



LAW campaign



ICT to end violence against women

VAW, or violence against women, means any act that results in harm and disproportionately affects women. The root cause of VAW lies in unequal power relations between men and women in almost all facets of life. Some examples of VAW include domestic violence, rape and sexual harassment. The United Nations Declaration on the Elimination of Violence against Women defines VAW as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life".

VAW was recognised as a violation of fundamental human rights in 1993, less than two decades ago, officially through the Declaration on the Elimination of Violence Against Women by the United Nations General Assembly. Women's movements across the world are continuously bringing to light new dimensions and different forms of VAW.

ICTs, or information and communication technologies, broadly means tools and platforms that we use for our communication and information needs. Some examples include radio, mobile telephones, television broadcasts, and the internet. Sometimes ICTs are understood in "old" and "new" forms. Simply put, "older" forms of ICTs are where information is transmitted in analogue format like radio, and "newer" forms of ICTs are those transmitted in digital formats like wireless technology.

Violence Against Women (VAW) & ICTs

Both ICTs and VAW affects our capacity to completely enjoy our human rights and fundamental freedoms. There is an increased recognition of the connection between VAW and ICTs. For example, the websites can be a useful place for women in violent relationships to get information and help.

Representation

ICTs are able to transmit and disseminate norms through representations of "culture" and social structures and relations. Often also acting as media, images reinforce notions of "difference" between men and women by normalising stereotypes of gender roles as reality. However, this dynamic is not straightforward or simple, as cultures are not homogeneous or static. The increased diversity of content producers on the internet also allows an array of representations that affect gender relations in complex ways. The strands of gender, sexual, cultural, and racial discourses communicated through ICTs must be unravelled to assess their role in affecting culture and norms.

Communication

The speed, vastness and relative ease of use, especially of "new" ICTs reduce distance and time between people. This can have a great influence on social relations. ICTs can allow survivors of VAW to seek information and assistance, but can also endanger survivors if utilised without an understanding of their dimensions. Local strategies by organisations can be compromised by ICTs through issues of privacy, misrepresentation and misunderstanding. On the other hand, organisations have utilised the capabilities of ICTs to network across great distances and mobilise immediate action on urgent situations of VAW. By examining how ICTs have been employed, women's movements can shape stronger connections with greater understanding of their potential and limitations.

Campaign on VAW and ICT in Bangladesh

A national campaign program for ensuring strategic use of ICT to end violence against women has been initiated in Bangladesh. The key objective of the campaign is: Awareness building to the civil society, business community, mass media and policy makers for ensuring strategic use of ICT to end violence against women; Advocacy with the concerned policy maker and institution to ensure the access of women to the broadcast media

Source: Bangladesh NGOs Network for Radio and Communication (BNNRC)



LAW news



California Governor to sue U.S. for denying emissions waiver

California Gov. Arnold Schwarzenegger said that he would sue the U.S. government for not granting a waiver that would allow his state to enforce new standards on motor vehicle emissions. California needs the waiver from the U.S. Environmental Protection Agency to implement a state law requiring automakers to cut tailpipe carbon dioxide emissions by 25 percent on 2009 model cars. Sixteen other states either have adopted or are considering rules similar to California's standard.

"I am extremely disappointed by EPA's decision to block the will of millions of people in California and 16 other states who want us to take tough action against global warming," Schwarzenegger said in a statement. "I have no doubt that we will prevail because the law, science, and the public's demand for leadership are on our side," Schwarzenegger said. Earlier, the Bush administration announced that the EPA would not grant the waiver because an energy bill signed hours earlier makes unnecessary further action on carbon dioxide emissions from vehicles. The EPA found that the national law, which raises automobile fuel standards by 40 percent by 2020, was a "better approach" than a "patchwork" of state rules.

Source: ENN (Environment news network)

LAW review

Preventive detention law in Bangladesh: A review

MD. JAHD HUSSAIN BHUIYAN

THE first thing after achieving independence the people aspired to get was a constitution where the fundamental rights of the people would be ensured. The Constitution of Bangladesh was adopted on the 4th December and was given effect to from the 16th December 1972, the first anniversary of the 'victory day'. The constitution makers felt the necessity of giving recognition to the basic human rights in consequence of which they incorporated the provisions of Universal Declaration of Human Rights, 1948.

A study of the Constitutions of India and Pakistan of the then period reveals that the constitution makers allowed the Parliaments of their respective countries to pass the preventive detention laws. The original Constitution of Bangladesh did not contemplate preventive detention law without the authority of the court. But it is a fact that by the Constitution (Second Amendment) Act, 1973, which amended Article 33, the parliament had been empowered to pass preventive detention laws.

After the liberation of Bangladesh, the Bangladesh Scheduled Offences (Special Tribunal) Order, 1972, popularly known as P.O. 50/1972 was promulgated with a view to control the market of essential commodities and some marked criminal offences. The provisions of preventive detention were severe and as such popular discontent began to increase every day. Awami League, the then ruling party repealed the P.O. 50/1972 along with the Security of Pakistan Act, 1952 and Bangladesh Public Safety Ordinance, 1958 in the teeth of serious public criticism. Soon after the people got relief from the pangs of the repressive laws, the Parliament on February 9, 1974 enacted the black law, "Special Powers Act, 1974" containing the provisions of preventive detention. The Act says that any person can be arrested and detained by the executive authority if there is apprehension in the mind of the authorities that he may commit "prejudicial act" which means-

- to prejudice the sovereignty or defence of Bangladesh;
- to prejudice the maintenance of friendly relations of Bangladesh with foreign States;

(iii) to prejudice the security of Bangladesh or to endanger public safety or the maintenance of public order;

(iv) to create or excite feelings of enmity or hatred between different communities, classes or sections of people;

(v) to interfere with or encourage or incite interference with the administration of law or the maintenance of law and order;

(vi) to prejudice the maintenance of supplies and services essential to the community;

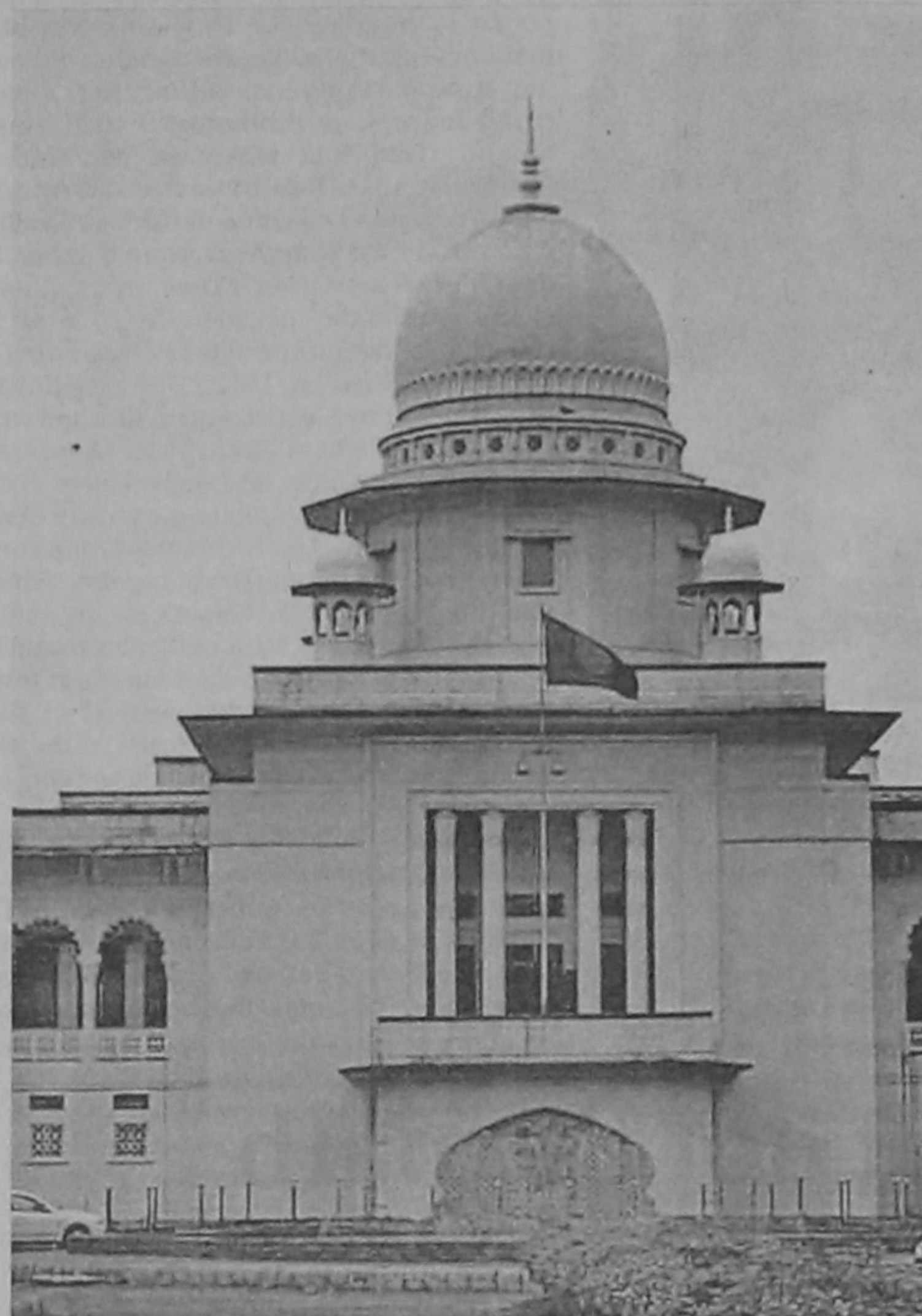
(vii) to cause fear or alarm to the public or to any section of the people;

(viii) to prejudice the economic or financial interests of the State.

It is pertinent to mention that the Awami League launched movements to repeal all repressive laws. As a consequence, we find that the authority presented a bill in the Assembly on 20th September 1958 for repeal of the Security of Pakistan Act, 1952. But the same party, on being in power after the liberation of Bangladesh presented the Special Powers Bill, 1974 in order to materialise their heinous political interest. Two members of the Parliament Mr Ataur Rahman Khan and Mr Abdus Sattar, belonging to the B.J.L. and J.S.D. vehemently objected but the ruling party overlooked them. This law was primarily enforced on the tribal people of Chittagong Hill Tracts, political rivals and especially, the suspected members of Jatio Shmajtantrik Dol and the Shorobhara Party.

In continuation, the governments have been using this law for the last thirty years apparently to threat, suppress and harass the opposition leaders and workers. The Special Powers Act, 1974 explicitly authorises an individual to be detained -- without charge or trial -- for up to six months and up to indefinite period if so sanctioned by the Advisory Board.

What happens in reality is that after arrest, the police officer prays to the court for remand and thereafter they start to an extent physical and mental torture which is a flagrant violation of international human rights law. It may be reiterated that physical and mental torture has become a common feature in most of the countries of



the world.

All the political parties when out of power make serious criticism of the law and promise in the election manifesto that they would repeal this black law if put into power. For example, the three alliances during the movement for fall of the autocratic Ershad regime had been very vocal that they would introduce the practice of democracy after repealing the Special Powers Act, 1974 which violates human rights. But it is regretting that the Bangladesh Nationalist Party (B.N.P.) which came into power started emphasizing that it is a law of utmost necessity and government cannot work without it. Likewise, Sheikh Hasina, Awami League Chairperson, declared before she came into power through the Parliament election held on 12th June 1996 that she would repeal the law if came to power. But after assuming power she pulled her tone in opposite direction by announcing that its efficacy to past

governments justified its existence. Again BNP in its election manifesto in 2001 said that it would scrap this tyrannical law if came to power but it did not. The present government also has not repealed the Special Powers Act, 1974.

It is mentionable that in democratic countries preventive detention is usually a method resorted to in emergencies like war. For instance, in America, the law relating to preventive detention is the Internal Security Act, 1950, which provides that the powers of preventive detention can be exercised only in times of an emergency like war. Similarly, provisions for preventive detention cannot be found in England, except only during an emergency like war. But in Bangladesh, laws regarding preventive detention can be resorted to in times of both peace and emergency which is really disappointing.

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HUMAN RIGHTS watch



National Human Rights Commission Ordinance 2007

Rights bodies criticise obstacles in proposed ordinance

HUMAN rights organisations expressed concern saying that the proposed National Human Rights Commission Ordinance 2007 will not ensure transparency and independence of the commission, as it sets many conditions in publishing its reports and its selection committee is too dependent on the executive. The rights bodies said the definition of human rights in the ordinance is also not comprehensive as it excluded economic, social and cultural rights that are enshrined as key pillars in the constitution of Bangladesh.

Ain O Salish Kendra (ASK), Transparency International Bangladesh (TIB) and Bangladesh Legal Aid and Services Trust (BLAST) made the observations at a joint press conference at Dhaka Reporters Unity. ASK Coordinator Sayeed Ahmed read out the joint statement. "The issue of Human Rights Commission is very crucial. If it is non-functional, it will be dangerous. It is very important to be careful before creating the commission," said ASK Executive Director Advocate Sultana Kamal. Welcoming the approval of the HR Commission Ordinance 2007 by the Advisory Council of the Caretaker

Government, she said the HR bodies had made some recommendations after the draft ordinance was prepared, but those were not incorporated in the ordinance. "We strongly propose that this ordinance be consulted with various stakeholders and grassroots level people," Sultana Kamal, also former adviser to a caretaker government said.

TIB Executive Director Dr Iftekharuzzaman said there are many examples of establishing institutions with great expectations, but those ultimately became non-functional due to some loopholes in regulations and structures. Citing the example of the now defunct Bureau of Anti-Corruption, he said loopholes in recruitment process and the government's control over it had turned the Bureau non-functional. "If the same thing happens in the case of the Human Rights Commission, it will be nothing but a waste of public money. We want the commission to be independent and effective," Iftekharuzzaman said adding that there must be a provision ensuring that the HR commission publishes its annual report with details of all its activities for better transparency. He said the civil society organisations could help the government prepare a draft HR

Commission Ordinance in consultation with the stakeholders and mass people.

BLAST Executive Director Taslimur Rahman said the commission might face problems it is heavily dominated by bureaucrats. Reading out the statement, ASK Coordinator Sayeed Ahmed said the HR Commission Ordinance 2007 must adopt a wider definition of human rights to include political, social, economic, cultural and all other rights that are necessary for the development of the citizens.

According to the draft HR Commission Ordinance, a six-member selection committee would propose two names for each of the three-member commission. These six-member selection committee would consist of a justice from Appellate Division of the Supreme Court, a cabinet secretary, the attorney general, the comptroller and auditor general, the chairman of Public Service Commission and the law secretary.

"This selection committee is too dependent on the executive branch of the state. We demand participation of the civil society in the committee who worked to uphold human rights for a long time," the statement said. Inclusion of at least one female member in the commission

must be ensured by the law, it said, adding: "We want reflection of opinions of all people irrespective of ethnicity, religion and sex." Sayeed Ahmed said as there are possibilities that the state would be all the more blamed for violating human rights, effort to solve the problems only through arbitration or compromise is a constricted idea. "A detailed description of the commission's power to investigate and its procedures therefore is necessary," he said.

According to the HR Commission Ordinance, the commission would not consider the issues already under trial and as a result, the area of the commission will be very constricted, leaving the possibility that the commission might turn non-functional, Sayeed Ahmed read out from the statement. "We think the complaints of negligence in resisting violation of human rights by government organisations should also come under the purview of the commission," the statement said. The commission should be given the power to make recommendations whether all national laws are in line with international laws to uphold human rights, it added.

Hasina falls sick in courtroom

Proceedings of Tk 3cr extortion case adjourned

Detained former premier Sheikh Hasina fell sick during a hearing at the special courtroom on charge framing against her in a Tk 3 crore extortion case. Later, the Court of Metropolitan Sessions Judge adjourned the proceedings till as the defence could not complete examining the evidence produced by the prosecution. Hasina and Sheikh Fazlul Karim Selim, her cousin and co-accused in the case filed by Azam J Chowdhury, were presented in the court. As Judge Mohammad Azizul Haque asked for opinion on the issue, the prosecution lawyers said they do not have any problem but the defence should come up with a petition. Following a written prayer by Hasina's lawyers, the court granted the permission and asked the security personnel to take her back to the sub jail, a special prison set up in the Jatiya Sangsad Bhaban complex. --The Daily Star, January 01.

Ex-MP Pramanik sued for abetting militants

Former BNP lawmaker Shamsul Alam Pramanik and 12 others have been sued for extortion and patronising militants. Poultry trader Azizul Alam of Dashpara village in Manda upazila of the district filed the case with the cognisance court here on July 7 this year. The judge ordered investigation into the case. After necessary investigation, police accepted the case as regular one. Azizul Alam alleged that Pramanik and his associates realised Tk 50,000 in toll from him on behalf of JMB second in command Siddiquil Islam alias Bangla Bhai on February 28, 2004. Of the accused, lecturer Rafiqul Islam of Baghmara upazila, principal Mostafizur Rahman and Hafez Mizanur Rahman have already been jailed for 31 years in another case with former post and telecommunications minister Aminul Haq for patronising militants. --Unb, January 01.

Formulate policy to ensure rights of children with disability

Participants at the Caregivers Conference of Persons with Intellectual and Multiple Disabilities held a candle light vigil at Biam auditorium in the city with a vow to establish the rights of the children with disability. Jaheda Khatun, aged around 40 years, has become tired with her four sons as all of them are physically and mentally challenged and the society did not extended any support to the poor woman to rear her children. "My sons could not be admitted to any government primary school although I managed to get them admitted to a private school. But they were ousted after three months saying that other students would be spoiled if they continue to study there," said Jaheda at the Caregivers Conference of Persons with Intellectual and Multiple Disabilities in the city. The conference was organised by SEID Trust in association with Actionaid and Steps Towards Development at Biam auditorium. Jaheda said she is living at the Geneva Camp as nobody is willing to rent house to her because of her children with disability. "My relatives also used to scold me saying that my children are the results of my sin," continued Jaheda in an emotion-choked voice, adding that only the Seid Trust has come forward to provide education to her children recently. Like Jaheda, there are many women who have to suffer repression from the husband's family only for giving birth to physically or mentally challenged children. "It is time to change the attitude of the society towards the people with disability. At the same time, the government should formulate policy to establish the rights of children with disability and quota system in every school for them," said Taleya Rehman, executive director of Democracy Watch. --The Daily Star, January 01.

Former forest chief confesses to graft

Detained former chief conservator of forest Munshi Anwarul Islam confessed to a magistrate that he amassed a huge amount of wealth illegally when he was the forest boss. Meanwhile, detained former state minister for liberation war affairs ministry Redwan Ahmed was shown arrested in the case filed in connection with amassing wealth illegally. Metropolitan Magistrate Mohammad Hemayet Uddin recorded the statement of the forest boss after investigation officer (IO) Mirza Zahidul Alam, assistant director of the Anti-corruption Commission (ACC), brought Anwar to the magistrate's chamber. On October 23, ACC Assistant Director SM Sahidur Rahman filed the case with Ramna Police Station against Anwar on charge of amassing illegal wealth and providing false statement about his property to the anti-corruption watchdog. The complainant in his first information report (FIR) stated that although the former top forest boss drew a total salary of Tk 30.49 lakh during his stint at the top position of the forest department, he accumulated wealth to the tune of Tk 2.9 crore in his name and in the names of his wife, sons and relatives between 1996 and 2007. --The Daily Star, December 31.

Govt discusses anti-terrorism ordinance

The Council of Advisers of the Caretaker Government elaborately discussed the draft of a new law styled Anti-terrorism Ordinance 2007, meant for effectively dealing with acts of terrorism. After the scrutiny, the council asked the ministry concerned to come up with the draft incorporating "more specific and clearer definition of terrorism". The council, examining the draft ordinance in a regular meeting with Chief Adviser Fakhruddin Ahmed in the chair, directed the Law Ministry to further review and research the draft through studying the definition of terrorism given by other countries and place the new ordinance again before the council. The previous government had prepared a draft bill on "The Anti-terrorism Act 2006" and formed a committee for vetting. But, the past government's tenure was over during the working of the committee. The council approved a proposal extending Open Sky system for one month more for the three international airports in Dhaka, Chittagong and Sylhet in view of "positive response" following the introduction of the system. The government had given permission for open sky for three months from October 1. The meeting discussed in details about Bangladesh Television Authority Act, 2001. It asked the ministry concerned to further review a draft amendment and discuss it with the related stakeholders for making BTV more autonomous and again place it before the council. Chief Adviser's Press Secretary Syed Fahim Munaim briefed newsmen about the outcome of the meeting. --Unb, Dhaka, December 31.

Expatriates in US want voting rights

Bangladeshi expatriates living in the United States urged the government to enroll them as voters of their motherland. "We [Bangladeshi expatriates] contribute to our country's economy by sending remittance and therefore as patriotic citizens of Bangladesh, our voting rights need to be ensured," said Nurun Nabi, a renowned scientist and councilman of New Jersey, US, at a press conference of non-resident Bangladeshis (NRBs) at Dhaka Reporters Unity in the capital.

The expatriates also said the caretaker government should lift the state of emergency for holding a free, fair and credible election in Bangladesh. They demanded banning war criminals and corrupt politicians from taking part in the polls. Abdul A Momen of Framingham State College, US, Zainul Abedin, regional chairman of US Small Business Administration, Abu Taleb, a researcher on local government and democratisation and Munirul Islam were present at the press conference. The Bangladesh expatriates in the US demanded a reserved seat in parliament for the expatriates. "To hold a free, fair and credible election in Bangladesh, the caretaker government should lift the emergency," Abdul A Momen said. --The Daily Star, December 31.

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