



HUMAN RIGHTS *advocacy*



LAW *campaign*



Monga: Legal responsibilities of government

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'MONGA' is a known feature to all. During the Bangla month of "Kartik" i.e. mid October to mid November, marginal and landless farmers face an economic crisis. This crisis stems from lack of non-agricultural employment opportunities since it is the agricultural incline season. This yearly incident is called "Monga", a near famine situation that results in severe food crisis for the people of the northern part of Bangladesh. This year "Monga" did not remain limited to the greater Rangpur only, but has spread across Faridpur, Gopalganj and Jamalpur districts and severely affected about 30/40 lac people. At least 44 people died due to starvation and diarrhoea that followed, among other causes (as reported in the Daily Ittefaq dated 01.11.2005). But the government has some constitutional obligations to ensure food and other basic necessities to every citizen of Bangladesh especially the vulnerable such as the "Monga" affected people.

Let us highlight some legal obligations of the government to mitigate the situation like "Monga".
1) Constitutional mandate: Under Articles 15, 16, 18(1), 19 (1) & (2), 20 (1) of the Constitution of the People's Republic of Bangladesh, government is under obligation to provide the basic necessities, rural development and agricultural enhancement, raising the level of nutrition and the improvement of the public health, equality of opportunity and equal distribution of wealth to all citizens and ensure employment as duty to all citizens of the country. The State shall also secure the fundamental rights of its citizens under article 27, 31 and 32 of the Constitution.

2) Food policy undertaken by the government

Under the **Food Policy of 1988** the Government of Bangladesh has promised to ensure distribution of food across the country throughout the year. Accordingly, the government through its policies is endeavoring uniform distribution of foodgrains. One of the main objectives of the said food policy is

that to ensure supply of foodgrain to vulnerable helpless people of low income group and storage of food for facing emergencies and controlling the its price. To materialise these objectives the government is obligated to adopt necessary policies like the food ministry should store food according to the population and demand of the people, distribute necessary food every year through different distribution centers, and distribute food in the villages by reducing food allotment in the cities. The government should make properly active the MS process for allocation of food and give more emphasis to the most vulnerable people at the time of distribution.

3) Programmes of government Government of Bangladesh has undertaken **Vulnerable Group Development (VGD) Programme**, (September, 2002) with the assistance of World Food Programme (WFP) which is aimed at ensuring poverty reduction that exclusively targets ultra-poor rural women in Bangladesh. It identifies ultra-poor women trapped in the vicious cycle of hunger, poverty and vulnerability and provides a vital food ration that enable women to participate in activities that would otherwise be beyond their reach. It also enables the poorest and most disadvantaged women and their family members in rural Bangladesh to overcome food insecurity and low social and economic status in a sustainable way and to improve the nutritional status of malnourished women and children.

Government has the **Test Relief programme** where it allocates foodgrain for maintenance of rural infrastructure during monsoon. The government has also **Food for Work (FFW) and Rural Maintenance Programs (RMP)**.

The government also has different projects and other programmes like, **Kabita** (Kajer binomoye taka i.e. money for work) etc. where it takes the responsibility to ensure food or money to people for work.

It appears through different newspapers that the government has already allocated Taka 525 crore and 10,32,000 tons of food under different projects and



programmes in the current financial budget, including Taka 300 crores for the **KABIKHA** (Kajer Binomoye Khaddo i.e. Food for Work) programme, Taka 100 crore to deal with natural disasters, Taka 75 crores to lessen the risk of natural disaster and Taka 50 crores for temporary alleviation of unemployment (as reported in a section of print media on 30.10.2005). The government has also reportedly allocated 501 metric tons of food for distribution under the relief and social safety net measures, 250 metric tons of food for special projects at the rate of 50 metric tons per constituency and 945 metric tons of rice for general 'KABIKHA' project etc. However, it appears that adequate and effective measures had not been taken for distribution of foodgrains and relief goods among the most vulnerable individuals in the "Monga"-affected areas.

It also appeared from the news

published in newspapers that the allotments for facing the "Monga" situation was inadequate, there was lack of co-ordination among the Ministries concerned in distributing funds and above all they made delay to distribute the funds.

The Union Parishad and the Upzilla Parishad have the responsibility to get going those different programmes and projects of the government. But they are unsuccessful to do that.

4) International mandate Article 11 of the International Covenant on **Economic, Social and Cultural Rights (ECOSOC)** to which Bangladesh is a signatory expressly recognise the right of every person to an adequate standard of living including adequate food. The right to food is impliedly guaranteed under the **Millennium Development Goals (MDGs)** where it is undertaken to reduce poverty by one half the proportion of the world's poor and of

people who suffer from hunger by the year 2015.

5) Other laws **The Famine Insurance Fund Act 1937** provides for the establishment and maintenance of a fund called the "Famine Insurance Fund" for expenditure pertaining to insurance against famine and distress caused by serious draught, flood, earthquake and other natural calamities through its different provisions.

Under provisions of sections 30(2)(C) and 33 of the **Local Government (Union Parishad) Ordinance, 1983** the Union Parishads are entrusted with the responsibilities to undertake some civic functions like adoption and implementation of development schemes in the field of agriculture, forest, fisheries, education, health, cottage industries, communication, irrigation and flood protection with a view to increasing economic and

social emancipation of the people and also being responsible for agricultural, industrial and community development in the Union as well as empowered to make rules and regulations for the purpose of this Ordinance.

Under **Upzilla Parishad Ain 1998** (amended in 1999) the local Upzilla Parishads of the areas concerned are obligated to administer law and order; health and family planning; agriculture, irrigation and environment; education; social welfare; women and child development; sports, culture and youth development; transport and material infrastructure at the local level. Actually the Upzilla Parishad is responsible for overall development and planning of the area concerned and also its implementation.

Starvation deaths and ongoing malnutrition as reported from the Monga affected areas of the country appear to be the consequence of bad governance resulting from acts of omission and commission on the part of public servants including Deputy Commissioners of the areas concerned and also it is nothing but the failure to take timely and effective decisions for release and disbursement of existing funds and relief for the purpose of addressing the "Monga" situation.

It is a fundamental right of every citizen to be free from hunger. Poverty and starvation constitute a gross denial and violation of the basic right to food. The right to food also implies the right to food at appropriate nutritional level. It also implies that the quantum of relief to those in distress must meet those levels in order to ensure that the right to food is actually secured and does not remain a theoretical concept. The state has the obligations to take requisite positive action to identify vulnerable groups and to design, implement and monitor policies that will facilitate their access to food-producing resources or an income. As a last alternative, direct assistance may have to be provided, to ensure at least minimum freedom from hunger.

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International Migrant's Day Observed

In 1997, Filipino and Asian migrant organisations began celebrating and promoting the 18th of December as the International Day of Solidarity with Migrants. This date was chosen because it was on 18 December 1990 that the United Nations adopted the International Convention on the Protection of the Rights of all Migrants Workers and Members of Their Families. In 2000 the UN General Assembly designated 18 December of each year as International Migrant's Day.

This year's International Migrants Day also marks the fifteenth anniversary of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. To date only 34 States have ratified or acceded to the Convention. I once again urge all States who have not done so to become parties to this important treaty. I also ask all State Parties to submit timely reports to the Committee on Migrant Workers on their measures to implement the Convention, and encourage them to recognize the Committee's competence to receive and consider communications from individuals who claim a violation of their rights under the Convention.

International migration is a fundamental attribute of our ever-shrinking world. Managing this migration for the benefit of all has become one of the great challenges of our age. Each year, International Migrants Day is an occasion to draw attention to this challenge, as well as an opportunity to celebrate the numerous contributions made by migrants to our societies, cultures and economies.

The global economy is increasingly dependent on migrant workers. Migrants contribute skills, knowledge and manpower to their host communities. Their presence promotes exchange of ideas and stimulates cultural and scientific progress. Migrant labour, both skilled and unskilled, is critical to the success of large sectors of the economies of developed and developing countries alike. At the same time, the remittances that migrants send to their home countries dwarf the amounts those countries receive in official development assistance.

Yet migration also poses many challenges, and gives rise to understandable concerns in many quarters. That is why, if migration policy is to be sustainable and successful, and the benefits of migration fully realized, myths and xenophobic stereotypes must be dispelled, and genuine problems addressed. More must also be done to ensure the respect of the human rights of migrant workers and their families.

The recent report of the Global Commission on International Migration provides important recommendations to guide the way forward. It links effective migration policy to sound policies on a range of subjects -- not simply human rights, but development, trade, aid, and security. Next year's High-Level Dialogue on International Migration and Development in the United Nations General Assembly is an opportunity for Member States to begin forging closer cooperation on these important issues. I hope all States will draw on the ideas and recommendations in the Commission's report to help ensure that the Dialogue is a success.

Our societies would be poorer without the contributions of migrants. Today, as we celebrate those contributions, let us also resolve to safeguard the human rights of every man, woman and child who crosses borders in search of a better life.

Source: United Nations.



LAW *reform*

Afghanistan: Counting women's presence

AUNOHITA MAJUMDAR

THE Women's Reservation Bill has been pending for nearly nine years in the Indian Parliament. Yet, Afghanistan - which has a track record

of some of the lowest human development indices for women - will have more than 25 per cent seats reserved for women when it goes to the polls on September 18 (2005) for both Parliament and the provincial councils (the equivalent of India's state assemblies).

While it is true that the presidential style of governance, and the absence of a Parliament, have made it possible to push through a law that might otherwise not have secured consensus, Afghanistan

can still be justly proud of this achievement. As it can be proud of the fact that equality between men and women is enshrined in its Constitution, adopted in 2004.

Afghanistan has adopted the single non-transferable vote (SNTV) system. This means that the woman candidate who polls the highest number of votes among the women candidates in her province will go to Parliament - even if she polls well below the men contesting from the constituency.

The road to Parliament, however, is not easy for women. The law notwithstanding, religious conservatives have no compunctions about openly opposing women's right to participate in the elections. Or in issuing dire threats and warnings to anyone who dares defy this edict. An unspoken question before Afghanistan's voters, therefore, is: Will these women remain symbolic ciphers in Parliament or will they be able to have their voices heard?

The statistical indicators that define the status of women in Afghanistan do not offer much hope: Every 30 minutes, a woman in Afghanistan dies of pregnancy-related complications. The maternal mortality ratio is 1600 per 100,000 live births. The literacy level of women is 14.1 per cent; well below the male literacy rate of 43.2 per cent. Half as many girls

enrolls in school as boys. Women still get sold into marriage to pay off a drug debt. Young girls get forced into marriage, often the second or third wives of men old enough to be their grandfathers. Women die as a result of domestic violence. In capital Kabul alone, 50,000 women are widows and heads of households.

Although the Taliban's treatment of women was the most visible sign of their oppression, they were only an extreme manifestation of the patriarchal, misogynist social structures that have existed in Afghanistan and continue to be practiced fairly widely. It is a common myth that the advent and removal of Taliban was the beginning and end of women's oppression. Even the Panjshir area, where the anti-Taliban Northern Alliance operated, was and is one of the most conservative areas. While urban educated women in Kabul have had freedom at varying points of time, depending on who the ruler has been, women in most parts of Afghanistan have not experienced any such liberation.

Commenting on the inadequacies of the criminal justice system in a 2003 report, Amnesty International stated: "At the moment, [the system] is more likely to violate the rights of women than protect and uphold their rights." Even now there is sufficient anecdotal evidence to

demonstrate this. In this context, what is the likelihood that women will be recognised as legitimate representatives of the people? Not high and certainly not without a fight. Recognising this reality, civil society groups, NGOs working with women and the Ministry of Women's Affairs are all making efforts to arm women candidates. Not with the guns, grenades and ammunition that their male counterparts have used all these years, but with the powerful weapons of information and networking.

In the first step of its kind, at least 50 women candidates from different provinces met in a hotel room in Kabul in August (2005). This Afghan Women's Network (AWN) initiative provided them with a platform to exchange views, share problems and get to know each other. Shirin Sahani, consultant with AWN, described the meeting as the first step in setting up an advocacy commission that would work to bring candidates together and link them to civil society groups as well as business houses that could fund them.

Afifa Azim, a coordinator of the AWN, says the initiative will provide research-based information on issues relating to women's rights, health and education to help women make informed decisions. This will enable them to vote jointly on women's issues

and enable them to become effective parliamentarians. "The interaction with NGOs and civil society will enable awareness-raising about women's issues and build a bridge between NGOs and the Parliament."

Minister for Women's Affairs Masooda Jalal is optimistic about the women candidates. Though her ministry is cash-strapped, she says she has used their meagre resources to advocate for women's participation in the elections. The ministry persuaded the president's office and the Ministry of Interior to write letters to all the security commanders in the provinces asking them to ensure security for the women candidates.

Jalal has also made proposals to the donor community for training women to enhance their professional capacities. Reeling off statistics on the condition of women arising out of the "traditional negative practices", Jalal says "poverty in Afghanistan has a female face". If they vote as one bloc in Parliament, she says, women can push through many issues.

One woman candidate firmly standing her ground is Sharifa Zurmati Wardak, 38, from the volatile Paktia province. Wardak, who has never left the country, saw the passage of the Soviets, the mujahideen and the Taliban in all their brutality. Working with

international aid agencies, she would walk the streets of Kabul, picking up dead bodies and attending to casualties. Women, she says, have never taken to arms, or looted or killed and are, therefore, better qualified to be in Parliament.

Asked whether she may be reduced to being a symbol in Parliament, Sharifa fires up. "Do you think I will be a symbol after all this hard work? If I thought that, I would never contest. I have given my word that I will work for the people. This is a question of my dignity. After all the pain and suffering I have seen, how can I remain just a symbol?"

Women like Wardak - who have shown tremendous courage, fighting against amazing odds to stand up and be heard - have ensured that the number of women contesting the forthcoming elections stands at over 10 per cent of the total number of candidates. This is a long way for Afghan women to have come, even from as recently as the last elections (the presidential elections in October 2004), when some districts in Afghanistan could not register a single woman voter.

-NewsNetwork/WFS

