



Human Rights Day Special

FOR YOUR information

HUMAN RIGHTS analysis

LAW event

Human Rights Day 10 December 2005



On 10 December 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which has become a universal standard for defending and promoting human rights. Every year on 10 December, Human Rights Day marks the adoption of the Universal Declaration. On Human Rights Day it is celebrated around the globe that "All human beings are born with equal and inalienable rights and fundamental freedoms".

The theme of Human Rights Day 2005 is "End Torture Now!". Torture is a crime under international law. According to all relevant instruments, it is absolutely prohibited and cannot be justified under any circumstances. This prohibition forms part of customary international law, which means that it is binding on every member of the international community, regardless of whether a State has ratified international treaties in which torture is expressly prohibited. The systematic or widespread practice of torture constitutes a crime against humanity.

LAW event

International workshop calls for decurritisation of migration

DR. C R ABRAR

Speakers at a concluding session of a training workshop on migration underscored the need for greater liberalisation of international labour market to ensure an equitable and fair global system. They stated that resistance to sound and just policies on migration has created conditions that have encouraged clandestine movement. This, in turn, has resulted in migrant workers getting employed in unprotected sectors of the economy, living in poverty in crime-ridden ghettos, ostracised by the rest of the society and thereby making social integration more difficult.

The ceremony was organised by the Refugee and Migratory Movements Research Unit that hosts the South Asian Migration Resource Network (SAMREN) to mark the conclusion of a residential training workshop on Migration, Globalisation, Security and Development held at Rajendrapur from 19-28 November 2005. Twenty two professionals, including university teachers, researchers, officials of government, international organizations and NGOs, representing receiving and sending countries participated in the workshop. The faculty was constituted of experts from South Asian countries and also from UK, Ireland, Philippines, Ghana, Albania, Hong Kong and Switzerland.

In his valedictory speech Manolo Abella, former head of migration of International Labour Office, stated that in this fast globalising world the international community has to re-think the way its looks at migration. Recent studies of ILO noted that globalisation has so far led to divergence, rather than to convergence of incomes between developing and developed countries. He argued that "intuitively moving workers has a potentially bigger impact on increasing productivity than moving goods across borders because wage differentials are enormously much larger than differential in the price of goods". Dr. Abella quoted figures that suggest that the "world would be \$150 billion richer if only countries were to liberalise the temporary movements of migrant labour the equivalent of only 3 percent of their work force".

In presenting the summary and conclusions of the workshop Dr. Tasneem Siddiqui of Dhaka University highlighted the need for a better understanding of the complexity of voluntary international migration in a rapidly globalising world. She stressed the need for increased appreciation of the contribution of migrants in global social, economic and cultural development and in reducing poverty.

The participants noted that events in the past few years had led to increased securitisation of migration that in reality has contributed to enhanced insecurity of migrants without achieving its goal. In this context, the workshop underscored that migration should not be securitised and that challenges faced should be dealt within the bounds of regular political, legal and administrative structures of the states concerned.

The workshop also recommended increased dialogue between receiving and sending countries, realistic assessment of labour needs and promotion of multiculturalism in receiving countries, promotion of pre-departure orientation training and information campaign on safe migration in sending countries, and adoption of gender sensitive migration policies.

Prof. SMA Faiz, Vice Chancellor of the University of Dhaka, presided over the concluding ceremony. Among others, Dr. Justice Syed Rezaat Ahmed, Prof. M. Asaduzzaman, Chairman of the University Grants Commission, Tuhid Hossain, Additional Foreign Secretary, Stephen Bridges, the Deputy High Commissioner of the UK, eminent litterateur Dr. Ashraf Siddiqui and advisor to the leader of the opposition Dr. M. A. Samad attended the ceremony which was rounded off with a dance performance of Rittanchol directed by Shamim Ara Nipa and Shibli Mohammad.

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Universal Declaration of Human Rights

<p>Article 1:</p> <p>All human beings are born free and equal in dignity and rights.</p>	<p>Article 3:</p> <p>Everyone has the right to life, liberty and security of person.</p>	<p>Article 11:</p> <p>Everyone has the right to be presumed innocent until proved guilty according to a public trial.</p>	<p>Article 5:</p> <p>No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.</p>
<p>Article 9:</p> <p>No one shall be subjected to arbitrary arrest, detention or exile.</p>	<p>Article 12:</p> <p>No one shall be subjected to arbitrary interference with his privacy, family or home.</p>	<p>Article 23:</p> <p>Everyone has the right to work, to free choice of employment, to just and favourable conditions of work.</p>	<p>Article 28:</p> <p>Everyone is entitled to a social and international order in which rights & freedoms can be fully realized.</p>
<p>Article 6:</p> <p>Everyone has the right to recognition everywhere as a person before the law.</p>	<p>Article 27:</p> <p>Everyone has the right freely to participate in the cultural life of the community.</p>	<p>Article 26:</p> <p>Everyone has the right to education. Education shall be free.</p>	<p>Article 25:</p> <p>Everyone has the right to a standard of living adequate for the health and well being.</p>
<p>Article 8:</p> <p>Everyone has the right to an effective remedy by the competent national tribunal.</p>	<p>Article 15:</p> <p>Everyone has the right to a nationality.</p>	<p>Article 2:</p> <p>Everyone is entitled to all rights and freedoms... no distinctions shall be made.</p>	<p>Article 14:</p> <p>Everyone has the right to seek and to enjoy in other countries asylum from persecution.</p>

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Summary of Preamble

The General Assembly recognises that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, human rights should be protected by the rule of law, friendly relations between nations must be fostered, the peoples of the UN have affirmed their faith in human rights, the dignity and the worth of the human person, the equal rights of men and women and are determined to promote social progress, better standards of life and larger freedom and have promised to promote human rights and a common understanding of these rights.

A summary of the Universal Declaration of Human Rights:

1. Everyone is free and we should all be treated in the same way.
2. Everyone is equal despite differences in skin colour, sex, religion, language for example.
3. Everyone has the right to life

and to live in freedom and safety.

4. No one has the right to treat you as a slave nor should you make anyone your slave.
5. No one has the right to hurt you or to torture you.
6. Everyone has the right to be treated equally by the law.
7. The law is the same for everyone, it should be applied in the same way to all.
8. Everyone has the right to ask for legal help when their rights are not respected.
9. No one has the right to imprison you unjustly or expel you from your own country.
10. Everyone has the right to a fair and public trial.
11. Everyone should be considered innocent until guilt is proved.
12. Every one has the right to ask for help if someone tries to harm you, but no-one can enter your home, open your letters or bother you or your family without a good reason.
13. Everyone has the right to travel as they wish.

14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.

15. Everyone has the right to belong to a country. No one has the right to prevent you from belonging to another country if you wish to.
16. Everyone has the right to marry and have a family.
17. Everyone has the right to own property and possessions.
18. Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.
19. Everyone has the right to say what they think and to give and receive information.
20. Everyone has the right to take part in meetings and to join associations in a peaceful way.
21. Everyone has the right to help choose and take part in the government of their country.
22. Everyone has the right to social security and to opportunities to develop their skills.

23. Everyone has the right to work for a fair wage in a safe environment and to join a trade union.

24. Everyone has the right to rest and leisure.
25. Everyone has the right to an adequate standard of living and medical help if they are ill.
26. Everyone has the right to go to school.
27. Everyone has the right to share in their community's cultural life.
28. Everyone must respect the 'social order' that is necessary for all these rights to be available.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration.

Source: Human Rights Education Associates (HREA).

LAW week

HC unlists graft case against Ershad

A High Court bench of Justice Abdul Awal unlisted a corruption case filed against former military ruler HM Ershad from hearing of the cause list of the bench concerned.

The now-defunct Bureau of Anti Corruption (BAC) filed the corruption case with Ramna Police Station in July, 1991, against Ershad over a controversial purchase of 375 Japanese boats while he was in state power. The then divisional judge's court, Dhaka, on July 6, 1995, convicted Ershad with three years' rigorous imprisonment and a fine of Tk 10,000 and in default four months' jail. Ershad filed an appeal in the High Court against the judgement. -- *BD News, December 06*

Fresh voter roll

The Election Commission (EC) secretariat yesterday declared a timetable for preparing a fresh voter roll with January 1 being the date for starting enumeration and June 1 for publication of the final list. Two of the three election commissioners, however, alleged that the timetable was fixed unlawfully. "We don't know anything about it. The election commission did not approve any such schedule for the voter list. We did not even see any file regarding this," Election Commissioner AK Mohammad Ali told The Daily Star. "Preparing a voter list is one of the constitutional duties of the election commission. So, every decision in this regard must be taken by the commission. The CEC (chief election commissioner) cannot take such a crucial decision on consulting only the secretary [of the EC secretariat]," he argued. From the outset Election Commissioners M Munsef Ali and AK Mohammad Ali have been raising objection to going for a fresh voter list. -- *The Daily Star, December 07.*

Tele-tapping plan evokes fear of harassment

The government move to tap telephones for tracing militants might lead to harassment of people and reaping political gains, fear legal experts, rights activists and business leaders. Alarmed at Monday's cabinet decision to amend telecoms act for allowing law enforcement members eavesdropping on phones, they said that the government should have gone for other measures to combat militant activities. Some of them also alleged intelligence agencies are persuading the government to go for such a step to cover up their failures. Cellphone operators meanwhile anticipate a negative impact on the

telecom sector if the proposed amendment compels people to seek permission for subscription from a government agency. "It will obviously curtail people's rights to privacy and there is a possibility of its misuse," leading jurist Dr M Zahir told The Daily Star. Some countries have done this to fight terrorism. But, if the law grants 'blank power', it will be an intervention into privacy and it may be used by unscrupulous people for their evil aims, he said. "Nobody, not even the most sincere investigation officer should be given this right officially," Zahir said.

Eminent rights activist and legal expert Shahdeen Malik finds no necessity of such an amendment. "If the government thinks it necessary for the sake of security or any investigation, it may seek court permission to tap phones. The court, if finds it reasonable, may allow the government to do so. There is no necessity of a sweeping law," he noted.

"The constitution in its Article 43 guarantees the right to privacy of correspondence and other means of communication. This right is subject to restriction on account of security of the state, public order, public morality or public health. The issue now is how far privacy of communication and correspondence can be or should be restricted on the plea of these four necessities." -- *The Daily Star, December 07.*

Rajuk skirts HC order

Violating a High Court order, Rajdhani Unnayan Kartripakkha (Rajuk) continues approving plans for eight-storey buildings along the avenues in Gulshan, Banani and Baridhara, claiming it has not received the order yet. The controversy began when Shirin Shila, a resident of Gulshan, filed a writ petition against a government decision. The Ministry of Housing and Public Works in October 2004 issued a notification to allow eight-storey buildings along the thoroughfares between Shooting Club and Circle-2 of Gulshan and Kemal Ataturk Avenue and Baridhara. The complainant in the petition stressed serious constraints on civic amenities and environment if construction of high-rise buildings is allowed.

On July 10, 2005 the HC bench of Justice Md Abdul Matin and Justice Mamnoon Rahman served a show-cause notice to Rajuk and the ministry, imposing a stay on approval of plans for such buildings. -- *The Daily Star, December 08.*

GLOBAL CONSULTATION MEETING

To protect the women human rights defenders

29 November 2005 - 2 December 2005 Colombo, Sri Lanka

NEARLY 200 women's rights and human rights activists from approximately 70 countries worldwide gathered in Colombo, Sri Lanka, to begin an historic global gathering on women human rights defenders which is first in its nature.

The aim of the international consultation was to bring attention to the need for special protection of WHRDs and other human rights activists defending the rights of women. Specifically, it will focus on articulating the concept, rights and entitlements of WHRDs; identifying the specific vulnerabilities, violations and abuses committed against WHRDs; and drafting recommendations and strategies to improve the protection for WHRDs. The initiative was aimed to present cases and develop analyses and recommendations for better protection of WHRDs to be submitted to Ms. Jilani for consideration. Ms. Jilani is expected to submit her reports to the UN Commission on Human Rights and the UN General Assembly in 2006.

The consultation was attended by the First Lady of Sri Lanka, Shiranthi Rajapakse, and opened with a welcome address by Nimalika Fernando, from the Women's Alliance for Peace and Democracy in Sri Lanka. The meeting highlights experiences of women who defend a range of human rights issues, as well as women and men around the globe who defend the human rights of women. The consultation is focusing on the challenges faced by women human rights defenders in their political organising challenges that are often targeted at and specific to women precisely because of their sex and gender. Abuses include violence, harassment, and intimidation, and can take the form of rape, forced psychiatric treatment and attacks designed to discredit defenders' reputations, among other violations. The gathering marks the first time women's rights and human rights groups have come together on a global level to address gender-specific concerns and experiences of women as human rights defenders.

Conference participants addressed specific risks and violations women around the world face in their work in defense of human rights, whether that work explicitly focuses on women's rights or not. Defenders face specific challenges as women addressing a global rise in fundamentalisms and militarism and a climate increasingly hostile to the work of political activists in various social movements and regions. As women, they face some of the same abuses all defenders do, yet they are also exposed to or targeted for gender-based violence and gender-specific risks.

The gathering is linked to an international campaign launched in 2004 entitled "Defending Women Defending Rights: the International Campaign on Women Human Rights Defenders (ICWHRD). ICWHRD is an international initiative for the recognition and protection of women activists who advocate the realisation of human rights for all people. Formed as a coalition of women's rights and human rights organisations, the Campaign is rooted in overwhelming evidence that many women who are active in different aspects of human rights work routinely face harassment, abuse, violence, discrimination and marginalisation because of their gender, sexual identity and their advocacy.

In a keynote speech, Hina Jilani, the UN Special Representative to the Secretary General on Human Rights Defenders (ICWHRD). ICWHRD is an international initiative for the recognition and protection of women activists who advocate the realisation of human rights for all people. Formed as a coalition of women's rights and human rights organisations, the Campaign is rooted in overwhelming evidence that many women who are active in different aspects of human rights work routinely face harassment, abuse, violence, discrimination and marginalisation because of their gender, sexual identity and their advocacy.

In a keynote speech, Hina Jilani, the UN Special Representative to the Secretary General on Human Rights Defenders, spoke of an urgent need to identify and consider the special issues faced by women working in the human rights field in order to ensure that their important part in the struggle for universal human rights is fully recognized and valued. She noted that women human rights defenders are particularly vulnerable to attack because they often defy cultural norms of gender, heterosexuality and femininity in their identities and in the course of their advocacy. She

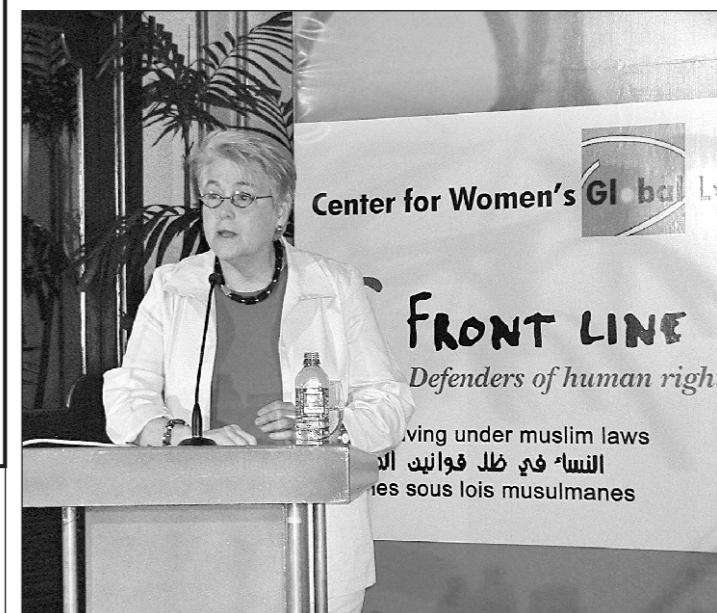


PHOTO: FIRE

Charlotte Bunch, from the Center for Women's Global Leadership in the United States.

pointed out that in addition to formal state structures, groups including religious movements, local communities and families are often responsible for these violations, and that it is vital for human rights strategies to take these actors into account.

Speaking on behalf of the International Coordinating Committee for the consultation, Charlotte Bunch, from the Center for Women's Global Leadership in the United States, outlined the primary themes of the consultation: abuses by the state, persecution perpetrated by fundamentalist groups, sexuality-based attacks, and the significant role of family and community members in creation of widespread marginalisation of and discrimination and violence toward defenders. She noted that, "Promoting rights related to the family and sexuality is often seen to threaten patriarchal institutions and that can bring about heightened hostility toward those defenders. The attacks can be deeply personal, and the efforts to silence us can be experienced in emotional ways."

The consultation was ended with a set of recommendations including to observe 29, November every year as an International Day for women human rights defenders.

Source: Women Human Rights Defenders (WHRDs).

Corresponding with the Law Desk

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