

# Women in justice and justice for women



**SARA HOSSAIN**  
Senior Advocate, Supreme Court of Bangladesh & Honorary Executive Director of Bangladesh Legal Aid and Services Trust (BLAST)

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



PHOTO COURTESY: BLAST

receive less visibility, leading to fewer court appearances, leadership roles, and recognition.

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. Adjudgment follows adjudgment. 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



**NIHAD KABIR**  
Barrister at Law, Senior Advocate & Senior Partner, Syed Ishiaq Ahmed & Associates

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.

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 pandemic, 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.



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