

Proceedings of the Seminar on Experience Sharing of NHRIs: Challenges and Way Forward
28th January, 2017, Hotel Pan Pacific Sonargaon, Dhaka



Inaugural Session

Chair of the session: Kazi Reazul Hoque

The Chairman of NHRC, Bangladesh **Mr. Kazi Reazul Hoque** welcomed the Guests to the seminar. He gave the background to the creation of National Human Rights Commission, Bangladesh through the National Human Rights Commission Act. It stood out as one of the commitments of the Bangladesh State to the principles of the Human Rights.

The composition of the NHRC was elaborated and in this context several thematic committees of the Commission were mentioned which provided a platform for civil society members to meet with public officials responsible for that particular theme. The Chairman also outlined the activities that the current NHRC has undertaken in the last 6 months.

The NHRCB is happy that Bangladesh has managed to work successfully in fulfilling many of the MDG goals and pledged that the NHRC is now committed to working towards achieving the SDGs

Barrister Amirul Kabir Chowdhury, the first Chairman of the NHRCB gave his good wishes and pledged his continuous support in the field of human rights.

Mr. Sudipto Mukerjee Country Director of UNDP, Bangladesh encouraged the experience sharing visit between the NHRIs of India and Bangladesh. He emphasized the focus on local contexts in the execution of human rights which was as important as emphasizing the international principles embodied in the Paris Agreement. In terms of human resources, he said that UNDP encouraged NHRCs to develop themselves institutionally and independently and that UNDP offered them technical support towards

that end. and engage He also encouraged the NHRC of India to engage in a learning experience from the rich experience of Bangladesh and hoped that such best practices will be imbued in the works of similar institutions in South Asia and worldwide.



Justice H.L. Dattu



Kazi Reazul Hoque

Barrister Amir Ul Islam elaborated on the importance of child rights due to the changing nature of demography faced by the Bangladesh state. He said though much good legislation have taken place, the space for addressing brutality against children in home and in the private sector still remains a major challenge. This must be addressed through proper implementation in terms of developing good curriculum, generating awareness of young men, in other words societal spaces that mere legislations cannot resolve. The first right of the child is the right to cry, and hence we must eternally keep our ears open to listen to this cry, i.e. to children's voices in whatever context there may be in.

He urged the NHRC to be more proactive on the Child Protection issue especially in the context of creating rules for the Child Protection Act 2013, so that the legislation can be effectively implemented on the ground. He also opined that the NHRC B had a role to play in addressing the controversial clauses related to the provision of marriageable age for girls and the rationale given by the Government in the Early Marriage Act before it is passed in Parliament.

Justice H.L. Dattu, Chairman of the NHRC, India encouraged the processes of experience sharing between Indian and Bangladeshi NHRIs. He described the working of the NHRC in India and their jurisdiction. He mentioned two problems in the NHRCI which is currently being deliberated in India 1. The jurisdiction of NHRC in private sector or sites, 2. Whether the NHRCs decision should be considered binding to the Govt. or not outside its immediate area of action.

Chief Guest: **Mr. Anisul Huq**, MP, Minister, Ministry of Law and Parliamentary Affairs reflected on the achievement and challenges faced by the NHRC. He encouraged the NHRC to take on board many of the institutional facilities that the Bangladesh Govt. has created such as Legal Aid Trust so that vulnerable people gain access to justice.

Mr. Md. Nazrul Islam, Full time Member of NHRCB gave the vote of thanks and concluded the session.

Second session: Child protection and justice systems

Chair: Kazi Reazul Hoque

Laila Khondker Director of Child Protection, Save the Children reflected some concerns of child rights and root causes and suggested some ways forward.

She said that the concerns not only that violence against children had become more rampant but that the brutality associated with

it had aggravated. Child abuse occurs at the slightest conflict of interest and in this respect .all children should be conceived as vulnerable though some children like children of refugees, sex workers, those with disabilities are more vulnerable than others. Perpetrators were seen to be mostly those who should be considered as care-givers. The root cause she holds is the culture of impunity that prevails in the country. Laws policies and their enactments exist, but it is important to have the right law legal framework. In this respects she highlighted the issue of the proposed child marriage restriction act which states a special provision that a girl child can be married under the age 18 if found illegally pregnant, where a consensus of the families are required but with no consultation of the child. She suggests that it would be better not to have such a special clause at all She requested NHRCB to become more proactive on child protection issues.

There is also a draft of an independent child rights commission in consideration with the ministry of women and children affairs and she asked the NHRC to be involved in the process

In order for Bangladesh to be a livable country for children who are future of the nation, much of the social mindset of parents, employers and school teachers have to change She hopes that NHRC will challenge all stakeholders towards ensuring this condition.

Mr. Emranul Huq Chowdhury, President, Shishu Odhikar Forum said that his concern was for children who are more vulnerable. According to reports, the number of incidents on child abuse reduced from 2015 to 2016, but the disturbing fact was that brutality has increased and that parents were the main aggressor.



Approximately 39 laws exist to protect the children, but not all are effective. In another report that he quoted there were almost 4000 children who were subject to cruelty out of which 1/3 was killed.

Taking off from the previous discussion that future acts may further increase cruelty and abuse as for example under the special provisions such as accidental or illegal pregnancy which allows children to get married under the consent of parents.

For rural people access to justice is a challenge and such people should gain support from the justice system itself. Ways to address child rights at the local level through MPs in parliament could also to be taken.

Mahmuda Sharmin Benu, Additional Secretary of Ministry of Women and Children Affairs, opined that this gathering will help to pave way for betterment of children. She pointed out that Bangladesh was one of the first states to ratify the Convention of the Rights of the Child and had shown significant achievement in the enactment of policies related to birth rights, and child trafficking. Though much remains to be done she assures that MoWCA is committed to a rights based approach towards women and children.

An open floor discussion was held where various topics such security for children in border areas, steps to implement policy, gaps in different Ministries to adopt child focused policy as for example in the Ministry of Labor, considering public opinion in the case of final adoption of the Early Marriage Restraint Act, engagement of Parliamentary Standing Committees, Disability Protocol and media sensitivity was raised. NHRC was also called upon to take a position on the issue of publication of child inappropriate text book as well as to urge the Government to speedy approval of Rules pertaining to the implement of the Children's Act 2013 in order to make implementation of the law effective.

Justice M. Imman Ali, Hon'ble Judge Appellate Division, Bangladesh Supreme Court in his comments said that the Bangladesh Constitution lays the basis for the protection of the rights of the child.

Corporal punishment in the justice system can only be applied only after being proven guilty and yet Bangladeshi society accepts the beating of children in daily life although it violates the penal code. If this is the reality that a child grows up then violence is therefore being institutes as a normal way of life. In cases of sexual harassment and assault it is also necessary to reach out to young men and educate them in finer values and ethic in order to reclaim the dignity of women and girls.

He also spoke of the precarious situation of children in detention centres bidi factories (where even a judge court ruling proved ineffective as the factory was then relocated to the homes of Bidi workers and created polluted atmosphere within the families), domestic works and children working fishing boats under the dadan system. The controversial early marriage issue was reinforced by him in that he foresaw it this leading to more violation of the rights of the child by the family concerned. The root cause was that girls in Bangladeshi society were looked at as having little economic value to the family. The solution lay in education which would be the backbone of their empowerment.

The Chair of the session, wrapped up by highlighting some of the more important points and thanked all the speakers

Business session on Ensuring Human Rights of Migrant Workers and Repatriation of Victims of Trafficking

Chair: Mr. Md. Nazrul Islam, Full Time Member, NHRC Bangladesh

Begum Shamsunnahar, Secretary, Ministry of Expatriates Welfare and Overseas Employment commented that international migration was a highly important global issue. Since women formed a significant portion of migrants, respect for their fundamental human rights should be maintained. Migration for Bangladesh is a major foreign exchange earner and hence a priority in the economic development.



Protection includes migrants family as well. She elaborated both national and international instruments which maybe evoked in the protection of migrants' welfare. Bangladesh also played a part in the international scenario for a more humane and coordinated approach towards migrants and refugees.

Challenges remain but Bangladesh has been trying to address these at the implementation stage.

Shri Sharad Chandra Sinha, Member, NHRC of India said migration may be easier in the contemporary world but conflict and poverty also are at the roots of migration. Migration from Asia is a dominant feature in this world. It is the key to economic development in any developing countries as well as forging new technologies and invention. But it concerns largely the most vulnerable in the population of a country thus potentially leading to human rights violation and discrimination. SDGs of 2030 recognized the positive contribution of migrants for inclusive growth and development.

Mobility of workers in source areas lacking employment opportunities are affected. Migration generally occurs among unskilled labor and that makes them highly vulnerable to exploitation and trafficking.

Exposure to hazardous work and condition especially make women's sexual and reproductive health particularly susceptible.

Approximately 6 to 7 lac people are trafficked across border in a year. Most of them are from deprived classes and many are sexually exploited. Research on alternatives to trafficking is being studied in India.

Since trafficking is a multi-faceted problem it can be addressed only in a victim-centred and rights-based way through reintegration and repatriation.

He gave a brief outline of how the NHRC Act in India relates to migration and migrants in the Indian situation. The National Food Security Acts gives citizens and displaced persons some entitlements. Entitlements are not allowed to Bangladesh immigrants. But NHRC of India had recommended that it should go to such migrants as well.

The open floor discussions brought up issues such as the role which various stakeholders like Governments, NHRIs have in resolving some of the more important issues. Begum Shamsunahar responded by mentioning some of the actions being taken in border regions and Mr. Sinha expressed that any understanding between the two countries would necessarily have to include the two Governments.

Dr. Gowher Rizvi Advisor, International Affairs to the Hon'ble Prime Minister in his concluding speech maintained that the NHRI even though formed by the state could perform independently of it and the NHRC in India bears out that fact.

He said Bangladeshi migrants were distinctive in character in that they were temporary migrants who did not develop any sign of permanence when working abroad. As a result their links to their home country and society were greater than immigrants who went abroad to settle. He believed also that the remittance that was sent home by these migrant workers were a source of equitable distribution in Bangladeshi society.

He made an important point that Bangladesh's potential lay in its young working population in a world of ageing economy and it is this that gave us the position to negotiate terms, which he hoped that the Government of Bangladesh will eventually pick up. There is also a further need for research and policy assessments in this area.

The Chair of the session Mr. **Md. Nazrul Islam** cogently summarized the different points of view sketched in the presentations and floor discussions and concluded the session by thanking all concerned.