BANGLADESH

1. Discriminatory family code

Under the Constitution as amended in 2004, Muslims, Hindus, and Christians have separate laws on marriage, separation and divorce. They are a mix of codified and uncodified (but officially recognized) laws, and are supplemented by authoritative decisions issued by the Supreme Court of Bangladesh and the High Court Division of the Supreme Court of Bangladesh. Bangladesh also has four civil laws broadly related to family matters that apply to members of all religions; the Special Marriage Act, the Child Marriage Restraint Act, the Guardian and Wards Act, and the Family Courts Ordinance. The Special Marriage Act applies only to those who renounce their religion.

The Child Marriage Restraint Amendment Ordinance of 1984 outlawed early marriage in Bangladesh and raised the minimum age for legal marriage to 18 years for women and 21 for men. In addition, acts passed in 2004 and 2005 now make it a legal requirement to register marriages and births, with two years imprisonment the ultimate penalty for failure to register a marriage. However, early marriage continues to be widely practiced in Bangladesh, particularly in rural areas. The 2011 Demographic and Health Survey (DHS) found that 45.7% of all girls between 15 and 19 years of age were married, divorced or widowed; and that 74% of women had been married before 18 (down from 78% in 2009). Elsewhere, UNICEF found that 33% of women between 15 and 49 were married before their 15th birthday. According to the 2011 DHS, the median age for first birth is 18 years, with 11.5% of 25-49 year old women having given birth before they are 15 years old. Recent data from 2013 reveals that 65% of women between the ages of 20 and 24 were married or in union before they were 18 years old, ranking Bangladesh 4th country in the world, within the 20 highest-prevalence countries.

A 2007 Pew Global Attitudes Survey found that popular attitudes limit women’s autonomy in regard to marriage: the survey revealed that only 12% of respondents believed that it was better for a woman to choose her own husband. Three times as many believed that it should be

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1 Human Rights Watch (2011), p. 4
3 Birth and Death Registration Act, 2004 and Muslim Marriages and Divorces (Registration Amendment) Rules; CEDAW (2010), p. 27
4 CEDAW (2011b), p. 9
5 DHS (2011), p. 51
6 DHS (2011), p. 48; DHS (2009), Table 6.3
7 UNICEF, et al. (2006), Table C p. 4
8 DHS (2011), p. 70
9 UNICEF (2013)
up to her family, while a majority believed that the woman and her family should decide together.\textsuperscript{10} Dowry payment is illegal, but the Government reported in 2010 that it still occurs frequently.\textsuperscript{11} In a 2011 survey, 77.9\% of urban men and 91.7\% of rural men stated their belief that a woman’s most important role is to take care of her home and cook for her family.\textsuperscript{12}

Concerning parental authority, Islamic law regards women as “custodians” but not legal guardians of their children. In the event of divorce, women can retain custody of sons until age seven and daughters until puberty. If a father dies, his children may be taken away by his family. Hindu law also views fathers as the natural, legal guardians of children.\textsuperscript{13} Women in rural areas are relying overwhelmingly on the ‘\textit{salish}', an informal dispute resolution mechanism that is being promoted by NGOS such as Ain o Salish Kendra (ASK) or Bangladesh Legal Aid and Services Trust (BLAST) as an alternative to formal courts, since the latter ones are difficult and expensive to access.\textsuperscript{14}

According to Islamic law, daughters inherit half as much as sons. In the absence of a son, daughters can inherit only after the settling of all debts and other obligations. In principle, wives are entitled to half of the assets of a deceased husband. Under Hindu law, a widow (or all widows in the case of a polygamous marriage) inherits the same share as a son. However, not all daughters of a Hindu man are equally eligible to inherit. Unmarried daughters and married daughters with sons can inherit. Married daughters beyond child-bearing age and widows without sons cannot inherit.\textsuperscript{15} For Christians, the Succession Act of 1925 provides for equal inheritance between sons and daughters.\textsuperscript{16} The Government reported to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee in 2010 that it had introduced a National Women Development Policy in 1997, with the aim of providing equal inheritance rights for women; however it is still unclear how this policy will be implemented without contradicting existing laws.\textsuperscript{17}

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Polygamy is legal in Bangladesh, but many consider the practice to be outdated and it is discouraged.\textsuperscript{18} The 2011 Demographic Health Survey (DHS) found that less than 1\% of men were in polygamous unions.\textsuperscript{19} A 2002 World Values Survey found that nearly 83\% of respondents either disagreed or disagreed strongly with the statement, “It is acceptable for a man to have more than one wife.”\textsuperscript{20}

\textsuperscript{10} Pew Research Center (2007), Question Q.44.
\textsuperscript{11} CEDAW (2010), p. 9
\textsuperscript{12} Naved, et al. (2011), p. 14
\textsuperscript{13} CEDAW (1997), p. 81; CEDAW (2003), p. 41-42
\textsuperscript{14} Habibul Haque Khondker (2012)
\textsuperscript{15} FAO (n.d)
\textsuperscript{16} MoWCA (2009), p. 102-103
\textsuperscript{17} Engendering Democracy (2011)
\textsuperscript{18} Citizens’ Initiatives on CEDAW-Bangladesh (2010), p. 21
\textsuperscript{19} DHS (2011), p. 49
\textsuperscript{20} WVS (2002), Question D076
Regarding the right to initiate divorce, the civil divorce law applies only to Christians and the few couples that marry under the civil marriage statute. Human Rights Watch reported in 2012 that discriminatory and archaic personal laws impoverish many women at separation or divorce, and trap some women in violent marriages because they fear destitution. For example, it noted that Muslim women face difficulties under the Islamic personal laws in obtaining a divorce without consent, and also enforcing maintenance. Furthermore, Hindu women are not required to consent to marriage, and cannot obtain divorces since they are prohibited under Sastric Hindu scriptures and their marriages are rarely registered in the first place. While Christian women are entitled to maintenance during marriage and alimony after divorce, it is reported that enforcement is tied to their “chastity.” Moreover, the limited entitlements these personal laws offer women are poorly enforced by family courts and local government arbitration councils, which are plagued with procedural and administrative problems.

More than 87% of Bangladeshi women believe that divorce is never justifiable. According to the 2010 CEDAW report, divorced and widowed women are more likely to be living below the poverty line than married or never-married women.

2. Restricted physical integrity

With regards to domestic violence, the 2010 Domestic Violence (Prevention and Protection) Act enables the granting of temporary and permanent protection orders, and the imprisonment of abusers.

Notwithstanding these legal protections, according to a 2007 survey, more than half of ever-married women reported experiencing some form of physical or sexual violence in their marriages. According to another 2013 UN survey, the proportion of men who reported ever having perpetrated physical and/or sexual intimate partner violence in their lifetime was 56.8 in rural areas, and 54.9% in urban areas, while 61.7% of women surveyed said they had experienced intimate partner violence. In total 88% of rural respondents and 95% of urban respondents reported they faced no legal consequences for rape charges.

Dowry-related domestic violence is also considered to be widespread, with cases of women suffering beatings and even death at the hands of their husbands when their natal families have refused or failed to make dowry payments. In 2010, the government reported that there were 4487 cases of dowry-related violence reported in 2008. Similarly, a World Bank Survey on
Gender Norms also reported in the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report found that women were more likely to experience domestic violence in cases where their family had agreed to pay a dowry.\textsuperscript{33}

In addition to the law on domestic violence, the 2002 Acid Attacks Crime Repression Act and Acid Control Act in Bangladesh aims to stop the practice of disfiguring women by throwing acid on them, providing for the death penalty in extreme cases.\textsuperscript{34} Acid attacks are still reported, and are usually undertaken as an act of revenge by a rejected suitor, following accusations of spousal infidelity, or in response to land disputes (in which cases acid has been used to attack men as well as women).\textsuperscript{35} The Acid Survivors Foundation reporting acid attacks on 31 women, 23 men, nine girls, and one boy in 2013.\textsuperscript{36} There are also reports of women accused of sexual misconduct (in the eyes of their accusers) suffering physical and mental violence as the targets of vigilantism, including social exclusion, whippings, and hilla, or forced marriage; according to the US Department of State, these have sometimes been at the instigation of local level religious leaders.\textsuperscript{37}

Rape is a criminal offence under the Prevention of Cruelty against Women and Children Act, adopted in 2000, which establishes the death penalty for those found guilty of rape charges.\textsuperscript{38} However there is no criminal offence for marital rape. In addition, the government reported in 2013 that a total of 60 One-Stop Crisis Cells were established at local hospitals for mobilizing the various services within and outside the hospitals for women and children victims of violence; and that Bangladesh police has established two victim support centres to provide various services in collaboration with 10 NGOs, as well as a National Helpline Centre for Violence Against Women and Children.\textsuperscript{39}

However, these laws have proven difficult to enforce, especially in rural areas.\textsuperscript{40} The CEDAW Committee found in 2011 that the numbers of shelters and crisis centres are inadequate to deal with the extent of the needs of victims of gender based violence\textsuperscript{41}. Moreover, according to the US Department of State, police often fail to adequately investigate reports of rape, or allow perpetrators to be freed after the payment of a fine.\textsuperscript{42} In addition, under the law, rape victims must file police reports and obtain medical certificates within 24 hours of the crime in order to press charges, which prevent most rape cases from reaching the courts.\textsuperscript{43} Several NGOs report that the government is unable to ensure the physical security of women, in particular girls and

\textsuperscript{33} CEDAW (2010), p. 89-90  
\textsuperscript{34} UNDP (2010)  
\textsuperscript{35} CEDAW (2010), p. 90  
\textsuperscript{36} US Department of State (2013)  
\textsuperscript{37} US Department of State (2013)  
\textsuperscript{38} US Department of State (2013)  
\textsuperscript{39} CEDAW (2013), p. 3  
\textsuperscript{40} Freedom House (2010)  
\textsuperscript{41} CEDAW (2011b), p. 4  
\textsuperscript{42} US Department of State (2013)  
\textsuperscript{43} CEDAW (2011b), p. 6
vulnerable women. For example the NGO Odhikar denotes poor women’s limited access to the justice system.\textsuperscript{44}

The US Department of State reports that during the first nine months of 2013, 702 rape cases and 166 attempted rapes were filed with police. Of the women, 69 were killed after being raped, 207 were victims of gang rape, and 12 women committed suicide after being raped. However, according to human rights monitors, the actual number of rape cases is in fact much higher, due to under-reporting attributed to what is the social stigma or fear of further harassment.\textsuperscript{45} According to a 2013 UN survey, the proportion of men surveyed admitted to having perpetrated rape or gang rape in their lifetime was 14.1\% in rural areas and 9.5\% in urban areas, with 47.4\% of those in rural areas, and 40.6\% in urban areas admitting to have committed the crime more than once.\textsuperscript{46} The most common reason given for the act was sexual entitlement.\textsuperscript{47} Additionally, Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets, are even more vulnerable to gender-based violence, although the government does not collect adequate data on its prevalence.\textsuperscript{48}

Gender-based violence in Bangladesh is likely to be linked to negative gender attitudes towards women. In 2011, the CEDAW Committee expressed its concern that the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men perpetuate discrimination against women in Bangladesh as well as the persistence of violence against women.\textsuperscript{49} One 2011 survey found that 59.7\% of urban men and 61.9\% or rural men agreed that there are times when a women deserves to be beaten, and 50\% or urban men and 64.4\% of rural men agreed that a women should tolerate violence in order to keep her family together.\textsuperscript{50} Women themselves are likely to report acceptance of domestic violence. According to data collected for the 2011 Demographic and Health Survey (DHS), more than one-third of women believe that a husband is justified in beating his wife. Acceptance is highest among married women age 15-19, while women who are wealthier or live in urban areas are most likely to believe that domestic violence is never justified.\textsuperscript{51} Further, just one quarter of women who experienced domestic violence reported telling someone about it.\textsuperscript{52}

**Sexual harassment** in public and private, including in educational institutions and workplaces, is a criminal offense,\textsuperscript{53} and the High Court has given several landmark judgments and directives to prevent sexual harassment both at working places and in educational institutes.\textsuperscript{54} Nevertheless sexual harassment (known as ‘eve teasing’) remains widespread. NGOs also note the rise in

\begin{thebibliography}{99}
\bibitem{44} Odhikar (2008), p. 16
\bibitem{45} US Department of State (2013)
\bibitem{46} UNDP, UNFPA, UN Women, UNV (2013), p. 43
\bibitem{47} UNDP, UNFPA, UN Women, UNV (2013), p. 44
\bibitem{48} CEDAW (2011b), p. 9
\bibitem{49} CEDAW (2011b), p. 3
\bibitem{50} Naved, et al. (2011), p. 14
\bibitem{51} DHS (2011), Table 13.6
\bibitem{52} NIPORT, et al. (2009) Table 14.9
\bibitem{53} US Department of State (2013)
\bibitem{54} CEDAW (2013), p. 5
\end{thebibliography}
incidents of stalking and sexual harassment, and the apparent inability/unwillingness of the state to bring to justice perpetrators of gender-based crimes.\textsuperscript{55}

There is no evidence that \textbf{female genital mutilation} is practised.

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\textbf{Abortion} is only legal to save the pregnant woman’s life;\textsuperscript{56} however, reproductive rights groups note that abortion is very difficult to obtain, and that large numbers of women die every year from unsafe abortions.\textsuperscript{57}

According to the US Department of State, information about \textit{contraception} is freely available, but cost and illiteracy often limits access.\textsuperscript{58} The government reports that it distributes many forms of contraceptives through a network of retail outlets. This includes a government-supplied brand that is distributed for free or for a nominal charge. In addition the government reports that is contraceptive distribution has been integrated into its Rural Services Delivery Program, including IUD insertion.\textsuperscript{59} Despite these efforts, contraceptive use is low. According to the 2011 DHS, only just over 50% of married women were using any form of contraception, although all types of contraceptive use among women age 15-19 had increased from 42% in 2007 to 47% in 2011.\textsuperscript{60} In addition, NGOs have reported that women’s sexual health decisions are largely made by male family members, and that many women, particularly those in rural areas, often lack access to contraception all together.\textsuperscript{61}

3. Son bias

The male/female sex ratio at birth is 1.04 and for the working age population (15-64 years old) is 0.9.\textsuperscript{62} There is evidence to suggest that Bangladesh is a country of low concern in relation to \textbf{missing women} and the situation is improving. The United Nations Development Programme (UNDP) reports that there are an estimated 3.2 million missing women in Bangladesh.\textsuperscript{63}

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According to data from the 2011 Demographic and Health Survey (DHS), rates of vaccination are very high in Bangladesh: 85% of girls and 87% of boys under the age of two included in the survey had had all their basic vaccinations.\textsuperscript{64}

According to the Multi Cluster Indicator Survey for Bangladesh for 2006, 3.8% of girls aged 5-14 were undertaking more than 28 hours of domestic labour within the home, compared to 0.9% of

\textsuperscript{55} Citizens’ Initiatives on CEDAW-Bangladesh (2010)
\textsuperscript{56} UN (2013)
\textsuperscript{57} CRR (2011), p. 3
\textsuperscript{58} US Department of State (2013)
\textsuperscript{59} NIPORT, et al. (2009), p. 65
\textsuperscript{60} DHS (2011), p. 84
\textsuperscript{61} CRR (2011), p. 7
\textsuperscript{62} CIA (2013)
\textsuperscript{63} UNDP (2010), p. 34
\textsuperscript{64} DHS (2011), Table 10.3
boys, indicating preferential treatment towards sons in regard to the allocation of household chores.\(^{65}\)

Of women aged 15-49 interviewed for the 2011 DHS, 28% had received no education at all, 18% had completed some primary school, while 12% had completed secondary education or higher.\(^{66}\) For men in the same age bracket, 26% had received no education, while 18% had completed secondary school or gone on to tertiary-level education.\(^{67}\)

4. Restricted resources and assets

Despite their growing role in agriculture, social practices and cultural norms effectively exclude women from direct **access to land**.\(^{68}\) It is customary for a woman not to claim her share of the family property unless it is given willingly. Women often surrender their right to property in exchange for the right to visit their parental home and seek their brothers’ assistance in cases of marital conflict.\(^{69}\) Households headed by women, who make up almost 30% of the total in the country’s eastern provinces, are more likely to suffer extreme forms of poverty and landlessness.\(^{70}\) The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee also found in 2011 that women’s access to land was also hampered by lack of appropriate skills and institutional barriers that discourage women from accessing bank loans.\(^{71}\)

It is unclear what women’s legal rights are to **own and manage non-land assets** in Bangladesh. However, it is likely to be restricted by the fact that traditionally, in marriage, men have the ultimate authority on household’s resources, children and the management of the wives’ labour.\(^{72}\)

In Bangladesh, women’s access to **financial services**, including bank loans and other forms of credit is limited. Most women lack the collateral to receive loans from banks. Low literacy rates also hamper women’s access to the formal financial sector.\(^{73}\) In addition, just 33.6% of currently married women who earned a wage that were interviewed for the 2007 Demographic and Health Survey (DHS) reported having sole decision-making power over how that money was used; 8% reported that their husband had sole power.\(^{74}\) In recent years micro-credit programs operated by the government, NGOs, and the Grameen Bank have substantially increased the number of women employed outside the household in self-employed entrepreneurships, manual labour and manufacturing.\(^{75}\) However, 43% of women are still employed in agriculture,

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\(^{65}\) UNICEF et al (2007), Table CP. 2
\(^{66}\) DHS (2011), Table 3.2.1
\(^{67}\) SHS (2011), Table 3.2.2
\(^{68}\) JICA (2007), p. 6
\(^{69}\) FOA (n.d)
\(^{70}\) JICA (2007), p. 39-40
\(^{71}\) CEDAW (2011), p. 8
\(^{72}\) FAO (n.d)
\(^{73}\) MoWCA (2009), p. 103
\(^{74}\) DHS (2011), Table 13.2
\(^{75}\) UNDP (2010) p. 53
the vast majority as unpaid family labour.\textsuperscript{76} And in 2011 the CEDAW Committee expressed its concern that women are exposed to many difficulties in accessing second generation micro-finance. \textsuperscript{77}

According to 2011 World Bank data, women were only slightly less likely than men to have obtained a loan from a financial institution in the last year (22.3\%, compared with 24.3\% of men), although men were significantly more likely than women to have taken out a loan from a private lender (13.2\%, versus 7.7\% of men). \textsuperscript{78}

\textbf{5. Restricted civil liberties}

There are no reported legal restrictions on women’s freedom of access to public space; however in 2010, the government reported that, in practice, women’s movement is commonly limited to their homes and local areas due to discriminatory social norms. \textsuperscript{79} The situation in regards to freedom of speech, assembly, and association has recently improved, with the lifting of the Emergency Powers Rules in 2008. \textsuperscript{80} The 2010 Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report notes that the media are active in challenging gender stereotypes, and raising issues that they feel are relevant to women. \textsuperscript{81} There appears to be an active and vocal women’s rights movement in Bangladesh, operating particularly in the areas of gender-based violence prevention and support to victims, and providing microcredit and other forms of support to disadvantaged women. \textsuperscript{82}

With respect to quotas, the constitution mandates that 50 seats are reserved for women in the parliament. \textsuperscript{83} In 1997, one-third of the local Government seats of members were reserved for women. These female representatives are nominated by their political parties and are allocated via the proportional representation of the parties in the other 300 seats. \textsuperscript{84} As of 2014, Women make up only 20\% of the 350-seat Parliament. \textsuperscript{85} There is also evidence that women political representatives are not given the same support as their male counterparts. For example, NGOs have reported that women in local governments, despite legal definitions of their duties, have in practice been prevented from four basic tasks: Registering births and deaths, examining building designs, assisting in census and demographic surveys, and monitoring law and order. Women also have limited access to office space, transport or other facilities. \textsuperscript{86}

In 2011 the CEDAW Committee expressed its concern that women continue to be underrepresented in public and professional life and in decision-making in the judiciary,

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\textsuperscript{76} JICA (2007), p. 42-43
\textsuperscript{77} CEDAW (2011), p. 8
\textsuperscript{78} World Bank (2011)
\textsuperscript{79} CEDAW (2010), p. 17
\textsuperscript{80} Freedom House (2013)
\textsuperscript{81} CEDAW (2010), p. 57
\textsuperscript{82} See CEDAW (2010); Citizens’ Initiatives on CEDAW-Bangladesh (2010)
\textsuperscript{83} Quota Project (2009)
\textsuperscript{84} CEDAW (2010)
\textsuperscript{85} IPU (2014)
\textsuperscript{86} UNDP (2010), p. 85
\end{flushright}
diplomatic service, civil service and administration and elected positions in Parliament and local bodies.\footnote{CEDAW (2011b), p. 6}

According to a 2002 World Values Survey, 62.1\% of Bangladeshis agree or agree strongly with the statement, “On the whole, men make better political leaders than women do”, while 29.5\% disagreed.\footnote{WVS (2002), Question D059} However, a 2007 Pew survey found the number that preferred men reduced to 52\%, with 41\% believing that men and women were equally qualified.\footnote{Pew (2007), Question Q.43} Despite this some of the highest-ranking elected and appointed leader in politics, including the previous Prime Minister, have been women.\footnote{MoWCA (2009), p. 63-64; CIA}

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Concerning \textbf{workplace rights}, the Labour Law\footnote{Government of Bangladesh (2013), Bangladesh Labour (Amendment) Act 2013, http://www.mole.gov.bd/index.php?option=com_docman\&task=cat_view\&gid=207\&dir=DESC\&order=name\&Itemid=236\&limit=5\&limitstart=15 [accessed 19/05/2014] (in Bangla)} was amended in 2013, allowing unionization in factories located outside the Export Processing Zones, but trade unions remain banned in Export Processing Zones.\footnote{The Daily Star (2013)} The minimum wage for garment workers was almost doubled by the end of 2013.\footnote{Human Rights Watch (2013)}

The Bangladesh Labour Act of 2006 increased the amount of employer-funded paid \textbf{maternity leave} to sixteen weeks, and enshrines the right to equality of opportunity in employment and provides for equal pay for work of equal value.\footnote{Bloomberg (2013)} However, evidence on the implementation of the law is lacking, and the law does not cover workers in the informal sector where a large population of women are employed.\footnote{CEDAW (2011b), p. 7} Attitudes towards working women are mixed in Bangladesh. In a 2002 survey, 59.5\% agreed or strongly agreed with the statement, “A working mother can establish just as warm and secure a relationship with her children as a mother who does not work.” However, 36.9\% disagreed.\footnote{WVS (2002), Question Do56; World Bank (2009), Indicator 4.4} Further, 46.2\% disagreed with the statement “Being a housewife is just as fulfilling as working for pay,” although this number had dropped more than 10\% since 1996.\footnote{WVS (2002), Question D057; World Values Survey (1996), Question D057} 68.2\% of Bangladeshis (and 57.8\% of women) also believe that women should give up their jobs to men in tough economic times when jobs are scarce, although more than 86\% believe that both men and women should contribute to household income.\footnote{WVS (2002), Question C001; World Bank (2009), Indicator 4.5; WVS (2002), Question D058}
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