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BGD41764.E 05 August 2003

Bangladesh: Treatment and protection available to common-law couples, especially in Dhaka

Research Directorate, Immigration and Refugee Board, Ottawa

According to a representative of the Bangladesh National Women Lawyers Association (BNWLA), an organization that provides legal support, counselling and advocacy for women, common-law relationships are non-existent in Bangladesh (3 Aug. 2003). Even in the capital city of Dhaka, a common-law relationship is considered3/4both socially and legally3/4to be an "'unsocial activit[y]' that creates [a] public nuisance" (ibid.). However, no legal reference was provided to support the representative's statement.

The representative added that because a couple wishing to live in a common-law relationship would "face a lot of trouble," they would likely choose to live as if they were a married couple (ibid.). Moreover, if a common-law union was exposed, the "social elites" may demand that the couple marry (ibid.).

The representative also mentioned a 2002 case of a common-law couple studying at Rajshahi University who were evicted from their rented house and arrested after the owner of the house complained that the couple had lied to him about their relationship (ibid.).

According to the representative, there is no legal protection offered to common-law couples in Bangladesh (ibid.).

The Emory University Islamic family law study indicates that in Bangladesh

> ... Family Courts have jurisdiction over personal status cases of all communities, though religious minorities are governed by their own personal laws. The Family Courts are convened in Assistant Judges' Courts and have special procedures and reduced formalities. The Family Courts may hear suits *in camera* at the request of both parties, and the court fees are nominal, but lawyers' and notaries' fees considerably increase the costs associated with going to court. Under the terms of the Ordinance, Family Courts have exclusive jurisdiction to try and dispose of suits relating to the dissolution of marriage, the restitution of conjugal rights, dower, maintenance, and guardianship and custody (n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is

not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

Bangladesh National Women Lawyers Association (BNWLA). 3 August 2003. Correspondence sent by a representative.

Emory University. n.d. School of Law, Law and Religion Program. "People's Republic of Bangladesh." <http://www.law.emory.edu/IFL/legal/bangladesh.htm> [Accessed 30 July 2003]

Additional Sources Consulted

Dialog

IRB Databases

Internet sites, including:

Amnesty International

Asia Week

Bangladesh National Women Lawyers Association (BNWLA)

BBC South Asia

CEDAW

CIDA Gender Profile: Bangladesh (May 2001)

Country Reports

Dhaka.com

Government of Bangladesh

Human Rights Congress for Bangladesh Minorities

Human Rights Watch

The Independent

Ingenta

International Women's Rights Action Watch (IWRAW)

The New Nation

World News Connection

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