

The Legal Regulation of Sex Work in Bangladesh: A Reference Manual

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Executive Summary

Sex work in Bangladesh occupies a unique and often misunderstood legal position. It is neither expressly legal nor expressly illegal. Instead, its regulation has developed through a combination of constitutional provisions, criminal legislation, judicial decisions, administrative practices, and police discretion. While consensual adult sex work is not prohibited by law, many of the activities surrounding it are regulated through criminal offences and administrative controls. As a result, sex workers frequently experience the law in ways that differ significantly from the formal legal framework.

This reference guide brings together the principal legal authorities governing sex work in Bangladesh in a single document. It reviews the constitutional provisions, statutory laws, court decisions, administrative regulations, and documented enforcement practices that shape the legal position of sex workers. Rather than advancing a particular policy position, it provides a clear account of the existing legal framework and how it operates in practice.

The Constitution contains an inherent tension. Article 18(2)¹ directs the State to take measures to prevent prostitution, while Article 40² guarantees every citizen the right to engage in any lawful occupation. Other constitutional guarantees, including equality before the law, personal liberty, protection from arbitrary arrest, and access to legal remedies, are equally relevant to individuals engaged in sex work. Together, these provisions create an uncertain constitutional landscape in which protective rights coexist with a constitutional commitment to preventing prostitution.

The statutory framework reflects a similar pattern. Bangladeshi law does not criminalise consensual adult sex work as an occupation. Instead, regulation occurs through offences relating to solicitation, brothel management, trafficking, public nuisance, and public order. Court decisions have recognised prostitution as a lawful occupation in limited circumstances, yet these judgments have not been followed by comprehensive legislative reform. Administrative requirements and discretionary enforcement continue to shape the everyday realities of sex workers.

Evidence from government reports, judicial decisions, and human rights organisations demonstrates that policing practices often extend beyond the written law.³ Arrests under provisions relating to suspicion or public nuisance, periodic brothel raids, and the continued use of vagrancy-related measures have all contributed to a significant gap between legal rights and lived experience.⁴ Understanding the governance of sex work therefore requires consideration of both the formal legal framework and the institutions responsible for implementing it.

This document is intended to serve as a practical reference for researchers, legal practitioners, judges, policymakers, students, and civil society organisations. It provides a structured overview of the legal framework as it stands in July 2026 and brings together the principal constitutional, legislative, judicial, and administrative materials affecting sex workers in Bangladesh.

¹ Constitution of the People's Republic of Bangladesh, art 18(2).

² *Ibid*, art 40.

³ Human Rights Watch, *Ravaging the Vulnerable: Abuses Against Persons at High Risk of HIV Infection in Bangladesh* (Human Rights Watch 2003) ch V.

⁴ *Ibid*.

This guide distinguishes between four sources of authority: constitutional provisions, legislation, judicial decisions, and administrative practice. References to administrative or policing practices are based on documented evidence from government reports, international organisations, and peer-reviewed scholarship and should not be understood as statements of statutory law unless expressly identified as such.

1.Introduction

The legal regulation of sex work in Bangladesh is characterised by ambiguity. Unlike jurisdictions that either criminalise prostitution outright or regulate it through comprehensive legislation, Bangladesh has developed a fragmented framework in which constitutional rights, criminal law, judicial interpretation, administrative regulation, and policing practices intersect. These different sources of law do not always operate consistently, creating uncertainty for both those responsible for enforcing the law and those affected by it.

Consensual adult sex work itself is not expressly prohibited under Bangladeshi law. However, a range of criminal offences regulate activities associated with prostitution, including solicitation, brothel management, trafficking, and public nuisance. Police powers relating to arrest and public order also play an important role in the governance of sex work, particularly for street-based and mobile sex workers. Police powers relating to arrest and public order also play an important role in the governance of sex work, particularly for street-based and mobile sex workers. Judicial decisions have recognised prostitution as a lawful occupation in certain circumstances, but these decisions have not resolved the broader inconsistencies within the legal framework.

The purpose of this reference guide is to present the existing legal framework in a clear and accessible format. It is not intended to argue for criminalisation, decriminalisation, or any particular model of regulation. Instead, it brings together the principal legal sources that govern sex work in Bangladesh and explains how they relate to one another.

The chapters that follow examine the constitutional framework, statutory legislation, judicial decisions, administrative regulation, police practices, institutional responsibilities, and relevant international human rights standards. Each chapter summarises the relevant legal materials and explains their significance within the wider regulatory framework.

The guide draws on the Constitution of Bangladesh,⁵ legislation, reported court decisions, government publications, parliamentary and administrative documents, reports produced by national and international organisations, and academic scholarship. Wherever possible, it distinguishes between the law as written and the law as applied in practice. This distinction is particularly important in Bangladesh, where much of the regulation of sex work occurs through administrative action and police discretion rather than through direct statutory prohibition.⁶

The legal position of sex work continues to evolve through judicial interpretation, legislative reform, and changes in administrative practice. This guide reflects the legal framework and publicly available materials as of July 2026.

2. Constitutional Framework

The Constitution of the People's Republic of Bangladesh forms the foundation of the country's legal framework and provides the starting point for understanding the regulation of sex work. Although the Constitution does not expressly define the legal status of prostitution, several of its provisions are directly relevant to the rights of sex workers and the powers of the State. Read together, these provisions create a constitutional framework that contains both protective guarantees and preventive objectives. This tension has shaped subsequent legislation, judicial interpretation, and administrative practice.

Unlike many jurisdictions where prostitution is either expressly criminalised or expressly regulated through legislation, the Constitution of Bangladesh adopts no definitive position on the legality of

⁵ n(1).

⁶ Ibid.

consensual adult sex work. Instead, constitutional rights relating to equality, liberty, occupation, and due process exist alongside a Directive Principle requiring the State to take effective measures to prevent prostitution. The result is a constitutional framework that provides neither complete recognition nor complete prohibition. This chapter reviews the principal constitutional provisions that influence the regulation of sex work and explains their legal significance.

2.1 Article 18(2): Prevention of Prostitution

Article 18 forms part of the Fundamental Principles of State Policy. Article 18(2) provides that:
*"The State shall adopt effective measures to prevent prostitution and gambling."*⁷

This provision reflects the Constitution's commitment to promoting public morality and social welfare. Unlike the fundamental rights contained elsewhere in the Constitution, the Fundamental Principles are not directly enforceable before the courts. Nevertheless, they provide important guidance for legislative development and public policy and have influenced the regulation of prostitution since independence.

Article 18(2) does not criminalise prostitution, nor does it prescribe any specific legal mechanism through which prostitution should be prevented. Instead, it establishes a constitutional objective that has informed legislative and administrative approaches to the governance of sex work. Laws addressing trafficking, brothel management, solicitation, and public order have frequently been justified as measures supporting this constitutional principle.

The absence of an explicit prohibition is significant. Although the Constitution directs the State to prevent prostitution, it does not require the criminalisation of consensual adult sex work. This distinction has allowed courts to interpret the legal position of sex workers independently of Article 18(2), particularly where fundamental rights are engaged.

⁷ *Ibid*, art 18(2).

2.2 Article 27: Equality Before Law

Article 27 provides that: *"All citizens are equal before law and are entitled to equal protection of law."*⁸

Equality before the law is one of the central guarantees within the Constitution and applies to all citizens without distinction. Individuals engaged in sex work therefore remain entitled to equal legal protection despite the social stigma associated with their occupation. In practice, Article 27 is particularly relevant where allegations arise concerning discriminatory policing, unequal access to justice, or selective enforcement of criminal laws. Although the Constitution does not provide special protections for sex workers as a distinct group, neither does it exclude them from the general guarantee of equality before the law.

The principle of equal protection also requires that public authorities exercise legal powers consistently and without arbitrary discrimination. This has important implications where police powers or administrative measures disproportionately affect sex workers.

2.3 Articles 31, 32 and 33: Protection of Law, Personal Liberty and Safeguards upon Arrest

Articles 31, 32 and 33 collectively establish the constitutional protections relating to personal liberty and due process.⁹ Article 31 guarantees that every citizen has the right to the protection of the law and to be treated in accordance with law. Article 32 provides that no person shall be deprived of life or personal liberty except in accordance with law. Article 33 establishes procedural safeguards following arrest or detention, including the right to be informed of the grounds for arrest, the right to consult a legal practitioner, and the requirement that an arrested person be produced before a magistrate within the prescribed period.

⁸ *Ibid*, art 27.

⁹ *Ibid*, art 31, 32 & 33.

These provisions are particularly significant in the context of policing practices affecting sex workers. Human rights organisations and legal scholars have documented instances in which arrests have been carried out under broad public order provisions or on the basis of suspicion, raising concerns regarding arbitrary detention and procedural fairness.¹⁰ Although these constitutional protections apply equally to sex workers, their practical implementation has often depended upon judicial oversight and the conduct of law enforcement agencies.

2.4 Article 40: Freedom of Occupation

Article 40¹¹ guarantees every citizen the right to enter any lawful profession or occupation, subject to reasonable restrictions imposed by law.

The relevance of Article 40 depends upon whether consensual adult sex work is recognised as a lawful occupation. Because Bangladeshi legislation does not expressly prohibit sex work itself, Article 40 has become an important constitutional provision in discussions concerning the legal status of prostitution. Judicial decisions recognising prostitution as a lawful occupation have relied, at least in part, on the broader constitutional protection afforded to lawful employment.

The interaction between Article 40 and Article 18(2)¹² lies at the centre of the constitutional debate surrounding sex work in Bangladesh. While one provision encourages the prevention of prostitution as a matter of State policy, the other protects the right of citizens to pursue lawful occupations. The Constitution provides no explicit mechanism for reconciling these provisions, leaving the relationship between them to be interpreted through legislation and judicial decision-making.

¹⁰ See eg Human Rights Watch, *Ravaging the Vulnerable: Abuses Against Persons at High Risk of HIV Infection in Bangladesh* (Human Rights Watch, 19 August 2003) ch V, 'Arbitrary Arrests'.

¹¹ n(1), art 40.

¹² *Ibid*, art 18(2).

2.5 Constitutional Position

Taken together, these constitutional provisions establish a framework that is neither wholly permissive nor wholly prohibitive. Fundamental rights guarantee equality, liberty, due process, and freedom of occupation, while the Directive Principles encourage the State to prevent prostitution. Rather than resolving this tension, the Constitution leaves considerable scope for legislative interpretation and judicial development.

This constitutional ambiguity has shaped every subsequent stage of the regulation of sex work in Bangladesh. The statutory framework, administrative practices, and court decisions examined in the following chapters all reflect attempts to reconcile these competing constitutional principles.

3.Legislative Framework

The statutory regulation of sex work in Bangladesh has developed over several decades through legislation addressing criminal law, public order, trafficking, and criminal procedure. Unlike jurisdictions that regulate prostitution through a single legislative framework, Bangladesh relies on a number of separate statutes that govern different aspects of commercial sexual activity. Collectively, these laws form a fragmented legal framework in which consensual adult sex work is not expressly prohibited, but a range of related activities are subject to criminal or administrative regulation.

The absence of a single comprehensive law means that the legal position of sex workers cannot be understood by reference to one statute alone. Instead, the applicable legal framework must be considered as a whole, taking account of criminal offences, police powers, trafficking legislation, and judicial interpretation. The following sections summarise the principal statutes relevant to the regulation of sex work in Bangladesh.

3.1 The Penal Code, 1860

The Penal Code 1860 remains the principal criminal code in Bangladesh and creates offences relating to public order, violence, exploitation, and sexual offences.¹³ Importantly, the Code does not contain a general offence criminalising consensual adult prostitution. A person does not commit an offence merely by engaging in consensual adult sex work.

Although the Penal Code does not prohibit prostitution itself, several of its provisions may become relevant depending on the surrounding circumstances. Public nuisance offences, offences involving coercion or exploitation, and offences relating to minors or non-consensual sexual conduct may all arise where the facts extend beyond consensual adult commercial sex. These provisions regulate conduct associated with prostitution rather than the occupation itself.

One provision frequently discussed in the literature is section 290, which creates an offence of public nuisance where no specific punishment is otherwise provided.¹⁴ The section does not refer to prostitution or sex work. Its relevance depends upon whether particular conduct is found to constitute a public nuisance within the meaning of the law. As a result, section 290 has occasionally been invoked alongside other public order legislation, but it should not be understood as a statutory prohibition on sex work itself.

The Penal Code also contains offences addressing trafficking, unlawful confinement, assault, intimidation, and other forms of violence. These provisions are capable of protecting individuals engaged in sex work where they become victims of criminal conduct. Accordingly, the Penal Code functions not only as a mechanism of regulation but also as an important source of legal protection.

3.2 Code of Criminal Procedure, 1898

¹³ Penal Code 1860 (Act XLV of 1860).

¹⁴ *Ibid*, s290.

The Code of Criminal Procedure 1898 establishes the procedural framework governing criminal investigations, arrest, detention, bail, and trial.¹⁵ While the Code does not regulate prostitution directly, it determines the legal powers available to police officers when investigating alleged criminal offences.

Historically, particular attention has been given to police powers permitting arrest without warrant in specified circumstances. These provisions have attracted sustained judicial and academic scrutiny because of concerns regarding arbitrary arrest and the broad discretion available to law enforcement officers. The procedural safeguards contained in the Code must therefore be read together with the constitutional protections contained in Articles 31, 32, and 33 of the Constitution.¹⁶

The Code does not create offences relating to prostitution. Its significance lies in the procedural powers that govern how criminal laws are enforced. Questions concerning the legality of arrests, detention, bail, and judicial oversight are therefore primarily matters of criminal procedure rather than substantive criminal law.

3.3 The Dhaka Metropolitan Police Ordinance, 1976

The Dhaka Metropolitan Police Ordinance 1976 (often referred by the stakeholders as “Pach Ani Act”) provides the legal framework governing policing within the Dhaka Metropolitan Area.¹⁷ Unlike the Penal Code, the Ordinance contains an express offence relating to prostitution.

Section 74 makes it an offence for a person, in a street or public place, or within sight or hearing of a public place, to attract attention for the purposes of prostitution through words, gestures, or indecent exposure, or to solicit or molest another person for the purposes of prostitution.¹⁸ The offence is punishable by imprisonment for a term of up to three months, a fine, or both.

¹⁵ *Code of Criminal Procedure 1898* (Act V of 1898).

¹⁶ n(1) art 31, 32, 33.

¹⁷ *Dhaka Metropolitan Police Ordinance 1976* (Ordinance No III of 1976).

¹⁸ *Ibid* s74.

The wording of section 74 is significant because it criminalises public solicitation rather than prostitution itself. The offence is directed at conduct occurring in public places and does not establish a general prohibition on consensual adult sex work. Consequently, an important distinction exists between engaging in sex work and publicly soliciting clients in circumstances falling within the scope of the Ordinance.

The Ordinance also grants police officers powers of arrest and enforcement in relation to offences created under the legislation. These powers have practical significance because many interactions between sex workers and law enforcement occur through public order policing rather than prosecution for prostitution itself.¹⁹

Although the Ordinance applies only within the Dhaka Metropolitan Area, its provisions have had considerable practical influence because of the concentration of street-based sex work and policing activity within the capital.

3.4 The Vagrancy Act, 1943

The Vagrancy Act 1943 was enacted during the colonial period to provide for the detention, care, and rehabilitation of persons classified as vagrants²⁰. The Act defines the circumstances in which an individual may be treated as a vagrant and establishes procedures for detention and placement in vagrancy homes.

The Act does not refer expressly to prostitution or sex work. Nor does it create an offence of engaging in prostitution. Its provisions are directed towards persons falling within the statutory definition of a vagrant rather than any particular occupation.

Despite the absence of any express reference to sex work, the Act has attracted attention in discussions concerning prostitution because human rights organisations and legal scholars have

¹⁹ n(3).

²⁰ *Vagrancy Act 1943* (Bengal Act VII of 1943).

documented instances in which women engaged in street-based sex work were detained under the Act or similar public order measures.²¹ This distinction is important. The relationship between the Vagrancy Act and sex work arises primarily through patterns of enforcement rather than through the wording of the legislation itself.²²

3.5 Human Trafficking and Migrant Smuggling Prevention and Suppression Act, 2026

The Human Trafficking and Migrant Smuggling Prevention and Suppression Act 2026 is the principal legislation governing trafficking in persons and migrant smuggling in Bangladesh.²³ It replaced the earlier Prevention and Suppression of Human Trafficking Act 2012 and introduced a revised statutory framework intended to strengthen victim protection, improve investigative procedures, and enhance the prosecution of trafficking offences.²⁴

The Act addresses trafficking, exploitation, forced labour, sexual exploitation, and migrant smuggling. Its primary purpose is to prevent organised exploitation and protect victims of trafficking rather than to regulate consensual adult sex work.

The distinction between trafficking and consensual adult prostitution is legally significant. Trafficking offences require elements of coercion, deception, abuse of vulnerability, or other forms of unlawful exploitation. Consensual adult sex work does not, by itself, satisfy these elements. Maintaining this distinction is essential to ensuring that trafficking legislation is directed towards exploitation rather than the consensual activities of adults.

In practice, however, trafficking and prostitution are often discussed together in public policy and law enforcement. This has contributed to confusion regarding the legal status of consensual adult sex work. While trafficking legislation undoubtedly applies where exploitation is present, it should not be treated as creating a general criminal prohibition on prostitution.

²¹ T Islam, 'RIGHTS-BANGLADESH: From Prostitution to Destitution' *Inter Press Service* (1999).

²² *Ibid.*

²³ Human Trafficking and Migrant Smuggling Prevention and Suppression Act 2026.

²⁴ *Prevention and Suppression of Human Trafficking Act 2012* (Act No 3 of 2012) (Bangladesh).

3.6 Historical Legislative Context

The statutory framework governing sex work has also been shaped by earlier legislation enacted during the colonial period, including the Suppression of Immoral Traffic Act 1933.²⁵ Although later legislation and constitutional developments have altered the legal landscape, these earlier enactments influenced the development of public order regulation and the administrative approaches adopted after independence.

Understanding this legislative history helps explain why the contemporary legal framework appears fragmented. Rather than replacing earlier approaches with a single comprehensive statute, successive governments have introduced additional legislation addressing specific issues such as trafficking, policing, and criminal procedure. The result is a legal framework in which regulation is dispersed across multiple statutes enacted for different purposes.

3.7 Summary of the Legislative Framework

The statutory framework governing sex work in Bangladesh does not establish a comprehensive legal regime for consensual adult prostitution. Instead, it regulates different aspects of commercial sexual activity through a combination of criminal law, police legislation, trafficking law, and procedural rules.

Read together, these statutes demonstrate that sex work is governed indirectly. The law focuses primarily on public solicitation, trafficking, exploitation, public order, and criminal procedure rather than on prostitution as an occupation. This fragmented legislative framework provides the context for the judicial developments examined in the following chapter.

²⁵ *Suppression of Immoral Traffic Act 1933* (Act No VI of 1933).

4. Judicial Interpretation and Development of the Law

While legislation provides the statutory framework governing sex work in Bangladesh, the judiciary has played a central role in defining its practical legal status. In the absence of comprehensive legislation regulating consensual adult prostitution, the courts have been required to reconcile constitutional guarantees with laws directed towards public order, trafficking, and morality. As a result, judicial interpretation has become one of the most significant sources of law in this area.

The courts have not approached sex work as an isolated legal issue. Instead, cases have generally arisen in the context of forced evictions, arbitrary detention, constitutional rights, and the exercise of administrative powers. Consequently, the case law focuses less on whether prostitution is morally acceptable and more on whether public authorities have acted within the limits imposed by the Constitution and ordinary law.

4.1 The Role of the Judiciary

Unlike many areas of Bangladeshi law, the legal regulation of sex work has developed incrementally through constitutional litigation rather than comprehensive legislative reform. The absence of a single statutory framework has required the courts to determine how existing constitutional guarantees apply to individuals engaged in sex work.

Judicial intervention has been particularly important where executive or administrative action has affected sex workers' liberty, livelihood, or access to legal protection. In these cases, the courts have consistently examined whether public authorities acted in accordance with the Constitution and the relevant legislation rather than deciding broader questions concerning the morality of prostitution. This approach reflects the judiciary's constitutional role of reviewing the legality of state action while leaving broader policy choices to Parliament.

4.2 Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others

The leading authority on the legal status of sex work in Bangladesh is the High Court Division's decision in *Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others*, decided in 2000.²⁶ The case arose following the closure of the Tanbazar and Nimtoli brothels in Narayanganj during 1999, when government authorities removed hundreds of women from the brothels and detained many of them in government vagrancy homes.

Several human rights organisations challenged both the evictions and the detention of the women, arguing that the actions had been taken without lawful authority and in violation of the Constitution. The petitioners contended that the women had been deprived of their liberty and livelihood without due process and that the Vagrancy Act 1943 provided no legal basis for their detention.²⁷

The Government argued that prostitution was contrary to Article 18(2) of the Constitution and that the measures formed part of its constitutional responsibility to prevent prostitution.²⁸ It further maintained that many of the women were properly detained as vagrants.

After considering the constitutional framework and the applicable legislation, the High Court concluded that the Government's actions could not be sustained in law. The Court observed that prostitution, although discouraged as a matter of public policy, had not been expressly prohibited by any statute. In the absence of such a prohibition, the Government could not deprive adult women of their livelihood or liberty without lawful authority. The Court further held that the detention of the women under the Vagrancy Act was unlawful because they did not fall within the statutory definition of "vagrants" contained in the legislation.

²⁶ *Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others* 53 DLR (HCD) 1.

²⁷ n(15).

²⁸ n(1) art 18(2).

The judgment drew extensively upon Articles 27, 31, 32, and 43 of the Constitution.²⁹ The Court emphasised that sex workers remained citizens entitled to the equal protection of the law and could not be deprived of their liberty or property except in accordance with law. It also recognised that the right to livelihood formed part of the broader constitutional protection afforded to life and personal liberty. While acknowledging the constitutional objective contained in Article 18(2), the Court distinguished between a Directive Principle guiding state policy and enforceable fundamental rights capable of judicial protection.

The decision is frequently described as having "legalised prostitution." This characterisation is imprecise. The Court did not create a statutory right to engage in prostitution, nor did it invalidate existing criminal legislation. Rather, it held that because consensual adult prostitution was not expressly prohibited by law, executive authorities could not rely upon general administrative powers to evict or detain sex workers outside the limits established by legislation. The significance of the judgment therefore lies in its affirmation of constitutional protections rather than in any declaration that prostitution enjoys a special legal status.

The decision remains the leading judicial authority on the constitutional rights of sex workers in Bangladesh and continues to inform discussions concerning eviction, detention, and administrative regulation.

4.3 Brothel Evictions and the Protection of Livelihood

The BSEHR decision established broader principles that have influenced subsequent litigation concerning brothel closures and the displacement of sex workers.³⁰ Later disputes have generally focused on whether local authorities may evict sex workers without lawful authority or adequate procedural safeguards.

²⁹ n(1) art 27, 21, 32 & 43.

³⁰ n(20).

The courts have repeatedly recognised that administrative action affecting brothels must comply with constitutional guarantees of due process and the rule of law. Even where authorities pursue objectives relating to public order or morality, those objectives must be implemented through lawful procedures. Administrative convenience or public pressure cannot, by themselves, justify the deprivation of constitutional rights.

Subsequent litigation concerning brothel evictions, including disputes involving the Kandapara brothel in Tangail, has reinforced the principle that government authorities must act within the limits imposed by law and that rehabilitation measures cannot be imposed arbitrarily or without regard to the rights of those affected.

4.4 Judicial Interpretation of Constitutional Rights

The case law demonstrates that the courts have interpreted several constitutional provisions as directly relevant to the regulation of sex work.

Article 27 guarantees equality before the law and equal protection of the law.³¹ The courts have consistently treated sex workers as citizens entitled to these protections despite the social stigma attached to their occupation.

Articles 31 and 32 have been interpreted as protecting individuals from arbitrary executive action affecting liberty and livelihood.³² In the context of sex work, these provisions have required that arrests, detention, and eviction occur only where authorised by law and carried out in accordance with due process.

Article 43, which protects the privacy of the home and property against unlawful entry, has also assumed particular significance in cases involving brothel raids and forced evictions.³³ The High

³¹ n(1) art 27.

³² n(1) art 31, 32.

³³ n(1).

Court recognised that constitutional protections relating to privacy and security of the home extend to sex workers in the same manner as to other citizens.

The courts have approached Article 18(2) differently.³⁴ Rather than treating it as an independent source of executive power, judicial decisions have recognised that the provision forms part of the Fundamental Principles of State Policy and therefore guides legislative policy without displacing enforceable fundamental rights. This interpretation has allowed the judiciary to acknowledge the constitutional objective of preventing prostitution while maintaining judicial oversight of executive action.

4. 5 The Current Judicial Position

The present judicial position may be summarised in several propositions. First, consensual adult prostitution is not expressly prohibited by Bangladeshi law. The absence of a statutory prohibition means that courts cannot assume the occupation to be unlawful merely because Article 18(2) encourages the State to prevent prostitution.

Secondly, sex workers remain entitled to the protection of the Constitution. Their occupation does not deprive them of the guarantees of equality before the law, personal liberty, due process, or judicial protection.

Thirdly, executive authorities may regulate activities associated with prostitution where authorised by legislation, including offences relating to public solicitation, trafficking, or public order. However, those powers must be exercised within the limits established by statute and remain subject to judicial review.

Finally, the courts have consistently distinguished between consensual adult sex work and conduct involving coercion, trafficking, or the exploitation of children. While the former raises questions

³⁴ n(1) art 18(2).

concerning constitutional rights and administrative regulation, the latter attracts the full operation of the criminal law.

Taken together, these principles illustrate that judicial interpretation has not displaced the statutory framework examined in the previous chapter. Rather, it has clarified the constitutional limits within which that framework must operate and confirmed that executive action affecting sex workers remains subject to the ordinary requirements of legality, procedural fairness, and judicial oversight.

5. Administrative Regulation of Sex Work

While the constitutional framework, legislation, and judicial decisions establish the formal legal position of sex work in Bangladesh, they do not fully explain how the system operates in practice. Much of the day-to-day regulation of sex work occurs through administrative practice rather than through comprehensive legislation. This includes the involvement of local government authorities, executive officials, police, public health agencies, and civil society organisations, each of whom exercises different responsibilities within a fragmented regulatory environment.

Unlike jurisdictions that have enacted licensing systems or specialised prostitution legislation, Bangladesh has no single statutory framework governing the administration of consensual adult sex work. Instead, administrative practices have developed over time in response to judicial decisions, public health priorities, anti-trafficking initiatives, and local governance arrangements. These practices often operate alongside the formal legal framework without being expressly prescribed by legislation.

For this reason, Bangladesh is frequently described in academic literature as operating a quasi-legal model. The term reflects the fact that consensual adult sex work is neither comprehensively legalised nor comprehensively criminalised. Instead, its regulation depends upon the interaction of constitutional rights, statutory provisions, judicial oversight, and administrative practice.

5.1 Administrative Government

In the absence of a dedicated regulatory authority, the administration of sex work is dispersed across several institutions. Local administrative authorities, law enforcement agencies, magistrates, public health officials, and social welfare agencies each perform functions that influence the operation of sex work within their respective jurisdictions.

This decentralised approach means that administrative practices are not always uniform throughout the country. Local circumstances, government priorities, judicial intervention, and the presence of civil society organisations may all influence how the regulatory framework operates in practice. Consequently, administrative arrangements observed in one district may differ from those adopted elsewhere.

This fragmented system reflects the broader structure of Bangladeshi law. Rather than establishing a comprehensive regulatory regime through legislation, successive governments have relied upon existing administrative institutions to address issues relating to public order, health, trafficking prevention, and social welfare.

5.2 Administrative Documentation and Age Verification

One of the distinguishing features of Bangladesh's administrative approach has been the development of procedures intended to verify that individuals entering sex work are adults acting voluntarily. These procedures have been documented extensively in academic literature and by organisations working with brothel communities.

Historically, women seeking to work within long-established brothel communities have commonly been required, as a matter of administrative practice, to execute an affidavit before a magistrate declaring that they are adults and are entering sex work voluntarily. Although widely documented, this practice developed administratively rather than through a comprehensive statutory registration system.

The primary purpose of these procedures has been to distinguish consensual adult sex work from trafficking, coercion, and the commercial sexual exploitation of children. Administrative

documentation has also provided local authorities with a practical mechanism for establishing age where formal identity documents may be unavailable or incomplete.

Because these procedures are administrative rather than legislative, their implementation has not always been consistent across the country. The available evidence indicates that practices have varied over time and between localities, reflecting differences in local administration rather than the operation of a uniform national policy.

5.3 Administration of Long-Established Brothel Communities

Bangladesh contains several long-established brothel communities that have operated for many years. Their continued existence reflects historical patterns of administrative tolerance and judicial oversight rather than the existence of a formal statutory licensing system.

No legislation expressly establishes a licensing regime for brothels. Instead, these communities have continued to operate within the broader legal framework, subject to the ordinary application of criminal law, public order legislation, judicial decisions, and administrative practice.

The administration of brothel communities frequently involves cooperation between local authorities, public health agencies, law enforcement officials, and non-governmental organisations. Administrative issues may include sanitation, access to healthcare, public health programmes, infrastructure, and community welfare. These matters are generally managed through existing government institutions rather than through legislation specifically regulating sex work. The absence of formal statutory recognition should not be interpreted as rendering these communities unlawful. Equally, their continued operation should not be understood as evidence of comprehensive legal recognition. Rather, they exist within a regulatory environment characterised by constitutional protections, judicial oversight, and administrative accommodation.

5.4 Public Health Administration

Public health has become one of the most significant aspects of the administrative regulation of sex work in Bangladesh. Government agencies have worked alongside international organisations and civil society groups to provide HIV prevention programmes, sexual and reproductive healthcare, treatment for sexually transmitted infections, and broader health services within brothel communities and among other populations engaged in sex work.

These initiatives are administered primarily through public health institutions rather than the criminal justice system. Their development reflects an increasing recognition that access to healthcare forms an important component of public health policy irrespective of an individual's occupation.

Health programmes have also facilitated outreach, education, voluntary testing, and the distribution of preventative health resources. While participation in these programmes does not confer any particular legal status, they represent an important aspect of the broader administrative framework surrounding sex work.

5.5 The Role of Civil Society Organisations

Civil society organisations have become important participants in the governance of sex work in Bangladesh. Although they exercise no regulatory authority, they frequently work alongside government institutions to provide services that complement public administration.

Many organisations provide legal assistance, healthcare, education, vocational training, child protection services, and advocacy on behalf of sex workers. Others assist individuals in obtaining identity documents, accessing government services, or securing legal representation during judicial proceedings.

Civil society organisations have also played an important role in strategic litigation concerning unlawful detention, forced eviction, discrimination, and constitutional rights. Their work has contributed significantly to the development of the legal protections discussed in the previous chapter.

After the eviction of the Kandupatti and Tanbazar brothel in 1997, the feminist movement around sex work sped up. The civil society formed the network of 33 community based organizations, the Sex Workers Network. Mobilization of legal resources translated into judicial recognition and stopped eviction at that time.

5.6 Administrative Challenges

The reliance upon administrative practice rather than comprehensive legislation has created several continuing challenges. First, the absence of a single statutory regulatory framework has resulted in considerable variation between different localities. Administrative practices concerning documentation, service delivery, and local oversight are not always applied consistently.

Secondly, responsibility for different aspects of administration is dispersed among multiple institutions with overlapping functions. This can create uncertainty regarding the respective responsibilities of administrative authorities, law enforcement agencies, public health institutions, and social welfare bodies.

Finally, the limited formalisation of administrative procedures means that many aspects of regulation depend upon local practice rather than nationally prescribed legal standards. While this flexibility has enabled authorities to respond to local circumstances, it has also contributed to inconsistency and legal uncertainty.

5.7 Summary

The administrative regulation of sex work in Bangladesh illustrates the distinctive nature of the country's broader legal framework. Rather than relying upon comprehensive legislation or a formal licensing regime, administrative governance has developed through a combination of local practice, public health initiatives, judicial oversight, and cooperation between government institutions and civil society organisations.

This administrative framework does not replace the constitutional and legislative rules examined in the preceding chapters. Instead, it provides the practical mechanisms through which those legal principles are implemented in everyday life. Understanding these administrative arrangements is therefore essential to understanding how the legal framework functions beyond the text of legislation and judicial decisions.

6. Police Practices and Law Enforcement

The effectiveness of any legal framework depends not only on the content of legislation but also on the manner in which it is enforced. In Bangladesh, police officers occupy a central position in the practical regulation of sex work because they are responsible for maintaining public order, investigating criminal offences, preventing trafficking, and enforcing the statutory provisions discussed in Chapter 3. Consequently, the everyday experiences of many sex workers are shaped as much by policing practices as by the formal legal framework.

It is important to distinguish between the legal powers granted to the police and the manner in which those powers are exercised in practice. The law authorises police officers to investigate criminal offences, prevent trafficking, and enforce public order legislation. At the same time, research undertaken by international organisations, human rights bodies, and academic researchers has documented concerns regarding inconsistent enforcement, barriers to justice, and the exercise of police discretion. These issues do not arise from the legislation itself but from the practical realities of enforcement.

6.1 Police Powers under the Law

Police powers relating to sex work derive from the ordinary criminal law rather than from legislation specifically regulating prostitution. Officers are responsible for investigating offences under the Penal Code 1860, enforcing public order legislation such as the Dhaka Metropolitan Police Ordinance 1976, implementing trafficking legislation, and exercising powers of arrest in accordance with the Code of Criminal Procedure 1898.³⁵

Within the Dhaka Metropolitan Area, section 74 of the Dhaka Metropolitan Police Ordinance creates an offence of public solicitation for the purposes of prostitution. The provision authorises police intervention where conduct falls within its terms, but it does not criminalise consensual adult sex work generally. Consequently, police authority is directed towards specific forms of conduct rather than prostitution as an occupation.

Police officers also play an important role in identifying victims of trafficking, investigating organised criminal activity, and protecting children from commercial sexual exploitation. These responsibilities have assumed greater importance following the enactment of the Human Trafficking and Migrant Smuggling Prevention and Suppression Act 2026, which strengthened Bangladesh's legal framework for combating trafficking and improving victim protection.³⁶

The exercise of police powers remains subject to constitutional safeguards. Arrest, detention, search, and investigation must comply with the Constitution, the Code of Criminal Procedure, and the principles of legality affirmed by the High Court. As discussed in Chapter 4, executive action affecting sex workers remains subject to judicial review where constitutional rights are engaged.

6.2 Enforcement in Practice

³⁵ n(10,12 & 14).

³⁶ n(17).

While the legal powers available to police officers are defined by legislation, their practical application has received considerable attention from researchers and human rights organisations. Studies consistently indicate that policing practices vary according to locality, the form of sex work involved, and the particular circumstances of each case. Brothel-based sex workers, street-based sex workers, and individuals working independently may experience different forms of interaction with law enforcement agencies. Similarly, policing practices may differ between metropolitan areas and other parts of the country.

Research has also shown that much police interaction with sex workers occurs through the enforcement of public order legislation, responses to community complaints, or anti-trafficking operations rather than through the prosecution of prostitution itself.³⁷ This reflects the fragmented nature of Bangladesh's legal framework, in which prostitution is not expressly prohibited but a range of related activities are regulated through separate statutes.

The available evidence therefore suggests that police discretion plays a significant role in determining how the legal framework operates in practice.³⁸

6.3 Brothel Raids and Evictions

Police have historically participated in operations involving brothel closures, raids, and the implementation of administrative decisions affecting brothel communities. These operations have generally been undertaken in cooperation with local administrative authorities rather than as isolated law enforcement initiatives.

The constitutional limits of such operations were clarified by the High Court in *Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others*. The Court held that executive authorities could not lawfully evict or detain adult sex

³⁷ n(3).

³⁸ Ibid.

workers without legal authority and emphasised that constitutional protections continue to apply irrespective of occupation.³⁹

The judgment established that police participation in administrative operations must remain consistent with constitutional guarantees and applicable legislation. While police retain authority to investigate criminal offences, trafficking, and child exploitation, broader administrative measures affecting adult sex workers remain subject to judicial scrutiny.

6.4 Arrest, Detention, and Police Discretion

The Code of Criminal Procedure establishes the legal framework governing arrest and detention in Bangladesh. These procedural safeguards apply equally to individuals engaged in sex work and require that police powers be exercised within the limits prescribed by law.

Despite these legal protections, several human rights organisations have documented concerns regarding the practical exercise of police discretion. Human Rights Watch, in its 2003 report *Ravaging the Vulnerable*, documented allegations of arbitrary arrest, extortion, physical violence, and other forms of abuse affecting individuals considered to be at increased risk of HIV infection, including sex workers.⁴⁰ The report concluded that these practices created barriers to healthcare and undermined confidence in law enforcement. Because the report reflects research conducted in the early 2000s, its findings should be understood within their historical context rather than as a definitive account of present-day policing.

More recent international reporting has continued to identify concerns regarding stigma, discrimination, and unequal access to justice, although contemporary sources generally place greater emphasis on structural barriers than on documenting specific patterns of police misconduct. Taken together, these reports suggest that the exercise of police discretion remains an important

³⁹ n(20).

⁴⁰ n(3).

factor shaping the lived experiences of sex workers, even where the underlying legal framework provides constitutional protections.

6.5 Access to Justice

Access to justice represents one of the principal challenges identified in research concerning sex workers in Bangladesh. Although individuals engaged in sex work retain the same legal rights as other citizens, practical barriers may discourage the reporting of crime or limit effective access to legal remedies.

International organisations have observed that stigma, fear of discrimination, and concerns regarding interactions with law enforcement may discourage some sex workers from reporting offences committed against them. These barriers may affect investigations into violence, theft, exploitation, or trafficking and can reduce confidence in the criminal justice system.⁴¹

Civil society organisations have sought to address these challenges by providing legal assistance, supporting strategic litigation, and facilitating access to government institutions. Their work has contributed to increased awareness of constitutional rights and has assisted individuals in pursuing legal remedies where violations occur.

6.6 Continuing Challenges

The evidence reviewed for this chapter indicates that the principal challenges associated with policing do not arise from a single legislative provision but from the broader operation of a fragmented legal framework. Police officers are required to enforce legislation relating to public order, trafficking, child protection, and criminal investigation while operating within a legal

⁴¹ MD Parvez Sattar, 'Prostitution, Law and Human Rights in the Asia-Pacific: A Critical Review of the Legal and Policy Frameworks with an Illustrative Case Study of Bangladesh' (2021) *Commonwealth Law Review Journal*.

environment that contains no comprehensive statutory framework governing consensual adult sex work.

This complexity inevitably requires the exercise of discretion. While discretion is an ordinary feature of policing, researchers have noted that inconsistent enforcement can contribute to legal uncertainty and uneven access to justice.⁴² International organisations have similarly emphasised that reducing stigma, improving access to legal remedies, and strengthening procedural safeguards remain important components of an effective rights-based approach to law enforcement.

At the same time, it is important to recognise that policing also performs essential protective functions. Police officers play a critical role in investigating trafficking offences, safeguarding children from sexual exploitation, responding to violence, and enforcing the criminal law. Any assessment of law enforcement must therefore acknowledge both the protective responsibilities assigned to the police and the practical challenges documented in independent research. Legal experts underwent extended training on legal mechanisms to ensure effective performance free from personal and political biases.

6.7 Summary

Police practices occupy a central position within the regulation of sex work in Bangladesh because they determine how constitutional protections and statutory provisions are implemented in everyday life. The legal framework grants police officers significant powers to investigate crime, maintain public order, and combat trafficking, while simultaneously requiring that those powers be exercised in accordance with constitutional safeguards and judicial oversight.

The available evidence demonstrates that policing is shaped not only by legislation but also by the exercise of discretion, local administrative practice, and broader social attitudes. Understanding these practical dimensions is essential to understanding the operation of Bangladesh's quasi-legal

⁴² Ibid.

model of regulating sex work. The following chapter therefore examines the institutions responsible for developing, implementing, and overseeing this broader regulatory framework.

7. Institutional Framework

The regulation of sex work in Bangladesh is characterised by institutional fragmentation rather than centralised administration. No single ministry, government agency, or statutory body is responsible for regulating consensual adult sex work. Instead, responsibility is distributed across a range of constitutional institutions and public authorities, each exercising functions within its own legal mandate.

This institutional structure reflects the broader quasi-legal framework examined throughout this guide. Parliament establishes the legislative framework, the judiciary interprets and applies the law, law enforcement agencies investigate criminal offences, government ministries administer policies relating to public safety, health, and social welfare, while independent institutions and civil society organisations contribute to rights protection and service delivery. Understanding these respective roles is essential to appreciating how the legal framework operates in practice.

7.1 Parliament

Parliament is the supreme legislative authority responsible for enacting, amending, and repealing legislation relevant to the regulation of sex work. Although Bangladesh has not enacted a comprehensive statute governing consensual adult prostitution, Parliament has adopted legislation regulating trafficking, child protection, criminal offences, criminal procedure, public order, and related matters.

Recent legislative reforms addressing trafficking demonstrate Parliament's continuing role in developing the statutory framework while leaving many aspects of consensual adult sex work to be governed through existing constitutional, criminal, and administrative law. Accordingly,

Parliament determines the legal framework within which all other institutions exercise their respective functions.

7.2 The Judiciary

The judiciary provides constitutional oversight of the legal framework through the interpretation of legislation and the exercise of judicial review. As discussed in Chapter 4, the courts have clarified that executive authorities must exercise their powers consistently with constitutional guarantees, including equality before the law, protection of the law, and personal liberty. Judicial decisions have therefore played an important role in defining the legal limits of administrative action affecting sex workers, particularly in relation to eviction, detention, and due process.

The courts do not regulate sex work as a matter of policy. Rather, their function is to ensure that legislation and executive action remain consistent with the Constitution and the rule of law.

7.3 The Ministry of Home Affairs

The Ministry of Home Affairs is the principal government ministry responsible for internal security, public order, and law enforcement. It exercises administrative oversight of the Bangladesh Police and other agencies responsible for maintaining public safety and enforcing the criminal law. Recent government reforms have also strengthened its coordinating role through national and district law and order committees, which bring together administrative authorities and law enforcement agencies to address crime, including trafficking in women and children.

In the context of sex work, the Ministry's responsibilities arise primarily through the enforcement of criminal legislation, public order laws, and anti-trafficking measures. Its role is therefore concerned with criminal justice and public security rather than the regulation of consensual adult sex work as an occupation.

7.4 The Ministry of Women and Children Affairs

The Ministry of Women and Children Affairs is responsible for developing national policy relating to the rights, welfare, and protection of women and children. Its work includes programmes addressing violence against women, child protection, gender equality, and institutional support for vulnerable groups. The Ministry oversees several specialised bodies, including the Department of Women Affairs, Joyeeta Foundation, Bangladesh Shishu Academy, and the Directorate of DNA Laboratory Management.

Rather than regulating sex work directly, the Ministry contributes to areas that intersect with the broader legal framework, particularly where trafficking, violence, exploitation, or the protection of women and children are concerned. Current government initiatives also demonstrate that these responsibilities are implemented through coordinated action involving multiple ministries and agencies rather than by the Ministry acting alone.

7.5 Law Enforcement Agencies

The Bangladesh Police are responsible for investigating criminal offences, enforcing public order legislation, implementing anti-trafficking laws, and protecting victims of crime. Their authority derives from legislation discussed in Chapters 3 and 6 rather than from any specialised law regulating prostitution.

Police responsibilities therefore extend to offences associated with trafficking, child sexual exploitation, violence, organised crime, and public order. Where police action affects constitutional rights, the exercise of these powers remains subject to judicial review.

The police should therefore be understood as enforcing the general criminal law rather than acting as a dedicated regulator of sex work.

7.6 Human Rights and Social Protection Institutions

Independent oversight is provided through institutions responsible for promoting and protecting human rights. The National Human Rights Commission may receive complaints, investigate alleged human rights violations within its statutory mandate, and make recommendations concerning compliance with constitutional and human rights standards.

Alongside these oversight mechanisms, social protection functions are undertaken by other government bodies. The Department of Social Services, operating under the Ministry of Social Welfare, administers programmes relating to child protection, rehabilitation, legal support, and social reintegration for vulnerable groups. While these responsibilities may intersect with issues arising from trafficking or child exploitation, the available official documentation does not identify the Department as the primary regulator of adult consensual sex work.

7.7 Civil Society and International Organisations

Civil society organisations play an important complementary role within Bangladesh's institutional framework. Although they possess no regulatory authority, they frequently cooperate with government institutions in the provision of legal aid, healthcare, HIV prevention programmes, education, vocational training, and advocacy.

International organisations similarly contribute through technical assistance, research, capacity-building, and programme implementation. Their work is generally undertaken in partnership with government ministries rather than as a substitute for state regulation. This collaborative model reflects Bangladesh's broader approach to addressing trafficking, gender-based violence, public health, and social protection through multi-sector cooperation.

7.8 Institutional Coordination

Perhaps the defining feature of Bangladesh's institutional framework is the absence of a single coordinating authority responsible for every aspect of sex work regulation. Instead, different institutions exercise responsibilities according to their respective legal mandates.

This distribution of responsibility allows specialised expertise to be applied to different aspects of the legal framework. Parliament develops legislation, the judiciary safeguards constitutional rights, the Ministry of Home Affairs coordinates law enforcement, the Ministry of Women and Children Affairs develops policies concerning women and children, police investigate criminal offences, and social welfare and public health institutions provide support services. Independent oversight bodies and civil society organisations contribute additional mechanisms for accountability and service delivery.

At the same time, this decentralised model creates practical challenges. Coordination between institutions is essential because issues relating to trafficking, violence, health, child protection, and constitutional rights frequently overlap. Recent government initiatives establishing multi-agency coordination mechanisms illustrate an increasing emphasis on institutional cooperation rather than reliance upon a single regulator.

7.9 Summary

The institutional framework governing sex work in Bangladesh is best understood as a network of complementary institutions rather than a single regulatory system. Responsibility is shared among Parliament, the judiciary, government ministries, law enforcement agencies, human rights institutions, public health bodies, and civil society organisations, each operating within its own statutory or constitutional mandate.

This institutional arrangement reflects the broader characteristics of Bangladesh's quasi-legal approach. Instead of establishing a dedicated regulatory authority, the State has integrated issues relating to sex work into existing systems of constitutional governance, criminal justice, public administration, public health, and social protection. Understanding these institutional relationships

provides the foundation for examining Bangladesh's obligations under international human rights law in the following chapter.

8. International Human Rights Framework

International human rights law forms an important part of the broader legal framework governing sex work in Bangladesh. Although the regulation of prostitution remains primarily a matter of domestic law, Bangladesh is bound by a number of international treaties that establish obligations relating to equality, liberty, health, protection from violence, and the prevention of trafficking. These obligations provide an important normative framework within which domestic legislation and administrative practice operate.

It is important to distinguish between international human rights obligations concerning consensual adult sex work and those concerning trafficking and the sexual exploitation of children. The principal human rights treaties do not prescribe a single legal model for regulating consensual adult prostitution. Instead, they require States to protect the fundamental rights of all individuals while taking effective measures to prevent trafficking, coercion, exploitation, and child sexual abuse. Consequently, Bangladesh retains discretion in determining its domestic legal framework, provided that it fulfils its international human rights obligations.

8.1 Bangladesh's International Human Rights Commitments

Bangladesh is a party to the principal international human rights treaties relevant to the regulation of sex work, including the International Covenant on Civil and Political Rights (ICCPR)⁴³, the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁴⁴ the Convention on

⁴³ *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

⁴⁴ *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

the Elimination of All Forms of Discrimination against Women (CEDAW),⁴⁵ and the Convention on the Rights of the Child (CRC)⁴⁶. Bangladesh is also a party to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol).⁴⁷

Together, these instruments establish obligations relating to equality before the law, access to justice, personal liberty, healthcare, protection from discrimination, protection against violence, and the prevention of trafficking. While each treaty addresses different aspects of human rights protection, they operate collectively to shape the international standards against which domestic legal systems are assessed.

Like many States, Bangladesh has entered reservations to certain provisions of CEDAW. Although some reservations have been withdrawn over time, reservations remain in relation to aspects of the Convention concerning equality within family relations. These reservations do not affect Bangladesh's broader obligations to eliminate discrimination against women or to protect women from violence and exploitation.

8.2 Civil and Political Rights

The ICCPR establishes a range of civil and political rights that are relevant to the legal regulation of sex work. These include equality before the law, protection from arbitrary arrest and detention, access to a fair hearing, privacy, freedom of movement, and the right to an effective remedy where rights have been violated.

⁴⁵ *Convention on the Elimination of All Forms of Discrimination against Women* (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

⁴⁶ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

⁴⁷ *United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 29 September 2003) 2225 UNTS 209 (UNTOC), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319 (Palermo Protocol).

These protections apply to all individuals within the jurisdiction of the State and are not dependent upon occupation or social status. Consequently, individuals engaged in consensual adult sex work remain entitled to the procedural safeguards guaranteed by the Covenant, including lawful arrest procedures, judicial oversight of detention, and equal protection of the law.

The constitutional protections examined in Chapters 2 and 4 broadly reflect these international principles. Judicial review of executive action, procedural safeguards governing arrest and detention, and constitutional guarantees of equality demonstrate the interaction between Bangladesh's domestic legal framework and its international obligations.

8.3 Economic, Social and Cultural Rights

The ICESCR recognises the rights of every person to the enjoyment of the highest attainable standard of physical and mental health, education, social security, and favourable conditions of work. These rights are particularly relevant in discussions concerning access to healthcare and social protection for individuals engaged in sex work.

Importantly, the Covenant does not create a specific international right to engage in prostitution. Rather, it requires States to respect, protect, and progressively realise economic and social rights without discrimination. In practice, this means that access to healthcare and other essential services should not be denied solely because of an individual's occupation.

Bangladesh's public health initiatives relating to HIV prevention and sexual and reproductive health, discussed in Chapter 5, illustrate one way in which these international obligations are implemented within the domestic legal framework.

8.4 Women's Rights under CEDAW

CEDAW occupies a central position within the international legal framework governing women's rights. The Convention requires States Parties to eliminate discrimination against women in law and practice while taking appropriate measures to achieve substantive equality.

In the context of sex work, Article 6 of CEDAW requires States to take appropriate measures to suppress all forms of trafficking in women and the exploitation of prostitution of women. The Convention, however, does not define prostitution itself nor prescribe a particular domestic legal model for regulating consensual adult sex work. Consequently, States retain discretion in determining how consensual adult prostitution should be regulated, provided that measures adopted remain consistent with their broader human rights obligations.

In its concluding observations on Bangladesh, the CEDAW Committee has repeatedly expressed concern regarding violence against women, trafficking, discrimination, and barriers affecting vulnerable groups. It has encouraged Bangladesh to strengthen legal protections, improve access to justice, and enhance measures to prevent trafficking and gender-based violence. The Committee has not, however, recommended a specific legislative model for consensual adult sex work.

8.5 The Rights of the Child

The Convention on the Rights of the Child establishes comprehensive protections for children against exploitation, abuse, and violence. Unlike the legal treatment of consensual adult sex work, international law adopts an unequivocal approach to the commercial sexual exploitation of children.

States Parties are required to protect children from all forms of sexual exploitation and sexual abuse and to adopt appropriate legislative, administrative, social, and educational measures to prevent such exploitation. These obligations complement Bangladesh's domestic criminal legislation prohibiting child prostitution, trafficking, and related offences.

The distinction between adult consensual sex work and the commercial sexual exploitation of children therefore remains fundamental to both domestic and international law.

8.6 Trafficking and the Palermo Protocol

The Palermo Protocol represents the principal international instrument addressing trafficking in persons. It requires States Parties to criminalise trafficking, protect victims, promote international cooperation, and implement measures aimed at prevention.

A defining feature of the Protocol is its distinction between trafficking and consensual adult sex work. Trafficking requires elements such as coercion, deception, abuse of vulnerability, or other prohibited means, together with exploitation. By contrast, the Protocol does not require States to criminalise consensual adult prostitution as such.

This distinction is reflected in Bangladesh's domestic legal framework, particularly following the enactment of the Human Trafficking and Migrant Smuggling Prevention and Suppression Act 2026,⁴⁸ which strengthens the legal response to trafficking while remaining conceptually distinct from the regulation of consensual adult sex work.

8.7 International Standards and the Bangladeshi Framework

Bangladesh's legal framework demonstrates the interaction between domestic constitutional law and international human rights obligations. Constitutional guarantees of equality, liberty, due process, and judicial protection correspond closely with the rights protected under the ICCPR, while public health initiatives reflect broader obligations arising under the ICESCR.

Similarly, Bangladesh's legislative measures addressing trafficking, child protection, and violence against women contribute to the fulfilment of obligations arising under CEDAW, the CRC, and

⁴⁸ n(23).

the Palermo Protocol. At the same time, the absence of comprehensive legislation governing consensual adult sex work illustrates the discretion that international law affords States in determining their own regulatory models.

Accordingly, Bangladesh's international obligations should be understood as establishing minimum standards of human rights protection rather than prescribing a comprehensive domestic framework for regulating consensual adult prostitution.

8.8 Summary

International human rights law provides an important normative framework for the regulation of sex work in Bangladesh. The principal treaties require the protection of fundamental rights, equality before the law, access to healthcare, protection from violence, and effective measures against trafficking and the commercial sexual exploitation of children. They do not, however, require States to adopt a particular legislative model governing consensual adult sex work.

Bangladesh's domestic legal framework therefore operates within a system of international obligations that emphasises the protection of human rights while allowing States a measure of discretion in determining how consensual adult prostitution should be regulated. Understanding this relationship is essential to evaluating both the strengths and the continuing challenges of Bangladesh's quasi-legal approach.

9. Timeline of Legal Development

Understanding the regulation of sex work in Bangladesh requires an appreciation of how the legal framework has developed over time. Rather than emerging through a single piece of legislation, the current system has evolved through constitutional reform, statutory enactments, judicial interpretation, and legislative responses to trafficking. The timeline below identifies the principal legal milestones that have shaped the contemporary regulatory framework.

Year	Legal Development	Significance
1972	Constitution of the People's Republic of Bangladesh	The Constitution established the fundamental rights and constitutional principles that continue to govern all executive and legislative action. Articles concerning equality before the law, protection of the law, personal liberty, freedom of occupation, and protection from arbitrary state action later became central to litigation involving sex workers and the exercise of police powers.
1976	Dhaka Metropolitan Police Ordinance 1976	The Ordinance introduced specific public order offences applicable within the Dhaka Metropolitan Area, including section 74 relating to public solicitation for the purposes of prostitution. Although it did not criminalise consensual adult sex work generally, it provided police with statutory powers to regulate certain conduct occurring in public places.
2000	<i>Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others</i>	This landmark High Court judgment clarified that, in the absence of statutory prohibition, executive authorities could not evict or detain adult sex workers without lawful authority. The Court reaffirmed that constitutional protections apply equally to individuals engaged in sex work and emphasised the importance of due process and judicial oversight.

2012	Prevention and Trafficking Act 2012	Parliament enacted a comprehensive legislative framework addressing trafficking in persons. The Act strengthened criminal offences relating to trafficking, provided measures for victim protection, and aligned Bangladesh's domestic law more closely with its international obligations under the Palermo Protocol. Importantly, the Act addressed trafficking rather than consensual adult sex work.
2026	Human Trafficking and Migrant Smuggling Prevention and Suppression Act 2026	The 2026 Act repealed and replaced the 2012 legislation. It strengthened the legal framework governing trafficking and migrant smuggling, expanded protections for victims, and introduced updated investigative and procedural provisions. The Act maintained the legal distinction between trafficking and consensual adult sex work, reinforcing the principle that the two should not be treated as synonymous.
Present	Contemporary Quasi-Legal Framework	Bangladesh continues to regulate consensual adult sex work through a combination of constitutional rights, criminal legislation, judicial interpretation, administrative practice, anti-trafficking law, and public health policy. No comprehensive statute governs consensual adult prostitution, resulting in a fragmented legal framework that has been described throughout this guide as a quasi-legal model of regulation.

9.1 Evolution of the Legal Framework

Several themes emerge from the development of Bangladesh's legal framework.

First, constitutional law has remained the foundation upon which subsequent developments have been built. Although Parliament has enacted legislation addressing public order, trafficking,

criminal procedure, and child protection, these measures continue to operate within the constitutional framework established in 1972 and remain subject to judicial review.

Secondly, judicial interpretation has played a significant role in defining the legal status of consensual adult sex work. The decision in *Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others* demonstrated that constitutional guarantees apply irrespective of occupation and that executive authorities must exercise their powers within the limits prescribed by law.

Thirdly, legislative reform in recent decades has focused primarily on trafficking rather than prostitution itself. Both the 2012 and 2026 trafficking statutes were enacted to strengthen Bangladesh's response to trafficking in persons, improve victim protection, and fulfil international obligations. Neither statute introduced a comprehensive regulatory framework governing consensual adult sex work.

Finally, the timeline illustrates the incremental nature of legal development in this area. Rather than adopting a single legislative model, Bangladesh has developed its regulatory framework through the interaction of constitutional principles, statutory reform, judicial oversight, and administrative practice. This gradual evolution explains why the contemporary legal position cannot be understood by reference to any single statute or judicial decision alone.

9.2 Summary

The legal regulation of sex work in Bangladesh has developed progressively through constitutional change, legislative reform, judicial interpretation, and responses to trafficking. The milestones identified in this chapter illustrate the evolution of a regulatory framework that distinguishes consensual adult sex work from trafficking while subjecting executive action to constitutional safeguards and judicial oversight. This historical development provides the context for the quick reference materials presented in the following chapter, which consolidate the principal legal authorities discussed throughout this guide.

10. Quick Reference Tables

The following tables provide a consolidated overview of the principal constitutional provisions, legislation, judicial decisions, institutions, and enforcement powers discussed throughout this guide. They are intended as a practical reference for researchers, students, practitioners, policymakers, and others seeking a concise summary of the legal framework governing sex work in Bangladesh.

Table 10.1 Constitutional Provisions

<u>Article</u>	<u>Subject</u>	<u>Relevance to Sex Work</u>
Article 27	Equality before the law	Guarantees equal protection of the law for all persons, including sex workers.
Article 31	Protection of the law	Requires that all executive action be authorised by law and consistent with due process.
Article 32	Protection of life and personal liberty	Protects against unlawful deprivation of liberty and underpins judicial review of unlawful detention.
Article 33	Safeguards upon arrest and detention	Establishes procedural protections for arrested persons.
Article 40	Freedom of profession or occupation	Supports the principle that lawful occupations may not be restricted except in accordance with law, subject to reasonable restrictions.
Article 18(2)	Public health and morality (Fundamental Principle of State Policy)	Encourages the State to prevent prostitution and gambling. This provision is a Fundamental Principle

of State Policy rather than an enforceable Fundamental Right.

Table 10.2 Principal Legislation

<u>Legislation</u>	<u>Purpose</u>	<u>Relevance</u>
Penal Code 1860	Establishes general criminal offences.	Contains offences that may arise in connection with exploitation, public order, violence, or offences associated with commercial sexual activity. It does not prohibit consensual adult sex work generally.
Code of Criminal Procedure 1898	Governs criminal investigations, arrest, detention, and trial procedure.	Applies whenever police investigate or prosecute offences involving sex workers.
Dhaka Metropolitan Police Ordinance 1976	Regulates policing within the Dhaka Metropolitan Area.	Section 74 creates an offence relating to public solicitation for the purposes of prostitution.
Prevention and Suppression of Human Trafficking Act 2012	Established Bangladesh's comprehensive anti-trafficking framework.	Repealed in 2026.
Human Trafficking and Migrant Smuggling	Current legislation addressing trafficking and migrant smuggling.	Criminalises trafficking while strengthening victim protection. It is

Prevention and
Suppression Act 2026

distinct from the regulation of consensual
adult sex work.

Table 10.3 Leading Judicial Decisions

<u>Case</u>	<u>Court</u>	<u>Legal Significance</u>
<i>Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Others v Government of Bangladesh and Others (2000)</i>	High Court Division	Confirmed that executive authorities could not evict or detain adult sex workers without lawful authority and reaffirmed that constitutional protections apply irrespective of occupation.

Table 10.4 Government Institutions

<u>Institution</u>	<u>Primary Function</u>	<u>Role within the Legal Framework</u>
Parliament	Legislative authority	Enacts and amends legislation governing trafficking, criminal law, public order, and related matters.
Supreme Court of Bangladesh	Constitutional interpretation and judicial review	Interprets legislation and protects constitutional rights through judicial oversight.
Ministry of Home Affairs	Internal security and law enforcement	Oversees policing and coordinates criminal justice policy.

Bangladesh Police	Criminal law enforcement	Investigate offences, enforce public order legislation, and implement anti-trafficking laws.
Ministry of Women and Children Affairs	Gender equality and child protection	Develops policy concerning women, children, trafficking, and protection from violence.
Ministry of Health and Family Welfare	Public health	Supports HIV prevention, sexual and reproductive healthcare, and other public health programmes.
National Human Rights Commission	Human rights oversight	Investigates matters within its statutory mandate and promotes compliance with constitutional and human rights standards.

Table 10.5 Police Powers

<u>Power</u>	<u>Legal Basis</u>	<u>Limitations</u>
Investigation of criminal offences	Penal Code and Code of Criminal Procedure	Must comply with constitutional safeguards and procedural requirements.
Arrest	Code of Criminal Procedure	Arrests must be authorised by law and remain subject to judicial oversight.
Enforcement of public solicitation offences	Section 74, Dhaka Metropolitan Police Ordinance 1976	Applies only where the statutory elements of the offence are satisfied. It does not criminalise consensual adult sex work generally.
Investigation of trafficking	Human Trafficking and Migrant Smuggling	Directed towards trafficking, exploitation, and organised criminal

Prevention and Suppression activity rather than consensual adult sex
Act 2026 work itself.

Table 10.6 International Human Rights Instruments

<u>Instrument</u>	<u>Principal Relevance</u>
International Covenant on Civil and Political Rights (ICCPR)	Equality before the law, liberty, due process, and effective remedies.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Access to healthcare and other economic and social rights without discrimination.
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Elimination of discrimination against women, protection from exploitation and trafficking, and promotion of substantive equality.
Convention on the Rights of the Child (CRC)	Protection of children from commercial sexual exploitation and abuse.
Palermo Protocol	Prevention of trafficking, protection of victims, and international cooperation. Distinguishes trafficking from consensual adult sex work.

Table 10.7 Common Misconceptions

<u>Misconception</u>	<u>Position under Bangladeshi Law</u>
<i>"Sex work is completely legal."</i>	Incorrect. Bangladesh has no comprehensive legalisation framework. The legal position is best described as quasi-legal,

with constitutional protections operating alongside criminal and public order legislation.

"Sex work is completely illegal." Incorrect. No statute generally criminalises consensual adult sex work, although various related activities may constitute criminal offences.

"Trafficking and sex work are the same." Incorrect. Bangladeshi law and international law distinguish consensual adult sex work from trafficking, which requires elements such as coercion, deception, abuse of vulnerability, or exploitation.

"The Constitution gives sex workers no rights." Incorrect. Constitutional rights apply to all persons, including individuals engaged in sex work, subject to the ordinary operation of the law.

"The police can close brothels whenever they choose." Incorrect. Police and executive authorities must act within statutory powers and remain subject to constitutional safeguards and judicial review.

"International law requires the legalisation or criminalisation of sex work." Incorrect. International human rights law does not prescribe a single regulatory model for consensual adult sex work. States retain discretion provided they comply with their human rights obligations and effectively combat trafficking and child exploitation.

11. Key Takeaways

- Bangladesh does not operate under a system of complete legalisation or complete criminalisation of consensual adult sex work.
- Constitutional rights remain applicable to sex workers and provide an important safeguard against unlawful executive action.

- The principal focus of modern legislative reform has been trafficking rather than prostitution itself.
- Judicial interpretation has played a significant role in defining the legal status of consensual adult sex work.
- The legal framework is administered through multiple institutions rather than a single regulatory authority.
- International human rights law establishes minimum standards of rights protection while allowing States discretion in determining their domestic regulatory model.

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