

অন্তর্ভুক্তিমূলক উন্নয়ন ও ন্যায্যতার লক্ষ্যে নাগরিক এজেন্ডা

Effective Implementation of Laws and Judicial Process for Eradicating Gender-based Violence and Discrimination

Presentation by

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Citizen's Platform for SDGs, Bangladesh

এসডিজি বাস্তবায়নে নাগরিক প্ল্যাটফর্ম, বাংলাদেশ



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Policy Briefs: Origin of the Initiative & Process of Preparation

Preparation of the Policy Briefs builds on a wide range of activities undertaken over the past two years (2022-2023) by the Citizen's Platform for SDGs, Bangladesh. These activities sought to capture the views of the country's left-behind stakeholders at the subnational level as regards Bangladesh's dominant development narrative. The Platform's engagements in this connection included stakeholder dialogues, town hall meetings, focus group discussions, perception surveys and consultation with the media. Also, a Public Hearing was organised at the national level to create opportunities for the disadvantaged people to voice their concerns and aspirations in the presence of high-level policymakers and opinion builders.

It emerged from this exercise that a significantly large number of citizens and certain communities in Bangladesh have continued to remain vulnerable to various risks, which relegated them to the "left behind" situation in the revealed process of economic development. However, the *Leave No One Behind* spirit of the Sustainable Development Goals (SDG) requires that all citizens, without exception, are ensured an equitable share in the country's development outcomes. Consequently, appropriate actions are needed to address these overarching national concerns to advance the interests of the country's vulnerable citizens and communities.

Accordingly, through country-wide interactions with spokespersons of key stakeholder groups, Citizen's Platform identified 11 themes requiring urgent attention for immediate action. As a follow up, now a series of Policy Briefs has been prepared with a set of concrete recommendations in each of the identified areas, underpinned by the specific context and contestations concerning the articulated theme. In each of these cases, the concerns and interests of the vulnerable groups have informed the suggestions for reforms and policy uptakes.



Policy Briefs: Origin of the Initiative & Process of Preparation

Each of the Policy Briefs of the series has been prepared by a dedicated team of experts of high national and international repute. Each Policy Brief Team had an eminent personality as the Chair to lead the process, with a recognised professional as the Penholder Expert to prepare and finalise the successive drafts with inputs from the team members. Each team got together several times, reviewed the notes of the sub-national discussions and the FGDs, and consulted relevant resource materials. A 19-member Advisory Committee, which included eminent professionals and leading personalities, provided guidance to the Policy Brief initiative.

The Centre for Policy Dialogue (CPD), as the Secretariat of the Citizen's Platform, provided all necessary support for the smooth implementation of the initiative.

The eleven Policy Briefs will be brought out as a collected volume. To follow up on the recommendations, the Citizen's Platform will hold media briefings under three clusters of issues, viz Economic, Social and Governance. The recommendations will be shared on an ongoing basis through various media to inject those into the electoral discussions and debates. Efforts will be made for the inclusion of the issues in the election manifestos of political parties.

To generate wider public awareness and interest about the recommendations offered in the Policy Briefs, the Citizen's Platform plans to hold a number of dissemination meetings across the country, and, subsequently, organise a National Public Hearing.



Policy Briefs: Origin of the Initiative & Process of Preparation

Issues for 11 Policy Briefs

Economic

- Transforming agriculture for an inclusive and diversified economy
- Providing decent employment for youth in view of domestic and overseas market
- Providing public utilities and services in the backdrop of unplanned urbanisation
- Affordable and clean energy for all

Social

- Reducing out-of-pocket expenditure to improve universal access to quality health care
- Triggers to ensuring quality primary education
- Dealing with the manifestation of localised vulnerabilities of climate change
- Promoting universal social protection system and the need for targeting disadvantaged groups

Governance

- Effective implementation of laws and judicial process for eradicating gender-based violence and discrimination
- Access and justice for ethnic and religious minorities
- Giving voice to the 'silent' and establishing democratic accountability



Policy Brief: Effective implementation of laws and judicial process for eradicating gender-based violence and discrimination

The background:

- Bangladesh has been able to reduce the gender gap; was ranked number seven as per political empowerment
- Constitution of Bangladesh, legal environment, and National Action Plan on Violence against Women (2013-2025) contributed to ensure women's rights and ending violence against women and girls
- Exercise of rights of women remain challenging, especially for women living in remote areas and marginalized communities
- The LNOB is the spirit of the SDG. Therefore, special care and attention is called for to secure the safety of women and girls belonging to disadvantaged groups and communities with different identities and living in remote areas
- Women and girls with disabilities are deprived of their rights and due access to justice. The concerned Act does not mention anything about concerns of persons with disabilities

Methodology: Citizen Platform for SDGs in Bangladesh has taken the initiative to review the existing legal frameworks, implementation modalities, and social and cultural aspects by engaging an expert group and through a series of consultations

Review the relevant laws



- Women and Child Repression Prevention Act 2000 and the Penal Code 1860
- Domestic Violence (Prevention and Protection) Act 2010
- Personal Laws in Bangladesh
- Dowry Prohibition Act 2018
- Prevention and Suppression of Human Trafficking Act (PSHTA) 2012
- Child Marriage Restraint Act 2017
- Arbitration Act 2001, and regulation through the Code of Civil Procedure 1908
- Family Courts Ordinance 1985
- High Court Division's directives on sexual harassment
- Proposed Anti-Discrimination Bill 2022
- Person with Disability Rights and Protection Act 2013



Social, cultural and operational challenges

The prevailing Social and cultural myths, values, norms and practices

Hilla marriage and Religious and social 'Fatwa' against women

Child marriage and domestic violence

Lack of gender empowerment and inequality

Inadequate support system

Role of law enforcers and courts in ending VAW and discrimination

lack of geographical accessibility

Lack of availability of required data in the public domain

Limited resources; Lack of adequate training, Slow judicial process, Lack of coordination



Recommendations on Legal Aspects:

- To eradicate violence and discrimination against women and girls, interventions in three areas are important
 - Carrying out necessary amendments to existing legal framework
 - Ensure require support to ensure easily and readily accessible to justice system by all women
 - Taking action to encounter social and cultural challenges
- Review personal laws and remove discriminatory features, particularly with respect to polygamy, equal access of divorced women to justice
- Ensure gender equality through a unified family code; to recall, this is also a CEDAW commitment of Bangladesh.
- As per the Penal Code 1860 rule 493-495, the victim is not allowed to appoint a Lawyer; this requires permission of a higher authority. There is a need to review the relevant provision to address this issue
- The provision in the Child Marriage Restraint Act 2017 allowing child marriages under special circumstances needs to be dropped



Recommendations on Legal Aspects:

- Review and redefine the definition of 'Rape' in Penal Code 1860. Clarify sexual harassment issues related to 'Marital rape', 'Rape against boys and men' and 'individuals with diverse gender identities';
- This Act was passed in 2013; the rules were designed in 2015 and the National Action Plan was formulated in 2019. Regrettably, many government officials are not aware of the Act, and are not sensitive about the rights of persons with disabilities. Government and concerns including media should take action to sensitize service providers and wider communities;
- Take steps for conversion of Family Courts Ordinance 1985 into Law;
- Introduce a unified inheritance law that allows women to claim their rightful share of property from their parents, regardless of their religious background;
- Local-based illegal arbitration system needs to be banned;
- Pass the Anti-Discrimination Bill 2022 by taking into consideration the identified challenges and by addressing the requirements of the CEDAW, including withdrawal of the existing reservations;



Recommendation on operational aspects:

- Speedy trial must be introduced to remedy the situation
- Establish more OCC and DNA Laboratory, and test should be mandatory for both victims and perpetrators
- Increase the number of 'Shelter Homes' and 'OCC'
- Introduce special investigation teams of police, with highly specialised training, to ensure speedy gender-sensitive investigation
- Ensure presence of women police officers at women desk in every police station
- Ensure accessibility and logistics support for persons with disability during court process in line with the Persons with Disabilities Rights and Protection Act 2013



Recommendation on operational aspects:

- The head office and district level offices of the National Legal Aid Service should be properly equipped with necessary logistics capacities
- Accommodate all migrant-related issues under one umbrella for better coordination and more effective handling of migrant workers' concerns
- Organise training and workshops for Police, Judges and Prosecutors on judicial education to enable them to deal with social, cultural and gender stereotypes
- Strengthen accountability mechanisms at the national level



Recommendation on cultural aspects:

- Muslim Family Law allows remarrying the same women or men. As per the Family Law, forcing people for Hilla Marriage is punishable. These provisions need to be enforced
- Build women's movement and launch campaign to make government accountable
- Ensure access to justice irrespective of geographical factors
- Promote awareness on women and child rights

Thank You



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