standard in the matters of marriage, divorce, custody and guardianship of children as well as inheritance. All marriages must be registered under civil law. Child marriage would be abolished. The minimum age for marriage of both men and women would be 18 years. Polygamy would be abolished. Both spouses would equally participate in matters of finance. An unemployed spouse (whether husband or wife) would be entitled to the maintenance from the employed spouse. Both parents would be the natural and legal guardians of children.

The Code among other things also provides equal inheritance rights, the right to adopt by both men and women and maintenance of children from each parent on the basis of his/her financial capability.

A uniform system of individual justice, says Pereira depends on the role of law to sustain tolerance and mutual respect among citizens and between state and citizen.

Pereira further points out that Bangladesh is a democratic People's Republic and not a religious based state. So the constitution is supreme and nothing can supersede the constitution which gives considerable guarantees to ensure gender equality. "We cannot have two standards for one and the same situation. Differences cannot be made on the basis of gender or religion" adds Pereira.



A uniform Family Code would provide the same set of family laws for all communities.

A Few Good, New Laws

Of course new laws have been enacted after strenuous lobbying by women's activist groups to safeguard women's legal rights and improve their social status. The Dowry Prohibition Act of 1980 looks good on paper but has been far from being enforceable as evidenced by the number of dowry related acts of violence and deaths.

Domestic abuse in fact, is a taboo subject and considered by society and State as being in the 'private sphere of the family'. The biggest flaw of "Nari O Shishu Nirjatan Daman Ain 2000" is that it does not acknowledge the concept of domestic violence, says Faustina Pereira. Dowry related violence is governed by the Nari O Shishu Nirjatan Daman Ain 2000 but in order for it to be effective, says Pereira, incentives have to be given to women and their parents to resist the demands and to come forward to bring the perpetrators to justice.

The Nari-O- Shishu Nirjatan Daman Ain 2000 (Law on the Suppression of Violence Against Women and Children 2000) has for the first time expanded the definition of rape considerably although it does not acknowledge marital rape. Sexual assault and sexual harassment have been made punishable offences under this Act. "The law on children is one of the best examples of the workings of a clear distinction between religion as a private matter and the area of personal welfare of citizens as subject to state intervention. Says Pereira, "The laws on children and personal disputes relating to children such as the Guardians and Wards Act, the Majority Act and the Child Marriage Restraint Act, are all applied uniformly to all children and citizens of Bangladesh, irrespective of gender or religion despite these areas being clearly within religious-personal sphere of citizen's lives," she continues.

But the growth of religious fundamentalist groups has had great influence in thwarting the evolution of laws that give equal rights to women. Deep-seated cultural practices that form the basis of patriarchy and male dominance often take precedence in governing people's lives rather than existing laws. Women being in powerless positions have little access to information about the laws and how they can get help from the legal system.