



# **NHRC** IS IN CRITICAL JUNCTURE OF **HYPE** VS REAL ACTION

**Ain o Salish Kendra (ASK)**



An abstract graphic featuring numerous concentric circles of varying sizes, drawn with thin, dark lines. These circles are scattered across the page, with a higher concentration in the upper half and a few smaller ones in the lower left corner. The circles have a hand-drawn, sketchy appearance.

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*This report has originally written as the Bangladesh Country Chapter for the Asian NGO Network on National Human Rights Institutions (ANNI) Report 2012 by the Media and International Advocacy Unit of Ain o Salish Kendra (ASK). This report has been prepared by Sultana Kamal, Executive Director of Ain o Salish Kendra (ASK) and Zakir Hossain is the Chief Executive of Nagorik Uddyog and a member of Steering Committee of the Human Rights Forum, Bangladesh (a coalition of 19 organizations).*

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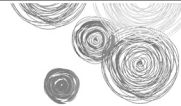
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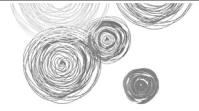
## Foreword

This report entitled 'National Human Rights Commission is in Critical Juncture of Hype versus Real Action' forms a chapter in the 2012 Annual Report on the Performance and Establishment of National Human Rights Institutions in Asia, which is published annually by The Asian NGO Network on National Human Rights Institutions (ANNI), a network of 30 organizations in 17 countries.

The Report seeks to evaluate the compliance of the national institution with the Paris Principles. Pursuant to consistently strong demands from citizen groups, and support from the UN for setting up of such an organization since 1996, the NHRC of Bangladesh was finally formed as a statutory body in 2009. It was expected to work for the prevention, promotion and realisation of human rights by incorporating strategies to create awareness of rights, as well as to address their violations by both state and non state actors. In its first two formative years, the organization has included seven persons, two full time and five voluntary, four of the seven being women. Its staffing strength has not enabled it to carry out extensive investigation and monitoring of the human rights violations.

We need to keep this in mind in evaluating its mandate and its performance over the last two years since its formation. This report prepared jointly by ASK and the Human Rights Forum provides a brief assessment of the human rights situation in Bangladesh in 2011, and identifies how the NHRC addresses the violations of human rights and the weakness in its mandate which reduces the effectiveness of its strategies.

It identifies developments in human rights legislation and policy framework but also draws attention to the limitations of the NHRC in addressing violations of human rights by law



enforcement agencies, lack of compliance by the executive agencies with judicial decisions.

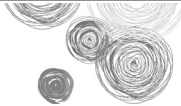
The critical assessment of the role of the NHRC in specific cases of violations or institutional weaknesses informs us of the need for broadening the mandate of the institution, making it less dependent upon government officials, strengthening its own capacity through independent recruitment and budgetary support. At the same time the recommendations in the report call for specific actions by both the government and the NHRC to enable the institution to fulfill its mandate in compliance with the Paris Principles so as to move forward in establishing the practice of human rights in the country. We hope that this institutional review in Bangla and English will assist the NHRC to deepen its strategies for promoting human rights, and to call for a more independent mandate in preventing abuses of human rights.

We are grateful to Sultana Kamal and Zakir Hossain for preparation of this report. We welcome any feedback from the NHRC and other readers as this will enable us to further refine and improve our report.

**Hameeda Hossain**

Chairperson

Ain o Salish Kendra (ASK)



## **I. Introduction**

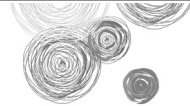
This report is a critical assessment of the performance of the National Human Rights Commission (NHRC) of Bangladesh in the protection and promotion of human rights, mainly between January to December 2011 including critical events in 2012. This report draws attention to selected issues of concern on independence and effectiveness of the NHRC as an institution and examines its full compliance with the international standards for national human rights institutions – the ‘Paris Principles’.

This country report is structured and prepared according to the guidelines of the 2012 ANNI regional report. It is divided into two major parts. Firstly, it looks at the general human rights situation of the country and the NHRC’s role in addressing the human rights situation. Secondly, it makes an assessment of the NHRC’s independence and effectiveness in the context of its performance in protecting and promoting human rights.

## **II. General Overview of the Country’s Human Rights Issues**

2011 was the third year of the office of 14-party Grand Alliance, led by the Bangladesh Awami League. The alliance formed the government in 2009 after a massive victory in the general election following the two-year rule of an unelected military-backed caretaker government. The electoral promises of the 14-party Grand Alliance was to “bring the change”. Thus people were eager for the situation to visibly change in the third year of their governance. Though the beginning of their office had seen some positive initiatives taken to protect and promote human rights, in 2011 people began to lose their hope in the government as the ‘agent for change’. The overall human rights situation of Bangladesh in 2011 left them with a feeling of frustration. While there has been some progress, the drawbacks are further alarming.





Law and Policy Development: with regard to legislative and policy developments, the year 2011 (and early 2012) has seen some progress. The major initiatives include:

- i. Establishment of a Tribunal to prosecute International Crimes perpetrated during the Liberation War in 1971 of Bangladesh following an amendment by Parliament of the International War Crimes Tribunal Act, 1973.
- ii. The Parliament enacted the Legal Aid (Amendment) Act 2011 to provide legal assistance to the poor and underprivileged for ensuring access to justice. The Parliament also passed a Domestic Violence (Prevention and Protection) Act 2011 with a view to give protection of women within the family sphere.
- iii. The Human Trafficking Deterrence and Suppression Act 2012 has been enacted
- iv. A National Children Policy 2011 and National Women Development Policy, 2011 were adopted.
- v. The Ministry of Education has issued a circular to all educational institutions, following a Supreme Court judgment banning eleven types of punishment in schools, to stop physical and mental punishment of students, and to instruct Teachers' Training Centres and governing bodies of educational institutions to implement guidelines issued by the Court.

But concern remains with some drawbacks within the above mentioned achievements as well as with the slow progress in implementation of the laws. For example, the women's policy promised to bring gender equality in various sectors, but remains silent on discriminatory personal laws, limiting women's rights within the family including unequal inheritance right. The amendment of the 1974 Children Act has stalled because of the setback created by the Ministry of Law pushing the debate over determining the age of a 'child'. This is also the case with the Protection of the Rights of the Persons with Disability Act. No substantial progress has been observed to implement health and housing policy.

**Disappearances or ‘secret killings’:** In 2011, ‘disappearances’ or ‘secret killings’ were increasingly reported in the media. The decomposed bodies found of some victims bore visible signs of torture, such as tied hands and legs or uprooted finger nails. In some cases, the relatives of the disappeared or persons killed alleged the involvement of law enforcing agencies, particularly the elite force Rapid Action Battalion (RAB). ASK documentation reveals that in 2011, the total number of enforced disappearances was 58, out of which only 16 dead bodies were recovered.<sup>1</sup>

**Extrajudicial killings:** The ruling party Awami League had promised in its election manifesto to end extrajudicial killings and establish the rule of law. Families of victims have alleged that they have not been informed by the RAB of any investigation into extrajudicial killings nor of any action been taken against RAB personnel. On the contrary, RAB officials as well as responsible ministers have justified such killings as having resulted from “cross fire” with armed gangs or in cases of self-defense. 100 persons were reported to have been killed in custody of law enforcement agencies in 2011.<sup>2</sup>

**Mob violence:** The involvement of members of the law enforcement agencies, particularly the police, in crime became extremely clear. On 27 July 2011, the police handed over 16 year old Shamsuddin Milon to a mob that beat him to death in Noakhali. The police then took away his dead body. In another incident on 18 July 2011, six students, suspected of robbery, were reported to have died following a mob beating at Aminbazar, Savar. Evidence by Al-Amin, a friend of the six young victims, showed that a local mob had beaten his six friends to death in the presence of police. Such acts of lawlessness indicate a loss of confidence in procedure of law enforcement and in the criminal justice system. ASK

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<sup>1</sup>Human Rights Situation of Bangladesh in 2011, ASK, [http://www.askbd.org/web/wp-content/uploads/2012/08/HR\\_Situation\\_Bangladesh\\_2011.pdf](http://www.askbd.org/web/wp-content/uploads/2012/08/HR_Situation_Bangladesh_2011.pdf)

<sup>2</sup> Ibid.



documentation indicates that 195 persons (January 2011 to June 2012) were killed in mob beatings, out of which seven were killed in the presence of police. No actions were taken against this mob behaviour or neglect of the law enforcement agencies.

### **Torture by the police and custodial deaths in jail:**

In the night of 15 July 2011, Abdul Quader, a student of Dhaka University was arrested by the police and the officer in charge of the Khilgaon Police Station tortured him ruthlessly with a Chapati (type of knife). The torture had been so severe that Quader had to appear before the Court in a wheelchair. In a separate incident, lawyer Mr. Mamtaj Uddin Ahmed died in the prison hospital after his arrest on 26 August 2011. His family alleged that his death was caused by custodial torture. The number of deaths in jail custody in 2011 reached 116.<sup>3</sup>

### **Border killings by the Border Security Force**

**(BSF):** Although several meetings took place between the two border forces, the BSF and the Border Guards Bangladesh (BGB) took place and the Indian Home Minister assured lethal bullets would no longer be used, continuous deaths at the border were reported. The Government of Bangladesh has failed to address this issue and diplomatic actions taken also proved to be ineffective. In December 2010, Human Rights Watch (HRW) released 'Trigger Happy, Excessive Use of Force by Indian Troops at the Bangladesh Border,' which documented nearly 1,000 killings by the BSF over the last decade. According to ASK reports, from January 2009 to June 2012, around 239 Bangladeshis were killed, 231 tortured and 146 allegedly abducted by the BSF. This includes a highly publicized case in which a 15-year-old Bangladeshi girl, called Felani, trapped in the wire fencing on the border, was shot by the BSF in January 2011. A video was also released in 2011 showing BSF soldiers brutally torturing a Bangladeshi man caught smuggling cattle.

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<sup>3</sup>*Ibid.*

**Road safety:** The government has failed to take strict regulatory measures to prevent road accidents by ensuring proper licensing for drivers, improving road conditions, enforcing traffic rules and speed limits. In 2011, the government issued 10,000 licenses without maintaining a proper procedure.<sup>4</sup> According to official statistics, road accidents claimed about 6,146 lives in 2010-2011 including of some eminent personalities.

**Freedom of peaceful assembly and association:**

In 2011, in numerous cases, the law enforcement agencies used excessive force, including mass arrests, to prevent observance of any protest or rally be it political or any other in nature. Mobile courts were extensively used to instantaneously arrest participants in political processions and convict them for different terms. In many instances, non-state actors such as the student wing of the ruling party have been used or allowed to disrupt rallies and protests with the backup from law enforcement agencies. In 2011, more than 374 political violence cases took place in Bangladesh and more than 56 people were killed and 6111 were injured. Administration issued 133 orders imposing restriction on peaceful assemblies. In most of the cases, law enforcement agencies were seen operating without accountability and transparency.<sup>5</sup>

The government has cancelled many NGO registrations without a transparent process. The NGO Affairs Bureau<sup>6</sup> initially drafted a new NGO Act that would drastically curtail

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<sup>4</sup>Staff Correspondent, "No driving license without test, please, Govt urged," *The Daily Star*, 21 August 2011. See url: <http://www.thedailystar.net/newDesign/news-details.php?nid=199578>

<sup>5</sup>[http://www.askbd.org/web/wp-content/uploads/2012/08/HR\\_Situation\\_Bangladesh\\_2011.pdf](http://www.askbd.org/web/wp-content/uploads/2012/08/HR_Situation_Bangladesh_2011.pdf)

<sup>6</sup>The NGO Affairs Bureau of the Office of the Prime Minister is the regulating authority for over 2,500 NGOs that receive foreign donations.

the independence of NGOs.<sup>7</sup> Concerns remain until the final version of the Act is enacted.<sup>8</sup> A number of restrictions were placed on NGOs, foreign journalists and human rights activists in the Chittagong Hill Tracts (CHT), stopping indigenous peoples (IPs) from rallying on World Indigenous Peoples' Day<sup>9</sup> following a circular issued by the Local Government and Rural Development (LGRD) Ministry, and deportation of three foreigners from the CHT.

**Right to a Fair Trial:** A huge number of cases have been withdrawn on grounds of political considerations. Cases initiated with allegations of involvement in severe offences including murder, rape were also withdrawn on political grounds. Almost all of the cases that were withdrawn in political consideration were filed against the ruling party leaders or activists. This tendency of withdrawing criminal cases on political grounds and without maintaining proper judicial process deters the establishment of rule of law in the society.

**Freedom of Expression:** Although the media enjoys relatively more freedom, there have been cases of restrictions on TV talk show programmes, control over the internet, including the social media<sup>10</sup> and disruptions to transmission of broadcasts of rallies organized by the opposition<sup>11</sup>. The High Court issued a contempt rule against two political leaders and a talk show moderator for making derogatory

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<sup>7</sup>Although a section of the Government was initially reluctant, the NGO leaders were able to constructively engage with the authority through a series of consultations which by the time of writing this report led to a revised version that appeared to have addressed their key concerns.

<sup>8</sup>Any provisions that may be introduced to impose undue restrictions on NGOs would not only adversely affect the potentials of the sector, but also specifically jeopardize the work of NGOs and civil society to protect and promote human rights in Bangladesh.

<sup>9</sup>Prothom Alo, 11 August 2012 (See url: <http://www.prothom-alo.com/detail/date/2012-08-11/news/280932>).

<sup>10</sup> In several occasions facebook and youtube were blocked. Youtube remains blocked at the time of writing this report as well.

<sup>11</sup>Star Campus, March 18, 2012

remarks about the court<sup>12</sup>. State television BTV is used as a mouthpiece for the government's publicity. From 2010 to September 2012, 987 journalists were tortured<sup>13</sup>. Adopting a National Broadcasting Policy is in process which raises concern of unfairly restricting the media and increasing government control; its proposed 44 pre-conditions for broadcast programs and 63 pre-conditions for broadcast advertisements, include barring "derogatory comments" about "national figures"<sup>14</sup>.

**Workers Rights:** In 2010-2011 constant labour unrest in the ready-made garments sector continued over wages and work conditions, due to delayed payment of wages and overtime, low wages, retrenchment, midlevel management actions, and bad worker-employer relations<sup>15</sup>. Labour rights activist Aminul Islam was found dead in 2012 allegedly with torture marks on his body following threats from intelligence agents<sup>16</sup>. In 2011, 40,000 Bangladeshi migrant workers were deported from host countries triggering a major crisis. In October 2011, eight Bangladeshi migrant workers were beheaded in Saudi Arabia. Women migrant domestic workers faced sexual harassment<sup>17</sup>. Despite guidelines issued by the High Court Division, workplace safety rules are not complied with, particularly in the ship breaking industry. A draft of "Hazardous Waste and Management of Ship Breaking Waste Rules, 2011" was prepared without consulting the environmental experts and the workers.

**Women's Rights:** The government adopted the 2011

<sup>12</sup>The Daily Star, February 2012

<sup>13</sup>ASK documentation from national newspapers

<sup>14</sup> "Cancel draft broadcasting policy, speakers urge Government," The Daily Star, 29 September 2011.

<sup>15</sup>The investigation was carried out by the Ministry of Labour and Employment, reported in the Kaler Kantha, 10 April 2012.

<sup>16</sup>Jim Yardley, "Fighting for Bangladesh Labor, and Ending Up in Pauper's Grave," The New York Times, 9 September 2012. See url: [http://www.nytimes.com/2012/09/10/world/asia/killing-of-bangladesh-labor-leader-spotlights-grievances-of-workers.html?\\_r=1&smid=tw-share](http://www.nytimes.com/2012/09/10/world/asia/killing-of-bangladesh-labor-leader-spotlights-grievances-of-workers.html?_r=1&smid=tw-share)

<sup>17</sup>The Daily Jugantor, 14 July 2011.

National Women's Development Policy expressly referring to CEDAW<sup>18</sup>, and restoring promises of gender equality in various sectors, but retaining discriminatory personal laws, limiting women's rights within the family including unequal inheritance rights. New laws addressed domestic violence, human trafficking and marriage registration for Hindus and enabled Bangladeshi women to transmit citizenship rights to foreign spouses and children<sup>19</sup>. However gender discriminatory personal laws remained in place. Despite many deterrent measures taken by the government and the administration, sexual harassment and stalking of women and girls has been a serious threat to the security of young school and college going women. In some cases, the stalkers attacked those who protested sexual harassment. In 2011, 33 women and girls committed suicide because they were being stalked and 23 were killed by the stalkers for protesting such acts<sup>20</sup>. Despite Appellate Division's judgment declaring extrajudicial punishment in the name of *fatwa* to be a criminal offense, the number of incidents of violence against women in the name of *fatwa* or *shalish* (traditional arbitration) had increased in 2011 compared to the previous year. 59 women were subjected to torture by *shalish* or issuing of *fatwa* in 2011<sup>21</sup>.

**Rights of Indigenous People and Implementation of CHT Accord:** The 15th amendment to the Constitution (2011) contravenes the equality guarantee by providing that "all residents of Bangladesh are Bangalees," which undermines the basic right of the indigenous people to

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<sup>18</sup>CEDAW, Convention on the Elimination of All Forms of Discrimination against Women, ratified by Bangladesh in 1984

<sup>19</sup>See the Domestic Violence Prevention and Protection Act 2010, Human Trafficking Prevention and Control Act 2012, the Hindu Marriage Registration Act 2012 (Hindu marriage registration law passed, Bdnews24.com, 18 September 2012 Please see url: <http://www.bdnews24.com/details.php?id=232598&cid=2>), and the Citizenship (Amendment) Act 2009.

<sup>20</sup>Human Rights Situation of Bangladesh in 2011, ASK, [http://www.askbd.org/web/wp-content/uploads/2012/08/HR\\_Situation\\_Bangladesh\\_2011.pdf](http://www.askbd.org/web/wp-content/uploads/2012/08/HR_Situation_Bangladesh_2011.pdf)

<sup>21</sup>Ibid.

self-identification and marginalizes them<sup>22</sup>. It was adopted, rejecting the IPs' demands for constitutional recognition. The government has also repeatedly denied the existence of IPs, despite its election manifesto commitments<sup>23</sup>. Several incidents of human rights violations against IPs were reported, including killings, torture, religious persecution, sexual violence against women and children and land dispossession by Bengali settlers and military personnel in the CHT and the plain lands.<sup>24</sup>

### III. Independence of the NHRC

According to the Paris Principles, for a national human rights institution to be truly independent, it must be: (1) established by a distinct law or legislation; (2) financially solvent, and able to act independently with respect to budget and expenditures; (3) autonomous of any State agency or entity in carrying out its administrative functions. This report discusses the independence of the NHRC of Bangladesh under these three criteria.

#### **Established by a distinct law or legislation:**

The Founding Act (NHRC Act 2009) talks about the independence of the Commission. According to Section 3(2) 'The Commission shall be a statutory independent body having perpetual succession and the power, among others, to acquire, hold, manage, dispose of property, both moveable and immoveable, and shall by the said name sue and be sued.' The position of the members is also been guaranteed by the Act. According to Section 8(1) of the Act, "The Chair or any Member of the Commission shall not be removed from

<sup>22</sup>Please see Annex 7 for the International CHT Commission's letter to the Prime Minister about the 15th amendment of the national constitution.

<sup>23</sup>In March 2012 the Local Government and Rural Development (LGRD) Ministry sent a Memorandum to government officials instructing them not to support celebrating World Indigenous Day.

<sup>24</sup>The parliamentary Caucus on Indigenous Peoples proposed to enact a 'Bangladesh Indigenous Peoples' Rights Act' and to set up a 'National Commission on Indigenous Peoples' under the Act to ensure the rights of indigenous communities on their ancestral lands.



his office except in like manner and on the like grounds as Judge of the Supreme Court.<sup>25</sup>

However, a major constraint for the independence of the NHRC is that although according to the NHRC Act 2009, the Commission can formulate any rule, they need to be sent to the President for approval. However, there are a few other steps i.e. to send the rules to the Ministry of Public Administration and the Ministry of Law, Justice and Parliamentary Affairs for vetting. Through this process the executive branch has a big role to play. One classic example of this is the formulation of the staff rules of the NHRC. The NHRC first drafted its rule for the recruitment of staff in 2008<sup>26</sup> and sent them to the Ministry of Law and Justice to facilitate getting approval from the President. The Ministry then returned the rules with their objection on almost every clause of it. This started a long process of back and forth communication between the Ministry and the NHRC which ended with the NHRC getting the approval on the rules in mid 2011. The rules regrettably made it possible for the government to ensure that the Secretary (key administrative person) will always be a seconded person from the government. Moreover, the service rule very cleverly ensured that senior positions like Directors and Deputy Directors within the NHRC can only be filled up with government seconded staff. As a result of this, the NHRC has at present 28 human resources in total of which 12 are for substantial work and among these 12, the top 5 are seconded including the Secretary, 2 Directors and 2 Deputy Directors. Other 16 service providing staff members only adds up to furnish a bureaucratic hierarchical culture in the NHRC. Moreover, the UNDP Capacity Development Project has 12 regular (including some service staff) and few irregular consultants to support the work of the NHRC, following largely the own interest of this institution. While it is

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<sup>25</sup>The National Human Rights Commission Act of 2009 (Founding Act), [http://www.nhrc.org.bd/PDF/NHRC%20Act%202009\\_1\\_.pdf](http://www.nhrc.org.bd/PDF/NHRC%20Act%202009_1_.pdf)

<sup>26</sup>The NHRC, Bangladesh was first established in 2008 under the NHRC Ordinance 2007. Later the new legislation-NHRC Act 2009 was enacted and the present NHRC was reconstituted in 2010 under that Act.

acceptable that a new institution has a need for experience people to set up its path and the seconded staff members can of course contribute, the risk of having all seconded staff at the top level is that the institution might establish the same bureaucratic procedure as the government bureaucracy. The NHRC Chair time and again mentioned his helplessness with the bureaucratic culture within the NHRC.

In terms of resourcing, the founding Act ensured the independence of the NHRC in using its resources. The NHRC Act 2009 reads: “the Government shall allocate specific amount of money for the Commission in each fiscal year; and it shall not be necessary for the Commission to take prior approval from the Government to spend such allocated money for the approved and specified purpose” (Sec 25). But the Act limits the NHRC in getting direct funding from donors. The current multi-donor ‘National Human rights Commission Capacity Development Project’ is a joint project undertaken by UNDP and the Government of Bangladesh (GoB). The UNDP project is mobilizing maximum resources for the NHRC. In 2011 this project has contributed USD 1,400,000 while the government allocated a mere USD 196, 250. While this UNDP project support is important at the initial stage of institution building, it has also certain drawbacks. As this project is joint project with GoB, the project activities need to be in line with the comfort of the Government. Furthermore since UNDP is an intergovernmental organization, it has its own limitations and preference with regards to human rights activism. Most of this project support is being used for purposes such as foreign trips of NHRC members and staff (There are multiple instances where all members have gone on a foreign trip together)<sup>27</sup> creating a legal vacuum as well, as hiring international and national consultants, purchasing equipments and mainly carrying out expensive promotional events. This dependency of NHRC on the project has gone in such interior that the NHRC has hired international consultants for almost all its major tasks, including such basic

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<sup>27</sup><http://www.nhrc.org.bd/PDF/Annual%20Report%202011.pdf>

tasks as conducting a baseline survey of the human rights situation, formulating five years strategic plan and almost all operational procedure. It should be noted in this regard that Bangladesh has a well recognized intellectual community with very vibrant and capable civil society organizations. The NHRC members themselves are also well knowledgeable and capable to carry out such tasks by themselves. But this dependency on the funding of this project is crippling the NHRC to value their existing strength and reflects negatively on the vibrant human rights activism that had been nourished for years and still strongly exists in the country. A crude example of such dependency was seen in the preparation of the Universal Periodic Review (UPR) stakeholders report by the NHRC very recently. It is really praiseworthy that the NHRC has submitted its UPR stakeholders report. It shows their commitment to work as an independent body. This was the very first report from their end to engage with UN Human Rights Mechanisms. However, the unfortunate fact is that NHRC had hired international consultants to prepare this report under the UNDP project fund. Our further discussion referring to the report will show how this UPR report has failed to address the real human rights situation on the ground and even the NHRC's own commitments. This dependency on UNDP has already created such a national debate that the NHRC Chair had to clarify at a public event in September 2012.<sup>28</sup>

### **Autonomous of any State agency or entity in carrying out its administrative functions:**

According to the NHRC Act, the institution is recognized as a 'statutory independent body'. In many occasions, the NHRC has also given the impression that they do not face any intervention from the government and the commission members time and again praised the cooperation they receive from the Government<sup>29</sup>. While we noticed some examples of cooperation in case of increasing budgetary

<sup>28</sup> <http://www.nhrc.org.bd/Audio/Closing%20Chairman.MP3>

<sup>29</sup> <http://opinion.bdnews24.com/bangla/2012/05/17>

allocation, providing human resources, status and protocol to the NHRC members, examples of a lack of cooperation from the executive branch of the government have also not gone unnoticed.

Generally, the NHRC has a good relationship with the judiciary. In a number of cases, the judiciary has asked NHRC to investigate or to be present before the court to deliver its opinion. Regarding the relationship with the executive, it is evident that the relationship really varies from issue to issue. In general, the local level executive authorities are responsive to the NHRC. The ongoing 'Countrywide Awareness Campaign' to introduce the mandate and work of NHRC involving the local level administration is playing an important role to that end. However, on issues such as human rights violations by the law enforcement agencies, the NHRC is faced with a lack of cooperation from the relevant authorities. The NHRC has received very few reports from the Home Ministry in response to numerous requests made. On 29 September 2011, the Chair of the NHRC went to visit Sylhet Jail, but had to return after waiting for two hours without being able to visit the prison, as permission from the prison authority could not be obtained. Following this, the Chair of the NHRC stated that he would not undertake any prison visit<sup>30</sup>. Later on, the Chair and the Full time Member of the NHRC did visit prisons with informing the authorities in advance.

The lack of cooperation, especially from the Home Ministry was so severe that the NHRC Chair had to publicly bring up these allegations against the Home Ministry on several occasions<sup>31</sup>. The Ministry reacted by asking the NHRC not to go beyond its jurisdiction regarding the activities of the disciplined forces<sup>32</sup>. To mitigate the tension, the NHRC met with the Home Minister on 5 June 2012, submitting

<sup>30</sup><http://www.theindependentbd.com/national/103730-i-will-not-visit-any-jail-says-nhrc-chairman.html>

<sup>31</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=237155>

<sup>32</sup>Daily Sun, 5 May 2012

a list of at least 20 cases of alleged violations by law enforcement agencies that the NHRC earlier had requested for investigation reports. Some of the cases were pending for over two years<sup>33</sup>. Taking this as a serious issue, the most popular Bangla Daily of the country (Prothom Alo) conducted an online survey on 26 May 2012 with the question-‘Do you think that the Government will cooperate with the NHRC in investigation cases of human rights violations? Among 3731 respondents in total, only 7.96% respondent answered ‘yes’ while 91.18% said ‘no’<sup>34</sup>.

As part of this severe interference from the executive body, the law, justice and parliamentary affairs Ministry said in a letter issued in August 2011 that the Commission Chair would require permission of the Prime Minister for any foreign tours “as it was not a constitutional office”<sup>35</sup>. However, that was resolved later by the positive understanding within the government.

The present commissioners were appointed in June 2010 and thus the opportunity for them to be reappointed will come in few months. At this critical juncture, there is the risk to see the NHRC in rather compromising mood as has happened in many other countries as well. The UPR stakeholders report prepared by the commission also resonates this speculation as this report has failed to demonstrate the strong commitment expressed by the NHRC on several issues.

The NHRC had taken some commendable initiatives starting from the follow up of the implementation of the UPR recommendations and preparing a stakeholders report for the second UPR-cycle. The NHRC advocated with the ministries to get UPR focal points at all major ministries. The Commission organized the recommendations coming out of the previous UPR in 8 thematic areas and held separate consultation meetings on each thematic area. One of these

<sup>33</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=237155>

<sup>34</sup><http://www.prothom-alo.com/onlinepoll/page/130>

<sup>35</sup><http://newagebd.com/newspaper1/frontpage/29645.html>

thematic areas was on 'Refugees, Persons with Disability, Indigenous people' and the thematic consultation was held on 4 August 2012 (details has been furnished in the Annex A of the NHRC UPR Report)<sup>36</sup>. On 18-19 September 2012, in a two day National Seminar, the NHRC shared their draft report titled 'Indigenous Peoples' Rights' (2.8). The Foreign Minister was present in the seminar as guest of honour and reiterated the government's position that there are no indigenous peoples in Bangladesh. The civil society members put forward their views and repeatedly urged the NHRC to keep up its position of recognizing the indigenous people. The NHRC Chair in his closing remark of the opening session of the seminar assured that the objective of the seminar was to get the input from the people and the NHRC's position would be what the people want to see. The Honorary Member of the Commission Nirupa Dewan in his speech said that-"the indigenous people of the country want to be identified as 'indigenous' and anything contrary to this would be a violation of their human rights"<sup>37</sup>. At the end of the two day seminar the Full Time Member of the NHRC summarised the seminar's recommendations, which includes strengthening the NHRC, protecting the rights of children, the physically challenged, indigenous people, minority communities, migrant workers, refugees and other vulnerable groups<sup>38</sup>.

A day after the seminar, the Foreign Minister made an unprecedented visit to the NHRC office (her first visit to the NHRC). What we saw after, was that in the final UPR submission, the NHRC had replaced the term "indigenous peoples' rights" with "ethnic minorities' rights" (2.7.2)<sup>39</sup> while the same document shows in the annex that the NHRC identified refugees, persons with disability and indigenous people as one of their thematic areas. It is also noted that

<sup>36</sup><http://www.nhrc.org.bd/PDF/Stakeholder%20Report%20Universal%20Periodic%20Review.pdf>

<sup>37</sup><http://www.prothom-alo.com/detail/date/2012-09-20/news/290979>

<sup>38</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=250531>

<sup>39</sup><http://www.nhrc.org.bd/PDF/Stakeholder%20Report%20Universal%20Periodic%20Review.pdf>



in the five year strategic plan, the NHRC has mentioned ten issues as their priority areas. One of those areas is “discrimination against indigenous peoples and ethnic and religious minorities”<sup>40</sup>. The question arises how the NHRC will justify the implementation of its strategic plan?

The position of NHRC on indigenous peoples in their UPR report is compromising their earlier stand where the NHRC chair even went as far as saying that the Commission is ready to disobey the State’s position: “We (the Commission) believe that it (recognition as indigenous peoples) is a rightful demand of yours and the father of the nation taught us not to obey command of the leader when the leader is wrong,” quoting an excerpt from the country’s founding president Sheikh Mujibur Rahman’s autobiography ‘The Unfinished Memoirs’<sup>41</sup>.

Another example relates with the HRW report on the trial of BDR mutiny. On 4 July 2012, HRW published a report titled “The Fear Never Leaves Me-Torture, Custodial Deaths, and Unfair Trials after the 2009 Mutiny of the Bangladesh Rifles” where one of the recommendations is to “disband RAB and create a non-military unit within the police or a new institution, which puts human rights at its core to lead the fight against crime and terrorism”.<sup>42</sup> This report immediately received strong criticism from the government terming it as “interference to state sovereignty” and “part of conspiracy”. Interestingly, the NHRC Chair also rushed with the comments that “a foreign organisation like Human Rights Watch cannot recommend disbanding the Rapid Action Battalion”.<sup>43</sup> He even went further to write an article which has been published on the online news portal BD News 24.com on 12 July 2012, justifying his position and arguing that anyone before making any report on the human rights situation on Bangladesh,

<sup>40</sup>[http://www.nhrc.org.bd/PDF/Human%20RightsStrategic\\_Plan.pdf](http://www.nhrc.org.bd/PDF/Human%20RightsStrategic_Plan.pdf)

<sup>41</sup>[http://newagebd.com/detail.php?date=2012-08-09&nid=20049#.UH\\_hPMXR7do](http://newagebd.com/detail.php?date=2012-08-09&nid=20049#.UH_hPMXR7do)

<sup>42</sup><http://www.hrw.org/reports/2012/07/04/fear-never-leaves-me>

<sup>43</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=241279>

should consult with the NHRC.<sup>44</sup>

On many occasions, some inconsistency can also be seen in the position of the NHRC. For example, after meeting with the Home Minister on 5 June 2012, the NHRC Chair told the media “I have expressed concern over the law and order situation and recent incidents of human rights violations by lawmen”.<sup>45</sup> Only a month later, on 4 July 2012, media quoted him saying that “the human rights situation of the country has improved significantly. Reports of foreign human rights bodies do not project the real scenario of the human rights situation in Bangladesh”.<sup>46</sup> Then again on 10 August 2012, the NHRC issued a statement that the NHRC Chair himself received a death threat.<sup>47</sup>

The other inconsistency is that the NHRC Chair time and again criticized the elite force RAB regarding the allegation of their involvement in enforced disappearance and extra judicial killing and asked to fix their ToR to avoid overlap with the police. Contrary to this request, the NHRC has referred cases of crime to the RAB, explaining that they have done so for a “positive and quick response”.<sup>48</sup>

Another example of inconsistency is that, while NHRC is carrying out a project with UNHCR on protecting the rights of the refugees, the NHRC Chair’s remark after Bangladesh pushed back the refugees from Myanmar was that “Bangladesh did not break the international law by sending back the Rohingyas”.<sup>49</sup>

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<sup>44</sup><http://www.nhrc.org.bd/PDF/chairman%20on%20bdnews.pdf>

<sup>45</sup><http://newagebd.com/detail.php?date=2012-06-06&nid=12833#.UH6cRMXR7do>

<sup>46</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=240842>

<sup>47</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=245708>

<sup>48</sup><http://thedailystar.net/forum/2012/October/rethinking.htm>

<sup>49</sup><http://www.thedailystar.net/newDesign/news-details.php?nid=240842>

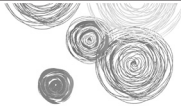
## IV. Effectiveness of the NHRC

One of the most important activities undertaken by the NHRC in 2011 was the national survey of peoples' attitudes and perceptions of human rights. The summary report of findings, "Perceptions, Attitudes and Understanding: A baseline survey on human rights in Bangladesh" was published by the Commission in December 2011. The purpose of the survey as mentioned in the NHRC Annual Report "was to learn what people across the country think, know and understand about human rights, and to determine what they see as their most important rights issues facing Bangladesh." It further says "The baseline survey revealed that more than half of those surveyed had never heard of "human rights", with those who had heard of it much more likely to be from an urban area, male, educated or among the least poor. But when asked to identify what "human rights" means, those familiar with the term showed a fairly good understanding of them as basic rights accorded to all people from birth and relating to personal freedoms. Even so, nearly 1 out of 5 people who had heard of "human rights" could not describe what the term means." The Annual Report claims "In analyzing the survey outcomes, the Commission has been able to assess the strengths and weaknesses of the legal and policy framework for human rights protection in the country. The NHRC also received recommendations regarding how stakeholders and other interested actors can support the Commission in its quest to improve dramatically the basic rights situation in Bangladesh. The baseline that has been established as a result of the survey will be used by the Commission as a measurement against which to evaluate the success of the NHRC's future efforts in all areas of endeavour -- complaints handling, human rights monitoring, awareness-raising and education, and advocacy and policy development".<sup>50</sup>

Comparing those claims with the performance of the NHRC, we see lot more areas of improvement. One of the encouraging activities conducted by the NHRC was a campaign titling

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<sup>50</sup> Annual Report of the NHRC of Bangladesh, 2011



“Working together to promote human rights: giving young people a voice” around the Human Rights Day in 2011. As part of the campaign, the NHRC sponsored a human rights-focused creative competition for youth around the country. Featuring drawing, painting, photography and essays, the competition was able to bring forward young people to explore human rights concepts through art, sensitizing them to rights issues and identifying ways in which they can become more actively involved in their protection. The NHRC’s intention to engage the younger generation is praiseworthy as they really target this younger group in their events.

The huge gap between the expectation created by the NHRC especially by the Chair and the actual performance demonstrated by the Commission as an institution is another matter of concern. From January 2011 until October 2012, the NHRC has conducted only 8 investigations on their own, covering the cases of murder, rape, communal violence, allegation at orphanage etc. No single investigation was conducted on any of the high profile human rights violation cases such as disappearances, extrajudicial killings, torture, mob violence etc. The NHRC Chair raised concern about the ordeal of Limon<sup>51</sup> but they did not have their own investigation even when law enforcement agencies framed criminal cases against Limon and portrayed him and his family linked with notorious criminals.

While the NHRC themselves acknowledged that they have received highest number of complaints on the cases of enforced disappearance, not a single case has been investigated by the NHRC. This is the same in cases of

<sup>51</sup>On April 6, 2011, Prothom Alo reported news of “extreme police brutality” involving a 16 year-old youth, Limon Hossain, who was shot in the leg by a RAB officer. Limon is the youngest son of day labourer Mr. Toafzzal Hossain and lives in the village of Satoria, Rajapur Upazilla, Jalakhati District. On March 23, 2011, according to the article, Limon Hossain was bringing the family’s cows home from the field, when on the way a team of RAB-8 stops him to and ask his name. Limon identified himself as a student but one RAB officer shoots him in the leg without any questioning. Later, the RAB-8 claimed he was a suspect in a crime and they filed two cases against him.

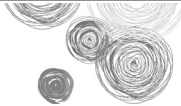
extrajudicial killings and custodial torture. The NHRC may argue putting forward the limitation mentioned in Section 18 of the NHRC Act regarding investigation on cases against disciplined forces where it is said “notwithstanding any other provision of this Act the Commission suo-moto or on the basis of any application may call for report from the Government on the allegation of violation of human rights by the disciplined force or any of its members”. The NHRC interprets this in a way that they cannot investigate cases on the allegation of disappearances and extrajudicial killings, rather they can only ask for reports from the concerned authority. But a proactive and creative interpretation may put forward that this provision does not impede the NHRC to conduct an investigation.

The Chair has made on the spot visits to places where human rights violations happened. He visited Ramu, where on 5 October 2012 sectarian violence occurred. At a press conference, he accused the detective branch of the government for failing to alert these violations.<sup>52</sup> On the other hand, he has never made visits on cases of disappearance, extrajudicial killings involving law enforcing agencies. Many activists are of the opinion that if the NHRC is really willing, it can make use of creative methods. For instance, since the law enforcement agencies are claiming that they are not involved in disappearance cases, the NHRC can go for investigation of these cases to reveal the truth that there are inconsistencies between the reality on the ground and the claim by the law enforcement agencies. Using such creativity, it was possible for the NHRC to investigate whether the framed cases by RAB against Limon were real or not. That the NHRC Chair's visit to relevant areas is important in producing significant outcome becomes evident from the following.

The NHRC Chair has visited more than 5 hospitals in 2011 and strongly critiqued the poor management of the public hospitals which drew the attention of the media. This led to a strong protest from the doctors' community alleging the

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<sup>52</sup><http://www.bdnews24.com/details.php?id=233642&cid=2>



violation of their human rights because of the NHRC Chair's sweeping comment- "doctors are inhuman, bloodsuckers"<sup>53</sup> in statements and articles.<sup>54</sup> The tension was so high that the NHRC Chair had to write a correction in an attempt to cool the situation down.<sup>55</sup> Although these visits were instrumental to raise the question of accountability of the doctors and hospital managements, they did not bring any sustainable change in the system as it was for the case of his visit to the orphanages that led the government to create the position of a cook in each orphanage and increase the daily allowance for the orphans.<sup>56</sup>

Mediation and arbitration is one of the important mandates given to the NHRC by its founding Act. Unlike NGO mediation, the NHRC is mandated to conduct mediation following adopted rules and can even impose pecuniary penalties on any of the parties. At present the NHRC is involved in few cases through mediation and has imposed a fine in a few cases. The founding Act clearly describes- "the procedure of appointment and power of the mediator or arbitrator shall be determined by rules" sec 15 (2). Without having such rule, the ongoing mediation is very ad-hoc and creates some controversy. Keeping in mind the long rule making process, the NHRC should foster the adoption of such rule, including a similar one for inquiry and investigation.

Regarding the complaint management of the NHRC, it is encouraging that the number of complaints is increasing (2009-76, 2010-166, 2011-453). The NHRC has created different benches to deal with the complaints. This is because of the NHRC is more known to people, the Chair and members are very accessible in terms of personal visit or over phone consultation. An online complaint system has been established, the complaints handling fact sheet and the practical handbook are published and disseminated

<sup>53</sup><http://www.prothom-alo.com/detail/date/2012-03-06/news/230184>

<sup>54</sup><http://www.prothom-alo.com/detail/date/2012-02-28/news/228378>

<sup>55</sup><http://www.prothom-alo.com/detail/date/2012-03-09/news/231147>

<sup>56</sup><http://www.nhrc.org.bd/PDF/Annual%20Report%202011.pdf>



by the NHRC. Other human rights organisations are also campaigning to access the NHRC for the remedies of human rights violations. Concern however remains on how effectively NHRC is functioning in terms of receiving and handling these complaints. First of all, the NHRC office is not easily accessible as it is situated on the 12th floor of a hectic area of Magbazar, where people cannot go by rickshaw (the vehicle most of the poor people use to get around). The lift of the building is designed in such a way that no person with wheel chair can get into it. There is no special complaint receiving desk for human rights defenders, women or persons with disability or any other vulnerable group. Very limited assistance is provided for illiterate persons to have their complaint in writing. The person who receives the complaints complainant severely lacks knowledge of human rights and the mandate of the NHRC. The received complaints are not segregated according to gender, ethnicity, religion or age, which makes it difficult to draw any analysis of trends.

The NHRC Annual Report 2011 claims that “One of the NHRC’s very important tools for its awareness-raising and outreach efforts is the Commission website ([www.nhrc.org.bd](http://www.nhrc.org.bd)). The NHRC recognizes that an online presence is an essential component of any overall communications and education strategy in the 21st century. Accordingly, the Commission has designed and developed content for its website, which provides comprehensive information on the mandate, operations and activities of the NHRC, and improves citizen access to the Commission by offering the possibility of filing a complaint online. Website features, including online complaints filing, are being tested in various districts around the country”.<sup>57</sup> However, a closer look at the website gives a different impression.<sup>58</sup> The website on its first glance looks much disorganized, provides only few documents and information about few events organized by the NHRC. The very first information at the home page (top, left most) is ‘we have moved’ with the address, while the NHRC has moved

<sup>57</sup><http://www.nhrc.org.bd/PDF/Annual%20Report%202011.pdf>

<sup>58</sup>The website was accessed on 20 October 2012

to this address on 1 February 2011. The website does not give any information on the current activities of the NHRC, the future events or any data/statistics of the human rights situation of the country. Introducing the online complaint submission is really welcoming and it is also interesting to see that the announcement made for this is written in Bangla unlike the whole website- which is in English. However to see the announcement in Bangla one has to click the menu bar written in English only 'HR Complaints'. This indicates the difficulty for the user in accessing the online complaint management system. The online complaint dashboard mentions that only five complaints have been received in last 30 days, only one in last seven days.<sup>59</sup>

The Annual Report 2011 of the NHRC states that 'The Commission provided policy advice to the Government of Bangladesh through recommendations made on the National Women Policy and review of national legislation such as the Law on Human Trafficking, the Child Act and reforms of the Constitution in order to ensure that new laws and policies are consistent with international human rights standards.' Interestingly, the laws and policies on which the NHRC has made recommendations are considered to be 'soft' issues. The NHRC did not make any recommendation or made any observation on the Anti Terror Law, Draft Foreign Donation Act, Broadcasting policy, Draft online media Policy etc.

There is also huge gap between the hype and expectation created by the Chair of the NHRC with his great media presence versus the institutional response from the NHRC. The NHRC Chair has responded on almost all contemporary human rights issues in media but this did not match with corresponding actions of the Commission. After a full commission meeting NHRC informed the media at a formal press briefing on 27 August 2012 that they will move to the High Court for Limon<sup>60</sup> which did not happened. In response to

<sup>59</sup><http://complaint.nhrc.org.bd/complaint/dashboard>

<sup>60</sup><http://www.newagebd.com/detail.php?date=2012-08-28&nid=21664#.UIPUB8XR7dp>

the criticism made by several quarters terming the NHRC as a 'toothless tiger', the Chair publicly claimed that the NHRC has given a tongue, not teeth<sup>61</sup> and committed to make use of the tongue "Yes, we do not have any tooth, but we roar and roaring itself is important in human rights movement". If the NHRC themselves acknowledge that they cannot bite will the roaring really matter?

## V. Thematic Issues

The thematic issues identified for the 2012 ANNI Report relevant for NHRC Bangladesh are: (a) the relationship between the NHRC and human rights defenders and women human rights defenders; (b) the interaction between the NHRC and international human rights mechanisms.

### Human Rights Defenders and Women Human Rights Defenders

NHRIs are considered to be the 'Defender of Defenders'. Until now, the NHRC has conducted only one training program for 25 human rights defenders (HRDs) in November 2011. The NHRC has still not internalised the conception of a human rights defender and scope of the UN Declaration on Human Rights Defenders.<sup>62</sup> The NHRC has no special desk or mechanism to address the issues of the HRDs. The online complaint management system also does not provide any special attention to the protection and confidentiality for the HRDs.

### Interaction with International Mechanisms

The year 2011 was instrumental for the Bangladesh NHRC to get international recognition. The Commission was awarded

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<sup>61</sup>[http://newagebd.com/detail.php?date=2012-07-27&nid=18575#.UH\\_jTMXR7do](http://newagebd.com/detail.php?date=2012-07-27&nid=18575#.UH_jTMXR7do)

<sup>62</sup>*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, UN GAR A/RES/53/144, 8 March 1999, <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

“B” status by the International Coordinating Committee of National Human Rights Institutions (ICC-NHRI) in May 2011 and became an Associate Member of the Asia Pacific Forum (APF) of NHRIs at the 16th Annual Meeting in September 2011. Although the NHRC has accredited ‘B’ status by the ICC, The ICC Sub Committee on Accreditation (SCA) did made following observations and recommendations:

- ‘The selection committee established by section 7 of the founding Act is primarily comprised of government appointees and the quorum requirements would appear to allow nominations solely by those members.’
- Regarding the secondment, the SCA noted that, ‘secondment of the secretary and senior staff members may or may be seen to compromise the independence of a national human rights institution’

No further step has been taken to address the SCA recommendations. The NHRC has also submitted its UPR stakeholders report in October 2012, the very first report to the UN Human Rights Mechanism. However, the NHRC has not engaged with any of the Special Procedure mandate holder or treaty bodies.

## **VI. Cooperation with Civil Society**

It is really praiseworthy that the NHRC is open to cooperation and collaboration with civil society. The NHRC Chair and members regularly attend civil society events. The NHRC also invites civil society members at their events. In many cases, the NHRC did seek and praised the cooperation of the civil society. There is a good cooperation with regard to referral of cases as well. In our opinion, this is because of the openness and easy accessibility of the commission members. The NHRC has also started the discussion and process to identify a panel of investigators, mediators and lawyers from human rights organizations. The NHRC has also provided its support for preparing a ‘Practical Handbook

on submitting complaints to the NHRC' and later reprinted the same for wider dissemination. Yet there is need to take effective steps to institutionalize this cooperation to obtain better result.

It should be noted in this regard that, before the ICC accreditation, ASK as the ANNI member did send a statement to the SCA on 18 May 2011 where it strongly advocated in favour of the NHRC, Bangladesh saying 'the NHRC, although still at the early stage has given a strong indication to be an independent and effective institution'. This statement of ASK has been cited informally by the ICC and APF as an unprecedented gesture from a CSO to the NHRC. One year after that statement was made, now we want to evaluate the NHRC by the result it has achieved and by the impact it has created. Two and half years have passed and now time has come for the NHRC to prove the importance and necessity of such state institution as it is not at its early age anymore.

## VII. Conclusion and Recommendations

The NHRC is comprised of the Chair, one other full time member and six other honorary members. There have been instances to believe that the NHRC lacks team work and many members do not always support the position of the Chair as expressed by him in the media. This is apparent from seeing the official statements issued by the NHRC. While the Chair has given his opinion in almost every case of human rights violation, the NHRC has issued less than 20 press statements in more than two years (the majority on events and visits). There were no statements expressing the position of the NHRC on certain human rights issues, except on Limon.<sup>63</sup> Even the media has posed question about the inactiveness of the members of the NHRC.<sup>64</sup>

<sup>63</sup><http://www.nhrc.org.bd/news.html>

<sup>64</sup><http://www.nhrc.org.bd/PDF/How%20empowered%20is%20the%20Commission%20to%20protect%20human%20rights.pdf>

The NHRC writes in the conclusion of its Annual Report 2011 which reads “the Commission expressed its gratitude to the highest levels of the Government for the ongoing support and cooperation it has received during the year 2011. As the institution strengthens, the NHRC can more effectively play its dual role vis-à-vis the Government – not only what some may say is a thorn in its side but just as importantly, a feather in its cap.” But we should say that as the members of the civil society as well as citizens of the country, we consider this as a matter of great concern to see the NHRC as the ‘feather in government’s cap’.

## **Recommendations to the Government of Bangladesh (GoB)**

- a) Take immediate step to remove the loopholes in governing legislation by widening the definition of ‘human rights’, removing the obstacle to take proceedings against disciplined forces and opening the space to receive direct funding.
- b) The GoB should be open to the criticism made by the NHRC and take those in the light of bringing change in their actions.
- c) The GoB should take concrete steps to make the NHRC functionally, institutionally, financially independent and to uphold it as a dignified national institution.
- d) Completely fulfil the proposed organogram of the NHRC and locate it in an accessible location. Provide sufficient budget to NHRC to make it less dependable to the donor funding.
- e) The GoB should comply with the NHRC’s recommendations with utmost priority and sincerity.

## **Recommendation to the NHRC**

- a) Take immediate step to set up independent functional secretariat in a location where people get easy access.
- b) Put focus on systematic violence and set an example and precedence so that those can be regarded as national level standards and be useful as tools for the human rights defenders.
- c) Make maximum and creative use of the NHRC legislation and explore and exhaust all possible avenues to remedy the human rights violations. Forge out new strategic tools to carry out human rights obligations.
- d) Take NHRC to the door-steps of the people with setting up branch offices and taking other methods. Make people aware about their rights. Make a simplified procedure of complaints.



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