

Good governance and human rights



MUHAMMAD ZAMIR

THE mass killings in 1971 made Bangladesh the symbol of how an entire people could become the victim of human rights violations. It affected world conscience. The subsequent victory was seen as re-affirmation of the principles of human rights and fundamental freedoms.

It is this awareness, that prompts one today, to examine whether enough effort has gone in to ensure availability of human rights and fundamental freedoms for the citizens of our country. This assumes importance because human rights are the primary building blocks for good governance and practice of democracy. They are the pillars on which we develop our human qualities, our intelligence, our talents and our conscience. They also help to satisfy our spiritual needs.

On the other hand, absence of fundamental freedoms contribute towards conditions of social and political unrest. It affects good governance and sows seeds of conflict within and between societies.

It is this significant factor that led the framers of the United Nations Charter to attach so much importance to human rights more than fifty years ago. In several Articles (13), 13 (1b), 55(c), 56, 62 (2), 68 and 76 (c), the UN charter notes the need for promoting and encouraging respect for human rights and fundamental freedoms for all without distinction to race, sex, language or religion.

The Bangladesh Constitution has similarly emphasised the ensuring of human rights for the people of Bangladesh. These have been enumerated in different

constitutional principles. Article 8(1) stresses on economic and social justice. Article 11 mentions that the Republic shall be a democracy where human rights will be guaranteed. Article 15 outlines the elements that will ensure 'improvement in the material and cultural standard of living' of the people -- right to food, clothing, shelter, education, medical care, recreation and social security. Article 17 mentions that the State shall create 'uniform' mass oriented and universal system of education for all children. Articles 19(1) and 29(1) emphasise

44(1) which stipulates enforcement of fundamental rights by moving the High Court Division in accordance with Clause (1) of Article 102.

These elements are impressive in their content and scope. On the other hand, they seem to be present in most situations in their absence rather than compliance.

Unfortunately, various international human rights watchdogs have, at different times, drawn the attention of Bangladesh authorities to violations that include torture, deaths in custody, arbitrary detention, of government

access to judicial remedies. Quite often, governments in power invoke the Special Powers Act, 1974 (SPA) to detain members of opposition parties. Such a step is further complicated by the discretionary powers of the District Magistrate who arbitrarily defines the commission of a 'prejudicial act.' Fortunately, more often than not, these views are declared as unlawful by the High Court. However, this is done mostly on procedural grounds and on the basis that the High Court has to be satisfied that a person has been detained under a lawful authority.

The Supreme Court has rebuked the government for its failure. We have seen contempt proceedings drawn up against bureaucrats. However, the issue has still not been resolved. The authorities guided by their limited interests fail to appreciate that unless this element is guaranteed, governance will suffer. We must understand that the executive has to function under the directives of an elected legislature and the judiciary has to be able to monitor state action.

This factor becomes that much more important, given the persistent criticism that judges of proven quality, seniority and experience are not being brought into the judiciary.

Governance today leaves a lot to be desired. The situation has deteriorated because the ordinary citizen feels that a nexus not only exists between criminals and politicians but also that corruption has tainted judicial officials. They also believe that there has been erosion in basic values. Frustration has grown specially in the rural areas. Newspaper reports indicate that in many cases, affected persons face difficulty in filing suits or even persuading the police to institute a case. This has been most prevalent with regard to acid victims. Retribution, through judicial process has receded to the background.

We have been hearing for quite some time that an independent, impartial and competent human rights watchdog will be set up in the country. Constituting such a National Human Rights Commission has however remained a dream. It is also true that despite many seminars, workshops and public pledges, an Ombudsman remains just mere talk. These absences do not do us credit.

We have to understand that protection of human rights is inter-linked with good governance and removal of corruption. This has to be projected at all levels.

This might be achieved by giving adequate training to the police force, investigation and law enforcement agencies on how to interview and take statements from suspects and witnesses without coercion and on how to analyse and preserve forensic evidence. After all, they are the implementation agencies.

Monitoring also needs to be introduced to ensure that the police deal more sensitively with issues of violence against women and women victims of crimes. This will create an effective accountability mechanism.

Bangladesh, over the last three decades, has taken many important steps with regard to international human rights obligations. It has become a state party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. This should, however, not be considered as enough.

We have to actively live up to the responsibilities associated with human rights. This has ramifications for our economic development. Bad governance, after all is directly responsible for hidden costs becoming an integral part of doing business in our country. There is no other option but cleaning up our stable. This is the first step towards eventual poverty reduction.

Muhammad Zamir is a former Secretary and Ambassador -- any response to mzamir@dhaka.net.

A right and an investment

Girl's education builds a better future for all



HILARY BENN

"TO be educated means... I will not only be able to help myself, but also my family, my country, my people." Meda, a 16-year-old schoolgirl from Ethiopia's Oromia region, is one of the lucky ones: worldwide, 104 million children do not even receive primary education, and 58 million of those are girls.

In sub-Saharan Africa and in India and Pakistan, nearly a quarter of girls are out of school. Many parents are simply unable to pay school fees. But there are other obstacles: girls often experience physical or sexual violence at school; and women's weak position in societies means that early pregnancies or marriages often halt girls' education. In all this vulnerability, as many as half of the girls out of school in the developing world have to work to provide income for their families, while a growing number are having to act as the carers in families where parents have died in situations of conflict, or of HIV/AIDS. In Southern Sudan, after 50 years of civil war, barely 2 percent of young girls are in school.

So Meda's vision -- so simple, strong and true -- is far from being the universal reality. It seems that some of the most basic facts are being ignored. These show that providing girls with an extra year of schooling can boost their eventual wages by 10-20 percent; that the children of mothers who have received at least five years of education are 40 percent more likely to live beyond the age of five; and that for every one boy newly infected with HIV/AIDS in Africa, there are between three and six girls.

In September 2000, 188 heads

of state from around the world formally committed themselves to having equal numbers of boys and girls in school by the end of 2005. So far, 75 countries have not met this goal. A failure for one is a failure for all, and -- with a few exceptions -- we are falling well short of our promise.

Every girl in the developing world has the right to an education. Women are at the heart of most societies, and educating girls is one of the most important investments any country can make in its own future. So how can we safeguard that right, and ensure that dividends are received on the investment?

Part of the solution is funding. Worldwide, there is an annual \$5.6 billion shortfall in funding for education -- which means that an extra \$50 is needed, each year, for each child currently out of school. Money can transform situations: an £11 million (\$20.5 million) grant to the government of Kenya's education programme in 2002 allowed it to abolish primary school fees, and saw 1.1 million pupils newly enrol within a year. The new funds are then needed to provide more teachers, for the increased numbers of children on the books. In other countries, such as Brazil, cash is provided to families on the condition that school-aged children are enrolled.

A host of other issues needs to be addressed -- the first of which is political commitment and leadership. In Yemen, for instance, where only 6 girls are currently in school for every 10 boys, the government has put gender equity in schooling as a central element of its poverty reduction strategy. Countries like Oman, Morocco, China, Sri Lanka, Ethiopia, Uganda, Mexico and India have all shown similar commitment.

Beyond politics, come the practicalities. Governments need to ensure that there are indeed local schools, with facilities for girls (not least clean water, and toilets) as well as textbooks and materials, and skilled and properly paid teachers. South Africa and Jamaica have introduced training programmes to help teachers deal with gender violence in the class-

room, while Malawi has revised the curriculum to remove gender stereotypes from textbooks. Its provision of a daily lunchtime meal now means that some 40% more girls are attending school -- and recording much better results. In Bangladesh, the numbers of women teachers in primary school have risen by 200% since 1990 -- while in one district alone, new water and sanitation facilities increased girls' attendance at school by 15%.

We have also seen that charities, religious and other voluntary organisations are good for girls. Networks such as the Forum for African Women Educationalists (FAWE) and the Global Campaign for Education (GCE) have used the media to highlight the problem of girls missing out on an education, and lobbied their governments for better support. In India, charitable foundations called *samoochs* bring women benefits such as education, health schemes, and savings and credit.

So international support needs to help and where possible fund developing country Governments in keeping girls' education as an absolute priority. The 'Education for All' Fast Track Initiative -- a global education partnership with a secretariat based in the World Bank in Washington -- was launched in 2002 to help provide additional financing and support. It plans to include an additional 20 countries in 2005-06. Within the UN system, Unicef runs the UN Girls' Education Initiative, while the Development Fund for Women (UNIFEM) supports a global campaign to eliminate discrimination against women.

It is clear that both national and international efforts need to be dramatically stepped up if we are to meet our promises and targets. We have seen the benefits of success; and we are also painfully aware of the continued damage of failure -- to individual rights and lives; and to whole communities and countries. Girls' education can indeed build a better future for all.

Hilary Benn is the UK Secretary of State for International Development.

POST BREAKFAST

We have to understand that protection of human rights is inter-linked with good governance and removal of corruption. This has to be projected at all levels. This might be achieved by giving adequate training to the police force, investigation and law enforcement agencies on how to interview and take statements from suspects and witnesses without coercion and on how to analyse and preserve forensic evidence. After all, they are the implementation agencies. Monitoring also needs to be introduced to ensure that the police deal more sensitively with issues of violence against women and women victims of crimes.

on 'equality of opportunity.' Article 22 indicates that the State shall ensure the separation of the judiciary from the executive organs of the State. While Article 26 stresses that any law inconsistent with human rights is to be void, Articles 27 and 28 go a little bit further. There will be equality before law and no discrimination on grounds of religion, race, caste, sex or place of birth. Article 31 proposes right to protection of law and Article 33 safeguards an individual from arbitrary arrest and detention. Similarly, Article 35 provides protection in respect of trial and punishment and Articles 36 through to 39 ensure freedom of movement, assembly, association, thought, conscience and of speech. Article 41(1) underlines freedom of religion. However, the most important is probably Article

opponents and others, excessive use of force leading at times to extra-judicial executions, sporadic attacks against members of the minority communities and groups and also violence against women.

Their reports do not make pleasant reading. They tend to indicate that successive governments in Bangladesh have failed to curb serious human rights violations arising from the use of legislation and widespread practices in the law-enforcement and justice system which violate international human rights standards.

This becomes that much more serious when one considers that the country won its freedom protesting against injustice and intolerance. Consequently, how can we arbitrarily detain thousands of people every year under administrative detention laws which deny

The net result is that someone undergoes unnecessary harassment. We have over the years seen many calls for the repeal of the SPA, but till now that has not taken place. Every Opposition decries its use, but when in government, defend and maintain it.

Torture as an instrument is not permitted by the judicial process. Nevertheless, it is widespread and persistent. Routinely ignored by successive government, it continues to affect children, women, the elderly, opposition politicians, criminal suspects and sometimes even innocent bystanders in the street.

One notes with regret that impunity is probably the major reason why such acts continue. Sadly, government authorities have persistently failed to bring perpetrators of torture to justice. These allegations are rarely investigated, particularly when victims are members of the opposition parties. They are generally overlooked unless there is a public outcry arising out of a possible death in custody.

This has recently assumed a different dimension with the many reported deaths through 'crossfire' while in the custody of the RAB force. The situation has become complex given the fact that while our Constitution specifically forbids torture, and it is considered a criminal act under the Penal Code, yet Section 54 of the Criminal Procedure Code permits law enforcement agencies to arrest anyone without a warrant of arrest and keep him in detention for up to 24 hours on vaguely formulated grounds. This aspect has assumed enough seriousness to lead the High Court to recently issue a rule upon the government, to show cause as to why direction should not be issued for RAB to function within the purview of law.

It would also be pertinent at this stage to remark on the inhumane conditions that exist within the prisons. We have to remember that prisoners also have human rights and these need to be safeguarded. Modern prison facilities must go hand in hand with legal and judicial reform.

Another area that continues to be a source of disappointment is the inability of successive governments to separate the judiciary from the executive. By doing so, they are denying independence to the judiciary in structure and

MEDICAL PROFESSIONALS

URGENTLY REQUIRED BY MINISTRY OF HEALTH - SAUDI ARABIA

Ministry of Health (Aser Region- Abha, Khamis, Mushait, Bisha) Saudi Arabia requires the following Medical Professionals on Attractive terms and Conditions.

CONSULTANTS	With FCPS/Ph.D/MRCP/FRCS/MRCOG in the field	Salary SR 5,300 plus SR 300 For Each year of Experience.
SPECIALIST-1	With Master Degree- MSC,	Salary SR 4,600 plus SR 250 For Each year of Experience.
SPECIALIST-2	With Diploma,	Salary SR 4,300 plus SR 250 For Each year of Experience.

ICU & Anesthesia, Nursery, General-Surgery, Pediatric-Surgery, Internal Medicine, Biochem, Psychology, Urology, Orthopedic, Histopathology, Tropical Disease, Radiology, Hematology(Lab), Dentist, Cardio thoracic Surgery, Neurology, E.N.T, Ob/Gyn, Family & Community, Physiotherapy, Maxillofacial, Ophthalmology, Dermatology, Red Crescent, Endocrine, Neurosurgery, Cardiology, Nephrology, Chest, Infectious Disease (fevers), Forensic, E.R, Dental Root, Orthodontic, Biochemistry, Vascular, Plastic Surgery, Microbiology.

Other Benefits: Three Months of Basic Salary Per year as House Allowance + SR 400 Per month, Transportation Allowance, Family Status Provided. Yearly Return Tickets for Spouse and Two kids to consultants, Specialists.

Interviews by Ministry of Health Committee shall be held during 2nd week of Feb.05. Interview Date, Place and Time shall be communicated through Courier or Phone call.

Interested Candidates should apply in confidences IMMEDIATELY by sending (2) Sets Comprising Copies of Educational and Experience Certificates with CV and two Recent Photos through Courier Service or personally. Permission Number of Ministry: 1/1/2005/1200, তারিখ- ১৭/০১/২০০৫.

M/S. Kabir Brothers **FRIDAY ALSO OPEN**
(Recruiting License No. RL-688)
71 Motijheel C/A Dhaka-1000, Phone: 9568752, 7160615, Mobile: 0172274856, 0171009707, 0176666886.

LOOKING FOR GOOD EXPATRIATE NEIGHBOUR

APARTMENT TO-LET AT GULSHAN

One luxurious apartment of 2289 sq. ft, fitted with 6 air-conditioners, is ready for immediate occupation at House # 15A, Road # 8, Gulshan 1.

The apartment was under the lease agreement with the British High Commission for five years. Two other apartments in the building are rented out to the International Committee of Red Cross (ICRC) and the Bureau Chief of AFP in Bangladesh.

Description of the apartment

- 3 bedrooms and 3 bathrooms with wide drawing and dining spaces.
- Built-in Almirah in all the bedrooms and cupboard in the kitchen.
- All the bathrooms are equipped with foreign fittings (Armitage Shanks, UK; GROHE, Germany; Italian bath-tub in the master bedroom, etc.)
- The electrical wirings are of British Standard and the fittings of UK origin. The load capacity of the apartment is 18 KW, with an electric transformer installed only for the building.
- Running hot and cold water, and security service for 24 hours.
- Separate room for maid.
- Wonderful roof-top garden.

The building is located at a walking distance of only five minutes from DFID, British Airways, Siemens, Unilever, Hong Kong and Sanghai Bank, Gulshan-1 Shopping Centre, etc.

Please Contact : Muhammad Saidur Rahman, Work : 8815074, 8816296, Home : 832 5007, 0171 524 722, e-mail : saidur@bangla.net

Project Implementation Officer (Environment and Natural Resources)

The ADB Bangladesh Resident Mission (BRM) was established to assist its Headquarters in the implementation of projects and programs, in project processing, country programming, and economic and sector work. It also coordinates ADB's activities with other resident diplomatic and donor missions, NGOs, academic institutions, local think tanks, private sector and other members of the civil society.

Reporting Arrangement
The position reports to the Country Director.

Description of Responsibilities

- Administers loan and technical assistance (TA) projects of the environment and natural resources and related sectors.
- Monitors project implementation progress and conducts periodic review, and assesses development impact of project performance.
- Provides advice to Government agencies regarding recruitment of consultants and procurement of goods and services.
- Assists in project and TA processing and in conduct of policy dialogue with the Government for the environment and natural resources and related sectors.
- Undertakes various operational work of the environment and natural resources and related sectors, including preparation of inputs and comments for ADB's activities.
- Liaises with Government ministries, departments, NGOs and other stakeholders related to sector activities; and Coordinates with other aid agencies on sector studies and development activities.

Selection Criteria

- suitability to undertake the responsibilities mentioned above at the required level
- bachelor's degree in field of specialization preferably relating to resource economics, water/natural resources or environment.
- advanced degree or higher professional qualifications an advantage
- at least 5 years of relevant experience in environment and natural resources

sound knowledge of Government administrative systems and procedures

extensive hands-on experience in project administration/supervision and portfolio management including knowledge of project processing

excellent written and oral communication skills in English and Bangla

strong computer skills particularly in the use of Microsoft Word and Excel

strong interpersonal skills suitable for multicultural environment

ability to work independently

familiarity with local languages and institutions

The Asian Development Bank's vision is a region free of poverty. Established in 1966 and headquartered in Manila, Philippines, ADB's multicultural staff comes from about 50 member countries. ADB generally recruits its national officers from the member country in which the resident mission is located. The position is for a three-year fixed-term appointment. The advertised position is a local position for which applications from persons resident in Bangladesh are solicited. ADB offers a highly competitive salary and benefits package applicable to local staff. While the position advertised is for BRM in Dhaka, ADB staff must be prepared to serve in any location outside the resident mission at the discretion of Management.

Send application quoting Ref. No. BRMEXT: AD-1/2005 by 27 February 2005 to:

Bangladesh Resident Mission
Asian Development Bank
Plot No. E-31, Sher-e-Bangla Nagar
Dhaka - 1207
Tel (880-2) 815-6000 to 16
Fax (880-2) 815-6018 to 19
adbbrm@adb.org

An electronic application form is available at www.adb.org/Employment/appform.asp.

Only shortlisted candidates will be contacted. Applications lacking the job reference number and job title or using the wrong e-mail address will not be considered.

Asian Development Bank **ADB**
FIGHTING POVERTY IN ASIA AND THE PACIFIC

www.adb.org

Cric Freak

Guess and Win Limited Edition Bats signed by the first test winning Bangladesh Team.

Flex your fingers and type **QUES** and **SMS** it to 1122. You will receive questions in return **SMS**. Send your answer back to 1122.

For each correct answer, you get 5 points. To maximise your score be regularly updated and get the new question as soon as it is available.

Type **POINT** and **SMS** to 1122 to know your latest score and position.

The top five scorers will win the signed bats.

Think Ahead...

* SMS charge for this event is **Tk. 1.00** + VAT.
* This offer is valid from 19 - 31 January, 2005.

For more information please contact : *121 (From CityCell Mobile)
011 121 121 (From any phone), E-mail : corporate@citycell.com

CITYCELL Zimbabwe Team
2003 www.bangla.net

For more information please contact : *121 (From CityCell Mobile)
011 121 121 (From any phone), E-mail : corporate@citycell.com

CITYCELL
Becoming the stars