

## **Dilemma and Intricacies of Law, Society and Religion towards the Empowerment of Women in Bangladesh**

Mahmudul Hasan<sup>1\*</sup>

Abdul Alim<sup>2</sup>

**Abstract:** As a signatory of different international instruments approving women's empowerment, Bangladesh is committed to playing a lead role especially in the harmonious field of gender-sensitive employment for its citizens. Many laws and regulations have been made to combat the ideas and practices of depriving women of their rights. But the provisions regarding the rights of women in these instruments have failed to show proper success, mainly due to a deficient societal approach, including values of the society and the mind setup of its inhabitants, especially the males who dominate the country. Legal lacuna, religious misconceptions and misinterpretations, and patriarchal interpretation of law reinforce the mindset of the society to be more problematic. This paper depicts the framework of the empowerment of women, comments on the legal, social and religious status of women in Bangladesh, identifies key challenges for empowering women and suggests some recommendations to overcome thereof.

**Keywords:** Bangladesh, empowerment, human rights, religion, social justice.

- 
1. (Corresponding Author) Lecturer of Law at the University of Development Alternative (UODA), Bangladesh, Email: mahmudul.law@gmail.com
  2. Lecturer of Law at the University of Asia Pacific (UAP), Bangladesh.

The authors are thankful to Professor Werner F. Menski, Professor of South Asian Laws, School of Law, SOAS, University of London, for his comments and suggestions on the earlier draft of this article. Liability for any fault is absolutely of the authors.

## **Introduction**

The footsteps towards a better status of women in Bangladesh are the upshot of victorious results of various struggles. Women in Bangladesh are subordinate within an intensely hierarchical system of gender relations, which constantly attempts to deny not only access to social power and control over their own lives, but also to guaranteed rights to which they are entitled (Kabeer, 1988, p. 101). As politics is restricted to the public sphere of human life and perceived as an area of male activity. Hence, women's roles, in most societies, have been defined by and largely limited to the private sphere and women's activities are deemed essentially apolitical. As women are deemed to be confined within private sphere- not directly connected with the organs contributing the economy- their role in the gross social and economic progress is remained elusive comparing their ability on one hand and their contribution in private sphere is undervalued on the other.

Sometimes it is argued by the dominant portion of the society that religion did not give equal status of women with men and this mindset often deprives women even of their rights guaranteed by religion. It is neither religion nor tradition, but the lack of values, conflict of interests and tricky ways of exercising power that create such chaotic situations. Economic empowerment of women is the pre-requisite of social justice- which is the finest balance between our joint responsibilities as a society and our responsibilities as individuals to avail a just society- that can create an environment for their participation in social and economic organs. Women's empowerment through grass-roots organisations and popular participation is one of the most important steps towards changing of historical relations of inequality and exclusion (Eyben, 2011). But ultimately, the action has to come from individual actors, both male and female, finding the right balance of rights and duties in every respect.

The basic objective of this paper is to show that the rights guaranteed by law are often not implemented due to the malpractice of male-dominated society. Legal lacuna and religious misconception reinforce the attitude of the society to be more oppressive towards the women and add salt to the injury of this segment of the society. Patriarchal interpretation of law and norms creates the permanent blockage to make the way out for the

empowerment of women. Though the situation has started to change but the process is very slow.

### **Concept of the empowerment of women**

The term empowerment denotes giving power, authority and the capacity to increase one's self-reliance and intellectual strengths and the ability to gain control over material and non-material resources. Empowerment is the dynamic and on-going process to bring changes at the personal and collective level and it is an important element for human development (Mahajan, 2012). It is also, sometimes, defined as the process of challenging existing power relations and of gaining greater control over the sources of power (Batiwala, 1994, p. 130). They should not be treated as fertility machines that have only the goal and the purpose of reproducing (CARE Bangladesh, 2011).

UN guidelines for empowerment of women describe five components in defining women empowerment: sense of self-worth; determining choices; access to opportunities and resources; power to control their own lives, both within and outside the home; and ability to influence the direction of social change to create a more just social and economic orders, nationally and internationally (UNPOPIN, n.d.). The United Nations Development Fund for Women (UNIFEM) also includes the same factors for defining the empowerment of women (Mahajan, 2012).

Empowerment is not only women's access to resources and participation in decision-making through quotas for women, but also the actual control over them (Kuttab, 2014, p.207). Empowerment of women, therefore, requires the full participation of women in the formulation, implementation and evaluation of decisions determining the functioning and well-being of societies (UNFPA, 1994). Empowerment of women is connected to some other approaches and concepts for achieving the same goal.

- a. Gender Equality:** Sometimes, gender equality and non-discrimination are referred as same connotation to the empowerment of women. A critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives (Srivastava, 2009). Equality between men and women exists when both

sexes are able to share equally in the distribution of power and influence; have equal opportunities for financial independence through work or through setting up businesses; enjoy equal access to education and the opportunity to develop personal ambitions (UNFPA, n.d.).

**b. Human Rights for Women:** The principles of equality and non-discrimination are the two fundamental norms of the modern international law of human rights for women. These human rights are recognized and protected by the international legal instruments. Article 1 of the UN Charter sets the objective of UN "to achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." This prohibition of discrimination based on sex is repeated in its Articles 13 and 55. The Universal declaration of Human Rights (UDHR) reaffirms this gender equality (Article 1) and non-discrimination (Article 2).

Both Covenants i.e. ICCPR and ICESCR, use the same wording to prohibit discrimination based on, inter alia, sex (Article 2), as well as to ensure the equal right of men and women to the enjoyment of all rights contained in them (Article 3) (UNOHCHR, 2014, p. 4). Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) codifies women's rights to non-discrimination on the basis of sex, and equality as self-standing norms in international law. It also establishes that women and men are entitled, on a basis of equality, to the enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and thus moves beyond the two Covenants by incorporating both families of rights in one instrument, establishing them as mutually reinforcing (GOONESEKERE, n.d.).

The notion of women empowerment for the protection and promotion of human rights of women is found in several activities of UN (Hannan, 2006, p.173-178). To optimize the paper work of human rights, the UN developed eight Millennium Development Goals (MDGs). To promote gender equality and empower women is placed as the goal number third of the MDGs. In Sustainable Development Goals (SDGs), women have a critical role to play in all of the goals, with many targets specifically recognizing women's equality and empowerment as both the objective, and as part of the solution. Goal 5

is known as the stand-alone gender goal because it is dedicated to achieving these ends (UN Women, 2015).

**c. Empowerment of Women as Social Justice:** Social Justice is justice in terms of the distribution of wealth, opportunities, and privileges within a society (eds Stevenson & Lindberg, 2010). It is the view that everyone deserves equal economic, political and social rights and opportunities (NASW, 2010). It exists when all people share a common humanity with the enjoyment of equitable treatment, support for their human rights, and a fair allocation of community resources. (Toowoomba Catholic Education, 2006). As women are the constituent elements of social development together with men, neither social justice nor social development can be achieved by cutting off this important segment of the society. The claim for empowerment is not to end the inequality of women but to restore universal justice (Iyer, 1979, p. 145).

### **Status of women in Bangladesh**

Status of women in the society is driven by different legal, social and cultural forces in Bangladesh. The Government of Bangladesh is committed to attaining the objectives of different international legal instruments for empowering women but still there remain a lot of elements in law, and social and religious practices, which are contributing the non-implementation of government's commitment towards the empowerment of women.

### **Constitutional and Legal status**

In Bangladesh, the proliferation of statutory mandates and the state constitutional provisions against sexual discrimination are both catalyst and consequence of changing attitudes towards the status of women is becoming tangible (Rhode, 1989).

The Constitution of the People's Republic of Bangladesh ensures the rights of women on the basis of universal principles of equality and participation. Different articles of this Constitution deal with gender equality. The Bangladesh Constitution upholds the principle of equality before law (Article 27), non-discrimination (Article 28), equal rights for men and women in all spheres of public life [Article 28(2)], participation of

women in all spheres of public life (Article 10), and making special provision in favor of women and children or for the advancement of any backward section of citizens [Article 28(4)]. Article 10 (1 and 3) also speaks on the equality of opportunity and participation of women in all spheres of public life. Article 28(2) speaks on the constitutional guarantee of equality and non-discrimination in public life only and, therefore, excludes the personal life from constitutional panorama. Thus, personal laws in Bangladesh are based on religion and culture with principles of gendered interactions that do not operate on the basis of absolute equality of men and women rather recognises their symbiotic co-existence (Monsoor, 2008, p. 38).

The other branch of the legal system of Bangladesh- e.g. laws against sexual harassment and domestic violence etc.- also extends the rights and protection for women.

Bangladesh stands the patriarchal interpretation of the law and that makes implementing legislation extremely problematic (Islam, 2014, p. 6). The word *public* in the Article 28(2) of the Constitution is the explanation of the riddle which means that equality is guaranteed through the constitution in the spheres of state and public life. This means that in the private or personal sphere women are pretty much on their own. This results women's personal and family life to remain outside the jurisdiction of constitutional guarantee. The guardianship of children, as an example of the patriarchal interpretation of law, typically belongs to the husband or to an older male family member. The mother has only the duty to care for the sons until they attain seven years, and to care for the daughters until marriage (Islam, 2014, p. 6).

### **Socio-Economic status**

In Bangladesh socio-cultural and economic conditions tend to put women in a less favourable position. Despite women are playing an important role in the society, in a male dominant society, like Bangladesh, the status of women depends on the gender. The girl children often suffer the worst kind of discrimination with respect to their basic human necessities, such as, intra household distribution of food, clothes and access to education (Islam, 2007, p. 27). Many women in Bangladesh are living as second class citizens. Their jobs are confined within looking after men's house, doing housework

and taking care of the children. They do not have their own choice and cannot exercise agency in making decisions about their own life.

The practical dominance shows the deplorable condition of women in the matter of dower, maintenance and inheritance. Let alone the getting of dower/Mohr at the time of marriage, women have to endure the oppression of dowry- a curse for the society. Instead of employment they have to fight for their proper maintenance from their husbands. Instead of better education, they have to fight with the early marriage. The rural poor feel anxious getting their daughters married, so they try to arrange a girl's marriage as early as possible (Islam, 2014, p.6). A study shows that fathers are very happy with having male children. Because a family that consists of more male children has a better chance to get more money by way of dowry (Alim, 2015). This curse of dowry is not only an issue of marriage ceremony rather it runs as long as life. Almost 75% of gender violence happens as the outcome of dowry demand (ed. Rahman, 2004, 111).

The patriarchal society thrusts women to be subordinate, dependent and dominated and even creates obstacles to access power and resources. Men think that women are their property, dictate their sexual activity and treat them as a commodity rather than as a human being. Because of this kind of social structure, most of the women have the mentality to tolerate torture and to permit impliedly inhumane treatment to them (Farouk, 2005). Hence, in societies constructed and dominated by men, men have been enjoying and enforcing a superior status while women have continued to remain subjugated and subjected to all the associated disadvantages and sufferings. There may have been some exceptions here and there in history but by and large this has remained basically true till today around the world (Ahmad, 2014, p. 08).

Although the situation has started to become better, this happens at a very slow speed (Hasin, 2005). Neal Walker, the UN resident Coordinator to Bangladesh (2011-2014) states about the real picture of women's status, "Bangladesh is an interesting country-case where major milestones have been achieved in women's empowerment and gender equality, particularly in achieving parity in primary education. Yet, much remains to be done. For instance, over 60% of all women continue to face at least one form of violence during their lifespan" (Walker, 2013).

### **Religious status**

Bangladesh is a country in which socio-legal structural entities are strongly influenced by religious values. Islam, the religion which governs 88% population of Bangladesh, plays a vital role in structuring the normative rules and ideology of the family issues in Bangladesh. Islam places the provision of women empowerment on the agenda by giving them their actual right to property enshrined in the Quran. There are eight female Quranic heirs out of twelve and women also become the full legal owner of the property inherited and can transfer it according to their own choice. Moreover, Islamic family law narrates the provision of dower/Mohr and maintenance to guarantee the empowerment of women in their respective arena.

The male and female dynamics in Islam are such that there is equality of sexes in the spiritual life. However, Islam contains an ambivalent message concerning the equity of the sexes in the worldly affairs and social relationship between people (Monsoor, 2008, p.12). Islamic law justifies gender differentiations on the ground of creation and nature, giving special rights and duties to both male and female (Muthhari, 1981, pp. 113-123). Islam does not believe in the concept of sexual equality which ignores the natural differences and normal aptitudes between men and women, rather it regards man and women as complementary to each other (Siddiqui, 1966, pp. 21-22).

Though there are some anomalies in the practical Hindu law in Bangladesh about the women's property rights, the State filled this lacuna by constitutional guarantees. However, religious norms and respective personal laws towards the women are, reportedly, being violated. Women are not given their granted rights and status under personal law by the dominant patriarchal system. These are instances of patriarchal arbitrariness of Bangladeshi society, which regards women's claim to their rights as challenging to the existence of patriarchal system itself, despite the fact that these claims are based on Islamic obligations or official law (Monsoor, 2008, p. 16). Religious dogmas and misconceptions are worsening the situation.

The major problem of the family law, both religious and statutory law, system in Bangladesh appears to be that it does not take into account the

reality of the social conditions, particularly, women's concern about freedom from economic deprivation (Monsoor, 2008, p. 13).

*Fatwa* or expert opinion on religious matters is becoming one of the aggressive social practices against women. In theory, *Fatwa* is the system of seeking expert opinion on a disputed religious matter from a highly learned Islamic scholar. In practice, it is being misused by village leaders with the aid of local *Mullahs* or people with nominal or operational knowledge of Islam. Practical examples suggest that *Fatwa* is being used for legitimating rapes, extramarital sexual relations of husbands, husband's torture on wife and so forth. While *Fatwa* is permitted in religious issues only but, in practice, it is arbitrarily being used outside the religious issues where State laws sufficiently deal with. The real scenario of this so-called *Fatwa* is that women are the common victims of *Fatwa* and the real perpetrators are released. The practice of this so-called *Fatwa* as seen in Bangladesh has been severely criticised by many prominent Islamic scholars.

### **Law, Religion and Practice and the famous Kite Theory explained**

The religion and the constitution of Bangladesh evidently guarantee certain rights of women. But the patriarchal understanding of the law continues the supremacy of patriarchal attitudes (Mundial, 1990, p.79). Study shows that 56% husbands do not maintain their wives. The same study also shows that 53% of rural women and 30% urban are deprived of their inheritance rights. The study also found that 9.1% urban women go to the courts for realizing their rights whereas rural women depend on family compromise and 0% goes to the courts (Monsoor, 2008, pp. 12-18).

If we consider Professor Werner F. Menski's (Professor of South Asian Laws, School of Law, SOAS University of London) famous 'Kite Model of Legal Pluralism' (Menski, 2011) the significance of social structure and practice in gender dynamics will be easy to understand. The aforesaid theory imagines a society as a flying kite of which the corner no. 2 signs for society, corner no. 1 is for religion, corner no.3 is for state and corner no. 4 is for Human rights. The kite model shows the interconnectedness of men and women and, thus, demands a balancing act between the respective expectations of men and women, rather than a gender war.

If we start from corner 2 as the dominant socio-legal reality, a male decision-maker would still need to consider the other corners. Corner 3 suggests that there should be gender equality (Article 28 of the constitution). Corner 4 advises that the human rights of women need to be protected. Corner 1, for Muslims, clearly states that women have their own independent rights, but are expected to work together with men to follow the right path. The male members of the society desire to curtail and restrict female rights, especially rights to independent property, easily slips into denial of women's empowerment. We can see that we can never include corner no. 2 in defining the rights and duties of individuals as members of social groups.

Legal changes, which the country has now implemented, are often a necessary step to institute gender equality, but not necessarily sufficient to mitigate the prevailing problems and create lasting changes. Addressing the gaps between what the law proscribes and what actually occurs often requires broad, integrated campaigns (Srivastava, 2009). It is this control-focused mindset that needs to be changed by education and more balanced treatment of the 'women question'.

### **Judiciary towards the empowerment of women in Bangladesh**

Study found that 90% of family suits are filed by women as plaintiffs. This is because, gendered problems within family matters mostly involve violations of some rights granted to women (Chowdhury, 2012, pp. 41-63). Let alone the delay in formal adjudication and other harassment within the courtyard, women have a very limited access to judiciary due to several social realities. Our analysis reflects that family laws are freely violated in rural areas without anyone ever challenging this in a court of law. As mentioned above, only 9.1% urban women seek resort to judiciary in family matters whereas 0% in rural areas (Monsoor, 2008, p.17). Traditionally, our judiciary is less women friendly as dominant patriarchal nature of the society is also a truth for lawyers, court officials and other staffs. In family matters judges decide a case considering both law and society as judges cannot opt outside the social and cultural norms (Monsoor, 2008, p.17). Considering the adversarial

nature of our legal system, our judges have limited scope to put their own interpretation to the existing law (Ali, 2000, p.140).

Analysis shows that court's decisions help- though in a slow process- change social realities. The High Court Division (hereafter referred as HCD) of the Supreme Court (hereafter referred as SC) of Bangladesh in *Md. Sirajul Islam vs. Mst. Helena Begum* (BLD, 1996, p. 47) and *Rustom Ali vs. Jamila Khatun* (BLD, 1990, p.434) upheld the principle of past maintenance for wife. Appellate Division (hereafter referred as AD) of the SC also sustained HCD's decision in *Jamila Khatun* (BLD, 1996, p.61) case.

Revolutionary attempt of the SC to uphold the divorced women's right to the post divorce maintenance in *Hefzur Rahman vs Shamsun Nahar Begum* (DLR, 1995, p. 54) shows Court's concern for the empowerment of women. However, AD overruled this decision of HCD in *Shamsun Nahar vs Hefzur Rahman* (DLR, 1999, p. 172) on the ground that in Muslim law there is no such obligation on the husband to maintain his divorced wife after the iddat period.

Outside the family matters, the Court is progressively upholding the rights and protection of women. In *Jatiyo Mohila Ainjibi Samity vs. Bangladesh and other* (DLR, 2007, p. 447), the HCD laid down guidelines which must be followed in educational institutions and work places to combat sexual harassment. In *Dalia Perveen vs. Bangladesh Biman* (DLR, 1998, p. 132) and *Rabia Basri Irani vs. Bangladesh Biman* (DLR, 2002, p.308) the HCD held the gender discrimination inconsistent with the constitution. In 2001, in a *suo motu* action the HCD banned the *Fatwa* (expert opinion on religious issues) though the AD lifted up the ban in 2010 with some conditions for exercising it.

In family matters, execution of Family Court's judgement is very difficult as husband evades the judgement, goes into hiding and cannot be located. Even when they are traced they might not have any possessions for executing court's judgement (Monsoor, 2008, p. 141). However, the possible influence of the progressive judgements on the society should not be undervalued. The Family Court is also given the scope for the mediation through compromise and reconciliation under the court's supervision. Within a short period the mediation courts embraced an unexpected and commendable success (Hasan, 2012).

### **Findings and Recommendations**

We have been discussing the status of women in Bangladesh within legal, social and religious regimes. The analysis reflects that several issues in law, social and religious practices do not comply with the established norms and legitimate expectations. In this part, we will figure out some obstacles which contribute to the non-implementation of laws and other norms for empowering women and will make a set of recommendations based on the analysis.

### **Challenges**

- a. Lack of Social Security:** In Bangladesh, women are facing threats to their lives, health and well-being as a result their vulnerability to sex. During the first half of 2015 alone, reportedly, there were 378 rape incidents of which 109 were actually raped including 65 gang rapes and 29 deaths after rape. In addition, 87 women were harassed, 3 girls committed suicide due to harassment and 2 stopped going school (Ain o Salish Kendra, 2015). These numbers represent only a portion of actual incidents happened as socio-economic conditions in Bangladesh suggest that the largest number of sexual harassments and rapes remain outside the media coverage and thus unreported. Though Bangladesh has enacted several laws, penal provisions and has commitments under different international conventions for prosecuting rapes and sexual harassments, and for ensuring social security for women, but laws are hardly implemented.
- b. Non-Recognition of Women's Contributions:** "A woman's work is never done", a village woman says in the study conducted by Hartman and Boyce (1998). Their household production activities are not counted as contribution to the family income. Even if they have an opportunity to engage themselves in production activities outside of the family, the social structure does not allow them to do so (Islam, 2014, p.5). Whenever they are allowed to work outside, even though their economic contribution is substantial, it remains largely unacknowledged (Sultana & Hasan, 2010, p.44).
- c. Inhumane Treatment within and outside the Family:** Women continue to be treated as inferior human beings by their husbands,

other members of the family and by the society at large. Women are to suffer the physical and psychological tortures at the hands of husbands and other family members. Domestic violence is one of the most common experiences almost every woman has to endure at different stages of her life. The number of deaths in the hands of husbands and in-laws for dowry is reportedly notable. Non-recognition of women's contribution in household affairs, inhumane treatment and treatment as inferior beings force them to withdraw their voice from family decision making and management of resources and even cause them to suffer poor physical and mental growth, malnutrition, less education and, after all, inefficient in terms of development.

- d. Wage Gap and Vulnerability at Workplace:** Women receive less formal education than men- a very known seen everywhere in Bangladesh- and at the same time, women's own knowledge, abilities and coping mechanisms often go unrecognized. A study by International Labour Organization (ILO) suggests that women earn 21 per cent less per hour than men despite the equal efforts provided (ILO, 2008). This gender wage gap is not fully explained by differences in education, age and job location. With equal or ever greater efforts, education levels, skills and ability women become subject to less wage and recognition at workplace. In addition, at workplaces women are not provided with due facilities and environment for work, healthcare, and other treatments in coherence with their sexual and biological needs.
- e. Low and Ineffective Political Status:** Women have relatively low political status as compare to men in Bangladesh. At policy level women have a very little representation and thus influence over policy making- especially to enact women-friendly laws and policies. Their unequal presence in policy making reinforce them to low access of educational, economical and other social opportunities. The mere appearance of women in decision-making positions does not guarantee that political or social change has taken place or will take place. The handful of women in a pre-dominantly male society's parliament or public administration usually makes a little or no difference at all in policy-making priorities. Under such conditions,

either women 'succeed' in obtaining public positions because they have to act like male politicians, or if they express views reflecting women's interest, they find little support among their male colleagues.

- f. Religious Superstitions and Lack of Awareness:** Disguise to religious superstitions and blindness is another cause for women's backwardness in Bangladesh. Religion has been used as a weapon to wash up the brain of women. It is erroneously said that heaven lies for wife under the feet of husband with a reference to a saying of the Prophet of Islam. In reality, it is neither Prophet's saying nor a religious doctrine. [The real Hadith (Prophet's saying) is "Heaven lies for children under the foot of their parents"]. As a consequence, women have to digest every illegal works done by husbands. When a female child is growing up, she faces several realities that let her realize that she is born to serve either her father's family or husband's at marriage. Social environment, superstitions, religious sentiment and misinterpretation, ignorance, weakness, and helplessness lead women to accept a sub and extremely passive life. They become Duflo's termed "missing women" (Duflo, 2012, pp. 1051-1079) and do a little at their own choice.
- g. Discriminatory Social Practice and Mindset of Male Members:** Bangladesh is a typical society where socio-cultural barriers considered as a main blockage for women members. Most of the rural women in Bangladesh are strictly restricted to go outside. The male members of their family restrict and control their freedom of choice and movement (Anday, 2010, pp. 94-119). Women members are prohibited from leadership practices at grassroots levels due to lack of consciousness and limited access to education and cultural activities (Rahman & Roy, 2004, pp.570-574).
- h. Ineffective NGO Activities:** As NGOs have to rely on donors support and fund allocations. Donors often require tangible change in the society (Islam, 2014, p.8). As a consequence, NGOs give priorities over the sectors which result quick and tangible change, and disregard the local needs. For empowerment of women, NGOs efforts are limited to providing non-educational trainings and giving small

credits to poor women. While each woman's problem may be different and may require case specific solution.

- i. **Inefficient Budget Allocation:** Budgetary resources for women are directed towards those development programs, which produces low level of human capital and as such formal education helps women little to get gainful job and to participate in the decision making process (Paul-Majumder, 2005). In Bangladesh, the current process of developing a gender budget has a number of shortcomings. In budgetary and resource allocations women are targeted as means and not as ends, for instance, primary objective of allocating resources for women's education was to educate women for the interest of future generation and not for raising the life qualities of women themselves. In addition, most of the women focused projects within the budgetary framework are related to development of skill, which are mostly traditional, and supply of small credit. These types of development projects were designed to make women somewhat more productive within the household but not to realize women's potential as persons (Paul-Majumder, 2005, pp. 8-17). Moreover, till date, there is no monitoring of the gender budget to investigate whether or not various programs mentioned in it were successful in achieving any sort of impact (Ahmed, 2015).

### Recommendations

- a. **Building Social Awareness:** As people's outlook towards women in our country is very narrow, growing community awareness regarding the gender equality, non-discrimination and women's entitlement to other human rights should be the prime concern of our gender specific development actions. Education for all can be a priority agenda to raise the society's respect towards women and to realize the significance of women's contributions in the society and within the family. Education may also help to remove the religious misconception and superstitions of both, men and women.
- b. **Policy and Programme Actions:** Economic empowerment, education and involvement of women with formal politics can improve the status of women to a certain degree. To remove gender inequality

from all spheres of life, a policy of affirmative action has to be undertaken. Without gender specific target, women cannot have their due share from the integrated projects since because of powerlessness women are very weak competitors compared to men (Paul-Majumder, 2005, pp. 75-88). In budgetary and other development process human rights-based approach to development should be incorporated to identify the specific violations of rights and the most vulnerable groups in terms of violations (Paul-Majumder, 2005, p.78). All the international agreements against women persecution including extinction of all discriminatory activities against women should be adopted and implemented fully.

- c. Improving the Social Security for Women:** Social security for women should be improved so that women can feel safe everywhere they go and work. Specific areas of gender violence and sexual harassment should be identified with extensive study and research, and should be prevented through women friendly legislations, implementation mechanism and other social awareness programs. Existing laws and other policies against the sexual harassment and violence should be implemented properly and each specific case of sexual violence should be identified and remedied as soon as possible.
- d. Technical and Vocational Education for Women:** A large body of research shows that education empowers women to get access to health facilities and health knowledge. It was found that garment workers having more than primary education take self-protection against occupational hazards (Paul-Majumder, 2003). Education is also a dominant factor affecting decision-making power of women. Study found that non-traditional education gives women a quick and effective opportunity to get involved in economic activity. Therefore, skill training programs, for instance, training programs on driving, information technology (IT), mechanical technology, garment manufacturing etc. should be given more emphasis.
- e. Ensuring Effective Political Participation:** Improved political status of women also enhances their decision-making capacity at all levels in all spheres of life, especially in the area of sexuality and gender sensitive issues. To empower women, political participation in

decision making is the precondition. To ensure meaningful participation of women holding different political positions i.e. UP, some measures may be considered. The constitution should define clearly the roles and responsibilities of women in political positions in order to free and fair distribution of works among male and female members.

- f. Increasing Family Court's Jurisdiction:** Family courts should be provided with the criminal jurisdictions to sanction the non-compliance of court verdicts by husbands and other in-laws. In addition, Alternative Dispute Resolution (ADR) under the supervision of Family Court should be encouraged and promoted by the direct aid of government and granting of incentives for judges for accomplishing a successful ADR.
- g. Effective Enforcement Mechanism:** As our analysis reflects, non-implementation of laws and policies functions as the major cause for frustrating the government's commitment to the empowerment of women. While enacting the gender related laws and policies, the process of implementation should be clarified properly and authority responsible for implementation should be provided with necessary mandates and jurisdictions. Implementations of laws and policies should be participatory and transparent, and proper mechanism should be set forth for ensuring the accountability of the people responsible for implementing gender related policies and programmes. Coordination should be made between and among the government and non-government agencies in implementing gender related policies and programmes.
- h. Eliminating the Wage Gap:** National Wage Board and other concerned authorities should be mandated for eliminating all kinds of wage gap between man and women, and for taking immediate actions against any discriminatory and inhumane treatment to women by industries and employers.
- i. Research and Monitoring:** Finally, there is a need for multi-level studies to measure the relative effects of community-level norms related to empowerment, which in some cases may be better predictors than individual-level empowerment measures (See: Karen,

& Herbert, 2003). The government may set forth a particular body for research and appraisal of gender related issues and policies.

### **Conclusion**

Women empowerment in Bangladesh has attained commendable success over the past two decades in the political arena. The key positions in government, the prime minister and the leader of the opposition, are both occupied by women. But it should be remembered that only political participation of women at the top does not ensure the rights of all women, rather it is a stepping stone to achieve guaranteed rights. At the end of the day it is only the patriarchal society which plays the key role to ensure women's empowerment in all spheres of life. This is because decision making processes about such relationships are made at social level, and as we know, this involves much discretion, which may easily be misused to the detriment of women.

There is no single way of proper implementation of laws and policies to achieve gender equity. What is more, to some extent, our laws and policies are sufficiently enacted in line with the international laws and conventions to address the empowerment of women and gender equality. But in reality, theory and practice hardly walk hand in hand. We have failed to make our way out to optimize our legal norms into the social practice. It is our actions or inactions that render our laws and policies unimplemented and useless. The male-dominated society, at the one hand, keeps violating women's rights either under the disguise of religion or veil of women's security question, and leaves laws and policies unimplemented by simply unheeding the issue or not bringing them within action plans and policy implementations. Social justice for women- having the same significance as justice from the broader sense- is, thus, remained vulnerable. Therefore, we are being deprived of from the fruits of social justice- in particular, a balanced society in which economic development is achieved in full swing with the participation of both, male and female, and outcomes of development is enjoyed by all without any discriminations. So empowerment of women should be our primary agenda at hand. We should penetrate the age old patriarchal social structure through our extensive action plans and policy implementation programs. Government is primarily responsible for

creating an environment to respect and guarantee women's rights through its legal, administrative, judicial mechanisms. Other actors, such as, NGOs, civil society, media, academicians and so forth assume a large responsibility to cooperate government and to further the issue of social justice and human rights for women by empowering them.

## References

- Ahmed, N. (2015). Does the gender budget empower women? *Dhaka Tribune* [Online] 26th June See more at: <http://www.dhakatribune.com/op-ed/2015/jun/26/does-gender-budget-empower-women#sthash.JOEz0fk2.dpuf> [Accessed: September 18, 2015].
- Ahmad, Qazi K. (2014). Message. International Conference on Gender and Women Empowerment, November 13-14, 2014, Institute of Microfinance (InM). Dhaka. p.08. Available from: [http://www.inm.org.bd/document/Conference%20Volume\\_International%20conference%202014.pdf](http://www.inm.org.bd/document/Conference%20Volume_International%20conference%202014.pdf) [Accessed: September 18, 2015]
- Ain o Salish Kendra (2015). [Online] July 08, 2015. Available at: <http://www.askbd.org/ask/2015/07/08/violence-women-rape-fatwa-salish-sexual-harassment>.
- Ali, Saheen S. (2000). *Gender and Human Rights in Islamic and International law*. The Hague, London and Boston: Kluwer Law International. p.140.
- Alim, A. (2015). *An Investigation into the Application of Family Law in Rural Bangladesh*. As a part of LLM course work at the University of Dhaka, a study was conducted on 25 families in the village CHANCHARA of Bhola District regarding the practical application of dower, maintenance and inheritance. Dhaka: University of Dhaka.
- Anday, K.P. (2010). Can Local Government Reform Empower Women Socially? Experience from Bangladesh. *Journal of Critical Studies in Business and Society*. Vol. 1, No. 1-2, pp. 94-119
- Batliwala, S. (1994). The Meaning of Women's Empowerment: New Concepts from Action. In: G. Sen, A. Germain, and L.C. Chen (eds). *Cambridge Population Policies Reconsidered: Health, Empowerment and Rights*. Cambridge, MA: Harvard University Press. p.130.
- BLD- Bangladesh Law Digest, Bangladesh. Available at: <http://www.bdlawdigest.org/#gsc.tab=0> [accessed December 22, 2015]
- CARE Bangladesh (2011). Women Empowerment in Bangladesh. [Online]. Available from [http://www.carebd.org/part\\_long.php](http://www.carebd.org/part_long.php) [Accessed: September 02, 2015]
- Chowdhury, Jamila A. (2012). Gender Justice in Bangladesh: A Time and Cost Impact to Resolve Family Disputes Through Litigation vs. Court-connected Mediation. *Dhaka University Law Journal*. Vol. 2, No. 2.
- DLR- Dhaka Law Reports, Bangladesh. Available at: <http://www.bangladeshsupremecourtbar.com/law-report.php> [accessed December 22, 2015]

- Duflo, E. (2012) Women Empowerment and Economic Development. *Journal of Economic Literature* 2012. [Online]. No.50 (4). p.1051–1079. Available from: <http://economics.mit.edu/files/7417> [Accessed: September 18, 2015]
- Eyben, R. (2011) Supporting Pathways of Women's Empowerment: A Brief Guide for International Development Organisations. *Pathways Policy Paper*. Brighton: Pathways of Women's Empowerment RPC.
- Farouk, Sh.A. (2005). Violence against Women: a Statistical Overview, Challenges and Recommendations. Dhaka: Bangladesh National Women Lawyers Association (BNWLA)-
- GOONESEKERE, S. (n.d.) *A RIGHTS-BASED APPROACH TO REALIZING GENDER EQUALITY*. [Online]. UN Division for the Advancement of Women. Available from: <http://www.un.org/womenwatch/daw/news/savitri.htm> [Accessed: September 17, 2015]
- Hannan, C. (2006) Empowering Women: Ten years after the Beijing Conference. *Georgetown Journal of International Affairs*.
- Hartman, B. & Boyce, J. (1998). *A Quiet Violence: View from a Bangladesh Village*. San Francisco: Food First Books.
- Hasan, K.M.J. (2012). Mediation in the Family Courts: Bangladesh Experience. *Unpublished Paper in the First South Asia Regional Judicial Colloquium on Access to Justice*. New Delhi, 1-3 November 2012
- Hasin, S. (2005). *Nari o Mulobad, (women and fundamentalism)*, 1<sup>st</sup> ed. Dhaka: Mutahar Hossain, Papyrus.
- Islam, Mohammad S. (2014) Women's Empowerment in Bangladesh: A Case Study of Two NGOs. *Bangladesh Development Research Working Paper Series (BDRWPS)*, BDRWPS 23. New York: Bangladesh Development Research Center (BDRC). p.6. Available at: <http://www.bangladeshstudies.org/wps/> [Accessed: 16 September 2015]
- ILO. (2008). Lower Wages For Bangladeshi Women Raise Concerns About Discrimination, *ILO study finds*. Press Release, ILO. [Online] September 01, 2008. Available at: [http://www.ilo.org/asia/info/public/pr/WCMS\\_098054/lang--en/index.htm](http://www.ilo.org/asia/info/public/pr/WCMS_098054/lang--en/index.htm) [Accessed: September, 18, 2015]
- Islam, F. (2007). In search of the 'Right' Question. *The Dhaka University studies*. part-F, Vol. XV(2).
- Iyer, V.K. Krishna (1979) *Of Law and Life*. New Delhi: Vikas Publishing House. p. 145.
- Kabeer, N. (1988) Subordination and struggle: women in Bangladesh. *New Left Review*. No. 168. pp. 95-121.
- Karen, M. & Herbert, S. (2003). *Women's Empowerment and Social Context: Results from Five Asian Countries*. Washington, DC: World Bank Gender and Development Group.

- Kuttab, E. (2014) Empowerment as Resistance: Conceptualizing Palestinian Women's Empowerment. In: A. Cornwall and J. Edwards (eds). *Feminisms, Empowerment and Development: Changing Women's Lives* London: Zed Books, p.207.
- Mahajan, V. (2012) Women Empowerment and Social Justice: A Social Feminist Social Approach. *International Conference on Humanity, History and Society*. IPEDR Vol. 34. Singapore: IACSIT Press.
- Menski, W.F. (2011). *Law as a kite: Managing legal pluralism in the context of Islamic finance*. Rome Summer School "Islamic Finance in Europe". Lecture for 1 July 2011. School of Law, SOAS, University of London. Available from: [http://www.assaif.org/index.php/content/download/60704/297288/file/MENSKI\\_Law%20as%20a%20kite\\_Managing%20legal%20pluralism%20in%20the%20context%20of%20Islamic%20finance.pdf](http://www.assaif.org/index.php/content/download/60704/297288/file/MENSKI_Law%20as%20a%20kite_Managing%20legal%20pluralism%20in%20the%20context%20of%20Islamic%20finance.pdf) [Accessed: September 12, 2015]
- Monsoor, T. (2008). *Gender Equity and Economic Empowerment: Family Law and Women in Bangladesh*. Dhaka: British Council, EWLR.
- Mundial, B. (1990). *Bangladesh: strategies for enhancing the role of women in economic development*. Washington DC: World Bank.
- Muthhari, M. (1981). *The rights of Women in Islam*. Tehran: The World Organization for Islamic Services.
- National Association of Social Workers (NASW). (2010). Social Justice. Available at: <http://www.naswdc.org/pressroom/features/issue/peace.asp> [accessed: December 20, 2015]
- Paul-Majumder, P. (2005) National Education Budget of Bangladesh and Women Empowerment Bangladesh. Dhaka: Nari Progati Sangha (BNPS) and Institute for Environment & Development (IED).
- Paul-Majumder, P. (2003) Mainstreaming Gender Perspective in the Planning and Development Processes of the Economy with Special Emphasis on the "6th Five Year Plan": Transport and Communication Sectors. A position paper sponsored jointly by the Policy Leadership and Advocacy for Gender Equality (PLAGE) Project of the Ministry of Women and Children Affairs-and the General Economics Division (GED) of Planning Commission, Ministry of Planning, Government of Bangladesh.
- Rahman, M. & Roy, M.K. (2004). Participation of Women in Rural Local Government- A SocioEconomic Analysis. *Bangladesh Journal of Political Economy*. Vol. 22. pp.570-574.
- Rhode, D. (1989). Women, the Court and Equity. *Sage yearbook in women's policy studies*. 3rd Edition.
- Siddiqui, Mohammad M. (1966). *Women in Islam*. Lahore: Institute of Islamic Culture.
- Srivastava, M. (2009). Essay on Women Empowerment. [Online] October 4, 2009. Available at SSRN:

- <http://ssrn.com/abstract=1482560> or <http://dx.doi.org/10.2139/ssrn.1482560>  
[Accessed: September 12, 2015]
- Stevenson, A. & Lindberg, Christine A. (eds) (2010) *New Oxford American Dictionary*. 3rd Ed. Oxford: Oxford University Press.
- Sultana, S. & Hasan, S.S. (2010). Impact of Micro-Credit on Economic Empowerment of Rural Women. *A Scientific Journal of Krishi Foundation*. The Agriculturists 8(2): 43-49.
- Toowoomba Catholic Education. (2006). See details at <http://www.tsjc.org/> [accessed: December 20, 2015].
- United Nations Population Information Network (POPIN) (n.d.) Guideline on Women's Empowerment for the UN Resident Coordinator System. [Online]. New York: UN Population Division, Department of Economic and Social Affairs, with support from the UN Population Fund (UNFPA). Available from: <http://www.un.org/popin/unfpa/taskforce/guide/iatfwemp.gdl.html> [Accessed: September 02, 2015].
- United Nations Populations Fund (UNFPA). (1994) *Issue 7: Women Empowerment*. [Online]. New York: UNFPA. Available from: <http://www.unfpa.org/resources/issue-7-women-empowerment> [Accessed: September 17, 2015].
- United Nations Populations Fund (UNFPA). (n.d.) *Empowering Women*. [Online]. Available from: <http://web.lb.unfpa.org/gender/empowerment.htm> [Accessed: September 17, 2015].
- UNOHCHR (2014). *Women Rights are Human Rights*. New York and Geneva:UNOHCHR. p. 4.
- UN Women. (2010). *Women's Empowerment Principles*. [Online]. Available at: <http://www.unwomen.org/en/partnerships/businesses-and-foundations/womens-empowerment-principles> [Accessed September 16, 2015].
- UN Women. (2015). SDG 5: Achieve gender equality and empower all women and girls. Available at: <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality#sthash.cPtBkzXV.dpuf> [accessed: December 20, 2015].
- Walker, N. (2013). Women's Empowerment in Bangladesh: Looking beyond the MDG's. *Forum*. Vol.7, Issue 3. Dhaka: The Daily Star. Available from: <http://archive.thedailystar.net/forum/2013/March/women.htm> or <http://archive.thedailystar.net/beta2/news/womens-empowerment-in-bangladesh-looking-beyond-the-mdgs/> [Accessed: September, 15].