

Sexual Harassment of Women in Rajshahi City Area: A Critical Legal Study

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Abstract: Sexual harassment is being a social stigma and common phenomena in all over Bangladesh. Despite difference of appearance, age, profession etc. women are not risk-free in the school, college, university, home or workplace. About all the female workers face sexual abuse at the workplace, it may be government or in private sector frequently. Some particular places such as- in the educational institution sexual harassment is being take place by their inferior, superior, teachers, friends or by unknown person and in workplace by their colleagues or by unknown person also. Sexual harassment includes many kinds of violence against women and that may be physical, psychological, sexual or domestic. According to the Human Rights Council Report, it can be considered that, sexual harassment has become a part of the social habit in rural and urban areas of Bangladesh. This paper tries to conduct an in-depth empirical study in order to identify the causes of sexual harassment in Rajshahi City area. It is also trying to attempt to suggest effective and practicable redress mechanism so that sexual harassment can be curbed. In this study, data were collected by quantitative methods. Both primary and secondary data sources were used to explore the study objective. This study found that, despite existing statutory laws, judgments which are provided by our Supreme Court, women of our country are facing sexual harassment and in most of the cases they do not take any legal action.

Keywords: Social stigma, Sexual harassment, Statutory Laws, Legal Action, Female Workers.

1. Introduction

Bangladesh is entering into the class of middle-income countries. The participation of women in economic sector is crucial for the country as well as for their own economic empowerment and sustainability. However sexual harassment's problems in the workplace discourage women to proceed working. Sexual harassment in the workplaces has emerged as a serious concern in Bangladesh. It can be said that sexual harassment against women is considered a breach of human rights and dignity. Now it has become

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widespread phenomenon and causes undermines of equality of opportunity and treatment to women which has been ensured by our constitution and other statutes. Sexual harassment to women has negative effects and it imposes a negative impact on 'victims' salary, career advancement and potentiality. When a woman is being affected by sexual harassment, it can affect and reinforces stereotypes about their abilities and aspirations'.¹ As the participation of women's is growing in employment sector so the issues of sexual harassment should provide a grave importance to ensure safe and healthy environment in school, college, university, workplace and home. According to UNWOMEN about 736 million women experienced violence either by familiar, non familiar or both at least once in their life in globally and among them one third are aged 15 and above.² Women and girls in our country frequently face disparaging comments and scurrilous language. According to a 2015 study conducted by Action Aid,³ women and girls about 84 percent from seven cities in Bangladesh face "derogatory comments and sexually colored abusive language". Most of the female in urban area faces sexual harassment. A study which is also conducted by Action Aid⁴ in 2017 stated that, in urban areas about 54.7 percent women face violence and it may be physical, psychological and financial. It may sometimes include social violence as well as unwanted physical contact by strangers. A study⁵ conducted by Karmojibi Nari and Care Bangladesh⁶ found that about 12.7 percent of female workers face sexual harassment where they work by their colleagues and others. Even female police personnel, who are in a better position in the society, is also face sexual harassment at their workplace in some times. BRAC study found that, 94 percent of women commuting in public transport in Bangladesh have experienced sexual harassment in verbal, physical and other forms.⁷ In our country, in the last 2 years, 27 sexual harassment cases have been reported of our five top Universities (Dhaka University (DU), Rajshahi University (RU), Chittagong University (CU), Jahangirnagar University (JU), and Jagannath University (JnU). In DU the number is three, the number of RU is six, two in CU, 14 cases have been reported in JU and two in JnU. By submitting a report National Human

¹ ILO, 'Sexual harassment in the world of work' available at https://www.ilo.org/wcmsp5/groups/public/dgreports/gender/documents/briefingnote/wcms_738115.pdf visited on 20.12.2022.

² Available at <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> visited on 20.12.2022.

³ Action Aid is a non-governmental organization. <http://www.actionaid.org/bangladesh>. Visited on 22.12.22.

⁴ Ibid.

⁵ "State of Rights Implementation of Women Ready Made Garment Workers".

⁶ Karmojibi Nari and Care Bangladesh is a non-governmental organization. www.karmojibinari.org.

⁷ BRAC, '94% women victims of sexual harassment in public transport', BRAC (25 March 2018), <<https://www.brac.net/latest-news/item/1142-94-women-victim-of-sexual-harassment-in-public-transport>>accessed 17.05.2024.

Rights Commission (NHRC), inform to the University Grant Commission (UGC) chairman that, in last year November, a student of Social Welfare and Research institute of DU brought allegation of sexual harassment against a teacher. In that case, DU authority was directed to make investigation and take proper action, and that report has been submitted on 21 March in this Year. In very recently, at DU an allegation was raised by a female student against a teacher of Mass Communication and Journalism Department. In last two years, five sexual harassment cases have been brought at CU. In all that cases, punitive punishment system was taken, and a professor of Chemistry department was terminated as he attempted to rape a female student on 31 January this year. In last two years, six sexual harassment complaints have been received by sexual harassment and oppression prevention cell of RU. After investigation and analyzing the fact, the committee has recommended punishment proportionately. On 21 May last year, the university syndicate relieved a teacher of the psychology department from his academic activities for two years as a female teacher's allegation of sexual misconduct against him was found to be true. Between January 2022 to March 2024, 14 sexual harassment complaints received by JU cell. Among them, 12 allegations have been settled, and two allegations are under investigation. By analyzing the allegation, JU cell has recommended different kinds of punishment. Such as a student of that university was expelled for six months and fined Tk 50,000 for harassing a female student of the Economics department. Besides that, a teacher was sacked from the Public Health and Informatics department as the allegation of involvement has been found true. For raising awareness regarding sexual harassment, various steps have been taken including opening e-mail and complaint boxes, said by the president of the sexual harassment and oppression prevention cell of JU professor Jebunnessa told at Prothom Alo. Very recently, the case of Fairuz Abontika, a student of Law Department of JnU, shows the incompetency of our universities relating to deal with sexual harassment complaints. Kazi Farjana Mim, a student of JnU discussed the hardships which is faced at the time of complaining to the Vice Chancellor in an interview of Desh Television. Last year Prof. Dr. Abdul Alim, a law professor of RU, interview 200 students and it is found that, 90 percent of harassed female students is not interested to report their experiences. March 14 of this year a teacher at Jatiya Kabi Kazi Nazrul Islam University in Mymensingh was permanently suspended after sexually harassing a female student in the face of protests.

In this article, completing works of literature review help is taken from books, journals, newspapers and periodicals. Cases related to sexual harassment which has been decided by the court of home and abroad was reviewed for completing this article. Though there are many articles that deal with different aspects of sexual harassment, it is not possible to get a total and

original picture of the sexual harassment of women in Rajshahi city of Bangladesh and its issues and remedies. So it becomes very much necessary to conduct an all-inclusive study on the sexual harassment of women in Rajshahi city of Bangladesh and its issues and remedies.

1.2 Research Objectives

The objectives of the present article are:

- i. to explore conceptual understanding, practices and represent real picture of violence relating to gender based with special concentration on sexual harassment of women in Rajshahi city area;
- ii. to realize the consequences and impacts of women who faced sexual harassment in their daily life;
- iii. to examine the relationship between sexual harassment of women and impact on their occupations;
- iv. to put forth some suggestion to curb sexual harassment and to create awareness.

1.3 Methodology

The research-work used quantitative method for completing and identify real picture of sexual harassment of women in Rajshahi city area. In this article primary and secondary data have been used. Among them first of all, for collecting primary data social survey tools and technique is used. A structured questionnaire was used for the survey and survey was made in Rajshahi city area, and the procedure of survey was randomly selected in nature. Survey was conducted among the students of Varendra University (a private university of Rajshahi), working women and housewife. A comprehensive literature analysis was conducted for secondary data by reviewing sources such as textbooks, leading cases, international and regional conventions and municipal laws and so on. Secondary data sources were mainly used to understand the concept of sexual harassment and to enrich my research objectives and the descriptive analysis method is used for analyzing the collected data.

1.4. Limitations

The article has some limitations. Although sexual harassment is a concern matter for all over Bangladesh, the researchers have not covered vast area of Bangladesh. The number of respondents selected for this study is from a certain urban area and also limited in numbers. Hence, some women opted not to participate because they are unwilling to share incidents of sexual harassment.

2. Legal Regime on Protection of Women Against Sexual Harassment

Sexual harassment means and includes a verse of actions and behavior to woman. It may be verbal transgressions and may also be sexual abuse or assault to a woman. Here sexual abuse or assault means rape or request for sexual favors and rape is the highest and aggressive grade of sexual offence in Bangladesh. Rape has been defined by many Acts in our country. Penal Code-1860 has defined sexual harassment. According to this Act rape means- Sexual intercourse with a female is committed without her assent or against her will. Core elements of rape are that sexual intercourse must occur without her assent or against her will.⁸ Laws enacted after the enactment of Penal Code-1860 has adopted the definition of rape with or without modification of Penal Code's definition. Besides consent, age is also a vital subject for considering that, a sexual intercourse being considered as rape or not. The Prevention of Cruelty to Women and Children Act, 2000 has given importance on age. According to this Act sexual intercourse committed with a girl with or without her consent whose age is 16 or below 16 constitutes rape. But the Penal Code-1860 determined the threshold age is 14. According to the Act of 2000 consent is not considerable where the girl's age is 16 or below 16. Sexual intercourse with wife may also be considered as rape according to Penal Code. According to Penal Code sexual intercourse committed by husband with his wife with or without consent under the age thirteen years shall be considered rape. However, the Act of 2000 is not applicable to married girls whose age is below 16. The Act of 2000 has also defined sexual assault. According to this Act, if any person, for his sexual desire, touches any organs of a female which are sexual with his any part of body or with anything or try to outrage the modesty of a woman shall be considered sexual assault.⁹ Besides above provision Penal Code also provides the concept of sexual assault. According to this Act, whoever commits any act or uses criminal force against any female with intend to outrage her modesty or by knowing that it would commit outrage of modesty to any women shall be considered as sexual assault.¹⁰

Definition of sexual harassment has been given by Mr. Alok Bhasin in his book named "Law Relating to Sexual Harassment at Work". Mr. Alok Bhasin's definition has been mentioned in the decision of the Canadian case of *Canadian Pacific Ltd. and B.M.W.E. (Parker)* as under: "At the earlier time touches body and want of sexual demands has considered the common

⁸ The Penal Code, 1860; s. 375- provides, A man is said to commit "rape" who has committed sexual intercourse with a woman under five circumstances : 1. against her will 2. without her consent 3. with consent but consent is obtained by putting her in fear of death, or of hurt. 4. with consent but the man knows that he is not her husband. 5. with or without her consent, when she is under fourteen years of age.

⁹ The Prevention of Cruelty against Women and Children Act, 2000; s. 10.

¹⁰ The Penal Code, 1860; s .354.

shape of sexual harassment. But from the recent complaints filed by victim and recent judicial decisions provided by the court, now it has been settled that, concept of sexual harassment has changed and it being much broader from the earlier time. Now a day's unwelcome staring, sexually abusive jokes, showing pornography and write or paint of graffiti relating to sexual matter on workplace walls are considered as the forms of sexual harassment. It is not mandatory that, for committing sexual harassment abuse of power must be present or want of sexual demands by a male to a female. In the case of *Vishaka and Others Vs. State of Rajasthan and Others*,¹¹ Indian Supreme Court analyze the definition of sexual harassment and determined that, it is a one kind of sex discrimination, and it committed through unwelcome sexual advances and verbal or physical behavior or activity with sexual overtones and it may be directly or by implication. According to Equal Employment Opportunity Commission¹² and by analyzing a judgment of a Writ petition¹³ Sexual harassment also includes- making unwanted requests for sexual favors; by abusing professional powers attempts to establish physical relation; showing pornography; to send or share emails. It also includes to send a message by one person to another of sexual nature; goosing personal relationship or sex life about someone's; unwanted touching face or hair; to insult any person by means of letters, telephone or cell-phone calls, e-mails, by using social media, photos, board or chair-table, bench, notice board etc. 'Sexual harassment is a unwelcome sexual conduct',¹⁴

2.1 International Instruments for the Protection of Rights of Women

Besides the national legal instrument and law, there are various international instruments which provide provisions for protecting women's rights. The Universal Declaration of Human Rights (UDHR) of 1948 is the first and foremost international legal instrument which recognized inherent dignity and equal and intrinsic rights of all persons, and this instrument recognized that these are the essential elements of freedom, justice and peace in the world. It is also recognized that human beings are born without any discrimination, and all have equal dignity and rights. Regarding behavior with one to another UDHR show that, as human beings are blessed with reason, conscience and good conscience they should act one another in a spirit of brotherhood.¹⁵ UDHR provides that, no discrimination should made in the field of enjoying all the rights and freedoms set forth in this declaration in

¹¹ Date of judgment: 13/08/1997 bench: Cji, Sujata V. Manohar, B. N. Kirpal.

¹² 131 M Street, NE Washington, DC 20507.

¹³ Writ Petition No. 5916 of 2008 Heard on 16.10.2008, 13.11.2008, 9.3.2009, 11.3.2009 Judgment on 14.5.2009. Mr. Justice Syed Mahmud Hossain and Mr. Justice Quamrul Islam Siddiqui.

¹⁴ UN Women, Towards an end to sexual harassment: The urgency and nature of change in the era of metoo (November 2018) <<https://www.itstopsnow.org/site/default/files/Towards-an-end-to-sexual-harassment-en.pdf>>accessed 16.05.2024.

¹⁵ Article 1 of the Universal Declaration of Human Rights 1948.

reference with race, color, male or female, spoken language, faith, political, national or social origin, birth or other status. No difference should be made with reference to the political, territorial or international status of the country or territory where a person stays. Even one who stay that country which may be independent, trust or under any other limitation of sovereignty.¹⁶ Every member state of UDHR is responsible to take steps for ensuring respect and rights recognized in the present declaration to all persons within its own jurisdiction without any kind of distinction in the reference of race, color, male or female, spoken language, religious belief, profession, belief, origin, birth or other matters.¹⁷ Every member states of the present declaration is bound to ensure the rights which are inserted in the present declaration and that will be exercised without any kind of discrimination.¹⁸ Besides the Universal Declaration of Human Rights (UDHR) 1948, the Convention on the Elimination on forms of Discrimination Against Women (CEDAW) 1979 is another important treaty for ensuring women's rights. It imposes legal binding to end of discriminate against women. It can be strongly said that the complete development, welfare and peace of the world require the popular and major participation of women with men on equal status in all fields. Bangladesh has legal obligation to implement above provisions as a signatory country.

2.2 Legal Rights of Women in Our Constitution

Among the other laws, the supreme law of the country, the Constitution of the People's Republic of Bangladesh has inserted many articles regarding protection of women's rights. Article 19(1) of this supreme law provides that it is the responsibility of that state to ensure equal opportunity and environment in every sphere for man and women.¹⁹ Part three (Articles 26-47) of this law has inserted the provisions regarding fundamental rights for the peoples of Bangladesh. First article of this part state that, all citizens are equal in the eye of law, and all are equal eligible to get same protection of law.²⁰ According to this article male and female are equivalent in the eye of law and are entitled to get protection of law. Article 28(2) of this law particularly said that, in every field of the state and public life women along with the men should have equal rights and opportunity.²¹ According to article 28(4), the state can make special provision for the betterment and uphold the position of women, children and any backward section of citizens.²² This article provides an opportunity to the country for taking steps for betterment of women. For

¹⁶ Article 2 of the Universal Declaration of Human Rights 1948.

¹⁷ Article 2(1) of International Covenant on Civil and Political Rights.

¹⁸ Article 2(2) of International Covenant on Economic Social and Cultural Rights.

¹⁹ The Constitution of the People's Republic of Bangladesh.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

ensuring equal opportunity of service of the Republic's employment for women article 29 states that, Women shall have equal opportunity to entitle of employment in the service of the Republic.²³ For ensuring protection of law for male and female article 31 state that, the inherent and inalienable rights of everyone is that, everyone must get protection of law and are entitled to be treated in accordance with law and no action shall be taken which is detriment to the life, liberty or property of any person except in accordance with law.

2.3 Brief Analysis of the Legislation

After independence, Bangladesh has enacted a lot of law for governing various issues. Though there is various laws for governing various issue but it does not have an effective and comprehensive law for protesting sexual harassment. There are some legislations which is used to penalize a man who committed sexual harassment to a woman. Section 509 of the Penal Code, 1860 provides the provision for penalize a person who commit sexual harassment. In this section it is said that, anyone who with intend to abuse the modesty of any woman by words or any other way or makes gesture or expose any things, with intend to such word or sound shall be heard by someone or that gesture shall be seen by the concern woman, or if anyone interrupt privacy of that woman shall be considered offence and be punished with imprisonment for a term which may extend to three years, and also with fine. Section 10 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 has defined an offence named as jounopiron (commonly translated as sexual oppression). This Act defined sexual oppression as-If anyone touches any part of woman's body to fulfill his illegal satisfaction of sexual desires or violates a woman's modesty shall be considered sexual oppression.

2.4 Jurisprudential Development Relating to Sexual Harassment in Bangladesh

In recent times, Supreme Court of Bangladesh by providing it's judgment has kept an important role for progressing issues related to women's rights of our country. By its judgment in different cases, the judiciary has played a vital role and kept a proactive impact by interpreting relevant laws and uphold concern constitutional principles for betterment of women. At the field where relevant laws is insufficient or where no law is present, the court provides judicial principle and guidelines for ensuring woman's rights and dignity in our country.

2.4.1 On Sexual Harassment

In 2009, in the case of *National Women Lawyers Association (BNWLA) vs. Bangladesh* the Bangladesh Supreme Court gives importance and provides

²³ Ibid.

guideline on sexual harassment at workplace and educational institutions. At the time of deciding this matter, the Supreme Court referred to an international legal convention and instrument. Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is an international important legal document concern with rights of women for all over the world. At the time of addressing sexual harassment at specifically educational institutions and workplace, the Supreme Court of Bangladesh relied on the provisions of CEDAW. Bangladesh is a signer member of CEDAW, and the court expressed that as Bangladesh is a member of CEDAW, it is a obligation of Bangladesh to formulate laws to prevent sexual harassment with special reference to educational institutions and place of work. In the advanced judgment, the Court also provides a set of guidelines for the government and concern institutions which should be considered up to a relevant law has been passed by the government. As the issue of sexual harassment is not limited only educational sector and place related to work, court has also taken steps and provides directions to prevent sexual harassment of another places. At the decision of writ petition of *BNWLA v Bangladesh* (2011), the Court observed that as sexual harassment is a common facts outside workplaces and educational institutions in our society, so for ensuring justice to women it must be addressed and take steps to stop that.

2.4.2 On Gender-based Dress Codes

Regarding gender-discrimination and dress codes in a writ petition named *Advocate Md. Salahuddin Dolon v Government of Bangladesh and Others* (2010)²⁴ filed by a petitioner on the basis of public interest in which the respondent was an Upazila Education Officer, the Supreme Court of Bangladesh take action against him for using disparaging and sexually colored indication makes to a female head teacher for her clothing and for making order to wear a headscarf of all female teachers. In the decision of that writ petition the Court said that, try to enforce a fixed women's dress code and using disparaging remarks to women definitely considered a form of sexual harassment and it's being a matter of a form of gender-discrimination to fix a dress code just for women and not required of any male teacher.

2.4.3 On the 'Two-finger' Test

In 2018, Supreme Court of Bangladesh provides a judgment in a writ petition²⁵ which is filed by BLAST in which the court make comment and forbid the two-finger test because of its uncertainty and unscientific result in

²⁴ Writ Petition No. 5916 of 2008 Heard on 16.10.2008, 13.11.2008, 9.3.2009, 11.3.2009 Judgement on 14.5.2009 Mr. Justice Syed Mahmud Hossain and Mr. Justice Quamrul Islam Siddiqui.

²⁵ Writ Petition No. 5897 of 2000 Mr. Justice Gholam Rabbani and Madam Justice Nazmun Ara Sultana.

the case of examine of rape survivors. The Court provides eight directions regarding examine of rape survivors. In that writ petition the Court specifically focused for the training of medical personals who are responsible to examine rape survivors and provide the direction for forming a special protocol for healthcare providers and prohibit to use the degrading terms specially 'habituated to sexual intercourse'.

2.4.4 On Right to Livelihood of Sex-workers

In *Bangladesh Society for Enforcement of Human Rights (BSEHR) v Bangladesh* (2000)²⁶, the Court said that the constitution ensures the rights of sex-workers concerning with their life and independence applies to them. Regarding livelihood, the court said that, the sex-workers cannot be arbitrarily devoid from the right to their livelihood and this right is considered to core elements related to right to life. The Court said it's judgment that, the Suppression of Immoral Traffic Act 1933 and the Penal Code 1860 make punishable brothel and selling minor girls for the purpose of prostitution or extramarital sexual but there is no available law for prohibiting prostitution. Regarding the inmates of *Nimitali brothels* arbitrarily evicted court said that it could not be evicted haphazardly and the court determined that, illegal enter into the brothels is considered the violation of privacy of the habitant of Nimitali brothel.²⁷

2.5 Following Steps should be Taken to Protect Women from Sexual Harassment According to the Direction of the Court in a Writ Petition no. 5916 of 2008.²⁸

In writ petition 5916 of 2008, the Supreme Court of Bangladesh provides an important direction regarding sexual harassment and torture and by this direction the court said that, sexual harassment must be eliminated from our society and make sure a safe environment for women. In this writ petition the court said that it is very necessary for the education sector and workplace to create an environment save for students and workers. Sexual harassment should be deterred and eliminate by the respective authorities from the society. As it is considered that, circulation and publication against sexual harassment and others discriminated matter to women can keep an important role to eliminate it from our society, all educational organization and authority of workplaces should give importance to it. For making awareness about the sexual harassment and others discriminated issues related to women proper orientation must be arranged by the educational institutions and proper

²⁶ Case No: W.P. No. 10663/2013 Mr. Justice Gobinda Chandra Tagore and Mr. Justice Abu Taher Md. Saifur Rahman.

²⁷ 53 DLR (2001) High Court Division (Supreme Court of Bangladesh).

²⁸ Heard on 16.10.2008, 13.11.2008, 9.3.2009, 11.3.2009 Judgement on 14.5.2009 Mr. Justice Syed Mahmud Hossain and Mr. Justice Quamrul Islam Siddiqui.

authority of workplaces and institutions before the formal classes started and before joining the work. Besides orientation on basis of monthly and half yearly, sufficient and proper counseling for the victim should be conducted for their betterment. The constitution and other statutes of our country insert provisions regarding female students and female employee's rights, and it should be informed in simple words so that they can understand their rights. Regular communication and effective consultation can keep an important role for deter and eliminate it and it should be maintained for creating awareness regarding sexual harassment among law enforcing agencies. Booklets containing the guidelines of Supreme Court's regarding sexual harassment and provisions relating to concept of gender equality and also sexual offences contain in the constitution and other statutes must be prepared and published by the educational institutions and employers. Working environment and educational institution even home for women cannot make hostile by showing any kind of excuse. To make the environment in such that, every women wherever she may believe that they are not underprivileged in position comparison with other male. In the case of investigation of a complaint, the identity of the complainant must be hiding until the investigation is complete and the concerned authority must ensure security of the complainant.

2.5.1 The Complaint will be Lodged with the Complaint Committee to be Constituted below-

Every concern authority, it may be workplaces or educational institutions, a complaint committee should be constituted for receiving complaints and make recommendations for taking steps after completing investigation effectively. Numbers of complaint committee may be different from one institution to another institution, but majority of the members must be taken from women and a woman shall be the chief of the complaint committee. Two members from the organization who are working on gender equality and sexual abuse may be relating in the complaint committee.

2.5.2 The Procedure of the Complaint Committee shall be the Following-

After receiving a complaint, the complaint committee shall verify the complaint for ensure justice. To investigate the complaint to ensure justice, the complaint committee will follow the following process-

Sexual harassment may be minor and major. In case of minor sexual harassment, complaint should be disposed with the consent of the concern parties and the reports of the committee should be submitted to the concerned authority for taking steps and in case of major sexual harassment, committee shall investigate the matter. At the time of the investigation, the complaint committee should follow a standard method. First the complaint committee will send notices by mail or other effective way to the parties and the

witnesses. The complaint committee should hear both parties attentively and gather evidence produced by the parties. After hearing parties and taking evidence the committee should examine and analyze all the relevant papers. At the time of taking the decision of this complaint, the complaint committee should give emphasis oral evidence besides circumstantial evidence. The office concerned of the related institution must extend their cooperation effectively at the time of conducting investigation and proceedings by the complaint committee. Sometimes the complainants may face difficulties making a complaint so the personal identity of the complainants must be kept close by the complaint committee. At the time of testifying the complainant, any question or action which may be insulting or harassing should be avoided. For the security of the complainant the testimony must not be in the open, and it should be recorded in camera. At the mid time of the investigation, if the complainant wants to stop investigation or withdraw the complaint, the reasons behind this must be carefully scrutinize by the committee because she may be pressurized by the opponent. If the complaint committee thinks that for the end of justice the investigation should be stopped then complaint by mentioning the reasons in the report should stop the investigation. The duration of the investigation must be fixed, and after starting of the investigation, the committee shall provide the investigation report within 30 working days. After completing the investigation, the complaint committee shall submit the investigation report to the proper authority. After getting the investigation report the proper authority may take action against the accused person and suspend him temporarily. But if the accused person being the student, the authority may prevent him/her from attending classes without suspend. If the accused is found guilty, the related authority shall take it as misconduct and adopt proper steps according to their disciplinary rules within 30 days. But if the act formed an offence under any penal law of our country, the concerned authority may refer the matter to the appropriate court or tribunal for taking legal action according to the statute law.

3. Some Incidents of Sexual Harassment Reported in the Daily Newspapers

3.1. Sexual Harassment by Professionals

Sexual harassment became common phenomena in our society. Daily news paper reported regularly news regarding sexual harassment. It's being very grave matter that in many cases, different kinds of professionals engaged with sexual harassment. Daily Star²⁹ reported- Former bank official is liable for sexually abusing four children and for that he has been sent to jail in Lalmonirhat. From news paper's reporting regarding sexual harassment, it

²⁹ October 14, 2020.

was found that in most of cases of sexual harassment, teachers are engaged with it. Daily Star³⁰ reported Teacher held for sexually harassing in Rangpur. High Court Division of Bangladesh Supreme Court asks to suspend Rajshahi school teacher.³¹ Teacher has been accused of sexual harassment and for that reasons student at the college demand his punishment.³² According to sources, the accused, Obaidul Islam, an English teacher at the school allegedly harassed both female and male students. Even high official also accused of sexual harassment. Dhaka Tribune reported³³-Natore Deputy Commissioner on OSD for “sexual harassment.”³⁴ Not only the professionals but also non-professionals are also accused of sexual harassment.

3.2. Sexual Harassment by Non-professionals

Sometimes non-professionals persons are also accused of sexual harassment. Dhaka Tribune reported³⁵-In Jhalakathi, a woman who has two child was gang raped by two men in Rajapur upazila. Even a woman is not save in street. Dhaka Tribune³⁶ reported-A 20years old woman was gang raped at the time of returning from work. This incident took place at the Chowmuhoni area of Anwara upazila around 8:00 pm on Wednesday in Chittagong.

3.3. Effects of Sexual Harassment and Taking Action against It

The consequence of sexual harassment on our society is gloomy and sexually harassed women who want to take any action faces very difficulties in our society. Daily Samakal³⁷ reported Rupali, a hindu girl, was a student of class nine, kidnapped by a youth against whom she has taken action for sexual harassment. She was kidnapped at the time of going to her private tutor and the youth put vermilion on her forehead. After that, failing to tolerate the insult and social humiliation, she protested by taking her life. In many case the victim lost her life for fear. College girl Choiti commits suicide in fear of her pornographic exposure.³⁸ BBC reported³⁹-Nusrat Jahan Rafi: Burned to death for reporting sexual harassment.⁴⁰ BhorerKagaj reported⁴¹ -Eve teasers mutilated Marry’s face by axe.

³⁰ February 25, 2020.

³¹ February 20, 2020 Daily Star.

³² Dhaka Tribune on 09.06.2019.

³³ July 07.2019.

³⁴ The Daily Star on 11.26.2018.

³⁵ July 04, 2019.

³⁶ July 04, 2019.

³⁷ November 03, 2010.

³⁸ Jana kontho on 14.12.2010.

³⁹ April 18, 2010.

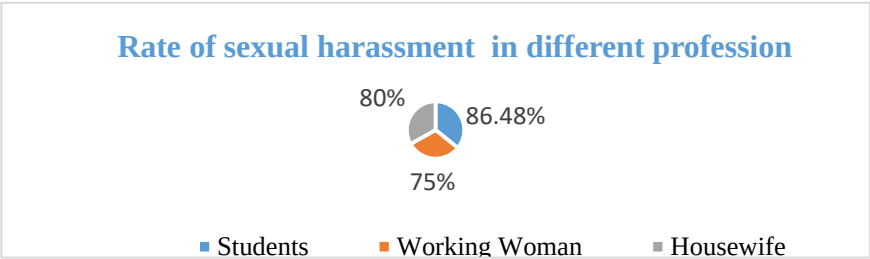
⁴⁰ BBC News on 18.04.2020.

⁴¹ November 04, 2010.

4. Analysis of Survey Findings

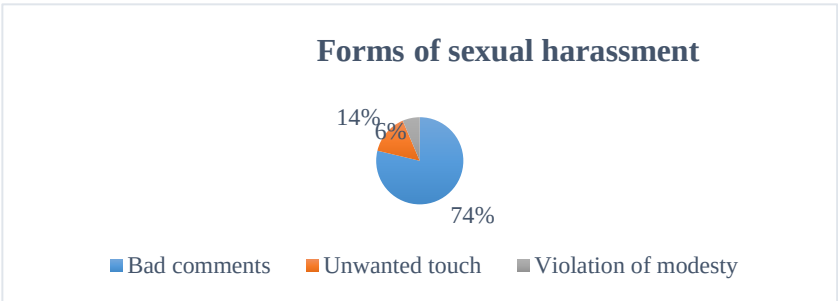
As this is highly concern with the persons who are any how the victims of sexual harassment, I have made a questionnaire and taken their answers from 100 persons/victims. Most of them respond to our entire query hiding their identity. Most of them face sexual harassment who is students, working women and housewife by close and distant relatives, teachers, colleagues and strangers by way of unwanted touch, bad comments and indecency. I have conducted a survey for this article in Rajshahi City. The procedure of the survey was randomly selected in nature. Survey was conducted among students, working women and housewife.

4.1. Rate of Sexual Harassment in Different Profession



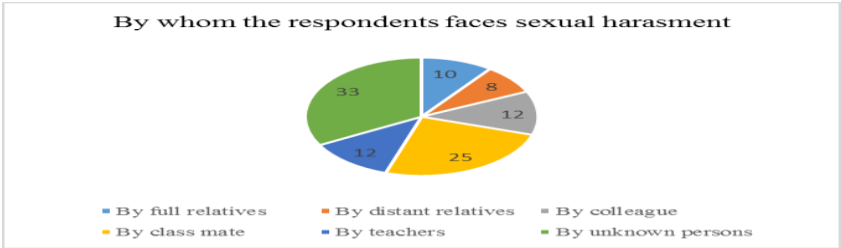
From our survey we have found that, rate of sexual harassment is varied on different profession. 86.48 percent of students of Rajshahi City face sexual harassment. 80 percent of housewife and 75 percent of working woman faces sexual harassment in different ways.

4.2. Forms Of Sexual Harassment



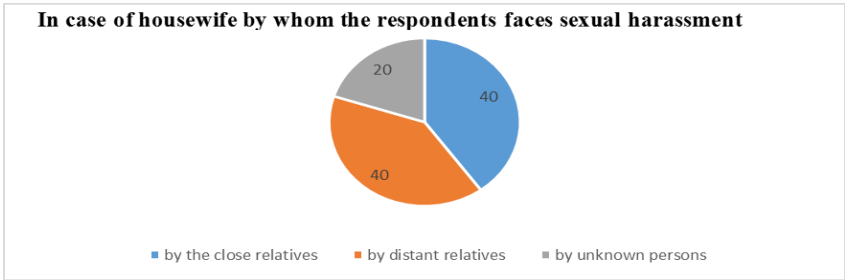
Forms of sexual harassment are divided into three categories in our survey namely bad comments, unwanted touch and violation of modesty. 74 percent of respondents had faced sexual harassment through bad comments, 14 percent respondents through unwanted touch and 6 percent respondents through violation of modesty.

4.3. By Whom the Respondents Faces Sexual Harassment



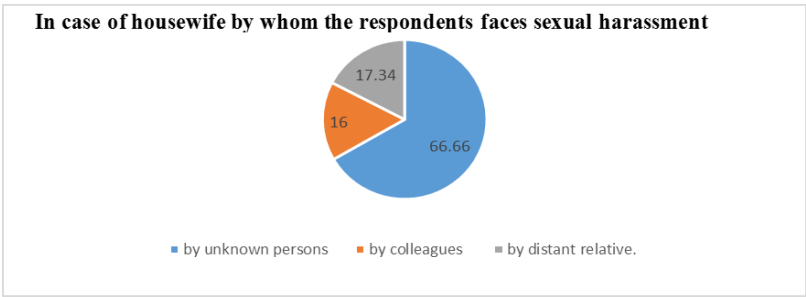
Among the respondents, 10 percent faces sexual harassment by full relatives. 08 percent faces sexual harassment by distant relatives. 12 percent faces sexual harassment by colleagues. 25 percent faces sexual harassment by classmate. 12 percent faces sexual harassment by teacher and 33 percent faces sexual harassment by unknown persons.

4.3.1 In Case of Housewife by Whom the Respondents Face Sexual Harassment



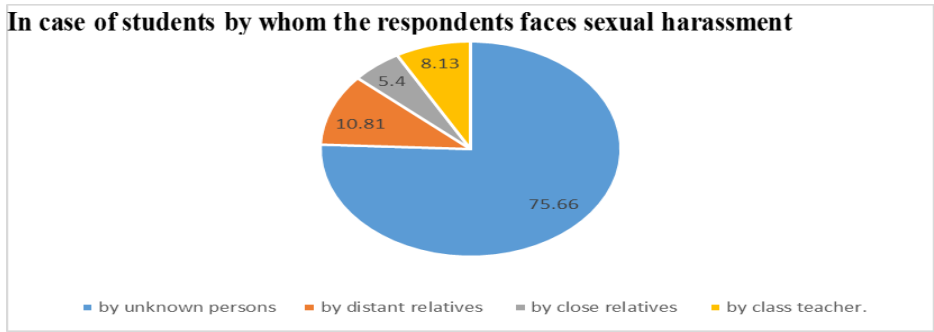
Among the respondents, in case of housewife 80 percent faces sexual harassment. 40 percent among them were experienced sexual harassment by the close relatives and same number faces sexual harassment by distant relatives and the rest percent were experienced of sexual harassment by unknown persons.

4.3.2. In Case of Working Women by Whom the Respondents Face Sexual Harassment



Among the respondents in case of working women 75 percent faces sexual harassment and the rest not. 66.66 percent among them were experienced sexual harassment by unknown persons. 16 percent among them were experienced sexual harassment by colleagues and the rest percent were experienced of sexual harassment by distant relative.

4.3.3. In Case of Students by Whom the Respondents Face Sexual Harassment



Among the respondents in case of students, 83 percent among them were experienced sexual harassment. Among them 75.66 percent students face sexual harassment by unknown persons. 10.81 percent face sexual harassment by distant relatives and 5.40 percent by close relatives and the rest percent were experienced of sexual harassment by class teacher.

5. Discussion

In our country, now sexual harassment has become one of the major challenges for women. As Bangladesh has ratified CEDAW and other remarkable treaties relating to human rights, it being the responsibility of our state to take effective measures for protecting women against sexual harassment. But from my study, survey and analyzing data, it seems to me that, existing legal framework of our country is relatively week for protecting women against sexual harassment. Such as section 354 of Penal Code, define sexual harassment, where the term “with intend to outrage her modesty” is used. But in practice it is almost impossible for the prosecution to prove ‘intention’ to outrage the modesty. By analyzing the existing laws relating to sexual harassment, it is found that, the concept of sexual harassment is only addressed in criminal laws (Such as-section 354 of Penal Code 1860, section 10 of Women and Children Repression Prevention Act 2000, section 332 of Bangladesh Labour Act 2006, section 76 of Metropolitan Police Ordinance 1976) but it should also insert others areas of laws. (Such as laws relating to employment, anti-discrimination etc.). As the principle of ‘beyond all reasonable doubt’ is followed in trial proceeding by criminal court, delay in disposal of cases has occurred and for that reasons victim of sexual

harassment cannot get proper remedy vibrantly. In many laws, it is try to consider ‘minor offence by using the term ‘eve-teasing’. Besides above, the reasons of existing of sexual harassment in our society are-lack of accountability, timely investigation, visible punishment and also political shelter. It is also found that the accused of sexual harassment is not only the general people of our society, rather it is very worst matter that in many cases besides the students, faculty members of our university is also being accused of sexual harassment. As in our educational institutions, especially universities, sexual harassment occurred frequently, we should take a strong step against it for creating a save environment. By enacting new law and amending the existing law, exemplary punishment system for sexual harassment should be ensured; cases relating to it should be disposed quickly for ensuring justice to the victim of sexual harassment. Moreover, there is a significant knowledge gap about the existing laws on sexual offences, including sexual harassment. In particular, there is less awareness about the Guideline also among the key stakeholders who are to be implementing it.⁴² Regarding enacting a new law, there had been also an ongoing advocacy in the civil society and the ‘National Human Rights Commission of Bangladesh’ had also proposed a draft anti-sexual harassment law.⁴³

6. Key Findings

- i. despite we have various laws enacted and judgments of the Supreme Court, High Court direction regarding sexual harassment, women are still faces sexual harassment;
- ii. victims didn’t take any legal action against sexual harassment due to their ignorance of law and fear of being socially degraded;
- iii. everywhere even in home women face sexual harassment;
- iv. we do not have a witness protection Act;
- v. the implementation of law is hampered in many cases in our country and
- vi. discussion on sexual harassment and its effects among our children, female and male is absent.

7. Recommendations

- i. We should make a designated website and hotline for complaint;
- ii. To make a provision for punishment in case of the failure of an officer to register complaints;

⁴² Taslima Yasmin, Action Aid Bangladesh, Sexual Harassment at Educational Institutions and Workplaces: A study on the Implementation Status of the 2009 Supreme Court Guideline 2019.

⁴³ Tribune Report, Human Rights: Bangladesh still has a long way to go, says Law Minister’ Dhaka Tribune (December 21, 2021) <<https://www.dhakatribune.com/dhaka/2021/12/21/human-rights-bangladesh-still-has-a-long-way-to-go-says-law-minister>>accessed 19.05.2024.

- iii. In each police station a female police officer above the rank of sub-inspector must be present and the identities of victims have to be kept in confidential;
- iv. The victim's statement should be recorded in the presence of a lawyer;
- v. The implementation of the law must be ensured;
- vi. We should talk to our children, female, male about sexual harassment and make awareness among them;
- vii. Until the allegation is proved, identity of the complainant and accused shall not be disclosed and if the allegation which is brought against a person is proved as serious offences, he must be terminated according to their own disciplinary rules of the institution;
- viii. The matter should refer to the court or tribunal, if the complaint is found as an offence under any penal laws and
- ix. A complaint box must be kept in a visible place in every institution.

8. Conclusion

The study pursues the reasons of sexual harassment and also the apathy of victims for taking legal action. It reveals some recommendation regarding this issue. As the Constitution of the People's Republic of Bangladesh ensures gender equality and rights of women with men in all field of state and public life, so it shall be our duty and responsibility to uphold and maintain effective mechanisms to prevent or deter the commission of offences of sexual abuse and harassment. For providing appropriate remedy and resorting all available legal and possible institutional steps against the offences of sexual harassment, we should take effective measures and extend our helping hand.