



RIGHTS corner



HUMAN RIGHTS AND WOMEN'S REPRODUCTIVE HEALTH  
What is the human right to reproductive health?

The issues raised in Beijing and Cairo regarding women's reproductive health and sexuality are human rights issues. Reinforcing them are universal human rights standards defined in the Universal Declaration of Human Rights, CEDAW, the International Covenant on Economic, Social and Cultural Rights, and other widely adhered to international human rights treaties and Declarations -- powerful tools that must be put to use to enhance efforts for the advancement of women's reproductive and sexual health.



The human rights at issue

The reproductive and sexual human rights of all women include:

- The human right to the highest attainable standard of physical and mental health, including reproductive and sexual health.
- The human right to equality in marriage, including the equal right of women and men to decide on the number and spacing of children.
- The human right to access to education and information, in particular relating to family planning to enable couples and individuals to exercise their right to decide freely and responsibly all matters of reproduction and sexuality.
- The human right to access to adequate social services, including access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth.
- The human right to privacy.
- The human right to freedom from discrimination and discriminatory social practices, including female genital mutilation, prenatal gender selection, and female infanticide.
- The human right to freedom from coercion and violence, sexual exploitation, forced prostitution.

These human rights are inextricably linked to other fundamental human rights guaranteed to all women, rights that are universal, indivisible, interconnected and interdependent, including:

- The human right to equality between men and women and to full and equal partnership in the family and society.
- The human right to full respect for the inherent dignity of the person.
- The human right to full and equal participation in all aspects of public life and decision-making.
- The human right to an adequate standard of living.

Source: The People's Movement for Human Rights Education.

Star LAW analysis

Legal identity for social inclusion

AHAMUZZAMAN

THE Constitution of the People's Republic of Bangladesh is the apex law of the country. The law making power is primarily vested in the Legislature called the Jatiya Sangsad. Subordinate law making authorities include the different ministries, autonomous bodies and other organisations duly authorised by law which may have the power to make Rules for better implementation of the parent laws.

Pluralism of legal orders

If we go through the present laws of Bangladesh we can see that there are a lot of laws existing which are considered as instruments of identification e.g. Birth and Death Registration Act, 2004, The Registration Act, 1908, The Company Act, 1994, The Patent Act, 1911 etc. Legal identity is a very wide term. It relates to person, property (corporeal & incorporeal) etc. Even licence may be considered as an instrument of legal identification relating to particular subject. For personal identification there are some ways and means e.g. DNA test. The present discussion is on some laws of Bangladesh through which a person can be legally identified and on the prevailing situation relating to the subject matter.

Several vital events are required to be registered e.g. Births, Marriages (Muslim and Christian), Divorces (Muslim and Christian), Deaths, Deeds i.e. sale and contract of sale, Heba, will, pre-emption, partition, mortgage and lease (all these relating to property).

Documents of identity in Bangladesh: Birth and Death (Registration) Certificate, Passport, Citizenship certificate, Marriage certificate, Education certificates, Voter list, Medical reports (DNA test, post mortem and inquest report after death etc).

Passports: Bangladeshi passports are issued under the Bangladesh Passport Order, 1973 and Bangladesh Passport Rules, 1974. Passports are valuable proof of identity and citizenship. However, a passport is considered as prima facie but not conclusive evidence of citizenship or nationality of its holder.

A passport application requires the applicant to state details regarding father's/husband's and mother's name; physical characteristics such as colour of hair and

eyes, distinguishing marks etc., marital status, whether Bangladesh national and how (i.e. whether by birth, descent etc.), address etc. As regards his/her age the declaration of the applicant is sufficient.

Citizenship certificate: The Constitution of the People's Republic of Bangladesh declares that the citizenship of Bangladesh shall be determined and regulated by law and the citizens of Bangladesh shall be known as Bangladeshis.

The Citizenship Act of 1951, the Bangladesh Citizenship (Temporary Provisions) Order, 1972 and Rules under the latter determine citizenship in Bangladesh. Citizenship may be obtained by birth, descent, migration, naturalisation and so forth.

Birth registration: The Birth and Death Registration Act of 1873 still continues to be in effect as the parent law. Enacted during the colonial British period, it has been amended several times. By an amendment in 1979, the process of civil registration was decentralised and entrusted upon elected representatives.

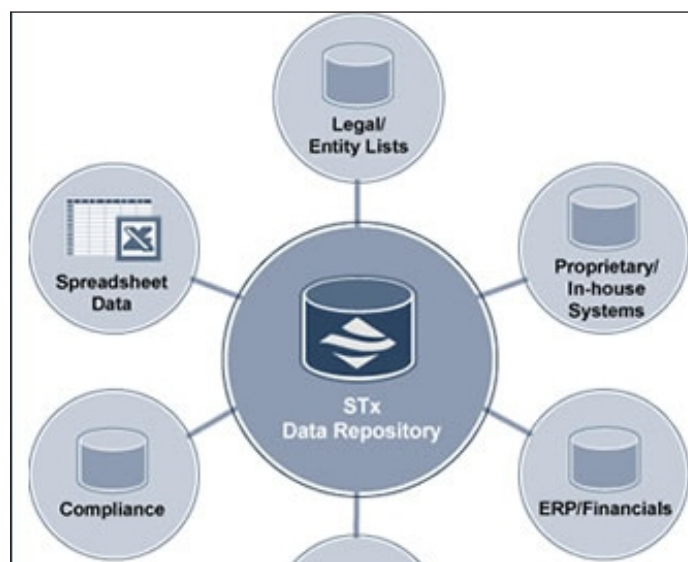
Registrars of births and deaths: To register of Births and Deaths under the present law the following persons are ex officio Registrars in Bangladesh:

- For Pourashavas (Municipality), the Chairmen
- For City Corporations, Mayors
- For the rural areas, the Chairmen of the Union Parishad
- For the Cantonment areas the Presidents of the Cantonment Boards
- Ambassadors of Bangladesh in foreign countries.

The Act of 1873: The Act of 1873 has been affected by the changes in the structures of Local Government. The local government system includes (1) City Corporations, (2) Municipality Corporations, (3) Upazila Parishad, (4) Zila Parishad, (5) Union Parishad and (6) Gram Sarkar. Among the above local government institutions Upazila Parishad and Zila Parishad are now ineffective. It is important to note that in the Hill Tracts region (Chittagong Hill Tracts i.e. Bandarban, Rangamati and Khagrachhari) constituted under the Hill Tracts Act of 1900 and the functions of law are quite same except in some aspects relating to

judiciary.

The Birth, Death and Marriage Registration Act of 1886: The Birth, Death and Marriage Registration Act of 1886 applies to the voluntary birth, death and marriage registration of certain sections of the community i.e. births and death registration of members of the Christian community and marriage registration of persons married under the Special Marriage Act, 1872, Christian Marriage Act, 1872 and the Parsi Marriage and Divorce Act 1865. The new law of 2004 relating to registration of births and deaths declares that the sections of the Act of 1886 relating to registration of births and deaths are to be suspended from the date of enforcement of the present Act.



Period/time and fees of birth registration: The LGRD ministry has enacted rules according to the Parent Law of 2004 for its better implementation:

- a) For birth registration from date of birth until six years of age -- free of cost
- b) For death registration from date of death until six years -- free of cost.
- c) Date of birth or death after six years Tk. 5.00
- d) For English copy of certificate Tk. 50.00
- e) For Bangla copy of certificate Tk. 20.00
- f) For correction of data Tk. 10.00

Birth registration in urban areas City Corporations and

Pourashavas: Under the amended law of 1873, for towns, the Pourashava (Municipality) Chairmen is the Registrar and for areas which fall within the City Corporations, the Mayors. There are approximate 254 Municipalities and six City Corporations. The birth registration processes of all six city corporations and of several Municipalities/Pourashavas were investigated. Within the urban areas all births are to be registered within 90 days. The parents or guardian of the child is under a duty to report particulars of the birth in the prescribed form. An investigation of the City Corporations as well as several Municipalities shows that awareness and the practice of registration of births differ widely.

presumably in the case of an adult requiring a birth certificate, the following documents are also required: Medical certificate (if born in any hospital or clinic); If no medical certificate is available, then names and addresses of witnesses as stated above; Attested copy of Secondary School Certificate if applicable; Attested copy of passport if available; Affidavit by Magistrate First Class or Notary Public with all the details of birth.

The six City Corporations

Dhaka: The DCC is divided into 10 Zonal Offices and births can be registered at the City Corporation Office or at the Zonal Offices (Ten zonal offices of birth registration are situated at (i) Sayedabad, (ii) Nagar Bhaban 12th floor (iii) Azimpur, (iv) Khilkhet, (v) Nagar Bhaban 9th Floor, (vi) Kawranbazar, (vii) Mirpur 10 (Goal Chottor), (viii) Mirpur-2, (Grameen Bank), (ix) Gulshan-2, (x) Uttara and five DCC graveyards are: (i) Azimpur, (ii) Banani, (iii) Uttara, (iv) Jurain, (v) Mirpur Shaheed Buddhijibi Kaborsthan)

- The official cost of registration is Taka 50
- No computerization
- No data is sent to any authority at present

Now DCC follows the prescribed form under the Act of 1873 and certificates are issued under the Rules of 1983.

Rajshahi: A very successful and pro-active project is ongoing. The responsibility to register is decentralised and the RCC Wards can register and issue certificates within 45 days of birth.

- Details are computerised
- Different costs of registration depending on age of person
- No data sent anywhere

Barisal: The BCC registers births -- no decentralisation. Data preserved in ledgers. Cost: Generally 50/- for registration within 90 days. No flow of information. Recently they have computerised the data up to December, 2005 (Total percentage of birth registration is 30% now)

Chittagong: Wards can receive applications and register births but certificates are collected from the CCC.

- Official cost is at Tk. 300 for ordinary and Tk. 500 for emergency
- No flow of data

Khulna City Corporation

- Authority to register and issue certificates decentralised to Wards
- Wards send information to CC but from there no flow of information
- Data however is computerised
- Cost is officially Tk. 43/-

Sylhet City Corporation

- Registration of births and issuance of certificates are done from the City Corporation
- Wards do not register since there are no secretaries in any of the Wards
- Official fee Tk. 500 in general cases
- No flow of information

Pourshavas

- In different Paurashavas and Municipalities there exists wide disparity as regards the awareness of birth registration and the actual numbers registering
- Generally no flow of information

Union Parishads

- Varying degrees of awareness on laws for re-birth registration
- Shortage of manpower
- Generally the Chairman and Secretary are aware about the importance of laws
- Grievances of Secretaries regarding pay and other benefits
- No consistency regarding costs
- Flow of information to the UNO's Office

Cont... The concluding part of the article will be published in the next issue.

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FACT file

UK: Reality check on gender equality

BARBARA LEWIS

In 1970s Britain, men and women were still far from equal. They could be legally sacked for being pregnant and were largely absent from positions of power. But the 1970s was also the beginning of huge change, with a surge of interest in women's rights and a flurry of legislation aimed at achieving gender parity.

Thirty years on, many campaigners fear that society has grown complacent. Therefore, activities in November and December 2005 commemorating the 30th anniversary of the Equal Pay Act, the Sex Discrimination Act and the Equal Opportunities Commission (EOC) - all born in 1975 - have placed the emphasis on the work left to be done as much as on achievements so far. Coinciding with these celebrations, the EOC - an independent, government-funded body that works to stamp out discrimination - appointed a new chair, Jenny Watson. She hailed the progress so far, but said many women still "enjoy only a veneer of equality". That veneer "all too often falls apart when they have children or want to look after older relatives," Watson said in a speech in London in November.

The Fawcett Society - a campaigning organisation named after Millicent Fawcett, one of Britain's leading advocates of women's suffrage, and instrumental in bringing about the Sex Discrimination Act - takes a similar line. "We find that while there are many successes to celebrate, there is still a great deal further to go to close the inequality gaps between men and women," it concludes in a report titled "Are we there yet? 30 years of closing the gap between men and women". The report stresses that challenges to going forward include "overcoming the myth that gender equality is won".

It is a sign of changing times that

the government is working on plans to bring the EOC and bodies protecting ethnic minorities and differently-abled people under a single umbrella organisation, the Commission for Equality and Human Rights. Some campaigners are concerned it will not be as effective as the separate entities, but an EOC spokesperson said it would be responsible for "taking forward sex equality". On a global scale, while Britain has already achieved much, it is yet to match Scandinavian countries such as Norway, whose measures to promote women include setting quotas for the number of women that must be included on management boards.

The Switzerland-based international organisation World Economic Forum produced a report measuring the gender gap across the world and ranked Britain eighth of 58 countries. Following its survey of nearly 9,000 business leaders in 2004, Britain scored highly for political empowerment and educational attainment, but was ranked 41st for economic opportunity as the pay gap between British men and women showed little sign of closing. Aside from pay, a rash of public comments and research demonstrate that old prejudices linger in Britain, notably regarding violence against women. Police have estimated that only 15 per cent of rape cases are reported, as women fear the charges they bring will not be taken seriously or are led to believe by society that they are to blame. A survey of 1,000 people, male and female, commissioned by Amnesty International and published in November 2005, found that more than 25 per cent of those surveyed believed a woman was at least partly responsible for being raped if she had worn revealing clothing or was drunk.

When compared with the 1970s, the number of rapes recorded has

increased, but the number of convictions has stayed almost constant, the Fawcett Society noted in its 30-year report. In percentage terms, that translates into a rape conviction level of 5 per cent now, compared to 33 per cent in 1977. The Fawcett Society report, like Watson's speech, drew attention to the changing nature of men's as well as women's roles. Men are often as anxious as women to spend more time with their family in a society suffering the longest working hours in Europe, as it struggles with some of the highest living costs.

A survey of 2,015 adults in October 2005 by British polling organisation ICM Research found that 69 per cent believed women and men's lives were becoming more alike in their struggle to balance work and home. For women, they believed their success in becoming established in the workplace had made it harder to juggle responsibilities. Fifty-nine per cent of men and women questioned said it was now harder for working women to balance work and family than it was 30 years ago.

In a wave of reaction, a growing number of women no longer want to have it all and are electing to spend more time at home, with the help of rights to flexible working introduced by the current Labour government. The risk, however, is that women will pay dearly for that and the biggest grievance of all is that they are still financial victims.

An ongoing survey carried out by the EOC as part of the anniversary events has so far found closing the pay gap is the single-most important equality issue. Fawcett's 30-year report supports this with its finding that the hourly pay gap between women and men was 18.4 per cent, an only modest improvement on 1975, when women earned 29 per cent less than men every hour. For part-time work, the gap has hardly



changed over the past 30 years. It was 42 per cent in 1975 and is 40 per cent now. The disparity stretches into retirement, as women are penalised for time taken out to bring up children, during which period they don't pay pension contributions. "Women suffer in retirement because our so-called 'contributory' system fails to recognise their contribution to our nation through bringing up children or looking after relatives. We need to reassess the nature of that contribution and show that we value it," said Watson. She called on the political class to keep such issues high on the political agenda.

Already, the record number of women members in parliament has helped to ensure greater rights to flexible working and make family-friendly legislation an election issue in the run up to Prime Minister Tony

Blair winning a third term in office in 2005. According to the Fawcett Society's report, 20 per cent of Members of Parliament are women, compared to only four per cent in 1975. That was also the year when Margaret Thatcher (who later went on to become the Prime Minister) became the first woman leader of a major political party in Britain. Speaking in 1974, Thatcher described the difficulties of being selected, as a woman, for a safe parliamentary seat. "They would say to me sometimes: 'Yes, we think you've made quite good speeches...but we don't think it's right that a woman with young children should stand.'" Sadly, there are those who still hold that view.

News Network.

LAW week

Govt confirms US citizen's deportation

The government confirmed the rounding up and extradition of Ehsanul Islam Sadeque, a 19-year-old US citizen of Bangladeshi origin. According to unconfirmed reports, a special chartered plane secretly took Sadeque back to the USA just three days into his capture in Dhaka. He faces a charge of planning terrorist attack in the USA. His father Sarder Mohammed Sharif gave some medicines to US embassy officials who promised to hand those over to his son. Sadeque's activities were suspicious; so he was sent back to the USA, State Minister for Home Lutfozzaman Babar told reporters emerging out of a meeting with the new US ambassador to Bangladesh, Patricia A Butenis. "No extradition treaty is needed for that," he said, adding, "We have deported many people. Every year we extradite five to seven people to the USA." The Daily Star, April 24.

Contempt rule for skipping SC directives 3 secys apologise, 1 seeks exoneration

Three of the four top bureaucrats facing contempt rule for non-compliance with the Supreme Court's (SC) 12-point directive on separation of the judiciary apologised to the apex court for their 'unintended mistakes'. All the four bureaucrats--Principal Secretary to the Prime Minister (PM) Dr Kamal Uddin Siddiqui, Law Secretary Alauddin Sarder, Finance Secretary Siddiqur Rahman and Establishment Secretary Dr Mahbubur Rahman--submitted their replies to the contempt rule. Of the four, the establishment secretary appealed for exoneration him, saying that he had nothing to do with what has been done for separation of the judiciary as he had joined the post afterwards. The rest three offered unreserved apology to the court. On receipt of the replies, the five-member full bench of the Appellate Division headed by Chief Justice Syed JR Mudassar Husain fixed May 15 as the date for hearing on the rule. The SC issued the rule on April 3, asking the four secretaries to explain in three weeks why a contempt charge should not be brought against them. The Daily Star, April 25.

Bangla Bhai's wife sent to jail

Fahima Chowdhury, wife of JMB second-in-command Bangla Bhai, was sent to jail on Monday following her confessional statement to a court in Netrakona. The police produced Fahima before the first class magistrate court one day before the expiry of her 15-day remand. Magistrate Aminul Islam ordered to send her to jail after recording her statement under section 164. In her confessional statement, Fahima said that December 8 blast in Netrakona was planned at Nongar Bhaban in Akua Haji Bari of Mymensingh town on the night of December 6 in presence of Bangla Bhai and three other JMB Shura members. Police did not reveal their names for the sake of the investigation. The aim of the blast that took place before the Netrakona Udichi office was to kill people and damage the office completely, she added. Fahima also confessed that the letter of JMB, which was found at the spot of the blast, was written by her. She also mentioned the name of the suicide bomber who blasted the bomb, but the IO of the case refused to disclose it. The Daily Star, April 26.

Provision of district ministers illegal: HC

The High Court (HC) declared the government's provision of ministers in-charge of districts illegal and unconstitutional. The verdict came following long sessions of hearing over the last year of the rule of a writ petition filed on May 17, 2003 by Anwar Hossain Monju, lawmaker and chairman of a Jatiya Party faction. The writ challenged the constitutional validity of the government notification dated November 12, 2001 that empowered ministers and others with charges of different districts to take care of development work and law and order. The Cabinet Division issued the gazette notification appointing 62 cabinet ministers, advisers to ministries, chief whip, state ministers, whips and deputy ministers to discharge additional responsibilities and charges in 62 districts to look after overall development and law and order situation. On May 18, 2003, an HC division bench of Justice Abdur Rashid and Justice Siddiqur Rahman Miah served a notice on the government asking it to explain why delegating ministers, state ministers, deputy ministers, chief whip and whips charge of 62 districts would not be declared illegal. The court gave the government two weeks' time to clarify. An HC division bench comprising Justice ABM Khairul Huq and Justice ATM Fazle Kabir delivered the verdict yesterday, declaring the government provision illegal. The Daily Star, April 28.

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