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# ROLE OF UDHR WHILE FOCUSING ON HUMAN RIGHTS VIOLATIONS WITH SPECIAL EMPHASIS ON BANGLADESH

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## ABSTRACT

UDHR (Universal Declaration of Human Rights) which was adopted in year 1948<sup>2</sup>, plays a major role in developing and shaping the rights of the women and children along with other deprived sections. There was involvement of multiple countries who made the approval of this treaty. Although the country like Bangladesh which sign the treaty still followed the fundamental rules and rights in its own constitution regarding the safeguard and protection of the women and child. Bangladesh over the period of time has been seen making multiple stringent laws to prohibit the discrimination and violence against women and children but has been failed to do so. The country has been itself governed for a longer period of time by woman, still the life of the women proves to be unsafe and the exploitation of the children still exists at peak. The conviction rates for rape cases remains below 3%, no wonder why laws are believed to be applicable only through lip service. Moving to children's status, violence and abuse still continues along with the existence of online harassment. All these incidents show the inability of the state regarding the non-fulfillment of its duty towards the women and the children.

*Keywords: Bangladesh, Discrimination, UDHR, Women and Children Rights, Protection, Violence.*

## INTRODUCTION

“Investing in women's health and well-being is investing in the future of our nation” the insightful line quoted by the Prime minister of Bangladesh Sheikh Hasina during an event on women's health and development. But the question arises is that, is it really applicable evenly in all over the country? From domestic violence to sexual assault it has been a constant issue among women in Bangladesh, which is being reportedly increasing. And the multiple stringent laws executed recently are not practically applicable carrying the issues at the larger scale. There are multiple disturbing stories shared by the married women of younger age where they have restricted from future career option and has been coerced to switch as a housewife after marriage. Most of the women cannot step out

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<sup>2</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III))

to raise their voice as they refrain from getting the stigma in the society, so is the reason they keep tolerating all the complications keeping it to themselves. In fact, the family members of the women too believe in suppressing their voice so as to maintain the dignity in the society. These circumstances represent how most of the cases are not reported and the reported ones doesn't get the justice at the right time which also concludes to be demotivating factor why women believe in remaining silent. The country in the past for a very longer period of time has been run by the lady Prime Minister still the women's rights and voice has been subsequently suppressed. The deep-rooted orthodox culture and thoughts still persists as no wise reform took place in the country ever. The educational disparities and unemployment turns out to be major factor why women have to depend on her family and cannot take any step at her own. The government never took any primary step in bringing any transition in regard with this issue. Moving further, Bangladesh signed the treaty "Convention on the Rights of the Children" adopted by UN in year 1989, later ratified in 1990 but the circumstances are still contradicting where the foundation of the children is found to be weak as they do not get sufficient opportunities in terms of education. Insufficient opportunities an Bangladesh emerged as an independent state in 1971 after gruesome war and it framed its Constitution incorporating almost all the provisions of the UDHR and it came into force on 16th December, 1972. We can examine the impact of UDHR on Bangladesh Constitution. d lack of educational qualification and quality leads to child labor in mass and in case of females they are married at the younger age restricting all their rights and exposures. Worst forms of Child Labour Convention, 1999 is a treaty signed by Bangladesh for the betterment of the children's life but as of the secondary resources there has been an increase in the children's exploitation because of child labour. All these factors come together to represent the exploitation of women and children as even though there are various laws and treaties implemented in the country but the government being inactive and handicap, there is no major reform found in past.

## **THE UDHR AND BANGLADESH'S CONSTITUTIONAL COMMITMENTS**

After an armed conflict, Bangladesh gained its independence in 1971. It draughted a constitution that included nearly all of the UDHR's provisions, and on December 16, 1972, it went into effect. We can look at how the UDHR has affected the Constitution of Bangladesh. Part III of the Bangladeshi Constitution establishes human rights as fundamental rights<sup>3</sup>. But according to constitutional and legal experts, a lot of the nation's laws need to be changed in order to uphold fundamental rights and represent 21st-century democratic values. 2,699 people were

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<sup>3</sup> Constitution of the People's Republic of Bangladesh 1972

killed extrajudicially in Bangladesh between 2009 and 2023 when the country was ruled by the Awami League. In the same period, 1,048 people died while in detention, and 677 people were forcibly disappeared. The human rights group Odhikar made these figures public. The group also asserts that the death toll would surpass 3,000 if the 2024 anti-discrimination student protests and incidents are taken into account.

## **SYSTEMIC HUMAN RIGHTS VIOLATIONS AGAINST WOMEN AND CHILDREN**

Over the past few months, Muslim clerics and Islamist organisations in Bangladesh have repeatedly violated women's fundamental rights, such as the rights to life and personal safety, equality before the law, freedom of expression, freedom of association, and freedom of religion. All of these rights are protected by the Bangladeshi Constitution, but the government has not done enough to uphold them.

The government seems to have approved of such acts by failing to denounce such assaults on women, look into such incidents, and prosecute those who threatened to kill or attacked specific women or women's organisations. Furthermore, the government has charged a number of journalists and writers who were criticised by Islamists on the grounds that they "outraged religious sentiments" of others, seemingly in an effort to appease these groups. The political environment in which women's fundamental rights have been violated is briefly discussed in this paper. (Bangladesh: Taking the law in their own hands. It details incidents of attacks on writers, journalists, and non-governmental organisations that support women's empowerment and development, as well as fatwas (religious beliefs or decrees) that prohibit women from exercising their right to vote. It enumerates the demands of Islamists to declare Ahmadis to be non-Muslim and to enact a law against blasphemy. Amnesty International's concerns and specific suggestions for the Bangladeshi government are included in the final section. These violations span multiple sectors of society and are deeply rooted in social, cultural, economic, and institutional factors. Incidents of rape, including gang rape, have seen an increase. Many cases go unpunished due to weak law enforcement and victim-blaming attitudes. Bangladesh has one of the highest rates of child marriage in the world.

Girls are often forced into marriage before 18, especially in rural areas, which affects their health, education, and safety. The 2017 Child Marriage Restraint Act controversially allows marriage under 18 under "special circumstances," potentially legitimizing child marriage. Although laws exist (e.g., the Domestic Violence Act 2010, Prevention of Oppression Against Women and Children Act

2000), implementation is weak. Victims often face barriers in accessing justice, including lack of legal awareness, police corruption, and delays in the judicial system on the Rights of the Child (CRC), which Bangladesh ratified in 1990 after it was adopted in 1989. The CRC, the world's most ratified human rights treaty, requires states to protect children's civil, political, economic, social, and cultural rights. Every child has the right to health care, education, protection from exploitation, and a living standard appropriate for their developmental stage, according to the CRC.<sup>4</sup>

Despite legal frameworks and international commitments aimed at protecting children's rights, child labour and child marriage continue to pose serious challenges in Bangladesh. Cultural norms, economic pressures, and institutional flaws are just a few of the many barriers that prevent these protections from being enforced. In Bangladesh, about 7% of children between the ages of 5 and 17 work in some capacity, many of them in dangerous jobs. The garment industry, a major sector in Bangladesh, has been highlighted for labour violations, including underpayment and overworking, particularly in subcontracting factories.

Bangladesh ratified the International Labour Organization's Minimum Age Convention (No. 138) in March 2022, establishing 14 as the minimum age for employment. Even though this is in line with current national laws, there are still obstacles to ensuring compliance, particularly in rural and informal economy areas. Bangladesh has one of the highest rates of child marriage in the world, even though the legal minimum marriage age is 18 for women and 21 for men. More than 51% of women between the ages of 22 and 24 were married before turning 18, with a sizable percentage getting married before the age of 15. A number of factors, including poverty, gender inequality, and deeply ingrained cultural norms, contribute to the persistence of child marriage. With assistance from UNFPA and UNICEF, the government is working to improve social norms, boost educational completion rates, and fortify legal frameworks. However, the current rate of reduction is insufficient to meet the 2030 Sustainable Development Goal of eliminating child marriage.

## LEGAL FRAMEWORK

The 1972 Constitution of Bangladesh, which was ratified following the country's independence from Pakistan in 1971, is based on the goals and tenets of the 1948 United Nations Universal Declaration of Human Rights (UDHR). The nation's founding document, the Constitution, incorporates international human rights standards into domestic law and shows a strong commitment to them. The preamble of the Constitution unequivocally affirms the commitment

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<sup>4</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

of Bangladeshi citizens to the UDHR's core values of democracy, equality, freedom, human dignity, and social justice.

In addition to its Constitution, Bangladesh has demonstrated its support for international human rights by ratifying a number of significant treaties that are based on the UDHR framework. Although the UDHR is not a legally binding agreement in and of itself, it serves as the foundation for international human rights law, and Bangladesh has ratified several important international human rights conventions that codify its tenets. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>5</sup>, which was ratified by Bangladesh in 1984 after being adopted by the UN General Assembly in 1979, is one of the most important of these. Often referred to as the "international bill of rights for women," CEDAW requires state parties to end all forms of discrimination against women in social, cultural, political, and economic spheres. An important first step in tackling gender inequality in Bangladesh was the country's ratification of CEDAW. Bangladesh has enacted a number of domestic laws influenced by CEDAW, such as the National Women Development Policy and the Domestic Violence (Prevention and Protection) Act, 2010, despite its objections to some of its provisions, especially Articles 2 and 16, which address equality in marriage and family life and legal reform. However, progress towards gender equality is still hampered by ingrained patriarchal norms and lax enforcement, particularly in rural and marginalised communities. The Convention is another important international agreement that Bangladesh has ratified.

Bangladesh has also ratified the 1999 International Labour Organisation (ILO) Convention No. 182 on the Worst Forms of Child Labour, which is in keeping with its pledges to shield children from exploitation. "The worst types of child labour, such as slavery, trafficking, forced labour, and work that could endanger children's health, safety, or morals, must be eradicated immediately and effectively, according to this convention. After ratifying this convention in 2001, Bangladesh has created a number of national strategies and action plans to address child labour. In order to start awareness campaigns and rehabilitation initiatives for child labourers, the government has also teamed up with international organisations such as the ILO, UNICEF, and other NGOs.

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<sup>5</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13

<sup>6</sup> International Labour Organization, Worst Forms of Child Labour Convention, No. 182 (adopted 17 June 1999, entered into force 19 November 2000)

## **CASE EXAMPLE: MINORITY COMMUNITIES AND ROHINGYA CHILDREN FROM MINORITY GROUPS AND REFUGEES**

The situation of Bangladesh's Rohingya refugees and other oppressed minority groups is a clear illustration of the discrepancy between human rights pledges and actual conditions. Despite being bound by international human rights law, such as the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Bangladesh has found it difficult to offer these vulnerable groups adequate protection and services. More than a million Rohingya have fled persecution in Myanmar and sought safety in Bangladesh since 2017. However, Rohingya refugees, including women and children, continue to live in a legal limbo despite the government's initial humanitarian response, as Bangladesh does not officially recognize them as citizens or grant them refugee status. This denial of legal identity severely restricts their access to fundamental rights and services, such as formal education, healthcare, and employment.

Education is extremely difficult for Rohingya children in particular. Even though there are non-profit schools and informal learning centres in the camps, their curriculum is not nationally recognised, and access is restricted, which limits their prospects for the future. Due to their lack of legal identity, these kids are also unable to enter the official educational system, which perpetuates cycles of marginalisation and poverty. Despite being partially provided by humanitarian aid, health services are still insufficient to meet the needs of such a large and vulnerable population. Because of the overcrowding and unhygienic conditions in the camps, refugee women and children frequently suffer from malnutrition, mental health problems, and a lack of maternal care.

In these communities, women are even more vulnerable. The risk of gender-based violence, such as forced marriage, sexual assault, and human trafficking, is particularly high for Rohingya women and girls. Cases of women being trafficked from refugee camps into domestic servitude or brothels in neighbouring towns have been reported by international organisations such as the UNHCR and Human Rights Watch.<sup>7</sup> Due to insufficient safeguards, many of these women, who have survived sexual assault during Myanmar's military crackdown, are still traumatised and exploited in Bangladesh. While underfunded law enforcement in the camps frequently does not act or take these issues seriously, cultural stigma, language barriers, and a lack of legal aid prevent them from reporting crimes or seeking justice.

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<sup>7</sup> Human Rights Watch, 'Bangladesh: Conviction of Rights Defenders a Blow to Free Expression' (15 September 2024)

## CONCLUSION

Therefore, despite Bangladesh's official adherence to international human rights frameworks such as the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Universal Declaration of Human Rights (UDHR), the actual situation on the ground is quite different. The effective application of laws meant to protect women and children is still hampered by entrenched structural injustices, patriarchal social norms, poor governance, and political inaction. Without strong enforcement mechanisms and a sincere commitment to systemic reform, legal frameworks and international treaties remain merely symbolic. Women in Bangladesh continue to experience high rates of early marriage, sexual abuse, domestic violence, and social exclusion. In a similar vein, children continue to be denied an education, healthcare, and protection from labour and exploitation. These challenges are often exacerbated by poverty, lack of awareness, and institutional apathy, creating a cycle of vulnerability that undermines the essence of human rights.

The gap between the law and its application is one of the main problems. Bangladesh has ratified significant treaties and passed a number of progressive laws, but enforcement is still patchy and selective. Because of stigma, fear, or a lack of faith in the legal system, cases of gender-based violence frequently go unreported. The legal system is unresponsive to the needs of survivors, slow, and frequently corrupt for those who do report. Although government programs like the Domestic Violence Act and the National Women Development Policy are admirable, they won't have much of an impact without adequate funding and a strong support network. For minority women and children, particularly the Rohingya, who experience numerous forms of discrimination and legal exclusion, the situation is even more dire. Women refugees are vulnerable to abuse and human trafficking and sexual abuse.

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