

অন্তর্ভুক্তিমূলক উন্নয়ন ও ন্যায্যতার লক্ষ্যে নাগরিক এজেন্ডা

Giving Voice to the 'Silent' and Establishing Democratic Accountability

Presentation by

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Background



- Over the years, Bangladesh has achieved commendable success in terms of various socio-economic indicators
- Non-state actors have played a critically important role in the impressive journey that Bangladesh has undertaken over the post-independence period
- Civil society groups, non-government organisations, as also the media of the country, have contributed in various ways in this journey: by raising awareness about issues of concern and development interests to the country, helping with poverty alleviation and improvements in health and nutritional status, offering low-cost health and education solutions, and by helping to identify areas and issues that needed priority attention and actions on the part of the policymakers.
- Bangladesh's development track record bears out that when all key stakeholders work jointly, both the economy and the citizens stand to gain from this.



Background

- However, challenges are there as concerns regarding the state of democracy, accountability, political rights, and civil liberties, and shrinking political space for civil society organisations (CSOs) and other civil society actors (e.g., lawyers, academics, journalists, and other professional groups) are on the rise in recent years.
- While the concerns have negative ramifications for all citizens, these are more adverse and alarming particularly for marginalised groups and the left behind and pushed behind people of the country.
- Addressing the concerns of the left and pushed behind groups is a necessary pre-requisite particularly in achieving the SDGs which have the philosophy of Leave No One Behind (LNOB) at their core.
- Against this backdrop, the Policy Brief focuses on issues of interest to left behind communities in view of the above and comes up with a set of concrete recommendations as to how the democratic accountability system can be strengthened so that ‘silent’ disadvantaged communities can make their voices heard and their issues properly addressed.



Giving Voice to the Silent Majority: Exploring the Existing Scenario

- The Government of Bangladesh (GoB) has shown a strong commitment to achieve the 2030 agenda for sustainable development, where a major focus is to ‘leave no one behind’.
- Successive national planning documents also reflect the GoB’s strong commitment to making the growth process inclusive by addressing the concerns of marginalised groups.
- Over the years, several initiatives have been taken to address issues that inform the interests of the marginalised groups
 - *Establishing National Human Rights Commission and other Institutions of Accountability, drafting the Anti-Discrimination Act etc.*
- However, Bangladesh is going through a democratic backsliding- the country has gradually moved from electoral democracy towards non-inclusive electoral process.
- This democratic backsliding has affected both the vertical and horizontal accountability mechanisms where the institutions of accountability are failing to hold the dominant executive accountable and excessive centralization of power is allowing the executives to disregard concerns about human rights violations



Giving Voice to the Silent Majority: Exploring the Existing Scenario

- The dominance of the executive is affecting the marginalised groups in three different ways.
 - First, it has effectively narrowed political and civic space by making it difficult for the left behind groups to raise voice in support of their demands and engage effectively with organs of state
 - Second, at the field level, the consolidation of the power of the bureaucracy has led to a situation where service delivery is suffering because of unfettered discretion and weak democratic accountability. Consequently, disadvantaged citizens are often deprived of the necessary public services to which they are entitled
 - Third, the rights based organizations that used to play a prominent role in raising voice in favour of the left behind groups are finding it increasingly difficult to function due to the enactment of various acts such as the Digital Security Act of 2018, and now its successor the Cyber Safety Act, 2023, the Foreign Donation (Voluntary Activities) Regulation Act of 2016, the Circular issued by the NGOAB on November 25, 2021



Giving Voice to the Silent Majority: Exploring the Existing Scenario

- Consequently, the gradual democratic recession experienced in Bangladesh has impacted the left behind groups of Bangladesh in two different but interconnected domains:
 - They are failing to exercise their legal, civil and democratic rights, and their voice remain unheard
 - They are failing to get access to quality public services which are necessary to cater to their needs
- This policy brief specifically focuses on these two domains and offers a number of recommendations to mitigate the challenges faced by the marginalised groups.
- We have identified three specific issues & areas within the two aforesaid domains
 - Empower Marginalised Populations to Secure their Legal Protection of their Rights
 - Ensure that Left and Pushed Behind Groups Can Exercise Their Democratic Rights and Make Their Voices Heard
 - Ensure Access to Quality Public Services



Issue 1: Empower Marginalised Populations to Secure Legal Protection of their Rights

• ***Recommendation 1: Enact the Anti-Discrimination Act with Modifications***

• While this Bill is a welcome move on the part of the government, and the result of citizens' activism over several years, the draft Bill has several limitations. We propose that-

- Incorporate provisions which address gender discrimination and its intersections with discrimination based on caste, religion, ethnicity, or occupation
- Incorporate provisions to criminalize discrimination, subject to meeting fair trial and due process concerns
- Ensure adequate support and protection for victims of discrimination, namely those who seek redress, including against possible reprisals
- Clearly define and identify victims of discrimination who are eligible to seek redress under the Act
- Support collaborative engagements on the part of CSOs and NGOs to implement the various measures envisaged under the Act, and take wide-ranging initiatives to raise the awareness of duty bearers as well as the public about the Act
- Establish an independent commission to implement the provisions mentioned in the Act
- A firm commitment is needed on the part of all political parties and the government to implement the various initiatives envisaged under the Act will be necessary



Empower Marginalised Populations to Secure Legal Protection of their Rights...

- ***Recommendation 2: Keep the Commitment to Strengthen the Capacity of the National Legal Aid Services Organisation (NLASO) to Deliver Legal Services to Those in Need***
 - To this end, the government needs to allocate adequate financial and human resources so that information about rights of citizens is properly disseminated, and appropriate support is provided to low-income people, women and marginalised groups.
- ***Recommendation 3: Eliminate Administrative and Legal Barriers that are Currently Affecting the Functioning of the Rights Based CSOs***
 - To support CSOs in upholding the rights of the disadvantaged groups, political parties should commit to creating an enabling environment for these organisations to function effectively and without any hindrance. This can be done in two ways:
 - By repealing and/or amending some of the current Acts that undermine the rights of citizens such as the Cyber Security Act, and the Foreign Donations (Voluntary Contributions) Act, and by incorporating suggestions provided by the CSOs while designing policies for their governance.
 - Simplify complicated and often unnecessary administrative burdens and procedural delays that CSOs have to face in undertaking their activities
- ***Recommendation 4: Ensure Representation of the Marginalised Groups in the Electoral Process***



Issue 2: Ensure that Left and Pushed Behind Groups Can Exercise Their Democratic Rights and Make Their Voices Heard

- ***Recommendation 5: Create a Comprehensive Database Covering the Marginalised Groups which would Provide information as regards their location, economic status and the particular challenges they face***
 - Such a database will help monitor the status and well-being of disadvantaged groups. Making the data publicly available will help both the government and the NGOs to design effective interventions
- ***Recommendation 6: Introduce Initiatives which would Politically Empower the Marginalised Groups while Allowing them to Bargain Collectively in favour their Rights***
 - Efforts should be taken not only to raise their awareness about their political and democratic rights and rights as citizens but also support their efforts to come together and mobilise on different issues
 - CSOs should undertake initiatives to support disadvantaged groups to develop leadership capacity so that they can claim rights, protest structural impediments and mobilise for change
- ***Recommendation 7: Strengthen Existing Social Accountability Tools and Mechanisms and Ensure their Sustainability***
 - To make the existing social accountability tools and methods effective, political parties need to make strong commitment to encourage and take all necessary steps to ensure promotion and sustainability of these social accountability tools. One possible way of doing this is to ensure that Annual Performance Agreements (APAs) signed by various ministries and government agencies include organisation of regular interactions with citizens and feedback sessions from citizens as a requirement of performance assessment
 - MPs and other representatives of the people should be encouraged to hold regular public hearings



Issue 3: Ensure Access to Quality Public Service

- ***Recommendation 9: Ensure that the Performance of the Bureaucracy is assessed not on the Basis of Partisan Preference but Professional Competence***
- ***Recommendation 10: Strengthen the Existing Grievance Redress System (GRS)***
 - The GRS needs to be further strengthened and knowledge about the tool should be disseminated widely. Concerned government organisations should regularly measure and report on the level of satisfaction derived by citizens as regards the GRS
- ***Recommendation 11: Ensure Accountability of Law Enforcement Agencies***
 - With limited exceptions, law enforcement agencies in Bangladesh enjoy virtual impunity with respect to their acts and omissions which has serious implications for marginalised communities and disadvantaged groups
 - A system of indicator-based reward and punishment in view of their performance must be put in place to ensure that law enforcing agencies operate with professionalism, integrity and without any bias, in the spirit that they are in service of citizens on behalf of the state
 - It must be ensured that prompt, impartial and effective investigations are held with respect to any allegations of rights violations, and that appropriate punishment is meted out to members of law enforcement agencies if they are found responsible for any violation of the law or their code of conduct



Issue 3: Ensure Access to Quality Public Service

- ***Recommendation 12: To Make the Parliamentary Standing Committees Effective, Ensure that Key Committees are Headed by Members of Opposition Parties***
- ***Recommendation 13: Ensure that the Highest Judiciary Bodies Enjoys Constitutionally Mandated Authority and Independence in Supervising and Overseeing Subordinate Courts***
- ***Recommendation 14: Ensure that the Institutions of Accountability such as the ACC, IC, NHRC Can Perform Their Vested Responsibilities While Remaining Free from Executive Control***
 - To this end, the following actions can be taken:
 - The law regulating the NHRC needs to be amended so that the body can properly investigate allegations of human rights violations by law enforcement bodies
 - It is essential that the ACC is given full freedom to investigate any allegations of corruption and to prosecute the perpetrators
 - The Information Commission should ensure that various ministries, particularly those that enjoy high levels of government-citizen interface, as also corporate entities, follow a proactive disclosure policy

Thank You



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