

Women on the Move

Laws that are Outdated and Discriminatory

An Interview with Lawyer Tarana Halim by Aasha Mehreen Amin

AS the winner of the Best Child Artist Award in 1975 and 1976 bagging prizes for almost every competition and later playing leading roles in over 75 dramas, Tarana Halim has been a familiar and much admired face of Bangladesh television. With her girlish smile and natural style of acting, she has created a sizeable fan club. Yet acting is more of a passion than a means of living. By profession, Halim is a lawyer specializing in family and civil law and is currently a legal consultant at Midas. This of course complements her role as a social activist who is especially concerned with women's rights and how they are violated by social dictates. In an exclusive interview with the Daily Star Halim gives her views on existing laws of our country, that are not only out dated but discriminatory.

One of the reasons why women get a raw deal from the legal system, points out Tarana, is that they are so ignorant about laws that concern them. "Take for example the Restitution of Conjugal Rights which says that if a husband wants his wife to come back to him and they are not divorced then she must come back. But if the wife has done a General Diary with the police or a doctor's certificate saying that she has been physically harmed, then in the case of abuse or battery, if the wife can prove cruelty of the husband, she does not have to go

back". But some of the laws themselves are written in such a way that they become discriminatory against women. Halim gives the example of the custody law which, unlike Western countries which usually favour the mother, in Bangladesh is especially harsh on women.

According to the Guardian and Ward's Act, a mother is allowed to keep her son for the first seven years after which the father will get custody. "Apparently this law", says Halim, "is based on the Hadis but the Hadis says that a mother has more right over her child than the father so I think these laws are not according to Hadis dictates but in tune with certain people's ideas." The law further stipulates, adds Halim, that in those first seven years, if the mother lives outside or if she has a second marriage then she loses the right to those seven years. "But when a father gets the son after the seven years" says Halim, "the same rules are not applicable — this is extremely discriminatory."

"As feminists and social activists, our first task is to amend such laws. Many women remain in an otherwise painful marriage just to be with the children". Men and women should get equal guardianship, says Halim adding that the clause of discretionary power, which allows the child to choose for himself who he wants to stay with, should be made compulsory. "The welfare of the

child is the most important. In other countries sometimes if the court decides that it is the grandmother who will take better care of the child, then she will get custody; we can take this as an example."

The laws on rape, says Halim are also very outdated and biased. If a husband forcefully has intercourse with his wife and if she is under 16, then that is considered rape, if she is older than that then it is not rape even if it has been done by force. Laws on marriage are also quite unfair, points out Halim. "In a Kabinnama (marriage certificate) there is a clause in the eighteenth column which gives the husband power to divorce his wife. "Why should this power be delegated to him exclusively?" Moreover if that clause happens to be missing then the parties must file suit and only if the court allows it can the divorce take place. "The Kabinnama itself is read out in front of three male witnesses, with no women witness," adds Halim.

Inheritance laws, too, should be amended to make them more fair towards women. "In most families, the son gets an education and so is equipped to earn a living, the daughter needs more support because her life is uncertain even after marriage", explains Halim, "I think parents should give their daughter the property before they die so that the will cannot be contested."

Marriage laws many of which are extremely out-

dated too are contradictory and don't make much sense if they are not modified says Halim. The Child Marriage Restraint Order of 1921 for example, stipulates that girls under 18 and boys under 21 cannot get married. If this is the case then they can be fined. "But this does not annul the marriage itself", comments Halim, "which makes the marriage still valid."

Halim says that many of these laws must be changed including the custody laws, inheritance laws, child marriages restraint and polygamy laws.

"There should also be a provision for camera trials for family law cases where only the lawyer, judge and the parties concerned are present. It is very difficult for women to go through trials. With a camera trial, more women will feel free to come to court for solutions."

Changing laws, however, will not be very effective if the institutions that implement them are not sensitized towards upholding woman's rights. "The government, judiciary and especially the police, have to be efficient and honest in order to make these laws beneficial to woman," says Halim.



amending discriminatory laws. As a personal effort, Halim has plans to organize a sit in or hunger strike of women from all walks of life outside the Parliament building to pressurize the government to take action on this pressing issue. "If these laws are not changed and if the amended laws are not properly implemented, there is no way we can achieve equal rights," she adds.

Even Half a Chance would Help Women in the Media

by Razia Bhatti

"WE'RE going to fix them, these women working in Newsline who speak English, have short hair and drink French water."

Altaf Hussain, head of the Mohajir Qaumi Movement (MQM), — an organisation of Urdu-speaking migrants from India — was seething because Newsline had run a big story on the MQM's torture cells when the rest of the Karachi press had been intimidated into silence.

The monthly magazine has never shirked a story. It has taken on the army, the drug mafia, the President's son-in-law, Prime Ministers and feudal landlords. But in this case, the mostly-female editorial staff had obviously made the magazine's bravado even more unforgivable.

"How dare a bunch of women take on the powerful MQM!" they said.

Women journalists in Pakistan have not only made a mark, but a difference. The last two decades have seen a flurry of women who have scaled the professional ladder, some to the very top, working for English-language publications.

The national daily, The Muslim, has already had a woman editor and the Karachi office of Agence France Press news agency is presently headed by a woman. Even the daily, The News, sends a woman correspondent to cover the Pakistan cricket team's tours abroad.

But men continue to dominate.

"You can come up to a certain level," says Zubaida Mustafa, assistant editor at the newspaper Dawn for nearly 20 years. "You think you can reach the top, but after a certain level, you find yourself shut out."

An invisible barrier also obstructs women's ideas and attempts at change, she says.

"As long as you don't upset the apple-cart, as long as their ideas and control are not threatened, they are willing to allow you concessions," says Mustafa. "You can try new ideas in peripheral areas like the magazine sections, but not in the news and opinion pages which are the heart of the paper."

At Dawn, considered a liberal environment, the newspaper employs 19 women. But there are no women on the newsdesk. When new

entrants arrive, the 'boys' find themselves in the newsroom, the 'girls' in features.

"It's day-to-day struggle," says Nafisa Hoodbhoy, one of the paper's political reporters, who is confined to covering the smaller opposition parties. She feels there is a male camaraderie that keeps women down.

"First of all, they don't give you the beats you want. Then they don't give you any feedback."

Nevertheless, the increase in women journalists has led to greater mainstream coverage of women's issues, including how they fare under the tribal and feudal systems.

Where women have strong editorial input, rape is treated not just as a sensational story, but it is set in a context in which women are often regarded as male property and sometimes raped to avenge male honour.

"In the Urdu media, women are still very much second-class citizens," says Zahida Hina, a columnist and one of only three women employees at the country's largest Urdu daily, Jang.

Perhaps nowhere is this gap so blatant as in the largest publishing house, The Jang Group. The group's four-year-old English daily, The News, employs 15 women for its Karachi edition, five times the number of women at Jang.

For the last 20 years, Urdu women journalists have seen few changes to an age-old system. Male editors and colleagues continue to treat women as sexual objects and try to keep them in their 'place' — which usually means writing about how to keep husbands happy and compiling the agony column.

Those few who manage to chart a different course have to fight their way through. When Hina insisted on covering political and women's issues in her Jang column, the man in charge of her page asked: "Why must you write on human rights violations and stove-burning deaths? What problems do women have? My wife is perfectly happy."

Urdu newspaper owners and editors, maintains Hina, do not want to educate their readers — the status quo suits them.

PANOS The writer is the editor of Pakistani magazine Newsline

What is the State of the Rights of Children?

by S. M. S. Joya

THE child rights week was observed all over the world last week including Bangladesh where many events took place to observe the occasion. Perhaps, some of us were prompted to start thinking about the rights of children to be educated, healthy and to lead normal lives. But what are we really doing about solving the problems faced by the children of this country? How do we acknowledge the term "Child Rights"? Are we aware of our own rights?

On that account, Radda Barnen held a seminar on children and childhood in the city last Thursday. The seminar was addressed by Ola Anderson, the resident representative of Radda Barnen with Ruby Noble as chairperson. A text on Child Study by Theresa Blanchet, team leader, was introduced at the seminar which was previously presented at the Jatiya Press Club on October 1st, 1995. The study focussed mainly on children between 8 and 16 years old and it challenged the conventional assumptions of what child rights are. It also showed that the rights which are differentially acknowledged or denied to individual children are deter-

mined by several factors and certainly not by poverty alone.

In the research, children were the primary informants and field work was carried out on a wide variety of children including middle class children, "bustee", children, children broken away from their families, domestic servants, boys and girls employed in factories. These children showed very little in common, the study showed.

Issues on perception and manipulation of children's

age were also discussed from the text.

Later discussions were also held on child labour, presented by Anisa Zaman and Hannan Biswas, followed by issues on gender discrimination and social hierarchies of various kinds.

At the end of the session, issues on State Judicial System, presented in Naeela K. Sattar and Agnes Rohfritsch, were discussed. In the administration of justice, Agnes Rohfritsch stated that the police is the most important institution to come in contact with the vagrant children and so it became a major focus in the anthropological investigation.

Some regard human rights as a luxury, which a country like Bangladesh cannot afford comments Theresa Blanchet in her report. Alternatively, human rights are defined solely in terms of material needs. In the case of children, it means right to food, immunization, shelter, schools and the meeting of material needs. It is important, therefore, to perceive the distinction between 'rights' and 'needs'. One child may be well fed but his or her basic rights are denied when he/she is sent to work and not to school. So, human rights certainly entails more than just satisfying the material needs. Whereas, child rights which are spelt out in the UN CRC (United Nations Conventions on the Rights of the Child) includes the right to be provided for, the right

to be protected (from hazardous work, sexual abuse, economic exploitation) and the right to consult and be consulted as social actors. This, however, may not be acceptable to many Bangladeshis and this may be the basis of many inequalities and discrepancies. If we can learn about culture and society from the west or the rest of the world then it is certainly the time we start learning about acknowledging the value of Child Rights.

According to the report, children of this country are unprotected from economic exploitation, they are being abused (minor girls for example are being initiated into brothels) and they are being sent to work with or without their consent. Living at the brink of the twentieth century should we not grow up a bit more and set forth what really needs to be done?

When speaking in terms of the legislation, many cases are misconceptualized due to illiteracy and manipulation of children's age creating difficulties in implementing laws enacted to protect children. The report further points out that the perception of childhood in our country is not standardized according to age. Therefore, when some children from the urban middle class start going to school, the rural children of the same age do not share much in common — they are appointed to various chores instead. In Bangladesh as a whole, the large percentage of primary school age chil-

dren who are out of school sets the parameters of childhood.

Another problem arises with gender discrepancies. Girls are massively represented in domestic service; elsewhere they are a fringe minority and are paid less than boys for the same task. Working boys are also exploited as children but at a lesser degree than girls. So, it is transparent that sexism is another issue which needs to be fought against.

Parental role is also to be noted where decisions are made about whether the children are sent to school or to work. The role of the government in protecting child rights must also be active. In August, 1990, Bangladesh, under the Ershad government, ratified the UN convention on Child Rights but very little change has been done since then, the report says. Some development programmes meant to benefit children such as immunization, family planning and primary school have been rephrased but other measures were not undertaken. The government is now more than two years late in sending the report to the monitoring committee of the convention.

These are the sort of drawbacks which lead to the ignorance and violation of Child Rights. The objective of the seminar was to inform the public about how children are being victimized and to listen to them and to help them not only as victims but also as human beings who have their own insight and views.



Children, some only six years old work from dawn till eleven at night making bidis in this factory. Photo taken by Sahidul Alam, courtesy Shishu Adhikar Forum

THE WORLD'S WOMEN IN 1995

ISSUES of gender equality are moving to the top of the global agenda but better understanding of women's and men's contributions to society is essential to speed the shift from agenda to policy to practice. Too often, women and men live in different worlds — worlds that differ in access to education and work opportunities, and in health, personal security and leisure time. The World's Women 1995, one of the main documents of the Fourth World Conference on Women, provides information and analyses to highlight the economic, political and social differences that still separate women's and men's lives and how these differences are changing.

How different are these worlds? Anecdote and misperception abound, in large part because good information has been lacking. As a result, policy has been ill-informed, strategy unfounded and practice unquestioned. Fortunately, this is beginning to change. It is changing because advocates of women's interests have done much in the past 20 years to sharpen people's awareness of the importance of gender concerns. It is changing because this growing awareness has,

by raising new questions and rephrasing old, greatly increased the demand for better statistics to inform and focus the debate. And it is changing because women's contributions — and women's rights — have moved to the centre of social and economic change, as it became apparent in the series of international conferences held by the UN in recent years.

To promote action on the new consensus to empower women, this second edition of The World's Women builds on the first one which was issued in 1991. Presenting statistical summaries of health, schooling, family life, work and public life, it presents few global figures, focusing instead on country data and regional averages. There are myriad differences among countries in every field and The World's Women tries to find a meaningful balance between detailed country statements and broad generalization.

Education for empowerment

Through widespread promotion of universal primary education, literacy rates for women have increased over the past few decades — to at least 75 per cent in most

countries of Latin America and the Caribbean and eastern and south-eastern Asia. But high rates of illiteracy among women still prevail in much of Africa and in parts of Asia. And when illiteracy is high it almost always is accompanied by large differences in rates between women and men.

At intermediate levels of education, girls have made progress in their enrollment in school through the second level. The primary secondary enrollment ratio is now about equal for girls and boys in the developed regions and Latin America and the Caribbean and is approaching near equality in eastern south-eastern and western Asia. But progress in many countries was reversed in the 1980s, particularly among those experiencing problems of war, economic adjustment and declining international assistance as in Africa, Latin America and the Caribbean and eastern Europe.

In higher education enrollments, women equal or exceed men in many regions. They outnumber men in the developed regions outside western Europe. In Latin America and the Caribbean

and western Asia. Women are not as well represented in other regions, and in sub-Saharan Africa and southern Asia they are far behind — 30 and 38 women per 100 men.

In the top levels of government, women's participation remains the exception. At the end of 1994 only 10 women were heads of state or government of these 10 countries only Norway had as many as one third women ministers or subministers. Some progress has been made in the appointment of women to ministerial or subministerial positions but these positions are usually tenuous. Most countries with women in top ministerial positions do not have comparable representation at the subministerial level. And in other countries, where significant numbers of women have reached the subministerial levels, very few have reached the top.

Reproductive health — reproductive freedom

Too many women have no access to reproductive health services in developing countries. Maternal mortality is a leading cause of death for women of reproductive age.

WHO estimates that more than half a million women die each year in childbirth and millions more develop pregnancy-related health complications. The deteriorating economic and health conditions in sub-Saharan Africa have led to an increase in maternal mortality during the 1980s, where it remains the highest in the world. An African woman's lifetime risk of dying from pregnancy-related causes is 1 in 23 while a North American woman's is 1 in 4,000. Maternal mortality also increased in some countries of eastern Europe.

Pregnancy and childbirth have become safer for women in most of Asia and in parts of Latin America. In developed countries attended delivery is almost universal, but in developing countries only 55 per cent of births take place with a trained attendant and only 37 per cent in hospitals or clinics. Today new importance is being placed on women's reproductive health and safe motherhood.

Fewer marriages — smaller households

Rapid population changes, combined with many other social and economic changes,

are being accompanied by considerable changes in women's household and family status. Most people still marry but they marry later in life. Especially women. In developing regions, consensual unions and other non-formal unions remain prevalent, especially in rural areas.

As a result of these changes, many women — many more women than men — spend a significant part of their life without a partner, with important consequences for their economic welfare and their children's.

Since men have higher rates of remarriage, marry at an older age, and have a shorter life expectancy, most older men are married, while many older women are widows. Among women 60 and older, widowhood is significant everywhere — from 40 per cent in the developed regions and Latin America to 50 per cent in Africa and Asia. Moreover, in Asia and Africa, widowhood also affects many women at younger ages.

Work — paid and unpaid

In addition to the invisibility of many of women's economic activities, women re-

main responsible for most household work, which also goes unmeasured by the System of National Accounts. But time-use data for many developed countries show almost everywhere that women work at least as many hours each week as men, and in a large number of countries they work at least two hours more than men. Further, the daily time a man spends on work tends to be the same throughout his working life. But a woman's working time fluctuates widely and at times is extremely heavy — the result of combining paid work, household and child-care responsibilities.

Two thirds to three quarters of household work in developed regions is performed by women. In most countries studied, women spend 30 hours or more on household work each week while men spend around 10 hours. Among household tasks, the division of labour remains clear and definite in most countries. Few men do the laundry, clean the house, make the beds, iron the clothes.

Trends in southern Asia

Many health and education indicators remain low. Although it has risen by 10 years in the past two

decades, life expectancy remains lower in southern Asia than in any other region but sub-Saharan Africa — 58 for both women and men. Equal life expectancies are also exceptional — in all other regions, women have an advantage of several years.

One in 35 women dies of pregnancy related complications. Maternal mortality has declined but still remains high.

Nearly two thirds of adult women are illiterate — and the percentage of girls enrolled in primary and secondary levels of schooling is far below all other regions except sub-Saharan Africa.

Women continue to marry early — 41 per cent of girls aged 15-19 are already married — and adolescent fertility remains high.

More women are counted in the labour force but most are still relegated to unpaid family labour or low paying jobs. Although women's representation at the highest levels of government is generally weakest in Asia, four of the world's 10 current women heads of state or government hold office in this region.