A Critical Review on Women Oppression & Threats in Private Spheres: Bangladesh Perspective

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Abstract  
The Constitution of Bangladesh ensures the equal rights and status of women in public life. But nondiscrimination over women in the private sphere is not guaranteed. Consequently, there are significant disparities between men and women in all realms of life. Lack of equal access to economic opportunities, education, health services and their lesser role in decision making perpetuate women’s subordination to men and susceptibility to violence. The notion of the society about girl children within the family itself builds up a mindset that girls ought to be less important than the male children. The multiple forms of discrimination against girls begin at home and continue to the end of their lives. This imbalanced foundation of knowledge, fully biased in favour of the males of the family, spreads through the society in general, resulting in tremendous forms of violence and injustice to women as a whole. The article highlights the key reasons of oppression over women such as physical, sexual and psychological abuse that cuts across lines of income, class and culture and its ultimate consequences. This article evaluates the loopholes in the existing criminal justice system of Bangladesh concerning violence against women with mentioning necessary possible way outs.

Keywords: Women Oppression, Sexual Violence, Women Legal Empowerment, Social Security, Marital Rape.

I. Introduction  
Violence against women is a common occurrence in most societies whether the violence is physical or mental. In South Asia region, 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. The issue of violence against women and girls was reviewed extensively in the Fourth World Conference and was highlighted in the Beijing Declaration and Platform for Action (1995). The seriousness and endemic nature of the issue has placed it as a priority agenda in all international conferences and work plan of UN development agencies. In the light of the international commitments, the government of Bangladesh has adopted its National Plan of Action for the empowerment of women including elimination of violence against women. The nature of violence against women in Bangladesh leads one to conclude that there are certain critical gaps in our knowledge and policy. As a result violence against women is viewed as a normal phenomenon even from the women’s perspective. In the context of Bangladesh, the 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 region. The imbalanced foundation of knowledge, fully biased in favour of the males of the family, spreads through the society in general, resulting in tremendous forms of violence and injustice to women as a whole. The entire society gets affected by the male dominated mindset that makes almost every place, such as household, academic institution, workplace and public spaces vulnerable for the women where they could be victims of violence.
2. Rationale and Objectives of The Study
The key objective of this article is to ensure the appropriate legal empowerment of women in all sphere of life. To achieve the key objective, this article concentrates on the following objectives:

- To make focus on the socio-economic condition of women in Bangladesh;
- To concentrate on the reasons of violence against women with the deficiencies in the existing legal framework;
- To raise awareness among women regarding their legal right & forms of violence;
- To make recommendations for every spheres of people to eradicate of this problem;

3. Research Methodology
This present study is an analytical overview. Methodologies for this research study include qualitative as well as to some extend quantitative data processing technique for data collected from publications of concerned authorities, available law books, research studies, judicial decisions on relevant issue, articles on related topic, key note paper presented in conference, newspaper reporting, internet.

4. Socio-Economic Status of Women in Bangladesh
Women in Bangladesh are not a homogenous group; they belong to the rich, middle and poor classes and are from different cultural and ethnic minority groups. They are also differentiated by rural and urban settings. Although women constitute half of the population, various indicators reveal that the status of women is much lower than that of men. Their literacy rate is only 43.2 percent, much lower than that of men 61.0. Excessive mortality among women due to discrimination has resulted in a sex ratio in the population of 105 men to every 100 women. 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 them workplace 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 any 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 *Porda* (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. As more women are entering the workforce, conflict is growing between the patriarchal social norms and women’s urge for economic independence. In recent years there has been a significant change in the attitude towards women taking up outside employment. With the breakup of the extended family, greater numbers of women are seeking employment. At home, however, working women do not have control over their own income; rather her husband dictates how to spend the money. The influx of women into the employment market has result in further potential forms of violence. Working women face the threat of violence from the public because they are outside the home and from their employer, who are usually male, who are skeptical about women holding positions of responsibility. Furthermore, it is difficult for a woman to get paid employment and when they do there is a lack of parity between her wages and her male counterpart who undertakes similar work.

5. Legal Status of Women Under the Existing Legal Frameworks
Although the Constitution of Bangladesh states that women have equal footing with men in all spheres of public life & it also recognize religious personal laws, which are unequal to women. According to the Constitution of Bangladesh, the State takes responsibility to ensure non-discrimination among its citizens and maintain gender equality. However, in the personal sphere, the state does not specify its responsibility to ensure non-discrimination. Similarly, in spite of the declaration of equality in the Constitution, women are deprived of their guaranteed rights by some of the discriminatory civil and religious laws. For example, according to the Citizenship Act, 1951 the right of citizenship can be transferred from the father, neither a woman’s husband nor her children have entitlement of citizen through her. Apart from this, the four most important events in the life of a woman: marriage; divorce;

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1 Statistical Yearbook of Bangladesh, 2001
2 All Citizens are equal before law and are entitled to equal protection of the law (Article 27 of the Constitution of Bangladesh), The state shall not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth (Article 28(1), Women have equal rights with men in all spheres of the state and public life (Article 28(2) of the Constitution of Bangladesh).
closely related to domestic violence. The traditional family is the foundation on which any society is built. In Bangladesh, the majority of the population is Muslim, although several other minority groups exist. Both Muslim and non-Muslim women face gender discrimination under their personal laws. It is clear therefore that inequality in the personal laws act as a considerable obstacle to achieving women’s right. It must be remembered that the enactment of legislation alone does not result in immediate change in women’s actual situation. The government of Bangladesh has from time to time enacted or amended several Acts to safeguard women’s legal right or to improve their status. These laws however are often hardly enforced or are misused. Since women form the most vulnerable group in the society, they repeatedly suffer from the existing discriminative legal system also. In Bangladesh, a victimized woman usually tries to avoid the legal process as she becomes more stigmatized by the society. She dares not file complaints; fearing negligence and harassment in police station, courts and society. The members of the police in most of the cases look down upon the oppressed women and will not take their complaints, unless they are compelled to do so by pressure from a higher authority. In cases of sexual violence, the police often advise the victim to submit a medical document. As a result of the harassment and complexities of the court procedure, survivors are often compelled to accept out of court settlements. The expenses involved in seeking legal redress; lawyer’s fees, court fees, and other incidental expenses, make it very hard for poor, illiterate, and disadvantaged rural women to even consider legal action. Moreover, whilst government legal aid is available, the aid procedure is complicated and the majority of women are unaware of this provision. Considering that violence against women remains one of the most under reported crimes in Bangladeshi it is implicit that the reported figures are a gross underestimate. Therefore, whilst statistical data is incomplete there is a consensus that the general trend overwhelmingly suggests that women in Bangladesh are at increasing risk of being victimized. On the other hand, criminals recognize that there are loopholes in the system, and they might easily avoid punishment. Finally, the community has become desensitized to the sufferings of others. Community members, having a host of problems themselves, fearing retaliation by gangsters and hoodlums, and perhaps aware of the lax law enforcement; they fail to take a proactive role to end violence against women.

6. Recent Trends of Oppression Over Women in Bangladesh

The Declaration on the Elimination of Violence against Women, UN Resolution 48/104 defines violence against women as any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life. The Beijing Platform for Action retakes the above definition and stresses that “in all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture”. Violence has multi-dimensional forms starting from verbal abuse to trafficking of women.

6.1 Family Violence

The definition of family violence used in the present study emphasized violence by any member of the family. Family violence here included child abuse, sibling abuse, and parent abuse, in-law abuse, perpetrated by both male and female aggressors on female and male victims. This form of violence included physical torture including hitting with fists, punching, pushing, kicking, knocking about which are especially applicable in cases of wife-abuse and battering, acid throwing, beating/stabbing, dowry, murder, rape, and suicide.

6.2 Acid Assault

Acid assaults are another prevalent form of violence that may well 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 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.

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3 Annual report on Violence against Women in Bangladesh, 2002
4 Annual report on Violence against Women in Bangladesh, 2002
5 Resource Center, BNWLA. Report from 9 leading dailies. Source: Resource Center, BNWLA
6.3 Rape and Sexual Violence
According to Section 375 of the Bangladesh Penal Code, 1860 rape occurs when a man has intercourse with a woman of any age without her consent. Rape, in this Section, is narrowly defined to mean forced penetration of the male sexual organ in the female vagina. In this study rape was selected as a form of violence to be investigated because it is a prevalent crime more commonly targeted against women, and moreover, in recent times, reports of rape have been on the rise, especially among children and infants.

6.4 Custodial Violence
Custodial violence refers to violence that is directed towards anybody placed under State custody. Custodial violence is indifferent to the nature of the alleged criminal activity under which women are apprehended. Women are vulnerable to abuse whether accused of petty theft, inappropriate sexual behavior or affiliation with a “wanted” criminal. The nature of the abuse ranges from physical or verbal harassment and humiliation to sexual and physical torture. There is a rule of not arresting women after sunset. However, often police misuse the Section 54 of the Code of Criminal Procedure, 1898 especially after sunset to arrest women and keep them in police custody.6

6.5 Murder and 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, husband’s extra-marital affair or remarriage, demands for dowry, failure to give birth to children especially a son. 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 on the human right to life.

6.6 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. However, the practice of fatwa, disguised as religious edicts, is often abused as a tool for torturing and suppressing women.

7. Major Causes of Oppression & Threats Against Women in Private Spheres
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 stereotyped 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 work opportunities” (CEDAW, GR19, Para 11). The immediate causes of violence vary with the type of violence or in other words, there are different causes for different types of violence. However, causes can be categorized as immediate, intermediary and underlying. The immediate causes are the “trigger” factors e.g. alcoholism but the underlying factors are generally the subordinated position of the women and her powerlessness:

7.1 Lack of Self-Defense
Women are not socialized to protect themselves and despite an active feminist movement in the country they are not physically trained to protect themselves.

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6 Sec 54 of the Code of Criminal Procedure, 1898: (1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest—First, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned; secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking; thirdly, any person who has been proclaimed as an offender either under this Code or by order of the [Government];
7.2 Abuse of Law by Law Enforcement Agencies
The important institutional cause of custodial violence is that the law enforcing agencies misuse Section 54 of The Code of Criminal Procedure, 1898, the Vagrancy Act, DMP 86\(^7\) and arrest people and bring them into police custody where the police stations do not have any facilities for women. Other institutional causes of custodial violence include (i) weak and corrupt law enforcement agencies, (ii) lack of women personnel, (iii) lack of support staff, (iv) lack of commitment from both State and non-state institutions for monitoring, (v) misuse of power through misuse of remand provision and (vi) lack of institutional accountability.

7.3 Dowry
Despite of 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 1995-97, two hundred and seven (207) 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 (MWCA-GOB, 1997).

7.4 Lack of Education
Women in our society are not only economically dependent on male but they do not have much control over their lives. Lack of education makes women more vulnerable. Though studies show that years of schooling is inversely associated with prevalence of violence, however, no statement could be made how and why education or years of schooling has a role in reducing violence (Hadi, 1997, Roy, 1996, Khan et al, 1998). It could be assumed that greater years of schooling may provide women with an opportunity to gain knowledge and information which they often lack and as a result become more vulnerable.

7.5 Lack of Economic Independence and Income
Lack of independent income forces many women to stay in violent relationships. The labour force statistics show that not as many women as men are employed or even self-employed. Their ownership of assets or property is generally much lower. Their inheritance rights to family assets are discriminatory. Their access to bank loans, for example, is discriminatory. As a result, most women do not have an independent or significant income.

7.6 Lack of Security for Women
Although cultural barriers for women entering the public arena and joining the workforce are being challenged (in garments factories, small businesses through microcredit schemes and positive discrimination in State agencies) very few institutions are letting “private” or women friendly issues enter into the public arena. There is lack of security for women travelling to and from their work places, no transport facilities are provided for women travelling at night, no housing facilities for migrant workers from rural areas and no institutionalized codes of conduct to help enable the workplace overcome some of the negative cultural perceptions of women. 71% of the working women interviewed said they were scared of ill lit spaces in their work places.\(^8\)Yet it is found that even in places like the University of Dhaka the street lights, the lights in the stairwells and corridors of the buildings are frequently out of order. In many areas of work women workers are preferred in garments industries, the informal labour force etc.

\(^7\) DMP 86. Penalty for being found under suspicious circumstances between sunset and sunrise – Whoever is found between sunset and sunrise; (a) armed without any satisfactory excuse with any dangerous instrument; or (b) having without any satisfactory excuse his face covered or otherwise disguised; or (c) in any dwelling house or other building, or on board any vessel or boat or in any vehicle without being able satisfactory to account for his presence there; or (d) lying or loitering in any street, yard or other place without being able to give satisfactory account of himself; or (e) having in his possession without satisfactory excuse any implement of house-breaking; shall be punishable with imprisonment for a team which may extend to year, or with fine which may extend to two thousand taka, or with both.

\(^8\) Naripokkho’s Pilot Study on Violence against Women (Azim, 2001)
7.7 Poverty
General or overall economic causes of family violence are considered to be increasing landlessness, pauperization, unemployment which has 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. Lack of resource especially food in poor rural households and women’s failure to efficiently accomplish their traditional gender roles lead to gender violence. There exists a debate on whether participation in credit-based development intervention may reduce violence against women.

7.8 Child Marriage
This practice continues to be widespread despite the existence of the Child Marriage Restraint Act since 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 stands to be condemned by her community (in some cases she becomes the subject of fatwa), her parents and family are also punished with social isolation and shaming. Cultural stigmatization of sex outside of marriage actually puts the family honour at stake. All these reasons make it impracticable to enforce the legal provision against child marriage. A report by Naripokkho found that the age of first marriage is associated with violence in marital life. The study found that marriage at twenty-five or more years is a protective factor. Women activists believe that early marriage of girls, usually between the ages of 12-19 years, along with a wide age gap between spouses’ results in unequal relationship and invites marital disharmony. Lack of knowledge about sexual health often aggravates the situation of violence against women within spousal relationships also.

7.9 Religious Conservatism
Community violence occurs when community members collectively perpetrate violence on individuals of the same community. The violence is directed to women for “sexually inappropriate behavior” in the name of fatwa or so-called religious edicts. Strictly speaking only religiously recognized persons have the authority to give fatwas which are pronouncements of opinions based on religious texts. However, the practice of fatwa, disguised as religious edicts, is often abused as a tool for torturing and suppressing women. It is worth mentioning here that it is not always ‘fundamentalist’ religious leaders but also influential people of the community who often issue fatwas. Commonly they spell out punishments against women for adultery, marriage of their own choice, divorce, remarriage and pregnancies outside of wedlock. Thus, fatwa is generally used to control and subordinate women’s self-determination, sexuality and bodies. Misinterpretation and misuse of religious principles by fanatic religious leaders, people ignorance about religious principles, illiteracy, women's economic dependence, vulnerability, and insecurity are main causes of community violence. While fanatic religious leader misinterprets and misuse religious principles, the community does not dare protest against such misuse of religion.

7.10 Commoditization
Women or girls are often viewed as commodities and they are judged by their physical appearances, a woman’s appearance is most valued. Therefore, perpetrators of acid assaults often take revenge for family enmity by harming women and destroying her marriage possibility. This is enough to destroy her life by destroying her marriage prospects, her confidence and her acceptability in society.

8. Loopholes in The Legal Domain of Bangladesh on Women Oppression

8.1 Discrimination in The Law
“All citizens are equal before the law and entitled to equal protection by the law”, as stated in Article 27 of the Constitution of Bangladesh. However, in practice the Government does not strongly enforce laws aimed at eliminating discrimination and reducing violence against women. Equality is then only emphasized for the public sphere and not in the private sphere, which is governed by Family Law based on religion. Equality within the family is not ensured in the religions practiced in Bangladesh where approximately 88% are Muslim and 12% are Hindus, Christians and Buddhists. This is in direct contradiction to Articles 15 and 16 of the Convention for Elimination of

9 Naripokkho’s Pilot Study on Violence against Women (Azim, 2001)
All forms of Discrimination against Women where signatory States are obliged to make provisions for women’s equality with men before the law, in Civil Matters, in marriage and family laws.

8.2 Weak Enforcement
As mentioned earlier, the Government has also enacted several laws specifically for elimination of violence against women which includes Dowry Prohibition Act, 1980, Nari-O-Shishu Nirjaton Daman Ain, 2000. However, enforcement of these laws is very weak, especially in rural areas. Although the Muslim Family Laws Ordinance specifies the legal age of marriage as 18 for women and 21 for men this provision of the law is constantly violated, particularly in rural areas. Moreover, most of the marriage are not registered and even where they are the Marriage Registrars are obliged to guess the girl or woman’s age as birth registration are not always done. The average age at marriage implies that half of the girls married under 19 years of age and it is estimated that 20% of girls become mothers by the age of 15. However, sexual intercourse with a girl or woman below the legal age of marriage i.e. 18 is a punishable offence according to the Penal Code, 1860.

8.3 Non-Execution of Punishments
It appears that many people remain unaware about the Dowry Prohibition Act despite legal awareness programs undertaken by several legal aid NGOs. In dowry cases where punishment is awarded to husbands who are the recipients of the dowry, it has been observed that in most cases punishments are not executed. The reason for this is trials are held in the absence of the accused and the man is rarely arrested. The punishment for this crime is imprisonment for a period of one year under the Dowry Prohibition Act.

8.4 Limitations in The Definition of Rape
Often the narrow definition of some violence hampers survivors from getting justice. For instance, in case of rape, male standards are used not only to judge men but also to judge the conduct of women victims. Recently some Commonwealth counties have changed the definition of rape. According to them, it is not only limited to penile penetration rather forced penetration of anything or any organ has to be considered (ASK bulletin, Sept. 1997). The UN Report on Violence against Women emphasized the need to change the definition of rape. Also there is no provision for “marital rape” in Bangladesh law.

8.5 Weaknesses in Dowry Prevention
In 1980 the Parliament passed an Act called Dowry Prohibition Act which was amended in 1982 by a Martial Law Regulation to prohibit taking or giving dowry and made the giving or demand for dowry or abetment thereof, before, or at the time of and even after marriage, an offence punishable with imprisonment for one year or with a fine, or with both. By making both parties responsible, it becomes weak. Moreover, it appeared from discussion with judges and lawyers that the definition of dowry was problematic and the word “Agreed to be given” should be removed.

8.6 Limited Accessibility to Women in Trial
The justice system was not at all accessible or friendly to women, especially poor women. As a result of ingrained social perceptions and prejudices, present members of judiciary are not sensitive to gender issues. The majority of the judges, advocates, public prosecutor and the judicial staff are men. The costs of going through the judicial procedure are often more than most women can afford. Usually the victims who approach the court for assistance are very poor people. They cannot afford to pay the amounts demanded by the prosecutor, in spite of the cases being their professional duty.

8.7 Lack of Witnesses and Evidence
The judges feel that it is difficult to convict the accused due to lack of evidence and witnesses. Witnesses come to the public prosecutors who sometimes do not produce them, either because their work is not ready or they are biased against the victims due to links with the accused. Most of the cases were acquitted on account of out-of-court settlements between parties. Evidence is often destroyed by the accused. Moreover, there is a lack of security of witness, who comes under threat by the accused. As there is a complete lack of confidentiality in the whole process and a social stigma attached to crimes like rape, usually young unmarried girls do not come forward as they may not be able to get married later on. Even if the case is filed of rape of minor girls, despite all evidences, they often do not end in conviction because of out of court settlement due to social reasons.
8.8 Lengthy Procedure
The number of magistrates and judges are inadequate to deal with the number of cases present. According to the judges, the courts do not have sufficient logistic which makes the whole process of trial lengthy in many cases. The public prosecutors sometimes unnecessarily delay the court proceedings.

8.9 Corrupted Policing System
For the purposes of protecting the perpetrator, the police implicate persons who are not connected to the alleged crime. Documentation by a human rights fact-finding team asserts that the alleged perpetrators were supported by an influential leader of the ruling party, who is chairperson of a local governmental unit in Satkhira district and the police received bribes from the perpetrators. To get any criminal investigation conducted by the police, the complainant has to pay bribes to the relevant police officers. The police seek offenders through their sources and demand bribes from those offenders; in exchange, they do not include their names in the investigation report which is known as charge sheet. The police also compel the victim or complainant to pay bribes with the assurance of making a 'true investigation report' that may lead to the conviction of the perpetrators. When the perpetrators pay more money and the victims or complainants fail to afford the demands of the police investigators, the police pressureize the victim or complainant to withdraw the complaint during the period of investigation. The perpetrators succeed in making the police biased in their favour and take advantage of this opportunity to insist and intimidate the victims into settling the matter outside the purview of the criminal justice institutions. Often, the alleged perpetrators offer a proposal of marriage in exchange for not filing any formal complaint or withdrawing the case if it is already registered, making the offer of marriage merely for the sake of escaping from prosecution.

8.10 Malfunction Criminal Investigation System
There is lack of the very basic expertise and scientific logistical facilities to conduct credible investigations in the crimes relating to sexual abuses against women. Sometimes, the inefficient police officers fail to collect necessary evidence or neglect to collect evidence. As a result, substantial evidences are either lost or destroyed deliberately. Excessive costs of fighting litigations, delays in trials and exposure in public resulting in social stigmatization and leading to further humiliation, mostly discourage the female victims of violence and their families to seek justice from the existing criminal justice system. That's why many incidents of violence against women remain unnoticed and undocumented in Bangladesh.

8.11 Culture of Impunity
The government continues to withdraw criminal cases from the courts, terming the cases 'politically motivated', in order to ensure impunity to the offenders associated with the ruling political parties. Withdrawing 'politically motivated cases' has become a trend in the last twenty years.

8.12 Absence of a Victim & Witness Protection Mechanism
Bangladesh does not have any law to guarantee the protection of victims and other witnesses let alone any mechanism to protect victims and other witnesses in Bangladesh as there is no definition of 'victim' either in the Penal Code, 1860, or in the Code of Criminal Procedure, 1898. 'Witness' is defined in Section 118 of the Evidence Act, 1872. The State has an undeniable obligation to protect victims and witnesses and should immediately create and implement a mechanism through which to do this.

8.13 Incompetent Forensic Examination System
The role of medical doctors and law enforcement agencies in getting medical examination reports is vital in the criminal investigation process of Bangladesh. The victims of sexual abuses have to get their complaints registered with the police or a Court first, and then it becomes the responsibility of the police to take the victim of sexual violence to a nearby public hospital for a medical examination. As access to the complaint mechanism remains almost closed to the victims due to corruption, the matter of getting a proper medical examination done by competent doctors becomes an additional challenge. The female victims of violence mostly have to face male

doctors in the hospitals for the medical examination, which is highly embarrassing and often amounts to further humiliation of the victim.\textsuperscript{11} The country's hospitals hardly have female doctors for examining the female victims of violence. For example, until a High Court Bench ordered a change on 16 April 2013, in a ruling, which asked the government, as to why conducting forensic examinations of rape victims and for age detection by male doctors should not be pronounced illegal? There were no female medical doctors available to do such examinations at the largest medical institution of the country. Corruption is so widespread that the medical certificates and reports by bribing the doctors, who are expected to examine a female-victim’s injury, can be literally purchased. As a result, there is no guarantee that the victims' wounds would be properly documented and reflected in the medical examination report due to the patriarchal mindset of the police and male doctors, inefficiency, lack of modern scientific facilities, and entrenched corruption in the entire process.

8.14 Burden of DNA Test on The Victim

In the medico-legal aspects of today's justice system, Deoxyribonucleic Acid (DNA) profiling is an unavoidable and essential component of criminal investigation in certain specific crimes, including rape, murder and acid throwing. In Bangladesh, there is a national-level laboratory for conducting the DNA profiling for the purpose of criminal investigations. The DNA profiling tests are very expensive (nearly USD 200 for each involved person’s profiling) which becomes an extra burden to the victims. The victims virtually always have to pay the costs, although the country's High Court Division of the Supreme Court of Bangladesh asked the State to bear all the relevant costs including that of the DNA tests.

8.15 Crisis Stricken on One-Stop Crisis Center

In gathering medical evidence and supporting the female victims of violence, a role is played by the One-Stop Crisis Centre (OCC). Survivors of domestic violence, physical assaults and sexual abuse often require medical attention during the crisis period. The victims are supposed to receive psycho-social counseling and legal assistance from the OCC. But the OCC does not function properly to provide these services.\textsuperscript{12} There are no competent psychologists or counselors or specialized physicians with comprehensive knowledge about the overall condition and requirements of the victims of violence at the OCCs in Bangladesh. In a case of rape, the medical examination is supposed to be completed as immediately as possible after the commission of the crime. However, often deliberate delay in conducting medical examinations, preparing the medical report and submitting the same to a competent Court while the process involves the police and the doctors of public hospitals, frustrates the administration of justice.

9. Recommendations

It becomes essential to take various actions & make amendment in the different legal instruments in order to the legal empowerment of women:

- According to the Family Court Ordinance, 1985, the family court deals with a) marriage, b) divorce, c) dower d) maintenance, e) custody of the child, and f) restitution of conjugal rights related disputes. In this court, very junior judges are posted of whose authority are very limited. The status of authority of the court to try these types of cases should be increased.

- Equality within the family is not ensured in the religions practiced in Bangladesh where approximately 88% are Muslim and 12% are Hindus, Christians and Buddhists. This is in direct contradiction to Articles 15 and 16 of the Convention for Elimination of All forms of Discrimination against Women where signatory States are obliged to make provisions for women’s equality with men before the law, in Civil Matters, in marriage and family laws, it should be needed to reform discriminatory personal law and introduce uniform civil code.

- Assault and battery within marriage, unless due to torture for dowry, is not dealt with in the Nari-O-Shishu Nirjaton Damon Ain, 2000. The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as crime. Also, it is difficult for women to prove verbal and mental abuse, even

\textsuperscript{11} Section 118 of the Evidence Act, 1872, states: "All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind". The full text of the law can be accessed at: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=24

\textsuperscript{12} A report titled "Police to file rape case: HC" published in www.bdnews24.com, a Bangladeshi news portal, on 29 January 2013 citing the High Court Division Bench's order, which was last accessed on 28 October 2019 at about 4.40 pm: http://bdnews24.com/bangladesh/2013/01/29/police-to-file-rape-case-hc.
physical torture, unless grievous hurt is involved. Recognition of assault and battery within marriage and reform law to address marital rape.

- Definition of dowry should be revised. By making both parties responsible, the law itself becomes weak.
- The Nari-O-Shishu Nirjaton Damon Ain, 2000 should be amended to include other forms of violence such as spousal violence and marital rape. The range of punishments under this Act should be increased. The anomaly between age of consent and age of marriage should be addressed.
- Fatwas continues to occur although there has been a High Court ruling against them. Fatwa proclamation is illegal and by law punishable. Administration must ensure that personal affairs are dealt with by the relevant authorities and laws. The Penal provision for disciplinary action against those proclaiming fatwas must be carried out.
- It is necessary for training and orientation to law enforcement personnel on violence against women. Such courses should be included in induction training and regular follow-up training.
- The definition of rape should be broadened to include forced penetration of anything in any organ including anus and mouth.
- A short course on communications skills may be incorporated into police training in order for them to handle cases of violence against women better.
- Observation of police stations by women’s groups, human rights groups and NGOs has proved effective in bringing about some changes in attitudes and behaviors.
- Women police should be present to record complaints made by women. The government provision of having at least one-woman police officer in each Thana should be implemented the soonest possible.
- There should be separate investigation units to be set up in each police station. So that a woman is being interrogated, she should have an option of having two people of her choice present.
- Personal security of women survivors must be assured under safe custody.
- Increased citizen’s participation in monitoring and participation in key events such as the “crime conferences” of the police.
- Increased use of “jail visitors” system to strengthen monitoring.
- To prevent lack of interdepartmental cooperation and coordination, government should increase the number of One-stop Crisis Centers around the country.
- The number of women magistrates, judges, advocates and prosecutors should be increased.
- Women should be made aware of option of asking for “in camera trials” and this should be properly implemented.
- To increase awareness of existence and use of the Legal Aid Fund.
- The Corroboration procedures should be amended to avoid having to call too many witnesses i.e. the written testimonies given by the doctors should be sufficient & procedures for collecting and safeguarding evidence needs to be improved.
- Public information and education programs through mass media to change attitudes concerning the roles and status of women and men Effective measures should be taken to overcome attitudes, customs and practices that perpetuate violence against women.
- The Government should introduce education and public information programs to help eliminate prejudice.

10. Concluding Remarks
Gender specific violence against women and girls is now internationally recognized as an impediment to the holistic social, economic, civil, political and cultural advancement of women. Although violence is part of every society and has existed since time immemorial in various degrees, some countries like Bangladesh have conditions which are more favorable to a culture of violence that include poverty, avarice and patriarchy. Female subjugation and inequality are related conditions that propagate violence. To eliminate violence against women in Bangladesh, one needs to challenge the vested 'rights' and 'roles' of men and the social control mechanisms that reinforce the superiority of men and subordination of women. The unequal power relations often result in the dominance exercised through violence. In such countries, feminization of poverty is a key factor that is not just a state of deprivation but also a process of vulnerability, physical weakness, isolation and powerlessness. Consequential unemployment, wage discrimination and structural adjustment policies exacerbate violence against women and children both by increasing its incidence and by making women and children more vulnerable. Greater public awareness to change gender-biased attitude is the most important precondition to enable solutions to materialize. Along with a more gender- sensitive socialization process, legal remedies have to be in place. Training of police, judicial and law enforcement officers on gender sensitivity and domestic violence is crucial. Facilities for the counseling of victims of violence and their families need to be enhanced. The economic empowerment of women
needs to be addressed with related training for essential skills. Support services for the victims of violence and their families should be approached on an interdisciplinary basis inclusive of employment opportunities, housing facility, day care facilities and legal aid. Besides law and order and criminal justice administration, data on violence against women could also be used by a range of other agencies and academic disciplines committed to improving the position of women in Bangladeshi society. Effective solutions to comprehensively address violence must recognize certain established and underlying dynamics based on the complex social, cultural, religious and economic ideologies that serve to maintain the unequal relationships between men and women.

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