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Women's Rights and Legal Protection in Bangladesh: An Analysis

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Abstract

Women's rights have gained growing policy prominence in developed countries, fostering the development of robust legal frameworks that promote gender equality and women's empowerment. This paper examines the current scenario of women's rights and legal status in Bangladesh. It critically analyses constitutional guarantees, statutory laws, institutional frameworks, and the roles of government agencies, the judiciary, civil society organizations, and international partners' initiatives in protecting women's rights in Bangladesh. Key features of Nari-O-Shishu Nirjatan Daman Ain, 2000 (The Women and Children Repression Prevention Act, 2000) recent amendments, and implementation mechanisms are highlighted, while significant legislative and procedural shortcomings are also identified. Although Bangladesh possesses a robust legal framework in form, well-established structural patriarchy, pervasive social prejudice, and persisting significant gaps between law and practice noticeably undermine effective protection. Harmonization of existing laws, adoption of victim-centered approaches, strengthening accountability mechanisms, and more effective implementation strategies are necessary for the meaningful realization of women's rights. The paper concludes with implications.

Keywords: Women's rights, Gender equality, Legal protection, Repression, Gender-based violence.

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1. Introduction

Women's rights hold great importance for citizens, governments and development organizations worldwide, as they have become a central component in achieving social justice, democratic governance, and sustainable development. These rights are universally recognized as integral to human rights. The United Nations has adopted a wide range of cooperative initiatives and supports to ensure human rights in general and women's rights in particular and consistently emphasized that gender equality is not only a moral imperative but also a strategic necessity for poverty reduction, inclusive economic growth, and long-term social cohesion. Many developed countries have established comparatively stronger legal and institutional frameworks for protecting women's rights. However, the advancement of women's rights and their meaningful and effective implementation in developing countries, as in Bangladesh is questionable as there remains a paucity in policy guidelines and legal mechanisms to ensure women's rights and protection modalities. Like many other developing countries, in Bangladesh, the advancement of women's rights attracts government attention due to historical gender disparities, socio-economic vulnerabilities, and deep-rooted masculine cultural norms.

The Constitution of Bangladesh provides a comprehensive legal foundation for the protection and promotion of women's rights.¹ Articles 19(1) and 28(1–3) guarantee equality before the law and prohibit discrimination on the basis of sex, while Article 28(3) obliges the state to adopt measures to ensure substantive equality for women. Additionally, Articles 31 and 32 protect women's rights to legal protection, personal liberty, and security, forming the constitutional basis for addressing gender-based violence, discrimination, and barriers to participation in education, employment, and public life. These provisions collectively establish both formal equality and a state responsibility to promote substantive measures that empower women and safeguard their rights.

Despite these constitutional guarantees, gaps remain between the law in books and its practical implementation. Social norms, structural patriarchy, and weak enforcement mechanisms often hinder women from fully exercising these rights, especially in rural and marginalized communities. The Constitution, therefore, not only provides legal recognition but also underscores the need for complementary statutory measures, institutional support, and effective enforcement strategies to translate formal legal guarantees into real protection and empowerment for women in Bangladesh.

The scenario of women's rights in the country has been seen as a complex and often paradoxical picture in the global discourse on women's rights. Despite a wide range of limitations in acquiring women's rights in Bangladesh, the country has achieved remarkable progress in several gender-related indicators. More clearly, female enrollment in primary and secondary education has reached parity with or exceeded that of males, and women's participation in the labor force—particularly in the ready-made garments (RMG) sector—has contributed significantly to economic growth. Women have occupied prominent political leadership positions at the national level.

On the other hand, women in Bangladesh continue to face multiple forms of gender-based discrimination and violence, including domestic and intimate partner violence, child marriage, sexual harassment and assault, economic discrimination, and technology-facilitated gender-based violence. Domestic violence remains one of the most prevalent forms of abuse, affecting women's physical, psychological, and social well-being. Child marriage, despite legal restrictions, continues to limit girls' educational opportunities and expose them to early pregnancy and increased risks of violence. Furthermore, sexual harassment and assault in public, educational, and workplace settings undermine women's safety and freedom of movement. Women also encounter economic discrimination through unequal access to employment opportunities, wage disparities, and barriers to career advancement. More recently, the rapid expansion of digital technologies has contributed to the emergence of technology-facilitated gender-based violence, including online harassment, cyberstalking, and non-consensual sharing of intimate content. Collectively, these violations impede the realization of gender equality and hinder women's full participation in social, economic, and political life in Bangladesh.^{2,3}

Women's rights violations remain one of the most pervasive human rights challenges worldwide. According to the World Health Organization (WHO), approximately one in three women (30%) globally experience physical and/or sexual violence during their lifetime, most often perpetrated by an intimate partner.⁴ Such violations undermine women's rights to safety, dignity, health, and equality and have significant social, economic, and psychological consequences. Despite international commitments to gender equality, violence, discrimination, and unequal access to opportunities continue to affect millions of women across countries and cultures.⁵

In South Asia, women face additional challenges associated with deeply rooted social norms and gender inequality. According to the United Nations Children's Fund- UNICEF (2023), child marriage remains a major human rights concern, with around one in four young women in the region married before the age of 18.⁶ Although the region has made notable progress in reducing child marriage, it still accounts for nearly 45% of the world's child brides.⁷ The United Nations Population Fund- UNFPA (2025) states that Bangladesh exemplifies these challenges: it has one of the highest rates of child marriage in the region, with 47% of women aged 18–24 married before their eighteenth birthday.⁸ UNICEF (2023) and UNFPA (2025) further reveal that child marriage often exposes girls to early pregnancy, school dropout, economic dependency, and increased vulnerability to domestic and sexual violence, thereby perpetuating cycles of gender inequality and rights violations.^{9,10}

Globally, violence against women affects about one-third of women. In South Asia, child marriage and gender-based violence remain significant challenges despite progress in education and legal protections. Bangladesh has made advances in women's empowerment but continues to face high rates of child marriage and violence against women, making gender equality and protection of women's rights a major policy priority.

More clearly, despite constitutional guarantees of equality and Bangladesh's ratification of major international human rights treaties, and statutory instruments such as the Prevention of Oppression Against Women and Children Act, 2000 (Nari-O-Shishu Nirjatan Daman Ain, 2000); the Dowry Prohibition Act, 2018; The Domestic Violence (Prevention and Protection) Act, 2010; The Suppression of Immoral Traffic Act, 1993, women's rights violations remain pervasive. This contradiction raises critical questions regarding the effectiveness of existing legal frameworks and institutional mechanisms. In consequence, this paper logically poses a vital question of why has Bangladesh's extensive legal framework failed to provide effective substantive protection for women, and what legal and institutional reforms are required to close the gap between formal rights and lived realities?

To address the research questions, the paper seeks to examine the current status of women's rights in Bangladesh, critically analyze the existing legal and institutional frameworks for the protection of women, and review and assess the laws relating to women's rights. It also identifies the limitations and shortcomings of the Women and

Children Repression Prevention Act, 2000 (Nari-O-Shishu Nirjaton Daman Ain, 2000).

2. Research Methodology

This study employs a qualitative research methodology to explore the historical evolution, statutory development, and practical effectiveness of the protection of women's rights in Bangladesh. The research is fundamentally doctrinal and analytical, focusing on the review of primary and secondary legal documents, policy papers, and scholarly literature.

2.1 Research Design

The research design is descriptive and analytical. It traces the historical trajectory of the women's rights movement globally and locally, with a special focus on legislative development in Bangladesh. It evaluates the statutory framework, institutional arrangements, and implementation challenges of the Prevention of Oppression against Women and Children Act, 2000 (Nari-O-Shishu Nirjaton Daman Ain, 2000).

2.2 Sources of Data

The study relies on secondary data drawn from the following sources:

- Statutory instruments such as the Prevention of Oppression against Women and Children Act, 2000 (Nari-O-Shishu Nirjaton Daman Ain, 2000); the Dowry Prohibition Act, 2018; The Domestic Violence (Prevention and Protection) Act, 2010; The Suppression of Immoral Traffic Act, 1993 and related laws.
- Reports and policy documents issued by Ain o Salish Kendra, Ministry of Women Affairs of the People's Republic of Bangladesh, other government ministries, and the Law Commission.
- Academic journals, books, and scholarly articles on Women's rights protection law and human rights.
- Newspaper articles and press releases (e.g., The Daily Star, The Financial Express) to assess public and expert opinion.
- Internet-based resources, particularly United Nations guidelines and comparative studies from other jurisdictions.

2.3 Method of Analysis

The collected data were subjected to:

- Content analysis of legal texts to identify overlaps, ambiguities, and contradictions among various women-related laws.
- Comparative analysis to evaluate Bangladesh's women's rights protection laws against regional and global benchmarks.
- Case and policy analysis to examine gaps in law enforcement, judicial recourse, and bureaucratic limitations.
- Critical analysis to interpret the structural and functional deficiencies in the legal framework from a rights-based perspective.

2.4 Ethical Considerations

This study has followed standard ethical procedures applicable to legal and social science research. All sources are properly acknowledged, and no human subjects were involved in data collection.

3. Origin and historical background of women's rights in Bangladesh

Women's rights in Bangladesh have developed gradually from a society where women were largely confined to household roles and customary laws governed their lives. During the colonial period, women had limited access to education, property, and legal protection, and social practices such as child marriage and dowry-related abuse, polygamy, and severely restricted women's autonomy. However, early reformers like Begum Rokeya advocated women's education and dignity, helping to create awareness of women as rights-bearing individuals. Some legal changes were introduced under British rule, including limited reforms to marriage and inheritance laws for Muslims and Hindus. Women also took part in the Language Movement of 1952 and later political movements, proving their ability to participate in national life. These early social and legal reforms, although modest, laid the groundwork for the idea that women deserved equal status before the law and in society.

After independence in 1971, legal development became a central tool for protecting women's rights. The Constitution of Bangladesh guaranteed equality before the law and prohibited discrimination based on sex, providing the strongest legal foundation for women's rights. Over time, several important laws were enacted, such as the Suppression of Immoral Traffic Act, the Dowry Prohibition Act, and the Women and Children Repression Prevention Act, which criminalized violence, exploitation, and abuse against women. Family

laws were also modernized through family courts to ensure women could claim maintenance, dower, divorce rights, and child custody. Reserved seats for women in Parliament were introduced to increase political participation, and labor laws were amended to protect female workers, especially in the garment sector. These legal measures reflected the state's growing recognition that enforceable rights and institutional protection must support social change.

In recent decades, legal development has expanded to address contemporary challenges faced by women. Laws against domestic violence, sexual harassment, acid attacks, and human trafficking have strengthened legal remedies and punishment for offenders. Courts have issued guidelines to protect women in workplaces and educational institutions, while government policies promote girls' education, maternal health, and economic empowerment. Women now serve in high constitutional offices, the judiciary, administration, and law enforcement, symbolizing the impact of legal equality. Despite this progress, gaps remain between law and practice, as many women still face obstacles such as early marriage, unequal wages, and limited access to justice in rural areas. Nevertheless, the historical and legal development of women's rights in Bangladesh demonstrates a steady transition from traditional subordination to constitutional equality and statutory protection, making law a powerful instrument in the ongoing struggle for gender justice.

4. Legal Provision for Safeguarding Women's Rights

Bangladesh has several special laws, specifically prohibiting certain forms of violence against women, including the Penal Code, 1860; the Anti-Dowry Prohibition Act, 1980; the Cruelty to Women Ordinance, 1983; the Suppression of Immoral Traffic Act, 1993; the Prevention of Repression against Women and Children Act, 2000, etc.

4.1 Constitutional Provision Regarding Women's Rights

Under the Constitution of the People's Republic of Bangladesh, women's rights are protected under the broad and universal principles of equality and participation. These principles are found in the following Articles in the Constitution: The Constitution provides that steps shall be taken to ensure participation of women in all spheres of national life¹¹ and the State shall endeavor to ensure equality of opportunity to all citizens.¹² It specifies that all citizens are equal before the law and are entitled to equal protection of the law.¹³ Moreover, provides that the State shall not discriminate against any citizen on

grounds only of religion, race, caste, sex, or place of birth.¹⁴ Some article more directly and categorically says that women shall have equal rights with men in all spheres of the State and of public life.¹⁵ This latter provision means that all rights mentioned in the Constitution ensure equal rights for women and men, the right to personal liberty, the right to property, freedom of movement, freedom of speech, freedom to exercise a profession, and the prevention of all kinds of discrimination.

4.2 The Penal Code, 1860

The Penal Code, 1860, defines rape as non-consensual sexual intercourse by a man with a woman against her will, with consent obtained by fear/deception but notably excludes marital rape if the wife is over thirteen, making it a colonial-era definition limited to penile-vaginal penetration and excluding men/transgender individuals.¹⁶ In Section 376 of the Penal Code, 1860, deals with the punishment for rape, mandating imprisonment for life or up to ten years, plus a fine, for committing rape as defined in Section 375, with a specific exception for marital rape if the wife is not under twelve, where punishment is lighter up to 2 years or fine or both. However, critics argue these marital exceptions are outdated and insufficient, notes Laws of Bangladesh. Section 354 of the Penal Code, 1860 defines the offence of assaulting or using criminal force against a woman with the intention of outraging her modesty or knowing that such an act is likely to outrage her modesty. Under this section, any man who physically assaults a woman or applies force to her in a way that insults her dignity as a woman can be punished. The punishment for this offence may include imprisonment for up to two years, a fine, or both. The purpose of this provision is to protect women's personal dignity and to deter physical behavior that is indecent, humiliating, or disrespectful. Section 509 of the Penal Code, 1860 deals with words, gestures, or acts intended to insult the modesty of a woman. It states that if any person uses obscene or insulting words, makes sounds or gestures, or displays any object with the intention that such conduct be heard or seen by a woman and thereby outrage her modesty, that person commits an offence. The punishment for this offence may extend to simple imprisonment for up to one year, or a fine, or both. This section aims to protect women from verbal harassment and indecent behavior that harms their dignity and sense of personal security.

Sections **354** and **509** are particularly important for everyday protection of women's modesty and dignity, criminalizing assault or use of

criminal force with intent to outrage a woman's modesty and acts such as verbal abuse, gestures, or sounds intended to insult a woman's modesty. Protection against abduction, kidnapping, and forced marriage is another important aspect of women's rights under the Penal Code. Sections 361–366 address kidnapping and abduction, including abducting or inducing a woman to compel her marriage or to force or seduce her into illicit intercourse. These provisions aim to protect women from coercion, trafficking, and exploitation. Although the Penal Code historically lacked explicit recognition of domestic violence and marital rape, these gaps have later been addressed to some extent through special laws such as the Nari-O-Shishu Nirjaton Daman Ain, 2000 and the Domestic Violence (Prevention and Protection) Act, 2010.

4.3 The Domestic Violence (Prevention and Protection) Act, 2010

This Act was enacted to prevent domestic violence and protect women and children in Bangladesh in line with constitutional guarantees and international commitments. It defines domestic violence broadly to include physical, psychological, sexual, and economic abuse such as assault, verbal humiliation, sexual violation, and deprivation of property, dower, or maintenance.¹⁷ The Act assigns duties to police officers, enforcement officers, service providers, shelter homes, and medical authorities to assist victims.¹⁸ Victims or their representatives may apply to the court for remedies¹⁹. The Act ensures speedy trial and appeal procedures.²⁰ Regarding penal provisions, offences under the Act are cognizable, bailable, and compoundable. A breach of a protection order is punishable with imprisonment for up to six months, or fine up to Tk 10,000, or both, while a repeated breach may result in imprisonment for up to two years, or fine up to Tk 1,00,000, or both.²¹ Moreover, filing a false or malicious complaint is punishable with imprisonment up to one year or fine up to Tk 50,000 or both.²² Globally, almost one in three women have experienced physical and/or sexual violence at least once in their life.²³ One woman experiences violence every 50 minutes. One woman is physically tortured every 65 minutes. One woman commits suicide every 6 hours. One woman is raped every 12 hours. One woman is murdered every day. Bangladesh, our motherland, has no place for women.²⁴

4.4 The Human Trafficking Prevention and Suppression Act, 2012

This Act was enacted in Bangladesh to prevent human trafficking, protect victims, and ensure strict punishment of offenders. The Act defines human trafficking broadly, including recruitment,

transportation, transfer, harboring, or receipt of persons for exploitation.²⁵ It provides severe penalties for trafficking, including long-term imprisonment and fines, with heavier punishment when the victim is a woman or a child or when the offence is committed by an organized group.²⁶ Special provisions ensure the rescue, protection, medical care, shelter, and rehabilitation of victims.²⁷ The Act also allows for confiscation of property used in trafficking and compensation for victims.²⁸ and establishes special procedures for investigation and trial to ensure speedy justice.²⁹ Overall, the Act aims to eliminate human trafficking and safeguard human rights, especially of children. The Child Marriage Restraint Act, 2017 of Bangladesh provides specific punishments to deter child marriage while emphasizing preventive measures. Under Section 6, any adult male who contracts a child marriage is punishable with simple imprisonment up to two years, or a fine up to BDT 100,000, or both. Section 7 imposes similar punishment on parents, guardians, or any person who permits, arranges, or fails to prevent a child marriage. Section 8 makes marriage registrars (*kazis*) and any person solemnizing or registering a child marriage liable to imprisonment up to two years, or a fine up to BDT 50,000, or both. Additionally, Section 9 empowers courts to issue injunctions to stop a child marriage before it occurs, and violation of such an order may result in further legal consequences. Although these punitive provisions demonstrate the law's deterrent intent, their effectiveness is undermined by weak enforcement and the controversial Section 19 special provision, which allows child marriage in exceptional cases involving women and children.

4.5 The Child Marriage Restraint Act, 2017

The Child Marriage Restraint Act, 2017 of Bangladesh provides specific punishments to deter child marriage while emphasizing preventive measures. Under Section 7, any adult male or female who contracts a child marriage is punishable with simple imprisonment up to two years, or a fine up to one lakh taka, or both. Section 7 imposes similar punishment on parents, guardians, or any person who permits, arranges, or fails to prevent a child marriage. Section 8 makes marriage registrars and any person who solemnizes or registers a child marriage liable to imprisonment for up to two years, a fine of up to BDT 50,000, or both. Additionally, Section 9 empowers courts to issue injunctions to stop a child marriage before it occurs, and violation of such an order may result in further legal consequences.

Although these punitive provisions reflect the legislature's intent to deter child marriage, their practical effectiveness in safeguarding the rights of women and girls remains limited due to weak enforcement and the controversial Section 19 (Special Provision). This section permits child marriage in so-called exceptional circumstances with parental or guardian consent and prior court approval, on the ground that the marriage serves the "best interests" of the minor. The absence of a clear statutory definition of "special circumstances" or "best interests" undermines legal certainty and invites discretionary, potentially discriminatory decision-making. From a women's rights perspective, this exception risks legitimizing practices that violate girls' rights to equality, education, health, bodily autonomy, and free and full consent to marriage. Moreover, Section 19 is at odds with Bangladesh's constitutional commitment to gender equality and its obligations under international human rights instruments, including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Consequently, while the Child Marriage Restraint Act, 2017 represents an important legislative framework aimed at protecting women and girls from early and forced marriage, the continued existence of this special provision significantly weakens the law's capacity to ensure substantive women's rights and calls for stricter interpretation, reform, or repeal to achieve its protective objectives.

4.6 The Dowry Prohibition Act, 2018

The Dowry Prohibition Act, 2018 was enacted to prevent, control, and punish the giving, taking, and demanding of dowry in Bangladesh. This act defines *dowry* as any money, property, or valuable security given or agreed to be given directly or indirectly in connection with marriage.³⁰ Giving or taking any property or cash as a dowry is a criminal offence, punishable with imprisonment for a term of five years, not less than one year, or a fine of fifty thousand taka, or both.³¹ It specifically criminalizes the *demand for dowry*, even if no dowry is actually paid, and prescribes punishment for such demand.³² According to section five, all agreements for dowry are void and illegal. Overall, the Act aims to protect women from economic exploitation and harassment related to marriage and to promote social justice by strictly prohibiting dowry practices. The dowry system is a 'social cancer' that transforms marriage into a commercial transaction, causing, in many cases, extreme violence, including torture, murder and suicide. According to Ain o Salish Kendra (ASK), 83% of women victims were subjected to violence due to the dowry system.³³

4.7 The Family Courts Act, 2023

It was enacted to modernize and replace the old Family Court Ordinance, 1985, establishing clear legal procedures for family dispute cases and strengthening the family justice system in Bangladesh. This Act empowers the government to establish Family Courts in each district with defined local jurisdiction, especially for cases such as divorce, maintenance, dower, guardianship, and custody.³⁴ It also lets courts hold proceedings in a closed chamber when appropriate to protect parties' privacy.³⁵ The Act also establishes Family Appellate Courts under Section 18, with district judge-level judges to hear appeals. The law sets a court fee of Tk 200 only for filing cases (replacing the previous lower fee), and clarifies that it does not affect Muslim personal law provisions.³⁶ Finally, the old Family Courts Ordinance, 1985 is repealed, ensuring the new Act governs family court proceedings in Bangladesh.³⁷

4.8 Nari-O-Shishu Nirjatan Daman Ain, 2000 (The Women and Children Repression Prevention Act, 2000)

Nari-O-Shishu Nirjatan Daman Ain, 2000 (The Women and Children Repression Prevention Act, 2000) emerged in Bangladesh as a response to the alarming rise in violence against women and children during the 1990s. Despite the existence of general criminal laws such as the Penal Code, 1860, and special laws like the Cruelty to Women (Deterrent Punishment) Ordinance, 1983, these legal frameworks proved inadequate in addressing the gravity, frequency, and complexity of gender-based and child-centered violence.

During the late 1980s and 1990s, incidents of rape, dowry-related violence, acid attacks, trafficking, and custodial abuse became more visible, largely due to media reporting and advocacy by women's rights organizations. Civil society pressure, along with Bangladesh's international commitments—particularly under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC)—highlighted the need for a comprehensive and victim-focused law.

Before 2000, the *Nari-O-Shishu Nirjatan Daman Ain, 1995*, attempted to address such offences, but it suffered from procedural delays, weak investigative mechanisms, and a lack of specialized courts. To overcome these shortcomings, the government repealed the 1995 Act. It enacted the *Nari-O-Shishu Nirjatan Daman Ain, 2000*, introducing

stricter punishments, clearer definitions of offences, and establishing special tribunals to ensure speedy trials.

The 2000 Act marked a significant shift from a purely punitive approach to a more structured legal framework, incorporating provisions for victim protection, compensation, and accountability of law-enforcement agencies. Its emergence thus represents a milestone in Bangladesh's legal history, reflecting both domestic socio-legal realities and evolving international human rights standards aimed at protecting women and children from oppression and violence.

4.9.1 Main Features of the Nari-O-Shishu Nirjatan Daman Ain, 2000

One of the defining features of the Act is its comprehensive definition of offences involving repression and violence against women and children. The law criminalizes rape, gang rape, rape resulting in death, abduction for immoral purposes, trafficking, dowry-related violence, acid attacks, sexual harassment, forced prostitution, and grievous hurt. These offences are treated as serious crimes against society, warranting severe penalties, including long-term imprisonment, life imprisonment, and, in extreme cases, capital punishment.

Another important feature is the establishment of special tribunals dedicated exclusively to cases under this Act.³⁸ These tribunals were created to expedite case disposal and reduce procedural delays common in ordinary criminal courts. The law also sets specific time limits for investigation and trial, reflecting the principle that justice delayed is justice denied, particularly in cases involving trauma-affected victims.

The Act incorporates victim-protective measures, including restrictions on media disclosure of victims' identities and compensation provisions. It also recognizes abetment, conspiracy, and attempts to commit offences as punishable acts, thereby expanding the scope of criminal liability. Importantly, in certain circumstances, the burden of proof is partially shifted to the accused, reflecting the evidentiary challenges victims often face in proving crimes committed in private spaces.

4.9.2 Key Changes Introduced by the 2025 Amendment

The 2025 amendment represents a policy response to growing public concern over rising incidents of rape and violence against children and persistent delays in justice delivery. One of the most significant changes introduced by the amendment is the reduction of investigation and trial timelines, particularly in rape cases. Investigations must now be completed within a shorter period, and tribunals are mandated to

conclude trials within a defined timeframe to prevent prolonged victim suffering. The amendment also allows courts, in certain circumstances, to proceed without waiting for forensic or DNA reports if such delays would defeat the ends of justice. This change acknowledges systemic limitations in forensic infrastructure and aims to prevent procedural bottlenecks. Additionally, the amendment introduces provisions for establishing special tribunals dedicated exclusively to child rape cases, recognizing the heightened vulnerability of child victims and the need for specialized judicial handling. Another notable change concerns the clarification of punishment for offences involving false promises of marriage leading to sexual exploitation³⁹, reflecting judicial debates and social realities surrounding consent and deception. These changes indicate an attempt to modernize the law and align it with contemporary patterns of abuse.

4.9.3 Drawbacks and Limitations of the Law

Despite its strengths and recent amendments, the Nari-O-Shishu Nirjatan Daman Ain, 2000 continues to suffer from significant drawbacks that undermine its effectiveness. One of the most persistent problems is the gap between law and practice. Although the Act prescribes strict timelines, investigations are frequently delayed due to inadequate police capacity, lack of training, corruption, and poor coordination with forensic departments. As a result, cases often linger for years, defeating the purpose of speedy justice.

Another major drawback is the social stigma and fear associated with reporting crimes against women and children. Victims, particularly in rural areas, face pressure from family, community leaders, and perpetrators to withdraw complaints or reach informal settlements. This social resistance is compounded by the lack of effective witness protection and victim support services, making legal remedies inaccessible in practice.

Misuse and over-application of the law also present serious challenges. In some instances, allegations under the Act have been used as tools of harassment or personal vendettas, raising concerns about false cases. Such misuse undermines the law's credibility and creates resistance among law enforcement agencies, who may become reluctant to apply it rigorously even in genuine cases.

Institutional capacity constraints further limit the law's impact. Special tribunals are often overburdened, understaffed, and inadequately resourced. Judges and prosecutors may lack specialised training in

handling gender-based violence and child trauma, resulting in insensitive courtroom practices and weak prosecution strategies. Moreover, the law does not sufficiently integrate psychosocial rehabilitation, economic support, and long-term protection for victims, focusing primarily on punishment rather than holistic justice.

4.9.4 Need for Legal and Policy Reforms

To address these shortcomings, legal reform must go beyond periodic amendments and adopt a comprehensive, system-wide approach. First, procedural clarity is essential to harmonize the Act with other criminal laws and ensure consistent judicial interpretation. Clear guidelines should be issued regarding evidence evaluation, investigation standards, and the application of amended provisions to prevent confusion and misuse.

Second, the law should explicitly incorporate provisions addressing emerging forms of violence, including cyber harassment, online exploitation, and technology-facilitated abuse, which increasingly affect women and children. While traditional forms of violence remain prevalent, the legal framework must evolve to address new realities.

Third, victim-centered justice must be strengthened through statutory recognition of counselling, rehabilitation, and economic support as integral components of justice. Compensation mechanisms should be simplified, time-bound, and adequately funded to ensure meaningful relief for survivors.

4.9.5 Strategies for Proper and Effective Implementation

Effective implementation of the Nari-O-Shishu Nirjaton Daman Ain requires coordinated action across legal, institutional, and social domains. Strengthening law enforcement capacity is a critical first step. Police officers must receive specialized training in gender-

sensitive investigation techniques, child psychology, evidence preservation, and survivor communication. Dedicated investigation units for crimes against women and children can improve efficiency and accountability.

Judicial capacity must also be enhanced through the appointment of trained judges and prosecutors, regular professional development programs, and improved court infrastructure. Special tribunals should be adequately resourced and monitored to ensure compliance with

statutory timelines. Digital case management systems can play a vital role in tracking progress and reducing delays.

Victim support services should be institutionalized through one-stop crisis centers, legal aid desks, shelter homes, and counselling facilities. These services must operate in close coordination with the police and the courts to ensure that victims are supported throughout the justice process. Witness protection mechanisms are essential to prevent intimidation and ensure truthful testimony.

Public awareness and education are equally important. Nationwide campaigns involving schools, religious institutions, media, and civil society organizations can help challenge harmful norms, promote legal literacy, and encourage reporting of violence. Without social acceptance of women's and children's rights, legal enforcement alone cannot succeed.

5. Institutional Support for Women and Girls

Institutional support is essential for transforming women's legal rights into practical protection and empowerment. In Bangladesh, this support is provided through government ministries, national policies, courts, law-enforcement agencies, human rights bodies, legal aid organizations, civil society groups, and international partners. These institutions help prevent violence and discrimination, promote gender equality, support survivors, ensure access to justice, and create safer public, domestic, workplace, and educational environments for women and girls. This section therefore examines the key institutional mechanisms that complement the legal framework and contribute to the effective realization of women's rights in Bangladesh.

5.1 Ministry of Women and Children Affairs (MoWCA)

The Ministry of Women and Children Affairs (MoWCA) of Bangladesh was established in 1978 as a separate ministry to ensure focused attention on the development, protection, and empowerment of women and children. Its main objectives include formulating and implementing policies related to women's rights and child welfare, preventing violence and discrimination and promoting gender equality. The ministry also coordinates with other government agencies, NGOs, and international organizations to implement national action plans, monitor progress on women and children's development, and fulfill Bangladesh's commitments under international conventions such as CEDAW and the UN Convention on

the Rights of the Child. MoWCA is the principal governmental body responsible for promoting gender equality.

5.2 National Women Development Policy

The National Women Development Policy (2011) of Bangladesh is a key government policy aimed at promoting gender equality and women's empowerment. Originally formulated in 1997 and updated in 2011, the policy sets out a comprehensive framework to eliminate discrimination and violence against women, ensure equal rights and opportunities, and support women's participation in all spheres of national life. It aims to secure socio-economic, political, administrative and legal empowerment of women, guarantee their security and safety, and promote their full and equal involvement in education, employment, and decision-making. The policy also emphasizes reducing gender disparities, recognizing women's contributions to society, improving access to health and nutrition, supporting women affected by disasters, and extending assistance to women from vulnerable groups, such as women with disabilities and ethnic minorities. Through these measures, the policy seeks to create an enabling environment where women can fully exercise their rights and contribute to the country's development.

5.3 Law Enforcement and Judicial Mechanisms

Special tribunals under the *Women and Children Repression Prevention Act* handle cases of violence against women and children. Government-supported legal aid services help vulnerable women access justice.

5.4 National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) is an autonomous public body established in 2007 to advocate for and protect human rights, monitor human rights violations, including gender-based abuses, and provide policy recommendations to the government. In 2025, an ordinance was drafted that gives new duties and powers, such as the investigation, prosecution, and legal representation of complaints.⁴⁰

5.5 Bangladesh Legal Aid Services Trust (BLAST)

Bangladesh Legal Aid Services Trust (BLAST) is a leading human rights organization working to protect and promote women's rights through free legal aid and advocacy. Its women-focused activities include providing legal assistance to victims of domestic violence, dowry-related abuse, rape, sexual harassment, child marriage, and

trafficking; filing cases and representing women in courts; offering legal counselling and mediation; operating safe referral and support services; and conducting awareness programs on women's legal rights and available remedies. BLAST also works to reform discriminatory laws and practices, trains community paralegals, and collaborates with government and civil society to strengthen access to justice, aiming to ensure that women—especially poor and marginalized women—can live with dignity, security, and equal protection under the law.

5.6 Civil Society and Non-Governmental Organizations

Civil society and non-governmental organizations in Bangladesh play an active and critical role in complementing state efforts. Prominent organizations such as BRAC, Ain o Salish Kendra (ASK), Naripokkho and Bangladesh Mahila Parishad provide their assistance and services in legal awareness and advocacy, education and skill development, prevention of child marriage, and support for survivors of gender-based violence. These organizations often respond faster than state efforts, thus becoming citizen-trusted entities, as government mechanisms are, in many cases, inaccessible or ineffective.

5.7 International and Regional Support

Bangladesh collaborates with international institutions such as UN Women, UNICEF, and UNDP to strengthen gender-sensitive governance. The country is also a signatory to international conventions, notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guides policy reforms and institutional accountability.

5.8 The prevention of sexual harassment in educational institutions

In Bangladesh, preventing sexual harassment in educational institutions has become a recognized legal duty through judicial intervention and constitutional interpretation. The landmark case *Bangladesh National Women Lawyers Association (BNWLA) v. Government of Bangladesh* (2009) set out comprehensive guidelines for addressing sexual harassment in workplaces and schools.⁴¹ Grounded in Articles 27, 28, 31, and 32 of the Constitution, the guidelines define sexual harassment broadly, including physical, verbal, non-verbal, and psychological behavior that undermines dignity and creates a hostile learning environment.⁴²

The Court required educational institutions to adopt preventive measures, including forming Complaint Committees with a female majority,

conducting awareness programs, providing confidential complaint channels, and protecting complainants from retaliation.⁴³ Though initially issued as interim guidelines, they now carry the force of law under Article 111, making institutions legally responsible for ensuring a safe, harassment-free environment.⁴⁴ This framework represents an important step toward institutional accountability and gender justice in education.

However, despite their progressive intent, these judicial guidelines face serious implementation challenges. Without a formal law, interpretations vary, institutional commitment is weak, and enforcement is limited—especially in rural or resource-poor institutions. Complaint Committees are often symbolic, lacking independence, training, or support, thereby discouraging reporting and perpetuating fear and stigma.⁴⁵ The absence of a central monitoring mechanism further allows non-compliance to go unchecked, eroding trust in grievance systems. From a women's rights perspective, these gaps disproportionately affect female students, leaving them vulnerable despite formal protections.⁴⁶ Overall, while the BNWLA guidelines mark a major recognition of sexual harassment as a violation of fundamental rights, their effectiveness depends on statutory codification, stronger enforcement, and survivor-centered implementation.

6. Conclusions

The historical and legal development of women's rights in Bangladesh has become a people-centric issue. The development reflects a gradual and significant transformation from traditional subordination to constitutional recognition and statutory protection. Women's rights have increasingly become an essential component of national legal and policy discourse, from early social reform movements and limited colonial-era legal reforms to the post-independence constitutional guarantees of equality. It demonstrates the state's formal commitment to combating gender-based violence and discrimination, which is signified by the enactment of specialized laws such as the Nari-O-Shishu Nirjaton Daman Ain, 2000, the Dowry Prohibition Act, 2018, the Domestic Violence (Prevention and Protection) Act, 2010, and the Human Trafficking Prevention and Suppression Act, 2012. The country also provides accessible justice in private and domestic matters, which is supported by the establishment of family courts and the modernization of procedural laws. Despite the existence of an extensive legal framework, the practical realization of women's rights remains uneven and sometimes unavailable. Effective protection is undermined

and hindered by structural patriarchy, social stigma, weak enforcement mechanisms, delays in judicial processes, and limited legal awareness among women in Bangladesh. The gap between law in books and law in practice is particularly evident in many cases of domestic violence, dowry-related abuse, child marriage, and sexual offences, where victims often face social pressure and institutional barriers in seeking justice. Thus, it is concluded that comprehensive legal reform, harmonization of existing laws, adoption of gender-inclusive and victim-centered approaches, strengthened accountability mechanisms, and more effective implementation strategies are necessary for the meaningful realization of women's rights in Bangladesh.

Notes and References

- ¹ The Constitution of the People's Republic of Bangladesh (1972). Articles 19(1), 28(1–3), 31, 32.
- ² United Nations Population Fund. (2025). *Child marriage in Bangladesh*. UNFPA Bangladesh. <https://bangladesh.unfpa.org/en/topics/child-marriage>
- ³ Bangladesh Bureau of Statistics (2024). *Report on Violence Against Women Survey 2024*. Statistics and Informatics Division, BBS, Government of Bangladesh.
- ⁴ World Health Organization. (2024). Violence against women: Key facts. WHO. <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>
- ⁵ *ibid*
- ⁶ United Nations Children's Fund. (2023). *A profile of child marriage in South Asia*. UNICEF Regional Office for South Asia. <https://www.unicef.org/rosa/reports/profile-child-marriage-south-asia>
- ⁷ *ibid*.
- ⁸ United Nations Population Fund. (2025). *Child marriage in Bangladesh*. UNFPA Bangladesh. <https://bangladesh.unfpa.org/en/topics/child-marriage>
- ⁹ *ibid*.
- ¹⁰ United Nations Children's Fund. (2023). *A profile of child marriage in South Asia*. UNICEF Regional Office for South Asia. <https://www.unicef.org/rosa/reports/profile-child-marriagesouth-asia>
- ¹¹ Article 19(3), the Constitution of the People's Republic of Bangladesh
- ¹² Article 19 (1), *ibid*.
- ¹³ Article 27, *ibid*.
- ¹⁴ Article 28 (1), *ibid*
- ¹⁵ Article 28 (2), *ibid*
- ¹⁶ Penal Code, 1860, Section 375, Exception.
- ¹⁷ Section 3, The Domestic Violence (Prevention and Protection) Act, 2010

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- 18 Sections 4–9, *ibid*
 19 Sections 11–12, *ibid*
 20 Sections 20–28, *ibid*
 21 Section 30, *ibid*
 22 Section 32, *ibid*
 23 <https://data.unwomen.org/global-database-on-violence-against-women>
 24 dated 01/02/2025
 25 [https://www.brac.net/stay-informed/the-good-feed/77-of-violence-against-](https://www.brac.net/stay-informed/the-good-feed/77-of-violence-against-women-is-perpetrated-by-family-members/)
 26 [women-is-perpetrated-by-family-members/](https://www.brac.net/stay-informed/the-good-feed/77-of-violence-against-women-is-perpetrated-by-family-members/)
 27 Section 3, *ibid*
 28 Sections 6–9, *ibid*
 29 Sections 23–30, *ibid*
 30 Sections 32–33, *ibid*
 31 Sections 19–22, *ibid*
 32 Section 2, The Dowry Prohibition Act, 2018
 33 Section 3, *ibid*
 34 Section 4, *ibid*
 35 দৈনিক ইত্তেফাক, মোট নির্যাতনের শিকার নারীর ৮৩ শতাংশ যৌতুকের কারণে, ২৫
 36 নভেম্বর, ২০২২
 37 Section 4, The Family Courts Act, 2023
 38 Section 12, *ibid*
 39 Section 26, *ibid*
 40 Section 30, *ibid*
 41 আজাদ, মোঃ আবুল কালাম, নারী ও শিশুনির্যাতন দমন আইন, ২০০০ (ঢাকা: আদর্শ ‘ল’
 42 বুক হাউজ, ২০০৫) পৃষ্ঠা ৮০-৮১
 43 মুহম্মদ মজিবুল, নারী ও শিশুনির্যাতন দমন আইন, ২০০০ ও প্রাসঙ্গিক আইনসমূহ (ঢাকা: সুফি
 44 প্রকাশনী, জুলাই ২০২৫) পৃষ্ঠা ১৮।
 45 [https://en.wikipedia.org/wiki/National_Human_Rights_](https://en.wikipedia.org/wiki/National_Human_Rights_Commission_of_Bangladesh)
 46 [Commission_of_Bangladesh](https://en.wikipedia.org/wiki/National_Human_Rights_Commission_of_Bangladesh)
 47 *Bangladesh National Women Lawyers Association (BNWLA) v. Government*
 48 *of Bangladesh*, 2009 BLD (HCD) 361.
 49 Constitution of the People’s Republic of Bangladesh, Articles 27, 28, 31, 32.
 50 Chowdhury, F. (2015). *Sexual Harassment in Bangladesh: Legal Framework*
 51 *and Institutional Mechanisms*. Dhaka: University Press Limited.
 52 Rahman, M. (2018). *Gender Justice and Education in Bangladesh: Legal*
 53 *Interventions and Policy Challenges*. Journal of South Asian Legal
 54 Studies, 10(2), 45–67.
 55 Hossain, N., & Kabir, R. (2016). *Implementation Gaps in the BNWLA*
 56 *Guidelines: Challenges in Educational Institutions*. Bangladesh
 57 Development Studies, 39(3), 101–124.
 58 Chowdhury, F., & Akter, S. (2020). *Towards Effective Prevention of*
 59 *Sexual Harassment in Bangladesh: Law, Policy, and Practice*. Dhaka:
 60 BRAC University Press.