

Policy Brief

National Integrity
System Assessment
Bangladesh

**NATIONAL HUMAN RIGHTS
COMMISSION (NHRC)**



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National Human Rights Commission (NHRC)

The National Human Rights Commission (henceforth NHRC), the first of its kind in Bangladesh, is a statutory body, established for monitoring the implementation of state obligations in respect of the protection, promotion and guaranteeing of human rights as enshrined in the Constitution of Bangladesh. Set up in 2007 during the Caretaker Government pursuant to the National Human Rights Commission Ordinance, the Commission was reconstituted by the present government in 2010 in the light of the National Human Rights Commission Act 2009. The NHRC is manned by Chairman, a full-time member and five honorary members. The NHRC occupies a critical position in the national infrastructure as it not only serves as a major watchdog over human rights practices but also brings together human rights education, investigation and law and policy advocacy under one umbrella. Indeed, its stated mission to ensure, amongst others, the rule of law, social justice and freedom through human rights entitles the NHRC to be regarded as a key pillar within the national integrity system.

Largely devoid of resources in terms of staffing, infrastructure and logistical support at the time of its inception, the NHRC tentatively began its journey with financial and technical support from the United Nations Development Programme (UNDP). The Commission continues to be resource deficient and is largely donor dependent for its work despite legally mandated budget allocation by the government. The independence of the NHRC officials has often been questioned based on the manner in which the NHRC targets interventions and crafts public statements. The pre-eminence of the Chairman of the Commission has virtually reduced the NHRC to a one-man show to the exclusion of its other members. The legal framework is inadequate in respect of ensuring the transparency, accountability and integrity of the NHRC. Investigation is weak and largely unable to respond to the growing number of complaints. Despite its efforts to raise human rights awareness and advocate for change, their impact on the ground is not greatly noticeable.

Strengths

- Multiple roles of watchdog over human rights violation, human rights education and law & policy advocacy.
- Introduction of a Standard Operating Manual on Ethical and Accountability standards.
- Engagement through promotional activities at the national and local level.

Weaknesses

- Government/donor dependence in terms of funding.
- Weak investigation due to resource deficiency in manpower, technical know-how, infrastructure and logistical support.
- Recruitment criteria for Commissioners is too broad offering scope for nepotism.
- Inadequate legal framework ensuring transparency, integrity of Commissioners.
- The law is silent on issues of asset declaration, financial gratification, political activities, gifts and hospitality in relation to Commissioners.
- Non cooperation by GoB, in particular Ministry of Home Affairs.
- NHRC's power is curtailed by legal restriction on investigation of breaches by "disciplined forces" that technically includes law enforcement agencies.
- NHRC is primarily a recommendatory body with no power of execution.

Recommendations

- The NHRC must be an independent, vigilant and proactive force against human rights violations, unfettered by political and other considerations.
- The NHRC Act must be reviewed and necessary amendments incorporated in terms of the definition of human rights, the eligibility criteria of Commissioners, the Commission's powers to investigate human rights violation by disciplined forces.
- The capacity of the NHRC must be enhanced through training and skills for effective investigation, reporting and action.
- Legal provisions must be introduced to ensure mandatory asset declaration by Commissioners and prohibition on financial gratification, partisan political activities, gifts and hospitality.

About Policy Brief Series

One of the key strategic areas of TIB's research has always been the institutions of democracy and specialized pillars of governance and accountability, which constitute the National Integrity System (NIS), a collective of institutions and practices that are crucial to maintaining integrity and accountability in government, non-government and private sector. The NIS in Bangladesh broadly consists of the following institutions: Parliament, Executive, Judiciary, Public Administration (bureaucracy), Local Government, Police (law enforcement agency), Comptroller and Auditor General (supreme audit institution), Election Commission, Anti-Corruption Commission, National Human Rights Commission, Information Commission, Political Parties, Civil Society, Media, and Business.

TIB has conducted a series of research, surveys and diagnostic studies on many such institutions, by which it has not only created demand, but also catalysed a number of significant legal, institutional and policy changes. Against this background, this policy brief series attempts to diagnose and analyse the strengths and weaknesses of the NIS in Bangladesh and recommend implementable measures to strengthen these institutions.

This policy brief draws on *National Integrity System Assessment Bangladesh 2014* available at: <http://ti-bangladesh.org/nicsa/2014/en/>

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