



RIGHTS corner



Child labour in shrimp sector

SHEIKH TANZIR AHMED

The shrimp has been enriching the rich and affluent urban people of the country though it is depriving the poor rural communities that are engaged with this sector. It is mainly the women and children of shrimp farming communities who suffer the most while their basic human rights are also violated.

Although lots of discussion and consultation have been held about the child labourer in shrimp industry but still no steps were taken to stop child repression in shrimp farming. As a result the child labour who are engaged with this sector are being deprived of their basic child rights according to the Child Right Convention and domestic laws of the country.

Large numbers of children are involved in shrimp farming in the south-west part of Bangladesh like Satkhira, Khulna and Chittagong. Mainly the poorest fisherman family and farming community are engaged in shrimp farming. Thousands of children from rural areas have been hired for this work for their cheap labour in processing factories or depots as shrimp fry collector, which are among the lowest paid jobs in shrimp production.

Thousands of children from the age of six to seven are employed in shrimp fry fisheries. This work entails dragging mesh nets through the brackish waters and sorting the catch. Collection is often time-consuming and children has to work up to 13-14 hours daily and within that time they had to spend 6-8 hours under the water. As a result most of them are suffering from various diseases like, skin and respiratory diseases, urinary problems, sunstroke and hepatitis B infection. No health care services are provided for them and they are so vulnerable that they can not even complain for that.

The writer is a child journalist working for Shishuprakash, an initiative being implemented by Mass Line Media Centre in collaboration of UNICEF.



LAW letter

We need to stop child labour



Child labour is attributed to a variety of circumstances. These include poverty, lack of compulsory education, unemployment of adults, disability of parents, absence of social safety and migration of the poor from rural to urban areas. Agriculture is still too dominant a sector employing children. Child labour may be found in other areas like ready-made garments, carpet, shoe making, stone quarrying, brick-breaking and fish cleaning etc. Children are preferred because it is cheap to employ them.

Child labour is construed as a violation of Article 15 of the Bangladesh Constitution wherein it is stated that, "It shall be fundamental responsibility of the state.... to securing to its citizens (a) the provisions of the basic necessities of life, including food, clothing, shelter, education and medical care".

First question may arise as to who is a child? It may seem that childhood is lost in labyrinth of law. It is really very hard to find the exact age limit for childhood. The laws of the country, in force, provide varied definitions of childhood. At least 13 laws define the term 'child' differently.

According to the Naturalisation Act-1926, a person not above 21 years of age is a child. This is the highest age limit to be considered as child. The Court of Wards Act-1879 and the Children (pleading of labour) Act-1933, provide that, a person not more than 18 years old is a child. Three laws provide 16 as the highest age for a person to be considered as a child. The laws are Juvenile Smoking Act-1919, the Borstal School Act-1928 and the Children Act-1974. According to four laws, one who is not above 15 years is a child. The laws are the Mines Act-1923, the Payment of Wages Act-1936, the Workmen's Compensation Act-1923 and the Employment of Children Act-1938. The Vagrancy Act-1943 and the Women and Children Repression Prevention Act-2000 stipulate 14 years as the age limit of a child. Again the Shops and Establishment Act-1965 provides 12 years to be treated as age of a child. All of these laws are valid and in force. So the courts and the authorities concerned get puzzled in deciding whether a person is a child or not.

None of these laws is overriding, except the Woman and Children Repression Prevention Act-2000. The 1989 UN Convention on the Rights of the Child defines as 'Children' all persons under the age of 18 years (in 1990 Bangladesh has become a party to the convention). So the word 'Childhood' seems very vague according to all statutes as they propose many age limits.

The Geneva-based International Labour Organisation (ILO) marked June

12 as the World Day Against Child Labour with a view to stimulating worldwide awareness of the exploitation of children and enhancing political attention and action to protect children from social injustice. Child workers have little chance of real childhood, education or a better life.

Child labour is one of the most serious violations of children's rights. International Labour Organisation (ILO) research indicates that child labour is almost universally recognised as being undesirable and harmful for the children and for the nation. Millions of children in Bangladesh work in different sectors of the economy. India has more child labour than any other country.

Children are often used for smuggling and sale of drugs in many countries. They are also exploited (in our country) during 'Hartals' to cause violence to the passing traffic. Trafficking of female children is one of the worst forms of abusing child labour. International Labour Organisation (ILO) estimates that about 2,00,000 children are trafficked in every year to different destinations. It is predictably estimated that around 6.6 million children work in Bangladesh to help out their families. Although ILO convention prohibits child labour, it is very difficult to eliminate child labour in Bangladesh given the prevailing endemic poverty.

However, we expect that our government should take proper steps to eliminate child labour appropriately.

Md Badrul Alam Chowdhury,
Premier University, Chittagong.x

Regarding Caretaker Government

Bangladesh adopted 13th amendment to the Constitution in 1996 through inclusion of Articles 58B, C, D & E in Chapter IIA, giving birth to a new concept of CG. Thus general elections were held under CG both in 1996 and 2001. Nowhere in the world has such system of CG existed. Bangladesh became unique by making such history. The system was introduced out of mistrust on the ability of political leaders to govern the country neutrally as they lost the credibility. It is basically the result of deep distrust on the outgoing elected government and their failure of not being able to conduct the elections in a free, fare and neutral way.

As per Article 58B(1) of our Constitution, there shall be a non-party CG during the period from the date of which the Chief Advisor of such government enters upon office after Parliament is dissolved or stands dissolved by reason of expiration of its term till the date on which a new Prime Minister enters upon his office after the constitution of parliament. In our original Constitution adopted in 1972, no such provision was there. As per the experts' opinion, the CG provision does not commensurate with the spirit of our Constitution.

The most surprising is that how long the CG provision will continue that is not at all mentioned in the amendment. Again, rigidity in selecting the Chief Advisor of CG has been questioned the image of whole judiciary system due to the exploitation of the appointment of Chief Justice (CJ) by the ruling party. Higher judiciary of Bangladesh was never in question regarding its involvement with the government, even during the autocratic regime of H M Ershad. But due to the involvement of CJ as Chief Advisor of CG, whole higher judiciary is politicized by the parties in power.

It has been also debated the portfolio of Armed Forces during CG as it is given to the President instead of Chief Advisor. Once a country can place all its resources to the nominated CG then it is not clear that how it will degrade the Armed Forces if it is placed under CG. Here basically those people playing double role in order to achieve their desired goal.

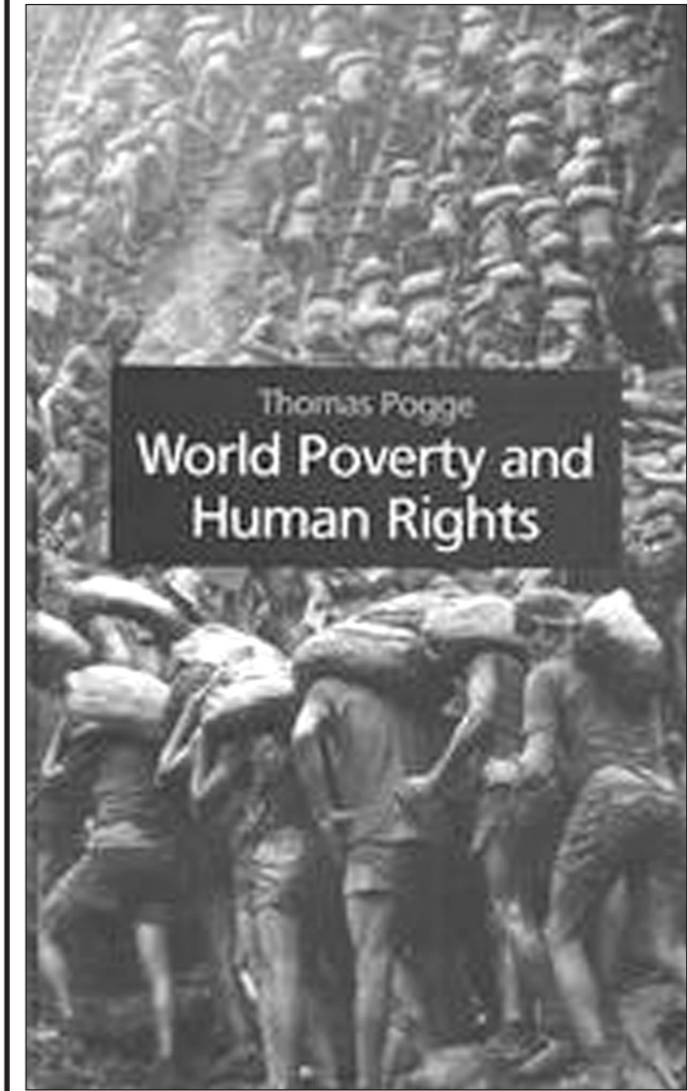
Worldwide any reform basing on time and space is accepted as welfare of the citizen. Any legislation warrants revision periodically. But our few top political leaders are so rigid that such revision/ amendment in CG system will spoil its purity. Now time has come to review the CG system. Before that political leaders need to regain their credibility. National consensus on issues of major disagreement can also solve the problem.

Khan Ferdousour Rahman,
Dhaka.

LAW campaign



Poverty and human rights



Everyone, everywhere has the right to live with dignity. That means that no one should be denied their rights to adequate housing, food, water and sanitation, and to education and health care.

AI is increasingly documenting how human rights violations drive and deepen poverty. People living in poverty have least access to power to shape the policies of poverty and are frequently denied effective remedies for violations of their rights.

AI is working to hold governments, big business and other powerful actors to account for human rights violations which target the poor, and which deepen poverty.

Source: Amnesty International.

HUMAN RIGHTS monitor

RIGHTS OF THE DISAPPEARED PERSONS

Vanished but not forgotten

MITHRE J. SANDRASAGRA

MARKING the International Day of the Disappeared, United Nations officials joined international human rights groups drew attention to the plight of the thousands of people around the world who have been seized and imprisoned without recourse to their families or lawyers.

"Enforced disappearance is a crime under international human rights law and -- when it occurs in war -- under international humanitarian law. It is tantamount to deleting a person's very existence and denies him or her the basic protection of the law to which every man and woman, irrespective of guilt or innocence, is entitled," said Philip Spoerri, director of law at the International Committee of the Red Cross (ICRC).

"The damage to the bereft, who, unlike the bereaved, continue to hope against hope, is far-reaching and long-lasting, affecting not only individuals but the societies in which they live," stressed Spoerri. Since its creation in 1980, the Geneva-based U.N. Working Group on Enforced or Involuntary Disappearances has submitted more than 50,000 individual cases to governments in more than 90 countries.

"The working group is deeply concerned about the large number of reports of enforced disappearances that have been submitted over the past year," it said in a statement Wednesday. "Many reports have been received of the disappearance of children and, in a few cases, of people with physical and mental disabilities." The five-member group -- with representatives from Canada, Croatia, Iran, Mexico and Nigeria -- also cited threats against human rights defenders, relatives of disappeared persons, witnesses and legal counsel.

It stressed that "anti-terrorist" activities "are being used by an increasing number of States as an excuse for not respecting the obligations of the Declaration on the Protection of All Persons from Enforced Disappearance" adopted by the U.N. General Assembly in 1992. The group urged governments to treat all acts of enforced disappearance as criminal offences, a step few so far have

taken. It recommended that the U.N. General Assembly adopt a new draft treaty on the issue when delegates and heads of state meet in September.

In the Balkans, there are still thousands of people unaccounted for as a result of the former conflicts in Bosnia and Herzegovina, Croatia and Kosovo, according to ICRC. Of more than 33,000 tracing requests for missing persons opened by the ICRC since the outbreak of hostilities, 18,555 remain unaccounted for -- 13,862 from Bosnia and Herzegovina, 2,409 from Croatia and 2,284 from Kosovo.

In Kosovo, the acting special representative of the U.N. Secretary-General, Steven Schook, took the occasion to call on all concerned to join together in efforts to determine the fate of persons still missing from the conflict in that province, where NATO troops drove out Yugoslav forces in 1999.

"People should be arrested and detained according to the law, not forced into a van in the middle of the night and swept off to an anonymous detention centre where they risk torture and further abuses. Individuals have the right to challenge their detention, to see a lawyer of their choosing and talk to their families. Families have a right to know where their relatives are," said Catherine Baber, deputy Asia Pacific director at Amnesty International. "Sadly, state-ordered or supported abductions, secret detention and extra-judicial killings are nothing new," said Spoerri in a statement. The rhetoric of the U.S.-led "war on terror" is now being used to justify existing patterns of human rights violations, according to Amnesty.

After the Abu Ghraib prison torture scandal in Iraq in February 2004, the U.S. administration ordered a number of investigations and reviews of its detention and interrogation practices. The leaked report of the probe by Maj. Gen. Antonio Taguba and the report by Maj. Gen. George Fay, among others, documented the existence of so-called "ghost detainees". These detainees were held in secret and moved around the prisons where they were being held to hide them from visits by the ICRC. The Taguba report described this manoeuvre as "deceptive, contrary

to Army doctrine and in violation of international law". New patterns of enforced disappearance related to the "war on terror" have also emerged in South Asia alongside the long-standing problems in countries such as Nepal and Sri Lanka, said Amnesty in the statement.

In Nepal, a government committee announced in July that it was investigating more than 600 outstanding cases of forced disappearance, but local activists say there are more than 1,000 individuals who are unaccounted for.

Sri Lanka has one of the highest levels of unresolved forced disappearances in the world. In the Indian state of Jammu and Kashmir, an estimated 8,000-10,000 forced disappearances have been reported since 1989. While fewer new cases are reported now, there is still no information about past cases, according to Amnesty.

The human rights group believes that several hundred people have become victims of forced disappearances in Pakistan in the context of the "war on terror". While many of those have eventually been acknowledged as being held in the U.S. Guantanamo Bay detention facility, others are believed still to be held in Pakistani detention, although their precise whereabouts remain unknown. Sixty-two cases of forced disappearances in the north of Sri Lanka have been registered following the introduction of new "emergency regulations" in August 2005 that granted sweeping powers to the security forces. Sri Lanka's Human Rights Commission is also investigating the status of 183 other individuals who are still missing under unknown circumstances.

Last year, the U.N. Working Group on Enforced or Involuntary Disappearances asked governments to investigate over 550 new cases. "Few of those responsible for these acts have ever been held to account. Impunity or failures of justice create a social climate in which there can be no trust in institutions and hence no stability. If enforced disappearances go unpunished, the memory of the missing will haunt the societies in which such acts are covered up," Spoerri stressed. Families of the disappeared around the world have fought against such impunity for



many decades. They have kept the memory of their relatives alive by demanding answers, while at the same time working to prevent future disappearances. One part of their struggle has been a growing demand for an international treaty.

After 25 years of campaigning by families, the new U.N. Human Rights Council approved the International Convention for the Protection of All Persons from Enforced Disappearance on Jun. 29. The treaty must now be submitted to the U.N. General Assembly for adoption by the member states. The new Convention contains an absolute prohibition on forced disappearances in both peacetime and wartime, and enshrines measures such as the registration of detainees, their right of access to a court and the right to contact their lawyers and families.

Importantly, it establishes an international mechanism to super-

vised states' compliance with their obligations, and an urgent appeals procedure that can be used where forced disappearance is suspected.

At the first session of the new U.N. Human Rights Council in June, the foreign minister of Chile, Paulina Veloso, whose husband disappeared during the anti-Marxist "Operation Condor" in 1977, gave testimony in which she expressed her belief that the U.N.'s efforts on behalf of the disappeared, together with general condemnation by the international community, may have limited the number of disappearances.

"At those moments of loneliness and anxiety," Veloso told the Council, "the care of the commission was a great support to me, which gave me strength to keep confidence in people, in human rights and in the community that defends them."

Source: Inter Press Service News Agency. (IPS)

LAW week



Lawmaker, 17 BNP men sued for hijacking vehicle

A case has been lodged with the Gournadi Upazila Magistrate Court in Barisal against BNP lawmaker Jahiruddin Swapan and his 17 associates from Gournadi and Agoiijhara. Belayet Hossain Bablu, staff reporter of The Daily Jugantor's Barisal bureau, lodged the case. According to the allegation statement, a number of BNP loyalist goons hijacked a microbus carrying the Bangla daily newspaper Jugantor from Dhaka-Barisal highway early morning on October 12. They drove away with the vehicle after beating up the diver and helper. Later, they burnt hundreds of copies of the newspaper. The incident occurred after the newspaper ran a report the previous day, October 11, on BNP lawmaker Jahiruddin Swapan. The case was lodged before the magistrate court as Gournadi Police Station refused to register the case earlier that day. October 17, Magistrate Abdullah Al Mamun received the case and ordered the officer-in-charge of Gournadi Police Station to investigate into the case immediately and take necessary actions. -The Daily Star, October 17.

Yunus not willing to be caretaker chief

Nobel laureate Prof Muhammad Yunus explicitly said he is not willing to become the chief adviser to the caretaker government, putting a brewing rumour of last few months to rest. "The caretaker chief should be neutral. I am not a neutral person since I am involved with the campaign for clean and competent candidates in the national elections," he said. If need be, he will form a political party to strengthen the campaign, the microcredit guru told reporters at Zia International Airport before flying to South Korea, where he will receive Seoul Peace Prize 2006. There has been a suggestion that the campaign for clean and competent candidates will not be successful without being a part of a political process. "Is it a tough job to form a party?" he posed a question. But he admitted he did not even think of joining politics before. The campaign for clean and competent candidates is the outcome of a long process and it should be moved forward, he asserted. The election will be meaningless unless honest candidates are elected, he said, adding that there is a need for the country to have an alternative politics. However, he hopes the dialogue between Awami League and BNP will be successful. "The crisis is not that grave as it seems." -The Daily Star, October 18.

Attack on Shooters

Judicial enquiry starts on Oct 22

The judicial enquiry of the attempted murder case against five police personnel filed by the National Shooting Federation for attacking three shooters, including the Commonwealth Games gold-medallist Asif Hossain Khan on October 2, will begin on October 22. Metropolitan Magistrate Mohammad Shafiq Anwar set the date and issued summons upon the complainant and others to appear before the court on the fixed date. Metropolitan Magistrate Syed Mohammad Mojibul Haq ordered the judicial probe into the matter after Range Officer AFM Sahab Uddin Ahmed filed the case with the Chief Metropolitan Magistrate's Court, Dhaka on October 8. The accused are: Deputy Commissioner (DC) of police Obaidur Rahman Khan, Officer-in-charge (OC) of Gulshan Police Station Mahub Alam Khan, sub-inspectors Jasim Uddin and Faisal Zaman and driver to the deputy inspector general (DIG) of Special Branch Havildar Abdul Khaleq. In his complaint, Sahab Uddin mentioned that Zuman Ali, one of the security guards of National Shooting Federation, asked the

chauffeur of DIG Dr Sadiqur Rahman to park the four-wheel-drive vehicle to another place when the driver was attempting to park it in front of the federation complex. But the chauffeur Havildar Abdul Khaleq became angry with the guard and was locked in an argument with him, which soon turned into a scuffle. Other guards and employees of the complex came out and joined the confrontation while the chauffeur asked the on-duty patrol police of the area for help. A three-member police patrol team led by Sub-inspector Jasim rushed to the spot with North Zone Deputy Commissioner of Police Obaidur Rahman Khan, Assistant Commissioner Zannatul Hasan and OC of Gulshan Police Station Mahub Alam Khan. As per direction of the DC and the OC, the policemen entered the complex and started beating up whomever they found before them. Around 30 shooters, who were practising inside, came out hearing the commotion and fell victim to the indiscriminate beating. -The Daily Star, October 18.

Hasan 'thinks' controversy irrational

Would-be chief adviser to the next caretaker government Justice KM Hasan thinks the ongoing controversy over him is "irrational" and "unexpected", his well-wishers said. "An unreasonable debate has been going on centring me," Justice Naimuddin Ahmed told The Daily Star yesterday quoting Justice Hasan as saying while talking to him over telephone. Justice Hasan also questioned the fairness of the ongoing debate, sources close to his well-wishers said. Justice KM Hasan has been the first natural choice for the post of the caretaker government chief following a 2004 amendment to the constitution that extended the retirement age of Supreme Court judges. The Awami League (AL)-led 14-party opposition combine has been opposing Justice Hasan as the chief of the interim government on grounds of his affiliation with BNP in the past. But the BNP-led ruling alliance has been rigid to have Hasan in the post. The rigidity of the country's two main political parties has triggered enormous political standoff ahead of the next parliamentary elections. Justice Naimuddin at a discussion disclosed that he recently had a conversation with KM Hasan. Justice Naimuddin said he told Hasan that he now has two options--to live the rest of his life with the honour of a former chief justice, or to be a victim of the dishonest and corrupt politics. -The Daily Star, October 19.

HC stays trial of daily Runner editor's murder case

The High Court stayed the proceedings of a murder case of the editor of daily Runner pending with the court of Additional District and Sessions Judge, Jessore. Runner editor Saiful Alam Mukul was killed in a bomb blast on August 30, 1998. Staying the trial court proceedings upon a revision petition filed by one of the accused in the case Farazi Azmal Hossain, senior correspondent of the daily Ittefaq, a division bench headed by Justice MA Rashid issued rule upon the government to explain why Farazi should not be exempted from the charge brought against him by the trial court. It also asked the government to explain as to why the case should not be quashed. Barister M Amir-Ul Islam assisted by Barrister Moniruzzaman Asad appeared for Farazi, who is now on bail. -Unb, Dhaka, October 19.

Corresponding with the Law Desk

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