

Mid-Term Review

**Bangladesh National Human Rights Commission – Capacity Development Project**

**Dhaka, Bangladesh**

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Acronyms

BNHRC Bangladesh National Human Rights Commission

BNHRC- CDP Bangladesh National Human Rights Commission Capacity Development Project

BRAC Bangladesh Rural Advancement Committee

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

CDP Capacity Development Project

CRC Convention on the Rights of the Child

DAC Development Assistance Committee

DNA Deoxyribonucleic acid

HRC Human Rights Commission

HRDO Human Rights Defender Organization

ICC International Coordination Committee

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

ICT Information and Communications Technology

M&E Monitoring and Evaluation

MTR Mid-Term Review

NGO Non-Governmental Organization

NHRC National Human Rights Commission

NHRI National Human Rights Institution

NPD National Project Director

OECD Organization for Economic Cooperation and Development

PRP Police Reform Project

SOP Standard Operating Procedures

TOR Terms of Reference

UPR Universal Periodic Report

UN United Nations

UNDP United Nations Development Programme

UNDAF United Nations Development Assistance Framework

VCP Village Court Project

1. EXECUTIVE SUMMARY
   1. Background and context
2. The Bangladesh National Human Rights Commission Capacity Development Project (BNHRC-CDP) is a five-year project jointly implemented by the National Human Rights Commission (NHRC) of Bangladesh and the United Nations Development Programme (UNDP) in Bangladesh, supported by donors and approved by the Government of Bangladesh for the period July 2010 to June 2015. The BNHRC-CDP is a long-term and comprehensive capacity-building initiative to improve the human rights situation in the country.
3. The goal of the project is to improve the promotion and protection of human rights, particularly for disadvantaged and vulnerable groups, such as women, the disabled, ethnic minorities and children through institutional capacity development of the NHRC. Aligned with the proposed structure by the NHRC, the project has four expected outcomes, as follows:

* **Institutional development:** The NHRC is fully equipped and operational with modern administrative systems, rules and procedures.
* **Human rights monitoring and investigation**: The NHRC has developed the capacity to efficiently and effectively monitor the human rights situation nationally and to handle complaints, including information gathering and investigations, in a fair and independent manner that is responsive to the needs of the NHRC’s clients.
* **Human rights awareness:** The NHRC efficiently and effectively carried out human rights education and training to develop a human rights-based culture in Bangladesh.
* **Human rights research reporting and policy development:** The NHRC is capable of conducing a high quality, human rights-based analysis of legislative proposals, draft laws, existing legislation and administrative practices with regard to Bangladesh’s obligations under international conventions, and to provide high quality policy advice to the Government of Bangladesh on human rights issues.
  1. Purpose, scope and methodology of the Mid-Term Review

1. The purpose of the Mid-Term Review (MTR) is to provide stakeholders of the project with an independent evaluation/analysis of its performance by assessing whether project outcomes/outputs are being delivered in line with project objectives and the Project Document, and consequently make recommendations on improving performance.
   1. Key findings
2. Overall, the BNHRC-CDP has contributed to a number of achievements within the NHRC in its two and a half years of project implementation.

**Outcome area 1: Institutional Development**

1. The NHRC is equipped and operational with modern administrative systems, rules and procedures. The core capacities of staff have been enhanced according to the NHRC’s mandate: all of NHRC’s professional staff have been trained on the core human rights instruments and complaints handling. The five-year Strategic Plan of the NHRC (2010–2015) was finalized following an extensive and inclusive national consultation process. The NHRC is now acknowledged as the apex national institution on human rights in Bangladesh following its recognition by international and regional bodies. Regular capacity development efforts by the project have resulted in an increased capacity of the Commission staff to undertake the duties necessary for a Human Rights Commission to fulfil its mandate. Through an improved understanding of their role and duties, the Commission’s staff are better able to efficiently and effectively operate and promote and protect human rights in Bangladesh.

**Outcome area 2: Human Rights Monitoring and Investigation**

1. The Commission has designed, with project support, a number of tools to build its internal capacity to consistently and effectively process and investigate human rights complaints it receives. These tools include a Standard Operating Procedures (SOP) Manual for complaints handling, including rules and procedures for investigations, mediation and conciliation. Coupled with an online complaints management system, these tools assist the Commission in improving its proficiency in dealing with complaints, thereby enhancing its ability as an institution to meet its mandate. The capacity of the Commission was enhanced to more effectively investigate human rights violations. The NHRC has strengthened its collaboration with partner organizations by entering into an agreement with key non-governmental organization (NGO) partners to collaborate on monitoring the human rights situation and the referral of complaints. A roster of 60 investigators representing 30 districts has also been established with the partners.

**Outcome area 3**: **Human Rights Awareness and Education**

1. The education programme was one of the success stories of the BNHRC-CDP. The Commission has produced, with project support, a wide variety of informational materials to expand knowledge and understanding of human rights issues, and to enhance the profile and presence of the NHRC throughout the country. With essential support of the project, the NHRC has strengthened capacity to engage in community education through mass awareness-raising campaigns. In its role as the national focal point for human rights, the NHRC produced human rights documentation and material for its members and staff, as well as for the public, including students, scholars and human rights workers. The NHRC built a rapport with senior media personalities and requested input on the preparation of a journalist’s training manual on human rights.

**Outcome area 4: Human Rights Research and Policy Development**

1. With the project’s support, the Commission has strengthened its capabilities in the area of policy advice to the Government of Bangladesh in order to ensure that new laws and policies are consistent with international human rights standards. The activities of the NHRC relating to the Universal Periodic Report (UPR) have been exemplary. It collaborates with the Government in the implementation of the recommendations made during the Human Rights Council in 2009 and 2013. The Commission drafted and submitted its stakeholder UPR to the United Nations Human Rights Council (HRC) UPR working group in 2012. Several evidence-based analysis reports were drafted with project support on Bangladesh’s legal instruments and their compliance with core human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These analyses have strengthened the NHRC’s own knowledge and understanding of international human rights standards. In addition, the reports have enhanced the NHRC’s ability to influence policy-level change on certain human rights issues by improving the level of evidence-based discourse in public debates. The NHRC Child Rights Committee played a key role in advocating for child rights within the context of the drafting of the Children Act 2013. Within its mandate to review legislation to ensure compliance with human rights standards, the NHRC provides recommendations to relevant ministries related to different issues such as trafficking, disability and discrimination.
   1. Key challenges

**Policy and Strategic Level**

1. The project strategy has generally been appropriate and effective towards achieving the planned project outcomes up to this mid-term period of the BNHRC-CDP. The BNHRC-CDP implementation strategy is well designed to achieve its goal, which is the improved protection of the disadvantaged and the vulnerable.
2. The programme strategy at the initial stage of the project was appropriate considering that the establishment of a national human rights commission was a unique and unknown concept in the context of Bangladesh. Thus, the strategies undertaken to increase awareness and the research conducted were necessary.
3. This review identifies a number of areas of good progress to date, as well as many areas that need improvement and strengthening in order to achieve BNHRC-CDP targets by 2015. Despite the progress being made, the project faces a number of risks and challenges.
4. Due to the relatively little amount of time remaining, the MTR Team does not recommend making changes to the BNHRC-CDP strategy, but rather, adjusting the focus of the activities related to its priorities. The analysis in this review shows that the main priority activities should be to improve investigation and monitoring capacity of the NHRC, failing which, the NHRC would not be able to meet the multiplied investigation needs that arise from the increased awareness of human rights.
5. Investigation and monitoring should be the priority among the four outcomes targeted by the United Nations Development Programme (UNDP), rather than of human rights awareness raising; otherwise, there is a risk that, with the rapid increase of human rights awareness, the demands on NHRC’s capacity to investigate and resolve issues will intensify and it will not be able to meet them. New ways to raise awareness should be devised that involve less resources of the BNHRC-CDP.
6. The degree of ownership is low. The BNHRC-CDP appears to be more visible in some cases than the NHRC. Donors and NGOs expressed their view that it appears that the BNHRC-CDP is performing NHRC´s work rather than of developing capacity (i.e. drafting annual reports, conducting research studies and human rights awareness-raising campaigns).
7. Sustainability of project initiatives require NHRC´s wide understanding and ownership at all levels. It also requires recognition at the broader community level and commitment by the Government of Bangladesh and other key stakeholders to the project and its aims.
8. The Government’s commitment necessarily includes a clear and unambiguous budgetary commitment to the long-term financing and budgetary requirements to ensure that effective project-supported achievements continue uninterrupted and are maintained once the project ceases.
9. Further changes such as to the NHRC Act and the Secondment Plan could significantly improve efficiency and performance gains for the NHRC, resulting in more effectiveness and sustainability of the project. The legislation that established the NHRC contains provisions that need to be reconsidered and in some cases, amended. The research conducted by Richard Carver, a human rights expert, needs to be used to amend the NHRC Act, which is the law establishing the Commission. This has been identified as a challenge since changes need to be made in the decision-making process of the Commission, in the role of the Chairman as Chief Executive, and in the new set-up/appointment of honorary members. The amendment of the NHRC Act is necessary for the independence of the Commission as well as its efficiency. The NHRC Act contains some provisions that are not in compliance with the Paris Principles related to National Human Rights Institutions (NHRIs). Some provisions do not allow the NHRC to fully carry out its mandate.
10. High-level advocacy is required to establish a better understanding and political will to introduce amendments that are in line with international human rights law. However, such wide-ranging legal reform will likely take some time. The lack of progress on legislative renewal remains a key stumbling block to the sustainability of the project’s outcomes.
11. NHRC’s relationship with NGOs has improved. To a certain extent, according to the NGOs, their decades of struggle have led to its establishment and therefore claim a stake in ensuring its success. The NHRC’s strategic partnership with NGOs is limited to seven well-known ones – Ain o Salish Kendra (ASK), World Vision, Plan International, Jatiya Tarun Sangha (JTS), JAAGO Foundation, Save the Children, Oxfam – and the private sector (Marks & Spencer). There are, however, many more NGOs that have experience and widely present, with good connections with the Government and non-governmental sectors, which should be further capitalized on. Such partnerships must be used for increasing the presence of the Commission at regional levels by using their experiences in fact-finding, awareness raising, mediation activities, etc. The need for NGO assistance must be acknowledged, and an official status needs to be accorded to certain NGOs and their personnel, which would allow them to work formally on behalf of and represent the NHRC. The risk that unscrupulous people may misrepresent the name of the NHRC should be mitigated.

**Project component level**

1. The new Commission established the priorities and main areas of activity with the adoption of the NHRC Strategic Plan of 2010-2015. However, at present, the NHRC does not appear to have an active strategic plan. The planning process appears to be ad hoc and primarily spontaneous, and not based on NHRC-wide prioritization of needs and opportunities.
2. It would be useful for the NHRC to have broadly defined long-term, mid-term and short-term strategies that are linked to the overall mission and vision. The structure of the NHRC and the recent appointment of commissioners each dealing with a separate set of competencies makes the development of a common vision for the NHRC all the more important. This is crucial to allow the NHRC to position itself effectively and to raise its public profile among international actors, government counterparts, civil society and the general public. Under the tight resource constraints faced by the NHRC, a clear vision, strategy and annual work plans can significantly improve the ability of the NHRC to develop partnerships and mobilize financial support around its strategic priorities.
3. Recruitment policy of the NHRC is not sustainable. The staff should have a background on human rights, which is not the case at present, since most are seconded from different, unrelated ministries. The NHRC has a unique mandate that requires individuals to be committed to the protection of human rights in Bangladesh.
4. The NHRC has currently not yet made a decision on how to establish divisional representations. Since most of the disempowerment is at the rural levels, providing access for them to the NHRC is crucial in achieving the goals of the Commission. There is an urgent need to increase the NHRC’s presence at the local level. However, given the acute crisis of manpower at the NHRC, establishing branches at the local levels, even at divisional levels, may not be feasible. Here, the NGO’s assistance will be crucial when they will act as NHRC focal point by referring cases to the NHRC and monitoring the human rights situation at districts level
5. Due to the structure of the Commission and the different status of full-time permanent members versus part-time honorary members, the Commission is not operating as a single institutional entity. Honorary members resent being treated as symbol figures and not being able to contribute their professional skills. They need to have a role in the operation of the Commission. It is obvious from the various interviews that amending the NHRC Act is becoming increasingly necessary.
6. The handling of complaints occupies a large part of the NHRC’s workload. There has been a rise in complaints over the past three years – from 206 in 2010 to 635 in 2012. Approximately 50 per cent complaints were found inadmissible; i.e. the public is not aware of the NHRC’s jurisdiction, which in turn results in an overload with complaints do not fall within its jurisdiction. The percentage of implemented recommendations issued by the Commission is currently low. According to the statistical data, approximately 30 per cent of recommendations made by the NHRC are accepted and fulfilled by the recipients. There is no instrument for monitoring implementation of the NHRC recommendations. The NHRC has never used its right to submit a report to the President when the authority to whom it has sent a recommendation fails to report back to it, or in the event that the NHRC considers the action taken or proposed by the authority as insufficient.
7. Additional challenges regarding investigation capacity were identified as follows:

* The complainants have limited access to institutions for the protection of their rights due to physical distance, lack of local access, and poor awareness of the Commission’s work.
* The Complaints and Inquiry Unit of the NHRC is unable to respond to complainants in human rights violations and more generally to address the issue and make recommendations to resolve it due to physical distance from the places where the violations occur.
* The limited manpower and capacity of staff members strongly reduce their ability to perform their duties. The Complaints and Inquiry Team is currently comprised of five staff members.

1. The baseline survey showed the scarce knowledge on the concept of human rights amongst the population in general; lack of empowerment of the population is intensified by such ignorance. Out of the number of complaints received by the Commission, a large portion falls outside the scope and jurisdiction of the NHRC areas of activity, which shows that the awareness on its mandate is low. It is apparent that the NHRC enjoys a positive public reputation because of the high profile of the charismatic Chairman. However, awareness of the NHRC and its work is not as extensive as would be desired.
2. Developing a strong public profile of NHRC is a vital part of the process of rendering it effective. Attention needs to be drawn to awareness-raising campaigns among the general public. The best way to increase institutional visibility and public awareness on an institution’s jurisdiction and competences is to define some key cases where the NHRC should be active and visible. The BNHRC-CDP needs to refocus its activities to increase public awareness on the NHRC’s existence, mandate and structure, as well as the human rights issues that it targets. On certain issues of national concern, the NHRC must formally publicize their official position. The NHRC should be a leader in shaping the official attitude of the State towards human rights violations. Successful handling of cases and sharing of success stories will also raise the profile of the Commission and encourage others to access it. Therefore, awareness-raising activities can be carried out without involving the extensive use of valuable and scarce resources.
3. The BNHRC-CDP has conducted and published several research studies on the compliance of Bangladesh´s legislation with the core international human rights conventions that it has signed. The capacity of NHRC to conduct high-level human rights-based analysis remains insufficient, which is inevitable given the lack of manpower within it. It is insufficient due to a lack of methodology in place and the weak link of research to the Strategic Plan. To overcome this weakness, it would be desirable that the NHRC establish a mechanism to follow-up on the recommendations from the research studies and adopt an action plan/strategy to advocate for the revision of national legislation and policies. One of the most important outputs of the NHRC is the Annual Report to the President of Bangladesh, which should contain analytical reporting on the human rights situation and proposals for improving it. The President and the Parliament can use the report to draw conclusions on the actual impact of laws on citizens’ rights or to adopt decisions on amending or drafting new laws. Despite improvements with respect to past reports, the last two years’ reports to the President have too few recommendations. The reports lack statistics needed for decision-making.
4. Lobbying with the State authorities to ensure that issues contained in the report to the President are discussed in Parliament will also increase the visibility of the NHRC.

**Project Management**

1. In terms of project management and administration, the BNHRC-CDP is functioning well, particularly in areas of financial management, accountability systems and reporting. This is evidenced in audit reports, desk review of reports and feedback from key stakeholders. The staff of the BNHRC-CDP is well-educated and motivated. Interviews with all of them did not show a need for any substantive changes; however, with the possible change in the focus of activities, the responsibilities of the staff may need to be redistributed or reorganized.
2. Communications and decision-making strategies within the NHRC need to be rethought and made clearer. There appears to be lack of clarity regarding the decision-making authority within the Commission that impacts on the project. Additionally, since meetings held between the BNHRC-CDP and the NHRC are not minuted, there are delays and confusion in the implementation of the project activities according to the approved annual work plan of the project. Decentralization of management within the NHRC may make the decision making faster and more efficient. The hierarchy and strong command line within the Commission are not conducive to good communication.
3. Due to the temporary location of the BNHRC-CDP and the NHRC in different premises for security reasons since June 2013, there is a waste of time and resources. Communication between the NHRC and the BNHRC-CDP is often complicated due to physical distance and different approaches.
4. Overall monitoring and evaluation (M&E) is progressing satisfactorily. With appropriate data at the component level, a more systematic collection of outcome-oriented data is well positioned to meet project requirements. There have been some signs of success with respect to the creation of performance metrics. Nevertheless, the main messages of the MTR Team related to M&E is that BNHRC-CDP has too many indicators that do not differentiate between those that measure outcomes and those that are more output- or process-oriented. M&E should be underpinned by reliable and comprehensive statistics on the complainant, the nature of the complaints and their outcomes. The BNHRC-CDP has an M&E strategy, but the NHRC does not. There is a need for the NHRC, with the assistance of the BNHRC-CDP, to review the indicators set in its Strategic Plan and to strengthen its results-based management.
   1. Conclusions
5. To date, the perception of the community and key stakeholders on benefits derived from the project are positive. Although the project is generally on track with a number of successes, there are several areas where progress is slow. If these factors are addressed, the project will generally be on target to achieve most of its planned outcomes, particularly the renewal of the legislative framework and the necessary political will to drive project in place.
6. The BNHRC-CDP is providing a sound platform for considering a possible extension of the project, i.e. the BNHRC-CDP II. If consideration were to be given for such an extension, it should be fully scoped well before the end of 2015. Irrespectively of the possibility of a BNHRC-CDP II, the current BNHRC-CDP management needs to ensure that an effective exit strategy is prepared to secure sustainability potential.
   1. Recommendations
      1. Policy and Strategic Level

**Recommendation 1**: The BNHRC-CDP should consider refocusing project outcomes. Investigation and monitoring should be priority among the four outcomes, rather than human rights awareness raising.

**Recommendation 2**: The NHRC and UNDP need to lobby more and more strongly with donors as well as the Government to ensure continuity of funding as well as enhanced and continuous future funding by the Government.

**Recommendation 3**: The BNHRC-CDP and the NHRC have to date gained sufficient understanding of the shortcomings of the NHRC Act to advocate for necessary changes. UNDP and the donors financing the project have a major role to play in lobbying the Government for such amendments to the legislation. It is recommended to consider amending the NHRC Act in order that all Commission members, working full-time or part-time, are paid on a *pro rata* basis just as full-time members, as proposed by international expert Richard Carver. The amendment also needs to address the question of the Commission’s neutrality and independence.

**Recommendation 4**: Since the project has reached its second phase, the staff of the BNHRC-CDP should, with the assistance of the NHRC, concentrate on ensuring the transfer of its capacity to the NHRC staff and take on a more hands-off approach when necessary, ensure a hands-on approach aimed towards a sustainable increase of Commission staff capacity. This needs to include all activities to which BNHRC-CDP contributes, including management, human rights awareness raising, research and policy.

**Recommendation 5**: The BNHRC-CDP should encourage the NHRC to take an independent initiative regarding certain components of the project support (i.e. human rights awareness, policy and research) and to recruit and appoint relevant officer(s) responsible to liaise with partners, and for media relations, human rights education/awareness and research.

* + 1. Project Management Level

**Recommendation 6**: The BNHRC-CDP should draw lessons learned from other similar projects such as the Police Reform Project (PRP) and the Village Court Project (VCP) in order to use resources more efficiently and avoid duplication and overlapping.

**Recommendation 7**: The BNHRC-CDP could consider supporting the NHRC to gather more outcome-oriented data and to improve M&E indicators.

**Recommendation 8**: The BNHRC-CDP should be more precise when assessing risks and challenges and should record activities carried out to overcome risks.

**Recommendation 9**: BNHRC-CDP staff and the Commission (Chairman, full-time members and the National Project Director) should have common meeting every week where NHRC decision-makers are all present and record all decisions taken. The standard operating procedures (SOP) on decision making should be approved as soon as possible.

* + 1. Project Component Level

**Recommendation 10**: The BNHRC-CDP and the NHRC should agree on the principles of prioritizing activities and continually follow up the implementation of these activities in the Annual Work Plan **Recommendation 11**: The BNHRC-CDP should provide a workshop for all staff on result-based management to ensure that the Annual Work Plans are developed effectively and that they clearly define the outputs, activities, indicators and data sources (e.g. from complaints handling, proactive analysis of human rights trends, feedback from clients and partners) needed to facilitate measurement of results.

**Recommendation 12:** The BNHRC-CDP and the NHRC must engage in extensive lobbying with the Government in order to achieve sustainability of capacity enhancement activities. There is also a need for high-level advocacy from donors and UNDP to achieve the necessary government commitment. The BNHRC-CDP and the NHRC are strongly recommended to consider that, rather than seconding Ministry Officials, members of the Judiciary, who can take the NHRC forward, could be employed at the Commission.

**Recommendation 13**: The BNHRC-CDP, with the NHRC’s assistance, should design an implementation plan for increasing the NHRC’s presence at the local level. Access to the Commission should be facilitated for victims of violations and, when required, the Commission should be assisted in investigating violations and establishing the veracity of the complaints.

**Recommendation 14**: The need for NGO assistance must be acknowledged, and an official status needs to be accorded to certain NGOs and their personnel, which would allow them to work formally on behalf of and represent the NHRC. The risk that unscrupulous people may misrepresent the name of the NHRC should be mitigated.

**Recommendation 15**: The BNHRC-CDP should organize ongoing workshops for staff, focusing on applying the most important principles of investigation in their everyday work. Such workshops should particularly address certain specific issues, such as best practices of investigation of alleged ill-treatment or misconduct, how to conduct interviews of alleged victims, collection of relevant evidences, monitoring and follow-up of investigation proceedings and other innovative approaches. International experts should be brought in to train and coach NHRC staff.

**Recommendation 16**:  The BNHRC-CDP and the NHRC could consider systematically gathering appropriate data on complaints and outcomes.

**Recommendation 17**: The BNHRC-CDP and the NHRC should immediately implement a redesigned procedure for regularly obtaining complainants´ feedback on the quality of services provided. The NHRC should implement a satisfaction questionnaire survey to improve their service delivery. The questionnaire should be regularly administered in order regularly capture feedback information rather than just ad hoc; the obtained information should be used to support work planning and evaluation processes in the NHRC.

**Recommendation 18**: The BNHRC-CDP needs to refocus its activities to increase public awareness of the NHRC’s existence, mandate and structure, as well as human rights issues that it targets. It is therefore necessary to collect complainants’ feedback on the NHRC’s mandate and jurisdiction, and to draft the corrective measures to improve awareness. The content and message of press releases should focus on investigation and monitoring issues. The Human Rights Digest needs to be disseminated to the relevant people.

**Recommendation 19**: The BNHRC-CDP needs to review the NHRC’s communications strategy and implementation plan in order to meet the following challenges:

* The content of the information and how it is communicated to the media need to be streamlined and upgraded since the latter expects quality information.
* There should be a designated media relations officer from within the Commission to be responsible for media relations and share information/statements that are based on the collective view/opinion of Commission members.
* There needs to be a focal point in the Commission for each issue, such as women’s rights and child rights. This focal point could be headed by honorary members who will communicate with the media through the above-mentioned officer.
* Caution needs to be exercised on how the Commission responds to human rights reports from different bodies including NGOs such as Odikhar, or to certain matters such as the Rohingya issue and the compliance of war crimes trials to international standards. The Commission’s views and responses must be based on proper investigation and not be spontaneous.

**Recommendation 21**: The BNHRC-CDP, with the assistance of the NHRC, should develop guidelines for performing legal analyses from a human rights perspective. The knowledge of foreign experts could be capitalized on for this purpose. The BNHRC-CDP and the NHRC should set up communications mechanisms with the relevant authorities and an efficient internal system for legal analysis to ensure timely access to draft bills.

**Recommendation 22**: The BNHRC-CDP, with the assistance of the NHRC, should link research studies to the Strategic Plan and design criteria on how to choose the legislative acts for analysis and a follow-up action plan (i.e. lobbying and preparing draft laws and a communications plan).

**Recommendation 23**: The BNHRC-CDP could use its project staff capacity or consultants to identify and suggest laws that need to be analysed, or even rely on other Human Rights Defender Organizations (HRDOs) to point out gaps in the laws.

**Recommendation 24**: The BNHRC-CDP should elaborate guidelines for drafting the annual report. In addition, in view of the capacity-building exercises that have already been carried out by the BHRC-CDP, the Commission must assume the responsibility of authoring the annual report.

1. Background and Context
2. The Democratic Governance Cluster of UNDP Bangladesh is providing technical and financial assistance to the Government to find innovative solutions to its development challenges and to build capacity of national institutions to implement policy reforms. The BNHRC-CDP is supporting the NHRC in establishing the required infrastructure and functional capacity to allow the Commission will fulfil its mandate to effectively promote and protect human rights throughout the country.
3. Some of the key project interventions include the provision of advice and support in developing sound policies and procedures for effective collaboration among Commissioners, efficient human resources management, and excellent service delivery.
4. The NHRC engaged in an extensive and thorough strategic planning process in 2010-11, during which it developed a five-year strategic plan to guide its priorities and activities through 2015. Following the adoption of the NHRC Strategic Plan 2010-15, the Commission has formulated action plans focused on thematic areas, with activities implemented in three broad categories: Human Rights Monitoring and Investigation; Human Rights Awareness and Education; and Human Rights Research and Policy Development. A fourth category, Institutional Development, focuses on the Commission’s internal operations and is essential to the success of all other interventions. The BNHRC-CDP has placed special emphasis on supporting the individual commissioners and institution as a whole to establish a solid organizational foundation. This will in turn help ensure the growth and development of the NHRC as a strong, independent institution capable of serving as a watchdog for human rights.
5. Consistent with United Nations Development Assistance Framework (UNDAF) Outcome 1, the development objective of the project is: *Improve the promotion and protection of human rights in Bangladesh through an enabling environment for human development and achieve the Millennium Development Goals.* The goal of the project is: *To improve the promotion and protection of human rights of all, particularly for disadvantaged and vulnerable groups, such as women, disabled, ethnic minorities and children through institutional capacity development of the National Human Rights Commission.*
6. Aligned with the proposed structure of the NHRC, the project has four expected outcomes, as follows:

* **Institutional Development:** The NHRC is fully equipped and operational with modern administrative systems, rules and procedures.
* **Monitoring and Investigation**: The NHRC has developed the capacity to efficiently and effectively monitor the human rights situation nationally, and handle complaints (including information gathering and investigations) fairly, independently and in a manner that is responsive to the needs of the NHRC’s clients.
* **Human Rights Awareness:** The NHRC efficiently and effectively undertakes human rights education and training to develop human rights-based culture in Bangladesh.
* **Human Rights Research Reporting and Policy Development:** The NHRC is capable of conducting a high quality, human rights-based analysis of legislative proposals, draft laws, and existing legislation and administrative practices with regard to Bangladesh’s obligations under international conventions, and to provide high quality policy advice to the Government of Bangladesh on human rights issues.

1. purpose and scope of the MID-TERM review
   1. Objectives and scope

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| 1. The aim of the work is to provide stakeholders of the project with an independent evaluation/analysis of the performance of the project by assessing whether project outcomes/ outputs are being delivered in line with project objectives and the Project Document and also to make recommendations on improving the performance. In this regard, the review will also document lessons learned and good practices developed by the project. 2. In line with the provision outlined in the Project Document, the independent Mid-Term Review (MTR) of the BNHRC-CDP will also link the project results at the output level with the progress at the outcome level, i.e. capacities developed by the NHRC. The analysis will be conducted taking into account the broader context of support provided by the Government to the NHRC (including respect for its independence) and NHRC leadership and management. The MTR will also develop recommendations and design activities for the remaining two years of the project. The MTR must provide evidence-based information that is credible, reliable and useful. 3. The MTR will focus on the relevance, effectiveness, efficiency, results and sustainability of project implementation. Further, it will highlight issues requiring decisions and actions, and will present initial lessons learned on project design, implementation and management. 4. The MTR was performed in line with the commitments stated in the approved Project Document between UNDP and the Government of Bangladesh. In addition to the formal requirements, it is also best practice that a review be undertaken to support the project at this stage of implementation. The MTR Terms of Reference (TOR) are outlined in Annex 1. 5. The MTR specifically addresses the following evaluation criteria of the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) as well as the integration of a number of key cross-cutting issues including gender equality and human rights:   a) **Relevance** – the extent to which the project is contributing to local and national development priorities and organizational policies in the context of improving human rights situation in Bangladesh;  b) **Effectiveness** – the extent to which progress towards project objectives has been achieved or how likely it is to be achieved (including the extent to which the BNHRC-CDP outputs have contributed to the achievement of the outcomes and the factors that have contributed to its effectiveness or ineffectiveness);  c) **Efficiency and value for money** – the extent to which best value has been obtained (results delivered versus resources/inputs expended);  d) **Results and impacts** – the positive and negative changes and impacts from project-supported interventions, whether directly and indirectly, or expected or unexpected; results include direct project outputs, short-to medium-term outcomes, and longer-term impacts including national benefits, replication and other local effects;  e) **Sustainability** – the likelihood that the project-supported intervention will continue to deliver benefits for an extended period of time after completion; projects need to be financially and socially sustainable.   * 1. The Mid-Term Review Team  1. The MTR Team comprises two members, one national and one international consultants: Allar Joks, Team Leader, a former Parliamentary ombudsman of the Republic of Estonia and specialist with an extensive international experience in capacity development of NHRCs; and Dr. Shahnaz Huda, the national consultant, Professor and Chairperson of the Law Department of the University of Dhaka.    1. Learning and knowledge sharing 2. Where possible, the MTR Team sought opportunities to optimize the learning potential and knowledge sharing during the MTR by encouraging participatory engagement and facilitating learning events with project personnel, beneficiaries and other key stakeholders as the opportunity arose. Such an approach is consistent with a key feature of an MTR, which is to inform and guide the second half of the project.    1. Limitations of the Mid-Term Review |
| 1. Numerous factors influence policing and human security in Bangladesh, many of which are beyond the scope of the BNHRC and the project to address, and are highlighted as appropriate in the MTR. Although a discussion on impacts is a feature of this MTR, it is recognized that the project is only at the mid-term point. Also, the outcomes and full impact of many initiatives and activities are still evolving and will emerge more comprehensively in the latter half of implementation of project. Since the Commission began operations only a few years ago and is an institutional innovation in Bangladesh, it should be expected to take some time to establish itself in order to make an impact. |

1. Approach and methodology
   1. Methodological approach
2. The review should comply with the guiding principles and norms as per UNDP’s Policy for Evaluation approved in 2011.[[1]](#footnote-1) The MTR Team will adopt both quantitative and qualitative methodologies such as rapid assessment methods, key informant interviews, focus group discussions, collecting information for determining the overall progress of the project. The review process should be participatory, engaging the NHRC and implementing and donor partners, key stakeholders and a wide cross-section of beneficiaries. It should consider the diversified components/interventions of the overall project. The methods used for the review may include the following:

* meetings or interviews with key project personnel and stakeholders – relevant ministries, donors, selected community participants and partner NGOs;
* key informant interviews with potential key stakeholders, civil society members and policy makers;
* focus group and group interviews to determine benefits of the project, unanticipated consequences and possible areas of modification or redesign;
* review of different project reports and publications produced to measure the results.

1. All partners were given the opportunity to speak with the MTR Team in the absence of BNHRC-CDP staff. The confidentiality of respondents was respected throughout, including anonymity where requested. In addition to the above data collection tools, small participatory focus groups and a number of relevant case studies were utilized to assist with data analysis, identify lessons learned and verify/triangulate data. A MTR briefing with a range of key stakeholders on preliminary findings and draft recommendations was conducted to facilitate the sharing of knowledge and ideas. The MTR was conducted through an intensive and consultative process, and considered all aspects of the project’s work, both at the policy and institutional levels. It involved review of the programme’s objectives and planned activities against the expected results, and consultations with a wide range of stakeholders. The independent MTR Team consulted with and obtained feedback from partners, stakeholders and other actors who have been associated with this BNHRC-CDP.
2. The names of agencies and other actors considered key informants for this MTR included BNHRC senior staff, relevant NGOs, BNHRC-CDP staff, other donors and other development partners. Specific details of all persons and organizations consulted are included in Annex 3 of this MTR report.
   1. Supervision and quality assurance
3. UNDP nominated Rustam Pulatov from the Democratic Governance Cluster as Coordinator of the contract. The Coordinator will be in charge of certifying that the work, have been satisfactorily performed. He also approves invoices for payment that are submitted to him.
   1. Key areas and review questions
4. In line with the Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) criteria, the key areas in designing the review questions, which were drawn from the strategic orientation of the project, included:  the effectiveness of the programme strategy and the relevance of the programme to national and organizational priorities; implementation performance including progress against specified outputs; perceptions of direct and indirect benefits; factors influencing performance; degree of ownership; efficiency and rigorous financial management. Moreover, another key area, the partnership strategy, included the effectiveness of the Government’s engagement, and the relevance and quality of partnerships. Other review questions focused on key issues of sustainability, results and impacts, lessons learned, M&E, and challenges and constraints to the delivery of project outcomes.
5. The review questions covered the above areas using the following broad question headings defined below.

***Strategic orientation***

1. assessing the appropriateness and effectiveness of programme strategy in achieving the programme outcomes;
2. evaluating the relevance of BNHRC-CDP in the context of current national priorities.

***Implementation performance***

1. assessing progress against specified outputs, identifying the BNHRC-CDP’s contribution from other unrelated factors;
2. assessing the perception of the communities and key stakeholders on the direct and indirect benefits derived from the BNHRC-CDP to date;
3. analysing important factors that have influenced BNHRC-CDP performance to date;
4. assessing the degree of ownership of BNHRC-CDP at all levels, including the question of ownership of the Commission as an entity separate from its BNHRC-CDP involvement.

***Lessons learned***

1. Innovative approaches should be identified and adopted for replication.
2. Approaches that failed to achieve the desired results should be identified and the reasons for this failure should be documented.
3. Areas of best practices should be identified, if applicable.

***Sustainability***

1. assessing the sustainability of programme results in the light of the current policy and programmatic thrust of the Government of Bangladesh;
2. reviewing ongoing activities and their adequacy to sustain after the programme.

***Partnership strategy***

1. assessing the effectiveness of the Government of Bangladesh and the NHRC’s engagement with the project and the reform initiative;
2. assessing relevance and quality of partnerships with various NGOs, institutions and agencies.
3. These issues and review questions were further refined during the inception phase of the MTR following initial briefings, meetings and consultations with the BNHRC-CDP/UNDP and the NHRC.
4. findings
   1. Strategic Orientation
      1. Relevance with National and Organizational Priorities
5. UNDAF (2012–2016) and the BNHRC-CDP’s outcomes as outlined in the Project Document remain clearly relevant to the needs of human rights in Bangladesh; similarly, the BNHRC-CDP’s objectives and outcome areas are also relevant. The BNHRC-CDP also remains relevant in contributing to local and national development priorities and to an enabling environment for human rights progress. The Chairman, the National Project Director (NPD), full-time and honorary members of the Commission, and most persons consulted consider the focus of the BNHRC-CDP to be relevant. The importance of the continuing involvement of the BNHRC-CDP with the NHRC to improve the human rights situation of the country is irrefutable.
6. In 2012 and 2013,[[2]](#footnote-2) escalating and continuous human rights violations have consistently been reported in analyses and reports of human rights situations by international and national watchdog bodies. As a national human rights body, it is expected that the Commission will remain and appear apolitical and non-partisan. Accordingly, it is expected that the Commission as an independent institution will address certain issues of civil and political violations of human rights in a consolidated and impartial manner that reflects its view after independent investigation and enquiry of cases such as the issue of Rohingya refugees or allegations of the death of Hifazat activists. Comprehensive monitoring of the overall human rights situation will lead to the “establishment of institutional framework for protection of human rights and dissemination of human rights status”, which is the expected outcome of the capacity development project.
7. The training of investigators will contribute to a better monitoring of the human rights situation in the country.[[3]](#footnote-3) This will be effective not only in establishing the Commissions’ impartiality, but will also contribute to raising awareness of the Commission’s mandate. On certain issues of national concern, the NHRC must formally publicize its official position. The NHRC should be a leader in shaping the official position of the State towards human rights violations. The successful handling of cases and the sharing of success stories will also automatically raise the profile of the Commission and encourage others to access it. Therefore, awareness-raising activities can be accomplished in ways not involving the extensive use of valuable and scarce resources.
8. This MTR identifies a number of areas in which good progress has been made to date, as well as many areas that need improving and strengthening in order to achieve the BNHRC-CDP targets by 2015. Due to the short period of time left, the MTR Team does not recommend making changes to the BNHRC-CDP’s strategy, but rather adjusting the focus of the activities related to its priorities. A priority task will be to scale down the indicators and targets to a number that will be measurable and achievable in the next two years. The analysis in this MTR shows that the main priority activities should be to improve the investigation and monitoring capacity of the NHRC, failing which the NHRC would not be able to meet the many investigation needs that emerge from the increased awareness of human rights.
9. The BNHRC-CDP should identify the ideal balance between meeting beneficiaries’ requests and being strategic. With respect to the ‘wish lists’ presented by the NHRC, the BNHRC-CDP should consider whether the Commission’s request is indeed part of a strategic approach, and assist it in setting up more strategic objectives. In the implementation phase, the BNHRC-CDP should ensure that engagement is continuous. Even if activities are based on expressed needs, the BNHRC-CDP should ensure that needs are still in line with strategically relevant priorities. This approach is necessary given the dynamic scenario in which the NHRC operates, where new needs are frequently expressed.

***Recommendation: The BNHRC-CDP should consider refocusing project outcomes. Investigation and monitoring should be a priority among the four outcomes of the project, rather than human rights awareness raising.***

* + 1. The effectiveness of the Project Strategy

1. The project strategy has generally been appropriate and effective in moving towards planned project outcomes up to this mid-term period of the BNHRC-CDP. The BNHRC-CDP implementation strategy is well designed to contribute towards achieving the project’s goal, which is the better protection of disadvantaged and vulnerable groups.
2. The project strategy at the initial stage of the project was appropriate considering that the establishment of a National Human Rights Commission was a unique and unknown concept in the context of Bangladesh. Thus, the strategies undertaken to increase awareness and the research conducted was necessary.
3. The initial strategies to increase awareness of human rights issues and the mandate of the NHRC has achieved it goals to a certain extent. Human rights education and training must to be a continuous process. Innovative methods must be included in future programmes that draw lessons learned from other institutions, both NHRC and NGOs, and where applicable, from government organizations, such as the local government infrastructure. In addition, the BNHRC-CDP may incorporate the lessons learned from other similar projects such as the Police Reform Project (PRP) and Village Court Project (VCP) and use their networks to disseminate the information necessary. All of these human rights and justice-related projects aim to improve people’s lives in terms of human rights, increase their access to justice and ensure that they are treated according to due process of the law.
4. The Project should continue to work together with other project of the UNDP Democratic Governance Cluster, to share lessons learned, resources and capacity, and to avoid duplication and overlapping. For example, both the PRP and the BNHRC-CDP emphasize issues such as gender and human rights, and should continue to work together to obtain them. More extensive involvement could not only include human rights education and awareness raising, but also highlight ways to access the Commission.
5. UNDP is strategically placed to support the above holistic approach as well as to lobby the Government on issues of the sustainability of the Commission, reform of the NHRC Act and increasing the Government’s input, whether financially or in other ways, into the NHRC.

***Recommendation: The BNHRC-CDP should consider drawing lessons learned from other similar projects such as the Police Reform Project and the Village Court Project in order to use resources more effectively and to avoid duplication and overlapping.***

* 1. Implementation Performance
     1. Progress to date

This section provides information on how well the BNHRC-CDP has been implemented. There are four outcome areas in the BNHRC-CDP:

* + - 1. **Outcome area 1: The NHRC’s Secretariat is fully equipped and operational with modern administrative systems, rules and procedures (institutional development).**

**OUTPUT 1.1: The NHRC’s organizational structure is designed and implemented.**

1. The core capacities of staff in relation to the NHRC’s mandate have been enhanced: all NHRC’s professional staff have been trained in the core human rights instruments and complaints handling. The structure of the NHRC has been approved.

**OUTPUT 1.2: Strategic planning systems are designed and implemented with planning, budgeting and a staff appraisal system.**

1. The NHRC activities should be strategized and be based on the NHRC Strategic Plan. The new Commission determined the priorities and main areas of activity with the adoption of the BNHRC Strategic Plan of 2010-2015.However,at present, the NHRC does not appear to have an active strategic plan. The planning process appears to be ad hoc and primarily spontaneous, and is not based on the NHRC’s prioritization of needs and opportunities. There has been a lack of strategic planning and thinking. There are examples of activities where it has acted randomly and without a specific focus, which show a lack of strategic planning and thinking.
2. There is a widespread lack of information among the general public regarding the NHRC’s priorities and their underlying rationale. The interviews with the different stakeholders for the MTR revealed a lack of strategic vision for using its mandate to introduce positive changes in the area of human rights in Bangladesh. The overwhelming majority of respondents believe that it would be useful for the NHRC to have broadly defined long-term, mid-term and short-term strategies linked to the overall mission and vision. Interviews indicated a lack of clear understanding of the NHRC’s goals. In addition, the lack of a clear focus on activities diminishes the public’s confidence in the NHRC. The structure of the NHRC and the recent appointment of Commissioners, each dealing with a separate set of competencies, renders the development of a common vision for the NHRC all the more important. This is crucial to allow the NHRC to position itself effectively and to raise its public profile among international actors, government counterparts, civil society and the general public. Moreover, under the tight resource constraints faced by the NHRC, a clear vision, strategy and annual work plans can significantly improve the ability of the NHRC to develop partnerships and mobilize financial support around its strategic priorities.

***Recommendation: The BNHRC-CDP and the NHRC should agree on the principles of prioritizing activities and continually follow up the implementation of these activities in the Annual Work Plan. While prioritizing the activities, the following aspects should be considered:***

* ***frequency or probability of occurrence of a systematic and persistent violation of human rights;***
* ***the number of persons interested, concerned or affected;***
* ***the importance of the issue/subject in society;***
* ***the opportunity to create new value;***
* ***the opportunity of implementation considering the available resources.***

***Recommendation: The BNHRC-CDP should arrange workshops for all staff on result-based management to ensure that the Annual Work Plans are developed effectively and that they clearly define the outputs, activities, indicators and data sources (e.g. from complaints handling, proactive analysis of human rights trends, feedback from clients and partners) needed to facilitate the measurement of results.***

**OUTPUT 1.3: Human resources management policies, structures, systems and procedures are developed.**

1. The BNHRC-CDP has ensured that the Secretariat is fully equipped and operational with modern administrative systems, rules and procedures.
2. In order to make the capacity development efforts more sustainable, the BNHRC-CDP could support the Commission in developing a more realistic human resources development strategy. This strategy would ensure continuity of Commission personnel, who will develop skills, become more personally commitment and obtain a sense of ownership in the activities and mandate of the Commission. From a practical standpoint, this must include commensurate pay scales, sufficient to maintain and attract qualified personnel.
3. The challenge facing the effectiveness of project initiatives is the arbitrary transfer of personnel. The high turnover of Government-appointed personnel leads to a lack of ownership and motivation, which hampers continuity. It also leads to less enthusiasm and dedication, which affects performance. Training of staff is a waste of money if trained staff members are transferred. Recruitment policy is therefore not sustainable. The staff should have a background on human rights, which is not the case at present, since most are seconded from different, unrelated Ministries. It should be kept in mind that, unlike other Ministries and Government Departments, the NHRC has a unique mandate that requires that individuals be committed to the protection of human rights in Bangladesh.
4. Therefore, the number of Directors should be increased, but they should not be seconded temporarily from the Government.

***Recommendation: The BNHRC-CDP and the NHRC itself must engage in extensive lobbying with the Government in order to achieve sustainability of capacity enhancement activities. There is also a need for high-level advocacy from donors and UNDP to achieve the necessary government commitment. The BNHRC-CDP and NHRC are strongly recommended to consider that, rather than seconding Ministry Officials, members of the Judiciary, who can take the NHRC forward, could be employed at the Commission.***

**OUTPUT 1.4: Regional Offices of the NHRC are established and fully operational.**

1. The NHRC has not yet made a decision on how to establish divisional representation. There is an urgent need to draft and implement Plan B to increase its presence at the local level. Since most of the disempowerment is at the divisional levels, providing access for them to the NHRC is crucial in achieving the goals of the Commission. There is an urgent need to increase NHRC presence at the divisional level. However, given the acute crisis of manpower at the NHRC itself, establishing branches at the divisional level may not be feasible. Here, the assistance of NGOs who will operate as representatives in some official capacity of the NHRC as well as referrals points are crucial.
2. Although the Commission’s contribution at the local level through its cooperation with NGOs continues, it focuses on awareness-raising activities, which, albeit necessary, should be expanded to include access to the services of the Commission to receive and deal with complaints. The problem of lack of access to the Commission by a large number of people at the local level needs to addressed and the solution must be incorporated officially in various ways, including in the process of referral services. NGOs already working with the BNHRC-CDP have a grassroots-level presence.

***Recommendation: The BNHRC-CDP, with the assistance of the NHRC, is strongly recommended to draft an implementation plan for increasing NHRC presence at the local level. Access to the Commission should be facilitated for victims of violations and the Commission, when required, should be assisted in investigating violations and establishing the veracity of the complaints.***

**OUTPUT 1.5: Commission members and the Secretariat are fully equipped to provide leadership and good management of the NHRC.**

1. In order to increase the capacity of the management of the NHRC the project has from the beginning encouraged learning from similar and more mature national human rights institutions (NHRIs), such as the NHRCs of India, the Philippines and Malaysia, by arranging and supporting study tours. In 2011, for example, a three-day study tour contributed to the capacity of the NHRC to establish an effective complaint management mechanism.[[4]](#footnote-4) In June of the same year, NHRC Members participated in peer exchange/study tours to several European countries to “learn practical approaches to address a variety of issues related to the implementation of the Paris Principles on NHRIs”.[[5]](#footnote-5) Such knowledge-sharing activities are crucial in order to learn from best practices of other NHRIs and implement in the context of the NHRC. Following the Study Tour conducted in the Philippines, the NHRC applied the learning it has gained to lead Universal Periodic Review’s consultations in Bangladesh. The NHRC played a critical role in bringing together the civil society and the government to assess the progress made in the implementation made during the 2009 UPR and define the way forward.
2. Participants in overseas study tours need to be carefully selected, and the objectives of the proposed study visit must be clearly focused and targeted. To ensure cost-effectiveness, it is essential to gain a return on investment with a definitive outcome relevant to the project agenda. If these conditions are not met, it is unlikely that study tours will provide value for money.
3. The project also facilitated NHRC’s participation at the International Coordination Committee (ICC) of NHRI’s 25th General Meeting in Switzerland. The NHRC continues to have a ‘B’ status with the ICC. In order to be elevated to the ‘A’ status, the Commission needs to fulfil certain requirements under the Paris Principles. To this end, changes need to be made to the NHRC Act. As a paper by an academic and activist, Professor C. R. Abrar, shows, there is concern that the Commission is being perceived, rightly or wrongly, as too closely connected to the Government to be able to perform its functions independently. He writes:

*Evidences are [sic] replete that the commission has become a mere appendage of the executive arm of the State. A part of the explanation lies in the legislation that created the institution and the other part in the failure of the key functionaries to adequately comprehend the concept of human rights, to uphold the dignity of their office, to maintain neutrality and objectivity and to shun their political leanings. All these have largely contributed for this institution becoming irrelevant to the common citizenry, instead of a source of support and strength in their struggle against the omnipotent state*.[[6]](#footnote-6)

1. Due to the structure of the Commission and the different status of full-time permanent members versus part-time honorary members, the Commission is not operating as a single institutional entity. As indicated by the interviews, honorary members resent being treated as symbol figures and not being able to contribute their professional skills. They need to have a role in the operation. Honorary members feel that they are not consulted, involved and informed by the NHRC with respect to policy. It is obvious from the various interviews that it is becoming increasingly necessary to amend the establishing Act. On a positive note, this is also felt by the Commission, which has taken various steps to research and consider what action needs to be taken.

***Recommendation*:**To date, the BNHRC-CDP and the NHRC have gained sufficient understanding of the shortcomings of the NHRC Act to advocate for necessary changes. UNDP and the donors financing the project have a major role to play in lobbying the Government for such amendments to the legislation. ***Consideration should be given to amending the NHRC Act so that all Commission members, working full-time or part-time, are paid on a pro rata basis just as full-time members, as proposed by international expert Richard Carver.[[7]](#footnote-7) The amendment also needs to address the question of neutrality and independence of the Commission.***

**OUTPUT 1.6: Budgeting and financial policies, structures, systems and procedures are developed and implemented.**

1. Policies, structures, rules and procedures for effective budgeting and financial management are in place; nevertheless, interviews conducted by MTR Team revealed that continued capacity development efforts were necessary in the area of budget and financial management.
   * + 1. **Outcome area 2: NHRC efficiently and effectively monitors the human rights situation nationally and handles complaints fairly, independently and responsive to the needs of the NHRC’s clients**
2. More work is needed to respond to State violence (military and police forces). The NHRC does not have efficient fact-finding capacity, especially at the local level. The follow-up of recommendations made by the Commission is insufficient. It has been noted that:

“(t)he Commission has delivered very little in providing relief to the common people’s concerns [about] disappearance and extrajudicial killings. Although the Commission’s website makes very clear its bold stand against such gross excesses, thus far it has delivered little in concrete terms. It is quite pertinent to mention here that the Commission instituted enquiries into three cases of disappearances with representatives of the police, the Home Affairs Ministry and human rights organizations (nominated by the Commission). But so far none of the reports of the enquiry committees has been finalized or made public. Is not it pertinent to ask what precludes the Commission to complete the reports and release them in the public domain?”[[8]](#footnote-8)

1. Improving outreach at the local level still remains a crucial issue with the Commission having no presence at any level except in the capital city and through partnerships established with different NGOs. This has been discussed above (Output 1.4) and cannot be stressed enough.

**OUTPUT 2.1: The NHRC effectively manages the Complaints process.**

1. The client-friendly complaint handling system is developed. This included the implementation of the Standard Operating Procedures (SOP) for complaints handling, investigation and monitoring, an operational Electronic Complaints Management System, the development and distribution of a *Handbook on Complaints Management*, mass distribution of a fact-sheet on complaints management, and greater capacity to handle child rights issues.

**OUTPUT 2.2: There is internal compliance with the complaints process when investigating, mediating and conciliating all complaints.**

1. Some limitations of the project sustainability include the lack of adequate follow-up to one-time short training events. This implies that the expected impact is more likely to be seen in the short to medium term, rather than in the long term. In terms of skills transfer, there are concerns about the capacity of the staff to retain the knowledge acquired in the relative short time and in such dynamic scenario. However, staff will be able to consolidate their new skills and knowledge, through additional opportunities to follow up on what they have already learned, and through further exchanges with qualified experts.

***Recommendation: The BNHRC-CDP should organize a workshop for staff focusing on the use of the most important principles of the investigation in their everyday work. The workshop would, in particular, address specific issues such as best practices of investigation of alleged ill-treatment or misconduct, interviews with alleged victims, the collection of relevant evidence, monitoring and follow-up of investigation proceedings, and specific and innovative approaches. The knowledge of foreign experts could be capitalized on in the above-mentioned training and mid-term coaching.***

**OUTPUT 2.3: A monitoring and reporting policy and procedure are developed for the NHRC.**

1. The Project assisted the NHRC with the development of key tools and guidelines that will be crucial for the targeted functions. The SOP for complaints handling, the Manual on Conducting Human Rights Fact-finding Investigation, Rules on Mediation, and Guidelines for Investigations are currently being used due to the technical support provided by the BNHRC-CDP. These tools will serve as a reference guide to ensure standard application of the investigation process, and will be used not only by current investigators, but also by new staff. The Guidelines allow standard practices and increase the confidence of users in performing their work.
2. The Manual and Guidelines are perceived as important tools to allow standardized approach and methodology in investigating violations of human rights. In light of the new recruitment, this tool is seen as key to ensure a streamlined approach. There is an extremely high potential for the outreach of the Guidelines considering the number of people who will have access to it. Furthermore, the Guidelines should be further revised by the NHRC to show that the staff of the NHRC are now taking managing the tool, making it more relevant to everyday practice. Care should also be taken to ensure conformity of such investigative approaches with the activities of the partner NGOs by providing training at the local levels.

**OUTPUT 2.4: Human rights abuses are effectively monitored and reported in accordance with the monitoring and reporting policy and procedures.**

1. Handling of complaints occupies a large part the NHRC’s workload. There has been a rise in complaints over the past three years – from 206 in 2010 to 635 in 2012.
2. Approximately 50 per cent of the complaints were inadmissible; i.e. the public was not aware of the NHRC’s jurisdiction, which in turn results in an overload of complaints that are not under its jurisdiction. This also reduces the NHRC's ability to initiate investigations, through a proactive approach. Dealing with complaints falling outside of the NHRC’s jurisdiction wastes timely and human resources needed for alternative tasks while lowering the efficiency and effectiveness of the BNHRC. Irrespective of the explanation for this, it seems clear that the complaints handling process and human resources are faced with considerable needs.
3. There is no systematic follow-up with State bodies on behalf of the NHRC regarding the redirected complaints. For this reason, the question remains how to prevent the NHRC from acting like a post office.
4. To reduce the number of complaints not falling within the NHRC’s scope and thereby increasing NHRC´s capability, different methods must be used, including: improving internal regulations; restructuring the NHRC; and improving the public’s awareness on the NHRC’s jurisdiction.
5. From June 2010 to September 2013, there were 1,630 complaints brought to the NHRC, only approximately 50 per cent (856) of which fell within its jurisdiction and were subsequently investigated.
6. To date, there is a low percentage of implemented recommendations issued by the Commission. According to the statistical data, approximately 30 percent (14 out from 45) of recommendations made by the NHRC were accepted and followed through by the authorities concerned. There is no instrument for monitoring the implementation of the NHRC recommendations. The NHRC has never used its powerful legal tool to submit a report to the President in the event that the authority to whom it has sent a recommendation fails to report back to the Commission, or in the event that the Commission considers the action taken or proposed by the authority as insufficient.[[9]](#footnote-9)
7. There are political and administrative factors underlying the reluctance to translate recommendations into practice. One of the external factors is the attitude of State authorities toward the NHRC and the reality that most violations are committed or facilitated to some extent by State authorities.
8. The main internal factor is the lack of statistics on the implementation of recommendations and a lack of follow-up. The lack of explicit priorities and a generic practice of handling or issuing recommendations sends mixed signals to different State authorities.
9. Additional challenges regarding investigation capacity were identified as follows:

* limited access of complainants to protecting their rights due to physical distance and lack of access and low awareness of the Commission’s work;
* the institutions’ inability to compensate complainants for human rights violations and more generally to implement recommendations due to distance from the places where the violations occurred. A partial remedy to these problems may be the opening of local offices, although full coverage cannot be ensured. Ensuring punishment of violators is also crucial in conveying the message that impunity – often alleged to be systematic and almost institutionalized – will no longer be tolerated.
* the limited manpower and staff capacity mainly determined how NHRC staff felt about their ability to perform their duties. The Complaints and Monitoring Team currently comprises five staff members.

1. A roster of investigators has been set up by training and employing members of established NGOs. The investigators need acknowledgment, authorization or recognition by the NHRC. Law students could be employed as interns to overcome the lack of manpower. Interns working on a voluntary basis could help at the lowest level to investigate, gather relevant practice and analyse, and also to spread the message of the Commission.
2. Due to the lack of relevant statistics, it is not possible to assess the NHRC´s operational efficiency and the Project´s outcome; rather, the collected statistics describe the process. For example, the statistics do not show which outputs stated in the NHRC Act, Art. 14 (2) B have been used and how many Government offices have complied with the NHRC's recommendations. Due to insufficient statistics, it is not possible to perform follow-up, assess the situation of human rights in Bangladesh, or plan actions or priorities of the NHRC.

***Recommendation: The BNHRC-CDP and the NHRC could consider systematically gathering appropriate data on complaints and outcomes, such as:***

***1. Classification of cases by area of responsibility (State violence, distributed by relevant ministries/State agencies)***

***2. Classification of cases opened by own initiative (suo moto)***

***3. Classification of cases outside of jurisdiction***

1. ***Rejected***
2. ***Referred***
3. ***Advice given***

***4. Cases not investigated and submitted to the body that is competent to consider the case (BNHRC Act, Art. 14 (2) A)***

***5. Classification of cases by outcomes:***

***– cases investigated, complaint not satisfied***

***– cases investigated, complaint satisfied***

***– number of reports (recommendations) sent to the authorities (BNHRC Act, Art. 14 (2) B)***

***– number of reports (recommendations) accepted by authorities***

***– submitting report to the President (NHRC Act, Art. 14 (6)***

***6.  Number of mediation and arbitration resolved***

***7. Number of monitoring visits to the closed institutions (jail or other places where persons are detained) and changes/reforms/improvements suggested implemented***

***8. Number of recommendations made by NHRC according the NHRC Act, Art.12.[[10]](#footnote-10)***

1. A client satisfaction questionnaire was prepared by the BNHRC-CDP to collect complainant feedback on the NHRC service related to complaints handling. Due to the internal reluctance of the NHRC related to the methodological correctness, the feedback is still not being gathered. The Commission expressed some dissatisfaction with the current design/procedure for obtaining client opinion. The complainant feedback questionnaire, which will realistically reflect client opinion and satisfaction, needs to be redesigned by the BNHRC-CDP in consultation with the Commission.

***Recommendation: The BNHRC-CDP and the NHRC should immediately implement the redesigned procedure for regularly obtaining complainants´ feedback on the quality of services provided.*** The questionnaire should be regularly administered in order regularly capture feedback information rather than just ad hoc***; the obtained information should be used to support work planning and evaluation processes in the NHRC.***

* + - 1. **Outcome area 3: The NHRC efficiently and effectively undertakes human rights education and training, and develops a human rights- based culture in Bangladesh.**

**OUTPUT 3.1: A comprehensive community education programme and information/ communications strategy are developed by the NHRC.**

1. One of the success stories of the BNHRC-CDP has been the education programme; nevertheless, there are little or no baseline data against which to compare progress since the decision was made to cancel the mid-term baseline study planned for 2013.

**OUTPUT 3.2: A community education programme is effectively implemented to raise awareness of the NHRC’s existence, mandate and structure as well as human rights issues targeted by the NHRC.**

1. According to the NHRC Act 2009, one of the key functions of the NHRC is to provide training to the members of key stakeholders regarding the protection of human rights. Accordingly, the NHRC adopted its five year Strategic Plan for 2010-2015 where it identifies priority areas, including ensuring the right to education, and more specifically, to work with the authorities to include human rights education in the official curriculum at all levels of education.[[11]](#footnote-11)
2. One of the major causes for the violation of the human rights in Bangladesh is that most of the population are unaware their rights, the limits of authority of the State and State agencies, and indeed, the whole concept of human rights.
3. The baseline survey showed the poor knowledge about the concept of human rights among the population on the whole. This ignorance exacerbates the lack of empowerment of the people. Out of the number of complaints received by the Commission, a large portion falls outside the scope and jurisdiction of the NHRC areas of activity, which shows low awareness of the Commission’s mandate. Many individuals are confused about the latter, while others come to the Commission having no other alternative. It is apparent that the NHRC enjoys a positive public reputation because of the high profile of the Chairman due to his charisma, but that knowledge of the NHRC and its work is not as extensive as would be desired.
4. The fact that roughly 50 per cent of complaints filed at the NHRC do not fall under the NHRC´s jurisdiction proves that public awareness of the jurisdiction and the types of complaints that it can consider is relatively low. To date, public communications have mainly concerned the Chairman, not the NHRC’s function and strategic aims.
5. The human rights awareness activities began with the production and dissemination of promotional materials on the NHRC and the development of a website. In the second phase, the communications strategy was developed, and the preliminary website of the NHRC was developed and officially launched.
6. One of the actions performed was reaching out to the media, which, according to the quarterly reports, included the issuing of press statements and holding a series of discussions with the Press Institute of Bangladesh as well as dialogues with senior media personalities. The BNHRC-CDP is supporting the Commission to enhance the media coverage of different programmes implemented by the NHRC, such as seminars, workshops, monitoring visits and press conferences. The Reports show that the press statements issued mainly cover different programmes conducted under the project, such as awareness campaigns, seminars, workshops and visits carried out in connection with particular incidents of human rights violations. During the reporting period from 2011 to June 2013, the project provided support to the NHRC in drafting press releases, press briefings and press invitations, and in organizing a press conference. It is hoped that these exercises have improved the capacity of the Commission to undertake such tasks independently in the future.
7. A SOP was drafted relating to communication with the media. The Commission’s media communications strategy is an important aspect of awareness-raising activities.
8. From data provided to the authors of this report, it is apparent that the NHRC enjoys a positive public reputation because of the high profile of the Chairman, but that knowledge of the NHRC and its work is not as extensive as would be desired. There is an impression supported by numerous interviews that public knowledge of the NHRC, its mandate and functions is seriously limited.
9. Developing a strong public profile of the NHRC is a vital part of the process of rendering an NHRI effective. Attention needs to focus on awareness-raising campaigns among the general public. The best way to increase institutional visibility and public awareness on institution’s jurisdiction and competences is to define some key cases where NHRC should be active and visible. Additionally, the NHRC does not have a focal point for journalists, which consequently makes it difficult to get information from the NHRC and its view on any particular issue. The Chairman has an excellent and vibrant relationship with the media, but accessing him is not always possible. A communication strategy should seriously address this issue to decrease the workload of the Chairman. As far as the media is concerned, extensive discussion yielded the following recommendations.

***Recommendation: The BNHRC-CDP needs to refocus its activities to increase public awareness of NHRC’s existence, mandate and structure as well as human rights issues they it targets. Complainants’ feedback should be collected on the NHRC’s mandate and jurisdiction and corrective measures designed to improve awareness. The content and message of press releases should focus on investigation and monitoring issues. The Human Rights Digest needs to be disseminated to the relevant people.[[12]](#footnote-12)***

**OUTPUT 3.3: Sustainable planning capacity is developed and specialized human rights training of trainers programmes are conducted and reviewed.**

**OUTPUT 3.4: Information management systems and information capacity are developed within the NHRC.**

1. The conducted review did not indicate tangible results on the NHRC’s capacity to plan conduct and review specialized human right training of trainers. The activities are currently implemented by the project’s training of journalists, the police, human rights defenders, Government officials, students and teachers. Nevertheless, most of capacity remains within the BNHRC-CDP.

***Recommendation: The BNHRC-CDP needs to review the NHRC’s communications strategy and implementation plan in order to meet following challenges:***

* ***The content of the information and how it is communicated to the media need to be streamlined and upgraded***
* ***There should be a designated media relations officer from the Commission who will be responsible for media relations and share information and/or statements that are based on the collective views and opinions of Commission members.***
* ***There needs to be a focal point in the Commission for different issues. This focal point could be headed by honorary members who will communicate with the media through the above-mentioned officer.***
* ***Caution needs to be exercised in how the Commission reacts to human rights reports of different bodies including NGOs such as Odikhar and others regarding certain issues such as the Rohingya refugees and compliance of the war crimes trials to international standards. The Commission’s views and response must be based on proper investigation and not be spontaneous.*** 
  + - 1. **Outcome area 4: The NHRC is capable of conducting a high quality, human rights-based analysis of legislative proposals, draft laws and existing legislation and administrative practices with regard to Bangladesh’s obligations under international conventions and to provide high quality policy advice to the Government of Bangladesh on human rights issues**

1. At the policy level, the NHRC acted as a catalyst to promote human rights, taking a leading role in bringing together representatives of the Government and civil society in order to assess the progress made in the implementation of the recommendations to Bangladesh during the 2009’s UPR and to define the way forward for better protection of citizens’ rights. The NHRC Child Rights Committee played a key role in advocating for child rights within the context of the drafting of the Children Act 2013. Within its mandate to review legislation to ensure compliance with human rights standards, the NHRC has been providing recommendations to relevant ministries related to different issues such as trafficking, disability and discrimination.
2. The BNHRC-CDP has conducted and published several research studies on the compliance of Bangladesh´s national laws with the core human rights instruments ratified by Bangladesh. Nevertheless, the capacity of the NHRC to conduct high-level, human rights-based analysis is insufficient due to the lack of manpower within the NHRC, a lack of methodology in place and the weak link of research to the Strategic Plan. The position of the NHRC on essential issues is not strong and clear; there seems to be a lack of purpose in research studies, action plan for successful lobbying and follow-up.

**OUTPUT 4.1: The NHRC has developed a methodology for monitoring legal compliance with all international obligations.**

**OUTPUT 4.2: The NHRC has developed capacity to provide high quality legal analysis and policy advice to the Government of Bangladesh and the National Parliament on human rights matters.**

1. The NHRC has the mandate to research treaties and other international instruments on human rights and to make recommendation to the Government for their effective implementation, to examine the draft bills and proposals for new legislation for verifying their conformity with international human rights standards and to make recommendations for amendments to the appropriate authority for ensuring their uniformity with the international human rights instruments.[[13]](#footnote-13)
2. Since 2009, the NHRC has prepared 25 recommendations under the NHRC Act, Art. 12.[[14]](#footnote-14) considering that recurring to the Government is one of the most effective ways to ensure development of the human rights situation, recommendations should be more professionally prepared.
3. Writing recommendations to the Government in order to address an issue differs greatly from resolving complaints and conducting monitoring visits, since it requires good analytical skills, a theoretical background, understanding of links between various fields of law. This mandate to review national legislation, propose legislative reform and provide recommendations to address human rights issues needs to be more systematized within the NHRC by developing a structured programme of review that gives high priority to review of new draft legislation and review of existing legislation to ensure their compliance with core international human rights instruments ratified by Bangladesh. Strong research capability is an important asset of the NHRC to analyse trends and developments, prepare analytical reports and propose proactive measures aimed at long-term improvement of the human rights situation in Bangladesh. According, it is important to raise awareness on the tools and techniques of legal analysis.
4. NHRC staff, depending on their knowledge and experience, require differentiated approaches to training in all aspects of human rights law and on the main standards and mechanisms of legal review tools and techniques, and methodology of designing analyses. Such training programmes could be developed through thematic seminars, workshops and study tours. For instance, specialized training could cover the drafting and review of laws with the drafting units of ministries and/or the Bangladesh Law Commission and other similar institutions. Most of the training would be in-country; however, for core NHRC staff, training and familiarization with other relevant institutions would be necessary.
5. Remaining challenges to obtaining comprehensive analyses are communications and data transfer from different authorities, as well as access to draft legal acts well in advance. As in the past, the NHRC received draft legislation or administrative documents late and therefore its feedback was ineffectual. To address this, the NHRC has requested the Government to be consulted in a timely manner to review new legislation; the MTR Team is unable to confirm whether this has been carried out or not.
6. In order to have an impact on proposed legislative changes, an internal system for the selecting and proposing legislative changes to the appropriate units within the NHRC’s office has to be designed in order for the recommendations by the NHRC to have an impact.

***Recommendation: The BNHRC-CDP with assistance of the NHRC should develop guidelines for performing legal analyses from a human rights perspective. The national or international experts should be brought in for this purpose.***

***The BNHRC-CDP and the NHRC should set up communications mechanisms with the relevant authorities as well as an efficient internal system for legal analysis to ensure timely access to draft bills and legislation.***

1. One of the most important outputs of the NHRC is the Annual Report to the President of Bangladesh, which should contain diagnostic reporting on the human rights situation and proposals for its improvement. The President and the Parliament can use the report to draw conclusions on the impact of laws on public administration or to adopt decisions on amending or drafting new laws. Despite improvements with respect to past reports, the content of the Annual report to the President are too generic. The report lacks statistics needed for decision-making. Lobbying with the State authorities to ensure that issues contained in the Report to the President are discussed in Parliament will also increase the visibility of the NHRC.

***Recommendation:******The******BNHRC-CDP should elaborate guidelines for drafting the Annual Report. In addition, in view of the capacity-building activities that have already taken place by the BHRC-CDP, the Commission must assume the responsibility of authoring the Annual Report.***

**OUTPUT 4.3: The NHRC has developed capacity to provide quality reports under the United Nations human rights treaties and conventions.**

1. One of the projected outputs was the enabling of the Commission to identify inconsistencies within its domestic laws, policies, programmes and practices in order to generally identify where they do not fully comply with Bangladesh’s international commitments. The project staff are working on the drafting of or amendment of a few pieces of legislation such as the Child Marriage Restraint Act and the Anti-Discrimination Law.
2. Initially, several studies were published on the compliance of Bangladesh to international treaties, which identified the gaps between the latter and the relevant national laws. Based on the decision of the NHRC and the BNHRC-CDP to perform a gap analysis of international treaties and domestic legislation, studies were conducted on the two international covenants, i.e. the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on Migrant Workers (CMW), the Convention on the Rights of Persons with Disabilities (CRPD),. Two other studies were also published – on the High Court judgment on women’s rights and on arrest and detention – and two studies are underway on the Convention on the Elimination on All Forms of Racial Discrimination (CERD) and on the *dalits*.[[15]](#footnote-15)
3. The NHRC commissioned an important survey, the baseline survey, to assess the human rights situation and public awareness of the concept of human rights as well on the NHRC and its mandate. The survey comprehensively covered most issues related to human right concerns in Bangladesh including the major types of human rights issues facing Bangladeshis and the strengths and weaknesses of the legal and policy framework for the protection of human rights in the country.[[16]](#footnote-16) The results of the baseline survey are an important indicator of the progress and success of the Commission and lay the foundation of further research and future activities
4. One of the successes of the NHRC is its lobbying with the relevant ministries, notably the Ministry of Women and Children Affairs, the Ministry of Social Welfare and the Ministry of Justice, to ensure that the new Children’s Act of 2012 was in compliance with the CRC. The Commission has strengthened its capabilities in the area of policy advice to the Government of Bangladesh (i.e. recommendations made on the National Women Policy and review of national legislation such as the Law on Human Trafficking, the Children Act and reforms of the Constitution) in order to ensure that new laws and policies are consistent with international human rights standards.[[17]](#footnote-17) The BNHRC-CDP is also engaged in the drafting of or amending of legislation such as the Child Marriage Restraint Act and the Anti-Discrimination Law, as well as the draft Bill on the Rights of Persons with Disabilities.
5. If a law is already enacted/enforced but contains provisions that do not comply with human rights principles, the Commission should publicly criticize the existing legislation, and if needed, provide an alternative bill. For example, the recent enactment of the ICT Act raised serious and widespread concern about potential violations of human rights. The Information and Communication Technology (Amendment) Act 2013 has been referred to as a draconian measure that may potentially be used to harass people. The NHRC seems to have had no input or opinion regarding this recent piece of legislation.
6. The Commission needs to critically analyse proposed law that has the potential to be used to violate the human rights of citizens, such as the ICT Act and the law related to DNA evidence. Again, although a sensitive issue, since the Commission has shown interest in the protection of the rights of gays and lesbians, the NHRC should advocate for the non-criminalization of homosexuality and accordingly, the revision of the Penal Code of Bangladesh.
7. The activities of the NHRC relating to the UPR have been exemplary. It is engaging in dialogue with the Government for the implementation of the recommendations made during the Human Rights Council in 2009 and 2013. The Commission drafted and submitted its UPR Stakeholder Report to the HRC UPR working group in 2012. However, certain respondents raised the issue of NHRC members being part of the Government delegation when the UPR was presented in 2009.

***Recommendation:******The******BNHRC-CDP, with the assistance of NHRC, should link research studies to the Strategic Plan and design criteria on how to choose legislative acts for research and an action plan for follow-up (lobbying and preparing draft law and a communications plan).***

***Recommendation: The BNHRC-CDP could use its project staff capacity or employ consultants to identify and suggest potential laws that need analysis, or rely on other Human Rights Defender Organizations (HRDOs) to point out gaps in the laws.***

* + 1. Factors influencing the BHRC-CDP’s Performance

1. Bangladesh, like other South Asian countries, has problems specific to the region due to, *inter alia*, the aftermath of colonial rule. As in most countries, it faces acute poverty and political instability, which is exacerbated, *inter alia*, by fundamentalism and communalism. There are some other prevalent commonalities that impinge on citizens’ human rights, such as extra-judicial executions and an all-prevailing culture of impunity for members of the security forces. Political and economic corruption is an endemic problem, which has almost become institutionalized. The political environment is fraught with uncertainties and aggression. Violence related to *hartals* (strikes) is becoming routine. The upcoming elections have been identified by many respondents as a likely cause of instability related to the existence of the Commission. Furthermore, there are challenges linked to possible human rights violations related to the elections.
2. The uneasy relationship and confusion pertaining to the roles of the honorary members may be the cause of faulty legislation. The NHRC Act must be amended for the independence and efficiency of the Commission. The consequence of weak parent legislation may lead to the failure of the Commission to fulfil its functions.
3. The legislation that established the NHRC contains provisions that must be reconsidered and in some cases, amended. The research conducted by the international expert Richard Carver needs to be used to amend the National Human Rights Commission Act, which is the founding law of the Commission. This has been identified as a challenge since changes need to be made regarding the decision-making process of the Commission, in the role of the Chairman as Chief Executive, *inter alia*, and in the new set-up/appointment of honorary members. There have been suggestions that the number of honorary members should be reduced to two or three full-time members and two part-time members. The scope of the functions of the Commission under the Act includes mediation by the Commission.
4. The posts of directors are held by members of the Government’s Administrative cadre, the term of office is non-permanent, and officials seconded to the Commission may be transferred. As a result, certain crucial posts within the Commission are held by seconded officials. As a result, many capacity-building exercises do not benefit the Commission in the long term.
5. There is a tangible need for stability within the Commission and consistent decision making. The SOP on decision-making are finalized but are not approved by the commissioners. Consequently, such an unstable environment and confusion over decision-making authority in different cases contribute to undermining the project’s aims.
6. Communications and decision-making strategies within the NHRC need to be rethought and clarified. There appears to be a lack of clarity on the decision-making processes and the decision-making authority within the Commission, which impacts on the project. This lack of clarity leads to confusion and delays in the implementation of activities. Decentralization of management may render the decision-making faster and more efficient.
7. The NPD’s position is crucial. As both Secretary of the NHRC and the NPD, his/her role as liaison between the project and the NHRC requires that he/she be able to work independently and make decisions without having to consult with the NHRC Commissioners on all issues. This must be assured by appointing a strong and independent NPD by Senior Management.
8. Due to the BNHRC-CDP and the NHRC being located in different premises, there is a waste of time and resources. Communication between the NHRC and the BNHRC-CDP is often complicated due to physical and mental distance.
9. The hierarchy and strong command line within the NHRC do not promote effective communication. As expressed in many interviews for the MTR, the organizational culture must encourage an approach that would treat everyone equally, thus eliminating a hierarchical culture.
10. The staff of the BNHRC-CDP are well-educated and motivated. It merged from interviews with all the staff that was no need for any substantive changes except possibly in the focus of activities and the redistribution or reorganization of responsibilities. There is still a need to improve M&E capability through different workshops.
11. In terms of project management and administration, the BNHRC-CDP is functioning well, particularly in financial management, accountability systems and reporting, as shown by audit reports, desk review of reports, and feedback from key stakeholders.

***Recommendation: The BNHRC-CDP personnel and Commission (Chairman, full-time members and the NPD) should meet regularly every week and record all decisions taken. SOP in decision making should be approved as soon as possible.***

***Recommendation: Since the project has reached its second phase, BNHRC-CDP staff should, with the assistance of the NHRC, concentrate on ensuring the transfer of its capacity to the NHRC staff, and take on a more hands-off approach, when necessary, aimed at a sustainable increase of Commission staff capacity. This needs to include all activities to which the BNHRC-CDP contributes, including management, human rights awareness raising, research and policy.***

* 1. Degree of Ownership

1. BNHRC-CDP appears to be more visible in some cases than the NHRC. The degree of ownership of the project’s activities by the NHRC is low. Unless the NHRC takes a more active position, the sustainability of project outcomes will be challenged, such as by donors and partners. In some cases, although the general public may not be aware of the project, they are aware of UNDP. Donors have expressed their view that the BNHRC-CDP is performing work of the NHRC rather than developing NHRC staff capacity (i.e. drafting annual reports and conducting research studies and human rights awareness-raising campaigns). Best evidence of the lack of ownership is the disclaimer in the NHRC´s published research studies: *the study, data, analysis opinions and recommendations do not necessarily represent or reflect the views or opinions of the**NHRC*.
   1. Partnership Strategy
2. The NHRC signed a few memoranda of understanding (MoUs) with NGOs and their partnership should be beneficial to both parties. Nevertheless, the NHRC’s relationship with NGOs has improved. To a certain extent, NGOs feel that their decades of struggle have led to the establishment of the NHRC and they therefore have a stake in ensuring its success. Nevertheless, some NGOs feel that the Commission is reluctant to use NGO capacity for improving investigation capacity.
3. With respect to social services, including access to justice and the protection of human rights, in the last several decades, NGOs in Bangladesh have been providing crucial support to the population, given the resource and other constraints of the State. There are around 2,252 registered NGOs, and their scope of their activities covers the entire country. Accordingly, the NHRC is partnering with several NGOs for a variety of purposes including awareness-raising activities and mediation. The NHRC is able to use the extensive network of renowned NGOs such as Bangladesh Legal Aid and Services Trust (BLAST), *Ain O Shalish Kendra* (ASK) and Madaripur Legal Aid Association (MLAA) to disseminate its messages and access areas where the Commission, due to its many constraints, is not able to.
4. Innovative approaches such as the use of the media tools particularly adapted for the rural and semi-rural areas such as theatre folk songs and pieces have been used in the mass awareness campaigns implemented by Rupantar, a Khulna-based NGO. Collaboration between the Commission and the Centre for Men and Masculinity Studies, which aimed to raise awareness among school boys of 12 to 15 years of age on issues related to violence against women, have yielded positive results. The NHRC has also taken the initiative to build collaboration with like-minded NGOs in developing investigation methods and receiving complaints.[[18]](#footnote-18)
5. The NHRC’s partnership with NGOs is limited to seven well-known ones. However, there are many more NGOs with experience and outreach as well as good connections with the Government and non-governmental sectors, and such, connections should be capitalized on. For example, BRAC is the largest NGO is the world and has more legal aid clinics than there are police stations in the country. Experiences of such partnerships in fact-finding, awareness raising and mediation activities must be used for increasing the presence of the Commission at regional levels.

***Recommendation: An official status needs to be accorded to certain NGOs and their personnel, which would allow them to work formally on behalf of and represent the NHRC. The BNHRC-CDP, in close cooperation with the NHRC, should provide assistance to NGOs. The danger of misusing the name of the NHRC by unscrupulous people should be mitigated.***

* 1. Monitoring, Evaluation and Reporting
     1. Project results and the indicator framework

1. Overall monitoring and evaluation is progressing satisfactorily. With appropriate data at the component level, a more systematic collection of outcome-oriented data will meet project requirements. With respect to monitoring and evaluation, there has been some success in the creation of performance metrics, e.g. the Baseline Survey on Human Rights Awareness in Bangladesh.
2. Progress in activities and the BNHRC-CDP’s achievements are regularly reported and documented in the BNHRC-CDP quarterly Progress Report. The BNHRC-CDP Annual Reports cover the project’s achievements by following the logical framework of BNHRC-CDP, as presented in the Annual Work Plans for 2011 and 2012. An M&E Indicators Framework is currently being updated. In addition, M&E tools, an M&E plan and a results indicator framework have been developed.
3. Although the M&E tools developed indicates that a large amount of data is available for use in monitoring the implementation of the BNHRC-CDP, the MTR Team found that there are still considerable gaps such as in investigation and monitoring capacity and research, and policy-shaping capacity. These gaps pertain to the comprehensiveness and quality of the data collected and the inability to collect data on other indicators.
4. The main messages of the MTR Team related to M&E is that the BNHRC-CDP has too many indicators that do not differentiate between those that measure outcomes and those that are more output or process-oriented. There are four outcomes (targets), 17 outputs and 57 indicators in the BNHRC-CDP. These 57 indicators are not prioritized and combine process, output, outcome and impact indicators. Substantial effort is now channelled into improving M&E, including reporting.
5. The Outcome 2 indicators are:

* number of complaints brought to the NHRC;
* percentage of complaints resolved through NHRC interventions;
* percentage of complaints handled by the NHRC following its SOP;
* percentage of complainants satisfied with the NHRC’s handling of their complaints;
* difference in percentage between female and male complainants who are satisfied with the NHRC’s handling of their complaint;
* number of cases that the NHRC takes on that are not filed by a complainant – suo moto cases;
* number of monitoring reports of places of detention and other government service facilities with recommendations to Government authorities.[[19]](#footnote-19)

1. All of the above indicators measure process rather than outcome. In order to evaluate the efficiency and effectiveness of complaints handling, there is need to gather more relevant statistics (i.e. number of complaints effectively addressed by the NHRC, number of complainants whose rights are restored, etc.).
2. M&E should be supported by reliable and comprehensive statistics on the applicant, the nature of the complaints and its outcomes. The BNHRC-CDP has an M&E strategy but the NHRC does not. There is a need for the NHRC with the assistance of BNHRC-CDP, to review the indicators set in its Strategic Plan and to strengthen its results-based management. Subsequently, the BNHRC-CDP could improve the M&E indicators; otherwise, this could affect the BNHRC-CDP’s ability to monitor and evaluate the project outcome.
3. According to the interviews, the NHRC should have a performance measurement system measuring effectiveness and efficiency, and supported by multiple indicators. It is difficult to evaluate the effectiveness of the NHRC without relevant and trustworthy statistics. The NHRC has a wide collection of statistical data; nevertheless, at present, data are gathered inaccurately and haphazardly. Current methods of gathering different data might not fulfil this purpose.
4. Re-focusing M&E reporting on outcomes and impacts, reducing the number of output indicators, ensuring a balance of both quantitative and qualitative outcome indicators, and using case studies on positive impacts on beneficiaries and related feedback should be key considerations in this area. This relates to the NHRC and its Strategic Plan, as well as the BNHRC-CDP. There is a need to better measure tangible results in the improvement of investigation and monitoring capacity as well policy and research capacity.

***Recommendations: The BNHRC-CDP could consider supporting the NHRC to gather more outcome-oriented data and to improve M&E indicators.[[20]](#footnote-20)***

* 1. Challenges and Risks

1. If the BNHRC-CDP has difficulty in achieving a required output or some associated activity, then the reasons for this should be recorded in the regularly updated Risk Log together with appropriate mitigation measures taken or solution suggested. Risk assessment and response should be performed regularly and documented for each outcome area as a critical record of any risks impacting on planned project achievements, as well as the responses to overcome them. The Risk Log provides a summary of the range of potential risks to project delivery and attempts to overcome them.[[21]](#footnote-21)
2. The BNHRC-CDP has following challenges and risks to face:[[22]](#footnote-22)

* lack of political will to ensure the respect of human rights and support to the NHRC;
* lack of staff at the NHRC and weak knowledge of human rights;
* insufficient understanding of implementation mechanisms and management processes despite continued, definite progress in addressing this gap;
* limited capacity for structured management and understanding of human resource management issues;
* deterioration in the security situation in Bangladesh;
* weak leadership at the NHRC.

1. Mitigation measures (countermeasures) are listed and risk status is assessed. Nevertheless, for the MTR, it was unclear what has been carried out by the BNHRC-CDP to mitigate every risk for each outcome area.
2. Some of the risks described are too general to be dealt with effectively. For example, it is not clear whether lack of political will includes the impact of outdated legislative frameworks on the planned project outcomes and whether lack of budgetary commitment and resourcing from the Government impacts on the sustainability of the project.

***Recommendation: The BNHRC-CDP should be more precise when assessing risks and challenges and to record activities done to overcome risks.***

* 1. Sustainability of Project Outcomes

1. The sustainability of Project outcomes requires the NHRC´s wide understanding and ownership at all levels. It also requires recognition at the broader community level and commitment by the Government of Bangladesh and other key stakeholders to the Project and its aims.
2. Commitment by the Government necessarily includes a clear and unambiguous budgetary commitment to the long-term financing and budgetary requirement to ensure the sustainable of project achievements. Further changes such those to the NHRC Act and the secondment plan could significantly improve efficiency and performance gains for the NHRC, resulting in more effectiveness and sustainability of the project; however, such a wide-ranging legal reform will likely take some time.
3. Since the NHRC has only recently been established, there are difficulties in its orientation and its own independent activities from the project. The VCP, also supported by UNDP and rooted within the Local Government Ministry, operates along the same lines as the BNHRC-CDP project with respect to its set-up. Moreover, the Government has provided an NPD for the BNHRC-CDP project. Due to the long history of the VCP concept, this BNHRC-CDP project and the VCP have been able to maintain separate identities, where UNDP and the project are in the background, and the VCP is in the foreground.
4. The NHRC needs to link its institutional strategies to the State budget in innovative ways e.g. the Victim Support Unit under the PRP was first supported by the Project, and later by the State budget.

***Recommendation: The NHRC and UNDP need to lobby more and more strongly with donors as well as the Government of Bangladesh to ensure continuity of funding as well as enhanced and continuous future government funding.***

***Recommendation: The BNHRC-CDP should encourage the NHRC to take an independent initiatives regarding certain components and in recruiting and appointing relevant officer(s), responsible for partnership, media relations and research.***

1. Summary of recommendations
   1. SHORT-TERM RECOMMENDATIONS (can be implemented within the time frame of up to six months)

**Recommendation**: The BNHRC-CDP should consider refocusing Project outcomes. Investigation and monitoring should be the priority of the four project outcomes, rather than human rights awareness raising.

**Recommendation**: The BNHRC-CDP should consider learning from other similar projects such as the PRP and the VCP in order to use resources and to avoid duplication and overlapping.

**Recommendation**: The BNHRC-CDP could consider supporting the NHRC to gather more outcome-oriented data and to improve M&E indicators.

**Recommendation**: The BNHRC-CDP should be more precise when assessing risks and challenges, and to record activities carried out to overcome risks.

**Recommendation**: BNHRC-CDP staff and the Commission (the Chairman, full-time members and the NPD) should meet regularly every week and record all decisions taken. SOP on decision making should be approved as soon as possible.

**Recommendation**: The BNHRC-CDP should organize a workshop for staff focusing on the use of the most important principles of the investigation in everyday work. This workshop would, in particular, address specific issues such as best practices of investigation of alleged ill-treatment or misconduct, interviews with alleged victims, collection of relevant evidence, monitoring and follow-up of investigation proceedings, and other innovative approaches. Foreign experts should be brought in for the above-mentioned training and mid-term coaching.

**Recommendation**: The BNHRC-CDP and the NHRC could consider systematically gathering appropriate data concerning complaints and outcomes.

**Recommendation**: The BNHRC-CDP and the NHRC should immediately implement a redesigned procedure for regularly obtaining complainant´s feedback on the quality of services provided. The questionnaire should be regularly administer in order capture feedback information regularly rather than just ad hoc; the obtained information should be used to support work planning and evaluation processes in the NHRC.

* 1. MID-TERM RECOMMENDATIONS (can be implemented within the timeframe of one year)

**Recommendation**: The NHRC and UNDP needs to lobby more and more strongly with donors as well as the Government of Bangladesh to ensure continuity of funding as well as enhanced and continuous future Government funding.

**Recommendation**: The BNHRC-CDP should encourage the NHRC to take independent initiatives regarding certain components and in recruiting and appointing relevant officer(s) who will be responsible for partnership, media relations and research.

**Recommendation**: The BNHRC-CDP and the NHRC should agree on the principles of prioritizing activities and continually follow up the implementation of these activities in the Annual Work Plan.

**Recommendation**: The BNHRC-CDP should organize a workshop for all staff on result-based management to ensure that the Annual Work Plans are developed effectively and that they clearly define the outputs, activities, indicators and data sources (e.g. from complaints handling, proactive analysis of human rights trends, feedback from clients and partners, etc.) needed to facilitate measurement of results.

**Recommendation:** The BNHRC-CDP and the NHRC must engage in extensive lobbying with the Government in order to achieve the sustainability of capacity enhancement activities. There is also a need for high-level advocacy from donors and UNDP to achieve the necessary government commitment. The NHRC should strongly consider requesting the Government that the persons seconded to them should rather than being Ministry Officials, should be members of the Judiciary, who can advance the NHRC’s mandate could be employed at the Commission.

**Recommendation**: The BNHRC-CDP needs to refocus its activities to increase public awareness on NHRC’s existence, mandate and structure as well as human rights issues that it targets. Complainants’ feedback on NHRC’s mandate and jurisdiction should be collected, and corrective measures designed to improve awareness. The content and message of press releases should be focused on investigation and monitoring issues. The Human Rights Digest needs to be disseminated to the relevant people.

**Recommendation**: The BNHRC-CDP needs to review the NHRC’s communications strategy and implementation plan in order to meet following challenges:

* The content of the information and how it is communicated to the media need to be streamlined and upgraded.
* There should be a designated media relations officer from the Commission to be responsible for media relations and share information and/or statements based on the collective views and opinions of Commission members.
* There needs to be a focal point in the Commission for each different issue. This focal point could be headed by honorary members who will communicate with the media through the above-mentioned officer.
* Caution needs to be exercised on how the Commission responds to human rights reports of different bodies including NGOs such as Odikhar or to issues such as, *inter alia*, the Rohingya issue and compliance of the war crimes trials to international standards. The Commission’s views and reactions must be based on proper investigation and not be spontaneous.

**Recommendation**: With the assistance of the NHRC, the BNHRC-CDP should develop guidelines for performing legal analyses from a human rights perspective. National or international experts should be brought in for this purpose. The BNHRC-CDP and the NHRC should set up communications mechanisms with the relevant authorities and set up an efficient internal system for legal analysis to ensure timely access to draft legal bills.

**Recommendation**: The BNHRC-CDP, with the assistance of NHRC, should link research studies to the Strategic Plan and design criteria on how to choose legislative acts for research and an action plan for follow-up (preparing draft law and a communications plan, and lobbying).

**Recommendation**: The BNHRC-CDP could use its project staff capacity to identify and suggest laws that need analysis or employ consultants to do so, possibly even relying on other HRDOs to point out gaps in the laws.

**Recommendation**: The BNHRC-CDP should elaborate guidelines for drafting the Annual Report. In addition, in view of the capacity-building exercises already conducted by the BHRC-CDP, the Commission must assume the responsibility of authoring the Annual Report.

* 1. LONG-TERM RECOMMENDATIONS (can be implemented within the timeframe of one to two years)

**Recommendation**: To date, the BNHRC-CDP and the NHRC have gained sufficient understanding of the shortcomings of the NHRC Act to advocate for necessary changes. UNDP and the project donors have a major role to play in lobbying the Government for such amendments to the legislation. The NHRC Act should be amended so that all Commission members, working full-time or part-time, are paid on a pro rata basis just as full-time members, as proposed by international expert Richard Carver. The amendment also needs to address the question of neutrality and independence of the Commission.

**Recommendation**: Since the project has reached its second phase, BNHRC-CDP staff should, with the assistance of the NHRC, concentrate on ensuring the transfer of its capacity to the NHRC staff and take on a more hands-off approach when necessary, aimed at a sustainable increase of Commission staff capacity. This needs to include all activities to which the BNHRC-CDP contributes, including management, human rights awareness raising, research and policy. .

**Recommendation**: The BNHRC-CDP, with the assistance of the NHRC, should draft an implementation plan for increasing the NHRC’s presence at the local level. Access to the Commission should be facilitated for victims of violations, and the Commission, when required, should be assisted in investigating violations and establishing the veracity of the complaints. An official status needs to be accorded to certain NGOs and their staff to allow them to work formally on behalf of and represent the NHRC. The BNHRC-CDP, in close cooperation with the NHRC, should provide assistance to the NHRC to develop partnerships with NGOs. The NHRC should acknowledge the contribution of NGOs in monitoring the human rights situation at the districts level. The danger of misusing the name of NHRC by unscrupulous people should to be mitigated.

**Annex 1. Terms of Reference**

**International Consultant (IC)**

Mid-Term Review of the BNHRC-CDP

*Background*

The Democracy and Governance Cluster of UNDP Bangladesh is providing technical and financial assistance to the Government to find innovative solutions to its development challenges and to build capacity of national-level institutions to implement policy reforms. The Bangladesh National Human Rights Commission Capacity Development Project (BNHRC-CDP) is supporting the National Human Rights Commission (NHRC) to establish the required infrastructure and functional capacity in order for the Commission to fulfil its mandate to effectively promote and protect human rights throughout the country.

Some of the key project interventions are the provision of advice and support in developing sound policies and procedures for effective collaboration among Commissioners, efficient human resources management, and excellent service delivery.

The NHRC engaged in an extensive and thorough strategic planning process in 2010-11, during which it developed a five-year strategic plan to guide its priorities and activities until 2015. Following the adoption of the NHRC Strategic Plan 2010-15, the Commission has formulated action plans focused on thematic areas, implementing activities in three broad categories: Human Rights Monitoring and Investigation; Human Rights Awareness and Education; and Human Rights Research and Policy Development. A fourth activity category, Institutional Development, focuses on the Commission’s internal operations and is essential to the success of all other interventions. The BNHRC-CDP has placed special emphasis on supporting the individual Commissioners and the institution as a whole in order to establish a solid organizational foundation. This will in turn help ensure the growth and development of the NHRC as a strong, independent institution capable of serving as a watchdog for human rights.

**Objectives of the BNHRC-CDP**

Consistent with UNDAF Outcome 1, the development objective of the project is:

*Improve the promotion and protection of human rights in Bangladesh with an environment conducive to human development and the achievement of the Millennium Development Goals.*

The project’s goal is:

*To improve the promotion and protection of human rights of all, particularly for disadvantaged and vulnerable groups, such as women, the disabled, ethnic minorities and children through institutional capacity development of the National Human Rights Commission*.

Aligned with the proposed structure of the NHRC, the project has four expected outcomes as follows:

• Institutional Development: The NHRC is fully equipped and operational with modern administrative systems, rules and procedures

• Human Rights Monitoring and Investigation: The NHRC has developed the capacity to efficiently and effectively monitor the human rights situation nationally, and handle complaints (including information gathering and investigations) fairly, independently and in a manner that is responsive to the needs of the NHRC’s clients.

• Human Rights Awareness: NHRC efficiently and effectively carries out human rights education and training to develop human rights-based culture in Bangladesh.

• Human Rights Research Reporting and Policy Development: The NHRC is capable of conducting high quality, human rights-based analysis of legislative proposals, draft laws, existing legislation and administrative practices with regard to Bangladesh’s obligations under international human rights conventions, and to provide high quality policy advice to the Government of Bangladesh on human rights issues.

**Mid-term Review**

a) Objective and scope of the Mid-term Review (MTR)

The purpose of the MTR is to provide stakeholders of the project with an independent evaluation/analysis of the performance of the project by assessing whether project outcomes/ outputs are being delivered in line with project objectives and the Project Document, and to make recommendations on improving performance. In this regard, the review will also document lessons learned and good practices developed by the project.

In line with the provision outlined in the Project Document, the independent Mid-term Review (MTR) of the BNHRC-CDP will also link the results of the projects with the progress on achieving its outcomes: capacities developed by the NHRC, and its analysis in the broader context of support provided by the Government to the NHRC (including respect for its independence) and NHRC leadership and management.

The MTR will also develop recommendations and design activities for the remaining two years of the project. It must provide evidence-based information that is credible, reliable and useful.

The MTR will focus on the relevance, effectiveness, efficiency, results and sustainability of project implementation, highlight issues requiring decisions and actions, and present initial lessons learned on project design, implementation and management.

The MTR will assess the Project’s progress with respect to the fulfilment of the four project outcomes:

• Institutional Development

• Monitoring and Investigation

• Human Rights Education

• Policy and Research.

The MTR will assess the Project’s progress in achieving the results in these areas as envisaged in the Project Document, including by identifying areas where there are visible improvements as a result of Project’s support and/or those that require particular attention. The MTR should also review the effectiveness of the Project’s capacity development strategy and make recommendations for the remainder of the Project cycle to ensure continued relevance and sustainability. This should also include the identification of areas where the NHRC might need further support from the project. This review should also guide the Project Team to better support the NHRC, through sustainable capacity development, and awareness raising and the protection of human rights for the people of Bangladesh.

Specifically, the MTR will assess the following aspects of the Project activities by:

**Project design**

• reviewing issued addressed by the project and the underlying assumptions made in the Project document, reviewing the impact of any incorrect assumptions made and identifying new ones;

• reviewing the relevance of the project strategy, assessing whether it provides the most effective route towards results, and assessing the sustainability of these results;

• reviewing how the project addresses country priorities;

• reviewing the baseline data included in the project results framework and suggesting revisions as necessary.

**Progress**

• assessing the outputs and progress toward outcomes achieved to date and the contribution towards attaining the overall project objective;

• examining if progress to date has led to, or could in the future lead to, beneficial development effects (independent, effective and strategic NHRC, better protection and promotion of human rights);

• reviewing the extent to which the implementation of the project has included relevant stakeholders and the extent to which it has been able to create collaboration between different partners; and identifying opportunities for stronger substantive partnerships.

**Management arrangements**

• reviewing overall effectiveness of project management as outlined in the Project Document by asking the following questions: Are responsibilities and reporting lines clear? Is decision-making transparent and undertaken in a timely manner? What are the areas that should be recommended for improvement.

• reviewing the quality of support provided to the NHRC by project and the UNDP Country Office, and recommending areas for improvement.

The time period to be covered by the MTR is from June 2010 to July 2013.

b) Outputs/deliverables

The consultant is expected to provide the following outputs to the BNHRC-CDP, UNDP:

• an inception report, including a detailed action plan of the entire mission, within two days after the signature of the contract;

• technical inputs and facilitation of a validation workshop at the end of the data collection and analysis to present preliminary findings, assessments, conclusions, and possibly, any recommendations that could be made to the review reference group and other key stakeholders, and to obtain their feedback to be incorporated in the final draft of the report;

• a debriefing on the last day of the mission with the NHRC, the BNHRC-CDP, UNDP Bangladesh, project donors, Government officials and NGOs;

• submission of a draft report;

• submission of the final report based on comments from the review reference group (RRG).

c) Methodology and Implementation Plan

The MTR should comply with the guiding principles and norms according to UNDP’s Policy for Evaluation approved in 2011. The MTR Team will adopt both quantitative and qualitative methodologies, e.g. rapid assessment methods, key informant interviews, and focus group discussions, and collect information to determine the overall progress of the project. The review process should be participatory, engaging the NHRC, implementing and donor partners, key stakeholders and a wide cross-section of beneficiaries. It should consider the diversified components/interventions of the overall project. The methods used for the review may include the following:

• meetings or interviews with key project personnel and stakeholders, such as relevant ministries, donors, selected community participants and partner NGOs;

• key informant interviews with potential key stakeholders, civil society members and policy makers;

• focus group and group interviews to determine the benefits of the project, unanticipated consequences and possible areas of modification or redesign;

• a review of different project reports and publications produced in order to measure the results.

**The Mid-term Review Team**

The MTR Team will be responsible for conducting the MTR. This will entail, *inter alia*, preparing the inception report, conducting interviews and collecting data, analysing the information provided, presenting preliminary findings, conclusions and recommendations at during a workshop, and preparing the first and the final draft MTR report.

The Team will be composed of:

• one Team Leader (IC-International), who will have the overall responsibility for providing guidance and leadership for conducting the assessment, and for preparing and revising the draft and final reports. The Team Leader will be an international professional with significant experience working with national human rights institutions (NHRIs). The estimated workload of the Team leader will be 20 working days. The tasks under the assignment require a mission to Bangladesh.

• one Team Specialist (IC-National), who will support the Team Leader and provide expertise in specific subject areas of the evaluation. He/she will be responsible for drafting relevant parts of the report. The estimated workload of the Team specialist will require 15 working days. The tasks under the assignment require a mission in Bangladesh.

*Review Reference Group (RRG)*

An RRG will be established to discuss key findings and recommendations from the review process and provide comments to the Team leader. Led by the UNDP focal point for the MTR, the RRG will include representatives from:

* + the NHRC;
  + the BNHRC-CDP;
  + key international development partners (UNDP, Denmark, Sweden, Switzerland).

**Phase 1: Data collection and analysis**

*Data collection*

The MTR Team should establish a tentative schedule of its activities in consultation with the UNDP Bangladesh Country Office and the BNHRC-CDP.

*Data analysis*

The MTR Team will analyse the data collected and draft the MTR report, which will include recommendations for a smooth and effective implementation of the project.

Once the preliminary assessments, conclusions and recommendations are formulated, the MTR Team will debrief representatives of the BNHRC-CDP, the NHRC, UNDP Bangladesh and the Embassies of Denmark, Sweden and Switzerland to obtain feedback in order to avoid factual inaccuracies and misinterpretation.

**Phase 2: Validation Workshop**

A Validation Workshop will be organized by the Team at the end of the data collection and analysis phase to present preliminary findings, assessments, conclusions, and possibly any recommendations that could be made to the review reference group (RRG) and other key stakeholders, and to obtain their feedback to be incorporated in the first draft of the report. The BNHRC-CDP will provide financial support and technical assistance to the Team in organizing the Workshop.

**Phase 3: Drafting of the Mid-Term Review Report**

First draft: The Team Leader will submit a first draft of the Report to UNDP within one week after the Validation Workshop.

Final draft and the verification and stakeholder comments: The first draft will be revised by the Team Leader to incorporate the feedback from the Workshop. The second draft will be shared with the BNHRC-CDP, the NHRC, UNDP Bangladesh and the Embassies of Denmark, Sweden and Switzerland for factual verification and identification of any errors of omission and/or interpretation. The Team Leader will revise the second draft accordingly, and submit the Final Draft MTR report by 29 August 2013.

d) Ethical considerations

The ethical considerations for this MTR will draw on those developed by the United Nations Evaluation Group (UNEG), which represents global standards. This evaluation will ensure that the fundamental ethical principles for evaluations are implemented in every aspect, from the inception phase and data collection, processing and analysis, to all oral and written reports.

The ethical standards incorporated into this evaluation include:

• protection of informants with respect to their safety, confidentiality and anonymity;

• respect for individual autonomy and self-determination;

• sensitivity to the beliefs, manners and customs of informants;

• minimization of risks and maximizations benefits for informants;

• rigour of data collection, processing and analysis;

• the integrity and honesty of the evaluators with all participants, and evaluators’ accountability for their performance and work;

• the required expertise for evaluators as individuals and as a team.

e) Supervision

UNDP will nominate one person from the Democratic Governance Cluster or the Project as Coordinator of the contract. S/he will be responsible for the coordination of activities under this Contract. The Coordinator will be in charge of certifying that the work, tasks and assignment have been satisfactorily performed, and of receiving and approving invoices for payment.

f) Timeframe of the assignment

The duration of the assignment must not exceed 20 working days over a period of one month starting from 4 August 2013 (tentatively three days for desk review, five days for meetings/interview in Dhaka, two days for the preparation and presentation of the preliminary findings, and ten days for drafting the report including the final report submission).

g) Final Report

The Final Report will be submitted to the Assistant Country Director from the Democratic Governance Cluster, UNDP Bangladesh, the UNDP Bangladesh Programme Specialist in charge of the BNHRC-CDP, and the BNHRC-CDP Project Manager.

j) Logistical arrangements

UNDP Bangladesh/BNHRC-CDP project) must provide all relevant documents, office space, transportation facilities in Dhaka and for field visits, if required, as well as logistics support within the framework of the organization of meetings with the relevant stakeholders and the workshop presenting the MTR findings (the Restitution Workshop).

**Required experience and qualifications**

***Competencies***

*Functional competencies:*

• is able to systematically organize and synthesize information;

• is able to show initiative, work independently, and have sound judgment and good interpersonal skills;

• demonstrates the ability to work well as part of a multicultural Team.

*Corporate competencies:*

• shows integrity by modelling the United Nation’s values and ethical standards;

• promotes the vision, mission and strategic goals of UNDP;

• demonstrates cultural, gender, religion, race, nationality and age sensitivity and adaptability;

• treats all people fairly without favouritism;

• fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

***Required skills and experience***

*Academic qualifications:*

• Masters Degree or equivalent in law, international relations, public administration, international development or a relevant area.

*Experience:*

* at least ten years of experience in monitoring and evaluation of programmes, preferably related to capacity development programme of national human rights institutions in developing countries and/or human rights area. At least two assessment or evaluation reports (attached or links to the report in cover letter) are to be submitted with the application. Applications with no reports/links will not be short-listed;
* familiarity with international development context in developing societies;
* experience in institutional capacity development and human resources management;
* proven capacity to effectively collect, analyse and evaluate information.

Experience and knowledge of the socio-political context of Bangladesh would be an asset.

Relevant experience and knowledge of UNDP Rules and Procedures would be an advantage.

*Language requirements:*

• Excellence in both written and spoken English.

**Annex 2 References**

*Core documents*

- NHRC Act 2009

- NHRC Recruitment rules

*Core UNDP and Nation Execution documents*

- United Nations Development Assistance Framework (UNDAF)

- Country Programme Action Plan (CPAP)

- Country Programme document (CPD)

- Report on the Review of Governance Cluster Programme

*Core Project documents*

- Project Document of the Bangladesh National Human Rights Commission Capacity Development Project (2010-2015)

- The BNHRC-CDP Indicator Framework

- Baseline Survey Report

- BNHRC-CDP M&E Tools and Strategy

- All Quarterly Progress Reports

- All Annual Progress Reports

- Field visit reports

- Workshop reports

- Approved Annual Work Plans (AWPs) 2010, 2011, 2012, 2013

- Foreign Assistance Project Audit Division (FAPAD) Audit Reports 2011

- BNHRC-CDP Risk log Q1 2012

- BNHRC-CDP Risk log Q1 2013

**-** Qualitative Results Monitoring Framework of the BNHRC-CDP

- The Human Rights Commission (Complaints Management) Rules, 2013

- *Manual on Conducting Human Rights Fact-finding Investigations*

- Outline of the Mediation Rules

- Standard Operating Procedures (SOP) for Complaints Handling

- Standard Operating Procedures for Decision-making and Follow-Up

- BNHRC-CDP Monitoring Framework for 2013

- Multi-year Data Collection Plan of the BNHRC-CDP 2013

- Statistical data on complaints handling 2009-2013

- Awareness-raising materials developed by the BNHRC-CDP

- Legal compliance research conducted by the BNHRC-CDP

- Other knowledge products produced under the project intervention.

- Recommendations to the NHRC of the International Coordinating Committee of National    Institutions for the Protection and Promotion of Human Rights

**Annex 3 List of Interviewees**

Abrar, Professor Dr. C.R., Department of International Relations, University of Dhaka and President, Odhikar

Ahmad, Palki, Project Assistant, BNHRC-CDP

Akand, Motahar, Sr. Deputy Director, Human Rights Awareness Unit, Ain o Salish Kendra (ASK)

Alam, Md. Rabiul Khan, Advocacy and Communication Analyst, BNHRC-CDP

Aminuzzaman, Mahal M., Senior Programme Officer, Royal Danish Embassy

Asaduzzaman, Sarder M., Project Manager, Activating Village Courts in Bangladesh project, UNDP and Local Government Division, Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C)

M’Bikay Boin, Mona, Project Manager, BNHRC-CDP

Bontell, Ludvig, Second Secretary (Political/Trade/Economics), Embassy of Sweden

Bradfield, Justin Graydon, International Consultant (Partnership Building), BNHRC-CDP

Cela, Blerta, Head of Results and Resources Management, UNDP

Chowdhurt, Md.Tajul Islam, Secretary, BNHRC-CDP and National Project Director,

Dewan, Ayan, Admin. & Finance Assistant, BNHRC-CDP

Dutta, Aroma, Honorary Member, NHRC

Firoj, Fawzia Karim, Honorary Member, NHRC

Gomes, Chandan Z., Advocacy Director, World Vision

Gomez, Mary, Admin. Assistant, BNHRC-CDP

Hasan, Bithika, Project Officer, BNHRC-CDP

Hong, Young, Assistant Country Director, UNDP Bangladesh

Hoque, Kazi Reazul, Full-Time Member NHRC

Hossain, Sara, Barrister at Law, Bangladesh Legal Aid and Services Trust (BLAST)

Hossain, Selina, Honorary Member, NHRC

Hossain, Zahid, Monitoring and Investigation Expert, BNHRC-CDP

Hulterstrom, Karolina, Embassy of Sweden

Imtiaz, Syed Md. Saikh, Centre for Men and Masculinity Studies

Kamal, Sultana, Executive Director, Ain o Salish Kendra (ASK)

Karmakar, Pankaj, Reporter, The Daily Star

Khan, Rehana, Programme Officer (Development Cooperation), Embassy of Sweden

Khanam, Ayesha, Executive Editor, Bangladesh Mahila Parishad

Khokon, Rafiqul Islam, Executive Director, Rupantar

Lubna, Sabina Yasmein, Senior Governance Officer, Local Governance, Embassy of Switzerland

Lundbak, Birgit, Country Director, Save the Children, Bangladesh

Munni, Shahnaz, News Editor, ATN Bangla Ltd.

Pasha, Kamal, IT Assistant, BNHRC-CDP

Papageorgiou, Melina, Programme Manager, Local Governance, Embassy of Switzerland

Paul, Gourango Kumar, Finance & Accounts Officer, BNHRC-CDP

Pereira, Faustina, Director, Human Rights and Legal Services Programme, BRAC

Pulatov, Rustam, Programme Analyst, Democratic Governance Cluster, UNDP

Rahman, Professor Dr. Mizanur, Chairman, BNHRC

Rahman, Zinat, Monitoring & Evaluation Officer, BNHRC-CDP

Rohin, Karin, Head of Development Cooperation, Swedish International Development Cooperation Agency (SIDA)

Saha, Partha Shankar, Reporter, The Daily Prothom Alo

Shrestha, Bhushan, Monitoring and Evaluation Officer, Results and Resources Management, UNDP

Smith, Brittany, Junior Human Rights Officer, BNHRC-CDP

Yasin, Lubna, National Expert, Research & Policy

Zaman, Mir Masrur, New Editor, Channel I

Van Zyl, Hendrik, Project Manager, Police Reform Programme (PRP)

1. Available at [www.web.undp.org/evaluation/policy.htm](http://www.web.undp.org/evaluation/policy.htm) [↑](#footnote-ref-1)
2. ASK (2013), US State Department Human Rights Report (2013), Odhikar (2012), Human Rights Watch (2013). [↑](#footnote-ref-2)
3. See BNHRC-CDP (2013) Quarterly Progress Report, April to June 2013. pp. 9-11. [↑](#footnote-ref-3)
4. BNHRC-CDP (2011). Quarterly Activity Report. April-June 2011. p.9. [↑](#footnote-ref-4)
5. BNHRC-CDP (2011). Annual Report 2011. p.10. [↑](#footnote-ref-5)
6. Abrar, C.R. 2013. Paris Principles and the NHRC; Rights Commission on the Wrong Tract; New Age. Available at www.progressbangladesh.com/rights-commission-on-wrong-track [↑](#footnote-ref-6)
7. Review of the Compliance of the NHRC Act with the Paris Principles, 2013. [↑](#footnote-ref-7)
8. Op cit. Abrar. [↑](#footnote-ref-8)
9. NHRC Act § 14 (6) If any person or authority to whom a recommendation was sent under this section from theCommission, fails to submit the report required, or if the Commission considers the action taken

   or proposed to be taken as insufficient, the Commission shall, if it considers appropriate, send the

   full description of the issue to the President, and the President shall take the necessary measures to

   submit a copy of that report to the Parliament. [↑](#footnote-ref-9)
10. NHRC Act § (d) To review the safeguards of human rights provided by the Constitution or any other law for the time being in force and **to make recommendation to the government** for their effective implementation;

    (e) To review the factors, including acts of terrorism that inhibit the safeguards of human rights **and to make recommendations to the Government** for their appropriate remedial measures;

    (f) To research or study treaties and other international instruments on human rights and to **make recommendation to the government** for their effective implementation;

    (g) To examine the draft bills and proposals for new legislation for verifying their conformity with international human rights standards and **to make recommendations** for amendment to the appropriate authority for ensuring their uniformity with the international human rights instruments. [↑](#footnote-ref-10)
11. NHRC. 2013. Concept Note related to the Workshop on the Review of the NHRC Act 2009, September 2013, Dhaka. p.4.

    [↑](#footnote-ref-11)
12. It is ‘internally disseminated’, which limits its importance as an awareness tool for the NHRC. [↑](#footnote-ref-12)
13. NHRC Act, Art. 12 (1) F, G. [↑](#footnote-ref-13)
14. NHR Act § 12 (2)

    (d) To review the safeguards of human rights provided by the Constitution or any other law for the time being in force and **to make recommendation to the government** for their effective implementation;

    (e) To review the factors, including acts of terrorism that inhibit the safeguards of human rights **and to make recommendations to the Government** for their appropriate remedial measures;

    (f) To research or study treaties and other international instruments on human rights and to **make recommendation to the government** for their effective implementation;

    (g) To examine the draft bills and proposals for new legislation for verifying their conformity with international human rights standards and **to make recommendations** for amendment to the appropriate authority for ensuring their uniformity with the international human rights instruments. [↑](#footnote-ref-14)
15. *Dalits* are members of the lowest cast in a cast-based society. [↑](#footnote-ref-15)
16. BHRC (2011). Perceptions, Attitudes and Understanding – A Baseline Survey on Human Rights in Bangladesh. Summary Report. BHRC, Dhaka. p. 7. [↑](#footnote-ref-16)
17. BHRC-CDP (2011). Annual Report. p.17. [↑](#footnote-ref-17)
18. BHRC-CDP (2012). Quarterly Programme Report: January-March 2012. p.16. [↑](#footnote-ref-18)
19. Final draft of M&E Plan for 2013. [↑](#footnote-ref-19)
20. For Outcome area 2, additional outcome-oriented indicators could be: number of complaints satisfied; number of accepted recommendations sent to the authorities as per NHRC Act Article 14 (2) B; number of reports submitted to the President as per NHRC Act Art 14 (6); and number of successful mediation and arbitration cases.

    For Outcome area 3, an additional outcome-oriented indicator could be the number of filed cases outside of the NHRC’s jurisdiction.

    For outcome area 4, an additional outcome-oriented indicator could be the number of accepted recommendations made by the BNHR Commission as per the NHRC Act, Art. 12. [↑](#footnote-ref-20)
21. The MTR Team only has access to Risk Log Q1 2012 and Risk Log Q1 2013. [↑](#footnote-ref-21)
22. Risk Log Q1 2012 and Risk Log Q1 2013. [↑](#footnote-ref-22)