

Bangladesh: Manifold struggles needed to realize women's inherent rights

Bangladesh desk, Asian Human Rights Commission

The rights of women are a widely discussed issue across the world, in response to developing international norms and standards. There have been continuous efforts towards a universally recognizable concept of women's rights, even while debates based on religious (mis)interpretations and (so called) cultural values continue in different parts of the world. More importantly, it is undeniable that the conceptualization of universal human rights cannot be separated from women's rights.

This article will focus on the situation of women, as it is visible in Bangladeshi society. It will discuss the lives of women, domestically and publicly in terms of dignity and accessibility to various opportunities.

Legal framework

According to the Constitution of Bangladesh, every citizen is subject to enjoy equal treatment and rights before the laws of the land (article 27). This equality however, is not defined properly regarding women's rights of property inheritance.

The Constitution also has provisions (article 29) to promote women as one of the underprivileged groups in society and the public sector, as a result of which there are certain quotas reserved for women in education, public employment and local and national government elections. Unfortunately, the serious forms of discrimination rooted in the system and in the public mindset in general, prevent the efficacy of the provisions.

There are also a few special laws in effect, in addition to the Penal Code, to address violence against women, including the Women and Child Repression (Prevention) (Special Provision) Act-2001. This law allows for the establishing of a special tribunal of sessions judges in each of the country's district headquarters to prosecute perpetrators of violence.

Bangladesh is a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). With the excuse of religious bindings and poverty however, the country has a number of reservations (articles 2 and 16.1(c), pertaining to eliminating discrimination against women and ensuring equality between the two genders in the public and official domain, and in family and marriage matters) to the Convention, which is not only hypocritical, but also makes a mockery of protecting women's rights.

There is an absence of universally applicable law regarding women's right to property in Bangladesh. Around 10 percent of the country's population is Hindu by religion, according to which women are not equally entitled to inherit family property or assets.

Muslim women are entitled to have a one-eighth share in the property of their families. They have a proportionate right to the assets of their parents, husband and male children. In practice though, women are deprived of their right through various means, including emotional blackmail, excuses and brutalities.

Unfriendly educational and work environment

In recent years, the admission rate of female students in secondary education has increased to around 54 percent due to the government's facilities for girls. Dropout rates are still higher among girls though. At the same time, girls who continue their education achieve a poorer quality of education than boys, getting less attention from their family and the school due to the perception that education is not necessary for girls who will be married soon. Many families cannot afford the expense of higher/university level education for girls. There is also the notion that spending too much money for a girl's higher education will benefit the family of the girl's husband instead of supporting the parent's family in the long run (social norms dictate that whatever is earned by the wife should be spent for her husband's family; spending any money for the wife's parents is seen as 'irresponsibility').

According to a survey by the Bangladesh Bureau of Statistics, women number around 60 million, making up more than half of the country's population. About 8.2 percent of women are involved in the economic sector. In whatever jobs they work however, women are struggling to ensure their rights, including decent working hours, appropriate salary, pregnancy leave, and a positive and healthy working environment.

Women are mostly compelled to work for more than eight hours in any field of work, particularly in factories, private companies and NGOs, where they have fixed starting times, but leaving time is dependent on the whim of the employers. Bangladesh has no minimum wage law, so women are deprived not only of their required salary, but also overtime payments and other service benefits. Women do not get paid pregnancy leave as established by law, unless they compromise their salary or the period of their leave. At home, women's work is never over on a daily basis, from child care, to cooking, washing, to farming and cattle nourishing, and there is no reward or acknowledgment of this work.

Women face discrimination in public offices like local governmental institutions, despite the government's provision of reserving one third of public offices for women. On the basis of this provision, geographically women possess three times more authority; in reality however, male public representatives deprive women from exercising their decision making power.

Dowry

Due to the absence of women's right to inherit family property the Hindu community established a culture of paying dowry to the bridegroom at the time of marriage; in other words, a woman's share in the family property ends with the payment of dowry.

The practice of paying dowry has been deeply rooted over centuries in all religious communities including the Muslim community, which has different norms in theory. Bangladesh's Dowry Prevention Act-1980 remains useless in protecting women from the curse of dowry.

Dowry is practiced as a 'gift' within the country's 'elite' and middle classes, while it is the lifeblood of the lower classes. It, partially and temporarily, establishes the bride's position in the groom's family as well as in society. There are many who are concerned only about the quantity of dowry, not the quality of the human being. Many a time, the bride's appearance, education, efficiency can be hidden by her skin color, which needs to be adjusted with the amount of the dowry, whereas the quality of the bridegroom and his family is always ignored.

The consequence of dowry is extreme amongst the poor and uneducated, where the brides' families must take on the burden of a loan to pay the dowry. This creates feelings of guilt for the woman, who finds herself in a helpless condition due to her lack of institutional education, and thus incompetence in getting a job, which could strengthen herself financially and socially. Meanwhile, she becomes a victim of dowry in her husband's family, who may continually demand more payment or emotionally (and perhaps physically) abuse her for an insufficient dowry. Due to poverty and social pressure, a married woman cannot think about going back to her parent's family. Acute depression leads many women towards suicide. Those responsible for creating an environment that forces women to end their lives walk free however, due to Bangladesh's dysfunctional criminal justice system.

Within the educated middle class society, the scenario is a little bit different. The bridegroom's family may not demand or bargain for dowry in public, but they remain prepared to welcome 'gifts' from the brides' families. The groom may not ask for anything from the girl's family, but if the wife is employed elsewhere, he will take nearly the entire amount of her salary or will expect her to spend all her income for his family. Besides her job, the wife has to take care of the household work, attend to the children's food and education, as well as the well-being of her husband. While these women know how to get legal protection and are able to take care of their own life, they remain silent regarding any sufferings, to retain their social image and avoid social stigmatization—as a result of being a separated or divorced woman. According to a recent survey by the World Health Organization, 40 percent of educated females living in the city/urban areas are victims of domestic violence by their husbands. Such women do not seek justice from the judicial system, which does not address their problems with sensitivity (i.e. avoiding embarrassing questions during prosecution) or commitment towards justice. The women are further concerned about the future of their children, and thus prefer to continue their family life.

Discrimination within the family

A girl child faces discrimination within the family since her birth in terms of nutritious food, adequate educational facilities and personal dignity, due to the widespread culture of providing the best food and facilities to the boys of the family. Education, self-reliance and career development is also only adequately preached for boys. In Bangladeshi households, a female child is treated as a 'challenge' for the family, due to poverty and the parents' limited knowledge of the basic rights of children, as well as a girl's physiological and psychological capabilities.

Marriage is a personal and unique experience for every individual. In Bangladesh however, parents—accustomed to a generation-old cultural practice—arrange marriages for their female children in early teen-age, despite domestic laws requiring a bride to be at least 18 years of age. Girls have no say in the matter, obliged to accept their family's decision, which society terms as 'religious norms'.

Another reason for deciding upon the early marriage of daughters is the parental fear of the potential victimization of the girls by vagabond boys with no option for justice.

Early marriage has numerous detrimental effects to girls. A less educated, malnourished, physically and mentally immature girl becomes the victim of early and frequent pregnancy that also causes maternal death or deteriorates her health. Additionally, a young mother remains incapable of taking care of her own newborn child, the household work and paying proper attention to her husband, as expected from her, which provides an 'excuse' for the husband or his family to seek a divorce and second marriage.

Collapsed rule of law system creates more room for victimization of women

Bangladesh's collapsed rule of law system contributes immensely to the sexual abuse of girls, as the criminal justice system provides no remedy or justice to victims of violence such as stalking, acid throwing, molestation or even rape. There are numerous examples where the police—and so called social leaders—have insisted on victims of rape or acid violence to marry the perpetrators. According to the Acid Controlling Council, 1496 acid attacks were registered between 2002 and 2009, with only 273 persons being punished, while the rest of the perpetrators walked free. The country's law against acid violence is made meaningless by the authorities' inability to implement it and their facilitation of crime.

On a daily basis, women and girls fall victim to stalking and sexual violence on the street in Bangladesh. The perpetrators, who maintain a relationship with the ruling political party, easily walk free, as the police protect anyone having an association with the ruling political party. Ultimately, there is no room for women to obtain justice, despite the country's special law and tribunal to punish crimes of violence against women and children.

Recently, there is a new trend of violations against women, where women and girls are being tempted to establish a sexual relationship with men who, on the pretence of being their lover, secretly make audiovisual recordings of intimate scenes and then blackmail the victims. With no protection of dignity and justice available from the existing system, victims choose to commit suicide as a result of such crimes. Those who survive, live with the trauma for the rest of their life.

In the name of 'shalish' (arbitration, mostly in rural areas) or 'fotwa' (unofficial trial in public under misinterpreted Shariah laws) a large number of influential or interested groups punish women for unjustified and unverified allegations of adultery by lashing, stoning and other corporal punishments, which in many cases lead to their deaths. The Supreme Court of Bangladesh, in a recent verdict, has declared the acts of punishing any person in the name of arbitration or religious trial as 'extrajudicial punishment', asking the government and police to take measures to stop such actions across the country. In reality, the practice of caning, lashing and stoning to death of women continues as the authorities remain careless of their constitutional obligations of protecting every individual's right to life and justice.

Moreover, society—dominated by men—always stigmatizes women when they become victims of violence and abuse, and maintains the default mindset of giving impunity to the male perpetrators.

Not only are women themselves victims of gross human rights abuses like torture and extrajudicial killings, but they are also victims when their husbands are forcibly disappeared or extrajudicially killed by state agents. These widows suffer more than other widows due to society's stigmatization of the deceased as 'criminals' (when in fact they were killed without any fair trial to defend their innocence); their families are hence seen by society as the 'families of criminals'. The widows have to struggle to provide for the children and other family members.

Public institutions and state agencies in Bangladesh are largely made up of men, all of whom belong to a society with repressive and negligent attitudes towards women—who are seen as inferior creatures—contributing to the ongoing discrimination against them. It is therefore essential to shift social, legal, political, bureaucratic and judicial behaviour towards women, while recognizing their capacity and rights. Only then can the government of Bangladesh truly undertake its obligation to protect and fulfill the rights of all women.