

# *Women's Rights and Discrimination in Bangladesh: Achievements Made and Challenges Remaining for the 21<sup>st</sup> Century*

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## Glossary of Acronyms

AD	Appellate Division
ASK	Ain -O- Shalish Kendro; an NGO based in Dhaka, Bangladesh
BNWLA	Bangladesh National womens Lawyers Association; an NGO based in Dhaka, Bangladesh
BRAC	Bangladesh Rural Advancement Committee
CEDAW	Convention on the Elimination of All Forms of Discriminations against Women
DLR	Dhaka Law Report
DMMA	Dissolution of Muslim Marriage Act, 1939
FCO	Family Court Ordinance, 1985
GOB	Government of Bangladesh
MFLO	Muslim Family Law Ordinance, 1961
MLAA	Madaripur Legal Aid Association
MOWCA	Ministry of Women and Children Affairs (in Bangladesh)
NAOW	Network against Oppression of Women
NGO	Non Governmental Organization
PBUH	Peace Be Upon Him
SC	Supreme Court
TWB	Traffic Watch Bangladesh
UN	United Nations
UNDP	United Nations Development Programme
UP	Union Parisad (Union Council)

## Key words:

**Dower:** Under the Islamic law, Mohr or Dower is an obligation imposed upon the husband as a token of respect and future security of the wife stipulated in the Nikahnama during the marriage, to be paid in terms of money or other property to the wife during or after the marriage. Payment of dower is such an obligation that takes precedence over other debts of the husband after his death.

**Dowry:** It is any property or valuable security in most cases, illegally demanded by the bridegroom or any person on his behalf which is paid by the parents of the bride at the time of marriage or at any time after marriage as consideration for the marriage. This custom of Indian origin is foreign to Islam but it now pervades the life of the Muslim of the subcontinent. Though it is forbidden and punishable

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under sections 3 and 4 of the Dowry Prohibition Act of 1980, it remains prevalent all over Bangladesh.

**Fatwa** (lit. religious edicts): Considering its present practice in Bangladesh, fatwa means religious edicts through pronouncement of humiliating punishment by the Muslim clergy at the village shalish or gathering which is imposed discriminatorily upon the women, particularly in rural areas.

**Informal sector:** Sectors those are not recognized as a formal economic sector like agriculture, industry etc. rather act as a periphery of the formal sectors such as street vendors, hawkers etc. One-stop-crisis center: Support centers established by the government to provide medical, legal, and other necessary supports to the victim women from a single location

**International Instruments:** Conventions and protocols signed and ratified by the GOB to restore the rights of and discriminations against women.

**Marital Rape:** Unwanted and sometimes coercive physical relationships made by husbands with their legal wives.

**Nikahnama (lit. contract of marriage):** A document of Muslim marriage where all conditions between husband and wife, relating to marriage e.g. amount of dower, right to delegated divorce (under Islamic Law wives do not get the power to divorce their husbands unless this power is delegated to them by their husbands through Nikahnama), maintenance etc. are written down and then registered accordingly.

**Purdah** (lit. veiled): Islamic requirement of seclusion of women from outsiders by covering the whole body with cloths, excepting the eyes.

**Qur'an:** The Holy book of Muslim, which is believed to be the complete code of life.

**Reserved seat:** Seats reserved for the women in the national parliament.

**Shariah/Sariah Law:** It means Islamic law derived from the Holy Qur'an, the primary and highest authority in Muslim law, the Sunnah or Hadith, the acts and sayings of the prophet Mohammed S.M. In addition to the Qur'an and Hadith, the Islamic judicial system is based on the Ijma and Qyias. Ijma is the concurrence of opinions among Islamic jurists and Qyias is deductive analogy by which a jurist applies a new case-ruling already made to fit a similar case. When the Qur'an and Hadith are silent, Ijma and Qyias prevail.

**Union Parishad, Upozilla:** Units of local government body of Bangladesh.

**Women's Rights:** Legal claims of women to enjoy equal privileges with men and sometimes some special prerogatives to get rid of their backward condition in the society.

**Abstract:** *Bangladesh, a poor developing country with a burden of more than 136 million people is endeavoring in establishing the rights of its women like other developing countries in the world. Although the Constitution ensures equal rights to women, they are facing gross deprivation of their basic fundamental human rights due to various social, economical, political, and religious reasons. They are psychically insecure subject to different forms of violence e.g. rape, acid throwing, trafficking, etc. Besides these, they are also facing other legal and social discriminations, e.g. in their level of participation in the political and administrative fields, education, and health care services, etc. To overcome this situation, beside NGOs and civil society, Government of Bangladesh (GOB) is also trying to curb the violence against women in the country by enacting different national laws, and signing and implementing different international instruments. This paper will be mainly concerned with the socio-economic structure of Bangladeshi women by defining their various rights recognized under the laws of the country as well as their rights under practical contexts with a view to provide finally some recommendations for enhancing the women's rights in Bangladesh that will be in accordance with the essence of the concept of 'equal rights' of the Constitution of the country. In other words, the main objective of this paper is to examine various rights recognized under the theoretical framework as well the practical scenario for protecting women's rights and eliminating discriminations against them in Bangladesh with a view to find out*

*the reasons of the discrepancy between these two. Another corollary objective of this paper is to provide some recommendations for enhancing and strengthening the women's rights over the existing regime in Bangladesh. Social and analytical approach will be taken to satisfy these objectives. The scope of this paper will be confined mainly to the discussion of rights of Muslim women of this country due to the Muslim majority of its population<sup>1)</sup>.*

## 1 . Introduction:

The beauty of women was, is and will be highlighted and described with the fairest phrases and metaphors through and by the writings of the writer, the poems of the poet, the thinking of the thinker, the swords of the adamant Hero and the arts of the artist not only in Bangladesh but all over the world. On the other hand, the dark and miserable sides of them have been scarcely focused on. They are distressed, oppressed and deprived in the family, in the society and in the State at large in a country like Bangladesh having an estimated population of 136 million<sup>2)</sup>, which ranks as one of the poorest countries in the world, with a reported 35.6 % living in poverty<sup>3)</sup>. In Bangladesh, the formal legal system is inundated with corruption, delays in disposal of cases, complicated procedures, exorbitant costs, class bias which favors the rich and social elite, and gender discrimination which predominantly favor men over women. Under this socio-economic structure, the women of Bangladesh do not have equal rights with men from the practical point of view though the Constitution of Bangladesh recognizes, theoretically, the '*Principle of Equality*' between men and women. The irony is that in spite of the legal support by the Constitution of Bangladesh which is the 'Supreme Law'<sup>4)</sup> of the country, the practical situation is going towards the opposite direction violating the constitutional provisions of equality.

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- 1 ) According to the census of 1991 the 129 million people of Bangladesh consists of Muslim population 88.3%, Hindu 10.5%, Buddhist 0.6%, Christians 0.3% and 0.3% others. Government of the People's Republic of Bangladesh, Ministry of Planning Statistics Wing, Bangladesh Bureau of Statistics <http://www.bbsgov.org/>
  - 2 ) A country populated by over 136 million, of which 80% live in village communities, that means 8 out of 10 Bangladeshi live in the county side. See for more details, "World Development Report, 2004", The World Bank; p.252, [http://econ.worldbank.org/files/30042\\_select.pdf](http://econ.worldbank.org/files/30042_select.pdf), last visited 4th May, 2004.
  - 3 ) HAQ, Khadija, Human Development in South Asia 2001, Dhaka: The University Press Limited, pp. 163,171. Source : UNDP
  - 4 ) Article 7 (2) of the Constitution of the People's Republic of Bangladesh provides that " This Constitution is, as the solemn expression of the will of the people, the Supreme Law of the Republic, and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void".

Various national and international publications as referred in this article has enumerated the poor women-right condition in Bangladesh but most of the cases they discuss only the facet of the women-right in Bangladesh, discussing only about the history<sup>5)</sup>, cases of violation, legal discriminations on women-right<sup>6)</sup>, or about any specific right of or any specific violence against Bangladeshi women. Considering all these things the objective of this article is to take a comprehensive look at all issues of women-right in Bangladesh starting from its origin, the current discrimination between legal settings and practical scenario, initiatives taken by govt. and the civil society to enhance women's rights and finally a bunch of well-thought recommendation to win the remaining challenges for enhancing women-right in Bangladesh. Another mention worthy feature of this article is the inclusion of most recent data regarding the violence against women and some recent developments to reduce repression against them.

### 1.1 *The notion of 'Women's Rights'* :

The concept of 'women's rights' is not of ancient origin in the history of human rights. Traditionally and classically, human rights implied only the 'Rights of Men' which suggested men as the source of all rights and was not understood to include women's rights. **Jacques Maritain** remarked:

*"The human person possesses rights because of the very fact that it is a person, a whole, a master of itself and it acts and which consequently is not merely a means to an end but an end which must be treated as such ..... . These are things (Human Rights) which are owed to man because of the very fact that he is man."*<sup>7)</sup>

However with the passage of time the phrase 'rights of men' fell into serious disfavor because:

- a. the concept of 'rights of men' have sexist connotations which is opposed to the 'principle of universality' ; and
- b. the concept of 'natural law' (to which it was ultimately linked) had become a matter

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5) Susei Tharu and K. Lalita, eds., *Women Writing in India, 600 BC to the Early 20<sup>th</sup> Century*, Vol. I, New York: The Feminist Press, 1993.

6) Bangladesh CEDAW Reservations and Declarations; [http://www.bayefsky.com/./pdf/bangladesh\\_t2\\_cedaw.pdf](http://www.bayefsky.com/./pdf/bangladesh_t2_cedaw.pdf)

7) Jacques Maritain, *The Rights of Man and Natural Law*, trans. Doris C. Anson, (New York: Charles Scribner's Sons, 1943) p. 24. Quoted also Dr. Kaji Akter Hamid, *Human Rights, Self Determination and the Rights to Resistance* (Dhaka : Bhuiyan Academy, 1994), p.25

of great controversy.

Thus, in the present context of human rights, 'women's rights' are also an indispensable part of this concept by defining it as those rights which **all individuals, both men and women**, ought to have solely by virtue of their birth and humanity and without which they can not live as human beings.

### **1.2 *Feminism and the beginning of Women's Rights Movement in Bangladesh:***

In fact, when at the mid 1880s<sup>8)</sup>, the women of the Western Europe were seemingly on the road to achieving the professional, legal and educational equality with men, there was no movement for changing the traditional concept of 'no women's right' among the Bengali Muslim of the Indian subcontinent until the advent of the Great lady **Begum Rokeya Sakhawat Hossain** (1880-1932), the pioneer of women's movement in Bangladesh- a society where 90% women are illiterate and where for centuries women have been taught that they are the slaves of men having no rights. At that time, it was a tradition that there is no need for any kind of formal education to the women in lower and middle class families because they never engaged in formal jobs outside their family and so, formal education was treated as fruitless. Moreover, to afford formal education was to some extent beyond their capacity. What they learnt at best was how read the holy book of Qur'an. However, for the higher-class Muslim families also, although women do not have any participation in the formal sector jobs, they learned to read Arabic so as to be able to read the Holy Book of Qur'an<sup>9)</sup>, and Urdu in order to read the popular Urdu books on 'feminine conduct', implementation of which increased their skills to the better management of their family. Going against this traditional grain, it was very hard at that time to change the minds of the traditional minded women, to make them aware of their oppression, and to give them a sense of their independence. This situation would hardly have changed if some feminist movement had not occurred in which a pivotal role was played by Begum Rokeya.

It was that Great Lady who, with the help of her liberal brother and husband, took significant steps to educate the women of her country. She did not advocate against modesty of women but said that veiling should not be in a manner that would hinder the education of women. Her primary concern was the education of women. For Rokeya, women (veiled or unveiled) need to be self sufficient. In order to get support from '*dominant-men*' in her society, she argued that women become better '*home-managers*' while educated. However,

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8) EVANS, R. J. 'The Feminists: Women's Emancipation Movements 1840-1920', 1977. p. 30

9) The holy book for Muslims

her ultimate goal was that women, particularly Muslim women, in her country would reach their fullest potentials as human beings, would be able to pursue their own interests rather than relying on the men for their livelihood and well-beings. At the then socio-economic context, it was she who first pronounced for women of Bangladesh that “women must be organized for their *own liberations*, for their *own rights*, and don’t wait for men to do it. Because men’s vanity depends on being your (women) lord and master”<sup>10)</sup>

Though she did not go for a ‘*direct suffrage movement*’ by forming ‘*Suffragettes*’ like Elizabeth Cady Stanton of USA or Emmeline Pankhurst of UK, nevertheless her contribution in the women right’s movement in Bangladesh is too obvious to need any further explanation. It is now firmly believed that women of Bangladesh could have hardly reached their present position if such movement had not been initiated by her at that time. It was that time from which the journey of establishing women’s rights, as a human being, has been started in Bangladesh and is being continued even today.

## 2. Women’s Rights in the current context of Bangladesh:

After the initiation by Begum Rokeya, the women of Bangladesh had to hike many ups and downs to uphold their rights and to make their rights institutionalized in different national laws and legislations. Efforts have also been made to implement these rights, generate social awareness, and to eliminate discrimination against women from different spheres of their economic, political, and social lives. This part of the article would concentrate on how women’s rights have been reflected on different laws and regulations in Bangladesh as well as under this given legal framework what the current condition of women in Bangladesh is in terms of their rights (discriminations) in different spheres of their lives. While discussing the women’s rights in Bangladesh in the present socio-economic context, it is discussed under the following two major heads:

2.1 Women’s rights under the legal framework ; and

2.2 Women’s rights under the practical scenario

### 2.1 *Women’s rights under the legal framework:*

Bangladesh at its initiation as an independent country in 1971 inherited different British laws from the colonial legacy of almost 200 years (1757-1947) as well as different Islamic

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10) supra 5

laws which were made during its attachment with Pakistan (1947–1971). These laws along with some amendments are still in effect in Bangladesh. In 1972, the country got its own Constitution with the article for equal rights among men and women inscribed in it. After that the country has enacted different other laws and ratified different international conventions to protect the rights of women. So, the women's rights in Bangladesh under the 'legal framework' can be viewed today as a combination of four separate elements. These are–

- 2.1.1 Women's rights under the Constitutional law
- 2.1.2 Women's rights under the Islamic laws
- 2.1.3 Women's rights under the Secular laws i.e. other national instruments and
- 2.1.4 Women's rights under the International instruments.

**2.1.1 Women's Rights under the Constitutional Law:** The Constitution of the People's Republic of Bangladesh, 1972 which is the 'Supreme law' of the land recognizes, the '**Principle of Equality**' between men and women and ensures the '**Equal participation of women**' in all respects of national life.

**a. Equality in all respects:** Article 27 of Part III of the constitution includes all the fundamental rights of the citizen. It specifies that **all citizens** are equal before law and are entitled to equal protection of the law. Moreover, Article 28 (1) incorporates that the State shall not discriminate against **any citizen** on grounds only of religion, race, caste, **sex**, or place of birth. Here the term 'any citizen' implies both men and women, giving no special preference to any particular citizen. Article 28 (2) more directly and categorically says that **women shall have equal rights with men in all spheres of the State and of Public life**. That means all the rights those are mentioned in the Constitution e.g. right to life, right to personal liberty, right to property, freedom of movement, freedom of speech, freedom of profession or occupation etc. are equally applicable to women in Bangladesh.

**b. Participation of women in all spheres of national Life:** In the Constitution, Article 10 provides that steps shall be taken to ensure participation of women in all spheres of national life. In addition, article 19 (1) provides that the State shall endeavor to ensure equality of opportunity to all citizens. Though these principles are inserted in Part II of the Constitution under the '**fundamental principles of state policy**' rather than in Part III as '**fundamental rights**', nevertheless these can be treated as the core articles of enhancing women's participation in national life.

**2.1.2 Women's Rights under Islamic or Shariah law<sup>11)</sup>**: Irrespective of some rights which are applied to both men and women in Islam laws e.g. right to life, right to speech, right to education, right to own property etc., Islam has given some specific rights which are ONLY applicable to Muslim women. They are:

**a. Right to dower:** Dower, which is an essential incident under the Islamic law to the status of marriage, is a sum of money or other property to be paid or delivered to the wife by the husband as a mark of respect to her. As the Holy Qur'an says:

*"And give the women (on marriage) their dower as a free gift"<sup>12)</sup>.*

After the death of the husband, the wife is entitled to retain the possession of the whole or part of his estate (if it is obtained lawfully) until dower is paid. Thus Islam sought to make dower, which in pre-Islamic Arabia had been paid to the wife's father, into a real settlement in favor of the wife and socially, it became a check on the capricious exercise by the husband of his almost unlimited power of divorce<sup>13)</sup>. A husband thinks twice before divorcing a wife when he knows that upon divorce the whole of the dower would be payable immediately.

**b. The Right to Maintenance:** The wife is entitled to maintenance from her husband although she may have the means to maintain herself. She has the right to be totally supported by the husband in all her needs --- food, clothing, lodging, medication, entertainment etc. As the Holy Qur'an says:

*"Men are protectors and maintainers of women"<sup>14)</sup>*

The Prophet (PBUH)<sup>15)</sup> in his address on the occasion of the Farewell Hajj also said:

11) Islamic or Shariah law derived from the holy Qur'an, the primary and highest authority in Muslim law, the Sunnah or Hadith, the acts and sayings of the prophet Mohammed S.M. In addition to the Qur'an and Hadith, the Islamic judicial system is based on the Ijma and Qyias. Ijma is the concurrence of opinions among Islamic jurists and Qyias is deductive analogy by which a jurist applies to a new case-ruling already made to fit similar case. When the Qur'an and Hadith are silent, Ijma and Qyias prevail.

12) The Holy Qur'an: 4 : 4

13) Dr. M. Ershadul Bari, Op. cit., 30

14) The Holy Qur'an : 4; 34

15) "Peace be Upon Him"

*“You have to provide for dress and food for women in a nice and suitable manner, the women are like your captives and have nothing on their own, take them as a trust of Allah's words.”<sup>16)</sup>*

**2.1.3 Women’s Rights under the Secular Law:** Following the spirit of Islamic law, some secular laws, other than the Constitutional law, are adopted in the national arenas of which below-mentioned deserve particular attention:

**a. Muslim Family Law Ordinance, 1961 (MFLO)** [Ordinance No. 8 of 1961], where the procedure of women’s right to dower, right to maintenance, right to restitution of conjugal life, right to delegated divorce has been protected.

**b. Dissolution of Muslim Marriage Act. 1939 (DMMA)** [Act 5 of 1939], where women’s right to divorce to her husband has been given upon some conditions ; some of these grounds are

1. That the whereabouts of the husband have not been known for a period of 4 years or more,
2. That the husband has neglected or has failed to provide for her maintenance for a period of 2 years,
3. That the husband has taken an additional wife in contravention of the provisions of the Muslim Family Laws Ordinance, 1961<sup>17)</sup>,
4. That the husband treats her with cruelty, etc.

**c. Bangladesh Penal Code, 1860 [Act 45 of 1860]**, where women’s right to life and liberty is secured by incorporating the following acts as crime<sup>18)</sup>. Such as :

Section 366 : Punishment for kidnapping, abducting or inducing woman to compel her to marriage;

Section 372 : Punishment for selling a woman for the purpose of the prostitution without her consent;

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16) The Holy Farewell Sermon of the Prophet (S.M.)

17) Although Islam provides right to man to have 4 wives simultaneously with a strict provision of taking equal care to all of them in every respects, in practice the equal maintenance provision is frequently violated. So, MFLO includes a provision of taking consent by the husband of his first wife/wives before getting married again.

18) Manual on Human Rights Law, Bangladesh Bar Council, Third Edition, Compiled by Tuhin Malik, p.468

Section 376 : Punishment for Rape;

Section 313 : Causing miscarriage without the women's consent;

Section 509 : Word, gesture or act intended to insult the modesty of women, etc.

Apart from the Penal code of 1860, the Government of Bangladesh has enacted some special laws, specifically prohibiting certain form of violence for which women is the main target and victims, including the *Anti – Dowry Prohibition Act, 1980 ; the Cruelty to Women (deterrent punishment) Ordinance, 1983 ; the Suppression of Immoral Traffic Act, 1933 ; the Prevention of Repression against Women and Children Act , 2000; the Acid Attack Crime Repression Act, 2002*'.

**2.1.4 Women's rights under International Laws:** Women's rights under the auspicious of the human rights are also protected under the international instruments which are ratified by the Government of Bangladesh. Such as the *Universal Declaration of Human Rights, 1948 ; the International Covenant of Civil and Political Rights, 1966;* and the *International Covenant on Economic, Social and Cultural Rights, 1966*. More particularly, Bangladesh has committed itself to the elimination of discrimination against women. For this purpose, Bangladesh has ratified the *UN Convention on Elimination of All forms of Discrimination against Women (CEDAW)* in 1984 as well as its Optional Protocol 1998. These conventions obligate the country to maintain equality between men and women and also to confirm its provisions in the domestic legislation and implement them through policy initiatives. Bangladesh has also voted for the *International Declaration on the Elimination of Violence against Women, 1993*<sup>19)</sup> for further committing itself to prevent violence against women.

## **2.2 Women's Right under the practical Scenario:**

Although the Constitution of Bangladesh, the supreme law of the land, articulates in its various provisions about the principle of equality between men and women, nevertheless the gap between the theoretical provisions of law and reality is huge. In fact, in contravention

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19) General Assembly resolution 48/104 of 20 December 1993. Under Article 2 of this Declaration, 'Violence against women' means a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

with the Constitution, there are many sectors where the provision of equality is not respected. This type of inequality exists in almost all spheres of the lives of women in Bangladesh. Not only are they in great physical insecurity that restricts their freedom of movement and equal participation in different economic and social events, they are also subject to the discrimination created by the formal laws of the country, sometimes even in contradiction with the Constitution itself. Discrimination is sometimes supported or strengthened by the existing social norms and narrower religious interpretations made by local clerics – a phenomenon pervasive in poor developing countries like Bangladesh. Following are some socio-political and economic sectors where discrimination against women and violation of women's rights are more critical and vivid, requiring urgent countervailing actions to uphold women's rights in Bangladesh.

**2.2.1 Physical insecurity:** The women of Bangladesh – the most unfortunates lack even the very basic need of human beings – security and safety needs that come only after the need for food and clothing. They have to face physical and mental assailments both at home and outside. They, especially those who belong to the poor, vulnerable section, are in a constant threat to be raped, be acid victim, be target of illegal traffickers and even be killed. The violence against women in Bangladesh can be described in the following three broad heads:

- a . *Public violence;*
- b . *Domestic violence; and*
- c . *State violence*

**a . Public violence:** Public violence perpetrated in the public sphere, has emerged as an area of serious concern. Daily news reports clearly show the increasing trend of violent acts against women. These reported incidents, however, are only the tip of the iceberg, and numerous attacks go unreported and are unknown. Although many human rights NGOs in Bangladesh attempt to compile accurate statistics on the incidence of violence against women in Bangladesh, the task is nearly impossible. Cases of violence are too often swept away in silence or dispensed of quietly without any physical record. Nevertheless, despite the lack of exact statistics, the trend is clear: women are at increasing risk of public violence. Such as:

• **Acid burn:** Women specially the young teenagers of Bangladesh are increasingly becoming victims of acid burn. Nitric, and Sulfuric acids are usually thrown to women by the

perpetrators after having their proposal of love, marriage, extra-marital relationship etc. are refused, or for the disobedience of perpetrator's order by the victims to deter from filing a case or being a witness of any criminal offence against them. These acids cause the skin of the victims to melt, disfigurement, total or partial blindness etc. This kind of harm, damage, especially disfigurement, secluded the victims from almost any kind of social interaction such as education, employment and participation in any social gatherings. Under the current social context of our country, it is almost certain that those women who are unmarried if severely disfigured would never get the opportunity to get married. Despite the passage of *Law for the Control of Acid Crimes*, this type of offence is increasing day by day because of the inadequate regulatory, monitoring mechanisms to be taken for the import, manufacturing and sale of acid. The incidence of reported acid violence has increased from 264<sup>20)</sup> in 2002 to 339<sup>21)</sup> in 2003. Although the incidence of Acid violence has reduced a bit in 2004, the absolute number of acid violence is still very high<sup>22)</sup>.

• **Rape:** Another very humiliating and painful offence against Bangladeshi women not only during occurrence but also in its aftermath is being raped by the miscreants for the reasons almost similar to those for acid crime. The incidences are increasing over the years from 300 in 1985 to 3189 in 2001. In 2004 the figure has reduced much to be only 1043, and is showing a declining trend from its 2002 and 2003 figures of 1434 and 1550 respectively. Teenagers (see table 1) and minority<sup>24)</sup> women are the main target for the rapists. Recently an other very alarming trend developing relating to this issue is the killing of victims after the rape to wipe out the primary evidences<sup>25)</sup>, the incidence of gang rape<sup>26)</sup> and even the rape of minors. Usually after the rape if the victim is alive the miscreant, his family members and village elders put pressure to the victim's family to get the victim married with the miscreant. Since in the traditional Bangladeshi society, a rape victim is socially condemned and never offered any modest marriage proposal, victims usually accept this type of humiliating proposal. On the other hand, victims who can not accept the proposal and can

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20) Violence against Women in Bangladesh 2002, p.27, Bangladesh National Women Lawyers' Association (BNWLA), June 2003.

21) Violence against Women in Bangladesh 2003, p.40, Bangladesh National Women Lawyers' Association (BNWLA), 2004.

22) In 2004 a total of 218 acid violence has been taken place. Resource Centre, BNWLA, Dhaka.

23) Inter Press Service News Agency; Rape victims married off to rapists; <http://www.ipsnews.net/interna.asp?idnews=18765>

24) Asian Indigenous and Tribal People Network; The status of indigenous and minority children in Bangladesh; p15-20; <http://www.aitpn.org/Reports/Bangladesh2.pdf>

25) In 2004 164 victims were murdered out of 764 raped or gang raped, supra 22

26) In 2004 out of total 764 rape incidence, 271 were gang rape, supra 22

not get legal remedy sometimes choose suicide as a remedy to escape social humiliation.

- **Eve Teasing:** Eve teasing is probably the most common act of public violence in Bangladesh. Eve teasing amounts to various forms of harassment, including ogling, making vulgar comments, making indecent proposals, attempting to make physical contact, etc. Young school girls, college and university students and even working women are frequent victims of eve teasing. Victims of eve teasing and their families have no place to voice their complaints or seek justice. Moreover, their own freedoms are restricted within the four walls while the perpetrators enjoy full impunity and continue to harass the helpless young women. In order to get relief from this situation, several victims in the last few years have resorted to suicide.
- **Trafficking:** “*The 2004 Trafficking in Persons Report*” of the United States government<sup>27)</sup>, presented to the public in Dhaka on 15 June 2004 describes this global epidemic quite succinctly:

No country is immune from human trafficking. Each year, an estimated 600,000 to 800,000 men, women and children are trafficked across international borders (some international and non-governmental organizations place the number far higher), and the trade is growing. This figure is in addition to those trafficked within countries. Victims are forced into prostitution, or to work in quarries and sweatshops, on farms, as domestics, as child soldiers, and in many forms of involuntary servitude. The US government estimates that over half of all victims trafficked internationally are trafficked for sexual exploitation.

Just like in other parts of Asia, Bangladeshi girls (under 18 years of age) from the villages are trafficked for about 1,000 US dollars and sold to the sex industry. Estimates on the number of trafficked women and children are difficult to make. The crime is largely

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27) ***The Trafficking in Persons Report*** offers a comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. Its public release is intended to raise global awareness and spur countries to take effective actions to counter trafficking in persons. “This year, Bangladesh is rated Tier 3, the lowest tier,” says the report, adding that the efforts of governments to fight human trafficking are rated in tiers in the report based on concrete actions taken throughout the year. See [http://nation.ittefaq.com/artman/publish/article\\_9986.html](http://nation.ittefaq.com/artman/publish/article_9986.html). Bangladesh was in “tier 2” in 2003. See more details, Trafficking in Persons Report. Released by the Office to Monitor and Combat Trafficking in Persons, 11 June 2003 <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

hidden despite its pervasiveness. Nevertheless, a total of 335 women and children were reportedly trafficked from Bangladesh in 2002.<sup>28)</sup> In 2004 this figure increases to 425<sup>29)</sup>.

- **Fatwa:** According to Islamic teaching, a fatwa is religious edict based on Islamic principles by a religious scholar. In Bangladesh, however, half-educated local clerics and *mullahs*<sup>30)</sup> (lit. religious leaders) use fatwa to exploit vulnerable women of the society in the name of Islamic provisions during the *shalish*<sup>31)</sup> process. Through their own interpretation/misinterpretation of the Islamic provisions, they impose brutal and humiliating punishments of flogging, stoning, shaving of heads, wearing the garland of shoes etc., for the so-called immoral activities, e.g. pre-marital pregnancy, oral divorce, allegation of illegal relationship, non-compliance of the rules of *purdah* (lit. veiled) etc. Many *fatwas* are issued each year<sup>32)</sup> by the rural clergy at village gatherings after receipt of complaints, usually against women. They impose on them the brutal and humiliating punishments. After the groundbreaking judgment made by the High Court Division of the Supreme Court of Bangladesh to ban illegal Fatwa, the incidence of Fatwa is reducing in recent years. In 2004 the figure has reduced to only 32<sup>33)</sup> from its 2003 level of 46<sup>34)</sup>.

**b. Domestic violence:** Domestic violence perpetuated in the home or family environment is another major social problem in Bangladesh. This violence is fairly common and widespread across the country and women of all economic strata are vulnerable to the maltreatment and abuse of husbands, in-laws and other family members. Despite its increasing trend, domestic violence is not treated as a formidable crime under the national laws rather it is viewed as a personal matter that should be resolved privately within the family. As a result, the law enforcement agency is reluctant to interfere in such cases and hence women are

28) Cell for Combating Trafficking, Bangladesh National Women Lawyers Association (BNWLA).

29) Boys and girls below 12 are considered as children. Supra 22

30) The *mullah*, associated with the local mosques and *maktabs* (elementary religious schools) are for most of the time quite influential in the shalish process as they endorse the activities of village leaders and elders albeit in the name of Shariah or Islamic Law.

31) A form of dispute resolution out of the court procedure which is conducted by a group of persons of the village or locality, including village headman or other local elites.

32) In October 2000, the UN Special Rapporteur on Religious Intolerance reported that 26 fatwas were issued in the year 1999 which were an attempt "to stifle any efforts to emancipate women". In 2001, ASK's documentation unit finds 34 shalish and fatwa related violence throughout the country reported in the national 10 newspapers of Bangladesh.

33) Supra 22

34) Supra 21, p.41

**Table 1: Sample of women and children victims of crime including violence & repression in Bangladesh, 2004**

Type of violence	Age of the victims						Age not Mentioned	Total	Total cases filed
	0-6	7-12	13-18	19-24	25-30	30+			
Rape	58	153	246	81	60	42	403	1,043	731
Murder	30	50	40	33	53	66	30	302	217
Fatwa	-	3	6	3	3	4	13	32	6
Dowry	-	-	39	133	79	12	108	371	279
Trafficking	11	42	41	16	20	5	154	289	--
Abduction	17	42	185	20	7	2	91	364	--
Acid burn	20	17	35	14	49	62	21	218	77
Physical torture	2	10	14	15	21	24	55	141	39
Unnatural death	168	150	52	49	48	90	55	612	80
Total	306	467	658	364	340	307	930	3372	1429

Source: Resource Centre, Bangladesh National Women Lawyers' Association (BNWLA), Dhaka.

victimised with no recourse. Some major types of domestic violence are:

- **Dowry related violence:** In most cases because of poverty the parents of the bride can not pay the complete lump-sum amount of dowry<sup>35)</sup> at the time of marriage. Rather the bride's family pays part of the dowry at/before the marriage and promises to pay the rest of the dowry soon after the marriage. When the bride's family fails to meet it after the marriage, the husband and in-laws verbally and physically abuse her to compel her family to pay. Moreover, in many cases the husband and his family demand for more dowries even after the initial demand has been met. Although dowry demand is illegal under the *Prevention of Women Repression and Violence Act, 2000* and the *Dowry Prohibition Act 1980*, the practice still persists in the rural areas of Bangladesh as a custom. Reported data from 2004 shows that women aged 18-25 are the major victims of dowry<sup>36)</sup>. As a consequence of unpaid dowry they are tortured by their husband and in-laws, burnt by acid or even murdered. But one striking fact is that, not only the poor illiterate people cause the dowry related violence rather, Member of Parliament (MP), university teachers etc. are also reported to be engaged with this crime.<sup>37)</sup>

35) It is any property or valuable security in most cases, illegally demanded by the bridegroom or any person on his behalf which is paid by the parents of the bride at the time of marriage or at any time after marriage as consideration for the marriage. This custom of Indian origin is foreign to Islam but it now pervades the life of the Muslim of the subcontinent.

36) supra 22

37) supra 22

- **Marital rape:** Although there are no official reports on marital rape, it is fairly common in Bangladesh. Marital rape, or coerced sexual intercourse between husband and wife, is not recognized as criminal offence in Bangladesh. The patriarchal society of Bangladesh supports the notion that any kind of sexual intercourse between husband and wife is lawful and private matter between the couple; the disclosure of which is treated as a shameful act. Due to the non-interferences of the Government in this regard and silence of the legal system, this violent act became a legitimized act.
  - **High-risk pregnancy:** For the most part, married women in Bangladesh are not aware of their own sexual and reproductive rights, and have only limited freedom regarding sexual intercourse, birth control, pregnancy, pre-natal care and abortion which is controlled by the collaborative decision-making of her husband and his family. Often there is a pressure from the husband's family for the wife to produce offspring, particularly male offspring. As a result, a young woman might begin conceiving at a very early age and endure several consecutive pregnancies with the hope of male offspring regardless of her health condition.
  - **Adultery:** Although adultery is a crime committed by both men and women, there is a certain social tolerance for the crime when a man is the perpetrator. Generally, the society blames his wife for failing to meet his demand and needs and pressures the wife to tolerate his infidelities, rather than making the husband responsible for it. As a result, the wife endures the humiliation of her husband's adultery with the risk of facing numerous sexually transmitted diseases.
- c. **State violence:** Situation becomes much more severe when women are assaulted or even raped by the security personnel<sup>38)</sup>. There are incidences when women were raped while being in the safe custody of police<sup>39)</sup>. But in such cases it is almost impossible for the victims to get justice because in Bangladesh, Police is the primary authority to make First Investigation Report (FIR) in a reported crime. When judgment is made on the basis of that falsely constructed FIR the main culprit can easily escape from the hand of law and in some instances, attempts were made to establish affected women as prostitutes. Absence of separate prison for women also poses serious threat to the security of their modesty<sup>40)</sup>. Some
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- 38) "Housewife gang raped by 14 police over night, now in critical condition", The Daily Ittefaq (prominent Bengali Daily), December 20, 2004
- 39) Supra fn. 18
- 40) United Nations Report of the Committee on the Elimination of Discrimination against Women; (Sixteenth and Seventeenth sessions); General Assembly Official Records. Fifty-second Session; p.121; [http://www.bayefsky.com/general/a\\_52\\_38\\_rev.1\\_1997.pdf](http://www.bayefsky.com/general/a_52_38_rev.1_1997.pdf)

times the affected women are kept under the safe custody of law but because of the insufficient accommodation in 7 government and 13 privately run shelter homes, victims are usually kept in prisons. According to the provision of law the victim can not determine by herself about whether she requires a safe custody or not rather the magistrate determines on her behalf. So, sometimes the irony may be as extreme as to keep the victim in prison while the miscreant under bail still roams freely in the society.

**2.2.2 Improper protection and discrimination under formal laws:** Although there are various laws in the country to protect women from violence e.g. the '*Nari O Shishu Nirjaton Daman Ain, 2000*' (*Prevention of Women and Child Repression Act, 2000*), the *Acid Attack Crime Repression Act, 2002*, the *Dowry Prohibition Act, 1980*; the *Cruelty to Women deterrent punishment Ordinance, 1983*; the *Suppression of Immoral Traffic Act, 1933* and different other acts to supplement the Penal Code for repressing violence against women, in most of the cases those acts and laws are not executed properly<sup>41)</sup>. In addition, there are some cases e.g. in domestic violence etc., where there is no law yet to address the issue directly. Moreover women are also discriminated against their male counterparts in many state recognized laws, which will be discussed later, despite the provision for equal rights among men and women articulated in the Constitution.

**a. Improper execution of law:** On July 9<sup>th</sup> 2004 while considering the compliance of the provisions of the CEDAW by Bangladesh, one of the two areas was identified where the members of the UN based Women's Anti-Discrimination Committee stressed their special concern on 'the status of the implementation of laws on violence against women'<sup>42)</sup>. Sometimes it is argued that to protect the right of the Bangladesh women what is required most is not the enactment of new laws but the proper execution of the existing laws on different types of violence against women such as rape, acid throwing, and victimization by fatwa etc. The incidences in most of the cases are suppressed by the victims and their families to escape social shame or to avoid further assailments and attack by the perpetrators and miscreants. Threat to the victim and her family by the perpetrator to deter from filing formal complaint or to withdraw it immediately if already made on one hand and reluctance of the local police to record cases against miscreants who are usually the arms cadre, muscle man or local political activist on the other has made the under-

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41) *ibid* p.120

42) Press Release WOM/1454; Women's Anti-Discrimination Committee considers report of Bangladesh; <http://www.un.org/News/Press/docs/2004/wom1454.doc.htm>

reporting of crimes against women a regular phenomenon in Bangladesh (*see table 1*). For instance, to deter the parents to report the rape of one of their daughters, miscreants even threat to rape other daughters if such reporting is done. Sometimes poor people are also deterred from making formal complaint or have to accept unjust settlement because of the social pressure created by the politically powerful miscreants and also because of the fact that settlement of cases through formal judiciary takes long time involving the amount of money unaffordable by the victim and her family.<sup>43)</sup> For instance, in the year 2000 among the 2130 alleged rapists who were prosecuted only 63 were convicted during the year. Although the other cases were still in trial the trial period as mentioned earlier is usually too long. For example, in case of Yasmin, a teenage lady going to see her mother and was raped on the way by several police personals in August 1995, the capital punishments of the two verdicts have been executed in September 2004, almost a decade later than the event occurred<sup>44)</sup>.

**b. *Discrimination against women under formal laws:*** Not only are women ill treated through patriarchal views of the society, they also face various types of patriarchal discrimination under the laws of the country, e.g. marital law, law of inheritance, laws relating to citizenship and etc. Due to this discriminatory approaches remaining in the formal laws, Bangladesh still did not withdraw the reservation on Article 2, and Article 16 paragraph 1(c) of CEDAW, while Article 2 depicts the core rights of women to have equal right with men<sup>45)</sup>.

• **Limited right to divorce:** Women of Bangladesh have no independent right to divorce from their husbands. If she wants to divorce her husband, she has to prove that there is a valid reason before the Court under the specific law and only with the permission of the Court, can it be affected. On the other hand, a husband has inherent, unlimited power of divorce from his wife. He can divorce from his wife at any time for any reason or without any reason and in this case there is no need of approval by the Court. Though under the *Dissolution of Muslim Marriages Act 1939* women have some rights to get divorce, it is

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43) United Nations Development Program, '*Human Security in Bangladesh: In Search of Justice and Dignity*', (Dhaka" UNDP, 2002), p.9. See also M. Shah Alam, '*A Possible way out of Backlog in our Judiciary*' [http://ruchichowdhury.tripod.com/a\\_possible\\_way\\_out\\_of\\_backlog\\_in\\_our\\_judiciary.htm](http://ruchichowdhury.tripod.com/a_possible_way_out_of_backlog_in_our_judiciary.htm) last visited on April, 2004.

44) " 2 Cops Walk Gallows in Rangpur Jail", The Daily Star, September 2, 2004, [www.thedailystar.net/2004/09/02/index.htm](http://www.thedailystar.net/2004/09/02/index.htm)

45) Supra 6

limited in the sense that they can do so only when they can satisfy the court on any of the grounds mentioned in section 2 of that law.

- **Unequal inheritance right:** Another field of discrimination is in the field of Inheritance. Generally, when a woman belongs to a Muslim family under the status of daughter, she is given half the share of a male child. Here the ratio is 2:1. Not only this, the presence of the son automatically excludes the paternal uncle and aunt to inherit from the deceased father's property. But a daughter, with no brother/s is unable to do so.
- **No right to transfer citizenship to husband or child:** The citizenship laws of Bangladesh still remain discriminatory towards women despite the equality guaranteed under the Constitution between men and women. According to the provisions of the *Bangladesh Citizenship Act 1951* as well as the *Bangladesh Citizenship (Temporary Provisions) Order 1972*, fathers are able to transmit their citizenship to their children whereas mothers do not have this right, a discrepancy that is highly prejudicial to the equal rights of women with the men. This discrepancy is furthermore extended in case of granting citizenship rights to their foreign-born husbands, while the foreign-born wives of Bangladeshi men can be granted citizenship rights.
- **Prejudice remaining in the custodial rights of the children:** Though under section 17 of the Guardian and Wards Act of 1890, the mother, in paramount consideration of the welfare of the child, has been preferred as a better physical custodian of child than the father in the discretion of the Court<sup>46)</sup>, nevertheless under *the Muslim Shariat Law*, the mother is entitled to the custody (hijanat) of her male child until he is completed the age of seven years and of her female child until she has attained puberty. So, women's rights to custody of their children are conditionally protected under the Shariah law.

**2.2.3 Other Social Discriminations:** Although various provisions for equal rights between men and women have been inserted in the Constitution, women are still discriminated against other different social and economic fields. For instance:

- a. **Poor presence in decision making:** Although the women of Bangladesh participated in anti-British agitation and also engaged in active participation against the Pakistani army

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46) Md. Abu Bakar Siddique Vs.S.M. Bakarand Others 38 DLR (A.D.) 106; Abdullah Khan vs. Nasir Md. Khan and Others 17 DLR S.C. 481.

during the war of independence, they are still in a vulnerable condition both in their family and also in national context having only a very little presence in the political and administrative decision making positions. More particularly, households remain male dominated all through with women having no or little role in decision making in their family matters. Although they have to perform various household chores from dawn to dusk they are largely engaged in 'non-paid domestic work, which has traditionally no recognition, no power, and no honor. Although both the prime minister and the opposition leader are women, critical observations reveal that they both follow the fame of their male predecessors. Without this type of connection it is really hard for a Bangladeshi woman to establish her position in the central position in decision making.

- **National Parliament and Local bodies:** In Bangladesh, women usually enjoy 30 reserved seats in the national parliament along with the opportunity to contest directly for the 300 general seats. In 1979 election, none of the 17 women contesting directly out of 2125 candidates for 300 national constituencies could win the election. Although during the period from 1979 to 1988 women comprise at least 30 seats in the national parliament due to the provision of reserved seats made for the above mentioned 10 years to enhance women participation at the national level, the same disappointing result occurred again in 1988 after the expiry of the 10 year period prior to the 1988 parliamentary election . Later again another tenure of reserved seats for 10 years (1988-1997) was made. In the 2001 national election<sup>47)</sup> contested after the expiry of that tenure only 6 women out of 300 could pass in the national election leaving participation rate of only 2% of the total<sup>48)</sup>.

**Table 2: Trend of women participation in the National Parliament of Bangladesh**

Year	Seats		Male	Female			
	Total	Reserved		With reserved seats		Without reserved seats	
				Number	Percentage	Number	Percentage
1980	330	30	298	32	9.70	2	0.67
1990	330	30	295	35	10.61	5	1.67
1996	330	30	293	37	11.21	7	2.30
2001	300	0	292	--	--	6	2.00

Source: State of women in urban local government Bangladesh, p5; <http://www.unescap.org/huset/women/reports/bangladesh.pdf>

47) Library of Congress country studies; Bangladesh women in politics; [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+bd0105\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+bd0105))

48) Bangladesh Election Commission; Parliament Election 2001 Results; <http://www.bd-ec.org/stat/Parliament%20Election%202001%20Results%20and%20Statistics/fact2001.htm>

Currently at the local government level government is trying to increase the participation of women by conducting direct election of women for the reserved seats in local bodies. But in all these cases, women representatives on reserved seats are not assigned with definite duties as assigned to those elected for other non-reserved seats and in most of the cases their participation becomes ornamental<sup>49)</sup>.

**Table 3: Women representation in cabinet / Executive branch in Bangladesh**

Year	1970		1980		1990		2002	
	Total	%	Total	%	Total	%	Total	%
Women representation	2	4	6	6	4	3	3	5.7

Source: same as table 2, and Government of Bangladesh, Prime Minister’ s Office; List of Cabinet, State and Deputy Ministers; <http://www.bangladeshgov.org/pmo/gov.htm>

• **Judiciary and Administration:** Not only in the parliament or other local bodies, women representation is also very low in other judicial and executive positions in Bangladesh. Although the government is trying to increase the participation of women through maintaining quota<sup>50)</sup> for women during appointment in the public services, this type of quota system is not applied for the high ranking judicial and administrative positions requiring

**Table 4: Women representation and local level administration(Sep 20, 2000)**

Title of the post	Women representation at administrative decision making level – (Central)		Title of the post	Women representation at administrative decision making level – (local)	
	Total	Percentage		Total	Percentage
Secretary	2	1.76	DC	0	--
Additional Secretary	0	--	ADM	1	1.58
Joint Secretary	5	1.80	ADC	3	4.68
Deputy Secretary	5	0.74	UNO	19	5.20

**Source:** Ministry of Establishment, Bangladesh; Cited in United Nations Economic and Social Commission for Asia and the Pacific, country report Bangladesh; p.6; <http://www.unescap.org/huset/women/reports/bangladesh.pdf>

**Note:** DC- District Commissioner is the chief administrator of a district, currently there are 64 districts; ADM- Additional District Magistrate; ADC- Additional District Commissioner; UNO- Upozilla Nirbahi Officer is the administrative head of Upozilla (sub-districts), currently there are more than 450 sub-districts.

49) United Nations Economic and Social Commission for Asia and the Pacific; Country Reports on the State of Women in Urban Local Government, Bangladesh; p.6; <http://www.unescap.org/huset/women/reports/bangladesh.pdf>

50) 10% quota for women in first class government jobs and 15% quota for all other government jobs.report of state parties, Bangladesh; p.45; [http://www.bayefsky.com/reports/bangladesh\\_cedaw\\_c\\_bgd\\_5.pdf](http://www.bayefsky.com/reports/bangladesh_cedaw_c_bgd_5.pdf)

personal expertise. Now- a- days, woman have started to represent at those high ranking positions but because of their poor initial representation, it is still negligible. For example among the 61 judges of the High Court only 2 are women<sup>51)</sup>.

**b. Backward economic condition:** Women in Bangladesh are facing considerable discrimination while conducting their economic activities both at the formal and informal sectors. Although government now- a- days is trying to promote women participation specially in the informal sector and NGOs are trying to promote women activities at the informal sector, to be discussed later, still they are far behind and face considerable discrimination compared to their male counterparts.

• **Employment:** In Bangladesh, a very small percentage of total labor force is engaged in the formal sector and for women the percentage is even smaller. In rural areas, only 4% of the women are engaged in formal sector while the situation is little better in urban areas where nearly 2 out of 5 women work in the formal sector. To increase the participation of women in the formal sector, government has declared a 10% quota while making appointment to first class officers in the public sector jobs since 1976. But by 2002 only 9.7% of the quota is met<sup>52)</sup> i.e. fulfilling only the minimum requirement after 3 decades from initiation. In the informal sector, the situation is even worse. Although now- a- days women are increasingly being engaged more in economic activities specially in the informal sector, more than three-fourth of the women labor force are working as unpaid family worker as opposed to only 13% of their male counterparts<sup>53)</sup>.

**Table 5: Underemployment rate among labor aged 10 years or more**

	Entire Bangladesh			Urban			Rural		
	Women	Men	Both	Women	Men	Both	Women	Men	Both
Rate	70.7	12.4	34.6	44.4	10.0	19.6	74.6	13.1	37.9

**Source:** Fifth Five Year Plan, Bangladesh; Bangladesh Bureau of Statistics; <http://www.bbsgov.org/>

**Note:** Underemployed includes persons employed less than 35 hours per week

51) United Nations Committee on the Elimination of Discrimination against Women; Fifth periodic report of state parties, Bangladesh; p.45; [http://www.bayefsky.com/reports/bangladesh\\_cedaw\\_c\\_bgd\\_5.pdf](http://www.bayefsky.com/reports/bangladesh_cedaw_c_bgd_5.pdf)

52) ADB Country Gender Strategy; Bangladesh Gender, Poverty and Millennium Development Goals s; p.3; <http://www.adb.org/Documents/Reports/CGA/cga-women-bangladesh.pdf>

53) Asian Development Bank; Women in Bangladesh, Country Briefing Paper; p.11; [http://www.adb.org/Documents/Books/Country\\_Briefing\\_Papers/Women\\_in\\_Bangladesh/women\\_ban.pdf](http://www.adb.org/Documents/Books/Country_Briefing_Papers/Women_in_Bangladesh/women_ban.pdf)

Women are concentrated mostly in low paid jobs requiring lower skills<sup>54)</sup>. Because of the unwritten restriction for the women in their 'freedom of movement', due to some social and cultural reasons, many of them can not work outside even if better economic opportunity exists. For example, women engaged in agriculture usually does not involve themselves in work in the paddy fields and women participation in agriculture requiring working in the field is less than 1% of the total labor force engaged in the sector<sup>55)</sup>. The rate of unemployment and underemployment is also higher among women.

- **Wage:** Along with discrimination in getting employment, Bangladeshi women are also facing wage discrimination both in formal and informal sectors. In formal sector, women are getting three-fourth of their male counterparts whereas in informal sector they are getting as low as three-fifth to two-fifth of their male counterparts while being engaged as day (contract) laborer and self employed respectively<sup>56)</sup>. Although the real wage of women has increased over the year in non-agricultural sector, in agricultural sector it fell from its 1989 level and in both agricultural and non-agricultural sector real wage rates of women are far below the rate received by men.

**Table6: Male and Female Real Wage Rate (per person/day) in Bangladesh(Taka)**

Sector	1989		1995-96		1999-2000	
	Male	Female	Male	Female	Male	Female
Agriculture/Rural	23.4	16.8	23.0	13.0	26.6	14.8
Non-agriculture/Urban	33.4	15.2	32.2	19.3	36.9	25.6

**Source:** reproduced form Employment Poverty Linkages: Bangladesh; Rushidan Islam Rahman and K.M. Nabiul Islam; Recovery and Reconstruction Department, International Labor Office, Geneva; August 2003

The minimum wage regulation is not properly followed<sup>57)</sup> and in urban formal sector also the discrimination is pervasive. Readymade Garment (RMG) sector is the biggest employer of women in the formal sector, engaging more than 1.5 million women in the industry. In RMG sector, women are getting much lower wage than their male counterparts even for the same work performed.

- **Other workplace discrimination:** Besides discrimination in employment opportunity and

54) Supra fn. 27; p.3;

55) Japan International Cooperation Agency, Country WID Profile (Bangladesh); p.23,28; <http://www.jica.go.jp/english/global/wid/report/pdf/e99ban.pdf>

56) Supra f.n. 28; p.12

57) Supra f.n. 16; p.121

**Table 7: Wage discrimination in RMG sector, Bangladesh(Tk/worker/month)**

Work category	Wage	Work category		Wage	
	Male	Female		Male	Female
Quality Controller	2196	1075	Sewing Helper	597	438
Cutting Master	2602	2000	Iron Man	971	540
Cutting Helper	890	780	Folding	997	804
Supervisor	2316	2426	Finishing Helper	764	558
Sewing Operator	1237	1069			

**Source:** reproduced from Japan International Cooperation Agency, Country WID Profile (Bangladesh); p.31; [www.jica.go.jp/english/global/wid/report/pdf/e99ban.pdf](http://www.jica.go.jp/english/global/wid/report/pdf/e99ban.pdf)

unequal wage, women are also facing problems relating to other facilities which sometimes become necessary either for their job satisfaction or for the continuation of their employment. Although there are legal provision for paid maternity leave and child care services at the organizations where they work, these types of regulations are not sustained by the private sector and also not maintained properly in the public sector. Monitoring by the government in these respects is also insignificant<sup>58)</sup>. Another problem faced by working women is their inadequate accommodation facilities. Although government has some hostels for working women, the capacity of those is really insignificant compared to demand. All these things deter women from being engaged in paid employment and even if they join, they are always under pressure to manage all these problems along with their job responsibility.

- **Lower access to credit:** Furthermore, the regular banking system with its requirements of collateral discriminates against women since in most cases women do not own assets which can be used as collateral. In fact, various social and cultural customs make it difficult for women to have easy access to banks for loan, without the consent of husband or other male relatives.
- **Unequally shared poverty:** Because of all the above mentioned economical inequality existing in Bangladesh, poverty here is also unequally shared by women. Different studies confirmed that in Bangladesh women are obstructed socially from joining every kind of economic opportunities despite higher income potential, are usually engaged in lower paid jobs, get lower salary than their male counterparts even when engaged in similar jobs, take lower caloric intake and thus, constitute higher percentage to the total number of poor.

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58) *ibid*(21)

Residence	Hardcore Poverty (less than 1,850 Kilo calories/Person/Day)			
	1988-1989		2000	
	Women-headed	Men-headed	Women-headed	Men-headed
National	32.6	27.7	25.4	19.6
Rural	33.0	28.5	24.6	18.4
Urban	31.7	26.2	27.7	24.8

**Source:** ADB Country Gender Strategy; Bangladesh Gender, Poverty and Millennium Development Goals; p.49; <http://www.adb.org/Documents/Reports/CGA/cga-women-bangladesh.pdf>

So, although poverty is being reduced overtime, it is still unequally shared by the women.

**c. *Disproportionate share in social services:*** Recently government of Bangladesh has taken various initiatives to provide women with various social services such as education, health care facility etc. in a more proportionate way. But in a patriarchal Bangladeshi society, women are still lagging behind to enjoy most of these facilities compared to their male counterparts. They are getting lower nutrition, enjoying lower health care services and facing more strain to continue their education.

- **Education:** Regarding girls in contemporary Bangladeshi society, most of the parents consider their daughters as short time guests waiting to shift to their husband's house while boys are considered as a safe guard in their old ages. So, parents, especially the poor, do not want to invest much money for the education and healthcare of their daughters. Recently, the girls to boys enrollment ratio has been improved appreciably because of some government initiatives to promote female education, including free education for female up to 12<sup>th</sup> grade and providence of stipend for the continuation of study. But because of the social attitude towards girls as mentioned earlier, the drop out rate among girls is much higher than that of boys on the secondary level (12<sup>th</sup> grade) and above<sup>59)</sup>. Another factor that hinders Bangladeshi women to get higher education especially in rural areas is the child marriage. Even if parents do not have to spend money for the education of their daughters, they get anxious about the higher amount of dowry they have to offer as their daughters grow older to take their higher education. Because of all these factors, despite the decade long initiatives literacy rate in 2003 among the 15-24 years old women was only 41.7 compared to 58.3 of men for the same age<sup>60)</sup>.

59) Supra f.n. 29; p.4

60) United Nations Statistics Division, Millennium Indicators; [http://unstats.un.org/unsd/mi/mi\\_indicator\\_xrxx.asp?ind\\_code=8](http://unstats.un.org/unsd/mi/mi_indicator_xrxx.asp?ind_code=8)

**Table 8: Literacy rate among population 15 years and above**

Year/Status	National		Rural		Urban	
	Women	Men	Women	Men	Women	Men
1974	13.3	37.2	12.1	34.6	33.1	62.5
1981	18.0	39.7	15.3	35.4	34.1	58.0
1987	22.9	39.7	18.7	39.5	50.5	71.5
1991	24.2	38.9	20.4	42.1	52.5	72.7
2000	38.0	53.5	33.2	48.9	55.5	70.2

Source: ADB Country Gender Strategy; Bangladesh Gender, Poverty and Millennium Development Goals; p.50; <http://www.adb.org/Documents/Reports/CGA/cga-women-bangladesh.pdf>

• **Health care and Nutrition:** Women are facing much more discrimination in health care and nutrition than they are facing in getting education because the same social attitude governs the family expenditure in this sector. Regrettably, in this field women are not covered with any special facilities from the Government. Rural households spend Tk.18.8 on female members compared to Tk.24 on male for health care services<sup>61)</sup>. In case of food intake and nutrition also, women bear the major burden of allocating scarce food among the members of the family. Although women have to do different household chores around the clock and usually have longer working hours than males, only male members involved in outside work are considered as earning members and so given the major share of the available food. The negative discrimination against women in terms of food and nutrition is increasing over the years. The difference between the rate of severely underweight female and male children has increased from 19% in 1996-97 to 26% in 1990<sup>62)</sup>.

Although recently Bangladesh has attained remarkable success in restraining population growth rate, most of the burden for taking family control preventive measures are disproportionately borne by the women<sup>63)</sup>. Discrimination against women becomes more vivid when we look at the life expectancies of men and women. Only until recently, Bangladesh was one of the fewest countries in the world where male average life expectancy exceeded that of the female.

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61) Supra f.n. 27; p.6

62) Supra f.n. 28; p.4

63) Supra f.n. 16; p.120

**Table 9: Female and Male Caloric and Protein intake in Bangladesh(1995/96)**

Energy (Kcal)			Age in year	Protein intake (gram)		
Female (F)	Male (M)	(F/M) ratio		Female (F)	Male (M)	(F/M) ratio
751	804	0.9341	1-3	18.8	20.3	0.9261
1092	1201	0.9092	4-6	28.5	30.2	0.9437
1314	1506	0.8725	7-9	33.1	37.4	0.8850
1314	1788	0.7349	10-12	41.0	44.2	0.9276
1774	2172	0.8168	13-15	43.6	54.2	0.8044
1763	2456	0.7178	16-19	44.5	61.1	0.7283
1864	2639	0.7063	20-39	47.4	68.6	0.6910
1873	2664	0.7031	40-49	46.9	69.0	0.6797
1724	2554	0.6750	50-59	42.9	63.5	0.6756
1666	2322	0.7175	60-69	43.1	60.5	0.7124
1522	2084	0.7303	70+	38.3	57.1	0.6707
1854			Pregnant	46.8		
1991			Lactating	48.6		

**Source:** reproduced from Japan International Cooperation Agency, Country WID Profile (Bangladesh); p.20; [www.jica.go.jp/english/global/wid/report/pdf/e99ban.pdf](http://www.jica.go.jp/english/global/wid/report/pdf/e99ban.pdf)

### 3. Causes behind the discrimination against women:

As a matter of fact, the overall scenario of women's rights in Bangladesh is that most of the women are deprived of their rights because of many reasons. Most of the time women face social and religious barriers to move and participate freely in different spheres of their social lives. Inside their family also they are facing discrimination. There are various reasons for the prevalence of widespread discrimination against women in traditional Bangladeshi society. Some of the important of those are:

#### 3.1 *Family barrier and patriarchal family outlook:*

In most cases, it is true that before and after conception, the parents of the child desire to have a male child with the expectation to be looked after by the child during their old-age and also for avoiding future hazards which they might have to face during the teen-age of a girl child. Poor families sometimes treat female offspring as a future burden of dowry and a missed opportunity cost of income that could be earned by the male child or labor that could be contributed by the male child on the field to produce rice, for example. For this type of outlook, parents, especially in poor families, treat expenditures made for their daughters as unproductive and so, when the girl child is 7 or 8 years old, she is taught household works to

prepare her for early marriage that could reduce the burden of dowry and oriented her with the way of thinking that home is all for her, to avoid any kind of social scandal and exposure to various kinds of violence, the proneness of which increase with higher outwardness of women, restricting their liberties within the four-walls of a house. On the other hand, the male child of the same age gets all kinds of learning possibilities from his parents unsparingly.

### ***3.2 Social taboos and religious misconceptions:***

Particularly in the village, many parents are imbued with social taboos and religious misconceptions from which they can not escape. They believe that the girl child should not be exposed to the open society by taking formal education or by earning money but rather should be prepared as the machine for child bearing and the servant of the husband. So, they are married off early on the belief that the parents will get the peace and happiness by doing such deed. But the parents never think that their daughters' potential future will be nipped from the bud when they are married off early giving up the idea of becoming a good mother by learning and earning.

### ***3.3 Prevailing custom hindering the exercise of women's rights:***

Custom is an important factor for limiting women's rights. For example, women abdicate their rights to inheritance through the practice of long prevailed custom in Bangladeshi society, namely 'nair', with the expectation of continuing access to their brothers' homes after their marriage. In addition, when women do not technically give up any legal rights they might have, e.g. right to dower, right to inherit the property from ones parents, etc., it is seen as extremely shameful act to demand those rights from one's own husband or brother. These types of custom prevailed in the society due to the following reasons:

- Usually men are the earning member of the family and women work is mostly unpaid. So, properties are acquired in the name of and also maintained and controlled by the men. Moreover, women's much concern about property is taken as social shame. Consequently, women could easily be deprived of their due share on inheritance.
- Sometimes it is said that women already received their share of inheritance by the expenditure made by their parents to raise them up and to get them married. They also do not have the responsibility to look after their parents after they get married. So, male child should inherit the property because he earned money for the family, would take responsibility for his parents on their old days and also the responsibility of his married

sister if she becomes divorced or widowed. Since most of the women are not self sufficient, they want to preserve their share of inheritance on their fathers' home to get the opportunity for making any future claim for getting shelter if she becomes widowed or divorced for example.

- Because of the lack of awareness about their rights, especially in rural areas women usually think their right is confined only to being fed and sheltered in their husband's house. They do not think the right to get dower as a separate right and is ashamed to demand it when she is still living with her husband or to demand it after his death when it is a very delicate matter for her to make the demand while everybody is preparing for the funeral. In case of lawful divorce also the wife usually gives up the idea of getting dower money back in fear of the tiring, expensive and time consuming legal process they have to get recourse of.
- Sometimes the women , despite knowing their rights , do not exercise these rights when they understand that they will not be able to overcome the fight against the opposite sex so easily or they will not get moral, social and economic support against such 'ingrained unexpected continuity' i.e. the traditional belief of suppressing women all the time under the shadow of somebody e.g. her father before marriage and her husband after her marriage, and father or brother again if she becomes divorced or widowed - never independent in case of exercising their rights.

### **3.4 *Poverty and illiteracy:***

Although social customs and religious beliefs which hinder women's rights are deep rooted in the society, the rigidity of these constraints vary with the educational level and economic condition of the family and society in which a particular female child is born and brought up. For example, in urban areas and in the well off families in rural areas women are able to exercise more rights than those who live in poor rural families. Since a large majority of population in Bangladesh is poor it is very easy for them to be persuaded by the narrow, improper definition of religious rules made by the clerics. Moreover, poor-illiterate people are very hard to bring under the project for generating social awareness because they like to abide by the existing customs of the society, do not want to go against it, and become reluctant or even resist any change in these norms.

#### 4. Initiatives taken for the improvement of the conditions of the women of Bangladesh:

In order to be consistent with the Constitutional guarantee as well as the commitments at the international level, the Government of Bangladesh as well as NGOs has taken different measures in political, judicial, administrative and other fields, which of course have accelerated the women empowerment in the country.

##### 4.1 *Government Initiatives:*

**4.1.1 Political level initiatives:** In the political arena, the most remarkable success attained is the consecutive election of the head of the executive (Prime Minister) from women. On the last few parliaments, both the Prime Minister and the leader of opposition were women. Praiseworthy success has also been attained to attract the women voters in the electoral process. Due to social mobilization and establishment of separate polling booth for women along with the assignment of women polling officers and agents of those booths, women in Bangladesh have shown great enthusiasm in recent elections held both at national and local levels. This kind of enthusiasm among women to actively participate in election invokes political parties to engage more women in election campaigning and other political activities. Direct election of women representatives at local bodies has also added a note-worthy feature towards the political empowerment of women in the country. After the passage of Local Government Election Bill 1997 reserving seats for women in the local bodies, 14288 members were directly elected as member in different local bodies<sup>64)</sup>.

**Table 8: Provision for women participation at local level**

Rural and local government tiers	Reserved seats for women
Union Parishad (Union Council)	$4479 \times 3 = 13,537$
Zila Parishad ( District Council)	$64 \times 3 = 192$
Pourashava (Municipality)	$183 \times 3 = 549$
City corporations; Dhaka, Chittagong, Rajshahi and Khulna	$30 + 10 + 10 + 10 = 60$

**Source:** United Nations Committee on the Elimination of Discrimination against Women; Fifth periodic report of state parties, Bangladesh; p.24; [http://www.bayefsky.com/reports/bangladesh\\_cedaw\\_c\\_bgd\\_5.pdf](http://www.bayefsky.com/reports/bangladesh_cedaw_c_bgd_5.pdf)

**4.1.2 Legislative level initiatives:** Over the last two decades, Government has passed many new laws with an objective to protect women's rights and to protect them against violence. On July 1997, Government has lifted its reservation on article 13, paragraph (a) and 16,

64) Supra f.n. 27; p.11

paragraph 1 (f) of the CEDAW that opened up the way of women to enjoy equal right to family benefits and equal right towards the guardianship of their children. To enhance women right and to repress the violence against women, the Government has amended various laws and also passed some new ones. Amongst those (i) *The Muslim Marriage and Divorce Registration Act of 1974*, (ii) *The Dowry Prohibition Act of 1980*, (iii) *Child Marriage Restraint to Women (Deterrent Punishment) Ordinance of 1983*, and (iv) *The Family Courts Ordinance of 1985* whereas new legislations passed for the repression of violence against women include (i) *Prevention of Women and Children Repression Act 2000*, (ii) *Acid Crime Prevention Act 2002* and (iii) *Acid Control Act 2002* deserve special mention..

On the *Prevention of Women and Children Repression Act 2000*, sexual harassment and repression are explicitly expressed as a punishable crime including death penalty for the rapists proved to be guilty. Beside this, especial tribunals have been formed at the district level<sup>65)</sup> to accelerate the trial of cases of violence against women. Provision has been made to complete the investigation of the case within 60 days of the submission of First Information Report (FIR) and execution of trial within 90 days from filing of the case and crimes under this Act are declared non-bailable, without some exceptions. On the *Acid Crime Prevention Act 2002*, capital punishment is provided also for the acid thrower with a monetary penalty up to Tk.100 thousand and formation of also special tribunal has been decided for accelerated trial against these acid crimes. Since acids victims might not be able or willing to go to the open court, power has been assigned to the magistrates to take record of witness anywhere.

**4.1.3 Administrative level initiatives:** So far Government of Bangladesh has also been taking various initiatives to enhance women right and to repress violence against women in the administrative level. To empower the women representatives at local bodies, Government has taken some praise-worthy initiatives, such as a) compulsory inclusion of women in the Union Parishad Standing Committee, b) reserving the position of chairman in one-fourth of the total Union Parishad Project Implementation Committee for women, and c) compulsory inclusion of three Union Parishad women member to Upozilla (Sub-district) Development Coordination Committee<sup>66)</sup>. To increase women participation in public administration, Government is not only trying to increase their number but also trying to assign them in higher positions earlier occupied by only male participants. Among all public sector employment 10% posts for gazetted officers and 15% for other lower categories has been reserved for women. Due to the introduction of President's special quota for recruiting women at higher decision making

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65) In Bangladesh at present there are 64 districts.

66) Supra fn 28; p.23-4

positions, the number of women at senior positions has also increased with the number of Deputy Secretary became 24 in 2002 from 6 in 1995. Women were also for the first time assigned to the position of High Court Judge, District Administrator, Commissioner of Taxes, and Commissioner of Customs and in the Military service for the first time in the history of Bangladesh<sup>67)</sup>.

**4.1.4 Launching Social Movement against Dowry:** On May 2004 Prime Minister Begum Khaleda Zia has launched a social movement against dowry and issued 407 thousand letters to different levels of people including MPs, Teachers, Doctors, Engineers, Local government representatives, religious leaders etc. to generate awareness against dowry even at the grass root level. Another government circular has been made under which every government employee during their appointment has to declare that he/she will not provide or accept any kind of dowry. As a corollary to this movement, different civil society organizations have also started seminar, symposiums, and other social awareness programs to stop the practice of dowry in the country.

**4.1.5 Other Government Initiatives:** To provide better education to women, Government has made education free for women in rural area up to 12<sup>th</sup> grade. Besides, women are also getting monthly scholarship for attending school. These initiatives have improved the enrollment of women in primary and secondary level which already established parity in primary and secondary level education in Bangladesh. Government has also reserved 60% quota of primary school teachers for women. To give the women a breathing room after they become widows, government has introduced a policy to pay three-fourth of the pension money of the husbands to the widows for the rest of their lives.

**Table 9: Women to men enrollment ratio**

	1990	1998	2001
Primary	0.86	0.97	1.02
Secondary	0.52	0.96	1.10
Tertiary*	0.20	0.51	0.50

**Source:** United Nations Statistics Division, Millennium Indicators Database:  
[http://unstats.un.org/unsd/mi/mi\\_indicator\\_xrxx.asp?ind\\_code=9](http://unstats.un.org/unsd/mi/mi_indicator_xrxx.asp?ind_code=9)

Government initiatives are also made to provide better justice to the women. 'One stop crisis centers' have been established to provide all kind of medical, legal and police assistance to victim women. DNA test for raped women has been institutionalized and publication of photos of victims in newspaper has been banned through enactment. Shelter homes have also been

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67) *ibid.* p.14

established to provide treatment and other facilities and rehabilitation services to victim women.

#### **4.2 NGO Initiatives:**

In Bangladesh NGOs are providing their service in almost every sphere of life. Some NGOs are working explicitly for women while others are highly biased towards women while providing their development services. To discuss NGO initiatives for the development of women's rights and elimination of discrimination against them, the names of the NGOs come first should be Bangladesh Rural Advancement Committee (BRAC) and Grameen Bank. While both are providing micro credit for the economic emancipation of the poor they are highly biased towards the welfare of women, having more than 95% borrowers as women. Besides, BRAC is providing education and health care facilities to women especially in rural areas. Another NGO, UCEP is providing general and technical education to the both female and male working child in the capital city. Ain- O- Shalish Kendra (ASK), and Bangladesh National Women Lawyers Association (BNWLA) are providing formal legal aid to the distressed women especially acid victims, trafficked women, raped women and women who have encountered domestic violence because of dowry etc. and are also generating awareness about women rights by using mass media. Madaripur Legal Aid Association (MLAA), Banchte Shekha, local non-Dhaka based NGOs are trying to promote quick access to justice for women by initiating informal mediation (ADR) and also invigilating the locally held Shalish to oversee any women's rights violation there. NGOs are also working as a group where individual action may not be sufficient to restrain a social evil. For example, Traffic Watch Bangladesh (TWB) a network of 160 national and grass-root level organizations is acting for rescue, rehabilitation and awareness generation against trafficking. Network against Oppression of Women (NAOW), a network of 26 NGOs is working in the northern part of the country- the most vulnerable part for trafficking because of its higher regional poverty<sup>68</sup>). Shonghoti, a 62 organizations' alliance in Bangladesh is trying to protest human rights violation against women sex workers in different brothels. Some other NGOs are also providing health services to sex workers and addressing the need for information dissemination about and treatment of AIDS among them.

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68) ICDDR, Trafficking of Women and Children in Bangladesh: an overview, Current Approaches to Address the Trafficking Problem in Bangladesh; <http://www.icddrb.org/pub/publication.jsp?pubID=3254&classificationID=47&typeClassificationID=4>

## 5. Recommendations to address remaining challenges:

From the upper discussion it can be seen that the nature and causes of discrimination and violation of human rights against women in Bangladesh are diverse. Some emerged from the social norms, some are religious in nature while others are because of some legal provisions or because of the improper execution of law. While new laws can be created and existing laws can be executed properly to seek for a quick short time remedy of these problems, it can not give the complete solution because of the deep rooted taboos and obscured religious interpretations persisted in the society. So, below are some recommendations those would be able to soothe the problem in the short run and can also make a strong base for long run persistent remedy against the violation of women's rights and discrimination against them.

- i. As a matter of fact, in Bangladesh for the peaceful movement of women, emphasis should be first placed on their security. Law & order should be maintained rigidly with an iron hand. Violence against women should immediately be wiped out and when a miscreant is arrested, the Government must come forward with effective measures without any political favor or nepotism for protecting the terrorist in any way; corruption on police and judiciary should also be addressed. All the One Stop Crisis Centers should be made functional without any delay and more crisis centers should be established at least to have one in each district headquarter. The DNA test center should also be made functional soon<sup>69)</sup> to provide better justice specially to rape victims.
- ii. Increased social awareness through more formal education and also informal education in the family and society about the basic human rights of every citizen is very much essential to remove the superstitions, misconception and misinterpretation of the religious rules and other binding obscurities existing in the society;
- iii. Reservations on the provisions of Article 2 and 16 (c) of the CEDAW should be withdrawn for the best interests of women. The prevailing rights of women under secular

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69) Among the six one-stop-crisis centers and one DNA lab scheduled to be established by now, only two one-stop-crisis centers have been started in the capital city and another divisional headquarter. (Prothom Alo), a Bengali leading national newspaper in Bangladesh, September 5, 2004, <http://www.prothom-alo.net/newhtmlnews1/category.php?CategoryID=1&Date=2004-09-05&filename=05h12>

laws should be made consistent with the constitutional obligations.

- iv. Some other provisions of the formal laws, e.g. section 5 of the Citizenship Act of 1951 as well as the Bangladesh Citizenship (Temporary Provisions) Order of 1972 need to be amended to provide remedy from the current inequities in citizenship rights.
- v. Adequate amount of money should be allocated in the national budget for various women development related activities and necessary initiatives should be undertaken to implement these development plans; women should be provided with bank loans on more flexible terms so that they could be engaged more independently in income generating activities which would help them to earn hard cash and consequently to have more voice in the family decision making that leads to the ultimate goal of women empowerment in the society and state level.
- vi. Equal wage provisions, particularly in informal sector where discrimination is pervasive, must be strictly maintained. Appropriate skill training programs should also be initiated to minimize the wage gap which arise because of insufficient skill possessed by women;
- vii. Past experience in Bangladesh shows that reserved seats for women in the National Parliament under the current system of indirect election<sup>70)</sup> failed to pull out women from their infancy on political empowerment. Moreover, getting nomination from leading political parties acts as a major contributor to the victory in national elections. So, provision for reserved seats should be maintained until there will be a scope of talk that women do belong to the backward section of citizens. But, to make the system effective and beneficial for women direct election should be made on reserved seats with more specific responsibilities assigned to those elected under these reserved seats. In addition higher number of women should be nominated by the leading political parties for general seats, preferably from the candidates who already gained experience by being elected on the

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70) The 300 members of the parliament elected on general seats elect 30 candidates for the reserved seats. So, to be elected on the reserved seats women candidates do not have to have any connection with the grass-roots people, rather the connection to the high level political authority to respective parties is enough to get nomination. Since only simple majority is required to elect candidates on reserved seats, usually the winning party or the coalition gains all the seats. After being elected, the reserved seat members are not assigned with specific obligations and so remain detached from the grass-root people, a condition necessary for the political empowerment of every political leader irrespective of men or women.

reserved seats.

- viii. The Government of Bangladesh should implement all national instruments regarding women's right and all international instruments it acceded and/or ratified; only ratification of the International instruments concerning women's right is not enough; its proper implementation in the national arena is more important ;
- ix. The discriminatory attitude starts in the very root of the family which continues even at the State level. So, to build a society of parity between men and women, family is the first and foremost constructive and significant unit from where the learning process of a child should begin. It is the family which is the starting point for the development of every kind of faculty of a human being. When this family construction looks biased between men and women, the system and way of deprivation and discrimination begin at the very state of development of human personality. So, besides changing any law and regulation, attempt should be made to change the attitude of the people of the patriarchal society where the law would be implemented.
- x. Last but not least , The family laws which have direct relation with the Muslim personal laws e.g. marriage , divorce, inheritance, etc. are still discriminatory against women, being contradictory to the provision of equality under Article 28 and also inconsistent with the provision of Supremacy of the Constitution under Article 7 (2) where it is provided that "This Constitution is, as the solemn expression of the will of the People, the Supreme law of the Republic, and if any other law inconsistent with this Constitution that law shall, to the extent of the inconsistency, be void ".

So, if we strictly observe Article 7 (2), now it can not be said irrational that all other discriminatory laws those violate the provision of equality should be void. But is it so? Constitutional law or Islamic law, which is supreme in Bangladeshi perspective? Isn't it the Islamic law, which to some extent, is given supremacy over Constitution? So, there shouldn't be this type of ambiguity in the words of Constitution, rather it is justified to remove this ambiguity either -

- by changing the discriminatory provisions of some family laws which are contradictory to the Constitution, though it's a big challenge for the Government doing this task, if we want to maintain the present status of Equality and Supremacy of the Constitution; or

- by modifying the Equality and Supremacy Provisions of the Constitution adding the term '*Subject to Islamic provisions*' in the present provisions of the Constitution.

**6. Concluding Observations:** The patriarchal society still exists uninterrupted in the world, which is more visible in the socio-economic context of Bangladesh, where the issue of women concern is a Cinderella. However we, the conscious people of the human society, can not accept this ingrained unexpected continuity as our fate, especially at such a time when we already has passed nearly 3 decades since UN's first pronouncement of the '*Decade of Women*' in 1975. This has to be changed and the change should be made only through creating awareness among the women of the whole society --- not a part of the society or leaving a part of it out. So, creating consciousness about the rights of women and realizing the importance of the application of these rights is a pressing need of the day which has no alternative. It is only '*consciousness*' which automatically leads a woman to exercise her rights and to find out the fields of discrimination and the solution against these discrepancies.

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