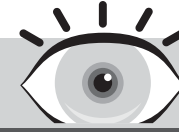


LAW vision



The new government and 'a rights agenda' for action

A. H. MONJURUL KABIR

A free and fair election is a must for any democracy, but that is not a panacea, merely a starter. Bangladeshi democracy faced the critical test again on October 1, 2001. This was the third successive credible election since 1991. The previous two elections were also largely free and fair, however failed to produce a healthy, sustainable democracy built into rule of law. Still the Parliament (House of the Nation) remains the central architectural piece of attraction of Bangladesh instead of its being the ultimate venue for politics and governance. Sadly, the parliament could not become the primary arena of participatory law making. Other national institutions, legal and constitutional bodies, and public offices also failed to live up to popular expectations. Corruption, inefficiency and lack of discipline became the qualitative aspects of such institutions and services. The newly formed government led by the Prime Minister Begum Khaleda Zia will have to overcome formidable challenges against the back drop of the alliance's huge victory on October 1 election, which clearly raises hopes and aspirations of people.

The maladies and the challenges

Bangladesh is abundant with constitutional provisions and statutory laws guaranteeing diverse freedom. However, the existence of a number of repressive laws undermines the 'de jure' pledges of freedom. Sadly, the 'hard earned democracy' has not yet obtained an institutional shape. Bangladesh's politics remain confrontational and inimical to reform. There is no system of accountability within the existing system of governance. The frequent use of the law-enforcing agency for political purposes and the alarming trend of torture, rape and death in the custody of the law enforcers vitiate the democratic regimes. The country's political and legal systems are in a crisis. Criminalisation of politics, political elitism, ignorance of the law, a sense of resigned tolerance from society, corruption in all administrative sectors and strata have all infected Bangladesh. Rampant corruption at all levels of society and government continued to dash hopes for improvement in the human rights situation and to thwart efforts to tackle widespread poverty and political instability. Torture including rape in custody, continued to be reported, and impunity for past human rights violations persisted.

Acts of impunity testify the failure to bring justice those responsible for human rights violations. Impunity can and does occur in various sectors of



Prime Minister Khaleda Zia: Miles to go, promises to keep

state life the bureaucracy, the law enforcement agencies and even in the judiciary. All these institutions play a role in the human rights of the citizens of the country - the right to shelter, food, and sanitation, the right to life, liberty and dignity and the right to justice, being some examples. When corruption and impunity are joined hand in hand in these government sectors, the human rights of the citizens are at risk. One example of this is the use of Section 54 of the Code of Criminal Procedure, which allows police to arrest any person

without warrant or a magistrate's permission. There are several conditions and factors attached to this law, but many are arrested every year for no reason at all and have to bribe the police in order to restore freedom.

The promises to keep

The ruling BNP has made several specific pledges during electioneering and in its election manifesto. Tackling laws and order situation tops the list. "Our first task will be to improve law and order so that security of life and property of people is ensured and repression on women is stopped. Special court will be set up in each district for trial of criminals. Police, BDR, Ansars and Village Defence Party will be strengthened and equipped with modern equipment to improve law and order", BNP Chairperson Khaleda Zia said announcing her party's election manifesto at a press conference in September 2001.

The BNP also promises to establish the long awaited National Human Rights Commission and the Office of Ombudsman. Scrapping infamous black laws including the Public Safety Act 2000 is another pledge which is, indeed, a popular demand. The ruling party has also committed itself to the judicious application of security laws.

Combating corruption is one of the foremost pledges the BNP has made. As per its strategy for eliminating corruption, an Ombudsman will be appointed "in the shortest possible time", the Anti-Corruption Bureau will be recast and a "constitutional, independent and autonomous Anti-Corruption Commission" will be set up. Besides government officials, the commission will also include other people. The proposed Commission would not be under the Prime Minister's Office or any other controlling authority. It would be completely independent. Assets and property of all people's representatives, the prime minister, ministers and others of equal rank and status will be made public.

Act now

It is important to give right kind of signal to the rank and file of all law enforcing agencies, intelligence agencies, service providers, party cadres at the very outset. The promises that have been given to the voters and the citizens of Bangladesh must be kept.

In addition, the time is now. The government has to act promptly with dedication if they want to value their words. Otherwise, it will be another episode of mere political rhetoric.

Join the Campaign for National Human Rights Institutions (CNHRI)

The Law Desk has teamed up with 'Law Watch, A Centre for Studies on Human Rights Law', to launch a Campaign for National Human Rights Institutions (CNHRI). The proposed network (CNHRI) will act initially as a pressure group to establish an independent National Human Rights Commission and an Office of Ombudsman in Bangladesh. Individuals and groups having proven track record of 'credible human rights work' and 'institution building experiences' are invited to join the initiative. The Law Desk is interested to receive your opinions, suggestions and writings on national human rights institutions. Selected entries will be published in LAW AND OUR RIGHTS <www.dailystarnews.com/law>

National human rights institutions are being set up in many parts of the world. While the powers of these institutions in the different countries vary, there seems to be a 'core concept' emerging. In many countries, such national institutions have not matched the high expectations they generated when they were first set up. On the other hand, in some other countries, where the expectations were not so great, national institutions have yielded some positive results. The succeeding governments of Bangladesh did not keep the promises of establishing a number of national human rights institutions they had made to the people. The network will strive to advocate for their early establishment in accordance with international standards.

If you have any query regarding the network or the issue, please do not hesitate contact us at Law Desk, The Daily Star (lawdesk20@hotmail.com; lawdesk@thedailystar.com); or Law Watch (lawwatch@msn.com; lawwatch2001@yahoo.com).

RIGHTS



The saga of inmates of Daulatdia brothel

M. FARHAD HOSSAIN

IN July 2000, a brutal incidence of human rights violation got huge coverage by the press and international electronic media because of its sensitivity and degrees of atrocities. We have observed that almost all the national daily newspapers in Bangla and English gave huge news coverage and published continuous follow-up and investigative reports on the cruel and unprecedented police actions at Goalando (Daulatdia in Rajbari district) brothel and its spontaneous backlash exhibited by the local community people, passers-by and inmates of the brothel. The national daily newspapers irrespective of their political and ideological stand gave great importance to the sad and atrocious incidence that happened by the police force. However, police excesses and merciless actions perpetrated there remind us that the peaceful common people are not safe under the police.

The Daulatdia red-light area/brothel adjacent to the Daulatdia Ghat (river port) is the oldest and largest among different brothels in the country after the eviction of Narayanganj brothel in 1999. In 1984, the local reactionary groups burnt this brothel to ashes, which had been established at the Goalundo Ghat (river port), during the British rule. Afterwards, the red-light area was re-established near the Daulatdia Ghat.

History of the Goalando brothel

It is said that Goalando had been named after the name of the Portuguese pirate Gonzales. Once there were limitless menaces caused by the Portuguese and Mug (Burmese) pirates in the offshore and riverside areas of the whole South Bengal. The Portuguese pirates used to abduct young men from the offshore villages and sold them as slaves in different parts of the world. The pirates also used to abduct girls. Subsequently, the abducted women were never accepted by the society. Then they started to live at the red-light area permanently. It is known from another source that Calcutta had been connected with Goalando Ghat by railway in 1920. During the period of building railway, some English people and their labourers came to this area. That time, the local poor women started to work for the English people and the labourers. At one stage, intimacy grew among these women, the English, and their associates. Therefore, the society did not accept these women. Later, those women became mates of pleasure to those coolies, serangs and other workers who used to visit the Ghat. The Goalando brothel grew up like this way. After that, many girl children were born in the red-light area. They also got confined in there. The area gradually became bigger in size. The number of the girls also began to grow. Many girls, other than those born there, were sold here after being abducted and cheated. On the other hand, many of them have been living here hereditarily on this profession, due to cruelty of poverty, taboos and social stigma and structure. Currently, nearly 2,500 girls and women live in this red-light area of Daulatdia.

Facts file of sufferings

The women engaged in sex profession are extremely hated, stigmatized and unacceptable by society and religion. They are not allowed to enjoy their basic human rights and exercise religious practices in social life. Sex workers face strong resistance from local community and society when they try to resettle and rehabilitate themselves by abandoning their degraded life and profession. The sex workers are not an organised community. Their incapability to organise themselves exposes them to exploitation and cheating by the vested interest actors of the society. These actors include bariwali (owner of the houses without owning land inside the brothel), pimps, shopkeepers, rickshaw-pullers, doctors, the police, local mastans (musclemen), extortionists' groups, etc. It is an irony that while people victimize and castigate the sex workers, they haunt the brothel under different disguises.

It is worthy to mention here that The People's Health Assembly (PHA) 2000 was held during 4-8 December 2000 at Savar, Gonoshasthya Kendra to hear the unheard voices of the grassroots and downtrodden people of the world. At this event, an inmate of the Daulatdia brothel, Lipi, a girl child who became a prostitute against all her will, while narrating her horrific experience presented a vivid picture of the situation at the brothel in presence of nearly 1,500 participants from almost 90 countries around the globe. She depicted the prevailing situation there in the following words, "I shall escape

again (from brothel). Now I am waiting for my mother's return. Goalundo thana police arrested her under the Public Safety Act (PSA) and sent her to jail though there was no allegation against her. On 10 July 2000, the police raided and looted the brothel in the name of arresting miscreants. Forty sex workers were injured. We always try to satisfy police but their demand is increasing day by day, they continuously harass our people."

The mainstream community, even after death, does not permit sex workers to bury or cremate their dead bodies. Their dead bodies are thrown into the mighty river Padma. They are also not allowed to wear shoes and footwear when they go outside the brothel. Although brothel women earn significant amounts of money till they are in their mid-youth, they cannot actually enjoy their hard-earned money. Most of their earnings go to the pockets of the exploitative groups. It happens so mainly due to their illiteracy, ignorance, lack of human skills, unity and low self-esteem compounded with decade-long exploitative socio-cultural structure and hateful attitude of the



Who will empower these hapless girls with their rights?

society. They do not have access to health and education services, credit, information, recreation, etc. available to the community. Moreover, sex workers are forced to buy their daily essentials at higher prices from shops inside the brothel while extortionists' groups control their incomes.

The investigation: Chronicle of human rights violations

Amid complaints and counter complaints, a team of human rights activists, NGO workers and reporters from the Dhaka-based national dailies went to see the prevailing situation there and find out the real causes behind the cruel incidence and other perpetual sufferings of the sex workers and their children.

On 12 July 2000, an English newspaper published a short report on the said incidence. This newspaper reported that 40 persons were injured in a clash between the villagers, sex workers and the police. Police raided the brothel to apprehend and accused of looting arms from the Jookura police out-post based at the river port of Daulatdia. The English daily wrote, "But the sex workers alleged that Detective Police and SSF arrested their clients instead of the accused person and looted cash gold. They also beat the sex workers when they tried to protest their action." One thing is clear from the news that the villagers' spontaneous involvement in the mass protest was against police excesses and oppressions.

Another daily English newspaper reported that a fierce clash erupted among police, sex workers and the villagers at Daulatdia in the evening of Monday (10th July 2000) because of police brutality. The staff reporter of this newspaper said, "Sanghati, a human rights coalition, alleged that two sex workers in Daulatdia brothel at Goalando were seriously injured as police opened fire when they refused to pay toll on Monday. Police entered the brothel at night on the plea of ousting terrorists and demanded extortion money from the sex workers. As the sex workers refused to pay, police began to beat them up and at one stage opened fire leaving two of them criti-

cally injured," a report of the Sanghati said.

A daily Bangla newspaper of 13th July 2000, described the situation at Daulatdia brothel as tense and unstable. It published a report after on-the-spot investigation with the heading that 'a dispute over sharing of extorted money is behind the scenes.' An unstable situation at Daulatdia brothel under Rajbari district was prevailing there after the fierce incident that took place on 10 July 2000. Many of the people and concerned organisations have investigated the causes behind the incidences of police raid, firing and indiscriminate inhuman beating of the sex workers by police. The statement of the police was not clear, why they raided the brothel.

The causes behind the fierce incidence became clear to all after some investigations made by different corners internal dispute among police forces over sharing of extorted money from the brothel, massive rise of awareness among the sex workers, and the interest of an NGO. An NGO started a new project at the brothel under the Ministry of Social Affairs with assistance from an international organisation. Therefore, this NGO have their project office at the brothel area.

It is known through investigations that more than two thousand sex workers live in Daulatdia brothel. On average, 50% of them have clients at night. The local Goalando thana (police station) police collect illegal tolls of Taka 30 per each client from at least one thousand clients per night, which amount to Taka 30,000 per night. In addition, there are 91 liquor shops inside the brothel from which the police also collect illegal toll everyday. Besides, the prostitutes have to pay illegal tolls to cross a bamboo-made makeshift bridge. Since March 2000, the sex workers had been not paying money to the police regularly for crossing the bridge. It was the demand of the sex workers that it was their right to use the bridge, and for this, they would not pay any money. From the same time, many of the sex workers had stopped paying illegal money to the police for having clients at night. Alternatively, they were reluctant to pay any money any more. Education, health, and awareness raising programs for the sex workers and their children at the Daulatdia brothel have been provided for long seven years. As a consequence of the activities run, the sex workers are becoming conscious about their rights and protesting against different types of tortures. There was a complaint that the district police head office was not getting the share of extorted money from the brothel. Accordingly, the district level police officers became displeased with the thana level police officers.

The raid

On Monday 10 July 2000, the additional police super and other district level officers jointly lead a surprise attack on the brothel. The officer-in-charge of Goalundo thana told a daily Bangla newspaper that he was on leave while the incidence took place. Otherwise, his police station was not informed beforehand regarding the said police raid. He informed a newspaper that the brothel was raided to arrest some suspects involved in looting arms from the nearby river police outpost. However, it was surprisingly found that none of the arrested persons from the brothel was anyone among the suspects involved in the arms looting.

During the raid, the incidence of looting cash, shops and gold ornaments of the sex workers took place, which was investigated. The police filed a case under the most controversial law Public Safety Act (PSA) against 13 persons including a staff of a local NGO, who long with the local people and sex workers protested inhuman police actions at Daulatdia.

The alarmingly deteriorating law and order situation in the country proves that the police are inept, inefficient, corrupt and partisan. The brutal incidence reminds us of such actions jointly taken by the Pakistani Occupation Army and its accomplices the Para-Militia of the then West Pakistan and the Biharis living in Bangladesh during the Liberation War in 1971. They usually used to seize and raid different villages, mohollahs, bazars or people's localities in the plea of searching for the Mukti Bahini (in their language Muktis or Mukti Fouz) and indiscriminately torture and arrest innocent people and loot cash, valuable, etc. Exactly the same thing happened at the Daulatdia brothel in July last year. Like the situation of occupation days during the Liberation War in 1971, the innocent people are not safe and sound under the police. The police have different departments like Detective Branch, Special Branch, etc to look for suspects and nab them. Why don't they use those to

arrest suspects and criminals? Rather they resort to raid to violate basic rights of people under different pretexts.

On the 12th July 2000, 16 daily newspapers (both Bangla and English) in Dhaka City gave extensive coverage on the fierce incidence at Daulatdia brothel. On 13th July, four daily newspapers have published follow-up and investigative news covering the existing situation. A report from an influential Bangla daily newspaper wrote that the four thousand prostitutes of Goalando red light area were living in utter helplessness. Another Bangla daily reported that the prostitutes of Daulatdia sued against police personnel for looting their cash, gold ornaments and other valuables at the brothel. A Bangla tabloid published a report with a headline that the sex workers of Daulatdia were then crying. Their weeping was not stopped. Since the sad incidence on Monday (the 10th July), many of the national dailies regularly published follow-up and on-the-spot investigation reports to portray the existing grueling situation at Daulatdia brothel.

Severity of police atrocities may be shockingly guessed when a leader of the sex workers told the press that even the pregnant women were not spared from police repression. She further told the press that police took away an expecting mother from her room and she was beaten up mercilessly and indiscriminately. Police kicked her with boots in the belly. This victim's name was Munki. She was admitted into hospital in a critical condition.

Another leader of the sex workers, bariwali Morjina told the newspaper reporters that she had never seen such barbarous behaviour of police for the last 30 years. Police firing seriously injured Zakiron, 25, Shila Akther, 22, Shila Khatun, 22, and Shahid, 26. Besides, the following inmates of the brothel were critically wounded by brutal police actions: bariwali Parvin, 45, pregnant Munki, 25, bariwali Nazma Begum, 32, child prostitute Sonia, 16, bariwali Shafia, 40, Nasima, 27, Sultana, 25, Shakhi, 30, Rina, 40, and Nazma, 25.

It was repeatedly mentioned in the follow-up reports in the press for more than a week that the inmates of the brothel were suffering from anxiety and worries due to uncertainty of their livelihood and the volatile situation there. On one stage, they were on the edge of starvation. The vice president of the Mukti Mohila Samity (MMS), an organization of the sex workers registered under the Social Welfare Department of the Government, claimed that they did not have the minimum civil rights although they were regularly paying taxes as citizens of Bangladesh. She claimed that police violated their basic rights and they wanted justice for the brutal incidence.

The protest and the future

The workers and chief executives of nineteen NGOs working in Rajbari district demonstrated against the sad police actions at Daulatdia brothel and submitted a memorandum to the district administration demanding compensation for those who were victimized, proper treatment of the injured sex workers and local people, exemplary punishment to those responsible for the inhuman actions, and return of normal peaceful situation at the brothel. A district level leader of the then ruling party Awami League informed the press that the way police beat the people was indescribable. He said that such an incidence was the extreme violation of human rights. He also demanded a rapid solution to the existing problem.

It was complained and reported that the local thana officer-in-charge was suppressing the basic right of freedom of speech by putting undue pressure on the sex workers. After the sad incidence at Daulatdia on 10th July 2000, both English and Vernacular daily newspapers, weekly supplementary, weekly magazines, etc continuously published investigative and on-the-spot reports on it and its aftermath for four weeks. It proves the enormity and propensity of the inhuman and brutal incidence. All these prove that the brutal incidence at Daulatdia brothel is gross violation of human rights of the most vulnerable group of the country. The police should refrain from such atrocious actions in future and show restraints and respect to the citizens of Bangladesh as human beings.