



FOR YOUR information

Empowering women empowering rights

BARRISTER HARUN UR RASHID

INTERNATIONAL Women's Day on 8 March is observed around the world. This date is commemorated at the United Nations and is designated in many countries as a national holiday.

Women of all continents can look back that they were once marginalized from the mainstream of society and have come out a long way from that position on the basis of equality, justice, peace and development.

The two concepts—women's rights and peace—have been interlinked because promotion of women's rights promotes peace. In other words, peace prevails in society when women's rights are established and protected as those with men.

The origin of women's subordination lies in political theories, propounded by men. The concern for individual autonomy and freedom for men has later been extended to a concern for women's equality, freedom and autonomy. Female writer such as Mary Wollstonecraft is the venerable classical precursor in advocating women's equality with men and their rights.

Mary Wollstonecraft (mother of Mary Shelley) believed that inequalities between men and women are created and sustained by male-dominated society, which therefore needs to be changed.

In 1792, she published her most important work, *A Vindication of the Rights of Women*, whose content created a storm in society. She argued for the equality of women with men, including female voting rights and pointed out that the ways in which the nature of most women was created by the education chosen for them by men, and perpetuated by the social structures imposed by men.

UN & Women's rights

After the UN was set up in 1945, promotion for human rights for men and women have been come to fore. First the 1948 UN Declaration of Human Rights, followed by the 1966 International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, and the most important one for women's rights is the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Under the Convention, "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irre-

spective of their marital status, on a basis of equality with men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

This definition is very comprehensive and covers all women's rights as those for men. States-parties are obliged to adopt legislative and administrative measures for rights of women on an equal basis with men.

The UN Commission of Status of Women held Women's Rights Conference in 1995 in Beijing and in New York in 2000. The two conferences have focused promotion of women's rights and mechanisms for promotion and protection in this field.

Factors against women's rights

Some say this is because poverty among women in developing countries impedes the promotion of human rights for them. Elimination of poverty is the mother of human rights and until and unless poverty is eliminated, poor women will not be able to secure their rights.

Another reason is the lack of education among women. Unless women are educated, they will not know their rights. According education for women and girls will automatically generate an environment in which women cannot be denied their basic rights.

In traditional economies, women's role was not recognized in the field of economic development. Traditional economists did not construe women as belonging in the economic sphere as exceptions. Moreover a typical bread earner is pre-eminently masculine.

Esther Boserup's work titled, *Women's role in Economic Development* (1989) is undoubtedly seminal in underlying the difficulties of women. Although she argues that recruitment of women into various sectors of work has accelerated economic development, it has impacted on women differently in different societies. Technology and cash crops often benefited men while increasing women's burden.

Although nationally various approaches towards women's rights are promoted, modernisation, according to some writers, has tended to consolidate patriarchy and expand its control, because women have inadequate access to resources and receive low wages.

Another important issue is who decides when to have children. It is men who control it. As far as rural women are concerned, hard work without relief from reproductive tasks increases women's burden and health.

Although women have played an important role in national liberation strug-



gle, they did not benefit collectively from their active participation. In the developing countries, women have achieved legal equality, such as the right to vote, education and property but the basic problem of women's subordination remains.

Where nationalism is combined with Islamic fundamentalism, women are literally made invisible in public life and male dominance is increased over women's life and conduct.

Women's rights and peace

If women are allowed to have a say in public life as integral part of human rights, it is argued that international peace shall prevail. Many female writers argue that women are, by nature and nurture, pacific.

Women's natural alienation from war arises from the contradiction between mothering and war. Nonviolence, is a natural extension of maternal practice, and represents the powerful image of the "Moral Mother", symbol of compassionate vision of women as innately pacifist. Some argue that there is a logical connection between maternity and pacifism in the liberal principle of the inalienable right to life and liberty underlying both.

The implicit corollary of innately peaceful women is that men are inherently warmongering. There is also a connection

between male aggressiveness and war and patriarchy and militarism.

Bangladesh and Women's rights

The eligible women voters in the country are more than those of men. During the 29th December election, women cast their votes more than men did. This demonstrates that women are conscious to exercise their rights, if environment is made safe and secure.

Although the 1972 Constitution (Articles 10, 19, 27, 28, and 29) provides equality of men and women, traditional social norms and orthodox religious precepts have discriminated between men and women in society.

The most important reason why women's rights have been neglected is the prevalent belief that women have no role to play in public life, dominated by men. Women are destined to raise children and manage housekeeping. That is why most of the women designate themselves as "housewife" as their profession.

For examples, marriage without the consent of girls occurs regularly in the countryside. Most young girls are married off to men because families cannot either protect them or maintain them because

of weak implementation of law and poverty. Violence on girls is a constant fear among parents, when they go out.

In the matter of seeking divorce, women face numerous difficulties and have to present very strong reasons for it. The rule 18 of Nikahnama allows men to divorce the wife any time and even without assigning any reason. Rule 5 of the Nikanama provides women to say whether she is unmarried, or widow or divorced while men are exempt to say anything about their marital status.

It is heartening to note that Women Human Groups and NGOs in Bangladesh have been vigorously campaigning for promotion, protection and preservation of human rights for women. They have carried out awareness campaign among women about their rights under the laws of the country, especially in the field of age of marriage and their consent to marriage, inheritance, property, divorce and custody of children and children's maintenance.

Side by side the government's programme since 1993 to spread education to girls has been a good effort in making aware of their rights in society but the authorities must ensure that they do

not drop out from schools at an early age.

The appointments of Ms. Matia Chowdhury as Food Minister, Advocate Sahara Khatun as Home Minister, Dr. Dipu Moni as Foreign Minister, Ms. Sajeda Chowdhury as the Deputy Leader of the House and Ms. Segufta Yasmin as one of the Whips of the ruling party are a dramatic way of breaking tradition by Prime Minister Sheikh Hasina.

The introduction of women as the Vice-President in the Upazilla Parishad has galvanized women in asserting their rights through ballots. It is one of the mechanisms to empower women and empowerment generates innovation, creativity and improvisation.

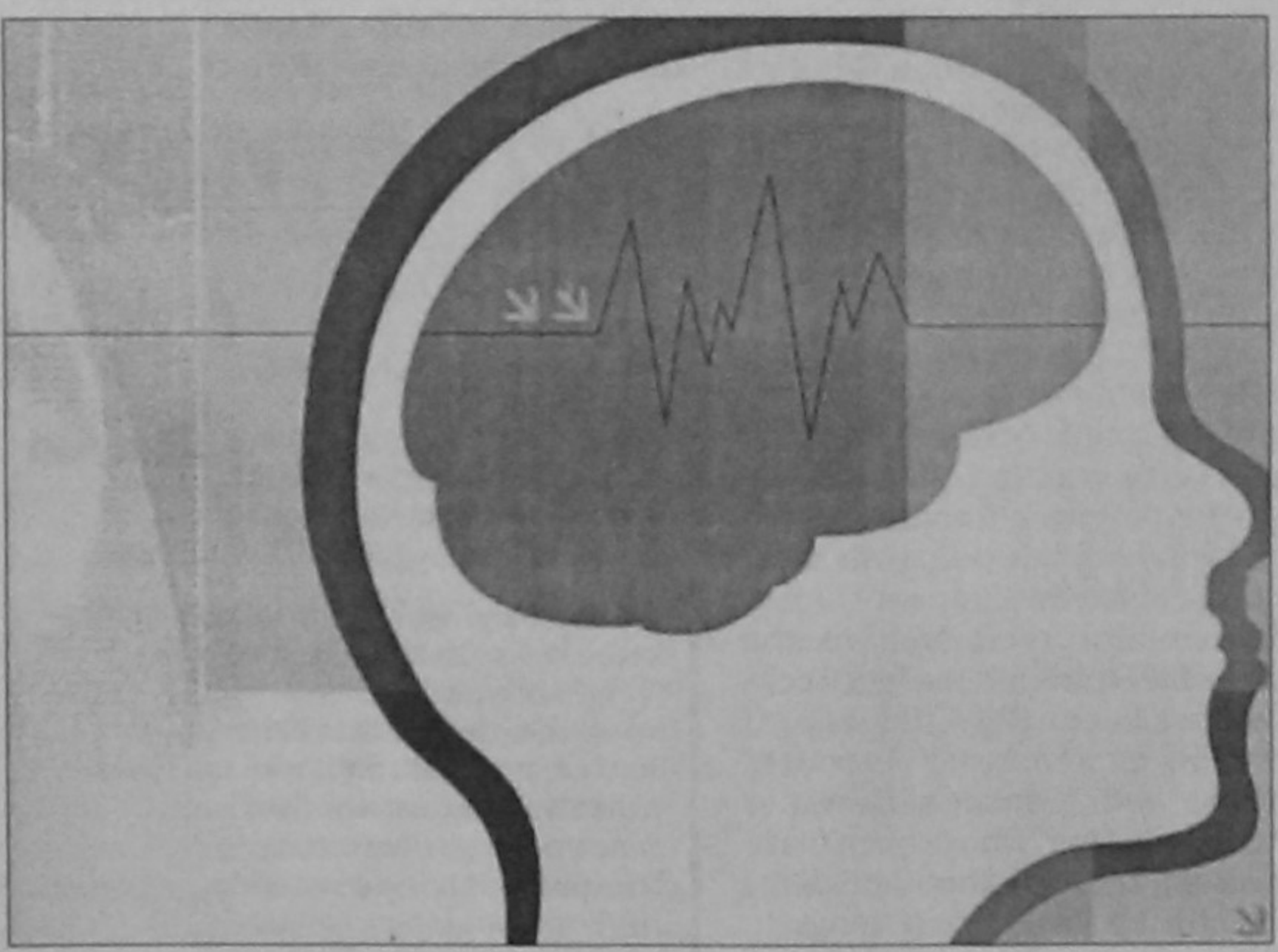
On this day, there needs to be a pledge that women are not to be discriminated in society. The state institutions and mechanisms established to implement laws are to be strengthened. The rights of women under the Constitution and laws are not known to women in the countryside and there needs to be an awareness programme of these rights so that they know where they stand in society.

The writer is Former Bangladesh Ambassador to the UN, Geneva.

HUMAN RIGHTS advocacy



Enact the Mental Health Act



FAYAZUDDIN AHMAD

LIKE every other human being, mentally ill people are entitled to dignity, respect, and to be valued equally. Bangladesh Constitution categorically (Article 27, 28 and 29) mentioned that all citizens are equal before law. In Articles 15, 17, 19 and 20 it provides for fulfilment of basic necessities of life including health services and equality. Article 25 (1) of the UDHR clarifies "everyone has the right to a standard of living adequate for the health and well-being in circumstances beyond his control."

In reality huge number of mentally ill people and their families in Bangladesh are deprived of access to appropriate services every day. The only mental hospital established in 1957 was shifted to

present premises in Pabna in 1958. In 1974 the Department of Psychiatry was established in the Dhaka Medical College Hospital and thereafter other Medical Colleges followed. In effect, there are two mental institutions, the National Institute for Mental Health and the Pabna Mental Hospital. In most of the medical colleges - in everyday services - psychiatrists are struggling with minimum or no budget and proper support staff.

The National Health Policy of Bangladesh reiterates state's responsibility and obligations under the Constitution but in none of its fifteen aims the issue of mental health was addressed. The only law that talks about mentally ill people is the age-old Lunacy Act of 1912. It is really a pity that till now we are recognizing mentally ill people as a

lunatic/insane disrespecting them as a human let alone how 'we' treat. This law in no place ensures the rights of mentally ill people, rather considers them a burden of the society. The enactment of the Lunacy Act, 1912 had a far-reaching consequence and impact on the whole system of present mental health services.

According to the UN principles for the protection of Persons with Mental Illness of 1991 "all persons with a mental illness shall be treated with humanity and respect". Further in the ICESCR (Article 12) it is recognized that everyone has the right to the enjoyment of the highest attainable standard of mental health. If we seek sustainable change, these people must be helped come out of social stigma that will facilitate their involvement in the mainstream of life.

In the sub-continent India replaced the Lunacy Act of 1912 with the Mental Health Act of 1987. In 2001, the Pakistan Mental Health Ordinance came into being which repealed this 1912 Act. These laws discarded terms like 'lunatic' and provided more comprehensive set of definitions. This transformation would require a minimum level of sensitivity on how to behave with mentally ill people, how to improve family care and what treatment can be done in the community with understanding of how to interact and work with them. The Government of Bangladesh should immediately repeal the existing Lunacy Act and along with other stakeholders start drafting and enact a Mental Health Act, which could be the guiding mechanism towards establishing rights of the mentally ill people of Bangladesh.

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HUMAN RIGHTS analysis

Shedding new light on refugee women's safety

KITTY MC KINSEY

TAKING a shower or going to the toilet in safety and privacy is such a basic right that billions of people all over the world never think twice about it.

But for thousands of girls and women in two refugee camps in Bangladesh, it was an exercise fraught with hazard for more than a decade. Modesty kept them from venturing to the communal bath houses or latrines in broad daylight, but night-time forays too often left them prey to harassment and even rape.

Today, all that has changed thanks to the installation of 61 solar-powered lights in Nayapara Camp and 43 in Kutupalong Camp. The two sites near Cox's Bazar in south-eastern Bangladesh are together home to 28,000 registered Rohingya Muslim refugees from Myanmar who have been in exile since 1992.

"It's much better at night," says 30-year-old refugee Khaleda Begum in Kutupalong Camp. "The light is much better than before and I feel better about using the bathroom and toilet at night."

Installed by UNHCR at a cost of US\$117,000, the lights to illuminate the previously pitch-dark camp are monitored by the refugees themselves, two of whom have been trained by the contractor to do basic maintenance in each camp.

They are part of a series of substantial improvements the UN refugee agency has been able to accomplish in partnership with the Bangladeshi government, other UN agencies and non-governmental organizations. As more new shelters are



Rohingya women in Kutupalong Refugee Camp

built in Nayapara Camp, more new solar lights will be installed as well.

The first focus was on bath houses, latrines and water collection points to improve women's safety. Other public areas have now been lit to allow refugees to move more freely throughout the camp at night. Many students are taking the opportunity to visit private tutors' homes to continue their studies in the evening.

And there's been a pay-off that no one

in the West could ever have imagined. In the past, wild elephants occasionally rampaged through the camps and even killed three refugees in Kutupalong a few years ago.

"After the solar lighting was installed, there haven't been any more elephant attacks," reports Selim Reza Chowdhury, UNHCR field assistant in Kutupalong Camp.

Source: UN Refugee Agency