

# Violence Against Women in Bangladesh

2012-14



বাংলাদেশ জাতীয় মহিলা আইনজীবী সমিতি (বিজেএমএএস)  
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Established in 1979

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BANGLADESH NATIONAL WOMAN LAWYERS' ASSOCIATION (BNWLA)

- Editor** : **Advocate Salma Ali**  
Executive Director
- Research Team** : **Mohammad Abu Hanif**  
Project Coordinator  
**Md. Ariful Islam**  
Senior Officer-Legal Service
- Special Thanks** : **Advocate Towhida Khondker**  
Director-Legal  
**Nazmun Zaman Rumpa**

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8/3, West Agargaon, Dhaka 1207, Bangladesh  
Ph: 880-2-8112858, 8125866, Fax: 880-2-8125866,  
E-mail: bnwla@hrcmail.net, Web: www.bnwlabd.org

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## Preface

The term violence against women encompasses a multitude of abuses directed towards women and girls over her entire life span. It remains a pervasive, yet under-acknowledged human rights violation in all countries of the world, being especially prevalent in Bangladesh. Violence against women is a deeply entrenched problem in most societies because attitudes and practices that support violence are institutionalized in custom and law at all levels of society – marriage and the family, home, community and state.

In Bangladesh, women face various forms of violence, ranging from wife abuse to rape, dowry killings, acid throwing, sexual harassment, and sexual slavery through trafficking in women. Consequently, societal norms and traditional values associated with gender roles and supremacy within households and society tend to activate, dictate and provoke domestic violence against women in Bangladesh. Bangladesh is a patriarchal society illustrating powerlessness and vulnerability which is associated with women's lives where they are dominated and subjugated by the men. Bangladesh Government has recently passed the Domestic Violence (Prevention and Protection) Act of 2010 for the protection of women and children from family violence and discrimination.

Recognizing violence against women as a violation of Human Rights is a significant turning-point in the struggle to end violence against women globally. Violence against Women both reflects and determines gendered social structures. That is why VAW (Violence Against Women) is framing as a Human Rights violation requiring immediate action to challenge the economic, social and cultural marginalization of women in Bangladesh. The UN General Assembly has adopted numerous resolutions both on violence against women in general and on violence against women in specific contexts. Due to limitation of government services and support, Bangladeshi women's organizations including the Bangladesh Woman Lawyer's Association (BNWLA), a leading women's organization in Bangladesh, remain very active in providing different forms of assistance to women including shelters and rescue centers.

Moreover, violence against women not only bounded inside the family but also sexual slavery is also seen among them. As of late, the vulnerability of women and girls through commercial exploitation, sexual trafficking as well as slavery also has become a fundamental violation of their rights. It encompasses a range of abusers, different forms of abuse, and fluctuates in the type and degree of impact on the victim which has added a new form of exploitation in Bangladesh. Every year, more than 1 million women and children worldwide are reportedly trafficked and sold for a variety of different purposes - many end up in the sex trade. This number comes to nearly 3,000 women and children per day. Bangladesh has become a source and transit



country for young girls, children and women trafficked for the purposes of commercial sexual exploitation and involuntary servitude.

Women and children from Bangladesh are trafficked to India and Pakistan for sexual exploitation. Internally, Bangladeshis are trafficked for commercial sexual exploitation, domestic servitude, and bonded labor. Trafficking & HIV/AIDS is an interrelated. Especially women and girls are trafficking for use of sexual industry. Most of trafficking girls would face several physical & sexual abuses.

Moreover, political unrest also results violence and in this case the women and children are mostly affected. The minority groups have also experienced violence in their community where the women were the main sufferers.

Furthermore, one of the most vulnerable groups in Bangladesh is Hijra, they are also deprived from their rights and they are also abused in some sphere but hardly get justice. According to our constitution, equality before law is guaranteed on the basis of citizenship not on the basis of sex but the Hijra community is essentially deprived of several rights under Bangladeshi law, because Bangladeshi law recognizes only two sexes, male and female. In November 11, 2013 the government of Bangladesh made a pioneering move in extending official government recognition to people who identify as Hijra. Bangladesh's transgender community can now call themselves a third and 'separate gender'.

For decades BNWLA has been campaigning for better legislation and implementation of laws that protect women from violence. BNWLA, as a foremost national level organization, will encourage the Government to take all necessary steps to reinforce women friendly laws and policies to ensure the effective implementation of the law. The prime aim to prepare the VAW report is to compare the situation and status of women in last two years to identify the changes of the dimensions of violence and to take effective strategy for lessening the inclination of violence against women and children.

Salma Ali  
Executive Director  
BNWLA

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## Abbreviations and Acronyms

ASK	Ain O Salish Kendra
BLAST	Bangladesh Legal Aid and Services Trust
BNWLA	Bangladesh National Woman Lawyers Association
BPFA	Beijing Declaration and Platform for Action
CIDV	Citizen's Initiative against Domestic Violence
CEDAW	Convention to Eliminate All Forms of Discrimination against Women
CrPC	Code of Criminal Procedure
DVPPA	Domestic Violence (Prevention and Protection) Act 2010
EO	Enforcement Officer
MoWCA	Ministry of Women and Children Affairs
UNFPA	United Nations Populations Fund
VAW	Violence Against Women
WAO	Woman Affairs Officers



## Executive Summary

Bangladesh National Woman Lawyers Association (BNWLA) has been conducting the study title “Violence against women in Bangladesh” since 1999 focusing on the data of all kinds of violence instigated on women collected from newspapers. This study would be conducive for those who are concern and passionate to do something positive to prevent VAW. It would also be beneficial for the women associations, human rights organizations and researchers to take initiatives like awareness, advocacy to prevent VAW. Moreover, it would create awareness among women folk, students, academicians, media personnel as well as community people. In addition it would be advantageous for policy makers to make action plan and to take positive measures in eliminating VAW. It would also bring about significant changes in outlook towards women among mass people.

Violence against women occurs in different category in Bangladesh. BNWLA scrutinized data from 14 newspapers to segregated nine main categories with relevant sub-categories. It has been unveiled that in each category number of VAW incidents increased in 2014 (5256) compare to the 2013 data (4726), but last two years VAW trend is reduced in 2012 data (7176). According to Bangladesh MahilaParishad’s statistics, the total number different types of VAW including rape, sexual violence, acid throwing, dowry related violence, murder etc. is 4 thousand 7 hundred 77 in 2013. VAW incidents have been increased 11% in 2014 than 2013. Moreover, domestic violence 44%, rape 10%, persecution against domestic worker 9% has been increased. In contrast, according to Police Headquarter data indicates that in 2014 number of litigation related to women and children repression is 21291 which are 17% higher than 2013 and 10% higher from 2012. Though VAW incidents and number of case filling almost same as before (reference from police headquarter data) in 2013 and 2014, but it was observed that the newspapers did overlook the news due to regular breaking news related with political unrest in Bangladesh over the years.

In 2014 number of litigation related to women and children repression is 21291, while number of cases 19422 in 2012 and 18096 in 2013. It is noted that VAW incidents regularly increased. Effective results are not apparent, though different initiatives taken by Government and NGOs to prevent violence against women. Moreover, protection services are rarely implemented by the respective authorities including police. It is indicated that police involved in controlling political unrest over the year and failed to take appropriate measure regarding VAW cases including arrest accused persons, investigation, and submission report before the courts etc. It can be concluded a huge number of accused persons got relief to face prosecution under respective laws, which may be influenced perpetrator to do their ill work. Meanwhile,



positive indication shows that number of rescued after abduction (2%) increased and decreased number of acquitted accused (3%) and number of convicted case (5%) in 2013. Decrease number of acquitted accused show positive improvement of prosecution including appropriate case filling, worth investigation, charge sheet, examination and cross-examination to witness, hearing etc.

A study was conducted in selected police stations of six divisions of the country to know the number of case filed in relation to Violence against Women (VAW) in police stations, status of case filed and quality of services offered by police stations in dealing with these cases. The data shows that currently 60% police stations have no female staff despite of the strong presence of giving such services to survivors of VAW. Less than one-third (30%) police stations have female constable and 70% police stations have no female constable. On the other hand only one-tenth (10%) have female police officers.

In reply to a question regarding existing enabling environment in 45 police stations for providing women and child friendly services, there were no unified or common answer given by the police stations. Different police stations provided different views. Each individual police station tried to focus on their own facilities and resources available for women and child friendly services. More than half of the stations (56%) replied that they have neither female constable nor officer at their stations, 89% stations have no separate service delivery centers, 78% answered that there is no separate lock-up for women at their stations, 96% did not reply about accompany of female survivor by female constable to court. 91% did not reply about coordination with local women rights based NGOs in providing women and child friendly services, only 4% said that they have female peon at stations to provide support services to female survivors. Only 18% said that they provide services to female survivors through female police constable. Only 7% provided counseling to female survivors to reduce fear and stigma and only 20% said about quick response to female survivor's needs.

On the basis of a writ petition (Writ petition no. 4781/2012) filed by BNWLA in 2012, the honorable High Court division issued a Rule Nisi calling upon the respondents to show cause as to why they should not direct the Nikah and Marriage Registrar to register the marriage and divorce on the basis of national ID card and also to enact provision of divorce through court proceedings for ensuring dower, maintenance and guardianship of children for reduction of domestic violence and also to digitalize the marriage and divorce registration systems. The government at different stages has also co-operated with the women's movement and civil society to enact laws and ensure implementation in order to address issues of VAW. There have been some major initiatives undertaken both at legal and policy level in the year 2012 and 2013 respectively.

Despite the enactment of the Domestic Violence (Prevention and Protection) Act



2010, domestic violence continues to persist throughout the country. While enacting legislation on domestic violence may protect victims of violence in theory, the actual implementation of the DVPPA on the ground remains limited. There has been a broad discussion on the implementation status of the Act and proposing few general recommendations for improving the implementation.

Human Trafficking Deterrence and Suppression Act, 2012 is enacted to prevent and suppress human trafficking, cross border crime, protect and implement rights of and to ensure safe immigration of victim. The Act has also the provision for camera trial to ensure justice and protecting the rights of the women and child victims. Highest penalty under this Act is death penalty and also fine taka at least 5 lac. Meanwhile, The Pornography Control Act, 2012 has been enacted to prevent depreciation of the social and moral values with special focus on the women and children. The Act strongly prohibits production, preservation, marketing, supply, buying and selling and dissemination of all forms of pornographic items. Highest penalty under this Act is 10 years imprisonment and also fine taka 5 lac.

In November 11, 2013 the government of Bangladesh made a pioneering move in extending official government recognition to people who identify as hijra. Recognition means the extension of several state benefits to hijra communities, including priority access to education, housing and health services, and the option of reflecting their gender identity in passports and other identity cards. According to our constitution, equality before law is guaranteed on the basis of citizenship not on the basis of sex. But the Hijra community is essentially deprived of several rights under Bangladeshi law, because Bangladeshi law recognizes only two sexes, male and female. All Bangladeshi governmental documents therefore are meant to be prepared for male or female citizens. Hijras are left with no choice; they have to identify themselves as either male or female in those documents.

Despite having the most cherished and pivotal fundamental human rights guaranteed in our Constitution, it has been widely reported in Bangladesh that in the last few years there has been a pattern of extrajudicial killings going on in the name of "crossfire", "gunfights" or "encounters", even though we live in a democracy and our Constitution protects and ensures fundamental rights for every individual in our country. A total of 462 people fall victim to extra-judicial killing and 156 disappeared in the country between January 2009 and September 2012, according to a report of Human Rights Forum, Bangladesh. The forum, a coalition of different rights bodies, released the report under the United Nation Universal Periodic Review-2013 over the country's current human rights situation. (Source-The Daily New Age, 16.11.2012)

The impact of extrajudicial killings on dependant of deceased is dangerous. It can contribute much more to the instability, insecurity and collapse of a family of deceased of extra judicial killing. The family of deceased especially his wife and



children suffer most due to extra judicial killing. They have to struggle to survive in their rest of the life. On the other hand, in most of the cases, family members of the deceased fall under continued threat by law enforcing agency if they want to file any case.

It is now time for the government's concerned authorities to do something, to conduct independent investigations and to impose appropriate punishment and to ensure victims adequate compensation. In order to bring an end to extrajudicial killings and disappearances, the respect for the rule of law and effective and independent judiciary is necessary.

As long as women are perceived inferior to men and until they are neglected and their opinions are undervalued, little will change and their sufferings will continue. But it must not be forgotten that those who live in glass houses should not throw stones. By ignoring half of its total population, the nation cannot survive. Proper implementation of existing laws and prosecution for offenders is must to prevent VAW. In this regard administrative weakness including lack of friendliness and gender sensitization of relevant law enforcing agencies has to be removed. Law enforcing agencies need to be brought under accountability and liability. Punishment has to be ensured in case of negligence in duty.

## INTRODUCTION AND METHODOLOGY

### 1.1 Introduction

Violence against Women (VAW) according to UN definition is “Any act, attitude of threat that causes physical, mental and biological threat to women and restricts their enjoyment of human rights, be it in private or public share”. According to UN source Bangladesh is one of the leading countries with highest incidents of violence against women. According to World Health Organization (WHO) one woman becomes victim of violence every hour in Bangladesh.

Violence against women is a common occurrence in most societies whether the violence is physical or mental. In Bangladesh it is a daily and often deadly fact of life for millions of women and girls. Women and girls are generally looked down upon, trapped within cultural framework, molded by rigid perceptions of patriarchy. As a result violence against women is viewed as a normal phenomenon even from the women’s perspective. Bangladeshi women suffer multiple forms of violence including domestic violence, rape, dowry deaths, sexual harassment, suicide, forced marriage, trafficking and other psychological and financial oppression. Violence against women has become one of the most visible social issues in this country.

Despite constitutional guarantees of gender equality and legislative and other affirmative interventions, the status of Bangladeshi women is on the whole dismal. Women are subjected to discrimination and violence within the household, at the work place and in the society. Their inferior status can be traced to the patriarchal values entrenched in the society which keep women subjugated, assigns them a subordinate and dependent role, and, prevents them from accessing power and resources. Men hold the power and resource within families and control over property and family income. Women are considered as men’s property, their sexual activity, income and labor being systemically controlled by the men in their family. Social expectations still pivot around child rearing and household management. The practice of Purda (seclusion), although changing, is still socially valued. Social norms, education, employment and legal rights and gender inequality in Bangladesh are all perpetuated by patriarchy. From their childhood, women are forced to live in a culture, which tolerates and even permits inhuman treatment to them.

### 1.2 Objectives

The main objectives of the study were to review the present situation with regard to certain forms of violence against women with regard to frequency, causes and consequences for the period of January 2012-December 2014. It was tried to assess



the state and policy interventions in reducing violence against women and identify recommendations or areas for action on the basis of the gaps identified.

### 1.3 Methodology

This study was prepared primarily by taking assistance of the secondary sources such as news, features, reports published in different national and local daily newspapers. Moreover, information had been collected from police headquarters, human rights organizations, Multi Sectoral Project of Violence Against Women and Department of Women Affairs. However, these data in tabular form were redrawn by the study team. Additionally, available published research reports and articles were taken into consideration while developing arguments and analysis of different dimensions of violence against Women.

A study was conducted in selected police stations of six divisions of the country to know the number of case filed in relation to Violence Against Women (VAW) in police stations, status of case filed and quality of services offered by police stations in dealing with these cases. A questionnaire was developed to collect data from police stations based on their record maintained in 2012-2014. Data collected from 45 police stations have been analyzed, transformed into diagram and tables and interpreted.

**Source of information:** Information regarding VAW has been collected from 14 national daily newspapers (11 Bengali and 03 English) and scrutinized that information. List of the newspaper are as follows:

1. The Prothom Alo
2. The Daily Shomokal
3. The Daily Shangbad
4. The Daily Kalerkontho
5. The Daily Ittefaq
6. The Daily Jonokontho
7. The Daily Nayadigonto
8. The Daily Jugantor
9. The Daily Bangladesh Protidin
10. The Daily AmaderShomoy
11. The Daily VorerKagoj
12. The Daily Star
13. The Daily New age
14. The Daily Dhaka Tribune

Information collected from daily newspaper has been written down regularly in a form which specifies nature of incident, its cause, date and time of occurrence, Victim's

name, age, information regarding case filed. That information has been accumulated in another form which indicates in different age group and nature of violence categorically. In this regard a database is maintained and preserved in resource centre of BNWLA. Information collected from other sources has been compared with the information of the national dailies. That information has been validated after cross checking. It has been analyzed through table, pie chart, Figure. Recommendations have been presented on the basis of information analyzed.

#### **1.4 Limitations**

Patriarchal society becomes an obstacle for women to lead a violence free life. A woman becomes victim of violence in different spheres of her life. Due to remaining socially in inferior position women can't raise their voices strongly and sometimes, they consider violence against them as an unavoidable fate. Sometimes, they feel shy to articulate violence against them due to fear of social stigma. In some cases, women victim become liable by her family members and close relatives for violence occurred. Many VAW incidents remain unexpressed. So, the VAW data used in this study is significantly lower than the actual one.

There is always a debate whether the increases in reporting of incidents of violence in the media reflect greater awareness of the issue or whether there is a real increase in actual numbers of occurrences. It is known that all cases of violence which are filed with the police or in the courts do not appear in the media. And finally, only a portion of the incidents that occur are either informed to the authorities or to the media.

It is under most serious threat during periods especially in 2013-14 of political unrest when governments, political parties, or non-state actors try to repress certain individuals, groups, or ideas. The media exclusively covered and used maximum space for grievous story of political unrest. Thus, number of VAW incident news coverage is reduced due to lack of space as well as undermines the VAW issue compare to the political issue, which is limited to explore the actual trend of VAW incident in 2013 and 2014.



# VAW SITUATION ANALYSIS

### 2.1 Introduction

Violence against Women is a burning issue in South Asia especially Bangladesh for last few decades. Following the declaration of UN Decade of Women (1976-85), the Government of Bangladesh and some NGOs have undertaken several programmes for the advancement of women. Simultaneously, the women's movement has played an important role in enhancing women's participation in every sphere of life in order to achieve equality. Despite over the last two decades, women in Bangladesh have gradually become more visible, but violence against women still remain all level of women life in family, society as well as state level. Despite the efforts and initiatives in Bangladesh, 53% women are experiencing violence<sup>1</sup>. The roots of violence against women lie in historically unequal power relations between men and women and pervasive discrimination against women in both the public and private spheres. Patriarchal disparities of power, discriminatory cultural norms and economic inequalities serve to deny women's human rights and perpetuate violence. Violence against women is one of the key means through which male control over women's agency and sexuality is maintained.

Complaining to the law enforcers does not make any change. The offenders remain untouched even after logging of cases against them. No notable progress towards legal proceedings against the offenders, even if arrested any, is seen to happen. The indigent victims get bound to mediate the case and withdraw the same as a result of undue influence, threat or inducement of the well-heeled and influential people who patronize the culprits. Nobody dares to bear witness to the oppression of women due to lack of sufficient security of his/her life. Thus, the heinous acts of stalking and killing are on the rise day by day. Many of the victims are committing suicide due to their irresistible sense of shame and insult.

The VAW incident received strong media sensation and public gaze across the country and many human rights watchdogs as well as social activists voiced their deep concern over the happening. Some brutal incidents of violence alone in 2012-2014 are enough to picture the horrible situation of safety and violation of rights of women in Bangladesh. Scenario of violence against women and children is given in the following section and sub-section.

### 2.2 Violence Against Women and Its Category

Violence against women occurs in different category in Bangladesh. BNWLA scrutinized data from 14 newspapers to segregated nine main categories with relevant sub-categories. It has been unveiled from the table 2.1 that in each category,

<sup>1</sup>BDHS Report 2011



number of VAW incidents increased in 2014 (5256) compare to the 2013 data (4726), but last two years VAW trend is reduced in 2012 data (7176). According to Bangladesh MahilaParishad's statistics, the total number different types of VAW including rape, sexual violence, acid throwing, dowry related violence, murder etc. is 4 thousand 7 hundred 77 in 2013. VAW incidents have been increased 11% in 2014 than 2013. Moreover, domestic violence 44%, rape 10%, persecution against domestic worker 9% has been increased. In contrast, according to Police Headquarter data indicates that in 2014, number of litigation related to women and children repression is 21291 which are 17% higher than 2013 and 10% higher from 2012. Though VAW incidents and number of case filling almost same as before (reference from police headquarter data) in 2013 and 2014, but it was observed that the newspapers did overlook the news due to regular breaking news related with political unrest in Bangladesh over the years.

Table 2.1: Number of VAW incidents by category

Sl. #	Type of violence	Jan-Dec 2012	Jan-Dec 2013	Jan-Dec 2014
1	Sexual Harassment including stacking	718	466	293
2	Community violence	2142	1315	1463
3	Fatwa	50	24	37
4	Rape	836	719	789
5	Acid burn	101	93	58
6	Trafficking, abduction, rescue	1371	1008	1196
7	Domestic Violence	1119	700	1005
8	Dowry	695	302	307
9	Violence against domestic helper	144	99	108
	Total	176	4726	5256

The figure 2.1 delineates the categories of violence with percents. It is found that highest 30% community violence occurs in 2012, followed by trafficking, abduction, rescue (19%), domestic violence (15%), rape (12%), sexual harassment (10%), dowry (10%), violence against domestic helper (2%), Fatwa (1%) and acid burn (1%).

Figure 2.1: Percentage of VAW incidents by category

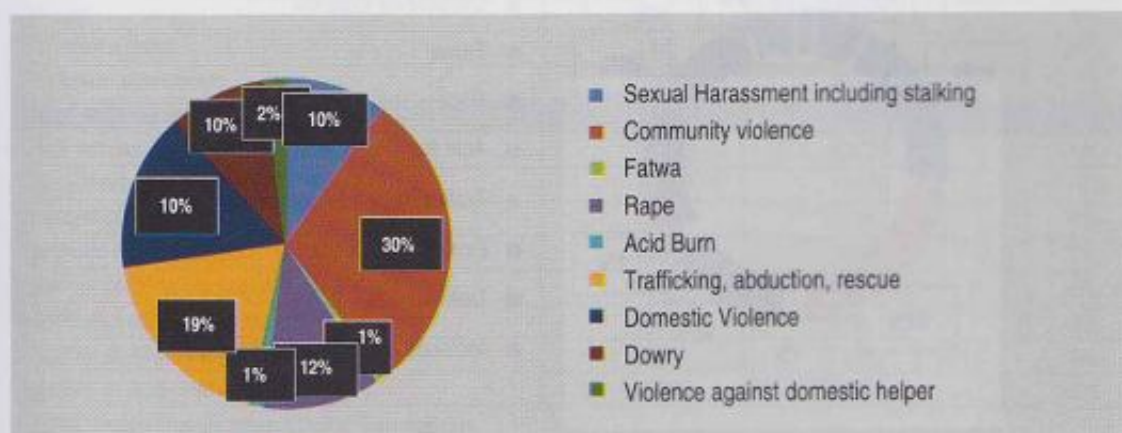




Figure 2.2: VAW incidents during Jan–Dec 2013

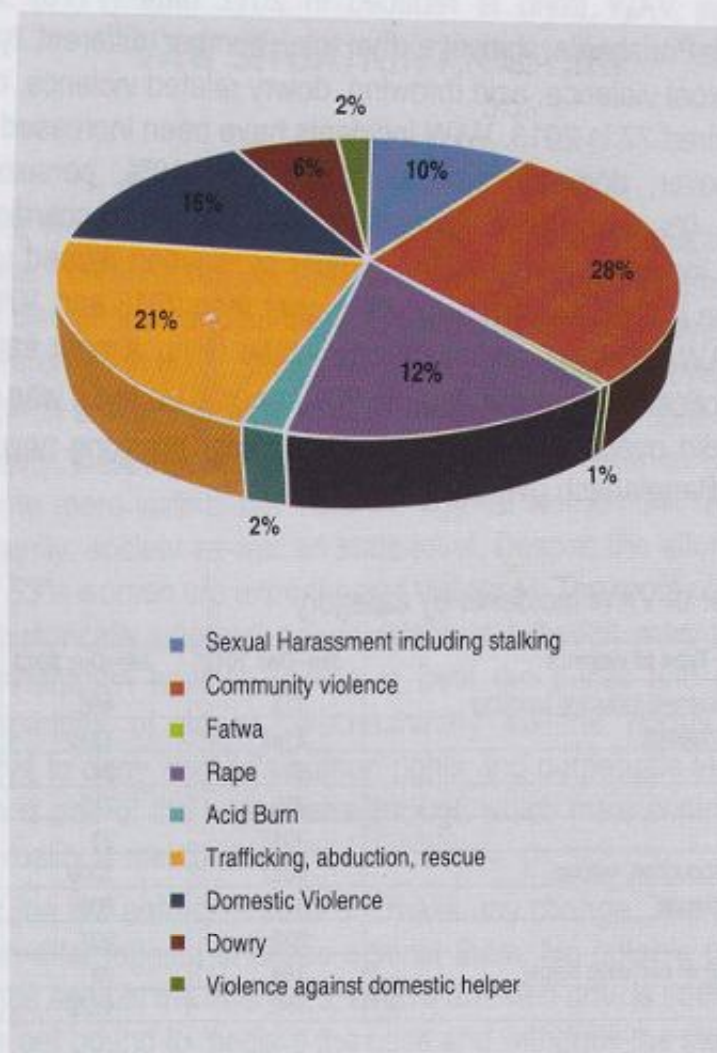
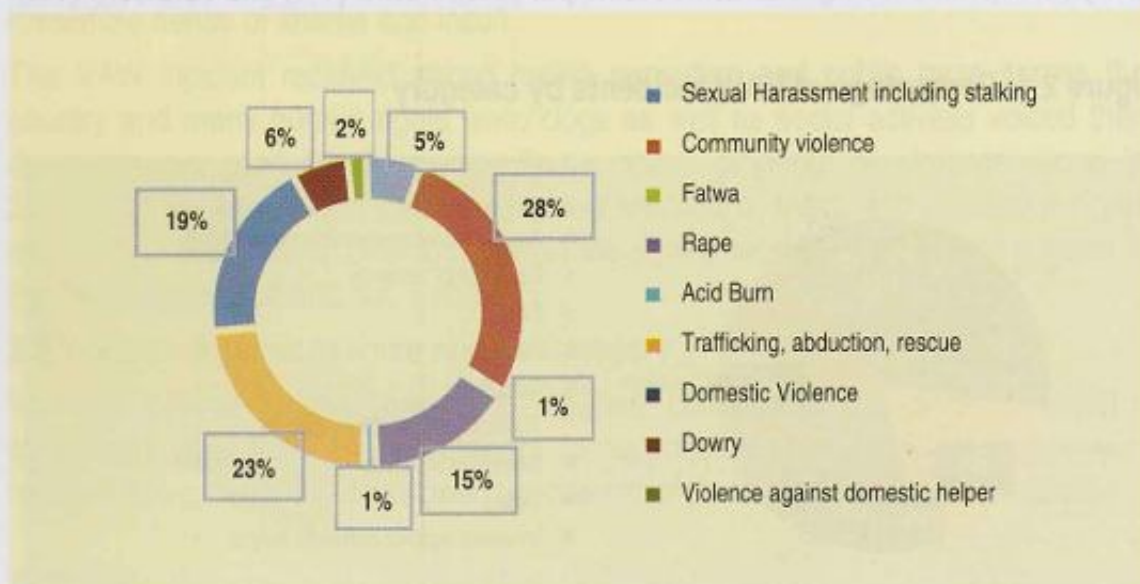


Figure 2.3: VAW incidents during Jan–Dec 2014



In 2013 and 2014, the situation was almost same that highest respectively 28% and 28% community violence occurs, followed by trafficking, abduction, rescue (21%, 23%), domestic violence (15%, 19%), rape (15%, 15%), sexual harassment (10%, 5%), dowry (6%, 6%), violence against domestic helper (2%, 2%), acid burn (2%, 1%) and Fatwa (1%, 1%).

The study team collected Violence against women related data in terms of VAW categories for January-December 2012 and January-December 2013 from Bangladesh Police Headquarter. It has been envisaged from Table 2.2 that overall 7% case decreased, while highest 39% increase in physical assault related cases and decreased case in injured due to rape (69%) and acid throwing (28%). Compare to the two years data, it is found that case number increased in 2013 in different category such as abduction (7%), death for rape (15%) and decreased in torture for dowry (15%), rape (1%), murder (6%), and torture for other ways (13%) as well. Though total number of accused person decreased upto 13%, but total number of arrested accused persons decreased 14% in 2013. It is indicated that police involved in controlling political unrest over the year and failed to take appropriate measure regarding VAW cases including arrest accused persons, investigation, and submission report before the courts etc. It can be concluded that huge number of accused persons got relief to face prosecution under respective laws, which may be influenced perpetrator to do their ill work. Meanwhile, positive indication shows that number of rescued after abduction (2%) increased and decreased number of acquitted accused (3%) and number of convicted case (5%) in 2013. Decrease number of acquitted accused show positive improvement of prosecution including appropriate case filling, worth investigation, charge sheet, examination and cross-examination to witness, hearing etc.

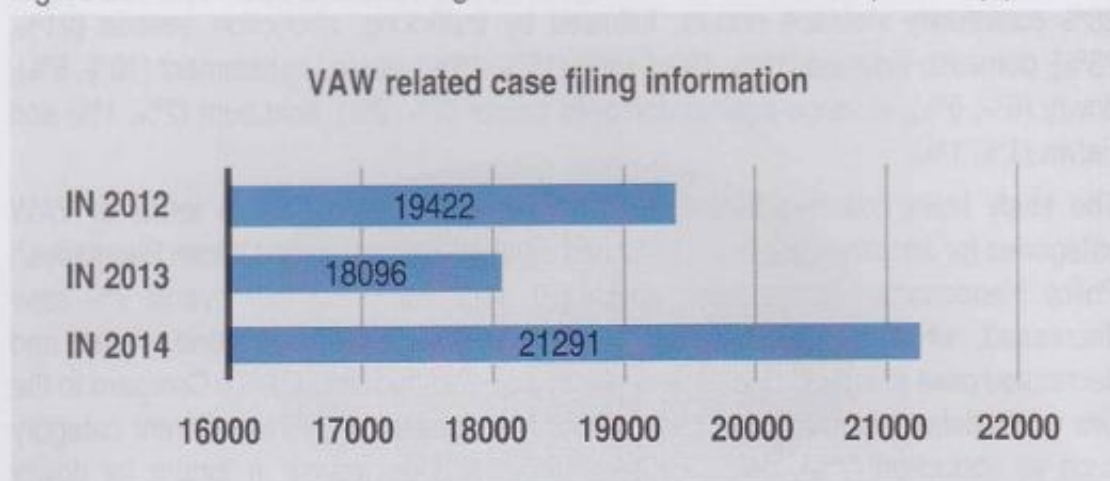
Table 2.2: Statistics of case of violence against women by year

Category/Particular	Year		Changes
	In 2013	In 2012	
Torture for dowry	5716	6704	-15%
Acid throwing	71	98	-28%
Abduction	4272	4001	7%
Rape	3622	3648	-1%
Death due to rape	23	20	15%
Injured due to rape	5	16	-69%
Murder	236	252	-6%
Physical assault	183	132	39%
Torture in other ways	3968	4551	-13%
<b>Total case number</b>	<b>18096</b>	<b>19422</b>	<b>-7%</b>
Total accused number	55230	63735	-13%
Total of Arrested accused	10099	11676	-14%
Number of abduction	4392	4118	7%
Rescued after abduction	2407	2369	2%
Number of Convicted case	624	654	-5%
Number of convicted accused	982	870	13%
Number of Acquitted case	6891	7115	-3%
Number of Acquitted accused	16005	16256	-2%

Source: Police Headquarter, Dhaka, Bangladesh



Figure 2.4: VAW related case filing information from Police Headquarter by year



The figure shows that in 2014 number of litigation related to women and children repression is 21291, while number of cases 19422 in 2012 and 18096 in 2013. It is noted that VAW incidents regularly increased. Effective results are not apparent, though different initiatives taken by Government and NGOs to prevent violence against women. Moreover, protection services are rarely implemented by the respective authorities including police.

### 2.2.1 Sexual Harassment

Sexual Harassment is a perverted expression towards women and children with a sexual intention. In general, sexual harassment can be identified as forceful proposal of love affair with a sexual intention, use of threat or force, purposeful physical gestures, display of sexual organs or obscene materials, verbal abuse or use of slang language etc. Sexual harassment takes place in various forms and shapes. Harassment may be taken place at home by close

relatives, at public places by unknown persons, at educational institutions by teachers or students, harassment at workplace by superior boss or colleague, at state or political institutions like harassment in police custody, political violence against women on the street, abuse with the internet and phone. On the whole sexual harassment is prevalent almost in all spheres of life and therefore, restricts the mobility of women outside the Home.

In reporting period total 1477 incidents related to sexual harassment occurred and the

#### Stalking leads girl to take own life

Unable to bear the shame of sexual harassment, a college girl committed suicide at village Mahmud under Sadarupazila in Satkhira Monday night. The deceased was identified as Rahima Khatun, 18, an HSC first year student at Satkhira Simanta Adarsha College and daughter of Abdus Sabur of the village. The deceased's cousin Abdul Majed said Rahima committed suicide in her room by hanging herself with a scarf from the ceiling at night.

Majed also said Rahima took the path of ending her own life as she could not bear the disgrace of harassment by a local young man, who had always used to pass indecent comments to her on her way to and from college since long.

Source: New Age, November 07, 2013



incidents featured in five different categories including stalking, threat for protest sexual harassment, injured for protest sexual harassment, death for protest sexual harassment and pornography. However, stalking account the highest number of 1095 around 74% of total incident followed by injured for protest sexual harassment (13%) and pornography (9%). Though the total news related to sexual harassment reduced 35% in 2013 and 59% in 2014, compare to the base year 2012 data, but injured for protest increased around six multiplication (585%, 13 to 89 in 2013 and 85 in 2014) as well as death for protest sexual harassment increased 6 to 14 in 2013 and 23 in 2014. Meanwhile, 51 women and children committed suicide due to sexual harassment during the reporting period (Table 2.13). Considering age bar, around 68% incidents found in newspapers in which ages are not mentioned clearly. Among the remaining incidents highest number of victims were girls (177) aged 13-18 years and lowest number of victims were women (39) aged above 30 years. It can be concluded that young women and children are main target of perpetrator. It has been envisaged from Table 2.3 that 29.5% cases filed against published news in 2012, 39.5% cases filed in 2013 and 42% in 2014 regarding sexual harassment related incident.

Table 2.3: Sexual Harassment by age and year

Age	Year	Stalking	Threat for protest Sexual Harassment	Injured for protest Sexual Harassment	Death for protest Sexual Harassment	Pornography	Total
0-12 years	2012	46	0	0	0	0	46
	2013	14	0	0	0	0	14
	2014	5	0	6	3	3	17
13-18 years	2012	67	0	1	5	7	80
	2013	34	0	9	2	6	51
	2014	23	2	8	8	5	46
19-24 years	2012	72	0	0	0	1	73
	2013	21	0	2	0	0	23
	2014	15	2	4	1	2	24
25-30 years	2012	32	0	0	0	0	32
	2013	12	0	0	2	0	14
	2014	12	0	3	0	0	15
30+ years	2012	10	0	1	0	3	14
	2013	6	0	3	5	0	14
	2014	1	0	5	5	0	11
Age not mention	2012	416	3	11	1	42	473
	2013	238	9	75	5	23	350
	2014	71	8	59	6	36	180
Total	2012	643	3	13	6	53	718
	2013	325	9	89	14	29	466
	2014	127	12	85	23	46	293
Case filled	2012	187	1	2	1	20	211
	2013	127	7	21	8	21	184
	2014	40	5	29	15	34	123

According to Odhikar, 389 women fell prey to sexual harassment in the period of January to September of 2012 among them 14 committed suicide, 2 were killed, 21 were injured, 12 were humiliated, 4 were abducted and 57 were attempted to rape. For daring to protest sexual harassment, 6 men were killed, 45 men and 9 women were injured as well as 35 men and 4 women were insulted. Moreover, 648 married women underwent violence over dowry claims, of whom 217 were killed and 12 committed suicide. By protesting against dowry violence, one man was killed and 10 men were injured.



## 2.2.2 Community Violence

Community violence occurs when community members collectively perpetrate violence on individuals of the same community. It is the outcome of a "community" decision to punish one of their members. Community violence in Bangladesh refers to communal violence based on religion, language and caste. However, the newspapers published news related with community violence including physical torture, cheating, abandoned, threaten, and harassment where 4920 women and children were victims during the reporting period. Except age not mentions highest 685 women aged 25-30 years experienced on community violence, followed by 30 years above women. Among them around 50% victims by physical torture, 20% by threaten, 13% by abandoned, 10% by cheating and 7% by harassment.

Table 2.4: Community Violence by age and year

Age	Year	Physical torture	Cheating	Abandoned	Threaten	Harassment	Total
0-12 years	2012	88	11	15	8	12	134
	2013	25	6	8	3	2	44
	2014	39	5	7	2	11	64
13-18 years	2012	63	21	16	12	6	118
	2013	22	13	9	16	1	61
	2014	22	9	1	7	2	41
19-24 years	2012	15	14	12	27	3	71
	2013	19	18	32	12	1	82
	2014	14	15	21	29	12	91
25-30 years	2012	123	31	10	19	1	184
	2013	246	42	7	22	0	317
	2014	123	23	4	32	2	184
30+ years	2012	42	4	12	51	6	115
	2013	19	3	9	107	0	138
	2014	45	5	6	142	2	200
Age not mention	2012	795	112	303	207	103	1520
	2013	266	82	87	151	87	673
	2014	495	82	103	132	71	883
Total	2012	1126	193	368	324	131	2142
	2013	597	164	152	311	91	1315
	2014	738	139	142	344	100	1463
Case filled	2012	78	28	19	7	16	148
	2013	59	17	7	8	3	94
	2014	175	11	12	15	16	229

It has been unveiled from Table 2.4 that case filling record was low considering other VAW incident. In 2012 only 6.9% cases filed against community violence, while 7.1% in 2013 and 15.7% in 2014 which is indicated positive trend regarding case file.

## 2.2.3 Fatwa: A Silent Violence Against Women

A fatwa is a legal pronouncement only when given by recognized jurists or an official Mufti or scholars from various schools of Islamic jurisprudence in response to an inquiry about juristic problems (Omran, 1992, pp 225, 192). However, the practice of fatwa, disguised as religious edicts, is often abused as a tool for torturing and suppressing women. The reemergence of fatwa-related-crimes in recent times is the main reason why it was selected in this study for investigation. The newspapers published 108 fatwa related news (50 in 2012, 24 in 2013) including hilla marriage, lashes, physical torture, and social boycott.

As consequences of Fatwa, 33% women and her family declared for social boycott, 15% declared for hilla marriage, 23% were physically tortured and 13% were lashing. This type of imposing judgment based on gender biasness is the violation of human rights. Table 2.5 explore the causes of fatwas that oral divorce (20), Premarital Pregnancy (7), Allegation of illegal relationship (14), Refused sexual relationship (5), Sexual relationship (4), Rape (5), Family dispute (10), Marriage (9), Love (5), Filing case (2) and others (30). Around 238% case filed against fatwa incident during the reporting period.

Table 2.5: Fatwa related violence 2012-2014

Type of Fatwa Causes	Hilla			Lashes			Physical Torture			Social Boycott			Others			Total			Case filed		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Oral Divorce	5	1	2	0	0	1	1	1	2	2	4	1	0	0	0	8	6	6	2	2	0
Premarital Pregnancy	0	0	0	0	0	1	0	0	0	1	0	0	0	1	4	1	1	5	0	1	0
Allegation of illegal relationship	0	0	0	2	0	0	3	1	2	1	1	0	4	0	0	10	2	2	2	1	2
Refused sexual relationship	0	0	0	1	0	0	0	0	0	0	0	4	0	0	0	1	0	4	1	0	0
Sexual relationship	0	0	0	0	0	1	2	0	0	1	0	0	0	0	0	3	0	1	3	0	0
Rape	0	0	0	0	0	0	0	0	0	1	1	1	0	0	2	1	1	3	1	1	1
Family dispute	0	0	0	1	0	1	0	1	1	2	4	0	0	0	0	3	5	2	1	1	0
Marriage	1	3	2	1	0	1	0	0	0	0	0	1	0	0	0	2	3	4	2	1	0
Love	0	0	0	0	1	0	0	1	2	0	0	0	1	0	0	1	2	2	0	1	0
Filing case	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	1	0	1	1	0	0
Others	2	0	1	3	0	0	5	2	1	7	2	2	2	0	3	19	4	7	6	1	0
<b>Total</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>8</b>	<b>1</b>	<b>5</b>	<b>12</b>	<b>6</b>	<b>8</b>	<b>15</b>	<b>12</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>9</b>	<b>50</b>	<b>24</b>	<b>37</b>	<b>19</b>	<b>9</b>	<b>3</b>

Ain O Salish Kendra published in its website that total 21 cases of Fatwa were reported in 2013, where 2 women received lashings on false allegations and 03 women suffered social boycott due to rape, divorce or false allegations.



### Imam sued for forcing woman to accept "hilla" marriage

A case has been filed against an imam for forcing a woman and mother of three children to accept 'hilla' marriage at Pukuria village in Bagharparaupazila of Jessore by issuing fatwa (religious edict). Quoting locals, police said Harun-or-Rashid of the village married Rozina Khatun, daughter of Sohrab Mir of the upazila 23 years ago. They have been blessed with one son and two daughters in their 23 years' married life. Momin Uddin alias Tosiar, son of AfsarMolla and imam of the local Jame Mosque announced in public that Harun verbally divorced his wife and issued a fatwa against Rozina in an attempt to force her to accept 'hilla' marriage. But Harun and Rozina denied the allegation and filed an affidavit with notary public in a bid to avoid the interim marriage. As the imam was continuously exerting pressure on them, Harun on Thursday filed a case against him with the local police station.

Source: The daily Sun, November 02, 2012

## 2.2.4 Rape: A Sexual Violence Against Women

Rape, the ultimate violence of the self, not only violates the victim's personal integrity but leaves permanent spot on the very soul of the helpless female. It also leads to physiological destruction such as frustration, depression and many. Rape is a type of sexual assault usually involving sexual intercourse, which is initiated by one or more persons against another person without that person's consent. The act may be carried out by physical force, coercion, abuse of authority or with a person who is incapable of valid consent, such as one who is unconscious, incapacitated, or below the legal age of consent the term is most often defined in criminal law.

BNWLA data shows that total 2344 rape incident occurred in 2012-2014 and among them 56% women and girls were raped by individual. Second highest was abduction after rape which was around 15%. It has been unveiled from Table 2.6 that around 20% victims were girls aged 0-12 years, 18% between 13 to 18 years, 5% women aged 19-24 years, 3% women aged 25-30 years and above 30 years

women. Though overall rape incident reduced around 14% in 2013 and 6% in 2014 from the base year 2012 as per newspapers report, but suicide after rape increased 93% in 2013 and 171% in 2014 and attempt to rape increased 191% in 2013 and 126% in 2014 as well as decreased 33% rape in 2013 and 40% in 2014.

### Child is raped at Bokshigonj in Jamalpur

Kohinur (a fictitious name) is a student of class three. Due to poverty she had to support her parent selling milk at market. She went to sell milk to the market on 15.06.2012. Roki, a vagabond boy, called her into his home deceiving about buying milk. That time there was no person at that home. Roki grasped at the opportunity and raped Kohinur. Later on local leaders tried to dissolve the matter through mediation. Though it is a criminal offence, the mediators tried to save the perpetrator. Father of the victim denied the incident of rape for fear of loss of dignity and social boycott. It proves that how unsecured the girl child in our patriarchal society.

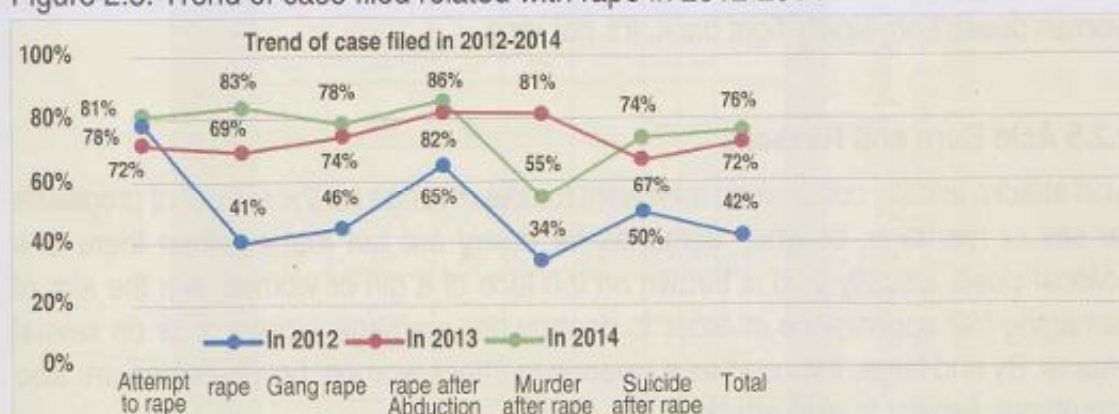
(Source-The Daily Amardesh, 22.07.2012)



Table 2.6: Rape 2012 - 2014

Age	Year	Attempt to rape	Rape	Gang Rape	Rape after Abduction	Murder after rape	Suicide after rape	Total
0-12 years	2012	5	134	3	1	22	1	166
	2013	16	96	6	3	7	0	128
	2014	14	98	11	21	36	3	183
13-18 years	2012	2	99	26	4	20	9	160
	2013	11	67	17	7	16	11	129
	2014	9	55	13	10	40	12	139
19-24 years	2012	0	20	6	2	7	0	35
	2013	1	9	5	0	17	2	34
	2014	0	19	9	7	16	2	53
25-30 years	2012	0	11	2	0	6	0	19
	2013	1	6	6	0	14	1	28
	2014	1	14	4	2	11	3	35
30+ years	2012	0	8	0	0	6	0	14
	2013	0	5	5	0	12	6	28
	2014	0	4	0	2	20	4	30
Age not mention	2012	16	308	75	13	26	4	442
	2013	38	208	78	12	29	7	372
	2014	28	158	68	34	47	14	349
Total	2012	23	580	112	20	87	14	836
	2013	67	391	117	22	95	27	719
	2014	52	348	105	76	170	38	789
Case filled	2012	18	236	51	13	30	7	355
	2013	48	271	87	18	77	18	519
	2014	42	290	82	65	93	28	600

Figure 2.5: Trend of case filed related with rape in 2012-2014



It is important to report the incident of rape to the authorities so that their assailants can be brought to justice. Women become victimized again when she goes to file a report of sexual assault. As a result, many of them do not take any legal action. However, figure 2.2 shows that irrespective of categories trend of

**A rape case of Madhupur, Tangail**

A 14 years old school girl, named Sathi Akter Moyna, a class nine student of a local school and daughter of a poor day labourer who was gang-raped in Rasulpur village in Madhupur Upazila of Tangail district on December 7, 2012. The victim was taken to a solitary house in Madhupur forest, and was violated in confinement, for three consecutive days, by the accused. Brutes they are, for they not only raped the 15-year-old schoolgirl, they also took obscene photos and recorded videos on their camera. The rapists abducted her to the solitary house in Madhupur forest. At night, the criminals raped the girl one-by-one. The girl cried for help. But her voice was drowned by the loud sound of music, played by Eva on a tape-recorder, it was alleged. When the condition of victim girl deteriorated, the rapists left her beside a nearby railway line at Rasulpur under Tangail Sadar Upazila on December 10. She was rescued by her brother and was admitted to Tangail General Hospital on December 12 for treatment. For four days, she was raped not by one, not by two, but by four brutes. (Source: The Daily Star Archive, 3 January, 2013).



case filed related with rape increased in 2013 and 2014. In 2012, number of case filed 42.5% of total incident occurred, while 72.2% in 2013 and 76% in 2014. Only attempt to rape related case filling decreased 78.3% to 71.6% in 2013.

Ain O Salish Kendra shows its' website that total 813 women raped and 185 attempts to rape in 2013, of those 87 killed and 14 committed suicide. Moreover, 287 women were under 18 years, 188 of them were 12 years or under. It was reported 256 gang rape cases.

The United Nations Multi-country Study<sup>2</sup> on Men and Violence asked men in rural and urban Bangladesh if they had forced a woman to have sex at any point in their lives. 14.1% of men in rural Bangladesh and 9.5% of men in urban Bangladesh said yes (10% averaged). 2.7% of men in rural Bangladesh and 0.5% (6/1252) in urban Bangladesh had raped in the past year. In rural Bangladesh 47.4% of rapists perpetrated more than once, 3.7% had four or more victims, and 40% first raped as a teenager. 82% of rural Bangladeshi and 79% of urban Bangladeshi men cited entitlement as their reason for rape. 61.2% of urban Bangladeshi men who raped, but didn't feel guilty or worried afterwards, and 95.1% experienced no legal consequences. 3.7% of men in rural Bangladesh had raped another man. 89.2% of urban Bangladeshi men answered 'agree' or 'strongly agree' to the statement 'if a woman doesn't physically fight back, it's not rape.'

### 2.2.5 Acid Burn and Reasons

Acid attacks usually occur when men want to take revenge for the refusal of proposals for sex or marriage, or when demands for dowry are not met or when there is a political clash. Usually acid is thrown on the face of a girl or woman with the aim of damaging her appearance in order to destroy her marriage prospects or on sexual organs. By and large, it is used as a weapon to attack women; however men are also sometimes subject to acid attacks.

A total of 247 cases of acid violence occurred in 2012-2014. The reasons of acid throwing that dowry (10%), refused to give permission for 2nd Marriage (9%), refused offer of love (16%), refused marriage proposal (4%), refused sexual relationship (5%), land dispute (9%), enmity (21%) and reason not mentioned(26%). Except reason not mentioned acid throwing due to enmity was the highest number followed by refusal of love.

<sup>2</sup>Why Do Some Men Use Violence Against Women and How Can We Prevent It?

Table 2.7: Fatwa related violence 2012-2014

Reason	Age		0-12 years		13-18 years		19-24 years		25-30 years		30+ years		Age not mention			Total			Case filled				
			2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2014	2012	2013	2014	2012	2013	2014		
			2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014		
Acid Burn for dowry	0	0	0	0	0	0	3	3	0	1	2	1	0	0	0	1	4	5	4	6	2	5	4
Refused to give permission for 2nd Marriage	0	0	0	1	1	0	5	0	0	3	0	0	0	0	4	1	1	4	2	2	17	1	14
Refused offer of love	2	1	0	8	6	1	2	4	0	0	0	0	0	0	0	9	3	3	21	4	12	4	3
Refused marriage proposal	0	0	0	0	4	0	0	0	0	0	0	0	0	2	1	1	2	0	1	9	1	0	5
Refused sexual relationship	0	0	0	0	1	0	0	1	0	1	0	1	0	1	0	3	3	1	4	6	2	1	3
Land Dispute	0	0	2	0	1	2	0	0	0	0	1	0	3	5	2	1	5	2	1	6	11	7	4
Enmity	8	0	0	2	1	1	3	1	1	5	2	0	6	2	2	9	9	1	33	15	5	8	4
Reason not mentioned	1	5	5	3	2	1	2	1	1	8	8	1	6	4	2	7	6	2	27	26	12	10	5
<b>Total</b>	<b>11</b>	<b>6</b>	<b>7</b>	<b>13</b>	<b>16</b>	<b>6</b>	<b>11</b>	<b>11</b>	<b>7</b>	<b>15</b>	<b>12</b>	<b>7</b>	<b>12</b>	<b>12</b>	<b>15</b>	<b>39</b>	<b>31</b>	<b>16</b>	<b>101</b>	<b>88</b>	<b>58</b>	<b>41</b>	<b>31</b>

Considering age bar, acid victims were 24 children aged 0-12 years, 35 aged 13-18 years, 29 women aged 19-24 years, 34 aged 25-30 years and 39 women aged 30 years above. About 86 women were victims for acid attack those ages not mentioned in newspaper. It has been illustrated from Table 2.7 that number of victims and number case both reduced in 2013 compared to 2012 data. Out of 101 cases of acid violence only 41 cases filed i.e. around 41% in 2012, while case filed 33% in 2013 and 69% in 2014.



#### **Eden College student became victim of acid attack**

Sharmin Akhter Aakhi, a fourth year student of Bangla department of Eden Government College, was stabbed due to refuse proposal of marriage. Moniruddin, a medical promotion officer of a pharmaceutical company, had been pressuring Sharmin for a long time to agree to his proposal. She came under acid attack allegedly by her spurned lover and his accomplices at Chankharpool in Dhaka on 15 January, 2013. Moniruddin had taken Sharmin to the marriage registration office at dagger's point in a bid to force her into marrying him. The brazen attack took place in broad daylight. After attack, she was fighting for life with terrible bruises in hospital. (Source-the New Age 16 January, 2013).

Acid Survivors Foundation shows its Annual report 2012 that the trend in acid violence has come to a steep decrease going from 496 attacks in 2002 to 98 attacks in 2012. Key reasons for attack were land disputes, financial disputes, marital disputes, dowry disputes, and refusal of marriage proposals and sexual advances. According to information gathered by Ain O Salish Kendra, it was reported that 44 attacks using acid on women in 2013.

#### **2.2.6 Trafficking**

Trafficking affects particularly women and children. It is a difficult task to develop a uniform and internationally agreed definition of trafficking. The United Nations Protocol on Trafficking in Persons, adopted in November 2000, defines trafficking as: "The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, removal of organs". Trafficking is mainly committed against persons who are socially and economically vulnerable. Poverty happens to be the prime factor behind woman and child trafficking from villages. Other major factors behind trafficking are illiteracy, landlessness, and over-population and low levels of income. Lack of income and opportunities make people vulnerable. Traffickers take advantage of the poverty of those people.

The newspapers published news related with trafficking including abduction, missing, rescues where 3575 women and children were victims during the reporting period. Except age not mentions (55% of total), highest 902 (25% of total) children aged 0-12 years were victims of trafficking, followed by 544 children (15%) aged 13-18 years, 84 women aged 19-24 years, 38 women aged 25-30 years and 42 women of 30 years above. Among them around 56% victims were rescued, 19% by abduction, 15% by missing and 10% by trafficking. Though victims of trafficking reduced in 2013 and 2014 compared to 2012, but the trend of case filing increased 19% to 25% in 2013 and 32% in 2014.



Table 2.8: Trafficking 2012-2014

Age	Year	Trafficking	Abduction	Missing	Rescued	Total
0-12 years	2012	21	65	101	166	353
	2013	47	52	68	74	241
	2014	6	85	67	150	308
13-18 years	2012	7	63	65	86	221
	2013	17	30	39	50	136
	2014	15	43	47	82	187
19-24 years	2012	5	11	9	17	42
	2013	1	5	8	5	19
	2014	3	7	3	10	23
25-30 years	2012	0	7	5	4	16
	2013	1	1	3	3	8
	2014	0	4	1	9	14
30+ years	2012	1	2	6	1	10
	2013	1	6	2	2	11
	2014	1	4	5	11	21
Age not mention	2012	76	96	36	521	729
	2013	86	84	41	382	593
	2014	59	109	37	438	643
Total	2012	110	244	222	795	1371
	2013	153	178	161	516	1008
	2014	84	252	160	700	1196
Case filled	2012	32	110	25	89	256
	2013	37	117	17	83	254
	2014	15	139	69	158	381

In 2012, RRRI Task Force Cell collected Bangladeshi women and children's (girls & boys) trafficked victim's information through e-mail communication that have been rescued by the Indian Police and they are living at different shelter homes in West Bengal, India. The RRRI Task Force Cell has also speeded up the process of nationality verification of a total number of 752 (330 women, 190 boys and 232 girls) trafficked victims by the Special Branch, Bangladesh Police. Those were rescued and applied to MoHA by the different NGOs/Ministries/Sections all over the year. Out of 752, RRRI Task Force Cell has issued a number of 631 (186 women, 164 boys and 281 girls) trafficked victims order for final repatriation through the Ministry of Foreign Affairs (MoFA). Rest of 121 trafficked victim's nationality verification is being processed by the Special Branch.

### 2.2.7 Domestic Violence and its Category

Domestic violence is an acute form of violence against women in Bangladesh. Different national and international instruments have explicitly recognized Domestic Violence at any sphere as a crime against humanity and it is a punishable offence. However, in Bangladesh, like other countries in South Asia, domestic violence is a widespread phenomenon. In general, domestic violence means any form of violence acts by individuals of the same family. If a woman is oppressed mentally, physically, sexually, economically or by threat, that act is termed as violence in the domestic periphery. Women are the main victim of violence and men are the perpetrator and oppressors. Domestic violence is not often made public as it may jeopardize family reputation- a typical cruel reality for the women in Bangladesh. In 2012, a baseline



survey conducted by Protecting Human Rights Program under USAID program stated that in Barguna District, the prevalence rate of domestic violence is 72 percent whereas the national data as per BDHS is 53% only.

BNWLA data shows that total 2829 domestic violence incident occurred in 2012-2014 and among them 47% women and girls were tortured by husband. Second highest incident was tortured by in laws which were around 12 %. It has been illustrated from Table 2.9 that around 2% victims were girls aged 0-12 years, 3% between 13 to 18 years, 20% women aged 19-24 years, 8% women aged 25-30 years and 7% women aged above 30 years women. Though as per newspapers report domestic violence incident reduced around 37% in 2013 and 11% in 2014, but number of case filled increased 3.1% to 9.9% in 2013 and 15.2% in 2014.

Domestic violence is a crime against women and girls. It is a violation of their fundamental rights and freedoms. It is a form of gender discrimination and is a violation of the principle of equality. Domestic violence is a crime against women and girls. It is a violation of their fundamental rights and freedoms. It is a form of gender discrimination and is a violation of the principle of equality. Domestic violence is a crime against women and girls. It is a violation of their fundamental rights and freedoms. It is a form of gender discrimination and is a violation of the principle of equality.

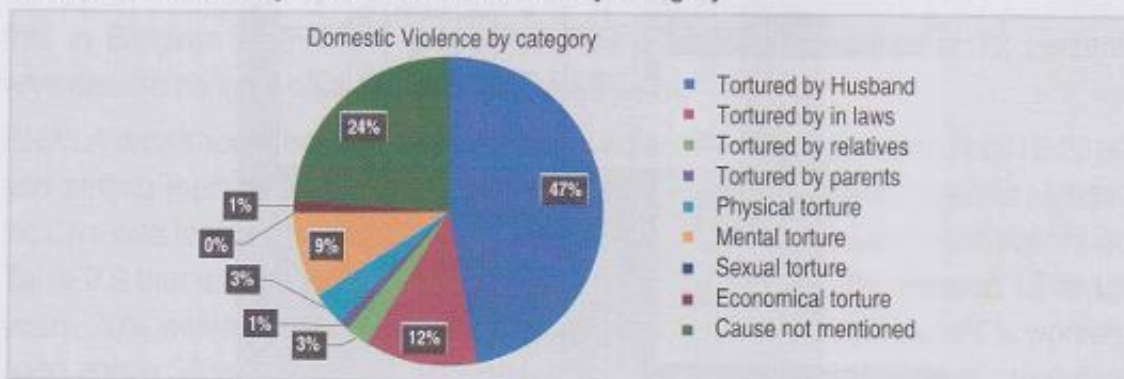
Domestic violence is a crime against women and girls. It is a violation of their fundamental rights and freedoms. It is a form of gender discrimination and is a violation of the principle of equality. Domestic violence is a crime against women and girls. It is a violation of their fundamental rights and freedoms. It is a form of gender discrimination and is a violation of the principle of equality. Domestic violence is a crime against women and girls. It is a violation of their fundamental rights and freedoms. It is a form of gender discrimination and is a violation of the principle of equality.

Table 2.9: Domestic Violence 2012-2014

Type	Age			0-12 years			13-18 years			19-24 years			25-30 years			30+ years			Age not mention			Total			Case filled		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Tortured by Husband	0	0	0	3	0	14	198	112	178	67	45	65	11	7	112	198	142	179	477	306	548	18	29	69			
Tortured by in laws	1	4	11	4	6	20	9	5	13	15	7	12	19	14	2	94	67	33	142	103	91	7	10	41			
Tortured by relatives	3	2	12	1	2	2	0	0	9	0	0	2	1	0	8	20	4	5	25	8	38	2	3	13			
Tortured by parents	9	0	4	0	3	0	5	0	1	0	0	1	0	1	0	0	2	3	14	6	9	0	3	4			
Physical torture	3	4	0	3	1	1	1	0	9	2	1	4	6	0	12	25	14	13	40	20	39	7	12	5			
Mental torture	0	2	1	0	4	0	0	0	5	0	2	2	0	0	2	93	57	84	93	65	94	0	6	5			
Sexual torture	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2	0	1	2	1	2	1	0	5			
Economical torture	0	1	2	0	0	0	0	0	0	0	0	0	0	1	2	12	7	5	12	9	9	0	2	0			
Cause not mentioned	0	1	4	0	2	11	1	0	8	1	0	5	0	1	4	317	178	143	319	182	175	0	4	11			
<b>Total</b>	<b>16</b>	<b>14</b>	<b>34</b>	<b>11</b>	<b>18</b>	<b>48</b>	<b>214</b>	<b>118</b>	<b>224</b>	<b>85</b>	<b>55</b>	<b>91</b>	<b>37</b>	<b>24</b>	<b>142</b>	<b>761</b>	<b>471</b>	<b>466</b>	<b>1124</b>	<b>700</b>	<b>1005</b>	<b>35</b>	<b>69</b>	<b>153</b>			



Figure 2.6: Percentage of domestic violence by category



The figure 2.6 shows the total number of incident of domestic violence published in daily newspaper. As per report, the highest number of torture is committed by intimate partner which is 47% followed by cause not mentioned 24% in 2012-2014. Number of sexual abuse was found in the lowest level, followed by economic torture.

A report of Ain o Salish Kendra shows that 2013, a total of 596 case of domestic violence were reported in the national newspapers where the women and children were the victims of violence. Among them 288 women were killed by family, 211 women were killed by husband, 51 women were committed suicide and 46 were the victims of physical assault.

### 2.2.8 Dowry and Related Violence

Among violence against women and children, dowry-related violence is a common feature in Bangladesh, affecting the lives of many women. Other than specific acts of violence such as killings, torture, the throwing of acid and the like, dowry demands affect the lives of women socially and culturally in a much deeper manner. Fundamentally, they undermine the equality of women and create culturally accepted forms of discrimination against them. Preference for boys often begins with the parental realization that the burden of finding dowries falls on them as soon as the child is born. Thus, the devaluation of a child takes place in culturally subtle forms from the very beginning. This continues throughout their early years and up to the time of marriage.

In Bangladesh, there have been some laws enacted to control such violence against women, such as the Acid Control Act, 2002 and the Dowry Prohibition Act, 1980. However, the level of violence, which continues unabated, demonstrates that such laws do not have the capacity to bring this situation to an end. While such laws are passed under pressure from women's groups and international lobbies, the state often fails to put in place the implementation mechanisms to enforce such laws. Within the law-enforcement agencies, deep-seated prejudices regarding the giving of dowries and the predominance of male over female are entrenched. The Government of Bangladesh issued appeals to all heads of public and private universities and the education board to wage war against the practice of dowries in the country. However, there does not appear to be a strong social movement to eliminate this practice. The following table gives the scenario of dowry related violence in 2012-2014.



Table 2.10: Dowry related violence 2012-2014

Age	Year	Physical Torture	Beaten to Death/Murder	Acid/fire burn	Divorced	Force to suicide	Total
0-12 years	2012	1	0	0	0	0	1
	2013	1	0	0	0	2	3
	2014	0	1	0	0	0	1
13-18 years	2012	10	0	0	0	0	10
	2013	3	0	0	0	1	4
	2014	2	2	0	1	0	5
19-24 years	2012	169	8	1	0	0	178
	2013	114	3	1	3	0	121
	2014	98	10	3	4	1	116
25-30 years	2012	120	7	0	0	0	127
	2013	35	6	0	1	0	42
	2014	41	1	4	0	0	46
30+ years	2012	87	3	0	0	0	90
	2013	32	0	0	0	1	33
	2014	36	8	3	0	0	47
Age not mention	2012	271	13	1	3	1	289
	2013	88	3	1	4	3	99
	2014	71	7	7	5	2	92
Total	2012	658	31	2	3	1	695
	2013	273	12	2	8	7	302
	2014	248	29	17	10	3	307
Case filled	2012	63	10	1	1	0	75
	2013	57	8	1	5	5	76
	2014	74	18	11	8	2	113

The table related to dowry violence delineate that rights of a woman is violated in different ways; physical torture, fire burn, divorce, abandoned and illegal abortion. Among the causes, physical torture is the highest (658) which is 95% of total violence and the second highest is beaten to death/murder. Same situation observed in 2013 and 2014 that 90% and 81% physical tortured occurred for dowry, respectively. Though 695 dowry related violence occurred and around 75 persons (11%) sought for legal action in 2012, but 25% victims filed case against dowry related violence in 2013 while it increased in 2014 up to 37%.

### 2.2.9 Violence against Domestic Worker

Domestic worker often face different types of abuse, humiliation and violence by male or female members of the household. Making some mistakes in the domestic work, working slow, breaking crockery and other utensils etc., are the common causes of

#### Aduri: brutality against child domestic worker

Aduri (10) worked as a domestic worker at Pallabi in Dhaka. She was used to brutally beaten by her female employer for trivial mistakes. She was dumped in dustbin when she became unconscious during torturing. Locals found her unconscious in a severely malnourished state and riddled with injuries, scars near a dustbin in the capital's DOHS Baridhara and shifted her to the One-Stop Crisis Centre of Dhaka Medical College Hospital rescuing her skeletal body.

(Source-The Daily Star, 27.09.2013)

such abuse and violence against female house maids. Additionally, male members (e.g. husband, adult son) do sexual harassment and violence against female domestic help. Such violence ranges from touching female organs, cuddling and molestation, to forced sexual coitus (rape) on house maids. Due to severe poverty,



need for survival becomes primary consideration for the victims. As a result, victims usually cannot protest such offences. These kinds of violence against house maids remain usually concealed. Most often they became pregnant by any male member but are forced to abort the child. Sometimes, however, some of them leave the house and take jobs in a different house. But in some cases, they fall victims of similar sexual violence in the new work place as well. At this point, they get disgusted and frustrated. Carrying this awkward and sad mental state of mind, some of them even get involved in commercial sex work. (Hossain, Habib and Imam 2004).

Table 2.11: Violence against domestic worker 2012-2014

Age	Year	Physical torture	Fire Burn	Unnatural Death	Rape	Gang Rape	Murder after rape	Murder	Force to suicide	Total
0-12 years	2012	27	0	2	1	0	2	11	2	45
	2013	17	1	1	1	0	3	2	0	25
	2014	16	0	3	1	0	1	9	1	31
13-18 years	2012	14	0	3	3	2	4	15	7	48
	2013	12	4	1	3	0	1	17	4	42
	2014	8	0	3	4	0	5	11	11	42
19-24 years	2012	2	0	0	0	1	0	4	3	10
	2013	0	0	0	0	0	1	5	0	6
	2014	1	0	1	0	0	0	2	0	4
25-30 years	2012	1	1	0	0	0	2	0	0	4
	2013	1	0	0	0	0	1	3	0	5
	2014	1	1	0	0	0	0	0	0	2
30+ years	2012	0	0	0	0	0	1	5	0	6
	2013	0	0	0	0	0	0	1	0	1
	2014	0	1	0	0	0	0	2	1	4
Age not mention	2012	10	0	0	3	1	0	11	6	31
	2013	5	0	0	5	2	0	5	3	20
	2014	9	5	0	5	0	1	4	1	25
Total	2012	54	1	5	7	4	9	46	18	144
	2013	35	5	2	9	2	6	33	7	99
	2014	35	7	7	10	0	7	28	14	108
Case filled	2012	17	0	0	1	1	2	13	2	36
	2013	15	2	0	6	1	4	26	3	57
	2014	21	2	5	8	0	4	12	7	59

It has been illustrated from table 2.11 that total 144 incident of violence against domestic workers were happened in 2012 and among these the highest 38% physical torture, which is close to murder incident (32%). It also indicates that same situation in 2013 and 2014 related with violence against domestic worker considering category of violence, while number of incident decreased 31% in 2013 and 25% in 2014. In contrast, the case filing trend increased gradually. The data shows that only 25% victims' family filed case while 58% in 2013 and 55% in 2014.



## 2.2.10 Suicide

Both women and men are victims of murder at the hands of strangers as well as known people including family members. Women are often murdered by their closest relatives such as husband, brother, son and in-law as consequence of family quarrel, demand for land, polygamy, husbands extra-marital affair or remarriage, demands for dowry, failure to give birth to children especially a son. In contrast, men are murdered by their neighbours, acquaintances, even strangers as sequels to conflict, political clash or even attempts at robbery. Suicides and murders are both forms of death due to intentional injury – in one case the death is caused by oneself, and in the other someone else is responsible for the death. It is also alleged that many suicides are in reality murders that were covered up cleverly. In many cases, women commit suicide when they cannot bear the pain of physical and mental torture as a consequence of rape, religion based community violence such as fatwa, dowry demands and abandonment. Both of these forms of violence violate the first clause of the Universal Declaration of Human Rights – the human right to life.

It has been illustrated from Table 2.12, that total 1645 suicide incident occurred in 2012-2014 and among them 31% women and girls committed suicide due to domestic violence. Except cause not mentioned, second highest incident was forced to suicide which was around 14%. The data indicates that around 5% victims were girls aged 0-12 years, 28% between 13 to 18 years, 19% women aged 19-24 years, 12% women aged 25-30 years and 11% women aged above 30 years women. Though as per newspapers report suicide incident reduced around 39% in 2013 and 40% in 2014 from base year 2012, but number of case filled increased 19.4% to 47.2% in 2013 and 41.4% in 2014. It can be concluded that adolescent age is at risk of committing suicide.

According to a report, published in the Lancet published in BBC News, suicidal tendency among women in Bangladesh is higher, because they have inferior status in society. Another factor is a higher rate of illiteracy and their economic dependence on men.<sup>3</sup>

### **Actress Mita Noor 'commits suicide'**

Celebrated TV actress Mita Noor (42), reportedly committed suicide at her Gulshan residence in the city early Monday, reports UNB. Being informed, a police team of Gulshan police station went to the flat of Mita Noor, wife of Rana, at a multi-storied building at House No-16, Road No-104 of Gulshan-1 near Manarat International University in the morning and found the body of Mita Noor hanging from the ceiling at about 6:45 am. Sub-inspector Sabbir, duty officer of Gulshan police station, said police were primarily informed that Mita Noor had committed suicide.

However, it is still mysterious whether the actress committed suicide or it is a case of homicide; investigation is going on, he added.

(Source: The Financial Express, 02 July 2013)

<sup>3</sup>Bangladeshi women 'at risk of suicide'. BBC News. Retrieved 16 November 2012.



Table 2.12: Suicide 2012-2014

Type	Age			0-12 years			13-18 years			19-24 years			25-30 years			30+ years			Age not mention			Total			Case filled		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Suicide (cause not mentioned)	19	16	4	96	55	29	74	40	9	25	23	19	38	19	14	71	51	22	323	204	97	71	87	19			
Attempt to suicide	0	1	0	1	3	2	3	6	2	0	2	2	0	1	1	5	18	7	9	31	14	3	12	5			
Forced to suicide	0	0	8	16	4	54	12	5	27	8	4	17	7	0	20	17	7	22	60	20	148	7	8	55			
Suicide due to Sexual Harassment	2	0	0	15	10	18	0	3	2	1	0	8	0	0	6	11	9	8	29	22	42	10	14	20			
Suicide after rape	1	0	3	9	11	12	0	2	2	0	1	3	0	6	4	4	7	14	14	27	38	7	18	28			
Suicide due to Domestic violence	21	6	0	58	38	23	64	24	26	33	24	18	29	10	17	77	32	18	282	134	102	42	67	56			
Suicide due to dowry	0	0	0	2	4	3	8	4	4	6	2	0	1	0	0	9	5	1	26	15	8	4	8	3			
<b>Total</b>	<b>43</b>	<b>23</b>	<b>15</b>	<b>197</b>	<b>125</b>	<b>141</b>	<b>161</b>	<b>84</b>	<b>72</b>	<b>73</b>	<b>56</b>	<b>67</b>	<b>75</b>	<b>36</b>	<b>62</b>	<b>194</b>	<b>129</b>	<b>92</b>	<b>743</b>	<b>453</b>	<b>449</b>	<b>144</b>	<b>214</b>	<b>186</b>			

Table 2.13: Murder 2012-2014

Reasons	Age			0-12 years			13-18 years			19-24 years			25-30 years			30+ years			Age not mention			Total			Case filled		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Murder (cause not mentioned)	193	89	123	160	89	124	101	52	48	104	45	72	155	73	111	314	184	194	1027	532	672	274	230	248			
Murder after abduction/Trafficking	37	28	53	10	11	12	1	3	10	1	0	12	2	0	7	13	13	19	64	55	113	22	39	95			
Murder after rape	22	27	36	20	16	21	7	17	16	6	14	11	6	12	20	26	29	47	87	115	151	30	77	93			
Murdered by husband	0	0	8	21	2	16	83	38	107	63	27	127	49	37	85	95	73	157	311	177	500	103	114	272			
Murdered by in Laws	0	14	13	0	5	3	7	9	2	9	15	3	8	23	15	14	33	6	38	99	42	18	61	27			
Murdered by relatives	13	10	18	4	4	7	5	3	6	2	6	11	18	6	11	16	11	13	58	40	66	21	23	38			
Murdered by Parents	48	44	56	4	1	9	0	1	0	1	0	0	0	1	1	4	5	4	57	52	70	13	34	30			
Acid Burn to death	0	1	0	1	4	0	1	7	0	0	0	1	0	3	0	2	11	0	4	26	1	2	19	1			
Murder due to dowry	3	7	10	20	14	13	110	43	64	54	20	36	12	11	11	106	61	43	305	156	177	92	84	89			
Unnatural Death	94	69	31	27	28	17	20	8	21	11	11	12	36	13	18	95	18	19	283	147	118	22	31	39			
<b>Total</b>	<b>410</b>	<b>289</b>	<b>348</b>	<b>267</b>	<b>174</b>	<b>222</b>	<b>335</b>	<b>181</b>	<b>274</b>	<b>251</b>	<b>138</b>	<b>285</b>	<b>286</b>	<b>179</b>	<b>279</b>	<b>685</b>	<b>438</b>	<b>502</b>	<b>2234</b>	<b>1399</b>	<b>1910</b>	<b>597</b>	<b>712</b>	<b>932</b>			



### 2.2.11 Murder

In 2012 total 2,234 murders occurred due to violence against women and children, while 1399 murders related case reported in 2013 and 1910 cases in 2014. During the reporting period highest 1710 children below 18 years murdered which is about 31% of total reported case, followed by age not mention (29%), aged 19-24 years (14%), aged 30 years over (13%), and aged 25-30 years (11%).

#### Murder due to refusing marriage

Saleha, aged about 15 years, was living at her maternal grandfather's house and continuing study from there. She was a brilliant student. On her way to school, Shorif, a depraved young man, used to offer her for love. Saleha always denied him. At one stage he proposed her for getting marriage with him. But she was strict with her decision and denied that proposal. Being angry Shorif cut Saleha's tongue with knife. She was seriously injured. Immediately after the incident she was taken to the hospital but died. (Source-Daily Somokal, 15.05.2012)

The reasons of murder are given in Table 2.13 that causes of murder not mentioned (40%), abduction (4%), rape (6%), dowry (18%) etc. It has been illustrated from Table 2.13 that number of victims reduced in 2013 and 2014 compared to 2012 data, but number of case increased. Out of 2234 cases of murder, only 597 cases filed i.e. around 27% in 2012, while 51% case filed in 2013 and 49% in 2014.

### 2.3 Judgement

It has been recorded that 16% case filed out of total published VAW incidents in 2012, while 27% in 2013 and 32% in 2014. The reason may be the people think violence is their personal issue and nothing to make it public, or a big chunk of people are not aware about legal support or do not know where to go for legal support. Poverty and lack of institutional support could be the major cause of lower number of case filed. Among the total case filed only 30% had verdict whereas 70% were shown as pending cases in 2012, but still 80% case pending in 2013 and 82% in 2014. This proves again the lengthy process for getting legal support. It has been illustrated from 2.14 that highest 191 perpetrators punished due to sexual harassment, followed by murder (90), rape (39) in 2012. While highest verdict found against rape (92) in 2013, followed by murder (85), acid (70), trafficking (14) etc and highest judgement against murder (115) in 2014, followed by sexual harassment (97), rape (59), acid (17) and dowry (15) etc.

Table 2.11: Violence against domestic worker 2012-2014

Causes	Judgment											
	Death sentence			Life term Jail			Jail			Total		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Dowry	1	5	8	5	3	0	1	0	7	7	8	15
Murder	38	11	38	43	63	54	9	11	23	90	85	115
Acid	0	40	5	0	30	10	3	0	2	3	70	17
Rape	2	0	22	29	4	26	8	88	11	39	92	59
Trafficking	0	0	0	13	5	3	7	9	2	20	14	5
Sexual Harassment	1	0	0	5	1	5	185	8	92	191	9	97
<b>Total</b>	<b>42</b>	<b>56</b>	<b>73</b>	<b>95</b>	<b>106</b>	<b>98</b>	<b>213</b>	<b>116</b>	<b>137</b>	<b>350</b>	<b>278</b>	<b>308</b>

Source: BNWLA Resource Center: Data collected from 14 national daily newspapers



## 2.4 Findings of Survey, Study And Research

In 2012-2014, a number of studies and baselines survey were conducted to explore the dimension and gravity of violence against women and children in different geographical areas of Bangladesh. Findings of some of the studies are given below:

CDV Project under Manusher Jonno Foundation conducted a baseline survey on Violence against Women in twelve proposed Model Village in 12 villages of 5 districts. The survey reveals that domestic violence is severe in Dhaka (68.77%), which is followed by Barisal district (65.89%). On an average, more than 50% households suffer from different sort of domestic violence. About the causes of violence it was found for not abide by directions of husband (53.8% cases), which is followed by delayed tasks (50.5% cases). The 3rd important cause is found for going outside the residence without permission (24.7% cases). Other important causes include standing counter argument (33.3%) and dowry related (about 11% cases) etc.

Among these nature of violence, the most frequent occurrence is the physical torture (95.6% cases), which is followed by mental or psychological torture (74.7% cases), financial pressure (38.0% cases) and the sexual harassment (10.6%) respectively. As per FGDs, it is important to note that within domestic violence, mental torture is the prominent one followed by economic hardship and physical torture in all places.

The most prevalent causes is found for not abide by directions of husband (53.8% cases), delayed task (50.5%), going outside the residence (24.7%) and standing counter argument (33.3%) etc. Participants into the focus group discussion mentioned that husbands with having inherent patriarchal culture exerts their authority and masculinity by doing violence against wives both physically and mentally for minor mistakes, even just expressing different opinions. It is important to note that poverty, patriarchal social systems and lack of awareness are important causes for all type of violence and vulnerabilities against women.

ILO, GOB and UNICEF conducted a study on Knowledge, Attitudes, Practices and Expectations (KAPE) Study on Child Labor in Bangladesh. The study says that most of the parents/guardians across both child-laborer and non-laborer groups did not consider people aged between 15-18 years as children. This implies that children aged 15-18 years are eventually most at risk of being employed in hazardous or risky work, since they are deemed to be grown-ups by their parents/guardians. Hence, there is a high misconception about childhood and lack of knowledge on child labor. Awareness about the laws and legislation regarding compulsory primary education was quite poor amongst parents/guardians of children who are child-laborers, children who are child-laborers and employers of child laborers. Only 4% of the parents and guardians are aware of the laws related to child labor, whilst only 17% of the employers are aware of the same. Less than 25% of the employers could mention any articles relevant to child labor, whilst less than 20% were aware about the 'Child



Labor Elimination Policy'. Poor awareness level amongst these groups of people can be associated with their practice of employing children in different activities that fall under the jurisdiction of child-labor. It was seen that the parents/guardians would be willing to let their children study only if they were also involved in money-earning activities. Moreover, the employers of child laborers were found to have high propensity to hire children as they found them to be a cheap and submissive form of labor.

Protecting Human Rights Program supported by USAID and implemented by BNWLA, Plan Bangladesh has conducted a baseline survey to know the prevalence of domestic violence in 102 unions spread across six divisions of Bangladesh: Barisal, Chittagong, Khulna, Rajshahi, Sylhet, and Rangpur. The survey was conducted by International Center for Research on Women (ICRW). The survey says that among the study sample of currently married women, the overall prevalence of physical and/or sexual violence in the last 12 months by their husband is 53%. But there is considerable variation of prevalence by site. In Baraguna Sadar Upazila of Barisal division has the highest rates of current prevalence of intimate partner violence (72 %) while Chhribandar in Rangpur has the lowest (24%). Across the sites, the current prevalence of physical violence is 49% while sexual violence is only slightly lower at 42%. One-third of women report experiencing forced sexual intercourse after or during an episode of physical violence in the last year, more than a fourth (28%) of women reported ever experiencing physical violence while pregnant and nearly six in ten women report emotional abuse.



## SAMPLE SURVEY ON VAW CASE AND POLICE SERVICE IN BANGLADESH

### 3.1 Introduction

A study was conducted in selected police stations of six divisions of the country to analyze the number of case filed in relation to Violence against Women (VAW) in police stations, status of case filed and quality of services offered by police stations in dealing with these cases. A questionnaire was developed to collect data from police stations based on their record maintained in 2012-2013. The objectives of the study are as follows:

- To know the number of case filed in police station in relation to violence against women
- To know the status of cases
- To know quality of services offered by police stations while dealing with survivors of VAW
- To know the women and child friendly enabling environment in police stations

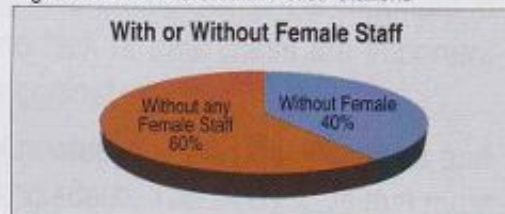
Data collected from 45 police stations have been analyzed, transformed into the following diagrams and tables and interpreted to get the reply of above objectives.

### 3.2 Composition of police at police station

#### Police Stations With or Without Female Staff

Questions arise how many police stations have either female police constable or female police officers or both; again how many police stations do not have any female staff. The data shows that currently 60% police stations have no female staff whereas provision for services to survivors of VAW is there.

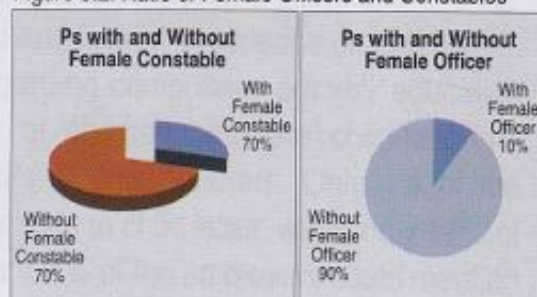
Figure 3.1: Female Staff in Police Stations



#### Number of Female Officers and Constable in 45 Police Stations:

The above pie chart 3 gives us interesting information that less than one-third (30%) police stations have female constable and 70% police stations have no female constable. On the other hand, only one-tenth (10%) have female police officers. Both in the position of constable and officers, number of female are lower than the male.

Figure 3.2: Ratio of Female Officers and Constables

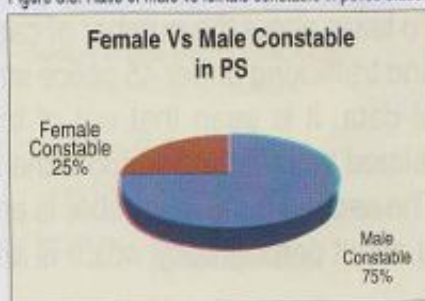




## Percentage of Male and Female Constable in 45 Police Stations:

To the following questions how many police stations have women constable and women police officers and their numbers. Data collected from 40 police stations show that among the total number of constables, only 25% are female and 75% are male constables. It is a matter of grave concern that how police stations can ensure women friendly services to women survivors with this one-fourth number of female constable.

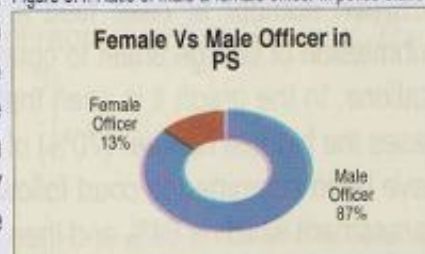
Figure 3.3: Ratio of male vs female constable in police station



## Percentage of Male and Female Officers in 45 Police Stations:

In question to number of female officers data shows that among the total number of police officers in 40 police stations, only 13% are female. Again the question comes about gender balance among the police officer and is it really possible to create an enabling environment for providing women friendly services to VAW survivors with a very negligible number of police officers.

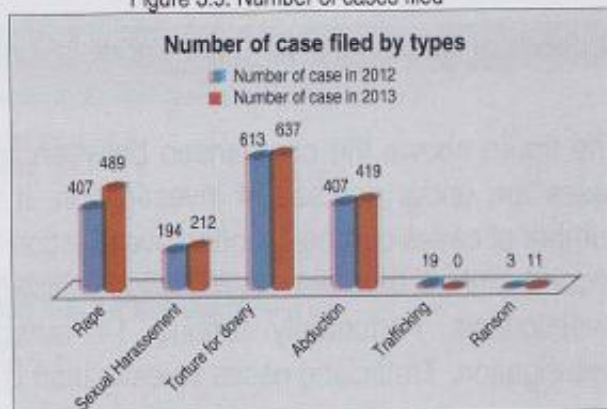
Figure 3.4: Ratio of male & female officer in police station



### 3.3 VAW Case Filed at police station by categories

The study had a question to assess the violence type-wise case filed under the Repression Prevention against Women and Children Act, 2000 to police stations. The figure shows type of violence cases that have been recorded as case filed in 45 police stations of six divisions. The type of violence is rape, sexual harassment, and violence for dowry, abduction, trafficking and ransom and the total number of case filed were 1653 in the

Figure 3.5: Number of cases filed



year 2012 and 1768 in the year 2013 though the number of incidents are higher than the cases filed. It is indicated that number of cases filed increased around 7%. It is seen from the graph that among the six types of violence, dowry is the highest which is 37% followed by rape and abduction which is around one-fourth (26%) of total violence cases filed and the lowest number cases filed for ransom (0%). It is also observed that there was no case filed related with trafficking in 2013, because a new law enacted and enforced regarding human trafficking in 2012.

Total number of cases filed against different categories of violence and the status of cases. How many final reports are submitted to the court, how many investigation reports have been prepared and submitted and how many cases are under investigation? It is seen that more than 27% final reports are submitted to court.



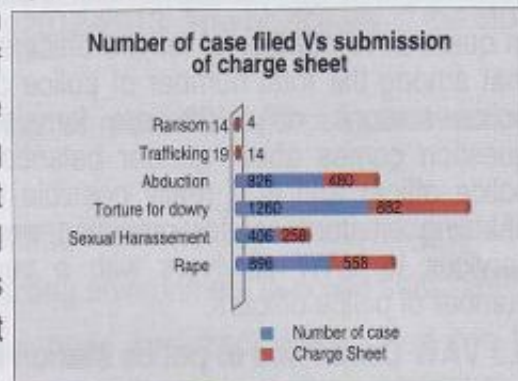
Investigation report submitted to court for 64% cases. Only 5% cases are under investigation.

To learn about the number of cases of violence related to pornography, acid throwing and trafficking under 45 police stations, an assessment was conducted. After analysis of data, it is seen that out of total cases of above three categories, only 68% are related to trafficking which is the biggest portion among these three types of violence. The second highest number is acid throwing which is around 19% and the lowest one is about pornography which is around 13% of total case filed.

### 3.4 Status of Submission of Charge Sheet against Case Filed

Figure 3.6: Number of case filed Vs submission of charge sheet

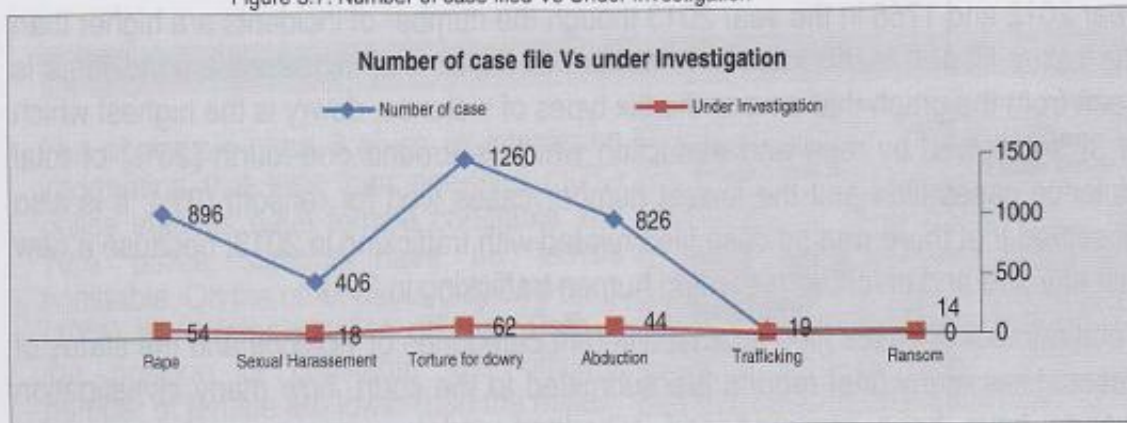
The above Figure shows the comparison between number of case filed and number of submission of charge sheet to court by 45 police stations. In the graph it is seen that in trafficking cases the highest number (70%) of charge sheet have been submitted to court followed by sexual harassment which is 64% and then rape which is around 62%. The lowest number of charge sheet was submitted for ransom which is 29% only.



### Number of Case Filed Vs Case under Investigation

The figure shows the comparison between number cases filed verses numbers of cases are under process of investigation. It is seen from the data that maximum number of cases of rape is under investigation i.e. around 6% of total rape cases. The second highest number is abduction which is more than 5% of cases is under investigation. Fortunately among 14 ransom cases, no one is gone under investigation. Trafficking cases investigation is also lagging behind.

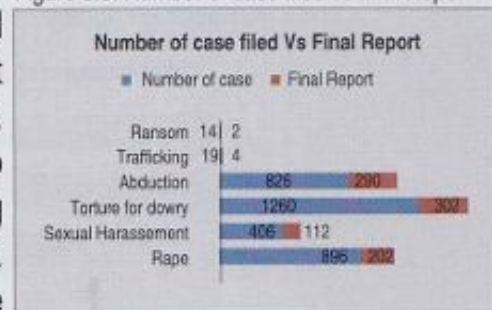
Figure 3.7: Number of case filed Vs Under Investigation



## Case filed Vs Final Report

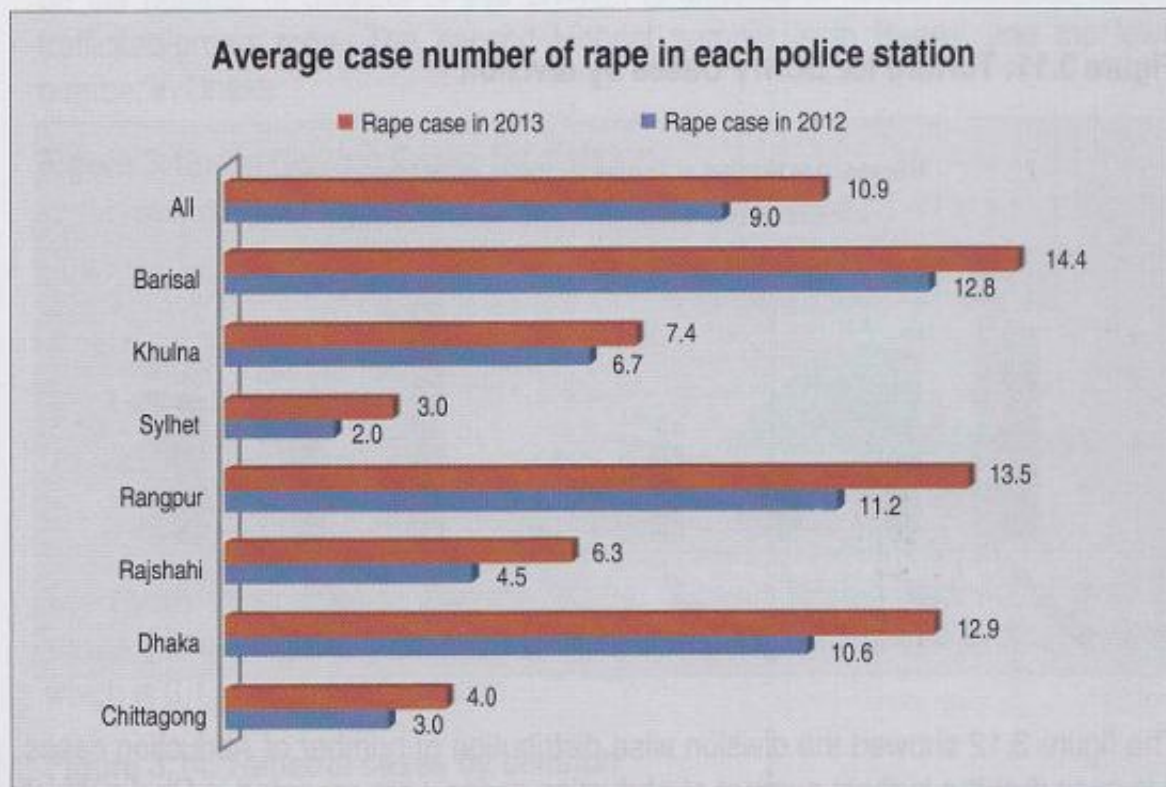
The line graph shows that the number of cases filed and number of final report submitted to court against cases filed. It is seen that the highest number i.e. 36% of abduction reports have been submitted to court against cases filed followed by trafficking where around 33% final report has been submitted. The lowest number is in case of trafficking where less than 21% report has been submitted.

Figure 3.8: Number of case filed vs final Report



The figure 3.9 delineates that the number of rape cases is highest in Barisal (12.8, 14.4) which is about double than Khulna, three times double than Rajshahi, four times double than Chittagong. The second highest number of rape case is in Rangpur. The lowest number of rape case was recorded in Sylhet (2, 3).

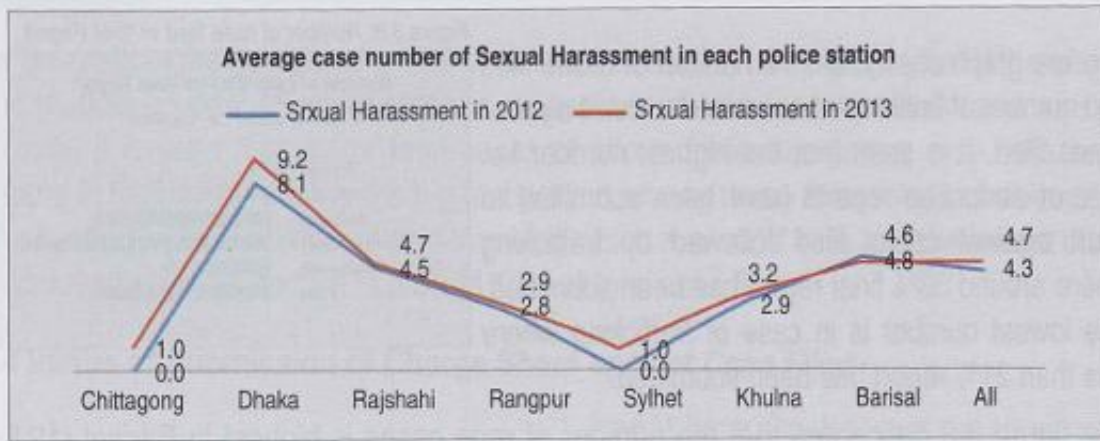
Figure 3:9 Rape cases by division



The figure 3:10 shows the division wise number of cases regarding sexual harassment. Data collected from the 45 police stations reveals the highest number of sexual harassment occurred in Dhaka District followed by Barisal. In Dhaka, average number of cases regarding sexual harassment were found more than 8 percent police stations, where as no cases regarding sexual harassment was found in Chittagong and Sylhet.

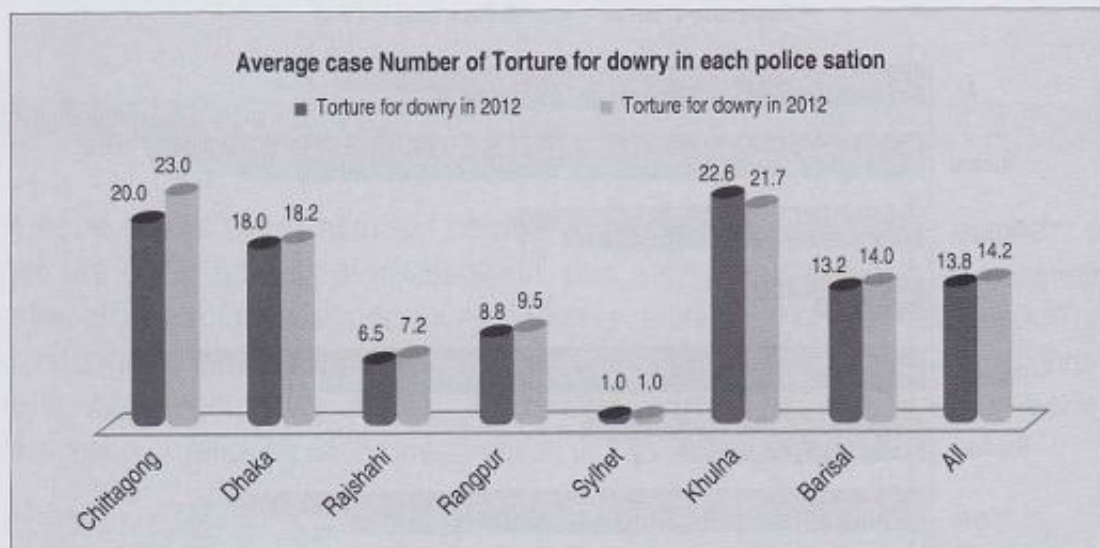


**Figure 3:10: Rape Cases by division**



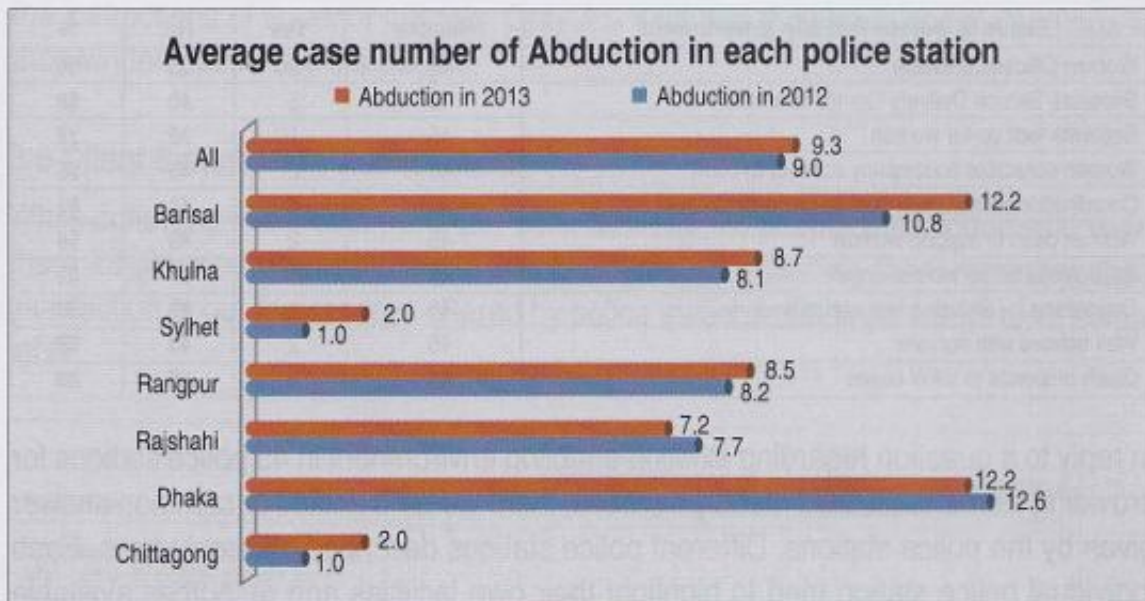
The figure 3.11 shows the average number of cases of torture for dowry in six divisions. The highest number of case of dowry torture was found in Khulna (22.6, 21.7) followed by Chittagong which is 20 for 2012 and 23 for 2013. The lowest number of cases was found in Sylhet.

**Figure 3.11: Torture for Dowry Cases by division**



The figure 3.12 showed the division wise distribution of number of Abduction cases. It is seen that the highest number of abduction cases were recorded in Dhaka which is more than one-fourth (26%) of total abduction followed by Barisal which recorded 22% and the lowest number of cases was recorded in Sylhet.

**Figure 3.12: Abduction cases by division**



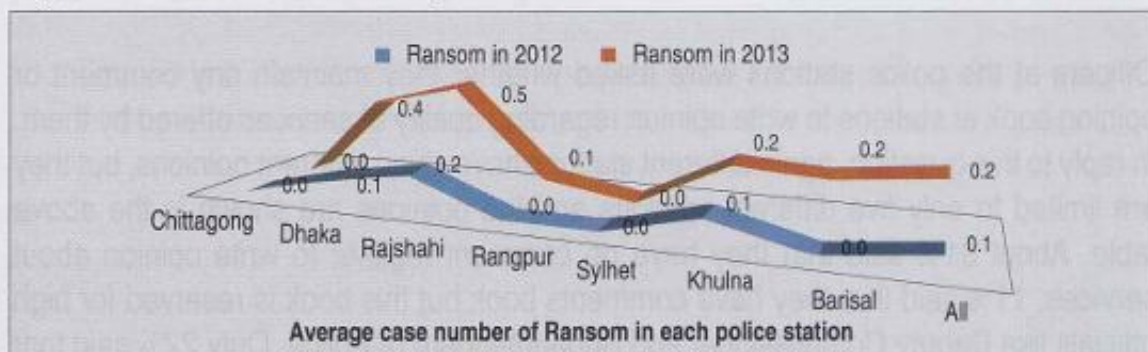
The figure 3.13 shows that the highest number is in Khulna Division. The reason may be the number of districts of this division is situated in border belt area which is trafficked-prone zone. The second highest number is in Barisal and the lowest number in Dhaka.

**Figure 3.13: Trafficking Cases by division**



The above divisional wise average number of cases related to ransom Figure 3.14 shows that the highest number is in Rajshahi which is 0.2 followed by Khulna division which is 0.1 in each police station.

**Figure 3.14: Ransom cases by division**





### 3.5 Women Friendly Police Stations

Status of Women Friendly Environment	Number	Yes	No	%
Women Officer/Constable	45	20	25	56
Separate Service Delivery Corner for women	45	5	40	89
Separate lock up for woman	45	10	35	78
Women constable accompany survivor to court	45	2	43	96
Coordination with women right based organization	45	4	41	91
Woman peon to support women	45	2	43	96
Service offered by women police	45	8	37	82
Counseling for reducing fear and stigma	45	3	42	93
Well behave with survivor	45	2	43	96
Quick response to VAW cases	45	9	36	80

In reply to a question regarding existing enabling environment in 45 police stations for providing women and child friendly services, there were no unified or common answer given by the police stations. Different police stations described different views. Each individual police station tried to highlight their own facilities and resources available for women and child friendly services. The total available facilities existing in all 45 police stations are shown in above table. More than half of the stations (56%) replied that they have neither female constable nor officer at their stations, 89% stations have no separate service delivery centers, 78% answered that there is no separate lock-up for women at their stations, 96% did not reply about accompany of female survivor by female constable to court. 91% did not say about coordination with local women rights based NGOs in providing women and child friendly services, only 4% replied that they have female peon at stations to provide support services to female survivors. Only 18% answered that they provide services to female survivors through female police constable. 7% said about counseling of female survivors to reduce fear and stigma and only 20% said about quick response to female survivor's needs.

#### Availability of comment book at Police Stations to write Comment or Opinion regarding quality of services offered by the stations:

Status of Quality of Services	Number	Yes	No	%
Comment register for common people	45	4	41	91
Maintain register to get comment from DC, SP etc	45	5	40	89
Open House Day in each month for getting opinion	45	10	35	78
Carry out instructions of superior officers	45	5	40	89
Maintain complain box for comments	45	2	43	96

Officers at the police stations were asked whether they maintain any comment or opinion book at stations to write opinion regarding quality of services offered by them. In reply to this question, again different stations have given different opinions, but they are limited to only five different opinions and the opinions are shown in the above table. About 91% said that they have no comment register to write opinion about services, 11% said that they have comments book but this book is reserved for high officials like Deputy Commissioner and Superintendent of Police. Only 22% said that



they organize Open House Day for all corner of people in each month to get comment about quality of services. 11% said that they maintain quality of work by carrying out the instructions of superior officials. Only 4% said that they have complained box to drop written opinion by the people.

### 3.6 Client Satisfaction Assessment

While collecting VAW data from 45 Police Stations, 25 people were found who went there for services. An assessment was conducted questioning them regarding their satisfaction about the services offered by police stations. Findings are given in below table.

Particular	Status	Comments About Services Offered by Police Stations	Total People interviewed	Comment	%
Number of people interviewed who came to police station for services	25	Satisfactory	25	4	16
Number of male people	20	Average	25	15	60
Number of female people	5	Not Satisfactory	25	3	12
Average number of times came to police station for services	2.16	Long Waiting	25	2	8
Average time consumed for services	3.2	Threatened by Police	25	1	4

Among two tables, the left one shows that among 25 visitors only 20% are female and 80% are male. After asking questions it was found that each people had to visit more than two times (average 2.16 times) to station for getting services and they had to wait 3.2 hours (average) to get services.

The next table shows about satisfaction level of people who went there for services. In reply to a question, only 16% said that they are satisfied with the services of station, 60% said about average satisfaction and 12% were not at all satisfied about the services. Again 8% said about long waiting and one person said that he has been threatened by police, not to tell people about the rape case of his daughter.



### LEGAL REFORM AND HIGH COURT DIRECTIVES

There are some noteworthy judgments related to violence against women through which the judiciary has acted or provided protection to women. Moreover, the government at different stages has also cooperated with the women's movement and civil society to enact laws and ensure implementation in order to address issues of VAW.

#### 4.1 Human Trafficking Deterrence and Suppression Act, 2012

This Act is enacted to prevent and suppress human trafficking, cross border crime, protect and implement rights of and to ensure safe immigration of victim. The Act has also the provision for camera trial to ensure justice and protecting the rights of the women and child victims. Highest penalty under this Act is death penalty and also fine of taka at least 5 lac.

#### 4.2 Pornography Control Act, 2012

The Pornography Control Act, 2012 has been enacted to prevent depreciation of the social and moral values with special focus on the women and children. The definition of Pornography includes production and dissemination of video documentary, audio-visual materials, graphics, books, periodicals, sculpture, cartoon, leaflet and imaginary statue using uncivil dialogue and picture, body movement, naked dance, etc. which may create sexual appeal. The Act strongly prohibits production, preservation, marketing, supply, buying and selling and dissemination of all forms of pornographic items. Highest penalty under this Act is 10 years imprisonment and also fine taka 5 lac.

#### 4.3 The Children Act 2013: A milestone of child protection

Like many countries in the world, Bangladesh formally focused its attention on children protection in the Constitution of Bangladesh and customary laws from the very beginning of its independence. After 42 years of liberation of Bangladesh, the law has not substantially been changed to protect children. Though the Children Act 1974 and the Children Rules 1976 are considered as the basic law for children justice, these are not comprehensive and in conformity with the Convention on the Rights of the Child (CRC) of 1989 and the other international standards. Consequently, children suffer adversely from existing laws. It is a great challenge to ensure the over-all improvement of the children justice system through a specific child-oriented law in Bangladesh.

In this context, the Government of Bangladesh passed the Children Act 2013 on the basis of the CRC that Bangladesh ratified long ago (The Convention on the Rights of the Child (CRC) 1989 came into force on 2 September, 1990 in Bangladesh).



However, in Bangladesh, the Children Act 2013 is a positive step and it is a great milestone for the protection of the rights of the child in all sphere of life. The numbers of vital issues on child rights have been dealt with in the Act. Furthermore, the Act recognizes some organizations and members and mentions about their responsibilities for protection of the best interest of the children. The main issues of the new Act are presented below:

Due to the difference in ages of children, they were denied fair justice. This discrepancy has been addressed in the Children Act, 2013. In the Act, the age of the child has been increased from 16 to 18 years. So, child age has been fixed up to 18 years. For the first time, the Act has a provision for child victims and witnesses cementing legal instruments for their protection, including compensation for victims.

- According to the Act, the government will appoint one or more Probation Officer/s in the district, upazila and metropolitan areas.
- As per the Act, under the Ministry of Home Affairs, Child Help Desks will be formed in police stations all over the country. An officer, ranked sub-inspector or above, will look after the desk.
- The Act specifies responsibilities of the designated police officer.
- According to the Act, whatever the circumstance is, child aged below nine cannot be arrested. If a child above nine is being arrested, law enforcers cannot apply handcuffs and rope around waist to the child.
- The Act specifies about submitting charge sheet against children. According to the Act, a single charge sheet consisting of adults and children cannot be submitted.
- According to the Act, at least one juvenile court will be formed in district or metropolitan area. If a case is filed against a child, whatever crimes he/she committed, the juvenile court will try him/her.
- As per the Act, it states that the police officer or juvenile court can look for alternative preventive measures during any stages of the formal judicial system.
- It has also been mentioned in Act that there will be a monitoring process for checking, whether the directed alternative measures have any positive impact on the child's behavior.
- The Act proposed for highest five years imprisonment and Taka one lakh fines for any cruelty on children as well as giving a guideline for bringing up the children in a conducive atmosphere.

#### **4.4 Directives of High Court through Issuance of Rule Nisi:**

As a watchdog of human rights violation, BNWLA noticed the fact that how easily women are divorced in the present system and the agonies after divorce especially



for maintenance, dower and child custody. As such BNWLA filed a writ petition (Writ petition no. 4781/2012) in 2012 seeking directions upon the respondents to direct all Nikah Registrars to register marriages on the basis of National ID Card as well as prayed for guidelines enhancing the power of the Arbitration Councils, in order to prevent child marriages as well as to settle the matters out of Court regarding dower, maintenance, custody of children before divorce. The honorable High Court division issued a Rule Nisi calling upon the respondents to show cause as to why a direction should not be given to them to direct the Nikah and Marriage Registrar to register the marriage and divorce on the basis of national ID card and also to enact provision of divorce through court proceedings for ensuring dower, maintenance and guardianship of children by the Arbitration Council before finalizing the procedure of divorce for reduction of domestic violence and to digitalize the Marriage and Divorce Registration system and/or such other order or further order or orders as to the court may seem fit and proper. The High Court division in its judgment depicted its observation that the determination of age for marriage only on the basis of the national ID Card could be made possible in near future by making registration of marriage digitalized. The Court also viewed that during the period fixed for reconciliation, if the reconciliation fails, the Arbitration Council may be given authority to deal with issues regarding dower, custody of children, maintenance of children and the maintenance of wife during her Iddat period. If the above mentioned issues are resolved before the registration of divorce, it will lead to smooth resolving of the matters subsequent and consequent to divorce. When divorce is inevitable and reconciliation fails, Arbitration Council should be given power to determine issues which need to be settled as early as possible, even before the procedure of dissolution of marriage are completed. The Arbitration Council can deal with the matters regarding dower, custody and maintenance before the registration of divorce and if it fails in resolving the matter amicably, then there is always a provision existing to seek relief from the Family Court. Moreover, the High Court division expressed that the Nikah Registrars are to give emphasis and priority to the National ID Cards in determining the age of the parties.

#### **4.5 National Plan of Action for Combating Human Trafficking 2012-2014**

The earlier National Plan of Action 2008, which has just expired in 2011, focused on trafficking in women and children. The current National Plan of Action for Combating Human Trafficking 2012-2014 intends to cover all types of internal and cross-border human trafficking and seeks to address the weaknesses of the previous NPA. The NPA 2012 also aspires to meet anti-trafficking international standards and practices, including those developed in the South Asian region.

#### **4.6 Setting up of National and District Committees**

Anti-trafficking activities in Bangladesh have received a major boost with the formation of an inter-ministerial committee at national level headed by the Secretary



of the Ministry of Home Affairs and committees in each District headed by Deputy Commissioners to monitor the matter at district levels. Also, there are anti-trafficking committees at the Upazilla and Union levels.

#### **4.7 Setting up of Monitoring Cells**

Another major device was the setting up of a monitoring cell at the Police Headquarters (and in each District) to monitor anti-trafficking actions specially the prosecution of human trafficking. Initially, the cell focused on trafficking in women and children, and now, its terms of reference includes measures against all forms of human trafficking including the prevention of trafficking, rescue and rehabilitation of trafficked persons and day-to-day development of the criminal cases related to human trafficking.

#### **4.8 Continued awareness-raising programme**

Awareness raising activities at national and district levels; and a series of specialist trainings imparted to government officials, police officials (including investigators and immigration officers), lawyers, judges, social service officials, and public prosecutors.

#### **4.9 Taskforce for RRRI of Trafficked Women and Children**

A Taskforce for the rescue, recovery, repatriation and reintegration of specially children and women victims/survivors of trafficking is established at the MoHA. The initial remit of the Taskforce to work for the rescue, recovery, repatriation, and integration of child victims of trafficking is currently extended to cover victims of all types of human trafficking.

#### **4.10 DNA testing in Bangladesh is under a legal frame work**

Although there are several DNA profiling facilities in Bangladesh, there was no Act to regulate them. The Deoxyribonucleic Acid Act is meant to regulate how the DNA tests will be carried out, how the database will be preserved, the tests' system, quality control, laboratory quality, administrative system and others under a framework. The Deoxyribonucleic Acid (DNA) Act 2014 has been passed with a provision of bringing the DNA test process under a legal framework. The objective of the bill states that the DNA profiling is important for detecting criminals accused of major offences like rape, murder, determining fatherhood, motherhood and sibling relationship and also identifying decomposed bodies.

No person or organization would be able to carry out tests or preserve DNA without the government's approval. Violating the Act will invite a seven-year prison term and Tk. 300,000 in fine. One will be jailed for two to three years and fined Tk. 100,000 for DNA profiling without approval. Publishing information on DNA without approval will lead to a three-year jail term and Tk. 50,000 in fine and if anyone destroys or contaminates DNA sample, he will get seven years behind bars and will be fined Tk. 300,000. A national database will be created under the Act where sample of



everyone's DNA and information will be stored. If anyone enters this database without approval, he will be subjected to two years in jail and a fine of Tk. 30,000.

DNA profiling is seen as an essential tool to identify criminals, dead bodies and for ascertaining parents. A directorate will be created under the women and children affairs ministry under the Act. An advisory committee of experts will be formed with members from other ministries.

DNA is the hereditary material in humans and almost all other organisms which is made up of deoxyribonucleic acid, protein and ribonucleic acid. Gene formation defines the structure and activities of the body. The National Forensic DNA Profiling testing facility at the Dhaka Medical College Hospital generally uses 16 STR Markers during DNA profiling. Two different numbers show up against each marker during DNA analysis of a person. Each of these numbers carry an identity of the person's characteristic. Thirty-two numbers of the 16 markers form a person's DNA profile are unique to each person. It is hence possible to identify a criminal by testing blood, parts of the body or even hair from a crime scene. Scientists are able to ascertain parentship by comparing 32 numbers from one person with 32 numbers from other person.

DNA test are commonly used in Bangladesh to solve cases of rape and ascertaining parentships. The national forensic has tested and preserved DNA samples from victims of Tazreen fire and Rana Plaza collapse to help relatives identify the victims. Government medical colleges in Rajshahi, Sylhet, Barisal, Rangpur, Khulna, and Faridpur have DNA labs where DNA screening is performed. Activities of these labs came under the DNA Act.



### IMPLEMENTATION STATUS OF DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT, 2010

In order to address domestic violence, the National Parliament of Bangladesh passed the Domestic Violence (Protection and Prevention) Act, 2010 on 5 October, 2010 which incorporates the spirit of the BPFPA and CEDAW, pierces the veil of privacy, and brings human rights standards into the home. This report monitors the implementation of the DVPPA. This report seeks to assess the functioning of the DVPPA and to identify the major challenges to its full implementation including constraints faced by those stakeholders charged with the Act's implementation.

The primary objective of the DVPPA is to recognize and ensure a woman's right to live in an environment that is free from violence and other forms of abuse. In order to ensure this right, the DVPPA lays the framework for a multi-agency response system intended to provide support to victims of domestic violence. The key stakeholders include enforcement officers, police officers, service providers, shelter homes, and medical service providers. In order to ensure the effective implementation of the DVPPA and enable each of these stakeholders to carry out their duties efficiently, it is necessary to develop the appropriate infrastructure. However, as the DVPPA is still in the nascent stages of its implementation, the concerned departments have yet to fully develop the necessary infrastructure.

The impact and effectiveness of legislation can only be assessed when the intended beneficiaries are able to access the courts and obtain the relief provided under the law. While a number of factors contribute to women being able to use the law successfully to file a claim before the court, it is ultimately the judges who determine the nature of relief granted, the circumstances under which relief is granted, and the effectiveness of the relief. The process of analyzing court order is one of the most comprehensive methods to understand the impact of any legislation. In order to analyze court orders issued under the DVPPA, this chapter first focuses on the quantitative data of number of cases filed in order to ascertain whether or not women were beginning to use the law. The chapter then provides a more detailed cases study for eleven (11) cases in which relief has been granted under the DVPPA in order to provide examples of relief being provided to victims under the DVPPA and to give a better understanding of the way in which the DVPPA is functioning on the ground.

While the DVPPA was passed on 5 October, 2010 and went into force on 30 December, 2010, the first case was not filed under the Act until 24 July, 2011. Under section 11(2), applications for relief under the Act shall be submitted in such a form as



prescribed by the Rules. However, despite the Government being provided the power to make Rules for the purposes of carrying the provisions of the DVPPA into effect under section 36 of the Act, the Government couldn't pass Rules until 29 April 2013. The lack of a prescribed form for submitting an application to the Court made it very difficult to file an application under the Act initially.

Nevertheless, on 24 July, 2011, BNWLA filed the country's first ever case under the DVPPA. After a prolonged argument in Court, the Court was satisfied to receive the case, as the Act was already in force thereby entitling domestic violence victims to relief provided under the DVPPA. This first case was significant, as it created the momentum necessary to bring cases under the DVPPA in the absence of a prescribed form for the application. BNWLA has continued to be a leader on this front, having filed 45 cases to date.

As of March 2013, 102 cases have been filed under the DVPPA. Note that this number represents the number of cases that have been conducted by legal aid service providers BNWLA, BLAST, and ASK. As discussed earlier, it is very difficult to ascertain the precise number of cases filed under the DVPPA given that the Courts that have jurisdiction over domestic violence cases have not yet implemented any record keeping system to track the number of cases filed under a particular law.

Following the enactment of the DVPPA, nationwide efforts were taken to combat domestic violence with organizations like BNWLA, BLAST, and ASK filing cases under the DVPPA. Yet, there are still 49 districts where no cases have been filed under the DVPPA. Given that most women experience domestic violence at the hands of an intimate partner or family member in her lifetime in Bangladesh, the number of cases filed likely represents only a small fraction of the domestic violence that is occurring in Bangladesh.

Despite the enactment of the DVPPA, domestic violence persists throughout the country. While enacting legislation on domestic violence may protect victims of violence in theory, the actual implementation of the DVPPA on the ground remains limited. This chapter discusses some of the limitations of the DVPPA in addressing domestic violence and major challenges in achieving full implementation of the law.

First, in Bangladeshi culture, domestic violence is viewed as a private matter that should be confined within four walls of house. Consequently, few women will talk about instances of domestic violence with anyone outside her family or make a report of abuse to the Court. This culture of silence surrounding the issue of domestic violence is one of the major barriers to use the DVPPA to provide relief for victims of violence. However, through various initiatives and collective efforts, progress is gradually being made towards breaking the silence against domestic violence.

Another reason why victims of domestic violence remain silent is the fear of divorce. Many of the stakeholders interviewed expressed that most of the time when a woman



filed a complaint against her husband, she got divorced. This pronouncement sometimes makes the victim suffer additional violence while being blamed by society. Furthermore, the existing social services are not adequate to support the victim to survive in the community. There is a lack of opportunity and funding in terms of infrastructure, job placement, social security, and livelihood support.

Another challenge in implementation is that even when a woman does come forward to report domestic violence, police and judicial personnel are either not aware of or do not fully understand provisions of the DVPPA. In addition, in most cases, policies and protocols for responding to domestic violence reports have not been developed, leading to reports of domestic violence being overlooked or poorly investigated. This can result in women making reports facing further harassment after reporting. Furthermore, insufficient resources have been allocated for implementing the DVPPA and a failure to develop strong and long term programs for addressing domestic violence. As a result, the DVPPA is largely symbolic and is not able to actually reduce domestic violence.

Prior to the Rules being passed, it was difficult to file cases under the DVPPA. In the absence of the Rules, many Courts rejected cases filed and faced difficulties issuing the relief orders prescribed by the Act. However, many stakeholders opined that the existence of Rules were not required before a victim could seek relief under the DVPPA as the law was already brought into force by the Government.

Lastly, little data has been collected on violence against women which makes it difficult to know the actual prevalence of domestic violence and to allocate appropriate funding to prevention and support programs. Addressing domestic violence may require different approaches. But in contemporary Bangladesh, we are still far from addressing the patriarchal culture and social structures that are widespread throughout the country. Current efforts to promote gender equality are insufficient.

### **General Recommendations for Improved Implementation**

- **Ensure Institutional Support for Victims:** There should be a country-wide mapping of service providers and the scope of their services would make it easier to see understand how far services have been extended to victims as well as what groups are being targeted. This understanding would enable the government and NGOs to develop their services to reach the under-served. In addition, the mechanism to certify mental abuse of victims needs to be established in rural as well as in urban areas. This would require significant budget allocation.
- **Develop National Surveillance System:** In order to identify the domestic violence of women and recommend solutions, a systematic monitoring mechanism should be formed and led by the Parliamentary Standing Committee for MoWCA.
- **Sensitization and Capacity Building:** One of the major challenges for the effective



implementation of DVPPA is changing the existing concept of domestic violence in society. Individuals need to understand that domestic violence is not a personal matter to be dealt behind the closed door. Awareness should be raised regarding this Act. In addition, stakeholders under this Act who work directly with the victims of domestic violence need to be women and child friendly. Victims need to be provided with confidential legal support. In order to do the same efficiently, stakeholders should be provided necessary professional capacity building training.

- **Develop Enforcement Mechanism:** In order to prevent domestic violence, short-term, mid-term and long-term planning for developing effective enforcement mechanisms is essential. As a part of this, Rules under this Act has been passed.

- **Develop Effective Coordination Mechanism:** Coordination should be maintained among the organizations and the stakeholder who are directly working to implement this Act. For this purpose, harmonization among the law enforcement agencies and inter-ministries is essential. The survivor should be given necessary counseling regarding her rights and remedy under this Act, along with other laws.

- **Community Based Response System Building:** Standing committees at the Union level, including the Committee on Violence against Women and Health, should be activated. In order to prevent domestic violence, getting information in this regard can be included in the right of information program of the government.

- **Have Dedicated Enforcement Officers:** One lesson learned from neighboring country India, is that, according to the Chairperson of West Bengal's Woman's Commission, Protection Officers (serve a similar function to Enforcement Officers under India's 2005 domestic violence law) who were newly appointed and only assigned to carry out functions of Protection Officers are much more effective than individuals who are assigned Protection Officers duties on top of other assignments.



## CHALLENGES OF IMPLEMENTING HUMAN TRAFFICKING DETERRENCE AND SUPPRESSION ACT. 2012

Trafficking of human beings in Bangladesh, as elsewhere, is a heinous offence of clandestine nature, often involving transnational and organized crimes. On the other hand, internal or domestic trafficking in Bangladesh has recently become unraveled as an emergent problem. While trafficking of women and children in Bangladesh has not visibly dwindled, although the statistics and the available information may give a misleading state of the issue, trafficking of male migrants has been on the rise. Human trafficking in Bangladesh is a multi-dimensional problem, producing huge social and economic costs.

The reasons including poverty and illiteracy that create both the demand for trafficked people and a site for supply of human beings for trafficking abound in Bangladesh. As such the effective tackling of the problem of human trafficking is not the job of law alone. Trafficking of human beings has indeed been a socio-economic as well as a developmental problem, necessitating multidimensional approaches and techniques to combat the problem. Accordingly, while any legislative enactment is not the only remedy in the fight against the scourge and vice, but an effective legal regime is the foremost important tool is definitely needed. In this context, the Comprehensive Law represents a hallmark of achievements of the longstanding initiatives of the government, civil society members, and international bodies.

The integration of victims of trafficking faces another challenge which includes a number of root causes such as poverty, lack of livelihood opportunities and gaps in social protection scheme, and discrimination. Income generating support system is necessarily important to integrate the survivors in their community. The existing root causes regarded as push factors should be addressed with an effective and sustainable income generating options for the poor and vulnerable to forced migration.

In February 2012, the parliament of Bangladesh passes the Human Trafficking Deterrence and Suppression Act, 2012 (HTDSA 2012). The HTDSA is the most spectacular achievement of the ongoing anti-trafficking moves and Action by the government and the other implementing partners. It is a rights based legislation, placing the concern for the trafficking victims at the core of its functional fold. The Act is in implementation and the following challenges are observed.

**Establishment of Special Tribunal:** The HTDSA includes a provision for the establishment of Special Tribunals to handle especially the trafficking cases. However, there is no provision regarding the period of time within which the



Government of Bangladesh shall establish such tribunals. Presently, the cases are being tried by Women and Children Repression Prevention Tribunal as per the instruction of section 21(2). However, this tribunal is already overburdened with the cases that are filed under the Women and Children Repression Prevention Act, 2000 (WCRPA). The absence of a specific time limit and accountability mechanism for not establishing the Special Tribunals is frustrating the spirit of the HTDSA.

**Providing Rules:** Government has to make Rules under WCRPA to fulfill the purposes of the Act. Moreover, in the Act, there is no specific time limit within which the Rules shall be made. Due to lack of Rules lawyers and tribunals have been facing various problems in handling cases.

**Electronic Evidence:** The HTDSA provides for the recognition of electronics as a means of evidence in the trial. However, such types of electronic evidence are frequently forged and edited. The acceptability of such evidence is made authorized under the subjective satisfaction of the Judge of the tribunal. This creates a large vacuum in the legislation as to the genuineness of electronic evidence and the measures used to examine such genuineness. This vacuum can be a tool of oppression.

**Corruption in Law Enforcement Authorities:** Police are very reluctant to investigate trafficking cases. Most traffickers are organized and existing under the superior political shadow, resulting in police or investigation authorities making improper reports or being reluctant to investigate cases at all.

**Lack of Awareness of the Law:** Most law enforcement agencies and courts lack up-to-date legislation and are therefore unaware of the enactment of the HTDSA or of its provisions. In some cases, police have filed cases under the wrong law because they were unaware of the enactment of the new law.

**Consciousness of the Judicial Officers:** The effectiveness of the HTSDA also depends upon the skill and consciousness of the judicial officers. Judicial magistrates have jurisdiction to pass order to file cases under proper law. In addition, the tribunal is empowered to pass *Suo Moto* order in favor of the survivors regarding safe custody.

**Out of Court Settlements / Victim Intimidation:** Sometimes, traffickers threaten the victim and/or the victim's family to withdraw the case. As a result, most trafficking cases are withdrawn before they ever reach trial.

**Push Back of Trafficking Victims:** Push back of victims of trafficking is still a matter of concern as such incidents continue to occur despite Government's commitment for the special care of trafficking victims. Ensuring voluntary repatriation of trafficking victims is a mandate according to the Standard Operating Procedures for the Rescue Repatriation Rehabilitation Integration (RRRI) taskforce.



**Inadequate Services for Rehabilitation and Reintegration of Trafficking Survivors:** Trafficked persons or children have special physical, emotional and mental health that need to be dealt with by someone with expertise in working with individuals who have undergone this type of trauma.

**Reluctance of Survivors in Lodging First Information Reports (FIR):** Lack of victims reporting to the police or to the courts regarding the commission of an offence is the most important challenge for the law enforcement in combating trafficking. Many of our stakeholders have reported that, due to number of reasons, law enforcement remains in the dark about trafficking incident. The exact statistics of such unreported trafficking incidents have not been revealed due to limitations of this study, but multiple reasons which restrain survivors from pursuing legal action against their trafficker were identified during the preparation of this report.

**Lack of Victim Cooperation in investigations:** Often times, victims are hesitant to cooperate with law enforcement due to fear of retaliation directed at them or their family as well as lack of trust in the criminal justice system. In addition, in the case of sex trafficking, victims feel shame and may not want to disclose the details of their prostitution activities making it difficult for police to collect the information they need to build a strong case. Finally, under reporting or lack of cooperation may be caused by a victim's lack of awareness of the remedies they are legally entitled to.

**Re-victimization of Trafficking Victims:** A number of persons trafficked across the border don't possess legal travel documents, including identification credentials. In such a situation, individuals may not be identified as trafficking victims and there is a danger that such victims will be incriminated for illegal entry.

**Investigation Challenges:** Investigating trafficking cases is quite challenging for a number of reasons. While lawyers and judges often blame the police for cases that are negatively disposed of as a result of poor investigations, police highlighted their limitations in investigations and the many challenges that they face.

**Undue Influence or Tampering:** Undue influence (as a term in jurisprudence) is an equitable doctrine involving one person taking advantage of their position of power over another person. It is where free will to bargain is not possible. Traffickers are often part of internationally organized groups and owner of huge black money. Due to political unrest and intolerance, both the ruling party and the opposition have become biased by these terrible perpetrators. The police are part of the executive body of government and are often influenced unduly by the political part of the executive which ultimately gives rise to miscarriages of justice.



### IN PIONEERING MOVE, BANGLADESH GRANTS “THIRD GENDER” STATUS TO HIJRAS

Their glittering saris, bright and sparkling makeup and a reputation for bawdy song and dance, and very frequently seen in the streets during the time of Eid and in houses where marriages or births have taken place, hijras, Bangladesh's transgender minority, are hard to miss. But in the year 2013, after years of discrimination, the community has finally been granted legal visibility. In November 11, 2013 the government of Bangladesh made a pioneering move in extending official government recognition to people who identify as hijra.

The change follows similar legislation in Nepal and Pakistan. Bangladesh's transgender community can now call themselves a third and 'separate gender' after the cabinet on November 11, 2013 approved a law officially recognizing their status. The move will provide thousands of people across the country with basic rights that were previously denied to them, including education and housing, a government official said. From now on, they can use the word hijra [eunuch] as their gender, both in Bangla and English, anywhere it is required, including passport applications," told Cabinet Secretary Mosharraf Hossain. Hijras are one of the most marginalized people in the country and the government wants to end all forms of discrimination against them he reported.

In Bangladesh, some citizens are still considered as outcast even though they are by born Bangladeshi nationals and living in the same territory complying the rules and regulations of the state. Hijra, dalit, river gipsy etc are among these groups. The perception of the common people regarding these groups is that citizen of a country could be male or female only in relation to sex. Since hijra is neither male nor female, this group is not considered as part of society rather considered outcaste. Hijras rights are violated both by society and national as well. Even they are subject to discrimination at their own family and society does not welcome them. Being considered as outcast, they are deprived from all public and private facilities of society and state at large. Their rights and entitlements are badly disturbed, dishonored and humiliated by the people of mainstream. But if we see the Bangladesh constitutions, it is clearly stated in Article 27 that all citizens are equal before law and are entitled to equal protection of law. As per The Article 28 (1) of the Constitution the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. The Article 3 of the Universal Declaration of Human Rights also stated "Everyone has right to life, liberty and security". International Covenants on Civil and Political Rights emphasized on the right to life, protection from unlawful and extra-judicial killing and harassment. Bangladesh is one of the signatories of all these



declarations and covenants, so it is mandatory to honor the rights of sexual minority. In spite of all provisions, prevailing rules and regulations, human rights of sexual minority like Hijra in Bangladesh is not respected always, rather they are humiliated very often.

There is a very insignificant effort from the state and society itself to protect the rights of this population and to bring them to the mainstream of the way of life. Alternatively, this group is being looked down upon as cursed for their sin in the past life and this has resulted in acute intolerance towards hijra population and accusing them for minor offences with no safeguard from society or state. Bangladesh's transgender community recently lodged complaints that officials were refusing to count them during a national census. About 300,000 census takers are going door-to-door across the country of 146 million people, but many transvestites, eunuchs and asexual people say they are being ignored because they do not fit into strict gender categories.

Though this change in the law is a "big step", ensuring that discrimination can now be challenged, the spirit of implementation is yet to be observed. For instance, Bindiya Rana, who was the first transgender woman to stand as a provincial political candidate in Pakistan, says the changes in law in her own country, which came into effect in 2012, have not been enough to change lives. ('Pakistan's transgender community is hiding out in a hostile city' published on VICE, Issue no 34, by Beenish Ahmed, May 14, 2014.)

India passed the same law followed by Bangladesh in 2014. Shwetambra Parashar from the Humsafar Trust, an Indian NGO that campaigns for LGBT rights, says the exclusion faced by the community has been acute – from doctors refusing to examine or treat Hijras, to police harassment and discrimination keeping them locked out of mainstream employment. Indian activists warn that not all transgender people feel comfortable being referred to as "third sex". Many prefer to be classed simply by the gender they have chosen, as women or men. Campaigners point out that more needs to be done to stop transgender people, and hijra communities in particular, from being criminalised. ('Hijra: India's third gender claims its place in law' by Aradhana Upadhyaya, Published in Femina, Issue no 42, 14 October 2014)

Since the 1990s, several organizations has been working to promote the rights of hijras – together with kothi and MSM (Men who have Sex with Men) – in Bangladesh, such as the Bandhu Social Welfare Society and Badhan hijra Sangha have highlighted their significant social and economic exclusion, often linked to high levels of violence, familial rejection, police harassment, inadequate access to health and education. Various campaigns focus on the extension of specific political and social rights to hijra communities, such as voting, health services, freedom from police violence and harassment. State recognition of hijras as a specific population is regarded as a strategic way to extend rights.



Hijras, who can be eunuchs, intersex or transgender, have been part of South Asia's culture for thousands of years. Years and years of poverty, discrimination, alienation and harassment have compelled them causing disturbances in the streets, yelling and screaming, until shopkeepers pay them to leave. They also make money by threatening to curse people, and potential victims pay them not to. Though they have created their space in the law by the third gender classification, Hijra communities are yet to be protected by it. This is yet to be seen how this classification makes practical difference in their lives.



### HIV/AIDS LEADS TO VIOLATION AGAINST WOMEN

The information and education to sexual and reproductive health and rights are the rights of every individual; men, women, boys and girls but in Bangladesh, the sexual health needs for adolescent girls are generally overlooked. Stigma and discrimination affects particular groups of men as well as women. Our public health services are still too weak and attitude of service providers towards women in regard to sexuality is still negative. As a result, access to make in health services is more than the female, again are the decision makers regarding sexual behavior, as a result women are most vulnerable to HIV infections and onset of AIDS, including sexually transmitted infections.

Even though HIV prevalence in Bangladesh is as low as 0.1 percent of more than 160 million populations, experts fear that widespread discrimination towards people who test positive for HIV may leave infections unreported (DHAKA, 31 December 2012 (IRIN). According to UNAIDS Bangladesh report till 2010 a total of 2088 cases of HIV was reported where total AIDS cases are 850 and total death due to AIDS is 241.

Information collected from the Daily Kalerkontho (02.12.2013) shows that in 2013, 82 people died due to AIDS and 95 people have been affected by HIV. In Bangladesh total number of HIV affected people is 3241. AIDS patients are 1299 and 472 people died due to AIDS. The above mentioned statistics got from medical test conducted all over the country under National AIDS/STD Program of government.

A research conducted in North region's three districts in Bangladesh by Rainbow Nari o Shishu Kallyan Foundation has shown that discussion on safe-sex and gender issue with young girls and because of the ordinary belief that this information will encourage sexual activity. For fear of this, mothers even deny imperative information about sexual-life, safe sex, reproductive health information from their daughters. It may be noted that all sexual and reproductive rights are derived from human rights. So, intentional overlooking or deprivation is violation of human rights. This violation is due to perception towards women, due to gender biasness, unequal power relationship between men and women which ultimately put women and girls into risk of deadly disease HIV/AIDS.

Social powerlessness, poverty and economic dependence contribute to the vulnerability of adolescent girls. Unequal power relations, sexual coercion and violence are a widespread phenomenon faced by women of all age-groups, and have an array of negative effects on female sexual, physical and mental health. HIV/AIDS infection reveals the disastrous effects of discrimination against women on human health, and on the socio-economic structure of society. (Ref: Mohammad Khairul Alam (Come another cause of HIV/AIDS in Bangladesh)



If we see the causes of HIV infection, in every case we will find the relation of gender discrimination and gender based violence. Some of the cases are given below:

- Discriminatory public health services towards men and women
- Attitude of service providers towards women and girls specially in case of menstrual regulation and contraceptive
- Faulty or discriminatory policy of government (Policies do not reflect principles of international instruments ratified by the Government)
- Social norms and Powerlessness of women folks
- Gender inequality
- Poverty, where main sufferers are the women and girl child
- Unemployment of women
- Lower wages to women specially workers lead them to sale sex
- Less access of women and girls to information and education
- Poor negotiation skills of women in dealing with sex/ sexual decisions

Sexual rights are human rights which are derived from International Convention of Human Rights. In most of the cases women are infected with, HIV/AIDS and sexual transmitted diseases due to disrespect, dishonor, and forced sexual activity (rape etc,) which is violation of violation of women rights. If the women and girls are informed about their sexual rights, they might take the decisions about it independently to prevent HIV/AIDS. International Planned Parenthood Federation (IPPF), an INGO working for sexual and reproductive rights of marginalized women affirms that sexual rights are human rights. Sexual rights are constituted by a set of entitlements related to sexuality that emanate from the rights to freedom, equality, privacy, autonomy, integrity and dignity of all people. As per IPPF charter ten sexual rights are:

**Article 1** Right to equality, equal protection of the law and freedom from all forms of discrimination based on sex, sexuality or gender. All human beings are born free and equal in dignity and rights and must enjoy the equal protection of the law against discrimination based on their sexuality, sex or gender.

**Article 2** The right to participation for all persons, regardless of sex, sexuality or gender. All persons are entitled to an environment that enables active, free and meaningful participation in and contribution to the civil, economic, social, cultural and political aspects of human life at local, national, regional and international levels, through the development of which human rights and fundamental freedoms can be realized.

**Article 3** The rights to life, liberty, security of the person and bodily integrity All persons have the right to life, liberty and to be free of torture and cruel, inhuman and degrading treatment in all cases, and particularly on account of sex, age, gender,



gender identity, sexual orientation, marital status, sexual history or behavior, real or imputed, and HIV/AIDS status and shall have the right to exercise their sexuality free of violence or coercion.

**Article 4** Right to privacy: All persons have the right not to be subjected to arbitrary interference with their privacy, family, home, papers or correspondence and the right to privacy which is essential to the exercise of sexual autonomy.

**Article 5** Autonomy and recognition before the law: All persons have the right to be recognized before the law and to sexual freedom, which encompasses the opportunity for individuals to have control and decide freely on matters related to sexuality, to choose their sexual partners, to seek to experience their full sexual potential and pleasure, within a framework of non discrimination and with due regard to the rights of others and to the evolving capacity of children.

**Article 6** Right to freedom of thought, opinion and expression; right to association. All persons have the right to exercise freedom of thought, opinion and expression regarding ideas on sexuality, sexual orientation, gender identity and sexual rights, without arbitrary intrusions or limitations based on dominant cultural beliefs or political ideology, or discriminatory notions of public order, public morality, public health or public security.

**Article 7** Right to health and to the benefits of scientific progress. All persons have a right to the enjoyment of the highest attainable standard of physical and mental health, which includes the underlying determinants of health and access to sexual health care for prevention, diagnosis and treatment of all sexual concerns, problems and disorders.

**Article 8** Right to education and information. All persons, without discrimination, have the right to education and information generally and to comprehensive sexuality education and information necessary and useful to exercise full citizenship and equality in the private, public and political domains.

**Article 9** Right to choose whether or not to marry and to found and plan a family, and to decide whether or not, how and when, to have children.

**Article 10** Right to accountability and redress All persons have the right to effective, adequate, accessible and appropriate educative, legislative, judicial and other measures to ensure and demand that those who are duty-bound to uphold sexual rights are fully accountable to them.

### **Trafficking throw in HIV/AIDS**

Prostitution and Trafficking in Girls in Bangladesh is considered a zone where many children and women are trafficked and there is little government control. Due to their low socio-economic status, women and children are particularly vulnerable to trafficking and sexual exploitation. Religious and cultural taboos are also creating victims of exploitation. Lured by promises of good jobs or marriage, trafficked victims are mainly forced into prostitution. Traffickers arrive in a village and convince a child's



family to let the child leave with the trafficker. According to Center for Women and Children Studies (CWCS) about 100 children and 50 women are being trafficked to foreign countries every month from Bangladesh.

Trafficking in women and young girls includes all acts involved in capture and acquisition of girls and women for trade and transport with the intent to sell, exchange or use for such purpose as prostitution, sexual abuse, forced labor, bonded labor, slavery etc. Three hundred thousand children from Bangladesh have been trafficked to brothels in India and 4500 women and children are trafficked to Pakistan annually. Sometimes, the family are themselves responsible for trafficking of women and girl children. Increasing poverty in the rural areas is forcing young girls to come to the cities in search of work, which causes them to be vulnerable to the lure of false promises of pimps.

Trafficked victim often suffer from a multitude of physical and psychological health problems. Women and girls are particularly vulnerable to reproductive health problems in trafficking situations as they have little or no access to reproductive health care. These problems include lack of access to constant rapes, forced abortions and contraceptive use, and other health issues. Women and girls in domestic servitude are subject to rape and other physical abuse, while women and girls in forced sex work suffer increased risk of sexually transmitted infections, including HIV/AIDS.

HIV incident is rising faster in India that is the neighboring country of Bangladesh. In India, rates of sexually transmitted infections and injecting drug use are also on the rise. Drug trafficking, along with the economic and psychological consequences of recent conflicts, is increasing the likelihood that HIV epidemics will emerge in this region.

Source: ProthomAlo, Ittefaq, Janakantha, Inqilab, Jugantor, Samakal, Daily Star, New Age, Independent Sangbad, Noyadigonto& Amar Desh.



## WOMEN AND CHILDREN SUFFERINGS FROM POLITICAL VIOLENCE, EXTRA JUDICIAL KILLING AND RANA PLAZA COLLAPSE

### 9.1 Political Violence

Despite decade-long campaign of rights activists, rampant use of children in violent political activities is still going on unabated across the country, in gross violation of child rights. In recent days, we have witnessed children being used in political rallies, especially in violent ones. It is a matter of great concern that political parties have been exploiting children in demonstration which may put them at risk of physical and mental violence and injury. In 2013, a number of children died or were seriously injured and police personnel also suffered grievously during violent political demonstrations. Asgar Ali Limon aged around 14 was killed in Chapainawabganj on April 24, Sazzad Hossain aged around 17 killed in Cox's Bazar and Rubel aged around 13 in Thakurgaon on February 28; Shahidul Islam aged around 15 was killed at Satkania and Akmal Hossain aged around 14 in Rangpur on March 2; Rafiqul Islam aged around 12 was killed in Rajshahi on March 3 and Mahfuz Hossain aged around 15 in Sirajganj on March 4<sup>4</sup>. According to the video footages shown by the electronic media and press photos, the presence of children was much more noticeable in the showdown staged by

Hefajat-e-Islam and their clashes with police in the capital.



The political parties including Islamist parties used children as a shield, restraining the law enforcers from taking appropriate measures. Using children in political rallies makes it harder for the law enforcement personnel to take action, especially when protesters turn

violent. Children joined spontaneously as they considered it was their sacred duty to defend Islam. Those who ask them to do so, they don't think seriously about their future.

Besides this innocent children are being victim of political violence. They are being injured by cocktail explosion thinking it toy during playing. They are not only suffering physically but also it is detrimental for their mental growth in the long run. An unknown panic is encompassing their psychological world.

A number of school-going children have fallen victim to violence in the opposition movement. A seven-year-old, Minhaj Hossain Belal, lost his left eye when he was going to school after being hit by a splinter when blockade supporters hurled a crude bomb

<sup>4</sup><http://www.dhakatribune.com/crime/2013/dec/07/children-used-political-violence#sthash.zcoxczgj.dpuf>



on December 3. Sumaiya Akhter Sadia, aged 5, a playgroup student, received splinter injuries to her head on December 2. She was going to school with her mother on a rickshaw. The rickshaw puller was also injured. Ariful Islam, a 14-year-old madrasa student, was severely injured when he picked up a crude bomb near his home assuming it was a ball on November 30. Two homeless children Surma, aged 9, and Lal Mia, aged 8 were hurt by crude bombs on November 5, when they were scavenging for waste paper and scraps on the streets<sup>5</sup>.

With growing political unrest in 2013, children were often seen chanting slogans in processions of different parties, carrying sticks, often even engaging in clashes with cops in and outside Dhaka. Jamaat-Shibir engaged children and women at the forefront of its procession, rallies, road blockade, attacks on cops and minorities communities, hartal picketing and other offences as human shield in different districts including Jhenidah, Rajshahi, Satkhira, Thakurgaon, Gaibandha and Bogra in last couple of months. It was noticed that more than one thousand children of different Madrasas of Gorea area of Thakurgaon were engaged in atrocities by Jamaat-Shibir on March 3. Jamaat-Shibir men in Gaibandha engaged children in frontline while attacking police information centre at Sundarganj on February 28 and vandalising the Ganojagoron Mancha at Palashbari on February 22. On February 22, Jamaat-e-Islami and likeminded Islamist organizations unleashed violence in major cities of the country including capital Dhaka. Several hundred madrasa students were seen taking part in the violence in different districts. Many children were seen joining the grand rallies of Islami Andolon Bangladesh on March 29 and Hafajat-e Islam on April 6 at the capital's Motijheel. In the grand rally of Hefajat-e Islam on April 6, many children were seen engaged in distributing food, carrying sticks in their hands and chanting slogans at the top of their voice. Apart from Islamic organizations' gatherings, children are used in other programs of different, political parties and organizations as well. Besides, BNP-led 18 party alliances used children in picketing during hartals in and outside Dhaka. Immediately after violence between Jamaat-Shibir and police on February 22, leaders and activists of Awami League and its front organizations brought out processions at Shahabagh and Kataban area. Many children were seen taking part here with sticks in hand.

Bangladesh is a signatory of the Convention on the Rights of Child (CRC), which states that children have to be protected "from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.

There is also clear provision in the country's National Children's Policy 2011 that "children cannot be used in political activities, neither could they be lured nor compelled to be involved in such activities. The shocking incident of use of children in political demonstration prompted widespread calls for stern action. In response, the ruling party

<sup>5</sup><http://www.dhakatribune.com/crime/2013/dec/07/children-used-political-violence#sthash.zcoxczgj.dpuf>



passed a bill in parliament on June 16th prohibiting Bangladeshis from using children for political gain and stipulating the death penalty for violators.

We should urge all concerns to keep children out of any kind of violence. Children should be able to continue with their regular activities such as going to school, participating in sport and other constructive and creative activities.

The birth of Hefajat-e Islam was triggered by the 2009 Women Development Policy draft, which gave women equal rights by inheritance. In the face of fierce protests by groups such as Hifazat, the parliament later passed a watered-down draft just giving greater rights to women on acquired property. Among the 13 demands put forth by the Hefazat is a ban on the public mixing of the sexes. Such ban and other demands would put women back behind the veil. Hefazat's demand is a threat to women education as well as their income generating activities. But Islam doesn't prohibit free mixing of men and women.

Demands of Hefajat-e Islam are contradictory with the constitution. They demanded to stop right to personal liberty and freedom of speech which are not compatible with our constitution. Because article 32 of constitution states that no person shall be deprived of life or personal liberty saves in accordance with law. Moreover, article 32 of constitution ensures the right of every citizen to freedom of speech and expression. They also demanded to abolish National Women Policy. But in accordance with article 7(2) if any other law is inconsistent with the Constitution that other law shall, to the extent of the inconsistency, be void. National Women Policy is neither anti-Islam nor inconsistent with the constitution.

Hefajat chief disgraced women speaking against their freedom, education, and employment. When today's world hails the freedom of women and considers women's participation, a key to development everywhere, Hefaja-e Islam Ameer Shah Ahmed Shafi is dead against their liberty, education and employment. In a video clip of his lecture shown advising women thus, "You women should stay within the four walls of your houses. Sitting inside your husband's home you should take care of your husband's furniture and raise your children, your male kids. These are your jobs. Why do you have to go outside?" Making suggestive remarks through an unabashed use of vulgar language, he compares women with tamarind, a fruit that any man would like to taste. He also said that "Women go to schools, colleges and universities; let them study up to class four or five." These comments come at a time when girls' education in the country needs an extra focus. Women are contributing to a significant proportion of the GDP [gross domestic product] in Bangladesh. Women's role in the country's economy is not fully recognized and unpaid work remains uncounted. It is not possible to make Bangladesh a middle-income country without the participation of women and without turning them into human resources through education.



## 9.2 Extra judicial Killing: Curse of women and Children

Right to life and personal liberty are the most cherished and pivotal fundamental human rights around which other rights of the individual revolve. Article 31 is the celebrated provision of the Constitution of Bangladesh and occupies a unique place as a fundamental right. It guarantees right to life and personal liberty to citizens and aliens and is enforceable against the State.

A total of 462 people fall victim to extra-judicial killing and 156 disappeared in the country between January 2009 and September 2012, according to a report of Human Rights Forum, Bangladesh. The forum, a coalition of different rights bodies, released the report under the United Nation Universal Periodic Review-2013 over the country's current human rights situation. (Source-The Daily New Age, 16.11.2012)

Despite having the most cherished and pivotal fundamental human rights guaranteed in our Constitution, it has been widely reported in Bangladesh that in the last few years there has been a pattern of extrajudicial killings going on in the name of "crossfire", "gunfights" or "encounters", even though we live in a democracy and our Constitution protects and ensures fundamental rights for every individual in our country.

The term "extrajudicial killing" means execution without justice. This is a grave human rights violation. It's both a violation of Bangladesh's constitution and of the UN's Universal Declaration of Human Rights. But these types of killings still occur frequently in Bangladesh.

According to Article 35(5) of the constitution of Bangladesh and Article 5 of the Universal Declaration of Human Rights, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." But, in practice, Bangladesh does not ensure the right to life and has not complied with the Universal Declaration of Human Rights and the constitution of Bangladesh.

The impact of extrajudicial killings on dependent of deceased is dangerous. It can contribute much more to the instability, insecurity and collapse of a family of deceased of extra judicial killing. The family of deceased especially his wife and children suffer most due to extra judicial killing. Their life becomes difficult if the deceased is the only member who can earn. It has become very hard for their children to continue their study. Though the deceased's family has no involvement with the crime but they have to endure bitter experience in the long run. They have to struggle to survive rest of the life. On the other hand, in most of the cases, family members of the deceased fall under continued threat by law enforcing agency if they want to file any case.

We can see that state institutions such as the judiciary, the rule of law, regulations, the in lifes on constitution and the national assembly have been disabled. The media's role regarding extrajudicial killings covered up under reports of "crossfire", "gunfights" or "encounters" is negative and constrained. The media has only been publishing the normal reports about these encounters filed by the RAB or the police themselves.



It is now time for the government's concerned authorities to do something, to conduct independent investigations and to impose appropriate punishment and to ensure victims adequate compensation. In order to bring an end to extrajudicial killings and disappearances, the respect for the Rule of Law and effective and independent judiciary is necessary.

### **9.3 Rana Plaza Collapse: Death of A Thousand Dreams**

As always, on April 24, 2013, early in the morning, many garment workers walked into the factories of Rana Plaza, their working place. Within an hour everything was shattered. Nobody knows how many workers were running to save his or her lives at the end moment. Workers' screams echoed on the walls of Rana Plaza. Many of their voices could not reach out passing through the heavy concrete walls. Over a thousand workers lost their lives in the deathtrap. They are the cheapest labors of the world. They are not only numbers; they are human beings. Who could imagine the collapse that caused the most unacceptable fate for the cheapest labors from Bangladesh?

24th April 2013, 9am. Becoming a brutal incident of history, a nine-story commercial building Rana Plaza collapsed at Savar, Dhaka, Bangladesh and left more than 1134 workers dead, more than hundred missing and many other wounded. Around a thousand families have found dead bodies of their beloved family members. Many families moved from police stations to morgues in search of their relatives. Many people are still missing. They are even missing in the DNA test list of the unidentified bodies. After 8 months of collapse, street boys have found some bones and skulls in the debris. But the families of missing workers do not know if they would find any trace from those. Still a mother of a missing worker waits in front of the collapse site barricade with a hope to find any trace. Horrible memory of 24th April haunts them even in their sleep.

Workers of the Rana Plaza are a part of the 4 million garment workers from Bangladesh; among them 80% are women. They are the cheapest labor in the world and they toil from dawn to dusk for a minimum wage of BDT3000 taka a month (less than 37 \$) till 2013. Government declared a new gross minimum wage BDT 5300 (near about \$66), which is not sufficient for them to survive.

They represent workers who produce clothes for Europe, America, international markets and international brands. By the tag 'Made by Bangladesh' on the products they earn a lot of foreign currency for national economy. With a dream of living a better life, people from villages come to the workers barracks at cities. With the collapse of Rana Plaza all of their dreams have been ruined.

As of mid-September 2013, compensations to families of disaster victims were still under discussion, with many families struggling to survive after having lost a major wage earner. Families who had received the \$200 compensation from Primark were only those who were able to provide DNA evidence of their relative's death in the



collapse, something which proved extremely difficult. The US government provided DNA kits to the families of victims.

According to the TIB Two years

into the incident, about Tk 108 crore out of Tk 127 crore that was deposited to the prime minister's fund in aid for the victims is yet to be disbursed The list of people who have been compensated for the Rana Plaza tragedy and the amount of the compensation are yet to be made public.

Brands and retailers joined the government and employers and worker organizations in Bangladesh, as well as multilateral organizations, international partners, regional institutions and global unions to address the immediate needs and the longer-term challenges brought on by the tragedy. Raising sufficient funds for compensation payments has been slower. But there have been positive changes. The labour law has been amended to strengthen fundamental rights, with improvements in relation to occupational safety and health, freedom of association and collective bargaining. As a result of a global outcry following the disaster, two groups- Accord, a platform of 190 clothing brands in Europe, and Alliance, a body of 26 American brands- launched large-scale safety inspections on factories. More than 2,500 factories have been inspected so far with some factories being closed permanently, while many others improved safety conditions. The government and Western retailers should do more to enforce international labour standards to protect workers' rights, including their right to form unions, advocate for better conditions and to improve building and workplace safety.

#### Recommendations<sup>6</sup>

- Forming a commission to help Rana Plaza victims.
- Ensuring transparency in Prime Minister's fund.
- Declaring April 24 as Workers Safety Day.
- Issuing cards to survivors for lifetime free treatment.
- Upgrading capacity of labour ministry

<sup>6</sup>Recommendations of CPD



### RECOMMENDATIONS

As long as women are perceived inferior to men and until they are neglected and their opinions are undervalued, little will change and their sufferings will continue. But it must not be forgotten that those who live in glass houses should not throw stones. By ignoring half of its total population, the nation cannot survive. In this regard the following action is essential:

**Proper implementation of law:** Proper implementation of existing laws and prosecution for offenders is must to prevent VAW. In this regard, administrative weakness including lack of friendliness and gender sensitization of relevant law enforcing agencies has to be removed.

**Ensuring accountability of law enforcing agencies:** Law enforcing agencies have to be made under accountability and liability. Punishment has to be ensured in case of negligence in duty.

**Legal reformation:** In the way of getting remedy, limitation of existing laws should be identified. Initiative should be taken to abolish all discriminatory laws and customs. Law regarding victim and witness protection has to be introduced to ensure protection of victim and her family.

**Enactment of law related to elimination of sexual harassment:** High court directives regarding prevention of sexual harassment have not been complying properly at workplace, educational institutions or public places. Though mobile court has been given power to give penalty to the perpetrator, sexual harassment has not yet reduced. So, a law regarding elimination of sexual harassment should be enacted.

**Increase of government initiative:** Government has to take different initiatives to eradicate VAW and to protect victims such as increase of One Stop Crisis Centre (OCC), enrichment of convenience of DNA test, post mortem, medical tests of rape victims as well as implementation of High Court directives regarding prevention of sexual harassment in case of committee formation. To reduce VAW and to change attitudes towards women collaborative efforts has to be taken.

**Continuation of non-government initiatives:** NGO's especially human rights organizations have to take substantive role to prevent VAW. They have already given tremendous efforts to reduce VAW. Their efforts should be continued in an integrated way.



**Inclusion of gender equality etc. in educational curriculum:** Issues regarding gender equality, women rights, women empowerment etc. has to be included in educational curriculum to raise awareness and change attitude towards women.

**Gender sensitivity:** Initiatives have to be taken to make administration gender sensitive.

**Enhancement of skill of local government:** Local government has to be made more skilled to prevent VAW.

**Database regarding VAW:** A database has to be made nationally about VAW.

**Implementation of National Women Development Policy:** It is required to implement the national development policy for women and to lift remaining reservation to the CEDAW.

**Ensure social protection and security for vulnerable groups:** Special efforts are essential to uphold the rights of persons with disabilities, hijras and tribal communities and ensure related non-discrimination by taking appropriate legal measures.

**Realizing full potential of RMG sector:** Bangladesh should take factory standards to next level meaning that it needs 'clean regulations in setting up and monitoring factories.' Second, global clothing brands would 'help Bangladesh improve working conditions in the units' through good business practices both on the exporting and importing sides.

Actually, it would take concerted efforts of all stakeholders to give a better, secure and wholesome deal to the workers. There is a precious social commitment involved here when you consider the size of women's employment in and their consequent empowerment through this sector.



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