conducting drives to arrest the criminal and committing ‘extrajudicial killings’ and ensure all legal facilities for the accused during their arrest.
3. 85% of all respondents irrespective of group’s belonging replied that everybody has the right for fair trial, and as a part of HR, it should not be violated. ‘Fair trials lead to fair justice’ systems and they all form a part of the society.
4. A hungry child does not learn well, and respondents opined that it is the part of human rights that children get a decent meal every day at school.
5. It was divulged that work performance of Bangladesh police for the poor over the past 5/6 years was satisfactory and even improved in comparison to baseline survey conducted in 2011.
6. It is notable that all the groups are interested to learn more about Human rights issues, 15% of students, women and Indigenous groups are also interested to learn about human rights. Third gender and people with disability are also interested almost equally. People express wishes and demands for continued awareness programmes for the new generation citizens of Bangladesh.
7. Third gender people are very much conscious and aware of their rights for fair trial¹ (99.4%), followed by students (89.9%) and Dalits (86.3%). Indigenous people (70%) among the surveyed population are least aware of it.

¹ In law, a trial is a coming together of parties to a dispute, to present information in a tribunal, a formal setting with the authority to adjudicate claims or disputes. One form of tribunal is a court

8. Among the respondents, highest percentage of Indigenous people (60.8%) consider that the quality of subordinate court's service for the poor has increased in the last 5/6 years, followed by Dalits (43.8%) who are mostly marginal and mostly socially excluded population's perception but their life practical experiences are positive. However, more effort needed for women as 34.5% of them consider situation is gradually improving in this regard.
9. Women (34.1%), Third gender people (11%), people with disabilities (16.8%) perceive the least positive change regarding Supreme court's service for the people. This is an area where positive changes needed as women, third gender and people with disabilities already experience marginality at society. Furthermore, disabled men, women, boys, and girl's access to social opportunities are affected not only by their gender and disability, but also their type of disability, the socioeconomic status of their family, their race/ethnicity etc.
10. Promisingly, indigenous population (50.2%) and Dalits (44.5%) are having the positive opinion about it as in rural Bangladesh it is difficult for the marginal groups to access formal court, whether they live in an urban or rural area, and a host of other factors.
11. Arbitration council can play a significant role. However, for many women in remotest and poorest family's arbitration council are major sources of justice, in this regard this need to provide better service to women and do proper justice to them as 41% women mentioned of improved situation regarding quality of such councils.
12. Regarding quality of government supported legal aid services in last 5/6 years same trend as other services is found in the study. Other than Third gender people, all other respondents consider significant improved services. Women still are not that satisfied as only 41% mentioned of better situation. Special programmes to address and ensure women's need in government legal services need more focused attention as gender discrimination and gender-based violence is evident not only in present study but also in several studies.
13. Violence is evident against women in all groups; alarmingly sexual violence is quite high. Child marriage is alarmingly high. Also, harassment through internet is significant.
14. In the 'control group'² 18.2% are Restricted or blocked from participation in community or social events compared to 5% among beneficiaries. Thus, it indicates that in programme area people are having more freedom in participation in community and social events.
15. Regarding basic child rights, for boys 50.3% considered protection from abuse. 49.9% have answered the right to freedom of thought and conscience. For girl's protection from abuse was considered by 58.5%, 45.6% considered the right to freedom of thought and conscience, 50.7% considered protection from physical violence, 49.6% considered protection from mental violence are crucial.
16. 93.5% beneficiaries' groups and 91.2% control group respondents think that girl under the age of 18 should not marry off. In recent time people's perception is changing. They are sending their girls to school so that they do not get married at early ages.

² A control group in a formal questionnaire survey/experiment is a group separated from the rest of the experiment, where the independent variable being tested cannot influence the results. This isolates the independent variable's effects on the experiment and can help rule out alternative explanations of the experimental results. In our questionnaire survey this control group with no benefit from a previous/present HRP is called the control group. For details please read Annexed file.

17. For enhancing outcome of Non-state justice system (Salish, arbitration council etc.) for the poor GO-NGO collaboration would be able to exert positive impact towards removing the weakness of GO and limitations of the NGOs. Collaboration refers to public and private actors work together based on common goals, objectives and for strategies within the resources available. But there is a serious lack of collaboration between GO-NGOs in the legal aid program currently working in Bangladesh.
18. NHRC, B took several measures to investigate and prosecute cases of abuse and killing by security forces. When surveyors asked quoting from The *Universal Declaration of Human Rights* (Universal Declaration) what is '*basic rights and fundamental freedoms*' to which all human beings are entitled, the majority of respondents replied and prioritised that '*No one shall be subjected to arbitrary arrest, detention or exile (1)*' and '*Everyone has the right to life, liberty and the security of person (2)*' and '*all human beings are born free and equal in dignity and rights (3)*'. These 3 conditions are most vital in HR issues for present socio-cultural and political atmosphere of Bangladesh (*results of survey conducted with 3234 respondents*).
19. When government organizations violate HR, majority scary people usually do not report to anybody but if compelled to report, then they report to the police, then try to influence public opinion, then they may arrange a press conference or keep silence to be in safe side.
20. In response to the question where and how did people come to find about NHRC, B, it was found that majority of the respondents came to know about NHRC, B through their local NGOs (*mostly because those NGOs are beneficiaries of NHRC, B / or contractor of NHRC, B maybe*), through television programmes/reports and at school. Few From friends, very few directly from NHRC, B, some from face book/social media.
21. survey conducted by IRGDSL also uncovered that physical violence, sexual abuse and violence, child marriage of adolescent girls, acid throwing, female violence by another female, rape, violence by '*mastans*' , domestic violence by husbands/relatives, harassment by police, violence by family members, violence from a Salish, trafficking in women and girls, misusing internet violence, harassment disturbances by mobile phone are all these types of violence specially women are widespread in rural as well as in urban areas of Bangladesh, as could be seen from evidences collected through surveys in rural and urban areas of Bangladesh (see Fig. 26) .among all from of violence most common and widespread are Sexual abuse and child marriage/early marriage are number one type of violence, sexual harassment and Sexual abuse/violence is number two type of frequent violence/ just physical and verbal harassment as evident from the survey conducted among 7 groups.
22. As per the field survey, respondents prioritized other challenges are as follows:
- Difficulties casting vote freely
 - Lack of human rights in the society
 - Scared of sending girl children to school
 - Indecision regarding when to marry/getting married, lack/obstacle of own choice of life partner, and
 - Lack of control over own body
 - Women are subordinate to men
 - Discriminatory division of property between men and women
 - Parents/guardians not sending girl children/hijras to school
 - Lack of human rights in the family/ home

- Lack of inheritance rights in the family
 - Lack of control over own body and lack of decisions over childbearing/ cannot use birth control.
23. The key informants disclosed that youth groups are facing numerous problems in Bangladesh, among them most acute problem the youth are facing now is that there is a lack of employment opportunities (number one) and lack of health services (#2) and discrimination in the community (#3). 37.1% respondents also told that youth people have equal rights in Bangladesh, 62.4% told that 'happy' with this situation.
24. As NHRC, B does not fulfil all indicators of Paris principles, it has been awarded "B" grade status. Previously, before 2015 it was A grade. To overcome this degradation, NHRC, B supposed to work towards achieving coming back to A grade.
25. Students of Bangladesh facing lots of problems, especially female student become victims of gender-based violence like victim of early marriage (15.3%) and they do not have enough money to continue education (12.7%) even students have freedom of speech while they study
26. Discrimination against people with disabilities has generally reduced; this was the opinion of 31% of respondents. But discrimination on disable people by government when employing and providing services has increased substantially though there are laws and convention to protect them.
27. 3% of the respondents expressed that Indigenous people do not get rights as others do.15% has said they do not get equal opportunities for employment. No education for children in mother-tongue said by 13.70%.
28. Common Problems facing by third gender people in Bangladesh
- Discrimination in the community 12.3%
 - Discrimination by government 11%
 - Abused by law enforcing agencies 9.7%
29. Religious minority group: when surveyors asked the respondents weather a member of their household has been discriminated against or treated differently on the ground of their religious beliefs in the past year: 60.30% beneficiaries and 35.50% control group respondents have said that they have, at the same time 29.10% beneficiaries and 41.90% control group respondents have said that they have not faced it.
30. Dalits of our society should have equal right: 56.50% beneficiaries and 56.40% of control group said yes. 43.00% Beneficiaries and 41.80% of control group also have also said yes.
31. Constitution of Bangladesh ensures rights of all people without discrimination. However, study shows in practice discrimination at community. Lack of facilities of education by mother tongue is a concern mentioned by some respondents.
32. Regarding equal right (men, women/third gender people) majority of the respondents said that they think everyone is human being and should have equal right. Which means people's mindset is changing regarding gender equality.

33. Inequality between man and women - Majority of them said during religious ceremonies they see inequality. Some of them have also said in terms of the clothes they wear. Muslims women are bound to maintain *Purda*. Deciding where they can and cannot go also describes inequality. Women are not allowed to leave house without the permission from men.
34. 90% respondents want Health care and education services free of cost. Shelter, Security in the society, Food and Clothing is also in their 'want's list which they want free of cost from government.
35. Early marriage has many negative consequences – If they marry a girl early, she can have health problems. Their education will stop. They will not be independent. They will end up giving birth to child and that will also have a negative impact on their health.

Recommendations

1. Respondents prioritised 4 among 20 options of present-day problem related to Human rights violations. Number one was 'political rights and civil rights 'related problems while the next three are rights to health-related issues, economic and social and law order situation, and could not vote freely as wanted. HRP to take more proactive steps to ensure HR is protected appropriately and take appropriate actions about this outcome from people's perception.
2. Human Rights Council, Treaty Bodies and Joint Submissions of NGOs & INGOs recommend that Bangladesh to comply with the Paris Principles by strengthening institutional capacity, financial and human resource and to directly investigate all alleged human rights violation including the alleged violation by the law enforcing agencies through the amendment of NHRC, B Act and Rules in compliance with Paris Principles. The SCA of Global Alliance of NHRI(GANHRI) expressed their satisfaction with the performance of NHRC, Bangladesh but because of absence of fully compliance of Paris Principles, the NHRC, B was not awarded with the "A" status of GANHRI and full membership of APF of NHRI. In view of the above it is recommended that the NHRC Act and rules need to be revisited.
3. Religious minority groups, third gender people, Dalits are discriminated in our society. Their HR should not be violated at all. HRP should take proper actions Needed to protect their rights as equal citizens of the country.
4. The Human Rights Programme (HRP) is excellently supporting the National Human Rights Commission, as well as key civil society interventions to improve human rights coalitions across the country. As the HRP is scheduled to end on 31 December 2020 and as planned activities have not been accomplished to the end, it is highly recommended that UNDP and its development partners may develop a plan for the next phase of human rights and justice programme for the strengthening HR issues in Bangladesh.
5. It is recommended that in future more serious attention should be given to emerging issue "social inclusion" of these groups: disadvantaged youth; older people; people with disabilities; Dalits and those discriminated against based on their gender, ethnicity, religion, class, or sexual identity (LGBTIQ).
6. Women (34.1%), Third gender (11%), people with disabilities (16.8%) perceive the least positive change regarding Supreme court and all other services. This is an area where positive changes needed as women, third gender and people with disabilities already experiencing marginality at society. Furthermore, disabled men, women, boys, and girl's access to social services

opportunities are affected not only by their gender and disability, but also their type of disability, the socioeconomic status of their family, their race/ethnicity etc. Based on this fact, HRP and NHRC, B be continuing special HR related awareness training courses for different categories as stated.

7. Special attention with thrust on awareness programme needed by HRP and NHRC, B to reduce/eradicate Physical violence, sexual abuse and violence, child marriage of adolescent girls, acid throwing, female violence by another female, rape, violence by 'mastans', violence by husbands, harassment by police violence by family members, violence from a Salish, trafficking in women and girls, internet violence, harassment disturbances by mobile phone are widespread in rural and urban areas of Bangladesh, as could be seen from evidences collected through surveys in rural and urban areas of Bangladesh among all form of violence most common and widespread are sexual abuse and child marriage/early marriage are number one type of violence/harassment and Sexual abuse/violence is number two type of frequent violence/harassment as evident from the survey conducted among 7 groups.
8. Third gender, religious minority, Dalits, minority groups in plain land facing discriminatory inequality in almost in all spheres and their problems are almost similar in nature. They are being discriminated in community, abused by law enforcing agencies, treated differently on the ground of their religion belief, lack of facilities of education in their mother tongue. Few of the children in communities have access to education, others do not have. The marginalized groups also face discrimination in terms of representation³, employment, land rights, and basic economic and social rights. It is essential to address discriminations through Early Childhood Programmes, multi Purpose Community Learning Centres etc. HRP/NHRC, B need continued interventions by playing catalytic role in those issues.

³Sharmin, 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 2020

Chapter 1

Introduction

1.1 Background information

Human rights in Bangladesh are enshrined as fundamental rights in Part III of the Constitution of Bangladesh. However, constitutional, and legal experts believe many of the country's laws require reform to enforce fundamental rights and reflect democratic values of the 21st century⁴. An effort to establish a human rights overseer in Bangladesh was initiated in the late nineties. Successive governments tried to launch such a body at the urge of national and international agencies.

The public desire to establish such an institution got momentum in 2007. As a result, National Human Rights Commission Ordinance 2007 was promulgated by the Honourable President of Bangladesh with effect from 1 September 2008.⁵

The National Human Rights Commission of Bangladesh was reconstituted in 2009 as a national advocacy institution for human rights promotion and protection. It is committed to the accomplishment of human rights in a broader sense, including dignity, worth and freedom of every human being, 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 splendid institution is to contribute to the embodiment of human dignity and integrity as well as to the safeguard of the basic order of democracy so that inalienable fundamental human rights of all individuals are protected and the standards of human rights are improved in the country.⁶

After the formation of Bangladesh Human Rights commission, a detail Households (HHs) perception survey was undertaken by NHRC with support of HHRC-CDP in 2011 provided baseline status on determining public attitude and awareness of human rights as well as awareness of the NHRC's existence and role. Another follow up survey was conducted on perception, attitudes, and behaviour on human rights to enable the commission to monitor and evaluate the effectiveness of its programmes covering all the seven Divisions of Bangladesh (Dhaka, Chittagong, Raj Shahi, Rangpur, Khulna, Barisal, and Sylhet) from October 2014 to March 2015. Apart from collection of baseline information for measuring the effectiveness of education and awareness raising campaigns and then the follow-up it has supported the NHRC to adopt and implement its strategic plan (2016-2020). The Follow-up Survey on Human Rights in Bangladesh ('Perception, Attitude and Behaviour'), conducted three years after the Baseline Survey, revealed certain changes in perceptions and people became more aware of basic rights and their violations than they were three years ago. The Follow-up Survey also showed that a greater percentage of respondents supported the basic rights of citizens to education, access to food, health care and clothing, and freedom of expression. More people, including a greater number of women and the poor, claim to have heard the term 'human rights'. The study assessed the results of targeted human rights education and awareness interventions implemented by NHRC and NHRC-CDP, and reviewed strategy and tools being used for the same. During time it is apparent that another follow-up survey is needed to determine the present context and NHRC would also be able to use it for planning and prioritization of its activities in the future.

⁴https://en.wikipedia.org/wiki/Human_rights_in_Bangladesh,2020

⁵<http://www.nhrc.org.bd/site/page/1c65dfa1-f9c2-48e9-a66b-eab8de75d9b1/%E0%A6%AA%E0%A6%B0%E0%A6%BF%E0%A6%9A%E0%A6%BF%E0%A6%A4%E0%A6%BF2020>

⁶<http://www.nhrc.org.bd/site/page/1,2020>

On the other hand, UNDP Bangladesh has been providing technical and financial assistance to the Government of Bangladesh to find innovative solutions to its development challenges and to build the capacity of national level institutions to implement policy reforms. In the area of human rights, UNDP undertook human rights related programming primarily for the five years through the Bangladesh National Human Rights Commission Capacity Development Project (NHRC-CDP) which ended in December 2015. After completion of the project, a final evaluation of NHRC-CDP has 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. To continue its efforts, UNDP designed a new Programme to operate with a wider group of human rights stake holders including law enforcement agencies, CSOs and CBOs in addition to the NHRC to foster human rights work at national, regional and local levels and promote a cohesive human rights dialogue in Bangladesh.

Based on the recommendation of the final evaluation report, a “Human Rights Programme (HRP) (2016-2020)” was formulated which aims to enhance the capacity of existing human rights architectures in Bangladesh. The Programme has a 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 will seek to expand on rights-based approach of advocacy, looking at developing the NHRC's role in engaging with Government on human rights. The Programme has formulated the following five outputs:

- Strengthened capacity of the National Human Rights Commission to deliver on its mandate.
- Enhanced capacity of civil society and community-based organisations to engage in human rights advocacy and awareness raising.
- Enhanced capacity of law enforcement agencies, police, on human rights issues.
- Strengthened capacity of national stakeholders to better protect and promote women's rights; and
- Strengthened capacity of national stakeholders to better protect and promote the rights of ethnic minorities.

Originally, the implementation of the programme was planned from January 2016. However, the Project document was signed with delay on 28 April 2016 and the initial activities of the programme started only after the recruitment of the key staff in September 2016. The first 18 months' Inception phase review has been completed and the report has also been submitted to the donors. Now the Project is running at middle stage of the project tenure and required to conduct perception survey to assess awareness and public perception on human rights, Complainants' satisfaction on complaint mechanism. It will also help to provide options for how UNDP might continue to support the NHRC, CSOs/NGOs, people and other stakeholders in the long term.

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 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.

1.2 Bangladesh country background: Situation of HR

Bangladesh is a country with a land area of 144,000 square kilometres and a population of over 160 million⁷ 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 legally 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. 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 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 several key areas of the legal system, including family, marriage, 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 Tribunal⁸, the Acid Violation Prevention Tribunal⁹ and the Torture and Custodial Death (Prevention) Act of 2013¹⁰ 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.¹¹

⁷ Bangladesh Country Strategic Plan (2017–2020), WFP

⁸ 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)

⁹ The tribunal exercises the powers under i) The Acid Control Act, 2002, ii) The Acid Violation Prevention Act, 2002

¹⁰ 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

¹¹ Extracted from the Access to Justice in Bangladesh Situation Analysis, Summary Report, 2015, UNDP

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 community¹². The marginalized groups also face discrimination in terms of representation¹³, employment, land rights, and basic economic and social rights.

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 line¹⁴. Despite laws/policies¹⁵ aimed at women empowerment, violence against women persists as an endemic problem¹⁶ with an estimated 60 per cent of married women reported to have experienced violence.¹⁷ Bangladesh is ranked 73rd in the Global Hunger Index¹⁸ and at least 14% of children under five, suffer from under nutrition¹⁹. 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 harassment²⁰. 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 dowry²¹. UNICEF places child marriage in Bangladesh under the age of 15 at 18% and under the age of 18 at 52%.²² Several laws²³ provide for special budgetary allocations²⁴ aimed at welfare of religious groups and textbooks in five ethnic languages²⁵ for primary grades are now in

¹²The Human Rights Situation of Dalits in Bangladesh, Joint NGO Submission related to Bangladesh for the 16th Universal Periodic Review 2013.

¹³Sharmin, 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 2020

¹⁴Bangladesh Bureau of Statistics, Household Income and Expenditure Survey, 2010

¹⁵Party 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 Precedure 2013, 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

¹⁶ Human Rights Council Report of the Special Rapporteur on violence against women, its causes, and consequences 23 May 2013

¹⁷See 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 Financialexpress-bd.com/2014/03/08/22389 add title

¹⁸Grebmer, 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.

¹⁹ 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

²⁰Bangladesh ShishuAdhikar Forum (BSAF) report (2016)

²¹ 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. At <https://mpr.ub.unimuenchen.de/58424/>

²²Child 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>

²³ Christian Religious Welfare Trust (amendment) Act 2011; The Buddhist Religious Welfare Trust Ordinance, 1983; and the Hindu Religious Welfare Trust Ordinance, 1983

²⁴ 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

²⁵ Chakma, Marma, Tripura, Sadri, and Garo languages

place. Hindus and Buddhist communities and some ethnic minorities witnessed several violent attacks²⁶.

“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 sustain”²⁷

1.3 National Human Rights Commission- mandate, functions, responsibilities, plans

The National Human Rights Commission (NHRC) (Bengali: জাতীয় মানবাধিকার কমিশন) of Bangladesh is an autonomous public body (website: www.nhrc.org.bd) retrieved on 2 January 2006 which came into existence on 9 December 2007. It was established by the Caretaker government of Bangladesh. The organization was constituted under the provisions of the National Human Rights Commission Ordinance. It was re-established by the National Human Rights Commission Act, 2009 after the original ordinance lapsed.²⁸ Then it was reconstituted in 2009 as a national advocacy institution for human rights promotion and protection. It is committed to the accomplishment of human rights in a broader sense, including dignity, worth and freedom of every human being, 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. Commission serves as a mechanism for the enrichment of the realization of human rights. Its journey is aimed at creating a culture of human rights through public enlightenment on diverse human rights issues so that the people of the country can contribute to larger peace and security keeping in pace with the ‘progressive aspirations of humankind.’²⁹

A Selection Committee is formed consisting of seven members under headed by Speaker of the Parliament. Based upon its recommendation the President of Bangladesh appoints the Chairman and Members of the Commission³⁰

1.3.1 Mandate of the NHRC

The mandate of the NHRC, B necessarily emanates from the Constitution of the People’s Republic of Bangladesh, the Human Rights Commission Act and the international human rights instruments to which Bangladesh is a party. As per the Constitution the fundamental objective of the state is to establish an egalitarian society where equality and social justice would be guaranteed for all citizens. It envisages that Bangladesh shall be a democracy where fundamental human rights and worth of human persons of all would be ensured. In line with these objectives, the National Human Rights Commission Act in its preamble [read with section 2(f)] has reflected that the National Human Rights Commission is being established in order to protect, promote and foster human rights as envisaged in the Bangladesh constitution and international instruments. The key mandates can be summed up as follows:

²⁶ 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).

²⁷ Globalizing Democracy and Human Rights, New York: Cambridge University Press, 2004, pp. 276

²⁸ www.nhrc.org.bd. Retrieved 2 January 2016

²⁹ <http://www.nhrc.org.bd/site>, 2020

³⁰ www.nhrc.org.bd

It is a statutory independent institution established by an Act of Parliament. NHRC is committed to provide independent views on issues within the parlance of the Constitution or prevailing law for the time being in force for the protection of human rights. The Commission works independently. It does not require prior approval of the government to spend its budgetary allocation. The budget of the Commission comes from annual grant of Government of Bangladesh or local authority. The account of the Commission is to be audited by the Auditor and Comptroller General of Bangladesh. Authority to mediate any complains if feasible and appropriate. Authority to revisit existing laws of the land and recommend amending any discrepancy for better and more effective protection and promotion of human rights.

1.3.2 Some examples of Activities

- It lodged complaints against Border Security Forces of India over *Felani* Killing with the National Human Rights Commission of India.
- It holds surveys regarding perceptions about human rights in Bangladesh³¹.
- It campaigns against Human Rights abuses and extrajudicial killings in Bangladesh.³²

1.3.3 Functions

Apart from entertaining complaints the NHRC can exercise the power '*Suo-moto*'³³.

- The NHRC, B can ask for report from the Disciplinary Forces or the Law Enforcing Agencies or any of its members on the allegation of human rights violation.
- The NHRC, B can visit any jail or correctional centers, custody and such other places and make recommendation to the government thereon for the development of those places and conditions.
- The Commission can inquire and report a matter being referenced by the Supreme Court of Bangladesh on a writ petition heard by it.
- The Commission enjoys the power of a civil court in case of any inquiry or investigation.
- The Commission is empowered to appoint mediators according to established rules to dispose of a dispute relating to violation of human rights.
- In case of non-compliance of the reports and recommendations the Commission can bring the matter to the notice of the President who shall cause it to be laid before parliament.
- The Commission can ask for information from governmental authorities on any alleged violation of human rights and the government is required to give the information. In case of failure to provide information, the Commission can start to work at its own initiative.
- Even the Commission itself can lodge application to the High Court Division if the case fits with the conditions of filing writ petitions under the constitution.
- Apart from suggesting legal remedy, the commission is endowed with the power to recommend the government to provide temporary grant to the aggrieved person or his family.
- The commission can publish the inquiry report fully or partially at its own satisfaction.
- The witnesses before the Commission are protected for their deposition.

³¹The Survey found that only 50 per cent of the entire participant sample had heard of the term 'human rights'. A follow-up survey in 2014 indicated that the ratio had risen to 68 per cent.

³²"BANGLADESH: Calls for end to torture, extrajudicial killings". *IRINnews*. IRIN. Retrieved 2 January 2016.

³³Some examples of *Suo-moto* cases facilitated by NHRC has been given at annexure

1.3.4 Responsibilities

The NHRC follows the comprehensive mandate outlined in the National Human Rights Commission Act, 2009. The cruxes of the functions of the Commission are investigation and inquiry, recommendation, legal aid and human rights advocacy, research and training on human rights laws, norms, and practices. To elaborate, to promote and protect human rights the Commission performs the following functions:

- Developing human rights policies through conducting human rights research and issuing legal and administrative policy recommendations.
- Analyzing laws, policies, and practices from a human right perspective.
- Investigating human rights violation cases and providing access to justice.
- Promoting human rights education and raising public awareness about perception of human rights.
- Promoting, monitoring, and comparing the national standard and implementation of international human rights treaties.
- Co-operating with government agencies, civil society organizations, UN human rights bodies and national human rights institutions.
- Settlement of complaints having the tendency of violation of human rights through mediation, providing legal aid if possible, to the aggrieved party.
- Lodging or help to lodge petitions in the apex court.
- Sensitizing law enforcing agencies through human rights training.

Other matters deemed necessary to protect and promote human rights.

1.4 Background and Rationale of the Study

After the formation of Bangladesh Human Rights Commission, a detailed Households (HHs) perception survey was undertaken by NHRC, B with the support of Bangladesh National Human Rights Commission-Capacity Development project supported by UNDP in 2011, and provided baseline status on determining public attitudes and awareness of human rights as well as awareness of the NHRC's existence and role. Another follow up survey was conducted on perception, attitudes and behaviour on human rights in order to enable the commission to monitor and evaluate the effectiveness of its programmers covering all the seven divisions of Bangladesh (Dhaka, Chittagong, Raj Shahi, Rangpur, Khulna, Barisal and Sylhet) from October 2014 to March 2015. Apart from the collection of baseline information for measuring the effectiveness of education and awareness-raising campaigns and the follow-up, it has also supported the NHRC, B to adopt and implement its strategic plan (2016-2020). The Follow-up Survey on Human Rights in Bangladesh (“Perception, Attitude and Behaviour”), conducted three years after the Baseline Survey, revealed certain changes in perceptions and found that people had become more aware of their basic than they were three years ago. The Follow-up Survey also showed that a greater percentage of respondents supported the basic rights of citizens to education, access to food, health care and clothing, and freedom of expression. More people, including a greater number of women and the poor, claim to have heard the term 'human rights'. The study assessed the results of targeted human rights education and awareness interventions implemented by NHRC, B and NHRC-CDP, and reviewed strategies and tools being used for the same. During time it is apparent that another follow-up survey is needed to determine the present context and NHRC would also be able to use it for planning and prioritization of its activities in the future.

On the other hand, UNDP Bangladesh has been providing technical and financial assistance to the Government of Bangladesh to find innovative solutions to its development challenges and to build the capacity of national level institutions to implement policy reforms. In the area of human rights, UNDP undertook

human rights related programming primarily for the five years from 2010 to 2015 through the Bangladesh National Human Rights Commission Capacity Development Project (NHRC-CDP) which ended in December 2015. After completion of the project, a final evaluation of NHRC-CDP has 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. To continue its efforts, UNDP designed a new programme to operate with a wider group of human rights stakeholders including law enforcement agencies, Civil Service Organizations (CSOs) and Community Based Organizations (CBOs) in addition to the NHRC to foster human rights work at local, national and regional levels and promote a cohesive human rights dialogue in Bangladesh.

Based on the recommendation of the final evaluation report, a “Human Rights Programme (HRP) (2016-2020)” was formulated which aimed to enhance the capacity of the existing human rights architecture in Bangladesh. The Programme has a 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 will seek to expand on rights-based approach of advocacy, looking at developing the NHRC's role in engaging with government of Bangladesh (GOB) on human rights. The Programme has formulated the following five outputs:

- Strengthened capacity of the National Human Rights Commission to deliver on its mandate.
- Enhanced capacity of civil society and community-based organisations to engage in human rights advocacy and awareness rising.
- Enhanced capacity of law enforcement agencies, police, on human rights issues.
- Strengthened capacity of National stakeholders to better protect and promote women’s rights; and
- Strengthened capacity of national stakeholders to better protect and promote the rights of ethnic minorities.

Originally, the implementation of the programme was planned to start from January 2016. However, the signing of the project document was delayed, and was finally signed on 28 April 2016. The initial activities of the programme started only after the recruitment of key staff in September 2016. The first 18 months' inception phase review has been completed and the report has been submitted to the donors. Now the Project is at the mid-stage of the project tenure and required to conduct perception survey to assess awareness and public perception on human rights, and complainants' satisfaction on complaint mechanism. It will also help to provide options for how UNDP might continue to support the NHRC, B, CSOs/NGOs, people and other stakeholders in the long-term.

1.5 Study Location

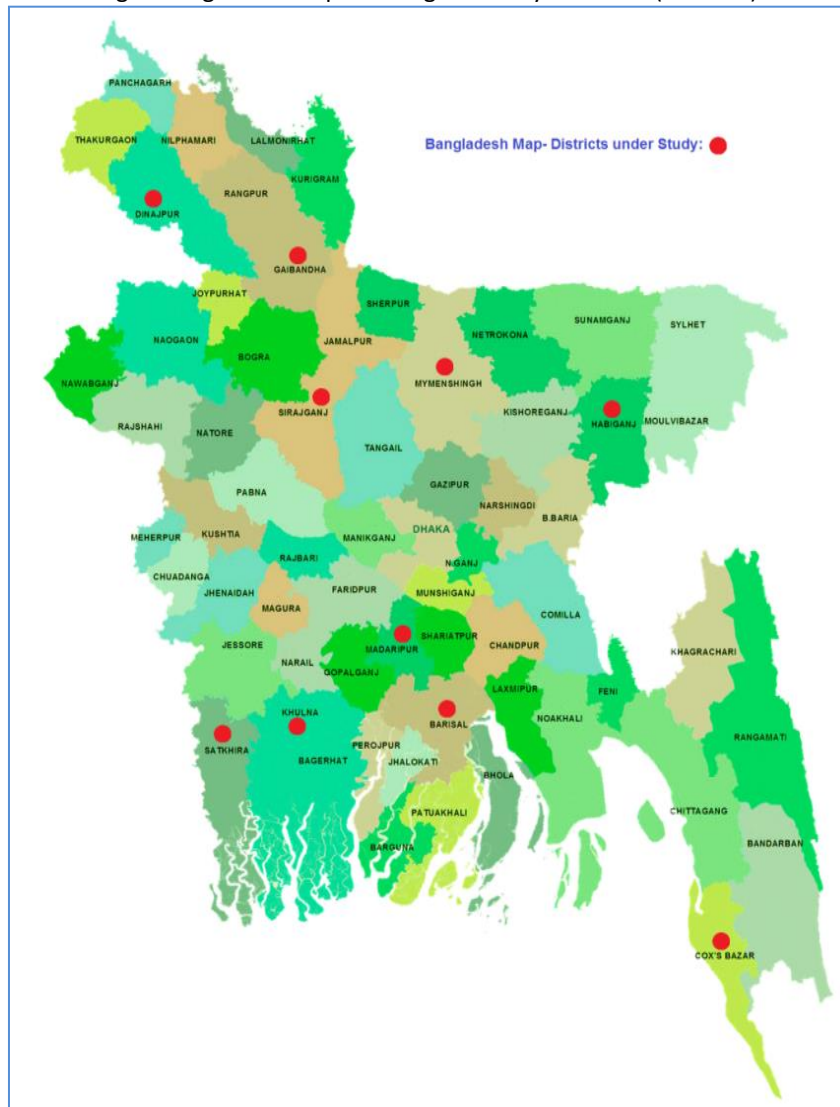
The overall targeted geographical area for perception survey is ten districts under eight divisions in project areas and NHRC working areas of Bangladesh. These are as mentioned in the following Table 1:

Table 1: Study Locations

| Division | District | Upazila |
|------------|-----------|-------------------------------------|
| 1. Dhaka | Madaripur | Madaripur Sadar, Kalkini, Rajoir |
| 2. Barisal | Barisal | BarishalSadar, Agoilghora, Gournadi |
| 3. Khulna | Satkhira | SatkhiraSadar, Shyamnagar, Tala |
| | Khulna | Khulna Sadar, Dumuria |

| | | |
|---------------|--------------|---|
| 4. Rangpur | Gaibandha | GaibandhaSadar, Gobindaganj, Polashbari |
| | Dinajpur | Dinajpur Sadar, Nababganj, Ghoraghat |
| 5. Chittagong | Cox's Bazar | Cox's Bazar Sadar, Ramu, Teknaf |
| 6. Rajshahi | Sirajganj | Sirajganj Sadar, Raiganj, Tarash |
| 7. Sylhet | Habiganj | HabiganjSadar, Baniachang, Madhabpur |
| 8. Mymensingh | Mymensingh | Mymensingh Sadar, Haluaghat, Dhobaura |
| 8 Divisions | 10 Districts | 29 Upazilas |

Fig 1: Bangladesh map showing the study locations (Districts)



1.6 Objectives of the Study

The objective of the study is to undertake a perception study, awareness of human rights, and complainants' satisfaction survey on the state of service delivery by the NHRC, B. The broad objectives of the study are:

- a. Assess people's understanding, perception, attitudes, and behaviour (disaggregated by gender, ethnicity, diversity, and age) on human rights issues in HRP priority districts of Bangladesh.

- b. Assess people's perception, understanding and satisfaction on the existence, functions, initiatives, and services of the NHRC, B in addressing human rights in Bangladesh.
- c. Examine the complainants' satisfaction levels on complaint handling, investigation, and mediation mechanism of the NHRC, B.
- d. Develop status information on the results (focusing on outcomes and impact) of initiatives/actions of the NHRC, B and HRP-UNDP project; and
- e. Define a set of recommended actions for better promotion and protection of human rights of the people in Bangladesh.

1.7 Scope of the Work under the Study

The assignment shall undertake following activities and approaches to meet the objectives set forward above.

1.7.1 Part I

A nationally (focusing on HRP priority areas) representative HHs survey will be designed and conducted as a follow-up survey of the 2014 survey conducted under NHRC,B -CDP project, focusing especially on assessing people's understanding, perception, attitude and behaviour on Human Rights issues in HRP priority districts of Bangladesh. This will also extend the assessment of people's perception, understanding and satisfaction on the existence, functions, initiatives, and services of the National Human Rights Commission (NHRC, B) in redressing Human Rights in Bangladesh. The assessment will examine the complainants' satisfaction on complaint handling, investigation, and mediation mechanism of the NHRC, B. As to support this assessment, the relevant data/information should consider disaggregation by gender, ethnicity, diversity, and area as applicable.

The survey is expected to take 3,220 sample respondents in context of 10 HRP priority districts to assess/examine the level of understanding, perception, attitudes, and behaviour of the people including women, ethnic minorities, youth, and other excluded groups. To supplement the data/information, it is expected to apply a set of standard and relevant qualitative methods (i.e. FGD, KII and case studies)

The survey will cover thematic rights issues/concerns, such as: Human rights (in general), Rights of the ethnic and religious minorities, women's rights, child rights, rights of the Public Works Department (PWDs), rights of the gender-diverse communities and other excluded groups in Bangladesh. This will extend the analysis of people's knowledge and understanding on human rights, status of women, gender-based violence and discriminations, sexual exploitation, access to justice, freedom of expression, functions of the NHRC,B and people's satisfaction on their services.

Regarding this, the survey team will do a detailed desk review to extract all the relevant information of the NHRC,B and Human Rights Programme (HRP), and UNDP that will contribute to the design and conduct the detailed assessment smoothly.

1.7.2 Part II

The survey will introduce a set of relevant qualitative methods (i.e. FGD, KII, case studies, PRA) to support the analysis of people's understanding, perception, attitudes and behavior on human rights issues along with people's satisfaction on the existence, functions, initiatives and services of the National Human Rights Commission (NHRC, B) in addressing human rights in Bangladesh.

The application of qualitative methods will also support in assessing the results and achievements of NHRC initiatives (i.e. human rights education, awareness raising, policy advocacy, complain handling and mediation mechanisms) and intervention of the HRP-UNDP project.

Taking the above into consideration, the survey team should propose and apply a standard number of qualitative methods (i.e. FGD, KII, case studies,) as per the requirements of the survey to ensure a detailed analysis of people's perceptions, understanding, attitudes, behaviours, satisfaction and contribution of NHRC, B and HRP-UNDP. Cases, the survey team should document success stories to extract the process of changes in human knowledge, attitudes and practices or dealing with human rights-based issues/concerns.

The study will document success stories of human rights awareness and NHRC's existence and role in the form of improvements in knowledge, attitude and practice of individuals living in selected areas. It is expected that the firm will conduct in-depth research to show the attribution/contribution of NHRC in these success stories.

1.8 Summary of the Methodology

Team of professionals met several times HRP officials during November 2019 and had detailed discussion on the Terms of Reference, proposed methodology and work plan as well as the expected reports. Available secondary documents and information have been collected from HRP. Detailed methodology includes overall study strategies, detailed work plan, sampling strategies, data collection methodologies and protocols, data quality control methods, and data analysis methodologies finalized as follows: Apart from Household (HH) surveys, the following qualitative studies was undertaken:

Key Informants Interview (KII) - Key informants of the local community on the human rights issues was interviewed. They included a representative from former chairmen of NHRC, B, renowned lawyers from Dhaka and elsewhere, HRCs, CSOs, Police, etc. (Total 43) KIIs were undertaken.

Focus Group Discussion (FGD) – 20 FGDs (2 in each District) were conducted with community people with a focus on rural and urban settings. In each of the FGDs, around 8-10 participants were invited from the communities, local leaders, women representatives, teachers, local public officials, NGO representatives, etc. FGDs were conducted by key team members and Survey Supervisors.

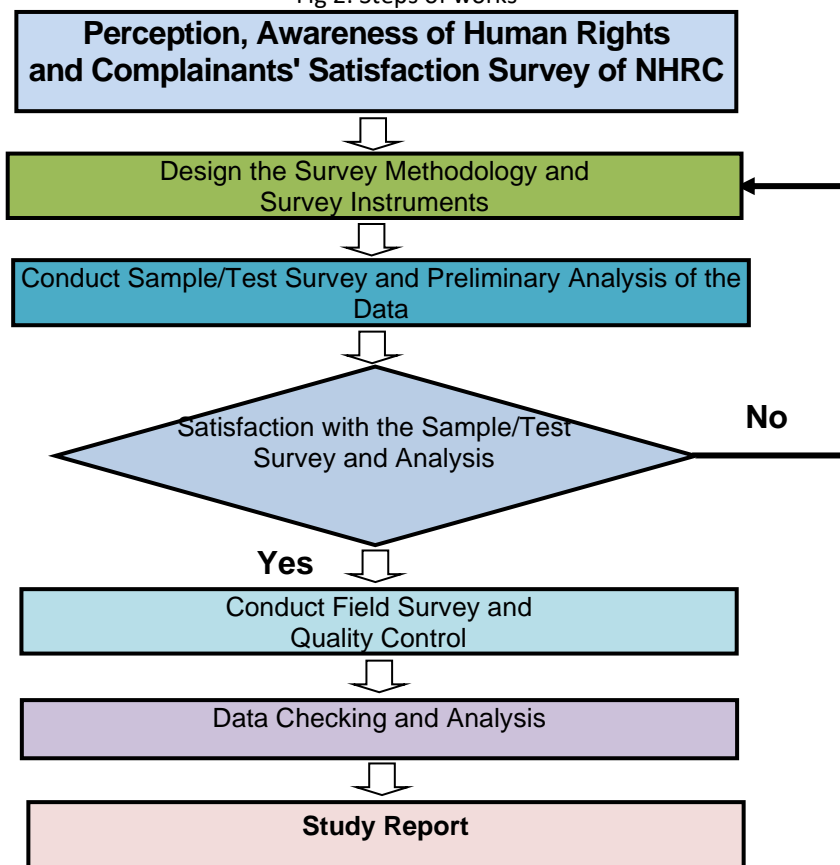
Case studies – Case studies were undertaken for 10 beneficiaries (one from each District) who have direct connection with HRP and NHRC initiatives.

Analysis of the background information, Terms of Reference (TOR) and information available in the secondary sources makes it clear that both quantitative and qualitative survey and study has been to be done with a goal to prepare a Perception, Awareness of Human Rights and Complainants' Satisfaction Survey of NHRC, B.

Quantitative survey has been done using structured questionnaire and face-to-face interview with household-level respondents (aged 18 years and above) with appropriate gender ratio (male-female respondents) along with ethnicity, persons with disability and other form of vulnerability. The program was adopted to quickly analyse the usefulness and effectiveness of the survey instruments and revise those, if necessary. Upon satisfactory completion of the field test and review, final survey instruments were prepared, and the survey conducted. The steps are shown in the following flow chart:

The consultants developed a set of indicators which were usually measurable. If there were some indicators which cannot be measured, the consultant developed proxy indicators and measure them to accomplish the assignment of those components which were more qualitative, and community based.

Fig 2: Steps of works



Field survey was conducted by Computer-assisted personal interviewing (CAPI) using tablets which have GPS facilities and can accurately locate the geographical position of the respondents. These tablets related to the central server through satellite. These gave real-time location of the surveyors as well as being able to count timestamps. IRG Development Services Ltd. is practicing this system of survey for around 5 years and has got all necessary logistics including enough tablets to undertake the study.

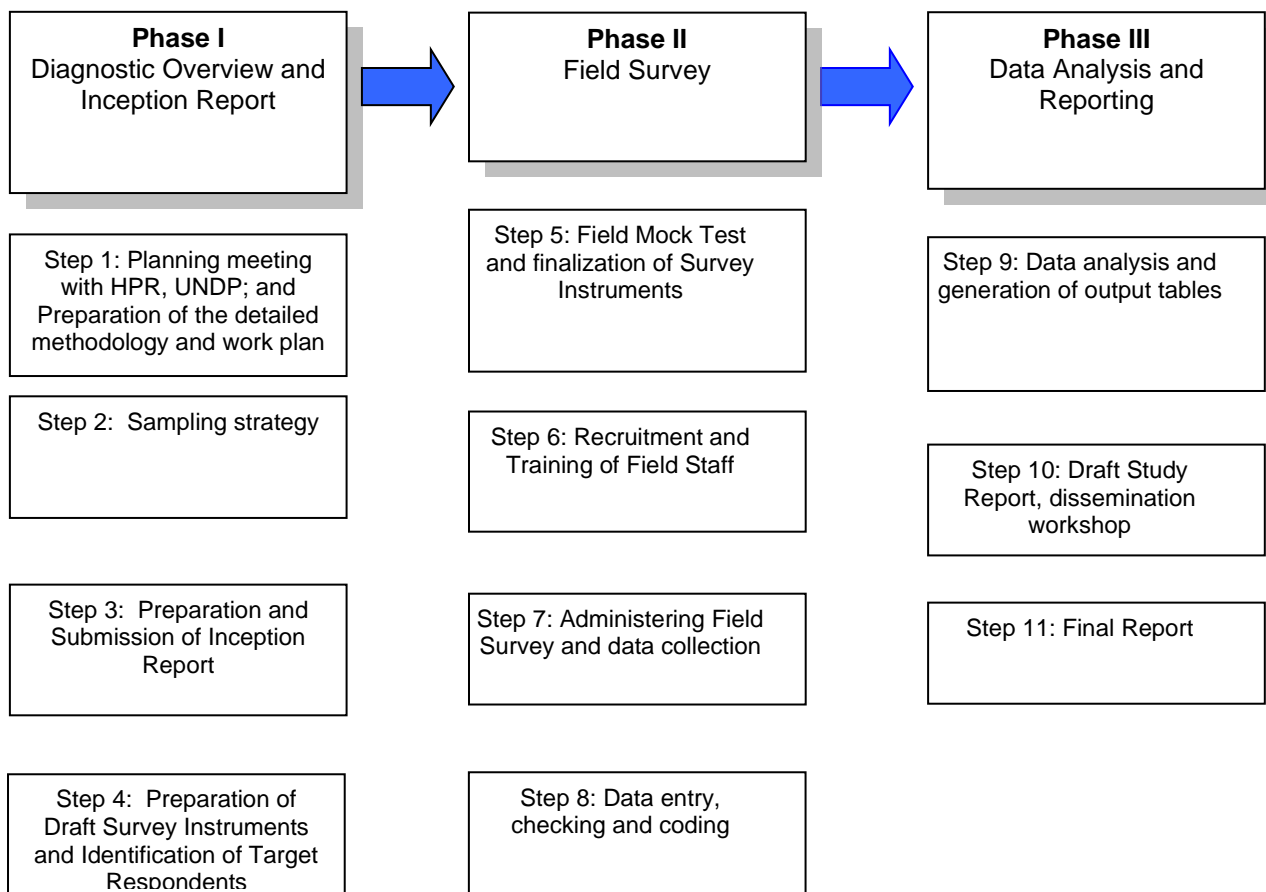
The study generated both primary and secondary level data. The primary information was generated from face to face interviews of the household, key informants, FGDs, and case studies; and secondary level data were generated from published and unpublished reports including Baseline Survey Report of 2011 and the follow-up report of 2015, previous reports on NHRC, B and HRP-UNDP, data of BBS, etc.

Apart from designing the appropriate methodology, the study involved preparation of survey instruments, data collection, data checking and analysis, interpreting, and report preparation with conclusions and recommendations.

The survey and study found out answers of different questions. All questions had been framed in such a way that answers to the questions may be incorporated in the report. The study was taken into consideration the importance of the project interventions. The investigation was conducted in a way that it fulfils the condition - *"It is better to have an approximate answer to the right question than an exact answer to the wrong question"*.

In this section, we had described the methodological issues to be followed to accomplish the present assignment. Below is the phase-wise flow of the project:

Fig 3: Flow of the total work



The outcome/results of the HH surveys, FGD, KII, and case studies were utilized for assessing the level of understanding, awareness, perception, attitudes and behaviours of the public, including women, ethnic minority people, youth, school students and other specific target groups (disaggregated by gender, ethnicity, age), on key issues of human rights and National Human Rights Commission's existence and roles in Bangladesh particularly in project areas and NHRC, B working area. These assessed the complainants' satisfaction on complaint mechanism of the NHRC, B and provide recommendations; and assessed results focusing on outcomes and impacts of targeted human rights education and awareness raising initiatives by the NHRC, B with support of HRP/UNDP and provide strategic recommendations.

Phase - I: Diagnostic Overview and Inception Report

Step-1: Planning Meeting with HPR and Preparation of the detailed methodology and work plan

A team of professionals met the HRP official's on 14 November 2019 and had detailed discussions on the Terms of Reference, proposed methodology and work plan as well as the expected reports. Available secondary documents and information have been collected from HRP. The detailed methodology includes overall study strategies, detailed work plan, sampling strategies, data collection methodologies and protocols, data quality control methods, and data analysis methodologies.

Step-2: Sampling strategy

Two types of survey were done to gather information about the baseline study- quantitative and qualitative.

For any type of research work, the representativeness of collected information needs to be ensured so that valid and dependable conclusions can be drawn. Thus, to ensure representativeness of the data and information to be collected, as suggested by HRP-UNDP, we agreed and propose the following for statistical justification:

The sample respondents were selected in such a way that all category of respondents was covered such as gender, (male-female ratio), ethnicity and diversity etc. The respondents were selected from different layer and location randomly applying Simple Random Sampling method.

Sample Size determination:

For selection of the sample size for perception survey, the following formula will be used:

$$n = \frac{(z)^2 pq}{d^2}$$

Where,

n = Desired sample size

z = Standard normal deviation set at 95 percent confidence interval (1.96)

p = Proportion in the target population estimated to have understanding on HRs issues (set as 30%).

$q = 1.0 - p$

d = Degree of accuracy desired set at 0.05

The total sample population was 3234 for 10 HRP priority districts according to the above formula. The sample population should be proportionately distributed in the case of gender, ethnicity, and diversity.

Category wise distribution of sample is presented in the following Table 2.

Table 2: Distribution of Sample

| Division | District | Sl No | Upazila | Project Group | | | | | | | Control group | | | | | | |
|---------------|-------------|-------|-------------------|---------------|----------|-------|-------------------|--------------|---------------------------|-------------------------------|---------------|----------|-------|-------------------|--------------|---------------------------|-------------------------------|
| | | | | Youth leaders | Students | Women | Ethnic Minorities | Third gender | Persons with Disabilities | Dalit and Excluded Minorities | Youth leaders | Students | Women | Ethnic Minorities | Third gender | Persons with Disabilities | Dalit and Excluded Minorities |
| 1. Dhaka | Madaripur | 1 | Madaripur Sadar | 20 | 31 | 28 | 0 | 0 | 11 | 0 | 14 | 7 | 8 | 0 | 0 | 3 | 0 |
| | | 2 | Kalkini | 13 | 16 | 16 | 0 | 0 | 13 | 0 | 9 | 11 | 9 | 0 | 0 | 4 | 0 |
| | | 3 | Rajoir | 10 | 15 | 17 | 0 | 0 | 14 | 0 | 13 | 2 | 3 | 0 | 0 | 3 | 0 |
| 2. Barisal | Barisal | 4 | BarishalSadar | 0 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 0 | 0 | 0 | 5 |
| | | 5 | Agoilghora | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 7 |
| | | 6 | Gournadi | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| 3. Khulna | Satkhira | 7 | Shyamnagar | 77 | 79 | 27 | 19 | 0 | 0 | 21 | 10 | 13 | 8 | 4 | 0 | 0 | 2 |
| | | 8 | Kalaroa | 23 | 44 | 15 | 13 | 0 | 0 | 17 | 19 | 9 | 6 | 2 | 0 | 0 | 2 |
| | | 9 | Tala | 22 | 45 | 16 | 9 | 0 | 0 | 12 | 7 | 3 | 7 | 2 | 0 | 0 | 2 |
| | Khulna | 10 | Khulna Sadar | 11 | 5 | 19 | 0 | 6 | 0 | 4 | 4 | 3 | 6 | 0 | 1 | 0 | 2 |
| | | 11 | Dumuria | 10 | 0 | 10 | 0 | 5 | 0 | 3 | 3 | 3 | 6 | 0 | 0 | 0 | 1 |
| 4. Rangpur | Gaibandha | 12 | GaibandhaSadar | 62 | 31 | 43 | 0 | 0 | 0 | 17 | 16 | 15 | 18 | 0 | 0 | 0 | 1 |
| | | 13 | Gobindaganj | 16 | 28 | 16 | 0 | 0 | 0 | 9 | 3 | 9 | 6 | 0 | 0 | 0 | 2 |
| | | 14 | Polashbari | 13 | 23 | 13 | 0 | 0 | 0 | 2 | 6 | 4 | 7 | 0 | 0 | 0 | 3 |
| | Dinajpur | 15 | Dinajpur Sadar | 74 | 29 | 69 | 22 | 0 | 14 | 28 | 3 | 4 | 5 | 5 | 0 | 1 | 3 |
| | | 16 | Nababganj | 12 | 11 | 15 | 13 | 0 | 13 | 0 | 1 | 1 | 3 | 2 | 0 | 0 | 2 |
| | | 17 | Ghoraghat | 23 | 5 | 14 | 9 | 0 | 16 | 0 | 1 | 2 | 8 | 2 | 0 | 0 | 1 |
| 5. Chittagong | Cox's Bazar | 18 | Cox's Bazar Sadar | 31 | 23 | 39 | 7 | 0 | 16 | 11 | 6 | 6 | 6 | 2 | 0 | 3 | 2 |
| | | 19 | Ramu | 26 | 15 | 18 | 18 | 0 | 0 | 13 | 6 | 6 | 6 | 2 | 0 | 1 | 2 |
| | | 20 | Teknaf | 9 | 24 | 11 | 31 | 0 | 0 | 6 | 7 | 6 | 6 | 1 | 0 | 2 | 2 |
| 6. Rajshahi | Sirajganj | 21 | Sirajganj Sadar | 61 | 42 | 46 | 3 | 7 | 14 | 13 | 17 | 17 | 10 | 1 | 1 | 3 | 4 |
| | | 22 | Raiganj | 16 | 37 | 22 | 0 | 5 | 0 | 17 | 6 | 7 | 8 | 0 | 1 | 0 | 3 |

| | | | | | | | | | | | | | | | | | |
|---------------|--------------|----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|----|
| | | 23 | Tarash | 14 | 55 | 21 | 0 | 3 | 0 | 18 | 6 | 12 | 8 | 0 | 1 | 0 | 2 |
| 7. Sylhet | Habiganj | 24 | HabiganjSadar | 44 | 32 | 39 | 23 | 9 | 2 | 0 | 6 | 6 | 6 | 5 | 1 | 1 | 0 |
| | | 25 | Baniachang | 11 | 14 | 15 | 14 | 2 | 0 | 0 | 7 | 6 | 6 | 2 | 1 | 0 | 0 |
| | | 26 | Madhabpur | 8 | 21 | 9 | 24 | 4 | 0 | 0 | 6 | 6 | 6 | 2 | 1 | 0 | 0 |
| 8. Mymensingh | Mymensingh | 27 | Mymensingh Sadar | 0 | 0 | 0 | 0 | 64 | 46 | 18 | 0 | 0 | 0 | 0 | 12 | 5 | 3 |
| | | 28 | Haluaghat, | 0 | 0 | 0 | 0 | 23 | 0 | 16 | 0 | 0 | 0 | 0 | 7 | 0 | 1 |
| | | 29 | Dhobaura | 0 | 0 | 0 | 0 | 13 | 0 | 12 | 0 | 0 | 0 | 0 | 5 | 0 | 1 |
| 8 Divisions | 10 Districts | | 29 Upazila | 606 | 625 | 601 | 205 | 141 | 159 | 237 | 176 | 158 | 182 | 32 | 31 | 26 | 55 |

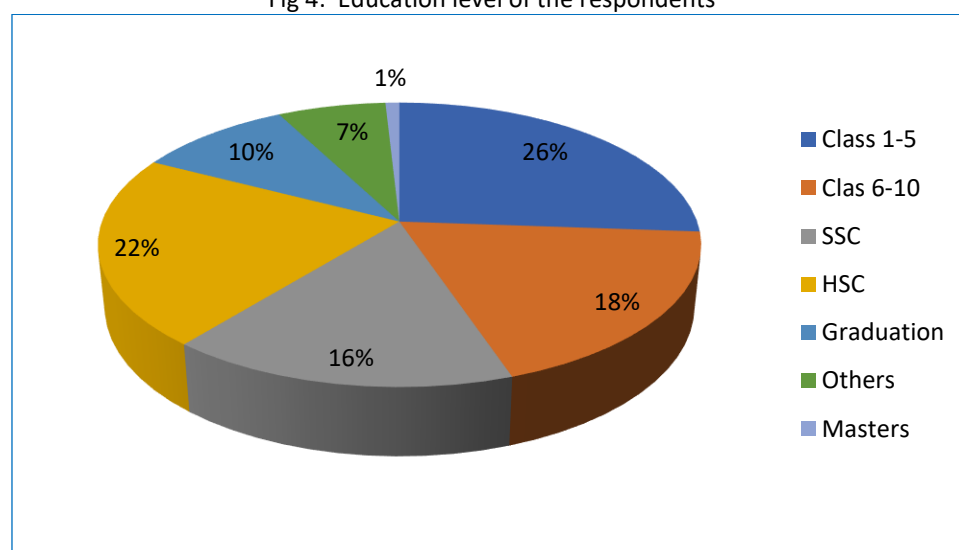
1.9 Questionnaire field level survey

The consultants developed a set of indicators which are measurable. If there are some indicators which cannot be measured the consultant developed proxy-indicators and measured those to accomplish the assignment of those components which are more qualitative, and community based.

Field Survey was conducted by Computer-assisted personal interviewing (CAPI) using questionnaire³⁴ digitally transferred to the tablets which had the GPS facilities and could accurately locate the geographical position of the respondents. These Tablets were connected through live internet with the central server in Dhaka office of IRGDSL via satellite. Those provided real time location of the surveyors as well as able to count timestamp. IRG Development Services Ltd. Provided all necessary logistics including enough tablets to undertake the survey.

While conducted field survey we have gathered education level of all 3234 respondents. (fig.4). According to survey findings, 26% of the respondents were having 1-class V education, 22% having Higher Secondary level of education, 18% having class Vi- class X. another 7% had graduation level of education. 65.7% of respondents were of 26-35 of age group and 24.86% were having 1-5 class of education.

Fig 4: Education level of the respondents



From the annexure tables it is evident that questionnaire survey was conducted in 10 districts (Madaripur, Barisal, Satkhira, Khulna, Gaibahdha, Dinajpur, Cox's Bazar, Sirajganj, Habiganj, Mymensingh) in total 3234 respondents were taken part in survey out of them 2574 were previous beneficiaries of BHRC and 660 were non-beneficiaries i.e. totally new respondent who for the first time taken part in such survey. 7 different groups (Women (24%), youth (24%), students (24%), disabled (6%), indigenous (8%), third gender (5%), Dalit (9%) participated in this event, distribution of these groups have been evident in the fig 3.

And fig 5 shows that out of 3234 respondents 62% were female, 33% were male and 5% were of third gender.

³⁴All sets of questionnaires have been given in a separate file

Fig 5: Gender distribution of participants

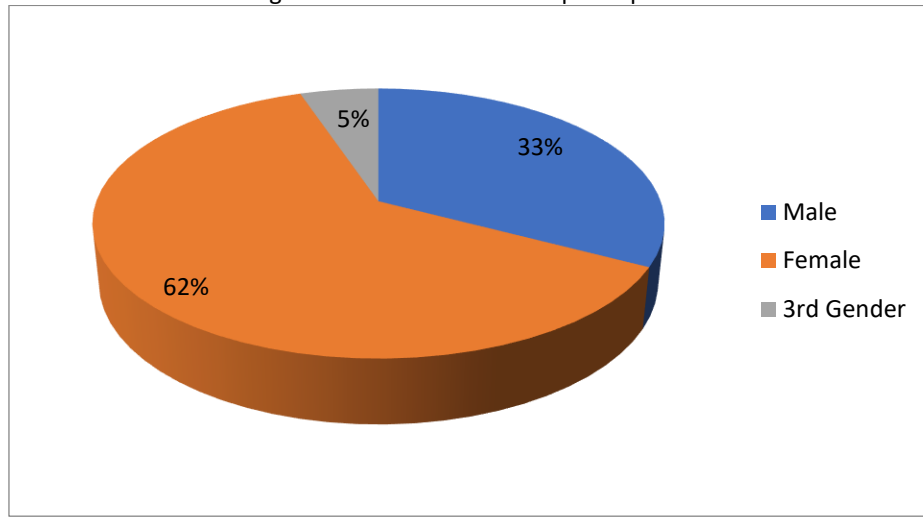
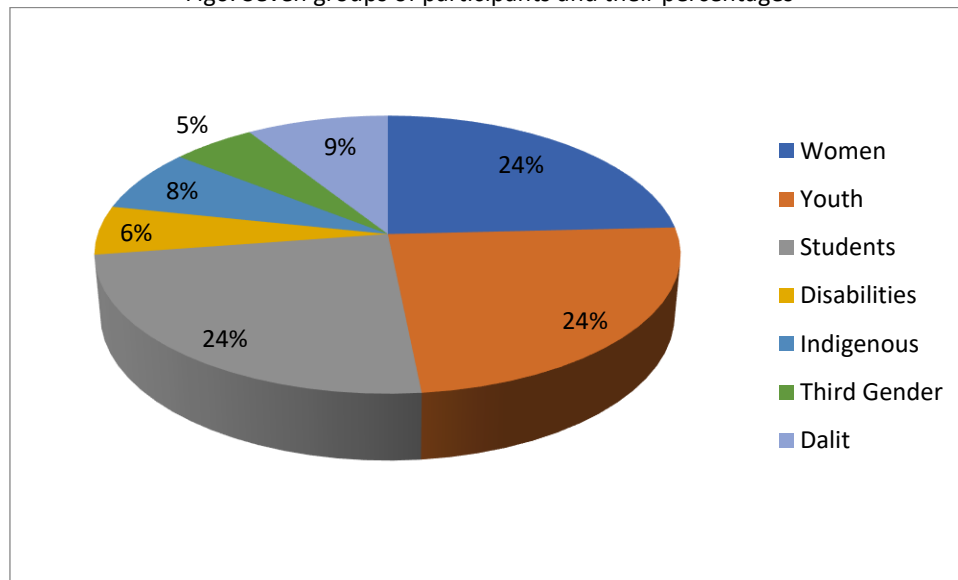


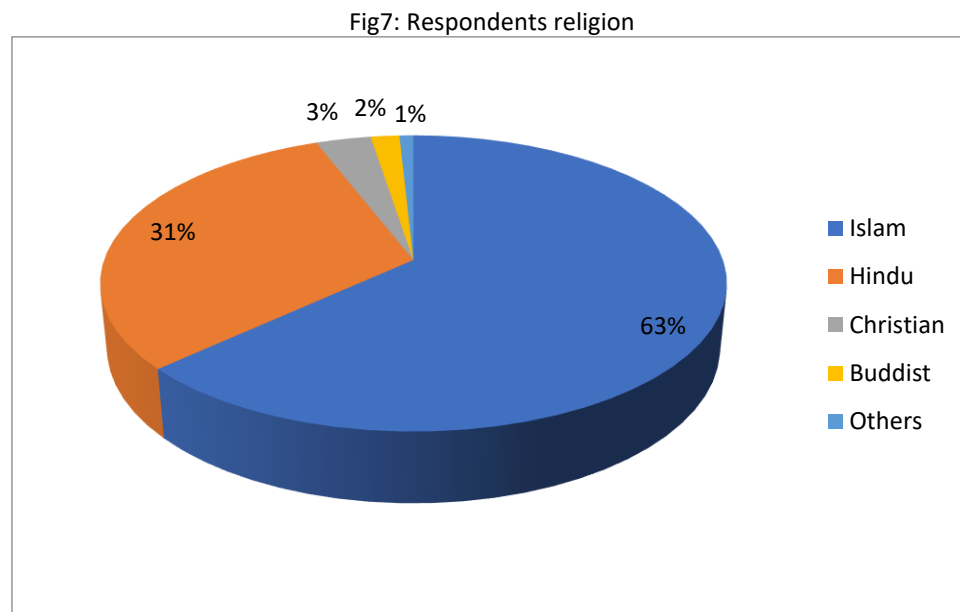
Fig 6 evident that 24% students took part in survey, another 24% youth, 24% female, 5% were of third gender.

Although the government took some steps in recent years, such as declaring legal recognition of a third gender category for 'hijras', policy implementation remains weak and sexual and gender minorities remained under constant pressure and threat.

Fig6: Seven groups of participants and their percentages



Among the 3234 respondents 63% were Muslim's, 31% were Hindu, 3% were Christians, 2% Buddhist, 1% others. (Fig. 7)



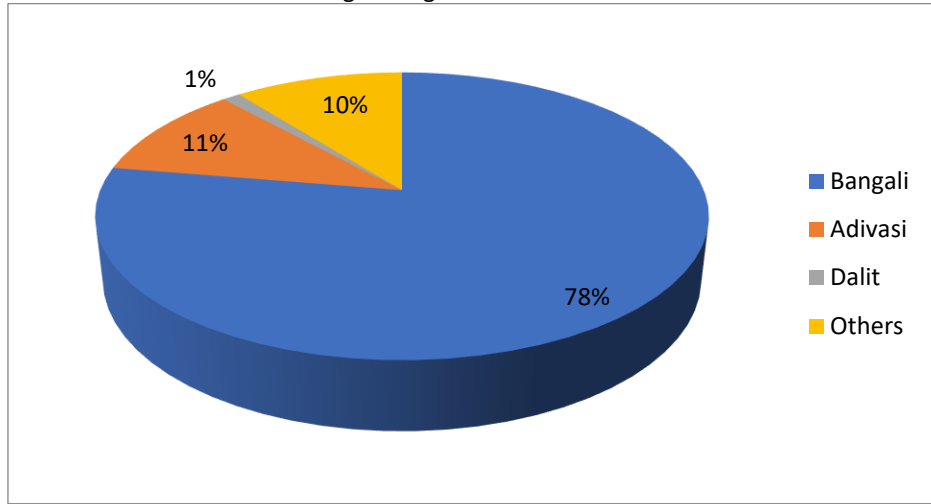
Even though Bangladesh has Islam as its state religion and has constitutional references to Hindus, Christians and Buddhists; the political system is modelled as a secular democracy. Governments have generally respected freedom of religion.

1.9.1 Minorities

Sporadic attacks and threats against religious minorities continued in 2019. In mid-November 2017, a mob of nearly 20,000 looted and burned down over 30 homes in the majority-Hindu *Thakur Para* village in Rangpur Sadar, in response to rumors that a villager had published a Facebook post defaming the Prophet Muhammad. There were reports of wide spread criminal violence against women and girls; trafficking in persons; crimes involving violence or threats of violence targeting indigenous minorities' people; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and criminalization of same-sex sexual conduct.

Fig. 8 on 'ethnicity' reveals that 78% respondents were Bengali ethnicity, 11% were Adivasi, 10% were others, 1% were Dalit group. This shows that in Bangladesh dominant ethnic group is of Bengali origin.

Fig8: Bangali and minorities



Article 6 of the constitution proclaims "the people of Bangladesh shall be known as Bengali's as a nation". The article discriminates against the country's significant non-Bengali population, notably the Chakma, Biharis, Garo, Santhal, Marma, Manipuri, Tripuri, Tanchangya, Bawm see below map of Bangladesh). "Under no definition or logic can a Chakma be a Bengali or a Bengali be a Chakma....As citizens of Bangladesh, we are all Bangladeshis, but we also have a separate ethnic identity".³⁵



Map Source: https://en.wikipedia.org/wiki/Human_rights_in_Bangladesh, 2020

³⁵Meghna Guhathakurta; Willem van Schendel (30 April 2013). *The Bangladesh Reader: History, Culture, Politics*. Duke University Press. pp. 358-. ISBN 0-8223-5318-0

1.10 Limitations of the Study

Due to pandemic of COVID-19³⁶, it was not possible to conduct few more planned KII with UNDP and NHRC's decision makers. Only a senior most decision maker of NHRC, B at the eleventh hour gave interview over telephone.

As a result of the non-availability of any kind of previous secondary information on complaints numbers, how those were resolved or resolving now by the workforce working at NHRC or information available in the website of NHRC, B, the findings of the report could not be complemented by or compared with the findings of any other study. This kind of comparison would have been facilitated making the findings of the current study more solid than it is now.



Picture: while conducting the FGD

³⁶On March 11, 2020, the World Health Organization (WHO) declared that an outbreak of the viral disease COVID-19 – first identified in December 2019 in Wuhan, China – had reached the level of a global pandemic. Citing concerns with “the alarming levels of spread and severity”

Chapter 2

People's understanding, perception, attitudes, and behavior on Human Rights issues

2.1 Background information

“Human rights are moral principles or norms, which describe certain standards of human behavior, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being," and which are "inherent in all human beings" regardless of their location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They require empathy and the rule of law and impose an obligation on persons to respect the human rights of others. They should not be taken away except because of due process based on specific circumstances; for example, human rights may include freedom from unlawful imprisonment, torture, and execution. The doctrine of human rights has been highly influential within international law, global and regional institutions. Actions by states and non-governmental organizations form a basis of public policy worldwide. The idea of human rights suggests that "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights." The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature, and justifications of human rights to this day. The precise meaning of the term right is controversial and is the subject of continued philosophical debate; while there is consensus that human rights encompasses a wide variety of rights such as the right to a fair trial, protection against enslavement, prohibition of genocide, free speech, or a right to education, there is disagreement about which of these particular rights should be included within the general framework of human rights; some thinkers suggest that human rights should be a minimum requirement to avoid the worst-case abuses, while others see it as a higher standard. Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the atrocities of The Holocaust, culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948. Ancient peoples did not have the same modern-day conception of universal human rights. The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval natural law tradition that became prominent during the European Enlightenment with such philosophers as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and which featured prominently in the political discourse of the American Revolution and the French Revolution. From this foundation, the modern human rights arguments emerged over the latter half of the twentieth century, possibly as a reaction to slavery, torture, genocide, and war crimes, as a realization of inherent human vulnerability and as being a precondition for the possibility of a just society. Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world... — 1st sentence of the Preamble to the Universal Declaration of Human Rights. All human beings are born free and equal in dignity and rights. —”Article 1 of the United Nations Universal Declaration of Human Rights (UDHR)”³⁷

Attention was given to the assessment of people's understanding, perception, attitudes and behaviour on Human Rights issues; people's perception, understanding and satisfaction on the existence, functions, initiatives and services of NHRC,B in redressing Human Rights in

³⁷Source: https://en.wikipedia.org/wiki/Human_rights_in_Bangladesh,2020

Bangladesh; examine the complainants' satisfaction on complaint handling, investigation and mediation mechanism of the NHRC; develop status information on the results (focusing on outcomes and impact) of initiatives/actions of the NHRC, B and HRP-UNDP project; and define a set of recommended actions for better promotion and protection of Human Rights of the people in Bangladesh³⁸.

The study generated both primary and secondary level data. The primary information was generated from face to face interviews of the Household, key informants, FGDs, and case studies; and secondary level data was generated from published and unpublished reports including Baseline Survey Report of 2011 and the follow-up Report of 2015, previous reports on NHRC and HRP-UNDP, data of BBS, internet etc.

Apart from designing appropriate methodology, the study is being involved preparation of survey instruments, data collection, data checking and analysis, interpreting, and report preparation with conclusions and recommendations.

The survey and study found answers of different questions. All questions were framed in such a way that answers to the questions gave rise to achievement of the objectives of the project. The study took into consideration importance of the project interventions. The investigation was conducted in a way that it fulfils the condition - *"It is better to have an approximate answer to the right question than an exact answer to the wrong question"*.

In this section it presents methodological issues of the study. It is worth mentioning that out of total respondents of 3234, 2574 respondents were selected from the previous respondents, rest 660 s new respondents were selected randomly. From the point of gender prospective, 40% of total respondents was supposed to be female, but actually it was 62% female, 33% male and 5% of third gender 7 different groups (Women(24%), youth (24%), students(24%), disabled(6%), indigenous(8%), third gender(5%), Dalit (9%) participated in the survey.

Two types of survey were done to gather information about the baseline study viz. quantitative and qualitative.

The sample respondents were selected in such a way that all category of respondents was covered such as gender, (male-female, third gender), ethnicity and diversity etc. The respondents were selected from different layer and location randomly applying Simple Random Sampling method.³⁹

2.2 General understanding of human rights

Whether the respondents heard about 'Human Rights' or not was the introductory first question, 87.87% of beneficiary's respondents, 48.38% non-beneficiaries' respondents answered "yes"

And 12.13% of beneficiaries, 47.5% non-beneficiaries'(control group) respondents 'No', (they never heard about HR, fig 9) and rest 52.5% control group heard about HR at the same time 87.4% of respondents from beneficiaries group know well about HR. That is why 60.4% control group respondents are very much interested (fig 10) to know about HR issues. The HRP project can organize more awareness programme for this group of people. Many the respondents had not heard the term 'human rights' at all, which indicates the need for at least some basic awareness raising regarding the term and what it means, in all public awareness messages.

³⁸TOR of the assignment, UNDP-BD 2019

³⁹For details of the approach and methodology please read inception report of the assignment

Fig 9: Heard about human rights

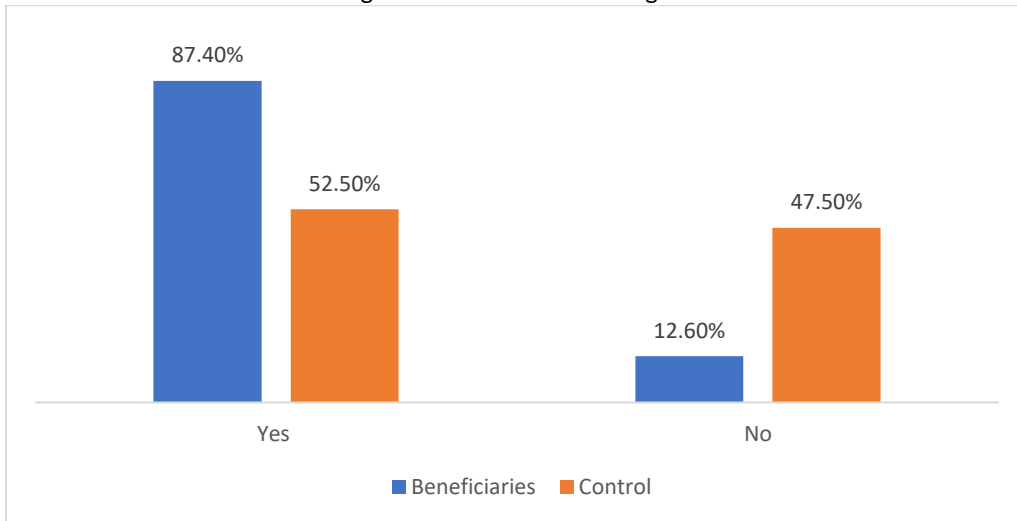
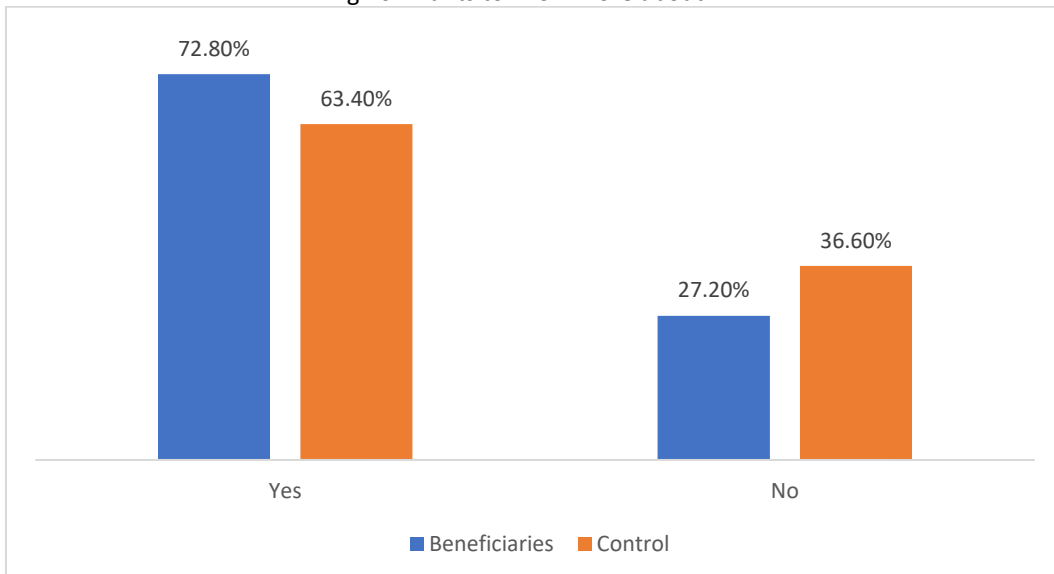


Fig 10: Wants to know more about HR

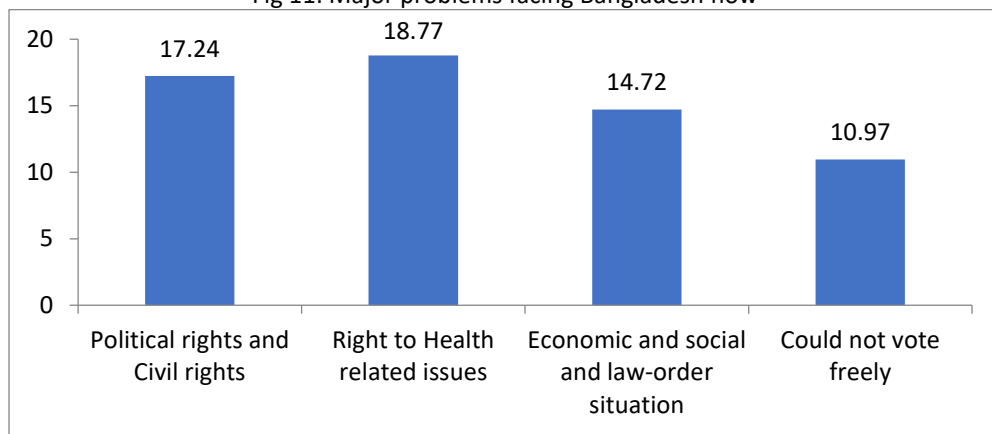


The list of target beneficiaries was collected from HPR-UNDP and NHRC, B and district wise number of respondents was fixed following population proportionate to size (PPS) method. The first question was asked to the respondents' what is the main problem Bangladesh facing today? (see the fig. 11)

Respondents prioritised 4 among 20 options. Number one was 'political rights and civil rights 'related problems while the next three are rights to health-related issues of economic and social and law order situation and could not vote freely as wanted.

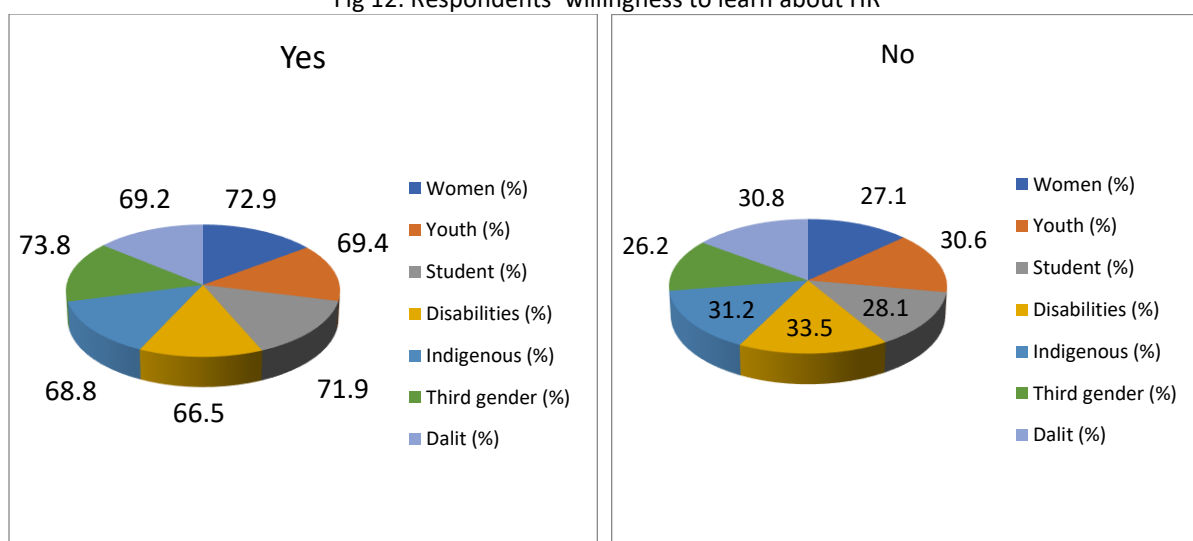
While NHRC conducted first base-line survey in 2011, the number one problem was "Price hike of essentials" while the next three were electricity and gas problem, communication and roads problem and unemployment problem.

Fig 11: Major problems facing Bangladesh now



When the question was asked ‘*whether they want to know more about human rights?*’, 73% of female participants, 69% of youth, 69% of indigenous, 74% third gendered people, 72% of students, and 66% of disabled responded “YES” rest % of respondents answered negatively (NO). Please see Fig. 12 below for evidences.

Fig 12: Respondents’ willingness to learn about HR



It means that almost 70% of all respondents expressed their willingness to learn about Human rights from any sources. It is notable that all the groups are interested to learn about Human Rights. Students, women and Indigenous are interested to learn about human rights. Third gender and people with disability are also interested almost equal. The NHRC, B should organize awareness raising campaign on HR for the new generation citizens of Bangladesh.

2.3 The National Human Rights Commission of Bangladesh (NHRC, B)

It appears that 49% of women, 67% of third gendered people, 63% of students and youth, 49% of indigenous respondents, 46% of Dalits, 44% of disabled respondents know (on an average 57% of all respondents) about the existence of National Human Rights Commission of Bangladesh (NHRC, B). (Fig. 14.) which is 8% more than in 2011 when a base-line survey was conducted. Surprisingly third gendered and female respondents know about the BNHRC which is encouraging. This may be due to conduction of HR related ‘awareness’ program carried out by local NGOs on behalf of UNDP

sponsored, Swiss and Sweden government supported NHR Program. On the other hand, non-beneficiaries, that is, control group 69% respondents did not even hear about NHRC, B (Fig 13).

Fig.13: Heard about NHRC

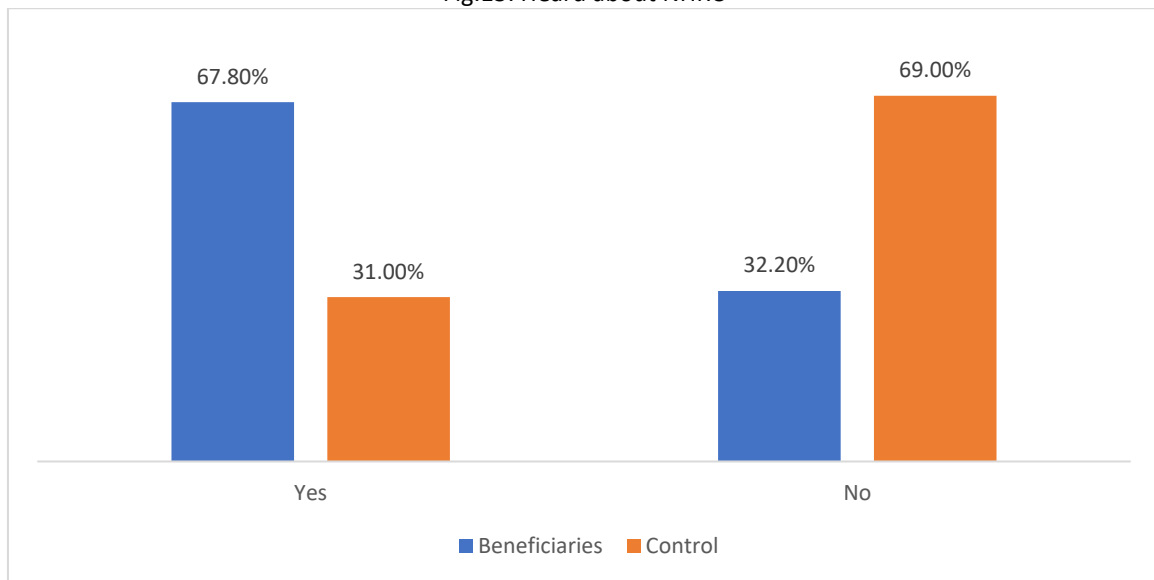
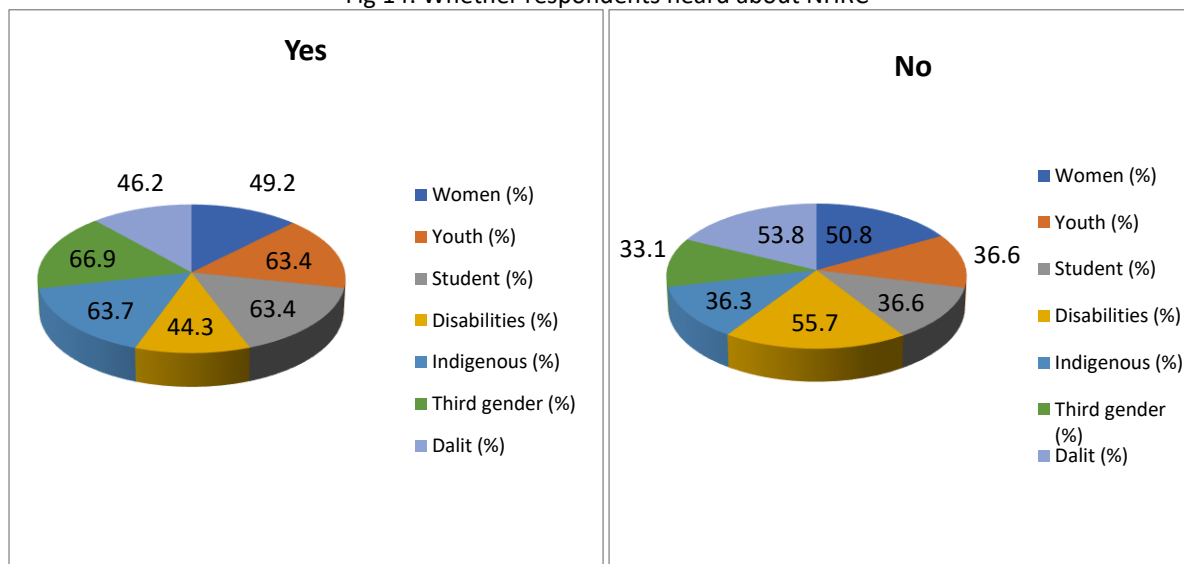


Fig 14: Whether respondents heard about NHRC

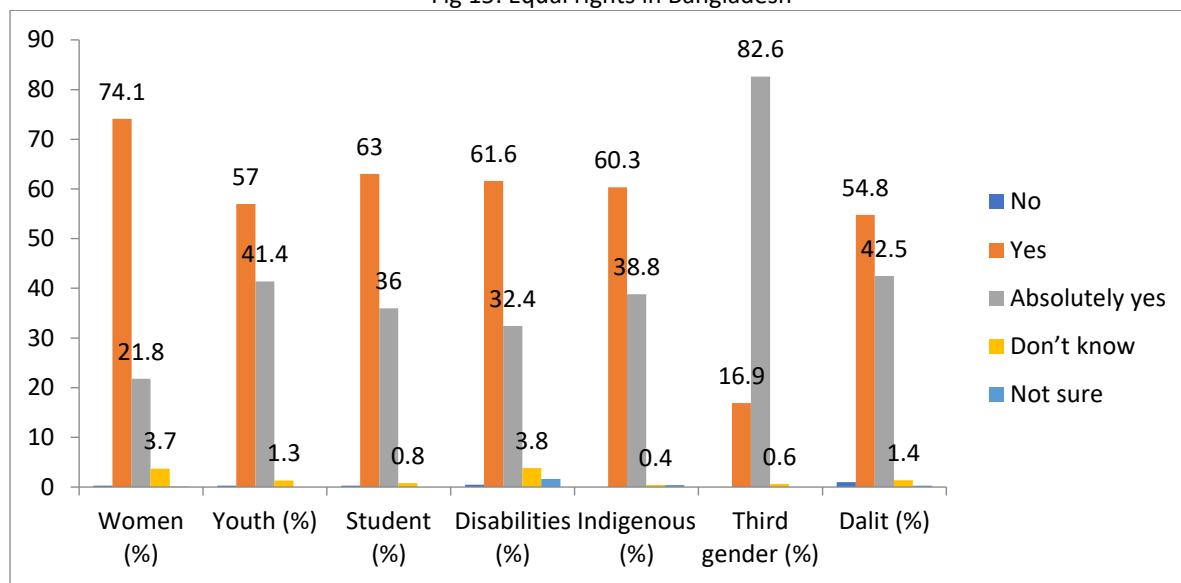


From the above analysis it was revealed that control group (non-beneficiaries) only 31% heard about the NHRC, B whereas the 7 group of beneficiaries' respondents 68% heard about NHRC, B. They are more aware about NHRC, B (fig 13).

It may be concluded that HRC project need to organize a programme designed to increase awareness of HR and NHRC, B for the control group of respondents

2.4 Right to equal rights

Fig 15: Equal rights in Bangladesh



Regarding equal rights all groups of people are aware of their equal rights as while the respondents was asked whether men, women/third gender people should have equal rights in Bangladesh or not, majority of from all groups respondents (women, youth, students, people with mental and physical disability , third gendered people, Dalit) replied positively ‘YES’.(See the figure 15). Among them respondents from third gender said the maximum as yes (82.6%) while women responded the minimum (21.8%) in absolute yes though in ‘Yes’ responses they are the highest (74.1%).

2.5 Security Force Abuse and Impunity

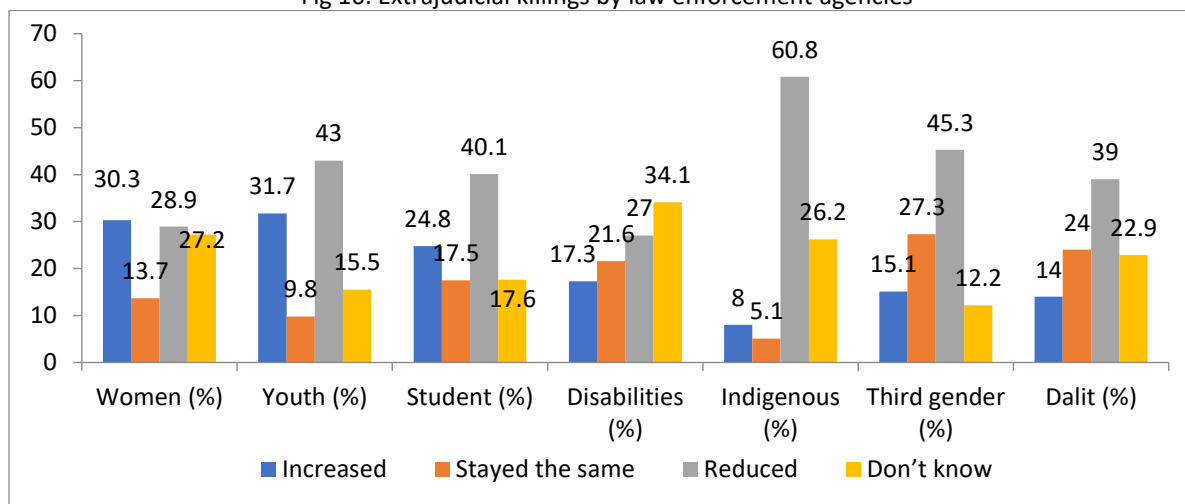
Bangladesh security forces—particularly the Detective Branch of the police, Bangladesh Border Guards (BGB), the Directorate General Forces Inspectorate (DGFI), and the Rapid Action Battalion (RAB)—have a long history of enjoying impunity for serious violations including arbitrary arrests, torture, enforced disappearances, and extrajudicial killings, a pattern that did not abate in 2017.⁴⁰Significant human rights issues included: unlawful or arbitrary killings; forced disappearance; torture; arbitrary or unlawful detentions by the government or on its behalf.

Law enforcement authorities continued to arrest opposition activists and militant suspects, holding them in secret detention for long periods before producing some in court. Several others, according to security forces, were killed in “gunfights,” leading to concerns over extrajudicial killings. At time of writing, scores remained victims of enforced disappearances.⁴¹ Based on this perception, respondents were asked a question whether they think that extrajudicial killings by law enforcement agencies has generally increased, remained the same or reduced over the past 5/6 years. There were mixed responses. Youths, students, indigenous people, third gendered persons, Dalit responded that these activities reduced, whereas women, some youth’s students reported that these events have increased. (Fig. 16). People’s perception is that law enforcers, including the police, should be more careful in conducting drives to arrest the criminal and committing extrajudicial killings. They should ensure all legal facilities for the accused during their arrest.

⁴⁰<https://www.hrw.org/world-report/2018/country-chapters/bangladesh>

⁴¹<https://www.hrw.org/world-report/2018/country-chapters/bangladesh>

Fig 16: Extrajudicial killings by law enforcement agencies



*'In February and March 2018 respectively, the UN Working Group on Enforced or Involuntary Disappearances and the Human Rights Committee raised concerns about the increasing number of enforced disappearances and the lack of investigations and accountability. The Bangladeshi government ignored the statements, as well as repeated requests for visits by UN special rapporteurs and the Office of the High Commissioner for Human Rights.'*⁴²

According to a former Chairperson⁴³ of the National Human Rights Commission 70% of allegations of human rights violations are against law enforcement agencies. Torture and enforced disappearances are rampantly employed by Bangladeshi security forces (30.3%), some youth's students (31.7%) reported that these events have increased. (Fig. 16 above). This is to be noted that 60.8% indigenous population consider that extra judicial killings are reduced followed by Third gender (45.3%). People's perception is that law enforcers, including the police, should be more careful in arresting the criminal and committing extrajudicial killings. They should ensure all legal facilities for the accused during their arrest.

2.6 The Right to a Fair Trial

The right to a fair trial is not new; it has long been recognized by the international community as a basic human right. Despite this, it is a right that is being abused in countries across the globe with devastating human and social consequences.

Fair trials are the only way to prevent miscarriages of justice and are an essential part of a just society.⁴⁴ Every person accused of a crime should have their guilt or innocence determined by a fair and effective legal process. But it is not just about protecting suspects and defendants. It also makes societies safer and stronger. Without fair trials, victims can have no confidence that justice will be done.

Without fair trials, trust in government and the rule of law collapses. Despite the importance of fair trials being recognized by the international community, this basic human right is being abused day-

⁴²<https://www.hrw.org/world-report/2018/country-chapters/bangladesh>

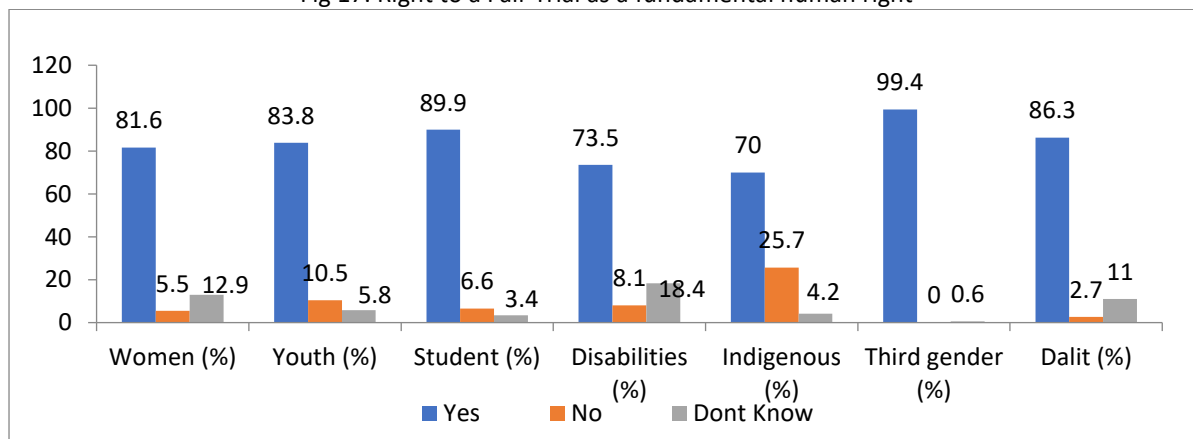
⁴³Key informant interview

⁴⁴It is impossible to overstate how important the right to a fair trial is. Honestly.

in-day-out in countries like Bangladesh and across the globe. NHRC, B is working to put an end to these abuses, towards realizing HR i.e. every person’s right to a fair trial is respected.

Different countries have developed different ways of doing this, but regardless of how a legal system operates, the principles above are core to all fair justice systems and they all form part of the Right to a Fair Trial. Fair trials lead to fair justice systems and they all form a part of the ‘Right to a Fair Trial.’⁴⁵

Fig 17: Right to a Fair Trial as a fundamental human right



On an average 85% of all respondents irrespective of group’s belonging replied that everybody has the right for fair trial (figure 17) and it should not be violated. fair trial lead to fair justice systems and they all form a part of the ‘Right to a Fair Trial.’⁴⁶

2.7 Food for poor children when they are at school

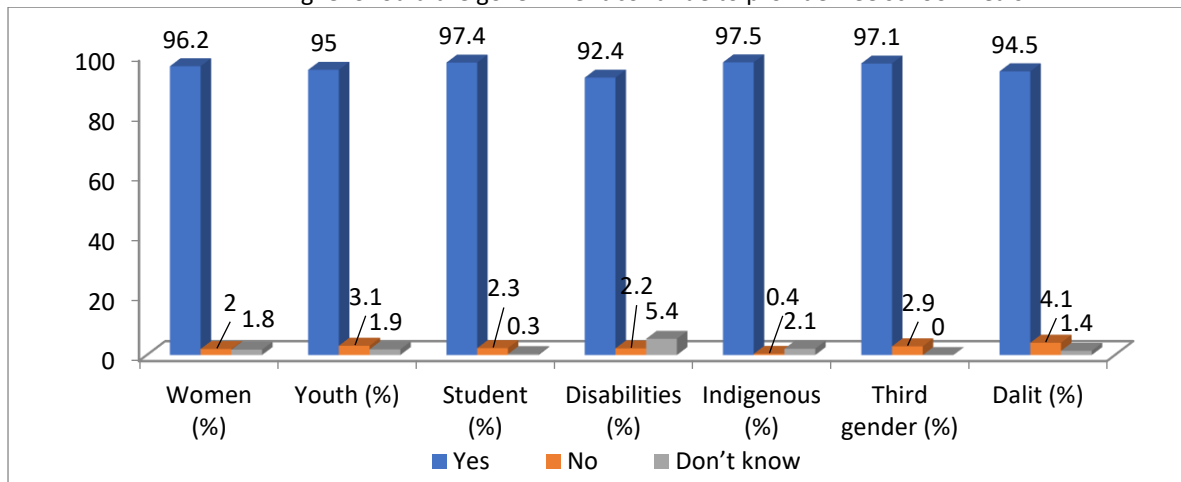
Free meals provided by the government for children. But it is ‘rumoured’ to be under threat, possibly in future budget. The policy has been controversial since it was introduced by the government. But people’s perception is that this must be continued for the benefit of the poor. More children are now accessing nutritious food. More children continue to opt for school meals, and an increase in the number of children who register for pupil so that they can continue to get their meals for free. It has helped more disadvantaged children to get support that they were not accessing at home. Parents are in low-paid employment, by making free school meals government is supporting families who are struggling to make ends meet. Almost 100% of respondents opined this which was revealed from survey. (See Fig 18)

A hungry child does not learn well, and it is right that children get a decent meal every day at school. This is apparent that every group is interested to get free meals for children at school irrespective of gender and ethnicity.

⁴⁵<https://www.fairtrials.org/right-fair-trial> 2020

⁴⁶<https://www.fairtrials.org/right-fair-trial> 2020

Fig18: Should the government continue to provide free school meals

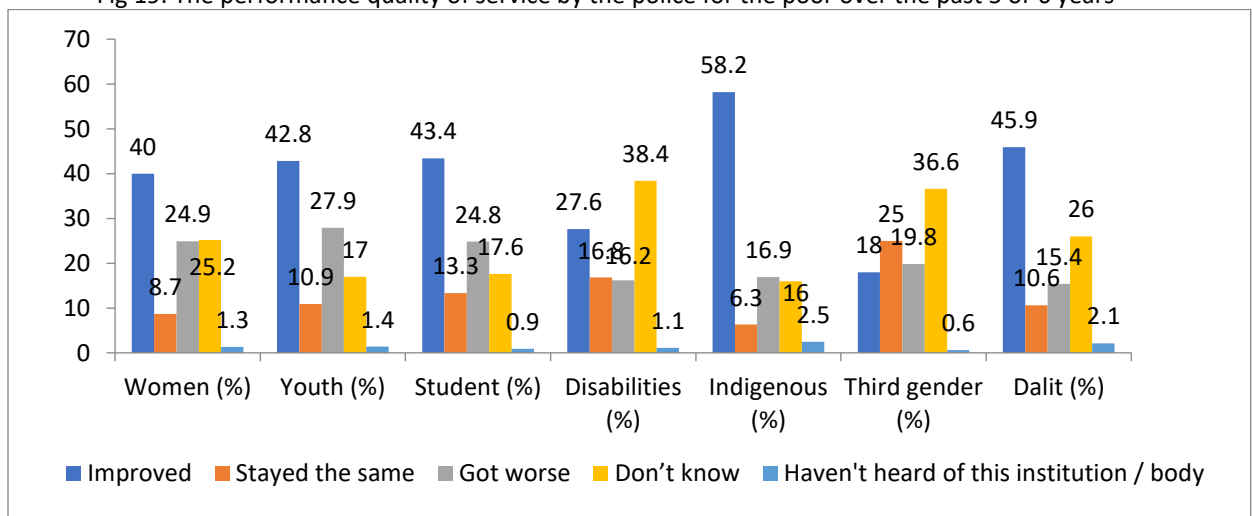


2.8 Quality of service of the police for the poor over the past 5 or 6 years

One of the purposes of this research was to study the factors related to the work effectiveness of Bangladesh police.

The study found that work performance of Bangladesh police for the poor over the past 5/6 years is now satisfactory and even improved in comparison to baseline survey (Fig 19). 58% of the Indigenous population considers that service of police is increased over last 5/6 years followed by Dalit (45.9%) and youth (42.8%) students (43.2%). Only 40% women consider police's increased role while Third gender responded the least (18%) followed by People with disability (27%). This means police need to focus its activities more for Third gender, People with disability and particularly women.

Fig 19: The performance quality of service by the police for the poor over the past 5 or 6 years



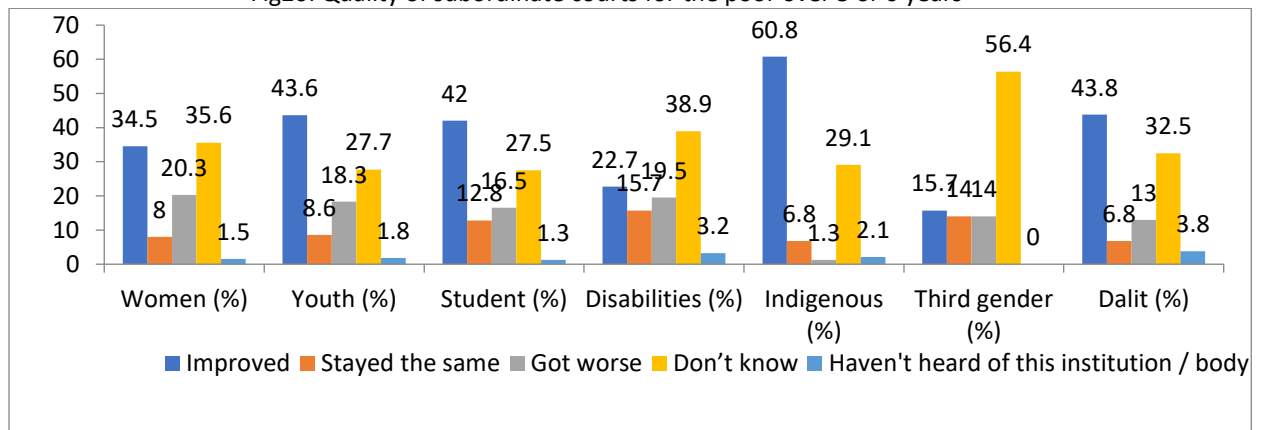
2.9 Quality of subordinate court's service for the poor over 5 or 6 years

The efficiency and effectiveness of judicial systems have become one of the main points of interest in public interest, due to the beneficial effects of an efficient judicial system on public life and

economic growth. It is rightly said that ‘Justice delayed is justice denied’ especially for the poor people and hence it is expected that the judiciary in Bangladesh should provide efficient and timely relief to the poor people who come to its courts. One of the major issues connected to the pendency of cases is the efficiency and performance of the judges which has been debated in the past in various platforms. Some judges were criticised because of the abysmally small number of judgments delivered by them whereas many others were of the view that the crude figure of judgments delivered by a judge alone cannot be a yardstick of his or her competence. The issue of performance with respect to judiciary has also been studied at the country level. According to our study, performance indicators and evaluation for judges and courts were done by which shows mixed results, some respondents told that it has improved some told that it has got worse, few told that it stayed the same even few told they do not know.

Among the respondent highest percent of Indigenous people (60.8%) consider that the quality of subordinate court’s service for the poor is increased in last 5/6 years followed by Dalits (43.8%) which is promising as marginal and mostly socially excluded population’s perception and experiences are positive. However more effort needed for women as 34.5% of them consider situation improving in this regard.

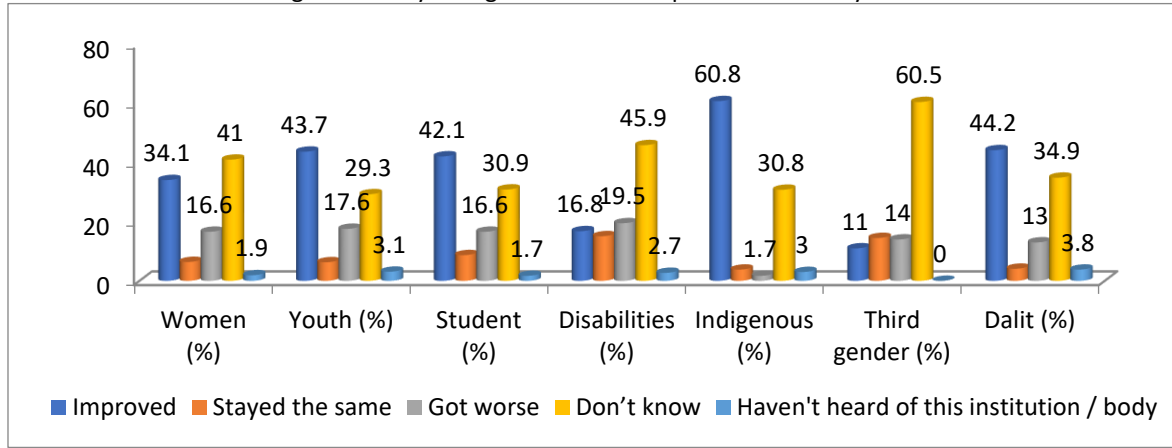
Fig20: Quality of subordinate courts for the poor over 5 or 6 years



2.10 Quality of Supreme Court’s service for the people

On the other hand, Complex procedures, case backlogs, and a lack of effective case management are key constraints to the higher court system in Bangladesh. They put pressure on the capacity of the system and create challenges for citizens in accessing justice. It is needed to strengthen its capacity by reducing constraints. This will in turn provide a sustainable result for citizens of Bangladesh, for poor women and vulnerable groups, to access justice. People want that case management in the High Court Division and Supreme Court must be improved drastically. The results of the survey as shown in Fig 21, people perception in some cases has improved but mostly remained the same as usual, some respondents said they do not have any idea about high/supreme courts. Regarding quality of supreme high courts for the poor over 5/6 years similar trend is seen as majority of Indigenous (60.8%) perceived the positive changes, followed by Dalit (44.2%). Women (34.1%), Third gender (11%), people with disabilities (16.8%) perceive the least positive change regarding Supreme court service. This is an area where positive changes needed as women, third gender and people with disabilities already experience marginality at society.

Fig 21: Quality of High courts for the poor over 5 or 6 years



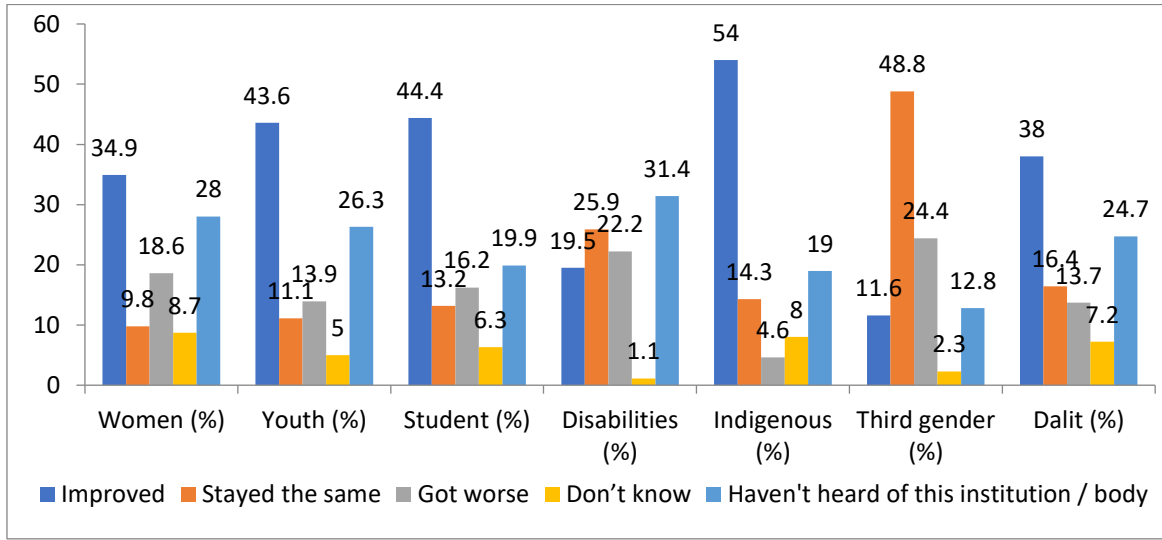
2.11 Non-state justice system (Salish, arbitration council etc.) for the poor

The justice system in Bangladesh may be broadly classified as State led justice system and Non-state justice system. State led justice system comprises the Supreme Court, the traditional civil and criminal courts, the tribunals, and some other rural courts such as Village Courts and Arbitration Councils. On the other hand, non-state justice systems are traditionally called as 'Salish' in Bangladesh. People has trust on the verdict. The traditional courts, in its present form and procedure, the poor and disadvantaged people rely on them to get fruits of justice locally. Within the context of 'rule of law', 'Salish' is a method of judgement given by local people's leader based on 'moral' and 'religious norms'.

After conducting questionnaire survey, it was revealed that this method and quality of judgement of traditional Salish for the poor has improved in most of the areas, only the third gendered people and disabled people expressed their opinion that it 'stayed the same' as before(See figure 22 for evidences)

In the survey it was revealed that this method and quality of judgement of traditional Salish for the poor has improved in most of the areas, only half of the third gendered people (48.8%) and one fourth of disabled people (25.9%) expressed their opinion that it 'stayed the same' as before(See figure 22 for evidences). This means shalish need to me more friendly and responsive to these groups. Also, only 35% women consider this is changed positively, so more effort needed to make it gender friendly.

Fig 22: Quality of Traditional 'Salish' for the poor over 5 or 6 years



Bangladesh is among five countries where the world's extreme poor reside and depend on arbitration/Salish for justice (Source: SyedZakir Hossain/Dhaka Tribune, 2020)

2.12 Role of Arbitration Council in Local Level Justice System

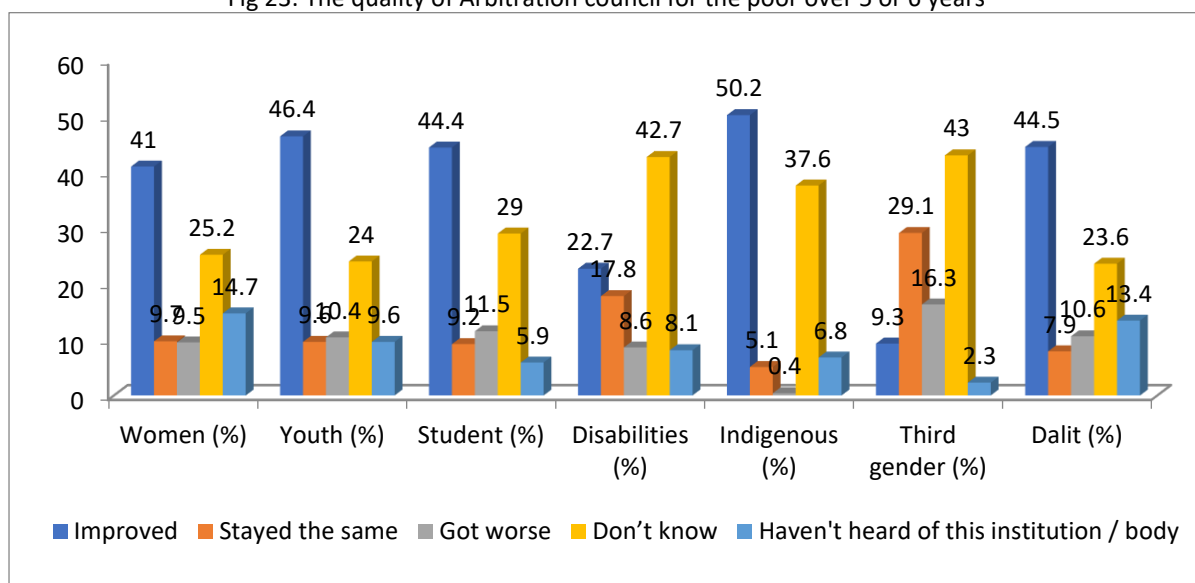
If there is a way to track a person's marital status, it would be easier for the *Kazi* (marriage register for Muslims) to prevent illegal polygamy. While presenting the keynote paper, one of advocates, said people who are from the low-income family goes to the 'arbitration council' and it would be beneficial for that population if we can make a few structural changes. He recommended that non-Muslim chairmen and members should be in the council if needed as some villages and municipalities have a significant number of non-Muslim representatives. One of the MPs of present parliament said the family acts must comply with

Muslim laws, but they must be modernized as well⁴⁷. One of 'Former justices said the arbitration council should have been given the authority to resolve issues related to paying 'Den Mohor' (Dower) to divorced women'.⁴⁸

Results from field survey shows (Fig 23) that quality of arbitration council has improved substantially in the last five or six years as people's awareness/support/rely on/ about arbitration councils have been enhanced in people's mindset.

Other than the Third gender, all other groups including women consider that the situation improved of the quality of arbitration council for poor over 5/6 years. Promisingly indigenous population (50.2%) and Dalits (44.5%) are having the positive opinion about it as in rural Bangladesh it is difficult for the marginal groups to access formal court, arbitration council can play a significant role. However, for many women in remotest and poorest family's arbitration council are major sources of justice, in this regard this should provide better service to women and do proper justice to them as 41% women mentioned of improved situation regarding quality of such councils.

Fig 23: The quality of Arbitration council for the poor over 5 or 6 years



2.13 Government legal aid scheme for the poor over 5 or 6 years

There are a good number of government and non-government organizations (NGOs) involved in dispensation of legal aid services in Bangladesh. Their services include legal representation, legal advice, creating legal awareness by paralegals and lawyers. But it is well established and commonly believed that there is a serious lack of coordination among the service providers. Presently no coordination effort among civil society actors involved in the provision of legal aid services for improved access to justice has been established. Furthermore, referral mechanisms are not in place between agencies based on their mandate and scope of work. Neither documentation nor information sharing systems has been established within both state and non-state agencies. Strategies to enhance linkage between legal aid providers to support synergies and expand legal aid coverage are not also developed effectively. In order to provide legal aid services systematically on a national scale, it is necessary to ensure that specific frameworks for legal aid services are established

⁴⁷<https://www.dhakatribune.com/bangladesh/event/2019/07/09/experts-structural-changes-on-arbitration-council-will-benefit-the-poor>

⁴⁸<https://www.dhakatribune.com/bangladesh/event/2019/07/09/>

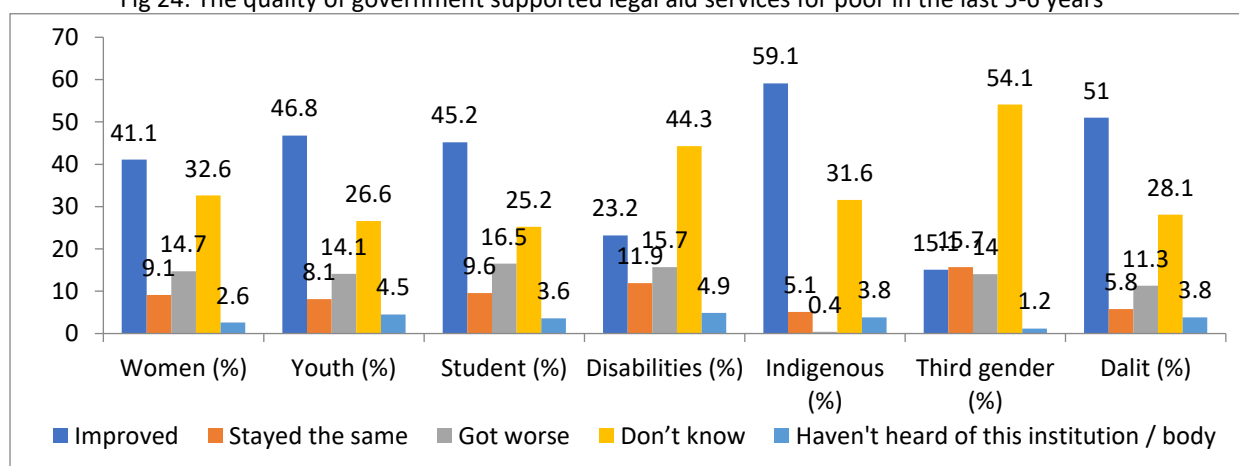
and maintained through the development of common strategies and effective work –plans to further and broaden the development of legal aid services.⁴⁹

Majority of the People do not have any idea/ perception about government legal aid services⁵⁰(types of services, shown at the foot note) from where they could be benefited, the Department of Women’s Affairs/police have legal aid services through legal aid centres established in all divisional offices of Bangladesh, still who has clear idea about organizations who provide legal aid to poor victims, they have participated in expressing their opinion through questionnaire filling. They expressed their opinion that quality of government supported legal aid services has been improved during the last 5-6 years but expressed doubt whether this will be a sustainable one or not for the poor. The key strengths of governmental organizations include sustainability, longevity, legal framework, judicial affiliation, institutional entity and availability of fund and resources. Weakness of governmental organizations covers procedural complexity, lack of monitoring and coordination, lengthy delivery process etc. Now, Government provides following services to the poor justice seekers:

- Legal Advice
- Free ‘okalatnama’
- Provide Advocate to help in a legal proceeding
- Provide fees for the lawyers
- Provide fees for the mediator or arbitrator
- Supply certified copies of order
- Judgment etc with free of cost and
- Provide the cost of DNA Test Provide the cost of paper advertisement in CR Case
- Miscellaneous expenses related with filing cases.

Regarding quality of government supported legal aid services in last 5/6 years same trend as other services is found in the study. Other than Third gender all consider significant improved services. Women still are not that satisfied as only 41% mentioned of better situation. Special programmes to address and ensure women’s need in government legal services need attention as gender discrimination and gender-based violence is evident in several studies.

Fig 24: The quality of government supported legal aid services for poor in the last 5-6 years



⁴⁹<https://www.undp.org/content/dam/bangladesh/docs/Projects>

⁵⁰Legal Advice • Court Representation • Government led Mediation • NGO led Mediation • NGO led Salish • Victim Support Service • Shelter Home/Rehabilitation Centre • Alternative Dispute Resolution • Paralegal service • Investigation, Monitoring and Reporting of Human Rights Violations • Referral of cases for legal aid to GO/NGOs.

2.14 Quality of services of legal aid by NGOs for the poor over 5 or 6 years

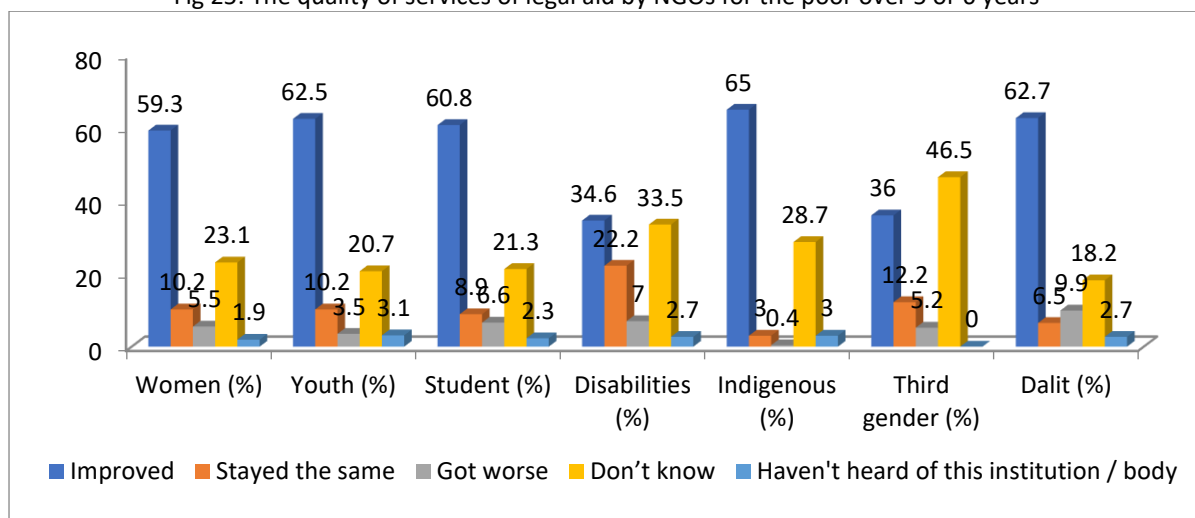
In Bangladesh 'Ain O Shalish Kendra', Bangladesh Legal Aid & Services Trust, Bangladesh National Women's Lawyers Association, Madaripur Legal Aid Association, BRAC sponsored Human Rights & Legal Aid Program and 'Nagorik Uddog' are major NGOs who provide legal aid to the poor. Except the governmental organizations, all mainstream legal aid providing NGOs got registered with the NGO Affairs Bureau/DSS/DWA.

NGOs' strengths are wide network, strong monitoring, service oriented, result based activities, skilled human resources, and specialization. The weakness of governmental organizations covers procedural complexity, lack of monitoring and coordination lengthy delivery process etc

From surveys it was revealed that quality of services of legal aid by NGOs for the poor over 5/6 years has enhanced substantially (see Fig 25).

It is evident in the study that NGO's legal aid service is improved for women as 59.3% women mentioned of improved situation in this regard in last 5/6 years. All other marginal groups including Indigenous population (65%), Dalits (62.7%) and Third gender (36%) also mentioned of NGOs improved legal services.

Fig 25: The quality of services of legal aid by NGOs for the poor over 5 or 6 years



2.15 Conclusion

GO-NGO collaboration would be able to exert positive impact towards removing the weakness of GO and limitations of the NGOs. Collaboration refers to public and private sector actors work together based on common goals, objectives and for strategies within the resources available. But there is a serious lack of collaboration between GO-NGOs in the legal aid program currently working in Bangladesh.

Chapter 3

Basic rights and fundamental freedoms

3.1 Unlawful interference

Unlawful interference with privacy; arbitrary arrests of journalists and human rights activists, censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive NGO laws and restrictions on the activities of NGOs; significant restrictions on freedom of movement; restrictions on political participation, where elections were not found to be genuine, free, or fair; significant acts of corruption; criminal violence against women and girls; trafficking in persons; crimes involving violence or threats of violence targeting indigenous people; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and criminalization of same-sex sexual conduct; restrictions on independent trade unions and workers' rights; and the use of the worst forms of child labor. There were reports of widespread impunity for security force abuses.

The government and NHRC, B took few measures to investigate and prosecute cases of abuse and killing by security forces. When surveyors asked quoting from The *Universal Declaration of Human Rights* (Universal Declaration) what basic HR is '*basic rights and fundamental freedoms*' to which all human beings are entitled, the majority of respondents replied that '*No one shall be subjected to arbitrary arrest, detention or exile (1)*' and '*Everyone has the right to life, liberty and the security of person*'(2) and '*all human beings are born free and equal in dignity and rights*'(3). Are most vital HR for present socio-cultural and political atmosphere of Bangladesh (see table 3 results of survey conducted for 3234 respondents)

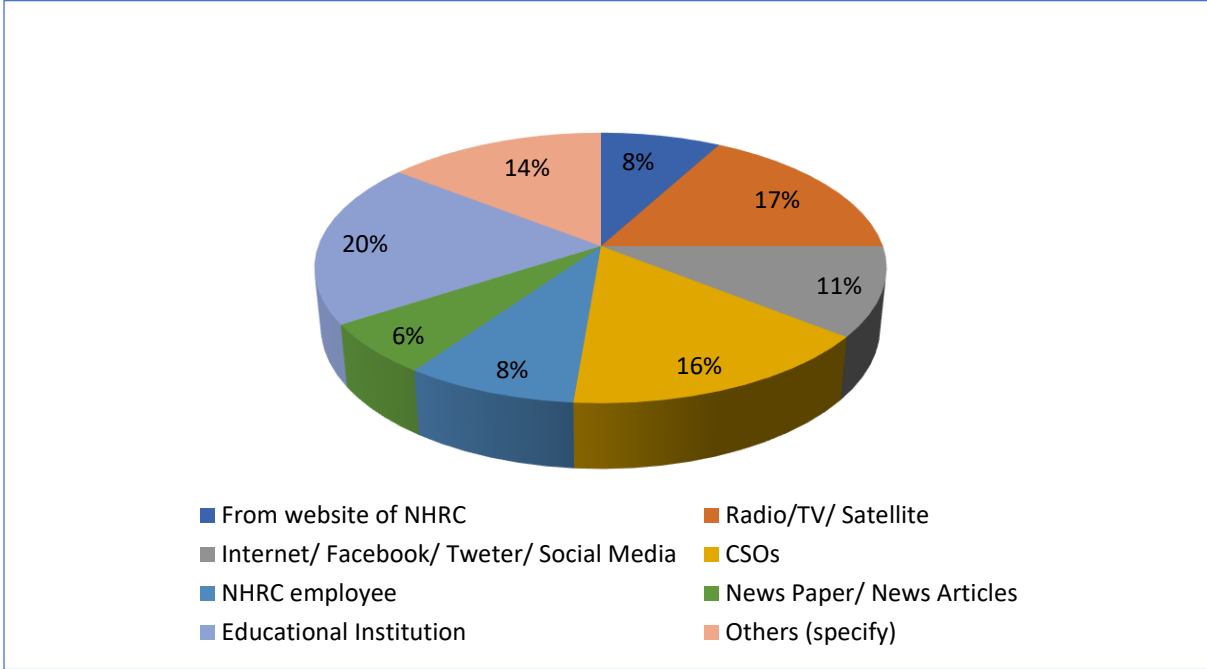
Table3: This is vital human right

| HR issue | Women | Youth | Student | Disabilities | Indigenous | Third gender | Dalit | CM |
|---|-------|-------|---------|--------------|------------|--------------|-------|-----------|
| No one shall be subjected to arbitrary arrest, detention, or exile | 0.3 | 2.2 | 2 | 2.5 | 0.5 | 3.9 | 1.3 | 37.17 (1) |
| Everyone has the right to life, liberty, and the security of person | 23.2 | 21.3 | 19.9 | 21.5 | 19.8 | 17.4 | 21.9 | 20.71 (2) |
| All human beings are born free and equal in dignity and rights | 21.7 | 19.8 | 19.4 | 18.8 | 20.3 | 18.2 | 20.2 | 19.77 (3) |

3.2 Where people can know about HR

When asked where people can know about HR, 20% respondents answered that they came to know about NHRC, B from newspapers/news articles, another 17% from radio/TV/satellite TV channel programmes, 16% from civil society organizations, 14% from website of NHRC, B 11% from internet/face book/twitter/social media

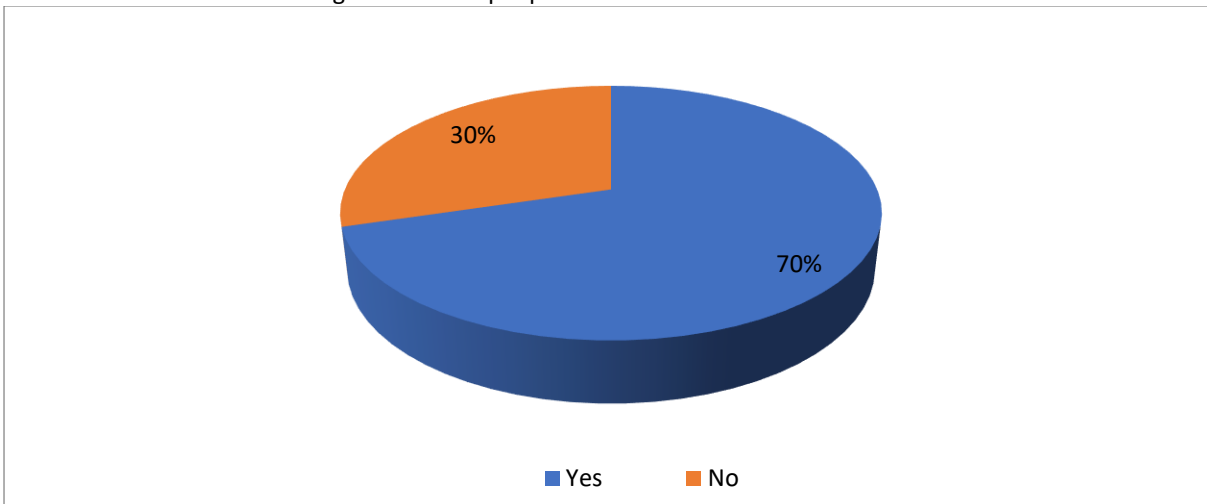
Fig 26: Sources from where learnt about Human Rights



3.3 Whether people want to know more about Human Right

In response to this question 70% respondents replied that they want to know more about human rights issues and about their activities, other 30% did not want to know anything about Human Right (see figure 27)

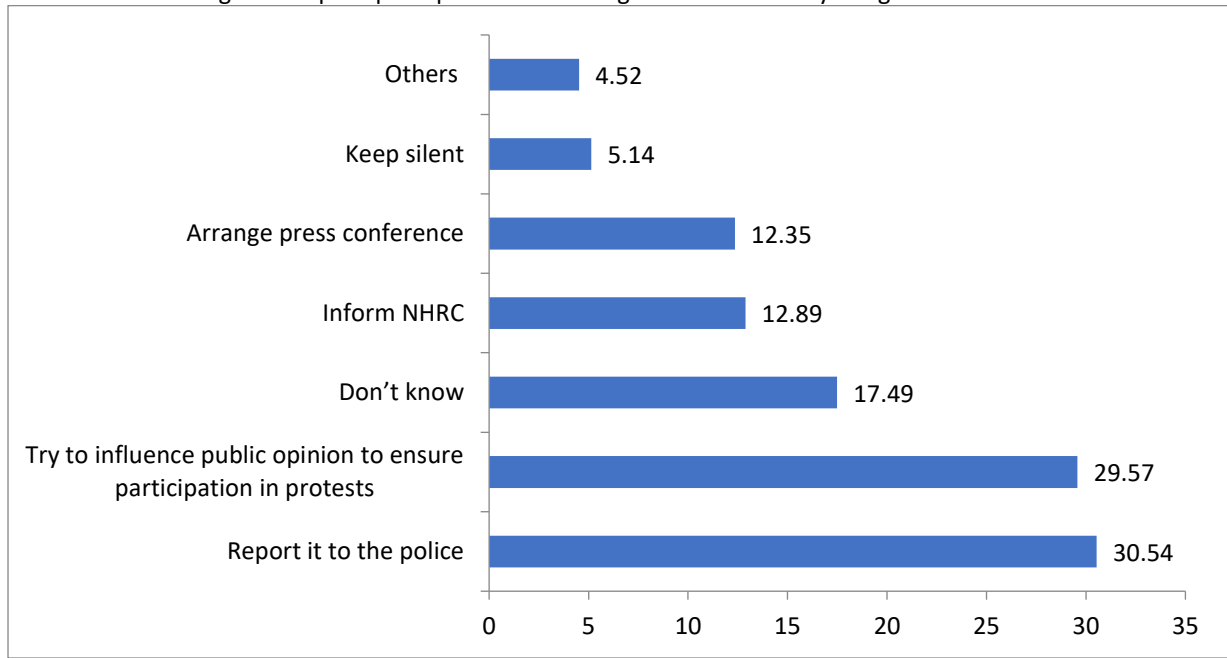
Fig27: Whether people want to know more about HR



3.3 Why HR are violated by the government

When government violet HR majority people usually do not report to anybody but if compelled to report, then they report to the police, then try to influence public opinion, then they may arrange press conference or keep silence to be in safe side. (See the fig 28 for survey results).

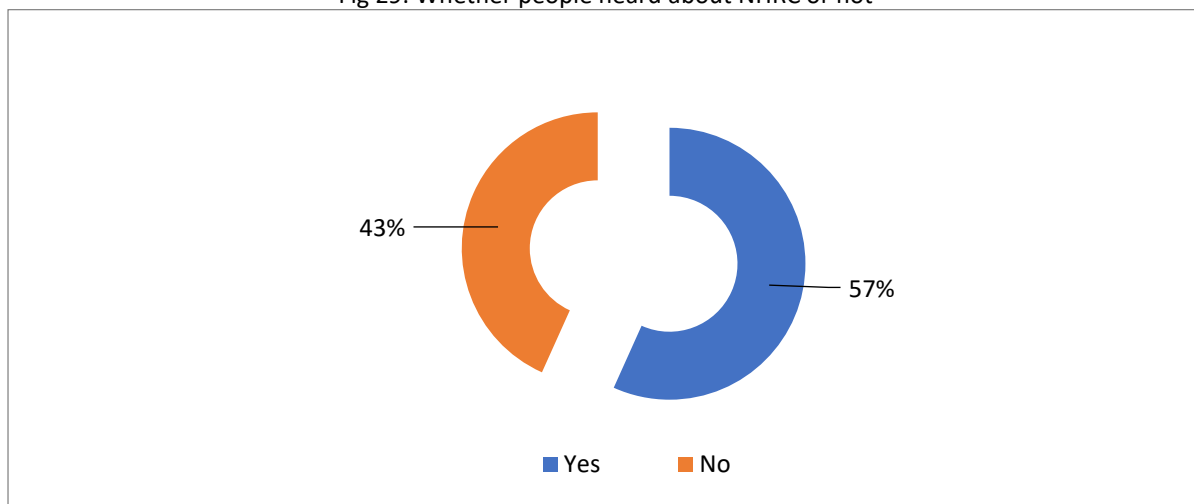
Fig 28: People's perception if human rights are violated by the government



3.4 Whether people heard about NHRC

Alarming mentioning that 43% of the respondents even not heard what is NHRC, B is, where it is situated, what they are doing (Fig. 29).

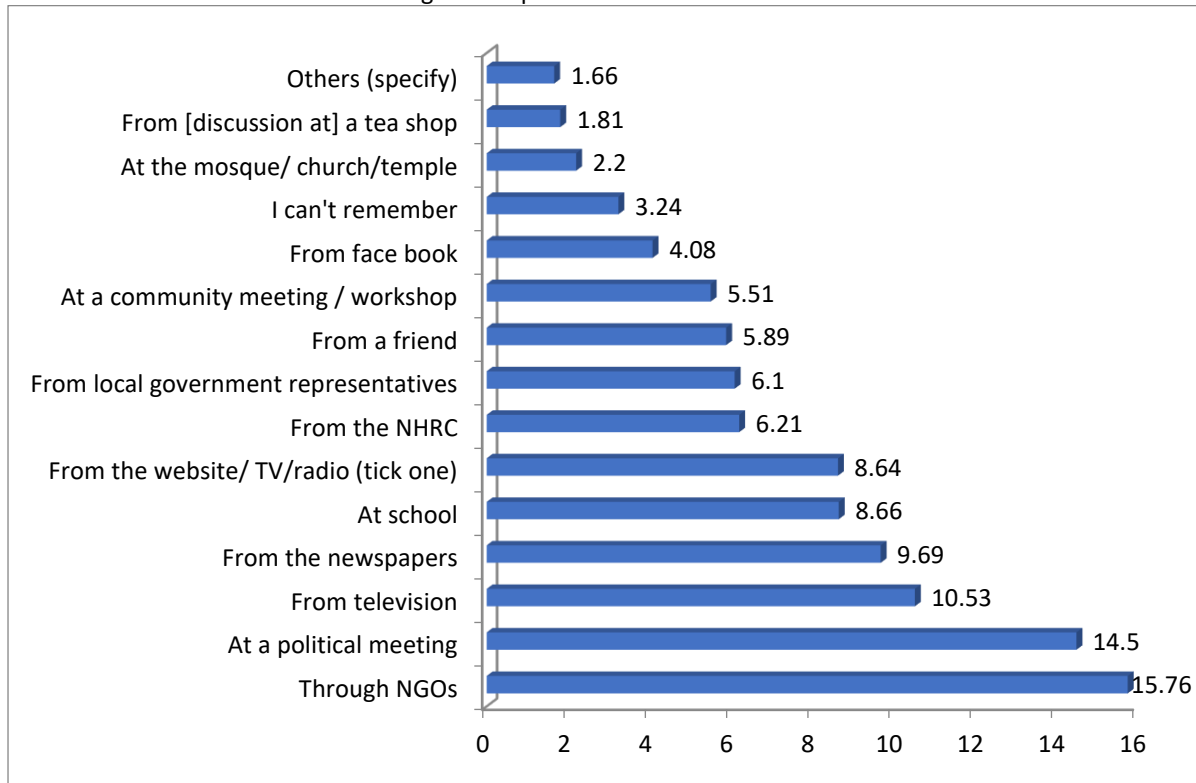
Fig 29: Whether people heard about NHRC or not



3.5 Where and how did people come to find about NHRC, B

In response to the question where and how did people come to find about NHRC, B it was found that majority of the respondents came to know about NHRC, B through their local NGOs (*mostly because those NGOs are beneficiaries of NHRC, B/ or contractor of NHRC, B*), television, at school. Few from friends, few from NHRC, B and some from face book. (Figure 30)

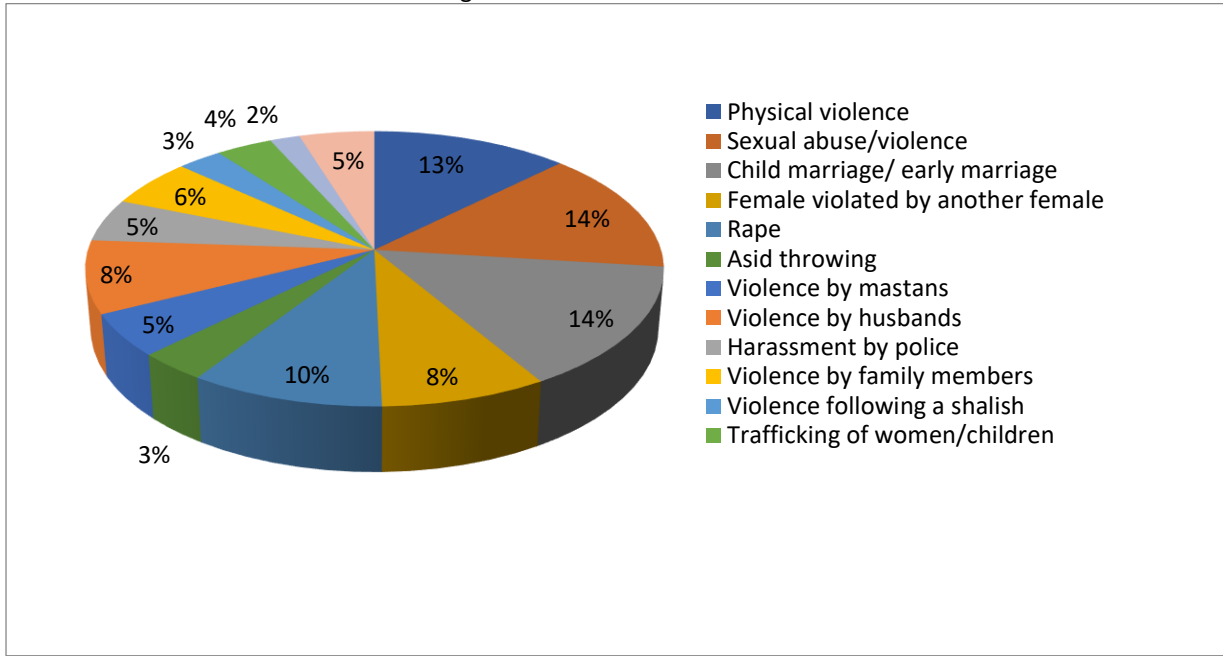
Fig 30: People come to find out NHRC



3.6 Women suffer from violence/harassment

Although the Bangladesh constitution and numerous laws prohibit violence/harassment, any sort of torture and other cruel, inhuman, or degrading treatment or punishment, local and international human rights organizations and media reported people at home, community, even security forces, including intelligence services and police, employed torture and cruel, inhuman, or degrading treatment or punishment. Security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. Security forces reportedly used threats, beatings, kneecappings, and electric shock, and sometimes committed rapes and other sexual abuses. In August, the United Nation Committee Against Torture (UNCAT) expressed concerns with allegations of widespread use of torture and mistreatment by law enforcement officials to obtain confessions or solicit the payment of bribes. The CAT report also cited the lack of publicly available information on abuse cases and the failure to ensure accountability for law enforcement agencies, particularly the RAB. Even the survey conducted by IRG revealed that physical violence, sexual abuse and violence, child marriage of adolescent girls, acid throw, female violence by another female, rape, violence by 'mastans', violence by husbands, harassment by police violence by family members, violence from a Salish, trafficking in women and girls, internet violence, harassment disturbances by mobile phone are widespread in rural and urban areas of Bangladesh, as could be seen from evidences collected through surveys in rural and urban areas of Bangladesh (fig 31). among all from of violence most common and widespread are

Fig 31: Gender based violence



Sexual abuse and child marriage/early marriage are number one type of violence/harassment and Sexual abuse/violence is number two type of frequent violence/harassment as evident from the survey conducted among 7 groups /details of the evidences has been given in Fig. 31 Other types of gender based violence were recorded, namely- criminal violence against women and girls; trafficking in persons; crimes involving violence or threats of violence targeting indigenous people; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and use of the worst forms of child labor.

3.7 Challenges and discrimination that women are facing in community

As Per the Global Gender Gap Report 2018, Bangladesh has been ranked 47th among 144 nations and is ranked top in South Asia. 54 special tribunals have been established to address cases of violence against women. Despite all these efforts violence against women persists as an endemic problem.⁵¹

Women as part of the workforce in the country contribute one third of the GDP with 35.6 % women taking part in labour force. As in many countries domestic work performed women are not accounted for. Wage gap between men and women in the informal sector needs to be addressed.

Efforts to ensure timely and effective remedies for survivors of violence against women cases are yet to be realized in its full potential. Low conviction rate in VAW cases needs to be addressed in its earliest to deter increasing incidence of VAW.

The High Court directive specific legislation on sexual harassment is yet to be adopted and NHRC, B strongly advocates for the same. Women suffer from incidence of human and organ trafficking. Rules under the Prevention and Suppression of Human Trafficking Act of 2012 are yet to be made to ensure the full implementation of this law⁵².

⁵¹Highlights & Observation on the 2nd Cycle UPR, 2018

⁵²Highlights & Observation on the 2nd Cycle UPR, 2018

Large numbers of women (approximately 66,000 in 2016)⁵³ migrate overseas for domestic work where they can find themselves vulnerable to exploitation, sexual abuse while the trafficking of women from Bangladesh is an alarming issue.

Bangladesh is also home to around 3 million Indigenous and Tribal Peoples (ITPs) from more than 50 ethnic backgrounds. They belong to the most disadvantaged sections of Bangladeshi society and face multiple challenges including economic, cultural, social, and political marginalization.

As per the field survey, respondents prioritized other challenges as follows:

1. Difficulties casting vote freely
2. Lack of human rights in the society
3. Scared of sending girl children to school
4. Indecision in when to marry/getting married, lack of choice of life partner, and
5. Lack of control over own body
6. Women are subordinate
7. Discriminatory division of property between men and women
8. Not sending girl children/hijras to school
9. Lack of human rights in the family/ home
10. Lack of inheritance rights in the family
11. Lack of control over own body and lack of decisions over childbearing/ cannot use birth control.

The survey conducted among seven groups show that discrimination towards women has reduced in comparison to previous year but still discriminations still remains increased and stayed.

When husband controlling/punishing his wife: 55% of respondents told that when the wife misbehaves (1), 32.8% respondents responded that when female leaves the house without the permission of husband (2) and 32.1% replied that when she talks to other men, husband punishes his wife.

6.3% Women interviewees told that they became victim of any of domestic violence in family in the past year from husband and 83.4% interviewees told that they were not. In 71.9% incidences Husband was responsible for discrimination in family, 5.3% times brother in laws, and 19.3% times mother in laws were responsible.

73.6% respondents told that men and women receive equal treatment in the hospital/clinic when they visit government hospitals, or private clinics but 21% respondents said that they did not other 5.5% could not answer.

⁵³Domestic workers across the world, ILO, 2013

Popy's True Story

Victim's name is Mst. Popy Khatun (18), living in *Amlapara*, Sirajganj. She was having a conflict with her neighbours regarding land. The victim said that one day she had a clash with her neighbour Rahman Mia. The situation was getting worst day by day. He was threatening her several times. One day Rahman Mia's son threatened Popy while she was returning home. She didn't react that day instead she ignored him and walked away. She was getting teased several times and when she tried to report this incident, no one believed her due to insufficient evidence.



picture: Respondent Popy is being interviewed by interviewer Shariful

Then after few days' situation went out of control. One day Raju crossed his limit and raised his hand on Popy. He abused her both sexually and physically. After this incident Popy was devastated. She was mentally broken down. She went to the Word Commissioner to report this incident but didn't get positive feedback from them. Popy's father then went to the Thana. After a day while Police was coming to Popy's house someone misleads the Police and sends them back.

When Popy receives this news, she was mentally broken down and immediately rushed to nearby NGO name PWD. The founder of PWD Hosne Ara Joly was there. Popy describes her situation to Joly apa and she along with her team visits Popy's house. She was very generous and understood her situation. After that Joly Apa contacts to local Thana and discusses this matter with the Former Councillor. The Councillor then comes and to visits Popy's place and concludes that they will solve this matter among themselves instead of going to Thana. They bought both the parties together and arrange a Shalish. By this Shalish Raju was found guilty and he was fined "Jorimana". He was told to leave the area. They were able to collect the fined money and Raju never came back to the area. Popy is living a healthy safe life now. She is thankful to Joly Apa and PWD.

3.8 Children's rights

Bangladesh Government's enactment of the Children Act 2013 fulfilling its international commitments. NHRC was part in preparing the draft law including the definition of child complying with CRC standards. To reap complete benefits, under this Act, Rules which are pending should be immediately formulated following an inclusive process.

The National Policy for Children commits to establish an office of the child ombudsman, an independent child rights institution. Based on comprehensive consultations on an independent Child Rights Commission a draft legislation was prepared by the BHRC and submitted to MOWCA. The ministry shared it with the state and non-state actors and formed a working group. Since the same was accepted in principle by the government, further action needs to be taken at the earliest. The

Commission is also advocating establishing a child rights directorate which can supervise all service providers linked with the wellbeing of children.

The 1989 Convention on the Rights of the Child (CRC) defines a child as "*any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.*"⁵⁴ The recently enacted Child Marriage Restraint Act has emphasized on the best interest of child and the Commission played a catalytic role to enact the law and advocate for marriage not below 18. Despite progressive steps such as enhanced penal sanctions in CMRA, public remain apprehensive of Section 19 of the Act which provides for exceptional circumstances. The Commission has been advocating to formulate Rules to ensure the best interest of the child which can then effectively contribute to attain the Government's vision to make the country free from child marriage, provided that the misuse of Section 19 (CMRA) can be fully avoided.

From the KII it was found that Children's rights are a subset of human rights with particular attention to the rights of special protection and care afforded to minors. Children's basic rights includes their right to association with both parents, human identity as well as the basic needs for physical protection, food, education, health care and development of the child, equal protection of the child's civil rights, and freedom from discrimination on the basis of the child's race, gender identity, national origin, religion, disability mentally and emotionally free from abuse. Other definitions include the rights to care and nurturing. Key informant interviewees added that boy and girl children should be protected from abuse, the right to freedom of thought and conscience and to be protected from physical violence. 93.2% of them also told that child labour potentially harmful to any child. 58.2% informants revealed that there are laws or government policies that deal with child labour. From 43 key informants it was found that there are other Significant human rights issues included: Dowry Problem, beating by parents, unlawful killings; torture are common in rural and urban Bangladesh.

KII evident that significant human rights issue like unlawful killings have although reduced in the last 5/6 years, still other 20% respondents given evidences that it has increased in the last 5/6 years, other 22% said that it remained the same. Alarming child's rights issue as revealed from KII is *right of the child to special protection due to his minority*, the right to a name.

3.9 Youth leaders for Human rights

Youth rights movement seeks to grant the rights to young people that are traditionally reserved for adults, due to having reached a specific age or sufficient maturity. This is closely akin to the notion of evolving capacities within the children's rights movement, but the youth rights movement differs from the children's rights movement in that the latter places emphasis on the welfare and protection of children through the actions and decisions of adults, while the youth rights movement seeks to grant youth the liberty to make their own decisions autonomously in the ways adults are permitted to, or to lower the legal minimum ages at which such rights are acquired, such as the age of majority and the voting age.

Fact is that development of youth leadership contributes greatly to the positive development of the youth and communities. Helping young people develop leadership skills also improve them in solving community problems and enhances their citizen participation by ensuring their HR.

From the FGDs and KIIs it was revealed that developing youth, youth leadership would start off by meaning self-leadership. Being able to lead the self develops what we know as independent

⁵⁴Convention on the Rights of the Child

thinking, confidence, autonomy, decision making and many more. So, youth leadership is important for them to develop the capability to develop oneself. This is also crucial before the next step, where he or she decides on the identity he or she wants. Self-leadership is being able to exercise delayed gratification in view that it would yield more profits later. Once there is self-leadership, the next step for most of these youth leaders is group leadership. This is where they begin leading clubs and societies in school to begin their journey in learning to persuade, influencing and listening to others. This is important to begin building their social skills and to understand their place in the community. If one does not develop that sense of ownership for one's position in the community, the development of their identity as a person may be at risk. A developing teen that does develop their identity would be a teen that is easily influenced by their peers, based on their basic instinct of pain and gain. One participant of the FGD told that, *"I will follow those who makes me feel wanted and needed and reject those who reject me"*. An identity helps the teen decide whether it is right or wrong, based on what they have decided their identity is. It was also found that *"group leadership evolves into community leadership"*. Once youths have mastered the elements of group leadership, they will move on to bigger things, which is to lead a community. Participants agreed that capacity development training is essential for future leaders to lead the country. In a nutshell, majority of the FGD participants opined that YOUTH LEADERSHIP is important for the future of the community and subsequently for the country. Without youth leadership, there will never be the next leaders in line and there will be no one to pass on the torch of the community, that is why youth leadership is important for overall nation building. This is also true that Youth rights have increased over the last century in many countries including Bangladesh. The youth rights movement seeks to further increase youth rights. *"youth rights are one aspect of how youth are treated in society. Other aspects include how adults see and treat youth, and how open society is to youth participation"*⁵⁵.

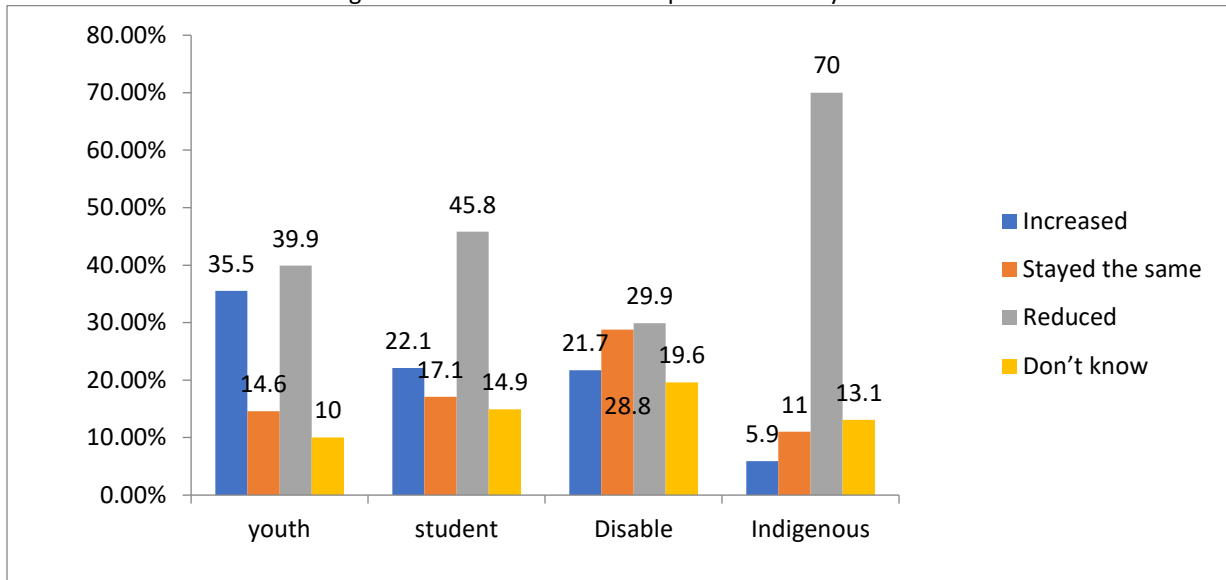
The key informants revealed that youth groups are facing numerous problem in Bangladesh, among them most acute problem the youth are facing now is lack of employment opportunities (number one) and lack of health services (#2) and discrimination in the community(#3), 37.1% respondents also told that youth people have equal rights in Bangladesh, 62.4% told that *'absolutely yes'*. Whether discrimination against youth group has generally increased, remained the same or reduced over the past 5 or 6 years, our research revealed that 42.4% told it was reduced but 33% told that discrimination against youth group has generally increased. (see table 4). Discrimination based on govt. or religion in Bangladesh society when employing people has also increased (25.9% voted), 14% voted that when provide service youths are being discriminated.

Table 4: Results of assessment regarding 'discrimination' from 43 key informants

| | Beneficiaries | Control | Total |
|-----------------|---------------|---------|---------|
| Increased | 198 | 80 | 278 |
| | 32.70% | 45.50% | 35.50% |
| Stayed the same | 97 | 17 | 114 |
| | 16.00% | 9.70% | 14.60% |
| Reduced | 257 | 55 | 312 |
| | 42.40% | 31.30% | 39.90% |
| Do not know | 54 | 24 | 78 |
| | 8.90% | 13.60% | 10.00% |
| Total | 606 | 176 | 782 |
| | 100.00% | 100.00% | 100.00% |

⁵⁵https://en.wikipedia.org/wiki/Youth_rights

Fig 32: Discrimination over the past five to six years



Conclusion: Capacity development training is essential for solid youth leadership development. Youth- Market demand-based training according to the qualification of the youth are being organized. Less educated youth or oversees employment information, in case to “*Probashi Kallyan Montronaloy*”⁵⁶ and skilled tanning to changing market demand are required for the educated youth ICT, pharmaceuticals are the emerging areas where this can continue.

3.10 Paris principles

Whether NHRC, B meet the compliance of Legal framework and operation are aligned to the Paris principles (Principles relating to the Status of National Institutions). Adopted in 1993 by the United Nations General Assembly, the Paris Principles require NHRC, B to:

- Protect human rights, including by receiving, investigating, and resolving complaints, mediating conflicts, and monitoring activities; and
- Promote human rights, through education, outreach, the media, publications, training, and capacity building, as well as advising and assisting the Government.

The Paris Principles set out six main criteria that NHRC, B require to meet:

- Mandate and competence: a broad mandate, based on universal human rights norms and standards.
- Autonomy from Government.
- Independence guaranteed by statute or Constitution.
- Pluralism.
- Adequate resources; and
- Adequate powers of investigation.

While conducted key informants interviews we asked the first question on “ 5 universal human rights norms and standards”whether NHRC, B is autonomous from Government or not, out of 43

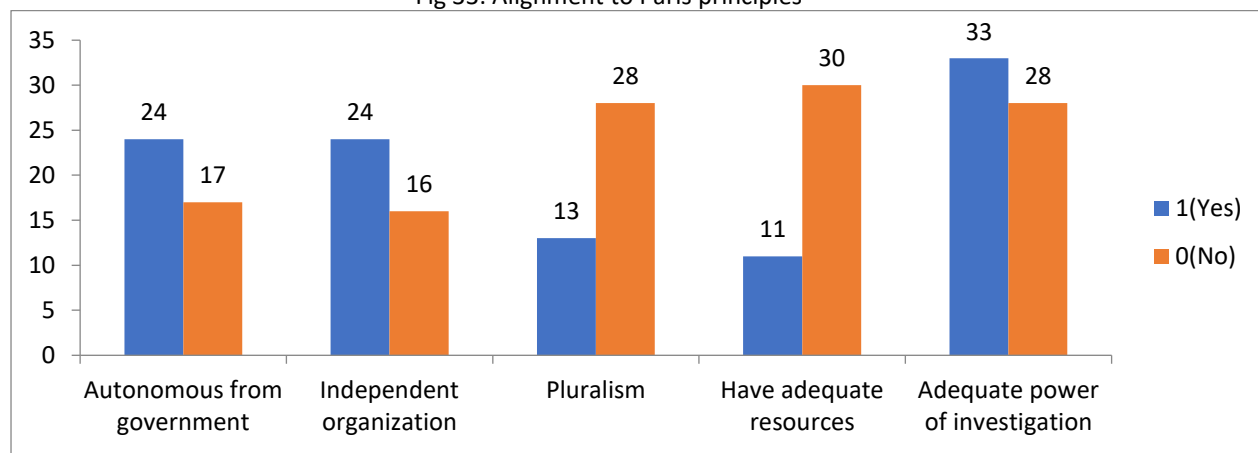
⁵⁶ The Ministry of Labour and Employment (Bengali: শ্রম ও কর্মসংস্থান মন্ত্রণালয়; Śrama o karmasansthāna mantraṇālaya) is the government ministry of Bangladesh responsible for the employment, to protect and safeguard the interest of workers and human resource development.

respondents 24 replied positively and put yes(1), rest 17 put No(zero)., the second question was whether the NHRC,B is independent organization 56% said yes, and 37% No, on the question whether holds the concept of 'pluralism'⁵⁷, 65% of respondents answered negatively and 30% positively, whether NHRC,B has adequate resources to run the commission 70% answered that this organization do not get enough budget allocation for the organization(70%), do the NHRC, B has adequate power of investigation 65% answered that the NHRC, B do not have adequate power of investigation. (please see the following table-5 and figure-33)

Table 5: Paris principle alignment

| Autonomous from government | | Independent organization | | Pluralism | | Have adequate resources | | Adequate power of investigation | |
|----------------------------|--------|--------------------------|--------|-----------|--------|-------------------------|--------|---------------------------------|--------|
| 1 (yes) | 0 (No) | 1 (yes) | 0 (No) | 1 (yes) | 0 (No) | 1 (yes) | 0 (No) | 1 (yes) | 0 (No) |
| 24 | 17 | 24 | 16 | 13 | 28 | 11 | 30 | 33 | 28 |
| 55.81% | 39.53% | 55.81% | 37.21% | 30.23% | 65.12% | 25.58% | 69.77% | 76.74% | 65.12% |

Fig 33: Alignment to Paris principles



As NHRC, B does not fulfil all indicators of Paris principles, it has been awarded “B” grade status (Previously, before 2015 it was A grade). To overcome this degradation, NHRC, B should work towards achieving coming back to A grade. *“If any of this standard is ignored or hampered the NHRC cannot secure A grade recognition as an independent, self-governing body and will be considered legitimate and credible in the international arena”*⁵⁸

⁵⁷pluralism. 1: the holding of two or more offices or positions (such as benefices) at the same time. 2: the quality or state of being plural. 3a: a theory that there are more than one or more than two kinds of ultimate reality. b: a theory that reality is composed of a plurality of entities

⁵⁸BNHRC annual report 2010



Picture: Professor Dr. Shahdeen Malik, a renowned Supreme Court Senior Advocate is being interviewed by the Team Leader.

Human Rights Council, Treaty Bodies and Joint Submissions of NGOs & INGOs recommend that Bangladesh to comply with the Paris Principles by strengthening institutional capacity, financial and human resource and to directly investigate all alleged human rights violation including the alleged violation by the law enforcing agencies through the amendment of NHRC, B Act and Rules in compliance with Paris Principles. The SCA of Global Alliance of NHRI(GANHRI) expressed their satisfaction with the performance of NHRC, Bangladesh but because of absence of fully compliance of Paris Principles, the NHRC, B was not awarded with the “A” status of GANHRI and full membership of APF of NHRI. In view of the above observations the *NHRC, B Act and rules need to be revisited.*

3.11 People’s perception about Human rights

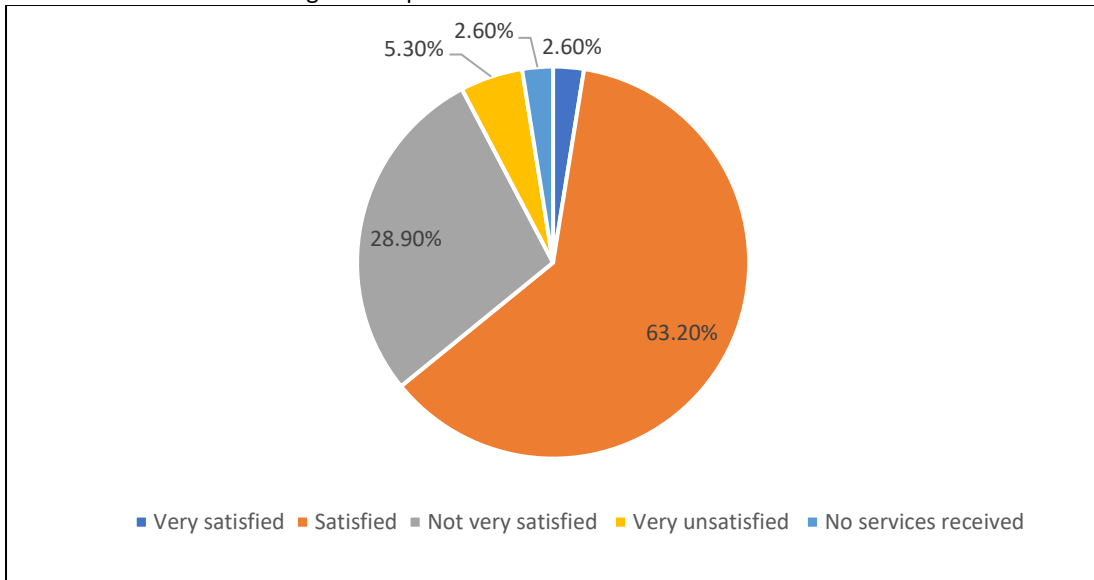
- 1) Constitution -98% of respondent’s opinion
- 2) In the law -80.5% of respondent’s opinion
- 3) By social norms and value 39% of respondent’s opinion
- 4) In international law -39% of respondent’s opinion
- 5) 80.5% Respect the rule of law, be aware of the law, not break the law, protest when someone breaks the law.
- 6) 82.5% opined that Every person in the service of the Republic always has a duty to strive to serve the people, protest extrajudicial killing,
- 7) 73.5% Key informants given opinion that women are subjected to harassment, physical violence, sexual abuse in the society
- 8) 39% informants told there are Police harassment
- 9) 68.3% opined that there is lack of security in the society, community
- 10) 41% informants faced difficulties in cast vote during national and local level elections
- 11) 73.2% faced and heard that female members are tortured violence by husbands
- 12) 31% told that due to lack of inheritance right women do not get fair treatment while getting inheritance property from parents

13) 31% respondents told that problems of dowry are widespread, 14. people usually against breaking the laws of the country

3.12 People’s satisfaction on HR issues

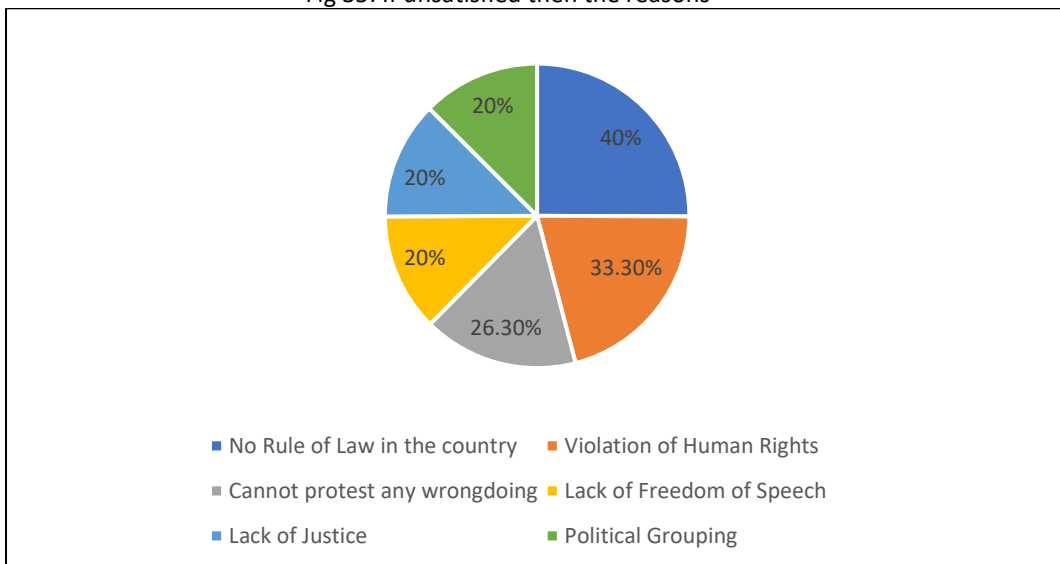
The field survey outcome after calculations has been converted into a pie chart shown in fig 34 which authenticates that 63% of 3234 respondents are satisfied on Human Rights issues, other 29% were not very satisfied, 5.3% attested as very unsatisfied and 2.6% exhibited as no service received and on the contrary last 2.6% were very satisfied.

Fig 34: People's satisfaction on HR issues



Those who were unsatisfied has been asked to explain why they were unsatisfied with HR issues in Bangladesh. (fig 35). Then 40% of them confirmed that there is any rule of law in the country, another 33.3% attested that there proof of violations of Human rights, 26.3% respondents confirmed that they could not protest any wrongdoings, 20% , 20% indicated that there is lack of freedom of speech, 20% revealed that there is lack of justice, and 20% confirmed that there are scary political groupings .

Fig 35: If unsatisfied then the reasons



3.13 Students Human Rights

Who is afraid of human rights? Many people. Teachers, parents, education officials, traditional community leaders, among others, feel threatened by the idea. Others, although believing human rights are important, also think they will not be realized in their lifetime.

Why do so many people in Asia have reservations about human rights? Even some involved in community service believe that human rights are used for selfish, individualistic purposes, that they are Western ideas imposed on local cultures, that they are a political tool or of use only to lawyers⁵⁹.

When people suffer injustice, however, they begin to see the real meaning of human rights. When people witness child abuse, they invoke human rights to defend the hapless children. When they are unjustly deprived of their property or maltreated by the police or government authorities, they begin to realize that their human rights are being violated. Human rights usually receive public attention only when they are violated. Media reports often focus on cases of maltreatment or even death; human rights are normally seen in a negative light, not as the enjoyment of freedoms that make life more meaningful.

Human rights education (HRE) need not focus solely on human rights violations. It must include stories of ordinary people's victories in realizing human rights, and thus bring the concept of human rights close to home. Students, for example, certainly face human rights issues in their own contexts.

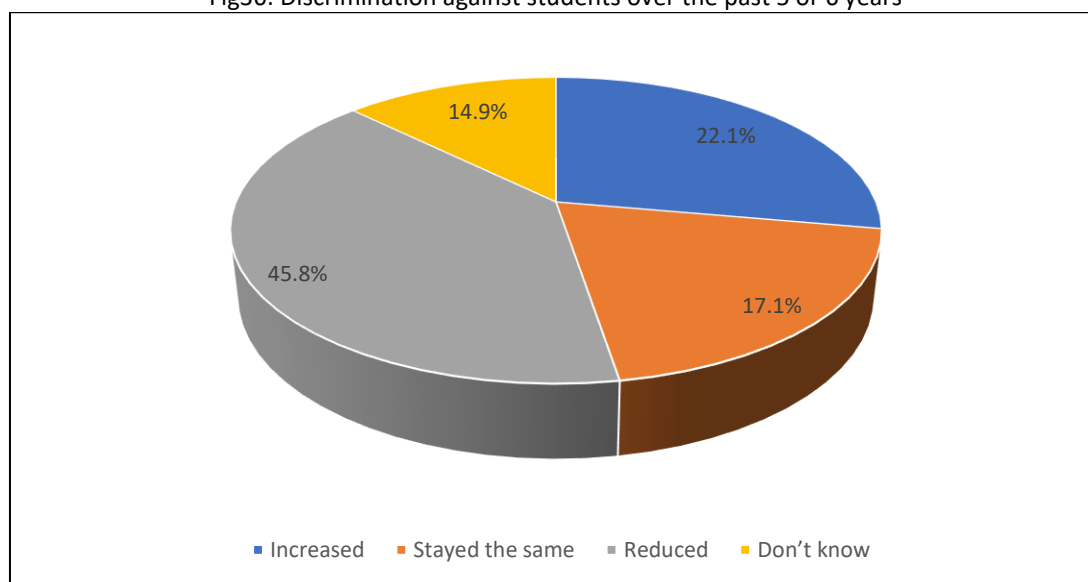
Recent surveys and interviews with key informants on the extent of Bangladesh's youth student's perception of human rights may guide us in developing and implementing measures to assure a proper understanding and practice of human rights.

It was revealed from surveys and KII that students of Bangladesh facing lots of problems, especially female student become victims of gender-based violence like victim of early marriage (15.3%) and they do not have enough money to continue education (12.7%) even students have freedom of speech while they study.

Discrimination against students has generally reduced (47%) but 21% respondents told that it has increased violating HR of students (fig.36)

⁵⁹https://www.hurights.or.jp/archives/human_rights_education 2020

Fig36: Discrimination against students over the past 5 or 6 years



Students see discrimination while they face employment opportunities interviews or when student's protest misdoings.



Picture: An Interviewer is taking interview of CMMS students in Cox's Bazar

3.14 Rights of Persons with Disabilities

Rights of persons with disabilities have been ensured by the Convention on the Rights of Persons with Disabilities which is an international human rights treaty of the United Nations intended to protect the rights and dignity of people with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by people with disabilities and ensure that they enjoy full equality under the law. The Convention has served as the major catalyst in the global movement from viewing people with disabilities as objects of charity, medical treatment, and social protection towards viewing them as full and equal members of society, with human rights. It is also the only UN human rights instrument with an explicit sustainable

development dimension. The Convention was the first human rights treaty of the twenty-first century.⁶⁰

Unfortunately, Bangladeshi persons with disabilities are face problems related to gainful employment. Lack of employment opportunities, the people with disability should have equal rights as other people of the society which was opined by 21.40% of respondents (Fig. 37)

Discrimination against people with disabilities has generally reduced, this was the opinion of 30.8% of beneficiary respondents (Fig. 38). But discrimination on disable people by government when employing and providing services has increased substantially though there are laws and convention to protect them

Fig 37: Problems that person with disabilities are facing

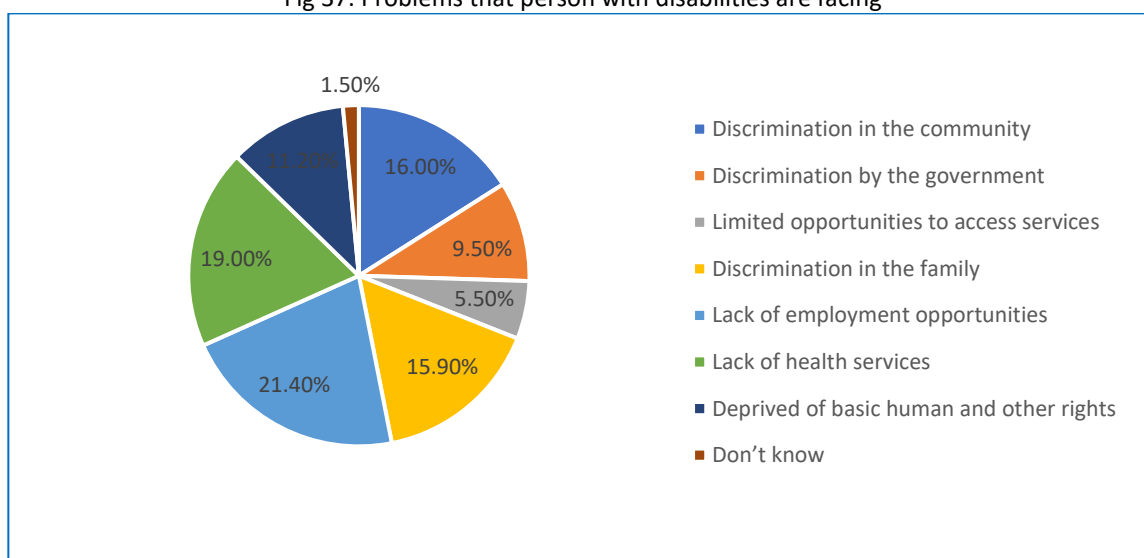
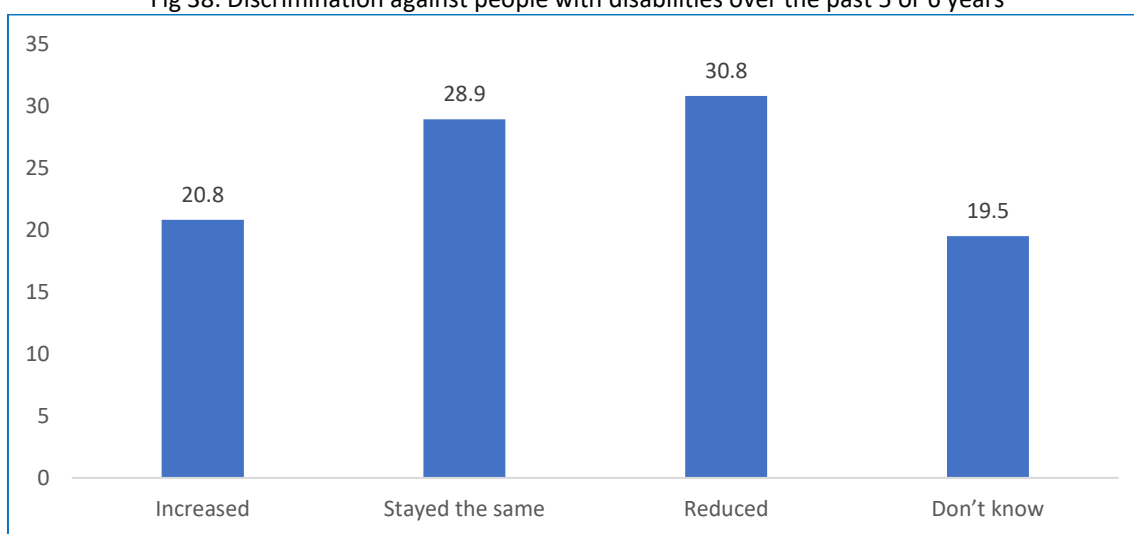


Fig 38: Discrimination against people with disabilities over the past 5 or 6 years



⁶⁰"General Assembly Adopts Ground-breaking Convention, Optional Protocol on Rights of Persons with Disabilities" (Press release). New York: United Nations. 13 December 2006.

⁵¹ "Rights Advocacy" "Indigenous Peoples' Land Rights in Bangladesh" *International Day of the World's Indigenous Peoples 2017 observed*. Published: Thursday, 10 August 2017 at 12:00 AM

3.15 Rights of Indigenous Peoples

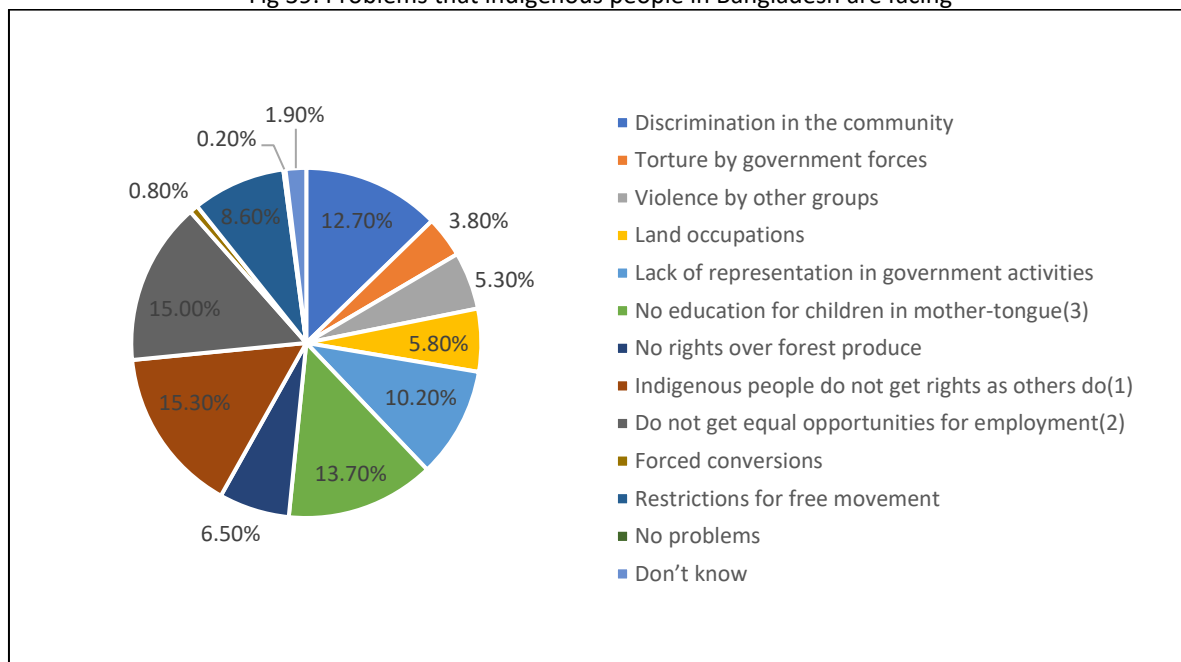
Bangladesh is a country of ethnic and cultural diversity, with more than 54 indigenous communities speaking at least 35 languages, where 80% of the indigenous peoples live in the districts of the North and South-East of the country, and the rest in the Chittagong Hill Tracts areas. The Government of Bangladesh does not recognize indigenous peoples as 'indigenous'. In 2011 the National Parliament enacted the 15th Amendment to the Constitution of Bangladesh denying recognition of indigenous people as full citizens of this country. Article 6(2) of our Constitution states, "The people of Bangladesh shall be known as Bengalese as a nation and the citizens of Bangladesh shall be known as Bangladeshis". Again, Article 23A provides, "The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities." Article 6(2) explicitly denies the indigenous peoples as citizens of Bangladesh while Article 23A categorizes and alienates indigenous people from Bengalis making them second class citizens of the State. Thus, the Government has categorically denied the existence of indigenous peoples in Bangladesh, though the term was used earlier by the same government and mentioned in different national legislations.

The land is the mother of indigenous peoples who think themselves as the son of land and forest as they were entirely dependent upon land and without it; they have no existence to survive at all. The major international laws governing the land rights of indigenous peoples inter alia include the UDHR (1948), ICCPR (1966), and UN Declaration on the Rights of Indigenous Peoples (2007). The Declaration in its Article 10 provides that, "Indigenous person shall not be forcibly removed from their lands or territories". Furthermore, Article 26(1) of the Declaration stipulates that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired". While in Bangladesh, the laws governing land rights of indigenous peoples in the plains is contained in the SAT Act (1950) and in the plain land is contained in the Plain Lands Regulation (1900) and many other legislations passed in the period following the Plain Lands Accord (1997).

However, throughout 2019 and still, present the indigenous peoples have been protesting governments' plans to expropriate their land in Bangladesh. Thus militarization, land grabbing, development interventions, corporate greed, forestry, and energy projects on their inherited lands have pushed the endurance of indigenous peoples to an alarming situation. Since passing of the 15th Amendment of the Constitution, it has been observed that many attacks have been taken place on the indigenous peoples of the plain lands of Bangladesh. The Plain Lands Accord (1997) was a constructive agreement, which was signed by the Bangladesh Government and the PCJSS has entered its 20th year. However, even after 20 years, key issues of the Plain Lands Accord, e.g. the Land Commission, the delegation of power to the local bodies, militarization, rehabilitation of the IDPs, etc. remain unresolved. Though the government claims that 48 out of 72 provisions of the Plain Lands Accord have been implemented, the PCJSS and several others claim that the figure stands at only 25 so far.

To resolve these aforesaid problems, the government should form an independent Land Commission for indigenous peoples of the plain lands to settle down the land-related disputes. Articles 6(2) and 23A of the Constitution should be amended to give the Constitutional recognition to indigenous peoples. The Government should completely implement the Plain Lands Accord (1997) as well as the Land Disputes Resolution Commission Act (2001) should be amended. Finally, the Bangladesh Indigenous Peoples Rights Act (2015), drafted by the Parliamentary Caucus on Indigenous Peoples, should be reviewed, and considered for enactment.

Fig 39: Problems that indigenous people in Bangladesh are facing



15.3% of the respondents said Indigenous people do not get rights as others do. 15% has said they do not get equal opportunities for employment. No education for children in mother-tongue said by 13.70%

Table 6: Discrimination on Indigenous people past five to six years

| | Beneficiaries | Control | Total |
|-----------------|---------------|---------|---------|
| Increased | 12 | 2 | 14 |
| | 5.90% | 6.30% | 5.90% |
| Stayed the same | 23 | 3 | 26 |
| | 11.20% | 9.40% | 11.00% |
| Reduced | 142 | 24 | 166 |
| | 69.30% | 75.00% | 70.00% |
| Do not know | 28 | 3 | 31 |
| | 13.70% | 9.40% | 13.10% |
| Total | 205 | 32 | 237 |
| | 100.00% | 100.00% | 100.00% |

In over the past five to six years 5.9% of beneficiaries and 6.3% of control have said discrimination against indigenous peoples and ethnic minorities has generally increased. 11.2% beneficiaries and 9.4% of control have said it stayed the same. 69.3% beneficiaries and 75.0% of control have said it has reduced.

Table 7: Most important problems facing indigenous people in the PLAIN LANDS

| | Number of answers | Percent | Percent of cases |
|--|-------------------|---------|------------------|
| Discrimination in the community | 148 | 16.50% | 62.40% |
| Torture by government forces | 23 | 2.60% | 9.70% |
| Torture by other groups | 69 | 7.70% | 29.10% |
| Land occupations | 65 | 7.20% | 27.40% |
| Military camps/bases | 10 | 1.10% | 4.20% |
| Lack of representation in employment | 142 | 15.80% | 59.90% |
| No education for children in mother-tongue | 166 | 18.50% | 70.00% |
| Forced conversions | 22 | 2.40% | 9.30% |
| Attacks by dacoits/ lack of security | 44 | 4.90% | 18.60% |
| Poor road communications | 133 | 14.80% | 56.10% |
| Land Commission dysfunctional | 40 | 4.40% | 16.90% |
| No problems | 1 | 0.10% | 0.40% |
| Do not know | 36 | 4.00% | 15.20% |
| Total | 899 | 100.00% | 379.30% |

18.5% said no education for children in mother-tongue. 16.6% has said they face discrimination in the community. 15.8% has said they face difficulty due to lack of representation in employment.

Table 8: Whether the respondents knew about PLAIN LANDS Peace Accord of 1997

| | Beneficiaries | Control | Total |
|-------|---------------|---------|---------|
| Yes | 97 | 9 | 106 |
| | 47.30% | 28.10% | 44.70% |
| No | 108 | 23 | 131 |
| | 52.70% | 71.90% | 55.30% |
| Total | 205 | 32 | 237 |
| | 100.00% | 100.00% | 100.00% |

47.3% beneficiaries and 28.1% of control of the respondents have said they know about the PLAIN LANDS Peace Accord of 1997 and 52.7% beneficiaries and 71.9% of control have said they do not know about it.

Table 9: Discrimination faced by Indigenous people in the past year

| | Beneficiaries | Control | |
|-------------|---------------|---------|--------|
| Yes | 21 | 6 | 27 |
| | 10.20% | 18.80% | 11.40% |
| No | 168 | 25 | 193 |
| | 82% | 78.10% | 81.40% |
| Do not know | 16 | 1 | 17 |
| | 7.80% | 3.10% | 7.20% |
| Total | 205 | 32 | 237 |
| | 100% | 100% | 100% |

Indigenous person: 10.2% of beneficiaries and 18.8% of control group have said yes, they have faced discriminated in their area in the past years. 82.0% of beneficiaries and 78.1% of control group have said no they have not faced discriminated in their area in the past years.

Non-indigenous person: 7.8% of beneficiaries and 3.1% of control group have said yes, they have seen it.

Table 10: Protection that indigenous children should have

| | Number of answers | Percent | Percent of cases |
|--|-------------------|---------|------------------|
| The right to enjoy their own culture | 191 | 26.10% | 80.60% |
| The right to follow their own religion | 184 | 25.10% | 77.60% |
| The right to use their own language | 180 | 24.60% | 75.90% |
| The right to education in own language | 167 | 22.80% | 70.50% |
| Do not know | 11 | 1.50% | 4.60% |
| Total | 733 | 100.00% | 309.30% |

- 26.1% have said indigenous children should have the right to enjoy their own culture
- 25.1% have said they have the right to follow their own religion
- 24.6% have said they have the right to use their own language

3.15 Rights of 'Third gender' people

In Bangladesh transgendered people are looked down upon as though they are not human beings and are treated brutally only because they do not have the gender identity approved by the society or the government. Although the government of Bangladesh has recognized this transgendered group of people as 'third gender'⁶¹ it is not implemented even in their national identity cards. Bangladeshi society have taboo that bounds these people either to assimilate and hide their gender crisis or to live the life of the most marginalized group. This paper will attempt an overview of the

⁶¹**Third gender** or **third sex** is a concept in which individuals are categorized, either by themselves or by society, as neither man nor woman. Biology determines whether a human's chromosomal and anatomical sex is male, female, or one of the uncommon variations on this sexual dimorphism that can create a degree of ambiguity known as **intersex**. However, the state of personally identifying as, or being identified by society as, a man, a woman, or other, is usually also defined by the individual's gender identity and gender role in the particular culture in which they live. Bangladesh government recently recognized the rights of "third gendered" people.

life of transgendered people living in Bangladesh, who are commonly referred to as '*hijra*' and offer a few suggestions that might help to bring about some changes.

Bangladesh's marginalized transgender community has finally been granted the right to use their correct identity to register as a voter.



Picture: Discussion is underway with the Third gender people

Government officials have given full recognition to the *hijras* cultural status by creating a specialist "third gender" category on Bangladesh's national voters list. Previously, the *hijra* community could only sign up to vote as men or women – but many avoided doing so because they did not feel adequately represented. Now, individuals can register to vote using their own identity as a *hijra*.

The word *hijra* is an umbrella term which typically refers to people who are born male but do not identify as male or female. Some *hijra* have undergone a full gender reassignment, while others have just had their male genitalia removed.

"The press has already been ordered to print the new forms. Now they can identify themselves as *hijras* on the national voters list."

The Bangladeshi government has taken some steps to improve the rights of *hijra* in the country. In 2013, it followed the lead of its neighbor's India, Nepal, and Pakistan and recognized *hijra* as an official third gender. This allowed the community to correctly identify on all government documents, including on their passports. In July 2018, the government appointed Tanisha *Yeasmin Chaity* as the first transgender official in Bangladesh's state-run human rights watchdog – the National Human Rights Commission.

However, the biggest step forward came in January this year when it was announced that transgender candidates who identify as women could run for a seat in Bangladesh's National Parliament going forward. *Annonya Banik* is the President of *Shada Kalo*, a networking organization which helps members of the *hijra* community obtain counseling and health care. She told the *Telegraph* that the recognition of the *hijra* on voting forms was another step forward in her community being normalized within Bangladesh.

"I voted in the last election but as a woman. The recognition that we wanted was recognition as *hijra*, which is our identity," Banik said.

"This is a great thing for the recognition of our entire community in Bangladesh."

She also believes that the further acknowledgement of the *hijra* on voting forms will encourage more of her community to vote.

However, she called on the government to enter more dialogue with the *hijra* community to understand their most pressing issues, such as a lack of employment opportunities or access to doctors.

"When you are working with a group of people who are not that advanced you have to do a lot of research to understand what they need and their background," she said, referring to the government.

"It will help the government to prioritize if they know what we actually need.

"Our fundamental rights – the right to education, the right to healthcare, the right to accommodation, the right to food and the right to jobs."

Problems facing by third gender in Bangladesh-

- Discrimination in the community 12.3%
- Discrimination by government 11%
- Abused by law enforcing agencies 9.7%

Table 11: All religious groups/ third gender (*hijra*/hermaphrodite) should have equal rights in Bangladesh

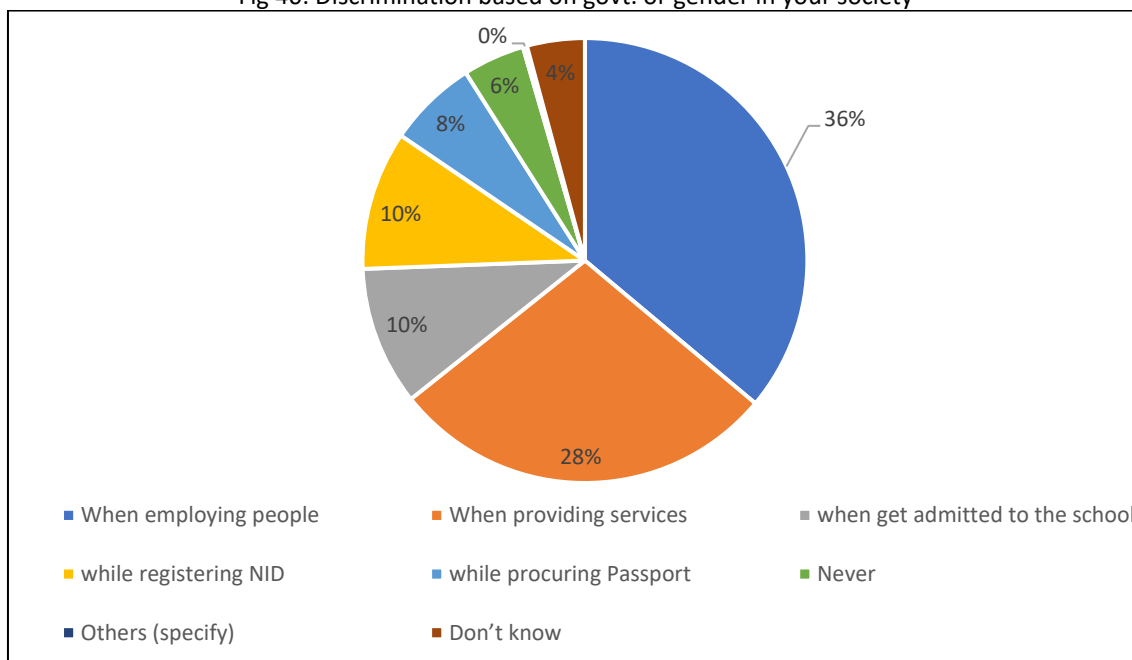
| | Beneficiaries | Control | Total |
|----------------|---------------|---------|---------|
| Not | 1 | 0 | 1 |
| | 0.70% | 0.00% | 0.60% |
| Yes | 20 | 5 | 25 |
| | 14.20% | 16.10% | 14.50% |
| Absolutely yes | 120 | 26 | 146 |
| | 85.10% | 83.90% | 84.90% |
| Total | 141 | 31 | 172 |
| | 100.00% | 100.00% | 100.00% |

Table 12: Discrimination has been made society on third gender

| | Number of answers | Percent | Percent of cases |
|---|-------------------|---------|------------------|
| When it comes to family matters | 135 | 23.20% | 78.50% |
| When deciding who to employ | 79 | 13.60% | 45.90% |
| When deciding who can attend a religious ceremony | 72 | 12.40% | 41.90% |
| When deciding who to invite to a wedding | 75 | 12.90% | 43.60% |
| When deciding who to vote for | 48 | 8.20% | 27.90% |
| When deciding who to eat with | 78 | 13.40% | 45.30% |

| | | | |
|---|-----|--------|---------|
| When deciding who to marry | 45 | 7.70% | 26.20% |
| When deciding who to allow your children to marry | 31 | 5.30% | 18.00% |
| Never | 13 | 2.20% | 7.60% |
| Others | 4 | 0.70% | 2.30% |
| Do not know | 2 | 0.30% | 1.20% |
| Total | 582 | 100.0% | 338.40% |

Fig 40: Discrimination based on govt. or gender in your society



Regarding discrimination they face, 36.10% respondents said, when employing people in any sector. 28.20% have said when providing services. 10.10% have said when getting admitted to the school. 10.10% have said while registering for NID.

If the respondent is from a religious minority group: when we asked the respondents whether him/her or a member of their household has been discriminated against or treated differently on the ground of their religious beliefs in the past year: 60.30% beneficiaries and 35.50% control have said that they have. 29.10% beneficiaries and 41.90% control have said that they have not faced it.

Table 13: Discrimination on the religion belief

| | Beneficiaries | Control | Total |
|-----------------|---------------|---------|--------|
| Yes | 85 | 11 | 96 |
| | 60.30% | 35.50% | 55.80% |
| No | 41 | 13 | 54 |
| | 29.10% | 41.90% | 31.40% |
| Do not know | 5 | 2 | 7 |
| | 3.50% | 6.50% | 4.10% |
| Will not answer | 10 | 5 | 15 |
| | 7.10% | 16.10% | 8.70% |

| | | | |
|-------|---------|---------|---------|
| Total | 141 | 31 | 172 |
| | 100.00% | 100.00% | 100.00% |

The society/family/father/mother punishes them for several reasons. Such as:

- If third gender person is disobedient
- If third gender person does not maintain the family's traditions
- If third gender person is creating any hassle
- If they take part in crime

Bangladesh is a signatory to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of diverse sexualities. The National Human Rights Commission of Bangladesh is positioned to play a significant role in addressing human rights issues related to sexual orientation and gender identity. According to the Department of Social Welfare survey, there are around 9,285 Hijras in Bangladesh. Due to lack of laws recognizing hijra status in Bangladesh, these people have often been excluded from basic rights associated with citizenship such as property rights, inheritance, employment, education, and health care. There are recent examples of laws aiming to remedy this situation through recognizing the legal status of Hijras. Bangladesh government has offered an "other" gender category on passport applications since 2011 and granted a 'third gender' status to the approximately 10,000 Hijras living in the country in 2013. While Bangladesh has passed legislation to protect Hijra's rights, the government simultaneously continues to uphold laws that punish citizens for being homosexuals (Although Hijras do not always identify as homosexuals, they are sometimes persecuted as such) with prison sentences ranging from 10 years to life. Article 377A of the Bangladesh Criminal Penal Code provides: "Whoever has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with (imprisonment for life), or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine". No hate crime law exists in Bangladesh to address crimes committed by a perpetrator motivated by the sexual orientation or gender identity of a victim. Bangladesh has no anti discriminatory laws that specifically protect sexual minorities or laws that recognize the diverse gender identity. Though Hijras traditionally earned their living by singing and dancing, many now supplement their earnings by begging or selling sex (Nag, 2005). A study on Bangladeshi Hijras describes the vulnerability of sex workers to law enforcement abuses: The Hijra sex workers were exploited by clients, mugged, and beaten by hooligans but never received any police support. They hardly reported any incidents to police because of fear of further harassments. The law enforcing agents either raped hijra sex worker and/or burglarized earnings from sex trade... hijra are not safe in sex trade. They are forced to have unprotected sex with clients, local influential persons, and police free of charge (Khan, Hussain, & Parveen, 2009).

3.16 Rights of 'Dalit' people

The Dalit⁶² ("untouchable") communities in Bangladesh are most untouchable minority. In absence of any official statistics, approximately 5.5 million Dalits are believed to be living in the country. Human rights violation has become a worldwide observable fact and is escalating day by day, especially in developing countries like that of ours. As every single day passes, newspapers report on violation of human rights against the vulnerable sections of people like Dalits, women, children, and minorities etc. The Constitution of Bangladesh declares equal rights for all citizens and prohibits discrimination by the State on the ground of religion, race, caste, sex, or place of birth in article 28 (1). The principle of non-discrimination is also enshrined in other articles. Despite this constitutional

⁶²Dalit, meaning "broken/scattered" in Sanskrit and Hindi, is a term mostly used for the ethnic groups in India that have been kept depressed by subjecting them to *untouchability* (often termed backward castes). They migrated to Bangladesh.

guarantee, political, economic, and social exclusion based on caste is practised over the entire country.

Various International Conventions and treaties confirm non-discriminatory principle, It is pertinent to mention here that it was 2009 when the UN treaty bodies like the Committee of the Rights of the Child, Concluding Observations started to work on the situation of Dalits and “marginalised and excluded children and Committee on the Elimination of all forms of Discrimination against Women, Concluding Observations-2011”.

The problems Dalits in Bangladesh are facing: The main problem is discrimination in the community. Another problem is they do not have access to everywhere. Sometimes they face discrimination at work.

Should Dalit group have equal rights in Bangladesh: When we asked them either Dalits of our society should have equal right: 56.50% beneficiaries and 56.40% of control group said yes. 43.00% Beneficiaries and 41.80% of control group have also said yes.



Picture: During interviewing of Dalit Respondent

Table 14: Equal right for Dalit

| | Beneficiaries | Control | Total |
|----------------|---------------|---------|--------|
| Not | 1 | 0 | 1 |
| | 0.40% | 0.00% | 0.30% |
| Yes | 102 | 23 | 125 |
| | 43.00% | 41.80% | 42.80% |
| Absolutely yes | 134 | 31 | 165 |
| | 56.50% | 56.40% | 56.50% |
| Not sure | 0 | 1 | 1 |

| | | | |
|-------|---------|---------|---------|
| | 0.00% | 1.80% | 0.30% |
| Total | 237 | 55 | 292 |
| | 100.00% | 100.00% | 100.00% |

Dalits are generally engaged in professions such as sweepers, cobblers, dome, etc. 98.70% beneficiaries and 96.40% control group have said that they have heard about rights for them.

Table 15: Knowledge about rights of Dalit

| | Beneficiaries | Control | Total |
|-------|---------------|---------|---------|
| Yes | 234 | 53 | 287 |
| | 98.70% | 96.40% | 98.30% |
| No | 3 | 2 | 5 |
| | 1.30% | 3.60% | 1.70% |
| Total | 237 | 55 | 292 |
| | 100.00% | 100.00% | 100.00% |

Table 16: Status of Dalits in society

| | Number of answers | Percent | Percent of cases |
|--|-------------------|---------|------------------|
| Hindus are divided by caste | 147 | 20.00% | 50.30% |
| The creator created them in this way | 111 | 15.10% | 38.00% |
| They were born to perform these occupations / jobs | 112 | 15.20% | 38.40% |
| They are less educated | 136 | 18.50% | 46.60% |
| Society discriminates against them | 146 | 19.80% | 50.00% |
| It is part of Hindu society | 66 | 9.00% | 22.60% |
| Others | 3 | 0.40% | 1.00% |
| Do not know | 15 | 2.00% | 5.10% |
| Total | 736 | 100.00% | 252.10% |

Data collected through questionnaires survey show that 20% of the respondents anticipated that people believers of Hindu religion are divided by cast, 15. % assumed that the God created them in that way. 15% hypothesized that they were anticipated to perform these occupations/jobs. 18% pre-empted that they are less educated. 19.%foreseen that society discriminates against them.

Chapter 4

Gender issues

Bangladesh has ratified all the major international conventions regarding human rights issues including:

- International Covenant on Civil and Political Rights (ICCPR).
- International Covenant on Economic, Social and Cultural Rights (ICESCR).
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT).
- Convention on the Rights of the Child (CRC).
- International Convention on the Rights of Persons with Disabilities (ICRPD).
- International Convention on the Protection of the Rights of All Migrant Workers and members of their families (CMW).⁶³

Bangladesh is also a party to the Statute of the International Criminal Court.⁶⁴

The Constitution of Bangladesh grants equal rights to women and men in all spheres of public life [Article 28(1), and 28(3)]. The Constitution also keeps an obligation for the state to ensure women's active and meaningful participation in all spheres of public life (Article-10). Bangladesh is one of the countries, which ratifies the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Despite the legal provisions and implementation of strategies in the five-year plans, successful achievement of MDGs regarding women empowerment significant improvement of the status of women over the last few decades has been evident, many challenges remain.

The CEDAW Committee in its 2011 concluding observations notes several positive aspects such as the adoption of the 14th Amendment of the Constitution (that includes, *inter alia*, 45 reserved seats for women in the Parliament); the Domestic Violence Prevention and Protection Act (2010), the Citizenship (Amendment) Act 2009 (which changes all references to 'father' in the Act to 'father and mother'); policies such as the Policy for the Advancement of Women; the allocation of a gender responsive budget to 10 ministries in 2010-2011; and the achievement of gender parity in primary and secondary education (CEDAW Committee, C/BGD/CO/7 "*Concluding Observations of the Committee on the Elimination of Discrimination against Women*" (2011) (cited in Baseline survey human Rights final report 2013.)

- *All the five year plans included women's employment, the fourth five-year plan focused on mainstreaming women's social and economic roles and fifth five year planned reemphasized on its Gender was incorporated in the micro sections of the planning of major sectors. National Strategy for Accelerated Poverty Reduction (NSAPR II) is formulated to mainstream women in macro-economy level. Ministry of Women Affairs was established in 1978 as part of government's commitment to women's development through organizational and institutional support. Government of Bangladesh established women rehabilitation Board in 1972, Women*

⁶³An overview of Bangladesh's ratification of and compliance with major international instruments is attached in Annexure H. For a full list of the core international human rights treaties, including signatory states and those that have ratified the conventions, Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

⁶⁴Bangladesh is also the only country in South Asia to have ratified the Rome Statute. For a full list of states party to the Statute, Available at: http://treaties.un.org/UNTC/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&lang=en

rehabilitation welfare foundation in 1974, National Women's Songstha in 1976. Focal points have been selected to coordinate women development activities of different ministries and organizations. Vision 2021 of government emphasizes on establishing women's rights, empowerment, and development. All the sectoral plans have incorporated activities in achieving this.

- The Government of Bangladesh has made substantial progress around gender-responsive budgeting. This includes the inclusion of gender issues in the MTBF process; development of the Recurrent, Capital, Gender and Poverty (RCGP) Model of data base, where all expenditure are disaggregated to indicate the percentage of allocation of resources that go to women; and preparation of the gender budget reports for the last three years (from 2012)
- Enhancing women's economic engagement is central to the Government of Bangladesh's wider economic goals and to Bangladesh's ambitions to achieve middle income status. There has been a myriad of programmes on skill development and women's entrepreneurship in Bangladesh. Many of these have however focused on relatively low-skilled operators or 'income-generating projects' for the extremely poor.

Bangladesh has a long list of laws aimed at protecting women against violence including the Domestic Violence Act, the Prevention of Cruelty to Women and Children Act, the Acid Crime Control Act, the Child Marriage Restraint Act and the Dowry Prohibition Act (CEDAW Committee: *Concluding Observations of the Committee on the Elimination of Discrimination against Women* (2011): p. 4, Baseline survey human Rights final report 2013.)

One of the major concerns is the non-recognition of marital rape as a crime, both in law and in the socio-cultural tradition. As such, Bangladesh does not recognise a woman's freedom to refuse to consent to intercourse with their husband, and, more broadly, a woman's absolute freedom of choice over her own body (*Citizens' Initiative on CEDAW-Bangladesh*: p. 91. Cited in Baseline Report)

Violence is evident against women in all groups; alarmingly sexual violence is quite high. Child marriage is alarmingly high. Also, harassment through internet is significant. Major forms of gender violence are Physical violence (15% mentioned by women), sexual abuse (13%), early marriage (around 15%), violence by husbands (9.7% women mentioned) and other female members (8,7% women mentioned) are quite high too.

Table 17: Women in the community suffer from violence/harassment

| | Women (%) | Youth (%) | Student (%) | Disabilities (%) | Indigenous (%) | Third gender (%) | Dalit (%) |
|--|-----------|-----------|-------------|------------------|----------------|------------------|-----------|
| Physical violence | 15.3 | 14.3 | 14.1 | 14.5 | 11.4 | 14.9 | 14.3 |
| Sexual abuse/violence | 13 | 13.6 | 13.7 | 15 | 13.2 | 15.9 | 14.3 |
| Child marriage/early marriage | 14.9 | 15 | 15.1 | 15.8 | 13 | 10.6 | 15.2 |
| Female experiencing violence from another female | 8.7 | 7.6 | 5.9 | 9.6 | 8 | 6.6 | 9.8 |
| Rape | 10.5 | 10.9 | 9.8 | 12.1 | 8 | 4.8 | 9.6 |

| | | | | | | | |
|---|-----|-----|-----|-----|-----|------|-----|
| Acid throwing | 2.8 | 2.7 | 3.7 | 2.8 | 5 | 3.1 | 3.2 |
| Violence by 'mastans' | 4 | 5 | 5.2 | 4.9 | 5.5 | 5.3 | 4.5 |
| Violence by husbands | 9.7 | 6.8 | 7.6 | 7.9 | 9.6 | 8.1 | 9 |
| Harassment by police | 3.5 | 4.2 | 3.3 | 4.6 | 4 | 10.2 | 4.7 |
| Violence by family members | 5.1 | 4 | 3.5 | 5.2 | 5.8 | 9.1 | 6.1 |
| Violence following a shalish | 2.4 | 1.8 | 2.3 | 1.9 | 3.5 | 5.2 | 2.7 |
| Trafficking of women/children | 3.1 | 4.3 | 5.5 | 1.9 | 5.7 | 1.5 | 2.8 |
| Internet violence | 2.5 | 2 | 3 | 1.7 | 1.5 | 0.9 | 1 |
| Harassment or disturbance by mobile phone | 4.6 | 7.3 | 7.1 | 1.9 | 5.7 | 3.8 | 2.6 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

Violence is evident against women in all groups; alarmingly sexual violence is quite high. Child marriage is alarmingly high. Also, harassment through internet is significant.

Table 18: Form of discrimination took place

| | Beneficiaries | Control |
|--|---------------|---------|
| Verbal assault (sexual harassment, stalking etc.)/ heard abusive words while on the road | 8 | 1 |
| | 20.50% | 9.10% |
| Physical assault | 10 | 3 |
| | 25.60% | 27.30% |
| Sexual harassment | 0 | 1 |
| | 0.00% | 9.10% |
| Sexual assault | 0 | 1 |
| | 0.00% | 9.10% |
| Kidnapping | 1 | 0 |
| | 2.60% | 0.00% |
| Forced marriage | 0 | 1 |
| | 0.00% | 9.10% |
| Restricted from going to school/ work/ mobility | 1 | 0 |
| | 2.60% | 0.00% |
| Restricted or blocked from participation in community or social events | 2 | 2 |
| | 5.10% | 18.20% |
| Faced false allegations | 1 | 1 |

| | | |
|-------------------------------------|--------|--------|
| | 2.60% | 9.10% |
| Did not get a due share in property | 2 | 0 |
| | 5.10% | 0.00% |
| Was not allowed to work | 3 | 0 |
| | 7.70% | 0.00% |
| Was denied justice | 1 | 1 |
| | 2.60% | 9.10% |
| Others | 18 | 5 |
| | 46.20% | 45.50% |
| Will not comment | 2 | 2 |
| | 5.10% | 18.20% |

Verbal abuse and physical assault are mentioned as major forms of discrimination, not allowing to work, not sharing property are mentioned but not by many. In the control group 18.2% are Restricted or blocked from participation in community or social events compared to 5% among beneficiaries. Thus, it indicates that in programme area people are having more freedom in participation in community and social events.

Table 19: Husband controlling/punishing wife

| | Number of answers | Percent | Percent of cases |
|--|-------------------|---------|------------------|
| When the wife misbehaves | 437 | 17.40% | 55.80% |
| When she does not finish household chores | 193 | 7.70% | 24.60% |
| When she does not look after the children properly | 231 | 9.20% | 29.50% |
| When she does not finish the cooking by the time the husband gets home | 243 | 9.70% | 31.00% |
| When she leaves the house without his permission | 257 | 10.20% | 32.80% |
| When she does not observe purdah properly | 174 | 6.90% | 22.20% |
| When she does not believe her husband about money | 200 | 8.00% | 25.50% |
| When she talks to other men | 251 | 10.00% | 32.10% |
| When she dis-regards the father/mother in law | 201 | 8.00% | 25.70% |
| If she affects the dignity/respect of the family | 113 | 4.50% | 14.40% |
| If she does not take care of children and sick family members | 135 | 5.40% | 17.20% |
| Others | 5 | 0.20% | 0.60% |
| Do not know | 73 | 2.90% | 9.30% |
| Total | 2513 | 100.00% | 320.90% |

Major reason of violence against women are wives misbehaving, not listening to their husbands, leaving home without permission, talking to other men. This is evident that a patriarchal mindset if the respondent is a woman.

For Female respondents: While asked whether she has been the victim of any form of domestic violence in family in the past year In both the program and control areas, more than 80 percent women mentioned they were not been victim of any form of domestic violence which means the trend of domestic violence is decreased.

In the FGDs the study found cases where woman groups go to places to stop domestic violence. There is a Dalit group “BunoJat” lives in Sirajganj Upazila. They got training from NDP and many of them are self-dependent. Some of them are member of UNDP’s programme. They are aware of their rights now. This group goes to places to stop domestic violence and child marriage. Also, they have stopped a 2 years little girl from getting raped.

Table 20: Domestic violence

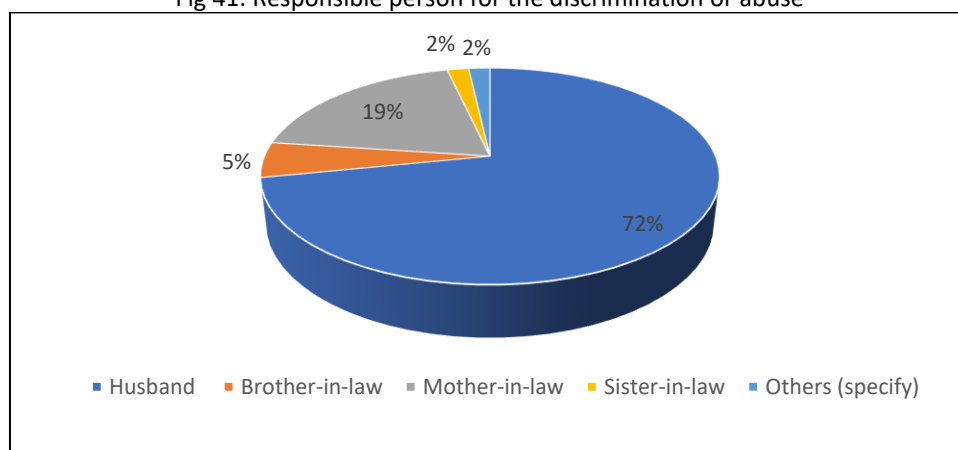
| | Beneficiaries | Control | Total |
|------------|---------------|---------|---------|
| Yes | 40 | 9 | 49 |
| | 6.70% | 4.90% | 6.30% |
| No | 498 | 155 | 653 |
| | 82.90% | 85.20% | 83.40% |
| Cannot say | 63 | 18 | 81 |
| | 10.50% | 9.90% | 10.30% |
| Total | 601 | 182 | 783 |
| | 100.00% | 100.00% | 100.00% |



Picture: FGD with a ‘Female homogenous group’ in Sirajganj

In response to who was responsible for the discrimination or abuse, majority of women (72%) mentioned they face discrimination or experience violence from their husbands followed by their mothers-in-law (19%). [read information shown in the figure- 41]. Majority (Mother in laws (19%) also play a crucial role in gender violence. Thus, awareness rising of both men and woman are required on women’s right gender violence related program. If the youth who received training are under follow-up of the program maintained) effectiveness of the NHRC on youth employment and job creation and entrepreneurship would be possible to track.

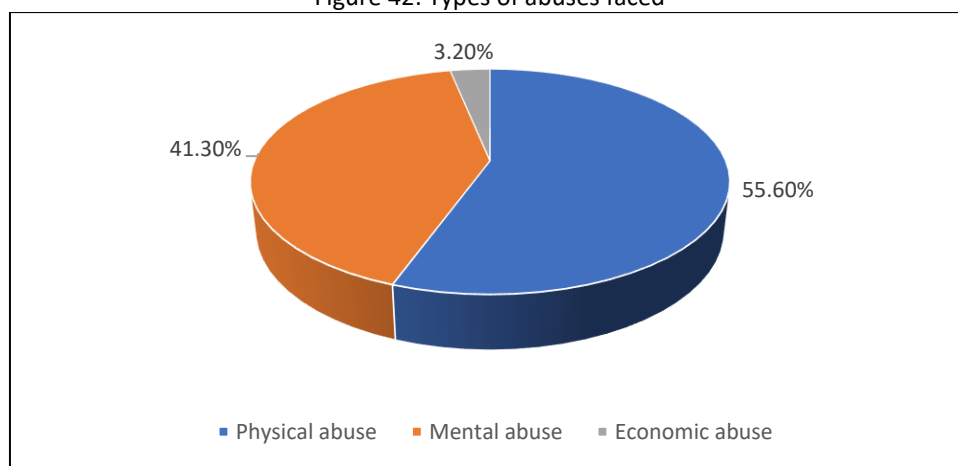
Fig 41: Responsible person for the discrimination or abuse



4.1 Type of Violence

The consequences of domestic violence are severe and range from physical abuse, mental abuse to economic abuse. But physical abuse is alarmingly high (55.6%).

Figure 42: Types of abuses faced



4.2 Report of incidents

Table 21: Respondents reported incidents

| | Beneficiaries | Control | Total |
|-------|---------------|---------|---------|
| Yes | 11 | 2 | 13 |
| | 1.80% | 1.10% | 1.70% |
| No | 590 | 180 | 770 |
| | 98.20% | 98.90% | 98.30% |
| Total | 601 | 182 | 783 |
| | 100.00% | 100.00% | 100.00% |

Beneficiaries 98.2%, Control 98.9% have said they do not report incidents like this. In their FGD they have also said they do not usually report incidents like this because it is common. They try to solve this matter by themselves.

Chapter 5

Minority population

Bangladesh confirms International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Constitution also ensures rights of all people without discrimination. However, study shows discrimination at community (13%). Lack of facilities of education by mother tongue is a concern mentioned by some respondents (14%).

Table 22: Problems that indigenous people are facing in Bangladesh

| | Number of answers | Percent | Percent of cases |
|--|-------------------|---------|------------------|
| Discrimination in the community | 150 | 12.70% | 63.30% |
| Torture by government forces | 45 | 3.80% | 19.00% |
| Violence by other groups | 63 | 5.30% | 26.60% |
| Land occupations | 69 | 5.80% | 29.10% |
| Lack of representation in government activities | 120 | 10.20% | 50.60% |
| No education for children in mother-tongue | 162 | 13.70% | 68.40% |
| No rights over forest produce | 77 | 6.50% | 32.50% |
| Indigenous people do not get rights as others do | 181 | 15.30% | 76.40% |
| Do not get equal opportunities for employment | 177 | 15.00% | 74.70% |
| Forced conversions | 10 | 0.80% | 4.20% |
| Restrictions for free movement | 101 | 8.60% | 42.60% |
| No problems | 2 | 0.20% | 0.80% |
| Do not know | 23 | 1.90% | 9.70% |
| Total | 1180 | 100.00% | 497.90% |

5.1 Problems that Third genders are facing in Bangladesh

Identity as Third gender is acknowledged in Bangladesh recently. Discrimination at community, not allowed to access land mentioned by some and discrimination of law enforcing agencies is also a significant concern.

Table 23: Problems that Third genders are facing in Bangladesh

| | Number of answers | Percent | Percent of cases |
|---------------------------------|-------------------|---------|------------------|
| Discrimination in the community | 169 | 12.30% | 98.30% |
| Discrimination by government | 151 | 11.00% | 87.80% |

| | | | |
|---|------|---------|---------|
| Abused by law enforcing agencies | 134 | 9.70% | 77.90% |
| Violence/abuse by other religious groups | 109 | 7.90% | 63.40% |
| Not allowed access on to own land | 111 | 8.10% | 64.50% |
| Occupation of their land by others | 106 | 7.70% | 61.60% |
| Sexual harassment | 123 | 8.90% | 71.50% |
| Sexual violence | 98 | 7.10% | 57.00% |
| Discrimination by others of the same religious community or caste | 71 | 5.20% | 41.30% |
| People related to the administration create problems | 48 | 3.50% | 27.90% |
| Politically victimized | 33 | 2.40% | 19.20% |
| Become victims of post-election violence | 13 | 0.90% | 7.60% |
| In respect of getting employment | 70 | 5.10% | 40.70% |
| Discrimination at work | 76 | 5.50% | 44.20% |
| In case of promotion | 36 | 2.60% | 20.90% |
| Create obstacle in practicing religious events | 27 | 2.00% | 15.70% |
| Others | 2 | 0.10% | 1.20% |
| Do not know | 1 | 0.10% | 0.60% |
| Total | 1378 | 100.00% | 801.20% |

5.2 Problems that Dalit are facing in Bangladesh

Despite equal rights in constitution for all, Dalit face discrimination. Access issue is important for Dalits both in land (19%) and social spaces (40%). Other major issues are violence by other religious groups and abuse by law enforcing agencies.

Table 24: Problems that Dalit are facing in Bangladesh

| | Number of answers | Percent | Percent of cases |
|----------------------------------|-------------------|---------|------------------|
| Discrimination in the community | 223 | 15.30% | 76.40% |
| Discrimination by government | 64 | 4.40% | 21.90% |
| Abused by law enforcing agencies | 81 | 5.60% | 27.70% |

| | | | |
|---|------|---------|---------|
| Violence/abuse by other religious groups | 108 | 7.40% | 37.00% |
| Not allowed access on to own land | 60 | 4.10% | 20.50% |
| Occupation of their land by others | 58 | 4.00% | 19.90% |
| Do not have access to everyplace | 118 | 8.10% | 40.40% |
| Sexual harassment | 74 | 5.10% | 25.30% |
| Sexual violence | 47 | 3.20% | 16.10% |
| Discrimination by others of the same religious community or caste | 104 | 7.10% | 35.60% |
| People related to the administration create problems | 30 | 2.10% | 10.30% |
| Politically victimized | 45 | 3.10% | 15.40% |
| Become victims of post-election violence | 38 | 2.60% | 13.00% |
| From perusing education | 67 | 4.60% | 22.90% |
| In respect of getting employment | 91 | 6.20% | 31.20% |
| Discrimination at work | 130 | 8.90% | 44.50% |
| In case of promotion | 52 | 3.60% | 17.80% |
| Create obstacle in practicing religious events | 38 | 2.60% | 13.00% |
| No problems faced | 7 | 0.50% | 2.40% |
| Others | 3 | 0.20% | 1.00% |
| Do not know | 20 | 1.40% | 6.80% |
| Total | 1458 | 100.00% | 499.30% |

5.3 Problems for person with disabilities

Persons with disabilities rights and protections Acts in Bangladesh 2013 provides several rights including recognition in equal citizenships, rights to proper health services, rights to accessibility in the community, rights to education, rights to employment, rights to access transportation and rights to use own language. As almost 10 percent population in Bangladesh is having disability these provisions are expected to be effective in reducing discrimination against persons with disability. Despite government's several measures persons with disability still face discrimination. The study shows high level of discrimination at all levels including employment (88%) and health service (78%), human rights deprivation (50%).

Tables 25: Problems for person with disabilities

| | Number of answers | Percent | Percent of cases |
|--|-------------------|---------|------------------|
| Discrimination in the community | 121 | 16.00% | 65.40% |
| Discrimination by the government | 72 | 9.50% | 38.90% |
| Limited opportunities to access services | 42 | 5.50% | 22.70% |
| Discrimination in the family | 120 | 15.90% | 64.90% |
| Lack of employment opportunities | 162 | 21.40% | 87.60% |
| Lack of health services | 144 | 19.00% | 77.80% |
| Deprived of basic human and other rights | 85 | 11.20% | 45.90% |
| Do not know | 11 | 1.50% | 5.90% |
| Total | 757 | 100.00% | 409.20% |

5.4 Challenges and discrimination that women are facing in their community

Wide range of discriminations is faced by women in the community; significant ones are women's subordinate position (18.5%), lack of property rights (16.5%). Lack of decision making and choice regarding marriage (12.3%)

Table 26: Challenges and discrimination that women are facing in their community

| | Women | Youth | Student | Disabilities | Indigenous | Third gender | Dalit |
|---|--------|--------|---------|--------------|------------|--------------|--------|
| Women are subordinate | 18.50% | 17.60% | 17.40% | 18.40% | 16.90% | 15.70% | 18.10% |
| Discriminatory property right | 16.50% | 13.60% | 14.60% | 18.90% | 15.10% | 15.90% | 16.10% |
| Difficulties in casting votes freely | 9.50% | 9.20% | 9.40% | 9.90% | 10.20% | 8.10% | 7.60% |
| Lack of human rights in the family/ home | 9.80% | 8.80% | 9.40% | 9.80% | 9.80% | 14.10% | 10.50% |
| Not sending girl children/ hijras to school | 9.80% | 11.80% | 12.60% | 10.30% | 12.60% | 12.50% | 10.50% |
| Lack of choice regarding when to marry | 12.30% | 14.20% | 13.60% | 11.00% | 13.20% | 11.90% | 12.20% |

| | | | | | | | |
|---|---------|---------|---------|---------|---------|---------|---------|
| Lack of inheritance rights | 9.70% | 9.80% | 8.20% | 10.70% | 10.00% | 10.80% | 9.00% |
| Lack of control over own body and lack of decisions over childbearing/ cannot use birth control | 5.80% | 6.60% | 6.30% | 5.70% | 5.60% | 6.40% | 7.30% |
| Lack of choice regarding whom to marry | 6.00% | 7.00% | 7.40% | 3.50% | 5.90% | 4.20% | 6.30% |
| Others | 0.60% | 0.70% | 0.70% | 0.00% | 0.00% | 0.30% | 0.90% |
| Do not know | 1.40% | 0.70% | 0.40% | 1.80% | 0.80% | 0.10% | 1.40% |
| Total | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |

5.5 Reaction on equal right for (men, women/third gender people)

Regarding equal rights all the groups are in favour of equality for women (74%), youth 57%, disabilities (62%), Dalits (55%), Indigenous (60%) absolutely yes for Third gender 83%) which means people's mindset are changing regarding Third gender.

Table 27: Reaction on equal right

| | Women (%) | Youth (%) | Student (%) | Disabilities (%) | Indigenous (%) | Third gender (%) | Dalit (%) |
|----------------|-----------|-----------|-------------|------------------|----------------|------------------|-----------|
| No | .3 | .3 | .3 | 0.5 | 0.0% | 0.0% | 1.0 |
| Yes | 74.1 | 57.0 | 63.0 | 61.6 | 60.3 | 16.9 | 54.8 |
| Absolutely yes | 21.8 | 41.4 | 36.0 | 32.4 | 38.8 | 82.6 | 42.5 |
| Do not know | 3.7 | 1.3 | .8 | 3.8 | .4 | .6 | 1.4 |
| Not sure | .1 | 0.0% | 0.0% | 1.6 | .4 | 0.0% | .3 |
| Total | 100.0 | 100.0 | 100.0 | 100 | 100.0 | 100% | 100.0 |

5.6 Inequality between men and women in their community

Regarding inequality between men and women majority of them said it happens during religious ceremonies (16.7%). Some of them have also said in terms of the clothes they wear (17%). In deciding where they can and cannot go also describes inequality (20.8%). Pregnancy (12.2%) and divorce (15.5%) are also significant areas of gender discrimination.

Table 28: Inequality between man and women is taking place in the community

| D6 | Women | Youth | Student | Disabilities | Indigenous | Third gender | Dalit |
|--|--------|--------|---------|--------------|------------|--------------|--------|
| During religious ceremonies | 16.70% | 18.90% | 19.00% | 17.70% | 23.20% | 32.70% | 18.40% |
| In terms of the clothes they wear | 17.00% | 22.50% | 19.60% | 19.70% | 17.70% | 19.80% | 18.00% |
| In deciding where they can and cannot go | 20.80% | 23.40% | 24.40% | 19.00% | 20.70% | 15.30% | 20.70% |
| When they are pregnant | 12.20% | 9.40% | 12.30% | 10.90% | 10.00% | 7.20% | 13.40% |
| When they are divorced or widowed | 14.50% | 9.70% | 10.70% | 12.20% | 11.30% | 4.50% | 13.90% |
| In all cases | 8.70% | 8.80% | 8.30% | 7.30% | 6.60% | 16.50% | 6.30% |
| Never | 5.00% | 3.70% | 3.20% | 4.40% | 4.50% | 0.90% | 5.20% |
| Others | 0.20% | 0.00% | 0.20% | 0.00% | 0.00% | 0.30% | 0.00% |
| Do not know | 5.00% | 3.60% | 2.30% | 8.80% | 6.00% | 2.70% | 4.20% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

Chapter 6

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT)

6.1 Torture by police

Demand of bribe was answered by 45.9% beneficiaries and 41.8% control while Harassment answered by 43.4% and Beating answered by 33.3% of beneficiaries.

Table 29: Torture by police

| | Beneficiaries | Control | Total |
|--|---------------|---------|-------|
| Electric shocks | 79 | 36 | 115 |
| | 13.10% | 19.80% | |
| Forced standing | 109 | 22 | 131 |
| | 18.10% | 12.10% | |
| Sleep deprivation | 59 | 12 | 71 |
| | 9.80% | 6.60% | |
| Threatening to lock up the arrested person/detainee's spouse or family | 155 | 45 | 200 |
| | 25.80% | 24.70% | |
| Suffocation | 63 | 14 | 77 |
| | 10.50% | 7.70% | |
| Keeping someone under water | 51 | 18 | 69 |
| | 8.50% | 9.90% | |
| Beating | 200 | 56 | 256 |
| | 33.30% | 30.80% | |
| Beating soles of the feet | 62 | 35 | 97 |
| | 10.30% | 19.20% | |
| Harassment | 261 | 69 | 330 |
| | 43.40% | 37.90% | |
| Rough behaviour | 130 | 35 | 165 |
| | 21.60% | 19.20% | |
| Beating with weapons (guns) | 98 | 30 | 128 |
| | 16.30% | 16.50% | |
| If demand bribe | 276 | 76 | 352 |
| | 45.90% | 41.80% | |
| Take statement forcefully | 161 | 47 | 208 |
| | 26.80% | 25.80% | |
| Detains/arrest without warrant | 87 | 34 | 121 |
| | 14.50% | 18.70% | |
| Detains more than 24 hours | 47 | 25 | 72 |
| | 7.80% | 13.70% | |

| | | | |
|-------------|-------|--------|-----|
| Others | 2 | 2 | 4 |
| | 0.30% | 1.10% | |
| Do not know | 56 | 33 | 89 |
| | 9.30% | 18.10% | |
| Total | 601 | 182 | 783 |

6.2 Use of Power or Torture by Police

When it is the only way to solve a case, when it is urgent that information be obtained, when the person is a suspected terrorist and for any crimes police can use their power or they can torture.

Table 30: Police can use their power

| | Women | Youth | Student | Disabilities | Indigenous | Third gender | Dalit |
|--|--------|--------|---------|--------------|------------|--------------|--------|
| When it is the only way to solve a case | 11.60% | 12.10% | 11.60% | 8.20% | 16.20% | 21.10% | 14.00% |
| When it is urgent that information be obtained | 16.80% | 19.10% | 17.60% | 17.40% | 16.60% | 14.20% | 18.10% |
| Whenever a person is arrested | 10.20% | 9.00% | 9.40% | 16.30% | 12.90% | 20.20% | 15.10% |
| When the person is a suspected terrorist | 11.70% | 14.60% | 12.00% | 19.30% | 23.40% | 14.20% | 13.30% |
| For any crimes | 16.50% | 17.40% | 19.50% | 19.30% | 11.90% | 25.10% | 16.60% |
| To get accurate information | 15.90% | 18.60% | 22.20% | 6.30% | 12.20% | 0.00% | 13.50% |
| Never | 9.60% | 4.70% | 5.00% | 1.90% | 2.60% | 0.00% | 4.90% |
| Others | 0.10% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Do not know | 7.70% | 4.60% | 2.70% | 11.40% | 4.20% | 0.00% | 4.50% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

6.3 Extrajudicial killings by law enforcement agencies

We can see 30.3% of woman said it has increased and 28.9% woman said it has Reduced. 43% of youth group thinks it has reduced. 40.1% of student group thinks it has reduced. Among indigenous

people highest number 60.8% said it has reduced. Also 45.3% of Third gender and 39% of dalits think it has reduced

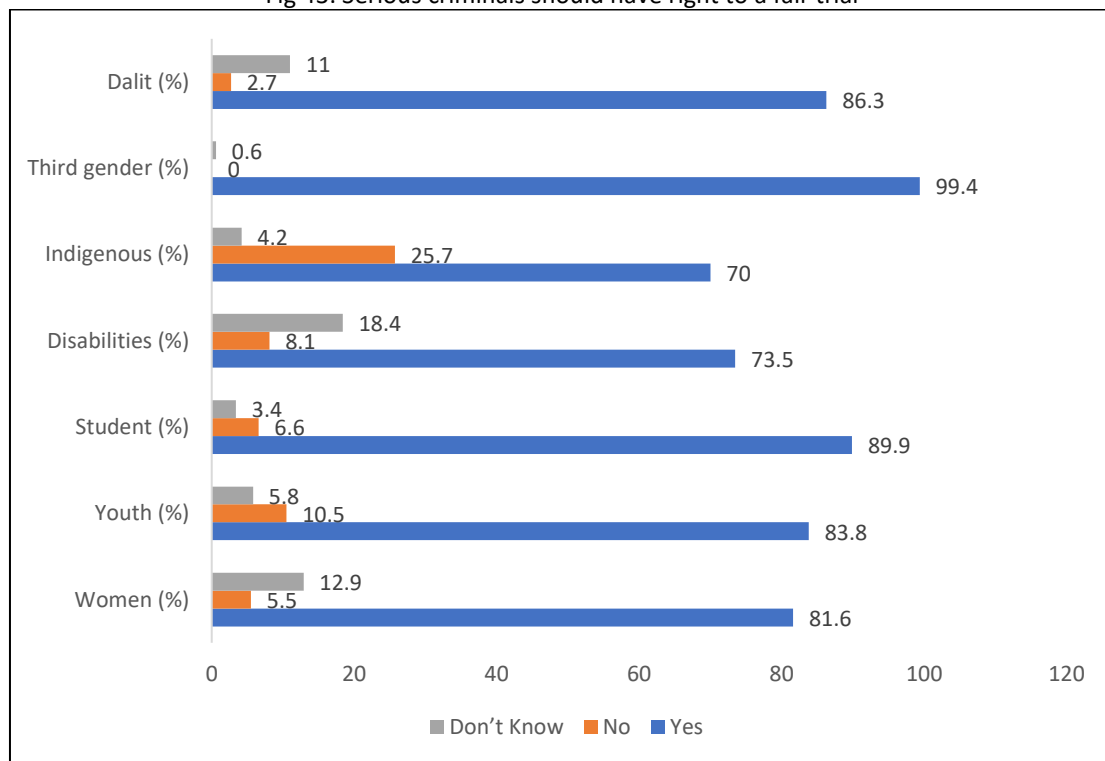
Table 31: Extrajudicial killings by law enforcement agencies

| | Women (%) | Youth (%) | Student (%) | Disabilities (%) | Indigenous (%) | Third gender (%) | Dalit (%) |
|-----------------|-----------|-----------|-------------|------------------|----------------|------------------|-----------|
| Increased | 30.3 | 31.7 | 24.8 | 17.3 | 8.0 | 15.1 | 14.0 |
| Stayed the same | 13.7 | 9.8 | 17.5 | 21.6 | 5.1 | 27.3 | 24.0 |
| Reduced | 28.9 | 43.0 | 40.1 | 27.0 | 60.8 | 45.3 | 39.0 |
| Do not know | 27.2 | 15.5 | 17.6 | 34.1 | 26.2 | 12.2 | 22.9 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

6.4 Serious criminals right to a fair trial

81.6 % of Women, 83.8 % of Youth, 89.9 % Student, 73.5 Disabilities, 70.0% of Indigenous, 99.4% of third gender and 86.3% of Dalit have said criminals have right to a fair trial.

Fig 43: Serious criminals should have right to a fair trial



Chapter 7

Access to Services

Part II of Bangladesh's Constitution contains an elaborate set of Fundamental Principles of State Policy. These include the state's obligations to secure basic necessities such as food, clothing, shelter, education and medical care, together with the right to work for a reasonable wage, to social security arising from unemployment, illness or disability, and free and compulsory education for all children, improvements in public health and nutrition, among others. Article 8(2) makes it clear that although the principles are fundamental to the country's governance and shall be applied by the State in the making of laws and a guide to interpretation to the Constitution and other laws, they shall not be judicially enforceable. The Supreme Court had initially emphasised that the Fundamental Principles of State Policy, whilst they must be applied by the State in the making of appropriate laws, are not justifiable by the courts (for the 'obvious reason,' according to the Court, that they are directed towards socio-economic development which can only be achieved gradually by the State according to available resources and technical knowledge) and that where they are in conflict with fundamental rights, the latter must prevail. However, the Court has since recognised that the Fundamental Principles of State Policy are 'fundamental to the Governance of the country,' and guide the interpretation of Constitutional provisions. The Court has also observed that the article 8(2) provisions are compulsory and binding through the use of the word 'shall' and that non-justifiability does not mean that the State can continue to ignoring the Fundamental Principles of State Policy indefinitely. In addition to the Constitution, Bangladesh is committed to the achievement of socio-economic rights through the ratification of various international human rights instruments (including the International Covenant on Economic, Social and Cultural Rights). In terms of socio-economic indicators, the country has made significant progress in the areas of access to food, health, and education. The World Bank: *Bangladesh Country Assistance Strategy 2011-2014* (2010); World Bank: *Bangladesh Strategy for Sustained Growth*. Cited in *Perceptions, Attitudes and Understandings Baseline Survey on Human Rights in Bangladesh*.

There has been a significant reduction in poverty and gender disparity in education and health services; enrolment in primary education has increased; and high enrolment of girl which were reflected in the MDG achievements. Regarding health WATSAN access, immunizing coverage, programme, the control of infectious child diseases contributed to a substantial reduction in the child mortality rate.

The country's achievements in these areas from a human rights perspective the achievements are less than might be expected (Osmani, S: *Realising the Rights to Development in Bangladesh: Programmes and Challenges* (2010) Cited in *Perceptions, Attitudes and Understandings Baseline Survey on Human Rights in Bangladesh*).

7.1 Services that government should provide as free

In average of 90% wants Health care and Education is in the top of the list. Shelter, Security, Food and Clothing is also their wants from government.

Table 32: Services that government should provide as free

| | Women | Youth | Student | Disabilities | Indigenous | Third gender | Dalit |
|---------------------|--------|--------|---------|--------------|------------|--------------|--------|
| Health care | 19.50% | 18.70% | 18.80% | 17.50% | 18.80% | 15.30% | 17.30% |
| Education | 18.40% | 18.40% | 19.30% | 17.20% | 16.50% | 14.80% | 18.50% |
| Shelter | 13.80% | 12.70% | 12.70% | 13.90% | 13.10% | 15.20% | 13.70% |
| Food | 14.10% | 13.60% | 12.80% | 15.10% | 13.00% | 13.80% | 14.50% |
| Clothing | 10.80% | 11.10% | 11.10% | 12.10% | 11.10% | 13.40% | 10.70% |
| Road communications | 9.60% | 10.80% | 10.80% | 11.10% | 13.00% | 12.90% | 11.20% |
| Security | 13.40% | 13.70% | 14.10% | 12.60% | 14.10% | 14.30% | 13.70% |
| Others | 0.30% | 0.70% | 0.30% | 0.10% | 0.00% | 0.40% | 0.40% |
| Do not know | 0.10% | 0.30% | 0.00% | 0.30% | 0.20% | 0.00% | 0.10% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

7.2 Should the government provide food for poor children when they are at school

Table 33: Free food policy for poor children

| | Women (%) | Youth (%) | Student (%) | Disabilities (%) | Indigenous (%) | Third gender (%) | Dalit (%) |
|-------------|-----------|-----------|-------------|------------------|----------------|------------------|-----------|
| Yes | 96.2 | 95.0 | 97.4 | 92.4 | 97.5 | 97.1 | 94.5 |
| No | 2.0 | 3.1 | 2.3 | 2.2 | .4 | 2.9 | 4.1 |
| Do not know | 1.8 | 1.9 | .3 | 5.4 | 2.1 | 0 | 1.4 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

96.2% women, 95% of youth, 97.4% students, 97.5% of disabilities, 97.5 Indigenous, 97.1% Third gender and 94.5% of dalits said that government should provide food for poor children when they are at school. It motivates them. The number of school coming children has increased due to supply of food.

7.3 When did the government evict people from unauthorized urban slums

48.1% have answered to develop the city, 33.4% have answered to reduce crime, 26.8% have said to modernize the city.

Table 34: The government evict people from unauthorized urban slums

| | Beneficiaries | Control | Total |
|---------------------|---------------|---------|-------|
| To develop the city | 289 | 83 | 372 |
| | 48.10% | 45.60% | |

| | | | |
|-------------------------------|--------|--------|-----|
| To modernise the city | 161 | 40 | 201 |
| | 26.80% | 22.00% | |
| To reduce crime | 201 | 36 | 237 |
| | 33.40% | 19.80% | |
| To make the city clean | 125 | 22 | 147 |
| | 20.80% | 12.10% | |
| To ensure a clean environment | 45 | 14 | 59 |
| | 7.50% | 7.70% | |
| Others | 7 | 6 | 13 |
| | 1.20% | 3.30% | |
| Do not know | 153 | 63 | 216 |
| | 25.50% | 34.60% | |
| Total | 601 | 182 | 783 |

7.4 Who should be able to use government owned resources such as land, forest, and water bodies to help them earn living

Majority of them 81.5% beneficiaries have said landless should be able to use government owned resources. 63.7% beneficiaries have said poor people. People in need of it should have the right to use it.

Table 35: People need to use government owned resources

| | Beneficiaries | Control | |
|-------------------------------------|---------------|---------|-----|
| Landless | 490 | 136 | 626 |
| | 81.50% | 74.70% | |
| Farmers who usually cultivate crops | 208 | 44 | 252 |
| | 34.60% | 24.20% | |
| Ruling party people | 32 | 4 | 36 |
| | 5.30% | 2.20% | |
| Farmer's cooperative society | 58 | 12 | 70 |
| | 9.70% | 6.60% | |
| Any interested person | 81 | 30 | 111 |
| | 13.50% | 16.50% | |
| Those who are in possession | 35 | 4 | 39 |
| | 5.80% | 2.20% | |
| Poor people | 383 | 118 | 501 |
| | 63.70% | 64.80% | |
| Fishermen | 61 | 12 | 73 |
| | 10.10% | 6.60% | |
| Others | 3 | 0 | 3 |
| | 0.50% | 0.00% | |
| Do not know | 8 | 6 | 14 |
| | 1.30% | 3.30% | |
| Total | 601 | 182 | 783 |

Chapter 8

Child Rights

Bangladesh conforms to Convention on the Rights of the Child (CRC).

8.1 Rights for boy-children

Regarding basic child rights, for boys 50.3% considered protection from abuse. 49.9% have answered the right to freedom of thought and conscience. For girl's protection from abuse was considered by 58.5%, 45.6% considered the right to freedom of thought and conscience, 50.7% considered protection from physical violence, 49.6% considered protection from mental violence are crucial.

Table 36: Basic child rights

| | Boy | | | Girl | | |
|--|-------------------|---------|------------------|----------------|---------|------------------|
| | Number of answers | Percent | Percent of cases | Number answers | percent | Percent of cases |
| The right to freedom of thought and conscience | 391 | 12.20% | 49.90% | 357 | 9.60% | 45.60% |
| Not to be separated from the parents against their will, unless the separation is in the best interests of the child | 278 | 8.70% | 35.50% | 228 | 6.10% | 29.10% |
| Not to be trafficked | 164 | 5.10% | 20.90% | 202 | 5.40% | 25.80% |
| To be brought up / cared for by both parents | 309 | 9.60% | 39.50% | 328 | 8.80% | 41.90% |
| To be protected from physical violence | 370 | 11.50% | 47.30% | 397 | 10.60% | 50.70% |
| To be protected from mental violence | 345 | 10.80% | 44.10% | 388 | 10.40% | 49.60% |
| To be protected from abuse | 394 | 12.30% | 50.30% | 458 | 12.30% | 58.50% |
| To be protected from sexual abuse | 193 | 6.00% | 24.60% | 462 | 12.40% | 59.00% |
| To education at state expense | 216 | 6.70% | 27.60% | 226 | 6.10% | 28.90% |
| To receive healthcare | 270 | 8.40% | 34.50% | 280 | 7.50% | 35.80% |
| To play | 185 | 5.80% | 23.60% | 184 | 4.90% | 23.50% |
| To be treated in a way that takes their special needs into account when they break the law | 39 | 1.20% | 5.00% | 192 | 5.10% | 24.50% |
| Others | 13 | 0.40% | 1.70% | 4 | 0.10% | 0.50% |
| Do not know | 37 | 1.20% | 4.70% | 28 | 0.70% | 3.60% |
| Total | 3204 | 100.00% | 409.20% | 3734 | 100.00% | 476.90% |

8.2 Rights for girl children

59.0% have said to be protected from sexual abuse. 58.5% have said to be protected from abuse. 50.7% have said to be protected from physical violence. 93.2% Beneficiaries and 94.5% Control thinks that “yes” child labour potentially is harmful to a child.

Table 37: Child labour potentially harmful to a child

| | Beneficiaries | Control | Total |
|-------------|---------------|---------|---------|
| Yes | 560 | 172 | 732 |
| | 93.20% | 94.50% | 93.50% |
| No | 21 | 8 | 29 |
| | 3.50% | 4.40% | 3.70% |
| Do not know | 20 | 2 | 22 |
| | 3.30% | 1.10% | 2.80% |
| Total | 601 | 182 | 783 |
| | 100.00% | 100.00% | 100.00% |

8.3 Laws or government policies that deal with child labor

56.4% of the total respondents said yes there are laws or government policies that deal with child labour. 38.70% have answered that they do not know about it.

Table 38: Laws or government policies that deal with child labour

| | Beneficiaries | Control ⁶⁵ | Total |
|-------------|---------------|-----------------------|---------|
| Yes | 350 | 92 | 442 |
| | 58.20% | 50.50% | 56.40% |
| No | 27 | 11 | 38 |
| | 4.50% | 6.00% | 4.90% |
| Do not know | 224 | 79 | 303 |
| | 37.30% | 43.40% | 38.70% |
| Total | 601 | 182 | 783 |
| | 100.00% | 100.00% | 100.00% |

8.4 Marry off a girl under the age of 18

“Child marriage is any formal marriage or informal union where one or both of the parties are under 18 years of age. each year, 12 million girls are married before the age of 18. that is 23 girls every minute. Nearly 1 every 3 seconds”⁶⁶.

At its heart, child marriage is rooted in gender inequality and the belief that girls and women are somehow inferior to boys and men. Child marriage is a complex issue. Poverty, lack of education, cultural practices, and insecurity fuel and sustain the practice. But drivers will vary from one community to the next and the practice may look different across regions of Bangladesh, even within the same community, or religion. In many communities where child marriage is practiced, girls are not valued as much as boys – they are a burden on their family. Marrying your daughter at a young age can be viewed to ease economic hardship by transferring this ‘burden’ to her husband’s

⁶⁵ Control= Not direct beneficiaries of NHRC, B through any NGO

⁶⁶ <https://www.girlsnotbrides.org/about-child-marriage/2020>

family. Child marriage is also driven by patriarchal values and the desire to control female sexuality, for instance, how a girl should behave, how she should dress, who she should be allowed to see, to marry, etc. Families closely guard their daughters' sexuality and virginity in order to protect the family honor. Girls who have relationships or become pregnant outside of marriage are shamed for bringing dishonor on their family. Child marriage is a traditional practice that in many places happens simply because it has happened for generations. In some communities, when girls start to menstruate, they become women in the eyes of the community. Marriage is therefore the next step towards giving a girl her status as a wife and mother. Harmful traditional practices can be linked to each other. In south East, and North East part of Bangladesh, child marriage usually follows the start of menstruation which is considered a rite of passage to womanhood. Traditional practices often go unquestioned because they have been part of a community's life and identity for an exceptionally long time. Lots of girls from the poorest families in the rural/urban areas of Bangladesh are married as children. People's perception is that *"where poverty is acute, families and sometimes girls themselves believe that marriage will be a solution to secure their future"*. Giving a daughter in marriage allows parents to reduce family expenses by ensuring they have one less person to feed, clothe and educate. Families may also see investing in their son's education as more worthwhile investment. In some cases, marriage of a daughter is a way to repay debts, manage disputes, or settle social, economic, and political alliances. In communities where a dowry or 'denmohor' (bride price) is fixed while marrying or paid after marriage, it is often welcome income for poor families; in those where the bride's family pays the groom a dowry, they often have to pay less money if the bride is young and uneducated. Many parents marry their daughters young because they feel it is in her best interest, often to ensure her safety in areas where girls are at high risk of harassment and physical or sexual assault. Child marriage can increase in humanitarian crises, such as after a natural disaster (which is frequent in Bangladesh). When families face even greater hardship, they may see child marriage as a coping mechanism in the face of poverty and violence.

As all these facts, phenomenon is almost applicable for Bangladesh, 93.5% beneficiaries and 91.2% control group respondents think that girl under the age of 18 should not marry off (figure 39). In recent time people's perception is changing. They are sending their girls to school.

Table 39: to marry off a girl under the age of 18

| | Beneficiaries | Control | Total |
|-------------|---------------|---------|---------|
| Yes | 32 | 12 | 44 |
| | 5.30% | 6.60% | 5.60% |
| No | 562 | 166 | 728 |
| | 93.50% | 91.20% | 93.00% |
| Do not know | 7 | 4 | 11 |
| | 1.20% | 2.20% | 1.40% |
| Total | 601 | 182 | 783 |
| | 100.00% | 100.00% | 100.00% |

8.4.1. Child marriage: comparisons between 2011, 2015 and 2020

The legal age of marriage in Bangladesh is currently 18 for women and 21 for men. Bangladesh's Child Marriage Restraint Act (CMRA), first passed in 1929 and subsequently amended several times, makes it a criminal offense to marry or facilitate the marriage of a girl under 18 or a man or boy under 21, but the law has rarely been enforced and is widely ignored.

Bangladesh has the fourth-highest rate of child marriage in the world after Niger, the Central African Republic, and Chad, according to the United Nations children’s agency, UNICEF.⁶⁷ In the period 2005 to 2019 according to UNICEF and data collected partly by NHRC, B’s UNDP supported HRP projects 2019 and NHRC’s other previous capacity development projects in 2005, 2011, show that 29 percent of girls in Bangladesh married before the age of 15 and 65 percent married before the age of 18.

When asked about how they had made decisions about when their daughters should marry, families interviewed for this report talked again and again about poverty. Girls described parents deciding to marry them off simply because the family was going hungry. Many families also linked poverty, education, and child marriage, saying that they arranged a marriage for their daughter because they were too poor to keep her in school. Many of the families interviewed are so poor that even the smallest expense associated with school, for example, exam fees which may be as little as Tk. 30, is unaffordable. Social norms and gender discrimination lead parents to view their sons as future economic providers and their daughters as burdens who eventually leave for their marital home—meaning that families are more likely to pull their daughters from school first when money is short. Poverty also prevents boys from attending school. Schools do little to retain students, prevent child marriages, or educate students about sexual and reproductive rights and the fact that child marriage is illegal and harmful.

Child marriage in Bangladesh is associated with many harmful consequences, including health dangers associated with early pregnancy, lower educational achievement for girls who marry earlier, a higher incidence of spousal violence, and an increased likelihood of poverty.

8.5 Student group

8.5.1 Rights that boy children should have

Children should have the right to freedom of thought and conscience. Also, right to be protected from physical violence and mental violence.

Table 40: Child rights student group

| | Boy | | | Girl | | |
|--|-------------------|---------|------------------|-------------------|---------|------------------|
| | Number of answers | Percent | Percent of cases | Number of answers | percent | Percent of cases |
| The right to freedom of thought and conscience | 510 | 12.80% | 65.10% | 498 | 10.30% | 63.60% |
| Not to be separated from the parents against their will, unless the separation is in the best interests of the child | 299 | 7.50% | 38.20% | 278 | 5.80% | 35.50% |
| Not to be trafficked | 223 | 5.60% | 28.50% | 353 | 7.30% | 45.10% |
| To be brought up / cared for by both parents | 363 | 9.10% | 46.40% | 417 | 8.70% | 53.30% |
| To be protected from physical violence | 486 | 12.20% | 62.10% | 490 | 10.20% | 62.60% |
| To be protected from mental violence | 457 | 11.50% | 58.40% | 489 | 10.20% | 62.50% |

⁶⁷ <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>, 2020

| | | | | | | |
|--|------|---------|---------|------|---------|---------|
| To be protected from abuse | 446 | 11.20% | 57.00% | 540 | 11.20% | 69.00% |
| To be protected from sexual abuse | 281 | 7.00% | 35.90% | 537 | 11.20% | 68.60% |
| To education at state expense | 270 | 6.80% | 34.50% | 310 | 6.40% | 39.60% |
| To receive healthcare | 289 | 7.20% | 36.90% | 339 | 7.00% | 43.30% |
| To play | 275 | 6.90% | 35.10% | 283 | 5.90% | 36.10% |
| To be treated in a way that takes their special needs into account when they break the law | 81 | 2.00% | 10.30% | 276 | 5.70% | 35.20% |
| Do not know | 7 | 0.20% | 0.90% | 6 | 0.10% | 0.80% |
| Total | 3987 | 100.00% | 509.20% | 4816 | 100.00% | 615.10% |

8.5.2 Rights that girl children should have

Respondents answered that girl children should have right to - be protected from sexual abuse, the right to freedom of thought, conscience, and religion, protected from mental and physical violence.

8.6 Negative consequences early marriage has on girls and women in Bangladesh

Negative consequences of early marriage - 78.6% Beneficiaries and 70.3% control thinks that they will have health problems. 72.0% beneficiaries and 70.9% control group think that they will be they will be less educated. They become mothers before they are ready, and they are not physically ready are also mentioned by more than 50% respondents.

Table 41: Negative consequences early marriage

| | Beneficiaries | Control | Total |
|---|---------------|---------|-------|
| They will be less educated | 450 | 112 | 562 |
| | 72.00% | 70.90% | |
| They will have health problems | 491 | 111 | 602 |
| | 78.60% | 70.30% | |
| They become mothers before they are ready | 374 | 105 | 479 |
| | 59.80% | 66.50% | |
| They do not have economic independence | 119 | 41 | 160 |
| | 19.00% | 25.90% | |
| They have less fear of abuse by husbands | 61 | 21 | 82 |
| | 9.80% | 13.30% | |
| They are not mentally ready | 362 | 100 | 462 |
| | 57.90% | 63.30% | |
| They are not physically ready | 369 | 104 | 473 |
| | 59.00% | 65.80% | |

| | | | |
|--------------------------|-------|-------|-----|
| No negative consequences | 28 | 5 | 33 |
| | 4.50% | 3.20% | |
| Others | 7 | 0 | 7 |
| | 1.10% | 0.00% | |
| Do not know | 1 | 1 | 2 |
| | 0.20% | 0.60% | |
| Total | 625 | 158 | 783 |

Chapter 9

Complainants' satisfaction on complaint handling by NHRC, BD

9.1 Complainants' satisfaction on complaint handling by NHRC, B

One of the primary functions of the NHRC, B is to receive complaint and initiate investigation into the violation of HR by public servants or law enforcing police/RAB/army or any other citizen. The violation can occur through acts of commissions and omission, or through negligence on their part to prevent the violation of human rights even when brought to their notice. HR violation in Bangladesh stem as much from the abuse of power by public servants as from the dereliction of their public duties. NHRC,B has the power to investigate complaints alleging the violation of human rights both *Suo-moto or on petition* presented by victim or any person on this behalf. *Complaints may be made to commission in Bangla or English in prescribed form*⁶⁸The complainant is required to disclose the complete details of the matter leading to the complaint. These complaints are usually rejected because the issue raised or the complaint per se may be: (i) Illegible. (ii) Vague, anonymous or pseudonymous; (iii) Trivial or frivolous; (ii) An allegation that is not against any public servant; (iii) Related to civil dispute, such as property rights, contractual obligations and the like; (iv) Related to service matters; (v) Related to labor/industrial disputes; (vi) Pertaining to allegations that do not signify any specific violation of human rights; (vii) Related to a matter that is sub-judice before a court or a tribunal; (viii) Concerned with a matter that is covered by a judicial verdict/decision of the Commission; (ix) Only a copy of the complaint addressed to some other authority (with a copy endorsed to the Commission); (x) Pertaining to a matter which is outside the purview of the Commission on any other grounds. Under its delegated powers, the Commission cannot prescribe what the substantive law has not delegated.

The complainant is required to disclose the complete details of the matter leading to the complaint. Before proceeding to take cognizance of the matter, the Commission may seek further information or an affidavit from the complainant or the victim as may be considered necessary. Persons who are illiterate can seek assistance from the help counter of the Commission in drafting the complaint. In case the complainant suffers from a disability, the officials at the desk counter assist him/her in drafting the complaint on the latter's behalf.

After scrutiny, the complaint is sent for registration and is recorded in a common register in the Law Section, wherein a case number and State code is generated that is used for future reference.

It was learnt that when cases did not fall within the purview of the NHRC,B for one or more reasons the cases were dismissed, or the cases dismissed with directions for further action or investigation. Sometimes complainants approached the NHRC, B without having a precise knowledge of exclusions sometimes complaint endorse a copy of the complaint to several government agencies on the same issue, including the NHRC, B.

One of the objectives of the assignment was to examine the complainants' satisfaction on complaint handling, investigation, and mediation mechanism of the NHRC, B.

The procedures are that a victim of violence/depriver of HR /not given rights as per constitution of the country.

NHRC was requested to provide some example of cases, and at the 11th hour they have provided with the below stated 5 cases, which have been analysed by consultant and given below his

⁶⁸Annexure ...

submission in the table. Worth mentioning that the procedure for submission of a complaint seems lengthy one and there are lots of bureaucratic steps.⁶⁹

During the preliminary stage, the Commission may pass one of the following orders:

- Reject the complaint.
- Dismiss with directions/transmit to the concerned authority with directions to act as deemed fit.
- Transfer to the concerned State Human Rights Commission.
- Issue Notice: To police to collect facts/to investigate/ to the concerned authority to send a report
- In case of urgency, the Commission directs that the facts be transmitted, and the relevant information be collected on telephone. A copy of the notice is endorsed and sent to the complainant as well.

Table:42 Complainants' satisfactions

| Case# | Subject | What has been done by NHRC | comments |
|--------|---|--|--------------------------|
| 234/18 | Divorcee father wanted to see his daughter, ex. Wife, in laws reluctant to allows | Investigated, facilitated as requested by the applicant | Uphold his HR. Well done |
| 289/14 | Migrant female workers in Sudan were deprived of HRs, beaten, sexually harassed. They wanted to return home. | No action could be taken as that time, there was not Bangladeshi Embassy in Khartoum | Procedure is lengthy |
| 589/14 | Un lawfully Lang grabbing from neighbour's land | Complicated case, lengthy process- no results yet | Procedure is lengthy |
| 136/16 | Pension dispute of a govt. employee | Investigated, suggested remedy, and resolved | Procedure was lengthy |
| 102/18 | BLAST and Ain o Salish Kendo jointly lodged a case against a schoolteacher who violating Supreme court Rule used to beat students in School | NHRC investigated the case, found truth of complain and suggested punishment as per law. | Implemented |

It was revealed from the 'case studies' that Commission sent the notice for seeking information/report from the concerned authority (vide tab. 42)

When a member takes up a case for final disposal, the Presenting Officer (PO) attached to the member studies the case and prepares a note for consideration of the Commission. The note is slated to contain information on whether the allegations in the complaint are substantiated or not. In case of contradictions, the Commission may ask its investigation team to proceed to conduct an 'on the spot' inquiry, or direct an independent investigation agency to conduct investigation, or get some senior officer of the Commission to inquire into the complaint.

Out of the 5 cases delineated in Table 42, all 5 cases were investigated by NHRC but it was not found what were the end results of the 4 cases after investigation were carried out but only one case got positive end results.

⁶⁹ See procedure and form at Annexure

Chapter 10

Emerging issue: strengthening social inclusion

10.1 Emerging issues

After a decade of sustained growth, Bangladesh is gradually transforming into one of the most dynamic areas in Asia, but it also has clear and persistent disparities. Extreme poverty has been dramatically reduced since independence of the country. However, about 25 million people still live below the \$1.90/day poverty line who are particularly vulnerable to shocks (like now during the pandemic of Corvid 2019) and are at risk of falling back into extreme poverty. Income inequality has risen or remained at a high level, and significant no income disparities exist in access to decent jobs, quality education and training, health services, and social protection. Access to and affordability of basic services such as electricity, water and sanitation, and transport remain a challenge for many people. Urbanization, climate change, demographic transition, digital technology, the changing nature of work, and migration all-risk the creation of new vulnerabilities and vulnerable groups. Furthermore, significant gender disparities persist and often intersect with other vulnerabilities, thereby limiting potential for growth and attainment of equal opportunities for half of the population. Vision 2030 of Bangladesh acknowledges the complexities and calls for a focus on addressing remaining poverty and reducing inequalities.

Hence, social inclusion of disadvantaged youth; older people; people with disabilities⁷⁰; and those discriminated against based on their gender, ethnicity, religion, class, or sexual identity has developed good guidance which should be updated to (i) address links to the Sustainable Development Goals; (ii) clarify how the broad umbrella should be resourced and organized to feed into project design and key areas of analysis, such as gender, participation, and safeguards; There is a need to (i) ensure that the tools and guidance better address the diversity of issues, social groups, and definitions of poverty and vulnerability across Bangladesh (ii) develop harmonized approaches to monitoring and reporting; and (iii) help ensure that the tools and capacity building are adequately aligned with national poverty reduction and inclusivity agendas.

To quickly adapt and develop effective responses to rapid social and economic changes, conducting targeted research on emerging poverty and inclusion issues and differential impacts on vulnerable populations is necessary.

Key areas for investigation include disability inclusion, climate change and disaster resilience, migration, and displacement, and impacts of technology or other disruptors in sectors. Disability inclusion is an area where targeted research and strengthened operational approaches are needed. Many people with a disability face extreme poverty because of lack of access to and exclusion from opportunities. They represent one of the most left behind segments of the population. The urban poor are among the most vulnerable to shocks as they have fewer assets, are typically excluded from formal decision-making processes, and often live in unorganized settlements in the most hazardous parts of cities that are at a higher risk of being affected by Pandemic diseases like corona virus, climate change and disaster-related events.

⁷⁰Of the 1 billion people with some form of disability globally, 70% live in Asia. Authentic total number for Bangladesh is unavailable. A study in 2015 showed that 5.6% people in Bangladesh have disability of one kind or another. Among the persons with disabilities, percentage share of different types of impairments are hearing 18.6%, visual 32.2%, speech 3.9%, physical 27.8%, intellectual 6.7% and multiple 10.7%.(source: <https://www.google.com/search?q=people+with+physical+and+mental+disabilities+in+Bangladesh&oq=people+with+physical+and+mental+disabilities+in+Bangladesh>)

Targeted research in emerging areas will help improve the quality of analysis and design of interventions and facilitate the development of a network of researchers and collaborators across Asia and improve knowledge dissemination. Supporting each other to create better and more impactful projects and replicable approaches.

Using technologies such as geographic information systems. The work on gender and social inclusion in the rapidly transforming rural and urban sectors is an example of the importance of combining targeted research with strong external partnerships and capacity building analytical tools to assess gender and other distributional impacts; and developing approaches to assess the poverty and social impacts of climate change, economic empowerment, market access, and land use will help embed effective approaches and test pioneering ones. In response to these challenges and issues, it is recommended that in future more serious attention should be given to this emerging issue “social inclusion” of these groups of disadvantaged youth; older people; people with disabilities; Dalits and those discriminated against based on their gender, ethnicity, religion, class, or sexual identity(LGBTIQ)

10.2 Baseline Surveys conducted in 2011 and 2020 (now) on the same issues

Table 43 displays data collected from the UNDP with other donors sponsored a ‘Baseline Survey on Human Rights in Bangladesh-2011’⁷¹ and almost on the same issue as survey conducted by IRG in 2019 “Perceptions, Attitudes and Understanding...”, it was attained that in comparison to 2011 the people’s perception has changed and increased in 30%. Major problems those were in 2011 [Poverty -38.2%, Deprived of basic rights (31%), Discrimination in the community -30.5%] totally changed in 2019 [Do not get rights as others (18.5%), Do not get equal opportunities for employment (16.5%), No education for children in mother-tongue (15.8%)]. In 2011 the survey did not include disadvantaged youth; people with disabilities; and those discriminated against based on their gender, ethnicity, religion, or sexual identity but in 2019 survey these socially excluded groups were included (please read table 43 for details).

Table43: Top ranked indicators in present data and in baseline data

| Indicators | <i>Baseline Study of 2011</i> | | <i>Satisfaction survey-2020 of NHRC-HRP</i> | |
|--|---|-------|---|-------|
| | Yes | No | Yes | No |
| People heard about human rights before | 49.8% | 50.2% | 80.3% | 19.7% |
| Top sources of information about human rights | <i>Baseline Study</i> | | <i>Satisfaction survey of NHRC-HRP</i> | |
| | TV (59.7%) Public (25%) Newspaper (23.6%) | | Educational Institution (23.2%) TV (18.6%) CSOs (13.9%) | |
| Peoples responses about men and women should have equal rights in Bangladesh | <i>Baseline Study</i> | | <i>Satisfaction survey of NHRC-HRP</i> | |

⁷¹Perceptions, Attitudes and Understandings, A Baseline Survey on Human Rights in Bangladesh, 2011

| | | |
|--|---|---|
| | Absolutely yes (13.3%) Yes (61%) No (21.4%) | Absolutely yes (37%) Yes (60.8%) No (0.3%) |
| Major problems faced by people in Bangladesh | <i>Baseline Study, 2011</i> | <i>Satisfaction survey of NHRC-HRP, 2020</i> |
| | Price hike of essentials (80.9%) Electricity/gas/water problem (51.6%) Communication and road problem (44.7%) Unemployment (30.6) | Right to health-related issues (56.9%) Political rights and civil rights (53.4%) Rights to food (51%) Economic, social and law order situation (48.7%) |
| Problems facing religious minorities in Bangladesh | <i>Baseline Study, 2011</i> | <i>Satisfaction survey of NHRC-HRP, 2020</i> |
| | Discrimination in the communities (15.1%) Violence or abuse by other religious groups (11.6%) Obstacles created in practicing religious events (8.4%) | Discrimination in the community (15.3%) Discrimination at work (8.9%) Do not have access to everywhere (8.1%) |
| Problems facing third gender in Bangladesh | <i>Baseline Study, 2011</i> | <i>Satisfaction survey of NHRC-HRP, 2020</i> |
| | | Discrimination in the community (12.3%) Discrimination by government (11%) Abused by law enforcing agencies (9.7%) |
| Problems facing indigenous peoples in Bangladesh | <i>Baseline Study</i> | <i>Satisfaction survey of NHRC-HRP</i> |
| | Discrimination within their communities (11%) Unequal rights compared to others (7.4%) Land occupations (7.1%) | Do not get rights as others (18.5%) Do not get equal opportunities for employment (16.5%) No education for children in mother-tongue (15.8%) |
| Problems facing people with disabilities in Bangladesh | <i>Baseline Study</i> | <i>Satisfaction survey of NHRC-HRP</i> |

| | | |
|--|--|---|
| | Poverty (38.2%) Deprived of basic rights (31%) Discrimination in the community (30.5%) | Lack of employment opportunities (87.6%) Discrimination in the community (65.4%) Discrimination in the family (64.9%) |
| Problems youth groups are facing in Bangladesh | <i>Baseline Study, 2011</i> | <i>Satisfaction survey of NHRC-HRP, 2020</i> |
| | | Lack of employment opportunities (24%) Lack of health services (18.6%) Discrimination in the community (13.2%) |



Picture: Undertaking the FGD

10.3. Baseline Surveys conducted in 2011 and changes in perceptions in 2015 and 2020 (now) on the same issues (all indicators are in %)

Table 44: Problems facing people with disabilities in Bangladesh in three studies

| | Baseline study 2011 | Follow up study 2015 | Satisfaction study 2020 |
|--|------------------------|-------------------------|----------------------------|
| Discrimination in the community (2) | 31 | 57 | 65.4 |
| Discrimination by the government | 0 | 0 | 38.9 |
| Limited opportunities to access services | 0 | 0 | 22.7 |
| Discrimination in the family (3) | 0 | 0 | 64.9 |
| Lack of employment opportunities (1) | 15 | 41 | 87.6 |
| Lack of health services | 25 | 46 | 77.8 |
| Deprived of basic human and other rights | 31 | 62 | 45.9 |
| Don't know | 11 | 6 | 5.9 |

In table (Table 44) secondary data was researched and collected from the reports of baseline study 2011 and follow up study of 2015 and compared them with primary data collected through questionnaire surveys for people with disability. It was revealed that in the issue of discrimination in the community only 31% opined that it was a number one problem in that time in the community which has gradually increased to 57% in 2015 and it is now in 2020 people's responses about it raised to alarming 65%. The same trend was found in case of lack of employment opportunities, deprivation of basic human rights and other rights, lack of health services.

State should undertake steps and implement measures aiming at initiating and maintaining effective public awareness campaigns designed to nurture receptiveness to the rights of persons with disabilities, positive perceptions and greater social awareness towards them; promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labor market; fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities; encouraging all organs of the media to portray persons with disabilities/differ genders/minority groups in a manner consistent with the purpose of the national constitution; and promoting awareness-training programmes regarding the rights of persons.

Civil society organizations need to come together around a common objective: promoting inclusive international development and humanitarian action with a special focus on the full and effective enjoyment of human rights by all people with disabilities. A broad consortium, their membership needed includes disabled people's organizations, non-governmental development organizations, national networks and international member-based networks. Partnership is at the heart of what should be done and continue doing and as well as a dynamic internal collaboration we have built up a trustworthy reputation among disability organizations, donors and experts, many of which are close partners.

Table 45: Most important problems facing indigenous peoples in Bangladesh in three studies

| | Baseline study 2011 | Follow up study 2015 | Satisfaction study 2020 |
|--|------------------------|-------------------------|----------------------------|
| Discrimination in the community | 11 | 35 | 63.3 |
| Torture by government forces | 0 | 0 | 19 |
| Violence by other groups | 0 | 18 | 26.6 |
| Land occupations | 7 | 18 | 29.1 |
| Lack of representation in government activities | 0 | 0 | 50.6 |
| No education for children in mother-tongue (3) | 4 | 13 | 68.4 |
| No rights over forest produce | 0 | 0 | 32.5 |
| Indigenous people do not get rights as others do (1) | 7 | 19 | 76.4 |
| Do not get equal opportunities for employment (2) | 0 | 0 | 74.7 |
| Forced conversions | | | 4.2 |
| Restrictions for free movement | 6 | 21 | 42.6 |
| No problems | 0 | 8 | 0.8 |
| Do not know | 0 | 43 | 9.7 |

In table (Table 45) secondary data was researched and collected from the reports of baseline study 2011 and follow up study of 2015 and compared them with primary data collected through questionnaire surveys show for indigenous people. It was revealed that in the issue of most important problem faced by indigenous people discrimination in the community only 11% opined that it was a number one problem in that time in the community which has gradually increased to 35% in 2015 and it is now in 2020 their responses about it raised to alarming 63%. The same trend was found in case of lack of employment opportunities, land occupation by others, Indigenous people do not get rights as others do deprivation of basic human rights and other rights, restriction for free movement. 6%, 21% and 43% respectively in 2005, 2011 and in 2020 year.

Table 46: Problems facing religious minorities in Bangladesh in three studies

| | Baseline study 2011 | Follow up study 2015 | Satisfaction study 2020 |
|--|------------------------|-------------------------|----------------------------|
| Discrimination in the community (1) | 15 | 36 | 76.4 |
| Discrimination by government | 0 | 6 | 21.9 |
| Abused by law enforcing agencies | 1 | 8 | 27.7 |
| Violence/abuse by other religious groups | 12 | 22 | 37 |
| Not allowed access on to own land | 0 | 0 | 20.5 |
| Occupation of their land by others | 4 | 24 | 19.9 |

| | | | |
|---|---|----|------|
| Don't have access to everyplace (2) | | | 40.4 |
| Sexual harassment | 0 | 10 | 25.3 |
| Sexual violence | 0 | 0 | 16.1 |
| Discrimination by others of the same religious community or caste | 0 | 23 | 35.6 |
| People related to the administration create problems | 0 | 0 | 10.3 |
| Politically victimized | 4 | 19 | 15.4 |
| Become victims of post-election violence | 0 | 0 | 13 |
| From perusing education | 0 | 0 | 22.9 |
| In respect of getting employment | 0 | 0 | 31.2 |
| Discrimination at work (2) | 0 | 16 | 44.5 |
| In case of promotion | 0 | 0 | 17.8 |
| Create obstacle in practicing religious events | 8 | 24 | 13 |
| No problems faced | 0 | 0 | 2.4 |

In table (Table 46) secondary data was researched and collected from the reports of baseline study 2011 and follow up study of 2015 and compared them with primary data collected through questionnaire surveys show for identification of problem faced by religious minorities. It was revealed that the most important problem faced by religious minorities was occupation of their land by other groups, people discrimination in the community only 11% opined that it was a number one problem in that time in the community which has gradually increased to 35% in 2015 and it is now in 2020 raised to alarming 63%. The same trend was found in case of lack of employment opportunities, land occupation by others, Indigenous people do not get rights as others do deprivation of basic human rights and other rights, restriction for free movement. 6%, 21% and 43% respectively in 2005, 2011 and in 2020 year. Same sorts of discrimination prevailed in the case of Creating obstacle in practicing religious events.

Chapter 11

Human Rights Awareness vital for creating a culture of human rights

Spreading Human Rights awareness among the common people in their understandable language is vital for creating a culture of human rights. Unless people are aware about their human rights, they cannot protect their rights or seek redressal when it is violated. The language of Human Rights Awareness literature, thus, should be simple enough to be understood by common people. HRP along with NHRC, B conducted some training sessions in Bangla on the Concepts of Human Rights in Bangladeshi Culture & Importance of Human Rights Education in Bangladesh. HRP conducted training in 20 Upazilla through local NGOs/CBOs/CSOs. People from all groups and religions are inspired in their own way by an innate concept of Human Rights. Rights and duties are interlinked. *“While rights without duties lead to arrogance, duties without rights lead to slavery”*. Hence, there is a need to maintain balance between rights and duties survey respondents stressed.

For the first time in Bangladesh, awareness raising is considered in a stand-alone provision. The prominence given to awareness raising is a consequence of the experience gained over the years in human rights implementation that shows that legal frameworks on their own are insufficient to bring about the changes in culture and attitudes that are necessary for the enjoyment of rights. In addition, awareness raising is key to combat stereotypes that lead to discrimination against persons with disabilities/ third genders/ religious minorities/women/girls/children/Dalits.

Awareness raising has different dimensions that need to be properly identified to achieve effective changes in society. According to existing training sessions conducted by different NGOs/CBOs/CSOs on awareness raising programmes need to reflect this multidimensional perspective in connection to the objective behind each action. To achieve this, people working on awareness raising need to understand the stigma, stereotypes and prejudice that usually operate on persons with disabilities/different genders and define the purpose of the programme and the target audience.

Empowerment of persons with disabilities, different genders/ minority groups through guaranteeing their access to information on their rights is key, and this could be achieved through different communication strategies, including massive campaigns. Nevertheless, societal change requires attitude-changing programmes that have their particularities when it comes to persons with disabilities /groups/minority groups/re/different genders religious minorities/Dalits etc..

In addition, media has an important role to play both to communicate from a human rights perspective and to portray persons with disabilities /groups/minority groups/re/different genders religious minorities/Dalits etc.in their real dimension.

Rights of Persons with Disabilities/different genders/women/children/Dalits recognize the importance of awareness raising and promotes an approach to it that provides for raising awareness throughout society, including at the family level, regarding persons from different groups, and to foster respect for their rights and dignity; combating stereotypes, prejudices and harmful practices relating to persons belonging to different groups (like with disabilities), including those based on sex and age, in all areas of life; and promoting awareness of the capabilities and contributions of persons from all those groups.

Worth mentioning that State should undertake steps and implement measures aiming at initiating and maintaining effective public awareness campaigns designed to nurture receptiveness to the rights of persons with disabilities, positive perceptions and greater social awareness towards them; promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labor market; fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities; encouraging all organs of the media to portray persons with disabilities/differ genders/minority groups in a manner consistent with the purpose of the national constitution; and promoting awareness-training programmes regarding the rights of persons.

Chapter 12

Key Findings and Recommendations

12.1 Key Findings of the Study

Following key findings have been drawn from the study:

1. The National Human Rights Commission, Bangladesh (NHRC, B) is currently being supported by UNDP, SDC and Sweden Sverige through the “*Human Rights Programme*” (HRP). One of the activities was to enhance human rights awareness. It was revealed from survey that more than 72% of respondents seriously want to know more about Human rights issues. This percentage has increased substantially in comparison to the baseline survey of 2011. HRP as well undertook awareness programmes of key civil society interventions to improve human rights coalitions across the country which also had good impact on rural people. Hence, NHRC, B may continue to enhance awareness of the people about Human Rights issues and the National Human Rights Commission, Bangladesh.
2. People’s perception is that law enforcers, including the police be more careful in conducting drives to arrest the criminal and committing ‘extrajudicial killings’ and ensure all legal facilities for the accused during their arrest.
3. 85% of all respondents irrespective of group’s belonging replied that everybody has the right for fair trial, and as a part of HR, it should not be violated. ‘Fair trials lead to fair justice’ systems and they all form a part of the society.
4. A hungry child does not learn well, and respondents opined that it is the part of human rights that children get a decent meal every day at school.
5. It was divulged that work performance of Bangladesh police for the poor over the past 5/6 years was satisfactory and even improved in comparison to baseline survey conducted in 2011.
6. It is notable that all the groups are interested to learn more about Human rights issues, 15% of students, women and Indigenous groups are also interested to learn about human rights. Third gender and people with disability are also interested almost equally. People express wishes and demands for continued awareness programmes for the new generation citizens of Bangladesh.
7. Third gender people are very much conscious and aware of their rights for fair trial (99.4%), followed by students (89.9%) and Dalits (86.3%). Indigenous people (70%) among the surveyed population are least aware of it.
8. Among the respondents, highest percentage of Indigenous people (60.8%) consider that the quality of subordinate court’s service for the poor has increased in the last 5/6 years, followed by Dalits (43.8%) who are mostly marginal and mostly socially excluded population’s perception but their life practical experiences are positive. However, more effort needed for women as 34.5% of them consider situation is gradually improving in this regard.
9. Women (34.1%), Third gender people (11%), people with disabilities (16.8%) perceive the least positive change regarding Supreme court’s service for the people. This is an area where positive

changes needed as women, third gender and people with disabilities already experience marginality at society. Furthermore, disabled men, women, boys, and girl's access to social opportunities are affected not only by their gender and disability, but also their type of disability, the socioeconomic status of their family, their race/ethnicity etc.

10. Promisingly, indigenous population (50.2%) and Dalits (44.5%) are having the positive opinion about it as in rural Bangladesh it is difficult for the marginal groups to access formal court, whether they live in an urban or rural area, and a host of other factors.
11. Arbitration council can play a significant role. However, for many women in remotest and poorest family's arbitration council are major sources of justice, in this regard this need to provide better service to women and do proper justice to them as 41% women mentioned of improved situation regarding quality of such councils.
12. Regarding quality of government supported legal aid services in last 5/6 years same trend as other services is found in the study. Other than Third gender people, all other respondents consider significant improved services. Women still are not that satisfied as only 41% mentioned of better situation. Special programmes to address and ensure women's need in government legal services need more focused attention as gender discrimination and gender-based violence is evident not only in present study but also in several studies.
13. Violence is evident against women in all groups; alarmingly sexual violence is quite high. Child marriage is alarmingly high. Also, harassment through internet is significant.
14. In the 'control group'⁷² 18.2% are Restricted or blocked from participation in community or social events compared to 5% among beneficiaries. Thus, it indicates that in programme area people are having more freedom in participation in community and social events.
15. Regarding basic child rights, for boys 50.3% considered protection from abuse. 49.9% have answered the right to freedom of thought and conscience. For girl's protection from abuse was considered by 58.5%, 45.6% considered the right to freedom of thought and conscience, 50.7% considered protection from physical violence, 49.6% considered protection from mental violence are crucial.
16. 93.5% beneficiaries' groups and 91.2% control group respondents think that girl under the age of 18 should not marry off. In recent time people's perception is changing. They are sending their girls to school so that they do not get married at early ages.
17. For enhancing outcome of Non-state justice system (Salish, arbitration council etc.) for the poor GO-NGO collaboration would be able to exert positive impact towards removing the weakness of GO and limitations of the NGOs. Collaboration refers to public and private actors work together based on common goals, objectives and for strategies within the resources available. But there is a serious lack of collaboration between GO-NGOs in the legal aid program currently working in Bangladesh.

⁷² A control group in a formal questionnaire survey/experiment is a group separated from the rest of the experiment, where the independent variable being tested cannot influence the results. This isolates the independent variable's effects on the experiment and can help rule out alternative explanations of the experimental results. In our questionnaire survey this control group with no benefit from a previous/present HRP is called the control group. For details please read Annexed file.

18. NHRC, B took several measures to investigate and prosecute cases of abuse and killing by security forces. When surveyors asked quoting from The *Universal Declaration of Human Rights* (Universal Declaration) what is '*basic rights and fundamental freedoms*' to which all human beings are entitled, the majority of respondents replied and prioritised that '*No one shall be subjected to arbitrary arrest, detention or exile (1)*' and '*Everyone has the right to life, liberty and the security of person (2)*' and '*all human beings are born free and equal in dignity and rights (3)*'. These 3 conditions are most vital in HR issues for present socio-cultural and political atmosphere of Bangladesh (*results of survey conducted with 3234 respondents*).
19. When government organizations violate HR, majority scary people usually do not report to anybody but if compelled to report, then they report to the police, then try to influence public opinion, then they may arrange a press conference or keep silence to be in safe side.
20. In response to the question where and how did people come to find about NHRC, B, it was found that majority of the respondents came to know about NHRC, B through their local NGOs (*mostly because those NGOs are beneficiaries of NHRC, B / or contractor of NHRC, B maybe*), through television programmes/reports and at school. Few From friends, very few directly from NHRC, B, some from face book/social media.
21. survey conducted by IRGDSL also uncovered that physical violence, sexual abuse and violence, child marriage of adolescent girls, acid throwing, female violence by another female, rape, violence by '*mastans*'⁷³, domestic violence by husbands/relatives, harassment by police, violence by family members, violence from a Salish, trafficking in women and girls, misusing internet violence, harassment disturbances by mobile phone are all these types of violence specially women are widespread in rural as well as in urban areas of Bangladesh, as could be seen from evidences collected through surveys in rural and urban areas of Bangladesh (see Fig. 26) .among all from of violence most common and widespread are Sexual abuse and child marriage/early marriage are number one type of violence, sexual harassment and Sexual abuse/violence is number two type of frequent violence/ just physical and verbal harassment as evident from the survey conducted among 7 groups.
22. As per the field survey, respondents prioritized other challenges are as follows:
- Difficulties casting vote freely
 - Lack of human rights in the society
 - Scared of sending girl children to school
 - Indecision regarding when to marry/getting married, lack/obstacle of own choice of life partner, and
 - Lack of control over own body
 - Women are subordinate to men
 - Discriminatory division of property between men and women
 - Parents/guardians not sending girl children/hijras to school
 - Lack of human rights in the family/ home
 - Lack of inheritance rights in the family
 - Lack of control over own body and lack of decisions over childbearing/ cannot use birth control.
23. The key informants disclosed that youth groups are facing numerous problems in Bangladesh, among them most acute problem the youth are facing now is that there is a lack of

⁷³ Musclemen/hoodlum

employment opportunities (number one) and lack of health services (#2) and discrimination in the community (#3). 37.1% respondents also told that youth people have equal rights in Bangladesh, 62.4% told that 'happy' with this situation.

24. As NHRC, B does not fulfil all indicators of Paris principles, it has been awarded "B" grade status. Previously, before 2015 it was A grade. To overcome this degradation, NHRC, B supposed to work towards achieving coming back to A grade.
25. Students of Bangladesh facing lots of problems, especially female student become victims of gender-based violence like victim of early marriage (15.3%) and they do not have enough money to continue education (12.7%) even students have freedom of speech while they study
26. Discrimination against people with disabilities has generally reduced; this was the opinion of 31% of respondents. But discrimination on disable people by government when employing and providing services has increased substantially though there are laws and convention to protect them.
27. 3% of the respondents expressed that Indigenous people do not get rights as others do.15% has said they do not get equal opportunities for employment. No education for children in mother-tongue said by 13.70%.
 - Common Problems facing by third gender people in Bangladesh
 - Discrimination in the community 12.3%
 - Discrimination by government 11%
 - Abused by law enforcing agencies 9.7%
28. Religious minority group: when surveyors asked the respondents weather a member of their household has been discriminated against or treated differently on the ground of their religious beliefs in the past year: 60.30% beneficiaries and 35.50% control group respondents have said that they have, at the same time 29.10% beneficiaries and 41.90% control group respondents have said that they have not faced it.
29. Dalits of our society should have equal right: 56.50% beneficiaries and 56.40% of control group said yes. 43.00% Beneficiaries and 41.80% of control group also have also said yes.
30. Constitution of Bangladesh ensures rights of all people without discrimination. However, study shows in practice discrimination at community. Lack of facilities of education by mother tongue is a concern mentioned by some respondents.
31. Regarding equal right (men, women/third gender people) majority of the respondents said that they think everyone is human being and should have equal right. Which means people's mindset is changing regarding gender equality.
32. Inequality between man and women - Majority of them said during religious ceremonies they see inequality. Some of them have also said in terms of the clothes they wear. Muslims women are bound to maintain *Purda*. Deciding where they can and cannot go also describes inequality. Women are not allowed to leave house without the permission from men.

33. 90% respondents want Health care and education services free of cost. Shelter, Security in the society, Food and Clothing is also in their 'want's list which they want free of cost from government.
34. Early marriage has many negative consequences – If they marry a girl early, she can have health problems. Their education will stop. They will not be independent. They will end up giving birth to child and that will also have a negative impact on their health.

12.2 Recommendations

1. Respondents prioritised 4 among 20 options of present-day problem related to Human rights violations. Number one was 'political rights and civil rights 'related problems while the next three are rights to health-related issues, economic and social and law order situation, and could not vote freely as wanted. HRP to take more proactive steps to ensure HR is protected appropriately and take appropriate actions about this outcome from people's perception.
2. Human Rights Council, Treaty Bodies and Joint Submissions of NGOs & INGOs recommend that Bangladesh to comply with the Paris Principles by strengthening institutional capacity, financial and human resource and to directly investigate all alleged human rights violation including the alleged violation by the law enforcing agencies through the amendment of NHRC, B Act and Rules in compliance with Paris Principles. The SCA of Global Alliance of NHRI(GANHRI) expressed their satisfaction with the performance of NHRC, Bangladesh but because of absence of fully compliance of Paris Principles, the NHRC, B was not awarded with the "A" status of GANHRI and full membership of APF of NHRI. In view of the above it is recommended that the NHRC Act and rules need to be revisited.
3. Religious minority groups, third gender people, Dalits are discriminated in our society. Their HR should not be violated at all. HRP should take proper actions Needed to protect their rights as equal citizens of the country.
4. The Human Rights Programme (HRP) is excellently supporting the National Human Rights Commission, as well as key civil society interventions to improve human rights coalitions across the country. As the HRP is scheduled to end on 31 December 2020 and as planned activities have not been accomplished to the end, it is highly recommended that UNDP and its development partners may develop a plan for the next phase of human rights and justice programme for the strengthening HR issues in Bangladesh.
5. It is recommended that in future more serious attention should be given to emerging issue "social inclusion" of these groups: disadvantaged youth; older people; people with disabilities; Dalits and those discriminated against based on their gender, ethnicity, religion, class, or sexual identity (LGBTIQ).
6. Women (34.1%), Third gender (11%), people with disabilities (16.8%) perceive the least positive change regarding Supreme court and all other services. This is an area where positive changes needed as women, third gender and people with disabilities already experiencing marginality at society. Furthermore, disabled men, women, boys, and girl's access to social services opportunities are affected not only by their gender and disability, but also their type of disability, the socioeconomic status of their family, their race/ethnicity etc. Based on this fact, HRP and NHRC, B be continuing special HR related awareness training courses for different categories as stated.

7. Special attention with thrust on awareness programme needed by HRP and NHRC, B to reduce/eradicate Physical violence, sexual abuse and violence, child marriage of adolescent girls, acid throwing, female violence by another female, rape, violence by 'mastans' ,violence by husbands, harassment by police violence by family members, violence from a Salish, trafficking in women and girls, internet violence, harassment disturbances by mobile phone are widespread in rural and urban areas of Bangladesh, as could be seen from evidences collected through surveys in rural and urban areas of Bangladesh among all from of violence most common and widespread are sexual abuse and child marriage/early marriage are number one type of violence/harassment and Sexual abuse/violence is number two type of frequent violence/harassment as evident from the survey conducted among 7 groups.
8. Third gender, religious minority, Dalits, minority groups in plain land facing discriminatory inequality in almost in all spheres and their problems are almost similar in nature. They are being discriminated in community, abused by law enforcing agencies, treated differently on the ground of their religion belief, lack of facilities of education in their mother tongue. Few of the children in communities have access to education, others do not have. The marginalized groups also face discrimination in terms of representation⁷⁴, employment, land rights, and basic economic and social rights. It is essential to address discriminations through Early Childhood Programmes, multi Purpose Community Learning Centres etc. HRP/NHRC, B need continued interventions by playing catalytic role in those issues.

⁷⁴Sharmin, 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 2020