



More Crumbs for Women?

by Hameeda Hossain

Farida Rahman MP's Private Member's Bill on a proposed amendment to section VI of the Muslim Family Laws Ordinance 1961 has become a much-talked-about subject because of its unconventional and contentious nature. Particularly, various women's activist groups have shown tremendous interest in it. The subject of the bill raises the whole issue of women's rights of general interests. Therefore, we are publishing a critical article today and welcome more pieces for and against the motion.

It is not often that legislation in Bangladesh concerns itself with women's rights. This explains why Farida Rahman's Private Member's Bill to amend the procedure for polygamy under clause 6 of the Muslim Family Laws Ordinance 1961 (MFLO) has created such a ripple. Procedural objections raised by the Law Ministry and by members in the committee may lead to further amendments. Outside the house, women have expressed their concern on two counts: that the proposed amendment, as it stands, is not likely to realise its intention of "restricting polygamy in order to alleviate violence against women"; that the bill was not drafted through consultation with women's groups and organisations involved in the women's movement, to make its impact more comprehensive. There is a strong feeling that the bill is offering us crumbs when we need bread.

Farida Rahman's bill does not address the issue of polygamy. As long as a man's superior rights in marriage and divorce are not challenged, women will remain vulnerable to oppression and violence. What we need to question is the effectiveness of procedural laws stop far short of delegitimising polygamy. If such laws are meant to be a deterrent, how effectively can women use the court system, given their social and economic dependency? And is the woman expected to abdicate her marital decisions to the court?

The proposed amendment to section 6 of the MFLO requires a man contemplating a second marriage during the life time of his first wife, to seek the permission of the court (the Assistant Judge) instead of that of the Arbitration Council (constituted by the Chairman of the Union Parishad or Municipal Ward, Mayor of Municipal Corporation). The bill seeks to deter violence against women merely by allowing her the right to appeal to court, if her husband marries without her permission.

Although the MFLO may have been a step ahead of existing laws, it did not meet all of women's demands, which included a ban on polygamy. It was meant to discourage rather than delegitimise polygamy. Therefore the practice continued unabated. Loopholes in the laws itself allowed men to violate its intent. To recall, section 6 requires a husband contemplating a subsequent marriage to apply for permission to the Arbitration Council "where his previous wife is resident". It is assumed that a nearby location would increase access by the women plaintiff or her representatives; it envisages mediation to permit the woman or her family to be heard. It has

been argued that the Arbitration Council, being inefficient and susceptible to influence and power, concedes permission all too easily and sometimes without proper reasons. The grounds for permitting remarriage, included a wife's inability to have children, her physical handicap, mental derangement and her refusal to maintain conjugal relations.

The MFLO requires a written application to be made by the husband confirming that he had obtained his previous wife/wives' consent has been open to abuse. There are grounds to believe that wives are coerced to give their consent. In other cases they pretend to have obtained consent, in the full confidence of a

man, it is even less approach-able for a woman whose life is circumscribed by her neighbourhood and her village. In spite of its susceptibility to power and influence it could be argued that the local Arbitration Council located in the place of residence of the first wife, would be more accessible to both parties. Weak enforcement mechanisms are evident in all levels of government. What surety is there that a formal structure could be more effective in detecting deviations, unless proper procedures are instituted to ensure the woman's participation at the hearings.

Many marriages in Bangladesh are not registered (a proper census would indicate the frequency) in ignorance of the requirement of the Muslim Marriage & Divorces (Registration) 1974 or even in full awareness. Without registration it may be difficult even to trace the number of marriages a man may have entered into. Desertion is more common by men when the marriage is unregistered because it makes it more difficult for the wife to sustain charges of desertion against him. Yet there is no machinery to guard against this.

The third argument that obtaining permission from court

ness, ignorance and lack of social support has led to a non-application of the law, both in registering their marriage or in filing objections against the husband's second marriage. Would they be more likely to appear before the court than an Arbitration Council?

Farida Rahman asserts that her bill conforms with the equality provision of Article 28 of the Constitution of Bangladesh. The sanction of polygamy and arbitrary divorce by itself violates this principle. As long as men are able to enter into polygamous relationships, with or without permission, as long as their subsequent marriage remains valid, and women have no means to assert their independence the equality clause will remain ineffective.

The member of Parliament has spoken as the representative of the women of Bangladesh. If this is so, she should consult with women's organisations, lawyers and other activists who have been engaged in the struggle to defend women's rights. If she can elicit their opinion she will realise that a major plank of their struggle for legal equality is the abolition of polygamy and enactment of a uniform personal code for all communities.

would deter violence against women is hypothetical. Violence is perpetrated for more than one reason, and what logic suggests that men would not beat their wives if the court refuses permission? For that matter there are frequent reports to suggest that polygamous men are also violent. Violence implies more than physical injury and women are frequently exposed to neglect, both physical and emotional, threats, oppression, whether it is over the triviality of a pot of unsalted rice or over more serious matters such as property or maintenance.

Legislators must realise that this exploitative situation has prevailed because of the economic dependence of women, added to their lack of aware-

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Women under the trial deserve the right to ask for removal of the method within the 5 year period. This instruction is supposed to be given to the providers. But that is only a theoretical instruction. Women were refused, when they were requesting for the removal of it due to health hazards. In one UBINIG study on the Norplant users in Gazaria Thana, it was found

that she was suffering from (severe bleeding) I told them, please take it out, otherwise, I will die. "Ok let us know when you die, we will go to remove the

method. Now we cannot remove it."

Another example, the woman was rebuked by the provider-doctor saying: Don't you know the price of Norplant? It is Tk 2000. You must bring Tk 2000 before we remove the method from your arm."

From these few examples of the Norplant study, can it be concluded that "Norplant is an acceptable method of contraception and should be made available to the women of Bangladesh?" There is no articulation about the suitability and safety of this method in connection with health conditions and the socio-cultural situation of women. The discussions at the policy level are held on the basis of the efficacy as a contraceptive method. As the method can prevent births, all efforts are being made to promote the method neglecting of its harmful effect on the users. Research and pre-market trials were carried out on the bodies of poor women in Bangladesh.

In the PrepCom-II of International Conference on Population and Development (ICPD), the representative from BIRPERHT tried to bring out a resolution saying "women should have the right to be under trials". A classic example of the extension of the concept of "rights". This proposal was outrightly rejected by the women activists from other Asian countries as an anti-women proposal.

Women's groups across the world are against Norplant for some very straightforward reasons: Firstly, it is entirely provider-controlled. The women have to depend on the family planning clinics or health personnel both for its insertion and removal. It cannot be executed by the women on their own choices. Secondly; the technology of Norplant has its inherent quality of being used as a coercive method.

The writer is the Executive Director of UBINIG, a NGO in Bangladesh. The views expressed here are those of the author alone.

Tunisia, Turkey and Iraq as Muslim countries have not hesitated to abolish polygamy. Even when it proposes to deal with only a particular aspect of the MFLO, the Bill needs to be far more rigorous, particularly by incorporating protective clauses relating to maintenance, payment of dower, a woman's unilateral right to divorce in polygamous marriages.

Farida Rahman may have done a service by drawing the attention of the parliament to the glaring inadequacies of the MFLO. The answer, however, does not lie in cosmetic changes alone. What we need is a more serious and collective consultation to eliminate the sources of gender discrimination. A National Commission for Women needs to be established to identify the bases of inequality and exploitation of women more comprehensively, rather than referring to only one single aspect of their lives. Constitutional guarantees should extend to all citizens. The present amendment is applicable only in the case of Muslim women, and makes no pretence of extending its provisions for women of other communities. It is high time that the government set up such a commission, perhaps as part of their Law Reform Commission.

To be meaningful it should not remain an exercise in partisan politics. It should draw upon women activists, lawyers, researchers and others who have had years of experience in working with women. Affirmative efforts need to be made to hear the voices of women at the grass-roots, both urban and rural. The purpose of these consultations with women of all classes and religious communities would allow for more representative participation in formulating the principles of law as well as the means for their enforcement. This is the true test for democracy.

The process needs to be more participatory and at the same time more specific. There are indeed precedents for popular methods of evaluation in other countries, from which we can learn. Before it enters the statute books the Bill needs to be expanded and discussed both in and out of parliament. Unfortunately women lack effective representation in the parliament. Therefore, it is all the more necessary for women to articulate their concerns through the press, through meetings and other forums. The women's movement is also on test here to stop accepting crumbs and then complain that little has changed in their lives.

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Do Parents Treat their Children Equally?

by Aasha Mehreen Amin

MOST parents will insist that they treat their children equally whether they are girls or boys. But do they really? Even a superficial look at our society reveals a cruel age old truth: families prefer to have boys rather than girls because boys are 'assets' while girls are 'liabilities'. A first born son creates a wave of joy and optimism for the future whereas a first born daughter can only expect 'oh its only a girl' sort of half-hearted welcome. Even in spending parents discriminate between sons and daughters. More money is kept away for a son's education than

apparent apathy of economists towards sex bias in household resource allocation. He says that it is not intentional but due to weaknesses in the way economists are trained to think. Firstly, standard economic theory does not have any allowance for the notion of conflict so a discrepancy in the way females and males are treated may become an oversight. Secondly, when economists use data on household consumption, there is no information on the consumption patterns of individual members of the household. This is resolved to some extent, by the mathematical model used in

measures of child health: height for age, weight-for-height and weight-for-age. The model finds that higher expenditures help increase the weight for height and weight-for-age more for males than for females. That is to say that an extra unit of money helps boys over girls indicating a pro-son bias in allocations. In fact there have been many cases where boys receive medical care from a professional doctor when they are sick while in the case of girls, traditional methods (which are much cheaper) are used.

Some of the implications of the theory of the household that the paper comes with are as follows: There is a sex bias in fertility. It is clear that in Bangladesh (as in many other Asian countries) a desire for boys affects household fertility decisions: parents are more likely to stop having children after having a boy rather than a girl. In this case, it can be expected that larger households will have more girls and so fewer resources for girls than boys. Thus even if resources were distributed without bias within the family, there will be higher average levels of female mortality and morbidity. Other explanations for high mortality among girls include: 1) boys and males often eat first and get more food, 2) boys are simply given more when everyone eats together, 3) boys are more likely to demand and receive extra food.

What the paper hints therefore is that the higher the average household income and level of education (of the parents we assume), the less likelihood of discriminatory behaviour towards girls. What the paper does not address, however, and perhaps it is not meant to be strictly an economic model, is the role of social and cultural factors that lead to this sex bias. Our socialization since infancy internalizes the notion that women are inferior and young girls are burdens who have to be married off with a huge dowry. Sons on the other hand, are expected to stay and look after the parents, earn and have progeny to carry the family name. A girl child especially in a rural setting, is expected to stay at home and do the chores while her brother has the privilege of going to school, thereby being at a greater advantage in later life.

The role of women in society, has to be redefined, chauvinistic attitudes among both men and women must change. Only then can policies based on economic models help to change those behavior patterns that sustain sex bias.



When will it be her turn?

for a daughter's, the best piece of the fish is given to the son (after the father of course), an extra bonus will be spent on a new shirt for the son than a pair of slippers for the daughter—these are only a few instances of how sex discrimination occurs within the family. While instances of sex bias occur mostly in poor families where education is virtually non-existent, there is evidence to support that it occurs even in middle and upper classes.

There have been a few studies on the subject but none as sophisticated as the one presented at a recent seminar titled 'Identifying Sex Bias in Allocation of Household Resources'. Based on various household surveys from Bangladesh (supplied by the Bureau of Statistics), the paper written by Jonathon Murdoch (a professor of Economics at Harvard University) and Asif Ahmad (a student of the same university), tries to prove that gender bias occurs at many levels in the distribution of household resources. Whether it is food, clothing, education or medical care, female children receive less of it than male children.

Dr Murdoch, on the onset of his speech, tried to explain the

paper to show the complex relationships between the sex of individual member and how much is spent on him/her as well as on other goods. For example take two households A and B. A with two sons, B with two daughters. Murdoch and Ahmad's study finds that if household income increases, whereas A will spend more on the sons-say new clothes or more education, household B will spend more on adult goods such as tobacco. Sex bias is therefore quite evident.

Another interesting concept the authors of the paper put forward is Amartya Sen's theory of 'missing women' that is women who would not have died had they been treated as well as their male counterparts. Using Sen's model, the paper suggests that there are about 5 million 'missing women' in Bangladesh. This 'excessive' female mortality rate could be due to many factors such as poorer nutrition, less medical attention and early marriage.

Another important finding of the paper concerns the health outcomes of children due to discriminatory distribution of resources.

To answer this the authors of the paper investigate three

Is Norplant Really Acceptable to Women?

by Farida Akhter

young women. One per cent of the sample was under 20 years of age, 18 per cent were under 24 years; less than 1 per cent had no living children, 12 per cent had only one child. All the women who were given Norplant were not married. Norplant is supposed to be given to only married women, but is there any possibility of giving to non or never married women? It is interesting that the report mentions very casually that "virtually all the acceptors (99 per cent) were married at the time of interview."

No food
No healthservice
No information
No education
BUT
Contraceptives &
Contraceptives.....
& Contraceptives.....
WITH
MISINFORMATION

part of Norplant insertion programme is seen as trial. But that trial is not to study whether Norplant is safe for women's health but to investigate the 'acceptability' by women in Bangladesh. The trials started officially since 1985 in three centers in Dhaka with 681 women. The result is not known how acceptable Norplant was given to those women, but only 35-40 per cent women continued for a complete period of five years. It is also reported that only 90 per cent of those 681 women removed Norplant till 1990, meaning that at least 68 women had the capsules in their arms without being removed. Did these women know that Norplant should have been removed after 5 years? Or the trial has lost track of them because they belonged to the poor and homeless community?

We have got the final report of the acceptability study which was conducted in 1989 for 18 months by Bangladesh Fertility Research Programme (BFRP), later named as Bangladesh Institute of Research for Promotion of Essential and Reproductive Health and Technologies (BIRPERHT).

Analysis from the Results of the Trial: Norplant was given to very

These findings from a sample of 1151 (who were successfully interviewed out of 1327 samples) indicates serious flaws on the Norplant service delivery system.

Norplant is a semi-permanent method of contraception. If once inserted, it is effective for at least 5 years. One is not sure whether fertility will return immediately after the removal of the capsules from the arm. The report also says that "Norplant is regarded as a terminal method by most of the accep-

tors (66 per cent)". In other words, it is either offered as substitute of Sterilisation or the clients have accepted it from this point of view.

Even if Norplant is delivered as a terminal method, the selection of the clients could not screen out those who had sterilisation operations already. Out of 1151 samples, at least four women had sterilisation operation before and one had her husband sterilised. Did these women need any Norplant insertion after having taken a permanent method of contraception?

Norplant has side-effects
The side-effects of Norplant was found among the clients in all the centres where the trial was conducted. The serious and "common" side effects are menstrual disorder and amenorrhoea followed by nausea/dizziness/headache, insertion site infection, weight loss and gain, depression etc. It is interesting to find that no comment was made on these serious side-effects suffered by women; rather the language of the report is used in a way to show that menstrual disorders are only a "psychological, cultural and family problem".

Removal of Norplant is not allowed!
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Women's Lib is a Dream in the Village

by Kaleni M Hiyalwa

IN Gainachas village it is women who give up their seats to standing men. In some countries it may still be a case of "ladies first." Not in Gainachas.

The ordinary woman here does not even know there is something going on in the world called women's emancipation. In the rural areas of Namibia women and children usually have no voice in the decision-making at home.

At social functions, when food is served, men sit in front of women and they are served first and women and children last. If it happens that there is not enough food to go round, than it is the woman and child who go without.

The man has to receive the biggest share and the best part of the meat. It is the custom at home and everywhere else.

This state of affairs comes about because of the economic inferiority of the woman. Gainachas women spend their time idling at home.

One woman puts it quite simply: "Women in Gainachas are to cook for men and bring forth children."

Sara Haosemas says "Women do not know their rights, and even if you are trying to educate them in that respect, you are likely to meet opposition from women themselves."

Almost all the women living in Gainachas are illiterate or semi-illiterate. The oppressive manner of the men makes it

Many of these children die before they are ten years old. There is no clinic in Gainachas. For treatment people must travel to the clinic in Berseba, a village 28 km south.

However, a mobile clinic comes to the village once a month from the state hospital at Keetmanshoop.

Children born by unmarried couples use only their maternal surnames. The child can use its paternal surname only if the parents are legally married. If not, then he or she can take the maternal grandmother's family name.

Like other young people in the country, many women have migrated to the urban areas in search of white collar jobs.

The few women with jobs in Gainachas include two who work as housekeepers at teachers' homes, for which they earn a monthly salary of about 70-80 rand. Two others are employed by the Consumer Co-operative shop.

Educated woman like Hanzina are helping to organise the women of the village.

Women in this village do not interact much with each other in order to exchange ideas and learn from each other's experience.

Hanzina thinks that much of the women's indifference on issues concerning their wellbeing can be blamed on the general lack of education, political differences and the denial by men of any rights of decision-making in their own homes.

She is secretary for the women's council in Gainachas of the ruling party in Namibia, the South West Africa People's Organisation (SWAPO), but she tries to separate development from politics, explaining: "I mobilise the women and bring them to the point where they realise their rights."

—Gemini News
Exchange rate: =2.7576 S A Rands



ASIFA TI MAMBIYI FEOS
Women had to make many sacrifices during the war