



Human Rights Conditions in Bangladesh, Problem and its Solutions

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Human rights are the birth rights of human being given by God, Mankind i.e. all human persons used to enjoy and had the right to enjoy the rights even in the primitive society when the law of nature prevailed. Human persons individually or collectively had to protect their birth rights from the invasion of any powerful group of human beings. People in the old days had to assert and establish their rights through struggle and strife. With the emergence and development of human Society when the human beings started living within a geographically demarcated area and territorial limit forming State and government the human rights got its different dimension. After birth a human person in a civilized society must enjoy his or her birth rights, the fundamental human rights which were incorporated in the universal Declaration of Human Rights by the General Assembly of the U.N.O on 10th December 1948. It has been indicated in the said declaration that all nations and the Member States and every organ of society keeping the declaration in mind shall strive to promote respect for the rights contained in the declaration and to secure their universal and effective recognition and observance. It has been said that the individual member state must recognize the rights effectively and it shall observe, that means the individual state must practice it.

In article 1 of the Declaration it has been provided that all human beings are equal in dignity and rights. What is the meaning of equal dignity? Every human person having a soul in his body given by God the Creator, has sense of self respect whatever may be the avocation of life of that person. That self respect must not be disrespected by the other human person and the human society as a whole equal right means and implies the right to live which includes right to work, employment and all other rights for enjoyment of lives.

Following the fundamental principles of human rights as enunciated in the Universal Declaration of Human Rights the framers of our Constitution incorporated in Part II under heading Fundamental Principles of State Policy, the Fundamental Human Rights and Freedoms.

Article 11 of the Constitution provides that the Republic shall be a democracy in which fundamental Human Rights and freedoms and respect for the dignity and worth of human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all level shall be ensured. Article I of the Universal Declaration has been reflected in article 11 of our Constitution.

Article 15 provides for it shall be a fundamental responsibility of the state to secure to its citizens: a) the provision of the basic necessities of life, including food, clothing, shelter, education and medical care;

b) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quality and quality of work;

c) the right to reasonable rest, recreation and leisure; and
d) the right to Social Security, that is to say, to public assistance in cases of undeserved want arising from unemployment, illness or disablement or suffered by widows or orphans or in old age, or in other cases. The provisions as laid in Article 15 of the Constitution is relating to right to live as human person which is the fundamental human rights. The state must secure to its citizen these minimum rights by making proper legislation. Failure on the part of the state and the government will be violation of human rights. Other fundamental rights as incorporated in part III of the constitution are very much related to part II of the Constitution and they are derived from part II as indicated in Article 11 (eleven) of the Constitution. Now what we mean by human rights that have become the constitutional rights.

Human Rights Conditions in Bangladesh have its different phenomenon, problem of human rights are multifarious. And the multifarious problems can better be solved by enforcement of Constitutional rights by making appropriate legislations and implementation thereof. Lack of economic and Social justice is one of the main causes of violation of human rights in Bangladesh. Law enforcing agencies are exceeding their legally prescribed limits in discharging their duties causing human rights problems. For economic injustice countless people have become down trodden and underprivileged and are living beyond subsistence level. Reckless unabashed accumulation of property in the hands of few by corrupt and illegal means is going on and consequently economic imbalance always exists in Bangladesh. Unless the gaps between haves and have-nots is narrowed down by bringing economic equilibrium in the society and bringing the indigent class to a subsistence level human rights will continue to be violated and dignity of human person can not maintained. In a truly democratic community there will be less degree of violation of human rights but when democracy turns to plutocracy, human rights will be dwindled and faded away. Democratically elected government will regard it as its responsibility to protect his or her human rights.

In Bangladesh we have not any legislation on human rights except the provision of the Constitution in that regard. In England they have their Human Rights Act 1998 which is applied in conformity with the European Conventions on Human Rights.

One of the most important convention rights is Article 2; Right to life (1) Everyone's right to life shall be protected by law; No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a Crime for which this penalty is provided by law. 2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary.

- a) in defence of any person from unlawful violence;
- b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- c) in action lawfully taken for the purpose of quelling a riot or insurrection.

The Topic Human Rights conditions in Bangladesh have been discussed in various seminars symposium at the initiative of different human rights organizations and eminent jurists, legal and constitutional experts and judge of the highest judiciary of the Country participate in the discussion, focus on the human rights problems and by that educated and intellectuals people get more enlightened within the four corners of the Seminar and Symposium. Human Rights activists are many in now a days in Bangladesh and they are propagating their views. Some International Agencies have also focused on the human rights problems, violation of human rights. Our medias are also through their constant efforts publishing news and expressing their views on the subject. To make the people conscious, particularly the people who are deprived of their basic human rights.

Under the leadership of Bangladesh Bar Council Training has been imported and possibly is being imparted to Section of the lawyers about Human Rights problems through Human Rights training programme. This is really praiseworthy. Lawyers Community are very much conscious about human rights and human rights problems. They can render valuable service in this regard. This writings in the Magazine or in any other form may reach the educated people only conversant with the language. This may not reach the ordinary people, the sufferers or the victims of human rights violation. Therefore, the Human Rights activists, the Human Rights Movement Organisation, Association must propagate and disseminate the theme of Human Rights problems and its solution in vernacular in simple language to make them conscious. Efforts and endeavour of the Human Rights Movement Organisation and human rights activists should be directed to the enforcement of fundamental human rights as incorporated in the constitution. And an independent judiciary which had long been recognized as a cornerstone of the political and legal system may help greatly in this respect. I wish your pertinacious efforts for solution of Human Rights Problems in Bangladesh will be crowned with success.

