



8th March, 1998: International Women's Day

When will We Turn Our Pledges to Action?

by Shaheen Anam

Let us ask this question, are we willing to let that happen? Are we willing to allow the most perverted form of patriarchy that manifests itself in violence against women and children to dominate and subsume our culture and tradition? The answer is a resounding No! Let us unitedly, men and women on International Womens Day, not only make a pledge but act upon to eliminate this scourge from our society.

ONCE again women all over Bangladesh will renew their pledges to build a violence free, discrimination free society. Once again they will raise their fists, in rallys and processions and demand the protection of their basic and fundamental rights. Women in Bangladesh have been doing this for many many years now, one can question "has anything changed or has it made a difference?"

The answer will depend on what we mean by change. Yes, it has focused attention and heightened awareness on women's issues, it has provoked much more debate and discussion and it has also resulted in concrete and positive change. However in terms of protection of women's human rights, in terms of reducing or stopping violence, we can see no visible change, in fact many believe that violence against women has increased.

The new year, 1998, dawned on us with newspaper report of simultaneous attacks on 5 women not to mention the news on 31st Dec of the slaughtering of Lovely in broad daylight. Odhikar, a human rights organisation, published a report stating that there were 39 cases of death in police custody in 1997. However, women have borne the brunt of violence with 733 rapes, 110 acid burning cases, 66 dowry related deaths and 64 women falling prey to Fatwa. What is most disconcerting is the knowledge that much more remains unreported and therefore unknown.

Odhikar's survey has been confirmed by the daily reports of torture on women ranging from acid attack, rape, trafficking and finally murder. These crimes were perpetrated by strangers, relatives, in-laws, husbands and the police. We have noticed to our utter shock

the reluctance on the part of the authorities to take quick and firm action. Unfortunately, political parties continue to sponsor masthans and armed goons ignoring the suffering of ordinary people.

Kidnapping of young girls in rural and small towns is a common feature and yet we hardly hear of arrest because of supposed influence of those perpetrating the crimes. The case of Zainal Hazari of Feni and the barbaric torture on Ummeda Begum is a shameful example of authorities turning a blind eye to justice and human rights. The case last August in Golachipa, Potuakhal of the public humiliation and degradation of a couple, is another example of using muscle power to cover up crimes against women. Shima died while in judicial custody and to date we have not heard what her crime was.

Violence against young girls and children reached its most barbaric and dehumanised form when on February 19 we read of the brutal rape of a 9 year old by a hoodlum in Tejgaon thana.

Violence is not the only human rights violations women have faced. Recently the High Court passed a judgement that puts into jeopardy our constitutional right to equal status in the eyes of the law. According to the ruling, women in Bangladesh cannot pass on their citizenship to their offspring. In other words, a Bangladeshi women's children do not automatically become Bangladeshi if their father is a foreigner.

Women's groups continue to pursue the issue of violence. Not only do they organise rallys and street demonstrations, but have taken on programmes such as advocacy, discussions

and dialogue. Women lawyers have been active in pressing for law reforms and women activists have continued to put pressure for their implementation. The demand for justice and quick dispensation of cases and exemplary punishment of offenders have been the rallying cry of coalitions such as the Sammilita Nari Samaj and other womens organisations.

Although, there are no visible signs of change, as more and more reports of violence continues to pour in, there is more articulation of protest and more interest from the civil society such as the media, eminent personalities, academics, lawyers, etc. to do get involved and bring about changes. There is much more public and private discussion on the issue than ever before. One of the most positive sign we have noticed recently has been the involvement of peoples organisations, federations, unions and lobby groups to demand rights and justice for themselves.

We have seen spontaneous demonstrations organised by common people both men and women to protest violence, most recently in Mymensingh when a doctor raped a teenaged girl in his clinic. Such public spontaneous outburst of anger has influenced authorities to take quick and urgent actions against the criminals. Garment workers have organised themselves informally and have formed trade-unions, federations to demand security and safety in the work place. There has been regular reports of violence against them in the form and rape, assault and death due to fire.

Another positive sign we have noticed is the discussion and debates that centres around

womens issues. These discussions are not only confined to womens and activist organisations but has permeated to individual, group and family levels. There is definitely a silent protest against injustice which ordinary people, both men and women want to resist and fight against. This protest might not be very apparent or visible but it is very much there. Infact the topic in most parties, get-togethers and family gatherings often centres around the issue of violence, womens rights and the demand for justice.

Against such a backdrop, the need of the hour is to pursue the issue with much more determination, vigour and commitment. We must project ourselves as a much more powerful and substantive lobby group. We have to harness somehow and exploit the potential resource of ordinary men and women, the silent majority, who are waiting to be organised and used as a strong and potent force against injustice, discrimination and oppression.

It is very important to understand that this struggle is not only for women by women. Security and justice are the most fundamental rights of all citizens. It is the pillar which the traditions and cultures of society is built on. Its violation destroys the very fabric of social behaviour and norms. Let us ask this question, are we willing to let that happen? are we willing to allow the most perverted form of patriarchy that manifests itself in violence against women and children to dominate and subsume our culture and tradition? The answer is a resounding No! Let us unitedly, men and women on International Womens Day, not only make a pledge but act upon to eliminate this scourge from our society.

Several international treaties have been accepted as widely on the Elimination of All Forms of Discrimination Against Women (CEDAW). As of May 1997, 160 countries had ratified, acceded or succeeded to CEDAW. Three-Afghanistan, Sao Tome and Principe and the United States — had signed, indicating their intention to ratify. Thirty States had neither signed nor ratified.

But CEDAW, like its companion treaty on the rights of the child, has provoked scores of reservations — indicating widespread and deep-rooted resistance to the concept of full equality for women. Nearly one third of States parties have lodged substantive reservations or declarations, signalling they will not be bound by certain CEDAW provisions — ranging from equality in nationality and citizenship and in sharing family property to women's participation in the military and the clergy. A few nations, including Malaysia, Maldives, Morocco, Pakistan and Tunisia, have gone much further, filing general reservations to any portion of the Convention that conflicts with existing national, customary or religious law.

Many of these reservations appear to violate the 1969 Vienna Convention on the Law of Treaties, which prohibits reservations that are incompatible with the object and purpose of a treaty. Particularly disturbing are reservations from 24 nations against article 16, a core provision that guarantees equality between women and men in marriage and family life.

Such reservations strike at the heart of CEDAW. They reject the extension of human rights protection into the private domain and entrench the inferior role of women. Similarly undermining the purpose of CEDAW are most of the dozen reservations to article 2, which outlines legal steps to eliminate gender discrimination.

Although reservations come from every corner of the globe, a few generalizations can be drawn. The five Nordic countries comprise the only region to accept CEDAW without reservation. The Caribbean countries have lodged fewer reservations than countries in other regions.

Most of the 12 ratifying States in the Middle East and North Africa cited conflict with religious or customary law as a reason for not giving CEDAW unconditional approval. Most of the region's nations defer to Islamic Sharia law on matters pertaining to family or the status of women. However, the CEDAW review committee has been able, through constructive dialogue, to address reservations with individual States parties.

It is encouraging that some nations have modified or withdrawn their reservations, often as a result of this constructive relationship. For example, Malawi withdrew, in 1991, its general reservation against provisions of CEDAW that required immediate eradication of certain traditional customs and practices and, in 1994, Brazil withdrew its reservations to key provisions of article 16.

Withdrawal of Reservations and Observations

In this session of the CEDAW Committee, Bangladesh announced that she was withdrawing its reservations to Articles 13, paragraph (a) and 16, paragraph 1(f), of the Convention. [Article 13(a) states that State Parties to the Convention shall take appropriate measures to eliminate discrimination against women in areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights in particular: The right to family benefit, while Article 16 (1)(f) ensures the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children.] It is interesting to note that Bangladesh was only one state party which imposed reservation on Article 13 and 16(1)(f) earlier. It should be noted that at the time of ratification, in 1986, Bangladesh made its reservations on the above mentioned Articles, along with Article 2 and Article 16 (1)(c), on the basis of argument that these provisions conflict with Holy Quran and Sunna.

In the recently published report embraced concluding comments of the CEDAW Committee on Bangladesh, it was expressed that it especially welcomed and applauded the decision of the Government of Bangladesh to withdraw its reservations to Article 13, paragraph (a) and article 16, paragraph 1 (f). It commended the initiative of the Government in leading the way for other countries with similar reservations to consider lifting their reservations. However, in the report the Committee also urged that the Government of Bangladesh, in order to comply both with its own Constitution and the Convention, to review its remaining reservations to Articles 2 and 16, paragraph 1(c), with a view to eventually withdrawing them. [Article 2 states general principles and programmes to eliminate all form of discrimination against women; and Article 16 (1)(c) ensures the same right and responsibilities during marriage and its dissolution.] In the previous years, several state parties to the Convention, e.g. Sweden, Netherlands, Germany, Mexico, raised their objection regarding Bangladesh's reservations on the Articles and also urged to withdraw reservations.

Positive Aspects of Bangladesh: Views of the CEDAW Committee

In the concluding comments published in the report, the Committee mentioned the following positive aspects of Bangladesh achieved to implement the CEDAW:

- The Committee noted with satisfaction the existence of constitutional guarantees to equality between women and men.
- The Committee expressed satisfaction at the high status accorded the Ministry of Women and Children Affairs in the Government.
- The Committee appreciated the inclusion of women's concerns in all of the development plans of the Government. This was strengthened by the declaration of the Policy on Women's Advancement, which is the main blueprint of the Government for the implementation of the Beijing Platform for Action.
- The Committee likewise noted the positive impact of the presence of 30 reserved seats for women in Parliament and in the local bodies, as well as in the public sector. It especially appreciated the fact that Bangladesh was one of the few countries in the world with a female Prime Minister and female Leader of the Opposition.
- The Committee noted with appreciation the emphasis placed by the Government on increasing literacy among women and girls, with the aim of achieving education for all

action measures to encourage women's political participation, the number of women in decision-making positions was still small.

Recommendations

In the recommendations part, the CEDAW Committee recommended the following 14-point issues and urged that proposed recommendations should be considered by Bangladesh Government seriously for the full and satisfactory implementation of the CEDAW:

- The Committee strongly urges the Government of Bangladesh to strengthen its enforcement laws, on violence against women in order to provide victims and survivors of violence with responsive and effective measures of protection and to prevent further violence.
- The Committee strongly urges the Government of Bangladesh to set up a separate prison facility and comprehensive programme of rehabilitation for women committee to prison.
- In view of the impact of globalisation the rural economy, the Government should give high priority to the issues and problems of rural women, especially this ownership of land and access to credit, loans and skill training in new agricultural technologies, with a view to strengthening their productive and employment capacity.
- The Committee also recommends the strengthening of Gender sensitization and training programmes for the judiciary, police and health professionals, particularly those relating to violence against women.
- In order to combat social attitudes, prejudices and social and traditional practices, particularly son preference, that discriminate against women, the Committee strongly recommends that the Government strengthen education and public information programmes geared towards reinforcing more positive images and roles of women in society.
- The Committee recommends that the Government pay particular attention to improving the wage levels and the terms and conditions of women workers, including training in new technologies, in the export processing zones as well as in the informal sector.
- The Committee likewise urges the Government to strengthen mechanisms to protect migrant women workers from exploitation throughout the migration process, including by actively exploring bilateral and multilateral initiatives addressing this issue.
- The Committee recommends that birth and marriages be systematically registered in order to enable laws prohibiting child marriage to be forced rigorously.
- In responding to the problem of trafficking of women and girls, the Committee recommends the stronger enforcement of the women and child suppression law of 1995, as well as provision of adequate assistance to women and girl victims of trafficking. The regional resolution on trafficking agreed to by the South Asian Association for Regional Cooperation in Maldives should be sustained and concretised into actual programmes.
- The Committee recommends that the Government undertake an impact assessment of development plans for women.
- The Committee strongly recommends more proactive measures to hasten the implementation of education programmes to eliminate female illiteracy.
- The Committee recommends that research on the root causes and social consequences of prostitution be conducted to enable Governments to ascertain the depth of the problem.
- The Committee recommends the continuance of affirmative action measures such as quota seats for women in Parliament, in local bodies and in the civil service. This should be accompanied by capability building and skills training to enable women to participate actively in electoral politics as well as in the civil service.
- The Committee request wide dissemination of these concluding comments in Bangladesh so as to make individuals aware of the steps that have been taken to ensure de facto equality for women and the further steps that are required in this regard.

UN CEDAW Committee On Bangladesh Still A Long Way to Go

by A H Monjurul Kabir

ment of women, which was a priority commitment of the Prime Minister. He informed the Committee that a number of constitutional and policy measures had been introduced, including the adoption of a National Policy for Women's Development and the elaboration of a National Action Plan for the Implementation of the Beijing Platform for Action.

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The Demand of the Day Full Recognition of the Rights of Women Workers

by Naila Khan

IT is in recognition of the historical significance of the celebrations of 8th March that women workers' issues has come into the forefront of the women's movement in Bangladesh today. Women workers of this country stand till today as a body-politic in the economic, social, cultural and political spheres of life affecting millions of Bangladeshis. Dismally enough, despite being a force to be reckoned with, acts of violence and discrimination, exploitation and undermining of the role of women continues to be an everyday word in all aspects of our lives.

Women have unitedly come together in demanding punishment of the perpetrators of crimes of violence and justice for the women, exemplified in the movement of the Sammilita Nari Samaj for proper trial and justice for specific cases such as the rape and murder by police of Yasmeen, a domestic worker and Shima, a garments worker. Yet, none of these cases or the several that are committed everyday have either been properly investigated, put to trial or justice served. Therefore, acts of violence, especially against women workers, continues. Demands have been put forward by the Sammilita Nari Samaj, a women activists' platform, that need to be made a part of our everyday struggle to bring dignity and social justice into our own lives and into the lives of the women workers of Bangladesh.

Specific demands for the recognition of such rights that have been put forward are:

- Appreciation and acknowledgement of the vast contribution of women working in factories, industries, construction, agriculture, weaving, domestic services, other informal sectors, nursing, primary health care, other health sectors, educational sector, offices banks etc. in the national economy of Bangladesh.
- Full implementation of labour laws. Equal wages for equal work is demanded.
- Specific laws and punishment for acts of harassment, discrimination, and physical and sexual abuse of women working in factories, offices and all other work places.

- Mandatory construction of separate toilets and rest rooms for women workers within their work situation and the establishment of day-care centres and creches for their children.
- The following demands have been put forward for all women of Bangladesh:
 - Stopping of all state violence and violence perpetrated by the police on women.
 - Formulation of effective laws and policies to resist all forms of violence against women.
 - Proper and transparent investigation and accountability of the judiciary in trying cases related to crimes against women.
 - Immediate formation of a War Tribunal to try Pakistani Army and their collaborators i.e. Razakars, Al-Badr, Al-Shams for rape and genocide of women in Bangladesh in 1971.
 - Comprehensive evaluation and acknowledgement of the contribution of women, including acts of bravery and martyrdom against Pakistani Army and their collaborators during the Muktijuddho in 1971.
 - Formulation of the Uniform Family Code for women irrespective of religion or cultural identity.
 - Full ratification of the Convention for the Elimination of Discrimination Against Women (CEDAW), including withdrawal of reservation on Article 2 and Article 16 (1F), and introduction of CEDAW into domestic legislation.
 - Implementation of the Plan of Action announced by the Prime Minister in March 1996 and realisation of the commitment expressed by the Government of Bangladesh during the 4th World Women's Conference for upholding the dignity of all women of this country.
- It is only through the joint and collective struggle of all women workers and women from all spheres of life can the rights of the women of Bangladesh be realised. Yet the onus for such realisations may fall heavily on complete recognition of rights of women

workers who are subjected to the most miserable working conditions, living quarters and miserly wages, and who are most easily accessible to the perpetrators of violence, i.e. the police and the masthans, forces

who are well-identified by now by society and the common people, but who remain unreachable by the present laws and practices of this country.

A celebration of International Women's Day must surely celebrate the resilience, struggle and positive role that women workers are continuing to play today, in the face of such violence, political indifference and injustice.

