

Bangladesh

Bangladesh has a pluralistic legal system with a uniform and non-religious legal system that applies to all, and religious personal laws established under the tenets of Muslim, Hindu and Christian communities that govern significant aspects of family life. These personal laws are officially recognized laws (Constitution of Bangladesh, Article 152) and are supplemented by authoritative decisions issued by the Supreme Court of Bangladesh and the High Court Division of the Supreme Court of Bangladesh.

1. Discrimination in the family

Bangladesh has ratified the CEDAW with reservations on article 2 and article 16(1) as they conflict with personal laws. Personal laws depend on religious communities (Muslim, Hindi and Christian) and govern most of family matters in Bangladesh. The CEDAW committee has reported that they are a major obstacle to promoting equal rights in the household. In addition, the Committee notes that reviewing all laws is a challenge for the Government as the modification of some of the laws requires agreement of all religious leaders (CEDAW, 2015).

a) Overarching legal framework for marriage

Under Muslim law, women and men do not enjoy the same rights with regards to marriage. Muslim law on marriage is codified by the Muslim Family Laws Ordinance, 1961, the Dissolution of Muslim Marriages Act, 1939 and the Muslim Marriages and Divorces (Registration) Act, 1974. Marriage is recognised as a contract for Muslims and thus requires registration and the consent of both partners to be valid. Polygamy is allowed for men but not for women. Although the Muslim Family Laws Ordinance of 1961 aimed at restricting polygamy by imposing procedural conditions (i.e. four wives maximum, all wives should be treated equally, official authorization required by Local Union Council), Human Rights Watch (2012) reports that in practice these conditions are rarely enforced or respected. Although illegal, the CEDAW committee (2016) has stated that dowry is common practice.

Hindu women and men do not have equal rights in entering marriage. Hindu personal law has not been completely codified into national legislation. It is mainly based on *Smritis*, its commentaries and interpretations. According to Hindu personal law, marriage is a sacrament. Customary law allows Hindu men to marry any number of times without any procedural conditions and without the consent of the woman. Although a bill was approved in 2012 for optional registration of Hindu marriages (Hindu Marriage Registration Bill, 2012), it remains uncommon for Hindu couples to register their marriage. Dowry is considered illegal but reportedly remains a common practice within Hindu community (Islam and Uddin, 2013).

Christian women and men have equal rights to enter into marriage as regulated by the Christian Marriage Act of 1872. Marriage registration is required as well as the consent of both partners. Polygamy is not allowed (Human Rights Watch, 2012).

b) Child marriage

Under the Child Marriage Restraint Act (1929) applicable to all, the minimum legal age for marriage is 18 for women and 21 for men. In February 2017, the Parliament adopted a controversial revision of the Child Marriage Restraint Act that contains a provision allowing child marriage in “special cases”. However, the Act does not provide any definition of what is meant by “special cases”. Early marriage is punishable of imprisonment up to three months and/or a fine.

Personal law contradicts the legal age for marriage established by the Child Marriage Restraint Act.

Under Shari’a law, Muslim girls are permitted to marry at the age of puberty. This is often considered to be 15, however, there are different schools of thought. A parent or lawful guardian can also consent on behalf of the girl who has reached puberty (OHCHR, 2013).

There is no minimum age for marriage set by Hindu law but it is commonly assumed that a girl can marry at the attainment of puberty, generally thought to occur around 13 (OHCHR, 2013).

Under the Christian Marriage Act, the legal age is 18 for girls and 21 for boys. However, section 19 provides that minors may marry with parental consent of the father or legal guardian, and, in the absence of father, with the consent of the mother.

Early marriage continues to be a concern in Bangladesh (Girls Not Brides). The CEDAW committee notes that it is difficult for the government to address early marriage as it often takes place with the parents’ consent and is often not reported (CEDAW, 2015). The overlap between conflicting legal systems makes it even more difficult to fight effectively against this harmful practice (OHCHR, 2013). Discriminatory practices, financial burden on parents as well as the perceived need to protect girls from harm are often the main underlying reasons behind child marriage (Equality Now, 2014). Early marriages have serious consequences for the health, education and development rights of girls (United Nations, 2014).

c) Household responsibilities

Under Shari’a law, Muslim women and men do not have the same legal rights regarding household responsibilities. The father is the natural legal guardian and after him, his father and brothers. The mother can never be de jure guardian but can be entitled to custody of her male children until seven and female children until puberty after divorce (Hanafi position). However, if the mother re-marries, she loses her right to custody, which is then attributed to the father. The Court can also appoint or declare someone else as the guardian (Guardians and Wards Act, 1890). The provision for maintenance tied to the wife’s chastity is a legal obligation of a husband to his wife (Muslim Family Laws Ordinance, 1961).

Under Hindu law, women are discriminated against in terms of rights and responsibility in the household. The father is always the preferred guardian. It is not forbidden for the mother to be the legal guardian in the absence of father but her rights remain inferior to the father’s (FAO, Gender and Land Rights Database).

Under Christian law, women and men have equal rights regarding guardianship or custody. Christian law recognises a right to maintenance for the wife; however, this is dependent on her chastity (Christian Marriage Act, 1872).

Human Rights Watch (2012) reports that women perform more housework than men and take on most of childcare responsibilities. There is a social pressure to stop working and stay home after a woman gets married in Bangladesh (Human Rights Watch, 2012).

d) Divorce

Women and men do not have the same rights to initiate divorce under Muslim law. While men can unilaterally divorce their wife, Muslim women can only divorce if their husband delegated them the right to unilaterally do so, if agreed in the marriage contract or through mutual consent (Muslim Family Laws Ordinance, 1961). After divorce, a woman's right to maintenance applies for 90 days or during pregnancy (Human Rights Watch, 2012).

There is no provision for divorce under Hindu Law, so it is legally not possible for either women or men to divorce. It is impossible for Hindu women to enter into a second valid marriage. Conversely, polygamy is authorised for men so they can enter into marriage multiple times. Under the Hindu Married Women's Right to Separate Residence and Maintenance Act of 1946, it is possible for the wife to ask for separate residency or maintenance through Court decree. Maintenance is tied to chastity and duty.

Women and men do not have equal rights to initiate divorce under Christian law. While divorce is allowed on limited grounds for both women and men, it is far more restrictive for women (Divorce Act, 1869). Men can initiate divorce on the basis of allegations that their wife committed adultery. On the other hand, women must prove the adultery committed by their husband and one additional act stipulated under the law including incestuous adultery, bigamy with adultery, sodomy and bestiality (Divorce Act, Section 10).

Consequences of divorce are psychological, social and financial for women. Divorced women tend to be stigmatised and looked down in Bangladeshi society. Most of the time, they go back to their parents' house out of necessity. A divorced woman has fewer chances to remarry than a divorced man (Emery, 2013).

e) Inheritance

Under Muslim law, women inherit less than men. A wife receives one-eighth of the deceased husband's estate if there is a child, and one-fourth if there is no child. In contrast, a husband inherits one-fourth of his deceased wife's estate. A daughter that is an only child inherits half the estate of her deceased father or mother. However, if there is a son, a daughter inherits half as much as the son (Article 2 of the Muslim Personal Law Application Act, 1937 and Qur'an 4:12).

Hindu wives and daughters do not enjoy the same rights as men to inherit. When inheriting from a husband, a Hindu wife (or all wives if a polygamous marriage) inherits the same share as a son and only unmarried daughters or married daughters with sons can inherit. Women inherit only in life interest meaning they are owners with limited rights. A daughter cannot receive any property and

cannot even get life interest in the presence of a son, grandson and great grandson (FAO, Gender and Land Rights Database).

The Succession Act of 1925 provides for equal inheritance rights for Christian women and men. However, in practice, this is not always the case (Human Rights Watch, 2012).

According to a Human Rights Watch report (2012), Bangladeshi women often experience social pressure to forgo their right to inherit.

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The Dowry Prohibition Act of 1980 is the primary law dealing with dowry in Bangladesh. It makes dowry a criminal offence, punishable by a maximum penalty of one year's imprisonment and/or a fine. Dowry is defined in gender-neutral terms in the Dowry Prohibition Act, Section 2, as any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage; or by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person. In practice, the CEDAW committee notes that dowry may be imposed on girls' families. Although illegal, the practice continues to be observed in rural communities (CEDAW, 2016). When the bride's family fails to meet the deadlines to pay the dowry, verbal and physical abuses have been reported (Begum, 2014).

2. Restricted Physical integrity

a) Violence against women

Bangladesh has adopted legal and policy measures to prevent violence against women (VAW). Those include the Suppression of Violence against Women and Children Act (2000), the Domestic Violence Act (2010) criminalising violence against women, a National Action Plan on Violence against Women (NAPVAW) 2013-2025 developed jointly with civil society, the Acid Control Act (2002), and the Acid Crimes and Control Act (2002) imposing stringent punishment for acid crimes.

The Suppression of Violence Against Women and Children Act enacted in 2000 is considered as the most comprehensive law for addressing violence against women. It contains severe provisions for prevention and punishment of offences related to women and children's oppression, trafficking and kidnapping, rape, and death resulting from rape.

Support services are also provided through the Multi-Sectoral Program on Violence Against Women (MSP-VAW). It assures health care, police assistance, DNA test, social services, legal assistance, psychological counselling and shelter for women survivors of violence (CEDAW, 2015).

Despite these measures, social acceptance of VAW remains high and women may be reluctant to report cases by fear of social stigma (CEDAW, 2015).

b) Domestic violence

The Domestic Violence Prevention and Protection Act 2010 criminalises domestic violence and allows Courts to issue protection orders, restraining all forms of close contact between the victim and the perpetrator, as well as residence and maintenance orders. Victims have the right to legal assistance,

counselling and shelter, and can file compensation claims. Under this Act, perpetrators can face from six months to two years' imprisonment. The Domestic Violence Rules 2013 contains guidelines to support the implementation of the Act. Despite the fact that more domestic violence cases are reported due to awareness raising about the law, government resources remain limited to provide shelter and legal support to all victims in an efficient way (CEDAW, 2015).

According to a UN report, domestic violence is the most pervasive form of violence against women in Bangladesh (United Nations, 2014). Domestic violence is largely hidden and undocumented in Bangladesh as a majority of the women victim of domestic violence may never seek help from the police or other law enforcement agencies. As violence is often perpetrated at home, domestic violence is considered to be a private issue and thus rarely discussed in public. Victims of domestic violence may also be reluctant to seek medical treatment by fear of stigma (Hossen, A., 2014). In poorer households, both women and men have reported believing that a husband has the right to be aggressive and physically punish his wife if necessary (CARE Bangladesh, 2014).

c) Rape

Sexual crimes are addressed in the Penal Code of 1860. Section 375 (Penal Code, Chapter XVI, Section 375, 1860) defines rape as when a man has sexual intercourse with a woman against her will; without her consent; when her consent has been obtained by fear of death or hurt; in a situation when a man approaches with her consent and he knows that he is not her husband, and that her consent is given because she believes that he is her husband or believes herself to be lawfully married; with or without her consent, when she is under fourteen years of age. Marital rape is excluded from the penal code and thus never treated as rape (unless the wife is under 14). Rape is punished by death sentence or life imprisonment and fines.

Cultural and legal attitudes are still strongly influenced by social norms that see wives as property of their husbands (Rahman, 2015a). In addition, proving rape in court most often requires a medical examination following the rape; however, there is no uniform protocol to be applied by medical officers dealing with victims of sexual abuse (Basu, A., 2012). A discriminatory procedural provision states that a man prosecuted for rape can prove the immorality of the woman to discredit her testimony (Evidence Act, 1872).

The prevalence of rape remains a great source of concern for Bangladeshi women. Fear of social stigma may deter many women from reporting rape to the authorities (Basu, 2012). In many cases, men have reported blaming the woman who has been raped (Partners for Prevention, 2013).

d) Sexual harassment

Article 509 of the Penal Code states that "Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both". In 2009, the government introduced article 509 on eve teasing into the Mobile Court Act. Eve teasing is not defined by the law but is usually considered to be a euphemism used throughout South Asia for public sexual harassment or molestation of women by men (Islam and Amine, 2016). The Act empowers magistrates to hold summary trial procedure to

control harassment of women and girls (punishment of one year in jail or/and a fine of BDT 5 000). In practice, proving the “intention” of the perpetrator is very difficult.

The Dhaka Metropolitan Police Ordinance (1976) covers solely the municipality of Dhaka. It provides for imprisonment of three months or fine or both if someone uses indecent language or behaves indecently in public places or street; section 76 provides for one year's imprisonment or fine or both for teasing a woman. “Teasing” is defined as "wilful and indecent exposure of one's person in any street or public place within sight of, and in such manner as may be seen by, any woman, whether from within any house or building or not, or wilful pressing or obstructing any woman in a street or public place or insulting or annoying any woman by using indecent language or making indecent sounds, gestures, or remarks in any street or public place". This only applies to acts committed in public spaces, limiting the protection of women.

Due to growing concerns regarding sexual harassment, the Supreme Court of Bangladesh issued guidelines based on a writ petition defining sexual harassment in 2008 (Writ Petition No. 5916 of 2008). These guidelines are to be treated as law until a law on sexual harassment is in place. The guidelines provide a list of what is considered sexual harassment including acts both physical and verbal taking place in public spaces but also schools, the workplace or in social settings inter alia. These guidelines further aim to raise awareness around the phenomena of sexual harassment and its consequences on women and girls. In a second writ petition, the Supreme Court addressed the need to eradicate the use of the term ‘eve teasing’ for acts of sexual harassment (Writ Petition No. 8769 of 2010). While eve teasing is recognised as a punishable offence, there are no legal remedies for acts not considered as eve teasing but included in sexual harassment as defined by the guidelines. The Writ Petition of 2010 urges the government to insert a new section in the Suppression of Violence against Women and Children defining sexual harassment in the light of the definition and providing an appropriate punishment.

The writ petition of 2010 also included practical measures such as the creation of a separate cell or unit in every police station for tackling this issue. Following the guidelines, the government launched a national helpline to provide immediate service to victims of sexual harassment in 2012. However, there are reports that the effective implementation of these measures still faces great institutional and social challenges (Nahar, B., 2015).

In practice, eve teasing and sexual harassment are used interchangeably, which may hinder legislative progress and awareness raising regarding the sexual harassment guidelines. The Government has noted that the use of the word eve teasing does not reflect the gravity and seriousness of the issue but rather implies harmless behaviour for amusement (Writ Petition No. 8769 of 2010). The choice of words has direct consequences on the perception of the act and the reported rate of sexual harassment. The United Nations (2014) reports that girls experience a high rate of sexual harassment in the workplace, at school or on their way to school.

e) Female genital mutilation

There is no law addressing female genital mutilation (FGM) in Bangladesh. There is no evidence that FGM is a concern in the country.

Abortion is addressed in sections 312 to 316 of the Penal Code. Abortion is illegal but can be permitted when the woman's life is in danger. Abortion performed outside of the legal provision is punishable from three years to ten years' imprisonment and a fine.

Menstrual Regulation, defined by the World Health Organization as "early uterine evacuation without laboratory or ultrasound confirmation of pregnancy for women who report delayed menses" (WHO, 2012), is part of Bangladesh's national family planning since 1979 and available at all major government hospitals and facilities. It is authorized up to ten weeks after a women's last period and without confirmation of pregnancy. Menstrual Regulation is often used as a substitute of abortion when possible (Whittaker, 2013).

The lack of information regarding reproductive rights and health and how to access services coupled with the restrictive law on abortion may explain the persistent practice of unsafe menstrual regulations and abortions as a result of unintended pregnancies, contributing to the high national maternal mortality rate (Whittaker, 2013).

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The Prevention and Suppression of Human Trafficking Act (PSHTA) was approved in 2012. The act looks at human trafficking as an offence against the State and ensures that it is investigated as a form of organized crime. In addition, the Parliament passed the Human Trafficking Deterrence and Suppression Act in February 2012. Under this Act, labour trafficking can be punished from five to twelve years of imprisonment and fines of not less than USD 600. Penalties for sex trafficking range from five years to death sentence (UN Women, 2013).

The Acid Control Act and the Acid Crimes and Control Act of 2002 prescribe possible death sentence for perpetrators of acid crimes and restrict import and sale of acid in open markets (Yasmin, 2014). Acid throwing crimes are primarily reported in rural areas and small towns. It occurs both inside family and community spheres. Acid is generally thrown at a woman's body to disfigure and scar her for life, mostly when sex or marriage proposals are refused (Yasmin, 2014).

Through the National Health Policy of 2011, the Government established health services for all with low cost primary and emergency care. E-health services have been introduced and more than 13 000 community clinics have been made available in rural areas (CIC-BD, 2016). In addition, a National Plan of Action on Adolescent Sexual and Reproductive Health has been launched in 2013 to prevent teen pregnancy and promote safe sexual behaviours.

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The State should ensure equitable distribution of wealth (Constitution, Article 19). The Constitution of Bangladesh provides women and men with equal rights to hold, acquire, transfer and dispose of property (Constitution, Article 42). Women and men have equal rights to own, use, make decisions and use as collateral lands and non-land assets (Constitution, Article 42). After divorce, women and

men have equal rights to own, use, make decisions and use as collateral lands and non-land assets based on a de facto separate property regime (Constitution, Article 42).

With regards to land, the Government has enacted more than 140 land-related laws and policies, taking into consideration women's interest, to redistribute land to landless women and men. This regulatory framework includes the Land Reform Ordinance (1984), Bangladesh Land Holding (Limitation) Order (1972) and the Khas Land Management and Distribution policies of 1987 and 1997. National and local level committees for overseeing Khas land identification and distribution and the identification of landless people have also been implemented.

Notably, Bangladesh has a policy on the distribution of Khas land to landless rural households (Khas Land Settlement Policy, 1997) that guarantees joint ownership of husband and wife. In case of separation, both husband and wife lose their rights over the land (Herrera, A., 2016). While the policy states that female-headed households are eligible, discriminatory selection criteria still excludes female-headed households with only daughters, with no children or with only disabled sons.

The National Agriculture Policy (2012) includes a provision that encourages women's participation in agriculture through the creation of women's farmer groups and the development of their leadership skills in farm organisations.

Gender-discriminatory norms and social practices in Bangladesh have all been found to impact women's rights and access to lands and non-land assets in practice. Under Personal Law, Muslim and Hindu women have limited rights to inherit property and land. Although women can inherit or own, to a limited extent, a part of their father or husband's property, this right is reportedly rarely exercised in practice (Mobin Jinnah, 2013). The absence of a legal regime governing marital property puts women at higher risks of poverty after divorce as most of the property during marriage is acquired by men (Human Rights Watch, 2012). It is commonly assumed that only men have the right to make decisions on the use and exploitation of the land. Thus, even where women are legally the owner of the land, they may not have decision-making power in practice (Mobin Jinnah, 2013).

b) Secure access to formal financial resources

Women and men have equal rights to open a bank account (no restriction found). They also have equal rights to obtain credit (no restriction found). The IMF notes that in recent years, financial inclusion has become an important target of the government (IMF, 2016). The Bangladesh Bank established refinancing schemes and encouraged all banks and financial institutions to provide loans to women entrepreneurs at 10% interest rate (Circular No. 01 : Interest rate on lending to women entrepreneurs of cottage, micro and small enterprise sector under refinance schemes of SME & Special Programmes Department, 2016). The Government has also set up a maternal allowance for BDT 300 to 500) for poor working mothers (CIC-BD, 2016). Lack of awareness regarding these provisions is a major obstacle to their effectiveness. Furthermore, women choosing non-traditional profession or work, such as entrepreneurship, still face challenges due to discriminatory practices and cultural expectations, especially in rural areas (CIC-BD, 2016).

c) Workplace rights

Bangladesh has ratified ILO Conventions C100 and C111 but not C156, C183 and C189.

There are constitutional provisions prohibiting discrimination on the basis of sex in the public sector (Constitution of Bangladesh, Article 28), however, these are hardly applicable against private actors. The Labour Act 2009 (revised in 2013) promotes equality of opportunity in employment and provides equal pay for work of equal value (Labour Act, Article 345). The CEDAW committee (2015) has noted that compliance with the labour laws remains a challenge in the private sector and in SMEs.

Maternity leave is available for a maximum of sixteen weeks fully paid by the employer (Labour Act, Article 46). The law does not offer employment security during maternity leave. There is no prohibition for the employer to ask about a woman's pregnancy or family situation during the recruitment or promotion process. According to the CEDAW committee (2016), discrimination against pregnant women remains significant in the private sector in the absence of antidiscrimination law. There is no provision regarding paternity leave and parental leave.

Because the law does not cover workers in the informal sector where women are overrepresented, it fails at protecting and addressing the needs and reality of a large proportion of women. A regulatory framework for the informal sector would be needed (UN Women, 2016). In 2016, the Ministry of Expatriate Welfare and Overseas Employment addressed the specific needs of women migrant workers through the Expatriate Welfare and Overseas Employment Policy 2016. The policy mandates that the training workers receive before going overseas include information on their rights and the resources available to them if these rights are not respected, which appears crucial regarding the number of Bangladeshi women migrants working as domestic workers abroad (UN Women, 2016).

Factors that may impede women's ability to participate in the formal labour force include the strong influence of traditional notions regarding what is appropriate work for women, maintaining and possibly reinforcing occupational segregation and the gender wage gap (CEDAW, 2015).

4. Restricted Civil liberties

a) Citizenship rights

Women and men have the same rights to acquire, change and retain nationality (Citizenship Act, Sections 3-6). Although this was not possible for Bangladeshi women married to a foreigner until 2009, women and men have now equal rights to pass on their citizenship to their children (Citizenship Act, Section 5). At the time of writing, a Bangladeshi woman married to a foreigner cannot pass citizenship to her husband while a Bangladeshi man married to a foreigner can pass his citizenship to his wife, albeit subject to the fulfilment of certain conditions. Nonetheless, the government of Bangladesh has made a recent declaration in the 8th periodic report under CEDAW that the right for a Bangladeshi woman to pass her citizen to her foreign spouse is under consideration (CEDAW, 2015). Double nationality is prohibited for all citizens regardless of gender or marital status (Citizenship Act of 1951, Section 14).

Women and men have the same rights to register the birth of their children (Birth and Death Registration Act, Section 1). The Government has implemented projects and awareness raising campaigns to sensitize people on the important of birth registration. Every 3rd of July, the birth registration day is celebrated (Birth and Death Registration Project, 2009). In practice, women who

are unmarried when giving birth have reported that shame and fear of stigma may prevent them from registering the birth of their child (Plan International, 2012).

Women and men have equal rights to apply for identity cards (National Identity Registration Act, Section 5) and passports (Passport Order, Article 17). They have equal rights to travel outside of the country (Constitution, Article 36).

b) Voting

Despite the fact that women and men enjoy equal voting rights in Bangladesh since 1972 (Constitution, Article 28(2)), a culture of political violence may inhibit women's electoral participation. This includes psychological, physical and sexual violence. Psychological violence, experienced both at home and in public, may considerably impact women's right to vote according to their own choices (Paasilinna et al., 2017).

There are also reports that some discriminatory and conservative interpretations of Islam may restrict women's voting rights in practice by excluding them from the public sphere and confining their role to the home (Paasilinna et al., 2017).

To address these issues, the Bangladesh Election Commission took some measures such as separate polling booths for women and men or female polling personnel appointed to help female voters with legal formalities (Bangladesh Electoral System).

c) Political voice

Women have the same rights as men to hold public and political office (Constitution, Article 28 (2)).

The Constitution allows for special provision or quota for women in all areas (Constitution, Article 28(4)). Bangladesh has reserved seats at the four levels of national and sub-national government based on Article 65 (3A) of the Constitution. Of the 350 seats in the Parliament, 50 are reserved for women selected by the political parties proportionate to their seats (Fifteenth Amendment Act). At the local level, the Local Government Act of 1997 provides for the reservation of seats for women in local government institutions and introduces direct election in the reserved seats. Three directly-elected seats are reserved for women in the Union Parishads (Local Government Act, Article 5(3)). This quota has allowed an increased number of women to access politics.

Notwithstanding the existence of positive measures, women's political participation in general is low in the political leadership and the parties often do not nominate women in general seats (CEDAW, 2015). The CEDAW committee (2015) identified women's lack of political experience and traditional gender roles as among the main challenges faced by women in public office.

d) Access to justice

The Constitution guarantees equality before the law and equal protection for women and men (Constitution, Article 27). Women and men have the same legal capacity to sue and to be sued in court (no restriction found in procedural law). A woman's testimony carries the same evidentiary evidence as a man before the law (Constitution, Article 27 and 28(2)).

The justice system in Bangladesh has a formal system based on laws, rules, procedures (family disputes are covered by family courts and personal law) and a less formal system based on traditional justice mechanisms (although not recognised by state law, judgments have community legitimacy).

In the formal justice system, hiring private legal aid may be too expensive for the majority of the Bangladesh population (Moran, 2015). The government has established the Bangladeshi legal aid system (Legal Aid Services Act, 2000) to address this issue, among others. However, it has been poorly implemented so far (Akter, 2017). UNDP (2013) has noted that the formal judicial system in Bangladesh remains largely inaccessible for the vast majority of people. In general, economic vulnerability and a lack of information regarding their rights have been found to hinder women's equal access to justice. Women also face various institutional barriers to benefiting from the formal judicial system such as gender bias, limited resources, poor infrastructure, limited number of trained judges and lawyers and non-women friendly environments (Moran, 2015). In family courts governed by personal law, a conservative interpretation of Islam may sometimes consider that a woman's testimony equals one half of her counterpart (Hashmi, 2000).

The country has a variety of informal justice institutions called *shalish*. They include village-based mechanisms and religious and cultural leaders. As they are less expensive and faster than the formal judiciary institutions, *shalish* are often used by vulnerable groups, such as women and the poor, to seek justice (Moran, 2015). However, they may not always be in line with the formal legal system: for instance, the *fatwas* issued in muslim justice systems may include whipping, lashing, publicly humiliating women and girls by forcibly cutting their hair or blackening their faces, ostracizing women, girls, and families, and imposing fines (CIC-BD, 2016).

More

There are quotas on recruitment of civil servants (Recruitment Policy, 1985) although far from establishing gender parity. Within the quotas, 45% are appointed on merit, 30% for freedom fighters, 10% for women, 5% for ethnic minorities, and the remaining 10% for under-represented districts.

A gender responsive budgeting has been developed in 2009 with performance criteria on women's advancement and gender equality. The process helps to create awareness about gender and prevent discrimination against women in public life (CEDAW, 2015). The Parliament has also a parliamentary body on gender equality, the Standing Committee on Ministry of Women and Children Affairs (IPU Parline database) that reviews bills with regard to gender equality considerations.

The International Working Group for Indigenous Affairs regrets that the Constitution does not recognize indigenous people in the country as indigenous. With no proper recognition and acknowledgment of their identity, indigenous women and girls are vulnerable to multiple and intersecting forms of discrimination based on their gender, ethnicity, language, religion, class and geographic location (International Working Group for Indigenous Affairs, 2016).

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