

# POVERTY AND HUMAN RIGHTS IN BANGLADESH

DAVID BEGG\*

## I GLOBAL AWARENESS OF POVERTY

The United Nations Development Programme's *Human Development Report 2000* ('*2000 Report*')<sup>1</sup> is a serious effort to focus attention on the notion that, regardless of global structural changes taking place, each person has certain basic rights which are universal and inalienable. More often than not, human rights are considered only in their political and civil manifestations. What makes this year's *2000 Report* different is its equal emphasis on the realisation and protection of economic and social rights. Acceptance of a full spectrum rights-based approach to human development raises issues about the nature of capitalism expressed in the modern form of globalisation. It is difficult to see how the growing gap between wealthy people and the 1.3 billion who are forced to live on less than US\$1 a day<sup>2</sup> is consistent with any vision of universal economic and social rights. My own view is that, in a global economic model, the only way to arrest and reverse this divergence is through an enhanced model of global governance with the type of teeth currently enjoyed only by the World Trade Organisation.

One suspects that an effective model of global governance is some way off — if it is ever to materialise. In the meantime, responsibility for vindicating the rights of citizens lies with the nation-state. At a practical, everyday level, even countries which have democratic governments fail miserably to vindicate the human rights measures — be they political, civil, economic or social — of large numbers of their citizens. It is the poor and the marginalised who suffer most from this failure, as the following case study on Bangladesh illustrates.

## II CONCERN'S WORK IN BANGLADESH

### A *The Situation in Bangladesh*

Concern Worldwide first came to work in Bangladesh in 1972 to assist with famine relief.<sup>3</sup> We stayed to do development work in accordance with our mission to assist the poorest nations of the world, a criterion Bangladesh meets only too well. Bangladesh is a country with a land area of 144,000 square

---

\* Chief Executive Officer, Concern Worldwide.

<sup>1</sup> United Nations Development Programme, *Human Development Report 2000* (2000) HDR 2000 <<http://www.undp.org/hdr2000/english/HDR2000.html>> at 12 December 2000.

<sup>2</sup> *Ibid* iii.

<sup>3</sup> The Concern Worldwide web site contains additional information on its development work in Bangladesh and other countries in Asia and Africa: <<http://www.concern.ie>> at 12 December 2000.

kilometres and a population of over 129 million,<sup>4</sup> making it one of the most densely populated countries in the world. Furthermore, it is subject to frequent natural disasters in the form of cyclones and flooding. Gross domestic product per capita is US\$348;<sup>5</sup> life expectancy at birth is 58 years;<sup>6</sup> infant mortality is 79 deaths per 1000 births;<sup>7</sup> and adult literacy is 40 per cent.<sup>8</sup> The *Constitution of the People's Republic of Bangladesh* ('*Bangladeshi Constitution*')<sup>9</sup> came into operation on 16 December 1972.<sup>10</sup> It not only embodies principles of constitutional government and fundamental rights,<sup>11</sup> but also makes specific provision in articles 44 and 102(1) for their judicial enforcement. It is a relatively dynamic document: twelve amendments have been made since 1972.<sup>12</sup>

### B 'Vagrancy' and the Socially Disadvantaged People's Programme

The *Bengal Vagrancy Act 1943* ('*Bengal Vagrancy Act*') was enacted by the Indian Parliament, against the backdrop of the great famine in 1943, to promote the social rehabilitation of vagrant beggars and handicapped persons under government care through training and other means.<sup>13</sup> It has, however, remained in force in Bangladesh even after independence. With the partition of India in 1947, three vagrant centres — one each for men, women and children — were transferred from Calcutta to Chandpur, and were successively run under the Defence, Relief and Health Ministries. Later, responsibility for the centres was transferred to the Department of Social Welfare upon its establishment in 1961; the vagrant centre for women was shifted to Dhala in Mymensingh, and the centres for men and children were shifted to Pubail in Gazipur. In the early 1970s, with the significant increase in numbers of vagrants after the famine, an

---

<sup>4</sup> This figure is based on a July 2000 estimate: United States Central Intelligence Agency, 'Bangladesh', *World Factbook* <<http://www.odci.gov/cia/publications/factbook/geos/bg.html>> at 8 December 2000.

<sup>5</sup> *2000 Report*, above n 1, 180.

<sup>6</sup> *Ibid* 159.

<sup>7</sup> *Ibid* 188.

<sup>8</sup> *Ibid* 159.

<sup>9</sup> The *Bangladeshi Constitution* can be viewed at the home page of the Government of the People's Republic of Bangladesh: <<http://www.bangladeshgov.org/pmo/constitution/>> at 10 December 2000.

<sup>10</sup> *Ibid* art 153.

<sup>11</sup> *Ibid* arts 26–43.

<sup>12</sup> A table of amendments appears on the home page of the Government of the People's Republic of Bangladesh: <<http://www.bangladeshgov.org/pmo/constitution/consti5.htm#62>> at 10 December 2000.

<sup>13</sup> Nacela Sattar and Gopalan Balagopal define 'vagrants' as 'people who do not work and live on alms or charity, causing annoyance to others': Nacela Sattar and Gopalan Balagopal, 'Traditional Means of Dealing with Children in Conflict with the Law with Specific Reference to Bangladesh: Bringing Juvenile Justice into Focus' (2000) Juvenile Justice Portfolio, UNICEF <<http://www.unicef-icdc.org/information/portfolios/juvenile-justice/casestudies/bangladesh.htm>> at 12 December 2000.

additional four centres were opened.<sup>14</sup> The seven centres are still in operation today.<sup>15</sup>

Conditions in vagrant homes are appalling. The great bulk of the inmates today are young women engaged in prostitution — referred to as ‘commercial sex workers’ — and street children. The legal basis of their incarceration is shallow to say the least.<sup>16</sup> They are inadequately fed and clothed, and lack medical care and even the most essential commodities for personal hygiene.

Concern has worked in these vagrant homes providing a welfare service parallel to, and in cooperation with, the state system. It has become clear with the passage of time that we are inadvertently and indirectly supporting a system which offends against human rights; but the dilemma is that, without Concern’s intervention, the conditions endured by the people incarcerated might become worse.

Eventually we came to the conclusion that Concern just had to find some way to challenge these human rights abuses, without prejudicing the welfare of our beneficiaries. In April 1999, Concern launched the Socially Disadvantaged People’s Programme (‘SDPP’), with financial assistance from the Government of the United Kingdom. The wider objective of the SDPP is to encourage positive changes in policies, laws, systems and services aimed at the promotion and protection of human rights of the socially disadvantaged population, especially women and children, who are either living in institutional care or in other marginalised social situations in Bangladesh. Therefore, in addition to the people actually living in the vagrant homes, the SDPP has an outreach component in the major cities directed towards the 171,000 independent sex workers, one million street children and 13 million people with disabilities.<sup>17</sup>

The patriarchal bias of Bangladeshi society frequently places women in socially and economically vulnerable situations, thereby forcing many to earn their livelihood in the sex trade. As a result, they are not only isolated and neglected, but also deprived of their basic needs, exploited and repressed. Although the socially disadvantaged women are citizens of Bangladesh purportedly with rights, their human and constitutional rights have been largely neglected.<sup>18</sup> There is no explicit strategy to address the situation of these women. Within the political and legal framework, these women are totally ignored by the government.

---

<sup>14</sup> Kashimpur in Gazipur, Mirpur in Dhaka, Betlia in Manikganj and Godnail in Narayanganj. All seven centres are now under the Department of Social Services: see, eg, Staff Reporter, ‘Government Urged to Amend Vagrancy Act’, *The New Nation* (Dhaka, Bangladesh) 28 April 2000 <<http://www.nation-online.com/200004/28/n0042801.htm#BODY6>>.

<sup>15</sup> *Ibid.*

<sup>16</sup> Sattar and Balagopal, above n 13, note that the placement of such people in jails, vagrant centres and witness centres for crimes is done with little formality or adequate notice.

<sup>17</sup> Concern Worldwide, *1999 Annual Review* (2000) 21.

<sup>18</sup> The *Bangladeshi Constitution* contains several provisions relating to the rights of women. Art 10 provides that ‘[s]teps shall be taken to ensure participation of women in all spheres of national life.’ Art 28 states: ‘Women shall have equal rights with men in all spheres of the State and of public life.’

The key strategy behind the SDPP is to engage government and local non-governmental organisation partners in critical dialogue. We recognise that, ultimately, no institutional change is possible without government agreement. Through cooperation with the Department of Social Services, we hope to bring about a more benign human rights environment for our target population. We propose to encourage this by documenting cases of abuse and corruption in the present system, and demanding investigation and accountability through government channels. Positive engagement of the authorities in the SDPP is seen by Concern as an effective vehicle for promoting the interests of the poor.

### *C A Set-Back for the Programme*

We have to admit, however, to some disappointment after one year of the SDPP. On 24 July 1999, law enforcement agencies evicted 2,800 sex workers and their children from a number of long-established brothels. This was carried out on the instructions of the government to 'rehabilitate' the women concerned. Many were arrested and incarcerated in vagrant homes, causing overcrowding and a serious deterioration of already inadequate conditions; others were left destitute, with no alternative means of deriving income.

Upon an application by several non-governmental organisations for the release of the women and children from the centres, the High Court of Bangladesh held that the action taken by the government was not supported by the *Bengal Vagrancy Act*, and it subsequently ordered the release of the affected individuals.<sup>19</sup> This was a victory for social mobilisation; nevertheless the whole affair was a set-back to our aspirations to bring about government-sponsored reform.

### III CONCLUSION

In the end, one has to take a long-term view. It may take much longer for the SDPP to improve the quality of life of its intended beneficiaries, who are among the most disadvantaged on earth. But as long as the vindication of human rights lies with individual governments, there is no alternative road to change. From Concern's viewpoint, we are satisfied that however long it takes, we made the right decision in placing human rights at the core of our program. The Bangladeshi experience does suggest however, that even with democratic governments, the gap between theory and practice in a rights-based humanitarian philosophy can be quite wide in a country where poverty is pervasive.

---

<sup>19</sup> BBC Newsroom, 'Prostitution Ruled Legal in Bangladesh', *BBC Online* (London, United Kingdom), 14 March 2000 <[http://www.news.bbc.co.uk/hi/english/world/south\\_asia/news\\_id\\_677000/677283.stm](http://www.news.bbc.co.uk/hi/english/world/south_asia/news_id_677000/677283.stm)>.