

Input for the Report of OHCHR on Human Rights and Transitional Justice

Overview of the National Human Rights Commission, Bangladesh

The National Human Rights Commission, Bangladesh (NHRC) was reconstituted in 2010 by the enactment of the National Human Rights Commission Act (NHRC Act) 2009 in light of the ‘Paris Principles’ with the aim of promotion and protection of human rights in Bangladesh though it was formally established in 2008. As per the NHRC Act 2009, the key functions and mandate of the NHRC is to raise awareness, human rights education and training, research on human rights, monitoring, and investigation of allegation of violation of human rights that seeks to resolve the complaints and *suo-moto* and making recommendations to the Government for appropriate steps. The NHRC is a “B” status institution recognized by the GANHRI. The NHRC is also an Associate Member of the Asia Pacific Forum (APF).

The present Commission assumed responsibility in September 2019. It has also reformed twelve (12) thematic committees¹ (it was first formed in 2013) to promote and protect the thematic human rights issues and ensure prompt and effective responses. At the beginning of the term of present Commission, e-Filing has been launched to expedite its activities and interventions.

Highlights of the measures that address root causes of conflict, violence and human rights violations (e.g., discrimination, inequality, corruption, and impunity)

The NHRC has been taking stern actions addressing human rights violations *suo-moto* or by responding to complaints by inquiring into any allegation and making recommendations to the Government. It has also been forming ad-hoc fact-finding committees, if necessary, for taking immediate steps and also has been making recommendations to the concerned authorities of the Government on the basis of the findings. In addition, to facilitate immediate actions relating to human rights violations *suo-moto* or complaints, NHRC has created a WhatsApp group. This has helped accelerate direct communications to advise and support concerned officials in taking rapid steps to protect the rights of the people, particularly the vulnerable groups including the excluded groups and communities.

The Commission also reformed four (04) benches for handling human rights violation complaints: Full Bench: Chairman, Full Time Member and other Members, Bench 01, Bench 02 and Settlement Bench. Besides, a scrutiny committee has been formed to verify the complaints received. Following the committee’s verification next course of action taken in these four benches. Further, in 2020 recruitment of 15 human resources in staff level have been done. Among them 03 Bench Assistants has been hired for assisting with the complaints of human rights violations. It is expected that this recruitment will support the handling of human rights violation complaints and *suo-moto* cases faster, effectively and more efficiently.

The NHRC also visualised making a digitalized institution that is underway. With support of UNDP the NHRC is developing an Integrated Digital Office Management Systems. A comprehensive digital system will help the NHRC to manage the complaints and *suo-moto* cases of allegations of human rights violations digitally and will enable NHRC to record, analyse and generate reports relating to human rights violations. The system would also include a database on human rights violations which will enable NHRC to proactively monitor the human rights situation and determine its interventions and to update on emerging trends. It is expected digitalisation will also benefit reporting to treaty bodies

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1. Committee on Recommendations on human rights protection treaties and other international instruments.
2. Committee on Dalit, Hijra, Religious, Ethnic, Non-citizen and other excluded minorities’ rights.
3. Committee on Person with Disabilities and Autism.
4. Committee on Child Rights and Child Labor.
5. Committee on Business and Human Rights and CSR (Corporate Social Responsibility).
6. Committee on Committee on Climate Change, Environment and Disaster Management.
7. Committee on Migrant Worker’s Right and Anti Trafficking.
8. Committee for Respect for Dissent and Human Rights Awareness for the Advancement of Human Values.
9. Committee on CHT Affairs.
10. Committee on Elderly People’s Rights.
11. Committee on Violence against Women and Children.
12. Committee on Economic, Social, cultural, civil, and political Rights.

mechanisms, as well as UPR and SDGs. This will ensure auto generated reports on the number of complaints and *suo-moto* cases, and disposal, status etc. and the database will provide NHRC's statistics of human rights violation issues. It is expected that the digitalised system will help us to provide better services to the people in the fulfilment of human rights and ensure transparency and accountability of the institution.

The Commission has received **9737** complaints and disposed **5267** complaints of allegation of human rights violations from the period of **2011-2020**.

Statistics of complaints received in 2011-2020

Year	Complaints of Previous years	Year wise complaints received	Total Complaints (01+02)	Year wise disposal	Year wise pending/ non-disposal (3-4)
2011	64	233	297	285	12
2012	12	635	647	472	175
2013	175	477	652	467	185
2014	185	660	845	524	321
2015	321	567	888	389	499
2016	499	692	1191	430	761
2017	761	644	1405	604	801
2018	801	733	1534	1080	454
2019	454	779	1233	669	564
2020	564	481	1045	347	698
Total	3836	5901	9737	5267	4470

* N:B: Among total 698 pending files there are 04 of 2012, 09 of 2013, 19 of 2014, 22 of 2015, 15 of 2016, 42 of 2017, 74 of 2018, 163 of 2019 and 350 of 2020.

Highlights of recent *suo-moto* cases of NHRC

NHRC has also undertaken *suo-moto* cases of allegations of human rights violations. NHRC has intervened on murder of former army official Sinha Md. Rashed Khan by Police and other extrajudicial killings. The Commission sent letter to the Senior Secretary, Public Security Division of Ministry of Home Affairs to inform NHRC what actions were taken by them and ensure that the perpetrators are brought to justice.

The Commission formed a Fact-finding Committee on 14 August 2020 and conducted a fact-finding on casualties (death of 3 children and injury of many other children) in Jessore Juvenile Development Centre on 13 August 2020 reported in media. The Committee visited the spot and submitted report with 13 recommendations to the concerned authorities to ensure justice.

The Commission intervened on the allegation of killing of a child (schoolboy) by crossfire: Case loded by NHRC on 11 September 2020 reported in media. The boy was taken away from his home at midnight and kept him for 48 hours in unknown location two days before his death. Police statement was that he was shot in gunfight and was leader of teenage gang and a case was lodged against him in allegation of injuring a man. However, after one year of that incident it was reported that there was a wrong identification having similar name with the accused. NHRC lodged a case in Chief Metropolitan Magistrate Court in Chattagram through its panel lawyer.

NHRC took steps on Torture of Woman in Begumganj, Noakhali as *suo-moto* and formed a two-member fact-finding committee. The committee inspected the spot and submitted report and recommendations to the relevant authorities. NHRC emphasised zero tolerance policy against violence against women to protect women rights and recommended the concerned authority that the perpetrator must be brought to justice and given exemplary punishment.

NHRC facilitated release of Salam Dhali, an innocent man wrongly identified and imprisoned through its Panel Lawyer. After noticing media report about innocent Salam Dhali Commission took suo moto complaint and applied for his release in Judicial Magistrate Court, Bagerhat. The Court ordered for his release after the Commission's intervention. NHRC considers that it is necessary to take effective measure to prevent arresting wrong person/wrong identification without proper verification. It is a gross violation of human rights which should be addressed.

An Initiative of NHRC to identify the root causes of a systemic violation of human rights: National Inquiry into Violence Against Women and Girls with a focus on rape

Apart from contributing to national gender equality goals NHRC has been leveraging its presence in high-level policy spaces with government and other stakeholders. With this, NHRC has undertaken ground-breaking initiative to conduct a national inquiry into violence against women and girls with a focus on rape. The objective of the is national Inquiry is to identify causes, patterns, challenges, and making appropriate recommendations including policy, legislative reform and practices for action to address the systematic human rights issues related with the violence against women, mainly rape.

Violence against women and girls is a global challenge at any time. It has been devastating during COVID-19 when access to help is more limited. The situation is not different in Bangladesh. The world witnessed a shadow pandemic of rising gender-based violence during the pandemic. NHRC has been able to raise awareness using virtual platforms such as virtual events, webinars, TV Talk shows, newspaper publication, TVC broadcasting on women's rights and prevention of GBV during the pandemic.

NHRC has been concerned about levels of violence against women and girls in Bangladesh and the lack of a systematic response to this problem. From the media reports it has been apparent that the incidents increased enormously during COVID-19 and so the NHRC decided it was time to act decisively by conducting a National Inquiry into Violence Against Women and Girls with a focus on rape. It is a very effective mechanism but a demanding one. With this aim NHRC formed a National Inquiry Committee. NHRC has undertaken consultations with APF and NHRIs in Samoa and Afghanistan all of which have experience of conducting national inquiry. We have also exchanged views with the Chief Justice, District and Sessions Judges and Nari-Shishu Tribunal Judges from all 64 districts, Chief Judicial Magistrates, Chief Metropolitan Magistrates, officials from Law and Justice Division as well as Legislative and Parliamentary Affairs Division. We have also conducted hearings with CSOs, journalists, lawyers, police and local administration. NHRC will also engage into conducting a research on the psychological aspect of the convicted perpetrators of rape.

NHRC intend to present the Hon'ble Prime Minister with a report and recommendations before the end of this year, on the Human Rights Day 2021.

Highlights of coordination with relevant policy areas (e.g., prevention of violence, economic development, poverty reduction, promotion of rule of law, access to justice, good governance, fight against corruption, and security and justice sector reform), specific results in the contribution to development, and key elements that contributed to their success:

Since inception NHRC has been engaging with the Government and made recommendations to align the national legislations, policy and practices with international human rights standards and norms. NHRC made recommendations to the Government on the Human Trafficking (Deterrence and

Prevention) Act 2013, Children Act 2013, Child Marriage Restraint Act 2017 and rule under the Act of in which the recommendations of the NHRC have been considered and reflected mostly.

NHRC submitted a draft of a proposed Anti-Discrimination legislation and the Prevention and Protection of Sexual Harassment legislation in line with the international human rights standards and norms. It is expected that these laws will be promulgated soon and supplement initiatives to address discrimination and ensure equal opportunities and prevent and protect sexual harassment.

NHRC has been concerned about the limitations in the NHRC Act 2009, as also been raised as a concern by GANHRI. NHRC reviewed the NHRC Act 2009 and made recommendations to the Government for the amendment in line with the 'Paris Principles', in particular, to provide a broader mandate and power to inquiry into any allegation of violation of human rights by the law enforcement agencies.

NHRC has also been engaged in the human rights situation analysis in its Annual Reports and has been engaged with the treaty bodies and the Human Rights Council on human rights reporting. NHRC has been engaged in the UPR, ICCPR, ICESCR, VAW, CEDAW reporting, review and follow-up for the effective and sustainable implementation of the recommendations and the concluding observations.

The COVID-19 pandemic has not just created health issues, it has adversely affected a wide range of basic human rights across the globe. The Commission believes that human rights are key in shaping the pandemic response both for the public health emergency and the broader impact on people's lives and livelihoods. In response to the outbreak of COVID-19, the Commission with support of UNDP monitored emerging trends of human rights violations and developed a database based on which it made recommendations to relevant authorities to take appropriate actions in compliance with their legal human rights obligations. We believe this step has had positive impact on the protection of human rights.

Key results of gender-responsive transitional justice processes - specific measures to ensure full, effective and equal participation of women and girls, increase their role in decision-making, and contribute to their empowerment - and their contribution to sustaining peace and development.

- Enactment of Child Marriage Restraint Act 2017 and rule under the Act.
- Women Safety in Public Places (WSPP) campaign expected to contribute to the reduction of the number of incidents of sexual violence on women in public places.
- The report and the findings of the national inquiry identify causes, patterns, challenges, and suggest appropriate recommendations including policy, legislative reform and practices for action to address the systematic human rights issues related with the violence against women, mainly rape.

Transitional justice policies that have strengthened and opened up space for civil society, and their impact on sustaining peace and development.

Since inception NHRC has been a common platform for many stakeholders. NHRC brings many organizations and people together in a forum to discuss on human rights and bridges NGOs, CSOs with the Government towards achieving targeted objectives collectively. NHRC has been effectively engaged with the CSOs, NGOs, UN agencies and the development partners, for the legislative, policy and practices in line with the international human rights standards and norms as well as international human rights reporting. NHRC has not just included national CSOs but also from the grassroots in its thematic committees, a decision-making platform of NHRC – making recommendations for the legislative and policy reform, services (human rights complaint handling).

Challenges and successful experiences in enhancing linkages between transitional justice, peace and development, and increasing effective cooperation among relevant stakeholders in related policy areas. Kindly provide specific examples.

NHRC has been engaged with the human rights awareness on thematic issues, such as, Women Safety in Public Places (WSPP) campaign, online course on human rights for school students. The aim is to build an effective tool for engaging youths on human rights and will help establish Manobadhikar Shurokkha Club (Human Rights Club) in every Unions of the districts of the country. NHRC also envisions establishing a District Human Rights Committees in each district that will proactively monitor and ensure quicker responses of human rights violations, promote human rights education and awareness engaging the multi-stakeholders. Any opportunity does not come without challenges. Any initiative of NRHC may face challenge, however, NHRC finds ways and looks forward to bringing solutions to the challenges and criticisms by focusing on its human rights agenda.