

Women's workplace in legal profession

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The Constitution of Bangladesh envisages work as a right, assures the equality of opportunity and pledges to ensure participation of women in all spheres of public life. In reality, however, the women are still failing to thrive in the workplaces and spontaneously contribute as equal as the men do. In spite of having all these constitutional promises, the women professionals are often violated and victimised in their workplaces.



Bangladesh Legal Aid and Services Trust (BLAST) recently undertook a project called 'Participation of Women in Establishing their Rights' (PoWER) to identify and address the practical difficulties faced by women legal professionals in courts and workplaces across the country. Research, advocacy and outreach activities including stakeholder dialogues, were held in three different districts – Dhaka, Khulna, and Kushtia, from April 31, 2017 to May 31, 2018 to discover the condition of women professionals in the field of law practice.

There is apparently no separate toilet for them, no daycare or childcare facility for working mothers, and no breastfeeding corner as well. The findings came from the research conducted under the PoWER project by BLAST. A number of 114 legal professionals including judges, lawyers and courtroom staffs shared their gruesome experiences at their workplaces.

The research also found that the local courts are still unfriendly to female lawyers. The woman lawyers are paid less, not trusted with challenging tasks, and the worst part is that they are deprived of family support. Furthermore, the interviewed professionals confessed to being victims of sexual harassment or abuse by the seniors and male co-workers.

The legal professionals themselves are subjected to workplace discrimination. Despite their having conspicuous idea of rights and vast knowledge of laws, this is unfortunate that they are also amongst the sufferers.

One of the three State organs, the judiciary rendered the foremost contribution in patronising women at workplace, back in 2009. In Bangladesh National Women Lawyers Association (BNWLA) v Bangladesh, the Court provided few guidelines against sexual harassment at the workplace.

The outlined objectives by the judges were to create awareness about sexual harassments, and to inform that such harassment is a punishable offence.

Remarkably, there was a guideline on the removal of the hostile environment towards women at workplaces, and in favour of boosting confidence and trust in women workers that they are not placed in a disadvantaged position in comparison to their male colleagues. The concerned authority was also directed to constitute a complaint committee in every institution.

The guidelines were directed to fill in the legislative vacuum in the nature of law, which however did not see the light of implementation in the last nine years.

A recent study by ActionAid revealed that 64.5% of professionals are not even aware of the guidelines directed by the Supreme Court. Whereas, the research conducted by BLAST found that 75% legal professionals in Khulna and Kushtia, and 80% legal professionals in Dhaka are unaware of the guidelines. The status of the guidelines' implementation is also gloomy. But this profession specially requires the primary development as the dissemination of legal knowledge begins from here.

A deplorable condition for women in the legal profession would be devastating for the future of the whole country. The principal barrier to establishing the constitutional promises can be adduced to the absence of an adequate environment which could foster the circumstantial growth of women's right to work. Again, implementation of laws is similarly prerequisite. Laws fail to manifest any fruition if not implemented. The sexual harassment prevention and complaint committee to be established in every institution, as mentioned in the guidelines, need to be formed in the Bar Associations very promptly. Most importantly it must function actively, regularly and impartially. Also, in the foundation training curriculum of the Judicial Administration Training Institute (JATI), the gender sensitivity issues should be discussed and imparted in both implicit and explicit ways.

Having said that, it is actually the duty of the citizens, as per Article 21(1) of the Constitution, to maintain discipline, perform public duty and observe the supreme law of the Republic. Hence, in as much as the obligation is bestowed on the government, it is also our duty to implement a legislation. Human dignity needs to be perceived, sensitised and exercised so that any man or woman can utilise their potentials beyond any gender identity and according to their merit.

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