

Women's Rights, the Constitution of Bangladesh and Reality: A Review

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Abstract

Women's rights are essential human rights that have been safeguarded by the United Nations for all people globally for almost 70 years. These rights encompass the freedom to live without violence, enslavement, and discrimination; the right to receive an education; to possess property; to participate in elections; and to receive a fair and equal salary. As the well-known phrase states, "women's rights are human rights." This indicates that women have the right to all of these entitlements. Nevertheless, in many places across Bangladesh, women and girls are still deprived of these rights, often solely due to their gender. However, our Constitution guarantees fundamental rights and equality for all citizens, including women. The Constitution underscores the state's obligation to support both men and women. Bangladesh has implemented various laws aimed at advancing women's rights. In spite of these legal developments, women in Bangladesh still encounter challenges, such as gender-based violence, discrimination, and restricted access to resources. Deeply entrenched patriarchal norms, poverty, and the continuation of child marriage pose major obstacles. The ongoing fight for gender equality demands consistent policy enforcement and stronger legal measures to fully achieve the constitutional protections for women.

Keywords

Women, Violence, Constitution

1. Introduction

The Constitution of Bangladesh establishes an essential legal structure for safeguarding fundamental rights, including those of women. Central to the Constitution is a promise of justice, equality, and freedom for every citizen, regardless of gender. This creates a crucial foundation for advancing women's rights in our

nation. Bangladeshi women have encountered social, economic, and cultural discrimination; however, our Constitution has been instrumental in promoting gender equality by providing specific protections and a legal framework to address gender-based injustices. Furthermore, our Constitution guarantees that every citizen is equal in the eyes of the law and is entitled to the same level of protection. This principle guarantees that women, like men, possess the same legal rights and opportunities.

In Bangladesh, women of all ages lag behind men in terms of literacy. While over 80% of girls are enrolled in the formal education system, only about half attend school consistently and nearly 40% drop out. In 2023, the percentage of girls who dropped out was 34.87%, compared to 40.78% in 2022 (*The Daily Star*, 2024). This has led to a significant disparity in literacy rates, with approximately 65% for males and 35% for females. The lack of education or unequal access to educational opportunities is a major factor that prevents women from participating equally in socio-economic activities alongside men. As a result, the inequality between male and female groups persists with no clear resolution in sight.

The Constitution of Bangladesh stipulates that the minimum age for a girl to marry is 18 years. However, there are numerous instances where girls are married off prior to reaching this age. Early marriages have been shown to hinder the advancement of women's rights. The Majority Act of 1875 explicitly specifies that a woman must be a minimum of 18 years old to enter into marriage. Unfortunately, this legal standard is often ignored, particularly in rural regions. Many of these marriages take place without obtaining the "free consent" of the women involved (*Kamal et al.*, 2015).

A research report published in 2000 by a well-known women's NGO in Bangladesh indicates that 30% of urban women experience physical abuse from their husbands, 37% face verbal insults and harassment, and 33% endure various other forms of domestic violence. Additionally, another survey shows that among those subjected to physical violence, 22% are victims of acid attacks, 10% are burn victims, and 5% suffer from poisoning, forced abortions, and other types of violence (*Wahed & Bhuiya*, 2007).

Despite significant progress in various important areas, women in Bangladesh continue to encounter significant challenges on the path to equality. While women represent 49.5 percent of the population in Bangladesh, they lag behind men when it comes to securing essential rights to property and formal job opportunities (*World Bank*, 2016). As per the 2014 Human Development Report from the United Nations Development Program, Bangladesh's Gender Inequality Index stands at 0.503, placing it 111th among 155 nations (*United Nations Development Programme*, 2014a). Furthermore, in the 2014 Gender Development Index that evaluates gender disparities in human development outcomes related to health, education, and economic resources, Bangladesh holds the 107th position among 161 countries (*United Nations Development Programme*, 2014b).

Even with constitutional protections and legal structures in place, Bangladesh

still faces challenges to achieving gender equality. Women encounter considerable obstacles, such as limited access to education, prevalent child marriage, gender-based violence, and wage disparities. To ensure that women can fully benefit from the rights and opportunities guaranteed by the Constitution, it is essential to implement legal reforms, enhance enforcement of existing laws, and foster a positive mindset towards gender equality.

2. Methodology and Sources of Data

The current research is classified as explanatory in nature. For the purposes of this study, an analytical approach is utilized. This research relies on secondary data. The secondary data is sourced from annual reports from various organizations focused on women's rights, Government Gazettes, national newspapers, High Court Circulars, pertinent law articles and books, as well as various websites.

3. Objectives

It is essential to recognize the objects and aims of any study. The particular aims are:

- 1) To clarify the concept of women's rights within the framework of the Constitution of Bangladesh;
- 2) To explore the rights allocated to women as ensured by various current laws;
- 3) To explain the current conditions of women in Bangladesh.

4. Evolution of Women's Right and International Women's Day

Clara Zetkin (July 5, 1857 - June 20, 1933) was a campaigner from Germany focused on women's rights. She was deeply engaged in women's political issues, particularly the struggle for equal opportunities and women's suffrage through the lens of socialism. She was instrumental in influencing the women's movement within the social-democratic sphere in Germany. The Second International Women's Conference was held in Copenhagen, Denmark, in the year 1910, with 100 female representatives from 17 different countries in attendance. During this conference, Clara suggested that March 8 be recognized annually as International Women's Day.

5. Women's Rights and International Laws

Our aim is for every woman to recognize their rights outlined in the Universal Declaration of Human Rights. We support two crucial documents related to women's rights that were established following the UN declaration.

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), a global agreement focused on women's rights, mandates that governments put an end to gender discrimination and recognizes women's rights to healthcare services, including family planning (UN, Office of the High Commissioner for Human Rights, 2014).

The convention establishes an international charter of rights for women and girls and outlines the responsibilities of states to ensure that women are able to access those rights. More than 180 countries have adopted the convention.

The Beijing Declaration and Platform for Action, which was ratified in 1995 during the UN's Fourth World Conference in Beijing, aimed to promote gender equality and the rights of women across all aspects of life.

But the Government of Bangladesh has expressed disagreement regarding key provisions (Article 2 and Clause 16.1 "C") of the CEDAW Charter for 31 years, from 1984 to 2015. In May 2015, the government presented the Eighth Periodic Report to the UN CEDAW Committee (Begum, 2015). In this report, the government indicated that Bangladeshi society is not yet prepared to adopt a uniform family law and that there are differing opinions among the populace. In this light, it can be concluded that the government has not yet fully committed to implementing the CEDAW Charter.

Although the government is committed to promoting gender equality and women's rights, our government should establish a National Commission on the Status and Rights of Women to effectively implement the CEDAW Charter in line with its recommendations. This commission could consist of representatives from women's organizations, public officials, and progressive scholars, writers, and legal experts. However, if the government neglects this initiative, the women's community in this country may conclude that it is the government, not society, that is unwilling to uphold the CEDAW Charter.

6. Women's Rights and Laws in Bangladesh

1) Constitutional Right	<ul style="list-style-type: none"> • Fundamental Rights • Women's Special Rights
2) Rights Through Law and Ordinance	<ul style="list-style-type: none"> • Rights to Vote (Franchise)
3) Political Rights	<ul style="list-style-type: none"> • Rights to complete in the election • Rights to form organization and be a member of it.

The rights of women have emerged as a key aspect of state laws and policies in Bangladesh. Following its independence, Bangladesh implemented several legislative measures for women's rights, such as the Dowry Prohibition Act of 1980, the Penal Code of 1860, the Constitution of Bangladesh, the Women and Children Repression Prevention Act of 2000, and the Prevention of Child Marriage Act of 2016 Acid Control Act of 2020 and Acid Crime Control Act of 2020 (Khan, 2005; Ministry of Women and Children Affairs, 2011).

7. Women's Constitution Rights in Bangladesh

The Government of Bangladesh (GOB) ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984. The

GOB has pledged to implement the required actions to eradicate unfairness against women. Articles 10, 19, and 28 of the Bangladeshi Constitution provide women with the right to pursue careers in all fields. The articles are stated as follows:

Article 10: Steps shall be taken to ensure participation of women in all spheres of national life.

Article 19(2): The State shall adopt effective measures to remove social and economic inequality between man and woman and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.

Article 28(2): Women shall have equal rights with men in all spheres of the State and of public life.

Article 28(4): Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

8. Gender Discrimination in Bangladesh

In Bangladesh, family laws are influenced by religious beliefs. Women face limitations in their progress due to lack of land ownership. Although Article 28(2) of the Constitution guarantees equal rights for both men and women, there are still constraints on women's ability to own land. Every woman has a male guardian, such as a husband, father, or brother, who holds the ownership of the land.

The World Bank has carried out research across 190 nations regarding the state of equality, with Bangladesh positioned at 174. This reflects a concerning situation for Bangladesh. Approximately 53.3% of women in Bangladesh experience gender-based violence, the highest rate in South Asia. Furthermore, 82% of married women face gender-based and sexual violence, which obstructs their ability to reach their full potential. In Bangladesh, 51 percent of girls are married before turning 18, marking the highest rate of child marriage in South Asia (*The Business Standard*, 2023).

9. Violation of Women's Rights in Bangladesh

9.1. Gender-Based Violence

Gender-based violence refers to acts of aggression directed at women. Women and girls disproportionately experience gender-based violence. On a global scale, approximately 30% of all women who have been in a relationship have faced physical and/or sexual violence perpetrated by their partner.

The prevalent forms of violence faced by women in Bangladesh include physical, sexual and psychological abuse. Many women choose not to disclose incidents of violence due to fear, stigma or concerns about family reputation. The incidence of violence in our country has risen over the years, increasing from 72.6% in 2015 to 89% in 2024 (*Dhaka Tribune*, 2024). This data indicates that a significant number of women in our country continue to endure violence.

9.2. Sexual Violence and Harassment

Sexual harassment refers to any unwanted sexual actions. This may include physical interactions or advances, soliciting sexual favors, or employing inappropriate sexual language.

9.3. Workplace Discrimination

Frequently, women experience gender-based discrimination in their workplaces. According to section 332 of the Bangladesh Labour Act, no employee of any organization is permitted to behave in a manner that disrespects or undermines the dignity or modesty of a female worker. Nonetheless, female employees continue to encounter harassment at various points throughout their daily routines. Research indicates that approximately 84.7% of female workers reported facing verbal harassment, while 71.3% dealt with mental harassment, 20% experienced physical harassment, and 12.7% reported sexual harassment (ReliefWeb, 2023). One effective way to demonstrate this issue is by examining the gender pay gap. Equal compensation for equal work is a fundamental human right; however, women are frequently denied the opportunity to receive a fair and equal salary. Current statistics indicate that women earn approximately 77% of what men make for performing the same job. This results in a lifetime of financial inequality for women, hinders their ability to attain complete independence, and increases their risk of experiencing poverty in later years.

10. SDG 5 in Bangladesh and Our Progress towards Realizing Women's Rights

One of the objectives of SDG 5 is to “eliminate all forms of discrimination against all women and girls globally.” In this context, Article 28 (2) of the Constitution of Bangladesh states that equal rights for women in all areas of state and public life must be guaranteed alongside those of men.

In the Global Gender Gap Report 2021, Bangladesh ranks 65th among 156 countries worldwide in addressing gender inequality. The nation is ranked seventh for women's empowerment in politics and consistently holds the fifth position among South Asian countries (Daily Observer, 2023). Due to a range of government initiatives, the nation is slowly advancing on the road to development, thanks to the effective involvement of women in diverse sectors. As per the World Economic Forum's (WEF) Global Gender Gap Index 2024, our nation has now managed to close 68.9% of its gender gap, down from 72.2% the previous year. The report indicates that Nepal has closed 66.4% of its gender gap, securing the second position in the region and ranking 117th worldwide. Following Nepal, Sri Lanka ranks 122nd with 65.3% of its gender gap addressed. Bhutan stands at 124th (with 65.1% closed), while India is ranked 129th (64.1% closed), and the Maldives comes in at 132nd (63.3% closed) (Markedium, 2024).

To promote gender equality, Bangladesh has implemented various policies and laws, including the Constitution of Bangladesh, the Women Development Policy

2011, the Universal Declaration of Human Rights, Five Year Plans, Sustainable Development Goal 5, the Convention on the Elimination of All Forms of Discrimination Against Women, and the election platforms of political parties.

11. Gender Development Policy in Bangladesh

Gender and development involve initiatives aimed at tackling issues related to ensuring equal opportunities for both genders. The primary objective is to address and eliminate the disparities between women and men to achieve sustainable development.

The Constitution of Bangladesh acknowledges gender equality as a fundamental human right essential for fostering the welfare and progress of the people of Bangladesh overall, with a special focus on women.

12. Gender Policy in Five Year Plan

The government's perspective on gender equality has changed since the country gained independence. Beginning with the Fourth Five Year Plan (1990-1995), there has been a shift from a welfare approach to one that focuses on women's rights and efficiency, integrating gender mainstreaming and women's empowerment into the broader development framework.

The objective of the 8th Five Year Plan (2020-2025) is to create "a nation where both men and women enjoy equal opportunities and rights, and where women are acknowledged as equal participants in economic, social, and political progress" (Ministry of Environment and Forests, 2016).

13. Explanation of Women and Children Repression Prevention Act 2000

The Bangladesh Women and Children Repression Prevention Act 2000 (Nari-O-Shishu Nirjaton Daman Ain) is a specific legislation that was enacted on 17 July 1995. This law primarily addresses acts of violence against women and children (Laws of Bangladesh, 2000).

This legislation includes strict measures aimed at preventing crimes related to the torture and oppression of women and children. Offences such as trafficking and abduction of women and children, rape, fatalities resulting from rape, dowry-related violence, and sexual harassment are addressed by this law. The Act was enacted with high hopes of decreasing and eliminating violence against women and children.

Certain Penalties in Women and Children Repression Prevention Act 2000 (Amended in 2020)

Sl.	Violence	Punishment	
		Highest	Lowest
1.	Acid Burn and Death	Death + RI for Life + Fine	-

Continued

2.	Acid Burn and Severe injury	14 Years Jail + Fine	7 Years Jail + Fine
3.	Woman Trafficking and Child Trafficking	RI for Life + Fine	14 Years Jail + Fine
4.	Dowry	RI for Life + Fine	
5.	Forced Beggary and Physically injury	Death + RI for Life + Fine	
6.	False Case	7 Years Jail + Fine	

*Rigorous Imprisonment

14. Case Study 1

Shanta (a pseudonym), who works as a school teacher, entered into marriage in 2000 through a registered Nikahnama. Her dower was set at 100,000 taka. Her married life was filled with unhappiness due to her husband's frequent mental and physical abuse, along with his demands for dowry. On the night of April 10, 2022, she was severely beaten by her husband, resulting in the loss of her eyesight. The following morning, she left her husband's home.

The subsequent legal measures Shanta might pursue against her husband based on the Women and Children Repression Prevention Act 2000.

Section	Offences	Punishment
4	<ul style="list-style-type: none"> Offences by Inflammable Substances Impaired hearing capacity or eye sight or disfigured or would any organ 	Death + RI for Life + Fine n/e Tk. 1 Lakh
	<ul style="list-style-type: none"> When not injured but affected physically or mentally by the action Fine will be collected from convicted person and given to victim 	RI for 3 - 7 Years + Fine n/e Tk. 50,000/-
		*not exceeding

15. Case Study 2

Nahar (a pseudonym), a 21-year-old female college student, was allegedly attacked with acid by a male classmate in Dhaka on February 17, 2023. The father of the victim promptly contacted the nearest police station, identifying the assailant. He claimed that the motive for the attack stemmed from his assistance to the police in apprehending one of the attacker's associates, who was implicated in a murder case. "Ever since that incident, the attacker has harbored anger towards my family. That is why he threw acid on my daughter," he stated. The young woman was initially taken to the hospital, where medical staff reported that one-fifth of her body had suffered burn injuries. The Officer-in-Charge of the police station mentioned that the assailant had already been apprehended and that an investigation into the incident was underway.

What legal remedies could Nahar pursue for the consequences she has been experiencing?

Section	Offences	Punishment
4	<ul style="list-style-type: none"> Offences by acid throwing Deformed or damaged any part of body 	<p>Highest: 14 Years Jail + Fine n/e Tk. 50,000/-</p> <p>Lowest: 7 Years Jail + Fine n/e Tk. 50,000/-</p> <p>*not exceeding</p>

16. Conclusion

Bangladesh has made progress in legal protection for women's rights but challenges remain in implementation and enforcement. Despite constitutional guarantees and progressive laws, cultural norms and patriarchal attitudes often hamper effective implementation. Education and community involvement are necessary to ensure real progress. Economic and social empowerment of women is essential to achieve true gender equality in Bangladesh. Strengthening partnerships between governments, civil society and international organizations can advance women's rights and promote lasting change.

17. Recommendation

Our government can offer training for law enforcement officials. This training will emphasize the importance of understanding women's rights, the effects of gender-based violence, and suitable response strategies.

Mass media plays a crucial role in promoting women's rights by highlighting gender disparities, supporting legal changes and increasing awareness about violence and education. Therefore, our government can utilize mass media to enhance awareness regarding violence and education.

The government can establish a National Action Plan to tackle violence against women. This plan would require cooperation among government bodies, non-governmental organizations, and various community participants to safeguard women's rights and guarantee justice.

Women's rights cover the right to education, which can contribute to diminishing inequality and empowering women. Research indicates that when girls receive an education, economies thrive, due to both their newfound capacity to join the skilled workforce and the fact that educated women nurture educated children. Therefore, incorporating gender concepts into our educational system will raise awareness about women's rights and gender equality. This approach will help to decrease violence. Therefore, our government can incorporate gender concepts into the national educational framework.

Our government has the ability to set up dedicated courts and safe havens for the rights and protection of women. These courts will accelerate the processing of cases involving violence and abuse, guaranteeing prompt justice. The shelters will

serve as secure environments for survivors, providing mental, legal and medical assistance, enabling women to restore their lives.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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