

A STUDY OF WOMEN'S RIGHTS IN BANGLADESH: SPECIAL REFERENCE TO IMPACT OF INTERNATIONAL HUMAN RIGHTS CONVENTION ON GENDER EQUALITY

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ABSTRACT

The issue of “women’s rights and gender equality” is a global concern till today. The Universal Declaration of Human Rights (UDHR), 1948 and many other international human rights instruments have been adopted to ensure justice and equality for all. But gender disparity remained one of the dominant global problems till the mid of 20th century. Women were the most deprived group of the society for their submissive legal status. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations (UN) in 1979 as an international human rights treaty to elevate the legal status of women and protect their rights from all sorts of discrimination. To date, with few exceptions all the UN member states have ratified this treaty to build a world with gender equality.

Ratifying this treaty in 1984 Bangladesh has introduced diverse legal and policy initiatives for better protection of women rights through last three decades. The present status of women’s rights and gender equality in Bangladesh has elevated up to a level of appreciation which clearly proved the positive impact of CEDAW. But a long way remains to traverse the target point. This study aims to analysis the impact of CEDAW Convention on women’s rights and gender equality within their elevated legal status in Bangladesh. In so doing the domestic and international legal framework for women’s rights and initiatives taken by the successive governments have significantly scrutinized to identify the problems and prospects of expected gender equality rooted into CEDAW. Finally based upon study result, some suggestions will be introduced for consideration by the law and policy makers of Bangladesh.

INTRODUCTION

The issue of woman's rights and gender equality depends on the status of women within the policy and legal framework of the state. The UDHRⁱ and other international human rights instruments have been adopted to ensure the equal rights for all human beings regardless of their religion, place, race and sex. But gender disparity remained one of the dominant global problems till the mid of 20th century. The extensive discrimination against women continued to exist in every corner of the world due to their submissive legal status. Their participation with political, economic, social, cultural and family life were hampered for impediment policy and approach. They were subjected to be the most deprived group of the society

Considering this wretched situation, the CEDAW convention has been adopted by the UN on 18th December 1979, to ensure equal rights and dignity for women through some strong legal obligations. This human rights treaty is designed to cover all aspects of women's rights, so its provisions span a broad spectrum of topical areas.ⁱⁱ States which become parties to this Convention accept wide-ranging obligations to eliminate direct and indirect discrimination against women and to promote formal and de facto equality of women and men in all fields of life in the public and private spheres.ⁱⁱⁱ It also expresses awareness of the need for a change in the traditional roles of men and women to achieve full equality between them.^{iv} This convention has focused on three dimensions of the situation of women, where they suffer with discrimination. These are legal status, civil rights and family relation.

Ratifying this treaty, Bangladesh has introduced various legal and policy initiatives to eliminate gender difference for last three decades. It is to be noted that prior to the CEDAW ratification Bangladesh has assimilated some legal obligations in the Constitution^v which articulates for women advancement. Accordingly, the present situation of women's rights and gender equality in Bangladesh has elevated up to a level of satisfaction which indicates the overall advancement of women and gender equality.

The women of Bangladesh have wider legal scope to participate effectively with decision making process of their family, society and the administrative functions of the state. Their participation is increasing with political, economic, social services and industrial sectors rapidly. They are successfully mobilizing and forwarding themselves with a status of honor

and dignity. But a long way remains to traverse the target point due to some obstacles and challenges in the way of expected gender equality which is rooted into the CEDAW convention.

This study aims to analysis the impact of CEDAW on women's rights and gender equality as a reflection of women empowerment within their elevated legal status in Bangladesh. In so doing the domestic and international legal framework for women's Rights, the reformative and enactment policies of the successive governments have been significantly scrutinized to identify the problems and prospect of expected gender equality. Finally based on the result of the study, some suggestions and proposals will be introduced for the consideration of the law and policy makers of Bangladesh.

CEDAW AND BANGLADESH

Historical Background of CEDAW

Human rights are more commonly viewed as fundamental and necessary to our identity as human beings. The term *human rights* focus on the life and dignity of human beings.^{vi} The "Women" half of humanity, bear multidimensional identity from the very beginning of human civilization. First of all, the women are "*mother*" the most important and respected person for every human being. They have a great role to educate the children from *stone age*. Every mother is the first teacher for all human beings who teach her children how to speak, how to move, how to walk, how to eat? All women are "*daughter*" the most adorable descendant of parents. Women have a vital role in the life of every man as wife or better half.

The contribution of women in any society's transition from pre-literate to modern literate age is undeniable. In the present world, the women accomplish about 80% of the burden of unpaid domestic work. Moreover, the informal work sector is the main source of employment for women worldwide; especially in developing countries.^{vii} Despite of their distinguished identities, they were considered as an inferior group and subjected to various discriminations in the male dominated society from the very begging of human civilization. The discrimination violates the principles of equality of rights and respect for human dignity. This humiliating

attitude of society critically hindered the effective participation of women, in the political, social, economic and cultural life till the midst of 20th century.

The UN initiated to eliminate such discrimination through an effective legal mechanism. Immediate after establishment of the UN, the Economic and Social Council (ECOSOC) formed a Commission on the Status of Women (CSW) on 21 June 1946, as a principal global policy-making body who worked for gender equality and advancement of women.^{viii} The CSW was instrumental in promoting women's rights, documenting the reality of women's lives throughout the world, and shaping global standards on gender equality and the empowerment of women. The Commission began working after its foundation in 1946, by directly introducing women's rights to the international arena. The aim and object of CSW was achieved through a variety of means, mostly through collecting data that showed discrimination against women.

The CSW realized the fact that women really need to have some special human rights framework to protect and promote their rights. The CSW called for the First World Conference on Women in Mexico City; to coincide with International Women's Year in 1975. 133 government's delegates and 6,000 NGO representatives attended in this conference. At the urging of the Conference, CSW subsequently declared the years 1976-1985 as the UN Decade for Women. It defined a World Plan of Action for the Implementation of the objectives of the International Women's Year, which offered a comprehensive set of guidelines for the advancement of women by adopting the CEDAW Convention. In 1979, the UN General Assembly adopted this special treaty as a *Bill of Women's Rights*.^{ix} This treaty entered into force on 3 September 1981. The member states started to ratify it from 1st March 1980. Among 193 member states of the UN 189 countries have ratified the CEDAW convention.

When we talk about women's rights and gender equality, we must understand the CEDAW convention. This is the only international human rights treaty, which confirms exclusive legal mechanism for progressing women and gender equality around the world, through judicial decisions, legal and policy reforms at the country level. This treaty is embracing all aspects of women's lives; cultural, social, political, economic, diplomatic, employment, educational; health; marriage and family issues. It also ensures the protection for any violence against women. CEDAW has imposed an obligation on states parties to ensure substantive equality for women.^x In many countries, CEDAW has helped strengthen provisions in constitutions guaranteeing equality between women and men, and providing a constitutional basis for the

protection of women's rights. Many countries have repealed discriminatory provisions in civil, penal and family laws to supplement the CEDAW Convention. All over the world, courts are increasingly developing the case law on gender equality informed and guided by CEDAW.^{xi}

The UDHR has been adopted by the UN for making peace and solidarity among the states and ensuring equality between men and women. Later on the principles of the UDHR is followed by the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR).^{xii} Among all these international human rights instruments that have drawn attention to gender-related dimensions of human rights issues, the most important is the UN CEDAW Convention.^{xiii}

The treaty is configured with 6 Parts and 30 Articles. First of all Article 1 explicitly defines discrimination against women as encompasses a variety of any possible discriminatory actions having either the express purpose or the actual effect of discriminating against women.^{xiv} According to this definition the discrimination against women would mean by any division, distinction, exclusion or restriction elimination or limitation made on the basis of sex which effects women's impairing or nullifying the recognition, enjoyment or exercise, irrespective of their marital status, human rights and basic freedoms in political, economic, social, cultural, civil or any other field.

Article 2 urges the State Parties for endorsement of policy for gender equality. Article 3 requires the fulfillment of basic human rights for women. Article 4 allows temporary special measures that favor women, on the basis that they are designed to speed up achievement of equality. Article 5 urges to change social and cultural patterns that reinforce the stereotyping of women and traditional gender roles. Article 6 requires parties to take all appropriate measures to suppress all forms of trafficking of women and exploitation of prostitution of women.

Article 7 impulses for voting rights of women which enable them to be involved with decision making process of governments. Article 8 speaks for the equal opportunities to represent their countries internationally. Article 9 discuss on the rights of nationality. Article 10 and 11 focus on equal rights of education and employment respectively. Article 12 requires for taking all appropriate measures to eliminate discrimination against women in the field of health care. Article 13 urges for equal access to family benefits. Article 14 speaks about the needs of rural

women. Article 15 and 16 have emphasis for eliminating all the discriminatory legal provisions from civil and marriage matters. Articles 17-22 have guidance of implementation process of CEDAW among state parties under a keen supervision of the Committee on the Elimination of Discrimination against Women, commonly known as the “CEDAW Committee” which will be discussed below. Finally, Articles 23-30 monitor the impact and administrative mechanism.

Committee on the Elimination of Discrimination against Women

Part V (articles 17-22) of CEDAW Convention deal with the Committee on the Elimination of Discrimination against Women (CEDAW) commonly known as CEDAW Committee. This committee is a supervising body of 23 independent experts on women’s rights from around the world who monitors the implementation of the CEDAW among State Parties. Members of the CEDAW committee are being elected by State Parties among their nationals. 23 members are being elected by an equitable geographical distribution and to represent the different forms of civilization as well as the principal legal system.^{xv}

In accordance of the CEDAW Convention^{xvi}, the Committee is mandated to receive Periodic Reports from the State Party within one year after entry and thereafter at least one in every four years or whenever the Committee so request.^{xvii} The Committee also receives Alternative Reports or Shadow Reports from NGOs and Civil Societies who work for the effective implementation of CEDAW in national level. The Committee also has the discretion to receive communications from individuals or groups of individuals submitting claims of violations of rights protected under the Convention. During its sessions the Committee considers each State party report and addresses its concerns and makes some recommendations to the State party in the form of concluding observations.

Optional Protocol to CEDAW Convection

Immediately after the adaptation of CEDAW Convention, the women’s rights activists along with human rights experts were lobbying to add some supplementary provisions or guidelines for proper implementation of this treaty. Considering their demand and upholding the Vienna Declaration and Program of Action; the Beijing Declaration and Platform for Action and the supporting inventiveness of the Commission on the Status of Women (CSW) the UN General

Assembly adopted Optional Protocol to CEDAW on 6 October 1999. Its provisions became operational on 22 December 2000.

The aim of the Optional Protocol is to strengthen the CEDAW convention and ensure its effective implementation over the world. It has empowered the Committee to receive complaints on behalf of individuals or groups under the jurisdiction of State party.^{xviii}. In particular, it examines how far the Committee is able to develop women's rights into a body of law that departs from the normative and structural limitations of international human rights laws.^{xix} Pursuant to this protocol, any individuals and groups could complain to CEDAW committee about the State party's failure for violations of their rights. Before submitting a complaint, a person must first show that there are no other ways to deal with their complaint in their country.^{xx} The State Parties are required to respond to the findings of the CEDAW Committee about the complaint within six months, including information about action taken in light of the views and recommendations of the Committee. The Optional Protocol enables the CEDAW Committee to investigate claims of serious violations of CEDAW through an inquiry.

The Status of CEDAW and Optional Protocol in Bangladesh

Bangladesh ratified the CEDAW Convention on November 6, 1984 with four initial reservations on Article 2(Policy Measures), Article 13.a (The right to family benefits), Article 16.1.c (The same rights and responsibilities during marriage and at its dissolution) and Article 16.1.f.(The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interest of the children shall be paramount. On 23 July 1997, Bangladesh has withdrawn reservations from Article 13.a and Article 16.1.f. For the reservation of Article 2, the Government advocated that Bangladesh Constitution had already granted equal rights for all citizens prior to CEDAW adaptation.^{xxi} Furthermore, the participation of women in all spheres of life were inserted as an obligation in the Constitution with special emphasis.^{xxii}

It is so difficult for Bangladesh to withdraw reservation from Art. 16 (1) (c) which contradict with Sharia law, based on the Holy Quran and Sunnah. Bangladesh is a Muslim majority country where approximately 90 percent people are Muslim. They have absolute faith and trust

on two divine laws, the Holy Quran and Sunnah, and the family issues are governed by the Muslim Family Laws Ordinance, 1961 in Bangladesh. Article 16(1) (c) contradicts with the above-mentioned Laws. Bangladesh also has ratified the Optional Protocol to CEDAW on 6 November 2000 with reservation on Articles 8 and 9.

However, Bangladesh is reasonably regular in submitting its periodic reports to the CEDAW committee. The combined sixth and seventh report submitted in 2009 and eighth periodic report in 2015. The Committee made some observations and recommendations for while evaluating sixth and seventh periodic reports in 2011. The Committee appreciated for affirmative actions of Bangladesh for the advancement of women.^{xxiii} They also consider some issues on 8th periodic report where the State Party has to emphasis more for proper implementation of CEDAW.^{xxiv}

The vibrant civil society of the country has also been actively engaged for preparing and submitting the shadow/alternative reports and monitor the implementations of concluding observations. Community Service Organizations (CSOs), in the name of Citizens' Initiatives on CEDAW Bangladesh (CIC-BD is an alliance of 54 non-governmental and human rights organizations), are collaborating with government and CEDAW Committee for effective implementation of CEDAW in Bangladesh. Currently, the CSO platform (CIC-BD) is preparing the shadow report complementing the State Party Report.^{xxv} So far the Shadow Report makes the governments accountable for proper implementation of the CEDAW Convention and ensures the protection of women's rights under domestic and treaty laws.^{xxvi}

THE PROTECTION OF WOMEN'S RIGHTS IN BANGLADESH

Protection under the Constitutional Law

The Constitution of Bangladesh as the supreme law of the land, at first emphatically enumerated the issue of human rights. It has been firmly guaranteed in the Constitution that the State shall establish a society free from all exploitation. The rule of law, fundamental human rights and freedom, political, economic and social justice and equality has been guaranteed for all.^{xxvii} The terms of "human rights" has specified and included all the inalienable fundamental human rights and guaranteed by the constitution itself and generally applicable for all.^{xxviii}

The issue of women's rights and gender equality is a special concern of the Constitution. The protection and promotion of women's rights and the principle of equality between men and women has broadly focused in the Constitution. Participation of women in all spheres of national life has been integrated here as one of the fundamental principle of state policy.^{xxix} Moreover special emphasis has given on equal opportunity for all citizens. It has been assured that the state shall adopt effective measures to remove social and economic inequality between men and women along with equitable distribution of wealth among citizens.^{xxx} It also denotes that all citizens are equal before law and entitled to equal protection of law.^{xxxi} Although any sorts of discrimination based on religion, race, caste, sex or place has been prohibited, the state has discretionary power for making any special provision in favor of women, children and any backward section of society.^{xxxii} This is the basic political and ethical aspect of the Constitution of Bangladesh that promote women's rights.

Protection under the International Human Rights Instruments

Human rights are viewed as inherent rights for all human beings, irrespective of their nationality, place, sex, ethnic origin, color, religion, language or any other status. In the eye of law all human beings are equal to each other and entitle to exercise these inalienable, interrelated, interdependent, and indivisible rights. Internationally these rights are derived from major international instruments.^{xxxiii} All these instruments contain bear some special provisions for women's rights and gender equality. Meanwhile the issue of gender equality is a theme which runs across the human rights regime.^{xxxiv} Bangladesh has ratified the following international human rights instruments including the Beijing Platform for Action (BPFA) and the United Nations Millennium Declaration 2000. Following the norms of these instruments the state has adopted many women-friendly laws and policies over last three decades for ensuring gender equality and women empowerment.

Table 1 -List of International Human Rights Instruments Ratified by Bangladesh;

Name of the Treaty	Date of Acceptance	State Party	Date of Ratification	Reservation
Universal Declaration of Human Rights (UDHR).	1948.12.10	193	1974.09.17	

Convention on the Prevention and punishment of the Crime of Genocide.	1948.12.09	142	1998.10.05	Article. IX.
ILO Equal Remuneration Convention.	1951.06.29	168	1998.01.28	Without Reservation
Indigenous and Tribal Populations Convention, 1957	1957.06.26	27	1972.06.22	
Geneva Conventions I.	1949.08.12	194	1972.04.04	Use Red Crescent.
Geneva Conventions II-IV.	1949.08.12	194	1972.04.04	Without Reservation
Convention on the Political Rights of Women.	1953.03.31	123	1998.10.05	Article III, IX
Convention on Minimum Age for Marriage and Consent to marriage.	1964.12.23	55	1998.10.05	Art. 1,2
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).	1965.12.21	175	1979.06.11	Without Reservation
International Covenant on Civil and Political Rights (ICCPR)	1966.12.16	167	2000.09.06	Article. 10, 11 and 4(3)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).	1979.11.18	187	1984.11.06	Article. 2, 16 (1) (c, f)
Optional Protocol Convention on the Elimination of All Forms of Discrimination against Women.	1999	106	2000.09.06	Article 8,9
International Covenant on Economic, Social and Cultural Rights (ICESCR).	1966.12.16.	160	1998.10.05	Article. 1, 2,3,7,8 and 13
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.	1984.12.10	153	1998.10.05	Article 14(1) consonance with existing laws

Convention on the Rights of the Child.	1989.11. 20	193	1990.08. 03	Article. 14(1), 21
The Millennium Development Goals.	1990.12. 18	193	2000.09. 08	Without Reservation
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography.		171	2000.09. 06	Without Reservation
Convention on the Rights of Persons with Disabilities.	2000.05. 25	126	2007.11. 30	Without Reservation
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.	2006.12. 13	46	2011.08. 24	Without Reservation.
The Beijing Declaration and Platform for Action of.	1995	189	1995	Without Reservation.
The Millennium Development Goal (MDG).	2000.09. 08	193	2000.09. 08	Without Reservation
Convention against Transnational Organized Crime	2000.11. 15	190	2011.07. 13	Article 35(2)

Resource: United Nations Treaty Collection

Moreover, Bangladesh has a strong commitment and attachment with regional initiatives for promoting gender equality, gender justice and women empowerment in South Asia as a member of SAARC (South Asian Association for Regional Cooperation).^{xxxv} Though the SAARC Charter did not include the human rights issue in its agenda subsequently it has adopted many declaration regarding human rights and gender disputes.

In 1990, SAARC has focused on human trafficking for the first time through Male declaration on 9th Summit.^{xxxvi} This declaration has recognized the importance of gender equality and empower of women and decide to adopt a Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution.^{xxxvii} Finally, in 2002, SAARC has adopted the SAARC Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution and the Convention on Promotion of Welfare of Children as human rights instruments.^{xxxviii} From 2014 SAARC is working together with *UN Women* to prevent

trafficking and violence against women through their economic and political empowerment.^{xxxix}

AFFIRMATIVE ACTIONS SUPPLEMENTED TO CEDAW

Eradicating individual and structural discrimination of women in all areas—political, economic and social life—is the purpose of CEDAW.^{xl} This treaty imposes some strong legal bindings upon the state parties to take some special measures for the full advancement of women. Despite the elimination of discriminatory legal provision, it is needs to introduce some positive arrangements where women would be able to exercise and enjoy their fundamental freedoms and rights without any hindrance. Affirmative action is to supplement non-discrimination and enhance of equal opportunity for individuals and the amelioration of the position of disempowered groups.^{xli} After the ratification of CEDAW convention, Bangladesh has taken following affirmative actions:

CONSTITUTIONAL AND LEGISLATIVE REFORMATIONS

By ratifying the CEDAW convention, Bangladesh has taken various legal initiatives including the amendment of the Constitution and women's rights related laws to ensure their effective participation in public life. The initiatives taken by the successive governments supplemented to the CEDAW Convention and the accomplishment of CEDAW Committee Recommendations have briefly discussed below;

The Constitution of Bangladesh as the solemn expression of the will of the people and the supreme law of the land^{xlii} comprises some specific fundamental principles as the policy of the state.^{xliii} These basic state policies make necessary guidelines for making laws and dictate the government how to govern the country. While adopting the Constitution the issue of women's rights and gender equality was considered with special emphasis by inserting specific provision.^{xliv}

The Constitution of Bangladesh has been amended for 17 times for addressing the national compulsion. Out of these alterations 7 amendments have accomplished for increasing the tenure and number of reserved seats for women in the Parliament. In the 1st parliament (1973),

only 15 seats were reserved for women. The number of reserved seats have been increased for four times. The 5th parliament increased the number from 15 to 30 in 1991. The 8th parliament increased the number of reserved seats from 30 to 45 through 14th constitutional amendment in 2004.^{xlv}

While the 9th parliament enhanced it to 50 and extended the tenure for 10 years in 2009 extended the tenure of the reserved seats by another 10 years from the day of first session of the 9th parliament, which sat on January 25, 2009. Accordingly, the exiting 10-year tenure of the reserved seats was going to end on January 24, 2019. Finally, through the 17th Amendments the tenure of 50 reserved seats in the present Parliament (11th) has been increased for another 10 years which will be continued up to 2029.^{xlvi}

To increase women's representation in local administrative institutions the relevant law of local government has been amended. The Local Government Union Parishad (Second Amendment) Act, 1997 was passed to ensure women's participation in the Union Parishad (the lowest level of local government). One third seats of union Parishad are reserved for women. The Upzila Parishad Ordinance, 2008 was passed by creating one post of woman-vice chairman for every Upzila Parishad.^{xlvii} The Zila Parishad Amendment Act 2011 (District Council Amendment Act, 2011) allocates 5 reserved seats for women out of 21 members for 64 District Council.

The Legal Aid Committee has formed in every district under the Legal Aid Service Act, 2000 to facilitate poor citizens' access to justice and enforcement of rights for women, children, and other disadvantaged groups of people. National Legal Aid Services Organizations (NLASO) and so many NGOs are working for women and children's rights under District Legal Aid Committees. Violence against Women and children has become a common incident for the last three decades. Most of the cases criminals used to be discharged or acquitted for insufficient witness and prolonged judicial process.

At first, the government enacted the Prevention of Women and Children Repression Act, 1995 (Act XVIII), to combat violence against women and children. For ensuring effective protections for women and children, this law has been amended twice to date; first in 2000 and then in 2003 (the Prevention of Women and Children Repression Act, 2003) by introducing some new provisions in a polished manner.^{xlviii} By virtue of this law, special tribunals/speedy tribunals have been setup in every district for summery and exclusive trial. Every tribunal can

order to complete investigation within 60 days to police or any other investigation agencies.^{xlix} The tribunal has power to announce judgment within 180 days.^l Very recently, a Bangladesh court has sentenced 16 people to death for the murder of a student set on fire after accusing her teacher of sexual harassment.^{li}

By enacting the Acid Control Act, 2002 and the Acid Crime Prevention Act, 2002 the government has imposed specific restrictions on import and trade of acid in open markets. By virtue of these laws the National Acid Control Council Fund and Rehabilitation Centre has been established for giving victims treatment and legal aid to the victim of acid crimes. Amount of punishment has been increased by introducing capital punishment (death penalty) and fine/penalty up to USD1250((BDTK100000) through the trial of special tribunals.^{lii} The Domestic Violence (Prevention and Protection) Act, 2010 has been enacted for ensuring safety environment for women in their home as a compliance of the CEDAW Convention and the Convention on the Child's Rights, 1989.

Bangladesh is the world's second largest Readymade Garment (RMG) exporter country. 80% of exports come from the RMG sector where around 3.6 million people are working.^{liii} Among this vast number of garments workers around 60% are women who are the major driving force of the country's development. Bangladesh Labor Act, 2006 has passed to ensure decent work environment, rights to trade unions, social protection and proper wages for workers. The Maternity Benefits provided under the Labor Act 2006^{liv} for women workers was 3 months. On the other hand Bangladesh Service Rules, 1979^{lv} allow 6 months maternity leave for government service holder. Bangladesh Labor (Amendment) Act, 2013, now provides 6-month maternity leave for working women in all private sectors.

At present, 10 Labor Courts are functioning under the Bangladesh Labor Act, 2006. The Court consists of a chairman and two members; one representing the workers and the other representing the employer. There is a panel of members of the Labor Court from which the Chairman appoints two members to constitute the court for the purpose of hearing an industrial dispute or a dispute relating to the service/employment of the workers. The Court while trying offences under the Act or resolving a dispute relating to the payment of wages or of compensation to workers for accidents, consists only of the Chairman.^{lvi} Appeal from the judgments, decisions, or awards of Labor Court lies to the Labor Appellate Tribunal.

Human trafficking is a serious problem in Bangladesh for last two decades. A big number of women and children are being victimized of human trafficking. The conventional trial system and amount of punishment was not sufficient to prevent this offence. The Prevention and Suppression of Human Trafficking (PSHT) Act 2012 has been passed to address this crisis and ensure the better protection of and children. Anti-Human Trafficking Offence Tribunal^{lvii} has been established with a view to an speedy trial which has power to conclude the trial within 180 working days from the date of charge framing.^{lviii} Rights and Protection of Persons with Disabilities Act 2013 passed for providing for the rights of women with disabilities. Hindu Marriage Registration Act, 2012 has been enacted to legally approve the Hindu marriage.

Child marriage was another big problem in the society. Especially in rural areas this problem was in a crucial situation for the absence of any deterrent legal provision. The government introduced the Child Marriage Restraint Act, 2017(Amended version of the Child Marriage Restraint Amendment Act, 1984) which has increased the minimum age of marriage for men and women 21 and 18 years instead of 18 and 16 years respectively.^{lix} This Act also has included some provision of punishment for those who will be engaged with child marriage.^{lx}

The government has enacted “The Dowry Prohibition Act-2018” for protecting women from dowry, another serious social crime. Most of the relevant provision of previous Act (Dowry Prohibition Act, 1980) has been incorporated with new Act. The Act lays down 5 years' rigorous imprisonment along with fines for any individual or individuals who incite any girl to commit suicide over dowry. That the government has taken cognizance of the fact that dowry is a serious social malady that needs to be tackled with legislation. The Citizenship (Amendment) Act, 2009 has passed which allows a woman to pass her citizenship to her spouse. The National Human Rights Commission (NHRC) has been established under the National Human Rights Commission Act, 2009, who works for the rights and protection of women and children with special attention. Recently a woman has been appointed as the chairman of NHRC on 22 September 2019 who has working experience for women and children to the regional and international forums, like, Commission on the Status of Women (CSW), Convention on the Rights of the Child (CRC), Convention for Elimination of Discrimination against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), South Asian Initiative to End Violence Against Children (SAIEVAC), etc.^{lxi} Right now among 7 members of NHRC 5 members are women.^{lxii}

POLITICAL INITIATIVES FOR WOMEN EMPOWERMENT

The political participation of women in every level of decision-making bodies is a prerequisite to ensure expected gender equality. Articles 7 and 8 of CEDAW Convention emphasis to ensure their participation with political and public life. All the State Parties are under obligation to ensure the rights to vote in all election and participate in the formation of government and policy making institutes of the State. In Bangladesh no women were elected by direct vote in the 1st parliament^{lxiii} except 15 reserve seats where parliament forms with three hundred elected members and some women members.^{lxiv} Hardly few women were allowed to contest from their parties till 7th parliamentary election. From 8th parliamentary election the number of women candidates and elected women member is being increased gradually. Through the Constitutional amendments the reserved seats for women have been increased for several times. Finally, this number has increased up to 50. The below chart (Table 2) shows the overall political advancement of women in Bangladesh.

Table 2: the overall scenario of Women's Representation in the Parliament of Bangladesh:

Serial Number	Year of Election	Total Member	Elected Women	Reserve seat	Total Women Members	% of women member
1st Parliament	1973	315	0	15	15	4.76
2nd Parliament	1979	330	2	30	32	9.69
3rd Parliament	1986	330	6	30	36	10.90
4th Parliament	1988	300	4	0	4	1.33
5th Parliament	1991	330	5	30	35	10.60
6th Parliament	1996 ^{lxv}	330	2	30	32	9.69
7th Parliament	1996	330	7	30	37	11.21
8th Parliament	2001	345	6	45	51	14.78
9th Parliament	2008	350	22	50	72	20.57
10th Parliament	2014	350	20	50	70	20.00
11th Parliament	2018	350	23	50	73	20.85

Source: Bangladesh Parliament; General Election Results. Last visit: 2020-03-22

However, the negligible approach of the state and the overall social values toward women empowerment has been changed. The women leadership of Bangladesh has reached up to a level of excellence. From 5th parliament (1991) two women Sheikh Hasina^{lxvi} and Khaleda Zia^{lxvii} have been leading the parliamentary form of government of Bangladesh for last three decades (1991-2020). Both of them have been elected as the prime minister and opposition leader for several times. However, the number of women minister in the cabinet is very insufficient till now.

Along with parliamentary representation, participation of women in local government is equally important factor for gender equality. Modern concept recognizes local government as an ancient institution and it is said to be good for national democracy, development and good governance. Local government has many roles including welfare of local people and development of rural areas and a general expectation is that it tends to provide the best services to the local people. The prime trend of emerging developing countries is to strengthen its local government and create economic impetus locally through effective local administrations. However, democratic decentralization helps to create social harmony, community spirit and political stability.^{lxviii}

The country is divided into 8 divisions consisting 64 districts, 491 Upazilas (Sub-district) and 4554 union Parishads (UP).^{lxix} Beside these administrative units 11 City Corporations and 324 municipalities are functioning by elected representatives for urban developments. All the laws related to local government has amended to ensure women's participation in all grass root level democratic institutions. At present all local government Acts allocate reserved seats for women equivalent to one third of general seats in all local government bodies. About 42000 women participated in the local level Union Parishad and three women elected as member in each Union Parishad. For the first time a woman was elected as Mayor of a City Corporation in 2011. In Upzila Parishad election 2014 in 458 Upzilas 1509 women candidates participated, which amount to 3.4 candidates per Upzila. In each Upazila Parishad one woman elected as vice-chairman.^{lxx}

To ensure women's representation among the political parties, the Representation of People's (Amendment) Order 2009 has passed. All the parties registered with the EC are bound by the

RPO mandate to attain the goal of ensuring at least 33 per cent post of all committee for women by 2020, including in the party's central committee.^{lxxi} Most of the political parties have amended their party constitution to increase women participation in their party's internal decision making process and made commitment for ensuring at least 30% nomination from women candidates in election.

JUDICIAL ACTIONS

All the Judiciary has important role to protect human rights and establish rule of law. Judiciary of Bangladesh always deeply considers the issue of women's rights while delivering judicial orders. There are some famous judgments of both higher and lower judiciaries of Bangladesh which strongly protect and promote women's rights.

The Supreme Court (SC) consisting (Appellate Division and High Court Division) is the highest judicial authority in Bangladesh and its decisions are binding for all sub-ordinate courts.^{lxxii} In the case of *Abdul Jalil v Sharon Laily Jalil* (Writ Petition Nos. 1582, 1583, 1584 and 1585 of 1995) the SC ordered in favor of Mother's Custodial Rights based on the doctrine of welfare of the child under the Guardianship and Wards Act of 1890. In Bangladesh Mother's name never insert for any entry or registry for children official record. In 2009 on a public interest Writ petition the High Court Division directed education boards that a mother's name must be inserted in the school admission form and others public documents, either alone or with that of the father. Since 2009 all official document required mother's name for every citizen. This is a compliance of Article 16(marriage and family life) of the CEDAW convention.

In 2010 the High Court division provided guidelines to employers and educational institutions to form policies to prevent sexual harassment in work places, educational institutions and other public places. Family Court system has introduced in every district to dissolve the family issues regarding marriage, Restitution of conjugal life, dower, divorce, maintenances, custody of children and guardianship under the Family Court Ordinance 1985. It has also provided opportunity for speedy disposal of such cases at a much lesser expense which benefits women and children as a whole. Very recently a verdict has been passed by a Lower judiciary in Feni District (Women and Children Repression Preventive Speedy Trial Tribunal) where Sixteen Bangladeshis have been sentenced to death for the murder of a 19-year-old student, Nusrat

Jahan Rafi, who was burned to death in April after complaining of being sexually harassed by her school principal.^{lxxiii}

POLICY INITIATIVES

Bangladesh has adopted the following policies as compliance of CEDAW committee's recommendations for the protection and promotion of women's rights and advancement as a whole. Women have been considered as a distinct target group by the national development plans for their venerable situation. After the ratification of CEDAW, Bangladesh always initiates women development oriented policies. Women get special priority regarding socio-cultural, education, health, employment and political aspect. Rethinking of the policy and law maker of Bangladesh, favor the women to stand on the focal point of combined development. During the periods 4th Five-Years Plan (FFYP 1990-95) and 5th Five-Years Plan (FFYP 1997-2002)^{lxxiv} the integration of women's participation with development was highlighted for reducing gender disparities and establishment of social justice. Accordingly, 6th Five-Years Plan (FFYP 2011-2015)^{lxxv} and 7th Five-Years Plan FFYP 2016 – 2020) also equally considered the issue of women empowerment and gender equality.

Imbalanced socioeconomic status among men and women is considered as a curse for the greater society. To eliminate this gender disparity and for the promotion of overall development of women, the government has approved "the National Policy for Women's Advancement 1997" under a deep consultation of the National Council for Women's Development (NCWD). Beside NCWD the National Council for Child Development (NCCD) was working for children. In 2009 two policy forums merged into one and named the National Council for Women and Child Development (NCWCD) consisting Ministers, Member of Parliaments, government high official, civil society and women organizations, chaired by the honorable Prime Minister and providing policy guidance and monitors the implementations of critical policy decisions on women's and children's mechanism.

Poverty is a common curse over the world where women and children affect most. Bangladesh as a poor country, has taken an initiative to reduce poverty and ensure equal livelihood. National Strategy for accelerate Poverty Reduction II (NSAPR-II), 2008^{lxxvi} is a continuous effort to achieve this goal. It includes significant initiatives for gender sensitive budgeting

specially for women and children. The National Women Development Policy, 2011 announced for an exclusive measure for the development and empowerment of women in Bangladesh which has addressed specific problems and plan to solve.

The National Education Policy (NEP) ensures primary education compulsory and free for all children. All the text books are given free for all students. School Feeding Program supports 2.7 million underprivileged students with food and educational materials which effectively help to achieve the MDG-2 target of gender parity in primary and secondary school enrolment. Primary school enrolment rate has reached up to 99.64 per cent. About 7.87 million poor students receive stipend and 0.50 million students receive education allowance.^{lxxvii} Girls' education up to grade XII is free in all public institutions.

Bangladesh has topped the Global Gap Index in primary and secondary education category in South Asia.^{lxxviii} 60% post of primary school teacher reserved for female.^{lxxix} By 2013, the portion of female teachers has raised up to 64% from 57%. At least 2 women (out of 13) members are included for every School Managing Committee (SMC).^{lxxx} Asian University for Women (AUW) has been established in Bangladesh where 25% Bangladeshi female students get admissions for higher study.^{lxxxi}

The number of female officials in all public services including army, police and intelligence department are increasing steadily. 10% women officers are being appointed by the honorable President for high level public service. Among the public servants in Bangladesh, 10% gazette posts (1st class job) and 15% of non-gazette posts (2nd to 4th class job) are reserved for women. Among 5530 Class-1 BCS (Bangladesh Civil Service) officers 1138 are women 20.57% of total number. Only about five years ago, this figure was less than 8 per cent.^{lxxxii} In 1974 only 14 women were appointed in police department. Now their number is 13402 which is 7.10% total number of Bangladesh police.^{lxxxiii}

Right now a good scenario of women empowerment and character of gender equality is visible in Bangladesh where the speaker^{lxxxiv} of the parliament, both the leader of house and opposition are women. Three portfolio ministers are also appointed from women. Appointment of women as Judges in the Supreme Courts, Election Commissioner, Chairman and members of Bangladesh Public Service Commission, Human Rights Commission, Information Commission, Secretary, University Vice chancellor, District Commissioner, Superintendent of Police, Major General in Army, aircraft pilot, Tax Commissioner is a clear reflection of women

advancement in the country. Women are representing Bangladesh in international arena as ambassador in 8 different Mission including South Korea^{lxxxv}, Japan and UK. A large number of Bangladeshi women from army and police are working as peacekeepers under the UN Peacekeeping Mission around the world.^{lxxxvi}

A National Action Plan on Violence against Women (NAPVAW) 2013-2025 has approved for overall protection of women form all kinds of physical and mental torturing. The Ministry of Women and Children Affairs (MOWCA) with the collaboration 21 ministries are working to implement National Action Plan on Violence against Women (NAPVAW) 2013-2025. Asian Development Bank (ADB)^{lxxxvii} and different International development agencies with local NGOs have different awareness making programs on women's health, safety, employment, nutrition etc. All the print and electronic media are playing a good role to eradicate gender discrimination and violence against women.

FEATURES AND CHALLENGES FOR WOMEN'S RIGHTS AND EXPECTED GENDER EQUALITY

In true sense the progress of women and gender equality is subjected with serious limitations of legal and policy initiatives. In Bangladesh there is an emerging legal empowerment sector involving many different organizations engaged in a multitude of justice. Each one is working towards the goal of increasing access to justice and empowerment for women and other marginalized groups.^{lxxxviii} Successive amendments of constitution and other general laws dragged a pathway to mitigate this delinquent. For ensuring women's significant participation in politics the Representation of People's Order (RPO) has amended and the Election Commission imposed an obligation for political parties to nominate minimum 33 percent of women candidates in parliamentary elections within 2020. All the political parties also bound to ensure at least 33% women's representation among party's committee and decision making process.

But it's an irony that the number of women representative in the Parliament till now is marginal. During the 1st Parliament no women were elected by direct vote except 15 members from reserve seats. In current Parliament (11th parliament) among 350 members 73 are from women which show only 20% of women representation. Out of 73 members 23 are elected by general

voters and 50 are from reserved seats. Among 300 elected members only 23 are women that make a marginal elected representation (7.6%). It is far away from equal representation in the. Women representation among local governments till now confined within reserve seats. Though all the general seats are open for all a very few female candidate contest in election for these post. But they cannot win with male candidates. The elected women representatives cannot exercise their rights and power smoothly for undue influence of male colleagues. It should be eliminated for proper empowerment of women and gender equality.

Among all the political parties only Awami League (AL) has fulfilled the RPO's condition. They have fulfilled 33 per cent presidium members (the party's highest decision-making body) from women. On the other hand, Bangladesh Nationalist Party (BNP) and Jatiya Party (JP) have ensured only 10 per cent of women in National Standing Committee (NSC) and presidium respectively. Jamaat had no women in their party policy making forum. Though both AL and BNP have been headed by women for more than thirty years the overall representation of women in the different organizational bodies of the two parties is far from satisfactory. The parties have not made any plan to meet the RPO requirements of having 33 per cent.^{lxxxix}

Except in the post of primary school teachers the portion of female officials in all others public service is around 20%. Same scenario exists in private and corporate jobs. Among 68 Missions of Bangladesh around the world only 8 women have been working as ambassador with few female officials under foreign ministry. It's a very big challenge for women for economic and social establishment regarding gender equality. Though more than 80% domestic works are accomplishing by women, usually they don't get any remuneration. A major portion of ultra-poor women are working as house maid with a low payment. Most of the cases they are subjected to violence, abuse, food deprivation and murder.

Violence against women and girl child is till now a big problem in Bangladesh. A significant number of women and girls are being victimized with sexual harassment as a routine incident.^{xc} Most of the cases the criminals remain out of trial and punishment. Domestic violence against women is another calamity in the male dominated society. Discrimination with female child in family level basically in rural area is a big problem. Most of the disadvantages people have a thinking of family burden with female child. Most of the time the parents make female child being discriminated from basic rights of educations and well-being. The parents sometimes force them for child marriage. All over the world, it is women who overwhelmingly work on

the land, producing food for themselves, their families and communities. Fifty per cent of food globally is cultivated by women and this figure increases to 60-80% for countries in the developing world.^{xcii} But they do not get proper remuneration. Bangladesh is not out of this discrimination.

Women are subjected to discrimination in private job market especially in garments sector. All the provisions of labor law are not properly implementing. Women workers use to be discriminated by the employers regarding wages, promotion, maternity leave and others facilities. No available childcare has been provided for women employees who have children. Most of the cases the company authority does not allow maternity leave. Bangladesh is one of the Asia's major labor-sending countries. 11.29 million Bangladeshi migrant workers are working abroad from 2001-2017 who have a great contribution for the development of this country by sending foreign remittance. Among them 6.07% are female.^{xciii} Most of them are working in Middle East where they become abused with physical torture and sexual harassment by the employers. Many of them also alleged that there were forced to work without pay.^{xciii}

In Bangladesh marriage, divorce, custody, guardianship and inheritance are administered by family laws based on religious and traditional customs. In this country around 90% people are Muslim who have absolute faith on Sharia law based on two divine sources the Holy Quran and Sunnah. According to Sharia law women receives only half of inheritances with men. Though the human rights activists and civil society always urged the government to ensure equal inheritance among men and women for compliance of CEDAW Article 16(1) (c), the government expresses their inability. On the other hand, under the Hindu law, women do not have any rights to inheritance. The rights of women from indigenous peoples and minority groups are denied under their traditional and customary laws.

CONCLUSION

The CEDAW Convention is the only international human rights treaty that introduced exclusive mechanism for the protection and promotion of women's rights. This treaty aims to ensure gender equality by empowering women through a standard legal framework. Till today all most every member state of the UN has ratified this treaty and implementing its provisions as an ethical and legal basis for the protection and promotion of women's rights.

Ratifying this convention, Bangladesh has introduced diverse legal reforms and policy initiatives for empowering women during last three decades. Accordingly, the legal status of women in Bangladesh has elevated up to a level of appreciation which is a reflection of women's advancement toward gender equality. The participation of women with political, economic, social services and decision making process has been increased. Whereas the full and complete development of a country require the maximum participation of women on equal terms with men in all fields^{xciv} the government should have concern with following issues;

RECOMMENDATIONS

- a) The participation of women in politics needs to be increased in large scale. The women should have decision making power in the government and internal affairs of their own parties. More portfolio minister should be appointed from women.
- b) All the political parties should fulfill the conditions on women's representation among party's internal affairs enforced by the election commission. The number of reserve seats for women in the parliament needs to be increased up to 100.
- c) Effective participation of women with all level of local government bodies should be ensured by proper monitoring.
- d) The government should take more effective measures to eradicate the problem of unemployment, poverty, malnutrition; insufficient health among rural women. The government should take adequate initiatives for upgrading their livelihood.
- e) More women should be employed both in public and private services. Women friendly business environment should be ensured for female entrepreneurs for economic empowerment of women.
- f) Adequate number of educational institutions need to be established in rural and slum areas.
- g) Violence against women is till now a big problem in Bangladesh. Legal reforms and proper execution of existing laws are needed to overcome this crisis.
- h) Safety environments need to be ensured for girls in every educational institution.
- i) Domestic violence against women should be prevented by implementing related laws.
- j) The number of special/speedy tribunal needs to be increased for combating women and children repression.

- k) All the member of law enforcement agencies should be serious to prevent sexual harassment and ensure safety environments inside and outside of home for all women. They should take extra care to prevent human trafficking.
- l) Labor law should be properly implemented for protecting women worker's rights and privileges in private sector.
- m) Safety working environment needs to be ensured for all women workers in RMG sectors.
- n) Urgent special care is needed for the protection and promotion of migrant women workers.
- o) Women from indigenous groups and other minority sects need to be employed for their better livelihood.
- p) After all, to ensure expected level of gender equality the effective implementation of the CEDAW Convention is a matter of urgency by following the observations and recommendations of the CEDAW Committee.

Ensuring women's rights and gender equality is the prerequisite for sustainable development which is focused in the Millennium Development Goals (MDGs). The policy and law makers of Bangladesh should think on this very important issue to establish a justice and equality-based society for all citizens. In so doing they should ensure equal rights and fundamental freedom for men and women in every sphere of life.

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