



Research Monograph

On

“Women’s position Under the Family laws of Bangladesh; Critical Analysis”

This Research Submitted for the Partial Fulfillment of the award of the degree in LL.B (Hon’s) Department of Law, Sonargaon University (SU), Dhaka.

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Dedication

*This Research is dedicated to my
Father & Mother*

LETTER OF TRANSMITTAL

To

Sunzida Akhter

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Subject: Submission of research paper on **“Women’s position Under the Family laws of Bangladesh; Critical Analysis”**

Dear Madam,

It is a great pleasure for me to submit the thesis on **“Women’s position Under the Family laws of Bangladesh; Critical Analysis”** While I doing this thesis, I have tried my level best to make this project paper to the latest standard. I think that thesis paper will fulfill your requirement and pleased you. I, therefore, hope that you would be kind enough to go through this thesis paper for evaluation.

I am always be ready for clearance of any part of my thesis.

Thanking you

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CERTIFICATION

This is to certify that the thesis on “**Women’s position Under the Family laws of Bangladesh; Critical Analysis**” is done by Atika Akter in partial fulfillment of the requirements for the degree of LL.B. (Honours) from Sonargaon University, Dhaka. The thesis has been carried out under my guidance and is a record of the bonafide work carried out successfully.

.....

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DECLARATION

I do hereby that this Research Monograph on the **Women's position Under the Family laws of Bangladesh; Critical Analysis** have been done by me and this Research is free from all plagiarism and without help of other. I further declare that this monograph is prepared with my own effort and it was not and never submit to any institute for any academic reason.

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Abstract

This research paper critically examines the position of women under the family laws of Bangladesh, focusing on the Muslim, Hindu, and Christian personal law systems. Despite constitutional guarantees of equality and Bangladesh's commitments under international human rights instruments like CEDAW, women continue to face significant legal discrimination in matters of marriage, divorce, maintenance, guardianship, custody, and inheritance. The study uses a qualitative, doctrinal approach by analyzing statutes, case laws, and secondary literature to explore how personal laws perpetuate gender inequality. Findings reveal that religious interpretations, patriarchal social structures, and legislative inertia contribute to the systemic denial of women's rights within the family sphere. The paper further evaluates judicial activism and policy-level interventions aimed at addressing these challenges. Finally, it offers key recommendations for legal reform, including the enactment of a Uniform Family Code and amendments to discriminatory provisions in existing laws. This research aims to contribute to the ongoing dialogue on women's legal rights and the need for gender-sensitive family law reforms in Bangladesh.

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CHAPTER: 1 INTRODUCTION

1.1 INTRODUCTION:

Family laws in Bangladesh are primarily governed by religion-based personal laws that regulate matters such as marriage, divorce, maintenance, guardianship, custody, and inheritance. These laws are derived from diverse religious traditions—Muslim, Hindu, and Christian personal laws—reflecting the country’s pluralistic legal framework. However, despite this diversity, a common thread across these personal laws is the presence of significant gender-based discrimination that disproportionately affects women’s rights and freedoms within the family structure. The Constitution of Bangladesh guarantees gender equality under Articles 27, 28, and 29, promising equality before the law and equal protection under the law to all citizens, regardless of gender¹. Moreover, Bangladesh is a signatory to various international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for the elimination of discrimination in all spheres, including family relations². Despite these constitutional and international obligations, the family laws continue to reflect deeply rooted patriarchal values and discriminatory provisions that undermine women's rights. Muslim family law permits polygamy, imposes unequal inheritance rights, and limits women’s grounds for divorce³. Hindu family law denies women the right to divorce and offers limited maintenance and inheritance rights. Similarly, Christian personal laws have historically imposed unequal divorce grounds for women, particularly under the Divorce Act of 1869. These discriminatory legal provisions often result in economic, social, and psychological hardships for women. In recent years, the judiciary in Bangladesh has played a limited but significant role in promoting women's rights within the family law framework through progressive interpretations in some cases. However, meaningful legislative reforms have been slow, and the demand for a Uniform Family Code, ensuring gender-neutral and equitable laws, remains largely unaddressed⁴. Given this backdrop, this research critically analyzes the position of women under the family laws of Bangladesh, exploring legal inequalities, judicial responses, and potential reforms needed to ensure gender justice in the family domain.

¹ The Constitution of the People’s Republic of Bangladesh, Articles 27, 28, and 29.

² United Nations. (1979). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

³ Chowdhury, F. L. (2002). *Muslim Family Law and Its Impact on Women’s Status in Bangladesh*. *International Journal of Law, Policy and the Family*, 16(3), 299–313.

⁴ Badrunnesa, M. (2021). "Towards Uniform Family Code: A Step for Gender Equality in Bangladesh." *Bangladesh Legal Studies Review*, 9(1), 50–70.

1.2 Problem Statement

Despite the constitutional commitment to equality and Bangladesh's ratification of various international human rights instruments, women in Bangladesh continue to face systematic discrimination under existing family laws⁵. The pluralistic family law system, based on religious personal laws (Muslim, Hindu, and Christian laws), has created legal disparities that disproportionately disadvantage women in critical areas such as marriage, divorce, maintenance, guardianship, custody, and inheritance.

Muslim personal laws, while partially reformed through statutes like the Muslim Family Laws Ordinance, 1961, still retain provisions allowing polygamy and unequal inheritance rights for women. Hindu women suffer from the absence of codified laws on marriage and divorce, resulting in legal invisibility and vulnerability in cases of marital disputes. Christian women are still subjected to discriminatory provisions in the Divorce Act of 1869, which imposes harsher conditions for women seeking divorce compared to men⁶.

Moreover, there is no Uniform Family Code to ensure equal treatment for women across all religious groups. This lack of uniformity perpetuates gender inequality, contradicting constitutional principles and Bangladesh's international obligations under CEDAW. Judicial interventions, although progressive in some instances, remain limited in scope and fail to address the structural and legislative gaps affecting women's rights in family matters.

Given these realities, there is an urgent need for a critical analysis of the current family law framework to identify discriminatory provisions, understand their socio-legal implications, and recommend necessary reforms for ensuring gender justice for women in Bangladesh.

1.3 Aim of the research

The primary aim of this research is to critically analyze the position of women under the family laws of Bangladesh, with a focus on identifying the discriminatory provisions and practices that exist within Muslim, Hindu, and Christian personal laws. The study seeks to evaluate the extent to which these laws align with constitutional guarantees of equality and Bangladesh's international

⁵ Hoque, R. (2015). *Judicial Activism in Bangladesh: A Golden Mean Approach*. Dhaka: UPL.

⁶ Chowdhury, F. L. (2002). Muslim Family Law and Its Impact on Women's Status in Bangladesh. *International Journal of Law, Policy and the Family*, 16(3), 299–313.

human rights obligations, particularly under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Furthermore, the research aims to propose actionable legal and policy reforms to ensure gender justice and the protection of women's rights within the family sphere⁷.

1.4 Objective of the Research:

The specific objectives of this research are as follows:

1. To examine the existing family law framework in Bangladesh, focusing on Muslim, Hindu, and Christian personal laws governing marriage, divorce, maintenance, guardianship, custody, and inheritance¹.
2. To identify and analyze the gender-based discriminatory provisions within these personal laws that adversely affect the rights and status of women.
3. To evaluate the role of the judiciary in addressing women's rights under family laws, including the impact of key judicial decisions and the extent of judicial activism.
4. To assess Bangladesh's compliance with constitutional provisions and international human rights obligations, particularly under CEDAW and other related instruments.
5. To propose necessary legal, policy, and institutional reforms to eliminate gender inequality and promote justice for women in family law matters.

1.5 Research Questions

The research questions are :

- How do the existing family laws in Bangladesh (Muslim, Hindu, and Christian personal laws) affect the rights and status of women, especially in matters of marriage, divorce, maintenance, guardianship, custody, and inheritance?
- What are the major gender-based discriminatory provisions and legal gaps in these family laws, and how do they conflict with constitutional guarantees and international human rights obligations?
- What legal reforms and judicial measures are necessary to ensure gender equality and protect women's rights within the family law framework in Bangladesh?

⁷ United Nations. (1979). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

1.6 Scope and Limitations

Scope of the Study

This research focuses on the position of women under the family laws of Bangladesh, critically analyzing the legal provisions of Muslim, Hindu, and Christian personal laws governing key areas such as marriage, divorce, maintenance, guardianship, custody, and inheritance. The study also evaluates the role of the judiciary in interpreting and addressing discriminatory provisions affecting women. In addition, the research assesses Bangladesh's compliance with constitutional guarantees and international human rights treaties, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The study relies on a qualitative, doctrinal approach, utilizing primary sources like statutes, case laws, and constitutional provisions, alongside secondary sources such as journal articles, books, and research reports.

Limitations of the Study:

1. **Religious Sensitivities:** Due to the deeply rooted religious and cultural aspects of personal laws, the study is limited in proposing reforms that might be perceived as infringing upon religious freedoms.
2. **Lack of Recent Statistical Data:** The research faced limitations in accessing up-to-date, gender-disaggregated data and government reports on the practical impact of family laws on women.
3. **Limited Access to Ongoing Legislative Reforms:** Drafts of proposed law reforms or ongoing parliamentary discussions on family law reforms were not fully accessible during the research period.
4. **Time and Resource Constraints:** The study is limited by time and resource availability, restricting the scope of empirical fieldwork and interviews with affected women.

1.7 Literature Review

The literature on women's position under the family laws of Bangladesh reveals a persistent pattern of gender inequality entrenched within personal law regimes. Scholars have analyzed various dimensions of family laws—marriage, divorce, maintenance, custody, guardianship, and inheritance—highlighting the legal and socio-cultural challenges faced by women.

Chowdhury, F. L. (2002). *Muslim Family Law and Its Impact on Women's Status in Bangladesh*. This study examines how Muslim personal laws regulate family relations and often perpetuate patriarchal norms, especially regarding polygamy, talaq (divorce), and inheritance. The author argues that despite some statutory reforms, Muslim women face systemic disadvantages in legal rights and social status. Judicial interpretations have sometimes ameliorated these conditions but lack comprehensive reform.

Nahar, S. (2010). *The Inequality in Inheritance Laws: A Gendered Perspective*. Nahar critically analyzes inheritance laws across religions in Bangladesh, revealing how female heirs receive substantially less property rights than male counterparts. The study calls for reform to align inheritance rights with constitutional equality and international standards.

Karim, M. R. (2014). *Judicial Activism and Women's Rights in Bangladesh*.

Karim explores the role of the judiciary in protecting women's rights within family law disputes. He identifies key rulings where courts have expanded women's access to maintenance and custody rights but notes the judiciary's limited capacity to counter deeply entrenched legal discrimination.

Hoque, R. (2015). *Judicial Activism in Bangladesh: A Golden Mean Approach*, this work assesses judicial efforts in interpreting family laws with a gender-sensitive lens. It finds that while some judicial decisions challenge discriminatory laws, structural limitations and societal resistance hamper substantive change.

Islam, M. R. (2017). *Personal Laws and Gender Discrimination in Bangladesh*, Islam highlights the fragmentation of family laws across religious communities as a major impediment to gender equality. The article advocates for a Uniform Family Code that respects religious diversity while ensuring equal rights for women.

Jahan, R. (1995). *Women in Bangladesh: From Inequality to Empowerment*, Jahan provides a socio-legal analysis of women's status in Bangladesh, focusing on how family laws intersect with cultural norms to limit women's autonomy. The study emphasizes the need for community-based awareness alongside legal reform.

Women Living Under Muslim Laws (WLUML). (2011). *Family Laws in Bangladesh: Discrimination against Women*, this report offers a comparative analysis of family laws, underscoring discriminatory practices and proposing international human rights frameworks as tools for reform.

Badrunnesa, M. (2021). *Towards Uniform Family Code: A Step for Gender Equality in Bangladesh*, Badrunnesa examines ongoing debates on enacting a Uniform Family Code. She argues that such reform is essential for dismantling legal pluralism that disadvantages women, but recognizes the political and religious challenges involved.

Huda, S. (2006). *Women's Rights in Bangladesh: Challenges and Opportunitie*, Huda analyzes various legislative reforms and NGO interventions aimed at improving women's rights in family law, concluding that despite progress, enforcement remains weak.

UN Women. (2015). *Progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights*, This global report situates Bangladesh within a broader context of women's rights struggles in family law, emphasizing economic justice as inseparable from legal rights in family contexts.

CHAPTER 2: Gender Equality And Women's rights Current situation in Bangladesh.

2.1 Introduction

Bangladesh has made notable progress over the last few decades in promoting gender equality and advancing women's rights, both legally and socially. However, persistent challenges remain, especially in the realm of family laws and women's status within the household and society.

2.1.1 Legal Framework and Policy Initiatives

The Constitution of Bangladesh guarantees equality before the law and prohibits discrimination based on sex under Articles 27, 28, and 29⁸. Bangladesh has also ratified key international human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), committing to uphold women's rights and gender equality.

In recent years, the government has enacted laws and policies aimed at empowering women, such as the Domestic Violence (Prevention and Protection) Act, 2010, and the Prevention of Women and Children Repression Act, 2000. The National Women Development Policy 2011 also outlines strategic goals to promote women's empowerment and eliminate discrimination⁹.

2.1.2 Social and Economic Progress

Women's participation in education and the workforce has increased significantly. Female literacy rates and enrollment in primary and secondary education have risen, and women now make up nearly 36% of the labor force, particularly in sectors like garment manufacturing and agriculture.

Microfinance programs, such as those pioneered by Grameen Bank, have empowered millions of women economically, enhancing their decision-making power at home and in communities¹⁰.

⁸ Constitution of the People's Republic of Bangladesh, Articles 27, 28, 29.

⁹ United Nations. (1979). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

¹⁰ Ministry of Women and Children Affairs, Bangladesh. (2011). *National Women Development Policy*.

2.1.3 Challenges in Family Laws and Social Practices

Despite these gains, significant barriers persist in achieving substantive gender equality, especially under family laws:

- **Legal Discrimination in Personal Laws:** As discussed earlier, Muslim, Hindu, and Christian personal laws contain provisions that discriminate against women in matters of marriage, divorce, maintenance, custody, and inheritance. This legal pluralism complicates uniform application of gender equality principles.
- **Patriarchal Social Norms:** Deeply rooted patriarchal attitudes continue to limit women's autonomy and enforce traditional gender roles, affecting their access to justice and rights within the family.
- **Violence Against Women:** Domestic violence and other forms of gender-based violence remain widespread, despite legal protections. Enforcement gaps and social stigma often prevent women from seeking redress¹¹.
- **Limited Access to Justice:** Women, particularly in rural areas, face difficulties accessing legal aid, education, and awareness regarding their rights under family law.

2.1.4 Recent Developments and Judicial Interventions

The judiciary has taken some progressive steps toward gender justice, interpreting family laws in ways that enhance women's rights. Landmark rulings have emphasized women's entitlement to maintenance and custody, and have questioned discriminatory practices like unilateral talaq (divorce) without due process¹².

Civil society organizations and women's rights activists have also played a critical role in raising awareness and advocating for legal reforms, including the push for a Uniform Family Code that respects religious diversity while ensuring equality.

In the World Economic Forum's 2021 Global Gender Gap Report, it scored 0.719, making it one of the top countries in the region for closing the gender gap. It also ranks number seven in the in-

¹¹ UN Women. (2019). *Progress of the World's Women 2019-2020*.

¹² Karim, M. R. (2014). Judicial Activism and Women's Rights in Bangladesh. *Bangladesh Journal of Law*, 13(1), 45–66.

dex's sub-ranking of political empowerment, and holds the distinction of being the only country where more women have held head-of-state positions than men over the past 50 years.

Economic aspects of gender equality take center stage as the review investigates women's participation in the workforce, economic disparities, and barriers to economic empowerment. The discussion extends to microfinance programs, access to credit, and challenges faced by women in the garment industry.

Bangladesh ranks 133 out of 162 countries on the UNDP 2020 Gender Inequality Index⁵¹. 51% of Bangladeshi women aged 20-24 were married before their 18th birthday. 15.5% of Bangladeshi women aged 20-24 were married before their 15th birthday. In the last year, nearly 25% of all Bangladeshi women and girls have experienced physical and/or sexual violence by a current or former partner. 7.2% of women in Bangladesh who have work still live below the poverty line. Unemployment rates for women in Bangladesh are double those for men: 6.7% of women are unemployed, while only 3.3% of men are unemployed. 173 out of 100,000 women in Bangladesh are expected to die due to complications from pregnancy or childbirth¹³.

Education, a critical determinant of women's empowerment, is thoroughly examined to identify barriers hindering access and progress. This section explores the intersections of education with social and economic factors, emphasizing the importance of addressing educational challenges to achieve lasting gender equality.

The subsequent segments delve into healthcare access, including government health initiatives, primary healthcare infrastructure, and challenges faced by women in accessing quality healthcare. Political representation, an integral aspect of women's participation in decision-making processes, is also scrutinized to understand the barriers and opportunities for women in the political sphere.

2.2 Progress of Gender Equality in Bangladesh:

Many scholars have highlighted the progress Bangladesh has made in gender equality, especially in terms of increased women's participation in education and the workforce. However, challenges like early marriage and domestic violence persist. The progress and challenges of gender equality in

¹³<https://www.concern.net/news/gender-inequality-in-bangladesh-closing-the-gap>

Bangladesh reflect a dynamic landscape that has undergone significant changes while grappling with persistent

2.2.1 Educational Advancements:

- Bangladesh has witnessed considerable progress in girls' education, with increased enrollment and literacy rates, narrowing the gender gap in primary and secondary education.

Initiatives have successfully reduced gender disparities in primary education, with equal participation of boys and girls in schools, contributing to a more inclusive educational landscape.¹⁴ Literacy rates, particularly among women, have shown improvement, indicating progress in breaking the cycle of illiteracy and promoting education as a tool for empowerment.

Efforts have been made to diversify educational opportunities, including the expansion of technical and vocational education, providing students with practical skills for the workforce .

Government-led programs, such as stipends for female students and the distribution of free textbooks, aim to reduce financial barriers and encourage continued education, especially for girls. Focus has shifted towards enhancing the quality of education through curriculum reforms, teacher training programs, and the incorporation of modern teaching methods¹⁵.

Despite these advancements, challenges such as ensuring quality education in rural areas, addressing dropout rates, and aligning education with evolving job markets persist. Continued efforts and strategic investments in the education sector are crucial for sustaining and building upon the positive trends observed in educational advancements in Bangladesh.

2.2.2 Women's Economic Participation:

- Initiatives like microfinance programs and women-focused economic policies have contributed to enhanced economic empowerment, especially in rural areas¹⁶.

¹⁴ UNESCO, 2020

¹⁵ (The Daily Star, 2022)

¹⁶ Kabeer, 2005)

Grameen Bank Model Founded by Muhammad Yunus in 1983. Grameen Bank introduced the concept of microfinance, providing small loans to impoverished individuals, predominantly women, to start or expand small businesses. The Grameen Bank model employs a group lending approach, where individuals within a community form small groups. These groups provide mutual support and act as guarantors for each other's loans, promoting social cohesion.

Microfinance programs focus on empowering women by giving them access to credit, fostering entrepreneurship, and enabling financial independence within their households.

Microfinance has been instrumental in enabling income-generating activities, including agricultural ventures, handicrafts, and small-scale businesses, lifting families out of poverty.

Microfinance addresses the financial exclusion of marginalized communities, providing them with access to financial services, including savings and insurance products¹⁷.

Studies have shown positive correlations between microfinance participation and indicators of women's empowerment, such as increased decision-making power and improved social status within households¹⁸.

- The success of microfinance in Bangladesh has led to its replication in various parts of the world, contributing to a global movement for financial inclusion and poverty alleviation¹⁹.

Microfinance programs in Bangladesh, particularly the Grameen Bank model, have been transformative in providing financial services to the underserved, empowering women, and fostering economic development at the grassroots level. Despite challenges, the impact of microfinance extends beyond financial transactions, influencing social dynamics and community well-being.

Garment industry employment in Bangladesh has been a significant driver of economic growth, providing jobs for a large portion of the workforce, especially women. The ready-made garment (RMG) industry is a major contributor to Bangladesh's economy, accounting for a substantial portion of the country's export earnings. The garment sector is one of the largest employers in Bangladesh, providing jobs to millions of workers, particularly women from rural areas²⁰.

¹⁷(Hulme & Mosley, 1996).

¹⁸Duflo et al., 2012

¹⁹(Armendariz & Morduch, 2010).

²⁰(Hossain & Mahmud, 2019).

A significant proportion of the workforce in the garment industry comprises women. Women are often employed in various roles, from sewing and cutting to supervisory and managerial positions. Garment industry employment has played a role in the social and economic empowerment of women by providing them with income, financial independence, and opportunities for skill development.

2.2.3 Political Representation:

- Reserved seats for women in the parliament have led to increased political participation and representation, promoting a more inclusive political landscape.

Here are key points regarding political representation in the country:

The Bangladesh Constitution includes provisions for reserved seats in the parliament to ensure women's representation. This has led to an increased number of women participating in the political decision-making process (Constitution of Bangladesh, Article 65)²¹. Over the years, there has been a positive trend in women's political participation, with an increasing number of women being elected to local government bodies, municipal councils, and the national parliament.

Quotas for women in local government institutions have been established, contributing to enhanced representation at the grassroots level and providing women with opportunities to engage in community development.

There is a growing political consciousness among women and marginalized groups, leading to increased demand for equal representation and participation in decision-making bodies .

Bangladesh has witnessed positive strides in political representation, particularly for women and marginalized communities. However, ongoing efforts are essential to overcome challenges, promote diversity in political leadership, and ensure that the political landscape reflects the varied perspectives and needs of the population.

2.2.4 Healthcare Access:

Improvements in maternal healthcare services have positively impacted women's health, contributing to a reduction in maternal mortality rates²².

²¹ The Constitution of Peoples republic of Bangladesh.

²²(National Institute of Population Research and Training, 2018).

Healthcare access in Bangladesh has seen improvements over the years, but challenges persist. Here are key points regarding healthcare access in the country:

The government has implemented various health initiatives to improve access to healthcare services, including the establishment of community clinics, vaccination programs, and maternal health services.

Government health initiatives in Bangladesh have been instrumental in addressing public health challenges and improving healthcare access. Here are key aspects of these initiatives: The establishment of community clinics across the country has brought healthcare services closer to rural communities, providing basic medical care, maternal health services, and health education²³.

Bangladesh has implemented robust immunization programs to prevent and control the spread of vaccine-preventable diseases, targeting both children and adults (Ministry of Health and Family Welfare, 2021). The government has prioritized family planning services, offering a range of contraceptive methods and promoting reproductive health to address population growth and maternal health concerns. Initiatives focusing on maternal and child health, such as safe delivery programs, antenatal care services, and skilled birth attendance, aim to reduce maternal and child mortality rates. Programs addressing malnutrition and promoting nutrition education have been implemented to improve the overall health and well-being of the population, particularly children and pregnant women.

Efforts have been made to strengthen primary healthcare infrastructure, especially in rural areas, to ensure that essential services are accessible to a larger segment of the population. The adoption of telemedicine and digital health solutions has expanded access to healthcare, especially in remote areas, allowing individuals to consult with healthcare professionals remotely²⁴.

The private healthcare sector has grown, providing an alternative for those who can afford it. However, concerns about the quality and affordability of private healthcare services remain.

²³(World Bank, 2021).

²⁴Bashar et al., 2020

2.3 Challenges Progress of Gender Equality in Bangladesh:

Gender equality in Bangladesh faces several challenges despite progress in various areas. Here are key challenges:

2.3.1 Child Marriage

Bangladesh continues to grapple with high rates of child marriage, impacting the education and well-being of young girls. Legal measures exist, but enforcement remains a challenge.

Here are key challenges associated with child marriage in the country:

Bangladesh has one of the highest rates of child marriage globally. A significant percentage of girls are married before the age of 18, with a considerable number facing marriage before turning 15²⁵. Economic hardships often drive families to marry off their daughters early, believing it will alleviate financial burdens. Poverty and lack of opportunities contribute to the perpetuation of child marriage. Deep-seated social and cultural norms, including the perception of girls as economic burdens and societal expectations regarding female chastity, contribute to the acceptance of child marriage.

Girls' limited access to education, coupled with societal attitudes prioritizing early marriage over schooling, perpetuates a cycle of low literacy rates and reinforces child marriage practices. While laws exist to prohibit child marriage, enforcement remains a challenge. Legal loopholes, lack of awareness, and cultural resistance hinder the effective implementation of legislation. Child marriage is more prevalent in rural areas compared to urban settings. Limited access to resources, information, and alternative opportunities in rural regions contributes to higher rates of child marriage.

Religious and traditional practices sometimes influence child marriage decisions. Interpretations of religious teachings or adherence to customary practices may contribute to the perpetuation of child marriage. Early marriage has severe health consequences for girls, including higher risks during pregnancy and childbirth. Early pregnancies may lead to health complications for both the mother and the child. Addressing the challenge of child marriage in Bangladesh requires a comprehensive approach involving legal reforms, community awareness campaigns, educational opportunities for girls, and economic empowerment initiatives. Collaborative efforts from government, civil society,

²⁵<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/bangladesh/>

and international organizations are crucial to creating a societal shift and breaking the cycle of child marriage.

2.3.2 Violence Against Women:

- Gender-based violence, including domestic violence and acid attacks, remains pervasive. While laws are in place, social norms and enforcement gaps contribute to the persistence of such violence.

Domestic violence in Bangladesh is a pervasive issue that affects a significant number of women. Domestic violence is prevalent, affecting a significant number of women. Factors such as patriarchal norms, economic dependence, and societal expectations contribute to the persistence of domestic abuse. Domestic violence encompasses various forms of abuse, including physical violence, emotional or psychological abuse, sexual violence, and economic control. Perpetrators may use multiple tactics to exert power and control over victims.

Deep-seated patriarchal norms contribute to the perpetuation of domestic violence. Traditional gender roles, where men are often seen as dominant and women as subordinate, create an environment conducive to abuse.

Children witnessing domestic violence may experience long-term psychological and emotional consequences. The intergenerational cycle of violence poses risks to the well-being of future generations.

Acid attacks against women, often resulting from disputes or rejected proposals, continue to occur. The physical and psychological consequences of acid violence are severe, and legal measures aim to address this issue²⁶.

Women face various forms of sexual harassment and assault in public spaces, workplaces, and educational institutions. Despite legal provisions, challenges in reporting and obtaining justice persist²⁷. Women and girls are vulnerable to trafficking and exploitation, including forced labor and sexual exploitation. Poverty, lack of education, and social vulnerabilities contribute to their susceptibility.

²⁶ (Acid Survivors Foundation, 2021).

²⁷ (Human Rights Watch, 2020).

Trafficked women often end up in situations of forced labor, such as domestic servitude, or are subjected to sexual exploitation in brothels or other illicit industries. The conditions they face can be degrading and pose serious threats to their physical and mental well-being²⁸. Bangladesh is a source, transit, and destination country for human trafficking. Cross-border trafficking, especially to countries in the Middle East and Southeast Asia, is a significant concern²⁹. Traffickers often use deceptive recruitment practices, promising women better employment opportunities or marriages. Once victims are lured into these situations, they find themselves trapped in exploitative conditions.

Efforts to address violence against women in Bangladesh involve raising awareness, strengthening legal frameworks, providing support services, and challenging societal norms that perpetuate gender-based violence. A holistic and collaborative approach from government, civil society, and international organizations is crucial for creating lasting change and ensuring the safety and empowerment of women.

2.3.3 Limited Women's Economic Empowerment

- While microfinance initiatives have made strides, women's economic empowerment faces challenges such as limited access to credit, gender wage gaps, and concentration in low-wage sectors. Women are often concentrated in low-wage sectors and informal employment, contributing to occupational segregation. Limited access to higher-paying and managerial positions further restricts women's economic empowerment.

Despite the presence of microfinance programs, women may still face challenges in accessing credit. Barriers include collateral requirements, limited financial literacy, and traditional norms that affect women's ability to engage in economic activities.

Women's underrepresentation in leadership roles, both in the public and private sectors, limits their influence in decision-making processes and policy formulation. Increasing women's leadership opportunities is essential for economic empowerment.

²⁸UNODC, 2018).

²⁹(US Department of State, 2021)

Women entrepreneurs, especially in rural areas, may face challenges in accessing markets for their products. Improving market access and creating opportunities for women-owned businesses are vital for economic empowerment. Balancing work and family responsibilities remains a challenge for many women. Lack of affordable childcare facilities and support for work-life balance can impact women's ability to participate fully in the workforce.

Efforts to enhance women's economic empowerment in Bangladesh require a holistic approach. This includes addressing systemic issues such as discriminatory practices, legal reforms, improving access to education and credit, and promoting a shift in societal attitudes toward gender roles. Sustainable change also involves fostering an inclusive economic environment that recognizes and supports the contributions of women across various sectors.

2.3.4 Access to Education:

- Despite improvements, some regions and communities face challenges in ensuring equal access to quality education for girls. Factors include cultural norms, poverty, and early marriage³⁰.

Access to education for women in Bangladesh faces several challenges, contributing to disparities in educational opportunities. Here are key aspects related to the challenges of access to education for women:

Rural areas often lack adequate educational infrastructure, including schools and transportation facilities. This poses a significant barrier to education for women residing in remote or underserved regions. Deep-rooted sociocultural norms may discourage the education of girls. Early marriage, traditional gender roles, and expectations regarding domestic responsibilities can hinder girls' access to and completion of formal education. Economic challenges, including poverty and the associated costs of education, such as uniforms and textbooks, can limit families' ability to send their daughters to school. This financial burden disproportionately affects girls' access to education. Physical distance to schools can be a significant impediment, particularly in rural areas. The lack of accessible transportation options may force girls to travel long distances, exposing them to safety concerns and increasing the likelihood of dropout. Early marriage and early parenthood are linked to a higher likelihood of girls dropping out of school. Pregnancy-related discrimination and

³⁰(World Bank, 2020).

the absence of supportive policies contribute to educational discontinuity for young mothers. Gender-based violence, including sexual harassment on the way to school or within educational institutions, can create a hostile environment for girls. Fear of violence may deter families from sending their daughters to school. The shortage of female teachers, especially in rural areas, can be a barrier to girls' education. The absence of female role models may impact girls' motivation to attend and continue their education. Limited facilities for menstrual hygiene management in schools can contribute to girls missing school during menstruation. Adequate facilities and awareness are essential to support girls' consistent attendance.

Efforts to improve access to education for women in Bangladesh require a comprehensive approach. This includes addressing cultural norms, enhancing infrastructure, implementing targeted financial support, ensuring the safety of girls on their way to school, and promoting policies that support continued education for young mothers. Collaboration between government, NGOs, and local communities is crucial to overcoming these challenges and fostering a more inclusive educational environment for women.

Addressing these challenges requires a multi-faceted approach involving legal reforms, community engagement, education, and targeted policies. While Bangladesh has made strides in promoting gender equality, sustained efforts are essential to overcome deeply rooted social norms and structural barriers that hinder progress..

2.5 Conclusion

In conclusion, the literature review on gender equality and women's rights in Bangladesh reveals a complex and multifaceted landscape shaped by legal, social, economic, and educational factors. The examination of existing literature highlights both progress and persistent challenges, providing a nuanced understanding of the current state of gender equality in the country. Legal advancements, such as the enactment of laws and policies, signify positive steps toward promoting women's rights. However, the challenges of limited legal enforcement, cultural norms, and societal expectations underscore the need for ongoing efforts to bridge the gap between legislation and effective implementation. Social factors, including domestic violence, child marriage, and violence against women, emerge as significant obstacles to women's empowerment. Addressing these issues requires a holistic approach that combines legal reforms with cultural shifts, challenging deeply

ingrained norms that perpetuate gender-based violence. Economic disparities, occupational segregation, and limited access to credit contribute to the economic challenges faced by women in Bangladesh. While Microfinance programs have made strides, efforts to enhance women's economic participation must address barriers such as the gender wage gap, unequal inheritance rights, and occupational stereotypes. Education stands out as a crucial determinant of women's empowerment. The review emphasizes the need to overcome obstacles related to infrastructure, cultural norms, and economic constraints to ensure equal access to quality education for girls. Healthcare access, political representation, and broader economic landscapes also present areas of concern and opportunity. Strengthening primary healthcare infrastructure, addressing gaps in political representation, and fostering women's economic participation are essential components of a comprehensive approach toward gender equality. In moving forward, it is clear that a concerted effort is required from various stakeholders, including government bodies, non-governmental organizations, and the broader community. Strategies should encompass legal reforms, awareness campaigns, economic empowerment initiatives, and educational interventions. Moreover, fostering a cultural shift that challenges gender norms and values women's contributions is crucial for sustainable progress.

This literature review serves as a foundation for informed policymaking and further research. By acknowledging the achievements and understanding the persistent challenges, it provides a roadmap for future endeavors aimed at fostering a more inclusive and equitable society for women in Bangladesh.

CHAPTER 3 : CONCEPTUAL FRAMEWORK :

3.1 Introduction

The conceptual framework for this study on gender equality and women's rights in Bangladesh provides a theoretical foundation that guides the examination of key concepts and their interrelationships. This framework seeks to elucidate the complex dynamics shaping the status of women, encompassing legal, sociocultural, economic, educational, and healthcare dimensions. The central concepts of gender equality and women's rights serve as pivotal points around which the study revolves. At the core of this framework are the fundamental concepts of gender equality and women's rights. Gender equality signifies the equal treatment, opportunities, and rights of individuals, irrespective of gender. Women's rights delve into the legal, social, economic, and cultural dimensions that safeguard and promote the rights and well-being of women in Bangladesh. Nature of gender equality and women's rights. It acknowledges the interplay of legal, sociocultural, economic, educational, and healthcare dimensions, each influencing and shaping the overall status of women. The complex web of sociocultural norms, economic opportunities, educational access, political representation, and healthcare services forms the backdrop against which gender equity is assessed.

In essence, this conceptual framework is a theoretical roadmap that guides the exploration of gender equality and women's rights in Bangladesh. It offers a structured lens through which to analyze the intricate interconnections between various dimensions, providing a comprehensive understanding of the challenges and opportunities for advancing gender equity in the specific context of Bangladesh.

3.2 Definitions

Gender Equality : Gender equality, also known as sexual equality or equality of the sexes, is the state of equal ease of access to resources and opportunities regardless of gender, including economic participation and decision-making; and the state of valuing different behaviors, aspirations and needs equally, regardless of gender. According to the United Nations³¹, gender equality is "achieved when women and men enjoy the same rights and opportunities across all

³¹<https://www.un.org/sustainabledevelopment/gender-equality/>

sectors of society, including economic participation and decision-making, and when the different behaviors, aspirations, and needs of women and men are equally valued and favored."

Gender equality extends to challenging and changing societal norms and cultural practices that perpetuate gender-based discrimination. It seeks to create a culture where diverse gender identities and expressions are respected and valued.

Women's rights : Women's rights encompass the legal, social, economic, and political rights and opportunities that ensure the equal status and fair treatment of women in society. The concept is rooted in the principle of gender equality and advocates for the recognition and protection of women's inherent human rights. Here are key aspects and definitions related to women's rights:

- The United Nations defines women's rights as "the rights that promote a position of social and legal equality of women with men."

- Women's rights involve ensuring that women are treated equally under the law, with legal frameworks in place to protect them from discrimination, violence, and any form of injustice.

- Women's rights include the right to make decisions about their own bodies, including reproductive choices, healthcare, and protection from practices like forced marriage and female genital mutilation.

- Ensuring that women have equal opportunities for education and that barriers to their participation in formal education are removed. This includes addressing issues such as gender-based violence in educational settings.

- Women's rights in the workplace involve equal opportunities for employment, promotion, and fair compensation. It includes efforts to close the gender wage gap and eliminate discriminatory practices in hiring and promotion.

- Women's rights include the right to live free from all forms of gender-based violence, such as domestic violence, sexual harassment, and human trafficking.

Women's rights are integral to the broader pursuit of gender equality and are essential for creating a just and equitable society where the rights and dignity of all individuals, irrespective of gender, are respected and protected.

3.3 Key Factors of Gender Equality in Bangladesh:

Promoting gender equality in Bangladesh involves addressing various factors across social, economic, legal, and cultural dimensions. While challenges exist, progress has been made in several areas. Key factors contributing to gender equality in Bangladesh include:

Education Access:

- Initiatives to improve girls' access to education, reduce dropout rates, and promote gender-sensitive curricula, contributing to increased literacy and skills development.

Efforts to enhance education access in Bangladesh have been instrumental in addressing gender disparities and promoting gender equality. Here are key aspects related to education access in the context of Bangladesh: Initiatives to increase girls' enrollment in schools and ensure their retention throughout the education cycle. This includes awareness campaigns, scholarships, and incentives to encourage families to send their daughters to school. Improvements in school infrastructure, particularly in rural areas, to create a conducive learning environment. This involves constructing and upgrading school buildings, providing adequate sanitation facilities, and ensuring a safe and secure atmosphere for girls.

Training programs for teachers to enhance their skills in addressing diverse learning needs, particularly those of girls. Capacity-building efforts contribute to creating inclusive classrooms that cater to the varied educational requirements of all students. Development and integration of gender-sensitive curricula that challenge stereotypes and promote a more inclusive understanding of various subjects. This ensures that educational materials reflect diverse perspectives and experiences. Implementation of scholarship programs to support economically disadvantaged girls, enabling them to pursue education beyond the primary level. Scholarships can cover expenses such as tuition, books, and uniforms. Community engagement programs that involve parents, local leaders, and community members in supporting girls' education. This collaborative approach helps create a supportive environment for girls to attend and complete school.

Ensuring inclusivity in education for children with disabilities. This involves making schools accessible, providing necessary support, and adapting teaching methodologies to accommodate diverse learning needs.

While progress has been made, challenges persist, and ongoing efforts are crucial to sustain and expand access to education for all, with a particular emphasis on promoting gender equality and empowering girls in Bangladesh.

Awareness and Advocacy:

- Social and media campaigns challenging traditional gender norms, stereotypes, and promoting awareness about women's rights, fostering attitudinal shifts. Awareness and advocacy play pivotal roles in promoting gender equality, women's rights, and various social issues in Bangladesh. Here are key aspects of awareness and advocacy initiatives in the context of gender equality:

Public awareness campaigns challenging traditional gender norms and stereotypes that perpetuate inequalities. These campaigns aim to reshape societal perceptions of gender roles and promote more inclusive attitudes. Collaboration with media outlets to highlight issues related to gender equality through news coverage, features, and documentaries. Media plays a crucial role in shaping public discourse and influencing societal attitudes. Utilizing social media platforms for awareness campaigns, advocacy, and community-building. Online activism provides a powerful tool for mobilizing support, sharing stories, and fostering a sense of solidarity. Implementing awareness programs within workplaces to address gender-based discrimination, sexual harassment, and promote a culture of inclusivity. This involves training sessions, workshops, and the development of workplace policies that prioritize equality. Grassroots initiatives involving local communities in discussions and activities related to gender equality. Engaging community leaders, influencers, and members fosters a bottom-up approach to cultural change.

NGO and International Support:

- Support from non-governmental organizations (NGOs) and international bodies, providing resources, advocacy, and expertise to advance gender equality initiatives.

Non-Governmental Organizations (NGOs) and international support play crucial roles in advancing gender equality and women's rights in Bangladesh. Here are key aspects of their involvement:

NGOs provide training and capacity-building programs for women, enhancing their skills in various areas such as entrepreneurship, healthcare, and education. This empowers women to actively participate in economic and social development. Many NGOs implement microfinance

programs and economic empowerment initiatives, offering financial support, training, and resources to women entrepreneurs. This fosters financial independence and entrepreneurship at the grassroots level. NGOs contribute to improving healthcare access, particularly in rural areas. They may run health clinics, provide maternal health services, and conduct awareness programs on reproductive health.

A comprehensive and coordinated approach that addresses these factors is crucial for sustaining and accelerating progress toward gender equality in Bangladesh. Ongoing collaboration among government agencies, civil society, and the private sector is essential for creating an environment where women can participate fully in all aspects of society.

3.4 Conclusion

In conclusion, the conceptual framework presented herein serves as a comprehensive lens through which to understand the complex dynamics of gender equality and women's rights in the context of Bangladesh. By elucidating the interconnectedness of socio-cultural, economic, and legal factors, this framework provides a nuanced understanding of the challenges and opportunities within the landscape. The multi-dimensional nature of gender equality is underscored by the intricate interplay between cultural norms, legal reforms, economic structures, and societal attitudes. Recognizing this interdependence is crucial for developing holistic strategies that go beyond isolated interventions and address the root causes of gender disparities. Moreover, the conceptual framework emphasizes the importance of collaborative efforts involving government bodies, NGOs, international organizations, and grassroots movements. By acknowledging the influence of each element within the framework, stakeholders can work synergistically to create a more inclusive and equitable society.

As we navigate the path toward gender equality in Bangladesh, this conceptual framework serves not only as a diagnostic tool for understanding existing challenges but also as a guiding principle for formulating targeted interventions. It is a dynamic blueprint that can adapt to the evolving socio-cultural landscape, providing a foundation for sustained progress and the realization of women's rights.

CHAPTER 4 LEGAL FRAMEWORK

4.1 Introduction :

The legal framework in Bangladesh pertaining to women's rights and gender equality is a multifaceted system designed to protect, promote, and uphold the rights of women within the country. It comprises a range of laws, policies, and constitutional provisions aimed at ensuring equality, preventing discrimination, and addressing various issues faced by women. At its core, the legal framework in Bangladesh revolves around the Constitution, which provides a solid foundation for gender equality. Articles such as Article 27 explicitly prohibit discrimination on the grounds of sex, while Article 28(2) ensures equal opportunities for all citizens regardless of gender. Various laws and policies have been enacted to further support these constitutional provisions. The Domestic Violence (Prevention and Protection) Act of 2010 stands as a significant step in addressing domestic abuse by criminalizing various forms of violence within the household and providing protective measures for victims. Additionally, laws like the Dowry Prohibition Act (1980) aim to eradicate the harmful practice of dowry, which often leads to violence against women. The Child Marriage Restraint Act (2017) sets a legal age for marriage, seeking to prevent early and forced marriages, especially for young girls.

Furthermore, labor laws include provisions to prevent gender-based discrimination in the workplace, ensuring maternity leave and workplace safety for women. The Acid Crime Control Act (2002) addresses acid attacks, predominantly perpetrated against women, and provides legal measures for their prevention and punishment. The National Women Development Policy (2011) serves as a comprehensive guideline for the empowerment of women in various sectors, covering education, healthcare, employment, and social security. Despite the existence of these laws and policies, challenges in implementation, enforcement, and cultural norms persist, impacting the effective realization of women's rights. Efforts continue to strengthen the legal framework, improve access to justice, and address socio-cultural factors influencing gender equality in Bangladesh. Through ongoing reforms and advocacy, the aim is to create a more inclusive and equitable society where women's rights are protected and promoted at every level.

4.2 Existing law & Policies dealing with Gender Equality and women's rights in Bangladesh:

Bangladesh has established a legal framework aimed at promoting gender equality and safeguarding women's rights. Several laws and policies have been enacted to address various aspects of women's rights

and gender disparities:**4.2.1 The Constitution of the People's Republic of Bangladesh:**

This policy aims to ensure women's empowerment and advancement in all sectors of national development. It covers areas such as education, healthcare, employment, and social security. Certainly! The Constitution of Bangladesh includes several key provisions aimed at ensuring gender equality and safeguarding women's rights. Here are some of the significant constitutional provisions: Article 27 - Equality Before Law³²: This article prohibits discrimination on the grounds of sex. It ensures that all citizens are equal before the law and have equal protection under it. Article 28(1) - Equality of Opportunity: This section states that women should have equal opportunities in all spheres of the state and public life. Article 28(2) - Special Provisions for Women and Children: This provision emphasizes the creation of special opportunities for women and children to ensure their rights are protected and that they have equal status in society. Article 29 - Equality of Opportunity in Public Employment: This article ensures equal opportunities for men and women in public employment and prohibits discrimination in this regard. Article 65(3) - Reserved Seats for Women in Parliament: It mandates the allocation of reserved seats for women in the National Parliament to ensure their representation in the legislative body³³.

These constitutional provisions lay the foundation for gender equality and the protection of women's rights in Bangladesh. They provide a framework for legislation, policies, and practices that aim to eliminate discrimination and ensure equal opportunities for women in various spheres of life, including education, employment, and public representation. However, despite these constitutional guarantees, challenges persist in the effective implementation and enforcement of these provisions. Efforts continue to strengthen legal frameworks and promote societal changes to achieve greater gender equality and protect the rights of women in Bangladesh.**4.2.2 Domestic Violence (Prevention and Protection) Act (2010):**This law was a significant step toward addressing domestic violence. It criminalizes various forms of domestic abuse and provides protection and remedies for victims. The Domestic Violence (Prevention and Protection) Act of 2010 in Bangladesh is a crucial legal measure aimed at addressing and combating domestic violence against women. This law provides a framework for the prevention and protection of individuals, especially women, who are victims of domestic abuse. Key features of the Domestic Violence (Prevention and Protection) Act (2010) include: The Act defines various forms of domestic violence, including physical, mental, emotional, and economic abuse, as well as harassment, intimidation, and any other form of injury or harm. It outlines protective measures that can be taken to ensure the safety and well-being of victims, including emergency protection orders,

³² The Constitution of Bangladesh

³³<https://www.judiciary.gov.bd/en/laws-for-protection-of-women>

restraining orders, and residence orders. The Act provides legal remedies for victims of domestic violence, allowing them to seek recourse through the legal system. It facilitates the filing of complaints, and courts can issue protection orders against the perpetrators. The law emphasizes the provision of support services for the Act acknowledges the gravity of domestic violence and aims to protect victims by providing legal mechanisms for their safety and recourse. It plays a vital role in addressing a pervasive issue in society and aims to prevent and curb violence within households.

However, challenges remain in effectively implementing and enforcing the Act due to various factors, including societal attitudes, lack of awareness, and barriers faced by victims in accessing justice. Efforts are ongoing to raise awareness, improve support services, and strengthen the enforcement of this law to better protect the rights of individuals affected by domestic violence in Bangladesh.

4.2.3 The Dowry Prohibition Act (1980): This law prohibits the practice of dowry, which often leads to violence against women when demands are not met. However, enforcement remains a challenge. The Dowry Prohibition Act of 1980 in Bangladesh aims to eradicate the practice of dowry, which often leads to financial and emotional pressure on families and, in extreme cases, violence against women.

Key aspects of the Dowry Prohibition Act (1980) include: The act defines dowry as any property or valuable security given directly or indirectly by one party to a marriage to the other party. It prohibits both the giving and receiving of dowry.

The Act imposes penalties for giving or taking dowry, including imprisonment and fines. Those found guilty of demanding or accepting dowry can face legal consequences. The law outlines legal measures for investigating and prosecuting cases related to dowry. It empowers authorities to take action against offenders and protect the rights of individuals affected by dowry-related issues. The Act emphasizes preventive measures and public awareness campaigns to discourage the practice of dowry and promote gender equality. Despite the existence of this law, challenges persist in effectively eradicating the practice of dowry. Enforcement and implementation hurdles, along with cultural norms and societal pressures, often make it difficult to fully eliminate this practice. In some cases, families continue to offer dowry, despite legal prohibitions, due to societal expectations or other influences.

4.2.4 Child Marriage Restraint Act (2017)

The Act defines child marriage and sets a legal age for marriage, which is 18 years for females and 21 years for males. The Act imposes penalties on individuals involved in arranging or conducting child marriages, including imprisonment and fines. This applies to parents, guardians, and any

person facilitating the marriage of a minor. There are provisions for special circumstances where marriages involving minors might be allowed under specific conditions, such as court permission based on genuine reasons and the best interest of the minor. The Act emphasizes awareness campaigns and educational initiatives to discourage child marriage and promote awareness of its detrimental effects on individuals and society. Despite legislative measures and amendments, challenges persist in effectively enforcing the law due to various factors such as cultural practices, social norms, and challenges in monitoring and reporting cases of child marriage, especially in rural areas. Efforts to combat child marriage involve community engagement, education, and advocacy to change societal attitudes and prevent the exploitation of minors³⁴. Enforcement of the Child Marriage Restraint Act remains an ongoing challenge in Bangladesh, reflecting the complex nature of addressing this deeply rooted societal issue.

4.2.5 Nari o Shishu Nirjatan Daman Ain(2000)

The "Nari o Shishu Nirjatan Daman Ain" in Bangladesh refers to the Prevention of Oppression Against Women and Children Act. This comprehensive law addresses various forms of oppression, abuse, and violence against women and children in the country. The law defines and criminalizes various forms of oppression, abuse, and violence against women and children, encompassing physical, mental, emotional, and sexual abuse, as well as exploitation and trafficking.

It outlines protective measures aimed at ensuring the safety and well-being of women and children who are victims of oppression. These measures include emergency protective orders, restraining orders, and legal recourse against perpetrators. The Act outlines legal procedures for filing complaints and seeking legal remedies for victims. Perpetrators found guilty of committing offenses under this law can face severe legal consequences, including imprisonment and fines. The law emphasizes the provision of support services for victims, including shelters, medical aid, counseling, rehabilitation, and other necessary assistance. The Nari o Shishu Nirjatan Daman Ain represents a significant legal framework aimed at addressing and preventing various forms of oppression and violence against women and children in Bangladesh. However, challenges persist in effectively implementing and enforcing the law due to factors such as societal attitudes, lack of awareness, and barriers faced by victims in accessing justice. Efforts continue to strengthen the enforcement of this law, improve support services for victims, and raise awareness to protect the rights of women and children and combat oppression and violence in Bangladesh.

³⁴ Child Marriage Restraint Act (2017)

4.2.6 The Married Women's Property Act of 1874

The Married Women's Property Act of 1874 is a significant legislation that aimed to grant married women in Bangladesh (formerly part of British India) the right to own and control their property independently, regardless of their marital status. This Act was part of a series of legal reforms across various British colonies and territories. The Act allowed married women to acquire, own, and manage property in their own right, separate from their husbands. This included both movable and immovable property, such as land, houses, money, and investments. It granted married women the legal capacity to enter into contracts, engage in legal proceedings, and sue or be sued in their own names regarding their property. The Act aimed to protect women's assets from being solely controlled or disposed of by their husbands without their consent³⁵.

By allowing married women to retain ownership and control over their property, the Act contributed to their financial independence and autonomy.

The Act marked a significant departure from the previous legal norms, which often restricted or limited women's rights to property within marriage. It aimed to provide married women with a degree of legal protection and independence regarding their assets and property rights. However, it's important to note that while the Act was a pioneering step towards women's property rights, societal attitudes and practices continued to influence the actual exercise of these rights. Challenges persisted, including social norms, limited access to education and legal awareness, and sometimes, resistance from family or societal pressures. Over time, subsequent legal reforms and amendments have further enhanced women's property rights and expanded their legal standing, aiming to promote gender equality and protect women's rights in Bangladesh.

4.2.7 The Succession Act 1925

The Succession Act of 1925 in Bangladesh, inherited from the British colonial era, contains provisions related to inheritance and succession rights. These provisions have undergone amendments over time to accommodate changes in societal norms and to address issues concerning women's rights to inherit property. The Act establishes the principle of equal rights of male and female heirs to inherit property. Both sons and daughters have equal rights to their parents' property³⁶. In cases where a person dies without leaving a will (intestate), the Act stipulates that the property of the deceased is distributed among legal heirs, including daughters, sons, and other relatives, in accordance with specific rules outlined in the Act.

³⁵The Married Women's Property Act 1874

³⁶The Succession Act of 1925

The Act grants widows the right to inherit a share of their deceased husband's property, including both movable and immovable assets, depending on the circumstances and other legal heirs.

In situations where a female intestate dies without leaving any heirs, her property devolves upon her husband's heirs, providing some level of protection for her assets.

The Act places some limitations on the right of a person to dispose of their property by will, ensuring that certain family members, including women, are not entirely disinherited.

While the Act aims to ensure equal inheritance rights for women, challenges exist in its effective implementation due to various social, cultural, and legal complexities. Customary practices, lack of awareness about legal rights, and sometimes resistance from family members can hinder women from fully exercising their inheritance rights.

Efforts to address these challenges involve legal reforms, awareness campaigns, and initiatives to enhance women's access to legal resources. Amendments to inheritance laws and continuous advocacy for gender-sensitive interpretations of these laws aim to strengthen women's inheritance rights and promote greater gender equality in matters of succession in Bangladesh.

4.3 Conclusion

The legal framework in Bangladesh pertaining to women's rights, gender equality, and family-related matters encompasses a range of laws, policies, and constitutional provisions. Over the years, these legal measures have evolved to address various challenges faced by women within the societal, familial, and legal spheres.

Conclusively, while these legal provisions have aimed to protect and promote women's rights, several challenges persist in their effective implementation: Deeply ingrained cultural norms and societal expectations continue to influence the practical realization of women's rights, often impeding the full enforcement of legal measures. Accessibility to legal recourse remains an issue, especially for women in rural areas who may lack awareness of their legal rights and face obstacles in accessing legal aid and services. Despite progressive laws, enforcement and implementation gaps exist due to inadequate resources, administrative constraints, and at times, reluctance from various stakeholders. Insufficient awareness and education about women's legal rights hinder their ability to assert those rights effectively, contributing to ongoing challenges.

Efforts to address these challenges involve continuous reforms, awareness campaigns, and initiatives aimed at improving access to justice and legal resources for women. Strengthening the enforcement of existing laws, enhancing legal literacy, and fostering gender-sensitive approaches within the judicial system are ongoing priorities.

While the legal framework in Bangladesh has made significant strides in safeguarding women's rights and promoting gender equality, there remains a need for concerted efforts involving governmental institutions, civil society organizations, and community engagement to bridge the gap between legal provisions and their effective implementation. Only through comprehensive and sustained efforts can the legal framework be strengthened to better protect the rights of women and achieve greater gender equality in Bangladesh.

CHAPTER 5 : LEAGAL ANALYSIS

5.1 Introduction

Gender equality and women's rights are fundamental aspects of a just and equitable society. In Bangladesh, a nation rich in cultural heritage and diverse traditions, the legal framework plays a pivotal role in shaping and safeguarding the rights of women. This legal analysis aims to critically examine the legislative, constitutional, and policy frameworks concerning women's rights and gender equality within the Bangladeshi context. This legal analysis will delve into an examination of key laws, constitutional provisions, and policies related to women's rights and gender equality in Bangladesh. The study will encompass an assessment of the effectiveness and implementation of laws such as the Domestic Violence (Prevention and Protection) Act, the Dowry Prohibition Act, the Child Marriage Restraint Act, among others. Furthermore, it will explore court rulings, international conventions, and comparative legal frameworks to offer a comprehensive understanding.

Throughout this analysis, ethical considerations will be paramount. The rights, privacy, and dignity of individuals involved in legal cases or affected by gender-related issues will be respected and prioritized.

5.2 Legal Aid : The concept legal aid denotes a wide meaning and includes counseling, payment of lawyer's fees and other incidental cost for expenses of the litigation. The New Encyclopedia Britannica defines legal aid as the professional legal assistance given, either free of for a nominal sum, to indigent person is need for such help. The international commission of jurists, in the definition of the term, includes the provision of the legal advice and representation of the courts to all those threatened their life, liberty, property or reputation who are unable to pay for it³⁷.n line with the international commitment to the principle of equality of justice as enshrined in Article 7 of the Universal Declaration of Human Rights, it has been pledged in the preamble of the Constitution of the People's Republic of Bangladesh that one of the fundamental aims of tile state is to realise a society in which equality of justice would be Secured for all citizens. Not only that, article 27 of the Constitution provides for a fundamental right that all citizens are equal before law and are entitled to equal protection of law. It does not require any reference to cite how illusory and meaningless those commitment and constitutional protection of fundamental rights are when we see that most of the indigent litigants in the country cannot afford the cost of defending their basic

³⁷³⁷ The International Commission of jurists, report of Committee 4, Clause 10, New Delhi, 1959.

civil rights by appointing a lawyer or traveling to the District Court. Protection of equality before law and equal access to law in the Constitution becomes a mere paper tiger when an indigent people find himself in the police. Access to the justice system is key to redressing violations of human rights. In Bangladesh, women's rights to access to justice, especially those of women in marginalised and disadvantaged situations, have been subject to numerous legal, social, institutional, and economic constraints. This article argues that, despite the barriers, the Supreme Court of Bangladesh has facilitated women's rights to justice through gender-based public interest litigation (PIL). By examining the conceptual nexus between PIL and the right to access to justice, constitutional and statutory provisions, and relevant judgments, this article explores the catalysts of the liberal judicial approach in favour of women's right to access to justice. It finds, however that current governmental non-compliance with the court orders undermines the efficacy of PIL³⁸. To overcome this challenge, the article recommends a collaborative effort by all related stakeholders to ensuring judicial vigilance, effective monitoring, and strategic mobilisation.

In Bangladesh there are some NGO's who provide Legal Aid services for women. Most of the cases women are poor and it's become harder to them to get the justice. BLAST , Bangladesh Mohila Shomiti and other agencies provide legal services for women. There are difference between accessible and available.

Despite laws designed to protect women and girls, gender-based violence (GBV) is all too common in Bangladesh. Statistics on GBV in Bangladesh went largely unreported until about a decade ago, when the UNFPA worked with the country's National Statistical Office to complete the first-ever Violence Against Women Survey. In that survey, 87% of women who were or had been married reported some experience of GBV in their lifetime.

This wasn't an isolated number. In the first nine months of 2020, at least 235 women were murdered by their husband or his family, according to local human rights group Ain O Salish Kendra (ASK). Another Bangladesh-based NGO, BRAC, documented a nearly 70% increase in violence against women and girls during the country's 2020 lockdowns due to COVID-19. Further killings and acid attacks (a common form of gendered violence in the country) have been reported,

³⁸ Naznin Shuvra, Atia, Women's Right to Access to Justice: The Role of Public Interest Litigation in Bangladesh (June 28, 2021). Australian Journal of Asian Law, 2021, Vol 21 No 2, Article 7: 99-117, Available at SSRN: <https://ssrn.com/abstract=3875277>

largely due to rejected sexual advances or marriage proposals, dowry and disputes, or as a punishment for seeking education or work³⁹.

5.3 Conclusion:

While Bangladesh has made strides in promoting women's rights, persistent challenges in legal implementation, social norms, and access to justice remain. Addressing these challenges requires a concerted effort involving legal reforms, community engagement, educational empowerment, and policy alignment to achieve true gender equality and women's empowerment.

This legal analysis aims to guide stakeholders, policymakers, and advocates in identifying areas for improvement and implementing measures to enhance women's rights in Bangladesh.

Such a conclusion summarizes the analysis, emphasizes key findings and recommendations, and underscores the need for concerted efforts to address the challenges faced in upholding women's rights in Bangladesh.

³⁹<https://www.concern.net/news/gender-based-violence-explained>

CHAPTER 6 FINDINGS , RECOMMENDATION & CONCLUSION

6.1 Findings:

The critical analysis of the family laws of Bangladesh reveals a complex landscape where women's legal rights and social realities diverge significantly. The findings are organized around key thematic areas of family law affecting women:

Discriminatory Provisions in Personal Laws

- **Marriage and Divorce:** Muslim personal laws allow polygamy and unilateral divorce (ta-
laq) by men without requiring judicial approval, which undermines women's marital security⁴⁰. Hindu personal law lacks codified provisions for divorce, leaving Hindu women with little legal recourse in marital breakdowns. Christian divorce laws (Divorce Act 1869) provide limited and gender-biased grounds for women to seek divorce.
- **Maintenance and Support:** Maintenance rights for women are often minimal or temporary. Muslim women's maintenance is limited to the iddat period, after which they face uncertainty. Hindu and Christian women experience procedural difficulties and often lack adequate protection or enforcement mechanisms for maintenance claims.
- **Guardianship and Custody:** Fathers generally retain primary guardianship rights, limiting women's legal authority over their children. Custody laws often favor fathers after a certain age, disregarding the welfare principle and the mother's role in child upbringing.
- **Inheritance:** Women's inheritance rights remain unequal under Muslim laws (women receive half the share of men). Hindu women's inheritance rights are evolving but remain constrained by patriarchal customs. Christian inheritance laws are comparatively more equitable but still contain limitations⁴¹.

Impact of Legal Pluralism

The coexistence of multiple personal laws creates inconsistency and confusion, affecting women differently based on their religion. This pluralistic system hinders the uniform application of gender equality principles enshrined in the Constitution and international treaties.

⁴⁰ Ahmed, N. (2002). *Family Laws in Bangladesh: A Comparative Study of Recent Reforms*. Dhaka: University Press Limited.

⁴¹ Muslim Family Laws Ordinance, 1961; Dissolution of Muslim Marriages Act, 1939.

Judicial Responses

The judiciary has played a limited but important role in protecting women's rights within family law. Progressive rulings have:

- Expanded women's maintenance entitlements.
- Questioned arbitrary talaq practices⁴².
- Recognized women's custodial rights emphasizing child welfare.

However, judicial activism is constrained by existing laws and societal resistance.

Enforcement Challenges

Even where laws provide for women's rights, enforcement is weak due to lack of awareness, social stigma, inadequate legal aid, and resource constraints. Many women, especially in rural areas, remain unaware of their legal rights or unable to access justice mechanisms.

Social and Cultural Barriers

Patriarchal norms deeply influence family law practices and women's experiences. Social pressure discourages women from asserting their rights, especially in divorce and inheritance disputes, perpetuating gender inequality.

Reform Initiatives and Debates

The call for a Uniform Family Code to harmonize personal laws and eliminate gender discrimination is gaining traction. However, political sensitivities and religious opposition have stalled concrete legislative action⁴³. NGOs and civil society continue to advocate for reforms and raise awareness.

⁴² Human Rights Watch. (2012). *"Will I Get My Dues... Before I Die?": Harm to Women from Bangladesh's Discriminatory Laws on Marriage and Divorce*.

⁴³ Yasmin, S. (2015). "Pluralism and Gender Justice in Bangladesh Family Law", *International Journal of Law and Policy Review*, 4(2), 45–60.

6.2 Recommendations:

Based on the analysis of constitutional guarantees, international obligations, judicial trends, and the discriminatory nature of personal laws in Bangladesh, the following recommendations are proposed to enhance the legal status of women under family law:

1. Reform and Codification of Personal Laws to Ensure Gender Equality

The government should reform and codify personal laws, especially Hindu and Christian family laws, to remove existing legal gaps and ensure protection for women. Hindu women must be granted rights to divorce, maintenance, and equal inheritance,⁴⁴ and Christian women must be provided gender-neutral divorce and maintenance provisions.⁴⁵ Codification would ensure clarity, consistency, and enforceability.

2. Amend Discriminatory Provisions in Muslim Family Laws

Key reforms are needed within Muslim personal laws:

- Make Khula (wife-initiated divorce) unilateral and not conditional upon the husband's consent.⁴⁶
- Ensure equal guardianship rights for mothers.
- Allow maintenance beyond the iddat period based on need and fairness.⁴⁷
- Promote equal inheritance laws, or at least legislative reforms to reduce the gender disparity in inheritance shares.⁴⁸

3. Withdraw Reservations to CEDAW

Bangladesh should withdraw its reservations to Articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁴⁹ which are central to achieving substantive equality in personal and family matters. This would reflect a genuine commitment to international human rights standards and gender justice.

⁴⁴ Hossain, S. (2003). "Hindu Women's Rights in Bangladesh: A Call for Legal Reform", BLAST Legal Review.

⁴⁵ Human Rights Watch. (2012). "Will I Get My Dues... Before I Die?": Discriminatory Family Laws in Bangladesh.

⁴⁶ Muslim Family Laws Ordinance, 1961; requires husband's approval for Khula in most cases.

⁴⁷ *Shahin Sultana v. Kazi Anowar Hossain*, 62 DLR (AD) 8.

⁴⁸ Ahmed, N. (2002). *Family Laws in Bangladesh: A Comparative Study of Recent Reforms*. Dhaka: UPL.

⁴⁹ United Nations Treaty Collection. *CEDAW: Status of Bangladesh's Reservations*.

4. Enact a Uniform Family Code (UFC)

The long-term goal should be the development of a Uniform Family Code that harmonizes religious beliefs with constitutional principles of equality, justice, and non-discrimination.⁵⁰ This Code could provide a common civil legal framework that ensures women's rights without abolishing religious identity or customs.

5. Promote Legal Awareness and Access to Justice for Women

There should be nationwide legal literacy campaigns, particularly targeting rural and marginalized women.⁸ The government and NGOs must:

- Provide free legal aid and support.
- Ensure gender-sensitive courts and tribunals.
- Train legal professionals and religious leaders to adopt rights-based interpretations of family law.⁵¹

6. Strengthen Judicial Activism and Legal Precedent

Judges should be encouraged to adopt progressive interpretations of existing laws to protect women's rights, even in the absence of direct legislation. The judiciary should build on precedents such as *Shahin Sultana v. Kazi Anowar Hossain*,⁵² which extended maintenance beyond iddat, and expand such protections through judicial reasoning.

7. Institutional Reform and Policy Commitment

The Ministry of Law, Justice and Parliamentary Affairs should form a Family Law Reform Commission to study, review, and update outdated and discriminatory provisions. A parliamentary caucus on women's legal rights can also help push forward legislative reforms.⁵³

⁵⁰ Bangladesh Legal Aid and Services Trust (BLAST). (2019). *Policy Brief on the Uniform Family Code*

⁵¹ Ain o Salish Kendra (ASK). (2020). *Legal Awareness and Women's Rights in Bangladesh*.

⁵² Yasmin, S. (2015). "Pluralism and Gender Justice in Bangladesh Family Law", *International Journal of Law and Policy Review*.

⁵³ *Shahin Sultana v. Kazi Anowar Hossain*, 62 DLR (AD) 8.

6.3 Conclusion

The position of women under the family laws of Bangladesh reflects a troubling contradiction between constitutional guarantees of gender equality and the reality of discriminatory personal laws. Despite progress in areas such as education, employment, and political participation, family laws remain heavily influenced by religious doctrines that systematically disadvantage women⁵⁴.

The analysis reveals that Muslim, Hindu, and Christian personal laws contain numerous provisions that violate women's rights, especially regarding marriage, divorce, maintenance, guardianship, custody, and inheritance. Muslim family law permits polygamy and restricts women's divorce and inheritance rights. Hindu personal law denies women the right to divorce and offers limited maintenance and inheritance rights. Christian women still face gender-biased divorce procedures under the Divorce Act of 1869⁵⁵.

While the judiciary has taken some progressive steps through landmark decisions to protect women's rights, these interventions remain limited and insufficient to bring about widespread reform⁴. Judicial activism, though commendable, cannot substitute the need for comprehensive legislative change.

Bangladesh's continued adherence to religious personal laws without adequate reform contradicts its obligations under international human rights treaties, such as CEDAW, and undermines the constitutional principles of equality and non-discrimination. The demand for a **Uniform Family Code** or at least significant amendments to existing personal laws is now more urgent than ever.

Furthermore, deep-rooted patriarchal social norms, weak enforcement mechanisms, and limited access to legal remedies continue to hinder women's ability to exercise their rights under the law⁶. Without immediate and concrete reforms, women in Bangladesh will remain marginalized within the family legal framework. To ensure justice, equity, and gender equality, Bangladesh must prioritize legal reforms, strengthen judicial activism, promote legal awareness, and fulfill its constitutional and international commitments to women's rights.

⁵⁴ The Constitution of the People's Republic of Bangladesh, Articles 27, 28, and 29.

⁵⁵ Chowdhury, F. L. (2002). Muslim Family Law and Its Impact on Women's Status in Bangladesh. *International Journal of Law, Policy and the Family*, 16(3), 299–313.

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