

HUMAN RIGHTS *vision*

Seven types of inequality

AMARTYA SEN

It was more than a century ago, in 1870, that Queen Victoria wrote to Sir Theodore Martin complaining about "this mad, wicked folly of 'Woman's Rights'." The formidable empress certainly did not herself need any protection that the acknowledgment of women's rights might offer. Even at the age of eighty, in 1899, she could write to A.J. Balfour: "We are not interested in the possibilities of defeat; they do not exist." That, however, is not the way most people's lives go - reduced and defeated as they frequently are by adversities. And within each community, nationality and class, the burden of hardship often falls disproportionately on women.

The afflicted world in which we live is characterised by deeply unequal sharing of the burden of adversities between women and men. Gender inequality exists in most parts of the world, from Japan to Morocco, from Uzbekistan to the United States of America. However, inequality between women and men can take very many different forms. Indeed, gender inequality is not one homogeneous phenomenon, but a collection of disparate and interlinked problems. Let me illustrate with examples of different kinds of disparity.

(1) Mortality inequality: In some regions in the world, inequality between women and men takes the brutal form of unusually high mortality rates of women and a consequent preponderance of men in the total population. Mortality inequality has been observed extensively in North Africa and in Asia, including China and South Asia.

(2) Natality inequality: With the availability of modern techniques to determine the gender of the foetus, sex-selective abortion has become common in many countries. It is particularly prevalent in East Asia, in China and South Korea in particular, but also in Singapore and Taiwan, and it is beginning to emerge as a statistically significant phenomenon in India and South Asia as well. This is high-tech sexism.

(3) Basic facility inequality: Afghanistan may be the only country in the world the government of which is keen on actively excluding girls from schooling (it combines this with other features of massive gender inequality), but there are many countries in Asia and Africa, and also in Latin America, where girls have far less opportunity of schooling than boys do. There are other deficiencies in basic facilities available to women, varying from encouragement to cultivate one's natural talents to fair participation in rewarding social functions of the community.

(4) Special opportunity inequality: Gender bias in higher education and professional training can be observed even in some of the richest countries in the world, in Europe and North America.

(5) Professional inequality: A country like Japan may be quite egalitarian in matters of demography or basic facilities, and even, to a great extent, in higher education, and yet progress to elevated levels of employment and occupation seems to be much more problematic for women than for men.

(6) Ownership inequality: In many societies the ownership of property can also be very unequal. Even basic assets such as homes and land may not be very asymmetrically shared. The absence of claims to property can not only reduce the voice of women, but also make it harder for women to enter and flourish in commercial, economic and even some social activities.

(7) Household inequality: There are, often enough, basic inequalities in gender relations within the family or the household, which can take many different forms. Even in cases in which there are no overt signs of anti-female bias in, say, survival or son-preference or education, or even in promotion to higher executive positions, the family arrangements can be quite unequal in terms of sharing the burden of housework and child care. It is, for example, quite common in many societies to take it for granted that while men will naturally work outside the home, women could do it if and only if they could combine it with various inescapable and unequally shared household duties. This is sometimes called "division of labour," though women could be forgiven for seeing it as "accumulation of labour."

Focussing on South Asia

It is important to take note of the variety of forms that gender inequality can take. First, inequality between women and men cannot be confronted and overcome by any one set of all-purpose remedy. Second, over time the

same country can move from one type of gender inequality to harbouring other forms of that inequity. Third, the different forms of gender inequality can impose diverse adversities on the lives of men and boys, in addition to those of women and girls.

Even though part of the object is to discuss the variety of different types of gender inequality, a substantial part of my empirical focus will, in fact, be on two of the most elementary kinds of gender inequality, namely, mortality inequality and natality inequality. I shall be concerned, in particular, with gender inequality in South Asia, or the Indian subcontinent.

For example, India, along with Bangladesh, Pakistan and Sri Lanka, has had female heads of governments, which the United States or Japan has not yet had (and does not seem very likely to have in the immediate future, if I am any judge). Indeed, in the case of Bangladesh, where both the Prime Minister and the Leader of the Opposition are women, one might begin to wonder whether any man could possibly rise to a leadership position there in the near future.

Indeed, in the scale of mortality inequality, India - as well as Pakistan and Bangladesh - is close to the bottom of the league in gender disparity. And, as I shall presently argue, natality inequality is also beginning to rear its ugly head very firmly and very fast right at this time in the subcontinent.

Exceptions and trends

In the bulk of the subcontinent, with only a few exceptions (such as Sri Lanka and the State of Kerala in India), female mortality rates are very significantly higher than what could be expected given the mortality patterns of men (in the respective age groups). The mortality disadvantage of women works mainly through a widespread neglect of health, nutrition and other interests of women that influence survival.

It is sometimes presumed that there are more women than men in the world, since that is well-known to be the case in Europe and North America, which have a female to male ratio of 1.05 or so, on the average (that is, about 105 women per 100 men). But women do not outnumber men in the world as a whole; indeed there are only about 98 women per 100 men on the globe. This "shortfall" of women is most acute in Asia and North Africa. For example, the number of females per 100 males in the total population is 97 in Egypt and Iran, 95 in Bangladesh and Turkey, 94 in China, 93 in India and Pakistan, and 84 in Saudi Arabia (though the last ratio is considerably reduced by the presence of male migrant workers from elsewhere who come to Saudi Arabia).

The concept of "missing women" was devised to give some idea of the enormity of the phenomenon of women's adversity in mortality by focussing on the women who are simply not there, due to unusually high mortality compared with male mortality rates. The basic idea is to find some rough and ready way to understand the quantitative difference between (1) the actual number of women in these countries, and (2) the number we could expect to see if the gender pattern of mortality were similar in these countries as in other regions of the world that do not have a significant bias against women in terms of health care and other attentions relevant for survival.

Women's gainful employment, especially in more rewarding occupations, clearly does play a role in improving the deal that women and girls get. And so does women's literacy, and other factors that can be seen as adding to the status, standing and voice of women in family decisions.

An example that has been discussed in this context is the experience of the State of Kerala in India, which provides a sharp contrast with many other parts of the country in having little or no gender bias in mortality. With its 30 million population, Kerala's example also involves a fair number of people. The causal variables related to women's empowerment can be seen as playing a role here, since Kerala has a very high level of women's literacy (nearly universal for the younger age groups), and also much more access for women to well paid and well respected jobs. One of the other influences of women's empowerment, namely a fertility decline, is also observed in Kerala, where the fertility rate has fallen very fast (much faster, incidentally, than China, despite the rigours of Chinese coercive measures in birth control), and Kerala's present fertility rate around 1.7 or 1.8 (roughly interpretable as an average of 1.7 or 1.8 children per couple) is one of the lowest in the developing world (about the same as in Britain and France, and much

lower than in the United States). All these observations link with each other very well in a harmonious causal story.

However, there is further need for causal discrimination in interpreting Kerala's experience. There are other special features of Kerala which may also be relevant, such as female ownership of property for an influential part of the Hindu population (the Nairs), openness to and interaction with the outside world (with the presence of Christians - about a fifth of the population - who have been much longer in Kerala - since around the fourth century - than they have been in, say, Britain, not to mention Jews who came to Kerala shortly after the fall of Jerusalem), and activist left-wing politics with a particularly egalitarian commitment, which has tended to focus strongly on issues of equity (not only between classes and castes, but also between women and men).

Core issues of gender bias

I now move away from the old - and by now much discussed - problems of gender bias in life and death (illustrated by the enormity of the size of "missing women") to other issues which are in need of greater investigation at this time. We begin by noting four substantial phenomena that happen to be quite widely observed in South Asia.

(1) Undernourishment of girls over boys: At the time of birth, girls are obviously no more nutritionally deprived than boys are, but this situation changes as society's unequal treatment takes over from nature's non-discrimination.

(2) High incidence of maternal undernourishment: In South Asia maternal undernourishment is more common than in most other regions of the world. 15 Comparisons of Body Mass Index (BMI), which is essentially a measure of weight for height, bring this out clearly enough, as do statistics of such consequential characteristics as the incidence of anaemia.

(3) Prevalence of low birthweight: In South Asia, as many as 21 per cent of children are born clinically underweight (in accepted medical standards) - more than in any other substantial region in the world. 17. The predicament of being low in weight in childhood seems often enough to begin at birth in the case of South Asian children. In terms of weight for age, South Asia has around 40 to 60 per cent children undernourished compared with 20 to 40 per cent undernourishment even in sub-Saharan Africa. The children start deprived and stay deprived.

(4) High incidence of cardiovascular diseases: South Asia stands out as having more cardiovascular diseases than any other part of the third world. Even when other countries, such as China, have greater prevalence of the standard predisposing conditions, the Indian population seems to have more heart problems than these other countries have.

Given the uniquely critical role of women in the reproductive process, it would be hard to imagine that the deprivation to which women are subjected would not have some adverse impact on the lives of all - men as well as women and adults as well as children - who are "born of a woman" (as the Book of Job describes every person, not particularly daringly). Indeed, since men suffer disproportionately more from cardiovascular diseases, the suffering of women hit men even harder, in this respect. The extensive penalties of neglecting women's interests rebounds, it appears, on men with a vengeance.

What Women's Agency Can Achieve

These biological connections illustrate a more general point, to wit, gender inequality can hurt the interests of men as well as women. There are other - non-biological - connections that operate through women's conscious agency. The expansion of women's capabilities not only enhances women's own freedom and well-being, but also has many other effects on the lives of all. An enhancement of women's active agency can, in many circumstances, contribute substantially to the lives of all people - men as well as women, children as well as adults. As many studies have brought out, the greater empowerment of women tends to reduce child neglect and mortality, cut down fertility and overcrowding, and more generally, broaden social concern and care.

These illustrations can be supplemented by considering the functioning of women in other areas, including in economic and political fields. Substan-

tial linkages between women's agency and social achievements have been noted in many different countries.

There is, for example, plenty of evidence that whenever social and economic arrangements depart from the standard practice of male ownership, women can seize business and economic initiative with much success. It is also clear that the result of women's participation is not merely to generate income for women, but also to provide many other social benefits that come from women's enhanced status and independence. The remarkable success of organisations like the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC) in Bangladesh is a good example of this, and there is some evidence that the high profile presence of women in social and political life in that country has drawn substantial support from women's economic involvement and from a changed image of the role of women. While the Revd James Fordyce might disapprove of "those masculine women," as he called them, straying into men's "province," the nature of modern Bangladesh reflects in many different ways the increasing agency of women. The precipitate fall of the total fertility rate in Bangladesh from 6.1 to 3.0 in the course of two decades (perhaps the fastest such fall in the world) is clearly related to the changed economic and social roles of women, along with increases in family planning facilities. There have also been cultural influences and developments in that direction. Similar changes can be observed also in parts of India where women's empowerment has expanded, with more literacy and greater economic and social involvements outside the home.

I may end by trying briefly to identify some of the principal issues I have tried to discuss. First, I have argued for the need to take a plural view of gender inequality, which can have many different faces. The prominent faces of gender injustice can vary from one region to another, and also from one period to the next.

Second, the effects of gender inequality, which can impoverish the lives of men as well as women, can be more fully understood by taking detailed empirical note of specific forms of inequality that can be found in particular regions. Gender inequality hurts the interests not only of girls and grow-up women, but also of boys and men, through biological connections (such as childhood undernourishment and cardiovascular diseases at later ages) and also through societal connections (including in politics and in economic and social life).

To have an adequate appreciation of the far-reaching effects of disparities between women and men, we have to recognise the basic fact that gender inequality is not one affliction, but many, with varying reach on the lives of women and men, and of girls and boys. There is also the need to reexamine and closely scrutinise some lessons that we have tended to draw from past empirical works. There are no good reasons to abandon the understanding that the impact of women's empowerment in enhancing the voice and influence of women does help to reduce gender inequality of many different kinds, and can also reduce the indirect penalties that men suffer from the subjugation of women. However, the growing phenomenon of natality inequality raises questions that are basically much more complex. When women in some regions themselves strongly prefer having boys to girls, the remedying of the consequent natality inequality calls at least for broader demands on women's agency, in addition to examining other possible influences.

Indeed, in dealing with the new - "high tech" - face of gender disparity, in the form of natality inequality, there is a need to go beyond just the agency of women, but to look also for more critical assessment of received values. When anti-female bias in action (such as sex-specific abortion) reflects the hold of traditional masculinist values from which mothers themselves may not be immune, what is needed is not just freedom of action but also freedom of thought - in women's ability and willingness to question received values. Informed and critical agency is important in combating inequality of every kind. Gender inequality, including its many faces, is no exception.

Amartya Sen, a Nobel Laureate, is Professor, Master's Lodge, Trinity College, Cambridge, England. This slightly abridged version is based on the text of an inauguration lecture for the new Radcliffe Institute at Harvard University, on April 24, 2001. A shortened version of this paper was also published in The New Republic on September 17, 2001.

HUMAN RIGHTS *monitor*

Reasonable suspicion vs. unreasonable impunity

ODHIKAR REPORT

UNDER Section 54 (s 54) of the Code of Criminal Procedure of 1988 and Section 86 (S 86) of the Dhaka Metropolitan Police Act, individuals may be arrested under suspicion of criminal activity without any order from a magistrate or a warrant. Some persons initially so detained are subsequently charged with a crime, while others are released without charge. However, the term "reasonable suspicion", which appears as a ground for arrest, is one of the reasons why these sections are so misused. It must be noted here that the DMP Ordinance 1976 is only applicable in Dhaka.

Odhikar's one of the main activities is 'fact-finding'. Investigations carried out by Odhikar in the cases of Rubel, Harun and Arun Chokroborty revealed that the police citing Section 54 had arrested all three. Rubel and Arun died due to injuries caused by the police, while Harun was seriously injured due to police torture. These are, however, not the only cases of the misuse of Section 54. Through the course of various fact-finding missions and investigations over the last 17 months, Odhikar has learnt that there is a lack of proper and efficient implementation of the existing criminal laws. These can be due to several factors: criminalisation in the law enforcing agency, poverty, and lack of awareness of legal rights. In August 2001 alone, according to the police register, 206 persons were arrested under sec - 86 of the DMP Act in one of the project Thana's of Odhikar in Dhaka.

Such misuse of the law not only violates the human rights of the victims that fall under such malpractice, but also their families. The general public needs to be aware of the fact that such violations of the law occur and that immediate legal recourse needs to be taken as soon as the illegal arrest is learnt of. Victims like Rubel, Haroon and Arun are/were members of the 'general public'. They and their families both have suffered as a result of the cruel acts of the arresting officers.

The abuse of Sections 54 and 86 means that many persons from poor economic situations who have been detained are unable to support their families during the time of their terms in the police station or jail. What happens to the family then? How do they survive?

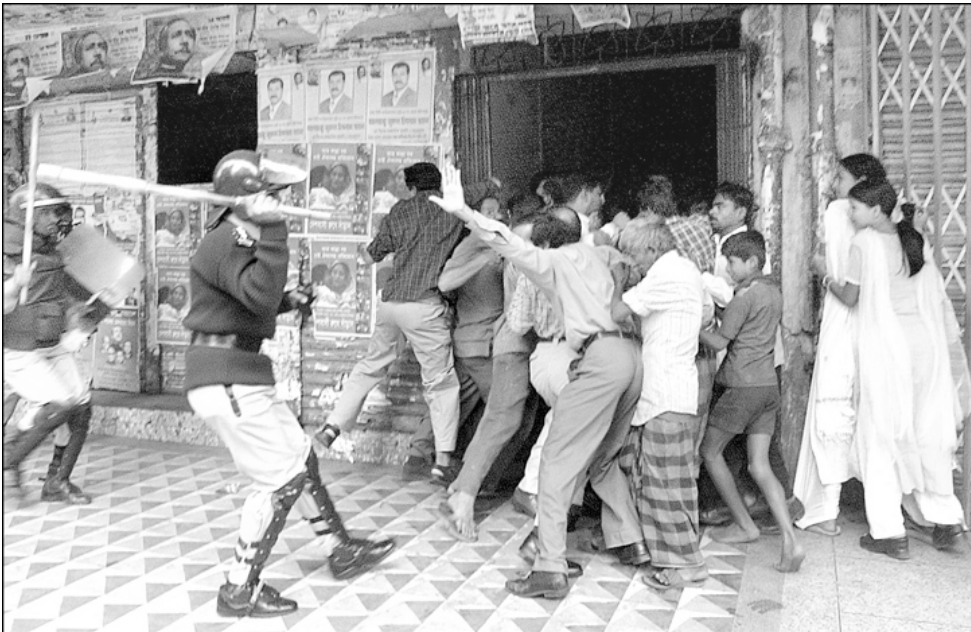
Who are detained under section 54 and section 86?

Investigations carried out by Odhikar from July 2000 to date, in 6 police stations within and outside Dhaka, have shown that the large majority of persons arrested under S 54 of the Code of Criminal Procedure and S 86 of the DMP Ordinance are from very poor economic backgrounds. They are either homeless persons, rickshaw pullers striving to make ends meet, small-scale vegetable and fruit vendors, street children, destitute women who, being abandoned by their husbands, turn to the streets to try and support their children and also professional sex workers. Other reasons why people are arrested under these sections are due to political rivalry and police corruption. Odhikar investigators have learnt of cases where persons had been arrested on the grounds that they could not comply with police officers that had accosted them on the streets asking for money. A majority of these people are from poverty stricken economic back-

grounds. **The police officer in one of the project Thana's admitted that Section 54 of the Code of Criminal Procedure was a way for the police to get money.**

It is common for persons arrested under either S 54 or S 86 to find themselves later charged under the Special Powers Act 1974, a repressive law favoured by all the governments. This conversion occurs when a prayer or petition, for detention under the Special Powers Act, is submitted to the District Magistrate from the concerned police station, through the Superintendent of Police. The District Magistrate will then issue a detention order and send it for approval to the Ministry of Home Affairs.

There have also been cases where the police have arrested a person under S 54 of the Code of Criminal Procedure and then included his name in a criminal case - even though his name was not found in the First Information



Those who could not pay found themselves in the police lock-up, where the police demanded taka 2000 - 3000 for their release. If the person held was affluent, more money was demanded. Occasionally, the police threatened those who could not pay. One of the most common threats was to include the unfortunate's name in an unresolved police case. Some were also beaten.

Other investigations by Odhikar have shown that women and children are picked off the streets at random, charged under S 54 and sent to the various shelter homes and jails in the country, as being under 'safe custody'. During times of political unrest, for example, during hartals or just before the national election, children are arrested and put in police cells with adults and common criminals - which is in total contravention with the Jail Code and the Children's Act 1974. Children are also arrested from their homes in the middle of the night during 'surprise raids' carried out by the police. The ages of these boys are between 12 and 15 years.

Odhikar investigators have also come across cases where families of drug addicts have gone to the police themselves and asked the police to arrest the addicted person and keep him in the police lock-up for an indefinite time. Such persons are duly arrested under section 54 of the Code of Criminal procedure or section 86 of DMP Act. With the increase in frustrated youths and the lack of rehabilitation facilities and jobs, families have only one solution to turn to.

From the above information, it is easy to see how section 54 of the Code of Criminal Procedure and section 86 of the DMP Act, can be twisted to inflict human rights abuses. Not only does the detainee suffer the loss of liberty, he also has to face humiliation and police torture. The phrase 'with reasonable suspicion' gives the green light to unscrupulous police to misuse and abuse these Sections and contravene all Constitutional guarantees of the rights to life, liberty and equality before the law.

What can be done?

The question as to whether keep or repeal such laws is moot. Some human rights activists argue that such laws only harass people and give police the chance to act with impunity, and should thus be obliterated. On the other hand, some feel that such laws are necessary and society and the law enforcing agencies should be developed enough to prevent misuse. To do so would require a transparent, accountable, honorable and diligent police force and a government willing to improve the standard of police

both in terms of facilities and pay and in terms of personal integrity. However, what is to be done with the political factor? It is alleged that law enforcing agencies swerve from one political regime to another and do the ruling party's bidding whether it is legal or not. It is definitely not right to misuse any law or to commit any act of impunity. Nor is it fair to coerce or intimidate or influence in any way the law-enforcing agency to carry out one's dirty work. It is no wonder that some people comment that if one is in trouble, one should go to the local or nearest political leader first and to the police next.

LAWSCAPE

Indonesian Human Rights Court to start next month

Indonesia will set up a special court next month to try suspects accused of human rights abuses over the past few decades, including those responsible for the East Timor bloodbath two years ago, an official said Monday.

The supreme court judge in charge of selecting a panel of some 60 judges told Reuters all that was needed now was President Megawati Sukarnoputri's approval.

"We are only waiting for that presidential letter. Late December, we will be set to begin trying the first cases ... Timor and Tanjung Priok," Supreme Court judge Benjamin Mangkoedilaga said, referring to the Jakarta port where Muslim protesters were massacred in 1984.

Pro-Jakarta militia, many supported by the Indonesian army, killed hundreds of East Timorese after the territory voted for independence in a ballot on August 30, 1999.

The United Nations estimates more than 1,000 people were killed by the militias but none of the military officers blamed for inciting the killings have ever been brought to trial, bringing international condemnation.

Military officers are also among the suspects in the Tanjung Priok case but investigations into both massacres have failed to incriminate the high-level officers and shied away from putting blame on the military as an institution.

A United Nations human rights body expressed concern about what it said was lack of progress in Indonesia in bringing security forces to trial over allegations of torture but the supreme judge brushed aside any complaints of foot-dragging.

"We have our own target. We go by that target. We will not be steered by others and pressured by outsiders. What's their business anyway?" Mangkoedilaga asked.

Jakarta had set a 2003 deadline for the establishment of the ad hoc tribunal.

The military also faces accusations of torture and other human rights abuses in Aceh and Papua where separatist revolts have been going on for decades. The security forces deny abuses and instead blame pro-independence groups for instigating the violence.

Seoul launches human rights commission

South Korea's new independent human rights commission has begun work in the capital, Seoul.

Long queues of people waiting to submit petitions have been forming. The commission - which was set up in May this year - will be able to investigate alleged violations of human rights, conduct prison visits and carry out human rights education.

The BBC correspondent in Seoul says the move is seen as a big step forward in the protection and promotion of human rights in South Korea. However, concern has been expressed by some human rights groups that the commission's independence and effectiveness could be limited.

Four of the organisation's 11 commissioners are directly appointed by the president and the commission will not be allowed to investigate cases which are already being looked at by government authorities.

Source: Reuters & BBC World Service