

Rape and Sexual violence against women in Bangladesh



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LETTER OF APPROVAL

25TH November, 2020

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Subject: “Rape and sexual violence against women in Bangladesh”

Dear Sir,

It's a great pleasure for me to submit Rape and sexual violence against women in Bangladesh while preparing this research Monograph Paper I have attempted my dimension best to keep up the required Standard. I trust that this research monograph will satisfy your desire.

I hereby do solemnly declare that the work presented in dissertation has been carried out by me and has not been previously submitted to any other institution. The work I have presented does not breach any copyright.

I, along these lines, supplicate and Hope that you would be sufficiently benevolent to this exploration paper for advancement.



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Safiullah

.....

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DEDICATION

I want to dedicate this research paper to my beloved Parents.

Who have all their care, attention, love, sacrifice and blessings for us in our entire life

DICLARATION

This is certifying that the research monograph “Rape and sexual violence against women in Bangladesh” has been done by Farzana Islam (Id No 201-38-387) in partial fulfillment of the requirement for the degree of LLM program from Daffodil International University. This research monograph has been carried out successfully under my supervision.

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Abstract

This article discusses and analyzes the rape victim sexual abuse women social overview and the Rape and sexual violence can be in various ways. Though the existing laws only indicates that it is only done with the female. Sexual Violence against women has many forms including, sexual abuse physical aggression or threats, emotional abuse, controlling or domineering, intimidation, stalking, passive/covert abuse, and economic deprivations. Alcohol consumption and mental illness can be co-morbid with abuse and present additional challenges when present alongside patterns of abuse. A rape victim loses the status in the society. They are regarded as they have committed the crime. It is often committed as there is no justice for the rape victim. And there are all over Bangladesh sexual violence, including beatings and other physical attacks, verbal and emotional abuse, and economic control, attack with acid. Women specially are raped several times during the procedural test to prove that they are raped.

Abbreviations

CRPC : Code of Criminal Procedure, 1973

CEDAW : The Convention on the Elimination of all forms of Discrimination against Women

ASK : Ain-O-Salis Kendra

WCRPA: Nari-O-Shishu Nirjatan Daman Ain (Women and Children Repression Prevention Act)

CSW : The Commission on the Status of Women's

HDC : The High Court Division

CSW : The Commission on the Status of Women's

TABLE OF CONTENT

<i>LETTER OF APPROVAL</i>	2
<i>ACKNOWLEDGEMEN</i>	3
<i>DEDICATION</i>	4
<i>DECLARATION</i>	5
<i>ABSTRACT</i>	6
<i>ABBREBIATION</i>	7

Chapter 1

Introductory Part

1.1. Introduction.....	11
1.2. Background of the Study.....	13
1.3. Problem Statement.....	14
1.4. Research Question.....	15
1.5. Research methodology.....	15
1.6. Objective of the research.....	15
1.7. Conclusion.....	16

Chapter 2

An overview of rape and sexual violence

2.1 Introduction	17
2.2 Definition.....	18
2.3 Reason behind rape and sexual violence.....	19

Chapter 3

Aggravated Sexual Assault

3.1 Dowry related violence	20
3.2 Eve-teasing in Bangladesh.....	21
3.3 Child sexual abuse.....	23
3.4 Domestic violetion.....	24

Chapter 4

Current status of women sexual violence

4.1 Rape and present situation	26
4.1 Violence and survivors.....	27
4.2 Effect of rape.....	28
4.3 Lack of awareness	29

Chapter 5

Legal protection of women in aspect of rape and sexual violence

5.1 Penal code.....	30
5.2 Nari-O-Shishu Nirjatan Daman Ain (Women and Children Repression Prevention Act), 2000.....	31
5.3 Domestic Violence (Prevention and Protection) Act, 2010.....	34
5.4 High Court Division's directives on sexual harassment In 2009.....	36
5.5 National Action Plan on Violence against Women, 2013–2025,.....	37

5.6 Multi-Sectoral Program on Violence against Women (MSPVAW).....	37
5.7 International legal framework ,.....	38
5.7.1 The UN Declaration on the Elimination of Violence Against Women, 1993,.....	39
5.7.2 Agreed conclusions of the Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls, 2013,.....	39

Chapter 6

Conclusion

6.1 Conclusion.....	40
6.2 Recommendations.....	41
 Bibliography	 44

Chapter 1

1.1 Introduction:

In our country, a few number of acts are in place to prevent rape and with stringent punishment such as imprisonment for life and death sentence. Though these, laws seem to have little impact in preventing rape. But every day in our country, 13 women on average are violated, many of them as young as six years of age. Sexual violence is rarely discussed within professional circles partly because of ignorance and partly due to in experience in asking serious personal sexual questions as well as associated social stigma and shame for the victim and those related to the victim.

Bangladesh is newly developing countries in the world, many girl and women participate for economic development. And this participation in our economic development is really praiseworthy, but now sexual violence and Rape has become an evolving issue for present Bangladesh. The Government of Bangladesh acted speedily, modified our laws and had set up advance courts to deal with the crime involving to sexual violence of Women¹. And there is adequate legislation to protect particularly women, well established judicial system and consenting various international treaty and convention but in the characteristic of Rape, women right is violating every day. The occurrence of sexual violence among working women, children, students and homemakers are increasing day by day. And that is not only at night but also in the daytime, a lot of women are being pillaged in the lonesome streets. School, collage going girls students are not safe even in the safe environment of the university.² While there is a abrupt concern about the violence of such sexual abuse, the police are walking on the old path. The number of rape numbers is about to increase because women are victims of this violence. As this

¹ HADI A, *Household Violence against Women in Rural Bangladesh*. Dhaka: Research and Evaluation Division, 3 BRAG; 199. Watch report: 27.

² AKANDA L & SHAMIM I, *Women and Violence: A Comparative Study of Rural and Urban Violence against Women in Bangladesh*. 2nd ed. Dhaka: Women for Women; 1985.1-36.

occurrence is going on repeatedly, women are afraid to go out of the home. Specialists say the condition will be inferior if the confrontation is not banned. Thus, to safeguard women's human right and development of a larger community this situation should overcome else soon, Bangladeshi women will be imprisoned in four walls.

The World Health Organization (WHO) defines sexual violence as “any sexual act or an attempt to obtain a sexual act, unwanted sexual comments, or advances, acts to traffic or otherwise directed, against a person's sexuality using coercion, by any person irrespective of their relationship to the victim in any setting, including but not limited to home and work.” Sexual violence happens in all cultures, with varying definitions of what constitutes sexual violence.

Violence against women and girls endures to be a global epidemic that kills, tortures, and maims physically, psychologically, sexually and economically. Even though most civilizations proscribe violence against women, the reality is that violations of women's human rights are often certified under the attire of cultural applies and norms, or through delusion of religious tenet. It has become a regular feature of almost all households and shapes every aspect of women's and girls' lives: their health, their livelihoods, their access to social and cultural resources, and their educational opportunities. Violence against women is familiar as a serious human rights violation and a unescapable public health problem that alarms all sectors of society. Notwithstanding of a nation's level of development, women are vulnerable to exploitation, oppression and other types of belittling violence from men in all societies where cultural norms, custom and the legal system sanction women's relegation to men. In the South Asian Region, violence against women begins long before they are born and continues throughout their lives. The lives of unborn girls are terminated through sex-selective abortions. Every sixth death of a female infant in India, Bangladesh, and Pakistan is due to neglect and discrimination. In the Region, females face restrictions in mobility, usually have less to eat than their male counterparts, are denied proper education and health care, are often forced into early arranged marriages, have few opportunities for employment and are underrepresented in the governments. All too habitually women are bulls

of dangerous forms of violence such as incest, rape, public humiliation, trafficking, acid attacks and dowry deaths. Violence against women is a common and sinister phenomenon in Bangladesh. Newspaper reports in the country clearly specify that the occurrence of violence against women is very high.

1.2 Background of the Study

Violence against women has many methods including physical aggression or threats, emotional abuse, sexual abuse, controlling or domineering, stalking, intimidation, passive/covert abuse, and economic deprivations. Alcohol consumption and mental illness can be co-morbid with abuse and present additional challenges when present alongside patterns of abuse.

Women suffer mental harm because of sexual violence against them. And mental harm occurs when she face sexual violence from relatives, family friend, caretakers, and the other person. In our criminal justice system that prevent sexual violence against women. Criminal justice system defines physical assault, sexual assault, this definition may have profound influence on what is included in a definition of violence against women.³

Bangladesh is patriarchal social structure country, in our country extreme economic and social poverty is accompanied. Women's have no importance in our patriarchal society. And many women are detained within her home for cooking and never she come a public place without her husband. Male domination and female subordination is the root cause of sexual violation. And women faces the domestic violence, early marriage, polygamy and dowry in our society. Women

³ Patricia Tjaden, PhD Tjaden Research Corporation (2005) *Defining and measuring violence against women: Background, issues, and recommendations*. expert group meeting : Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them

if want to relief by domestic violence and she claim divorce, but our weak legal and social structure bind them. Women status in our society very poor and they falling into trap because they are not economic stable. So they faces the violence because they can not do any thing without economic and social stability. Bangladesh old patriarchal social structure is dangerous conveyed by economic and social poverty, women weakness is diffusive and dominant in Bangladesh.

Sexual violation has many financial costs at all stages of society. Victim and her family member have to pay medical bills and all other fees and relocation expenses. Sometimes they cannot bear the expense. So they cannot claim for their harm. And sometimes they tolerate violence day by day.⁴ They also lose wages due to injuries and attending court. Communities, particularly rural villages, also incur expenses such as losing wages while trying to resolve the problems through mediation.

1.3 Problem Statement

Now we living in modern age, we are still lagging behind. We still don't know where to find justice. There are a lot of organizations for ensuring justice for the rape and sexually abused victims. A victim must report as early as possible after the rape is committed. They try to rub all the vice from their body. But this is another mistake they make. However, a woman should go to the doctor so that all the evidences are still fresh enough to justify what happened.

⁴ HOSSAIN M.N. & HAQUE M.R. & KHAN M.B.H. & ISLAM S.M.K. & HOSSAIN M.I. (2009) A Study on Pattern of Sexual Violence against Women Examined at Faridpur Medical College, *Faridpur Medical College Journal*.

1.4 Research Question:

Why crime rate rape and sexual violence increase day by day?

What are the causes of rape and sexual violation against women in Bangladesh?

What are the causes and consequences of this heinous crime?

1.5 Research methodology

A doctrinal method of research will be followed in this proposed research. The primary sources include the national and international legal instrument concerned with the subject matter. Both primary and secondary sources available on the subject matter will be used. The primary sources include the national legal instruments. The secondary sources include newspaper articles, journals, books, web based information, magazine etc.

1.6 Objective of the research

To calculate the current situation of rape and sexual violence. The aim of this study was to collect information that could be used in the development of a comprehensive care and support system for the rape and sexual violence survivor. Secondly, the study field-tested sensitive and applied tools that could be used in the future for large-scale situation analyses of the rape and sexual survivor services.

1. To investigate how women suffer violence in our society.
2. To find the root causes of rape and violence against women.
3. To determine how to ensure right equality and opportunity to women.
4. To find out the factors that promote Rape and sexual violence abuse and specifically against women.

5. Examine whether women are able to take appropriate action (legal or otherwise) against their sexual violence.

1.7 Conclusion

A girl or a child is at risk of rape not only among the unknown but also among the known people at a known place, and day by day sexual violence is increasing. As a result, we have to have a strict sketch for the offenders. More and more awareness building programs are to be taken among the young people especially schools, colleges and universities and places where it is happening rampant. Both male and female are to take some measures for keeping them apart of this modern curse. If the mentality of the modern people is not changed, the male mass will be termed as rapist in a word indiscriminately. Government has to take more deterrent initiatives for the rapist and common minded. This is how we can hope a better place for our counterparts and innocent children.

Chapter Two: An overview of Rape

2.1 Introduction:

Rape and sexual violence is increases day by bay, sexual violence also known as eve-teasing, restraining, sexual abuse, slapping, hitting like that. And that can be defined as a pattern of abusive behavior. sexual violence occurred by intimate partners, family friends, family member.

And rape basically occur by any stranger. And sometimes by times intimate partner.⁵ Awareness and documentation of sexual violence differ from country to country and from area to area. Estimations are that only about third of cases of sexual violence are actually reported in the United States and United Kingdom. In our country beating, torturing wives by husband has been very common in all culture perhaps in all times.⁶ Bangladesh seems to be no exception. Newspaper reports in the country clearly specify that the incidence of Violence against Women is very high. National data on the general population do not exist. However, small scale studies support the above opinion. As of now, the estimation of the occurrence of physical Violence against Women by husbands in Bangladesh varies between 30% and 50%. In spite of the significance of the problem in terms of sexual violation and human rights and public health concerns, there is absence of depth of knowledge on the point, nature and the context of rape and sexual Violence against Women in Bangladesh and other developing countries for numerous reasons. Of them, procedural problems in studying the topic are the important ones. Interferences to lessen the problem have frequently been obsessed towards reducing the damage after the occurrence through medical behaviors consulting.⁷ More evaluation is required to assess the effectiveness of violence prevention measure. To get hopeful result. It needs to increasing education and opportunities for women and girls in their self-esteem and negotiation skills, reducing gender inequalities in communities. The purpose of this study was to find out the status of rape victims and sexual Violence against Women along with the causes and result of this heinous crime.

2.2 Definition

Rape means a person unlawful intentionally sexual penetrates another's vagina, anus or mouth

⁵ Kabir, M.H. & Munna, A.S. & Kamal, A.H.A. & Zaman, T (2017). Rape in Bangladesh: A Heinous Crime Tough to Prove. *The International Journal of Social Sciences and Humanities Invention*. vol.4, Issue 7

⁶ Siddique, K (2009) Domestic violence against women. *United States Agency for International Development (USAID)*

⁷ Khan, M. E. & Bhattacharya, A. & Bhuiya, I. & Aeron, A (2008) A Situation Analysis of Care and Support for Rape Survivors at First Point of Contact in India and Bangladesh. *United States Agency for International Development (USAID)* (7)

with a penis, with or without force and without other person's consent⁸. Bangladesh rape is sex to someone who doesn't want it. Rape and sexual violence is very high these days, for prohibit rape and sexual violence in Bangladesh a couple of laws enacted. The general definition of rape and sexual violence or is an act of physical, psychological and emotional violation in the form of a sexual act, imposed on someone without their consent. It can involve coercing or manipulating someone to witness or participate in any sexual acts. Not all cases of sexual violence involve cause physical injury or leave visible marks. Sexual violence can cause severe distress, emotional harm and injuries which can't be seen, all of which can take a long time to recover from. This is why we use the term violence and treat reports just as seriously as those of sexual violent, physical attacks.

Rape and Sexual violence are occurs all over the world. The problem most of the countries has been little research, and a lot of data suggest that one in four women sexual violence suffer by an intimate partner, First sexual experience as being forced reported by one third of girl . Rape and Sexual violence has a reflective impact on mental and physical health. As well as causing physical injury, it is associated with an increased risk of a range of sexual and reproductive health problems, with both immediate and long-term consequences.

2.3 Reason behind rape

The general perception about rape and sexual violence does not reflect the reality. It is commonly assumed that usually rape is committed in lone places, outside the protective enclosure of the home, in dark streets or desolate fields, where the victim's screams will go unheard. But facts reveal that rape is committed in the home, in the fields, in public and even in government institutions. There are some very known reasons behind rape occurring around the globe randomly. In western countries majority of the rapes are committed by the familiar persons. According to the Rape Abuse Incest National Network, 93% of juvenile sexual assault

⁸ Kabir, M.H. & Munna, A.S. & Kamal, A.H.A. & Zaman, T (2017) . Rape in Bangladesh: A Heinous Crime Tough to Prove. *The International Journal of Social Sciences and Humanities Invention*. vol.4(7)

victims know their attackers, and 34% of them are of family. From the analysis of the reasons behind rapes, there are two main reasons why the number of rapes is increasing day by day⁹. They are opportunity and lack of empathy. There are other reasons too which are strongly supporting commission of rape. Unbridled sexual desire, sexual frustration, urge to control, challenge to establish patriarchy, deep sense of insecurity, unwilling to accept women who disturb the balance of power, dealing with rejection, feeling superior to women, expression of power, revenge, compensation, regaining control are some of the other reasons behind rapes. It can also be said that it must be a combination of lust, lack of empathy, anger and frustration, and a desire to dominate, plus the knowledge that you can get away with it. Another important cause for rape is the less severe punishment for rapists.

According to experts, rape culture does not exist due for fulfilling sexual desires, as not everyone becomes a rapist despite all humans having needs. In fact, political power, economic strength, political power, and religious influence also drive rape culture in a society like Bangladesh in order to weaken the women. Absence of accountability and absence of justice in the state creates more sexual violence. And that the cause of a patriarchal society, that can simply raise questions about a victim's dress, mental state and motives for bringing on a rape incident instead of identifying rape as a criminal offence.

Chapter 3: Aggravated Assault

⁹ Gaur, D. R. S (2019) Sexual Violence against Women and Children. *Journal of Emerging Technologies and Innovative Research (JETIR)*. Volume 6, Issue 6

3.1 Dowry Related Violence:

Bangladesh ranks fourth among the world's nations with violence against women said by to Janet E. Jackson, the former deputy representative of the United Nations Population Fund (UNFPA) to Bangladesh. sixty-five percent of Bangladeshi males think it is justifiable to beat up their wives, 38 percent have no clear idea what constitutes physical violence and 40 percent support keeping women socially dormant, which observed by Jackson. Dowry associated violence is a common story in our country, which affect the lives of many women.¹⁰ Its (*Joutuk*) practice is not genuinely rooted in Bengali Muslim tradition, but has arisen as a key social evil in current years. Mostly in rural areas of Bangladesh, it is being practiced unabated. Dowry makes the lives of several married women miserable and susceptible to violence. The consequences of serious physical abuse, death or provokes women to commit suicide, because of refusal of provide dowry. Unlimited greed of husband's or in laws make the bride and her family vulnerable. According to a survey by the Bangladesh Human Rights Organization & Bangladesh Women Lawyers Association revealed that 12,500 cases of women repression in 2001, which rose up to 18,455 in 2002 and then the next year it increased to 22,450. 822 females were subjected to dowry related violence between January and December 2012. Between them, four were under-aged brides. Of these women, 535 were ill-treated in numerous other ways, while 14 devoted suicide and 273 were killed over dowry demands.

Dowry is strictly prohibited in Islam, no Islamic country has dowry system. In our country it came from our Hindu society. In Islam, women are not 'owned' by their families and should not be traded with in this manner. In the age of ignorance (Ayyame jahiliyah) before Islam, this money was regarded as the property of the girl's guardian. The practice of dowry among unfamiliar Muslims is a outcome of the impact of the evil practices of the society. Islam does not put any financial burden on the father of the girl. Taking anything without consent is sinful deed. Allah says, “And eat up not one another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.), nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully”.

¹⁰ Begum, H.A. (2005) “Combating Domestic Violence through Changing Knowledge and Attitude of Males: An Experimental Study in Three Villages of Bangladesh” Empowerment, *The International Journal of Social Sciences and Humanities Invention*. 12: (53-74).

Furthermore, al Qur'an indicates to warning with severe punishment to ill conductor in taking dowry. Allah says, "O you, who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful. If any do that in rancor and injustice, soon shall We cast them into the fire".

Instead of dowry, there is a concept of dower in Islam. In Islam, women have the right to a fixed ration of their parental property.

3.2 Eve-teasing in Bangladesh:

Eve-teasing is a recent phenomenon in Bangladesh absorbed thorough media in 1990s. But the cases were a few and countable. Particularly around two thousand of the incidents of eve teasing occurred here there and everywhere now a day. The silly news of eve-teasing is now every day news in media and press. 91.3% women are victim of eve-teasing either this way or that way, out of these 87% incidents go to the age level of 10 to 18 years, according to a research. According to Bangladesh National Women Lawyer association, 60% women are eve-teased by mobile miss call and sexy massages. Some are adversely affected by internet pornography and the percentage of this group is 10.8%. And 62% school girls are victims of eve-teasing, showed by (Research of BNWLA, Daily Prothom Alo, 2010) Recent surveys of 512 educational institutions of 64 districts of Bangladesh.¹¹ 87% girls of schools and colleges become victim of eve-teasing while they go to their school-college and back, according by other research. Many teachers are involve in eve-teasing activities, says by 63.6% students. 41% girl students do not find their campus saves from eve-teasing, found by Action Aid Bangladesh. In 2006 there are 24 stories of eve-teasing in various newspapers, 20 in 2007, 39 in 2008, 54 in 2009, 52 in 2010 (Najneen Akhter, Daily Janakontha, 2010) according by Bangladesh National Lawyer association. According to Odhiker there are 672 incidents of eve-teasing in 2011, while in 2010 the 129 incidents was 129. The incident of eve-teasing are alarmingly increasing year by year. The eve teasers are school students, college

¹¹ Qureishi S, Haider I, Salman A, Siddiqui IN, Rehmat S, Rasheed S, et al. (2005) Research Study: Street Harassment against Girls in District Gujranwala. *Gender Equality Project (GEP)*. Available at <http://www.bargad.org.pk/downloads/Street%20Harassment%20Against%20Girls.pdf>

students, university students, jobless young man, rickshaw pullers, street traders, bus drivers, bus conductors, labors, security guards etc are involved in eve-teasing said by Irin Khan an international spokesman. All classes are involved in this heinous act, whatever they are young, adult, rich and poor, educated or uneducated. Eve teasing may be cores for poor income group, but richness does not guarantee free from eve teasing. Eve teasers frequently undergo passing vulgar comments, unnecessary touching, pushing & shoving in the streets and mostly in public transports, according (Irin Khan, 2010) Form of Eve teasing. There are other women who are frequently harassed at workplaces by male supervisors, colleagues or bosses. There are a lot of ways by which women are harassed. Some of the typical examples would be a wink vulgar stare, a vulgar stare, a sly whistle, an opportune clap, an apparent casual touch, a needless collision, a persistent stare, passing uncouth comments, the purring of an evocative song, despicable gestures, bikes soaring close with hands stretched intending to take a feel of the girl's body, passing by in slow moving cars with loud music with a number of boys inside eyeing the girls in order to measure her up. The following are some vivid scenarios.

Most teenage boys wait outdoor school to make offensive remarks on the teenager. Subsequently some monitor girls from school to home intending to grab her courtesy and doing eve-teasing by passing awful comments and passing offensive letters etc. Occasionally, they permit grimy comments trough unrefined letters or sometimes force girls to go into a relationship with them. Not being to tolerate such mental suffering, a potential life comes to a finish when a girl finally chooses to take her own life.

Through mobiles is one of the best forms of making eve teasing. A stalker begins with sending a SMS in decorated and intellectual language and the girls drop for it. This girl then very naturally grows a feeling on which that boy exploits. At that time the beginning of a relationship, they pass a few intimate moments together which are captured by hidden video cameras and are later spread using the internet.

Directly by internet the he best way in this current world for girls and men to come closer to each other is by conversation through the internet. And thus maximum girls are mistreated by boys typically because of sensuality's sake. Due to these awful practices, productivity and mobility of women is unfaithfully hindered. Finally, these women and their relatives and the society suffer.

There are eight major causes of eve teasing found out by various social research organization and prominent persons, those are family and social causes, unemployment feminism, open sky culture, political atmosphere, administrative, carelessness, social cultural activities, demonstration effect, Lacking of respect to each other, according to (Najneen Akhter, Daily Janakontha, 2010).

3.3 Child sexual abuse:

Children sexual abuse is alarming rise in 2019 according to an report by an NGO. Bangladesh Child Right Forum said "in 2019 total 1383 children were sexually abused" that is alarming rise 72.32% compared to the previous years. Total 812 children faced sexual tortures in 2018 this report is published annual report by 15 leading newspaper. That also mean the child abuse is increase day by day.

In Bangladesh child right situation is improved more then 2018,the administration of Bangladesh has taken numerous initiatives to reduce child abuses, the number of child abuse in 2019 that is 4381,while in 2018 child abuses 4566. our government take initiatives but the child abuse is increase because of family negligence. so we have to be awareness about child, and be friendly with child. In most cases child are abused by their family member or close relatives, so family awareness is very important for reduce child abuse.

8000 adolescent clubs are working across the country for raise awareness about children's right. And the club working under supervision and assistance of government. In 2019 a report shows 448 children were murdered , this is also 7.18% increase to the previous year. In 2018 that noted

418 child murder incidents. And the children were murdered mostly due to family dispute, dowry and extra marital affairs, and some other minor causes. In 2019 a 7 years old girl rape and murder in Dhaka's Warri area that marked a huge tremor across the country.

To control child abuses, the report advised the government to guarantee speedy trial of culprits, defense of eyewitnesses and family members of the sufferers, providing legal assistance to poor victims and increased monitoring. The report also highlighted on building consciousness among parents and legal guardians and strengthening monitoring in the schools.

3.4 Domestic violence:

In Bangladesh women are mostly sufferer domestic violence, and they dispute resolution by that outdated argument resolution is characteristically mediation, known in Bengali as Salish. This method is chosen because this method is quicker and more familiar and less luxurious than the formal court. The problem of this mediation method is the male social leader who is mediator of this Salish, who not be alert of or sensitive to the desires of women, particularly those who have been victims of domestic abuse. For this reason a number of regulation that were enacted to defend women. Several NGOs are currently implementing programmes around the country to ensure the Salish an international human rights standards.

The Dowry prohibition Act prohibits the giving or taking of any dowry in marriage. Dowry Prohibition Act went into effect in 1980 and was amended in 1982. Dowry is social decay. So that's why Dowry is prohibited. If any one giving or taking dowry before or after marriage, she or he for taking dowry imprisonment for one to five years. And for family or domestic violence prevention Bangladesh established Family court ordinance. The family courts are formal civil courts with exclusion jurisdiction to entrain, try, and dispose of any suit pertaining to dissolution of marriage, restitution of conjugal rights, dower, maintenance, and guardianship and custody of

children. The court has the authority to issue a provisional order at any point in the proceedings. All criminal matters that rise before the court are referred to a criminal court. Bangladesh has also had numerous forms of legislation aimed at addressing severe instances of VAW.

The most recent is the Women and Child Anti-Oppression Act, 2000 (amended 2003). The Act establishes special tribunals in every district in Bangladesh with exclusive jurisdiction over all cases brought under it, including trafficking of women or children, torture with a corrosive substance, kidnapping, realizing ransom, rape, provoking suicide, sexual abuse, and torture for dowry.¹²

In addition to fearsome criminal penalties, that can include death or life imprisonment or can be order to pay fine directly the victim. And the court have the authority to place any child or any women in safe custody. and this Act also mandates that the state provide maintenance costs for any child born of rape, but allows the state to recover the costs from the father. Hospital are also notify the police if they have any patient who suffer domestic violence or sexual violence. For the protection of women and children from sexual violence, physical or economical and domestic violence Tis Protection and Prevention Act passed in 2010. The court is authorized to award a victim of domestic violence with just and reasonable monetary compensation for personal injury (including trauma and psychological damage), property damage and financial loss. Shelter homes must be made available to victims, and the Act specifies a woman may never be placed there without her consent. The court has the power to issue an interim protection order against the respondent while investigation is pending. If the respondent violates the interim order, he is subject to six months in prison, a fine not exceeding Taka 10,000 or both. The court may also grant temporary custody orders for the victim's children. All trials must be completed with 60 working days from the issuance of the notice to the respondent.

Chapter 4: Current status of women

¹² Heise, L., Ellsberg, M. and Gottemoeller, M. 1999. Ending Violence against Women Baltimore, *John Hopkins University School of public Health, USA*.

4.1 Rape and Present Situation:

The current condition of rape in Bangladesh is alike to that of India. Violence against Women in Bangladesh revealed that from January 2020 to September 2020 at least 975 rape cases were reported in Bangladesh, including 208 gang rape according to Statistics from local human right organization Ain-o-Salis Kendra (ASK). As in India, Bangladeshi human rights monitors report the actual number of rape as being much upper than what is reported officially. There are two reasons for this underestimate, one is fear of social disgrace and other one is lack of faith in the judicial system (U.S. Department of State 2005, Badruddoza 2002). Moreover, a rape case must first be recorded with the police before action can be taken, and many cops demand bribes for proceedings with registration. Additionally, pursuing cases from lower to higher courts sometimes takes 2 to 3 years, and most women cannot bear the expenses of these lengthy proceedings.¹³ Destructive social and gender norms, unstable power relations, poverty, low education, conflict are all either root causes or emphasize the risk of gender-based sexual violence. Once viewed as a private matter, sexual violence is now a matter of global concern. Increased awareness has also led to substantial changes in the legal framework of countries to step up protection for women and girls.¹⁴ The World's Bank Women in 2013, that aim of shedding light on where laws exist or otherwise still fail to protect women from violence around the world. The Law initiative which started tracking the existence of laws that protecting women from sexual violence, sexual harassment, marital rape and child marriage. Till now 46 countries women till have no legal protection from domestic violence, and 41 countries lack protection from sexual harassment. And in 7 countries in the world, in many use women for financial abuse and 11 countries rapists can escape prison by marrying the rape victim. So the law is not covered half the countries around the world

4.2 Violence and Survivors:

¹³ Basu A. (2014) Use of Medical Evidence in Rape Cases in Bangladesh. SAFE Project Research [Internet].

¹⁴ Fergusson DM, Horwood LJ, Lynskey MT.(1997) Childhood sexual abuse, adolescent sexual behaviours and sexual revictimization. *Child Abuse & Neglect*

According to (NCRB 2006, Pitre 2006) the consequences of rape are both physical and emotional. Survivors of sexual assault suffer from mental stress and other psychological syndromes. These consequences are more harmful in cultural settings where men are expected to be sexually demanding and where women's sexuality is valued by its purity (That is avoiding sexual contact before marriage and remaining monogamous after marriage). These social rules lead to survivor censoring, laying all problem on the woman, consecutively down their self-esteem and level of enablement. To conciliate this social norm, trauma counseling is a significant treatment for rape survivors, and should be included in all therapy activities. Physical injuries, sexually transmitted infections, including HIV, and pregnancy are potential ill-health consequences of rape.¹⁵ Pregnancies subsequent from rape are generally unwanted and traumatic, and in countries where abortion is not lawful, the effects of the rape may be even more distressing and long-lasting than the occurrence is alone. Timely emergency contraception (EC) to all female rape survivors, who are already not pregnant, one could protect many from unwanted pregnancies. According to PEP (post-exposure prophylaxis) (Population Council 2007, WHO 2003, Christofides et al. 2005, Liverpool 2005), other reproductive health needs of rape survivors include the prevention of HIV and other STIs. An important reason for failure of securing convictions of rape offenders is that forensic evidence is not regularly collected or stored with requisite care, according to Amita Pitre (2006). Review of sexual violence services in South Asia (Khan et al 2006) led to the documentation of several boundaries in the existing procedures.¹⁶ Recommendations were made to progress coordination between the police, medical and judicial systems to better elicit justice.

A comprehensive plan of action, with forensic examinations a key player in justice and medical requirements Proposed by Population Council's research on the comprehensive care for rape survivors (Keesbury, et.al. 2006). In case ECP to rape survivors at the initial point of contact can be a significant entry point to strengthen other RH and associated services accessible to these women. The majority (91%) of sexual abuse survivors seek support from the police before seeking healthcare, and therefore some elements of a comprehensive package of care should be made available at these first centers of contact (such as ECP, counseling and information on PEP)

¹⁵ Keesbury, J., Skibiak, J. & M. Zama. 2006. —Reducing unwanted pregnancy among survivors of sexual assault: New windows of opportunity for Emergency Contraception. *Draft paper: Population Council*.

¹⁶ Khan, M.E. and Aditi Aeron 2006. —Prevalence, Nature and Determinants of Violence against Women in Bangladeshl, *The Journal of Family Welfare*,

demonstrated by the study of Population Council in Zambia (Keesbury et al. 2006). The care-seeking behaviors of rape survivors in a South Asian context, in efforts to build a base for a comprehensive package of care, which was analyzed by Population Council.¹⁷ Assessment tools for conducting rapid Situation Analysis (SA) were created and tested to evaluate the services obtainable at police stations and health facilities. The current report describes the process of development and improvement of these SA tools and some of the salient findings from this analysis.

4.3 Effect of Rape:

Any really valuable discussion of rape must start with an examination of the meaning of rape, because empathic treatment of rape victims is contingent on one's understanding of the meaning of the crime. The profound effect of the rape anxiety must be understood in the context of a crime counter to the person and not against the hymen. Bard and Ellison remind us that victims of violent crimes in general regularly experience a life disaster which goes unrecognized.

Burglary, for example, is knowledgeable as a violation of the self in that one's home and properties are symbolic postponements of the self. The self-violation is thus compounded by a forced deprivation of independence and autonomy, in which the victim surrenders his/her controls under the threat of violence. An actual physical assault in addition to the robbery more stresses the victim for whom the injury to the body serves as tangible sign of the coercive surrender of autonomy.

Rape, then, becomes the "ultimate violation of the self" one short of homicide, with invasion of one's central and most private space, as well as the damage of autonomy and control. It becomes irrelevant to differentiate vaginal from oral or anal violation, in this schema. The core meaning of rape is the same, thus for the virgin, the prostitute, the housewife, and the lesbian. The difficulties of victims of sexual assault who are courageous enough to recognize themselves as such are well-known. The act of reporting a rape recruits a most difficult process. The victim is antagonized with the usual institutional patterns of the hospital and the criminal justice method, which are confusing and unknown. She presents herself to these authorities at a time of crisis—one which varies from other crises in that her usual support system is more likely to be interrupted. By the act of reporting,

¹⁷ Khan, M.E. and Aditi Aeron. 2006. —Situation of GBV in Asia Oral presentation at SGBV *workshop in Zambia*.

involves herself in a public process, so that she is at the mercy of the hospital, police, courts, media, and community opinion, while the crisis is never limited to one's person since the victim. Rape is an act of violence and humiliation in which the victim experiences irresistible fear for her very existence and a thoughtful sense of hopelessness and helplessness which few additional events in one's life can equivalent. The victim's needs, then, are for sympathy and safety, and for a sense of control over herself, including what will occur to her in her dealings with hospitals and with the law. Without those, the experience of reporting becomes another assault.

4.4 Lack of Awareness:

In every three women has suffered some form of gender based violence in her lifetime, while in current situation. This statistic interprets to a staggering 1 billion women globally who have been abused, beaten or sexually violated because of their gender. We are reminded that gender-based violence continues to be a global epidemic with dire consequences for women, their families and entire communities, in every November 25, the International Day for the Elimination of Violence against Women. Productivity and earnings reducing by the negative mental and physical health consequences for women and limits their decision-making ability and mobility. Beyond the individual harm, it also has substantial economic costs. The cost of gender-based violence to be as high as 3.7 percent of GDP that means \$1.5 trillion a year suggest by Global estimates.

The threat of violence starts early for many women and girls, and every year, millions of girls around the world are married before they turn eighteen, Child marriage results in greater risk of for domestic violence and sexual abuse, as well as lower educational attainment, a number of health issues, and lower lifetime earnings. Where girls escape child marriage, they may still face violence at the hands of an intimate partner or family member. Indeed, domestic violence is the most common form of gender-based violence, with not a single country in the world reporting prevalence rates of domestic violence lower than five percent. In fact, as many as forty seven percent of murders of women are committed by an intimate partner or family member.

Outside the home, sexual harassment and assault is not only common but widespread. The ‘Me too’ campaign, the viral social media movement sparked by the sexual assault allegations against Hollywood producer Harvey Weinstein, is a stark reminder that sexual violence affects millions of women and girls at work, in school and on the streets. In the European Union, 40 to 50 percent of women have experienced unwanted sexual advances, physical contact or other forms of sexual harassment at work. The numbers are similar or higher in other countries or regions.

Chapter5:

Legal protection of women in aspect of rape and sexual violence

5.1 Penal code

The definition of rape in section 375 of the Penal Code remains in force. It is defined as ‘sexual intercourse’ committed by a man with a woman against her will or without her consent. This definition authorizes the marital rape of a girl over the age of 13 under the ‘Exception’ clause. This states that “sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape”¹⁸. Under the Penal Code, the punishment for rape is either life imprisonment, or imprisonment for a term which may extend to 10 years, alongside a fine. In cases of marital rape of a girl not below 12 years old, punishment is reduced to a maximum of two years of imprisonment and a fine. Section 354 of the Penal Code provides that whoever assaults or uses criminal force against any woman, intending to “outrage her modesty” or knowing that this act will “outrage her modesty”, is punished with a maximum of two years of imprisonment and a fine. Section 509 criminalizes other sexual offences that do not involve physical contact. The section specifies imprisonment for up to one year, or a fine, or both, for

¹⁸ Section 375 of the Penal Code 1860

anyone who intends to “insult the modesty of any woman”, utters any word or sound intended to be heard by a woman, exhibits any object intended to be seen by a woman, or intrudes upon a woman’s privacy. Although this provision does not adequately define or punish sexual harassment, it can be used to file a criminal complaint against alleged abusers. As such, this section applies to women who experience sexual harassment in workplaces. However, as explained below, the section’s lack of a clear definition of sexual harassment means that it is rarely used to denounce sexual harassment-related incidents. The Penal Code also specifies punishments for offences related to kidnapping, abduction or compelling a woman into marriage, slavery or forced labour (sections 359–374). However, these are seldom, if ever, invoked as they overlap with subsequent Acts that criminalize these offences.

5.2 Nari O Shishu Nirjatan Daman Ain (Women and Children Repression Prevention Act), 2000

The Women and Children Repression Prevention Act (WCRPA) is the key legislation that criminalizes and introduces strict punishments for various forms of violence against women in Bangladesh. These act include trafficking, rape, kidnapping, sexual assault and dowry violence. The Act creates special tribunals in each district to try these offences.¹⁹ It specifies that the provisions of the Code of Criminal Procedure will be followed regarding the submission of a complaint, investigation, trial and settlement.

Tribunals are treated as a Court of Session, applying all the powers of such a court while trying any offence under the Act. The party aggrieved by the order, judgment or punishment imposed by the tribunal, can appeal to the High Court Division within 60 days.²⁰ If a tribunal passes a death sentence, the proceeding is immediately sent to the High Court Division, whose confirmation is required for the sentence to be carried out. All offences under the WCRPA are ‘cognizable’ that is, police officers can arrest alleged offenders without a warrant, and are not

¹⁹ Section 25 of the Women and Children Repression Prevention Act

²⁰ Section 28 of the Women and Children Repression Prevention Act

subject to bail. Any victim/survivor, or anyone on their behalf, can file a complaint at the local police station on any offence under the Act. The police record the details of this offence in a First Information Report (FIR). Once this report has been lodged, the police initiate a formal investigation. During this process, the investigating officer may arrest an individual or individuals, without a warrant, if they are reasonably suspected of committing the offence. A police investigation report is then submitted to the tribunal, recommending actions against the alleged offender(s). Based on this report, the case formally proceeds at the tribunal. However, the Act also provides that if any person fails to file a complaint with the police, the tribunal may directly order a judicial inquiry into an alleged offence. Section 2(e) of the WCRPA provides that, subject to section 9 the provision penalizing rape, the word rape will have the same meaning as in section 375 of the Penal Code. However, the minimum age of consent, that is the age below which sexual intercourse is considered statutory rape, was increased by the 2003 Amendment to the Act. This minimum age was raised to 16 years, from the previous standard of 14 years, the same age specified in the Penal Code. The Women and Children Repression Prevention Act provides the following penalties for rape: Life imprisonment and a fine for anyone who rapes a woman or child. The Act defines child as any person under 16 years of age. The death penalty or rigorous life imprisonment and a fine, not exceeding BDT 100,000 (one lakh), if a woman or child dies as a consequence of rape or any act following rape. The death penalty, or life imprisonment and a fine, for each member of a gang if they kill or injure a woman or child who has been gang raped. Life imprisonment and a fine for attempting to cause death or harm after committing rape. Imprisonment for up to 10 years, and no less than five years, for attempting to commit rape. Imprisonment for up to 10 years, and no less than five years, for custodial rape, for each person in whose custody a rape was committed, and those who were directly responsible for the safety of the woman in custody. In addition to these provisions, the WCRPA addresses other legal issues that affect rape victims/ survivors. Section 13 specifies that, notwithstanding the provisions of any other law, a child born as a result of rape will be in the custody of their mother or maternal family. The child has the right to bear the identity of either parents, or of both parents. The child's maintenance is to be borne by the state. Section 14 provides for the protection of the identity of rape complainants. It specifies a punishment of a maximum of two years imprisonment, paired with a fine, for disclosing any information on the identity of a complainant in any case filed under the Act. In terms of medical evidence, section 32 of the

WCPRA provides for the medical examination of rape victims/survivors at a government hospital, or a hospital certified by the Government for this purpose. The doctor authorized to conduct a medical examination is under an obligation to issue a certificate, and inform the local police station. Any delays in conducting a medical examination due to the negligence of the doctor in charge makes them liable to disciplinary action, according to the applicable rules of services. Section 10 of the WCRPA includes a provision specifying that sexual assault that involves physical contact – including touching a woman’s sexual organs or other organs, with any body part or object – is liable to more severe punishment, of up to 10 years in prison.¹³³ However, this section does not overcome the ambiguity of existing provisions in the Penal Code, as an offence must be committed ‘in furtherance of the sexual desire’ of the offender. The vague concept of ‘outraging the modesty’ of a woman remains in place in the section, without a clear explanation of what ‘modesty’ means. Under the Act, a tribunal may consider the fine imposed for offences under its sections as ‘damages’ for the victim/survivor. If a fine cannot be extracted from a convict or their existing property, it can be extracted from property that the offender will possess in the future. The claim of such a fine prevails over any other claim on that property.¹³⁴ When a fine is imposed, the tribunal directs the collector to make a list of the offenders’ properties. The amount of the fine can be collected by ‘attaching’ the property and selling it through an auction, or selling it at an auction ‘without attachment’. The collector then deposits the amount collected to the tribunal, which takes measures to give this amount to the victim/survivor.¹³ Like the Penal Code, the WCRPA does not specifically address violence in the workplace. However, all of its provisions – particularly those on rape and sexual assault – are considered general criminal offences. Any woman or child under the age of 16¹³⁶ can file a complaint under the Act. As such, the Act’s provisions apply equally to violence and harassment in the world of work.

5.3 Domestic Violence (Prevention and Protection) Act, 2010

The Domestic Violence (Prevention and Protection) Act is the first law in Bangladesh to specifically address domestic violence. Before 2010, domestic violence offences only came

within the purview of the Women and Children Repression Prevention Act if they were connected to dowry demands. The 2010 Act defines domestic violence as “any act of physical abuse, psychological abuse, sexual abuse or economic harm by a person against a woman or child with whom he has a family relationship”²¹. The Act allows an aggrieved person to file an ‘application’ to the Judicial Magistrate Court or to the Metropolitan Magistrate Court, as the case may be. The definition of ‘application’ is noteworthy as it includes applications filed by ‘any other person on her behalf’. This allows a survivor of violence to institute proceedings under the Act through a relation or acquaintance. The definition of ‘aggrieved person’ is gender-specific – it encompasses a woman or child who, due to a ‘family relationship’, is or has been at risk of domestic violence by any family member. While the word ‘child’ includes both girls and boys, the term ‘aggrieved person’ does not include men. The term ‘family relationship’ is defined as a relationship established through consanguinity, marriage, adoption or by being a member of a joint family. Although the definition of aggrieved person is gender-specific, a ‘respondent’ is defined as any person against whom an application is filed under the Act. As such, the Act provides an expansive definition of domestic violence and allows any ‘aggrieved person’ to file an application, even against members of their own natal family. However, a combined reading of all of these provisions reveals that divorced women are excluded from instituting proceedings against their former husband or his relatives under the Act. This is because both the terms ‘family relationship’ and ‘domestic violence’ only cover existing relationships, and do not include past relationships. The Act also introduces unique remedies designed to provide ‘relief’ to a victim/survivor of domestic violence. These include an interim protection order, a protection order, a residence order, a compensation order, and a custody order. Protection orders are principally issued to restrain the ‘respondent’ from committing further violence. Residence orders include wide-ranging remedies to ensure a victim’s/survivor’s right to reside in a shared household. Compensation orders can be given for any physical, psychological, financial or property-related harm committed, or with the possibility of being committed, against the ‘aggrieved person’. This ‘relief’ can also be provided through a maintenance order, with an appropriate amount provided to the aggrieved woman and her children, according to their standard of living. To enforce a compensation order, a special provision authorizes a court to direct the respondent’s employer to deduct the amount from the respondent’s salary, and to

²¹ Section 3 of the Domestic Violence (Prevention and Protection) Act.

deposit this amount to the aggrieved person. Custody orders can also be granted, whereby the court grants temporary custody of the aggrieved person's child or children to the applicant. If appropriate, the order may also include provisions on the respondent's visitation of the child or children. The Act has put in place a number of functionaries to support victims/survivors of domestic violence, both before and after filing a proceeding. The law created Enforcement Officers (EO) for this purpose, who play a crucial role in the Act's overall functioning. By way of a government notification, District and Upazila Women Affairs Officers, under the Ministry of Women and Children Affairs, are also appointed as EOs to perform duties under the Act. The EOs are assigned several responsibilities with respect to a victim/survivor of domestic violence. These include recording information on domestic violence, informing victims/survivors of their rights and remedies under the Act, assisting the court in discharging functions under the Act, and submitting reports of domestic violence to the court. Their responsibilities also include communicating with the officer in charge of a police station on domestic violence-related matters, sending the victim/survivor to a shelter or medical facility where needed and, most importantly, making an application to the court on behalf of the victim/survivor, if she so desires. Other functionaries created under the Act include law enforcement officers and service providers²². The latter are certified organizations that principally work on children's and women's rights, providing legal, medical or other services. Police officers' role is limited to informing the victims/survivors of their rights under the Act and other relevant laws, as well as informing the Enforcement Officer of any information they have received on domestic violence. However, the Act assigns another significant role to the police: assisting Enforcement Officers in discharging their responsibilities under the Act, or according to the direction of a court. Alongside functionaries, the Act also makes provision for shelter homes and medical facilities at which victims/survivors of domestic violence can access services. Both private and government run shelters and health facilities fall within the ambit of the Act.

²² Section 2(11) of the Domestic Violence (Prevention and Protection) Act

5.4 High Court Division's directives on sexual harassment In 2009,

The High Court Division (HCD) of the Supreme Court of Bangladesh issued a landmark judgment acknowledging the need for a legal framework to address sexual harassment.²³ This judgment offers detailed guidelines for all workplaces and educational institutions, and categorically specifies that these directives must be followed until adequate and effective legislation is passed. Drawing on the validity of such directives as having the force of law, the Supreme Court further stated that: “These directives are aimed at filling up the legislative vacuum in the nature of law declared by the HCD under the mandate and within the meaning of Article 111 of the Constitution.” In 2010, another petition was filed in the High Court Division on harassment in public places and stalking. As noted above, this came in the wake of several suicides prompted by such harassment. The judgment pronounced in 2011 supplemented the 2009 guidelines by addressing sexual harassment in public places, and condemning the use of the term ‘eve-teasing’ to refer to such abuse. The 2011 directive does not define its scope or who can be a ‘complainant’²⁴. However, in several instances the judgment refers to the sexual harassment of women. ‘Complainants’ in certain instances are referred to with the feminine pronoun ‘her’, implying that the court only had women in mind when it issued its directive.

5.5 National Action Plan on Violence against Women, 2013–2025

This National Action Plan on Violence against Women was formulated as part of the Multi Sectoral Programme on Violence against Women to “provide a blueprint for change” by coordinating, prioritizing and strategizing the most effective forms of action in the short, medium and longterm, while evaluating progress. The plan focuses on seven main areas: “(i) legal arrangements, (ii) social awareness and mental transformation, (iii) advancement of women’s

²³ Supreme Court of Bangladesh, High Court Division, Bangladesh National Women Lawyers’ Association (BNWLA) vs. Government of Bangladesh and Others, 29 BLD 415, 2009.

²⁴ Supreme Court of Bangladesh, High Court Division, Bangladesh National Women Lawyers’ Association (BNWLA) vs. Government of Bangladesh And Others, 31 BLD 324, 2011.

socio-economic status, (iv) protective services, (v) curative and rehabilitation services, (vi) inter-sectoral cooperation and (vii) community involvement.”The plan envisions the establishment of more Women and Children Repression Prevention Tribunals. It also highlights the need to ensure that these tribunals are made disability friendly. It mentions the long-term intention of establishing at least one Children’s Court in every district, alongside special legal support cells at the upazila (administrative division) level. It further envisages the preparation of a training manual on gender and disability sensitivity for lawyers in district bar councils, as well as the planned legal support cells.

5.6 Multi-Sectoral Program on Violence against Women (MSPVAW)

The Multi-Sectoral Program on Violence against Women is being implemented jointly by the Government of Bangladesh and the Government of Denmark. Since its pilot phase in May 2000 and its first phase in 2004, the program has been led by Bangladesh’s Ministry of Women and Children Affairs in collaboration with ten other ministries. The program’s current fourth phase will run until June 2021. One of its landmark achievements is the establishment of One-Stop Crisis Centres (OCCs) in major cities to provide rehabilitation services, legal support and psychosocial counselling to survivors of gender-based violence. It has also enabled National DNA Laboratories to facilitate medical-legal examinations, created a National Trauma Counselling Centre to provide mental health support, and set up a National Centre on Gender-based Violence and a 24 hour National Helpline Centre. Between June 2012 and October 2018, the helpline received 1,198,524 calls.²²² The program is now developing a National Database on Violence against Women.

5.7 International legal framework

Bangladesh participates in various international forums and has ratified the key international human rights treaties that focus on protecting women’s rights. At the global level, Bangladesh has clearly demonstrated its commitment to ending gender-based violence and harassment (GBVH) in all spheres of life, as envisaged in its Constitution. Under the broader human rights framework on gender equality, Bangladesh is mandated to ensure protection against GBVH. Equal rights and freedoms are guaranteed by the Universal Declaration of Human Rights

(UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁵, the International Covenant on Civil and Political Rights (ICCPR) and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).²⁶ Key instruments for ending GBVH in the world of work are discussed below.

United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 The Government of Bangladesh ratified the CEDAW on 6 November 1984. Article 11 commits Member States to eliminate discrimination against women in the field of employment, and to ensure the equality of women and men. As discussed above, the CEDAW Committee's General Recommendation No. 19 (1992), entitled "Violence against women", affirms that gender-based violence, including sexual harassment, is a form of discrimination. Commenting on article 11 of CEDAW, which relates to discrimination against women in employment, the CEDAW Committee emphasized that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace. The Committee described a number of behaviours or acts which can be categorized as sexual harassment, including both categories of 'quid pro quo' and a 'hostile working environment'.²⁷ General Recommendation No. 35 of the CEDAW Committee recommends state parties to ensure that all forms of gender-based violence against women in all spheres – which amount to a violation of their physical, sexual, or psychological integrity – are criminalized. It urges them to introduce without delay, or strengthen, legal sanctions commensurate with the gravity of the offence, alongside civil remedies.

5.7.1 The UN Declaration on the Elimination of Violence Against Women, 1993

Article 1 of the declaration defines 'violence against women' as any act of gender-based

²⁵ Bangladesh Ratified the ICCPR on 6 September 2000

²⁶ Bangladesh ratified the CAT on 5 October 1998.

²⁷ General Recommendation No. 19 states that: "Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment."

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 occurring in public or in private life.²⁸ It also includes sexual harassment and intimidation at work, in educational institutions and elsewhere, as part of violence against women.

5.7.2 Agreed conclusions of the Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls, 2013

The Commission on the Status of Women's (CSW) agreed conclusions²⁹ refer to the need to respond to, prevent and eliminate all forms of discrimination and violence, including sexual harassment in the workplace. In its agreed conclusions on "Women's economic empowerment in the changing world of work"³⁰, adopted in 2017, the Commission urged governments at all levels to enact, strengthen and enforce laws and policies to eliminate all forms of violence and harassment against women of all ages in the world of work, in the public and private spheres. It also urged states to provide a means of effective redress in cases of non-compliance. The Commission's agreed conclusions in 2018 reiterated the call for government programmes and strategies for preventing and eliminating sexual harassment against all women and girls, including harassment in the workplace and in schools. These conclusions emphasized effective legal, preventive and protective measures for survivors/victims of sexual harassment or those who are at risk of sexual harassment.

Chapter 6: Conclusion

²⁸ UN, "Declaration on the Elimination of Violence against Women", 20 December 1993

²⁹ Commission on the Status of Women, Agreed conclusions on the elimination and prevention of all forms of violence against women and girls, E/2013/27 and E/CN.6/2013/11 (2013).

³⁰ 8 Commission on the Status of Women, Women's Economic Empowerment in the Changing World of Work: 2017 Commission on the Status of Women Agreed Conclusions, 2017

Conclusion:

Rape and sexual violence is a serious problem and that is affecting millions of general public each and every years all over the world. It is driven by many factors operating in a range of social, cultural and economic contexts. Rape and sexual violence focused against women is gender inequality. In many countries of the world data on most aspects of rape and sexual violence are lacking, and there is a great need everywhere for research on all aspects of rape and sexual violence. Of equal importance are interventions. These are of various types, but the essential ones concern the primary prevention of sexual violence, targeting women, interferences supporting the victims of sexual assault, measures to make it more likely that criminals of rape will be caught and punished, and approaches for changing social norms and raising the status of women. It is vital to develop law and justice for rigorously to evaluate programs in both industrialized and developing countries. Health professionals have a large role to play in supporting the victims of sexual assault – medically and psychologically – and collecting evidence to assist prosecutions. The health sector have to more effective in our countries, because where there are protocols and guidelines that manage and collecting evidence ,and where need to staff whom are well trained and good collaboration judicial system. And al last need a strong community and involvement of government and civil society for the end of sexual violence.

The prevailing attitudes that permit and encourage male violence must be directly and creatively addressed. A part of these efforts involves careful research to identify messages and interventions that can change this attitude. In spite of all these initiatives, progress in the achievement of women's rights has been slow world-wide. State should take a fresh commitment to the realization of women's equal rights and should take actions at national level in fulfilling

their obligations to women to be systematically monitored and used as a base by women for advocacy.

6.1 Recommendations

Our government has taken few legal institutional initiatives and human right obligation for address the circumstances of women and girl in our country. But tha situation of violence is not change, so government should have more focus on improvement and should justice the sexual violence properly.

Many creativities programs have been set and they arrange financial support agencies, but this programs have not reached majority of the population. Women still did not access to justice and protection, and faces problem like limited access to services and shelters. So government have to provide more easily access to services and shelters, then the violence can be reduce.

Government have to perform essential work for women, that can give empowerment of women and they can overcome social economic and cultural barriers and this way they can live their lives.

I would like to address the following recommendations to the Government of Bangladesh:

Law and policy reform

1. Ratify all outstanding international human rights instruments;
2. Expedite efforts towards the withdrawal of its reservations to articles 2 and 16.1(c) of the Convention on the Elimination of All Forms of Discrimination against Women;

3. Ratify International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples and the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
4. Amend the Constitution explicitly to extend the application of the guarantees of equal rights between women and men to the private sphere in accordance with articles 1 and 2 of the Convention on the Elimination of All Forms of Discrimination against Women;
5. Amend relevant personal status laws to eliminate discriminatory provisions regarding marriage, divorce, inheritance, distribution of property and child custody; and also consider the adoption of a uniform family code;
6. Consider the retrospective application of the Citizenship Amendment Act 2009, so that it applies to children born before 31 December 2008;
7. Review and evaluate criminal and civil laws to ensure effectiveness in eliminating violence against women, and remove provisions that allow for or condone violence against women;
8. Take necessary steps for the full implementation of the National Women's Development Policy 2011 and empower the Ministry of Women and Children's Affairs and departments at the local level with sufficient financial resources and technical expertise to carry out their mandate;
9. Strengthen the independence of the National Human Rights Commission in accordance with the Paris Principles and ensure that the nomination and selection process is fair and transparent;
10. Establish an independent National Women's Commission mandated to promote and protect the rights of women. This Commission should be equipped with sufficient human, technical and financial resources to fulfil its mandate;
11. Enact legislation on sexual harassment on the basis of the directives of the Supreme Court of Bangladesh;
12. Strengthen the implementation of relevant legislation applicable to violence against women,

and ensure that appropriate sanctions are imposed on perpetrators and State agents who fail to protect and prevent;

13. Strengthen cross-border cooperation with neighbouring countries and fully implement the provisions of relevant SAARC conventions;

14. Take urgent legislative measures to prohibit early and forced marriages and other practices harmful to the well-being of women and girl children;

15. Ensure that persons with disabilities have access to disability-friendly services and opportunities;

16. Establish and/or strengthen existing monitoring mechanisms to ensure that female workers are protected from all forms of exploitation, particularly those working in the informal sectors. Hold businesses accountable for practices that negatively impact the health, well-being and security of workers;

17. Create a centralized digitalized database on migrant workers to ensure the registration of all labour migrants and ensure their access to basic rights, including healthcare and contractual rights for seasonal jobs;

18. Ensure that all police stations and tribunals are staffed with professionals who have received training on women's human rights in general and violence against women in particular;

19. Eliminate the practice of safe custody in prisons and other institutions and establish programmes to guarantee long-term rehabilitation and housing for victims of violence who do not have the support of their families;

20. Take effective measures to ensure that services provided to victims of violence, including those living in refugee camps, are in compliance with international standards;

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