

‘Minority Women in Bangladesh: Analysis of Their Human Rights Issues’

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The UN Conference for the Fourth Minority Forum. Geneva 29 & 30 Nov 2011,

Introduction

It is probably universally acknowledged that for being one of the most vulnerable parts of our population in Bangladesh, the minority women are subject to multiple discriminations. They have long been systematically, historically and institutionally facing challenges and being discriminated in every day lives, including educational, economic, political, social, personal and spiritual lives.

For being more vulnerable, minorities and women probably are subject to visible and disguised discrimination in all over the world. The UK Government's International Ministerial champion Lynne Featherstone has spoken about the UK government's action to prevent violence against women and to support victims. Speaking to mark the day, she said: ‘Violence against women and girls is a global problem that affects every country. Around the world one in three women and girls has been beaten or sexually abused in her lifetime, a truly shocking statistic.’ No country and nation is probably an exception from the discrimination towards women – matters little, the British, European, Russian, Chinese, American or the Arabian. But when the issues is about the minority women, obviously, we do not need any law and philosophical deduction, just mathematically the minority women are proved more vulnerable; and hence, they are more broad listed for being the subject to discrimination in maximum aspects.

However, these negative influence is in no sense a defense for Bangladesh; no way to feel encouraged and/or condoled that every where the women and minority are being discriminated, so we can legalize practicing and tolerating this stigmatized policy in Bangladesh too. No way, no way, no way.

In 2010, the global sex ratio was 986 females per 1,000 males and trended to reduce to 984 in 2011. (Source: Decline in sex ratio is a global trend". The Times Of India. August 17, 2011.)

The first minority rights were created by the revolutionary Parliament of Hungary in 1849. Minority rights were codified in Austrian law in 1867. The first post-war international treaty to protect minorities, designed to protect them from the greatest threat to their existence, was the U.N.

Convention on the Prevention and Punishment of the Crime of Genocide. (Approved for ratification by General Assembly resolution 260 A (III) of 9 December 1948 and entry into force on 12 January 1951, in accordance with article XIII).

Minority rights apply to ethnic, religious, linguistic minorities and indigenous peoples, who are an integral part of international human rights law. As the minority women are one of the most targeted victims for torture and systematic discriminations, like other rights (such as children's rights, refugee rights), the issue of the minority women's rights MUST be a legal framework designed to ensure that a specific group which is in the highest vulnerable situation, disadvantaged or marginalised position in society, is able to achieve equality and is protected from all forms of persecutions and discriminations.

Our aim is to establish and then promote the practical respect for the human rights of ethnic, religious, linguistic minorities women and indigenous women in Bangladesh. While initially, the United Nations treated indigenous peoples as a sub-category of minorities, there is an expanding body of international law specifically devoted to them, in particular Convention 169 of the International Labour Organization and the UN Declaration on the Rights of Indigenous Peoples (adopted 14 September 2007).

Minority Women in Bangladesh.

Saying specifically about the rights of Bangladeshi minority women, we must cite the wise quote: 'Human rights issue does not include the rights of the women.' (Charlotte Bunch. 1990. Women's Rights as Human Rights: Toward a Re-Vision of Human Rights. Human Rights Quarterly Vol. 12, No. 4 (Nov.,1990), pp. 486-498). In Bangladesh, the minority women are mainly deprived from equal rights to education, economic and employment sectors, political involvements, sexual, social, ideological, religious and spiritual/pastoral lives. Of course, not all these deprivations are because of gender and political motivation. But whatever the motivation and/or ideology is there, undoubtedly the minority women are frequently being victimised. Moreover, there has been no strong legislative and practical solution of these on-going problems in Bangladesh. And that is probably the fundamental difference for the issue of minority women's rights from the rest of the world.

Bangladesh was independent in 1971 through a long nine months blooded war, where significant contribution and sacrifice had been done by the female population. However, the female sadly achieved the right in 1972 to vote a full year of the male. This constitutional deprivation has become a continuum, because of which the most victim part became the minority women (as stated above, multiple discrimination for their double vulnerability).

Total population in Bangladesh 158,570,535 (July 2011 est.). We make a chart from the data (source: others (source: 07.11.2011 - <http://www.indiandefence.com/forums/f13/latest-religious-demographics-bangladesh-12574/>).

Religion	%	Total quantities	Female (considering half of the total)
Muslim	90.43%,	143,395,334.8005	Approx. 72 mln
Hindu	8.39%,	13,304,067.8865	Approx 6.5 mln
Chirstans	0.56%,	887,994.996	Approx. 0 .5 mln
Buddhist	0.37%,	586,710.9795	Approx. 0.27 mln
Others	0.25%.	396,426.3375	Approx. 0.19 mln

Hence, talking about the rights of the minority women means considering the rights of approximately 7.5 mln people of the country. This is nearly as much population as the country I am now (Switzerland). Nearly 140 countries of the world has less population than the ethnic and religious minority women Bangladesh. Hence, we strongly demand the world consciousness to put significant importance towards the human rights issue of the Bangladeshi Minority Women.

There is less codified statistical and reliable sources to quantify rights of minority women in Bangladesh, because a huge number of facts are unpublished, unrevealed and in certain sense, unfelt. We state so, because in many rural and tribal areas, the minority women have been becoming the subject of persecution so long that this seems to become their routine as part of life and they do not realise well that these are just graves infringement of their legitimate rights.

Religious Minority Women:

The Hindu: The Hindu who once upon a time had been the only, then the major religious population in Bangladesh, since 1971 have been being the main target of persecution by the Muslims. For different political gains, they are being eliminated from the country. Eliminating the minorities took place since August 14, 1947. But they have gained unprecedented momentum ever since the Islamic hardliners assumed power with an absolute majority in the parliament in October, 2001. (Source: Dr. Rani Santayana. <http://www.mayerdak.com/root/syspersec.htm>). And for the unfair aim of ethnic cleansing, the Hindu women just become the principal victims. They are being abused by rape for the solely biological purpose of the perpetrator. So some rapes are just animal-minded persecution. However, it is not a one day single incident, rather it just became systematic, which must alarm the humanity. But a huge number of rape towards the Hindu women are motivated for three main reasons:

- i. To grab the Hindu lands 'Rape the Hindu Women' has long been used as a device by the Muslims; A raped Hindu woman usually do not get justice. Even, if she receives justice, she and her family never can rehabilitate into the society. Hence, rather becoming abandond and gradually transforming into a prostitute and/or committing suicide, the raped Hindu woman and her family often flee Bangladesh.
- ii. To forcefully convert them into Muslim. It is to be noted that for the socio-economic and cultural structure, a raped Hindu woman has no room in the society; not in father's home, not in husband's home. Even, if she and her family would flee, once it is revealed, she life will be again completely messed. Hence, a vulnerable raped Hindu women rather than destroying her life just convert into Muslim religion.
- iii. To set example and spread threat into the Hindu society to eliminate them, rape is used as the easiest and quickest weapon against the Hindu women. Here, the Hindu women just become viction not only for being a women, but a minority woman. And the Muslims use 'Rape' as a safe device for Islamization, land grabbing and setting example in the community. (Shame).

A huge number of example and facts are cited in daily newspapers, archaives, encyclopadea and international reports. <http://www.faithfreedom.org/articles/persecution-by-islam/kidnapping-of-hindu-girls-for-raping-or-conversion-and-marriage-to-muslims-2/>. These facts show again in another link. A few example are in '<http://hindubd.blogspot.com/2010/05/kidnapping-of-hindu-girls-for-raping-or.html>'. And we aver that just one incident is enough to take certain action nationally, which Bangladesh government and the public consciousness are not effectively taking after thousands of these saddest facts.

But this is not our main concern. We are flabbergasted by a comparison. Since the amendment of the Constitution and abolishing 'Secularism' as one of the fourth Fundamental Principal of the Constitution in 1975, the Islamisation had been encouraged by depriving the non-Muslim people's rights. In 2001, this took the peak into the most notorious ways, when the Bangladesh Nationalist Party (BNP) came into power on 1st October 2011. One of the thousands example was well-known to the world for its publication – 'The Purnima Case' showed how the law is failed! As a matter of fact, BNP thugs gang-raped 14-year-old Purnima at Ullapara, district: Sirajganj, eight days after the general elections. When her family went to the local police station to lodge a complaint, the police refused to entertain it. Finding no alternative, they obtained a certificate from the civil surgeon and lodged a case with the magistrate's court. Under Section 164, the magistrate recorded Purnima's statement in which she mentioned names of 15 perpetrators. When the magistrate asked the police to arrest the culprits, only five of them were arrested. Afterwards, the local MP and other BNP

leaders allured, and at the same time intimidated, the victim's family to withdraw the case. Purnima's family could effectively disregard all the lures and threats as local journalists, lawyers and the Nirmul Committee firmly stood by them. Subsequently, the local BNP MP filed a petition with the home ministry seeking reinvestigations into Purnima's rape case. Pursuant to this petition, the local police reinvestigated the case and issued a fresh charge sheet accusing local journalists and lawyers as well as Nirmul Committee leaders, who had indeed come forward to provide a traumatized Purnima with necessary medical and legal assistance on sheer humanitarian grounds. The real perpetrators managed to be freed on bail. Purnima's father outright rejected the fresh charge sheet and filed a petition three years ago seeking an immediate redress. Unfortunately, hearing on this petition has yet to start. Weakened by the physical assault of 2001, Purnima's father died last year. Communal culprits mercilessly beat her brother so much so that he eventually lost his sight. Their family business - a barber's shop - was razed to the ground in a series of attacks. Haplessly widowed, Purnima's mother is now trying to find her elder daughter the job of a domestic help. Purnima is in the dark as to when hearing on her father's petition will start or justice will prevail. (Source: Shahriar Kabir, for Conference on 'Election and Human Rights in Bangladesh', at 1 UN Plaza, 30 Sept 06).

As stated above, we are more concerned that this 'Purnima Case' style matters are still happening even 10 years after that. Exactly similar one occurred just in this November 2011, where the rapist forced to withdraw the case before the eyes of the authorities. What a shame!

A huge number of incidents happen that the rapists are often escaped. In a civilised country, for a rape case, the presumption of innocence is not applicable for a rape accused person. The accused has the burden of prove him-self innocence. But in Bangladesh, the law applies differently. If the minority woman is poor and weak, justice is often denied. It is very much appalling fact that 99% case of the communal perpetrators have gone scot-free, whether through the lacuna of law, or by the aid and assistance of the ruling political party. (Source: Shariar Kabir).

Another practical example for the following case:

Case number: 02 dated 04.11.2011 under section 447/323/354/326//307/ Bangladesh Penal code.

Case Description: Right to life and Property: Physical assault by Perpetrators belonging to Muslims.

Country: Bangladesh

Type of Violation: Physical attack for murder on women and children looting,

Date of Submission to Bangladesh Minority Watch :

BDMW Contact: Advocate Rabindra Ghosh

Investigation conducted by: Rabindra Ghosh, Mohammad Yousuf.

Date of investigation: 13th of November, 2011

1. Identity of the victim: Ms. Karuna Sarkar (30) 2) Ms. Shymoli Rani Sarkar (25)

The most alarming matter is this: if a civil government fails to run the country, if the Islamic minded and/or anti-secular government comes into the power (which is probably likely), the humanrights issue of the minority women will be again severely deteriorate. So, we all personally, nationally, globally must be united with the view that no deterioration for the rights of minority women in Bangladesh will be tolerated. And we will do our best establish equal rights of our minority women.

Buddhist: The mostly Buddhist population are concentrated in the districts of Bandarban, Rangamati and Khagrachari, also known as Chittagong Hill Tracts (CHT). Different statistics are found for their quantity. The above source shows the Buddhists are 0.56% of the total population, and hence, the women are nearly 300,000.

Christian: Around 0.5mln Christian women live in Bangladesh. The majority of discrimination against Christians comes from Muslims who threaten Christian work, deny them access to public water wells, beat them, threaten them in exchange for money, or destroy their rickshaws to eliminate their only source of income. Christian women are more educated, economically solvent and right conscious. However, it did not guarantee them to escape from the persecution. Their women are equally being subject to persecution. The Voice of the Martyrs listed the series of persecution of the Christian women. (<http://www.persecution.net/bangladesh.htm>). Christian NGO workers are often facing severe difficulties, where the women suffer the most. (Further reading: http://www.wikiislam.net/wiki/Persecution_of_Ex-Muslims (Bangladesh))

Ahmadyya Muslim. They are long been subject to intolerance in the mainstream Muslim society. Often they face severe persecution. However, not much record is codified against the persecution of their women. However, their overall situation is tragic, hence, analogically the Ahmadyya women are also persecuted. Detailed here 'Bangladesh Govt need to act against Ahmadiyya tormentors, by **Mirza Ghulam Rabbi**, Source: Editorial: The New Age, Dhaka, November 16, 2011.

2) **Ethnic:** Indigenous, who are mostly in the Chitagong Hill Track area, some are in plain lands. By religion the CHT inhabitants are mainly Buddhist, while Khasi and Mandi are predominantly Christian. Other indigenous peoples have retained their original animism or have affiliated with Hinduism, especially the Hajong, while Rajbansi either are Hinduized or have become Sunni Muslims.

The most populous indigenous peoples in Bangladesh are the Santal (200,000), Chakma (195,000), Marma (66,000) and Mandi (60,000). Of these the first and last are considered plains-dwelling Adivasis, with the Mandi living in north-central Bangladesh and the Santal in the north-west. In comparison with Bengalis, Adivasis are generally regarded by Bengalis themselves as more open, friendly, generous and honest. They have a strong relationship with the land and there is a deep interrelationship between their religious beliefs (animism) and their social structure.

The CHT covers 10 per cent of the total area of Bangladesh and is home to twelve or thirteen different indigenous peoples of which Chakma, Marma and Tripura total approximately 90 per cent. Sometimes known collectively as Jumma, because of their traditional shifting – jum – method of cultivation, these groups belong to the Tibeto-Burmese language group. Chakma account for more than half the indigenous population of the CHT. They and the Marma are Buddhist, while Tripura are Hindus. (Source: UNHCR--- World Directory of Minorities and Indigenous Peoples - Bangladesh: Adivasis). These Adivasis are targeted for many reasons, even for fun to have some games with different sort of people. As many of them are not only poor, they are too illiterate to express their rights in the way that the law makers and executive authorities would understand.

The indigenous people's residence CHT is a military controlled area and hence, the source of information is mostly controlled by the military and government. Hence, we may not have the most recent and updated accurate news about the human rights issues for indigenous women. But one thing is crystal clear that the peace there is never practically brought and their women's rights have not been significantly improved. As said in the article 'Bangladesh: Rape and repression continue, despite promises of peace 19 January 2010'. (Source: <http://www.survivalinternational.org/news/5438>).

One example: Urgent Appeal: For conduct of an impartial judicial inquiry of rape of an indigenous house wife and immediate arrest of the perpetrator

Case: Rape

Victim: A 31 year-old Tripura house wife. Place of the Incident: Farm house of the victim (which is one and half k.m. away from the victim's main residence), village- Karko Karbari Para of Ultachari union under Panchari upazila (sub-district) of Khagrachari hill district, Chittagong Hill Tracts, Bangladesh.

Date of the Incident: 24 September 2011

Perpetrators: Mohammad Karim (31) s/o Janu Mian, village- Molla Para of No. 1 ward of Ultachari union under Panchari upazila (sub-district) of Khagrachari hill district, Chittagong Hill Tracts, Bangladesh.

Account of the Incident

On 24 September, 2011 at around 11:00 am victim was staying at their Jum Ghar (a temporarily built house for Jum cultivation, which is one and half km away from their main residence) with her one and half year old infant Sakid Tripura. Her husband, Pushpa Ranjan Tripura, went to Panchari upozila (sub-district) headquarters with his old mother to take the latter's allowance for the aged. In the meantime, the perpetrator Mohammad Karim appeared at the Jum Ghar and asked for a glass of drinking water from the victim. When victim came out of her room to give the glass of water, Mohammad Karim grabbed her neck and immediately raped her. The victim kept shouting during the incident and Karim left the spot quickly. After the incident, the culprit Mohammad Karim has absconded from the village. The victim didn't know the name of the perpetrator. But she assured that, would be able to identify the perpetrator if she faces him again. When the perpetrator was running away from the spot, Mr. Raidhan Tripura (31 years old), a local people of the Karko Karbari Para of Ultachari Union under Panchari upazila saw the perpetrator escaping from the area. Following the incident, the villagers led by Mr. Badsha Kumar Tripura (48 years old), village head of the Korko para village went to the perpetrator's house and collected information about the perpetrator. After that incident the culprit Mohammad Karim allegedly absconded from village. On 26 September 2011, a case was filed with Panchari police station by the victim's husband in connection with this rape incident under section 3(1) of Women and Child Repression Act. As per the relatives' apprehension, the case was not effective. On 27 September 2011 a medical test of the victim occurred by Dr. Sanjib Tripura at Khagrachari District Hospital after three days of the incident. Consequently, the result of the test became negative. Earlier, the relatives of the victim also blamed that the medical test of the victim was done very overdue. Till the time of the reporting, the police could not arrest the culprit. (Source: Unity. Issue 52 Nov 12, 2011. www.bhbcuc-usa.org<unitycouncilusa@gmail.com)

Among a series of rape and other tortures, 10 cases are detailed in link: <http://www.scribd.com/doc/63171131/Mayhem-at-Mahalchari-Internet-Edition>.

However, the Jumma Peoples Network UK shows a detailed series of violation against Jumma Women and Children in their website. (Link: [Violation against Jumma Women and children](#), Jumma Peoples Network UK).

3) Linguistic: who are also basically indigenous people. There are several identically different dialogues such as Sylhety, Chitagon language, which may occasionally create severe problems in practical human rights implementation matters; however, this is not a motivated problem. Communication concerns a major issue to establish the women's rights.

Children from four to six years old soon lose interest in the classroom and drop out when they

cannot communicate with teachers or understand lessons, said Biswas. “Ethnic minority children communicate in their mother tongue in their house. But, in school, they are compelled to face Bengali text while the teachers are also from the Bengali community. The whole teaching method is in Bangla.” And for those who start schooling, fewer than 8 percent complete primary education while 2 percent complete secondary education, according to a 2009 study by the Dhaka-based research group, Human Development Research Centre. (Sorce – There are some 45 ethnic minority groups in Bangladesh, Posted by African Press International on November 8, 2011).

It is often seen that the language barrier is for mainly indigenous people. Although some other women, who just speak Sylheti and Chittagong dialogues, might have been subject to discrimination. But, as they are considered to be women of mainstream, they have their way to escape, what the indigenous people do not have.

4) Minority women on the grounds of sexual preferred group and Third Gendered female.

Although our definition of minority did not cover the essence of sexual preference and transsexuals, it is a serious issue for human rights of women in Bangladesh with the third gender (called Hijra) who consider themselves as women, also the Lesbians. For being Bangladesh a conservative, male and Muslim dominated ideology, Lesbians have little space in the society. The Hijras are also subject to continuous social and legal negligence in their every day lives. These above two groups of women endlessly suffer in social, personal, family, employment and political lives.

Conclusion and recommendation.

The Constitution of Bangladesh had prohibited discrimination on grounds of religion, race, gender, caste, sex, place of birth etc. (Article 28). But the law and acts are either not implemented, or very poorly implemented to establish the rights of our minority women. And hence, **the issue is not a piece of legal document, but its active implementation in minority women’s practical lives.**

(Another issue is the women’s domestic violence towards women. Women and children are often in great danger in the place where they should be safest: within their families. The reasons are not one, but mainly economic and social dependence, then sexual and other family influences and male’s frustration. (Details in Table 3 of UNICEF’s report for Domestic Violence against Women and Girls. <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>). Hence, the women should come forward on their own and not escape but face these above stated challenges – individually, collectively and aggressively to overcome all hurdles.

Considering the above stated facts, we may make the following specific recommendations to establish and enhance the guarantee of the minority women's rights in Bangladesh:

1. Establishing mass awareness of the minority women's won rights and its implementation through academic and social education. Education is a key component to ensure economic, social and political participation of minority women. However, there needed to extend practical support from their own families.

2. Make a politically stable country, where Bangladesh Government should take steps to adopt various programmes and strong antidiscrimination policies to ensure minority women's full inclusion and active participation in education, economic and employment sectors, policy making and development on a massive and regular basis from the grass root level to the high profiles. Simultaneously, government should enact relevant laws and implement these national and international treaty laws.

In Bangladesh, due to the Islamic and patriarch ideology, Government may face a lot of public pressure not to implement programmes that benefit minority women, but they should not be discouraged from upholding the rights of minority women.

3. Make affirmative action targeting minority women and create social awareness for the importance of the recognition of minority women and respect for diversity in societies. For this reasons, there needed to have educational programme for the Muslim majority and non-Muslim males too. The whole population must realise that not all aspects of minority women rights are legal issues, they are all are everybody's social obligation.

4. Not certain quota in the parliament (though there is no quota for the Minority male/female), but appropriate attention should be paid to the inclusiveness and representativeness of consultative bodies, including the participation of numerically smaller minorities. Also, a full Participation of Minority Women in management and governing bodies of education from the Pre-School construction till the University and professional academies – so that the minority women can resolve the problems of less inclusion and relevant discriminatory policies.

5. The Hindu women must be given equal rights to property. Although, it is not a persecution issue, but due to the lacuna and on-going discrimination, the Hindu women are deprived from the inheritance rights. Since, dowry is prohibited; the Hindu women practically carry less value to the husband. They often consider to the husband as an empty moneybag. Besides, in case of her

husband's death or divorce, she has no room in the society. Hence, the Hindu women should be legitimately given inheritance rights. A woman must receive as much paternal property as a man may have. Government must enact relevant law for it. Government usually does not touch these issues fearing to destroy Hindu religious sentiment by imposing different law. But the Government should consider this issue with the view that they are a significant part of population; hence, a duty of care and essential obligation must be there. The Government must pass new laws for the welfare of the minority women for the welfare of family, personal, economic law too. The government is hanging the vested property for few decades. We demand that the vested lands to distribute equally among all Hindu female in Bangladesh.

However, to enact and implement these laws, the minority women (and men) must come forward. The minority women need a quick revolutionary change in these aspects rather than a slow evolution.

6. For the indigenous women, it is essential to implement regarding local law (CHT accord-1997, SAT-1950) ILO convention-107 and ratify ILO convention 167 and UNDRIP.

Some countries may individually monitor to develop the situation of human rights in Bangladesh. Such as, the U.S. government discusses religious freedom with officials at all levels of the government, as well as with political party leaders and representatives of religious and minority communities. The embassy continued to express concern about human rights, including the rights of religious and ethnic minorities. Embassy staff traveled to various regions investigating human rights cases, including some involving religious minorities, and met with civil society members, NGOs, local religious leaders, and other citizens to discuss these cases. They also encouraged law enforcement to take proactive measures to protect the rights of religious minorities. U.S. embassy and visiting U.S. government officials regularly visited members of minority communities to hear their concerns and demonstrate support. (Source: July-December, 2010 International Religious Freedom Report – Bangladesh).

7. Finally, in our view, the International Organizations, specially, the United Nations should take this obligation to establish, monitor and follow up the issue of equal rights for the minority women in Bangladesh, as the international organizations are having more authority and acceptability in a sovereign country than an individual country.

Such way, the equality of rights for the minority women can be established – not only in A4 papers, but also in reality.