

Law and Our Rights

The Culture of Violence

HE found his body in a Jute sack on 16th November at the Malibagh corner. Rahim was her husband and father of her two children. His throat was choked with stones. He was strangled with a garba.

Why was Rahim killed? Neither of the family members had any answer. Why didn't they ask for justice? Cynical of the ways of Justice in our country and afraid of repercussions, Rahim's family suffered this loss in silence.

Hundred others have been killed like Rahim and often in more brutal ways than this. Information in the press show examples of violence (and humiliation) through striping, gouged eyes, slit veins, amputated limbs etc. and all this with primitive tools of execution such as the Chinese axe, kitchen knives and the 'dao'. The obvious purpose being the gratification of using sadistic methods for a lingering death.

Violence can be oral or physical. Examples of the former have recently formed a part of political routine strategy in the use of insulting lan-

guage against rival parties. The recent political turmoil has highlighted the frequency of such incidences, creating losses in human, lives and emotional trauma that are irreparable even more so than the economic losses enlisted with the recent movement of non-cooperation.

The cultural essence of a non-cooperation movement was characterised by nonviolence as inspired by Mahatma Gandhi whose memorable dedication has left a significant impact among leaders and movements of peace in the world. His non-cooperation or 'satyagraha' required a voluntary resignation of official duties, a visible symbol of protest. That in no way violated the laws of the country or encouraged destruction of public or private property.

The inspiration of this great leader has led to many peaceful protest marches in the world for various causes of justice. The same spirit was shown when professionals and government officials of Bangladesh led a noncooperation movement against the

government of Islamabad in 1971 as a peaceful protest against discrimination and injustice. Its impact was instant because of its voluntary and nonviolent nature.

Bangladesh has been created on the martyrdom of millions of freedom fighters forced to violence by the brutality of the Pakistan army. Post liberation speeches of leaders reiterated these incidences, eulogising the heroes and condemning the unfor-givable violations of human rights. Revenge and vindictive killings were resisted by the post-liberation government.

The clear evidence of this was the departure of 90000 Pakistani soldiers that left Bangladesh for Pakistan via India in accordance to the Geneva Convention.

People talked of peace and mourned collectively for their individual losses. Yet there was something missing in the vast emptiness left by the bereaved. In the loudness of victory songs. The weeping of mourners were shocked into a symbolism of brave and heroic stillness. They remained unconsolled. This state of mind is further aggravated by the absence of recognition to those who deserved the nations unqualified adulation. The catharsis of 1971 never really took place.

That is itself may not be the factor for the resurrection of violence that hurt the country in '75 with the mass assassination of the national founder his family and four ministers of the cabinet, in the post '75 and '80s the military coups, the executions of young military officers, killings of activists and in the '90s torture of the anti-autocracy fighters. More horrendous, the increase in child abuse and brutality against women.

Each time the violations have exhibited a sadism that is inexcusable in face of the fact that bullets and rifles have become more easily accessible.

Continuing up to date, the press is replete with incidence of violence that effect men women and children with equal brutality organised by a coterie of vested interests.

Baffling still is the phenomenon of violence associated with its perpetrators who are often the non-educated or the working class, occupied in the ordinary life of wage earning. In contrast to the daily horror stories of deaths during the 'Political upsurge' the public on the street including the rickshaw pullers showed a remarkable sense of responsibility and peaceful behaviour.

On stepping out of a bank one day, the rickshaw puller requested me to hoped my money bag carefully for "these days one can never tell..." In this simple evidence of care by a poor man who has more cause for anger and loot. I see the quintessence of Bengali culture as essentially nonviolent and humane.

Khurshed Erfan Ahmed — Ain O Salish Kendra

Charter of Human Rights Demands for Inclusion in Election Manifestoes of Political Parties in the Forthcoming Parliamentary Election

A caretaker government led by former Chief Justice Muhammad Habibur Rahman was established on 30 March following amendment of the Constitution. According to the Constitution, following an election held within ninety days under the auspices of the caretaker government, an elected government will take office. The caretaker government will announce the election schedule shortly. We expect that the political parties preparing to participate in the election will then begin their campaigns.

One objective behind the demand for holding elections under a caretaker government was to strengthen the democratic process and to further democratic practices and human rights. Another critical aspect of strengthening the democratic process, little addressed so far, is to abandon traditional political practices, which have caused incalculable loss of life and economic devastation throughout the country. We feel that it is unfortunate that while politicians frequently speak of democracy, they rarely refer to human rights. In our view, the failure to assert the interconnection between human rights and democracy lies at the root of our failure to consolidate democracy.

Considering these factors, we urge political parties to include in their election manifestoes a commitment to democracy, freedom of thought and conscience, freedom of speech and the press, development and economic freedom, the elimination of discrimination, justice and the rule of law and human rights. We call upon political parties to commit themselves to:

1. Repealing the Special Powers Act 1974 and all 'black' laws providing for direct and indirect censorship of the press; ensuring autonomy of radio and television;

2. Ratifying and incorporating in domestic law all UN human rights conventions, in particular the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights and the International Convention against Torture; withdrawing reservations to the International Convention on the Elimination of Discrimination against Women and the International Convention on the Rights of the Child;

3. Repealing discriminatory and repressive laws, in particular the Vested Property Act 1974 and eliminating discrimination against and repression upon minorities: adopting a uniform personal code in place of the prevailing personal laws which discriminate against women;

4. Establishing the rule of law and ensuring the separation of the judiciary from the executive;

Taking effective steps to provide redress against state, administrative, political and family violence;

Holding trials of those directly or indirectly involved in genocide, war crimes and crimes against humanity during the War of Liberation, and of those implicated in all political killings after independence;

Repealing sections of the 2nd, 4th, 5th, 7th and 8th amendments to the Constitution which violate human rights or deter democratization;

Ensuring that the administration is free from political influence;

Taking effective steps to prevent loan defaulters from participating in the election;

Ensuring access to and proper distribution of resources among the people; Separating religion from politics;

5. Appointing an Ombudsman and establishing a Law Reform Commission;

6. Providing human rights education in all educational institutions including schools, colleges and universities, and to all members of the administration, the law enforcing agencies and the security forces in the light of the UN Decade for human rights education.

List of organizations and signatories :

- ODHIKAR
2. AIN O Salish Kendra (ASK)
3. Nagorik Uddoyog
4. Bangladesh Mahila Parishad
5. Jatiyo Ainjibi Parishad
6. Bangladesh Environmental Lawyers Association (BELA)
7. Bangladesh Manobadhikar Sangstha
8. Bangladesh Legal Aid and Services Trust (BALLAST)
9. Resource Integration Centre (RIC)
10. The Law Centre
11. Madaripur Legal Aid Association
12. Bangladeshi National Women Lawyers Association (BJWAS)

Mr. A. F. Hassan Arif
Dr. Hameeda Hossain
Mr. M. M. Hassan
Ms. Ayesha Khanam
Mr. Syed Mahbubur Rahman
Dr. Mofhuddin Farooque
Mr. M. R. Mahbub
Mr. Fazlul Huq
Mr. Abul Hasib Khan
Barrister Ahm. Lutfur Rahman
Mr. Khan Mohammad Shahid
Ms. Hasina Rashid

The Virgilian Violation of 12 Months

Better late than never, Ekram Kabir reviews the CCHR 1995 Report and explains why the umbrella body needs to be more assertive

HUMAN beings are tortured, imprisoned without trial, discriminated against, kept in permanent poverty and so on. It's necessary to uphold rights in order to protect human persons — men, and children — from various cruel and degrading treatments. In fact, the very basis of human rights is not simply human dignity as such, but the fact that this human dignity is so often denied in practice.

Human rights are not merely civil and political rights; they also include economic, social and cultural rights. The concept is much broader, but is hardly fathomed — that also ropes in the activists partially — by the common people of Bangladesh, even by those who claim themselves as "educated".

Bangladesh is a signatory to the UN Convention of Human Rights. The government machinery, in this regard, usually does some routine homework before being chaperoned to any international congregation and demonstrates — as experience indicates so far — towering enthusiasm in front of the global community with promises of implementing the same at the homefront. Ironically, the promise — or commitment, one may call it — takes a nosedive when back at the nest.

Viewed in the context of Bangladesh, the rights of women and children are to get priority; and ensuring rights to the "people" at large is another sad tale to tell. In spite of some steps taken by the authorities concerned and workers at the grassroots, women in the rural areas are still not well-placed, they are being oppressed in worst possible ways. The reason is well understood: the law of the land fails to help this "hapless half" of the country.

Similarly, the rights of children remain unrecognised. Poverty compels the majority of them to earn their livelihood at an age when they "should" go to school. Despite these, there are many other areas that need rapid improvement. The 1995 Report of the Coalition Council of Human Rights in Bangladesh (CCHR) reveals some frappant features of human rights state of affairs of the country.

Though the Report emphasises on civil and political rights, it's heartening to see that it carries, for the first time since CCHR started keeping records, an article on health-related rights where medical practitioners are involved. The chapter is encouraging because it gives information on healthcare situation in the country. The writer says:

"The diagnostic centres in Dhaka and in major cities have started an obnoxious practice of giving physician a percentage of the total money taken from the patient". But the reporter doesn't do justice to the patients who receive low-quality treatment from the clinics.

Trust, for example, has to be earned and is not the birthright of physicians or any other professionals. On the other hand, the history of mankind — and even of doctors — is that some sort of social system overseeing the activities who enjoy privilege (here, the medical practitioners) as regard others (people) is appropriate, indeed, is essential. Any such system must inevitably consist of principles and rules-guiding conduct.

Among others, the CCHR Report doesn't do justice to the "consumer rights". In a politically volatile year, consumers of the country had to pay through the nose for their essentials. After many years of speculations, the Bangladeshi consumers came psychologically very close to be relieved by a consumers protection law

State of Human Rights 1995 Bangladesh



cians which, without a scintilla of doubt can be termed as "malpractice" on the part of the physicians.

In Bangladesh, the debate over consumer rights is a fairly recent phenomenon, but is a "very" important one. One of the problems experienced in the country has been the lack of an effective "voice" for consumers. This vacancy of "voice" was alluded to by the then finance minister M Saffur Rahman, while speaking at a seminar organised by the Consumers Association of Bangladesh (CAB) on May 31, 1995.

Although the CAB has been in existence for some years, yet the association never seems to have the teeth to make any kind of legal intervention necessary to establishing consumers' rights. On the other hand, the CCHR couldn't notice that consumers still have to suffer poor quality goods, atrocious behaviour from sales assistants' while shopping, lack of warranty, arbitrary pricing that are often based on gullibility of shoppers, adulteration of food-items and many more.

The country report of CCHR is very important. One of the loopholes of the Report — apart from its editing weaknesses — is the absence of an abridged article on the overall situation of the state of the human rights in '95. In spite of that — as it usually does — it contains an introduction and executive summary which, sad to say, gives only an elaboration — an index-like reading for the general readers. This make the Report very difficult for a layman-reader who has to browse through all the articles to get the big picture.

On the other hand, the 1995 Report attempts to orient the readers some new areas of human rights with some oddness, like family planning, flood action plan etc. These seem outlandish, to an extent, because they don't seem to have been written from clear-cut human rights point of views. Despite these, the Report should — next time, of course — contain an editorial commentary, including suggestions for upgrading the state of the human rights, which will definitely serve the purpose of an eye-opener for the authorities and agencies concerned.

One more suggestion won't be possibly too imposing for the CCHR to accept is that to print the yearly country report in Bengali. It is so, because there are a number of wide circulated Bengali dailies and weeklies who might serialise the articles of the Report. After all — and doubtless so — they are the ones who can easily reach the majority of the people and make the teeny millions of the country conscious of their own rights.

The Daily Star Entertainment Guide



STAR PLUS

8:30am Transformers 7:00 King Arthur 7:30 Classic Cartoons 8:00 BBC World Headlines 10:00 Tap 9:00 BBC World News 10:30 Time Out: Film 9:00 The Clothes Show 4:00 BBC World News 4:15 Heart of the Matter 5:00 BBC World News 5:20 The Brand Trust 6:00 BBC World Headlines 6:05 Rough Guide To The Americas 7:00 Breakfast With Frost 8:00 BBC World News 8:15 Heart of the Matter 8:30 The Big Picture 9:00 Earth Report: 2:00 BBC World News 2:30 Tap Out: One Foot in the Past 3:00 BBC World Report 4:00 BBC World Business Report 24:00 Hours 5:00 BBC World News 5:15 The Money Programme

STAR CHANNEL

7:00am Vision 9:00 Live VJ Troy 10:00 Pantaloons Fashion Police 10:30 The Best of Ek Taan 11:00 BPL Oval 12:00 SanSu Manga Mai

STAR SPORTS

6:30am Asian Sports Show 7:00 The Asian Football Show 8:00 Live 1996 Asian Grand Prix From Suzuka, Japan 12:00 Powerboat World 12:30 Asia Sports Show 1:00 Same Day 10:30 PGA Tour 3:30 WTA HC 4:00 Home And Away 5:00 The Sullivans 5:30 Gabrielle

STAR MOVIES

7:30am Comedy Carry On Up The Khubra 9:00 (Hindi Subtitles) 9:30 Family Adventure 9:30 (Hindi Subtitles) 11:30 Secret Agents 9:30 (Hindi Subtitles) 12:30 Comedy Carry On Up The Khubra 15:00 (Hindi Subtitles) 13:30 Comedy Carry On Doctor 15:00 (Hindi Subtitles) 2:30 Sunday Show Time: All About The Movies 3:00 3 & 4 English Subtitles 4:30 Sunday Show Time: Rama 9:00 Matabar Hill 10:00 Rama

SONY ET

8:30am Yaad Ki Baat 9:30 Jaanane 9:30 Maane 10:00 Hindi Songs 10:30 Jatugar 11:00 10 Civil Lines 11:30 Sunday Ki Sunday 12:00 Humse 12:30 12:30pm Audio Video Premier 1:00 Good Shot 1:30 Pehchan 2:00 Humse 2:30 2:30pm Audio Video Premier 1:00 Good Shot 1:30 Pehchan 2:00 Humse 2:30 2:30pm Music Man Geet 3:00 Naye Tarane 3:30 Gaane Jaane 4:00 Dekh Tamasha Dekh 4:30 O'Maris 5:00 Jana Kala Mera Jigar 5:30 5:30 Classics Hindi Feature Film 6:30 Jagr 8:00 Apne 8:00 Apne

DD 7

7:40 Harekrishna "Odissi" 8:20 Bindon 8:45 Banya 9:00 Geetmalay 9:30 Bangla Cinema Romantic Juh 10:00 Light Music 12:30 Dhurang Dhurang Bole 1:30 Marjada (Serial) 2:00 Probab 2:25 Uru Kati Madina (Serial) 3:00 Irsha 4:30 Bengal Feature Film Anusandhan 5:30 News 7:20 Bindon 7:30 Bangla Sambad 8:00 Darsaker 8:25 Ek Toku Basha 9:30 Drama 10:30 News/Bengali Sambad Feature Film 8:30 Jagr 9:00 Apne 8:00 Apne

ZEE CINEMA

8:00am Songs 9:30 Animated Cartoon 12:15pm Ambani Love Love 3:30 Ajn Adadik Khiladi 4:00 Premiere Sautela Bha 7:00 Hot Hit Fit Hai 7:30 Tarana 8:00 8:30 ikke Pe Ikka 9:00 Film 10:30 Lakshmi 9:30 Daisy 12:15 Talent Show 12:45 Ashu Hoon 13:00 Bhairav 14:00 Purush 14:30 Soni 15:00 Sankha 16:00 Geet Bala 17:30 R D Bhanu Special 18:30 Geet Bala 19:00 Money Game 2:00 Purush 2:30 Ashu Hoon 3:00 4:00 Soni 4:30 5:30 Kishore Kumar Special 6:00 7:30 8:00 9:00 10:00 11:00 12:00 13:00 14:00 15:00 16:00 17:00 18:00 19:00 20:00 21:00 22:00 23:00 24:00 25:00 26:00 27:00 28:00 29:00 30:00 31:00 32:00 33:00 34:00 35:00 36:00 37:00 38:00 39:00 40:00 41:00 42:00 43:00 44:00 45:00 46:00 47:00 48:00 49:00 50:00 51:00 52:00 53:00 54:00 55:00 56:00 57:00 58:00 59:00 60:00 61:00 62:00 63:00 64:00 65:00 66:00 67:00 68:00 69:00 70:00 71:00 72:00 73:00 74:00 75:00 76:00 77:00 78:00 79:00 80:00 81:00 82:00 83:00 84:00 85:00 86:00 87:00 88:00 89:00 90:00 91:00 92:00 93:00 94:00 95:00 96:00 97:00 98:00 99:00 100:00 101:00 102:00 103:00 104:00 105:00 106:00 107:00 108:00 109:00 110:00 111:00 112:00 113:00 114:00 115:00 116:00 117:00 118:00 119:00 120:00 121:00 122:00 123:00 124:00 125:00 126:00 127:00 128:00 129:00 130:00 131:00 132:00 133:00 134:00 135:00 136:00 137:00 138:00 139:00 140:00 141:00 142:00 143:00 144:00 145:00 146:00 147:00 148:00 149