



RIGHTS investigation

Elimination of Violence against Women

FROM birth to death, in times of peace as well as war, women face discrimination and violence at the hands of the state, the community and the family.

For women, both peace and war are times of discrimination and violence. However, political instability and conflict present special dangers for women. Violence against women is often used as a weapon of war, to punish or dehumanise the women and persecute the community to which they belong. Violence against women doesn't necessarily reduce once conflict has abated. Women in war-torn societies often face increased levels of violence at home and in their community.

- At least one out of every three women has been beaten, coerced into sex, or abused in her lifetime. This figure comes from a study based on 50 surveys from around the world.

- More than 60 million women are "missing" from the world today as a result of sex-selective abortions and female infanticide.

- Every year, millions of women are raped by partners, relatives, friends and strangers, by employers and colleagues, soldiers and members of armed groups.

- Violence in the family is endemic all over the world; the overwhelming majority of victims are women and girls. In the USA, for example, women account for around 85 per cent of the victims of domestic violence.

- The World Health Organisation has reported that up to 70 per cent of female murder victims are killed by their male partners.

- Small arms and light weapons are the main tools of almost every conflict. Women and children account for nearly 80% of the casualties, according to the UN secretary-general.

- Resistance

All over the world, women have led brave and inspiring campaigns against this violence. They have achieved dramatic changes in laws, policies and practices. But the violence persists. With the Stop Violence against Women campaign, Amnesty International is joining the struggle.

What is violence against women?

Amnesty International bases its work on the definition in the UN Declaration on the Elimination of Violence against Women. This defines violence against women as:

"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

Gender-based violence against women is violence directed against a woman because she is a woman or that affects women disproportionately. Progressive interpretations of this definition affirm that acts of omission, such as neglect or deprivation can constitute violence against women. Structural violence (harm arising from the organization of the economy) is also considered by some to be part of violence against women. Violence against women may be physical, psychological, and sexual.

Violence in the family, this includes

- battering by intimate partners, fathers or brothers
- sexual abuse of female children and young women in the household by family members
- dowry-related violence
- marital rape
- female genital mutilation and other traditional practices harmful to women

It also covers abuse of domestic workers including

- involuntary confinement



- physical brutality
- slavery-like conditions
- sexual assault

Violence in the community, this includes

- rape, sexual abuse, sexual harassment and assault at work, in educational institutions and elsewhere.
- trafficking
- forced prostitution
- forced labour
- rape and other abuses by armed groups.

Violence by the state, this includes

- acts of violence committed or condoned by police, prison guards, soldiers, border guards, immigration officials
- rape by government forces during armed conflict
- torture in custody
- violence by officials against refugee women

A universal abuse

It is easy to think that human rights abuses happen to other people, in places of conflict or repression. The truth is that violence against women is an abuse that is not confined to any political or economic system. It is prevalent in every society in the world. It cuts across boundaries of wealth, race and culture. It affects the young and the old. Wherever you live, women are suffering violence.

Long-term damage

The consequences of violence against women go far beyond immediate physical damage to the victim. For many they last a lifetime. Women who have been raped may suffer unwanted pregnancy, HIV/AIDS infection and rejection by their community. Long-term effects of violence against women include abuse of alcohol and drugs, depression, other mental health disorders and suicide.

Widespread harm

The repercussions of violence against women reverberate throughout the family and community. Children in

particular are damaged when exposed to it. Actual or threatened violence creates an atmosphere of fear that limits the lives of women everywhere. When women's lives are restricted by force and fear, society is impoverished economically, politically and culturally.

Discrimination

The underlying cause of violence against women lies in gender discrimination - the denial of women's equality with men in all areas of life. Women are also targeted because of their race, class, culture, sexual identity or HIV status, or because they are from poor or marginalized communities.

Control

Violence is used by men to dominate women, particularly through the control of their sexuality. Women who do not conform to accepted standards of femininity often face severe punishments.

Society

Violence against women is not "natural" or "inevitable". It persists because society allows it to. Virtually every culture in the world contains forms of violence against women that are nearly invisible because they are seen as normal or acceptable.

Conflict

During armed conflicts, violence against women is often used as a weapon of war, in order to dehumanize the women themselves, or to persecute the community to which they belong. Women who flee their homes to escape violence or conflict, or leave to try to find a better life, often find themselves at risk of abuse and exploitation, with little or no protection.

Impunity

As long as violence against women is hidden, condoned or ignored by society and authorities, as long as the perpetrators are not punished, violence against women will continue.

Control of women's sexuality is a powerful means through which men exert their dominance over women.

Women who do not conform to accepted standards of female identity - such as lesbians or women who chose to live independently - often face severe punishments. Often the punishment takes a sexualized form, such as rape.

Reproductive rights

The right to reproductive health care and the right to reproductive autonomy - are central to women's control over their own lives. Women have the right to decide freely and responsibly the number, spacing and timing of their children. They have the right to attain the highest standard of sexual and reproductive health. This requires access to healthcare and information and education about contraception. Women have the right to make decisions free from discrimination, coercion and violence.

Culture, community and violence

In every part of the world, women's roles and positions in society are prescribed. One of the key aspects of every culture is the way it defines gender roles. Almost without exception women are assigned to roles which are subservient to those of men. These roles are often enforced through violence. Social and political institutions foster women's subservience and violence against women. Certain cultural practices and traditions - particularly those related to ideas of purity and chastity - are invoked to explain or excuse such violence. Virtually every culture in the world contains forms of violence against women that are nearly invisible because they are seen as "normal".

Often, the behaviour of a woman is considered to reflect on her family and community. If a woman is seen to be defying her cultural role, she may be held to have brought shame and dishonour on her family and community. In such circumstances, violence or the threat of violence is used as a means of punishment and control. In the most extreme cases, this can result in permanent disfigurement and even death. So-called "honour" crimes are treated leniently in the legal codes of many countries. Even in countries where laws criminalize violence against women, tolerance of violence may be found at all levels of society.

At least 270 women were murdered in "honour killings" - usually by their husbands or brothers - in 2002 in Punjab province alone. The figures were compiled by the non-governmental Human Rights Commission of Pakistan, based on police reports. Some were killed because they protested against forced marriages or asserted their right to choose their husbands. Others were killed for actions such as a look misinterpreted as a sign of an illicit relationship.

Worldwide women have a higher incidence of poverty than men; their poverty is more severe than that of men; and increasing numbers of women are poor. The negative effects of globalization are leaving more and more women trapped on the margins of society.

Poverty can be both a cause and a consequence of violence against women. Women from all socio-economic groups are at risk of physical, sexual and psychological abuse and deprivation by their intimate partners. However, a recent World Health Organization report suggests that women living in poverty suffer disproportionately.

Lack of economic autonomy, denial of property rights or access to housing, and fear of losing their children, means that few women can risk the truly daunting consequences of leaving violent situations and attempting to secure justice from a legal system that may be discriminatory or indifferent.

Source: Amnesty International.

READER'S queries



Your Advocate

Q: I am an Asstt. Professor of a Govt. college in Dhaka. I live with my family of four members and a maid servant in a two-bed-room apartment of a building owned by a retired Customs Inspector. My wife also is working for a Bank in Dhaka. We are somehow jointly running our family here in Dhaka and I have in particular additional recurring expenditures to be made against my parents and one of my college-going sisters living outside Dhaka. So with our small earnings monetary constraint so much occupy our minds and thoughts so that life sometimes seems to have no other meaning but to earn our bread and butter. All the middle and lower middle class families, as I understand, more or less share the similar reality of life in Bangladesh.

Our intolerably repressive world of house-rent and the often unbearable acts, behaviour and attitudes of the landlords have made life more miserable. Attitudinally most of the landlords, sometimes even their servants and employees are yet not shaped up in terms of their true rights and positions. Landlords in many cases, tend to demonstrate a kind of authoritative attitude towards the tenants irrespective of tenants' educational, social or other status as against him. Demanding advance for as many months as is wished; increasing house rent every year in total disregard of the increment received by a govt. servant or other service-holders every year; controlling the meters and putting restraint on water supply and stopping water and power lines in case of outbreak of alterations for any reason; unnoticed starting of construction, repair or beautification works on the roof or upstairs causing unbearable noise, dust and annoyance; asking the tenant at will to leave the house within a month in disregard of the suffering and huge expenses of shifting to be taken by a family of modest income. This seems to be a bit of feudal sentiment still lingering with those who somehow become owner of a house particularly in Dhaka. I have heard in our neighbouring state particularly in Calcutta the situation is balanced by law rather weighed in favour of the tenant. I am facing much of this soul searing problem.

With the backdrop of facts, I feel like asking you few questions with the hope you will kindly reply. The questions are a) can a landlord ask at will his/her tenant to leave the house? b) can he/she ask advance equal to the rent of six months or so? c) can a landlord control water or gas or electricity meters? d) can he/she cut off the line to create pressure upon the tenant? e) can a landlord ask the tenant to leave the house at will or on false excuses? can the landlord create any nuisance by unnoticed start of construction/repair etc. works to the annoyance of the tenant? Can he/she control or cut of water and/or electricity line to create pressure upon the tenant? Thank you in anticipation.

-Quazi Sarwar Jahan
Dhaka.

Your Advocate: I don't know how much of your mental disquiet may be ameliorated by reference to law but I can assure you that I have realised your state of mind and squarely share the sufferings you and innumerable others of our country are undergoing every passing day.

You have asked a number of questions calling for elaborate legal discourse which does not conform the short space of newspaper columns. For the sake of brevity let me address your problem in a boiled form.

The world of landlord and tenant is not a feel-good world in our country. The humiliation and harassment you have articulated is a suffering-in-common and so well shared by all that the law makers had to introduce a new law entitled- Premises Rent Control Act, 1991, in suppression of the earlier Premises Rent Control Ordinance with a view to bringing about a balance in the conflicting interest of landlord and tenant particularly in our urban life. The present law prohibits demanding an advance more than the amount of rent payable for one month without the prior permission of the Rent Controller. Asking to leave the house at will was never permissible under law. In the old as well as new law landlords can only ask the tenant to leave the premises when bona fide requirements like construction, reconstruction, personal use or for the use of any real beneficiary of the house arise.

As for controlling meters and cutting of water, electricity etc. lines as a device of creating pressure upon the tenant, I must say, it does not come within the legal scale of conduct far less civilised scale. I, as a lawyer and a conscious citizen still unaware of any law which permits such a control and application of meters and switch as you have indicated. These practices as I understand, have been developed by the urban house-owners to retain undue control over their tenants.

Finally, the question of starting construction or other works without any courtesy to inform the tenant and thus showing feudal attitude to the detriment of comfort and other civic rights of the tenant. This is unfortunate. There is no law approving such conduct of the housemasters. This is a 'nuisance' against which relief can well be sought in the appropriate court of law.

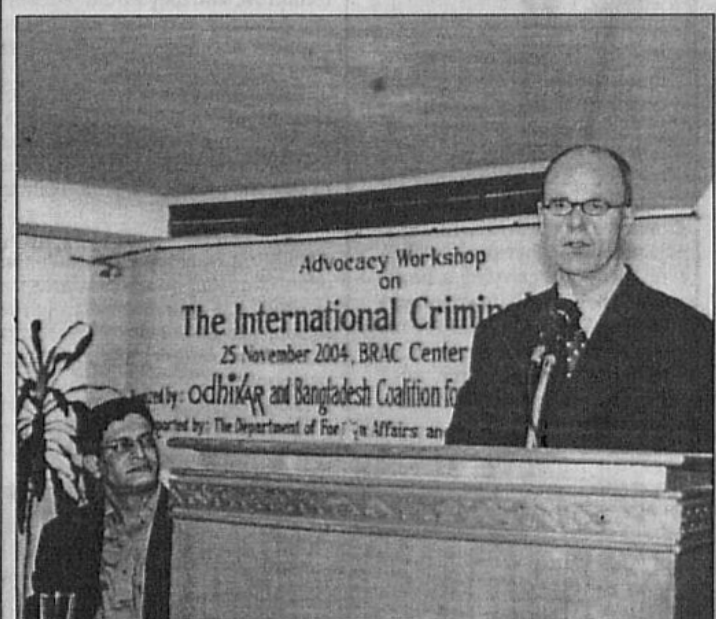
Your Advocate M. Moazzam Husain is a lawyer of the Supreme Court of Bangladesh. His professional interests include civil law, criminal law and constitutional law.

LAW event

Ratify ICC now!

LAW DESK

The government must ratify the Rome Statute of the International Criminal Court (ICC) without further delay to prosecute some gravest crimes against humanity under the international law, said human rights activists at an advocacy workshop organised by Odhikar, a human rights organisation, at



BRAC Centre Inn on November 25.

Discussions and participants urged the government to ratify the court to enhance the international peacekeeping process.

The opening session of the advocacy workshop was presided over by Dr Saira Rahman Khan. Odhikar director Masood Alam Ragib Ahsan delivered the welcome speech.

David Sproule, Canadian high commissioner in Dhaka, was present at the opening session of the advocacy workshop as special guest and stressed

"The fight of the court against impunity will only succeed when the countries do their own part." He said the court could well be one of the most important international institutions since the creation of the United Nations. British High Commissioner Anwar Chowdhury, Australian High Commissioner Loraine Barker, German Ambassador Dietrich Andreas, UNDP Resident Representative and UN Country Co-ordinator Jorgen Lissner, former ambassador and secretary Muhammad Zamir and Anne Merchal of European Union were present at the inaugural session of the workshop.

The first working session was conducted by Mr. Fida. M. Kamal, Additional Attorney General for Bangladesh. In that session Jesmim Hasan, Governance Advisor of CIDA simplified the emergence of ICC and the whole statute in a very interactive way.

Executive director of Ain o Salish Kendra advocate Sultana Kamal presided over second session "victim's forum and protection of the women's rights through ICC". Farida Akhter of UBING, a human rights group, said ratification of the statute by the smaller states would not be fruitful unless it applies to the world's powerful countries.

The closing session was presided over by Shahiduzzaman. In that session Dr. Asif Nazrul summed up the whole session.

FOR YOUR information

International Day of Solidarity with the Palestinian People

International Day of Solidarity with the Palestinian People is observed every year on 29 November every year. On this day in 1947, the General Assembly adopted resolution 181(II), which came to be known as the Partition Resolution. That resolution provided for the establishment in Palestine of a "Jewish State" and an "Arab State", with Jerusalem as a 'corpus separatum' under a special international regime. Of the two States to be created under this resolution, only one, Israel, has so far come into being.



In 1977, the General Assembly called for the annual observance of 29 November as the International Day of Solidarity with the Palestinian People (Resolution 32/40 B).

On 1 December 2000, the Assembly noted the action taken by member states to observe the Day, and requested them to continue to give it the widest possible publicity (Resolution 55/53).

Reaffirming that the United Nations had a permanent responsibility with respect to the question of Palestine until it was resolved in a satisfactory manner in accordance with International Legitimacy, The Assembly, on 1 December 2000, authorised the Committee on the Exercise of the Inalienable Rights of the Palestinian People to continue to promote the exercise of these rights, to adjust its work programme in the light of developments, and to emphasise the need to mobilise support and assistance for the Palestinian people (Resolution 55/52).

The Committee was requested to continue to co-operate with Palestinian and other NGOs in mobilising international support for the achievement by the Palestinian people of its rights, and for a peaceful settlement of the question of Palestine.

Source: United Nations Events Website.

LAW week

Prothom Alo, Bhorer Kagoj to contest contempt case

The High Court fixed December 11 for the next hearing of a contempt case against two leading Bangla dailies for running reports on an additional HC judge's alleged tampering with the results of his LLB examinations.

All the seven respondents of the case appeared at the HC bench of justices MA Matin and AFM Abdur Rahman on the first day of hearing of the contempt petition. The court had asked the seven respondents to appear before it for hearing after Additional HC Judge Justice Faisal Mahmud Faizee's father Mohammed Faiz filed the contempt petition on November 8. Justice Matin, however, warned the lawyers of the consequences of contesting the contempt rule issued on the respondents. "The case is no longer confined to the contempt petitioner. The reports led to such a situation happened never before. That's why the judges felt aggrieved and the rule was issued...now we're the prosecutors," he told them. The lawyer argued that since the complainant is the father of a judge and the case involves a judge and has to do with the freedom of press, it should be dealt carefully. -The Daily Star, November 25.

Charge-framing hearing against Tarique

A Dhaka court fixed January 10 for hearing on charge-framing against Tarique Rahman, son of former president Ziaur Rahman and director of Dandy Dyeing Limited and four others in a graft case. Judge Mohammad Rezaul Karim Khan of the Special Court for Dhaka Division adjourned the hearing scheduled to be held, following a time petition by the lawyers of the accused Tarique Rahman.

The Bureau of Anti-Corruption (Bac) filed a case with Motijheel Police Station accusing Tarique Rahman and four others on September 14, 1996 and the investigation officer pressed charges against them on May 22, 1997. In the case, it was alleged that in the name of M/s Dandy Dyeing Ltd. the accused sought loan of Tk 15.30 crore for setting up a textile dyeing factory on February 15, 1993. But the equity was fixed at Tk 1 crore only instead of Tk 5.60 crore, the amount proportionate to the loan, in collusion with the bank authorities. Moreover, the value of the mortgaged land was shown to be worth Tk 18 lakh, whereas the real value is Tk 1 lakh and 20 thousand only. -The Daily Star, November 24.

Commission against graft

The newly formed Anti-Corruption Commission (ACC) vows to start a 'jihad' against the all-pervading graft and bring about significant improvements in the country's grim corruption scenario in a month. The Commission, however, believes corruption cannot be eliminated from the country. "It would not be possible to root out corruption totally, but it can be reduced to a great extent," ACC Chairman Justice Sultan Hossain Khan said.

"And you will see significant changes in the combat against corruption within a month," the former High Court judge said in an interview with The Daily Star at his residence, half an hour before the Commission officially started functioning. The ACC chairman, however, did not elaborate on the three-member Commission's strategy to make such remarkable changes in such a short period of time. Denying flatly their political affiliation with the BNP-led ruling coalition, the Commission members said they would prove

their neutrality through their work.

"We'll remove our bad reputation as the most corrupt country," he said mentioning that corruption blocks foreign grants and other facilities. "We'll bring changes like that brought by Rab (Rapid Action Battalion)," former Bac director (Admin) Lt Col (Retd) MA Hannan Mridha, said. -The Daily Star, November 24.

Murder accused assaults Barisal judge

A judge was assaulted during trial by an accused in a murder and abduction case in Patuakhali.

Ersad Ali, a ferry boatman of Galachipa upazila, hurled his shoe at Judge Md Abdul Majid of the Women and Children Repression Prevention Tribunal, Patuakhali. He was accused of murdering a woman and kidnapping a child. Judge Majid immediately gave him four month's rigorous imprisonment and fined Tk 1,000 on charge of contempt of court. He will have to serve one more month of RI if he failed to pay the fine.

Witnesses and court sources said Ersad had obtained bail in the case from another court and appeared before the tribunal to confirm it. But the judge cancelled the bail and sent him to jail. Enraged, Ersad hurled a shoe at the judge that hit in his chest. The judge adjourned the court, filed a case against the accused and gave the verdict on the spot after a brief summary trial. Ersad confessed to his misdeed and said he lost temper after cancellation of his bail, fearing his family would starve since he is the only earning member. -The Daily Star, November 23.

Anticorruption body formed

The government formed a three-member Anti-Corruption Commission with Justice Sultan Hossain Khan, a former High Court judge, as its chairman. With the formation of the much-awaited independent anti-graft watchdog, an election pledge of the three-year-old BNP-led coalition, the government also dissolved the Bureau of Anti Corruption (Bac) under the Anti-Corruption Commission Act, 2004.

The abolishment of Bac has brought uncertainty over the job of some 950 Bac employees. The Commission has the mandate to absorb some of the Bac staff into the newly formed body while it will be left to the government to decide whether the remaining employees will be assimilated into other departments.

Justice Sultan, now nearly 80 years old, is also a former chief election commissioner (CEC). He served as chairman of Bangladesh Press Council for six years. Sultan also headed a probe body to investigate the 2002 Mymensingh cinema blasts and filed an investigation report that triggered controversy.

The Commission will also be able to ask any person to furnish with any information relating to investigation or inquiry and the person concerned will be bound to give that information. -Daily Ittefaq, November 22.

Corresponding with the Law Desk

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