

# Women Human Rights in Bangladesh: An Analysis

Dr. Mohammed Anowar Hossain Mizi<sup>1\*</sup>

<sup>1</sup>Associate Professor of Political Science, University of Chittagong, Bangladesh

DOI: <https://doi.org/10.36348/sjhss.2024.v09i12.004> | Received: 03.11.2024 | Accepted: 08.12.2024 | Published: 21.12.2024

\*Corresponding author: Dr. Mohammed Anowar Hossain Mizi  
Associate Professor of Political Science, University of Chittagong, Bangladesh

## Abstract

Bangladesh is a Muslim dominated country. Many of the Muslims are practicing Muslims. Islam has influence on the life of Muslims and many aspects of women human rights are influenced by Islam. Marriages, divorce, maintenance of wife, inheritance are regulated by Islamic laws. Some other aspects are regulated by secular laws. Bangladesh is signatory to many International conventions and declarations regarding women human rights. So Bangladesh women human rights are emanated from Islamic sharia laws, Bangladesh constitution, policies of the government and international declarations and conventions. In many respects women human rights in Islam and the rights emanate from secular sources are consistent with minor inconsistency where Bangladesh has made reservation. But the problem is that these rights are not observed properly. Local cultures have significant influence on the non-observance of women human rights in Bangladesh. As many of us are Muslims and we observe women human rights in Islam, it will uphold women rights in Bangladesh.

**Keywords:** Women, Human Rights, Gender Equality, Bangladesh.

Copyright © 2024 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC BY-NC 4.0) which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use provided the original author and source are credited.

## INTRODUCTION

Impressive policy innovations in Bangladesh have sought to ensure that gender equality is positioned high on the development agenda [1]. Bangladesh has a long history of colonial and semi-colonial rule. Many of its laws and policies governing the present Bangladesh, were inherited from colonial era. So women rights were not exception in this regard. After achieving independence in 1971, Bangladesh formulated a constitution and subsequently formulated various laws, and policies to ensure women's rights in all sphere of human life. The Islamic sharia laws regulate women rights to marriage, divorce, maintenance and inheritance. Besides, this is the age of globalization and we live in the global village. As Bangladesh is a member of international community, it has to implement international standard of women wrights. It is a signatory to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and Beijing Platform for Action (BPFA), has been committed in attaining the objectives of ensuring gender equality and empowerment of women. The Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and CEDAW clearly enunciated women's rights. This is evident: "As mentioned earlier, Bangladesh is party to a number of international human rights treaties that make it obligatory to ensure the rights to equality before law

and to equal protection of the law, as well as the right to personal liberty and security, freedom from arbitrary arrest and detention, to freedom from torture and cruel, inhuman and degrading treatment or punishment, and to an effective remedy in case of violation of any of these rights. These rights are enshrined in Part III of the Constitution of Bangladesh as Fundamental Human Rights" [2].

This paper will provide a description of the rights contained in the Constitution of the Peoples' Republic of Bangladesh and various laws and policies formulated in Bangladesh and the rights contained in UDHR, ICESCR, and CEDAW. It will also make an effort to observe the real position of women in Bangladesh society on the light of the rights contained in the above mentioned statutory bodies.

### Right to Life and Liberty

Life and liberty are important rights of all human beings. The Constitution of Bangladesh states: "No person shall be deprived of life or personal liberty save in accordance with law" [3]. No men want that he or she is to be restricted to movement. It is a natural tendency that all man wants to move freely anywhere he wants. Regarding the liberty of individual the Constitution enunciates: "Subject to any reasonable restrictions imposed by law in the public interest, every

citizen shall have the right to move freely throughout Bangladesh to reside and settle in any place therein and to leave and re-enter Bangladesh” [4]. It further adds: “Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health [5]. Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order [6]”.

For saving the life of women important laws were formulated to punish culprits who provoke to snatch away the life of women. Punishment for murder is death penalty or imprisonment for life, and shall also be liable to fine [7]. If anyone has the intention to murder an individual and it is proved he shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both [8].

If anyone does any activities willfully that does loss the prestige of women and commits suicide for that he (who provoked) will be sentenced 5 to 10 years rigorous imprisonment and addition fine<sup>9</sup>. For abetting suicide, one shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine [10]. Our life is sacred and it is a gift from Allah, we have no right to snatch away our own life. So attempting to suicide is also punishable with simple imprisonment for a term which may extend to one year, or with fine, or with both [11]. There is also provision for punishment for miscarriage that include punishment with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine [12] (If it is done with the consent of women) and without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine [13].

Kidnapping is a serious threat to the liberty of an individual. This abruptly restricts women liberty. Due to the fear of kidnapping some women are to live in a kind of self imprisonment. To save women from kidnapping laws were made keeping provision for stringent punishment. If any one unlawfully brings a woman from abroad or trafficking to abroad, to engage her in unethical activities or buy or sell or hand over to any one for unethical activities, or keeps her his control or custody, he will be sentenced to 10 years rigorous

imprisonment to capital punishment depending on the severity of crimes [14]. If anyone kidnaps women or children for ransom, he will be sentenced to 14 years rigorous imprisonment to life imprisonment or death sentence (for kidnapping for ransom) and fine depending on the severity of the crimes committed [15].

The UDHR states that that everyone has the right to life, liberty and security of person [16]. The ICESCR mentions: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life [17]. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law [18]”.

The right to life and liberty is severely hampered in Bangladesh. The various reports reveal how women’s life and liberty are endangered in Bangladesh although domestic and international laws prohibit violation of these rights.

### **Right to Freedom of Expression**

Every human wants to express his ideas without any restrictions. It is inherent in human nature. Bangladesh constitution guarantees this right. It guarantees the freedom of thought and conscience [19]. In Bangladesh men were not enjoying full freedom of expression. How can women be able to enjoy this right? One party comes to power and use force to suppress freedom of expression. It has become a common practice of political retaliation. We see no change of this attitude in near future in Bangladesh. We see imprisonment, torture in custody, police remand if anyone expresses any ideas that go against the ruling establishment. This is the general scenario of Bangladesh. As women are weaker section of the society, they are most sufferers. In the family, in job, society they exercise a little of freedom of expression. As the culture of the society is to suppress the opinion of the opposition, where might is right rules the society.

### **Right to Health Care**

Good health is very important. Economic development of a country depends on the health condition of its work force. Ill health causes and contributes to poverty by destroying livelihoods, reducing workers productivity, lowering educational achievements and limiting opportunities [20].

The Constitution of Bangladesh incorporates the provision that the basic necessities of life, including food, clothing, shelter, education and medical care [21]. It also makes provision for public health and morality. The constitution states: “the State shall regard the raising of the level of nutrition and the improvement of public health as among its primary duties, and in particular shall

adopt effective measures to prevent the consumption, except for medical purposes or for such other purposes as may be prescribed by law, of alcoholic and other intoxicating drinks and of drugs which are injurious to health” [22]. Laws were also formulated to punish culprits who do anything that are harmful for health. Unlawful or negligent act of an individual that is believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both or if it is done malignantly shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both [23].

The CEDAW incorporates the access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning [24]. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction [25]. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning [26].

Bangladesh Government aimed at bringing child and mother mortality in a reasonable rate. It is evident from objective 5<sup>th</sup> of the Health Policy 2011. Health indicators show an incremental decrease in gender gaps in health service provision. Indicators such as life expectancy at birth, maternal mortality and accessibility to family planning indicate positive trends [27]. The government formulated a National Health Policy in 2000, and gender issues continue to be an integral part of health policies and programs. A report published in a National Daily depicted the health situation in Bangladesh as: “Over the past 40 years, Bangladesh has outperformed its Asian neighbors, convincingly defying the expert view that reducing poverty and increasing health resources are the key drivers of better population health”, explains Series co-leader Professor Mushtaque Chowdhury from BRAC in Dhaka, Bangladesh. ‘Since 1980 maternal mortality has dropped by 75 percent, while infant mortality has more than halved since 1990, and life expectancy has increased to 68.3 years — surpassing neighboring India and Pakistan’” [28].

Many women in Bangladesh are very poor. They are unable to buy health services and they are basically dependent on government health services. Door to door services have been provided by Health Assistants, and Health and Family Welfare Assistants in villages. The government provides reproductive services, delivery facilities and has been implementing Extended Program of Immunization (EPI) to preserve the rights of mother and children. In the financial year

(2009-2010) government took 10 projects costing tk. 147474 lakh of which estimated that about 63.65 percent of this allocation will benefit women [29]. Government special provision for elderly women and they would be given priority in health care services [30]. Although the government tries to provide its best health services to the citizens various problems in health sector impede the desired services. They are: Doctor and nurses are not sufficient, Most of the medicines prescribed in hospitals are not free of cost and not available in government hospitals, Many of the medicines prescribed by the doctors are to be bought from market, poor coordination, lack of accountability, difficulties in procurement and distribution of essential drugs. These problems affect every one access to health care. The government programs include EPI and vaccinations (BCG, DPT, Polio, Hepatitis, Measles), and Vitamin A+ program is on operation for the mother and children. The achievements of family planning programme of Bangladesh have become a model to the Least Development Countries of Asia, Africa and Latin America. Despite the efforts by Government and NGOs health care facilities is not up to the mark. Women have unequal excess to health services compared to men. Social attitudes, ignorance and superstition beliefs also affect women’s health negatively and sometimes family member also barred from taking modern medical facilities and urge to go to quack doctors for health services.

### Right to Education

One of the most powerful general indicators of women’s educational opportunities is the percentage of the female population who are literate. For Wollstonecraft, “education was the key to female liberation: ‘Strengthen the female mind by enlarging it, and there will be an end to blind obedience’. She was a proponent of coeducation and insisted that women be educated on a par with men—with all fields and disciplines open to them. In the opening lines of *Vindication*, she expresses her “profound conviction that the neglected education of [women] is the grand source of the misery I deplore [31].” The world conference on education for all, held in march 1990 in Thailand, set as a goal, in the ‘world declaration on education for all’, the eradication of illiteracy by the year 2000 [32].

The constitution of Bangladesh is in favor of universal primary education. It incorporates: “the State shall adopt effective measures includes: for the purpose of –(a) establishing a uniform, mass oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs;(c) removing illiteracy within such time as may be determined by law” [33].

The UDHRs states that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. It further states: "Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit [34]. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms [35]. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace; Parents have a prior right to choose the kind of education that shall be given to their children" [36]. "States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: The same opportunities to benefit from scholarships and other study grants; The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely" [37].

Massive social mobilization programs have been undertaken by Ministry of Primary and Mass Education to encourage guardians to send their girl child to the schools [38]. The Government undertook various measures to improve education for girls/women such as female student's stipend programs at primary, secondary and higher secondary levels have increased participation of girls [39] and enrolment in primary and secondary education has been increased. Passing rates in various public examinations increased significantly different between girl and boy students. Three women's polytechnic institutes were set up for attracting girls in technical education. The establishment of an international university for women has been facilitating higher education for women. Initiatives were taken to promote sports activities among young women and provide computer-training programs for women.

The government provides stipends and exempt tuition fees in rural areas. About 26.3 million female students received 17,367.1 million taka as stipend from 2000 to 2008 [40]. Female students benefit from stipend programmes in continuing their secondary education at secondary level. "To increase the quality education the government has been implementing the 'Secondary Education Sector Improvement Project (SESIP)', and the 'Female Secondary School Assistance Project Phase II (FSSAP II). A project called PROMOTES encourages female teachers to receive B.Ed. training and facilitates construction of resource centres for teachers and hostels for female teachers in Upazila towns" [41].

The right to education has been severely affected due to the sexual abuse of girl student in urban

and rural areas. Eve teasing of girl students is very common phenomenon in Bangladesh. Sometimes girls stop going to school fearing eve teasing. The government and social organizations organize various programmes to make eve teasing socially unacceptable. Mobile courts were also set up to try the offenders. Despite all this efforts this abuse continues unabatedly. A daily news paper reports about eve teasing of girl students in a month:

"the rape of a Class X student of Viqarunnisa Noon School and College by her teacher, Parimal Jaydhar, made headlines in the news media and internet and drew huge outcry from all the corners of the civil society. I would like to recollect some other recent incidents that happened at different educational institutions and were reported in the newspapers. On July 3, Rafiqul Alam, an assistant teacher at Dildarpur High School in Moulovibazar, allegedly assaulted a female student of Class VI inside the classroom. On July 5, a student of Class IX of DM High School in Sylhet was allegedly sexually assaulted by computer teacher Bazlur Rahman at his coaching centre. On July 9, Jakir Hossain, a teacher of Nurani Hafizia Madrassah in Mirpur, Dhaka, reportedly abused a boy of Class I in his room. On July 21, Abul Kalam Azad, a 42-year old assistant teacher at Government Model Primary School in Sujanagar was accused of often sexually harassing three Class V students. On July 26, a college teacher was arrested on charge of attempted rape of a Class III student. This proves that sexual harassment in educational institutions has taken an epidemic proportion and is prevailing everywhere in our society, undermining our social and moral strength. Enough is enough. It is time to trace the reasons behind the scene and uproot this sort of maladies from the society" [42].

The innocent minor students were prey to abuses by their teachers. A teacher of Dhaka University conducted a study over 581 school children in five districts on this heinous crime. She found one in 15 boys and over 15 per cent of girls have experienced sexual abuse of different forms at very young ages. The study depicts: "This abuse leads to serious emotional and psychological problems of a child who suffer from depression, anti-social behavior, identity confusion, frustration and substance abuses, The girls in rural areas are more prone to sexual abuse than their urban counterparts, Deeba said, adding nearly five per cent urban girls have reported sexual abuse against over 10 per cent of rural girls. 'We need to figure out how we can restore and secure mental health condition of our children and we need to understand why they are experiencing such incidents,' she suggested, but urged guardians to be alert that children at most cases are at risk of being abused or harassed by their known persons close to them. She also said both girls and boys need to be taken care of in order to protect the young children from

such abuses at their growing stage and prevent them from mental trauma at later stage of their lives” [43].

### Right to Marriage and Divorce

Marriage is a common phenomenon and religious matter in Bangladesh. The Bangladesh constitution and its preamble show that the state does consider the family an integral part of society [44]. Relationship cohabitation with a man and women is unthinkable in Bangladesh. Family is a miniature of the state. In his philosophy of right Hegel perceives the family as intimately connected to the state, being the ethical root of the state [45]. In almost all marriages all the family members and relatives are participants in the marriage ceremony and festivity.

The child marriage was very prevalent in India subcontinent. To stop this practice the Child Marriage Restraint act was formulated. Any male who is below 21 years of age and female under 18 years of age is defines as children according to the Child Marriage Restraint Act 1929 [46]. Their marriage is illegitimate and punishable. If anyone who is a male above twenty-one years of age, or g a female above eighteen years of age, contracts performs, conducts or directs any child marriage he /she shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand Taka, or with both [47]. Parents or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand taka or with both (provided that no women shall be punishable with imprisonment) [48].

UDHRs has give due importance on marriage and regard it as natural and fundamental human right. It reads: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution [49]. Marriage shall be entered into only with the free and full consent of the intending spouses [50]. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State [51]”. The ICESCR also enunciates almost in the similar tone. It states: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State [52]. The right of men and women of marriageable age to marry and to found a family shall be recognized [53]. No marriage shall be entered into without the free and full consent of the intending spouses [54]. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary

protection of any children [55]”. The CEDAW States: “Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution<sup>56</sup>. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory [57]”.

Many marriages were solemnized violating these laws. According to Islamic teaching divorce is the most detestable thing of the legitimate deeds of a Muslim. Many of the dissolution of marriages were done without thoughtful thinking and Islamic grounds. Divorced women face social and economic problems. A researcher explains: “Female headed households in rural Bangladesh are being formed not through women’s emancipation of through any desire or economic capability on their part. They are being forced to manage the households through a combination of economic, demographic and social factors which hold no advantage to them in any form. They are end product of a pauperization process and represent the poverty situation in its most acute form” [58].

Islam allows divorce, it does not regard divorce is desirable. Marry but do not divorce, because god does not like men and women who relish variety in sexual pleasure [59]. Although prophet denounces Muslim men have continued to exercise this right at will [60]. The Muslim family Laws Ordinance, 1961 has modified many legal rights of women such as polygamy, *Talaq* and succession and kept provision for punishment for the violation of any aspects of this Act. This Act kept a provision for “an Arbitration Council consisting of the Chairman and a representative of each of the parties to a matter dealt with in this Ordinance (1961 family laws ordinance), Provided that where any party fails to nominate a representative within the prescribed time, the body formed without such representative shall be the Arbitration Council” [61]. Many of the divorces were effective bypassing the arbitration council. The government is not strong enough to implement it. Legal battle is not easily possible on the side of the poor because many of divorcees are so poor that they are unable to manage their two times meal. Many women are not literate enough and do not agree to go though lengthy process of legal battle.

Divorced women face serious financial burden and socially in a very bad condition as there is none to help them.

In the recent years divorce rate has been increased. A report depicts the divorce situation of Dhaka:

“The number of divorce suits filed with the Dhaka City Corporation is on the rise for disparate reasons, including infidelity, torture, and disagreement, with women filing most of the suits. The husbands seeking divorce usually cite disagreement with and infidelity and disobedience of their wives as reasons, while wives generally accuse their husbands of irresponsibility and, in some cases, torturing them. According to DCC officials, filing of divorce cases has increased in recent years, with nearly 26 divorce notices now being filed on an average every day. The number of divorce notices submitted to the DCC was 5,324 in 2007, which increased to 7,065 in 2008. The number of cases filed was nearly 6,000 in both 2009 and 2010, the officials added. ‘There has been 1,493 divorce notices filed in the first three months of the current year. There are days when as many as 26 notices are received’. Nearly 80 per cent of the divorce notices were served by the wives. The Muslim Family Laws Ordinance, 1961 empowers women to exercise the right to serve divorce notice to the husband. After receiving a divorce notice, the official concerned sent one notice each in the following three months to both the parties to be present at a hearing to settle their disputes without going for divorce, if possible. If both the parties fail to be present at the hearing on the three consecutive notice dates, the divorce automatically comes into effect. Shamim F Karim, a professor of psychology at Dhaka University, said: ‘many issues were related with the increase in the rate of divorces in Dhaka city. She said, in most cases, the wife’s family now even did not ask for the dowry from the husband as they only wanted to ensure that the woman would not be subjected to torture by her husband on that ground. Besides, with rapid urbanization, the tradition of joint family is becoming weaker, leading to less interference in settling disputes between husband and wife’. Information commissioner Sadeka Halim, also a sociology teacher at Dhaka University, said: ‘women never went for divorce willingly. ‘Giving importance to social values, no wife wants to send divorce notice to her husband but they now are going for it as they have, at least, a choice to live as single mothers’. She also pointed out that women from the higher and middle classes only came to the city corporation with divorce notices, while a large number of lower class women remained unaccounted for. ‘Urban slum-dwelling women, particularly garment workers and domestic helps, have more than one marriages on temporary contract basis, usually called social marriage, to have some sort of security’ she said, adding that these women never came to file divorce notices with the DCC. Rights organisation Ain O Salish Kendra senior deputy director Nina Goswami said their organisation supported divorced women. ‘Some 86 women sought the organization’s support in 2010. The number was five in

March this year’, she added. Department of Women Affairs directorate general Mohammad Ashraf Hossain said the department had a cell to assist women facing torture by their husbands and wanting to save their marriage before issuing the divorce notice. The cell received 66 applications in 2009, 87 in 2010, and 17 in the first three months of 2011 to resolve divorce-related problems” [62].

Islam keeps provisions for four wives at a time subject to fulfillment of certain conditions. This is not the mandatory. Besides Islam has also forbidden marriage if the person is unable to discharge the responsibilities attached to marriage. Islam permits polygamy, but that it can by no means be considered a polygamous system. But at present Bangladesh polygamy is very rare due to social reformation. Besides, the Muslim Family Laws Ordinance, 1961 made polygamy very difficult and lengthy process.

Women are in a disadvantageous position the feminist writer Annie Besant comments: “you can find others stating the religion (Islam) is evil because it sanctions a limited polygamy. But you do not hear as a rule the criticism which I spoke out one day in London hall where I knew that the audience was entirely uninstructed. I pointed out to them that monopoly with a blended mass of prostitution was a hypocrisy and more degrading than the limited polygamy” [63].

### Right to Honor

Rape is a serious form of violation of women rights and it severely dishonors a women. It places her socially downgraded position although she is completely innocent of this guilt. Bangladesh laws keep provision for severe punishment for violation of women chastity and honor. If any one rapes women or children he will be awarded rigorous life imprisonment and fine or death sentence (if victim dies due to rape) and in addition fine of taka 1,00,000 [64]. The code of conduct (Government Employees rules, 1979) that prohibits any behavior or language that denigrates the dignity of female colleagues [65]. Section 7 of Factories Act states ‘in every factory where more than fifty women workers (are employed) there be provided and maintained a suitable room for the use of the children under the age of six of such women [66]. The Plantation Labor ordinance-applicable to the tea garden in sylhet and chittagong-provides in section 12 that ‘the ... government may make rules providing that in every tea plantation where forty or more women workers are employed. The employer shall provide and maintain in such manner and of such standard as may be prescribed, rooms for the use of children of women workers as are below the age of six years’ [67]. The criminal code of procedure and the code of civil procedure section 497 Of the CrPC for example, makes womanhood one of the grounds on which bail may be granted, along with ill health and misfortunes [68]. The code of civil procedure of 1908 lays down in section 56,

130 and its Order 33 rule 1, the women were exempted from arrest for debt and also from appearance in court [69].

ICESCR states: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks” [70]. CEDAW states: “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women” [71].

### Right to Freedom from torture

The freedom from torture is another important right of women. If anyone burns any women or children with burning substance he will be sentenced ranging from 3 years rigorous imprisonment to life imprisonment, or death sentence and in addition fine (50,000 to 1,00000 taka) [72]. If anyone hurts a woman for dowry he will be sentenced 1 to 3 years rigorous imprisonment for simple hurt [73]. “The government enacted the Village Courts Act 2006 that replaces Village Courts Ordinance 1976 to dispense justice and to ease pressure on formal court. The village court is consisted of five members including three elected UP members” [74]. Special Tribunals were set up in the country in 200 to try charges under the Nari o Shishu Nirjaton Damaon Act 2000 that was amended in 2003 [75]. UDHR states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment [76].

Major reasons for acid throwing attacks include refusal of marriage offers, rejection of male advances, dowry disputes, political disputes and even a delayed meal. Although government made laws to protect women from protection from torture many women are the victim of torture. A news paper report depicts the implementation of law in the following way:

“The Domestic Violence (Protection and Prevention) Act, 2010 still remains on paper as the government is yet to frame a set of rules necessary for its effective implementation. The law was enacted on October 12, 2010 aiming at preventing domestic violence and protecting women and children from it by enabling any victim to lodge complaint with a judicial or metropolitan magistrate seeking protection from such violence. The law came into effect from December 30, 2010. No petition, however, has yet been filed with any magistrate under the law seeking redress for or protection from domestic violence due to the absence of the rules. The government also has not yet appointed an enforcement officer for every upazila, police station, district, and metropolitan area as stipulated in the act. According to the Directorate of Women Affairs, between January 1 and March 31 this year, 31 cases had been filed

with the Prevention of Repression against Women Cell of Dhaka division on dowry-related strife, 24 on charge of physical torture, and 24 against second marriage without permission of the first wife. In last year, 109 cases had been filed with the cell on dowry-related incidents, 94 on charge of physical torture, 69 for second marriage without permission of the first wife, and 87 relating to divorce, the DWA statistic shows.

Bangladesh Women Lawyers’ Association vice-president Fahima Nasrin Munni, a Supreme Court lawyer who is also a rights activist, said the statistics did not reflect the real situation of violence against women as in most of the incidents the victims bothered not to file a case. She said most of the cases recorded by the DWA could be resolved under the Domestic Violence (Protection and Prevention) Act and the victims could easily get redress, if the law was implemented. Effective implementation of the act could prevent the incident in which Dhaka University teacher Rumana Monzur was tortured and blinded by her husband on June 5, Munni added. It is unfortunate that no step has yet been taken for effective implementation of the law, although domestic violence is on the rise, she said. The state minister for women and children affairs, Shirin Sharmin Chowdhury, said the Citizens’ Initiative against Domestic Violence, a network of 40 women rights organisations, was working on the draft of the rules. To ensure effective enforcement and implementation of the law, an implementation strategy will be framed in consultation with the women rights organizations and other stakeholders, she added. Rights organization Ain O Salish Kendra is working as the secretariat of the CIDV, she said. CIDV coordinator Nina Goswami of the ASK said, ‘The progress made so far is not significant as drafting the rules is a lengthy process. Moreover, it requires detail explanation of the act and the procedures of its effective implementation.’ Formulating the rules is a complicated job as the law is a unique one which stipulates provisions for the protection of the victims instead of punishing the perpetrators, she said. ‘This act will be more effective [in curbing domestic violence] as it may provide redress to a victim within 24 hours of filing a petition, while a lengthy process has to be followed in the cases filed under other laws,’ she said. ‘The CIDV is working on the draft of the rule. We will submit the draft rule to the ministry within one month,’ Nina added. The act categorizes domestic violence into physical torture, mental torture and sexual harassment of and financial damage done to a woman or child by any member of the family. The act defines physical torture as any action or behavior that may causes or is likely to cause damage to the life, health, security or any organ of the body of a woman or child or forces or provokes any victim to commit a criminal act. According to the law, any verbal abuse, insult, snub or threat to any individual or making any utterances that may cause mental harassment and interfere in the individual’s freedom of movement and opinion by any member of the family will

constitute an act of mental torture. The law says sexual harassment will also include making such sexual behavior which is damaging to an individual's dignity, honor or reputation. The law also categorizes causing any economic loss or damage to a woman or child by any member of the family as domestic violence. The act asks a police officer, being informed in any manner of an incident of domestic violence, to make the victim aware that she could get redress including legal aid and medical treatment. The government will have to appoint an enforcement officer for every Upazila, police station, district, and metropolitan area to monitor domestic violence in the area under his/her jurisdiction. If any domestic violence is reported, the officer will inform the officer-in-charge of the police station concerned, apply to the court concerned seeking protection of the victim, and arrange for medical examinations and treatment of the victim. Rights organizations and non-governmental organizations campaigning for protection of women and children's rights will be considered service organizations in ensuring enforcement of the law, the act stipulates. The service organizations will be entrusted with recording any incident of domestic violence, reporting to the court and the police station concerned, and ensuring safe custody of the victim. According to the act, any petition seeking protection of a victim can be filed with the court of a judicial magistrate or a metropolitan magistrate concerned by the victim or the enforcement officer. If the court is satisfied that an incident of domestic violence has been committed or there is a possibility of such violence, it will order the accused to ensure protection of the victim and issue a notice asking the perpetrator to explain within seven days why he should not be ordered to ensure permanent protection of the victim. If a perpetrator fails to comply with the court order to ensure protection of the victim, he/she will be punished with six months in jail or a fine of Tk 10,000 or both. For any recurrence of the offence, the perpetrator will be punished with two years' imprisonment or with a fine of Tk one lakh or both, the act says. A person, on the other hand, will be punished with one year in jail or a fine of Tk 50,000 or both for making a false complaint" [77].

### Right to Property

"Women form just over half of the world's population but they do two-thirds of the work which is done in the world. For this they earn 10 percent of the income and they own one percent of the world's property. These United Nations statistics explain in two short sentences the economic reality in which the majority of the world's women find themselves" [78]. In the medieval Europe Property is not natural, and the world belongs in common to humanity, at least before civil society arises and draws most of us into the network of artificial relationships that constitute property holding [79]. Islam was the first legal system to release women from the concept of coverture and recognized women's rights to property during marriage [80].

A policy of the ministry of land (GOB) is that wives and husbands must be equal partners in leasing out agricultural khas land and that destitute women should be given priority in access to this land [81]. In the event of the death of any son or daughter of the *propositus* before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall *per stirpes* receive a share equivalent to the share which such son or daughter, as the case may be, would have received if alive [82].

UDHR states: "Everyone has the right to own property alone as well as in association with others [83]. No one shall be arbitrarily deprived of his property [84]. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection" [85] States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular [86]: (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

However, with a few exceptions women surrender their inheritance as a matter of custom, thereby showing love for their brothers; depriving brothers of this source of income might antagonize them [87]. A woman claims her share of inheritance and more likely that her brothers will seize control of her share of inheritance does not get substantial amount of dowry. Some are forced by their own families to turn their inheritance over to their brothers. Worse yet, many brothers take the inheritance and disappear from the lives of their sisters who have no closer male relative obligated to support them or capable of doing so.

"Labor force is defined as the active population of age 15+. This may be employed, underemployed, self employed and unemployed, looking for gainful job/work. They may also be classified as skilled, semiskilled and unskilled labor force. Women's participation in the labor force has increased significantly" [88].

Among the different groups of women that garments sector has mobilized are women from poor urban household [89]. Exploitation of female labor as well as more general issues of gender equity have emerged as universal concerns of nations in the past decade. In addition, women often face problems of sexual exploitation [90]. In these societies, where most

people are victims, women and children suffer the greatest hardships [91]. The pressures of economic globalization have resulted in expansion of the informal market, where women are employed in great numbers. While this has opened up some opportunities for women, it is important to note that many women are increasingly more vulnerable to exploitative wage rates and conditions of work [92]. Analyses of women's entry into wage employment in Bangladesh often emphasize the role played by extreme poverty and the related dynamic of male unemployment and desertion in driving women into the wage market [93]. Some jobs are a matter of basic survival [94].

A significant proportion of the sending family households of the garments workers are female headed a condition that is related to poverty of the households. And also for some women, the decision to enter into garment's work may be triggered by experience of a failed marriage [95].

The number of women salaried job is less compared to men. Women's discrimination in job is a common phenomenon in Bangladesh like many countries of the world. A report reveals:

“Discrimination against working women, particularly those employed in the informal sector, continues with the government paying little heed to its election pledge that such practices would be stopped. In its manifesto for the December 2008 general elections, the ruling Awami League said: ‘Strictest legal measures will be taken to stop oppression of women. Discriminatory laws against the interest of women will be rectified.’ Although the number of working women has increased sharply, discrimination continues as the government has failed to enact proper laws or to eliminate the ambiguity in the existing laws, rights activists and lawyers said. Discrimination in maternity leave entitlement between the government and the private sector, the absence of any requirement to have day-care centers at workplaces, the continued exclusion of domestic and agricultural workers from the ambit of the Bangladesh Labor Act 2006, and the lack of steps to ensure equal wages for female agricultural workers clearly show that the government is ‘biased and not gender-sensitive enough,’ they said. The working women of Bangladesh are mainly covered by two laws — those working in the private sector are under the jurisdiction of the Bangladesh Labor Act 2006 and those who work permanently for the government come under the Bangladesh Service Rules. Under the amended government service rules, women permanently employed in the public sector are now given six months maternity leave, which is more than both their temporarily employed colleagues and women employed in the private sector are given. The Bangladesh Labor Act 2006 says that that a female worker is entitled to only four months’ leave — eight weeks before delivery and

eight more weeks after the delivery. Clause 34.11 of the newly approved National Women Development Policy 2011 — which states that ‘according to the rules of business, the women and children affairs ministry would take steps to enact necessary laws and take necessary steps to ensure the rights of women to enjoy six months’ maternity leave’ — does not, however, distinguish between different kinds of workers. Legal rights activist Sara Hossain pointed out that this kind of unfairness would prevail as the constitution speaks of the state not discriminating but is silent over discrimination by the private sector. Referring to the women's development policy, Sara also expressed her concerns about the extent to which the women's policy could help private-sector women. ‘It is just a policy which creates upon the state a moral rather than a obligation,’ she said. Working women with small children said that private-sector employers did not consider that they had any obligation to establish day-care centers even though Section 94 of the Labor Act 2006 stipulates that a workplace that has at least 40 women employees must have childcare facilities for the children aged up to six years. They blamed the lack of enforcement by the Inspectorate of Factories and Establishments. Apparel worker Ruma, also mother of three children, said that her employer did not have the facility and had not heard from any of her fellow workers in different sectors about having the ‘advantage of day-care centre.’ ‘I started my career in 1992. I never have seen any inspector inspecting whether employers have such facilities,’ Ruma added. Despite continuing demands from rights activists, the government is yet to include domestic workers in the labor law and they, therefore remain deprived of their rights to minimum wage, working hours and other facilities as required by the legislation.

Around four lakh domestic workers were identified by the International Labor Organization and UNICEF as working in Bangladesh in 2007. A fifth of the estimated total number of domestic workers were children aged between 6 and 17 and almost 80 per cent of them were women. The government is also yet to ensure that women agricultural workers receive equal salaries as male workers do” [96].

The report further adds: “In January (2012), lawmaker Showkat Momen Shahjahan, also the chairman of the parliamentary standing committee on the agriculture ministry, said, ‘Ensuring equal wage for male and female workers is not possible as the work capacity of males is higher than that of females.’ This week, economists at a discussion titled ‘Increasing the incentives by the government for the agricultural sector needs to be women farmer-friendly’ said that the number of women farmers had increased by 116 per cent in a decade. Pointing out that millions of women are working in different sectors and the proportion of government women employees is very low compared with private sectors workers, the Bangladesh National Women

Lawyers' Association vice-president, Fahima Nasrin, told *New Age*, 'I do not understand why the women and children affairs ministry is ignoring private-sector employees.' 'Moreover, private-sector women need the privilege more than the government employees do as most of them are vulnerable both financially and physically,' she added. Shirin Sharmin Chowdhury, the state minister for children and women affairs, told *New Age* that the government could not force the private sector to provide facilities to their employees. 'The ministry of women and children affairs can persuade them but there is no mechanism for monitoring or forcing the companies to follow the law,' she said. The minister for labor and employment, Khandaker Mosharraf Hossain, told *New Age* that the Bangladesh Labour Act 2006 needed to be amended as it is 'really discriminatory' against women" [97].

Women represent half of the work force in Bangladesh a large number of works are in the garment sectors. In the public service one fifth of the BCS cadre officers are women [98].

### **Right to Social Security**

Both men and women face hardship when they are old or sick or suffer any other disabilities. In almost all the countries of the world there are provision for social security scheme for this section of people. Newspapers and electronic media produce many deplorable conditions of these people. Our constitution states: "the right to social security, that is to say, to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases" [99]. The UDHR mentions: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality [100]. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, and housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection" [101]. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction [102]. To benefit directly from social security programmes [103].

A newspaper columnist describe the situation of elderly women in Bangladesh as: "Elderly women constitute the majority of the population in our country. Higher life expectancy among women than men has resulted in an imbalance in the sex ratio among older persons in almost all countries, including Bangladesh. In 1950, 6.2 per cent of women were classified as elderly. This percentage is expected to increase to 8.6 per cent by 2025 and 16.7 per cent by 2050. In 50 years, the life expectancy of women might increase by nearly 16 years, i.e. from 60.8 years in 2000-2005 to 76.5 years by 2045-2050. Survival rate of elderly women might increase from 66.6 per cent in 2000-2005 to 90.1 per cent by 2045-2050. Elderly women are more vulnerable than those of men. Family provides the basic care services to the old, but this scenario has been gradually changing. The traditional joint family structure is breaking down due to poverty, attitudes of self-interest, quarrels, maladjustment and so on and is gradually being replaced by nuclear families. Many people live in poverty old specially women is a burden for family. This is especially true for older women, who suffer from multiple disadvantages resulting from bias to gender, widowhood and old age. Women, particularly widows who have no living sons or live alone, are considered to be particularly at risk of economic destitution, social isolation, poor health and death [104].

Ministry of social welfare has been taking various activities targeting women. In ensuring social safety net protection for vulnerable women in extreme poverty, Vulnerable Group Development Program (VGD) is providing extreme poor and distressed women food assistance along with development package training. Old age allowance scheme include 2 million with majority include women. Ten projects (budget FY 2009-2010) estimated to have highest share allocated to benefit women. In the fiscal year 2010-2011, the ministry of social welfare plans to provide an old age allowance of Tk 8910 million to 2.475 million beneficiaries and Tk 331.02 million to 0.92 million beneficiaries as allowance for widows. Even a private bank of Bangladesh, Trust Bank, arranged a one-off payment of Tk 7,000 and a regular monthly allowance of Tk 1,000 from January 2011 for 35 widows as a part of allowance programme for war widows [105].

### **Right to Equality before Law**

Equality before law is incorporated in the constitution of Bangladesh. It states that all citizens are equal before law and are entitled to equal protection of law [106]. For this reason discrimination was prohibited. The Constitution further adds: "the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Women shall have equal rights with men in all spheres of the State and of public life. No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with

regard to access to any place of public entertainment or resort, or admission to any educational institution. It was also given the power to make special provision for the development of women. The constitution states: ‘Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward section of citizens’” [107].

Constitution also emphasized for ensuring equal opportunity for women. It incorporates:

- 1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.
- 2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.
- 3) Nothing in this article shall prevent the State from:
  - a) making special provision in favor of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;
  - b) giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination;
  - c) reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex [108].

The Constitution also keeps provision of the right to protection of law. It adds: “To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law” [109].

ICESCR enunciates: “Everyone shall have the right to recognition everywhere as a person before the

law [110]. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” [111]. The UDHR states: “Everyone has the right to recognition everywhere as a person before the law [112]. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination [113]”. The CEDAW in its preamble describes the dignity of the human person and in the equal rights of men and women and emphasis on state parties to ensure rights of men and women to enjoy all economic, social and cultural, civil and political rights. It further urges state parties: “To embody the principle of the equality of men and women in their national constitutions. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals [114]. States Parties shall accord to women equality with men before the law [115]”.

## CONCLUSION

Bangladesh constitution has given due importance to women rights and special provision has also been kept to uphold women rights as they are deprived section of the society compared to their male counterpart. Various policies were also directed to uphold women rights high on the agenda. Bangladesh also ratified international covenants and declarations. Women rights situation have been improving gradually, but this is not up to the mark. Discrimination on women continues in different sectors. Change in attitude and respect to human right can change this situation in near future.

## End Notes

<sup>1</sup> Anne Marie Goetz, *Women Development Workers: Implementing Rural Credit programmes in Bangladesh*, (Dhaka: University Press Limited, 2001), p. 23.

<sup>2</sup> Ministry of Women and Children Affairs, Government of the People’s Republic of Bangladesh (GOB), “6th and 7th Combined Report (2001-2009) Convention on the Elimination of All Forms of Discrimination Against Women, Bangladesh”, (December 2009), p. 22. Available at (www.mowca.gov.bd).

<sup>3</sup> The Government of the People’s Republic of Bangladesh (GOB), *The Constitution of The People’s Republic of Bangladesh*, (Dhaka: Law Justice and parliamentary Affairs, April 2008), Article 32.

<sup>4</sup> *Ibid.*, Article 36.

<sup>5</sup> *Ibid.*, Article 37.

<sup>6</sup> *Ibid.*, Article 38.

<sup>7</sup> The Penal Code, 1860, Section 302.

<sup>8</sup> *Ibid.*, Section 308.

<sup>9</sup> The Suppression of Violence against Women and Children Act 2000, Section 9 (Ka).

- <sup>10</sup> The Penal Code, 1860, Section 306.
- <sup>11</sup> *Ibid.*, Section 309.
- <sup>12</sup> *Ibid.*, Section 312.
- <sup>13</sup> *Ibid.*, Section 313.
- <sup>14</sup> The Suppression of Violence against Women and Children Act 2000, Section 5 (1).
- <sup>15</sup> *Ibid.* Section 7 & 8.
- <sup>16</sup> The Universal Declarations of Human Rights (UDHR), Article 3.
- <sup>17</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), Part III, Article 6 (1).
- <sup>18</sup> *Ibid.*, Article 9 (1).
- <sup>19</sup> The GOB, *The Constitution of The People's Republic of Bangladesh, Op. Cit.*, Article 39 (1).
- <sup>20</sup> Ministry of Finance, Finance Division, Government of the People's Republic of Bangladesh, "Women's Advancements and Rights in Four Ministries' Activities: Ministry of Education, Ministry of Health and Family Welfare, Ministry of Social Welfare Ministry of Food and Disaster Management", p. 9. Available at [www.mof.gov.bd](http://www.mof.gov.bd).
- <sup>21</sup> The GOB, *The Constitution of the People's Republic of Bangladesh, Op. Cit.*, Article 15 (a).
- <sup>22</sup> *Ibid.*, Article 18 (1).
- <sup>23</sup> The Penal Code, 1860, Section 269.
- <sup>24</sup> CEDAW, Article 10 (h).
- <sup>25</sup> *Ibid.*, Article 11.1 (f).
- <sup>26</sup> *Ibid.* Article 12 (1).
- <sup>27</sup> Ministry of Finance, Finance Division The Government of the People's Republic of Bangladesh, "Women's Advancements and Rights in Four Ministries' Activities: Ministry of Education, Ministry of Health and Family Welfare, Ministry of Social Welfare, Ministry of Food and Disaster Management", *Op. Cit.*, p. 10.
- <sup>28</sup> *The Daily Star* (Dhaka), November 24, 2013.
- <sup>29</sup> Finance Division Ministry of Finance Government of the People's Republic of Bangladesh, "Women's Advancements and Rights in Four Ministries' Activities: Ministry of Education, Ministry of Health and Family Welfare, Ministry of Social Welfare, Ministry of Food and Disaster Management", *Op. Cit.*, p. 15.
- <sup>30</sup> *Ibid.* p. 11.
- <sup>31</sup> Christina Hoff Sommers, "Feminism, Freedom and History", Irving Horowitz (ed.) *Culture and Civilization*, Vol. 1, (Louis, New Jersey: Transaction Publishers, 2009), p. 214, available at [www.aei.org/docLib/Feminism.pdf](http://www.aei.org/docLib/Feminism.pdf) visited 15/4/2011.
- <sup>32</sup> Cited in Nabil F Khoury, & Valentine M.Moghadam, eds. *Gender and Development in the Arab World Women's Economic Participation: Patterns and Policies*, (London: Zed Books, 1995), p. 55.
- <sup>33</sup> The GOB, *The Constitution of The People's Republic of Bangladesh, Op. Cit.*, Article 17.
- <sup>34</sup> *UDHR*, Article 26 (1).
- <sup>35</sup> *Ibid.*, Article 26 (2).
- <sup>36</sup> *Ibid.*, Article 26 (3).
- <sup>37</sup> *CEDAW*, Article 10 (d, f).
- <sup>38</sup> Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh, "(6th and 7th Combined Report (2001~2009) Convention on the Elimination of All Forms of Discrimination Against Women", *Op. Cit.*, p. 86.
- <sup>39</sup> *Ibid.*, p.87.
- <sup>40</sup> Ministry of Finance, Finance Division Government of the People's Republic of Bangladesh, "Women's Advancements and Rights in Four Ministries' Activities: Ministry of Education, Ministry of Health and Family Welfare, Ministry of Social Welfare, Ministry of Food and Disaster Management", *Op. Cit.*, p. 2.
- <sup>41</sup> *Ibid.*, pp 2-3.
- <sup>42</sup> Behind the Scene in Viqarunnisa School, *The New age* (Dhaka), Thursday, August 4, 2011.
- <sup>43</sup> *The New age* (Dhaka), August 17, 2011.
- <sup>44</sup> Faustina Pereira, *The Fractured Scales: The Search for A Uniform Personal Code*, (Dhaka: University Press Limited, 2002), p. 98.
- <sup>45</sup> Cited in *Ibid.*, p. 102.
- <sup>46</sup> The Child Marriage Restraint Act, 1929 Section 2 (a).
- <sup>47</sup> *Ibid.*, Section 4.
- <sup>48</sup> *Ibid.*, Section 6 (1).
- <sup>49</sup> *UDHR*, Article 16 (1).
- <sup>50</sup> *UDHR*, Article 16 (2).
- <sup>51</sup> *UDHR*, Article 16 (3).
- <sup>52</sup> *ICESCR*, Part III, Article 23 (1).
- <sup>53</sup> *ICESCR*, Article 23 (2).
- <sup>54</sup> *Ibid.*, 23 (3).
- <sup>55</sup> *ICESCR*, Article 23 (4).

- <sup>56</sup> CEDAW, Article 16 (1) A, B, C.
- <sup>57</sup> CEDAW, Article 16 (2).
- <sup>58</sup> Cited in Helen Todd, *Women at the Center: Grameen Bank Borrowers after One Decade*, ( Dhaka: University Press Limited, 1996) , p. 129.
- <sup>59</sup> Nayer Honarvar, “Behind the Veil: Women's Rights in Islamic Societies”, *Journal of Law and Religion*, Vol. 6, No. 2 (1988), p 371.
- <sup>60</sup> Faustina Pereira, *The Fractured Scales: The Search for A Uniform Personal Code*, *Op. Cit.*, p. 22.
- <sup>61</sup> The Muslim family Laws Ordinance, 1961, Section 2 (a).
- <sup>62</sup> *The New Age (Dhaka)*, April 16, 2011.
- <sup>63</sup> Badre Alam Khan, *Economic Rights of Women Under Islamic Law & Hindu Law*, (New Delhi, Adam Publishers & Distributors, 2008) p. 32.
- <sup>64</sup> The Suppression of Violence Against Women and Children Act 2000, Section 9 (1, 2).
- <sup>65</sup> Ministry of Women and Children Affairs (MOWCA), “Gender Equality in Bangladesh: Progress & Road Ahead”, (Dhaka: MOWCA, March, 2010), p.8.
- <sup>66</sup> Saira Rahman Khan, *The Socio-legal Status of Bengali Women in Bangladesh: Implications for Development*, (Dhaka: University Press Limited, 2001), p.75.
- <sup>67</sup> *Ibid.*, p. 74.
- <sup>68</sup> *Ibid.*
- <sup>69</sup> *Ibid.*
- <sup>70</sup> ICESCR, Article 17.
- <sup>71</sup> CEDAW, Article 6.
- <sup>72</sup> The Suppression of Violence Against Women and Children Act 2000, Section 4 (1, 2, 3).
- <sup>73</sup> *Ibid.*, Section 11 (Ga).
- <sup>74</sup> Citizens initiatives and CEDAW-Bangladesh (CiC-BD), “Combined Sixth and Seventh Alternative report to the UN CEDAW Committee” *Op. Cit.*, p. 23.
- <sup>75</sup> *Ibid.*, p. 24.
- <sup>76</sup> UDHR, Article 5.
- <sup>77</sup> Archita Baroi, “Law against Domestic Violence on Ice for Lack of Rules”, *The New Age (Dhaka)*, July 2, 2011.
- <sup>78</sup> Pat Horn , “Where is Feminism now ?”, *Agenda*, No. 26, Women in Local Government (1995), p. 71.
- <sup>79</sup> William A. Edmundson, *An Introduction to Rights*, (New York: Cambridge University Press, 2004), p.7.
- <sup>80</sup> Partha Chatterjee, & Pradeep Jeganathan eds. *Community, Gender and violence*, (New Delhi: Permanent Black, 2007), p. 108.
- <sup>81</sup> Ministry of Women and Children Affairs (MOWCA, the GOB), “Gender Equality in Bangladesh: Progress & Road Ahead”, *Op. Cit.*, p. 24.
- <sup>82</sup> *The Muslim Family Laws Ordinance 1961*, section 4.
- <sup>83</sup> UDHR, Article 17 (1).
- <sup>84</sup> UDHR, Article 17 (2).
- <sup>85</sup> UDHR, Article 23 (1, 2, 3).
- <sup>86</sup> CEDAW, Article 11(1).
- <sup>87</sup> Nomita Halder, “Female Representation in Parliament: A Case Study from Bangladesh”, *The New Zealand Journal of Asian Studies*, 6, 1 (June, 2004), p. 38.
- <sup>88</sup> Bangladesh Bureau of Statistics, (BBS) “Gender Statistics of Bangladesh 2008”, (Ministry of Planning, Planning Division, May 2009), p. 85.
- <sup>89</sup> Rehman Sobhan, & Nasreen Khundker, eds. *Globalisation and Gender: changing Patterns of Women’s Employment in Bangladesh*, (Dhaka: University Press Limited, 2004), p. 84.
- <sup>90</sup> Marian Life Palley, “Women Rights as Human Rights: An International Perspective”, *Annals of the American Academy of Political and Social Science*, vol. 515, (1991), p. 163.
- <sup>91</sup> *Ibid.*, p. 164.
- <sup>92</sup> Saba Gul Khattak, Kiran Habib, & Foqia Sadiq Khan, *Women and Human Security in South Asia: The Case of Bangladesh and Pakistan*, (Dhaka: Bangladesh Institute of International and Strategic Studies, 2008), p. 157.
- <sup>93</sup> Rehman Sobhan, & Nasreen Khundker, eds. *Globalisation and Gender: changing Patterns of Women’s Employment in Bangladesh*, *Op. Cit.*, p. 62.
- <sup>94</sup> *Ibid.*, p. 63.
- <sup>95</sup> Rehman Sobhan, & Nasreen Khundker, eds. *Globalisation and Gender: Changing Patterns of Women’s Employment in Bangladesh*. *Op. Cit.*, p. 85.
- <sup>96</sup> Muktasree Chakma Shati “Discrimination continues against Working Women”, *The New Age (Dhaka)*, March 8, 2012.
- <sup>97</sup> *Ibid.*
- <sup>98</sup> Transparency International Bangladesh, “Draft Bangladesh Public Service commission: A Diagnostic Study” March 2007, p. 33.

<sup>99</sup>The GOB, *The Constitution of the Peoples' Republic of Bangladesh, Op. Cit*, Article 15 (d).

<sup>100</sup> *UDHR*, Article 22.

<sup>101</sup> *UDHR*, Article 25 (1).

<sup>102</sup> *CEDAW*, 11(e, f).

<sup>103</sup> *CEDAW*, 14(c).

<sup>104</sup> See KM Mustafizur Rahman and AZM Saleh, "Focusing on elderly women", *The New Age* (Dhaka), May 24, 2011.

<sup>105</sup> See *Ibid.*

<sup>106</sup> The GOB, *The constitution of the Peoples' Republic of Bangladesh (Op. Cit)*, Article 27.

<sup>107</sup> *Ibid.*, Article 28.

<sup>108</sup> *Ibid.* Article 29.

<sup>109</sup> *Ibid.*, Article 31.

<sup>110</sup> *ICESCR*, Article 16.

<sup>111</sup> *ICESCR*, Article 26.

<sup>112</sup> *UDHR*, Article 6.

<sup>113</sup> *UDHR*, Article 7.

<sup>114</sup> *CEDAW*, Article 2 (a, c).

<sup>115</sup> *Ibid.*, Article 15 (1).