



RIGHTS INVESTIGATION



Paradox in defining child

Survey report says "less than 1% respondents had no clear idea about who is a child"

CHILDREN are born with rights and are entitled to protection. Creating a safe and enabling environment is a precondition in order for them to reach their full potential. However, many children in Bangladesh are at risk working or living in the street endangering their development. Others, less visible to the public see their rights violated under different forms. Within this context, the National Human Rights Commission of Bangladesh (NHRC) held a workshop on the rights of the child on March 1st within the framework of a national campaign aiming at raising awareness about human rights and engaging key stakeholders (District administration members, members of the judiciary, law enforcement officials, journalists and NGOs) to reflect on their role in promoting, protecting and ensuring respect of the rights of the most vulnerable.

But how do Bangladeshi people understand child rights? Conducted on behalf of the NHRC, a recent survey sought to establish the baseline level of public perceptions, attitudes and understanding of human rights, including people's understanding of child rights and child labour as a rights issue. The following is an abridged version of the survey report.

Child Rights
A significant obstacle in discussing child rights is a lack of understanding about who is a child. Less than 1% of survey respondents believed people are children until age 18. This is in sharp contradiction to the UN Convention on the Rights of the Child (CRC), which asserts that anyone under 18 is a child. Approximately half the respondents believed both boys and girls stop being children between the ages of 6 and 10, while 16-17% considered them no longer children by age five.

Respondents were asked which rights they believed should be protected and prioritised for children, as illustrated in Table 1:

These responses indicated people are

Table 1: The rights boys and girls should have		
Right	Girls	Boys
Highest		
To education at state expense	80.1%	42.8%
To be brought up / cared for by both parents	49.3%	47.7%
To play	43.6%	41.1%
To receive healthcare	43.1%	46.6%
The right to freedom of thought and conscience	13.5%	16.0%
Lowest		
Not to be trafficked	0.6%	1.2%
To be protected from sexual abuse	0.8%	5.5%
To be protected from mental violence	3.9%	5.0%
Not to be separated from the parents against their will	4.6%	4.5%

very aware of parental and state responsibilities to raise children, but have an extremely low level of recognition of children's rights to be free from violence and trafficking and to protection from abuse, including by their families.

The right to education at state expense was much more strongly supported for boys. The survey found people are more likely to invest in a boy child's education,

child, but would accept slapping and beating with a cane for major faults. It was also widely accepted that teachers could physically discipline children for disobedience or naughtiness.

Close to 50% of women in Bangladesh marry before they turn 18, yet 93.9% of respondents did not believe this practice is right. This response is encouraging, as underage marriage can negatively impact

Table 2: To what age will you educate your children?		
Level of education	For a girl	For a boy
Primary level	2.5	1.6
Up to SSC	22.4	10.4
Up to HSC	10.7	10.0
Up to University level	25.7	34.8
As desired by the child	32.7	42.8
Till marriage	5.1	(not mentioned for boys)
No education needed	0.4	0.5
As desired by husband	0.5	(not mentioned for boys)

and to educate them to University level or their desired level, as seen in Table 2.

Regarding attitudes towards permissible violence against children, respondents generally believed verbal discipline was most appropriate for a minor fault by a

upon girls' human rights for their entire lives. Health problems were recognised as a major consequence of underage marriage by 75% of respondents, and over 50% acknowledged that married underage girls will become mothers before they are ready.

LAW ANALYSIS



Preventing money laundering: Some issues

RUBAIYAT RAHMAN

IN the middle of last month (i.e., February 16) the National Parliament approved a new bill as to the prevention of the vice of money laundering. Under the rubric of "The Money Laundering Prevention Bill-2012", the bill is pivotal in significance. In the case of Tarique Rahaman vs Bangladesh 63 DLR (AD) (2011) 18, Justice Md. Muzammel Hossain opines, 'The sole object of a repealing and amending act is to get rid of certain provisions of obsolete matter and replacing the same by subsequent amendment of an Act ... since right of repeal being inherent in legislature alone.' In compliance with the contention, the bill not only replaces the present 'Money Laundering Prevention Act 2009', at once with the 'Money Laundering Prevention Ordinance 2012', but also aims at making an 'up to the hilt' law to efface the dynamic crime of money laundering that poses as a thicket upon the economy cornerstone of Bangladesh.

Money Laundering is deemed as a financially-based crime that is buckled down to conceal, misrepresent, and disguise all the details as to illegal financial income. Article 1 of the European Communities (EC) Directive of March 1990 defines this egregious crime as: 'the conversion or transfer of property, knowing that such property is derived from serious crime, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in committing such an offence or offences to evade the legal consequences of his action, and the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from serious crime.'

During the 1960s, the vice of laundering was limited to the dictators and behemoth bureaucrats of the least developed countries that garnered sovereignty from colonialism. At the outset of 1980s, the drug traffickers of Asia and Latin American used it to shroud their illegal monetary gains. Later on, in 1990s the booming influx of economic migrants to developed western states accelerated the scourge of money laundering to everywhere, from up hill to down dale. At the present time the trends of money



BLOG BAIYAT

its financial problems are seeping into the base of its financial infrastructure and turning it into a decrepit coliseum. The aim of money launderers is neither to invest in the country economy nor to chug through the country economy to a solid footing, rather they ail country economy by the successful cloaking of the origin and ownership of the illegal funds they control. They do it by injecting it directly or indirectly into the economy. Since they are criminals, the laundered money only facilitates the hoodlums with access to the proceeds of bout of

laundrying are no longer encompassed dictators, drug traffickers and economic migrants only; rather, corrupt politicians, human traffickers as well as terrorists using this as a conduit to converse their black money.

Due to present globalised hi-tech vibe in the orb of financial sector, money laundering becomes a truly worldwide industry. Money laundering has potentially devastating economic, security, and social consequences. The developing states, which are used as pivotal conduit for laundered money, are always deemed within the ace of devastating impact. Money launderers are seen to buckle down to those developing countries where financial regulations are tussling with various pitfalls. As fast as the laundered money floods into a state's economy, vices. These proceeds can be used by the launderers to fund crimes as well as to ail the good governance. In the case of Del Agha vs Directorate of Revenue 92 (2001) DLT 762, the Court of India depicts the impact of money laundering upon a country in a very proper manner. The Court opines, it (money laundering) makes the black money handy to the subversive elements engaged in destabilizing and destroying the nation and thence poses economic threat on the country economy which is far more appalling than an armed invasion from across the border.

Bangladesh is currently strengthening its anti money laundering system. The newly inducted "The Money Laundering Prevention Bill-2012" is one of the steps to tussle the throe of financial terrorism. Bangladesh ratifies the UN Vienna Convention 1988 and the UN Terrorist Financing Convention. Bangladesh is also a founding member of the Asia/Pacific Group on Money Laundering (APG) which is formed to ensure the adoption, implementation and enforcement of the Financial Action Task Force (FATF) recommendations for reaching universally adopted international anti-money laundering standards within Asia and the Pacific countries. In the recent FATF meeting, concluded on 16 February, the money laundering watchdog places Bangladesh into grey-list. Among other South-Asian countries, both Pakistan and Sri Lanka are enmeshed into the black list; while another South Asian neighbour Nepal is given a galling two months timeline to peg down the menace of money laundering and also to escape the threat of being black listed.

Updating legislation from time to time in line with changing trends of money laundering would help to wallop the financial terrorism. Thence, failing to do so would be an economic fiasco. As metaphor, money laundering and financial terrorism are geographical fault lines those look like small and giddy, but chugs through deeply into the core. For that reason, the seamless viaduct of money laundering and financial terrorism is a dynamic menace which should be tackled in a tenacious and integrated fashion.

The writer is Student of Law, University of Dhaka.



HUMAN RIGHTS WATCH

State religions' risk alienating minorities

STATE-sanctioned religions risk alienating minorities and discriminating against members of other faiths, an independent United Nations human rights expert warned on March 06.

Speaking at the UN Human Rights Council in Geneva where he presented his latest report on freedom of religion or belief and recognition issues, Heiner Bielefeldt urged governments around the world to ensure that 'official' religions do not discriminate against communities of other faiths within their jurisdictions.

"It seems difficult, if not impossible, to conceive of an official 'State religion' that in practice does not have adverse effects on religious minorities, thus discriminating against their members," said Mr. Bielefeldt, who also cautioned against the use of 'official' religion for purposes of national identity politics.

The new report explores the key issues affecting the right to religious freedom around the world from the limits imposed on communities of faith by strict registration procedures to the potential risk that official State religions pose to minority groups.

In addition, it distinguishes between three separate meanings of the concept of State 'recognition' of religion so as to avoid any potential misunderstandings which could affect freedom of religion or belief or even undermine it as a universal human right.

"Respect for freedom of religion or belief as a human right does not depend on administrative registration procedures, as it has the status of a human right, prior to and independent of any acts of State approval," added Mr. Bielefeldt, who has served as the Special Rapporteur on freedom of religion and belief since August 2010.

He also called on States to offer "quick, transparent, fair, inclusive, and non-discriminatory" options for religious communities to achieve the status of legal personality, which is frequently necessary for a community to fully enjoy its freedom to worship.

Source: UN News Service.



PALESTINE