



REVIEWING the views

Women's rights in jeopardy

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ON 8 March 2008, the chief of the present interim government declared a policy document on women development: Jatio Nari Unnayan Niti 2008. Even before this policy, we got two more policies on women development. The first one was adopted in 1997 and the other, in 2004.

The first women development policy was adopted through a comprehensive participatory approach and was welcomed by all the relevant groups including women's rights activists of the country as a progressive policy document. In 2004, the successive government

eign labour markets.

Now, if we turn to the weak points of the new policy, most importantly, regarding the question of economic empowerment of women, the new policy has totally avoided the matter of ensuring equal share and control in the inherited property which was incorporated in the first policy of 1997. Another point relevantly comes with one of the objectives of the policy that tells 'give due recognition of women's contribution in socio economic spheres' (1.8). But unfortunately, in the preface section of the policy (where the title is Women's Situation in Bangladesh) neither detailed description is given about the women's condition and position, nor has women's contribution in different areas, including different socio-political movements, of the country been recognized.

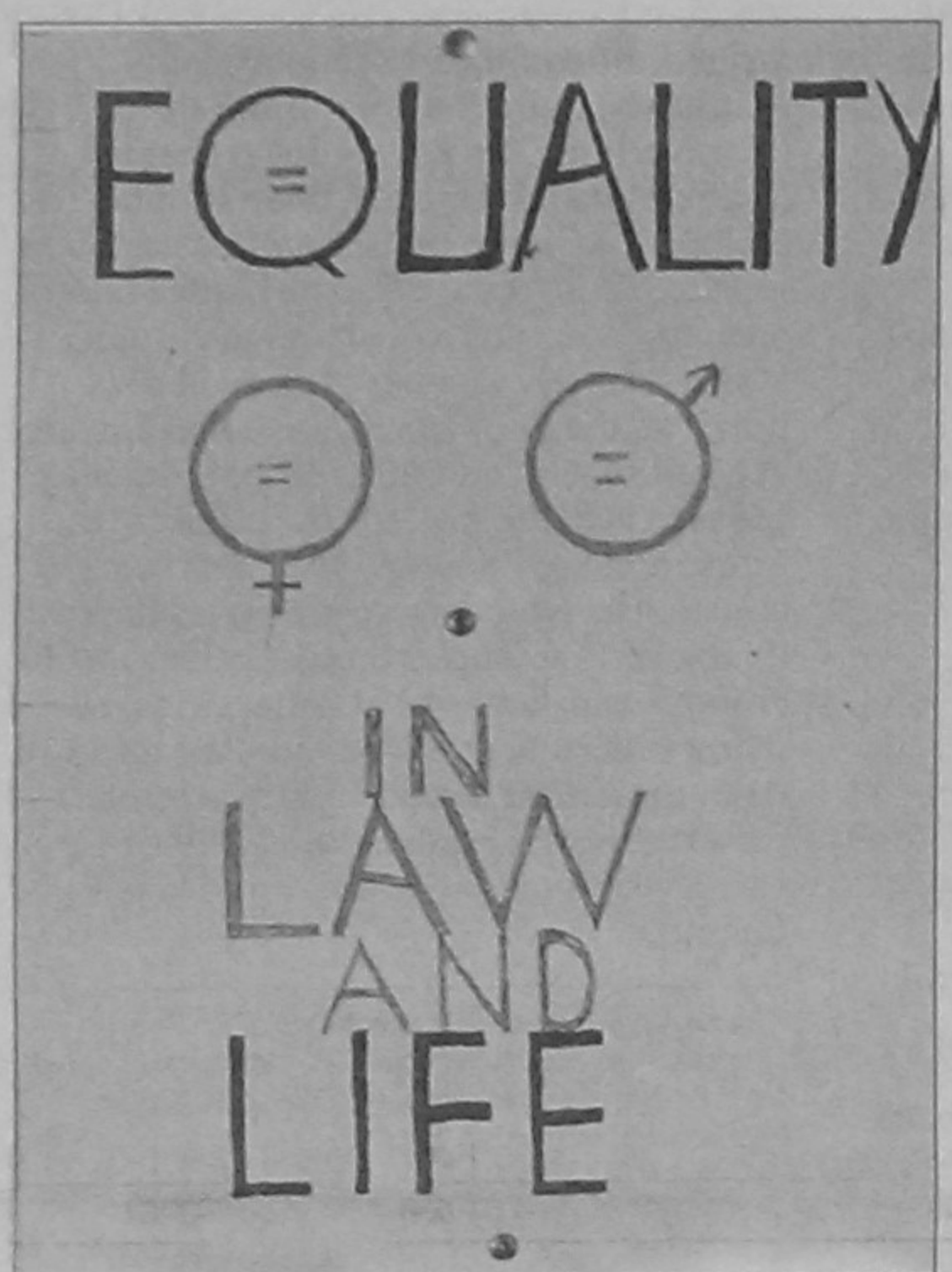
However, as a progress on the restricted women development policy of 2004, the right groups at the first hand appreciated the new policy. But the shocking news was waiting for, just three days after the declaration, the law adviser of the interim government termed the policy as just a document for discussion on how to protect women from repression and deception and on how to improve their conditions socially. The aforementioned comment appears misleading as to the legal position of the various state documents and papers, since so far we knew and still believe that a state policy document is not just a document for discussion rather guiding principle of the state upon which concrete action plan comes for implementation of the programmes.

After that statement of the law adviser, a more grave signal was aired that a committee has been formed to review the just declared policy because the review committee has been formed with members from such groups whose stand is against all kinds of progressive development including women's equal status and rights.

This kind of compromising and flexible attitude to the satisfaction of particular groups is inconsistent with the secular and democratic principles and undoubtedly deterrent on the way to progressive development of the country. Moreover, these examples raise obvious questions on exact standing point of the government on the principle of gender equality. In this regard, one vital point cannot be ignored- this is the government of extraordinary kind, which took over the charge to bring change to all kinds of anomalies existing in the state.

As a final point even though, the policy does not contain anything on equal rights in inherited property, the state cannot deny its obligation to ensure equal rights of women in all spheres of life including equal rights in matters of inheritance which Bangladesh, as a state has undertaken by a considerable number of national and international legal instruments. And the declaration of a policy on women development is one step forward to the compliance of state obligations to ensure gender equality. Now the time is not to get back but to take measures to bring the policy into reality.

The writer is working with a human rights organisation.



declared a new policy document, they said, on women development, named Jatio Nari Unnayan Niti 2004. That policy of 2004 was rejected by women's rights activists of the country, as the document restricted the space for women's rights and empowerment, and they continuously demanded for the replacement of the policy of 1997.

In the situation, prima facie, the declaration of a new women development policy which can be termed as the replacement of the policy of 1997 with few exceptions in specific areas came as a good sign of the intention of the government and at the very first hour of its declaration, the progressive groups welcomed the initiative. Some of the positive inclusions in the latest policy are: five months long maternity leave, reservation of one third seats of the parliament for women and direct election for those reserved seats and creating employment opportunity of women in for-

HUMAN RIGHTS monitor

Local level awareness to solve global crisis

THERE is no clear agreement on the definition of human trafficking, even though it has affected many countries for many years. One of the reasons for the ambiguity is the non-compliance to international instruments and. Human trafficking, mostly women, poses a serious threat to human rights in Bangladesh and the Government of Bangladesh has taken various steps to prevent it. Despite the fact that Bangladesh has not yet signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, there is a significant law in place to combat trafficking in Bangladesh. The timely investigations and special tribunals have resulted in the successful prosecution of a number of traffickers and several have been given death sentences or life imprisonment.

In the current complex context of changes in the means and dimensions of trafficking all over the world including Bangladesh, International Organisation for Migration (IOM) in Bangladesh, in collaboration with the Government and NGOs, is effectively addressing counter-trafficking both at the policy as well as at the community level. In line with its mandate, IOM approaches the counter trafficking issue to ensure safe, and voluntary and orderly migration of women and men to another country. That implies that if migration is forced, it violates the right of a person to decide on his or her mobility and therefore, can be considered as trafficking. To combat human trafficking multiple combination of approaches are needed both at the local community level as well as the policy level. Regional Representative for South Asia, IOM, Ms. Rabab Fatima, in a recent



Courtyard meeting with women group at Borolia Union, Pota, 2 April 2008

discussion stressed on the need for raising awareness issues at different levels. She said we should not amalgamate trafficking issues with migration or "smuggling of migrants", otherwise we will miss the migration opportunity and country will lose remittances.

Community mobilisation is one of the strategies used to combat trafficking. In Bangladesh communities and NGOs are involved in using innovative approaches like folk media as a tool for awareness campaign, strengthening the local governments, mobilising the support of the local elites like social and religious leaders, teachers, forming and mobilising women groups, courtyard meetings and open discussions with the villagers etc. The level of increasing awareness and commitment to the issue is impressive. The community take active part in discussions, learning more about the ways to address trafficking and their own roles in the process. The local government also has an important role to play, as these community mobilisation efforts seem to suggest.

In one such community discussion recently among local leaders, as part of IOM supported project, the enthusiasm and awareness of

the village elites was re-enforced. One of the participants, the Chairman of Borolia Union Parishad, Patia Upzila said a young lady came to him for a nationality certificate when he was going out that morning. He asked her to come back later. But after attending discussions on trafficking, he knows more on the issue. He knows how often our workers, mostly women, are being exploited with false promises of employment abroad, especially to the Middle-East. So he would now request for all the papers before issuing a certificate to her and will convey to her on how often women are being exploited in this business. Other participants asked for more information and communication materials that they can use to educate and aware others. They also recommended that the issue of human trafficking should be included in secondary school textbook.

In these awareness raising sessions, local NGOs use different traditional cultural methods or tools like, reciting puthis, kabigan, drama to sensitise the community people. One such NGO, Bangladesh Institute of Theatre Arts (BITA), is a pioneer of this innovative approach. They work

BITA team has played a drama on different social issues. All the performers were from the community

with local communities through local indigenous cultural tools and techniques to aware them on their rights. These local groups are working as informal watchdogs and peer educators for others in the community. Local performers play a significant role in this kind of awareness program and that make these cultural events more than an event. They also have bazaar meetings and capacity building programmes for the Government officials on victim care.

In a recent visit to Chittagong and Patia Ms. Rabab Fatima, IOM Regional Representative for South Asia, Dr. Igor Kazanets, Chief Migration Health Physician, Zakia K. Hassan, NPO and others attended some community meetings and met some local NGOs. They discussed many issues relating to human trafficking and safe migration and found that the level of awareness on trafficking issues are pretty high in this region. They also congratulated the local administrative bodies for their commitments and hard work in this regard.

Bangladesh is a country of source and transit where means of trafficking is changing frequently.

According to Trafficking in Persons Report, June 2007, "The globalisation of markets and labour forces, and the concomitant relaxation of travel barriers have spawned new trafficking scenarios and routes, including some that appear to defy easy explanation. A greater variety of nationalities have been documented recently among trafficking victims in destination countries. While at first glance these linkages may appear difficult to understand, it seems that traffickers are seizing upon any targets of opportunity for exploitation and relying on vast distances and cultural and linguistic differences to increase the vulnerability of victims. This random factor of transnational trafficking will increasingly appear as the economic and logistical obstacles involved in transporting new victims to distant lands."

To fight against trafficking of human beings we all should come forward and work together. Project based activities have constraints and will not sustain. Trafficked survivors are the citizens of Bangladesh and we cannot shift our responsibility to protect the vulnerable groups to others' shoulders.

Sultana Razia from Law Desk.

HUMAN RIGHTS advocacy

Need for a child ombudsman

MD. ALAMGIR

THE UN Convention on the Rights of the Child safeguards the rights of children in various ways, stipulating that the authorities must safeguard the best interests, survival and development of the child, protect children from discrimination and respect children's views in matters that concern them directly. The Convention was ratified by Bangladesh in 1990, and has now been ratified by 191 countries.

Bangladesh is committed to establish rights of the child through its ratification of the CRC. Besides, GOB signed and ratified the Optional Protocol to the Convention on the Rights of the Child on Sale of Children (OPSC), Children Prostitution and Child Pornography on 6 September 2000. Bangladesh government is also a signatory of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). Respective ministries of the government are carrying out relevant activities to materialize the protocol including implementing the UNCRC.

The Ministry of Women and Children Affairs (MOWCA) plays a coordinating roles among different ministries in favour of uplifting UNCRC in the country.

The various Offices have taken actions for children who face difficult social or economic circumstances, including children who have been victims of abuse or neglect, children in care, children in detention, and children whose circumstances may be caused by poverty. However, it is notable that the Offices rarely have a specific focus on child poverty as a broad theme or issue. This is partly due to relatively favourable economic conditions in some countries; in others it reflects a strategic decision to work at a broader level to improve the position and status of all children, including children who may be living in poverty.

One of the strategic approaches an Ombudsman may use to ensure that children's concerns are dealt with is to undertake an inquiry into the arrangements in place for children to bring complaints more locally. Carrying out such a review would appear to be a very good way of 'benchmarking' the position with regard to children's access to complaints procedures, while at the same time promoting better practice in dealing with issues at a local level and before problems escalate.

While the Convention on the Rights of the Child is binding on the State as international law, it needs to become part of domestic law. The Ombudsman for Children can play a key role in advocating for this to happen, in rela-



tion to both new and existing legislation. Success at this level could generate significant wide scale strategic change for children.

When the issues pursued come from children, the Ombudsman has a strong moral authority. For this reason, the Offices have all invested a great deal of energy and resources putting arrangements in place to listen to children. These cover arrangements for regular contact with a representative sample of children across the age groups, use of questionnaires on particular issues three or four times a year, interactive websites, children's parliament, formal and informal visits by the Ombudsman around the country. In many countries, this feedback from children has put important issues on the agenda. For example, in Sweden, the question of children's psychological well-being, and, in particular, their experience of the school environment is a focus of work now, arising from the consultation with children.

The New South Wales Commissioner describes the identity of the Office in terms of promoting respect for children as citizens:

While a variety of different approaches exist among organisations set up to promote the safety, welfare, and well-being of children and young people, the Commission takes the approach that children and young people are a class of people whose status as citizens is not fully respected by others. Since parents are not in a position to advocate on behalf of children and young people, as a group, children and young people need systemic advocates. The Commission aims to be such a

systemic advocate.

So, to fill the gap of proper establishment of child rights in the country the establishment of a Child Ombudsman is very much necessary.

Needs for a Child ombudsman

- To investigate any complain related to violation or instigation to violation of child rights by any individual, state, institution or organization by being self-motivated or on the basis of application submitted by any affected child or by any other person on his/her behalf. But here condition is that it has to be felt by the office that such violation or instigation to violation of child rights could affect all children in general or children of a particular community or group. To recommend to the proper authority to take corrective measures when the office feels that violation of child rights either has taken place or could take place. When the Ombudsman is not satisfied with the action taken by the proper authority, to submit special report to the President for taking proper action mentioning about the matter;
- To inspect the condition of the children who have been brought under the jurisdiction of law or who have been kept in places (jail, reformation centre or custody) considered suitable for particular welfare of the children and to make necessary recommendations to the proper authority for improvement of such places or conditions;

- To provide assistance and advice to the Government for framing necessary law and for developing administrative guideline with a view to protect and promote child rights;
- To make necessary recommendations for ensuring implementation of Charter of International Child rights;
- To provide necessary guideline in relation to implementation and monitoring of the international commitments, including the United Nations Convention on the Rights of Children, by the concerned Government, Semi-Government, Autonomous or Non-Government bodies, organisations or institutions and to submit child rights implementation related report of Bangladesh independently to the United Nations Committee on Child Rights;
- To examine the similarity of the provisions of the Constitution or of any law currently in force or proposed with the standard of the international child rights and to make necessary recommendations to the appropriate authority with a view to ensure coordination of those with the charter of international child rights;
- To give advice and extend cooperation to the active organizations or institutions and to the conscious individuals and societies in general in implementing and applying child rights;
- To work aiming at raising awareness of different sections of people of the society about protection of child rights through publicity and publications on child rights and through other means;
- To raise mass awareness through seminar, symposium, workshop and similar other activities on child rights and to disseminate research results;
- To give necessary advice and provide guidelines to the appropriate authority to ensure children's participation in all the important areas of national life;
- To organise views sharing meeting with the Government and Non-Government organizations and agencies engaged in implementation of child rights at least twice in a year;
- To perform any other activity thought necessary to implement and promote child rights. (Source: Draft Bill for Formulating Children Ombudsman Act, Prepared by UNICEF)

Concluding remark

Bangladesh Shishu Adhikar Forum (BSAF) a National Network of 235 MNGOs working for the protection and promotion of the child rights in the country is advocating for establishing a Child Ombudsman.

The writer is Research & Advocacy Officer, Bangladesh Shishu Adhikar Forum.

LAW campaign

Convention on the Rights of Persons with Disabilities enters into force

Secretary-General Ban Ki-moon has welcomed the entry into force of the first international treaty on the human rights of persons with disabilities, after the required twentieth country ratified the landmark convention at April 03, 2008.

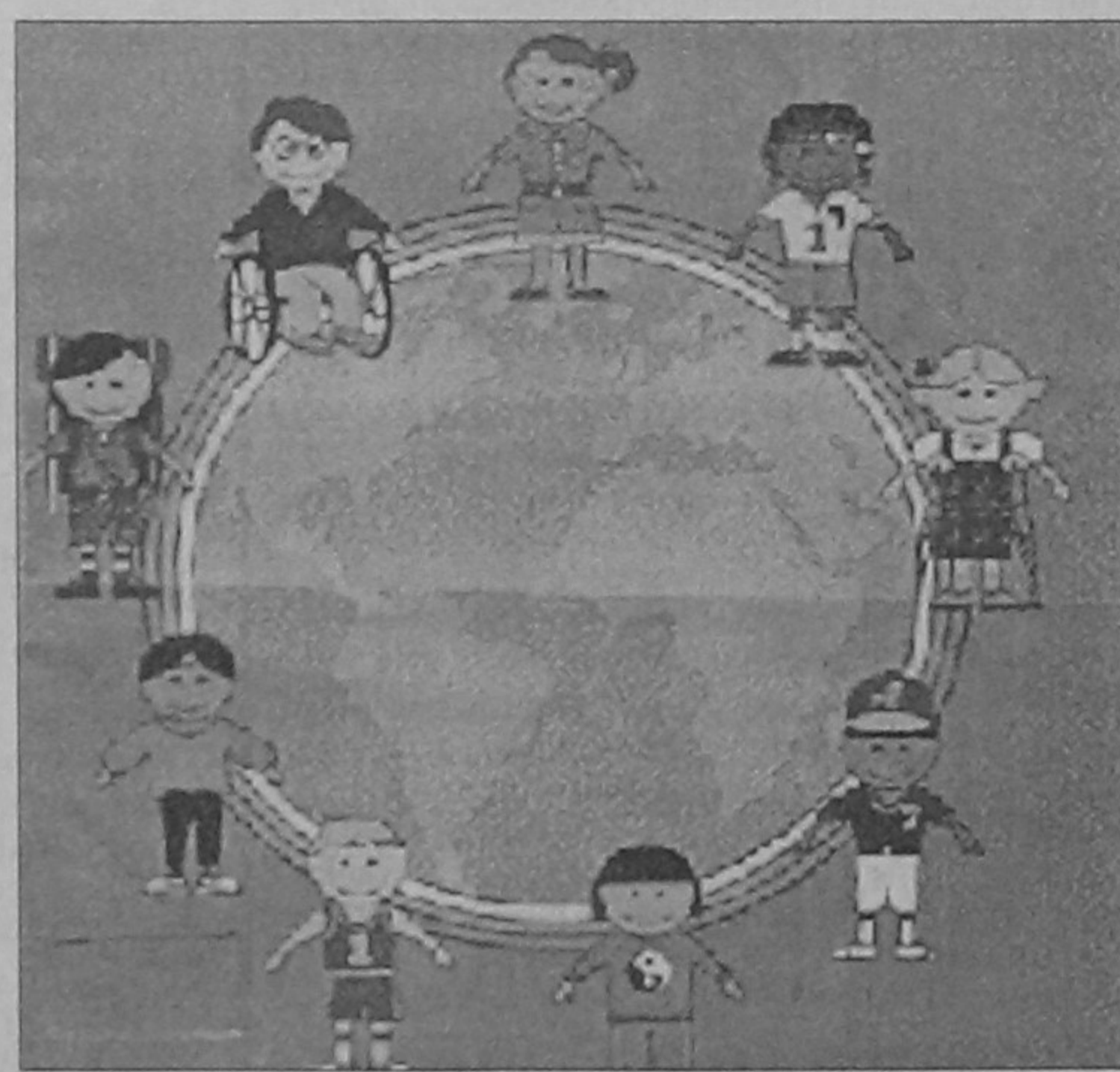
"It is a historic moment in our quest for realization of the universal human rights for ALL persons, creating a fully inclusive society for all," Mr. Ban's spokesperson Marie Okabe said in a statement celebrating the rapid progress of the Convention on the Rights of Persons with Disabilities, which was adopted in December 2006.

"The Convention will be a powerful tool to eradicate the obstacle faced by persons with disabilities," she said, pointing to discrimination, segregation from society, economic marginalisation, and lack of opportunities for participation in social, political and economic decision-making processes.

This ratification by Ecuador means that the Convention, along with an optional protocol that will allow individuals and groups to petition for relief, will be legally binding as of 3 May. Tunisia and Jordan also ratified the treaty earlier this week.

Through this statement, the Secretary-General also congratulated the States that have ratified or acceded to the Convention. Some 126 countries have signed the Convention since 30 March 2007, and 71 have signed the optional protocol.

"It is estimated that there are at least 650 million persons with disabilities worldwide, of whom approximately 80 percent live in less developed countries," Ms.



Okabe noted.

As many as two-thirds of United Nations Member States do not have any legal protection for people with disabilities, according to the UN Focal Point on Disability Akiko Ito, even though they comprise one in 10 of the global population.

"The Convention, together with its Optional Protocol, is deeply rooted in the firm commitment of the international community to rectifying the egregious neglect and dehumanising practices that violate the human rights of persons with disabilities," Ms. Okabe concluded, calling on all States that have not yet done so to accede or ratify it without delay.

In a statement issued this past

weekend, more than 20 UN departments, agencies, programmes, and funds pledged their support to implementing the convention.

The newly-formed Inter-Agency Support Group for the Convention said that support will focus on six main areas: policies to support the purpose and objectives of the Convention; programmes including international cooperation; capacity-building of Member States, civil society, and the UN system; research and access to knowledge on disabilities; accessibility; and the Committee on the Rights of Persons with Disabilities.

Source: UN News Service.