

DAY OF RESISTANCE TO VIOLENCE AGAINST WOMEN

Let's Not Be Silenced Any More

by Shaheen Anam

According to press reports, violence against women and children has doubled in the last 5 years. On 8 March 1998, the Home Minister in a question-answer session in the Parliament admitted that from March to December 1997, 1743 women and children have been raped. Cases of acid attacks, gang rape or murder after rape have also increased.

FOUR years ago, on this day, August 24, 1995, 15-year-old Yasmeen was raped and murdered by a group of four policemen in Dinaipur, Dhamaila. Women all over Bangladesh rose up in protest of this atrocity as did the general population of Dinaipur. The incident gave birth to the Sammilita Nari Samaj, a coalition of several women's organizations committed to resisting all kinds of violence against women and children.

During a huge rally in October 1995, Sammilita Nari Samaj declared August 24 as Violence Against Women Resistance Day (Nari Nirjatan Protirodh Dibash). Since then, the day has been being observed through rallies processions and protests in line with the activist nature of the coalition.

After three years, one can very well question as to how these protests and demonstrations have made a difference. On the surface, no, because today, the picture of violence against women is as grim if not more than what it was in 1995.

Since August 1995, there have been many cases of rape and murder of women and children in police custody. According to press reports, violence against women and children has doubled in the last 5 years. On 8 March 1998, the Home Minister in a question-answer session in the Parliament admitted that from March to December 1997, 1743 women and children have been raped. Cases of acid attacks, gang rape or murder after rape have also increased. Dowry-related death and other forms of domestic violence are reported almost everyday in the newspapers. Whichever way one looks, the spectre is one of violence — and more violence.

Yet, in spite of the grim picture, there can be no denying that the protests and demonstrations in the street have resulted in a heightened awareness of crimes against women and children. The fact that women are no longer willing to accept violence silently is a message the general population gets everytime women are seen protesting or holding rallies.

Very often passers-by make encouraging remarks while

many others join the demonstration themselves. Holding demonstrations and rallies in the area where crimes are committed is one of the strategies women's organisations have adopted in order to motivate the local people to raise their voices against violence and join forces to resist it.

The struggle against violence is long and hard. It is related to patriarchy and the age old tradition of treating women as inferior and as property. It has to do with perceptions, mindset and attitudes.

However, the total lack of accountability of the law enforcing system which includes all the departments under the Home Ministry have to take a major part of the blame. It is also related to the weakness in our legal system and the existing loopholes that make it almost impossible to punish the guilty or for victims to get justice. It is when an offender knows that he/she will not be punished for committing a crime, then that crime increases. Those committing such acts have yet to get a clear message that crimes against women and children are not acceptable and that no-one is above the law.

However, in the last few years we have seen that women will no longer be silenced by intimidation, threats or social taboos. The fact that so many cases are filed is a testimony that social taboos against rape victims are breaking. The campaign by women's and human rights organisations to break taboos surrounding rape and to establish rape as a violent crime is showing signs of success.

Two decades ago rape victims would more often suffer their humiliation in silence rather than let society know. This has resulted in thousands of rapists never getting caught or punished. Today the scenario is different. More and more rape victims and their families are coming out in the open to demand justice. It is our moral and social obligation to make sure that victims get justice and offenders are punished.

One of the struggle that women have been involved in is to plug the loopholes in our le-

gal system. Under the existing system, it is almost impossible to prove rape and punish the rapist. The victim's evidence is not considered as proof and the onus of proving that she has been raped falls on her.

On April 19, one of the (vernacular) newspapers reported that in the last 2 months about 175 children and adolescent girls have become victims of violence. Police cases were filed against 350 suspects, yet only about 45 suspects were arrested. The next day, another paper reported that more than 150 cases of violence against women are pending in the courts out of which 100 are rape cases. Although chargesheets have been submitted for all these cases, but court proceedings are yet to begin.

Delays in justice add to further victimisation of the victims. Many of the accused in such cases are freed on bail. Once out, they intimidate or threaten the victims or their family members to withdraw the cases against them. Moreover, delays also result in key witnesses being intimidated and not coming out to testify.

What is required is much more positive campaigning

from all sections of the society. Those who commit or abet violence against women and children should be totally marginalised and ostracized.

We have to create such an environment that no political party or vested groups will dare to patronise those indulging in violent activities. The mastaba and fascist culture will have to be eliminated. We have a vision for a safe, free and democratic society.

Our appeal on this Day of resistance is to all those who believe in human rights and the dignity of all human beings — let us be much more vocal and proactive to demonstrate our anger against all kinds of violence against women and children. Let us translate the dream into reality we all have of a safe and secure society for us and our children. Let us make a pledge to turn our society where the offenders are made to feel insecure and intimidated rather than the other way round.

For every single rape and murder, let there be hundreds and thousands of voices raised in protest. Only then we will be doing justice to all those innocent victims of violence.



Let's Fight against All Forms of Repression

by Farida Akhter

On this day, we do not want to mourn the deaths of Yasmeen and Seema. That is not what the departed souls of Yasmeen and Seema expect from the women's movement, rather they would like to see how the society is getting organised against the police repression.

THE most crucial question that the women's movement is facing today is, how to transform the repressive state into a democratic one. On the 24th August — the day Yasmeen was raped and killed by Police in Dinaipur in 1995 — this question has reappeared in more significant manner. On this day, we do not want to mourn the deaths of Yasmeen and Seema. That is not what the departed souls of Yasmeen and Seema expect from the women's movement, rather they would like to see how the society is getting organised against the police repression.

Yasmeen and Seema are joined by their brother Rubel, another victim of police repression. It is quite obvious that the repression is not only limited to rape of women, it is extended to abuse of law to victimise young men, and also to repress the people's movement.

The main demand, therefore, on the Day of Resistance Against Violence Against Women, is the security of men, women, children and of people of all classes especially the poor.

It is very unfortunate that the state has failed to provide security. The law enforcing agencies have become the violators of law. Then how do we protect ourselves? Is this inherent in the nature of the state itself? Women have become the primary victim of this nature of the state when members of police are somehow 'justified' by their authorities to 'rape'

women. Then in order to suppress the evidence, it leads to the killing of the victims.

This has happened to Yasmeen and Seema.

Other incidences of police rape have happened but so far no justice is received. We did not see any act of punishment, except some nominal departmental actions. Then how do we expect that the members of the law enforcing agencies who have committed the violence will correct themselves? The final result of the reluctance of the authorities and their indulgence is the brutal killing of Rubel by the DB personnel. We see this as a continuation of the rape and killing of Yasmeen, Seema and all other repressions against women. Women's movement was apprehensive of this nature of the state from the beginning.

Sammilita Nari Samaj has observed the incidences of the rape and killing of Yasmeen and Seema by the police and the attitude of the administration in dealing with these cases and thereby has termed these as "state violence".

The case of rape of 5-year-old Tania in the Police Control room of CMM Court is going on. Although it was a clear case of police violence, yet the entire trial is going on with a 'false' accused person, a poor man called Mora. Police authorities do not want to take any responsibility, therefore under public pressure, they only find a person to 'admit' the crime. Tania and her father are under complete police control. The only

witness Shipon, Tania's friend, is also under police custody. The entire system has become so repressive that no-one will seek justice after being violated. Because rape is one violence, but the consequences of seeking justice is even more difficult.

It has become quite obvious that the state has failed to provide minimum security to its citizens, especially to the women. The garment workers in the country are mostly women. Are they safe on their way to the factories? Are they safe within their own workplaces?

The answer is 'no'. Yet, as they are desperate to earn an income for their livelihood, they have to go to the factories even under insecure environment. The dollars which we are earning are adding to the wealth of the owners of the factories, but not to the security of these new emerging work forces of the country. These young girls demand that they need a secure working atmosphere.

Recently, in a seminar on adolescent girls, a young girl Mahinor said, "We want to move freely, we want to work with boys and girls together. Can you ensure that we would not be violated when we go out?"

Mahinor was aware of the fate of Yasmeen. Therefore, she was demanding for an atmosphere of free movement. The adolescent girls are now seen as "potential" mothers and therefore their reproductive health receives much attention. On the other hand, they are also the

part of the potential work force in the cheap labour industries, therefore their skill training is also given much importance. But no words on the question of their security!

The donors seem to be quiet on this issue. The international organisations are vocal on the issues of *fatwas* and the so-called fundamentalism. But very surprisingly, no concern was expressed against police repression and violence!

Sammilita Nari Samaj had to protest against the proposed SOFA (Status of Forces Agreement) because the creation of a foreign army base will invite violence against women. This has been the experience in many other US bases around the world. We are glad that the SOFA was not signed. But somehow another agreement in the name of HANA (Humanitarian Assistance Need Assessment) has been signed. Is it the same thing under a different name? We are quite apprehensive of this agreement also. But this is an indication of how the government is continuously putting us into situations of insecurity one after the other.

Women's movement, however, is quite hopeful despite all these disappointing situations faced by people. The people are getting organised and women's movement is taking a lead in pointing out the repressive nature of the state. The democratic aspirations of the people should be brought into a collective force, so that we can fight against all forms of repressions.



Violence Against Women

[Excerpts from *Human Rights in Bangladesh 1997*, forthcoming October 1998: A report prepared by Ain o Salish Kendra (ASK), Bangladesh Legal Aid and Services Trust (BALLAST), Odhikar, Madaripur Legal Aid Association (MLAA)]

AN alarming increase in crimes against women and young girls has raised serious concern at the state of law and order. In reporting on incidents of domestic and public violence, the media has highlighted the ineffectiveness of law enforcement measures. Even more disturbing is the tolerance by the community of violence perpetrated by well known persons, gangs in the community or law enforcement personnel.

The following tables compiled by ASK's Documentation Unit from reports in eight national daily newspapers (*The Aker Kagoj*, *The Bangla Bazar Patrika*, *The Bhorer Kagoj*, *The Daily Star*, *The Inqilab*, *The Ittefaq*, *The Muktakonthon* and *The Sangbad*.) show that the total number of reported incidents of violence against women had increased from 628 in 1995 to 1,533 in 1997.

Amongst the different forms of crimes, rape was the most frequently reported. In the last 3 years incidents of rape had increased from 38.2 per cent of total reports of violence in 1995 to 49 per cent in 1997. While *fatwa* instigated violence showed an increase from 23 incidents in 1995 to 28 in 1997, the latter amounted to only 1.83 per cent of total incidents of violence.

tuted the main reasons. Cases were filed in 77 incidents but the outcome was not known.

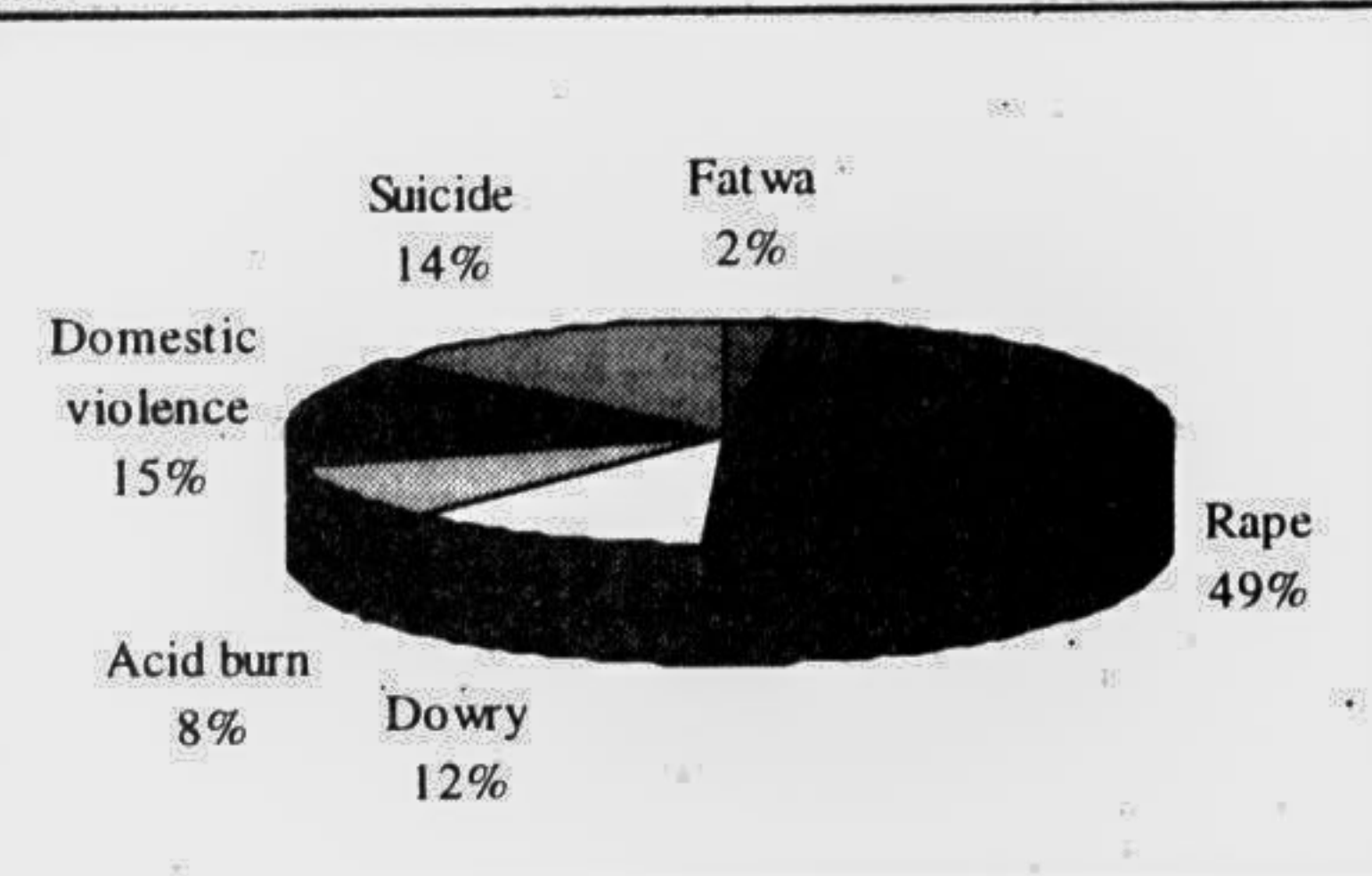
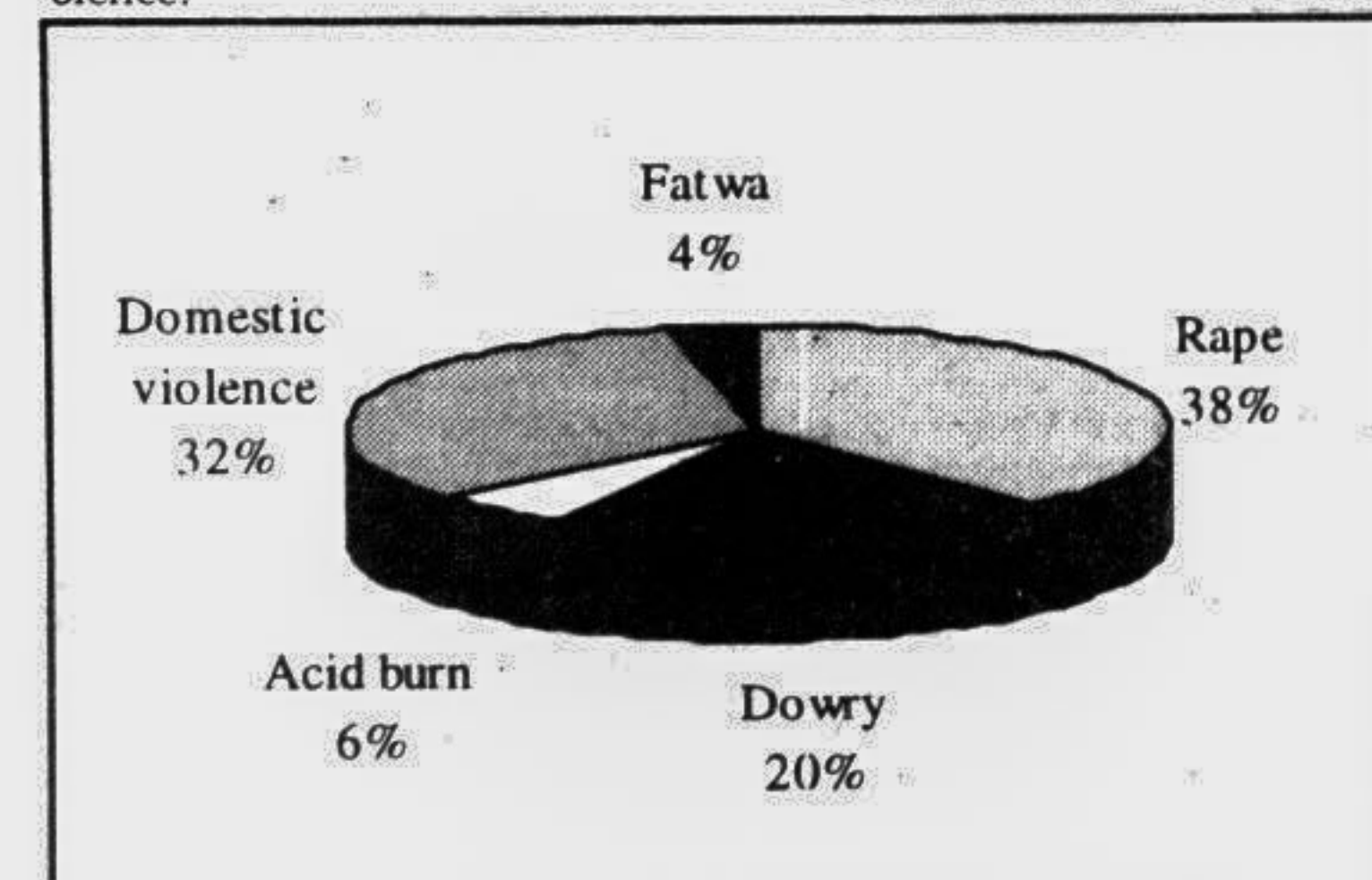
Rape: Seven hundred fifty three incidents of rape and attempted rape were reported in the media during 1997. Of these, 14 were committed by law enforcement and security personnel, and 255 women were victims of gang-rape. In 62 incidents, women died following rape. As a result of the victim's death the evidence is destroyed and the trial becomes inconclusive.

It is not uncommon for local

Table: Acid Burns 1997

Age	0-10	11-20	21-30	30+	Age not mentioned	Total	Per cent	Cases filed
Family dispute	-	4	4	1	2	11	8.46	8
Dowry	-	5	3*	-	2	10	7.70	5
Refused marriage proposal	-	11	1	1	-	13	10	8
Refused offer of love/sexual relationship	-	18	5	-	11	34	26.15	22
Wife refused to permit second marriage/relationship	-	-	-	-	2	2	1.54	1
Not agreeable to prostitution	-	-	1**	-	-	1	0.77	-
Failure to Kidnap	-	2	-	-	1	3	2.31	-
After rape	-	-	1	-	-	1	0.77	-
Reason not mentioned	4	26*	9	6	10	55	42.31	33
Total	4	66	23	8	29	130	100	77

*One was killed, ** One died later



Forms of Violence against Women 1995-1997

Acid Burns: One hundred and thirty cases were reported of women whose faces and/or bodies had been disfigured by men with acid. Fifty per cent were between the ages of 11-20 years. Two women died as a result. Family feuds, inability to meet dowry demands, rejection of marriage proposals, refusal to permit husband to remarry, refusal to enter into prostitution or illicit sex, etc. consti-

community elders to mediate cases of rape by making the accused marry the victim and/or pay compensation, irrespective of the consequence. Investigation and filing of charges remains problematic because of the inefficient procedures used by the police for investigation and for medical tests.

Fatwa Instigated Violence: Local imams and powerful

these resulted in murder, suicide, physical assault, harassment, humiliation. In 5 incidents, where the husband recanted an oral divorce and the couple wanted to remarry, the woman was forced into an intervening marriage (*hilla*) which is now illegal under Bangladesh law.

The table below shows the reasons attributed for *fatwas* and the forms of punishment. Initiative to educate the Union Council Chairmen and members about women's rights and laws relating to violence against women. Only a few legal aid and human rights organisations have lobbied with union Parishad representatives and traditional community *salishkars* (mediators) to use the framework of existing laws, fundamental rights and CEDAW provisions which

Bangladesh has ratified in alternative dispute resolution and not to propagate medieval forms of punishment. In some cases women have mobilized against the meting out of punishments.

Trafficking: Media reports indicate that 820 victims along with 195 traffickers were arrested by the police. Of this number, 284 were women, 406 were male children and in 130 cases, sex was not mentioned. Ninety five young girls were between the ages of 6-16 years. Only 57 cases were filed and the outcome of these cases was not reported, though it is often found that the accused is granted bail and released for lack of evidence. Among the most common reasons for trafficking in women and children were forced prostitution, drug carrying, domestic work, construction, informal sector manufacturing, camel racing, organ transplants.

Police Violence: Generally police are reluctant to handle cases of crimes against women. They ignore or are deprecatory of complaints of domestic violence; even with more serious charges of rape they have been slow in carrying out investigations and filing charges. Poorly constructed charge sheets also

lead to defective judicial trials.

More alarming is the impunity exercised by police personnel in arbitrarily arresting young women under Section 54 on charges of loitering. In the last year, police, defence and BDR personnel have been accused of violence, rape and murder of young women. The law enforcement personnel are not made publicly accountable.

Inter-departmental investigations against accused police officers are not available for

scrutiny by the public or the Parliament. The requirement to obtain permission from the Government before filing charges against government officials has acted as a deterrent against judicial action.

Safe Custody: Magistrates often arbitrarily order women and young children be kept in "safe custody for reasons of security." Ever women over 18 years of age are never asked for their consent. Some of the reasons for placing them in safe custody are that they are missing and their guardians cannot be traced; that as victims of rape or trafficking they need interim shelter and their evidence is needed. In cases, where women marry in defiance of their parents, the latter charge their husbands with kidnapping; the young women are kept in "safe" custody pending trial. This is particularly the case with inter-religious marriages and in cases of UK nationals with dual nationality. In 1997, several British women kept in safe custody, were released only after complaints sent to the British High Commission were taken up by lawyers and release orders were obtained from the courts. In other cases young migrant women in British of Sylhet and Moulvi Bazar parentage, were brought back from the United Kingdom and forced into marriage. If they refused, they are confined by their parents.

Since the Ministry of Women and Children's Affairs has no provision for shelters, they are kept in "safe" custody in prisons with the accused and convicts. The situation is complicated because of the scarcity of shelters. The Department of Women's Affairs runs 1 shelter in Dhaka and 5 in divisional headquarters which provide food, medicine, clothes, legal aid, rehabilitation. The *Jatiya Mohila Sangshitha* (a government promoted women's organisation) runs another shelter in Dhaka. Apart from these two, there are 7 shelters run by women's groups in the city. But the total capacity is probably no more than 400 approximately, and there is little provision for long term rehabilitation schemes. There is no facility where they could receive counseling or psychological treatment.

In 1997, ASK released 22 persons from safe custody, of which 9 were between the ages of 5 to 10 years, 11 were between 11 to 20 years and 2 were over 21 years. Bangladesh Mahila Ainjibi Samiti rescued 21 women from safe custody in Dhaka.

Table: V.1.6. Incidents of Rape and Follow Up Action 1997

Age	0-10	11-20	21-30	30+	not mentioned	Total	Per cent	Safe custody	no. of cases filed
1. Rape/Attempted rape	100	152	49	8	100	409	54.32	4	233
2. Gang rape**	12	127	42	7	76	264	35.06	5	175
3. Rape**/Attempted rape by military police/police personnel	0	0	2	0	6	14	1.86	11	4
4. Perpetrator not mentioned	7	21	13	5	19	66	8.76	-	17
5. Total	120	306	106	20	201	753***	100.00	20	460
6. Death after rape	5	28	11	5	13	62	8.23	-	-

Note: Out of 753 cases, 15 occurred in 1996 but were reported in January 1997

** 1 was reported raped by a naval personnel, 1 by an army personnel, 1 by BDR and 6 by police personnel.

*** 3 women committed suicide after rape.

Table: V.1.7 Fatwa Related Violence 1997

Fatwa Case	hilla	Lashes	Abandoned	Social boycott	Total	Per cent	Cases filed
Allegation of theft	-	1	-	1	2	3.57	-
Oral divorce	5**	-	1	-	6	8.00	-
Premarital pregnancy	-	4	-	1***	5	6.76	2
Allegation of immorality/Jina*	1	5	-	-	6	8.00	2
Dispute over bamboo cutting	-	1	-	-	1	1.33	-
Seeking justice for rape	-	2	-	-	2	2.67	-
Adultery	-	1	-	-	1	1.33	-
Cause not mentioned	1	4	-	-	5	6.76	-
GrandTotal	7	18	1	2	28	100	5

* Jina: Extra marital affair. ** Committed suicide. *** Murdered