

Bangladesh, CEDAW, A/59/38 part II (2004)

219. The Committee considered the fifth periodic report of the People's Republic of Bangladesh (CEDAW/C/BGD/5) at its 653rd and 654th meetings, on 9 July 2004 (see CEDAW/C/SR.653 and 654).

Introduction by the State party

220. In introducing the fifth periodic report, the representative emphasized her Government's strong commitment to the advancement of women. Bangladesh had ratified the Optional Protocol in 2000 and had just accepted the proposed amendment to article 20 (1) of the Convention. The Ministry of Law, Justice and Parliamentary Affairs had opined in favour of withdrawal of the reservations to articles 2 and 16 (1) (c) of the Convention. Serious steps had also been undertaken towards amending the Citizenship Act. The annual budget of the Ministry of Women and Children Affairs had significantly increased in recent years.

221. The Government had made substantial investments in both primary and secondary education of girls, including scholarships, stipends and the provision of free and compulsory primary education for girls up to the twelfth grade. Those measures had led to gender parity and a dramatic increase in the enrolment of girls in primary schools. The delegation quoted a World Bank report of May 2004: "Bangladesh has achieved gender parity in enrolment at the primary and lower secondary levels".

222. The implementation of the Health and Population Sector Programme, 2003-2006 was expected to effectively address the health needs of the rural poor and, in particular, those of women and children. The Essential Service Care programme extended maternal health services to women in rural areas through the establishment of community and mobile clinics. Between 1986 and 2001, the maternal mortality rate had decreased from 6.48 deaths per 1,000 live births to 3.8 deaths per 1,000 live births. As a result of reproductive health education and an increased use of contraception, population growth and total fertility rates had significantly decreased over the past two decades. While the prevalence of HIV/AIDS in Bangladesh remained low, the Government was taking urgent measures to prevent a possible HIV/AIDS epidemic, including the formation of a national committee for the prevention of HIV/AIDS, and awareness-raising efforts.

223. The representative noted that the Government had undertaken joint collaborative endeavours with non-governmental organizations to encourage women's integration into the economic mainstream. According to the same World Bank report, the number of women microcredit borrowers had reached 12 million with loans of US\$ 1.2 billion, and a loan repayment rate of over 90 per cent. Support services such as day-care facilities and working women's hostels had also been created. Women's employment participation was being promoted, and women were encouraged to pursue careers in non-traditional professions such as the armed forces and law-enforcing agencies. International development partners had supported the advancement of women in Bangladesh.

224. In reference to women's political empowerment, the representative highlighted the fact that the positions of Prime Minister and Leader of the Opposition had been held by women for the past 14 years. The number of reserved seats in the National Parliament had been increased from 30 to 45 through a constitutional amendment. At the local level elections held in 2003, 12,699 women had been elected in the reserved seats and 100 women in the general seats. The Ministry of Women and Children Affairs had implemented projects to sensitize professional groups and training institutions to eliminate gender disparity.

225. The representative drew attention to the Suppression of Violence against Women and Children Act, 2000 (amended in 2003) and the Acid Control Act, 2002. Penal laws and the Speedy Trial Tribunal Act, 2002 aimed at expediting the trials of those accused of committing violence against women. One Stop Crisis Centres provided immediate legal, medical and other required assistance to women victims of violence. A national Road March programme was launched by the Prime Minister to raise awareness about all forms of violence against women, including trafficking in women and girls.

226. The representative acknowledged that trafficking in women and girls was a serious and continuing problem. The Government had signed the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002 and ratified it recently. The "Counter Trafficking Framework Report: Bangladesh Perspective" provided guidelines for the adoption and implementation of a multidimensional and multiministerial approach to effectively address trafficking. The Ministry of Women and Children Affairs was responsible for the implementation of a project funded by the International Labour Organization to combat child trafficking for labour and sexual exploitation.

227. In conclusion, another representative illustrated the Government's efforts at the international level in support of gender equality, including joint/main sponsorship of a resolution on gender mainstreaming in the Commission on the Status of Women, a lead role in the adoption of Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, and adherence to almost all international instruments concerning the rights of women. The representative said that more than in most societies of comparable milieu, and despite its many and varied constraints, Bangladesh was forging ahead with the correct mindset, and progress on all socio-economic fronts, including women's empowerment, was palpable.

Concluding comments of the Committee

Introduction

228. The Committee congratulates the State party for its fifth periodic report, while noting that it does not comply with the Committee's guidelines for the preparation of periodic reports. The Committee expresses appreciation for the written replies to the list of issues and questions posed by the Committee's pre-session working group and

for the oral presentation, which provided additional information on the situation of women in Bangladesh.

229. The Committee commends the State party for its high-level delegation, headed by the Minister for Women and Children Affairs, which included representatives of different governmental agencies and non-governmental organizations.

230. The Committee notes that reservations have been made by the State party to article 2 and article 16 (1) (c) of the Convention.

Positive aspects

231. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention, while regretting that the State party has opted out of the inquiry procedure contained in articles 8 and 9 of the Optional Protocol to the Convention. It also notes with appreciation that the Government has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

232. The Committee welcomes progress achieved in the integration of women in the economy of the country, particularly through the introduction of innovative microcredit schemes for women.

233. The Committee commends the State party for the achievement of gender parity in school enrolment at the primary and secondary levels, and has succeeded in decreasing girls' dropout rates. The Committee also appreciates the successful efforts to increase girls' and women's literacy rates.

234. The Committee welcomes the fact that women have held the highest political offices of the country, and the measures to increase women's participation in the political life of the country, including the increase in the number of women in the National Parliament and in local governments.

Principal areas of concern and recommendations

235. While noting the State party's reference that the withdrawal of reservations is currently before the Cabinet for adoption, the Committee is concerned that reservations to article 2 and article 16 (1) (c) of the Convention which in the opinion of the Committee go against the object and purpose of the Convention, continue to be retained.

236. The Committee urges the State party to expedite the decision on the withdrawal of the remaining reservations to the Convention within a concrete time frame.

237. The Committee expresses concern that, while the Constitution guarantees equal rights to men and women, the definition of discrimination in the State party's legislation is not in line with the Convention.

238. The Committee requests that the definition of discrimination against women be brought into conformity with article 1 of the Convention, and in particular that the State party's responsibility

to eliminate all forms of discrimination against women be extended to discrimination perpetrated by private actors.

239. The Committee is concerned that the Convention has not yet been incorporated into domestic law and its provisions cannot be invoked before the courts.

240. The Committee calls upon the State party to incorporate without delay the provisions of the Convention into its domestic law and requests the State party to ensure that the provisions of the Convention be fully reflected in the Constitution and all legislation.

241. The Committee expresses concern that, despite the adoption of the Prevention of Women and Children Repression Act, 2000, the Acid Control Act, 2002, and the Acid Crime Control Act, 2002, violence against women, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace, continues to exist. The Committee is also concerned that women who are threatened by or subjected to such violence are placed in “safe custody” in shelter homes without their consent.

242. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to ensure the effective implementation of the existing legislation to combat all forms of violence against women and to adopt specific legislation on domestic violence within a clear time frame, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress, and perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health services providers. It further encourages the State party to take effective measures to protect women against fatwa-instigated violence. It calls on the State party to establish shelters where women who are threatened by or subjected to violence can be accommodated on a voluntary basis. The Committee also calls on the State party to take measures towards changing social, cultural and traditional attitudes that remain permissive of violence against women.

243. While welcoming the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, the Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country. It is also concerned that, despite the fact that many persons have been accused or are on trial for trafficking-related crimes, only a few have been convicted.

244. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls that should include the prosecution and punishment of offenders.

The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the stepping up of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, the introduction of education and employment initiatives for vulnerable groups, including teenage girls, and provide support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women have the support they need to enable them to provide testimony against traffickers. It urges the training of border police and law enforcement officials in order to provide them with the requisite skills to recognize and provide support for victims of trafficking. The Committee further urges the State party to include in its next report comprehensive information and data on the issue and on the impact of measures taken.

245. The Committee expresses concern that traditional and cultural discriminatory practices, including polygamy, and strong stereotypical attitudes persist with respect to the roles and responsibilities of women in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

246. The Committee urges the State party to undertake measures to design and implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles and responsibilities of women and men in the family and society and take measures to eliminate polygamy. It also calls upon the State party to periodically review the measures taken and assess their impact in order to identify shortcomings and make necessary changes to improve them.

247. The Committee is concerned about the unequal status of Bangladeshi women within the family, particularly in matters related to marriage, divorce, custody, alimony and property inheritance. The Committee expresses concern that personal laws, derived from religious precepts which are discriminatory to women, continue to prevail in the country and that no uniform Family Code is in place.

248. The Committee urges the State party to adopt without delay a uniform Family Code that fully complies with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations, as a way to protect the rights of all Bangladeshi women in matters related to marriage, divorce, custody, alimony and property inheritance. It recommends that the State party step up its efforts to provide awareness-raising and training, including on the importance of a uniform Family Code and the State party's obligations under the Convention, to community leaders.

249. Although acknowledging that the State party has initiated the amendment of the 1951 Citizenship Act, the Committee is concerned that women are still unable to transmit their nationality to their foreign husbands and children.

250. The Committee urges the State party to ensure that a new citizenship law, which is in line with article 9 of the Convention, is adopted without delay, in order to eliminate all provisions that discriminate against women in the area of nationality.

251. While welcoming the lifting of the ban on overseas employment of women domestic workers which had been imposed in 1998, the Committee is concerned about the vulnerability of Bangladeshi women migrant workers whose rights are not adequately protected by the State party.

252. The Committee recommends the adoption of a comprehensive gender-sensitive migration policy and the conclusion of bilateral and multilateral agreements with destination countries, in order to ensure the promotion and protection of the human rights of Bangladeshi women migrant workers. The Committee also urges the State party to strengthen its information activities so as to ensure that potential women migrants are fully aware of their rights, as well as of the potential risks of such employment.

253. The Committee expresses concern about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, and about the lack of childcare facilities for working mothers. It is also concerned that women working in the private sector and industry do not enjoy the same maternity leave benefits of women working in the public sector.

254. The Committee recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave, and expand the number of crèches available for working mothers.

255. While welcoming the measures taken to increase the number of women in the National Parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary, the civil service and the foreign service. The Committee is further concerned that a lack of a women-friendly environment in these sectors may contribute to women's low representation.

256. The Committee recommends that the State party adopt proactive policies for women's increased participation at all levels and, when necessary, adopt temporary special measures and establish effective policies and a timetable to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce legislation providing for the direct election of women to the National Parliament rather than through selection by members of the Parliament. The Committee furthermore calls on the State party to sensitize government officials on the issue of gender discrimination in order to promote a women-friendly environment that would encourage the participation of women in the public life of the country.

257. The Committee expresses concern that although in Bangladesh the minimum age of marriage for girls is 18 years, child marriage continues to be practised widely.

258. The Committee urges the State party to enact into law the proposed Child Marriage Restraint Act, 2002 and ensure its enforcement, in order to eliminate child marriage.

259. The Committee is concerned about the impact of the arsenic poisoning of water, which is disproportionately affecting rural women of reproductive age.

260. The Committee urges the State party to put in place measures for ensuring that safe drinking water is available to all, and particularly to affected rural women and their families. The Committee calls on the State party to prepare without delay a plan of action containing preventative and remedial measures, and prioritizing technologies favoured by rural women, their families and local communities that are risk-free, cost-effective and provide alternatives to underground water withdrawal. The Committee recommends that the State party launch an awareness campaign and proactive health, nutrition and social programmes for affected rural women, their families and local communities. The Committee also calls on the State party to encourage all other actors, who directly or indirectly caused the arsenic crisis, to share in the financial burden of compensating the victims.

261. The Committee observes a lack of gender-disaggregated data in the report.

262. The Committee recommends the development of comprehensive data compilation methodology and urges the State party to include relevant sex-disaggregated statistics so as to be able to assess the trends and the impact of programmes on the country's female population, and to include such data and related analysis in its next periodic report.

263. The Committee encourages the State party to withdraw its declaration made in accordance with article 10, paragraph 1, of the Optional Protocol.

264. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its combined sixth and seventh periodic report under article 18 of the Convention.

265. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents

relating to relevant articles of the Convention in its next periodic report.

266. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Bangladesh to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

267. The Committee requests the wide dissemination in Bangladesh of the present concluding comments in order to make the people of Bangladesh, and particularly government officials, politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".