



Women's Day Special



RIGHT column

Star LAW history



FACTfile



TRACING THE ROOTS OF MARCH 8 Reclaiming the voices of women

WOMEN'S RIGHTS

The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. Declaration and Programme of Action - Vienna, 14-25 June 1993.

- = 1857 - one of the first organized actions by working women anywhere in the world. Hundreds of women garment and textile workers went on strike in New York City, in protest of low wages, long working hours and inhumane working conditions. Police violently attacked the workers, many were injured, many were arrested.
- = 1908 - "Bread and Roses" was chanted as a campaign slogan by some 30,000 women workers who took to the streets of New York. Bread symbolizing economic security and roses a better quality of life. The women workers were calling for shorter work hours, better pay, voting rights and an end to child labour. Within a few years of their "Bread and Roses" campaign, the first women's labour union in America was organized.
- = 1911 - working women from Germany, Austria, Denmark and other European countries held strikes and marches. Russian revolutionary and feminist Aleksandra Kollantai, who helped organize the event, described it as "one seething trembling sea of women." Aleksandra Kollantai and Klara Zetkin, a German socialist, proposed that there should be international solidarity among exploited women workers. Thus, these women have been known to be the founders of International Women's Day (IWD).
- = 1914 - women opposing war staged mass protests all over Europe. World War I was waged not without dissent from women. They were organizing and demonstrating for peace, across cultural divides. This set-off series of powerful marches and demonstrations all throughout, with women from both sides of the war participating in solidarity.
- = 1917 - The "Bread and Peace" strike led by the Russian women in St. Petersburg. The IWD strike, which was participated in by Klara Zetkin and Aleksandra Kollantai, merged with riots that had spread throughout the city between March 8-12. This later became known as "The February Revolution" which forced the authoritarian rule of Czar Nicholas II to end. (Russia switched from the Julian to the Gregorian calendar in 1918, which moved the dates of the February revolution [Feb. 24-28, old style] to March.) March 8 - "The heroic woman worker" is commemorated and celebrated on this day, as Aleksandra Kollantai, as a minister in the first Soviet government, persuaded Lenin to make March 8 as an official communist holiday.



PHOTO: APWLD

In 1975, the United Nations began sponsoring International Women's Day. The women's movements in the Asia Pacific region have long joined in the celebration of the IWD. While equal rights, quality of life and peace have been consistently upheld as the demands of women, there were also other issues highlighted which are urgent and particular to the lives and context of women in the region. The use of rape by the state as a weapon of war has ravaged the lives of hundreds of women living in armed conflict situations. The aggressive war on terrorism has heightened violence against communities and organisations in the list of suspected terrorists, causing insecurity and death among women human rights defenders. The take-over of multinational corporations over land, farms, vegetable gardens, kitchen, has pushed rural women out of their source of power and control over their livelihoods and survival. The intensifying fundamentalisms have seen the use of women and their bodies as tools of propaganda for different religion and ethnicity, entrenching masculine power over women and their communities. However, over the years, the tradition of the IWD has slowly been co-opted by the governments. March 8 as the International Women's Day is increasingly becoming an occasion for UN-sponsored international conferences, national government-sponsored festivities and grand receptions. While these help popularise the significance of March 8, that is to highlight the urgent issues of women, and a space to create international solidarity among women, these government grand events overshadow the genuine spirit of political activism of IWD. March 8, as the International Women's Day, has the tradition of protest and activism. Let us keep it alive. Let us not allow this day to be a government-sponsored celebration led by women who enjoy privileges of power and wealth, while majority of women continue to live a life of poverty, exploitation and oppression. Let them not speak for us. Let them not obscure our fight for change. On March 8, and the days thereafter on this women's month, let us take to the streets, as our sisters did generations ago. Let our own voices be heard today! The women's month is also a month of celebration. Let us celebrate international solidarity among women workers, migrants, indigenous, hill tribes, rural poor, Dalits, peasants, fisher and agricultural workers, sex workers, trafficked girls and other marginalized women. Let us celebrate our strength, and our spirit, as we persist with our mission of giving birth to a just, humane, nurturing society for both women and men.

Source: Asia Pacific Forum on Women, Law and Development (APWLD).

RIGHTS-BASED APPROACHES Gender dimension on development

Rights-based approaches to development emphasize non-discrimination, attention to vulnerability and empowerment. Women and girls are among the first victims of discrimination. They are the most vulnerable and the least empowered in many societies. To protect women's rights, the international community has created specific standards. In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women. The Convention, which entered into force on 3 September 1981, establishes women's right to non-discrimination on the basis of sex and affirms equality in international law. It is monitored by the Committee on the Elimination of Discrimination Against Women (CEDAW). Recent world conferences, including Vienna (1993), Cairo (1994) and Beijing (1995), have confirmed the strong link between the gendered nature of violations of human rights and the advancement of women's rights. The 1993 Vienna Declaration and Programme of Action affirmed the human rights of women as an inalienable, integral and indivisible part of human rights and demanded that the equal status and human rights of women be integrated into the mainstream of United Nations system-wide activity. Gender mainstreaming has been defined by the United Nations as the process of assessing the implications for women and men of any planned activity, including legislation, policies and programmes, in any area and at all levels (ECOSOC/Agreed Conclusions 1997/2). In 1998, the Economic and Social Council (ECOSOC) adopted resolution 1998/11 on mainstreaming a gender perspective into the policies and programmes of the United Nations system, and decided to pay particular attention to what has been called the "feminization" of poverty, its causes and remedies. The Organization has now committed itself to integrating a gender perspective into all areas of United Nations work, including development. In resolution 2000/5 the Commission on Human Rights affirmed the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process. It emphasized that the empowerment of women and their full participation on the basis of equality in all spheres of society is fundamental for society. At its fifty-fifth session, the Commission requested all human rights treaty bodies, special procedures and the Sub-Commission on the Promotion and Protection of Human Rights to adopt a systematic gender perspective when implementing their mandates (E/CN.4/RES/1999/41). In accordance with this resolution, OHCHR is endeavouring to mainstream gender issues both within and outside the Office. Gender concerns will be reflected in the conceptualization, implementation and evaluation of human rights policies, strategic planning, and the setting of priorities and objectives.

Source: UNOHCHR.

HUMAN RIGHTS advocacy



Fighting against torture

On the occasion of International Women's Day, 8 March, World Organisation Against Torture (OMCT) expresses its concern over the worldwide prevalence of violence against women. In spite of some encouraging signs of progress to address violence against women through legislative measures and policies, in every society in the world, women and girls continue to suffer from gender-based forms of violence perpetrated with impunity at the hands of the State, the family and the community. As the world's largest network of NGOs fighting against torture, summary executions, forced disappearances and all other forms of cruel, inhuman and degrading treatment, OMCT notes that gender has a significant impact on the form that torture takes, its circumstances, consequences, and the access to justice and redress. The prohibition of torture and cruel, inhuman and degrading treatment or punishment of women is a peremptory norm of international law (jus cogens) and cannot be suspended under any circumstance, including armed conflict whether international or internal or in situations of public emergency, or for other reasons relating to national security. However, inasmuch as international definitions of torture have been narrowly interpreted, women have been denied equal protection and shame. In certain societies victims of sexual violence are threatened with expulsion from their home or community, are at risk of being killed or subjected to further violence at the hands of members of their family or community, or are forced into marriage. In other countries, women victims of rape may run the risk of being charged and punished with adultery or fornication. This happened, for example, in Sudan to 22-year old Razaz Abekar who was sentenced to 100 lashes of the whip on charges of adultery on 13 March 2004. However, the man who was charged with having had sex with Ms. Razaz was acquitted by the same court on the basis of insufficient evidence against him. This case was brought based on claims that Ms. Razaz gave birth to a child three years ago outside of marriage. A policeman brought the case to the attention of the Attorney General on 13 March 2004. On the same day, the Attorney General interrogated Ms. Razaz and she reported that she was raped by the man in question and that he had promised to marry her. On the same day, Ms. Razaz was convicted by the court and sentenced to 100 lashes of the whip, which was carried out immediately, with no possibility of legal assistance or appeal. OMCT observes that punishments such as flogging and stoning, particularly by religious and ad hoc courts, which are indisputably in violation of international standards that prohibit torture and other cruel, inhuman or degrading treatment or punishments, are disproportionately applied to women, largely as a result of laws that criminalise adultery and sexual relations outside of marriage. In addition, evidentiary requirements which provide that pregnancy constitutes irrefutable "evidence" of adultery, or that give less weight to the testimony of women, reinforce the gender discrimination in the administration of justice. While women are victims of gender-specific forms of violence at the hands of state officials, much violence against women takes place in the private and community sphere such as domestic violence, marital rape, trafficking, rape, violence against women in the name of honour, and female genital mutilation. In 2004, OMCT issued 7 urgent appeals concerning crimes against women committed in the name of honour, particularly in Pakistan. But also in other parts of the world, perpetrators of crimes against women committed in the name of honour, often go unpunished, receive reduced sentences or are exempted from prosecution on the justification of "honour". Deeply rooted social and cultural prejudices underlie the "honour" defence, which is accepted as an exonerating or mitigating circumstance. OMCT would like to conclude by stating that all forms of violence against women are human rights violations and therefore have to be addressed with a human rights-based approach, which imposes on States an obligation under international law to exercise due diligence in the prevention and investigation of the violence and in the prosecution and punishment of the perpetrators as well as in the access to remedies and redress for the victim.

Source: World Organisation Against Torture.

HUMAN RIGHTS monitor 4 YEARS STATISTICS Violence against women in Bangladesh

In the last 4 years women were the most vulnerable groups in Bangladesh that witnessed an alarming increase in human rights violations. From 01 January 2001 to 31 December 2004 a sum of 4195 women and children raped across the country. Among them 467 women were killed after rape and 45 women committed suicide after being violated. Besides, a total of 1137 women found to be victimised of dowry related violence. 740 women were killed, 283 were brutally tortured, 42 found acid victims, 65 committed suicide and 7 were divorced due to dowry. According to Odhikar report regarding violence against women and children, a total of 886 women and children were raped in 2004. Among them, 116 were killed after rape, 13 allegedly committed suicide after the rape. In the year 2003, a total of 1336 women and children were raped. Among them 142 killed after the raped and 17 women committed suicide due to rape. Similarly, 1350 women and children were raped in 2002. Among them 114 were killed after rape and 12 committed suicide after being violated. 623 women and children were raped in 2001. Of them 95 were killed after rape and 3 women took their life after being raped. Odhikar's report on women's human rights situation in the country also express that a total of 915 women were victimised of acid violence. Among them 240 women in 2004, 242 in 2003, 274 in 2002 and 159 women were victimised of acid in 2001 respectively. Furthermore, a total of 1137 women were victimised due to dowry related matters. Among them, 165 were brutally killed, 77 tortured, 13 victimised by acid violence, one was divorced and 11 committed suicide due to unremitting dowry demands in the year 2004. Similarly in 2003, 261 were killed, 85 were heartlessly tortured, 15 victimised by acid violence, one was divorced and 23 women committed suicide due to constant dowry demands. In the year 2002, 191 women were killed, 90 tortured, 14 women thrown acid, one was divorced and 28 committed suicide due to dowry. On the other 123 women were killed, 31 were tortured, 3 were divorced and 3 women committed suicide due to dowry related violence in 2001.

Source: Odhikar.

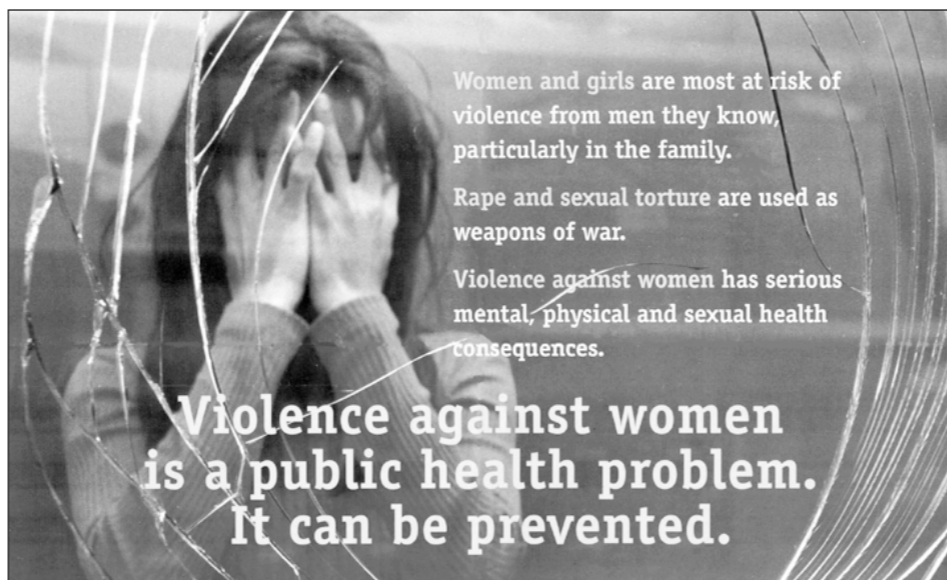


PHOTO: WHO

inhuman and degrading treatment, OMCT notes that gender has a significant impact on the form that torture takes, its circumstances, consequences, and the access to justice and redress. The prohibition of torture and cruel, inhuman and degrading treatment or punishment of women is a peremptory norm of international law (jus cogens) and cannot be suspended under any circumstance, including armed conflict whether international or internal or in situations of public emergency, or for other reasons relating to national security. However, inasmuch as international definitions of torture have been narrowly interpreted, women have been denied equal protection and shame. In certain societies victims of sexual violence are threatened with expulsion from their home or community, are at risk of being killed or subjected to further violence at the hands of members of their family or community, or are forced into marriage. In other countries, women victims of rape may run the risk of being charged and punished with adultery or fornication. This happened, for example, in Sudan to 22-year old Razaz Abekar who was sentenced to 100 lashes of the whip on charges of adultery on 13 March 2004. However, the man who was charged with having had sex with Ms. Razaz was acquitted by the same court on the basis of insufficient

evidence against him. This case was brought based on claims that Ms. Razaz gave birth to a child three years ago outside of marriage. A policeman brought the case to the attention of the Attorney General on 13 March 2004. On the same day, the Attorney General interrogated Ms. Razaz and she reported that she was raped by the man in question and that he had promised to marry her. On the same day, Ms. Razaz was convicted by the court and sentenced to 100 lashes of the whip, which was carried out immediately, with no possibility of legal assistance or appeal. OMCT observes that punishments such as flogging and stoning, particularly by religious and ad hoc courts, which are indisputably in violation of international standards that prohibit torture and other cruel, inhuman or degrading treatment or punishments, are disproportionately applied to women, largely as a result of laws that criminalise adultery and sexual relations outside of marriage. In addition, evidentiary requirements which provide that pregnancy constitutes irrefutable "evidence" of adultery, or that give less weight to the testimony of women, reinforce the gender discrimination in the administration of justice. While women are victims of gender-specific forms of violence at the hands of state officials, much violence against women takes place in the private and community sphere such as domestic violence, marital rape, trafficking, rape, violence against women in the name of honour, and female genital mutilation. In 2004, OMCT issued 7 urgent appeals concerning crimes against women committed in the name of honour, particularly in Pakistan. But also in other parts of the world, perpetrators of crimes against women committed in the name of honour, often go unpunished, receive reduced sentences or are exempted from prosecution on the justification of "honour". Deeply rooted social and cultural prejudices underlie the "honour" defence, which is accepted as an exonerating or mitigating circumstance. OMCT would like to conclude by stating that all forms of violence against women are human rights violations and therefore have to be addressed with a human rights-based approach, which imposes on States an obligation under international law to exercise due diligence in the prevention and investigation of the violence and in the prosecution and punishment of the perpetrators as well as in the access to remedies and redress for the victim.

Women, war and peace

Women around the world experience conflict differently. While each conflict situation is unique, with particular historical, political, social and cultural factors, many of the phenomena and issues are common. The issue briefs provided here cover some of the key cross cutting issues that women face before, during and after violent conflict. The impunity that prevails for widespread crimes against women in war must be redressed. Accountability means being answerable to women for crimes committed against them and punishing those responsible. The failure throughout history to deal with crimes committed against women in war has only recently begun to be addressed. The jurisprudence of the International



PHOTO: UNIFEM

Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and of the Rwandan Tribunal (ICTR) have begun to treat crimes against women as war crimes and crimes against humanity. The newly established International Criminal Court (ICC) is one of the most significant examples of gender mainstreaming in an international treaty. From the ICC to regional, national and traditional justice systems, gender must be taken into account and women must have full access to the rule of law. With few exceptions, perpetrators of violence against women in war are rarely held accountable for their acts, nor are women granted redress. Many state agencies are themselves guilty of gender bias and discriminatory practices. Many women opt not to report cases of violence to authorities because of:

- 4 The lack of adequate legal mechanism;
- 4 Fear of being ostracized and shamed by communities that tend to blame victims of violence for the abuses they have suffered;
- 4 Fear of reprisal;
- 4 The general climate of indifference towards violence against women in the society;
- 4 The tacit acceptance of sexual abuses as an unavoidable part of war;
- 4 Amnesty granted to perpetrators as a part of peace agreement.

Obstacles that prevent women from seeking justice include the lack of knowledge about their rights and legal process, financial difficulty to travel to a trial or the lack of ability to take time off from work or to leave their families. Also, they may be intimidated or disillusioned by the justice system, which may have collapsed or become corrupted before, during or after conflict. Support services and legal aid are rarely provided to women, and gender bias within the judicial process prevents women from receiving fair treatment as witnesses, as complainants and in investigations.

Under-representation of women's view in judicial processes is another reason that crimes against women are prone to be unrecorded and un-addressed. Women are rarely consulted about the form, scope and modalities for seeking accountability. No more than three women have served at any one time among the 14 permanent judges of the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR). In this light, the election of seven female judges among 18 judges for the ICC is a critical achievement. Impunity weakens the foundation of the post-conflict societies and prolongs instability and injustice and continues to expose women to the threat of violence. Accountability on the part of states and societies for crimes against women is not just about punishing perpetrators but about establishing the rule of law and a just social and political order where such violence is illegitimate and prevented. Women are psychologically and economically affected by the injustice of the separation of families as well as "disappearance" of family members as a result of conflicts. The Additional Protocol I of 1977 expressly recognizes the right of families to know the fate of their relatives (Article 32 and 33), (ICRC). The reconstruction phase, where elections are held and the government systems, institutions and legislations are reformed, is a critical opportunity to enhance women's rights in the society. Greater attention should be paid to enshrine gender equality and women's rights in the new constitution and legislation.

Source: UNIFEM.

LAW event

REAFFIRMING WOMEN'S RIGHT TO PROPER EDUCATION

Seminar on "Role of women in development of a country"

ALIYA SHAHNOOR AMEEN

A civilization could never be thought of without the active participation of women. But unfortunately their contribution is neither properly recognized nor widely appreciated. Let women's horizon be enlightened by the light of education that were the main focus of the discussants of the seminar held on March 8, 2005 on the occasion of International women's day in the auditorium of Southeast University.



A daylong seminar was organised by the Law & Justice department of the Southeast University to mark the International women's day. Prominent educationalist Dr. M. Shamsher Ali, Vice-Chancellor of the university was the chief guest of the seminar while Dr. Tarek M. R. Chowdhury, Dean of school of arts and social science chaired the sessions. While addressing as chief guest Dr. Shamsher Ali said that there is no alternative to education for women. Only education can help them upholding their self-consciousness and can make them confident, he further added. He also emphasised that both men and women enjoy equal rights and privileges in the eye of Islam. Professor Dr. Mahbubul Islam read the keynote paper and explained different dimensions of women's rights movement. At the very beginning of the seminar Lecturer Shaiba Hossain gave a brief introduction of women's movement that represents decades of struggle for equality, justice, peace and development. Lecturer Tofazza Haque shed some light on international documents and as well as our constitution. Sharmin Jahan Tania, lecturer of law elaborated different rights and responsibilities of state parties that enumerated in the CEDAW documents. Afroza Bilkis also spoke about women's role in socio-economic development of a country. Student Sharan Chandra Talukdar and physically challenged Padma, student of LL.M also shared their views about women's rights. Co-ordinator of law & justice department Mr. Asaduzzaman moderated the seminar. Professor Tareq concluded the seminar by urging that promoting woman's equal rights is not only women's responsibility, so let us reaffirm ourselves to making it a reality.

The author is lecturer, Law & Justice Department, Southeast University, Bangladesh.

Corresponding with the Law Desk

Please send your mails, queries, and opinions to: Law Desk, The Daily Star 19 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, fax 8125155; email <dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net