



**Report of the National Human Rights  
Commission, Bangladesh, on  
the Government's 2015 CEDAW State Report  
Responding to CEDAW's 2011 Concluding  
Observations**



Empowered lives.  
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Creating a Culture of Justice  
International Development Law Organization





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Preparation of this report was supported by the **International Development Law Organization (IDLO)** and the **United Nations Development Programme (UNDP)**.

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# FOREWORD

Bangladesh acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 6th November 1984. In compliance with the Convention, Government of Bangladesh submitted its 8th State Party periodic report to the UN CEDAW Committee in 2015. In line with its mandate, the National Human Rights Commission of Bangladesh (JAMAKON) submits the present report to provide an independent assessment of the status of Government implementation of its legal obligations under CEDAW.

JAMAKON, is constantly paying special attention to the rights of the women. It has formed a special thematic Committee dedicated to the Women's right. The Committee remains vigilant regarding the rights of Women in Bangladesh and reviews the state obligations under different International Instruments addressing the rights of Women.

JAMAKON organizes innumerable series of workshops, seminars, and roundtable discussions etc from time to time with stakeholders regarding women's right. Besides these, it conducts huge research works relating to women rights issue.

This report ends with a number of overarching comments on progress and remaining challenges.

In fine, a safe conclusion can be drawn by saying that, the submission of this report by National Human Rights Commission of Bangladesh (JAMAKON) bears the testimony of the fulfillment of its commitment to the women rights issues.

**Professor Dr. Mizanur Rahman**

*Chairman, National Human Rights Commission (JAMAKON), Bangladesh*

Dhaka, December, 2015





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# I

## Introduction

Bangladesh acceded to the Convention on the Elimination of Discrimination against Women (CEDAW) on 6 November 1984. In compliance with the Convention, the Government of Bangladesh submitted its 8th State Party periodic report to the UN CEDAW Committee in 2015. (See Eighth periodic report of States parties due in 2015; CEDAW/C/BGD/8 of 27 May 2015.) In line with its mandate, the National Human Rights Commission of Bangladesh (which also goes by the name 'JAMAKON' in Bangladesh) submits the present report to provide an independent assessment of the status of Government implementation of its legal obligations under CEDAW. In each section below, this report reproduces CEDAW's main Concluding Observations, issued in 2011, in response to Bangladesh's combined 6th and 7th reports submitted in 2009, indicates the measures the Government describes in its 8th periodic report that it has taken towards fulfilling CEDAW's recommendations, and then adds the BNHRC's comments on the State's response. The report ends with a number of overarching comments on progress and remaining challenges.





## **CEDAW's Concluding Observations (2011), the Government's Response (2015), and the BNHRC's Comment on This Response (2015)**

### **Principal areas of concern and recommendations**

9. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament, and to the judiciary, so as to ensure their full implementation.

#### **■ The Government reports (CEDAW/C/BGD/8 at para. 31) that:**

- Participatory consultation with Government ministries and CSO representatives, the national level review of the implementation of the BPFA, the recent review of the Sixth Five Year Plan, and data and information from Ministries and CSOs were the basis of the report.
- Consultations with the Bangladeshi member of UNCEDAW Committee were held.
- Information on the implementation status on the concluding observations of the UNCEDAW Committee on the Combined Sixth and Seventh Periodic report were collected for the period of January 2010 December 2014 by circulating a survey format to all Ministries.

- A working Group formed by Ministry of Women and Children Affairs (MOWCA) officials coordinated the process of report preparation.
- The Process began in March 2014 and in December the timeline and process of reporting was shared with the representatives of all relevant Ministries and major CSOs.
- A committee comprising government and CSO representatives was formed. Another meeting in January 2015 shared the first draft of the report. Feedback and input received from the CSOs and ministries were incorporated into the final report.

### ■ BNHRC Comment:

The Government has taken important strides to increase coordination at inter-ministerial level so as to strengthen more effective and timely reporting to the CEDAW. The BNHRC is pleased to report that, for its own part, it also organized a number of consultations with CSOs to help further broaden the participation of civil society in reporting to the CEDAW, for example, the 'Consultation on CEDAW Stakeholder Report Prepared by JAMAKON' which was held in Dhaka on 15 June 2015.

## Parliament

10. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of government, and it invites the State party to encourage the Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.

### ■ The Government reports (CEDAW/C/BGD/8) that:

- The Parliamentary Standing Committee for the Ministry of Women and Children Affairs, together with Women in Development Focal Point (WIDFP), WIDFP Implementation and Evaluation Committee (WIDFPIEC), Women in Development Focal Point Coordination Committee (WIDFPCC) and Women in Development Focal Point Network Committee (WIDFPNC) have been operation and that these mechanisms address gender concerns within the policies and plans of their respective ministries (para. 37).

- A Gender Responsive Budgeting (GRB) with performance criteria on women's advancement and gender equality was adopted and that Ministries provided estimates of budget allocation for gender equality and poverty reduction within the sectoral policy aligned with the identified priority areas. A report with action of all ministries was submitted to the Parliament on the progress of GRB during the Budget Session (para 39).
- To ensure equality of women, the Women Development Policy (WDP) and National Action Plan (NAP) were developed in 2013 as well as a National Action Plan to prevent Violence Against Women and Children 2013 2025 to protect and ensure women's human rights (para 40).
- Bangladesh has reserved seats in the Parliament and local government institutions and women can also contest in all elections. The total number of women members including the 50 Members in reserved seats in the current Parliament is 70, which represent 20% in the total members (para. 68), that there is an orientation programme for women members of Parliament that has been conducted in cooperation with development partners (para 72), that the Prime Minister is a woman, a woman has been appointed as the Speaker of the Parliament, and that the Leader of the Opposition, Deputy Leader and Whip of the House in the Parliament are women (para. 73). However, the State report also notes that at the local government level the number of women has been increasing, and yet "their capacity is low in leading and negotiation" and that "[d]ue to the existing social norms and the political practices, women are still not competing in the general seats as expected." Moreover, notes the State report: "The social norms again prevail in the dynamics of the local government institutions and men do not take women members as equal partners and colleagues" (para. 74).
- The Government shared the concluding observations with all ministries, the Parliamentary Standing Committee on MOWCA and CSOs (para. 128).



### *BNHRC Comment:*

The BNHRC welcomes the Government's commitment towards implementation of the equality of women at the parliamentary level through the introduction of quotas and reserved seats for women. The BNHRC is pleased to see greater coherence in planning and implementation of measures across government ministries to enhance promotion and protection of the human rights of women, including Gender Responsive Budgeting, that link the relevant parliamentary committees to

departmental implementation. However, the BNHRC remains concerned to see that these measures translate into meaningful improvement in the status of women in political decision making and as the beneficiaries of the WDP and national action plans. departmental implementation. However, the BNHRC remains concerned to see that these measures translate into meaningful improvement in the status of women in political decision making and as the beneficiaries of the WDP and national action plans.

## Reservations

12. Recalling its previous recommendation (CEDAW/C/BGD/CO/5, para.236), the Committee urges the State party to expedite its efforts towards the withdrawal of its reservations to articles 2 and 16, paragraph 1 (c) within a concrete timeframe.

### ■ The Government reports that (CEDAW/C/BGD/8 at paras. 44 and 45):

- Withdrawal of existing reservation on Article 2 and Article 16(1)(c) was considered and the Law Commission was requested to review the merits of the reservation and to provide appropriate recommendations. Following the examples of other Muslim Countries, the Law Commission opined that “The Government of Bangladesh withdraws her reservation from Article 2 and Article 16.1(c) of the Convention on the Elimination of All Forms of Discrimination against Women. However, Bangladesh shall apply the provisions of these articles in compatibility and harmony with her Constitution and existing laws”. The Government is considering the recommendation (para. 44).
- The Government is aware about the potential movements by the Islamic fundamentalist groups against the withdrawal of the reservations. Therefore, cautious steps are being taken so as not to jeopardize application of the principles of CEDAW. Partnership and cooperation with civil society is essential to create a positive environment for the withdrawal of the reservation (para. 45).

### ■ BNHRC Comment:

The BNHRC appreciates the Government’s efforts to remove the reservation to Articles 2 and 16(1)(c). Article 2 of CEDAW sets forth all State party obligations with regard to implementation of the Convention and Article 16(1)(c) guarantees that women enjoy the “same rights and responsibilities during marriage and at its dissolution”, particularly in view

of staunch opposition from certain fundamentalist constituencies. However, the Government stated that it was considering the Law Commission's proposal to reformulate the existing reservation to the effect that Bangladesh withdraws its reservation but that "Bangladesh shall apply the provisions of these articles in compatibility and harmony with her Constitution and existing laws". Although the Law Commission's proposal seems to represent an improvement over the wording of the existing reservation, the BNHRC respectfully strongly disagrees with the Law Commission's proposal on the following grounds of logic and the rules and principles of international law:

- a) first, the new formulation is self-contradictory, and therefore fails on logical grounds because, on the one hand, it purports to withdraw the existing reservation, but on the other hand, it maintains the substance of the original reservation by asserting the legal superiority of Bangladesh's constitutional and existing law, which indeed includes religious law, trying to place domestic law over international law, in case of conflict between the two;
  
- b) second, domestic law cannot be considered to be superior to international law for that would contradict the very concept of law binding on States and it moreover conflicts with Article 27 of the Vienna Convention on the Law of Treaties, 1969, which reads: "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty";
  
- c) third, the proposed recommendation conflicts also with the Vienna Convention on the Law of Treaties, 1969, Article 19(3) of which stipulates a State may make a reservation provided it is not incompatible with the object and purpose of the treaty. However, Article 2 is essential to CEDAW's implementation, and Article 16 is substantively important as well, such that reservations to these provisions will not be considered by the international community as legally valid. For example, when Saudi Arabia became a party to CEDAW on 23 September 1997, it entered a reservation that read: "[The Government of Saudi Arabia declares that it will] implement the provisions [of the above Convention], providing these do not conflict with the precepts of the Islamic Shariah." On 25 July 2001, Sweden objected to Saudi Arabia's general reservation as follows: "The

Government of Sweden has examined the reservation made by the Government of the Kingdom of Saudi Arabia at the time of its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, as to any interpretation of the provisions of the Convention that is incompatible with the norms of Islamic law. The Government of Sweden is of the view that this general reservation, which does not clearly specify the provisions of the convention to which it applies and the extent of the derogation therefrom, raises doubts as to the commitment of the Kingdom of Saudi Arabia to the object and purpose of the Convention. It is in the common interest of States that treaties to which they have been chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Sweden therefore objects to the aforesaid general reservation made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women. This shall not preclude the entry into force of the Convention between the Kingdom of Saudi Arabia and the Kingdom of Sweden, without the Kingdom of Saudi Arabia benefiting from the said reservation". Many other countries have raised similar very critical objections to Saudi Arabia's standard reservation which it entered into numerous other multilateral human rights conventions. Bangladesh should therefore choose another path to avoid diminishing the image of its commitment to international human rights law before the international community at large; and

- d) fourth, the CEDAW Committee itself, in its General Recommendation on Article 16, (CEDAW/C/GC/29 of 26 February 2013) indicated that "Many of the States parties that maintain such legal arrangements have entered reservations to all or parts of articles 16 and 2. The Committee on the Elimination of Discrimination against Women has repeatedly noted with concern the extent of these reservations, which it considers invalid because they are incompatible with the object and purpose of the Convention. It has consistently called upon these States parties to withdraw their reservations and ensure that their legal systems, whether civil, religious, customary, or ethnic or some combination thereof, conform to the Convention in general and to article 16 in particular."

## Legislation on discrimination against women

14. The Committee calls upon the State party to extend the application of the guarantees of equal rights between women and men to the private sphere in its Constitution in line with articles 1 and 2 of the Convention and in other appropriate legislation.

### ■ The Government reports that (CEDAW/C/BGD/8):

- Ensuring compliance of labour laws for private sector employers remained a challenge because many small and micro enterprises were run informally and the Government's monitoring capacity was very limited. It was particularly difficult for Government to control minimum wages in the agricultural sector and in many low end jobs where women were concentrated owing to low educational attainment (para. 88).
- Although labour law guaranteed maternity leave and access to child care facilities where more than fifty women are employed, day care centres for working women were inadequate. Some centers supported women garment workers in collaboration with employers, but "[i]n reality very few women enjoy all benefits as private sector organizations are reluctant to ensure these measures" (para. 144).
- In public sector employment, women and men received equal benefits and pay at each level and their performance was assessed using the same criteria and standards. Retirement benefits and medical support were also the same for both women and men. Women were allowed six month paid maternity leave and the existing quota for recruitment was applied. In contrast, in the private sector, gender differences were apparent in terms of wage rates and women received on average two thirds of what men were paid. The Government, therefore, emphasizes on enforcement of labour laws and to motivate employers in paying equal pay and benefits to women (para.172).

### ■ BNHRC Comment:

The Constitution of the People's Republic of Bangladesh guarantees freedom from discrimination on the basis of sex, but this guarantee extends only as far as the State and the public life. It does not apply to the private sphere, namely concerning matters related to marriage and family relations where women are denied both de jure and de facto equality by the personal laws which govern them, and it is therefore incumbent upon

the Government to consider adopting legislation which would bring these areas under statutory regulation in line with CEDAW. At the same time, the BNHRC commends the Government for having adopted in 2010 the Domestic Violence Prevention and Protection Act. Its preamble stresses Bangladesh's obligations, as State party to the CEDAW and the CRC, to prevent and protect women and children from domestic violence. That the State has intervened and recognized that certain acts committed within the private family sphere constitute criminal offences must be considered an achievement for the advancement of the human rights of women in Bangladesh.

### Discriminatory laws

16. The Committee calls upon the State party to pursue without delay its law review process with the view to harmonizing its domestic legislation with its obligations under the Convention within a clear time frame. The Committee also urges the State party to enhance its law reform through partnership and collaboration with religious leaders, lawyers and civil society organizations including women's non governmental organizations.

#### ■ ■ ■ *The Government reports that (CEDAW/C/BGD/8 at paras. 34-39):*

- It put in place a series of institutional measures to promote equality, equal protection of law; and non-discrimination, including the National Council for Women and Children Development (NCWCD), National Council for Women Development (NCWD) chaired by the Prime Minister and comprising government, civil society, and women's organizations representative, which was merged in 2009 with the National Council for Child Development (NCCD) to become the National Council for Women and Children Development (NCWCD). This new body provides policy guidance and monitors the implementation of critical policy decisions on women's and children's development. The Government also assigned the Ministry of Women and Children Affairs (MOWCA) the lead role for promoting gender equality throughout the Government. A Policy Leadership and Advocacy Unit (PLAU) provides technical support to MOWCA in coordinating women's advancement activities within the Government. The Annex D shows the existing institutional mechanism.
- In addition to the Parliamentary Standing Committee for MOWCA and Women in Development Focal Points in various ministries, the



Government reiterated its range of Development Plans, including the Perspective Plan (2010-2021) which provides a framework for the implementation of the Government's Vision 2021, and the Sixth Five Year Plan (SFYP), 2011-2015 currently being implemented.

- At the same time, the Government has acknowledged (para. 47) that one of the more difficult challenges it has been facing with regard to reducing discrimination on grounds of gender has arisen from the fact that personal laws are governed by religious law and customs. In some cases, these religious laws and customs feature discriminatory provisions concerning marriage and divorce, inheritance, guardianship, and in other areas. In order to modify personal laws, the Government must get the agreement of leaders of religious faiths, but "society is not yet ready to accept such modification and the Government being mindful of the possible repercussion of the conservative religious groups, taking cautious steps".

### ■ ■ ■ *BNHRC Comment:*

The BNHRC lauds the Government for its efforts to work with religious and community leaders to realize the value of promoting equality and in fighting discrimination, and encourages the Government to redouble its efforts by education, mass media campaigns, and full engagement of faith leaders, and civil society organizations.

In lieu of a uniform family code, discriminatory laws related to family relations, i.e. marriage, divorce, guardianship, custody, inheritance and property, remain governed by religion(s) rather than the State. Coupled by the profound effects they have on women, such laws represent one of the largest obstacles to women's securing both *de jure* and *de facto* equality in the country. In addition, discriminatory provisions in the Labour Act, 2006 restrict women's access to night work in factories; marital rape has yet to be prohibited by law; and the legal age of consent for marriage differs between men and women, at 21 and 18 years old respectively.

Although Bangladeshi women are in general disadvantaged due to their gender as Article 28(4) of the Constitution recognizes such a position is even more accentuated in the case of women belonging to other marginalized or vulnerable groups who face multiple layers of discrimination and inequality. Women's lack of access to assets, land, services, justice and decision making power becomes a double burden for female members of religious or ethnic minority communities, as well as refugee women and those with disabilities.

Despite Constitutional guarantees of equality for all, irrespective of caste or creed, in reality there exist Dalit communities, considered 'untouchable', who lack equal access to rights. Women of these communities contend with manifold forms of discrimination, yet a lack of research and data makes it difficult to understand or know the full picture. Discrimination against Dalit women is reinforced by traditional norms and customs in Hinduism and Islam that deprive women of control not just over property but over their own bodies; they are also excluded from participation in politics, community development and employment.

In 2014, an Anti Discrimination (Draft) Act was finalized by the Law Commission with the assistance of the BNHRC and in consultation with various other stakeholders. The Act, which has been submitted to the Ministry of Law, Justice and Parliamentary Affairs for vetting, addresses discrimination against minorities and disadvantaged groups, including the gender dimensions of discrimination within these groups.

The Citizenship (Amendment) Act, 2009 gave Bangladeshi women the right to transmit her citizenship to her children upon marriage to a foreigner. Yet the BNHRC regretfully reports that the discriminatory provision under the Citizenship Rules 1978 whereby a Bangladeshi woman can only pass on her citizenship to her spouse once he has been a resident for 5 years, compared to a foreign wife who can receive her Bangladeshi husband's citizenship after only a two year residential requirement remains in place.

## Stereotypes and harmful practices

18. In line with its previous concluding observations of 2004 (CEDAW/C/BG-D/CO/5, para. 246), the Committee calls upon the State party to:
- (a) Continue to accelerate efforts to eliminate discriminatory and stereotypical attitudes;
  - (b) Intensify cooperation in this regard with civil society organizations, including women's groups and community leaders, traditional and religious leaders, as well as the media;
  - (c) Increase its efforts to design and implement strategies, including in education and through awareness raising programmes, targeting women and men at all levels of society, with a view to creating an enabling environment for the elimination of stereotypes and all practices that are discriminatory to women;
  - (d) Monitor and periodically review the measures taken in order to assess their impact and take appropriate action.

### ■ The Government reports (CEDAW/C/BGD/8 at para. 50 et. seq.) that:

- It drafted an action plan to prevent child marriage and that the National Text Book Board reviewed 24 books through a gender lens to gauge gender sensitivity in educational institutions.
- It developed a National Broadcasting Policy in 2014 to promote women's productive roles.
- The use of the mother's name in key documents recognized the role of women and that government staff received training courses in gender sensitivity.
- Sexual harassment, euphemistically referred to as 'Eve teasing' has been incorporated as a punishable offence in the Mobile Court Act, 2009 which empowers the magistrate to hold summary trials to control harassment of girls.
- The Child Marriage Restraint Act, 2014 has been drafted which would punish parents or guardians responsible for child marriages. Marriage registrars are required to request compulsory production of the birth registration certificate during marriage. A CSO alliance called 'Girls not Brides' is working to eliminate child marriage together with the Government. Local Government institutions work against dowry.

- It remains a challenge to eradicate harmful practices involving girls and women and son preference because some of the norms remain embedded within religious practices and “society is not yet ready to accept changes and some more time is necessary to change the social norms” (para. 52).

### ■ *BNHRC Comment:*

The BNHRC welcomes the actions the Government has taken to counter the persistence of stereotypes and harmful practices involving girls and women because these problems keep girls and women in an inferior position in society and weaken prospects for reaching greater gender equality.

Negative perceptions and attitudes towards women and girls pervade the household and community level and are manifested in greater social ills such as VAW, poverty and underemployment, child marriage and a general lack of decision-making power. A recent UNICEF study found 48% of women respondents stated that their husbands make all the decisions about their health, and 35% about their social life (UNICEF, ‘Women and Girls in Bangladesh’, June 2010. [http://www.unicef.org/bangladesh/Women\\_and\\_girls\\_in\\_Bangladesh.pdf](http://www.unicef.org/bangladesh/Women_and_girls_in_Bangladesh.pdf)). A 2011 Bangladesh National Human Rights Commission baseline study found that over a quarter of respondents agreed discrimination against women was acceptable in the workplace and on the street; only 6.2% responded that discrimination in the community was never acceptable (National Human Rights Commission Bangladesh, ‘Perceptions, Attitudes and Understanding: a Baseline Survey on Human Rights in Bangladesh’. BNHRC, 2011).

## Violence against women

20. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures such as a national action plan to address all forms of violence against women and girls, in accordance with its general recommendation No. 19 (1992). It calls upon the State party to expeditiously:

- (a) Ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse are criminalized, that perpetrators are prosecuted and punished and that the women and girls who are victims of violence have access to immediate means of redress, rehabilitation and protection;
- (b) Remove any impediment faced by women in gaining access to justice and ensure that shalish decisions do not violate laws and do not lead to extrajudicial penalties;
- (c) Take effective measures to ensure the implementation of the existing legal framework including enactment of legislation on sexual harassment and organize training and awareness raising programmes for the judiciary and public officials, in particular law enforcement and health service personnel, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender sensitive support to victims;
- (d) Establish counselling services and sufficient number of shelters for victims of violence in all parts of the country, including in rural areas;
- (e) Establish a database to collect data and information on the implementation of the laws and policies in place to deal with all forms of violence against women and girls and on the impact of such measures;
- (f) Undertake studies and/or surveys on the extent of such violence and its root causes.

### ■ The Government reports that (CEDAW/C/BGD/8 at paras. 55-58):

- The Domestic Violence (Prevention and Protection) Act, criminalizes VAW.
- The Mobile Court Act, 2009 and other existing laws in effect also address different aspects of VAW. There is also a national action plan on VAW (NAPVAW) 2013-2025, developed jointly with civil society that outlines actions against VAW. The High Court in 2010 provided guidelines to employers and educational institutions to form policies to address sexual harassment in work places, educational institutions and

other public places. The High Court also directed the Government to enact legislation to address sexual harassment in public places.

- In 2011, the Appellate Division of the SC declared that fatwa could be issued on 'religious matters', but not for the purpose of imposing punishment.
- The Pornography Control Act, 2012 declares any pornographic recording and broadcasting as criminal offence and that it has a separate section for child pornography.
- The Multi Sectoral Program on Violence against Women (MSP VAW) provides health care, police assistance, DNA testing, social services, legal assistance, psychological counselling and shelter for the woman victims through 8 One Stop Crisis Centers (OCCs). One Stop Crisis Cells (OCCs) in sixty areas provide information and referral services. A National Forensic DNA Profiling Laboratory, a National Trauma Counselling Centre and Seven Victim Support Centres (VSC) have been established to provide legal support, medication, counselling, and emergency shelter to women and children victims. The Acid Control Council Committee and 63 district committees support victims of acid attack. Cyber Nirapotta (Cyber Crime Safety) Programme oriented 2,839 female college students about cyber security in 2014.
- The Police Headquarters has set up a 'Special Cell' comprising female police personnel and a Women Support and Investigation Division. A Women's Investigation Division established in 2011 under the Dhaka Metropolitan Police is a specialized unit to investigate cases under the Women and Children Repression Act, 2000 (Amendment 2003). A Community Policing Forum (CPF) operates in 64 districts and includes 33% women and cooperates with the community in dealing with sexual harassment and domestic violence. Thirty-two out of 35 Model Thanas have women police officers.
- There are also Committees for the Prevention of VAW at district and Upazila (sub district) levels, as well as the Ministry of Home Affairs' 'Acid Cases Monitoring Cell' equipped with a special fund to assist victims of acid attacks.
- A web based Integrated Crime Data Management System at Police Headquarters preserves every reported incidence of violence. A national survey on VAW carried out in 2011 by Bangladesh Bureau of Statistics (BBS) found that 87% of the respondents faced violence in the previous 12 months in one way or other. The survey considered nine indicators on VAW agreed by UN Statistics Commission.

- Despite taking measures, people still tolerated VAW, socio cultural factors made women vulnerable and some members of law enforcement agencies had not been adequately apprised of the issue.

### ■ *BNHRC Comment:*

The BNHRC welcomes all of the initiatives the Government has taken to eradicate VAW, as well as its admission that it faces serious challenges from the persistence of cultural attitudes, including on the part of some members of law enforcement agencies.

The Human Development Research Centre, conducted a survey of VAW in the workplace across 5 sectors and found that: 87 % of women reported that they have observed VAW at their workplace; 79 % believe victims of VAW did not seek a remedy; rape had been reported by 1%, which is highest (4%) in shrimp processing industries; 30 % reported that 5 in every 10 female workers face VAW in the workplace; and 44% of Dhaka Medical College Hospital respondents reported having experienced violence in their personal lives, the highest percentage per sector (Human Development Research Centre, 'Baseline Survey to know the Extent and Severity of VAW in Selected Sectors', Prepared for ILO Bangladesh, Dhaka: September, 2011).

The BNHRC conducted a countrywide survey on perceptions, attitudes and understanding of human rights issues. Alarming, 63% of married women responded that violence against wives is acceptable for 'disobedience'; 35% said a marriage should be arranged between a woman or girl and her rapist; and 68% could not name any law that protects women from violence. Dowry was the most commonly cited problem facing women in the country, followed by poverty and then violence by husbands.

Despite the increasing number of State interventions against it, VAW continued to occur at alarming rates throughout the country, and as different reports suggest, was in fact increasing. According to the Bangladesh National Woman Lawyer's association, VAW increased by 11% in 2014 from the previous year, including a 44% increase in domestic violence. The Bangladesh Police report 21, 291 VAW crimes in 2014, the highest number in 13 years of reporting. The BNHRC wishes to point out that the numbers of incidents reported were just the tip of the iceberg; the actual number was much higher. In its 2011 countrywide baseline survey, the BNHRC found that of those who reported an incident of VAW in the survey, nearly three quarters did not officially report it to anyone, and only 0.6% reported a sexual abuse.

In short, the BNHRC welcomes the Government's measures to eradicate VAW, and encourages the Government to engage more effectively with educational institutions, the media, civil society organizations, the BNHRC and international agencies to find ways to make these measures much more effective. Rape, sexual harassment, and VAW perpetrated as a result of religious fatwas remain very serious issues that can be addressed only by an intensified public campaign, led by Government in partnership with all sectors of society.

## Trafficking and sexual exploitation

22. The Committee requests the State party to fully implement article 6 of the Convention, including through:

- (a) Incorporation of the SAARC Convention into the State party's legislation;
- (b) Intensification of its efforts with respect to international, regional and bilateral cooperation, including conclusion of bilateral agreements with neighbouring countries, in order to prevent trafficking and to harmonize legal procedures aimed at the prosecution of traffickers;
- (c) Adoption of a comprehensive action plan to address trafficking and sexual exploitation and ensure its effective implementation, as well as training of the judiciary, law enforcement officials, border guards and social workers across the country;
- (d) Collection and analysis of disaggregated data on all aspects of trafficking in order to identify trends and priority areas for action.

### ■ *The Government reports that (CEDAW/C/BGD/8 at paras. 61-67):*

- It has developed the Prevention and Suppression of Human Trafficking Act (PSHTA) which ensures that human trafficking is investigated as a form of organized crime, by reaching across jurisdictions, and providing safe custody and witness protection services, and that it had adopted a National Plan of Action 2012-14 on combating Human Trafficking.
- In 2013, 215 trafficking cases were prosecuted, up from 94 in 2012 which in 2013 had resulted in fourteen traffickers being convicted, including five to life imprisonment, eight to ten years' imprisonment, and one to four months' imprisonment. Also, the Border Guard Bangladesh arrested 2,235 women and 817 children at the border while being trafficked to neighbouring countries between 2010-14.



- It had strengthened cooperation with India and had conducted a review of the SAARC Convention in collaboration with IOM to consider widening the scope of the SAARC Convention to cover human trafficking also for reasons other than prostitution.
- The Government also operated shelter homes, drop in centres, and safe homes as well as shelters at its embassy in Riyadh and consulate in Jeddah for female Bangladeshi workers fleeing abusive employers. Moreover, there had been finalized a standard operating procedure (SOP) for Rescue, Recovery, Repatriation and Integration (RRRI) to ensure support services for victims of trafficking.
- In collaboration with development partners and NGOs for law enforcement agencies (e.g. police, Border Guard of Bangladesh and Coast Guard), the Government trained the BGB members on victim and child friendly interview skills and other matters related to human trafficking detention and prevention.
- An Inter ministerial Committee to prevent human trafficking was also set up which includes civil society representatives. Cells have been established at the Criminal Investigation Department at Police Headquarters to monitor trafficking cases and victims.
- The Government noted that law enforcement agencies often remain uninformed on individual human trafficking attempts, which makes prevention and law enforcement difficult. Government resources were also limited in terms of providing shelter and rehabilitation for victims. Victims were also sometimes charged with prostitution or immoral behaviour and put in jail in other countries.

### ■ ■ ■ *BNHRC Comment:*

The Government has taken many concrete steps to address the issue of trafficking which includes the formation of an inter ministerial committee at the national level headed by the Secretary of the Ministry of Home Affairs, as well as committees in each District headed by Deputy Commissioners to monitor district levels. Additionally, there are anti trafficking committees at the Upazilla and Union levels.

The Home Ministry has also established a Taskforce for Trafficked Women and Children. The mandate of this Taskforce includes the rescue, recovery, repatriation and reintegration of especially children and women victims/survivors of trafficking.

Bangladesh is not a party to the 2000 UN TIP Protocol but its position regarding trafficking is still under scrutiny. It was upgraded to Tier 2 from

Tier 3 of the Trafficking In Persons Watch List due to its increased attention and activities to address the issue. However it has continued to be listed in that Tier for the third consecutive time due to its failure to 'take appropriate actions to prevent human trafficking'. As with most other types of violence against women, impunity of perpetrators due to corruption, political and other considerations, lack of implementation of laws and policies continue to have an adverse effect on all efforts.

In the Bangladeshi context, the TIP Report of 2013 by the US State Department noted that inadequate law enforcement efforts and other institutional weaknesses continue to contribute to the trafficking of Bangladeshi migrant workers abroad. The Report noted the limited steps of the Government to regulate fraudulent recruitment agents and their unlicensed subagents as well as inadequate protection offered to victims. Most serious were the allegations of some government officials' complicity, Members of Parliament, corrupt recruiting agencies, and village level brokers.

As regards, prostitution, Article 18 of Bangladesh's Constitution provides that the State "shall take effective preventive measures against prostitution and gambling". However, a woman above the age of 18 can, on a declaration of her age and attesting that she is engaged in such work voluntarily, procure a license for her work from a Magistrate. Although sex work is not illegal, soliciting for sex is illegal as per section 13 of the Human Trafficking (Deterrence and Suppression) Act. In 2000, the High Court in the 'Tanbazar Case' ruled that sex workers were entitled to the same rights and freedoms as others, and that "the right to livelihood of sex workers is enforceable as a fundamental right". Moreover, the Court found that forced eviction from brothels deprived sex workers of their livelihood and by extension, their right to life and that the police action had been unconstitutional and illegal. The rights of sex workers are routinely violated and their access to redress is limited since they are demeaned by society as well as by the courts. Sex workers continue to be subjected to varying degrees of violence, harassment and stigma. In recent years, many sex workers have been forcibly moved out of brothels after demolitions, and such evictions leaving them poor, homeless and living in fear of violence. They have been evicted from brothels in Tangail, Madaripur and Narayanganj despite the High Court explicitly prohibiting such evictions. In one such case that took place in the summer of 2014, four women were allegedly murdered having had their identities revealed while remaining in Tangail after the violent eviction from their brothel. A large number of sex workers work on the street and they, as well as sex workers generally, have been frequent victims of sexual violence from the police themselves.

A noticeable shift from brothel based sex work to other less regulated venues such as streets, hotels and private residences presents an added set of safety concerns for women. The BNHRC considers with concern the fact that sex workers suffer systematic violence, including from law enforcement personnel.

## Participation in political and public life

24. The Committee recommends that the State party:

- (a) Adopt laws and policies aimed at the promotion of women's full and equal participation in decision making in all areas of public, political and professional life and fully utilize the Committee's general recommendation No 23 (1997) concerning women in political and public life;
- (b) Take steps to ensure that the elected women representatives to public office are provided with needed institutional support and resources; and
- (c) Continue to conduct awareness raising activities for the society as a whole about the importance of gender equality and women's participation in decision making; to develop training and mentoring programmes for women candidates and women elected to public office as well as programmes on leadership and negotiation skills for current and future women leaders.

### ■ *The Government reports that (CEDAW/C/BGD/8 at paras 68-74.):*

- The Constitution provides for a quota of 50 women to sit on Parliamentary Standing Committees with a total of 509 members of whom 428 are male and 81 are female. In the current Cabinet, there are 3 women Ministers and there is a recommendation to increase the nomination of women to 30% in elections by 2020. There are also reserved seat quotas at the local government level that comes to one third of general seats in all local government bodies.
- The Prime Minister, Speaker of Parliament, Leader of the Opposition, Deputy Leader and Whip of the House in the Parliament are all women. Out of 68 missions, 8 women are heading missions abroad and 3 have the rank of Ambassador.
- However, the Government notes that women's lack of political experience and traditional gender roles are barriers to women performing well in public offices. Although the numbers of women in local government

has been increasing, their capacity is low in leading and negotiation. Due to the existing social norms and the political practices, women have still not been competing in the general seats as expected. There have been limited resources to equip all women representatives to perform their roles more effectively. Social norms again have been prevailing in the dynamics of local government institutions and men have not considered women members as equal partners and colleagues.

■ *BNHRC Comment:*

The BNHRC very much appreciates the substantial and extensive legal protection for women in public life in Bangladesh as well as the efforts of the Government to make gender equality a reality for all. At the same time, the BNHRC wishes to highlight certain gender disparities, particularly in the judiciary where the number of women judges has grown fivefold in the past 20 years. Despite this increase, women still remain underrepresented as judges within the ranks of the higher echelons of the judicial system. Among a total of more than 1,700 judges in Bangladesh, approximately 16% were women. With regard to the intake of new judges in 2013, 35% were women, and there has been a lack of women leadership in Bar Councils and Associations.

Despite encouraging and innovative measures that the Government has taken, entrenched sociocultural and patriarchal attitudes hinder the path towards gender equality and discourage women from participating fully in public life. Fear of harassment and more serious forms of violence, especially when they are unaccompanied, have prevented women from engaging in public activities, not to mention restricting their enjoyment of the basic right to freedom of movement.

## Nationality

26. The Committee urges the State party to amend its legislation on citizenship in order to bring it into full compliance with article 9 of the Convention.

■ *The Government reports that (CEDAW/C/BGD/8 at para. 75):*

- The Citizenship Act of 1951 was amended in 2009 allowing a Bangladeshi woman married to a foreigner to pass on her citizenship to their child. A woman's right to pass on her citizenship to her foreign spouse was under consideration.

## ■ BNHRC Comment:

The BNHRC appreciates the enactment of the Citizenship (Amendment) Act, 2009, but regrettably points out that the discriminatory provision under the Citizenship Rules 1978, whereby a Bangladeshi woman can only pass on her citizenship to her spouse once he has been a resident for 5 years compared to a foreign wife who can receive her Bangladeshi husband's citizenship after only a two-year residential requirement, remains in place.

### Education

28. The Committee calls upon the State party to:

- (a) Ensure de facto access of girls and women, especially those living in rural areas, to all levels and fields of education, take steps to retain girls in schools and adopt re entry policies enabling girls and young women to return to school;
- (b) Ensure that all female institutions allow girls/women to pursue non traditional areas of study and do not limit them to only traditional fields of study;
- (c) Take affirmative actions and adopt proactive policies including temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 24 (1999) of the Committee, to encourage women to pursue tertiary education and choose non traditional fields of study;
- (d) Reinforce the training and recruitment of qualified teachers, allocate sufficient resources to ensure that schools, especially in rural areas, have the required educational materials and are equipped with appropriate facilities;
- (e) Strengthen awareness raising and training of school officials, teachers and students and enforce a zero tolerance policy with respect to sexual abuse and harassment in schools, provide safe transportation to and from schools and safe educational environment free from discrimination and violence and ensure that perpetrators are punished appropriately.

## ■ The Government reports that (CEDAW/C/BGD/8 at paras. 76-85):

- Its National Education Policy (NEP) made primary education compulsory and free for all children, and that the School Feeding Programme

supported 2.7 million underprivileged students with food and educational materials.

- It had achieved the MDG 2 target of gender parity in primary and secondary school enrolments and that the "primary school enrolment rate has reached up to 99.64 percent".
- That it accorded priority to girls' education and that Bangladesh was one of the 54 countries with a gender disparity in favour of girls in secondary level. There was an expansion of stipends for girl students up to grade twelve, free education in public institutions up to grade twelve, better infrastructure, water supply and sanitation facilities as well as an increase in technical education facilities and programmes to promote women's access in non traditional fields.
- Its National Skills Development Policy (NSDP) 2011 enabled quality vocational and technical education for women, but that despite the Government's efforts, the enrolment rate of girls in technical and vocational education was only around 27%.
- Strides taken in terms of increasing the number of female teachers in Government schools and female participation in Bachelor of Education (B.Ed.) at Government Teachers' Training Centres (TTC), as well as school management.
- The establishment of the Asian University for Women, as well as expanded continuing education institutions in many parts of the country.

### ■ *BNHRC Comment:*

While the BNHRC welcomes the achievements and progress made towards equal access to education, it remains concerned that child marriage and sexual harassment remain major barriers to the girl child fully enjoying her right to education, reinforcing the need to expedite efforts underway to create stronger legislation and policy to combat these social ills.

## Employment

30. The Committee urges the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee urges the State party to:

- (a) Continue to monitor measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and apply the principle of equal remuneration and equal opportunities at work in accordance with ILO Conventions Nos. 100 (1951) and 111(1958)
- (b) Provide a regulatory framework for the informal sector, with a view to providing women in this sector with access to social security and other benefits and continue to monitor and take measures against the exploitation of girls involved in child labour.

### ■ *The Government reports that (CEDAW/C/BGD/8 at paras.86-88):*

- A series of important laws had been enacted to improve regulation of work environment, right to form trade unions and for social protection.
- The National Industrial Health and Safety Council drafted an Occupational Safety and Health Policy and that a Labour Appeal Tribunal and seven labour courts have been established to mitigate litigation regarding employment and wages.
- The Women's Development Plan provided women's increased participation in the labour market, equal opportunity, wage equality and protection.
- There were established also 44 day care centres in 6 divisional and 13 district towns to support low income working mothers, as well as hostels and safe residences for women.
- That despite these achievements, private sector employers posed a particular challenge because of the high number of small and micro enterprises run by informal practices. The Government's capacity and resources were very limited to be able to monitor them all. Minimum wages in agriculture, the largest employing sector, could not be ascertained. Women concentrated mainly in the low end jobs due to their low educational attainment.

### ■ BNHRC Comment:

The BNHRC welcomes the positive achievements the Government has already made, particularly to overcome the prevailing cultural stereotypes of 'women's work'. However, without a unified family code or a non discriminatory property title regime, women are often left destitute upon separation or divorce. It is important to note also that women and girls form the vast majority of domestic labourers in informal sector jobs, and it remains difficult for the Government to monitor. Indeed, Bangladesh's Labour Law of 2006 did not cover the informal labour sector. Consequently, exploitation, abuse and violence against domestic workers of all kinds was prevalent, including such serious forms of violence as assault and battery, food deprivation, and even murder. Certain studies have documented the extent to which crimes committed against domestic workers have gone unreported, and the lack of access to justice that has resulted. The BNHRC notes with satisfaction the 2010 High Court directive which called upon the Government to implement the National Child Labour Elimination Policy, 2010. The BNHRC recommends that the Government ratify ILO Convention No. 189 on decent work for domestic workers.

Apart from housework, Bangladeshi women have always contributed enormously to the home based agriculture sector, although such contributions have been largely unrecognized and unremunerated. The BNHRC opines that non recognition of women's unpaid activity leads to the undervaluation of their economic contribution, which in turn perpetuates their lower social status relative to men.

Female employment has been concentrated in the informal sector at 92.25%, and the BNHRC regretfully reports that no regulatory framework for the informal sector has been developed. Agriculture remains the dominant employment sector for women (64.84%), followed by manufacturing (11.77%), self employment (16.8%) and community/personal services (10%). Only 3.25% of working women were employed by the government vs. 8.25% of working men. The ratio of male to female of the total employment stands at 70.1% to 29.9%. However, discrimination and major disparities continue to exist regarding the employment of women in all sectors, the types of jobs available to them and their wages compared to men. Women's unequal access to higher education, technical knowhow, capital and credit further compound the obstacles they face in seeking, retaining or being promoted in employment.

Section 345 of the 2006 Labour Act provides unequivocally, equality of



remuneration between men and women. Despite this and other provisions intended to safeguard women workers, they were still discriminated against regarding permanency of employment, wages, membership in Trade Unions and so forth. They also found it difficult to find accommodation in order to work.

Employers were still reported to avoid hiring women on the grounds that they may become pregnant. Sections 45 to 50 of the Labour Act ensure women workers in the formal sector maternity security and benefits. Keeping in mind the needs of mothers, the current government extended maternity leave for expecting mothers from four months to six months. Because of greater demand and lesser opportunities for such employment many owners simply ignored laws with impunity.

Women workers lacked safety going to and from work, which acted as a deterrent for many. Sexual harassment also remained a major problem in the workplace. While Section 332 of the Labour Act began to address such harassment, as does the aforementioned High Court directive, the BNHRC considers that there remains much to be done in terms of complying with both, specifically establishing workplace complaint mechanisms and a national monitoring framework.

The ready made garment (RMG) sector has provided women the previously unthinkable opportunity of working outside of their homes and in the formal workforce. Over 90% of RMG workers are female, yet it should be noted, women occupy few management positions as compared to men. Indeed, compared to men, women's participation was spectacularly lagging behind, yet it was increasing slowly. Consistent with their dominant participation in the RMG industry, accidents and negligence that lead to injury and death disproportionately affected women. The worst industrial disaster of the century, the Rana Plaza tragedy, alone claimed the lives of more than 2000 workers, in addition to hundreds permanently maimed. Even though clear laws and regulations were in place regarding workplace safety, including eight ILO Conventions ratified by Bangladesh, enforcement was weak, compliance was not air tight, and rogue factories simply ignored safety standards which jeopardized the lives of a predominantly female workforce.

## Health

32. The Committee urges the State party to:

- (a) Take concrete measures to improve women's access to quality health care facilities and services including reproductive health care with special attention to poor and disadvantaged women;
- (b) Take necessary measures to reduce maternal mortality rate in accordance with the Millennium Development Goals through the establishment of a comprehensive intervention plan that includes adequate pre and postnatal care and access to trained birth attendants, as well as education and awareness raising programmes on the importance of use of contraceptives, risks of unsafe abortion and women's reproductive rights;
- (c) Strengthen and expand efforts to increase access to safe and affordable contraceptive services throughout the country and ensure that women in rural areas do not face barriers in accessing family planning information and services;
- (d) Provide data on the health status of women in the next periodic report;
- (e) Seek technical and financial assistance from relevant United Nations specialized agencies and other international donors and organizations.

■ *The Government reports that (CEDAW/C/BGD/8 at paras. 173-176):*

- It provided limited curative care, preventive health care and treatment of local ailments through community clinics and Upazila Health Complexes.
- Special programmes addressed nutritional deficiency for children and expectant women, but that access to affordable tertiary health care facilities could not be ensured for all.
- The proportion of women marrying before age 18 decreased slightly but child marriage and adolescent motherhood rates remained very high which incurred high maternal mortality and worsened undernourishment and sickness.
- The contraceptive prevalence rate increased but unmet demand existed and door-to-door services could not be ensured. As of 2014, 3,241 persons were registered as having contracted HIV/AIDS, but it was estimated that the total number was 9,500 of whom 3,300 were women aged 15 and over.

■ ■ ■ *BNHRC Comment:*

The BNHRC welcomes the information provided by the Government on health trends and statistics that show a decrease in gender gaps in health service provision, and that there were indications of improvement, such as life expectancy at birth, maternal mortality and accessibility to family planning. The BNHRC is also pleased that at district, upazila and union levels, women friendly health clinics have been established. Bangladesh has succeeded in seriously reducing its maternal mortality rate by about 66% over the last two decades and has been dropping at a rate of around 5.5% each year. That has brought Bangladesh within reach of the target of 143 deaths or less per 100,000 live births under the Millennium Development Goals (MDGs) 2015.

### Economic empowerment of women

34. The Committee requests the State party to:

- (a) Intensify the implementation of gender sensitive poverty reduction and development programmes in rural and urban areas and to ensure the participation of women in the development of such programmes;
- (b) Amend discriminatory laws limiting women's ownership, control and usage of land and identify and address obstacles to the development of women's entrepreneurship;
- (c) Strengthen initiatives aimed at encouraging women's economic empowerment, keeping in mind the specific situations of different groups of women and to establish mechanisms to monitor regularly the impact of social and economic policies on women.

■ ■ ■ *The Government did not report on these more general recommendations separately in this section, most probably because its prescriptions are addressed in the other sections of its national report. Likewise, the BNHRC makes no comment on these recommendations, since they are addressed more specifically in other sections.*





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