

Eighth CEDAW Shadow Report to the UN CEDAW Committee



Submitted by
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Dhaka, Bangladesh

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Observation of CIC–BD on the 8th Report of the Government of Bangladesh on the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)

Citizens' Initiatives on CEDAW, Bangladesh (CIC-BD) is a platform of 56 non-government women and human rights organizations working for the full ratification and implementation of CEDAW Convention in Bangladesh since 2007. CIC-BD appreciates the Government of Bangladesh for preparing a very detailed and informative report (8th periodic report 2015) on the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW). The report addresses all the Concluding Observation provided by the UNCEDAW Committee in 2011. The CIC–BD provides its observation in the following paragraphs.

1. Reservation

CIC-BD appreciated the Government for requesting the Law Commission to give its views on withdrawal of the reservation. However, despite the positive recommendation of the Law Commission the Government has not taken any active step to implement the recommendation. The Government, playing safe with the religious groups, mentioned in the National Women Development Policy 2011 that anything contrary to the Holy Quran and Sunnah shall be void though the country is not governed by Shariah or Quranic laws and that about 10% of the population is non-Muslim. This is already a step backward. The report has not clearly mentioned the Government's position on withdrawal of the reservation but brought in potential fundamentalist movement as reason. The CIC-BD observes that the Government is using the pressure of the fundamentalist groups against withdrawal of the reservation as a new reason, which is not acceptable. The reservations clearly undermine the principles of equality as per CEDAW, Constitution of Bangladesh and the State's obligations for promoting and upholding of women's rights. The CIC-BD wants a clear indication of the Government's intention and action on the withdrawal of the reservation of the two Articles 2 and 16 (1)(c).

2. Discriminatory laws

The report has mentioned the policy and measures taken by the Government in order to promote equality but does not clarify the Government's stand on bringing the discriminatory personal laws in conformity with CEDAW provisions. The reservation on Article 2 clearly undermines the spirit of promoting equal legal provisions. The personal laws are governed by religious provisions and the Government apprehends adverse mobilization by the religious fundamentalist groups. The formulation of a Uniform Family Code (UFC) with equal rights on marriage, divorce, maintenance and guardianship, adoption, inheritance has not been taken any far. The report does not give any time frame or intention of the Government to approve the UFC or review and modification of the discriminatory personal laws. The position of the Government in modifying the discriminatory laws is not clear and the Government considers that agreement from religious leaders is essential. CIC-BD observed that change of any discriminatory laws never took place in agreement with religious leaders rather many laws have been reformed with the support from women and human rights movements. CIC-BD is concerned whether the Government wants to keep the religious groups in confidence for promoting equality of women,

which is realistically impossible. CIC-BD thinks that the Government should proceed to uphold women's rights irrespective of race, religion, cast etc. by reviewing and modifying discriminatory personal laws.

3. Stereotypes and harmful practices

Stereo-types and harmful practices continue and informal justice system exists. The High Court has issued some noteworthy rulings in favor of protection of women. The rulings on Fatwa have been mentioned but the report does not shed light on any punitive measures taken for those who issue punishment and promulgate Fatwa. The report mentions of systems that reinforces the traditional norms and some steps taken, which in no way is enough to address the stereotype and harmful practices such as child marriage. At times rather the law enforcers also help perpetuate stereotypes. The report mentions that the society is not ready for changes but the reality is different. Women are the main contributor in all spheres of national development which is evident from their increased mobility and visibility. The Government should recognize the contribution of women and take necessary measures to eliminate the harmful practices in the society, institutions and the family. The CIC-BD considers that the report should have more clear indication on the Government's actions related to elimination of stereotypes and harmful practices including the current status and contention of the 2014 draft of Child Marriage Restraint Act.

The government provided different incentives to increase primary and secondary enrollment of female students so that they do not dropout for marriage. Also, a lot of public awareness engaging religious and local leaders on stop dowry and child marriage had been carried out. The Child Marriage Restraint Act (1929) has been drafted and passed through the cabinet. The draft proposed to increase in the penalty of the perpetrators and also extended the category of perpetrators. However, the civil society is apprehensive about cabinet's suggestion to keep a special clause/sub-section with the option of marriage age to be 16 years for girls under circumstances - if it is their parents' wish, for example, or if a girl elopes with a man and refuses to return or becomes pregnant before marriage.

4. Violence Against Women

The report sufficiently discusses the issue and extent of violence against women with statistics. The first ever survey by Bangladesh Bureau of Statistics (BBS) is a note worthy step of the Government. CIC-BD is concerned that despite enactment of new laws, the incidents and types of violence is increasing and enforcement of laws is weak. Simplification of the complicated, costly and lengthy legal process to reduce barriers for women in accessing justice has not taken place. A gender-responsive ADR system can be effective in reducing the barriers to accessing justice for VAW. Marital rape is a crime in almost all countries in the region. However, Bangladesh has no legal provision to address the issue. Marital rape is not included in the definition of domestic violence either and the 8th periodic report has not mentioned of any step by the Government to address it. Implementation of the Domestic Violence Prevention and Protection Act, 2010 is virtually absent and awareness of this Act only exists in areas where there are NGO programmes. A commonly accepted definition of VAW is not applied in all the laws to protect women against violence. No specific indicator to monitor/measure the prevalence of VAW is included in the Result and Resource Framework (RRF) of the 7th Five Year Plan

despite a persistent advocacy. Updating of the Women and Children Repression Prevention Act 2000 (Amended in 2003) and the relevant section of Criminal Procedure Codes, 1898 is yet to take place.

In the recent months, increased number of incidents of rape and violence against women and children in public places has been reported in the media. The High Court's directives on enactment of laws against sexual harassment in public places and educational institutions has not been acted upon. CIC-BD observed that the High Court verdict on enactment of a law on prevention of sexual harassment in public places has not been addressed by the Government. CIC-BD also observes that to prohibit extra judicial punishment in the name of fatwa, new laws should be enacted. Discriminatory provisions affecting access to justice e.g. character evidence, two finger test etc. must be repealed or amended from the existing laws. The National Action Plan to prevent violence against women and girls (2013-2025) was developed from the response perspective using welfare approaches with less attention to prevention. Therefore, the plan needs to put more emphasis on the prevention side of VAW and substantial resource allocation is crucial to implement the Plan.

5. Trafficking and sexual exploitation

An absence of Rules of Procedures for the implementation of the Prevention and Suppression of Human Trafficking Act, 2012 (PSHT Act) and a specific tribunal hampers justice process. The implementation of the PSHT Act 2012 is slow due to not setting up of a separate tribunal, which is taking too long. Therefore, the disposal of cases is very slow and the acquittal of the perpetrators calls for more critically looking into the reasons. The comment of the Ministry of Law, Justice and Parliamentary Affairs to divide the draft Rules (prepared in collaboration with the civil society) in three separate rules was given more than a year ago. The approval of the rules is taking too long and there is no mention of the current status. Bilateral agreement within the SAARC region to expand the area of the SAARC Convention has not been reached.

There is lack of resources to provide thorough investigations, bring witness from their native place to testify, and again provide secure shelter for victims and their dependents in order to successfully prosecute and ensure victim and witness protection. Despite the Government's commitment for the special care of trafficking victims, the conditions and prevailing situation is still a matter of concern. Ensuring voluntary repatriation of trafficking victims is a mandate according to the Standard Operating Procedures for the Rescue Repatriation Rehabilitation Integration (RRRI) taskforce but the same remains largely unenforced. The prevention interventions against trafficking is inadequate in Bangladesh by GO and CSO. The implementation of National Plan of Action for Combating Human Trafficking was found very limited scale with huge coordination gaps between GO and NGO to meet anti-trafficking international standards and practices.

6. Participation in political and public life

The provision of reserved seats in the Parliament and local government institutions (LGI) has increased the number of women in Parliament and LGIs. The number of women in regular seats has not increased as expected. The report does not shed any light on the possibility of modification of the Constitutional provisions on the election process in the reserved seats for

women. Though the ruling party manifesto commits to ensure direct election of women to 1/3 reserved seats (100) in Parliament and the Perspective Plan declares that women will be elected directly but the report is silent on any action taken in this regard. The Representation of People's Order (RPO) also includes provision of increasing women nominees and leadership in political parties to 33%. However, there have not been any steps taken on this by the Election Commission, Government and the political parties. The CIC-BD wants the Government taking measures to implement the RPO and the commitments by ensuring constitutional amendment for 100 reserved seats through direct election for women.

On the other hand, number of women candidates in the recent local government elections is frustrating due to political unrest, electoral violence, absence or weak participation of opposition parties, unwillingness of political parties to nominate female candidates etc. Since 2015, a provision has been introduced allowing candidates to run for local govt. elections with their political party identities. This negatively affects women's scope to participate in the elections, because most of the local govt. women representatives are social activists without any political party affiliation. CIC-BD wants that the GOB should take effective and immediate measures so that the representation of women in local government is enhanced in the coming elections. Roles, responsibilities and authority of the elected women representatives' of the local government should be made more explicit and familiar to them.

CIC-BD wants that the government should take initiatives to fulfill the quota of appointment and increase participation of women in all levels of the administrative structure, as diplomats and ambassadors in the foreign missions, Election Commission, Anti-corruption Commission, Planning Commission, Land Distribution Committee and so on. CIC-BD also demands that the women should be elected one-third or 33% of all the constitutional bodies.

7. Nationality

The revised Citizenship Act makes no reference to a woman's right to transmit her citizenship to her spouse. The discriminatory provision in Citizenship of a foreign spouse needs to be modified. The report mentions that the Government is considering this but the civil society is not clear about the position of the government.

8. Education

- The efforts of the Government in promoting girls' education are noteworthy. However still some children remain out of school system particularly from remote areas, tribes and geographically vulnerable locations. Similarly access to education of the children with different types of disabilities is limited. A clear strategy is missing to cover all such children. Achieving the target of 100% adult literacy is a remote possibility.
- The report mentions of the High Court Ruling on enactment of laws for prevention and protection from sexual harassments in the educational institutions including setting up complaint mechanisms and committees thereof. The report did not mention about the status of enactment of the law. Monitoring of the functioning of the sexual harassment prevention procedures in the education institutions has not started or ineffective.
- Revision of curricula and all text books of primary and secondary level education to identify and eliminate stereotypes is slow and there is no definite time frame given to complete the task.

- There is no initiative or timeline set by the government to revise madrasa education curriculum and mainstream them into general education system.

9. Employment

The report provides detailed information on the employment status and identifies the constraints and issues related to women's low wage as well as their work as unpaid family labour and in informal sector. The report mentions of the provisions of Labour Law but does not give information on how the enforcement of this law is monitored and there is no mechanism to ensure that the private sector implements them. Despite legal provisions, poor working condition exists and the law has not yet been enacted to address violence at the workplace. Safety and security is one of the compliance issues for the garment factories. This safety and security is from the fire or other structural accident and it does not include safety from sexual harassment of women workers. There were no clear steps to reduce women's unpaid family labour particularly while men are migrating for non-farm work or as migrant labourers. As the education curriculum is not market or job-oriented, their suitability for employment is low. Women's employment in public service is still very low below 11.0% despite quota provisions at different levels. Particularly the proportion of women in lower levels is not even near the minimum quota provisions of 15% though these positions often do not require special or higher education. This shows clear lack of monitoring of implementation of quota provisions.

10. Health

The report has elaborated with data that the health sector outcomes are positive. However, it also admits the limitations and the concerns over inadequate nutrition, child pregnancy, and prevailing lack of use of maternal and antenatal care, skilled birth attendant, and institutional deliveries. Steps to establish reproductive health rights, healthcare for persons with disabilities, mental health care, geriatric healthcare and reduce inequalities in access and utilization of tertiary health care and the gap in reproductive health services are inadequate. Particularly the use of existing service facilities hindered by mal-practices should be taken care of.

Progresses on imparting sex education to adolescent in our country curriculum are absent. Government hesitates to recognize the role of sexuality beyond its function in reproduction. There is a need for realization on that; adolescent and young people need to be well equipped with information, education and service about the sexuality and the access to sexual and reproductive health service is an important aspect to ensure that they live healthy and productive lives.

11. Economic empowerment of women

The report highlights the actions taken on entrepreneurship development, creation of self-employment facilities and access to finance, women's lower access to resources. However, the report does not mention of remedial measures on unequal inheritance and ownership of land as key factors for women's economic empowerment. CIC-BD observes that women being a main contributor in the economy and earners of the family, often their contribution remain unrecognized and they don't have control over the wealth they create. CIC-BD considers that the Government should have a strong legal measure to ensure their access and control over their own earning and wealth. Government should also take measure to bring change to the existing laws to eliminate discriminations regarding inheritance and property rights.

12. Rural women

The report elaborates the different programs including the safety net programs undertaken to support rural women and children and the expansion of coverage over time. However, the efforts are limited and do not often reach the most disadvantaged in the remote areas. The distribution of safety net support is not always transparent and beyond question. The report does not mention anything about such issues addressing them. The Government declares that spending on Social Protection as a share of GDP will be increased to 2.2%. An assessment of the existing budget shows that 30% of the total social protection fund is allocated for the pension of Government servants, who actually form a very small proportion of the total population.

13. Disadvantaged groups of women

The report mentions of steps taken to support different disadvantaged groups of women, and also admits the limitation of resources. The social stigma attached to disability, HIV/AIDS and transgender has been admitted. Despite ratification of related Conventions, the sensitivity and responsiveness towards protecting the rights of these people is lacking. Indication of taking sufficient steps in addressing the needs of different disadvantaged groups of people is missing. Persons with Disabilities Rights and Protection Act 2013 did not separately address issues faced by women with disabilities. There is no disaggregated data on the number and the condition of women with disabilities or on violence against them. Government should take steps regarding these.

14. Marriage and family relation

Government report briefly mentions problems associated with delays in trials in Family Courts and need for more Family Courts to be established especially in CHT areas. However, as mentioned earlier, the report is unduly silent about Uniform Family Code (UFC). It acknowledged that the UFC is a demand from the civil society groups but terms it as something 'difficult'. No timeline is proposed for this to happen or any tacit intention to carry it forward. The draft of Child Marriage Restraint Act 2014 is yet to be approved. By now there has been a debate on the Government's position regarding change of minimum age at marriage of girls from 18 to 16 under special circumstances. The women's movement is vocal against the position of the Government and the change is unacceptable as it legalizes child marriage. CIC-BD wants the law to be modified and enacted without any such condition.

15. Migrant Women

While the GOB report highlights the initiatives taken in partnership with other international organizations, it remains silent on some of the direct comments of the committee especially on availability of information and data on migrant women. The data on women going abroad as laborer is maintained but not maintained for the entire migration cycle. Women's contribution to the national remittance pie is not assessed. Promotion and protection of rights of migrant workers following the implementation of General Recommendation (GR) 26 still remains superficial. Quality of pre-departure training, exploration of new job market with new skills, high migration cost and no support for return and reintegration all remain the heavy challenges for safe migration of women workers. Even the government to government (G2G) initiatives that were introduced failed to reduce violence against women workers.

16. Millennium Development Goals

The report incorporates successes regarding the implementation of the MDGs and also admits that some of the goals will not be achieved. The problem of availability of sex-disaggregated data and limitation of assessment of progress has been mentioned but the report is silent on steps taken to gather and use sex-disaggregated data for all reporting.

17. Dissemination

While the report mentions of sharing events happening within the government and outside of it, the civil society expresses dissatisfaction at the very limited scale of sharing sessions held. Particularly sharing of the concluding observations within the government ministries and agencies did not take place. CIC-BD observed that the Government does not have any inclusive strategy for implementation of CEDAW Committee's recommendations involving the relevant ministries and stakeholders. Therefore, the responsibilities of each ministries and agencies towards the implementation of CEDAW remain unclear to them. The CIC-BD strongly feels that there should be round the year and regular disseminations for sharing the challenges as well as collection of information on the steps taken and progress made through establishing a strong working team engaging with government ministries and civil society, led by Ministry of Women and Children Affairs (MOWCA).

Conclusion

CIC-BD is of the view that to achieve the policy and position of the Government of Bangladesh on equal participation and rights of women there is no other alternative to implementation of the provisions of CEDAW withdrawing all reservations. The Government has identified the challenges in each area, which shows the positive intention of the Government, but it is essential to identify and take necessary actions considering women's potentials to face the challenges. CIC-BD has a few points of concerns, as has been raised here and these have also been shared with the Government.

Points of Concern

1. The Government is taking a back step on withdrawal of reservation and in fulfilling its commitments and using the pressure of the fundamentalist groups against withdrawal of the reservation as a new reason. This is not acceptable. The CIC-BD wants a clear indication of the Government's intention and action on the withdrawal of the reservation of the two CEDAW articles: 2 and 16.1(c).
2. The Government's position on modifying the discriminatory laws in confidence with the religious leaders has no rationale. Change of any discriminatory laws never took place in agreement with religious leaders rather many laws have been modified with the support from women and human rights movements. Therefore, the Government should proceed to amend the existing discriminatory laws.
3. The Government should recognize the women's increasing contribution in all spheres of national development, and take joint initiatives of GO-CBOs and media to eliminate existing harmful practices and negative and stereotyped attitude and behavior towards women in the society, institutions and the family.
4. The High Court verdict on enactment of Laws against sexual harassment in public place has not been addressed by the Government and a culture of impunity has been spread in terms of enforcement of existing laws. Relevant ministry should play an active role to implement national action plans to eliminate violence against women, trafficking and sexual exploitation.
5. Election Commission, Government and the political parties should take immediate measures to implement the provisions of RPO e.g. 33% representation of women in all tiers of the political parties and the commitments for 100 reserved seats for women through direct election.
6. Considering that women are main contributors in the economy and earners of the family, the Government should establish strong legal measures to ensure women's control over their own earnings and wealth, as well as their right to inheritance.
7. The Child Marriage Restraint Act, 2014 should be approved and enacted without any change of minimum age at marriage of girls under any special circumstances from 18.
8. There should be round the year and regular disseminations for sharing the challenges as well as collection of information on the steps taken and progress made through establishing a strong working team engaging the government ministries and civil society, led by MOWCA.
9. The Government should take measures to raise awareness and develop capacity for government officials of all level to implement the recommendation of the UNCEDAW committee and the commitments of the Government of Bangladesh.
10. The Government should take necessary steps to develop and implement special plans to improve status of women with disability, elderly, indigenous, rural, minority and disadvantaged groups. In addition, GOB should take measures to ensure rights of women with disability under the Persons with Disabilities Rights and Protection Act 2013.
11. Women and Children Repression Prevention Act 2000 (Amended in 2003) should address women with disabilities for getting proper justice and Rules of Business of Ministry of Women and Children should be reformed to include the development and empowerment issues of women with disabilities.
12. The Government has to ensure rights and safety of migrant women workers.

Citizens' Initiatives on CEDAW, Bangladesh (CIC-BD)

• List of Member organizations

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| <ul style="list-style-type: none">• Action Aid Bangladesh• Action on Disability and Development (ADD)• Ain O Salish Kendra (ASK)• Acid Survivors Foundation (ASF)• Awaj Foundation• Bangladesh Environmental Lawyers Association (BELA)• Bangladesh Federation of University Women (BFUW)• Bangladesh Institute of Labour Studies (BILS)• Bangladesh Legal Aid & Services Trust (BLAST)• Bangladesh Mahila Parishad (BMP)• Bangladesh Nari Progati Sangha (BNPS)• Bangladesh Nari Sangbadik Kendra (BNSK)• Bangladesh National Women Lawyers Association (BNWLA)• Bangladeshi Ovibashi Mohila Sramik Association (BOMSA)• Bangladesh Prodibandi Kallyan Somity (BPKS)• BRAC• Bangladesh Society for the Change and Advocacy Nexus (B-SCAN)• Bangladesh Women's Health Coalition (BWHC)• Bangladesh Resource Centre for Indigenous Knowledge (BARCIK)• BROTEE• CARE Bangladesh• CARITAS Bangladesh• CCDB• Campaign for Popular Education (CAMPE)• DanChurchAid• Democracywatch• Dushtha Shasthya Kendra (DSK) | <ul style="list-style-type: none">• Family Planning Association of Bangladesh (FPAB)• Gender in Media Forum (GIMF)• Good Neighbors Bangladesh• Institute for Environment and Development (IED)• International Organization for Migration (IOM)• Karmajibi Nari• ManusherJonno Foundation (MJF)• Mass-line Media Center (MMC)• Naripokkho• National Alliance of Disabled Peoples Organization (NADPO)• National Forum of Organizations Working with the Disabled (NFOWD)• Oxfam GB• Plan International Bangladesh (PHR Program)• Population Services & Training Centre (PSTC)• PRIP Trust• RDRS Bangladesh• Research Initiatives Bangladesh (RIB)• SAMATA• Society of the Deaf & Sign Language Users (SDSL)• Sommilito Samajik Andolon• Steps Towards Development• The International Centre for Diarrheal Disease Research, Bangladesh (ICDDR,B)• The Hunger Project-Bangladesh• Women For Women• Women with Disabilities Development Foundation (WDDF)• World Vision Bangladesh• YWCA of Bangladesh.• Sex Workers Network• Dipto Foundation |
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