



LAW campaign

Children's right to health and role of drug administration

OLI MD. ABDULLAH CHOWDHURY

THERE had been reported deaths of 27 children in the newspapers as they died of having paracetamol syrup prepared by Rid Pharma. Although the government had taken punitive measures against the pharmaceutical company, there had been a gap in overall coordination. Drug administration had neither been able to withdraw the syrup wholly, nor inform all concerned regarding the intoxication caused by this particular syrup. Lack of awareness had resulted in further damage as some paraprofessionals continued to prescribe the drug.

As a result, another child, namely Eva (4) was prescribed the syrup by a village doctor even after the government sealed off the factory of Rid Pharma. After having the syrup, her kidney stopped functioning and essentially she died. Doctors in the hospitals made every attempt to make her kidney operational through dialysis. However, dialysis did not work in her case and the child died in the hospital.

Ensuring health services: State responsibility

Our constitution, nevertheless, lays the responsibility with the state to ensure appropriate health care for citizens. It has been stated in Article 15, "It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens the provision of the basic necessities of life, including food, cloth-



ing, shelter, education and medical care".

Bangladesh has signed core international human rights treaties and is accountable for the respect for, protection of and realization of the rights of individuals in the country. Bangladesh is one of those countries who signed UN Convention on the Rights of the Child (CRC) at the very outset. Bangladesh has also been a member of the CRC committee for a considerable period. It has been stated in Article 24(1) of the Convention, "States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of

access to such health care services".

There are countries like Bangladesh where traditional practices prejudicial to the health of children exist. Specific guidance has been provided in the later part as it said in Article 24 () "States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children".

Domestic law

There is hardly a piece of comprehensive law in the country addressing health rights. If there is a clear evidence of negligence, there are remedies available in the Penal Code. "Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to

endanger human life or the personal safety of others shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to five thousand taka, or with both", said in Section 338 of the Bangladesh Penal Code.

Moreover, there are specific provisions related to drug in the newly enacted Consumer Rights Protection Act (CRPA). There has been a provision of 3 years of imprisonment and/or fine of Tk. 300,000 for selling illegal drugs as mentioned in Section 41 of the CRPA.

Role of drug administration

Drug administration has played a controversial role in dealing with the situation. While Health Minister accused Rid Pharma for the death of children, Director of Drug Administration explained it differently as reported in the Prothom Alo on August 27, 2009. The director allegedly did not find any link between the death and contaminated drug. The contradictory remark made by the director surprised concerned citizens.

Conclusion

There had been an apparent lack of coordination between different wings of health ministry while dealing with the situation arisen from drug controversy. If there had been a combined effort from the beginning, a number of children could have survived. A mechanism must be developed to combat similar situation in the future. At the same time, violators of the health rights must be brought to book.

Oli Md. Abdullah Chowdhury is a human rights worker.

Defending women in armed conflict

THE United Nations Security Council resolution up for a vote to create a senior coordinator to address how armed conflict affects women around the globe is a vital step toward more consistent UN action on the issue, Human Rights Watch says.

The decision to create the position, which will focus initially on ending sexual violence during and after armed conflict, comes nine years after the Security Council pledged a comprehensive response on peace and security issues for women.

"While the UN spent years debating, untold thousands of girls and women around the world have suffered ruined bodies and ruined lives," said Marianne Mollmann, women's rights advocate at Human Rights Watch. "We hope this new position will finally generate the leadership to help the UN act swiftly and coherently to halt sexual violence in wartime."

The Security Council resolution, expected to be adopted by consensus at a session chaired by US Secretary of State Hillary Clinton, sets up a system of technical experts to work with the new senior coordinator and to support the UN country teams and peacekeeping missions as they address sexual violence.

It asks the UN secretary-general to urgently analyze gaps in how the UN system responds to sexual violence so that the Security Council can address them. Such gaps include a lack of expertise on sexual violence and gender issues at the UN mission level and at headquarters, and a lack of support for building participation by women into procedures for peace talks.

"Amazingly, even as the UN system's failure to address sexual violence in conflict has become increasingly obvious, no one has sat down to look at just where things fall down," said Mollmann. "This resolution asks the UN secretary-general to provide a much clearer picture of what is wrong, an absolutely necessary step for fixing it."

Since the adoption of resolution 1325 on women, peace, and security in 2000, the Security Council has recognized that women and girls experience conflict and post-conflict differently than men and boys, and that this is relevant to international peace and security. In particular, the council has noted that combatants tend to target women and girls for specific types of violence, and that peace processes are more comprehensive when women participate on an equal footing with men.

Human Rights Watch and other commentators have repeatedly criticized the Security Council and the UN system as a whole for not doing enough to protect women against violence.



Specifically, UN peacekeeping procedures have failed to implement the council's vision expressed in the 2000 resolution that women and men should be equal partners in post-conflict negotiations and rebuilding processes. Over the past few years, nongovernmental organizations around the globe have rallied around a call for a senior UN post to spearhead these actions.

"The Security Council finally has responded to the call from women around the world to designate responsibility for its actions on women and girls," said Mollmann. "The UN secretary-general needs to move decisively to make an appointment for this post. Women in the midst of conflict should not be made to wait any longer."

Source: Human Rights Watch Press release

HUMAN RIGHTS monitor

New initiative to address sexual violence

THE Centers for Disease Control and Prevention (CDC), five United Nations organizations (UNICEF, UNAIDS, UNFPA, UNIFEM, WHO) and private sector supporters will join together later today via the Clinton Global Initiative (CGI) in a new approach to address the rights violations and health impacts of sexual violence against girls. According to the World Health Organization, in 2002 approximately 150 million girls experienced some form of sexual violence with physical contact.

"Sexual violence against children is a gross violation of their

rights, a moral and ethical outrage and an assault on the world's conscience," said Ann M. Veneman, Executive Director of UNICEF. "Sexual abuse can lead to lost childhoods, abandoned education, physical and emotional problems, the spread of HIV, and an often irrevocable loss of dignity and self-esteem."

In 2007 CDC, UNICEF and several local institutions partnered to implement a national survey on violence against girls and young women in Swaziland. Swaziland has the highest prevalence of HIV among adults globally. The survey showed that approximately one-

third of girls had a history of sexual violence. Additionally, more than 40% of those who experienced sexual violence in their lifetimes had two or more incidences prior to age 18.

This survey led to a series of policy and legislative interventions in Swaziland, including establishment of the nation's first Sexual Offenses Unit for children, and a push for finalization of legislation against domestic violence and sexual offences which is due for presentation to parliament by end of October.

"While it is generally known that sexual violence against girls is a

global problem, very limited data exist on the extent of this problem in the developing world. Obtaining valid data is a key step toward mobilizing policy and other positive interventions," said Dr. Rodney Hammond, Director of the Division of Violence Prevention in CDC's Injury Center.

"Sexual violence, including coercion, abuse, exploitation, rape and trafficking, has a devastating impact on children, particularly adolescent and pre-adolescent girls, who are among the most vulnerable members of any society," said Gary Cohen, Board Director of the CDC Foundation and the US Fund for UNICEF, and Executive Vice President, BD. "This grave injustice ruins lives, undermines human potential, and drives the cycle of infectious disease spread, increasing the population of people who require treatment. It also has broader societal impacts, because girls who are protected and educated contribute disproportionately back to their families and communities."

Research demonstrates that sexual violence against girls is a direct and an indirect driver of the HIV/AIDS epidemic. Evidence shows that the risk of HIV infection is increased following forced sex, especially among children. Gender inequity and partner violence are associated with a substantial part of new HIV infections in Africa, and girls who have experienced sexual coercion are less likely to use condoms and more likely to experience STIs. Stopping sexual violence also helps to protect girls from unwanted pregnancies and the risk

of mother to child transmission of HIV/AIDS.

"Sexual violence against girls increases their vulnerability to HIV infection and must be stopped," said Michel Sidibé, UNAIDS, Executive Director. "AIDS responses must include initiatives to stop sexual violence as an integral part of HIV prevention and treatment programmes."

The initiative partners are working together to:

- Provide funding to CDC and UNICEF to expand surveillance of sexual violence against girls in developing and emerging countries.
- Develop a technical package of interventions for implementation at a country level to reduce the incidence of sexual violence against girls, based on data obtained and proven intervention strategies.
- Prepare and launch a major media campaign to elevate awareness of this problem and motivate social and behavioral change.

These three intervention strategies are pillars of what is expected to emerge as a global movement to address this devastating human injustice and public health problem.

"Sexual violence is a major priority that must be tackled by all, through many interventions," said Thoraya Ahmed Obaid, Executive Director of UNFPA. "We hope our partnership in this initiative will help reduce such violence through the concrete actions that it proposes."

Source: UNICEF Press release

LAW update



Governments sign up to promote ESC rights

TWENTY states began signing an international agreement to address violations of economic, social and cultural rights at the United Nations in New York on September 24, 2009. For the first time, the Optional Protocol on Economic, Social and Cultural Rights establishes a mechanism to access justice at an international level for people whose rights are violated.

The Optional Protocol will enable them to seek justice at the international level and will also support efforts within countries to ensure that effective remedies are available to victims.

"Justice for people whose economic, social and cultural rights are violated, took a decisive step forward today," said Muthoni Wanyeki of the Kenyan Human Rights Commission. Muthoni Wanyeki representing a coalition of over 300 NGOs, including Amnesty International, campaigning for the Optional Protocol is taking part in the Treaty Event for Heads of State at UN Headquarters in New York.

"The Coalition welcomes this significant beginning towards universal support for this historic mechanism. 33,794 individuals and NGOs from 111 countries have signed a global petition calling on all States who are eligible to do so to become a party to the Optional Protocol through ratification."

The following States have signed the Optional Protocol: Argentina, Belgium, Chile, Ecuador, Finland, Gabon, Ghana, Guatemala, Luxembourg, Mali, Montenegro, The Netherlands, Portugal, Senegal, Slovakia, Slovenia, Solomon Islands, Spain, Ukraine, and Uruguay.

Source: Amnesty International

