

Law and Our Rights

"All citizens are equal before law and are entitled to equal protection of law" Article 27 of the Constitution of the People's Republic of Bangladesh

Political Empowerment of Women: Bangladesh Perspective

by Nazmul Huda Shamim

Around the world women empowerment has become an important issue of concern. In most of the countries, women do not enjoy the same status as men due to their limited participation in politics. Therefore views have been expressed that only through political empowerment women can fight against the discrimination. To improve the conditions of women, international instruments have been adopted to fight against the discriminations and to protect women from violence. Though it is a gradual and arduous process, still several states have ratified the Convention on the Political Right of Women 1952, CEDAW Convention, Nairobi Convention 1985, Beijing Declaration 1995 etc to ensure the rights of the women. Apart from these international safe guards, equal rights of women have been enshrined in the constitution of their respective countries.

Of late Bangladesh has also considered the women empowerment issue seriously. Since woman folk are playing a vital role in the economic development, thus they have become more conscious about their own rights. Though there are arguments from a section of people that certain provisions of our constitution have rooms for discrimination, yet the Constitution of Bangladesh provides equal treatment to citizens irrespective of their religion, race, caste, sex or place of birth etc.

Even, equality to women and their participation in politics has been enshrined in the Constitution.

The Constitution provided that

Steps shall be taken to ensure participation of women in all spheres of national life (Art. 10).

According to Article - 9 of the Constitution

The State shall encourage Local Government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given as far as possible to peasants, workers and women.

To implement this constitutional provision, the Local Government (Union Parishad) Ordinance Amendment Act, 1997 provided for three reserved seats for women in the Union Parishad to increase women's political involvement [Sec. 5 (c)]. Moreover, we have another important provision in the Constitution. According to Article - 65 (3) of the Constitution

Until the dissolution of Parliament occurring next after the expiration of the period of ten years beginning from the date of the first meeting of the Parliament next after the Parliament in existence at the time of commencement of the Constitution (Tenth Amendment) Act, 1990, there shall be reserved thirty seats exclusively for women members, who shall be elected according to law by the members aforesaid.

This provision of Art - 65(3) was adopted to ensure women's political empowerment in the country, but in true sense, women are yet to achieve strong footing in the political arena.

Before our independence, in 1954, fourteen women were elected as members of the Legislative Assembly from Juktak Front. After the independence, in 1986, only two women were elected and in 1988 that number increased to only four; the trend was not encouraging in Poll 1991 when only five women were elected. In the last election (Poll 1996), the elected women MPs are only seven. The graph of women participation trend in national politics is however not very impressive.

The United Nations has proposed that at least 30 per cent women

representatives should be elected in all spheres of country. But what is the actual scenario in our parliament? There are only nine per cent female representatives having only four female ministers which is much more lesser than the UN proposal. There is no female Chairman in any standing committee of the parliament. We have also failed to welcome any woman as Speaker or Deputy Speaker in the history of our Parliament let alone any President. Besides we have only two female Secretaries and only one Judge representing the women community in the High Court Division of the Supreme Court. This trend is not, in any way, favourable to implement women's empowerment in the politics or in the government.

We know that the term of the reserved seats in the Parliament will expire after April 2001. Before any further amendment takes place, the fate of the women participation in politics will remain a far cry. Feminist groups, women organisations, social workers and civil society are being vocal to ensure that the amendment takes place without further delay. However, they cannot come to a consensus regarding what should be the terms and conditions regarding the women seats. Some argue that the number of the reserved seats should be increased to 64.

Barrister Rabiya Bhuiyan, MP has presented the Constitution (Fourteenth Amendment) Bill 1997, before the Parliament. The bill set forth some proposals, viz. - a) the election commission shall, out of three hundred constituencies for female before every election on rotation basis ensure the representation of women from all the districts, b) a political party shall nominate one-third of its nominees from the female candidates.

Meanwhile, the Chief Justice of Bangladesh Mr. Justice Latifur Rahman also expressed the same opinion at the Second Women Lawyers' Congress held in December 3-5, 1999 at the Democracy Auditorium of Khan Foundation. While some of the women groups demanded 100 reserved seats for women in the Parliament. On the other hand, Bangladesh Mahila Parishad proposed for 150 reserved seats for women. This organisation prepared a draft bill entitled Bangladesh Constitution (fourteenth) Amendment Act- 2000. According to Section 3(i) of the bill after the numerical Article 65 (1), a letter 'a' shall be inserted and a new sub-clause (1) (b) of article 65 shall be added as follows:

Article 65(1) (b). 'Parliament shall consist of 450 seats out of which 300 seats shall be known as general seats and 150 seats shall be known as reserved seats for women.'

Individuals of the civil society proposed that political parties should nominate at least 10% of the total seats of the parliament from women.

There is also another debate relating to the election procedure for the reserved seats. The point of debate is that whether the women parliamentarian shall be elected through direct election or not. A part of the society suggests that female members from reserved seats should be directly elected in accordance with law as a Member of Parliament. But another part of the society opposes with their view. According to them it will be far too impossible for a women member to contest for a direct election as each of the constituency will be larger than a general constituency.

Apart from these arguments, another obstacle is on the way to this much-needed amendment. That is, those women parliamentarian who had been occupying the seats for last few years could not bring any

significant change in the lives of our hapless women lot, they could not represent the women in actual sense. They are being treated as 30 pocket votes of the ruling party as they were not directly nominated. So majority of women groups, social organisations are demanding for direct election.

Moreover, we shall have to develop a consensus regarding the term of special provision for women. Whether it should be a permanent system or not?

The government has taken initiative for a new bill to extend the tenure of the reserved seats for women in the parliament. Law Minister Mr. Abdul Matin Khasru presented the Constitution (Fourteenth Amendment) Act, Bill -2000, on 17 June 2000, in the Parliament. According to the proposed bill the members of the Parliament from reserved seats will not be elected by direct election. They will be selected by the Parliament. The term of the reserved seats is considered for ten years. Nevertheless, in a press conference at the National Press Club, Bangladesh Mohila Forum strongly criticised the proposed bill of the government. The forum emphasised on direct election for the reserved seats. The Shammiti Nari Samaj, a group of women organisations, has also strongly demanded a direct election for those reserved seats in the Parliament.

Besides, Mr Feroz Hassan, Secretary General of FEMA and Barrister Manzoor Hasan, Executive Director of Transparency International Bangladesh, have emphasised on direct election of reserved seats for women. They have expressed their views in a paper presented at a national seminar on Rethinking Confrontational Politics: A Reform Agenda by the Civil Society organised by Governance Coalition held on August 7, 2000. They felt that the present number of women seat is inadequate and to be increased to 64, each seat representing one of 64 districts. They also opined that the political parties should nominate at least 25% women candidates to participate in general election. Country's leading women rights activists, and women representatives from 64 districts, at a dialogue on Women in Parliament (Daily Star - 11 Aug '00), urged political leaders to increase number of reserved seats for women in National Assembly with a provision of direct election for that follows:

Now, we shall have to find out a reasonable solution of the issue. Women groups, political parties and the civil society should take initiative to develop a consensus proposal as early as possible. The two major political parties are under the responsibility to agree on a reasonable proposal since any amendment to the Constitution requires two third majorities. To enhance the process of this development they should discuss the provisions neutrally. For the actual development of the Country, women's participation in the decision making process should be ensured. Discussions and exchange of views can bring out reasonable recommendations regarding the amendment of the Constitution. Only through a women-friendly amendment of the constitution, we can ensure the active participation of women in our political arena. Because, Constitution is the sole guardian of a nation and political empowerment of women can be ensured by Constitutional representation.

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What to Say? An Odhikar Report

On 24 June 2000, investigators from Odhikar went to Jhenaidah to investigate the reported incident of torture by police on 12 year old Belal Hossain of Alampur Village. The incident took place at the Raghunathpur Police Camp in Ganna Bazar.

At the time of the investigation, Belal's great-uncle, Mohiuddin (65) informed Odhikar that it all started for a petty reason. An almost blind and mentally disturbed beggar called Ratan Muchi (65) from the neighboring village gets agitated if people use the word 'go' (excreta) in his presence even just called out the word in his hearing. For this reason, the village children would often make fun of him. On 13 June 2000, as Ratan Muchi was returning home after a day of begging, he passed the rice field where Belal was guarding another person's crops, at Dhoparkul. With Belal were Zahirul (10), Farukh (11), Sattar (30) of Chandpur village and Laltu (15) of Alampur village. When Ratan Muchi passed by, someone called out that slang and he began ranting and raving, whereupon he dropped the bag of rice he was carrying. He went home and complained to his wife.

Ratan Muchi's wife went to the Raghunathpur police camp to lodge a complaint. On doing so, five policemen from the camp, barefooted and wearing nothing but in lungis arrived at Dhoparkul. They tied Belal, Zahirul, Farukh, Sattar and Laltu with their gamcha's and herded them towards the police camp. On the way, they also tied and took along Babul (10), Rezaul (15) and Alam (12) of Alampur village. All the boys were beaten to some degree and released.

After Ratan Muchi and his wife's arrival at the camp, the beggar kept insisting that Belal was the one who had agitated him. Police then tied Belal's legs together, slapped hand cuffs on his wrists and hung him by his wrists from a mahogany tree. Assistant Sub-Inspector (ASI) Abu Baker then tied a brick with a rubber band and suspended it from Belal's genitals. Belal was then swung around and beaten from waist to feed with a ruler. After two hours of such torture, Belal's genitals began bleeding. As his condition worsened, he was untied. His father and brother brought him home. He was taken to Jhenaidah hospital at 2:00 am on the 14th of June, when his condition worsened.

Belal's mother, Zamirah, told Odhikar investigators that Belal's friend Laltu was also admitted to the hospital, but his condition was nothing compared to Belal's injuries. On the 14th, police influenced Laltu's father to convince Belal's parents to take their son home. On their refusal Belal was forced to return home. As his condition deteriorated, he was re-admitted in the Jhenaidah hospital at 4:00pm on the 15th of June 2000. Once again police pressurised his parents and he had to be taken home, where a local doctor treated him.

Belal's great-uncle told Odhikar that the police had sent local bigwigs, Monir Molla and Bazu, with an offer of Tk. 5000 to settle the matter. Belal's mother told Odhikar that after the incident, Belal was unable to work. His treatment has to date cost his family Tk. 6000. She told the investigators that the Officer in Charge (OC) of the police camp, Farid Daroga, had paid the family only Tk. 2000.

Belal's mother told Odhikar's investigators that two or three days after the incident, the OC of Jhenaidah police station came to investigate the matter. He wanted to visit Belal's house but the OC of the police camp, Farid Daroga, restrained him from going there. He kept the Jhenaidah Police station OC waiting on the road and went to Belal to beg him not to tell the OC that Abu Baker had hung a brick from his genitals. Belal denied that the incident had occurred, but admitted the truth when the OC of Jhenaidah tactfully asked him whether Farid Daroga had told him not to tell.

Belal told Odhikar that he did not call out 'go' to Ratan Muchi and did not know who did so. Belal's paternal uncle, Amirul, commented that local people had told him it would be useless to complain to the police.

Moijibur, who owns a shop adjacent to the police camp, local businessman Ismail Hossain Monir and many other who wish to remain unnamed, told Odhikar about the incident. Monir commented that after the torture, Abu Baker begged local influential people to help him suppress his crime. Everyone in Belal's village of Alampur respect the advice of Saber Master, the headmaster of Chandpur High School. The local bigwigs approached him at the insistence of Abu Baker. He, in turn, convinced Belal's parents not to file a case against Abu Baker.

The ASP of Jhenaidah and the OC of Jhenaidah Police Station investigated the torture of Belal and the beatings of all the others arrested with him. Afterwards, they took departmental action against the offenders in Raghunathpur Police Camp. Abu Baker was given temporary suspension and 24 others were 'closed' on 18 June 2000. On 23 June 2000, a new ASI was appointed. However, no case was filed against the culprits.

Along with other countries Bangladesh also ratified the Convention on the right of the Child (CRC) to protect the best interest of the child. The convention has certain provisions which are supposed to be ensured by the state parties.

Article 19 of the Convention on the right of child provides right to special protection from all forms of abuse, neglect etc.

Article 19(1) says States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parents, legal guardians or any other person who has the care of the child.

Article 36 of the convention also provides Right to protection from all other form of exploitation. It says 'The State parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.'

Article 37(a) provides that no child shall be subjected to torture or other cruel inhuman or degrading treatment or punishment...

Belal's case is only of those few, which are noticed and get a media coverage. But the question is what step actually did the authority take against those wrong doers? Where the CRC repeatedly says that the children should be protected from any sort of abuse, in such a sadistic manner. If we delve the matter we will hardly find any fault on Belal's part. Even if he is one of those who called out 'go' to Ratan muchi that cannot be so much of an offence to be punished in such a barbaric manner.

Beyond 16 Days of Activism against Gender Violence

by Eric Green

A 16 day international campaign will begin on November 25 to spotlight the global problem of violence against women, on which the United Nations says Latin America has a 'markedly mixed record' not unlike that of every other region in the world, developed or developing.'

Organisers say the 10th annual 16 Days of Activism against Gender Violence Campaign links work being done by government and nongovernmental organisations to develop new and effective strategies to eliminate all forms of violence against women.

More than 800 organisations in over 90 countries have participated in 16 Days since its launch in 1991. Though this year's schedule of activities has not yet been finalised, the 16 Days campaign in 1999 included such events as drama groups in the Caribbean holding post-performance discussions on women's issues in cities and rural areas of the Caribbean. In addition, a Basket of Fruit to Heal Violence celebration was held in Colombia, while Mary Robinson, United Nations High Commissioner for Human Rights, presented government officials in Mexico with training manuals on gender violence for use in that country's penal justice system.

US State Department's Theresa Loar said her agency is 'all for any mechanism that calls attention' to the issue of violence against women. Since the Fourth World Conference on Women in Beijing, China, in 1995, Loar said a number of countries in Latin America adopted new laws to combat violence against women, violence within the home, and sexual violence.

Formerly Iowa's attorney general and named by Time Magazine as one of the 25 most influential people in the United States in 1997, Campbell said she views violence against women as a fundamental human rights violation and that living free of violence is a 'fundamental right.'

Campbell said one of the missions of her office is to build in the United States a community-based network that responds to domestic violence, where healthcare providers, educators, clergy, employers, civic leaders and political leaders 'all come together and say and believe that we have the power to stop violence in our homes and on our streets.'

The 16 Days campaign, says Cynthia Mellon from the Centre for Women's Global Leadership at Rutgers University in New Jersey, has a 'huge participation' in Latin America and around the world, evidenced by the fact that the centre receives letters of support from those who organised their own local activist units against gender violence in such places as a small village in the former Yugoslavia.

Mellon said in an interview that 16 Days, which grew out of a conference held at her centre, will coincide in 2000 with a UN review of a Plan of Action developed at the 1995 Beijing Conference, which was designed to decrease gender violence.

That conference defined violence against women as 'any act of violence based on gender, which may

result or actually results in physical, sexual or psychological harm, including threats, coercion or arbitrary deprivation of liberty, in either private or public life.' Those who have studied the issue say one of the most frequently occurring forms of violence against women is domestic violence, which is violence that occurs between people who share or have shared kinship or blood ties, or have a formal marital or consensual relationship. Domestic violence is said to take place most often in the home. Mellon said women in Latin America are very aware of the issue of gender violence 'and are working in a number of ways' to stop it. Their work, she said, resulted in the government of Ecuador enacting in 1995 a 'very advanced law' protecting women against violence that 'wiped off the books very bad laws that permitted men to physically punish their family members.'

New laws being adopted in Latin America, she indicated, have 'more teeth' in that they require more training for police and judges about how to handle domestic violence cases. But much more needs to be done, she said, because gender violence often is still not recognised beyond women's rights groups as a serious human rights problem in the Western Hemisphere and worldwide. One measure designed to guard against gender violence throughout the Americas, Mellon said, is the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, also known as the Convention of Belém do Pará after the city in Brazil where it was adopted. The Inter-American Development Bank (IDB), which has done extensive work on the issue, says widespread domestic violence in Latin America affects the region's 'growth possibilities.' In its book, Too Close to Home: Domestic Violence in the Americas, the Bank said that women who are victims of domestic violence earn much less than their nonabused peers, which amounts to an estimated regional wage loss of 1.6 to 2.0 per cent of gross domestic product. In addition, children who witness their mothers being abused perform poorly in school, limiting both their future labour market possibilities and their ability to contribute to the region's socio-economic development.

On the positive side, the IDB pointed to some of the many national efforts in Latin America designed to help victims of violence, such as by Cartera in Nicaragua, which conducts men's education projects to help bring about changes in their attitudes

toward women. Meanwhile, in Jamaica, a theatre group dramatised domestic violence issues to help men and women deal with the problem. The Bank also recognised the work of a number of hemispheric groups dealing with the issue of gender violence, such as the Inter-American Commission on Women of the Organisation of American States, and the Pan-American World Health Organisation (PAHO), which has invested millions of dollars in the Americas to create domestic violence prevention and treatment centres. Another international group, devoted to the issue is the United Nations Development Fund for Women, which has awarded over four million US dollars to projects in 56 countries over the last four years.

In addition, the San Josebased Latin American Institute for the Prevention of Crime conducts training in gender violence for judges and other jurists. The organisation was established in 1975 as a result of the joint efforts of the United Nations and the Costa Rican government.

Two recent reports by the United Nations highlight the problem of gender violence. The UN Children's Fund says in Domestic Violence against Women and Girls that up to half of all women and girls in some countries have experienced physical violence at the hands of an intimate partner or family member. More than 60 million females are missing from population statistics killed by their own families deliberately or through neglect, because of their gender. Only 44 countries have adopted specific legislation to address domestic violence, the report said.

A report by the UN Development Programme says no country in the world treats its women as well as its men. But the report added that in recent years an important shift toward this problem has occurred, with the recognition that violence in women's lives 'will not be eradicated until all members of society refuse to tolerate it.'

The report, entitled Women's Political Participation and Good Governance, said ending gender violence 'must include concerted activism by women and men alike.' Quoting UN Secretary General Kofi Annan, the report said that 'women's rights are the responsibility of all humankind; combating all forms of violence against women is the duty of all humankind.'

The author is a staff writer for The Washington File, a product of the Office of International Information Programmes, US Department of State.

Violence against Christians Continues

Between 1 January and 30 July 2000, more than 57 attacks on Christians were reported in India – bringing the situation to a new three-year trend of systematic violence against this minority population. On 24 February 1999, Home Minister L K Advani admitted in the Upper House of Parliament that in 1998 alone there were 116 attacks against the Christian community. The recent attacks have basically taken three forms: (1) attacks on priests and nuns; (2) attacks on evangelists and disruption of prayer meetings; and (3) pressure on churches, hospitals and other charitable institutions. Attacks have generally taken place in areas where Christians are in a small minority, though even this is beginning to change as a church in the Catholic stronghold of Goa was recently hit as part of a coordinated, nationwide bombing attack on 8 June 2000.

Most of these attacks have been perpetrated by individuals connected to the Sangh Parivar, which is comprised of rightwing Hindu fundamentalist organizations including elements from the ruling Bharatiya Janata Party (BJP), Vishwa Hindu