GENDER EQUALITY LAWS AND THE GENDER GAP SCENARIO IN BANGLADESH

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Abstract: The constitution of the People’s Republic of Bangladesh prohibits all sorts of discrimination on the ground of sex and further empowers the state to make special laws for the women. There are special Courts and Tribunals for the protection of women rights. However, the gender gap ratio in Bangladesh between male and female in education, health, wages, managerial capacities, political involvement, property ownership are still not at satisfactory level in contrast with the law. Bangladesh ranked 68 in gender gap indexes (GGI) according to the 2014 report of World Economic Forum (WEF). The state has made provisions of 50 reserved seats for women in parliament and also established quota for female candidates in various public services including judiciary and executives. This article analyzes available data upto 31st December, 2014 on gender gap indexes, identifies reasons of inequality and discrimination, examines provisions of existing laws on gender equality with its effectiveness and suggests recommendations for ensuring gender equality through empowerment of women.

Keywords: Gender, discrimination, equality before law, empowerment, gender gap indexes and special Courts or Tribunals.

I. INTRODUCTION

Bangladesh is a secular country with parliamentary form of democracy and around 90% of its more than 166 million populations are Muslim. The male-female or sex ratio is (i) at birth 1.04 mal(s)/ female (2014), (ii) under 15 age, 1.03 male(s)/ female, (iii) from 15-64 years age, 0.915 male(s)/ female and (iv) 65 and over age category 0.96 male(s) / female. The economic transition and social changes over the last two decades have been transforming gender relations in Bangladesh.

2 The Constitution of the People’s Republic of Bangladesh (P.O. No. 76 of 1972), Article-8 and preamble, para-2.
The constitution as the ‘supreme law of the land’ ensures gender equality and prohibits all forms of discrimination. However, special provisions for woman advancement are allowed. The religious personal law is applicable for different communities in respect of their marriage, divorce, maintenance, inheritance, guardianship etc, that is further discriminatory from person to person based on their religion. The patriarch family structure or male-dominate society further causes negative impacts towards woman empowerment. The Government enacted a set of laws, policies, action plans to promote and protect women rights and to prevent violence against women. A number of NGO’s and INGO’s are working in this field of gender relations including: primary health care and family planning.

II. MEANING OF EQUALITY BEFORE LAW AND DISCRIMINATION

A. EQUALITY BEFORE LAW

Equality before law, a fundamental right guaranteed by the constitution of Bangladesh, is not meant to be interpreted in the absolute sense. It is not supposed to be held that all persons are equal in all respects, in spite of different conditions and circumstances, in which they are situated or for possessing special qualities and characteristics that are lacking in others. The term ‘equality before law’ means that all persons are not equal in all respects and that persons similarly situated should be treated alike. Equal protection of law is a guarantee that similar people should be dealt with in a similar way and that people of different circumstances will not be treated as if they were the same. The equality before law and equality of opportunity are both governed by the principle that the equality should be qualified by the qualification of the citizen. We have to consider whether there was discrimination among the citizens with equal qualification and equal claim. Any classification made upon a reasonable basis is never treated as inconsistent with the equality clause. Explaining the pre-requisites for applying the formula of equal treatment under Article 27 of the constitution of Bangladesh, the apex court observed that all citizens are equal before law, but they may be subjected to different provisions of law at different times, depending upon the circumstances in which they find themselves. The article requires that likes should be treated alike. The Article does not stand on the way of adoption of a classification if such a classification is based on a rational criterion. The concept of equality before the law and the prohibition of certain kinds of discrimination do not require identical treatment. The equality means the relative equality, namely, the principle to treat equally what are equal and unequally what are unequal. To treat unequals differently according to their inequality is not only permitted but required. The application of the same laws uniformly to all of them will therefore be inconsistent with the principles of equality. To avoid that situation laws must distinguish between those who are equal and to whom they must apply and those who are different and to whom they should not apply.

5 The Constitution of the People’s Republic of Bangladesh (P.O. No. 76 of 1972), Article-7.
7 Dr. Martin Raschen, edt, Fabia Shah, Bangladesh gender profile, op cit, p-1.
8 The Constitution of the People’s Republic of Bangladesh (P.O. No. 76 of 1972), Article-27.
10 46 DLR (AD) p-19 at para 22
11 46 DLRp-46 at para 17
12 43 DLR (1991) p-593
13 54 DLR (2002) p-1
14 AIR 1992 SC p-1630 at para 100
15 51 DLR (AD) p-121 at para 58
B. DISCRIMINATION

The Convention on the Elimination of All Forms of Discrimination Against women (CEDAW) of 18th December 1979 defines discrimination under Article 1 as, any “distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality between men and women, of human rights or fundamental freedom in the political, economic, social, cultural, civil or any other field.”

“Women in Bangladesh face oppression, discrimination, depravation, vulnerability, and backwardness in all spheres of life. These can be divided into following areas:

i. Social oppression

ii. Work-life discriminations

iii. High vulnerability to insecurity and risks

iv. Discrimination in the legal system

v. Deprivation in terms of human capability, and

vi. Backwardness in terms of women’s participation in politics.”

The World Economic Forum (WEF) identified some areas to ascertain gap between male and female to minimize gender inequality and ensure gender equality such as Economic participation, Educational Attainment, Health and Survival, Political Empowerment.

III. GENDER EQUALITY AND WOMEN FRIENDLY LAWS OF BANGLADESH

Gender issues are well manifested in the legislation of Bangladesh and further supported by landmark judgments of the Supreme Court. Bangladesh Government has been proactively adopting adoption of preemptive policies, legislations, strategies and taking national affirmative action plans and program for accelerating the implementation process in achieving the goal of holistic empowerment of women in Bangladesh (MoWCA, 2009).

Notable actions have been taken by the government to protect women's legal rights and improve their social status. Those include enacting of The Dowry Prohibition Act, 1980 which forbids anyone from giving or receiving dowry and The Nari-O-Shishu Nirjatan Daman Ain, 2000 (Law on the Suppression of Violence against Women and Children, 2000) for the first time expanded the definition of rape considerably and the sexual assault and sexual harassment have been made punishable offences; Acid Crime Prevention Act, 2000 and Acid Control Act, 2000 to prevent from the acid violence. To save women from violence, government has enacted Family Violence Prevention and Protection Act, 2010 and National Women policy, 2011 was adopted for the empowerment of

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women. At the international level, Bangladesh has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) agreeing to the Optional Protocol in 2000. However, reservations on articles 2 and 16 pertaining to marriage, divorce and inheritance remain in force. Bangladesh has enacted a number of laws at the national level to protect equality of rights and opportunities although a full review of their implementation and impact has not yet been undertaken. The Constitution of Bangladesh grants equal rights to women and men in all spheres of public life (Article 27, 28(1), 28(2), 28(3), 28(4), 29(1), 29(2) and 29(3)) and has been supplemented by a number of Acts and Ordinances to safeguard women’s equal rights. The fifth periodic report of Bangladesh to the CEDAW Committee underlined the schism between women’s equality in the public and private sphere, noting that “the personal laws that govern family life are a major impediment for women in exercising their fundamental human rights regarding marriage, divorce, custody of children, alimony and property inheritance.” The National Policy for the Advancement of Women was adopted in 1997 and includes commitments to eliminating discrimination against women and girls in all spheres and promoting women’s equality in areas such as education and training, health and nutrition, housing and shelter, political empowerment and public administration and the economy. A National Action Plan (NAP) for implementing the policy as well as meeting commitments under the Beijing Platform for Action (PfA) was approved in 1998. Gender Focal Points were appointed in all central government ministries and committees as early as 1990.

The Bangladesh Poverty Reduction Strategy Paper (PRSP) which was finalized in October 2005 through its interim (PRSP-1) provided mainstreaming gender concerns by reducing gaps.19

The Constitution of Bangladesh ensures equal rights to all citizens and prohibits discrimination and inequality on the basis of sex and strives to promote social and economic equality.

Article 10 of the constitution ensures participation of women in all spheres of national life. Article 19 (1) provides that the State shall endeavour to ensure equality of opportunity to all citizens. Article 27 specifies that all citizens are equal before the law and are entitled to equal protection of the law.

The constitution of Bangladesh enumerates equal rights for all and freedom of profession with an exception in public employment that-

“ (b) giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination; and

(c) reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex. There is no law to ensure gender equality in private employment.”

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19 Dr. Martin Raschen, edt, Fabia Shah, *Bangladesh gender profile*, op cit, p-5.
21 Ibid, Article-40.
22 Ibid, Article-29 (20 (b) and(c)).
Therefore, gender based disparities and discrimination has to be eliminated and efforts towards that end must form an integral part of development initiatives.\textsuperscript{23} The Laws are emphasizes equal rights with provisions for empowerment of women, ensuring their safety and security from gender based violence and further socio-economic advancement.

IV. EMPOWERMENT OF WOMEN IN BANGLADESH

A. STRATEGIES, PLANS AND ACTIONS

A recent evaluation by the Netherlands Government found that even of those NGOs in Bangladesh without a specific gender focus most NGOs surveyed were contributing towards gender equality objectives - and that between 50 per cent and 100 per cent of direct beneficiaries of evaluated NGO projects were women.\textsuperscript{24} International NGO’s can often provide an initial vehicle for highlighting sensitive social/cultural and gender issues that are more difficult for local NGOs to address.\textsuperscript{25} Various international development partners including the various UN agencies, the World Bank, the ADB and bilateral partners such as DFID, CIDA, SIDA and USAID have been actively supporting gender mainstreaming initiatives over the last decade and have identified gender equality as a clear development assistance goal in their programs of assistance to Bangladesh.\textsuperscript{26}

Efforts to achieve gender equality in Bangladesh must therefore focus on seeking improvements in both income and non-income poverty indicators for women - by increasing opportunities and productive capabilities, reducing levels of income and non-income insecurity and promoting greater empowerment in the workplace, the home and community.\textsuperscript{27}

“To ensure empowerment of women various strategies, plans and actions may be taken as follows:

(i) Gender experts should be included on all project design teams such as poverty impact assessment as well as implementation teams based in-country.

(ii) To take development of project with gender action plans and Identify and support gender focal point, gender capacity building support etc.,

(iii) Ensure that participation strategies include women and men as managers and users that strengthen women’s entrepreneurial skills including training, retraining, special education programs and comprehensive advisory and support services.

(iv) Support gender equity in the appointment and also ensuring wage parity.

(v) Institutionalize gender-disaggregated data.

(vi) Support and expand women’s access to credit and the development of SMEs.

(vii) Assess women’s transport (i.e. safe and accessible public transport) and marketing needs (i.e. separate marketing facilities for women) and ensure that projects are designed to respond to these needs effectively;

\textsuperscript{23} Gender equity Budget in 2010-2011, Finance Division, Ministry of Finance, Bangladesh. www.mof.gov.bd.1.7,p-5-6.

\textsuperscript{24} Dr. Martin Raschen, edt, Fabia Shah, Bangladesh gender profile, op cit, p 9.

\textsuperscript{25} ibid, p 10.

\textsuperscript{26} ibidt, p 10.

\textsuperscript{27} ibid, p 23.
(viii) To ensure that the fundamental links between improved nutrition and lowering maternal and child mortality rates is mainstreamed at the policy and program level with a particular focus on identifying and targeting vulnerable groups – including next generations;
(ix) Seek to address gender equity issues in the family planning and health sectors by identifying disadvantaged groups/communities (i.e. women in remote areas, disabled women, women from marginalized groups); the reasons for and dimensions of their vulnerability; and develop effective strategies to ensure equity of access to health and family planning services;
(x) Ensure that the design of energy projects have explicit gender goals (e.g. equality of access), recognise that neither public nor private energy infrastructure provision are gender-neutral and that women use energy and electricity differently than men, because of their different household and productive activities; Ensure that energy projects promote and build upon women’s knowledge and expertise and decrease their workloads and health risks; and increases job facilities."

B. EMPOWERMENT OF WOMEN: OVERVIEW OF TEN MINISTRIES BUDGET 2010-2011 IN BANGLADESH

An overview of ten ministries budget of 2010-2011 in Bangladesh to ensure equality of women through economic empowerment is given below:

<table>
<thead>
<tr>
<th>Name of the Ministry or Division of BGD</th>
<th>Total number of woman officials employed in various agencies of concerned Ministries in FY 2010</th>
<th>Total number of woman officials employed in the secretariat of concerned Ministries in FY 2010</th>
<th>Budget utilisation for woman in Fiscal Year (FY-10)</th>
<th>Budget utilization for woman in Fiscal Year (FY-11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Agriculture</td>
<td>4.7 percent</td>
<td>11.2</td>
<td>20.53 percent (Taka 1,376.20 crore)</td>
<td>26.53 percent (Taka 1,788.47 crore)</td>
</tr>
<tr>
<td>Disaster Management and Relief Division</td>
<td>3.9 percent</td>
<td></td>
<td>65.83 percent (Taka 3,236.30 crore)</td>
<td>77.83 percent (Taka 3,267.01 crore)</td>
</tr>
<tr>
<td>Ministry of Education</td>
<td>25.3 percent</td>
<td>20 percent of all teachers</td>
<td>18.29 percent (Taka 1,640.90 crore)</td>
<td>23.29 percent (Taka 2,302.41 crore)</td>
</tr>
<tr>
<td>Ministry of Environment and</td>
<td>6.0 percent</td>
<td>14.0 percent</td>
<td>35.72 percent (Taka 304.90 crore)</td>
<td>44.22 percent (Taka 529.90 crore)</td>
</tr>
</tbody>
</table>

| Ministry of Fishery and Animal Resources | 5.9 percent | 18.0 percent | 31.51 percent (Taka 228.80 crore) | 32.61 percent (Taka 280.89 crore) |
| Ministry of Health and Family Welfare | 21.1 percent | 13.0 percent | 32.83 percent (Taka 2,634.28 crore) | 32.33 percent (Taka 2,634.28 crore) |
| Ministry of Land | 5.3 percent | 7.5 percent | 13.40 percent (Taka 72.80 crore) | 18.40 percent (Taka 102.43 crore) |
| Rural Development and Cooperative Division | 6.6 percent | 20.0 percent | 61.08 percent (Taka 285.3 crore) | 62.28 percent (Taka 426.69 crore) |
| Ministry of Social Welfare | 23.2 percent | 31.6 percent are 17.4 percent of total expenditure (Taka 208.80 crore) | 19.91 percent of total allocation (Taka 382.70 crore) |
| Ministry of Water Resources | 14.0 percent | | 35.86 percent (Taka 700.20 crore) | 39.16 percent (Taka 802.38 crore) |

The percentage of employed male and female has increased to 68.3 percent and 22.9 percent in 2007 from 67.5 percent and 15.2 percent in 2004 respectively at the national level. The above chart shows that women’s are not yet in a significant role of decision making at the government level although number of women secretaries(2) and Ministers (7) are performing now in different ministries since 2014. The WEF report 2014, states that only 5% females are working in top management positions of firms in Bangladesh.

C. WOMEN’S WAGE AND EMPLOYMENT

There is considerable disparity in men’s and women’s wage rates in Bangladesh although the principle of equal wages for equal work is guaranteed by law. On average women’s wage rates are considerably lower than men with the 2000 Labour Force Survey (LFS) showing women’s earnings to be approximately 58.5 percent of men’s. Furthermore whereas 61% of female salaried workers earn less than

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1000 taka per month, only 16% of their male counterparts earn an equivalent amount – confirming entrenched wage-based gender discrimination.

Moreover, considerably fewer women (26.9%) than men (51.6%) define themselves as self-employed attesting to the considerable obstacles faced by women in starting up small businesses. In addition, self-employed women earn consistently less than their male counterparts with 66% of women earning less than 1000 taka per month compared to only 6.3% of men. In particular, women working in the RMG sector women employed in lower paid, lower skilled areas with little decision-making responsibility which employs approximately 1.35 million women (or 90% of the workforce) are particularly vulnerable. Article-20 of the Constitution of Bangladesh enumerates principles of wages where work is stated as a matter of right.

D. INHERITANCE

Inheritance is based on personal laws of various communities in Bangladesh which differs from religion to religion and raises multiple questions to ensure women empowerment and gender equality. The religious personal laws of different communities are applicable in respect of their marriage, divorce, inheritance etc.,. However, she will never be excluded from her lawful succession rights under Muslim law or Christian law although the right is proportionately less than a male counterpart. However, Hindu law gives woman limited succession rights. The state laws of Bangladesh gives parents and grandparents maintenance rights by their children or grand children and widows and aged-old persons are further getting nominal ‘allowances’ (taka 500 per month) from the government. Bangladesh is a country where ‘father’ becomes a lawful guardian of a child. Bangladesh only recognizes male, female and transgender. A male and a female may enter into marriage. All other forms of marriages among intra-gender are illegal and even punishable as acts against the nature. Any property earned or received as gift or others during marriage by a woman shall remain in her sole ownership. A husband is liable to maintain his wife under Muslim Law and inheritance rights over the property left by a deceased without wills, a male under Muslim law is a bit higher than a female.

E. LEGITIMACY OF CHILD AND RIGHTS OF A MOTHER

In Bangladesh, legitimacy of child depends on validity of marriage. There is no law on single mother or surrogate mother; only biological motherhood and fatherhood is lawful. If a child is the outcome of rape, the government shall bear his expenses for maintenance upto 21 years or more unless the rapist is found. Miscarriage or abortion is prohibited and illegal except in the case of saving the life of mother. Abortion is an offence except in the case for saving life of mother. A pregnant woman is allowed to take maternity leave with payment of 6 months in public service and 16 weeks in case of private service. There

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31 Dr. Martin Raschen, edt, Fabia Shah, Bangladesh gender profile, op cit, p 12.
32 Ibid, p 12.
33 (P.O. No. 76 of 1972), Article-20.
34 Regulation No. II of Warren Hastings in 1772.
35 The Parents Maintenance Act (Act No. 49 of 2013), Sections-3 and 4.
36 Guardianship and Wards Act, 1890.
is now law for paternity leave in Bangladesh. There is no law on testube baby or surrogate mother or 3-DNA child.

**F. CHILD MORTALITY RATE, CONTRACEPTIVE, HEALTH AND HIV**

Bangladesh has made significant progress over the last two decades in halving fertility levels from an average of 6.3 in 1975 to 3.0 in 2004 and family planning programs are now well established in both rural and urban areas. The significant gender gaps in child mortality rates with female rates in the 1-4 age group approximately one third higher than male rates raises serious questions. On the other hand, Child mortality rate for female, it was 62.3 per thousand live births in 1993-94, which has been decreased to 20 per thousand live births in 2007. Bangladesh lacks far behind UK in gender health issues as per the WEF report of 2014. But overall maternal mortality rate improving due to various initiatives yet woman are mainly taking the burden of contraceptive. HIV is not a problem in Bangladesh but may transmit via sex workers.

**G. POLITICAL EMPOWERMENT, QUOTA SYSTEM IN PARLIAMENT AND PUBLIC SERVICES ETC.,:**

In recognition of need for greater gender equality of employment in the public sector, the government has also introduced a quota system for women which sets employment targets of 10% for gazetted officers and 15% for other categories. A ten per cent quota for women has applied to all government ministries, directorates and autonomous bodies in Bangladesh since 1976. The male-female ratio in government services is not satisfactory. The private sectors have no law to ensure gender equality. The parliament of Bangladesh reserves 50 seats for women but no quota in the political party levels. The Ministry of Woman and Children Affairs in Bangladesh is working for women empowerment. The constitution provided for 50 reserved seats for women (Clause 65). This 1983 ordinance was substituted in 1997 by Act No 20 and further in 2009 by Local Government Acts “wherein the 3 nominated seats for women were converted into 3 elective seats. Whilst in principle each UP consists of nine wards each of which elect a general member, the limited number of elected women representatives’ means that each woman represents three wards and is elected by the combined voters of these wards.” In effect, female UP members have an electoral constituency that is more demanding and more geographically dispersed than her male counterparts. In 2004, approximately 12,000 women were elected to the UP’s. A key function of the UP for many Bangladesh women is dispute resolution (shalish) on issues such as dowry, early marriage, polygamy, family and land dispute, violence against women and children and divorce. But woman councilors or ward members have either not aware or not adequate skills to cover up their duties.

Women are holding an increasing share in public life and decision making also. Around 20% of seats held by women in current national parliament and women’s share of government ministerial positions 8.16% among 49 ministers. The position of prime minister and leader of opposition in the parliament is hold by women during the last two decades. The speaker of the parliament is a woman in the current parliament underway from the last parliament. Under the Local Government Act, 1997 now Local

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40 Dr. Martin Raschen, edt, Fabia Shah, Bangladesh gender profile, op cit, p-15.
42 Dr. Martin Raschen, edt, Fabia Shah, Bangladesh gender profile, op cit, p 11.
Government (paushava) Act, 2009,\textsuperscript{44} the Local Government (Union Parishad) Act, 2009,\textsuperscript{45} the Local Government (City Corporation) Act, 2009\textsuperscript{46} three seats have been reserved for direct election of women.

The Representation of People’s Order, 2008 now replaced by the District Council Act, 2010 and the Upazilla Council (Amendment) Act 2011, provided “for two elected Vice-Chairman for Upazila Parishad (Sub-district Council), one of which must be a woman.” In addition, about 19\% of managerial positions are held by women, which is highly encouraging. All these statistics reveals that Bangladesh is marching ahead with the appropriate mindset and progress on all socio-economic fronts including women’s empowerment is palpable.\textsuperscript{47}

\textbf{V. GENDER GAP INDEX REPORTED BY WEF IN 2014 ON BANGLADESH}

Bangladesh ranked 68 out of 142 countries in gender gap Index of 2014 by WEF and scored 0.697.

Bangladesh ranked 127 in economic participation and opportunity category where female to male ratio in labour force participation is 0.70; wage equality for similar work (survey) is 0.57; estimated earned income (PPP US dollar) is 0.52; legislators, senior officials and managers is 0.06; professional and technical workers is 0.32;

Bangladesh ranked 111 in education attainment category where female to male ratio in literacy rate is 0.88; enrolment in primary education is 1.04; enrolment in secondary education is 1.16; enrolment in tertiary education is 0.69.

Bangladesh ranked 122 in health and survival category where female to male ratio in sex ratio at birth (female/male) is 0.96; healthy life expectancy is 1.02.

Regarding political empowerment category Bangladesh ranked 10 where female to male ratio in women in parliament is 0.25; women in Ministerial Position 0.07; Years with female head of state (last 50 yr) 0.70.

Table showing world ranking in gender gap Index (GGI) of Bangladesh by WEF\textsuperscript{48} (from 2014 to 2006)

<table>
<thead>
<tr>
<th>Year in GGI</th>
<th>Overall World Ranking</th>
<th>Economic participation</th>
<th>Educational Attainment</th>
<th>Health and Survival</th>
<th>Political Empowerment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>68 (out of 142 countries)</td>
<td>127</td>
<td>111</td>
<td>122</td>
<td>10</td>
</tr>
<tr>
<td>2013</td>
<td>75 (out of 136 countries)</td>
<td>121</td>
<td>115</td>
<td>124</td>
<td>07</td>
</tr>
<tr>
<td>2012</td>
<td>86 (out of 135 countries)</td>
<td>121</td>
<td>118</td>
<td>123</td>
<td>08</td>
</tr>
<tr>
<td>2011</td>
<td>69 (out of 135 countries)</td>
<td>118</td>
<td>108</td>
<td>123</td>
<td>11</td>
</tr>
</tbody>
</table>

\textsuperscript{44} Act No. 58 of 2009;  
\textsuperscript{45} Act No.61 of 2009;  
\textsuperscript{46} Act No. 60 of 2009;  
\textsuperscript{48} http://www.weforum.org
<table>
<thead>
<tr>
<th>Year</th>
<th>Rank (out of total countries)</th>
<th>Female (%)</th>
<th>Male (%)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>82 (out of 134 countries)</td>
<td>117</td>
<td>108</td>
<td>122</td>
</tr>
<tr>
<td>2009</td>
<td>93 (out of 134 countries)</td>
<td>121</td>
<td>105</td>
<td>127</td>
</tr>
<tr>
<td>2008</td>
<td>90 (out of 130 countries)</td>
<td>119</td>
<td>104</td>
<td>124</td>
</tr>
<tr>
<td>2007</td>
<td>100 (out of 128 countries)</td>
<td>116</td>
<td>105</td>
<td>122</td>
</tr>
<tr>
<td>2006</td>
<td>91 (out of 115 countries)</td>
<td>107</td>
<td>95</td>
<td>113</td>
</tr>
</tbody>
</table>

So, Bangladesh has gradually improved its position in gender gap indexes. Women’ are in a better position of enrolment in primary and secondary education and further in healthy life expectancy.

The other selected contextual data of WEF in 2014 on gender gap indexes of Bangladesh shown below:

<table>
<thead>
<tr>
<th>Selected category</th>
<th>Female (%)</th>
<th>Male (%)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult unemployment rate</td>
<td>7.4</td>
<td>4.2</td>
<td></td>
</tr>
<tr>
<td>Women employed in non-agricultural sector (out of total workforce)</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account at a formal financial institution</td>
<td>35</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>Ability of women to rise to positions of enterprise leadership</td>
<td>3.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firms with female top managers (% of firms)</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firms with female participation in ownership (% of firms)</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of tertiary-level STEM students</td>
<td>27</td>
<td>73</td>
<td></td>
</tr>
<tr>
<td>Cardiovascular disease age-standardized deaths per 100,000 (female, male)</td>
<td>152.6</td>
<td>178.7</td>
<td></td>
</tr>
<tr>
<td>Cancer age-standardized deaths per 100,000 (female, male), excl. non-melanoma skin cancer</td>
<td>79.9</td>
<td>94.9</td>
<td></td>
</tr>
<tr>
<td>Diabetes age-standardized deaths per 100,000 (female, male)</td>
<td>28.7</td>
<td>30.8</td>
<td></td>
</tr>
<tr>
<td>Respiratory diseases age-standardized deaths per 100,000 (female, male)</td>
<td>92.7</td>
<td>119.6</td>
<td></td>
</tr>
<tr>
<td>HIV age-standardized deaths per 100,000 (female, male)</td>
<td>0.2</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>Malaria age-standardized deaths per 100,000</td>
<td>0.3</td>
<td>1.9</td>
<td></td>
</tr>
<tr>
<td>(female, male)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuberculosis age-standardized deaths per 100,000</td>
<td>31.9</td>
<td>98.7</td>
<td></td>
</tr>
<tr>
<td>(female, male)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malnutrition prev., weight for age (female, male) (% of children &lt;5)</td>
<td>38.8</td>
<td>34.8</td>
<td></td>
</tr>
<tr>
<td>Singulate mean age at marriage (years) (female, male)</td>
<td>19</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Early marriage (% of women aged 15-19)</td>
<td>48</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maternal mortality ratio (per 100,000 live births)</td>
<td>170 (94-300)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total fertility rate (children per women)</td>
<td>2.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adolescent fertility rate (births per 1,000 girls aged 15-19)</td>
<td>80.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenatal care coverage, at least one visit (%)</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Births attended by skilled health personnel (%)</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contraceptive prevalence (% of married women or in-union)</td>
<td>61</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Length of maternity leave (calendar days)</td>
<td>112</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maternity leave benefits (% of wages paid in covered period)</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provider of maternity benefits</td>
<td>Employer 100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parental authority in marriage</td>
<td>1 (worst score)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parental authority after divorce</td>
<td>1 (worst score)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female genital mutilation (% of women aged 15-49)</td>
<td>0 (Best score)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existence of legislation punishing acts of violence against women in case of domestic violence</td>
<td>0.3 (in the scale of 0-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inheritance rights of daughters</td>
<td>0.5 (in the scale of 0-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s access to land ownership</td>
<td>0.5 (in the scale of 0-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s access to credit</td>
<td>0.5 (in the scale of 0-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s access to property other than land</td>
<td>0.5 (in the scale of 0-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year women received right to vote</td>
<td>1935,1972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quota type (single/lower house)</td>
<td>Reserved seats</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In respect of the above categories, it is clear that women in Bangladesh are in a better position in political empowerment of women and enrolment in primary and secondary education. The main reason of political empowerment is based on the category of female head of the state. Bangladesh is also in better position in HIV death category index. In Bangladesh, there is no paternity leave and regarding maternity leave and benefits in Bangladesh, it is 112 days with 100% wages to be paid by employer.

The WEF mistakenly stated that no Legislation permitting abortion to preserve a woman’s physical health is prevailing in Bangladesh. The report also did not consider functions of special Ministry, Divisions, Courts, and tribunals etc, set up by the Government for protecting women rights.

**VI. CONCLUSION**

Gender equality is a human aspiration towards sustainable development and modern civilization. The world is moving in a more gender-equal direction, based on proactive and multi-dimensional measures as stated above but the progress remains too slow. At the current rate, it will be 2095 before the world’s pay gap at work and equality gap in management are eliminated.

Violence against women is a violation of human rights that cannot be justified by any political, religious or cultural claims. To ensure economic empowerment of women in Bangladesh during her family life there are suggestions that woman should be given advance cheque for their dower money at the time of marriage and in case of unjustified divorce by man when the opportunity of further marriage of divorced woman is slim, some law has to be made for protection of women without contradiction of Qur’an and Sunnah. A father, during his life time, may donate his movable and immovable property to his daughter through gift or heba or appoint his daughter as nominee in his banking and other monetary transactions to protect rights of his daughter.

Thus, the personal laws of Bangladesh as existing laws continue to have effect and it is doubtful whether the constitution can override the personal laws. However, constitution and other statutory laws have already modified personal laws in a wide scale. Again, the constitutional clause of sexual equality (under article 28 (2)) only applies to the public sphere and is not applicable to the private sphere. The religious and official family laws of Bangladesh clearly aim for gender equity rather than absolute sexual equality. Islamic Law justifies gender differentiations on the ground of creation and nature, giving

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49 Professor Dr. Taslima Monsoor, *Management of Gender relations : Violence against women and criminal Justice System in Bangladesh*, op cit, p-1.


special rights and duties both to man and women. Thus traditional models define the complimentary roles of the sexes, i.e. that women should be protected in return for their obedience. But in social reality the situation is often not reciprocal when women, in return for their submission, are economically deprived and physically abused.

Bangladeshi women are not demanding the same as some western women, i.e. sexual equality, freedom and liberation as an individual rather prefer gender equity although influenced by feminist thinking and it seems that absolute equality of rights is not witnessed in practice e.g. in Britain.

The state may take more pro-active role by enactment of laws, implementation of laws, ensuring participation of women in various activities of the government, allocation and utilization of budget for enhancing women entrepreneurship and further improving education, health, rehabilitation, employment facilities, equal wages, political empowerment, recognition of her contribution in family and also to prevent all sorts of violence against women either at her work place or at home or other places. Only state may reduce gap between male and female and ensure gender equality through its legal systems. The Government initiated gender equity Budget in 2010-2011. Considering the Human Development Index (HDI), Gender Development Index (GDI) and Gender Empowerment Measure (GEM) of UNDP in 2009, the Government should take the initiative with an object to eliminate poverty, gender based discrimination etc. It is stated that women face deeper and more complex obstacles in overcoming various aspects of poverty; have very little access to economic resources (like land and credit); and human recourses (like health, education, training and information). SME, Micro-credit, soft loan, tax rebate, tax exemption etc, may be targeted to ensure women empowerment. A woman always remains under the guardianship of a male according to our social practice to safeguard her from violence and crimes committed by other male.

A woman or any person who is a victim of an act of torture or if the victim die in consequence of torture, she or her dependents will be entitled to get compensation and full rehabilitation from a state.

Any sexual relationship outside marriage is an offence in Bangladesh. There is no law supporting adultery or prostitution or maintaining brothel rather it is an offence. However, a woman is not liable for adultery rather the person enticing her is liable. Although ‘prostitution’ is discouraged in the constitution and other laws, ‘sex workers’ are getting licences by police and eviction of ‘prostitution’ was declared illegal by the Supreme Court. The prevalence of ‘sex worker’ is demeaning status of women in the eye of society.

There are some Courts or Tribunals set up primarily for protecting woman rights in Bangladesh such as ‘Family Court’, ‘Nari-o-shishu-nirjatan-damon Tribunal’, ‘Acid oporadh-damon Tribunal’, Special

52 ibid, p-11.
53 ibid p-11.
54 ibid, p-12.
56 The United Nations Convention Against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment (CAT), 1998, Article-14.
57 The Penal Code, (Act No. XLV of 1860) 1860, Section-497.
58 The Suppression of Immoral Act, 1933 (Act No. VI of 1933), Section-4.
Tribunal on Pornography’ or ‘Court of Magistrate’ for Dowry prevention and ‘Mobile Court’ for prevention of ‘eve-teasing’ or stalking, ‘child-marriage’ etc,. There are widespread allegations against the functions and procedures of these courts or tribunals that most cases lodged are false, concocted and fabricated that creates gender enmity.

The quota system for ensuring gender equality may continue at a certain time as interim measures but women should be given freedom in their speech, choice, profession, movement, expression etc, without compromising social, cultural and religious values for a greater human development to obtain peace, tranquility and happiness.

In Bangladesh it is necessary to raise awareness and educate on gender equality at all levels of society from grassroots initiatives to governmental policies and action. It is also imperative to invest in research gain more in-depth insights to better understand the different forms of gender discrimination that lead to inequalities throughout females' lifecycle for evidence based policy and more effective action. There is need to assess the effectiveness of current education stipends and put in place more targeted schemes that take into consideration the household, socioeconomic and geographical factors. A key aspect is empowerment of adolescents through education on rights, reproductive health and elimination of violence against females. Fundamental changes will not happen if the social status of girls and women in Bangladeshi society is not radically improved. Hence, more specific strategies are needed to eliminate child marriage by ensuring full enforcement of the laws relating to early marriage and dowry, and devising social support schemes to help prevent child marriage, dowry and other forms of abuse and exploitation of young and adolescent girls. All these necessary actions require the collaboration and partnership of government with civil society organizations, the private sector, the media, development partners and all other key stakeholders to promote gender equality goals. Key roles and responsibilities must be clearly laid out.60

Gender equality is the core principle of development projected by various developed partners and international donors for Bangladesh. Bringing women into the mainstream economic activities and ensuring equal opportunity is one of the major targets of Millennium Development Goals (MDGs) as pursued by the government of Bangladesh. Although, there has been steady progress in reducing gender inequality in different sectors (education, health, employment etc.), Gender inequality has appeared as the major stumbling barrier in achieving the development targets.61 Significant disparities in employment and wage rates persist which, combined with considerable gaps in asset ownership, seriously limit women’s economic opportunities.62

Bangladesh lacks far behind developed countries in choice of marriage by the female who are in many cases forced by their guardians. The rights and responsibilities of husband and wife during marriage and after dissolution of marriage are also different in Bangladesh as some articles of CEDAW are not ratified by Bangladesh. Moreover, Violence against women and girls committed by male in more than 90% cases are increasing year on year in Bangladesh that is a great concern for ensuring gender equality.

62 Dr. Martin Raschen, edt, Fabia Shah, Bangladesh gender profile, op cit, p 2.
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6. Jannatul Ferdous and K M Mustafizur Rahman, Gender inequality in Bangladesh, Unnayan Onneshan (The Innovators), Dhaka, oct, 2011, p-6,
9. Professor Dr. Taslima Monsoor, Management of Gender relations : Violence against women and criminal Justice System in Bangladesh, op cit, p-1.

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10. 54 DLR (2002) p-1
11. 43 DLR (1991) p-593
12. 46 DLR (AD) p-19 at para 22
13. 46 DLR p- 46 at para 17
14. 51 DLR (AD) p-121 at para 58
15. 52 DLR (2000) p-209 at para 25
16. AIR 1992 SC p-1630 at para 100

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17. Guardianship and Wards Act, 1890.
18. Local Government Act, 1997 (Act No. 20 of 1997)
22. The Local Government (City Corporation) Act, 2009 (Act No. 60 of 2009)
25. The Parents Maintenance Act (Act No. 49 of 2013), Sections-3 and 4.
27. The Suppression of Immoral Act, 1933 (Act No. VI of 1933), Section-4.
28. The Upazilla Council (Amendment) Act 2011.

International Laws

30. The Convention on the Elimination of All Forms of Discrimination Against women (CEDAW) of 18th December 1979
31. The United Nations Convention Against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment (CAT), 1998, Article-14.

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33. www.unnayan.org
34. www.mof.gov.bd.