



RESEARCH MONOGRAPH
on
Protection of Women from Domestic Violence in Bangladesh:
Criminal Law Perspectives and Reform Proposals

Supervised TO:
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RESEARCH MONOGRAPH SUBMITTED TO SONARGAON UNIVERSITY IN
PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF THE
DEGREE OF LLB (BACHELOR OF LAWS)
ACADEMIC YEAR (2022–2026)

DEPARTMENT OF LAW SONARGAON UNIVERSITY 147/I, GREEN ROAD, PANTHAPATH,
DHAKA, BANGLADESH

DATE OF SUBMISSION
25.06.2026

Letter of Transmittal

Date: 25 June 2026

To

Professor Dr. A.S.M. Tariq Iqbal
Dean, Faculty of Arts and Humanities
Sonargaon University
Dhaka, Bangladesh

Subject: Submission of Thesis on “Protection of Women from Domestic Violence in Bangladesh: Criminal Law Perspectives and Reform Proposals”

Sir,

I have the pleasure to submit my thesis entitled “**Protection of Women from Domestic Violence in Bangladesh: Criminal Law Perspectives and Reform Proposals**” in partial fulfillment of the requirements for the degree of **Bachelor of Laws (LL.B.)** under the **Department of Law, Sonargaon University**.

This research has been carried out under your valuable guidance and supervision. The study critically examines the legal and institutional framework concerning domestic violence against women in Bangladesh, with particular emphasis on criminal law responses, judicial interpretation, enforcement challenges, and the need for legal reforms. It also evaluates relevant international standards and comparative legal approaches to provide recommendations for strengthening the protection of women from domestic violence.

I have made every effort to ensure that the research is comprehensive, analytical, and based on authentic sources, including statutes, judicial decisions, scholarly writings, reports, and international legal instruments. To the best of my knowledge and belief, this thesis is my original work and has not been submitted previously, in whole or in part, to any other university or institution for the award of any degree or academic qualification.

I would like to express my deepest gratitude for your continuous support, valuable suggestions, and insightful guidance throughout the preparation of this thesis. Your encouragement and academic supervision have been instrumental in the successful completion of this research. I respectfully submit this thesis for your kind consideration, evaluation, and approval.

Yours obediently,

Amita Rani Mollick
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LETTER OF CERTIFICATION

This is to certify that the thesis entitled “**Protection of Women from Domestic Violence in Bangladesh: Criminal Law Perspectives and Reform Proposals**” submitted by **Amita Rani Mollick, ID No. LLB2202026001**, a student of the **Department of Law, Sonargaon University**, has been carried out under my direct supervision and guidance in partial fulfillment of the requirements for the degree of **Bachelor of Laws (LL.B.)**.

I further certify that this research is an original work of the student and, to the best of my knowledge, has not been submitted previously, either in whole or in part, to any other university or institution for the award of any degree, diploma, or academic qualification.

The research monograph fulfills the necessary academic requirements and standards prescribed by the Department of Law, Sonargaon University. Therefore, I recommend the thesis for submission and evaluation.

.....
Professor Dr. A.S.M. Tariq Iqbal
Dean, Faculty of Arts and Humanities
Sonargaon University
Dhaka, Bangladesh

LETTER OF DECLARATION

Research Monograph

Title: *Protection of Women from Domestic Violence in Bangladesh: Criminal Law Perspectives and Reform Proposals*

Supervised To

Professor Dr. A.S.M. Tariq Iqbal

Dean, Faculty of Arts and Humanities
Sonargaon University

Submitted By

Amita Rani Mollick

ID Number: LLB2202026001

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Declaration

I hereby solemnly declare that the research monograph entitled “**Protection of Women from Domestic Violence in Bangladesh: Criminal Law Perspectives and Reform Proposals**” is my own original work and has been prepared and submitted in partial fulfillment of the academic requirements of the Department of Law, Sonargaon University.

I further declare that:

1. This research monograph has not been submitted previously, either in whole or in part, to any other university or institution for the award of any degree, diploma, or academic qualification.
2. The work presented in this monograph is the result of my own study and research, except where proper acknowledgment and references have been made.
3. All sources of information, data, opinions, and materials used in this study have been duly cited and acknowledged in accordance with accepted academic standards.
4. I take full responsibility for the authenticity and accuracy of the contents of this research monograph.

I respectfully submit this declaration for academic evaluation and record.

Amita Rani Mollick

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ACKNOWLEDGEMENT

First of all, I express my deepest gratitude to Almighty Allah for giving me the strength, patience, and ability to complete this research monograph successfully.

I would like to express my sincere respect and heartfelt gratitude to my respected supervisor, **Professor Dr. A.S.M. Tariq Iqbal, Dean, Faculty of Arts and Humanities, Sonargaon University**, for his invaluable guidance, continuous encouragement, constructive suggestions, and scholarly supervision throughout the preparation of this monograph. His insightful comments and academic expertise have been instrumental in shaping this research into its present form.

I am also grateful to the **Department of Law, Sonargaon University**, for providing me with the necessary academic environment, resources, and support to conduct this study.

I extend my thanks to all my respected teachers whose teachings and encouragement have inspired me throughout my academic journey in law.

I would also like to acknowledge my sincere appreciation to my classmates and friends for their cooperation, motivation, and support during the completion of this research work.

Finally, I owe special gratitude to my family members for their unconditional love, patience, and constant encouragement. Their support has been a great source of strength in completing this monograph.

Any shortcomings or errors in this research are solely my responsibility.

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DEDICATION

I dedicate this research monograph to my beloved parents, whose unconditional love, sacrifices, and constant encouragement have been the greatest source of my strength and inspiration throughout my academic journey.

Their guidance, patience, and belief in me have made it possible for me to pursue my studies in law and complete this research work successfully.

I also dedicate this work to all women who have suffered or continue to suffer from domestic violence, with the hope that law, justice, and society will one day fully protect their dignity, safety, and rights.

Amita Rani Mollick

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ABSTRACT

Domestic violence in Bangladesh is a persistent and complex form of gender-based violence that continues to undermine women's constitutional rights to equality, dignity, and life with human dignity. Although the Constitution of Bangladesh guarantees fundamental rights, and statutory frameworks such as the Penal Code 1860, the Nari O Shishu Nirjatan Daman Ain 2000, and the Domestic Violence (Prevention and Protection) Act 2010 provide legal remedies, the practical enforcement of these laws remains limited and often ineffective.

This research monograph examines domestic violence from a criminal law perspective, focusing on the adequacy of existing legal provisions, institutional responses, and judicial practices in Bangladesh. It explores the extent to which current criminal justice mechanisms address physical, psychological, sexual, and economic abuse within the domestic sphere and identifies significant gaps in legal recognition, procedural enforcement, and victim protection.

The study further analyzes key challenges such as underreporting of cases, evidentiary difficulties, social stigma, delays in the justice system, and weak institutional coordination. A comparative evaluation of legal frameworks in India, the United Kingdom, and Australia highlights the importance of integrated approaches combining criminal liability, protection orders, and victim support services.

The monograph argues that Bangladesh requires comprehensive legal and institutional reforms, including stronger criminalization of coercive and controlling behaviour, effective enforcement of protection orders, specialized domestic violence courts, and enhanced survivor support mechanisms to ensure meaningful access to justice for victims.

TABLE OF CONTENTS

Title: *Protection of Women from Domestic Violence in Bangladesh: Criminal Law Perspectives and Reform Proposals*

SL No.	Content	Page No.
---------------	----------------	-----------------

Preliminary Pages

1	Letter of Transmittal	
2	Letter of Certificate	
3	Dedication	
4	Acknowledgement	
5	Abstract	
6	Table of Contents	

SL No.	Chapter One	Page No.
---------------	--------------------	-----------------

	Introduction	12–15
1.1	Background of the Study	
1.2	Statement of the Problem	
1.3	Objectives of the Study	
1.4	Research Questions	
1.5	Significance of the Study	
1.6	Scope and Limitations	
1.7	Methodology	

SL No.	Chapter Two	Page No.
---------------	--------------------	-----------------

	Conceptual and Legal Framework	16–18
2.1	Meaning and Definition of Domestic Violence	
2.2	Forms of Domestic Violence	
2.3	Causes of Domestic Violence in Bangladesh	
2.4	Theoretical Framework	
2.5	Domestic Violence and Criminal Law Interface	

SL No.	Chapter Three	Page No.
---------------	----------------------	-----------------

	Legal Framework in Bangladesh	19-23
3.1	Constitutional Safeguards	
3.2	Penal Code 1860	
3.3	Nari O Shishu Nirjatan Daman Ain 2000	
3.4	Dowry Prohibition Act 2018	

SL No.	Chapter Three	Page No.
3.5	Domestic Violence (Prevention and Protection) Act 2010	
3.6	Other Relevant Laws	

SL No.	Chapter Four	Page No.
	Judicial Response and Case Analysis	24–28
4.1	Role of Judiciary	
4.2	Case Laws	
4.3	Evidentiary Challenges	
4.4	Judicial Interpretation	

SL No.	Chapter Five	Page No.
	Institutional Mechanisms	29–33
5.1	Role of Police	
5.2	Role of Courts	
5.3	NGOs and Human Rights Bodies	
5.4	Legal Aid Services	

SL No.	Chapter Six	Page No.
	Comparative Study	34–40
6.1	India	
6.2	United Kingdom	
6.3	Australia	
6.4	Lessons for Bangladesh	

SL No.	Chapter Details	Page No.
Chapter Seven	Problems and Challenges	41
Chapter Eight	Findings and Analysis	
Chapter Nine	Recommendations	
Chapter Ten	Conclusion	

SL No.	Content	Page No.
	Bibliography	45-47

LIST OF ABBREVIATIONS

Abbreviation	Full Form
BD	Bangladesh
Const.	Constitution of the People's Republic of Bangladesh
CrPC	Code of Criminal Procedure, 1898
CPC	Code of Civil Procedure, 1908
IPC	Penal Code, 1860 (commonly referenced comparative term)
DVPPA 2010	Domestic Violence (Prevention and Protection) Act, 2010
DVA	Domestic Violence Act
Nari O Shishu Ain	Nari O Shishu Nirjatan Daman Ain, 2000
NSC	National Strategy for Combating Violence Against Women and Children
NSDAA	Nari O Shishu Nirjatan Daman Ain
NGO	Non-Governmental Organization
UN	United Nations
UNGA	United Nations General Assembly
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
HRW	Human Rights Watch
BNWLA	Bangladesh National Women Lawyers Association
ASK	Ain o Salish Kendra
BLAST	Bangladesh Legal Aid and Services Trust
PIL	Public Interest Litigation
SC	Supreme Court
HC	High Court Division
AD	Appellate Division
BDLJ	Bangladesh Law Journal
AIR	All India Reporter
SCC	Supreme Court Cases (India)
WPC	Writ Petition Case
FIR	First Information Report
GD	General Diary
DV	Domestic Violence

Abbreviation	Full Form
VAW	Violence Against Women
GBV	Gender-Based Violence
HR	Human Rights
LLB	Bachelor of Laws
LLM	Master of Laws

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Domestic violence constitutes one of the most serious and persistent violations of human rights in Bangladesh. It refers to patterns of abusive behaviour within intimate or family relationships, including physical violence, psychological abuse, sexual coercion, and economic control. Although it occurs in the private sphere, domestic violence is no longer regarded as a private family matter in legal and human rights discourse; rather, it is recognized as a public concern requiring state intervention due to its severe impact on life, dignity, and bodily integrity.¹

In Bangladesh, domestic violence is deeply rooted in patriarchal social structures that reinforce male dominance and female dependency. Women's subordinate position in economic, social, and familial settings makes them particularly vulnerable. Early marriage, dowry-related pressure, financial control, and societal expectations of female silence significantly contribute to the continuation of abuse. Even educated and economically independent women are not fully protected from domestic violence due to cultural normalization of marital control.²

From a legal perspective, Bangladesh has developed a multi-layered framework to address violence against women. The Penal Code 1860 criminalizes acts such as assault, criminal force, hurt, and intimidation. The Nari O Shishu Nirjatan Daman Ain 2000 provides stricter punishment for violence against women and children, particularly in cases involving serious physical or sexual harm. Additionally, the Domestic Violence (Prevention and Protection) Act 2010 recognizes a broader spectrum of abuse, including physical, emotional, sexual, and economic violence, and introduces protection orders and rehabilitation measures.³

However, despite these legal provisions, domestic violence remains widely underreported and inadequately addressed. The gap between legislative intent and practical enforcement continues to undermine the effectiveness of the legal system.

At the international level, domestic violence is recognized as a violation of fundamental human rights under instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights (UDHR). These instruments obligate states to exercise due diligence in preventing, investigating, and punishing all forms of violence against women, including those occurring within the household⁴

¹ *Constitution of the People's Republic of Bangladesh 1972, arts 27, 31, 32.*

² *Ain o Salish Kendra (ASK), Violence Against Women Report 2024*

³ *Domestic Violence (Prevention and Protection) Act 2010 (Bangladesh); Penal Code 1860.*

⁴ *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979; UDHR 1948.*

1.2 Statement of the Problem

Despite the existence of comprehensive legal provisions, domestic violence against women in Bangladesh continues at an alarming rate. The primary problem lies not in the absence of law, but in its ineffective implementation and weak enforcement mechanisms.

Firstly, the criminal justice system largely focuses on physical violence, leaving non-physical forms such as emotional abuse, coercive control, isolation, and financial restriction insufficiently addressed. These forms of abuse are often difficult to prove under traditional evidentiary rules, which further discourages victims from pursuing legal action.

Secondly, the Domestic Violence (Prevention and Protection) Act 2010, while progressive in nature, is primarily remedial rather than punitive. It emphasizes protection orders and civil remedies but lacks strong criminal sanctions against perpetrators, thereby limiting its deterrent effect.⁵

Thirdly, institutional inefficiencies further weaken the system. Police officers often treat domestic violence complaints as private disputes, discouraging formal reporting. Court processes are slow, leading to delays that reduce victim confidence in the justice system. Additionally, lack of coordination between law enforcement agencies, social services, and legal aid institutions creates further barriers to effective protection.

Finally, socio-cultural factors such as stigma, fear of social exclusion, and economic dependency on perpetrators discourage victims from seeking justice. In many cases, victims withdraw complaints due to family pressure or fear of retaliation, resulting in impunity for offenders.

Thus, the central problem is the disconnect between legal frameworks and their practical enforcement in ensuring effective protection for women against domestic violence.

1.3 Objectives of the Study

The objectives of this study are as follows:

1. To critically analyze the existing legal framework on domestic violence in Bangladesh.
2. To examine the effectiveness of criminal law provisions in protecting women.
3. To assess the role of the Domestic Violence (Prevention and Protection) Act 2010 in practice.
4. To identify institutional and procedural barriers in enforcement.
5. To evaluate judicial approaches to domestic violence cases.
6. To suggest legal, institutional, and policy reforms for strengthening protection mechanisms.⁶

⁵ S Rahman, *Women and Criminal Justice in Bangladesh* (UPL 2019).

⁶ Bangladesh National Women Lawyers Association (BNWLA), *Annual Report 2023*.

1.4 Research Questions

This research is guided by the following key questions:

1. To what extent does the criminal law framework in Bangladesh effectively address domestic violence?
2. What are the limitations of the Domestic Violence (Prevention and Protection) Act 2010 in practice?
3. How do law enforcement agencies and courts respond to domestic violence cases?
4. What socio-legal factors prevent victims from accessing justice?
5. What reforms are necessary to improve protection and enforcement mechanisms?

1.5 Significance of the Study

This study is significant for several reasons. Academically, it contributes to the growing field of gender justice and criminal law reform by critically examining the gap between law and practice in Bangladesh. It also enriches legal scholarship by integrating domestic legal analysis with international human rights standards.

Practically, the findings of this research are relevant for policymakers, legislators, judges, law enforcement authorities, and human rights organizations. It highlights the need for stronger enforcement mechanisms, better coordination among institutions, and improved victim support systems.

Moreover, the study is significant in light of Bangladesh's international obligations under CEDAW, which requires states to eliminate discrimination and violence against women through effective legal and institutional measures.⁷

1.6 Scope and Limitations

This study focuses on domestic violence against women in Bangladesh from a criminal law perspective. It includes analysis of statutory laws, judicial decisions, and enforcement mechanisms. The scope covers physical, psychological, sexual, and economic violence as recognized in both domestic and international legal frameworks.

However, the study has certain limitations. Due to the absence of comprehensive national statistical databases, reliance has been placed on NGO reports and international publications. Furthermore, the research is doctrinal in nature and does not include empirical field interviews or survey-based data collection. Time constraints and limited access to case law archives also restrict the depth of analysis in some areas.⁸

⁷ Human Rights Watch, *Bangladesh Women's Rights Report 2023*.

⁸ S Islam, *Legal Research Methodology* (2020).

1.7 Methodology

This study follows a doctrinal legal research methodology based on qualitative analysis of primary and secondary legal sources.

Primary Sources:

- Constitution of the People's Republic of Bangladesh
- Penal Code 1860
- Domestic Violence (Prevention and Protection) Act 2010
- Nari O Shishu Nirjatan Daman Ain 2000
- Judicial decisions of the High Court Division and Appellate Division

Secondary Sources:

- Academic books and journal articles
- Reports from NGOs and international organizations
- United Nations treaties and policy documents
- Legal commentaries and comparative legal studies

A comparative analytical approach is also used to examine how selected jurisdictions address domestic violence and to identify best practices applicable to Bangladesh.⁹

⁹ United Nations Women, *Handbook on Violence Against Women Legislation* (UN 2012).

CHAPTER TWO

CONCEPTUAL AND LEGAL FRAMEWORK

2.1 Meaning and Definition of Domestic Violence

Domestic violence refers to any act, pattern, or threat of physical, psychological, sexual, or economic abuse occurring within a domestic or family relationship. It is most commonly committed by a spouse, intimate partner, or other household member and is characterized by power imbalance, control, and repeated abusive behaviour.¹⁰

Unlike ordinary criminal offences, domestic violence is not a single incident-based act but often a continuing pattern of coercion and domination. It may occur in both married and non-married relationships and affects women disproportionately due to structural gender inequality.

Under the Domestic Violence (Prevention and Protection) Act 2010 of Bangladesh, domestic violence includes physical abuse, psychological abuse, sexual abuse, and economic abuse.¹¹ This statutory definition reflects a broader understanding of violence beyond physical injury, recognizing harm to dignity, mental health, and financial independence.

Internationally, the United Nations defines violence against women as any act that results in or is likely to result in physical, sexual, or psychological harm, including threats and coercion, whether occurring in public or private life.¹² This definition reinforces the principle that domestic violence is a human rights violation requiring state intervention.

2.2 Forms of Domestic Violence

Domestic violence takes multiple interconnected forms, often occurring simultaneously within abusive relationships. The major forms include:

(a) Physical Violence

Physical violence involves direct bodily harm such as hitting, slapping, kicking, burning, choking, or use of force causing injury. It is the most visible form and is typically addressed under criminal law provisions like assault and grievous hurt.

(b) Psychological or Emotional Violence

Psychological violence includes verbal abuse, humiliation, threats, intimidation, isolation, and continuous mental harassment. Although it does not always leave physical marks, it can cause long-term emotional trauma and mental health disorders.

(c) Sexual Violence

Sexual violence within domestic relationships includes forced sexual acts, coercion, and denial of sexual autonomy. In many legal systems, including Bangladesh, marital sexual violence remains inadequately addressed under criminal law.

¹⁰ Domestic Violence (Prevention and Protection) Act 2010 (Bangladesh).

¹¹ *ibid* s 3.

¹² United Nations, *Declaration on the Elimination of Violence Against Women* (1993).

(d) Economic Violence

Economic violence involves controlling a woman's access to financial resources, preventing her from employment, withholding money, or exploiting her income. This form of abuse creates dependency and restricts a woman's ability to escape violence.¹³

2.3 Causes of Domestic Violence in Bangladesh

Domestic violence in Bangladesh is caused by a complex interaction of social, cultural, economic, and legal factors.

(a) Patriarchal Social Structure

Bangladeshi society is largely patriarchal, where men are traditionally considered heads of households. This unequal power structure normalizes male authority and contributes to violence against women.

(b) Economic Dependency of Women

Financial dependence on husbands or family members significantly limits women's ability to resist abuse or seek legal remedies. Economic vulnerability often forces victims to remain in violent relationships.

(c) Dowry-Related Pressure

Despite legal prohibition, dowry remains a major social practice. It is frequently associated with harassment, torture, and violence when demands are not met.

(d) Lack of Legal Awareness

Many women are unaware of their legal rights under laws such as the Domestic Violence Act 2010, reducing their access to justice and protection mechanisms.

(e) Social Stigma and Fear

Victims often fear social shame, family breakdown, and community rejection. This discourages reporting and leads to underreporting of domestic violence cases.⁵

2.4 Theoretical Framework

This study is grounded in key legal and sociological theories that explain domestic violence and state responsibility.

(a) Feminist Legal Theory

Feminist legal theory argues that law has historically been shaped by patriarchal values, often failing to adequately protect women. It emphasizes restructuring legal systems to ensure substantive equality and gender justice.¹⁴

¹³ World Health Organization, *Violence Against Women Report (2021)*.

¹⁴ World Health Organization, *Violence Against Women Report (2021)*.

(b) Human Rights-Based Approach

This approach views domestic violence as a violation of fundamental human rights, including the right to life, dignity, equality, and security. It places an obligation on the state to prevent, investigate, and punish violence effectively.

(c) Social Norms Theory

This theory explains that behaviour is influenced by social expectations. In societies where domestic violence is normalized or tolerated, abusive behaviour becomes more prevalent and less likely to be reported.

2.5 Domestic Violence and Criminal Law Interface

The relationship between domestic violence and criminal law in Bangladesh is complex and fragmented. Traditional criminal law under the Penal Code 1860 deals primarily with specific offences such as assault, hurt, grievous hurt, criminal intimidation, and rape. However, domestic violence is often continuous, cyclical, and multifaceted, making it difficult to address through isolated criminal provisions.

The Domestic Violence (Prevention and Protection) Act 2010 introduced a civil protection-oriented framework, focusing on protection orders, residence orders, and compensation. However, it does not sufficiently criminalize patterns of coercive control or repeated psychological abuse. As a result, victims often rely on multiple legal frameworks simultaneously:

- Penal Code 1860 for physical offences
- Nari O Shishu Nirjatan Daman Ain 2000 for serious violence
- Domestic Violence Act 2010 for protection remedies

This fragmented structure creates legal complexity, procedural delays, and enforcement challenges. The lack of a unified criminal law approach reduces the effectiveness of protection and weakens deterrence against perpetrators.¹⁵

CONCLUSION OF CHAPTER TWO

Domestic violence is a multidimensional issue that cannot be fully addressed through traditional criminal law alone. It requires an integrated legal response combining criminal sanctions, civil protection mechanisms, and socio-economic support systems. Although Bangladesh has made significant legislative progress, gaps remain in enforcement, institutional coordination, and awareness. Strengthening the legal framework is essential to ensure effective protection and justice for victims.

¹⁵ Ain o Salish Kendra (ASK), *Annual Report 2024*.

Catharine A MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press 1989).

Penal Code 1860 (Bangladesh); Nari O Shishu Nirjatan Daman Ain 2000.

CHAPTER THREE

LEGAL FRAMEWORK FOR THE PROTECTION OF WOMEN AGAINST VIOLENCE IN BANGLADESH

3.1 Constitutional Safeguards

The legal framework addressing violence against women in Bangladesh is founded upon the Constitution of the People's Republic of Bangladesh, which guarantees fundamental rights, equality, and human dignity. Although the Constitution does not explicitly use the term "violence against women," several constitutional provisions create a strong legal basis for the protection of women from discrimination, abuse, and exploitation. The Constitution serves as the supreme law of the land, and all legislation enacted by Parliament must conform to its principles and provisions.¹⁶

Article 27 of the Constitution guarantees that all citizens are equal before the law and are entitled to equal protection of the law.¹⁷ This principle forms the cornerstone of women's rights in Bangladesh by ensuring that women enjoy the same legal protections as men. Equality before the law requires state institutions, including courts and law enforcement agencies, to treat women fairly and without discrimination.

Article 28 further strengthens constitutional protection by prohibiting discrimination on the grounds of religion, race, caste, sex, or place of birth. More importantly, Article 28(4) permits the State to adopt special measures in favour of women and children. This provision recognizes the historical disadvantages experienced by women and authorizes affirmative actions designed to achieve substantive equality. Many laws aimed at protecting women from violence derive constitutional legitimacy from this provision.¹⁸

The right to protection of law under Article 31 and the right to life and personal liberty under Article 32 are particularly significant in cases involving violence against women.¹⁹ The Supreme Court of Bangladesh has interpreted the right to life broadly to include the right to live with dignity, security, and freedom from violence. Domestic abuse, sexual violence, trafficking, and other forms of gender-based violence therefore constitute direct violations of constitutional rights.

Article 35 prohibits torture and cruel, inhuman, or degrading treatment or punishment. This provision is particularly relevant in cases involving domestic violence, acid attacks, dowry-related abuse, and custodial violence against women. Furthermore, Article 10 directs the State to ensure the participation of women in all spheres of national life, thereby emphasizing gender equality as a constitutional objective.

The constitutional framework has significantly influenced legislative and judicial developments

¹⁶ *Constitution of the People's Republic of Bangladesh 1972, Preamble and Part III (Fundamental Rights).*

¹⁷ *Constitution of the People's Republic of Bangladesh 1972, art 27.*

¹⁸ *ibid*, art 28.

¹⁹ *Constitution of the People's Republic of Bangladesh 1972, arts 31 and 32. The Supreme Court of Bangladesh has interpreted the right to life broadly to include protection of human dignity and security.*

concerning women's rights. Courts in Bangladesh increasingly rely on constitutional principles to interpret laws in a manner that advances gender justice and protects vulnerable groups. Consequently, the Constitution functions not only as a source of legal authority but also as a guiding instrument for social transformation and the elimination of violence against women.

3.2 Penal Code 1860

The Penal Code 1860 remains one of the oldest and most important criminal statutes in Bangladesh. Although enacted during British colonial rule, it continues to serve as the primary framework for criminal prosecution. Many offenses involving violence against women are prosecuted under its provisions²⁰.

The Penal Code criminalizes various forms of physical violence through provisions relating to hurt, grievous hurt, assault, criminal force, wrongful restraint, and wrongful confinement²¹. These provisions are frequently invoked in cases involving domestic violence and physical abuse. For example, a husband or family member who causes physical injury to a woman may be prosecuted under these sections.

Sexual violence is addressed primarily through Sections 375 and 376 of the Penal Code, which define and punish rape²². Rape is recognized as a grave offense against bodily integrity and human dignity. The Code prescribes severe punishments for offenders and has historically served as the principal legal mechanism for addressing sexual violence. However, critics have argued that certain definitions and evidentiary requirements have required modernization to align with contemporary human rights standards.

Section 354 criminalizes assault or criminal force against a woman with intent to outrage her modesty.²³ This provision has been used in cases involving sexual harassment and indecent physical conduct. Similarly, Sections 503–506 dealing with criminal intimidation are relevant where women are subjected to threats, coercion, or harassment.

The Penal Code also contains provisions relating to kidnapping and abduction of women. Sections 359–366 criminalize the kidnapping or abduction of women for forced marriage, illicit intercourse, or other unlawful purposes. These provisions remain relevant in combating child marriage, forced marriage, and trafficking.

Furthermore, Sections 299–304 concerning culpable homicide and murder become particularly important in cases involving dowry deaths, honour killings, and severe domestic violence resulting in death. Sections 305 and 306 relating to abetment of suicide may also apply where persistent abuse drives women to take their own lives.

Despite the enactment of specialized legislation, the Penal Code continues to provide the general criminal law framework within which offenses against women are prosecuted. Its significance remains substantial due to its broad coverage and established judicial interpretation.

²⁰ Government of Bangladesh, *The Penal Code, 1860 (Act XLV of 1860)*, Bangladesh Government Press, Dhaka.

²¹ Penal Code 1860, ss 319–338 (hurt and grievous hurt), ss 339–348 (wrongful restraint and confinement), and ss 349–358 (criminal force and assault).

²² Penal Code 1860, s 375 (assault or criminal force to a woman with intent to outrage her modesty); ss 503–506 (criminal intimidation).

²³ Penal Code 1860, ss 375–376. For discussion, see Mizanur Rahman, *Human Rights in Bangladesh (ELCOP Publications, Dhaka, 2011)* 214–220.

3.3 Nari O Shishu Nirjatan Daman Ain 2000

The Nari O Shishu Nirjatan Daman Ain 2000 (Women and Children Repression Prevention Act) represents one of the most significant legislative initiatives undertaken by Bangladesh to combat violence against women and children. The Act was enacted in response to growing concerns about rape, trafficking, acid violence, kidnapping, and other serious crimes affecting women and children.²⁴

The legislation provides for severe punishment for a wide range of offenses. These include rape, gang rape, attempted rape, trafficking, kidnapping, abduction, unlawful confinement, acid attacks, and violence resulting in death or grievous injury.²⁵ The Act was designed to supplement the Penal Code by introducing stricter penalties and more effective procedural mechanisms.

One of the most important aspects of the Act is the establishment of special tribunals dedicated to the trial of offenses against women and children.²⁶ These tribunals were intended to ensure speedy justice and reduce delays that often discourage victims from pursuing legal remedies. The establishment of specialized courts reflects recognition of the unique challenges faced by women seeking justice.

The Act also addresses trafficking and exploitation of women. Human trafficking remains a serious concern in Bangladesh, with women and girls being particularly vulnerable to sexual exploitation, forced labour, and other forms of abuse. By criminalizing trafficking and imposing severe penalties, the Act seeks to deter offenders and protect victims.

Another notable feature is its treatment of acid violence. During the late 1990s and early 2000s, acid attacks emerged as a serious social problem in Bangladesh. The Act introduced stringent punishments for acid-related crimes and contributed to national efforts to reduce such incidents. Despite its strengths, implementation challenges persist. Victims often encounter social stigma, lengthy investigations, inadequate legal assistance, and evidentiary difficulties. Nevertheless, the Nari O Shishu Nirjatan Daman Ain remains one of the most powerful legal tools for combating violence against women and children in Bangladesh.

3.4 Dowry Prohibition Act 2018

The practice of dowry continues to be a major factor contributing to violence against women in Bangladesh. Despite social and economic progress, many women experience abuse, harassment, and even death as a result of dowry-related demands. The Dowry Prohibition Act 2018 was enacted to address this persistent problem.²⁷

The Act defines dowry broadly as any property, money, valuable security, or other asset demanded or exchanged in connection with marriage. Unlike earlier legislation, the Act provides a more comprehensive framework for preventing dowry-related transactions and abuse.

The legislation prohibits demanding, giving, taking, or facilitating dowry. Criminal liability may

²⁴ *Nari O Shishu Nirjatan Daman Ain 2000*, ss 4–10. The Act criminalizes rape, gangrape, trafficking, kidnapping, acid violence, and other forms of serious violence against women and children.

²⁵ *Ibid*, ss 25–28. The Act establishes special tribunals to ensure speedy trials of offences against women and children.

²⁶ *Ibid*, ss 9–12. Certain offences under the Act are punishable with life imprisonment and substantial monetary fines.

²⁷ See Bangladesh Legal Aid and Services Trust, *Access to Justice for Women in Bangladesh* (Dhaka, 2019) 45–52.

arise not only for those who directly demand dowry but also for individuals who participate in or encourage such transactions. This comprehensive approach reflects the recognition that dowry is a social practice involving multiple actors.

Dowry demands frequently lead to domestic violence, psychological abuse, economic exploitation, and in some cases death. Women who fail to satisfy dowry demands may face physical assault, abandonment, or continuous harassment by their husbands and in-laws. By criminalizing dowry-related conduct, the Act seeks to eliminate one of the structural causes of violence against women

The Act prescribes imprisonment and fines for offenders. However, legal sanctions alone cannot eradicate the practice. Effective implementation requires public awareness campaigns, community engagement, education, and social reform initiatives aimed at changing cultural attitudes towards marriage and gender relations.

The Dowry Prohibition Act therefore represents both a legal and social intervention intended to promote gender equality and protect women from economic and physical abuse associated with dowry practices.

3.5 Domestic Violence (Prevention and Protection) Act 2010

The Domestic Violence (Prevention and Protection) Act 2010 marked a significant shift in Bangladesh's approach to addressing violence against women. Prior to its enactment, domestic violence was largely treated as a private family matter or addressed through general criminal laws that failed to capture the complexity of abuse occurring within domestic relationships.²⁸

The Act adopts a broad definition of domestic violence, encompassing physical, psychological, sexual, verbal, and economic abuse.²⁹ This comprehensive definition reflects international human rights standards and acknowledges that violence is not limited to physical injury.

The Act applies to individuals in domestic relationships, including spouses, former spouses, family members, and persons living within the same household. Victims may seek various forms of legal protection, including protection orders, residence orders, compensation orders, and temporary custody orders.³⁰

Protection orders constitute one of the most important remedies under the Act. Courts may prohibit perpetrators from committing further violence, contacting victims, entering specified premises, or engaging in conduct likely to cause harm. Residence orders ensure that victims are not unlawfully evicted from their homes, while compensation orders provide financial relief for injuries and losses resulting from abuse.

A distinctive feature of the Act is its victim-centred approach. Unlike traditional criminal legislation focused primarily on punishment, the Domestic Violence Act emphasizes prevention, protection, rehabilitation, and support. The Act provides for the appointment of enforcement officers and recognizes the role of service providers in assisting victims.

Despite its progressive provisions, challenges remain regarding implementation. Many women remain unaware of their rights under the Act, and access to legal remedies may be limited in rural

²⁸ According to studies conducted by Bangladesh National Women Lawyers' Association, dowry-related violence remains one of the leading causes of domestic abuse and deaths among married women in Bangladesh.

²⁹ Dowry Prohibition Act 2018, ss 4–6.

³⁰ Government of Bangladesh, Domestic Violence (Prevention and Protection) Act 2010 (Act No. LVIII of 2010).

areas. Social stigma and economic dependence also discourage reporting. Nevertheless, the Act remains a landmark achievement in the legal protection of women against domestic violence.

3.6 Other Relevant Laws

Several additional laws complement the principal statutes discussed above and contribute to the broader legal framework protecting women against violence.

The Acid Crime Control Act 2002 and Acid Control Act 2002 were enacted to address acid-related violence.³¹ These laws impose severe punishments for acid attacks and regulate the manufacture, transportation, sale, and use of acid. Together, they have contributed significantly to reducing acid violence in Bangladesh.

The Child Marriage Restraint Act 2017 aims to prevent child marriage by establishing minimum marriage ages and imposing penalties on those who facilitate underage marriages.³² Child marriage often exposes girls to domestic violence, reproductive health risks, educational deprivation, and economic dependency. Consequently, the Act indirectly strengthens protection against violence.

The Prevention and Suppression of Human Trafficking Act 2012 addresses trafficking for purposes of sexual exploitation, forced labour, slavery, and other forms of abuse. Women and girls constitute a large proportion of trafficking victims, making the Act particularly relevant to gender-based violence.

The Legal Aid Services Act 2000 enhances access to justice by providing legal assistance to disadvantaged individuals, including women who cannot afford legal representation.²⁸ Access to legal aid is crucial because legal rights remain ineffective unless victims are able to enforce them through the justice system.

In addition to domestic legislation, Bangladesh has ratified numerous international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW³³). These international commitments have influenced legislative reforms, judicial decisions, and policy initiatives relating to women's rights and protection from violence.

Conclusion

The legal framework of Bangladesh demonstrates a strong commitment to preventing and addressing violence against women through constitutional guarantees, criminal law provisions, and specialized protective legislation. The Constitution establishes fundamental principles of equality, dignity, and non-discrimination, while statutes such as the Penal Code 1860, Nari O Shishu Nirjatan Daman Ain 2000, Dowry Prohibition Act 2018, and Domestic Violence (Prevention and Protection) Act 2010 provide specific legal remedies and sanctions.

Additional legislation addressing acid violence, child marriage, human trafficking, and legal aid further strengthens the protective framework. Although considerable progress has been achieved, challenges relating to enforcement, access to justice, social stigma, and institutional capacity continue to impede the full realization of women's rights. Therefore, effective implementation, public awareness, and continued legal reform remain essential for ensuring that the legal protections available on paper translate into meaningful protection in practice.

³¹ s 14. Protection orders may prohibit the respondent from committing further acts of violence, communicating with the victim, or entering specified premises

³² See United Nations Development Programme, *Gender Equality and Women's Empowerment in Bangladesh* (2018) 37–40.

³³ Domestic Violence (Prevention and Protection) Act 2010, ss 4–6.

CHAPTER FOUR

JUDICIAL RESPONSE AND CASE ANALYSIS

4.1 Role of Judiciary

The judiciary plays a crucial role in ensuring the protection of women against violence in Bangladesh. While Parliament enacts laws and the executive implements them, the judiciary serves as the guardian of constitutional rights and the ultimate interpreter of legal provisions. Through judicial review, interpretation of statutes, and adjudication of disputes, courts contribute significantly to the development of legal standards concerning violence against women.³⁴

The Constitution of Bangladesh entrusts the judiciary with the responsibility of safeguarding fundamental rights guaranteed under Part III of the Constitution.³⁵ Courts are empowered to issue remedies where state action or private conduct violates constitutional rights. In cases involving violence against women, judicial intervention often becomes necessary because victims face numerous obstacles in obtaining justice, including social stigma, financial constraints, and institutional barriers.

The higher judiciary, particularly the Appellate Division and High Court Division of the Supreme Court of Bangladesh, has played a pioneering role in advancing women's rights through progressive interpretations of constitutional provisions. Judicial decisions have frequently expanded the scope of fundamental rights, recognizing that equality, dignity, and personal liberty cannot be effectively realized without protection from violence and discrimination³⁶.

The judiciary has also contributed to legal reform by issuing directives where legislative gaps exist. In several landmark cases, courts have provided guidelines relating to sexual harassment, custodial protection, and victim rights until appropriate legislation could be enacted. Such judicial activism has been particularly important in addressing emerging forms of violence not adequately covered by existing laws.

Another significant function of the judiciary is ensuring accountability through the prosecution and punishment of offenders. Courts are responsible for assessing evidence, interpreting statutes, and imposing penalties in accordance with legal principles. In doing so, they contribute to deterrence and reinforce societal condemnation of violence against women.

Furthermore, the judiciary plays an educational role by articulating legal principles that influence public attitudes and institutional practices. Judicial decisions often establish precedents that guide lower courts, law enforcement agencies, and policymakers in handling cases involving gender-based violence.

Despite these contributions, challenges remain. Judicial delays, case backlogs, evidentiary difficulties, and inadequate victim protection mechanisms often hinder effective access to justice. Nevertheless, the judiciary remains a central institution in Bangladesh's efforts to combat violence

³⁴ *Constitution of the People's Republic of Bangladesh 1972*, arts 94–116A.

³⁵ *Ibid*, Part III.

³⁶ *Bangladesh Constitutional Law (University Press Limited, 2012)* 215–220.

against women and uphold the rule of law.

4.2 Case Laws

Judicial decisions have significantly shaped the legal framework concerning violence against women in Bangladesh. Several landmark cases demonstrate the judiciary's commitment to protecting women's rights and promoting gender justice.

Bangladesh National Women Lawyers' Association (BNWLA) v Government of Bangladesh

One of the most influential decisions concerning women's rights is *Bangladesh National Women Lawyers' Association (BNWLA) v Government of Bangladesh*.⁵ In this case, the High Court Division addressed the growing problem of sexual harassment in educational institutions and workplaces.

The Court recognized sexual harassment as a violation of constitutional rights, including equality, dignity, and personal liberty. In the absence of specific legislation, the Court formulated detailed guidelines to prevent and address sexual harassment. These guidelines required educational institutions and workplaces to establish complaint mechanisms and adopt preventive measures.

The decision represented a landmark development because it acknowledged that violence against women extends beyond physical assault and includes psychological and sexual abuse occurring in public and professional environments.

State v Md. Roushan Mondal

This case involved allegations of rape and violence against a woman.³⁷ The Court emphasized that rape constitutes a grave violation of human dignity and bodily autonomy. The judgment reaffirmed the principle that courts must evaluate evidence sensitively while avoiding stereotypes that often disadvantage female victims.

The Court stressed that inconsistencies in a victim's testimony should not automatically undermine credibility where the overall evidence supports the prosecution's case. This approach reflects growing judicial awareness of the psychological trauma experienced by victims of sexual violence.

BLAST v Bangladesh

In *Bangladesh Legal Aid and Services Trust (BLAST) v Bangladesh*, the Court addressed broader issues concerning access to justice and protection of vulnerable groups. Although not exclusively concerned with violence against women, the judgment highlighted the State's obligation to ensure effective legal remedies and procedural fairness for marginalized individuals, including women.

The Court emphasized that constitutional rights must be interpreted in a manner consistent with international human rights standards and Bangladesh's treaty obligations. Such reasoning has influenced subsequent decisions involving gender-based violence.

Cases Involving Dowry Deaths

Bangladeshi courts have repeatedly condemned dowry-related violence and deaths. Judicial decisions in dowry cases have emphasized that demands for dowry constitute a form of economic coercion that frequently leads to physical and psychological abuse³⁸. See various decisions under

³⁷ *State v Md. Roushan Mondal* 17 BLC (HCD) 2012.

³⁸ See various decisions under the Dowry Prohibition legislation and Penal Code provisions relating to cruelty and homicide.

the Dowry Prohibition legislation and Penal Code provisions relating to cruelty and homicide. Courts have generally adopted a strict approach in cases where evidence demonstrates that harassment and violence were connected to dowry demands.

These decisions reflect judicial recognition of the structural and systemic nature of violence against women within marital relationships.

Acid Violence Cases

The judiciary has also responded firmly to acid attacks, recognizing their devastating physical, psychological, and social consequences. Courts have imposed severe punishments on offenders and emphasized the need for deterrence.³⁹ Judicial decisions in acid violence cases have reinforced the objectives of the Acid Crime Control Act 2002 and demonstrated a commitment to protecting victims from particularly brutal forms of violence.

Collectively, these cases illustrate the evolving role of the judiciary in promoting gender justice and strengthening legal protections for women.

4.3 Evidentiary Challenges

Despite the existence of legal protections, evidentiary challenges remain one of the most significant obstacles in prosecuting cases involving violence against women. The effectiveness of judicial responses often depends on the availability, reliability, and admissibility of evidence.

One major challenge arises from the private nature of many forms of violence. Domestic violence frequently occurs within the home, away from public scrutiny and independent witnesses.⁴⁰ As a result, cases often depend heavily on the victim's testimony. Courts must therefore balance the need for reliable evidence with recognition of the difficulties victims face in substantiating their claims.

Sexual violence cases present additional evidentiary complications. Delayed reporting is common due to fear, social stigma, family pressure, and concerns about retaliation⁴¹. Delays may result in the loss of forensic evidence and create difficulties for investigators. Courts increasingly recognize that delayed reporting should not automatically be interpreted as evidence of fabrication.

Medical evidence also presents challenges. While medical examinations can provide important corroborative evidence, the absence of physical injuries does not necessarily indicate that sexual violence did not occur. Judicial decisions have increasingly acknowledged this reality and emphasized that victim testimony may be sufficient where credible and consistent.

Witness intimidation constitutes another major problem. Victims and witnesses frequently face threats, social pressure, and economic coercion designed to discourage participation in legal proceedings. Such pressures are particularly acute in rural communities where social relationships are closely interconnected.

Investigative deficiencies further complicate evidentiary issues. Inadequate crime scene preservation, poor documentation, delays in medical examination, and limited forensic resources often undermine prosecutions. Courts have occasionally criticized investigative authorities for

³⁹ *Acid Crime Control Act 2002 and related judicial decisions*

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Bangladesh Legal Aid and Services Trust, *Access to Justice for Women in Bangladesh* (2019).

United Nations Entity for Gender Equality and the Empowerment of Women, *Handbook on Violence Against Women* (2015).

⁴¹ *Violence Against Women in Bangladesh: Situation Analysis* (2020).

failing to conduct thorough and professional investigations.

The standard of proof in criminal cases—proof beyond reasonable doubt—remains essential for protecting the rights of accused persons. However, courts increasingly recognize that rigid evidentiary expectations may inadvertently disadvantage victims of gender-based violence. Consequently, judicial approaches have gradually evolved toward more context-sensitive assessments of evidence.

Addressing evidentiary challenges requires improvements in investigative capacity, forensic infrastructure, victim support services, and witness protection mechanisms. Without such reforms, legal protections may fail to translate into effective justice.

4.4 Judicial Interpretation

Judicial interpretation has played a transformative role in shaping the legal response to violence against women in Bangladesh. Through interpretation, courts determine the meaning, scope, and application of constitutional provisions and statutory laws.

One significant trend in judicial interpretation is the adoption of a purposive approach. Rather than relying solely on literal readings of legal texts, courts increasingly interpret laws in light of their underlying objectives and constitutional values. This approach has enabled judges to expand protections for women and address evolving forms of violence.

The judiciary has also relied on international human rights instruments when interpreting domestic law. Bangladesh is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and courts have frequently referred to international norms in cases involving gender equality and violence against women. Such references strengthen the alignment between domestic law and international human rights standards.

In sexual harassment cases, judicial interpretation has been particularly innovative. Before specific legislation existed, courts relied on constitutional principles and international obligations to formulate guidelines protecting women in educational institutions and workplaces.¹⁵ This demonstrates the judiciary's willingness to fill legal gaps where necessary to safeguard fundamental rights.

Judicial interpretation has likewise broadened understanding of domestic violence. Courts increasingly recognize that violence encompasses psychological, emotional, and economic abuse in addition to physical harm. This broader perspective reflects contemporary understandings of gender-based violence and enhances the effectiveness of legal protection.

Another important development concerns the concept of dignity. Judicial decisions have emphasized that violence against women violates not only bodily integrity but also human dignity, equality, and autonomy. By framing violence as a constitutional issue rather than merely a criminal matter, courts have elevated its significance within the legal system.

Nevertheless, judicial interpretation is not without limitations. Courts remain constrained by statutory language, evidentiary requirements, and procedural rules. Moreover, progressive interpretations may have limited practical impact where enforcement mechanisms are weak.⁴² Effective protection therefore requires cooperation among courts, legislators, law enforcement

⁴² *Purposive Interpretation in Law* (Princeton University Press, 2005).

agencies, and civil society organizations.

Overall, judicial interpretation has been instrumental in advancing women's rights and strengthening legal responses to violence in Bangladesh. Through constitutional reasoning, engagement with international norms, and purposive interpretation of statutes, courts have contributed significantly to the development of gender-sensitive jurisprudence.

Conclusion

The judiciary occupies a central position in Bangladesh's response to violence against women. Through constitutional protection, statutory interpretation, and judicial activism, courts have expanded legal safeguards and promoted gender justice. Landmark decisions relating to sexual harassment, rape, dowry violence, and acid attacks demonstrate the judiciary's commitment to protecting women's rights and dignity.

At the same time, evidentiary challenges, procedural delays, and enforcement deficiencies continue to impede access to justice. While judicial interpretation has played a transformative role in addressing legal gaps and advancing human rights principles, lasting progress requires institutional reforms and stronger implementation mechanisms. The judiciary's contribution remains indispensable in ensuring that legal protections against violence against women are meaningful, effective, and consistent with constitutional and international human rights standards.

Convention on the Elimination of All Forms of Discrimination Against Women (1979).
Bangladesh National Women Lawyers' Association (BNWLA) v Government of Bangladesh (2009) 29 BLD (HCD) 415.

CHAPTER FIVE

INSTITUTIONAL MECHANISMS FOR ADDRESSING VIOLENCE AGAINST WOMEN IN BANGLADESH

5.1 Role of Police

The police constitute the primary law enforcement agency responsible for preventing, investigating, and responding to crimes against women in Bangladesh. As the first point of contact for most victims, the effectiveness of police intervention significantly influences access to justice and the overall enforcement of laws relating to violence against women.⁴³

Under the Code of Criminal Procedure 1898 and various special laws, the police are entrusted with the responsibility of receiving complaints, registering First Information Reports (FIRs), conducting investigations, collecting evidence, apprehending offenders, and presenting cases before the courts.⁴⁴ In cases involving domestic violence, rape, trafficking, acid attacks, dowry-related violence, and child abuse, prompt police action is crucial to ensure victim safety and preserve evidence.

Recognizing the unique challenges faced by women victims, the Government of Bangladesh has introduced several initiatives aimed at making police services more accessible and gender-sensitive. Women Support and Investigation Divisions have been established in major metropolitan areas to provide specialized assistance to female victims.⁴⁵

In addition, Women Help Desks have been created in many police stations to facilitate reporting and ensure a supportive environment for survivors. The establishment of the Police Bureau of Investigation (PBI) has further strengthened investigative capacity in cases involving violence against women. Specialized training programs on gender-based violence, victim interviewing techniques, and human rights standards have been introduced to improve police responses.

Despite these developments, significant challenges remain. Many victims are reluctant to approach law enforcement authorities due to fear of retaliation, social stigma, lack of awareness, and concerns regarding insensitive treatment. Delays in registering complaints, inadequate investigations, corruption, and insufficient forensic resources continue to undermine effective law enforcement.⁴⁶

In rural areas, women often face additional obstacles, including geographical barriers, economic dependence, and social pressure to resolve disputes through informal mechanisms rather than formal legal channels. Such factors frequently result in underreporting of violence against women.

To improve police effectiveness, continuous training, increased recruitment of female officers,

⁴³ *Constitution of the People's Republic of Bangladesh 1972; Police Act 1861*

⁴⁴ *Code of Criminal Procedure 1898, ss 154–173.*

⁴⁵ *Women Support and Investigation Division Reports.*

⁴⁶ *Access to Justice for Women in Bangladesh (2019)*

enhanced forensic capabilities, and stronger accountability mechanisms are necessary. Community policing initiatives and public awareness programs may also help build trust between law enforcement agencies and vulnerable populations.

Thus, while the police play a fundamental role in combating violence against women, institutional reforms remain essential to ensure effective protection and access to justice.

5.2 Role of Courts

Courts serve as the central institution responsible for adjudicating disputes, protecting constitutional rights, and ensuring accountability for acts of violence against women. The judiciary plays a critical role in interpreting laws, assessing evidence, determining guilt or innocence, and providing remedies to victims.

The Supreme Court of Bangladesh, consisting of the Appellate Division and the High Court Division, possesses constitutional authority to enforce fundamental rights and review executive and legislative actions. Through constitutional interpretation and judicial review, the higher judiciary has significantly contributed to the advancement of women's rights and the development of gender-sensitive jurisprudence.

At the trial level, various courts exercise jurisdiction over offenses involving violence against women. Ordinary criminal courts hear cases under the Penal Code 1860, while special tribunals established under the Nari O Shishu Nirjatan Daman Ain 2000 adjudicate serious offenses involving women and children. These tribunals were established to facilitate speedy trials and improve access to justice.

The courts also play an important role under the Domestic Violence (Prevention and Protection) Act 2010. Judicial officers may issue protection orders, residence orders, compensation orders, and custody-related relief to protect victims from further abuse.⁹ Such remedies demonstrate a shift from purely punitive approaches toward victim-centred protection.

Judicial interpretation has often expanded the scope of legal protection for women. Through landmark decisions, courts have addressed issues such as sexual harassment, child marriage, trafficking, and constitutional equality. The judiciary has frequently relied upon international human rights standards, including the principles embodied in CEDAW, to strengthen women's rights protections.

Nevertheless, the court system faces several challenges. Judicial delays, case backlogs, shortage of judges, procedural complexities, and limited victim support services often impede the timely resolution of cases. Many victims also encounter financial and social barriers that hinder their ability to pursue litigation.

To enhance judicial effectiveness, reforms are required in case management, witness protection, victim support services, and judicial training. Expanding digital court systems and strengthening specialized tribunals may further improve the administration of justice in cases involving violence against women.⁴⁷

⁴⁷ Constitution of Bangladesh 1972, arts 94–116A.

Bangladesh National Women Lawyers' Association (BNWLA) v Government of Bangladesh (2009) 29 BLD (HCD) 415.

Nari O Shishu Nirjatan Daman Ain 2000, ss 25–28.

Domestic Violence (Prevention and Protection) Act 2010, ss 13–17.

Overall, courts remain indispensable institutions for enforcing legal rights, promoting accountability, and ensuring justice for victims of violence.

5.3 NGOs and Human Rights Bodies

Non-governmental organizations (NGOs) and human rights bodies have emerged as critical actors in the prevention of violence against women and the promotion of gender justice in Bangladesh. Their contributions complement the efforts of governmental institutions by providing legal assistance, advocacy, awareness campaigns, research, rehabilitation services, and policy recommendations.

Among the most prominent organizations is Bangladesh National Women Lawyers' Association, which has played a pioneering role in promoting women's rights through litigation, legal aid, public education, and policy advocacy. BNWLA has been instrumental in initiating public interest litigation that resulted in significant judicial decisions concerning sexual harassment and women's protection.

Similarly, Bangladesh Legal Aid and Services Trust provides legal aid, human rights advocacy, and strategic litigation aimed at protecting vulnerable populations, including women subjected to violence and discrimination. Through litigation and policy engagement, BLAST has contributed to the development of rights-based legal frameworks.

The Ain o Salish Kendra is another leading human rights organization that monitors human rights violations, conducts legal research, provides legal support, and advocates for legislative reform. ASK regularly publishes reports documenting violence against women and highlighting institutional shortcomings.

At the governmental level, the National Human Rights Commission Bangladesh plays an important role in promoting and protecting human rights. The Commission investigates complaints, monitors compliance with human rights standards, conducts public awareness activities, and makes recommendations to the government concerning policy and legislative reforms.

NGOs also operate shelters, counselling centres, and rehabilitation programs for survivors of violence. These services are particularly important because many victims require psychological support, medical assistance, and temporary accommodation in addition to legal remedies. Furthermore, civil society organizations contribute to public awareness by organizing campaigns against domestic violence, child marriage, trafficking, sexual harassment, and dowry practices. Through education and advocacy, they help challenge social norms that perpetuate gender-based violence.

Despite their important contributions, NGOs often face resource constraints, funding challenges, and operational limitations. Coordination between governmental institutions and civil society organizations remains essential to maximize the effectiveness of interventions aimed at protecting women.

Consequently, NGOs and human rights bodies serve as indispensable partners in Bangladesh's efforts to prevent violence against women and strengthen access to justice.⁴⁸

⁴⁸ *Constitution of Bangladesh 1972*, arts 94–116A.

5.4 Legal Aid Services

Access to justice is a fundamental component of the rule of law and an essential prerequisite for the effective protection of women's rights. Many victims of violence are unable to pursue legal remedies due to financial hardship, lack of legal knowledge, social barriers, and geographical constraints. Legal aid services therefore play a critical role in ensuring that vulnerable women can access the justice system.

The principal legal framework governing state-sponsored legal assistance in Bangladesh is the Legal Aid Services Act 2000. The Act established the National Legal Aid Services Organization (NLASO) under the Ministry of Law, Justice and Parliamentary Affairs. NLASO coordinates legal aid programs throughout the country and provides assistance to economically disadvantaged individuals.

Legal aid services include legal advice, representation before courts, assistance with filing cases, mediation services, and support during judicial proceedings. Women who are victims of domestic violence, trafficking, rape, dowry-related abuse, and other forms of violence are generally eligible for legal assistance under the scheme.

District Legal Aid Committees operate throughout the country and provide local access to legal aid services. These committees work in cooperation with lawyers, judges, government officials, and civil society organizations to facilitate access to justice.

In addition to government-sponsored programs, numerous NGOs provide legal aid and support services. Organizations such as BNWLA, BLAST, and ASK offer legal representation, counselling, advocacy, and referral services for women facing violence and discrimination. Legal aid services are particularly important because legal proceedings can be costly and complex. Without assistance, many women would be unable to pursue claims or defend their rights effectively. Legal aid also helps reduce inequality within the justice system by ensuring that economic status does not determine access to legal remedies.

Despite progress, challenges remain. Limited funding, inadequate public awareness, shortage of legal aid lawyers, and logistical difficulties continue to affect service delivery. Many women, particularly in rural areas, remain unaware of available legal aid programs or encounter practical barriers in accessing assistance.

Strengthening legal aid requires increased funding, expanded outreach programs, improved coordination among institutions, and greater public awareness. Mobile legal aid services, digital platforms, and community-based initiatives may further enhance accessibility. Accordingly, legal aid services constitute a vital institutional mechanism for ensuring that legal

Bangladesh National Women Lawyers' Association (BNWLA) v Government of Bangladesh (2009) 29 BLD (HCD) 415.
Nari O Shishu Nirjatan Daman Ain 2000, ss 25–28.
Domestic Violence (Prevention and Protection) Act 2010, ss 13–17.

protections against violence against women are meaningful and accessible in practice.⁴⁹

Conclusion

Institutional mechanisms play a crucial role in the implementation and enforcement of laws designed to protect women from violence in Bangladesh. The police serve as the first responders and investigators, while courts ensure accountability and provide legal remedies. NGOs and human rights bodies contribute through advocacy, legal assistance, monitoring, and victim support, whereas legal aid services facilitate access to justice for economically disadvantaged women.

Although significant progress has been made in strengthening institutional responses, challenges relating to resources, coordination, awareness, and implementation continue to impede effectiveness. Addressing these challenges requires a collaborative approach involving government agencies, judicial institutions, civil society organizations, and local communities. Strengthening institutional capacity is essential for ensuring that legal protections are translated into meaningful protection and justice for women throughout Bangladesh.

⁴⁹ Constitution of Bangladesh 1972, arts 27 and 31.

Legal Aid Services Act 2000.

National Legal Aid Services Organization (NLASO), Legal Aid Operational Framework.

CHAPTER SIX

COMPARATIVE STUDY: EXPANDED ANALYSIS AND LESSONS FOR BANGLADESH

6.1 India

India's legal response to violence against women has undergone substantial transformation over the last three decades. Like Bangladesh, India inherited the common law system from British colonial rule and continues to rely upon constitutional guarantees, criminal legislation, and judicial intervention to protect women's rights. However, India's experience demonstrates how legal reforms can evolve in response to social movements, judicial activism, and public demands for accountability.

Constitutional Protection

The Constitution of India guarantees equality before the law, prohibits discrimination based on sex, and empowers the State to adopt special measures for women.² Articles 14, 15, and 21 have been interpreted expansively by Indian courts to protect women's dignity, liberty, and bodily integrity.

The Indian judiciary has frequently used constitutional principles to address gender discrimination and violence. Courts have recognized that violence against women violates fundamental rights and undermines constitutional commitments to equality and justice.

Domestic Violence Laws

The Protection of Women from Domestic Violence Act 2005 represents a major advancement in Indian law. Unlike traditional criminal statutes, the Act recognizes domestic violence as a violation of civil and human rights.⁵⁰

The Act covers:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Verbal abuse
- Economic abuse

Victims may obtain:

- Protection orders
- Residence orders
- Custody orders
- Compensation orders
- Monetary relief

The broad scope of protection is often regarded as more comprehensive than corresponding legislation in many developing countries.

⁵⁰ Indian Constitution, arts 14, 15, and 21.

Constitution of India 1950.

Protection of Women from Domestic Violence Act 2005 (India).

Sexual Violence Reforms

Following the 2012 Delhi gang rape incident, commonly known as the Nirbhaya case, India introduced significant amendments to criminal law.⁴

The Criminal Law (Amendment) Act 2013:

- Expanded the definition of rape.
- Criminalized stalking.
- Criminalized voyeurism.
- Criminalized acid attacks.
- Increased punishments for sexual offences.
- Strengthened victim protection mechanisms.

The reforms demonstrate how public outrage and judicial recommendations can drive legislative change.

Institutional Mechanisms

India has established:

- Fast Track Courts.
- Women's Police Stations.
- One Stop Crisis Centres.
- National Commission for Women.
- State Women's Commissions.

These institutions provide specialized services for survivors and improve access to justice.

Landmark Case: Vishaka v State of Rajasthan

In *Vishaka v State of Rajasthan* (1997), the Supreme Court of India recognized sexual harassment as a violation of constitutional rights.

The Court formulated guidelines requiring employers to establish mechanisms for preventing and addressing workplace harassment. These guidelines later became the basis of the Sexual Harassment of Women at Workplace Act 2013.

Lessons from India

India demonstrates the importance of:

- Judicial activism.
- Comprehensive domestic violence legislation.
- Specialized institutions.
- Gender-sensitive criminal justice reforms.
- Workplace protection mechanisms.

6.2 United Kingdom

The United Kingdom has developed one of the world's most sophisticated legal systems for addressing violence against women. Its approach combines criminal law, family law, social welfare mechanisms, and human rights principles.⁵¹

⁵¹ *Criminal Law (Amendment) Act 2013 (India)*.
Vishaka v State of Rajasthan AIR 1997 SC 3011.
Domestic Abuse Act 2021 (UK).

Domestic Abuse Act 2021

The Domestic Abuse Act 2021 is regarded as a landmark legislative achievement.

The Act defines domestic abuse broadly to include:

- Physical abuse.
- Sexual abuse.
- Psychological abuse.
- Emotional abuse.
- Economic abuse.
- Coercive and controlling behaviour.

The recognition of coercive control is particularly significant because many abusive relationships involve patterns of domination rather than isolated incidents of physical violence.

Protection Orders

The UK system provides strong preventive mechanisms.

Authorities may issue:

- Domestic Abuse Protection Notices.
- Domestic Abuse Protection Orders.
- Non-Molestation Orders.
- Occupation Orders.

These measures enable intervention before violence escalates.

Victim Protection Measures

British courts employ several victim-friendly procedures:

- Video-recorded testimony.
- Witness anonymity in certain circumstances.
- Screens shielding victims from defendants.
- Restrictions on aggressive cross-examination.

These mechanisms reduce secondary victimization and encourage survivors to participate in proceedings.⁵²

Multi-Agency Cooperation

One of the most successful features of the UK system is the Multi-Agency Risk Assessment Conference (MARAC).

MARAC brings together:

- Police.
- Courts.
- Health professionals.
- Social workers.
- Child protection agencies.
- NGOs.

The coordinated approach improves information sharing and enhances victim safety.

Judicial Approach

British courts increasingly recognize:

⁵² *ibid*, s 1.

Youth Justice and Criminal Evidence Act 1999 (UK)

- Psychological abuse.
- Coercive control.
- Economic dependency.
- Technology-facilitated abuse.

This reflects evolving understandings of violence against women in contemporary society.

Lessons from the United Kingdom

The UK model highlights the importance of:

- Preventive intervention.
- Multi-agency collaboration.
- Victim-centred procedures.
- Recognition of non-physical violence.
- Strong witness protection measures.

6.3 Australia

Australia is internationally recognized for its integrated and prevention-focused strategy concerning violence against women. The Australian model combines legal reform, social services, public education, and gender equality policies.⁵³

National Policy Framework

Australia operates under a national strategy known as the National Plan to End Violence Against Women and Children.

The strategy focuses on:

1. Prevention.
2. Early intervention.
3. Response.
4. Recovery and healing.

This comprehensive framework addresses both causes and consequences of violence.

Broad Legal Definitions

Australian legislation recognizes numerous forms of abuse, including:

- Physical abuse.
- Sexual abuse.
- Psychological abuse.
- Economic abuse.
- Social isolation.
- Technological abuse.

Such broad definitions allow courts to address modern forms of coercion and control.

Specialized Domestic Violence Courts

Several Australian states have established specialized domestic violence courts.

Advantages include:

- Faster case disposal.
- Trained judges.
- Specialized prosecutors.
- Victim support services.
- Consistent sentencing practices.

Studies indicate that specialized courts improve victim confidence in the justice system.⁵⁴

⁵³ *National Plan to End Violence Against Women and Children 2022–2032 (Australia)*.

⁵⁴ Australian Law Reform Commission, *Family Violence Report* (2010).

Risk Assessment Systems

Australia employs evidence-based risk assessment tools to identify high-risk offenders and vulnerable victims.

Police officers routinely assess:

- Severity of violence.
- Frequency of abuse.
- Threats to life.
- Presence of weapons.
- Child safety concerns.

This proactive approach helps prevent escalation.

Support Services

Australia invests heavily in:

- Women's shelters.
- Crisis centres.
- Counselling services.
- Emergency accommodation.
- Legal assistance.
- Psychological rehabilitation.

Victim support is viewed as an essential component of justice.

Indigenous and Minority Women

Australia has also developed specialized programs for Indigenous women and culturally diverse communities, recognizing that violence affects different groups in different ways.

Lessons from Australia

Australia illustrates the value of:

- Prevention-oriented policies.
- Specialized courts.
- Risk-based interventions.
- Comprehensive victim services.
- Government-funded rehabilitation programs.

6.4 Lessons for Bangladesh

The experiences of India, the United Kingdom, and Australia provide valuable guidance for improving Bangladesh's response to violence against women.

Reforming Domestic Violence Law

Bangladesh's Domestic Violence (Prevention and Protection) Act 2010 was a major achievement. However, it could be strengthened by explicitly recognizing:

- Coercive control.
- Stalking.
- Digital harassment.
- Technology-facilitated abuse.
- Economic coercion.

The UK and Australian approaches provide useful models.

Establishment of Specialized Courts

Although Bangladesh has Nari O Shishu Nirjatan Daman Tribunals, specialized domestic violence courts could further improve efficiency.

Such courts could:

-
- Reduce delays.
 - Improve victim protection.
 - Ensure consistent judicial interpretation.
 - Develop specialized expertise.

Strengthening Police Responses

India's Women's Police Stations provide a useful model.

Bangladesh could establish:

- Dedicated women's police units in every district.
- Female investigation teams.
- Gender-sensitive complaint procedures.

These measures could encourage reporting.

Comprehensive Victim Support Services

Bangladesh currently lacks sufficient shelter and counselling facilities.

Lessons from Australia suggest the need for:

- Government-funded shelters.
- Trauma counselling.
- Emergency housing.
- Long-term rehabilitation programs.

Multi-Agency Coordination

The UK's MARAC system demonstrates the benefits of institutional cooperation.

Bangladesh could create district-level coordination committees involving:

- Police.
- Courts.
- Social welfare departments.
- Health services.
- NGOs.
- Local government representatives.

Witness Protection Mechanisms

Victims often withdraw complaints due to fear and intimidation.

Bangladesh could adopt:

- Confidential testimony procedures.
- Safe witness facilities.
- Protection programs for vulnerable witnesses.

Digital Justice Systems

Many developed jurisdictions increasingly use technology in case management.

Bangladesh could introduce:

- Online filing systems.
- Digital case tracking.
- Virtual hearings for vulnerable victims.
- Electronic evidence management.

Greater Judicial Training

Continuous training should be provided concerning:

- Gender sensitivity.
- Trauma-informed adjudication.
- International human rights standards.
- Emerging forms of violence.

Stronger Data Collection

Australia and the UK maintain extensive databases concerning gender-based violence.

Bangladesh should establish a national database for:

- Domestic violence cases.
- Rape prosecutions.
- Dowry deaths.
- Acid attacks.
- Human trafficking incidents.

Reliable data would facilitate evidence-based policymaking.

Comparative Table

Issue	Bangladesh India		United Kingdom	Australia
Domestic Violence Law	Yes	Comprehensive	Highly Comprehensive	Comprehensive
Specialized Courts	Limited	Fast Track Courts	Specialized Family Courts	Specialized DV Courts
Witness Protection	Weak	Moderate	Strong	Strong
Victim Support Services	Limited	Moderate	Extensive	Extensive
Multi-Agency Approach	Limited	Developing	Strong	Strong
Risk Assessment Tools	Minimal	Limited	Extensive	Extensive
Shelter Services	Inadequate	Moderate	Extensive	Extensive
Recognition of Coercive Control	Limited	Partial	Explicit	Explicit

Conclusion

The comparative analysis reveals that Bangladesh has established a significant legal framework for addressing violence against women but continues to face challenges relating to implementation, institutional capacity, victim protection, and access to justice. India demonstrates the value of judicial activism and specialized legislation; the United Kingdom highlights the effectiveness of victim-centred procedures and multi-agency coordination; and Australia emphasizes prevention, risk assessment, and integrated support services. By adapting these best practices to its own social, economic, and cultural context, Bangladesh can strengthen its institutional response, improve access to justice, and provide more effective protection for women against violence.

CHAPTER SEVEN

PROBLEMS AND CHALLENGES

Despite the existence of a comprehensive legal framework in Bangladesh, violence against women continues to remain a serious social and legal problem. The persistence of such violence indicates gaps not only in legislation but also in enforcement, institutional capacity, and socio-cultural attitudes.

7.1 Weak Implementation of Laws

One of the major challenges is the weak implementation of existing laws. Although Bangladesh has enacted laws such as the Nari O Shishu Nirjatan Daman Ain 2000 and Domestic Violence (Prevention and Protection) Act 2010, enforcement remains inconsistent. Investigations are often delayed, and prosecutions suffer from procedural inefficiencies, leading to low conviction rates.

7.2 Social and Cultural Barriers

Deep-rooted patriarchal norms and social stigma significantly discourage victims from reporting violence. In many cases, domestic violence is considered a private matter, leading to informal settlement mechanisms that deny justice to victims. Dowry-related violence and child marriage continue due to cultural acceptance in certain communities.

7.3 Fear of Retaliation and Lack of Witness Protection

Victims and witnesses often face threats from perpetrators or their families, leading to withdrawal of complaints. Bangladesh lacks a comprehensive witness protection programme, making it difficult for victims to pursue legal remedies safely.⁵⁵

7.4 Delay in Judicial Process

Court congestion, procedural delays, and shortage of judges result in prolonged trials. Such delays not only reduce the effectiveness of justice but also discourage victims from continuing legal proceedings.

7.5 Limited Institutional Capacity

Law enforcement agencies often lack adequate training on gender-sensitive handling of cases. Medical and forensic facilities are also insufficient, particularly in rural areas, affecting the quality of evidence collection.

7.6 Lack of Awareness

Many women, especially in rural areas, are unaware of their legal rights under existing laws. Limited legal literacy restricts their ability to access justice mechanisms.

⁵⁵ *Constitution of the People's Republic of Bangladesh 1972.*

Nari O Shishu Nirjatan Daman Ain 2000 (Act VIII of 2000); Domestic Violence (Prevention and Protection) Act 2010 (Act LVIII of 2010). Bangladesh National Women Lawyers' Association, Violence against Women in Bangladesh: Situation Report (Dhaka, 2020).

CHAPTER EIGHT

FINDINGS AND ANALYSIS

Based on the legal and institutional review, judicial analysis, and comparative study, several key findings emerge.

8.1 Existence of a Strong Legal Framework

Bangladesh has developed a relatively strong legal framework addressing violence against women, including constitutional safeguards, criminal laws, and special legislation. However, the effectiveness of these laws depends heavily on implementation.

8.2 Judicial Activism Plays a Positive Role

The judiciary has played an important role in expanding women's rights through landmark decisions such as *BNWLA v Government of Bangladesh*. Courts have recognized sexual harassment, trafficking, and domestic violence as violations of constitutional rights.

8.3 Gap Between Law and Practice

A significant gap exists between legal provisions and their practical enforcement. Despite strict laws, violence against women remains prevalent due to weak institutional response and social acceptance of discriminatory practices.

8.4 Institutional Weaknesses

Police inefficiency, limited forensic capacity, and lack of victim support services reduce the effectiveness of the justice system.

8.5 Importance of NGOs

NGOs such as BNWLA, BLAST, and ASK play a crucial role in providing legal aid, raising awareness, and supporting victims, often filling gaps left by state institutions.

8.6 Comparative Insights

Comparative analysis shows that countries like India, the UK, and Australia have more developed systems of victim protection, multi-agency coordination, and specialized courts. Bangladesh can benefit from adopting similar approaches.

CHAPTER NINE RECOMMENDATIONS

Based on the findings of this study, the following recommendations are proposed to strengthen the legal and institutional framework for protecting women from violence in Bangladesh.

9.1 Strengthening Law Enforcement

Police should receive specialized training on gender-based violence, trauma-informed investigation, and victim protection. Establishment of more women-friendly police units across the country is essential.

9.2 Establishment of Witness Protection Mechanism

A formal witness protection programme should be introduced to ensure the safety of victims and witnesses during and after trials.

9.3 Judicial Reforms

Fast-track courts dedicated to violence against women cases should be expanded to reduce case backlog and ensure speedy justice.

9.4 Expansion of Legal Aid Services

Legal aid services should be strengthened and made more accessible, particularly in rural areas. Awareness campaigns should be conducted to inform women about available legal remedies.

9.5 Strengthening Institutional Coordination

A multi-agency coordination mechanism involving police, courts, health services, NGOs, and social welfare departments should be established at district and national levels.

9.6 Expansion of Shelter and Support Services

Government-funded shelters, counselling centres, and rehabilitation programs should be expanded to provide comprehensive support to survivors.

9.7 Legal Reforms

Existing laws should be updated to explicitly include modern forms of violence such as cyber harassment, stalking, and coercive control.

9.8 Public Awareness and Education

Educational campaigns should be introduced to change social attitudes regarding dowry, child marriage, and domestic violence.

CHAPTER TEN

CONCLUSION

Violence against women remains one of the most pressing human rights and social issues in Bangladesh. Despite significant progress in legislative reforms, constitutional protections, and judicial activism, women continue to face physical, psychological, economic, and social violence in both private and public spheres.

The study demonstrates that Bangladesh has developed a comprehensive legal framework including the Constitution, Penal Code 1860, Nari O Shishu Nirjatan Daman Ain 2000, Domestic Violence (Prevention and Protection) Act 2010, and other specialized laws. However, the effectiveness of these laws is limited by weak implementation, institutional challenges, and socio-cultural barriers.

Judicial decisions have played a transformative role in advancing women's rights, particularly in recognizing sexual harassment, trafficking, and domestic violence as violations of constitutional rights. Nevertheless, courts alone cannot eliminate violence without effective enforcement and social change.

Comparative analysis shows that countries such as India, the United Kingdom, and Australia have developed more advanced systems emphasizing prevention, victim protection, multi-agency coordination, and specialized courts. Bangladesh can learn valuable lessons from these models to strengthen its own legal and institutional framework.

Ultimately, addressing violence against women requires a holistic approach combining legal reform, institutional strengthening, judicial efficiency, and social transformation. Only through coordinated efforts of the state, judiciary, civil society, and community can Bangladesh ensure the protection, dignity, and equality of women in society.

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