

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

An Alternative Report of the Civil Society Organisations in Bangladesh -2016

Submitted to the
“Committee on the Elimination of Discrimination Against Women”
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Background Notes on the Report

The present report is submitted to the UN Committee on the Elimination of Discrimination Against Women by a coalition of civil society organizations in Bangladesh who are members of International Land Coalition (ILC); (1) Association for Land Reforms and Development (ALRD), (2) Association for the Realization of Basic Needs (ARBAN), (3) Community Development Association (CDA) and (4) Kapaeeng Foundation (KF). ALRD is the national networking Organisation of 220 CSOs across Bangladesh working on the issue of human rights, land rights and governance, agrarian reforms, democratic accountability & transparency, indigenous peoples rights and grassroots mobilizations. The 3 other sponsor organizations are equally well-known civil society organizations in Bangladesh with long track records of grassroots activism and mobilization. Brief snapshots of all the 4 organizations are provided in the Annex - 1.

The report is prepared against the backdrop of submission by Bangladesh its 8th Periodic Report to the above-mentioned UN Committee which will be considered on 8 November 2016 at the 65th session of CEDAW at UN Geneva. The present report, hopefully, will occasion to provide a more complementary and presumably, comprehensive, picture on the state of the rights of women in Bangladesh.

Objectives & scopes

As clarified above, the report is submitted in conjunction with the report of the Government of Bangladesh and is expected to occasion a more complementary and comprehensive picture on the state of the rights of women in Bangladesh beyond that is portrayed in the government's report. However, the present report principally focuses only on select articles; full development and advancement of women in the political, social, economic and cultural fields (Article 3); to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary (Article 5); to eliminate discrimination against women in the political and public life (Article 7); to eliminate discrimination against women in other areas of economic and social life (Article 13); appropriate measures ... for the rural women and the significant roles which rural women play in the economic survival of their families (Article 14); and, equality of women with men before law (Article 15). This particular focus on select articles of the CEDAW is made in view of the organizational focus and mandates of ILC, the lead organization ALRD and the 3 other ILC members and their partner CSOs in Bangladesh.

Methodology

The report primarily relies on review of relevant desk reports and references from various sources; government laws, policies and reports, and civil society, academia and media reports. The information gleaned from these sources are further supplemented, tallied and cross-checked through stakeholders' consultation across the country, interviews with a broad range of individuals – from government, civil society, media, women rights' activists at both national and grassroots level – and as well as field visits in several parts of Bangladesh. In total, 3 consultations were held; in Dinajpur (northern Bangladesh), Dhaka (central Bangladesh and capital city) and in Rangamati (South-Eastern Bangladesh). Further as many as 12 individuals were consulted/interviewed as part of the exercise. Finally, field level consultations with the grassroots communities were made in three regions; Dinajpur, Rangamati and Khulna. These exercises comprehensively covered broad range of stakeholders including indigenous peoples, other marginalized communities (e.g. dalits and char (island) dwellers), landless groups, and urban & peri-urban slum dwellers/squatters across the country. The list of the participants and the participating organizations in the consultations is provided in Annex 2 & 3. These exercises included 163 individuals (88 women and 75 men) representing 96 organisations who all remain actively engaged in promoting women's equal rights in Bangladesh.

Executive Summary

Bangladesh, with an estimated current population of 160 million in a territory of 155,000 kilometres, is one of the most densely populated countries in the world. Sex distribution in the population is largely evenly distributed. Majority (92%) follows Islam but there is a sizable minority of Hindus, besides a negligible number of Buddhists and Christians.

Bangladesh has witnessed steady economic growth in the recent decades. Along with it its agriculture and agrarian economy has seen big changes with accelerated pace of rural outmigration towards the large urban centres resulting with more women assuming increased responsibility for the households management and in agriculture.

Bangladesh ratified CEDAW in 1984 with reservation to the Article 2 and the Article 16(1)(c). Bangladesh also ratified the Optional Protocol in 2000 with reservation to the Articles 8 and 9.

The Constitution of Bangladesh stipulates equality of its citizens and bans all discriminations based on gender, caste and creed. Further all the laws and policies follow these principles of the constitution. However, the country's family law is based on religious traditions. However, given the patriarchal nature of the religious traditions, this also means that family laws in Bangladesh are usually discriminatory to the women.

A review of the current status of CEDAW implementation shows an incoherent and somewhat dismal picture. Bangladesh has made noticeable progress in many areas, however, progress is held back in other areas too. While, some of the laws and policies are very explicit on the issue of gender and women's rights including on the implementation of CEDAW, there are equally policies and laws which are more muted on these issues. The recommendations below are made based on this backdrop;

1. Bangladesh should make immediate steps for the ratification of the remaining two articles of CEDAW. Along with, it should equally take similar steps for the ratification of the Articles 8 and 9 of the Optional Protocol the two articles that it is yet ratify.
2. Subsequently, Bangladesh should take immediate steps to change the family laws recognizing the equal rights of the women of all religious groups in matters related to inheritance, divorce, maintenance, and adoption and custody of children. This should begin with the revision and amendment of the current Islamic inheritance law and followed subsequently through a time-bound plan of action for a 'uniform civil code' for all the religious and ethnic communities on the basis of the principles of CEDAW. The initiative should be undertaken through an inclusive consultation process specially, involving women from all walk of the society.
3. Further, Bangladesh should take immediate measures to invite the CEDAW Committee to investigate and provide recommendations on the state of the rights of women in Bangladesh.
4. Alongside, Bangladesh as a responsible stakeholder of the international community, should initiate measures for full ratification of the other UN human rights treaties, conventions and declarations.
5. The Government of Bangladesh should seek revisions of the existing development policies in a time-bound framework in partnership with the civil society and women representatives and organizations to incorporate the vision for realization of equal rights between men and women.
6. A capacity building programme of the concerned government agencies and officials on related subjects is very much essential for Bangladesh in order to see further progress on CEDAW. Such a programme should first target MoWCA and its subsidiary agencies but also the larger civil

society stakeholders for raising their skills on advocacy, social mobilization and human right promotion.

7. The Government of Bangladesh should initiate immediate revision of the concerned laws and policies with a time-bound frame, to give recognition to the women as 'farmer' for their role in promoting and sustaining agricultural productions in the country. These revisions should fully open the door to them to access to the government agriculture support inputs and credit facilities.
8. The revision of policies should be accompanied with commensurate actions comprising of relevant programmes for the sustainable impacts of the policy frameworks. An example is the actual state of implementation of the Khas Land Management and Settlement Policy of 1997. Despite some good measures to provide equitable rights to the women over government khas land, numerous studies repeatedly have shown that retention rate by women of their khas land is very low. This dismal figure strongly suggests the need of concrete programme supports beyond a legal and policy framework. "Women with able son", one of the criteria for women claiming Khas (public) land, need to be removed to allow more women accessing Khas land.
9. The Government of Bangladesh should immediately initiate more pro-active actions for inclusion of the marginalized peoples, groups and communities, including the indigenous peoples and indigenous women in its development plans and programmes.
10. It is very important that the government, such policy and programme supports are culturally appropriate and sensitive to the vulnerable socio-economic and political conditions of the marginalized communities, in particular the indigenous peoples. The impacts of sudden mass-tourism in certain parts of CHT leading to alleged increase in forced prostitution should sound an alarm bell to all the concerned stakeholders in this regard. The Government of Bangladesh may draw relevant guidance from various international guidelines and policies including the Voluntary Guidelines on Responsible Governance of Tenure-VGGT of FAO.

A. Bangladesh: Geography, Society and Economy

Bangladesh gained independence from Pakistan in 1971 through a particularly violent civil war. Sitting at one of the largest alluvial delta of the world formed by the confluence of three mighty rivers –the Padma (Ganges in India), Jamuna (Brahmaputra in India) and Meghna - the country is pre-dominantly formed of alluvial plains. Flood during monsoon is common and at any given year 20% of the land surface is flooded which exceptionally can be as high as 60% in certain years.

With an estimated population of 160 million (current estimate) in a territory comprising 155,000 kilometres, Bangladesh is one of the most densely populated countries in the world with per km²/inhabitants of roughly 1,200. Sex distribution in the population is largely even at 50% - 50% with the ratio slightly tilted in favour of men. Majority (92%) follow Islam but there is a sizable minority of Hindus, besides a negligible number of Buddhists and Christians who all together constitute no more than 1-2 percent of the total population. The population is also overwhelmingly homogenous with ethnic Bengalis comprising of as high as 97-98%, a somewhat unique case in the context of South Asia. However, there are cultural, linguistic and ethnic minorities who claim to be recognized as 'indigenous peoples' as per UN criteria. Most of them are concentrated in the region of the Chittagong Hill Tracts, located at the south-eastern corner of the country with other similar groups scattered across the country.

Bangladesh remains an overwhelmingly agrarian economy despite the steady economic growth of the past decades. Agriculture constitutes a key sector of the economy and provide employment to more than half (63%) of the total workforce. The total land for agricultural production is estimated at 24 million acres. With the demographic pressure, per family land holdings is small and average income per person for majority also remains distressfully low at around US\$ 1 per day.

The agriculture and agrarian economy of Bangladesh has witnessed dramatic changes in recent years. The economic growth of the recent times has seen an accelerated pace of rural outmigration towards the large urban centres. While this has led to the women assuming increased responsibility for the households and in agriculture, they also confront a difficult situation from the fact that in most cases, women do not have the ownership title deeds of the land in their name and further, existing government policies do not recognize women as farmers. Consequently, accessing facilities to agricultural supports like credit from public bank or government subsidies remain difficult to them.

Private sector has been playing a dominant role in the economy in the recent years with ready-made garments emerging as the leading export sector. In the recent years, it alone comprises over 80% of the country's total export. The emergence of the RMG sector is significant especially given that a large number of the floor level employees in the sector are women. This has been an enabler in many aspects; it gave the women a pathway to earn an income in the formal sector, very often for the first time in their life. It has raised mobility of the women and given them increasing level of confidence in family and society. However, it also exposed them to an uncertain wider world often proved as dangerous. Quite aside the issue of low pay workplace safety remains a serious concern amplified worldwide following the collapse of *Rana Plaza* in April 2013¹. Most importantly, physical security and protection, in particular

¹ See, <http://www.thedailystar.net/country/rana-plaza-collapse-owner-among-41-indicted-murder-case-1255546>, A succinct description of the incident is available at; https://en.wikipedia.org/wiki/2013_Savar_building_collapse.

from sexual abuse and attack, of women garment workers remains a burning concern, illustrated by frequent reports in the media².

B. Land Rights of the Poor in Bangladesh

Approximately 60% of the total territory of the country is used for agriculture. However with the huge population size, the average land availability per household amounts to only a meager 0.7 acre. This reflects the tremendous pressure and competition over land in Bangladesh with a population that remains overwhelmingly agrarian.

Table – 1: Land Ownership Pattern in Bangladesh

Land/population	Amount (in million acres)
Total land	37.4
Population (in million)	150.0
Household (in million) (2007, extrapolated based on Population Census 2001)	30.0
Land under agriculture	22.2
Privately owned (rural-urban, disputed, non-identified <i>khas</i> land including community forestry)	21.0
Land under government use (rail, port, road, office, industry, educational institutions, health, utility service, etc)	10.0
<i>Khas</i> land and <i>khas</i> water bodies	5.0
of which, Agricultural <i>Khas</i> land	1.2
Water bodies (closed and open)	1.2
Non-agricultural land	2.6
EPA/VPA (government as custodian)	2.1
Abandoned ((government as custodian)	1.0

Source: Abul Barkat, 2007(a). Bangladesh Status Report: Land Watch Asia Campaign

However, the distribution of land is highly unequal. Reportedly the top 20% of the society own 80% of the lands, largely through ownership by family networks. More significantly, percentage of land ownership of rural women remains a meager 4%. This also reflects absence of any meaningful land reforms and the patriarchal attitude of the society. The demographic growth in the ensuing decades only further worsened the situation.

C. CEDAW³ and Bangladesh

The Convention on Elimination of Discrimination against Women (CEDAW) was adopted by the UN General Assembly in 1979 and entered into force in 1981. It is divided in 6 sections and includes thirty articles in total. The first 16 articles describe the overall measures in support and promotion of the rights of women and the remaining articles elaborate the mechanisms for enforcement of the Convention with the ratifying member states.

² A most recent case is; <http://bdnews24.com/bangladesh/2016/03/19/four-arrested-over-rape-of-rmg-worker-in-chittagong>

³ The integral text is provided in Annex - 4

CEDAW is often described as an international ‘magna carta’ for women, the first international human rights convention on the women’s rights that deals with the subject in a comprehensive manner. Bangladesh ratified CEDAW in 1984 with reservation to the Article 2 and the Article 16(1)(c), stating the following, “The Government of the People’s Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [... and ...] 16 (1) (c) as they conflict with *Sharia* law based on Holy Quran and Sunna”.

The Article 2, in many ways, is the key component of the CEDAW⁴; it “agrees to pursue by all appropriate means and without delay a policy of eliminating discrimination against women” and stipulates “the principles of equality of men and women” in for which the signatory State party is “to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise” and therefore “ to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women” and as well as “to repeal all national penal provisions which constitute discrimination against women”. Similarly, the Article 16(1)(c) makes provisions of equality in marriage between men and women. The reservation on the two articles is quite significant. This will occasion a much detailed discussion in the subsequent sections of this report.

Subsequently, the UN also adopted an Optional Protocol to CEDAW in 2000 which Bangladesh ratified it in the same year. Bangladesh, in the ratification, made certain reservations that read, “the Government of Bangladesh of the People’s Republic of Bangladesh declares in accordance with Article 10(1) thereof, that it would not undertake the obligations arising out of Articles 8 and 9 of the said Optional Protocol”.

The Optional Protocol takes the original measures in the CEDAW a step forward by stipulating pertinent communication and reporting measures on the overall status of progress and to account for it by the signatory State Parties. The measures allow the members of CEDAW Committee of Experts to visit and investigate and send recommendations to the concerned member states’ government. These stipulations, elaborated in the article 8 & 9, are the key parts of the document and reservation to both articles by Bangladesh, sadly, dilute much of the meaning of ratification of the Optional Protocol.

D. Women’s Rights and Bangladesh: Laws, Policies and Institutional Framework/Implementation Measures

D.1. Legal Framework/Dispositions

The Constitution of Bangladesh⁵ stipulates equality before law of its citizens and bans all discriminations based on gender, caste and creed (Article 28). The article 31 recognizes equality of all citizens before law, and as per the article 39 all citizens have the freedom of thought, conscience and speech. The State is the ultimate responsible entity for ensuring equality of all its citizens in terms opportunity and to undertake measures to remove inequality between women and men. The article 27 creates provisions of equality of all before law and the rights to enjoy equal protection of law.

⁴ Ref: CEDAW/C/GC/34.. Reservations to any of the articles of the Convention, and particularly to articles 2(f), 5(a), 7, 9, 14, 15 and 16, may have a disproportionate impact on rural women. Examples include reservations limiting or otherwise adversely affecting their ability to enjoy rights to housing, land and property, such as those related to succession and inheritance, as well as reservations which limit their political participation rights.

States parties that have entered reservations should provide information in their periodic reports to the Committee on the concrete effects of such reservations on the enjoyment by rural women of their rights set out in the Convention, and should indicate the steps taken to keep those reservations under review, with a view to withdrawing them as soon as possible.

⁵As per the 16th Amendment, September 2014.

The issue of the rights of the women in Bangladesh, in large measure, falls in the domain of family laws. The key areas are divorce, maintenance, inheritance, adoption of children, etc. The criminal law concerns the cases of felony or serious crimes (murder, attempt to murder and as well cases of sexual abuse and violence). While the criminal law is identical in application and enforced uniformly to all the citizens of Bangladesh, the family law is not. It is based on religious traditions, and thus, separate codes of family laws are applied according to the religious denominations of the concerned groups; Islamic personal laws for the Muslims, Hindu personal laws for the followers of Hinduism, etc. It should be noted here that Islamic personal laws do not necessarily mean 'sharia' law, as practiced widely in numerous Muslim-majority countries in the Arab and middle-eastern countries.

The main law in this regard for the Muslims is the Muslim Family Laws Ordinance, a law promulgated in 1961 during the Pakistan period. The law defines and streamlines the issues related to marriage, divorce, maintenance and inheritance of Muslim women. Although, it does not acknowledge equality of men and women, the law nevertheless, does serve the purpose of codifying for the first time the rights of Muslim women on civil issues which are still enforced today. There were subsequent legislations in the Bangladesh period the most important of which is Muslim Marriages and Divorces (Registration) Act, 1974.

The largest religious minority group – the Hindus – are governed by separate set of laws, amalgamating the two dominant traditions of Hinduism; Mitaksara and Dayabhaga. Much of the corpus of these laws in force till date was enacted during colonial period. In recent years, a Hindu Marriage Registration Act has been passed in 2012 (Act 40 of 2012), that formalizes the marriage between a Hindu man and woman. The issue of marriage registration in the act, however, is left optional. The Buddhists and Christians comprising together to no more than 2-3% of the population, are subsumed under the Hindu family law. However, the Christian community is possibly the only religious community in Bangladesh which practices, de facto, equality in inheritance and maintenance. The influence of the church is possibly the single most important factor in this regard. All marriages are also usually registered with the respective denominational churches.

About 1-3% of the country's population might be recognized as indigenous peoples although inside Bangladesh they are variously called by the government, such as; tribe, tribal, ethnic minority, small ethnic groups, etc. Although they are scattered all across the country, a significant number of them are concentrated in the region of Chittagong Hill Tracts (CHT), located in the south-eastern corner. None of them – both in the CHT and plains regions – follow Islam, instead they adhere to Hinduism, Buddhism and Christianity or in some cases, animism/nature worship. In the plains, the indigenous communities are usually counted along their religious affiliations and hence are bound by religion-based family laws. However, in the case of the CHTs, the family laws of the IP communities are governed by their customary practices and laws, implemented by the institutions of traditional chiefs/elders (Circle Chief, *mouza* Headman and *village* Karbari) which are recognized by the statutory laws of the land. The customary practices/laws vary from one IP community to another but are generally very much discriminatory against women and their rights; in general, no women inherit properties of their parents, in case of death of the male spouse the ownership of the properties passes to the male child or often, to the other male members of the extended family and in the cases of the divorce, the amount for maintenance is usually meager or symbolic and in some cases, actually nothing.

In matters of civil laws, all current laws usually presume the notion of gender equality. The area comprises a large number of issues; employment and wages, work safety and conditions, socio-economic empowerment, etc. The Labour Act, 2006 (amended 2013) is the key reference in this regard

that defines the labour standards, wages, related arbitration mechanisms (labour court), work conditions, etc. The Labour rules, 2015 was adopted subsequently to effectively enforce the Act. There are a number of complementary laws the most important may be the Agricultural Labour (Minimum Wages) Ordinance, 1984. These laws do contain some specific provisions on the rights of the women although in many places these are left ostensibly vague which risks that the related provisions remain open to subjective interpretations and also potential manipulations.

There are equally a plethora of policy, rules and programme interventions for the explicit goals of promoting and ensuring socio-economic development and empowerment in Bangladesh. The issue of gender and rights of the women is explicitly mentioned in many of the documents while in other, one might take it as implicit. This is detailed in the following section.

The issue of discrimination, abuse and violence, concept of citizenship are vital for the ensuring and promotion of the rights of women. The key laws which may be mentioned in this regard are; Prevention of Cruelty to Women and Children Act, 2012; Acid Control Act, 2002; Dowry Prohibition Act, 1980; Prevention and Suppression of Human Trafficking Act, 2012; Domestic Violence (Prevention and Protection) Act, 2010; Women and Children Repression Act, 2000 (Amendment 2003); Children Act, 2013; Child Marriage Restraint Act, 2014; Citizenship Act of 1951 (as amended in 2009); and, the Representation of the People Order (RPO), 1972. As is evident, most of these have been enacted fairly recently and in response to specific need. These laws are expected to provide the basic dispositions to ensure the rights of women, free from discrimination, exploitation, abuse and violence.

D.2. Policy Environment and Programmatic Interventions

Besides the legal corpus, Bangladesh has a plethora of policies on various areas and issues of socio-economic development. Most of these policies are sectoral and often formulated at the behest of donors, although there are notable exceptions too. Nevertheless, these policies serve as guidelines to the government in undertaking specific programmes/projects on socio-economic and cultural issues.

There are quite a large number of such policies but a few demand closer attention for the purpose of this report. The National Women Development Policy (WDP) was adopted in 2011 by the government amidst much hope and fanfare. It is the first such government policy that seeks to 'comprehensively' respond to the issues of the women in Bangladesh, their rights and developmental aspirations. The WDP refers to CEDAW, to the spirit and aspiration of the 1971 Liberation War and quotes from Begum Rokeya, universally recognized as the pioneering spirit for emancipation of Bengali Muslim women, "you just educate your daughters, let them make their own livelihood". It targets for lofty objectives, divided in as many as 25 sections. The most significant are; "to establish equal rights of men and women in areas of state and public life in the light of the constitution of Bangladesh"; "to ensure security and safety of women in all areas of state, social and family life"; and "to ensure the socio-economic, political, administrative and legal empowerment". Relevant to the purpose of this report to note that it also includes a separate section under 'Agriculture and Women', which recognizes the role of the women in agriculture and stipulates to "take initiative to ensure equal wages for the same job and to remove wage discrimination to women in agriculture" and "to extend all kinds of support and assistance in eliminating bottlenecks created due to climate change and disaster".

There a number of policies encompassing a broad areas of socio-economic development; the National Rural Development Policy, 2011; National Agriculture Policy, 1999; National Agriculture Extension Policy, 2012; National Industrial Policy, 2010; National Food Policy, 2006; National Population Policy, 2004; National Education Policy, 2010; National Health Policy, 2011; are the most relevant to this report. The

policies detail the sectoral development objectives and priorities, and as well as identify the intervention areas. In most cases, there are explicit mention of the issues of gender and the role of women such as the National Agriculture Extension Policy. In other cases, although this is not explicitly mentioned, from the overall tone and articulation of the issues, it is safe to presume that the concerns as regards gender and women's rights are implicitly recognized. There are serious loopholes in some policies too; the Agriculture Policy recognizes only the post-harvest role of the women which effectively means that women are not recognized as farmers and the door for them to access government agriculture support services and credit facilities remain shut.

A specific category of policies which are very much relevant to this report pertains to rights over land and natural resources and which demand further elaboration. Bangladesh remains an overwhelmingly agrarian economy, notwithstanding the steady economic growth during the recent decades which has earned it the recognition from the World Bank as lower middle income country. Following persistent advocacy by the civil society with ALRD taking the lead, the government adopted a National Khas Land Management and Settlement Policy in 1997. These were followed with the National Land Use Policy in 2001 and the National Water Body Management Policy in 2009. The policies are important for sustainable development and gender equality of the country. The National Khas Land Management and Settlement Policy tried to bring in some degree of equity as regards gender by making explicit stipulations in the distribution of khas land by the government to issue the ownership documents in the name of both spouses. However, a bizarre clause in the policy - it states that only women with able bodied son will receive khas land from the government - also functions as a significant impediment to the enjoying of land ownership by the women. Neither the Land Use Policy nor the Water Body Management Policy includes any reference to issues about women and their rights.

D.3. Institutional Framework

Ministry of Women and Children Affairs (MoWCA) is the main nodal government institution on the issues of women's rights and empowerment and is the mandated agency of the government in matters related to CEDAW including for the periodic reporting to the Committee on the Elimination of Discrimination Against Women. It implements various programmes and projects to the benefit of its.. Its current manpower, as per the approved organogramme⁶, comprises of about 20 officers excluding support staffs.

A host of other government ministries also have an important role on the issue of the rights and socio-economic development of the women. This includes the ministries/agencies vested with the delivery of the basic services (education, health, etc), rule of law and maintenance of law & order (Ministry of Justice and Ministry of Home) and also economic planning (Ministry of Planning, Finance, etc). By virtue of their mandate and volume of activities, they assume a role this is very important if not even more than what MoWCA currently is assuming.

A very important stakeholder as regards promoting gender equality and the rights of women in Bangladesh is the civil society, in particular the NGOs. Bangladesh has a large and vibrant NGO sector known worldwide for its role in grassroots mobilization and activism and promotion of public accountability and transparency. While they play a complementary role to the government in many areas, they are also equally a force to reckon with in terms of holding the government accountable to its duties and responsibilities, often ensured in tandem with other stakeholders, most notably the media.

⁶ Please see; <http://www.mowca.gov.bd/site/organogram/277958cc-e4db-4a36-9988-bc70e85f0d67/Ministry-Organogram>

E. Current Status of CEDAW in Bangladesh

The section below encapsulates the overall current status, progress or the lack thereof in Bangladesh against the stipulations in the specific articles of CEDAW. The analysis is done taking into account the overall socio-economic and political background of Bangladesh and as well as the current legal and policy framework and environment, as elaborated in the sections above. It also takes into scrutiny the report submitted by the Government of Bangladesh on CEDAW for review in the upcoming session in 2016 at the UN. Beyond the public statistics from the Bangladesh Bureau of Statistics and other secondary sources both from the government and non-government sources, the analysis also relies on the primary data collected by the reporting organizations (ALRD and other ILC partners in Bangladesh) through field visits, interviews and consultations.

As mention in the very beginning of the report, the section focuses only on the select articles of the report, not the entire CEDAW.

Article 3: full development and advancement of women in the political, social, economic and cultural fields

The article reflects the lofty ideals of Bangladesh by committing itself to the provisions to uphold and realize its promise. But does it really stand up to closer scrutiny?

The Constitution of Bangladesh certainly is an elaborate document and it explicitly prohibits any discrimination based on gender (article 28). However, the next logical step - to enact legislation to concretize this solemn promise - remains far from being a reality. The country's family law is ridden with a hodge-podge of religious traditions much of which could be 'reasonably' criticized as anachronistic to put it mildly if not that these are even outright against the women's rights and interests. The Muslim Personal Law of 1961 is highly discriminating to the women giving the overall authority to the men in the areas of marriage, divorce, maintenance and custody of children. However, the condition of the women of the other religious affiliations is even more precarious. The plight of the Hindu women is forgotten in the name of religious dogma and nowhere have they had any recognition in matters related to family laws. The status of the women among the indigenous communities pales to any comparison. It is often said that the indigenous women are triply disadvantaged; being women, being indigenous and being indigenous women. While this may sound rhetorical, there is a fair amount of truth in this statement at least in the context of Bangladesh. The right of the minority communities is a sensitive and complicated issue all over the world and Bangladesh is no different. However, the debate over the issue of 'indigenous peoples' in Bangladesh has few parallels with the state hardly taking any notice on the real issues of social stigma and marginalization that the concerned communities have to bear with with the indigenous being the foremost victims. The prevalence of customary rights and practices among the indigenous communities in the CHT is a grave impediment to gender equality and no serious debates is visible on the matter, neither among the concerned communities nor any efforts to facilitation by the state. A uniform family code of law for all the religious and ethnic groups which could have resolved these issues seems to be beyond expectation in the immediate future given the sheer callousness of the state of Bangladesh.

On the domain of political rights, the Representation of the People Order, 1972 (RPO) may appear somewhat 'justifiable' in the context of Bangladesh but its practice and translation in reality is altogether a different matter. There are few elected women representatives in the national parliament, the 50 reserved seats for the women in it may barely amount to more than tokenism. Successive elections of the parliament remain the testimony in this regard. The so-called 'strides' of women's

representation in the lower tier of the local governments (i.e. Union Parishad and Upazilla Parishad) with special reservation for women, have indeed increased the number of the women elected representatives over the recent decades but their actual roles and authority which could have allowed them to play a more effective and meaningful role is still a far cry⁷. Simply showing a larger number of women representatives in local government in government's report may be a scant consolation.

The gender gap for Bangladesh in economic sphere is one of the highest in the world, as reported in the recent Gender Gap Report by World Economic Forum (2015), place the country at 130th place, barely above countries such as Saudi Arabia and Pakistan.

Article 5: Modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices.

Notwithstanding the solemn promise of the article, the reality appears to be a stark contrast. Bangladesh is one of the countries scoring highest (or lowest, depending on how one sees it) rate of child marriage. A whopping 66% of the girls are married off before 18 years of age. More alarmingly, 18% are married off before they are 15 years old (Unicef, 2015). About what is so eloquently called 'eve teasing', this remains an all-too-visible social phenomenon, often leading to tragic results as evidenced very recently in the media⁸. The government's plan and actions, to the extent that such initiatives are made, remain largely ineffective. The civil society and media has always been a strong voice in Bangladesh on various socially progressive issues including on gender equality and women's empowerment, and whereas a successful partnership between the government and civil society could have yielded much, such a broad-based collaboration and partnership is essentially absent in the current climate of Bangladesh.

The prevalence of acid violence may be an extreme expression of social behavior vis-a-vis the women but in Bangladesh this is nonetheless revealing of a certain attitude. While the overall number of cases of acid throwing has been decreasing over the years and the government has enacted 2 important laws⁹ to curb the related crimes, there are still reported cases of such heinous crimes. What is more abysmal is the low rate of conviction - less than 50% of the acid related crimes result with conviction in the court of law – as found in a study¹⁰ by Acid Survivors Foundation, the principal civil society organization in Bangladesh fighting against acid related violence and violent crimes.

Article 7: Elimination of discrimination against women in the political and public life

The aforementioned case of the RPO, 1972 and as well as the enactment of the Union Parishad Act (amended), 2010 and the Upazilla (sub-district) Act (amended), 2014 demonstrate the government's commitment in this regard. However, what could be a legitimate criticism is its actual implementation or more precisely, the way these laws are implemented. Given the current politically intolerant climate in Bangladesh which endures for the best part of the last four decades of the country's history, the deepening of grassroots governance with more women leaders remains a very long-term goal indeed.

⁷ This issue is forcefully described in field consultations in Dinajpur and Rangamati by participants who are elected representatives in local government as part of preparation of the report.

⁸ <http://www.thedailystar.net/backpage/tutor-stabs-schoolgirl-death-1286110>

⁹ These are the Acid Offences Prevention Act and Acid Control Act both enacted in 2002.

¹⁰ See, "Implementation Status of the Acid Offences Prevention Act 2002 and the Acid Control Act 2002 in Bangladesh", by Acid Survivors Foundation (ASF), 2015

There is an increasing level participation of women in public governance and civic issues and Bangladesh should be legitimately proud of the fact that both the Prime Minister and the leaders of the major political parties are women. It is equally noteworthy to put here that the Speaker of the parliament at present is a women. However, how much they do all represent the overall gender-equality scenario in Bangladesh is very much a valid question. In the current parliament, women members constitute a negligible minority if one were to take into account only those who have been elected through popular suffrage. The reservation of seat for women in the national parliament is a good and pro-active step but beyond this, how much they are representative of the womenfolk in the country remains an open question.

Article 13: Eliminate discrimination against women in other areas of economic and social life

The noble ideals of the article notwithstanding, Bangladesh is, far away, to be considered closer to these goals. Sure, Bangladesh has made significant strides in poverty alleviation. According the most recent Bangladesh Household Income & Expenditure Survey (2010, report published in 2012), poverty rate in the country has significantly reduced which currently hovers below 30%. While this must be acknowledged as a significant achievement, the mere statistics do not fully capture the grim reality, in particular for the women.

There is still major gap in income earnings between women and men in Bangladesh. The same survey report that women, on average, are paid 20% less than men in salaried job. In the agriculture sector, this is even more pronounced. In FGDs in Dinajpur, carried out as part of consultations for this report, women reported to have been paid average 250-300 taka/day in comparison to the men who earn 350-400/taka. This is a gap of 25% or more! The promulgation of the Agricultural Labour (minimum wages) Ordinance in 1984 - three decades ago – notwithstanding, the condition on the ground has changed little.

Over the past decades, the government has introduced a number of safety net initiatives; most important of which are (1) Widow allowance, (2) Elderly allowance, (3) 100 day work programme for the rural poor and (4) Vulnerable Group Feeding/Development (VGF/VGD) Programme. However, the actual implementation and outreach of these programmes to the intended beneficiaries remain seriously flawed and hence, compromised in the face of petty influence peddling, systemic inefficiency and corruption. During field level consultation in Dinajpur in 3 separate villages, no women seem to have received benefits from the widow allowance and elderly allowance programmes. Also, very few ever received VGD/VDF cards. Co-incidentally, the inhabitants of the 3 villages are all religious and ethnic indigenous minorities. While acknowledging that one should be careful about generalizing from some random cases, it is nevertheless indicative that none of the above-mentioned villagers, who are among the poorest in the region, ever had access to these important safety net programmes. Circumstantial evidences from other parts of the country tend to suggest that the usefulness and utility of these programmes remain compromised in the face of petty interest peddling, utilization of these benefits as political dole-outs and sheer systemic inefficiency.

Officially, there is no bar for the women in Bangladesh to access to credit and bank loans. However, in practice this remains a formidable challenge. This is applicable more so in rural areas and for the poor women. The success of the government low-interest based credit programmes, targeted specifically for the small farmers and rural women, is severely compromised by systemic inefficiency, limited outreach and corruption. During field survey and consultations for this report, many of the participants (both men and women) in the Chittagong Hill Tracts region reported about paying a cut from the loan amount to

the officials of the concerned agencies (in this case, Bangladesh Rural Development Board and Bangladesh Agricultural Bank) for availing of these low-interest loans. The situation should not be much different in the other parts of Bangladesh.

The success of the micro-credit movements across Bangladesh have brought about a major change in the rural economy. It is also universally acknowledged that the various micro-credit products from the NGOs large and small and organizations like Grameen Bank have genuinely contributed in boosting rural livelihood and re-invigorating the rural economy. However, what should be forcefully said is that the successful outreach of micro-credit programmes has happened not necessarily because of the government but despite it.

Bangladesh has indeed adopted a plethora of policies for the socio-economic development of the country and most of these policies included women in the consultation process while in development. There are also specific mentions of the development needs of the women in most of these policies. However, the actual implementation records of these policies are patchy at best and usually lack much official data. Presumably, it is because, once adopted, the actual implementation receive little follow-up.

Article 14: Appropriate measures for the rural women and the significant roles which rural women play in the economic survival of their families

The article is long and detailed and talks about the obligation of the signatory state parties to *“take all appropriate measures to ensure the application of the provisions to women in rural areas”*. The measures include participation in development planning and its implementation, access to healthcare, social security programmes, obtaining of skill development training and education, organizing around cooperatives and self-help groups, and access to agricultural credits.

Both the National Rural Development Policy and the National Agriculture Extension Policy, respectively adopted in 2001 and 2012, talk conspicuously about issues of the women and the need for specific intervention to improve their conditions and rights as part of overall social and economic progress of the country. The recently adopted 7th Five-Year Plan, possibly the most important document for the socio-economic development of the country, equally makes explicit mention of the related issues, including separate chapter on rural development, agriculture and social protection, welfare and inclusion. However, a key weakness of most of the policies and plans is the lack of subsequent follow-up and periodic reviews, which in turn, lead to absence of any relevant meaningful data.

The model of self-help groups is one of the key inventions introduced in Bangladesh in mobilizing rural communities for promoting awareness and development actions. Indeed, the 4 partners of the ILC who prepared this report are all involved in self-help group based activities with rural and marginalized communities. However, the broader cooperative movement specifically and the use of groups as a tool for mobilization and poverty alleviation in general stands at a crossroad at present. The current legislation governing cooperatives is Cooperative Societies’ Act 2011 which is considered cumbersome with the requirement of audits and other regular documentations annually by the government and which most of the cooperatives are not able to comply. As regards groups, they are in some sort of limbo, they opt for registration under the afore-mentioned Cooperatives Act or under other agencies of the government, usually under the Department of Social Welfare or Department of Women Affairs in the case of women groups. The situation should be streamlined with lessening the burden of bureaucratic requirement.

The government rural employment schemes (100 days work, rural road maintenance programmes, etc) are considered generally popular and are considered paying a helpful role in rural poverty alleviation. However, the programmes require to be more inclusive; many from the marginalized communities including the indigenous peoples report not being included in these programmes. This was equally attested during the preparation of this report.

A propos the issue of social inclusion, a particular note should be taken on cultural and social appropriateness of these programmes. The issue demands sensitivity to the cultural traditions but also to the social and economic contexts as well. The oft-repeated enthusiastic slogans for introducing mass-tourism in the CHT (but also equally in the other indigenous peoples inhabited areas of the country) is a key example in this regard. While promoting tourism is highly likely to generate economic activities and incomes for a non-negligible percentage of the population, unchecked mass-tourism also risks to cause more unintended consequences – essentially negative – among the concerned communities and population. This is in particular the case for the marginalized, vulnerable and minority communities who have little safeguards to protect themselves from sudden exposure to rapid changes. The issue was forcefully raised in the consultations for the preparation of this report in Rangamati and elsewhere in the other parts of Bangladesh with the participants reporting noticeable increase of prostitution due to sudden influx of hordes of tourists. The rampant poverty – far higher than national average among the indigenous communities attested in numerous studies (UNDP 2007 and 2015) -further makes it compelling to think through such an approach that is responsive to the communities' concern, respect their traditions and considered effective to achieve the intended goals and purpose. Alas! In the din of the ongoing controversy over terminology (whether there are indigenous peoples in Bangladesh and if yes, who should be called as such), the main issue is so often lost.

Despite improvement in the recent years on the overall indicators of access to health services and maternal health, some of the key figures still remain high. Child mortality rate hovers around 4.6%, and in the case of under -5 child mortality this is higher, at 6%. Severe underweight prevalence among children below 5 years remains high at 8% and more alarmingly access to contraceptive is only 61% among the population percentile of reproductive age, with the total fertility rate per women at 2.6 children (all figures are from UNICEF MICS, 2012-2013). Although, these latter figures are an improvement from the previous decades, this is hardly a point of complacency. With ballooning population which currently stands at 160 million with most estimates suggesting it to reach 200 million in the next decade if the demographic growth rate is not arrested, the consequences are not difficult to imagine for a country with a territory of only 155,000 square kilometers.

The issue of access to agricultural credit has already been discussed above. But there is more fundamental problem as regards women's access to credit and finance from public banks and other finance institutions. The current government laws and policies do not recognize women as farmers, other than that they could be considered only as agriculture labours. So, de facto, their access to agricultural credit is blocked, and for the women-headed households this is a formidable impediment. The availability of micro-credit provides an alternative to this situation; however, one has to remember the high interest rate of micro-credit and relatively short cycle of loan repayment with which most of the poor households struggle with. This is besides the total loan amount which is usually small and often insufficient to meet the expenses for necessary agricultural investments.

Article 15: Equality of women with men before law

The article, in many ways, highlights the main concerns of this report and the 4 partner organizations of ILC in Bangladesh. While there is nothing that prohibits a woman to make a contractual agreement on

matters related to civil laws or administer property, the reality is usually riddled with various hindrances. The prevailing societal prejudices effectively make it difficult for any women to enjoy and administer any property without the 'protective umbrella' of a male companion. While on the book women are free to have equal access to judicial redress in courts, the overall social environment and no less, the particular environment and culture of government institutions, means that few women would likely to dare about facing such travails alone.

The restrictive codes of family laws cutting across all religious and ethnic divides, which hinder equal inheritance of properties by the women in Bangladesh is already discussed at this beginning of this section of the report. This is a fundamental flaw in the current legal regime of Bangladesh and unless this is changed further improvement will remain mere rhetoric.

As mentioned above, there is no bar for women to own land and other properties although the issue of equal inheritance remains lost at the excuse of religions, customs and traditions. However, there are equally cases where existing policies rarely does make mention of the issue of the ownership of and access to land and natural resources by the women. As mentioned above the Khas land Settlement and Management Policy of 1997 rightfully stipulates transfer of ownership of khas land in the name of both spouses. However, diverse studies¹¹ found that scant attention is paid by the male spouse over the utilization, management and sale of their khas land. Needless to say, the opinion of the female spouse is usually overlooked and most importantly, the rate of retention rate of the khas land by the new owners remains disturbingly low (less than 50%). Perhaps, it is time to consider transferring the khas land only in the name of the female spouse. Experience of micro-credit operations across Bangladesh and other parts of the world have repeatedly shown that women are far more careful about nurturing and retaining household assets and properties. In the light of these experiences, such an argument makes a compelling case.

A more puzzling case is with regard to the Land Use Policy of 2001. The policy is crucial if Bangladesh were to utilize its limited land and other natural resources judiciously and in a rational manner. The policy fails to mention anywhere the role of the women and the potential role they can play in particular in the rural areas and in the more efficient management and use of land and natural resources. This is a short-sighted vision at best, one which could only limit the impact of the effectiveness of the policy.

F. Observation on the non-ratified articles and the Optional Protocol

As mentioned in the very beginning of this report, Bangladesh kept reservation to two articles; Article 2 and the Article 16(1)(c). Both articles stipulate for equality between men and women before law and as regards family and civil matters, equality in marriage and its dissolution, and in inheritance, etc. The article 2 also asks for conforming the national constitutions and laws with the provisions in CEDAW in the case of difference between the two.

In many ways, these two articles that Bangladesh is yet to ratify contain the core message CEDAW, that of the cardinal principle about equality between men and women in all matters of life. What was the motivation of the Government of Bangladesh for its abstention from ratification of these two articles? In its formal justification, Bangladesh provided the following, "*The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [... and ...] 16 (1) (c) as they conflict with Sharia law based on Holy Quran and Sunna*".

¹¹ One of the most authoritative studies in this regard is "Political Economy of Khas Land in Bangladesh" by Dr. AbulBarakat et al, published by ALRD, Dhaka 2001.

Can this be an effective excuse to abstain from ratification of the core stipulations of CEDAW?

Undoubtedly, the religious orthodoxy, in particular Islamic religious orthodoxy, remains very much strong in Bangladesh. However, should the excuses made by Bangladesh in not ratifying the two articles be considered strong and valid enough as the reservation fundamentally distorts meaning of ratification of CEDAW by Bangladesh? Moreover, the argument made by Bangladesh may be open to further debate as what exactly amounts to “*conflict with Sharia law based on Holy Quran and Sunna*” could equally be subject to different interpretations. In any case, it must be remembered that Sharia Law is not recognized in Bangladesh although the spirit of Islamic Sharia may underpin a number of civil laws of Bangladesh.

It is very much understandable that the government’s duty is to remain sensitive to and respect the religious feelings of its citizens. This is true not only for Islam which is followed by the majority in the country but equally for all the other religions. However, it is also equally uncontestable that a State that has aspiration for a culture of rule of law based on the principles of equality and justice, which are solemnly enshrined in its Constitution, to abjure on the pretext of religious sensitivity the most important provisions of an international human rights convention that it has ratified, demands a serious discussion. To that extent, rather than asking for an explanation for the failure of ratifying the 2 articles, an event that happened more than three decades ago under a different political and social setting, a more pertinent question would be what has the government done so far to create the necessary debate and a favourable environment which would allow it from withdrawing the reservation of these 2 articles?

This question seems all the more relevant given the arguments made by the Government of Bangladesh in its recent report submitted to the UN CEDAW Committee which reads, “*The Government is aware about the potential movements by the Islamic fundamentalist groups against the withdrawal of the reservations. Therefore, cautious steps are being taken so as not to jeopardize application of the principles of CEDAW. Partnership and cooperation with civil society is essential to create a positive environment for the withdrawal of reservation*”.

The key issue that this report retains in this regard is about the call for “*partnership and cooperation with civil society*” in order to “*create a positive environment for the withdrawal of reservation*”. These are indeed comforting and promising words from the government. However, what initiatives the government of Bangladesh has, so far, undertaken in this regard or is about to undertake in the immediate future? Sadly, no such concrete plan appears to be the case at present.

In this context, the recommendation of the Law Commission to the Government to ratify both the articles eminently echoes the popular sentiment of the people of Bangladesh. Indeed, the most effective approach to overwhelm bogey of “*potential movements by the Islamic fundamentalist groups against the withdrawal of the reservations*” would be to directly open the debate with the public who, it is the firm belief of the four sponsoring organizations of this report, are very much tolerant to religious pluralism (admittedly, despite some intolerant fringe groups) and supportive to the equal right of women. The government, to this end, should consider holding a plebiscite on the issue. Indeed, religious fanaticism never enjoyed much support among the people of Bangladesh although being better organized and with their sheer inclination to be brute rabble rousers, the fringe religious fanatic groups have always projected an image of higher popular support which, in reality, they enjoy very little. The four organizations presenting this report, thus, would like to make the strongest possible case that the

Government of Bangladesh should take immediate action for ratification of the 2 articles. It is also their strongest conviction such a step is very much possible while showing at the same time utmost respect to the sanctity of religious beliefs of all its citizens and that all religious sacred texts fundamentally promote and advocate for equality between men and women in all spheres of life.

A similar case also can be made for the ratification of the articles 8 and 9 of the Optional Protocol to CEDAW. The government's excuse for not ratifying these 2 articles is not known unlike in the case of CEDAW but the measures of investigation and recommendations by the CEDAW Committee of Experts to the Government of Bangladesh should only strengthen the state of women's rights in Bangladesh. This could be only an opportunity for the government and all the other stakeholders in Bangladesh to further advance the case of women's rights and their equality before law and in all spheres of the society.

G. Key findings: Gaps and Recommendations

As elaborated above, the Constitution of Bangladesh solemnly enshrines the principles of equality between women and men as regards their rights. However, the consequent laws that have been enacted do not always reflect this sacred promise and commitment of the Constitution. Very often, this is distorted with the excuse of varied categories, most often the 'bogey' of religions being accused as a primary factor. This reflects a lack of vision from the successive governments of Bangladesh about the future direction of the country.

The various policies and programmes of the Government of Bangladesh are quite vast and most of these incorporate the issue of gender and equality and the rights of the women (and girl children in many cases). However, some of these policies await urgent revisions and the overall track record of implementation of these policies remains unclear as well. The latter point actually appears to be very critical. The efficiency in implementation of various plans and programmes by the bureaucratic machinery of the government desires further improvement and the various systemic issues continue to be a formidable challenge.

The issue of inclusion, specifically of the women from the marginalized groups remains a critical concern for realization of equal rights of the women in Bangladesh. While one may be encouraged by the growing commitment of the government on the issue in the recent years, it is also equally important to stress that there is still much (hard) work to do.

The issue of realizing the rights of the women based on the principles of CEDAW cannot be achieved by the government alone. Fundamentally, it calls for a re-invigorated collaboration and partnership between the government and other stakeholders; civil society, media, academia, etc. However, the responsibility of initiating such a partnership is incumbent on the government primarily. From past experiences one may tell that such a partnership, while, not rare, nor was it always smooth.

Bangladesh may take legitimate pride being a responsible member of the international community. However to establish this claim more determinedly, it also needs to adhere to the international human rights regime fully and unequivocally. To this end, the ratification in full of both CEDAW and the Optional Protocol is a necessary first step.

The recommendations below are made based on the above elaboration;

1. Bangladesh should make immediate steps for the ratification of the remaining two articles of CEDAW. Along with, it should equally take similar steps for the ratification of the Articles 8 and 9 of the Optional Protocol the two articles that it is yet ratify.
2. Subsequently, Bangladesh should take immediate steps to change the family laws recognizing the equal rights of the women of all religious groups in matters related to inheritance, divorce, maintenance, and adoption and custody of children. This should begin with the revision and amendment of the current Islamic inheritance law and followed subsequently through a time-bound plan of action for a 'uniform civil code' for all the religious and ethnic communities on the basis of the principles of CEDAW. The initiative should be undertaken through an inclusive consultation process involving women from all walk of the society.
3. Further, Bangladesh should take immediate measures to invite the CEDAW Committee to investigate and provide recommendations on the state of the rights of women in Bangladesh.
4. Alongside, Bangladesh as a responsible stakeholder of the international community, should initiate measures for full ratification of the other UN human rights treaties, conventions and declarations.
5. The Government of Bangladesh should seek revisions of the existing development policies in a time-bound framework in partnership with the civil society and women representatives and organizations to incorporate the vision for realization of equal rights between men and women.
6. A capacity building programme of the concerned government agencies and officials on related subjects is very much essential for Bangladesh in order to see further progress on CEDAW. Such a programme should first target MoWCA and its subsidiary agencies but also the larger civil society stakeholders for raising their skills on advocacy, social mobilization and human right promotion.
7. The Government of Bangladesh should initiate immediate revision of the concerned laws and policies with a time-bound frame, to give recognition to the women as 'farmer' for their role in promoting and sustaining agricultural productions in the country. These revisions should fully open the door to them to access to the government agriculture support inputs and credit facilities.
8. The revision of policies should be accompanied with commensurate actions comprising of relevant programmes for the sustainable impacts of the policy frameworks. An example is the actual state of implementation of the Khas Land Management and Settlement Policy of 1997. Despite some good measures to provide equitable rights to the women over government khas land, numerous studies repeatedly have shown that retention rate by women of their khas land is very low. This dismal figure strongly suggests the need of concrete programme supports beyond a legal and policy framework. "Women with able son", one of the criteria for women claiming Khas (public) land, need to be removed to allow more women accessing Khas land.
9. The Government of Bangladesh should immediately initiate more pro-active actions for inclusion of the marginalized peoples, groups and communities, including the indigenous peoples and indigenous women in its development plans and programmes.
10. It is very important that the government, such policy and programme supports are culturally appropriate and sensitive to the vulnerable socio-economic and political conditions of the marginalized communities, in particular the indigenous peoples. The impacts of sudden mass-tourism in certain parts of CHT leading to alleged increase in forced prostitution should sound an alarm bell to all the concerned stakeholders in this regard. The Government of Bangladesh may draw relevant guidance from various international guidelines and policies including the Voluntary Guidelines on Responsible Governance of Tenure-VGGT of FAO.

Annex

1. **Organizational Profile of ALRD, ARBAN, CDA and Kapaeeng Foundation**
2. List of persons interviewed
3. List of persons in the regional consultations
4. Text of CEDAW

Annex – 1. Organizational Profile of ALRD, ARBAN, CDA and Kapaeeng Foundation

List of persons interviewed

Association for Land Reform and Development (ALRD) is the federating body of 273 NGOs, peasant and landless organisations in Bangladesh, currently the main organisation working exclusively on land reform issues. ALRD envisions a Bangladesh where upholding the rights of the citizen is the cornerstone of the State and where the State is pro-actively pursuing the promotion and strengthening of the rights of rural communities ALRD further aspires for a Bangladesh that adopts secularism as key guiding principle and gender equity and social justice are considered as key objectives of all its undertakings.

Association for the Realisation of Basic Needs (ARBAN) mission is to work with disadvantaged and powerless people for their socio-economic, cultural, and political empowerment by promoting and practicing democratic values and participatory process at all levels. ARBAN envisions a just society based on social justice, human dignity, equity, equality, democratic and secular values free from exploitation, poverty, disparities, misrule, corruption, and gender inequalities leading to freedom and emancipation of disadvantaged powerless people irrespective of caste, creed, and religious beliefs.

Community Development Association (CDA) envisions a society united through its people-centered democracy by good governance which is socially just and free from all forms of discrimination. Human rights are established and the communities are economically productive within an ecologically balanced environment.

The mission of **Kapaeeng Foundation** is to promote and protect the human rights of the indigenous peoples of the country and to conduct advocacy, lobby and campaign programmes at the local, national, regional and international level; to establish a strong network and partnership with organisations and individuals working on promotion and protection of human rights as well as indigenous peoples rights and to raise the capacity of the indigenous peoples in promoting and protecting the human rights.

Annex – 2: List of persons interviewed

1. Advocate Sultana Kamal, Human Rights Activist
2. Dr. Iftekahruzzaman, Executive Director, Transparency International, Bangladesh
3. Khushi Kabir, Coordinator, Nijera Kori and Women Rights Activist
4. Syeda Rizwana Hassan, Executive Director, Bangladesh Environmental Lawyers' Association, Environmental activist.
5. Rabindranath Soren, Chairperson, Kapaeeng Foundation
6. Sanjib Drong, General Secretary, Bangladesh Indigenous Peoples' Forum
7. Shishir Moral, Media representative (Daily Prothom Alo)
8. Ayesha Khanam, General Secretary, Bangladesh Mohila Parishad
9. Mr. Fayekuzzaman Chowdhury, Director General, Directorate of Land Records and Survey, Ministry of Land
10. Nirupa Dewan, former Member, Bangladesh Human Rights Commission
11. Advocate Rana Dasgupta, General Secretary, Bangladesh Hindu, Buddhist, Christian Unity Council and Public prosecutor, War crime tribunal Bangladesh.
12. Sinora Chakma, Gender Expert

Annex – 3: List of participants in the regional consultations

A. Dinajpur: Date: 2 June, 2016

Participants Attendance list: Total: 47; Female: 28 ; Male: 19

Sl.	Name	Designation & Organization
1.	Md. Lutfar Rahman	Executive member, Zilla Committee, CDA People's organization, Dinajpur
2.	Nironjoni Roy	Chief, Shahargram Committee, CDA People's organization, Dinajpur
3.	Tanisa Sharmin Tanu	Divisional Correspondent, GTV
4.	Jesmin Ara	President, Milonmela Mohila Samiti, CDA People's organization, Dinajpur
5.	Ayesa Siddika	Course councilor, RDRS- Bangladesh, Dinajpur
6.	Suruj Chandra Roy	Editor, DCC, Dinajpur
7.	Md. Enamu I Haque	Executive member, DCC, Dinajpur
8.	Md. Monpur Rahman	Dist. representative, Daily Khabarpatra, Dinajpur
9.	Rokhsana Parvin	Accountant, ALOHA, Dinajpur
10.	Shimul	VDO, Dinajpur
11.	Amina Khatun	Trainer, CDA, Dinajpur
12.	Ms. Nargis	Trainer, CDA, Dinajpur
13.	Saroz Kumar	Documentation officer, CDA, Dinajpur
14.	Krisno Kora	CDA People's organization, Dinajpur
15.	Kirti Nishan Chakma	Consultant, ALRD, Dhaka
16.	Rowshan Jahan Moni	Dy. Executive Director, ALRD, Dhaka
17.	Shanjida Khan Ripa	Assistant Program Coordinator, ALRD, Dhaka
18.	Kamrun Nahar	Regional Coordinator, CDA, Dinajpur
19.	Tirina Murmu	President, Sachetan Nari Samiti, CDA People's organization, Dinajpur
20.	Mahbuba Khatun	Vice-President, Bangladesh Mohila Parished, Dinajpur
21.	Bilkis Ara Fayeze	General Secretary, Disability School and Rehabilitation Agency, Dinajpur
22.	Azadi Hye	Dinajpur
23.	Md. Nezabat Hossain	Program Officer, Society for Uddug, Dinajpur
24.	Ms. Golenur	Member, District Committee, Bangladesh Mohila Parished, Dinajpur
25.	Sufia Begum	Member, District Committee, Bangladesh Mohila Parished, Dinajpur
26.	Asma Akter	PF, Manab Kallan Parished, Dinajpur
27.	Md. Nur Islam	General Secretary, Dinajpur Photo journalist Association
28.	Begum Musfera Tasnim	Asstt. Professor, K.B.M College, Dinajpur
29.	Kaniz Fatema Begum	ED, Anannya Sangstha, Dinajpur
30.	Md. Mostafezur Rahman	PO (ICT), CDA, Dinajpur
31.	Rawnek Ara Haque	PF, Pollisree, Dinajpur
32.	Shah I Mobin Jinnah	ED, CDA, Dinajpur

33.	Laxman Chandra Biswas	Manager, CDA, Dinajpur
34.	Most. Ranjuara Khatun	Accountant, CDA, Dinajpur
35.	Arun Adhikari	CDA, Dinajpur
36.	Dr. Farida Parvin	Manager, CDA, Dinajpur
37.	Md. Nure Alam Siddique	CDA, Dinajpur
38.	Hasmin Luna	Vice-chairman, Dinajpur
39.	Abul Kalam Azad	Nagorik Uddug
40.	Md. Shofiqul Islam	Retired Trainer, CSO
41.	Radha Soren	Member, CDA People's organization, Dinajpur
42.	Tara Mia	Member, CDA People's organization, Dinajpur
43.	Ms. Maloti	Member, CDA People's organization, Dinajpur
44.	Anamika Pandey	Resource person, CDA
45.	Madhabi Kundu	Resource person, CDA
46.	Md. Shahidur Rahman	Businessman, Dinajpur
47.	A N M Atik	Manager PMES, CDA

B. Rangamati: 6 June 2016

Participants Attendance list: Total: 46; Female: 30; Male: 16

Sl. No.	Name	Designation	Organization and Address
01.	Jarita Chakam	Chairperson	CHT Mohila Samiti, Rangamati
02.	Shyama Chakma	Vice-Chairman	Bilaichhari Upazila Parishad, Rangamati
03.	Namita Chakma	Member	Women Rights Network, ALAAM, Khagarachaori
04.	Pia Chakma	Social Worker	Moanoghar, Rangamati
05.	Joyti Pankhua	Student	Rangamati College, Rangamati
06.	Supanjita Chakma	Karbari	110 No. Sukarchhari Mouza, Rangamati
07.	Rimita Chakma	Member	Hill Women Federation, Rangamati
08.	Shantana Khisa	Karbari	Naniarchhara, Rangamati
09.	Daina Chakma	Karbari	Rangamati
10.	Himel Chakma	Journalist	The Daily Independent, Rangamati
11.	Shanti BejoyChakma	Headman	124 Narichhari Mouza, Belaichhori, Rangamati
12.	Sreegyani Chakma	Advocate	Judge Court, Rangamati
13.	Dawna Prue Neli	Executive Director	AKS, Bandarban Sadar, Bandarban
14.	Shefalika Tripura	Executive Director	KMKS, Khagarachari
15.	Lalasa Chakma	Executive Director	Kabidang, Khagrachari
16.	Santana Chakma	Social Worker	Jurachhari, Rangamati
17.	Chaitali Chakma	Vice-Chairman	Jurachhari Upazilla Parishad, Rangamati
18.	Dishari Chakma	Journalist	Drik News, Rangamati
19.	Suprava Chakma	Member	Mohila Samiti, Kallyanpur, Rangamati
20.	Rita Chakma	Vice-Chairman	RangamatiSadar, Rangamati
21.	Sumina Chakma	Social Worker	Rangamati
22.	Hira Chakma	Member	Hill Women Federation, Rangamati
23.	Nikhil Mitra Chakma	Member	SIWP, Rangamati
24.	Monalisha Chakma	Member	Hill Women Federation, Rangamati
25.	Sajib Chakma	Asst Information and Publicity Secretary	PCJSS, Kallyanpur, Rangamati
26.	Faadang Tang Randal	Staff Member	PCJSS, Kallyanpur, Rangamati
27.	Kankan Bikash Tripura	Program Coordinator	Zabarang, Khagarachari
28.	Trishila Chakma	Student	University of Asia Pacific, Rangamati
29.	Adv. Projjal Chakma	Advocate	Judge Court, Rangamati
30.	Adv. Tisal Chakma	Social Worker	Belaichari, Rangamati
31.	Peshal Chakma	Program Director	BNKS, Bandarban
32.	Adv. Bidhayak Chakma	Lawyer	PCJSS, Kallyanpur, Rangamati
33.	Parboti Roy	Member	BIWN, Rangamati
34.	Rakhi Chakma	Social Worker	Rangamati
35.	Rani Yan Yan	Rani Chakma Circle	Rangamati, Chakma Circle
36.	Rowshan Jahan Moni	Deputy Executive Director	ALRD, Dhaka
37.	Jeni Chakma	Member	Hill Women Federation, Rangamati
38.	Chanchana Chakma	Chairman	Hill Women Federation, Rangamati

39.	Bablu Chakma	Coordinator	Kapaeeng Foundation, Dhaka
40.	Mirza Md. Azim Haider	Program Officer (Training)	ALRD, Dhaka
41.	Shanjida Khan Ripa	Assistant Program Coordinator	ALRD, Dhaka
42.	Satrong Chakma	Reporter	Daily Samakal, Rangamati
43.	Pallab Chakma	Executive Director	Kapaeeng Foundation, Dhaka
44.	Shakti Pada Tripura	Vice Chairman	CHT Headman Network, Rangamati
45.	Ad. Susmita Chakma	Advocate	Women Rights Network, Rangamati
46.	Reri Tanchangya	Member	Jatiya Mohila Sangstha, Rangamati

c. Dhaka: 23 June, 2016

Participants Attendance list: Total: 49; Female: 24; Male: 25

Sl no.	Name of the Participants	Name of the Organization
1	Md. Shamial Hasan	Program Officer, ARBAN
2.	Mozaffar Hossain	Program Officer, ARBAN
3.	Monte Dewan	INCIDIN Bangladesh
4.	Md. Kamruzzaman	Efforts for Rural Advancement (ERA), Sunamganj
5.	Silvia Khyang	Kapaeeng Foundation
6.	Engineer S.I Safiq	Executive Director, Sustain
7.	M.Masud Hossain Khan	Documentation Officer, ALRD
8.	Md. Sayaduzzaman Khokon	Executive Director, Graus
9.	Ajay A. Mree	Executive Director, ACDF
10	Iqbal Uddin	Program Officer, Nagorik Uddyog
11	Rashida Begum	Nijera Kori
12	Hasina Akter	Nijera Kori
13	Shila Rani Saha	ARBAN
14	Naharin Sultana	ARBAN
15	Mosammat Nasrin	ARBAN
16	Manju Ara Parvin	Rupantar
17	Md. Hemayet Uddin	Program Manager, Speed Trust
18	Noresh Chandra Oraon	Executive Director, ASUS
19	Sondha Malo	WCDB, Dinajpur
20	Sulekha Mrong	AMS, Madhupur, Tangail
21	Nure Alam Siddique Monju	LDO
22	Md. Golam Mahathe	Executive Director, Gono Kallyan Sangstha (GKS)
23	Anne Drong	IPDS

24	Sofia Haseen	BLAST
25	Fahmida Jabeen Kanta	Dwip Unnayan Sangstha (DUS)
26	Padmabottee Debi	Puja Udjapon Committee
27	Shamima Islam	NETZ Bangladesh
28	Aktaruzzaman	Gono Unnayan Procheta
29	Dipondra Sarkar	Manab Unnyan Kendra
30	Md. Ruhul Amin Molla	Polli Bondhu Sangsta (RFS)
31	Helen Nazneen	ALRD
32	Azim Haider	ALRD
33	Dr Nilufer H. Karim	RIB
34	Dil Monoara Monu	Senior Journalist
35	Jakiya Khanom	BFF, Faridpur
36	Sk. ATM Atique Ullah Chowdhury	ARBAN
37	Feroza Begum	BSN, Sherpur
38	Mahbuba Ahmed	ALRD
39	Syeda Zubyda Fatema	ALRD
40	Rafiqul Islam	ALRD
41	Md. Nazim Uddin Khan	ARBAN
42	Md. Abdul Jabbar	CDA
43	Md. Zabar Ahmmed	Prochusta, Kulaura, Moulivibazar
44	Shanjida Khan Ripa	APC, ALRD
45	Kirti Nishan Chakma	Consultant
46	Muhammd Kamal Uddin	Coordinator, ARBAN
47	Rowshan Jahan Moni	DED, ALRD
48	Shamsul Huda	ED, ALRD
49	Rafique Ahamed Sherajee	APC, ALRD

Photos: Djaka Consultations(23 June 2016)



Photos: Rangamati Consultation (6 June 2016)



Photos: Dinajpur Consultation (2 June 2016)



Annex 4: CEDAW

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

INTRODUCTION

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on

the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

The full text of the Convention is set out herein

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The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean 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 a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;

- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particular those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned;
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.