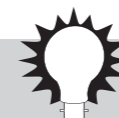




LAWSCAPE



The situation of women in Bangladesh's prisons

ODHIKAR

THE prisons of Bangladesh are afflicted with various problems, which do nothing to improve the situation of their inmates. One of the main factors is the condition of the prison buildings. Most of the prisons in the country were built during the British Raj. The cells are small and cramped, sanitation poor and ventilation inadequate. Many of the buildings are dilapidated and throughout the years, accommodating prisoners beyond cell capacity; supply of low quality food; lack of adequate medical facilities; crime; the spread of various kinds of disease; the harassment of inmates; inadequate/insufficient budget allocation etc. have all added to the slow degradation of the prison system in Bangladesh.

The female inmates in these prisons face the most difficulty. Not only is there seriously inadequate number of cells for female prisoners, the sanitary facilities are deplorable and there are no special facilities for children accompanying their mothers in jail. Furthermore, lack of proper food and medical attention cause complications to the health of those inmates who are with child.

Summary of Investigation Findings

Dilapidated buildings

There are 80 prisons in the country, out of which nine are central jails, 55 are District jails and 16 are Thana jails. The central and most of the District prisons were built during the British Raj, with inadequate amenities. Although these prisons were renovated on an urgent basis, urgently required changes were not brought about in them. Despite the expiry of the period of durability of many prisons buildings, many prisoners and under trial prisoners have been living in those prisons under the constant threat of short circuits, wall or roof collapse and poor sanitation. For example, Rajshahi Central Jail was built in 1840 and is now in a very vulnerable condition.

Over crowding

Even though Rule 129 of the Jail Code states that 'thorough ventilation of the sleeping barracks is of the greatest importance; at least 10 square feet of ventilation area per prisoner should be provided', over crowding is a common phenomenon in Bangladesh's prisons. Very often inmates have to take turns to sleep and some are unable to even lie down due to the packed cells. Rule 847 of the Code states that arrangements need to be made to avoid the confinement of prisoners 'in excess of the sanctioned number'. If the arrival of excess numbers is apprehended, the Superintendent must communicate with the office of the Inspector General to see if the excess can be distributed to other jails. Unfortunately, with overcrowding in all the large jails in Bangladesh, such method of distribution is impossible.

Jail reports do not include the number of children accompanying their mothers. On must remember that women are accompanied by infant and small children. Such inhuman living conditions affect not only the prisoners but innocent children as well.

Insufficient food supply

Despite provisions in the Jail Code, inmates state that prison food is sub-standard and insufficient. This is, allegedly, due to pilfering of food meant for



prisoners and/or the indifference of those responsible for feeding them. There is also some discrimination between those prisoners who can afford to bribe

jail authorities to get more food and those who cannot. However, there are conflicting views regarding food between the prisoners interviewed and the jail police.

In collusion with the higher authority, the suppliers of food send the prison lower quality food for more profit. Besides this, there is the alleged complain of reducing the quantity from the daily allocated 133.28 grams of vegetables, 72.90 grams of fish/mutton, 77.90 grams of beef and 145.80 grams pulse for the convicted and under trial prisoners by some of the dishonest employees of the Jail Authority. Furthermore, despite the imposed restriction on the supply of food from outside, some persons enter into the Jail with food by establishing a 'good relation' with the police and supply it to their respective relatives in prison. Taking advantage of the poor quality and quantity of prison food and the demand of food for outside, it is alleged that some opportunist, dishonest and corrupted jail officers and employees have been earning a handsome amount of money every month.

Medical treatment

The Jail Code provides for the position of a Medical Officer, a Sub-Assistant Surgeon and a compounder. The medical facility in prisons is extremely basic and almost non-existent. Although there are hospitals for prisoners in some of the jails, especially in the central jails, yet most of the jails do not have this as a functioning facility. Furthermore, Order No. 8355P of 25 November 1913 states that all prisoners should be vaccinated as soon as convenient after arrival at jail and booster shots carried out when necessary. Given the fact that a large number of the inmates' come from poverty-stricken backgrounds, the practice of relevant vaccinations would be beneficial to them. The insufficiency of necessary medicines, want of full-time doctors, the negligence of the authority, and corruption has deteriorated the health sector of prisons. The patient can hardly get medical service while rich prisoners can be easily admitted to the wards and the promise of a comfortable bed instead of a hard cell floor.

Here, too, female prisoners face hardships. Despite provisions in the Jail Code (Rule 94) that there should be separate hospitals for male and female prisoners, this is not the reality. For example, Comilla Central Jail has one hospital, where there are 73 beds for male prisoners and only 2 beds for the female convicted and under trial prisoners. This is really a matter of concern and regret. There is allegation that although the pregnant women are supposed to undergo periodical medical check-up at least twice a month, they are being deprived of it. There is only one permanent Medical Officer in this hospital. Seriously, sick prisoners are provided with the medical service in the nearby hospitals. Rules 1167 and 1168 state that every hospitalised prisoner must be provided with a bed, a proper mattress and as many blankets as is deemed necessary.

Pure water and sanitation arrangement

The arrangement for safe drinking water in prisons is dubious and in all probability, ordinary tap water is used in all the prisons of the country. Furthermore, the sanitation system is not up to the mark. Besides this, the drainage system is not hygienic. There is, as has been said, not a sufficient number of toilets in any of the prisons. For example, in the central jail of Rajshahi there are only two bathrooms for the female prisoners. Although it is alleged that everyday a sweeper cleans the jail's two toilets, yet that effort becomes futile due to excessive use of them.

Crimes and diseases

The convicted and the under trial prisoners met the new criminals often. Therefore, the inclination or tendency towards crime increases. Due to the long term of confinement in the prisons/jails inmates fall victim to various kinds of physical and sexual abuse, addiction to drugs or narcotics smuggled in, gambling, etc. Since the drugs and narcotics become easily available by way of dishonest and corrupted prison or jail guards, the addiction

towards these have been on the increase among the convicted and the under trial prisoners. Living together in overcrowded conditions causes the quick spread of diseases. Tuberculosis, jaundice, skin disease and drug addiction are extensively noticeable.

Among the female prisoners, most were involved in prostitution, drug and narcotics trafficking and sale, murder, torture and offences punishable under the Special Power Act. There are also women in the prison under 'safe custody', ordered by the judge. These women are not criminals, nor have they committed any crime. They are kept in the same cells as the convicted and under-trial prisoners and have to do the same jobs and face the same treatment as them. Some of the safe custody victims are women rescued from traffickers or from brothels. Others are young girls who had eloped to get married, only to be 'rescued' and put in 'safe custody' when their irked parents filed abduction cases against their husbands'.

Harassment of female prisoners

The attitude of the police and the prison guards to female prisoners in the prison or Jail is often crude and brash. In some prisons, there are allegations of sexual harassment of female prisoners as well. Needless to say, those prisoners who pay money to the officers and the employees and those who become familiar due to their long stay in the prison may live a bit better. The situation of the district and Thana jails has taken an extreme shape. The physical torture on prisoners, forceful extortion of money and the supply of drugs and narcotics in the prison along with the supply of low standard food are continuing without check. There are allegations that these types of activities are taking place in collusion with a section of corrupted police and due to the extreme negligence and indifference of the Jail Authority. As such, untoward incidents have often been taking place amongst the under trial and convicted prisoners.

Visitors

The relatives and friends of the prisoners cannot just go and see the inmate. They have to bribe jail authorities to do so. The visitors have to pay 30 to 50 Takas per head to the prison police only to have a glimpse of one's own respective prisoners. Even if they manage to get into the visiting room, divided by an iron grille, talking is unthinkable, due to the crowd of visitors and prisoners pushed together in the room.

Foreign prisoners

The existence of foreign inmates as well as what are known as 'released prisoners' add to the cramped prison conditions. There are prisoners of Indian, Myanmar, Sri Lankan and other nationalities in the prisons of Bangladesh.

In Comilla Central Jail, there were 276 foreign 'released prisoners' in March 2001. Of them, seven are women. In this context the Deputy Jaier Forkan Wahid said, that 'Released Prisoners' (RP) were those who were unable to come out of the jails due to negligence and complicity of the governments of both countries, as well as the prison administration. Thus, prisoners relieved from their punishment quite a few years ago cannot return to their respective countries and have to suffer being confined in the jail.

Odhikar hopes that this report on the situation of female inmates in Bangladesh's prisons will highlight to the relevant government authorities that there is a serious need to amend the situation and create separate, improved facilities in every District of the country for female prisoners, manned by female medical staff, more female wardens and conscientious prison staff. These institutions should have separate wings for women in safe custody. Odhikar also hopes that the report will also encourage the government to improve the over all situation of the present jails around the country.

LAW watch



Incapacitating the CHR: Asian bloc's ongoing agenda

HUMAN RIGHTS FEATURE

THE Asian group's recent intervention at the 58th session is the latest indication of its attempt to undo the work of the Commission on Human Rights. The intervention of the Japanese Ambassador Yusuaki Nogawa on 19 March 2002 under Agenda Item 3 - 'Organisation of the Work of the Session' - is the strongest indication to date of the Asian bloc's attempt to dismantle the work of the United Nations Commission on Human Rights (CHR) in Geneva.

Apart from policing NGOs through misinterpretation of ECOSOC resolution 1996/31 such as 'circulating a list of NGOs which have been denied consultative status at the ECOSOC, the Asian bloc recommended "biennialization and clustering of agenda items, reduction of the number and length of resolutions through inter-alia, biennialization of as many thematic resolutions as possible, and discontinuation of resolutions which are no longer warranted by existing circumstances, in addition to strict observance of speaking time limits."

In view of the results of the Open Ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, the Asian Group's statement appears to be yet another attempt to weaken the CHR and its mechanisms.

At the 53rd Session of the Commission on Human Rights in 1997, a draft resolution on the Rationalization of the Work of the Special Procedures was circulated - without a sponsor - among a few diplomats. This resolution was ostensibly drafted following the submission of a report on Pakistan by the Special Rapporteur on Torture (E/CN.4/1997/7/Add.2). Fortunately, some States and lobbied strongly against the text. As a result, the draft resolution was not tabled formally, nor did any delegation claim its authorship.

At the 54th Session, the contents of the draft resolution on Rationalization of the Work of the Commission at the 53rd Session were adopted using a seemingly innocuous method - through a decision (1998/122) of the Commission on Human Rights on 'Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights'.

The Commission on Human Rights also passed another apparently innocuous resolution titled 'Restructuring the Agenda of the Commission on Human Rights through Resolution (E/CN.4/RES/1998/84)' and introduced the 'Rationalization of the Work of the Commission' as a separate agenda item for the next session.

After the report of the Bureau on Enhancing Effectiveness of the Commission on Human Rights was submitted at the 55th Session (E/CN.4/1999/104), the "Like Minded Group" (LMG) - composed of Asian countries such as Bhutan, China, India, Iran, Malaysia, Myanmar, Nepal, Pakistan, Sri Lanka and Vietnam - presented its views on the "Rationalization of the Work of the Commission" in the document contained in E/CN.4/1999/120.

In its decision 2000/109, the Commission decided to "approve and implement comprehensively and in its entirety" the report of its inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights. The report had the most negative effects on the United Nations Sub-Commission.

Ambassador Nogowa in his intervention at this session stated: "Most importantly, the Asian Group continues to place the highest priority on creating an atmosphere of dialogue, cooperation, consultation, understanding, and consensus building to enhance the effectiveness of the Commission and to avoid politicisation of its work. The Asian Group would like these considerations to govern the work of the Commission, including under Agenda Item 9".

The reference to Agenda Item 9 makes the intention of the Asian Group clear: they would like no reference to be made with regard to their countries. Avoiding politicisation of the work of the CHR has been a constant refrain of the Asian Governments. Yet, in the name of enhancing the effectiveness of the Commission on Human Rights, the United Nations Sub-Commission, consisting of independent experts, has been reduced to an ineffective body.

The result of the adoption of the decision 2000/109 is that while the Sub-Commission can continue to debate country situations not being dealt with by the Commission, and while it should also be allowed to discuss urgent matters involving serious violations of human rights in any country, it cannot adopt country-specific resolutions and must refrain from negotiating and adopting thematic resolutions that contain references to specific countries. It was the Like-Minded Group (LMG) countries led by the Asian Bloc that suggested under Recommendation 19 that "[t]he proposal to forward a compilation of debates in the Sub-Commission to the CHR should be rejected and the Sub-Commission's debate on country situations should

completely abolished".

The report of the Chairperson of the Sub-Commission on Promotion and Protection of Human Rights in this Session of the CHR states, "The ability to prepare draft resolutions on country situations was a very effective means of encouraging constructive dialogue and negotiation between the Sub-Commission and Governments responsible for human rights violations. That approach resulted not in a large number of adopted country-specific resolutions, but rather in a series of statements by the Chairperson accompanied by concrete commitments, voiced and put on the public record, by various Governments to improve the human rights situations within their respective nations."

The Chairperson of the Sub-Commission further states, "The inability to pursue country work openly and diligently has significantly hampered the Sub-Commission's capacity to promote and protect human rights around the world. One predictable consequence of the Commission's decision to discourage the Sub-Commission from adopting country resolutions has been a decline in NGO participation in the debate on item 2. Only 21 NGOs spoke in 2001 under item 2, compared with 29 in 2000 and 33 in 1999. Thus, in just two years there has been nearly a 40 per cent decrease in NGO participation under agenda item 2. NGOs are the lifeblood of the human rights movement and of the Sub-Commission's work. Such a decline can diminish the Sub-Commission's impact."

In its resolution 2001/60 of 24 April 2001, the Commission on Human Rights requested States "when nominating and electing members and alternates to the Sub-Commission, to be conscious of the strong concern to ensure that the body is independent and is seen to be so". If the Asian bloc were genuinely concerned and serious about avoiding politicisation of the work of the CHR, an independent expert body such as the Sub-Commission should have been allowed to adopt country resolutions and to refer to a country in thematic resolutions. For the Asian Governments avoiding politicisation of the work of the CHR will mean that the CHR should not adopt country resolutions and refer to a country in a thematic resolution.

The problem with Asian GONGOS

Ambassador Nogowa's statement was a direct attack on NGO freedom. He stated "Despite the Asian Group having raised these issues on several occasions, there have been instances where NGO accreditation procedures have not been fully complied with and sometimes even exploited or misused to advance interests outside the scope of human rights. ... cases of NGOs misleading fellow NGO representatives into unwittingly subscribing to spurious documents for circulation in the Commission have been recognised in past sessions."

If any NGO carries out any activity against the Charter of the United Nations, the ECOSOC resolution 1996/31 provides for withdrawal of Consultative Status. Many Asian States have also complained to the NGO Committee in New York in the past.

NGOs are all for improving the functioning of the Commission on Human Rights. However the proposal of the Asian Governments is not the best way to improve the efficiency of the Commission on Human Rights. Some soul-searching and peer pressure could improve the efficiency exponentially. Cases of Government-Organised NGOs (GONGOS) misleading the NGO representatives into unwittingly subscribing to spurious documents for circulation in the Commission have been recognised in the last one and half decades. More than the NGOs, it is the governmental representatives who are misled by these GONGOS. Before the introduction of current limit of six statements by each NGO, it was the GONGOS that used to make interventions on each agenda item condemning particular countries. Most NGOs make limited interventions in the areas of work or issues under their mandate. If Asian countries - India and Pakistan in particular - stopped bringing along GONGOS at the expense of the tax payers, to engage in Indo-Pak shadow boxing, the Commission's efficiency would increase substantially. Pakistan and India are not alone. Countries from across the world bring GONGOS. Other governments have been using GONGOS to weaken the credibility of the NGOs, trivialising serious human rights situations in the process. It is time countries such as Japan put peer pressure on the Asian governments that bring GONGOS to the Commission meetings.

Ambassador Nogowa further states: "Whenever there is clear evidence of the misuse of accreditation procedures or rules of procedure by any NGO or its representative, the matter should be addressed and redressed by an inter-governmental body such as the NGO Committee in New York. Such action would not preclude consideration by the Bureau to take steps within the Rules of Procedure during the course of the session. In this regard, with a view to enhancing transparency and the credibility of the NGOs at the

Commission, the Secretariat, in consultation with the NGO Committee, should every year circulate a list of NGOs which have been denied consultative status at the ECOSOC".

The ECOSOC resolution 1996/31 does not provide that a list of NGOs who have been denied ECOSOC status should be published. Rather under para 59 of the resolution, an organisation whose consultative status or whose listing on the Roster is withdrawn may be entitled to reapply for consultative status or for inclusion on the Roster not sooner than three years after the effective date of such withdrawal. While independent NGOs from Asia have great difficulty in obtaining ECOSOC Status, GONGOS face no such difficulty. If Asian governments seek to amend the ECOSOC resolution 1996/31 to ensure such transparency, the objections of the concerned States must be provided in writing and be circulated to the Commission on Human Rights so as to ensure full transparency.

Circumventing rules to police the Special Procedures

The Asian Bloc states, "Concerning the interactive debates with Special Rapporteurs and other mandate holders, the Asian Group is of the view that such debates should follow the same pattern as in the Third Committee of the UN General Assembly and should only be a debate between States and mandate holders."

This attempt to exclude the NGOs in the debate exposes the hollowness of the Asian bloc's proclamation that it "welcomes and encourages the participation of NGOs in the work of the Commission". This is a deliberate attempt to curtail freedom of statement. While NGOs have the right to participate in the proceedings of the subsidiary bodies of the ECOSOC and the World Conferences organised by the United Nations under ECOSOC resolution 1996/31, they have no such rights at the Third Committee. It is unclear as to how the practice of the Third Committee can be replicated given the Consultative Status of the NGOs with ECOSOC and given the interaction of the Special Rapporteurs with the NGOs. Generally, the concerned Special Rapporteurs or representatives present the report to the Commission and various delegations, including NGOs, make interventions on the agenda item under discussion. What the Asian Group is suggesting is the circumvention of ECOSOC resolution 1996/31 and a halt to dialogue with NGOs either through oral interventions or parallel meetings at the Commission.

Time Saving

The Asian Group also states: "Joint statements should be encouraged, and limits to the number and duration of statements should be fastidiously observed as means of saving time".

Statistics relating to the 57th Session of the Commission on Human Rights provide that Asian States which are less than 25% of member States of United Nations make 33.5% of all statements against 22.5% by African States, 21.5% by Latin American States, and 9% percent by Eastern European States. Consequently, Asian States spend 12 hours and 39 minutes against 3 hours and 16 minutes by Eastern European States. Moreover, a lot of time is taken up by voting, statements by dignitaries and other events. Furthermore, it is the Asian Governments that exercise the right of reply more often than any other blocs.

The defensive attitude of the Asian countries arises out of an indefensible human rights record. It was the Asian group that had raised the issue of Asian values and cultural particularities before the Vienna World Conference on Human Rights. The issue is raised regularly at the Annual Workshops on Regional Arrangement for the Protection and Promotion of Human Rights where these countries maintain that they cannot develop a regional human rights mechanism in the region. Indeed, little can be expected of a region that does not even have a common vision on human rights, such as the African Charter on Human and Peoples' Rights. The Asian Group stubbornly - and absurdly - continues to see NGOs and United Nations Special Procedures mechanisms as threats rather than as partners and tools for the protection and promotion of human rights.

It is regrettable that some of the Asian countries who were the driving force behind the development of investigatory human rights mechanisms against the former apartheid regime in South Africa and occupation policies of Israel continue to attempt to undermine the universally applicable special procedures, and try their best to avoid international scrutiny at the CHR.

Human Rights Features is the voice of the Asia-Pacific Human Rights Network.

ANNOUNCEMENT

STAR LAW NETWORK

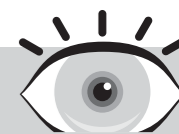
The Daily Star is interested to establish a pool of pro-active and 'socially committed' persons for contributing effectively towards ongoing efforts and discourses on law, legal education, legal system, legal decisions, law enforcement, human rights trends, issues and standard-setting. The proposed Star Law Network (SLN) will be primarily based in Law Desk, the Daily Star and the 'LAW AND OUR RIGHTS' section will regularly publish the diverse contributions (e.g., articles, features, critiques, letters, reviews, reports etc) the network would generate. Law students, researchers, lawyers, judges, teachers, social activists and 'human rights defenders' are eligible to participate in the initiative. Persons having genuine interests and participation in the issues of governance, law and human rights with no formal background in law are also welcome to join the proposed network.

The Law Desk also intends to develop an 'Interactive E-mail Network' for the pro-active and 'socially committed' members of legal and human rights fraternity from across the world to facilitate stimulating exchange of views, notions and information. Expanding the 'traditionally limited access to information' will be another aim of the SLN. www.dailystarnews.com/law has already opened a new frontier of information and exchange. We cordially invite interested readers of the Daily Star to join this unique initiative for creating a people-friendly legal system and promoting a culture of human rights and tolerance. Please send your name, contact details and preferred area(s) of contribution to the Law Desk. We will keep you informed every Sunday through LAW AND OUR RIGHTS.

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LAWvision



FAIR's 2001 survey

Think tanks in a time of crisis

MICHAEL DOLNY

In 2001, during a time of crisis, the mainstream media rounded up the usual think-tank suspects. Once again, media used think tanks quite often during the year, with over 25,823 citations for the 25 leading think tanks. (FAIR's annual survey looks at mentions of think tanks in the Nexis database files for major papers and broadcast transcripts.) Thirty-four percent of these citations occurred on or after September 11--a time period that represents roughly 30 percent of the year--suggesting that media were slightly more reliant on these news-shapers in uncertain times.

Once again, the centrist Brookings Institution topped the list, garnering almost 15 percent of the citations for the total sample--far surpassing any other think tank. The only newcomer to the top of the list was the National Bureau of Economic Research (NBER), another centrist group that generated a great deal of media attention with their late November announcement that the United States was in a recession. No progressive or left-leaning think tanks finished within the top 10.

The overall percentages for the year were consistent with findings for previous years, with conservative or right-leaning think tanks garnering 48 percent of the citations, centrists receiving 36 percent and progressive or left-leaning think tanks receiving 16 percent. However, centrists dominated the think tank spectrum post-September 11, with Brookings and NBER receiving the most citations. Conservative think tanks had 40 percent of citations after the World Trade Center/Pentagon attacks, while progressive citations declined to 11 percent. Progressives were especially absent from broadcast media, earning just 8 percent of citations after September 11.

The think tanks whose visibility declined most after September 11 were the Family Research Council, the Urban Institute, the Center for Public Integrity and the Competitive Enterprise Institute, reflecting an apparent decline in media interest in social issues, domestic economic issues and campaign finance. Interestingly, the economic recession did not seem to produce a particularly large number of mentions of economic think tanks; the one notable exception, the National Bureau of Economic Research, was mostly cited in brief mentions of its finding that a recession was officially underway.

Not surprisingly, think tanks associated with military or foreign policy issues were highly visible after September 11, often receiving about half their citations after the airliner attacks. The conservative Center for Strategic and International Studies received 51 percent of its citations in this time period, while the centrist Council of Foreign Relations got 47 percent. Likewise, 48 percent of the progressive Center for Defense Information's mentions were post-September 11, although these mentions were less than a third of those received by CSIS or CFR. In electronic media, the difference was even more stark, with CFR receiving 407 citations after the attacks, CSIS getting 310 and CDI only 48.

The Institute for Policy Studies, another progressive think tank dealing with foreign policy issues, fared little better, receiving 57 citations from the electronic media citations after September 11. Given that in times of conflict, many citizens choose the immediacy of the electronic media over newspapers, it's troubling that these media chose to constrict rather than expand the national debate; new questions apparently required few new answers.

Michael Dolny is a visiting assistant professor in sociology at Montana State University. Think Tank Monitor is a joint project of FAIR and the Institute for Public Accuracy.