



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

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## Committee on the Elimination of Discrimination against Women

Forty-eighth session

17 January – 4 February 2011

### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Bangladesh

1. The Committee considered the sixth and seventh periodic reports of Bangladesh (CEDAW/C/BGD/6-7) at its 969th and 970th meetings, on 25 January 2011 (CEDAW/C/SR.969 and 970). The Committee's list of issues and questions is contained in CEDAW/C/BGD/Q/7 and the responses of the Government of Bangladesh are contained in CEDAW/C/BGD/Q/7/Add.1.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for its combined sixth and seventh periodic report, which was well structured and, in general, followed the Committee's guidelines for the preparation of reports with reference to the previous concluding observations, although it lacked disaggregated statistics and qualitative data on the situation of women in some of the areas covered by the Convention. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarifications to the questions posed orally by the Committee.

3. The Committee commends the State party's high level delegation, headed by the Honourable State Minister of Women and Children Affairs of Bangladesh, which included several representatives from relevant ministries, with expertise in the areas covered by the Convention. The Committee appreciates open and constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental women's and human rights organizations in the implementation of the Convention in the State party.

5. The Committee commends the State party on its demonstrated political willingness and commitment, expressed during the constructive dialogue, to eliminate discrimination against women and achieve gender equality.

## **B. Positive aspects**

6. The Committee notes with satisfaction the ratification by the State party, on 30 November 2007, of the Convention on the Rights of Persons with Disabilities, and on 12 May 2008, of its Optional Protocol.

7. The Committee welcomes the progress achieved since the consideration of the State party's fifth periodic report in 2004 (CEDAW/C/BGD/5), including the legislative reforms that have been undertaken and the adoption of a wide range of legislative measures. Specific reference is made to:

- (a) Bangladesh Labour Act (2006);
- (b) The Fourteenth Amendment to the Constitution allowing an increase in women's reserved seats from 30 to 45;
- (c) The Representation of People's (Amendment) Ordinance (2008);
- (d) The Citizenship (Amendment) Act (2009), entitling a Bangladeshi woman to transmit citizenship to her children;
- (e) The Right to Information Act (2009);
- (f) The National Human Rights Act (2009); and
- (g) The Domestic Violence Act (2010).

8. The Committee notes with satisfaction that the State party has adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women, such as the Policy for the Advancement of Women, aimed at eradicating gender disparities and "Vision 2021" programme aimed at mainstreaming of gender issues. The Committee welcomes the establishment in 2009 of the National Council for Women and Child Development, headed by the Prime Minister, and the establishment of Gender Responsive Budget to ten ministries in 2009-2011.

## **C. 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.**

### 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.**

### Reservations

11. The Committee welcomes the State party's willingness expressed during the dialogue with the Committee to consider withdrawing its reservations, as well as the progress made in order to align its legislation with the Convention. The Committee is concerned at the State party's reservations to article 2 and articles 16, paragraph 1(c), as it is of the opinion that these reservations are impermissible since these articles are fundamental to the implementation of all the other provisions of the Convention.

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.**

### Legislation on discrimination against women

13. The Committee reiterates its concern that the Constitution of the State party guarantees equal rights to men and women only in spheres of the State and of public life, but does not apply to the private sphere, which is not in line with the Convention.

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.**

### Discriminatory laws

15. The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation. It remains concerned, however, at the persistence of a significant number of discriminatory laws and provisions, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men.

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.**

### Stereotypes and harmful practices

17. The Committee recognizes the State party's efforts to promote a change in the stereotypical roles of women, notably through the media and educational

programmes but remains concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men. It is concerned that such attitudes perpetuate discrimination against women and girls and are reflected in their disadvantageous and unequal status in many areas, including in employment, decision-making, marriage and family relations, and the persistence of violence against women.

**18. In line with its previous concluding observations of 2004 (CEDAW/C/BGD/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.**

#### **Violence against women**

19. While commending the State party for the range of efforts to address violence against women, including the enactment of the Domestic Violence Act, Prevention of Cruelty to Women and Children Act, Acid Crime Control Act, Child Marriage Restraint Act and the Dowry Prohibition Act, the Committee remains concerned that the prevalence of violence against women and girls, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace persist in the country. The Committee notes with concern the limited number of shelters and One Stop crisis-centres as it views these to be inadequate in responding to the needs of the victims of violence against women. The Committee also notes with concern that despite the High Court's decision that the extrajudicial punishments fatwas are illegal, there are reports of illegal penalties being enforced through *shalish* rulings to punish "anti-social and immoral behaviour". The Committee also regrets the absence of data and information on all forms of violence against women as well as the absence of studies and/or surveys on the extent of such violence and its root causes.

**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.

#### **Trafficking and sexual exploitation**

21. The Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country. The Committee is also concerned that despite the ratification by the State party of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, its provisions have not been incorporated into domestic law, that no extradition treaties with neighbouring countries have been signed to address trafficking and sexual exploitation and that only a few traffickers have been arrested and convicted. The Committee further expresses its concern at the limited gender sensitization trainings for border police and law enforcement personnel.

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.**

#### **Participation in political and public life**

23. While welcoming the adoption of the Fourteenth Amendment to the Constitution allowing an increase in women's reserved seats from 30 to 45 and

the appointment of six women as ministers in 2009, the Committee remains concerned that women continue to be underrepresented in public and professional life and in decision-making in the judiciary, diplomatic service, as well as in civil service and administration and elected positions in Parliament and local bodies.

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.**

#### **Nationality**

25. The Committee welcomes the adoption of the Citizenship (Amendment) Act (2009), entitling a Bangladeshi woman to transmit citizenship to her children but it remains concerned that the spouse of a Bangladeshi woman can apply for citizenship after being a resident in the country for five years, whereas the residential requirement for a foreign woman married to a Bangladeshi man is two years only.

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.**

#### **Education**

27. The Committee acknowledges the progress made in the field of education for women and girls and welcomes the achievement of gender parity in primary and secondary education, and the establishment of institutions for girls and women at the secondary and tertiary level. However, the Committee is concerned at the high level of dropouts among girls, especially in rural areas and the gender gap at technical/vocational and the tertiary education levels. The Committee also expresses its serious concern about the high number of girls who suffer sexual abuse and harassment in schools and while on their way to school. The Committee is further concerned at the persistence of structural and other barriers to quality education, such as the lack of physical infrastructure, lack of facilities for girls in schools, the negative impact of early marriages and lack of access to education of rural women and girls.

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.

### **Employment**

29. The Committee welcomes the State party's enactment of the 2006 Bangladesh Labour Act, which promotes equality of opportunity in employment and provides equal pay for work of equal value. However, the Committee regrets that this law does not in any respect cover workers in the informal sector where a large population of women are employed. The Committee is also concerned about the persistence of discrimination of women in the labour market, in particular, the occupational segregation and a wide gender wage gap and of the exploitation of girls in this sector.

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

### **Health**

31. While acknowledging the State party's political will to improve the situation in the country and welcoming the establishment of women friendly model district hospitals and Upazilla (sub-district) health complexes, the Committee expresses its concern about the lack of disaggregated data on women's health situation in the State party's report, and the inadequate attention to women's reproductive health-care services. The Committee notes with

concern that despite a considerable decline, maternal mortality rate remains very high. Furthermore, the Committee is concerned at women's limited access to quality health-care services, including reproductive health care, specifically in rural areas.

**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.**

#### **Economic empowerment of women**

33. While welcoming the formulation of "Steps Towards Change: National Strategy for Accelerated Poverty Reduction-II (NSARP-II)" and "Vision 2021", the identification of economic empowerment of women as a high priority agenda of the Government and the commitment of the Government to women's advancement by eradicating extreme poverty (Millennium Development Goals 2000), the Committee expresses its concern that poverty is widespread among women. The Committee is concerned that women are exposed to many difficulties in accessing second generation micro-finance and have limited access to land due to traditional stereotypes of the role of women as a supplementary earner, lack of appropriate skills and institutional barriers that discourage women from accessing bank loans.

**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.**

**Rural women**

35. The Committee is concerned about the disadvantaged position of women in rural and remote areas who experience difficulties in accessing education, health and social services, and a lack of participation in decision-making processes. The Committee is also concerned that customary and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

36. **The Committee calls upon the State party to:**

(a) **Take the necessary measures to increase and strengthen the participation of rural women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, fertile land and income-generating projects;**

(b) **Establish a clear legislative framework to protect women's rights of inheritance and ownership of land;**

(c) **Introduce a comprehensive strategy to modify or eliminate negative customs and traditional practices which affect the full enjoyment of the right to property by women, in rural areas.**

**Disadvantaged groups of women**

37. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.

38. **The Committee recommends that the State party:**

(a) **Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt proactive measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse;**

(b) **Consider ratifying the UNHCR Refugee Conventions 1951 and 1967.**

**Marriage and family relations**

39. The Committee welcomes the State party's readiness made during the dialogue to engage in discussions to regulate the uniform family code in order to eliminate discriminating differences between Muslims, Hindu, Christians and other religious groups and to establish clear and non-discriminatory provisions on marriage, divorce, inheritance, distribution of property and child custody in compliance with the Convention. The Committee also reiterates its concern that child marriage continues to be practiced widely, particularly in rural areas.

40. **The Committee urges the State party to:**

(a) **Take, as a matter of priority, all necessary measures, including through awareness-raising campaigns among all sectors of the society,**

particularly traditional and religious communities, the media and civil society, on the importance of adopting a uniform family code which provides women with equal rights;

(b) Take all appropriate measures to end the practice of child marriages, in accordance with the Committee's general recommendation No. 21(1994) on equality in marriage and family relations.

#### **Millennium Development Goals**

41. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and an explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

#### **Dissemination**

42. The Committee requests the wide dissemination in Bangladesh of the present concluding observations in order to make the people, government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee recommends that the dissemination should include the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

#### **Ratification of other treaties**

43. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities

**Follow-up to concluding observations**

44. The Committee requests the state party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 12 and 20 above.

**Preparation of next report**

45. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report, as well as to consult a variety of women's and human rights organizations during that phase.

46. The Committee requests the State party to respond to concerns expressed in present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in February 2015.

47. The Committee invites the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents", approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines, adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of all forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

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