

Promoting Child Rights

Deprived children in the development centers

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As a state party to the Convention on the Rights of the Children 1989 (CRC), Bangladesh is under a legal obligation to establish a child rights based correctional system and rehabilitate the children with dignity. The Third and Fourth periodic report submitted by Bangladesh to the CRC Committee disclosed that the Child Development Centers (CDCs) require better logistics. According to the report, the resources of the centers are not adequate. There are also shortages of training facilities for children. Moreover, the general physical conditions of the children and the overall atmosphere of the CDCs are not up to the mark.

The situation has become a growing concern after several reports published by newspapers. Such as, the report of the Daily Somokal, 15 March 2015, "Vulnerable condition of the children in the Tongi Child Development Center", and before that the report of the New Age, 14 February 2014, "Tongi Child Development Center supervisor suspended", on 12 February

Further, in the case of children aged 12 and above, care must be taken in relation to their accommodation and as far as possible they should be accommodated in separate rooms keeping in mind the gravity of their offence, their physical growth and strength, etc. In reality most of the inmates face different kinds of problems in CDCs of which for example: lack of quality diet, clothes, and medical treatment as well as exclusively insensitive approaches by the officials of CDCs etc., are usual occurrences. There is no arrangement in CDCs for keeping the children separated in accordance with their age. For this reason the children who want to get involved in the correctional process are deprived of those opportunities.

Moreover, the educational facilities are not adequate in these CDCs. The maximum level of general education provided by the CDCs is up to primary level. Most of the inmates do not get any opportunity of enhancing their talents, either in education or in extracurricular activities.

Similarly, the yearly financial plans regarding the inmates are very poor com-



pared to the needs of the CDCs. The monthly fixed budget for each inmate of CDC is Tk. 2000 only. With this minute budget inmates do not get proper foods, clothes, toiletries, medicine, books, training instruments etc.

In addition, the children are not allowed to meet their parents and talk to them for longer than 15-20 minutes and that meeting too happens only twice a month (date of 7th and 22nd of each month). Consequently, their fundamental rights are being violated mainly because of the improper attention by the authorities. Accordingly, the children are deprived of the basic rights to survive and to lead standard lifestyle in CDCs.

Hence, after two years of enactment of the Children Act 2013, prospects of hitting the aims still appear to be quite fanciful. The effective functioning of the correctional services needs more CDCs separately for both boys and girls in each division in Bangladesh under the Act of 2013. The national welfare board should be established to monitor, coordinate, review and evaluate the activities of the CDCs. The quality of education with national curriculum imparted in CDCs should be improved. At the same time, the responsibility of the probation officers and social case workers as counselors must be ensured. The major methods of treatment should be fixed along with care, control, parental love, affection and respect, guidance and academic education. It is also important to train up the concerned personnel so that proper implementation of the Children Act can be ensured.

Section 63 of the Children Act 2013, provides that children above 9 shall not be kept with children aged 10, and children above 10 shall not be kept with children above 12 in the same room and on the same floor.

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PEOPLE'S VOICE

SEXUAL ASSAULT IN PUBLIC PLACE

Are we forgetting to be ashamed?

MOHAMMAD GOLAM SARWAR

The day was started with a tentative breeze of hope that darkness of the old will be dispelled by the sun-ray of dawn of the Pahela Baishakh. The first day of Bangla New Year reminds us a culture of tolerance, respect and unity. Unfortunately this year the joyous celebration of this day was tainted by incidents of sexual assault on women in Dhaka University area.

This incident not only demeans the attached cultural significance of the day but also portrays the traditional unhealthy attitude of men towards women. It is not a mere incident of sexual assault rather it generates a sense of fear, sense of vulnerability, sense of dependency, sense of alienation, sense of insecurity, out of which a dignified life of women is constantly compromised.

The vulnerability of women in our context accelerates when the wrongdoers got impunity with the help or negligence of law enforcement authorities. Low conviction rate in our criminal justice system tarnishes the image of judiciary. As a result people are losing confidence over judiciary with each passing day. When offences go unpunished it not only encourages the wrongdoers to repeat the crime but also accelerates the agony of the victims. 'Justice would cease to be justice' if we fail to inflict the deserving punishment on the wrongdoers. If the failure of imposition of punishment on the perpetrators continues then it is obvious that injustice will be the best alternative form of justice in the context of Bangladesh.

It is evident that the laws and complaint procedures in Bangladesh are failing to serve justice to the victims of sexual assault. It is necessary to avail the benefits of individual complaint mechanism that is described under the Optional Protocol of the Convention on the Elimination of All



forms of Discrimination against Women (CEDAW).

CEDAW's Optional Protocol establishes procedures for individual complaints on alleged violations of the Convention by State Parties, as well as inquiry procedures that allows the Committee to conduct inquiries into serious and systematic abuses of women's human rights. So far the Protocol has been ratified by 71 States. But unfortunately Bangladesh is yet to ratify the Protocol. The incumbent government should immediately ratify the protocol and take necessary steps to avail the opportunity.

In addition, time has come to modify the indicators of discrimination and change the unhealthy attitude of men in compliance with Article 5 of the CEDAW. Article 5 elaborates on this duty by explaining that State Parties agree to modify the social and cultural pattern of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of the either of the sexes or

on stereotyped roles for men and women.

We are discussing a lot about laws to combat sexual harassment, their implementation crisis, inefficiency of law enforcing agencies and ending up with no results. Is it because our conscience is not working? Is it because our cognitive faculties of brain have been impaired? Is it because we have forgotten to be ashamed of doing wrongs?

Few days ago, Mohammad Badrul Ahsan, an opinion writer of the Daily Star wrote that Conscience has two components: Shame and Guilt. While the Shame reflects how we feel about ourselves and the guilt involves the awareness that our actions have injured someone else. These two emotions more or less cover the entire moral spectrum. He who doesn't feel ashamed does not feel guilty, equally true the other way around.

The most shameful shame of our time is that we have forgotten to be ashamed of doing wrongs.

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LAW LETTER

The extent of freedom of expression

Freedom of expression and freedom of religion are respectively articulated in article 39 and article 41 of the Constitution of Bangladesh. Both freedoms are credited as 'Fundamental Rights', delinquencies of which are enforceable at court provided that these rights will be subject to public policy, morality, public health, national security etc.

Now the debating questions pop up which are construed in diverse ways by both sides of the debate: first, have these fundamental rights of Avijit Roy been infringed? And second, is his murder plausible?

Let's pitch into the matter. Avijit Roy is a renowned writer and researcher and he is assumed as a coherent person. A writer has right to express his or her opinion but subject to the reasonable restrictions in the constitution, because as a citizen he/she is obligated to go after the dictums of the constitution. Being 'Atheist' is your right but offending other religion and religious personalities is not certainly 'Exercise of your Freedom of Expression'. Atheism means you are a 'disbeliever' and you should not hurt or attack other 'believers' of other religions. You should be placid about your stand and you should not poke into other's lives.

Movements of 'Atheist Bloggers' in Bangladesh seem to be quite apart from this basic notion of 'Atheism'. Instead, by this way or that way their actions are resulting in breeding anarchies in society which is a clear menace to the national integrity.

Though 'Freedom of Expression' is constitutionally catered to all citizens,

before exercising it, they should ponder on their writings and preaching that whether those meet the 'reasonable restrictions' provided in the constitution or not. Regarding Avijit Roy and his writings, lots of words for and against him is being spoken. It is my request to all to check his writings whether those pass in the test of 'Constitutionality' or not.

Regarding the second question, the murder of Avijit Roy is not in any way plausible. This is not the right of so-called Jihadist to take his life. This is God who has created and who will take this very 'Life'. If all sanctions (from the angle of jihadis) are meant to be on this earth, why God kept 'Judgment Day' then? Besides that, our 'Human' identity comes first, and then religion comes. Extremism and chaos in name of religion is entirely maddening. Nobody should be let on to do anything which goes against the essence of brotherhood and national integrity of a country.

Freedom of Expression should be utilized by citizens in bona fide intention without any clandestine drive and subject to reasonable restrictions. In our country, when people live on street in winter, or die out of hunger, or child beggars are seen in streets, well, are debate on 'Religious belief' going to help them? Let's forget the factors segregating us and focus on the factors connecting us, because our motherland should look forward to a sparkling future where basic needs of everybody will be sufficed.

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LAW NEWS

Human rights and sports 'a perfect fit'



TENNIS legend and gender equality activist Billie Jean King has had a stellar career in sports, identifying the boundaries that divide people and tearing them down. She was the first woman athlete to win over \$100,000 in prize money in 1971 and, 10 years later, the first professional athlete to be "outed" as gay. She remains a steadfast supporter of issues at the heart of the United Nations - fair play, tolerance and building "a world where we are all united, no borders."

Indeed, despite the hurdles that she encountered on and off the court, the idea of social inclusion

has always formed the core of Ms. King's personal and professional philosophy - a philosophy that brings sports and human rights issues together in an effort to harmonies understanding. The more we get to know each other, she says, the better chance the world has for peace.

In an interview on the commemoration of the International Day of Sport for Development and Peace (6 April), held at UN Headquarters in New York, Ms. King, a lesbian, gay, bisexual and transgender (LGBT) rights icon, told that human rights and sports are, in fact, "a perfect fit" for each other.

"The great thing about sports is

that it really has no borders. It's a way to connect with others from other cultures. It's a way to develop," she explained. "And it gives me a chance to have a platform; to speak out on what I feel is the right thing, about human rights."

For Billie Jean King, women and girls had always been invisible, side-lined and underserved to the benefit of their male equals who, even in schools and at a young age, were always placed "up front and centre." "Even at school, for instance, in the classroom, the teachers would always call on the boys. They just would," she recalled.

"So at a very young age I had an epiphany that I would spend the rest of my life fighting for equal rights and opportunities for everybody: men and women, boys and girls. And I knew that because of tennis I had a platform and I was one of the lucky ones."

Ms. King declared, "The UN is such a great influencer. The whole world is connected to it. The most important thing it does is bring people together - it allows for dialogue, for thinking how we can develop for the future, and how we can bring about peace."

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