

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-traumatizes 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

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

be persuaded by settlements, sometimes 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.

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.



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

ILLUSTRATION: BIPOB CHAKROBORTY

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

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,

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.

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



ARTIST: SALMAN SAKIB SHAHRYAR

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.

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

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 "corrective 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.