

Law and Order Rights

"All citizens are equal before law and are entitled to equal protection of law"-Article 27 of the Constitution of the People's Republic of Bangladesh

Violence Against Women in Bangladesh

by Saira Rahman

WOMEN in Bangladesh have had to face violations to their human rights year after year. These acts of violence are both public and domestic - rape, acid-throwing, fatwa, violence due to non-payment of dowry, etc. In comparison to 1997, studies carried out by Odhakar show that the year 1998 saw a marked increase in the crime of rape - perpetrated both by the ordinary citizen as well as members of the police force - and an increase in deaths caused by acts of domestic violence created by dowry demands. In 1999, the Documentation Unit at Odhakar found that there has not been much change in the number of crimes against women.

Acid throwing seems to have increased dramatically from 101 reported incidences in 1998 to 178 in 1999. Acts of custodial rape perpetrated by law enforcing agents remain in the two-figure bracket - the youngest victims of such brutality being eight year old Sharmila Akhtar of Chandpur (reported on 14.9.99). The number of women raped - either by one person or a gang - is still high as well. Despite the attempt to improve women's lot in the public sphere, the government has done little to help them in the domestic front, where they face the most violence - both physical and mental. The reported number of women who have been murdered due to dowry related violence is as high as 96. Almost all the women were killed by their husbands. No measures have been taken to strictly implement laws protecting women. Due to this crimes perpetrated against women have increased. There is yet to be a Domestic Violence Act and the crime is still seen more as a social norm than a legal matter.

Violence Against Women: 1999

Odhakar concentrates its monitoring of violence against women in four specific areas - rape, rape in police custody or 'custodial rape' (This is part of Odhakar's investigation and research into police brutality and prison reform), violence due to dowry demands and acts of hitting acid on the person of a woman or 'acid-throwing'.

Despite the laws protecting women's rights and punishing offenders of crimes against women. (The last such decision passed by parliament was the Repression against Women and Children Bill, in 1998, as an amendment to the Repression Against Women and Children (Special Provisions) Ordinance 1995) there is, as has been stressed, a serious lack of implementation and a quantity of

disinterest shown by responsible government agencies.

i. Rape:

Rape can be classified as one of the most heinous crimes committed against the body and mind of a woman, regardless of her age. Unfortunately, such a crime has escalated in number, in the last year.

From the first of January to the 31st of December 1999, Odhakar documented 842 cases of rape. This number is not much less than what was documented in 1998. Odhakar, through its documentation of such cases, has realised that the age group most violated is in the six to fifteen year bracket. In October 1999 alone, reports say that 14 female children between 6 and 10 years and 11 female children between 11 and 15 years were raped.

In September 1998, the country was shocked at the revelation of rape incidents in Jahangir Nagar University - one of the seats of highest education in the country. Thirteen students, all either leaders or activists of the Bangladesh Chhatra League, the student fraction of the Awami League, were accused of this crime and other forms of sexual harassment. According to the Fact Finding Committee Report, over 177 students were raped in 20 cells of the university. According to the said report, many of them were raped several times, some were gang-raped and some were even forced to leave the campus after the incidents.

After a Syndicate meeting, one of the accused was expelled for life and the other six awarded various punishments involving expulsion for either two or three years. Six accused abettors were acquitted due to lack of evidence and two served with warning notices. Another accused rapist was awarded a suspended sentence for one year. Despite pressure from various quarters, including some Jahangir Nagar University teachers, the university authorities refused to file cases against the accused and the Vice Chancellor stated that the victims were free to file cases against the alleged perpetrators. However, as we reach the end of 1999, there has been no criminal action taken against the criminals and, as always, the matter has been allowed to gather dust.

ii. Rape in Police Custody / Rape by Police:

Another aspect of rape that has come to light in the recent years is the rape of women brought into police custody or who are put into the 'safe custody' of police stations and

jails. Police may arrest women randomly on grounds of suspicion of prostitution or any whim of fancy.

According to Odhakar findings, there were ten reported incidents of 'police rape' in 1998. One of the victims was as young as eight years while a majority of them were in their early teens (between 10 and 15 years of age).

iii. Acid Throwing:

Despite special provisions in the Penal Code and other specified laws protecting women, the crime of throwing acid on another's face and person continues. Odhakar documented 101 such cases in 1998. And a record 178 cases in 1999. A majority of the victims fall in

Reported Incidents of Violence Against Women in 1997

Rape by Police	Rape	Dowry Deaths	Acid-Throwing
6	733	66	110

Reported Incidents of Violence Against Women in 1998

Rape by Police	Rape	Dowry Deaths	Acid Throwing
16	961	83	101

Reported Incidents of Violence Against Women in 1999

Rape by Police	Rape	Dowry Deaths	Acid Throwing
10	842	96	178

the 11-15 and 16-20 year old brackets.

Conclusion:

It is not enough that women are still discriminated against in the home, in the workplace and in the provisions of certain statutory laws (family laws and nationality laws, for example). They also have to face violence, sometimes leading to their death.

The increase in crimes against women and acts of violence against them raises serious questions regarding the effectiveness, transparency and accountability of those responsible for maintaining law and order in the country. It shows to what extent the law and order situation has deteriorated - specially in the case of the inhuman crime of rape perpetrated on children. It is also disturbing to note that even acts of violence against women, perpetrated by persons who are well known and thus identifiable, slip out of the grasp of the law - supposedly 'long arm of the law' - for example in the cases of the incidents in Jahangir Nagar University, in the small, closed societies in rural areas of Bangladesh and in the home where domestic help are raped by either the owner or other male members of the house hold.

iv. Dowry Deaths:

The demanding, giving and accepting of dowry is an offence under the laws of Bangladesh. The practice, however, still prevails in many sections of our society. One of the reasons for this persistence in demanding dowry is the rising unemployment among young males, specially in rural Bangladesh. Because the dowry provided is considered an 'investment' or capital for helping the groom on his way to earning money (for example, opening a business, going to the Middle East to find a job etc.) it has become a very common demand and the bride's parents become the sole supplier.

Often, the bride's parents cannot contribute the whole amount of dowry at once and pay some of it at the wedding ceremony. Later on, the demand for the rest becomes intense, and it butts of the brutality which follows a delayed payment is the bride - now the wife. The issue of dowry is probably the most common source of domestic violence in

rural Bangladesh, where not only the husband but his parents and relatives take part in reminding the wife that the remaining payment is still due. The incidents of murder or attempts to murder are regular items in the country's daily papers.

In 1999, Odhakar recorded a total number of 96 reported deaths due to dowry demands. All the victims were housewives, the youngest being only sixteen years of age (There have been reports of four sixteen year old women who have been killed due to dowry demands in 1999) - a fact in itself illegal, as the age of marriage for a woman in Bangladesh is above eighteen years.

For Odhakar - A Coalition for Human Rights.

Human Rights Milestones in the 20th Century

June 26, 1945
Signing of the Charter of the United Nations and Statute of the International Court of Justice, in San Francisco.

June 21, 1946
Establishment of the Commission on Human Rights under Economic and Social Council resolution 9 (II). At its first session, in 1947, the Commission establishes the Subcommission on Prevention of Discrimination and Protection of Minorities on the basis of that resolution.

June 21, 1948
Establishment of the Commission on the Status of Women under resolution 11 (II) of the Economic and Social Council.

December 9, 1948
Adoption by the General Assembly of the Convention on the Prevention and Punishment of the Crime of Genocide.

December 10, 1948
Adoption by the General Assembly of the Universal Declaration of Human Rights.

December 2, 1949
Adoption by the General Assembly of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

November 4, 1950
Adoption by the members of the Council of Europe of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

December 1, 1950
Creation of the Committee on Crime Prevention and Control under General Assembly resolution 415 (V). The Committee is responsible for preparing the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. It is institutionalized in the form of the Commission on Crime Prevention and Criminal Justice by the Economic and Social Council on 6 February 1992.

July 29, 1951
Adoption by a United Nations Conference of Plenipotentiaries of the Convention relating to the Status of Refugees.

December 20, 1952
Adoption by the General Assembly of the Convention on the Political Rights of Women.

October 23, 1953
Adoption by the General Assembly of the Protocol amending the Slavery Convention signed at Geneva on 25 September 1926.

September 28, 1954
Adoption by a Conference of Plenipotentiaries of the Convention relating to the Status of Stateless Persons.

August 30, 1955
Adoption by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Standard Minimum Rules for the Treatment of Prisoners.

September 7, 1956
Adoption by a Conference of Plenipotentiaries of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

January 29, 1957
Adoption by the General Assembly of the Convention on the Nationality of Married Women.

June 25, 1957
Adoption by the General Conference of the International Labour Organization of the Convention on the Abolition of Forced Labour.

July 30, 1959
Adoption by the Economic and Social Council of resolution 728 F (XXVIII), giving the Commission on Human Rights certain responsibilities with regard to the treatment of communicants dealing with human rights.

November 20, 1959
Adoption by the General Assembly of the Declaration of the Rights of the Child.

December 14, 1960
Adoption by the General Assembly of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

August 30, 1961
Adoption by a Conference of Plenipotentiaries of the Convention on the Reduction of Statelessness.

November 7, 1962
Adoption by the General Assembly of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

December 14, 1962
Adoption by the General Assembly of resolution 1803 (XVII) on permanent sovereignty over natural resources.

November 20, 1963
Adoption by the General Assembly of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

December 21, 1965
Adoption by the General Assembly of the International Convention on the Elimination of All Forms of Racial Discrimination. This Convention provides for the establishment of the Committee on the Elimination of Racial Discrimination.

December 16, 1966
Adoption by the General Assembly of the International Covenant on Economic, Social and Cultural Rights. Adoption of the International Covenant on Civil and Political Rights and of the corresponding Optional Protocol. This Covenant provides for the establishment of the Human Rights Committee.

June 6, 1967
Adoption by the Economic and Social Council of resolution 1235 (XLII) authorizing the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to examine information relevant to gross violations of human rights and fundamental freedoms.

November 7, 1967
Adoption by the General Assembly of the Declaration on the Elimination of Discrimination against Women.

May 13, 1968
Proclamation by the International Conference on Human Rights of the Proclamation of Tehran.

November 26, 1968
Adoption by the General Assembly of the Convention on the Non-Applicability of Statutory Limitations to War Crimes against Humanity.

November 22, 1969
Adoption of the American Convention on Human Rights.

December 11, 1969
Adoption by the General Assembly of the Declaration on Social Progress and Development.

May 27, 1970
Adoption by the Economic and Social Council of resolution 1503 (XLVIII), establishing procedures allowing the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to hold private meetings to consider communications relating to violations of human rights and fundamental freedoms.

August 13, 1971
Adoption by the Subcommission on Prevention of Discrimination and Protection of Minorities of resolution 1 (XXIV), concerning procedures for the implementation of Economic and Social Council resolution 1503 (XLVIII).

November 30, 1973
Adoption by the General Assembly of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Convention provides for the establishment of the Group of Three, which is to monitor its implementation.

December 9, 1975
Adoption by the General Assembly of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

June 8, 1977
Adoption by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

November 27, 1978
Adoption by the General Conference at UNESCO of the Declaration on Race and Racial Prejudice.

December 17, 1979
Adoption by the General Assembly of the Code of Conduct for Law Enforcement Officials.

December 18, 1979
Adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention provides for the establishment of the Committee on the Elimination of Discrimination against Women.

June 27, 1981
Adoption of the African Charter on Human and Peoples' Rights, by the Eighteenth Conference of Heads of State and Government of the Organization of African Unity.

November 25, 1981
Adoption by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

March 15, 1984
Approval by the Economic and Social Council of the Safeguards guaranteeing protection of the rights of those facing the death penalty.

November 12, 1984
Adoption by the General Assembly of the Declaration on the Right of Peoples to Peace.

December 10, 1984
Adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention provides for the establishment of the Committee against Torture.

May 25, 1985
Adoption by the Economic and Social Council of resolution 1985/11 establishing the Committee on Economic, Social and Cultural Rights, responsible for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights.

November 29, 1985
Adoption by the General Assembly of the United Nations Standards Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules).

November 29, 1985
Adoption by the General Assembly of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

November 29, 1985
Adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Basic Principles on the Independence of the Judiciary.

December 10, 1985
Adoption by the General Assembly of the International Convention against Apartheid in Sports. The Convention provides for the establishment of the Commission against Apartheid in Sports.

December 13, 1985
Adoption by the General Assembly of a resolution on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women.

December 4, 1986
Adoption by the General Assembly of the Declaration on the Right to Development.

December 9, 1988
Adoption by the General Assembly of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

May 24, 1989
Adoption by the Economic and Social Council of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

November 20, 1989
Adoption by the General Assembly of the Convention on the Rights of the Child. The Convention provides for the establishment of the Committee on the Rights of the Child.

December 15, 1989
Adoption by the General Assembly of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The Human Rights Committee is the monitoring body for the Protocol.

September 7, 1990
Adoption by the Eighty United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

September 7, 1990
Adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Basic Principles on the Role of Lawyers.

September 7, 1990
Adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Guidelines on the Role of Prosecutors.

September 30, 1990
Adoption by the World Summit for Children of the Declaration on the Survival, Protection and Development of Children and of the Plan of Action for Implementing the World Declaration.

December 14, 1990
Adoption by the General Assembly of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules); Basic Principles for the Treatment of Prisoners; the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Care and Protection of Juveniles Deprived of their Liberty.

December 18, 1990
Adoption by the General Assembly of a resolution deciding to convene a World Conference on Human Rights in 1993.

December 18, 1990
Adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention provides for the establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

May 20, 1991
Adoption by the Security Council of a resolution establishing the United Nations Observer Mission in El Salvador (ONUSAL).

April 7, 1992
Adoption by the Security Council of a resolution deciding to deploy the United Nations Protection Force (UNPROFOR) in the former Yugoslavia.

May 30, 1992
Adoption by the Security Council of a resolution demanding that the parties to the conflict in Bosnia and Herzegovina allow the unimpeded delivery of humanitarian supplies.

September 14, 1992
Adoption by the Security Council of a resolution authorizing the enlargement of the mandate of UNPROFOR.

November 16, 1992
Adoption by the Security Council of a resolution condemning "ethnic cleansing" in Bosnia and Herzegovina.

December 18, 1992
Adoption by the Security Council of a resolution demanding that the detention camps in Bosnia and Herzegovina should be closed.

December 18, 1992
Adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance.

December 18, 1992
Adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

February 22, 1993
Adoption by the Security Council of a resolution establishing an International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

April 20, 1993
Adoption by the General Assembly of a resolution authorizing the participation of the United Nations jointly with the Organization of American States in an International Civilian Mission to Haiti (MICIVIH).

May 25, 1993
Adoption by the Security Council of a resolution adopting the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

June 14, 1993
The Secretary-General, at the opening of the World Conference on Human Rights in Vienna, describes human rights as quintessential values through which we affirm together that we are a single human community (statement).

June 25, 1993
Adoption of the Vienna Declaration and Programme of Action at the closing of the World Conference on Human Rights.

December 20, 1993
Adoption by the General Assembly of resolution 48/104, proclaiming the Declaration on the Elimination of Violence against Women.

December 20, 1993
Adoption by the General Assembly of resolution 48/91, proclaiming the Third Decade to Combat Racism and Racial Discrimination.

December 20, 1993
Adoption by the General Assembly of resolution 48/163, proclaiming the International Decade of the World's Indigenous People.

December 20, 1993
Adoption by the General Assembly of resolution 48/141, establishing the post of United Nations High Commissioner for Human Rights.

February 23, 1994
Adoption by the Security Council of a resolution establishing the civil police component of the United Nations Operation in Mozambique (ONUMOZ).

April 5, 1994
Mr. José Ayala-Lasso of Ecuador assumes the post of the first United Nations High Commissioner for Human Rights.

July 1994
Adoption by the Security Council of a resolution establishing a Commission of Experts to investigate violations of human rights in Rwanda.

September 19, 1994
Adoption by the General Assembly of a resolution establishing the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

September 23, 1994
Adoption by the Security Council of a resolution re-emphasizing that "ethnic cleansing" constitutes a clear violation of international humanitarian law.

November 8, 1994
Adoption by the Security Council of resolution 955 (1994), establishing an International Tribunal for Rwanda.

December 23, 1994
Adoption by the General Assembly of resolution 49/184, proclaiming the United Nations Decade for Human Rights Education.

March 3, 1995
Adoption by the Commission on Human Rights of a resolution establishing a working group to elaborate a draft declaration on the rights of indigenous people (resolution 1995/32).

July 1995
Mrs. Mary Robinson of Ireland assumes the post of the (second) United Nations High Commissioner for Human Rights after her predecessor, Mr. Ayala-Lasso of Ecuador, resigned, on 15 March 1997, following his appointment as the Minister of Foreign Affairs of Ecuador.

July 17, 1998
The Diplomatic Conference of Plenipotentiaries adopts the Rome Statute of the International Criminal Court, establishing the International Criminal Court, with its seat at The Hague.

October 22, 1998
The Secretary-General appoints Bertie Gangapersaud Ramcharan of Guyana as the Deputy High Commissioner for Human Rights effective 1 December 1998, following the resignation of Mr. Enrique Tejada of Venezuela.

December 9, 1998
Adoption by the General Assembly of a resolution A/RES/53/144 proclaiming the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

December 10, 1998
50th Anniversary of the Universal Declaration of Human Rights

Courtesy: United Nations; UN Office of the High Commissioner for Human Rights; Geneva; Human Rights Centre, University of Essex, United Kingdom.

Human Rights An Agenda for Third Millennium

By Khandakar M Ghulam Sabbir

INTERNATIONAL concern for what we now call human rights is not a new phenomenon. It is the sense of fundamental and inalienable rights essential to the human being, is nothing new. From the breaking of silence against religious repression of every society where guardians of the spiritual realm were episodically less permissive, the continuous contribution of progressive prominent religious figures are well known to every society, among them Pope John Paul II, the Dalai Lama's passionate crusade to end Chinese repression of Buddhism in Tibet, Anglican Archbishop Desmond Tutu's leadership of South Africa's Truth and Reconciliation Commission and Muslim jurist, theologian, scholar Malaysia's Chandra Muzaffar's 'Just World Trust for Religion and Peace' have placed, today, the religion for promoting human rights as peace maker.

With the start of bloody enterprises known as the Spanish Empire in the New World for the first time, it was discussed which rights to be accorded to every human being universally under any circumstances with particular reference to the treatment of native Red Indians by the Spanish colonizers in America. The holocaust of Nazi shocked the realization of the world. The Second World War brought a radical change heralded by the four freedoms (freedom of speech and expression, freedom of religion, freedom from economic want, freedom from fear of aggression) listed as the top priority foreign policy goals of the United States, in a message to congress by President Roosevelt in 1941. While the people witnessed mass-killing of more than three million innocent civilians in Bangladesh by Pakistani Military authority.

Lastly, systematic ethnic cleansing and abuse of human rights in Bosnia were done by Serb war criminals and again in Chechnya, done by Russian Warlord, A. Putin. The relationship between states and their own nationals is no more considered to be an internal matter for each state.

The preamble and Article 13 of the Charter of the United Nations Organization announces the UN's purposes to include "Promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Article 13 mandates the GA to initiate studies and make recommendations for the purpose of... assisting in the realization of human

rights. Article 56, combined with Article 55, pledges all UN members to take joint and separate action in co-operation with the organization for the achievement of universal human rights. The use of the word 'pledge' implies a legal obligation. The obligation is probably not to observe human rights but to work towards their fulfillment. Article 68 requires the Economic and Social Council to set up commissions... for the promotion of human rights. Since then, the UN is fighting to uphold human dignity and protection of human rights building normative frameworks on the international level.

The Universal Declaration of Human Rights, adopted on December 10, 1948, by the UN General Assembly by forty eight votes, today is the right of the individual that had to be protected and guaranteed by nations in order to preserve international peace and security as customary international law. "It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."