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| UNDP Bangladesh |  |

**Independent Mid-term Outcome Evaluation**

**Country Programme Document (CPD) (2012-2016)**

**Outcomes 1.1 and 1.2**

**REVISED FINAL REPORT**

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*12 November 2015*

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# Acronyms

**A2J Access to Justice**

**ADR Alternative Dispute Resolution**

**AG Attorney-General**

**AIMS Aid Information Management System**

**AL Awami League**

**BCS Bangladesh Civil Service**

**BD Code Bangladesh Code**

**BNP Bangladesh Nationalist Party**

**BP Bangladesh Police**

**CHT Chittagong Hill Tracts**

**CHDTF Chittagong Hill Tracts Development Facility**

**CMS Case Management System**

**CPC Code of Civil Procedure**

**CrPC Code of Criminal Procedure**

**CSO Civil Society Organization**

**CTA Chief Technical Advisor**

**DLAC District Legal Aid Committee**

**DP Development Partners (Donors)**

**DPA Department of Political Affairs (U.N.)**

**ECB Elections Commission Bangladesh**

**ERD Economic Relations Division (Ministry of Finance)**

**ETI Electoral Training Institute**

**EWG Electoral Working Group**

**GoB Government of Bangladesh**

**HR Human Rights**

**HRBA Human Rights Based Approach**

**ICT Information and Communication Technology**

**ICG International Crises Group**

**JSF Justice Sector Facility**

**LGI Local Government Institution**

**LPAD Legislative and Parliamentary Affairs Division**

**MDG Millennium Development Goals**

**M&E Monitoring and Evaluation**

**MoHA Ministry of Home Affairs**

**MoLJPA Ministry of Law, Justice and Parliamentary Affairs**

**NHRC National Human Rights Commission**

**NLASO National Legal Aid Service Organization**

**NIM National Implementation Modality**

**NPD National Project Director**

**ODA Overseas Development Assistance**

**PWD Persons with Disabilities**

**ROAR Results Oriented Annual Report**

**ToR Terms of Reference**

**UNDAF United Nations Development Assistance Framework**

**UNDP United Nations Development Programme**

**UNEG United Nations Evaluation Group**

**UP Union Parishad**

**UZP Upazila Parishad**

# Executive Summary

This is a mid-term Outcome-level Evaluation of the UNDP Country Programme Document (CPD)(2012-2016) that analyses impact in the target areas of UNDP’s current CPD Outcomes 1.1 and 1.2. This Evaluation fulfils both an evaluative accountability purpose and an educational purpose for UNDP and its partners and donors. The evaluation takes stock of achievements to date, documents lessons learned and proposes ways to correct the course of UNDP’s intervention for the next two years of the Country Programme cycle.

CPD Outcome 1 is divided into two sub-Outcomes 1.1 and 1.2 covering Democratic Governance and Justice and Human Rights respectively. The CPD outcomes focus primarily upon enhancing government’s ability to carry out its mandate to deliver public services in an accountable, transparent and inclusive manner. The CPD also seeks to strengthen justice and human rights institutions to better serve and protect the rights of all citizens, but with special focus upon women and other vulnerable groups.

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| ***CDP Outcome 1.1:*** |
| ***Government institutions at the national and subnational levels are able to more effectively carry out their mandates, including delivery of public services, in a more accountable, transparent, and inclusive manner.*** |
| ***CPD Outcome 1.2:*** |
| ***Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups.*** |

CPD Outcomes 1.1 and 1.2 encompass more than 20 individual projects that support the GoB’s development agenda, as reflected in its Sixth Five Year Plan (2011-2015). The estimated resource envelope for the UNDP Bangladesh Country Programme 2012-2016 is US$ 553.6 million, where indicative budgets of Outcomes 1.1 and 1.2 comprise 28.5% (US$ 158 million) of the overall CPD envelope. As of July 2014, Outcomes 1.1 and 1.2 together had mobilized 83.4% (US$ 131.8 million) of the planned budget from UNDP core resources as well as from its development partners. Certainly, UNDP’s contribution to the Outcome is greater than the sum of its individual projects with many informal and intangible contributions in-kind in the form of day-to-day *ad hoc* advice to its Government counterparts and development partners, as well as in special situations.

UNDP has implemented its current CPD against a background of extreme political unrest, uncertainty and violence in Bangladesh. The CPD lifecycle has worked in an environment prone to rapidly changing conditions that are shaped by unresolved disputes between political parties. This has led to key constitutional changes in respect to how elections are organized and a national election that was boycotted by the main opposition after intense and prolonged campaigns of violence in the form of *hartals* with civil and political rights environment undermined by state and non state actors for long periods during the CPD.

Since independence, Bangladesh has had ten Parliamentary Elections. The country has experienced major governance challenges over recent decades including conflict and power politics between the two major political parties; a basic disrespect for democratic governance and processes on all sides of the political equation; intolerance on the part of ruling parties for opposing views; human rights violations; weak institutional frameworks and politicization of bureaucracy; a resistance to change and weak public administration; weak local government systems and a slow pace of decentralization of power, as well as an overall absence of rule of law. The political climate already tenuous, significantly further deteriorated in 2014, placing at risk the sustainability of UNDP and other DP development interventions in Bangladesh and threatening to reverse recent progress in some sectors.

***Methodology***

The ToR for the Evaluation requested that the Evaluation Team assess UNDP’s key governance programmes and projects under the CPD and the targeted government, justice and human rights institutions that are end beneficiaries of UNDP’s interventions. The Evaluation proceeded in several phases consisting of a document review and Inception Report, stakeholder interviews held in Bangladesh and the drafting of this Evaluation Report. The Evaluation adhered at all times to UNDP’s Guidelines for Outcome Evaluations and pursued a methodology reliant upon meta-analysis of prior reports and evaluations, witness testimony, and additional quantitative data and evidence gathered by the Evaluation Team. The Evaluation Team consisted of one International Consultant/Team Leader, two National Consultants (responsible for Outcomes 1.1 and 1.2 respectively) and a National Consultant who served as the Data Analyst for the team. The Evaluation Team was at all times reliant upon the UNDP Bangladesh Country Office for logistical and scheduling support, which UNDP supplied diligently during the course of the Evaluation Team’s presence in Bangladesh. Indicative lists of documents reviewed, stakeholders interviewed and the Evaluation Team’s Terms of Reference appear in the Appendices to this report.

UNDP requested that the Evaluation team utilize the following UNDP ROAR Indicators, baselines and targets for Outcome 1.1 and 1.2 as a guide in its analysis of Outcome-level impact. In addition, the Evaluation team diligently collected other data to document UNDP’s impact upon the Outcome. *All Evaluations—particularly in a development context such as that of Bangladesh—face a limitation of available data. This Evaluation is no exception, the Evaluation is stronger in data for some areas and weaker in other areas; but on the whole, the Evaluation team was able to collect a large amount of statistics and opinion evidence to document the overall state of Outcomes 1.1 and 1.2 in the target areas of UNDP’s CPD; UNDP’s contribution and to identify gaps and potential areas for new directions and interventions going forward.*

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| **UNDP ROAR Indicator (CPP 2012-2016)** | **Baselines**  **(2008-2010)** | **Targets**  **(2016)** |
| Outcome 1.1. | | |
| Public Trust in the credibility of Elections | 80% | Above 80% |
| Progress on the Civil Service Act enactment and approval of revised rules. | No legal framework | Law passed |
| Percentage of women in the civil service in senior management positions (joint secretary or above) | 8% | 20% |
| Outcome 1.2. | | |
| # of case backlog | 1.6 million | 1.0 million |
| # of recommendations made by the 2008 Universal Periodic Review implemented. | 0 | 15 |
| Percentage of citizens who are satisfied with law and order service providers | 45% | 55% |

***Overall Findings***

The complex political environment in Bangladesh and uneven progress toward the overall Outcome during 2012-2014, make it difficult to apply a “ratings scale” to UNDP’s performance under the CPD—especially as most results achieved across both Outcome 1.1 and 1.2 are highly mixed. Moreover, relevance, efficiency and impact are often intertwined in ways that defy such ratings categories or diminish their utility. Nonetheless, the Evaluation has attempted to apply the following ratings system frequently utilized by the UNDP Evaluations Office:

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| ***Ratings for Outcomes, Effectiveness, Efficiency, M&E, I&E Execution*** | ***Sustainability ratings:*** | ***Relevance ratings*** |
| 6: Highly Satisfactory (HS): no shortcomings  5: Satisfactory (S): minor shortcomings  4: Moderately Satisfactory (MS)  3. Moderately Unsatisfactory (MU): significant shortcomings  2. Unsatisfactory (U): major problems  1. Highly Unsatisfactory (HU): severe problems | 4. Likely (L): negligible risks to sustainability | 2. Relevant (R) |
| 3. Moderately Likely (ML):moderate risks | 1.. Not relevant (NR) |
| 2. Moderately Unlikely (MU): significant risks  1. Unlikely (U): severe risks | ***Impact Ratings:***  3. Significant (S)  2. Minimal (M)  1. Negligible (N) |
| *Additional ratings where relevant:*  Not Applicable (N/A)  Unable to Assess (U/A | | |

As regards the **relevance** of UNDP’s interventions under the CPD, as detailed in the main body of this Evaluation report, UNDP’s interventions were overall relevant (R) to supporting Outcomes 1.1. and 1.2. and supportive of the GoB’s 6th Five-Year Plan. as well as UNDP’s own strategic documents. For example, UNDP's interventions with the election commission of Bangladesh were designed to enhance the electoral database and improve transparency and credibility of elections. This was highly relevant to the needs of the ECB and enchanted the transparency of the electoral database and voter registration; however, the intervention was not able to adapt quickly enough to a deteriorating political situation preceding the elections of May 2014. Thus, over time, UNDP support to elections proved not as relevant as originally designed and could have perhaps done a better job of maintaining its relevancy had the intervention built-in capacity to incorporate political analysis/crisis prevention and risk management. A similar assessment can be given to UNDP's intervention with the parliament of Bangladesh that was also impacted by the boycott of the 2014 elections making both the effectiveness and relevance of UNDP's intervention weaker.

As with many areas of the CPD, UNDP's intervention with Parliament do appear to have resulted in a marginal level of enhanced transparency and accountability (i.e. a greater number of committee reports and financial disclosures), but certainly could have been much more relevant had CSO's been included at all stages of the intervention with greater frequency. In fact, as originally designed there was an entire output area of the CPD covering the abilities of the Bangladesh civil society and media to hold the public sector accountable for their performance, which was barely serviced by the CPD. This is particularly troubling given the fact that several members of the media and bloggers were assassinated as a result of expressing their political and religious viewpoints during the period of implementation of the current CPD.

UNDP’s interventions with LGIs were perhaps the most relevant in terms of ensuring transparency; accountability and inclusiveness in service delivery via UNDP supported budgeting processes and women’s participation in local governance. Meanwhile, other areas of the CPD were highly relevant (i.e. support to aid effectiveness and aid utilization rates in Bangladesh), however, the *relevance of support to aid effectiveness to the overall Outcome* was not to as strong as were, for example, UNDP’s high relevant supports to civil service reform, access to information and delivery of services, local governance and justice and human rights, including access to justice at the local level. The placement of such outputs as the AIMS database could be viewed as somewhat tangential to the overall goal of outcome 1.1 (i.e., delivery of public services, and a more accountable, transparent, and inclusive manner). These highlight the need for a more coherent theory of change running throughout the CPD.

The Evaluation found that UNDP interventions for justice and human rights (i.e. CPD Outcome 1.2) were in most cases relevant and designed to position GoB justice and human rights institutions to better serve and protect the rights of all citizens in Bangladesh. Yet, UNDP’s interventions with the judiciary and courts (both civil and criminal) was overwhelmingly targeted to capacity-building. Focus on judicial independence and integrity, including judicial conduct and discipline, was largely absent from UNDP’s intervention and could have greatly enhanced the relevance of the CPD to the Outcome. The online docketing and case-backlog reduction interventions were highly relevant to making courts more efficient, but there was little focus with the CPD upon the quality of justice being delivered by the courts (not just numbers of cases being heard).

Meanwhile, UNDP’s interventions for legal aid and access to justice proved highly relevant to enhancing the legal framework for legal aid in Bangladesh and enhancing the supply-side architecture. UNDP’s intervention for legal aid and access to justice could have been much more relevant to the demand-side and the needs of women and vulnerable groups, however, had it encompassed a comprehensive engagement with CSOs active in legal aid and platforms for mobile justice, strategic litigation and legal and psychosocial support services to victims of domestic violence and SGBV. On the whole, issues of gender equality and SGBV are not nearly as emphasized as one would expect in a UNDP rule of law and access to justice programme; however, UNDP’s support to village courts proved highly relevant to increasing access to justice for women and vulnerable groups at the local level via amendments to the legal framework and increased numbers of cases filed.. Going forward, the CPD can be better aligned with the 2013 Agenda for Sustainable Development Goal 16 and its affiliated targets, as well as Goals 5, 10, 3 and 4.

Going forward, Both UNDP support to the justice sector and UNDP support to human rights must be better aligned to the human rights-based approach of the CPD and assist the GoB to achieve compliance with Bangladesh’s international human rights obligations. In this regard, the 2030 Development Goals, and Goal 16 and its affiliated targets are particularly relevant. This holds true with respect to UNDP support to the National Human Rights Commission (NHRC) Bangladesh. The intervention was highly relevant to establishing the NHRC as the national human rights institution of Bangladesh, supporting the UPR reporting process and establishing a network of field investigators to support NHRC. Yet, the intervention could have been more relevant had it focused more upon enhancing NHRC’s capacity to investigate incidents of discrimination against women and other vulnerable groups. Additionally, there was little if any focus upon human trafficking in UNDP’s programming.

Meanwhile, UNDP’s support to law enforcement agencies and gender-sensitive and human rights based policing and processes included elements that were highly relevant by design to Outcome 1.2 (i.e. community policing forums, the establishment of victim support centres and increasing the numbers of women in the police); however, the intervention could have been much more relevant had it focused upon such issues as police conduct and discipline, civilian oversight of the police and mechanisms to redress human rights violations committed by the police and affiliated security services in Bangladesh.

The ***detailed findings*** below for Outcomes 1.1 and 1.2. discuss the relevance, impact and effectiveness of specific UNDP interventions under the CPD and the extent to which targeted government institutions are more effective at carrying out their mandates or are more accountable, transparent and inclusive than before 2012. UNDP’s **impact** under the current CPD is quite mixed. In some areas, UNDP’s impact is significant (S), in other areas UNDP’s impact is minimal (M) and in some areas negligible (N). UNDP Bangladesh has come up short in many indicators that it designed for itself at the outset of the current CPD. UNDP’s **effectiveness** under the current CPD is also highly mixed, although overall effectiveness can best be described as Moderately Satisfactory (MS).

For example, the NHRC, which has gone from a zero baseline to being able to conduct significant outreach, monitoring and reporting on human rights in Bangladesh would likely not have made such progress but for UNDP’s support and mentoring (although the level of hand-on mentoring could have been greater at times). LGIs have also become much more effective in delivering inclusive service delivery as a result of enhanced budgeting and the inclusion of women development forums (although, World Bank and USAID were also heavily active in this sector). UNDP support to Access to Information, “digital Bangladesh” and “e-service delivery” proved highly innovative and effective, largely as a result of UNDP’s citizen-led bottom-up approach and establishment of Union Digital Centres (UDCs) and creation of service delivery fund. UNDP support to the Bangladesh Civil Service was also innovative and effective as regards the establishment of a Governance Innovation Unit (GIU) within the Office of the Prime Minister and work improvement teams. Meanwhile, UNDP support to legal aid was effective at advancing legislative reforms and promoting dialogue on establishing national legal aid coordination and delivery mechanisms. UNDP support to village courts was highly effective, however, could be made more so if it is synchronized with UNDP support to LGIs. Finally, UNDP’s innovative approaches in all three CHT districts (i.e. quick-impact programmes; Hill District Council governance inclusive planning and budgeting; community participation, etc.) proved effective and produced results in education, healthcare and the environment.

By way of contrast, despite significant UNDP support and successful work in the area of voter registration, the ECB could not guarantee transparent and fair elections in 2014 or effectively police violations of the elections code. Here, UNDP’s effectiveness may have been enhanced by incorporating more real-time political analysis into its programming and building-in risk mitigation strategies and programme flexibility to adapt to changing priorities on the ground. UNDP was also not as effective as originally envisioned with advancing concepts of judicial independence and integrity in the judicial system. Despite significant support, UNDP was not able to reach targets for case backlog reduction in the courts. Although, UNDP was highly effective at enhancing gender equality within the Police and services for women and victims of SGBV, human rights abuses perpetrated by the Police were reported to be widespread and continuing as of 2015, thereby undermining the Outcome. UNDP was not able to effectively advocate with the Police and the Government to obtain passage of the revised Police Act during the current CPD.

Barriers and challenges to UNDP’s impact and effectiveness under the CPD included institutional resistance to UNDP’s technical inputs, a high-turn over rate of staff within line-Ministries, political violence, on-sided elections and frequent disruptions due to bandas being declared by political parties. These significantly impacted upon UNDP access to stakeholders and beneficiaries during the CPD. Political pressure on state institutions has often been intense, forcing UNDP to work in an environment of political “shocks”. The political violence that occurred surrounding the 2014 parliamentary elections permeated all facets of the UNDP engagement delaying, postponing and even reversing in some instances progress at the Outcome level. There were also some deficits in project design and problems with UNDP’s rates of procurement and ability to find and vet qualified staff and consultants for projects. Many areas of UNDP’s intervention under the current CPD likely could have been more effective had CSOs been incorporated to a greater extent in programming (i.e. Parliament, legal aid, service delivery, press freedoms, etc.).

In terms of the **efficiency** of UNDP’s interventions, UNDP achieved Moderately Satisfactory (MS) results in terms of budget utilization rates under the current CPD. Overall, budget utilization rates for both Outcomes 1.1 and 1.2 were lower than expected during the CPD as of end-2014. Lower than optimal delivery rates of some of UNDP's projects for both the Outcomes can be partially blamed on procurement issues and delays (and i.e., repeated “no cost extensions) that were counter-productive both to UNDP’s reputation and the efficiency of its implementation. Any assessment of delivery rates, however, should be qualified by the political and security context within which UNDP was forced to operate. It is very difficult for this Evaluation to assess UNDP’s “value-for-money” as a lack of reliable, comprehensive and uniform data precludes any detailed analysis of this aspect of efficiency. Although the CO initially requested the Evaluation’s Data Analyst to conduct a VfM analysis, this was later abandoned due to lack of available data.

The Evaluation questions whether UNDP capitalized to the extent that it could have on synergies with other members of the United Nations Country Team (UNCT) (i.e. UN Women, UNICEF, UNHCHR, UNODC, etc.). The Evaluation was not able to document a single instance of true partnership under CPD Outcome 1.1 or 1.2 with any other member of the UNCT. Going forward, it will be increasingly important that the RC encourage UNDP to reinforce its efforts to explore partnerships with other UNCT members—especially in the areas of access to justice and human rights. U.N. Women and UNODC may be potential partners in this regard. UNDP could also do a much better job of communicating with its donors and being sensitive to the issue of donor “visibility” in the field. There was also some duplication with the support of other donors (i.e. World Bank and USAID were heavily involved with LGIs and the courts in recent years).

Overall, UNDP’s **M&E** can be said to be Moderately Satisfactory (MS). Virtually all interventions undertaken within CPD Outcome 1.1 and 1.2 prepared regular reports in response to indicators listed in the CPD RRF. In addition, the CO prepared regular ROAR analysis and narratives. The problem is with the quality of indicators for some outputs and for the overall Outcomes themselves. These are in some cases not readily susceptible to measurement or verification. The Evaluation report has noted a number of indicators that can be changed or suggested proxy indicators.

Meanwhile, UNDP’s **implementation and execution** (I&E), **oversight and management** are assessed as Satisfactory (S), with minor shortcomings and mixed results, based upon the Evaluation’s interviews with development partners and implementing partners alike; but the overall impression is that UNDP fulfilled its role as in implementer and knowledge broker. Criticisms raised by stakeholders included UNDP procurement policies and capacities (i.e. cumbersome procurement procedures; issues of late procurement and delayed implementations); overly ambitious project design; failure to provide mentoring of GoB institutions; poorly designed indicators and lack of incorporation of conflict/political analysis in project documents and annual work plans. UNDP’s traditional comparative strength is its ability to act as a politically neutral broker and to mobilize its global knowledge and expertise to support governments in achieving their development agendas. But, if UNDP cannot mobilize such comparative advantage, then Donors may turn to other implementers such as INGOs or well-established local CSOs to directly implement development programmes.

Of concern to the Evaluation is the fact that most all UNDP project evaluations carried out under the CPD make mention of the fact that UNDP’s own internal procedures and the pace of its procurement operations have often negatively impacted upon the implementation of projects, due to lack of timely staffing, etc. UNDP’s procurement and day-to-day logistical operations were overwhelmingly viewed by implementing partners as overly cumbersome and time-consuming. Some stakeholders also opined that UNDP had over-relied on consultants during the life of the CPD and there was little in the way of true mentoring.

It appears all projects were overly ambitious in their original goals and unrealistic about their time frames. The CPD has also lacked a coherent theory of change running across all its various governance outputs. UNDP could have done a better job of sequencing its governance programming. UNDP could have achieved a higher-degree of effectiveness had it engaged in deeper analysis and planning in advance of starting its projects. For example, there were “gaps” in the language of some project documents (i.e. the absence of provisions for project managers, etc.) and adequate scope for adjusting outputs based upon emerging political circumstances. There is also a need to integrate conflict analysis into UNDP’s country programme; not only with respect to the Chittagong Hill Tracts, but also with regard to the entire country.

Finally, the overall **sustainability** risk to the CPD is assessed as Moderately Unsatisfactory (MU). Across the CPD the Evaluation noted different combinations of national ownership and sustainability. Sustainability risks continue and are mixed. A lack of political will on the part of UNDP’s government partners and low government funding and staffing of institutions, as well as political risk, continue to impede progress for some output areas under Outcome 1.1 and 1.2. This is tempered by substantial government ownership and political will in other areas (i.e. AIMS database and Women’s Development Forums). In some sectors UNDP faces only moderate sustainability risk, while in other areas the sustainability risk is significant to severe. These are detailed in the main Evaluation report. At the *high end* of the spectrum are UNDP supports to A2I and aid effectiveness. With these interventions there was both a high level of national ownership and political will, as well as government cost sharing to ensure the sustainability of some interventions.

Across the entire UNDP country program for Outcomes 1.1 and 1.2 the political situation and ensuing violence in Bangladesh have significantly disrupted implementation and the prospects for both national ownership and sustainability. Varying levels of national ownership and sustainability were achieved; although in general, national ownership over UNDP deliverables appeared to be strong. Furthermore, all projects supporting CPD Outcome 1.1 and 1.2 were to date implemented under either NEX or NIM modalities, whereby, the GoB has been held accountable to UNDP for its implementation. UNDP in some instances managed to obtain co-financing from the GoB during the life of the current CPD.

Going forward, the sustainability of UNDP programming will depend upon a variety of factors including: the level of GoB political will and budget support to continue UNDP deliverables; better cost and impact analysis at the outset of UNDP programming; more appropriate scaling of UNDP interventions (i.e. what is realistically possible to achieve within a certain time period and managing the expectations of the GoB and DPs alike); and completing legislative reforms. Going forward, more sophisticated and timely conflict analysis and political analysis on the part of UNDP may help it to adjust programming based on the operative political realities and, when necessary, suspend interventions in a particular area and/or shift resources to other priorities and parts of its country program. Improved indicators will help UNDP better track progress versus investment.

Continued relevance and effectiveness of UNDP programming can be best assured by involving more CSOs and other members of civil society as partners and ensuring the needs of UNDP’s core constituencies at the local level are being addressed by UNDP interventions. The UNDP Country Office is already employing the ARENA initiative to explore issues of youth, but this will require continued long-term engagement at both the supply and demand side, as well as ensuring that civil society is equipped with the tools that it needs to express its voice and fulfil an oversight function.

The Evaluation found that UNDP could improve its abilities to anticipate risks in its programming documents. In many ways the continuing political crises and violence in the country is placing UNDP and other development organizations in a *crises prevention and/or recovery* paradigm. UNDP’s indicators were often found by the Evaluation to be overly broad or ambitious, given the development context in Bangladesh. The problem is that the indicators are not flexible and they run the risk of being irrelevant if the development context and/or political situation improves or deteriorates. UNDP should re-evaluate all of its indicators to ensure that these are SMART indicators to ensure continued relevance. UNDP’s M&E frameworks should be adaptable and less fixed over the CPD cycle.

Given the fact that the UNDP office currently supplies UN DPA with political analysis, it is important that this capacity continue to be improved. Going forward, UNDP will need to do a better job of incorporating real-time political analysis into its Country Programme and streamline the collection of data across its project. The Country Office is acutely aware of this need and is currently taking steps to improve its information collection and analysis capabilities.

***Detailed Findings: Outcome 1.1.***

The detailed findings of the Evaluation report indicate that the principal government institutions targeted by UNDP under CPD Outcome 1.1. attained varying degrees of improvement in accountability, transparency and inclusiveness during first half of the CPD programming period (2012-2014).

Levels of public trust in the credibility of elections in Bangladesh have widely fluctuated between 2012-2014. The ECB was unable to produce a level-playing ground for all political parties and candidate, despite the fact that during this same time, the capacity of the ECB to register voters and hold elections was increased in an effective manner with UNDP support. ECB was constrained by political factors that prevented it from exercising its full mandate and enforcing the Elections Code. UNDP’s ability as a development organization to impact upon such a political outcome was also limited. As of 2015, larger systemic issues such as the independence of the ECB largely remain unaddressed. The voter registration system has, however, had derivatives such as the National Identity Database and ID card. Based upon the Evaluation’s interviews with INGOs, reports of the Electoral Working Group and press reports, it does not appear that *as of 2015*, the UNDP ROAR target of 80% public confidence in the electoral process was maintained. Although, given the political environment of Bangladesh, attaining an 80% confidence level was likely overly ambitious. UNDP could possibly have done a better job of maintaining the relevance and effectiveness of support to ECB, had the intervention included risk mitigation strategies, incorporated more “real time” political analysis and built-in a high measure of flexibility to response to emerging issues on the ground during the CPD.

Parliament plays a key role in oversight of the Executive and, ultimately, the delivery of public services in Bangladesh. The available statistics and analysis on the overall state of Parliamentary oversight in Bangladesh in 2011/12 indicated that Parliament’s performance was, however, falling far short of its oversight functions and there was an absence of debate and legislative scrutiny. As of 2015, the situation remains largely unchanged, with the exception of the Standing Committees of Parliament that exhibited marginal improvements in capacity and the efficiency of their work and number of reports generated between the 8th and 9th Parliaments as a result of UNDP support. There was also an increase in the number of pending audit objections considered by the Public Accounts Committee (PAC). UNDP support facilitated a Child Parliament and Women’s Parliament that sparked national-level debate on draft legislation related to the rights of women and children. As of 2015, the conflict between the two major political parties, highly one-sided political environment and the lack of any true opposition in Parliament argue against further Donor support to the institution until open, fair and credible elections are held. As with many areas of the CPD, UNDP support to Parliament could have been more relevant and effective had civil society played a greater role in the intervention. Going forward, if UNDP continues to engage with the Parliament, it should heavily rely upon civil society to initiate a dialogue that can ultimately result in wider political party inclusion and debate.

Meanwhile, tracking international aid in Bangladesh is integral to ensuring an equitable distribution of aid at the national and sub-national that ultimately impacts upon and improves service delivery at the local level. This promotes the goals of the Paris Declaration on Aid Effectiveness (2005); The Accra Agenda for Action (2008) and the Busan Partnership (2011)—all of which Bangladesh has endorsed. Detailed information and data on aid effectiveness and aid utilization rates in Bangladesh remained largely dispersed as of 2014-15, preventing both the GoB and the top donors of gross ODA to accurately track aid in-flows in a transparent manner and better align aid allocations to GoB priorities focused on public service delivery. To increase the capacity of the GoB in development cooperation, UNDP supported the Economic Relations Division (ERD) of the Ministry of Finance to develop an Aid Information Management System (AIMS), as well as a draft National Aid Policy and Strategic Plan. This UNDP intervention was relevant to GoB’s needs and to the issue of service delivery in Bangladesh and, thus, tangentially relevant to the overall outcome. As a result of UNDP support, GoB and the international development community now have a platform to submit information about aid contributions and a mechanism to track and analyse such capital inflows over time. While it is too early to identify the Outcome level impact of these initiatives (i.e. increased aid flows and efficiency), they have the potential to transform aid delivery in Bangladesh. Going forward, UNDP should ensure that mechanisms are put in place to ensure that AIMS data is not misused (i.e. as a means of surveillance of NGO activities in Bangladesh). There is also a need for ERD to increase its communications with Development Partners in regard to implementation of the draft National Aid Strategy and AIMS.

Many factors continue to drive effective, participatory and transparent service delivery in Bangladesh. These include access to information, digitisation of government services and business and budgeting practices of central and local government institutions. The inclusion of women in service delivery modalities and decision-making is also a key component of improving service delivery at the local level. Although the GoB’s “Digital Bangladesh” initiative has converted a handful of paper-processes into E-services available to citizens at Union Digital Centres at the local level, duplication of authorities and bureaucratic inefficiencies continue to complicate and impede access to basic services, processes and documentation—especially as concerns land tenure. The country has seen some progress in TI’s score on controlling political and administrative corruption over the last few years, but its score slip down two points from score 27 to 25 in the TI’s corruption index in 2014. According to the World Bank, Bangladesh continues to be one of the most difficult places in the world to conduct business. Such processes as registering property, obtaining permits and enforcing contracts are particularly time-consuming and burdensome

As of 2015, the Bangladesh Civil Service remains resource challenged with a low percentage of women occupying senior level positions. As of 2015, the Civil Service has not yet attained the stated UNDP ROAR indicator target of 20% overall increase in the number of women in the Bangladesh Civil Service (BSC) in senior positions (i.e. at the grade of junior officer and above). There is only a marginal increase in the numbers of women in the BCS from 2012 levels. Under the CPD, UNDP strove to improve the accountability and transparency of BCS by supporting civil service change management. This was directly responsible for the establishment of a Governance Innovation Unit (GIU) in the Office of the Prime Minister.. In July 2015, the Cabinet had approved the Civil Service Act 2015—effectively satisfying one of the UNDP ROAR indicators. UNDP support was also instrumental in establishing the Bangladesh Civil Service Women’s Network Initiative to promote gender issues and participation in the broader mosaic of public administration.

Evidence from INGOs and stakeholder interviews indicates that there is a continuing lack of transparency and accountability on the part of the Civil Service towards citizens. Corruption levels appear to have marginally decreased in Bangladesh between 2012-2014, but the Bangladesh Civil Service (BCS) suffers from corruption that delays and distorts service delivery to citizens. UNDP support to the concept of the Citizen’s Charter gained traction during the current CPD. UNDP piloted Citizen’s Charters in 56 service providers during the CPD. This intervention is highly relevant to the GoB’s needs and to ensuring service delivery in Bangladesh as it increases transparency and provides a “watch dog” function over the civil service and service delivery at the nexus between citizens and their government. Going forward, it is important that UNDP continue to strengthen monitoring of performance of the BCS and service providers against the citizen charters at the local level.

Among UNDP's most successful and relevant interventions in the area of democratic governance during the CPD are its support to Local Governance Institutions (LGI) at the Union Parishad (UP) and Upazila Parishad (UPZ) levels; the development of Women's Development Forums (WDF), and parallel LGI in the Chittagong Hill Tract (CHT) region. Public service delivery improved at the local level in 2014 as a result of highly effective participatory planning mechanisms being put in place with UNDP support and performance assessments; open budgeting, etc. UNDP support also enabled the GoB to digitalize and transfer 53 services from line–ministries to the local UP level. This intervention can rightly be cited by UNDP as a “best practice.” As of 2015, UNDP data indicates that 4,500,000 persons per month on average have obtained enhanced services from the Union Digital Service Centres at lower time-cost-visit (TCV) rates. This has enhanced the process of decentralization in Bangladesh. The available E–services include birth registration, obtaining passports, land records, etc. As of 2015, UNDP support to WDF had resulted in a marked increase of development projects given to women and the government had begun cost-sharing support to WDF.

The proper preparation of budgets at the local level has supported the decentralization of services and the shifting of legitimate allocations from the central level to LGIs in Bangladesh. A comparison of the pre-2012 situation shows that UZs are now much more adept at preparing budgets as a result of UNDP support than before. Before 2012, only 4%. of UZs (i.e. 24/485) had prepared their budget. This was the first time that the Upazila councils submitted budgets in accordance with Upazila Act (1998, as amended 2011). As of 2015 all 485 UZs have prepared their budgets. This is a significant advancement of the outcome as these budgets were prepared in a participatory manner within their communities. Ward meetings were held with open budget sessions that were highly inclusive.

It must be noted that other development partners (i.e. World Bank and USAID) have been heavily active in local governance and service delivery during this same time period. UNDP support is, however, most certainly partially responsible for improved service delivery in Bangladesh—particularly in the education, health and clean water sectors. Going forward, UNDP can continue to expand the number and locations for E-service delivery in Bangladesh. UNDP support to local governance was bolstered by its highly successful interventions in the area of Access to Information (A2I) and “Digital Bangladesh”. There is much more work to be done in this field and overlapping spheres of responsibility and authority between UZ and UP should be clarified going forward.

As of 2015, it appears that the ability of Bangladesh civil society and media to hold the public sector accountable for performance continues to be significantly curtailed. Some local NGOs have reported that privacy rights of citizens are violated by the government and restrictions placed upon lawful activities of freedom of speech and assembly. In addition, Bangladesh continues to rank internationally at the bottom of all countries in the world in terms of press and Internet freedoms. Crimes and violence are committed against members of the press with impunity. The GoB has banned certain televisions stations from broadcasting. Several bloggers were assassinated during the past several years, as a result of their views; and the courts routinely issue “contempt of court” warrants for those who criticize or report on court cases. Digital freedoms have also recently come under threat in Bangladesh.

Although originally contemplated to form part of its CPD outputs, as yet, UNDP has not focused extensively on the ability of civil society organizations or media to hold the public sector accountable for performance. UNDP’s interventions for Outcome 1.1 during the current CPD largely focused on central institutions of government. This has weakened the overall relevance and effectiveness of the CPD. Going forward, UNDP should become more inclusive of civil society and the media and design interventions targeted to the needs of CSOs and media freedoms in Bangladesh to permit these institutions to exercise oversight and hold government accountable.

***Detailed Findings: Outcome 1.2***

The Evaluation found that UNDP interventions for justice and human rights (i.e. CPD Outcome 1.2) were in most cases relevant and designed to position GoB justice and human rights institutions to better serve and protect the rights of all citizens in Bangladesh. Yet, impact at the outcome level in terms of increased protection of human rights in Bangladesh and achievement of the ROAR indicators remained virtually unchanged over 2012 baselines at the national level, but impact was greater in UNDP supported pilot districts. Again, UNDPs interventions could be made more relevant going forward with a greater inclusion of civil society and a heightened focus upon vulnerable groups (youth, women and other populations) on the demand-side of the justice equation.

According to the World Justice Project (WJP) Rule of Law Index 2014, Bangladesh’s position stands 92 out of 99 countries performing badly in the areas of controlling corruption and criminal justice. The WJP noted an overall trend in improvement in civil justice in Bangladesh, but formal justice institutions in the country remain severely resource challenged. In September 2014, the Parliament passed a very controversial amendment to the Constitutions (16th Amendment), permitting impeachment of sitting Supreme Court Justices. This was roundly criticized by the international community, CSOs and members of the legal profession as an unwarranted political over-reaching into the judiciary with implications for judicial independence. As of 2015, the judiciary remains constrained by a lack of financial independence and political interference.

Courts at all levels continue to face a large backlog of cases (2012 estimated: 2.2 million cases) and case disposal rates remain low. As against the UNDP ROAR indicator (2012-14) case backlog (based on a baseline of 1.6 million cases in 2010), showed a regression in the overall backlog rate nationwide and an increase of the volume of cases. Nationally, overall case volumes and case backlogs have continued to escalate due to a variety of factors. While the case backlog increased in the Supreme Court, there was a documented reduction in case backlogs within the UNDP pilot District Courts. Case disposal rates in the UNDP pilot courts were high as of 2014. In the criminal courts, UNDP was also supporting case backlog reduction (i.e. the percentage of yearly case backlog in pilot districts of Pabna and Comilla has been considerably reduced from 7.5% in 2012 to 2.0% in Sep 2014. Accordingly the case disposal rate has also been steadily increased from 90% in 2012 to 95.9% in Sep 2014).

UNDP enhanced judicial administration in both the civil and criminal courts by preparing standard operating procedures and improving human resources processes for the Supreme Court Registrar's office, supporting the establishment of a Judicial Secretariat of the Supreme Court and drafting its Strategic Plan. This support is *perceived* by lawyers and other stakeholders to have resulted in higher quality judgments in UNDP pilot courts. According to UNDP, as of 2013, 86 percent of civil court judges were using IT tools supplied by UNDP to prepare verdicts, which is serving the goal of increasing judicial transparency.

For criminal justice, UNDP, working with the MoLJPA and the Supreme Court enhanced coordination in the justice sector (criminal courts, law enforcement and corrections) and access to justice by establishing Criminal Justice Coordination Committees (CJCC). It is perceived that in pilot criminal District Courts the establishment of the CJCC under MoLJPA has resulted in a greater number of witnesses being examined (i.e. in 2013, in Pabna District 2442 witnesses were examined, however, after the establishment of the CJCC, 5230 witnesses were examined in 2014). As of 2015, a decision is still pending by the MoLJPA and Supreme Court to establish a National Justice Sector Coordination Committee. A major focus of UNDP under the CPD that grew out of UNDP supported court assessments, was the establishment in early-2015 of Case Management Systems (CMS) and Case Management Committees (CMC) under the Supreme Court and at pilot District Courts. As of 2015, approximately 35/64 civil District Courts had functioning case management committees.

UNDP support to judicial reform has, however, been largely targeted to capacity building and has not yet addressed issues of judicial independence, integrity and conduct in Bangladesh. Certainly, this would enhance the relevance of the intervention. Furthermore, according to the Evaluation’s interviews with stakeholders, UNDP’s attempts to develop strategic plans for respective justice institutions met with resistance. UNDP was able to minimally improve the level of cooperation between justice agencies with some key documents and policies being signed; but to sustain and institutionalize such cooperation more is to be done. Going forward, UNDP should facilitate dialogue with Supreme Court Registrar’s Office and MoLJPA, Law and Justice Division to clarify the functions of CMC (which does not formally clarify whether CMCs are to deal with both civil and criminal cases or just with civil cases) and the future NJCC which aims to address the criminal justice sector) to obviate potential confusion. Going forward, UNDP should continue to advocate for enhance mechanisms of judicial independence and the integrity of the judicial system in Bangladesh.

As of 2014, the use of ADR and mediation at trial and pre-trial was increasingly being made available to litigants by the Supreme Court and District Courts with UNDP support. New provisions for mediation are perceived to have led to more women accessing the justice system. Legal aid service recipients increased by 71% at pilot districts and 26% in 64 districts in 2013, compared to 2012. Legal Aid Fund disbursement rates also steadily increased by 15% in 2013. As a direct result of UNDP advocacy, section 11 B(2) of the Legal Aid Services Act (Amendment) 2013 incorporates ADR for the first time as a referral mechanism.. UNDP also successfully supported the development of the GoB’s Legal Aid Policy. Additionally, the National Legal Aid Services Organization (NLASO), with UNDP support, launched a hotline for migrant workers that was helping to combat exploitation and preserve the legal rights of this vulnerable group. As of June 2014 a total of 346 workers had accessed the Workers Legal Aid Cell resulting in 24 new cases being filed and grievance notices served by an additional 93 persons on their employers. Between July 2012 and November 2014 a number of 9,299 people (4,095 men and 5,204 women) have accessed the hotline to get legal aid information.

While there is little hard data available, the Judiciary and the BP report that as of 2015 more women are accessing the courts than in 2012 as a result of infrastructure procurement and capacity building of court staff and judges. A number of factors are perceived to have increased women's access to the judicial system as a direct result of UNDP support. For example, UNDP supported the establishment of women friendly waiting rooms in three district courts that included separate washroom facilities for women. This is perceived to have put a gender friendly face on these pilot courts. Another significant outcome of UNDP support are the Victims Support Centres (VSC) established at local police stations and greater numbers of women in the police. The VSCs are now established in every division and in Rangamati and are typically located at police stations.

UNDP also combated SGBV by supporting legal aid and the National Human Rights Commission (NHRC). Going forward, UNDP should seek to further enhance its relevancy to the needs of vulnerable populations in Bangladesh via partnerships with civil society. There is a need for the Supreme Court to mandate facilities for women and victims of SGBV at all District Courts. UNDP could also build upon its support to gender-friendly facilities, by supporting access to court facilities for PWD. UNDP should continue to support mediation in family cases, but only for cases susceptible to mediation (i.e. where no incidence of sexual or gender-based violence is alleged to have taken place and where both parties agree to submit voluntarily to mediation).

Local justice systems such as Village Courts also play a crucial role in access to justice for rural populations in Bangladesh. The Evaluation was able to document a steep rise in the numbers of cases filed and resolved by village courts between 2010-2012. In 2010, at the outset of UNDP's engagement, only 210 cases were filed, with a resolution of the case in 110 cases and orders implemented by village court in 23 cases. Already by 2011 these numbers had increased dramatically. In 2011, 9542 new cases were filed, 5989 cases were resolved and village courts implemented 3953 orders. 2012 represented another major expansion in users with a total of 17,197 new cases filed; 14,004 cases resolved and 11,500 orders implemented by the village courts in the communities that they serve. Use of the Village Courts increased by an estimated 154% in 2013 (15,276 cases were filed); in 2013, women comprised 11% of village court cases, compared with 8% in 2011. UNDP support was instrumental in the passage of a revision to the Village Court Act in 2012 that expanded the scope of their jurisdiction. This has lead to wider access to the village courts—especially for most vulnerable groups and women-- and an increase in the number of resolved at the local level.

As of 2015, the level of compliance with human rights in Bangladesh remains low despite the fact that Bangladesh has ratified many international human rights treaties and established the National Human Rights Commission (NHRC). Leading INGOs continue to document human rights abuses in Bangladesh perpetrated by the police and other security services, including torture, forced disappearances, extra-judicial killings and illegal arrest and detention. The UN itself has expressed concern at the high level of continuing sexual and gender based violence (SGBV) in Bangladesh and the rights of women within their families, communities and at the hands of state authorities—including incidence of child marriage (even though the practice has been declared illegal in the country). Bangladesh continues to have the highest rates of child marriage for girls under age 15 in the world. Bangladesh also remains both a primary source and also a destination country for forced labour and sex trafficking, with documented cases of child bondage and forced labour. While the NHRC is one of the few Government institutions to have publicly raised the issue of extra-judicial killings committed by the police and related security services, NGOs have frequently criticized the NHRC for taking-on largely “soft” issues and not addressing the political violence in the country. Between 2010 and 2015 the number of complaints submitted to the NHRC has increased by over 300%. Yet, the NHRC has found it difficult to keep pace with the rising volume of complaints

UNDP support resulted in the establishment of the NHRC as the national human rights institution of Bangladesh. This is a *direct* Outcome level impact in and of itself and highly relevant to protecting the rights of all citizens including women and other vulnerable groups. UNDP support enabled the NHRC to prepare a series of policy papers and support legislative reform initiatives; conduct awareness and education campaigns; establish regular lines of communication on human rights with government ministries (through the appointment of focal points in each ministry) and fulfil its international UPR reporting obligations. It is very difficult, however, to ascertain or assess the number of UPR recommendations adopted by the GoB or to find that UNDP support has resulted in the achievement of the ROAR target (i.e. 55% of UPR recommendations of the 2008 UPR implemented by GoB as of 2015).

As of 2015, the main factor that prevents NHRC from fulfilling its mandate is its lack of independence and capacity. The provisions of Bangladesh’s National Human Rights Commission Act still do not fully comply with the Paris Principles or the standards of the International Coordinating Committee of National Human Rights Institutions. Going forward, UNDP should re-focus its human rights programming to support the over-arching human rights-based goal of the CPDUNDP should support civil society and NHRC to bring forth strategic litigation on fundamental rights for women and other vulnerable groups.

Meanwhile, as of 2015, the Outcome-level trend lines regarding public perceptions of policing, safety and security remain mixed with marginal improvements over 2010/2012 baselines. A UNDP supported “Public Opinion Survey on Personal Security and Police Performance” (2014) that found rising levels of trust in the Bangladesh Police (BP) from 2011 to 2014 supports the UNDP ROAR outcome indicator. For example, approximately 70% of all respondents believed that, compared to the previous two years, the overall law and order situation in the country had improved or remained the same. This was deemed significant, given the deteriorating political situation and violence that occurred in the six-month period prior to the January 2013 election. The same survey found that public perception of personal safety had improved (with 90% of residents stating that their area was safe to live in as compared to 68.1% in 2011). The proportion of families that stated that they or their families had been a victim of a crime or unlawful act had risen from 21.5% in 2011 to approximately 48% in 2014. Yet, the study reported that during this same time period, crime rates had decreased by about 3% to 18%. People also reported that it was easier to obtain help from the police and to easily lodge complaints with the police. The study reported that the overall level of satisfaction with the police had increased to 83% in 2014 (an increase of 10% over 2011).

Law enforcement agencies in Bangladesh have improved their gender-sensitive policing and processes, but statistics and reviews of reports of leading human rights INGOs show that there is a long way to go. UNDP support to the BP has been geared towards shifting from an Irish constabulary model to a metropolitan model of policing that is sensitive to the needs of communities. In this regard, UNDP supported an analysis of the Draft Police Ordinance (2007) and 1861 Police Act against standards of international best practice, as well as developing many other guidelines and training manuals for the BP. The draft Act has not yet been enacted, however, which continues to be an obstacle to institutional change within BP. Higher rates of confidence in the police by women—especially in UNDP pilot “model Thanas”—may in part be attributable to the establishment of Victims Support Centres at local police stations; women’s barracks at Thanas and an increase in the percentage of women in the lower ranks of the BP, as well as to gender sensitivity trainings. The percentage of women in the BP increased from approximately 2% in 2012 to 5% as of 2014 and according to the BP, more women are moving into decisional positions at the Thana level.

UNDP support to approximately 3000 Community Policing Forums (CPF) established procedures for the CPF. As of 2015, BP reported that there were approximately 52,000 CPF reported established in the country, with over 800,000 participants. Going forward, UNDP should undertake analysis of the CPF to verify that the CPF are remaining with the bounds of their original purpose and jurisdiction.

UNDP informed the Evaluation that the number of actions (no. of arrests, prosecutions and convictions) taken by BP against serving police officers that have violated human rights in recent years is greater than in prior years. Yet, it is somewhat difficult for this Evaluation to find that the ROAR indicator target (i.e. percentage of citizens satisfied with law and order providers) has been objectively met when leading INGOs continue to document human rights violations (i.e. torture and extrajudicial killings) attributed to the BP and affiliated security agencies that are *technically* under the IGPs control. *We make this caveat notwithstanding the public perception surveys that claim improvement in public perceptions of police performance.* The Evaluation recognizes that this is an extremely sensitive area politically. While, UNDP does not have a human rights monitoring mandate, it should, nonetheless, seek to advocate for change within the GoB institutions that it supports and reinforce the human-rights based goals of its country programme..

The Evaluation strongly recommends that any future UNDP assistance to the BP adopt a comprehensive Security Sector Reform approach that focuses on reforming BP to comply with international best practices and human rights. Such an approach will more closely tailor UNDPs outputs to the overall CPD Outcome and should include measures to strengthen the BP’s internal oversight and accountability mechanisms, ethics and the ability of the Inspector General of Police (IGP) to take disciplinary action (including criminal prosecution) against any BP officers believed to have committed human rights violations. Going forward, it will be important for UNDP to support a new legislative framework needs to be put in place to move from a confessional to an evidence-based policing culture. UNDP should continue to advocate for passage of the Draft Police Ordinance of 2007 or similar legislation and support the establishment of a National Police Commission as a means of democratic oversight of BP and its activities.

***Detailed Findings: Chittagong Hill Tracts Development Facility***

As of 2015, compliance with many areas of the CHT Peace Accord remains low. INGOs continue to report human rights violations, including persecutions against ethnic and religious minorities in CHT and high levels of violence against women and girls—both at the hands of Bengali settlers and the Bangladesh Military. Yet there is evidence that service delivery (particularly in the education and health sectors) has improved as a result of better budget management and partnerships with private sector providers. ). As of 2015, 3,500 Parishad-development committees have been formed and 1700 women’s development committees have been formed. Some committees are engaging with UPs to obtain funding for development projects. This evidences the fact that these committees have become institutionalized to some extent). As of 2013, revenues of Hill District Councils increased by 10-18 percent, compared to the previous year as a result of identification of additional revenue sources". As of 2015, out of a 6000 person police force only 252 officers are from indigenous groups, the rest are Bengalis. Furthermore, 600 CPFs have been reactivated and 610 local police personnel trained on the CHT context. There remains an ultimate question, however, of whether and to what extent GoB institutions and processes in CHT are truly democratic.

UNDP support to LGIs in Chittagong, as well as to the Hill Tracts Councils (HTC) and the Ministry of CHT Affairs (MoCHTA) has resulted in measurable improvements in service delivery in CHT, including, education, health care and clean water. UNDP’s interventions have served to promote peace in CHT (in compliance with the CHT Peace Accords) and capacitated LGIs to prepare their own development budgets, thus driving the decentralization process in Bangladesh. UNDP support to the police in CHT has resulted in a more inclusive police force that incorporated CHT minorities within its ranks. Going forward, UNDP should continue to support MoCHTA to implement legislative reforms required for Bangladesh to come into compliance with the terms of the CHT Peace Accord (note: UNDP estimates that 26 national laws and 12 regional laws need to be amended). UNDP should also support the Judiciary to establish new courts in CHT that are required in order to bring the Judiciary into compliance with the terms of the Peace Accord. Beyond this, UNDP should continue to support CSOs that focus on legal aid and combat violence against women and ethnic and religious minorities at the grass-roots level in CHT.

***Conclusions***

It is clear that as of 2015, as a result of UNDP’s interventions under the current CPD, most of the targeted GoB institutions’ abilities to effectively carry out their mandates at Outcome level has improved over 2012 levels. Most of UNDP’s governance interventions are at a relatively early stage, however, and, while they have begun to improve processes, build capacity and increase inclusiveness and transparency, they have not yet begun to show *national* improvement in service delivery. There are, however, discreet examples of improved service delivery in some locations where UNDP programmed (i.e. particularly in the health and education service sectors).

The same can be said for justice and human rights, where improvements in court facilities and procedures, criminal justice coordination and gender sensitivity have arguably resulted in marginal increases in access to justice—especially for women. Yet, despite the establishment of the NHRC, human rights violations remain pervasive in the country and NHRC has not fulfilled its mandate fully in regard to investigating many complaints of extra-judicial killings, torture, etc..

The predominate focus of UNDP support during the CPD has been on the supply-side of the development equation. Going forward, there is much room for UNDP to mainstream its work on local governance and decentralization, human rights and gender; as well as to explore new and innovative areas on youth engagement, social cohesion, land and other areas improve governance, service delivery, access to justice and community safety and security in Bangladesh.

UNDP’s contributions to development results must ultimately be judged within the scope of UNDP’s own mandate and its limits as well as the political context of Bangladesh. An example of this is UNDP support to the ECB that, despite UNDP’s best efforts, did not result in a peaceful electoral process in 2014. Such a political outcome cannot be guaranteed by any development intervention. Overall, the issue of revenue generation and efficient allocations continues to impede the outcome. UNDP should advocate more strongly with its GoB counterparts going forward to co-finance initiatives.

The Evaluation report makes a number of recommendations for the continuation of the current CPD (2012-2014), as well as set forth observations and recommendations for the next UNDAF and CPD. Additionally, the Evaluation discusses local governance, human rights and gender as crosscutting issues.

**Readers are encouraged to reference the conclusions and recommendations section of the Evaluation report, as well as the sections of the report “Additional Considerations for a new UNDP Country Programme for Bangladesh” and “Lessons Learned”. The overall recommendation of this Evaluation is that UNDP enhance the relevance of its interventions by focusing upon the human rights-based and service delivery themes of the CPD and on the *demand side* of democratic governance, rule of law and human rights.**

# Introduction

## Bangladesh’s Development Context

Bangladesh remains one of the most densely populated and poorest countries in the world with an estimated population approaching 166,000,000 million persons by mid-2014 on a total area of 144,000km2. According to the U.N. 2014 Human Development Report,[[1]](#footnote-1) Bangladesh is a country in the medium human development category. Bangladesh’s HDI value steadily increased between 1980 and 2013 (from 0.336 to 0.558, an increase of 66.0 percent or an annual increase of about 1.55 percent) and it had met several MDGs targets by 2013 (i.e. reducing the poverty gap, under-five mortality rate reduction, containing HIV infection with antiviral drugs, etc.).[[2]](#footnote-2) The UNDP 2013 Human Development report identified Bangladesh as a “rising star” and placed Bangladesh among the 18 countries of the world that made the most progress in achieving the MDGs.[[3]](#footnote-3)

Bangladesh has achieved around 6% or above GDP growth in the last decade in midst of global recession and slow global economic growth. Yet, political unrest and violence brought down GDP growth to 5.8% in 2013-14. The Asian Development Bank has forecast that the country will achieve 6.4% GDP growth from 6.2% for FY 2015; however, continuing cycles of political unrest and violence might spoil this prospect. The country's investment has remained virtually stagnant between 25 and 26 percent of GDP over the past several years. Analysts report that investment needs to be raised to at least 32 percent to achieve 7 percent or more economic growth. However, due to prolonged political disruptions during the last part of calendar year 2013, private investment declined to 21.4 percent of GDP in FY2014 from 21.8 percent in FY2013.[[4]](#footnote-4) Bangladesh has not yet transitioned above *low-income country status*. Its rural and urban poor—especially women and children—continue to encounter severe disadvantages and lack of basic services.[[5]](#footnote-5)

Bangladesh has experienced major governance challenges over recent decades including conflict and power politics between the two major political parties; a basic disrespect for democratic governance and processes on all sides of the political equation; intolerance on the part of ruling parties for opposing views; human rights violations; weak institutional frameworks and politicization of bureaucracy; a resistance to change and weak public administration; weak local government systems and a slow pace of decentralization of power, as well as an overall absence of rule of law. Meanwhile, a small segment of the population—including youth—is becoming increasingly vulnerable to a lack of socio-economic opportunity that fuels religious extremism and radicalization in a small segment of this population. [[6]](#footnote-6) Drug addiction rates in Bangladesh have continued to rise in recent years—especially within the youth population.[[7]](#footnote-7)

An appreciation of the electoral cycles in Bangladesh and political rivalries is key to understanding the Bangladesh development context as all sectors are impacted by political rivalries, political patronage networks and the violence surrounding elections. Since independence, Bangladesh has had 10 Parliamentary Elections. Although Bangladesh has a multitude of political parties, following the elections of 1991, Bangladesh has been essentially locked for several decades in a two party/alliance system and confrontational politics between its two main political parties—The Awami League (AL) and the Bangladesh Nationalist Party (BNP).

The Chittagong Hill Tracts (CHT) area of Bangladesh presents a sub-national development context with its own set of localized issues and needs. The Chittagong Hill Tracts (CHT) is an area of Chittagong Division in south-eastern Bangladesh, bordering India and Myanmar (Burma). Covering 13,295 square kilometres (5,133 sq. mi), they formed a single district until 1984, when they were divided into three districts: Khagrachari, Rangamati, and Bandarban. Topographically, the Hill Tracts are the only extensively hilly area in Bangladesh.[[8]](#footnote-8)

The 1970s and 80s were years of unrest, violence and massacres in the CHT. The local inhabitants resisted the Government of Bangladesh’s efforts to settle the CHT with Bengali people who themselves had been relocated due to construction of the Kapti Dam in 1962. After unsuccessful attempts at political negotiations with the GoB, the hill tribes formed a guerrilla force— the Shanti Bahini[[9]](#footnote-9)—that began attacking state security forces in 1977 and carrying out kidnappings of civilians and extortions. The 1980s witnessed multiple massacres of local inhabitants and indigenous people.

A peace agreement—the Chittagong Hill Tracts Accord—was signed between the hill tribes and the GoB in 1997. Yet, the CHT has remained a volatile region with on-going and repeated incidences of arson of Buddhist and Hindu temples and organized rapes (particularly of Jumma women) and killings of the indigenous peoples. The CHT area has proved particularly vulnerable to environmental degradation and deforestation. According to Amnesty International as of June 2013 the Bangladeshi government had still not honoured the terms of the peace accord nor addressed the Jumma peoples concerns over the return of their land. Amnesty estimate that there are currently 90,000 internally displaced Jumma families.

The Government of Bangladesh’s main development agenda—reflecting its commitment to achieve the MDG objectives as well as broader economic development and social development goals—is the Sixth Five Year Plan (2011-2015). This medium-term development plan is to implement the GoB’s long-term development plan “Vision 2021”. Key goals of Vision 2012 and the Sixth Five Year Plan (2011-2015) are to create more highly skilled-high wage jobs in Bangladesh; increase export potential (i.e. of the Ready Made Garments sector and other sectors); raising land productivity; to slow the growth of over population; improve land management (i.e. through amending and simplifying land laws); addressing regional disparities; and ensuring better access to water and health care. The Plan notes many important steps that had already laid a foundation for reform as of 2011, including implementing “Digital Bangladesh”, strengthening the electoral system, anti-corruption initiatives, introducing the “Citizen Charter”, passage of the “Right to Information Act”, etc.

Among the GoB’s goals for the period 2011-2015 are: supporting parliament; reforming the civil service; controlling corruption; strengthening the election commission and completing justice reforms. The justice sector, rule of law and access to affordable justice for all figure prominently in the Sixth Five Year Plan. In addition, promoting E-governance; improving the ability of the GoB to manage international investment projects and funds; improving sectoral governance; enhancing transparency and access to information and protecting human rights through the National Human Rights Commission are key priorities. The 7th Five Year Plan was in the process of being designed during 2014.

*Note: Readers of this report who are unfamiliar with the major government institutions of Bangladesh or who are new to the country are referred to Appendix A: Legal Context and Government Institutions infra for additional information on the structure of government in Bangladesh and institutional needs.*

## Overview of Country Programme Document Outcomes 1.1 and 1.2 and UNDP’s Governance and Rule of Law Goals

The subject of this evaluation is Outcome 1 of the CPD 2012-2016[[10]](#footnote-10) CPD Outcome 1. CPD Outcome 1 is divided into two sub-Outcomes 1.1 and 1.2 covering Democratic Governance and Justice and Human Rights respectively. The CPD outcomes focus primarily upon enhancing government’s ability to carry out its mandate to deliver public services in an accountable, transparent and inclusive manner. The CPD also seeks to strengthen justice and human rights institutions to better serve and protect the rights of all citizens, but with special focus upon women and other vulnerable groups.

CPD Outcome 1.1 and Outcome 1.2 are in line with the GoB’s development plans and other strategic documents of UNDP and the UNCT in Bangladesh including the UNDAF (2012-2106).[[11]](#footnote-11) The estimated **resource envelope** for the UNDP Bangladesh Country Programme 2012-2016 is **US$ 553.6 million**, where indicative budgets of the Outcome 1.1 and 1.2 comprise **28.5%** (US$ 158 million) of the overall CPD envelop. As of July 2014, the Outcome 1.1 and 1.2 altogether had mobilized **83.4%** (US$ 131.8 million) of its planned budget from UNDP core resources as well as from its development partners.[[12]](#footnote-12) A table showing the UNDP projects that feed into CPD Outcome 1 appears in Appendix B of this report. The outcomes and indicators as stated in the CPD are as follows:

*CPD Outcome 1.1.*

***Intended CDP Outcome 1.1:***

***Government institutions at the national and subnational levels are able to more effectively carry out their mandates, including delivery of public services, in a more accountable, transparent, and inclusive manner.***

*Outcome indicators*

*Quality of oversight and conduct of national and local elections; number of standing committees active; status of civil service human resources management system; women as a percentage senior civil servants.*

*Indicative Country Programme Outputs*

*Parliamentary Standing Committees are able to actively and effectively perform their functions of oversight and legislation.*

*Electoral oversight and conduct of elections by Election Commission result in credible elections.*

*Business processes for service delivery by central and local government institutions are more gender-responsive.*

*Civil society and media better able to hold public sector accountable for performance.*

*Indicators, Baselines and Targets*

*-Status of revision of Parliamentary Standing Committee Rules of Procedure. Baseline: 2010: No; Target: 2014: Yes*

*- Number of ministries responsible for service delivery with performance monitoring systems (Baseline: 2010:0; Target: 2016: 5).*

*- Status of civil service network for women (Baseline: 2010: No; Target: 2016: Yes)*

*- Percentage of local plans fully integrating Millennium Development Goals (Baseline: 2010: 8%; T: 2016: 60%)*

*- Number of people benefiting from information and service centres under Digital Bangladesh, disaggregated by gender (Baseline: 2010:2 million; Target: 2016: 20 million).*

*CPD Outcome 1.2.*

***Intended CPD Outcome 1.2:***

***Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups.***

*Outcome indicators*

Number of case backlog reduced (baseline 2010: 1.6 million, target 2016: Below 1 million); percentage of citizens satisfied with the police force; women as percentage of Bangladesh police force, including at officer level.

*Indicative Country Programme Outputs*

- Key justice sector institutions are able to undertake sectoral coordination and administer legal aid to reduce case backlog

- Human Rights Commission has administrative systems and processes in place to more effectively monitor and protect human rights

- Services performed by law enforcement agencies are sensitive to gender and human rights

- Local justice systems and processes for rural populations are in place

*Indicators, Baselines and Targets:*

*- Number of cases backlogged (B: 2010: 365,000 Supreme Court cases; T: 2016: 292,000)*

*- Number of village courts functioning (Baseline: 2010: 224 village courts; Target: 2016: 500)*

*- Number of women and children benefiting from improved victim support services (Baseline: 2009:500; Target: 2016:7000).*

Note that at some point, the UNDP Country Office began to report to the ROAR indicators, rather than the indicators listed in the original Country Programme Document (CPD). This Evaluation was instructed by UNDP to assess impact using the ROAR indicators, instead of the original indictors in the CPD (2012-2016). Yet, this said, the ROAR indicators are few in number and not necessarily the best indicators of UNDP’s impact upon the Outcomes. The Evaluation has assessed the Outcome-level impact of the total UNDP intervention supporting Outcome 1.1. and 1.2.

**ROAR indicators for Outcome 1.1. and 1.2**

|  |  |  |
| --- | --- | --- |
| **UNDP ROAR Indicator (CPP 2012-2016)** | **Baselines**  **(2008-2010)** | **Targets**  **(2016)** |
| Outcome 1.1. | | |
| Public Trust in the credibility of Elections | 80% | Above 80% |
| Progress on the Civil Service Act enactment and approval of revised rules. | No legal framework | Law passed |
| Percentage of women in the civil service in senior management positions (joint secretary or above) | 8% | 20% |
| Outcome 1.2. | | |
| # of case backlog | 1.6 million | 1.0 million |
| # of recommendations made by the 2008 Universal Periodic Review implemented. | 0 | 15 |
| Percentage of citizens who are satisfied with law and order service providers | 45% | 55% |

# Evaluation Methodology

This Evaluation fulfils both an accountability purpose and an educational purpose for UNDP and its partners and donors. The Evaluation takes stock of achievements to date; documents lessons learned and proposes ways to correct the course of UNDP’s intervention for the next two years of the country programme cycle. The Evaluation Team adhered closely to the Methodology suggested by the ToR for this mission and followed a participatory and inclusive approach and sought to answer the Evaluation Questions contained in the ToR. [See: Appendix F].[[13]](#footnote-13)

The mid-term evaluation was originally scheduled for the second half of 2014, because it is the penultimate year to the MDG deadline, and the midway point of the 2012–2016 CPD/UNDAF. The timing is in line with the CPD/UNDAF Evaluation Plan 2012-2016, which foresees that UNDP Bangladesh undertakes a mid-term outcome evaluation on the CPD Outcome 1.1 and 1.2 in 2014. The timing of the evaluation also ensures that evaluation results will be key input into the UNDAF mid-term review scheduled for early 2015. Delays in recruitment of the national consultants and other factors resulted in the Evaluation being undertaken in Q2 of 2015. In addition to the Team Leader who is an International Consultant, two National Consultants were engaged by UNDP to cover Outcome 1.1. and 1.2 respectively. UNDP also engaged a national consultant who fulfilled the role of “Data Analyst” to the evaluation. The Data Analyst’s primary duty was to prepare the “Data Review Report” [See, Appendix G to this Report that outlines the Role of the Data Analyst].

The Evaluation draws upon both qualitative and quantitative data in its analysis. The Evaluation was conducted in Three Phases. The first phase of the Evaluation was a document/desk review leading to the production of an Inception Report. Appendix D to this Report contains an Indicative list of documents reviewed by the Evaluation Team. The Evaluation received substantial amounts of qualitative and quantitative data from prior project reports (many of which are current through end of FY 2013 and in some instance 2014). Thus, via a careful and thorough meta-analysis, the Evaluation Team was able to avoid repeating the work of prior UNDP evaluation teams and build upon their work. In addition, the Evaluation Team undertook its own independent research and analysis of sector reports and analysis that can inform the Evaluation. At the request of UNDP, the Evaluation Team also relied upon UNDP ROAR Outcome narratives for years 2012, 2013 and 2014. A series of preliminary Skype meetings with UNDP senior staff and project staff was held prior to the in-country portion of the mission.

The Second Phase of the Evaluation was an in-country portion during which the Evaluation team undertook a series of semi-structured interviews with key informants during a 2.5-week period of time. A list of persons and institutions interviewed appears as Appendix E to this report. The RRF and M&E Matrix of the CPD, the Action Plan of the UNDAF and most importantly the ROAR indicators and narratives were used by the Evaluation as indicators of success. The geographic focus of the Evaluation and stakeholder interviews was Dhaka and the development districts given priority in the UNDAF 2012-2016 where UNDP programmes and projects under CPD Outcome 1.1 and 1.2 are being or have been implemented during the programming period. Field visits were undertaken by the Evaluation Mission in Dhaka, Rangpur and Kishoreganj.

*All Evaluations—particularly in a development context such as that of Bangladesh—face a limitation of available data. This Evaluation is no exception, the Evaluation is stronger in data for some areas and weaker in other areas; but on the whole, the Evaluation team was able to collect a large amount of statistics and opinion evidence to document the overall state of Outcomes 1.1 and 1.2 in the target areas of UNDP’s CPD; UNDP’s contribution and to identify gaps and potential areas for new directions and interventions going forward.* The principal limitations on the evaluation were the time available for interviews in-country; the availability and reliability of statistics; absence of good baseline data; absence of outcome data pertaining to outcome indicators; availability of Government officials and stakeholders; and the security situation in Bangladesh and the inability to get clearances for travel.

The limitation on the amount of time available and access are offset in three ways: 1) Meta-evaluation: Use of prior evaluations, reviews and studies as a means of covering districts and issues that could not be directly assessed by the evaluation team; 2) Sampling: Careful sampling (see section on sampling) to ensure that different conditions and situations are sufficiently covered to provide a range if not a cross-section of the issues faced during implementation; and 3) Triangulation: Asking similar questions of parties on different sides of the development partnerships and comparing them with monitoring data with a view to determining actual results. The Evaluation also collected information via email, telephone and Skype to extend the “reach” of the Evaluation team to areas to which they did not have time to travel and/or to interview stakeholders who were not otherwise available for interviews in-person.

The third and final phase of the Evaluation was the drafting of the Evaluation report. The Evaluation Data Analyst prepared a separate “Data Review Report” as stipulated in the Terms of Reference for the Evaluation.

# Overall Findings and Observations

## Relevance, Impact and Effectiveness

The complex political environment in Bangladesh and uneven progress toward the overall Outcome during 2012-2014, make it difficult to apply a “ratings scale” to UNDP’s performance under the CPD—especially as most results achieved across both Outcome 1.1 and 1.2 are highly mixed. Moreover, relevance, efficiency and impact are often intertwined in ways that defy such ratings categories or diminish their utility. Nonetheless, the Evaluation has attempted to apply the following ratings system frequently utilized by the UNDP Evaluations Office:

|  |  |  |
| --- | --- | --- |
| ***Ratings for Outcomes, Effectiveness, Efficiency, M&E, I&E Execution*** | ***Sustainability ratings:*** | ***Relevance ratings*** |
| 6: Highly Satisfactory (HS): no shortcomings  5: Satisfactory (S): minor shortcomings  4: Moderately Satisfactory (MS)  3. Moderately Unsatisfactory (MU): significant shortcomings  2. Unsatisfactory (U): major problems  1. Highly Unsatisfactory (HU): severe problems | 4. Likely (L): negligible risks to sustainability | 2. Relevant (R) |
| 3. Moderately Likely (ML):moderate risks | 1.. Not relevant (NR) |
| 2. Moderately Unlikely (MU): significant risks  1. Unlikely (U): severe risks | ***Impact Ratings:***  3. Significant (S)  2. Minimal (M)  1. Negligible (N) |
| *Additional ratings where relevant:*  Not Applicable (N/A)  Unable to Assess (U/A | | |

As regards the **relevance** of UNDP’s interventions under the CPD, as detailed in the main body of this Evaluation report, UNDP’s interventions were overall relevant (R) to supporting Outcomes 1.1. and 1.2. and supportive of the GoB’s 6th Five-Year Plan. as well as UNDP’s own strategic documents. For example, UNDP's interventions with the election commission of Bangladesh were designed to enhance the electoral database and improve transparency and credibility of elections. This was highly relevant to the needs of the ECB and enchanted the transparency of the electoral database and voter registration; however, the intervention was not able to adapt quickly enough to a deteriorating political situation preceding the elections of May 2014. Thus, over time, UNDP support to elections proved not as relevant as originally designed and could have perhaps done a better job of maintaining its relevancy had the intervention built-in capacity to incorporate political analysis/crisis prevention and risk management. On the whole however, UNDP support was highly relevant. A similar assessment can be given to UNDP's intervention with the parliament of Bangladesh that was also impacted by the boycott of the 2014 elections making both the effectiveness and relevance of UNDP's intervention weaker.

As with many areas of the CPD, UNDP's intervention with Parliament do appear to have resulted in a marginal level of enhanced transparency and accountability (i.e. a greater number of committee reports and financial disclosures), but certainly could have been much more relevant had CSO's been included at all stages of the intervention with greater frequency. in fact, as originally designed there was an entire output area of the CPD covering the abilities of the Bangladesh civil society and media to hold the public sector accountable for their performance, which was barely serviced by the CPD. This is particularly troubling given the fact that several members of the media and bloggers were assassinated as a result of expressing their political and religious viewpoints during the period of implementation of the current CPD.

Meanwhile, some areas of the CPD were highly effective (i.e. support to aid effectiveness and aid utilization rates in Bangladesh), however, the *relevance to the overall Outcome* was not to as strong as for example UNDP supports to civil service reform, access to information and delivery of services, local governance and justice and human rights, including access to justice at the local level. The placement of such outputs as the AIMS database development and support within the CPD, while successful interventions, bear a somewhat tangential relationship to the overall goal of outcome 1.1 (i.e., Delivery of public services, and a more accountable, transparent, and inclusive manner) and highlight the need for a more coherent theory of change running throughout the CPD. UNDP’s interventions with LGIs were perhaps the most relevant in terms of ensuring transparency, accountability and inclusiveness in service delivery via improved budgeting processes and women’s participation in local governance.

The Evaluation found that UNDP interventions for justice and human rights (i.e. CPD Outcome 1.2) were in most cases relevant and designed to position GoB justice and human rights institutions to better serve and protect the rights of all citizens in Bangladesh. Yet, UNDP’s interventions lacked focus on key issues of judicial independence and integrity and could have incorporated civil society to a much greater degree. UNDP’s interventions with the judiciary and courts (both civil and criminal) was overwhelmingly targeted to capacity-building. Focus on judicial independence and integrity, including judicial conduct and discipline, was largely absent from UNDP’s intervention and could have greatly enhanced the relevance of the CPD to the Outcome. The online docketing and case-backlog reduction interventions were highly relevant to making courts more efficient, but there was little focus with the CPD upon the quality of justice being delivered by the courts (not just numbers of cases being heard).

Meanwhile, UNDP’s interventions for legal aid and access to justice proved highly relevant to enhancing the legal framework for legal aid in Bangladesh and enhancing the supply-side architecture, UNDP’s intervention for legal aid and access to justice could have been much more relevant to the demand-side and the needs of women and vulnerable groups, had it encompassed a comprehensive engagement with CSOs active in legal aid and platforms for mobile justice, strategic litigation and legal and psychosocial support services to victims of domestic violence and SGBV. On the whole, issues of gender equality and SGBV are not nearly as emphasized as one would expect in a UNDP rule of law and access to justice programme; however, UNDP’s support to village courts proved highly relevant to increasing access to justice for women and vulnerable groups at the local level via amendments to the legal framework and increased numbers of cases filed.. Going forward, the CPD can be better aligned with the 2013 Agenda for Sustainable Development Goal 16 and its affiliated targets, as well as Goals 5, 10, 3 and 4.

Going forward, Both UNDP support to the justice sector and UNDP support to human rights must be better aligned to the human rights-based approach of the CPD and assist the GoB to achieve compliance with Bangladesh’s international human rights obligations. In this regard, the 2030 Development Goals, and Goal 16 and its affiliated targets are particularly relevant. This holds true with respect to UNDP support to the National Human Rights Commission (NHRC) Bangladesh. The intervention was highly relevant to establishing the NHRC as the national human rights institution of Bangladesh, supporting the UPR reporting process and establishing a network of field investigators to support NHRC. Yet, the intervention could have been more relevant had it focused more upon enhancing NHRC’s capacity to investigate incidents of discrimination against women and other vulnerable groups. Additionally, there was little if any focus upon human trafficking in UNDP’s programming. Meanwhile, UNDP’s support to law enforcement agencies and gender-sensitive and human rights based policing and processes included elements that were highly relevant by design to Outcome 1.2 (i.e. community policing forums, the establishment of victim support centers and increasing the numbers of women in the police); however, the intervention could have been much more relevant had it focused upon such issues as police conduct and discipline, civilian oversight of the police and mechanisms to redress human rights violations committed by the police and affiliated security services in Bangladesh.

UNDP has managed to achieve limited, but significant **impact** at the Outcome level across both CPD Outcomes 1.1 and 1.2. UNDP’s impact under the current CPD is quite mixed. In some areas, UNDP’s impact is significant (S), in other areas UNDP’s impact is minimal (M) and in some areas negligible (N). UNDP Bangladesh has come up short in many indicators that it designed for itself at the outset of the current CPD. These are detailed below and in the detailed findings of the Evaluation report. UNDP’s **effectiveness** under the current CPD is also highly mixed, although overall effectiveness can best be described as Moderately Satisfactory (MS). The detailed findings below for Outcomes 1.1 and 1.2. as well as the main Evaluation report discuss the extent to which targeted government institutions are more effective at carrying out their mandates or are more accountable, transparent and inclusive than before 2012.

For example, the NHRC, which has gone from a zero baseline to being able to conduct significant outreach, monitoring and reporting on human rights in Bangladesh would likely not have made such progress but for UNDP’s support and mentoring (although the level of hand-on mentoring could have been greater at times). LGIs have also become much more effective in delivering inclusive service delivery as a result of enhanced budgeting and the inclusion of women development forums (although, World Bank and USAID were also heavily active in this sector). UNDP support to Access to Information, “digital Bangladesh” and “e-service delivery” proved highly innovative and effective, largely as a result of UNDP’s citizen-led bottom-up approach and establishment of Union Digital Centres (UDCs) and creation of service delivery fund. UNDP support to the Bangladesh Civil Service was also innovative and effective as regards the establishment of a Governance Innovation Unit (GIU) within the Office of the Prime Minister and work improvement teams. Meanwhile, UNDP support to legal aid was effective at advancing legislative reforms in this area, but was not as effective as originally envisioned on establishing a national legal aid coordination and delivery mechanisms. UNDP support to village courts was highly effective, however, could be made more so if it is synchronized with UNDP support to LGIs. Finally, UNDP’s innovative approaches in all three CHT districts (i.e. quick-impact programmes; Hill District Council governance inclusive planning and budgeting; community participation, etc.) proved effective and produced results in education, healthcare and the environment.

By way of contrast, despite significant UNDP support and successful work in the area of voter registration, the ECB could not guarantee transparent and fair elections in 2014 or effectively police violations of the elections code. Here, UNDP’s effectiveness may have been enhanced by incorporating more real-time political analysis into its programming and building-in risk mitigation strategies and programme flexibility to adapt to changing priorities on the ground. UNDP was also not as effective as originally envisioned with advancing concepts of judicial independence and integrity in the judicial system. Also, despite significant support, UNDP was not able to reach targets for case backlog reduction in the courts. Although, UNDP was highly effective at enhancing gender equality within the Police and services for women and victims of SGBV, human rights abuses perpetrated by the Police were reported to be widespread and continuing as of 2015, thereby undermining the Outcome. UNDP was not able to effectively advocate with the Police and the Government to obtain passage of the revised Police Act during the current CPD.

Barriers and challenges to UNDP’s impact and effectiveness under the CPD included institutional resistance to UNDP’s technical inputs, a high-turn over rate of staff within line-Ministries, political violence, on-sided elections and frequent disruptions due to bandas being declared by political parties. These significantly impacted upon UNDP access to stakeholders and beneficiaries during the CPD. Political pressure on state institutions has often been intense, forcing UNDP to work in an environment of political “shocks”. The political violence that occurred surrounding the 2014 parliamentary elections permeated all facets of the UNDP engagement delaying, postponing and even reversing in some instances progress at the Outcome level. There were also some deficits in project design and problems with UNDP’s rates of procurement and ability to find and vet qualified staff and consultants for projects. Many areas of UNDP’s intervention under the current CPD likely could have been more effective had CSOs been incorporated to a greater extent in programming (i.e. Parliament, legal aid, service delivery, press freedoms, etc.).

Continued relevance, impact and effectiveness of UNDP programming can be best assured by involving more CSOs and other members of civil society as partners and ensuring the needs of UNDP’s core constituencies at the local levels are being addressed by UNDP interventions. The UNDP Country Office is already employing the ARENA initiative to explore issues of youth, but this will require continued long-term engagement at both the supply and demand side, as well as ensuring that civil society is equipped with the tools that it needs to express its voice and fulfil an oversight function.

## Efficiency

According to UNDP’s Outcome Evaluation Guidelines, efficiency is assessed by timely and economic use of resources to generate outputs, extent of partnership forged and level of gender equity, human rights and human development in delivering outputs. Budget utilization (delivery/execution rate) is a widely used as efficiency indicator. In terms of the **efficiency** of UNDP’s interventions, UNDP achieved Moderately Satisfactory (MS) results in terms of budget utilization rates under the current CPD. According to country office budget summary information, it appears that overall budget utilization for both Outcome 1.1. and 1.2 was quite low during the CPD as of end-2014.[[14]](#footnote-14)

UNDP’s efficiency was, like all areas of the CPD, negatively impacted by the political situation in Bangladesh. Lower than optimal delivery rates of some of UNDP's projects for both the Outcomes can be partially blamed to delays in the start of UNDP projects, a slow pace of procurement, and, theoretically, the deteriorating political situation in 2013-2014. Any assessment of delivery rates should thus be qualified by the political and security context within which UNDP was forced to operate. Certainly, the chronic procurement issues and delays cited above (and repeated “no cost extensions) were counter-productive both to UNDP’s reputation and the efficiency of its implementation.

For judging economic use of resources, Value for Money (VfM) has become one of the core elements of UNDP’s Organizational Change Agenda.[[15]](#footnote-15) It is very difficult for this Evaluation to assess UNDP’s overall efficiency in this respect as a lack of reliable, comprehensive and uniform data precludes any detailed analysis of “value-for-money”. So far, UNDP has done VfM exercises on four DFID funded projects only – PRP, JSF, NHRC and Aid Effectiveness projects. These exercises documented improvements in efficiency and economy at different levels of project results. Moreover, some projects (PRP, AEP and JSF etc.) have achieved cost efficiency by sharing resources and office premises with other projects and stakeholders.

UNDP’s budgets for the projects compromising the CPD indicate that the predominate portion of UNDP’s programme budget was devoted to building the capacities of central-level institutions and ministries, rather than on the demand-side of the equation. As the Outcome analysis of this Evaluation report shows, the overall impression within is that despite successful outputs at the project level, UNDP has been unable to achieve impact at the a large shift at the outcome level due to the prevailing political situation. Going forward, UNDP may get better “value for money” if it shifts its programme more towards the demand-side of the equation with smaller projects designed to address discrete development issues.

## Programme Implementation and Execution, Oversight and Management

Meanwhile, UNDP’s **implementation and execution** (I&E), **oversight and management** are assessed as Satisfactory (S), with minor shortcomings and mixed results, based upon the Evaluation’s interviews with development partners and implementing partners alike; but the overall impression is that UNDP fulfilled its role as in implementer and knowledge broker. Criticisms raised by stakeholders included UNDP procurement policies and capacities (i.e. cumbersome procurement procedures; issues of late procurement and delayed implementations); overly ambitious project design; failure to provide mentoring of GoB institutions; poorly designed indicators and lack of incorporation of conflict/political analysis in project documents and annual work plans. UNDP’s traditional comparative strength is its ability to act as a politically neutral broker and to mobilize its global knowledge and expertise to support governments in achieving their development agendas. But, if UNDP cannot mobilize such comparative advantage, then Donors may turn to other implementers such as INGOs or well-established local CSOs to directly implement development programmes.

Of concern to the Evaluation is the fact that most all UNDP project evaluations carried out under the CPD make mention of the fact that UNDP’s own internal procedures and the pace of its procurement operations have often negatively impacted upon the implementation of projects, due to lack of timely staffing, etc. UNDP’s procurement and day-to-day logistical operations were viewed as overly cumbersome and time-consuming. This view was echoed in numerous stakeholder interviews conducted by the Evaluation. Procurement lagged behind project start dates in many instances. Throughout the current CPD, UNDP Bangladesh has struggled to find the right candidates for local consultancies and evaluations. While the country office claims that its procurement procedures have recently been simplified, this has not borne out apparently in the projects as yet. Many projects were forced to request no-cost extensions from the Donors. Some stakeholders also opined that UNDP had over-relied on consultants during the life of the CPD and there was little in the way of true mentoring.

UNDP could have achieved a higher-degree of effectiveness had it engaged in deeper analysis and planning in advance of starting its projects. For example, there were “gaps” in the language of some project documents (i.e. the absence of provisions for project managers, etc.) and adequate scope for adjusting outputs based upon emerging political circumstances. There is also a need to integrate conflict analysis into UNDP’s country programme; not only with respect to the Chittagong Hill Tracts, but also with regard to the entire country. It appears all projects were overly ambitious in their original goals and unrealistic about their time frames. The CPD has lacked a coherent theory of change running across all its various governance outputs. UNDP could have done a better job of sequencing its governance programming. Output and Outcome indicators of some the UNDP projects were overly broad and/or vague and to some extent not commensurate the particular project interventions. Going forward UNDP needs to be more modest in its objectives within stated time frames.

In some instances, UNDP could have utilized its leverage to a greater extent and conditioned UNDP support on the GoB itself agreeing to take certain steps or approve certain staff. For example, UNDP's senior management could not pressure the ECB to approve a chief technical advisor position, because the language of the project document *itself* didn't provide for the hiring of such an individual. Another example is UNDP support to the Parliament where it is perceived that, had UNDP management approached more Members of Parliament individually at the outset, then perhaps the final deliverables of the UNDP intervention would have received a greater-degree of acceptance.

UNDP could’ve benefited from better planning in advance of the start of projects and stronger analytics on political economy, etc. that was not included in its project documents. The indicators of the CPD and the ROAR indicators have been heavily criticized by UNDP staff and Donors alike; and need to be improved. It is generally perceived that the indicators are more output based, rather than outcome indicators. Nonetheless, UNDP continues to report to these indicators. Going forward, UNDP must determine what indicators for governance are appropriate for UNDP Bangladesh. At the moment UNDP is exploring partnerships with the Bangladesh Bureau of statistics and BRAC to propose new governance indicators can streamline data collection. The Country Office needs to produce more demand-side analysis. Additionally, given the breadth of the CPD, UNDP can develop additional indicators as suggested at various points in this Evaluation—especially for justice and human rights.

Importantly, UNDP currently supports the RC and UN DPA HQ with political analysis; however, development partners have questioned whether UNDP has the right tools to engage politically. UNDP Bangladesh is currently exploring ways to strengthen its data analysis, conflict analysis, confidence building, and legal empowerment approach. UNDP has engaged the services of a consultant to develop a political analysis database based upon information from open source data, press reports, UNDSS reports and statistics and OHCHR information. This falls under the country office’s new ARENA initiative (Areas for Research Engagement Networking and Advocacy). This includes analysis of issues such as the legal framework for the ECB and fostering civil society platforms and networks to increase the political space for dissent from ordinary citizens and the political opposition and engagement in political advocacy campaigns and utilizing the media. UNDP has strong foundations for strengthening public outreach within its local governance initiative.[[16]](#footnote-16)

UNDP also needs to perform a true conflict analysis and identify the drivers of conflict. This has not been done to date. Such conflict analysis should be multi-dimensional, disaggregated and cover such issues and drivers of conflict as the overall political and economic situation, democratic space, elections, constitutional issues, political parties and wings, the military and security apparatus, labour organizations, youth, religious extremism, terrorism, human rights, community cohesion, ethnic populations, women, most vulnerable groups, the business climate, corruption, media freedoms and civil society.

Overall, UNDP’s **M&E** can be said to be Moderately Satisfactory (MS). Virtually all interventions undertaken within CPD Outcome 1.1 and 1.2 prepared regular reports in response to indicators listed in the CPD RRF. In addition, the CO prepared regular ROAR analysis and narratives. The problem is with the quality of indicators for some outputs and for the overall Outcomes themselves. These are in some cases not readily susceptible to measurement or verification.

The Evaluation found that UNDP could improve its abilities to anticipate risks in its programming documents. In many ways the continuing political crises and violence in the country is placing UNDP and other development organizations in a *crises prevention and/or recovery* paradigm. UNDP’s indicators were often found by the Evaluation to be overly broad or ambitious, given the development context in Bangladesh. The problem is that the indicators are not flexible and they run the risk of being irrelevant if the development context and/or political situation improves or deteriorates. UNDP should re-evaluate all of its indicators to ensure that these are SMART indicators to ensure continued relevance. UNDP’s M&E frameworks should be adaptable and less fixed over the CPD cycle.

Given the fact that the UNDP office currently supplies UN DPA with political analysis, it is important that this capacity continue to be improved. Going forward, UNDP will need to do a better job of incorporating real-time political analysis into its Country Programme and streamline the collection of data across its project. The Country Office is acutely aware of this need and is currently taking steps to improve its information collection and analysis capabilities.

## UNDP’s positioning within the UNCT

The Evaluation questions whether UNDP capitalized to the extent that it could have on synergies with other members of the United Nations Country Team (UNCT) (i.e. UN Women, UNICEF, UNHCHR, UNODC, etc.). The Evaluation was not able to document a single instance of true partnership under CPD Outcome 1.1 or 1.2 with any other member of the UNCT. Going forward, it will be increasingly important that the RC encourage UNDP to reinforce its efforts to explore partnerships with other UNCT members—especially in the areas of access to justice and human rights. All UNCT members, including UNDP, must be willing to and encouraged to “bring something to the table” in order to have a well-coordinated and synergized UNCT. In this regard, UNDP Bangladesh is advised to look at UNDP country offices around the globe that are actively partnering with other UN agencies such as UN Women, UNICEF, UNODC and UNAIDS—especially in the areas of access to justice, youth, gender and human rights. Inter-agency cooperation and partnerships have become ever more important as UNDP encounters a shrinking pool of available donor resources. U.N. Women and UNODC may be potential partners in this regard.

## Donor Coordination and Relations

DPs in Bangladesh stress that they are *not* implementers. They need an organization such as UNDP to act as an implementer on their behalf. At the same time, DPs are increasingly making UNDP and other organizations accountable for impact, effectiveness and value for money. The question then becomes, what is UNDP's "added value" compared to other international and local organizations? Traditionally, the added value of UNDP has historically been its ability to be an “apolitical” broker capable of advocating with governments (i.e. policy advocacy) and supporting governments to achieve their development agendas from a human rights-based perspective, promoting gender equality and focusing on addressing the needs of the most vulnerable members of society (women, children, PWD, PLWA, the poor and ethnic minorities). UNDP promotes itself as being able to draw upon its global mandate, networks and its ability to mobilize technical advice and expertise. If UNDP cannot deliver this *added value*, then it has no comparative advantage over INGOs or well-established local CSOs.

The Evaluation interviewed a number of DPs in Bangladesh. All DPs stated that UNDP is a good implementer, which has proven that it can mobilize resources effectively—although UNDP’s procurement processes have not performed optimally as many projects were delayed or experienced difficulties recruiting staff. The DPs also informed the Evaluation that UNDP could do a better job of advocating strongly with the government to push human rights issues under the current CPD. In general, the consensus of DPs is that UNDP has been too soft on its government partners. This has put DPs in the position of questioning the *relative advantages* of continuing to implement with UNDP.

Major donors in Bangladesh are also concerned about the issue of visibility, stating that UNDP should do more to enhance DP visibility and their “brands” in the field. In fact, this issue has become so important to DPs that it is currently influencing the decision of certain DPs as to whether or not to continue implementing via UNDP going forward. For example, the EU stated that in CHT area there has been a definite improvement at the outcome level largely due to UNDP support; but, the EU's brand was not made visible enough by UNDP. Going forward, UNDP must do a better job of acknowledging the support of its DPs and enhancing their visibility in the field.

UNDP could also do a much better job of communicating with its donors and being sensitive to the issue of donor “visibility” in the field. There was also some duplication with the support of other donors (i.e. World Bank and USAID were heavily involved with LGIs and the courts in recent years). Several of the donors are concerned about the sustainability of UNDP support. According to some donors interviewed, UNDP projects often have a tendency to prolong certain activities and that UNDP should articulate better exit strategies. An important recommendation is that UNDP harmonize within and among its own projects and its justice sector initiatives in other countries, coordinate and share information. UNDP should also strive to articulate better exit strategies in its project documentation.

## National Ownership, Partnerships and Sustainability.

Finally, the overall **sustainability** risk is Moderately Unsatisfactory (MU). Across the CPD the Evaluation noted different combinations of national ownership and sustainability. Sustainability risks continue and are mixed. A lack of political will on the part of UNDP’s government partners and low government funding and staffing of institutions, as well as political risk, continue to impede progress for some output areas under Outcome 1.1 and 1.2. This is tempered by substantial government ownership and political will in other areas (i.e. AIMS database and Women’s Development Forums). In some sectors UNDP faces only moderate sustainability risk, while in other areas the sustainability risk is significant to severe. These are detailed in the main Evaluation report. At the *high end* of the spectrum are UNDP supports to A2I and aid effectiveness. With these interventions there was both a high level of national ownership and political will, as well as government cost sharing to ensure the sustainability of some interventions.

Across the entire UNDP country program for Outcomes 1.1 and 1.2 the political situation and ensuing violence in Bangladesh has significantly disrupted implementation and the prospects for both national ownership and sustainability. Varying levels of national ownership and sustainability were achieved; although in general, national ownership over UNDP deliverables appeared to be strong. Furthermore, all projects supporting CPD Outcome 1.1 and 1.2 were to date implemented under either NEX or NIM modalities, whereby, the GoB has been held accountable to UNDP for its implementation. UNDP in some instances managed to obtain co-financing from the GoB during the life of the current CPD.

For example, national ownership for building a more capable police—at least in terms of its investigative abilities— appears to be very high. Yet, here the reports of on going human rights violations on the part of the police raises a caveat against continued UNDP support no matter how high the political will of the government counterpart. UNDP support to police is also a multi generational intervention now in its second phase and this raises questions of sustainability of UNDP initiatives in the absence of continued UNDP budgetary assistance. As stated in the discussion of outcome level impact and effectiveness above, the sustainability of UNDP interventions with police depends upon UNDP making adjustments to the mix of its programming and also refocusing its efforts upon human rights compliance, internal discipline and accountability mechanisms within the police, compliance with international best practices and clear oversight mechanisms of CPFs.

UNDP support to LGI in Bangladesh (UZ and UP) also appears to have a high level of national ownership and political will. There are evidences of higher levels of democratic participation, social accountability and transparency of the LGI due to UNDP support. As of 2015, all 485 UZ had prepared their budgets. But, again, here it is an issue of the government building capacity to collect data on the overall performance of the system and scale up initiatives. These interventions are, however, in the early stage and the prospects for sustainability appeared to be high over the long term. There are also indications that the government cost sharing of WDF in some locations.

In some instances, for example, there was a high level of national ownership for some interventions (i.e. the ECB registration of voters), but the sustainability of the intervention is dependent upon political will and the independence of the ECB both of which are lacking to some extent and more importantly, upon the government of Bangladesh willingness to cost-share going forward. Public confidence in the election process would appear to be at extremely low level following the recent municipal elections held in April 2015. Here, UNDP clearly built capacity of an institution that at times lacked the political will to fully deploying that capacity to ensure credible and fair elections.

Similarly, with regard to the courts and case backlog reduction, the Supreme Court has endorsed the expansion of case management committees; however, it does not appear that the Supreme Court has yet devoted the budgetary resources necessary to monitor effectively the case management committees. Furthermore, the members of the case management committees are busy judges and they do not have any secretarial support. There is no member-secretary of the CMCs and without a member secretary there is no one to maintain the files or to prepare reports.

In the case of the NHRC, national ownership of UNDP capacity support appears to be rather low. There were some significant issues regarding relations between NHRC staff and UNDP staff—principally over UNDP’s requirements that programme funds be used only for specific and UNDP approved purposes and fully documented. NHRC lacked its own management/operational capacities in line with national regulations. As of 2015, the single most significant threat to the sustainability of the NHRC is the fact that it lacks true independence is not in conformity with the Paris principles and continues to rate a "B" status from the ICC.

At the *low-end* of the spectrum is found UNDP support to Parliament. While UNDP was successful in obtaining initial agreements from the Secretariat of Parliament to draft a strategic plan and action plan, ultimately, these were not endorsed and UNDP was unable to obtain to date national ownership sufficient to ensure sustainability and implementation of the strategic plan in the absence of continued UNDP budgetary resources. Until free, open, credible, fair and transparent elections are held in Bangladesh that ensure inclusiveness and participation along with open debate it is doubtful that any intervention with a body such as the parliament can gain a measure of sustainability.

Going forward, the sustainability of UNDP programming will depend upon a variety of factors including: the level of GoB political will and budget support to continue UNDP deliverables; better cost and impact analysis at the outset of UNDP programming; more appropriate scaling of UNDP interventions (i.e. what is realistically possible to achieve within a certain time period and managing the expectations of the GoB and DPs alike); and completing supporting legislative reforms. Going forward, more sophisticated and timely conflict analysis and political analysis on the part of UNDP may help it to adjust programming based on the operative political realities and, when necessary, suspend interventions in a particular area and/or shift resources to other priorities and parts of its country program. Improved indicators will help UNDP better track progress versus investment. UNDP should build in mechanisms for better quantitative analysis in its programming. Bringing a wider spectrum of partners and involving civil society to a greater extent in its programme design and implementation might increase political buy-in.

# Detailed Findings

## CPD Outcome 1.1

***Intended CDP Outcome 1.1:***

***Government institutions at the national and subnational levels are able to more effectively carry out their mandates, including delivery of public services, in a more accountable, transparent, and inclusive manner.***

*Outcome indicators*

*Quality of oversight and conduct of national and local elections; number of standing committees active; status of civil service human resources management system; women as a percentage senior civil servants.*

|  |  |  |
| --- | --- | --- |
| **UNDP ROAR Indicator (CPP 2012-2016)** | **Baselines**  **(2008-2010)** | **Targets**  **(2016)** |
| Outcome 1.1. | | |
| Public Trust in the credibility of Elections | 80% | Above 80% |
| Progress on the Civil Service Act enactment and approval of revised rules. | No legal framework | Law passed |
| Percentage of women in the civil service in senior management positions (joint secretary or above) | 8% | 20% |

The detailed findings of the Evaluation report indicate that the principal government institutions targeted by UNDP under CPD Outcome 1.1. attained varying degrees of improvement in accountability, transparency and inclusiveness during first half of the CPD programming period (2012-2014).

### Electoral Oversight; Conduct of Elections and levels of Public Confidence in the credibility of the Electoral System in Bangladesh.

Bangladesh suffered debilitating political violence in 2007 when the electoral system collapsed, but managed to successfully transition from a caretaker government to an elected government in 2009 following a free and fair election held in December 2008 under the supervision of the Election Commission Bangladesh (ECB).[[17]](#footnote-17)

Rivalries and controversy between Bangladesh’s two main political parties (AL and BNP) arose again in 2013-2014.[[18]](#footnote-18) This was exacerbated by the execution in December 2013 of a senior leader of the Jamaat-e-Islami party for crimes committed during Bangladesh’s war in 1971.[[19]](#footnote-19) The political climate further deteriorated in 2014, with a long period of *hartals (strikes)*; placing at risk the sustainability of some UNDP development interventions in Bangladesh and threatening to reverse recent progress in some sectors. According the INGO “Human Rights Watch”, the Parliamentary elections in Bangladesh in 2014 were the most violent in the country’s history leaving hundreds dead and injured across the country.[[20]](#footnote-20) The AL maintained power and the BNP heavily criticized the performance and credibility of the ECB. Petrol bomb attacks at blockades killed more than 20 people and injured dozens according to local human rights organizations; homes were destroyed in rural villages and polling stations and officials were attacked and killed in some locations.[[21]](#footnote-21) In response, the security forces launched a brutal crackdown on the opposition forces resulting in incidences of unlawful arrests, enforced disappearances and extrajudicial killings alleged by human rights organizations to have been committed by the Bangladesh Police and the separate special Rapid Reaction Battalion (RAB).[[22]](#footnote-22) 2015 commenced with on-going political unrest and violence between AL and BNP supporters in Dhaka. Strikes (“Hartals”[[23]](#footnote-23)), demonstrations and traffic blockades occurred with violence from both activists and the ruling parties. The BNP continued to boycott Parliament and demand new elections.

As of 2012, public confidence in the ECB was showing at an 80% approval rating and the ECB conducted a number of elections in 2012 that were assessed as “well administered”.[[24]](#footnote-24) Yet, public confidence in the electoral credibility fell to 48% in 2013 (from 80% in 2012), as a result of the political violence and disagreements in 2013 about the timing of the elections; the war crimes tribunal; [[25]](#footnote-25) the 15th amendment to the Bangladesh Constitution and the abolishment of the caretaker government system.

Additional research from 2013, revealed a wide amount of variance and volatility in public faith in the ECB and low voter participation rates.[[26]](#footnote-26)A Nielsen and Democratic International survey of September 2013 foundthat67% respondents stated that under caretaker government there would be ‘neutral and unbiased’ elections. 68 per cent disapproved conducting of the election under the then current government (AL), 52 per cent had faith in the capacity of the ECB in “holding free and fair elections under the then current government. Only 32 per cent felt that the ECB was ‘not capable,’ with 13 per cent stating that they did not know.”[[27]](#footnote-27) In that poll only 28 per cent stated that “the Bangladesh ECB will do its job neutrally under the current government,” with 64 per cent agreeing with the same proposition if it was operating under a ‘non-partisan government system.

A poll conducted three months later in July 2013 showed that the level of support for political government-held elections had increased further to 41 per cent although a majority, 52 per cent, continued to disapprove of the ECB. In the earlier April 2013 poll, however, the results suggested that the electorate had more confidence in the ECB if it was operating under a caretaker government. In that poll only 28 per cent, however, stated that ‘the Bangladesh ECB will do its job neutrally under the current government,’ with 64 per cent agreeing with the same proposition if it was operating under a ‘non-partisan government system.[[28]](#footnote-28)

The Parliamentary elections held in January 2014 were the most violent in the country’s history.[[29]](#footnote-29) Months of political violence before and after the elections left hundreds dead and injured across the country. As the opposition boycotted the election, the Awami League won nearly 80% of the seats in Parliament leaving the country effectively without a parliamentary opposition. According to BRAC’s State of Governance Report (2014) the overall political situation significantly hampered progress regarding public trust in the elections.[[30]](#footnote-30) Voter turnout in 2014 was a record low in Bangladesh’s history because of the boycott and related violence. EWG found Election Day in May 2014 to be hampered by significant level of violations. Notwithstanding adequate polling operations in majority of stations, the scale of violence and violations relating to fraudulent activities undermined the overall integrity of polling process. The mean average voter turnout figure in polling stations was 58%. However, EWG expressed concerns that this figure does not reflect actual turn out due incidence of ballot stuffing.[[31]](#footnote-31)

Based upon the Evaluation’s interviews with INGOs, reports of the Electoral Working Group and press reports, it does not appear that as of 2015, the UNDP ROAR target of 80% public confidence in the electoral process has been maintained. The widely fluctuating levels of public trust in the credibility of elections 2012-2014 and the inability of the ECB to produce a level-playing ground for all political parties and candidates involved greatly overshadowed the fact that during this same time, the capacity of the ECB to register voters and hold elections was increased—largely as a direct result of UNDP’s interventions—despite the fact that larger systemic issues such as the independence of the ECB remained unaddressed. This is especially apparent if one takes baseline data for 2006/2007 for voter registration and compares it to 2015 total voter registration. Following the 2014 elections, however, the donors suspended funding from UNDP elections and UNDP Parliament projects.[[32]](#footnote-32)

CSOs are actively engaged in oversight of the ECB via the Electoral Working Group (EWG)(i.e. 28 CSO's are currently involved in the EWG). Transparency International Bangladesh and the EWG have expressed their anxiety and disappointment in ECB and that it should become truly independent. Going forward, UNDP could continue to support the EWG to advocate for ECB to exercise the full powers of its mandate in order to enforce the Code of Elections.

*Electoral Capacity of the Election Commission Bangladesh*

UNDP technical assistance was highly relevant to capacitating ECB to conduct elections in a fair and transparent manner and can be directly linked to an increase in the capacity of the Election Commission Bangladesh (ECB) during 2012-2014. Whether the ECB was able to exercise all of its powers and deploy its technical capacity (or had the political will to do so) is open to debate. There can be no doubt that despite its enhanced capacity, ECB’s credibility was undermined by the boycott[[33]](#footnote-33) and widespread evidence of fraud in the January 2014 Parliamentary elections and subsequent allegations of fraud and irregularities after the recent City Corporation election in April 2015 [[34]](#footnote-34). Ultimately, ECB proved itself unable to guarantee free and transparent elections in 2014 or to police violations of the Elections Code. UNDP could possibly have done a better job of maintaining the relevance and effectiveness of support to ECB, had the intervention included risk mitigation strategies, incorporated more “real time” political analysis and built-in a high measure of flexibility to response to emerging issues on the ground during the CPD.

UNDP support to the ECB (2012-2014) resulted in digitalizing the voter registration process and voter roll in Bangladesh.[[35]](#footnote-35) Prior to UNDP’s intervention, the entire voter registration process was done manually creating both mistakes and opportunities for fraud. In 2006, there were an estimated 1.5 million fake voters on the register and some districts had more voters registered than actually lived in the district. During the current CPD cycle, the management of the voter registration list was strengthened with complete national ownership, regular updates and server stations. The voter registration database was further improved by the ECB with UNDP support to be a biometric voter list assessed as 98% accurate and incorporating Automatic Fingerprint Identification System (AFIS) screening.

According to the ECB, the voter registration system is the most reliable and secure system of identification yet implemented by any agency in Bangladesh. As a direct result of UNDP’s support, as of 2015, the scope for fraud in the voter list has been drastically reduced. The system takes account of duplicate registrations and includes other measures to deter fraud. As a result of UNDP support, the ECB displayed an enhanced capacity to conduct sub-national elections.. Over 300 sub-national elections and 5 city elections that were deemed credible by observers; 7 million new voters were registered, bringing the total to 92 million registered voters keeping almost same proportion between men and women (50:16:49.84) [[36]](#footnote-36) As of 2015, in total 96,000,000 citizens had been registered and fingerprinted/photographed.

The ECB cites the GoB’s development of a “smart ID” card that has 25 security features, as a derivative of the UNDP outputs on voter registration.[[37]](#footnote-37) The new National Identification Document includes similar safeguards against counterfeit and fraud.[[38]](#footnote-38) This can be treated as a direct outcome of the UNDP intervention having implications on governance of service delivery in the banking sector and the revenue system management, which will have a positive effect in monitoring of tax collection and revenue generation from the potential taxpayers.

UNDP played a crucial role in providing logistic and operational support to the ECB (for example, translucent voter ballot boxes and IT systems); and, in particular, the construction of server stations for the electoral database across the country designed to house the voter registration process and database. Local electoral service delivery was expanded in 2013. E-governance initiatives piloted the use of mobile technology to deliver voter ID details to over 30,000 individuals. A total of 44 additional local electoral centres were capacitated in 2013, bringing the nation-wide total to 433 centres. Over 700,000 poling officials were trained in election procedures. According to the ECB, by December 2014, construction had been completed on 98.5% of the server stations originally contemplated (457 out of 464).[[39]](#footnote-39) The Evaluation was not able to verify, however, how many of these stations were actually open and operational.

UNDP also supported ECB to develop a Strategic Plan (2011-2016) and a two-year action plan (2011-2013) for the ECB Secretariat; improved the capacity of the Electoral Training Institute (ETI) (equipment, technical advice, facilities, database and an M&E system) that enabled ETI to roll-out an enhanced training curriculum between 2012-2014; and assisted the ECB to improve its partnership communications and outreach capacities.[[40]](#footnote-40) According to an evaluation conducted by UNDP at end-2014, it was not clear, however, the extent to which the ECB had implemented the plans.[[41]](#footnote-41)

Going forward, it is important that GoB pass strong data protection and privacy laws as a counter-weight to over-reaching by GoB using the NID database. The data collected by UNDP regarding elections does not appear to be national in scope. This might be an area for improvement going forward.

### The Parliament of Bangladesh and the ability of its Standing Committees to actively and effectively perform their functions of oversight.

Parliament plays a key role in oversight of the Executive and, ultimately, the delivery of public services in Bangladesh. The available statistics and analysis on the overall state of Parliamentary oversight in Bangladesh in 2011/12 indicate that Parliament’s performance was falling far short of its oversight functions and there was an absence of debate and legislative scrutiny.[[42]](#footnote-42) Recent analysis of leading scholars and INGOs and the Evaluation team’s interviews with stakeholders indicate that, as of 2015, the situation is largely unchanged,[[43]](#footnote-43) with the exception of the Standing Committees of Parliament that exhibit marginal improvements in capacity and the efficiency of their work. The conflict between the two major political parties and the practice of the opposition party to boycott legislative session, remains the principal risk factor to development assistance to the Parliament. This environment is also preventing Parliament from fulfilling its role as a legislative, representative and oversight body according to the Constitution of Bangladesh. Many deficits remain in the human resources capacity, funding and operational procedures of Parliament that impede its oversight of the Executive.

The predominant focus of UNDP support to the Parliament was on its Secretariat. UNDP developed a Strategic Plan and Action Plan for the Secretariat that was a first for the Parliament of Bangladesh. The Parliament Secretariat led the process with the assistance of the project. From the initial stage the secretariat was keen to have a strategic plan for the parliament however at the end of the project when the issue came to finance from their own budget to continue the implementation of the plan the secretariat denied to put their fund in to it. The Secretariat, thereafter, did not take measures to operationalize, institutionalize or implement the plan and no funding or staff was allocated by the parliament to implement the Strategic Plan and it was not integrated into the revenue budget.[[44]](#footnote-44)

Perhaps a higher level of political will and more broad-based political support could have been achieved had Members of Parliament been consulted at the drafting stage. As it was, no Member of Parliament was involved in the drafting of the strategic plan, and the committees were not involved. It does not appear at the present time that the Parliament is willing to put its own resources behind operationalizing the strategy. The Speaker of Parliament informed the Evaluation that, in her opinion, UNDP and DPs should pay for the strategy to be actualized and implemented, as it was a “donor-driven” initiative to begin with.[[45]](#footnote-45) As with many areas of the CPD, UNDP support to Parliament could have been more relevant and effective had civil society played a greater role in the intervention. Going forward, if UNDP continues to engage with the Parliament, it should heavily rely upon civil society to initiate a dialogue that can ultimately result in wider political party inclusion and debate.

In addition to its work with the Secretariat of Parliament, UNDP supported the development of the Parliament’s five “Standing Committees” during 2011 to June 2014. UNDP’s work with the Committees was, importantly, done across party lines. The five committees are: 1. Committee on Law Justice and Parliamentary affairs; 2. Committee on Women and Children Affairs; 3. Committee on the Environment and Forestry; 4. Public Assurance Committee and 5.the Library Committee. UNDP support helped the committees to prioritize their work and effectively increase Parliamentary oversight of the Executive and outreach to citizens. UNDP was able to effectively provide technical support and learning experiences drawing upon best practices from other parliaments (i.e., the parliament of India). According to an independent evaluation, ownership over UNDP project deliverables was high on the part of committee chairs.

For example, the Committee on Ministry of Law, Justice and Parliamentary Affairs focused on studying the systems, practice and procedures of land records management and title registration of Bangladesh and India. The Committee on Ministry of Environment and Forestry held a Conference of Parliamentarians on Climate Change, resulting in the establishment of a network “Parliamentarians for Climate Justice” and the drafting of an Action Plan based on the Dhaka Declaration and Statement of Principles. Meanwhile, the Committee on Ministry of Women and Children Affairs (MoWCA) focused on topics related to women and children issues, including gender equality, protection of women and children and empowerment of women. This resulted in a “Child Parliament”. In December 2012 the Committee on MoWCA organized public consultations on violence against women, demonstrating parliament’s concern about this important and sometimes taboo issue. And, perhaps most significantly for improved service delivery in Bangladesh, the Assurances Committee successfully developed guidelines and a system of recording Government assurances and implementation mechanisms for the Parliament.[[46]](#footnote-46)

One indicator of UNDP’s impact is the # of reports produced by the five Standing Committees pre-UNDP support (8th Parliament) versus post-UNDP support (9th Parliament). As indicated in the following table, the number of reports by these committees increased since UNDP support began.

|  |  |  |
| --- | --- | --- |
| **Name of the committee** | **Number of reports** | |
| **8th Parliament** | **9th Parliament** |
| 1. Committee on Law, Justice and Parliamentary Affairs | 1 | 1 |
| 1. Committee on Women & Children Affairs | 0 | 2 |
| 1. Committee on Environment & Forest Ministry | 1 | 2 |
| 1. Public Assurance Committee | 1 | 2 |
| 1. Library Committee | 0 | 1 |

*Source: Parliament Watch Report, Transparency International Bangladesh (TIB)*

Another indicator is the # of pending audit objections (involving material issues) considered by the Public Accounts Committee (PAC). An improvement in the number of pending audit objections considered by the Public Accounts Committee (PAC) between the 8th and 9th parliaments is particularly relevant to ensuring accountability, transparency and inclusiveness in the budgetary functions of Parliament and the delivery of public services in Bangladesh. As of end-2013, there was some sign of improvement (over previous parliaments) in terms of the performance of the Standing Committees--especially PAC. PAC in the 8th Parliament held altogether 46 meetings and produced 1 audit report based on 25 meetings. PAC reviewed 332 audit reports out of 799 reports. Thus, the achievement rate was 41.5%. In the 9th Parliament, the PAC held 132 meeting and produced 4 audit reports. PAC reviewed 570 audit reports out of 648 reports. Thus, the achievement rate was 87.9%.[[47]](#footnote-47) The sustainability of UNDP's interventions was at risk due to the frequency of turnover in committee staff and chairs and in some instances the failure of the Parliament to maintain project deliverables (i.e. the website of the Parliament). It must be stated, however, that other donors were actively engaged with Parliament during this same time period—especially with regard to its audit function.

*As of 2015, all major donors are reluctant to support the Parliament if not disinterested due to the current political situation.[[48]](#footnote-48)* At the same time, many of the bilateral donors are suspect in the eyes of the political parties for various reasons. At the end of the day it is the United Nations that is still seen as a neutral and objective arbiter in Bangladesh and has the best chance of affecting change at the political level. UNDP could possibly continue to assist the Parliament to adopt more inclusive rules of parliamentary procedure that give an enhanced role to the opposition party.[[49]](#footnote-49) Were UNDP to continue its support to the Parliament it must get the Standing Committees more involved at the policy level and also involved members of Parliament; as well as identify a strong national focal point within the Parliament to act as a liaison between UNDP and the institution.

UNDP and DPs must recognize that Parliamentary capacity building is a long-term endeavour. Stakeholders interviewed by the Evaluation suggested that UNDP should heavily rely upon civil society to initiate a dialogue that can ultimately result in political party inclusion and debate. This is now being initiated by the Country Office’s ARENA programme. Additionally, there should be a mechanism available for CSOs and other interested parties to submit *amicus curia* brief to the Parliament on issues of crucial importance. The library of Parliament is also under-utilized and should be made open to the people and researchers in order to further promote transparency and accountability. The Library is the official repository of transcripts of Parliamentary debates (proceedings of the Standing Committees are not published or publicly available, however).

### Aid Effectiveness and Aid Utilization Rates in Bangladesh as a component of public sector accountability, transparency and performance.

Meanwhile, tracking international aid in Bangladesh is integral to ensuring an equitable distribution of aid at the national and sub-national that ultimately impacts upon and improves service delivery at the local level. This promotes the goals of the Paris Declaration on Aid Effectiveness (2005); The Accra Agenda for Action (2008) and the Busan Partnership (2011)—all of which Bangladesh has endorsed.

There have been worldwide changes in aid structures and accountability since 2001. Aid has become more competitive and more results oriented. Yet, detailed information and data on aid effectiveness and aid utilization rates in Bangladesh remains largely dispersed as of 2015 preventing both the GoB and the top donors of gross ODA to accurately track aid in-flows in a transparent manner and better align aid allocations to GoB priorities focused on public service delivery. OECD-DAC data indicates that receipts for both gross and net Overseas Development Assistance (ODA) increased steadily in Bangladesh between 2011 to 2013.[[50]](#footnote-50) Data generated by BRAC in 2012 indicated a wide geographic disparity in aid utilization between regions in Bangladesh. Thus, tracking aid is integral to ensuring an equitable distribution of aid at the national and sub-national levels in Bangladesh.[[51]](#footnote-51) This is also important to promote the goals of the Paris Declaration on Aid Effectiveness (2005); The Accra Agenda for Action (2008) and the Busan Partnership (2011)—all of which Bangladesh has endorsed—emphasizing aid transparency and accountability to improve development results

To increase the capacity of the GoB to more easily coordinate, plan and ensure full transparency in development cooperation, UNDP supported the Economic Relations Division (ERD) of the Ministry of Finance. UNDP support responded to a direct need of the GoB to improve its aid information and management systems and policies and enhance its data collection within ERD.

The GoB’s draft National Aid Policy and Strategic Plan is a direct result of a UNDP supported aid management review. The major feature of the Draft National Aid Policy is its emphasis for aid management to synchronize with GoB policies. In this regard, the National Aid Policy contains indicators that support the GoB’s new (i.e. 7th) 5-year plan. While the National Aid Policy remains in draft form, the GoB has given comments and it is currently under discussion with the MoF and various ministries. The Committee on Aid Effectiveness (MoF) will sign-off on the draft before it is circulated to Development Partners.

Perhaps most importantly, UNDP support resulted in a more constructive dialogue between ERD and Local Consultative Groups (LCG) and internally within LCGs themselves. UNDP supported a review of the LCG Working Groups in mid-2012. The study concluded that the future sustainability of the LCG Secretariat (to be ultimately housed in the new ERD AE/DE Wing), is contingent upon sufficient resources and staff being allocated by GoB.[[52]](#footnote-52)

UNDP also supported ERD staff to attend regional meetings that enhanced peer-to-peer dialogue among the Ministry of Planning and the ERD (MoF) as well as significantly promoted South-South cooperation between Bangladesh and other countries in the South and South East Asian regions.[[53]](#footnote-53) The experience and South-South cooperation helped GoB to apply ODA benchmarks and data to other areas.

Another important advancement of the Outcome achieved with UNDP support is the development of the Aid Information Management System (AIMS) database. This UNDP intervention was relevant to GoB’s needs and to the issue of service delivery in Bangladesh and, thus, tangentially relevant to the overall outcome. AIMS captures “on-budget” and “off-budget” development assistance. All the thematic areas that ERD covers are expected to improve as a result of AIMS data. AIMS has already increased ERD’s capacity in planning and reporting; thus enabling Bangladesh to meet its international obligations. AIMS will further increase ERD’s information on the geographic distribution of aid, what “off budget” dollars are coming into the country, who is brining the money in and where they are spending it.[[54]](#footnote-54) AIMS data will also permit the Planning Commission and all ministries to prepare more predictable development plans. The Bangladesh Development Forum is also expected to benefit from AIMS data, information and inputs.

Development Partners believe that AIMS enjoys a high level of integration and ownership by the GoB ERD-MoF and this bodes well for the sustainability of the Outcome. As of 2015, 17 DPs are providing aid information to the AIMS. The ultimate goal is that all DPs come into the system.

While It is too early to assess the full impact of the draft National Aid Policy and Strategic Plan or the AIMS database, these deliverables have the potential to close the gap between GoB and its Development Partners, as well as generate many other derivatives in terms of transparency, accountability, forecasting and predictability. As of 2015, the challenge is to make AIMS fully functional and mainstreamed into the decision making process in Bangladesh. At the moment, many ministries and the Planning Commission remain unaware of the AIMS database and its potential. The GoB must provide adequate human resources to sustain AIMS and act on the information in the database.

Going forward, UNDP could provide support to train government ministries on AIMS (i.e. to analyse and synchronize AIMS data, etc.). As of 2015, the ERD is envisioning a second-phase of AIMS that could build out the platform to provide more data and incorporate automated data in the system. There is also a need for ERD to increase its communications with Development Partners in regard to implementation of the draft National Aid Strategy and AIMS. UNDP should at the same time ensure that safeguards are built-into the AIMS system to ensure that it is not used to stifle the NGO sector in Bangladesh.

### Civil Service Reform in Bangladesh and Women in the Civil Service.

As of 2015, the Bangladesh Civil Service remains resource challenged with a low percentage of women occupying senior level positions. Although the GoB’s “Digital Bangladesh” initiative as converted a handful of paper-processes into E-services available to citizens at Union Digital Centres at the local level, duplication of authorities and bureaucratic inefficiencies continue to complicate and impede access to basic services, processes and documentation—especially as concerns land tenure. The country has seen some progress in TI’s score on controlling political and administrative corruption over the last few years, but its score slip down two points from score 27 to 25 in the TI’s corruption index in 2014. According to the World Bank, Bangladesh continues to be one of the most difficult places in the world to conduct business. Such processes as registering property, obtaining permits and enforcing contracts are particularly time-consuming and burdensome.[[55]](#footnote-55)

The Civil Service Act was redrafted in 2012, with UNDP support, to cover all government employees to provide for an efficient and merit based human resources management system. In July 2015 the Cabinet had approved the Civil Service Act 2015—effectively satisfying one of the UNDP ROAR indicators. Enactment of the Civil Service Act was seriously jeopardized, however, due to the political-economy implications of the Act in the context of last parliamentary elections of 2014.

As of 2015, the BCS has not yet attained the stated UNDP ROAR indicator target of a 20% overall increase in the number of women in the civil service in senior positions (i.e. at the grade of junior officer and above). There was only marginal increase in the numbers of women in the civil service during the life of the CPD. The overall percentage increase in women between 2012 and 2014 was only .6%, with the overall percentage of all civil service employees who are women as of 2014 at around 10.5%. As of 2013, Total Class I officers in Public Administration (Ministries, Departments and Autonomous Bodies) =128911; Total Class I female officers in Public Administration (Ministries, Departments and Autonomous Bodies)= 20006; Percent of female Class I officers = 15.5%.[[56]](#footnote-56) Meanwhile, as of 2015, MoPA figures for % of civil service employees at the level of Joint Secretary and above that are women stood at 10.22%. Whereas, Transparency International reported an increase from 8% in 2014.

Percentage Women at policy level (Joint Secretary and above)(2015)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Officials** | **Government Officials** | | | **Percent (%)** | |
| **Male** | **Female** | **Total** | **Male** | **Female** |
| Secretary | 65 | 5 | **70** | 92.86 | 7.14 |
| Additional Secretary | 394 | 46 | **440** | 89.55 | 10.45 |
| Joint Secretary | 832 | 96 | **928** | 89.66 | 10.34 |
| Total | 1291 | 147 | 1438 | 89.78 | 10.22 |

*Source: MoPA with the help of Oli Ullah, UPGP project*

UNDP support can be directly linked to the development of a Change Management structure within GoB that resulted in the drafting of a new Civil Service Act (2012); the establishment of a Governance Innovation Unit (GIU) within the Office of the Prime Minister and a Bangladesh Civil Service Women’s Network; enhancement of the concept of the Citizen Charter; and a robust increase in digital/E-service delivery for citizens at the local level.

As a direct result of effective UNDP advocacy, a Governance Innovation Unit (GIU) was established within the Office of the Prime Minister to work as a catalyst for innovation, good governance and civil service reform (including the enhancement of women in the civil service). UNDP support was also instrumental in the drafting of the GoB’s “Reform Roadmap for the Bangladesh Civil Service”. According to stakeholders, this enhanced knowledge and awareness of both the need to reform the civil service and the GoB’s agenda for doing so.

UNDP support enabled the GIU to develop Work Improvement Teams (WIT) in seven (7) targeted ministries designated as “Path Finder Ministries”. For example the WIT suggested 12 new ideas for changes and innovations of which 5 have been formally adopted by the government (i.e., line Teachers recruitment, a mobile seed testing laboratory, on line revenue collection etc.). As of 2014, 8 ministries had submitted innovation plans. Of these, two innovation plans, namely online facilities in the process of recruiting primary school teachers and online leave management, have been implemented by the relevant ministries. The online recruitment process now directly benefits approximately 200,000 applicants, while the online leave management facilities benefit 8000-9000 public sector physicians. UNDP support also directly lead to the installation of a Performance Management Contract System between the Ministries and the Cabinet divisions. So far 8 ministries have signed the contract in the presence of the Prime Minister.

UNDP also advocated for the formation of Bangladesh Civil Service Women’s Network Initiative to promote gender issues and participation in the broader mosaic of public administration. As of 2013, the Women’s Civil Service Network’s constitution had been approved by the GoB and it had attained a membership of 1000+ women civil servants. Its Executive Committee had, with UNDP support, developed a set of “Gender Guidelines” that was officially submitted to the MoLJPA in August 2013.

In terms of attribution, it is very difficult to attribute any increase in the number or percentages of women in the civil service to UNDP and its outputs. This is due to the fact that during the period of the CPD, the Prime Minister has had a personal political commitment to this same goal and the GoB has independently put its efforts into this area. There is no obvious link between any UNDP interventions and increases in the percentage of senior civil service officials who are women. Going forward, UNDP should continue to support the BCS Women’s Network Initiative and increased numbers of women in the BCS. UNDP and the RC should continue to advocate with the GoB for passage of the draft Civil Service Act.

Another significant Outcome-level impact of UNDP’s support to Civil Service change management has been its support to GoB to enhance the Citizens Charter Initiative, which is now rolled-out to all public sector organizations. As of 2013, 56 public service providers in 16 pilot districts under 13 ministries had implemented the Citizen’s Charter with a complete monitoring framework.[[57]](#footnote-57) UNDP additionally supported the piloting of a Manual of Implementation in the 16 districts. As of 2015, an additional 29 offices are in the process of formulating their Charters.

The Citizen Charter has opened a window of transparency and accountability within public administration and service delivery. In the districts targeted by UNDP, the Citizens Charter proved instrumental in bringing about a change in the mind-set of the local level officials and encouraged them to provide services in a timely manner. There were reports of improvements in the time required for service delivery (i.e. in the Jenaidah district social welfare office). Citizen Charter Working Groups were also supported and facilitated. This intervention is highly relevant to the GoB’s needs and to ensuring service delivery in Bangladesh as it increases transparency and provides a “watch dog” function over the civil service and service delivery at the nexus between citizens and their government. UNDP support resulted in the development of a comprehensive monitoring mechanism of Citizen’s Charter implementation that the GoB has used to assess how well the Citizen Charter is doing in the field and to take remedial actions to improve the concept. Going forward, it is important that UNDP continue to strengthen monitoring of performance of the BCS and service providers against the citizen charters at the local level.

Outcome-level results such as the Citizens Charter have possibly contributed to an impression on the part of the public that service delivery rates are improving, while opportunities for corruption are decreasing. Corruption levels indeed appear to be gradually decreasing in Bangladesh. Bangladesh’s ranking on Transparency International’s Corruption index deteriorated from 120/183 in 2011 to 144/174 in 2012 with 46 percent of the population believing that corruption had increased.[[58]](#footnote-58) Correspondingly, in 2012, 84% of respondents stated that they believed that the BCS was corrupt.[[59]](#footnote-59) Yet, in 2013, other surveys found that public perceptions of both National service delivery and levels of corruption improved in 2013. 53% of survey respondents reported that they experienced improvements in public service delivery. More than 50% of respondents believed that corruption had either decreased or remained the same as five years previously.[[60]](#footnote-60) Bangladesh moved up eight places on Transparency International’s Corruption Index in 2013 to position 136.[[61]](#footnote-61) Yet, as of 2014, Transparency International Found that the BCS remained exposed to widespread corruption.[[62]](#footnote-62)

Going forward, there is much work to be done on increasing public awareness of the Citizens Charter, improving placement of notices and complaints boxes, integrating UZ offices into the Citizen Charter initiatives by District Offices and improving coordination between DC and service providers such as the Land Offices. Greater representation of civil society representatives could also be included in the Citizen Charter Working Groups.

### Public Service Delivery in Bangladesh at National and Local Levels

#### Access to Information and Digital Bangladesh.

A key component of both civil service reform and enhanced service delivery in Bangladesh is access to information (A2I) and the digitalization of public services and processes. As of 2015, 53 GoB public services are now available at UDCs nationwide (at 4,547 locations). On average wait times were reduced from 7 days to 1 hour and travel distances decreased from an average of 35Km to 3 Km.[[63]](#footnote-63) Union Digital Centres in the field are active and there is a huge demand for services. UNDP data indicates that as of 2015, an estimated 4,500,000 persons per month on average now obtain enhanced services via the Union Digital Service Centres at lower TCV rates. This amounts to 54,000,000 services obtained per year. These services are accessed by citizens at 64 Deputy Commissioner’s (DC) offices; 4,547 Union Digital Centres (UDCs); as well as additional urban access points in 407 wards, 11 City Corporations and 321 Paurashavas.

UNDP support proved instrumental to the creation of Union Digital Centres (UDCs) and has resulted in a number of outcome-level gains. The process of identifying E-services was citizen-led with UNDP pursuing a bottom-up approach with 56 services being suggested as candidates for transfer from central line-ministries to the local level via the Union Digital Centres. These were “quick wins” for UNDP, where previously over-the-counter services were digitalized and then made decentralized with project support. UNDP also played an instrumental role in drafting and facilitating several policies and guidelines like: Proactive Information Disclosure Guideline, (2014), Guidelines on Agent Banking for the Banks and 'National Information and Communication Technology (ICT) Policy, 2015. It is in the process of drafting the country’s first ever E-service Act. The goal of UNDP’s support to A2I is to get services to 20,000,000 persons and improve the “Time Cost Visit” (TCV) variable.

As a result of UNDP support, all offices of the government and local government are now available from one web address. This is a first for Bangladesh. This has removed “fixers” and “middle men” from the service delivery system and has addressed “corruption” and collusion of corruption between service provider and recipient. The initiatives are also having gender implications. UNDP support to A2I also promoted a culture of entrepreneurship at the local level. Links to local-level institutions were improved via public-private partnerships (i.e. digital banking services via mobile banking; health services; birth registrations, etc.) that empowered local entrepreneurs.[[64]](#footnote-64)

UNDP created a “service innovation fund” in 2013 that has awarded small grants to local digital and other service providers (public or private) In order to promote a culture of innovation within public and private spheres and to encourage risk taking behaviour among public officials so as to improve the quality and breadth of government services. For example, some UDCs are using private-sector health care providers to register live births, deliver health services and connect citizens with practitioners. Between 1976-2003, Bangladesh on average registered only 8% of live births; as of 2014; however, an estimated 80% of live births were being registered with the GoB. Significant improvement is noted in terms of TCV (Time-Cost-Number of Visits)(i.e. the time required to obtain a ‘Birth Certificate’ reduced from 8.8 days to 1 day).

Also of particular note to the Evaluation was the “E-purjee” system of purchase order and pricing verification of sugar cane permits famers to obtain accurate and timely purchase orders from sugar mills, allowing farmers to make timely deliveries of their harvest. The “E-Purjee” platform has resulted in dramatic reductions in costs associated with the transportation and delivery of sugar cane to sugar mills.

Another example is land records. In 2014, citizens were able to access an estimated 5 million land records via UDCs. A new Electronic Land Record System (ELRS) was also introduced with UNDP support in three districts on a pilot basis – this system allows electronic payment for land records reducing or even eliminating rent-seeking associated with accessing vital land records from the DC office Record Room.

|  |  |  |  |
| --- | --- | --- | --- |
| Time, Cost, Value (TCV) Analysis (Land Records) | Before UNDP A2I intervention | After UNDP A2I Intervention | Decrease |
| Time (days) | 29.92 | 16.32 | 45% |
| Cost (BDT) | 261.34 | 80.80 | 69% |
| Visits | 4/78 | 2.98 | 38% |

Improvements in Public Service Delivery as a result of UNDP A2I and Digital Bangladesh interventions are further reported in Annex 1 of this Evaluation Report.

In terms of UNDP’s efficiency, however, there appears to be a lack of synchronization between different projects and program/ projects of LGIs like UPGP/ Village Court/ and other on-going GOB and Donor supported projects. Also, Donors are dependent upon data being generated by UNDP itself and opined that UNDP should conduct an independent audit to verify the numbers of clients and beneficiaries actually being served. The remains a lack of general awareness within the population as regards the potential utility of the UDCs.

#### Business and budgeting for service delivery by central and local government institutions.

Among UNDP's most successful and relevant interventions in the area of democratic governance during the CPD are its support to Local Governance Institutions (LGI) at the Union Parishad (UP) and Upazila Parishad (UPZ) levels; the development of Women's Development Forums (WDF), and parallel LGI in the Chittagong Hill Tract (CHT) region.

Local Government Institutions (LGIs) located predominantly in rural areas, play a crucial role in the delivery of basic services in Bangladesh. There are three levels of local governance in Bangladesh: District Council; UZ and UP; as well as municipalities[[65]](#footnote-65) and city corporations. UNDP’s interventions under the current CPD are largely a continuation of results achieved in previous programming cycles.

A comparison of the pre-2012 situation shows that UZs are now much more adept at preparing budgets as a result of UNDP support than before. Per Section 38 of UZ Act of 1998, a UZ is required to prepare a budget that they submit to GoB). Before 2012, only 4%. of UZs (i.e. 24/485) had prepared their budget. This was the first time that the Upazila councils submitted budgets in accordance with Upazila Act (1998, as amended 2011). As of 2015 all 485 UZs have prepared their budgets. This is a significant advancement of the outcome as these budgets were prepared in a participatory manner within their communities. Ward meetings were held with open budget sessions that were highly inclusive.

According to the U.N.’s Report on the Post-2015 Development Agenda for Bangladesh,

*“With regard to the MDGs in Bangladesh, solid progress has been made, particularly on the poverty aspects of MDG1 (Eradicate extreme poverty), MDG4 (Reduce child mortality), MDG6 (Combat HIV/AIDS, malaria and other major diseases), and democratic governance. Strikingly, gender parity has been achieved not only at primary education level, but also at secondary level; moreover, girls are outnumbering boys even at tertiary level. On the demographic front, life expectancy at birth increased 67.2 years in 2009, with slightly higher life expectancy for females, while maternal and infant mortality rates have fallen markedly. Housing conditions have also undergone noticeable changes, with an increase in the proportion of solid constructed homes, declining household sizes and improved sanitation and piped water. Similar improvement has also taken place in sanitation and access to drinking water. However, major challenges remain, especially with regard to the nutrition aspects of MDG1 (Eradicate extreme hunger); MDG5 (Improve maternal health); MDG7 (Ensure environmental sustainability), which is fully off track and unlikely to be met; and tackling growing geographical, gender- and group-based inequalities. Gender equality in particular, which is addressed specifically in MDG3 but relates to all the MDGs, likewise remains a core challenge in the country.”* [U.N. Report on the Post-2015 Development Agenda for Bangladesh].

Field evidence suggests that UNDP interventions have directly improved transparency, accountability and participation in LGIs, at UZ and UP levels and there is credible documentation of improved pro-poor, gender friendly planning of the service delivery. Greater financial discipline in UP and UZ has also improved as a direct result of UNDP support and intervention.[[66]](#footnote-66) There are visible signs of downward accountability through open budget, participatory planning, and accountability to multi level stakeholders – UP chairs are actively taking responsibility for their 5 year development plans and yearly annual budgets are inclusive of persons from different professions and interests groups.

The proper preparation of budgets at the local level has supported the decentralization of services and the shifting of legitimate allocations from the central level to LGIs in Bangladesh. UZs and UPs have also improved their delivery of such services as education and health and have improved their communication capabilities. Committees (selected ones) appear to have created a new management system and culture of participation. Performance based grants added significantly to increased revenue generation. Public service delivery improved at the local level in 2014 as a result of participatory planning mechanisms being put in place; performance assessments; open budgeting, etc.[[67]](#footnote-67) Additional statistics on UZ and UP service delivery appear in Annex 1 of this Evaluation report.

UNDP support has also resulted in an improvement of women’s participation in local government especially in terms of project selection, and ensuring that women members chair at least one- third of the Standing Committees and engage with Women’s Development Forums (WDF)( a forum of UP / UZP leaders to promote gender focused intervention of the UP/ UZ). As of 2015, 30% of projects supported by LGIs (UP and UZP) are either implemented by women or women lead the implementation process.

WDFs not only ensure that a greater percentage of development projects at the UZ/UP level will benefit women, but also act as a watch dog body for gender rights and issues in general. However, the role of the WDFs and scope of engagement need to be further examined by DPs. For example, there is a serious question as to whether or not WDF should be registering and looking for funds from sources other than the UZ/UP budget. This has the potential to pull WDF away from their traditional local governance/representative basis and towards more of an NGO-type structure with their own independent source of funds. GoB is now cost sharing in some UPs UZs and in regard to the Women’s development forums (WDFs), the GoB is currently considering a budget line item for WDFs. This is a major development.

UNDP and UNCDF LGI initiatives should be scaled-up going forward. UNDP support to LGI is sustainable in the sense that the advocacy with government to have more allocation in the budget for UP is a continuous process and is starting to show results. UNDP must do a better job overall, however, of emphasizing the logic of interdependence of policy, institutions and finance and continue to support synergies. In the long-term, UNDP needs to upgrade its local governance reform efforts through regulatory reform. There needs to be a national capacity building framework for LGIs. The roles taken by Members of Parliament (i.e. attempts to control and manipulate UZ and UP governance processes) should also be looked into, as interference of MPs is a major issue in Bangladesh. Additionally, there are irregularities and inefficiencies existing in the system of transfer of funds between the central and local levels. There is also an urgent need to focus on vulnerable youth at the local level in Bangladesh (i.e. anti-drug abuse campaigns, the provision of market participation and IT skills, etc.). Synergies with pro-poor governance programming could also be enhanced.

UNDP should also develop indicators to measure LGI “transparency” and “accountability”. Possible indicators could include, for example, # of women’s development forums registered; # of services being delivered by local governments; quality of participation; % of development schemes addressed to marginalized persons; % of UP and UZ covered by particular services and % of national budget allocation to UP and UZs. UNDP should perform impact and cost analysis to ensure that it’s programming is not inadvertently creating additional burdens for local administration. *[Note: Additional discussion of local governance appears, infra, in the section of the Evaluation report devoted to cross-cutting issues].*

### The abilities of Bangladesh Civil society and media to hold the public sector accountable for performance.

As of 2015, it appears that the ability of Bangladesh civil society and media to hold the public sector accountable for performance continues to be significantly curtailed. Some local NGOs have reported that privacy rights of citizens are violated by the government and restrictions placed upon lawful activities of freedom of speech and assembly. In addition, Bangladesh continues to rank internationally at the bottom of all countries in the world in terms of press and Internet freedoms.[[68]](#footnote-68) According to Reporters Without Borders, Bangladesh ranked 146 out of 180 countries profiled.[[69]](#footnote-69) Crimes and violence were committed against members of the press with impunity. The GoB banned certain televisions stations from broadcasting. Several bloggers were assassinated as a result of their views and courts routinely have issued “contempt of court” warrants for those who criticize or report on court cases. Digital freedoms have also recently come under threat in Bangladesh.[[70]](#footnote-70)

Although originally contemplated to form part of its CPD outputs, as yet, UNDP has not focused extensively on the ability of civil society organizations or media to hold the public sector accountable for performance. UNDP’s interventions for Outcome 1.1 during the current CPD largely focused on central institutions of government. This has weakened the overall relevance and effectiveness of the CPD. Going forward, UNDP should become more inclusive of civil society and the media and design interventions targeted to the needs of CSOs and media freedoms in Bangladesh to permit these institutions to exercise oversight and hold government accountable. This area intersects with both Outcome 1.1 and 1.2, as the freedoms of assembly, free speech and the press are integral both to democratic governance and to justice and human rights.

## CPD Outcome 1.2

***Intended CPD Outcome 1.2:***

***Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups.***

*Outcome indicators*

Number of case backlog reduced (baseline 2010: 1.6 million, target 2016: Below 1 million); percentage of citizens satisfied with the police force; women as percentage of Bangladesh police force, including at officer level.

|  |  |  |
| --- | --- | --- |
| **UNDP ROAR Indicator (CPP 2012-2016)** | **Baselines**  **(2008-2010)** | **Targets**  **(2016)** |
| Outcome 1.2. | | |
| # of case backlog | 1.6 million | 1.0 million |
| # of recommendations made by the 2008 Universal Periodic Review implemented. | 0 | 15 |
| Percentage of citizens who are satisfied with law and order service providers | 45% | 55% |

The Evaluation found that UNDP interventions for justice and human rights (i.e. CPD Outcome 1.2) were in most cases relevant and designed to position GoB justice and human rights institutions to better serve and protect the rights of all citizens in Bangladesh. Yet, UNDP’s interventions lacked focus on key issues of judicial independence and integrity and could have incorporated civil society to a much greater degree. Impact at the outcome level in terms of increased protection of human rights in Bangladesh and achievement of the ROAR indicators remained virtually unchanged over 2012 baselines at the national level. Impact was greater in UNDP supported pilot districts. UNDPs interventions could be made more relevant going forward with a greater inclusion of civil society and a heightened focus upon vulnerable groups (youth, women and other populations) on the demand-side of the justice equation.

### Key Justice Sector Institutions in Bangladesh: Administration and Coordination

The principal justice intuitions in Bangladesh are the Supreme Court and the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA)(Law and Justice Division). MoLJPA has authority over the Office of the Attorney General, the Judicial Service Commission, Judicial Training Institute and the lower courts. MoLJPA also has responsibility for maintaining and supervising the National Legal Aid Service Organization (NLASO) per Article 27 of the Constitution.

According to the World Justice Project (WJP) Rule of Law Index 2014, Bangladesh’s position stands 92 out of 99 countries performing badly in the areas of controlling corruption and criminal justice. The WJP noted an overall trend in improvement in civil justice in Bangladesh, [[71]](#footnote-71) but formal justice institutions in the country remain severely resource challenged. In most other categories relevant to government and rule of law, Bangladesh ranks in the lower 10 to 15% of all countries surveyed by WJP in 2014.[[72]](#footnote-72) Courts at all levels continue to face a large backlog of cases (2012 estimated: 2.2 million cases) and case disposal rates remain low. “Lack of capacity, external interference, existence of age-old laws, mind sets of lawyers and Judges, as well as complex procedures all combine to create a system which does not deliver speedy, affordable and trusted outcomes for the public. A lack of coordination and cooperation between justice sector agencies…is another major challenge.”[[73]](#footnote-73)

The situation in the justice sector has recently prompted the Government to initiate judicial and legislative reform efforts and prioritize access to justice and the rule of law. Such reform efforts have included review of the Code of Criminal Procedure, Code of Civil Procedure, the Evidence Act, witness protection laws, introducing alternative dispute resolution mechanisms, establishing mandatory time frames for each stage of a lawsuit, bolstering legal aid services and exploring ways to reduce case-backlogs using ICT solutions.[[74]](#footnote-74) As of 2015, however, these various reforms remain in various stages of development—especially the code amendments and draft legislation, which are lingering within the MoLJPA and the Parliament. In September 2014, the Parliament passed a very controversial amendment to the Constitutions (16th Amendment), permitting impeachment of sitting Supreme Court Justices. This was roundly criticized by the international community, CSOs and members of the legal profession as an unwarranted political over-reaching into the judiciary with implications for judicial independence.

*Judicial Administration*

As of 2015, a high degree of corruption still exists in the judiciary and other justice entities in Bangladesh; and, there is an on-going and palpable rivalry between MoLJPA and the Supreme Court. In general, there is no culture of the judge acting as a court administrator or a strong code of judicial ethics that is enforced. In fact, all judges are overburdened. The issue of the national budget allocation to the judiciary remains unaddressed. For example, in the last 10 years 0.1 – 0.4% of the national budget has gone to the judiciary. The judiciary lacks skills to advocate for resources.

UNDP supported both the civil and criminal justice systems, but was forced to have separate interventions for each system, due to the fact that SC and MOLJPA could not agree on a common management modality thus there had to be two projects. UNDP’s interventions with the judiciary and courts (both civil and criminal) was overwhelmingly targeted to capacity-building. Focus on judicial independence and integrity, including judicial conduct and discipline, was largely absent from UNDP’s intervention and could have greatly enhanced the relevance of the CPD to the Outcome.

UNDP enhanced judicial administration in the civil courts by targeting the Registrar's Office and Secretariat of the Supreme Court; and conducting a capacity assessment of the Registrar’s Office that resulted in the development of a roadmap for court services improvement including standard operating procedures. The capacity assessment directly resulted in the Supreme Court's decision to establish a separate Judicial Secretariat to administer the lower courts and reinforce the foundation for judicial independence in Bangladesh. UNDP supported the development of a management system including Standard Operating Procedures (SOP), a Key Performance Indicator (KPI), Human Resource and other policies for the Judicial Secretariat.[[75]](#footnote-75)

In terms of increased capacity of judges and court staff, UNDP supported judicial leadership training that was adopted by the Supreme Court and has become institutionalized by the court. By way of baseline comparison, prior to UNDP's intervention there was previously no mechanism for judges of the Supreme Court to obtain continuing judicial/legal education. UNDP also facilitated South-South cooperation between the Supreme Court of Bangladesh and other regional judicial entities via the establishment of an online legal research database; and orientation and study visits to Australia and New Zealand that enhanced the knowledge of the Judiciary on case management, mediation and training techniques.

For the criminal courts, UNDP successfully brought the Law and Justice Division of MoLJPA on board and is actively working towards the establishment of a National Justice Sector Coordination Mechanism and developed draft strategic plans for justice institutions (e.g. Law and Justice Division of MoLJPA; Judicial Administrative Training Institute, and Bangladesh Judicial Service Commission). UNDP support to criminal courts and the criminal justice chain was undertaken in a holistic manner that also focused upon case backlog reductions and judicial reforms. UNDP applied a sectoral approach to criminal courts and the criminal justice sector that was more broad-based than UNDP support to the civil courts. This approach encompassed communication, coordination and cooperation between justice agencies in pilot districts. The National Justice Sector Coordination Committee is now in the process of being formed with the inclusion and consultation of all sectors involved in the criminal administration of justice ---law enforcers, civil surgeons office, prosecutorial, prison management and judicial authorities. Prior to UNDP’s intervention, there was no platform to combine and share information between these entities, as they fall under different jurisdictions and administration.

Additionally, other elements have resulted in small changes at the Outcome level (i.e. rules relating to witness testimony; medical examiners report, etc.). UNDP also supported the drafting of a Criminal Justice Coordination Committee Operation Manual consented to by the Supreme Court that will be used by the Criminal Justice Coordination Committees in pilot district courts. As of 2015, the GoB (MoLJPA) had issued an order to establish CJCC in an additional 15 pilot District Courts.

UNDP supported a four-month long Justice Baseline Survey in the Supreme Court and pilot district courts, obtaining the understanding of how citizens including vulnerable and disadvantaged groups (i.e. women children and ethnic minorities in hilly areas), resolve legal disputes through formal and informal adjudication systems and measuring citizen satisfaction with the courts. The study revealed average duration rates for civil cases and criminal cases; highlighted land and property related cases; and levels of access to both formal and informal justice. Significantly, the study supported by UNDP revealed that approximately 79% of court users in Bangladesh are not satisfied with most of these persons being dissatisfied with the rate of adjudication and delays including frequent adjournments and postponements of cases and hearings. On the basis of this study, UNDP implemented case-back log reduction initiatives in the civil and criminal courts (see discussion below).

UNDP’s interventions with the judicial sector were originally premised on the government endorsing the concept of independence of the judiciary and making necessary reforms to bring Bangladesh in-line with international best practices. Yet, this never fully occurred, despite UNDP’s significant assistance to MoLJPA (LPAD) and progress with draft amendments to the Criminal Code, Code of Criminal Procedure and Evidence Code, and passage of a new Power of Attorney Act and other legislation. As discussed in the situation analysis section of this report the Bangladesh judiciary has existed in a highly politicized environment. In September 2014, the Parliament passed a very controversial amendment to the Constitution (16th Amendment), permitting impeachment of sitting Supreme Court justices. This was roundly criticized by the international community, CSOs and members of the legal profession as an unwarranted political over-reaching into the judiciary with implications for judicial independence. Such political questions have largely remained beyond the reach of UNDP and the UN and corruption within the lower judiciary remains pervasive.[[76]](#footnote-76)

Going forward, UNDP should advocate for enhanced mechanisms of judicial independence and the integrity of the judicial system in Bangladesh. Sustainability of UNDP support to the civil and criminal justice systems will depend as with other UNDP interventions on the Judiciary allocating sufficient budgetary resources to this effort going forward. As of 2014, a lack of political will existed in the judiciary to improve transparency of services in the courts. Prospects for sustainability are better in the civil courts, where the Supreme Court has already institutionalized many UNDP deliverables.

*Case backlog reduction and docket management*

In 2012, UNDP took note of court data that showed backlogs persisted in the court system, mostly as a result of out-dated case management systems. UNDP technical support resulted in a case management model that was formally adopted by the Supreme Court and all lower courts in Bangladesh for civil cases. As a result of UNDP advocacy, the Supreme Court established a National Case Management Committee in 2012. As of 2013, data indicated that the average citizen still had to wait 5 years to achieve justice in the formal civil court system.[[77]](#footnote-77) The Supreme Court appointed a special coordinator in the registrar's office with the responsibility for overseeing 64 Case Management Committees (CMC) for civil case management in all district courts. As of 2015, 35 of 64 districts had functioning CMCs, UNDP also formulated and published ‘Case Management Committee Guidelines ‘for Courts of the District and Session Judges and Metropolitan Sessions Judges (Oct. 2014).

Despite its efforts, UNDP has not yet achieved the ROAR indicator target for reduction of case backlogs in the civil courts (i.e. down to 1.0 million cases by 2016). As against the ROAR indicator (2012-14) case backlog (based on a baseline of 1.6 million cases in 2010), showed a regression in the overall backlog rate nationwide and an increase of the volume of cases. The Supreme Court reduced backlog of cases by 47,489 cases; but there was a simultaneous increase in the number of cases pending in the lower courts that was estimated to be 2 million cases at end-2012. But, according to the Supreme Court Report 2013, the case backlog rate spiked again in 2013 to 2.7 million cases nationally.[[78]](#footnote-78) In the seven pilot districts where UNDP was working, however, there was a reduction in the backlog rate of 4% (nearly 4000 cases) for this same time period.[[79]](#footnote-79) As of December 2014, the total overall backlog stood at to 2.8 million cases nationally, whereas the UNDP ROAR indicator target is a reduction to 1.0 million backlog cases by 2016. The overall regression nationally is likely attributable to extraneous factors such as thousands of new cases being instituted in the Land Survey Tribunals.

In terms of indicators, “case backlog reduction” is not probably not the best indicator. In the event that UNDP continues its support in this area, a better indicator is *case disposal rate*. According to reports of the Supreme Court, in 2014 the formal court system disposed of 1.3 million court cases, a 16% increase form 2013. Case disposal rates in UNDP supported pilot courts were high during these years (i.e. 96% of new cases in UNDP supported pilot courts in were resolved in 2014; 91% in 2013).[[80]](#footnote-80)

Missing from UNDP’s CPD are objective indicators for the *quality* of justice and judicial administration (i.e. # of district court rulings reversed on appeal due to procedural deficiencies or misinterpretations of law). Going forward, UNDP should improve its indicators for the civil and criminal justice systems to include quality control and judicial discipline. Additional statistics for courts, case backlogs and disposal rates appear in Annex 2 of this Evaluation report.

UNDP going forward should have a meeting with the Judicial Reform Committee to explore ways to support the up scaling of the CMCs once the GoB funds the initiative from the revenue budget with additional personnel, etc. CMC officials will also require additional training after they have been appointed by the authorities including short term ICT training and ToT.

An innovative outcome-level result of UNDP support the Supreme Court was the development of an online docket and case status tracking platform, including the installation of publicly viewable monitors in court houses to enable attorneys and their clients to easily view the date and time of cases, hearings and other matters as well as the locations of proceedings. Via the GoB access to information (A2I) the online docket system has been extended to all 64 district courts. As of 2015, the UNDP supported on-line cause list in the project areas is providing information and cutting costs and saving time of litigants. The Evaluation was able to visit courts in several locations and confirm usage of the system. While the online docketing and case-backlog reduction interventions were highly relevant to making courts more efficient, there was little focus with the CPD upon the *quality* of justice being delivered by the courts (not just numbers of cases being heard).

Going forward, UNDP should facilitate dialogue with Supreme Court Registrars Office and MoLJPA, Law and Justice Division to clarify the functions of CMC (which does not formally clarify whether CMCs are to deal with both civil and criminal cases or just with civil cases) and the future NJCC which aims to address the criminal justice sector) to obviate potential confusion.

### Legal Aid and access to justice in Bangladesh

Under the current CPD, UNDP has had a major impact on activating the entire process of legal aid in Bangladesh, including legislative reforms; introduction of ADR as a concept in Bangladesh and the establishment of DLA officers at District Courts (note: the office has been created, but not all offices are fully staffed). Translation and codification of the laws of Bangladesh with UNDP support, has had a significant impact upon practicing lawyers and also has increased access to justice. With the support of UNDP a total of 81 Laws have been translated either from English to Bangla or vice versa.[[81]](#footnote-81)

UNDP support resulted in a revision and amendment of the GoB’s Legal Aid Policy 2001 and its publication in the Official Gazette. The new National Legal Aid Policy that was drafted with UNDP support, accepted by the MoLJPA in 2013, and published in the Government Gazette of July 2014, expanded the criteria to allow more people to access the Government’s legal aid services including ‘any child’, victims of domestic violence, women and children victims of physical, psychological and sexual violence. There has subsequently been a dramatic increase in allocation of the funds from the budget, full time staff has been recruited for NLASO; 64 legal aid offices have been established in each district; legal aid activities at the Union and Upazila level have been expanded and amendments have been made to the law and policy relating to legal aid services.

UNDP support also resulted in the incorporation of a provision for ADR under GoB Legal Aid within the policy guideline to the Legal Aid Services Act, 2000 and published by Government Gazette of February 12, 2015. It was estimated by UNDP that this was resulting in increased numbers of poor people registering for legal aid and accessing a hotline to obtain legal aid information by 2014. For example, in the two UNDP supported pilot districts, as of June 2014, 242 poor people (117 men and 125 women) have registered for legal aid and an estimated 1180 people (484 men and 696 women) had accessed information on legal aid.

Via a government-private sector initiative, a Worker’s Legal Aid Cell was established with UNDP support in the labour courts as of 2013. According to UNDP, as a result of the Worker’s Legal Aid Cell the number of grievances sent to employers who are in violation of the labour code has increased.[[82]](#footnote-82) As of June 2014 a total of 346 workers had accessed the Workers Legal Aid Cell resulting in 24 new cases being filed and grievance notices served by an additional 93 persons on their employers. UNDP also supported NLASO to create a hotline for Bangladesh citizens working abroad that allows them to report abuse and labour violations occurring at their place of foreign employment. There are currently an estimated 8 million Bangladeshis working abroad.

There are several other derivatives of UNDP support that, while in an early-stage of introduction, might lead to an outcome-level shift in terms of legal aid if further institutionalized. One such area is Identification and production of witnesses to speed up trial of criminal cases. UNDP support resulted in a new regulation stipulating that charge sheets filed in the criminal courts include the Bangladesh Police Number and cell numbers of investigating officers to ensure that they can be contacted if need be, even if they are transferred to a different district, and to ensure that they can appear in court to give evidence. This regulation also applies to doctors at the Civil Surgeons’ offices.

UNDP also supported the establishment of women friendly waiting rooms in three locations that include separate washroom facilities for women. This is perceived to have put a gender friendly face on these pilot courts, which encouraged greater numbers of women to avail themselves of justice services. As of 2015, this remains a project outcome only but evidence indicates that women litigants use the waiting rooms extensively. District Judges’ offices are maintaining the rooms and monitoring their condition in each location. There seems to be uptake and movement from the Supreme Court and the Judicial Reform Committee to fund these from the revenue budget. Going forward, UNDP could build upon its support to gender-friendly facilities, by supporting access to court facilities for PWD. UNDP should continue to support mediation in family cases, but only for cases susceptible to mediation (i.e. where no incidence of sexual or gender-based violence is alleged to have taken place and where both parties agree to submit voluntarily to mediation).[[83]](#footnote-83)

While the above described interventions are highly relevant to enhancing the legal framework for legal aid in Bangladesh and enhancing the supply-side architecture, UNDP’s intervention for legal aid and access to justice could have been much more relevant to the demand-side and the needs of women and vulnerable groups, had it encompassed a comprehensive engagement with CSOs active in legal aid and platforms for mobile justice, strategic litigation and legal and psychosocial support services to victims of domestic violence and SGBV. On the whole, issues of gender equality and SGBV are not nearly as emphasized as one would expect in a UNDP rule of law and access to justice programme. Going forward, Both UNDP support to the justice sector and UNDP support to human rights must be better aligned to the human rights-based approach of the CPD and assist the GoB to achieve compliance with Bangladesh’s international human rights obligations. In this regard, the 2030 Development Goals, and Goal 16 and its affiliated targets are particularly relevant.

GoB itself appears quite keen on cooperating with CSO legal aid providers but has room for progress regarding wider cooperation and consultation. GoB has already taken many lessons from civil society both at the national and local levels. This includes the Bar Council (regulatory body for lawyers), which has set up its own legal aid scheme and contributes to the management of legal aid at the district level. Going forward, UNDP should support the exchange of information, experiences and capabilities between legal aid providers and ensure that civil society legal aid providers are included at all stages of UNDP’s programming. UNDP should also map out the discreet legal aid needs of vulnerable populations. UNDP should support MoLJPA and NLASO to have advisory panels from civil society for the National Legal Aid Programme and link-in with women’s groups, PWDs, youth and so forth. These groups are very vocal and aware of their needs. (i.e. Dalit groups have given feedback and information about their needs and what is actually happening to them on the ground; including the manner in which lawyers have interacted with them). UNDP should consider a “users panel” that will give feedback of users of legal aid. UNDP could explore using paralegals with greater frequency and obtain in-put CSOs to improve client communication, etc.

As noted elsewhere in this Evaluation, the CPD does not include support to public interest *strategic litigation* on key human rights (i.e. cases under the law on prevention of torture in police custody) and issues of importance. In this regard, there is a lack of synergy between UNDP justice, access to justice and human rights programming. UNDP should support local CSOs/INGOs and NLASO to better track cases that involve potential human rights violations, so that these can be better monitored by NHRC and human rights CSOs and “lessons learned” imparted to the judiciary and other legal stakeholders in Bangladesh. This is a politically sensitive area, however, as any criticism of judicial process in Bangladesh is currently a punishable offense and the ruling party has routinely used contempt of court warrants as a means of quashing dissent that should properly fall within the parameters of free speech under the Bangladesh Constitution.

### Local Justice Systems and Processes for Rural Populations in Bangladesh

Local justice systems such as Village Courts also play a crucial role in access to justice for rural populations in Bangladesh. UNDP support to village courts has had a profound impact on the Outcome, delivering grass-roots justice to large numbers of persons.[[84]](#footnote-84) Village courts are equivalent to an alternative dispute resolution mechanism and do not fall under the formal justice system, but under the MoLGR and corresponding LGIs. It is the MoLGR and UP chairman that have authority for village courts. The proceedings are informal and seek on the whole to achieve a restorative rather than punitive judgment and the compensation awards made are relatively low in terms of their dollar amount. In many ways this is analogous to a service delivery mechanism.[[85]](#footnote-85)

Although the concept had existed for decades, UNDP support was instrumental in the passage of a revision to the Village Court Act in 2012. The amended act included raising the ceiling of grievances heard in the village courts from 25,000 taka to 75,000 taka and increased the scope of jurisdiction of local dispute resolution mechanisms. This lead to wider access to the village courts—especially for most vulnerable groups and women-- and an increase in the number of cases that can be resolved at the local level. With the increase in the pecuniary jurisdiction of the village courts, the jurisdiction and outreach of the village courts is widened. This consequently lessens the pressure on the District Courts by reducing case backlogs.

The amendment of the Act within a short time is evidence of increasing confidence in village courts’ capabilities by both the Executive and Legislative branches and has ensured institutional sustainability and government ownership of the village courts. An order promulgated by the Local Government Division allocated Tk 6 crore for 500 Union Parishads to set up village courts across the country. The Government is committed to increasing the efficiency of village courts by appointing one additional person in the post of ‘accountant’ in each UP with priority being given to the 351 UPs that fell within the first project phase. The National Institute of Local Government, which is the lead organization of the GoB for providing training to local government, has recently included village courts in their training curriculum which will ensure that in future, newly elected UP members are aware of their duties regarding village courts.

UNDP also supported improved oversight mechanisms over village courts. As a result of UNDP’s direct advocacy and intervention, the Ministry of Local Government issued a circular setting up Village Court Management Committees at various levels (e.g. Upazila and District level). UNDP support also resulted in a 2013 amendment to the Village Court Act that makes the inclusion of woman members of the court mandatory in cases where one or both litigants are female.

UNDP's intervention was reported in an independent evaluation to have gained wide acceptance both within the government and the community. This is attributed to the fact that the village courts are located on average within a 3 km radius of the communities that they serve. An advantage of the village courts is the speeds by which they are able to adjudicate and dispose of cases. A March 2013 independent evaluation estimated that on average it takes only 23-28 days from filing of a petition to judgment being rendered by most village courts. Fees charged by the village courts are also relatively low and other transaction costs (i.e. transportation) are either non-existent or easily absorbed by petitioners themselves due to the close proximity of the village courts to their homes. As of end-2014, UNDP had supported the activation of village courts in 351 Union Parishads (57 Upazila under 14 districts of 7 divisions) and promoted the overall awareness of the existence of Village Courts.

The independent evaluation cited above was able to document a steep rise in the numbers of cases filed and resolved by village courts between 2010-2012. In 2010, at the outset of UNDP's engagement, only 210 cases were filed, with a resolution of the case in 110 cases and orders implemented by village court in 23 cases. Already by 2011 these numbers had increased dramatically. In 2011, 9542 new cases were filed, 5989 cases were resolved and village courts implemented 3953 orders. 2012 represented another major expansion in users with a total of 17,197 new cases filed; 14,004 cases resolved and 11,500 orders implemented by the village courts in the communities that they serve. Use of the Village Courts increased by an estimated 154% in 2013 (15,276 cases were filed); in 2013, women comprised 11% of village court cases, compared with 8% in 2011.[[86]](#footnote-86)

By virtue of UNDP support to village courts in Bangladesh, women’s access to justice has been facilitated to a great extent since gender is one of the many causes which impede women’s access to formal justice and village level courts are much easier for them to access. Amendment of the law, which requires mandatory representation of women in the village court panels, has ensured greater gender justice. UNDP support targeted women to encourage seeking a remedy through village courts. As a result, 31% women out of the direct beneficiaries sought remedies through village courts and representation of women in the village court decision-making process has increased from 8% in 2012 to 14.57% in 2014.

As noted above, UNDP’s intervention also appears to have the potential to impact favourably upon case backlog rates in the District Courts. There is some evidence that District Courts are referring a limited number of cases to the village courts.[[87]](#footnote-87) For example, data indicates that in 2015 District and Sessions Courts referred a total of 4771 cases to village courts.[[88]](#footnote-88) In the UNDP project areas there has been almost a threefold increase in the number of cases referred (In 2011, 541 cases were referred to the village courts and as of December 2014 the number of cases referred was 4,399). If this trend continues, it will serve to activate additional village courts in relevant areas. The 2013 independent evaluation observed, however, that UNDP could do more to encourage justice actors such as police and superior courts to divert cases, when appropriate, to the village courts and away from the formal justice sector. It was also recommended in 2013 that the GoB Ministry of Finance more proactively fund a full-scale enlargement the village courts initiative.

According to legal aid CSOs active in the field, as of 2015, citizens are generally aware of the existence of village courts and their jurisdictional limits. In contrast to community policing forums, village courts are a creature of statue, based in a democratically accountable process of elected official and have oversight mechanisms built-in. UNDP’s intervention at the Outcome-level can only be guaranteed if GoB continues provide. UNDP must continue to education judges, local officials and citizens on the role and jurisdiction of the village courts. There continues to exist the risk of confusion between decisions and proceedings of the village courts and those of *Shalish*[[89]](#footnote-89).

Going forward, UNDP’s support to village courts should be synchronized with UNDP support to LGIs (i.e. UP and UZ).

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| 1. **Number of UPs that have both UNDP support to LGI and UNDP support to Village Courts interventions** |
| Rangpur: 33 UPs |
| Kishoreganj: 35 Ups |
| **2. # of cases file in those VCs** |
| Rangpur (2012-2014): 7,322 |
| Kishoreganj (2012-2014): 5,700 |
| **3. # of cases resolved/compromised in those VCs** |
| Rangpur : 5,800 |
| |  | | --- | | Kishoreganj: 4,982 | |

UNDP should support the GoB to boost the activities of village courts and monitor them, while at the same time imposing a duty on village courts to report to the District Courts of relevant territorial jurisdictions as to the status of the cases referred from District Courts to the village courts. It currently appears that the District Courts do not keep track of the status of cases referred by them to village courts.

### Human Rights in Bangladesh and the National Human Rights Commission

As of 2015, Bangladesh has ratified or acceded to a number of international human rights treaties. These include: The International Covenant on Economic, Social and Cultural Rights[[90]](#footnote-90); the International Covenant on Civil and Political Rights[[91]](#footnote-91); the International Convention on the Elimination of All Forms of Racial Discrimination[[92]](#footnote-92); the Convention on the Elimination of All Forms of Discrimination Against Women[[93]](#footnote-93) and its Optional Protocol; the United Nations Convention Against Transnational Organized Crime[[94]](#footnote-94); the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others[[95]](#footnote-95); the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery[[96]](#footnote-96); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[[97]](#footnote-97); and the Convention on the Rights of the Child.[[98]](#footnote-98) Compliance with the above treaties has, however, remained uneven over recent decades.

According to the reports of a number of INGOs and the U.S. Department of State’s 2013 Report on Human Rights Practices in Bangladesh, the *de facto* human rights situation in the country has improved little, if at all, during the past several years. As of 2013-14, the police and security forces are alleged to engage in arbitrary arrests and detentions, forced disappearances and extrajudicial killings and routine beatings and isolated cases of torture.[[99]](#footnote-99) The judicial structure remains weak and subject to political capture, unable to address cases of politically motivated violence and corruption or to investigate human rights violations. These deficits in the formal justice system and other factors result in low levels of service delivery and access to justice for a large segment of Bangladesh’s population—especially women, youth, ethnic minorities and other disadvantaged persons, the urban poor and those living in rural areas. Many poor people in Bangladesh[[100]](#footnote-100) are deprived of their Constitutional rights to access justice.[[101]](#footnote-101)

Bangladesh remains both a primary source and also a destination country for forced labour and sex trafficking.[[102]](#footnote-102) There are credible reports of labourers being victimized by fraudulent inducements and contracts; children “sold” into bonded contracts (i.e. the brick kiln industry and fishing industry). Human trafficking remains a major issue in Bangladesh’s south eastern border with Myanmar and also on the high seas.[[103]](#footnote-103). The Government has recently taken steps to combat human trafficking (i.e. passage of the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA), yet conviction rates remain low. The GoB revoked the licenses of 65 recruitment agencies in 2012 and 4 recruitment agencies in 2013 for engaging in illegal activities.[[104]](#footnote-104)

Discrimination against women, religious minorities and sexual minorities continues to be widespread. Child labour and trafficking also remain issues of serious concern.[[105]](#footnote-105)The UN itself has expressed concern at the high level of continuing sexual and gender based violence (SGBV) in Bangladesh and the rights of women within their families, communities and at the hands of state authorities.[[106]](#footnote-106) Studies show that within their families, women are subjected to spousal abuse and physical violence.[[107]](#footnote-107) Bangladesh has a high number of dowry-related crimes committed against women. Women who do manage to earn independent income are often subjected to abuse as a result. Despite being outlawed by the Child Marriage Restraint Act of 1929, early marriage remains a problem with nearly 2/3 of girls married before age 18.[[108]](#footnote-108) In their communities cases of rape, acid attacks, sexual violence and even abusive justice under the traditional justice system known as *Salish* are well documented against women. Within the criminal justice system, women are often placed in overcrowded facilities and lack legal representation. In terms of their socio-economic, civil and political rights women face continued discrimination as a result of personal status laws. The Government’s 2011 National Women’s Development Policy seeks to improve opportunities and equality for women, but actual government expenditures in these areas remain low. Women continue to face lack of access to basic health care and education in many areas of the country.[[109]](#footnote-109)

UNDP support was highly relevant and played a crucial role in the establishment of the NHRC, its initial organization, staffing, equipment and technical knowledge. As a result of UNDP’s efforts, today the NHRC exists as the official national human rights institution of Bangladesh. The very fact of NHRC’s establishment is per se a major outcome for Bangladesh.

UNDP supported NHRC's capacity to process and follow-up on complaints of human rights violations and to develop and install an online complaint system. Additionally, UNDP developed guidelines and procedures for undertaking fact-finding investigations and to implement a strategy for monitoring and investigating human rights violations throughout the country, despite the absence of regional offices being established by the NHRC. In conjunction with CSO's, UNDP helped NHRC to establish a network of over 170 field investigators in response to the absence of any NHRC regional presence or staff.

UNDP further provided crucial support to the government and NGO partners to prepare for the second round of the UPR and improve Bangladesh’s compliance with its international treaty obligations. Additionally, UNDP supported the NHRC to conduct research and policy development.[[110]](#footnote-110) UNDP also supported extensive awareness-raising activities by the NHRC, including over 150 workshops, seminars, consultations, trainings, rallies and community meetings throughout Bangladesh.[[111]](#footnote-111) Progress was hindered, due to a lack of government commitment to human rights during 2014; but the NHRC made critical inputs into a new Anti-Discrimination law and the amendment to the Child Marriage Act.[[112]](#footnote-112)

Despite the technical assistance supplied by UNDP NHRC’s overall success in delivering upon its mandate has been limited. As discussed in the Situation Analysis of this Evaluation, as of 2015, the level of human violations in Bangladesh remains high. Human rights CSOs working in the field have consistently reported human rights violations involving paramilitary units of the police, including instances of extra-judicial killings, arrests of opposition party leaders and attacks on minorities.[[113]](#footnote-113) The culture of impunity in Bangladesh has changed little.[[114]](#footnote-114) Political and civil unrest in 2013-14, election related violence and retaliation on the part of the security forces resulted in deterioration in the human rights and law and order environment. In addition, there are significant constraints and suppression of free speech and the press. Forced labour rates are high and there continue to be a large number of child marriages despite the GoB’s attempts to combat this practice.

According to the numerous reports of INGOs there has been little or no impact at the outcome level, during the time period 2012-2014, in terms of a reduction in the overall levels of human rights violations or holding perpetrators to account that can be directly attributed to NHRC. While independent evaluations have confirmed an expansion in NHRC’s capacity to monitor human rights violations and increase its coverage at the district level,[[115]](#footnote-115) not a single case has been brought or public hearing held by the NHRC as a result of extra-judicial killings. Nor, has NHRC taken MoHA to task concerning the deplorable state of prison conditions in Bangladesh. This said, NHRC’s Chairman is one of the few persons in a GoB institution that has publicly raised the issue of extra-judicial killings (at least in his public statements and appearances in the press)—although NGOs remain critical of the NHRC’s relative lack of engagement on this issue.

In 2011, NHRC was reviewed by the U.N. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and given “B” accreditation status due to concerns about NHRC’s independence. This has not changed as of 2015. Furthermore, it is very difficult to ascertain or assess the number of UPR recommendations adopted by the GoB to date or to find that UNDP support has resulted in the achievement of the ROAR target (i.e. 55% of UPR recommendations of the 2008 UPR implemented by GoB as of 2016).[[116]](#footnote-116) As of 2015, the provisions of Bangladesh’s National Human Rights Act still do not fully comply with the Paris Principles or the standards of the International Coordinating Committee of National Human Rights Institutions[[117]](#footnote-117) the international community; DPs and INGOs continue to urge that Bangladesh undertake amendments to the NHRC Act that would enhance NHRC’s independence.

The main factor that prevents NHRC from attaining independence continues to be its budget, which comes from the MoF and remains inadequate. Transparency International Bangladesh has identified additional weaknesses of the NHRC.[[118]](#footnote-118) Apart from all of these factors is the political environment within which all independent institutions must work in Bangladesh. NHRC is small, relative to Bangladesh’s population (i.e. there are 7 Commissioners, but *only 2* are fully dedicated to the Commission on a full-time basis). NHRC has only a single office (Dhaka) and as of 2015 has 28 staff members of which only 10 staff members are professionals. NHRC has recently made a request that GoB fund 20 additional staff (15 of these are required to possess a university degree). The NHRC is currently monitoring the human rights situation in 2/3rd of the country in partnership with CSOs, through a roster of 173 human rights investigators.

NHRC’s caseload continues to increase—perhaps in part attributable to UNDP capacity building and public awareness-raising. Yet, NHRC staff is increasingly unable to keep pace. The number of complaints submitted to NHRC has increased by 300% over 2010 levels, but it still remains far below the original goals envisioned by UNDP and DPs. [See Table below for years 2008-2013]. In its 5 years existence, it has handled more than 2000 complaints, including 500 in 2014. The increase in the number of complaints over the years has demonstrated gradual elevation of its nation-wide profile. A survey carried out in 2011 indicated that only 30% of people knew of the existence of NHRC. But, according to another survey conducted in 2014, this figure has increased to 45%.

The level of sustainability of UNDP’s intervention with NHRC is currently at risk. Arguably, UNDP failed to achieve true mentoring at the NHRC during the life of its intervention (i.e. most of the technical assistance was supplied to NHRC by UNDP rather than policies, guidelines and reports being written in tandem). This is due to the fact that despite UNDP’s request fpr NHRC to assign focal points in each area that can be mentored/guided by the project. NHRC failed to do so, stating that they had no relevant staff to deal with specific issues: public awareness, legal drafting etc.

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| --- | --- | --- | --- |
| **NHRC Complaints Received, Disposed and Pending (2008-2013)** | | | |
| **Year** | **Case Received** | **Cases Disposed** | **Pending Cases** |
| 2008 | 23 | 22 | 1 |
| 2009 | 72 | 61 | 11 |
| 2010 | 205 | 141 | 64 |
| 2011 | 453 | 346 | 107 |
| 2012 | 635 | 392 | 243 |
| 2013 | 477 | 350 | 127 |
| **Total** | **1865** | **1312** | **553** |

Source: NHRC. Note: NHRC could not provide disaggregated by demographics and geographical areas for the above cases.

Going forward, UNDP should re-focus its human rights programming to support the over-arching human rights-based goal of the CPD. It is important for UNDP to support Bangladesh and the NHRC to adhere to its international human rights obligations and implement domestic legislation and regulations to give these international treaty provisions full effect. UNDP’s future support should include facilitating dialogue on how the NHRC is functioning overall and whether or not the NHRC is fulfilling its mandate. UNDP may, for example, support public hearings on key human rights issues and how the NHRC has responded. CSOs and academia can be enlisted as partners to research laws such as the recent legislation on custodial torture. NHRC criteria on what cases it will accept and investigate need to be further refined; and UNDP should support civil society and NHRC to bring forth strategic litigation on fundamental rights for women and other vulnerable groups.

A higher-level dialogue with Government, the UN RC and Development Partners should take place to address the issues of understaffing and Government ownership of the NHRC. UNDP and the UN stand in a primary position to leverage continued pressure on the GoB to come into compliance with the Paris Principles. UNDP should also weigh-in on the qualifications required for the next NHRC Chairman to ensure that someone qualified and impartial is selected. Beyond this, UNDP should streamline a human rights based approach across a new CPD and UNDAF. [*Additional discussion regarding UNDP’s future direction in human rights programming appears below in additional sections of this Evaluation report*].

### Law Enforcement Agencies in Bangladesh: Gender-Sensitive and Human Rights-based Policing and Processes

Meanwhile, the Outcome-level trend lines regarding public perceptions of policing, safety and security remain mixed with marginal improvements over 2010/2012 baselines. Law enforcement agencies in Bangladesh have improved their gender-sensitive and human rights based policing and processes, but statistics and reviews of reports of leading human rights INGOs show that there is a long way to go.

A UNDP supported “Public Opinion Survey on Personal Security and Police Performance” (2014) that found rising levels of trust in the BP from 2011 to 2014 supports the UNDP ROAR outcome indicator. For example, approximately 70% of all respondents believed that, compared to the previous two years, the overall law and order situation in the country had improved or remained the same. This was deemed significant, given the deteriorating political situation and violence that occurred in the six-month period prior to the January 2013 election. The same survey found that public perception of personal safety had improved (with 90% of residents stating that their area was safe to live in as compared to 68.1% in 2011). The proportion of families that stated that they or their families had been a victim of a crime or unlawful act had risen from 21.5% in 2011 to approximately 48% in 2014. Yet, the study reported that during this same time period, crime rates had decreased by about 3% to 18%. People also reported that it was easier to obtain help from the police and to easily lodge complaints with the police. The study reported that the overall level of satisfaction with the police had increased to 83% in 2014 (an increase of 10% over 2011).[[119]](#footnote-119)

It is plausible that a combination of such factors as the establishment by BP of Community Policing Forum (CPF); including more women in the police force; the construction of barracks for female police officers; the establishment of the Victim Support Centres; the establishment of the Bangladesh Police Women’s Network and the development of gender related policies with UNDP support has also contributed to an increase in the general level of public satisfaction with the police during the life of the CPD. A Democracy International Survey in 2012 that stated that 50% percent of the public surveyed reported that they have confidence in law enforcement agencies (up from a 45% baseline in 2010). The UNDP sponsored public perception surveys state that the number of persons satisfied with the police has raised from 54% in 2011 to 73% in 2015. Meanwhile a 2013 survey, communities in CHT reported increased confidence in their ability to enjoy basic human rights; 65% of persons surveyed reported that they could move out of their own village *confidently, compared to 35% before the peace accord.[[120]](#footnote-120)*

Both the overall percentage of women in the police force and the number of officers who are women has increased between 2010-2014. The numbers of women in the police have also increased at the local Thana levels. While it is difficult to make clear attribution to UNDP, this increase may be attributable in part to the 101 barracks being built by the Government with UNDP support that provide accommodation for female police officers. It must be kept in mind that the Government has also had its own plan to become more gender friendly at the higher levels of the police and the IGP during the period of the current CPD. In 2008 the percentage of females in the BP was 1.2 to 2%. As of 2014, the overall percentage of females in the BP had increased to 5% and the ratio of women to male officers in the BP had climbed to 10% (among these are two SP’s, whereas previously there were none). According to BP, there is also an increase in the number of police investigations led by women.[[121]](#footnote-121)

UNDP support to the Bangladesh Police (BP) under the current CPD seeks to transition the BP away from the “Irish constabulary” model of policing that was deployed by the British and continued by Bangladesh post-independence, and towards a “metropolitan” from of policing that takes account of community viewpoints and human rights. The goal of the UNDP CPD Outcome is for BP to be “better able to serve and protect the rights of all citizens in Bangladesh.”

UNDP supported the establishment of Victim Support Centres in 8 districts that have given services to 3732 women and children since 2009. UNDP informed the Evaluation that the percentage of cases involving sexual abuse of women that are charge-sheeted has risen as a result of the establishment of the Victim Support Centres. According to UNDP (based upon data collected from the BP), between 2010 and 2014 the proportion of finalized cases investigated under the Women and Children Repression Prevention Act in UNDP supported Thanas rose from 70% in 2010, 3% below the current national average, to 76%, 3% above the national average. Indeed, the Evaluation visited Victim Support Centres in Rangpur and Kishoreganj and found them to be well staffed and effectively serving the needs of female victims in their communities.

As of 2015, Victim Support Centres are working with 13 well-known and credible CSOs. The government and police are also taking full ownership of the Victim Support Centres.[[122]](#footnote-122) GoB appears to have allocated line in revenue budget to the centres, thus, ensuring their sustainability. The acceptance/recognition of the concept of collaboration and cooperation between CSOs and BP is a new phenomenon, which will go a long way towards bringing the police in touch with the realities of human rights abuses and provide a deeper understanding of human rights issues.

Another key intervention of UNDP with the BP involved the establishment of Community Policing Forums (CPF). According to a UNDP baseline survey on Personal Security and Police Performance conducted in 2011, of those citizens that knew of a CPF active in their area, 81.4 percent believe that it has improved community safety and law and order. As a direct result of UNDP support a large number of CPF were established across the country. As of end-2014, UNDP reported that 3000 CPF had received direct support from UNDP.

Yet, this Evaluation has *some concerns* with regard to the CPFs. While CPF in many locations appear to connect their communities with the police officers who serve them and effectively bring community issues to the attention of the police, the Evaluation received disturbing evidence from a leading legal aid CSO in Bangladesh that the CPF in isolated instances have acted more as citizen-police, rather than representatives of the community and are taking justice into their own hands. This Evaluation’s own experience with CPF was mixed. The Evaluation visited CPFs in two locations (i.e. Rangpur and Kishoreganj), some CPF members interviewed by the Evaluation stated that they were “not the police, but representing the community”, while at the same time other CPF members exhibited rhetoric tending to view themselves more as an extension of the police whose job it is to police crime. On a positive note, the Evaluation was able to confirm in the field that CPF activities had included: law and order, meetings on violence against women at the UP and District level; awareness of drugs; corruption issues; and child marriage. CPF members stated that they were actively working to improve compliance with law and order via engagement with the community. CPF also noted a concern about youth unemployment and drug abuse within their communities.

Thus, it appears that when CPF are operating as intended (i.e., aware of the purpose of the CPF and its limitations and sensitized to gender and human rights issues), CPF have the potential to significantly advance the outcome. Yet, if CPF exceed their jurisdiction and begin to actively perform functions that fall exclusively within the mandate and authority of the police, then CPF have the potential to violate rights. Going forward, UNDP should support BP to conduct an audit of the CPF and to ensure CPF accountability and ensure that the CPF remain within their mandates UNDP should provide additional training to UP Chairman and CPF to ensure that they are aware of the proper role and scope of CPF.

Beyond the above, UNDP also supported BP to improve its investigations, operations and prosecutions. This included developing a “Forensic Science Strategy for BP“, establishment of forensic laboratories and other forensic support. BP states that during 2012-14 indicates that PRP-supported police stations submitted 2-3% higher charge-sheets compared to the national average. There have been indications that evidence based investigations and prosecutions by police have increased. Percentage of exhibits sent to CID compared to reported crimes has increased to 8.3% in 2014 from 5.2% in 2010. Percentage of exhibits sent to forensic laboratory increased 89% from 2010 to 2014. Percentage of fingerprints collected increased 548% from 2010 to 2014.

The Evaluation was unable, however, to document any impact *at the Outcome level* of UNDP’s interventions with BP in the area of forensics. According to our interviews with prominent legal scholars and practitioners in Bangladesh, as yet, there is no identifiable change of process or impact upon levels of due process in the judicial system of Bangladesh that can be directly tied to BP enhanced capacities in forensics. This is a difficult area to assess, however, as BP and UNDP lack the capacity to track court proceedings on a day-to-day basis. Additionally, it must be observed that once BP collects evidence, it is the role of the MoLJPA and the Judiciary to ensure that evidence is properly presented at trial in accordance with procedural safeguards and rules of court. Going forward, UNDP and DPs should support a study of how such evidence is being used in court.

Under the current CPD, with UNDP support, BP has made progress in professionalizing aspects of policing and increasing public confidence in the BP and enhancing access to justice. UNDP informed the Evaluation that the number of actions taken by BP against serving police officers that have violated human rights (no. of arrests, prosecutions and convictions) in recent years is greater than in prior years. UNDP-funded perception surveys indicate improvements in public confidence in the BP.

This Evaluation is unable, however, to explain the disparity between the results of public perception studies that show an increase in public approval of the police and disturbing reports of INGOs that document continuing human rights abuse by the police in Bangladesh.[[123]](#footnote-123) Human rights violations by BP are reported to occur with impunity throughout Bangladesh[[124]](#footnote-124) Torture in police custody occurs, but is rarely acknowledged or prosecuted by the BP. Various human rights organizations continue to report on such abuses.*[[125]](#footnote-125)* Moreover, it appears that BP have actively opposed recent rights-affirmative legislation in Bangladesh. Despite obligations under the Constitution[[126]](#footnote-126) and International treaties to refrain from torture, inhuman treatment and so forth, provisions in existing legislation continue to allow the BP leeway to ignore such safeguards. Examples of such laws that are misused with impunity by BP include Section 54 of the Code of Criminal Procedure Code and the Special Powers Act of 1974.[[127]](#footnote-127) The most important power conferred is that of preventative detention, allowing the BP to detain a person if the government ‘suspects’ that he is about to commit a ‘prejudicial act’, though the individual has not yet committed such an act. It is common for persons arrested under Section 54 of the Code of Criminal Procedure to be later charged under the Special Powers Act 1974.[[128]](#footnote-128) The High Court, as early as 1998, laid down certain guidelines on arrests and remands.[[129]](#footnote-129) In 2013, the Bangladesh Parliament passed the Torture and Custodial Death (Prevention) Act, 2013. Newspapers reported that the Bangladesh Police proposed that provisions of such laws, which criminalize and punish torture in custody, in all circumstances be repealed prompting Amnesty International to issue a statement against any such move. [[130]](#footnote-130)

While the elimination of *all* human rights violations within any police department in any country is perhaps an unattainable goal—even in advanced jurisdictions such as the United Kingdom[[131]](#footnote-131), UNDP should not ignore the *serious allegations* of human rights violations reportedly perpetrated by the BP, since they are directly connected with the safeguarding of human rights in Bangladesh and the overall CPD Outcome.

UNDP informed the Evaluation that the number of actions (no. of arrests, prosecutions and convictions) taken by BP against serving police officers that have violated human rights in recent years is greater than in prior years. Yet, it is somewhat difficult for this Evaluation to find that the ROAR indicator target (i.e. percentage of citizens satisfied with law and order providers) has been objectively met when leading INGOs continue to document human rights violations (i.e. torture and extrajudicial killings) attributed to the BP and affiliated security agencies that are *technically* under the IGPs control.[[132]](#footnote-132) This underscores the fact that context and perceptions in Bangladesh are complex.

For example, people are highly supportive of RAB (it is recognized by many surveys), but RAB is a key player accused of human rights violations in Bangladesh by INGOs. *We make this caveat notwithstanding the public perception surveys that claim improvement in public perceptions of police performance.* The Evaluation recognizes that this is an extremely sensitive area politically. While, UNDP does not have a human rights monitoring mandate, it should, nonetheless, seek to advocate for change within the GoB institutions that it supports and reinforce the human-rights based goals of its country programme..

UNDP’s intervention could have been much more relevant had it focused upon such issues as police conduct and discipline, civilian oversight of the police and mechanisms to redress human rights violations committed by the police and affiliated security services in Bangladesh. Going forward, there is need of additional verification of citizen safety and community security by objective indicators that go beyond UNDP-funded perception surveys. This is especially true given the wording of the Outcome itself, the BP and is “better able to serve and protect the rights of all citizens in Bangladesh….” UNDP should ensure that its programming with the BP better aligns with the human-rights based approach of the CPD, international human rights law and Bangladesh domestic legislation and norms as upheld by the Bangladesh Supreme Court.

The Evaluation strongly recommends that any future UNDP assistance to the BP adopt a comprehensive Security Sector Reform approach that focuses on reforming BP to comply with international best practices and human rights. Such an approach should include measures to strengthen the BP’s internal oversight and accountability mechanisms, ethics and the ability of the Inspector General of Police (IGP) to take *disciplinary action (including criminal prosecution) against any BP officers believed to have committed human rights violations. UNDP must ensure that its risk mitigation strategies seek to counter human rights abuses committed by the BP.* Additionally, UNDP must ensure that all reform efforts are—at the core—based upon local ownership and identify which local actors must be engaged to ensure that BP remains accountable and responsive to the needs of citizens at the local level. This will also entail coordination with the judiciary and the courts. UNDP should continue to advocate for passage of the Draft Police Ordinance of 2007 or similar legislation. UNDP should focus in particular upon sections of the Draft Police Ordinance that prohibit direct or indirect influence or interference into police investigations, operation, recruitment, promotion, transfer and postings. Finally, UNDP should support the establishment of a National Police Commission as a means of democratic oversight of BP and its activities.

It is the independent opinion of the Evaluation that going forward, UNDP may wish to *scale-down* its support to BP forensic investigation and criminal intelligence capabilities until BP improves its human rights compliance record or at least develop a better risk assessment and management approach for UNDP support to the BP that would eliminate support that has the potential to be used for political purposes or human rights violations, but yet continues a more focused support in the multiple areas—especially gender sensitive policing— that might be mutually advantageous for BP and UNDP and that can strengthen BP accountability, transparency and its ability to protect the rights of all citizens of Bangladesh.

## Chittagong Hill Tracts Area

The Chittagong Hill Tracts (CHT) is an atypical area within an otherwise homogenous country. The dissimilarities are many --including the topography of the land and the ethnicity, religion, culture and language of the people who are indigenous to the area. Consisting of the three districts of Bandarban, Khagrachari and Rangamati, the CHT is the home of 11 ethnic groups namely Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Mro, Pangkhua, Tanchangya, and Tripura. These ethnic indigenous groups are also referred to as the Jumma people. Apart from the Jumma people, the CHT became the home to scores of Bengali settlers under state sponsored settlement schemes during 1979-1986. The migration of Bengalis and the dispossession of the indigenous people of property (both by the Bengalis as well as development projects such as the Kaptai Dam) has in short led to suspicion, conflict and rebellion. The low intensity armed conflict between the indigenous guerrilla insurgents and the government of Bangladesh that took place between 1976 and 1996 culminated in December of 1997 with a peace accord.[[133]](#footnote-133)

The situation in the CHT is unique enough to warrant a dedicated Ministry: the Ministry of Chittagong Hill Tracts Affairs (MoCHTA). It has a decentralized administrative structure with authority vested in a self-regulating Regional Council. The Regional Council is in-charge of overall supervision and coordination of all development activities under the Hill District Councils and all other matters entrusted to them.[[134]](#footnote-134) It is also the only region that has (Hill) District Councils that are empowered by Parliamentary Act to assume operational responsibility for delivering a wide range of “subject area” services taken over from Government Line Departments.[[135]](#footnote-135)

UNDP’s Chittagong Hill Tracts Development Facility (CHTDF) started its journey in 2013 mainly to implement the CHT peace accord of 1997. Since then, UNDP has played a central coordinating and facilitating role among the donor community, and in interaction with the Government and CHT institutions, to promote development since the signing of the 1997 Peace Accord. The CHTDF somewhat mirrors the rest of the UNDP CPD, with 165 million dollars (US) being implemented with the government of Bangladesh in a series of projects that cut across most elements of the CPD.

In 2011, the CHT Peace Accord was effectively at a standstill and UNDP began an upstream investment, concentrating its resources on policy development. As a result of UNDP's investment, as of 2015 there is substantial movement on implementation of the Peace Accord. This has had derivative implications for democratic governance, public administration and the delivery of services, access to justice, human rights and policing. UNDP has programmed in all three CHT districts (Khagrachari, Rangamati, Bandarban). This has occurred against a background of political challenges and limits both at the national level and within CHT that limit the impact of programming (i.e. the fact that the military effectively controls CHT).

UNDP’s intervention began with quick-impact programmes and then progressed to dealing with the CHT institutions (i.e. human **resources**; organograms; building capacity for delivering services). UNDP supported the institutional capacities of MoCHTA, Regional Councils, and 3 Hill District Councils. This has resulted in an enhanced ability of these institutions to participate in policy development.

More recently, UNDP has focused on the governance aspects of the Hill District Councils to make the institutions more transparent and accountable to the people and inclusive. Hill District Councils are responsible for delivering services to the population. By law, the functions of various line ministries are supposed to transfer 33 different subjects to the Hill District Councils (i.e., including, primary education; secondary education; health, etc.). UNDP regularly tracks the status of transfer of the 33 areas. UNDP also appears to have enabled these institutions to formulate multi-year capacity development plans and enhance resource mobilization. This, combined with UNDP’s technical advice regarding legislative reform, appears to have increased capacity for management, planning and service delivery in CHT communities—particularly in health and education. It is arguable that the transfer of functions from line ministries to the Hill District Councils would not have occurred but for UNDP.

By choosing to support the Hill District Councils it is UNDP's belief that the capacity and procedures that have been built will likely remain when the Hill District councils transition to an electoral process.[[136]](#footnote-136) UNDP advocated with MoLGR that resulted in an Executive Order being issued to include village “headman” (representatives from the ethic tribes) in the formation of the 13 standing committees on issues at the UP and UPZ (i.e. Upazila Development Coordination Committees). As of 2015, 3,500 Parishad-development committees have been formed and 1700 women’s development committees have been formed (these have already implemented pilot projects at the grassroots level and UNDP sees that some committees are engaging with UPs to obtain funding for development projects. This evidences the fact that these committees have become institutionalized to some extent). As of 2013, revenues of Hill District Councils increased by 10-18 percent, compared to the previous year as a result of identification of additional revenue sources". These plans were produced in a participatory process.

UNDP supported participatory budgeting and monitoring was also resulting in enhanced service delivery in CHT. For example, in the health sector in 2013, nearly 400,000 patient cases were treated by health services managed by the HDC and supported by UNDP. In 2013, 531 emergency cases were referred to district hospitals for treatment. It is important to note that UNDP utilized locally designed service models. HDCs managed 863 women community health service workers; 158 community skilled birth attendants; 16 mobile medical teams and 78 weekly satellite clinics in 2013. The Outcome level impact was seen in a number of areas (i.e. malaria cases dropped among total patient cases from 12.8 percent in 2006 to 1.3 percent in 2013; child immunization coverage rate reach 90% in 2013).

Meanwhile, in the education sector, as a result of UNDP support nearly 20,000 children in the CHTD were gaining access to education each year in schools managed by HDC. UNDP support had enabled HDC to establish 300 School Management Committees and 300 Mothers Groups by 2013. According to UNDP, the community level participation contributed significantly to increasing enrolment rates and reducing the dropout rate in the supported schools. The net and gross enrolment rates reached 90 percent and 95 percent in the supported schools. The dropout rate of students remained within three percent and the class repetition rate reduced to 11 percent in 2013 compared with 13 percent in 2010, according to the household survey 2013. Similarly, on average student attendance rates reached 85 percent in 2013, recording a four percent increase on the national rate (81.3 percent) and 14 percent of the overall rate in the Hill Tracts region (70.9 percent) according to the 2009 Multiple Indicators Cluster Survey Report.

In addition, Hill District Councils have also addressed issues related to use of forests and natural resources. As cited above, the Land Commission Act was passed principally due to UNDP's involvement in the process. UNDP has subsequently supported the implementation of the Land Dispute Resolution Act of 2001 and the 2013 draft amendment. In addition, UNDP and ILO support resulted in the formation of a Parliamentary caucus (an informal body of like-minded parliamentarians) formed on indigenous persons’ rights.

The CHTDF mainstreams gender across all interventions and implements a series of targeted gender interventions to promote gender equity and women empowerment through engaging women and other stakeholders in the CHT. [[137]](#footnote-137) Capacity development support has been extended to Para Nari Development Groups (PNDGs) that are community based women groups formed and activated by CHTDF.[[138]](#footnote-138) For example women members of PNDGs have been elected to UPs. UNDP support may also be credited for the establishment of the CHT Women Organization Network, which has already taken leadership and ownership for key gender issues as well as the training of women peacemakers who play a role as local activists.

As of 2015, compliance with many areas of the CHT Peace Accord remains low. INGOs continue to report human rights violations, including persecutions against ethnic and religious minorities in CHT and high levels of violence against women and girls—both at the hands of Bengali settlers and the Bangladesh Military.[[139]](#footnote-139)

In terms of access to justice and human rights within the CHT, UNDP support to legal aid and rolling out village courts in the CHT should be a central issue of the CHTDF and CPD going forward. UNDP should continue to support CSOs that focus on legal aid and combating violence against women at the grass-roots level in CHT. Going forward, UNDP should continue to support MoCHTA to implement legislative reforms (note: UNDP estimates that 26 national laws and 12 regional laws need to be amended to come into compliance with the terms of the Peace Accord). UNDP should support the Judiciary to establish three new courts in CHT that are required in order to bring the Judiciary into compliance with the terms of the Peace Accord.[[140]](#footnote-140)

UNDP support was instrumental in developing the capacity of the police in CHT for conflict-sensitive policing. UNDP advocated with the GoB for mixed policing in CHT, reinforcing the GoB commitment to have a total of 1500 mixed police officers in CHT. As of 2015, out of a 6000 person police force only 252 officers are from indigenous groups, the rest are Bengalis. Furthermore, 600 CPFs have been reactivated and 610 local police personnel trained on the CHT context. According to Amnesty International, however, there are still numerous human rights violations and deprivations well documented by civil society and INGOs within CHT. These include human rights violations committed against ethnic and religious minorities in CHT; often alleged to occur at the hands of the Bangladesh Army and Border Guard Bangladesh.[[141]](#footnote-141)

## Cross-Cutting Themes during the current CPD (Local Governance; Human Rights; Gender)

### Local Governance

Under the current CPD, UNDP has had dedicated interventions for LGIs (i.e. UP and UZ levels of administration). As discussed above, these were found to have made a major impact in terms of enhancing the ability of LGIs to budget and mobilize resources. Women’s participation in LGIs and development agendas were also enhanced.

Going forward, UNDP must explore how to fully integrate (“streamline”) local governance issues across the entire CPD. The focus should not merely be on LGIs as project implementing agencies. It should rather be on local governance as a political and institutional *process* that can contribute to the required scaling up of the rate of poverty reduction through enhancing the developmental choices available at the local level and a better inclusion of all social groups in these choices.

Recent studies conducted in Bangladesh reveal that the expectation of the community as to how they would like to see the LGIs in next decade[[142]](#footnote-142) are as follows (summary responses):

1. Stresses and strains between the UP and Upazila Parishads need to be addressed or harmonized;
2. LGIs should not be under the shadow of MPs;
3. An assured system of a pragmatic mix of conditional and unconditional budgetary grant support to LGIs should be implemented; and,
4. Donors should not encourage parallel structures and experimental projects, without synchronization across the governance platform.

UNDP should take the following steps going forward: *First* reassess the realpolitik of reform dynamics. An exploration of this realpolitik is crucial both to understand the true reach of reform initiatives and to avoid ineffectual normative debates. *Second*, identify politically intelligent agenda for LGI sustainable reforms by assessing and understanding the ‘permitted space for reform”, looking for new strategic focus – like local governance for poverty reduction through local growth; *Third* rethink institutional strategies to bring CSOs/NGOs in close institutional links with LGIs and develop an opportunity map; developing an effective strategy to resolve tension between MPs and LGI leadership and advocacy for MP’s constituency role and the space of local government. *Fourth* assess a new strategic focus on a local economy-promoting local governance agenda. *Finally,* pursue strong advocacy and policy research for a comprehensive *Local Governance Framework Law* (LGFL) to bring all LGIs under an unified legal umbrella; ensuring effective completion of all transferred departments to the relevant LGIs; plus, comprehensive and updated capacity development initiatives for all LGIs and related stakeholder groups with a particular focus on horizontal and vertical accountability, local economy promotion and performance-based access to finance.

The UNDP CPD should ensure a strong linkage between and among the projects that cater different development needs and challenges at the UZ and UP levels.[[143]](#footnote-143) In general most of the projects are directly implemented by LGIs and in some cases with the involvement of one or more of the Standing Committees. UNDP should continue to ensure good governance practices; demand-side interventions, community participation, transparency and accountability, performance based grants and overall better service delivery. UNDP support should include devising mechanisms to establish links of the LGIs with other service delivery and or regulatory agencies.

The CPD should coordinate projects working at the UP level under a broad framework of coordination and synergy. Such vertical links between projects may further strengthen UP standing committees, WDF, participatory planning, revenue mobilization, climate change and environment management initiatives, etc. And most importantly such synchronization would further strengthen the links between the supply and demand sides of service being rendered by LGIs. It appears that there are various modalities of funding flows, procurement and accountability of some of these projects that may stretch the already limited LGI capacity to manage and ensure synergies and reduce transaction costs. There is also room for strengthening linkages between the NGO work and advocacy on gender issues with the UPGP/UZGP work on women’s empowerment (i.e., WDF, training of women leaders, etc.).

Finally, UNDP should support the harmonization of existing legislation on LGI in Bangladesh. There exist 9 different basic acts and few hundred rules for LGIs in Bangladesh. Under the current system, there exists no common and general legal framework to be qualifying the term “LG system” except separate LGI laws. UNDP may take this as a strong advocacy issue.

### Human rights

UNDP can do much more to streamline its human rights work across the CPD. Despite the fact that UNDP supported human rights, at the end of the day its *projects* were very governance oriented. And, while the outputs will enhance institutional frameworks, they do not necessarily improve *human rights compliance*. For example, UNDP supported village courts are enhancing A2J, but from a *human rights perspective*, it is not clear that this institutional framework is translating into human rights compliance. UNDP’s indicators tend to focus on #’s of persons served, but not monitor the *quality of justice* delivered in the village courts. The substantive human rights normative structures are not fully taken into account and programmed into the quality of the justice process.

2015 is an opportunity for the entire UNCT to improve the level of human rights indicators and programming. For example, UNDP is leading joint programmes on indigenous persons; as well as the CHTDF countrywide to include a rights dimension. But, the RC also has a responsibility to move the entire programme to more of a rights based approach. This will depend upon the new UNDAF having the right “mix” and strong indicators. If the UNDAF structure has a stronger normative basis (i.e. uses some of the language of the international human rights conventions in the indicators) then this can translate into the individual agencies having some of these rights included in their country programme documents. Other UN organizations such as UN Women, UNHCHR, UNAIDS, UNICEF, UNODC and IOM can all be potential UNDP partners for human rights-based initiatives and programming.

Ultimately, the UNDAF framework will have to be approved by the GoB, but if the U.N. can get the GoB to sign-off on an UNDAF with enhanced human rights language, then it will increase the ability of the UN to advocate. For example, UNDP should include some indicators re: international standards for the BP that would give entry points to UNDP to engage on human rights. UNDP has recognized for a long time that the most serious human rights abuses being committed by the police are major problems. This is not an issue solely for project level work – it has to be at a political level and coordinated among donors.

The UNDP Bangladesh country office is currently strengthening its focus on a human rights-based approach to programming via a new "rights upfront" initiative that includes obtaining information on what's actually happening on the ground; promoting interagency coordination; developing early warning systems and indicators; and focusing on human rights compliance. There is a comprehensive UNDP Human Rights Programme currently in UNDP’s pipeline, but there is room for innovative approaches to be added to the draft project document, including elements of corporate social responsibility; workers rights and press freedoms. Capacity development of institutions alone is not enough. UNDP should seek to mainstream human rights in all programming, including substantive components that actually deal with specific issues and enumerated rights. Examples of such specific issues and enumerated rights include: extrajudicial killings; torture; disappearances; right to fair trial; right to call witnesses; etc.; quality of justice; rights of women and persons with disabilities; minorities/religious minorities.

### Gender

Under the CPD (2012-2014), UNDP has incorporated gender in its programming. This is seen in Outcome-level impact such as the compulsory inclusion of women as members of village courts in particular cases; the establishment of Victims Support Centres; women friend waiting rooms at District Courts, Women’s Development Forums in LGIs; drafting of key legislation (i.e. the Child Marriage Restraint Act) and support to legal aid CSOs active in the field of combatting SGBV and representing women at the grass-roots level. This said, UNDP has not yet met the only ROAR Indicator Target that is specifically focused on women (i.e. increasing the overall % of women in the civil service to 20% by 2016).

There is no doubt that UNDP can be credited with much success in the above areas. However, there is some doubt as to whether this is because of the fact that gender issues have figured prominently in the GoB’s own agenda during the life of the CPD. UNDP may try to use its comparative advantage in such areas by addressing more forcefully further crucial issues—such as reforms in personal status laws, setting up of family courts in the CHT; addressing laws which criminalize homosexuality etc. So far UNDP’s interventions appear to have targeted mostly non-controversial issues. Going forward, UNDP must continue to advocate for women’s rights and legal empowerment in Bangladesh. This can be best achieved by shifting the focus of the CPD more towards the demand-side of the justices equation; supporting legal aid and mobile justice initiatives at the grass-roots level; pursuing strategic litigation on behalf of women; and including elements of corporate social responsibility in UNDP human rights programming. Again, it is highly recommended that UNDP explore partnerships with other members of the UNCT (i.e. UN Women)—especially for A2J and legal aid going forward.

# Conclusions and Recommendations for the remaining period of the current CPD (2012-2016)

***Overall Recommendations: Relevance, Impact and Effectiveness***

**C-1.** UNDP’s interventions during the CPD were for the most part relevant and supportive of the GoB’s development agenda and UNDP strategic goals. However, UNDP could have maintained the relevance of some interventions by building-in greater risk mitigation strategies, incorporating more political analysis and adaptability in its interventions. UNDP’s most relevant interventions were those that targeted local-level stakeholders—especially LGIs, inclusive development, legal aid and local dispute resolution. UNDP’s interventions with the justice sector and courts were largely capacity building and lacked focus on judicial independence, integrity and discipline as well as the *quality* of justice delivered by the courts (i.e. not just mere numbers of cases adjudicated). CSOs and media were not targeted by UNDP programming under the CPD to the extent as originally contemplated in the CPD design. Meanwhile, UNDP’s impact and effectiveness were highly mixed and uneven during the CPD. UNDP was not successful in meeting many of the indicators of the CPD RRF and UNDP ROAR. Barriers and challenges to UNDP’s impact and effectiveness under the CPD included institutional resistance to UNDP’s technical inputs, a high-turn over rate of staff within line-Ministries, political violence, on-sided elections and frequent disruptions due to bandas being declared by political parties. These significantly impacted upon UNDP access to stakeholders and beneficiaries during the CPD. Political pressure on state institutions has often been intense, forcing UNDP to work in an environment of political “shocks”. The political violence that occurred surrounding the 2014 parliamentary elections permeated all facets of the UNDP engagement delaying, postponing and even reversing in some instances progress at the Outcome level. There were also some deficits in project design and problems with UNDP’s rates of procurement and ability to find and vet qualified staff and consultants for projects. Many areas of UNDP’s intervention under the current CPD likely could have been more effective had CSOs been incorporated to a greater extent in programming (i.e. Parliament, legal aid, service delivery, press freedoms, etc.).

**R-1.** Going forward, UNDP can enhance the relevance, impact and effectiveness of its interventions by focusing upon the human rights-based and service delivery themes of the CPD and on the *demand side* of democratic governance, rule of law and human rights. Both UNDP support to the justice sector and UNDP support to human rights must be better aligned to the human rights-based approach of the CPD and assist the GoB to achieve compliance with Bangladesh’s international human rights obligations. In this regard, the 2030 Development Goals, and Goal 16 and its affiliated targets are particularly relevant. UNDP should incorporate more political analysis and flexibility into its interventions. Many areas of the CPD could be made much more relevant if CSOs are included at all stages of UNDP’s interventions with greater frequency. UNDP should focus on judicial independence and accountability as well as mechanisms for the Police to hold officers to account who have perpetrated human rights violations. UNDP needs to do a better job of recruiting staff and consultants and processing their contracts in a timely manner.

***Programme oversight, management and efficiency***

**C-2.** In general, UNDP oversight and management were reported to be good. There were, however, some criticisms raised by stakeholders regarding programme oversight and management. Most all UNDP project evaluations carried out under the CPD make mention of the fact that UNDP’s own internal procedures and procurement operations have often negatively impacted the pace of implementation of projects due to lack of timely staffing, etc. UNDP’s procurement and day-to-day logistical operations were viewed by key stakeholders as overly cumbersome and time-consuming. Some stakeholders also opined that UNDP had over-relied on consultants during the life of the CPD and there was little in the way of true mentoring. UNDP could’ve benefited from better planning in advance of the project’s commencement.

**R-2.** Going forward UNDP needs to be more modest and its objectives. UNDP must determine what indicators for governance are appropriate for UNDP Bangladesh. The Country Office needs to produce more demand-side analysis and integrate conflict analysis into the CPD and its projects. UNDP needs to better scale its programme documents to ensure that deliverables are realistically achievable within stated time frames. UNDP must streamline the collection of data and evidence of impact across the CPD. On a global level, UNDP Corporate must work to revise and improve UNDP’s procurement procedures and ensure that individual UNDP country offices have maximum flexibility to complete human resource vetting and procurement with minimal delay, while at the same time ensuring quality control.

***UNDP’s positioning with the UNCT***

**C-3.** The Evaluation questions whether UNDP capitalized to the extent that it could on synergies with other members of the United Nations Country Team (UNCT) (i.e. UN Women, UNICEF, UNHCHR, UNODC, etc.). The Evaluation was not able to document a single instance of true partnership under CPD Outcome 1.1 or 1.2 with any other member of the UNCT.

**R-3.** Going forward, one of the key questions for UNDP is how to reposition the governance portfolio within the UNCT. The Evaluation submits that the RC and UNDP Country Director should explore new avenues of enhanced cooperation with other UNCT members for both Outcome 1.1 and Outcome 1.2. In this regard, UNDP Bangladesh may be well advised to look at other UNDP country offices around the globe that are actively partnering with other UNCT members such as UN Women, UNODC and UNICEF —especially in the areas of access to justice, youth, gender and human rights. Inter-agency cooperation and partnerships have become ever more important as UNDP encounters a shrinking pool of available donor resources.

***Donor Coordination and Relations***

**C-4.** Donors are generally satisfied with UNDP’s implementation of programming under the CPD; however, Donors stress that the international development industry is becoming increasingly competitive, as available resources shrink due the global economic recession and some donors exit the Governance and rule of law sectors. In such an environment, UNDP must increasingly show itself to be relevant, effective and efficient. UNDP’s traditional comparative strength is its ability to act as a politically neutral broker and its ability to mobilize its global knowledge and expertise to support governments in achieving their development agendas. But, if UNDP cannot mobilize such comparative advantage, then Donors may look to other implementers such as INGOs or well-established local CSOs to directly implement their development interventions.

**R-4.** Going forward, UNDP must do a better job of acknowledging the support of its Donors and enhancing their visibility in the field. UNDP should also strive to articulate better exit strategies in its project documentation. An important recommendation is that UNDP harmonize within and among its own projects and its justice sector initiatives in other countries, coordinate and share information. On both a local country office and a global level UNDP must become clear on what are its comparative strengths and make sure that it is actually deploying its in-house global expertise in the service of its development partners.

***National ownership, partnerships and sustainability***

**C-5.** Across the entire UNDP CPD the political situation and ensuing violence in Bangladesh has significantly disrupted implementation and the prospects for both national ownership and sustainability. Varying levels of both national ownership and sustainability were achieved during the current CPD, although in general, national ownership over UNDP deliverables appeared to be strong. Furthermore, all projects supporting CPD Outcome 1.1 and 1.2 are implemented under either NEX or NIM, whereby the GoB has been held accountable for major aspects of the programmes implementation. UNDP in some instances has managed to obtain co-financing from the GoB. Improved indicators will help UNDP better track progress versus investment. UNDP should build in mechanisms for better quantitative analysis in its programming. Bringing a wider spectrum of partners and involving civil society to a greater extent in its programme design and implementation might increase political buy-in.

**R-5.** Going forward, the sustainability of UNDP programming will depend upon a variety of factors including: the level of GoB political will and budget support; better cost and impact analysis at the outset of UNDP programming; more appropriate scaling of UNDP interventions (i.e. what is realistically possible to achieve within a certain time period and managing the expectations of the GoB and DPs alike); and completing supporting legislative reforms. Going forward, more sophisticated and timely conflict analysis and political analysis on the part of UNDP may help it to adjust programming, based on the operative political realities and, when necessary, suspend interventions in a particular area and/or shift resources to other priorities and parts of its country program. Going forward, UNDP may get better “value for money” if it shifts its programme more towards the demand-side of the equation with smaller projects designed to address discrete development issues.

***Detailed Programmatic Recommendations for Outcome 1.1.***

**C-6.** UNDP support resulted in an increase in the capacity of the Elections Commission Bangladesh (ECB). Yet, ECB lacked the political will or ability to exercise its mandate to its full potential (i.e. compliance with the Elections Code, incidents of polling station intimidation and complaints of voter fraud). This impeded achievement of the UNDP ROAR target rate of 80% public confidence in the electoral process as of 2016.

**R-6.** Going forward, UNDP could continue to support the EWG to advocate for ECB to exercise the full powers of its mandate in order to enforce the Code of Elections and to police incidents of electoral fraud and intimidation. Going forward, it is important that GoB pass strong data protection and privacy laws as a counter-weight to over-reaching by GoB using the NID database that is a derivative of UNDP supported voter-registration interventions.

**C-7.** At the end of the day it is the United Nations that is still seen as a neutral and objective arbiter in Bangladesh and has the best chance of affecting change at the political level. UNDP support to the Parliament of Bangladesh resulted in the strengthening of the “Standing Committee” structures and their work. The sustainability of UNDP's interventions is at risk, however, due to the frequency of turnover in committee staff and chairs and in some instances the failure of the parliament to maintain project deliverables). It does not appear that the Parliament is willing to put its own resources behind operationalizing the Strategic Plan for the Secretariat developed with UNDP support.

**R-7.** UNDP could assist the Parliament to adopt more inclusive rules of parliamentary procedure that give an enhanced role to the opposition party. Were UNDP to continue its support to the Parliament it must get the Standing Committees more involved at the policy level. There is also a need for a strong national focal point within the Parliament to act as the National Project Director. UNDP should heavily rely upon civil society to initiate a dialogue that can ultimately result in political party inclusion and debate. Additionally, there should be a mechanism for doing *amicus curia* brief for key issues. The library of Parliament is also under-utilized and could be made open to the people and researchers with UNDP support.

**C-8.** UNDP’s support to Aid Effectiveness (i.e. the development of the Aid Information Management System (AIMS) and a National Aid Strategy was a highly successful intervention. Local Consultative Groups (LCG) were also capacitated as a result of UNDP support. The most significant Outcome-level impact of UNDP’s support to Civil Service Change Management is its support to GoB to develop the Citizens Charter Initiative, which is now rolled-out to all public sector organizations.

**R-8.** Going forward, UNDP could provide support to train focal points at government ministries on how to enter, synchronize and analyse AIMS. Additionally, UNDP could support ERD to develop a second-phase of AIMS that could build out the platform to handle more data and better automate the system. UNDP should ensure that mechanisms are put in place to ensure that AIMS data is not misused (i.e. as a means of surveillance of NGO activities in Bangladesh).

**C-9.** UNDP support can be directly linked to the development of a Change Management Structure within GoB. UNDP support resulted in the establishment of a Governance Innovation Unit within the Office of the Prime Minister and the development of Work Improvement Teams (WIT) in seven (7) targeted ministries (designated as “Path Finder Ministries”). UNDP support also significantly advanced the agenda for women in the civil service. UNDP has not, however, yet resulted in the BCS reaching the stated ROAR indicator target of a 20% overall increase in the number of women in the civil service at the grade of junior officer and above. There was only marginal increase in the numbers of women in the civil service during the life of the CPD.

**R-9.** Going forward, UNDP should continue to advocate for passage of the Civil Service Act. UNDP should continue to support the Bangladesh Civil Service Women’s Network Initiative. Going forward, there remains much work to be done on increasing public awareness of the Citizens Charter and improving coordination between LGIs and service providers such as the Land Offices. Engaging civil society in partnerships to provide independent oversight of service providers is an area that UNDP can support. Greater representation of civil society representatives could also be included in the Citizen Charter Working Groups.

**C-10.** As a result of UNDP’s support the Bangladesh Urban Forum is actively working as a think tank. Yet, there is a lack of synchronization with World Bank and ADB on similar initiatives of other CSOs/ NGOs. UNDP support to LGIs has not yet begun to show *national* improvement in service delivery. There are, however, discreet examples of improved service delivery in isolated locations (i.e. health and education).

**R-10.** Going forward, UNDP should better synchronize its urban and local governance support. UNDP should perform impact and cost analysis to ensure that it’s programming is not inadvertently creating additional burdens for local administration. UNDP’s LGI initiatives should be scaled-up going forward. UNDP must do a better job overall of emphasizing the logic of interdependence of policy, institutions and finance and continue to support synergies. There is also an urgent need to focus on vulnerable youth at the local level in Bangladesh (i.e. anti-drug abuse campaigns, the provision of market participation and IT skills, etc.). Synergies with pro-poor governance programming could also be enhanced. Indicators need to be looked at and derived from lessons learned in the projects. UNDP should also develop indicators to measure “transparency” and “accountability”.

**C-11.** UNDP support to the creation of Union Digital Centres (UDCs) and the transfer of e-services from central line ministries to the local level has resulted in a number of outcome-level gains. UNDP ultimately facilitated the digitalization and transfer of the 53 services by soliciting in-put from different ministries. These were “quick wins” for UNDP, where previously over-the-counter services were digitalized and then made decentralized with project support. UNDP support to A2I has many potentialities across the CPD.

**R-11.** UNDP should continue to support the digitalization and transfer of additional services from the central level to the local levels, increasing the number and locations of E-service delivery. There remains a general lack of awareness among the population as regards the potential utility of the Union Digital Centres.

***Detailed Programmatic Recommendations for Outcome 1.2***

**C-12.** UNDP support to the Judiciary achieved outcome level impact via the organization of Case Management Committees (CMC) and increasing the knowledge and capacity of the Judiciary for case management. During the life of the CPD, as against the ROAR indicator (2012-14) case backlog (based on a baseline of 1.6 million cases in 2010), showed a regression in the overall backlog rate nationwide and an increase of the volume of cases. Total overall backlog stood at to 2.8 million cases nationally, whereas the indicator target is a reduction to 1.0 million backlog cases by 2016. Yet the courts remain constrained in their *judicial* *independence* principally due to political interference and control over their budget by the MoF.

**R-12.** Going forward, UNDP should facilitate dialogue with Supreme Court Registrar’s Office and MoLJPA, Law and Justice Division to clarify the functions of CMC (which does not formally clarify whether CMCs are to deal with both civil and criminal cases or just with civil cases) and the future NJCC which aims to address the criminal justice sector) to obviate potential confusion. Going forward, UNDP should continue to advocate for enhanced mechanisms of judicial independence and the integrity of the judicial system in Bangladesh. UNDP going forward should have a meeting with the Judicial Reform Committee to explore ways to support the up-scaling of the CMCs once the GoB funds the initiative from the revenue budget with additional personnel, etc. The CMC officials will also require additional training after they have been appointed by the authorities including short term ICT training and ToT. In terms of indicators, “case backlog reduction” is not probably not the best indicator. In the event that UNDP continues its support in this area, a better indicator is *case disposal rate*. Additionally, UNDP needs to include indicators that measure the *quality of justice*, not simply its efficiency.

**C-13.** UNDP has had a major impact on activating the entire process of legal aid in Bangladesh, including legislative reforms; introduction of ADR as a concept in Bangladesh and the establishment of District Legal Aid Officers at District Courts. The entire issue of legal aid has become much more client-focused as a result of UNDP support. A new national legal aid policy that was drafted with UNDP support, accepted by the MoLJPA in 2013 (and published in the GoB Gazette in July 2014), expanded the criteria to allow more people to access the Government’s legal aid services including ‘any child’, victims of domestic violence, women and children victims of physical, psychological and sexual violence.

**R-13.** Going forward, UNDP should map out the discreet legal aid needs of vulnerable populations. UNDP should consider a “users panel” that will give feedback of users of legal aid. UNDP could explore of using “mobile justice” and paralegals with greater frequency. Going forward, UNDP could build upon its support to gender-friendly facilities at courthouses, by supporting access to court facilities for PWD. UNDP should continue to support mediation in family cases, but only for cases susceptible to mediation (i.e. where no incidence of sexual or gender-based violence is alleged to have taken place and where both parties agree to submit voluntarily to mediation. Overall, going forward, UNDP support to the justice sector must be better aligned to the human rights based approach of the CPD and assist the GoB to achieve compliance with Bangladesh’s international human rights obligations. UNDP should support the Courts and NLASO to track cases that involve potential human rights violations, so that these can be better monitored by NHRC and human rights CSOs and “lessons learned” imparted to the judiciary and other legal stakeholders in Bangladesh. UNDP should support CSOs to undertake strategic litigation to challenge violations of international human rights or procedural violations of due process under existing domestic laws.

**C-14.** UNDP may be credited for ensuring access to justice for a portion of the population who are mostly poor and disempowered through village courts. The quasi-judicial courts have provided relief to many aggrieved people who would otherwise not have any remedy and at the same time ensured that small matters do not turn into potentially disruptive situations. One of the outcomes is thus the Government is very positive about the potentials of village courts.

**R-14.** Going forward, UNDP’s support to village courts should be synchronized with its support to LGIs (i.e. UP and UZ). Activating village courts and UPGP/UZGP projects should overlap. There is the potential to boost the activities of village courts and monitor them at the same time by imposing a duty on village courts to report to the District Courts of relevant territorial jurisdictions as to the status of the cases referred back to them; such court will in its turn report to the District Judge.

**C-15.** At the Outcome level UNDP support played a crucial role in the establishment of the NHRC, its initial organization, staffing, equipment and technical knowledge. As a result of UNDP’s efforts, today the NHRC exists as the national human rights institution of Bangladesh. This very fact of NHRC’s establishment is a major outcome. Additionally, UNDP has played a fundamental supporting role in NHRC’s international treaty reporting obligations, including its UPR report. Despite the above technical assistance supplied by UNDP, NHRC’s overall success in delivering upon its mandate has, however, been limited. It is very difficult to ascertain or assess the number of UPR recommendations adopted by the GoB, and, at any rate, to find that UNDP support has resulted in the achievement of the ROAR target (i.e. 55% of UPR recommendations of the 2008 UPR implemented by GoB as of 2016). The main factor that prevents NHRC from fulfilling its mandate is its lack of independence and capacity. The provisions of Bangladesh’s National Human Rights Commission Act still do not fully comply with the Paris Principles or the standards of the International Coordinating Committee of National Human Rights Institutions.

**R-15.** Going forward, UNDP should re-focus its human rights programming to support the over-arching human rights-based goal of the CPD. It is important for UNDP to support Bangladesh and the NHRC to adhere to its international human rights obligations and implement domestic legislation and regulations to give these international treaty provisions full effect. UNDP should support civil society and NHRC to bring forth strategic litigation on fundamental rights for women and other vulnerable groups. UNDP needs to support the NHRC (i.e. the entire Commission itself and not only its Chairman) to deal with crucial human rights violations being committed in Bangladesh. At the higher-level dialogue with Government, the UN RC and Development Partners need to address the issues of understaffing and Government ownership of the Commission is crucial. UNDP should also weigh in on the qualifications required for the next Chairman to ensure that someone qualified and impartial is selected. UNDP is in a position to leverage a bit more pressure on the GoB to come into compliance with the Paris Principles.

**C-16.** The Outcome-level trend lines regarding public perceptions of policing, safety and security in Bangladesh remain mixed as of 2015, with marginal improvements over 2010/2012 baselines. There was some significant outcome-level impact of UNDP support in the areas of gender and women’s participation in the BP, as well as increased contacts by BP with civil society. The police for the first time have taken on-board CSOs in partnership to run the victim support centres. UNDP support to approximately 3000 Community Policing Forums (CPF) established procedures for the establishment of CPF. When UNDP-supported CPF are operating as intended, aware of their role and the limitations upon it and sensitized to gender and human rights issues, CPF have the potential to significantly advance the outcome. UNDP informed the Evaluation that the number of actions taken by BP against serving police officers that have violated human rights (i.e. arrests, prosecutions and convictions) in recent years is greater than in prior years. Yet, it is somewhat difficult for this Evaluation to find that the ROAR indicator target (i.e. percentage of citizens satisfied with law and order providers) has been objectively met when leading INGOs continue to document human rights violations (i.e. torture and extrajudicial killings) attributed to the BP and affiliated security agencies that are *technically* under the IGPs control.

**R-16.1** Going forward, UNDP must focus on the serious issues of human rights violations, torture and extra-judicial killings reportedly perpetrated by the police and security services, since they are directly connected with the safeguarding of human rights and have the advantage of being supported by national and international laws and norms and being upheld by the Supreme Court. Going forward, there is need of additional verification of citizen safety and community security by objective indicators that go beyond UNDP-funded perception surveys. This is especially true given the wording of the Outcome itself, the BP and is “better able to serve and protect the rights of all citizens in Bangladesh….”. UNDP should ensure that its programming with the BP better aligns with the human-rights based approach of the CPD, international human rights law and Bangladesh domestic legislation and norms as upheld by the Bangladesh Supreme Court. Going forward, UNDP should undertake analysis of the CPF to verify that the CPF are remaining with the bounds of their original scope and purpose.

**R-16.2** The Evaluation strongly recommends that any future UNDP assistance to the BP adopt a comprehensive Security Sector Reform approach that focuses on reforming BP to comply with international best practices and human rights. Such an approach should include measures to strengthen the BP’s internal oversight and accountability mechanisms, ethics and the ability of the Inspector General of Police (IGP) to take *disciplinary action (including criminal prosecution) against any BP officers believed to have committed human rights violations. UNDP must ensure that its risk mitigation strategies seek to counter human rights abuses committed by the BP.* Additionally, UNDP must ensure that all reform efforts are—at the core—based upon local ownership and identify which local actors must be engaged to ensure that BP remains accountable and responsive to the needs of citizens at the local level. This will also entail coordination with the judiciary and the courts. UNDP should continue to advocate for passage of the Draft Police Ordinance of 2007 or similar legislation. UNDP should focus in particular upon sections of the Draft Police Ordinance that prohibit direct or indirect influence or interference into police investigations, operation, recruitment, promotion, transfer and postings. Finally, UNDP should support the establishment of a National Police Commission as a means of democratic oversight of BP and its activities.

**R-16.3** Going forward, UNDP may wish to *scale-down* its support to BP forensic investigation and criminal intelligence capabilities until BP improves its human rights compliance record or at least develop a better risk assessment and management approach for UNDP support to the BP that would eliminate support that has the potential to be used for political purposes or human rights violations, but yet continues a more focused support in the multiple areas—especially gender sensitive policing— that might be mutually advantageous for BP and UNDP and that can strengthen BP accountability, transparency and its ability to protect the rights of all citizens of Bangladesh.

***Detailed Programmatic Recommendations for CHT***

**C-17.** As a result of UNDP's investment, as of 2015 there is substantial movement on implementation of the CHT Peace Accord of 1997. UNDP support has built capacity for Hill District Councils in the areas of health, education and other crucial service delivery. Local Hill District Councils are taking charge of their development UNDP has worked with MoCHTA to identify inconsistencies among the laws and ways to harmonize the laws. The Peace Accord mentions that all laws should be harmonized with the Peace Accord. As of 2015, compliance with many areas of the CHT Peace Accord remains low. INGOs continue to report human rights violations, including persecutions against ethnic and religious minorities in CHT and high levels of violence against women and girls—both at the hands of Bengali settlers and the Bangladesh Military.

**R-17.** Going forward, UNDP should continue to support MoCHTA to implement legislative reforms (note: UNDP estimates that 26 national laws and 12 regional laws need to be amended to come into compliance with the terms of the Peace Accord). UNDP should support the judiciary to establish three new courts in CHT that are required in order to bring judiciary into compliance with the terms of the Peace Accord. Beyond this, UNDP should continue to support CSOs that focus on legal aid and combat violence against women at the grass-roots level in CHT.

***Crosscutting themes (local governance; human rights and gender).***

**C-18.** UNDP interventions for LGI (i.e. UP and UZ levels of administration) were found to have made a major impact in terms of enhancing the ability of LGIs to budget and mobilize resources. Women’s participation in LGIs and development agendas were also enhanced. It appears that there are various modalities of funding flows, procurement and accountability of some local development initiatives that may stretch the already limited LGI capacity to manage and ensure synergies and reduce transaction costs. There is also room for strengthening of linkage between NGOs working on gender issues and LGIs on women’s empowerment (e.g. Women Development Forum, training of women leaders, etc.).

**R-18.** UNDP should take the following steps going forward: 1) re-asses the realpolitik of reform dynamics. An exploration of this realpolitik is crucial both to understand the true reach of reform initiatives and to avoid ineffectual normative debates; 2) identify politically intelligent agenda for local government’s sustainable reform by assessing and understanding the ‘permitted space for reform”, looking for new strategic focus – like local governance for poverty reduction through local growth; 3) rethink institutional strategies to bring CSOs/NGOs in close institutional links with LGIs and develop an opportunity map; developing an effective strategy to resolve tension between MPs and LGI leadership and advocacy for MP’s constituency role and the space of local government; 4) assess a new strategic focus on a local economy-promoting local governance agenda; 5) pursue strong advocacy and policy research for: a comprehensive local government framework law (LGFL) to bring all LGIs under an unified legal umbrella; ensuring effective completion of all transferred departments to the relevant LGIs; and 6) develop a comprehensive and updated capacity development initiative for all LGIs and related stakeholder groups with particular focus on horizontal and vertical accountability, local economy promotion and performance-based access to finance. Furthermore, The UNDP country program should ensure a strong linkage between and among the projects that cater different development needs and challenges at the UP level. UNDP should continue to ensure good governance practices; demand-side interventions, community participation, transparency and accountability, performance based grants and overall better service delivery.

**C-19.** UNDP can do much more to streamline its human rights work across the CPD. 2015 is an opportunity for all the UNCT to improve the level of human rights indicators and programming. The RC should work to move the entire CPD/UNDAF to more of a human rights-based approach. This will depend upon the new UNDAF having the right “mix” and strong indicators. The predominate focus of UNDP support during the CPD has been on the supply-side of the development equation. Capacity development of institutions alone is not enough. UNDP should seek to mainstream human rights in all programming, including substantive components that actually deal with specific issues and enumerated rights.

**R-19.** Going forward, UNDP should re-focus its human rights programming to support the over-arching human rights-based goal of the CPD. It is important for UNDP to support Bangladesh and the NHRC to adhere to its international human rights obligations and implement domestic legislation and regulations to give these international treaty provisions full effect. UNDP should support civil society and NHRC to bring forth strategic litigation on fundamental rights for women and other vulnerable groups. Examples of such specific issues and enumerated rights include: extrajudicial killings; torture; disappearances; right to fair trial; right to call witnesses; etc.; quality of justice; rights of women and persons with disabilities; minorities/religious minorities. Going forward, there is much room for UNDP to mainstream its work on human rights as well as to explore new and innovative areas on youth engagement, social cohesion, land and other areas improve governance, service delivery, access to justice and community safety and security in Bangladesh.

**C-20.** Under the CPC (2012-2014), UNDP has incorporated gender in its programming. The is seen in Outcome-level impact such as the compulsory inclusion of women as members of Village Courts in particular cases; the establishment of Victims Support Centres; women friendly waiting rooms at District Courts, Women’s Development Forums in LGIs; drafting of key legislation (i.e. the Child Marriage Restraint Act) and support to legal aid CSOs active in the field of combatting SGBV and representing women at the grass-roots level. UNDP has not able to meet the only ROAR Indicator Target that is specifically focused on women (i.e. increasing the overall % of women in the civil service to 20% by 2016).

**R-20**. Going forward, UNDP must continue to advocate for women’s rights and legal empowerment in Bangladesh. This can be best achieved by shifting the focus of the CPD more towards the demand-side of the justice equation; pursuing strategic litigation on behalf of women and including elements of corporate social responsibility in UNDP human rights programming. Other members of the UNCT (i.e. UN Women) should be enlisted as partners—especially for legal aid.

# Additional Considerations for a new UNDP Country Programme for Bangladesh

**This Evaluation report has made observations and forward looking recommendations that are expected to feed into the drafting of UNDP's next UNDAF and CDP for Bangladesh. Here we provide a recap of the major points that we feel UNDP should consider in designing its next country program and mention additional considerations.**

1. Shifting the focus of the country program to include a greater amount of programming at the grassroots level. This pertains especially to women and other vulnerable groups, youth, persons with disabilities and the special needs of communities for service delivery and justice (alternative dispute resolution mechanisms, family mediation, mobile Justice and legal aid, village courts and women's shelters for victims of abuse).

2. Refocusing the efforts of its governance program with a greater orientation to decentralization at all levels (see above notes on streamlining local governance) and addressing the inter – ministerial and intergovernmental overlap and duplication of authority and roadblocks to the effective delivery of services to citizens at the local level taking a socio-– legal perspective. UNDP must do a better job of emphasizing the logic of interdependence of policy, institutions and finance and continue to support synergies.

3. Adopting a true security sector reform platform that focuses on checks and balances, democratic oversight of the police and related security entities in Bangladesh and which is designed and implemented with a human rights-based and community safety and security perspective. Future UNDP assistance to the BP should include measures to strengthen the BP’s internal accountability mechanisms, ethics and the ability of the Inspector General of Police (IGP) to take *disciplinary action (including criminal prosecution) against any BP officers believed to have committed human rights violations.*

4. Scaling up all UNDP support to access to information and digital Bangladesh and continuing the digitalization of line ministry services and their transfer to Union Service Centres via online platforms. Additionally, UNDP should build platforms that can enhance economic empowerment and allow greater numbers of Bangladeshis especially women and youth and those located in rural areas to claim their share of market participation and to increase efficiencies within Bangladesh is expanding commercial sectors at the grassroots levels.

5. Continuing to program in a manner that streamlines human rights across the country program and exploring innovative approaches and additional areas such as corporate social responsibility. Although many actors have responded during the past two years to issues related to worker safety and labour rights in Bangladesh, this is certainly an area that should be incorporated within the UNDP human rights program. (See above discussion of streamlining human rights). UNDP should focus on assisting GoB institutions to meet their international human rights treaty obligations and formulate implementing legislation and regulations to give international law commitments direct applicability.

6. Expanding on the earlier work of improving aid effectiveness and the implementation of the AIMS database in all ministries and important government agencies and also expanding the concept of the Citizen Charter and educating citizens in this regard.

7. Incorporating civil society organizations and their viewpoints to a greater degree in UNDP's country program. Additionally, UNDP should explore partnerships with local CSO's active in the fields of legal aid and local governance.

8. Improving UNDP's internal data collection, conflict analysis and political analysis to inform the design of UNDP's country program and adjust programming on a day-to-day basis during the implementation of projects and programs when necessary. In this regard as stated above, UNDP's new ARENA program is encouraging and should be up-scaled and mainstreamed across the entire country program and, for that matter, the entire UNCT.

9. Developing better indicators in advance of the design of a new UNDAF and CPD for Bangladesh. UNDP's indicators in its current program are not necessarily the optimal indicators for the particular development interventions that UNDP is pursuing. At several points in this evaluation's analysis we have suggested alternative indicators (i.e. for the courts and case management, for local governments and for village courts, etc.). Too often in the design of UNDP projects and programs throughout the world, there is a tendency to develop indicators as an afterthought to the narrative rationale, contents and change management theories of program documents. UNDP should design appropriate and detailed indicators that are properly scaled, measurable and achievable during a particular programming cycle.

10. Eliminating duplication and increasing synergies between democratic governance and human rights and all of UNDP's discrete projects within the country program. For example, UNDP supports of the judiciary are a case in point. UNDP should work to strengthen communication between the Supreme Court and the MoLJPA and harmonized to the greatest extent possible its interventions with the civil justice system and the criminal justice system in Bangladesh. While these two are separate systems, certain lessons learned from UNDP interventions and deliverables can be synergized between the two. Furthermore, UNDP's interventions in the justice sector should not be viewed in isolation from it supports to legal aid, women and youth, human rights and local governance.

11. Promoting greater interagency cooperation between UNDP and other members of the UNCT. This is increasingly important against the background of diminishing donor resources and contributions. UNDP's country program (2012 – 2014) was nearly devoid of any partnerships between UNCT members for outcomes 1.1 and 1.2. Although each UN agency has its own mandate and traditional spheres of operation and programming, continuing to program in isolation from other agencies is not sustainable. While the RC cannot force UNDP to write joint project documents with other agencies (i.e. UN women), the message should be clear to all members of UNCT that they are expected wherever possible to explore opportunities for partnerships and cooperation that can maximize efficiencies, synergies and available donor resources. This will become more important as UNDP shifts to the demand-side/grassroots level where the mandates of UNCT members tend to cross paths.

12. New thematic areas. UNDP should take a conflict prevention orientation in Bangladesh and focus on increasing the democratic space via political party engagement, increasing opportunities for nonviolent dissent and freedom of speech, advocacy by citizens and civil society, and enhancing the rights of local NGOs (i.e. to receive funding legally). Additionally, UNDP should seek to incorporate the viewpoints of local community leaders and religious leaders and its programming. UNDP should explore new thematic areas and projects entrepreneurship and legal empowerment, anticorruption and ethics at all levels of administration civic engagements and social responsibility/tolerance/social coherence and conflict prevention and reconciliation. Youth and land are particularly important areas of the engagement from a conflict prevention and social cohesion frame of reference and are interrelated with such issues as rights of minorities, anti-extremism, economic empowerment and the legitimacy, accountability, transparency and efficiency of local governments in delivering services.

12.1. Land. A UNDP intervention on Land should support the GoB/Ministry's main areas of need concerning land, procedures for acquisition/sale/disposition and legislative reform and capacity building including the following: I) Capacity and infrastructure of Land Registration Offices and officials at the District and Thana-levels in Bangladesh (printing of documents; electricity, generators, etc.); ii) Roles and capacities of:  District Commissioners; Thana chairmen; Union Council Chairmen; BP and local religious leaders (Imams) in the land registration process;  iii)  Steps in the land registration/acquisition/disposition process in Bangladesh and ways to improve and streamline the process  (i.e. confirmation of records; conducting mutations; inspection; certificate of non-encumbrance; deed of transfer and tax stamp; pay orders; money transfers (between banks); payment of taxes, VAT, etc.; registration application and registration of change of ownership at land office).

12.2. Youth, Conflict Prevention/Social-Cohesion and Tolerance. Drug abuse is a growing issue for youth in Bangladesh. Additionally, unemployed youth in both urban and rural environments want to obtain the skills necessary to participate in the market economy. Meanwhile, there are multiple and complex factors underlying extremism and radicalization of youth that span across socio-economic groups and intersect with politics, religion, education and economic opportunity. In this regard, UNDP should support the Ministry of Youth and Sports in its development objectives. UNDP should also partner with local CSOs active in youth engagement and civic education. UNDP should draw-upon its successful interventions in CHT such as “Sport for Peace” and those addressing youth and marginalization.

# Lessons Learned

* When UNDP fails to advocate with the Government, then UNDP’s comparative advantage as a development organization is at risk of becoming greatly diminished or lost entirely. UNDP’s “value added” is that it can operate as a neutral and apolitical broker and implementer.
* UNDP cannot guarantee highly political outcomes that exceed its mandate as a development organization.
* Until open, credible and fair national elections are held in Bangladesh with the participation of both major political parties, the effectiveness of UNDP’s supply-side development interventions may be greatly diminished. It may make sense to concentrate a greater proportion of UNDP programming to the demand side. In this regard, engaging with CSOs will become increasingly important for UNDP.
* UNDP support to GoB institutional capacity building can be overshadowed when the beneficiary organization is violating human rights or engaging in illegal activity. A continuing lack of human rights compliance on the part of an institution may justify a suspension of Donor funding until such organization becomes compliant with the international human rights obligations of Bangladesh..
* UNDP’s support to digitalization and e-services was hugely successful and can be a model for the entire country programme. Increasingly, UNDP should strive to exploit its comparative strengths and become a knowledge-based organization.
* Community-based justice and security institutions such as village courts and community policing forums pose a risk of exceeding their jurisdiction. If UNDP is going to support these institutions, then it should include oversight mechanisms to ensure that the jurisdiction and purpose of such forums are respected.
* When UNDP programming documents are realistically scaled and sequenced, rather than overly ambitious, UNDP has a higher chance of meeting the expectations of Donors and Government Partners. Including GoB counterparts as early as possible in project planning and involving them in project monitoring can increase national ownership and political will. Sustainability of interventions can be best assured by GoB co-financing, budgeting and up scaling.
* The failure of UNDP to meet its ROAR indicator targets to date calls for the need to examine the indicators and improve their number and quality going forward.
* There are a number of beneficiaries and issues not covered by UNDP’s current CPD (i.e. youth, religious and other minorities, land, etc.) that could be explored by UNDP.
* UNDP’s interventions under the CPD were in many instances undermined by the slow pace and overly complicated nature of UNDP procurement.
* Donors care about their “brand” and want to see their names and logos made visible in the field. UNDP puts its donor funding sources at risk when it fails to accord development partners the levels of visibility that they expect. Donors also expect UNDP to deploy in implementation the comparative strengths that UNDP promotes in its project documents and publications.
* UNDP is most effective as an organization when it has clearly formulated its own political positions—at least internally within the Country Office— on certain key issues, risks and contingencies. This allows UNDP to operate in a well-coordinated manner at all levels of the organization. UNDP can benefit from an increased capacity to perform conflict analysis and political analysis.

# APPENDIXES and ANNEXES

# Appendix A: Legal Context and Government Institutions

#### Constitution and recent reforms

The current Constitution of Bangladesh was adopted on 4 November 1972. It establishes a unitary state with a unicameral parliamentary democracy. It provides that the State Religion is Islam, but that equal status and rights will be granted for Hindu, Buddhist, Christian and other religions. The Constitution enshrines democracy and basic human rights and freedoms, as well as a socialist economic system and a secularist political system. It embodies concepts of economic, social and political rights such as free and compulsory education and the promotion of public health, environmental protection, equal opportunity and the right to work. Furthermore, the Constitution places an affirmative duty upon citizens and public servants to obey the Constitution and provides for the separation of the Judiciary from the Executive. The rights of Bangladesh’s tribes and ethnic minorities are also protected.

#### The Executive

The President of Bangladesh is elected by Parliament and serves for a term of five years. The post is largely ceremonial with the real power being held by the Prime Minister who is head of the government, but the President acts as the Head of State and has the power to grant pardons and reprieves to the criminally accused or convicted. The President’s powers can be substantially expanded during times of a caretaker government. The President is also a constituent member of Parliament, although there is no express provision of the law that grants such powers. The President also has an extensive role in approving/disapproving draft legislation sent to his office by the Parliament; with Presidential objections being overridden only by a clear majority of the Parliament.[[144]](#footnote-144)

#### The Parliament and the Prime Minister

The **Parliament of Bangladesh**[[145]](#footnote-145) is a unicameral legislature along the “Westminster model” consisting of 350 members of which 300 Members from 300 territorial constituencies that is one from each constituency, on the basis of adult Franchise. The remaining 50 seats are reserved for women who are elected by the aforesaid elected Members in accordance with law on the basis of procedure of proportional representation in the Parliament through single transferable vote. This provision for 50 reserved women seats will continue for ten years from the beginning of the 9th Parliament.[[146]](#footnote-146) The **Prime Minister** is ceremonially appointed by the President, commanding the confidence of the majority of the MPs. The cabinet is composed of ministers selected by the prime minister and appointed by the President.

According to the Constitution, the Parliament has three basic functions:1. Enactment of Legislation; 2. Consent to taxation and control of public expenditure and 3. Ensuring accountability of the Government. There are also elective functions of Parliament, which include the election of the President, and the exercise of its constituent power for amendment of the Constitution, along with several other functions. The government ministry having the chief role in reviewing draft legislation is the **Ministry of Law Justice and Parliamentary Affairs (Legislative and Parliamentary Affairs Division)**.

#### Election Commission of Bangladesh (ECB)

Article 118 of the Constitution provides for the establishment of an Election Commission Bangladesh consisting of the Chief Election Commissioner and not more than four Election Commissioners. The appointment of the Chief Election Commissioner and other Election Commissioners (if any) is made by the President. The ECB is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972 provide that it shall be the duty of all executive authorities to assist the ECB in the discharge of its functions. The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of electron as it may direct.

#### The Bangladesh Civil Service

The Bangladesh Civil Service (BCS) is the civil service of the GoB. It finds its origins in the colonial legacy of the British Empire and the Indian Civil Service. The Bangladesh Public Service Commission (BPSC)—established by the Constitution (Art. 137-141)—is the main policy and recruitment body of the BCS. BCS functions to carry out the policies established by the Parliament and various Ministries.

#### The Ministry of Finance, Economic Relations Division

Aid coordination and project approval in Bangladesh falls under the authority of the Ministry of Finance, Economic Relations Division and its Aid Effectiveness (AE/DE Wing). Currently, the Local Consultative Group or LCG functions as the main forum for local aid coordination and policy dialogue between the Government and Development Partners in Bangladesh. LCG Working Groups sit under the LCG Secretariat that is housed within MoF-ERD. The 18 LCG Working groups span every sector of Bangladesh’s development sector (i.e. including, among others, aid effectiveness, CHT, climate change, education, gender, governance, health, ICT-Digital Bangladesh, poverty, private sector development and trade, urban development and water and sanitation.[[147]](#footnote-147)

#### Justice institutions, the courts and recent efforts at judicial reform

The highest judiciary body is **the Supreme Court**,[[148]](#footnote-148)that is comprised of **the Appellate Division** and **the High Court Division**. Other Courts and Tribunals are subordinate to it. The Supreme Court has the jurisdiction to interpret the Constitution and other laws of the land and it is the guardian of the Constitution. The Constitution provides for detailed provisions as to appointment, tenure, powers and functions of the judges of the Supreme Court, the Appellate Division, the highest Court of Appeal, has jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division, review its own judgments and orders. It has rule making power for regulating the practice and procedure of each Division and of any Court subordinate to it (Article 103, the Constitution of Bangladesh, 1972).[[149]](#footnote-149)The High Court Division has both appellate as well as original jurisdiction. It hears appeals from orders, decrees, and judgments of subordinate Courts and Tribunals.[[150]](#footnote-150)

The **Ministry of Law, Justice and Parliamentary Affairs (MoLJPA)** is sub-divided into a Law and Justice Division and a Legislative and Parliamentary Affairs Division. The **Law and Justice Division (LJD)** is responsible for the administrative control, management or relationship with the sub-ordinate/attached departments or offices, namely, the sub-ordinate Judiciary, Administrative tribunals, various other special Courts and Tribunals, Department of Registration, Office of the Attorney-General, Judicial Administration Training Institute, Office of the Administrator General and official Trustee, Judicial Service Commission Secretariat, Marriage Registration, Government Pleaders, Public Prosecutors, Notary Public, etc.

MoLJPA-LJD’s responsibilities also include giving advice to all Ministries, Divisions and offices on all legal and constitutional questions arising out of any case and on the interpretation of the Constitution and any law including international law; handing issues of international justice relations under treaties; overall administration of justice and the courts; determining the jurisdiction of the courts; setting fees for legal cases; determining judicial promotion and transfers and representing the Government when it is named a party in court. MoLJPA-LJD also appoints the Attorney General of Bangladesh and has the power to review performance of judges and to dismiss them under certain circumstances. [[151]](#footnote-151)

In order to ensure access to justice to the poor and indigent people, the Government of Bangladesh enacted the Legal Aid Services Act 2000. Thereafter, **National Legal Aid Services Organization (NLASO)** was established to implement the government legal aid program across the country. NLASO provides legal aid to the poor litigants who are incapable of seeking justice due to financial insolvency, destitution, and helplessness and also for various socio-economic conditions. The general direction and administration of the affairs and functions of NLASO is vested in the National Board of Management, which consists of 19 members and is chaired by the Minister, Ministry of Law, Justice & Parliamentary Affairs. There are 64 District Legal Aid Committee (DLAC) through which NLASO implements the government legal aid program at the district level. DLAC maintains a legal aid fund allocated by the government, which is spent for poor litigants upon their applications. There are Upazila and Union level committees also working to spread the legal aid program at the grassroots level.[[152]](#footnote-152)

#### The Bangladesh Police and the Ministry of Home Affairs

The Bangladesh Police (BP) fall under the jurisdiction of the Ministry of Home Affairs (MoHA), with a mandate to maintain internal security and law and order. The army, organized under the Prime Minister’s Office, is responsible for external security, but it can be called to help with a variety of domestic security responsibilities when required to, “in aid to civil authority.” The army and MoHA security forces maintain a significant presence in the Chittagong Hills Tracts (CHT) to monitor the 1997 CHT Peace Accord.

#### National Human Rights Commission

The National Human Rights Commission of Bangladesh (NHRC)(Bangla: *JAMACON),* was established as a statutory and independent institution under the National Human Rights Commission Act, 2009 in conformity with the UN Paris Principles.[[153]](#footnote-153)

“NHRC is supposed to serve as the national human rights watchdog, advocating for and monitoring implementation of state obligations to respect protection and the fulfilment of the rights of the citizens. It addresses specific human rights complaints through investigation, mediation and conciliation and, more broadly, through raising public awareness. The NHRC adopted its first strategic plan in 2010. It covered the years 2010-2015. This Strategic Plan builds on the first and covers the years 2015-2020.[[154]](#footnote-154)

“The seven member Commission, comprising of one Chairman, one Full Time Member and five honorary members, is responsible for policy decisions and disposal of sensitive human rights violation cases. Currently the Commission has 28 full time staff, supported by almost ten staff and experts from its CDP with only one office in the capital city Dhaka. The Commission has approved a 94 personnel organogram with another 20 staff now in the process of recruitment. The Commission plans to open four more offices in four areas of the country, contingent upon staff being appointed and funding from the GoB. [[155]](#footnote-155)

#### Local Government and Administration, Dispute Resolution and Village Courts

The Constitution of Bangladesh describes the local government system and its board of generic functions in Article 59 and Article 60 (powers of local government bodies). In addition, there is a number of supplementary Acts and Rules regulating the different tiers of the local government system in Bangladesh[[156]](#footnote-156).

The government of Bangladesh does not have any specific sector policy on local government and/ or decentralization[[157]](#footnote-157). However, the constitutional provisions, sector polices and especially the most recent FYPs recognize the importance of a local government system and its role in development management and service delivery in Bangladesh, and the system is further backed up by recently refined comprehensive legal framework for UPs (2009) and UZPs (2011).

The recent acts on the UP and UZP have recognized the importance of community participation, transparency and accountability by including specific sections on formation of ward committees, participatory planning, open budget sessions, access to information, and extended authority of the Standing Committees, etc.

The system of local governance and local administration is complex with several layers of administration and decision-making. The largest unit is the division, which is divided into districts, which are in turn divided into Upazila and Unions.

Local Government Institutions (LGIs) of Bangladesh include 11 City Corporations, 313 Pourashavas (Municipalities), 64 Zila Parishads (Districts), 487 Upazila Parishads (sub-districts) and 4545 Union Parishads (rural local governments). Besides these, there are 3 Hill District Councils. Nearly 77,000 elected representatives and 75,000 government officials serve these local government institutions. Since inception, these local government institutions were given responsibilities for the maintenance of law and order, infrastructure development, promotion of health, education, and some other basic social services.

The UP Act 2009 is a comprehensive and far reaching LG Act that has incorporated some of the fundamental features of good governance, women’s empowerment, accountability, transparency, participation and social control, effective service delivery, and if effectively implemented will address some of the challenges in the existing system. There is therefore a focus in the UPGP on supporting the implementation of this as well as related rules and regulations.

Union Parishad (UP) is governed by an elected body composed of 13 members; one from each of the nine wards, three women members (from reserved seats – one from each of three wards) and the chairman elected by the total electorate of the UP. The UP is staffed by a full time secretary, appointed by the deputy commissioner who is head of district administration, and local police. The UP secretary is responsible for accounting and record keeping and all kinds of registration e.g. birth, death, etc. The UPs are mostly involved in the selection and implementation of schemes, sanitation programs, local level revenue collection, registration of births and deaths, social safety net activities such as, distribution of relief goods and Vulnerable Group Feeding (VGF), preparation of list of widows for pension distribution and organization of food/cash for work activities (popularly known as Kabikha); maintenance of law and order including conflicts resolution and administration of justice (village court). The UP Act 2009 introduced new governance dimensions such as the Ward Shava, Open budget, Citizen Charters, provisions to implement Right to Information Act, use of information technology and deployment of additional staff from different line departments of seven Ministries[[158]](#footnote-158). These new dimensions aim at strengthening the downward democratic accountability aspects of the UP operations and foresee a significant increase in the role and impact of the UPs on local development.

Upazila Parishad (UZP) is the second tier of local government, re-introduced in 2009 after a gap of 18 years, with the election of 475 UZPs. The number of Upazila now stands at 487, each with an average population of approx. 250,000. The UZPs are entrusted to anchor local democracy, undertake local development and ensure efficient public service delivery within the realm of citizen engagement, accountability and transparency. Through decentralization of LM functions, 17 designated departments now operate at Upazila level. The Upazila Nirbhai Officer (UNO) has been appointed to act as the vertical and horizontal point of administrative coordination with the Central Government, UZP and local administration.”[[159]](#footnote-159)

Experts criticize the UP Act as imperfect, however. For example, there is a gap between assigned responsibilities and resources allocated to UPs; the provision for 13 standing committees is incorporated without carefully analysing the capacity of UPs in forming and activating them as well as without looking into the usefulness of such large number of SCs. Also of note is the UZP Act, Article 25 , which stipulates that a Member of Parliament, from the constituency where a UZP is located, must act as a mandatory adviser to UZP. This is a potential conflict of interest and violation of separation of powers that creates hindrance in the desired functioning of UZPs.

The **Upazila Parishad** and **Union Parishad** levels of local government and administration play an important role in governance, administration and the delivery of basic services—including health care, education and justice—at the local level. The GoB has a plan pursuant to legislation to transfer many of the services now provided by central line-ministries to LGIs. UP Chairman and council members now take an active role in maintaining so-called “Village Courts”[[160]](#footnote-160) that exist to resolve low-level disputes and even adjudicate certain minor criminal offenses. As such, the **Village Courts** act as part of an array of alternative dispute mechanisms and alternative forums in Bangladesh.[[161]](#footnote-161)

The Village Courts Act of 2006, which replaced and updated the Village Courts Ordinance of 1976, provides for the establishment of a village court in every Union Parishad. The village court is comprised of a panel of five: the UP chairperson; two other UP council members, one of whom is chosen by each party in the dispute; and then two additional citizens, who are also chosen by the parties respectively. The courts have jurisdiction over civil disputes valued up to 25,000 Taka. They also have jurisdiction over some crimes, including assault and theft, though they do not have the power to fine or imprison; rather they can grant simple injunctions and award compensation up to 25,000 Taka.

# Appendix B: UNDP Outputs and Projects Supporting CPD Outcome 1.1 and 1.2

***CPD (UNDAF) Outcome 1.1. Principal Output areas and corresponding projects***

| **CPD (UNDAF) Outputs and activities** | **Relevant UNDP Projects, GoB partners (and Donors where applicable)** |
| --- | --- |
| **Voter registration at the regional, Thana and Upazila levels is enhanced via the construction of server stations for the electoral database.** [UNDAF Output 1.1.1.] | * **Construction of Servers for the Electoral Database Project (CSSED)**   + Elections Commission Bangladesh (ECB)   + Local Government Engineering Department * Public Works Department |
| **Capacity of the Elections Commission Bangladesh (BEC) is supported for the electoral cycle and in the run-up to the parliamentary elections in 2014.** [UNDAF Output 1.1.1.] | * **Electoral Support Project: Strengthening Election Management in Bangladesh (SEMB)**   + Elections Commission   + EU; USAID; DFID |
| **Parliamentary democracy and elected parliamentarians in Bangladesh are supported and able to fulfil their functions; Parliamentary Parties, Standing Committees, the office of the Hon. Speaker and the Secretariat are strengthened; the relationships between Members of Parliament (MPs) and citizens and the use of multi-party issue-based caucuses is enhanced.** [UNDAF Output 1.1.2][UNDAF Output 1.1.3.] | * **Improving Democracy through Parliamentary Development**   + Bangladesh Parliament   + Netherlands; KOICA (Korean Int.’l Cooperation Agency). |
| **Capacity for Aid-Effectiveness is improved; Aid-Information Management System (AIMS) is developed; national Aid Policy is in place; Capacity of the Economic Relations Division (ERD)(Ministry of Finance) is strengthened; Local Consultative Groups (LCGs) and their Working Groups are supported and strengthened.** [UNDAF Output 1.1.3]. [UNDAF Output 1.1.4] | * **Strengthening Capacity for Aid Effectiveness in Bangladesh Project**   + ERD, Ministry of Finance   + LGCs   + AusAid, Danida, DFID |
| **Civil service human change management, human resources and performance management is enhanced pursuant to the Civil Service Act; Capacity of selected GoB institutions is enhanced (particularly with regard to their training and recruitment systems); Ethics, religious and cultural values and integrity in the civil service are strengthened in an effort to support the UNCAC and GoB’s Anti-corruption agenda.** [UNDAF Output 1.1.4] | * + Ministry of Finance (MoF)   + Ministry of Establishment (MoE)   + Bangladesh Public Service Commission   + Bangladesh Public Admin. Training Cntr.   + Bangladesh Civil Service Admin. Academy   + Ministry of Education   + Ministry of Health and Family Welfare |
| **Good urban government enabled; Bangladesh Urban Forum established/supported; urban governance research completed; National Urban Sector Policy and Sixth Five Year plan goals supported.** [UNDAF Output 1.1.5] | * **Good Urban Governance Project**    + Local Government Division, Ministry of Local Government, Rural Development & Cooperatives (MLGRDC)   + Ministry of Housing and Public Works (MHPW) |
| **Local Government Institutions in Bangladesh (Union Parishads and Upazila Parishads) are enhanced to improve fiscal management, regulation, transparency, accountability and service delivery in view of the 7th Five Year Plan; women’s participation in LGI’s increased; pro-poor and gender-friendly development planning and service delivery is strengthened;** [UNDAF Output 1.1.5] | * **Union Parishad Governance Project (UPGP) and** * **Upazila Governance Project (UZGP)**   + Economic Relations Division, Ministry of Finance   + Local Government Division, Ministry of Local Government, Rural Development and Co-operatives   + EU; DANIDA; Swiss Agency for Development and Cooperation |

***CPD Outcome 1.2. Principal Output areas and corresponding projects***

| **CPD (UNDAF) Outputs and activities** | **Relevant UNDP Projects, GoB partners (and Donors where applicable)** |
| --- | --- |
| **The capacity of the Supreme Court to administer the court system and reduce case backlogs is supported leading to improved case management, strategic planning and administrative capacity, delivery of court services to court users and strengthened training capacity on case management.** [UNDAF Output 1.2.1. and 1.2.2.] | * **Judicial Strengthening Project (JUST)**   + Law and justice division of the MoLJPA   + Supreme Court   + DFID |
| **Justice sector agencies are enhanced to achieve better communication and coordination with regard to case management in two district pilot courts; select4d agencies have improved strategic planning and monitoring capacity for delivery of legal aid and prosecution of cases; and sector-wide communication and coordination mechanisms established.** [UNDAF Output 1.2.1] | * **Justice Sector Facility Project**    + Law and Justice Division of the MoLJPA   + National Legal Aid Services Organization (NLASO)   + Judicial Administration Training Institute   + DFID |
| **The National Human Rights Commission (NHRC) is established with managerial, strategic planning, financial budgeting and administrative procedures; a complaints procedure is developed and put in place; NHRC’s capacity to monitor human rights abuses, conduct outreach, education and information on human rights, and prepare reports on human rights is capacitated; NHRC capacity to monitor legislative and legal compliance with international human rights treaties is developed and enhanced.** [UNDAF Output 1.2.1. and 1.2.2.] | * **National Human Rights Commission Capacity Development Project**    + NHRC   + DANIDA   + DFID   + SDC   + Korea |
| **The Legislative and Parliamentary Affairs Division of the Ministry of Law Justice and Parliamentary Affairs (LPAD-MoLJPA), Law Commission and other ministries capacity to undertake prioritized, inclusive and higher quality legislative reform is strengthened; LPAD-MoLJPA and other ministries capacity to provide advice on international treaties, conventions and international legal affairs is strengthened; a “treaty desk” at LPAD is established and capacitated**. [UNDAF Output 1.2.2.] | * **Promoting Access to Justice & Human Rights in Bangladesh (Access to Justice Project)**   MoLJPA |
| **Village courts in Bangladesh in 500 Union Parishads are capacitated and supported; UP Chairmen and staff are educated on village courts; public awareness on village courts is increased.** [UNDAF Output 1.2.2.] | * **Activating Village Courts in Bangladesh Project**   + Local Government Division, Ministry of Local Government, Rural Development & Cooperatives (MLGRD&C)   + EU |
| **Ability of the police to provide effective crime prevention and community policing—sensitive to the needs of the poor, disadvantaged, women and children and to deliver tangible results at the Thana (police station) level— is strengthened in line with the Bangladesh Police Strategic Plan.** [UNDAF Output 1.2.3] | * **Police Reform Programme (Phase II)**   + Bangladesh Police   + Ministry of Finance   + Ministry of Home Affairs   DFID (UK) |
| **CHTDF. Elements of the CHTDF relate to Outcome 1.1. and 1.2** | **CHTDF Projects (all are under the auspices of the Ministry of CHT Affairs and funded by EU, CIDA and DANIDA** |
| * Supporting Local Development in CHT Project |
| * Build Capacity CHT Institutions Project |
| * Health & Education- UNDP/CHTDF Project |

# Appendix C: Evaluation Workplan

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phase and Dates** | **Main Activities** | **Location** | **Deliverable** | **Lead Party** |
| **Phase I**  Mid-December to end-February 2015 | Preliminary Skype calls with UNDP project managers and other stakeholders; Comprehensive literature review and analysis of background data including project documents, project/Country Office/UNDAF progress reports, annual reviews, evaluation reports and other key documents | Home base | Preliminary Skype calls with UNDP senior management | Team Leader |
| Mid-to-end-March 2015 | Prepare and submit the inception report including the adjusted work plan, an evaluation matrix and other items as in the Companion Guide | Home base | Inception Report and work plan | Team Leader |
| **Phase II**  Mid-April 2015 | Briefing and kick-off meeting with UNDP staff from respective Cluster(s) and RRMC; revise Inception Report and matrix based on feed-back received in kick-off meeting | Dhaka | Briefing with UNDP | Team Leader and Evaluation Team members |
| Mid-April 2015 | Conduct data collection and analysis, interviews, site visits, stakeholder meetings, workshops, etc. in the country | Dhaka and field locations TBD | Data collection | Team Leader and Evaluation Team members |
| Mid-April to end-April 2015 | Debrief with key stakeholders and present key findings and recommendations; collect feedback from the debriefing workshop; respond to follow-up emails and conduct follow-up Skype calls | Dhaka and home base | Debrief with UNDP | Team Leader and Evaluation Team members |
| **Phase II**  May 2015 | Prepare and submit the draft evaluation report to UNDP; continue to remotely supervise the national consultants. | Home base | Draft Evaluation Report | Team Leader and Evaluation Team members |
| May 2015 | Incorporate comments from key stakeholders, respective Cluster(s) and the government partners; | Home base |  | Team Leader |
| End-May 2015/early June 2015 | Finalize and submit the final evaluation report AND evaluation brief | Home base | Final Evaluation Report | Team Leader |
| By end-May 2015 at the latest | Review and finalize the “Data Review Report” as prepared by the mission Data Analyst and submit to UNDP | Home base | Data Review Report | Data Analyst (with Team Leader review) |
|  | \*Dates subject to change depending upon availability of Lead Evaluator and length of time necessary to complete the deliverable. | | | |

# Appendix D: Indicative List of Documents Referenced

|  |  |
| --- | --- |
| **Category** | **Document Name (Short Form)** |
| \*Note: Document review and collection will be on going throughout the process of the Evaluation, including its in-country phase. | |
| **Laws of Bangladesh** | Constitution of Bangladesh |
|  |  |
|  |  |
| **National Strategy Documents** | GoB Sixth Five Year Plan (FY 2011-2015), “Accelerating Growth and Reducing Poverty” Part 1. Strategic Directions and Policy Framework (Ministry of Planning) |
|  | “ “ Part 2. Sectoral Strategies, Programmes and Policies |
|  | “ “ Part 3. Statistical Annex and Technical Framework |
| **UN Programme Documents** | UNDP Country Programme Document Bangladesh (CPD)(2012-2106)(September 2, 2011) |
|  | Bangladesh UNDAF 2012-2016 (Final) |
|  | RBAP-Country Office Bangladesh Results Compact 2014 (Final) |
|  | UNDP Assessment of Development Results for Bangladesh 2011 |
|  | “Empowered Lives. Resilient Bangladesh: Results achieved with our partners, 2006-2011” (UNDP 2012). |
|  | Country Programme Evaluation Plan 2012-2016 |
|  | Bangladesh ROAR 2012 |
|  | ROAR Indicator Progress Summary 2012-14 |
|  | ROAR Outcome Progress Summary 2012-14 |
|  | UNCT Report on the Post-2015 Agenda in Bangladesh (2013) |
|  | UNDAF Progress Report 2013 |
|  | GoB’s Outline Perspective Plan 2010-2021 (Vision 2021) |
|  | UNDAF Action Plan |
|  | UNDAF Progress Report 2012 |
|  | UNDP Bangladesh Annual Report 2013-2014 |
|  | UNDP Strategic Plan 2014-2017 |
|  | UNDP Strategic Plan Theory of Change Outcome 2 (15 Aug 2013) |
| **UNDP Project Documents and reports** | **Construction of Servers for the Electoral Database Project (CSSED)**   * Project Document (2008) * Annual Report CSSED 3013 * CSSED Project End Final Evaluation (11 December 2014) * UNDP DG Annual Results Reporting CSSED (31 December 2014) * CCSED Annual Report 2012 |
|  | **Electoral Support Project: Strengthening Election Management in Bangladesh (SEMB)**   * Project Document (2010) * Election Working Group Statement on the Six Phase of Upazila Elections (May 2014) * Report of the Electoral Mission (25 August-4 September 2012)(Peter Eichner) * “Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh” (Human Rights Watch)(2014). * EU project monitoring report for SEMB (October 2012) * UNDP Mid-Term Evaluation of SEMB Project (28 October 2014) * SEMB Risk Assessment (2014) * UNDP Results Reports 2013 for SEMB Project * UNDP Results Reports 2014 for SEMB Project |
|  | **Improving Democracy through Parliamentary Development (IDP)**   * Project Document (2010) * Updated Multi-year M&E Plan for IDP project (2012-2014) * “Report on Findings of a Skill Retention Survey of Members of Parliament on ICT Training” (IDP Project November 2012) * Final Evaluation IDP Project (June 15, 2014) * IDP Project Mid-Term Review Report (March 2013) * IDP Project Rapid Appraisal Study (December 2013) * UNDP IDP Project File Note (23 Feb2014) meeting with the Parliament and Secretariat Director of Planning and Development |
|  | **Strengthening Capacity for Aid Effectiveness in Bangladesh Project (AE)**   * Project Document (September 2011) * UN 3rd Global Accountability survey in Preparation for the 2014 DCF (December 2013) * Aid Policy in Vietnam an Overview * Report on Aid Policy in Rwanda (2014) * “Strengthening Capacity for Aid Effectiveness in Bangladesh” (Brochure)(GoB, Economic Relations Division (ERD), Ministry of Finance * “From Paris to Practice: The Bangladesh Journey” (Aid Effectiveness Unit, ERD, MoF) * Summary of Divisional Workshop: “Towards Ensuring Better Results and Accountability of Foreign Aid: Reaching out to Stakeholders” * “Capacity Assessment of Economic Relations Division, Bangladesh” (Draft Report, November 18, 2013) * Joint Cooperation Strategy Action Plan 2013 progress report (draft)(Aid Effectiveness Working Group)(MoF) * Second Review Report on Local Consultative Group Mechanism-Working Groups (Dhaka, March 2014, AusAID, DANIDA, DFID, UNDP) * Review of LCG Working Groups in Bangladesh (August 2012; AusAID, DANIDA, DFID, UNDP) * UNDP AE Project Mid-Term Evaluation Report (August 2014) * UNDP AE Project Annual Progress Report (2013) * UNDP AE Quarterly Progress Report (Jan-March 2014) * UNDP AE Quarterly Progress Report (April-June 2014) * Report on Bangladesh Participation in the First High Level Meeting of the Global Partnership for Effective Development Cooperation (Mexico Citi, 15-16 April 2014). * “South-South and Triangular Cooperation in Bangladesh” (Report of Workshop, Dhaka, 30 December 2013). * “Effective South-South and Triangular Cooperation and Knowledge Sharing” (Report of Workshop, Dhaka, 02 February 2014) * “Use of Country Results Framework-Pilot Study Bangladesh” (Global Partnership Monitoring Framework; Aid Effectiveness Unit, ERD, MoF, GoB). |
|  | * UNDP CDCMP Project Document (11 July 2008) * CSCMP Final Report (2008-2014) * Final Project Evaluation Report for CSCMP (January 2014) |
|  | **Good Urban Governance Project (GUGP)**   * UNDP Project Document GUGP (August 2011) |
|  | **Union Parishad Governance Project (UPGP)**   * Joint Programme Document UPGP (December 2011) * EU Progress Report on UPGP and UZPG (July 2013-June 2014) * UPGP and UZPG Midterm Evaluation Report (Final 04 December 2014) * Mid-Term Evaluation ToR for UPGP and UZPG * Final Report “Study on Key Rights and Entitlements for Poor and Disadvantaged Citizens where the RTI Act can be Effective” (UNDP Bangladesh; July 2014) |
|  | **Upazila Governance Project (UZGP)**   * Citizens Perception Survey Report and Annexes on Services Provided by Local Government Institutions as well as Assessments of Results Achieved by UZGP and UPGP (November 2014) * Various UZP training materials * UPGP and UZPG Midterm Evaluation Report (Final 04 December 2014) * Mid-Term Evaluation ToR for UPGP and UZPG * UZGP and UPGP Policy Dialogue * Upazila Parishad Rules and Regulations (in Bengali)(2014)   + Office Management and Maintenance   + Custody, Administration, regulation and Investment   + Conduct of Employees for Maintenance of Property   + Appeal Against Orders   + Resignation, Removal and Vacation of Office Rules * Three regulations (in Bengali) * Draft Report “Assessment of the quality and effectiveness of the Training & Training Institutes under UZGP” (13 October 2013) * Upazila Fiscal Facility (UFF) fact sheet * Various Upazila Plan books (in Bengali)   + Mithamoin Upazila Plan Book (English translation) * UZPG Progress Report 2013 * UZPG Quarterly Progress Report (Jan-March 2014) * UZPG Quarterly Progress Report (Apr-June 2014) * UZPG Baseline Survey Report on Upazila Governance in Bangladesh (2013) * Upazila Parishad Manual (2nd Edition)(Bengali language) * WDF Sample bylaws (Bengali language) |
|  | **Access to Information Project (Phase II): e-Service Delivery for transparency and responsiveness (Support to Digital Bangladesh).**   * Access to Information (A2I) Programme Programme Initiation Document (UNDP)(2007) * UNDP Project Document A2I Phase II (2012-2016) * A2I Project Evaluation (2 October 2011) * A2I “e-Service Delivery for Transparency Responsiveness” Project Result Report (November 14, 2012) * “From Connectivity to Service Delivery: Case studies in e-governance” (UNDP 2013) * Report on Assessment of Multimedia Classrooms (MMC) and Teacher-Led Content Development (August 2013) * A2I Project Communication Strategy (2013) * “Global e-Indices’ Rankings and Bangladesh: Indicators for Measuring Digital Bangladesh” (June 2013)(UNDP with Bangladesh Bureau of Statistics (BBS) and Statistics and Informatics Division (SID) * “Strategic Priorities of Digital Bangladesh” (January 2011) * Census Report on Union Information and Service Centres (UISCs)(May 2014, BBS)) |
|  | **Judicial Strengthening Project (JUST)**   * JUST Project Document (2012-2014) * JUST Annual Report (2013) * Business Process Mapping and Timely Justice for All: A Challenge to Change (2013-2014) * CDE Appendices * “Capacity Needs Assessment of the Registrar Office: Bangladesh Supreme Court” (Draft Report)(May 2014, UNDP) * “Summary Report on Court Services Situation Analysis” (December 2013, JUST Project, Supreme Court and UNDP) * DFID Annual Review 2014 (review of 2-20 March 2014) * “Report on Baseline Findings 2013” (December 2013, JUST) * “Exploring the Case Management through Case Diagnostic Exercise: an Assessment Report on Case Flow of Selected Civil Cases of Pilot District Courts” (2014, Supreme Court and UNDP) * “Justice Too Long Delayed: Case flow Commotion in the Pilot District Courts of Dhaka, Kisshorganj and Rangamati: Findings, Conclusions and Recommendations”(Book chapter)(2014) * Signed Practice Directions to District Court and to Metropolitan Court on CMC formation (Bengali language). * JUST Mid-Term Evaluation (February 2015) |
|  | **Justice Sector Facility Project (JSF)**   * UNDP JSF Project Document (2012) * JSF Annual Report 2012 * UNDP RR for JSF 2012 * JSF Annual Report 2013 * UNDP RR for JSF 2013 * UNDP RR for JSF Quarterly (Jan-March 2014) * UNDP RR for JSF Quarterly (Apr-June 2014) * “Access to Justice in Bangladesh-Situation Analysis” (Full Report Draft of December 2014)(UNDP JSF) * “Verifying Baselines and Updating Targets in Justice Reform Projects: Preliminary Findings Report (Draft)” (10 December 2014, UNDP JSF) * DFID Annual Review 2014 * Focus Group Discussion on Legal Aid: A Qualitative Assessment on Effectiveness of Workers Legal Aid Cell to benefit Poor Garments Workers” (undated) * Court User Survey Report 2013: Comilla and Pabna Districts in Bangladesh (UNDP JSF) * Needs Assessment: Sustainable ICT Infrastructure for JSF (15 July 2013) * Recommendations form Violence Against Women Conference: “A Roadmap” (15 April 2014) |
|  | **National Human Rights Commission Capacity Development Project**   * UNDP NHRC-CPD Project Document (2010) * 2014 ANNI Report on the Performance and Establishment of National Human Rights Institutions in Asia * UNDP NHRC-CPD Annual Report 2011 * UNDP NHRC-CPD Annual Report 2012 * UNDP NHRC-CPD Annual Report 2013 * “Perceptions, Attitudes and Understandings: A Baseline Survey on Human Rights in Bangladesh (October 2011) * Final Evaluation NHRC-CPD (May 2010-December 2014) * “Capacity Assessment of the National Human Rights Commission of Bangladesh” (Final Report 02April2014) * NHRC-CPD Mid-Term review (October 2013) * “Chart of Accreditation Status of National Human Rights Institutions (28 January 2014)(International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) * “The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: A Study on Bangladesh Compliance” (March 2013)(NHRC) * “The International Covenant on Civil and Political Rights: A Study on Bangladesh Compliance” (March 2013)(NHRC) * “Analysis of Decisions of the Higher Judiciary on Arrest and Detention in Bangladesh” (January 2013)(NHRC) * “The International Covenant on Economic, Social and Cultural Rights: A Study on Bangladesh Compliance”(December 2012) * “Analysis of Decisions of the Higher Judiciary on Protection of Women’s Rights in Bangladesh” (January 2013) * Bangladesh UPR Mid-term Implementation Assessment (updated) |
|  | **Promoting Access to Justice & Human Rights in Bangladesh (Access to Justice Project)**   * UNDP Access to Justice Project Document (2012) * A2J Project Final Evaluation 2014 * “Access to Justice in Bangladesh Situation Analysis: Preliminary Findings Report” (30October2014) |
|  | **Activating Village Courts (AVC) in Bangladesh Project**   * AVC Project Mid-term Review (20March2013) * AVC Project Mid-term Annex 5 * LGD Letter for 500 Ejlas (Bangla) * AVC Project Final Report (2012) * “Impact Baseline Study on AVC” (7 October 2012) * “Evaluating Knowledge, Attitude, and Perception of UP representatives, Secretaries and Village Police about Village Courts” (02 March 2014) |
|  | **Police Reform Programme PRP (Phase II)**   * UNDP Project Document PRP (phase II)(2009) * PRP Component 1   + BP Strategic Plan (2012-2014)   + Analysis of Draft Police Ordinance, 2007 and 1861 Police Act against international good practice (PRP)(2012)   + Police Reform Opportunities for Bangladesh: A Comparative Survey of Police Legislation in India, Pakistan, Northern Ireland, South Africa and Kenya   + Human Rights Pocket Book (volume 1 and 2)   + “Training on Human Rights for Public Order Management (POM) Commanders (March 2014)(UNDP) * PRP Component 2   + In-Service Training for Dhaka Metropolitan Police (DMP) Personnel (PRP)   + TNA Facilitator’s Guide (Bangla)   + TNA Report for Basic Training (Bangla)   + Participants handbook—Human Rights for POM Commanders   + Training needs assessment for four entry points   + Participants Handbook ToT (Bangla)   + Participant Handout-Training on Welfare issues (Bangla) * PRP Component 3   + Basic Investigation Skills Courts : an introductory course for investigators assigned to Model Thanas.   + Criminal Intelligence Analyst Work Book 2012 (PRP)   + Court Police Officers Course (Bangla)   + Human Rights Pocket book (Bangla)   + Crime scene Management Court (Guideline for Supervisor)(English)   + Crime Scene management Manual (redrafted 2014)   + Criminal Intelligence Analyst Workbook (redrafted)(2014)   + Digital Forensic Course Manual   + Interview and Interrogation: Participant’s Manual: January 2014 (PRP) * Component 4 PRP   + Rapid Evaluation of Directly Funded Community Policing Fora (CPF)   + Community Policing Pocket Book (Bangla)   + Community Policing Implementation Checklist (Bangla)   + Joint Workshop Facilitation Guidebook (Bangla)   + Training Handbook for Model Thana Police personnel * Component 6 PRP   + Charter of duties for Telecom and Information Management positions   + Crime Investigation and Verification System (CIVS) Functions   + Draft Information Security Policy Guideline   + Basic ICT training course   + CPAS Reporting Tutorial   + Basic ICT Training Instructor Manual (Bangla)   + Student Handbook * Component 7 of PRP   + UNDP RR for PRP (2012)   + PRP Annual Progress Report 2012   + Baseline Survey on Personal Security and Police Performance in Bangladesh (December 2011)   + PRP Project Mid-Term Review Report (10 August 2012)   + PRP Annual Progress Report 2013   + Survey on Police Investigation Practices (2013)   + UNDP RR PRP 2014   + UNDP RR Quarterly Report (Apr-June 2014)   + UNDP RR Quarterly Report (Jan-Mar 2014)   + Public Opinion Survey on Personal Security and Police Performance 2014 (PRP) (21 September 2014) |
|  | **Promoting of Development and Confidence Building in the Chittagong Hill Tracts (PDCB-CHT)**  [\*Note: The Evaluation Team has received a number of documents and reports under the CHTDF/PDCB-CHT. Only part of PDCB-CHT Project Output 1 and part of Project Output 3 support CPD Outcome 1.1 and 1.2 . Other elements of the PDCB-CHT Project and the CHTDF are not covered by this Evaluation. Thus, not all documents delivered to the Evaluation Team for PDCB-CHT and CHTDF are listed here. Some are still under review by the Evaluation Team.]   * UNDP Promotion of Development and Confidence Building in the CHT Project Document (2009) * CHTDF Annual Report 2013 * CHTDF Annual Report 2012 * CHTDF Annual Report 2011 * CHTDF Annual Report 2010 |
| **Miscellaneous** | Independent newspaper governance public survey (04 September 2014) |
|  | “Survey Report on Perception of Violence in Bangladesh” (Aug-Sept 2014)(USAID) |
|  | “Political Parties and Democracy in Bangladesh” (May 17, 2014)(Centre for Policy Dialogue (CPD) |
|  | “Bangladesh 2013: Assessing Economic Implications of the Present Political Shocks” (13 April 2013)(Centre for Policy Dialogue). |
|  | “Political Parties in Bangladesh” (CPD-CMI Working Paper Series) (August 2014) |
|  | “The State of Governance Bangladesh 2013: Democracy Party Politics” (BRAC University Institute of Governance and Development, August 2014) |
|  | World Justice Project Rule of Law Index 2014 |

# Appendix E: Indicative List of Stakeholder Meetings Held

|  |  |
| --- | --- |
| **CPD Outcome 1.1.** | |
| **Entity/Partner** | **Location** |
| ECB | Dhaka |
| Election Working Group (EWG) | Dhaka |
| meetings with UNDP country office cluster heads and project managers for all projects. | Dhaka |
| Parliament of Bangladesh-Secretariat and library | Dhaka |
| Office of the Speaker (Deputy Speaker) Parliament of Bangladesh | Dhaka |
| Members of Parliament (MPs)  Female MPs | Dhaka |
| Economics Relations Division, Ministry of Finance  ERD Secretariat  Development Effectiveness Wing  Aid Specialist | Dhaka |
| Local Consultative Group (LCG) Secretariat, ERD, MoF and Working Groups (WG) | Dhaka |
| Ministry of Establishment (MoE) | Dhaka |
| PAR Change Management Unit | Dhaka |
| Ministry of Local Government, Rural Development and Cooperatives (MoLGRDC), Local Government Division | Dhaka |
| Ministry of Youth, Youth Secretary | Dhaka |
| Bangladesh Urban Forum | Dhaka |
| National Institute of Local Government | Dhaka |
| Selected Upazila Parishads (UZP) in pilot districts | Rangpur and Kishoreganj |
| Selected Union Parishads (UP) in pilot districts | Rangpur and Kishoreganj |
| Selected Local Governance Institutions (LGIs) in pilot districts | Rangpur and Kishoreganj |
| Women Development Forum (WDF) | Rangpur and Kishoreganj |
| Planning Division, Ministry of Planning | Dhaka |
| Selected Union Information Service Centre | Rangpur and Kishoreganj |
| Selected District e-Service Centre | Rangpur and Kishoreganj |
| Ministry of Chittagong Hill Tracts Affairs, Secretariat and land division | Dhaka |
| Transparency International Bangladesh | Dhaka |
| Center for the Study of Democracy | Dhaka |
| **CPD Outcome 1.2** | |
| **Entity/Partner** | **Location** |
| Ministry of Law Justice and Parliamentary Affairs (MoLJPA), Law and Justice Division | Dhaka |
| Supreme Court of Bangladesh | Dhaka |
| Case Management Committees, High Court Division, Supreme Court | Dhaka |
| Special Committee on Judicial Reforms, Supreme Court of Bangladesh |  |
| pilot District Courts | (Dhaka, Rangamati, Kishoreganj) |
| Judicial Administration Training Institute | Dhaka |
| Judicial Service Commission | Dhaka |
| National Legal Aid Service Organization (NLASO) | Dhaka |
| Criminal Justice Coordination Committees in JSF Project pilot districts | Rangamati, Kishoreganj |
| Court registrar offices at pilot districts | Rangamati, Kishoreganj |
| Local Police stations at pilot districts | Rangamati, Kishoreganj |
| Bar Association | Dhaka |
| Private lawyers | Dhaka (and at local level) |
| National Human Rights Commission (NHRC) | Dhaka |
| NHRC Project Steering Committee member(s) | Dhaka |
| NHRC regional offices (selected) | TBD |
| Law Commission, Ministry of Law Justice and Parliamentary Affairs (MoLJPA), | Dhaka |
| Civil Society Organizations (CSOs) | Rangamati, Kishoreganj |
| District Legal Aid Committee offices | Rangamati, Kishoreganj |
| Village Court Management Committees at selected UPs | Rangamati, Kishoreganj |
| UP Chairmen | Rangamati, Kishoreganj |
| NGOs responsible for village courts | Rangamati, Kishoreganj |
| Bangladesh Police, Inspector General | Dhaka |
| Women Support and Investigation Division (WSID) in Dhaka Victim Support Centre (VSC) | Dhaka |
| Police stations at Thana-level | Rangamati, Kishoreganj |
| Community policing forums | Rangamati, Kishoreganj |
| Ministry of Chittagong Hill Tracts (CHT) Affairs, Secretariat and land division | Dhaka |
| **Donors and Key Development Partners** | |
| **Entity/Partner** | **Location** |
| USAID | Dhaka |
| US Embassy | Dhaka |
| DFID and British Embassy | Dhaka |
| DANIDA/ Royal Danish Embassy | Dhaka |
| Norway | Dhaka |
| Swiss Agency for Development Cooperation | Dhaka |
| World Bank | Dhaka |

# Appendix F: Terms of Reference

**Terms of Reference**

**Mid-term Outcome Evaluation:**

**Outcome 1.1 (Democratic Governance)**

**Outcome 1.2 (Justice and Human Rights)**

**UNDP Bangladesh**

1. **Background and Context**

UNDP Bangladesh **Country Programme Document** (CPD) 2012-2016[[162]](#footnote-162) responds to the Government’s development priorities and vision of attaining middle income country status by 2021, as stated in the Outline Perspective Plan 2010-2021 and on-going Sixth Five Year Plan (2011-2015). The present CPD focuses on three areas: (a) democratic governance and human rights; (b) pro-poor growth with equity; and (c) climate change, environment, disaster risk reduction and response.

In line with the Country Programme Evaluation Plan 2012-2016 agreed with the Economic Relation Division of the Ministry of finance, a mid-term outcome evaluation is carried out to assess UNDP’s support towards achieving **outcome 1.1** (democratic governance) and **outcome 1.2** (justice and human rights):

* **Government institutions at the national and subnational levels are able to more effectively carry out their mandates, including delivery of public services, in a more accountable, transparent, and inclusive manner** *(Outcome 1.1.)*
* **Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups** *(Outcome 1.2.)*

Under the **Outcome 1.1**, UNDP is working to support the Government with strategic public administration reforms and in further developing capacity of key democratic institutions and local government entities for better public service delivery and local government entities for better public service delivery. The capacity and accountability of the public sector is being strengthened by: a) directing technical support to parliamentary standing committees to more actively and effectively perform their oversight functions; b) further deepening the capacity of institutions such as the Election Commission to continue overseeing electoral processes effectively, including the conduct of credible elections; c) emphasizing the role of civil society organisations and the media. Information and communications technology is continuing to be leveraged to improve access to information and services under the Digital Bangladesh initiative of the Government; and d) strengthening the local government institutions through improving their functional and institutional capacities for effective, efficient and accountable delivery of pro-poor infrastructure and services. In addition, UNDP provides technical and financial support to local institutions and communities in the post-conflict Chittagong Hill Tracts (CHT), which lags behind the rest of the country in the area of human rights and livelihoods.

Under the **Outcome 1.2**, UNDP is providing support to reducing the court system’s case backlog and removing structural barriers that impede the fair and transparent delivery of justice. UNDP is also continuing to support the improvement of law enforcement agencies to fulfil their role in justice and human security and strengthen the capacity of independent institutions such as the new National Human Rights Commission.

The estimated **resource envelope** for the UNDP Bangladesh Country Programme 2012-2016 is **US$ 553.6 million**, where indicative budgets of the Outcome 1.1 and 1.2 comprise **28.5%** (US$ 158 million) of the overall CPD envelop. Till July 2014, the Outcome 1.1 and 1.2 altogether have mobilized **83.4%** (US$ 131.8 million) of its planned budget from UNDP core resources as well as from its development partners.

1. **Evaluation Purpose**

*purpose:* The purpose of this mid-term outcome evaluation is to **take stock of achievements to date, document lessons learned and propose ways to correct the course of intervention for the next two years of the country programme cycle**.

*TIMING:* The mid-term evaluation is conducted in the **second half of 2014** because it is the penultimate year to the MDG deadline, and the midway point of the 2012–2016 CPD/UNDAF. The timing is in line with the CPD/UNDAF Evaluation Plan 2012-2016, which foresees that UNDP Bangladesh undertakes a mid-term outcome evaluation on the CPD Outcome 1.1 and 1.2 in 2014. The timing of the evaluation also ensures that evaluation results will be key input into the UNDAF mid-term review scheduled for early 2015.

*utilization:* The evaluation results are to be utilized by not only UNDP Bangladesh but also by the government partners as well as other key development partners/donors. They will also become critical inputs to the **UNDAF mid-term review** scheduled in early 2015, where UNDP acts as lead agency in four UNDAF pillars and these outcomes contribute directly to UNDAF Pillar 1. The mid-term outcome evaluation also aims to **identify which UNDP approaches have worked well** and which have faced challenges, use lessons learned to improve future initiatives and generate knowledge for wider use at all levels (corporate, regional and country) and serve as a means of quality assurance and hold UNDP accountable for the resources invested in its work as well as for its national partners and stakeholders. Notably, the evaluation will become critical inputs for the alignment of UNDP’s new Strategic Plan (SP) 2014-2017[[163]](#footnote-163). Following the evaluation conclusions and recommendations pertinent to UNDP, UNDP Bangladesh will prepare a management response and implement follow-up actions through the UNDP Evaluation Resource Centre (ERC).

1. **Evaluation Objectives and Scope**

*Objectives:*The mid-term outcome evaluation will primarily assist UNDP Bangladesh in assessing its effectiveness in **progressing towards the outcomes** – the causal linkage if and/or by which outputs contribute to the achievement of the outcomes and the extent to which the planned outcomes have been achieved and likely to be achieved by the end of 2016. It will assess both negative and positive factors that facilitate and/or hinder the progress in achieving the outcomes including the external environment, weaknesses in design, management and resources. In addition, the evaluation will assess the **relevance, efficiency, effectiveness** and potential **sustainability** of its interventions.

*sCOPE:* The mid-term outcome evaluation covers a time span from **January 2012 -** the beginning of the CPD cycle - up to the outset of the evaluation. It will focus on the **geographic area** covered by the projects in the outcome areas. While there have been 20 programmes/projects implemented under the outcome 1.1 and 1.2 during the CPD cycle, this evaluation focuses on **key programmes and projects** which contributed directly to achieving the outcomes. This includes projects and programmes that started prior to 2012 but continued into 2012 and beyond. The primary **stakeholders** for both outcomes include government institutes directly involved with project implementation: Supreme Court of Bangladesh, Bangladesh Police, Bangladesh Election Commission, Ministry of Law, Justice and Parliamentary Affairs and Ministry of Local Government, Rural Development & Cooperatives, Ministry of Chittagong Hill Tracts Affairs. Other constituencies include the National Human Rights Commission, civil society organizations, academia and direct beneficiaries such as ethnic minorities.

The following programmes and projects deliver outputs that contribute to achieving Outcome 1.1 and 1.2.:

|  |  |  |  |
| --- | --- | --- | --- |
| Outcome 1.1 | | | |
| **No.** | **Project Name** | **Project Duration** | **National Implementing Partner** |
| 1. | Support to Digital Bangladesh | Aug 2011 - Jul 2012 | Prime Minister's Office |
| 2. | Good Urban Governance Project (IP)[[164]](#footnote-164) | Aug 2011 - Jul 2012 | - |
| 3. | Strengthening Capacity for Aid Effectiveness in Bangladesh | Sep 2011 - June 2015 | Economic Relations Divisions (ERD), Ministry of Finance |
| 4. | Civil Service Change Management Programme | Jan 2008 - Jun 2014 | Ministry of Public Administration |
| 5. | Construction of Server Stations for Electoral Database | Feb 2009 - Dec 2014 | Bangladesh Election Commission |
| 6. | Police Reform Programme II | Oct 2009 - Dec 2015 | Bangladesh Police, Ministry of Home Affairs |
| 7. | Improving Democracy through Parliamentary Development | Jul 2010 - Jun 2014 | Bangladesh Parliament |
| 8. | Strengthening Election Management in Bangladesh | Feb 2011 - Dec 2015 | Bangladesh Election Commission |
| 9. | Upazila Governance Project | Aug 2011 - July 2016 | Ministry of Local Government, Rural Development & Cooperatives |
| 10. | Union Parishad Governance Project | Dec 2011 - Nov 2016 | Ministry of Local Government, Rural Development & Cooperatives |
| 11. | Access to Information Phase 2 | Apr 2012 - Mar 2016 | Prime Minister's Office |

|  |  |  |  |
| --- | --- | --- | --- |
| **Outcome 1.2** | | | |
| **No.** | **Project Name** | **Project Duration** | **National Implementing Partner** |
| 1. | Promoting Access to Justice and Human Rights | Jul 2007 - Jun 2014 | Legislative and parliamentary arrears division, Ministry of Law, Justice and Parliamentary Affairs |
| 2. | Activating Village Courts | Jan 2009 - Dec 2014 | Local Government Division, Ministry of Local Government, Rural Development & Cooperatives |
| 3. | National Human Rights Commission Capacity Development Project | May 2010 - Apr 2015 | National Human Rights Commission |
| 4. | Justice Strategy Development | Nov 2010 - Mar 2012 | - |
| 5. | Judicial Strengthening Project | Jan 2012 - Dec 2014 | Supreme Court of Bangladesh |
| 6. | Justice Sector Facility | July 2012 - June 2015 | Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs |
| 7. | Supporting Local Development in CHT | Jan 2011 - Sep 2015 | Ministry of Chittagong Hill Tracts Affairs |
| 8. | Build Capacity CHT Institution | Mar 2008 - Jun 2012 | Ministry of Chittagong Hill Tracts Affairs |
| 9. | Health & Education- UNDP/CHTDF | Health: Dec 2008 - Feb 2012  Edu: Dec 2009 -Mar 2015 | Ministry of Chittagong Hill Tracts Affairs |

1. **Evaluation Questions**

The following evaluation questions help define the information that the evaluation will generate. The evaluation questions are formulated and clustered to address the primary evaluation criteria[[165]](#footnote-165) and the effectiveness criteria will be weighted most from other criteria in this evaluation to demonstrate how UNDP initiatives have or have not contributed to the achievement of the outcome. The evaluation questions may be adjusted upon consultations and discussions with the programme during the inception phase.

Outcome 1.1.: **Government institutions at the national and subnational levels are able to more effectively carry out their mandates, including delivery of public services, in a more accountable, transparent, and inclusive manner**

*Relevance of UNDP's involvement and approach:*

* **To what extent are UNDP's key governance programmes and projects *relevant* to make government institutions more accountable, transparent, and inclusive?**

*Effectiveness in contributing to the achievement of the outcome):*

* **To what extent are targeted government institutions in Bangladesh more *effective in carrying out their mandate* compared to before 2012?**
* **To what extent are targeted government institutions in Bangladesh more *accountable, transparent, and inclusive* compared to before 2012?**
* **To what extent are these changes due to UNDP's interventions?**

*Efficiency in delivering outputs:*

* **To what extent were outputs of UNDP’s key governance programme or project delivered in time and in good quality?**
* **To what extent did UNDP ensure *value for money*?**
* **Has there been any duplication of efforts among UNDP’s own interventions and interventions delivered by other organizations or entities in contributing to the outcome?**

*Sustainability of the outcome:*

* **What indications are there that the outcome will be sustained?**

Outcome 1.2.: **Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens, including women and vulnerable groups (Outcome 1.2.)**

*Relevance of UNDP's involvement and approach:*

* **To what extent are UNDP's key justice and human rights programmes and projects *relevant* to better serve and protect the rights of all citizens in Bangladesh?**

*Effectiveness in contributing to the achievement of the outcome):*

* **Compared to 2011, do justice and human rights institutions now better serve and protect the rights of all citizens?**
* **To what extent are these changes due to UNDP's interventions?**

*Efficiency in delivering outputs:*

* **To what extent were programme or project outputs delivered in time and in good quality?**
* **To what extent did UNDP ensure value for money?**
* **Has there been any duplication of efforts among UNDP’s own interventions and interventions delivered by other organizations or entities in contributing to the outcome?**

*Sustainability of the outcome:*

* **What indications are there that the outcome will be sustained after external funding ends?**

In addition, the evaluation should also consider if and how UNDP promoted **gender equality, human rights** and **human development** in the delivery of outputs.

1. **Methodology**

The suggested approach and method for conducting this evaluation is to use a **multi-level, mixed-method approach[[166]](#footnote-166).** This includescollecting both **quantitative and qualitative data sets** on multiple levels that will need to be validated and triangulated. The overall guidance on evaluation methodologies is found in the UNDP Handbook on Planning, Monitoring and Evaluating for Development Results.

It is for the evaluation team to examine and determine the **specific design and methods** for this mid-term outcome evaluation during the initial inception period in close consultation with the programme Cluster. During the inception phase, the evaluation team will elaborate a detailed methodology how to **answer each evaluation question**. Suggested methods can be found in the **evaluation matrices** in annex 2 and 3.

The following data collection methods and analysis should be applied, but not limited to:

* **Desk reviews** of relevant documents (CPD, UNDAF, relevant project documents, reports of relevant flagship projects, project surveys, studies relating to the country context and situation, evaluation reports, etc.)
* **Key informant interviews** and/or **focus group discussions** with beneficiaries or representatives of beneficiaries, government partners both at the central and local levels; development partners/donors including bilateral and multilateral partners; other UN agencies, NGOs, and CSOs working to contribute to the same outcome; UNDP Country Office’s senior management, programme, and project staff, etc. The selection of interview partners should follow a deliberate *purposive sampling* strategy.
* **Direct observations** during visits to national implementing partners and field visits
* **Gap analysis and review** of national statistics as well as administrative and survey data collected by the programmes/projects and other stakeholders, including the CPD outcome indicators and the new corporate Strategic Plan[[167]](#footnote-167) (SP) 2014-2017 indicators; data and information from the [4W Database](http://www.dmic.org.bd/4w/), the [DMIC Portal,](http://www.dmic.org.bd/dmin/) [Cyclone shelter DB](http://www.cdmp.org.bd/csdb), [Union Fact sheet](http://www.dmic.org.bd/factsheet)s, [Inundation Map](http://www.dmic.org.bd/inmap)s, [CDMP Risk Management Information](http://www.cdmprm.org.bd/); review of the Profitability & Replication Study on HHK Demo Plants, UNDP 2013. The evaluation team is expected to review existing data sets from programmes/projects and the national statistics relevant to this outcome evaluation, and identify what/where the gaps exist for the CO in aggregating the data and monitoring the CPD and SP indicators for the rest of the monitoring cycles (till 2016 for the CPD and 2017 for the SP).
* **International indices and databases** on resilience in case of climate change and natural disasters in Bangladesh
* Quantitative analysis of **budgets and expenditure reports** in ATLAS and project reports
* Administration of **surveys or questionnaires**, as applicable

The data collection methods should be participatory and inclusive of disadvantaged and marginalized populations. Major methodological limitations or limitations based on data collections should be noted in the final evaluation report.

1. **Evaluation Products (Deliverables)**

The evaluation team is responsible for submitting the following deliverables to UNDP Bangladesh at the agreed work plan:

* **Inception Report:** An inception report should be prepared by the evaluators before going into the full-fledged **data** **collection** exercise. It should detail the evaluators’ understanding of what is being evaluated and why, **showing how each evaluation question will be answered** by way of: proposed methods, proposed sources of data and data collection procedures. The inception report should elaborate and finalize the two **evaluation matrices** (see Annex 2 and 3) and a proposed **schedule of tasks, activities and deliverables**, designating a team member with the lead responsibility for each task or product. The inception report provides the programme Cluster and the evaluators with an opportunity to verify that they share the same understanding about the evaluation and clarify any misunderstanding at the outset. The inception report should follow the structure proposed in the UNDP Outcome-Level Evaluation: A Companion Guide, Annex 1, p.31*[[168]](#footnote-168).*
* **Draft Evaluation Report:** The evaluation report should follow the structure outlined in the UNDP Outcome-Level Evaluation: A Companion Guide, p. 29-30. The programme Cluster and key stakeholders in the evaluation should review the draft evaluation report to ensure that the evaluation answers in depth all evaluation questions and backs up the arguments with credible and sufficient quantitative and qualitative evidence. The draft evaluation report should not exceed **40 pages** without annexes.
* **Presentation:** Debriefing with stakeholders to present key findings and recommendations and collect feedbacks
* **Final Evaluation Report:** The final report will reflect the comments and feedback from stakeholders, including feedback provided during the presentation.
* **Evaluation Brief**: A concise summary of the evaluation findings in plain language that can be widely circulated. This can be in a form of a PowerPoint presentation or a two-page briefing document.
* **Data Review Report**: The report is a supplementary document to the final evaluation report describing, but not limited to, 1) an analysis and findings on data gaps and availability of independently verifiable sources in monitoring the CPD and SP indicators among existing national statistics, administrative and project data sets relevant to this CPD outcome evaluation and 2) recommendations on how to maximize the use of existing project data and how to fill in the gaps of information between now and 2016/2017 (the CPD and the SP respectively). The report should not exceed **10 pages** without annexes.

1. **Evaluation Team Composition and Required Competencies**

The evaluation team will comprise **4 members**: one team leader, two evaluation experts and one data analyst. The presence of an international consultant is deemed desirable given the complexity and sensitivity of some of the issues concerned, and therefore to safeguard independence and impartiality of the evaluation.

**Team Leader (International Consultant)**

* A master’s degree in law, governance, political science or relevant discipline; Ph.D. an asset
* Minimum 15 years of technical expertise, including working experience in developing countries, in the field of governance including both local and national, public administration, conflict management or relevant areas
* Experience in conducting evaluations at programme and/or outcome levels in related fields with international organizations
* Experience in implementing a range of qualitative and quantitative data collection techniques and methods in programme evaluations
* Good knowledge of UNDP’s mandate and the political, cultural and economic contexts of the region
* Strong analytical and strategic thinking skills with ability to conceptualize, articulate, write and debate about relevant issues
* Excellent interpersonal, communication and teamwork skills
* Excellent written and spoken English and presentation skills

**Evaluation Expert (International Consultant)**

* A master’s degree in law, human rights, political science or relevant discipline; Ph.D. an asset
* Minimum 10 years of technical expertise, including working experience in developing countries, in the field of justice and human rights, rule of law, human security or relevant areas
* Experience in conducting evaluations at programme and/or outcome levels in related fields with international organizations
* Experience in implementing a range of qualitative and quantitative data collection techniques and methods in programme evaluations
* Good knowledge of UNDP’s mandate and the political, cultural and economic contexts of the region
* Strong analytical and strategic thinking skills with ability to conceptualize, articulate, write and debate about relevant issues
* Excellent interpersonal, communication and teamwork skills
* Excellent written and spoken English and presentation skills

**Evaluation Expert (National Consultant)**

* A master’s degree in law, governance, human rights, political science or relevant discipline; Ph.D. an asset
* Minimum 10 years of technical expertise in the field of law, governance, human rights, political science or relevant areas
* Experience in conducting evaluations at programme and/or outcome levels in related fields with international organizations, development aid agencies, and/or NGOs
* Experience in implementing a range of qualitative and quantitative data collection techniques and methods in programme evaluations
* Good knowledge of UNDP’s mandate and the political, cultural and economic contexts of the region
* Sound analytical and strategic thinking skills with ability to conceptualize, articulate, write and debate about relevant issues
* Good interpersonal, communication and teamwork skills
* Good written and spoken English and presentation skills

**Data Analyst (National Consultant)**

* A master’s degree in statistics, economics or relevant discipline; Ph.D. an asset
* Minimum 10 years of technical expertise in analysing large datasets for evaluations or surveys, using statistical software packages (SPSS, STATA, Excel, etc.)
* Experience in designing quantitative methods and models of impact/outcome level evaluations or surveys such as multiple regression analysis and difference-in-differences
* Experience in collecting national statistics, administrative and/or project data and monitoring indicators at outcome and output levels
* Good interpersonal, communication and teamwork skills
* Good written and spoken English and presentation skills

1. **Evaluation Ethics**

Evaluations in UNDP will be conducted in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’[[169]](#footnote-169). Evaluators should ensure to be in compliance with evaluation ethics and procedures to safeguard the rights and confidentiality of information providers during the designing, implementing and managing evaluation activities.

1. **Implementation Arrangement**

This evaluation is commissioned by UNDP Bangladesh. The **Democratic Governance Cluster and the Local Governance Cluster** in the Country Office will be responsible for coordinating and managing the evaluation throughout the entire process and provide the evaluation team any logistics and administrative support as needed. The **Results and Resource Management Cluster (RRMC)** will serve as quality assurance to provide overall technical guidance and ensure the corporate compliance of outcome evaluations. In order to guide the evaluation process and assure quality, an **evaluation reference group** is planned to be formed from approximately five members from the Cluster, the Country Office, key stakeholders, the Regional Bureau for Asia and the Pacific or the Independent Evaluation Office, where the members are asked to provide inputs on the ToR, selection of consultants, inception report, draft report and the final report.

1. **Time Frame for the Evaluation Process**

This evaluation assignment is contracted for a total period of 40 days for international consultancy and 30 days for national consultancy and should be completed by December 7, 2014. The following activities should commence within four weeks of signing the contract.

| **No.** | **Key assignment activities** | **Duty station** | **Number of working days** | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Team Leader**  **(Int’l)** | **Evaluation Expert (Int’l)** | **Evaluation Expert (Nat’l)** | **Data Analyst**  **(Nat’l)** |
| 1. | Comprehensive literature review and analysis of background data including project documents, project/Country Office/UNDAF progress reports, annual reviews, evaluation reports and other key documents | Home-based | 5 | 5 | 2 | 2 |
| 2. | Briefing and kick-off meeting with UNDP staff from respective Cluster(s) and RRMC | Dhaka | 1 | 1 | 1 | 1 |
| 3. | Prepare and submit the inception report including the adjusted work plan, an evaluation matrix and other items as in the Companion Guide | Dhaka | 4 | 4 | 2 | 2 |
| 4. | Conduct data collection and analysis, interviews, site visits, stakeholder meetings, workshops, etc. in the country | Dhaka and outside of Dhaka | 15 | 15 | 15 | 15 |
| 5. | Prepare and submit the draft evaluation report to UNDP | Dhaka | 7 | 7 | 5 | 5 |
| 6. | Debrief with key stakeholders and present key findings and recommendations; collect feedback from the debriefing workshop | Dhaka | 1 | 1 | 1 | 1 |
| 7. | Incorporate comments from key stakeholders, respective Cluster(s) and the government partners | Home-based | 4 | 4 | 3 | 3 |
| 8. | Finalize and submit the final evaluation report and evaluation brief to UNDP | Home-based | 3 | 3 | 1 | 1 |
| **Total working days** | | | **40** | **40** | **30** | **30** |

# Appendix G: The Role of the Data Analyst

**Data Collection and the Role of the Evaluation Mission Data Analyst (DA)**

Pursuant to his own Terms of Reference, the DA as a member of the evaluation team, should ensure that for each Output (1.1 and 1.2) the evaluation team has reliable and complete sets of baseline quantitative data for all indicators; as well as data to evidence impact and change over-time (i.e. during the life of the projects and current to 2015 Q1, if possible).

At a minimum, the evaluation team acting together must collect data against the indicators stated in UNDP Strategic Documents (UNDAF, CPD, etc.) for CPD Outcomes 1.1 and 1.2.; and, in addition, data against the indicators set forth in the RRFs and/or M&E matrices of the various project documents for the individual projects supporting Outcomes 1.1 and 1.2.

Indicators listed in UNDP strategic documents or project documents might, however, be few in number or poorly designed. Therefore, the DA and other evaluation team members should feel at liberty to suggest other possible indicators of success by which to measure impact and change at the “outcome level” as a result of UNDP’s programming. (Note: the justice sector requires specialized data sets for example and it will be necessary for the DA to discuss possible indicators with the team leader and team members).

As a first step in this process, the DA should conduct a *“meta-analysis” of documents* delivered to the evaluation team by UNDP. The DA should evaluate the *quality and reliability of data* contained in prior project documents, evaluations and reports as delivered to the evaluation team by UNDP as well as the *sufficiency of data* contained therein. The DA should *extract key quantitative data, diagrams and figures* from prior reporting for use of the evaluation team in the Inception Report and Evaluation Report.

The DA, working in close consultation with other evaluation team members, should identify any *gaps in data* already in possession of the evaluation team, prioritize the teams needs and devise a methodology and plan for the collection of desired data in Bangladesh from key sources and informants.

*It is important to remember that the Evaluation will have extremely limited access to most officials and agencies and that the time “on the ground” for the team in Bangladesh will be of relatively short duration. The DA, must therefore, be careful to guide the evaluation team to prioritize data collection in a way that fully draws upon the work of previous UNDP consultants and their reports. The Evaluation team’s goal should be to collect data without “reinventing the wheel.”*

The DA and evaluation team should prepare lists of *“targets” for collection.* Both the DA and the evaluation team members will fulfil roles of data collection from sources and informants. The DA and the evaluation team should use meetings with government officials, project managers and partners as opportunities to collect information, data, figures, quantitative and statistical reports, etc. targeted by the DA for collection. Other methods of data collection (i.e. email questionnaires, surveys, etc.) can be used if desired. When the evaluation team obtains quantitative data, the DA shall support the team in the *analysis and interpretation of such quantitative data.* *The “value added” of the DA is his qualified opinion on whether or not the data/data set is reliable and adequately supports or evidences the results claimed and conclusions made by stakeholders and the evaluation team.*

The DA will hold primary responsibility for preparing a **Data Review Report** (including a Statistical and Quantitative Data Matrix) for the Evaluation by Output and project demonstrating impact/change over time and clearly providing the source of the information/data where obtained. **Data Review Report**: The report is a supplementary document to the final evaluation report describing, but not limited to, 1) an analysis and findings on data gaps and availability of independently verifiable sources in monitoring the CPD and SP indicators among existing national statistics, administrative and project data sets relevant to this CPD outcome evaluation and 2) recommendations on how to maximize the use of existing project data and how to fill in the gaps of information between now and 2016/2017 (the CPD and the SP respectively). The report should not exceed **10 pages** without annexes. The Evaluation Team Leader will review the report in advance of submission to UNDP.

# ANNEX 1: Additional Quantitative data and tables for Outcome 1.1

**Table: Budgetary allocations for Unions and Upazila**

**In Annual Development Budget (ADB)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Year | Proposed  Allocation | Increment in proposed allocation | Actual allocation | Increment in actual allocation | % of total budget | % of Annual Development Budget |
| 2009-10 | 415 | 65.00% | 386.73 | 64.99% | 0.36% | 1.21% |
| 2010-11 | 390 | -6.02% | 358.46 | -7.31% | 0.30% | 0.91% |
| 2011-12 | 440 | 12.82% | 397.75 | 10.96% | 0.27% | 0.87% |
| 2012-13 | 445 | 1.14% | 411.54 | 3.47% | 0.23% | 0.74% |
| 2013-14 | 410 | -7.87% | 382.07 | -7.16% | 0.18% | 0.57% |

**Table: Budgetary allocations for Unions, Upazila, Municipality and Districts**

**In Annual Development Budget (ADB)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Year | Proposed  Allocation | Increment in proposed allocation | Actual allocation | Increment in actual allocation | % of total budget | % of Annual Development Budget |
| 2009-10 | 765 | 62.77% | 712.89 | 61.78% | 0.67% | 2.23% |
| 2010-11 | 930 | 21.57% | 854.80 | 19.90% | 0.70% | 2.17% |
| 2011-12 | 1060 | 13.98% | 958.24 | 12.10% | 0.65% | 2.09% |
| 2012-13 | 1145 | 8.02% | 1058.91 | 10.51% | 0.60% | 1.90% |
| 2013-14 | 1110 | -3.06% | 1034.39 | -2.32% | 0.50% | 1.54% |

**Table: Allocations for Unions, Upazila, Municipality, District and City Corporations**

**In Annual Development Budget (ADB)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Year | Proposed  Allocation | Increment in proposed allocation | Actual allocation | Increment in actual allocation | % of total budget | % of Annual Development Budget |
| 2009-10 | 1156.65 | 13.40% | 1077.86 | 12.71% | 1.02% | 3.37% |
| 2010-11 | 1280.38 | 10.70% | 1176.82 | 9.18% | 0.97% | 2.99% |
| 2011-12 | 1636.60 | 27.82% | 1479.48 | 25.72% | 1.00% | 3.23% |
| 2012-13 | 1927.02 | 17.75% | 1782.13 | 20.46% | 1.01% | 3.20% |
| 2013-14 | 1712.48 | -11.13% | 1595.83 | -10.45% | 0.77% | 2.37% |

Source: Budgetary decentralization and legitimate allocations to local governments,

**Improvements in Public Service Delivery: Results from A2I project documents**

**Birth Registration:**

Average time: 8.8 days (before), 1 day (after), 89% reduction

Average cost: USD 1.8 (before) USD 1.0 (after) 43% reduction

Average visits: 2.2 times (before) and 1.2 times (after), 44% reduction

**Citizen’s Certificate:**

Average time: 25 days (before), 3 days (after), 88% reduction

Average cost: USD 0.8 (before) USD 0.6 (after) 25% reduction

Average visits: 2.2 times (before) and 1.2 times (after), 35% reduction

**e-Banking**

Average time: 3.3 days (before), 0.6 days (after), 82% reduction

Average cost: USD 1.3 (before) USD 0.5 (after) 65% reduction

Average visits: 1 time (before) and 1 time (after), 0% reduction

**Electricity Bill Payment**

Average time: 4.8 days (before), 0.34 day (after), 92% reduction

Average cost: USD 0.92 (before) USD 0.22 (after) 76% reduction

Average visits: 2.2 times (before) and 1.2 times (after), 17% reduction

**Porcha Collection**

Average time: 29.92 days (before), 16.32 day (after), 45% reduction

Average cost: USD 3.33 (before) USD 1.03 (after) 69% reduction

Average visits: 5 times (before) and 3 times (after), 40% reduction

**Certified Copy of Land Record and Disposal of Applications**

Average time require 18-20 days (before) 12-14 days (after)

Average time require 3-4 hrs to 1 day (before) max 1 hrs (after)

**Registration of University Admission**

Average time: 20 days (before), 7 day (after), 65% reduction

Average cost: USD 32.5 (before) USD 0.2 (after) 99% reduction

Average visits: 3 times (before) and 0 times (after), 100% reduction

**Electronic Form Fill up for SSC Candidates**

Average time: 10 days (manual), 5 day (electronic), 50% reduction

Average cost: BTD 1500 (manual) BDT 130 (electronic) 90% reduction

Average visits: 3 times (manual) and 1 times (electronic), 100% reduction

**Railway Ticketing**

Average time: 55 minutes (before), 8.29 minutes (after), 85% reduction

Average cost: USD 1.53 (before) USD0.79 (after) 48% reduction

Average visits: 3 times (before) and 1 times (after), 67% reduction

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# ANNEX 2: Additional Quantitative data and tables for Outcome 1.2

| **Table 3: Progress of Outcome Indicators of JSF Project (as of Nov 2014)** | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **INDICATOR** | **MOV** | **BASELINE** | **TARGET** | | | |
| **2012** | **2013** | **2014** | **2015** |
| **OUTCOME: Justice sector institutions are strengthened to better serve and protect all citizens including women and vulnerable groups.** | | | | | | |
| Percentage of yearly case backlog in two JSF pilot districts | Courts record | 7.5 % (2012) | 7.5% | 5.0% | 2.0% | 0% |
| **Progress on targets** | 7.5% | **6.8%** | **2.0% (Sep)** |  |
| Percentage of throughput/disposal of cases in pilot areas | Courts record | 90.8% (2012) | 90.8% | 95.3% | 100.1% | 105.1% |
| **Progress on targets** | **90.8%** | **90.9%** | **95.9% (Sep)** |  |
| Percentage of uptake of legal aid fund in pilot areas | DLAC report | 45% (2012) | 45% | 50% | 55% | 60% |
| **Progress on targets** | **45%** | **54%** | **-** |  |
| Numbers of litigants/accused receiving free legal aid in pilot areas | DLAC report | 471 (2012) | 471 | 966 | 1486 | 2006 |
| **Progress on targets** | **471** | **1277** | **1991 (Sep)** |  |
| Percentage of legal aid applications/cases resolved through formal ADR | DLAC report | 0 (2012) | 0 |  |  | 5% |
| **Progress on targets** | 0 | **Achieved** | **Approved (Sep)** |  |
| Number of men with access to legal aid services | NLASO report | 34500 (2013) | TBE | 34500 | 45000 | 60000 |
| **Progress on targets** | **TBE** | 34500 | **42,535 (Sep)** |  |
| Number of women with access to legal aid services | NLASO report | 33166 (2013) | TBE | 33166 | 45000 | 59166 |
| **Progress on targets** | **TBE** | **33166** | **43,810 (Sep)** |  |
| Number of Gender-Based Violence (GBV) cases receiving judgment in the first instance of the formal justice system | Courts record | 2363 (2013) | TBE | 2363 | 4863 | 7863 |
| **Progress on targets** | **TBE** | **2363** | **4,134 (Sep)** |  |
| Number of non-Gender Based Violence (GBV) cases receiving judgment in the first instance of the formal justice system | Courts record | 31359 (2013) | TBE | 31359 | 63000 | 95000 |
| **Progress on targets** | **TBE** | **31359** | **54,592 (Sep)** |  |
| Number of cases withdrawn by AGs office for lack of evidence | AG office | TBE | TBE | 5% | 10% | 10% |
| **Progress on targets** | **TBE** | **TBE** | **-** | **-** |

**Total number of pending cases as of January 1, 2012**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Civil | Criminal | Others | Total |
| The Supreme Court (Appellate Division) | 12879 | 3740 | 28 | 16647 |
| The Supreme Court (High Court Division) | 80588 | 160272 | Writ 51554  Adim 5317  56871 | 297731 |
| District Courts and Tribunals | 869614 | 432091 | 00 | 1301705 |
| Magistrate Courts (CMM and CJM) | 00 | 838277 | - | 838277 |
| Total | 963081 | 1434380 | 56899 | 2454360 |

* As per information received from District Courts

**Total number of cases filed, resolved and pending in 2012**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Initial Number | Filed and revived | Total | Resolved | Rejected | Pending cases at the end of the year |
| The Supreme Court (Appellate Division) © | 12441 | 6036 | 18477 | 2905 | - | 13385 |
| The Supreme Court (High Court Division) | 279436 | 56732 | 336168 | 64483 | - | 297722 |
| District Courts and Tribunals | 1076164 | 496539 | 1572703 | 263128 | 13524 | 1296051 |
| Magistrate Courts (CMM and CJM) | 763518 | 800282 | 1563800 | 725523 | - | 838277 |
| Total | 2131559 | 1359589 | 3491148 | 1032189 | 13524 | 2445435 |

* As per information received from District Courts

Statistics on filed, resolved and pending cases

(From January 1, 2012 to December 31, 2012)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | Initial number (pending) | Filed and received | Total | Resolved | Pending at the end of the year |
| Civil | Petitions | 5028 | 3187 | 8215 | 691 | 7524 |
| Review | 212 | 81 | 293 | 62 | 231 |
| Other petition | 2504 | 1185 | 3689 | 359 | 3330 |
| Appeal | 1777 | 144 | 1921 | 127 | 1794 |
| Criminal | Petitions | 1373 | 839 | 2212 | 320 | 1892 |
| Review | 19 | 20 | 39 | 17 | 22 |
| Petitions against Jail | 50 | 28 | 78 | 32 | 46 |
| Other petition | 1140 | 432 | 1572 | 205 | 1367 |
| Appeal | 314 | 93 | 407 | 12 | 395 |
| Appeal against Jail | 09 | 11 | 20 | 02 | 18 |
| Total | Petitions against contempt | 15 | 16 | 31 | 03 | 28 |
|  | Total | 12441 | 6036 | 18477 | 1830 | 16647 |

The Supreme Court

Appellate Division

Statistics on filed, resolved, pending cases (January 1,2012 to December 31, 2012)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Type | Initial pending cases | Filed and received | Revived cases | Total | Resolved | Pending at the end of the year |
| Civil | 79403 | 6192 | 226 | 85821 | 5233 | 80588 |
| Criminal | 153122 | 31254 | 04 | 184380 | 24108 | 160272 |
| Writ | 41579 | 17876 | 127 | 59582 | 8028 | 51554 |
| Admin. | 5332 | 1053 | 00 | 6385 | 1068 | 5317 |
| Old | 279436 | 56375 | 357 | 336168 | 38437 | 297731 |

\*Adjusted with actual cases from January 1 to December 31, 2012|

**Total number of pending cases as of January 1, 2014**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Civil | Criminal | Others | Total |
| The Supreme Court (Appellate Division) © | 12417 | 2872 | 57 | 15346 |
| The Supreme Court (High Court Division) | 84416 | 209551 | Writ 61267  Admin 5804  67071 | 361038 |
| District Courts and Tribunals | 869614 | 432091 | 00 | 1645967 |
| Magistrate Courts (CMM and CJM) | 00 | 985509 | - | 985509 |
| Total | 1216992 | 1723740 | 67128 | 3007860 |

* As per information received from District Courts

**END OF EVALUATION REPORT**

1. UN 2014 HDI Report. [↑](#footnote-ref-1)
2. MDG Bangladesh Progress Report 2013 (General Economics Division, Bangladesh Planning Commission, August, 2014). [↑](#footnote-ref-2)
3. UNDP Human Development Report, “The Rise of the South” (UNDP 2013) in particular noting the links between the economic, social and political empowerment of women and reduction of household poverty rates, higher participation of girls in the formal education system and the impact of substantial improvements in health services upon infant mortality.

   Sixth Five-Year Plan Government of Bangladesh.

   International Crises Group (2015). [↑](#footnote-ref-3)
4. Bangladesh has followed an export driven economy and remained heavily dependent upon the exports of ready-made garments (80% of it exports). The unprecedented Rana Plaza collapse that caused around 1100 workers’ deaths and 2500 injuries threatened this prospect and resulted widespread worker unrest. Encouragingly, the country has managed the crisis by increasing the minimum wage and reaching agreement with global retailers to improve working conditions. The rebound of the global economy after the worldwide recession is now showing prospects for a further increase of garments exports from Bangladesh. Experts believe that the country can seize this opportunity if political stability can be maintained. Livelihoods and empowerment for women and youth—especially the urban poor and those living in remote areas remains a priority. [↑](#footnote-ref-4)
5. Sixth Five-Year Plan Government of Bangladesh. [↑](#footnote-ref-5)
6. International Crises Group (2015). [↑](#footnote-ref-6)
7. Dhaka Tribune, citing, World Health Organization and study conducted by the Journal of Health, Population and Nutrition (JHPN) of the International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B) . [↑](#footnote-ref-7)
8. Chittagong Hill Tracts Commission and Wikipedia 2015.According to the census of 1991, the population was 974,447, of which 501,114 were tribal peoples and the rest were from other communities. The tribal peoples – collectively known as the Jumma – include the Chakma, Marma, Tripura, Tanchangya, Chak, Pankho, Mru, Murung, Bawm, [Lushai](http://en.wikipedia.org/wiki/Lushai), Khyang, and Khumi, and differ markedly from the [Bengali](http://en.wikipedia.org/wiki/Bengali_people) majority of Bangladesh with respect to language, culture, physical appearance, religion, dress and farming methods. The population of the three districts (zilas) totalled 1,587,000 in the provisional returns of the census of 2011. About 50% of the population are tribal peoples and mainly followers of Theravada Buddhism; 49% of the inhabitants are [Muslims](http://en.wikipedia.org/wiki/Muslims) or [Hindus](http://en.wikipedia.org/wiki/Hinduism); and 1% [Christians](http://en.wikipedia.org/wiki/Christianity) or [animists](http://en.wikipedia.org/wiki/Animism). [↑](#footnote-ref-8)
9. The Shanti Bahini was the name of the military wing of the ParbatyaChattagram Jana SanghatiSamti-the United People’s Party of the Chittagong Hill Tracts in Bangladesh. [↑](#footnote-ref-9)
10. In 2011, UNDP formulated its Country Programme Document (CPD) for 2012-2016 in line with the United Nations Development Assistance Framework (UNDAF)(2012-2016) and the GoB’s “Sixth Five Year Plan” (2011-2015). The CPD seeks to capitalize upon UNDP’s comparative strengths focusing upon the following three pillars: a) democratic governance and human rights; b) pro-poor growth with equity; and c) climate change, environment, disaster risk reduction and response. Gender, women’s empowerment and their participation within political systems and processes in Bangladesh are mainstreamed across the CPD 2012-2016. Both the governance and poverty reduction pillars of the CPD were designed to include specific interventions at the policy and community level to promote women’s involvement in the political process and policy-making and their economic development and protection. [↑](#footnote-ref-10)
11. UNDAF (2012-2016) (and by implication the CPD) articulate a theory of change based around five “core strategies”: high-level advocacy; capacity development at individual, institutional and societal levels; systems strengthening; strengthening the role of civil society; and targeting key districts, cities and towns as well as most-deprived groups. A high-level of coordination is contemplated amongst and between UNCT agencies. The basic modality of implementation across the CPD is NIM (National Implementation Modality), whereby the GoB is expected to assume significant responsibilities, both in the form of results-based planning, oversight and monitoring, as well as co-financing of certain initiatives. [↑](#footnote-ref-11)
12. CPD Outcome 1.1 and 1.2 are certainly interconnected with certain aspects CPD Outcome 2 and 3—this is especially true with the Chittagong Hill Tracts (CHT) area where elements of Outcome 1.1. and 1.2 impact upon pro-poor growth, sustainable development and the environment. Thus, while the primary focus of this evaluation is to document progress to date towards achieving CPD Outcome 1 as a result of the outputs of UNDP’s projects under this outcome (as well as UNDP’s other contributions in terms of its technical expertise, global knowledge, etc.), certain elements of the Chittagong Hill Tracts Development Facility (CHTDF) intersect with Outcome 1 and these will be included in the Evaluation. [↑](#footnote-ref-12)
13. It should be noted that the Evaluation Questions are designed merely as a guide for the Evaluation team. Thus, the Evaluation report itself is structured differently than the Evaluation Questions. Nonetheless, the questions are addressed inter alia, based upon available data to the extent that such data exists and the opinion of stakeholders. [↑](#footnote-ref-13)
14. Budget utilization for Outcome 1.1 is 66%, which is quite low. Extremely low utilizations were observed in cases of SEMB and IDP projects, which are 66% and 58% respectively. Reason for this low utilization of SEMB can be attributed to 50% partial and 12% non-achievement of project outputs. Similarly, for IPD ¼ project activities could not be implemented because of lack of ownership of Parliament Secretariat and different Committees. Budget utilization for projects UPGP, UZGP, A2I and CHTDF has been 62%, 49%, 61% and 68% respectively; however, there is ample opportunity to accelerate their expenditure as they are going to be ended in late 2016. On the other hand, overall budget utilization for Outcome 1.2 is 73%, which is also low. This low utilization is largely caused for low utilization of JSF, JUST and NHRC projects, which are 61%, 75% and 71% respectively. [↑](#footnote-ref-14)
15. Many donors, especially DFID, have been increasingly interested on evidence of VfM in projects funded by them. For doing so they used quantitative measures like cost benefit analysis (CBA); unit costs; and efficiency savings depending on the availability of relevant data. Where quantified analysis is not possible, they gave qualitative assessments [↑](#footnote-ref-15)
16. The ARENA system will collect information and then value – added analysis will be performed by UNDP staff. . The finished “intelligence” will be overlaid on Google maps in order to generate geospatial representations of political developments and incidents of politically motivated violence in Bangladesh. It is not yet clear whether other agencies will utilize this product once developed by UNDP, however, it is hoped that such a database will enable UNDP to identify trends and critical areas in Bangladesh that need to be most addressed by UNDP programming, thereby informing the development of new programming and allowing the country office to make interim adjustments to its existing projects and their outputs. [↑](#footnote-ref-16)
17. See, “Empowered Lives Resilient Bangladesh: Results Achieved with our partners, 2006-2011” (UNDP 2012); UNDP Country Programme Document (2012-2016); UNDP Project Document for “Electoral Support Project: Strengthening Election Management in Bangladesh” (SEMB). Note: The capacity of the Bangladesh Elections Commission (BEC) and its functions had been the focus of the international donor community for several years prior to the 2008 elections. This resulted in a range of reform measures being put in place for BEC that included the election of a new Board of Commissioners and the hiring of senior staff, as well as measures to enhance electoral transparency and obtain the support and cooperation of the armed forces of Bangladesh to ensure security at polling places. [↑](#footnote-ref-17)
18. The State of Governance Bangladesh 2013: Democracy Party Politics” (BRAC University Institute of Governance and Development (BIFD), August 2014). [↑](#footnote-ref-18)
19. Jammat-e-Islami is the third largest political party in Bangladesh. [↑](#footnote-ref-19)
20. “Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh (Human Rights Watch 2014).According to Human Rights Watch, the Awami League (AL) government and the opposition Bangladesh Nationalist Party (BNP) sharply disagreed about the appropriate mechanism to hold free and fair elections in January 2014. As a result, the BNP and other opposition parties staged blockades and demonstrations beginning in October 2013. Their chief demand was the reinstatement of the neutral caretaker government system to oversee elections, which the Awami League had previously supported but then abolished after taking power. [↑](#footnote-ref-20)
21. Id. [↑](#footnote-ref-21)
22. Id. Although RAB falls under the command of the IGP it is a unit within the police with its own director. It is not mainstream police but a mixed hybrid unit that includes the armed forces. UNDP and other donors do not work with RAB. [↑](#footnote-ref-22)
23. See, “Bangladesh 2013: Assessing Economic Implications of the Present Political Shocks” (Centre for Policy Dialogue (CPD), 13 April 2013), noting some disturbing trends in use of *Hartals* as a political tool in Bangladesh. The report noted that during the time period 1991- 2013, the frequency of *Hartals* in Bangladesh had increased exponentially, with Hartals occurring on weekends and not only in Dhaka, but in more decentralized locations at the District and Upazila levels and with remarkable increases in violence and casualties, including deaths of law enforcement agents. The CPD study also notes a correlation between pre-election political violence, frequency of *Hartals* and decline in GDP during these same time periods. [↑](#footnote-ref-23)
24. Democracy International Survey. [↑](#footnote-ref-24)
25. BRAC State of Governance Report 2013. [↑](#footnote-ref-25)
26. Daily Star and Asia Foundation Opinion Poll 2013. (http://archive.thedailystar.net/beta2/news/good-job-but-short-on-vote/) [↑](#footnote-ref-26)
27. Nielsen and Democratic International survey (September 2013). [↑](#footnote-ref-27)
28. http://bangladeshpolitico.blogspot.com/2013/09/nielsendemocracy-international-polls-on.html. [↑](#footnote-ref-28)
29. Source: Democracy in the Crossroad, Opposition Violence and Government Abuses in the 2014 Pre and Post Election Period in Bangladesh, Human Rights Watch. [↑](#footnote-ref-29)
30. BRAC State of Governance Report 2014. [↑](#footnote-ref-30)
31. Preliminary Statement on the Six Phases of Upazila Elections , Election Working Group, May 19, 2014. [↑](#footnote-ref-31)
32. Much of the dissatisfaction of the donors was due to the fact that a pre-election evaluation report made recommendations for shift and UNDP's approach towards the ECB; however, none of these recommendations were addressed by UNDP before the election and the donors were disappointed Some stakeholders interviewed by the Evaluation criticized UNDP, stating that it did not appear that UNDP had the operational flexibility to *adjust* its outputs, based upon the operative political environment or react to actual political circumstances on the ground quickly. [↑](#footnote-ref-32)
33. Following months of protests, strikes and blockades, the 18-party opposition alliance led by the Bangladesh Nationalist Party formally announced a boycott of the election citing unfair conditions for the election. [↑](#footnote-ref-33)
34. Electoral Working Group Report. [↑](#footnote-ref-34)
35. The process of registering voters began in 2007 and during the previous CPD cycle. 81,000,000 people registered; in 2009 another 4,700,000 people registered. In the case of the voter-registration drive, UNDP’s contribution must be also be seen in the context of the exceptional support effort of the Military. The 1st phase was done with the active support of the army; the 2nd phase was done with the ECB and the last phase was done exclusively with the manpower of ECB. The ECB staff checked all data entries. The fact that the army was involved was crucial. The number of man-hours required to register 81,000,000 people would otherwise not have been possible. This was a huge national push for voter registration. [↑](#footnote-ref-35)
36. Election Working Group data/reports 2013. [↑](#footnote-ref-36)
37. The ECB informed the Evaluation that it has already signed an MoU with the a bank that uses the ID number for banking processes. The plan is to sign contracts with other banks to require the national ID number. Currently World Bank is supporting a project named IDEA for further updating database for extended use of national ID card. EC has signed a MOU with Bangladesh Bank and National Board of Revenue to use the ID card data. [↑](#footnote-ref-37)
38. The ECB also perceives that LGIs (UP and UZ) and good governance as a whole were strengthened at the local level as a result of the voter registration process. UNDP supported UZ “Service Stations” are an outreach for Elections. The ECB plans to decentralize its services via a virtual private network (VPN) to UZ, District and Regional level. All of these processes require local officials to become involved in the process and aware of elections issues [↑](#footnote-ref-38)
39. UNDP project reports. [↑](#footnote-ref-39)
40. UNDP support also enabled the ECB to develop a media outreach strategy. A communication plan was adopted that clarified the strategic communication priorities of the ECB’s enlarged Communications Department. In addition, a dedicated Media Center was established, broadening access to news and information for journalists and the general public. A voter education plan was designed including a leaflet outlining the Code of Conduct that was distributed to political parties and a range of audio-visual material aimed to improve levels of broader understanding of electoral issues particularly amongst most vulnerable groups. There is no data available, however, for this Evaluation to be able to evaluate the impact of such public outreach in terms of greater levels of public trust, access and transparency at Outcome-level. [↑](#footnote-ref-40)
41. [↑](#footnote-ref-41)
42. See, “National Integrity System Assessment: Bangladesh,” Transparency International Bangladesh (14 May 2014), pp. 33-43. <HTTP://WWW.TI-BANGLADESH.ORG/BETA3/IMAGES/2014/FR\_NIS\_NICSA\_14\_EN.PDF> [↑](#footnote-ref-42)
43. Id. [↑](#footnote-ref-43)
44. The World Bank implemented several projects at the Parliament during the time period of the current UNDP CPD, these were: “Strengthening Legislative Oversight”; “Strengthening Parliamentary Oversight” and “Strengthening Public Expenditure”, respectively. The WB projects focused on strengthening of the Secretariat’s capacities for legislative oversight and budgeting. The WB also found it difficult to achieve results with the Secretariat, reporting progress and implementation as Moderately Unsatisfactory to Moderately Satisfactory. [↑](#footnote-ref-44)
45. Note: This is supported by a recent final evaluation of the UNDP project noted that in the end the Secretariat objected to the draft strategic plan as being a "plan of the donors" and not the Secretariat's own plan. This came as a complete shock to UNDP and the development partners, as the secretariat staff had been involved in absolutely every step of the development of both the 5 – year strategic plan and a 2 – year action plan. [↑](#footnote-ref-45)
46. Final Evaluation, UNDP IPD Project 2014. [↑](#footnote-ref-46)
47. Parliament Watch Report on 8th and 9th Parliaments, Transparency International Bangladesh. [↑](#footnote-ref-47)
48. UNDP, USAID and the World Bank have all had major projects with the Parliament recently, underpinned by earlier projects dating as far back as 1975. As of 2015, DPs are generally frustrated with their ability to affect change on the institution. DPs generally believe that Parliament is one of the most important institutions to institutionalize democratic practices in Bangladesh. DPs have supported Parliamentary Project with UNDP (in the immediate past completed project). DPs are generally pessimistic about the implementation and outcome of the UNDP project. DPs appreciate the role of some of the committees in undertaking public hearings outside and in the Capital. But, they are not sure about the outcome of such public hearings. UNDP could not ensure that the provision of the “public hearing” be incorporated in the Rule of Procedure (ROP) of the Parliament. Without such provision being inserted, the whole exercise became more ceremonial than institutional. DP’s had hoped to see that Parliament Secretariat act independently and effectively. They are disappointed to see that the Strategic Plan for the Parliament gained no “political ownership” and was not even formally approved. Several DPs stated that they had no interest to work on parliament as of 2015 until free elections were held with the participation of all parties. [↑](#footnote-ref-48)
49. See, 2006 report and recommendations for political reform issued by the Center for Policy Development. [↑](#footnote-ref-49)
50. Source: OECD-DAC: http/www.oecd.org/stats. [↑](#footnote-ref-50)
51. BRAC “State of Governance: Bangladesh” (2012). [↑](#footnote-ref-51)
52. Second Review Report: Local Consultative Group Mechanism-Working Groups (March 2014). The main conclusions of the exercise were that LCG Working Groups were being well used as a platform for information sharing and donor coordination. Few Working Groups, however, were engaged in full aid coordination (i.e. coordination between Development Partners, Government and other stakeholders) or policy dialogue with the Government. The lack of inclusiveness of the forum was a concern, as only a handful of the Working Groups had CSOs, private sector and other stakeholders as members. The level of representation was not always deemed appropriate. The review report recommended strengthening the linkages between the Plenary and the Working Groups. The report also recommended strengthening linkages among Working Groups to create greater synergies. The report suggested for each Working Group to develop specific terms of reference and an annual work plan to effectively measure its progress. Working Groups could be more results focused and develop results framework aligned with the national priorities. It was also suggested that in order to be transparent and participatory, Working Groups should use the LCG website more frequently to share information on their activities. These recommendations were echoed in the January 2013 meeting between Working Groups Co-Chairs and the Plenary. [↑](#footnote-ref-52)
53. Note: UNDP had attempted to foster dialogue and coordination between the Ministry of Planning and the ERD (MoF) for a number of years, however, it was not until the opportunity to travel to regional meetings that MoP and MoF officials had an opportunity to travel together, learn about other countries’ experiences and enter into discussions. This is perceived have resulted in continued dialogue between MoP and MoF upon their return to Bangladesh. [↑](#footnote-ref-53)
54. The most significant element of AIMS is tracking the money spent by INGOs in Bangladesh. For example, DPs often claim that money was given to Bangladesh, when in fact it was given to an INGO or NGO and the GoB was bypassed. AIMS will allow the GoB to track this specific category of off-budget flows of DP assistance and allow ERD to verify that DP money is being spent for GoB priorities. Donors will be able to see how much they have given to Bangladesh and whether or not the money has been spent. This will enable more highly targeted interventions by DPs. It is also expected to improve the timely release of funds by DPs. [↑](#footnote-ref-54)
55. World Bank. 2014. Doing Business 2015: Going Beyond Efficiency: Economy Analysis 2015: Bangladesh (Washington, DC: World Bank Group). [↑](#footnote-ref-55)
56. *Ministry of Public Administration Statistics, 2013.*  [↑](#footnote-ref-56)
57. Citizen Charter Report 2013. [↑](#footnote-ref-57)
58. Transparency International, Corruption Index 2012. [↑](#footnote-ref-58)
59. Global Corruption Barometer 2012, Transparency International. [↑](#footnote-ref-59)
60. Asia Foundation/Daily Star press reports 2013. [↑](#footnote-ref-60)
61. Transparency International Corruption Index. [↑](#footnote-ref-61)
62. UNDP supported to some extent the promotion of ethics in the civil service and institutional development of the Public Service Commission development of training institutions at the divisional district and municipal levels. However, independent evaluators concluded that UNDP's work on ethics and integrity could have received higher priority that it did during the CPD. [↑](#footnote-ref-62)
63. BBS, UISC Census 2013. [↑](#footnote-ref-63)
64. UISC Census/TCV Analysis 2014. [↑](#footnote-ref-64)
65. At the municipal level, rapid urbanization in Bangladesh is associated with an increase the number of slums in major cities, especially, Dhaka and Chittagong. As a result of UNDP’s support the Bangladesh Urban Forum is actively working as a think tank. Going forward, UNDP should better synchronize its urban and local governance support. UNDP supported training on budgeting and supported the formulation of budget rules that are required by the Ministry of Local Development. There is a lack of synchronization with World Bank and ADB on similar initiatives of other CSOs/ NGOs. A concern is that City Govt./ Corporations do not have adequate manpower to sustain donor-driven projects – some of the UNDP supported municipal services were provided without due approval of Water Supply Authority and in most cases UNDP’s interventions are located in illegally occupied public land. Thus, the City Government, Ministry of Land and District Administration (who are the actual owner) see it as “unauthorized land encroachment”. Additionally, UNDP support is not fully complementary with the Urban settlement plan. [↑](#footnote-ref-65)
66. For example, the UP and UZ are now audited by independent auditors hired by the MoLG. The approval of the Union Parashid Tax Schedule in 2012 is evidence of a change of the mind-set of Ministry officials to transfer more power to the local level. There is a culture of accountability for revenue taking hold. But there is a limit to what local government can do without national level support. There remains a lack of capacity within the Ministry to monitor the 5-year plans of the Local Government Institutions. [↑](#footnote-ref-66)
67. UZGP/UZGP Evaluation 2014; UPG MIS 2014. [↑](#footnote-ref-67)
68. See, 2015 Annual Press Freedom Index; Reporters Without Borders; and, Article, “Bangladesh: Killing of Blogger Blow to Free Speech”, Human Rights Watch (New York)(May 12, 2015). On the morning of May 12, 2015, blogger Ananta Bijoy Das was hacked to death by four men wielding machetes as he was on his way to work in Dhaka. This was on the heals of the deaths of bloggers Avijit Roy in March 2015 and the killing of blogger Ahmed Rajib Haider in Feburary 2013. Blogger Asif Mohiuddin was seriously injured in an attack that occurred in March 2013. All bloggers where secular bloggers who had criticised Islam. According to Human Rights Watch the Government of Bangladesh jailed four atheist bloggers in 2013. In August, 2015, Bangladesh Police arrested two individuals on suspicion of murdering the blogger Niladry Chattapadhya. The two suspects are reported to be members of the banned hard-line Islamic group Ansurullah Bangla Team. [Source: *The Guardian* UK]. [↑](#footnote-ref-68)
69. Id. [↑](#footnote-ref-69)
70. See, Amnesty International Annual Report: Bangladesh 2014/15, reporting that the Government of Bangladesh had routinely used Section 57 of the Information and Communications Technology (ICT) Act to severely restrict the right of freedom of expression. Section 57 (as amended) carries a mandatory minimum sentence of 7 years and a maximum penalty of 14 years in prison.. [↑](#footnote-ref-70)
71. Rule of Law Index 2014 (World Justice Project, Washington, D.C.)(2014). The Index presents a portrait of the rule of law in each country through a set of 47 indicators organized around nine themes: constraints on government powers; absence of corruption; open government; fundamental rights; order and security; regulatory enforcement; civil justice; criminal justice; and informal justice. The survey encompasses 99 different countries and jurisdictions. [↑](#footnote-ref-71)
72. Id. [↑](#footnote-ref-72)
73. UNDP Project Document for “Promoting Access to Justice & Human Rights in Bangladesh” (2012). [↑](#footnote-ref-73)
74. See, “A research guide to the Legal System of the People’s Republic of Bangladesh”, Md. Ershadul Karim (2013). Until recently, the Chief Justice and judges were recommended by the Prime Minister and formally appointed by the President. Since 1991, political parties during their tenure in government have initiated the separation of the judiciary from control by the executive branch brought about by amendment of the Constitution of Bangladesh in 1975. The separation by presidential promulgation acts have signed and passed. Acts on the separation of Judiciary Administration, Remuneration, Pay and Leave, etc. have all been completed. The Supreme Court now has judiciary and administrative authority over all lower courts in the country by virtue of the law of 01 November 1977. [↑](#footnote-ref-74)
75. JUST Annual Report 2014. [↑](#footnote-ref-75)
76. See, “Independence of the Judiciary—the Masdar case”; Prof. M. Rafiqul Islam, The Daily Star; www.dailystar.net, March 10, 2014, last modified, March 08, 2015; See also, “Written submission of the Asian Legal Resource Centre to the UN Human Rights Council, Twenty-sixth session, Agenda item 3, General Debates (2014) and BPM Just 2014; S&J UKaid 2014). [↑](#footnote-ref-76)
77. UNDP JUST Baseline Survey. [↑](#footnote-ref-77)
78. Source: Supreme Court reports/case statistics. [↑](#footnote-ref-78)
79. See, District Court reports and Donor progress reports. A principal success factor in UNDP’s achievement of a reduction of backlog in the pilot districts is linked with small-scale empirical solution testing that enabled the justice sector and the government to make evidence-based decisions for scaling up the pilots based on what worked. The UNDP supported pilot courts included creating “case management committees” comprised of a wide-range of stakeholders (judges, lawyers, police). District Court reports in 2013, indicated that judges were increasingly relying upon digital tools for case management; the pilot district courts also began to use mediation as an ADR mechanism more frequently, which likely had an impact upon the total volume of cases on the docket. [↑](#footnote-ref-79)
80. Source: Supreme Court Statement 2014; case files. Note: A lack of timely data for 2014 due to the political situation prevented an accurate assessment of case backlogs. [↑](#footnote-ref-80)
81. UNDP A2J Final Evaluation 2014. [↑](#footnote-ref-81)
82. Evaluation Mission field visit. [↑](#footnote-ref-82)
83. UNDP also supported mediation in family cases and while this has not yet been implemented beyond the UNDP project areas, it is encouraging. There is, however, an issue with attribution to UNDP, because there is a procedure in the family law that provides for mediation in such cases. Therefore, it is debatable whether this can be claimed as a UNDP attributable outcome. [↑](#footnote-ref-83)
84. UNDP support to village courts, which began in 2009, grew out of and as a result of a European Union study undertaken in 2005 that had revealed great deficits in the criminal justice system and its ability to provide justice services to citizens at the local level in Bangladesh. That study made a principal recommendation to activate the village courts established by the village courts of 1976. [↑](#footnote-ref-84)
85. An independent survey of the village courts conducted in 2012, reported that 69% of petitioners and respondents were satisfied or very satisfied with the village courts. 64% of these believed that social problems and petty crimes occur less in their locality due to the presence of village courts. [↑](#footnote-ref-85)
86. UNDP Mid-Term Evaluation Report-Village Courts. [↑](#footnote-ref-86)
87. The National Institute of Local Government has recently included village courts in their training curriculum. Under the Village Courts Act, village courts can deal with both civil and criminal matters within certain limits and they have exclusive jurisdiction to try all disputes that are enumerated in the schedule to the Act [Sec. 3(1)]. Other Courts therefore have no jurisdiction over the latter issues and must transfer such matters to a village court. This is done through the office of the District and Sessions Judge with the case being referred to the relevant village court. [↑](#footnote-ref-87)
88. Source: Evaluation meeting with project personnel at UNDP. [↑](#footnote-ref-88)
89. The traditional and informal *Shalish* processes through which disputes have been historically settled still continues, however, although it is reported that numbers of cases referred to the latter have fallen in places where the village courts are activated. There is a danger that decisions of village courts and *Shalish* may be cloaked in legitimacy even when they are not gender friendly or uphold equal protection under the law according to domestic law and Bangladesh's international human rights treaty obligations. Although, advocacy by the project has increased people’s awareness about the village courts there may still continue to be ignorance about their jurisdiction. The same caution must be exercised related to community policing activities and future projects need to keep in mind the dangers inherent in having too many forums for dispute settlement and consequent confusion in the minds of the population. [↑](#footnote-ref-89)
90. Bangladesh Accession: 5 October 1998. [↑](#footnote-ref-90)
91. Bangladesh Accession: 6 September 2000. [↑](#footnote-ref-91)
92. Bangladesh Accession: 11 June 1979. [↑](#footnote-ref-92)
93. Bangladesh Accession: 6 November 1984. [↑](#footnote-ref-93)
94. Bangladesh Accession: 13 July 2011. [↑](#footnote-ref-94)
95. Bangladesh Accession: 11 January 1985. [↑](#footnote-ref-95)
96. Bangladesh Accession: 5 February 1985. [↑](#footnote-ref-96)
97. Bangladesh Accession: 5 October 1998. [↑](#footnote-ref-97)
98. Bangladesh Ratification: 3 August 1990. [↑](#footnote-ref-98)
99. Due to political impasse, overall governance and rule of law in the country has recently deteriorated. There have been unlawful killings and arbitrary detentions of opposition leaders. In January-February 2015, public life and safely have been disrupted in the midst of opposition’s countrywide blockade and strikes and at least 69 people died and hundreds injured due to many incidences of arsons in public transports. Security forces have swooped on opposition activists heavily and killed score of activist in so-called crossfire. Moreover, around 13,000 opposition activists were detained. As noted above, the U.S. Department of State 2013 and 2014 Human Rights Report on Bangladesh noted a number of human rights violations. Meanwhile, Amnesty International reported in 2015 that the exact number of persons forcibly disappeared in during 2014/15 was not known; some estimates suggested over 80 persons had been victims of such disappearances. According to Amnesty, of the documented cases of 20 people subjected to enforced disappearance between 2012-2014, nine people were subsequently found dead; six had returned to their families after being released from their captivity and five victims remained unaccounted for. [Source: Amnesty International Annual Report: Bangladesh 2014/15. [↑](#footnote-ref-99)
100. See also, Website of the MoLJPA (2015) stating that most of the people are not only poverty- stricken but are also deprived of the minimum basic needs of life. Poverty, illiteracy, lack of knowledge keeps indigent people illiterate and ignorant of basic human rights and amenities. The poor litigants are unable to reach the doorsteps of the justice system as it is expensive, time consuming and impenetrable often leaving the poor litigants to silently bear the agonies of injustice.” [↑](#footnote-ref-100)
101. Part III of the Constitution (Articles 26 to 47) protects fundamental rights and their enforcement. These include equality before the law; prohibition of discrimination based upon religion, race, caste, sex or places of birth; equal rights of women; equal opportunity of employment; right to the protection of law; protection of life and liberty; procedural due process and rights against unlawful arrest and detention; prohibition of forced labour; rights of fair and speedy trial and other protections against double jeopardy and cruel and unusual punishment; freedom of movement; freedom of assembly and association; freedom of thought, conscience, speech, religion and correspondence; the freedom to chose one’s profession, rights of property, rights of access to justice and for the enforcement of fundamental human rights. “Article 27 of the Constitution of the People’s Republic of Bangladesh guarantees that “All citizens are equal before law and are entitled to equal protection of law”. Article 33(1) of the Constitution entails that no person arrested shall be detained in custody without being informed immediately the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. [↑](#footnote-ref-101)
102. U.S. Department of State Human Trafficking Report 2014 (Country report for Bangladesh). [↑](#footnote-ref-102)
103. See, Article, “Asia’s Watery Graveyard for Asylum Seekers,” Human Rights Watch; Sifton, John; published in The Diplomat, May 15, 2015. [↑](#footnote-ref-103)
104. U.S. Department of State Human Trafficking Report 2014 (Country report for Bangladesh). [↑](#footnote-ref-104)
105. See U.S. Department of State Human Rights Report 2013 (Chapter on Bangladesh); See also, reports of Human Rights Watch, Amnesty International, etc. [↑](#footnote-ref-105)
106. Report of the Special Rapporteur on violence against women, its causes and consequences: Mission to Bangladesh (20-29 May 2013); Human Rights Council; UN General Assembly [A/HRC/26/38/Add.2](1 April 2014). [↑](#footnote-ref-106)
107. Id. [↑](#footnote-ref-107)
108. See, Documentary, “Epidemic of Child Marriage in Bangladesh” (Human Rights Watch)(2014). According to Human Rights Watch, child marriage is an economic survival strategy for families in Bangladesh. Bangladesh has the highest rate of child marriage in the world for girls under age 15. Girls who are forced into such marriages often do not complete school or drop-out, as they encounter challenges of pregnancy, maternal health, child care and the economic survival of the family. In this context, accurate birth registration and obtaining a birth certificate with stating a girl’s true age and date of birth can deter such forced marriages, as the law prohibits marriages before age 18. Local officials often fail to enforce the law or submit to bribes to falsify birth certificates. A local Bangladesh CSO “Wedding Busters”—whose membership is largely composed of politically engaged youth—actively seeks to expose and combat the practice of child marriage. [↑](#footnote-ref-108)
109. Id. [↑](#footnote-ref-109)
110. This included several policy papers for the government on key human rights issues, including women's rights, migrant workers and persons with disabilities; and supporting consultations and studies on legislative reform initiatives on the Child Act, the Child Marriage Restraint Act, a draft Non-Discrimination Act, the Labour Act, and an Anti-trafficking Law. [↑](#footnote-ref-110)
111. Trainings were provided to the police, government officials, legal professionals, NGOs, human rights defenders, field monitors and investigators, journalists, teachers, students, medical professionals, indigenous communities and local officials. UNDP effectively utilized local television and text-based platforms (i.e. SMS) and other advertising (i.e. billboards, flyers, brochures, etc.) to raise public awareness of the NHRC. In particular, campaigns were undertaken to raise awareness on violence against women and girls and to prevent marriage before the age of 18. Many of UNDP’s awareness raising activities targeted vulnerable groups especially girls, women, ethnic and religious minorities, and sexual minorities. [↑](#footnote-ref-111)
112. NHRC Evaluation 2014. [↑](#footnote-ref-112)
113. ASK Human Rights report. [↑](#footnote-ref-113)
114. Odikar Submission to UPR 2012; ICG report 2015. [↑](#footnote-ref-114)
115. For example, a MTE of the UNDP NHRC project reported that as of 2013, NHRC was able to monitor human rights violations in 65% of the country, operating for the first time at the district level; NHRC was able to resolve 70% of the complaints it received in 2013 (compared to 60% in 2012). [↑](#footnote-ref-115)
116. The problem with this indicator is that it is not easily subject to verification, because in most cases “adoption” of UPR recommendations entails a multifaceted process on the part of GoB, involving many ministries that takes place over many years. Thus, while it is possible to say that GoB has begun implementation of a particular UPR recommendation, it is difficult to ascertain fully the status of implementation/adoption. In 2012, NHRC reported that steps had been taken by the Government of Bangladesh to implement 25 of 34 accepted recommendations of the 2009 UPR process—particularly in terms of developing policy frameworks and legislation. According to NHRC submissions to UN Human Rights Council, progress has been made on improving access to education and access to basic services. [Source: NHRC Progress Report to the UN Human Rights Council for UPR]. Also, according to the NHRC Annual Report for 2012, the GoB had implemented legislation recommended by the UPR (i.e., child act; persons with disabilities and the rights of migrant workers). These were brought into conformity with international treaty obligations with the in-put of the NHRC. In 2013, the NHRC reported that the Government accepted 164 of 196 recommendations from the 2013 UPR; it implemented 27 out of 34 of the recommendations from the previous (2009) UPR. [Source: NHRC Reports (2013)]. Based upon the deteriorating political situation in 2014, the NHRC (GoB) decided to delay consideration of the UPR recommendations until 2015. [↑](#footnote-ref-116)
117. International Coordinating Committee 2014. [↑](#footnote-ref-117)
118. Transparency International Bangladesh (2014). National Integrity System Assessment Bangladesh; National Human Rights Commission (NHRC); Policy Brief 27/September 2014. These include the following: Government/donor dependence in terms of funding; Weak investigation due to resource deficiency in manpower, technical know-how, infrastructure and logistical support; Recruitment criteria for Commissioners is too broad offering scope for nepotism; Inadequate legal framework ensuring transparency, integrity of Commissioners; The law is silent on issues of asset declaration, financial gratification, political activities, gifts and hospitality in relation to Commissioners; Non cooperation of GoB, in particular Ministry of Home Affairs; NHRC’s power is curtailed by legal restriction on investigation of breeches by “disciplined forces” that technically includes law enforcement agencies; NHRC is primarily a recommendatory body with no power of execution. [↑](#footnote-ref-118)
119. According to Saferworld follow up surveys, respondents’ confidence on police services has increased. In 2015, 72% respondents indicated that they have at least moderate confidence on police compared to 45% in 2009. Similar trends are observed in other indicators like satisfactions on crime management services (62%), service delivery at police stations (72%) and overall performance of police at police stations (72%). It is interesting note that all these results were reported by combining multiple levels like ‘improved or remain same as before’ and ‘at least moderate satisfaction’. If individual levels were reported separately, results might not look that much impressive. [↑](#footnote-ref-119)
120. 2013 CHTDF Household Survey. [↑](#footnote-ref-120)
121. Note: The BP would normally promote and move officers forward as a result of years of service, etc. It has also been the policy of the current government to promote women (i.e. affirmative action). In the model *Thanas* it is clear that the women friendly barracks built by UNDP may have facilitated more women to become police officers and the UNDP intervention may have encouraged the BP to accept more women. Presumably, greater numbers of women in the police force and the victim support centres staffed by female police officers have enhanced the public image of the police. This can promote confidence and satisfaction among citizens of Bangladesh in law and order service providers. [↑](#footnote-ref-121)
122. BP MTBF 2014-17. [↑](#footnote-ref-122)
123. The Evaluation notes a tendency on the part of UNDP to rely upon perception surveys as indicators of the impact and success of its programming—in some instances UNDP has cited such surveys as the *primary justification* for continuing interventions certain areas. While perception surveys are valuable and can play an important role in informing programming, they are inherently subjective in nature and do not equate to hard evidence of impact or change. Reasons for disparity between UNDP surveys and other surveys not still clear. However, there is a lack of uniformity of framing of indicators and analysis pattern in different surveys. Moreover, there is a chance that survey findings may be influenced by the volatility of political violence and unrest over the last few years. [↑](#footnote-ref-123)
124. World Justice Project, Rule of Law Index 2014 [↑](#footnote-ref-124)
125. Amnesty International (2014/15). The State of the World’s Human Rights -- Amnesty International Report 2014/15 at pp. 72-73 For example, for 2014/15, Amnesty International reported: Police routinely tortured detainees in their custody. Methods included beating, suspension from the ceiling, electric shocks to the genitals and, in some cases, shooting detainees’ legs. At least nine people died in police custody between January and July 2014, allegedly as a result of torture. [↑](#footnote-ref-125)
126. For instance see Articles 31, 33 (a), 33 (b) and 35 (5) of the Constitution. [↑](#footnote-ref-126)
127. DIGNITY – Danish Institute Against Torture. [↑](#footnote-ref-127)
128. See more at: http://www.write3.com/details/5374#sthash.cklOpiRO.dpuf [↑](#footnote-ref-128)
129. Bangladesh Legal Aid and Services and Trust and others vs. Bangladesh and Others; Writ Petition No. 3806 of 1998; 55 DLR (2003) 363. [↑](#footnote-ref-129)
130. Amnesty International Public Statement; Bangladesh: Reject police proposal for immunity from prosecution for torture 10 March 2015; Index: ASA 13/1173/2015. [↑](#footnote-ref-130)
131. For example, according to the research published by the UK Independent Police Complaints Commission, there were over 30,000 complaints with over 60,000 allegations made against different police forces in 2013/2014 period. Ten percent of these related to assault, 6 % to oppression or harassment, 5 % to unlawful arrests, 5% to lack of fairness or impartiality and 2% to discriminatory behaviour. All of these related one way or another to human rights violations. There were 336 cases of serious sexual assault and 110 cases of sexual assault. [↑](#footnote-ref-131)
132. As of 2009/2010, UNDP and other donors had made a decision to suspend any support to the Rapid Action Battalion (RAB) that is responsible for many of the high-profile human rights abuses and UNDP support to BP does not cover RAB; In 2014, UNDP stopped supporting BP’s criminal intelligence capacities. [↑](#footnote-ref-132)
133. CHTDF-UNDP (2014). Social Capital Assessment in the Chittagong Hill Tracts (CHT); Choudhury, Zahid Arefin at p. 1. [↑](#footnote-ref-133)
134. Chittagong Hill Tracts Regional Council Act, 1998. [↑](#footnote-ref-134)
135. CHTF Programme Document. [↑](#footnote-ref-135)
136. There has been no election to CHT district council held since 1989. UNDP seems to have not addressed this issue. Observers noted that not having an election for more than two and decades in CHT Hill district has added a new dimension to the development context even among the “tribal communities” UNDP decided to support to the Hill District Councils notwithstanding the fact that these are still not in compliance with the democratic process envisioned in the Peace Accord (i.e. that the representatives be elected), because it was feared that otherwise the inhabitants of the CHT, policymakers in the country and the international community would've likely forgotten about the Hill District Councils and their capacity would never have been developed. [↑](#footnote-ref-136)
137. CHTDF-UNDP(2012). Promotion of Development and Confidence Building in the Chittagong Hill Tracts, CHTDF Annual Report 2013 at p.22. [↑](#footnote-ref-137)
138. Ibid at p 23. [↑](#footnote-ref-138)
139. See, Article, “Bangladesh’s Persecuted Indigenous People” , Human Rights Watch (May 18, 2015)(published in Inter Press Service). [↑](#footnote-ref-139)
140. Note: the current phase of the project will end in 2015; the new phase contains a component on A2J that is aligned with JSF and the newly proposed A2J for Women project. But CHT has not had A2J programming previously, most of the focus of UNDP has been on ensuring basic services to the people. Violence Against Women is increasing in CHT and there is a culture of impunity (among the police when the perpetrators are Bengalis; its is also difficult for persons in rural areas to access justice. CHT ethnic groups have their own dispute resolution mechanisms. There was not civil court in CHT until 2008, but there is not a court, so UNDP is considering supporting links between the formal and informal justice systems. As per the *Regulation 1900* the “Circle Chiefs” are given authority to deal with all civil matters according to their customary laws; criminal issues remain within the formal justice system; family issues are also to be dealt with in arbitration courts. [↑](#footnote-ref-140)
141. See, “Pushed to the Edge: Indigenous Rights Denied in Bangladesh’s Chittagong Hill Tracts,” Amnesty International (June 2013). [↑](#footnote-ref-141)
142. Salahuddin Aminuzzaman, Governance at Grassroots – Rhetoric and Reality: A study of the Union Parishad in Bangladesh, Ishtiaq Jamil (et,al) In Search of Better Governance in South Asia and Beyond, New York: Springer, 2013 pp.201-222, also see Salahuddin Aminuzzaman, Governance at Crossroads: insights from Bangladesh, Dhaka: Institute of Governance Studies, BRAC University 2013. [↑](#footnote-ref-142)
143. Currently projects are UPGP. Village Court, Climate Change, Comprehensive Disaster Management Program, Community Police (PRP). [↑](#footnote-ref-143)
144. See, website, Parliament of Bangladesh <www,parliament.gov.bd>. [↑](#footnote-ref-144)
145. The Constitution of the People's Republic of Bangladesh gives the legislature the name Jatiyo Shangsad in Bengali and House of the Nation in English. It is commonly known as “the Parliament”. [↑](#footnote-ref-145)
146. As per provision of clause (3) of article 72 of the Constitution, the term of a Parliament is five years. It is ordinarily dissolved on completion of five years from the date of its first meeting after the general elections. The President has the authority to dissolve the Parliament earlier, if at any time he is satisfied that there is no Members of Parliament. An Act of Parliament can extend the term of Parliament beyond 5 years by not more than one year at a time when the Republic is engaged in war. [↑](#footnote-ref-146)
147. In 2010, the Government and its Development Partners reconfirmed their mutual commitment to regular collective dialogue by signing the Joint Cooperation Strategy (JCS), which defines the LCG as a central element of Bangladesh’s aid coordination architecture and key mechanism to implement the joint vision and partnership commitments captured in the JCS. According to the JCS, “the purpose of the Working Groups is to provide forums for directed and practical consideration of specific development sectors or themes, serving as a locus for information exchange, analysis, coordination and cooperation”. Following the signing of the JCS in 2010, the LCG Working Group structure was aligned to the priorities reflected in the 6th Five-Year Plan. The signing of the JCS resulted in a re-vitalization of the LCG mechanism and considerable increase in participation of the Government in the LCG. [↑](#footnote-ref-147)
148. Id., stating, “As a common law country, Bangladesh’s Supreme Court has the power not only to interpret the Constitution (articles 103(2) (a) and 110, the Constitution of Bangladesh, 1972) and the laws made by the Parliament, but also to declare them null and void when they are found inconsistent with any of the provisions of the Constitution and to enforce fundamental rights of the citizens (articles 7 (2) and 44, the Constitution of Bangladesh, 1972). Although founded on the English common law system, the laws of Bangladesh take a statutory form, which are enacted by the legislature and interpreted by the Supreme Court.” [↑](#footnote-ref-148)
149. Id. Under article 106 of the Constitution, 1972, the Appellate Division, with the request of the President, has the power to give its opinion on a serious question of law having public importance. [↑](#footnote-ref-149)
150. Id. The High Court Division has original jurisdiction to enforce the fundamental rights of the citizens upon Writ Applications under articles 44 and 102 of the Constitution. It has further original jurisdiction, inter alia, in respect to company and admiralty matters under statutes. The High Court Division, in special circumstances, also has powers and jurisdiction to hear and dispose of cases under article 110 of the Constitution and has control over all Courts and Tribunals subordinate to it The Supreme Court is also a Court of Record and can try contempt cases (article 108, the Constitution of Bangladesh, 1972). [↑](#footnote-ref-150)
151. Source: website of the MoLJPA (2015). [↑](#footnote-ref-151)
152. Website of the MoLJPA (2015). [↑](#footnote-ref-152)
153. NHRC Strategic Plan (2015-2018). [↑](#footnote-ref-153)
154. Id. [↑](#footnote-ref-154)
155. Id. [↑](#footnote-ref-155)
156. [↑](#footnote-ref-156)
157. However the Local Government Division upon World Bank demand prepared a Sector Policy on Local Governance policy document during the design stage of the LGSP–I. But the sector policy on decentralization has not been widely circulated and or published. [↑](#footnote-ref-157)
158. The Third Schedule of UP Act 2009 – Power of the government to deploy government officers and employees at the Union Parishad. [↑](#footnote-ref-158)
159. Text appearing in *italics* is excerpted from the MTE of UNDP support to LGIs (2014). [↑](#footnote-ref-159)
160. “The Role of Union Parishad in Rural Dispute Resolution in Bangladesh: an Evaluation in the Light of People’s Perception”, Bashir Ahmed and Mohammad Tarikul Islam (authors) (Jahangirnagar University, Dhaka, Bangladesh, March 2013). Local dispute resolution mechanisms have a long history on the sub-continent. Systems “such as the salish, were the basis of administering rural justice in India from ancient times. There were no State-led rural justice institutions in rural Bengal under the British Raj (1757-1947) until 1919 when the Bengal Village Self Government Act was passed, which established to rural justice institutions namely, the Union Bench and the Union Courts.” Later in the 1960s an Arbitration Council and Conciliation Courts Ordinance were passed. After Bangladesh’s independence, however, the Government repealed the Village Courts Ordinance and passed new legislation creating Village Courts to deal with petty criminal and civil disputes in rural Bangladesh. [↑](#footnote-ref-160)
161. “The Role of Union Parishad in Rural Dispute Resolution in Bangladesh: an Evaluation in the Light of People’s Perception”, Bashir Ahmed and Mohammad Tarikul Islam (authors) (Jahangirnagar University, Dhaka, Bangladesh, March 2013). The “formal setting of local dispute resolution in Bangladesh is rich: it includes the traditional process of shalish, impressive civil society efforts to improve the quality and mechanism of shalish, and a somewhat less-explored provision for gram adalat or village courts. In addition to these two methods, Alternative Dispute Resolution (ADR), the alternative method of helping people resolve legal problems before going to court, has emerged as a potential means of resolving disputes.” [↑](#footnote-ref-161)
162. <http://www.bd.undp.org/content/dam/bangladesh/docs/LegalFramework/Signed%20CPD-BGD_2012-2016.pdf> [↑](#footnote-ref-162)
163. <http://www.undp.org/content/undp/en/home/librarypage/corporate/Changing_with_the_World_UNDP_Strategic_Plan_2014_17/> [↑](#footnote-ref-163)
164. IP: projects in the initiation phase [↑](#footnote-ref-164)
165. The traditional DAC criterion of impact (changes in people’s lives and development conditions at global, regional and national levels) is not going to be used as it is beyond the scope of outcome evaluations and UNDP initiatives are pitched at the policy level. [↑](#footnote-ref-165)
166. See: Introduction to Mixed Methods in Impact Evaluation, Bamberger M., 2000, Impact Evaluation Notes, No. 3. August 2012, <http://www.interaction.org/sites/default/files/Mixed%20Methods%20in%20Impact%20Evaluation%20(English).pdf> [↑](#footnote-ref-166)
167. <http://www.undp.org/content/undp/en/home/librarypage/corporate/Changing_with_the_World_UNDP_Strategic_Plan_2014_17/> [↑](#footnote-ref-167)
168. <http://web.undp.org/evaluation/documents/guidance/UNDP_Guidance_on_Outcome-Level%20_Evaluation_2011.pdf> [↑](#footnote-ref-168)
169. <http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=102> [↑](#footnote-ref-169)