

**CRISIS OF GOOD GOVERNANCE AND HUMAN RIGHTS IN  
BANGLADESH: ROLE OF THE PARLIAMENT.**

**SUPERVISED BY**

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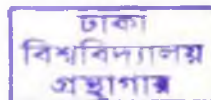
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Reg. No: 220, Session: 2008-2009

**BSS (HONS) MSS IN PUBLIC ADMINISTRATION**

**UNIVERSITY OF DHAKA BANGLADESH**



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বিশ্ববিদ্যালয়  
গণ্ডারি

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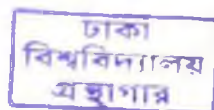
SUBMITTED AS FULFILLMENT OF THE REQUIREMENTS FOR THE  
DEGREE OF

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FACULTY OF PUBLIC ADMINISTRATION



**DECLARATION**

This is to declare that the M. Phil Thesis entitled “Crisis of Good Governance and Human Rights in Bangladesh: Role of the Parliament.” is about 30000 words in length including citation and exclusive of tables, figures, appendices and footnotes. No material of this thesis has been submitted previously in whole or in part for the award of any academic degree. Any previously published materials those have been used in this thesis to the best of my knowledge has been duly acknowledged .Except where otherwise indicated this thesis is indeed my own work.

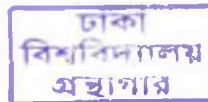
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**To Whom It May Concern**

This is to certify that **Epsita Akter Ruma** has been working as an M. Phil researcher under my supervision for more than two years. The title of her thesis is 'Crisis of Good Governance and Human Rights in Bangladesh : Role of the Parliament'. Her Registration Number is 220, Session 2008-2009.

The thesis contains the results of Epsita Akter Ruma researches. The findings is hoped to contribute to the policy framework of strengthening good governance and improving the condition of human rights in general and Bangladesh in particular.

I wish her success in every sphere of life.

  
**Mahbubur Rahman**

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**Abstract :**

Being a member of third world, Bangladesh is largely dependent on the aids and grants of the donor countries. Recently the donor countries are more concerned about the governance status of the recipient country in case of approval of any types of aids and grants. this is why the term 'good governance' is the talk of the day and 'human rights' is one of the important pillars of good governance.

The concept of good governance emerged in the late 1980s (world bank 1992) to address failures in development policies due to governance concerns, including failure to respect human rights. The concepts of good governance and human rights are mutually reinforcing, both being based on core principles of participation, accountability, transparency and State responsibility.

Human rights require a conducive and enabling environment, in particular appropriate regulations, institutions and procedures framing the actions of the State. Human rights provide a set of performance standards against which Governments and other actors can be held accountable. At the same time, good governance policies should empower individuals to live with dignity and freedom. Although human rights empower people, they cannot be respected and protected in a sustainable manner without good governance. In addition to relevant laws, political, managerial and administrative processes and institutions are needed to respond to the rights and needs of populations. There is no single model for good governance. Institutions and processes evolve over time.

Human rights strengthen good governance frameworks. They require: going beyond the ratification of human rights treaties, integrating human rights effectively in legislation and State policy and practice; establishing the promotion of justice as the aim of the rule of law; understanding that the credibility of democracy depends on the effectiveness of its response to people's political, social and economic demands; promoting checks and balances between formal and informal institutions of governance; effecting necessary social changes, particularly regarding gender equality and cultural diversity; generating political will and public participation and awareness; and responding to key challenges for human rights and good governance, such as corruption and violent conflict .Both good governance and human rights can be ensured in a country specially in a any third world country like Bangladesh.

## **Acknowledgement**

In order, I would like to acknowledge thankfulness and gratefulness to some people and organizations, without their co-operation and contribution I could hardly think about completing this thesis.

This is imperative that I politely mention here the name of my reliable teacher and supervisor Md. Mahbubur Rahman, Professor, Department of Public Administration ,University of Dhaka to whom I would like to owe a deep sense of gratitude for giving me the chance to complete my paper with his supervision. And in my way of thinking, the completion of the work was next to impossible without his exclusive suggestions ,invaluable guidance and through discussion during the entire phase of the study.

I would like to express my profound gratefulness to my honorable teachers of the department for their valuable and cordial advice and inspiration. in this connection I must remember my elder brothers ,sisters and friends whose help and group discussion has enriched my work.

After all I am grateful to the University of Dhaka as a whole to consider me as a member of the family.

Finally I must not but acknowledge my dearly be love mother and my farther (late) who nurtured me, towards making me who I am.

None of the above , however bears any responsibility for the interpretation of events presented in this study. I must shouder upon any such error.

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## Chapter one: Introductory discussion

### **Introduction**

The history of human civilization is the history of struggle for human rights . this struggle calls for an organized socio political environment where power will be exercised in a legitimate way, the latest version of the system is known as governance . The term governance is turned into good governance when it begins to work for ensuring human rights .So good governance starts from and ends into human rights as well Aung San Suu Kyi, the Winner of the Nobel Peace Prize, 1991 in a contribution titled “Human development and human dignity” stated that “Respect for human dignity implies commitment to creating conditions under which individuals can develop a sense of self-worth and security. True dignity comes with an assurance of one’s ability to rise to the challenges of the human situation. Such assurance is unlikely to be fostered in people who have to live with the threat of violence and injustice, with bad governance and instability or with poverty and disease. Eradicating these threats must be the aim of those who recognize the sanctity of human dignity and of those who strive to promote human development. Development as growth, advancement and the realization of potential depends on available resources—and no resource is more potent than people empowered by confidence in their value as human beings.” (Suu Kyi 1991)

The concept of human development and human rights is no longer new. But some analysts still consider its aspirations bold and daring—some might say overwhelming and foolhardy. The problems are innumerable, forever changing and forever the same—a complex, fluid spectrum of social, economic and political issues that is impossible to grasp entirely. It demands constant effort and capacity for rethinking, flexibility and fast reactions. The process of human development calls for human resolve and ingenuity. Hopeless, helpless people stripped of their dignity are hardly capable of such activities.

Human rights encompasses all aspects of human existence. It is generally accepted that its scope includes political and social rights as well as economic ones—but the different rights are not

always given the same weight. Rights can be ensured through alleviation of problems rooted in long-standing social and political ills. In a word human rights and good governance are two sides of the same coin and the parliament is the most important weapon of protecting both sides of the coin.

## Objective

In Bangladesh, Good Governance and human rights are widely debated and discussed issues during recent years. The main objective of this article is to focus on the necessity of and efforts to be given to achieve good governance in Bangladesh as well as this article has made attempts to focus on conceptual understanding of rule of law, good governance and human rights with reference to legal and institutional frameworks in which they operate. The situation of Bangladesh has been undertaken as a case study. Moreover, The young trainees of the BCS Administration cadre are the future administrators of the country.

Eventually they will have to face the challenges of the 21<sup>st</sup> century to lead the country to development. They will be involved in policy formulation for the development and its implementation and as people administrators they will have to deliver the fruits of development at the doorstep of the people. So, they should have a clear idea what good governance is in the context of the perennial problem of mismanagement in Bangladesh. In this study the concept of good governance is highlighted, the feature of good governance and human rights in Bangladesh is analyzed and the role of the parliament to ensure good governance and human rights in the country has been emphasized.

## Methodology

This study would be based among other, on primary sources such as books, articles, journals, case materials, Internet sources, so that the analysis is taken with a multiplinary approach by keeping the phase of justice method and socio-economic variables in considerations.

Moreover, the study was so designed as to generate data with maximum reliability in the context of financial and other limitations such time and administrative back up.

Combining both formal and informal methods of investigation, our field research was conducted over a period of couple of months. While quantitative data are necessary to determine the prevalence of a phenomenon. It is the qualitative study that reveals the complexities. The former is more external innature. In addition, to mitigate the challenges of this article we mainly depended in the brainstorming discussions among the concern authorities, the different research works and relevant publications, which is available in the Central Library of Dhaka University. we also used the secondary data published in different esteemed and widely read periodicals and journals.

### **Variables of the study:**

It reveals from the research objectives as well as research questions that governance, good governance, human rights and parliament are the main variables of the study.

### **Governance:**

Actually Governance is the manner in which power is exercised in the management of a country's economic and social resources for development. There are three distinct aspect of Governance which

are :-

- 1) the form of political regime & the legitimacy of Government.
- 2) The processing which authority is exercised in the management of a country's economic and social resources.
- 3) The capacity of governments to design, formulate and implement policies and discharge functions. (Ahmed 2010)

Another widely accepted definition was made by Jon Pierre and Guy Peters. They wrote in this context, “Governance can be a confusing term. It has become an umbrella concept for such a wide variety of phenomena as policy networks (Rhodes, 1997), public management (Hood, 1990), coordination of sectors of the economy (Campbell et al. 1991; Hollingsworth et al., 1994), public-private partnerships (Pierre, 1980), corporate governance (Williamson, 1996), and ‘good governance’ as a reform objective promoted by the World Bank and the IMF (Laftwich, 1994). Furthermore, there is a tendency to confuse governance as an empirical phenomenon with theories about how this phenomenon operates and can be understood”.

**Good governance :**

Governments with higher quality public institutions, the rule of law, and lower levels of corruption do better at both growth and human development. Good governance depends on well-working institutions and a cadre of capable public officials.( Deborah Bräutigam 1999)

**Human:**

A member of the Homo sapiens species; a man, woman or child; a person.

**Rights:**

Things to which you are entitled or allowed; freedoms that are guaranteed.

**HumanRights:**

The rights I have simply because I am human, but very few people know all their rights.

**Parliament:** The law making authority of the country

**Limitation of the study :**

The materials I used in my research paper, all of them were not easily available. As the topic of this research is an exceptional one in Bangladesh, it was tough to get enough information about.

So, I had to depend on few newspapers in some sections. I had to go through books, browse over internet for hours. I was able to manage to collect id and password to access online library of foreign university. That helped me a lot to enrich this research. I discussed with few people to get some guideline to get enough information regarding my research topic.

### **Structure of the study:**

To give the study a clear theoretical basis we have arranged eight vast chapters in this thesis. The chapters are discussed below in short:

**Chapter one:** this chapter is designed with introductory discussion, the key terms of the discussion has been introduced here. It also includes the objectives, methodology and limitations of the study.

**Chapter two:** The theoretical and conceptual frame work of the terms are main theme of discussion of the chapter. in this connection the nature, elements and historical perspective has been discussed

**Chapter three:** The elaborate discussion of the terms is the core elements of the chapter. Here the term has been discussed in detail. The key attributes to good governance, spread of the term human rights, international human rights law etc. has been included in this chapter.

**Chapter four:** the interrelation between human rights and good governance has been clarified here, in this regard, the democratic institutions, rule of law, service delivery, anti corruption has been presented as the common requirements for both of the terms.

**Chapter five:** Status of good governance in Bangladesh is discussed in this chapter elaborately. The status has been measured from the perspective of key attributes to good governance like transparency, accountability, representation ect.



**Chapter six:** The status of human rights is the main theme of discussion of the chapter. The condition of minority, freedom of speech, rights of refugee, justice system, child labour, condition of women, has been included in the discussion to draw the true picture.

**Chapter seven:** Findings of the study has been analyzed in this chapter, where corruption, centralization of authority, elitism , lack transparency, peoples participation freedom of speech, weak legislature, poorly performing legislature etc. has been marked as the main obstacle to achieve the goal.

**Chapter eight:** In summarizing key findings, critical issues are identified and suggestions given that can possibly make the parliament more democratic and effective.

We hope these suggestions will contribute to further discussion and debate about the role of parliament in Bangladesh

### **Conclusion:**

We know that Bagladesh has drawn the attention of the world as a corruption ridden country due to absence of good governance and violation of human rights. This our holy duty towards our country to improve her status in this respect.

## Chapter two: Theoretical and conceptual framework

### **Introduction**

There are two specific purpose of this chapter . first to operationalize the key concept of the study and second is to explain the existing literatures which have used on this study. the purpose of this chapter is to providean over view of good governavce and human rights from theoretical context.

### **Operational Definition**

**Good Governance:** Good governance ensures a better today and a brighter tomorrow for all the citizens. It is the proper management of public officials. Still a precise definition of good governance is awaited. Since 1978, due to un-international standardized management, i.e. especially of some countries in Latin America and Africa, the super state, World Bank had then proposed a political term called good governance. In general sense, good governance means an ideal governing system that is inevitable for political, economic, social and cultural development of a country. Ideal governing system means the ideal orientation of a state that works best to achieve self-reliance, sustainable development and social justice and the ideal functioning of government that operate most efficiently.

Good Governance, for the World Bank, includes some or all of the following features:

- An efficient public service;
- An independent judicial system and legal framework to enforce contracts;
- Accountable administration of public funds;
- An independent public auditor, responsible to a representative legislature;
- Respect for the law and human rights at all levels of government;
- A pluralistic institution structure and;
- A free press.(world bank 2000)

Realizing the difficulties of defining good governance, the overwhelming tendency has been to delineate aspects of good governance. The Development Assistance Committee (DAC) of the Organization of Economic Co-operation and Development (OECD) has highlighted several aspects of good governance. Some of these include:

1. the promotion of democracy and open pluralistic societies;
2. the Strengthening of transparent, accountable, efficient and effective national and local government;
3. the promotion of respect for human right;
4. the reinforcement of rule of law, including fair and accessible legal and judicial systems;
5. the promotion of independent media and the dissemination of information;
6. anti-corruption initiatives; and
7. Efforts to reduce excessive military expenditure.(O E C D 2003)

When we talk about good governance, we in fact refer to the working relation among the three organs of the state and actions of the executive branch of the state. In operational terms, these refer to enjoyment of fundamental human rights; independence of judiciary, abiding by the rule of law, policy based administrative accountability, transparency, accountability, predictability, effectiveness and efficiency of the government. Political, legal and bureaucratic accountability are the three main aspects of basic to good governance.

### **Elements of Good Governance:**

There are many elements of good governance. Opinions differ on the elements of good governance among international organizations, scholars and academicians. However, the core elements of good governance are as follows:

1. **The democratic process:** Transparency in the election process; parliamentary conduct; parliamentary immunity and privileges; decentralization of authority.
2. **Accountability**-both political and financial;
3. **Reform of public administration:** adequate remuneration as a disincentive to corruption; ethical codes of conduct; training and education
4. **Civil society:** non-governmental organizations, the media and investigative journalism; corporate-private sector; academic community
5. **Complaints procedure:** whistle-blower status
6. **The ombudsman:** the appointment process; resources allocated to the ombudsman; accessibility
7. **Enforcement of Rule of law and judicial system:** independence of the judiciary; removal of judges for cause; adequate remuneration; promotion of judges; independent prosecutors; improved access to justice
8. **Privatization:** monopolies as a vehicle for corrupt practices; privatization procedures; transparency in government procurement.
9. **Participation:** Participation of citizens in decision making and implementation;
10. **Enforcement mechanisms:** independent anti-corruption agencies; prosecutorial powers; civil and criminal penalties.

### **Characteristics of good governance:**

In general sense, democratic and impartial institutions, efficient management of resources, transparency in decision-making and accountability are the hallmarks of good governance. Apart from being an instrument of public affairs management, or a gauge of political development, governance has become a useful mechanism to enhance the legitimacy of the public realm.. The characteristics of good governance are:

1. **Participation** – People should have a say in decision-making, either directly or through legitimate intermediate institutions that affects their life and represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.
2. **Rule of law** – Legal frameworks should be fair and enforced impartially, particularly the laws on human rights. Rule of law is ensured in every sphere. People’s human rights and fundamental freedom are respected, allowing them to live with dignity.
3. **Transparency** – Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.
4. **Responsiveness** – Institutions and processes try to serve all stakeholders.
5. **Consensus orientation** – Good governance mediates differing interests to reach a broad consensus on what is in the best interests of the group and, where possible, on policies and procedures.
6. **Equity** – People are free from discrimination based on race, ethnicity, class, gender or any other attribute. All men and women have opportunities to improve or maintain their well-being. Women are equal partners with men in private and public spheres of life and decision-making.
7. **Effectiveness and efficiency** – Processes and institutions produce results that meet needs while making the best use of resources.

8. **Accountability** – Decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization.
9. **Strategic vision** – Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded and the needs of future generations are reflected in current policies.

### **Human rights:**

Irrespective of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status Human rights are rights inherent to all human beings,. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law , general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

## **Characteristics of human rights:**

**The common characteristics of human rights are as the followings:**

- a. Universal and inalienable
- b. Interdependent and indivisible
- c. Equal and non-discriminatory.(William 1999)

Now I would like to describe the characteristic in detail:

### **a. Universal and inalienable**

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.(Universal Convention on Human Rights1993

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

### **b. Interdependent and indivisible**

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education , or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

### **c. Equal and non-discriminatory**

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.” (Universal Declaration on Human Rights 1993)

### **Both Rights and Obligations**

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against



human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.(William 1999)

### **Conceptual framework:**

This paper is based on some basic concepts and terms which have been discussed to develop and analyze the research questions, objectives and test of hypothesis of this investigation. The conceptual framework presented the relationship between the specific concepts which have been studied. thus framework is constructed on the basis of theoretical framework and literature review.

**Conclusion :** This chapter has discussed the nature elements and characteristics of good governance and human rights in short with a view to make the terms familiar with us which is very helpful for the further advancement of the study.

## Chapter three: literature review

### **Introduction**

In the Millennium Declaration, world leaders affirmed their commitment to promote democracy and strengthen the rule of law as well as to respect internationally recognized human rights and fundamental freedoms, including the right to development. According to the United Nations strategy document on the millennium development goals (MDGs), entitled "The United Nations and the MDGs: a Core Strategy", "the MDGs have to be situated within the broader norms and standards of the Millennium Declaration," including those on "human rights, democracy and good governance."

### **Good Governance**

Good Governance aims to contribute to overall development of a country. Since independence, the attainment of good governance has been a far cry. A number of constraints and challenges stand as barriers for establishing good governance. But the political and bureaucratic segments of the society can play an effective role. Governance has become a popular, if not trendy concept in much of the political, development and academic debate.

In the second half of the 1980s as the cold war thawing the issue of governance of international organizations became a matter of serious and high level consideration, though it is rather an old concept as human civilization. It was used in French as "governance" in the fourteenth century, meaning 'royal officers'. Ideas about 'governance' now appear in many contexts: as 'corporate' governance, 'global' governance 'national' governance and 'local' governance or simply 'good' governance refers to the act of governing in a wide sense and also 'governance' means the process of decision are implemented (or not implemented). Governance as an analytical perspective is still emerging and there are contending views surrounding the concept.

The term 'good governance' emerged in the late 1980s and early 1990s primarily in the World Bank, which was concerned about the ways in which governance influenced economic performance (see World Bank 1992). The economic dimension of good governance has variously included public sector management, organizational accountability, the rule of law, transparency of decision-making, and access to information. This idea was taken on board by the OECD and EU and integrated into its requirements for development assistance. It was later expanded by the United Nations Development Programme (UNDP) to incorporate a political dimension that includes government legitimacy, government accountability, government competence, and the protection of human rights through the rule of law.(UNDP 2002)

The European Commission has defined good governance as 'the transparent and accountable management of all a country's resources for its equitable and sustainable economic and social development'. It lists a number of aspects of good governance, such as equity and the primacy of law in the management and allocation of resources, an independent and accessible judicial system and transparency, and recognizes that corruption is the main obstacle to good governance (European Commission 1998).

More recently, the European Commission has regarded the term as comprising six components: human rights, democratization, the rule of law, the enhancement of civil society and public administration reform (including decentralization) (Draft EC Good Governance Manual, version created 04/02/2003). In other words, it regards democratization and respect for human rights as being essential ingredients of good governance. As we have seen above, the EC also regards democratic principles as "Underpinning the guarantee of the enjoyment of rights and fundamental freedoms, and thus regards all three categories as being interlinked."(European Commission 1998)

Indeed, the most popular definitions of democracy and good governance now include reference to the protection of certain categories of human rights, especially civil and political rights. But they also make reference to some economic and cultural rights, such as property rights and the rights of minorities .(University of Essex Human Rights Publications) Similarly, definitions of

human rights, drawn from the long history of their international legal evolution make reference to the right to participate in public affairs and democratic decision-making, and make explicit reference to a right of everyone to take part in the government of his country, directly or through freely chosen representatives. Moreover, many consider democracy to be 'hollow' without the protection of civil and political rights, while governance is considered to be 'bad' without the rule of law and the protection of human rights.

Despite their inextricably linked components, the concepts of democracy, human rights and good governance should not be seen as equivalent concepts since each has important exclusive characteristics as well as shared elements.

There is no single and exhaustive definition of "good governance," nor is there a delimitation of its scope, that commands universal acceptance. The term is used with great flexibility; this is an advantage, but also a source of some difficulty at the operational level. Depending on the context and the overriding objective sought, good governance has been said at various times to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance.(United Nations Conference on Anti corruption Measures Good Governance and Human Rights-Warsaw November 2000)

However, there is a significant degree of consensus that good governance relates to political and institutional processes and outcomes that are deemed necessary to achieve the goals of development. It has been said that good governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The true test of "good" governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights. The key question is: are the institutions of

governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, fair justice and personal security?

### **Key attributes to good governance**

The concept of good governance has been clarified by the work of the former Commission on Human Rights. In its resolution 2000/64, the Commission identified the key attributes to good governance:

- transparency
- responsibility
- accountability
- participation
- responsiveness (to the needs of the people)(Former Commission on Human Rights Resolution 2000/64)

By linking good governance to sustainable human development, emphasizing principles such as accountability, participation and the enjoyment of human rights, and rejecting prescriptive approaches to development assistance, the resolution stands as an implicit endorsement of the rights-based approach to development.

Resolution 2000/64 expressly linked good governance to an enabling environment conducive to the enjoyment of human rights and "prompting growth and sustainable human development." In underscoring the importance of development cooperation for securing good governance in countries in need of external support, the resolution recognized the value of partnership approaches to development cooperation and the inappropriateness of prescriptive appro

The instrumental nature of governance implies that the four governance “pillars” are universally applicable regardless of the economic orientation, strategic priorities, or policy choices of the government. The four attributes of governance are accountability, transparency, predictability and participation (World Bank: 2000).

<b>Accountability (Building Government Capacity)</b>	<b>Transparency (Information Openness)</b>	<b>Predictability (Legal Framework)</b>	<b>Participation (Participatory Development Process)</b>
<ul style="list-style-type: none"> <li>• Public sector Management</li> <li>• Public Enterprise Management and Reform</li> <li>• Public financial Management</li> <li>• Civil service reform</li> </ul>	<ul style="list-style-type: none"> <li>• Disclosure of Information</li> </ul>	<ul style="list-style-type: none"> <li>• Law and Development</li> <li>• Legal frameworks For Private sector Development</li> </ul>	<ul style="list-style-type: none"> <li>• Participation of beneficiaries and affected groups</li> <li>• Public sector/ private sector interface</li> <li>• Decentralization of public and service delivery functions</li> <li>• Empowerment of local governments</li> <li>• Cooperation with Non-government organizations</li> </ul>

(World Bank 2000)

## Human Rights

**Human** called scientifically as homo sapiens which means knowing man. On the other hand rights mention as recognized order by any political institution or particular philosophical theory. So, Human rights mention as————

- By born rights
- Natural rights
- Full freedom and autonomy of individual human being
- Inalienable moral entitlement
- Evolved over time
- Varies from society to society, culture to culture
- Recognized by int. community
- Order of justice
- Equal opportunity in every sphere of life of a human being.(Willim1999)

### A Brief History of Human Rights:

The unwritten history of human rights is as old as human civilization but the written history starts from 539 B. C.

In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. But it was his next actions that marked a major advance for Man. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script.

Known today as the Cyrus Cylinder, this ancient record has now been recognized as the world's first charter of human rights. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.(Willim 1999)

### **The Spread of Human Rights :**

From Babylon, the idea of human rights spread quickly to India, Greece and eventually Rome. There the concept of “natural law” arose, in observation of the fact that people tended to follow certain unwritten laws in the course of life, and Roman law was based on rational ideas derived from the nature of things. Documents asserting individual rights, such as the Magna Carta (1215), the Petition of Right (1628), the US Constitution (1787), the French Declaration of the Rights of Man and of the Citizen (1789), and the US Bill of Rights (1791) are the written precursors to many of today's human rights documents. (Kirby2004)

### **Universal Declaration of Human Rights**

In 1945, the United Nations came into being as an intergovernmental organization, with the purpose of saving future generations from the devastation of international conflict.

United Nations representatives from all regions of the world formally adopted the Universal Declaration of Human Rights on December 10, 1948.(Willim 1999)



The Charter of the United Nations established six principal bodies, including the General Assembly, the Security Council, the International Court of Justice, and in relation to human rights, an Economic and Social Council (ECOSOC).

The UN Charter empowered ECOSOC to establish “commissions in economic and social fields and for the promotion of human rights....” One of these was the United Nations Human Rights Commission, which, under the chairmanship of Eleanor Roosevelt, saw to the creation of the Universal Declaration of Human Rights.(William 19999)

The Declaration was drafted by representatives of all regions of the world and encompassed all legal traditions. Formally adopted by the United Nations on December 10, 1948, it is the most universal human rights document in existence, delineating the thirty fundamental rights that form the basis for a democratic society.

Following this historic act, the Assembly called upon all Member Countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.”

Today, the Declaration is a living document that has been accepted as a contract between a government and its people throughout the world. According to the Guinness Book of World Records, it is the most translated document in the world.

### **International Human Rights Law**

By 1948, the United Nations’ new Human Rights Commission had captured the attention of the world. Under the dynamic chairmanship of Eleanor Roosevelt—, a human rights champion in her own right and the United States delegate to the UN—the Commission set out to draft the

document that became the Universal Declaration of Human Rights. Roosevelt, credited with its inspiration, referred to the Declaration as the “international Magna Carta for all mankind.” It was adopted by the United Nations on December 10, 1948.

In its preamble and in Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings: “Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people....All human beings are born free and equal in dignity and rights.”(William 1999)

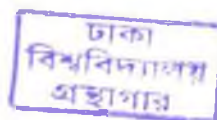
The Member States of the United Nations pledged to work together to promote the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. In consequence, many of these rights, in various forms, are today part of the constitutional laws of democratic nations.

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### **Human Rights Violations**

Human rights advocates agree that, sixty years after its issue, the Universal Declaration of Human Rights is still more a dream than reality. Violations exist in every part of the world. For example, Amnesty International’s 2009 World Report and other sources show that individuals are:

- Tortured or abused in at least 81 countries
- Face unfair trials in at least 54 countries
- Restricted in their freedom of expression in at least 77 countries.(Amnesty International 2009)



Not only that, but women and children in particular are marginalized in numerous ways, the press is not free in many countries, and dissenters are silenced, too often permanently. While some gains have been made over the course of the last six decades, human rights violations still plague the world.

### **Conclusion**

From the above discussion it is clear that both of the terms good governance and human rights has come into being with a commitment to ensure a better and secured life for the citizen in nature and characteristic they possess .

## **Chapter four: Inter relations between good governance and human rights**

### **Introduction**

The interconnection between good governance, human rights and sustainable development has been made directly or indirectly by the international community in a number of declarations and other global conference documents. For example, the Declaration on the Right to Development proclaims that every human person and all peoples “are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development” (article 1) (Kirby 2004)

Good governance and human rights are mutually reinforcing. Human rights principles provide a set of values to guide the work of governments and other political and social actors. They also provide a set of performance standards against which these actors can be held accountable. Moreover, human rights principles inform the content of good governance efforts: they may inform the development of legislative frameworks, policies, programmes, budgetary allocations and other measures.

On the other hand, without good governance, human rights cannot be respected and protected in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment. This includes appropriate legal frameworks and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the population.

The links between good governance and human rights can be organized around four areas:

- a. Democratic Institutions
- b. Service Delivery
- c. Rule of Law
- d. Anty corrupotion.(Kirby 2004)

- **Democratic institutions**

When led by human rights values, good governance reforms of democratic institutions create avenues for the public to participate in policymaking either through formal institutions or informal consultations. They also establish mechanisms for the inclusion of multiple social groups in decision-making processes, especially locally. Finally, they may encourage civil society and local communities to formulate and express their positions on issues of importance to them.

- **Service delivery**

In the realm of delivering state services to the public, good governance reforms advance human rights when they improve the state's capacity to fulfil its responsibility to provide public goods which are essential for the protection of a number of human rights, such as the right to education, health and food. Reform initiatives may include mechanisms of accountability and transparency, culturally sensitive policy tools to ensure that services are accessible and acceptable to all, and paths for public participation in decision-making.

- **Rule of law**

When it comes to the rule of law, human rights-sensitive good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement that legislation. Good governance initiatives may include advocacy for legal reform, public awareness-raising on the national and international legal framework, and capacity-building or reform of institutions.

- **Anti-Corruption**

In fighting corruption, good governance efforts rely on principles such as accountability, transparency and participation to shape anti-corruption measures. Initiatives may include establishing institutions such as anti-corruption commissions, creating mechanisms of information sharing, and monitoring governments' use of public funds and implementation of policies.

### **The concept of good governance in the main international human rights instruments :**

From a human rights perspective, the concept of good governance can be linked to principles and rights set out in the main international human rights instruments. Article 21 of the Universal Declaration of Human Rights recognizes the importance of a participatory government and article 28 states that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized. The two International Covenants on Human Rights contain language that is more specific about the duties and role of governments in securing the respect for and realization of all human rights. Article 2 of the International Covenant on Civil and Political Rights requires states parties to respect and to ensure the rights recognized in the Covenant and to take the necessary steps to give effect to those rights. In particular, states should provide an effective remedy to individuals when their rights are violated, and provide a fair and effective judicial or administrative mechanism for the determination of individual rights or the violation thereof. Under the International Covenant on

Economic, Social and Cultural Rights, states are obliged to take steps with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means.(Kirby 2004)

The human rights treaty monitoring bodies have given some attention to the different elements of good governance. In general comment No. 12, on the right to food, the Committee on Economic, Social and Cultural Rights stated that “Good governance is essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all.” The Committee on the Rights of the Child has on several occasions addressed the issue of governments’ capacity to coordinate policies for the benefit of the child and the issue of decentralization of services and policy-making. It has also addressed corruption as a major obstacle to the achievement of the Convention’s objectives.

The Human Rights Committee generally addresses issues related to the provision of adequate remedies, due process and fair trial in the context of the administration of justice in each state. It regularly emphasizes the importance of independent and competent judges for the adequate protection of the rights set forth in the Convention.

## **Conclusion**

So, the term human rights and good governance can be considered as two sides of the same coin. Because good governance ensures human rights and human rights strengthen good governance

## Chapter five : Good Governance in Bangladesh

### Introduction

Ever since Bangladesh achieves its independence, it is passing eight broad regimes with the present Sheikh Hasina's regime, came into power for the third time. Since, 1971 to present, by this thirty nine years, Bangladesh is experiencing eight major regimes having a variety of political system with different styles of governance. It is interesting to note that with the changes in regime, all new governance deliberately opted to bring about modifications, alteration or abolishment of policy, both state and public.

The following table can give us a brief understanding about governance styles and political system of Bangladesh:

Regimes	Tenure	Nature of Political System	Governance Style
Sheikh Mujibur Rahman	1972-75	Democratic	Democratic, later Presidential Autocracy
Ziaur Rahman	1975-82	Autocratic/Democratic	Diluting Bureaucratic Power
Hussain M. Ershad	1982-90	Autocratic	Increasing Democratic Bureaucracy Interaction at Local Level.
Khaleda Zia	1991-96	Democratic	Bureaucratic at local level and Democratic at National Level.



Sheikh Hasina	1996-2001	Democratic	Grassroots Democracy at Village Level.
Khaleda Zia	2001-2006	Democratic	Grassroots Democracy at Village Level.
Caretaker Govt./ Interim Caretaker Govt	2007-2008	Interim/Autocratic	Diluting Bureaucratic Power
Sheikh Hasina	2008 and 2014-	Democratic	Grassroots Democracy at Village Level.

(Illias 2010)

### **Bangladesh: Attributes to Good Governance:**

common attributes to good governance in Bangladesh are as follows:

1. Political and Executive Accountability
2. People's Participation
3. Participation of Civil Society Organizations:
4. Predictability
5. Transparency
6. Promotion of Democracy & Political pluralism
7. Rule of Law & Human Rights
8. Decentralization
9. Women's participation in development process(Illias 2010)

**These attributes are discussed in below relating to Bangladesh context:**

**1. Political and Executive Accountability:** In Bangladesh, accountability has been largely shaped by the influence of a number of factors. These are: dominant executive, weak legislature, distorted growth and low levels of development of political parties, lack of independence of judiciary, and lack of credibility of the electoral system. Due to continuous absence of opposition in the 6th to till 9th Parliament, the door of political accountability got almost traumatized. The internal and external mechanisms (e.g. A.C.R, The Rules of Business, and Warrant of Precedence) of executive accountability also remain procedurally weak, which reinforces the pervasiveness of corruption for several times in Bangladesh. The credit of Bangladesh's being first in corruption reflects how weak the institutional mechanism of political and executive accountability in Bangladesh. There are huge evidences available of the ex-Presidents or ex-Ministers being on trail in charge of corruption e.g. Hussain M. Ershad and lots of ministers of last BNP led four parties and present Awami League led grand alliance government. Bangladesh seems to be a safe abode for the warped politicians. Nothing has happened to recently accused one secretary for allegation of corruption raised by U.S state department. During BNP led four party government, another astonishing event was that the Home Minister got suspended from four on- going cases after he had become minister and another minister of power, energy and natural resource ministry was suspended also for corruption. The role of Comptroller & Auditor General to oversight financial accountability in Bangladesh is also replete with numerous institutional pitfalls. Besides, Ombudsman had not yet been established due to lack of political will of each ruling governments after the act was passed in the parliament. The Field Administration is directly or indirectly charged with corruption. Thus, all these weakness altogether turn the accountability system a mere force in Bangladesh leading all-encompassing poor governance.

**2. People's Participation:** Participation culture in Bangladesh remains a myth since independence. Although there were some efforts to ensure peoples participation through Gram Sarkar or Upazilla decentralization, but these efforts were impaired in the course of time by the

ill political motives. Involvement of people at the grassroots level have been considered as the most effective means through which economic development can meet the aspirations of the people and to ensure good governance that the benefits really percolate down to the lower strata of the society, Bangladesh is facing this problem seriously. There was always a tendency on the part of government to relegate the status of participatory local government by intervening in decision-making and various project works. Thus, truly participation of people in government is always missing in Bangladesh. As a result, creating consensus among the people of Bangladesh about national and international issues has been very rare and also one kind of unattainable task till today.

**3. Participation of Civil Society Organizations:** Good governance requires vibrant, strong and active civil society organizations- for example, neighborhood associations, trade unions, woman's organizations and consistency groups. Civil society organizations in Bangladesh have increasingly taken forms of NGOs. They have been active in Bangladesh since independence and grown in size and number in response to new needs and a massive increase in donor funding.

**4. Predictability:** Predictability status in Bangladesh is highly unsatisfactory; one of its manifestations might be cited to the frequent Amendment Bills passed by the Parliament. Almost in all aspects of government there is no certainty in Bangladesh. Lack of predictability makes it difficult for the public officials to plan for the provision of services. Predictability of government economic actions is also needed as an indicator on which the private sector can rely to make its own production, marketing and investment decisions. Starting from monetary and fiscal policy to prices, exchange rate and employment level everywhere consistency turns to be a far cry, which affects the investment climate directly. Most importantly to be predictable, the application of economic regulations must be effective, fair and uniform. The dependent central bank, executive control over judiciary – all harmfully affect the governance capacity of Bangladesh.

**5. Transparency:** Access to accurate and timely information about the economy and government policies can be vital for economic decision-making and as well as other issues, which is deplorably missing in Bangladesh. Bureaucrats in Bangladesh are seen to be obsessed with secrets and are unwilling to divulge any information to the public. To some extent, bureaucrats can legitimately plead that they are hemmed in by official restrictions. The Official Secret Act, of 1923 and the Government Servants Conducts Rules (GSCR) of 1979 bind civil servants to an oath of secrecy, even forbidding them to pass official information to other departments of the government. It is accused that, Ministers do not help the administration to bring transparency and they are also involved with violating code of conducts of administration for the sake of their party or own, as a result transparency in politics and administration has become an unattainable subject for Bangladesh. Transparency of government implies its responsiveness to the changing needs of the people and the emerging problems they confront with. Transparency and democracy are complementary to each other. Only through the development of a sound democratic system, it is possible to practise transparency both in politics and government administration.

**6. Promotion of Democracy & Political Pluralism:** Democratization emphasizes that the people shall elect the governing body and there should not be any restriction in the movement of diversified political parties. Bangladesh returned to the parliamentary democracy by the 12th Amendment of the Constitution in 1991, but by these nineteen years the ideals of democracy could not explore a firm foundation in Bangladesh. Periodic fair election, which is an essential ingredient of democracy, always remains a matter of dispute in Bangladesh. Lack of an independent Election Commission was one of the main reasons to arrange a free, fair and credible election. In 2006, volatile political culture was seen all over Bangladesh due to mistrust between two major political parties of the country. As a result, election of 11th January, 2007 was postponed and military backed caretaker government came to power with declaring emergency and ongoing governance and democratic process was failed.

**7. Rule of Law & Human Rights:** Perhaps, the most essential element of governance in the context of Bangladesh is rule of law and human rights. Rule of law implies the absence of arbitrariness' in the governance of a country. Law is considered as supreme and none can claim exemption or immunity from it. Article 32 of the Constitution of Bangladesh guarantees fundamental rights, a person's rights to life and liberty. But in reality the situation of rule of law in Bangladesh is unquestionable terrible. There can be cited thousands of examples of the deteriorated image of rule of law currently occurring in Bangladesh. The most dangerous thing is even the law enforcing agencies or defense officials get into involved in various forms of crime. Law is being violated with the sponsorship of ruling political party or parties. In October 28, 2006; world had witnessed a black chapter of political history of Bangladesh, political activists of opposition were killed by 'Loghi-Boita Bahini' in Dhaka that day and it was a unquestionable terrible really. The donors expressed their utter disappointment for the deterioration of rule of law and for violating human rights. Besides, the foreign investors also showed their unwillingness in investment for the downfall of an effective rule of law in Bangladesh. BNP led last four party alliance government and present Awami league led grand alliance government have introduced some new laws and amended some existing laws. The rule of law is a cardinal phenomenon to good governance, which has been tainted with the increasing number of extra judicial killings by the RAB, police and other law enforcing agencies.

**8. Decentralization:** Decentralization of decision-making is an important requirement of good governance. For governance to be effective decision making process must be straightforward and fast. But, in Bangladesh due to huge hierarchical chain and bureaucratic red-tapism, decision-making is very sluggish and lengthy process. Besides, the dependency of local government on the central government for various administrative and financial decisions is hindering to conduct good governance in Bangladesh. Though, these local government institutions are not given much more freedom to work effectively. A transparent bureaucracy provides an open and a comprehensive decision making process. This is possible when administrative system is decentralized to the peripheral areas and participation of the people in

the decision making process is provided. Local government is the outcome of the concept of decentralization creating scope for the local people to see for themselves what is happening in the government. In Bangladesh, the whole governmental administration has been decentralized by creating 4498 unions, 481 upazilas and 64 districts.

**9. Women's participation in development process:** The issue of women in sustainable development is still a larger one because of their role in resource management in the country and also because of their role in grooming new generation of people. Any shortcomings in their knowledge access to information, opportunities and decision –making processes would mean that the whole community suffers in the long run. The present situation with regards to sustainable development is clear indicator of depriving women from equal opportunities in all aspects. With regards to women's involvement, while some progress has been made, there is currently inadequate research and analysis on women's participation either in decision making roles related to environment and sustainable development. Preliminary review of national reports submitted for both Beijing +5 and National Plans on Agenda 21 indicates that measurable data on governmental efforts to increase the proportion of women in decision making on sustainable development is quite limited. If women's participation is ensured in governance process, development activities will be reinforced and good governance will be ensured tremendously.

## **Conclusion**

It is clear that attention should be given to those aspects of governance in Bangladesh which can enhance the quality of governance and democracy by overcoming problems and can strengthen the role of civil society organizations to further enhance their impact on better governance for fair distribution of public goods and ensuring social justice for the poor.

## **Chapter Six : Human rights in Bangladesh**

### **Introduction**

The constitution of Bangladesh is the main source of human rights on legal verdict. Because of different international treaties and as a member of UN Bangladesh should maintain some international rules and regulation. On the other hand traditional social and religious values are on focus on moral basis

### **Sources of Human Rights in Bangladesh:**

1. The constitution of the people's republic of Bangladesh.
2. International organizations and treaties
3. Traditional social and religious values

### **Human rights and the constitution of Bangladesh**

The constitution of Bangladesh provides basic and fundamental rights for all human beings. It also ensure the full freedoms and particular space for all human being. Such as-

- Article 27 ensure equality before law without any discrimination
- Article 28 provide all rights without discriminating as race, sex, culture, religion etc.
- Part 3 discuss about the fundamental rights and freedom for all human being such as freedom of movement, freedom of association, freedom of assembly, freedom of property, freedom of religion, free choice of employment and basic fundamental needs.(The constitution of peoples republic of Bangladesh)

The constitution also provide some law which used by armed force to violate human rights.

- Special power act(SPA) 1974 which provide chance to detained without any cause.
- Section 54 of criminal code ensures arrest any civilian without any warret.
- Emergency provisions 142-b ccn stop fundamental freedoms of people like freedom of movement ,freedom of association, freedom of press, freedom of property etc.

### **Human Rights in contemporary context of Bangladesh**

Bangladesh held free and fair parliamentary elections with isolated irregularities and sporadic violence. The elections and subsequent peaceful transfer of power ended two years of rule by a military-backed caretaker government. In Bhutan, elections for the lower house of parliament completed the country's transition to a constitutional and limited monarchy with genuine popular oversight and participation.

In Bangladesh, levels of violence declined significantly and the caretaker government oversaw successful elections, but the government's human rights record remained a matter of serious concern. The state of emergency, which the government imposed in January 2007 and lifted on December 17, curtailed many fundamental rights, including freedom of expression, freedom of association, and the right to post bail. The government's anticorruption drive was greeted by popular support but gave rise to concerns about fairness and equality under the law. Although the number of extrajudicial killings decreased, security forces committed serious abuses, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of security forces acted with impunity and committed acts of torture, and the government failed to investigate fully extrajudicial killings.

Bangladesh reported acts of intimidation and abuse as well as increased scrutiny by security forces.



Bangladesh is a parliamentary democracy of 150 million citizens. On December 29, the Awami League (AL) led by Sheikh Hasina Wazed won 230 of 299 Parliamentary seats in elections considered by international and domestic observers to be free and fair and marked by isolated irregularities and sporadic violence. The elections and the peaceful transfer of power that followed ended two years of rule by a military-backed caretaker government. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister in October 2006 when her term of office expired and transferred power to a caretaker government to prepare for general elections the following January. In the wake of political instability in January 2007, President Iajuddin Ahmed, then head of the caretaker government, declared a state of emergency and postponed the elections, appointing the new military-backed caretaker government led by Fakhruddin Ahmed, the former Bangladesh Bank governor, who in July 2007 pledged that elections would be held by the end of 2008. Although civilian authorities generally maintained effective control of the security forces, these forces frequently acted independently of government authority.(The daily star 2008)

Although levels of violence declined significantly and the caretaker government oversaw successful elections, the government's human rights record remained a matter of serious concern, in part due to the state of emergency that remained in place for most of the year and the failure to fully investigate extrajudicial killings. The state of emergency, which was relaxed temporarily in advance of local elections in August and finally lifted on December 17, curtailed many fundamental rights, including freedom of expression, freedom of association, and the right to bail. The government promulgated the Emergency Powers Rules (EPR) 2007 and Emergency Powers Ordinance 2007 to enforce the state of emergency. The anticorruption drive that the government initiated, while greeted with popular support, gave rise to concerns about fairness and equity under the law. For most of the year the government banned political activities, although this policy was enforced unevenly. There was a decrease in the number of extrajudicial killings by security forces, but they committed serious abuses, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of

security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a serious problem, as did trafficking in persons.

### **International community and Bangladesh**

Key members of the international community, such as the United States and the European Union, have expressed growing concern over the violence in the country. In particular, the international community has been pointing to the government's failure to take action against militant groups. Only after the August bombings did the government appear to take the threat seriously. It initiated a massive crackdown, which resulted in an estimated eight hundred arrests. The most significant arrestee, Mufti Abdul Hannan, reportedly has admitted to ties with violent fundamentalist international Islamic groups.

The E.U. parliament issued a strong resolution in April 2005, pointedly stating that the RAB was responsible for extra-judicial killings while engaged in anti-crime operations. The United States has recently taken the lead on expressing concern at the situation in Bangladesh. In October 2005, sixteen U.S. lawmakers raised the issue of increasing political violence and recommended sending a U.N. team to investigate the allegations. India expressed its concerns as well and, in February 2005, refused to attend the South Asian Association for Regional Cooperation summit which was to be hosted in Dhaka, citing, inter alia, concerns over the security situation there. In 2009 the foreign minister Dr. Dipu Moni of BD visit UN and assure them to stop the extra judicial killings and strong human rights commission. (The Daily star 2009 )

### **Religious values in Bangladesh**

Bangladesh has a complex religious tradition and mix up with western and eastern culture. religion has a role to play in the context of BD. religion create some discrimination about the rights of women but he strong social values protect from a lot of human rights violation. For

example, only Chicago faced 30,000 rapes within one hour loadshedding but BD is lot safer in this place. Proper maintenance of religious values can play a vital role to protect the HR in BD.

### **Women rights situation**

Bangladesh is a Country with a population of about 140 million. The per capita income is about 363 Dollars. But more than 50% people live below poverty line. The women are considered as a group of lagging behind. Though various laws and Acts have been made to protect them, they are easy prey to persecution, torture and injustice.

- Thus we see that the women are victims of social & religious injustice. They are brought up in an environment of unfriendliness. Then again, the women fall prey to kidnapping. They are kidnapped and sold to different brothels. They are also trafficked illegally to other country like India, Pakistan and Middle East.
- BD has some positive side also. 24 wmen elected in last parliamentary election in 2008. separate local govt election also a success for BD. (The Daily Prathom Alo-- 2008 )

### **Condition of minorities**

The recent press reports from different parts of Bangladesh on the alleged repression committed against the minority community, the Hindu community in particular, is regrettable and anti-human rights. In the last three decades, human rights abuses against the Hindu minority in Bangladesh have largely gone unreported. Sadly, Bangladeshi nationalism has not been fully successful to accommodate the Hindu minority with propriety.

The state religion of Bangladesh, as incorporated in the Constitution of Bangladesh by the former dictator cum President H.M. Ershad, is Islam. The purpose was to cash in religion for heinous political gains. About 87 per cent of the population of Bangladesh is Muslim. However, the minority Hindus, Buddhists and Christians have the right to practice their religious beliefs. Article 2A of the Constitution

of Bangladesh clearly states that, “another religions may be practiced in peace and harmony in the Republic.” Before Bangladesh’s independence from Pakistan in 1971, West Pakistani military rulers had enacted the Enemy Property Act, 1965, to drive Hindus out to neighboring India after grabbing their lands.

### **Condition of indigenous people**

Tribal people had marginal ability to influence decisions concerning the use of their lands. There was little progress in the implementation of the 1997 Chittagong Hill Tracts Peace Accord. The government refused to cede responsibility for key functions such as land use and natural resources to local authorities, as the accord called for. Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

- The government allowed some mobile phone and Internet coverage to the three Hill Tract districts. Although the government cited security concerns as the reason for limiting coverage, human rights groups and local officials claimed that lack of coverage was also aimed at stunting the development of the region. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance to those who left the area during the insurgency. Local human rights organizations alleged that security forces took advantage of the state of emergency to increase human rights abuses, including arbitrary arrests, against indigenous people.

### **Children condition**

The government, with the assistance of local and foreign NGOS, worked to improve children’s rights and welfare, enabling the country to make significant progress in improving children’s

health, nutrition, and education. Despite the progress, according to UNICEF slightly fewer than half of all children remained chronically malnourished.

- One local human rights NGO, Mass Line Media, concluded from a survey in 2004 that an estimated 40 percent of all marriages could be considered child marriages. In an effort to reduce child marriage, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18. According to the Bangladesh Child Rights Forum, 47 children were abducted, 154 were murdered, 388 were injured in various forms of violence, 115 were raped, 15 were victims of acid attacks, and 394 others were missing. (The Daily Prothom Alo-- 2008 )
- Child labor remained a problem in certain industries; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service, and occasionally included servitude and trafficking for commercial sexual exploitation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

### **Police and security forces – torture and deaths in custody**

The security forces, including army and paramilitary units deployed under emergency rule with the police, committed human rights violations with impunity, including torture and other ill-treatment and alleged extrajudicial executions. The police force was inadequately trained and equipped and lacked effective accountability and oversight mechanisms. Army personnel accused of human rights violations remained almost entirely outside the purview of civilian judicial accountability mechanisms.

- In the year 2005 from 1<sup>st</sup> January to 30<sup>th</sup> December, 396 people were killed in whole country in the hand of law enforcement agencies. Of them, 111 people were killed by Rapid Action Battalion (RAB), 258 people were killed while they were in police custody,

4 people were killed by Cheetah and Cobra (special police forces) and 23 people by other forces. It is important to note that, among the 396, who were killed by law enforcement agencies, as many as 107 were killed in the crossfire of RAB, 212 people were killed in the crossfire of police and 4 were killed in the crossfire of Cheetah and Cobra and 17 were killed by other forces, this means as many as 340 people were killed by cease fire. (The Daily Prothom Alo-- 2005 )

- Four detained border guards have died in Bangladesh in the past two weeks in 2009. Amnesty international has called on the country's authorities to institute an independent, impartial and competent body to investigate the deaths. The four members of Bangladesh Rifles (BDR) were among hundreds of detained BDR personnel interrogated on suspicion of involvement in the killing of more than 70 people, including at least 55 army officers, during a two-day BDR mutiny in February. (The Daily Prothom Alo-- 2009 )
- On April 13, 2008 according to Odhikar, police arrested Fakir Chan in Maulvibazar on charges of mugging. Chan's wife claimed that she did not have access to her husband while he was in custody and that a police officer told her that her husband would be released if she paid a 50,000 taka (\$735) bribe. On April 19, police alleged that Chan fell ill and died while in custody. (The Daily Star-- 2008 )

### **Arbitrary Arrest or Detention**

According to media reports, officials stated that over 440,000 people were arrested on various grounds during the year. Many detainees were detained arbitrarily, initially held under emergency rules, then served with a detention order under the 1974 Special Powers Act (SPA). Some were then charged with politically motivated criminal offences.

Some people held under emergency rules were accused of "extortion" or other criminal activity. Detainees included over 160 politicians from the main political parties, as well as some wealthy

business people. A number of detainees held without trial under emergency regulations or the SPA were reportedly tortured or ill-treated.

### **Denial of Fair Public Trial**

The law provides for an independent judiciary; however, in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. In November 2007 the caretaker government implemented legislation the previous government had developed separating the judiciary from the executive.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the government appointed judicial magistrates to replace the executive magistrates who had presided over the lower courts. The Supreme Court is divided into two divisions, the High Court and the Appellate Division. The High Court Division hears original cases mostly dealing with constitutional issues, and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts.

In 2005 a High Court panel rendered an unconstitutional amendment to the constitution that legitimized martial law in the 1980s. The prime minister's office arranged for a stay, still in effect at year's end, of the ruling because of its ramifications for the legacy of former president Ziaur Rahman, the late husband of the then prime minister.

## **Trial Procedures**

The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call or question witnesses, and to appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent, have the right to appeal, the right to be present and to see the government's evidence.

Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. Human rights observers contended that magistrates, attorneys, and court officials demanded bribes from defendants in a majority of the cases filed under the Special Powers Act.

Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages for members of the Muslim community. There were similar sets of laws in place for the Hindu and Christian communities.

## **Role of the Police and Security Apparatus**

Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. After the declaration of a state of emergency, the government formed the Joint Forces, composed of police, the RAB, the military, and other security agencies, and gave the special new teams responsibility for enforcing the state of emergency. The DGFI, a military intelligence agency,



assumed the lead in enforcing the state of emergency by investigating corruption charges and interrogating suspects.

The RAB received human rights training through the UN Development Program; the UK government; and a local NGO, BSEHR. Although the RAB continued to commit serious human rights violations, the number of incidents involving the RAB dropped from the previous year.

The government took steps to address widespread police corruption and a severe lack of training and discipline. The Inspector General of Police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force.

### **Political condition**

political instability often caused of human rights violation.in 2006 world people saw the divastating political violation of logi-boitha which killed at least 9 people.2006, a total 310 people were killed, 8997 people were injured, 1216 people were arrested, and 93 people were kidnapped in connection to human rights violation related with politics. Among them in hill tracts 25 people were killed, 71 people were injured, 81 people were kidnapped, 2 were rapped, and 35 people were arrested as a result of human rights violation. (The Daily Star-- 2006 )

### **Political prisoners**

By year's end the ACC and the public prosecutor prosecuted 228 cases against high-ranking political officials, ranging from extortion and money laundering to murder. Although the government claimed these were legitimate charges, some were considered politically motivated.

In connection with this, the 2007 cases against Law Minister Moudud Ahmed remained pending at year's end, although on September 9, the High Court released him on bail. Former Communications Minister Anwar Hossain Marju was convicted and sentenced in absentia to 13

years in jail and fined 100,000 taka (\$14,500) after he left the country. (The Daily jonokontho--2007 )

The trial against journalist Salah Uddin Shoaib Choudhury, detained for his attempted 2003 travel to Israel, began in June. While the case remained ongoing, the government allowed Choudhury to travel abroad.

### **Elections and Political Participation**

Khaleda Zia, leader of the BNP, stepped down as prime minister in 2006. She had become prime minister following parliamentary elections in 2001, which international and domestic observers deemed free and fair. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party coalition government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote; however, the BNP and the opposition AL dominated the political scene. At year's end Zia and former Prime Minister Sheikh Hasina Wazed of the AL had been released from prison but each was still facing corruption charges. In an address to the nation on September 20, Chief Adviser Fakhruddin Ahmed announced that the next national parliamentary elections would be held on December 18 and the upazila (sub-district) elections would be held on December 24 and 28. On November 2, the Chief Elections Commissioner amended the schedule by declaring that upazila elections would only be held on December 28. On December 3, in a compromise move, the EC agreed to hold national elections on December 29 and upazila elections on January 22, 2009. (The Daily Star-- 2009 )

Seven women were directly elected to the last parliament. Three women had the status of minister: Khaleda Zia, her sister (since deceased, she was the Minister for Women and

Children's Affairs) and Sheikh Hasina. Sheikh Hasina, as the leader of the opposition party, enjoyed the status of a cabinet minister. Three of the 67 judges of the Supreme Court were women.

### **Bomb attacks**

Serious bomb attacks in 63 districts of the country on August 17, killing of two judges, and death of policemen and lawyers in bomb attacks on courts in Gazipur and Chittagong were also the major incidents. Sixty-two people were killed and 983 were injured in bomb and grenade attack last year. Among them, 30 were killed and 347 were injured in the attacks of religious extremists alone. During this time, some 881 suspects were arrested for their alleged involvement in grenade and bomb attacks across the country.

### **Disability Rights Bangladesh**

A new forum under the banner of 'Disability Rights Watch Group' was launched march 06, 2009 to monitor the present condition of the people with disability and help implement the CRPD (UN Convention on the Rights of Persons with Disabilities) in the country.

- The forum was launched formally at the initiative of the National Forum of Organisations Working with the Disabled (NFOWD) at the National Press Club in the city.
- Forum Chairman Khandaker Jahurul Alam chaired the launching ceremony.
- He said, "There are 16 lakh children with disabilities in the country who are now waiting for going to school, but we do not have the capacity,"

## **AIDS and homosexuality in Bangladesh**

Reported cases of HIV/AIDS are growing at an alarming extent, with over a million AIDS sufferers in Bangladesh. Whilst this rise of AIDS is not confined to Bangladesh in particular, the government is doing nothing to prevent the spread of AIDS and is not prosecuting police who rape homosexual men.

Homosexual acts remained illegal; in practice the law is rarely invoked.

There were some informal support networks for homosexual men, but organizations to assist lesbians were rare.

Attacks on homosexuals were known to occur but difficult to track because victims desired confidentiality; there was a social stigma surrounding homosexuality; and local human rights groups did not monitor the problem. There were few studies on homosexuality in the country. There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed this was partly a function of the refusal of victims to self-identify and an absence of research given the relatively low rate of HIV/AIDS in the country.

## **Prohibition of Child Labor and Minimum Age for Employment**

- In 2006 the International Labor Organization (ILO) released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers age five to 17 did hazardous labor. According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manufacture during the survey period.

- According to the study, child labor prevailed in hazardous establishments such as saw milling, battery recharging, welding, metal works, and carpentry. In addition, the report concluded that children were verbally and physically abused.

### **Acceptable Conditions of Work**

The National Minimum Wage Board (NMWB) announced a new national minimum wage in 2007 for all economic sectors not covered by industry-specific wages at 1,800 taka a month (\$26.50).

- Given the low standard for minimum wages and high inflation, worker advocacy groups stated that none of the set minimum wages were sufficient for a decent standard of living. The NMWB convenes every five years in a tripartite forum to set wages and benefits industry by industry, using a skill-level range.
- In the garment industry, wages were sometimes higher than the minimum required wages, due to skilled labor shortages. Wages in the EPZs were considerably higher than general national wage levels. It was also common practice for garment factories to force workers to work overtime, delay their pay, and deny full leave benefits. A standard work week is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. However, annually the average weekly working hours should not exceed 56 hours.
- Workers must get one hour of rest if they work for more than six hours a day, one-half hour of rest if the worker needs to work more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day. Factory workers receive one day off every week. Shopworkers receive one and one-half days off per week.

## **The Right to Organize and Bargain Collectively**

The law protects the rights of workers to organize and bargain collectively without interference, but that right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities. Implementation of these provisions was uneven, and many private sector employers discouraged union activity. Some employers fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and intimidated workers with threats of violence.

The Director of Labor ruled on union-organizing discrimination complaints outside the EPZs. Throughout the year the labor court ordered reinstatement of workers who had been fired for union activities, but a large backlog of unresolved cases remained. Most workers in such cases, however, sought financial compensation rather than reinstatement. Of the 329 cases lodged during the year, only 10 to 15 sought reinstatement with the employer. Increasingly, labor disputes were settled informally prior to scheduled hearing dates in the labor court.

## **Societal Abuses and Discrimination**

Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year. However, there were no demonstrations by anti-Ahmadiyya groups during the year.

## **Condition of refugee Problem**

The, Bangladesh has become the unwitting victim of a massive human rights violation campaign in Burma (Myanmar). Thousands of Muslim refugees, perhaps more than 200,000 (the Muslim population of Burma is up to 16%), have been driven over the border through persecution and oppression, both at the local level and by the army, which claims to be trying to suppress all insurgency movements along the border. The refugees complain of killings, forced labour, forced destruction of their own homes and mosques, land confiscation, rape and various forms of torture.

- Bangladesh government has attempted to negotiate with Burma for the return of the refugees and has submitted lists of over 35,000 names, as requested by the Burmese authorities as a condition for return. Working with UNHCR, the government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were 200,000 to 500,000 Rohingyas not officially recognized as refugees living among the local population in the surrounding area of Teknaf and Cox's Bazaar, including approximately 10,000 at an unofficial site. There were no repatriations of Rohingyas.
- After the peace treaty more and less 65000 indigenous refugee backed from India but they have a problem of proper rehabilitation.
- Bihari problem also seemed a common refugee problem for Bangladesh though they included in the recent voter list in 2008. On May 18,2008 the High Court ruled that Biharis living in the country were citizens. Approximately 160,000-200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition and who supported Pakistan during the 1971 war continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972, and a minority was awaiting repatriation to Pakistan, where the government was reluctant to accept them. Many of the stranded Biharis born after 1971 assimilated into the mainstream Bengali-speaking environment. (The Daily star 2008).
- In September 2007 the Election Commission (EC) announced it would permit Biharis who meet citizenship requirements to register to vote in the December 2008 elections. Approximately 80 percent of all adult Biharis, or 184,000, were subsequently registered. (European Parliament Resolution on Bangladesh : Human Rights and Forthcoming Election 2003)

## Human rights defenders

As in previous years, human rights defenders were subjected to arbitrary detention and torture. Lawyers were allegedly threatened with arrest on corruption charges if they took up high-profile cases.

- Prisoner of conscience Tasneem Khalil, a journalist who worked with the Daily Star newspaper, CNN and Human Rights Watch, was detained on 11 May and reportedly tortured because he had supplied information on human rights violations.
- Prisoner of conscience Jahangir Alam Akash, journalist and local head of two human rights organizations, was arrested on 24 October by RAB agents in the north-western city of Rajshahi.
- Authorities did not investigate the January 2007 torture of Shahidul Islam, director of the NGO Uttaran, or the June 2007 torture cases of Mohammad Jamal Uddin and Mohammad Kajol.

## Disappearance

Disappearances and kidnappings remained problems during the year. According to Bangladesh Society for the Enforcement of Human Rights (BSEHR), 504 persons were kidnapped during the year. An indeterminate number of these kidnappings were politically motivated.

## Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law allows intelligence and law enforcement agencies to monitor private communications with the permission of the chief executive of the MOHA. The ordinance also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. The EPR strengthened the ability of the government to monitor communications, including telephones, cell phones, text messages and e-mail. In case of national emergency, the government can revoke any permit to provide communications services



without providing compensation to the holder of the license, and in 2007 the government ordered cell phone providers to shut down service intermittently. According to media reports, the government established a national monitoring center made up of representatives from law enforcement and intelligence agencies to monitor and coordinate phone taps during the year.

### **Freedom of Speech and Press**

The constitution provides for freedom of speech and press; however, the government used the EPR to curtail these rights. In September the government approved the Right to Information Ordinance allowing journalists and the public greater access to information.

Newspaper ownership and content were sometimes subject to direct restriction by the military's Inter-Service Public Relations office and DGFI. Journalists reported being cautioned by DGFI against criticizing the government or the military.

- In September 2007 the Election Commission (EC) announced it would permit Biharis who meet citizenship requirements to register to vote in the December 2008 elections. Approximately 80 percent of all adult Biharis, or 184,000, were subsequently registered. (The Daily Star -- 2007)

Also in July 2008 the editor of Jai Jai Din was fired because he published a cartoon critical of Army Chief General Moeen Uddin Ahmed.. (The Daily Jai Jai Din-- 2008)

Attacks on journalists continued to be a problem. There was an increase in the number of journalists who were harassed, arrested, and assaulted by security personnel. According to Odhikar, at least 38 journalists were injured, four were arrested, 25 were assaulted, 30 were threatened, and six had cases filed against them. According to some journalists and some human rights NGOs, journalists engaged in self-censorship.

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On March 28, 2007 according to the Committee to Protect Journalists, plainclothes police in Durgapur arrested and assaulted Rabiul Islam, reporter for the Daily Sunshine, a Rajshahi-based newspaper, after he wrote stories implicating the Durgapur police in alleged corruption cases. The Durgapur police held Rabiul for 12 hours, tortured him, and extracted a confession from him before finally releasing him. (The Daily Prothom Alo--2007)

### **Prison and Detention Center Conditions**

The prison system remained abysmal due to overcrowding, inadequate facilities, and the lack of proper sanitation. Local human rights observers considered these conditions to be contributing factors to custodial deaths.

In 2007 the inspector general of prisons (IGP) took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food, creating more prisoner. The government also opened its first jail for women in Gazipur.

## **Internet Freedom**

Although individuals and groups generally could engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications. Reporters without Borders claimed police monitored journalists' e-mail. In addition, journalists and political figures detained by the Joint Forces reported they were forced to hand over their e-mail logons and passwords. Recently govt. banned you tube service in BD due to the mutiny of BDR.

## **Freedom of Association**

The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups.

The government relaxed the ban imposed on trade union activities under the state of emergency in January 2007 and allowed labor rights organizations to conduct activities on a very limited scale to allow unions to carry out financial and administrative tasks. For example, the new rules permitted gatherings of no more than 500 and stipulated that such gatherings must be held indoors and focused solely on labor issues. Neither the ban nor its subsequent relaxation affected the Export Processing Zone (EPZ) which was covered under separate legislation, permitting only "workers associations." During the year the number of workers associations increased. The full lifting of the state of emergency on December 17 enabled trade unions to resume their normal activities.

## Freedom of Religion

The constitution establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice. The government generally respected this right in practice. Although the government was secular, religion shaped the platforms of certain political parties. Discrimination against members of religious minorities existed at both the governmental and societal levels, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice.

Shari'a (Islamic law) was not implemented formally and not imposed on non-Muslims, but it played an influential role in civil matters pertaining to the Muslim community. The Muslim Family Ordinance codifies issues such as inheritance, marriage, and divorce for registered marriages of members of the Muslim community. A Muslim man may marry as many as four wives; however, a Muslim man must get his first wife's signed permission before taking an additional wife. Society strongly discouraged polygamy and it was rarely practiced.

Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its set of family laws. Under Hindu law, unlimited polygamy is permitted, and although there is no provision for divorce or legal separation, Hindu widows may legally remarry. There were no legal restrictions on marriage between members of different faiths.

Government protection of Ahmadiyyas continued to improve, although social discrimination continued. The High Court continued to stay the government ban on publishing Ahmadiyya literature, effectively allowing Ahmadiyyas to publish.

As in previous years, the government failed to prepare a list of property that the government expropriated from Hindus following the 1965 India-Pakistan War.

The government allowed foreign missionaries to work in the country, but their right to proselytize was not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas. Some foreign missionaries reported that internal security forces closely monitored their activities. The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad. The law permitted citizens to proselytize.

### **Freedom of Assembly**

During 2008 the EPR banned public demonstrations and political gatherings and the government enforced the ban. There were, however, instances of street demonstrations by factory workers and political activists without prior notice.

Dhaka Metropolitan Police (DMP) banned a planned march by the BNP-led four-party coalition. The coalition had planned to march to the Chief Adviser's office in Dhaka to demand the release of BNP chairperson and former Prime Minister Khaleda Zia and her elder son Tarique Rahman.

### **Justice system**

The government took steps to implement the Supreme Court's 1999 ruling requiring separation of the judiciary from the executive, including amendments to relevant laws. On 1 November the new system came into effect. However, reports indicated that executive magistrates would retain some judicial powers.

## Human trafficking

The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women, and children. Trafficking in children for “immoral or illegal purposes” carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers. During the year special courts dealing with incidents of repression against women and children adjudicated 30 cases. Courts convicted 32 persons and ordered life sentences for 22 convicted traffickers.

Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates, Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries such as Malaysia and the Middle East occasionally found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Some women and children were trafficked internally for commercial sexual exploitation. Some children faced forced labor in the fishing industry, and entire families were subject to bonded labor throughout the country.

The ministries of Foreign Affairs, Expatriate Welfare, and Home Affairs worked closely with foreign donors to develop an action plan to combat labor trafficking and migration issues. In 2007 the Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases abroad and introduced training courses for director-level Foreign Ministry officials in labor trafficking issues. During the year 25 foreign ministry officials received training to enhance their capacity to protect the victims of human trafficking. In addition, 12 labor attaches received training on ensuring migrant workers’ rights and monitoring the compliance of contractual agreements in destination countries. (The Daily Jugantor--2007)

**Death penalty:**

Though death penalty as a punishment has been rejected by most of the countries of the world, it is still practiced by our country.

National Human Rights Commission (NHRC) sees the light of the day. This NHRC was in the top priority of the successive political governments for long, to ensure that any rights violator is brought to justice. This NHRC can investigate human rights violations but is empowered to only settle issues or refer them to the court. This ordinance was passed when the state of emergency is going on.

**Background**

In late 1994 the process of establishing these institutions was initiated. The Institutional Development of Human rights in Bangladesh (IDHRB) project was formally launched in 1995. The work of drafting a law was continued during 1996-2001 under Awami League government. Later BNP-led alliance government on December 10, 2001 formed the committee headed by the law minister to examine the prospect of setting up of the commission. In an international conference in 2004, the former law minister informed that difference of opinion among the ministers was delaying the constitution of the institution. Again the matter comes in the point of discussion in 2007 and gradually the commission was formed.

**Bangladesh: Submission to the UN Universal Periodic Review: Fourth session of the UPR Working Group of the Human Rights Council, February 2009**

In this submission, Amnesty International provides information as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review: Amnesty International raises concerns over the Caretaker Government's use of emergency regulations since January 2007 to bypass safeguards against human rights violations. The organization is also concerned about arbitrary arrest and detention, unfair trials, and impunity for human rights

violations. Amnesty International makes a number of recommendations for action by the government. Those are discussed below:

### **From civil & political rights to social, economic rights and development**

The human rights have recognized not only the civil and political rights but also the social, economic and cultural rights by giving importance to the latter through articulating and prioritizing rights to health, education, housing, and employment. Moreover, the fundamental tenet of the human rights is that every individual's dignity should be protected being a human. This dignity merely means not only political liberty but also a guarantee of economic subsistence, cultural freedom and the provision of social services. In this context, it deals with the State's obligation to create affirmative conditions to facilitate human well-being, as a member of this covenant BD needs concern about it.

### **State and social rights**

There is obligation to the state authority to ensure social rights. In a particular socio-political, historical, cultural and economic environment; society, social structure, political process and the power relations try to alleviate human miseries. Moreover, the state structure can facilitate and guarantee the social human rights to every individual in accessing to essential levels of social services. Bangladesh should be aware of the matter too.

### **Conclusion**

The Human rights condition of Bangladesh mainly focused by the international community. They mainly focused on extra judicial killings, torture against women minorities repression. But there not focused on the traditional religions values. So to improve the human rights condition of Bangladesh, the religion must plays a vital role which is ensured by the government.



## Chapter seven : findings of the study

As a country of third world, Governance and human rights condition in Bangladesh is very poor due to lots of challenges and constraints. Some Challenges and Constraints towards ensuring good governance and human rights in Bangladesh are discussed below:

**1. Corruption:** Corruption is one of the most dominant components of bureaucratic and political culture in Bangladesh. Corruption has been institutionalized in the public service and as well as in private sector. The credit of Bangladesh's being first in the ranking of most corrupted countries in the world for several times shows the extent and pervasiveness of corruption now rife in the bureaucracy of Bangladesh public service. Almost all forms of corruption can be noticed among bureaucrats and politicians in Bangladesh. These include: abuse of authority, bribery, favoritism, extortion, fraud, patronage, theft, deceit, malfeasance and illegality. Much of the response to corruption is in the form of developing systems and skills, which enable corruption to be discouraged or exposed and punished. The last military backed caretaker government started their voyage against corruption. They had failed to root out it from the society, though they had promised. They filed lots of cases against top politicians of almost all political parties of Bangladesh. Lots of politicians including two 'Begums' were also being charged for it.

**2. Centralization of Authority:** The tendency to concentrate power at the top of the hierarchy in fewer officials is a legacy from the colonial past. In Bangladesh, all policy making power is concentrated at the secretariat. The official work manual, i.e. the Rules of Business gives considerable power to the Secretary. He is the chief advisor to the Minister in Policy making, acts as the financial head of the Ministry and assumes the role of the sole custodian of relevant information on which policies are based. Consequently, secretaries most of whom are generalists, exercise a great deal of power and influence in governmental decision-making.

**3. Elitism:** Elitism is widely pervasive within the civil service system of Bangladesh. It is reflected in the preference of generalists in recruitment. At the time of recruitment in the civil service all subjects in the examinations are considered to have equal value and consequently no preference is given for relevance. Members of the generalist cadre, i.e. Bangladesh Civil Service (Administration), occupy a relatively privileged position within the civil service in terms of promotion, transfer, posting and training abroad.

**4. Politicization:** The biggest threat to our democracy as an institution comes from the politicization of governance. The ruling government always tries to get the bureaucratic class as their loyal supporter through serving their interests and providing various facilities and privilege to them. Politicization of governance process is still going on at a great speed. Each and every government declares in their manifest about not to politicize governance process for the betterment of the country, but after coming to the power, they forget all about it, and do whatever they want. This tendency has reached its acme during the regime of Ershad, Khaleda and Also Hasina.

**5. Lack of Freedom:** Freedom of press, of speech and of writing is violated in many ways. Radios, TV are used as the means of propagating government activities rather than focusing on the needs of the nation. Journalists and writers sometimes fall victim of the terrorists or of the government action. We have seen that, declaration of a 24 hour news based TV channel named 'CSB NEWS' was permanently canceled during the last military backed emergency/ caretaker government due to its broadcasting of news about 22nd August, 2007. Access to information is another vital factor for achieving the goals of good governance, which promote transparency and public accountability in the working of government functionaries. We have also seen that, freedom of press was abducted through 4th amendment in 1974 by Sheikh Mujibur Rahman.

**6. Weak Legislature:** Our legislature is very much weak, because of less experience, low level of education, low level of understanding. The policies only serve the interest of a particular political party. We saw that when the ruling party changes through election, a great change also

occur in the legislative branch. The supporter lawyers of the ruling class come to the position. This process was started after independent. In this context we can give the example of the public safety act. This act was passed to meet the interest of the ruling Awami League Party and to humiliate the opposition.

**7. Poorly Performing Institutions:** Poorly performing government institutions is also another issue in Bangladesh. Performance of Public Sector institutions like Public Service Commission and other public service sector institutions is very poor and these sectors are highly corrupted, ill or poor service and also which often offer little or no service.

**8. Volatile political culture:** Volatile political culture and politically-sponsored violence in national and international level, especially at local level is another challenge for good governance in Bangladesh. This volatile political culture often may results uncertainty in politics.

**9. Lack of people's participation:** Lack of peoples participation in decision making and implementation process directly or indirectly is a great challenge for attaining good governance in Bangladesh

The above factors all together make the status of good governance and human rights poor. How the parliament itself influence good governance is discussed below:

### **Role of the Parliament of Bangladesh in strengthening good governance:**

The constitution of Bangladesh bestows the parliament with supreme powers in making laws and approving budgets. It is given wide-ranging authority to scrutinise the actions of the executive who remains accountable to the parliament. Notwithstanding these constitutional powers, in reality, the parliament's performance has fallen far short of its promise of being the

central institution of democracy, expressing the will of the people, and making the government regularly accountable to that will.

Though the parliament performs many roles and functions, its two key roles: representation and accountability is essential for ensuring good governance and human rights in the country.

We can view the accountability role of the parliament in both horizontal and vertical dimensions. Horizontal accountability includes the parliament's performance in legislation and budget making; and, in scrutiny and oversight of the executive branch of the government. And the vertical accountability focusses on the issue of the parliament's accountability to the citizens. It concerns about the practices being used by the parliamentarians as well as citizens to ensure the former's accountability to the latter.

In a democratic country like Bangladesh all the wills, desires, hopes and aspirations of the citizen are expressed by the member of the parliament who were elected by the citizens. Thus the parliament performs the representation role.

Again the parliament can arrange many constructive discussions to achieve the goal. If the opposition cooperate the ruling partying any good decision and criticize for any wrong step, the ruling party can hardly think of being autocrat.

So an effective parliament can play the vital role in establishing good governance in the country through reforming its representative and accountability function properly.

### **Report on Regional Seminar on Parliament and Good Governance: Towards a New Agenda for Strengthening Accountability in South Asia**

Parliamentarians and representatives of civil society from Bangladesh, India, Nepal, Pakistan and Sri Lanka attended the Regional Seminar on Parliament and Good Governance in Dhaka,

Bangladesh, from 19-24 March, 1999. The Seminar was jointly organised by Transparency International (Bangladesh) and the Parliamentary Centre (Canada) in partnership with the World Bank Institute and with support from the Netherlands Ministry of Foreign Affairs.

During the five days of intense discussion, participants agreed on the critical importance of strengthening parliaments throughout South Asia as institutions of accountability and good governance. Towards that objective, the Seminar adopted the following concrete recommendations for further consideration:

1. Strengthen Parliament
2. Strengthen Civil Society
3. Reform the Electoral System
4. Reform Political Parties
5. Establish an Anti- Corruption Agency
6. Strengthen Watchdog Bodies and the Judiciary
7. Make International Financial Institutions/Donors More Accountable (The Parliament of Bangladesh : Representation and Accountability. Rounaq Jahan and Inge Amundsen --2012)

### **Parliamentarians as Human Rights Protectors**

The challenge before parliamentarians is to change the rhetoric of human rights theory into practical realities that benefit populations at home. While States have endorsed countless commitments at the international level, many support human rights only in theory – the ground reality shows a distressing failure by many governments to convert the rhetoric into practical pro-human rights outcomes for their constituencies back home. Embedding a human rights culture greatly depends on the willingness of lawmakers to weave the human rights agenda into all they do. Through its central function as a lawmaking body, parliament can naturally reaffirm

the human rights values and principles for which it stands by incorporating these values into all the laws it passes. While parliamentarians are

sometimes constrained by party dictates and real politik, the essential importance of human rights makes it imperative that each member of the house sees his or her role first as protectors and promoters of human rights and second as members of parties. Even in constrained environments devices like the Private Members Bill offer an opportunity to act on individual principle. Even if the Bill is defeated, the associated debates draw attention to otherwise difficult and controversial issues. A parliamentarian's role as a representative of their constituency involves representing the concerns of that community – including human rights concerns – within the parliament and lobbying on behalf of those who fear violations. Making time in busy schedules for those in the community who engage in rights work is another way of showing commitment to this area. As a leader in the community, parliamentarians can also use their speaking engagements to inform and educate the community at large about human rights.

Entrenchment of a human rights culture in a country requires due focus on human rights education not just in academic institutions, but also amongst those who are charged with the responsibility of upholding and enforcing human rights such as police officers, civil servants, judges and prison officials. In this, governments can enroll the assistance of expert civil society practitioners and academics to help design and deliver human rights modules to select groups, for instance corporate managers, and to people at large.

The importance of human rights education was recognized at the World Conference on Human Rights in the Vienna Declaration which states that human rights education, training and public information are essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. In fact the decade from 1st January 1995 to 31<sup>st</sup> December 2004 was declared as the **Decade for Human Rights Education**. As a follow up to the Decade, the United Nations is in the process of initiating a **World Program for Human Rights Education**. During the period from 2005-2007, the focus will be on human rights in primary and secondary education.

MPs, as members of Cabinet, as Ministers, backbenchers or even as members of the Opposition, wear multiple hats, and, as such, have multiple opportunities to push forward the human rights agenda. These are explored below.

### **Appointing Human Rights Advocates to Key Positions**

The voting and behavior of government-appointed people on human rights committees at the UN is always a favorite point of scrutiny by diplomats and human rights advocates who are looking to see who will uphold and who will obstruct a human rights cause. Members of the Commission on Human Rights, for instance, are national representatives. Likewise staff in human rights sections in the UN, Commonwealth and regional organizations is often reliant on the endorsement or recommendation of their governments. While special reporters, independent experts and members of working groups in the UN human rights system serve in their personal capacity, they are appointed by the Chair of the Human Rights Commission after consultation with member states' representatives. It is crucial that appointments to key positions are based on expertise and a demonstrated commitment to take forward human rights. Too often, however, the unfettered right of sovereign to appoint their nominees to multilateral bodies means that in reality seniority or politics dictate nominations, to the detriment of the credibility of these organizations.

### **The Special Role of the Executive/Cabinet**

In the parliamentary democracies, Cabinets play a critical role. Cabinets comprise the most influential ministers who collectively take the lead on the issues that shape the destiny of the nation. As such, Cabinets act like an Executive. Alternatively, in some Commonwealth countries, the President and his/her advisors act in this executive capacity. Regardless of the form the Executive takes, it has a special, crucial human rights role to play. The "executive" in the majority of Commonwealth countries is specifically empowered to negotiate and enter into treaties. Considering that the development of human rights law over the last 50 years has been heavily influenced by international treaty developments,

Cabinet members have a significant role to play on the international stage. For example, by guiding their bureaucracies in the contributions they make in the process of making international human rights principles and laws. More information on national roles and responsibilities in relation to treaties is explored in the next Unit. As the body that sets national priorities and policy directions in most Commonwealth countries, as well as largely dictates the legislative program, the role of the Cabinet as a human rights guardian is crucial. When Cabinet keeps the human rights frame to the fore, it can ensure that all Bills promote human rights and do not infringe upon committed human rights standards,

### **A Human Rights Supportive Foreign Policy**

Cabinets can help establish a country's credentials as a conscientious member of the international community by taking up human rights concerns in international forums by: (i) actively drafting and signing on to declarations that call for greater protection of human rights; (ii) establishing itself as a champion of human rights by being open and transparent in allowing its human rights track record to be scrutinized by international agencies; (iii) using human rights diplomacy to encourage countries with a poor human rights record to adhere to international standards such as through bi-lateral talks; (iv) publishing annual reports on the status of human rights in other countries, such as those produced by several countries including the UK's Foreign and Commonwealth office; and (v) by providing financial and moral support to human rights projects, programs and initiatives in other countries. both when they first give instructions to the bureaucracy to prepare Bills and when they vet these Bills themselves. Therefore, it is important to have a process that scrutinizes all legislation to ensure compliance with national human rights laws and international commitments. For instance, in Canada when the Charter of Rights and Freedoms was introduced, a process was put in place to ensure that all laws adhere to the principles of the Charter –no minister could bring forward legislation without filing a certificate that the legislation complied with the Charter of Rights and Freedoms. Such a consideration on the rights implications of proposed legislation or executive action can in fact be specifically required when this is included in the Cabinet handbook or other



instructions to Cabinet members. Guidelines for legislative drafts can also consciously include a minimum requirement that all Bills are consonant with the country's international human rights obligations.

Where there is a Constitutional Bill of Rights in-country, laws will nearly always be required to conform to these standards and, if not, will be in danger of being ultra vires (or outside the authority allowed by law). More directly, Cabinet members can also be active in making specific laws and national action plans that further human rights efforts for marginalized groups who need special attention or protection. Affirmative action laws that grant privileges to women and indigenous and tribal populations, for instance, have been passed in many countries. In New Zealand, for instance preferential access to university courses and scholarships is provided to Maoris. In India, Part XVI of the Constitution includes "Special Provisions Relating to Certain Classes" - affirmative action measures for disadvantaged groups, including seat reservations in.

### **Protecting Human Rights: The Need for Rights Friendly Rule-Making**

Progressive laws are sometimes undermined because the rules that are needed have not been framed - or have been framed in a manner that dilutes the true import. This means that even where parliament is supportive of human rights, if resistant, bureaucrats can still use their rulemaking power to stifle change. A salient example of this can be seen in the Indian state of Tamil Nadu, where, the Government has designated certain courts specifically as "human rights courts" under the Protection of Human Rights Act 1993 but no rules have yet been put in place to make these courts effective in practice. the Lok Sabha (House of the People) and in state legislative bodies for members of Scheduled Castes and Scheduled Tribes.

### **The Special Role of Ministers**

In a parliamentary democracy, ministers exercise direct supervision over government departments. The personal inclination of a minister towards a particular cause can shape the attitude of the bureaucracy under him or her, which is responsible at the coal-face for implementing laws and policies. Human rights are therefore better protected when civil servants are made aware that 'their' minister understands human rights standards and is committed to their furtherance and will take a serious view of any breaches. In their supervisory capacity, ministers can strengthen internal disciplinary mechanisms to deal with failure or negligence to protect human rights. One positive initiative in this area comes from the Australian Capital Territory that requires annual departmental reports to include the ways in which the department has promoted and protected rights during that year. A human rights culture in public sector departments can also be assisted by setting up human rights units, and committees to review complaints of sexual harassment or racial discrimination. Performance reviews at appropriation time are also moments for reviewing the functioning of departments in terms of how well they have progressed in promoting human rights.

### **The Special Role of the Opposition**

Members of the Opposition are quick to call the government to account for perceived lapses, and can do this specifically for human rights violations. They often spearhead calls for greater adherence to human rights standards by the police, army and paramilitary forces and frequently pick up on international criticism as a basis for citing the government or bringing the country into disrepute. Just as valuable as opposing government action that is contrary to rights, is taking a bi-partisan approach to positive human rights proposals. The Opposition can help to promote the concept of universal human rights by not opposing important human rights initiatives for political purposes. As responsible members of parliament, opposition members sitting on various committees – and frequently as their powerful chairs – also have a considerable responsibility for promoting human rights. Apart from the rich opportunities offered to draw attention to shortfall in standards at question time through oral and written questions.

Members who seriously attend to the findings of international scrutiny bodies, the reports of foreign governments and civil society, as well as to the reports of national human rights institutions and commissions of inquiry can keep the government's performance under constant scrutiny. The parliamentary opposition in Guyana, for instance, highlighted this when a Presidential Commission of Inquiry was appointed to look into alleged government sponsorship of death squads made up of serving and former police officers. The Opposition issued a press statement demanding that the inquiry be conducted by highly-regarded and respected persons of unblemished integrity who were acceptable to major stakeholders in the country; be accompanied by a credible and secure witness protection program; allow a role for the Caribbean Community (CARICOM) and other international organizations; have the power to take evidence in camera as well as in public; and have the authority and resources to take evidence both inside and outside of Guyana. Research on patterns of violence, violation and impunity can impress upon the government the need to review offending policies from a human rights perspective. Urgent motions can also call attention to serious human rights violations to ensure that human rights concerns are kept in the forefront. Outside parliament, opposition members can also lead fact-finding delegations to examine and report State violations of human rights.

### **Promoting Human Rights within Political Parties**

Most parliamentarians belong to a political party. No matter their persuasion or ideology there are few except those on the extreme fringes that do not abjure violence, avow equality and appreciate the values of social justice and equity. However, the key lies in how the public gauges its levels of commitment – and actions speak louder than words. While rhetoric makes good press for political parties in public fora, inner party processes show a political grouping's commitment to good governance and human rights. The existence of human rights caucuses and units, women's units, minority and child protection units or even general complaint units within party structures point towards the commitment of a party to human rights principles.

Internalising the human rights agenda is evidenced by diversity in membership and can be seen through the participation of women, tribal, ethnic, linguistic and religious minorities, and traditionally unrepresented groups; as well as their pre-selection to safe seats. Some countries have legislated to ensure that this happens, particularly as it relates to women. For example, in Guyana, political parties must include a quota of 33% female candidates on their electoral lists. In other countries the decision has been made by parties themselves, such as Malta where the Labour Party has a 20% quota for women on party lists, and Mozambique where one party has adopted a quota system of 30% for women on election nomination lists and leadership positions. In some instances, individual support of parliamentarians to causes outside a party's set agenda can be constrained by demands for party discipline. Nonetheless, in their capacity as influential members of their own political parties, parliamentarians can lobby to ensure that commitment to human rights issues figure prominently on their party's electoral manifestos. The initiative for releasing white papers and setting up special commissions to probe human rights abuses has often come from their inclusion in an election manifesto based on public aspirations.

### **Election Manifestos Resulting in Practical Reforms**

In South Africa, when the first elections were being held in 1994, the African National Congress' manifesto promised to the people of South Africa the following:

- A democratic society based on equality, non-racialism and non-sexism;
- A nation built by developing different cultures, beliefs and languages as a source of common strength;
- An economy which grows through providing jobs, housing and education
- A peaceful and secure environment in which people can live.

These promises encapsulate the combined values of economic social and cultural rights and civil and political rights. promoted through specific domestic rights issues. For example, domestic issues might include the reform of colonial legislation, particularly police acts, official secrets acts, and press freedom acts; a human rights friendly approach to refugee issues or anti-terror strategies; or the establishment of National Human Rights Institutions. Recently in Bangladesh

for instance, the election manifestoes of both the Bangladesh Nationalist Party and the Awami League included establishing a national human rights commission. A party manifesto can also include big-ticket foreign policy items like signing up to the International Criminal Court or lobbying for reform of the UN Human Rights Commission to ensure that only people with a demonstrated commitment to human rights sit on the Commission.

### **Conclusion**

It is clear from the above discussion that, the parliament can play the vital role in strengthening good governance and ensuring human rights as well.

## **Chapter Eight : Recommendation and conclusion**

In this study, in spite of some limitations we tried our best to draw the existing and actual scenario of good governance and human rights of the country. It is found that good governance and human rights are mutually interrelated and the status of the both can be improved by taking some steps. The recommendations are as the following:

### **1. STRENGTHEN PARLIAMENT**

#### **STRONG PARLIAMENTARY LEADERSHIP**

- Parliament has a lead role to play in raising issues and putting them on the national agenda. Strong supporting institutions remain essential to ensuring the effective implementation of its recommendations.
- To draft a code of conduct for MPs in each parliament, in consultation with other governance actors such as civil society and the private sector.
- To create a committee for accountability to build consensus on strengthening parliament across party lines
- The Speaker should be impartial in conducting the business of parliament, ensuring fair and balanced access to the media. This is essential for effective parliamentary debate.

#### **INSTITUTIONAL CAPACITY BUILDING**

- Re-think traditional institutional models by: identifying the problem areas; re-thinking what is required; assessing current capacity; designing and remodelling institutions; and strengthening links among these institutions.
- To separate the parliamentary secretariat from the public service and ensure its political neutrality
- Recruiting and/or train parliamentary staff in relevant fields.
- To establish a research support unit within the parliament, which is geared to the needs of and responsive to MPs. Share research facilities among both houses in a bicameral legislature.
- To make use of outside research facilities (e.g. policy/research institutes)
- Provide intra-regional training for MPs (particularly on financial matters) to strengthen their understanding of and participation in national policy-making
- To make use of modern technology to share information among countries in the region and seek advice/input into means of addressing issues as they arise.

## PROCEDURE

- Aligning rules and procedures to current and future capacity needs by challenging irrelevant and dated provisions
- To ensure fair, effective use of powers: (e.g. Orders of the Day, motions of adjournment, resolutions and vote thanks)
- To provide orientation to new MPs regarding parliamentary practices and proceedings
- Establishing a televised 'question hour', where the Prime Minister and other ministers are subject to direct daily questioning
- Discussing and debating on corruption issues more frequently in the parliament
- Identifying means of increasing attendance in the Parliament (e.g. by imposing penalties)
- To establish a longer parliamentary schedule, particularly to undertake more committee work.
- Reforming procedures to ensure fair treatment of all MPs in time allocation

## COMMITTEES

- Gradually to make committee meetings more open and transparent (e.g. open deliberations, issuing press releases on committee meetings, individual interviews with MPs immediately following committee sessions).
- Insist that all legislation should be sent to committees prior to debate in the parliament.
- Providing for all standing committees to perform an audit function vis-a-vis individual government departments
- Electing strong chairs who can build consensus across party lines (oversight committees should be chaired by opposition members)
- Involving civil society in committee activity;
- To establish active petition committees that make the public aware of their function to receive grievances
- New institutions should be created in order to ensure accountability and the institutions must be effective in practice.
- Strengthening parliamentary committee.

## THE ROLE OF INDIVIDUAL MPs

- Televising parliament so the people can better understand the national role of MPs
- Providing training programs for MPs so they better understand and can exercise their responsibilities
- Strengthening individual MPs' accountability by requiring that candidates provide important information prior to nomination, including the declaration of assets and any previous criminal record. Once individuals are elected to parliament, the process should allow for dismissal if it is proven that MPs had falsified their declaration.
- To provide adequate infrastructure support to MPs, including staff and offices

- Strengthening local government institutions to free MPs from many local responsibilities
- Strengthening the role of individual MPs in relations with their party.

## THE BUDGET PROCESS

- Involving parliamentarians in a more comprehensive way in the budget planning process (e.g. committees, debate, monitoring/oversight)
- To set out budget policies and priorities at least 2 months in advance of the budget speech to allow full debate before the new fiscal year
- Establishing consultative committees comprised of MPs and chaired by the Ministers of respective departments, to allow continuous input into the budget
- Establishing and/or strengthen the Finance/Budget Committee so that it may play a major role in the budget process
- Insisting that audits are done in a timely manner (e.g. within 6 months of the end of the fiscal year) and that Public Accounts and similar oversight committees play a more proactive role (e.g. review accounts from no further back than 1 year prior to the current fiscal year)
- Involving the upper house in a bicameral legislature to a greater extent (e.g. review budget and submit recommendations to the lower house)
- Reducing discretionary powers of the executive as regards modifications to the budget and insist that Parliament approve any modifications, including supplementary budgets, prior to expenditures taking place
- To discourage excessive delegation of authority and use of ordinances, where tax bills prior to their implementation
- Money bills should be certified by the speaker of the lower house, in consultation with the chair of the upper house.
- To provide training to MPs regarding financial issues and the budget process
- To support the decentralisation of the budget process to local government
- To encourage the opposition leader to formulate proposals for amendment to the budget in co-operation with smaller opposition parties
- Demystifying the budget by gradually reducing secrecy and increasing transparency
- Reviewing the official secrets act to abolish unnecessary provisions and provide more access to information (e.g. defence) o Define national security more narrowly to ensure parliamentary accountability in defence budgets (e.g. salaries, administrative expenses, perks)
- Reducing the number and scale of 'miscellaneous' line items in the budget
- To build links with civil society organisations in the budget process
- To provide the public and media with more access to information, including briefings on the budget
- Simplifying budget documents in language and form for greater access and understanding
- To hold public hearings of the Finance/Budget committee to receive evidence from Chambers of Commerce and other groups affected by the budget



Apart from these some other steps can be taken for ensuring human rights. Here are some recommendations—————

- .Advocacy for incorporation and ratification of various international instruments by the government;
- . Documentation and fact-finding of human rights abuses which includes custodial death, rape, torture, political repression and also repression of women, i.e. death/ torture due to non-payment of dowry, acid throwing etc.;
- .Promotion of human rights education and literacy;
- . fostering mass awareness on rights and duties;
- .Mobilize and network with its members to enhance institutional capabilities of individual groups, organizations and agencies on human rights issues;
- . Campaign and monitor for a free and fair electoral process to ensure voters rights;

### **Conclusion:**

It is proved that the present condition of human rights of the country can be improved through practicing good governance system but there is a general consensus that the governance is in crisis.

A quick glance at the realities within the constitutional arms and the management of economic, administrative and the political affairs further strengthens the statement on crisis in governance. Good governance is not easy to achieve in Bangladesh. This is mainly because a host of social, cultural, economic, administrative and legal variables affect the nature and consequently determine the shape of governance in our country.

In Bangladesh, it is evident that the present condition of governance is not satisfactory. Many issues and problems are the barriers to ensure good governance, equity and social justice. Corruption, political interference in administration, nepotism, misuse of power, absence of rule of law, non-accountable and non-transparent government and administration etc. are the common features of our governance. Although a lot of measures may be taken for ensuring good governance, it is high time to make our autocratic parliament a democratic one. And re-engineer the role of the dictatorial Prime Minister to a democratic one.

In the interest of good governance, time has come for us to think about amending the black law (Article 70 of the constitution) to curb its abuse and free the public representatives to voice peoples aspiration in the parliament. Public opinion should be mobilized to discourage boycotting of Parliament and make the Parliament fully functional and democratic by making the speaker system a non-partisan institution.

It is also necessary to make the ministers accountable to the parliament members while discharging their executive roles to make the parliament truly democratic. Re-engineering is also required to make the MPs the key actors of the parliament instead of the ministers by making the parliamentary standing committees more powerful, effective and functional.

To ensure increased accountability and set the culture of resignation due to failure or inefficiency of ministers, legal provisions should be made so that cabinet ministers has to render resignation if no confidence motion is moved by one third members of the parliaments of which one third must be from the ruling party.

It is required to make the parliament effective and functional and center of all debates. On the other hand, the opposition, civil society and social groups and organizations also have the moral obligations to help and co-operate the government in establishing good governance.

But after eleventh January 2007, discussions are tabled that constitutional amendments are necessary to bring checks and balance of powers between the President, Prime minister and Speaker of the country. To make the parliament democratic, functional, effective measures should be taken to make the speaker panel an institution above partisan standing.

In view of above discussion, we may safely say that if we can successfully follow the means of overcoming these challenges and constraints facing good governance and give due attention for their institutionalization, good governance is sure to see the light the day. Though the road towards success is tortuous, but the prospect is bright

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## List of Acronyms

AL	Awami League
BD	Bangladesh
BDR	Bangladesh Rifles
BNP	Bangladesh Nationalist Party
CRPD	UN Convention on the Rights of Persons with Disabilities
DAC	Development Assistance Committee
EU	European Commission
EC	Election Commission
GSCR	Government Service Conduct Rules
ILO	International Labour Organization
MDGs	Millennium Development Goals
MOHA	Ministry of Home Affairs
NFOWD	National forum Of Organizations Working with the Disabilities
NMWB	National Minimum Wage Board
OECD	Organization of Economic Co-operation and Development
RAB	Rapid Action Battalions
SPA	Special Power Act
UN	United Nations
UNDP	United Nations Development programe
UNCHR	United Nations High Commission for Refugeec