



**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 654th meeting

Held at Headquarters, New York, on Friday, 9 July 2004, at 3 p.m.

Chairperson: Ms. Açar

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04-41905 (E)

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The meeting was called to order at 3.05 p.m.

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

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

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

Articles 7 to 9

2. **The Chairperson** invited the members of the Committee to pose questions concerning articles 7 to 9 of the Convention.

3. **Ms. Coker-Appiah** said that Bangladesh's Citizenship Act of 1951 provided for citizenship to be transferred to a child only through the child's father. Also, while the foreign-born wife of a Bangladeshi man could acquire citizenship, the foreign-born husband of a Bangladeshi woman could not. The situation was clearly contrary to the core Convention principle of non-discrimination, and information available to the Committee indicated that the Bangladesh High Court had recommended, in a case before it in 1999, that Parliament should repeal laws relating to citizenship which were not in accord with the Constitution. The report (CEDAW/C/BGD/5) stated that the Government of Bangladesh was actively considering bringing necessary amendments to the Citizenship Act, but it appeared that the subject had not been discussed at the meeting of the National Council for Women's Development, held in September 2002. In its third and fourth periodic reports, the Government of Bangladesh had acknowledged that the citizenship laws were highly discriminatory, and she wondered why nothing had been done about them and what was causing the delay. What efforts were being made to initiate the repeal process?

4. **Mr. Flinterman** said he had been pleased to learn during the previous meeting that the Government of Bangladesh was seriously working towards amendment of the Citizenship Act of 1951, and would welcome further information regarding the thrust of those amendments, especially with regard to their complementarity with article 9 of the Convention. As for article 7, the Committee had learned during the

previous meeting that the Government of Bangladesh had passed a Constitutional Amendment Act which provided for 45 seats in Parliament to be reserved for women. Did the Government consider that Act to be a temporary special measure in the sense of article 4, paragraph 1, of the Convention? In what way would the measure contribute to the long-term objective of creating a gender balance in Parliament, which should be the ultimate goal? He wondered whether the Government had considered alternative measures to increase the representation of women in Parliament and, if so, what alternative measures had been considered and rejected. In the preparation of the new Act, had consultations been held with women's organizations and, if so, what had their positions been?

5. **Ms. Kwaku** requested information regarding the level of participation by women in the diplomatic service and their representation at international level. Noting that the Committee had been told that certain aspects of the Citizenship Act of 1951 were being amended, including the question of transferring nationality, she asked whether there were any other aspects of that Act which needed to be addressed. She asked how far Bangladesh had progressed in amending the Citizenship Act in respect of its discrimination against women.

6. **Ms. Schöpp-Schilling** asked whether the Ministry of Women and Children's Affairs had been able to evaluate the impact of the quota system for women in Parliament and at local level in terms of improvement in the way in which women's interests were being looked after. She would also like to know whether there was any intention to enlarge the quota system. She was somewhat hopeful that there might be a review of Bangladesh's position regarding the Optional Protocol to the Convention with regard to opting out of the inquiry procedure. The Optional Protocol and the inquiry procedure were unique, and she would encourage the Government of Bangladesh to reconsider its position.

7. **Ms. Belmihoub-Zerdani**, welcoming the system of reserved seats for women in the Bangladesh Parliament, said that political parties should be required, following the appropriate legislation, to present their electoral lists in the form of alternating men and women so as to ensure that eventually women occupied more than 30 per cent of the seats in Parliament. The opportunity should also be taken to use the system of presidential quotas to appoint women

directly to senior posts in higher education, the judiciary, the police force and the diplomatic service. They would then be in a position to combat violence and discrimination against women. Non-governmental organizations (NGOs) had done a great deal to advance the cause of women in Bangladesh, and Bangladesh was in a position to serve as an example for women in other countries.

8. **Mr. Jahrul Islam** (Bangladesh) said that Bangladesh had no reservations with regard to the Citizenship Act of 1951, and the Government had prepared a bill, which it was hoped would soon be approved by Parliament and take the form of a law, that would eventually eliminate all forms of discrimination with regard to the transfer of citizenship.

9. **Ms. Jahan** (Bangladesh) said there were 25 women officers out of a total of 222 officers in Bangladesh's diplomatic service. That was a little over 11 per cent, surpassing the quota of 10 per cent for the Class I Gazette positions of the diplomatic service. All the women officers had entered the diplomatic service through an open competitive examination and had risen through the ranks by their own qualifications. There were three women of ambassador-level rank: one was serving as the Bangladeshi ambassador in Indonesia and the other two were working in the Ministry for Foreign Affairs. There were two women diplomats serving in the Bangladeshi Mission to the United Nations in New York and one in the Mission to the United Nations Office at Geneva. Within the United Nations system there was one Bangladeshi woman of Assistant Secretary-General rank who would be going to Afghanistan as Deputy Representative of the Secretary-General. As for Bangladesh's participation in United Nations peacekeeping operations, 10 women from the civilian police force had so far served in Kosovo, East Timor and Sierra Leone, and one was currently serving in Liberia. The Government of Bangladesh gave women as much encouragement as possible and provided plenty of opportunities for them in the diplomatic service. However, Bangladesh shared the Committee's concern regarding the representation of women, and took note of Ms. Belmihoub-Zerdani's observation regarding the appointment of women ambassadors under the presidential quota.

10. **Mr. Iftikar Chowdhury** (Bangladesh) said that a great deal of progress had been made by Bangladesh since 1971 when it was still a part of Pakistan and when the diplomatic service and the fast track civil

service had not been open to women at all. The Permanent Mission of Bangladesh to the United Nations would shortly be receiving a new woman officer, bringing the representation of women in that Mission to 50 per cent. Bangladesh was the largest contributor of troops to the United Nations peacekeeping operation in Africa, with 10,000 soldiers. They were organized by a woman civilian officer in the Mission who was a military adviser.

11. **Ms. Hossain** (Bangladesh) said that Bangladesh was gradually achieving the goal of direct election of women MPs. All political parties had agreed to nominate candidates for the 45 reserved seats as per the ratio of the 300 directly elected MPs. They had no embargoes, restrictions or reservations regarding direct nomination. There were many women candidates from the respective political parties who had contested the general election, resulting in six directly elected members. Any eligible and competent citizen could stand as an independent candidate if he or she had strong support in his or her constituency. The political parties had many resourceful and competent women members, and the Bangladeshi Government wanted to see greater participation by women in Parliament so as to enhance the empowerment of women in general.

12. **Ms. Mahmuda Islam** (Bangladesh) said there was a quota system for women at local government level: one third of the seats were reserved for women, who were directly elected. There was also a quota system of 10 per cent for central government, which had so far been implemented to the extent of 80 per cent.

Articles 10 to 14

13. **The Chairperson** invited the members of the Committee to pose questions concerning articles 10 to 14 of the Convention.

14. **Ms. Gaspard** said that Bangladesh had provided less than complete information in response to a pre-session request for statistics concerning the share of young women in higher education. She would like to have statistics regarding the proportion of men and women in the various areas of higher education. Turning to the participation of men and women in sport and sports education, she requested statistics on the participation of women in the Bangladesh Olympics team.

15. **Ms. Shin** welcomed the lifting of the ban on the employment of Bangladeshi women overseas. Noting

that it was stated in the responses to the list of issues and questions (CEDAW/PSWG/2004/II/CRP.2) that the Ministry of Expatriate Welfare and Overseas Employment was working towards the formulation of a migration policy with a gender dimension, she asked who was participating in the process of guaranteeing the inclusion of the gender perspective so that a migrant woman from Bangladesh who had a job overseas was guaranteed the protection provided by the Convention. She hoped that the Government of Bangladesh would seek the kind of bilateral agreements which had been struck by other countries where the nationals of the one were working in the other.

16. **Ms. Gabr** requested the ratio of women working in the formal and informal sectors of the economy, and asked what organizations helped them so that they could fulfil their duties as mothers, wives and workers. How were they helped with nursery places and what were the appropriate employment rules and regulations? The report stated that there were restrictions in the private sector with regard to accepting women in companies. Were there any differences in the wages of men and women? Were any activities carried out in the workplace against women, and if so did regulations exist to prevent them?

17. **Ms. Achmad** cited the written responses (CEDAW/PSWG/2004/II/CRP.2) to the effect that the University of Science and Technology had only 7.33 per cent of women students and the report (CEDAW/C/BGD/5) regarding efforts under the fifth and sixth 5-year plans to provide women with skills in science and technology. She requested statistics on the participation of women students in science and technology at the higher education, secondary and primary levels, as well as their participation in policy and decision-making levels, for example in the Ministry of Science, the Academy of Science, research councils and research institutions and in the major industries concerned with science and technology. It was extremely important for women to be able to benefit equally from science and technology as well as to be equally responsible for the application of science and technology, which had not been developed sufficiently to meet their particular needs. That situation would be improved if more women participated in science and technology.

18. **Ms. Morvai**, noting that the Bangladeshi Government had correctly identified safe drinking

water as a gender issue, said that it was stated in the report (CEDAW/C/BGD/5) that Bangladesh's plan for the Decade of the Girl Child had the goal of increasing and maintaining access to and availability of safe drinking water from 80 per cent in 1990 to universal coverage by 1995. However, she had understood from press reports and information from the Dhaka hospital and NGOs that that good intention and the speed of its implementation had led to serious tragedies, including the pollution of drinking water with arsenic which had affected 1.2 million people, mostly women, and according to the Bangladeshi Government had been due to international agencies and foreign donors embedding millions of tube wells in the ground. She asked whether there would be compensation for the individuals affected and whether the problem might be solved by embedding the tubes further into the ground.

19. **Ms. Patten** sought clarification regarding the statement in the report (CEDAW/C/BGD/5) that the Government was increasing quota provisions in order to raise the proportion of women at various levels of employment, since a different statement had been made by the delegation in its oral presentation. She would like to know the actual policy of the Government regarding quota provisions. The report also stated that there was no wage discrimination, yet independent sources spoke of gross pay inequalities, with women receiving on average between 57 and 59 per cent of the wages received by men. She asked whether Bangladesh had any mechanism to monitor wage discrepancies. According to the report private sector industries were under constant pressure from the Government to implement maternity leave provisions under existing labour legislation. She asked what kind of pressure the Government imposed on the private sector, and whether the private sector was regulated by labour legislation in terms of affording women adequate protection in employment. What mechanism existed for monitoring the private sector? Were there industrial tribunals and penalties for infringing labour legislation or directives? Was there special legislation to regulate the Export Processing Zone sector, and if so was the Bangladesh Government satisfied with its implementation? The report stated that it was the primary obligation of the factory authority to take sufficient steps and measures to protect women workers, but what steps and measures were sufficient? What efforts was the Government taking in the case of acid attacks to improve access to and quality of medical care given to victims? How many burns did a

woman have to have, and what was the bedding capacity of units?

20. **Ms. Saiga** said that she was concerned about the high secondary school dropout rate for girls and would appreciate confirmation that the Government had in fact made girls' education free of cost through grade 12. She would be interested to learn what measures the Government was taking to combat the high rate of illiteracy among women. On the subject of employment, since maternity leave had recently been extended from three to four months, she would like to know who paid for the extra month. She also wondered what percentage of private companies had complied so far with the Government's recent directive that any organization having 10 or more working women must operate a day care facility in the vicinity.

21. **Ms. Manalo**, noting that the expiration of the Multifibre Arrangement at the end of 2004 was going to put many garment workers, primarily women, out of work, asked what the Government was planning in the way of social safety nets. With regard to another marginalized group, a specialized agency of the United Nations system had reported that women with disabilities in Bangladesh faced discrimination and were exposed to sexual abuse, and that there were no reliable statistics on disabilities among women and girls. She would like to know what measures the Government might be taking or contemplating to protect that group and also to protect women and girls in preventive custody from sexual abuse and trafficking.

22. **Ms. Mahmuda Islam** (Bangladesh), in response to questions on Bangladeshi women working outside the country, said that the Ministry of Expatriate Welfare and Overseas Employment was developing policies in that regard, in consultation with the Ministry of Women and Children Affairs.

23. **Mr. Jahrul Islam** (Bangladesh) added that, among other things, a training programme was to be launched to train women for employment opportunities abroad.

24. **Mr. Lutfor Chowdhury** (Bangladesh) said that the Government had been studying the problem of arsenic-contaminated drinking water and was consulting with all concerned ministries and local governments on its proposed policy; action would soon be taken. To better attend to the needs of victims of acid violence, there were plans to add beds to the Dhaka Medical College Hospital burn unit, and, as a

pilot project, the Ministry of Women and Children Affairs had set up a "One-Stop Crisis Centre" to deal with the legal, medical and other needs of women victims of acid attacks and other violence.

25. **Ms. Huda** (Bangladesh) said that there was good cooperation between the Government and non-governmental organizations in monitoring acid attacks and assisting survivors. In particular, the Acid Survivors' Foundation worked very closely with the ministries responsible for health, home affairs and women's and children's affairs.

26. **Mr. Rahman** (Bangladesh) said that the percentage of women among university students was 24.16 per cent, 39.11 per cent at the college level. In technical and vocational institutes women accounted for about 20 per cent of students. Three women's polytechnic institutes were being established. On the topic of women in science and technology, he mentioned that one of the two joint secretaries in charge of the Ministry of Science and Technology was a woman, and a woman chaired the national nuclear energy agency.

27. **Mr. Iftekhar Chowdhury** (Bangladesh) noted that the most popular sports in Bangladesh were cricket and football, in which there was little or no female participation, but that Bangladeshi women had achieved international notice in Olympic shooting events.

28. **Mr. Munshi** (Bangladesh) said that there would be a serious crisis in the garment industry after the expiration of the Multifibre Arrangement. Nearly a half million people would lose their jobs, most of them women, and for the most part they would not be in a position to go back to the homes they had left, particularly in the case of those from rural areas. The Government had already allocated \$200 million for rehabilitation and job creation programmes, including training for nursing, home care, hotel and catering occupations and microcredits to start up new businesses, and it was planning to provide subsistence and unemployment benefits for the first six months.

29. **Mr. Iftekhar Chowdhury** (Bangladesh) said that in the public sector salary discrimination between men and women did not exist. In the private sector, the problem was not that equal pay was not given for equal work but that women's hiring tended to be concentrated in certain sectors, such as the garment industry.

Articles 15 and 16

30. **The Chairperson** invited the members of the Committee to pose questions concerning articles 15 and 16 of the Convention.

31. **Ms. Šimonović** said that she had been told that nearly 50 per cent of girls in Bangladesh were married by the age of 15, a higher percentage than in other South Asian countries. She wished to know whether that was true, and, if so, why that was the case when the legal minimum age for marriage for girls was 18, whether the early marriages were legal and what steps the Government might be taking to put an end to the practice. She sought clarification of whether the Majority Act of 1875 still applied.

32. **Ms. Gnacadja** said that she would appreciate clarification on the legal situation with respect to filiation of children born in and out of wedlock, rights to alimony and child support and custody of children following divorce, and the rights of ownership or inheritance of the surviving spouse, in the light of the diversity of legislation pertaining to persons of different faiths.

33. **Ms. Huda** (Bangladesh) explained that Bangladesh was a multi-religious society. Family law followed religious personal laws, to the extent that the religious tradition in the particular faith dealt with such matters as divorce, inheritance and custody. Although under the civil law the minimum marriageable age was 18 for women and 21 for men, the law allowed religions to permit child marriage to some extent. With regard to divorce, Christian personal law allowed for equal rights between men and women, Muslim personal law allowed limited and differentiated rights of divorce and Hindu personal law did not allow for divorce at all. Christian law provided for alimony for life, while Muslim law made maintenance provisions for a limited time. For children born out of wedlock there was no process of legitimization, but under Muslim personal law there was the possibility of acknowledgement. With regard to custody, regardless of the religious personal law pertaining to the family, the courts made the welfare of the minor the primary consideration in awarding custody.

34. **Mr. Iftekhar Chowdhury** (Bangladesh) noted that Bangladesh had withdrawn its reservation to article 16, paragraph 1 (c), of the Convention, for the reasons explained at the previous meeting.

Follow-up questions

35. **The Chairperson** invited the Committee members to pose follow-up questions on any topic previously discussed.

36. **Ms. González Martínez** said that she understood the importance of religious harmony to Bangladeshi society and agreed that changes in a society could not be imposed from the outside. Nevertheless, it appeared to her that the differences between the various religious personal laws, which extended even to marriage registration rules, constituted discrimination and were inconsistent with the Convention. The Government should press forward with its efforts to harmonize the laws. She wondered whether she had understood correctly that in order to enter into civil marriage the prospective spouses had to declare that they did not profess a religion.

37. **Ms. Manalo** asked whether polygamy was permitted by law in Bangladesh and whether steps were being taken to eradicate it. The problem was related to the question of marriage registration.

38. **Ms. Belmihoub-Zerdani** suggested that a practical solution to the discrimination among women of different faiths in their marital rights might be to institute a voluntary contract of marriage, in which the prospective spouses would be free to stipulate the conditions of their union. Such a contract would be in harmony with the Constitution of Bangladesh and with the Convention.

39. **Ms. Shin** said that she was curious about the role of the representatives of non-governmental organizations in the delegation and wondered whether they were included because they had information to offer or because they would be involved in implementing the Committee's recommendations.

40. **Ms. Morvai** said that she was happy to hear that a plan to correct the arsenic contamination in drinking water was nearly ready to be implemented and wondered where she could learn more about the Government's plans.

41. **Ms. Schöpp-Schilling** reiterated that the personal status laws were a matter of concern, since it did not appear that progress had been made over the years. She wondered how recent judicial verdicts based on the Constitution in personal law cases could be reconciled with the religious personal law regimes and was

interested to know whether the gender-training sessions with Muslim imams had had any effect.

42. **Ms. Saiga** requested a reply to her questions on maternity leave and day care provided by private companies.

43. **Ms. Achmad** said that she would like to know whether gender mainstreaming was included for all sectors in the sixth five-year development plan, particularly in science and technology and especially in the area of information and communications technology. Bangladesh had used the strategy before, and it would have the effect not only of reducing discrimination but also of speeding up development. With regard to the new women's polytechnic institutes, she feared that a separate women's institution might perpetuate stereotyped roles.

44. **Ms. Šimonović** requested an answer to her questions about early marriages. She would also like to know whether the Optional Protocol would be directly applicable under Bangladeshi law, and, if not, how the Government proposed to ensure its application.

45. **Ms. Nasreen Begum** (Bangladesh) stated that maternity leave for government officials had been increased from three to four months and that private sector industries were being strongly urged to follow suit. Approximately 32 day-care centres had been established in both the private and public sectors.

46. **Ms. Huda** (Bangladesh) said that, although the minimum age for marriage was 18 years, girls were marrying earlier because family laws were governed by religious laws. The Christian and Muslim marriage acts required registration of marriages, and Buddhists and Hindus had begun to register marriages of their own accord. Interfaith marriages were permitted under the Christian Marriage Act of 1872. Islamic laws did not specifically prohibit such marriages but they were not always readily accepted. Most Muslims therefore chose to marry under the Christian Act, if the partner belonged to a different faith. Christian and Hindu laws permitted polygamy and Muslim law allowed restricted polygamy.

47. Prenuptial contracts existed under both Muslim and Christian laws. Christian divorce was tightly restricted but Muslim marriage contracts permitted divorce without the intervention of the courts. The Government was well aware of the incompatibilities

between personal laws and the Constitution and was striving to remedy the situation.

48. **Ms. Ferdons Ara Begum** (Bangladesh) stressed that the inclusion of non-governmental organizations (NGOs) in the Bangladesh delegation did not mean that they represented the Government. Cooperation with NGOs was considered extremely important; for that reason, they had been closely consulted during the drafting of the fifth periodic report and were included in all high-level committees. Since most of the development projects were implemented by NGOs, they also had a responsibility to answer the Committee's questions.

49. **Mr. Iftekhar Ahmed Chowdhury** (Bangladesh) said that he could provide recent information on the procurement of arsenic if so needed.

50. **Ms. Mahmuda Islam** (Bangladesh) said that Science and Technology Ministry personnel were being trained in gender mainstreaming. The oldest and largest national university in Bangladesh, Dhaka University, had set up a Department of Women's Studies, which was working against sex stereotyping.

51. **Ms. Huda** (Bangladesh) stated that, in the case of Muslims, personal laws drew from the Shariah. She reiterated that the Government was working with the NGOs towards a uniform family law, bearing in mind article 41 of the Constitution.

52. **Mr. Islam** (Bangladesh) said that the Ministry of Religious Affairs had set up extensive training programmes for imams and Hindu priests. No information was available regarding the training of Christian and Buddhist religious leaders.

53. **Mr. Iftekhar Ahmed Chowdhury** (Bangladesh) said that, as a religion, Islam did not institutionalize the Church. There was some apprehension about empowering imams by giving them a religious structure.

54. **Ms. Shin** expressed appreciation for the cooperation that existed between the Government and NGOs. However, since it was the obligation of the State party to implement the Convention, she deemed it inappropriate that the NGO experts should answer all the Committee's questions.

55. **Mr. Munshi** (Bangladesh) said that cooperation between the Government and NGOs was a new concept. The United Nations Development Programme

(UNDP), the United Nations Children's Fund (UNICEF) and other development partners had made cooperation a prerequisite for funding. Clearly, responsibility for executing decisions remained with the Government.

56. **Mr. Iftekhar Ahmed Chowdhury** (Bangladesh) said that Bangladesh's type of governance was almost a new paradigm. Members of think tanks, political parties and Parliament attended the Committee meetings not necessarily as NGOs, but as experts supporting the delegation.

57. **The Chairperson** commended the representatives of Bangladesh on the increase in literacy and elementary school attendance, the education of girls, the integration of women into the economic sphere and their empowerment through integration into the labour market. Bangladesh had set an example for other nations by providing microcredit to women in rural areas and in small businesses. Few countries had appointed as many women to higher political office over such a considerable period of time. The Government's achievements should be utilized as foundations on which to build further legislation, policies and measures that ensured the full protection and promotion of women's rights, as enshrined in the Convention.

58. The Committee was concerned that the Constitution of Bangladesh did not contain a definition of discrimination which fully complied with the Convention. The current implementation of laws on violence against women left much to be desired. The continued absence of a law on domestic violence that incorporated provisions against marital rape was also a major concern. The Government was urged to enact laws on violence against women immediately and to implement them by raising the awareness of the general public and by training judges, law enforcement officials and health personnel.

59. The excellent collaboration between the Government and well-organized, capable women's NGOs gave Bangladesh a strong edge over other countries. The Government was encouraged to continue its efforts in that regard.

60. Men who inflicted physical harm on women in dowry-related and other cases were severely punished. However, in a society where social traditions and culture often overlooked and even justified violence against women, comprehensive approaches and

solutions needed to be found. Excessively severe punishment, such as the death penalty, did not always have the desired effect; in fact, it could deter women from bringing charges at all. While assaults and violence against women could be prosecuted under general penal codes, a comprehensive law would do much to raise awareness and send a powerful message to society. Bangladesh was urged to express its political will by enacting such a law.

61. The Committee was gratified to hear that Bangladesh intended to withdraw its reservations to the Convention in the near future. In doing so, it would ensure the effective implementation of the Convention and send a significant message to other Muslim nations.

62. The conflict between the Constitutional provisions on gender equality and the inequalities contained in the personal laws of different religions with respect to polygamy, inheritance, divorce and marriage created a problematic issue. Personal laws allowing inequality contravened both the Constitution and the Convention. The Government should realize that polygamy, unequal inheritance, child marriage, repudiation and other violations of women's rights could not be excused or justified in the name of respect for religion.

63. The Committee congratulated Bangladesh on having ratified the Optional Protocol and hoped that it would reconsider its decision to opt out of the inquiry procedure.

The meeting rose at 5 p.m.