



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Thirty-first session**

Summary record of the 653rd meeting

Held at Headquarters, New York, on Friday, 9 July 2004, at 10 a.m.

Chairperson: Ms. Açar

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Bangladesh
(CEDAW/C/BGD/5, CEDAW/PSWG/2004/II/CRP.1/Add.1 and CRP.2)

1. *At the invitation of the Chairperson, the delegation of Bangladesh took places at the Committee table.*

2. **Ms. Zahan Haque** (Bangladesh), introducing her country's fifth periodic report, said that women had benefited greatly from the Government's allocation to the social sector, in the past three years, the allocation to her Ministry of Women and Children Affairs had increased more than fivefold. Bangladesh, one of the first countries to ratify the Convention and among the first 10 to ratify its Optional Protocol, accepted the proposed amendment to article 20, paragraph 1, extending the length of the Committee's session.

3. In Bangladesh, primary education was compulsory and free for girls up to grade 12; and girls were awarded stipends and scholarships. As a result, parity had been achieved in primary school enrolment and the drop-out rate had declined. According to a World Bank report of May 2004, published during the Bangladesh Development Forum, nearly 73 per cent of girls between 11 and 15 years of age and 80 per cent of girls between 6 and 10 years of age were enrolled in secondary and primary school, respectively. The report went on to say that Bangladesh had one of the highest primary school enrolment rates in the developing world, including the enrolment of poor children.

4. The Health and Population Sector Programme 2003-2006 focused on addressing the health needs of the rural poor, particularly women and children. Under the Programme, maternal health services were provided to rural women at community and mobile clinics. The Programme's Essential Service Care provided basic and emergency obstetric care and antenatal and prenatal care and focused particular attention on safe delivery, the reduction of unsafe abortions and the increased use of clinical contraceptive services, particularly at the Upazila Health Complex and the Union Family Welfare Centre. The maternal mortality rate in 2001 had been 3.8 deaths per thousand live births, down from 6.4 deaths per thousand live births in

1986. According to the World Bank report, infant mortality had been reduced by half in the past two decades and the immunization rate of children under two years of age was higher than that of most developing countries.

5. Although the prevalence of HIV/AIDS was still very low in Bangladesh, the Government had taken a number of preventive measures, including the establishment of a National Committee for the Prevention of HIV/AIDS, the Safe Blood Transfusion Programme and the HIV/AIDS Prevention Project. Public awareness campaigns were carried out by the mass media, and through rallies and community sensitization programmes. Turning to family planning, she said that Planned Parenthood was a growing social movement in Bangladesh. According to the World Bank report, population growth had been reduced at an unprecedented rate and currently stood at 1.5 per cent per year, well below that of India and Pakistan. According to the same report, total fertility had dropped from 6.3 to 3.3 births per woman over the past two decades. The average number of desired births per woman was 2.3.

6. Innovative, home-grown ideas such as microcredit, provided jointly by the Government and non-governmental organizations (NGOs), had been immensely successful in integrating women into economic life and reducing poverty. Other support services for working women included day-care centres for children and working women's hostels. According to the World Bank report, 12 million women had benefited from microcredit totalling \$1.2 billion and the loan repayment rate was over 90 per cent.

7. Women had served as both Prime Minister and leader of the opposition over the past 14 years. The number of reserved seats in the National Parliament had been raised from 30 to 45 by a constitutional amendment, and the major opposition party was prepared to reserve a proportionate number of seats. Women could also present their candidacy for general seats in direct elections. In 2003, about 12,069 women had been elected to fill reserved seats in the Union Parishad, the local form of government; about 100 women had been elected to fill the general seats and 22 had been elected chairpersons. A social security committee, chaired by women members of Parliament, had been formed at the Union level, to investigate violence and repression against women and children.

8. Under the Gram Sarker Act, 2003, women parliamentarians had been designated advisers of each Gram Sarker, an associated body of the local Union Parishad. Her Ministry was attempting to ensure gender mainstreaming throughout Bangladeshi society through its Policy Leadership and Advocacy for Gender Equality Project and Capacity-Building for Gender Mainstreaming Project. The objective was to sensitize all professional groups in various training institutions to the importance of formulating gender-responsive policies and eliminating gender disparity.

9. Recently adopted legislation to combat violence against women included the Prevention of Women and Children Repression Act, 2000 (amended in 2003), the Acid Control Act, 2002 and the Acid Crimes Control Act, 2002. Legal, medical and other assistance to female victims was expedited through one-stop crisis centres. A Speedy Trial Tribunal Act had been adopted in 2002 to expedite trials under the penal laws, and to act as a deterrent. Between August 2003 and June 2004, 215 persons had been sentenced to death or life imprisonment and 86 others to less severe prison terms. Legal action had been taken in dowry-related cases, and for acid throwing, violence, rape, murder, trafficking and kidnapping. In March 2003, on the occasion of International Women's Day, Prime Minister Begum Khaleda Zia had launched a nationwide long-march programme in cooperation with civil society, NGOs and development partners to denounce violence against women. The Prime Minister had also called on citizen groups to address dowry-related violence.

10. Regrettably, trafficking in women and children persisted in Bangladesh. Between January 2000 and April 2004, there had been a total of 708 women and children trafficking victims in her country. In 2002, it had signed and ratified the Convention of the South Asian Association for Regional Cooperation (SAARC) on Preventing and Combating Trafficking in Women and Children for Prostitution. Its "Counter-trafficking Framework Report: Bangladesh perspective" was a blueprint for a multidimensional and inter-ministerial approach to combating trafficking.

11. The Ministry of Women and Children Affairs had been implementing a programme funded by the International Labour Organization (ILO) to combat child trafficking for labour and sexual exploitation, which mainly targeted girls under 18 years of age. It was currently acting as the focal point for the ILO International Programme on the Elimination of Child

Labour (IPEC) and the project known as Combating Trafficking in Children for Labour and Sexual Exploitation (TICSA) II. In addition, the Ministry of Home Affairs had been regularly monitoring the disposition of human-trafficking cases and combating the phenomenon through an 18-member inter-ministerial committee.

12. Her Government promoted women's participation in all spheres of national life, including at the decision-making levels. In the civil service, 10 per cent of the entry-level places were reserved for women. Women could also be directly appointed at the decision-making level under a Presidential quota. They had been encouraged to enter non-traditional professions, such as the armed forces and law enforcement agencies. There were about 1,092 female police officers and constables, 76 women in the Army, 35 in the Air Force and 20 in the Navy. Approximately 7,500 women were employed in the Civil Service, and 25 women were employed in the Foreign Service.

13. Her Government was cooperating closely with various development partners to ensure the advancement of women, including the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the World Food Programme (WFP) and the development cooperation agencies of the United States of America, Japan, Norway and Canada, and was deeply grateful for their support. Her Ministry was doing its utmost to ensure that the reservations to article 2 and article 16, paragraph 1 (c), of the Convention were withdrawn.

14. Lastly, although Bangladesh had not entered a reservation to article 9 of the Convention, Bangladeshi women married to foreign nationals could not transmit their nationality to their husbands and children. Her Ministry had brought the matter to the attention of the National Council for Women's Development, headed by the Prime Minister, and was actively lobbying for amending the relevant portion of the Citizenship Act.

15. **Mr. Chowdhury** (Bangladesh) said that women had benefited from the significant economic and social progress achieved by Bangladesh in the past three decades. In addition to the Convention and its Optional Protocol, Bangladesh was a State party to a number of international instruments relating to women, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention for the

Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Political Rights of Women, the Convention on the Rights of the Child and its Optional Protocols, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was also a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families for which it had enacted implementing legislation. The Prime Minister of Bangladesh had played a leadership role at the special session of the General Assembly on children, and Bangladesh, as the facilitator of the outcome, had been instrumental in drafting the final document which stressed the rights of the girl child.

16. In the Third Committee and the Commission on the Status of Women, Bangladesh had sponsored all resolutions concerning the advancement of women. At the March session of the Commission on the Status of Women, it had been one of the main sponsors of the resolution entitled “Mainstreaming a gender perspective into all policies and programmes in the United Nations system”, thereby illustrating that gender mainstreaming was as much a concern of developing countries as the developed world. Bangladesh had been closely associated with the adoption of the landmark Security Council resolution 1325 (2000) on women, peace and security. The largest troop contributor to peacekeeping operations, it played a significant role in furthering the resolution’s goals and objectives.

17. Convinced that change in society must come from within, Bangladesh had relied on its own intellectual resources and drawn on its ancient and rich cultural heritage to generate home-grown innovative ideas such as microcredit and non-formal education. It believed that development was holistic and was facilitated by a large middle class, democratic and pluralistic institutions and a vibrant civil society. With over 20,000 NGOs, including some of the largest in the world such as Grameen and BRAC, Bangladesh was a model of NGO/government cooperation. Its delegation to the Committee included representatives of non-governmental organizations and it welcomed the NGO contribution contained in the shadow report to the Committee.

18. **The Chairperson** welcomed the State party’s acceptance of the amendment to article 20, paragraph 1, of the Convention, extending the Committee’s session, and the promising developments with respect to the withdrawal of its reservations.

19. **Ms. Ferrer Gómez**, drawing attention to the State party’s response to question 21 of the list of issues (CEDAW/PSWG/II/2004/CRP.2, p. 14), asked how the Government assessed the trend in acid attacks against women. Most sources seemed to agree that violence against women was on the rise despite the adoption of laws to address it. She would appreciate further clarification of the discrepancy between the number of violence cases referred to the courts and the number actually disposed of (only 159 out of 314 in the first 10 months of 2003), and whether “disposed of” meant that a court decision or sentence had been handed down. She enquired about the types of problems brought before the Family Court’s alternative mechanism to settle disputes involving women through mediation and arbitration and wondered whether they included cases of violence against women. Had the State party reflected on its experience with that mechanism and whether it truly favoured women?

20. **Ms. Manalo** noted the relatively weak enforcement of special legislation to protect women’s rights, particularly with respect to labour, trafficking in women and acid attacks, and the lack of specific legislation on domestic violence, marital rape and abuse or harassment in the workplace and en route to or from work. She expressed the hope that reforms would soon be introduced to amend the discriminatory provisions of Bangladeshi law, particularly the Citizenship Law, and stressed the need for a uniform Family Code that would protect the rights of all Bangladeshi women, legal reforms to enable women to sit in Parliament through direct elections, and legislation to enforce maternity leave for working women. The Prevention of Women and Children Repression Act must be amended to ensure that women and girls were placed in safe custody only with their consent. The Birth and Death Registration Act 2003, designed to ensure more effective implementation of the Child Marriage Restraint Act, had yet to be enacted. What steps was the Government taking to investigate and prosecute *fatwas*, which challenged the rule of law and the supremacy of the courts?

21. The Government should carry out an extensive review of existing domestic legislation to ensure its

consistency with the Convention. As it stood, there was no direct application of the provisions of the Convention by the courts. There must be a very clear separation of the executive and judiciary branches of government in order to implement laws more effectively. Lastly, she welcomed the news that withdrawal of the State party's reservations to the Convention was under active consideration by the Cabinet and hoped that "active consideration" meant a decision would be taken sooner rather than later.

22. **Ms. Schöpp-Schilling** urged the State party to set a timetable for withdrawal of its reservation under article 2 of the Convention. She also wondered what obstacles had prevented the State party from withdrawing the reservation and suggested that its grounds for withdrawal should be more clearly defined. The Committee welcomed the fact that the issue of the introduction of a Family Code was being addressed in the gender training provided to Imams, but would like to know whether that was also the case with other religious denominations. With respect to the Optional Protocol, she noted that Bangladesh had made use of the option to opt out of the inquiry procedure, and wished to know the reason why. The Optional Protocol was a strong instrument, and she urged the State party to reconsider its position.

23. **Ms. González** said that the State party's fifth periodic report and its responses to the list of questions and answers appeared, in places, to be contradictory. On the one hand, they stated that many political measures had been introduced to increase the protection of women, and on the other hand, they indicated that there had been no changes in relevant legislation. Meanwhile, violence against women continued to be rampant, and she wished to know the reason for the delays in bringing the perpetrators of such violence to justice. It was also disappointing that the State party had provided no specific data about such cases. In general, measures already adopted to improve women's protection should be strengthened; the perpetrators of crimes against women punished; and women made more aware of their rights.

24. **Mr. Melander** noted that the Convention was not applicable as domestic law, and that the definition of discrimination provided by the State party conflicted with the definition set forth in the Convention. In order to resolve that conflict, the State party might choose to enact a new law that exactly reproduced the provisions

of the Convention, thereby making the Convention part of domestic law.

25. **Ms. Šimonović** observed that, although the State party had ratified the Optional Protocol to the Convention, its reservations to articles 2 and 16.1 (c) effectively meant that the Optional Protocol was not applicable regarding certain rights provided for in the Convention. The Committee therefore wished to know how the Optional Protocol functioned in Bangladesh, and how women exercised the right to submit complaints. The delegation had stated that the Government was gradually taking steps to implement the equal rights guaranteed to men and women under the Constitution, and she would appreciate knowing why that was the case, since those rights should be granted, not on a gradual basis, but immediately. Lastly, she joined her Committee colleagues in urging the State party to speed up the procedure for considering withdrawal of its reservations to articles 2 and 16.1 (c), as the rights guaranteed in those articles were crucial, and the State party's reservations were leading to legislative inconsistencies.

26. **Ms. Mahmuda Islam** (Bangladesh), responding to Committee members' questions, said that it was very difficult to determine whether violence against women had in fact increased, since the rise in reported cases was due in part to increased awareness of the issue on the part of society in general. With respect to domestic violence, she noted that considerable pressure had recently been exerted by academic circles and non-governmental organizations for the introduction of relevant legislation, and that the Government was planning to take steps in that regard. Thirdly, marital rape was a taboo issue in Bangladesh, and had therefore not emerged as a public issue. However, certain organizations had very recently begun to raise the issue, and the Government would take the appropriate steps as necessary.

27. **Ms. Huda** (Bangladesh) said that the increase in reports of domestic violence had been due partly to the Government's awareness-raising efforts and the efforts made to encourage women to come forward. More non-governmental organizations were providing legal aid for victims, as was the Government. With respect to alternative dispute resolution (ADR), she said that violence against women was a serious matter and thus would not come under that heading, but rather under the heading of family disputes. There had been a decrease in the number of incidents of acid-throwing.

However, since the corresponding punishment was death, the legal process took time, especially when the case reached the Appellate Court. Moreover, lack of evidence often led to acquittal. The Suppression of Violence against Women and Children Act explicitly stated that marital rape involving a girl under 16 years of age was considered rape. Although it was very difficult, under the existing Penal Code, to extend the concept to include older women, efforts were being made to that effect by human rights lawyers, women's groups and the Government.

28. With respect to trafficking, severe punishments were provided for under the law, but it was a very difficult problem to solve, since it was a global phenomenon, and especially since Bangladesh had porous borders. However, the laws were stringent, and efforts were being made by the Government, law enforcement agencies and non-governmental organizations to raise people's awareness of the attendant dangers and the potential repercussions. Referring to the absence of a uniform Family Code, she said that there were certain obstacles, since article 41 of the Constitution provided for the right to profess and propagate one's religion. However, the Government was looking into the question. The issue of safe custody for vulnerable victims of violence had been brought before the courts. Although the law made no specific provision for such custody, it was a practice that had developed through interpretation by the courts. Lastly, she noted that fatwas were illegal under Bangladesh's law and, if harm was involved, might be punishable by death.

29. **Mr. Jahrul Islam** (Bangladesh) said that his Government was highly sensitive to the plight of women and children victims of trafficking and women victims of acid attacks. It had set up high-level committees to study those crimes, and a newly appointed Inspector-General of Police would be responsible for monitoring and reporting all such cases to the high-level committees with a view to their timely prosecution. Acid-throwing, rape and trafficking in women and children were considered to be on a par with murder, and all of Bangladesh's society abhorred all forms of violence against women and children. It was hoped that the formation of the three committees would speed up the prosecution of such crimes and enable victims to gain timely redress.

30. **Ms. Ali** (Bangladesh) said that it was very difficult for the Government to combat trafficking in

women and children without interacting with civil society. One example of positive cooperation was a joint crisis centre, which had been set up under the auspices of the Ministry of Women and Children Affairs and offered a range of services, including medical care, psychosocial training and legal aid. The Government had taken many initiatives to combat the problem of trafficking, but it was very difficult to solve.

31. **Ms. Ferdous Ara Begum** (Bangladesh) noted that her Government practised a policy of zero tolerance for violence. Thirty-eight special tribunals had been set up to deal with cases of violence against women and children, and the number of family court judges had been increased in an effort to speed up the judicial process. Steps had been taken to educate women and society in general about laws and penalties relating to dowry-related crime, acid-throwing and domestic violence. With regard to trafficking, she said that a three-year pilot project, the Coordinated programme to combat child trafficking, had been introduced in border areas. The Government had also published a research document entitled "Counter-trafficking Framework Report: Bangladesh Perspective", which reflected a multi-ministerial and multisectoral approach. Trafficking was not just a border issue, but also a poverty and development issue.

32. **Ms. Hossain** (Bangladesh), addressing the Committee's question regarding women's political participation, noted that a constitutional amendment had increased the number of parliamentary seats reserved for women from 30 to 45. All political parties had agreed to nominate candidates for those seats. Many women candidates had presented themselves as candidates in the last general elections, and there were now six directly related women members of Parliament, including the Prime Minister, the leader of the opposition, and the Minister for Women and Children Affairs.

33. **Ms. Zahan Haque** (Bangladesh) said that different cultures took different steps along the road to development; in earlier days, for instance, teaching had been the only profession open to women in Bangladesh, whereas now they worked in a range of different professions. The number of women members of Parliament would similarly expand over time, as there was nothing to prevent them from standing as candidates.

34. **Mr. Munshi** (Bangladesh) said that religious training was currently available to imams and Hindu priests only.

35. **Ms. Zahan Haque** (Bangladesh) said that a better overall understanding of religion would ultimately serve development by reducing the current dependence on and fear of religious leaders.

Articles 1 to 6

36. **Ms. Gaspard**, after associating herself with the questions posed by Ms. Manalo and Mr. Melander, said that Bangladesh's withdrawal of its reservations to article 2 and article 16, paragraph 1 (c), would undoubtedly have a practical and symbolic impact. What measures was the Bangladeshi Government taking, however, to prevent fatwas against women and to protect women against any threat of physical violence provoked by such fatwas?

37. **Ms. Patten** asked whether a specific law providing civil and criminal remedies to domestic violence was envisaged or whether such remedies were covered by the Suppression of Violence against Women and Children Act, as amended. Furthermore, had steps been taken to improve the implementation of that Act by ensuring that the law enforcement authorities and courts had adequate resources to complete all enquiries and trials within the statutory time limits, thus reducing the high acquittal rate? Acquittals tended to be associated with false complaints, for which the penalty of not less than seven years' imprisonment was extremely worrying, not least because it acted as a strong deterrent to women who wished to lodge a complaint. She also asked whether the judiciary and police received training in connection with recent legislation on violence against women and whether the Convention and general recommendation 19 formed a component of such training. In addition, the Committee would like to know if the Government intended to establish a proper methodology for the compilation of data on numbers of acid attacks? Lastly, would any one-stop crisis centres be established in rural areas and what would be their budgetary allocation?

38. **Ms. Gnancadja**, while applauding the introduction of laws to address violence and discrimination against women, said that the number of violent acts against women was nevertheless increasing, thus indicating the failure of such laws to act as an effective deterrent. In that context, she asked

how many trials had been conducted and how many convictions had been handed down and enforced. More efforts should be made to ensure that the perpetrators of such acts did not escape with impunity. She also requested confirmation that the laws on women's issues remained just as effective following their amendment. In addition, did family courts have competence throughout the country and if not, for what reason? Lastly, did the special courts set up in each district serve as family courts in areas where there were none and were they competent to try both civil and criminal cases?

39. **Ms. Gabr** said that Bangladesh clearly had the political will to respect women's rights, particularly since the highest of political offices were held by women. It would be interesting to know how all of the provisions of the Convention would eventually be incorporated into domestic law and what remedies would be used to ensure the satisfactory implementation of laws relating to the family and civil status. Bangladesh's keenness to adopt its own particular approach to solving its problems should extend to include women's issues. She was particularly interested to learn details of the problems which had prevented Bangladesh from withdrawing its reservations to article 2 and article 16, paragraph 1 (c), of the Convention, since other countries, including her own, might follow suit.

40. **Ms. Kwaku** requested information concerning the procedure by which the Convention would enter into domestic legislation and the length of time that it would take.

41. **Ms. Tavares da Silva**, after welcoming the forthcoming introduction of a law on domestic violence in Bangladesh, requested details of the amendment made to prevent misuse of the Suppression of Violence against Women and Children Act, referred to in part 3.9 of the fifth periodic report. She also requested more specific details of that misuse. As for the machinery in place to ensure the implementation of laws and policies, who were the 48 members of the National Council for Women's Development, and were its decisions binding on the Government? Did it also regularly control and evaluate implementation of the policy and plan of action on women? Moreover, the Committee would like to know what instruments were in place to assess the impact of policies, and whether gender-disaggregated statistics were regularly gathered and analysed in all sectors. She hoped that Bangladesh

would very soon be in a position to withdraw its reservations to the Convention and thought that the information contained in part 2.16 of the report concerning court verdicts given in personal law cases demonstrated that the door in Bangladesh was now open for full acceptance of the provisions of the Convention.

42. **Mr. Flinterman** applauded Bangladesh's early application of the Optional Protocol to the Convention. Paradoxically, however, the Convention could not be invoked before the courts. How, therefore, did Bangladesh intend to resolve that paradox? Bearing in mind the limited role of Bangladesh's courts in monitoring implementation of the Convention, he also wished to know whether Bangladesh had yet established its proposed human rights commission. If so, what was its mandate, and did it accept complaints from women and women's organizations under the Convention?

43. **Ms. Saiga** wished to know what specific changes had opened the way for Bangladesh to withdraw its reservations to the Convention. She also requested data on trafficking in women; and asked why there were so many arrests and yet so few convictions in that connection.

44. **Ms. Morvai** said that no cases could be brought under the Optional Protocol as long as the reservation to article 2 of the Convention stood. Why, therefore, was the reservation still in place? The time for Bangladesh to withdraw that reservation was now ideal; it would have the concluding comments of the Committee in hand following the current discussion and it was also the twenty-fifth anniversary of the Convention. On the subject of violence against women, she requested details of police protocol in connection with places of safe custody for women victims of violence. In addition, did Bangladesh now have any women's prisons? Lastly, bearing in mind the clear link between trafficking and prostitution, what measures were in place to prevent prostitution in Bangladesh?

45. **Ms. Achmad** said that she was concerned by the obstacles to eliminating violence against women in Bangladesh and asked whether any national mechanisms had been established to monitor the progress achieved in that regard. Alternative dispute settlement often proved ineffective. A more realistic approach would be to develop a common monitoring mechanism and international cooperation to overcome

the problem and reduce the suffering of women. Did Bangladesh have any such plans in mind?

46. **Ms. Belmihoub-Zerdani**, referring to the election of a woman as leader of the people of Bangladesh, said that the time was ripe for that country to withdraw its reservation to article 2 of the Convention, which could then be fully implemented. Meanwhile, it was a flagrant contradiction that a woman could hold the highest political office and yet be subservient in her own home. Bangladesh's withdrawal of its reservation to such a key article, which she vehemently urged, was also all the more imperative in view of its acceptance of the Optional Protocol. Moreover, it would serve as an example to countries such as her own, and, therefore, should be widely publicized.

47. **Ms. Shin**, welcoming the presence of representatives of non-governmental organizations in the delegation, said that while the Government could not relegate the responsibility of implementing the Convention or the Committee's concluding recommendations, she wondered whether non-governmental organizations, in cooperation with the Government, had some responsibility in the matter and whether their activities were funded. On the question of legal reform, she would like to know if there were any women in the Law Reform Commission, and what guarantees there were that it would include a gender perspective in its reforms. Also, she had the impression that the Government did not recognize the full magnitude of the problem of domestic violence. As set out in the Committee's general recommendation 19, domestic violence ran the gamut from homicide to sexual abuse to the abuse of children.

48. **Ms. Huda** (Bangladesh) said that despite the Government's constitutional obligation to free society of prostitution, the reality was otherwise, and therefore it had passed laws to criminalize not the women themselves but rather the traffickers, pimps and clients. Many non-governmental organizations had taken a stand on the need to assert the dignity of the prostitutes until they could be reintegrated into society.

49. Bangladesh's Human Rights Commission was in the process of being constituted and she certainly hoped that it would include women members. Although there were no specific laws against domestic violence, it was a form of assault and battery and could be challenged under the penal laws governing that area.

There was great concern in the country about domestic violence and the hope was that the new Law Reform Commission, working together with non-governmental organizations, would bring about the adoption of a law specifically on domestic violence, covering not only marital rape but mental abuse, denial of the right to creativity and the like.

50. No one had a right under the law to issue *fatwas* calling for bodily harm to another. Those who did could be prosecuted and, indeed, had been in a number of cases. Lastly, she believed that the withdrawal of Bangladesh's reservation to article 2, currently being considered by the Cabinet, was likely.

51. **Mr. Jahrul Islam** (Bangladesh) said that of the many thousands of prosecutions brought under the Suppression of Violence against Women and Children Act 2000, over 3,000 involved dowry-related crimes, and others related to crimes such as the abduction, rape or murder of women or trafficking. A number of life sentences had been meted out as well as prison terms. Because of the alternative dispute resolution system in use in family court cases, many complainants settled out of court, and such settlements — in almost one third of all cases investigated — were termed acquittals. Several hundred child abuse crimes had been investigated and about 50 were currently on trial. District courts and family courts were obliged to provide free legal aid to those who needed it, and there were plans to make it more generally available. No specific law against domestic violence existed, but other penal laws did give redress, and the legislation was therefore not inadequate.

52. The practice of keeping women and children in jail for safety reasons stemmed from the fact that there was no safe custody legislation and judges had no other option to ensure their security. However, the Ministry of Social Welfare was beginning to set up homes for battered women, and some were already in operation. In order to deal with trafficking, the Ministry of Home Affairs had set up committees and appointed special prosecutors, and the sponsoring agencies had been ordered to cease operations in airports and on the borders.

53. **Ms. Mahmuda Islam** observed that more cases of domestic violence were coming to light as the issue was given wider publicity. The Government was developing a comprehensive definition of domestic violence encompassing a wide range of violent acts

within the family, and would be adopting new legislation to fit that definition. The Ministry of Women and Children Affairs was the lead ministry for monitoring the advancement of women. It had set up a Women Development, Implementation and Evaluation Committee that met every three months and did detailed work with representatives of other ministries. It also had a Focal Points Coordination Committee that met twice a year with representatives of other ministries and a Focal Points Network Committee that met every three months. In addition, a monitoring unit within its Department of Women Affairs reported regularly on domestic violence issues and received and investigated complaints. In partnership with non-governmental organizations, the Ministry provided training in gender issues and domestic violence to government officials at all levels in all ministries, and to judges and lawmakers as well.

54. **Ms. Ferdous Ara Begum** (Bangladesh) said that training in gender issues was crucial for all officials who were responsible for implementing policy. Consequently, under a United Nations Development Programme (UNDP)-supported project, four key government training institutions had been set up: a training centre for public administration, an academy for civil service administration, an academy for planning and development and an academy for educational administration. Her own Ministry of Women and Children Affairs had developed a consciousness-raising model for the training of police and judges that was being used in the Judges Academy. It had also organized workshops and consultations with civil society organizations, and set up a unit to monitor cases of violence against women.

55. A gender perspective was in-built in the Ministry. A training programme and curriculum had been developed to benefit half a million hard-core poor women, which also included information about HIV/AIDS and trafficking, making women aware of the issues they faced and conscious of their proper status as women. Domestic violence was also addressed in the Suppression of Violence against Women and Children Act, which provided maximum penalties for dowry crimes and rape. Other legislation had been passed prohibiting the media from featuring pictures of the victims of such crimes; and allowing victims to go first to a doctor, who then sent a report to the police, so that evidence might not be destroyed. The world over, domestic violence was occurring under

the protection of privacy, but her Government had declared zero tolerance for it.

56. **Ms. Jahan** (Bangladesh) said that the only reason Bangladesh had opted out of the Optional Protocol was to minimize duplication in dealing with the various United Nations human rights bodies and authorities. In addition to the human rights treaty bodies, its officials had worked with the Special Rapporteurs of the Commission on Human Rights dealing with violence against women, torture, enforced or involuntary disappearances and freedom of expression; their many requests for action had been taken seriously and investigated thoroughly, and remedial action had been taken whenever necessary. Given such sustained cooperation, her Government had definitely not shut the door on working with the United Nations system.

57. **The Chairperson** clarified that Bangladesh had opted not out of the individual communications mechanism under the Optional Protocol but simply out of the inquiry mechanism.

58. **Ms. Nasreem Begum** said that the Ombudsman Act, which had remained unpublished since 1980, had been made effective in 2002 and that the Cabinet was currently updating it to conform to the new government structures. The Government was also in the process of reviewing all its legislation to bring it into line with provisions of the Convention.

59. **Ms. Huda** (Bangladesh) said that although the Convention had not been incorporated into domestic law as such, it had been invoked directly in court and remedies specifically under the Convention had often been claimed and granted.

60. **Ms. Zahan Haque** (Bangladesh) observed that in the 20 years since Bangladesh had made its reservations to articles 2 and 16.1 (c) of the Convention, the outlook of its people and society had evolved, as had their support for the advancement of women. In step with those changes, women themselves had become more independent and assured and were standing their ground against discriminatory treatment. Her feeling was that it would probably not be long before the reservations were indeed lifted.

The meeting rose at 1 p.m.