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Stopping violence against women and children

Fahima NASRIN - UNESCO - Paris, 03.12.2012

Honourable Ms. Marie-Anne Delahaut , Honourable Director of UNESCO, Distinguished Guests, Ladies and Gentlemen ,

A very good morning to all of you and Greetings from Bangladesh ! It has been more than four decades that Bangladesh has been working to establish women, children's human rights and natural justice. Fundamental rights of our citizens has been guaranteed by the constitution irrespective of religion, cast or colour. Though International initiatives as well as national work plan is there, due to our patriarchal society and family values, discriminatory laws, custom, tradition ; woman and children's human rights has not been achieved up to the standard. It is necessary for the state to take steps to eliminate gender discrimination to implement human rights of women and children .

Bangladesh National Woman Lawyers' Association established in 1979 has been working relentlessly for gender equality , justice and to combat violence against women and children . Our organization has filed a good number of public interest litigation in the Supreme Court which helps to amend the existing laws specially enacted for the protection of women and children . In the recent past, BNWLA filed cases in relation to sexual harassment of women and children in work place and in public places, fatwa(religious verdict) etc, and received landmark Judgements.

BNWLA has been working in the grassroots level to create massive awareness and to change the mindset of people. The constitution of Bangladesh , CEDOW, UNDHR need to revisit the existing special laws including family laws and find a mechanism for its proper implementation . It is been a long time coming to find a codified family law for all religions. India has amended their Hindu Family Law. In our country hindu marriage registration Act 2012 was recently enacted but as because marriage registration is not mandatory rather directory, and the Rules are not yet framed. So it has no effect so far.

Few months back , a young collage boy Limon was shot by the Rapid Action Batallion and he lost one of his legs permanently. Limon was made accused of a false case by police after the incident .

After receiving national and international press the case was thrown out by the court. Amnesty International also took a special interest in this case and contributed to getting the case thrown out.

Recently I dealt with a case involving a mother and a daughter who were both arrested by the police. They were in police custody for 6 days in a row, and meanwhile the daughter who is a college student was raped by law enforcement officers and brutally tortured. BNWLA along with two other leading human rights organizations did all the fact finding and did further investigations. The investigations revealed similar facts where mothers, new borns, relatives all provided eye witness testimonials describing in grave details the horrific ordeal the college girl had to go through.

On 29/11/12 the victim was scheduled to appear before the court and testify. The testimony she provided was not accurate. Upon further investigation it was uncovered that several law enforcement officers went to the victims home before the trial and threatened her with acts of violence against her

and her family. Initially, because of the media presence the police arrested them on suspicion of u/s 54 which is a black law itself and later they proceeded to implicate them on murder charges. After 17/11/12 the victim and other family members were nowhere to be found, they vanished without a trace. I became frustrated as it fell upon me to produce the rape victim in court. We held a press conference and urged for their immediate return. To our surprise on 29/11/12 they came to court fully prepared to testify surrounded by police. The judges called everyone to their chambers as the matter was highly sensitive and it being a camera trial. The mother and daughter proceeded to deny all allegations against the police they previously brought up. I have supplied all the related court documents where their previous conversations have been recorded but not accepted by the court according to our Evidence Rules. The case is still ongoing and I am not sure what the end result of the case is going to be.

This case made me very upset and it was hard for me to concentrate on other cases. I have been a part of the Supreme Court since 1997 and I had come in thinking my profession could compliment my role as an activist. Unfortunately a lot of time has passed since then and I have learnt that when power and politics come to play especially in an area like human rights, we become helpless at least to an extent. I would like to share a personal experience with you all which will give you a picture of violence against women.

In regards to the South East Asia, women and children are most commonly victims of dowry death, trafficking, camel jockey, child prostitution, child marriage, domestic violence, forced prostitution, sexual exploitation, bonded labour, illegal migration, child pornography, cyber crimes etc. Since 1929 we have passed many special laws to protect the helpless women and children in our country but sadly the laws are not being enforced. Most of these cases end up in an acquittal due to lack of evidence, lack of assistance by public prosecutors, weak police report, the mindset of the judiciary and most importantly having no witness or victim protection whatsoever. When it comes to decision making women are so far behind in terms of family, society or even the state.

The scenario for children is not the most hopeful of cases. According to UNICEF, we have more than 1 million homeless children. We refer to them as street children. Though it is the obligation of every state to ensure the fundamental rights of all of its citizens, in reality the situation is something completely different. We have often seen these children come in contact with the law with beings carriers of drugs, weapons etc. We have the Children Act 1974 which provides all the guidance as to dealing with children in these types of cases however, the laws are very backwards and it is time for them to be amended and move to the 21st century. Our govt. has ratified the UN CRC, UN protocol a long time back but never actually incorporated them with the laws of the land, rather made reservations on adoption law.

The family law in Bangladesh is governed by religion, mainly muslim law. The constitution in 1972 mentioned one of its key principles as 'secularism', however the current govt. changed it to 'religion of the state' and religion of the state is Islam, which jeopardizes the laws even more. As it is not the state who has religion but the people of the state like hindus, christians, muslims, buddhists etc. The civil society has heavily critiqued the amendment of the constitution however so far there has not been any action from the govt.

There is a new phenomenon taking Bangladesh by storm for the last few years. It is shocking and diabolical and it is the subject of 'disappearance' and extra judicial killing. Recently, a 9 year old boy called 'Parag' disappeared off the face of the earth. After catching attention of the media the boy was recovered from the student alliance political wing of the govt. after paying a huge ransom.

In our Children Act there is no provision for 'death penalty' of children but in certain cases children have been sentenced and convicted of the death penalty. These cases are still pending in the highest court of Appeals in the country and we are eagerly awaiting disposal of such cases.

Many things come to mind when discussing violence against women and children but the common denominator remains poverty and lack of education. Things will only change once there is awareness through out the land and people take a stand.

Thank you all for listening.