

**Sexual Harassment in Bangladesh: A Brief Situational  
Analysis with an Endeavour towards Mitigation**

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*Abstract: Sexual harassment is an ill practice that retards females' development. Like many other developing countries of the world, women in Bangladesh are also quite susceptible to sexual harassment due to lack of awareness, inadequacy of laws and many other social impediments. This article is intended to explore and understand the problems and challenges of sexual harassment in Bangladesh. A situational analysis of sexual harassment towards females with some recent reported incidents has also been provided. The prevailing guidelines and provisions of national laws have been discussed. Finally, an attempt has been made to design a concerted anti-sexual harassment policy in order to ensure a sound environment for the females in Bangladesh. In the light of the objectives of the study, materials have been collected from different sources like enactments, books, journals, internet articles, newspapers and case-laws. This research is short because extensive fieldwork has not been possible due to non-availability of authentic data. It is concluded mainly with a combination of primary and secondary information.*

**1. Introduction**

Violence against women is one of the worst problems in Bangladesh. Due to illiteracy, unawareness of rights and many other social impediments, women have become dependant on men, which paves the way of suppression of women in every aspect. Very often, women undergo different types of violence like sexual harassment, physical assault, murder, rape, grievous hurt, psychological torture and many other degrading or inhuman treatments. Of these, sexual harassment has become a frequent occurrence nowadays. Everyday, females including tender-aged girls and adult women are sexually harassed on the streets and roads, at educational settings, at market places and at their working places. Even inside their houses they are harassed where persons known to them take advantage of the familiarity. Sometimes, females protest against the offensive treatment but in most cases, they do not succeed. They try to endure it as long as they can and when it becomes impossible to bear, they commit suicide. According to a report published by 'The Bangladesh National Women Lawyers Association (BNWLA)': "In Bangladesh, 91% females are victims of sexual harassment of which an overwhelming majority is tender aged girls. About 32 females in 2010 and 31 in 2011 had already committed suicide for escaping the humiliation of sexual harassment." [1] Because sexual harassment has been an issue of embarrassment to both the victim and society; the reality and extent of this menace have not been fully grasped by society. Of course, women have always been susceptible to violence since the evolution of human civilization.

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Not only in developing or under-developed countries but also in many developed countries of the world, women frequently fall victim to different types of violence. Bangladesh is not an exception to this. A worrying number of girls and women in Bangladesh have recently committed suicide and many others attempted it to escape frequent sexual harassment or so called 'Eve-teasing', a euphemism for sexual harassment. According to the Bangladesh National Women Lawyers' Association, almost 90 percent of girls aged 10-18 years experience what is known locally as 'eve-teasing'. [2] Whether the girl attains the age of 6 years or 60, it does not bother much to the harassers. They simply continue to irritate the victim unless and until they fulfil their lust. Situation becomes worse when a female employee undergoes sexual harassment at her workplace by any of her colleagues or by her employer himself. Things become the worst when a number of female students are frequently harassed by their honourable teachers as well as male students even inside their sacred educational institutions. However, sexual harassment should be curbed immediately since it not only ruins the female entity but also poses a great threat towards female enlightenment.

**2. Objectives of the study**

In this article, an endeavour has been launched to provide an actual present scenario of sexual harassment with some strategic recommendations against it. In the era of women empowerment, it is not desirable that females will continuously undergo sexual harassment. Despite some legislations and guidelines, what are those factors by which women fall victim to the evil of harassment are the considerations to be identified and redressed first. By the end of this article, the readers will be able to receive some valuable ideas and thoughts regarding the agonizing affects of sexual harassment which will definitely raise their voice against it.

**3. What constitutes sexual harassment?**

Sexual harassment means an uninvited and unwelcome verbal or physical behaviour of a sexual nature especially by a person in authority towards a subordinate (as an employee or student). [3] It may embrace any sexually motivated behaviour considered offensive by the recipient. It can take many forms, including requests for sexual favours, unwelcome sexual advances or other unwelcome verbal, physical or visual conduct of sexual nature, either explicitly or implicitly, as a term or condition of any individual's employment, as a basis for employment decisions affecting the individual, or in a manner that creates an intimidating or offensive working environment. [4] Sexual harassment may occur between employees and supervisors, co-workers, teachers and students, between teachers, or between students, among others. 'Unwelcome' is a key element in determining whether any behaviour constitutes sexual harassment or not. [5] Conduct of a sexual nature is unwelcome when the victims being harassed do not request or invite the conduct and regard it as offensive or undesirable.

While definitions of sexual harassment vary, most include similar essential elements like:

- Touching someone in a sexually suggestive way that is not welcome;
- Making verbal comments that are offensive (including offensive name calling) and vulgar comments about someone's gender, physical anatomy or characteristics and also joking about sexual implication;
- Facial expressions (e.g. winking), leers and stares, howling, catcalls, whistles;
- Concerning, blocking, standing too close or following;
- Showing sexually oriented or suggestive pictures, magazines or other materials;
- Demand or request for sexual favours;

In *Bangladesh National Women Lawyers Association (BNWLA) vs. Government of Bangladesh and Others* [6], the term 'Sexual Harassment' has been defined as an unwelcome sexually determined behaviour (whether directly or by implication) and it also includes:

- Insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table, notice boards, walls of office, factory, classroom, washroom having sexual implication;
- Taking still or video photographs for the purpose of blackmailing and character assassination;
- Preventing participation in sports, cultural, organizational and academic activities on the ground of sex and / or for the purpose of sexual harassment;
- Making love proposal and exerting pressure or posing threats in case of refusal to love proposal;
- Attempt to establish sexual relation by intimidation, deception or false assurance.

#### **4. A Pen-picture exposing violent abuse of females in Bangladesh: Some reported incidents (From 2005 - 2012)**

Sexual harassment against girls and women in Bangladesh is turning deadly. Though there is no authentic published report on sexual harassment at workplace, a lot of untold stories are heard in private discussions, round-table conferences and seminars stating the sad tale how female employees frequently and easily undergo sexual harassment and sexual assault by their co-workers or employers or supervisors. Fear of losing the means of wage earning compels them to keep their mouths shut. But this very truth cannot be denied that a large number of female workers, especially the garment workers are frequently and sexually tortured by the wicked people.

Many incidents of sexual harassment at public places also remain hidden in Bangladesh because of the fear of embarrassment to be faced by females. They think, if their identities are exposed, it will give birth to social stigma. So it is better to endure than to protest. However, some of the reported incidents were: A youth of 32, named Md. Ridwan Patwari, Chengachal, Shahrasti Upazilla of Chandpur district, had been sentenced to one year rigorous imprisonment for sexually harassing a female. [7] Another youth named Ziaur Rahman of Nachol Upazilla of Chapainawabganj had been sentenced to one year simple

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imprisonment by the Mobile Court because of sexually harassing a girl student of class six. [8] The pro-director of Noakhali Social Welfare Department, had been temporarily suspended for sexually harassing 50 children of Government Child Family. [9] It had been reported that Councillor Ibrahim of Bogra and his gang harassed a lot of females of a slum area but police failed to arrest them. [10] The female trainees of The 'Feni Nursing Institute' had abandoned their classes and clinical practices due to non-adjudication of frequent sexual harassment inside their institute. [11]

Sexual harassment in education always remains a 'forgotten secret' since educators and administrators refuse to admit the problem existing in their institutions or do not want to accept their legal and ethical responsibilities to deal with it. In Bangladesh, sexual harassment of female students by their honourable teachers has been prevailing and continuing for a long time but due to lack of exposure in both electronic and press media, this violent issue has always remained in darkness. It came into light truly by the shameful story of Parimal Joydhar which had turned everyone on and has become a milestone fact in the history of 'Sexual Harassment.' It happened in July, 2011. It has been reported that Parimal Joydhar, a male teacher of Bengali subject of Viqarunnisa Noon School and College was giving coaching to the students at his residence located at Bashundhara residential area in Dhaka. A female student of class ten of the said institution went for evening-hour coaching on Bengali subject from Parimal. The teacher not only raped her but also recorded the incident in his mobile phone and threatened the victim that he would post it on the internet if she disclosed the fact to others. Having no other way of escaping from this act of blackmailing, the victim reported the matter to her parents and subsequently a complaint was lodged with the authorities of Viqarunnisa Noon School and College. There is even an allegation against some of the female teachers of leading English medium schools in Dhaka of doing immoral activities. [12] Some of the most talked incidents of sexual harassment by teachers were: harassment of female student by a teacher of the Bengali Department of Jahangirnagar University on Nov. 16 2006; [13] Prof. Nurul Aman of the Botany Department of Rajshahi University in May 2006 [14] and a teacher of the Sociology Department of the same University; [15] Assistant Professor Golam Mostafa of Psychology Department of Dhaka University; [16] Suman Kanti Shill, a teacher of 'Krishnakumari City Corporation Girls' High School of Chittagong; [17] Three male teachers of three high schools, sponsored by Chittagong City Corporation, Pranadhir Das of 'Shahidnagar City Corporation Girls' High School', Ashish Baran Raha of 'Shoilabala City Corporation Girls' High School', Riton Mutsuddi of 'Aparnacharan City Corporation Girls' High School'; [18] Shihab Uddin, the headmaster of 'Chadaha Keocia High School', Satkania; [19] A teacher of 'Basherbandha Bohumukhi High School', Ishwardi, Pabna; [20] Two madrasa teachers, Moulana Atikur Rahman and Touhidul Islam of Roumari, Kurigram; [21] Abdul Khaleque of 'MSTP Girls' School', Sadar Thana, Jessore; [22] Assistant teacher, Shishir Kumar Dey of 'Borhan Uddin High School', Char Samaiya, Bhola Sadar Upazilla; [23] A college teacher of Manikgonj Sadar Thana; [24] Mr. Mahfuzul Haque Iqbal, Assistant Professor of 'Mizanur Rahman

khan Women's Degree College', Sreepur, Gazipur; [25] Mr. Mazedul Islam, a teacher of a coaching centre of Moulavibazar, Sylhet; [26] A primary school teacher in Sailkupa Upazila; [27] Isarul Haque Isa of 'Umed Ali High School', Thakurgaon; [28] Humayun Kabir, assistant teacher of 'Sreebardi Govt. Model Primary School', Sreebardi, Sherpur. [29]

From newspaper reporting, it is quite obvious that the more females are sexually harassed, the less they get justice. There are still many more cases of sexual harassment which remain unheard and unadjudicated.

## **5. Common causes of vulnerability of females in Bangladesh**

### **5.1. Fear of 'not to be believed'**

Fear of criticism prevents female victims from reporting sexual violence. The sexually harassed females become ashamed and think that their complaint will not be taken seriously. Somehow, they will be blamed and will receive additional abuse from their parents and relatives as well as society. They believe that if they report to the authority or their parents, they will bring troubles on themselves. [30] They do not think that reporting will make little difference; they believe that nothing will be done against the harassment. [30]

### **5.2. Harassers having control and exercising superiority**

Victims who are students and junior employees usually understand that the harassers have control over their academic career and employment. This concept of exercise of authority makes it difficult for females to refuse sexual advances. They feel embarrassed, helpless, hopeless and powerless. Instead of reporting, they blame themselves.

### **5.3. Failure to seek justice**

One of the main problems is that the sexually harassed females actually do not know how and where to seek justice against the harassment. They do not even trust their own perceptions of what happens to them.

### **5.4. Drawbacks in legislations**

There is no separate full-fledged law regulating sexual harassment. Though a number of legislations deal with sexual harassment, there are inconsistencies in the provisions of these Laws and Guidelines. The Guidelines of the HCD fail to achieve the status of other criminal laws regarding implementation. Neither the Constitution nor any other distinct law provides severe punishment for sexual harassment. Due to under-reporting and loopholes or inadequacy of the idle laws, actual culprits remain out of conviction process. This failure of conviction raises confusion among the victims as to whether they should bring the unfortunate incident to light or not. Even if they report the act, nothing will be done. So it is better not to report.

### **5.5. Gap between myth and fact about Sexual Harassment**

It is commonly misunderstood that if women ignore sexual harassment it will stop. But, simply ignoring sexual harassment will not stop it. Ignoring this behaviour may be taken as a sign of encouragement. Many victims report that

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they tell the harasser directly to stop. Some think that its not a big deal if a person is harassed. It is all done in good fun. But, sexual harassment is abusive. It is not done in good fun; rather it is done to intimidate and hurt others.

### **5.6. Other factors**

Male-dominated mentality, non-evaluation of female dignity in family as well as in society, demoralization and immersion of ethics and social values, illiteracy, reluctance to implementation of laws, failing to procure eye-witness, social stigma etc. are some other factors that persist in the growth and non-elimination of sexual harassment in Bangladesh.

### **6. Prevailing Laws and Guidelines relating to Sexual Harassment in Bangladesh**

One of the main reasons behind sexual harassment in Bangladesh is the inadequacy of Laws. 'The Constitution of the People's Republic of Bangladesh', 'The Guidelines of the High Court Division passed in 2009' as well as four other legislations deal either directly or indirectly with sexual harassment. Though there are a number of laws relating to sexual harassment, there are variances in the provisions of these laws. Actually, there is no separate full-fledged law regulating sexual harassment. Of course, The Draft Sexual Harassment Law has been prepared but it is yet to come into effect.

#### **6.1. Constitutional provisions**

The Constitution of the People's Republic of Bangladesh, in some of its articles, provides some strong promises against suppression to females in the country. It ensures equality of opportunity in respect of employment or office in the service of the Republic [31] and participation of women in all spheres of national life. [32] Women should have equal rights with men in all spheres of the State and of public life. [33] State can make special provisions in favour of women. [34] To enjoy the protection of the law and to be treated in accordance with law, is the inalienable rights of every woman (actual word-citizen) [35] and no woman (actual word-person) shall be deprived of life or personal liberty save in accordance with law. [36] The fundamental rights guaranteed in the Constitution [37] of Bangladesh are sufficient to embrace all the elements of gender equality including prevention of sexual harassment or abuse.

#### **6.2. Other national legislations**

##### **The Women and Children Repression Prevention (Amendment) Act, 2003**

According to this Act, if a woman is forced to commit suicide as a direct consequence of somebody's wilful dishonor or sexual harassment or assault, then the guilty person will be liable to a maximum of ten years' and a minimum of five years' imprisonment. [38] The Act also provides punishment for sexual harassment / assault with a maximum of ten years' and a minimum of three years' imprisonment including fine. [39]

##### **The Penal Code, 1860**

– Whoever assaults or uses criminal force to any woman, intending to outrage or

knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. [40]

– The Act further states that whoever intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both. [41]

#### **The Children Act, 1974**

According to this Act, whoever having the actual charge of, or control over, a girl under the age of sixteen years causes or encourages the seduction or prostitution of that girl or causes or encourages any person other than her husband to have sexual intercourse with her, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to taka one thousand, or with both. [42]

#### **Government Servants Discipline and Conduct Rules, 1979**

Conduct towards female colleagues – No Government servant shall use any language or behave with his female colleagues in any manner which is improper and goes against the official decorum and dignity of female colleagues. [43]

#### **6.3. Directives in the form of Guidelines provided by the High Court Division against Sexual Harassment**

The most impressive instrument is the issuance of a set of Guidelines by The High Court Division of the Supreme Court of Bangladesh on May 14, 2009 in the case of *“Bangladesh National Women Lawyers Association (BNWLA) Vs. Government of Bangladesh and Others”*, preventing sexual harassment of women, girls and children at their workplaces, educational institutions and other public places including roads across the country. The HCD directed the government to make a law on the basis of the guidelines and to treat it as a law until the law is made. The term ‘Sexual Harassment’ has been widely interpreted in the Guidelines. The HC ordered that any kind of provocation or character assassination will have to be stopped. The HC asked the Law Secretary, Women and Children Affairs Secretary, Education Secretary, Labour Secretary, Information Secretary, University Grants Commission (UGC), University Authorities, Bangladesh Garment Manufacturers and Exporters Association (BGMEA), Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), Bangladesh Police and Bangladesh Bar Council to comply with the Guidelines. The HC directed the authorities concerned to form a five-member harassment complaint committee headed by a woman at every workplace and institution to investigate allegations of harassment of women. The HCD also issued a rule on Wednesday, January 26, 2011 asking the government to explain why a direction should not be given to frame guidelines or policies or enact a proper law to address the issue of eve teasing to protect the rights of women and

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girls in society. Delivering the judgment upon a Public Interest Litigation (PIL) writ petition over eve-teasing, a division bench headed by Justice M. Iman Ali passed the order making its rule absolute. The High Court also asked the government to set up a separate cell at each police station across the country in a bid to address the rising criminal offence of sexual harassment and stalking [44] of women. The HC in its observation said the word eve-teasing, a criminal offence, is not fitting as it reduces the gravity of the offence. Henceforth the word eve-teasing would be replaced by the word sexual harassment in the next enactment of any law in this regard. Besides, the HC asked the government to insert the word stalking, another criminal offence, in the proposed amendment to section 10 Ka of the Nari O Shishu Nirjatan Daman Ain 2000, and enact a law to prevent victims and witnesses considering the prevailing situation. [45] This move by High Court must remain as a landmark in the history of judiciary for protecting women from sexual harassment. [45]

#### **7. Recommendations for combating Sexual Harassment in Bangladesh**

The Government of Bangladesh has incorporated sexual harassment in 'The Women and Children Repression Prevention (Amendment) Act, 2003' and prescribed higher punishment for the harasser. The High Court, in its Guidelines, directed the Govt. to replace the word 'eve-teasing' by the word 'sexual harassment' in the next enactment of any law in this regard. The Executive Magistrates have been vested with the judicial power to adjudicate any case of harassment at any place throughout the country and award sentence of imprisonment and fine as a form of punishment. But it should be borne in mind that initiating legislation alone cannot curb this heinous act. It needs raising mass awareness among the people and for this a concerted effort is required from both the public and the private. However, the following measures can be adopted in this regard:

- **Full-fledged legislation**

A full-fledged anti-harassment law must be framed containing severe punishment against the harassers and measures must be taken for easy and effective implementation.

- **Circulation of Constitutional and Statutory provisions in educational institutions**

The authorities of all educational institutions should take effective measures for prevention of sexual harassment. Constitutional and statutory provisions against gender discrimination and sexual harassment or torture and also punishment for the offences should be notified, published and circulated widely and effectively.

- **Administering and supervising 'Confidential Report'**

The Ministry of Education should administer and supervise 'A confidential report' evaluating the performance of teachers in every educational institution. The report shall include questions about sexual violence and it shall be filled out by the students. The Ministry of Education, if possible, should make arrangements to facilitate the investigation of sexual violence in educational institutions.



- **Protest against harassers**

Victims or parents of the victims should not remain silent. One important step to be taken is to speak up. They must come forward and raise voice against the criminals so that innocent young girls may be saved.

- **Raising consciousness**

Raising awareness against sexual harassment can be a strong initiative to combat it. Both electronic and press media have to play a key role in this respect by publishing analytical report and telecasting drama, tele-films, advertisements with true picture highlighting the instances of sexual harassment that occur at every corner of the country. It shouldn't be forgotten that eve-teasing has been reduced to a great extent only by virtue of this electronic and press media. The NGOs can play an effective role in this respect.

- **Including 'Gender Studies' in the text book**

In the text book of secondary level, a separate chapter on 'Gender Studies' containing rules and regulations against sexual harassment may be recommended for inclusion.

- **Launching research programmes**

Research should be introduced to investigate programmes used by other countries to control sexual harassment.

- **Introduction of a public website**

A public website may be introduced where young victims of sexual violence can express themselves, make reports and thus receive some form of support and reassurance. Through this website, victims can confidentially report acts of sexual harassment against them or others.

- **Spreading religious norms and ethical values**

Religious norms and ethical values should be imparted to the children from their childhood by their parents or near relations either inside or outside the family.

- **Changing attitude of people towards women**

Attitude of people and society towards women should be changed. People must possess a positive outlook to women that they are human beings having equal status like men. Their emotions should be considered, their performances should be evaluated and their status should also be dignified.

- **Reciprocal responsibility of females**

Females also have a reciprocal responsibility in this respect. They should maintain a modest and cultured life-style consistent with own cultural values avoiding the rude and fast western culture.

## **8. Conclusion**

Every form of sexual harassment is a violent act. Violence is not only limited to

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physical injuries alone but also occurs when emotions are hurt. Violence in whatever form is incompatible with love. It is therefore our collective responsibility to shun violent acts and promote nonviolence. The main hindrance in alleviating sexual harassment is that females are unconscious of their rights and do not know how and where to seek justice. They simply rely on the easy theory: "It is better not to protest." So, the foremost measure is to raise awareness among women. Besides, sexual harassment is a social crime. It is a curse for society. If anyone can raise voice against this social crime then everyone will take an affirmative action against it by seeing him/her. But sexual harassment cannot be eradicated overnight since it is really a complex issue. Therefore, it needs concerted approach and equal co-operation from all the parties concerned, that is to say, the Government, the law enforcing agencies, the media, the civil society as well as the mass people.

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- [32] *Ibid.*, Art. 10.
- [33] *Ibid.*, Art. 28(2).
- [34] *Ibid.*, Art. 28(4).
- [35] *Ibid.*, Art. 31.
- [36] *Ibid.*, Art. 32.
- [37] Chapter III of the Constitution.
- [38] Sec. 09.
- [39] *Ibid.* sec. 10.
- [40] Sec. 354.
- [41] *Ibid.* sec. 509.
- [42] Sec. 42.
- [43] Rule 27A.
- [44] Stalking is a term commonly used to refer to unwanted and obsessive attention by an individual or group to another person. Stalking behaviors are related to harassment and intimidation and may include following the victim in person and/or monitoring them via the internet.
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