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Research article

The Implementation of Women's Access to Justice in the Domestic Laws of Bangladesh through the CEDAW Lens: A Critical Analysis of Compliance and Non-Compliance

Md. Ataullah[1]* and Md. Yamin Rahman[2]

[1]*Department of Law, Northern University of Business & Technology Khulna, Khulna-9208, Bangladesh*
[2]*Law Discipline, Khulna University, Khulna-9208, Bangladesh*

ABSTRACT

Access to justice is a fundamental constituent part of women's rights and gender equality. This study comprehensively explores the implementation of the dimensions of women's access to justice under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) General Recommendation No. 33 in the domestic laws of Bangladesh. The study aims to identify the extent of compliance and non-compliance of Bangladeshi laws with the international standards governing women's access to justice through a comparative legal analysis between the standard of CEDAW and national legislative instruments regarding women's rights. The findings of this study discovered that Bangladesh has enacted several laws for protection of women that provide legal aid, specialized tribunals, shelters, victim support mechanisms, and procedural safeguards that reflect partial compliance with the CEDAW standards. However, Laws have significant gaps with accessibility, accountability, availability of comprehensive support services, substantive equality, institutional monitoring, disability inclusion, technology-based justice mechanisms, and victim-oriented remedies. The study concludes that although the concept of women's access to justice has been incorporated into the domestic legal framework of Bangladesh, the standards of CEDAW have been realized partially in the domestic laws and practice recommending strengthening future legislative and institutional reforms.

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Introduction

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) set a standard for ensuring women's access to justice in the domestic laws of the signatory states. The standards of access to justice comprise Justiciability, Availability, Accessibility, Accountability, Good Quality of Justice, and Provision of Remedy (CEDAW, GR No. 33 on Women's Access to Justice, 2015). Justiciability refers to unhindered access to justice, availability, and empowerment to claim rights by women under the CEDAW convention (CEDAW,*GR-33*, 2015, Para 14 a). Availability requires the state to establish and maintain a court, quasi-judicial body, and other bodies in the urban, rural, and remote areas, supported and funding(CEDAW,*GR-33*, 2015, Para. 14 (b)). Accessibility denotes the justice systems must be secure, affordable, and physically accessible to women, which should adopt an appropriate approach to meet the needs of women, including those facing intersectional discrimination(CEDAW,*GR-33*, 2015, Para 14 (c)). Accountability encompasses the Justice system, which will be monitored and guaranteed Compliance with the principle of justiciability, availability, accessibility, good quality of justice, and provision of remedy. It includes monitoring the justice system and professional responsibility in cases of violation of the law (CEDAW, *GR-33*, 2015, Para. 14 (f)). Good Quality of Justice signifies that Proceedings are conducted by a competent, independent, impartial body and provide timely, effective remedies enforced in sustainable, gender-sensitive dispute resolution. It also argues that the justice system is contextualized, participatory, dynamic, gender-sensitive, and innovative, which encourages the demand for justice by women (*GR-33*, 2015, Para. 14 (d)). Provision of Remedy demands a remedy that will be provided in a

*Corresponding author: <mdataullahsunny@gmail.com>
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meaningful manner that is secure or curable from the harm they may suffer (CEDAW,*GR-33*, 2015 Para.14 (g)).

Bangladesh has enacted several legislations regarding women's rights, but those fail to effectively ensure women's rights due to non-compliance with international standards. As a result, the legislation fails to guarantee women's access to justice, eliminate inequality, discrimination, and violence against women. In many cases, the family restricted the girls' children within the home with a perception that they would go to the other home after marriage (Ferdaush & Rahman, 2011). Violence against women is not only by males but also female who are in leading positions in society (Sumya, 2022). In 2025, violence against women in terms of Sexual Harassment case is 258(ASK, Report, 2025, Violence Against Women – Sexual Harassment Jan-Dec 2025), Acid victim is 8, Cases for dowry is 79(ASK, Report, 2025), the total number of rape and gang rape is 749 and attempt to rape is 230(ASK, Report, 2025, Violence Against Women- Rape Jan-Dec 2025), the number of domestic violence is 560 and case file for 248(ASK, Report, 2025, Violence Against Women – Domestic Violence Jan-Dec 2025). The domestic workers have to tolerate every kind of physical and mental torture at the workplace to sustain and survive their lives (Institute of Bangladesh Studies, University of Rajshahi. & Rahman, 2023). However, they are denied access to justice and legal protection against torture due to the absence of dedicated law (Khan et al. 2021). The domestic legislations fail to secure justice due to unreported incidents and challenges for implantation international laws (Suvra, 2023).

Several studies have been conducted regarding the implementation, challenges, for instance. Bangladesh ratified this Convention on November 6, 1984, with the reservation of Article 2, 13. 1(a), 16.1(f)(Bhuyan, 2011). Bhuyan(2011) also identifies the inconsistency between the CEDAW and the provisions of the domestic laws of Bangladesh. For identifying the challenges of implementing CEDAW Khan et al (2021) show that women's access to income, education, health, legal rights, and power of decision making is limited. This is because laws and policies have legitimized the economic and social subordination of women (Hasan, 1994). Besides, the personal laws limit women's rights in marriage, divorce, guardianship, and inheritance (Brandt & Kaplan, 1995). The obligations of wives in marriage law are gender biased and discriminatory due to a strong patriarchal influence that is inconsistent with the CEDAW's principles of equality (Asnawi & Ismail, 2020). Akter (2022) argue that by gradual bargaining with the state, the CEDAW principle can be established and eliminate the discrimination against women. Byrnes & Freeman (2012) articulate that CEDAW deals with various diverse dimensions of women's rights, and if CEDAW is implemented by a democratic institution, it must uphold the social rights of women (Byrnes & Freeman, 2012). Simon Cusack (2013) discusses that the CEDAW committee broadly discuss about Non-discrimination and equality and apply in cases regarding reproductive health and violence against women, and the success rate is very high. The fundamental object of CEDAW is the elimination of discrimination against women. To achieve this object, three corresponding political and legal methods are identified: guaranteeing women's individual rights, providing social support, and promoting social and cultural change(Holtmaat, 2013).CEDAW committee provides a roadmap for updating and enacting gender sensitive domestic laws and policies through General Recommendations(Vijeyarasa, 2022). The above literature significantly discovered the challenges, scenario of domestic laws, principles of CEDAW, and pathways to overcome such challenges.

After carefully analysis the existing literature, according to our best knowledge, no existing study comprehensively explore the implementation standard of women's access to justice under CEDAW in the domestic laws of Bangladesh and discover the scenario of compliance and non-compliance of such standard. The authors have tried to address this significant research gap in this study. This study enables to the policymakers to identify the flaws in the domestic laws, develop appropriate standards for such flaws, and formulate guidelines for future legislative enactments and amendments. Hence, the study indends to explore the compliance and non-compliance within the domestic laws of Bangladesh in accordance with the standards of women's access to justice under CEDAW.

Method and Materials

Methodology

This study adopted a qualitative research design and applied a comparative legal approach to examine the Compliance and non-compliance within the domestic laws of Bangladesh as per the standard of CEDAW, where both primary and secondary data have been applied. Primary sources comprised the relevant domestic laws, international declarations, judicial decisions, and international conventions, and secondary data from general recommendations, journal articles, academic books, and newspaper reports. Therefore, this study applied a comparative approach to identify compliance and non-compliance of domestic laws with the standards of women's access to justice under CEDAW General Recommendations No.33. Based on the findings of this study, recommendations are proposed to address existing flaws and strengthening future legislative enactments.

Data Sampling and Data Analysis

In this study, domestic law refers to the legislative instrument regarding the protection, promotion, and enforcement of women's rights in Bangladesh. The researchers selected six legislative instruments for detailed analysis concerning women's rights through purposive sampling. For instance, the Nari o shishu Nirjaton Damon Ain 2010, the Child Marriage Restraint Act 2017, the Domestic Violence (Prevention and Protection) Act 2010, the Dowry Prohibition Act 2018, the Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, and the Legal Aid Services Act, 2000. These legislations were selected because they are directly connected with women access to justice with the rights provided by CEDAW.The selected laws were evaluated against the six dimensions of women's access to justice identified in CEDAW

General Recommendation No. 33, namely justiciability, availability, accessibility, accountability, good quality of justice, and provision of remedies. Through this analysis, the study discovered the extent of compliance and non-compliance within the relevant domestic laws of Bangladesh. Compliance was determined where domestic legal provisions specifically highlighted the relevant standard, and non-compliance was identified where legal protection was absent, inadequate, or inconsistent with CEDAW requirements.

Legal analysis

International Legal Framework: CEDAW Lens

The Convention of the Elimination of All forms of Discrimination against Women (CEDAW) is considered a living document (Freeman et al., 2012). Because CEDAW have been expanded since mid-1980s through General Recommendations (Diplomatic Academy of the Ministry of Foreign Affairs of the Russian, Fedration & Oganesian, 2024). To maintain its living characteristics, the CEDAW committee provides a roadmap for updating and enacting gender sensitive domestic laws and policies through General Recommendations (Vijeyarasa, 2022). Signatory countries are legally obliged to perform the CEDAW demands. The General Recommendations No.33 provides six dimensions for achieving access to justice. Such dimensions have been discussed in light of the CEDAW lens in this part.

Justiciability

State parties are required to ensure the rights and other legal protections that are recognized and incorporated by the domestic law (CEDAW, GR-33, 2015, Para, 15(a)) and cases should be handled by the professionals and guaranteed independence, impartiality, integrity, and credibility of the judiciary and tackle corruption in justice systems as an essential element of eliminating discrimination against women on access to justice (CEDAW, GR-33, 2015, Para, 15(c, d, e)). The state should take steps to eliminate all barriers to women's participation in the judiciary, quasi-judiciary, and any other justice-related services, as well as initiatives, necessary steps with temporary special measures for equal representation in the judiciary, and any other law enforcement mechanism, such as magistrates, judges, lawyers, mediators, expert practitioners, and other professionals' capacities. The state should cooperate with civil society and non-governmental organizations to develop a sustainable mechanism to support access to justice and be safe from harassment, threats, retaliation, and violence (CEDAW, GR-33, 2015, Para. 15(f, h, i)). Justiciability needs to improve the gender responsiveness and unhindered justice system for achieving both *de jure* and *de facto* equality (CEDAW, GR-33, 2015, Para. 15(b)). Generally, most of the courts are situated in the district headquarters, and village women hesitate to file a report in the police station about violence due to fear, hesitation, and unfamiliarity. The socio cultural norms may discourage the village women from actively participating in access to justice. The limited participation of women in the judiciary and practice may create psychological barriers for females, especially in cases of sexual harassment and domestic violence.

Availability

The state parties are required to constitute, maintain, and developed courts, tribunals, and other entities needed for guaranteeing access to justice without discrimination in all areas of the state and install mobile courts and modern IT solutions in the local area. The state will take initiatives to provide financial assistance, shelters, hotlines, and medical and psychological services, facilitate women's participation in case filling and judicial proceedings for protection from violence(CEDAW, GR-33, 2015,Para. 16(b, c)). CEDAW further requires the establishment of an independent monitoring system to review the implementation of laws, monitor the justice system, and address discrimination and non-compliance by professionals in the justice system(CEDAW, GR-33, 2015,Para. 16(b, c)). The monitoring system conducted by an independent body prevents political interference and corruption in the justice system. Mobile court may facilitate timely intervention and reduce delays in protection measures in extraordinary situations. Participation in court proceedings is essential for ensuring true access to justice; however, sometimes it is time-consuming and costly, which can be limited by the installation of information technology. Psychological well-being of victims is very crucial; Psychological trauma may increase the risk of suicide, attempt to suicide, and any other adverse social consequences. Psychological well-being enables victims to participate in the justice system very effectively and seek appropriate remedies.

Accessibility

The state should ensure the removal of financial barriers by reducing costs or waiving costs in the documentation, court proceedings, and transportation costs in a case for low-income women or living under poverty(CEDAW, GR-33, 2015,Para, 17(a, e)) and special attention for women with disabilities(CEDAW, GR-33, 2015,Para, 17(g)). Furthermore, the legal framework addresses linguistic barriers by appointing assistance in translation and interpretation for women with limited literacy in judicial and quasi-judicial proceedings (CEDAW, GR-33, 2015, Para. 17(b)). Outreach and distribute information about the availability of the justice system and remedies system, awareness activities in different local languages by establishing a desk or unit. This information must be understandable in all ethnic and minority groups, and these mechanism shall be made by consultation with the organization related to female (CEDAW, GR-33, 2015, Para. 1(c)). to ensure full-fledged facilities of information and communication technology by emphasizing, improving, and establishing the internet system in order to ensure participation in court proceedings by video conference and transforming, collecting and preserving data(CEDAW, GR-33, 2015,Para. 17(d)). An access to justice center should be established for reducing complexities and the number of steps where the different legal assistance, social services, service related to violence against women, family matters, health, social security, employment, immigration and property will be provided and the environment and location ensure women access to justice(CEDAW, GR-33, 2015,Para, 17(e, f)). Accessibility under CEDAW General Recommendation

No. 33 demands the removal of financial, linguistic, informational, and technological barriers to ensure effective access to justice for women. It highlights rational accommodation, legal aid, and interpretation services, particularly for vulnerable and marginalized women. The standard further requires community engagement and consolidates justice services to make justice institutions physically and practically accessible.

Accountability

The state will take initiatives to develop and monitor the independent and effective accountability mechanisms, including the review of periodic reports and evaluate the efficiency and transparency of judicial, quasi-judicial, and administrative bodies for ensuring access to justice in accordance with the principles of access to justice(CEDAW, GR-33, 2015,Para. 20(a)). there shall be an independent authority for asking suggestion and filing complaints against the all persons related to justice system including social, welfare, health and technical expert and they have available data concerning the number of courts, number of personnel based on gender, ratio of the number of advocate with local jurisdictions, number of complains and its nature, ratio of the complaints in terms of resolution under court judicial and none-judicial (CEDAW, GR-33, 2015,Para, 20(c, d)). Identification of the limitations of access to justice by conducting research and gender analysis of all justice system collaboration with civil society, organizations, and academic institutions (CEDAW, GR-33, 2015,Para. 20(e)). The findings of such study shall be applied in order to develop practices, procedure, policy and legislation for ensuring access to justice(CEDAW, GR-33, 2015,Para, 20(f)). Accountability under CEDAW General Recommendation No. 33 calls for effective monitoring, transparency, and oversight mechanisms in the justice system. It requires independent complaint mechanisms, the collection of gender based data, and continuous evaluation of judicial institutions to identify obstacles to women's access to justice. The standard further demands evidence-based reforms through research and collaboration with civil society and academic institutions to improve laws, policies, and practices.

Good Quality of Justice

The state should ensure competence, impartiality, and independence, maintain international standards, and ensure a timely, effective, and sustainable gender-sensitive dispute resolution mechanism (CEDAW, GR-33, 2015,Para. 18(a,d)). All the judicial and quasi-judicial proceedings, including rules of evidence, investigations, and others, will be impartial and not influenced by gender stereotypes (CEDAW, GR-33, 2015,Para. 20(e)). The court proceedings may be proceeded in private partly or wholly for ensuring women's privacy, including right to use pseudonym, prohibition of capturing and publishing identity and picture, safety, and other human rights, the women witnesses can be taken trough telecommunication for controlling privacy about the subject matter of the case within the parties(CEDAW, GR-33, 2015,Para, 18(f)). The state should protect women from complainants, witnesses, defendants, and prisoners against threats, harassment, and other damage before, during, and after legal proceedings and provide the budgets, resources, guidelines, monitoring, and legislative frameworks necessary to ensure that protective measures function effectively(CEDAW, GR-33, 2015,Para. 20(g)). The state parties must adopt the international indicators for access to justice that includes structural indicators (Ban on out-of-court settlements, Protective measures, Enforcement mechanisms)(Inter-American Commission of Women. Follow-up Mechanism to the Belém Do Pará Convention (MESECVI)., 2015, Para 26), Process Indicators (Specialized Services, free legal representation and Training with gender perspective) (Inter-American Commission of Women. Follow-up Mechanism to the Belém Do Pará Convention (MESECVI)., 2015, Para 19)and Outcome Indicators (Judicial Effectiveness, conviction rate, unreported violence, length of trial, protective order and sentence) (Inter-American Commission of Women. Follow-up Mechanism to the Belém Do Pará Convention (MESECVI)., 2015, Para 52-56)Good Quality of Justice under CEDAW General Recommendation No. 33 demands competence, impartiality, independence, and gender-sensitive judicial proceedings to ensure effective access to justice. It further demands that the protection of women's privacy, safety, and dignity be guaranteed through legal proceedings and appropriate protective measures for victims and witnesses. The standard also promotes the use of measurable indicators and monitoring mechanisms to assess the effectiveness, fairness, and responsiveness of the justice system.

Provision of Remedy

Remedy will be provided in a meaningful remedy that is secure or curable from the harm they may suffer (CEDAW, GR-33, 2015, Para, 14(e)). Remedies must be adequate, effective, timely provided, comprehensive, and proportionate to the gravity of the harm suffered, and should include, as appropriate, restitution (reinstatement), compensation (in the form of money, goods, or services), and rehabilitation (including medical, psychological, and other social services); civil damages and criminal sanctions should not be regarded as mutually exclusive but may be applied concurrently depending on the circumstances(CEDAW, GR-33, 2015 Para, 19(b)). Furthermore, in conflict and post-conflict contexts, non-judicial remedies such as public apologies, memorialization, and guarantees of non-repetition provided by truth, justice, and reconciliation mechanisms must not be used as substitutes for the investigation and prosecution of perpetrators; similarly, amnesties for gender-based human rights violations, including sexual violence against women, and any statutory limitations on the prosecution of such crimes are inadmissible(CEDAW, GR-33, 2015 Para, 19(f)) Domestic services without remuneration should be considered for determining damages in civil, criminal and administrative case(CEDAW, GR-33, 2015 Para, 19(c)). Create a women-specific fund for providing compensation for the violation of women's human rights, ensure adequate sanctions, and provide compensation as per the international standard for sexual violence, so that women can overcome preexisting conflict. Ensure women's participation in all reparation programs (CEDAW, GR-

33, 2015 Para, 19(b, e)). Provision of Remedy under CEDAW General Recommendation No. 33 highlights effective, timely, and comprehensive remedies for women, which include compensation, restitution, and rehabilitation. The standards make sure that remedies adequately address the harm suffered and contribute to the full realization of women's rights.

Implementation of CEDAW's Access to Justice in the Domestic Laws of Bangladesh

Bangladesh ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on November 6, 1984, with the reservation of Article 2, 13. 1(a), 16.1(f) (Bhuyan, 2011), committing to all kinds of necessary actions to implement it(Rahman et al., 2017). As per the obligation of CEDAW, Bangladesh is legally bound to update existing laws in light of CEDAW requirement (CEDAW, 1979, art 2).in this part, the researchers have discussed the compliance and non-compliance of CEDAW dimensions of the principles of access to justice in the domestic legal framework of Bangladesh.

Application of Justiciability in the Domestic Laws of Bangladesh

The domestic laws of Bangladesh are partially compliant with the justiciability standard of CEDAW GR-33 because they create institutional mechanisms for access to justice. The domestic violence prevention and protection Act of 2010 established several institutions for cooperating with women to ensure access to justice, like police officers under u/s 4, Enforcing office U/s 5, and local organizations under section(The Domestic Violence (Prevention and Protection) Act, 2010, Sec. 4,5,7). Nari O Shishu Nirjanat Daman Ain 2010 was passed in 2000; "An independent tribunal" is established under this Act, which contribute to progressing access to justice(Nari O Shishu Nirjaton Daman Ain, 2000, Sec.26), and the tribunal may order to safe custody for the victim under the authority of any government officials for their protection(Nari O Shishu Nirjaton Daman Ain, 2000, Sec.31).For the suppression of human trafficking, The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026 is passed in 2026. A special tribunal has established under this Act and empowered to give all assistance to the victim to ensure access to justice, even outside the territory of Bangladesh (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec.4,36). This act guarantees the right to return, legal assistance, and safe shelter by this Act (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec.49,52,53). In 2017, the Child Marriage Restraint Act 2017 established several authorities including government institutions, special committees from national to rural, and proper court(The Child Marriage Restraint Act, 2017, Sec.3).Though the ultimate trial will be held by the competent court, the others including government officials, local authority and civil society are legally responsible for ensuring access to justice for the victim(The Child Marriage Restraint Act, 2017, Sec.4).this mechanism reflects the CEDAW requirement of relations between institutions and civil society in ensuring access to justice. In the Dowry Prevention Act of 2018, equal access to justicefor both men and women are ensured against dowry (The Dowry Prohibition Act, 2018, Sec.4,8). This provision ensures the principle of formal equality. Female lawyers must make up at least one-third of the panel lawyers under the Legal Aid Act, 2000, which partially fulfills the CEDAW's requirement of female participation in the justice system.

Though the term domestic violence is defined broadly, the effectiveness of the Domestic Violence Act is limited due to public awareness and weak implementations. Reports indicate that many rural women are unaware of domestic violence that is legally recognized. It is limited to the scope of seeking remedies and ensures access to justice. Under Nari o Shishu Nirjaton Damon in 2017 and the Dowry Prohibition Act, the Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026. No local authority, apart from the local police, or a non-governmental organization, is legally bound to assist a victim in accessing the court. The constitution guarantees judicial independence and an impartial justice system. However, the analyzed domestic laws fails to explicitly address the corruption and gender sensitive judicial proceedings, including female prosecutors, judges, and law enforcement officials, which are a significant none-compliance with the principle of Justiciability under CEDAW Gr-33.

Implementation of Availability under Domestic Laws of Bangladesh

Cases arise under the Dowry prohibition act, domestic violence act, and child marriage act shall be tried in "general court as per their jurisdiction", Some committees are established from national to local areas to prevent child marriage (The Child Marriage Restraint Act, 2017, Sec.3), empowering some government officials and local authority to prevent it(The Child Marriage Restraint Act, 2017, Sec.3). This institutional structure enhances the regional availability of justice system that corresponds to the CEDAW's requirement for ensuring access to justice in all areas of state. A special tribunal is established under Nari Shishu Ain and the human trafficking Act(Nari O Shishu Nirjaton Daman Ain, 2000, Sec.26). This tribunal contributes to facilitate the availability of justice by establishing a dedicated forum for women's access to justice. the national legal aid operate a dedicated toll free hotline (16430) number for ensuring immediate legal aid and financial assistance are continuing under the Legal aid act 2000(The Legal Aid Rules, 2014, Rule. 2). Moreover, financial help also provides by the human trafficking fund constituted (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026,Sec. 59). The hotline and financial mechanism ensure access to information, legal assistance and economic barriers that supports the availability standard of CEDAW GR-33. And financial support to the witness by government (Nari O Shishu Nirjaton Daman Ain, 2000,Sec. 32B). Safe shelter for the victim is also ensured (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.32B; The Domistic Violance (Prevention and Protection) Act, 2010, Sec,8, 16; The Prevention and Suppression of Human Trafficking and Migrant

Smuggling Act, 2026, Sec.52,53). Concern medical authority is bound to give immediate medical treatment to the victim (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.32A; The Domistic Violance (Prevention and Protection) Act, 2010, Sec.9). Financial support to witness, safe shelter and immediate medical treatment seceure the CEDAW requirement of protective support service of victims encourage witnesses to participate and necessary support for facilitating effective access to justice.

There are no provisions for a crisis center, shelter house, or special medical treatment under the Dowry Prohibition Act and the Child Marriage Act. The absence of such support limits the effective applications of available comprehensive victim support mechanisms of CEDAW. Laws are silent in providing psychological and counseling services for protection from violence. This omission fails to ensure the psychological support required for effective participation in the justice system. Laws fail to introduce a visible and dedicated monitoring authority to oversee the justice system and discrimination in the justice system. Therefore, the implementation of legal protections may remain inadequately supervised, reducing the effectiveness of available justice mechanisms. In terms of mobile court and participation in court proceedings through telecommunication is also silent in these acts. The absence of a technology-based participation mechanism creates another barrier for women living in remote areas.

Therefore, though the domestic laws of Bangladesh have established courts, tribunals, legal aid services, financial assistance, shelters, and medical support mechanisms, the absence of provisions regarding psychological services, specialized monitoring bodies, and technology-based justice mechanisms reveals only partial compliance with the availability standard under CEDAW General Recommendation No. 33.

Assessment Accessibility in light of the National Legal Framework

To remove the financial barrier in court proceedings, the legal aid act 2000 was passed. Under this Act, every poor person will get all costs for his/ her litigation, especially women who are victims of domestic violence and human trafficking (The Legal Aid Rules, 2014, Rule 2(2)). And provide financial support to the witness by the government (Nari O Shishu Nirjaton Daman Ain, 2000, Sec. 32B). The provisions of laws for financial assistance have compliant with the CEDAW's accessibility standard of financial protections to the vulnerable litigants and witnesses. To remove the linguistic barrier, an interpreter may be appointed (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec. 45). Among the analyzed statutes for this study, the human trafficking Act explicitly compliance with the CEDAW GR-33 standard of providing linguistic assistance.

The absence of legal provisions for the dissemination of legal information in the local language creates significant barriers to legal awareness, particularly for rural and ethnic minority women, which restricts the effective women access of women to justice. The limited mandatory provisions for the opportunity of the use of Information and Communication Technology in judicial proceedings restrict women's access to justice and information, particularly women for disadvantages areas and ethnic minorities. Most importantly, no unique legal opportunity is ensured by these legislations for women with disabilities that indicate non-compliance with the accessibility standard of CEDAW and undermines the substantive equality for access to justice. The omission of consolidated Access to Justice Centers limits the availability of a one-stop service mechanism for women requiring legal, medical, and social support services.

Accordingly, the legal framework of Bangladesh shows partial compliance with the accessibility standard under CEDAW General Recommendation No. 33, by addressing financial, linguistic, and institutional barriers. However, there is a significant gaps remain in disability inclusion, ICT access, and integrated service delivery.

Accountability in Practice in National Law

Enforcement Officers are Accountable for their function; if they fail, they will be held under departmental obligations (Nari O Shishu Nirjaton Daman Ain, 2000, Sec. 34). The police and enforcement officers are accountable for their function (The Domestic Violence (Prevention and Protection) Act, 2010, Sec. 3, 4). These provisions indicate legal obligations for performing statutory duties of police and enforcement officers that is the partial reflection of compliance the accountability requirement under CEDAW GR No. 33. Objection rise against the government officials for the violation or misuse of any provisions of this Act, the tribunal can recommend taking action and ordering damages (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec.61) .These mechanisms support CEDAW's requirement of providing remedies against the misconduct of officials. The investigation officer bound to complete investigation within time and a disciplinary action can be taken for the failure to complete investigation within such stipulated time (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.18). The court is also accountable for failing to complete the trial within a fixed time (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.20; The Domistic Violance (Prevention and Protection) Act, 2010, Sec.20). If the court is failed to complete within trial within the time limit mentioned in section 20(3), the court is accountable to the Supreme Court for non-compliance with the time limit for the trial (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.31A).time based accountabilities in investigations and trail promote procedural accountability and reduce unnecessary delays in access to justice and improve judicial efficiencies.

The analyzed legislations fail to establish a comprehensive accountability framework, including periodic reporting, performance review, or monitoring officials of the administration of justice. The accountability clause is restricted only to the time limit, and it is a directory principle that means no provision is mentioned about that if the trial is not completed in an extended time. Laws do not dedicate an authority to file complaint against the officials for the violation of laws, and the limited scope of doing research and application of findings of such research for upholding women's access

to justice by policy reform. The analyzed legislation fails to address a mechanism for collecting gender based data concerning to courts, judicial personnel, or access to justice, formal mechanisms of periodic reports, and reviewing judicial performance. No independent complaint authority is established to receive complaints against judicial, law enforcement, or other officials of the administration of justice.

Therefore, the accountability standard under CEDAW General Recommendation No. 33 is partially compliance by the domestic laws by imposing accountability obligations on courts, investigators, and enforcement officials. But it has significant gaps in relation to independent monitoring system, complaint mechanisms, gender-based data collection, periodic reporting, and evidence-based policy reform.

Good Quality of Justice Mechanism in the Domestic Laws of Bangladesh

For completing trial, inquiries, and investigations, a specific time has been fixed like; 180 days at best (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec.41). 92 days (The Domistic Violance (Prevention and Protection) Act, 2010, Sec.20). And 180 days (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.20(3)). The domestic laws impose statutory time limits for trial and investigation that reflect an attempt to ensure timely justice, which aligns with the "effective and timely justice" requirement under CEDAW GR-33. However, these provisions become slightly weak due to their directory nature in practice. All the courts are independent and competent to try those cases. To make force to the witness and victims for compound outside court will consider as an offence (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec.24). All other cases apart from domestic violence act shall consider as an non-compoundable offences (The Child Marriage Restraint Act, 2017, Sec 14; The Domestic Violence (Prevention and Protection) Act, 2010, Sec.29; The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec. 27). These provisions strengthen procedural fairness and independence that guarantee the integrity of judicial proceedings under CEDAW standards. Law prohibits to capturing pictures and disclosing the identity of the victims (Nari O Shishu Nirjaton Daman Ain, 2000, Sec. 14; The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec. 21). Camera trail is permissible by the application of parties or by own moton of the court(Nari O Shishu Nirjaton Daman Ain, 2000, Sec.20(6); The Domestic Violence (Prevention and Protection) Act, 2010, Sec.23; The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec. 42). And ensure the protections of victims, witnesses, and children from all threats (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.32B; The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026, Sec. 23). The provisions concerning camera trials and protection of victim's identity and witness demonstrate compliance with the CEDAW requirement of facilitating privacy, dignity, and protection of women during judicial proceedings. Witness can be presented in court through ICT (Nari O Shishu Nirjaton Daman Ain, 2000, Sec.24). That demonstrates the right to participation in trial.

The absence of dedicated budgetary allocation for victim protection and access to justice services limits the effective implementation of protective measures. The Domestic Violence Act, the Dowry Prohibition Act and child marriage act fails to address particular provisions for the protection of witnesses. Domestic violence act and simple hard for dowry are compoundable offences. Trial is overburdened, slow, costly, and time-consuming due to lack of special tribunal in several laws. Though formal equality is secured by the same opportunities for poor and wealthy, urban and rural, educated and uneducated, it has been hampered in achieving substantive equality or de facto equality. The domestic laws also fail to incorporate the motoring indicators and outcome indicators in the justice system, as recommended by the international standard.

The legal framework of Bangladesh partially complies with the CEDAW standard on good quality of justice by promoting procedural safeguards such as timely trial provisions, privacy protection, and witness safety. However, it appears there are significant gaps, including in effective implementation, institutional capacity, budget allocation, and the adoption of structured monitoring indicators, which collectively hampered the achievement of effective access to justice.

The Principle of Provision of Remedy as Applied in Bangladeshi Domestic Law

The dowry prohibition Act provides not exceeding five years and not less than 1-year imprisonment or up to 50k (The Dowry Prohibition Act, 2018, Sec.3,4). The severest punishment, the death penalty or life imprisonment and fine up to twenty lakh taka, is imposed (Nari O Shishu Nirjaton Daman Ain, 2000, Sec. 4-12). All persons related to child marriage are punished and fined (The Child Marriage Restraint Act, 2017, Sec. 7,8,9,11). These provisions guarantee criminal punishment to the offender and accountability for violation of women's rights, which partially comply with the CEDAW standard of criminal remedies in Provisions of remedy. A protection order, residence order, and compensation, six months imprisonment, and a 10k fine for the first time violation of the court order, and two years or 1 lac for the second time(The Domestic Violence (Prevention and Protection) Act, 2010, Sec, 13,15,17,30). These remedies partially comply with the CEDAW standard by providing both protective and compensatory measures to victims of domestic violence. Victim support centers, safe shelters, and a Human Trafficking fund, and a tremendous amount of punishment and opportunity to file civil suit for damages are ensured by (The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026). The provision guarantees civil remedy along with criminal punishment, and the establishment of support centers, shelters, and compensation funds reflects the rehabilitative approach under provisions of remedy promoted by CEDAW GR No. 33.

The analyzed legislations have limited scope of restoration of the victim's pre-violation condition and psychological recovery. The domestic legislations fail to

address women's participation in the implementation of the compensation and rehabilitation program and consider unpaid domestic labor for determining compensation. Only monetary compensation is ensured by law. Other compensation, like public apologies and public memorials, are neither a practice nor supported by law, and there is no provision for providing a comprehensive mechanism equivalent to physical and psychological damage by which a victim can recover in a pre-conflict situation. The Dowry Prohibition Act provides financial remedy compared with financial, physical, psychological, and time investment. Temporary compensation is not an effective remedy. Laws provide immediate and primary protection. Due to lack of appropriate provisions of long term protection against repeated victimized. But all the persons related to child marriage are punished and fined under the Child Marriage Act. However, in absence of meaningful initiative against child marriage the object of this Act is failed and affects rights to education, health, family planning, and right to life, is enhanced. Under the Human Trafficking Act, victim support centers, safe shelters, and human trafficking funds are established; these measures ensure temporary assistance does not guarantee a suitable solution.

Key Findings of this study

Bangladesh enacted comparatively strong legislation for women's access to justice

This study shows that Bangladesh has enacted several legislations relating to women, including the Domestic Violence (Prevention and Protection) Act 2010, Nari O Shishu Nirjatan Daman Ain 2000, Child Marriage Restraint Act 2017, Dowry Prohibition Act 2018, and the Prevention and Suppression of Human Trafficking and Migrant Smuggling Act 2026. These legislations provide specialized tribunals, protection measures, legal aid, shelters, and victim support mechanisms that significantly requirement of CEDAW Conventions and CEDAW General Recommendations No. 33.

Partial Compliance with the Principles of Justiciability

The study finds that though these legislations have established specialized tribunals and legal mechanisms for victims, most laws fail to impose exact legal obligations on local authorities, civil society organizations, and community-based institutions to coordinate women's access to justice. In reality, sometimes the rural women remain unconscious about their legal rights and remedies that limit their right to access to justice in spite of the existence of legal protections.

Availability of justice services remains uneven and fragmented

This research discovered that the domestic legislation has introduced legal aid service, hotline, safe shelters and special tribunals in specific sectors. But it has substantial lacunae remaining concerning crisis centers, psychological counseling, monitoring bodies, mobile court services, and access to justice through digital technology. That proves that the principle of availability is partially compliant.

Accessibility becomes one of the most vulnerable areas of compliance

The domestic legislations of Bangladesh remove financial barriers through the legal aid schemes, but laws have significant shortcomings to address linguistic barriers, disability-inclusive justice services, information dissemination in local languages, and women-friendly access-to-justice centers. Therefore, the women from ethnic minorities, remote areas, and vulnerable groups face continuous obstacles for access to justice.

Inadequate and complex procedural accountability mechanism

This study reveals that legislations emphasize accountability for completing investigations and trials within statutory timeframes. However, it fails to ensure effective compliance with the accountability standards prescribed by CEDAW GR-33. Because these laws do not ensure an independent monitoring authority, a complaint mechanism, a compulsory systematic review process to evaluate the performance of justice institutions from a gender perspective, and taking action on such reports.

Existing remedies are mostly punitive rather than restorative

The study discovered that the domestic laws of Bangladesh ensured offender based remedies like criminal punishment and monetary compensation. CEDAW recommended the border sense of remedies. For instance, rehabilitation, psychological recovery, social reintegration, guarantees of non-repetition, and long-term victim support are absent or sometimes developed insufficiently.

Reflection of formal equality rather than substantive equality in the domestic legal framework

CEDAW advocates for not only formal equality but also substantive equality. This study significantly finds that women are generally provided with similar legal procedures available to all citizens. However, it requires taking special measures for rural women, women with disabilities, ethnic minority women and economically disadvantaged women. This justice system fails to obtain substantive equality.

The mere concept of access to justice is recognized in domestic law, but not fully realized in CEDAW's standard and in Practice

The significant findings of this study are that Bangladesh incorporates the concept of access to justice, but it does not fully realize the standard of CEDAW established by GR-33. The significant gaps remain in the areas of accessibility, accountability, victim-oriented remedies, institutional monitoring, and substantive equality due to partial compliance with the international standard of the principles of access to justice.

Recommendations

- The Government of Bangladesh should enact a comprehensive Women's Access to Justice Framework in accordance with CEDAW General Recommendation No. 33 to ensure a

uniform and coordinated approach relating to all women-related legislation.

- Law should assign explicit legal responsibilities to the local government institutions, civil society organizations, and community-based bodies for assisting women in accessing justice, particularly in rural and marginalized communities.

- The government should establish specialized support services, including crisis centers, psychological counseling, rehabilitation programs, and one-stop access to justice centers, and consolidated into the existing national legal framework.

- Organizing legal awareness programs and the effective management of information dissemination mechanisms should be ensured through local languages. Community engagement and digital platforms should be strengthened to ensure that women are informed about their rights and available remedies.

- The legal framework should articulate disability-inclusive and technology-based justice mechanisms that include online complaint systems, virtual hearings, interpretation services, and accessible court facilities for women with disabilities and those living in remote areas of Bangladesh.

- An independent monitoring and accountability authority should be established to monitor the performance of justice institutions, receive complaints, collect gender base data, review and publish periodic reports on women's access to justice.

- The remedy mechanism should be expanded beyond criminal punishment and monetary compensation. That includes restitution, psychological recovery, long-term rehabilitation, social reintegration, guarantees of non-repetition, and mechanisms for returning to the pre-conflict situation.

- Special measures should be adopted for rural women, women with disabilities, ethnic minority women, and economically disadvantaged women in accessing justice for achieving substantive equality.

Conclusion

This study critically analyzes the extent of compliance and non-compliance of the domestic laws of Bangladesh with the standards of women's access to justice under CEDAW General Recommendation No. 33 through comparative analysis. The findings illustrate that Bangladesh has adopted several legislative measures to progress women's access to justice, including legal aid services, specialized tribunals, protection orders, shelters, victim support mechanisms, and procedural safeguards. These measures show a significant level of commitment towards the incorporation of the concept of access to justice into the national legal framework. However, the study also reveals the partial compliance with the standard of CEDAW due to the appearance of significant gaps with accessibility for marginalized women, institutional accountability, independent monitoring mechanisms, psychological and rehabilitative support services, technology-based justice mechanisms, disability-inclusive measures, and comprehensive victim-centered remedies.

Furthermore, the legal framework generally ensures formal equality, but fails to provide measures of substantive access to justice for many women. The domestic laws of Bangladesh fails to substantial recognize the principles of women's access to justice in accordance with the CEDAW General Recommendation No. 33. As a result, further legislative and institutional reforms are require to strengthen compliance and ensure effective, inclusive, and meaningful access to justice for women in Bangladesh.

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Conflict of Interest

The authors declare no conflict of interest.

References

Akter, A. (2022). *Women's access to the laws of Bangladesh and the scope of CEDAW*.The Jahangirnagar Review, *46*(1),103-114.ISSN 1682-7422,

Asnawi, H. S., & Ismail, H. (2020). Discrimination against wife in the perspective of CEDAW and Islam Mubādalah. *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan*, *20*(2), 253–268. https://doi.org/10.18326/ijtihad.v20i2.253-268

Bhuyan, M. (2011). *The CEDAW Implementation in Bangladesh: Legal Perspectives and Constrains*. https://www.researchgate.net/publication/268334919_The_CEDAW_Implementation_in_Bangladesh_Legal_Perspectives_and_Constrains.

Brandt, M., & Kaplan, J. A. (1995). The Tension between Women's Rights and Religious Rights: Reservations to Cedaw by Egypt, Bangladesh and Tunisia. *Journal of Law and Religion*, *12*(1), 105. https://doi.org/10.2307/1051612

Byrnes, A. C., & Freeman, M. (2012). The Impact of the CEDAW Convention: Paths to Equality. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.2011655

CEDAW, General Recommendation No. 33 on Women's Access to Justice. (2015). https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom33

Cusack, S., & Pusey, L. (2013). Cedaw And The Rights To Non-Discrimination And Equality. *HeinOnline*, *14*(1), 54.

Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Fedration, & Oganesian, T. D. (2024). The European approach to evolutive interpretation: The practice of the European Court of Human Rights. *Vestnik Tomskogo Gosudarstvennogo Universiteta*, (505), 236–245. https://doi.org/10.17223/15617793/505/26

Ferdaush, J., & Rahman, K. M. M. (2011). *Gender Inequality in Bangladesh*. Unnayan Onneshan. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://archive.nyu.edu/bitstream/2451/33900/2/gender_inequality_in_bangladesh.pdf

Freeman, M., Chinkin, C., & Rudolf, B. (Eds.). (2012). *The UN Convention on the Elimination of All Forms of Discrimination Against Women: A Commentary*. Oxford University Press. https://doi.org/10.5422/fso/9780199565061.001.0001

Holtmaat, R. (2013). The CEDAW: A holistic approach to women's equality and freedom. In A. Hellum & H. S. Aasen (Eds.), *Women's Human Rights* (1st ed., pp. 95–123). Cambridge University Press. https://doi.org/10.1017/CBO9781139540841.006

Institute of Bangladesh Studies, University of Rajshahi., & Rahman, Md. M. (2023). □□□: □□□□□□□□□□-□□□□□□□□□□|Working Conditions and Rights of Women Domestic Workers in Bangladesh: Islamic Perspective. □□□□□□□□□□□□□□□□□ | *Islami Ain O Bichar*, *19*(73), 9–30. https://doi.org/10.58666/iab.v19i73.240

Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI). (2015). The Organization of American States (OAS). chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oas.org/en/mesecvi/docs/manual_indicadores_eng.pdf

Khan, M. Zakir Hossain, Sifat E Rabbi, Sadman Khalili, Romana Ali, Kabir Ahmed, and Mohaymenul Islam. 2021. *Assessment of the implementation status of the Domestic Workers Protection and Welfare Policy and way forward*. Dhaka: Bangladesh Institute of Labour Studies-BILS. https://h1.nu/1BF6O

Nari O Shishu Nirjaton Daman Ain, 2000 ACT NO. VIII of 2000.

Rahman, M. W., Tanny, N. Z., & Islam, M. S. (2017). Piloting the FAO Gender and Rural Advisory Services Assessment Tool in Bangladesh Component: Enabling Environment. *SSRN Electronic Journal*. https://doi.org/10.213 9/ssrn.3022478

Sumya, T. (2022). *Woman-to-woman suppression and violence in Bangladesh: Myth or reality?* Open Science Framework. https://doi.org/10.31219/osf.io/fcdvw

Suvra, A. N. (2023). Emerging Legal Response to Gender-Based Domestic Violence in Bangladesh: Analyzing the Scope and Limitations of Indigenous Legal Regime in light of International Treaties. *Nurani Hukum*, *6*(1), 23. https://doi.org/10.51825/nhk.v6i1.19761

The Child Marriage Restraint Act, 2017 ACT NO. VI of 2017.

The Domestic Violence (Prevention and Protection) Act, 2010 ACT NO. LVIII of 2010.

The Dowry Prohibition Act, 2018 ACT NO. XXXIX of 2018).

The Legal Aid Rules (2014).

The Prevention and Suppression of Human Trafficking and Migrant Smuggling Act, 2026 ACT NO. LV of 2026.

Vijeyarasa, R. (2022). Three Decades of CEDAW Committee General Recommendations: A Roadmap for Domestication, Reporting and Stronger Accountability for Women's Rights. *Max Planck Yearbook of United Nations Law Online*, *25*(1), 797–826. https://doi.org/10.1163/18757413_02501014

Violence Against Women – Domestic Violence Jan-Dec 2025. (2025). Ain o Shalish kendra. https://www.askbd.org/ask/20 25/12/31/violence-against-women-domestic-violence-jan-dec-2025/

Violence Against Women – Sexual Harassment Jan-Dec 2025. (2025). Ain o Shalish kendra. https://www.askbd.org/ask/20 25/12/31/violence-against-women-sexual-harassment-jan-dec-2025/

Violence Against Women- Rape Jan-Dec 2025. (2025). Ain o Shalish kendra. https://www.askbd.org/ask/2025/12/31/violence-against-women-rape-jan-dec-2025/