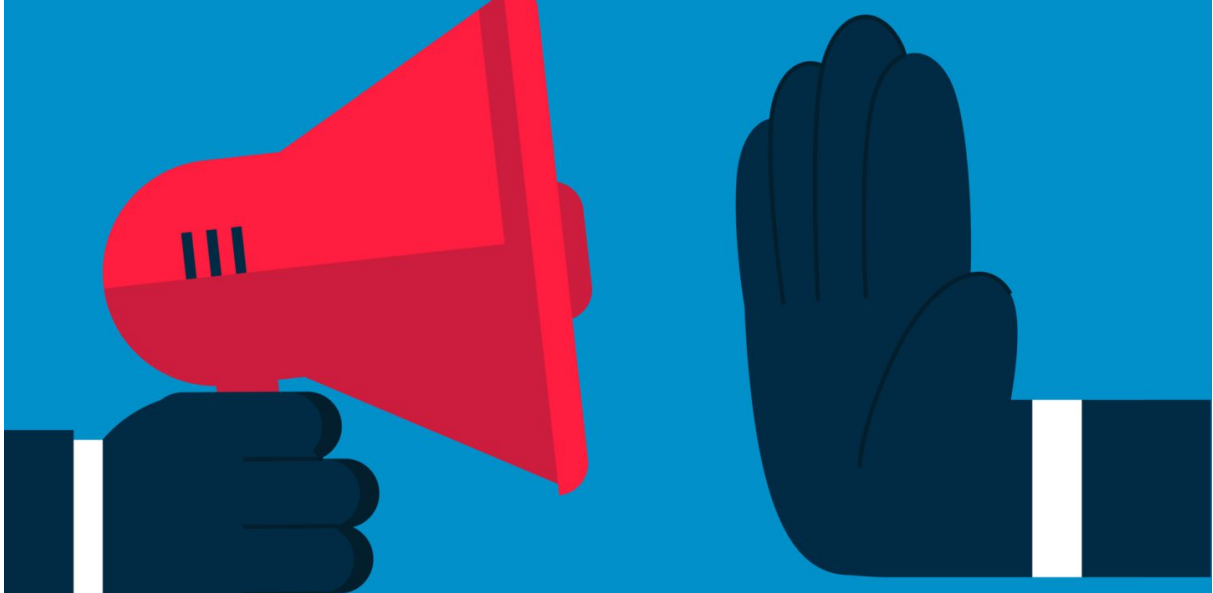


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National Human Rights Commission must not be forgotten amid reform agenda

Bangladesh

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Bangladesh is at a pivotal moment in its history. After one and a half decades under the tight grip of authoritarian practices, the country has now had more than eight months to begin forging a path towards a new future.

While addressing the multiple areas that are in desperate need of systemic reform, the interim government must not lose sight of the important legal and institutional reforms that can ensure an enduring respect for human rights. One such institution is the National Human Rights Commission (NHRC), which could, if reformed, be key to robust oversight, redress and accountability for human rights violations.

The NHRC has historically had glaring shortcomings in fulfilling its function as an independent mechanism to promote – and monitor compliance with – international standards on human rights and the rule of law. These failings led the UN accreditation body, Global Alliance of National Human Rights Institutions (GANHRI), to give the NHRC a ‘B’ rating in March 2015, for a second time since its initial accreditation, meaning that it only partially complies with international standards.

The importance of the NHRC cannot be emphasized enough. If during the last decade, the NHRC had functioned according to international standards, with the capacity and willingness to hold inquiries with authorities in cases of enforced disappearances and to carry out unannounced visits of detention sites, victims of human rights violations could have had an avenue for redress. Instead, it remained inefficient. Its inability to intervene for the protection of human rights reached abysmal depth during last year's July protest movement, when, on 30 July, the then Chairman of the NHRC, reacted to the massacre of protesters with a mere statement calling the situation "unfortunate and a violation of human rights".

The NHRC currently stands vacant, following the resignation en-masse of its commissioners in November 2024, three months after the interim government came into power. However, simply appointing new commissioners would be wholly insufficient to ensure that the institution functions independently and effectively. Instead, a number of amendments must be made to its founding legislation, the National Human Rights Commission Act, 2009 (NHRC Act) to achieve this end.

International standards on human rights institutions, set out in the Paris Principles, state that such institutions must be impartial and independent. However, the current politicized process of appointing NHRC members runs counter to these ideals. The process is led by a seven-member selection committee, with a majority of members from the ruling party: the Speaker of the House, two Ministers and the Cabinet Secretary as well as a ruling party MP. The selection process must be participatory inclusive and transparent. For example, a model like Sri Lanka's Constitutional Council, which has representatives from the legislature (both government and opposition) and civil society, would better ensure the respect of such principles.

The Paris Principles also require that national human rights institutions have a broad mandate and adequate powers. Such scope would enable the NHRC to investigate any human rights violations, collect evidence, work with civil society and government actors, and make their findings and recommendations public. Critically, the NHRC Act also stipulates that the NHRC's powers do not extend to matters relating to the conduct of public servants and public sector workers. These exemptions must be removed and all public authorities, including the military, police, and intelligence agencies, must come within the purview of the NHRC.

According to the Paris Principles, human rights institutions must have adequate resources to carry out their functions independently, free from external influence or the fear of financial retribution. The NHRC Act sets out that a 'Human Rights Commission Fund' shall be constituted to finance the institution. However, the fund can only be serviced by annual grants made by the government, or grants made by local authorities. This provision puts the NHRC at the mercy of government funding, which may be revoked at any time. The state must be compelled by law to provide adequate funding to the Commission, as part of a national budgetary allocation, to discharge its functions, with a guaranteed minimum sum the NHRC can access without fear of revocation.

While these amendments are just the beginning in ensuring adequate oversight by the NHRC, they are indeed a matter of urgency if victims of human rights violations and abuses are to have an efficient, effective human rights mechanism to approach for redress in Bangladesh now and in future.