

Human Rights Violation of the Elderly in Bangladesh: An Empirical Study on the Right to Liberty and Security

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Abstract

This study intends to investigate the nature of human rights violations of the elderly people in Bangladesh keeping a careful watch on the ground of right to liberty and security. The study sample consisted of 60 respondents who have been selected from three categories: general respondents, old home respondents, and responsible officials. The findings reveal that these rights are violated in many ways. The elderly people in Bangladesh are deprived of the rights to freedom of movement and expression, freedom of the right to vote etc. Besides, in many cases, the elderly are victims of forced labor and insecurity. Lack of morality and ethical views, absence of familial liability, lack of financial adequacy, apathy on state law and the presence of inhuman demands, lack of law enforcement etc are the responsible causes for the violation of human rights greatly. This study recommends that raising moral education, creating the feeling of familial liability, increasing aging insurance and enforcing laws can play vital role to overcome the situation.

Key Words: Human rights; elderly; universal declaration of human rights; old home; rights to liberty and security.

Introduction

Everybody needs some common and universal rights for the development of his/her life. The life of a human being cannot be thought of without these rights. These essential rights are called human rights. These are applicable to all irrespective of their racial, religious, political or any other identities. Universal Declaration of Human Rights (UDHR) is the milestone document in the field of human rights that recognized these human rights under 30 articles in 1948 by the United Nations. Old age is a natural stage of life for every human being. Everybody has to pass through this stage among the five main stages of lifespan (Barikdar, 2016). A person's activities, relationships to family, attitudes towards life, biological capacities, etc. are confined by the level of age (Sazzadul, 2015). The United Nations (UN) selects the age of 60 and above as the elderly. 13% of the total populations remain in this age all over the world (2017) (UNDP Bangladesh, 2018). There are many mentionable efforts for the elderly which are taken

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by several reputed international organizations including the United Nations. UN principles for Aged people were adopted in 1991 through resolution no: 46/91 (Barikdar, 2016). On 16 December of 1991, the United Nations General Assembly (UNGA) established 18 rights for development and security of the elderly (UN, 1991).

Bangladesh is a developing country which is constantly trying to improve its all sectors. Mohammad Abdul Hamid, the President of the People's Republic of Bangladesh has declared the age of 60 as the elderly to attain United Nations benchmark (Acharjee, 2017). The President also declared the elderly people as the 'Senior Citizens' of the state and urged about their social security, dignity, and all other facilities (BSS, 2014). The government of Bangladesh has already passed an act for ensuring social security and better living of the senior citizens named as *Parents Care Act, 2013* (ILO, 2013). In spite of these efforts, there are mentionable pictures of violation of human rights of the elderly people in Bangladesh explored by this study, such as, deprivation of the right to liberty and security.

Research Methodology

This research is empirical because the aim of this research is to intensely investigate the present field level human rights situation of right to liberty and security of the old people in Bangladesh. The study used both quantitative and qualitative methods. Required data were collected from both primary and secondary sources and analyzed accordingly. Various research reports and articles, relevant books, official statistics, government policies, journals, newspaper reports, unpublished study documents, thesis/dissertations, internet, and the like have been used as the secondary sources of data. Primary data have been collected through face to face interview by using close ended questionnaire from the respondents above the age of 55 who were considered as the victims of human rights violation. The total number of respondents for this study was 60 who were categorized into three groups, such as general respondents (25), old home respondents (25), and responsible officials and key informants (5). Snowball sampling technique was used to select samples since the total population was undefined and difficult to locate. Samples were selected in chain referral basis. Since qualitative response has been used throughout the study to draw the conclusion, 60 samples from Rajshahi District is assumed close to be representative.

Human Rights Violation of the Elderly in Bangladesh

Life is essential for every animal. An animal can present its status as an animal only with life. Similarly, human beings are a kind of animal. According to the Article 3 of the UDHR, as a part of human being everyone deserves the right to life, liberty, and security. To ensure the existence of life, two elements are considered as crying needs. These are liberty and security. A human being cannot amplify its personality without liberty and he/she cannot enjoy the main flavor of life without it. Similarly, the life of a human being has no certainty without security. Generally, right to life indicates the right to live and the right not to be killed by anyone. Right to life is the most core right. All rights are

originated from the right to life. Generally, right to life means that no one, including the authority or government can try to abolish one's life. Even it means that the government shall take necessary steps to save one's life in any circumstance as the responsibility of a state. It has to take immediate actions if one's life is at risk. The government should consider the rights of people when it makes several policies as if it cannot harm the life of a man in any condition. It is also a duty of a state to investigate the reasons behind one's abnormal death or if his/her family feels the need to investigate and wants justice.

Besides, human being is a social animal. So, he/she always desires company. But sometimes they suffer from loneliness. And, this matter creates like death situation of an old aged father or mother. The story of an old father of Sagarpara, Bolaia, a retired secondary school teacher is very much similar. He has a 5 storied apartment building in the Rajshahi city. One of his sons lives in the USA and the other one is a banker in Bangladesh. But nobody lives with him. He shared his situation,

"I am a retired teacher. I have enough money, status and nearly everything. I made my two sons well established. One of them lives in the USA and the other is a banker who lives in Dhaka. A few days ago, I went to Dhaka to live with my son at least to get this company. But a few days later I had to leave the place because of the lack of adjustment between my wife and daughter-in-law. We became a burden soon to my daughter-in-law. We had to leave the place silently one day. Even now we have been suffering from unlimited senile problems, but nobody is with us. Today, I have everything but I have nobody to take care of me. Alas! Suddenly I may go to die but I will not get anyone beside me for a glass of water during my departure from my loving earth" (Field Study, 2020).

It is true that none of the respondents of this study has the risk to be killed directly. However, their lives are at risk in different way and they have become victims of several acts which can causes death indirectly. Therefore, rights to liberty and security are the core subjects to discuss in this study.

Right to Liberty

Liberty is an essential element in the society or in a political territory to amplify the capabilities of a human being. One lives in a society or a state where he/she tries to use his/her creativity in all sectors. But if the liberty is unavailable there, the creativity will be ignored. So, liberty is essential for being a complete human. Generally, liberty indicates the right to do everything according to one's will. But it cannot be a reason for violating the same right of others. Liberty is a positive idea which is used only for positive purposes. Autocracy is not the impersonation of liberty. It is the negative form of liberty (Agarwal, 2014: 191).

Basically, liberty indicates such type of state of keeping free oneself from the unexpected restrictions by the government or by the authority of the society in the way of life, behavioral nature or in the political or others ideologies (Oxford Lexico, 1884).

Elaborately, liberty is a state of freedom which is opposed to imprisonment, slavery, and political subjection (Encyclopedia Britannica, 2010). Jeffrey Dorfman, a Professor of the University of Georgia, emphasizes liberty mentioning the quotation on liberty by Benjamin Franklin that liberty of a nation at first begins with freedom of speech (Dorfman, 2014). Finally, it can be said that liberty is such a type of precious element without which a man cannot develop his or her personality properly (Agarwal, 2014: 191).

Right to liberty is an important fundamental human right which mostly indicates the physical freedom of an individual. The right to liberty specially indicates the right to freedom from slavery or forced labor and the right to freedom of movement (Icelandic Human Rights Centre, n. d.). Everybody has the right to liberty, particularly in the case of arbitrarily arresting or detaining as well as no one shall be deprived of liberty (Human Rights & Discrimination Commissioner, n. d.). Similarly, according to the human rights act, law should protect individuals from unlawful or arbitrary deprivation of liberty (Queensland Human Rights Commission, n. d.).

According to the UNHCR (United Nations High Commission for Refugees), no one shall be deprived in the field of liberty. They shall enjoy the right to freedom of movement, freedom of nationality, freedom of living or freedom of expression. In practice, people of several countries suffer from the violation of the right to liberty in several aspects. Among the respondents of this research, nobody has been victim of arbitrary arrest or detention. But they have become victims of the violation of the right to freedom of movement, freedom of expression etc. Some of them have been victimized by forced labor. All of these are the indicators of human rights violation. These are described elaborately in the following points.

Right to Freedom of Movement

The word “Movement” derived from the Latin root expresses several meanings. But in the context of human rights it means the changing process of place, posture, or position (Merriam and Merriam, 1983). In a word, it denotes the changing location from one place to another (Harper Collins, 2011). Freedom of movement means the free right of a person to travel from one place to another in the territory of his/her country. It's not only applicable for travelling but also for residing or works (Gilbert, 2016: 73).

International Covenant on Civil and Political Rights incorporated the right to freedom of movement in its article 12 (1, 2, and 3). According to the article: a) everyone has the right to freedom of movement; b) everyone has the right to freedom of choosing his residence; c) everyone has the right to leave any country, including his/her own territory; d) no one shall be victimized of deprivation to enter his/her own country; and d) these above rights shall not be violated except only in case of the national security or national interest (UN, 1966).

Finally, UDHR is the highest guarantee for human rights. It reserves the right to freedom of movement and seeking residence within the border of a country of one's own. Besides, he/she has the right to leave the country and to return to the country (UN, 1948: Article

13.1, 2). But the study reveals that a mentionable number of the respondents cannot enjoy the rights properly. They are deprived of the rights by their family or by the attitude of other persons. Among the general residents, a mentionable number of respondents could not go out from their house because of the pressure of their families. They cannot fraternize themselves with their neighbors in fear of the prestige of their children. They cannot travel to their relatives' houses for some reasons such as want of money, in fear of the family prestige etc. The children or daughters-in-law think that their parents or parents-in-law may disclose the real picture of their sufferings to the neighbors that will be a threat for their prestige.

Table 1: State of the Freedom of Movement

Variables		General respondents		Old home respondents	
		Frequency	Percentage	Frequency	Percentage
Can/could you fraternize yourself with your neighbors?	Yes	20	80%	19	76%
	No	05	20%	06	24%
	Silent	00	00%	00	00%
Do/did you get the facilities to travel regularly?	Yes	02	08%	04	16%
	No	19	76%	15	60%
	Silent	04	16%	06	24%

Source: Field Survey, 2020

The table 1 shows that 80% of general respondents can fraternize themselves with their neighbors and 20% cannot get the chance to do it now or could not in the past. Only 8% get the facilities to travel for their economic solvency. But 76% cannot get the facility to travel because of their economic insolvency or of the unintentional matter of their families and 16% kept them silent in this regard.

Among the old home respondents, 76% have given positive replies and 24% have given negative answers in the case of fraternizing themselves with their neighbors before going to the old home. Besides, only 16% respondents got facilities to travel before stepping in the old home. It should be mentioned here that they understand by the word of travel is movement from the house. They do not consider it as a tourist place. 60% did not get any facilities to travel and the rest (24%) of the respondents kept them silent to answer this question. Among the old home respondents, an old father from Dardari under Bagha Upazilla stated a heart touching story of his own life. He states,

Before stepping in the old home, I had a very hard time and passed a critical situation in my life. I was victimized by detention in my own house by my sons. They did not give me any chance to go out of the house and to fraternize myself with others. That was a suffocated situation in my life. Finally, they took my signature to get all of my properties in their names and then set me free (Field Study, 2020).

Right to Freedom of Opinion and Expression

Right to freedom of opinion and expression has nearly a similar meaning of the right to freedom of speech. It means the state of a political entity where a person can articulate his ideas and opinions fearlessly (James, 1973). In the modern world, most of the countries try to follow the democratic norms, values and ideals. Here, the right to freedom of opinion is a safeguard of democracy.

Everyone preserves the right to freedom of expression and opinion. It includes the freedom of holding and seeking opinions fearlessly. Receiving and imparting of information are also included here (UN, 1948: Article 9). *International Covenant on Civil and Political Rights* enshrined the right to freedom of opinion and expression in the articles 19 and 20. According to article 19: a) everybody preserves the right to hold opinions without any interference; b) everyone shall have the right to freedom of expression. it includes the freedom of seeking, receiving and imparting all kinds of information and idea; c) this information can be in oral, in written or print, in the form of art or through any other media according to one's choice; d) it is the duty of the government to provide the environment for enjoying the rights. But it is subjected to some restrictions in some cases: (a) in the case related to the respect of the reputations and rights of others (b) in the case related to the national security (c) in the case related to public order (d) in the case related to public health. According to article 20: a) any type of propaganda intensified to war shall be prohibited by law; b) any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law (UN, 1948: Article 20).

The Equality and Human Rights Commission is Great Britain's national level top body and has been awarded an 'A' status as a National Human Rights Institution (NHRI) by the United Nations. According to its article 10, the right to freedom of opinion indicates the right to hold one's own ideas and opinions freely without the interference of government.

Freedom of thought, freedom of conscience, freedom of speech, freedom of expression and freedom of press are guaranteed except in some cases related to the national security, unity and national interest according to *The Constitution of the People's Republic of Bangladesh* (GoB, 2011: Article 39.1, 2). Most of the respondents of this research are from lower class or lower middle class. They are not well educated. They uphold the parochial political culture. As a result, they do not expect to express their views or ideas in national or international contexts. They are economically insolvent. So they are always serious to think about their hunger. They cannot think about their right to freedom of opinion and expression.

They want to share their views and ideas in the context of their families. But here some of these are stumbled to do this. Their family members, particularly their children and daughters-in-law do not give them any chance to express their opinion freely. Especially, a problem is noticed that their family members do not support or respect their ideas or do not give importance to their opinions.

It is found from the survey that 16% respondents have the right to freedom of opinion and expression in their families. 40% have no right to it and 44% chose not to reply in this regard among the general respondents. Among the old home respondents, 60% claim that they had no right to freedom of opinion and expression in their families and 40% kept themselves silent in this question because they have no knowledge about this.

Forced Labor

Labor means any physical activity that can be involved with wages directly such as the activities of a day laborer. Sometimes, it is only for satisfaction and it may be only for responsibility. But now and then it may be for nothing but force. When a man is not able to or does not agree to do a work but he is forced to do it under pressure is called forced labor. Forced labor is a bad culture all over the world. It has been running from the very beginning period. Once upon a time, direct slavery system was a culture of this world. In this century, the world has been trying to remove the heinous act but a culture of forced labor is running till now directly or indirectly.

Forced labor indicates the sex trafficking or labor trafficking when the threat, fraud or coercion are present (End Slavery Now, n. d.). By forced labor we mean any work or service that people do under any threat against their will (Anti Slavery, n. d.). According to International Labor Organization,

Forced or compulsory labor is all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily (ILO, 1930).

Based on the above discussion it can be said that forced labor is a work that is performed involuntarily by a person against his/her own will (ILO, 2014). Most of the time, forced labor indicates the work of workers or employees or victims of trafficking. But sometimes it can occur domestically. Sometimes a member can be victimized by forced labor in his/her family. But forced labor is strictly prohibited. All kinds of forced labor are prohibited by the *Abolition of Forced Labor Convention, 1957* (No. 105) of United Nations Human Rights (OHCHR, 1957). Besides, all forms of forced labor are prohibited in Bangladesh also, and any contravention of this law shall be an offense (GoB, 2011: Article 34).

Some of the respondents of this research became victims of forced labor domestically. Particularly, they claimed that their daughters-in-law coerced them to do some work against their will in spite of lacking of their physical fitness. Among the general respondents, 52% claim that their daughters-in-law coerced them to do such types of works which were not possible to do with their physical capability. 40% were not coerced by anyone to do work and the rest 8% had no response to this question. It is also found that 64% old home respondents acknowledged that they were victims of forced labor, 32% were not victims of it and 04% did not reply to this question. An old widow woman from the slum of Rajshahi Court describes her pathetic story concerning this. She says,

One day I was suffering from intolerable fever. So, I could not do any household work on that day. At the middle of the day when I was taking lunch with rice and a piece of fish at the veranda of my home, suddenly my daughter-in-law came here and snatched the plate of my food in absence of my son. She threw the food to the pussy cat and asked me why I had taken food without doing any work. She lugged me to the pond Ghat (a place of the pond where clothes, utensils and other things are washed) to wash the dresses of a loaded bucket (Field Study, 2020).

Right to Vote

Democracy is the most popular form of government. It is the most wanted governmental system all over the world. Democracy is a type of governmental system in which a state is governed by the people for the welfare of them (Lincoln, 1963). But in the present world, the population size of any state is very large. Moreover, there are a lot of complexities in present states. As a result, it is not possible to participate in the activities of a government directly by all people. So, they elect their representatives to represent on the part of them in government indirectly. In this system, election is a process to elect the representatives.

A free and fair election is a part and parcel of a bona fide democracy. The election process is run by the voting of the citizens. Every citizen has the right to participate in government. So, everybody preserves the right to vote to elect their representatives. Right to vote is a universal human right. Every citizen holds the right to vote irrespective of race, color, sex, religion, or political ideology etc. Universal right to vote is called universal suffrage. In representative government, suffrage means the right to vote to elect public officials (Smellie, 2010). According to the UDHR, everyone holds the right to take part in the government of his country directly or by his elected representatives (UN, 1948: Article 21 (1)). It is also recognized by the domestic laws of all states. A historical covenant described this elaborately such as universality of the right, no discrimination before the right etc (OHCHR, 1996).

A number of general respondents are deprived of this right. They have no freedom to vote. They are influenced by their children strictly when they go to cast their votes. Findings reveal that only 24% respondents are free to vote according to their will. 36% claim that they have no freedom in this ground. Their children or families interfere with them about their supporting candidates. Rest 40% keep themselves silent to answer in this question. It is also found that 32% of old home respondents are free to cast their vote according to their will whereas 40% are not free in this ground. Rest 28% respondents are silent to this question. Actually they have no concern about election or voting due to their illiteracy, lack of political consciousness and extreme poverty. In such a situation, they have no appeal to participate in any election process to cast their votes but they fight for appeasing their hunger and thirst.

Right to Security

Security is an essential element for a complete life. There is no meaningful existence of life without security. Security means the certainty of life against any kind of harms. It indicates the resilience against potential harm. Right to security deals with the right to be secured from all kinds of potential harms of one's life, liberty and property. Right to security is recognized by article 3, UDHR. Everyone preserves the right to life, liberty and security according to this historical document (UN, 1948: Article 3). Besides, *the International Covenant on Civil and Political Rights* enshrined the right to security in its text elaborately. Here all people have their legal rights to liberty and security (OHCHR, 1966: Article 9). According to the Attorney-General's Department of Australian Government, "The right to security requires the country to provide reasonable measures to protect a person's physical security."

However, a person always deserves a happy and prosperous life where security is essential. No one has the right to harm the life of others. It is strictly prohibited by the law of every state. Article 32 of *The Constitution of the People's Republic of Bangladesh* has given the guarantee for the people regarding this. According to this article, everyone has the right to life, liberty, and security (BLAST, 2003). But sometimes people are deprived of this constitutional guarantee. A number of old persons among the respondents of the research became victims of insecurity in several ways. Some of them were victims of insecurity in their families, some were in their working areas, some were in public institutions etc. A study found that 64% and 24% of old people are victimized respectively of mental and physical torture by their daughters-in-law or children to get sufficient food (Hossain, et al., 2020). It indicates their insecurity in their families also. The results depict that among the general respondents, only 8% consider their families as completely secured. 12% and 64% consider their families averagely secured and unsecured respectively. On the other hand, 8% and 84% old home respondents treat their families as averagely safe and unsafe respectively. Other 16% and 08% chose not to reply to this question among the general and old home respondents respectively.

Besides, some respondents were victims of insecurity in their working areas. They were victims of hijacking, stealing and physical torture. Now, one of them is a street beggar in the Rajshahi Medical College Hospital area who was an auto-rickshaw owner in the immediate past. He describes,

I have a son, two daughters and my old wife. I had a house in the Bulonpur area. I bought an auto rickshaw taking loan from an NGO to earn my livelihood. One day 3-4 hijackers attacked me on the way of Tanore to Rajshahi in the evening. They stabbed me and hijacked my auto rickshaw which was the only source of my income. Then the concerned NGO created pressure on me to repay its loan amount. I had to sell my small house for my treatment and for clearing off the loan. Today, I am a beggar. Oh God! Please, give them due punishment for whom I am deprived of my happiness (Field Study, 2020).

Conclusion and Recommendations

Elderly people are the part of a society. Even, they are the builders of this present society. But they are passing through a very vulnerable situation in some ways. They are deprived of the right to freedom of movement, freedom of opinion and vote etc. Even sometimes, they are not secured in this society. Lack of morality and ethical views, absence of familial liability, lack of financial adequacy, apathy on state law and the presence of inhuman demands, lack of law enforcement etc. are responsible for this. For giving back lives of the old people by degrees from the above-mentioned unsafe, unsecured conditions and deprivation of rights to liberty and security, elderly people need to be aware of their rights. They have to be conscious about the facilities available to the state for them. If their human rights are violated, they should be aware of the solution. We have to awaken democratic values in all sections of the society. We have to build a culture of giving priority not only to one's own power but also to the opinion of others. Obstructing the opinion of others is an extreme threat to freedom and a crime. This feeling must be awakened in everyone. There is no place for elderly parents grows a tendency that is manifesting in the nuclear family. Instead, all worries are about husband and wife and unmarried children. This is expressing familial responsibility. In this case, children need to be aware of the responsibilities to their parents. The responsibility for the security of the people lies with the state. The state has to be more active in this regard. If someone's security is at stake, strict and effective measures must be taken. The scourge of poverty comes at a time when the elderly have to be employed in old age labor, begging or have to be the burden of the children. Therefore, in order to provide economic prosperity, the social security program needs to be further expanded and made effective. Above all, morality and values must be awakened in all, irrespective of the high and low, rich and poor, parents and children of the society. *Today, if my parents are victims of domestic violence by me, I have to create the feeling that I will be a victim of similar incidents by my child according to the traditional customs of nature.*

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