



## HUMAN RIGHTS analysis



## LAW week



TWENTY-FIVE YEARS OF CEDAW

## Expectations and realities in Bangladesh

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A housewife in Thakurgaon was brutally tortured and locked in a house. Local police rescued and sent her back to her parents. A case was filed in this regard; the accused got bail and filed a theft case against her. In Panchagarh a young girl aged about 12 years went to a local tailoring shop one evening and was missing; the following morning her dead body was recovered from nearby bushes. A poor housewife in Madanpur was burnt to death by her husband. These are few examples of the various forms of cruelty Bangladeshi women are facing when many other countries like Bangladesh are celebrating Silver Jubilee of CEDAW. Even after 23 years of ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), gender disparity remains one of the dominant concerns of women in every cluster of the society in Bangladesh.

The unequal arrangement for women in Bangladesh maintained by the constitution reflects gender-based discrimination in mainstream society. At domestic level, during marriages and separations, for example, women's right of choice is governed by the personal laws that give more importance to social obli-

United Nations on December 18, 1979. The call for a women's convention emerged from the First World Congress on Women held in Mexico in 1975. Until 1979, when the General Assembly adopted the Convention, there was no document that addressed comprehensively women's rights within political, cultural, economic and family life. The creation of this treaty was the first critical step in developing appropriate human rights language for women that addresses abuses like physical, sexual, economic and political rights of women and promotes women's full enjoyment of their rights and well-being.

The primary goal of the Convention is to eliminate discrimination against women and to promote the rule of law and respect for human rights throughout the world. The language used signifies the incremental, or progressive, nature of the obligation of State parties to comply.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, the body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several

Bangladesh has ratified and signed the CEDAW in the year 1984 with reservation on Article 2, 13 [a] and 16.1 [c] & [f]. A strong network of women's groups including Bangladesh National Woman Lawyers' Association (BNWLA) started advocacy at the national level, hoping to mobilise other women to push for implementation of CEDAW provisions in domestic legislation and finally the government withdrew its reservation from articles 13 [a] and 16.1 [f]. In spite of having clear commitment, the government has not yet withdrawn reservation from Article 2 and Article 16.1 [c].

Article 2 of CEDAW [States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women] which is being considered as the nucleus and conforms the equality principle of the Convention and restricting its implementation any other initiatives may not address the causes of women. It has been evident that the rights of women are not maintained within the institution "marriage" thus restricting the Article 16 [c] [The same rights and responsibilities during marriage and at its dissolution] that deals with discrimination against women in all matters relating to marriage and family relations, it is not possible to address violence against women. domestic

having specific focus on women, children and the poor. The fundamental objective of the National Health Policy is to ensure health services for all in Bangladesh and to reduce the population growth rate but the government is yet to ensure basic maternal health services.

The basic principles of the National Policy for Advancement of Women and the National Action Plan (NAP) to implement Beijing Platform for Action, which are the two guiding tools for advancement of women have put much emphasis on implementation of the CEDAW but changes in the National Women Policy in 2004 has experienced strong protest from the civil society, in particular from the women activist groups. The National Policy has categorically committed to eradicate rape, prostitution, dowry and violence against women and also the physical, mental and sexual harassment of women at family and social level as well as at work place; provide legal assistance to oppressed women; prevent trafficking of women and rehabilitate the distressed; promote awareness at national and international level against violation of women during armed conflict and war, and take all possible steps to combat violence.

The law entitled Women and Children Repression Prevention Act, 2000 amended in 2003 is enacted to combat the crime of violence against women very sternly. The law provides stern punishment including death sentence, life imprisonment for the crime of rape, abduction, dowry, trafficking and sexual exploitation of women.

To combat raging menace of acid attacks, particularly on women, the government enacted a tough law entitled "Acid Control Act 2002" to control production, import, sale and use of the deadly chemicals. Under the law, National Council for controlling the production, import, sale and use of deadly chemicals is already working.

Another law entitled "Acid Crimes Control Act 2002" has been enacted to address the acid related cases more sternly, which has the provision of tougher punishment including death sentence for splashing acid on people causing death and serious injury. Special tribunal has been set up in each district for ensuring the speedy trial of the acid violence related cases. Although a few judgments came out of such tribunals so far there was no execution of the same.

"One Stop Crisis Centre" has been established in six divisional towns to provide legal, medical and other required assistance to oppressed women, especially the victims of acid violence.

Gender issues and concerns are gradually being incorporated in the training curricula of all the government departments like administration, judiciary, police, medical professionals and others. While sensitising the media towards gender sensitivity, portrayal of positive images of women has been encouraged. Prominent women personalities are often invited in different discussion programmes to give their



views on different social issues from gender perspective.

To improve the working condition for women in the export processing zones, the government committed of pragmatic programmes such as housing for women workers and establishing day care centers but have not yet taken any realistic decision in this regard.

The government has taken different initiatives to ensure the systematic birth and marriage registration. Special birth registration forms have been developed to register detailed and all required information. Recently government has asked all citizens to complete their birth registration by July 2008.

The government has attained substantial development in education sector; in particular introduction of stipend for girls up to grade twelve in all 460 Upazilas in the country which resulted in reduction of drop-out rate and recorded increased number of girls completing Higher Secondary education, but quality of education still remain in question mark. For instance in recent Higher Secondary Certificate examination no student passed from sixty colleges.

It has been evident from different studies and researches that poverty is the root cause behind prostitution in most of the cases. Consequences of prostitution are healthy neither for women involved nor for the society at large. Women who are involved in this work are the worst victims, as this becomes a sort of social stigma for them. Government although initiated a project but the human rights of women and girls involved in this profession are not maintained.

To ensure women representation in parliament government although

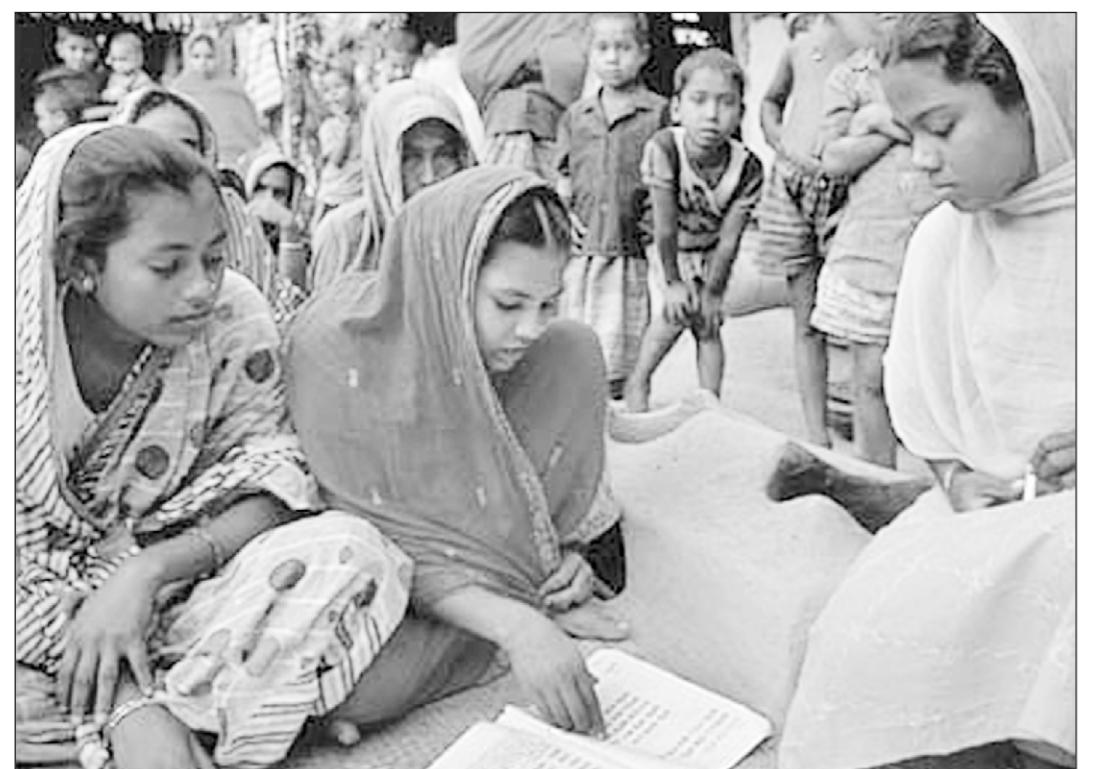
has increased the reserved seats in the parliament from 30 to 45 but has not initiated system of direct election. The civil society particularly the women activist groups have been relentlessly advocating for reservation of seats for women candidates and introduction of direct election to those. Election Commission however in recent reform proposal stated that the political parties should nominate women candidates in at least ten percent of the constituencies.

A unified effort is more effective than several isolated approaches. Keeping this in mind two leading human rights organizations of the country have come together to raise their voices demanding "Absolute Ratification of CEDAW and its Meaningful Enforcement". Although women have begun to be vigilant and participative in political decision-making but women's representation in parliament and mainstream politics remain as dream. The actions of previous governments in consulting with women's groups and activists for the preparation of the country report vis-a-vis CEDAW and the integration of CEDAW in domestic laws.

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The author is the Programme Manager of Bangladesh National Woman Lawyers' Association (BNWLA).



gation than personal choice. Unfortunately women remain unsafe at home where they are supposed to be the safest. Dr. Hossain Zillur Rahman remarked "the Bangladeshi Women are enjoying the freedom of mobility and visibility" when unfortunately women workers in RMG sector are deprived of their rightful wages.

To ensure the protection of women's rights, like many other countries, Bangladesh has also ratified CEDAW – the instrument to reduce discrimination and help enhance dignity of women around the world, which was adopted by the

declarations and conventions, of which CEDAW is the central and most comprehensive.

At the special ceremony that took place at the Copenhagen Conference on 17 July 1980, 64 States signed the Convention and two States submitted their instruments of ratification. On 3 September 1981, 30 days after the twentieth member State had ratified it, the Convention entered into force – faster than any previous human rights convention had done – thus bringing to a climax United Nations efforts to codify comprehensively international legal standards for women.

violence against women, which has been found as the most pervasive still remains unrecognised as an offence. BNWLA along with other women activists groups have been vigorously advocating for an independent legislation on Domestic Violence and demand immediate withdrawal of reservation from these two articles.

To guarantee the substantial welfare of women through improvement of their health, the Government of Bangladesh has declared National Health Policy 2000 which is a pro-people policy

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Nasim Sarabandi and Fatemeh Dehdashti were the first activists to be tried and sentenced for peacefully collecting signatures. On 12 August 2007, they were sentenced to six months' imprisonment, suspended for two years, on the charge of "acting against national security through the spread of propaganda against the system". They had been detained briefly in January 2007.

## Discrimination in law

Women in Iran face widespread discrimination under the law. They are excluded from key areas of political participation and do not have equal rights with men in marriage, divorce, child custody and inheritance. Earlier this year, Nobel Peace Prize Laureate Shirin Ebadi and Irene Khan, Secretary General of Amnesty International, denounced discriminatory laws:

"As long as women are denied human rights, anywhere in the world, there can be no justice and no peace". However, the arrests continue. Amir Yaghoub-Ali, a male activist, was arrested on July 11 while collecting signatures in support of the Campaign for Equality. He has since been released, but remains at risk of prosecution.

The rights activist from world wide calls



on the Government of Iran to urgently abolish laws that discriminate against women, and to drop all charges against these women's rights activists, who have been exercising their internationally recognized rights to freedom of expression and

association in collecting signatures and protesting peacefully. Anyone detained solely in connection with such activities would be a prisoner of conscience.

Source: Amnesty International.

## FACT file

## Iran: Authorities thwart campaign for gender equality

## Women's rights activists in Iran face imprisonment

Activists campaigning for gender equality in Iran are unable to exercise their rights to freedom of expression and association, as shown by a number of recent arrests. Many of those arrested are supporters of the Campaign for Equality, a network which works to end legal discrimination against women.

**The Campaign for Equality** Some of the activists arrested this year were collecting signatures for the Campaign in its bid to collect one million signatures from the Iranian public to a petition against laws discriminating against women in Iran. In addition to the petition, the campaign also runs a website to provide information and a forum for debate, and works with grassroots organizations to expose the problems women face and inform them of their rights.

**Arrests of activists** The group have faced various obstacles in their efforts as authorities have stifled the debate on gender equality, including dismissal from work and threatening phone calls after hosting meetings. On 4 March of this year, 33 women were arrested while protesting peacefully outside the court room where five women were tried in connection with a demonstration

## Over 100 flawed PSI certification detected

The National Board of Revenue (NBR) has uncovered more than one hundred flawed pre-shipment inspection (PSI) certificates that could have cost the government over Tk 50 crore in lost revenue. The NBR has now launched an investigation into the suspicious deals with several customs officials believed to be involved in the crime. Four foreign companies issue pre-shipment inspection certificates. The certificates specify the quality, value and quantity of imported products. It is believed that the suspected certificates have been issued giving false details that allow the importer to evade tax, for example, by understating the value of goods. The NBR started monitoring the activities of the companies that issue pre-shipment inspection certificates in March this year and it has detected 110 defective certificates from over 1,000 complaints, sources said. "We have primarily identified over 100 defective PSI certificates which will be investigated thoroughly to know the motives of the persons or institutions involved in the wrongdoings," Dr Rashidul Ahsan Chowdhury, member (Customs) said. Behind under-invoicing or over-invoicing, the importers could have several motives including evading taxes through under-invoicing not only deprived the government of revenue but created opportunities for illegal drug and arms peddlars to transfer money from one country to another. The four companies, Cotecna, Bureau Veritas, SGS and Intertech Testing, were given the task of pre-shipment inspection in 2001, in an effort to reduce corruption in the import trade. However the NBR decided to probe their activities following complaints from local businesses. -The Daily Star, September 3.

## Public Universities

## Govt lifts restrictions on reopening

The caretaker government lifted restrictions on reopening of public universities and said the syndicates will now decide on resuming academic activities at the institutions. The decision was made at a meeting between Education Adviser Ayub Quadri and the vice chancellors of 26 public universities. "We have lifted all kinds of restrictions on reopening of the public universities. The syndicates of the respective universities will now decide on when they will reopen their institutions," the adviser told reporters. He said the syndicates would take decisions considering the prevailing situation on the campuses. "We will issue letters to all the public universities informing today's decision within two days," he added. The caretaker government imposed curfew in six divisional headquarters and shut down all universities and colleges directing to vacate all dormitories on August 22. Later the government lifted curfew and reopened private universities and other private educational institutes. The adviser hoped that most public universities excepting a few specially the Dhaka University (DU) and the Rajshahi University (RU) would reopen soon. "There is no plan to offer amnesty to the students of the DU and the RU," he said adding, "Actions will be taken according to the law." DU Vice Chancellor SMA Faiz said he would hold syndicate meeting soon and discuss about the government decision. The DU VC said he informed the adviser of the teachers' feelings of insecurity. He said the Dhaka University Teachers' Association (Duta) has proposed to reopen the university after Ramadan. -The Daily Star, September 4.

## Khaleda lands in sub-jail

Escorted by police, BNP Chairperson Khaleda Zia waves before entering the Chief Metropolitan Magistrate's Court in the capital. A Dhaka court yesterday sent BNP Chairperson Khaleda Zia to jail and placed her younger son Arif Rahman Koko on a seven-day remand a couple of hours after they were arrested on graft charges at their cantonment residence. The arrests followed close on the heels of the Anti-Corruption Commission's (ACC) filing the first graft case against the former premier and her son after the state of emergency came into force on January 11. In the case filed with the Tejgaon Police Station Khaleda, her son and 11 others were charged with violating tender conditions in appointing an indenting house for container handling. The joint forces hauled them and took them straight to the Chief Metropolitan Magistrate's (CMM) Court, Dhaka. -The Daily Star, September 4.

## Iajuddin to continue as president

Law Adviser Mainul Hosein said though the tenure of President Iajuddin Ahmed ends on September 5, he will stay until the election of his successor. The adviser made the remark when reporters approached him for a government view about the unprecedented situation.

"As per the constitution, Iajuddin's tenure as president ends on September 5. The constitution also says that he will have to continue until the election of his successor," said Mainul.

Citing speculations that Iajuddin would be replaced, the adviser categorically said the present caretaker government would never violate the constitution. "It is the politicians who have violated the constitution. But the caretaker government will do its work as per the constitution," said Mainul. -Unb, Dhaka, September 5.

## 2 DU teachers sent to jail after remand

The two detained Dhaka University (DU) teachers arrested on charges of breaching the emergency power rules were sent to jail having spent 11 days in police custody. They were also shown arrested in another case filed with Ramna Police Station for vandalising public and private properties and obstructing police from performing duties at Shantinagar, Malibagh and Mouchak in the capital on August 22. On completion of a four-day remand, Ramna police produced the two teachers-- General Secretary of Dhaka University Teachers' Association Prof Anwar Hossain and DU Social Science Dean Prof Harun-or-Rashid-- before the court of Chief Metropolitan Magistrate, Dhaka with a forwarding report. The case was filed against some 6,000 unnamed students, teachers and outsiders for damaging public and private property, obstructing police from performing duties and pelting policemen with stones on the DU campus on August 22. In the forwarding report, Sub-Inspector Sirajul Islam, also the investigation officer (IO) of the case, mentioned that the two arrestees gave important information about the incidents on the DU campus. So, they were to be confined to jail until the investigation of the case is completed, the IO said. After hearing both the sides, Metropolitan Magistrate Hassan Sarwar ordered to send them to jail. -The Daily Star, September 5.

## Stranded Pakistanis

## Govt moves to enroll them as voters

An inter-ministerial meeting agreed in principle to include the Urdu-speaking people, who were born in Bangladesh and showed allegiance to the country, in the voter list. The proposal will be implemented after final approval of the law ministry, meeting sources said. Mohammad Mohsin, additional secretary of the home ministry, presided over the meeting at the ministry in presence of representatives and senior officials of the law ministry, Election Commission and other ministries. About three lakh Urdu-speaking people live in the country. Of them, about 1.6 lakh living in 116 camps are known as stranded Pakistanis who are willing to go back to Pakistan. The Urdu-speaking people, who were born here after the independence will be registered in the voter roll. Besides, those who were between the age group of 10 and 18 during the Liberation War and showed loyalty to the country will also be included, a home ministry source said. The meeting's proposal will be sent to the law ministry for examining its legal aspects. "If the law ministry gives approval, the Urdu-speaking people, except the stranded Pakistanis who are eager to leave Bangladesh, might be included in the voter list," the source added. -The Daily Star, September 6.

## Corresponding with the Law Desk

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