

# The Daily Star

Journalism Without Fear or Favour

## FORUM

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Women's Rights and the Fourth Estate

**ARAFAT HOSEN KHAN** reviews the role of the media in ensuring women's rights in Bangladesh.

Freedom of the press, an offshoot of freedom of thought, conscience and speech, is instrumental for establishing a fair, transparent and free democratic state. Article 39 of the Constitution of Bangladesh guarantees freedom of thought as well as speech, expression and the press, subject to some restrictions.<sup>1</sup> While the press currently operates largely free from government interventions, there is tension between free speech and restrictions on the press made for purposes such as promoting public order and morality. In 2009, the Government of Bangladesh ratified the Right to Information Act (RTI). This is a very important development to ensure access to information that could eventually lead to a more effective media.

The strength and importance of media in a democracy is well recognised. The existence of a free, independent and powerful media is the cornerstone of a democracy in a developing nation's society like Bangladesh. As in other countries, there are two popular categories of mass media in Bangladesh -- print media and electronic media.

The media has played a crucial role in promoting the development of human rights in Bangladesh, especially with respect to women's rights. In Bangladesh, the press supports NGO initiatives to strengthen human rights and to campaign against gender discrimination, repression of women and

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religious extremism. The press has also made the people of Bangladesh more aware of their fundamental human rights and constitutional protections than in the past.

Women in Bangladesh are some of the most vulnerable in the world. Although women leaders, Sheikh Hasina and Begum Khaleda Zia, have been governing Bangladesh since 1991, ordinary women have not obtained complete rights and security. In the year 2000, the United Nations rated Bangladesh as having the worst record of violence against women in the world. The UN Human Development Report 2004 listed Bangladesh as ranking 110th out of 144 countries with respect to the gender-related development index.

The news media, which began to flourish under the new democratic conditions in the 1990s, took to reporting these policy and legal changes. For many years the news media, particularly newspapers, had few resources and limited freedom and therefore concentrated reporting on the activities of important government officials and visiting international dignitaries.

In the 1990s, the number of newspapers grew significantly and media reports of murders, rapes and assaults, especially on women and children, increased. Naripokkho, a domestic women's activist organisation, says that news of violence against women, especially from rural areas, was often used as "fillers" for empty columns. Reports of human rights violations written by Amnesty International and other human rights watch groups also began to appear frequently in newspapers.

During the mid 1990s, the role of media realising women's rights in Bangladesh became more noticeable. On August 24, 1995, a 14-year-old girl was on her way to her mother's house. It was a quiet evening in Dinajpur, when a group of police officers picked her up and assured her that they would drop her home safely. A day later, her dead body was found at the roadside and the entire district of Dinajpur rose up in arms against the police and the local administration, forcing the government to take note of this incident.

Yasmin Akhter's case represents one of the most shameful moments in Bangladesh's history. The public protests ignited by Yasmin's rape and murder made her a symbol of violence against women, of the violence of the powerful perpetrated on the powerless. But at the same time, public protest and women's movement in reaction to Yasmin's murder also became a means of social resistance to such violence. Following strong judicial inquiry and police investigations, the three officers were finally arrested in 1997. Two out of three policemen convicted in the Yasmin rape and murder case were hanged in Rangpur jail after midnight, nine years later on September 1, 2004.

In order to ensure the punishment of the convicted policemen the media played a great role. Despite the fact that the then government was trying to save the alleged criminals as they were police, the people

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fought together to ensure justice. This was a success story for women's rights in Bangladesh and the media helped give the message to women that they were not alone and their rights could be protected.



Star Photo

**Role of media in promoting women's rights**

Legal empowerment helps disadvantaged populations take control over their lives through a combination of legal education and action. The success of legal empowerment work is measured by looking for indicators of change that demonstrate improvements in the lives or position of women or the poor in some way. Litigation is a main tool for women's legal empowerment and media has a very significant and important role to play supporting progressive litigation. The following Public Interest Litigation and related advocacy work, which led to incremental achievements for legal empowerment of women in Bangladesh, had key media support.

### > **Sexual harassment PILs**

Sexual harassment is common in Bangladesh and on many occasions news media highlight this violation of women's rights. Following news reports of sexual harassment, Bangladesh National Women Lawyers Association (BNWLA) brought a writ petition against sexual harassment. Consequently, the High Court defined 'Sexual Harassment' and laid down certain directives in the form of guidelines to protect and safeguard women and girl children from sexual harassment at the workplace, educational institutions and other places.<sup>2</sup> These guidelines are intended to apply until the enactment of adequate and effective laws to fill the legislative vacuum.

### > **'Forced veiling' case**

When an Upazila Education Officer, made sexually coloured remarks and verbally abused a principal of a primary school in Kurigram District, allegedly for not covering her head during a public meeting at the Upazila headquarters, it was reported by the news media, following which a writ petition was filed challenging the arbitrary behaviour and degrading remarks of the government official in violation of code of conduct.

On final hearing, the Court held that forced veiling or imposition of a dress code constitutes a violation of Articles 27, 31, 32 and 39 of the Constitution. In its judgment, the Court directed the Ministry of Education to take immediate steps to implement the Guidelines on Sexual Harassment declared earlier and to ensure that no woman working in any educational institution, public or private, is forced to wear a veil or cover her head and that a woman may exercise her personal choice whether or not to do so. This judgment, like the judgment in the sexual harassment case, was widely reported by newspapers, encouraging implementation.

### > **'Fatwa' case**

Throughout 2009, newspapers reported a series of incidents of violence inflicted on women and girls in the name of 'fatwas' by traditional dispute resolution processes (salish), often involving religious leaders. These incidents had reportedly resulted in women and girls in villages across the country being caned, beaten, lashed or otherwise publicly humiliated within their communities. They included a woman in Comilla who was subjected to 39 lashes and hospitalised after a salish over a dispute regarding acknowledgement of paternity of her child born out of wedlock; a woman in Srimongol who was subjected to 101 lashes for 'talking to a man on the road'; and a woman in Nilphamari district who had her hair forcibly cut and was compelled to leave her village with her two children for refusing to have sexual relations with a locally influential person.

Despite sporadic responses from law enforcement agencies, and in some cases high-level interventions by the Prime Minister's Office providing medical treatment to the survivors, no systematic efforts were

undertaken to address such cases. In July 2009, a constitutional challenge was filed by five human rights women's rights and legal services organisations against the state's failure to take action to prevent such incidents or to investigate them, and to prosecute and punish those responsible.

In a landmark judgment for women's rights, the High Court declared that "Imposition and execution of extra-judicial penalties including those in the name of execution of Fatwa is bereft of any legal pedigree and has no sanction in laws of the land." The Court directed that persons responsible for imposition of extra-judicial punishments and their abettor(s) shall be held responsible under the relevant sections of the Penal Code and other laws. It further directed the law enforcing agencies, Union Parishads and Pourashavas (municipalities) to take preventive measures against the issuing of such "fatwas" in their concerned areas, and to take legal steps for prosecution in case of such occurrences, as appropriate. In a particularly significant step, they directed the Ministry of Education to introduce educational materials in the syllabi of all educational institutions, particularly in madrassahs, on the supremacy of the Constitution and rule of law.

#### **Media as an awareness-building machine for women's rights**

In the above mentioned cases, powerful legal measures to protect women's rights in Bangladesh happened in part because of the media's positive role towards protecting and promoting women's rights. The media is responsible for both reflecting values of a society and creating new ones. For many years now, media have been playing a role in stopping ongoing social problems like sexual harassment, child marriage, forced marriage and domestic violence. These kinds of social problems cannot be stopped only by passing laws, social awareness must be created in order to change the values of the society. Systematic awareness-building is needed to enhance women's rights in Bangladesh. While media forms such as pamphlets and songs by community organisers have done this work for many years, newspapers and mass media are now raising awareness by speaking out for the need to secure and protect women's rights in our society and helping others to learn to respect these rights.

#### **Media as a damaging force for women's rights**

Despite the positive role media can play, the media can also be a damaging force for women in Bangladesh. Most of the behaviour associated with gender is learned rather than innate. People learn what sorts of behaviour and personality are regarded in their cultural context as appropriate for males or females. Sexual objectification of women, too, is all-pervasive in the media.

Under the Suppression of Violence Against Women and Children Act, the news media cannot disclose the identity of a victim of an offense and breach of this is punishable by imprisonment, a fine or both. Despite this prohibition, it is a common practice for newspapers or electronic media to publish or show the picture and identity of women victims. Women whose pictures have been published in newspapers

or been shown on television have been further victimised and in many cases forced to flee from their homes. Recently, a serious violation of the law was committed by a few newspapers on November 1, 2010 when they published the identity of a young girl who had been tortured by her employer. While the incident was nothing short of horrendous, and the press had a duty to keep society informed of human rights abuses, printing the identity of the victim was not necessary for conveying the incident. It placed the victim's safety and well-being in serious jeopardy because it increased the victim's susceptibility to retribution for going to the authorities and it magnified the scope and severity of social stigma placed on the victim.

The media has also exposed victims who would prefer not go to court and has made acts of sexual violence against them public. For instance, a college student in Barisal who was raped chose not to file a police report until she saw news about the incident in national papers.<sup>3</sup>

### **Recommendations**

While the print media in Bangladesh is heavily regulated by the Press Council, self-censorship and anti-defamatory litigation at present there are no specific regulations or any coherent policy framework for the electronic media. The umbrella body responsible for regulation, law enforcement agencies and intelligence bodies is the Ministry of Information and Cultural Affairs. In the absence of a specific body or framework, regulation in this regard is clumsy. Cultural and social entertainment programmes, including advertising standards, are often ignored by the censorship and regulation bodies.

Freedom of the press is important for the development and functioning of a democratic society, and media have been useful in promoting greater rights for women in Bangladesh. However, there are media practices that detract from the development of women's rights. Rather than encourage more government regulation, which is not always useful to women and which can be difficult to enforce, the news media should exercise its responsibility by: being careful to not publish the identity of victims of crime, particularly sexual crimes; being aware of and working towards changing gender stereotypes in programming and advertising; and reporting all events accurately and without distortion either in the main text or the headline.

Finally, the news media should be encouraged by activists and the public to continue promoting the implementation of progressive human rights standards.

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1 Article 39: (1) Freedom of thought and conscience is guaranteed.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence (a) the right of every citizen to freedom of speech and expression; and freedom of the press, are guaranteed.

2 Bangladesh National Women Lawyers Association v Government of Bangladesh and others, 14 BLC (HCD) (2009) 694, judgment dated 14 May, 2009.  
4 Al Amin vs. The State, 19 BLD (HCD) (1999) 307, 313, judgment dated 9-10 December 1998.

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