

# Violence Against Women



Media reports compiled by the Documentation Unit showed no decline in violence against women. Out of a total of 2,635 incidents reported in ten national newspapers, 482 women were subjected to domestic violence, 48 were subjected to illegal penalties decreed by fatwa and 250 to stalking or other forms of sexual violence.

In 2012, ASK's Mediation and Rapid Response Unit (MRRU) registered 1,028 complaints from women in Dhaka. Of these 540 reported violence; they included 373 complaints of domestic violence, five of murder, seven of rape, two of stalking and one incident instigated by fatwa. The Unit mediated disputes and responded to urgent appeals. It referred cognizable cases or when mediation failed to the Litigation Unit for filing cases in court.

MRRU was able to mediate settlements in 183 out of 361 complaints received either in the office or in ASK's ten legal clinics in the city. At the year end, 178 complaints were under process. The Litigation Unit filed 177 cases in lower courts. Recognizing that women need physical and social security when filing complaints of violence, ASK offers medical, economic and psycho-social support to its clients. In 2012, ASK's Half Way Home sheltered 60 women with 23 children, for short periods pending their trial. This gave them security and confidence to sustain their legal battles. ASK's psycho-social counseling team attended to 389 victims of violence and abuse and enabled them to gain confidence and become more self reliant.

Cases of domestic violence, fatwa and sexual violence in which legal interventions led to High Court orders are as follows:

## Domestic Violence/Rape

Twenty year old Shabana Akhter subjected to violence by her husband and in laws complained to ASK (No. 34 (9) 2012 ). Shabana had passed the Higher Secondary School certificate and worked in a private clinic as a clerk before her marriage, a condition of the marriage

was that Shabana would continue to work. But after marriage her husband and in laws complained that because of her job she was not giving time to her family. She gave up her job to save herself from daily physical and mental torture. She went with her husband to his village in Sylhet where she gave birth to a boy child. Physical and mental torture continued and her husband and in laws prohibited her from phoning her father and mother. They seized her mobile and locked her in a room. One day she managed to call and sent text message to her mother and requested her to rescue her.

Shabana's mother came to ASK. The lawyer helped her mother file a General Diary with the local police station and contacted the local administration Chairman and requested them to help ASK field staff and Shabana's mother to rescue Shabana. With the help of local police and administration, Shabana and her son were rescued. When she arrived in Dhaka, ASK arranged for her counseling.

With ASK's legal advice Shabana divorced her husband. ASK called her husband for settlement. He agreed to pay the dower money and child maintenance. After a field follow-up report ASK came to know that Shabana has joined a new job.

## Fatwa

In 2011 the Appellate Division had declared illegal fatwas that imposed penalties on women. Notwithstanding the Court directives, in 2012, the media reported that 48 women were subjected to fatwa instigated violence. Five of them were reported to have committed suicide.<sup>1</sup>

In Pirgacha, Rangpur, Bulbuli Begum (35), a mother of three was raped in 2012. The rapists isolated her and the chairman arranged a shalish for mediation even though under the law rape is a cognizable offence and cannot be mediated. When the daily *Ittefaq* published the news on 26 April 2012, ASK lawyers from Advocacy Unit filed the matter in the High Court. The Court issued a *Suo Motu Rule* ordering the Chairman, OC and victim to come to court and place their submissions. The Court ordered ASK to assist the victim to submit her complaint to the court.

ASK investigation, MRR and Advocacy units jointly went to Pirgacha for fact finding and MRRU arranged to bring Bulbuli Begum to Dhaka. ASK arranged for her shelter, traveling cost and daily food and became an intervener in the case. The investigation report was submitted with the intervener petition.

The High Court ordered the chairman to be arrested from court premises and the local police station to arrest all the perpetrators. ASK arranged for Bulbuli Begum to return home and requested a local organization RDRS to provide her legal help in her rape case.

## Sexual Violence, Harassment and Stalking

Incidents of sexual harassment, stalking and rape have spiked over recent years despite significant High Court judgments to secure women's rights. In 2009 the High Court set down Guidelines on Sexual Harassment and in 2011 declared stalking of girls and women a criminal offence. ASK's Documentation Unit compiled media reports of sexual assault on 250 women in 2012. Sixteen of them were reported to have committed suicide. Two hundred and fifteen persons were attacked for protesting sexual harassment; fifteen of them were killed.<sup>2</sup>

In 2012, a total of seven cases of rape and two cases of sexual assault of girls were reported to ASK. In 2010, 378 young girls and women were assaulted by stalkers and 128 men attacked for protesting it. According to figures compiled from ten national newspapers by the Documentation Unit, at least 32 victims of stalking



Stalking of girls by men often leading to rape, assault and/or killing has increased in frequency since 2010.

committed suicide and 17 men, including a college teacher, lost their lives for protesting against stalkers. As many as 61 girls stopped going to school in fear of stalking.<sup>3</sup>

Farzana Akter, a teenage girl was assaulted in the Police Club adjacent to the CMM Court on 29 May 2012. A Police Sub-Inspector in civilian clothes dragged the girl and her father inside the Club where she was assaulted by eight police officers and her father was brutally beaten in another room. Later they were confined in Kotwali Police Station. Journalists protesting the attack on the girl were assaulted and detained by the police. They were all released after ASK intervened.<sup>4</sup>

On 6 June, the High Court ordered the eight police officials to appear before it and explain their conduct. It also ruled that the policemen be tried under the Women and Children Repression Prevention Act 2000, and departmental steps be taken against them in line with the Code of Criminal Procedure and the Bangladesh Service Rules. One of the police officers was suspended and three others were transferred.

On 12 October, 2010, Mizanur Rahman (36), a college lecturer in Natore was run over by two stalkers riding a motor cycle after he protested the harassment of a female student. He was beaten by the stalkers with iron rods and had to be hospitalized. His brother filed a case on 15 October. Mizanur Rahman died in the hospital on 24 October. ASK provided legal assistance and support to Mizanur's family throughout their ordeal. On 7 February, 2012, in a case conducted by ASK, the Speedy Trial Tribunal in Rajshahi sentenced two persons to life imprisonment and a fine of Tk. 50,000/- (fifty thousand) for the murder.

1. *Human Rights Situation Bangladesh*, ASK Investigation Report, January 2013

2. *Human Rights Report*, ASK, 2010, p. 167.

3. *Human Rights Situation Bangladesh*, ASK Investigation Report, January 2013

A few days after the attack on Mizanur Rahman, Champa Rani Bhounik, was run over by a motorbike and killed by stalkers in Faridpur for protesting sexual harassment of her daughter. A Writ Petition No. 8769/2010 was filed by the Bangladesh National Women Lawyers Association (BNWLA).

In November 2010, ASK and eight other human rights organizations including BLAST, BRAC, Nijera Kori, Kormojibi Nari, Mahila Parishad, Nagorik Uddyog and STEPS addressed a press conference demanding exemplary punishment for stalkers. They also placed suggestions for necessary amendments to existing laws to protect women from stalking, for compensations to victims, awareness programs in educational institutions and correction of young stalkers through institutional initiatives.<sup>5</sup>

In the same month the Ministry of Home Affairs proposed a legal amendment to make stalking of women and girls by men subject to one year imprisonment or fine or both. In January 2011, the High Court declared stalking of girls and women a criminal offence and directed the Government to draft legal amendments to this effect. The Court also directed the Government to define “sexual harassment” in the law and replace the term “eve-teasing” with “stalking” as a sexual offence in the Women and Children Repression Prevention Act 2000. The Act recognizes physical harassment only, and prescribes ten years maximum imprisonment and three years minimum punishment. The Court directed the Government to enact a new law or amend the existing one to protect victims and witnesses, address mental trauma of victims through specialized doctors, equip law enforcers to properly deal with the issue and bring cyber cafes under registration.<sup>6</sup>

While the gravity of stalking has been discussed at the highest policy making levels and some steps have been taken to protect girls and women from such offences, there have been complaints of political impunity for the perpetrators. Two cases of stalking were reported to ASK in 2012, both of which resulted in death. ASK assisted both families to file cases and provided legal counseling and support. One of these victims was Zakia Akhter Champa of Faridpur district who was abducted on 13 December 2012 by a local boy who had been stalking her. The next day her body was found hanging from a tree in the village. The autopsy identified it as a case of suicide, due to asphyxia caused by hanging. No sign of sexual intercourse was detected. Champa’s family rejected the report and requested the court for another post-mortem, to which the court agreed. The new

post-mortem report revealed that while her death was due to asphyxia as a result of hanging, there were traces of semen found on her body indicating possibility of rape. The trial proceedings are awaited.



ASK's theatre groups train students and community members to perform action theatre on issues such as dowry, child marriage and stalking to create awareness in rural communities.

## Strategies to Promote Women’s Rights

ASK believes that the root cause of violence owes to gender discrimination, which has to be addressed through political interventions by the State and social interventions by the community. ASK’s holistic and feminist approach to establishing women’s rights focuses on:

- **community activism by raising awareness**
- **legal interventions**
- **policy advocacy**

**Community Activism:** Awareness building is an important element in ASK’s strategy for the realization of rights. In 2012, ASK’s Training Unit organised four courses to raise awareness on Human Rights and Women’s Rights, Family Law and Gender Relations for three organizations and clients of half way home. In rural communities ASK raises awareness through Action Theatre, while the Gender Justice and Outreach programs engage community members to play an active role in defence of human rights. ASK trains theatre groups by educating them about prevailing social issues (such as child marriage, dowry, etc.) and

5. *The Daily Star*, 3 November 2010

6. *The Daily Star*, 27 January 2011

initiates dialogues in the community. Its interactive theatre raises discussions on legal rights and justice. In 2012, 820 theatre performances were arranged in ten districts out of which 292 illustrated cases of violence and women's resistance. Dramas by school students, under the guidance of ASK's theatre groups were organized in 40 schools to sensitize teachers, students and guardians.

Public awareness is also created by documenting media reports and disseminating these through its website, while fact finding reports by the Investigation Unit have been used for its legal cases or to alert authorities. ASK has also relied on this evidence to seek redress through mediation or litigation.

While ASK dealt with individual complaints through mediation or litigation (in the case of cognizable offences) it has campaigned for legal reform and mobilized support from local administration, elected officials, law enforcement agencies and citizens' groups on the subject of dowry, child marriage and stalking.

## Expanding Access to Justice

Women in rural communities tend to be more vulnerable to oppressive orthodox practices such as dowry, polygamy, forced marriage and fatwa. ASK has expanded rural women's access to justice geographically by linking with local organizations and socially by promoting community activism. Both the Gender and Social Justice (GSJP) and Outreach programs have replicated ASK's model in outlying districts in partnership with local NGOs or community groups. In the GSJ program, volunteers have learnt to mediate family disputes, escort women to file complaints at the police station or liaise with lawyers to take up their cases in court by using the Government Legal Aid Fund. ASK organizes workshops to sensitize public representatives, local officials and community members to human rights and legal rights. Through legal awareness and access to legal services, divorced women have been able to claim substantial entitlements avoiding lengthy court procedures.

In 2012, the GSJP worked in four unions in sadar upazilas of ten districts of Naogaon, Gaibandha, Jhenaidha, Kushtia, Joypurhat, Pabna, Mymensingh, Sirajganj, Kishoreganj, Netrokona. With logistic support from Partner NGOs (PNGOs), voluntary teams of human rights defenders have intervened to support women in their claims for justice and to prevent discrimination.

Community activism has led to marked changes in the community. For example, Tarek in Bombu Union of Joypurhat, pronounced oral talaq (divorce) to his wife Neela during a fight in 2012. News of this reached a Moulana in the village who gave a fatwa that without a *hilla*<sup>7</sup> marriage, Neela could not go back to Tarek so the two were compelled to live separately. Instead of abiding by this decision, however, Tarek consulted the Manobadhikar Sangrakhan Parishad (Human Rights Protection Committee) and Manobadhikar Nari Samaj (Human Rights Women's Groups). The committees organized a shalish, where following a heated debate with the Moulana, they decided that if the verdict of the Appellate Division was not followed, the matter would be taken to court. Following this intervention, the Moulana raised no further objection.

The MSP and MNS voluntary teams in 2012 have published *Kaaj Amar, Kotha Amar* (My Work, My Words) which recorded experiences of grassroots human and women rights defenders and actions taken by them to promote and protect legal rights of women and ten Human Rights Reports in ten districts, which included one chapter exclusively on women's issues. The chapters were written by the Human Rights Forum in each district and the process was facilitated by ASK. Ten Manobadhikar Ainjibi Parishads (MAP) or voluntary human rights lawyers Groups) have been constituted in ten upazillas. They attended 101 legal camps where they registered complaints of violence and subsequently filed cases under the provisions of the Government Legal Aid Fund. The voluntary teams learn the use of Right to Information to obtain information and monitor Social Safety Net distribution. While the GSJP program is community driven, the Outreach Program has set up legal aid clinics in rural areas with full time para legal staff who provide legal assistance. In 2012, the Outreach Unit with partner organisations established four legal aid clinics in Tangail, Chittagong and Habigonj districts. The Unit undertook primary fact finding and collection of evidence into media reports of rural incidents discussed at ASK's Daily Action Meeting at the Head Office, preparatory to legal action. The Unit helped survivors access medical treatment, temporary shelter and psycho-social counseling. It mediated family disputes and when this failed, it encouraged local panel lawyers to file cases in the district court. In 2012, 299 complaints were settled through mediation by para legal and 57 cases were filed by panel lawyers. ASK arranged workshops to explain to clients the reasons for delays in legal procedures.

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7. A common fatwa in rural communities is hilla marriage enforced by Moulanas in cases where the husband has uttered the word talaq (divorce) three times. Under this fatwa, the couple cannot reunite until the woman undergoes into an 'interim marriage' with a third person.

On 29 April 2012, ASK's Partner NGO PESD in Bogra district extended immediate assistance to Salma, her husband and father-in-law when they were subjected to physical abuse by local musclemen. Salma's husband, a truck helper, was usually away from his home and some local gangsters used to harass Salma with offensive proposals. Angered by her refusal, the boys retaliated by accusing Salma of being *choritrohin* (immoral) and subjected her to a *shalish* with local musclemen. During the *shalish* session, Salma and her family were brutally beaten and Salma's hair was cut off. Arriving immediately after the incident, PESD Bogra conducted an investigation, admitted the three victims to a hospital and filed a case on 30 April 2012 under the *Nari o Shishu Nirjaton Ain* 2003 as well as under the Bangladesh Penal Code. The three accused were arrested and the case is currently under trial.

Through a process of sensitization, ASK hopes to bring about behavioral changes in the community. In 2012 the Outreach Unit responded to 97 alerts of human rights violations by faxing, phoning and writing to police stations and public officials to take action. Due to ASK's established network, the relevant authorities took prompt action. The Unit was able to persuade husbands to pay dower money at the time of divorce. In 2012, ASK helped divorced women to get dower and maintenance for children, amounting to 22 million Taka. Nazma Khatun in Satkhira district leased and cultivated land with her dower money of Tk. 40,000. Anjura of Habiganj bought a cow and rickshaw with her dower money and now maintains her family and children while Mariam of Barishal used her dower money of Tk. 50,000 to pay off her debts, saving the rest for the future.

## Collaboration with other Organisations

In our struggle to secure the rights of women over the last two decades, we have worked in partnership with a number of human rights organizations including BLAST, BNWLA, Nijera Kori, Kormojibi Nari, BRAC and others. Collectively we have intervened and petitioned for justice for victims of violence, advocated for legal reforms and provided women in both urban and rural areas with legal assistance. Through press



ASK's Litigation Unit offers free legal services for the poor and disadvantaged

conferences, publications and video documentaries we have tried to raise awareness within and outside the country of the different causes of violations of women's rights. We have also organized workshops and seminars to bring leaders, policy makers and human rights defenders together to end discrimination against women. With the help of partner NGOs<sup>8</sup> we have persuaded 300 lawyers to provide legal services to women in ten districts.

ASK with nine other NGOs provided legal aid and counseling to survivors of rape in the Police Victim Support Centre.<sup>9</sup> In 2012, 24 year old Sunoyna, a victim of trafficking, was sent by the Victim Support Centre to ASK's Halfway Home. She had come to Dhaka for work but had been trafficked to India by brokers and kept in a brothel. After four years she managed to escape and returned to Dhaka in search of her paternal aunt. Arrested by the police she was sent to the Victim Support Centre. With the help of partner NGOs, ASK located her father who came to the MRRU on 30 December 2012 to meet Sunoyna. Follow up visit by ASK's field workers showed that she was recovering from her trauma after her return home.

This year Mediation and Rapid Response Unit started a joint support program with the Department of Women and Children Affairs (DWA) to provide legal remedies to survivors of violence living in the Government's safe custody home in Gazipur. As a result of this joint support from the Government and ASK, six women received legal redress and left the shelters to return to their normal lives.

8. Social Association For Rural Advancement (SARA), Adarsha Sapla Unnayan Sangstha (ASUS), Gana Unnayan Kendra (GUK), National Development Council (NDC), Welfare Efforts (WE), Pabna Protishruti (PP), Peoples Oriented Program Implementation (POPI), Sabalombi Unnayan Samity (SUS), Mukti Nari- O-Shishu Unnayan Sangstha (MUKTI), Sirajgonj Uttaran Mahila Sangstha (SUMS).

9. The Victim Support Centre in Tejgaon Police Thana was started in 2009 to provide shelter for survivors of rape. The women are provided shelter by the Police and ten human rights and women's rights organisations, including ASK's support with legal aid and counseling.

## Campaigns and Advocacy

Traditional norms prescribe subordination of women. Social tolerance of their subjugation is further sustained in both rural and urban settings due to their economic dependence. Women who speak out or attempt to resist are often ostracized by society. Domestic violence, in particular, is seen as a private matter not intended for public censure and, consequently, it is dealt with indifference and tolerated by women themselves.

Legal aid is not an end in itself. It is a critical path for the assertion and practice of legal rights. Awareness of rights has led to a demand for legal aid, and ASK's experience of dispute resolution through mediation or litigation has deepened our understanding of the pervasive causes of gender based violence and discrimination. This has prompted ASK to contribute to proposals for legal and policy reform. Indeed ASK has been part of the women's struggles for enactment of laws, policies and programs to address the root causes of violence.

The challenge for feminist lawyering is to raise women's awareness of their rights, to challenge discrimination and violence in their lives, to create a woman friendly environment for settlement of disputes and to reject social and political violence. Over the last decade, women's participation in the labour force, particularly in the manufacturing industries, has raised their contribution to both the family economy and the national economy.

However, social and political change has been slow as they continue to face exploitation and abuse due to oppressive social and cultural customs and discriminatory laws. While they may have entered the labour force, they remain vulnerable to sexual harassment, rape, stalking and other violations at the workplace and may be subjected to psychological and physical violence in their homes. ASK's legal support enables individuals to emerge from their exploitation, but it goes further to challenge the persistence of socially dictated oppression such as extra judicial penalties of public stoning, whipping, social boycott, etc., imposed by fatwa, that are humiliating and inhuman. It is hoped that a collective and holistic approach that creates awareness, and provides access to justice will lead to solidarity for women survivors.



ASK, through collective efforts with all stakeholders has contributed to the enactment of a number of laws to protect women from violence.

ASK has joined national initiatives against domestic violence, sexual abuse, harassment, stalking and rape which are common forms of violence on women and young girls. Working women in particular are vulnerable in the home and workplace. A majority of cases of rape and sexual assault remain unreported, and no action is taken against the perpetrators.

ASK has been active in promoting legal and policy reform as a member of a wide range of platforms and coalitions. Thus ASK contributed to the collective advocacy efforts that led to the enactment of:

- Trafficking in Women and Children Act 1993
- Prevention of Women and Child Repression Act, 2000
- Acid Control Act 2002 & Acid Crime Control Act 2002
- Domestic Violence (Prevention and Protection) Act 2010
- Manab Pachar Protirodh o Doman Ain 2012 (Human Trafficking Deterrence and Suppression Act)
- Hindu Marriage Registration Act, 2012

### Right to Equal Protection of Law

*Suo Motu Rule No 20/2012*: ASK intervened in a case of rape of a fourteen year old girl. Although the police reached the spot within 15 minutes of the incident and found the victim in severely distressed condition, they did not take her to the hospital nor did they record a FIR. The High Court requested ASK to investigate the incident and act as an intervener in the case, providing full legal support to the victim. In 2012, the High Court directed the police to inquire into the negligence and misconduct of the concerned police officer. Police recorded the FIR and the accused person was arrested. After departmental inquiry, the police officer was found guilty and dismissed from service.

## Domestic Violence (Prevention and Protection) Act of 2010

In 2004, ASK and other human rights organizations submitted a draft on domestic violence to the Law Commission and actively campaigned with other organizations and coalitions such as Active Network to Combat Violence against Women (AN-CVAW) and Citizen's initiatives against Domestic Violence (CiDV). ASK also submitted its comments on the Bill drafted by MOWCA to the Parliamentary Committee in September 2010. In October 2010 the Parliament passed the Domestic Violence (Prevention and Protection) Act, marking a significant milestone in identifying women's need for safety measures. The Act includes physical, psychological, sexual violence and financial deprivation.

## Constitutional & International Guarantees

While advocating for full equality in all spheres of a woman's life, in public and private, ASK has continued to uphold the importance of promoting existing rights under Articles 27 and 28 of the Constitution and in recognizing the State's commitment to international rights. The Vienna Declaration and Programme of Action (VDPA) was adopted by Bangladesh in 1993, for the "elimination of violence against women in public and private life" and "the elimination of all forms of sexual harassment, exploitation and trafficking in women" (Part II, VDPA). In March 1994, the Commission on Human Rights adopted a resolution

appointing a UN Special Rapporteur on violence against women, including its causes and consequences. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Bangladesh in 1984. Since then ASK has played a prominent role in working together with several coalitions to submit shadow reports to the UN CEDAW Committee. The SAARC Convention on Trafficking was an outcome of a collective campaign in which ASK was involved.

## Challenges

- Existing social norms create an oppressive environment where acts of violence against women are suppressed and women are ostracized for resisting violations. Many cases of VAW remain unreported.
- Notwithstanding significant legal and policy reforms, imbalances in gender relations sustain vulnerability of women and obstruct their access to legal remedies.
- The State continues to fall short on its commitments to protection of human rights due to vested political influence.
- Lack of accountability of law enforcement agencies combined with their patriarchal attitude inhibits women from legal action both in filing of cases as well as in following cases.
- Many work places and educational institutions have yet to set up mechanisms to deal with sexual harassment complaints in their institutions.

