

Concluding comments of the Committee on the Elimination of
Discrimination against Women: Bangladesh

Initial report

503. The Committee considered the initial report of Bangladesh (CEDAW/C/5/Add.34) at its 96th, 97th and 99th meetings, held on 7 and 8 April 1987 (CEDAW/C/SR.96, 97 and 99).
504. In her introduction, the representative of Bangladesh presented historical and geographical data on the country. Women represented 48.5 per cent of the total population of about 100 million, a high percentage of which were under 14 years of age. Muslims constituted 85 per cent of the population. The economy of Bangladesh was reported to be mainly based on agriculture, with only 4.66 million people engaged in the non-agricultural labour force. The level of literacy of the population was very low: 14.3 per cent for women and 32.9 per cent for men, and about 81 per cent of the female population over 15 years was illiterate. It was estimated that from one quarter to one third of the female labour force was unemployed or underemployed, and women were paid little or less than men for the same work. The Government of Bangladesh had reserved 20 per cent of all Government jobs for women. The representative said that all services were open to women. Thirty of the 330 seats in the Parliament were reserved for women, in addition to any seat to which they were directly elected. The representative reported that Government land was being distributed to female heads of households and also jointly to husband and wife.
505. She stated that the Third Five-Year Plan of the Government was aimed at providing education, equality and employment, and 20 per cent of the entire budget had been allocated to education.
506. The representative presented details on the Bangladesh Constitution and the legal reform and policy measures taken by the Government. With regard to education, she reported that 47 per cent of the education budget had been earmarked for primary education. Forty per cent of scholarships were reserved for girls, and 1,200 women had been given intensive training to become primary school teachers. The Third Five-Year Plan was also aimed at reducing the gap in educational opportunities between the sexes.
507. The representative said that the Government had developed a comprehensive employment policy and had established hostels and day-care centres for children. Credit facilities were extended to landless women in order to generate self-employment.
508. As part of the comprehensive health policy, the Government was aiming at a drastic reduction in fertility and an improvement in services and the overall nutrition of women. The representative said that nearly 37 per cent of hospital beds were for women, and there were nearly 2,500 rural medical centres. The major achievements of the health service were a reduction in morbidity and mortality rates and an improvement in the life expectancy level. Family planning programmes had been expanded and currently included vocational training programmes to improve the status of women. The representative said that it was planned to adopt a rural-oriented health service for women in which maternal and child health care, family health, education and environmental sanitation were major components. It was reported that 21,000 field workers in rural areas offered family planning, maternity and child health care services to women in family welfare centres, which were expected to increase in number to 3,000 in the current Plan.

509. The representative reported that the objectives of the Third Five-Year Plan were to reduce the imbalance in the development of women and men, to motivate greater participation of women in education and skill training, to expand credit facilities for working women, to provide leadership and managerial training, to take measures for the moral, physical and cultural development of women and to train and rehabilitate socially handicapped and deserted women. In order to achieve those objectives, a Supreme Council for Children and Mothers had been set up and strategies to promote organizations and programmes had been planned. She also informed the Committee on the work of non-governmental organizations, particularly in respect of health care programmes.

510. The representative concluded that, although the Government of Bangladesh had taken legal steps, women could not fully benefit from the laws to protect their rights because of a lack of education, the traditional values in society and the economic situation for women. It was necessary to change social attitudes in the country and realize the potential of Bangladeshi women. The Government had accepted the challenges and was committed to eliminating all forms of discrimination against women.

511. Members of the Committee thanked the representative of Bangladesh for the comprehensive and frank presentation. It was obvious from the presentation and the report that Bangladesh was taking its commitments to the Convention seriously and was making great efforts to implement it. Bangladesh faced the obvious problems of a developing country that had a large population, widespread poverty and a high level of illiteracy. Illiteracy was one of the obstacles to an understanding of Islamic law. It was suggested that Bangladesh should undertake a study to identify the exact obstacles to help the Committee to understand the problem. The Committee commended the emphasis on the development of women in the five-year plans and the establishment of the Ministry for Women's Affairs. A comment was made on the structure of the report, and it was asked if the Government of Bangladesh had been aware of the guidelines set by the Committee. It was commented that the quality and presentation in the English version were poor.

512. Experts were very concerned about the reservations made by Bangladesh upon ratification of the Convention, particularly to article 2. The experts found it difficult to understand why a reservation had been made to that article, since equality was granted in the Constitution, and it was hoped that Bangladesh would reconsider and withdraw all reservations if possible.

513. There was an apparent contradiction in the Constitution: on the one hand, it provided for equality but, on the other hand, it allowed certain groups to prevent the effective recognition of the rights of women, for example, in the Muslim population. Experts asked if the family law was governed by the Koran and whether any constitutional reforms would apply to all the population.

514. It was recognized by the Committee that there was a great difference between the de jure and de facto situation in Bangladesh owing to current social problems. Clarification was requested of the constitutional, criminal and personal laws in Bangladesh. It was asked how much information filtered down to the grass-roots level.

515. It appeared that policies were directed more towards improving the welfare of women and towards women in connection with children than to the development and equality of women as individuals.

516. It was asked if consideration had been given by the Government and non-governmental organizations in Bangladesh to separating the issue of the rights and status of women from the religion of the country. Information was also sought on the rights and duties of religious groups other than Muslims.

517. It was suggested that the part of the report on Islamic law could have been more clearly presented and that there was not sufficient emphasis on the effect of Islam on the situation and rights of women in Bangladesh. It was considered that Islam had often been misinterpreted by men in their own interests and that that could be dangerous in a country with a high level of illiteracy such as Bangladesh; new developments in the world should force a new interpretation of Islam to be made.

518. It was noted that women were in the minority in Bangladesh, and background information was requested as to why. More information was also requested on the five-year plans and on all government structures. Comments were further invited from the Government of Bangladesh on the link between the growth rate of the population and the level of education.

519. The high number of non-governmental organizations in respect of health-care programmes was queried, and it was asked how those were co-ordinated with the Government.

520. It was asked whether in practice the dowry prohibition act helped. With respect to the amendments to the Penal Code in cases of violence against women, it was asked if offenders were executed in reality.

521. More concrete details were requested on the facts given for article 3 of the Convention.

522. Information was requested on other measures, either temporary or permanent, that had been implemented to educate and inform the public and women about their rights. It was also asked if there were any provisions for maternity benefits. Details were requested on the Shishu Academy, which was a proposed project under the Third Five-Year Plan. Experts asked about the results of implementing the quota system in political bodies and about the total number of parliamentarians.

523. Experts asked if social programmes existed to make rural women aware of their rights and about the social background and the instances of murder in connection with dowry payments, rape or disfigurement. They further asked whether policies were being developed to prevent recurrence of the acts or only to punish the offenders and if rape was a punishable offence. A question was asked about the law in regard to cases of violence against men.

524. More details were requested on the steps taken to create awareness of and eliminate prejudices based on ideas of inferiority of women.

525. Experts requested statistics on the proportion of women in the legal profession and on the number of men who were magistrates or civil judges for comparison purposes. It was asked if anything was being done to encourage women to qualify in that field and if the conditions were the same for women and men to qualify as judges in the Supreme Court, civil courts or as magistrates.

526. It was felt that the reserved places in elected bodies might be discriminatory, and it was asked whether women had to meet special conditions to be

eligible for them or if those were the same as for men. The actual figures on the participation of women in political parties were requested, and it was asked whether there was any link between programmes of the non-governmental organizations and political parties with regard to political participation.

527. Clarification of the term "non-gazetted" posts was requested, and it was asked if the quotas might be restrictive in view of future education levels.

528. Experts asked if there was a difference in the maximum age limit for recruitment for government posts for women and men and, in that connection, whether women over 30 years of age would be considered for the government service and whether there was an age limit for men to enter the government service.

529. It was asked if the reserved posts were low-level posts and, if so, whether women were really being given an opportunity to show their capabilities. It was also asked whether there were reserved posts for women in the diplomatic and consular services.

530. Clarification was requested as to children's nationality when a Bangladeshi woman married a foreigner, and experts wanted to know if a Bangladeshi woman could confer nationality on a foreign husband.

531. As there was no mention in the report as to whether primary or basic education was compulsory, experts wanted to know whether plans were being introduced, if it was not compulsory, and whether fines were imposed on parents when children did not attend school, if it was compulsory. Information was requested on vocational training and the level of participation by women. Experts asked if education was free at all levels to all people, whether any services were provided in connection with education, for example textbooks, what the curricula was for girls and boys and whether those were of the same level.

532. Experts wished to know which type of work was considered unsuitable for women, and who classified it as such and on what grounds. They asked if there were any plans to raise the present quota of 20 per cent for women in the public sector and was there any prospect to fill it.

533. Experts asked under what conditions all people were gainfully employed, whether women over 30 years of age would be considered for the government service and if there was an age limit for men to enter government service.

534. Experts wanted to know if any study had been carried out on the working conditions, the kind of work and any special hazards that might be encountered by children entering the work-force.

535. It was asked whether the lower salaries received by women were for work requiring fewer qualifications. It was further asked how other international Conventions were applied in Bangladesh and under what conditions all workers were employed, particularly women in the textile industry.

536. It was asked whether the Government of Bangladesh had implemented in-depth measures to increase the number of medical personnel to meet the needs of the country and whether women received priority treatment in that regard.

537. More details were requested on technical and training programmes in the agricultural sector.
538. Experts asked if polygamy still existed and whether, in cases of separation or divorce, there were problems of custody, and a clear explanation was requested of the family law on polygamy. It was asked if single mothers were protected by law in regard to guardianship and child support. Experts asked what the Government's commitment was to implement the Forward-looking Strategies in regard to equal rights for women and men in divorce and the custody of any children.
539. It was asked whether women were accepted as witnesses in court in the same way as men.
540. Experts asked if the conditions of the Islamic shariah applied in Bangladesh to land tenure, polygamy or a girl's ability to stipulate her right to divorce in her marriage contract, and clarification of the inheritance laws was sought.
541. It was asked which laws applied to the family courts.
542. The representative of Bangladesh thanked the Committee for its concern and encouragement.
543. In replying to the questions and comments made by the members of the Committee, the representative of Bangladesh informed the Committee that their comments on the reservation to article 2 had already been conveyed to the Government and assured them that there would be positive action to be reported in the next periodic report. She stated that the Government was aware of the problems and moves were being made to remove discrepancies in the Constitution and discrimination against women.
544. She informed the Committee that women formed the minority in every age and religious group. They were less well-nourished, more likely to be ill, married younger, had many children and mostly lived in rural areas. She stated that, in 1983, infant mortality was higher for girls than boys, which translated into a life expectancy at birth of 52.8 years for men and 48.1 years for women. She reported that children who reached the age of four years could expect to live on the average until the age of 64, with no marked difference between the sexes.
545. She referred to data on child mortality which showed that 29 per cent of all recorded deaths were of children under one year and over 50 per cent were of children of four years and under.
546. With regard to questions raised on growth rate of the population related to the level of education, she reported that in 1980 the fertility rate in Bangladesh remained close to 7 per cent. However, in 1983, it had dropped to 5.6 per cent overall and 5.0 per cent in cities, which provided encouraging evidence that family-planning programmes were beginning to have an effect on national fertility rates. She stated that there were indications that primary education was associated with higher fertility and that the higher the education, the lower the fertility.
547. The representative said that there was a strong connection between education and a lower death rate.

548. Media facilities such as television and radio had helped create public awareness in family planning and education.

549. The representative said that women were eligible for public offices. She considered that the practice of reserved seats in Parliament might not be continued as women had been elected outside that quota. She gave data on the number of women representatives at various levels of public office.

550. In response to questions regarding non-governmental organizations, they were reported to be oriented towards welfare or community development. Activities by non-governmental organizations in technical and service areas were not promising yet, but they were extremely important in creating job opportunities. A 1981 study by the United Nations Children's Fund revealed that the organizational structures of non-governmental organizations in Bangladesh were weak and their effectiveness was limited.

551. Data from the Grameen Bank study indicated that the beneficiaries of their programme were able to increase the family income, and that was supported by data from other training and credit schemes. No information was available as regards employment levels and income for women with primary education.

552. With reference to comments on education and employment, a 1972 study showed that only 17 per cent of children from families with less than five bighas of land attended school, compared to 62 per cent of children from families with more than five bighas.

553. There was a tendency for girls to leave school and start work in the home or in the fields at 8 to 10 years of age, earlier than boys. The distance of the schools from the home and the number of female teachers were considered negative factors in the attendance of girls at school.

554. Most primary schools were reported to be co-educational. Education was not free, but textbooks were. The curriculum was the same for girls and boys, although the relevance of that curriculum might also contribute to girls not continuing in school. Few girls' schools offered instruction in agriculture and related topics or prepared students for nursing, paramedical work or nutrition-related work.

555. On questions regarding employment opportunities for women in Bangladesh, she referred to the Government's new Industrial Policy, which had given sufficient attention to women involved in various crafts and cottage industries in order to train them and to improve the quality and markets for the products.

556. She stated that a bank was to be set up to benefit women entrepreneurs in the small and cottage industries who currently received training and loans from the Ministry of Industry.

557. The representative stated that the maximum age level for men to enter government service was 27 years. The age limit had been raised to 30 for women to accommodate those who had completed their education later.

558. Women were found only at the middle level of government service, owing to the fact that they had been admitted to public service only since 1972. Training and promotion prospects were identical to those for men. The quotas of posts reserved for women had not yet been filled in some areas, but were over-subscribed in

others. The reserved posts were competitive, and women had to fulfil certain conditions for employment.

559. The representative of Bangladesh referred to maternity benefit laws.

560. She pointed out that land was the basic resource in rural Bangladesh; 18 to 40 per cent of households were landless and more than 50 per cent had less than one half an acre. She stated that women could own property in Bangladesh under both secular and religious law.

561. She reported that the constitutional guarantees of equality were supplemented by special provisions that favoured women with regard to criminal law. For example, if they kept purdah, they might be exempted from appearance in court. Women were allowed to enter into contracts, but, in the case of a dispute over a contract, men might argue that women did not understand its provisions.

562. Bangladesh was a secular State and all religions were tolerated. The non-Muslim population was governed by its own laws, and she pointed out that the dowry tradition also affected Hindu marriages. More information was to be provided in the next report.

563. She said that family laws were guided by personal laws based on Islam. With regard to the custody of children, she explained that under Islamic law the mother had physical custody of children and the father had the obligation to support his children. The courts could expand on a mother's custodial rights, and she could apply to be made a guardian under the Guardian and Ward Act.

564. The Muslim Family Laws Ordinance covered succession, polygamy, divorce, dissolution of marriages by means other than divorce, maintenance and dowry. She also said that there were 404 family courts in the country.

565. The representative reported that disagreements over dowry, which was not allowed under Islam, were a significant source of violence, which sometimes resulted in death. The Government of Bangladesh had enacted severe punishments, including execution for murder of the wife. Those recent laws followed sensational media coverage of some cases of disfigurement by acid and violence and had considerably decreased instances of abuse against women.

566. She reported that the latest amendment to the Child Marriage Restraint Act made any adult person who contracted a child marriage punishable by law.

567. The Shishu Academy was for children and was organized down to the district level.

568. The representative suggested that reports submitted by States parties to the United Nations specialized agencies under other Conventions should be made available to the Committee to avoid duplication. She thanked the Committee for their interest.

569. The representative of Bangladesh was thanked for preparing the replies in such a short time and for her frankness and sincerity. The idea of co-operation between the specialized agencies of the United Nations was supported. The need for the Government of Bangladesh to withdraw the reservations to the Convention was again stressed. The attention of the representative was drawn to the guidelines

formulated by the Committee to aid States parties in the preparation of their reports.

570. It was hoped that the next report would include a special section on family law and the Islamic shariah, and it was recommended that research work should be carried out on the rights of women under Islamic law.

571. Concerns with regard to cases of violence reported since 1985 were repeated, and it was asked whether many people had been punished for committing that offence. It was asked whether it was true that international non-governmental aid organizations discriminated against women who were employed in road-maintenance projects.

572. In replying to one of the questions raised, the representative of Bangladesh said that it was a fact that poor divorced women were undertaking such non-traditional work as building and maintaining roads, which involved hard physical labour, and that they received less pay than men doing equivalent work.