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CROSS CURRENTS OF EMPOWERMENT AND MARGINALISATION: WOMEN OF BANGLADESH IN TRANSITION

Abstract

The women of Bangladesh are going through a transitional phase in which they are experiencing cross currents of both social and economic empowerment and marginalisation. Since independence, major socio-economic changes have occurred in rural Bangladesh. These have helped a significant section of women, particularly those belonging to the bottom half of the population, to break out from the traditional values and norms that subjected them to social control and subjugation. This paper argues that in the ultimate analysis, such a process has empowered women both socially and economically. However, in the new environment, although some forms of exploitation have been overcome, new forms of marginalisation processes have surfaced. This paper identifies areas where women are currently being marginalised.

Introduction

Traditionally, like in any other South Asian country, women in Bangladesh have been marginalised from those spheres of social, political and economic life, which are linked to power and resource. Until today, the dominant patriarchal cultural, social and religious values and practices continuously attempt to reinforce the powerlessness and resourcelessness of women in Bangladesh. However, since its independence, major socio-economic changes

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have occurred in the rural societies of Bangladesh, which have successfully driven a substantial section of women to break out from some of the traditional values and norms. The aim of this paper is to understand various cross currents of the process of empowerment and marginalisation of women in Bangladesh and highlight various civil society level initiatives in combating such marginalisation process.

The first section of the paper will describe the transitional process that women are going through in Bangladesh. The second section focuses on potential impact of the reform programme currently being undertaken in Bangladesh under the Structural Adjustment Policy (SAP) on women. The third section deals with the emerging trend regarding social violence against women and its regionalization. The fourth section reviews the national laws, which lead to marginalisation of women and the following section analyzes the commitment of the Bangladesh state towards implementing the international instruments concerning gender equality. The paper concludes with a discussion on possible regional and national stand for ensuring equal rights of women.

Women in Transition

In the past, myths have been created about the respect and adulation to women in Bangladeshi society. However, such idealised position of women was and still is in sharp contrast to the stark realities of Bangladeshi family and social life. Women here have played a subordinate role and they were being constantly denied equal status and rights as those of men. Brutalisation and subjugation of women was rampant. Traditionally, in Bangladeshi society women hardly enjoyed any autonomy and were subjected to a host of control by male guardians at different stages of their life.

Analysts (Kabeer, 1988; Chen, 1986) have identified patriarchal, patrilineal and patrilocal character of the Bengali family to be one of the important sources of women's subordination. Pre-marital chastity and post-marital fidelity are considered to be important values of women (Kabeer, 1988:96). Any compromise on these would bring about dishonour to the family concerned and hence an elaborate network of social control on the movement of women was required. Child bearing and child rearing were, and still are, the principal tasks that the society imposed on women, and they were generally denied any access to the monetised public sphere. In exchange of such elaborate control, family and society had offered women protection and support throughout various stages of life.

Since the early 1970s, however, major changes have taken place in the traditional society and economy of Bangladesh. In 1970 a devastating cyclone hit the coastal areas of the country. Although casualty of women and children was higher than that of men during the cyclone, it also left some families without male earners. The cyclone was shortly followed by the war of independence of 1971. During the war many families learned to cope with the hardship of occupation period without their male protectors, as many of them were killed in the war and others joined the liberation struggle. Besides, some women took active part in the liberation war of Bangladesh. Mainly women performed information gathering and communication, some of the principal features of guerilla warfare. Untrained peasant women set-up their own networks to feed the guerillas with the necessary information about enemy positions. Some were involved in planting bombs in enemy controlled installations; others provided food, shelter and medical services to the freedom

fighters. These experiences had far reaching implications for women's role in future as they put women outside their traditional role model (Siddiqui 1998 b).

There were also major changes in the rural economy of Bangladesh. Traditionally, the main feature of Bangladesh economy was that majority of the farmers owned at least some land. After the 1970s this was replaced by massive increase in landlessness and pauperisation. 70% of the people of Bangladesh gradually became functionally landless. A huge segment of the population started living below the poverty line. Rising poverty led to an increasing inability of men to provide for their families. This has contributed to higher incidents of male desertion and burgeoning number of female-headed households without resources and assets.¹ This situation was further aggravated with the outbreak of famine in 1974. Therefore, the 1970s saw the beginning of a process of disintegration of the age-old values of protection of women, particularly in the poorer strata. This has created conditions where for the sake of survival, an increasing number of women have begun entering into the public sphere.

Such transition in rural women's life is also reflected in national statistics. From 1971 onwards, the industrial sector of Bangladesh has been increasingly employing poor landless women. The last labour force survey shows that about 21m women are in the labour force. They account for 41.2% of the total labour force. Of this female labour force, 21.6%, i.e., 4.4m women were employed in the manufacturing sector in 1989. Also 94% of those who are employed in the manufacturing are

1. At present, 30% of rural households are female headed. 96% of them live below the poverty line.

engaged in wide range of processing activities, located in rural areas and carried out at a small and household based units. The rest 6% of these women are engaged in manufacturing units in urban areas. Of these women, 56% are engaged in formal organized sector, and the rest (44%) in the informal sector. (Bhattacharya, 1994).

Recent statistics also show, 43% of women in Bangladesh are involved in agricultural activities. The highest percentage of women who work in agriculture are landless or are from small farm households. If homestead gardening and field agriculture is combined, then about one-third of women of medium and small size households are actively involved in crop production. There has been a significant increase in women's participation as agricultural wage labour. Ahmed (1991) states that about one-half of married women in the landless male-headed households work as agricultural labourer. From marginal male headed households, one-fifth of the women work as agricultural labourers. As many as two-thirds of women from female households participate in agricultural labour market (Ferdous, 1990).

It is clear that a dynamic change has taken place in the life of the bottom 50% women. Firstly, they have become visible in the monetized formal sector. Secondly, some of them have come out of traditional social control.

Another important development of post-independent Bangladesh, which has strong significance for women, is the growth of non-governmental organizations (NGOs). NGOs have been particularly credited for creating off farm self-employment for poor women through credit and training programmes. 80% of their clients are women. By mid 1990's they claim to have brought millions of women under their credit bracket.

From the discussion above, it is clear that a large number of rural women have broken out from the traditional concept of confining themselves within the private boundaries of their home. Various studies have shown that NGOs and private sector industries have brought about major changes in the lives of poor women. Women's position in family has improved and their mobility has also increased. Particularly, women who work in the export oriented private sector industries enjoy a high degree of autonomy and independence as in many cases they no longer live under male guardianship. They also enjoy a greater degree of control over their income (Pal, 1991).

Women's participation in NGO credit programme and export oriented industries has definitely brought in significant positive changes but at the same time it has also opened new frontiers of exploitation of women.

In the private sector industries, women are exploited in many ways. Low wages is one of the most important aspects. Many of them are employed as casual employees, and are prone to sudden loss of job and irregular payment of salary. Unsteady income leads to the majority of female workers having to live in poor housing conditions, with unhygienic water supply and sanitation facilities. Wage differences between sexes in these industries is another area of concern. A study done by UNICEF (1992) has reported that, at different stages of work, women are paid less than their male counterparts (operators 86.3%, ironer 85.9%, sewing helper 73.4%, cutting and finishing helper 71.3%) except insupervisory position (104.7%). Bhattacharya (1994), however, argues that the skill factor plays a greater role in wage determination in these industries than the gender bias. Workers of garments industries do not have the right to form trade unions.

The NGOs on the other hand are not transparent regarding the interest they charge to their clients. The poor women clients, who do not have access to formal credit institution, pay more than double as interest than they would have to in formal credit institutions (Siddiqui, 1998 a). Utilization of credit by the male member of the family is another area of concern. Goetz (1994) showed that sixty percent of the credit delivered by BRAC to its female clients has been utilized by the male members of those families.

This is why it is argued that although in recent years, women have come out of various problems of marginalization which they had faced in the past, in the new situation, there are trends of new forms of exploitation leading to marginalization.

Structural Adjustment Policy and Its Impact

In the late seventies and early eighties, Third World countries faced severe balance of payment difficulties following the rise in oil price and fiscal contraction policies of G7 countries. In order to offset balance of payments deficit, International Monetary Fund (IMF) decided to offer loan to these countries. However, it imposed certain conditions of macro economic reform to the recipient countries of such loans. This reform package is known as the Structural Adjustment Policy (SAP).² Bangladesh was one of the first countries which signed for the SAP loan (1980). But the contract was terminated within six months because of Bangladesh's inability to comply with the conditions of IMF. In

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2. Abolition of central control over national economy, establishment of free market economy, trade liberalisation, privatisation are some of the key features of this policy.

1986, Bangladesh again signed a three-year contract for availing structural adjustment loan for the years 1986/87-1988/89. Bangladesh is also one of the first to take extended structural adjustment fund (ESAF) for 1990/91-1992/93. Although the ESAF contract formally ended in 1992, the macro economic policies and programmes of Bangladesh are very much designed on the basis of World Bank Policy Framework Paper (PFP).

Under SAP from the mid-1980s, various reform measures have been undertaken. These reforms are affecting every section of the community. However, no major work has been undertaken to assess the impact of SAP on cross-section of people of Bangladesh. A few studies, of course, tried to analyse the result of implementation of SAP (Hossain, 1996; CIRDAP, 1993 and Bhattacharya, 1995), but none of these has addressed the gender issue. Recently, a tripartite initiative has been taken by the government, World Bank and the civil society to make a participatory review of SAP, entitled Structural Adjustment Participatory Review Initiative (SAPRI). SAPRI is in its initial phase. It decided to study impact of SAP on four major roles that women perform: producer/ professional, house manager, mother and social organiser.

However, it is evident from the reform programme, that the government of Bangladesh while implementing the SAP, did not keep any special provision for the most vulnerable groups. Blanket implementation of its programme is likely to cause severe hardship to the poor people. Women, and specially women headed households, being the poorest of the poor, would face it the most. The major areas of the reform programme which are likely to have an adverse impact on women are identified below. These are: privatization of the state owned enterprises (SOEs), downsizing of

SOEs, winding up of SOEs, withdrawal of subsidy to SOEs, withdrawal of subsidy from agricultural inputs, privatization of agricultural input delivery system, withdrawal of price subsidy to consumers, imposition of users fees to health service, recovery of costs for road construction and maintenance, fiscal contraction policy, indirect taxation system, reduction of protection through tariff, export orientation, and devaluation.

However, there are some areas of the reform programme, which are most likely to have a positive impact on women. These are: private sector development, export orientation, strengthening of rural credit institutions, privatization of agri-input delivery, etc.

It was seen in the previous section that in recent years a large number of women have been getting employed in the rural manufacturing sector. They have also been involved in the traditional handloom industries. The government policy of reduction of protection through tariff has severely affected these industries. Many of them have faced closure for not being able to cope with the competition from foreign goods. In that case a large number of women have lost their jobs.

Government policy of privatization, down sizing, widening of SOEs also has major ramifications for employment of women wage workers. A World Bank study of 1990 reports that in some of the public sector industries, such as tea, sugar, jute, the percentage of women labour has reduced compared to previous years.³ Various women's groups and industrial workers during SAPRI consultation (16.8.98) have pointed out that in the public sector industries, when retrenchment took place women were first to lose jobs.

3. Referred to in N. Khundkar, 1995.

Some analysts believe that withdrawal of subsidies from agricultural inputs, privatization of input delivery system and revoking of price support under the SAP have rendered the crop sector non-profitable. This has major implication for the female agricultural workers, as their wage is likely to drop. Moreover, devaluation of currency has reduced the real wage of both agricultural and industrial workers. Again, withdrawal of subsidy from consumer items has increased the price of essential items. All these have severely hit the agricultural household in general but the 30% female-headed households are in severe hardship.

Many women were also involved in rural road maintenance, tree plantation projects under food for work programmes. This was one of the major avenues of off-farm employment for destitute women. Government policy of reducing public work has made them extremely vulnerable. One may even try to draw a correlation between massive unemployment created in the rural areas through reform programme, with the outward migration of women, for which they often fall prey to traffickers. Fees on health services have been introduced under the SAP. This will further deteriorate the differential access of women to health care. The household allocation for women in medical care is much lower than that of men.

The reform package, geared towards the private sector development, has positive impact on women. The most important in this respect is the garments manufacturing industries, which at present is the highest foreign exchange earning industry of Bangladesh. 90% of their labour force is women. Apart from this, the pharmaceutical, electronics and fish processing industries also employ a large number of women.

Under the reform programme, resources have been allocated for strengthening rural credit institutions. GoB has established a quasi-public agency, the *Palli Karmo Shahayok Foundation* (PKSF),⁴ for disbursing fund to NGOs and other intermediaries on softer terms. This effort is likely to have a positive impact on the rural women as 90% of the clients of NGO credit programmes are women. Strengthening of rural credit institution may help create alternative self-employment for those women who have been adversely affected by the SAP reform agenda. In this respect a few issues need to be addressed. Firstly, an effective mechanism should be developed to ensure female control over use of credit. Secondly, interest rate charged for such credit should be transparent. Finally, adequate measures should be taken to control overlapping of NGO membership.

Violence Against Women

Extent of Violence

An important threat to recent trend of involvement of women in paid employment and public life, is the lack of their personal security. There is an increasing trend of state failure in providing such security. Women are becoming vulnerable to various forms of violence, both in urban and rural areas. Rape, gang rape, rape and murder, cruelty related to dowry, domestic violence, physical torture, *fatwa*, kidnapping, physical and sexual abuse of domestic aid, illegal trafficking, forced prostitution, death in custody, rape

4. PKSF (Rural Work Support Foundation) works to help the rural poor gain access to resources through partner organisations which are mostly local level NGOs. Since its inception in 1990 until 1996, the organisation has disbursed Tk 2420m to its 126 partner NGOs.

by members of law enforcing agencies are some of the forms of violence against women. A human rights organisation *Ain O Shalish Kendra* (ASK)⁵ has compiled newspaper reports⁶ on incidence of violence. According to this report in 1995, the total number of incidents of violence against women was 710. In 1996, it was 696. In 1997, its number rose to the alarming figure of 1613. Of the forms of cruelty, incidence of rape figured the highest. In the years 1995 and 1996, 240 and 265 rape, gang rape, rape-murders respectively were reported. The figure jumped to 553 in 1997. Report⁷ of human rights coalition *Odhikar*,⁸ states that between January to September 1998, there were 774 incidents of rape, 37 of these rape victims were aged 5 years and below. The highest number of such crime is committed against children belonging to 6-11 years age group. Recently, a major issue of concern has been incident of rape and murder in police custody. *Odhikar* report also shows that during this period, police raped 16 women.

A recent study (Moshtaque, 1998) shows the nature of growth of violence against women in proportion to population growth. On the basis of police record of 15 metropolitan thanas of Dhaka City, they argued that violence against women has increased ten times from 1988 to 1997. In 1988, 0.52 incidents were reported per 100,000 women. In 1990, it was 0.66, in 1995, 3.96 and in 1997, it sharply rose to 9.55.⁹

5. ASK: Law and Mediation Centre

6. Based on information from nine dailies

7. Based on information from six dailies

8. *Odhikar*: Rights: a Coalition for human rights.

9. Number of incidents.

In order to protect women from various forms of violence, a number of laws have been framed. In 1980, the dowry prohibition act was passed. The Cruelty on Women (Deterrent Punishment) Act of 1983 was especially passed to enhance punishment against those who commit violence against women. The Anti-terrorism Ordinance promulgated in 1982 made verbal harassment of women and abduction of women and children severely punishable offence. The Women and Child Repression Special Provision Act of 1995 further increased the punishment for crimes against women.

Various women and human rights groups feel that increase in violence against women has taken place not due to absence of law, but it is due to lack of proper enforcement of law. The overwhelming majority of crimes against women are committed at the societal level. Corruption within the law enforcing agencies, the repressive nature of political process, political patronage of those who have the power to commit violence, the use of police in political repression, etc. have direct bearing on violence against women. There is also a religious aspect to it. However, the socio-economic changes, which took place in the rural Bangladesh to a great extent, have reduced the power of conservative religious forces at the local levels. It is at the national political level, where due to constant political use of religion by successive regimes as legitimizing or strengthening ideology, that the conservative and fundamentalist forces have gained some currency. Even then, the reduction of their power to commit violence against women has been proven in the incident of fundamentalist attack on NGOs in 1994.

Fundamentalist Attack on NGOs

In 1994, in some parts of the country, the national level fundamentalist and conservative forces tried to mount an

organized campaign against NGOs who are organizing women under credit, training, education and other programmes. On June 30th 1994, a nation wide strike was called by a coalition of right wing organizations against women activists. Simultaneously, in the conservative pockets of Bangladesh, such as Bogra, and Sylhet, non-formal schools of NGOs (mainly those of BRAC) and Grameen Bank offices, were torched down. They also propagated against NGO activities as being anti-Islamic, because they encourage women in the public sphere. The NGOs, human rights activists, women's organizations, unitedly countered this movement with the full support of the government. The whole incident showed that the counterveiling power of this group was much more than the obscure conservative elements. However, this should not in any way indicate that oppression of women through religious sanction does not take place. It still exists, for example, many women are still falling prey to *fatwas*. The number of incidence of such violence, is definitely in the decrease.

Trafficking in Women

Over the last decade regional and international dimensions have been added with regard to exploitation and violence against the poor women of Bangladesh. In recent years, an increasing number of women are being trafficked to the neighbouring countries of India, Pakistan and also to Middle Eastern and South-East Asian countries. There are no definite statistics available regarding the extent of women trafficking from Bangladesh. A non-governmental source reports about 200,000 women and children have been illegally smuggled to the Middle East in the last 20 years (cited in GoB, 1997: 27). Bangladesh Women's Lawyers Association puts the yearly figure of trafficked women

and children at 10,000. *Unnoyon Bikalpa Nirikkha Gobeshona* (UBINIG)¹⁰ stresses that approximately there are altogether 200,000 Bangladeshi women stranded in Pakistan who are victims of trafficking.

In most cases, these women are lured to jobs in the Middle Eastern countries. Very few reach their destinations, most get stranded in India and Pakistan. As there is a demand for cheap labour in these countries, some get employed as domestic aides, a section ends up in prison and another significant section become victims of prostitution. A statistical report of Indian Social Welfare Board reports that there are 500,000 foreign prostitutes in India, 1% of which are from Bangladesh and 2.7% of the total prostitutes of Calcutta are from Bangladesh.

Trafficking to such an extent is possible because of an unholy alliance between the law enforcing agencies of the countries concerned, international *Mafia* syndicates and local middlemen. As mentioned earlier, increasing poverty and unemployment have made women desperate for a means of livelihood. Lack of punitive action against the traffickers is another reason. Although law against trafficking exists and also a new law, Women and Child Repression (Special Provision) Act of 1995 has been enacted, enforcement of the same is minimal. Since the passage of the new Act until October 1997, only 4 persons were prosecuted under this law. Others are prosecuted under Passport Act, which carries a mere Tk 100 fine.

There is an immediate need for an effective cross-boundary civil society activism. Awareness building programmes within the country is another important task, which NGOs have already

10. UBINIG: Development Alternatives Analysis and Research, an NGO.

begun. Strong advocacy by human rights activist groups has to be undertaken for proper enforcement of law and stern punitive action against those involved in trafficking. The fact that undocumented migrants get work opportunities in the receiving countries, suggests that there is a need for such labour. Therefore, by liberalising migration procedures, legal migration may be encouraged.

Review of National Laws

The Constitution of a State is the pre-eminent source of fundamental rights of its citizens. The framers of the Bangladesh constitution made a genuine effort to uphold the spirit of independence movement and ensure equality of citizens before the law. In Art. 27 it stated that all citizens are equal before law and are entitled to equal protection before law. It guaranteed equal rights and non-discrimination between man and woman through Art. 28, 29, 66 and 122. Art. 28 stipulates that the state shall not discriminate against any citizen on ground only of religion, race, sex or place of birth. Art. 29 states that "No citizen on the ground of...sex...be ineligible for or discriminated against in respect of any employment or office in service of the republic. Art. 66 and 122 accord equal right to men and women to contest in representative bodies and the right to vote. However, the Constitution also recognises the religious personal laws.¹¹ In doing so, the Constitution has compromised the core value of equality of gender in its citizens' personal life.

The laws of Bangladesh mainly consist of civil and criminal law. The religious personal laws, also known as family laws, are

11. Article 41 of the Constitution.

embodied under the civil law. Except the domain of personal laws, all other area of civil and criminal law, are applicable to all citizens of the country equally. This means there is uniformity in the legal system in almost all areas except personal matters such as, marriage, divorce, dowry, maintenance, guardianship, inheritance and restitution of conjugal life. In these areas, citizens of Bangladesh are governed by personal laws of each community to which they belong. State justifies breaking of the universality of the legal procedure solely on the ground that non-compliance of religious laws on these matters would be equivalent to violation of religious principles. This argument does not hold much ground. The civil and criminal laws of Bangladesh has been made uniform through enactment of Code of Civil Procedure 1908, Penal Code of 1860 and Criminal Procedure Code of 1998. A large number of laws under civil and criminal laws are directly and specifically contrary to some of the religious laws.¹²

This paper argues that the reason for non-enactment of universal personal law is not to uphold religion, rather it is to protect the economic interest of patriarchy. In order to maintain its interest patriarchy highlights those aspects of religion which reinforce male dominance in society. Changing of personal laws through liberal interpretation of religion is very much possible in the Bangladeshi context. This paper therefore recommends a universal personal code for all citizens of Bangladesh. However, for ages patriarchy has been successful in conditioning people's minds in this respect. Therefore, enactment of universal personal

12. For example, all religions permitted owning of slaves, but this has been banned. In Islam murder is placed under civil law, whereas in any civilised country it falls under the purview of the criminal law. Under Quran *Zina* (sex between two persons who are not married to each other) is a serious offence, while under Bangladesh law this is not a serious offence, nor is it illegal.

law through legislation may be politically sensitive. Under such a scenario, another strategy could be to restrict the scope and application of religious laws. Arts. 27, 28, 29 and 31 of the Constitution are wider in their application and scope; therefore, have the power to override Art. 41 which embodies religious personal law. Over the years, significant advances have been made in this respect. As one recent government document highlights that from 1980s the judiciary of Bangladesh is upholding, protecting and defending the Constitution in pursuance of their judicial oath of office restricting the scope and application of laws that are inconsistent with the Art. 27, 28, 29 and 31 of the Constitution and therefore deemed to be automatically void (GoB 1997). Higher court's judgement has already created precedence on custody,¹³ maintenance,¹⁴ past maintenance,¹⁵ polygamy,¹⁶ restitution of conjugal life etc. The major issue that is yet to be addressed is inheritance. This is the most difficult task, as the material interest of patriarchy is enmeshed with the issue.

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13. The High Court judgement on child custody in the case of Abdul Jalil and others vs. Mrs. Sharon Laily Begum (Civil) went much beyond Muslim family law and established equal right of women in this respect. Bangladesh Legal Decisions (BLD). Vol 18, AD 1998: 21.
 14. The High Court judgement established woman's right to maintenance from her former husband for the rest of her life or until she remarries in the case of Mohammad Hefzur Rahman vs. Shamsun Nahar. This judgment was later repealed by the appealed division. However, legal experts felt that during future course of legal action, such positive judgement will be passed again.
 15. Recently the Court has passed a judgement on past maintenance negating the traditional *Hanafi* school practice. The court drew its justification from the more liberal *Shafi* school.
 16. The 1961 Family Law Ordinance restricted polygamy but did not make it illegal. Recently, court passed an order that polygamy is not permissible. It has directed the law ministry to change law accordingly.

Therefore, it is evident that application of various aspects of Muslim family law has already been restricted by higher court and became common law practice. In those cases, there is no need for enacting laws. In this context the role of the women's and human rights group is to develop awareness among the lawyers of the lower court about the recent developments and encourage them to seek redress based on the common law practice.

Protective and Discriminatory Laws

There are some laws and rules, which discriminate against women. For example, in case of compensation for injuries at work, the existing law is discriminatory against women. Under the law, compensation cannot be paid directly to women; it has to be paid to the male guardian of the injured. There are some regulations that are intended to protect women's interest. In reality, however, they adversely affect women. Under the Factory Law, women are barred from working in unfenced areas for safety reasons (World Bank, 1990:20). Such safety could have been ensured by taking adequate measures, such as prohibition of wearing sarees in the unfenced areas of the factory.

Special Case of Female Migrant Workers

Migration of labour is an integral part of today's global economy. Both sending and receiving states benefit immensely from this trade. For a long time, GoB pursued a policy which restricts unskilled women workers to migrate. This policy was made as a protective measure. Women can migrate as domestic aide if the employer abroad is a Bangladeshi or is a Bangladeshi embassy staff. In 1992-3, some women have legally migrated to Dubai and Malaysia as domestic aides. That was only possible

because labour attaché of Bangladesh personally verified the employer's status. The employers gave statements about their intent and the Ministry of Foreign Affairs of the host country had to countersign these statements. Such procedural formalities have more or less stopped female workers going abroad with proper documentation. According to BMET,¹⁷ in the years 1996-97 to 1997-98, they processed no such case. Protective laws do not necessarily address the problems targeted; rather they curtail women's natural rights and opportunities. In July 1998, Ministry of Labour, through a circular, put a total ban on migration of unskilled and semi-skilled female labour. This policy of government has been strongly criticized by various civil society organizations. This has been treated as violation of constitutional right of women on the ground of sex.

Recently, there has been a huge opening for Bangladeshi women migrant workers as domestic aide in the Middle Eastern countries. Because of ban on legal migration, many Bangladeshi women are leaving the country in extra-legal ways. Research conducted by RMMRU¹⁸ (Siddiqui,1999) suggests that an understanding between travel agencies and immigration officials make such exits possible. This group of women often work under most unfavourable terms, ranging from restriction on movement and long working hours to physical and even sexual abuse. Therefore, it is evident that restriction on legal migration of women to an extent has contributed to illegal trafficking of women. Various human rights and research organizations such as

17. Bangladesh Bureau of Manpower Employment and Training under the Ministry of Labour and Employment is the agency responsible for Bangladeshis going abroad for employment.

18. Refugee and Migratory Movements Research Unit.

RMMRU, Odhikar, BLAST, and Ain O Salish Kendra are constantly advocating at various ministries of government for withdrawal of the ban.

Commitment to International Instruments

In 1984, the Government of Bangladesh signed the United Nations Convention on the Elimination of Discrimination Against Women (UNCEDAW). While ratifying, the GoB placed reservation on Articles 2, 13(a), 16(I)(c) and (f) of the Convention. The articles were thought to be in contradiction to the Sharia law,¹⁹ derived from the Quran and Sunnah. Art. 13(a) ensures equal right of men and women to family benefits. Art. 16(I)(c) and (f) ensures equal right of men and women to marriage, dissolution of marriage, and guardianship and custody.

Since the signing of the CEDAW, various women activists and human rights groups have been active in advocating for the withdrawal of the reservations. This movement gained strength during the preparatory phase of the Fourth World Conference on Women (FWCW), held in Beijing. A coalition of more than 150 NGOs titled *Bangladesh National Preparatory Committee Towards Beijing NGO Forum 1995* organised an intensive campaign in this respect. At the Beijing Conference, participant countries agreed to a Joint Declaration, commonly known as the Beijing Declaration. The Declaration reaffirmed the participating countries' commitment to the equal rights and inherent human dignity of woman and man and to ensure the full implementation of the human rights of woman and girl child. The Conference formulated a Platform of Action (PFA). Bangladesh endorsed the

19. Muslim Law derived from Quran and Sunnah

PFA without any reservation. Bangladesh also committed itself to Art. 247(d) of the PFA as adopted at the FWCW. This particular Article provides equal right of inheritance to men and women.

On 17 July 1997, Bangladesh presented its combined 3rd and 4th periodic report to the 17th session of CEDAW. On that occasion, the GoB announced to withdraw reservations from Art. 13(a) and 16(I)(f). Reservation on Art.13(a) was withdrawn on the basis that under UN interpretation, the term family benefit does not refer to family wealth allocation or inheritance rather equal right to benefits provided by the State. This interpretation does not contradict the Sharia law. Art.16(I)(f), among other things, points that State Parties shall take all appropriate measures to ensure that men and women have the same rights and responsibilities with regard to guardianship, warship, trusteeship and adoption of children. Withdrawal of this reservation has major significance. This eliminates discrimination against women on a major issue such as child custody.

From the above discussion, one can say that both the civilian governments that came to power since the fall of military regime in 1990 had been to some extent responsive to the demands of adherence to international instruments towards gender equity, articulated by the women and human rights organizations. The major task for these organizations now is to engage in advocacy work for changing national laws which are not in conformity with the international instruments which Bangladesh has ratified.

In our discussion in the legal section, it was clear that on the issue of custody, restoration of conjugal right, the judiciary has been upholding the principle of equality before the law, rather than discriminatory religious laws. The issue where the principle of equality before law is yet to be established is inheritance.

Effort has to be geared towards materialising Art. 274(d) of PFA to further promote gender equality.

Concluding Remarks

This paper has mainly argued that after independence some major changes have taken place in the society and economy of rural Bangladesh. Due to those changes, a significant section of women who belonged to the bottom 50% of the population, found themselves outside the patriarchal protection and support network. Out of sheer survival need, these women had to enter the public sphere. In the process, these women could break out from age-old traditional values and norms, which subjected them to elaborate network of social control and subjugation. Although it is a major breakthrough for women, in the changed environment they again became vulnerable to new forms of oppression and exploitation. For example, in the private sector industries, they face low and discriminatory wage rates, and also lack the basic right of forming trade unions.

The State fails most in the area of providing personal security for women. It has been demonstrated in the paper that over the years, violence against women has increased alarmingly. The reform packages under structural adjustment policy have adversely affected women in many areas. The paper also argued that massive joblessness which has been created by the reform programme may have been working as a push factor for the rural women to look for work opportunities outside the country.

From the review of national law, it can be said that significant developments have taken place in respect to changing national laws which led to marginalization of women and denial of gender

justice. Liberal interpretation of religious law by the higher court has established equal rights of women in areas such as custody, restitution of conjugal life and annulment of polygamy. The state of Bangladesh also demonstrated its commitment to CEDAW by withdrawing reservations from two of the Article in July 1997.

In light of the current trends where women are marginalised, various actions can be taken. In the issues such as violence against women, trafficking in women, and undocumented migration of women, the state itself has to be made accountable since most of these incidents take place under strong protection of law enforcing agencies of the state. The State has to demonstrate its commitment in ensuring the security and dignity of its citizens by taking strong actions against those in the law enforcing agencies that commit the afore-mentioned crimes. Civil society level movement has to be organized to stop state using police force as instrument of repression. Both ruling party and opposition have to be made accountable so that they are bound to deem political patronization of terrorists. Strong enforcement of various acts and laws promulgated to protect women from violence is needed. In the legal area, pressure has to be kept for development of a universal family law, and implementation of 274(d) of PFA. Civil society organisations need to undertake awareness building programme both among the lawyers of the lower court and general masses, specially on recent legal developments regarding marriage, custody, maintenance, and restitution of conjugal life. A cross-boundary civil society activism is essential in combating trafficking in women and children. A common South Asian stand can also be developed for advocating to IMF / World Bank, against the adverse effects of the Structural adjustment policy on women.

References

1. ADAB undated *National Conference on CEDAW and the Bangladesh's Women*, Dhaka
2. Association of Development Agencies in Bangladesh undated *CEDAW: A Report on the Workshop at the Grassroots*, Dhaka (in Bangla)
3. Ahmed, N, 1991, *Women's Role in Bangladesh Farm Economy*, Conference Paper, Bangladesh Agricultural Economists Association.
4. Bangladesh Mission to the United Nations 1997 *Summary Presentation of the Combined Third and Fourth Periodic Report of Bangladesh* at the Seventeenth Session of the Committee on the Elimination of Discrimination Against Women, New York, 23 July.
5. Bangladesh Mahila Parishad and Bangladesh National Women Lawyers Association 1997, *A Commentary on Bangladesh's Combined Third and Fourth Periodic Report for the Members of the United Nations Committee on the Elimination of Discrimination Against Women*, Dhaka, June.
6. Bhattacharya, D, 1994, *Women and Industrial Employment in Bangladesh: Challenges and Opportunities in the Era of New Technologies*, United Nations University - Institute of New Technologies, July.
7. Bhattacharya, D, 1995, *Bangladesh's Experience with the Structural Adjustment and Enhanced Structural Adjustment Facilities* in Greive and M Huq (eds) *Bangladesh Strategies for Development*, University Press Limited
8. CEDAW Forum Bangladesh : 1997 *Report on Implementation of CEDAW in Bangladesh*, Dhaka, July.
9. Chen, M 1986 "Poverty, Gender and Work in Bangladesh", *Economic and Political Weekly*, Vol XXI, No. 5, February 1.
10. CIRDAP, 1993, *Monitoring Adjustment and Poverty in Bangladesh*, Dhaka, CIRDAP.
11. Ferdous, 1990, "Women in Homestead Agriculture", in S. Huq(ed.) *Environmental Aspects of Agricultural Development in Bangladesh.*, University Press Limited.
12. Goetz, A.M. 1994 'Women's Control over Loans in Rural Credit Programmes in Bangladesh', Draft Paper presented in Naripakkho workshop at Savar, January 27-29

13. Government of Bangladesh (GoB) 1997, *Combined Third and Fourth Periodic Report in Accordance with Article of the Convention on the Elimination of all Forms of Discrimination Against Women*, Ministry of Women and Children Affairs, March.
14. Hossain, A, 1996, *Macroeconomic Issues and Policies: The Case of Bangladesh*, New Delhi, Sage publication.
15. Kabeer, N, 1988, "Subordination and Struggle: Women in Bangladesh", *New Left Review*, 168, 96-221.
16. Khundkar, N, 1995 "Gender Issue in Export-based Industrialisation", Draft paper prepared for UNRISD.
17. Moshtaque, 1998, *Oppression on Women in Bangladesh*, Unpublished M. Phil Thesis, Dept. of Geography, University of Dhaka.
18. Pal, P, 1991 'A Survey of Employment and Occupational Mobility Amongst Women in Manufacturing Industries in Dhaka City', Dhaka (BIDS Mimeo).
19. SAPRI, *Documents of Bangladesh SAPRI*, First National Forum, Dhaka, October 20-22, 1998.
20. Siddiqui, T 'Transcending National Boundaries: Temporary International Labour Migration of Bangladeshi Women', University Press Limited, forthcoming
21. Siddiqui, T, 1998(a), "Growth and Sustainability of the NGO Sector in Bangladesh", *BISS Journal*, Vol. 19, No. 3, July, 297-328.
22. Siddiqui, T, 1998(b), Politics of Gender and the State in Bangladesh: The First Two Decades, *Dhaka University Studies: Representation of Women in History and Culture. Vol.55, No.1 June: 1998*, 145-173.
23. UN 1997 General Assembly Meetings Coverage WOM/997, *Committee on Elimination of Discrimination against Women*, 17th Session, 157th Meeting, 23 July.
24. UNICEF 1992 : "Situation Analysis of Women and Children in Bangladesh", Dhaka.
25. World Bank 1990 Bangladesh: Strategies for Enhancing the Role of Women in Economic Development: A World Bank Country Study, Washington DC.