

FOR YOU information

World Press Freedom Day was proclaimed by the United Nations General Assembly in 1991 as a day "to celebrate the fundamental principles of press freedom; to evaluate press freedom around the world, to defend the media from attacks on their independence and to pay tribute to journalists who have lost their lives in the exercise of their profession." Press freedom is considered to be a cornerstone of human rights and a guarantee of other freedoms.

Attack on Journalists: 2006

MONTH (S)	INJURED	KILLED	ARRESTED	KIDNAPPED	ASSAULTED	THREATS	ATTACKED	CASE FILED
JANUARY	8		1		1	14	3	5
FEBRUARY	7				3	3	1	11
MARCH	12				2	5		1

Source: Odhikar.

LAWweek

District Ministers SC rejects govt plea for stay on HC verdict

The Supreme Court turned down the government plea for staying the operation of a High Court verdict that declared "illegal and unconstitutional" the provision of minister-in-charge for districts. Rejecting the petition moved by Additional Attorney General Barrister Fida M Kamal, chamber judge Amirul Kabir Chowdhury asked him to file a regular leave-to-appeal application seeking to overturn the HC rulings. The High Court delivered the judgment upon a writ petition filed by former minister and Jatiya Party lawmaker Anwar Hossain Manju. -- UNB, Dhaka, May 1.

Bangabandhu Murder Case HC bench skips passing order

A High Court bench declined to pass any order in a writ petition filed challenging the government's inaction in arresting the convicted accused in Bangabandhu Sheikh Mujibur Rahman murder case. Advocate Manzil Murshid, a Supreme Court lawyer, filed the writ petition challenging the inaction of the government with an appeal to direct the government to bring back home the six convicted accused now staying abroad. Advocate Manzil made the petition 'not-press' in that bench comprising Justice Awlad Ali and Justice Zinat Ara. He told that he would further submit the petition before another bench of the High Court. "After hearing the petition, the High Court bench declined to pass any order in the case on the plea that an appeal regarding the case has been pending in the Appellate Division. That is why I made the petition 'not-press' in that bench. I will mention the matter in another bench," he said. --BD News, May 3.

Writ petition filed against use of Jamaat's poll symbol

A writ petition has been filed challenging the validity of using scales as an election symbol as they are the facsimile of the Supreme Court (SC) emblem that stands for justice. After hearing the petition, a division bench of the High Court (HC) fixed for ruling on the matter. Jamaat-e-Islami Bangladesh uses scales as its election symbol. The petitioners challenged the operation of rule 9 (1) of the Conduct of Election Rules 1972 by which the Election Commission (EC) had included scales as one of the election symbols. Five lawyers of the SC-- Moksadul Islam, SM Fazlul Hoque, Asaduzzaman Siddique, Shamsul Alam and Mustafa Zaman Islam-- filed the petition as public interest litigation (PIL). Secretaries of the law, justice and parliamentary affairs ministry and of the EC have been made respondents in the case. At preliminary hearing, Manzil Murshid, counsel for the petitioners, argued that scales (daripalla) have been used as the monogram of the SC since the establishment of East Bengal High Court in 1947. --The Daily Star, May 3.

Police suspect arson at

The police said they believe the fire at the Baridhara residence of former president AQM Badruddoza Chowdhury was not an accident, rather an incident of arson. It is however still not clear whether anyone from inside or outside the house set the fire, said sources close to the four-member police team probing the incident. Members of the probe committee interrogated the five policemen, who guard the house, and people of the neighbourhood yesterday evening. Details about the interrogation could not be learnt. The police headquarters formed the committee on the day of the incident with Deputy Inspector General (Criminal Investigation Department) Zayed Patwari at the helm. The other members are Deputy Commissioner (DC) Shahidul Islam of Detective Branch, DC (North) Obaidur Rahman and CID Special Superintendent Ruhul Amin. The committee earlier visited the house Monday evening and yesterday morning and gathered evidence. "We've sent the evidence to the CID for examination," DC Obaidur Rahman told The Daily Star. It will submit its reports by May 7. --The Daily Star, May 3.

UNHCR initiates awareness programme on Refugee Law for students

The Office of the United Nations High Commissioner for Refugees (UNHCR) in Bangladesh initiated an awareness raising programme on Refugee Law and refugees' rights for law students. The aim of the activity is to have a pool of law graduates sensitized on Refugee Law, an emerging branch of International Law. To start this, UNHCR organized a session on "Refugees' Rights and Mandate of UNHCR" at the Department of Law, Northern University Bangladesh (NUB) in the city on 26 April 2006. Issues relating to definitions of asylum seekers, refugees, internally displaced and stateless persons, international protection of refugees, re-oulement, rights and obligations of refugees, basis of refugee law, mandate of UNHCR, Bangladesh's obligation to refugees' rights and UNHCR's operations in Bangladesh etc were discussed. A documentary projecting activities of UNHCR globally was also screened. Latter on, there was a question and answer session. The sessions were conducted by Francis Teoh, Deputy Representative (Protection) and Uttam Kumar Das, National Protection Officer of UNHCR Bangladesh. It was also addressed among others by the Barrister M. Ashrafuzzaman, Head of the Department of Law, NUB and Eric Paulsen, Protection Officer of UNHCR in Dhaka. Barrister M. Ashrafuzzaman appreciated the initiative of UNHCR in creating awareness of the students on Refugee Law and related issues in Bangladesh. He informed that his Department will take initiative immediately to introduce Refugee Law course. UNHCR's Deputy Representative (Protection) assured him of providing necessary technical support in this regard. Around 200 students and faculty members attended the two-hour long programme. UNHCR will be organizing similar sessions in some other law schools this year. Although Bangladesh has been hosting refugees for more than a decade, however, it is not a party to the 1951 Refugee Convention on the Status of the Refugees or to its 1967 Protocol. Presently, there are around 21,000 refugees in two camps in Cox's Bazar. UNHCR has been providing care and maintenance

assurances to the refugees through the Ministry of Food and Disaster Management and other partners since 1993. So far, 236,600 refugees have been repatriated to Myanmar facilitated by UNHCR and the Government of Bangladesh. In addition to the camp refugees, there are 159 urban refugees in Bangladesh under UNHCR's protection. The national NGO, Bangladesh Legal Aid and Services Trust (BLAST) is the new implementing partner of UNHCR for the project, Assistance to Urban Refugees. There is a consensus among the jurists, experts, academicians, and right activists that Bangladesh should accede to the 1951 Refugee Convention and its 1967 Protocol and adopt a national legislation on asylum and refugee issues. Source: UNHCR.

Corresponding with the Law Desk
Please send your mails, queries, and opinions to: Law Desk, The Daily Star 19 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, fax 8125155; e mail <dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net

Star LAW analysis

Legal identity for social inclusion

AHAMUZZAMAN

The Birth and Death Registration Act, 2004

The Birth and Death Registration Act, 2004 makes the production of birth certificates mandatory for the following purposes:

- Issuing of passports
- registration
- Admission to educational institutes
- Employment in government, non-government and autonomous institutions
- Obtaining driving licences
- Inclusion into the voter's register
- Land registration and
- Any other case for which the law makes provision

Other purposes for which production of birth certificates will be necessary

The Rules made for the proper implementation of the law make the production of the birth certificate necessary also for the following purposes:

- To open a bank account
- To obtain export or import licence
- To obtain gas, water and electricity connection
- To obtain tax identification number (TIN)
- To obtain contractor's licence
- To obtain sanction/approval for architectural design of buildings
- To obtain registration of vehicles
- To obtain trade licence
- To obtain national ID card.

Benefits of birth registration

Proper implementation of laws protecting human rights in matters of: Juvenile justice, Child Labour, Trafficking, Child in contact with the law, Underage marriages, Other abuses connected with lack of legal identity

Obstacles and disincentives to register

- Lack of awareness
- High illiteracy rate
- Lack of perceivable social benefits
- Lack of knowledge as to how to obtain legal identity
- Lack of proper planning and political will
- Lack of resources to cover entire

population

- Easy acceptability of ad-hoc or alternate documents
- Fear of portions of the population to be identified
- A large floating population
- To delay the age of retirement
- Frequent rotation of government officials at the district level
- Weak capacity of Local Government Representatives and officials
- Lack of coordination between different Ministries

Cantonments:

Births are registered routinely at military hospitals. Costs vary at different Cantonments Boards

Laws which mention age

- The Constitution of the People's Republic of Bangladesh
- The Penal Code, 1860
- The Divorce Act, 1869
- The Contract Act, 1872
- The Christian Marriage Act, 1872
- The Government Savings Banks Act, 1873
- The Oaths Act, 1873
- The Majority Act, 1875
- The Court of Wards Act, 1880
- The Vaccination Act, 1880
- The Negotiable Instrument Act, 1881
- The Guardians and Wards Act, 1890
- The Prison's Act, 1894
- The Code of Criminal Procedure, 1898
- The Juvenile Smoking Act, 1919
- The Mines Act of 1923
- Bengal Borstal School Act, 1928
- The Child Marriage Restraint Act, 1929
- The Suppression of Immoral Traffic Act, 1933
- The Children (Pledging of Labour) Act, 1933
- The Employment of Children Act, 1938
- The Dissolution of Muslim Marriages Act, 1939
- The Vagrancy Act, 1943
- The Orphanages and Widows Home Act, 1944
- The Roads Transport Workers Ordinance, 1961
- The Muslim Family Laws Ordinance, 1961
- The Plantation Labour Ordinance of 1962
- The Factories Act of 1965
- The Bangladesh Shishu Academy Ordinance, 1976
- The Paurashava Ordinance, 1977
- The Jail Code, 1864
- The Electoral Rolls Ordinance, 1982
- The Local Government (Union Parishad) Ordinance, 1983
- The Chittagong City Corporation Ordinance, 1982
- The Dhaka City Corporation Ordinance, 1983
- The Khulna City Corporation Ordinance, 1984
- The Family Courts Ordinance, 1985
- The Rajshahi City Corporation Ain, 1987
- Nari O Shishu Nirjaton Daman Ain, 2000 (The Women and Children Repression Prevention Act, 2000)
- The Sylhet City Corporation Ain, 2001
- The Barisal City Corporation Ain, 2001
- n The Acid Violence Prevention Act, 2002
- The Company Act, 1994
- The Succession Act 1925
- The Registration Act, 1908 (amended in 2004)
- The Gram Sarkar Ain, 2003
- The Bankruptcy Act, 1997.
- The Bangladesh abandoned children (special provisions) order, 1972
- The Bangladesh Boys Scouts Samity order, 1972 (PO 111 of 1972)



Incentives to register

- In some areas incentives to register includes inclusion in the EPI and immunisation programmes
- Admission into schools

Concluding note

In the concluding note, we can say that birth registration is the most easiest way to determine a person's legal identity. The total number of birth registrations all over the country is not satisfactory. The information is not accessible through internet. The percentage of birth registration is approximately 35-40 percent. Local government should be more effective in building public awareness. The government must appoint more people in the local authority for the effective implementation and rapid action of the Law of 2004. The Project director of birth and death registration project working for birth registration under the LGRD ministry have told in a seminar that the present rate of birth registration in the rural area is 3.4 percent and in the urban area 10 percent. The existing problem of birth registration is due to:

- Manpower is not adequate.
- Workers are not properly trained.
- Materials of registration are not yet sent all over the country.
- Uses and benefits of birth certificates are not known to all.

- Who will provide information was not mentioned specifically before the Act of 2004.
- Lack of fund
- Indecision of Govt. in taking long time plans and mismanagement among the ministries for preserving and sending data and information.
- Lack of penalty provisions (that existing is not adequate to punish) of the Law.
- Political uncertainty and ideological discrepancies among the political parties for taking a common stand in national interest.
- Flow of information is not well.
- Data and information of a particular person is not accessible on internet easily. According to a statistical report about 4.2 million births take place each year in Bangladesh.
- If information is preserved and kept in central data base through computerisation, it will be easy to monitor.
- If computerised, it will be easy to issue certificates and there must be a central bureau as one certificate may not be issued twice.
- As every data and statistics is contested so cross checking is necessary. In the present law there is no specific provisions for determining age of adults and how all the people will come within this project and birth registration will be completed within that short period. It is important to note that Upazila resource centre may be linked with this project as there is computer facility and most of the time that remains closed or free for no work.
- So, birth registration is most important for all citizens for their legal identification and government should provide identity card for every individual. A person's identity card containing special ID No. will be considered as the primary evidence of his identification.

Ahamuzzaman is Lecturer, Dept. of Law and Justice, Southeast University.

HUMAN RIGHTS monitor

Press freedom: Journalists in need of protection

Since the beginning of the war in Iraq in March 2003, more journalists have been killed in that country than anywhere else in the world. The situation faced by journalists attempting to cover the events in that country highlight the need for greater international efforts to protect journalists in conflict situations.

Journalists fulfil a special role in conflict situations, providing details of incidents that parties to the conflict would sometimes prefer remain unknown by the general public.

In the first year of the conflict, journalists were primarily killed by US or Iraqi forces, usually reported as having been caught in the crossfire or accidentally shot, though journalists' organisations have charged that some of the attacks looked like deliberate targeting. The International Federation of Journalists (IFJ) said on 8 March 2006, the third anniversary of the US attack on Baghdad's Palestine Hotel, that more than 100 journalists and media staff have lost their lives.

Other countries

Rwanda

Restrictions on the freedom of the press remain in force, belying the government's claims that it is building an open society. Journalists who voice concern or criticize the state authorities are intimidated into silence or forced into self-censorship. The climate of impunity is perpetuated by the lack of substantive measures to bring to justice perpetrators of past human rights violations against journalists, including physical attacks, unlawful detention, intimidation and harassment.

Cuba

The government retains complete control over all media outlets and private ownership of press, radio, television and other means of communication is prohibited by law. Independent journalists face intimidation, harassment and imprisonment for their work. There are currently 72 prisoners of conscience on the island, 14 of whom are journalists.

Bangladesh

Several journalists engaged in defending human rights have had their fingers or hands deliberately damaged so they can no longer hold a pen. The attacks form part of a situation in which hundreds of human rights defenders have received death threats and been physically attacked. Successive governments have consistently failed to protect individuals at risk, investigate the abuses committed against them and bring the perpetrators to justice.

Egypt

Restrictions on freedom of expression, association and assembly persist. A Bill introduced by President Mubarak in February 2004 that would abolish imprisonment for publishing offences has not been made law. In the meantime, journalists continued to be threatened, beaten, fined for libel or imprisoned because of their work. Crews and journalists of international TV channels were also stopped and detained for hours in the run-up to the May 2005 referendum on multi-candidate presidential elections in an apparent attempt to prevent them from reporting on demonstrations or gatherings related to the referendum.

Turkey

Article 301 of the Turkish Penal Code, which prohibits "public denigration of Turkishness, the Republic or the Grand National Assembly of Turkey", violates the right to freedom of expression and is frequently used to prosecute journalists and others peacefully expressing their dissenting opinion. Amnesty International has been campaigning for the abolition of Article 301 in its entirety.

"...In many of these cases we still do not have concrete answers to hard questions about who is responsible and what happened," said Aidan White, IFJ General Secretary.

In a recent case, the IFJ reports that Mahmoud Za'al, 35, a cameraman and reporter for the Iraqi television station Baghdad TV was shot on 24 January 2006 in Ramadi, while working on a social documentary. According to local reports, Mahmoud Za'al was allegedly shot in a cross-fire between US forces and insurgents.

Since 2004, however, both local and international journalists have increasingly been targeted by armed groups as part of their campaigns. Many local journalists are targeted because they work for foreign media and are accused of collaboration, while foreign journalists have been kidnapped and murdered in an attempt to put pressure on the foreign troops in the country.

Female journalists are among those targeted by armed groups. In February, a well-known correspondent for Al-Arabiya television and two members of her crew in Iraq were kidnapped and killed. Police found the bodies of reporter Atwar Bahjat, her cameraman Adnan Khairallah and soundman Khaled Mohsen on the outskirts of Samarra.

The IFJ has been campaigning for a similar level of protection as granted to humanitarian workers and UN staff in August 2003 to be extended to journalists in conflict situations. The organisation presented text for a suggested resolution of the Security Council to UN Secretary General, Kofi Annan, at the World Electronic Media Forum during the World Summit on the Information Society (WSIS) in Tunisian, 16 November, 2005.

Amnesty International (AI) agrees that international measures must be put in place to protect journalists in conflict. AI calls on the incoming members of the Security Council to adopt measures that seek to prevent these attacks and hold those who carry them out accountable for their actions.

However, it is not just in conflict situations that journalists need protection. Across the world, in a range of different situations, journalists are attacked, imprisoned and forced into self-censorship by repressive governments. The common element in all of these is the unwillingness of some governments to allow alternative voices to emerge and, in many cases, a fear that journalists will expose abuses they have tried to keep quiet.

In Uzbekistan, journalists who have tried to publicise the killings in Andizhan last May have been threatened, assaulted, detained and forcibly confined to their homes. The "war on terror" is used as a pretext for tightening restrictions on freedom of expression. The situation has become so bad that, following the closure of several independent foreign media outlets, the BBC closed its Uzbekistan office last October due to the increased harassment of its staff by the authorities.

The "war on terror" has also been invoked in Pakistan to restrict journalists. Journalists have been denied permission to cover events in the tribal areas of the country where the army is engaged in operations against those linked to al-Qa'ida and the Taleban. Across the country, journalists covering the "war on terror" have been harassed, arbitrarily arrested. Some have "disappeared" for some length of time.

In Colombia, the continuing armed conflict, which the government sometimes describes as a "fight against terrorism", has, in some cases been used as a pretext to intimidate journalists who, along with trade unionists and social activists, are targeted by both army-backed paramilitaries and the armed opposition groups.

Members of the security forces and government officials have sought to stigmatize some journalists who expose human rights violations by associating them with the armed opposition groups, thus placing them at risk of attack by paramilitary forces. They are under particular threat in the run-up to the Presidential elections on 28 May. Journalists in Kenya have also found themselves targeted in a pattern of increased intimidation and harassment by the



Mahmoud Za'al, Baghdad TV cameraman and reporter, was shot on 24 January in Ramadi (AP Graphics Bank)

government. In March this year, the Information and Communications Minister Mutahi Kagwe and Government Spokesman Alfred Mutua warned the media of stern government action if the persisted in what was described as "misreporting and misrepresentation". In one of a series of incidents, two groups of hooded armed people with gas masks staged simultaneous raids early on 2 March on the editorial offices of the Kenya Television Network and the Standard Group's printing press in Nairobi. They disabled broadcasting equipment, burnt thousands of copies of newspapers and removed computer equipment.

States have a duty to protect journalists and not to persecute them in an effort to control the free flow of information. A free media is not only beneficial, but necessary in a free society. By exposing human rights abuses and giving voice to marginalised parts of the community, the media can at its best encourage the proper application of justice and stimulate debates that can defuse situations that might otherwise lead to conflict. When faced with unjust restrictions and the threat of attack, self-censorship in the media can have the opposite effect, aiding the covering up of abuses and fostering frustration in marginalised communities.

International recognition of the importance of journalists and the need for them to work free from unjust restrictions and the threat of violence will help to put pressure on those states who seek to control the media. Journalism matters and it is time for those who recognise the importance of a free media to try to change the minds of those who do not.

Source: Amnesty International.