

17TH SEPTEMBER 2012

We, the participants of the *National Conference on Securing Women's Economic Rights in Marital Relationships through the Law*, held in Savar, Dhaka on 14-15 September 2012, hereby adopt the following statement:

1. We NOTE that the **Constitution of the People's Republic of Bangladesh** 1972 protects the right to equality before the law, the right to equal protection of the law and the equal rights of men and women in all spheres of State and public life, as guaranteed in Articles 27 and 28, and further provides that the State may take special measures for the advancement of women, as guaranteed in Article 28(4).
2. We NOTE that the **Convention on the Elimination of All Forms of Discrimination against Women** 1979 affirms the equal rights of men and women. Among others, these rights include the right to equal treatment by the law, and the right to equality between men and women in all matters relating to marriage, (as provided for by Articles 15 and 16) which encompasses equality in rights and responsibilities during marriage and its dissolution and the right to non-discrimination in economic life.
3. We ACKNOWLEDGE that recent years have seen significant advancement in terms of legislation policy measures, governmental action and other initiatives that seek to improve the status of women, including their economic life. These include the enactment of the **Domestic Violence (Prevention and Protection) Act**, 2010 which defines causing "economic loss" as an act of domestic violence and recognises the right to live in a "shared residence"; the adoption of the **National Women Development Policy**, 2011; increase in budgets for social safety nets and steps towards adoption of a **Social Protection Policy** and consultations in 2012 by the Bangladesh Law Commission with diverse communities directed towards reform of various personal laws.
4. We are nevertheless CONCERNED by recent research reports indicating that "*marital breakdown is one of the key causes of ultra and extreme poverty among women in Bangladesh*" (United Nations' Common Country Assessment of Bangladesh, 2005) and that despite making substantial contributions to household income and family assets, women are denied their economic entitlements and shares in marital property by discriminatory laws and deeply entrenched patriarchal values.
5. We RECOGNISE that **denial of women's economic entitlements is a barrier to achieving equality and empowerment**.
6. We further RECOGNISE that the limits of existing laws and procedures result in inadequate protection of women's economic rights in matrimonial relationships, among others.

Accordingly, as members of Civil Society we RESOLVE as follows:

1. We commit to taking **coordinated action** to provide more effective remedies to women seeking enforcement of economic right.
2. We resolve to take all necessary steps ourselves and in partnership with others to **initiate a nationwide awareness campaign** against domestic violence, emphasising the right to shared residence, protection against economic loss, temporary maintenance, and encourage women to seek remedies under the law against domestic violence.

We also CALL upon the Judiciary to undertake the following practical measures to ensure speedy and effective realisation of women's economic rights:

1. Develop clear guidelines and provide guidance to all Courts to determine maintenance amounts according to specified criteria which should include:
 - the duration of the relationship;
 - current and likely future income of each spouse;
 - the health and age of the spouses;
 - with respect to the dependent spouse (typically the wife), the impact of childcare and household responsibilities on her education and earning capacity, her capacity to support herself, her needs and standard of living, her contributions to realise the other's career potential and any other means of support.
2. Provide clear guidance to all Courts that there is no link between a wife's entitlement to maintenance and her "obedience," "chastity," "marital duties," or "good character" and to avoid use of such expressions.
3. Urgently instruct existing Family Courts that their power to issue interim orders under Section 16 A of the Family Courts Ordinance, 1985 should be used to grant women interim maintenance until final orders are passed.
4. Designate specific days for hearing of Family Court matters and fast track certain cases in order to provide justice expeditiously to litigants.
5. Require mandatory deposit of 50% of the decreed amount of maintenance before accepting any Civil Revision against such a judgement and decree before the High Court Division of the Supreme Court.
6. Provide specialised training for all Family Court judges on women's economic rights and available remedies under the provisions of the Family Courts Ordinance, 1985.
7. Develop criteria for assessing compensation for loss and damage caused due to domestic violence especially in cases of psychological violence.
8. Ensure specialised training for concerned magistrates to address domestic violence with a focus on protection orders, residence orders and compensation.
9. Provide orientation for senior judiciary on developments on available remedies for women's economic rights including under the Domestic Violence (Prevention and Protection Act, 2010).

We URGE the Government to reform laws, review policies and strengthen available mechanisms for implementing laws and enforcing women's economic rights

Legislative reforms:

1. **To take steps towards enacting a uniform family code to determine women's economic rights and relationships in marriage**, through a participatory process involving all affected communities.
2. In the interim, **to amend existing personal laws to eliminate gender discrimination**, and in particular to **undertake comprehensive reform of Bangladesh's laws on marriage, separation, divorce, dower, maintenance and related matters**, in consultation with individuals and groups with a track record of supporting women's rights within diverse communities, and taking into account the needs of special groups such as persons with disabilities and indigenous people. Reform all personal laws to ensure access to divorce on an equal basis for men and women.
3. Enact laws to make marriage registration compulsory for all communities.
4. Introduce provisions to empower Arbitration Councils to direct payment of prompt dower.
5. Reform the Family Courts Ordinance, 1985 to streamline court procedures, especially the provisions relating to issuance of summons, under Section 7 and execution process under Section 16 of the Ordinance, to minimise delays and ease the complexities in the judicial process.
6. Adopt Domestic Violence Rules.

Policy Review:

7. Review implementation of the Domestic Violence (Prevention and Protection) Act, 2010 to address current gaps and shortfalls, in consultation with relevant stakeholders.

8. Consult stakeholders on recognition of marital property and its division on an equal basis between spouses at the time of dissolution of marriage for all communities.

Administrative measures:

9. Appoint more Family Court judges.
10. Create digital records that are accessible throughout the country as proof of age and marriage.
11. Direct concerned authorities (Union Parishads/ Paurashavas/ City Corporations) to comply with Section 2 (a) of the Muslim Family Laws Ordinance, 1961 requiring formation of the Arbitration Council by the Chairman in presence of both parties.
12. Take steps to make the process of arbitration gender friendly, including through making female representation on the arbitration council mandatory.
13. With respect to ADR, form local committees with adequate budget for their training, allowance and logistic support, ensure participation of both parties in the ADR process and take measures for monitoring of the committee and gender friendly mediation.
14. With respect to activating the Government Legal Aid Programme, increase the amount of fees and costs payable to panel lawyers, set up permanent offices and recruit permanent staff in all the districts and provide financial support to clients, especially women, to cover their travel and other incidental costs for court attendance.
15. Provide specialised training for all concerned officer including medical/health professionals and police officers regarding their duties to enforce women's economic rights in matrimonial relationships especially under Family Courts Ordinance, 1985 and Domestic Violence (Prevention and Protection) Act, 2010.

Public Information and Communication:

16. Create nationwide awareness about the negative consequences of polygamy, its linkage with domestic violence, dowry.
17. Increase public awareness of rights and duties under the Domestic Violence (Prevention and Protection) Act, 2010.
18. Undertake wider dissemination of information on social assistance programmes.
19. With respect to ADR, take measures to increase awareness of the procedure among different stakeholders.
20. Ensure wider awareness of availability of Government Legal Aid, particularly for women.

ADOPTED BY:

Ain o Shalish Kendra



Bangladesh Legal Aid and Services Trust



BRAC



Bangladesh Mohila Parishad



Nagorik Uddog



Nari Pokkho



Nijera Kori

