



LAW news

Iraq war
Global backlash against human rights

AMNESTY INTERNATIONAL

Human rights abuses connected to the war on Iraq have not been limited to that country - the war's impact on human rights has been seen in many countries around the world, Amnesty International declared today as it released its report in the shadow of war: backlash against human rights.

"Governments appear to be using the world's focus on the theatre of war to violate human rights shielded from public scrutiny."

Amnesty International's initial report documents examples of how, since the beginning of the military operation, there has been a backlash against certain human rights in 14 countries.

"From Egypt to the USA, from Belgium to Sudan, governments must respect fundamental rights and refrain from using the war in Iraq as a pretext for curtailing or abusing these rights," Amnesty International stated.

Attacks on the rights to freedom of expression and assembly

Authorities in various countries have attempted to prevent people from demonstrating and have harassed and arbitrarily detained those who have demonstrated. In some cases "anti-terrorism" legislation has been used to support these violations.

In Belgium, since early March, more than 450 anti-war demonstrators have been placed under administrative arrest, a form of "preventive" detention lasting up to 12 hours. In the UK, the Terrorism Act has been invoked in some areas to allow special police powers to "stop and search" people without reasonable suspicion.

Excessive use of force by police against anti-war demonstrators

Since 20 March, millions of people around the world have taken to the streets to protest against the war in Iraq. In seven countries police have used excessive force against demonstrators; in some cases this resulted in deaths - including an 11-year-old child. Some demonstrators have been beaten and thousands arbitrarily detained. Some of those detained have been ill-treated or tortured.

In Sudan, three students were reportedly killed during demonstrations in Khartoum. In Greece, anti-riot police beat Iraqi immigrants and took 38 of them away to check their identities; three of them are still in hospital recovering from their injuries. In Turkey, riot police used batons to disperse about 5,000 people who had gathered after Friday prayers on 21 March to protest against the war outside the Beyazit mosque.

Restriction of asylum rights

In many parts of the world, the rights of asylum seekers are being restricted or abused.

In the European Union, Denmark, Norway, Sweden and the UK have frozen decisions on Iraqi asylum claims. In the USA, "Operation Liberty Shield" mandates the detention of asylum-seekers from Iraq and at least 33 other, as yet unnamed, countries who arrive in the USA and seek asylum at the point of entry.

LAWSCAPE



A doctor told her patient that his test results indicated that he had a rare disease and had only six months to live.

"Isn't there anything I can do?" pleaded the patient.
"Marry a lawyer," the doctor advised. "It will be the longest six months of your life."

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Children who never come when called will grow up to be doctors. Children who come before they are called will grow up to be lawyers.

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Boss: Who said that just because I tried to kiss you at last month's Christmas party, you could neglect to do your work around here?
Secretary: My lawyer.

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A surgeon, an architect and a lawyer are having a heated barroom discussion concerning which of their professions is actually the oldest profession.

The surgeon says: "Surgery is the oldest profession. God took a rib from Adam to create Eve and you can't go back further than that."

The architect says: "Hold on! In fact, God was the first architect when he created the world out of chaos in 7 days, and you can't go back any further than that!"

The lawyer puffs his cigar and says: "Gentlemen, Gentlemen...who do you think created the chaos?!!!"

RIGHTS corner



Wither rights of sex workers

SYED TAPOSH

International Women's day observed on 8th March 03. Different organisations organised different programmes to observe the day in which sex workers were also involved. This is a positive sign towards mainstreaming the sex worker in the development process for which the NGOs to be praised. NGOs are building the capacity of sex workers and as the result sex workers are successfully participating in social events with other people of the society.

Present condition of sex workers

In recent years many NGOs in Bangladesh have become involved in development activities for this vulnerable group of the society. These NGOs are working to uphold their rights. They are also taught about the social responsibilities to be performed by the sex workers. The sex workers are now enough conscious on their responsibilities towards society and it is clear in many ways that they are much more interested to participate in development activities. NGOs involvement with rights based approach has increased social consciousness of sex workers as well as consciousness of people on the problems of sex workers to some extent. But majority of the population do not believe that the sex workers are a part of our society, they have capacity to contribute to the society and they are to bring under the mainstream of development. It is very much interesting to say that the general people in the society still at large are not ready to recognise the rights of sex workers and their children though the sex workers are enough conscious about their rights and responsibilities. Even the distressed people of the society are reluctant to accept help from the sex workers.

Because of consciousness and capacity building by NGOs, the sex workers in some cases become able to convince the authorities to fulfil their long cherished

FOR YOUR information



United Nations guidelines for consumers' protection

LAW DESK

THE General Assembly adopted guidelines for consumer protection by consensus on 9 April 1985 (General Assembly resolution 39/248). The guidelines provide a framework for Governments, particularly those of developing countries, to use in elaborating consumer protection policies and legislation. They are also intended to encourage international co-operation in this field.

We hereafter mentioned inter alia the most important guidelines for the protection of consumer's rights.

United Nations guidelines for consumer protection (As expanded in 1999)

1. Governments should develop or maintain a strong consumer protection policy, taking into account the Guidelines set out below and relevant international agreements. In so doing, each Government should set its own priorities for the protection of consumers in accordance with the economic, social and environmental circumstances of the country and the needs of its population, bearing in mind the costs and benefits of proposed measures.

2. The legitimate needs, which the guidelines are intended to meet, are the following:

(a) The protection of consumers from hazards to their health and safety;

(b) The promotion and protection of the economic interests of consumers;

(c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;

(d) Consumer education, including education on the environmental, social and economic impacts of consumer choice;

(e) Availability of effective consumer redress;

(f) Freedom to form consumer and other relevant groups or organisations and the opportunity of such organisations to present their views in decision-making processes affecting them;

(g) The promotion of sustainable consumption patterns.

3. Governments should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies. Special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population and people living in poverty.

4. All enterprises should obey the relevant laws and regulations of the countries in which they do business. They should also conform to the appropriate provisions of international standards for consumer protection to which the competent authorities of the country in question have agreed. (Hereinafter references to international standards in the guidelines should be viewed in the context of this paragraph.)

5. In applying any procedures or regulations for consumer protection, due regard should be given to ensuring that they do not become barriers to international trade and that they are consistent with international trade obligations.

Standards for the safety and quality of consumer goods and services

6. Governments should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels for the safety and quality of goods and services and give them appropriate publicity. National standards and regulations for product safety and quality should be reviewed from time to time, in order to ensure that they conform, where possible, to generally accepted international standards.

7. Where a standard lower than the generally accepted international standard is being applied because of local economic conditions, every effort should be made to raise that standard as soon as possible.

8. Governments should encourage and ensure the availability of facilities to test and certify the safety, quality and performance of essential consumer goods and services.

Distribution facilities for essential consumer goods and services

9. Governments should, where appropriate, consider:

(a) Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas. Such policies could include assistance for the creation of adequate storage and retail facilities in rural centres, incentives for consumer self-help and better control of

the conditions under which essential goods and services are provided in rural areas;

(b) Encouraging the establishment of consumer co-operatives and related trading activities, as well as information about them, especially in rural areas.

Measures enabling consumers to obtain redress

10. Governments should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organisations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.

11. Governments should encourage all enterprises to resolve consumer disputes in a fair, expeditious and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaint procedures, which can provide assistance to consumers.

12. Information on available redress and other dispute-resolving procedures should be made available to consumers.

Education and information programmes

13. Consumer education should, where appropriate, become an integral part of the basic curriculum of the educational system, preferably as a component of existing subjects.



14. Consumer education and information programmes should cover such important aspects of consumer protection as the following:

(a) Health, nutrition, prevention of food-borne diseases and food adulteration;

(b) Product hazards;

(c) Product labelling;

(d) Relevant legislation, how to obtain redress, and agencies and organisations for consumer protection;

(e) Information on weights and measures prices, quality, credit conditions and availability of basic necessities;

(f) Environmental protection; and

(g) Efficient use of materials, energy and water.

15. Governments should encourage consumer organisations and other interested groups, including the media, to undertake education and information programmes, including on the environmental impacts of consumption patterns and on the possible implications, including benefits and costs, of changes in consumption, particularly for the benefit of low-income consumer groups in rural and urban areas.

16. Bearing in mind the need to reach rural consumers and illiterate consumers, Governments should, as appropriate, develop or encourage the development of consumer information programmes in the mass media.

17. Governments should organise or encourage training programmes for educators, mass media professionals and consumer advisers, to enable them to participate in carrying out consumer information and education programmes.

LAW week



Death in custody doubled

The US State Department has said Bangladesh government's human rights record remained poor with numerous serious human rights abuses continuing. The State Department in its report on Human Rights Practices 2002 said security forces committed a number of extra-judicial killings, and deaths in custody more than doubled from 200. The Bureau of Democracy, Human Rights and Labour released the report. It touched upon the custodial deaths during the Operation Clean Heart, the government's reluctance to punish those responsible, abuse of the Special Powers Act, repression on journalists, abuse of child labour and women trafficking, trial of the killers of Bangabandhu Murder Case and Jail Killing Case in the human rights chapter. It observed that police routinely used torture, beating, and other forms of abuse in interrogating suspects and frequently beat demonstrators. The report commented that the government rarely punished persons responsible for torture or unlawful deaths. Prison condition of the country were extremely poor. The country report noted the government continued to arrest and detain persons arbitrarily and to use the Special Powers Act and Section 54 of the Code of Criminal Procedure for such arrest and detention. The report said the lower judiciary was subject to executive influence and suffered from corruption. A large judicial case backlog existed and lengthy pre-trial detention is a problem. The exhaustive report said that police searched homes without warrants, and the government forcibly relocated illegal squatter settlements. Virtually all journalists practised some self censorship. The report alleged security forces committed a number of extra-judicial killings. The police, BDR, Ansar and Army used unwarranted lethal force. The US report cited one human rights organisation that said 83 persons died as a result of the use of lethal force by the police and other security forces in the year 2002. Fifteen of those deaths occurred during the army led anti crime drive Operation Clean Heart. An additional 148 deaths occurred in custody, 31 of those following arrest and interrogation by the army during the anti-terrorism operation. The US report noted statements by government spokesmen regarding these deaths at first had asserted that the deceased had died of heart attacks or of drowning while trying to escape. *The Daily Star, 02 April.*

Law to be amended for speedy trial

Law Minister Barrister Moudud Ahmed said the government undertook steps to amend the relevant laws to stop delay in disposing of cases through repeated stay orders or injunctions by the court. He said repeated stay orders and injunctions by courts have been causing a sort of obstacle on the way of justice. The minister said that the delay due to such stay orders or injunctions prolonged the case disposal process and caused huge stockpile of cases in courts. The government therefore undertook steps to stop issuance of repeated stay orders and injunctions. The introduction of alternative dispute resolution system through arbitration outside the court was an epoch making development in the country's judiciary, he added. The arbitration system will be functioning from 31 May with amendments of the Civil Procedure code (CPC). He also revealed that the government was encouraged to introduce the arbitration system in civil cases seeing its result in the family dispute cases. He hoped that the reform would reduce the stockpile of cases as well as expedite the trial process. - *Law Desk.*

Reform of laws on repression is a must

Section 155(4) of Evidence Act needs to be changed for proper judgement of rape cases. Police officials at various Thana should be appointed through Public Service Commission and Police Act should be revised to implement the deterrent Women and Children Repression Prevention Act 2000. This view was expressed by the speakers at a seminar organised by Bangladesh National Women Lawyers Association (BNWLA). According to section 155(4) of the Evidence Act when a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of general immoral character. The seminar also suggested formation of an independent inquiry commission and appointment of Ombudsman under Article 77 of the Constitution. The seminar also stressed the need for separation of judiciary, witness protection system and coordinated network of hospitals, communities and NGOs in reporting violation cases on women and immediately adopting the required medico-legal procedure. *The Independent, 29 March.*

86 killed and 75 raped in March

Eighty-six people were killed and 75 women and children were raped throughout the country in March 2003. Among the dead 51 were women and children. The figure was revealed by Odhikar, a human rights organisation in its monthly report prepared on the basis of reports published in the national dailies. The report said a total of 75 women and children were raped and 11 of them were killed. In other incidents of violence against children, 27 were killed and 13 injured, eight committed suicide, six were arrested, 18 were trafficked, 13 were kidnapped and 14 were missing. In dowry related incidents, 13 women were killed, one committed suicide and four were tortured. Twenty-three women and children suffered acid burn during this period. The report also said 24 people were killed, 556 injured and 215 were arrested in political revelry. The report further said ten inmates died in jail custody. Some of them were suffering from illness while the deaths of the rest were mysterious. In Chittagong Hill Tracts 1 person was killed, 6 were injured and 13 others were kidnapped. The report also said that in March 8 journalists were injured and 1 was arrested across the country. Four journalists were also threatened and cases were lodged against three journalists. *Law Desk.*

Police personnel convicted

The Speedy Trial Court sentenced three police personnel to rigorous imprisonment for 30 months and an Ansar to 36 months for extortion of money. The court also fined them Tk. 10,000 each, in default to suffer another one month. Convicts sergeant Avit Roy, constable Mustafiz Kabir and Sirajul Islam and ansar Anwar Hossain were caught red handed by the Rapid Action Team (RAT) at Gabtali bus terminal in Capital City on 19 February while they were extorting money from a driver. According to the prosecution, the convicts demanded toll from van driver Motiur Rahman at Gabtali crossing on 10 February this year. When Motiur was about to hand over the money, members of Rapid Action Team (RAT) arrested the four law enforcing members. The Speedy Trial Court concluded the trial in 36 working days. *Daily Ittefaq, 01 April.*

Police tops the corruption list

Transparency International Bangladesh (TIB) in its news scan analysis report said that law enforcing agencies particularly police department tops the corruption list for the second time. The report was prepared after analysing 2778 news items of corruption published in 23 national and local newspaper from January December 2002. Member of TIB's trustee board Professor Muzaffar Ahmed presented the report. According to the report first class officers working in the local government, education and health sector were found responsible for 25.5 percent of the corrupt practices. On the other hand the second class officers; mostly belonging to law enforcing agencies were directly involved in 412 cases of corruption out of total 2778 incidents. The analysis showed that the rate of corruption decreased in 2001 in comparison to that of 2000, but it went up again in 2002. *Prothom Alo, 01 April.*

Samannay Parishad sweeps SC Bar polls

The opposition backed Samannay Parishad panel won the majority seats in the Supreme Court Bar Association election held on 30-31 March 2003. Barrister Rokondin Mahmud and Advocate Mahbub Ali were elected as President and Secretary respectively. The Samannay Parishad bagged 10 out of 14 posts of office bearers. The pro-government Oikya Parishad secured the position of Vice-President and Treasurer. Of the seven executive members, the Oikya Parishad won two while the remaining 5 were elected from the Samannay Parishad. The results of the election were announced at the annual general meeting of the Bar Association. While addressing the meeting the new president of the Bar Association said that the independence of judiciary must be ensured for establishing the rule of law. *The Daily Star, 02 April.*

Gram Sarkar polls in July

Elections of the Gram Sarkar will be held from July 1 to August 14. About 40,000 Gram Sarkar will be constituted throughout the country. Upazila Nirbahi Officer (UNO) or their nominated first class officers stationed at the upazilas concerned will conduct the elections. The Upazila Nirbahi Officers (UNO) concerned will inform the voters about the date, time and place of the formation of Gram Sarkar. The UNOs will make arrangements for administering oath to the members of the Gram Sarkar a day after its formation in his office in phase. The parliament in its last session passes the Gram Sarkar Bill 2003. The elected Union Parishad members of their respective wards will be the chief of the Gram Sarkar in the 15 member committee while elected female members for their reserved seats will be advisor. *Prothom Alo, 03 April.*



demands. In Doulatdia of Rajbari district, the sex workers of brothel have made the local administration to establish a graveyard near the brothel. In Jessore, the children of sex workers are attending govt. schools along with children of other people. The children are placed in the merit list of the exams held in schools. Some months ago, in protest of harassment by a police personal, the sex workers made demonstrations at the office of the Deputy Commissioner that resulted in transfer of the concerned police official. Due to their voice against harassment and torture by police

personnel, the number of incidents, which occurred often in past days, reduced dramatically in recent times. Their involvement in social activities once again reminded that the social workers are human being and they have potential in them.

Cruel fact

There are problems also. When we are talking on the issue of rights for women, I would like to bring the issue of rights for education of children of sex workers. As per the constitution of the country, every child has the right to education, the children of sex workers are facing problem to be enrolled in the education centres. Because of absence of a recognised father, the child is forced to registered with a fake name of his father. A total of 49 children are attending different classes at different schools at Jessore. Nineteen of these children got place in the merit list of the schools in the final exam held at the end of year 2002. The children got admission to these schools under the guardianship of the project-implementing organisation. This was possible because of the good relationship in between the school authorities and the implementing organisation. What will happen if there is no project or the school authority do not accept fake name of children.

In Bangladesh and in many countries of the world, father is the actual guardian for a child. Therefore, father's name is necessary for any kind of registration or official purposes. But the right of the mother for the children is not less strong than that of the father. They should be allowed to have the right. The govt. has already issued the order to include the name of mother along with father for official purpose. But recognition of mothers' contribution is still a far cry.