

# Citizen's Agenda 2023

## Towards a Different Bangladesh



Citizen's Platform for SDGs, Bangladesh  
এসডিজি বাস্তবায়নে নাগরিক প্ল্যাটফর্ম, বাংলাদেশ

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### Effective Implementation of Laws and Judicial Process for Eradicating Gender-Based Violence and Discrimination

#### The Initiative

Preparation of the Policy Briefs builds on a wide range of activities undertaken over the past two years (2022-2023) by the Citizen's Platform for SDGs, Bangladesh. These activities sought to capture the views of the country's left-behind stakeholders at the subnational level as regards Bangladesh's dominant development narrative. Citizen's Platform's engagements in this connection included stakeholder dialogues, town hall meetings, focus group discussions, perception surveys and consultation with the media. Also, a Public Hearing was organised at the national level to create opportunities for the disadvantaged people to voice their concerns and aspirations in the presence of high-level policymakers and opinion builders.

It emerged from this exercise that a significantly large number of citizens and certain communities in Bangladesh have continued to remain vulnerable to various risks, which relegated them to the "left behind" situation in the revealed process of economic development. However, the *Leave No One Behind* spirit of the Sustainable Development Goals (SDG) requires that all citizens, without exception, are ensured an equitable share in the country's development outcomes. Consequently, appropriate actions are needed to address these overarching national concerns to advance the interests of the country's vulnerable citizens and communities.

Accordingly, through country-wide interactions with spokespersons of key stakeholder groups, Citizen's Platform identified 11 themes requiring urgent attention for immediate action. As a follow up, now a series of Policy Briefs has been prepared with a set of concrete recommendations in each of the identified areas, underpinned by the specific context and contestations concerning the articulated theme. In each of these cases, the concerns and interests of the vulnerable groups have informed the suggestions for reforms and policy uptakes.

Each of the Policy Briefs in the series has been prepared by a dedicated team of experts of high national and international repute. Each Policy Brief Team had an eminent personality as the Chair to lead the process, with a recognised professional as the Penholder Expert to prepare and finalise the successive drafts with input from the team members. Each team got together several times, reviewed the notes of the sub-national discussions and the FGDs, and consulted relevant resource materials. A 22-member Advisory Committee, which included eminent professionals and leading personalities, provided guidance to the Policy Brief initiative.

The initiative was led by *Dr Debapriya Bhattacharya* and *Professor Mustafizur Rahman*, Distinguished Fellows at the Centre for Policy Dialogue (CPD). CPD, as the Secretariat of the Citizen's Platform, provided all necessary support for the smooth implementation of the initiative.

#### Disclaimer

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## 1. Background and Context

In the World Economic Forum's 2021 Global Gender Gap Report, Bangladesh's score was 0.719, making it one of the top countries in the region in terms of success in closing the gender gap. The country was also ranked number seven in view of the political empowerment sub-component of the index. Indeed, Bangladesh holds the distinction of being the only country where more women have held the position of head of government than men, considering the past 50 years.

However, the exercise of the rights of women has continued to remain an area of concern in Bangladesh. Civil society organisations in Bangladesh and civic movements for women's rights and the rights of persons with disabilities have been trying to secure the interests of these disadvantaged groups in various ways. They are fighting for rights issues by raising voice in support of socially and sexually marginalised women in respective communities and by highlighting secure the interests of persons with disabilities. Of particular concern is the prevailing gender discrimination, manifested in various forms, including domestic violence, sexual harassment on the streets and workplaces, rape, marital rape, and wage discrimination in the informal sectors where women are paid less than men for the same work. When they are required to go through the judiciary process and act as witnesses, women and girls with disabilities need additional support and facilities in the form of sign language interpreters, family assistance and audio and braille support. However, these are currently not available in Bangladesh's courts. Women are also being discriminated against through various legal loopholes. They are not able to access justice due to economic, social and cultural barriers as well as because of delayed execution of laws. Inequality and power imbalance between women and men are at the root of gender-based violence (GBV) in Bangladesh. In the absence of progressive and comprehensive laws and safeguards, discrimination and violence against women continue to persist; this is particularly so for women belonging to the vulnerable groups. Most discriminated against in this backdrop are women belonging to disadvantaged segments of the population, including low-income groups, religious minorities, indigenous people, the Dalit community, hijra and transgender people, and people with disabilities.

### Legal Environment

Bangladesh's Constitution guarantees women's equal rights to participate in all spheres of activities through Article 10, Article 19 (1) and (3). Article 27 specifies that all citizens are equal before the law. Article 28 (1) states that the State shall not discriminate against any citizen on grounds of religion, race, caste, sex, or place of birth. Article 28 (2) directly and categorically stipulates that women shall have equal rights with men in all spheres of the State and public life. Article 28 (4) allows affirmative actions in favour of women. In line with the spirit of the constitution, the government of Bangladesh has enacted a number of special laws, prohibiting certain forms

of violence against women. These include Penal Code 1860, Dowry Prohibition Act 2018, Prevention and Suppression of Human Trafficking Act 2012, Acid Offence Control Act 2002, and Women and Children Repression Prevention Act 2000. To give protection to women in view of violence at home, the Domestic Violence (Prevention and Protection) Act 2010 was enacted. The GoB has also endorsed/enacted the Muslim Family Laws Ordinance of 1961 and the Family Courts Ordinance of 1985. In 2009, the High Court Division (HCD) of the Supreme Court of Bangladesh issued a landmark judgment<sup>1</sup> acknowledging the need for a legal framework to address sexual harassment and provide guidelines to be followed in all educational institutions and workplaces. Several policies and plans have also been adopted to protect women from violence. In this context, mention may be made of the National Women Development Policy 2011, National Action Plan to Prevent Violence against Women and Children 2013-2025,<sup>2</sup> National Plan of Action for Prevention and Suppression of Human Trafficking 2018-2022, and National Action Plan for Implementation of the National Women Development Policy in 2013.

The National Action Plan on Violence against Women was formulated for the period of 2013-2025 and is an important roadmap in the context of violence against women. The plan aims to attain the stipulated goals by coordinating, prioritising and strategising the most effective forms of short, medium, and long-term actions. The plan also mentions assessing the progress being made in this connection. To recall, Bangladesh ratified CEDAW on November 6, 1984, although it had registered reservations as regards Articles 2, 13.1[a], 16.1[c], and [f] on the grounds of conflicts with the Sharia law of Islam. Reservations as regards Article 13(a) relating to 'the right to family benefits' and 16.1(f) relating to 'equal guardianship' were, however, subsequently withdrawn in 1997. Also, as may be noted, the 1995 Beijing Platform for Action flagged 12 key areas where urgent action was needed to ensure greater equality and opportunities for women and men, girls and boys. To note, achieving gender equality is one of the key goals and deliverables of the SDGs. The LNOB spirit as the SDGs in this context would imply that in implementing the goals and targets of the SDGs, special care will need to be taken to secure the safety of women and girls belonging to disadvantaged groups and communities.

### The Challenges from Legal Perspective

There is considerable scope to improve the legislative framework in place in Bangladesh and the implementation modalities in view of the existing legal frameworks and policies relating to gender rights. Key concerns and limitations as regard the current laws and legislations are the followings:

1 Supreme Court of Bangladesh, High Court Division, Bangladesh National Women Lawyers' Association (BNWLA) vs. Government of Bangladesh and Others, 29 BLD 415, 2009.

2 [https://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/bcf75e01\\_95e3\\_48ba\\_bfe4\\_3d88ea5f593c/English-National-Action-Plan-to-Prevent-Violence-Against-Women-and-Children-2013-20251.pdf](https://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/bcf75e01_95e3_48ba_bfe4_3d88ea5f593c/English-National-Action-Plan-to-Prevent-Violence-Against-Women-and-Children-2013-20251.pdf)

Sl. No.	The Law/Act	Challenges
1.	Women and Child Repression Prevention Act 2000 (amended first in 2003 and for the second time in October 2020) and the Penal Code 1860	<p>Concerns are as follows:</p> <ul style="list-style-type: none"> <li>• Definition of rape has not been clarified. Male rape, rape of hijras and marital rape have not been recognised.</li> <li>• The draft prepared by the Law Commission 14 years ago does not mention putting in place a survivor and witness protection system.</li> <li>• Defense lawyers are not barred from raising questions in court about the characters of the survivors.</li> <li>• Does not allow judges to exercise sentencing discretion as regards rape. This could go against the proportionality of punishment.</li> <li>• Does not grant rape survivors the right to seek compensation from the court. Does not talk of setting up a government-sponsored compensation fund.</li> <li>• Provision of interest is Section 375, 377 of the Penal Code 1860, with the following concerns: <ul style="list-style-type: none"> <li>▶ Penetration is sufficient to constitute sexual intercourse in case of rape offence.</li> <li>▶ “Sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape.”</li> <li>▶ From the above provision, it can be said that the age of sexual consent is 14 in Bangladesh, but according to section 9 of the Prevention of Oppression Against Women and Children Act 2000, the age of sexual consent is 16 years. This is inconsistent.</li> <li>▶ Definition of rape only covers females and mentions only vaginal penetration. There is no clear definition of rape against men and boys.</li> <li>▶ Child Marriage Restraint Act 2017 has raised the age of marriage to 18 for women. Again, the legal age of marriage is different from the age of sexual consent.</li> <li>▶ Section 377 penalises consensual sexual relationship between men and does not differentiate between the former and rape where there is absence of consent.</li> </ul> </li> <li>• According to the Women and Children Repression Prevention Act 2000, court-imposed fine for convicted rapists is to be a minimum amount of Tk 100,000 for rape leading to murder and gang rape (as per section 9(2) and 9(3) of the 2000 Act). The court has never imposed a fine above this which indicates that this amount is a ceiling rather than a baseline. On the other hand, the fine being converted to compensation to the victim or victim’s families or survivors is found in case of only 6.8 per cent of cases.<sup>3</sup></li> <li>• Women and girls with disabilities are deprived of their rights and due access to justice because the Act does not mention anything about concerns of persons with disabilities.</li> </ul>
2.	Domestic Violence (Prevention and Protection) Act 2010	<ul style="list-style-type: none"> <li>• The act does not criminalise domestic violence itself. Rather, it only defines domestic violence, reiterating the traditional avenues open to victims of abuse.</li> <li>• Operational responsibilities are with the police, enforcement officers and service providers who live in a society where many among the general public tend to accept domestic violence.</li> <li>• Without proper training, counselling and gender sensitisation, it is difficult for the act to generate the expected benefits.</li> <li>• Government and service providers are not taking proper initiative to disseminate the act. This is in spite of the fact that more than 66 per cent of women in Bangladesh are victims of domestic violence, and 72 per cent of survivors of domestic violence never disclose this to anyone.<sup>4</sup></li> </ul>

<sup>3</sup> <https://blast.org.bd/content/pressrelease/08-03-2021-Press-Release-Court-Awarded-Compensation-in-only-6.8%25-rape-cases.pdf>

<sup>4</sup> <https://www.thedailystar.net/law-our-rights/news/implementation-challenges-the-domestic-violence-law-1853959>

3.	Personal Laws in Bangladesh	<p>Personal Law governs an individual concerning various matters such as marriage, divorce, maintenance, adoption, inheritance, guardianship, succession, etc. The challenges here are the followings:</p> <ul style="list-style-type: none"> <li>• Muslims, Buddhists, Hindus, Christians, as well as a number of ethnic minority communities in Bangladesh, follow religious-cultural practices in their personal lives.</li> <li>• The constitution of Bangladesh guarantees freedom of religion to all citizens and allows each religious community the freedom to live according to separate personal laws. However, this contradicts Article 28(2) of the constitution, which states that women and men shall enjoy equal treatment in State and Public life; however, it does not mention personal or private life.</li> <li>• Muslim and Hindu marriages in Bangladesh take place based on the ‘Shariat and Shastriya’ religious provisions. A Hindu woman in Bangladesh cannot claim divorce in Family court, but a Muslim woman can, thanks to the Dissolution of Muslim Marriages Act 1939.</li> <li>• Under the Christian personal law in Bangladesh, a petition for divorce by both men and women needs to be filed in the District Court or the High Court Division of the Supreme Court. Even if the District Court permits, it requires confirmation from the High Court, but not before six months.</li> <li>• Registration of Muslim marriage in Bangladesh is mandatory according to the Muslim Marriages and Divorces (Registration) Act 1974. In 2012, the Hindu Marriage Registration Act was enacted. However, the requirement for registration is optional.</li> <li>• Under personal religious laws, child marriage is not prohibited, but it is punishable by statutory law of the land.</li> <li>• According to the Guardianship and Wards Act 1890, only a male can adopt a child, while a woman does not. A woman has the right to adopt only with the consent of her husband.</li> <li>• Intercaste marriage and adoption under Hindu Law is prohibited. This is a clear violation of Article 28(2) of the constitution.</li> <li>• According to Muslim Inheritance Law, the adopted child cannot inherit from the legal guardian since formal adoption is not recognised under Islamic Law. Under Hindu Inheritance Law, the adopted son can inherit from the adopting parents.</li> </ul>
4.	Dowry Prohibition Act 2018	<ul style="list-style-type: none"> <li>• Socially, dowry is justified in our society in the guise of a gift from the bride’s family or in some other form.</li> <li>• Dowry is often justified on the grounds that a woman is considered to be a burden on the family.</li> </ul>
5.	Prevention and Suppression of Human Trafficking Act (PSHTA) 2012	<ul style="list-style-type: none"> <li>• Complicity in human trafficking and trafficking-related corruption and impunity for traffickers remain a serious concern in Bangladesh. Enforcement of the law in dealing with these crimes remains weak.</li> <li>• Selection of cases to be prosecuted tends to be biased because of political and financial considerations.</li> </ul>
6.	Child Marriage Restraint Act 2017	<ul style="list-style-type: none"> <li>• Marriage of children under 18 is harmful and discriminatory. This is universally recognised. However, the new law, which replaced the 1929 law, has kept special provisions for underage marriage in case of unavoidable circumstances and with the consent of parents and permission of the Court.</li> </ul>

7.	Arbitration Act 2001, and regulation through the Code of Civil Procedure 1908	<ul style="list-style-type: none"> <li>• Emphasis is being given at present to the use of Alternative Dispute Resolution (ADR) mechanisms to settle business disputes and land-related conflicts because the country's judicial system is complex and tends to be time-consuming.</li> <li>• Because of the absence of skilled and certified mediators and arbitrators, women remain disadvantaged in the arbitration process.</li> <li>• Use of ADR for criminal cases is not common because the country's legal system does not practice this. Use of ADR often gives the upper hand to the accused rather than the victims.</li> <li>• The law recognises ADR in family matters under the Muslim Family Laws Ordinance 1961 and the Family Courts Ordinance 1985. ADR is not legal when it comes to certain criminal offences against women, such as rape or murder. However, it is sometimes dealt with through arbitration.</li> </ul>
8.	Family Courts Ordinance 1985	<ul style="list-style-type: none"> <li>• Assistant Judges are stipulated by law to be the judges of family courts. However, the majority of the Family Courts have no separate courtrooms and separate judges. Consequently, family cases take many years to end.</li> <li>• The court operates based on the Muslim Family Laws Ordinance 1961, which leaves out some issues which are very important, e.g., inheritance, repression of women, domestic violation, etc.</li> <li>• Due to the absence of mandated power, Family courts often fail to provide a remedy by applying discretionary power informed by considerations of equity, justice, and good conscience.</li> <li>• The Ordinance does not clearly state whether people of all religions exercise this law. Only Muslim families can take advantage of the law.</li> </ul>
9.	High Court Division's directives on sexual harassment	<ul style="list-style-type: none"> <li>• Government is yet to reflect the definition of 'Sexual Harassment' in the Women and Children Repression and Prevention Act.</li> <li>• Anti-Sexual Harassment guidelines of the High Court concerning workplaces and educational institutes are not being properly implemented even at the Garments Factory level, though this is one of the key compliance areas.</li> <li>• The guidelines do not provide legal definition of the term 'Sexual Harassment'. Provisions for the formation of committees, sanctions, and investigations are also not clearly spelt out.</li> </ul>
10.	Proposed Anti-Discrimination Bill 2022	<p><i>The Law Minister placed the Bill before the parliament on April 5, 2022. The Bill is currently with the relevant Parliamentary Standing Committee for further examination. The concerns here are the followings:</i></p> <ul style="list-style-type: none"> <li>• The law does not clearly stipulate whether discrimination is a criminal offence.</li> <li>• The law creates several tiers which an aggrieved person has to go through (such as district, divisional and national forums) in order to obtain any remedy.</li> <li>• There is a lack of clarity as to which court should be approached and what the penalty ought to be if the order or verdict is not complied with by someone.</li> <li>• It is not clear why a separate monitoring committee needs to be constituted instead of strengthening the National Human Rights Commission.</li> <li>• The law will hardly be effective in providing proper remedies to those who face discrimination. The law repeatedly refers to a formulation of rules to facilitate the implementation of the law. It is apprehended that the rules will be formulated by the concerned Ministries without consulting relevant stakeholders</li> </ul>

11.	Persons with Disabilities Rights and Protection Act 2013	<ul style="list-style-type: none"> <li>• This Act was passed in 2013; the rules were designed in 2015, and the National Action Plan was formulated in 2019. Regrettably, many government officials are not aware of the Act and are not sensitive about the rights of persons with disabilities. Often, expressions such as differently abled, persons with special needs physically challenged etc. are used to refer to persons with disabilities.</li> <li>• Much more needs to be done also to sensitise the media and other stakeholders. For example, a media outlet in one of its dramas had a dialogue which mentioned that a person with a disability was the consequence of father's fault. While a number of cases were filed in protest, there has still been no result.</li> <li>• People with disabilities, particularly women and girls, suffer because the lack of accessibility is widespread. They do not have freedom of movement; their social interactions remain highly limited, and they are forced to live a life which is of lower quality compared to others.</li> </ul>
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### Social Norms and Practices Impacting on Gender-Based Violence

- *Social and cultural myths, values, norms and practices* impact on social outlook and often tend to have harmful implications for GBV. These relate to concerns over women's sexual purity, protection of family honour getting more importance than women's safety, men's authority to discipline women and children and control women's mobility, and an acceptance of child marriage, etc. Norms and values justify male dominance, and this attitude contributes to intimate partner rape (marital rape) and other forms of abuse.
- *Hilla marriage* has been outlawed by Section 7(6) of the Muslim Family Laws Ordinance 1961. The High Court Division in Writ Petition No. 5897 of 2000 held that execution of a fatwa related to Hilla marriage is a punishable offence under sections 494, 508, and 509 of the Penal Code 1860 and under section 7 of the 1961 Ordinance. In a patriarchal society, Hilla marriage tends to be used as a weapon to exploit women. This practice is particularly prevalent in rural areas in Bangladesh.
- *Religious and social 'Fatwa'* against women is used to control women's mobility, freedom and choice. As one of the petitions argued, the government is not responding proactively to the directive of the High Court Division of the Supreme Court to take appropriate measures to stop illegal punishment such as whipping, lashing and public humiliation.
- *Child marriage and domestic violence* are major barriers to the development of a girl child as a citizen enjoying equal rights. Regrettably, the incidences of VAW have been on the rise in Bangladesh. About 62.8 per cent of all women in the 15-49 age cohort were married before 18 (MICS 2012-13). During COVID-19, the rate of child marriage and incidences of domestic violence have increased alarmingly.<sup>5</sup>
- *Lack of gender empowerment and inequality* often prevents survivors from speaking out against violence and discrimination due to fear of retaliation and economic dependency.
- *Inadequate support system* results in lack of accessible and responsive support services for survivors of abuse. The absence of proper support services such as counselling, shelters and medical and caring services discourages

reporting and prevents from seeking help when abused.

- *Role of law enforcers and courts in ending VAW and discrimination* is critically important. Prosecutors, police officials and judges play an important part in eradicating VAW by executing the relevant laws properly and in due time. The following challenges could be cited in this connection:
  - Investigation and submission of charge sheets and final reports in due time are crucial in the trial process of the justice system. Fear of courts, unregulated fees charged by lawyers and long procedures are some of the other obstacles. Up to June 30, 2023, a total of 43,114 cases related to repression of for more than five years women were pending in the women and children repression prevention tribunals.
  - Medical examination is an additional obstacle in accessing justice.
  - Discriminatory personal laws related to marriage, divorce, separation, succession, adoption and inheritance are forcing women to live in abusive marriages and in poverty.
  - The amendment of Legal Aid Services Regulation 2001 is supposed to enhance the access of victims and survivors of VAW to the justice system. However, enforcement is the key here.
- *Lack of availability of required data* in the public domain undermines efforts to address violence and discrimination faced by women due to social and cultural norms and legal systems.
- *Limited resources*, both financial and human, often undermine the capacity of law enforcement agencies, legal institutions, and support organisations to address cases of GBV effectively.
- *Weak legal frameworks* are reflected in laws which lack clarity and comprehensiveness and undermine the cause of effective enforcement. Legal loopholes and inconsistencies often work against efforts to hold the perpetrators accountable.
- *Lack of adequate training* results in law enforcement officers, legal professionals and service providers not having the specialised knowledge to deal with GBV cases with sensitivity and effectiveness.
- *Slow judicial process* is often the result of an overburdened court system and leads to lengthy and costly legal processes. This often discourages survivors from pursuing

<sup>5</sup> [http://www.manusherjonno.org/latest\\_stories/amid-lockdown-4249-women-and-456-children-became-victims-of-domestic-violence-in-april-mj/f](http://www.manusherjonno.org/latest_stories/amid-lockdown-4249-women-and-456-children-became-victims-of-domestic-violence-in-april-mj/f)

legal actions. Delays can also lead to secondary trauma for survivors.

- *Lack of coordination* involving different government agencies, NGOs and service providers results in fragmented responses to GBV cases.
- *Lack of geographical accessibility* creates difficulties for women in getting access to legal services, courts and support organisations. This problem is most acute for women living in rural and remote areas.

## 2. Recommendations

To eradicate violence and discrimination against women and girls, interventions in three areas are important: (i) carrying out necessary amendments to existing legal framework, which will help put in place appropriate laws and policies which, if properly enforced, will help to deal with GBV in an effective and efficient manner; (ii) taking social and cultural aspects into consideration while executing laws and implementing policies and pursuing a victim-centric approach; (iii) ensuring that GBV-related justice is easily and readily accessible by all women.

In view of the above, the following recommendations are put forward to address GBV:

### Reform concerned laws and policies

Carry out a thorough review of existing laws and policies with a view to integrate progressive, reformative and preventive aspects in GBV-related areas rather than focus on punishment. Address the areas of concerns articulated in Section 1.

- Review personal laws and remove discriminatory features, particularly with respect to polygamy, equal access of divorced women to justice and removal of barriers to the security and livelihoods of women. Ensure women's equal right to inherit a share of property. Ensure that in case of divorce, a woman is entitled to an equal share in marital property acquired during marriage. Give equal guardianship rights to women. Ensure gender equality through a unified family code; to recall, this is also a CEDAW commitment of Bangladesh.
- Amend the civil law and strengthen and enhance the capacity of the 'Family Court' to ensure that women are able to receive "Den Mohor" money following initiation of divorce proceedings.
- As per the Penal Code 1860 rule 493-495, the victim is not allowed to appoint a Lawyer; this requires permission of a higher authority. There is a need to review the relevant provision to address this issue. A progressive approach should inform the initiative in this context.
- The provision in the Child Marriage Restraint Act 2017 allowing child marriages under special circumstances needs to be dropped without delay since this happens to be frequently misused.
- Conviction rate under the Women and Children Repression Prevention Act 2000 of Bangladesh is only about 3.0 percent. Speedy trial must be introduced to remedy the situation.
- Review and redefine the definition of 'Rape' in Penal Code 1860. Clarify sexual harassment issues related to 'Marital rape', 'Rape against boys and men' and 'individuals with diverse gender identities'.
- Establish OCC and DNA Laboratory, at least at the Division/District levels. Test should be mandatory for both victims and perpetrators.

- Introduce special investigation teams of police, with highly specialised training, to ensure speedy gender-sensitive investigation regarding cases filed under the Women and Children Repression Prevention Act 2000. Ensure the presence of women police officers at women's desks in every police station, as was promised quite some time back.
- Ensure accessibility and logistics support for persons with disability during court process in line with the Persons with Disabilities Rights and Protection Act 2013.
- Enforce the provision in the Muslim Family Laws Ordinance 1961, which requires parties to submit formal notice to the concerned local government authority as well as the spouse in divorce-related cases.
- Introduce a unified inheritance law that allows women to claim their rightful share of property from their parents, regardless of their religious background.
- As per the guidelines of the High Court Division, the government should, without delay, include a new section in the 'Women and Children Repression Prevention Act' by giving a proper definition of the offence of 'sexual harassment'. Online sexual harassment and cyber harassment also need to be appropriately defined and included in the Act.
- The head office and district level offices of the National Legal Aid Service should be properly equipped with necessary logistics capacities and required human resources for monitoring and coordinating the work carried out across the country. Union and Upazila Legal Aid Services Committees need to be activated with due urgency.
- Accommodate all migrant-related issues under one umbrella for better coordination and more effective handling of migrant workers' concerns. Special efforts must be made to ensure protection and safeguard the interests of female migrant workers and resolve wage disparities and disputes.
- Local-based illegal arbitration system needs to be banned. The punishment imposed by this system should be declared as ineligible under the law and recognised as a punishable offence.
- Pass the Anti-Discrimination Bill 2022 by considering the identified challenges and addressing the CEDAW's requirements, including withdrawal of the existing reservations.

### Organise training and workshops for Police, Judges and Prosecutors on judicial education to enable them to deal with social, cultural and gender stereotypes.

People involved in investigation and judiciary process need to have a better understanding about the impact of gender stereotypes and the context of victimisation. Here, targeted training could play an important role.

### Strengthen accountability mechanisms at the national level.

A number of relevant laws and policies have been enacted in Bangladesh, and several international treaties and strategies have been ratified or agreed upon by the Bangladesh government to ensure violence-free life for women and girls. The Law Ministry should share updated fact sheets as regards progress being made in respect of these on a regular basis and should make it public through the national media.

### **Increase the number of ‘Shelter Homes’ and ‘OCC.’**

Till now, 36 shelters homes for women have been established in the country. However, the majority of these are located in metropolitan areas. It is difficult for rural women to get access to the One Stop Crisis Centres (OCCs) that are there. It is necessary to increase the number of shelter homes, particularly outside of metropolitan areas. These should be able to provide a minimum standard of care and should work under an independent monitoring mechanism.

### **Increase investment and financing for gender equality.**

The government and concerned entities should increase investment to ensure and enhance gender equity and empowerment of women and girls. Government budget and allocations for women’s rights organisations should be increased to strengthen their capacity to address social, cultural and legal issues.

### **Focus on the SDGs.**

Each Ministry should develop a plan to address gender justice and gender equity issues effectively and to ensure accountability in this process. The government should prepare SDG implementation report in consultation with civil society organisations so that the ground realities as regards gender situation is reflected in a reliable way.

### **Ensure ‘Access to Justice’.**

Access to justice is defined as an enabling environment where individuals can seek and obtain remedy through formal or informal institutions of delivery of justice and get grievances resolved, as per the law of the land and global human rights standards. Access to justice will be ensured if the following concerns are addressed:

- i. Relevant authorities need to identify legal and systemic barriers to access to justice and address these by amending laws and with the support of adequate resources and strengthened capacities.
- ii. Police, medico-legal, and judicial entities should recognise that enhanced access to justice also depends on the perception of general people regarding the judicial and legal system.
- iii. Take measures to strengthen civil society’s in promoting access to justice. The government needs to undertake legal awareness-raising activities and take measures to ensure easy access to legal aid services.

## **3. Concluding Observations**

Gender equality and gender justice are key enablers to accelerate the process of eradicating all forms of GBV and discrimination against women and girls. This Policy Brief has presented a number of concrete initiatives and actions to secure women’s rights and to deal with GBV. It is hoped that policymakers and political parties will pay due attention to attendant concerns and take appropriate actions in view of these.

As has been mentioned, the GoB has enacted a number of laws and formulated several policies in connection with the above. Bangladesh is also a signatory to the international protocol to eradicate violence against women and girls and eliminate patriarchal practices. It is crucially important to challenge gender stereotypes and social norms that limit women’s mobility and justify the incidences of VAWG at the societal level.

Bangladesh has been recognised as one of the top-ranking countries in terms of reducing gender gaps and promoting women’s labour market participation. Despite these achievements, the Bangladesh Bureau of Statistics (BBS) data shows that the prevailing rate of domestic violence, discrimination against women and girls, and rate of child marriage in Bangladesh is not only comparatively high but also rising at an alarming pace. Targeted and concrete actions will need to be taken to reverse this unacceptable trend.

- iv. Muslim Family Law allows remarrying the same women or men. As per the Family Law, forcing people to Hilla Marriage is punishable. These provisions need to be enforced.

### **Build women’s movement and launch campaign to make government accountable**

Ending Violence against Women (EVAW) should be everyone’s business. Violence against women and gender discrimination can be significantly reduced through strong and coordinated efforts and with support of women’s solidarity movement, feminist activism and launching of targeted campaigns. GO-Non-state actor partnerships will help boost the cause of accountability in this backdrop.

### **Ensure speedy judicial processes**

Speedy judicial processes ensure that individuals have access to justice within a reasonable timeframe. It can act as a deterrent against potential wrongdoers as they will be more likely to face immediate consequences for their actions. This can help prevent future offences and reduce crime rates.

### **Ensure access to justice irrespective of geographical factors**

Geographical accessibility plays a significant role in effective implementation of laws and judicial processes aimed at eradicating GBV and discrimination. Oftentimes, people living in rural areas face difficulties in accessing justice. In view of this, ensure that legal services, support systems and judicial processes are accessible to all individuals, regardless of their geographical location. This is essential for achieving the objectives of justice and equality.

### **Ensure selective recourse to camera trial**

Keep the provision of camera trials in sensitive cases, such as rape, by taking into cognisance of its potential benefits and drawbacks. The focus should be on securing the rights, dignity and well-being of all parties involved while maintaining the integrity of the judicial process. In this connection, ensure the implementation of the seven-point guidelines of the High Court with respect to the trial of rape cases.

### **Ensure child rights**

Provide free legal aid to each and every child as per the constitution so that their rights are secured and safeguarded.



Bangladesh's developmental aspirations cannot be realised unless all its citizens have equal access to justice. Since women in our societies face additional difficulties, their issues of concern and interest must receive special attention and care. Women's rights must be ensured by providing legal support and strengthening institutional capacities to address their concerns through solidarity movements and awareness raising campaigns. A social norm of zero-tolerance as regards VAWG must be promoted and supported to safeguard and secure women's rights. All concerned institutions and stakeholders have a duty to make this happen.

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# Citizen's Agenda 2023 Towards a Different Bangladesh

## Policy Briefs

### Economic Cluster

1. Transforming Agriculture for an Inclusive and Diversified Economy
2. Providing Decent Employment for Youth in view of Domestic and Overseas Markets
3. Providing Public Utilities and Services in the Backdrop of Unplanned Urbanisation
4. Ensuring Affordable and Clean Energy for All

### Social Cluster

5. Triggers to Ensuring Quality Primary Education
6. Reducing Out-Of-Pocket Expenditure to Improve Universal Access to Quality Health Care
7. Promoting Universal Social Protection System and the Need for Targeting Disadvantaged Groups
8. Dealing with the Manifestation of Localised Vulnerabilities of Climate Change

### Governance Cluster

9. Effective Implementation of Laws and Judicial Process for Eradicating Gender-Based Violence and Discrimination
10. Access and Justice for Ethnic and Religious Minorities
11. Giving Voice to the 'Silent' and Establishing Democratic Accountability

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