



Women human rights defenders: Recognition and protection is urgently needed

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IN the arena of human rights work the term 'Human Rights Defender' (HRD) is increasingly being used internationally in place of 'Human Rights Activist' or 'Human Rights Advocate', etc. There is no contradiction between these two. Nevertheless, as the terminology has achieved moral and legal recognition by UN, it is better to use the term HRD while addressing legal matters of human rights.

It refers to individual or group of individuals working for protection and promotion of human rights for all. It includes, inter alia, people who work for human rights whether in their personal capacity or personal-volunteer capacity, as well as human rights NGOs capacity, amongst others. Here emphasis is given to the activity not to the person.

Human rights defenders across the world are targeted for their work and face various kinds of violations and abuses such as killings, death threats, torture, arbitrary arrest, criminal prosecution, harassment, defamation and social exclusion, etc by both state and non-state actors. Because of the nature of their work and mission, HRDs very often confront the state machinery and other non-state actors, such as multinational corporations, armed/ non-armed militant groups including the community and the family.

When they challenge the repressive state machinery, state treats them as a threat to their power. Likewise, when they talk about the bad effects of globalisation, the demerits of so called development projects and challenges the functionality of the multinational corporations and international financial institutions, HRDs becomes threat to them also. When HRDs challenge and speak out against the discriminatory societal, religious norms, they become threat to the reactionary groups of the community. In the cases, human rights defenders in general face some common forms of violations and abuses.

Like their male colleagues, Women human rights defenders have also been struggling for the promotion and protection of human rights. They work not only for realising women's rights but also are very much involved with the so-called mainstream human rights organisations. For instance, if we talk about

women human rights defenders in Bangladesh, we see them not only speaking out against the violence on women or equality of women, but also raising their concerns on the issues of good governance and rule of law, rising fundamentalism and rights of religious and ethnic minorities. However, while carrying out their work or because of their work, women human rights defenders are targeted to gender-specific risks and vulnerabilities.

When WHRDs challenge the discriminatory provisions towards women, claim for equality and speak out on the status and role of the women in the society, the patriarchal pattern of the society treat them as anti-social and anti-God and blame them for the break up of the family etc. In such reality, the WHRDs feel high risk of vulnerability in terms of their safety and mobility. The forms of gender specific violations and abuses WHRDs are subjected to include—rape, sexual harassment, torture, physical and mental assault, disappearance, restriction on mobility etc and are blamed as anti-social, social exclusion too. There are numerous numbers of instances of such abuses, threat and violations faced by WHRDs. In contrast, those violations and abuses remain unreported. In such cases, culture of blaming the victim herself has become a key factor for non-reporting of the violations.

Lack of recognition of the work of WHRDs: There is a reality of non-recognition of the work of HRDs, which is more present in case of WHRD. As per societal norms and assumptions in the patriarchal society, the primary area of mobility of women is the domestic sphere. And when women start to go outside of the family, speak out against discrimination towards them, their works are labelled as anti-social, anti-God, anti-family, let alone giving recognition to their work. Even sometimes the work of WHRDs are not recognised by mainstream human rights organizations.

Protection mechanism: The conventional thinking behind is that human rights defenders are only to dedicate their life for defending rights of others. They are thought to sacrifice their life for the cause. Moreover, the rights of those defenders to be defended often go unspoken and undiscussed. From that point of view,

their protection issues do not receive that much attention. But everyone is entitled to claim his or her rights, where human rights defenders are no exception. Keeping this in mind, international community has come up with a number of mechanisms in order to ensure protection to the HRDs worldwide.

UN Declaration on HRD: After many years of debate and long negotiations, in 1998, UN General Assembly adopted a declaration titled "Declaration on the right and responsibility of individuals groups and organs of society to promote and protect universally recognised human rights and fundamental freedom". Commonly, this declaration is known as UN Declaration on human rights defenders.

The main purpose of the Declaration is to protect human rights defenders and their activities. It clarifies defenders' rights as well as states' obligations to protect these rights. The declaration legitimises human rights activism and recognises that individuals and groups are entitled to carry out human rights work without fear of reprisals.

The Declaration recognises that defending human rights is a right in itself. It clarifies how human rights apply to human rights defenders. Even though this is declaration, this instrument has been adopted by the General Assembly by consensus. Therefore, the respective government is internationally committed to protect the rights of the HRD's and to create favourable environment where HRD's can carry out this work with any impediment.

Special representative of the Secretary General on HRDs

A special position (procedure) was created namely 'Special Representative of the Secretary General on HRDs as an international mechanism in defending rights of the human rights defenders. In 2000, Hina Jilani, an human rights activist from Pakistan was first appointed as the mandate holder of the special representative of the Secretary General on HRD. The office bears an independent nature of character, as the mandate holder do the job on voluntary basis.

This office undertakes various activities, like, receive communications on human rights violations suffered by HRDs and in turn writing back to the respective government



seeking clarification of the situation in case, country visit to know the situation of the HRDs in ground and preparing annual reports for the Human Rights Council and the General Assembly. In the annual reports, the Special Representative analyses the situation and the trend. At the same time, it contains precise recommendations to the states to take measures to create enabling environment for the HRDs to carry out their work without any impediment.

WHRD's across the world can use the mechanism by sending cases of violations to her office, as in turn the office asks back to the government about the violation with recommendation to take required measures. WHRDs also can use the annual reports produced by SR (to be submitted to the GA and HRC) in their advocacy work, as these report consist of very concrete recommendations to the states to take measures to protect HRDs. Besides, there is another special procedure, namely Special Procedure on VAW; WHRDs also can use the office simultaneously.

Bangladesh perspective: Like the rest of the world, in Bangladesh WHRDs/HRDs in general suffer and are targeted to various forms of

violations and abuses by both state and non-state actors. But there is no systematic monitoring and documentation of those violations, which negatively have impact on securing protection of HRDs. Another reality lies with the fact that most of the WHRDs/HRDs in general are not familiar with the existing international protection mechanisms what they can use to defend their rights. They are also not aware that defending human rights is a right in itself, therefore, their work is also legitimate and require protection by the state.

Concluding observations: Even though the state remains as the central and ultimate focus with the responsibility to create favourable environment so that HRDs can carry out their work without any impediment, it very often fails to do so. Moreover, most often the state itself becomes the perpetrator of the abuses. In such a scenario, the only protection HRDs has is their joint movement and strong networking. Keeping this in mind, WHRDs should concentrate on the following steps to secure their protection while carrying out their work--

- Stronger networking among themselves and with mainstream human rights organisations.

tions.

- Awareness raising among them about their rights as HRD and about the existing national and international protection mechanisms.
- Systematic monitoring and Documentation of the violations occurred to WHRDs.
- Increased use of the UN declaration and the office of Special Representative of the Secretary General on HRDs (UNSRGA) as advocacy tool to secure their protection.
- Increased reporting of the cases of violations to 'Special Representative of the Secretary General on HRD's (UNSRGA).

The writer is working with Ain O Shalish Kendra.

RIGHT investigation



Violence against women: Statistics of the last 5 years

TASKIN FAHMINA

Case Study 1: N (15) an adolescent garment worker of Narayanganj while returning home from her work place, was kidnapped by miscreants on the way, raped and stabbed to death.

Case Study 2: A (23) newly married wife of Salahuddin in Perojpur was strangled to death by her husband as her parents failed to meet her husband's dowry demand. Her dreams of new life went in vain with the brutal end.

and body.

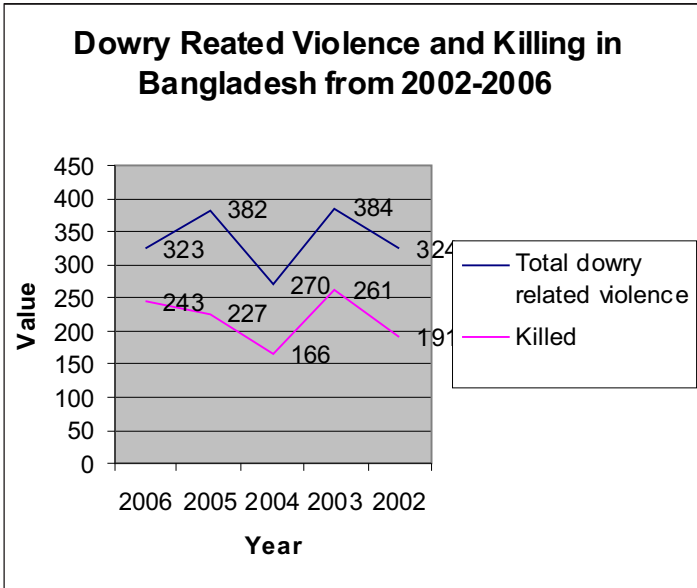
These are the normal but vicious scenario of rape, dowry and acid violence against women in Bangladesh. Violence against women is a universal phenomenon, exists all over the world as well as in Bangladesh. Our socio-cultural structure, so called traditional views, lack of education, non application of laws and justice and many other factors are involved in violence against women. From 2002-2006, over the last 5 years, as per statistics of a human rights

percent from 2002-2006, respectively.

Rape: Rape is the most common and vicious form of violence against woman in Bangladesh. In most of the cases, the victim or family members of the victim remain silent due to the social stigma or the fear of the rapist(s) who is/are influential in the society due to his (their) money and muscle to hoodwink the law and justice. The rape victim has to undergo severe mental and social constraints. From 2002 to 2006 as per Odhikar's statistics of the total 5128 rape victims, 3159 were females and 1969 were girl children. During this time total 625 females and children had been killed and 69 committed suicide following rape. However, only 2006 alone total 639 females and children were raped and among them 412 were women and 227 children and in 2005 total 907 women and children were raped and among them 588 were women and 319 children, in the year 2004, total 569 women and 327 children had been violated. In the year 2003, total 1336 women and children were raped and of them 842 were women and 494 children. Besides, in the year 2002 a total of 1350 women and children were raped and among them 748 were women and 602 children.

The law enforcers, who are supposed to be the protectors of law manifested as violators. Between 2002 and 2006 total 20 females and children were raped by law enforcement agencies and among the victims 14 were females and 6 were children.

Dowry: Dowry related violence has proved to be a highly complicated violence in Bangladesh. Due to dowry related violence many women have been killed and the rest victimized by physical and mental abuses. Sometimes husbands alone or in collaboration with in-laws or with the help of other family members torture and kill wives for failing to fulfil dowry demands. Dowry completely demolishes the dignity of women and makes them very helpless in their so called homes. According to Odhikar, from 2002 to 2006 total 1683 women were the victims of



dowry related violence and during this time total 1088 women had been killed and other 440 women had gone through severe physical torture. In the year 2006, a total 323 women had been victimized of the dowry related violence and among them, 243 women had been killed by their husbands or in laws. In 2005 total dowry related victims were 382 women and among them 227 were killed due to that violence. In 2004 total 166 women had been killed and total 270 were the victims of such violence. Besides, in 2003 total 261 women were killed of 384 victims. Whereas in 2002 total 191 had been killed when 324 were victimized of dowry related violence.

Acid Throwing: A dreadful and gruesome form of violence against women is acid violence. In most cases, the perpetrator throws acid on woman due to rejection of marriage offer or sexual advances. Sometimes land dispute, personal feud, jealousy, dowry related violence, domestic violence also have been marked as the cause of acid throwing. The consequences of the victims of acid attack are the disfiguration, blindness, permanent marks of the body etc.

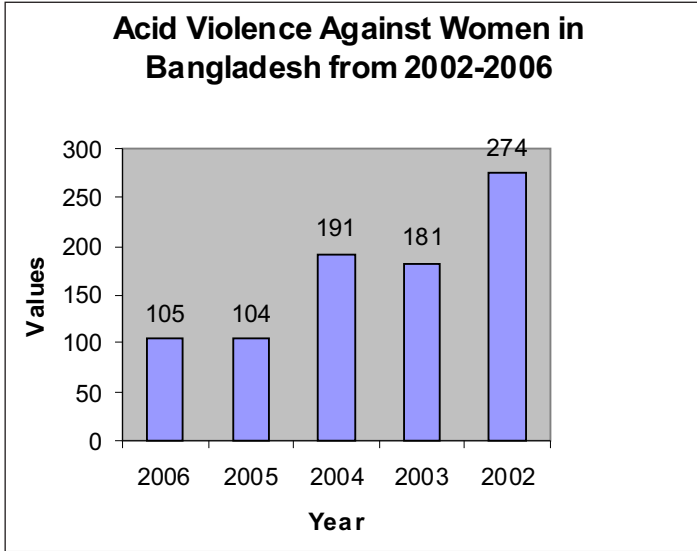
Between 2002 and 2006, total 855 women were the victims of acid attack. Among them in 2006, 105 women were victimized of acid

violence. Besides, in 2005 total 104, in 2004 total 191, in 2003 total 181 and in 2002 total 274 women were the victims of acid violence.

The Laws: The law entitled Prevention of Women and Children Repression Act 2002 and as

caused by demand for dowry and domestic violence. The law deals with the cases of violence against women such as rape, acid attack and dowry related crime. Death penalty is the maximum punishment provided under its provision. Government has enacted Acid Crime Prevention Act 2002, Acid Control Act 2002, restricting import and sale of acid in open markets and awarding death penalty for acid throwing offence. The act contains a provision for making the accused non-bailable during the period of investigation. Nowadays, acid violence has been deteriorated for its strict application. But rape and dowry related violences still remain alarming.

Violence against women is a shameful and extreme human rights violation. The government and law enforcement agencies should be strict to eradicate this kind of violence by punitive measures and also need to develop the public awareness to ensure women's rights in the society. Women's rights and human rights organizations should come up with an action plan to do mass mobiliza-



amended in 2003 has been enforced to deal with all sorts of violence against women. It has been enacted to prevent and punish cruelty to women and children in the form of abuse injury and death

tion against such crimes and the corners which provide shelters to such criminals.

The writer is working with Odhikar.

Dear Readers,

This year Law Desk tries to find out some answers to some questions and the relevance of International Women's Day. Here are some extracts (on random basis) from our findings. We are thankful to all the participants for their valued comments and hope readers will enjoy this.

The questions were:

- What are the relevance of International Women's Day (IWD)?
- In your eyes what kind of initiative should be taken to uphold women's rights and equality between women and men? (Prioritise your issues)
- Domestic violence happens everywhere. It affects someone near you. At least 1 in 3 women has been beaten, coerced into sex, or otherwise abused in her lifetime. Usually, the abuser is a member of her own family or someone known to her. --As a concerned citizen what should be our commitment/contribution to make a safe world for all?

Answers: IWD is an opportunity for all women from around the globe to come together and to appreciate the value of their own contribution towards the society which is relevant for women, young and old, from all societal groups.

In order to protect the women's right and put them in the equal footing with men, protective measures should start from our family. We should maintain the norms, cultures and values of our society. Accordingly we should make the male member understand the dignity and contribution of a female in the society. Moreover, women need to be conscious about their rights and always raise their claim. We all should pursue our existing laws. We have several general and special laws protecting the interests and rights of women. In this respect we need overall general commitment from our government by implementing those laws using proper mechanism.

As concerned citizens we should be conscious about the mental development and motivation of our poor people. At least every year, locally or nationally, IWD should accomplish some mandate to encourage all towards women empowerment and development.

Ms. Khaleda Parven

Assistant Secretary, Legislative Drafting Wing, Ministry of Law, Justice and Parliamentary Affairs.

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We should inform and pass on messages not only to our male counterparts, but also to female friends that we need some space and deserve dignity and recognition about our contribution to our family, work place and to the world. Women often forget that they are also human beings not machine.

Priorities: Initiatives should start from home. We have to make our family understand that we have some right and deserve equal treatment. Establishing equity is a must to make changes in women's life. The perspective of seeing women as inferior should be changed.

The women should be explicit and express their demand to secure their rights.

Strong family values and respect for women can make a significant change in their life. Often females are abused by females. So, changes should start from house. Women should raise their voice against violence and protest it.

Ms. Asma

IOM.

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International Women's Day should bring the contribution of women in diverse fields of life like education, health, economy, media, and human rights. It should focus on how every woman struggles against poverty, the environment to survive a family and how she trains and brings up her children. Physical and mental harassment of women and its preventive and protective mechanisms for them should also be pointed on the International Women's Day.

Priorities: Proper education should be provided and with informing them about their rights. In Bangladesh, the one-eyed judgement mentality to blame a girl at every step of life, in every society, must be changed. Women should be made economically independent. Cultural belief of inherent superiority of males over women and girls must be removed. Legal actions by women against any kind of abasement should be more practiced by strong legal supports. Strong legal status and laws should be more prioritised.

Ms. Sutapa Barua

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It is an occasion when women from all over the world celebrate their achievements over the years; reflect on the challenges and hurdles that prevented them from utilizing the equal opportunities available to them and thereby play an effective role in governance. It is a day to remember that we can not afford to sit back and wait for others to do things for us or for things to happen. Both men and women must work together in promoting gender equality starting right from one's own home through to the national level.

We need to look at the policy planning processes and effect the necessary changes in order to ensure a more systematic integration of women's perspectives and gender issues in the national planning and reporting mechanisms on the MDGs. Action is needed to make women an integral part of a global vision for ensuring economic justice and human rights; women must participate and play an equal part in decisions regarding economic policies, good governance and effective spending. This is our task in the months and years ahead.

When we sing with Olivia Newton-John "I Am Woman", we assert our self-confidence; we acknowledge the power within us; we recognise our resilience; we believe we can be strong. But with these "gifts" comes the responsibility to use them wisely and for the common good. And that means continuing to hold out the olive branch of peace and compromise and solidifying the foundations for a new mutually satisfying partnership with men. As conscious citizens our responsibility is to provide leadership in the community. We need to go out and try to understand the real needs of women and men. We need to develop sensitivity and a keen awareness of their concerns and the issues that affect them, assess the situation and be prepared to take actions accordingly.

Ms. Tahera Jabeen

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Disclaimer: It is the personal view and feelings of the person and not of the organisation that the person works for.

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To focus the inequality between men and women.

Prioritise: Initiative depends on the actor. Actor can be international community, national authority, family or the individual. If nation is considered then laws suppose to be equally useful for men and women (as for example, the property law is not equally useful for both) and state should ensure the proper application of these laws. Within family male and female child should be treated equally, son should be taught in such a way that he will be not grown up as male chauvinist and never think that he is more important than his sister. In the case of individual, a woman should come forward first by respecting herself as woman then she can get strength to make other think that she is equally important in the society. Overall internationally apart from observing IWD, other related initiatives should be taken to uphold women's right as the right of a human being.

I can influence the men surrounding me who are either fathers/brothers/husbands/sons of other women to respect women.

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