



# HUMAN RIGHTS DAY SPECIAL



**Professor Dr. Mizanur Rahman**  
Chairman, National Human Rights Commission Bangladesh

Dear Readers,

Please allow me on behalf of the NHRCC Bangladesh to express to you heartiest congratulations on International Human Rights Day. Sixty five years ago, on this day, December 10, 1948, the UN General Assembly adopted the Universal Declaration of Human Rights. Since then, December 10 is being celebrated worldwide as the Human Rights Day. For us, this day bears special significance - our dear motherland - The People's Republic of Bangladesh is a direct product of one of the basic human rights i.e. the right of nations and peoples to self determination. We have reaped this harvest of human rights in the month of human rights - which coincides with our month of victory. Human rights day and the victory day are thus intertwined. So we have a wonderful feeling in our hearts, fanfare and merriment echo in every soul!

The theme of this year Human Rights Day is 'Working for your Rights'. For effective protection of human rights it is not sufficient that a citizen is merely rights-conscious. S/he as well needs to be aware of duties - must never be negligent or reluctant to perform his obligations. It has been proved time and again that if a person discharges his or her duties properly he need not worry for his rights because rights are then automatically realised.

We dream of establishing a society which will be based on a strong and effective human rights culture. For this to come to reality, we need to appreciate the multifaceted nature of the notion of human rights. In other words, it signifies that for better promotion and protection of human rights mere protection/realisation of civil and political rights are not adequate. Such rights need to be accompanied by ever increasing ambit of and access to economic, social and cultural rights of individuals.

Many human rights advocates believe that in a developing country like Bangladesh, economic, social and cultural rights hold primacy over civil and political rights. However, it needs no exaggeration to state that even in a situation of heightened realisation and protection of rights to food, shelter, education, medical care etc. if minimum standard of protection of

civil and political rights is not ensured, an individual's situation may be compared to a 'bird in a golden cage'.

This may be one of the main reasons why the contemporary notion of 'human rights' evolves around 'human dignity'. Every human being, merely for being born as a human, is entitled to 'dignity'. Violation or infringement of human dignity, however negligible or meagre it may appear to be, is tantamount to violation of human rights.

'Human dignity' is the sum total of various kinds of rights and freedoms. To this, we should add the state of surrounding environment that provides a sense of security. Back in 1941, in his historic Four Freedoms Speech, the then President of the United States, Franklin D. Roosevelt declared that 'Freedom from fear' is a human right and must be ensured by all states for their citizens. So, today when we proclaim the theme 'Working for your Rights' - we automatically assume the responsibility to ensure that all our citizens irrespective of caste, creed, religion, faith, belief or philosophy are able to lead a life without fear of any kind.

Violence, unlawful coercion, terrorism spread fathomless fear in the society, cripples normal life of citizens and thus infringes 'human dignity'. This must not be given any space in our societal life.

Moreover, if we truly believe in human rights we must acknowledge the indispensability of prosecuting the



perpetrators of human rights. If the culprits are not taken to book, human rights culture cannot spread its wings!

In order to realise the theme of this year's Human Rights Day - 'Working for your Rights', we must repose complete faith in the age old wisdom - 'We are for each other'.

Let us dedicate our efforts to realising this truth, let us express our free allegiance and respect for human rights for all, everywhere, equally. This may be the key to realising the dream of the Father of the nation, and the ultimate goal of the whole nation - Sonar Bangla or the Golden Bangladesh!



**Navi Pillay**  
United Nations High Commissioner for Human Rights  
Excellencies, friends,

This year, as you know, marks 20 years since a historic document, the Vienna Declaration and Programme of Action, was adopted, leading to the creation of my office - the Office of the High Commissioner for Human Rights.

During the Human Rights Day event, we will take stock of where we are today in the implementation of its promises, but also try to look forward over the next 20 years. Hopefully what we have done so far will enable us to face the challenges we will face in the future.

The Vienna Declaration and Programme of Action crystallised the principle that human rights are universal. It

## WORKING FOR YOUR RIGHTS

HUMAN RIGHTS DAY 2013

committed States to the promotion and protection of all human rights for all people, regardless of their political, economic and cultural systems.

In the past two decades, much has been achieved, indeed more than people perhaps realise. The fundamentals for protecting and promoting human rights are largely in place - the firm foundation of the Universal Declaration of Human Rights which is the basis for a strong and growing body of international human rights law and standards, as well as the institutions to interpret the laws, monitor compliance and apply these laws to new and emerging human rights issues.

Today, human rights are increasingly permeating all corners of the work of the United Nations, and that is fundamentally changing the way the UN works with national authorities and the international community. The key now is to implement the laws and standards to make enjoyment of human rights a reality on the ground. Unfortunately, too often, the political will, and the human and financial resources, to achieve this are lacking.

The 20 years since Vienna have seen many setbacks and a number of tragic failures to prevent atrocities and safeguard human rights. In several instances where deplorable, large-scale violations of international human rights law were occurring, the international community was too slow, too divided, too short-sighted - or just plain inadequate in its response to the warnings of human rights defenders and the cries of victims.

We can and we must do better.

The Vienna Declaration should be viewed as a blueprint for a magnificent construction that is still only half built. It should be viewed as a living document that can and should continue to guide our actions and goals.

In any vision for the future, the evolving role of information technology, which is transforming the way we do human rights work, must be taken into account. The World Wide Web, social media and IT innovations are dramatically improving real-time communications and information-sharing. They are also magnifying the voice of human rights defenders, shining a light on abuses, and mobilising support for various causes in many parts of the world.

It is essential that the space for human rights defenders is doggedly defended, both online and offline. It is also crucial that this space includes those who are frequently excluded from the political and even economic life, of a State. Women continue to suffer discrimination, violence and persecution. So too do ethnic, racial and religious minorities, and migrants, as well as individuals because of their sexual orientation or gender identity. This shows how far we still have to go.

On this Human Rights Day, I urge members States to focus on the many recommendations they receive from the UN system and to ensure effective and inclusive participation in drawing up national action plans to bring about real change. A huge amount of work remains to be done to transform human rights from abstract promises to genuine improvement in the daily lives of all people, especially those who are currently marginalised or excluded.

On our part, the UN Human Rights Office will continue to ensure that we work with national authorities to prevent human rights breaches from occurring. We will continue to be vocal about human rights violations and bring them to the attention of the international community when this is warranted.

The vision and goals we formulated 20 years ago in Vienna are still valid - and still worth fighting for now, over the next 20 years, and beyond.

## A year of agony for workers

SYED SULTAN UDDIN AHMED

**T**HE Universal Declaration of Human Rights, 1948 recognised workers specific rights with due emphasis. According to article (23.1) "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment", while article (23.3) says "Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection". But in case of Bangladesh, neither favorable conditions nor the appropriate fee, workers only came for work from different villages to Dhaka to ensure their livelihood. Last year, Tazreen factory fire and this

domestic workers become victim of oppression and died throughout the year. A number of construction workers and store employees gave their lives to protect the wealth of their owners. It is frequently being reported that tortured bodies of migrant workers are coming back to the country. According to sources of airport, in every week a number of dead bodies of migrant workers arrive here from the land of death.

In this year, workers are being subjected to another cruelty and massacre. Many workers are falling to death at the burn unit of Dhaka Medical College Hospital being trapped in the crossfire of political power play. Until the text ends, we can recall the last sacrificed bus helper named Alamgir. We can also remember Sohel, a bus helper, who was burnt alive. Workers tears and the starving children of their families on television made us vulnerable, while our politicians are just silent.

Billion dollar industry that is bringing foreign currencies by exporting its products to world famous super stores, workers of those are taking place to the streets for demanding half of their living wage with having to face down sticks, tear gas and bullets.

Country's laws say to pay wages within the 7th of the month. When someone violates the law by not giving wages of workers, he needs to be punished. But in this case workers are harassed for demanding their wage and lawful claim. List of pruning or a factory closing notice is hanging in the night. Again, terrors of owners or industrial police are impinging upon the workers gathered for reading the notice.

After 65 years of human rights announcement and 43 years of our freedom, country's five million workers livelihood and dignity are far away from all of this announcement and our constitution. The biggest helplessness is that those who work in the mainstream of human rights are not making the right of working class as main part of their movement. Employer or the occupier of the workers who are doing a good action, are not tolerating labor unrest, opinions or needs to speak to him. As a result, any attempt to forge a trade union becomes failure. But the trade union rights of workers in article (23.4) of human rights announcement is being recognised as human rights.

Some improvements are seen in the meantime, while wage is increased slightly. The Prime Minister and the opposition leader have rushed to Rana Plaza with sympathy that ensures some assistance. Some compliance factories have been built in this situation. But all are done for business reputation as well as strategies for growing sympathy and mitigation of anger.

Perhaps, we have to wait longer to see favourable work environment as well as human rights for workers, fair wages and their right to organise. Workers, engaged in helping to run the wheel of development in exchange of their sweat and blood, have been suffering from pain at the Burn Unit of Dhaka Medical College Hospital. This prevailing situation should be ended without further delay.

Extreme violation of human rights and humanity is not only happened at garment industries but also in case of all the laboring people of the country. Domestic worker Aduri becomes a victim of demonic oppression of her owner and is thrown out to the garbage. Unfortunately she was also a woman. Dozens of

## Better late than never

PUNAM JAHAN

**T**HE Bangladeshi social culture needed a breakthrough, it needed to take a step forward to give those human, the rights which belonged to them as a citizen of the independent Bangladesh; the rights which were withheld on the ground that they were not born as a male or female. It was high time that we recognised the existence of hijras in our society in a formal way and gave them the identity they have been seeking for years. The government of Bangladesh finally gave them recognition as 'hijra' and the decision was one which made the whole nation proud.

Yet so, hijras lead a life of disrespect in our society - how do we change this? Laws, regulations, formal recognition can do nothing to uplift their life style. We need to change our thought process regarding them by taking them as human beings. When a baby is born we celebrate the birth. Likewise when a hijra baby is born into a family as any other child, a hijra's entrance into the world should be celebrated. If a baby boy or a girl is a gift for the parents, a hijra baby is a gift too and they are also to be treasured not to be shunned and dishonoured. If they get a life of love and affection at home like you and me, they could as well serve the country better than any other. They could become assets for the country rather than choosing to bully people in the streets or choosing to take prostitution as their profession.

The practicality of the lives of hijras in Bangladesh would show a different picture. Living at margins of the society makes them vulnerable from the very beginning of their lives. Even law is used to threaten them. When hijras as sex workers try to establish a physical relation or when they are sexually abused, they are more prone to be attacked with sexually transmitted diseases. The problem begins when they try to seek medical attention because then the fact that they had consensual intercourse comes out. Eventually they are harassed on the basis of Section 377 of the Penal Code which reads,

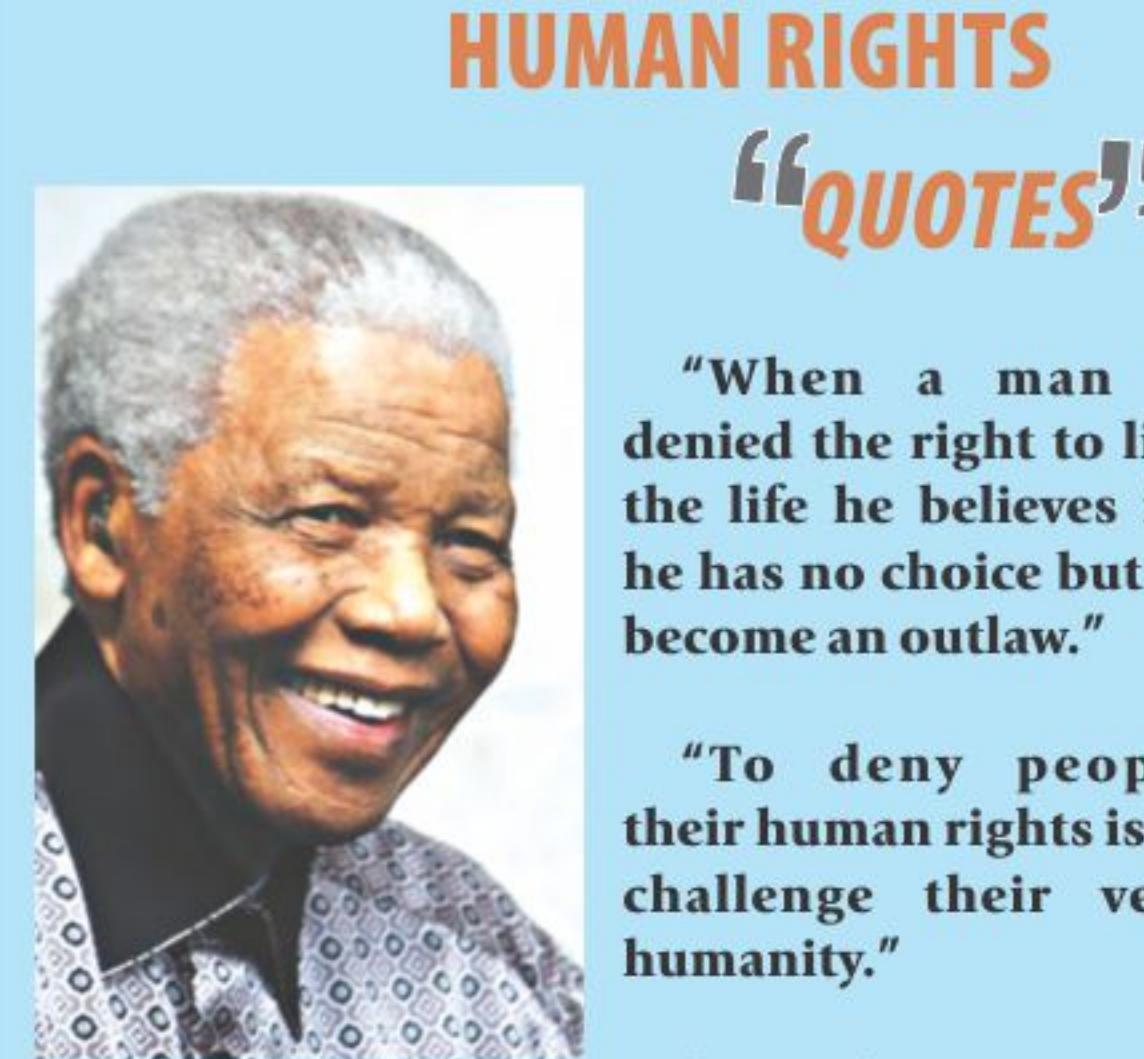
'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.'

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section'. This Section is used in lieu of Section 54 of the Code of Criminal Procedure which provides police with the power to arrest without warrant. These two sections are used to intimidate them and blackmail them when the fact about their sexual relationships is leaked to the society or even a consulting doctor. In many places instead of getting treatment hijras were harassed by being arrested and tortured by the police. Although research has proven that no cases have been filed or tried under Section 377 but it is used widely to bully hijras.

Prior to November 2013, it might have been a farfetched idea to ensure that such practices faced their end but with the recognition given to hijras as a third gender this area of law should be reconsidered. There should be widespread training for the social workers, police, judicial authorities, health workers so that the interaction processes with hijras are better in the future. The fear they face due to the existence of Section 377 effectively puts a barrier between them and right to health, right to privacy and so many other basic rights of the livelihood of a human.

Despite the existence of such practical discrimination towards hijras, it is a proud achievement for the nation that hijras have been given formal recognition. Although to a westerner this might seem to be a very little achievement but to us it is a matter of pride. We congratulate the hijra community on this eve of Human Rights Day. This is the beginning of a new chapter and we hope to open further chapters in the years to come.

## EVERY HUMAN HAS RIGHTS



"Our human compassion binds us to the one to the other - not in pity or patronisingly, but as human beings who have learnt how to turn our common suffering into hope for the future."

Nelson Mandela

"It has long been recognised that an essential element in protecting human rights was a widespread knowledge among the population of what their rights are and how they can be defended."

Franklin D. Roosevelt

## HUMAN RIGHTS CAMPAIGN

### HRSS starts from 13 December

**T**HE 14th Human Rights Summer School (HRSS) is going to be held at National Academy for Educational Management (NAEM) from 13-24 December, 2013 with the participation of 48 selected law students of 14 universities from home and abroad. HRSS is a two weeks residential course on human rights jurisprudence conducted by law research organization, Empowerment through Law of the Common People (ELCOP) since its inception in 2000.

This year the theme of HRSS is 'Human Rights and Climate Justice'. The theme chosen this year is largely circumscribed by the fact that climate justice is being considered to be one of the foremost important issues for mankind's existence.

Mr. Justice Habibur Rahman, Former Chief Justice of the Supreme Court of Bangladesh and former Chief Advisor to the Caretaker Government has agreed to grace the inaugural session on 13 December, 2013 as the Chief Guest. Professor Dr. Mizanur Rahman, Chairman, National Human Rights Commission will remain present as the Special Guest and the session will be presided over by Professor Dr. Mustafizur Rahman, Treasurer, ELCOP.

The resource persons this year are amongst others Barrister M. Amirul Islam, Professor Dr. Mizanur Rahman Khan, Dr. Salimullah Khan, Dr. Abul Barakat, Dr. Abdullah Al Faruque, Dr. Mahfuzul Haque, Dr. Fahmidul Haq, Dr. Ana Teresa Gutierrez del Cid, Dr. Sivanandan Sivakumar, Dr. Anil Kumar Mohapatra.

The Valedictory Session scheduled on 24 December will be graced by Mr. Justice A. B. M. Khairul Haque, Chairman, Law Commission of Bangladesh as the Chief Guest.