

3rd Annual Human Rights Study Session

**26th October – 7th November 2013
BACE Training Center
Sonargaon, Narayanganj
Bangladesh**

Organizers

**Department of International Relations –
University of Dhaka
Asian Institute for Human Rights
Center for Human Rights Studies**

Preface

The Third Annual Human Rights Study Session was held in Sonargaon, Narayanganj, from 26th October to 7th November 2013. It was co-organized by the Department of International Relations in University of Dhaka, Asian Institute for Human Rights and the Center for Human Rights Studies. 18 participants successfully completed the course. They included; students from the Department of International Relations, Department of Women and Gender Studies, Department of Public Administration and Department of Management Studies from University of Dhaka, and activists and researchers working towards strengthening democracy, access to justice and empowerment of indigenous peoples, refugees and Dalit peoples.

The course was divided into six parts: understanding the basics of human rights; understanding gender, gender discrimination and power; applying the human rights framework; empowerment and citizens' participation in a democracy; conducting human rights assessments and applying learning to practice. As part of the course, the participants also got the opportunity to do a fact-finding into the issue of sand extraction in Mayadip Island on the Meghna River. At the end of the course, the participants working in multiple groups presented their plans about how they would transform their learning into actions that can help to bring some change in society.

The course was based on a model of learning, where each of us was a learner and an educator at the same time. The 12 days of the course was an incredible journey for each of us. It was a personal journey and a journey as a collective, to find 'our voice on human rights' (we borrow this phrase from the title of one of the action plans presented by the participants).

We had started this journey with our worldviews - thoughts and opinions shaped by our socialization and education. In the course of the 12 days, as *Khushi apa* also later stressed, we remembered that the personal is political and we learnt to ask questions of ourselves, about our understanding and thinking, and seek answers - within ourselves and with others in the larger collective.

In the process, we found out that human rights does not present us with any easy solutions, but only provides us a framework for dialoguing and transforming conflicts that are there within our societies, through non-violent ways. As we shared our experiences and opinions and discussed with others, we found that the walls that we had erected for ourselves, had started breaking and that, our horizons had expanded considerably. Indeed, this personal and collective journey was most beautifully expressed by our friend Sohel through his poem – '*milibo abar*' (we will meet again).

This report gives a brief description of the course and the journey that we travelled together. As facilitators, we feel that each person experiences and internalizes learning in their unique ways. It is these differences that contribute to the richness of thoughts, opinions and expressions. Thus, this report does not attempt to summarize the discussions or the learnings that took place, but

simply traces the different sessions of the course, the main concepts or principles that were discussed therein and the questions that were raised for discussions. We hope this report acts as a reference document and provides a framework to the participants to remember the course.

At the end, we cannot but help remember the song that started as an icebreaker, but quickly became the lines that could bring us together at any given moment of time...

O' change makers, jodi shukhi shomaj godhte chao , tali dao ...

O' change makers, if you want to contribute towards making a happy society, clap your hands...

We hope, that as we get immersed in our individual journeys, we remember these lines, keep these spirits alive and vibrant and continue this collective journey of learning together and contributing towards social change.

At the end, we thank Professor Delwar Hossain for his engagement and support towards organizing this study session and the Taiwan Foundation for Democracy for supporting us in this initiative. We also take this opportunity for expressing our gratitude to Dr. Hameeda Hossain for her continuous support and for sharing with us her experience and thoughts on the current challenges in human rights practice that are confronting us.

In solidarity and peace
Kalpalata Dutta
Md. Zahirul Islam
Facilitators

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Objectives of the Study Session

In general the objective of the Study Session is to strengthen the knowledge and skills of participants on the theory and practice of human rights. It is expected that by the end of the Study Session, the participants will be able to:

- Use a framework based on internationally accepted human rights standards and principles and national human rights laws and policies to analyze issues and situations encountered in their work or work of their organizations.
- Integrate principles of rights based approaches in their work.
- Identify ways in which human rights education can increase the effectiveness of their work (human rights education is about trainings, awareness raising, campaigns, information dissemination to promote human rights culture in society).
- Explore networking opportunities for furthering human rights work.

Part I: Understanding Basics of Human Rights

It was expected that by the end of this Part, the participants would be better able to review the history and development of human rights norms and describe the fundamental characteristics of human rights framework. The different sessions included:



Why do we need human rights?

- Participants discussed that human rights was needed in order to address injustice in society, ensure security of life and basic needs of the people and establish a society based on rule of law where there is respect for the diversities of culture, religion, ethnicities and identities.

What are the human rights?

Definitions proposed by participants

- *Human rights are rights that people have because of their humanity.*
- *Human rights are conditions that help to bring equality in society.*
- *Human rights are rights related to justice. They are one of the necessary components for a society based on rule of law.*

What are the fundamental characteristics of human rights?

- Inherent, universal, interdependent, indivisible and inalienable

Where did human rights come from?

- Human rights are deemed to be inherent in every person from their birth. These rights gradually received recognition in society through collective struggles of the people.
- *Story of Human Rights*, video documentary by the Youth for Human Rights

Where are these human rights recognized?

- Universal Declaration for Human Rights, 1948;
- International Covenant on Civil Political Rights, 1966;
- International Covenant on Economic Social Cultural Rights, 1966;
- Constitution of Bangladesh;
- And the other core international human rights treaties.



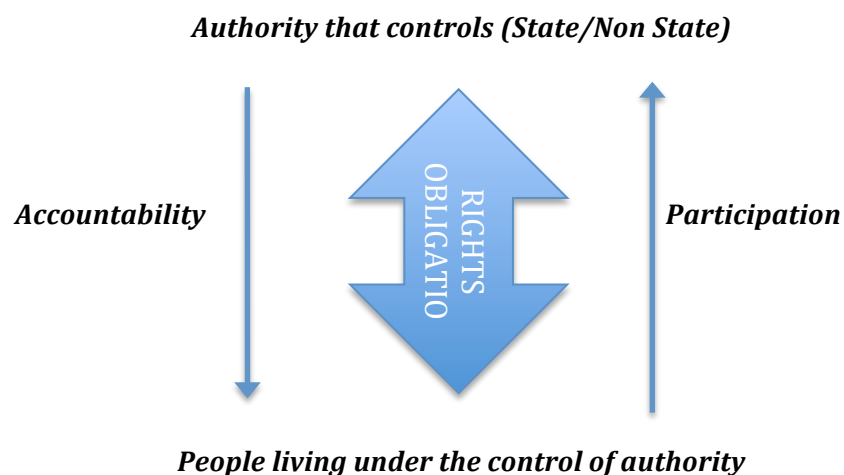
How does a State become a party to these international human rights treaties?

- A State becomes party to a treaty through the process of ratification or accession.
- How are treaties drafted?
- What are reservations?

Struggles for human rights and social justice in Bangladesh since 1971



What does codification of rights in international treaties or Constitutions imply?



- Rights are codified in international human rights law, national constitutions, national laws, polices, regulations, customs, etc.
- The codification of rights implies a relationship of power between the authority and the people.

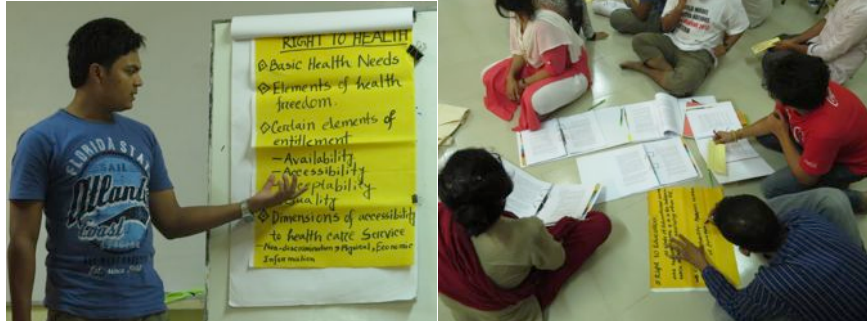
Reviewing the international bill of rights and the Constitution of Bangladesh

- Are the rights in the international bill of rights reflected in the constitution of Bangladesh?
- What is the difference between Fundamental Principles of State Policy and Fundamental Rights?



Reviewing the components of some specific rights

- What are the norms that make up the right to education, right to health, rights against torture and the right to freedom of speech and expression?



Reviewing state obligations

- Does the 'authority' have absolute power over the people living under its control?
- Rights have corresponding obligations that put limits on powers of the State. Thus rights impose duties on States.
- These obligations are that of non-discrimination; respect; protect; fulfill; progressive realization; maximum availability of resources, legislative measures.
- *Case studies analysis: was there any failure of the State in ensuring rights of Prosenjit? If yes, what was the nature of the failure of the State? What was the commission or omission on part of the State?*

Reviewing monitoring mechanisms at national and international level

- In a case of rights violations which are the institutions that one can approach for remedies at the;
 - ✓ National level? (Courts, National Human Rights Commissions, etc.)
 - ✓ International level? (Treaty bodies, Universal Periodic Review, Special Rapporteurs)
- How can civil society engage with these mechanisms? Or what role does civil society have in promoting and protecting rights?



Part II: Understanding Gender, Gender Discrimination and Power

It was expected that by the end of this Part, the participants would be better able to explain the concepts of gender, gender discrimination, gender analysis and the dynamics of power relations in society. There were discussions on:



What is the definition of discrimination?

Which group is most vulnerable to discrimination?

- Which are the groups in Bangladesh that are vulnerable to discrimination?
- Are women vulnerable to discrimination at multiple levels because of their identity as women and as members of vulnerable groups?

What is patriarchy?

Definitions proposed by participants

- *Patriarchy is a system, which puts males in a position of advantage over women.*
- *Patriarchy is a system where women are kept in a subordinate position to men.*
- *Patriarchy is a social system constructed by males to dominate females in every aspect of society and life. It is about male domination and female subordination.*



- What are some of the institutions that make up the society: *family, community, market, State*
- Within these institutions who controls decision-making, resources and access to resources?
- Does the system of patriarchy lead to imbalance of power in society? Who are the beneficiaries of this system? What is gender discrimination?



What do we understand by gender?

- What is the difference between sex and gender?
- What is the meaning of socially constructed behavior?
- What are the qualities of an ideal man and an ideal woman?



- What are the gender roles? Does gender assign specific roles to men and women in work relating to production, reproduction, community management and constituency building?
- Does gender roles lead to gender division of labour?



Understanding Power

- What is power? Does it influence access to resources?
- What are the different forms of power?
- What are the different sources of power?
- Does everybody have equal access to these sources of power?



What is gender relation analysis?

- It is about understanding gender discrimination – the relationship of power between men and women, their access to resources, their activities and the constraints they face relative to each other.
- It helps us to understand the different conditions that men and women face and the different effects that policies and programs may have on men and women because of their genders.
- It helps in identifying practical gender needs and strategic gender needs.

How do we understand Gender Equality?

- *Case study: Should women of the country be allowed to work abroad as migrant labour, even if there are complaints that the women are exploited in the host country?*
- Understanding the different models of equality and the principles upon which they are based: formal equality, protectionist equality, and substantive equality.
- How do we understand 'equity'? Which model of equality would lead to equity?



Part III: Applying the Human Rights Framework

It was expected that by the end of this Part, the participants would be better able to apply human rights framework to issues of concern and analyze the context in which rights are asserted and sought to be claimed, propose actions that can be taken to address violations of rights and identify the principles of a human rights based approach to interventions taken. The Part included discussions on:

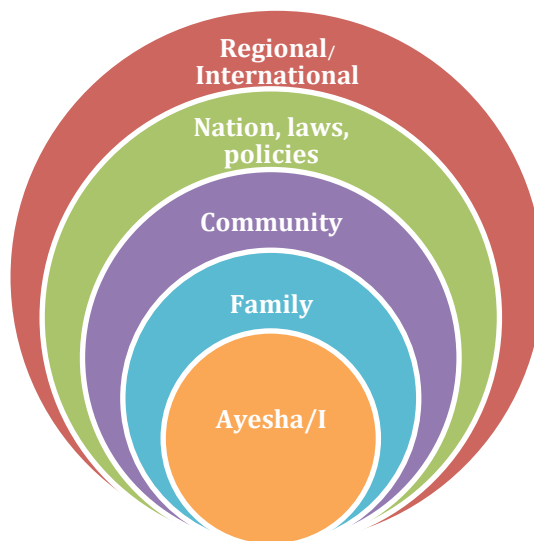


What is context analysis?

- Identifying potential violations
- Identifying the actors, the factors
- Identifying the power dynamics of the situation

Case Study Analysis: Ayesha's story

- *Who all are responsible for Ayesha's present situation?*
- *Did factors at individual, family, community, national and international levels contribute to the problems faced by Ayesha?*
- *Are there linkages between these factors?*
- *What rights of Ayesha were violated and how?*



- *What power does Ayesha have within the family?*
- *What are the gender relations within the family? Does Ayesha have a role in the decision-making processes within the family?*
- *Are decisions within the family influenced by the community?*
- *Do community people have a voice over the framing of laws, policies and programs by the State?*
- *Do decisions at the global level by global actors influence decision-making powers of the State?*
- *Given the actors, and the factors – what obligations does the State have to ensure the rights of Ayesha and her family?*



What are the principles of human rights based approach?

If the State wants to initiate a development program, then as a human rights advocate, what process would you suggest that the State should follow? What are the principles that the State should keep in mind?

- Conscious and systematic integration of human rights and human rights principles in all aspects of work by;
 - ✓ Being aware of who are the rights holders and what are their claims?
 - ✓ Being conscious of the obligations of the duty holders such as the State.
 - ✓ Recognizing the indivisibility and interdependence of rights.
 - ✓ By respecting the rights of equality and non discrimination
 - ✓ By ensuring participation and inclusion
 - ✓ By ensuring accountability and rule of law.



Part IV: Empowerment and Citizens' Participation in a Democracy

It was expected that by the end of this Part, the participants would be better able to appraise the meaning of empowerment and assess the role of citizens in strengthening democracy and promotion and protection of human rights. In specific, this part included the following discussions:

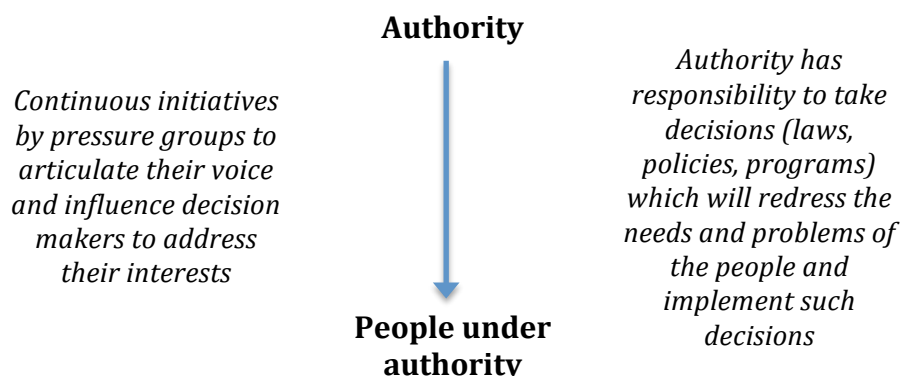


What would be our advocacy plans for addressing Ayesha's problems?



What is Advocacy?

- It is a continuous process of dialoguing with duty bearers to persuade them to take recommended actions to address the identified problems or to implement decisions taken by them.





What are the principles of effective advocacy?

- SMART: Specific, Measurable, Attainable, Realistic, Time-bound and ACTON: Advantages, Challenges, Threats, Opportunities, Next-step - *While:*
 - ✓ Defining issues
 - ✓ Determining objectives
 - ✓ Selecting issue
 - ✓ Identifying solutions
 - ✓ Determining strategies
 - ✓ Determining action plans and time frame
 - ✓ Implementing action plans
 - ✓ Evaluation of the action plans

What is empowerment? What is a citizens' role in a democracy?

- The ability to ask questions, take responsibility for our actions, take decisions and seek solutions is also known as agency.
- The personal is political. As a woman or as an individual what I do, how I negotiate issues, how I take decisions – my agency – is part of my identity as a member of the family and as a citizen in a community.
- The personal influences the collective, i.e. the ways in which we interact in relation to others and how we participate as citizens in a democracy.
- Empowerment is about strengthening individual agency to change. Empowerment at the personal level leads to strengthening collective capacities to transform political processes so as to make them more inclusive of all sections of the society, accountable and responsive to the needs and rights of the people.
- Empowerment of citizens' lead to them asking questions about the existing rules, systems and structures in the society. Such questioning can create anger amongst others, tensions and conflicts. Strong democratic practices helps to create the space for dialoging amongst the conflicting groups and finding solutions, which are acceptable to all.
- The role of the younger generations in the Shahbag movement, in responding to the tragedy of Rana Plaza, reflects their heightened awareness and consciousness and this is very important for strengthening a democracy or for building a participatory democracy. At the same time, both these movements faced obstacles and barriers in their endeavors to bring social change.
- *Thus empowerment is more like a dance that takes two steps forward, and three steps back before moving slowly in a spiral around the floor.*



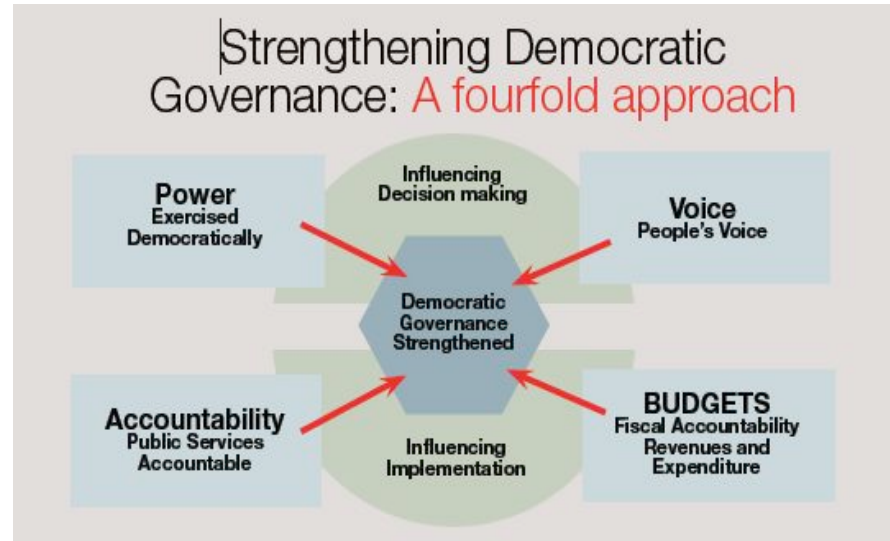
Struggles of garment workers

- Garment workers contribute to wealth of the nation, but what about their rights? What about their working conditions? What about their security of life?
- What are the obligations of the State?
- What options are available if the lines between State and employers or garment owners become blurred?

The Dalit Movement in Bangladesh

- Dalit peoples were excluded from the 2011 population census indicating that their existence is denied by the State.
- The forms of discrimination and insecurities faced by Dalit peoples include issues such as political representation, access to education, housing, health care and sanitation.
- What has been the journey of the Dalit movement in Bangladesh and the internal and external challenges faced by them

Participatory Budgeting to build Participatory Democracy in Bangladesh



- A representative democracy, by itself may not be enough to guarantee democratic governance based on rule of law and human rights.
- A budget document reflects the political, economic, social philosophy or manifesto of the government.



- Participatory budgeting is about inputting the needs and demands of the people in the manifesto and consequently the budget policy of the government. Participatory budgeting helps in deepening democracy.
- The Democratic Budget Movement has introduced the idea of participatory budgeting in 25 districts of Bangladesh.
- *Video: Peoples Budget, Story of Participatory Plans and Budget with Union Parishads*
- Is there structural support for participatory budgeting in Bangladesh in its Constitution, in the rules and procedures of finalizing the budget document, in the Union Parishad Act and Manual, etc.?

Struggles of indigenous peoples in Bangladesh

- Is there recognition of indigenous identity in Bangladesh?
- What have been the issues and challenges faced by indigenous peoples in Bangladesh

Right to Information Act

- *Experience of peoples audit by Nijera Kori: video film*
- *Sharing of experiences by participants: Why is information important? How does it help us in promoting and protecting rights?*
- What are the key provisions of the Right to Information Act, 2009?
 - ✓ What kind of information can be requested?
 - ✓ Who has the responsibility to give the information? What is the process of requesting information?
 - ✓ Is there a time frame within which the request for information has to be met?
 - ✓ Is there an appeal process if the application for information is denied?



Part V: Conducting Human Rights Assessments

It was expected that by the end of this Part, the participants would be better able to do assessment of an issue from a human rights perspective and conduct fact-finding and analysis for human rights work and prepare reports from human rights perspectives. There were discussions on:



What is human rights fact-finding?

- Collecting accurate, credible and reliable information about an incident involving human rights violation: What? When? Where? Who? Why? How?
- What are the sources of information?
- What is evidence? What do we understand by corroboration of evidence?
- What are the steps in planning a fact-finding?
- What are the principles to be kept in mind while conducting interviews? (Engage and Account)

Interviewing to gather information about Mayadip

- Planning to collect information about Mayadip through conducting interviews.
- Interviewing:
 - ✓ Journalists at Sonargaon Press Club
 - ✓ Members of the community
 - ✓ Members of the Balu Uttolon Protirodh Committee (Committee for Protesting Against Sand Extraction)
 - ✓ Shahed Kayes, human rights defender, campaigning against sand extraction in Mayadip

Analysis of information collected and preparing reports

- De-briefing on the interviewing process
- Preparing reports of the fact-finding conducted



Human Rights Reporting

- Reviewing the basic requirements of a good human rights report
- Reviewing some standard formats of writing report;
 - ✓ Daily and monthly reports of human rights organizations
 - ✓ Fact-finding report by Odhikar
 - ✓ Report on issue of forced evictions in Bangladesh by Center for Housing Rights and Eviction and Asian Coalition for Housing Rights
 - ✓ Report of the Independent Expert on the Human Rights Situation in Sudan

Part VI: Applying Learning to Practice

It was expected that by the end of this Part, the participants would be better able to determine how they could integrate their learning in their existing work.



Using the medium of community radio for promoting rights

- What is the salience of community radio?
- How does community radio help in promoting and protecting rights: experience from Nepal and Bangladesh
- What are the opportunities in Bangladesh for using community radio to create awareness, empowering communities and mobilizing them?

Human rights education and our role

- Human Rights Education by Center for Human Rights Studies in Bangladesh
- Activities of participants relating to human rights education:
 - ✓ Awareness raising on violence against women issues in education institutions through dialogues with teachers and guardians, wall papers and magazines, photo exhibitions, movie shows
 - ✓ Legal awareness and legal counseling
 - ✓ Raising awareness about rights in CHT area through awareness, street theatre, documentaries, round table dialogues and human chains
 - ✓ Raising awareness on issues of refugees through participatory action researchers, workshops and seminars
 - ✓ Brave Men Campaign in schools
 - ✓ Leadership and human rights training amongst Dalit peoples
 - ✓ Promoting human rights awareness within universities through activities with students
 - ✓ Promoting knowledge on human rights through model UN practice
 - ✓ Engaging with the youth for economic solvency
 - ✓ Engaging with children living on the streets





Action Plans of Participants

- Conducting a 'Dialogue on Need for Campus Radio in the Dhaka University' with the objective of establishing a campus radio in the university.
- 'Our Voice for Human Rights', Conveying Human Rights Messages through the Student Community
- Human Rights in Action for Reducing Violence Against Women
- *Amader Odhikar, Amader Uddyog (Our Rights, Our Initiatives)*: Human Rights Awareness amongst Dalits
- Awareness Building Campaign on Human Rights through Action Research

Challenges in Human Rights Practice in Bangladesh

- The challenges include:
 - ✓ Ensuring respect for the spirit of secularism.
 - ✓ Ensuring recognition for the rights of religious minorities.
 - ✓ Ensuring respect for the indigenous identify of people living in the Chittagong Hill Tracts.
 - ✓ Ensuring protection against human rights violations such as torture, disappearances, arbitrary detention and extra judicial killings.
 - ✓ Transforming the power structures so that instead of supporting the perpetrators as they presently do, they support the victims and cause of justice.
 - ✓ Ensuring that there is respect for the dignity of each and every person – despite differences in political opinion, religion, race, ethnicity, sex, etc.



Milibo Abar (We will meet again): A Poem by M.J. Sohel



মিলিব আবার

এম.জে.সোহেল

একই গগন তলে বাস ।
একই পবন মিলয়া শ্বাস ।
একই স্বপ্নমাথা চোখে,
এই মানুষগুলো দেখে।

একই খুনেরাঙা তনু।
ভিল্পে মিলিয়ে রামধনু।
একই সূর্যে মিলায় কিরণ।
একই স্বভাব মাঝে মলিন।

তবু এই ধরনী তলে,
শত অসমতা মেলে।
কত অছুতুড়ে মোরা,
শুধু নিতুশ ডাকি জরা।

বর্ণ কি বা, ধর্ম কি বা, কি বা আমার দেশ ?
কোন বা জাতি, কি বা ভাষা, কেমন আমার বেশ
কি খাই আমি, ঘুমাই কোথায়, কি বা আমার পেশা'
শ্রমিক আমি, দলিত আমি, আমি জন্মচাষা ।

নারী আমি, পুরুষ আমি, না হয় অন্য কিছু।
হিসেবে মিলাও সকাল-সন্ধ্যা, কে উঁচু কে নিচু।
বিভেদ করো তোমার-আমার, বিভেদ করো তার।
আস্তাকুরে ছুঁড়ে ফেল মানব অধিকার।

নিজের মাঝেই দেয়াল তোল, নিজেরে নিয়ে বড়াই।
মানুষ মানুষ দূরে সরি, করে চল লড়াই।
“তুমি যদি আমি হতে”।, ভাব কি একবার?
এই বিভেদের পদতলে কি হত তোমার?

বলি না আর উল্টো চলুক, বিভেদ দাবার গুঁটি।
দেই, চল দেই, আজ-এখনি, অসমতা; ছুটি।
মানুষ তুমি, মানুষ আমি, মানুষ হয়েই বাঁচি।
এই পৃথিবী সমান হবে, হৃদয় দিয়ে যাচি।
তোমার আকাশ, আমার আকাশ, সমান ভাগাভাগি।
মিলবে আবার, মিলবে আবার, একসাথে ফের জাগি।

(আবার- আদিবাসী, বাঙালি, রোহিঙ্গা)

০৩.১১.২০১৩ , বেইস ট্রেনিং সেন্টার, সোনারগাঁ, নারায়ণগঞ্জ।

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About the Organizers

Department of International Relations, University of Dhaka, had its early journey in July 1947 while the subcontinent was still the part of the union of territories under the erstwhile British Commonwealth and Empire. That perhaps conferred it a unique distinction of being the first academic department in the entire region of South Asia to offer the subject of International Relations (IR) and in that it may lay a claim to pioneer IR teaching in the subcontinent. From its very inception, the Department was committed to promote multi-disciplinary knowledge and skills to cater for the human resources in diplomatic, political and international administrative/business/social services. Currently the Department offers four-year undergraduate, one year master's, M.Phil, Ph.D and post-graduate diplomas in IR programs.

The Asian Institute for Human Rights (AIHR), based in Bangkok, strives to strengthen the theory and practice of human rights activism, facilitating linkages between academics and activists and contributing to a continuous process of action and reflection. The Institute functions as a resource organization for human rights activism in the Asian region and also strives to bring in experiences from other regions of the world.

Center for Human Rights Studies (CHRS), a forum for human rights education, endeavors to bring together academics, activists, community leaders, government officials and students to reflect on the theory and practice of human rights. It strives towards strengthening knowledge and skills of stakeholders, promoting values amongst youth and children and encouraging the spirit of voluntarism in Bangladesh.