



HUMAN RIGHTS advocacy

WOMEN'S PROPERTY RIGHTS

Violations doom equality and development

Millions of women around the world suffer abuses of their equal rights to own, inherit, manage, and dispose of property. These violations are degrading, discriminatory, and sometimes deadly. After their property rights are violated, many women end up impoverished, struggling to meet their families' basic needs, living in decaying shacks in dangerous slums, and vulnerable to violence and disease-including HIV/AIDS.

In sub-Saharan Africa, violations of women's property rights are severe and



PHOTO: AP

pervasive. The tragedy of these violations is magnified by HIV/AIDS in sub-Saharan Africa, where the epidemic is raging and where 58 percent of those infected with HIV are women. In many African countries, women are excluded from inheriting, evicted from their lands and homes by in-laws, stripped of their possessions, and forced to engage in risky sexual practices in order to keep their property-all because they are women. When they divorce or separate from their husbands, they are frequently expelled from their homes with only their clothing. Married women can seldom stop their husbands from selling family property. Women who fight back are often beaten, raped, or ostracized.

A number of factors contribute to these violations. Chief among them are discriminatory laws and customs, biased attitudes, unresponsive authorities, ineffective courts, and other obstacles, such as the social stigma of being branded "greedy women" or "traitors of custom" if women assert their property rights.

Violations of women's property rights are not only an affront to human rights, they also doom development efforts and the fight against HIV/AIDS. According to the United Nations, gender inequality hinders development: women's insecure property rights contribute to low agricultural production, food shortages, under-employment, and rural poverty. Losing property and undergoing harmful customary practices also increase women's vulnerability to HIV infection.

Governments must immediately act to stop women's property rights abuses. They must reform laws and ineffective institutions to improve protections of women's equal property rights. They must also take steps to change discriminatory traditions and customs based on gender stereotypes and the notion of women's inferiority.

Donor agencies can also play a critical role in eliminating violations of women's property rights. As they mobilize to help countries combat HIV/AIDS and promote development, they must put women's equal property rights high on their agendas.

Source: Human Rights Watch.

LAW campaign

WHO hails launch of global anti-smoking treaty



A global treaty aimed at dissuading children from smoking and helping adults kick the habit came into force, with the United Nations saying it could save millions of lives.

The World Health Organisation (WHO) applauded the strong warnings on cigarette packets and eventual ban on tobacco advertising and sponsorship laid down in the world's first international public health treaty.

"Its entry into force is a demonstration of governments' commitment to reduce death and illness from tobacco use," said Lee Jong-wook, the WHO director-general.

Tobacco, the second leading cause of preventable deaths globally after hypertension, kills 4.9 million people a year, says the UN agency. It fears that the annual toll could soar to 10 million by 2020, with 70% of the deaths in developing countries.

The treaty, known as the Framework Convention on Tobacco Control, gives countries three years to slap strong warnings on packets and five years to ban advertising, promotion and sponsorship. It also calls for tax rises on tobacco products, a crackdown on smuggling, and cutting exposure to second-hand smoke.

Almost 170 countries have signed the treaty, but many have not yet sent it to their parliaments for ratification. It will carry legal weight only in those countries that have ratified it - now numbering 57.

WHO officials and activists say the powerful tobacco industry is lobbying hard to restrict the number of countries applying the treaty. Britain has ratified it, but the United States, which has signed up, has yet to send it to the Senate. Activists accuse the Bush administration of working hard to dilute the pact.

"US ratification would send a strong message to the rest of the world that we will ... put protection of public health ahead of tobacco industry interests," said the US-based Tobacco Free Kids lobby group.

Source: The Guardian

RIGHTS monitor

NON OFFICIAL JAIL VISITORS

Powerful mechanism to monitor jail

A PART from the official visitors, there is also a provision to appoint non-official visitors to oversee the situation in the jail, to see that the rules and orders are properly followed and to see that the rights of the inmates are ensured. In the absence of an independent monitoring body, these non-official jail visitors can, in fact, play the role as they have the power to visit the jail at any time, talk to the prisoners, see the relevant papers and recommend relevant action.

Appointment of the non-official visitors

The non-official jail visitors are appointed by official notification by the respective district commissioners. Gentlemen and ladies of position who are likely to take an interest in the welfare of the prisoners and are willing accept this duty, are appointed as non-official jail visitors. The general practice is that members of the civil society-teachers, lawyers and parliament members are appointed.

Number of non-official visitors

- 4 Six gentlemen and four ladies for central jails
- 4 Three gentlemen and two ladies for district jails
- 4 Two gentlemen and one lady for subsidiary jails

Term of the non-official visitors

The non-official visitors are appointed for a period of two years and are eligible for reappointment on the expiry of each term so long as he/she is fit and willing to serve, unless his/her appointment has been cancelled under the rule of the Jail Code.

Cancellation of appointment

The appointment of any non-official jail visitor, who is not an ex-officio visitor, may be cancelled by the authority appointing him/her within the period of his/her term for failure to visit the jail for a continuous period of three months or non-attendance at two consecutive quarterly meetings of the Board of Visitors or for other sufficient reasons.

Powers of the jail visitors

Jail visitors may call for all books, papers and records of every departments of the jail, but the superintending may decline to produce any book, paper or record for the inspection of a non official visitor, if for reasons to be recorded in writing he considers its production undesirable.

Duties of the jail visitors

Visitors should, if possible, visit every yard, ward, workshop and cell, except those in which detenus, State prisoners, or Division I prisoners are confined, see every prisoner except detenus, State prisoners, or Division I prisoners in confinement at the time of their visit. In every case of complaint made to the jail visitors, they should enquire what the rules in force are, and whether



PHOTO: STAR

these are observed or not and they should ascertain generally whether rules and orders are adhered to. They should examine the punishment register and see that suitable punishments have been awarded, and that they are properly recorded. On arrival at the jail they should muster

the reserve guard and see that the full number of men required by rules is present, fully armed and equipped.

Courtesy: Odhikar.

LAWweek

Dhaka's poor HR record worsens

Observes US report

Portraying a grim picture of Bangladesh's human rights condition, the US human rights report released says the government's "poor human rights record worsened, and the government continued to commit numerous abuses."

It says police were often reluctant to pursue investigations against people affiliated with the ruling parties, and the government frequently used the law-enforcers for political purposes.

Under Secretary for Global Affairs Paula Dobriansky from a special briefing announced the release of the 2004 human rights report styled "Country Reports on Human Rights Practices".

Conducted by the Bureau of Democracy, Human Rights, and Labor, the report was submitted to the Congress by the Department of State.

The 28th edition of the country reports turns spotlight on 196 countries, ranging from the stoutest defenders to the worst violators of human dignity. The report says, "...the judiciary was subject to influence from the executive and the legislature. Lower judicial officers were reluctant to challenge government decisions and suffered from corruption." -BD News, March 1.

Govt pressure holds back JS graft probes

The parliamentary standing committees are facing pressure from the government high-ups in their move to probe corruption and irregularities in the ministries, the committee chiefs alleged yesterday. Speaking at a seminar, the committee chairmen accused the ministers and high officials of various ministries of non-cooperation with the committee moves and non-implementation of their recommendations. They said the parliamentary committee system is not functioning properly due to the prevailing situation.

Speaker Jamiruddin Sircar, who chaired the seminar, said he would inform the prime minister and other ministers about the grievances of the committee chairmen.

Explaining the functions of parliamentary committees, the speaker said they work as a 'mini parliament' and play a vital role in strengthening the parliamentary democracy.

Some 20 parliamentary committee chairmen, all from the ruling BNP and Jamaat-e-Islami, spoke at the seminar. They strongly criticised the ministers for their indifference to the parliamentary bodies. -The Daily Star, March 2

CJ, judges keep off SC bar break-up party

Breaking with tradition, Chief Justice Syed JR Mudassir Husain and many of the Supreme Court judges did not attend the annual break-up party of Supreme Court Bar Association (SCBA).

SCBA President Barrister Rakanuddin Mahmud said the CJ had told him that 'some of the judges were not invited properly' and that is why he (CJ) refrained from attending the party.

Rakanuddin told reporters that they had invited the CJ and other judges in an appropriate manner, as they did in previous years.

He described the absence as a deliberate act and said, "It has shaken the very relations between the bar and the bench, and the

damage that has been done is irreparable."

Communications Minister Barrister Nazmul Huda and State Minister for Law Barrister Shahjahan Omar went to the party. But on learning that the CJ would not come to the party, they left before the luncheon.

Besides, Law, Justice and Parliamentary Affairs Minister Moudud Ahmed did not attend the party. However, some 10 sitting judges of HC division bench, former president Abdur Rahman Biswas, former chief of caretaker government former chief Justice Latifur Rahman and former chief justices Mahmudul Amin Chowdhury and KM Hassan joined the luncheon. -Prothom Alo, March 2.

Suo moto halts case against Ctg minors

The High Court issued a suo moto rule on eight government and police officials and the plaintiff of a robbery case filed in Chittagong against 11 people including a dead man and four minor children. Meanwhile, acting on a directive of the ministry concerned, Chittagong Metropolitan Police yesterday suspended four police personnel for negligence in duty in connection with the case. A HC Division bench comprising Justice AK Badrul Huq and Justice ATM Fazlur Rahman stayed proceedings of the case until disposal of the rule and asked the nine respondents to reply in two weeks why the case will not be quashed.

The nine respondents are the home secretary, inspector general of police, Chittagong deputy commissioner, Chittagong chief metropolitan magistrate, plaintiff Samir Uddin, officer-in-charge (OC) of Chittagong Kotwali Police Station, Sub-inspector (SI) Jahid of the police station, investigation officer (IO) of the case and jailer of Chittagong Central Jail.

The bench also directed four of them to appear in person in the court on March 8 to explain why punitive actions would not be taken against them. -The Daily Star, March 2.

Chief whip's son sent to jail

Akhter Hamid alias Paban, son of Chief Whip Khondoker Delwar Hossain, who was arrested in connection with an attempt-to-murder case, was sent to the Dhaka Central Jail after rejection of his bail petition. Metropolitan Magistrate Shafiq Anwar passed the order when Paban was produced before the court on completion of a one-day remand.

The Detective Branch (DB) of police produced Paban before the Chief Metropolitan Magistrate's Court with a forwarding report.

In the report, DB Inspector Ruhul Amin, who is also investigating the case, mentioned that during the one-day remand, Paban disclosed some names of his accomplices and gave important information about his illegal firearms, which was used in the shooting. So he should be confined in the jail custody until the investigation completes, the investing officer said in the report.

The prosecution opposed it saying that the charges brought against Paban were primarily proved.

A team of DB police arrested Paban on February 28 for firing on a phone-fax shop owner at Bangshal. -The Daily Star, March 4.

LAW book review

Childhood in chain

OLI MD. ABDULLAH CHOWDHURY

Our Childhood in Chain

Pages 34

Published by Service Plus

Supported by Save the Children UK

House 9 Road 16 Gulshan

Dhaka 1212

Service Plus has published the book, entitled, "My Childhood in Chain" with the support of Save the Children UK. Although Bangladesh is one of the earliest signatories of UN Convention on the Rights of the Child (UNCRC) and we have theoretically a good piece of legislation like Children Act 1974, children in conflict with law have to undergo through an inhumane process. "No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time" said eloquently in Article 37 of UNCRC and it was reflected in Children Act 1974 as well. The reality is completely different, nevertheless.

The book focuses on juvenile justice and violence against children in Bangladesh. Among others, Afsan Chowdhury, an eminent journalist has contributed in the book and he was in the editorial board too. Other members of the editorial boards are Dr. Mizanur Rahman, G. Nayeem Wahra and Advocate U M Habibun nessa.

There are five chapters in the book:

- = Preface
- = Children in confinement
- = Is confinement the only solution
- = Violence against children:2003
- = Progress till date

There is a sharp criticism of The Vagrancy Act 1943 as the law was originally passed at a time when the colonial rulers were trying to grapple with a self-made problem of famine. Again, the term "correction" used for children is vehemently opposed as internment of children is for rehabilitation and the term correction is not used in the Children Act 1974.

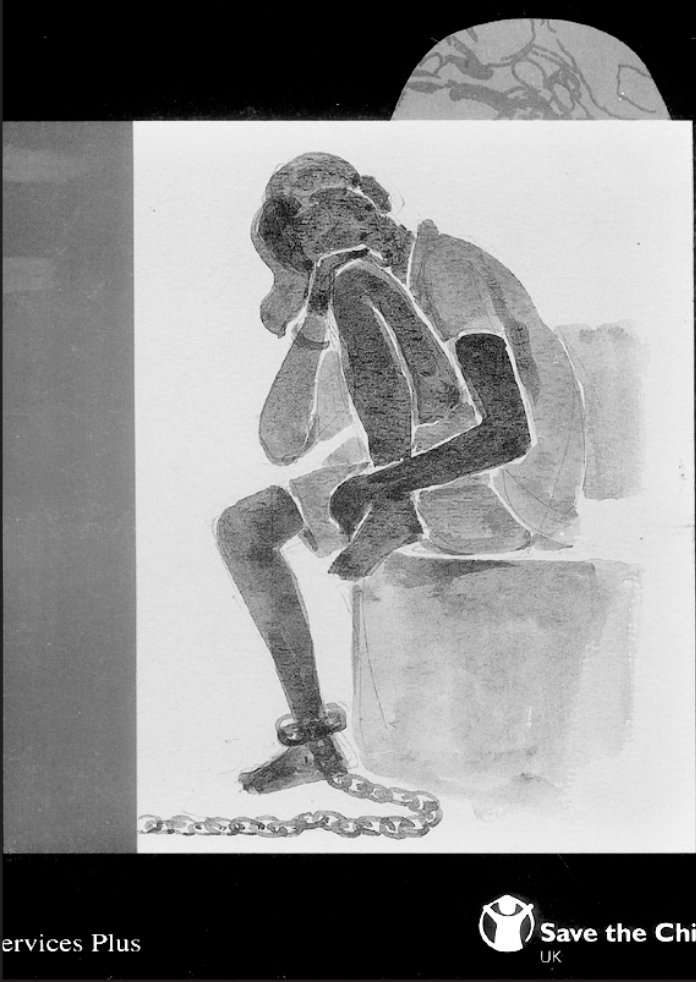
The idea of confinement of children has been bluntly rejected in the book as the state, the sole responsible body to protect the children of the nation, has been detached from the reality. It has been observed in the book, "Once children appear in court and are sentenced to a formal disposal, mainly custody, they begin to see themselves as criminals and are much more likely to continue to behave in a similar manner in their last years". The book also suggests possible way out. Community involvement would be a better solution to deal with this problem. If properly staffed and funded, community based programmes that would rehabilitate children who are in contact with law, would be less expensive, more humane, more protective of public safety than others and most importantly as effective as a punitive system. A number of options have been suggested in this chapter, nonetheless.

Fourth chapter comes up with statistics on violence against children in Bangladesh. Around 2513 incidents of torture and violence against children were reported in 2003. According to this information, it can be seen that children of all ages have been exposed to violence. Another important aspect is that news of raping of boys is rare in our society and in the present data, there are no such cases. However, boy children do become victims of such incident as the book rightfully observed. The total number of detained children in jail as on December 2003 was 1063. Out of them, the numbers of boys were 961 and girls were 102. On the other hand, a total 240 children are being kept in Kishore Unnyan Kendra while 30 of them are girls.

There has been a list of progresses at the end of the book. It comprises of the important decisions and proposals taken at the Prime Minister's Office for the benefit of the children in police custody, jail or other places. One of the major decisions is that a taskforce to expedite the release of children in jails will be constituted in district and thana levels. The inter-ministerial committee headed by the Principal Secretary of Prime Minister's Office will, as the National Taskforce, supervise the activities of district committees and review the progress in implementation of the decisions made by the national taskforce. Moreover, designated juvenile court with sessions power will be set up in every district of Bangladesh. However, such 11 decisions have been mentioned in the book.

My Childhood in Chain

Juvenile Justice and Violence against Children in Bangladesh



ervices Plus



Save the Children UK

Corresponding with the Law Desk

Please send your mails, queries, and opinions to: Law Desk, The Daily Star 19 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, fax 8125155; email <dslawdesk@yahoo.co.uk,lawdesk@thedailystar.net