

# Women's Ownership Rights to Land: Barriers and Challenges in BANGLADESH

## Introduction

Land and livelihoods are central to the lives of people in countries whose economic development and subsistence depend on these resources. In Bangladesh, land is a key and scarce resource. More than 50% of the population depends on agriculture. Access to land is critical as only 10% owns 50% of the land, leaving small peasants dispossessed and landless. Women constitute about 48.5% of the total population and 70% of women belong to small cultivator and tenant households. Most are landless farmers who depend on casual labour, begging and other irregular sources of income. Approximately 10% of households are female-headed; and only 15-20% belong to professional trading or large-scale land-owning categories, who do not generally need outside employment (Halim, 2006a).

Women's access to and control over land have come into sharp focus. Women's economic participation and development are anchored to a large extent on their access to land and ownership rights. Moreover, climate change in all countries, particularly in Bangladesh and Nepal due to floods and glacial melting, have started showing impacts on women's land

rights and or access to food security. Women need to be assisted in devising coping mechanisms to confront these new challenges. Virtually all women in Bangladesh are landless since very few have property in their own name (Nazneen, 2004). In Bangladesh today, not much has been documented on the importance of women's land rights. There are few organisations working at national level although they have yet to produce comprehensive reports or papers on women's land rights. Also, more work is required in bringing civil society organisations, including women's movements, to dialogue on the issue of women's legal rights to land and property. Otherwise, without public pressure, the constitutional promises of gender equality will not be translated into action.

Against this backdrop, this paper attempts to place women's ownership and access to land in a broader legal, social and political context. Section I begins with the legal status related to women's access and ownership to land, in particular their rights to inheritance. It also examines related land policy issues. Section II then turns to the gender dimension of livelihood patterns, particularly focusing on women's rights as users of land, the feminisation of agriculture, women

*Dr. Sadeka Halim, a sociology Professor and presently the Information Commissioner on Deputation in Bangladesh, gives an excellent and concise introduction to women's access to and ownership of land in Bangladesh in this article. Here, she describes the legal, social and political context, while providing sharp commentary on the numerous challenges that deter women from achieving their rights to land. The article establishes why enhancing women's land rights are absolutely critical, and identifies avenues for advocacy and action.*



going beyond agriculture in search of livelihood, and aspects of women's relationship to social and political power structures that further reinforce their subordinate position. Section III examines the barriers in establishing women's rights to land and enhancing their productive capacity. Section IV focuses on the challenges in regard to overcoming those barriers and establish women's land rights.

## **SECTION I: Socio-legal context of women's access and ownership to land**

### **A. Social and Political Context of Women's Access and Ownership to Land**

Bangladesh is a classic case of patriarchal, patrilineal and patrilocal socio-cultural values that sanction sex segregation, the corporate organisation of households that make women dependent on men. Most rural Bangladeshi women are conditioned by informal social, cultural and religious traditions, which emphasise their domestic roles as docile daughters, compliant wives and dependent mothers.

Purdah (veil) as a practice has considerable impact on women's lives. Purdah implies restrictions on the mobility of women and their contact with the outside world. It is used as an ideological instrument of patriarchy. The circumscribed behaviour of women is credited to men whose izzat or honour, lies with their ability to protect i.e., seclude women. In rural Bangladesh,

confining women inside the home is the reflection of male chauvinism. Purdah creates various levels of dependency on men. It decreases women's ability to establish any kind of relationship with the outside world. Interlinking men's honour with women's modest behaviour increases the inherent need of men to control women. Most importantly, women have limited access to the sex segregated labour market, which is the centre of social, political and economic activities; they are forbidden to enter the mosque and seldom go to school. A sense of "individuality" is still an alien concept to most rural women (Halim, 2006a). This paper particularly depicts the situation of those women who belong to small and marginal farms, scheduled castes and marginalised adivasi women and draws on their experiences. Clearly women are not a homogenous group in Bangladesh and their social standing cuts across class.

At the outset, it would be appropriate to provide a qualitative feel about which women we are talking about. The current total population size in Bangladesh is 150 million distributed in 30 million households. Women in "poor" households which include the land poor, asset poor, and lower middle class comprise 83% of the total, i.e., 62 million women living in 24.8 million households. On the ladder of poverty, come women in extremely excluded and marginalised households including those in female headed households, absolute landless, low-end-low wage occupation, informal

sector, rural push migrants, slums, haor, baor-chars, scheduled castes, adivasis, religious minorities affected by the Enemy/Vested Property Acts and the poor under land litigation. These women number 30 million living in 12 million households. It is worth noting that while women in general are excluded, the extent of exclusion and deprivation increases as one goes down the ladder.

## B. Legal and Policy Framework

The overall legal framework comprises a number of laws at the national level for the protection of equal rights and opportunities for women. The Constitution of Bangladesh grants equal rights to women and men in all spheres of public life and has been supplemented by a number of legislations to safeguard women's equal rights. At the international level, Bangladesh has ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) agreeing to the optional Protocol in 2000. However, reservations on Articles 2 and 16 pertaining to marriage, divorce and inheritance remain in force.

Bangladesh has also made considerable progress in terms of reducing the discrimination between men and women. The National Policy for the Advancement of Women, which was adopted in 1997 and amended in 2004 and 2008, includes commitments to eliminate discrimination against women in all spheres. A National Action Plan (NAP) for implementing the policy



as well as meeting commitments under the Beijing Platform for Action (PFA) was approved in 1998. Following the PFA, Gender Focal points were appointed in all central government ministries and committees as early as 1990. The Bangladesh Poverty Reduction Strategy Paper (PRSP) was finalised in October 2005, while the PRSP II was finalised in 2008. Both provide comprehensive gender analysis with policy guidelines.

## C. Women and Land Laws

Important land laws of Bangladesh include the State Acquisition and Tenancy Act, the Non-agricultural Tenancy Act, and the Land Reform Ordinance. Land reform laws like the East Bengal State Acquisition and Tenancy Act sought to make peasants direct tenants of the government and eliminate absentee ownership and rentseeking interests, among others. The Government also drew up the Khas Land Management and Distribution Policy that guarantees joint ownership

# LEGAL AND POLICY FRAMEWORK FOR WOMEN'S RIGHTS IN BANGLADESH

## CONSTITUTIONAL STATUS

- Article 27 of the Constitution states: "All citizens are equal before the law and are entitled to equal protection of the law."
- Article 28(1) of the Constitution states: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth".
- Article 28 (2) states: "Women shall have equal rights with men in all spheres of the state and of public life."
- Article 11, 15, 19 (1) 20(1): Protects fundamental rights, freedom respect, dignity worth of human person.
- Article 41 Stipulates freedom of religion.
- Article 42 Right to Property.

## NATIONAL LAWS PROTECTING WOMEN

- Family Court Ordinance of 1985
- The Child Marriage Restraint Act, 1929, amended in 1984, raised the legal age of marriage, of girls, from 15 to 18, and for boys from 18 to 21 years; violations are punishable offences.
- The Dowry Prohibition Act, 1980, amended in 1982, forbids anyone from demanding dowry and punishes violators with a fine and imprisonment.
- The Prevention of Oppression of Women and Children Act, 1995, amended in 2000, seeks to protect women and children against violence.
- Domestic Violence Act 2010

## INTERNATIONAL INSTRUMENTS

- CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) particularly Article 14 with regard to access to land and other property.
- United Nations Charter of 1945 (Arts. 1 and 55)
- Universal Declaration of Human Rights of 1948 (Art.2)
- International Covenant on Economic, Social and Cultural Rights of 1966 (Art.2)
- Convention on the Elimination of All Forms of Racial Discrimination



of husband and wife. However, despite such commitments, both laws and institutions frequently disregard women's rights. For example, rules and procedures for the distribution of khas land often disempower women. Application procedures prohibit a single woman or widow applying for khas land (government ownership); women can only apply jointly as a wife. A widow may apply along with her son. Such provisions not only undermine women's status as an individual, they also complicate the enjoyment of their substantive rights to own property (The Daily Star, 2010).

Other programmes include the village cluster programme (1988), Char Development and Settlement Project (1987) and Modernisation of Land Administration (1995-2003). The Char settlement policy is to grant land titles in the joint names of both husband and wife, with the wife's name coming first. Despite the policy directive and follow-ups, there is evidence that the joint ownership rights policy is not being broadly implemented. Findings (Sarwa et al. 2007) on Char women from Noakhali and Gaibandha show they were aware of this policy; however, there are only a few cases of government-granted land allocation in the joint names of husband and wife or the independent name of a woman. Even where joint allocation was given, female grantees were unaware they were joint owners. In addition, findings from Char areas of Gaibandha reveal that the major government-allocated char lands are redistributed through

the law of Bengal Alluvion and Diluvion Regulation of 1825, in which such char lands are distributed to the owners of the records whose lands are lost due to river erosion. No effort was taken to give women title on recovered char lands.

## **SECTION II: Women's access to land and gender dimensions in livelihood patterns**

### **A. Women as owners of land**

Despite their socio-religious status, women in Bangladesh, similar to those in other countries, have the legal right to purchase and own land. If a family purchases land, a woman has no legal rights of ownership to it unless her name appears on the deed or another land document. Social customs dictate that Muslim (of the land holding class) and upper class Hindu women who own land almost never work in the fields. Even if women in these households have land titled in their names, they usually do not visit their land nor do they supervise cultivation. However, studies (Sarwar et al 2007; ILC and IFAD, 2010) show that these women may keep track of hired labourers' wage, especially if the payment is paid in terms of paddy or rice. These generalisations do not hold true for women from poor families. Women from poor families do not own land, but if they do, they usually cultivate the land themselves without the assistance of hired labour. Adivasi women also work in the field, mostly participating in jum cultivation. In rural areas, male

## **VESTED PROPERTY ACT (VPA): A DECEITFUL ENACTMENT**

In Bangladesh the VPA allows appropriation of Hindu property leading to 'property grabbing' by the majority with great ease. Barkat et al. (2008) has shown how the Act has not only led to appropriation of minority property, but it has also encouraged the process of out-migration by the Hindus, which also has gender-specific impacts. The following case would depict how this black law makes Hindu women socially and economically vulnerable.

Kallyani Chatterjee, a 42 year-old widow of Mr. Surendra Nath Chatterjee, a local freedom fighter killed by the Pakistani Armies in 1971. Mr. Chatterjee left behind seven children from the first wife; Kallyani has no

child of her own. She owned 40,44 decimals of land until she was affected by the VPA. She paid taxes up to 1977 in 1978-79 and 23,68 decimals of land were enlisted under the VPA. After that she was disposed of another 914 decimals of land property. Kallyani, upon returning to Bangladesh after the victory, leased some land to sharecroppers. However, opponents in the village Majed and Co. managed to bribe some sharecroppers and enlisted some land under VPA. Whenever she tried to go to the court, she received death threats. Opponents adopted scare tactics such as knocking at the window in the middle of the night and throwing stone and/bricks at her doors or roof. She filed a court case and the verdict given was in her favour. Although she received legal support, her opponent filed a false criminal case against her. No one from the authorities provided any sympathy. In order to fight against VPA, she spent more than Tk. 450,000 plus other assets and gold ornaments and sold 359 decimals of cultivable land. In the end she had only 403 decimals of land left as her own property (Source: Barkat et al, 2008:198-207)

members regardless of religious or class background generally participate in agriculture, and decide on the use of fertilisers and seeds and usually supervise labourers and women.

### B. Women as Users of Land

Regardless of their ownership of land, women play important roles as producers of food, managers of natural resources, nutrition, and security (see Halim) and are de facto managers of the household. Women are primarily responsible for food production but land is owned or controlled by men.

Women usually acquire user rights through their relationships to a man - a husband or father - and maintain those rights depending on those relationships. In agricultural production, women play a central role, although social norms and customs limit women's mobility, and in turn, women's labour market opportunities. Women's contributions include seed selection and crop storage. As well, they are largely responsible for producing food for the household and taking care domestic livestock. However, these contributions are regarded as work in 'non-public domain.' Whilst such gender divisions of labour still apply in Bangladesh, these roles are gradually changing with more and more women actively 'visible' in public employment in field work, like the food for work programme.

### C. Adivasi women's rights to land

There are approximately 45 adivasi

communities in Bangladesh who are yet to have Constitutional recognition. These adivasis mostly live in CHT (Chittagong Hill Tracts) and in the plains in Bangladesh. Adivasi women in most cases participate in agricultural activities. Their land is acquired through customary law. The inheritance laws of most adivasi peoples, including the most numerous groups such as the Chakma and Santal tend to be discriminatory against women. Exceptions are the Garos/Khaisa/Marma where women inherit property; however, control is in the hand of male members of the family. The common trend of the adivasi communities is that only sons inherit landed property. Not only are adivasi women deprived from their inheritance, they also face difficulties in terms of use of customary owned land. The monopoly laws of the State have reduced hill people's access to land. The resettlement of Bengalis in these lands have further alienated adivasis from their ancestral land. CHT Regulation 1900 that indirectly accounts for the use of custom-based laws has been formally acknowledged by legislative or executive orders. The best example is the right of adivasi people to homestead land and forest resources (Roy, 2000; 2002, cited in Halim, 2007). The East Bengal State Acquisition and Tenancy Act of 1950 (Act XXVII of 1950) is the major law regulating land administration in the plains. This law deals with the restrictions on the transfer of lands of 'aboriginal castes and tribes to any other than aboriginals domiciled or permanently residing in Bangladesh'.

However, there are widespread reports of non-implementation of this law, which leads to illegal encroachment by Bengali settlers in the plains and various development interventions like social forestry. The loss of customary land among adivasi communities generally affects adivasi women more than men, because like their Bengali women counterparts they are also de facto managers of the household. It has been reported by Mandi /Garo women that dislocation and eviction from traditional lands due to state forestry projects in the plains have induced them to migrate to cities to work in beauty parlours and as domestic workers (Halim, 2007).

### **SECTION III: Barriers to women's access and ownership of land and impacts**

#### **A. Feminisation of agriculture and its impact**

Agarwal (2003) points out the signs of feminisation of agriculture in South Asia and in several Southeast Asian countries. She noted that due to shifting of men to non-farm livelihoods, an increasing number of households have become dependent on women bearing the larger burden of farm management. However, most of these women, unlike self-employed men, are unwaged workers on male-owned family farms. Kelker (2009) also points out that in such circumstances women lack land titles, which is a cause of persistent gender inequality. Examples from Bangladesh resonate with this

experience of women in terms of access to land. Regardless of women's access and ownership to land in many rural areas of Bangladesh, agriculture is feminised as an effect of globalisation, which encourages young males to migrate in search of work and leave the agricultural task to women. This is transforming the traditional gender division of labour further. Women's mobility is increased as they go to the field to work, and to the local market to sell their products. Rural women also have a kind of empowerment in terms of control over household income, decisions about the sale of agricultural products, and the purchase of land and consumer items.

However, feminisation of agriculture in Bangladesh is not associated with women's empowerment. Studies (Parveen, 2001; kfw 2006; Sarwar, 2007) show that though women are engaged in agricultural activities, 48% are deprived of access to land, which has constrained their receiving credit and negatively affecting their productive capacity. The lack of education and



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training and non-cooperation from the extension officers have also hindered the development of their effective productive capacity. Moreover, Parveen's study (2001) reported that women were not equipped to deal with tenants, the sale of produce, or reach lands located in distant places.

As pointed out by Kelker (2009), in the absence of secure user rights, which is partially available because of the law, women are not in the position to invest their own money in improving the land. Further, women not being perceived as 'farmers,' extension services and information on new technologies are exclusively directed at men, even when women are traditionally responsible. Thus, women's ownership of land can lead not only to higher and better production, but more importantly, to also enable them to improve their well being.

#### **B. Globalisation and its impact on women's work in agriculture**

Globalisation, technological and development interventions have affected women's access to land and control of land and resources. Globalisation has come in the form of commercial plantations, logging, dam construction, tourist resorts, and other energy projects, among others (Halim, 2006b), which is displacing rural families from their land with little or no compensation. Many women from these families are now driven to cities in search of employment. Conversion of large agricultural lands into prawn farms for the global seafood industry has

created gendered impacts, with men migrating out to cities, leaving women with small holdings to farm. Unable to manage their lands, women have become landless labourers in shrimp processing industries and garment industries, and hence have not only lost legal rights to land but also access to land and food production itself. Thus, these rural poor women in Bangladesh cannot only remain confined within agriculture, but instead are becoming increasingly visible in other economic spheres as well. This is quite evident in production and processing plants in the RMG (Ready Made Garment) and shrimp sectors. Shrimp farming and garment industries prefer female to male labour as it is cheaper (Halim, 2004a; ILC and IFAD, Rome: 2010). In the RMG industry, considerable horizontal and vertical segregation persist, with women employed in lower paid, lower skilled areas with little decision-making responsibilities. In such an export-oriented labour market, women are also often the first to lose their jobs in times of market fluctuations and/or reduced demand. The approximately 1.35 million women (or 90% of the workforce) employed in the RMG sector are particularly vulnerable (kfw, 2006). Women contribute to economic growth by participation in various economic activities in practically all spheres of livelihood. The recent declaration of the minimum wage scale of Tk 3000 is about \$43, an unwelcome figure for the majority of workers, activists and intellectuals. At the same time, union leaders and a fraction of garment workers have begun to demand a



minimum wage of Tk 5000 and the right to form factory trade unions in tune with the ILO Convention 87 and 98, since the existing trade unions are either politically backed or not registered with the labour department (The Daily Star, 2010).

A woman's increasing involvement in livelihood – both agricultural and non-farm work – has provided more opportunities for wage work and economic independence (Halim and Kabeer, 2005). The male-female ratio of engagement in non-agricultural employment has been 77:23 in 1995-96, and rose to 80:20 in 2005-06, implying the relative decline of females' share in non-agricultural employment. The anti-female bias is more evident in the annual growth rate: for males the annual growth rate of engagement in non-agricultural employment has increased from 0.88% during the period 1995-99 to 2.07% during 1999-2005; to the contrary, for females this has decreased from 2.05% to 0.12 % during above two periods (Halim, 2008). Therefore, in order to expedite the process of women's employment, it is imperative to undertake vigorous economic empowerment efforts for females.

### C. Laws of Inheritance and Women's Access to Land

With regard to women's ownership and access to land, inheritance plays an important role. Under Muslim law, the wife (or wives taken together) gets one-eighth if there is one child, and one-fourth if there is no child from

the estate of her husband though the husband gets exactly double. The mother gets from the estate of her sons one-sixth-when there is a child of her son or when there are two or more brothers or sisters or one brother or one sister of her son; and one third when there is no child and not more than one brother or sister of her son. On the other hand, the father gets from the estate of his son one-sixth if his son has a child, and in the absence of such, he gets the entire residue after satisfying other sharers' claims, and so on and so forth. It is significant that Muslim Law has provided that daughter, mother and wife would under all circumstances be entitled to some share in the inheritance and are not liable to exclusion from inheritance, however, women are not treated equally with their male counterparts, i.e. son, father and husband and to this extent rules of inheritance are discriminatory. In fact women have not been given parity in the matter of their shares and as a general rule; the female is given one-half of the share of the male (Sarwar et al 2007).

Religious minority women are also deprived of beneficial personal laws. Hindu women are deprived of equal rights due to the existence of the non-amended personal law, which does not allow equal rights of women in different aspects of life, even though constitutionally, women are bestowed with equal rights in the social and political arena. Hindu law, culture and patriarchal society deny Hindu women an individual identity. In Bangladesh,

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the existing Hindu law is yet to be modified. In Hinduism, the law is considered as a branch of Dharama (ethical principle). Hindu women do not get any right from their customary law; rather, they suffer from discrimination. In Hindu law, there are two systems of inheritance: Mitakshara and Dayabhaga. The Dayabhaga school of law governs the system of inheritance for Hindus in Bangladesh; it only gives Hindu women life interest in the property. In respect of Sirdhan (women's property) a Hindu woman can deal with her property in any way she desires and after her death will pass it on to her own heirs (Halim, 2009).

These communities have diverse customs, cultures and religion. Although adivasi women have far greater social mobility than non-adivasi women in comparable rural societies in Bangladesh, in terms of inheritance, legal and political rights, decision making powers and so forth, their situation is little better than non-adivasi women. As mentioned earlier in Section 2 [c], the inheritance of the adivasis living in Bangladesh tends to be discriminatory as well.

There has been little legislative interference with the compulsory inheritance rules of Muslim women. Females are only entitled to half of what their male counterparts inherit from a parent's estate. As aforementioned, under the prevailing Hindu law of Bangladesh, women, have no right to inherit parental property. Furthermore, complex land administration and

management system, complicated legal procedures, and delays in the registration of land are all factors restricting women's access to land (Daily Star, 2010).

Women's organisations and legal aid non-government organisations (NGOs) have proposed a Uniform Family Code demanding equal inheritance rights for women (Pereira, 2000; Halim, 2003). There have been initiatives to have a gender-equitable Uniform Family Code that would apply to everyone and may be a desirable development indeed. Different organisations and activists proactively advocated for its application to all Bangladeshi citizens irrespective of their religious and ethnic backgrounds, in which women and men would have equal rights with regard to marriage, divorce, maintenance, child custody rights, inheritance, etc. (Halim 2004b).

#### **D. Dispute resolution systems and women's access to land**

Women's poor access to both traditional and formal justice systems further marginalises them in terms of access and ownership to land. In the rural context, participation in politics is still said to bring disgrace to the family. It is important to mention that since 1997, women are being elected as union council members, with seats reserved exclusively for women. However, economic inequality and discriminatory social and cultural attitudes reinforce women's subordinate position in rural society, constraining establishing ownership rights over land. Despite

the large-scale involvement of women in economic activities, “women are ignored socially, politically, deprived legally, exploited economically” (Halim, 2001). Violence, discrimination and injustice towards women and girls, in domestic and public domains, remain unabated. Law enforcing agencies riddled with corruption and tied down by political pressures, appear unable or unwilling to pursue justice on behalf of especially poor women. Meanwhile the State continues to proclaim its rhetoric of empowering women (Halim, 2004b:95). All these abovementioned contribute to less productivity, thereby affecting secure livelihoods of women in Bangladesh.

#### E. Women’s participation in leadership and access to land

The other important challenge is that most elected women are yet to have any major say in policy-making bodies. Many are ignorant about the decision-making processes and various laws protecting women’s fundamental rights. As long as these women from rural areas as the union council members do not have any major say in the policy formulation in various sectors and keep on conforming to the wishes of various interest groups and, bureaucrats, they will continue to be marginalised. In this regard, women’s active engagement in political leadership, both in union councils and in the highest body in the Parliament, is necessary; but results have not been encouraging. In the national arena, the majority women’s



network lobbied throughout 2003 for direct elections for women for Parliamentary seats. However, this demand was turned down; 45 seats have been given to women through selection by the majority in Parliament. The other factor hindering women’s effective participation in politics is limited leadership positions; there is still limited involvement of women in party hierarchical structures. Female members are conveniently used during election campaigns, organising meetings and allies, etc. The challenge then is to have farsighted policy interventions. Therefore awareness and mobilisation programmes to encourage direct involvement of women in mainstream politics is needed. Holistic policy interventions may include subjective changes of the decision makers, amendment of laws, particularly in terms of inheritance of Muslim, Hindu and adivasi women.

## SECTION IV: Challenges to establish women's Land Rights

Women's rights in the inheritance of property receive little attention from policy makers, activists, NGOs, major political parties and donors. An enabling environment is needed to establish women's ownership and control over land. All agencies concerned in terms of women's overall empowerment need to provide comprehensive efforts. The following are significant ways forward to help establish women's access and ownership of land.

### A. Strategies to promote gender equality in land rights

The important challenge is to evolve strategies for promoting gender equality in land rights. Many NGOs like ALRD, Nijerakori, Ain -O -Shlish Kendro (ASK), Samata, and Bangladesh Legal aid Services Trust (BLAST) are involved in advocacy for gender equality in inheritance laws and practices on a secular and uniform basis for all communities; promoting legal literacy; registering women's inheritance shares; and changing gender attitudes.

### B. Reform in the existing inheritance laws

This requires political and social commitment to bring necessary changes in the various inheritance laws. The current government has expressed willingness to bring

reforms in the various religious laws to remove discrimination with regard to inheritance of women.

### C. Hindu women's legal rights

Feminists in Bangladesh working on Hindu women's legal rights issues point out that protection of minority rights and non-discrimination based on religion is one of the tenets upheld, at least theoretically by all civilised systems of law, as it is in Bangladesh. However, this implies to mean non-interference with the personal laws of different religions and has in turn effectively ensured discrimination of the minority amongst the minority i.e. women belonging to minority religious groups (Halim, 2009).

### D. Struggle for adivasi women's land right

Challenge is to safeguard adivasi women's land security, collective property rights and legal reforms to establish full rights to inheritance equal to men (Halim, 2003 & 2006).

### E. Property Rights and gender equality

Women's rights require recognition under both formal and informal systems of tenure. This may lead to tackling constitutional and inheritance laws as well as land policy and legislation. Legal support is needed for the establishment of women's rights to property and recognition of co-ownership, for example, to ensure

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that women's agreement is obtained in cases of land disposal (Land Policy, 2002).

#### F. Women's entitlements to land often determined by inheritance

Examples from Asia and Africa show that legal recognition is not adequate to establish women's ownership rights to land. Women's land rights depend on whether they are socially as well as legally recognised. Legal reform is unlikely to be sufficient and the extensions of women's rights will be a long-term social process. Cultural change, advocacy and education play important roles (Land Policy 2002).

#### G. Political parties, Shalish and the role of government

To establish their access to and ownership of land, women require substantial political empowerment (i.e., making women vocal and active agents of social change rather than mere beneficiaries and participants in various decision making bodies); and in many instances legislative measures (such as affirmative action like reserved seats in elective bodies and other institutions like various forms of shalish) which can only be done through the government. Likewise, social and economic empowerment may require the combined efforts of the government, political parties, NGOs and other members of civil society.

#### H. Mobilising commitment to international covenants

Bangladesh has ratified CEDAW, but government has to take initiatives to withdraw all reservations to Articles 2 and 16.1, which aim to remove discriminatory laws regarding marriage and family relationships and give equal rights to women in terms of marriage and divorce as well as full implementation of CEDAW to take stand against all forms of human rights violations. However, the system of reporting within CEDAW system has no enforcing mechanism, and so little is known about the system and its impact on legislation. Executive action in Bangladesh seems to be quite minimal (Halim 2003: 73). National Policies on the Advancement of Women in Bangladesh need to address such diversity among women and provide support for establishing women's equal land rights. This recognition of women's ownership of land builds on a common opposition to gender oppression and male hierarchy.

#### I. MDG-3 and the Status of women

In terms of achieving MDG-3 there are several areas where women are at a disadvantage and gender gaps are quite apparent. While the country remains broadly on track in ensuring gender equity in basic needs, including the strengthening of opportunities through massive awareness to effectively sustain post-primary education for girls, progress remains poor in terms of girls' transition to tertiary level education and the workplace. Levels of female youth unemployment and underemployment are high. This results in more women in productive income-

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generating activities, and in low levels of female participation in political and high public office.

#### J. Inclusion of women's agency

Feminist perspectives have explored women's exclusion, their subordinate position within the family, community and state, in several ways. Various feminist strands claim that women should have the same rights and freedom as men. By being excluded from conceptions of knowledge, rationality, and agency, women are denied identity or subjectivity.

Women are given little intellectual scope to contest these characteristics. Subordinate position and exclusion is reinforced by sexist constructions masked as natural or biological, and therefore non-political and leading to differentiated entitlements to resources. Further women's agencies need to be strengthened by providing them with information related to land issues.

Finally, the challenge for policy makers is perhaps devising ways that are practical, implementable, culturally sensitive, and pro-women. In order to meet all these demands of gender equality policy, there has to be gender analysis of existing land policies, programmes and practices, as well as thorough knowledge of gender relations and social dynamics for policies to be shaped most effectively. ■



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