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Eighth Review –Bangladesh

**THE RIGHT
TO ADEQUATE FOOD AND NUTRITION OF WOMEN IN
BANGLADESH**



**Submitted by
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with the support of

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1. HUNGER AND MALNUTRITION AMONG WOMEN IN BANGLADESH

Despite impressive progress in social and economic development and improved human development indicators in the recent years (e.g. literacy, life expectancy, primary school enrolment, gender parity in primary and secondary level education, lowering the infant and under-five mortality rate and maternal mortality ratio, improving immunization coverage; reducing the incidence of communicable diseases, etc.)¹ inequalities in income and consumption rates have increased² and rates of malnutrition in Bangladesh are among the highest in the world.³

Bangladesh is the least food-secure among the South Asian countries.⁴ Bangladesh ranks 81st in terms of food security amongst 105 countries.⁵ Despite its achievement of MDG targets, rapid economic growth and increase in agricultural productivity since 1990s, and the expression by the Government of Bangladesh that “food security is given the topmost priority in Bangladesh. Side by side with domestic food production, greater importance is given to ensure access to adequate and safe food by all people at all times for maintaining an active and healthy life”,⁶ prevalence of undernourishment is increasing since 2005.⁷ The global hunger index 2015 categorized Bangladesh under serious category at a score of 27.3.

Women and children suffer most from hunger and malnutrition in Bangladesh. Women are more likely to go hungry due to country’s prevailing socio-cultural system. The disproportionate poverty faced by women and girls comes as a result of discrimination and exclusion within Bangladeshi society. Traditional practices such as dowries, child marriages and the relegation of being last to eat have created a demeaning and dangerous socio-political context for girls and women.⁸ Among women, 24 percent are underweight and 13 percent are short in stature, which increases the likelihood that their children will be stunted. Sacrifices in food consumption in favor of children, particularly in times of scarcity, is highly gender biased. In most cases, it is an adult woman who must make a sacrifice.⁹

Out of 25 million undernourished people (16.4% of the population) 7 million children (41%) of children under the age of five are estimated to be chronically undernourished.¹⁰

2. LEGAL FRAMEWORK OF THE HUMAN RIGHT TO ADEQUATE FOOD AND NUTRITION

The right to food and nutrition (hereafter RTFN) acknowledged in Article 24 and its accompanying General Recommendation 24, as well as in the General Recommendation 34 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹¹ is a basic human right of both men and women. This human right is also recognized in an array of several international human rights laws¹². Bangladesh has ratified all the above mentioned human rights instruments and is thus obliged under international law to respect, protect, and fulfill the RTFN of women in Bangladesh. Bangladesh has ratified the Optional Protocol to the CRPD and the Optional Protocol to CEDAW but has not ratified the Optional Protocols to ICESCR, CRC, or ICCPR. Bangladesh’s CEDAW ratification, though, comes with some important reservations¹³ in spite of these being contradictory to the constitution.¹⁴ A commitment by the government made in

¹ MDG: Bangladesh Progress Report, 2015, UNDP report, 2015.

² Rethinking Political Economy of Development, Prof. Khan A. Matin, 2014 and HIES 2010 and, Asian Journal of Social Sciences & Humanities Vol. 3(1) February 2014

³ Malnutrition in Bangladesh, 2015, Save the Children

⁴ Global Food Security Index, 2016

⁵ Global Food Security Index 2016, Economist Intelligence Unit (EIU)

⁶ Unlocking the Potential: National Strategy for Accelerated Poverty Reduction (PRSP)

⁷ State of Food Insecurity in the World 2013, FAO: Bangladesh saw increased food production and relatively stable prices of rice and vegetables for almost the entire 2014.

⁸ World Vision, 2014

⁹ Ibid.

¹⁰ 10 Facts About Hunger In Bangladesh, WFP Report, 2015

¹¹ See Annex 1 for more information regarding the holistic definition of the RTAF according to the General Recommendation 34

¹² Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Article 6 of the International Covenant on Civil and Political Rights, Article 12 and 14 of the CEDAW, as well as Article 24 and 27 of the Convention on the Rights of the Child (CRC).

¹³ The right to food, Report of the Special Rapporteur, Jean Ziegler, Commission on Human Rights, Sixtieth Session, Item 10 of the provisional agenda, E/CN.4/2004/10/Add.1, 29 October 2003

Bangladesh's ratification to CEDAW comes with reservations on Article 2 and 16.1(C). Article 2 requires “Policy measures to be undertaken to eliminate discrimination” and Article 16.1(c) demands “the same rights and responsibilities during marriage and at its dissolution”. Article 2 mandates that state parties ratifying the Convention declare intent to enshrine gender equality into their domestic legislation, repeal all discriminatory provisions in their laws, and enact new provisions to guard against discrimination against women. Article 16 (1c) dictates that state 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 a basis of equality of men and women.

¹⁴ The reservation on CEDAW Article 2 contradicts with Articles 10, 19, 27, 28 and 29 of the Constitution of Bangladesh which guarantees equal rights for women and men.

2004 to withdraw the reservations has not been implemented so far.¹⁵ Therefore, though complaints to the CEDAW Committee are possible from Bangladesh, two of the most important areas have been kept out of it.

The nature of the state obligations to ensure the effective realization of the human right to food and nutrition is laid out in the Constitution of Bangladesh. The Constitution guarantees women equal rights with men in all spheres of the State and public life as a fundamental right (Article 28 (2)). It establishes that the State shall not discriminate against any citizen on grounds only of sex and nothing in this article shall prevent the state from making special provision in favor of women or children or for the advancement of any backward section of citizens. The Constitution further provides that steps shall be taken in ensuring participation of women in all spheres of national life as a fundamental principle of state policy (Article 10).

Articles 15 and 16¹⁶ address the right to food as fundamental principles of state policy and recognize the fundamental responsibility of the state to secure to its citizens the provision of the basic necessities of life including food. Besides that, Article 18 states that the state is obligated to regard the raising of the level of nutrition and improvement of public health as among its primary duties. Article 32 of the constitution guarantees right to life, wider interpretation of which may include right to food and it is perhaps most important national legal instrument related to right to food. The right to adequate food is therefore a guaranteed fundamental right for Bangladeshi people, which is recognized by the national constitution.¹⁷

Many laws address different aspects of the right to food and nutrition¹⁸ such as Safe Food Act, 2013, Agriculturists' Loans Act, 1884, Land Reforms Ordinance, 1984, Agricultural Labor (Minimum Wages) Ordinance, 1984, Bangladesh Labor Act, 2006, Famine Insurance Disaster Fund, 1937, Control of Essential Commodities Act, 1957, Rice Collection and Control Order, 2008, various agriculture and environmental conservation related laws and Disaster Management Act, 2012. These laws create a strong legal framework for the protection of the right to food and nutrition. However, besides the fact that they do not explicitly address the specific needs of women, there is a lack of clarity regarding responsibilities and powers, besides the general problem of enforcement and implementation.¹⁹

As a matter of concern, the constitution is quite contradictory in terms of indigenous people. According to Article 6 “the People of Bangladesh shall be known as Bengalese as a nation”, the rights of the indigenous people to self-identification are ignored. Moreover, it contradicts with the equality guarantee given in it (Article 27 and 28)²⁰. In addition, Article 28 stipulates that the state shall take affirmative actions and make special provisions for the 'backward' citizens, which include the indigenous people. Article 23a states that the state shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities²¹.

One national law in particular, which has serious bearing in the lives of indigenous people, is the *Forest Act 1927* (amended in 2000). It restricts access of indigenous people to forest and natural resources related to it with detrimental impact on the livelihood options for these people. Article 10.1 of the Act clearly states that based on the Forest Settlement Officer's statement the government can decide whether shifting cultivation can be “permitted or prohibited wholly or in part”.²² Shifting cultivation is the main mode of livelihoods and key source of food and nutrition for the indigenous peoples in the hills. Since the enactment of the Act, the government has been exercising the provision as a means to control indigenous peoples' ancestral lands, which is becoming stricter with time, leading to increased food insecurity and loss of traditional knowledge related to food production and preservation. The women in the indigenous communities suffer most from food insecurity, since selection of food items to be dried and preservation of seeds are traditionally women's role, which provides them a form of social power/strength. The inability to perform the role due to food scarcity leaves them relatively disempowered within the communities.

In some indigenous inhabited areas, in the Plains particularly, the *Wildlife (Conservation and Security) Act, 2012* has contributed further to the threat of food insecurity of indigenous communities. For instance, Article 6.1 of the Act prohibits hunting ‘wild animals’ without a licence.²³ While obtaining a licence is an alien and difficult procedure for a local indigenous

¹⁵ 5th Periodic Report Bangladesh, 2004

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/BangladeshCO31.pdf>women.

¹⁵ The reservation on CEDAW Article 2 contradicts with Articles 10, 19, 27, 28 and 29 of the Constitution of Bangladesh which guarantees equal rights for women and men.

¹⁵ 5th Periodic Report Bangladesh, 2004

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/BangladeshCO31.pdf>

¹⁶Rajkiran Barhey, Mohsina Hossain Tushi & Sara Hossain, Bangladesh Legal Aid and Services Trust (BLAST) and Campaign for Right to Food & Social Security (RtF&SS) 2015

¹⁷ As per the 15th amendment to the Constitution adopted in 2011

¹⁸ *ibid*, p-33-39

¹⁹ *ibid* p-39

²⁰Government of Bangladesh (GOB) [2010], *The Constitution of the Peoples' Republic of Bangladesh (Amended 2011)*, Dhaka: Ministry of Law, Justice and Parliamentary Affairs.

²¹Political Participation of Indigenous Women in Bangladesh, Bipasha Chakma, Kapaeeng Foundation, 2014

²² Forest Act 1927, Bangladesh, see in particular Sec 3. Power to reserve forests, Sec 5. Bar of accrual of forest-rights, Sec 9. Extinction of rights, Sec 10 Treatment of claims relating to practice of shifting cultivation, Sec 11. Power to acquire land over which right is claimed Sec 12. Order on claims to rights of pasture or to forest- produce, Sec 25 and 26; <http://www.bforest.gov.bd/site/page/34672edf-43c6-41d1-9451-bc904408b118/%E0%A6%AC%E0%A6%A8-%E0%A7%A7%E0%A7%AF%E0%A7%A8%E0%A7%AD>

²³ http://forestsouth.coxsazar.gov.bd/sites/default/files/Wildlife_Act_2012_English.pdf

person, ‘wild animal’ can cover from snails to tigers, and therefore making the indigenous women unable to collect food from the forests which are major sources of food and nutrition for the indigenous communities. The requirement of licenses generates discrimination vis á vis other actors, since people with different capacities are treated equally. This equal treatment to different people causes de facto marginalization for those, including women, who do not have the needed knowledge and contacts to get the licenses.

The Small Ethnic Groups Cultural Institutions Act, 2010 aims to preserve and promote the cultural heritage, language, religious practices and traditional lifestyle of all ethnic communities. Following that the government has taken some initiatives, e.g. a five percent quota is maintained for ethnic minority candidates for recruitment in the public sector. Also, three to five seats are reserved for ethnic minority students in higher educational institutions.

Bangladesh adopted many women-friendly laws and policies over the last few decades. It is also worthwhile to note that major policies and planning documents of the government refer to and are based on provisions of CEDAW (e.g. five-year plans, national perspective plan on post-2015, etc.). For example, the Government has approved the National Women’s Development Policy 2011 (NWDP), which accords women equal political and economic rights as men, and advocates the removal of all forms of discrimination against women. However, there remain a significant number of discriminatory laws related to marriage, divorce, nationality, guardianship and custodial rights that must be amended or repealed before domestic legislation fully complies with obligations under the CEDAW.²⁴

The government of Bangladesh uses two broad approaches to increase access to food, particularly for the poor and vulnerable women: first, the short-run approach in which direct transfer of food or cash is provided through a number of programs²⁵ which are known as social safety net programs and second, the long-run approach, through which the government designs policies, implements programs, and invests in development projects with a view of raising incomes of the poor and their capacity to acquire food through employment generating activities. National development plans of the country, for example, the consecutive five year plans and the poverty reduction strategies have progressively incorporated strategies and measures in reducing women’s disadvantage, increasing women’s voice and agency and promoting gender equality. The actions taken have brought about significant improvements in social development and gender equality indicators. The country adopted its Sixth Five Year Plan (SFYP), 2011- 2015 to accelerate growth and reduce poverty, which was formulated within the framework of the Perspective Plan of Bangladesh 2010-2021 and which incorporates many aspects related to the right to food and nutrition.²⁶ The Government formulated its first Women’s Development Policy (WDP) in 1997, updated it in 2011 and formulated two National Action Plans (NAP) in 1997 and in 2013 for its implementation.

3. SITUATION OF WOMEN IN BANGLADESH IN THE CONTEXT OF THE RIGHT TO ADEQUATE FOOD AND NUTRITION

The CEDAW clearly states that all forms of discrimination against women constitute a violation of respect for human dignity. The right to adequate food and nutrition is a fundamental right whose fulfillment is linked to many other human rights, including the right to education, right to health, and right to housing, among others. World-wide, women suffer the most from violations of the human right to food and nutrition due to gender-based discrimination. Since human rights are interdependent and indivisible, the violation of one right leads to violations of other fundamental rights of women, inhibiting them from living a dignified life.²⁷

Below, we outline the main obstacles Bangladeshi women face when attempting to realize their right to food and nutrition.

3.1 CEDAW Article 7 – Political and public life²⁸

Though the constitution of Bangladesh guarantees equal rights for women, the reality is that they are not seen as equal, their roles are closely tied to their reproductive and household activities only. In Bangladesh, women are furthermore handicapped

²⁴Committee on the Elimination of Discrimination against Women, Forty-eighth session 17 January – 4 February 2011: Concluding Observations, para. 15; <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BGD-CO-7.pdf>

²⁵In ensuring social protection for vulnerable women in extreme poverty, Vulnerable Group Development Program (VGD) is providing to extreme poor and distressed women as food assistance along with development package training. Other programs are: Open Market Sales (OMS), Vulnerable Group Feeding (VGF), Test Relief (TR) Food, Gratuitous Relief (GR)- Food, Food Assistance in CTG-Hill Tracts Area, Food For Work (FFW), etc.

²⁶ The Plan has a section on food security and management – “Attainment of food grain self-sufficiency and food security remain the stated objectives of the national food policy and strategies” page 33; the specific objectives are: Ensuring food security for all and elevating nutritional status of the people living below poverty line; Preservation and maintenance of security stock of food grain to meet any natural calamities, production shortfalls and supply hazards; Development of a social safety net program for vulnerable groups with special focus on women and children through improvement and enlargement of targeted food distribution; Maintenance of price stability within a band to protect interests of producers and consumers; Expansion of private sector in storage, distribution and trade of food grain; and Development of a sound quality control, grading and standardization system of food grain and food products.

²⁷ See UN Doc A/HRC/22/50, Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter: Women’s rights and the right to food.

²⁸ See Annex 2 for additional information on the relation of Article 7 to the RTAF

because of lower educational achievements and the prevalence of social norms that severely restrict their freedom of movement in the public place. In spite of the fact that the two biggest political parties of Bangladesh are led by women, women's participation in general is low in the political hierarchy and in decision making. Very few women are in leadership positions and they usually are in committees which are traditionally considered to be women's area, such as, education, health, women and children committees and are less likely to be on economics, budget, and foreign affairs committees.

A quota (one third of the total) has ensured women's presence in the Local Government and (one sixth of the total) in national parliament. However, women elected to the posts have difficulties to exercise the full participation and authority of their posts as revealed by many studies. One of the studies related to women empowerment in local government states "Most of the cases we found the women are socially excluded, politically vulnerable and victim by male hegemony..."²⁹

Indigenous people

It is often said that indigenous women are more empowered, enjoy greater freedom and have greater rights and more scope to practice gender equality than the women of dominant Bengali community. They, apparently, have greater mobility in the public sphere. They can go to the market, work in the fields, travel around and participate in cultural and religious events. However, within the household they do not have much decision making power; usually all major decisions are taken by men and key resources are controlled by them.

Within the community women's political and decision making power is limited. They are very rarely able to assume the post of "Karbari" or village head (this is also a recent development) and that of a "Headman" or Chief of the area comprised of many villages of different communities. There are only 71 female Karbari among total of 2780 and 11 female Headmen among 375 in the CHT³⁰. In spite of women contesting for the reserve seats for the women in the Union Parishad and Upazilla elections, there is almost no participation of women in the community decision-making and mediation/arbitration process; they even do not attend those sessions unless they are called as witness or escort of woman plaintiff or defendant. There is no institutional support to facilitate their full and free participation.

In addition, they face certain restrictions from the family and the society, e.g. they cannot go out for campaigns at night, and they have less time for that and for their duty as representatives as they have to complete the household chores and family obligations first. They also lack in skills and confidence due to the lower level of their education and exposure to public and political activities. Besides, poverty, patriarchy, social and political insecurity and lack of skills in speaking Bengali are other main obstacles to their success.³¹

With regard to the CHT Regional Council (CHTRC) and the Hill District Council (HDC) there is the provision of three reserve seats for women in both bodies when they are elected. However, there is no such provision for the interim councils, when the government forms those.³² Currently interim councils are in place and there is only one female member in all of those.

Several groups of indigenous people are facing threats that include murder, false case and eviction.³³ This has a direct impact to their livelihood and has a wider affect to their right to food and nutrition, as the women of their communities are directly engaged in traditional agriculture system and are responsible to manage their daily meals.

Dalits

The estimated 5.5 million Dalits³⁴ in Bangladesh face not only occupational segregation but also systemic political, economic and social exclusion. A joint NGO submission on the Human Rights Situation of Dalits in Bangladesh at the 4th UPR session in February 2009 laid out clearly the problems of the various Dalit communities scattered across Bangladesh. Dalit human rights to housing, education and livelihood as well as to freedom of movement and other fundamental rights are violated by state negligence, bureaucratic practices and community sanctions. Stigmatized as impure, Dalit communities are forced to live in segregated spaces and neighborhoods.³⁵

The UPR report states that, "Dalit women suffer from double discrimination and they are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country." Dalit women are more or less invisible in public fora, let alone in local government institutions. There is no specific research or literature on Dalit women. It can be surmised, however, that they face a triple burden, as women, as part of a minority community and

29 Khan, E. 2012, Women participation in Local Government (UP): A study of rural Bangladesh <http://elyaskhan.blogspot.com/2012/04/women-participation-in-local-government.html>

³⁰ Political Participation of Indigenous Women in Bangladesh, Bipasha Chakma, Kapaeeng Foundation, 2014

³¹ Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter: Women's rights and the right to food, UN Doc A/HRC/22/50.

³² Ibid

³³ CEDAW/C/BGD/8, Eighth periodic report of states parties, 2015. Bangladesh.

³⁴ Dalits (literally "divided, split, broken, scattered") are often forcibly assigned the most dirty, menial and hazardous jobs, and many are subjected to forced and bonded labour. Due to exclusion practiced by both state and non-state actors, they have limited access to resources, services and development, keeping most Dalits in severe poverty. Dalits today use the term "Dalit" as they believe the term is more than being broken and is in fact an identity born of struggle and assertion.

³⁵ Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee, December 2010.

minorities within minorities. As their mobility and economic participation is low, they do not have easy access to government support services relating to right to food and nutrition.

3.2 CEDAW Article 10 - Access to Education

Gender-based discrimination, in particular with regards to the rights to education and employment of women and girls, has dire consequences for the realization of women's right to adequate food and nutrition. The female literacy rate (58.84%) is lower than the male literacy rate (60.15%)³⁶ resulting in lower earning potential and little autonomy in the household. This low female literacy rate also has a detrimental implication on the right to adequate food and nutrition of children in Bangladesh. Recent studies show that infant mortality is directly inversely proportional to the education level of the mothers – in other words, the children of illiterate mothers are much more likely to die young³⁷. Chronic malnutrition during childhood for poor children may lead to late enrolment in school, which in turn may lead to poor education outcomes and 20% less earning power than children who complete their education³⁸.

The National Education Policy (NEP), 2010, promotes an inclusive education agenda deemed at removing all disparities in education including gender. As a result, gender parity has been achieved in primary and secondary enrolment. The Education Assistance Trust Act, 2012 has been passed and accordingly the Education Assistance Trust established with an allocation of 100 billion BDT to benefit underprivileged students.

Indigenous people

The average literacy of CHT is about 46% as against national average of 56.5%. The rates of education among different communities and also within communities vary depending on the economic condition of the household, communication and remoteness, language, gender identity, lack of awareness etc. The rate of literacy is higher among the Chakma, Tripura and Marma than other communities.

Many students have to travel long distances for attending schools or have to leave home and stay in the nearby towns separated from their family, which is very expensive for them. It is deemed unsuitable for the girls to stay in this way due to security and other social concerns. Moreover, many parents give less priority for the education of girls compared to boys.

A pertinent problem is the lack of teachers. Even schools initiated by non-governmental organizations are not functional because of shortage of teachers. Teachers from the villages are rare, and teachers appointed from outside often do not want to continue their jobs in those remote areas.

Besides, there is an issue of language in the education. The common medium of instruction, Bengali, is often difficult to understand for many indigenous children. There has been an initiative for the pre-primary education in mother tongue for indigenous children in five languages since 2013 but it has been delayed and not yet implemented. Therefore, the opportunity of better education very limited for most of the women there.³⁹

3.2. CEDAW Article 11 – Access to Employment

Despite growth in wages over the past five years, food price spikes place balanced diets beyond the reach of millions, particularly the urban poor and rural landless. While the food availability has increased in recent years, lack of access is largely responsible for over 60 million people going hungry every day although the country has achieved self-sufficiency in producing food in recent years⁴⁰. Despite of increased production many farmers are deprived from fair prices.⁴¹

While labor is the primary source of income for women in Bangladesh, gender inequality persists in terms of women's participation in the labor force, inequality in the wages of women and their access to basic resources, e.g. infrastructure, the market, etc. The work participation rate of women is only 31% as compared to 81.7% for men.⁴²

³⁶Bangladesh Literacy Survey 2010, BBS

<http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/LatestReports/Bangladesh%20Literacy%20Survey%202010f.pdf>

³⁷ <http://www.freedomforourdaughters.org/child-brides.html>

³⁸ Grantham-McGregor, S. et al, 2007. Development potential in the first five years for children in developing countries, *The Lancet*, 369: 60–70.

³⁹ See case study 1 in Annex 3

⁴⁰ Bangladesh: Threats to Food Security (overview)

<https://www.wfp.org/countries/bangladesh/overview>. Source: From Basic Need to Basic Right: Right to Food in Context; Dr. Abdullah Al Faruque, A study prepared for National Human Rights Commission of Bangladesh June 2014.

⁴¹ Bangladesh has managed to triple its rice production since its independence, from 10 million Metric Ton (MT) in 1971 to over 32 million MT today (2013). Astonishingly, 8.44 million hectare of the land are irrigated, which is over 7 times more than in 1990. Modern varieties have been introduced on 75% of the total rice cropped area. Bangladesh is now world's sixth largest producer of rice which accounts for 77% of agricultural land use. However, the country's bumper yielding of crops could not ensure accessibility and people's right to adequate food. It clearly shows that availability does not mean that people access the food. Sometimes it rather incurred the price fall of production cost, sometimes it widens the gap between rich and poor due to price hike, and the negative and non-sustainable side effects are jeopardizing the realization of the right to food further.

⁴² Bangladesh Labour Force Survey 2013, Bangladesh Bureau of Statistics

<http://www.bbs.gov.bd/PageWebMenuContent.aspx?MenuKey=235>.

The Government has adopted three major national policies – (i) National Women Development Policy, 2011 (ii) the Child Labor Elimination Policy, 2010 and (iii) the Child Rights Policy, 2011 - which would have strong impacts on free from exploitation and on anti-trafficking measures generally.

Women suffer more unemployment or/and underemployment than men, because of their limited employment opportunities, widespread illiteracy, lack of skills and greater burden of household work⁴³. The daily wage for female workers in agriculture or other available local work opportunities is lower than that of men. The rates of wage vary according to the remoteness of the area but everywhere the average wages of women is 1 to 1.5 USD lower than the one of men (which is around 3 to 4.5 USD.).

Women farmers, especially those of female-headed households, encounter numerous difficulties to make their living, e.g. they are not listed for the Agricultural Input Assistance card and therefore deprived of government input support⁴⁴.

In addition, women who are employed in the informal sectors are most prone to violations of the right to adequate food and nutrition and other associated rights. The informal sector constitutes around 87.4% of the total workforce, out of which around 90.3% are women as opposed to the figure 86.3% for men.⁴⁵ A woman's class and social origin determines the level of education, and correspondingly her status in the labor market if she participates in it. Contrary to regulatory norms, long working hours seem to be a norm for the informal sector. Furthermore, the informalization process has generated a large segment of workers within the informal sector without minimum safe working conditions. A large proportion of unorganized workers remain outside the protection of the Agricultural Labor (Minimum Wages) Ordinance, 1984 and Bangladesh Minimum Wage Board Laws 2010.

Social norms and exigencies of the double burden of work influence the choice of the place of work for women. Rural women workers in Bangladesh are involved in various agricultural works such as sowing, transplanting, weeding, irrigation, fertilizer application, plant protection, harvesting, winnowing, storing, etc. They are also involved in non-agricultural work, for example, cooking, child rearing, water collection, fuel wood gathering, household maintenance, etc. and similarly in allied activities such as cattle management, fodder collection, milking, etc. There are various hidden costs of home work: the rejection of the product on the ground of poor quality, deferred or delayed payment, the use of own infrastructure and electricity, the supply of poor quality and inadequate raw material, and the lack of a designated business place of work.

Gender discrimination at the workplace is elusive or subtle and is reflected in the nature of work performed, valuation of the skills and the technology used by men and women. Home-workers face problems of seasonality of work. Such seasonality of work reduces the income that they are able to earn. Migrant workers, particularly at the lower end, including casual labourers and waged workers in industries and construction sites, face adverse work as well as living conditions. Migrants, especially women migrants, are highly disadvantaged because they are largely engaged in the unorganized sector with weakly implemented labour laws, without any accountability and with an absence of effective redress mechanisms⁴⁶.

Both in semi urban and rural areas, many women are seen to work as domestic workers. Sexual and physical harassment is a very common phenomenon to the domestic workers and maximum of these cases are not reported due to the fear of losing the job and other social prejudices. Again, there is an active group of culprits, who with a commitment of providing a better job, normally forces the female to be involved in prostitution. Government precaution on ensuring their right to adequate food and nutrition could change the situation, as women take up these jobs only when they are desperate with no alternatives to ensure nutritious food for their households.

3.3 CEDAW Article 12 - Access to Health Care and Nutrition

While there are various welfare schemes in place with the potential to improve the health and nutrition situation of the poor in the country such as the Tribal/Ethnic Health Population and Nutrition Plan for the Health, Population and Nutrition Sector Development Program (HPNSDP) 2011-2016, these schemes lack a holistic understanding of the intrinsic links between health, nutrition, food, socio-economic status and gender, thus failing to fully realize the right to adequate food and nutrition of all women and girls in Bangladesh.

Women experience lack of self-confidence because of societal lifelong discrimination, lack of opportunities, lack of decision-making powers, lack of access to health care and family planning, and the struggle for day-to-day survival needs. Isolation limits women's ability to secure even the most basic resources and this has a strong negative impact on their health status. As already stated above, hunger and malnutrition have a distinct gender dimension and are widespread among women in Bangladesh. Over 46% of pregnant women and 33% of non-pregnant women are anemic⁴⁷ and 24 percent are underweight⁴⁸.

⁴³ Gender Inequality in Bangladesh, 2011, UnnayanAnnesson http://www.unnayan.org/documents/GenderRights/gender_inequality_in_bangladesh.pdf

⁴⁴ JatiyaKrishokShunaniShmarokPustika, CSRL, Oxfam, 2012

⁴⁵ Bangladesh Labour Force Survey 2013, BBS

<http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/LatestReports/LabourForceSurvey.2013.pdf>

⁴⁶ <http://www.freedomforourdaughters.org/child-brides.html>

⁴⁷ UNICEF,

http://www.unicef.org/bangladesh/Anaemia_Strategy.pdf

⁴⁸ 10 facts about hunger in Bangladesh, WFP.

Gender inequality in nutrition is present from infancy to adulthood. Women never reach their full growth potential due to nutritional deprivation.

With a view to accelerating progress of the health, population and nutrition (HPN) sector, the Health Population and Nutrition Sector Development Program (HPNSDP) is under implementation with a pluralistic health system with participation of many stakeholders including the private sector.

Indigenous People

Access to 'modern' health care is very low among the indigenous communities due to difficult communication system and very poor service delivery. The government health-care system is almost non-functional at the Upazila and Union levels- doctors and other staffs remain absent from office on regular basis. Most of these facilities are alarmingly under-staffed. A recent study shows that 71% doctors' positions are vacating different government health facilities in three districts⁴⁹. Private facilities are also very limited and highly expensive. Because of these, accessing health care is very expensive to them. There is also an inclination towards traditional healers. They believe those healers treat certain illnesses better than doctors; many others choose to go to the traditional healer first and when they fail and condition become very serious then they go to the doctors. Even when they reach out for doctors they usually go to the private doctors or clinics rather than the government facilities due to poor service and lack of confidence on those.⁵⁰

3.4 CEDAW ARTICLE 14 – Rural Women

Bangladesh's rural women – in part due to their unique role in food and nutrition security as producers of the majority of food grown or harvested and their deep dependency on natural and productive resources, as workers who are often left out of labour protection legislation, and as women and girls with inadequate access to services and information – face specific hurdles when attempting to realise their right to adequate food and nutrition.

a) Access to Natural Resources

Indigenous women used to collect most of their household provisions from Jhum plots, jungles and from the vicinity of the village. According to a survey, 65% of households consume at least one natural, uncultivated food items in their meal, which has high nutritional and market value.⁵¹ The acquisition of lands for reserve forests since British colonial era has shrunk the available land, as well as the construction of Kaptai hydroelectric dam and resulting inundation. In addition, with the population growth, increasing individual claim on land, encroachment by business corporations, outsiders, government agencies, increasing commercialization of agriculture and horticulture of the region, Jhum and communal common lands and jungles nested on it are quickly disappearing, with it the access to natural resources of indigenous people, especially that of women. Monocultures of mango, pineapple, etc. as part of commercial farming, especially teak plantations are destructive to the local eco-system. They are also responsible for the rapid destruction of jungles and thus depletion of natural resources available to indigenous communities. The resulting loss of biodiversity is also affecting their livelihood. The declaration of reserve forests has not only restricted access to natural resources for the indigenous people but also subjected them to harassment and repression. Poaching is often allowed in the reserve forest in exchange of kickbacks; and false case against villagers are used to cover up their crime; as well as a mean of extortion.

Working in the Jhum and collecting food and firewood from the jungle used to be a relatively free/trivial venture for indigenous women in the CHT, either alone or in groups without the fear of sexual abuse and violence against them. Now with the military backed settlement schemes, the presence of Bengali 'settlers' are widespread, so are the incidents of rape, sexual abuse and violence. Rapid modernization and westernization is also contributing its fair share in it and assault by indigenous men is on the rise now. As a result the women now fear to go out alone; they are not even safe in small groups. This is affecting their access to natural resources and ultimately food security and nutrition.

In the Northern region women from the Santal community have been trained on modern vegetable cultivation techniques. However, respective support services do not reach properly to the indigenous people living in remote hilly regions. Training facilities and curricula are inadequate in equipping the women of the communities.

Majority of indigenous people living in villages are not self-sufficient in food, as they do not have enough land for that. They have to buy or borrow food for four to five months a year, which may lead to reduced intake of food for that period. The worst period in terms of food security⁵² is from mid-June to mid-August⁵³. In addition, usually in every four to five years they

<https://www.wfp.org/stories/10-facts-about-hunger-bangladesh>. Source: Bangladesh-Nutrition-Profile-Mar2014.pdf, Bangladesh - Food and Nutrition Technical Assistance III Project.

⁴⁹Report on Food and Nutrition Security in Rangamati and Bandarban districts, Bangladesh; Nazme Sabina, ManusherJonno Foundation, Bangladesh, November 2013.

⁵⁰ See case study 2 in Annex 3

⁵¹Report on Food and Nutrition Security in Rangamati and Bandarban districts, Bangladesh; Nazme Sabina, ManusherJonno Foundation, Bangladesh, November 2013;

⁵²In local terms, food insecure time is called 'bhadraat'.

suffer from more severe food shortage. This often coincides with bamboo flowering and resulting rodent outbreaks⁵⁴ but extreme weather such as storm, drought or too much or untimely rain may also cause it. In certain areas insecurity and presence of armed groups⁵⁵ may also contribute to worsen food security. Furthermore, the diversity of food sources is decreasing due to the increase of commercial farming, loss of forest and community land and increasing availability of industrially produced food. Women have a particular responsibility to ensure food for the household members and they usually collect roots, vegetables, herbs from the nature around, as well as fish, snail, crabs, shrimps and tadpoles from the streams and ditches. Now these resources are becoming increasingly rare and affecting their food security in terms of both availability and nutritional balance. In addition, women tend to eat later after serving the men and children. During food shortage this puts them at higher risk of starvation and less food intake.⁵⁶

b) Property Rights and Access to Land by Women

The heavy presence of military in the CHT is occupying significant amount of land. Despite agreement in the CHT Peace Accord on reducing military presence there, it is instead still expanding. The occupation relates not only to the military installation areas – it also has been actively facilitating settlements of commonly known as "settlers" in the vicinity, which results in further displacement of indigenous people from their land and increases pressure on the existing land. There is also a mushrooming trend of tourism business, again spear headed by the military and people supported by the military, acquiring huge areas and displacing the indigenous people. Apart from land for housing the displaced people receive no land to cultivate or other livelihood alternatives, or any compensatory rehabilitation programme.

In many areas of CHT indigenous communities had been displaced from their native village by the military as part of their counter-insurgency strategy. As a result, many villagers now have to travel for four to five hours or more to reach to their jhum plots, and as a consequence cannot take good care of the jhum. Bringing the harvest home is also very difficult. During the cultivation season they need to shift their household to the jhum plot, and have to leave their house, livestock and plants around that unattended, which has a significant negative impact on their livelihood and economic condition.

Of late, there is an increasing trend of large-scale commercial horticulture (orchard, woodlot, fruits, etc), which are mostly owned by business corporations, outsiders or very few local elites, as well as tobacco companies extending their contract farming in the CHT leading to encroachment of fertile lands and replacement of staple crops.

According to customary law, the property ownership is handed down to the sons rather than daughters. There is no legal provision/safeguard for the women to claim their parents' property as the region is governed under customary law. Therefore property and land ownership among indigenous women is very low. If the father is wealthy he may give the daughter some of his land and property, otherwise it is inherited by the sons. Only the Marmas of the Bandarban region (not in other districts) give their daughters equal or at least 40% share of land as they give to their sons⁵⁷. Especially the landownership is an area where women are lagging far behind men. As most of the headmen and Karbaki, who have the authority to distribute communal land, are men, women are excluded from the control over the common land, too.⁵⁸

⁵³Report on Food and Nutrition Security in Rangamati and Bandarban districts, Bangladesh; Nazme Sabina, ManusherJonno Foundation, Bangladesh, November 2013;

⁵⁴ Bamboo flowers in every few years. Flower and fruit provide abundant food for rodents and increase their breeding capacity significantly. So their number multiplies very quickly and soon they finish bamboo fruits and moved on to feed on crops in agricultural fields.

⁵⁵There are three main factions of political parties of indigenous people- two groups of Jano Songhati Samiti (JSS) and UPDF. All have their respective armed groups. Besides being a border area the separatist armed groups of Indian eastern states and Myanmar also secretly operate in the region. Besides, there are some local armed gangs. All of these groups extort people and create an environment of fear and insecurity. These affect the livelihood activities thus income of the local people and negatively affect their food security.

⁵⁶ See case study 3 in Annex 3

⁵⁷ Unaccounted work of Indigenous Women in the Chittagong Hill Tracts; A. Naher & Abu Ala Hasan, Manusher Jonno Foundation (MJF); Dhaka, Bangladesh, November 2015; p-26

⁵⁸ See case study 4 in Annex 3

4. CONCLUSIONS AND RECOMMENDATIONS

We kindly request that the CEDAW committee recommends that the state of Bangladesh adopts all necessary measures to improve women's participation and ensure their active and meaningful role in political and public life, and to ensure women's equal rights with respect to education and employment opportunities, adequate access to health and nutrition and access to natural resources. Towards this end, we outline our specific recommendations below:

Participation in Political and Public Life

- To review and accordingly revise laws that conflict to identity, culture and livelihood of indigenous people such as ensuring their recognition in the constitution and preferential treatments in all laws.
- To formulate and implement provisions for reserved seats for women in the interim CHT Regional Council (CHTRC) and the Hill District Councils (HDC).
- To formulate and implement provisions in CHTRC, HDC, Upazila Parishod and Union Parishod to ensure the full participation of women members. To initiate awareness training and other necessary measures including stricter human rights monitoring for the CHTRC, HDC, Upazila Parishod and Union Parishod on the importance of women's participation.
- To implement programmes to build the capacity of the female members of CHTRC, HDC, Upazila Parishod and Union Parishod to facilitate their equal and effective participation.
- To develop guidelines for ensuring equal participation of women in all spheres of public and political life, and to ensure the accountability of concerned authorities to implement the gender sensitive policies at the ground level.
- To pass laws ensuring equal rights of the women such as equal inheritance in Muslim family law and among indigenous communities.

Access to Education

- To implement programmes to train local teachers, especially females, and offer special incentives for teachers who serve in remote CHT posts.
- To ensure classroom instructions in the local language/mother tongue of the students of indigenous communities.
- To develop and implement curricula to remove societal and cultural norms and stereotypes and provide information about the rights of women and girls in their different roles to guarantee the equality and equal ability of women and girls to claim their rights as individuals and not just as members of a household.
- Ensure quality education and reduce dropout rate in educational institutions for girl students.

Access to Employment

- To formulate policy and raise awareness on the equal wage of the women workers.
- Implement National Women Development Policy, 2011 (ii) the Child Labor Elimination Policy, 2010 and (iii) the Child Rights Policy, 2011, especially measures aimed at freeing women from exploitation and trafficking.

Access to Health Care and Nutrition

- To mandate women's education on health and nutrition at all levels of the education system.
- To put stricter monitoring on service delivery involving the local community and to take tough disciplinary actions against medical staff absent from offices and negligent to duty.
- To offer incentives for medical staff who serve in remote CHT posts.
- To employ local persons to CHT positions on a preferential basis.
- To create employment in the locality for supporting people in the lean period, as one of the most important measures to ensure the realization of the right to food and nutrition.
- To provide food aid and subsidies in the lean period during severe food shortage.
- Inbuild a greater focus on nutrition in policies and programmes, at large scale and across different sectors, in order to accelerate the progress on tackling the country's substantial malnutrition burden.

Rural Women

- To acknowledge, document and use women's knowledge in the sustainable use of resources for food and nutrition security and food sovereignty.
- To take actions that ensure the realization of women farmers' rights to adequate access to productive resources, relevant information, markets and technology.
- To develop relevant policies and programs as per the FAOs Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests, which have emphasized the role of women in protection of the human right to food and nutrition and sustainable development.

Access to Natural Resources and Support Services for Rural Women

- To take tough measures against the perpetrators of sexual assault and violence against indigenous women.
- To put restrictions in place on the size and total area of commercial farms / mono-culture in the CHT.
- To put rules in place to ensure the preservation of natural forests managed by the community on communal lands.
- To undertake awareness programmes for the communities on the importance of preservation of bio-diversity and environmental protection.
- To impose stricter monitoring of the conducts of forest and law enforcement officials in the CHT to prevent corruption and harassment of the indigenous people and to take steps to relieve indigenous villagers from baseless forest law suits
- To enlist the names of the female members of the households as farmers along with the male members in the government list.
- To issue Agricultural Input Assistance card to female farmers and make them eligible for this assistance.

Property rights and access to land by women

- To reduce the military presence in the area as agreed in the CHT Peace accord.
- To impose prohibitions on large-scale plantations/farms for commercial purpose, especially by corporations/outsideers.
- To put regulations in place to restrict mushrooming tourism facilities, preventing displacement of indigenous people and ensuring community ownership/share/benefit in the business.
- To prohibit tobacco farming; especially the contract tobacco farming financed by the tobacco companies.
- To make the CHT land commission functional and resolve land issues through necessary reforms as agreed in the CHT Peace Accord ensuring the special needs of the indigenous people.
- To take necessary measures to resolve difficulties of the displaced indigenous farmers, either by allocating similar land (in terms of quality and quantity) close to their village or allowing them to relocate close to their jhum plots, which ever they prefer or any other solution they like.
- To make necessary changes to laws for enabling indigenous women's inheritance of land and property from their parents.

Finally, we request the committee to ask the Bangladeshi Government to ratify the reserved clauses of CEDAW and other conventions and to fulfil its commitment withdrawing the reservations from CEDAW, which the government has committed to since 2004 and to ratify the OP-CESCR. This will make all actors, including the government, more responsible and accountable to women in realising their rights.

Annex 1

The General Recommendation 34 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The General Recommendation 34 on the Rights of Rural Women defines the RTFN in a holistic manner, in line with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Paragraph 65) and within the framework of food sovereignty (Paragraph 64). The full realization of the RTFN within the framework of food sovereignty — can only be achieved when the highest possible level of nutritional well-being is attained, when women's rights and their rights to sovereignty over natural resources, development and food are fully respected, and when indivisibility, interdependency, and interrelatedness of the RTFN and related human rights are ensured. It is a right to be able to feed oneself in dignity, to decide what to produce, when and how. Food must be available, adequate, accessible, and sustainable; it must be diversified, safe, contribute to balanced diets, based on local fresh products and agro-ecologically produced, and prepared according to cultural practices. Structural causes of hunger and malnutrition must be addressed throughout the entire food systems – from food production (access, control, management and ownership of land, seeds, forests, and water bodies), food processing, food distribution, to food consumption. Breastfeeding that is essential for the RTFN of infants and small children must equally be guaranteed. The RTFN is intrinsically linked to a number of other human rights, such as the human right to work, the human right to health, and the human right to land. The full implementation of the RTFN goes hand in hand with guaranteeing access and control over productive resources, living wages, social protection, and respect for human rights principles such as participation, accountability, non-discrimination, transparency, and human dignity.

Annex 2

CEDAW Article 7 – Political and public life

The violation and deprivation of women's right to adequate food and nutrition not only has a direct bearing on their physical, mental and psychological health, but it has an equally strong impact on women's empowerment, gender stereotypes, structural positioning of women, their representation in the political spectrum and their role and position in society at large. In turn, this lack of participation by women as autonomous, participatory members of efforts to address hunger and malnutrition, along with the lack of women acting on behalf of their families and communities to the full extent of their capabilities, results in the perpetuation of violations of women's right to adequate food and nutrition through the enactment of inadequate food-related policies that do not take gender into account.

Lack of access to food and nutrition limits women's mobility. When women struggle for basic survival, their representation in society at large is a big question mark. Women regularly face discrimination in their access to natural and productive resources, to equity in government policies and programs, and inclusion in decision-making processes at all levels. Development of women-friendly policies that ensure the protection of basic rights of women and their right to adequate food and nutrition, in particular, requires equal participation of women in the formulation and implementation of plans and policies aimed at protecting the right to life, including the right to adequate food, the right to water, the right to livelihood, and the right to health and nutrition.

Annex 3

Cases

Case Study 1: In the remote village of Badunia, Thanchiupazila, in Bandarban district, a school was established with the help of an NGO. After a few months the teacher, who was appointed from a far away village near the town, left the school. Since then there is no schooling there, the more than thirty students enrolled have been deprived of tuitions for almost a year now. In the meantime, the schoolhouse has also been destroyed due to bad weather, putting the future of these children in further uncertainty. (Documentation by Maleya Foundation in 2016)

Case Study 2: Local people said that the BilaichoriUpazila health complex in Rangamti district was closed and looked deserted during the office hour most of the time. Presence of doctors there is very rare and other staffs are also irregular. Even when they attend the office it is for a very brief period. Similarly, the community clinic in Bandukbhanga in RangamatiSadarUpazila is not staffed fulltime; the staffs only go there once a week. So, the government health service is inadequate in the area. (Documentation by Maleya Foundation in 2016)

Case Study 3: Thanchi people suffering from food shortage

Rui Mon Mro, aged over 80, began to worry about her five grandchildren after her family living in a remote area of Bandarban had run out of food. She experienced food shortage in the previous years as well but this time it got worse, she said. Like Rui's, some 1,500 families of Mro, Khumi, Marma and Tripura communities in Thanchiupazila have been facing a severe food crisis as they could not cultivate enough jhum crops for their families last year due to incessant rain. Adding to their misery, a large portion of the crops they grew was damaged by insects and rats. "My family has been half-fed for days. Sometimes we eat jungle potatoes, sometimes we starve. The situation is like this for the last two months. "Now, we don't have any food left to survive." (Source: The Daily Star, May 27, 2016)

Case Study 4: The Kalupara Tripura village was forced to relocate beside an Army camp in Remacree, Thanchi, in Bandarban district. They relocated but their allotted jhum land remained in the same location and so they have to travel for 4 hours up and down the hills to reach there now. During the cultivation season they have to move there and stay for weeks, leaving the houses unguarded. Because of that they cannot take proper care of their crops and the production drops. They also have great problem carrying the harvest back at the village. Few years back during a period when they left the children at home and went to the Jhum, a child tried to cook and a fire broke out. The whole village was burned down with all their belongings and livestock. After the CHT Peace accord the army camp was withdrawn but they are still living in the same limbo. (Documentation by Maleya Foundation in 2016)