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RIGHTS OF WOMEN

This chapter discusses some significant measures taken with regard to framing of laws and policies on women' rights – most notably on the restoration of the National Women's Development Policy, framing of laws on the right to freedom from violence and equality and on women's political participation Important judicial and administrative developments addressed women's access to legal protection (establishment of tribunals to hear cases of violence against women in the CHT, judgments on women's liberty and freedom of movement). It also records how women's rights advocates came together with the wider citizens' campaigns for accountability relating to impunity in a range of situations - from war crimes to sexual harassment on campuses, to confronting religious groups denying women's rights to equality.

National Women's Development Policy Announced and Challenged

On 8 March, International Women's Day, the Chief Adviser announced the adoption of the National Women's Development Policy 2008, to a broadly positive national and international response. The original Policy of 1997 had been changed surreptitiously in 2004 to seriously curtail women's equal rights in financial matters, over property, land and inheritance; and also in participating in direct elections to seats reserved in Parliament for women.[1] The Policy announced in 2008 was broadly similar to that of 1997 other than an increase of the duration of maternity leave provisions (from four to five months from four), reiteration of the creation of the necessary environment for increased participation of women in the foreign labour market, reservation of one-third seats in the National Parliament for women and taking steps to ensure transparent elections to the reserved seats. Women's rights activists raised questions regarding a major omission in the 2008 policy, as compared to the 1997 Policy, regarding any reference to equal inheritance rights of women.

In an extraordinary development, the 2008 Policy was suddenly condemned by a section of Islamist groups and clerics as 'un-Islamic'. Specifically, they objected to any possible change to the inheritance laws that would allow women equal inheritance rights as men – this even though the new Policy in fact made no reference to inheritance laws! On 11 March, the Government announced that it had no intention of passing any law that is "anti-Islam."[2] On 27 March, the Government in an unprecedented move formed a 20-member committee to 'identify inconsistencies in the policy as per Islamic rules' and to suggest steps to remove any such inconsistencies. While the committee deliberated, the opposition to the Policy continued to be orchestrated in mosques and by violent street protests. Following Friday prayers on 11 April, violent protests broke out in Dhaka's Baitul Mukarram area, despite Emergency Rules being in place and in the context where attempts at peaceful protests by concerned groups on grievances such as price hike of essentials or the arrest of Dhaka University teachers had been totally clamped down earlier. On 17 April, this committee recommended that the Government amend the announced policy, replacing any commitment to equality between the sexes with the term "just rights" for women.[3] The role played by the Government in response to the protest against the Policy by Islamic fundamentalist forces was alarming. The accommodation with Islamist antagonistic groups by influential members of the Government, particularly the Law Adviser,[4] raised grave concern and questioned the Government's commitment to move beyond rhetoric on the question of women's rights.

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1 For details, see *Human Rights in Bangladesh 2004*, ASK, Dhaka, 2005, p 113-114 and *Human Rights in Bangladesh 2005*, ASK, Dhaka, 2006, p 198-199.

2 Jyoti Rahman, Lessons from the Women Development Policy Debacle, in *Forum* Vol 3 Issue 6, 2008. Available at: http://www.thedailystar.net/forum/ 2008/ june/ women_development.htm.

3 *Ibid.*

4 Shah Afroditi Panna, *ASK Bulletin*, March 2008, page 22.

Protest Against National Women Development Policy 2008

UNCEDAW

No steps were taken during the year for withdrawal of reservations on sections 2 and 16.1(d) of the UN Convention for the Elimination of Discrimination Against Women (CEDAW) has yet to be met.[5] Women's rights organisations expressed concerns regarding the lack of effective steps taken to implement the recommendations earlier made by the CEDAW Committee. Despite some policy advances, or programmatic measures (eg a renewed vision statement that highlights the implementation of the Gender Policy for the Bangladesh police or the launching of the Bangladesh Police Women's Network in November) these initiatives did not involve comprehensive or systemic approach to fulfilling state obligations in line with international commitments.

VAW Courts in CHT

In a very positive development, following the High Court's judgment and order of 24 February, the Government finally set up three separate District/Sessions Courts and the Nari o Shishu Nirjatan Domon (Suppression of Violence against Women and Children) Tribunals in Rangamati, Khagrachari and Bandarban Districts in the Chittagong Hill Tracts (CHT). This direction came in response to a public interest litigation filed by BLAST to realise the constitutional mandate of ensuring access to justice for all citizens of the country and ensured that persons within the CHT would have greater access to legal remedies.

Women's Political Participation - Candidate Nomination

Being an election year, 2008 provided a good opportunity to examine the extent of women's political participation. In general, such participation continued to be hindered due to existing structural barriers, women's vulnerability to violence, general lack of security and restrictions on mobility.[6] A proposal by the Election Commission to include a provision in the PRO to make it mandatory for contesting political parties

5 "Withdraw reservations to CEDAW: Mahila Parishad urges govt", *The Daily Star*, 2 September 2008.
6 *'Women are equal partners in politics'*, report of a seminar organized by Steps Towards Development (Steps) at CIRDAP on 27 Oct 2008.

to nominate 33 per cent women as candidates was much debated. Apart from the 11 party combine of left parties, the majority of political parties opposed this requirement citing practical difficulties which would arise given the reality of lack of women in leadership positions in the parties.[7] On 6 October, the Council of Advisers, responding to the insistence of political parties, approved a second amendment to the revised RPO's allowing political parties to register with the Election Commission subject to submission of their ratified constitutions (including a provision for a certain percentage of nominations to women candidates) to the EC within six months of the first sitting of the Ninth Parliament. However, the political parties nominated more women candidates than in previous parliamentary elections. The Awami League nominated 19 women[8] out of 259[9] (7.33 percent), the BNP nominated 15 out of 256 (5.85 percent), three women out of 46 (6.52 percent) candidates were nominated by the Jatiya Party to women, Bangladesh Somajtantrik Dol (BASHOD) nominated one out of 57 (1.75 percent) candidates, Bikalpodhara nominated four women out of 62 (6.42 percent) candidates, Jatiyo Samajtantrik Dol (JSD) nominated one out of six (16 percent) candidates, Gonoforum gave nominations to five women out of 45 (11.11 percent) candidates, and the Communist Party nominated two women out of 37 (5.40 percent) candidates.

In a surprise move, the Government retreated from an earlier pledge of reserving 40 per cent seats for women in all tiers of local government for three consecutive terms. On 23 March, the Council of Advisers approved in principle two Ordinances regarding formation and functions of city corporation and municipalities with the provision for reserving 40 per cent seats exclusively for women.[10] The Government had also announced plans for similar provisions in other upcoming laws regarding the establishment and functioning of union, upazila and zila porishods.[11] But within a month, on 24 April, the Council of Advisers at a special meeting, and reportedly in response to the demands from the main political parties, approved the two ordinances regarding city corporations and municipalities scrapping the provision for reserving 40 per cent seats for women.[12]

No changes were made regarding reservation of seats for Parliament (which is the subject of a constitutional provision). However, amendments were made to the Representation of People Ordinance 1972 imposing a prior requirement for political party registration of giving a percentage of nominations in any parliamentary election to women candidates.

Gender Discrimination in Voter Registration Information

In the process of registration for the 2008 Parliamentary election, women's rights groups raised concerns about the inherent gender bias in the national ID cards.[13] Although both the mother and father's name are required to be included in any official document, according to the National Women's Development Policy,[14] the Election Commission's registration forms required married women voters to identify themselves through their husbands, while[15] no similar requirement was imposed for married men.

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7 "*Dole 33 bhag nari protinidhi rakhar bishoye EC'r shuparisher upor apotti prottaharee ahoban* ", *Jonokontho*, 10 January 2008; See also, `Women's Rights', *Human Rights in Bangladesh 2007*, ASK, Dhaka, 2008, p 76.

8 "*Nirbachone deshjure nari prarthi*" *Narimoncho*, *Prothom Alo*, 24 December 2008.

9 Last update (24 December 2008), Number of Candidates (Party-wise), Bangladesh Election Commission Website, http://www.ecs.gov.bd/English/QLTemplate1.php?Parameter_QLSCat_ID=55&ByDate=&Year=.

10 Shakhawat Liton, "Women's Reserved Seats in Local Govt: Govt retreats from pledge", *The Daily Star*, 12 May 2008.

11 *Ibid.*

12 *Ibid.*

13 Shamima Nasreen, "Gender bias in national identity (ID) card", *The Daily Star*, 8 January 2008.

14 Women's Development Policy 2008, Third Chapter, Article 3.9 "Ensure identification of the child through the identity of both the father and mother by reference to the name of the father and mother in all matters relating to birth registration,all certificates, voter list, job applications, giving name on passport etc.

15 Hameeda Hossain, "*Narineeti: shomosshati kothay* ?" *Prothom Alo*, 10 April 2008.

Violence against Women

The submission by the University Grants Commission (UGC) to the Government of a Policy Against Sexual Harassment in Higher Educational Institutions and also the submission to the Government of a draft proposed Domestic Violence law by a coalition of women's and human rights organizations mark important progress on two areas of long standing campaigns.

The momentum for a policy against sexual harassment was augmented by the groundswell of demands of students, teachers and women's rights organisations and a wide base of civil society to prevent and punish sexual harassment, after repeated incidents in Jahangirnagar University and Dhaka University went without any effective action, and despite mounting student' protests including hunger strikes. In August the High Court had ordered the Government, on the basis of a writ petition filed by the Bangladesh National Women Lawyers Association (BNWLA), to show cause why there should not be a law regarding prevention of sexual harassment of women and girl children whether in Government or semi-Government offices, and educational institutions. Following another writ petition in November, the High Court directed the Jahangirnagar University Authorities to show cause why the Syndicate's decision to exonerate Sanower Hossain Sunny, a teacher of the Department of Drama and Dramatic Theory, of charges of sexual harassment and the suspension of six students of the University including four of the women who had originally made complaints against this teacher and two others who had given evidence against him should not be held to be without lawful authority. The High Court also stayed operation of the orders of the Syndicate suspending the six students.

The UGC's setting up of a 16 member national drafting committee and its efforts to consult with and solicit opinions from a wide range of stakeholders including academics and members of civil society prior to submission of the Draft Policy to the Ministry of Education on 13 November was welcomed. However, the Policy had not yet been adopted at the time of going to press.

On 30 June "The Domestic Violence (Prevention and Protection) Bill" was submitted to the Ministry of Women and Children Affairs, by a coalition of forty human rights and women's rights organisations. Salient features of the proposed bill included a comprehensive definition of domestic violence and the provision for protection orders, introduction of recognition of matrimonial property and right to reside in the marital home. No steps were taken by the Government to date to act on this proposal.

Demonstration by Women

ASK's monitoring of news reports of violence against women, indicates somewhat lower reporting of acid attacks and *fatwa*-instigated violence, but a less clear picture in reports of rape, domestic violence, and violence against domestic workers. These figures, in the absence of more systematic data, can only indicate the

nature of such violence, rather than its extent, given the continuing prevalence of key factors inhibiting reporting of such violence.

Table XIV.1: Comparative Data on Reports of Violence against Women from 2004 to 2008[16]

Category of Violence	2004	2005	2006	2007	2008
Acid Attacks	228	130	142	95	80
Domestic Violence	616	689	635	577	608
(Dowry Related Violence)	(352)	(356)	(334)	(294)	(296)
Rape	618	585	515	436	486
(Gang Rape)	(395)	(250)	(226)	(198)	(127)
Violence against Domestic Workers	83	115	107	83	110
Fatwa Instigated Violence	35	46	39	35	20

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The number of reported cases of rape had increased from 436 cases in 2007 to 486 as of end December 2008. Amongst these, four involved allegations of custodial rape by the police, the number of reported cases of dowry related violence was 296 in 2008 compared to 294 the previous year.

Table XIV.2: Sexual Violence against Women in 2008[17]

Form of violence \ Age	0- 6	7-12	13-18	19-24	25-30	30+	Not mentioned	Total
Attempted rape		4	3	2	4		23	**36**
Rape	17	56	38	11	4	6	73	**205**
Gang rape		9	18	16	10	1	73	**127**
Perpetrator not mentioned	1	8	11	2	5	3	88	**118**
Total	**18**	**77**	**70**	**31**	**23**	**10**	**257**	**486**
Death	1	11	17	9	6	4	35	
Suicide			3	2	2		1	

There were 20 reported cases of *fatwa* instigated violence as of December 2008 compared to 35 at the end of 2007. There has been a considerable increase in reporting on the incidence of violence again domestic workers, rising to 108 reports between January and December 2008 ranging from physical assault to rape and murder, with three of these cases resulting in suicide. There was no available information at the time of going to press on the nature of action taken to address such incidents, or whether each incident had resulted in investigation or prosecution of those responsible.

Table XIV: 3: Violence against Domestic Workers in 2008[18]

Nature of violence \ Age	0- 6	7-12	13-18	19-24	25-30	30+	Not mentioned	Total
Physical violence	1	9	16		3	1	8	**38**
Rape		3	1				7	**11**
Death from unknown causes		4	17	10	2		7	**40**
Suicide			4				1	**5**
Death from physical violence		4	5		1		4	**14**

16 ASK Documentation Unit.
17 *Ibid.*
18 *Ibid.*

Total	**1**	**22**	**41**	**13**	**7**	**3**	**22**	**108**

Liberty and Freedom of Choice in Marriage

With regard to women's right to independent identity and freedom of choice and mobility, an encouraging development emerged from a writ petition filed by Ain o Salish Kendra (ASK), and the concerted efforts of human rights lawyers. On 14 December the High Court ordered the release of Dr Humayra Abedin, a 33 years old Bangladeshi expatriate in the UK. Dr. Abedin's parents had been charged with confining her in Dhaka on the pretext of being "unmarried" and "mentally ill" and from obstructing her from associating with a person of her choice on the grounds of his religion. The High Court ordered the police commissioner to ensure her safe passage to the British High Commission and requested the British authorities to arrange for Dr. Abedin's safety in their custody until her departure for the UK.