

NATIONAL HUMAN RIGHTS COMMISSION, BANGLADESH

# Failing to fulfill commitments

AHMAD SAYEED

THIS title has been borrowed from the latest Annual Assessment Report on the independence and effectiveness of National Human Rights Commission (NHRC), Bangladesh, done by Ain o Salish Kendra (ASK). ASK, as a member of Asian NGOs Network on National Human Rights Institutions (ANNI), has been preparing annual reports based on its assessment of the performance of the NHRC since 2008.

The latest report has outlined the commitments of NHRC, Bangladesh towards the promotion and protection of Human Rights with an assessment that after working for more than five years, most of these commitments are yet to be fulfilled. Of course, the NHRC might have a different opinion, but an assessment based on NHRC's own documents and written commitments provides ample evidence in favour of that conclusion drawn in ASK assessment report.

The most clear and outspoken document that can show NHRC's commitment is its strategic plan. In 2010, the NHRC drafted its first five years strategic plan and subsequently revised it in 2011 based on the stakeholders' feedback gathered through several workshops conducted in different parts of the country. In the first strategic plan, the NHRC identified 10 pressing human rights issues. Among them, two issues were identified as 'highest priority'. The first was enforced disappearance, torture and extrajudicial killings - termed as violence by state mechanisms; and the second was violations of economic, social and cultural rights, including health rights, and discrimination against people with disabilities.

Now, how do we assess the success of NHRC in addressing those issues set by them as highest priority? Let's look at the figure of extra judicial killings as documented by ASK: The number slightly decreased from 133 in 2010 to 100 in 2011, and 91 in 2012, however, it sharply increased to 208 in 2013. In 2014, it came down to 154 and increased to 192 in 2015. Now simply from the figures, anybody would wonder what role the NHRC has played to stop the extra judicial killings that they themselves identified as one of the highest priorities and what impact they have created?

ASK documented that NHRC has for the first time investigated the death of a person in "crossfire" in 2013. While the police claimed that a gunfight occurred while the person died in crossfire, the NHRC fact-finding concluded that no gunfight had actually happened. A three-member team led by a director of the Commission conducted the fact-finding after the media reported that 41-year-old Rajab Ali alias Kala Rajab had been killed in a "gunfight" between his accomplices and police in the early hours of February 16, 2014 in Jessore district. It has been reported by the media that the NHRC fact finding team faced resistance from the police department during its probe.

In the wake of an alarming rise in abductions and secret killings, on May 5, 2014 at a roundtable, the NHRC

that they would move to the High Court for Limon. However, on June 23, 2013, it was reported that the NHRC chairperson allegedly made an ominous proposal to Limon and his family to withdraw the case they filed against RAB. It happened on the very first day that the chairperson attended office as the chair after being reappointed for the second term. The NHRC chairperson later contested this report, claiming that it had distorted his comments as he had only informed Limon that the government might make this proposal. On July 10, 2013, the government decided to withdraw two cases filed by RAB against Limon.

The other top priority for the NHRC set forth in its first strategic plan was the violations of economic, social and cultural rights. In its latest annual report,

and political in nature, and widens NHRC's mandate to other human rights, it is subjected to Bangladesh government's ratification and enforceability by laws. And we know that most of the economic, social and cultural rights like right to food, clothing, education, healthcare, housing etc are not recognised as fundamental rights in the Constitution of Bangladesh, and are thus not enforceable through the court of law. Under such circumstances, how much could the NHRC do to ensure and protect these rights within its mandate?

The NHRC has printed some publications to promote economic, social and cultural rights; however, it has not put forward its voice adequately in favour of the defenders struggling for this set of rights. For example, in recent times, the commission has not said anything about the tea workers movement protesting the establishment of special economic zone in Habiganj, it did not protest the government's initiative of building the Rampal power plant that will be dangerous for the Sundarbans and its eco-system and will create severe impacts on the livelihood of thousands of people. The NHRC also did not make any comment on the recent eviction drive on January 2016 at Dhaka's Kalyanpur slum that houses about 40,000 low-income dwellers. The commission used to visit public hospitals and also raised concerns about the poor services several times. However, what is missing from NHRC's actions is that it has not done systematic monitoring of the health services prevailing in the country, and has not taken any strategic action to improve them.

The NHRC has adopted its second five-year strategic plan for 2016-2020, and kept the same two top priorities without giving any explanation on achievements from the first strategic intervention period. This proves that the NHRC themselves acknowledge that much has to be done in those areas. We, of course, acknowledge that five years is not enough time to handle these issues, but an honest assessment of the lessons learnt is important as is adopting effective strategies based on those lessons.

The writer is a human rights activist.

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chairperson stated that it would seek intervention from the higher court if the government fails to stop abductions, killings and forced disappearances which did not happen. To stop extrajudicial killings and 'enforced disappearances', the NHRC repeatedly mentioned that it has placed two recommendations to the government: to stop drives by law enforcers in plain clothes and to keep at least two persons to witness under what circumstances the raid and arrests are being made. However, these recommendations have not been implemented by the government, and law enforcers are continuing their operations in plain clothes.

NHRC's role could also be assessed by analysing how it handled the much discussed case of Limon, the 16-year-old student who was shot in the leg by RAB personnel on March 23 2011. NHRC was very vocal on this case; the NHRC chairperson met Limon immediately after he was taken to the hospital and promised support from the commission. The NHRC also informed the media at a formal press briefing on August 27, 2012

published in 2014, NHRC Bangladesh claimed that "one major achievement of JAMAKON in the last five years is that it could effectively bring Economic, Social and Cultural Rights into focus - a shift in popular perception that helped see human rights beyond the realms of civil and political rights as the only benchmark for measuring human rights situations in the country."

This is of course an interesting approach; however, there are some issues we have to take into consideration while looking at the approach. The NHRC Act 2009 has provided the mandate to the NHRC and it has also defined human rights in its own term: 'Right to life, Right to liberty, Right to equality and Right to dignity of a person guaranteed by the constitution of the People's Republic of Bangladesh and such other human rights that are declared under different international human rights instruments ratified by the People's Republic of Bangladesh and are enforceable by the existing laws of Bangladesh (Section 2-f)'. While this has specified some rights that are civil

## Construction workers must get recruitment cards

### A first step to ending exploitation

THE demand by rights activists that the government make it mandatory for employers to issue recruitment cards to construction workers should be a wake up call to address the exploitations in this sector. Being part of the informal sector, day labourers, who may number up to about two million, are employed through middlemen and have no formal document that recognises their recruitment. As a result they are deprived of basic rights such as standard wages, being paid on time, payment of medical bills or compensation in case of accident and other benefits. All this is left to the whims of the employers, leaving the workers totally vulnerable.

These workers often work in hazardous conditions without proper protective gear and accidents and fatalities are common. We often see workers dangling from ropes outside high-rise buildings for painting or cleaning jobs or labourers engaged in demolition and construction work without wearing helmets or gloves. Labourers are also often required to carry loads on their head that are far too heavy, sometimes resulting in severe injuries to the neck and spine that may leave them paralysed for life.

All this highlights the utter neglect and callousness with which construction workers are treated even though their labour is so crucial for their employers. It is high time that the government enforces stringent rules on employers to make sure that their workers get paid what is due to them and that they work under safe conditions. Making sure recruitment cards to each and every construction worker can be the first step.

## No school buildings for students for three years!

### When will they be rebuilt?

IT is a shame that students of nine government primary schools in Jhenidah are being compelled to attend classes under the open skies or in makeshift huts, as their school buildings were deemed "too risky" and abandoned three years ago. Our report states that after the Rana Plaza collapse in April 2013, an inquiry team consisting of officials of LGED and the Education Office, inspected schools in the district and served notices to nine at-risk school buildings. It was a laudable and timely initiative, no doubt, to identify unsafe buildings and save students' lives, but what we are at a loss to understand is why no attempts have been made by the authorities since then to move the students to a safer location (i.e. another building) or make renovations to the existing building to make it compliant with the safety codes.

Three years is too long a time for students to make do with no building, and to study out in the open or dilapidated provisional structures braving unfavourable weather conditions. It is no surprise that the number of students in these schools is declining each year, with teachers fearing that their schools will have to be shut down unless they are allotted a new building.

It is appalling that the elected representatives of the concerned upazilas have ignored this pressing issue for so long. We urge the UNOs of the concerned upazilas, the MP of the district and the education ministry to sanction new buildings for these students without any bureaucratic delay. A safe physical space for students where they can concentrate on their studies is the least we can guarantee for our future generation.

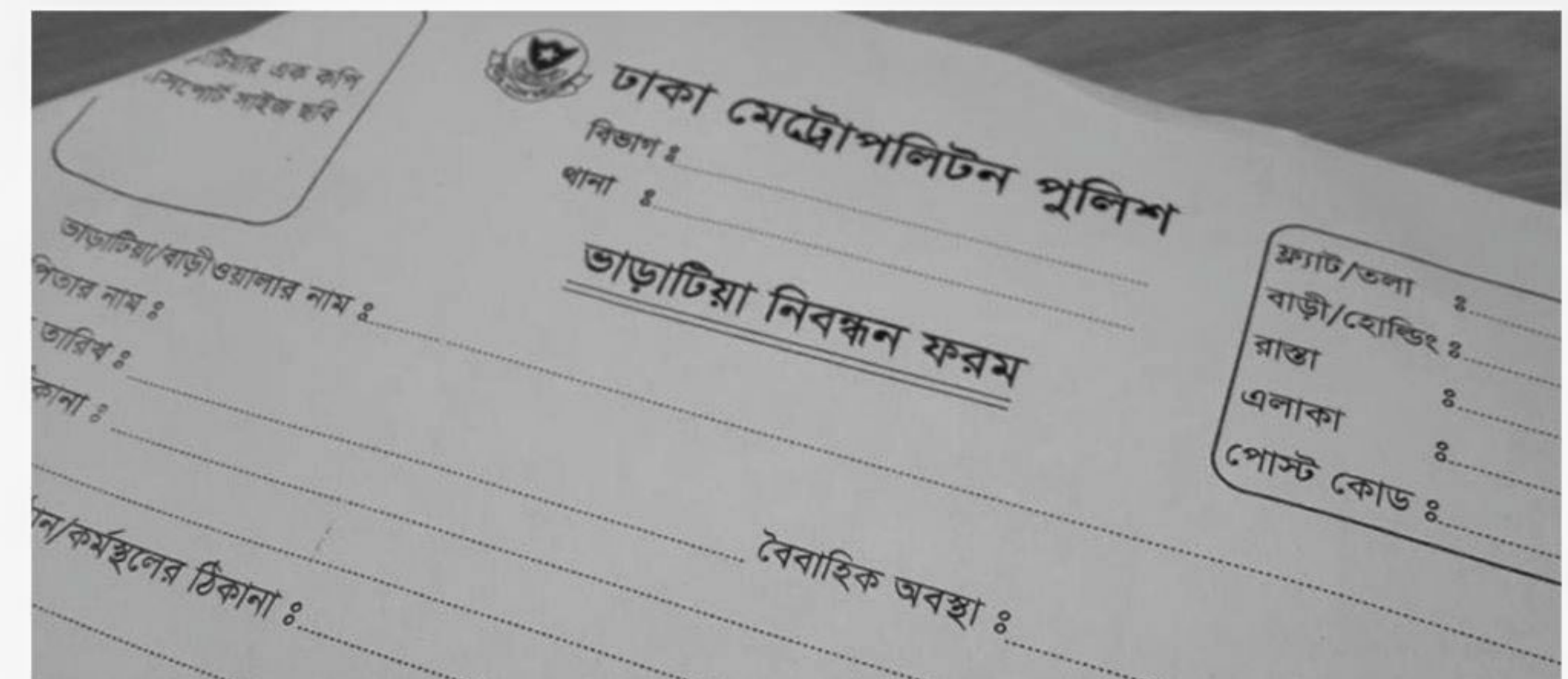
SHAHIDUL K. K. SHUVRU

IT seems these days in Bangladesh we are either forced or almost obliged to give personal, sometimes very private, information to some national bodies, say, for the issuance of passports, national ID cards and income tax returns. Even private banks, insurance companies and multinational mobile phone operators require the personal data and papers to be submitted before they are ready to provide their services to any individual. Recently, the Dhaka Metropolitan Police (DMP) joined this brigade of collecting personal information of citizens in the name of providing security.

The DMP fixed a timeframe within which citizens were requested to submit the required data, failing which they would take punitive measures against those tenants and home owners. A lawyer at the Supreme Court has already served a legal notice to the police authority, seeking justification of requiring citizens' data.

Laws of the country allow the police to seek information of criminals, suspects and witnesses. But it is unclear as to under what law have they been sending forms to every home, seeking immediate submission of personal data. The said forms require us to fill out details of our religion, marital status and educational qualifications, but do not explain why such information is needed.

In Europe, law enforcement agencies need to inform why they need personal information of any citizen, and explain how they intend to protect the information. They have to state how long they will retain the information, along with a protection measure that they won't provide the information to a



third party. Not only DMP, all the data collection authorities in the country - including private bodies - don't seem to be aware of data and privacy protection of citizens or consumers.

Around eight months ago, the Uttara West Police sent ten such forms to my building, and they took the forms after they were filled by all the residents of the buildings. Two months ago, another set of forms with a different format was sent to my building, along with a verbal instruction from the police that they needed to be filled and submitted within a day. The forms were filled up but no one from the police station came to collect them. The welfare society of Uttara Sector 13 has now announced that the forms needed to be sent to the welfare society's office, which would then send the forms to the said police station. This means that the information is going to the police station via a third

party. We have, however, not been informed of what happened to the first set of forms, which were submitted to the police station almost a year back!

As there is no archiving facility in police stations or any data management system, one cannot help but feel skeptical about the safety of keeping personal information of citizens there. The information could reach a third party, thereby leading to possible abuse of the data. In the West, there is already an ongoing debate regarding the use of personal data by businesses for market research purposes; some broker agencies are also allegedly involved in buying and selling information.

In the era of nano-technology, a tiny device is enough for culprits to steal billions of data, even if the data is said to be protected; every piece of data is hackable.

The recent ATM card fraud acts have

shown how international fraudsters can join local criminals to steal our debit or credit card information before taking out the money. ID thefts have become commonplace, as criminals often make copies of people's IDs, and misuse them for various purposes. The victims don't even know, before it's too late, how and when their IDs were stolen and signature use for fraud.

It thus seems futile to take personal information of citizens to crack down on a few criminals. This only leads to the harassment of ordinary citizens. Criminals are often on the run, and live on fake IDs. Thus, seeking personal information of the ordinary public will create panic amongst people, and may actually contribute to widening the existing gap between the police and civilians.

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## COMMENTS

**"Parents, aunt brought in for quizzing"**  
 (March 3, 2016)

S Alam Patowary Shams

What are the real reasons behind such horrific crimes?

**"BSF kills Bangladeshi at Johorpur frontier"**  
 (March 3, 2016)

Sohrab Samim

So what! A meeting will take place between BGB and BSF and it will end with the assurance "it won't happen again." We are sick and tired of this.

## LETTERS TO THE EDITOR

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### Trump is to the US what Hitler was to Germany

Hitler's Nazi Party became the largest elected party in the German Reichstag, leading to his appointment as chancellor in 1933. Following fresh elections won by his coalition, the Reichstag passed the Enabling Act, which began the process of transforming the Weimar Republic into Nazi Germany, a one-party dictatorship based on the totalitarian and autocratic ideology of National Socialism. Hitler aimed to eliminate Jews from Germany and establish a new order to counter

what he saw as the injustice of the post-World War I international order dominated by Britain and France. Sholem Asch, wrote on the conditions in post-WWI Germany which brought Hitler to power. He showed the picture of Germany, what was wrong with Germany, what happened to Germany and why Hitler was created; Hitler's vitriolic beer hall speeches began attracting regular audiences. He became adept at using populist themes,

including the use of scapegoats, who were blamed for people's economic hardships. Hitler used personal charisma and an understanding of crowd psychology to his advantage while speaking publicly. Donald Trump is just like Hitler. With slogans like 'Make America great again,' Trump will bring nothing but trouble and shame to the US. Ted Rudow III, MA CA, USA

### Joint initiative for wildlife conservation

- Recently some state governments in India have been complaining about the negative impacts of overpopulation of some wildlife species due to successful conservation measures adopted over several decades.
- Species such as the Blue Bull or Nilgai, Spotted Deer, Wild Boar, Rhesus Monkey, Langur and Peacock have reached unsustainably high population level in some states and have been turning counterproductive causing severe damage to the standing crops.
- Bangladesh with similar climatic regimes and

physical geography like India has seen some of these species become extinct in the wild such as the Blue Peafowl, Blue Bull etc. A joint initiative between the Indian and Bangladesh governments could help some of these surplus wildlife populations of India after veterinary inspection and successful quarantine period to suitable habitats in Bangladesh and help propagation of these beautiful species in different countries of South Asia. Saikat Kumar Basu Lethbridge, AB, Canada