

Elimination of violence against women in Bangladesh

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INTERNATIONAL Day to Protest Violence against Women is observed on November 25. In Bangladesh, violence against women and girls is becoming more and more common and widespread across the country. The so-called "eve teasing" is getting wide attention because girls and their guardians are being attacked, and sometimes murdered, because they protested against it.

Violence against women covers physical violence, sexual harassment, acid attack, murder, rape, etc. Rape is one of the most brutal violence against women, which often leads to murder.

There are procedural gaps in the state interventions towards preventing such violence. Researchers point out that the incidence of violence against women is rising due to weaknesses in the legal framework, lack of gender sensitivity in the administration and poor law and order situation overall.

Newspapers have been playing a positive role in reporting news on violence against women. However, the electronic media is not playing such a positive role. The grim pictures in the daily newspapers only show further rise in the rate of

reported cases of violence against women. However, many incidents still remain unreported and unrecognised.

The Constitution of the People's Republic of Bangladesh firmly proclaims: "All people are equal before law and are entitled to equal protection of law." Besides the constitutional guarantees, Bangladesh is a state party to the UN Convention on Elimination of all forms of Discrimination Against Women (CEDAW) and the UN convention on the Rights of the Child (CRC). Therefore, Bangladesh is under obligation to defend equal rights of women and children and to protect women and children from all forms of violence perpetrated by both state and non-state actors.

However, facts and documentation show that the obligation has not been fulfilled.

Girls have committed suicide, and parents have been assaulted and murdered over the past few months. The government has formed mobile courts to stop sexual harassment. The legal framework to combat violence against women has also incorporated the issue of stalking. The highest court has passed many decisions that are quite encouraging, e.g. ruling on safe custody, ruling against

eviction of prostitutes, ruling against "fatwa," ruling on government for protecting women from acid attack, etc.

It can be said that, although the policy of the government seems to ensure equality, there are some issues of inequality from the gender perspective. Women in Bangladesh have always been in a disadvantaged position compared to men. Unicef's 2007 Humanitarian Action Report (February 4, 2007), released in Geneva, said that tackling gender inequality was critical to saving children's lives during time of crisis. In emergencies such as floods, women and children are disproportionately affected, and discrimination against women makes children even more vulnerable. An emergency can also offer enormous opportunity to advance gender equality.

A time has been fixed to achieve the MDG goals -- indicators of 2015 will be compared with 1990. The Declaration pledges explicitly "to combat all forms of violence against women and to implement the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW)." It recognises the importance of promoting gender equality and women's empowerment as an effective pathway to combat poverty, hunger and disease and to stimulate truly sustainable development.

Although Bangladesh has ratified the CEDAW declaration there are reservations in two of its articles (Article 2 and 16.1(c)). As CEDAW is a complete legislation to ensure women's rights and gender equity, reservation in any section will jeopardise the major purpose of the convention.



NEL WEBB/IN IMAGES

Several NGOs, including dedicated women's activists, are playing crucial roles in implementing PFA, CEDAW, MDGs through acting as pressure groups. They have undertaken various programmes to strengthen the capacity building of women and of state interventions to combat violence against women. A number of NGOs are trying to address the issues of violence through providing

legal aid and mobilising women to take action against dowry and wife battering, organising rallies, press conferences, workshops and seminars, lobbying for revision and reformulation of existing laws, monitoring state interventions, and arranging campaigns to protest violence against women.

However, time has come for all the people in the country to combat vio-

lence against women. There is no strong alternative to social protection. People have to be made aware that the complex issue of women's right is connected to human right in the complex socio-cultural, political and economic culture of Bangladesh.

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Maldives: Attempting to work with the unwilling



ROBERT HARRING

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SELINA MOHSIN

SPARKLING waters of the Indian Ocean with variegated shades of blue surround islands with luxurious over-water bungalows trembling on lagoons. Stylish villas, exotic hotel rooms, innovative facilities and gorgeous

beaches make Maldives truly enchanting. The highest income earner among Saarc member countries with a GDP per capita of \$4967 (2008 estimate), Maldives, comprising over a thousand small islands, is often called a paradise on earth. But all is not well in this tiny country of 300sq km.

The first multi-party democratic election was lost by the veteran President Maumoon Abdul Gayoom by a narrow margin in December 2008 after 30 years of rule. Mohamed Nasheed came to power, with the help of coalition parties. All wanted a change for the better.

But, it was inevitable that this nascent democracy would face teething problems. This was clearly shown when, through the government's lack of political foresight, the very coalition of parties that brought Nasheed to power started to break down. Allies turned into enemies, close friends into opposition members.

The subsequent parliamentary elections reduced the government's Maldivian Democratic Party (MDP) party to a minority. Although Nasheed remained president, the majority of the 77 seats in the People's Majlis were filled by Gayoom's Dhivehi Rayyithunge Party (DRP), his half brother Yameen's People's Alliance (PA) and a few independent MPs associated with the opposition.

Theatrical events unfolded. The new opposition majority in the Majlis became a serious impediment to the ruling party's agenda for reform. The political scenario was dominated by mistrust, intimidation, allegations and counter-allegations.

In less than a year, a vote of no confidence was leveled at Foreign Minister Dr. Shaheed for seeking diplomatic relations with Israel. Cabinet ministers are not members of parliament in Maldives and Shaheed was only narrowly saved by one vote. Soon after, the auditor general, who had identified evidence of corruption by ministers of the former regime, was thrown out by a vote of no confidence brought by the opposition.

The government faced serious difficulties as the parliament repeatedly returned

Bills for revision. The Majlis passed an amendment to a Bill to enable MPs to vote on any overseas agreement sought by the government.

Opposition MPs even went a step further by amending the Finance Act to award themselves powers to appoint members of independent institutions, overriding the prerogative of the president. Soon, news leaked out that that the opposition was planning to throw out several ministers from office by a series of no confidence votes. This, once again, included Dr. Shaheed. Escape became impossible.

In an extraordinary and unexpected step, all the members of the cabinet resigned en masse on June 29 as a protest against the negative actions taken by the opposition MPs in the People's Majlis. The president stated that it had become impossible to discharge duties efficiently given the constant hurdles being created by the opposition.

Suddenly, the parliamentary session in the Majlis was abruptly stopped. Under orders from the government, the Majlis building was sealed off by the police and the Maldives National Defence Forces. They cordoned off most of the roads after arresting two leaders of the opposition.

This series of actions deepened the political impasse. At this juncture, the president of Sri Lanka arrived to suggest consultations between the ruling party and the opposition. But, all such consultation proved unsuccessful. A grave deadlock paralysed the political situation.

In another surprising move, President Nasheed, within a week, reappointed the same members of the cabinet. Since, according to the constitution, cabinet ministers require endorsement from the parliament controversy arose over how

such endorsement would be given.

Opposition MPs insisted that each cabinet minister be vetted individually while the MPs of the ruling MDP favoured a "Block Vote" for all the members of the cabinet. That was not to be as the opposition parties viewed some ministers as unsuitable. The government and parliament remained at loggerheads while there was no legitimate cabinet for three months! One wonders what term should be used to describe such an unusual cabinet.

Some of the biggest problems facing the country were exacerbated by this political impasse. They include slow economic growth, human trafficking, widespread violence, youth unemployment, drug addiction, inadequate housing, poor health services, and a trend towards extremism, corruption and abuse of human rights.

The weak fiscal position has led to an expansion of the government's deficit, which, according to IMF, reached over 26% of GDP in 2009. Although the government wanted to take some definitive measures, including wage cuts, these were challenged in court. The tourism General Sales Tax, passed by the Majlis is positive but not adequate enough to restore financial sustainability.

To maintain economic stability, prevent enhanced borrowing costs as well as reduce the cost of living, it is essential that the government develop and the Majlis pass a new budget that can significantly bring the deficit down.

Against this volatile and chaotic backdrop, the president on November 20 announced the 2011 State Budget. It proposed a distinct shift from last year's budget that financed line items to programme budgeting in order to direct

those resources to islands for local management of development plans. The details of the budget outlined by President Nasheed appeared pragmatic and doable, but the cabinet members were yet to be approved by the Majlis.

On November 22, after weeks of deadlock, parliament at last approved five out of the dozen ministers reappointed by President Nasheed in July. The MPs of the ruling MDP boycotted the sitting just before the voting of ministers commenced.

Those ministers that did not receive approval included Finance Minister Mr. Ali Hashim. He was summarily axed along with some others. The opposition categorically said that Mr. Hashim would not be allowed to enter the Majlis.

Later, points and counter-points were put forward by members of the opposition and the ruling party as to the validity of the approval process. Despite such arguments, the fact remains that the parliament is responsible for endorsing members of the cabinet, and it has done so. There is now a legal cabinet, although a small one.

Yet, problems persist. According to the Constitution the finance minister has to submit the budget to parliament for approval. Who, given the exclusion and non-endorsement of the finance minister, is to place the budget for 2011 for deliberation before the People's Majlis? Little of all this affects the tourists enjoying idyllic holidays on the island resorts. Yet, the situation appears grim for a country that is expected to host the next Saarc Summit.

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November 4 and beyond

The message of the Day shall have to be highlighted not only on the date of its observance but also in a continuous campaign till such time the citizens become familiar with the constitution. On a broader perspective, the Day's consciousness, constructed on a strong basis of constitutional values, should inspire the civil society not to bow to those who reject freedom and democracy.

SYED BADRUL HAQUE

YET another November 4, the day on which our Constitution was adopted, just went by unnoticed, uncelebrated. However much the constitution cuts across the political divide as a statement of enduring values, we have patently failed to dedicate this date as Constitution Day in the forty years of our nationhood. It is a pity to find this date disappearing from our consciousness and conspicuously

missing in the array of designated national dates.

Our inadequacy in comprehending the significance of this date in our civil life prevented us from according it national status like other nations. (In the US Constitution Day is an official holiday.) Beyond our commitment to republicanism, the importance of Constitution Day is vividly underlined when viewed against our national track record, which has been defiled by mili-

tary takeovers.

Should the government headed by Prime Minister Sheikh Hasina dedicate November 4 as Constitution Day on behalf of the nation, it certainly would be a robust articulation of our commitment to constitutionalism. This date so dedicated will serve as the most potent reminder to the ruling party of the operable parameters of power as everyday basis of governance and of the fact that the government is run with due regard to such limitations as imposed by the constitution.

Admittedly, our civil society has not evolved enough to automatically discourage any move to overthrow a constitutional government elected under a democratic dispensation. Because of this inherent weakness our civil society had to weather spells of extra-constitutional ambitions, albeit intermittently, in the forty years of independence. More than a cathartic relief, constitutional rule, however, proved its resilience by its triumphant return and

flourished on the basis of people's consent.

In a land like ours, where awareness about the constitution is wafer-thin and there is a vast cartel of immature politicians, Constitution Day, in its exclusivity, should be an eminent occasion to inform the citizens about the constitution with regard to governance, and about their rights and their obligations to the state. The Day should also contribute to broadening the political horizon of the citizenry in general.

The message of the Day shall have to be highlighted not only on the date of its observance but also in a continuous campaign till such time the citizens become familiar with the constitution. Obviously, the prime responsibility shall rest with both the print and the electronic media. On a broader perspective, the Day's consciousness, constructed on a strong basis of constitutional values, should inspire the civil society not to bow to those who reject freedom and democracy.

As we continue to remain hostage to the hartal syndrome, it is time we give serious thought to the people's right of direct democracy -- the right of referendum -- as the only option now left to, hopefully, break the impasse once and for all. But our representative system is an "arms-length" democracy where the people are consulted once only every five years.

Having cast their votes, they are no better than bystanders with no further part to play in the governance of this country, whose affairs are perceived as being in the hands of a government dominated by the ruling party. In such a context, our Constitution should be flexible enough to rescue the nation at times of national predicament. It is important to recognise that while the electoral process is an instrument of government, the referendum is designed to be an instrument of the people.

Consensus on major national concerns like updating archaic laws,

administrative reforms, corruption, hartal, etc., has been virtually absent from day one of our independence. Evidently, our efforts to make the leap to reforms and modernity took a back seat. To be sure, until we get our priorities in order, our journey ahead will be strewn with roadblocks.

In our rugged political culture passages of cynicism and doubt have haunted the national psyche at intervals since our independence. Surely, the debates that centre our constitution and other issues of national importance will continue. But they ought to be pregnant with a consciousness that we all are engaged in a great national task.

If the ruling party Awami League addresses the unresolved issues urgently with a vision -- beyond the next general election -- that certainly will be a great contribution in redeeming Bangabandhu's pledge for distributive justice.

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