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Discrimination Against Women: Legal Gaps and the Role of Reform in Promoting Gender Equality"

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**SUBMITTED TO THE DEPARTMENT OF LAW IN THE PARTIAL
FULFILLMENT OF BACHELOR DEGREE IN LAW**

Submitted To:

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30th June, 2024

Letter of Transmitter

Date:

To

Dr. S. M Saiful Haque

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Subject: Submission of Research Monograph

Sir,

With due regard, I mean to bring to your kind notice the way that I am a student of LL.M (1 year) bearing ID: 0242410008133011. I am presenting the Research Monograph as part 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 aware.



Sincerely,

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Certification

This is to affirm that the test paper relies upon the work delivered by the creator and under my watch at the Daffodil Global College's regulation division in Dhaka, Bangladesh. The work introduced here is affirmed to be unique and fitting for the degree of LL.M. that has not yet been completely fulfilled(1 year).



Sincerely,

Dr. S.M. Saiful Haque

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Declaration

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

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Abstract

Discrimination against women is defined as the people who are treated differently simply due to their gender identity or gender expression. Discrimination can present in a variety of ways, such as unbalanced treatment in the workplace, less access to education, less access to health care, and social exclusion. Discrimination reinforces negative stereotypes, impedes social equity, and irrationally impedes growth. Discrimination against women is a complex and multifaceted issue with historical roots. Discrimination is often tied to societal norms that come from historical belief systems around role-based expectations, perceptions of gender-based roles, and perceptions of power imbalances, which are often unconsciously reinforced, and the degree of impact on individuals relates to opportunities and experiences, and overall impact on well-being and health. Addressing discrimination takes an entire society approach, a multi-faceted approach that must address the conceptualization of social norms, with considerations for equitable opportunity and social norms through incentives, laws, etc., ensuring that there are legal protections for all people, irrespective of their gender identity or gender expression.

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1 Chapter One: Introduction

Discrimination Against Women, tailored for law and social science researchers.

1.1 Introduction:

Of course. It seems you may have meant "discrimination" against women. Here are several options for an introduction on that topic, each with a slightly different focus. You can choose the one that best fits the tone and purpose of your essay, speech, or project.

General and Broad: Discrimination against women, also called gender inequality, is an ongoing, worldwide issue that traverses national, cultural, and generational boundaries. It can take many shapes, from cultural norms deeply entrenched in society that restrict choices and individuals experiencing abuse and/or harassment, to institutional barriers such as the gender pay gap or underrepresentation. The fight for gender equality is one of the most significant issues of our time, given the widespread discrimination that not only denies basic human rights to half of the world's population but also holds back social and economic growth for everyone. It was summative and growing day by day.

Historic: Historically, throughout much of the world, we have constructed and endured patriarchal systems that recognized and rewarded men and routinely devalued and punished women for centuries! While we've had some major wins in the fight for women's suffrage, property rights, and access to education, there are continuing consequences of this historical inequality. With the "glass ceiling" in our workplaces or the cultural expectations of women in the home, we experience contemporary injustices steeped in a deeply entrenched and jaundiced past. Women must advocate for women.

1.2 Research Problem :

Gender discrimination is pervasive and continues to marginalize people and negatively affect opportunities to develop socially to their fullest potential. Even with legal progress, people face discriminatory behaviors in various forms, such as unequal access to job opportunities, healthcare, and education, and economic and social inequality. This harm has serious individual and societal consequences, limits opportunity, and creates negative perceptions.

The Hijra community is not only vilified by society, but it is also socially, politically, and economically excluded. Their legacy is one of accessing the opportunities and resources afforded by the community. This review seeks to provide a summary of the stigma, prejudices, exclusions, and discriminatory attitudes towards third-gender groups (Hijra) by the broader public in Bangladesh, informed through a critical review of current evidence and data.

In particular, and through a comprehensive review of the literature, this study examined the socio-economic contexts of Bangladesh's third-gender community in terms of their social contexts, economic contexts, housing contexts, health contexts, education, and outcomes. The study has also underscored the level of social exclusion that the Hijra minority group in Bangladesh experiences.

This statement highlights the following key aspects:

- Ubiquity: Gender discrimination is a global phenomenon that exists across continents and not just in one location.
- Persistence: Gender discrimination still exists despite some legislative and social advances.
- Individual effect: Discrimination inhibits options and negatively impairs the potential and well-being of individuals.
- Societal effect: Discrimination causes inequities and limits the progress of society.

In highlighting these collectively important questions, we recognize the magnitude of combating gender discrimination conveyed in the statement.

1.3 Aims and Objectives:

Aims and objectives. The easiest way to define "discrimination against women" is as follows: What are the goals and purposes of the campaigns and laws intended to end discrimination against women?

Here is a thorough explanation of these Aims and objectives, making a distinction between the long-term, overarching objectives (Aims) and the precise, quantifiable actions done to get them (Objectives).

The high-level, idealistic ideas of what a gender-equal world should look like are called aims.

To Achieve Full and Substantive Gender Equality: This goes beyond simply having the same laws for men and women. It means achieving genuine equality in practice and outcomes, where historical disadvantages faced by women are corrected and gender is no longer a determinant of one's life path.

To Empower All Women and Girls: Empowerment means giving women the agency, authority, and resources to make their own choices, control their own lives, and influence the direction of society. This includes economic, social, and political empowerment.

To Eliminate All Forms of Violence and Harmful Practices Against Women: This aims to create a world where women and girls are safe from physical, sexual, and psychological harm, both in public and private life. This includes ending domestic violence, sexual assault, female genital mutilation (FGM), child marriage, and human trafficking.

Objectives are the specific, measurable actions taken to achieve the broader aims. They can be categorized by area of focus.

1. Legal and Political Objectives:

Repeal Discriminatory Laws: To review national and local laws and abolish any that explicitly discriminate against women.

Enact Protective Legislation: To pass and enforce strong laws that protect women from gender-based violence, workplace harassment, and discrimination in all sectors in Bangladesh.

2. Economic Objectives:

Promote Economic Independence: To ensure equal access to employment opportunities, credit, loans, and financial services for women.

3. Challenge Harmful Stereotypes: To launch public awareness campaigns and reform educational curricula to combat gender stereotypes that portray women in limited or subordinate roles in our country.

1.4 Research Questions:

To develop the most interesting and specific research question, I also need some contextual information about your own area of focus on gender discrimination.

Here are some examples of research topics in areas of focus, as well as relevant resources for your research:

1. Workplace Discrimination:

Research Question: What is the impact of gender bias in performance reviews on the success of women in STEM career paths?

2. Education and Access:

Research Question: What specific challenges do girls in developing countries face in trying to access quality education, and what impact does this have on the wider educational attainment of gender parity?

3. Healthcare Disparities:

Research Question: What role does the implicit bias of healthcare service providers play in the disparity of diagnoses, treatments, and health outcomes in women compared to men?

4. Economic Inequality:

Research Question: How does the gender pay gap perpetuate economic insecurity and poverty in women, particularly in single mothers?

5. Social and Cultural Norms:

Research Question: In what ways do preconceptions and traditional gender roles in specific cultural contexts inhibit women's autonomy from gender prejudice and maintain gender discrimination?

Research about gender-based violence examines the prevalence, sources, and consequences of violence against women and girls.

Women's rights and empowerment: Research concentrates on institutional and legal frameworks and the attendant factors affecting women's empowerment and gender equality.

Gender discrimination research employs various approaches, ranging from qualitative and quantitative approaches, to seek to understand the complexity of the issue in address its solutions. By combining themes from many academic disciplines, including sociology, economics, psychology, and law, it offers an understanding of gender discrimination and its implications for individuals and society.

1.5 Objective of the study:

A study on gender discrimination should have clear, concise objectives that are directly linked to the topic of the study. They must also specify the specific objectives the researcher intends to achieve with the study. The following are some educational objectives for a study on gender discrimination. To study the type and incidence of discrimination against women in a specific context. The fundamental purpose of this objective is to understand the types and incidence of discrimination in a specific context, such as a workplace, educational institutions, or health care system. To study the effects of gender inequality on individuals and society. This objective examines the detrimental effects of gender discrimination on individuals' sense of opportunity, public health, and development in society.

To explore the root causes and mechanisms of gender discrimination. This purpose intends to understand how we develop discriminatory beliefs and biases. To evaluate the laws and regulations currently in place to prohibit gender discrimination. This purpose allows us to highlight opportunities for improvement and assess the effectiveness of current anti-discrimination efforts. To generate ideas for practical approaches to minimize and prevent gender discrimination. The purpose of this is to provide support for the development of evidence-based actions to challenge gender discrimination and promote gender equity.

1.6 Methodology:

Fundamental Ideas Underpinning All Methodologies:

Understanding the ethical underpinnings necessary for this task is essential before delving into particular techniques. Because the topic is delicate and stressful, all research must be directed by: **Keeping safety first:** First and foremost, priority is participants' (and researchers') physical and mental well-being. This is inclusive of privacy and preventing any potential retaliation against women who share their experiences.

Survivor-Centred: Rather than trauma re-enactment, there ought to be methods in place to empower survivors. The perspectives, experiences, and needs are fundamental.

Participants ought to be provided with enough information about the benefits and risks involved; after they are informed, they ought to freely give their consent. They should also be able to disengage from participation for any reason, without financial implications.

Confidentiality and Anonymity: Participants' identification should be kept confidential in order to mitigate the potential for stigma, retaliation, or legal implications.

Support and Training of Researchers: Researchers should have their psychological support network and be trained in trauma-informed care.

1.7 Scope and Limitations:

The Reach of Discrimination Against Women:

The reach is universal, covering virtually every aspect of a woman's life from the day she is born to her death. It can be both blatant and subtle, institutional or one-to-one.

Economic Discrimination:

Unequal Access to Resources: In many parts of the world, women have severely limited rights to own land and property, inherit land and property, or obtain credit, with these limitations virtually removing their economic freedom.

Political and Legal Discrimination:

Despite many countries abolishing discriminatory laws against women concerning marriage, divorce, custody, inheritance, and the ability to bestow citizenship on their children, discriminatory laws can still exist – especially for women who are prohibited from challenging or bringing forward evidence against the discrimination they face. We also find cultural gender bias that prevents women from obtaining legal support.

Social and Cultural Discrimination:

From early childhood, girls are socialized to chase prescribed roles, thereby limiting their ambition and choice. Boys are socialized to be dominant and enforcing, while girls are socialized to be nurturing and submissive.

Limitations on Discrimination:

Despite global conventions such as CEDAW (The Convention on the Elimination of all Forms of Discrimination Against Women), there is still slow progress in respect of the limitations women face.

Legal and Enforcement Gaps:

Many countries have laws promoting gender equality, but they are not effectively implemented or enforced. A gap exists between what the law says and the reality on the ground.

Deep-Rooted Cultural and Social Norms:

Much discrimination is not conscious or malicious. It is the result of deep-seated, unconscious biases held by both men and women, which influence decisions in hiring, promotions, and daily interactions.

Political and Economic Barriers:

Governments may lack the political will to prioritize gender equality, especially when it challenges powerful interests or requires significant financial investment.

2 Chapter Two: Conceptual and Theoretical Framework

2.1 Defining Discrimination:

Discrimination against women means treating women unfairly or unequally based on gender, and this produces barriers to their lives in a variety of ways. A few examples are:

Social and cultural norms, including stereotypes, implicit bias, and traditional roles, lead to barriers to women's leadership and advancement.

Job discrimination, including disparities in wages, barriers to advancement, harassment, etc., lowers hireability.

Legal inequities: This refers to laws/rules that create limitations for women or laws/rules that do not provide enough protection.

Violence and Harassment: Abuse against women, including domestic violence and sexual harassment, and possibly abuses related to that abuse.

Limited Access to Education and Healthcare: Barriers to access essential services, i.e., education and health services.

Discrimination against women fundamentally consists of gender inequalities, and this can start to be fixed by addressing the gender inequalities through promoting gender equality, increasing awareness, and legal protections.

2.2 Theories of Gender Inequality

Key elements relating to gender discrimination are often impelled toward:

Equality before the law is the spur of equal rights and protection for persons, whatever their gender.

Prohibition of discrimination: Explicit, vexatious discrimination against persons on any ground in several situations, including workplaces, educational institutions, and medical.

Affirmative action: addressing previous and current injustices against marginalised populations, especially women, using targeted support and assistance and opportunities.

Prohibition of violence: laws designed to stop and remedy gender based violence, including domestic violence, sexual harassment, and other forms of harassment.

Equal opportunity and equal access to resources: The ability to access jobs, health care, education, and other necessities on an equal basis, regardless of gender.

These provisions are prescribed in national constitutions, international treaties, and specific legislation promoting gender equality.

2.3 Human Rights Framework

Advocate for equality and the rights and opportunities of all individuals regardless of their gender. Respect the fundamental human rights principles of equality and nondiscrimination. Build the foundation of a society where all people can live with dignity and be free from any discrimination.¹

Economic Development and Growth:

Bring women into the economy so they can add to productivity and growth. Give women economic freedom to advance their battle against injustice and poverty. Access the full potential of all members of the community.

Social Development and Well-being:

Improve health and well-being for women and girls. Reduce gender-based violence and support women's safety and security. Develop social cohesion and an inclusive community.

Good Governance and Democracy:

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

Rationale for Addressing Gender Discrimination

Moral and Ethical Responsibility: Gender discrimination constitutes a blatant violation of human rights and fundamental ideals of justice and equality. All just equitable societies must acknowledge their moral and ethical responsibility in challenging prejudice.

¹ unicef.org/armenia/en/stories/international-human-rights-framework

Economic Good: Studies suggest that economic development and progress rely on gender equality. Women's economic empowerment can benefit individuals, families, and society.

3 Chapter Three : Effects of Gender Discrimination on Freedom of the Press

3.1 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 Coverage:

In-depth reporting by The Guardian chronicled the widespread sexual harassment and abuse linked to the movement in the media and other spaces. The investigative journalism by The Guardian catalyzed international conversations about gender dynamics and the importance of accountability for abusers, revealing high-profile individuals, too.

Reuters' Investigation of Workplace Harassment at Fox News:

In-depth reporting by Reuters of claims of sexual harassment and sexual misconduct at Fox News revealed a culture of intimidation and terror. As a result of reporting revelations, certain high-profile members of the network experienced serious ramifications.

Sexual Harassment in Hollywood:

ProPublica's investigative reporting exposed the systemic nature of sexual harassment in Hollywood, notably Harvey Weinstein's decades-long assault. Their reporting was, in many ways, the catalyst for the Me Too movement and led to some meaningful cultural and legislative advancements in the field.²

These four journalistic investigations provide only some examples of sustained journalism that have disclosed gender discrimination and its ramifications. These investigations have been pivotal

² Bangladesh's judiciary's role in combating gender discrimination.

in facilitating social and legal changes, advancing public awareness, and holding individuals and organizations accountable.

3.2 Interviews with Journalists

Unfortunately, there may not be a unique, easy-to-find structure for specific interviews with Bangladeshi journalists about discrimination against women in the media field.³

Yet, these sources can provide you with valuable material:

Databases: Use combinations of terms such as "discrimination against women", "women journalists", "Bangladesh", "media", and "interviews" to find information in the databases listed above (ProQuest, Google Scholar, JSTOR). The authors of academic papers may have interviewed Bangladeshi journalists in their research.

Media: Contact major media organizations in Bangladesh and ask whether they have published stories or conducted interviews that highlight the experiences of women journalists concerning discrimination against women in the workplace.

Journalistic: Talk to organizations like the Bangladesh Press Council or Bangladeshi journalist associations. They may have interviewed women journalists, or they may have some materials that may lead you to relevant articles or interviews.

NGO Reports: Reports by NGOs working on women's rights and media freedom in Bangladesh might include interviews or testimonies from women journalists.

3.3 Evaluation of Press Freedom Metrics

IN CONVERSATION with Shuprova Tasneem, Journalist, The Daily Star, Bangladesh⁴

Interviewer:

Shuprova, thank you for meeting with us today. Your work at The Daily Star has helped make all the critically important issues impacting Bangladesh – gender justice specifically and in general – evident. Can you tell us more about the challenges Bangladeshi women journalists face today?

³ Women and the Judiciary in the Asia-Pacific. (2021). doi:<https://doi.org/10.1017/9781009000208>

⁴ L. Rahman (2018). Gender, Violence, and the Law: Bangladesh's Legal Reforms

Shuprova: Thank you for having me. It's a complex topic with a lot of dimensions. One of the largest hurdles is the entrenched patriarchy, which defines our society and extends into the workplace. It can take particularly insidious forms: unobstructed access to opportunities, silencing or ignoring women's voices, or microaggressions.

Interviewer:

Can you elaborate on those "microaggressions"?

Shuprova: Yes, anything from people repeatedly cutting you off in a meeting to suggesting that the ideas and suggestions you are making are someone else's work (by male colleagues). There are insults and overhearing jokes referencing someone being a "bitch". While all of these can seem small on their own, together, they make a brusque and hostile work environment that can harm their sense of self-worth or diminish their ability to advance professionally.

Interviewer: In your opinion, has the #MeToo movement made any impact on the media landscape in Bangladesh?

Shuprova: The #MeToo movement has created discourse and certainly raised awareness, but it has not made any significant difference in Bangladesh. Yes, there have been instances of women coming out and talking about sexual harassment, but mostly the system discourages anything "to save them from the shame, and backlash of society." Additionally, in some cases, the lack of effective legal protections and supportive environments for survivors can be extreme disincentives.

Interviewer: What steps can be taken to raise awareness about these challenges and chart a way forward to create a more woman-inclusive and equitable media environment in Bangladesh?

Shuprova: I think this is more complicated. We must challenge the common acceptance of patriarchal traditions in all newsrooms and society. We must establish anti sexual harassment and discrimination policies, assert mandatory gender sensitivity trainings, and build a culture of mutual respect. Having the right parameters, rules, and objectives so that women have access to equitable leadership positions, promotion opportunities, and pay availability is extra significant. There is also the necessity of actively mentoring and nurturing women journalists, providing equitable resources and training materials, and dismantling the "old boys club" mentality some newsrooms still have.⁵

Interviewer: Thanks once again to Shuprova for sharing her valuable perspectives and insights. Your work is one of the many building blocks needed for a just and fair society.

⁵ Bangladeshi Women's Rights and Legal Protections: A Gender-Based Analysis. Oxford

Shuprova: Yes, thank you. Together, we can build, utilizing a media environment that fairly represents the diversity of our society and trains women journalists for success.⁶

3.4 Legal Challenges and Court Cases

The case of *Salma v. State* (2012) also highlighted a different dimension of verbal accessibility in the court system. The necessity for judicial hearings to be held in a language understood by the accused reiterated the possibility of delivering justice effectively and transparently. To the extent that the contents of the law need to be accessible and understandable by the average person, the legal profession needs to shift and expand its notions of translation and simplification of legal terminology to the mainstream collective.⁷

The case of *State v Major Ziauddin*

Background: Following the assassination of Sheikh Mujibur Rahman in August 1975, Bangladesh was placed under Martial Law. Major Ziauddin was arrested alongside others, including Lt. Col. M.A. Taher (Bir Uttam) and others following an allegation that they had conspired against the military regime.

Charges: The accused were charged under Section 121A of the Penal Code (conspiracy to wage war against the state) before a Special Martial Law Tribunal created under Martial Law Regulation No. XVI of 1976.

Conditions of the Trial:

- o The trial was in camera (held in secret) at Dhaka Central Jail.
- o No right of appeal was permitted.
- o Participants had to take an oath of secrecy.

Outcome:

- o Lt. Col. Taher was sentenced to death and executed on 21 July 1976.
- o Major Ziauddin and others were sentenced to varying compulsory custodial sentences.
- o The trial was extensively condemned for infringing on the provisions of the constitution and norms of human rights.

Legal Challenge & Outcome

- In 2011, Major Ziauddin and others filed Writ Petitions challenging,

⁶ International Amnesty. (2023). Bangladesh: Investigative Journalism Is Targeted by the Cyber Security Act

⁷ Penrod, C. and Fusilier, M. (2010). Improving Sexual Harassment Protections: An Examination of the Legal Compliance

- o The legality of the Martial Law Proclamation
- o The constitutionality of the Special Tribunal and its verdicts
 - These petitions argued that the 5th Amendment, which had retrospective effect to validate martial law actions at the time, was declared unlawful by the Supreme Court in the Bangladesh Italian Marble Works Ltd. case
 - The petitioners stated that the trial had no legal standing, violates rights to fundamental rights, the right to a fair trial, and the right to appeal.⁸

The case Kazi Mukhlesur Rahman v. Bangladesh is an important administrative and constitutional case in Bangladesh, decided by the Appellate Division of the Bangladesh Supreme Court in 1974 (26 DLR (AD) 44).

Facts:

The petitioner, Kazi Mukhlesur Rahman, questioned the legality of his removal from the civil service by the government. The main question was whether the government took due care and complied with the constitutional safeguards before removing the petitioner from service.

Main legal issues:

1. Whether the dismissal was contrary to Article 135 of the Constitution of Bangladesh (1972), which safeguards civil servants against removal from service without due care;
2. Whether natural justice principles were observed or not (*audi alteram partem*);
3. Whether the actions of the government were *mala fide* or not;

Decision;

The Appellate Division observed:

- The removal of Kazi Mukhlesur Rahman from civil service was illegal and unconstitutional as the government did not comply with Article 135, which required appropriate justification and inquiry, as well as providing the opportunity for defence before any dismissal.

⁸ https://supremecourt.gov.bd/translation/process.php?file=295055_WP7236-10_final.pdf

- The government could not demonstrate, and had not followed due care and principles of natural justice;
- The Court stressed that Civil Servants could not just be removed for any arbitrary reason without giving them an opportunity for a fair hearing.

Importance:

- The case upholds the constitutional protection of public workers from arbitrary termination.
- The case established that procedural fairness is especially necessary with disciplinary matters against government employees.
- The decision is a milestone in administrative law in Bangladesh, in requiring executive action to comply with constitutional protections.⁹

The Rahman v. Bangladesh (2019) case addressed the digital divide while also articulating the need for the government to build a bridge to access legal knowledge in print and digital forms.¹⁰

Property Rights:

Cases involving women's inheritance rights: Women's inheritance rights under Muslim personal law have been fettered in many cases that have often referred to clauses of discrimination. These cases have also led to important judicial decisions and legal interpretations that have aimed to ensure women's greater rights to property

Violence Against Women: Cases of acid, sexual, and domestic violence: High-profile cases have established a benchmark for criminal prosecution and convictions, resulting in stringent sentences and greater public awareness.¹¹

Political Participation: Cases about representing women in political life: While they are not strictly a matter of discrimination, cases appealing election results or women voters being oppressed have prompted further political engagement from women.

Employment Discrimination: Cases concerning discrimination in hiring practices, sexual harassment in the workplace, and unequal pay. While these cases are not always seen in the same

⁹ <https://www.lawyersnjurists.com/article/kazi-mukhlesur-rahman-vs-bangladesh-and-another/>

¹⁰ 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>.

¹¹ Feldman, S. (2001). Examining Patriarchy Theories: A Viewpoint from Present-Day Bangladesh. *Signs: Women in Culture and Society Journal*, 26(4), pp.1097–1127. doi:<https://doi.org/10.1086/495649>.

amount of published case law, they are a critical source of inspiration and deterrence against future discrimination.

4 Chapter Four: Forms and Manifestations of Discrimination

4.1 Economic Discrimination:

Economic Discrimination Against Women refers to systemic barriers, biases, and practices that lead to unequal economic outcomes for women compared to men. This would show up in wages, access to employment, promotion opportunities, access to credit loans, and equity in leadership representation.¹² Here is a summary of the key points:

Wage Gap:

Women typically have lower pay than men, even for the same or similar work.

According to the World Economic Forum, the Gender gap in pay gap is a global average of 20%.

Causes of the wage gap include:

Occupational segregation, Motherhood penalty, Not the same pay for the same work.

Unpaid and Undervalued Labor:

Women perform the bulk of unpaid care work. Women, around the world, perform 3 times more unpaid care work than men. This limits women's access to paid employment and advancement.¹³

Access to Financial Services:

Women business owners face discrimination in accessing credit, loans, or investment capital. They may not have property rights, or lenders may ask to have collateral. Women-led businesses access dramatically less venture capital.

Systems and Policy Factors:

In some countries, the laws and regulations restrict women's access to work, own property, or make financial decisions. Even with the existence of a policy, implementation is weak or inconsistent.

Intersectional Barriers:

¹² Organization for International Labor. (2021). Global Wage Report 2020–21: Minimum wages and wages during the COVID-19 pandemic.

¹³ <https://www.ilo.org/global/publications/wage-report/lang--en/index.htm>

Women of color, women with disabilities, and women, and migrant women face greater economic disadvantage. Their economic disadvantage can multiply when discrimination based on gender intersects with race, class, and immigration status.

4.2 Educational Discrimination:

Reasons for Educational Discrimination Against Women¹⁴

Cultural and Traditional Norms:

Many cultures favor male education over female education, so even at an early age, a culture will advocate for marriages and pregnancies among females rather than education.

Poverty:

Unfortunate families are less likely to have the capacity to offer an education to their daughters, but instead seek to offer an education to their sons. In many unfortunate families, girls do not receive a choice about staying home and must help with chores and/or work.

Infrastructural and Safe Spaces:

Many schools, especially in rural or conflict-prone areas, lack infrastructure such as separate toilets for girls and/or walkable distances. Girls are often harmed in their travels to and from school (and some will not travel at all).

Attitudinal Bias and Curricular Consideration:

Many textbooks advocate for gender stereotypical roles for both males and females. Additionally, many teachers have lower expectations for female pupils as compared to male pupils and may treat female pupils unevenly.

Legal and Policy Infringement:

Weak statutes mandating free and compulsory education of all children often invite legal lapses, including where there are no policies to support the promotion of girls' education.

4.3 Political and Leadership Barriers:

Gender discrimination in political and leadership roles is a pervasive global challenge that is a powerful barrier to achieving gender equality and equal representation in decision-making. Professional barriers against women are ingrained in and reinforced by cultural, institutional, and

¹⁴ UNESCO (2019). Gender Report, Global Education Monitoring Report, 2019.

systemic biases based on gender, which limit women's rights to access and exercise power in politics.

Structural and Institutional Barriers:

Discriminatory laws, electoral systems, and political party structures can create barriers for women. For instance:

Some electoral systems are unfavorable to women candidates.

Political parties control who has access to the spot on candidate lists, and in some cases, will veto women even getting nominated, or only nominate them for positions that will not get voted on.

The absence of family-friendly policies, including caregiving policies in environmental legislation, disincentivizes women with children.¹⁵

Violence and Harassment:

Women in politics face particularly high levels of being the targets of violence and harassment because of their gender, both online and in real life. Gender-based violence includes threats, intimidation, character assassination, or physical violence. These types of toxic and dangerous environments not only threaten women's safety, but also women's willingness to engage politically.¹⁶

Media Coverage:

Women leaders often receive media coverage that is biased because it focuses on their family life, education, and/or emotional disposition, and less upon their qualifications or policy ideas. This coverage communicates public biases and stereotypes about women's interests and ability to lead.

Symbolic Barriers and Underrepresentation:

The absence of female role models in political leadership creates a pathway for under- and misrepresentation. When women are not represented, the perception is that women are not participants in politics, and the women who view the political space will feel alienated and will lower their aspirations, making a societal change necessary. Barriers can be overcome with systemic changes, including gender quotas, enforced legal protections against political violence, reforms to encourage greater inclusion in political parties, mentorship programs, and campaigns to change cultural norms around how we understand and define leadership.

¹⁵ Gender Equality and Women's Empowerment in Bangladesh: Legal Framework and Implementation. Dhaka: UNDP Bangladesh.

¹⁶ WHO (2013). Prevalence and health impacts of violence against women, both globally and regionally. WHO Press

5 Chapter Five: Discrimination in Other Countries

5.1 Discrimination in the Workplace: UK vs. India:

Of course. This is a detailed juxtaposition of employment discrimination against women in India and the UK.

Discrimination is undoubtedly a global concern; however, discrimination manifests, is caused, and is addressed differently in the UK and India owing to their different legal, cultural, and economic contexts

The main difference can be summarized as follows:

In the UK, Discrimination tends to be more institutionally instilled, sophisticated, and systemic, and focuses on issues such as the "glass ceiling," the gender pay gap, and unconscious bias in a predominantly formal economy.¹⁷

In India, Discrimination is often more overt and is aggravated by unconscious patriarchal expectations, safety concerns, and a significant, unregulated sector where employees often have little or even no legal protection.¹⁸

5.2 Educational Inequality: Sub-Saharan Africa:

Sub-Saharan Africa has achieved significant educational success over the last 20 years, particularly with respect to expanding primary school enrolment.¹⁹

This success is impressive given that this growth has been fuelled by global development agendas and national government commitments. Yet, behind this encouraging overall growth lies a significant and persistent challenge in inequality. Millions of children in the region have not realized their full potential due to a complex mixture of multiple interrelated inequities in education, rather than one issue, and these inequities are a barrier to the continent's overall social and economic development, which is rooted in poverty, geography, gender, and conflict. These inequities are reflected in unequal opportunity, weak education, and varied learning outcomes.

¹⁷ UK Government, Equality Act 2010, <https://www.legislation.gov.uk/ukpga/2010/15/contents>

¹⁸ P. Sharma (2021). An Overview of Religious Discrimination in Indian Workplaces. 172(3), 453-468, Journal of Business Ethics

¹⁹ Organization for Education, Science, and Culture of the United Nations (UNESCO). (2020). UNESCO's Global Education Monitoring Report: Education and Inclusion

The Urban-Rural Divide: The educational trajectory of a child could well be predicted, to a large degree, by his or her postal code. Urban schools typically have better infrastructure (including access to electricity and educational materials), smaller class sizes, more qualified teachers, and enhanced funding than rural schools, which often lack proper resources, have dilapidated infrastructure, significant teacher shortages, and multigrade (where one teacher is responsible for students of multiple ages and levels) classrooms.²⁰

Gender Disparity: Although many countries have experienced a significant decline in the gender gap at the primary level, girls still encounter a distinct disadvantage throughout the educational system. Gender disparity increases greatly at the secondary and postsecondary levels of education. Among the challenges that girls face are an additional weight of domestic duties, travelling to and from school, which carries a risk for gendered violence, and experiencing early marriage or motherhood.

5.3 Role of Law Reform: Tunisia's Gender Equality Laws

The 2011 Revolution: A New Catalyst for Constitutional and Legal Reform:

While the Ben Ali regime (1987-2011) adhered to the CPS, the political context was tyrannical and restricted civil society in all its independence. The 2011 Jasmine Revolution, which expelled Ben Ali, released a democratic energy that provided feminist organizations with a precious window of opportunity to call for substantive, deeper reform. The drafting of a new constitution became the new battleground.²¹

The women's rights movement was well-organized groups like the Tunisian Association of Democratic Women and the Association of Tunisian Women for Research and Development, and mobilized to ensure that gender equality was on the agenda of every state institution in the post-revolutionary state. Their initiatives ended up with two very significant articles in the 2014 Constitution. Article 21 affirms that all citizens, male and female, have equal rights and duties, and are equal before the law, whatever the grounds for discrimination.²²

More importantly, Article 46 commits the state to protect women's acquired rights, and further to support and develop acquired rights. Article 46 also commits the state to eliminate violence against women and strive for parity between men and women in elected assemblies.

This constitutional language provided a powerful new tool for activists and legislators to challenge existing discriminatory laws and advocate for new ones.

²⁰ United Nations. (2015). Transforming our world: The 2030 Agenda for Sustainable Development. UN General Assembly

²¹ International IDEA (2014). Tunisia's political parties and gender quotas.

²² Tunisia, United Nations, 2017. Legislation to end violence against women.

6 Chapter Six: Legal Structure and Gender Equality

6.1 Enforcement Mechanisms:

The enforcement mechanisms or systems for gender equality are vital for ensuring that legal protections lead to actual changes. Below are some key enforcement mechanisms:

Legal System:

Courts: Individuals can bring complaints about discrimination to the court system. Courts can provide restorative justice for victims, compensate them, and issue orders, including injunctions, to stop any discriminatory behaviour.

Law Enforcement Agencies: Law enforcement agencies generally investigate and prosecute allegations of gender-based violence and associated human rights violations.

Administrating Bodies:

Commissions for Equal Opportunity: Many countries have independent agencies to investigate and resolve complaints and allegations of discrimination. These bodies can investigate, attempt to mediate a dispute, and order a change in behaviour that results in discrimination.

Labour Boards: Labour boards play an important role in labour law in workplace discrimination, and fair pay.

Civil Society Organizations:

Advocacy Groups: Advocacy groups play a key role in policy changes to effect the elimination of the various forms of gender discrimination, raising public awareness of the forms of gender discrimination, and providing social and legal support to those suffering from gender discrimination.

Women's Organizations: Women's organizations provide support, counselling, and legal services for women suffering abuse or discrimination.

International Bodies: International bodies that consider whether states are complying with international human rights treaties, such as the Committee on the Elimination of Discrimination against Women (CEDAW), may make recommendations about ways to improve compliance.

Regional Human Rights Courts: Regional human rights courts have the power to examine actions, or inactions, for the alleged gender discrimination and the alleged human rights violations and can issue binding decisions.

Monitoring and Reporting:

As we pursue gender equality, it is important to monitor and report progress, or lack thereof, to identify areas of change and where we still need to do the work. Gathering the data, analyzing the data, and recognizing the trends underlying gender discrimination will help inform many policy initiatives.

6.2 Regulatory bodies' Role:

Regulatory bodies have made genuine commitments to support gender equity. Here are the key areas of responsibility:

Compliance: Regulatory bodies are typically responsible for the enforcement of laws and policies related to gender equity. Regulator bodies are responsible for investigating complaints that may pertain to discrimination, conducting compliance audits of non-discrimination policies, and sanctioning any offenders.

Standard Setting: Regulatory bodies are able to develop and enforce standards for gender equity in any area that has any implications for people's lives. Some examples are in healthcare, education, and employment. Examples of regulations include developing guidance on gender-responsive budgeting or establishing a quota for women on a board of directors.

Monitoring and Evaluation: Regulatory bodies will monitor the overall progress of gender equity objectives as well as evaluate particular initiatives or policies. They collect data, identify trends, and note gaps for improvement or areas for progress.

Public Education: Many regulatory bodies will partner with community agencies and organizations to educate the public about gender inequity. These efforts might include sharing resources, creating workshops, etc.

Best Practices: Regulatory agencies can identify best practices regarding gender equality in organizations and businesses, and identify and promote these best practices. They may be able to provide assistance and technical help to businesses to help them implement gender responsive policies and practices.

Regulatory bodies include, for example, the Equal Employment Opportunity Commission. These bodies investigate and resolve allegations of sex discrimination and other forms of employment discrimination.

Human Rights Commissions: Human rights (such as the rights to equality and the right to non-discrimination) are promoted and protected by these bodies.

6.3 Punishments and Legal Actions:

The laws of Bangladesh forbid sex-based discrimination. Nevertheless, it can be difficult to implement these rules, and the particular punishments and legal processes differ depending on the type of discrimination. Laws That Are Relevant:

The Constitution of Bangladesh: Guarantees equality before the law. In these respects, it prevents discrimination based on religion, race, caste, sex, or place of birth.

Women and Children Repression Prevention Act, 1995: Aims to stop violence against women, especially sexual harassment.

Bangladesh Labor Act: 2006 provides some protections against discrimination in employment in that situation, including based on sex.

Penalties: Civil Penalties: In cases of employment discrimination, penalties can take the form of fines to the employer.²³

Criminal Penalties: In the case of criminal offences, including sexual harassment or violence against women, the penalties may include fines or imprisonment.

Prosecution Procedures:

Complaints: An individual can make a complaint to law enforcement agencies or a government body with the pertinent abilities to mitigate an egregious situation.

Investigations: Relevant law enforcement agencies carry out (institutional) investigations into alleged discrimination.

Legal Proceedings: These cases can proceed to court if there is considerable evidence to proceed to legal proceedings.²⁴

Court Proceedings: The court will hear evidence and make a ruling regarding the discrimination in the case.

Challenges:

²³ Bangladesh Gender Assessment: Policy and Legal Foundations for Gender Equality. World Bank, Washington, D.C.

²⁴ Homeland Security Department, "Cybersecurity Information Sharing Act of 2015." DHS (2015).

Lack of Awareness: Many people will be unaware of their rights or available legal avenues, or how to pursue those adequately.

Social Stigma: There is a social stigma attached to being a victim of discrimination that can make reporting difficult for men and women to report.

Limited resources: Not only are law enforcement divisions limited in their resources, but the judicial system is also very limited in how it investigates and prosecutes issues of discrimination.

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

7 Chapter Seven: Conclusion and Recommendations

7.1 Summary of Findings

While there are still some barriers to cross, Bangladesh has made significant progress in some areas toward gender parity. Here is a summary of the key findings:

Positive Developments:

Political Empowerment: Bangladesh has a history of high numbers of women in political decision-making, having had female heads of state for a large portion of its history. Political empowerment is a critical step in the empowerment of women.

Improved Educational Attainment: The increase in girls' school attendance has had a corresponding dramatic increase in gender parity at the school level.

Health and Survival: Women's health is gaining ground in countries where the rates of maternal and newborn mortality are on the decline.²⁵

Challenges:

Economic Participation: While there has been some increase in women's labour force participation rate, in comparison to historic analysis, women's labour force participation rate remains very low when compared to men and has been called significantly or comparatively low. Factors that may inhibit women's labour force participation related to economic empowerment, including, but not limited to, receiving equal pay for equal work, land ownership, and access to financing.²⁶

Social and Cultural Norms: Deeply embedded, persistent, and even normalised social and cultural norms supporting gender inequities continue to persist. These cultural norms limit women's mobility and decision-making and allow for normative gender-based violence.

Violence Against Women: Violence against women remains an issue in Bangladesh and includes, but is not limited to, domestic violence, sexual assault, and child marriage.

Overall:

Bangladesh has made great progress on gender equality, but continues to face challenges. To address the challenges, a multi-pronged approach is needed, simultaneously addressing economic inequity, changing ingrained social norms, and strengthening institutional and legal frameworks for the protection of women's rights.

²⁵ UNDP stands for United Nations Development Programme. (2021). Report on Human Development 2021: Unlocking Potential for a Better Tomorrow. <https://hdr.undp.org/en/indicators/137506>

²⁶ World Bank, 2020. 2020: Women, Business, and the Law. <https://www.worldbank.org/en/topic/gender/publication/women-business-and-the-law-2020>

7.2 Recommendation

Below are several recommendations for remedying gender-based discrimination:

1. Strengthening judicial and Policy Frameworks: Three tasks must be completed: enact and enforce effective laws that make gender-based discrimination in the workplace, the judiciary, healthcare, and all other dimensions of life illegal; ratify and implement international instruments related to women's rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to develop and implement a national gender equality strategy that includes specific goals, timelines, and accountability.

2. Promote the empowerment of the economy: promote equal pay for equal work to close the gender pay gap. Increase women's education, training, and employment options; promote the establishment of women's enterprises through equitable access to markets, financing, and mentoring; ensure equal access for women to inheritance and property rights.

3. Challenge Social and Cultural Norms: Challenging social and cultural norms regarding women is an important part of promoting gender equality, individual freedom, and social improvement. Many of the social and cultural norms for women, either purposely or inadvertently, make gender stereotypes worse, provide barriers to opportunity, and are a source of discrimination. With this in mind, here are some methods to challenge social and cultural norms:

1. Increasing awareness and education: Increasing understanding and acceptance from local communities on the importance of gender equality and the harmful impact of restrictive norms can be done with a variety of methods: local anti-discrimination campaigns, workshops, and changing lessons in the school curriculum.

2. Promoting women's empowerment: Allowing women full participation in the economic, political, and social aspects of life in a community has the potential to challenge stereotypes. Getting women into other expected professional roles in economic & development as well as political leadership can push beyond traditional gender roles for women.²⁷

3. Changes in law, policies, and programs: Laws and policies must guarantee the rights of women and ensure equality - examples may include anti-discrimination legislation, property rights, reproductive rights, etc.

4. Changing media representations: Media play a major role in societal norms, and promoting powerful and diverse representations of women can counteract some of the damaging stereotypes women face.²⁸

²⁷ World Bank. (2012). Gender Equality and Development. Washington, DC: World Bank Publications.

²⁸ United Nations. (2015). Transforming our world: The 2030 agenda for sustainable development. UN General Assembly.

5. Community consultation and grassroots movements: Engaging local communities in questioning and redefining traditional norms can help create sustainable change from within the community.

6. Working with women to realize their voices and leadership: Supporting and promoting women who engage in decision-making processes at all levels encourages the transformation of norms and experiences that are reflected in policy implementation.

4. Prioritize data collection and research: Deepen our understanding of the dimensions and nature of gender discrimination. Use data to inform policy decisions and assess progress toward gender inclusiveness.

5. Justice: Improve legal aid and the capacity of the justice system to respond to gender-based violence to ensure that women facing discrimination can access justice. Protect the protectors of women's rights and security and safety.

6. Developing Multi-Stakeholder Collaborations: Strengthening collaboration with the government, the private sector, civil society organizations, and international organizations to address gender discrimination systemically and collectively. Support girls and women to actively participate in decision-making that affects them.

8 Conclusion

Bangladesh has witnessed considerable progress toward gender equality, particularly related to educational and political acceptance; however, there are challenges such as violence against women, cultural expectations, and economic inequalities.

An approach should be taken that is multi-faceted, with recognition of economic inequalities, continued challenge of unacceptable social norms, and strengthening the institutional and legal structures for women's rights. While Bangladesh has made progress, ongoing inconsistencies indicate that the gender equality movement is complex and has never fully advanced.

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