



RIGHTS CORNER

Maltreatment of children: Contempt to human rights

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HUMAN rights propaganda had been the inspiring factors to the liberation struggle of Bangladesh. The country's response to human rights and fundamental freedoms dates back from the proclamation of independence of 10 April 1971. The proclamation inter alia reads "...we undertake to observe ...and abide by the charter of the United Nations. Bangladesh became the 136th member of the United Nations on 17 September 1974. By becoming a member of the United Nations under the charter the government of Bangladesh adhered to the universal declaration of human rights as there seems to be an agreement that the declaration is a statement of general principles spelling out in considerable detail the meaning of the phrase human rights and fundamental freedoms in the charter of the United Nations. Further such adherence is apparent by the fact that the constitution of Bangladesh in its preamble itself states "...it shall be a fundamental aim of the state to realize A society in which the rule of law, fundamental human rights and freedom will be secured for all citizens." Article 11 provides that the Republic shall be a democracy in which fundamental human rights shall be guaranteed. So it is unequivocal to all respect that Bangladesh is quite an agent to enforce human rights. To my mind children are most vulnerable class of people. For the development of children and their mind special care and protection is worth to maintain.

There is difference of opinion of different authority as to the age of majority. Up to which age a children yet treated as children is not settled universally. Universal Declaration of Human Rights inclined to contain eighteen years as ceiling age of children where in Bangladesh it is sixteen years as per the Children Act 1974 (Act No XXXIX of 1974). Notwithstanding the provision of age of majority we are here intended to justify how the children are treated in fact and whether human rights faces to decline in terms of protection of children.

Normally the child by reason of his physical and mental immaturity needs

special care and safeguards, including appropriate legal protection before as well as after birth. To that purpose the international concern has brought out provision regarding treatment of children through inter alia the Geneva declaration of the rights of the child 1924, Declaration of the rights of the child, 1959, Universal Declaration of Human Rights (UDHR) 1948, International covenant on civil and political rights (ICCPR) 1966, International covenant on economic social and cultural rights (ICESCR) 1966. An analysis of the instruments



would assist us to give justification whether children are treated properly.

In respect of torture and treatment Proper treatment of children is the sine qua non to the human development. No doubt, today's children are the beholders of future. The law provides for the protection of children from all forms of neglect, cruelty and exploitation. It is drastically an invasion to the rights of child to engage them in any occupation which would prejudice to his health or education. In Bangladesh it is often seen that children are compelled to work in the workshop or factory with high risk of life. It is not upon surmise and conjecture that child working earns an amount not sufficient to survive. It is a tragic for Human rights that there they get unequal treatment. Even the handi-

discrimination in payment of wages. Let in garments there are 500 workers engaged of which 50 are child. The child worker does the same job as that of adult, but he receives a less amount than an adult. As child labor available for low wages the owner of garments or workshop are favored to it though it is a gross violation of human rights. To save the same it is Art.15 (2) of Bangladesh constitution and Art.23 (2) of UDHR where the owner as well as society should to visit.

In respect of rest and leisure: The labor Act 2006 of Bangladesh specifically signifies for the standard working hours of workers including children. Adequate rest requires to be confronted to the child workers. It is even their constitutional rights. The invasion of which

is complete violation of human rights. Many of the work station in Bangladesh are not willing to satisfy the provision for rest and leisure. Article 15© of Bangladesh constitution and Article 24 of UDHR and Article 7(d) of ICESCR can be a influential resort to justify the right of rest and leisure where reasonable limitations of working hours and periodic holidays are guaranteed.

In respect of education Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It is sure that education is the inherent and inviolable rights of the children. Simply it is transgression to human rights where a single child is deprived from education. In corresponds to this proposition Article 17 of Bangladesh constitution and Article 26 of UDHR are worth to mention. Deprivation of education is equivalent to maltreatment of children. It is certainly contempt to human rights.

In respect of trial Children are no doubt definite class of people who exempt themselves from liability if below the age of nine. In other cases he would to take the responsibility where he should get proper treatment of law. It is the statutory right of the child not to be tried with adult criminals. The child must be tried in the Juvenile court. It is contempt to law and human rights to try a child with adult. Section 6 of the Children act 1974 is pertinent to refer here which declare a trial of child with adult as invalid.

In lieu of conclusion Children are necessarily the considerable part of society. By very fact of his birth he acquires some right violation of which defrauds the human rights. If it happens a child are compelled to work injurious to his health or life and if the payment of child worker is negligible than adult though both works for same responsibility, is for sure contempt of human rights. Nonetheless time has come to raise voice against maltreatment of children and to the protection of the dignity of Human rights.

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LAW WEEK

4 Jamaat leaders' review plea rejected

The International Crimes Tribunal on 21 April rejected a petition seeking review of its order that allowed investigators to quiz Jamaat-e-Islami Ameer Motiur Rahman Nizami and Secretary General Ali Ahsan Mohammad Mojaheed at a 'safe home' on war crime charges. The tribunal, however, directed the investigators to inform counsels of the accused 48 hours before holding the interrogation so that they could give their counsels necessary advice. After rejecting the review petition, the tribunal, headed by its Chairman Justice Nizamul Huq, started hearing a bail petition filed by Nizami, Mojaheed and Jamaat assistant secretaries general Muhammad Kamaruzzaman and Abdul Quader Molla in connection with war crime charges. -The Daily star online edition 21 April 2011.

SQ Chy to be quizzed at 'safe home'

The International Crimes Tribunal on 19 April allowed the investigators to interrogate BNP leader Salauddin Quader Chowdhury for a day at a Dhanmondi 'safe home' in connection with war crimes charges. The three-member court headed by Justice Nizamul Haque passed the order in response to an application filed by the prosecution on behalf of the investigation agency. The tribunal directed the jail authorities to keep Salauddin detained until further order. -The Daily star online edition 19 April 2011.

300 sued for Khagrachhari violence

Three separate cases were filed on 18 April night in connection with violence which was held in 17 April in Khagrachhari that left three people dead. Manjurul Afsar, officer-in-charge of Guimara Police Station, filed two cases -- one for killing and another for arson attack and looting with the police station against 250 unnamed people, reports our Khagrachhari correspondent. A group of affected indigenous people filed the other case with Manikchhari Police Station against 16 identified and 30-40 unidentified people in connection with vandalism and arson attack. Earlier, at least three people were killed, 20 injured and 30 houses were burnt on 17 April over a land dispute between indigenous people and Bangalee settlers at Shankhola Para of Ramgarh upazila. - The Daily star online edition 19 April 2011.

Aug 21 Attack, Rezzaqul, Rahim on remand

A Dhaka court on April 18 placed two former directors general of National Security Intelligence (NSI) on remand for four days in connection with the August 21 grenade attack on an Awami League rally in 2004. Metropolitan Magistrate Shahriar Mahmud Adnan passed the order after Maj Gen (ret'd) Rezzaqul Haider Chowdhury and Brig Gen (ret'd) M Abdur Rahim were produced before the court with a seven-day remand prayer for each. The former NSI bosses, who had been arrested in connection with the 10-truckload of arms haul case, were shown arrested on April 13 in the case relating to the attack on August 21, 2004 at Bangabandhu Avenue. - The Daily star 19 April 2011.

MiG-29 Purchase, trial in graft case resumes

The trial in the MiG-29 purchase graft case resumed on 18 April at a Dhaka court with the deposition of complainant, Abdullah Al Zahid, deputy director of the Anti-Corruption Commission (ACC). Judge Mohammad Abdul Majid of the Special Court for Dhaka Division recorded statement of the complainant and fixed May 3 for the next hearing after the defendants' lawyers cross-examined him. Earlier on April 6, this year the same court dropped all charges against Prime Minister Sheikh Hasina, who was also an accused of the case. The case was filed on December 11, 2001 with Tejgaon Police Station against Hasina and six others. -The Daily star 19 April 2011.

1 to die for Manjurul Imam murder

Additional District and Sessions Judge's Court on April 17 sentenced a man to death for killing Awami League (AL) leader advocate Manjurul Imam eight years ago. Judge Md. Moinul Huq sentenced Shukur Gazi to death by hanging. Earlier, Manjurul Imam, president of Khulna City AL, was killed in a bomb attack by extremists on August 25, 2003 at 10:30am near his residence on Shamsur Rahman Road in Khulna Sadar. - The Daily star 18 April 2011.

1 held for disgracing Lalon devotees

A madrasa principal, Mufti Reazul Islam, principal of a Qaumi madrasa located at Chowbaria in the Pangsha upazila of Rajbari, was arrested on 16 April five days after a case was filed against him for disgracing 28 devotees of mystic poet Lalon Fakir. Mohammad Fakir, 60, a Lalon devotee of Char Ramnagar village, filed the case on April 10 against 50 people. Mufti Reazul Islam is one of the 13 accused whose names were mentioned. - The Daily star 17 April 2011.

FOR YOUR INFORMATION

War Crime?

WAR crimes are understood to mean serious violations of international humanitarian law committed during international or non-international armed conflicts. Several legal texts contain definitions of war crimes, namely the Statute of the International Military Tribunal established after the Second World War in Nuremberg, the Geneva Conventions and their Additional protocols, the Statutes and case law of the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the Statute of the International Criminal Court. Definitions of the notion of war crime are also given in the legislation and case law of various countries. It is important to note that; one single act may constitute a war crime.

The following acts are, among others, included in the definition of war crimes:

- Wilful killing of a protected person (e.g. wounded or sick combatant, prisoner of war, civilians);
- Torture or inhuman treatment of a protected person;
- Wilfully causing great suffering to, or serious injury to the body or health of, a protected person;
- Attacking the civilian population;
- Unlawful deportation or transfer;
- Using prohibited weapons or methods of warfare;
- Killing or wounding perfidiously individuals belonging to a hostile nation or army;
- Pillage of public or private property

Source: The International Committee of The Red Cross (ICRC).

HUMAN RIGHTS MONITOR

Indian human rights activist Binayak Sen to be released on bail

INDIA'S Supreme Court on 15th April 2011, granted bail to Dr Binayak Sen, a human rights defender who has spent 100 days in prison as part of a politically motivated life sentence on sedition and conspiracy charges.

The 61-year-old prisoner of conscience has been in Raipur prison in the central Indian state of Chhattisgarh since 24 December after a district court convicted him of collaborating with armed Maoists who are part a banned organization.

"The decision to grant bail to Dr Binayak Sen is hugely positive," said Sam Zarifi, Amnesty International's Asia-Pacific Director. "Dr Sen is an internationally recognized human rights defender who has never been charged with any act of violence and the decision to release him is welcome."

"However, we hope the courts will overturn the sentence still hanging over Dr Sen. We maintain that the charges against him are baseless and politically motivated."

Dr Sen is likely to be released on 25th April next pending the arrival of the detailed court order confirming the Supreme Court's decision, according to his wife Ilina Sen.

Ilina Sen also thanked Amnesty International and other human rights organizations that have sustained the campaign for his release.

Dr Sen earlier spent two years in Raipur prison before the Supreme Court intervened and

released him on bail in May 2009, after which he was convicted and rearrested. He has challenged his conviction in the Chhattisgarh high court.

Amnesty International believes that Dr Sen was convicted under laws that are impermissibly vague, falling well short of international stan-



dards for criminal prosecution. Dr Sen is a pioneer of health care for marginalized and adivasi (indigenous) communities in central India, where the security forces and armed Maoists have been engaged in clashes over the last six years.

He has also been instrumental in highlighting human rights violations in the area.

Source: Amnesty International.

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