

Violence against Women in Bangladesh: A Legal Analysis with Special Reference to Causes and Consequences

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Abstract

Violence against women has many forms including physical aggression or threats, sexual abuse, emotional abuse, controlling or domineering, intimidation, stalking, passive/covert abuse, and economic deprivations. The objective of this study was to find out the status of victims of Violence against Women along with the causes and consequences of this heinous crime in Bangladesh from legal perspective. Dowry cases and familial conflict were the main background behind Violence against Women. Violence against Women is a major threat in Rural Bangladesh. Unfortunately, despite remarkable achievements in the field of women's development and bearing a magnanimous history of women's movement, incidences of violence against women are still burning issues. It is not easy to guess whether violence against women has decreased or increased over the past decades because of lack of reliable base-line survey, but in absolute term, the number of incidences is on the increase. The majority of women are violated by their husbands, in-laws and other family members. In this present study, it is tried to make a sense about the types, reasons of violence against women in Bangladesh by collecting data and analysis from different sources. Violence affects the lives of many women both in the urban and the rural areas. Violence against women occurs in all settings, within the household, and in almost all cases, perpetrated by the patriarchal order. For victims, consequences were physical, sexual, reproductive, psychological, and economic. For the children of the victims, consequences were mostly behavioral and psychological, while for family members of the victims, consequences were mainly economic and psychological. Existing laws relating to the issue in Bangladesh are not adequate. This study aims to find out the impact and to explore the consequences of violence in our society and to recommend something to protect and prevent the violence against women.

Keywords: Violence, Women, Causes, Consequences and Bangladesh.

1. Introduction

Violence against women¹ historically unequal power relation between sexes, it is discrimination and ignorance of women which results in physical, psychological and socio-economic cost to women and society as well. VAW is as much critical as any serious diseases or accidents that cause deaths of women of reproductive ages². Violence against women is a manifestation of unequal power relation between male and female leading to discrimination against women by men and to the prevention of the full advancement of women³. Violence against women, especially wives beaten by husbands, is a daily affair in any male dominated society. Reports published in Bangladeshi Newspapers show that violence against women has increased at an

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¹ Hereinafter called as VAW

² World Bank Report, 2017

³ General Assembly (1993) United Nations Declaration on the Elimination of Violence Against Women UN Resolution 48/104

alarming rate⁴. World Health Organization, hereinafter called as WHO multi-country study (10 countries including Bangladesh) demonstrates that most of the women in the study areas experience are physical and sexual violence in their marital lifetime, ranged from 15% to 71%⁵. In Bangladesh, VAW is a common practice which has been denying women's equal opportunity, security, self-respect and dignity in the family and in the society as a whole. Now a day, it's going use to various forms of violence like illegal dowry from wife, abuse to rape, dowry killings, acid throwing, sexual harassment and sexual slavery through trafficking in women. Commonly our society structure allows men to dominate and control not only their families and resources but also lives of women. Thus, it is highly appreciable to adopt effective strategies for the prevention of violence which has been involved public awareness throughout print and electronic media, social media campaigns and community-based networks to combat violence and support victims. In this context, our aim in this study is to disclose the socio-economic factors and effects of the violence against women occurring in the community of Bangladesh and to look for national and international legal protection for the victims; and finally, some interventions are recommended to be taken in compliance with national and international legal instruments.

2. Scenario of Women in Bangladesh

Two thirds of women in Bangladesh, around 66%, have been victims of domestic violence and 72.7% of them never disclosed their experience to others⁶. Most women in Bangladesh still suffer from chronic abuse, torture and violence in their homes. Despite high rates of partner violence, most women do not want to disclose their experience to others⁷. 2.1% of women inform local leaders about their experience, while 1.1% of women seek help from the police. Four out of every five cases, brought before the court by women, are related to violence. There is only a 3.1% chance that the court will rule in favour of the victim. On the other hand, there is a 32% chance the court will dismiss a case and release a perpetrator⁸. Following the declaration of UN Decade of Women (1976-85), the Government of Bangladesh and some NGOs have undertaken several programmes for the development of women. As a result, over the last two decades, women in Bangladesh have gradually become more visible in different field. The Bangladesh Constitution and the general laws of the country entitle women to equal rights and status to those of men in public life, but non-discrimination in the private sphere is not guaranteed. Consequently there are significant differences between men and women in all realms of life. Lack of equal access to economic opportunities, non-participation of education, health services

⁴Khatun MT, Rahman KF (2012) Domestic Violence against Women in Bangladesh: Analysis from a socio-legal perspective. Bangladesh e-journal of sociology 9:19-30

⁵ World Health Organization Report, 2017

⁶<https://www.dhakatribune.com/bang>, last accessed on 8 June, 2019

⁷ ibid

⁸ Report of a Seminar entitled "Violence and Resilience", jointly organized by the Centre for Genocide Studies of Dhaka University and Action Aid Bangladesh, at Nawab Ali Chowdhury Senate Bhaban, University of Dhaka on 6 December, 2018

and their less important role in decision making are women's subordination to men. Government of Bangladesh has been trying to identify violence against women as a priority issue but violence against women is increasing very critically. The reasons for selecting violence against women as an issue to investigate in the study were manifold. This particular social practice undermines women's basic human right to a life or dignity, worth and equality. It promotes inequality between men and women, by creating a dominant and subordinate order between the sexes and it thus breaches the Convention on the Elimination on All Forms of Discrimination against Women⁹. Although in Bangladesh, women constitute half of the population; their status is lower than that of men. Female literacy rate is 43.2%, which is lower than that of men 61.0%. Excessive mortality among women due to discrimination results in a sex ratio in the population of 105 men to 100 women¹⁰. Bangladesh Bureau of Statistics (BBS) published a report in 2013 as "Violence against Women (VAW) Survey, 2011" from where anyone can get the actual picture of violence¹¹. Women are subjected to violence within the household at workplace, or in the society. Their inferior status can be traced back to the patriarchal values entrenched in a society keeping women subjugated, assigning them a subordinate dependent role, and preventing them from accessing power and resources. Men hold the power within families and control any property and income. Women are considered as men's property, their sexual activity income and labour is systematically controlled by men in social system. Social norms, education, employment, and legal right and gender inequality are perpetuated by the patriarchy. Since childhood, women are forced to live in a culture which permits inhuman treatment to them¹². As more women are getting entered workforce, conflict on the increase between the patriarchal social norm and women's urge for economic status. In recent years, there has been a significant change in women's attitudes towards outside employment. With the breakup of an extended family, many women are seeking employment opportunities¹³.

3. Concept of Violence against Women

Violence against Women recognizes that victims can include anyone, regardless of socio economic background, educational level, race, age, sexual orientation, religion or gender. VAW now recognizes that victims can be spouses, sexual partners, dating partners, intimate partners, family members, children and cohabitants¹⁴. Violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner. Many types of abuse are included in the definition of violence like, physical abuse, sexual abuse,

⁹ Hereinafter called as CEDAW

¹⁰ Khan AR (2015) Domestic Violence against Women in Bangladesh: A Review of the Literature and the Gaps to fill -in by future Intervention. *Khazar Journal of Humanities and Social Sciences* 18: 57-80

¹¹ See for more details Bangladesh Bureau of Statistics Report VAW Survey, 2011, published in 2013

¹² Khan ME, Rob U, Hossain SM (2000) Violence against Women and its Impact on Women's Lives Some Observations from Bangladesh. *The Journal of Family Welfare* 46: 12-24

¹³ Schular SR Bates LM Islam F (2008) Women's Rights, Domestic Violence, and Recourse Seeking in Rural Bangladesh. *Violence against Women* 14:326-345

¹⁴ <https://family.findlaw.com/domestic>, last visited on 11 June, 2019

emotional abuse, economic abuse, psychological abuse, threats, stalking, cyber stalking and so on¹⁵. VAW is focused and is generally used as a form of control, subordination and the claim of one member above the others. However, this violence grows out of difference within marriage and reinforces male dominance and female subordination within the home and outside it. Various researchers, advocates, and theorists who have studied and worked with women and rights are catalogued many types of abuses as violence. VAW is considered as a pattern of behavior in a relationship by which the batterer attempts to control his victim through a variety of tactics. These tactics may include fear and intimidation, any kind of abuse, destruction of property and pets, isolation and imprisonment, economic abuse, and rigid expectations of sex roles.

Table: Examples of Violence against Women Throughout the Life Cycle¹⁶	
Phase	Type of violence
Pre-birth	Sex-selective abortion; effects of battering during pregnancy on birth outcomes.
Infancy Girlhood	Female infanticide; physical, sexual and psychological abuse. Child marriage; female genital mutilation; physical, sexual and psychological abuse; incest; child prostitution and pornography
Adolescence and Adulthood	Dating and courtship violence (e.g. acid throwing and date rape) economically coerced sex (e.g. school girls having sex with “sugardaddies” in return for school fees); incest; sexual abuse in the workplace; rape; sexual harassment; forced prostitution and pornography; trafficking in women; partner violence; marital rape; dowry abuse and murders; partner homicide; psychological abuse; abuse of women with disabilities; forced pregnancy.
Elderly Forced	“suicide” or homicide of widows for economic reasons; sexual, physical and psychological abuse.

4. International Legal Instruments & Legal Framework of Bangladesh connecting to Violence against Women

International human rights frameworks provide several provisions to protect women from any kind of violation and exploitation derived within and beyond personal life. Remarkably, equal rights of men and women have been laid down in the national and international Human Rights treaties. The Universal Declaration of Human Rights 1948 followed by the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) in the first instance provide the initial basis for equal rights to men and women. Next to these, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) ultimately holds ratifying states accountable for ensuring that

¹⁵<https://www.justice.gov/ovw>, last visited on 12 June, 2019

¹⁶ ‘Violence Against Women’ WHO-FRH?WHD/97.8

women's rights are protected under the ICCPR and the ICESCR. Additionally, this Convention provides a framework in which ratifying states are accountable to change cultural norms that oppress women and to enact women-sensitive policies¹⁷. In 1992, General Recommendation No. 19 was added to CEDAW, which more explicitly addresses the issue of violence against women by stating that gender-based violence is discriminatory (CEDAW, 1992). The recommendation also notes that previous state reports to the committee did not "adequately reflect the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms". As a result of this deficit, the committee proposed General Recommendation No. 19 to provide a more specific linking of violence against women and discrimination so that state parties would address the issue of violence against women in their reviews and report to the committee. Subsequently, a new addition was developed, 'the Declaration on the Elimination of Violence against Women 1993' at World Conference on Human Rights in Vienna. The declaration was developed through input from three regional nongovernmental causes and preparatory conferences held in Africa, Latin America and the Caribbean, and Asia. This Convention defines violence against women as physical, sexual, and psychological violence within the family, the community, and any violence that is condoned by the state. Some examples included in the definition are marital rape and spousal abuse, sexual harassment, and so on. Although non-binding, the declaration has been viewed as a significant step in the attempt to universalize concern about violence against women. Bangladesh ratified CEDAW Convention in 1984 with some minor reservations. Besides, Bangladesh has some own enactments like Dowry Prohibition Act, 1980, Family Court Ordinance, 1985, *Nari O Shishu Nirjatan Daman Ain*, 2000 (Women and Children Repression Act, 2000) amended in 2003 and The Domestic Violence (Prevention and Protection) Act, 2010. In *Bangladesh National Women Lawyers Association vs. Bangladesh & Others*¹⁸, the Supreme Court of Bangladesh formulated some guidelines to protect and prevent sexual harassment. In spite of the presence of the said International and domestic legal framework violence against women are the common phenomena in Bangladesh.

5. Causes of Violence against Women

Centuries after centuries, women became subordinated to men. They were deprived of basic necessities. In the male dominated societies, they were victimized by male members of the family. Violence is caused only by patriarchal power¹⁹. It is the patriarchy which is responsible for all kinds of violence. Social norm, education, employment, and legal rights of women along with gender inequality in rural Bangladesh are perpetuated by the patriarchy. Gender inequality, leading to gender violence, is imbedded in the social system. All social institutions permit; even

¹⁷Freeman, M. A. (1993). Women, development and justice: Using the International Convention on Women's Rights. In J. Kerr (Ed.), *ours by right: Women's rights as Human rights* (pp. 93-105). London

¹⁸ 14 BLC(2009) 694

¹⁹ Farouk SA (2005) Violence against Women: A Statistical Overview, Challenges and Gaps in Data Collection and Methodology and Approaches for overcoming them. Geneva: UN division for the Advancement of Women.

encourage the demonstration of unequal power relations between the sexes²⁰. The male violence, especially battering, allows it to have been seen by the social system, as a deserved response to female transgression of male demands. Thus, women feel shame, guilt and anger in some cases which militates against the battering. Murder, acid throwing and abduction suffer less from stigma in battering. Other factors leading to the under reporting of violence may be included: the lack of awareness among the women of legal rights, the cases have been treated with derision, or ignored by the police, and the terrific charges will have compounded problems with their husbands and relatives²¹. Wife beating, dowry, rape, acid throwing, murder, forced prostitution, coerced pregnancy, trafficking and the like are major types of violence. All these types of violence are found in rural Bangladesh. The women of urban area are victimized by acid throwing and forced prostitution. But in rural Bangladesh, a large number of women are to fall a victim of violence. The rate of domestic violence is greater in lower class people than in upper class²². In Bangladesh, it is a daily fact of life for millions of women and girls. Women are viewed as a product of sexual enjoyment to the male attitudes. As a result, violence is considered as a normal phenomenon from men's perspective. Women suffer from domestic violence, rape, dowry death, sexual harassment, suicide, forced marriage, trafficking, psychological trauma and financial oppression²³.

5.1. Socio-economic Factors and Processes associated with Violence against Women in Rural Bangladesh

The socio economic scenario plays a significant role on women violence in Bangladesh. Socioeconomic scenario includes education, income, and employment status of an individual in a society. All such segments are responsible to discriminative position of women in Bangladesh²⁴. In Bangladesh women's enrolment in Primary education is 87.8% at Secondary level 63.2% and at tertiary level .4%. At tertiary level men's enrolment is 13.3%²⁵. About 85% women in Bangladesh have no freedom to earn with their own willing and those who earn only 24% have own control over their earnings²⁶.

In the Expert Group Meeting of UN Division for the Advancement of Women summarized the VAW reports from 9 leading daily newspapers and observed that number of violence against women has increased from 530 in 2001 to 1164 cases in 2004; moreover, in 2000 Bangladesh ranked first in wife-beating. According to recent research by International Center for Diarrhoeal

²⁰ Jahan R (1994) Hidden Danger: Women and Family Violence in Bangladesh, Dhaka: Women for Women

²¹ ibid

²² Supra note, 14

²³ Yasmin L (2000) Law and Order Situation and Gender- based Violence: A Bangladesh Perspective .Colombo: Regional Centre for Strategic Studies

²⁴ Muhammad Rabiullah and Shahnaz Parvin, " Socio economic Status of Women Influences of Domestic Violence : A sociological Analysis at Urban Area in Bangladesh", *International Journal of Social Science Studies*, vol. 3, no. 3, May 2015

²⁵ Supra note, 11

²⁶ ibid

Disease Research (ICDDR), Bangladesh (2006), “60 per cent of women in Bangladesh experience some form of domestic violence during their lives. One Stop Crisis Centre, a Bangladesh based NGO that supports women victims of violence, reveals that almost 70 per cent of sexual abuse suffered by women occurs within their own homes.

Physical abuse or beating wives by husbands is almost a universal form of violence of women. Worldwide 10-70% of women found being physically violated by their intimate partners in their lives. VAW is now seriously undertaken by national and international bodies due to its direct adverse consequences to women’s physical, mental, sexual and reproductive health as well as socio economic consequences. Spousal violence against women is an everyday matter which results in problems both for society and for the women. Though an economic cost of VAW is important for the community it is not well addressed in analysis especially in developing countries like Bangladesh.

5.2. Intermediary Causes Dowry

Despite the Dowry Prohibition Act (1980) dowry transactions continue to increase and have become a socially legitimate part of marriage negotiations. Maleka Begum (1994) in her book “*Jowtuk*” (“Dowry”) suggests that dowry is a major factor in violence against women, starting from verbal abuse, battering, torture and ending in death for many. Incidents documented by the ASK Documentation Unit reveal that unfulfilled dowry demands cause brides to be physically tortured, divorced, abandoned and also burned with acid, kidnapped and trafficking. During 2003-07, three hundred and seven (307) brides were murdered by either husbands or in-laws over dowry related disputes. Many were burned to death after being doused with petrol or kerosene. Although reports from the Ministry of Women’s and Children’s Affairs explains this as a lack of knowledge about women’s rights in general and the lack of implementation and enforcement by the judiciary and law enforcement agencies the women’s movement contends that it is more a reflection of the total devaluation of women in society whereby she is considered a burden on the man and his family upon whom she is considered foisted through marriage.

5.3. Underlying Causes Poverty

General or overall economic causes of family violence are considered to be increasing landlessness, unemployment which has been increased the stress and tension in male-female relations in the poor households and give rise to desertion, divorce and violence. “Violence both systematic and random is part of the condition of poverty in as much as poverty is associated with relative powerlessness, and the poor are least able to defend themselves or to remove themselves from threatening situations”. Her paper shows that lack of resource especially food in poor rural households and women’s failure to efficiently accomplish their traditional gender roles lead to gender violence. For instance, a mother was beaten by her son when his food ran short at mealtime; wives were beaten by husbands because there was too much or too little salt in the food; a young orphaned girl was beaten by her uncle when she asked for her share of fruits from family owned trees.

5.4. Culture and Tradition

The practice of Child Marriage continues to be widespread despite the existence of the Child Marriage Restraint Act 1983. A girl child is deemed as a burden to poor parents. In the marriage market the younger the bride, lesser the dowry demand. Parents' fear for their daughters' security, especially when she is an adolescent and capable of conceiving a child out of wedlock, becomes a reason for marrying them off early. When a young single girl becomes pregnant not only does she stand to be condemned by her community (in some cases she becomes the subject of *fatwas*), her parents and family are also punished with social isolation and shaming. All these reasons make it impracticable to enforce the legal provision against child marriage. Although the State has enacted the law it has taken no other steps to counter the valuation of young girls as sexual objects and thus the practice of overvaluing younger women as brides continues. Women activists believe that early marriage of girls, usually between the ages of 12-19 years, along with a wide age gap between spouse's results in unequal relationship and invites marital discord.

6. Trends in Incidences & Types of Violence against Women

Violence against women (VAW) is a global phenomenon that exists even beyond cultural, geographical, religious, social and economic context. Violence against women is wide spread in terms of Physical, psychological, sexual and economic aspects. Physical violence comprises a range of physically violent acts including hits, slaps, kicks, beatings, burns and use of a weapon. Psychological violence takes account of constant disparage mentor scorn, the enforcement of strict isolation and embarrassing behavior. Sexual coercion and abuse contains sexual harassment, unwanted sexual touching, coerced sex and forced pregnancy. Besides, some other certain types of violence, associated to traditional or customary practices, which are confined to specific communities or geographical area. Violence is commonly perpetrated by a woman's partner, often in her home, it is often considered as a 'private issue'—and thus not a matter to discuss, research or action (UNECE, 2010).

6.1. Family Violence

The definition of family violence used in the present study emphasized violence by any member of the family. Family violence is destructive behavior in an intimate relationship where one person tries to dominate and control the other²⁷. While defining family violence, the term 'domestic violence' was consciously avoided, as technically this would also include violence by domestic help or non-family members living with the family. Husband's house is the most commonly cited site for physical violence as 88% of the women perceived about it. This followed by parent's house 21%²⁸. Family violence here included child abuse, sibling abuse, parent abuse, in-law abuse. This form of violence included physical torture, acid throwing, abuse

²⁷<https://www.relationshipsvictoria.cor> last accessed on 12 June, 2019

²⁸ See for more details Bangladesh Bureau of Statistics Report on VAW, 2011, published in 2013

for dowry, murder, rape, and abetment of suicide²⁹. 87% of currently married women experienced any type of violence by current husband³⁰. Amongst different types of violence reported, psychological violence was most common, followed by physical violence. Threatening and shouting with loud voice is the most common practice followed by hurting by slap, fist and throwing something. Research based on print and electronic media and social network surveys show that family violence is more frequent in rural areas than in urban areas. It was found that huge number of women had sustained their injuries within their own homes. Data collected by *ASK* and *Odhikar*³¹, that the family violence commonly includes dowry related violence, battering and other forms of physical and mental torture, murders and abandonment by husbands, their family members as well as women's own relatives. It is obvious that women are more vulnerable than men to different forms of family violence, especially dowry related violence. This practice has grown in recent past despite the fact it is not the part of the Muslim marriage contract. Traditionally Muslims voluntarily give gifts to their daughters during her wedding and there is also scope for their daughters inheriting property. Normally the groom's family or the groom himself asks for prior commitments before marriage. "If the girl's family fails to fulfill these commitments the marriage negotiations may be broken off which causes disgrace to the bride and her family. Even after marriage sometimes the bride is abused and tortured for full payment of dowry or with new demands, leading in extreme cases to suicide or homicide". Dowry is completely prohibited in *Shariah* law. The provision is intended to protect the wife since the '*Shariah*' does not envisage any provisions for maintenance upon divorce. In Bangladesh, the amount of dower is payable to the wife before divorce or at the death of her husband. However, despite the existence of Dowry Prohibition Act, 1980, nonpayment of dower and demand for dowry has become a social phenomenon. Dowry related violence included physical torture, death from physical torture, and divorce for dowry, abandonment, suicide and acid burns. Sexual abuse was measured by only one item – husband's deliberate attempts at physically hurting the woman during sexual intercourse. Verbal abuse included being mockery and shouted at by husband. It is also found that child marriage and dowry increased the probability of physical assaults by husbands and a history of violence in the family. Women's self-perceptions were also found related to violence in spousal relationships. For example, women who respected themselves and considered themselves as a capable, intelligent and attractive reported less violence in their lives than those who reported more violence. It is notable that this data does not show the causal relationship between violence and self-perceptions. The younger women (below 30 years of age) are more likely to face family violence.

²⁹Supra note, 22

³⁰Supra note, 23

³¹ Leading Human Rights NGOs in Bangladesh

6.2. Psychological Violence/Controlled Behavior

Psychological violence of a married woman in Bangladesh is a common practice³². After an in depth analysis on different controlled behavior, seven most commonly reported controlled behavior were as follows-

1. Husband becomes angry for wife's talking on face openly-cited by 60% women
2. Freedom of seeking healthcare - 46% of the women reported that they need for husband's permission to seek their own healthcare.
3. Forced to maintain *Parda* (Hizab) - 30% of women reported that their husband forced them to maintain *parda*
4. Misbehavior due to complaints from mother in law or sister in law cited by one quarter of women
5. Indifferent treatment or neglect by husband- cited by one quarter of women
6. Attacking words against parents- cited by 24% of women\
7. Husband becomes angry if wife speaks with another man -cited by 24% of women

6.3. Sexual Abuse and Rape in Intimate Relationships

Rape by an intimate partner frequently involves a precedence of sexual consent between victim and perpetrator, often does not include the use of physical force, and may not fit societal definitions of rape³³. Sexual abuse and rape by an intimate partner is not considered a crime in most countries, and women in many societies do not consider forced sex as rape if they are married to, or cohabiting with her partner. The assumption is that once a woman enters into a contract of marriage life, the husband has the right to unlimited sexual access to his wife. Surveys in Bangladesh, reveal that approximately 10 to 15 per cent of women report being forced to have sex with their intimate partner³⁴. Rape evokes shameful attitudes among women, and thus it is likely to under report. The rise in the reported crime against women in Bangladesh may rise up in rape, also an increase in the incidents of assaults on women and in the proportion of female victims of violent crimes³⁵. Causes of abusing wives included the wife questioning the husband in day to day matters followed by failure of the wife to perform household work, economic hardship of the family, failure of the wife to take care of children, not conforming to veil or other expected behavior, inability to bring money from parent's home, not taking a good care of in laws and relatives, and husband's frustrations in relation to various activities³⁶. The rest of the reasons may be included natal home, failure to produce children, revenge for family -

³²Supra note, 23

³³<https://www.ncbi.nlm.nih.gov/m/pub> last accessed on 12 June , 2019

³⁴ World Health Organization (1996) Violence against Women. WHO Consultation, Geneva: WHO

³⁵ Supra note, 15

³⁶ Bhuiya A, Sharmin T, Hanifi SM (2003) Nature of Domestic Violence Against Women in a Rural area of Bangladesh: Implication for Preventive Interventions. Journal of Health, Population & Nutrition 21: 1729-1742

feud between husband and natal family, and suspected sexual relations with other³⁷. 76% female students face some sort of sexual violence during their higher education³⁸.

6.4. Forced Prostitution

Prostitution is the business or practice of engaging in sexual activity in exchange for payment³⁹. It is sometimes described as sexual services, commercial sex or, colloquially hooking. It occurs in a variety of forms and its legal status varies from country to country. Forced prostitution or other kinds of commercial exploitation by male partners or parents is another form of violence against women and children reported worldwide. Insolvent families, unable to support their children, often hire out or sell their children, who may then be forced into prostitution. Very often the young girl is sent as a domestic worker, in which case she may be physically and sexually exploited by her employers. In the poor rural areas of Bangladesh, where poverty has given rise to the phenomenon of debt bondage, it is believed that it is the daughter's duty to sacrifice herself for the well-being of her family. Traffickers buy the "labor" of young women and girls in exchange for money. The high incidence of HIV/AIDS in the country has been attributed to this trafficking in young girls. Bangladesh a small country of some 165 million people is the source and transit point for countless numbers of victims in South Asia's burgeoning trade in human beings. Some of its boys and girls, some as young as eight, are forced into prostitution. Some of its teenagers are locked up in brothels, forced to take steroids to be more attractive to customers⁴⁰.

6.5. Murder/Suicide

Enmity, political differences and land disputes were the main causes for male murder case followed by dacoity and family feuds. Other causes included dispute on uprooting a bean tree, toll collecting, dispute over lending money, cheating while distributing goods, dispute on a sugar cane field and quarrels. On the other hand, dowry demand, family feud and rape and failure to rape were the major causes of female murder case. The difference in the causes of male and female murders shows the differences in roles and of their spheres of activities. 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-laws as consequence of family quarrel, demand for land, polygamy, husband's extra-marital affair or remarriage, demands for dowry, failure to give birth to children especially a son. In contrast men are murdered by their neighbors, 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

³⁷ *ibid*

³⁸ Report of the Bangladesh Bureau of Statistics, 2015

³⁹ "Prostitution-Definition and more from the Free Merriam -Webstar Dictionary". Merriam -Webstar. Retrieved 19 September, 2013.

⁴⁰ www.asiannews.it/news-en/prostitution last accessed on 15 June, 2019

someone else is responsible for the death. It is also alleged that many suicides are in reality murders that were covered up cleverly. It is also alleged that many people are driven to committing suicide by the treatment they are subjected to by others around them. 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. The Centre for Genocide Studies (CGS) report notes that gender based violence remained a critical challenge for Bangladesh. *Ain O Shalish Kendra* (ASK) said the number of women tortured by their husbands and in laws increased to 442 in 2017 from 385 in 2013⁴¹. On the other hand, *Bangladesh Mahila Parishad* (BMP) statics put the number of women tortured and murdered by their husbands and in laws for dowry at 389 in 2017⁴². One year before that number was 361. Women are looked upon as representatives of the honor of the family. When women are suspected of extra-marital sexual relations, they can be subjected to the cruel form of indignity and violence by their fathers or brothers. Women, who are raped, are accused of crime of unlawful sexual relations. Such laws serve as an obstacle inhibiting women from pursuing cases against those who rape them⁴³.

6.6. Acid Assaults

Male character and problems in dealing with rejection is another important cause of acid throwing. Refusal of love (255 cases), marriage proposals and family disputes (105) are three major causes of this type of violence⁴⁴. After marriage when dowry demands are not met, brides may become victims of acid throwing. In 99 cases reasons for acid attack are unknown. Other causes of acid throwing include family dispute, protest of husband's second marriage, failure to misappropriate of wife's wealth, sterility, and getting divorce from wife, refusal of sexual relationship, failure to kidnap, the woman not being agreeable to prostitution and the woman's refusal to agree with husband's second marriage. Acid throwing, also called an acid attack, a vitriol attack or vitriolage, is a form of violent assault⁴⁵. Thus, the act of throwing acid or a similarly coercive substance onto the body of another with the intention to disfigure, maim, torture or kill. Acid assaults are another common form of violence which will be a phenomenon unique to Bangladesh. The first documented case of acid attack occurred in 1983 in Sylhet. Acid attacks usually occur when men want to take revenge for the refusal of proposals for love, 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. Documentation from ASK

⁴¹ <https://www.dhakatribune.com/bang>, last accessed on 16 June, 2019

⁴² *ibid*

⁴³ Naved RT (2013) Sexual Violence toward Married Women in Bangladesh. *Archives of Sexual Behavior* 42:595-602

⁴⁴ Begum A, Shiplu KD (2013) Domestic Violence against Women in Bangladesh: A Critical Overview. *The Chittagong University Journal of Law* 7: 105-129

⁴⁵ Karmakar, R.N. (2010). *Forensic medicine and toxicology* (3rd ed). Kolkata, India. Academic Publishers. ISBN 9788190908146

reveals that young women are more commonly the targets of acid attacks. Out of total 552 women assaulted with acid, from 2003-2007, 134 (53%) were below 20 years of age, 8 (3%) were minor girls below 10 years of age.

It is worth noting that the information above represents cases that have interfaced with the news media. When different sources are used to gather information a different picture is observed. Another interesting aspect of the finding was that in most cases women are acquainted with the men who attack them. Among the seventy-nine (79) women interviewed in the Dhaka Medical College Hospital, it was found that women could identify sixty-six (66) perpetrators (approximately 88% cases) whereas in contrast only eleven (11), or fourteen percent (14%), were unknown perpetrators.

7. Consequences of the Problem

The low social and economic status of women can be both a cause and a consequence of violence against women. Gender violence represents an expression of human behaviors' and attitudes and is deep rooted in the society. Traditional attitudes by which women are regarded as subordinate to men or as having stereotype roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and working opportunities. The immediate causes of violence vary with the type of violence or in other words, there are different causes for different types of violence. Moreover, women are not socialized to protect themselves and despite an active feminist movement in the country they are not physically trained to protect themselves. "On the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities" (CEDAW, GR19, *para* 11). Violence against women has several types of consequences which include physical or health, psychological, social and economic. The different types of effects are almost similar for all kinds of violence.

7.1. Health Consequences

Several types of injury and death are the most important health consequences of family violence. A number of different physical and psychological symptoms and severe illness is related to violence: pelvic infections, abortions, sterility, chronic pains, gastrointestinal diseases and

symptoms characterized as post-traumatic stress syndrome, including depression and taking suicide attempts. Most often these symptoms are not regarded as being related to violence. Suicide because of occurrence of rape among young girls is very common as mentioned in an earlier section of this report. Apart from suicide, other serious health consequences in case of rape victims are the following: being affected by STDs, pregnancy, abortion, permanent damage to the reproductive tracts and other organs, child birth, forced motherhood. This directly violates the right to the highest attainable standards of physical and mental health. Acid throwing causes disfigurement, long term disability and pain. Severe disfigurement forces women to isolation. Sometimes due to the threat from the perpetrators the victims might also lose their homes and shelter. Trauma, depression, anxiety, isolation and disturbed conjugal life are the most common psychological effect for all kinds of violence. States parties are required by article 12 of CEDAW to take measures to ensure equal access to health care. Violence against women puts their health and lives at risk.

7.2. Social Consequences

There are some general social effects for the victims of acid burn, rape, custodial violence, community violence which include social condemnation (shame and dishonour) rejection from family/society and deprivation from education. After victimization of violence about one third of women did not seek for medical treatment in fear of their husbands or due to husband's disapproval. Stigma attached to domestic violence should also be noted as almost 9% of women cited social prestige as reason for not having sought for medical treatment⁴⁶. The women who did not take legal actions were asked why and the findings indicate that about 40.09% did not think it necessary. About 20% did not take action in fear of potential negative impact on the children's future, about 16-17% in fear of negative impact on their or families' social prestige⁴⁷. However, it is worth mentioning here that the intensity of shame and dishonor are different for different types of violence. Often young girls commit suicide due to the shame of sexual attack as mentioned earlier. Similarly, shame and dishonor of acid victims depends on what parts of their body are affected by acid. These are the immediate social effects which isolated the victims from normal social life in the long run. Besides, there are some specific social consequences/effects for particular types of violence, for instance, embarrassment or harassment of rape victims by asking shameful questions, "sensationalisation" by media. In case of family violence, battered people may batter others in a weaker position, for example children, domestic help etc. One of the most difficult things for the middle class victims of family violence is that they are forced to keep up a social front because of social prestige. Apart from other social effects, the acid burn has to pay a very high social cost. For instance, they cannot continue a normal life as due to disfigurement and sexual harassment in the society, they are rejected from family and their marriage breaks down. For unmarried girls, chances of marriage decline,

⁴⁶ Supra note, 11

⁴⁷ *ibid*

engagements break down. Family violence not only puts women's health at risk, it also impairs their ability to participate in family life and public life on as basis of equality.

8. Combating Violence against Women in Bangladesh

Despite the increased attention to the problem of violence against women, there is still a substantial lack of information and data on the scope and extent of the incident. Detailed data on women's experiences of violence is needed in order to better understanding the phenomenon and developing targeted policies and measures to prevent and combat violence against women (UNICRI, 2014). The extent and magnitude of the problem of violence against women in Bangladesh requires identifying the priority areas for intervention. As stated before, at least half of women in Bangladesh experience violence at least once in their lives. But, there are unfortunately no adequate support groups for victims of violence. Nationwide efforts in this regard are expected to be initiated to combat violence against women. Legal and other initiatives such as imposing punishments on the perpetrators as well as responses to create awareness and motivational programs are highly encouraged. Violence of women is a much more than complicated social and cultural diseases that must ultimately be fought by a combination of legal means, social movements and religious concern. No legal tools can be effective to fight against the violence of women without mass social movements engaging all classes of people. To promote equal treatment of people the Government of Bangladesh must commit to ensuring a number of prerequisites. These include gender equality, improvement of service delivery(ensuring access to justice and services for victim) the allocation of adequate resources and funding to women, promoting women entrepreneurship through financial aid, ensuring that victims of violence have access to immediate means of redress, rehabilitation and protection and establishing transparency and accountability in order to enforce positive regulations and legislations⁴⁸. To combat violence against Women from Bangladesh, the following specific steps can be taken-

- i. Prevailing attitudes that permit and encourage violence against women must be directly and creatively addressed
- ii. Careful research can be conducted to identify the messages and interventions that can change the male dominated attitude towards female
- iii. State authority should take a fresh commitment to the realization of women's equal rights
- iv. Removal of remaining reservations on CEDAW Article 2 and 16.1(C) is needed
- v. Assault and battery within marriage and marital rape with prescribed punishment must be introduced in the Women and Children Repression Act, 2000 amended in 2003

⁴⁸<https://www.daily-sun.com/printversion> last accessed on 13 June, 2019

- vi. Training and orientation to law enforcement personnel on Violence against Women, Human Rights and Gender should be arranged more and more to remove negative and disrespectful attitude of such personnel towards women
- vii. Mass women empowerment must have to be ensured through deployment of women officers in the field level
- viii. Large scale female manpower have to bring within the sphere of higher education
- ix. Existing legal loopholes have to be removed as well as new and effective laws must have to be enacted
- x. Jurisdiction of the concerned courts should have to be upgraded
- xi. Finally, Implementation & execution of legal provisions must have to be ensured.

9. Conclusion

Violence against women in Bangladesh is a major concern of development interventions as well as in human rights perspectives. Violence against women impediments women's well-being and over all development, i.e. it has direct consequences for women's health-physical, mental, sexual and reproductive as well as economic costs, and afterwards adverse effects on psychological development of children. In Bangladesh, most of the women experience domestic violence at the hands of an intimate partner or family member in her lifetime. Acid burning, dowry deaths are not very uncommon in this context. To combat against this violation, the present law should be well implemented. New and effective laws over the issue can be enacted. However, despite the deployment of strong laws to deal with the problem, violence against women is increasing. Social awareness raising efforts need to be introduced. The Civil Society Organizations have to identify and put forward the best possible agenda to eliminate the violence from the bed rooms. And it is possible with the commitment and cooperation from the government and civil society that can make people aware of the adverse effects of violence against women upon the family and society. Simultaneously, media can play a prominent role in preventing the violence. Electronic and print media both need to cover extreme and general cases and present it in an objective manner. It appears finally from the findings that higher educational efforts and priority to empowerment of the women, along with the proper implementation of the women sensitive legislation are more likely to contribute to protect women from violence. Otherwise it is hardly possible to ensure women's independence in society and to give them equal opportunity.