RIGHTS JUSTICE ACTION

For ALL Women and Girls

Every year, International Women's Day invites reflection not only on how far women have come, but also on how far societies must still travel to ensure equality, safety, and dignity. This year's global theme—"Rights. Justice. Action. For ALL Women and Girls"—reminds us that rights mean little if they remain distant from everyday life. Justice must be visible, accessible, and humane, especially for those who need it most.

In Bangladesh, the promise of justice for women and girls continues to confront difficult realities. Laws have evolved, institutions have expanded, and public awareness has grown. Yet the lived experiences of many survivors of violence reveal a painful truth: the path to justice is often long, uncertain, and burdened by stigma, fear, and structural barriers. When women hesitate to report abuse or remain silent about their suffering, it signals not only individual vulnerability but also the need for stronger systems of protection and trust.

This special supplement explores the urgent question of access to justice—how laws, institutions, and social attitudes must work together to ensure that every woman and girl can seek protection without fear and claim her rights with dignity. From legal reforms and institutional accountability to community awareness and survivor-centred services, meaningful change requires coordinated action across many fronts.

Bangladesh has shown that progress is possible. The challenge now is to ensure that reforms translate into lived realities. Justice must not be a distant promise; it must be something every woman and girl can rely on in her daily life.

On this International Women's Day, we reaffirm a simple but powerful principle: a just society is one where no woman or girl stands alone in seeking justice.

MAHFUZ ANAM
Editor & Publisher
The Daily Star

ILLUSTRATION: **REHNUMA PROSHOON**

Justice that lets every woman and girl live free from fear

STEFAN LILLER, CATHERINE BREEN KAMKONG, GITANJALI SINGH

This year's International Women's Day theme, "Rights. Justice. Action. For ALL Women and Girls," is a call to overcome structural barriers that deny women and girls equal access to justice, such as unequal laws, weak enforcement, discriminatory practices and harmful social norms that undermine rights and perpetuate violence.

Across the globe, democratic space is narrowing and hard-won gains for gender equality are under pressure. Women and girls continue to face legal and social systems that institutionalise inequality and restrict their access to protection and redress. In 2026, women worldwide enjoy only 64 per cent of the legal rights held by men (World Bank), leaving them disadvantaged in areas ranging from employment and financial security to safety, property ownership and mobility. Without meaningful access to justice, rights remain promises on paper rather than lived realities.

In Bangladesh, the experience of survivors underscores the need to further reform protection systems. As one survivor of sexual violence shared: "When I went to seek redress, I felt like the system saw everything except my pain. I kept asking myself: if justice isn't for women like me, then who is it for? I stayed quiet for years because I thought no one would believe me. Speaking up was the only way for me to survive, but the journey to justice has been harder than the violence itself." Her words echo the lived realities of many women and girls.

The 2024 National Violence Against Women Survey reveals that 54 per cent of women in Bangladesh have experienced physical and/or sexual violence in their lifetime, yet 64 per cent never told anyone. Silence is rarely a choice; it is often a survival strategy shaped by stigma, fear of retaliation, economic dependency and a lack of confidence in formal systems. When survivors do not see a clear, compassionate and effective path to justice, the system itself becomes another source of harm.

Recent steps by the Government of Bangladesh to strengthen legal protections are both timely and necessary. New ordinances addressing domestic violence and sexual harassment in workplaces, educational institutions and online spaces, together with commitments to review the Child Marriage Restraint Act, signal a willingness to close systemic gaps. These measures reflect a life-cycle approach to protection, recognising that adolescent girls, young women, women in the home and workplace, women with disabilities, older women and transgender women face different and intersecting risks.

Access to justice is inseparable from the realisation of women's rights. Violence against women and girls is both a human rights violation and a public health crisis. Survivors require not only legal remedies but also confidential health services, psychosocial support and quality, survivor-centred case management. The integration of legal assistance with accessible health and social services is essential to ensure a multisectoral response that will enable women and girls to seek help safely and with dignity.

VISUAL: FATIMA JAHAN ENA

Reformed legislation contributes to Bangladesh's commitments under the Sustainable Development Goals, particularly Goals 5 and 16, as well as international frameworks such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action and ILO Convention 190. These instruments, as well as the Commission on the Status of Women 70 platform, help close legal gaps by expanding definitions, extending protections across physical and digital spaces and acknowledging technology-facilitated gender-based violence. The Cyber Security Ordinance (2025) further strengthens efforts to address online abuse, which disproportionately affects women and girls.

Laws, however, only matter if they work for survivors. Justice must be visible, accessible and humane.

At the same time, legal reform must be comprehensive. Certain inequitable provisions within personal laws, dowry-related practices and aspects of rape legislation continue to undermine full equality before the law. Addressing these gaps with urgency and consultation is critical to building a coherent and rights-based legal framework.

Laws, however, only matter if they work for survivors. Justice must be visible, accessible and humane. Internal complaint committees must be functional, independent and trusted. Reporting mechanisms must be safe and confidential. Police, health providers, social workers, legal aid services, employers and educational institutions must coordinate effectively to ensure timely referrals and survivor-centred support. Multi-sectoral response systems anchored in trained social service professionals and quality case management must be available to all survivors, regardless of age, marital status, disability, ethnicity, location or gender identity.

Adequate financing is equally essential. Legal reforms without resources for implementation, monitoring and oversight risk remaining symbolic. Investment in training for law enforcement, judicial actors, health providers and social workers is critical to ensure that survivors are treated with respect and that cases are handled ethically and efficiently. Strengthened data systems, including those addressing technology-facilitated violence, are necessary to track progress, inform policy and hold institutions accountable. Supporting women's movements and women's rights organizations, which have long driven legal reform and accountability, is also needed.

Preventing child marriage is also central to advancing justice. Child marriage remains both a driver and a consequence of gender inequality and gender-based violence, cutting short girls' education, exposing them to early pregnancy, which increases their vulnerability to abuse, and closing the door to future opportunities. Ensuring that the Child Marriage Restraint Act is aligned with international human rights standards and effectively enforced will protect girls' rights, health and futures.

Public awareness and community engagement must accompany legal change. Women, girls and young people need accessible information about their rights and available services and the removal of all barriers to accessing these. Men and boys must be engaged as allies in challenging harmful norms and supporting equality. Community and religious leaders, sports champions, musicians and artists can be powerful in a movement to bring about this change for the women and girls of Bangladesh.

Above all, we must be clear: gender-based violence and child marriage are preventable. Strong laws are powerful instruments for shaping safer, more equal societies when enforced with commitment, care and accountability. Justice is about restoring dignity, rebuilding trust and ensuring that every woman and girl can live free from fear.

The United Nations, including UNFPA and UN Women, stands firmly with the women and girls, men and boys of Bangladesh, calling for the conservation and extension of gains made and for translating commitments into action. Together, we can ensure equality in law and in practice, so that rights are realised not in theory but in the everyday lives of all women and girls across Bangladesh.

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TRIBUNALS ON TRIAL

The justice gap in crimes against women and children

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Bangladesh built a network of specialised tribunals to ensure swift accountability for crimes against women and children. Yet rising violence, low conviction rates, and institutional backlogs are testing whether these courts can still deliver the justice they were created to provide.

Across Bangladesh, reports of violence against women and children have once again dominated headlines. From the hill districts of Bandarban to the plains of Kushtia, incidents of rape, domestic abuse, and exploitation continue with alarming frequency. A troubling question arises: if the country has stringent laws and specialised tribunals to punish such crimes, why do these atrocities persist? Police records indicate 5,191 rape cases in 2023 and 4,394 in 2024, with nearly 10,000 cases reported between January 2023 and January 2025 - roughly 13 victims every day. Two decades ago, Bangladesh created the Women and Children Repression Prevention Act 2000, establishing specialised tribunals to deliver swift trials and severe punishments within 180 days. Today, however, this system faces a profound test.

Despite the ambitious design of Bangladesh's specialised tribunals, their performance reveals deep challenges. Over 150,000 cases involving women and children remain pending nationwide, with each tribunal handling more than 1,500 cases, overwhelming judges and staff. Statutory deadlines of 180 days for trial completion are rarely met; some cases drag on for five years or more, leaving survivors trapped in an exhausting legal limbo. Delays weaken cases: witnesses become unavailable, evidence deteriorates, and victims face pressure to withdraw complaints. Between 2020 and mid-2025, more than 31,000 rape cases were reported, yet conviction rates remain alarmingly low. Systemic weaknesses - including delayed investigations, absent witnesses, social stigma, intimidation, financial pressure and stay orders from higher courts, make justice slow, uncertain, and emotionally draining for survivors. The contrast between the law's promise and reality is stark: swift, credible justice remains the exception, not the norm.

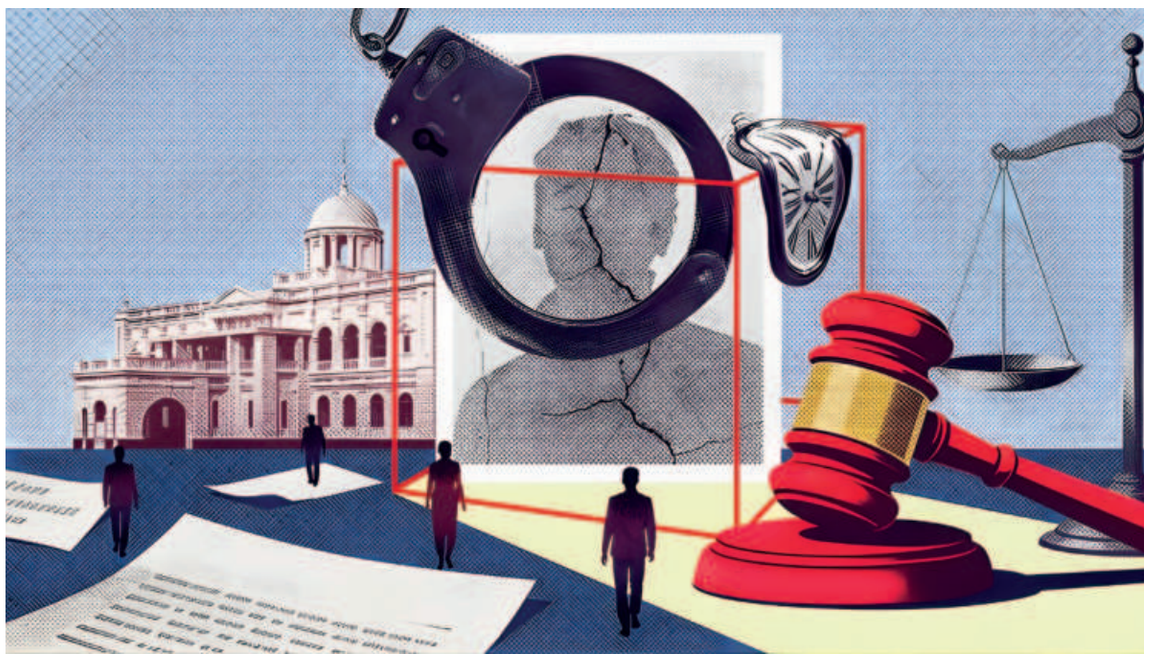

ILLUSTRATION: ANWAR SOHEL

The challenges are not only about numbers; they are also about institutional design. The number of tribunals is far below what is needed, prompting judicial associations to call for hundreds more. Many tribunals lack adequate staff and infrastructure, with overcrowded courtrooms and limited facilities for victims, especially children, creating intimidating environments. Coordination between investigators, prosecutors, and judges is often inconsistent: delayed police investigations and overburdened prosecutors further slow the process. Beyond structural weaknesses, social and cultural factors - including early marriage, household power imbalances, stigma and fear of retaliation, discourage victims from seeking justice. Consequently, official statistics likely capture only a fraction of the true scale of gender-based violence. These institutional and social gaps highlight a central tension: the law promises speed, but the system struggles to deliver.

Despite these challenges, abandoning the tribunal system is not the answer. Specialised courts remain one of the most important mechanisms for addressing crimes against women and children, but meaningful reform is urgently needed. Bangladesh must expand judicial capacity by creating additional tribunals and appointing more specialised judges to prevent the backlog from growing further. Investigative capacity within the police should be strengthened, and prosecutors require specialised training in handling gender-based violence cases. Robust victim protection – including witness protection, psychological support, and confidential reporting – can encourage more survivors to pursue justice. Modern case-management tools, such as digital records, automated scheduling, and monitoring systems, are also essential to ensure statutory deadlines are respected. The effectiveness of these tribunals is a measure of institutional health. Institutions must evolve to meet the scale and complexity of violence; otherwise, legal promises remain unfulfilled.

Police statistics show that only 2.61 percent of women-related cases and 0.52 percent of child-related cases resulted in convictions in early 2025. By contrast, the overall criminal conviction rate in Bangladesh is approximately 28 percent. Low conviction rates reflect systemic challenges: victims withdraw complaints due to social pressure, investigations are delayed, evidence is lost, and defendants secure stay orders.

In addition to existing tribunals, Bangladesh has recently established Child Rape Prevention Tribunals, operating alongside the Women and Children Repression Prevention Tribunals. These new courts signal renewed hope for victims while sending a clear warning to offenders: crimes against children will face swift and serious judicial scrutiny. Early indications suggest that the presence of these tribunals has begun to accelerate proceedings and improve the visibility of justice in high-profile cases. However, their effectiveness will depend on addressing broader structural issues – adequate staffing, infrastructure, coordination, and victim protection – to ensure they do not face the same delays and bottlenecks that have plagued existing tribunals.

A closer look at the numbers underscores the gravity of the crisis. Police statistics show that only 2.61 percent of women-related cases and 0.52 percent of child-related cases resulted in convictions in early 2025. By contrast, the overall criminal conviction rate in Bangladesh is approximately 28 percent. Low conviction rates reflect systemic challenges: victims withdraw complaints due to social pressure, investigations are delayed, evidence is lost, and defendants secure stay orders. Even as tribunals deliver decisive verdicts in isolated cases, the broader backlog reveals that justice remains slow, uncertain, and emotionally draining for survivors.

Laws alone cannot protect the vulnerable; institutions must deliver. Bangladesh has enshrined some of South Asia's strongest legal protections for women and children, and specialised tribunals were designed to ensure justice that is swift, visible, and certain. Yet a system measured by promises rather than outcomes risks losing public trust. Every delayed verdict sends a quiet but dangerous signal that violence may go unpunished. Restoring faith in these tribunals is both a legal and moral imperative. Ultimately, the strength of Bangladesh's justice system will be judged not by its laws, but by whether women and children can trust that justice will arrive before hope runs out.

'Prevalence of personal laws creates the most serious gender gap'

In conversation with Sultana Kamal

SULTANA KAMAL
Human Rights Activist
and Founder President of
Manabadhikar Sangskriti
Foundation (msf)

The Daily Star (TDS): Where do you see the most significant gender gaps within Bangladesh's current human rights and legal framework, particularly in relation to enforcement and implementation?

Sultana Kamal (SK): To talk about the human rights and legal frameworks of Bangladesh, one must note that lives of citizens of the country are governed by constitutional laws as well as a set of personal laws. These laws respectively govern a citizen's public and private life. The Constitution of Bangladesh guarantees equal legal status to all citizens irrespective of class, creed, place of birth, gender, religion or ethnicity in public life. This means that in public life, like all other citizens, women too are entitled to and have access to the same rights and opportunities as men. Moreover, our Constitution clearly states that all citizens will be equal before the law. However, in contravention to that directive of the Constitution, some vital aspects in the private sphere of the citizens' lives like marriage, dissolution of marriage, custody and guardianship of children, dower and inheritance are governed by personal laws based on religions. These laws inherently deny equal rights of women. They are discriminatory not only between women and men of the same religion, but also between women and women of various religions.

In one word, prevalence of personal laws in itself creates the most serious gender gap within the legal framework of Bangladesh. There is no separate human rights law as such built within the legal framework of the country. Some of the clauses of the International Covenant on Civil and Political Rights are enshrined in the chapter three of the Constitution. The five most essential rights e.g., food, clothing, shelter, education and health are considered basic rights, not part of human rights and hence not justiciable in court. In a stratified society like ours, this creates situations of blatant discrimination against women. Moreover, the prevailing culture that views women as naturally subordinate to men normalises violence against them. This often prevents women from claiming or accessing the legal rights and remedies to which they are entitled.

TDS: In practice, what legal and procedural barriers most often prevent women from accessing justice after experiencing human rights violations?

SK: After experiencing human rights violation, a woman must bear the full responsibility for accessing justice. From the onus of reporting the violence to law enforcement agencies to producing evidence in court, the burden falls entirely on the woman who has experienced the violence. The introduction of Special Tribunals has, to a considerable extent, made it easier for women to seek justice. However, the pervasive anti-woman attitudes that women encounter at every stage of the legal process, including when seeking medical assistance, practically discourage and hinder them from pursuing justice. A woman's financial capacity also plays a significant role in her ability to pursue legal remedies.

TDS: How do social norms, stigma, and power dynamics within families and communities discourage women from pursuing legal remedies?

SK: In a society like ours, which is shaped by patriarchal norms, violence against women is often considered normal or even necessary in order to control women. In occurrences of violence against women, it is not the perpetrator but the woman herself who is most often held responsible. To serve its own interests, patriarchy creates many divisions in society. One of these is the division between 'good' and 'bad' women. Unfortunately, for centuries, once a woman experiences violence, the first point of discussion will be whether the woman in question was a 'good' or a 'bad' woman. The general assumption will be that she must have crossed the line to invite violence against her. Questions relating to her 'chastity' and respectability will dominate the discussions. The media's role is often more sensational than sensitive. As I mentioned earlier, in a class-divided society shaped by many factors such as money, political power, social status, cultural norms, and fear of stigma, all these elements play a critical role in deciding whether the woman will seek and obtain justice or not.

TDS: Which types of human rights violations against women are most prevalent yet most difficult to seek justice for, and why?

SK: Research findings indicate that more than fifty per cent of women experience violence of one kind or another within the family sphere at the hands of family members. We may recall that until 2010, physical, mental, or sexual violence against women within the family was not even considered a crime. There was no law to prevent or deter domestic violence until then. Many women, even today, do not know that violence within the family is not permitted and that complaints can be lodged in a court of law. Additionally, because of cultural inhibitions, family indoctrination, and dogmatic religious beliefs, it takes a great deal of courage and moral support to seek justice against domestic violence. That is not to say it is easy to seek justice for gross violence such as rape, murder, or sexual harassment outside the family. Examples are not rare where money, social status, political power, and other factors determine the course of justice in such cases as well.

ILLUSTRATION: **ANWAR SOHEL**

TDS: What changes—legal, institutional, or policy-level—are urgently needed to ensure women's equal access to justice in Bangladesh?

SK: As far as public rights are concerned, women are entitled to equal protection under the law. Over the past decades, many other specific laws have been enacted to prevent and deter violence against women. It is not so much the absence of legal provisions that is failing to reduce or control violence against women. The problem essentially lies with the mindset of most officials entrusted with the responsibility of delivering justice, from the lowest to the highest levels. A cultural change throughout the entire justice system is needed to ensure justice for women. Another very important issue is the prevalence of family or personal laws, which, as I mentioned earlier, structurally violate and deny human rights to women. Since 1972, women's movements in Bangladesh have demanded the introduction of a Uniform Family Code to eliminate discrimination against women in the private sphere. Another crucial policy initiative needed is the full implementation of CEDAW without any reservation.

TDS: Do you have any additional observations or recommendations regarding women's human rights and their access to justice in Bangladesh?

SK: Bangladesh has progressed to a great extent in the field of women's empowerment, but it has fallen short in ensuring equal human rights and dignity for women. Our educational systems, patriarchal cultural discourses and practices, the dominance of anti-women attitudes, and socio-political influences—more often than not supported and patronised by vested interest groups, particularly power-seeking political groups—are some of the factors hindering women from enjoying their rights and status as respectable, equal citizens of the country. Pro-people democratic forces and progressive citizen groups must pay greater attention to working towards creating social conditions conducive to the realisation and enjoyment of human rights for all, including women.

The interview has been taken by **Miftahul Jannat**.

Land, lineage, and the fight for Indigenous women's rights

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Tracts (CHT)

The personal laws, including those on inheritance, that govern the lives of Indigenous peoples are rooted in custom. In contrast to the personal laws applicable to other citizens in the plains, the customary laws of the indigenous peoples of the Chittagong Hill Tracts are based on membership in one of the eleven distinct indigenous communities, rather than on their religious affiliations. The common thread between the two is their shared denial of equal rights to women.

Though there is no uniform customary law governing all indigenous communities across the region, the laws on inheritance follow a general principle while varying significantly between different ethnic communities and even among clans within the same community. Regarding the right to inherit land, the prevailing trend is that women cannot inherit their father's immovable property if brothers are present, nor do they have rights to their husbands' property. In some communities, if there are no sons, daughters inherit property equally, while in others, paternal uncles inherit. Additionally, customs differ concerning pre-marital property owned and post-marital property acquired by the mother, with some communities allowing equal inheritance for both sons and daughters, while in others, daughters are the sole heirs. Only two clans, each from two ethnic communities, maintain a strict practice of allowing women to inherit paternal and spousal property — and even then, the share allocated to women remains substantially smaller than that granted to their brothers or children. The absence or inequality of inheritance rights has far-reaching consequences for indigenous women — depriving them of attaining financial autonomy, diminishing their agency in decision-making, fostering their dependence on, or in extreme cases their subjugation to, male relatives, and ultimately reinforcing the very patriarchal systems that sustain their marginalisation.

While the substance of inheritance laws is inherently discriminatory towards women, the way traditional courts and the communities concerned interpret and enforce them further amplifies these inequalities. It needs to be noted that, unlike in the plains where the manner of civil litigation is regulated by the Code of Civil Procedure 1908 and the Family Court Ordinance 1985, these have no application in the CHT due to its specialised administrative regulations. Instead, personal law matters are tried by the chiefs of Mouzas and Circles. Given that these laws are regulated by unwritten customs, their application is subject to both certainty and confusion or discrepancy, depending on the knowledge, understanding of the laws, and competence of the village elders and/or traditional leaders presiding over traditional courts. The situation is further compounded by the fact that the composition of the traditional leadership is exclusively male; hence the interpretation of customary law is inherently shaped by, and reflective of, their privileged patriarchal worldview. In an effort to redress the issue, after years of awareness-raising campaigns on gender equality, efforts to build women's leadership capacity, and collective consensus-building among communities, indigenous peoples were able to initiate and sustain a reform that sought to reshape the traditional leadership system by introducing the appointment of Indigenous women to positions of traditional leadership. Twelve years on, much remains to be done. Yet meaningful improvements, in the form of comparatively less gender-discriminatory verdicts in family dispute cases, have already become evident.

FILE PHOTO: **ANVIL CHAKMA**

Among Indigenous communities, women generally cannot inherit their father's immovable property if brothers are present, nor do they have rights to their husbands' property.

With regard to the content of the inheritance laws, the call to secure inheritance rights for Indigenous women in the CHT has steadily gained ground in recent years, thanks to the continued efforts of indigenous women's rights activists. Proponents of women's rights have pointed out that, unlike personal laws that are rooted in divine commandments and hence cannot be changed, customary laws remain fluid, adaptable and, essentially, reformable. Laws emerge from prevailing social practices and evolve organically as those practices shift over time — unless such change is deliberately arrested.

Resistance to such reform stems from several quarters, most notably the imperative to preserve custom and the rejection of externally imposed ideas. Nevertheless, gender-discriminatory customs are capable of being reformed entirely from within, without external interference: first by securing community consensus, then through precedent-setting rulings of traditional courts. The outlawing of the long-standing custom of polygyny within the Chakma community is a testament to this.

On reforming inheritance law, the Bawm Indigenous community offers a compelling example, having collectively reformed inheritance laws that once denied women property rights, and by doing so secured Bawm women's right to inheritance, albeit not on equal terms with men. This reform stands as a precedent that other indigenous communities can draw from and replicate in their own contexts. Beyond the reforms themselves, these cases also demonstrate indigenous peoples' right to self-determination in action — exercising autonomy over internal affairs and decisions on matters affecting them.

The concern most widely shared among indigenous populations in opposing women's inheritance of land centres on the increasing instances of exogamous marriages in the CHT — particularly cases of indigenous women entering into unions with non-indigenous men from different religious backgrounds. Like the majority Bengali community, indigenous communities are organised around patrilineal descent, in which a woman, upon marriage, is expected to shed her pre-marital ethnic and religious identity and assume those of her husband, with their children continuing his family's lineage. Consequently, within this patrilineal structure, granting indigenous women inheritance rights is seen as a threat to the continuity of intact landholdings within families, clans, and ethnic communities — and by extension, as eroding cohesion and the very fabric of indigenous society. Considering the long history of land disputes between indigenous peoples and non-indigenous encroachers, the concern that indigenous women will be deliberately sought out for marriage as a means of gaining access to indigenous land cannot be readily discounted. Regardless of how contentious this viewpoint may be, this concern held by the vast majority of indigenous populations must be brought to the forefront and subjected to thorough deliberation — for without addressing it directly, any reform aimed at securing land inheritance rights for indigenous women is unlikely to take hold. The key challenge lies in arriving at a resolution that simultaneously upholds women's equal rights while preserving and safeguarding the identity and integrity of indigenous peoples and their societies.

Looking beyond one's own community for answers can be a valuable approach — particularly by studying the practices and/or reform initiatives of indigenous communities elsewhere that operate under similar jurisdictional conditions and grapple with similar challenges. The inheritance law of the plainland indigenous Rakhine people, for instance, can be considered the most gender-neutral law among all the indigenous communities in Bangladesh. While men and women are equally entitled to inheritance of parental property, the share each receives may differ based on their contribution to the family rather than their gender, reflecting a principle of non-discrimination on the basis of gender and of equitable rather than strictly equal rights. All children and the surviving spouse are entitled to inherit from a deceased person's estate, irrespective of their gender. However, the inheritance right is revoked for a child who has failed to fulfil his or her duties toward their parents during their lifetime in the manner expected of a responsible child. Within the Rakhine community, a child who enters into an exogamous marriage, particularly with a non-Indigenous person from a different religious background, is regarded as having acted in defiance of familial and communal expectations, effectively rendering him or her disobedient, and thereby disentitling the child from land inheritance.

There are other examples from around the world that merit careful observation as well. However, communities should exercise caution before replicating practices or reform initiatives from other indigenous communities, and should extensively examine the unique historical, socio-cultural, economic, and political contexts that have shaped and sustained those practices within those societies.

What remains clear is that sustained awareness-raising efforts on the equal rights of women are essential to cultivating the broad-based consensus necessary for securing indigenous women's land inheritance rights. Although the process is inherently lengthy, it is precisely this deliberateness that will lend the resulting reforms their legitimacy and sustainability.

Abolish discriminatory inheritance laws now

FAUZIA MOSLEM
President, Bangladesh Mahila Parishad (BMP)

Inheritance is fundamentally a sequential process of transferring the assets of a deceased person. Inheritance law was developed to govern this process of transferring the property of a preceding generation — along with its liabilities — to the next generation. Inheritance is recognised as a fundamental human right. However, inheritance laws vary across gender, religion, country, and era. These variations are among the key causes of discrimination in establishing women's human rights. Ownership of property is a foundational element in creating a balance of power within society. The only way to build an equitable balance of power in society and the state is through laws that guarantee equal property rights for all citizens. In the case of Bangladesh, we see that Article 27 of the Constitution states: "All citizens are equal before the law and are entitled to equal protection of the law." Under this constitutional provision, the state is obligated to ensure equal rights for all citizens. Yet, as citizens of Bangladesh, the equal rights of women as guaranteed by the Constitution have still not been realised in practice. Women's rights continue to be neglected when it comes to accessing their fundamental civil rights in matters of inheritance.

Women's property rights

The issue of inheritance is critically important to women's empowerment — particularly their economic empowerment. Inherited assets are among the primary sources of property ownership. If women are not equal partners under inheritance law, one of their key sources of wealth is directly undermined. This disrupts the balance of power between men and women, and creates barriers to women's economic empowerment. In Bangladesh, the inconsistencies between women's property rights and inheritance law stand as a major obstacle to establishing women's civil rights as equal citizens, and continue to disturb the balance of power within society.

The family laws currently in force in Bangladesh are primarily religion-based, which is inconsistent with Article 27 of the Constitution. For the Muslim population of Bangladesh, the Muslim Personal Law governs family matters. Likewise, Hindu, Christian, and other religious communities follow their own respective religious laws. In this way, society as a whole is divided along religious lines, and women are deprived of their property rights. Under Muslim law, a daughter inherits only half the share of a son from her father's or mother's estate.

Reforming inheritance law — particularly on the basis of the Uniform Family Law proposals — to establish women's property rights is now an urgent demand of the time.

Under Hindu law, daughters are not entitled to any inheritance at all. Buddhists follow the same provisions as Hindu law. Under Christian law, however, sons and daughters inherit equal shares of property.

Reforming these laws is a demand of the times, in the interest of establishing equal fundamental civil rights for women. Family law can never be allowed to stand in contradiction to civil law — especially given that Article 26 of the Constitution stipulates that any existing law or newly enacted law that is inconsistent with fundamental rights shall, to the extent of such inconsistency, be considered void and unenforceable. It is therefore the constitutional responsibility of the state to harmonise existing family laws with the fundamental civil rights guaranteed by the Constitution.

Taking all of these constitutional provisions into consideration, Bangladesh Mahila Parishad began the process of drafting a proposal for a Uniform Family Law in 1989. Eminent legal minds of the time assisted in preparing this proposal, including Dr. Kamal Hossain, Justice Kamaluddin Hossain, Justice Debesh Bhattacharya, and Barrister Salma Sobhan. Leaders and organisers of the women's movement, guided by the counsel of these legal experts, finalised the draft in its complete form in 1993 and presented it to the then Speaker, Mirza Golam Hafiz.

It is also worth noting that the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations in 1979, similarly enshrines: (1) the principle of equality, (2) the principle of non-discrimination, and (3) the principle of state accountability for signatory nations. It calls upon states to enact and enforce laws aimed at achieving dignity, rights, and freedom in all spheres — family, political, economic, and social — and at realising genuine equality between women and men. The enactment of a Uniform Family Law would significantly accelerate the implementation of the CEDAW commitments.

Five laws proposed under the Uniform Family Law to protect women's human rights

1. A Uniform Inheritance Law — to ensure equality in property inheritance for all citizens of Bangladesh, regardless of religion, ethnicity, or gender. **2.** A Uniform Marriage and Divorce Law. **3.** A Uniform Maintenance Law. **4.** A Uniform Guardianship and Custody Law. **5.** A Uniform Adoption Law.

The five proposals comprising the Uniform Family Law have been drafted with the aim of protecting women's personal rights, which are an inseparable part of their civil rights. It is only through the implementation of these provisions that women's social and economic rights can be meaningfully secured.

In recent times, the Women's Reform Commission has also recommended the implementation of a Uniform Family Law, even if on an optional basis. Reforming inheritance law — particularly on the basis of the Uniform Family Law proposals — to establish women's property rights is now an urgent demand of the time. Women constitute 80% of the workforce that built and sustains the garments industry, the cornerstone of Bangladesh's economic development. Women also make up 70 to 72 percent of the agricultural labour force, another major pillar of Bangladesh's economy — yet women hold no ownership over agricultural land. Women's labour in rearing chickens, goats, and cattle to meet the country's protein and nutritional needs deserves full recognition. Women's innate leadership in addressing the climate crisis, and their knowledge in the use of safe fuels, are equally deserving of acknowledgment. In today's society, women are the agents of social development and progress. The prospect of societal advancement while keeping women outside the mainstream of development is simply unrealistic. It is therefore crucial to enact laws that ensure women receive their rightful share in all spheres — including inheritance and property.

At the same time, it is urgent to identify and eliminate the barriers that stand in the way of establishing women's inheritance and property rights. Beyond the inconsistencies in existing law, there are numerous other causes of women's unequal property rights, including: 1. The lack of adequate awareness among women and society at large about inheritance; 2. Social customs, cultural norms, and narrow interpretations of religious doctrine; 3. Ignorance of property law and the complexities of its implementation; 4. The pervasive influence of patriarchy within society; and 5. The lack of access to education for women, child marriage, and the curse of polygamy. All of these factors collectively nurture a misogynistic cultural mindset within society. To change this anti-woman culture, what is needed is a broad social movement — one that brings together a conscious civil society — to establish women's property rights and achieve equality in inheritance law. The Uniform Family Law proposal can serve as a guiding framework for this very movement.

The movement for women's human rights is a global social and political struggle aimed at eliminating gender discrimination and ensuring equality in education, employment, voting rights, and legal standing. In Bangladesh, this movement took root through the path of the anti-British political struggle. Around the same period, Begum Rokeya Sakhawat Hossain in Bengal inspired women to break free from the veil of seclusion and dream of spreading their wings across a boundless horizon. In the aftermath of independence, a newly awakened women's society was born through the crucible of the Liberation War. In post-independence Bangladesh, alongside many hard-won achievements, women continue to face enormous obstacles — most visibly manifested through violence against women. A society built on patriarchal foundations maintains its discriminatory social structure in order to preserve an unequal balance of power. At the very centre of this power imbalance lie discriminatory inheritance laws and women's limited rights over property. In recent times, Tunisia, Egypt, and Algeria have paved the way for women's economic empowerment through landmark reforms to property rights laws. In our country as well, women's property rights must be guaranteed, safeguarded, and brought in line with the demands of the modern age. Towards this end, the women's movement and the broader citizens' movement must advance with a multifaceted programme — encompassing dialogue, research, and sustained advocacy. The movement for the establishment of women's human rights must be transformed into a full-fledged social movement.

VISUAL: **ANWAR SOHEL**

UNEQUAL HOMES

Family law and women's rights in Bangladesh

DIPTI SHIKDER
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Under the laws currently in force in Bangladesh, the process of forming a family begins with marriage — entered into with the consent of a man aged 21 and a woman aged 18. Yet marriage is not merely two people walking a shared path through life. It carries with it a long continuum of family culture, religious values, and social expectations. There are times, however, when two people find it impossible to continue that journey together — and it is precisely at such moments that the issues of divorce, child custody, and maintenance come to the fore.

Case Study 1

Runa married Akbar in 2006 out of love, eloping against their families' wishes. Both families subsequently accepted the marriage. However, not long after the wedding, Runa began to suffer various forms of physical and psychological abuse at the hands of Akbar and his family members, on a range of pretexts.

When Runa was four months pregnant, Akbar and his family subjected her to further physical and mental abuse and drove her out of the home. As her parents were no longer alive, she took refuge at her maternal uncle's house, where she gave birth to a son. Even then, neither her husband nor anyone from his household enquired after her or the child, nor did they provide any maintenance whatsoever.

When Runa returned to her in-laws' home with her three-month-old son, Akbar and his family again refused to take her in and turned her away. In the meantime, Akbar had contracted a second marriage.

In 2010, Runa applied to Bangladesh Mahila Parishad — with her child — seeking both a peaceful resolution to her family crisis and shelter at Rokeya Sadan. Akbar was contacted on behalf of the organisation in an effort to reach an amicable settlement; however, he refused to take his wife and child back home or to provide any maintenance.

Subsequently, in 2011, assistance was provided to file a case in the Family Court for the maintenance of Runa and her son, as well as for the recovery of her dower (denmahr). The case remains ongoing to this day.

Case Study 2

In 2015, Promila and Subodh were married in accordance with Hindu rites and customs, in a family-arranged ceremony. Five years into the marriage, Promila discovered that Subodh had secretly contracted another marriage three years after their wedding, and that he had been regularly leaving home under the pretext of office tours in order to live with that woman. By this time, Promila had given birth to a son. Subodh provides no financial maintenance for Promila or their child. Promila works at a bank, and it is entirely from her own earnings that all household expenses are met. On various occasions, Subodh — claiming he needed funds to start a business — pressured Promila into taking out bank loans in her name, and he has not repaid the money. Subodh's parents support their son and are attempting to forcibly take their grandson away from Promila. Subodh, too, is threatening Promila over the phone in an effort to take the child away. Promila wishes to free herself from this relationship and seeks custody of her child.

These are not merely two isolated shadow cases — across every region of the country, within families of many different communities, classes, and professions, countless individuals are being subjected to physical and psychological violence. What follows is a brief attempt to outline the legal framework governing marriage, divorce, maintenance, and child guardianship under the laws currently in force in Bangladesh.

In Bangladesh, Muslim marriage and divorce are governed by the Muslim Marriages and Divorces (Registration) Act, 1974, and the Muslim Family Laws Ordinance, 1961. Under these laws, both husband and wife have the right to dissolve the marriage. While the husband holds the direct and unilateral power of divorce, the wife may exercise the right to divorce in one of the following ways: through the delegated power of divorce (talaq-e-tafwiz), if such delegation has been recorded in Column 18 of the kabin-nama (marriage contract) — whether or not it has been so recorded — or through the court; alternatively, the marriage may be dissolved by mutual consent.

A Hindu marriage is solemnised in accordance with religious rites and observances, through the performance of the yajna (sacred fire ceremony) and the saptapadi (the seven steps). Under classical Hindu scriptural law, there is no provision for divorce. Bangladesh currently has the Hindu Marriage Act, 2012, under which registration of Hindu marriages is mandatory. This Act, too, contains no provision for divorce. However, the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 grants Hindu married women the right to claim separate residence and maintenance in certain specified circumstances. Women may remarry upon the death of their husband. Although no formal provision for divorce exists, there is an established practice in Bangladesh whereby a Hindu woman may obtain a judicial declaration of separate residence through an application to the court, on the basis of which she may contract a subsequent marriage.

Under the Guardianship Act, 1890, and the Family Courts Act, 2023, guardianship in Bangladesh refers to the care, custody, and supervision of the person and property of a minor — that is, a child under the age of 18. While the father is recognised as the natural guardian, the court may appoint the mother or any other person as guardian in the best interests of the child (welfare of the minor). In such cases, the court gives paramount consideration to the child's overall wellbeing.

Maintenance (bharanposan) refers to the fulfilment of all basic necessities required for a person's sustenance — encompassing food, clothing, shelter, medical care, education, and other related expenses.

Following marriage, the provision of maintenance is an obligation incumbent upon the husband and a right vested in the wife. It bears no relation to the husband's financial prosperity, and his economic circumstances have no bearing whatsoever on the wife's entitlement. Should a divorce occur for any reason, the wife shall remain entitled to maintenance even after the dissolution of the marriage. This is, however, a limited right and subsists only for a restricted period of time. In law, the responsibility for a child's maintenance rests with the father — even where the child is living with the mother during the pendency of divorce proceedings, the financial responsibility for the child's upkeep remains with the father. In the case of Muslims, it is the father's obligation to provide maintenance for a son until he attains majority, and for a daughter until she is married. A Hindu, regardless of whether or not he possesses any property, is legally bound to maintain his minor son, his unmarried daughter, and his aged parents.

A review of the family laws currently in force reveals that the existing provisions governing marriage, divorce, child guardianship, and maintenance are actively generating inequality and asymmetrical power relations between women and men within the family. Beyond this, the fragmentation of family law along lines of community and religion is producing not only disparity between women and men, but also inequity and dispossession among women themselves. As citizens of Bangladesh, what we demand — in order to build families, a society, and a state grounded in true equality between women and men — is the guarantee of equal rights and the freedom to live in safety and dignity.

Women in justice and justice for women

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Every year, on March 8, while we celebrate advances in women's rights and freedoms, we also assess the continuing challenges. This year the day follows national elections, so it is natural that public discussion has focused on how many (or sadly how few) women are ministers and MPs, on the role of women in government and in parliament. In contrast, though, there has been little attention on women in the judiciary, or more broadly in the justice system, including the role of judges and lawyers.

This issue was unfortunately not foregrounded in the outgoing Interim Government's 'reform' agenda. The recommendations of the Women's Affairs Commission were also largely ignored, and the Justice Reform Commission, lacking even one woman representative, did not discuss equality or inclusion.

As we enter another political transition, it may be helpful to reflect on some of the opportunities for building a justice system that is inclusive, that reflects the diversity of our population, including in terms of sex, ethnicity, disability and religion, and that can strengthen the recognition and realisation of women's rights.

Let me start by recalling achievements on which we can build. First, there are more women in the judiciary, including in the Appellate Division, with the appointments of the first woman head of the Law Commission and the Judicial Service Commission. More women are also graduating from law schools and entering the legal profession, not only to practise in court but also as corporate lawyers or with rights or development NGOs.

But the numbers overall are still low, with only 11 women in the Supreme Court out of 148 judges, and only 496 women compared to 1,691 male judges across the country. According to the 2016 Justice Audit Bangladesh, women constituted only 13% of the profession (7,309 out of 57,530 enrolled lawyers). In practice, we still see that many women are unable to continue their legal careers. Further, no women to date have held top positions in the judiciary or the Bar (either the Bar Council or Bar Associations). Women lawyers have pointed out that a variety of reasons are at play, including the prevalence of patriarchal norms, unfavourable working environments, and pervasive social and cultural factors. It is significant that little or no accommodation is made for women's care responsibilities (for children or the elderly), and flexible working hours are practically unheard of. There are no legal or policy requirements to enable the sharing of family responsibilities by men. Women colleagues report that male counterparts are often preferred for demanding court work, based on assumptions about availability and suitability. Even when they demonstrate strong competence and advocacy skills, their contributions receive less visibility, leading to fewer court appearances, leadership roles, and recognition.

PHOTO COURTESY: **BLAST**

Court infrastructure reinforces the exclusion of women. The introduction of accessible and clean toilet facilities at the Supreme Court means that—at last—a generation of women lawyers can drink water without having to worry about not finding a usable washroom, hurrah! But unfortunately, these basic amenities remain absent in most courts and public offices across the country. Far too many district courts are still not accessible and lack adequate waiting areas or childcare facilities. Women lawyers handling cases of violence report facing intimidation within court premises, without meaningful safeguards or support. Women lawyers also face direct threats, sexual harassment, and online trolling (attacking their character or personal status). Many do not report these for fear of being further victimised or stigmatised, or because of the lack of remedy; the Bar Council has reportedly still not fully complied with the High Court's guidelines on addressing sexual harassment complaints, lagging behind NGOs and private companies.

There are many more concerns that could be agitated about the rights of women lawyers. But the deeper crisis lies not only in who administers justice, but in how justice is delivered to women who seek it.

While we have made progress in developing laws that provide remedies for violence against women (including an important amendment by the Interim Government), in practice survivors quickly discover that legal recognition does not guarantee timely redress. Court delays are chronic. Adjournment follows adjournment. Survivors must repeatedly relive trauma in open court, often facing aggressive cross-examination. Over time, witnesses may turn hostile, evidence weakens, and social pressure mounts. Many complainants withdraw, not because justice is not desired, but because the process itself becomes intolerable.

Despite constitutional guarantees of equality, personal laws continue to disadvantage women in relation to rights in the family, including on matters of guardianship and custody. Although courts increasingly emphasise the welfare of the child as a paramount concern, gender bias persists. Maintenance orders are frequently delayed or poorly enforced, leaving women facing destitution.

Security gaps compound the problem. Survivors who file complaints against influential or politically connected perpetrators often face threats and intimidation. Protection orders are unevenly enforced, and breaches rarely result in swift consequences. Lack of family support, and inadequate numbers of shelters, leave survivors vulnerable. One-Stop Crisis Centres, which provide vital medical and legal services, and Victim Support Centres run by the police urgently need to be resourced from the government revenue budget and rolled out across the country.

Beyond family disputes and cases of violence, women also face egregious human rights violations for which they require urgent remedy, reparation and rehabilitation. Can we commemorate Women's Day and continue to take no action to ensure justice for the Bawm women, who have been in prolonged pretrial detention, along with their infant children, for hundreds of days? Can we remain oblivious to the families of the hundreds of women workers killed at Rana Plaza and the Tazreen Fire, who are still waiting for justice and accountability after more than a decade? And will we hear the women survivors who spoke at a public hearing at the National Human Rights Commission about the disappearance, extrajudicial killing, torture or arbitrary detention of their loved ones, about children jailed without bail for months, about the threats to them from state agencies on the one hand, and religious fundamentalists on the other?

To ensure justice for women, we need more than symbols and slogans. Increasing women's representation in the judicial system—as judges, as prosecutors, in the Attorney General's Office, in the police, among court staff and lawyers—is of course critical, and practical time-bound commitments need to be made and implemented. But we need to pay as much attention to ensuring that justice can be delivered—in courtrooms that are accessible and inclusive, ensuring proceedings are timely, orders are enforced, and remedies are secured that restore dignity and hope.

Author Photo: UN Women/ Monon Muntaka

Break barriers to women's economic power

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In Bangladesh, we have a constitutional mandate in favour of non-discrimination and equality, regardless of a person's gender. However, the reality in our society does not always reflect this constitutional commitment to women's equality. Bangladesh has made notable progress in women's education, economic participation, and social empowerment over the past few decades. Women's increasing involvement in the labour market, education, and governance reflects the country's efforts to advance gender equality. Women have also made significant gains in politics, including holding high-profile leadership roles.

Nevertheless, their representation in key decision-making bodies remains limited. For instance, the recent Consensus Commission, which includes seven members, excluded women entirely, undermining the rights guaranteed under Article 19 of the Constitution of Bangladesh. Women's journey towards full empowerment continues to face persistent challenges, including structural inequalities, socio-cultural norms, and resistance from conservative religious groups. These obstacles restrict women's freedoms and constrain their full participation in national development.

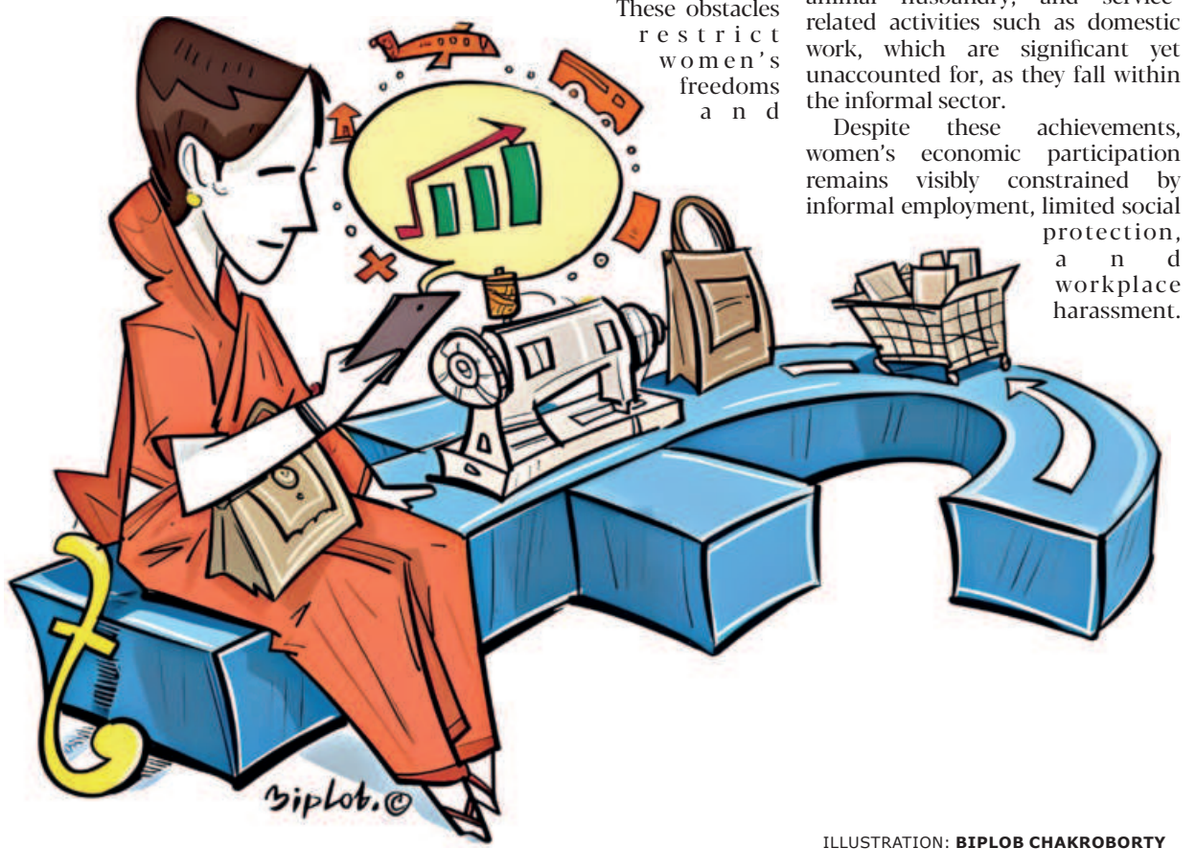

ILLUSTRATION: **BIPLOB CHAKROBORTY**

In the context of economic development in general, and women's participation in the economy in particular, women have played a crucial role in Bangladesh's growth over the last several decades. Women constitute the majority of the RMG workforce, contributing significantly to household incomes and national GDP; however, in recent years, women's participation in the RMG workforce has declined to around 53 per cent from the highs of approximately 80 per cent in the previous decade. Microfinance programmes and small enterprise initiatives have further enabled women to develop entrepreneurial skills, thereby promoting financial independence and socio-economic empowerment. What is also often unrecognised are women's contributions to agriculture, animal husbandry, and service-related activities such as domestic work, which are significant yet unaccounted for, as they fall within the informal sector.

Despite these achievements, women's economic participation remains visibly constrained by informal employment, limited social protection, and workplace harassment. Approximately 96 per cent of female workers are engaged in the informal sector, making them particularly vulnerable to exploitation and economic instability. Women are often unable to reach leadership positions in industries such as RMG, where managerial and decision-making roles remain predominantly male-dominated, not because of a lack of ability or legal rights, but more often due to entrenched socio-cultural attitudes.

While legal frameworks exist to protect women's rights, gaps remain in their enforcement and implementation. Policies frequently fail to address intersectional challenges, such as women's unpaid labour, vulnerabilities arising from informal employment, and political underrepresentation. The laws of Bangladesh provide a number of protections and benefits for women workers. For example, there are specific legal provisions relating to maternity leave and benefits. The Labour Act 2006 provides for maternity leave of 16 weeks—eight weeks before the expected date of delivery and eight weeks after delivery. Wages must be paid in full in cash and disbursed promptly upon proof of pregnancy and delivery. An employee cannot be assigned arduous tasks, required to stand for prolonged periods, or given work that may be harmful to her health during this time. There are also laws aimed at preventing child marriage, domestic violence, violence against women, acid violence, and other related offences; however, the enforcement of these laws must be pursued more rigorously.

Muslim family law and other religious personal laws contain provisions regarding the distribution of inherited property, which have significant effects on the economic and financial affairs of women. Women are most often not given their mandated share of property on various pretexts. Even when they do receive it, they are frequently allotted less valuable land than male heirs. This reality consequently hampers women's access to finance due to a lack of collateral. Bangladesh has introduced policies to ease the process for women entrepreneurs to obtain loans, including directing banks to provide up to BDT 25 lakh in loans to women entrepreneurs without collateral. There is no law requiring a guarantee from a male family member for a female entrepreneur to obtain a loan. However, in practice, bank officials tend to require such a guarantee. The Financial Express reported in 2024 that female entrepreneurs in small and medium-sized enterprises have very limited access to collateral-free loans from commercial banks. The report highlights that less than 5 per cent of total SME loans go to women.

During the Covid pademic, there was an upsurge in e-commerce and f-commerce, or Facebook commerce. Many women used Facebook to provide goods and services, including food and homecare, at affordable prices, facilitated by the absence of large overhead costs. However, the requirement of a trade licence in order to obtain bank finance became a constraint on expanding these businesses. Obtaining a trade licence requires a commercial address, which is expensive and often unnecessary for such small-sized enterprises. Many pressure groups, including chambers of commerce such as MCCI and DCCI, have strongly advocated the removal of such unnecessary constraints on the growth of these businesses. Some initiatives have also been undertaken to link women-led micro, cottage, and small enterprises into the supply chains of larger businesses. More positive, action-oriented policies need to be put in place to ensure that women-led businesses have the legal, policy, and fiscal framework necessary to formally enter the domain of economic activity, with full recognition of their enormous contributions to the nation. Ensuring their economic independence and physical safety is sine qua non for achieving genuine empowerment.

Economically, women's access to leadership roles, professional training, and entrepreneurial opportunities must be expanded. Recognition of unpaid care work, alongside the provision of flexible arrangements or social protection, would help alleviate the disproportionate domestic burden that many women bear. Industries such as RMG, where women form the backbone of the workforce, could benefit from programmes that foster mentorship, leadership development, and fair workplace practices, thereby promoting both productivity and equality.

Socially, fostering cultural change is essential. Engaging community and religious leaders in dialogue about gender equality, incorporating gender education into curricula, and promoting the equitable distribution of household responsibilities can gradually reshape societal attitudes. In parallel, women's safety, both offline and online, requires stronger safeguards, effective reporting mechanisms, and greater public awareness to ensure that participation in public life is secure and inclusive.

Finally, robust data collection and monitoring mechanisms are critical for informed policy-making. Accurate, gender-disaggregated data can guide interventions, assess progress, and enable timely adjustments to programmes designed to empower women. Through such a multi-dimensional strategy—linking law, the economy, culture, and safety—Bangladesh can move towards sustainable and meaningful empowerment of its women, allowing them not merely to participate, but to lead and shape the country's future.

The discrepancy between women's formal legal rights and their practical political influence remains stark. Increasing women's participation in policy-making, administrative boards, and governance structures is essential to ensure that their perspectives inform national development. Fifty-one per cent of the country's population must be mainstreamed if we are to address the aspirations of our growing youth population, enabling them to dream big and reach for the stars. We owe it to them.

Confronting gender inequality in Bangladesh's labour laws

AKM NASIM, JAMIN ISLAM ONI, KHANDAKER SHAFIN HABIB SHAN

On this International Women's Day, it is both timely and necessary to reflect on how far Bangladesh has come in recognising women's contributions to the workforce, and how far we still need to go to ensure that the law truly protects them. At the outset, it must be remembered that labour laws in Bangladesh primarily cover the formal sector, which represents only around 15 per cent of the total workforce, according to various estimates. A large proportion of informal sector workers, many of whom are women, remain outside the effective protection of the law.

Workers' rights in Bangladesh are primarily governed by two key statutes: the Bangladesh Labour Act, 2006 and the Bangladesh EPZ Labour Act, 2019. The latter regulates workers employed in Export Processing Zones, which collectively employ more than 500,000 workers, the majority of whom are women. In this write-up, I primarily examine the provisions of the Bangladesh Labour Act, 2006, noting that, in many instances, the issues affecting EPZ workers closely resemble those found under the same framework. Many of these legal gaps are particularly significant in sectors where women form a large share of the workforce, including export-oriented manufacturing such as the ready-made garment industry.

The Bangladesh Labour Act, 2006, underwent a major amendment in November 2025, which introduced several progressive reforms. However, important gender gaps remain embedded in both the structure and implementation of the law. These gaps, whether in maternity protection, workplace safety, union representation, or wage equality, continue to disadvantage women workers in practice. Among the many issues that warrant attention, only a few are examined here.

Domestic workers: Partial recognition, partial protection

One notable development is the recognition of domestic workers, who are overwhelmingly women, as workers under the law, albeit for a limited purpose. The amendment extends the application of Chapters XII, XIII, and XIV of the Act to domestic workers, thereby granting them rights relating to compensation for workplace injuries and the right to organise and bargain collectively.

This is undoubtedly a positive step. However, the non-application of other core protections under the Act significantly limits the practical benefit of this recognition. Domestic workers remain excluded from broader protections concerning working hours, leave, termination safeguards, and many welfare provisions. As a result, their recognition as workers remains incomplete, and so too does the protection available to them.

Disparity in maternity benefits

Maternity protection remains one of the most visible areas of gender disparity. Under the recent amendment, maternity leave for women workers has been increased from 112 days to 120 days. While this represents progress, it falls short of the 180 days demanded by workers' organisations. More importantly, it stands in stark contrast to the entitlement of government employees.

Female government officials are entitled to six months, or 180 days, of maternity leave under the Government Servants Leave Rules. In contrast, women workers in the private sector covered by the Bangladesh Labour Act receive only 120 days of leave. This creates an unequal standard of maternity protection between public and private sector employees, raising serious concerns under the constitutional guarantee of equality.

Beyond the difference in duration, the 2025 amendment introduced a new method for calculating maternity benefits under Section 48(2), which may reduce workers' monetary entitlements in many cases. Previously, maternity benefits were calculated on the basis of the average wages earned during the three months immediately preceding the notice of maternity leave. The total wages received during that period were divided by the actual number of working days, thereby reflecting the worker's real earnings pattern.

Under the new amendment, the daily average wage is calculated by dividing the last drawn total monthly gross wage by 26.

While this formula appears standardised and simpler, in practice it may reduce the total amount payable. Thus, although the duration of leave has been modestly increased, the change in the calculation method may effectively reduce the financial protection available to women workers during maternity. For low-wage women workers, even a small percentage reduction can significantly affect their economic security at a critical time in their lives.

FILE PHOTO: STAR

Violence and harassment at the workplace: Progress with gaps

The amendment has introduced important provisions addressing workplace violence and harassment. Three new definitions — violence and harassment, gender-based violence and harassment, and sexual harassment — have been incorporated into the Act, closely aligning with international standards, including ILO Convention No. 190.

The definition of sexual harassment reflects principles articulated in the landmark High Court decision in Writ Petition No. 5916 of 2008, which laid down binding guidelines for preventing sexual harassment at workplaces and educational institutions. The new Section 332KA mandates the formation of a five-member Complaint Resolution Committee, with a majority of women, a woman chairperson, and external members with experience in gender issues.

This alignment represents a strong and modern legislative step. However, important procedural gaps remain. The amendment does not clearly specify what actions an employer must take after the committee submits its findings. Without detailed procedural rules and clear enforcement guidelines, even strong definitions may fail to ensure effective protection.

Women's representation in trade union leadership

Section 176 provides that, where women constitute at least 20 per cent of an establishment's workforce, at least 10 per cent of the members of the union's Executive Committee must be women.

This provision reflects a positive effort to promote women's participation in trade union leadership. However, although women are present in the executive committees of several federations, very few occupy key decision-making positions such as president or general secretary at the national or sector level. In the absence of clear commitment, the law provides no guidance on how work of equal value should be assessed, how wage comparisons are to be conducted, or how discrimination claims should be investigated and remedied. Without clear criteria, monitoring mechanisms, and effective remedies, the principle risks remaining largely declaratory.

The tea industry: A sector requiring urgent reform

Immediate and focused attention must also be given to the tea industry, where the majority of tea garden workers are women. A careful review of the Bangladesh Labour Act, 2006, reveals ambiguities and inconsistencies in provisions relating to housing, gratuity or pension, casual leave, and annual leave that disproportionately affect tea workers.

In particular, given the unique and generational nature of tea garden employment, where employer-provided housing is inseparable from livelihood, stronger safeguards are essential to protect tea workers from eviction upon termination of service. For many tea worker families, loss of employment effectively means loss of shelter and social security. Tea workers are also excluded from the ten days of paid casual leave granted to other workers under Section 115. Furthermore, while most workers earn one day of annual leave after 18 days of work, tea workers must work 22 days to earn a single day of annual leave.

These long-standing disparities are not merely technical inconsistencies. Addressing them requires urgent legislative reform to ensure fair and equal treatment of tea workers, consistent with the broader principles of equity and non-discrimination reflected in the labour law framework.

Formal equality is not enough

Bangladesh has made important progress in reforming its labour law. Yet gender gaps persist not only in the law's text but also in its structure and implementation. From unequal maternity standards and reduced benefit calculations to procedural ambiguities in harassment cases, weak enforcement of union representation provisions, and structural discrimination in certain sectors, significant challenges remain.

True gender justice in labour law requires more than progressive language. It requires coherent procedures, enforceable standards, and a genuine commitment to substantive equality. On this Women's Day, the call is not merely for celebration, but for continued reform so that women workers across the country are protected not only in principle, but in practice.

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Jamin Islam Oni *is a Programme Officer, Solidarity Center Bangladesh.*

Khandaker Shafin Habib Shan *is a Programme Officer, Solidarity Center Bangladesh Office.*

Public lands, patriarchal rules

Why marginalised women still struggle for public resources

MIFTAHUL JANNAT
Journalist, The Daily Star

Land is more than soil. It is security in old age, collateral at the bank, and a buffer against poverty. While religion-based inheritance laws and other discriminatory land policies continue to deny women equal ownership within families, inequality does not end there. Rural and marginalised women face another layer of exclusion: restrictive systems governing public lands and wetlands that continue to privilege the male "head of household", effectively shutting women out of state-managed resources as well.

"Even under laws such as the State Acquisition and Tenancy Act 1950, access to khas land, jolmohals (waterbodies), and forests is heavily influenced by local power dynamics. Local elites often control these resources, sidelining genuine beneficiaries," mentioned Fariha Jesmin, Programme Manager at Badabon Sangho, a women's rights organisation that works closely with rural and marginalised women. "Beneficiary lists may be decided based on political connections rather than need, and bureaucratic processes are lengthy, opaque, and complex, which are often inaccessible to rural women."

Across rural Bangladesh, thousands of women contribute daily to farming, fishing, and resource management. They cultivate crops, rear livestock, mend nets, process fish, and manage household economies. But when it comes to formal access to public land, wetlands, and agricultural credit, they remain largely invisible. "While inheritance rights remain a crucial issue, women's access to public land is a broader concern, with over 60 per cent of the population landless. Bangladesh's vast khas land remains ineffectively distributed," emphasised Rowshan Jahan Moni, Deputy Executive Director, ALRD (Association for Land Reform and Development).

They might be doing hard labour and earning for their family, but women aren't granted the title of fisherfolk.
PHOTO: LIPI RAHMAN

This exclusion is especially stark given women's overwhelming presence in the rural economy. According to the BBS Survey (2022), women account for 58 per cent of agricultural workers, and nearly 74 per cent of all working women are engaged in agriculture. Yet ownership and control tell a different story. Data from SAJIDA Foundation show that only about 13 per cent of women in rural land-owning households hold formal title deeds, and a mere four to five per cent exercise effective control over agricultural land. A similar pattern is visible in fisheries: in the coastal and haor regions, an estimated 12 to 14 lakh women are directly or indirectly involved in fishing, according to the Department of Fisheries. Despite their central role in production, these women are discriminated against even in law and policy—recognised as labourers in practice, but rarely acknowledged as rights-holders on paper.

Recognition as a barrier

Recognition, in the context of women involved in the rural economy, is not merely symbolic—it determines who can lease public wetlands, access credit, secure social protection, or claim compensation after disasters. The Jalmohal Management Policy 2009 prioritises 'genuine' fishers organised into cooperatives. Yet despite women's extensive involvement in fisheries, they are rarely recognised as fishers. Cooperatives are typically male-dominated, limiting women's membership and decision-making power. Without cooperative membership and official recognition, women cannot apply for wetland leases.

"Male domination in cooperatives often limits women's participation in decision-making and access to leases. The leasing process itself is complicated, requiring applications, verification, and bidding through government offices that are often inaccessible to rural women," said Jesmin from Badabon Sangho.

The government issues fisher ID cards under the National Fisheries Policy 1998 to recognise legitimate fishers and grant benefits, including access to jolmohals. In practice, however, women are rarely issued these cards because fishing is socially viewed as men's work. Without an ID, women cannot form eligible groups or apply for leases, leaving many active fisherwomen practically invisible.

"We are asked for our identification card every time we go to the Sundarbans and are often mistaken for pirates. An ID card would not only help us access support but also serve as recognition of our hard work," said Selina Begum, a fisher from Chila-Mongla, Bagerhat.

Yet even ID cards may not be enough. The current legal definition of fisherfolk fails to recognise the full range of tasks women perform. As a result, they remain excluded from schemes such as Vulnerable Group Feeding (VGF), which is restricted to those engaged in Hilsa harvesting, a role dominated by men. "An ID card alone is not the solution. Policy reforms are required, with plans to introduce a new Motshojibi Card that better reflects women's contributions," noted an official from the Department of Fisheries.

Similar patterns of exclusion persist in agriculture. Although women constitute a large share of the farming workforce, the absence of land titles and official farmer status deprives them of access to government programmes. While khas land policies identify landless families, widows, and divorced women as priority beneficiaries, implementation often excludes their names from allocation documents. Joint ownership between spouses remains rare, and beneficiary lists are frequently shaped by political influence rather than need, sidelining marginalised women with little social capital.

The Khas Land Management and Distribution Policy of 1997 further entrenches discrimination by prioritising households with an "able-bodied son" when assessing applications from widows or women abandoned by their husbands. This preference for male-headed households disregards women's own agency and capacity to farm, effectively penalising those without male members in the family.

Rafiqul Islam, Program Officer (Advocacy) at ALRD, raised another concern: "While the government's agricultural khas land distribution was a positive initiative, it has been informally suspended since 2014. Influential individuals continue to occupy khas land." This leaves marginalised women in a state of perpetual waiting, while politically connected elites continue to illegally occupy and exploit these public lands.

Moreover, land ownership is closely tied to financial inclusion. Banks typically require land documents as collateral for agricultural loans. Although the Bangladesh Bank has provisions supporting women borrowers under agricultural and CMSME programmes, implementation remains uneven. Because land is rarely registered in women's names, they struggle to meet collateral requirements. "Even when women are actively farming, they are often seen as 'helpers' rather than independent farmers, which reduces their eligibility for loans. Although policies allow for collateral-free or small loans for women, many local bank officials are hesitant to implement these provisions," said Jesmin from Badabon Sangho. Women's limited mobility, smaller professional networks, 'land illiteracy', and lack of access to financial information compound the problem.

What must change now

- Formally recognise women as producers and workers in all land, fisheries, and agricultural policies and databases.
- Issue fisher and farmer ID cards to women and reform eligibility guidelines to ensure transparent, inclusive identification processes.
- Amend the Jalmohal Management Policy 2009 to recognise women's roles in pre- and post-harvest fisheries work and introduce mandatory quotas for women-led cooperatives.
- Promote women-friendly cooperatives and producer groups to strengthen collective bargaining and access to leases.
- Reform khas land distribution policies to allow joint spousal ownership or direct allocation to women, and digitise land records to reduce manipulation.
- Expand legal aid and community support services to help women navigate bureaucratic systems.
- Improve inter-ministerial coordination among fisheries, land, agriculture, and finance authorities to ensure inclusive and effective policy implementation.

Public lands are meant to serve the public good. Yet when patriarchal norms govern access, they cease to function as equalising tools. Until women's names appear on land titles, lease agreements, ID cards, and loan documents, the gap between policy and practice will continue to persist.

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Women as non-citizens in Bangladesh — and why the future must be feminist

VISUAL: **SALMAN SAKIB SHAHRYAR**

CYNTHIA FARIDA
Lawyer and Legal Scholar

Political power in Bangladesh continues to circulate among men. Women appear as voters, as symbols, as footnotes, but rarely as architects. The recent election illustrates this clearly. Only seven women were directly elected to general seats in Parliament in 2026, a number strikingly similar to the seven women indirectly nominated from East Pakistan to the Constituent Assembly in 1970. Women remain citizens in name, but their citizenship is qualified and conditional.

Equality exists in constitutional text, but not in the lived design of law, politics, or social and economic life. The July movement promised renewal, yet Bangladesh 2.0 has so far been built largely by men, for men. From the Constitution to the courts, from the family to the university, from the kitchen to the factory floor, gender continues to determine whose rights can be suspended and whose pain can be ignored.

Constitutional betrayal: Inequality by design

The first and deepest source of women's partial citizenship lies in the Constitution itself. Adopted in 1972, it promised equality for women but only "in public life". That qualifier, tucked into Article 28, meant that women's inequality was written into law at the inception of the Bangladeshi legal order. The post-war urgency of constitution-making is understandable; but had the text remained silent on this public–private distinction, courts might one day have interpreted equality more broadly. Instead, the founding text constrained women's claims to justice from the beginning. Women were permitted to stand beside men in politics or office, but not as equals within marriage, property, or guardianship.

Even in the narrow domain of equal "public life", women's footing remains precarious. In recent months, several political groups have demanded the abolition of reserved seats for women in Parliament. Yet these seats remain one of the few entry points into politics for women, since parties rarely nominate them in winnable constituencies. Removing reserved seats without dismantling the deeper barriers to candidacy would be a regression.

Law, religion, and the failure of justice

Family law reproduces inequality within the private sphere. Under the different religious laws that govern marriage, divorce, and inheritance in Bangladesh, women do not share rights equal to those of men. Attempts to reform personal laws have repeatedly stalled under claims that reform would interfere with religion.

Across the Muslim world, family law has been reformed through ijtihad, or reasoned interpretation and wider consultation. Morocco's 2004 family law reform and Tunisia's restrictions on polygamy are examples. India codified women's inheritance and divorce rights in the 1950s through the Hindu Code Bills. These reforms are imperfect, but they demonstrate that legal systems grounded in religious tradition can still pursue justice.

In Bangladesh, however, religion has often functioned as a boundary of political courage. Legislators and courts have treated reform as politically dangerous, even when injustice is plainly visible. What appears to be deference to faith is often simply the preservation of the status quo.

The majoritarian state

The question of women's equality in Bangladesh has never been only about religion. It has been about how religion is used to define belonging. Political parties across the spectrum have treated faith as both a political resource and a tool of moral policing. The Constitution itself reflects this tension when it simultaneously embraces secularism and Islam as a state principle. That contradiction has allowed governments to invoke religion when convenient and ignore it when it is not. Women's rights have often been the first casualty of this deliberate ambiguity.

One visible expression of this politics is the regulation of women's bodies in public life. In majoritarian settings, control over women's movement, dress, and behaviour becomes a marker of moral order. Over the years, clerics have issued fatwas restricting women's public presence. Courts and rights activists have repeatedly intervened to declare such edicts illegal. Yet judicial intervention alone cannot permanently resolve an extralegal order that thrives on social power. Whenever civic space narrows, whether through heavy-handed state control or the rise of majoritarian or religious populism, the informal policing of women's behaviour returns.

Recent public statements show how far this logic can travel. Some months ago, the media reported Bangladeshi religious and political figures admiring the "order" associated with Taliban governance, where courts operate without lawyers and authority is concentrated in male hands. Such remarks were not simply praise for administrative efficiency; they revealed an aspirational vision of power. Under Taliban rule, women are barred from secondary education and pushed out of public life. Admiration for such a system should alarm anyone who takes women's equality seriously.

The same exclusions appear even in spaces that call themselves progressive. Panels, debates, and reform commissions in the post-uprising moment have been overwhelmingly male. Calls to normalise religious conservatives as "pluralism" have not been matched by comparable insistence on women's participation. The implication is hard to miss: the religious Right must be accommodated; women can wait.

Equality exists in constitutional text, but not in the lived design of law, politics, or social and economic life. The July movement promised renewal, yet Bangladesh 2.0 has so far been built largely by men, for men. From the Constitution to the courts, from the family to the university, from the kitchen to the factory floor, gender continues to determine whose rights can be suspended and whose pain can be ignored.

Justice deferred: From police station to the periphery

For women across Bangladesh, the path to justice is rarely straightforward. At the police station, they encounter disbelief or intimidation. At hospitals, forensic evidence may be delayed or mishandled. In court, proceedings stretch over years while witnesses face pressure to remain silent. Conviction rates in rape and other violent crimes against women remain, by some estimates, as low as 2 per cent.

Article 102 promises citizens the right to approach the High Court when other remedies are exhausted. In practice, it can function as a constitutional fig leaf. By the time a woman reaches the High Court, she has already endured the failures of police, doctors, prosecutors, and the wider legal system. For those without wealth or influence, the courtroom door may as well be closed. When formal institutions fail, public outrage becomes the only mechanism capable of compelling state action, and even that solidarity can fracture.

The Chittagong Hill Tracts remain one of the clearest examples of how inequality deepens at the periphery. Legally, the region continues to operate under the colonial-era Hill Tracts Regulation of 1900, which places it partially outside the ordinary jurisdiction of national law. That exceptional status has translated into exceptional vulnerability.

In September 2025, the rape of a twelve-year-old girl in Khagrachhari sparked protests that were met with prohibitions on assembly and state repression. Seven people died in the clashes that followed. A suspect was remanded, while others remained at large. According to a 2025 Share-Net Bangladesh study, of 17 reported rape cases involving indigenous women in the Hill Tracts, only five received police follow-up. The pattern reflects the same hierarchy that shapes justice across the country, only starker at the periphery.

The same logic of partial citizenship appears in the treatment of gender minorities. Bangladesh formally recognises a third gender, yet continues to criminalise same-sex relations under Section 377 of the Penal Code. Whatever moral disagreements may exist in society about homosexuality, criminal law should not be used to regulate the private lives of consenting adults. When trans activists such as Sahara Chowdhury, who stood alongside others during the July 2024 protests, later faced expulsion and vilification, it shows how quickly the language of inclusion can disappear once the political spectacle fades.

The political economy of dependence

Economic policy has long reflected similar assumptions. Women's labour is indispensable to the economy but is rarely recognised as such. Around 85 per cent of Bangladesh's workforce operates within the informal sector, where women are heavily concentrated in low-paid and insecure work. The government recently acknowledged unpaid care labour in the national budget, and Bangladesh's Time Use Survey measured domestic work for the first time.

Recognition alone does little to change structural conditions. Domestic workers remain largely unprotected under labour law. Women's income is often treated as supplementary and is controlled by fathers, brothers, or husbands, who remain the recognised heads of households.

Development narratives often celebrate women's resilience through microcredit and entrepreneurship programmes. Yet many such initiatives leave women with debt but without authority. The language of empowerment often focuses on rescuing women from violence or poverty. This framing mistakes the symptom for the cause. Violence persists because women lack equal power within the political system, the economy, and society.

Taken together, these legal, economic, and moral arrangements form a system that limits women's full participation in public life. Constitutional ambiguity, unequal family law, informal labour markets, and programmes framed as empowerment often address the symptoms of inequality while leaving the deeper structures that produce it untouched.

Dehumanisation: Women as property

Across social classes, the treatment of women continues to follow a logic of possession disguised as protection. Control is framed as care. According to the Bangladesh Bureau of Statistics, 41.6 per cent of girls are married before the age of eighteen and more than eight per cent before fifteen. Early marriage is frequently rationalised as a form of protection. Poverty, social pressure, and fear of sexual violence combine to make marriage appear safer than independence. Parents who cannot afford to educate or protect their daughters may come to see marriage as the safer option. The result is the conversion of childhood into property and the erasure of choice and autonomy. Weak enforcement of child marriage laws, persistent dowry practices, and social surveillance of women's movement reinforce the idea that women's safety depends on control rather than freedom.

The demographic warning

Bangladesh's fertility rate has now fallen below replacement level for the first time in its history. Demographers often interpret declining fertility as a sign of economic development and social change. Yet the picture is more complex. Research across countries shows that fertility patterns are also shaped by the conditions under which women live and work.

Societies in which women have autonomy, economic security, and support for balancing work and family life tend to sustain more stable population patterns. Where women face persistent insecurity, overwork, and unequal burdens of care, family life itself becomes harder to sustain. Equality, in this sense, is not only a moral or political question but also an economic one. Increasing women's participation in the labour force and recognising unpaid care work are not only matters of fairness; they are part of the foundations that sustain families and communities.

Structural equality is necessary economic infrastructure. Legal reform must therefore move beyond symbolic recognition. Recognising unpaid care work must translate into childcare infrastructure, labour protections, and economic policies that support women's autonomy.

The future is feminist

Bangladesh stands at a moment it calls renewal, yet women remain marginal to its authorship. From Parliament to panels, men continue to speak for the nation, while women remain an afterthought.

Given the accumulated injustices of our past, only feminist politics can complete the unfinished work of justice. Feminism is often caricatured as a demand for women's superiority over men. In reality, it insists on something far more basic: that equality become a governing principle rather than a symbolic gesture. A democracy that incapacitates half its citizens cannot call itself free.

That shift requires legal reform that addresses structural inequality rather than reacting to violence after it occurs. The Anti-Discrimination Bill, still pending in Parliament, could mark an important step if enacted with meaningful enforcement. Laws that recognise unpaid care work, strengthen labour protections, and reform family law would move the conversation from episodic outrage towards structural equality.

The future of Bangladesh will not depend on winning the culture wars that consumed public debate during the reform fervour of the past two years. It will depend on whether equality remains performative or becomes a constitutional duty.

Why sexual harassment laws fail in practice

SALMA ALI
Human Rights Activist and Adviser, Bangladesh National Women Lawyers' Association (BNWLA)

Sexual harassment and gender-based violence have long scarred Bangladesh's social fabric. While the country today has a range of laws, ordinances, and international commitments aimed at protecting women, the reality on the ground tells a different story—one of impunity, weak enforcement, institutional apathy, and a justice system that too often re-traumatises victims instead of protecting them.

One of the earliest incidents that sparked national outrage occurred on December 31, 1999, at the Teacher-Student Centre of the University of Dhaka. A young woman, Shaon Akhter Badhan, was brutally assaulted by a group of 10 to 12 men. In a public space, in front of others, she was harassed, her clothes torn, and her dignity violated. The incident sent shockwaves across the country.

Badhan filed a case with Ramna Police Station on January 6, 2000, naming three suspects. Yet the trial was marred by procedural failures. Badhan herself did not testify. Of the 24 listed witnesses, only 15 appeared in court. On August 31, 2010, the accused were acquitted for lack of sufficient evidence. The verdict highlighted deep systemic flaws in the judicial process and the enormous barriers victims face in pursuing justice.

A review of the past 25 years since 2000 shows that several major cases of sexual harassment have surfaced in public universities such as the University of Dhaka, Jagannath University, and Jahangirnagar University. Between 2008 and 2009, many harassment incidents surged nationwide. The rise of so-called "eve teasing" led to multiple suicides by young girls and, in some cases, the killing of family members who attempted to intervene. The majority of the perpetrators were politically connected, further entrenching a sense of untouchability.

In response to escalating violence, on behalf of the Bangladesh National Women Lawyers Association (BNWLA), I filed a writ petition under Article 102 of the Constitution at that time. In 2011, the Supreme Court delivered a landmark judgment that laid the foundation for sexual harassment laws in Bangladesh. These directives mandated the formation of internal complaint committees in educational institutions and workplaces, an important step towards institutional accountability.

More recently, the Women and Children Repression Prevention (Amendment) Ordinance, 2025, was promulgated. However, as it was issued by a non-political government, it must now be passed by Parliament to become a fully enacted law.

A justice system that re-victimises

Despite progress in lawmaking, women and children still encounter hostile systems when they seek justice. Many workplaces, schools, colleges, and universities still remain unsafe for women.

Victims often face "second-time victimisation" when reporting crimes. While conditions in Dhaka have improved somewhat over the years, in district and suburban areas access to justice remains a mirage. Over the past two decades, countless cases have gone unreported due to stigma, fear, and structural barriers.

The culture of power and predation

In my personal experience, there are different patterns among perpetrators of rape. One type is driven by sadistic tendencies—someone who views women as sexual objects and often has a history of criminal behaviour from an early age. Another type is what may be described as a "power rapist," who commits rape to assert dominance or display political or social influence, believing they can act with impunity.

But who takes responsibility for identifying and addressing these patterns? Our justice system does not even have a structured mechanism to properly classify such offenders in order to bring them effectively under accountability.

In most cases across universities in the country, incidents never come to light. Even when a few do surface, if the accused—whether teacher or student—is politically connected or socially influential, the case often fails to reach the court. This is a major and deeply pervasive problem in our country.

Despite repeated rhetoric, we have yet to establish a genuine culture of "zero tolerance" towards sexual harassment.

Committees in name only

The law clearly mandates that every institution—workplaces, schools, colleges, universities—must establish internal sexual harassment committees. These committees must have an odd number of members (three, five, or seven), with at least two external members and a woman as chair. Complaint boxes must be placed in a way that ensures privacy. Proceedings must maintain confidentiality and anonymity.

In practice, however, many committees exist only on paper. Even in prominent corporations and factories, committee members are often unavailable, untrained, or relatives of management. In some cases, the absence of complaints is taken as proof that everything is functioning well—when, in reality, fear may be suppressing reporting. Although ministries should conduct surprise visits to ensure compliance, this practice is almost non-existent.

Weak implementation and legal gaps

Although the law stipulates that sexual harassment cases should receive a speedy trial and be resolved within two to three months, delays are common. Public prosecutors often lack specialised training, especially in cyber harassment cases. Judges handling such matters may not have adequate preparation.

The Evidence Act, even with expanded provisions for digital evidence, still places heavy burdens on victims. Successful prosecutions remain rare.

Out-of-court settlements—especially forced marriages between victim and perpetrator—continue in some regions, particularly in rape cases. In one case of domestic violence, parents accepted around three lakh taka to withdraw a complaint, despite visible burn marks on their daughter's body. Courts, persuaded by settlements, sometimes close cases. Such outcomes represent grave failures of accountability.

The introduction of One-Stop Crisis Centres (OCCs) once marked progress, especially in cases involving domestic workers. Some wealthy perpetrators were punished, and physical abuse cases declined. But cases involving influential individuals—including members of the security forces—often go unreported.

Sexual harassment and gender-based violence are egregious violations of human rights that demand absolute zero tolerance and urgent, sustained action.

ILLUSTRATION: **BIPLOB CHAKROBORTY**

The expanding threat of cyber harassment

Cyber harassment has added a new, alarming dimension. A 2014 helpline launched to combat cyber abuse received 10,216 complaints in its first year alone. Social media platforms have amplified risks, including cyberbullying, image-based abuse, and online pornography.

Despite existing cyber security laws, enforcement is weak. Many victims fear secondary humiliation and avoid filing complaints. Some have left the country entirely, changed their identities, and pursued legal remedies abroad.

Prosecutors and judges often lack adequate training in handling digital evidence. Monitoring and awareness remain insufficient.

International commitments, local failures

Bangladesh has ratified key international labour conventions to ensure safe workplaces and prevent harassment. According to ILO findings, three out of five workers experience some form of harassment. A "women-friendly workplace" must guarantee safety and dignity.

Yet factory visits—even in establishments under BGMEA and BKMEA—reveal non-functional committees. International buyers increasingly check compliance, but in reality, many committees are symbolic.

Towards a victim-centric system

If Bangladesh is serious about women's empowerment, it must build a comprehensive victim-centric support system in matters of sexual harassment and other gender-based violence.

The first step is counselling in a safe, child- and women-friendly environment. Legal assistance must follow, alongside guaranteed protection during proceedings. International examples show that victims can be housed in secure environments throughout legal processes, shielded from intimidation.

Reintegration support is also essential. Sexual violence—whether rape, domestic abuse, or workplace harassment—leaves profound psychological scars. Justice must extend beyond verdicts to healing.

Committees must function properly, meet regularly, maintain confidentiality, and impose proportionate disciplinary measures. District authorities and education boards must monitor compliance not only in Dhaka but nationwide—extending to small rural institutions.

Awareness must spread like a wave—across ministries, workplaces, schools, villages, media platforms, and families. Every layer of society must engage in dismantling the culture of silence and shame.

This article is based on an interview with **Advocate Salma Ali**. *The interview was conducted and transcribed by* **Miftahul Jannat**.

TIME TO ACT

Online abuse is now a national crisis

YSTIAQUE AHMED
Journalist, The Daily Star

As Bangladesh moves deeper into an all-digital social life, harassment, intimidation and violence have followed women from street corners and homes into their virtual lives. It travels through Facebook inboxes and comment sections, spreads across Messenger groups, mutates into AI-generated images, and resurfaces long after a woman believes it has ended.

Awareness campaigns, roundtables and activism have highlighted the urgency of ending digital violence against women and girls. Yet survivors and legal experts say that while conversations have expanded, legal protection has not kept pace. For many women, the law remains distant, intimidating and, too often, ineffective.

The scale of the problem

The numbers are stark. A 2022/23 ActionAid study found that about 64 per cent of women faced online violence, up from just over 50 per cent the previous year. NETZ Bangladesh reported that more than 78 per cent of women in eight districts experienced technology-facilitated violence. The impact is severe: 65 per cent of survivors reported psychological trauma, nearly 43 per cent lost confidence online, and many withdrew from public life. Yet only around 15 per cent filed formal complaints, reflecting a broader trend.

A widening digital divide

The violence unfolds against a backdrop of inequality in digital access itself.

This gap complicates efforts to empower women digitally. As Sharmin Islam, Gender Analyst at UNDP, shared, "While both men and women experience cyber violence, women and girls are affected at a significantly higher rate. This cyber violence is a new dimension of the violence women have faced for a long time, such as intimate partner violence and sexual harassment in public places." She pointed to a culture of impunity. "When even gross acts of physical violence often go unpunished, people assume there will be no legal consequences for online harassment."

The law on paper

Bangladesh has moved through several legislative phases. The Digital Security Act was heavily criticised before being replaced. The latest framework, the Cyber Security Ordinance 2025 (CSO 2025), criminalises sexual harassment, revenge pornography and certain forms of AI-generated harmful content. It prohibits the publication of non-consensual intimate images and provides penalties that can extend to years of imprisonment and fines.

Barrister Tasnuva Shelley, Deputy Attorney General, Appellate Division, Supreme Court of Bangladesh, noted that the Ordinance provides specific definitions for sexual harassment, revenge porn and sextortion. It recognises repeated requests for nude images, unsolicited sexual content and the transformation of someone's image into sexualised content without consent.

However, grey areas remain. Deepfake content is recognised, but victims often lack recourse under copyright law because they do not "own" the manipulated material. Section 17 addresses harmful AI outputs, yet identifying the origin of automated, AI-driven harassment remains technically complex.

Farjana Yesmin, Assistant Professor of Law at the University of Chittagong, said older laws such as the Penal Code and the Prevention of Oppression against Women and Children Act were never designed with digital offences in mind. Although the 2025 Ordinance defines sexual harassment and revenge porn, she argued that there is still a gap in defining broader "digital harm", particularly in relation to AI.

ARTIST: **SALMAN SAKIB SHAHRYAR**

The law in practice

One major obstacle is evidence. Cases often fail due to procedural lapses in handling digital evidence. Under Section 65B(4) of the Evidence Act, digital evidence requires a mandatory certificate. Without it, evidence becomes inadmissible. Digital truth is fragile; content can be altered or deleted if not preserved immediately through technical processes such as hashing (digital fingerprints).

Barrister Shelley acknowledged a gap between statutory text and judicial practice. Judges must now assess complex metadata and forensic reports, yet digital literacy within the judiciary remains uneven.

There are also structural barriers for complainants. Under Section 40(2) of the CSO 2025, if the police refuse to register a complaint, a Tribunal may dismiss it if not satisfied after examining the complainant. Section 28, which punishes false cases with penalties equivalent to the alleged offence, can create fear among survivors that a failed case could rebound against them.

Barriers at the police station

Advocate Humayra Noor, a Supreme Court lawyer, described the first hurdle: filing a General Diary (GD) at a police station. "Women frequently face blackmail, AI-generated fake photos, and the sharing of non-consensual images," she said. "Many women feel insecure and are unsure of what steps to take."

Even reaching the stage of filing a GD requires courage. Victims are often asked irrelevant and embarrassing questions. If the duty officer is male, many feel unable to speak freely. Questions about prior romantic relationships frequently surface, reinforcing victim-blaming.

Adv. Noor proposed all-female police cells in every station to ensure privacy and sensitivity. She criticised the complicated online GD process, which forces some women to seek help from local computer shops, compromising their privacy.

Reporting without redress

The Bangladesh Police launched the Cyber Support for Women initiative in late 2020, known as the Police Cyber Support Centre for Women (PCSW). From its inception until May 2024, 60,808 women sought assistance. In 2024 alone, 9,117 cyber harassment complaints were recorded, with spikes in September and October following heightened political activity.

Yet redress remains limited. ActionAid found that 64.71 per cent of women did not receive any action in response to their submitted complaints. Many believed the mechanism simply did not work.

A punishment-heavy approach

Sharmin Islam of UNDP noted that international standards focus not only on criminal penalties but also on rapid content removal and survivor support. "In the context of Bangladesh, I see a major gap where policies focus solely on punishment rather than proactive, preventative measures," she said.

Prof. Farjana Yesmin argued that while laws may be gender-neutral in wording, their impact is unequal. Even if a harasser is jailed, the viral images often remain online indefinitely. She stressed that non-consensual intimate image sharing should be recognised not just as an offence but as a violation of a woman's fundamental right to privacy and safety.

Towards reform

Proposals for reform converge on several themes.

Barrister Shelley has called for a "correctional jurisprudence" framework that audits and neutralises bias within AI and legal systems. She advocates inclusive data ecosystems and clearer deepfake regulation.

Prof. Yesmin prioritises gender-segregated cyber help desks in every district, mandatory content removal within 24 hours, and compulsory gender-sensitivity training for judges and police officers.

Adv. Noor emphasises people-friendly policing, nationwide awareness campaigns and unified support systems that bring lawyers, doctors, police and mental health professionals under one coordinated structure.