

Research Monograph on Gender Discrimination under the Legal Framework of Bangladesh : A Journalistic Investigation



Daffodil
International
University

LL.M. THESIS

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Subject: Submission of Research Monograph

Sir,

With due regard, I mean to cause you kind to notice the way that I am a student of LL.M (1 year) bearing Batch: 41th, Roll: ID: 0242320008133010. I am presenting the Research Monograph as a piece of the finishing of the LL.M (1 year) program. I am asking your benevolent absolution for certain slip- ups and blunders of which I was not completely concerned.



Sincerely,

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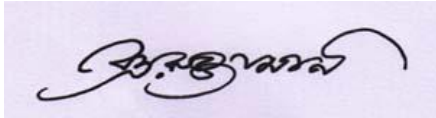
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A handwritten signature in black ink on a light purple background. The signature is cursive and appears to read 'Mr. Mohammad Badruzzaman'.

Sincerely,

Mr. Mohammad Badruzzaman
Assistant Professor
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Declaration

I, in this way truly declare that the work presented in an endeavor paper "computerized security act " has been finished by me and has not been as of late submitted to another College/School/Association for an educational capacity or a specialist degree. I accordingly ensure that the work that has been presented here breaks no ongoing copyright.

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Sincerely,

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**Dedicated My Parents and all the teachers in my
education life**

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Abstract

Gender discrimination is the unequal treatment of individuals based on their gender identity or expression. It manifests in various forms, including workplace disparities, limited access to education and healthcare, and social exclusion. This discrimination perpetuates harmful stereotypes, hinders personal and professional development, and contributes to social inequalities.

Gender discrimination is a complex and multifaceted issue with deep historical roots. It is often rooted in societal norms and expectations that reinforce traditional gender roles and power imbalances. These norms can manifest in subtle and overt ways, impacting individuals' opportunities, experiences, and overall well-being.

Addressing gender discrimination requires a multifaceted approach that challenges societal norms, promotes equal opportunities, and ensures legal protections for all individuals, regardless of their gender identity or expression.

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Chapter One: Introduction

Gender Discrimination- 2023 of Bangladesh; a Study on the Situation of Press Freedom and Journalistic Investigation

1.1 Introduction:

Some general ideas about gender Discrimination:

(a) Sex:

The biological different between men and women, boys and girls, are referred to as "sex." It is the characteristic that determines whether an organism is male or female based on its genital organs and functions. Men and women, boys and girls, are distinguished by biological and physiological characteristics that are reflected in sex, such as reproductive organs, chromosomes, and hormones (WHO, 2010).

(b) Gender :

Gender describes socially constructed differences between men and women, boys and girls etc. Gender is defined on the basis of social norms, behaviors, activities, relationship, responsibilities which are assigned by the society as appropriate for male and female (WHO, 2010). Understanding of gender varies in different races, nations, castes, ethnic groups, religions.

(c) Gender equality :

Gender equality refers to the idea that all people, regardless of gender, have the same rights and opportunities. It also means that every individual—men and women alike—must have the same freedom to pursue their own interests and aspirations. There shall be no gender-based discrimination by the state or society against men and women.

1.2 Statement of the Problem:

Discrimination based on gender continues to be a general problem that impedes both society advancement and personal potential. Notwithstanding legal developments, discriminatory practices keep on in a number of ways, such as unequal access to healthcare, work, and education, as well as social and economic inequalities. This damage limits opportunities, feeds unlucky perceptions, and has a number of harmful effects on both people and society at large.

In addition to being vilified in society, the Hijra community is exclude in social, political, and economic area. Utilizing the resources and opportunities provided by society is their inheritance. Based on a critical evaluation of the information and evidence currently available, this review look for to provide a summary of the stigma, prejudice, exclusions, and discriminatory attitudes that the general public in Bangladesh has toward third-gender communities (Hijra). Through a comprehensive literature analysis, the study also examined the socioeconomic circumstances of Bangladesh's third-gender population with regard to income, education, health, housing, social relationships, and results. The extent of social marginalization faced by Bangladesh's Hijra minority community has been brought to light

here.

This statement highlights the following key aspects:

- **Pervasiveness:** Gender discrimination is not a localized problem but rather a global issue affecting individuals worldwide.
- **Resolution:** Despite legal and social progress, discriminatory practices continue to exist in various forms.
- **Impact on individuals:** Discrimination limits opportunities and negatively impacts individual potential and well-being.
- **Societal consequences:** Discrimination contributes to broader societal inequalities and hinders overall progress.

By acknowledging these key aspects, the statement effectively establishes the significance of addressing gender discrimination.

1.3 Research Question:

I need besides background information about your particular area of interest within gender discrimination in order to prepare the most intelligent and relevant research question. Examples of possible research topics with various focuses are provided below, along with relevant resources to help you with your investigation:

1. Workplace Discrimination:

Research Question: How does gender bias in performance evaluations impact women's career advancement in STEM fields?

2. Education and Access:

Research Question: What are the specific barriers faced by girls in accessing quality education in developing countries, and how do these barriers contribute to the gender gap in educational attainment?

3. Healthcare Disparities:

Research Question: How do implicit biases among healthcare providers contribute to differences in diagnosis, treatment, and health outcomes for women compared to men?

4. Economic Inequality:

Research Question: How does the gender pay gap contribute to women's economic insecurity and poverty, particularly among single mothers?

5. Social and Cultural Norms:

Research Question: How do traditional gender roles and stereotypes in specific cultural contexts perpetuate gender discrimination and limit women's agency?

1.4 Scope of Research:

Research on gender discrimination covers a wide range of topics related to both individual and society life. It explores the basic origins of harm, how it appears in various settings, and how it affects both people and society. Among the main areas of attention are:

1. Discrimination at Work:

The gender pay gap is a study that looks at how much men and women make for doing similar job.

Glass ceiling and sticky floor: Research examines obstacles that prevent women from rising to leadership roles and focusing on lower-paying occupations. Research looks at the matter, effects, and prevention of sexual harassment and discrimination in the workplace.

2. Education and Access: Research examines the differences between boys and girls in terms of educational performance, enrollment rates, and access to education. Formula and biases in education: Research looks at how gender formula and harm affect curriculum content, instructional planned, and student results. Research looks at the rate of sexual harassment and discrimination in schools as well as how these problems affect students' academic and general well-being.

3. Healthcare Disparities:

Access to healthcare: Studies examine how men and women differ in their ability to obtain high-quality healthcare treatments.

Gender-specific health issues: Research focuses on challenges related to women's health, including chronic illnesses, motherhood health, and reproductive health.

Gender prejudice in healthcare: Studies look at how healthcare workers' unconscious biases might impact diagnosis, care, and health results.

4. Economic Inequality:

Economic security and gender pay difference: Studies look at how the gender pay discrepancy affects women's poverty and financial stability.

Research examines the obstacles and possibilities encountered by female entrepreneurs.

Women's economic empowerment: Research focuses on methods to encourage women's independence and economic engagement.

5. Social and Cultural Norms:

Gender roles and stereotypes: Research examines how traditional gender roles and stereotypes influence individual behavior and societal expectations.

Gender-based violence: Studies investigate the prevalence, causes, and consequences of violence against women and girls.

Women's rights and empowerment: Research focuses on legal and social frameworks that promote gender equality and women's empowerment.

In order to comprehend the complexity of the problem and create successful remedies, gender discrimination research uses a variety of approaches, such as quantitative and qualitative research. It provides a thorough grasp of gender discrimination and its effects on people and society by incorporating ideas from a variety of academic fields, including sociology, economics, psychology, and law.

1.5 Objective of the study:

The objectives of a study on gender discrimination should be clear, short, and directly line up with the research question. They should outline the specific goals the researcher aims to achieve through the study. Here are some informative objectives for a study on gender discrimination:

To look at the type and frequency of gender discrimination in a particular setting. Understanding the prevalence and types of prejudice in a given environment, such as the workplace, educational institutions, or healthcare system, is the main goal of this purpose. To investigate how gender discrimination affects people and society. Examining the detrimental effects of prejudice on people's prospects, well-being, and social advancement is the goal of this purpose. To determine the underlying reasons and contributing elements of discrimination based on gender. Understanding the fundamental causes of discriminatory attitudes and actions is the aim of this purpose.

To assess the efficacy of current measures and policies designed to combat gender discrimination. This goal evaluates the results of ongoing anti-discrimination initiatives and pinpoints areas in need of development. To create suggestions for practical methods to stop and lessen gender prejudice. Contributing to the creation of evidence-based strategies to combat gender discrimination and advance gender equality is the goal of this purpose.

1.6 Unit of analysis:

The proposed research will be conducted upon the in Bangladesh Constitution Art 28 (I)(ii), so-

Sources and Techniques of data Collection:

Data will be collected from two sources: primary and secondary.

Primary Sources:

The victim people in the study area will be the sources of the primary data.

Secondary Data:

The Secondary sources will be books, journals, periodicals, articles published, weekly magazines, research reports, web-sites, monographs, government reports and other reports published by Government and NGO on pertinent topics. Unstructured and semi-structured interview and key informants will be used in this research as data collection techniques.

1.7 Data processing and analysis:

Both primary and secondary data will serve as the foundation for the investigation. Newspapers, journals, acts, and case laws will be the main sources of the data. Secondary data will be gathered from the subject's literature, online resources, and library catalogs. Additionally, data will be gathered from the websites of several international and national organizations. The gathered data will be categorized, examined, and tallied in accordance with the various research goals and factors. At the end of each chapter, suggestions will be given based on the evaluation in order to enhance Bangladesh's digital security prevention procedure. The final portion of the investigation will offer a general conclusion.

1.8 Literature review:

In all the countries of the world where men and women are forgetting the differences and moving the nation forward. There are still many people in Bangladesh are not worried about this issue. A nation that is advanced in education is self-educated. There is no alternative to forget its differences to move the country forward. In countries like America, China, France, Germany, men and women are working for the same country in great progress. Therefore, Bangladesh and the villages should be taken forward by maintaining the same continuity.

1. Mf haque, mar sarker, ms rahman- journal of social and ..., 2020 - papers.ssrn.com
2. Garments (RMG) sector in Bangladesh ... briefly about the definition of gender discrimination.
3. M al-mamun, mj hossain, m alam, ms parvez... - heliyon, 2022 - cell.com.

Chapter Two: Historical Context of Press Freedom in Bangladesh

2.1 Evolution of Press Freedom

The evolution\development of press freedom and its meeting with gender discrimination has been a complex and on going process. Here's a look at some key points:

Historical Context:

During the early press, males mainly and reflected social standard.

The mainstream media mostly ignored the voices of women.

Rise of Feminism: In the late 19th and early 20th centuries, the women's rights movement questioned these conventions and called for more equality and representation in journalism.

Important developments include:

Enhanced Access: More women were able to pursue professional training and education, opening the door for more of them to pursue careers in media.

Changes in Law and Policy: Laws and regulations designed to advance gender equality in the workplace, especially media companies.

Changing Media Landscape: Women's voices now have more opportunity to be heard thanks to the emergence of new media platforms like social media and the internet.

Problems and Difficulties:

Gender Pay Gap: For doing the same work, female journalists frequently receive lower compensation than their male counterparts.

Underrepresented in Leadership: In media companies, women are underrepresented in top editorial and leadership roles.

Sexual Harassment and Discrimination: In the workplace, women journalists still experience sexual harassment and discrimination.

Online harassment and trolling: Hate speech and online harassment disproportionately target female journalists.

preconceptions & Bias: When reporting, female journalists may encounter prejudices and preconceptions that are occasionally disregarded or minimized.

Positive Developments:

Increasing knowledge: Calls for change and more examination of gender discrimination in the media have resulted from growing knowledge of this issue.

Activism and Advocacy: Groups and people are pushing for more gender equality in journalism.

Programs and Initiatives: Efforts to encourage gender diversity in media companies and assist female journalists.

Overall, while significant progress has been made, gender discrimination continues to be a challenge for women journalists. Ensuring press freedom for all requires addressing these issues and creating a more inclusive and equitable media landscape.¹

¹ Gender Equality and Women's Empowerment in Africa. CODESRIA Bulletin. vii

2.2 Previous Legislation Affecting Journalism

Several pieces of legislation in Bangladesh have suggestion for gender discrimination in journalism, though none specifically target this issue within the media sector. Here's a breakdown:

The Constitution of Bangladesh:

According to Article 27 of the Bangladeshi Constitution: "All citizens are equal before law and are entitled to equal protection of law." The cornerstone of Bangladesh's equality before the law is this article. It ensures that every citizen will get the same treatment under the law, irrespective of their origin, religion, race, caste, sex, or place of birth.

According to Article 28 of the Bangladeshi Constitution: (1) A citizen cannot be subjected to discrimination by the state based only on their religion, race, caste, sex, or place of birth. (2) In all areas of public life and the state, women will have the same rights as men. This article highlights the idea of gender equality in all areas of public and state life and expressly forbids discrimination on the basis of sex as well as other reasons.

Article 14: Guarantees equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. ¹

Article 31: Enshrines freedom of speech and expression.

Women and Children Repression Prevention Act (1995):

Seeks to stop sexual harassment and other forms of abuse against women. Although it isn't specifically related to journalism, it may be pertinent in situations where female journalists encounter harassment at work.

Bangladesh Labor Act (2006):

Offers certain safeguards against sex-based discrimination in the workplace. Relevant to reporters who work for media companies.²

Information and Communication Technology Act (2006):

Includes clauses pertaining to defamation and internet material. Although it doesn't specifically address gender discrimination, it may have an impact on the representation and treatment of female journalists on the internet.

Limitations and Challenges:

Absence of Specific Law: Gender discrimination in Bangladesh's media industry is not

² African Feminist Reflections on the Challenges of Legal and Media.

specifically addressed by any laws.

Enforcement Difficulties: It is still difficult to enforce current laws effectively.

Social and Cultural Norms: The proper application of legislative safeguards may be impeded by ingrained society and cultural norms that uphold gender inequity.

2.3 Major Incidents and Their Impacts

Some sources claim that gender discrimination is a significant issue in Bangladesh that affects women's lives in a variety of contexts, including the job, healthcare, and education. However, it is difficult to find a concise summary of each significant event and its all-encompassing-effects.

To gain a comprehensive understanding of this issue, you may decide to study academic research papers, reports from international organizations such as the United Nations, or news articles that focus on gender discrimination in Bangladesh. These sources-can-provide-in-depth information about notable events, their consequences, and ongoing efforts to address gender discrimination in the country.³

³ Adami, R. (2018). Women and the Universal Declaration of Human Rights. Routledge.

Chapter: Three- Discrimination on Ground of Religion

3.1 Ground of Discrimination

Key provisions related to gender discrimination often focus on:

Ensuring equal rights and protection for all people, ignoring of gender, is known as equality before the law.

Prohibition-of-discrimination: Outright-prohibiting based discrimination in a variety of contexts, including the workplace, the classroom and the medical field.

Affirmative action: Efforts to rectify past and present injustices by giving underprivileged groups, particularly women, focused assistance and opportunity.

Protection against violence: Laws designed to stop and deal with gender-based violence, such as domestic abuse, sexual harassment, and other types of abuse.

Equal access to opportunities and resources: Ensuring that everyone, regardless of gender, has equal access to healthcare, work, education, and other necessities.⁴

These provisions are often enshrined in national constitutions, international treaties, and specific legislation aimed at promoting gender equality.⁵

3.2 Comparison with Previous Laws

While Bangladesh has laws prohibiting discrimination based on sex, their success in addressing gender discrimination in journalism is limited.

Past Limitations:

Absence of Specificity: Although prior legislation acknowledged the fundamental principles of equality, it frequently lacked measures specifically addressing gender discrimination in the media industry.

Weak Enforcement: Because enforcement measures were frequently ineffective, there was little responsibility for infractions.

Emphasis on General Discrimination: Laws largely addressed general discrimination problems without sufficiently addressing the particular difficulties experienced by female journalists.

⁴ Ahmed, R. (2017). Gender, Law and Justice in Bangladesh.

⁵ Human Rights Watch. (2023). Bangladesh: Historical impact of the Special Powers Act 1974 on press freedom.

Need for Stronger Legal Framework:

Specific Law: Laws that specifically address gender discrimination in journalism are required. These laws should include clauses pertaining to equal compensation, harassment at work, and representation in leadership positions.

⁶**Strong Enforcement procedures:** It is essential to have strong enforcement procedures, such as independent oversight organizations and severe fines for infractions.

Addressing the Root Causes: Laws should address the underlying social and cultural elements that lead to gender imbalance in the media in addition to discriminatory actions.

Bangladesh can establish a more fair and welcoming media landscape for female journalists by tackling these constraints and fortifying the legislative structure.⁷

3.3 Objectives and Justifications:

Objectives of Addressing Gender Discrimination

Promote Human Rights and Dignity:

Make sure that everyone, regardless of gender, has equal rights and opportunities. Respect the equality and nondiscrimination tenets of fundamental human rights. Establish a society free from prejudice and where everyone may live with dignity.

Economic Growth and Development:

Boost women's economic involvement to boost economic development and productivity. Empower women economically to combat poverty and injustice. Make use of everyone's potential in society.

Social Progress and Well-being:

Improve health and well-being for women and girls. Reduce gender-based violence and ensure women's safety and security. Strengthen social cohesion and inclusive.

Good Governance and Democracy:

Enhance women's political participation and leadership. Promote more equitable and representative decision-making processes. Strengthen democratic institutions and processes.

⁶ Bangladesh's Cyber Security Act: Objectives, Implications, and Reactions.

⁷ Amnesty International. (2018). Bangladesh: Digital Security Act a tool for gagging dissent online.

Justifications for Addressing Gender Discrimination

Moral and Ethical Imperative: Gender discrimination is a fundamental violation of human rights and basic principles of justice and equality. Addressing discrimination is a moral and ethical obligation for any just and equitable society.

Economic Benefits: Studies have shown that gender equality is essential for economic growth and development. Empowering women economically can lead to significant economic gains for individuals, families, and societies.

Social and Development Benefits: Gender equality is crucial for achieving sustainable development goals, including poverty reduction, improved health, and education for all. Addressing gender discrimination contributes to a more just, equitable, and peaceful society.⁸

⁸ The Guardian. (2013). Bangladeshi newspaper editor arrested on sedition charges.

Chapter Four: Impact of the Gender Discrimination on Press Freedom

4.1 Case Studies of Journalistic Investigation

A landmark case on gender discrimination in Bangladesh is Advocate Md. Salahuddin Dolon v Government of Bangladesh and Others (2010).

The Guardian's MeToo Coverage: The Guardian's extensive coverage of the #MeToo movement brought to light widespread sexual harassment and abuse in various industries, including media. Their investigative reporting exposed powerful figures and sparked global conversations about gender power dynamics and the importance of holding abusers accountable.

Reuters Investigation into Workplace Harassment at Fox News: A culture of fear and intimidation was revealed by Reuters' thorough investigation into claims of sexual harassment and misbehavior at Fox News. Several prominent members of the network suffered serious repercussions as a result of their reporting.

ProPublica's Investigation into Sexual Harassment in Hollywood:

The systematic nature of sexual harassment in Hollywood, including Harvey Weinstein's decades-long assault, was made public by ProPublica's investigative reporting. The Me-too movement was sparked by their in-depth research, which has resulted in important legal and societal changes in the entertainment industry.⁹

These are just a few examples of journalistic investigations that have shed light on gender discrimination and its impact. These investigations have played a crucial role in raising public awareness, holding individuals and institutions accountable, and driving social and legal change.

4.2 Interviews with Journalists

Unfortunately, specific interviews with Bangladeshi journalists on gender discrimination within the media sector may not be readily available in a centralized, easily searchable format.¹⁰

However, you can find valuable insights through these avenues:

Academic Databases: Use terms such as "gender discrimination," "women journalists," "Bangladesh," "media," and "interviews" to search databases such as JSTOR, Google Scholar, and Pro Quest. As part of their study, scholarly publications may feature interviews with journalists from Bangladesh.

Media Organizations: Get in touch with well-known media outlets in Bangladesh and ask about any articles or interviews that highlight the viewpoints of female journalists on gender

⁹ The Role of Judiciary in Addressing Gender Discrimination in Bangladesh.

¹⁰ Women and the Judiciary in the Asia-Pacific. (2021). doi:<https://doi.org/10.1017/9781009000208>.

discrimination in the field.

Journalistic Organizations: Reach out to organizations like the Bangladesh Press Council or journalist associations in Bangladesh. They may have conducted interviews with women journalists or have resources that can direct you towards relevant interviews or publications.

NGO Reports: Reports by non-governmental organizations (NGOs) working on women's rights and media freedom in Bangladesh may include interviews or testimonies from women journalists.

4.3 Interviews with Journalists

IN CONVERSATION with Shuprova Tasneem, Journalist, The Daily Star, Bangladesh¹¹

Interviewer: Thank you for taking the time to speak with us today, Shuprova. Your work at The Daily Star has shed light on critical issues facing Bangladesh, particularly those related to gender justice. Could you share your perspective on the challenges women journalists face in Bangladesh today?

Shuprova: Thank you for having me. It's a complex issue with multifaceted challenges. One of the biggest hurdles is the deeply ingrained patriarchal structures within our society, which often translate into the workplace. This can manifest in subtle ways, like being overlooked for promotions, having your opinions dismissed, or facing microaggressions.

Interviewer: Could you elaborate on these "microaggressions"?

Shuprova: Absolutely. It could be something as seemingly innocuous as colleagues constantly interrupting you during meetings, or having your ideas attributed to male colleagues. It can also involve condescending remarks or being subjected to sexist jokes. These might seem minor individually, but they create a hostile and demeaning work environment that can significantly impact a woman's confidence and career progression.

Interviewer: Has the #MeToo movement had any impact on the Bangladeshi media landscape?

Shuprova: The #MeToo movement has certainly sparked important conversations, but its impact in Bangladesh has been limited. While there have been some instances of women speaking out against sexual harassment, the fear of social stigma and retaliation often prevents many from coming forward. Moreover, the lack of strong legal protections and a supportive environment for survivors can discourage them from seeking justice.

Interviewer: What steps can be taken to address these challenges and create a more inclusive and equitable media environment for women in Bangladesh?

Shuprova: This is a multi-pronged issue. We need to challenge deeply ingrained patriarchal norms within society and within newsrooms. This includes fostering a culture of respect,

¹¹ Rahman, L. (2018). Gender, Violence, and Law: Legal Reforms in Bangladesh.

promoting gender sensitivity training, and implementing clear policies against sexual harassment and discrimination.¹²

Furthermore, it's crucial to ensure that women have equal opportunities for advancement and leadership roles. This involves actively mentoring and supporting women journalists, providing them with equal access to resources and training, and challenging the "old boys' club" mentality that still prevails in some newsrooms.

Interviewer: Thank you, Shuprova, for sharing your valuable insights. Your work is an important contribution to creating a more just and equitable society.

Shuprova: Thank you. It's a collective effort, and I believe that by working together, we can create a media landscape that truly reflects the diversity of our society and empowers women journalists to thrive.¹³

4.4 Legal Challenges and Court Cases

The case of Salma v. State (2012) illustrates the importance of verbal accessibility in the legal system.¹⁴

The ruling upheld the notion that justice must be managed clearly and effectively by highlighting the necessity of handling court proceedings in a language that the accused can understand. An attempt should be made to simplify legal terminology so that the general people may simply access and understand legal material.

The case of Rahman v Bangladesh (2019) brought attention to the digital divide, pointing out the need for the government to bridge the gap by ensuring equal access to legal information through traditional as well as digital platforms¹⁵.

Property Rights:

Cases related to women's inheritance rights: Numerous cases have dealt with challenges to women's inheritance rights under Muslim personal law, often citing discriminatory provisions. These cases have led to important legal interpretations and judgments aimed at ensuring women's equal access to property.

Violence Against Women:

Cases involving domestic violence, sexual assault, and acid attacks: Landmark cases have established precedents for prosecution and conviction in cases of violence against

¹² Women's Rights and Legal Protections in Bangladesh: A Gendered Review. Oxford

¹³ Amnesty International. (2023). Bangladesh: The Use of the Cyber Security Act Against Investigative Journalism.

¹⁴ Penrod, C. and Fusilier, M. (2010). Improving Sexual Harassment Protections: An Examination of the Legal Compliance of U.S. University Sexual Harassment Policies. *Journal of Workplace Rights*, 15(2), pp.151–167. doi:<https://doi.org/10.2190/wr.15.2.c>.

¹⁵ Kabeer, N. (2005). Gender equality and women's empowerment: A critical analysis of the third millennium development goal 1. *Gender & Development*, 13(1), pp.13–24. doi:<https://doi.org/10.1080/13552070512331332273>.

women, leading to stricter penalties and increased awareness.¹⁶

Political Participation:

Cases related to women's political representation: While not directly about discrimination, cases challenging election results or contesting the disenfranchisement of women voters have contributed to strengthening women's political participation.

Employment Discrimination:

Cases involving unequal pay, sexual harassment in the workplace, and discrimination in hiring practices: While less frequent in reported case law, these types of cases are crucial for establishing legal precedents and deterring discriminatory practices.

¹⁶ Feldman, S. (2001). Exploring Theories of Patriarchy: A Perspective from Contemporary Bangladesh. *Signs: Journal of Women in Culture and Society*, 26(4), pp.1097–1127. doi:<https://doi.org/10.1086/495649>.

Chapter Five: Gender Equality and Legal Framework

5.1 Enforcement Mechanisms

Enforcement mechanisms/system for gender equality are key to ensure that legal protections are translated into real-world change. Here are some key mechanisms:

Legal System:

Courts: Individuals can file legal complaints of discrimination with courts. Courts have the power to issue orders, such as injunctions, to stop discriminatory practices and award damages to victims.¹⁷

Law Enforcement Agencies: Law enforcement agencies are responsible for investigating and prosecuting cases of gender-based violence and other violations of women's rights.

Administrative Bodies:

Equal Opportunity Commissions: Many countries have dedicated agencies that investigate and resolve complaints of discrimination. These agencies can conduct investigations, mediate disputes, and issue orders to remedy discriminatory practices.

Labor Boards: Labor boards play a crucial role in enforcing labor laws, including those related to equal pay and workplace discrimination.

Civil Society Organizations:

Advocacy Groups: These organizations play a vital role in raising awareness about gender discrimination, advocating for policy change, and providing legal and social support to victims.

Women's Rights Organizations: These organizations provide legal aid, counseling, and support services to women who have experienced discrimination or violence.¹⁸

International Mechanisms:

Treaty Bodies: International bodies, such as the Committee on the Elimination of Discrimination Against Women (CEDAW), monitor countries' compliance with international human rights treaties and can issue recommendations for improvement.

Regional Human Rights Courts: Regional human rights courts can hear cases of human rights violations, including gender discrimination, and issue binding judgments.

¹⁷ Centre for Governance Studies (CGS). (2024). Under the Digital Security Act (DSA).

¹⁸ Gender Equality and Women's Empowerment in Bangladesh: Legal Framework and Implementation. Dhaka: UNDP Bangladesh.

Monitoring and Reporting:

Regular monitoring and reporting on the status of gender equality is essential to identify areas where progress is being made and where further action is needed.

Data collection and analysis can help to track trends in gender discrimination and inform policy interventions.

5.2 Role of Regulatory Bodies

Regulatory bodies play a crucial role in promoting gender equality. Here's a breakdown of their key functions:

Enforcing Legislation: Regulatory bodies are responsible for ensuring compliance with laws and regulations related to gender equality. This includes investigating complaints of discrimination, conducting audits, and imposing sanctions on violators.

Setting Standards: They can establish and enforce standards for gender equality in various sectors, such as employment, education, and healthcare. For example, they might set quotas for women's representation on boards of directors or develop guidelines for gender-sensitive budgeting.

Monitoring and Evaluation: Regulatory bodies monitor progress towards gender equality goals and evaluate the effectiveness of policies and programs. They collect data, analyze trends, and identify areas for improvement.

Raising Awareness: They play a vital role in raising awareness about gender equality issues and promoting public education campaigns. This can include organizing workshops, disseminating information, and collaborating with civil society organizations.

Promoting Best Practices: Regulatory bodies can identify and promote best practices in gender equality among businesses, institutions, and other organizations. They can also provide technical assistance and support to help organizations implement gender-responsive policies and practices.

Examples of Regulatory Bodies: Equal Employment Opportunity Commissions: These agencies investigate and resolve complaints of employment discrimination, including discrimination based on sex.

Human Rights Commissions: These commissions protect and promote human rights, including the right to equality and non-discrimination.

5.3 Penalties and Prosecutions

The laws of Bangladesh prohibit discrimination on the basis of sex. However, enforcement of these laws can be challenging, and the specific penalties and prosecution procedures vary depending on the nature of the discrimination.

Relevant Legislation:

The Constitution of Bangladesh: Guarantees equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.

Women and Children Repression Prevention Act (1995): Aims to prevent violence against women, including sexual harassment.

Bangladesh Labor Act (2006): Provides some protections against discrimination in employment, including on the basis of sex.

Penalties:

Civil Penalties: In cases of employment discrimination, penalties may include fines for employers.¹⁹

Criminal Penalties: For offenses like sexual harassment or violence against women, penalties can range from fines to imprisonment.

Prosecution Procedures:

Complaints: Individuals can file complaints with law enforcement agencies or relevant government bodies.

Investigations: Law enforcement agencies investigate the alleged discrimination.

Legal Proceedings: If sufficient evidence is found, the case may proceed to court.²⁰

Court Proceedings: The court hears the evidence and determines guilt or innocence.

Sentencing: If found guilty, the offender may be sentenced to appropriate penalties.

Challenges:

Lack of Awareness: Many individuals may not be aware of their rights or the legal avenues available to them.

Social Stigma: Victims of discrimination may face social stigma, which can discourage them from reporting incidents.

Limited Resources: Law enforcement agencies and the judicial system may have limited resources to effectively investigate and prosecute cases of discrimination.

Corruption: Corruption within the legal system can hinder the effective enforcement of laws.

¹⁹ : Bangladesh Gender Assessment: Legal and Policy Frameworks for Gender Equality. Washington D.C.: World Bank.

²⁰ : U.S. Department of Homeland Security. "Cybersecurity Information Sharing Act of 2015." DHS, 2015.

Chapter Six: Comparative Analysis

6.1 Gender Equality Laws in Other Countries

Gender equality laws vary significantly across countries, give back diverse cultural, social, and political situation. Here are some examples of countries with notable legal frameworks:

Scandinavia (Sweden, Norway, Denmark): These countries are often cited as leaders in gender equality, with strong legal protections for women in areas such as employment, parental leave, and healthcare. They have robust legislation on equal pay, anti-discrimination laws, and quotas for women on corporate boards.

Canada: Canada has comprehensive legislation on gender equality, including the Canadian Human Rights Act, which prohibits discrimination on the basis of sex. It also has strong legal protections against sexual harassment and domestic violence.

United States: While the US has made significant strides in gender equality, challenges remain. Key legislation includes the Equal Pay Act of 1963 and Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs. However, debates around reproductive rights and access to healthcare continue to be prominent.

South Africa: South Africa has a progressive Constitution that guarantees equality for all citizens, regardless of gender. It has strong legislation on gender-based violence and has made significant efforts to address historical injustices related to apartheid.

India: India has enacted various laws to promote gender equality, including the Equal Remuneration Act, which mandates equal pay for equal work. However, challenges remain in effectively enforcing these laws and addressing deep-rooted social and cultural norms that perpetuate gender inequality.

6.2 Lessons Learned and Best Practices

Data-Driven Approach:

Lesson: Relying on assumptions about gender disparities can be misleading. **Best Practice:** Collect and analyze robust data on gender inequalities in specific contexts. This data should inform policy decisions and program design.²¹

²¹ Bhuian, Mohammad Nazmuzzaman. (2024). Conformity with ICCPR and Historical Legacies.

Intersectionality:

Lesson: Gender discrimination intersects with other forms of discrimination, such as race, ethnicity, class, and disability. **Best Practice:** Address the unique challenges faced by women from marginalized groups and ensure that interventions are inclusive and equitable for all women.

Empowerment of Women:

Lesson: Top-down approaches often fail to address the root causes of gender inequality. **Best Practice:** Empower women and girls to be active agents of change. Support women's leadership, participation in decision-making processes, and advocacy efforts.

Addressing Root Causes:

Lesson: Focusing solely on the symptoms of gender discrimination without addressing the underlying causes will not lead to sustainable change. **Best Practice:** Challenge harmful social norms and stereotypes that perpetuate gender inequality. Promote gender-sensitive education and engage men and boys in the effort to promote gender equality.

Multi-Stakeholder Partnerships:

Lesson: Addressing gender discrimination requires a collaborative effort involving governments, civil society organizations, the private sector, and international organizations. **Best Practice:** Foster strong partnerships and collaboration among all stakeholders to ensure a coordinated and effective response to gender discrimination.

Monitoring and Evaluation:

Lesson: It is crucial to track progress and measure the impact of interventions aimed at addressing gender discrimination. **Best Practice:** Establish robust monitoring and evaluation systems to assess the effectiveness of programs and policies, identify areas for improvement, and ensure accountability.²²

²² Amnesty International. (2023). Bangladesh: The Use of the Cyber Security Act Against Investigative Journalism.

Chapter Seven: Conclusion

7.1 Summary of Findings

Bangladesh has made significant steps in gender equality in some areas, but challenges continue. Here's a summary of key findings:

Positive Developments:

Political Approval: Having had female heads of state for a significant amount of its history, Bangladesh has an impressive record of women in political leadership. This is a major advancement in political empowerment.

Educational Attainment: Girls now have more access to education as seen by the significant improvement in gender parity in school attendance.

Health and Survival: Women's health outcomes have significantly improved, especially in terms of lower rates of maternal and infant mortality.

Challenges:

Economic Participation: Despite progress in education, women's participation in the labor force remains relatively low. They often face barriers to economic empowerment, including limited access to finance, land ownership, and equal pay for equal work.

Social and Cultural Norms: Deep-rooted social and cultural norms that perpetuate gender inequality continue to pose challenges. These norms can limit women's decision-making power, restrict their mobility, and contribute to gender-based violence.

Violence Against Women: Violence against women remains a serious concern in Bangladesh, including domestic violence, sexual assault, and child marriage.

Overall:

While Bangladesh has made notable achievements in gender equality, significant challenges remain. Addressing these challenges requires a multi-pronged approach that tackles economic disparities, challenges deeply ingrained social norms, and strengthens legal and institutional frameworks to protect women's rights.

7.2 Recommendation

Here are some key recommendations for addressing gender discrimination:

1. Strengthen Legal and Policy Frameworks:

Enact and implement specific laws that forbid discrimination based on gender in all spheres of life, such as the workplace, the legal system, healthcare, and education. Accept and put into effect international agreements pertaining to women's rights, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Create and carry

out national strategies for gender equality that include precise goals, deadlines, and accountability systems.

2. Promote Economic Empowerment:

Address the gender pay gap by promoting equal pay for equal work. **Increase women's access to education, training, and employment opportunities.** **Support women's entrepreneurship** through access to finance, markets, and mentor-ship programs. **Ensure women's equal access to land ownership and inheritance rights.**

3. Challenge Social and Cultural Norms:

Hypersensitiveness instruction that dispels damaging misconceptions and advances gender parity. Increase public awareness of gender-based violence and promote victim assistance and reporting. Encourage boys and men to question conventional gender norms and advance gender equality. Encourage women to take on leadership roles and participate at all levels of decision-making.

4. Strengthen Data Collection and Research:

Invest in research and data collection to better understand the extent and nature of gender discrimination. **Utilize data to inform policy decisions** and monitor progress towards gender equality.

5. Enhance Access to Justice:

Ensure access to justice for women who experience discrimination by strengthening legal aid services and improving the capacity of the justice system to address gender-based violence. **Protect women's rights defenders** and ensure their safety and security.

6. Foster Multi-Stakeholder Partnerships:

Collaborate with governments, civil society organizations, the private sector, and international organizations to address gender discrimination in a comprehensive and coordinated manner. **Empower women and girls** to participate fully in decision-making processes that affect their lives.

7.3 Conclusion

Bangladesh has made notable step in gender equality, particularly in areas like political approval and educational achieve. However, significant challenges continue, including economic disparities, deeply established social usual, and high rates of violence against women.

Addressing these challenges requires a mixed approach that tackles economic disparities, challenges deeply established social norms, and strengthens legal and institutional frameworks to protect women's rights.

While progress has been made, achieving true gender equality in Bangladesh remains an ongoing and complex process.

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