

Review and Recommendations on “National Human Rights Commission Act, 2026 (Draft)” by Human Rights Forum Bangladesh (HRFB) and Transparency International Bangladesh (TIB)

Among the 133 ordinances issued during the tenure of the interim government, 97 were enacted into law verbatim and 13 with amendments, as recommended through the scrutiny and review conducted by the Special Committee of the 13th National Parliament, which is commendable. However, it was recommended that 16 ordinances of significant public importance, including those concerning the National Human Rights Commission, the Anti-Corruption Commission, the Police Commission, and the prevention of enforced disappearances, not be enacted into law but rather be newly formulated at a later time through more thorough scrutiny; and that a total of seven ordinances, including those on the appointment of Supreme Court judges and the establishment of the Supreme Court Secretariat, be repealed.

The election manifesto of the Bangladesh Nationalist Party (BNP) - which holds a two-thirds majority of seats in Parliament - stated that human rights protection would be ensured in accordance with the Universal Declaration of Human Rights, and that the Human Rights Commission would be constituted on the basis of specific standards. The reason given for not passing the "National Human Rights Commission Ordinance, 2025" in Parliament was that the ordinance contained certain ambiguities, and that the law would be newly formulated after more thorough scrutiny in consultation with the relevant stakeholders. In continuation of this, on 17 May 2026 the government formulated a draft of the "National

Human Rights Commission Act, 2026" and, by publishing it on the website of the Legislative and Parliamentary Affairs Division, took the initiative to collect public opinion. Several new provisions have been added to the draft, which in certain respects have created better prospects compared to the 2025 ordinance.

However, the draft National Human Rights Commission Act, 2026 has introduced certain significant discrepancies compared to the National Human Rights Commission Ordinance, 2025 - discrepancies that run contrary to the long-cherished public aspiration for the establishment of a genuinely independent and effective National Human Rights Commission free from governmental influence. Likewise, there are apprehensions that these provisions conflict with the Paris Principles and risk acting as one of the obstacles to Bangladesh's National Human Rights Commission obtaining "A" status from the Global Alliance of National Human Rights Institutions (GANHRI). Regarding those provisions of the draft law that are of concern for the formation of an independent and effective Human Rights Commission and that may create the risk of undermining the Commission's distinct identity, the Human Rights Forum Bangladesh (HRFB) and Transparency International Bangladesh (TIB) present the following observations, along with recommendations for amendment - to be accorded due importance and undertaken in consultation with the relevant stakeholders.

Establishment of an Independent and Autonomous Human Rights Commission (Section 3)

Observation

By omitting from the draft law the phrase "the Commission shall be an independent body which shall not fall under any ministry or division of the government" - a provision contained in the relevant section of the National Human Rights Commission Ordinance, 2025 - an opportunity has been created for the executive branch to bring the Commission under its control. This is inconsistent with the Paris Principles' principle of "establishing an independent and autonomous human rights institution and enabling it to carry out its responsibilities independently."

Recommendation 1

A provision to the following effect must be added to Section 3(2) of the draft law: "the Commission shall be an independent body, which shall not fall under any ministry or division of the government."

Authority to Establish and Expand the Commission's Offices (Section 4)

Observation

While the National Human Rights Commission Ordinance, 2025 empowered the Commission to establish its head office in Dhaka, divisional offices in each division, and, where necessary, offices at the district and upazila levels, the draft law removes the requirement to establish divisional offices outside Dhaka and introduces a requirement for prior Government approval before establishing Commission offices.

Recommendation 2

Section 4 of the draft law should be amended by inserting a provision that the Commission's head office shall be located in Dhaka, divisional offices shall be established in every division, and the Commission may, where necessary, establish offices at the district, upazila, or any other location considered to be at risk. The requirement to obtain prior Government approval for establishing Commission offices should also be repealed in order to strengthen the Commission's independence in deciding on the establishment of its offices.

Pluralistic Representation in the Composition of the Commission (Section 5)

Observation

- While the National Human Rights Commission Ordinance, 2025 required that the Commission include at least one Commissioner from an ethnic minority or disadvantaged community and at least two women Commissioners, the draft law does not retain the mandatory inclusion of ethnic minorities, disadvantaged communities, or women as Commissioners. Furthermore, the previous requirement to appoint women Commissioners has been replaced with a condition that such appointments be made only if qualified candidates are available, a change that risks making the Commission a patriarchal and majoritarian institution.
- This provision is inconsistent with the Paris Principles, which require pluralistic representation of the social forces (civil society) involved in the promotion and protection of human rights in the composition of national human rights institutions.

Recommendation 3

Section 5 of the draft law should be amended by inserting a provision requiring that, in the appointment of the Chairperson and Commissioners, the Commission include at least one member from an ethnic minority, a person with a disability, or another disadvantaged group, including persons of diverse gender identities, and, to ensure gender equality within the Commission, at least two women Commissioners.

Qualifications and Disqualifications for the Appointment of the Chairperson and Commissioners (Section 6)

Observation

- The draft law allows a public official to be appointed as a Commissioner while remaining in government service by taking leave from his or her post. This creates a risk of conflicts of interest, hinders the independent and impartial functioning of the Commission, and is inconsistent with the Paris Principles.
- The draft law also ignores, as a qualification for the appointment of Commissioners, the requirement that appointees should have demonstrated political neutrality, commitment to the protection of human rights, integrity, and ethical conduct in their professional lives.
- The draft law does not specify an age limit for the Chairperson and Commissioners.

Recommendation 4

Section 6(3)(c) of the draft law should be amended by repealing the provision allowing a public official to be appointed as a Commissioner while remaining in government service on leave. It should also be amended by inserting a provision that, as a qualification for appointment as a Commissioner, "a person who has demonstrated political neutrality, a commitment to the protection of human rights, integrity, and ethical conduct in his or her professional life shall be appointed."

Recommendation 5

The draft law should specify that the age of Commissioners shall be not less than 35 years and not more than 75 years.

Constitution of the Selection Committee for the Appointment of Commissioners (Section 7)

Observation

The draft law provides for the inclusion of the Speaker, two Ministers, one Member of Parliament from the ruling party, and the Cabinet Secretary in the Selection Committee for the appointment of Commissioners. This creates a risk of executive and ruling party dominance over the appointment process, undermines the independence and impartiality of the Commission, and gives rise to potential conflicts of interest.

Recommendation 6

In line with the National Human Rights Commission Ordinance, 2025, the Selection Committee should comprise: a Judge of the Appellate Division nominated by the Chief Justice (who shall serve as Chairperson of the Committee); two Members of Parliament nominated respectively by the ruling party and the opposition; a professor from a recognized university in Bangladesh with experience in human rights research, nominated by the University Grants Commission; the President of the National Press Club or a journalist nominated by the President with experience in human rights reporting; a citizen with experience in the promotion and protection of human rights, nominated by the President; and a representative of ethnic minority or disadvantaged communities with experience in promoting and protecting their rights. For such nominations, the President shall invite a list of prospective candidates from forums, organizations, or platforms working on human rights and the rights of ethnic minority or disadvantaged communities.

Recommendation 7

To ensure the impartiality of the appointment process, Section 7(1) of the draft law should be amended by inserting the words "free from partisan political influence" in relation to the members of the Selection Committee.

Selection Process for the Chairperson and Commissioners (Section 8)

Observation

- The draft law does not include a provision requiring the publication, through the website, of the objective criteria for scrutinizing applications, the list of candidates initially shortlisted with their names and identities, and the list of persons recommended to the President with their names and identities, in order to ensure that the selection process is conducted in a transparent manner.
- The provision contained in the National Human Rights Commission Ordinance, 2025 requiring the Selection Committee to interview candidates included in the shortlist has been omitted from the draft law.

Recommendation 8

Section 8 of the draft law should be amended by inserting a sub-section requiring the publication, through the website, of the objective criteria for scrutinizing applications, the list of candidates initially shortlisted with their names and identities, and the list of persons recommended to the President with their names and identities, in order to ensure that the selection process is conducted in a transparent manner.

Recommendation 9

Section 8 of the draft law should be amended by inserting a provision requiring the Selection Committee to interview candidates included in the shortlist.

Removal of the Chairperson and Commissioners (Section 9)

Observation

The draft law provides that the Chairperson or any Commissioner shall not be removed except in the same manner as a Judge of the Supreme Court may be removed, and that the Supreme Judicial Council shall formulate a code of conduct to be followed by the Chairperson and Commissioners for that purpose. However, the draft law does not clearly specify the grounds for their removal or the procedure for conducting an investigation.

Recommendation 10

The draft law should specify the procedure for the removal of the Chairperson and Commissioners more clearly. It should also clearly define the grounds for the removal of the Chairperson or any Commissioner and specify the investigation procedure and the authority responsible for conducting such investigation.

Functions of the Commission: Powers of Search, Inspection, and Investigation (Section 13)

Observation

The draft law does not empower the Commission to conduct regular searches, inspections, and investigations of potential places of detention operated by law enforcement, intelligence and surveillance agencies, and the armed forces, where persons may be held in connection with enforced disappearances or other forms of torture. It also omits provisions enabling the Commission to recommend improvements to such facilities or, where they are unlawful, to recommend their closure and appropriate action against those responsible.

Recommendation 11

Section 13 of the draft law should be amended to empower the Commission to conduct regular searches, inspections, and investigations of all potential places of detention operated by law enforcement, intelligence and surveillance agencies, and the armed forces, where persons may be held in connection with enforced disappearances or other forms of torture; to recommend improvements to such facilities; and, where they are unlawful, to recommend their closure and appropriate action to ensure accountability of those responsible.

Functions of the Commission (Section 13)

Observation

- The draft law does not include the Commission's specific preventive role in fostering a culture of respect for human rights in the social, political, and institutional spheres, including engagement with various stakeholders (civil society organizations and NGOs), public awareness, education, training, and research activities.
- The draft law also does not provide any structured mechanism to ensure the rights of disadvantaged and vulnerable groups (including women, children, religious minorities, Indigenous Peoples, persons with disabilities, persons of diverse gender identities, farmers, and workers), to monitor the implementation of those rights, and to take necessary measures in cases of violations.
- The specific function contained in the National Human Rights Commission Ordinance, 2025 relating to the protection of persons engaged in the promotion and protection of human rights has been omitted.
- The draft law authorizes the Commission to generate income by investing its own funds in profit-making business activities. However, it does not specify the nature of such activities or businesses, creating a risk of conflicts of interest. Such activities may also undermine the Commission's core mandate.

Recommendation 12

The following matters should be incorporated into the functions of the Commission under Section 13 of the draft law:

- 12.1 Maintain regular engagement with civil society organizations and NGOs working on human rights and undertake collaborative initiatives to promote and protect human rights.
- 12.2 Assist in the development and implementation of educational programs relating to the protection of human rights.
- 12.3 Conduct awareness-raising and promotional activities on human rights.
- 12.4 Review the Constitution, existing laws, and proposed legislation for consistency with international human rights standards and norms, and, where inconsistencies are identified, be empowered to recommend their amendment, revision, or reform to the Government.
- 12.5 Include a mandatory provision requiring the establishment of a structured mechanism to ensure the rights of disadvantaged and vulnerable groups (including religious minorities, Indigenous Peoples, persons with disabilities, women, persons of diverse gender identities, children, farmers, and workers), monitor the implementation of those rights, and take necessary measures in cases of violations.
- 12.6 Take measures to protect persons engaged in the promotion and protection of human rights provide advice and assistance to organizations and institutions working to advance human rights, as well as to the public generally; and ensure that the Commission consults civil society and human rights organizations on matters relating to the protection of human rights.
- 12.7 Delete the irrelevant and unnecessary provision in Section 13(K) of the draft law authorizing the Commission to generate income through investment of its own funds in profit-making business activities.

Receipt of Complaints (Section 15)

Observation

The draft law contains no special provision to facilitate the receipt of complaints of human rights violations against women, children, religious minorities, ethnic minorities, persons with disabilities, and other marginalized or disadvantaged groups, taking into account their heightened vulnerability and specific needs.

Recommendation 13

The draft law should include a provision for establishing a dedicated or separate ‘cell’ to receive, investigate, and facilitate remedies for complaints of human rights violations against women, children, religious minorities, ethnic minorities, persons with disabilities, and other marginalized or disadvantaged groups, taking into account their vulnerability and specific needs. It should also provide for the Commission to deploy mobile teams at regular intervals to remote and marginalized areas to receive complaints of human rights violations.

Authority to Investigate Complaints and Arrest the Accused (Section 16)

Observation

While the National Human Rights Commission Ordinance, 2025 provided that where the accused is a public official or a member of the law enforcement agencies, prior approval of the court, tribunal, or, as the case may be, the Commission shall be required for arrest, and that no prior approval from the Government or the relevant appointing authority shall be necessary, the draft National Human Rights Commission Act, 2026 contains no such explicit provision.

Recommendation 14

Section 16 of the draft law should be amended to provide that, where the accused is a public official or a member of the law enforcement agencies, prior approval of the court, tribunal, or, as the case may be, the Commission shall be required for arrest, and that no prior approval from the Government or the relevant appointing authority shall be necessary.

Taking Cognizance of Human Rights Violation Complaints (Section 16)

Observation

- The draft law provides that, within 15 days of receiving a complaint or information, the Commissioner concerned may appoint an investigation officer at his or her discretion if the complaint is considered fit to be taken into cognizance. This creates a risk that complaints may be accepted or rejected arbitrarily or on political considerations.
- The draft law does not clearly provide for the Commission to take suo motu cognizance of information on human rights violations published in the media or obtained from other sources. Nor does it specify what action should be taken if the Commission decides not to take cognizance of such information.

Recommendation 15

Section 16 of the draft law should be amended to provide that, upon receiving a complaint or obtaining information relating to a human rights violation from the media or any other source, the Commission may initiate an inquiry or investigation.

Recommendation 16

Section 16 should further provide that, where information relating to a human rights violation is published in the media or obtained from any other source and the Commission decides not to take cognizance of the matter, it shall record the reasons for its decision and publish them on its website.

Disposal of Complaints (Section 17)

Observation

Section 17(7) of the draft law provides that: Where any report of the Commission is submitted to a court or any institution, the court or institution shall take appropriate action in accordance with the applicable law. Provided that the Commission's report shall be admissible as evidence in such proceedings and, notwithstanding anything contained in the Evidence Act, no Commissioner or representative of the Commission shall be required to be examined before the court for the purpose of proving the report. This provision would deprive the parties concerned of the opportunity to challenge the Commission's report by seeking the examination of the relevant Commissioner or the Commission's representative before the court.

Recommendation 17

Section 17(7) of the draft law should be amended by inserting the following provision: No Commissioner or representative of the Commission shall be required to be examined before the court for the purpose of proving the report; however, where the court is satisfied upon an application by any party, it may permit the examination of the relevant Commissioner or representative of the Commission.

Authority to Issue Regulations on the Appointment and Powers of Mediators and Conciliators (Section 18)

Observation

In the draft law, the obligation to obtain government approval has been kept for determining the method of appointment and power of the mediator and conciliator for disposing of complaints through mediation and conciliation [Section 18(3)], which may create a risk of curtailing the independence of the Commission.

Recommendation 18

The provision containing the obligation to obtain government approval in the case of determining the method of appointment and power of the mediator and conciliator by the regulation in Section 18(3) of the draft law must be abolished.

Jurisdiction to Inquire into and Investigate Allegations Against Law Enforcement Agencies (Section 20)

Observation

- The draft law removes the power provided under the National Human Rights Commission Ordinance, 2025 to independently inquire into and investigate allegations of human rights violations by the law enforcement agencies or their members, and, upon completion of such inquiry or investigation, to recommend appropriate sanctions, compensation, administrative measures, or disciplinary action against the responsible individuals or institutions.
- The draft law restricts the Commission's jurisdiction in cases of alleged human rights violations by the law enforcement agencies to merely seeking a report from the relevant force chief or the Government and making recommendations on the basis of that report.
- This provision is essentially a verbatim reproduction of the corresponding provision of the National Human Rights Commission Act, 2009, which is inconsistent with the Paris Principles.

Recommendation 19

Section 20 of the draft law should be repealed and replaced with a provision empowering the Commission to inquire into and investigate allegations of human rights violations by the disciplined forces or their members and, upon completion of such inquiry or investigation, to recommend appropriate sanctions, compensation, administrative measures, or disciplinary action against the responsible individuals or institutions.

Annual Report on the Functions of the Commission (Section 26)

Observation

The draft law does not include a provision to promote human rights awareness among elected representatives and to ensure Parliament's participation in the protection of human rights.

Recommendation 20

Section 26 of the draft law should be amended by inserting a clear provision requiring the Commission's annual report to be submitted directly to Parliament through the Speaker, in order to ensure the Commission's accountability and greater effectiveness. It should also include a provision requiring the holding of public hearings, alongside inclusive consultation meetings with representatives of civil society, for the purpose of evaluating the report and determining the Commission's future course of action.

Appointment of the Commission's Officers and Employees (Section 31)

Observation

- The draft law provides that, upon the Commission's written request and subject to its approval, up to 30 per cent of the Commission's total workforce may be filled on deputation by persons employed in the service of the Republic or public officials. This creates a risk to the Commission's ability to function independently and to ensure impartial and government interference-free investigations, and is inconsistent with the Paris Principles.
- The draft law also does not include a provision requiring that appointments to such positions be made through a process that is open to all, clear, transparent, free from conflicts of interest, and based on merit.

Recommendation 21

Section 31 of the draft law should be amended by inserting a provision that the maximum number of persons employed in the service of the Republic or public officials appointed to the Commission or its investigation teams on deputation shall not exceed 10 per cent; the reasons for appointing public officials to the Commission or its investigation teams on deputation shall be disclosed; where the Commission disagrees with the deputation of a public official, it may reject such appointment; and appointments to such positions shall at all times be made through a process that is open to all, clear, transparent, and based on merit.

Establishment of the National Preventive Mechanism Division (Section 34)

Observation

Section 34(1) of the draft law provides for the establishment of a National Preventive Mechanism Division, for the purpose of implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Division is to consist of the Chairperson of the Commission (who shall serve as its head), one Commissioner nominated by the Commission, and one human rights defender with experience in promoting the rights and welfare of prisoners or persons deprived of their liberty. However, the inclusion of the Chairperson and a Commissioner of the National Human Rights Commission as members of the Division may undermine its distinct identity and its ability to function independently.

Recommendation 22

The relevant provision of the draft law should be amended by replacing the Commissioner nominated by the Commission with independent experts in human rights, law, forensic medicine, psychology or mental health, gender, or detention management. The draft law should also include a provision requiring the appointment of members from disadvantaged groups, including persons of diverse gender identities, to the Division.

Human Rights Commission Fund (Section 35)

Observation

The broad and ambiguous provisions contained in clauses (c), (d), (e), and (f) of Section 35(4), which permit the Commission to receive grants from institutions or individuals as well as funds from any other source, create a risk of conflicts of interest. Furthermore, despite being a statutory body with access to State funding, the Commission has been burdened with the unnecessary and inappropriate responsibility of raising funds.

Recommendation 23

The draft law should be amended by repealing the broad and ambiguous provision relating to fundraising from any other source at both the individual and institutional levels.

Financial Independence of the Commission (Section 36)

Observation

- While the National Human Rights Commission Ordinance, 2025 required the Government to consider the Commission's proposed budget before determining its annual budget allocation, the draft law makes the Commission's budget entirely dependent on the Government's discretion.
- Although the National Human Rights Commission Ordinance, 2025 provided constitutional protection against executive interference by requiring the salaries and allowances payable to the Commissioners be charged upon the Consolidated Fund under Article 88 of the Constitution, the draft law removes this provision entirely. It neither provides any alternative arrangement nor establishes any procedural safeguard, thereby conferring complete discretion on the executive over both the Commission's budget and the remuneration of its Commissioners.

Recommendation 24

Section 36(1) of the draft law should be amended by inserting a provision that says "the Government shall, in each financial year, allocate funds in the budget for the Commission's expenditure, based on the budget proposal submitted by the Commission, as expenditure charged upon the Consolidated Fund, and the Commission shall not be required to obtain prior Government approval for expenditures incurred from the allocated funds within the approved and designated budget heads."

Recommendation 25

The draft law should be amended by inserting, as provided in the National Human Rights Commission Ordinance, 2025, a provision that says "under Article 88 of the Constitution, the salaries and allowances payable to the Commissioners shall be charged upon the Consolidated Fund," in order to provide constitutional protection against executive interference over the Commission.

Power to Make Rules (Section 40)

Observation

The draft law vests the power to make rules in the Government, which undermines the Commission's independence and creates an opportunity for Government influence over the Commission.

Recommendation 25

Section 40 of the draft law should be amended by inserting a provision that "for the purpose of carrying out the objectives of this Act, the Commission may, with the approval of the President, make regulations by notification published in the official Gazette. Provided that, until such regulations are made, the Commission shall, in the discharge of its functions, follow the procedures determined by it through written orders.

Finally, we wish to reiterate that the BNP, in its election manifesto, pledged to ensure the protection of human rights in accordance with the Universal Declaration of Human Rights. We expect that this commitment will be reflected in the finalization of the draft into law. At the same time, we wish to remind the Government and all political parties represented in Parliament that the people of Bangladesh, particularly the leaders and activists of your respective parties, endured serious human rights violations under the previous authoritarian regime. We therefore call upon all political parties to play an effective role in preventing the recurrence of such experiences in the future. Accordingly, in light of those past experiences and the commitments made in the election manifesto, we expect that the Government and all other stakeholders will give due consideration to the observations and recommendations made regarding the controversial provisions of the draft law and demonstrate a genuine commitment to establishing an independent and effective National Human Rights Commission.

ⁱ Human Rights Forum Bangladesh (HRFB)'s member organizations are: Ain o Salish Kendra (ASK); Acid Survivors Foundation (ASF); Bangladesh Legal Aid & Services Trust (BLAST); Bangladesh Mahila Parishad (BMP); Association for Land Reform & Development (ALRD); Nijera Kori; Nagorik Uddyog; Manabdhikar Shongskriti Foundation; Bangladesh Adivasi Forum; Kapaeeng Foundation; Breaking the Silence (BTS); Bangladesh Institute of Labor Studies (BILS); Karmojibi Nari; Bangladesh Dalit and Excluded Rights Movement (BDERM); Bandhu Social Welfare Society (BSWS); Step Towards Development; Transparency International Bangladesh (TIB); Manusher Jonno Foundation (MJF); Naripokkho; National Alliance of Disabled Peoples Organization (NADPO); Friends Association for Integrity Revolution (FAIR). ASK serves as the Secretariat of the Forum.

ⁱⁱ For further details, Bangladesh Nationalist Party (BNP), Election Manifesto 2026, p. 10 <https://www.bnpbd.org/manifesto>

ⁱⁱⁱ For further details, The Paris Principles, https://www.humanrights.dk/files/media/dokumenter/about_us/The%20Paris%20Principles.pdf

^{iv} For further details, Global Alliance of National Human Rights Institutions, <https://ganhri.org/paris-principles/>

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