

"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

Violence Against Women Makes Asia Sit Up

by Henrylito D. Tacio

At least one woman in every three has been beaten, coerced into sex, or otherwise abused in her lifetime, in Asia and elsewhere. Most often, the abuser is a member of her own family. Today, violence against women is considered "a public health priority" and "a human rights concern."

Women can experience physical or mental abuse throughout their lifecycle: in infancy, childhood and/or adolescence, or during adulthood or older age," deplores the Geneva-based World Health Organization (WHO) in a recent report.

Here are findings from the UN health agency report:

Population-based studies report between 12 and 25 per cent of women have experienced attempted or completed forced sex by an intimate partner or ex-partner at some time in their lives.

Interpersonal violence was the 10th leading cause of death for women 15-44 years of age in 1988.

Forced prostitution, trafficking for sex and sex tourism appear to be growing. Existing data and statistical sources on trafficking of women and children estimated 500,000 women entering the European Union in 1995.

In every country where reliable, large-scale studies have been conducted, results indicate that "between 10 to 50 per cent of women report they have been physically abused by an intimate partner in their lifetime," according to WHO.

These are all human rights concerns. But violence against women continues to exist. One reason for this, according to Center for Health and Gender Equality (CHANGE), is that many cultures hold that men have the right to control their wives' behaviour. Women who challenge this right may be punished.

CHANGE is a research and advocacy organization that seeks to integrate concern for gender equity and social justice into international health policy and



practice. It recently published a comprehensive report on the subject entitled Ending Violence Against Women.

In Asian countries like Bangladesh, Cambodia, India, Pakistan, and Papua New Guinea,

violence is frequently viewed as "physical chastisement" the husband's right to "correct" an erring wife.

Worldwide, studies identify a consistent list of events that are said to "trigger" violence. These

include: disobeying her husband, talking back, not having food ready on time, failing to care adequately for the children or home, questioning him about money or girlfriends, going somewhere without his permission, refusing him sex, or expressing suspicious of infidelity.

Women's response to the abuse of their husbands are similar: fear of retribution, lack of other means of economic support, concern for the children, emotional dependence, lack of support from family and friends, and an abiding hope that "he will change."

In many parts of the world, marriage is interpreted as "granting men the right to unconditional sexual access to their wives" and "the power to enforce this access through force if necessary."

"What else have I married you for?" the husband asked an Indian wife after she avoided sex with him. As a result, the woman was battered.

This scenario is also true in

the Philippines. In the Western Visayas, 43 per cent of the married women surveyed said they were afraid to refuse their husband's sexual advances.

The UN health agency claims violence against women impairs their physical and mental health. Abused women, it points out, are more likely to suffer from depression, anxiety, psychosomatic symptoms, eating problems, and sexual dysfunctions.

The Declaration on the Elimination of Violence Against Women defines violence against women: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

"Violence against women is not just a case of the AIDS epidemic," points out Dr Peter Piot, executive director of the joint UN program on HIV/AIDS. "It can also be a consequence of it."

DEPTnews

From Law Desk ...

Prime Minister Cautioned

The High Court on 24 October once again cautioned Prime Minister to be discreet and respectful while making remarks about the country's judiciary, judges or the court in future.

The court comprising Justice Mohammed Mozammel Haq and Justice Abdur Rashid made the observations while disposing of three contempt petitions filed against Prime Minister for her remarks during an interview with the BBC over country's law and order situation. The Prime Minister had said that the judiciary had become safe haven for criminals. And that it was releasing hardened criminals on bail captured by police after great pains.

It was rare in any country that highest judiciary for wayward observations repeatedly reprimanded the head of Government. In another verdict in 1999, the Supreme Court had cautioned the Prime Minister while disposing of similar contempt petition and recalled the observation of Lord Atkin where such speakers are called wrong headed person. While disposing of the three petitions, respectively filed by Barrister Moinul Hossain, President of the Supreme Court Bar Association, 339 lawyers and 110 opposition parliament members in August last, the court said that it refrained from issuing rule considering the greater interest of the country to protect the prestige and dignity of the Highest post of the executive, to avoid all probable and possible political unrest, prevent the executive and judiciary from coming at the loggerheads with each other and to maintain and preserve harmonious co-ordinations and co-operations between the two important organs.

Announcement

Make Your Voice Heard

1. Law Desk wishes to maximize readers' participation in making 'Law and Our Rights Page' more people friendly and informative. This desk is particularly interested to build a strong rapport with judges, lawyers, academics, professionals, law students, and human rights activists from across the country. Your thoughts, ideas, and experiences on legal profession, education, and activism can make a significant difference.
2. Law Desk wants to unmask the violation of legal and human rights against you, your family, and your community. Raise your voice and concerns against such violations.
3. Law Desk is interested to disseminate information on academic research, professional studies, and various publications (e.g., books, journals, reports, monographs, newsletters etc.) on legal and human rights issues.
4. You can eye on important human rights and legal events of your locality. Law Desk is willing to focus on the problems faced by the courts of different levels, local bar associations, law colleges, and law faculties.

Send your articles, findings, day to day experiences, reports with relevant pictures to:

Law Desk
The Daily Star
19 Karwan Bazar
Dhaka-1215

E-mail: lawdesk20@hotmail.com

Women in Narayanganj District Jail

Odhikar Report

THE jail in Narayanganj is an old building, a legacy of the British Raj. In 1998 it was upgraded to the status of District Jail, from a sub-jail. It has a capacity to hold 369 prisoners. However, during the time of the investigation, the jail was hosting 762 inmates. The cell capacity in the women's wing was eight prisoners. However, there were 23 women in the cell.

On 7th August, Odhikar investigators visited Narayanganj jail in order to inquire into the state women prisoners. Unfortunately, the jail Superintendent was unable to give permission to enter the prison and was also reluctant to relate to the investigators the condition of the women prisoners. As a result, Odhikar interviewed two women who had

been freed on bail. Momena Khatun and Rokeya.

Momena Khatun was arrested under the Drugs Act and was recently freed on bail. She told the investigators that the situation of women in the jail was grim. They were all crowded in one cell and it was difficult to sleep at night. As a result, women took turns to sleep. The food was sub-standard and insufficient in quantity. Breakfast consisted of a stale chapatti with gritty molasses. The amount of rice that was given was quite sufficient, but not sorted or washed properly. A very small amount of vegetable was served with it. A piece of chapatti made up dinner. Momena believes that the vegetable that was served were leftovers from the bazaar restaurants. And the

chapatis they used to serve was stale.

Rokeya Begum was also arrested under the Drugs Act. She told Odhikar investigators that the women's section in the jail consisted of a very small section. The cell had no ventilation and during the summer evenings it was suffocating. She said that the food was insubstantial and inedible and many prisoners received meals from relatives and family after paying a sum to the warders. She also informed the investigators that jail authorities 'charged' take ten or twenty from male prisoners to have visitors, but demanded taka hundred from female inmates when they asked to have visitors.

Not only is the prevalent Jail Code not adhered to, this law is

also in dire need of amendments and 'upgrading'. There are specific provisions for female inmates, special care for women with children and catering to specific needs of women. Odhikar has investigated the condition of women in several jails and vagrant homes all mirror the same pitiful condition of women incarcerated there. There is a serious need for improving the condition of prisoners in all Bangladesh's prisons, in all respects and to resolve the cases of under trial prisoners speedily to prevent overcrowding and aggravate unhygienic conditions. Furthermore, women who are in jails as 'safe custody' victims must be removed to the shelter homes, as per Government order.

Hartal: A Democratic and Fundamental Right?

The High Court Division gave a ruling that hartal, a democratic and fundamental right, is legal in accordance with the Constitution. The Court, at the same time said, using of force to observe hartal is an offence. The High Court gave this ruling on 25 October, dismissing a Writ seeking why hartal programme of any political party should not be declared illegal.

A lawyer of the Supreme Court filed the writ a year ago seeking to declare hartal programme illegal. Opinion of political parties was taken during the lengthy hearing sessions on the writ by a Special Bench of the High Court.

The High Court in its observation said using force to observe hartal is an offence and this offence could be tried under the existing laws of the country. The court further said that while calling a hartal is a fundamental right, it also curtails the same rights of those who suffer from it.

The High Court commented that in such a case the issue should be resolved through discussion in parliament or politically.

Both government and opposition parties have welcomed the High Court ruling.

The court earlier on April 12 last year issued a Rule upon the government and major political parties to show cause why hartal should not be declared illegal and called without lawful authority. The rule was also vacated while discharging the petition.

A city in rain and storm

Rainstorm, caused by a deep depression in the Bay of Bengal, swept across the capital city as elsewhere in the country yesterday. Heavy downpour along with gusty winds put civil life to a standstill. Major thoroughfares remained waterlogged for hours, thanks to incessant downpour and an overwhelmed drainage system. Gusty wind, on the other hand, left uprooted trees in its wake. Wherever one turned to it was the same story of man and machine making their ways through water. Many a car got stranded as water seeped into the engine. AKM Mohsin, SK Enamul Haq and Anisur Rahman arrested in frames the plight of a city in rain and storm.



On the Bijoy Sarani.



In front of the Prime Minister's Office



Two residents of Faridabad in knee-high stinky water.



Two persons push a pickup van through Razarbagh Police Linestreet.



An aerial view of Naya Paltan.



An uprooted tree in front Curzon Hall.