

Acid violence and existing laws in Bangladesh

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VIOLENCE against women is a universal phenomenon but its manifestation differs from one society to another. Within South Asia it includes sexual abuse, trafficking, prostitution, domestic violence, dowry-related deaths and psychological abuse. However, acid throwing is an extreme form of violence. The alarming increase of acid throwing cases in Bangladesh is a cause for concern. Although no particular region in Bangladesh has been identified as being especially prone to this form of violence, most cases of acid attacks have been reported around central Bangladesh.

Acid is a corrosive substance that can burn holes in metals. It has various applications, primarily industrial. However, it can be acquired from articles of frequent or regular use. There is no regulation for the retail of acid, and as a result acid is freely available in Bangladesh.

The consequences of acid attacks are traumatic physically and psychologically. The impact of acid on the skin, usually sulfuric or nitric, is catastrophic. It causes the skin tissue to melt, often leaving the bones underneath exposed. Permanent physical disfigurement is inescapable. Many survivors lose their sight in one or both eyes and sometimes even their hearing, if the ears have been exposed to acid. For most survivors, the attack is followed by a dramatic change in their lifestyle. Most of them have to give up their education and/or previous work because of the time required for their recovery and the debilitating disfigurement that occurs. Social isolation and fear almost always follows the incident which further damages their self esteem and confidence.

Lifelong disfigurement and disabilities result in severe and emotional land psychological trauma for the survivor. Insensitivity to their condition from their families and community have damaging consequences. As such there is no formal institutionalized organization providing psychological counseling or emotional rehabilitation for the survivors. A formal body for vocational rehabilitation is also absent.

First aid and prompt medical attention is needed to lessen the pain and severity of the injury. Medical attention to burns within 48 hours show remarkable signs of recovery. Ideally this should be followed by aggressive primary surgery followed by extensive

corrective surgery. Initial medical care for acid attacks is given by medical personnel at the district

2000. It thereby repeals the 'Nari o Shishu Nirjaton (Bishesh Bidhan) Ain', 1995 (The Control of

perpetrators of violence against women and children than existed previously and provides redress for

Shishu Nirjaton Bishesh Bidhan) Ain, 1995 [The Control of Repression on Women & Children (Special Provision) act, 1995] have been rigorous imprisonment.

Zafar, from Rajapur Village has been convicted and sentenced to 14 years and a fine of Tk 5000 for throwing acid on his wife. [Source: The Independent, 6th October 1999].

In another acid throwing case in Nilpharmari, the Additional District and Sessions Judge imposed 7 years Rigorous Imprisonment and a fine of Tk 1000 and additional 3 months of Rigorous Imprisonment to two persons [Source: The Bangladesh Observer, 12 November 1999].

In Chandpur, the Special Judge sentenced two offenders to 7 years with a fine of Tk 5000 each (in default Rigorous Imprisonment for six months) under the Nari O Shishu Nirjaton Bishesh Bidhan Ain, 1995 for following acid on girl. [Source: The Bangladesh Observer, 10 November 1999].

Case Studies

Munira

Munira, was attacked with acid when her father cancelled her wedding with one of her suitors at the age of 12. Her suitor lured her outside her house and threw sulfuric acid on her face. The acid first destroyed an ear, then seeped into her eye and dripped down her neck on her chest. Neighbours found her within minutes but they did not know what to do. The first hospital they went did not have any burn facilities. It was hours before they could get her to Dhaka, where an Ayah (resident nurse) in the ward washed the acid off her face. Munira had the chance to undergo plastic surgery in Spain. Her face has been reconstructed. She has an artificial eye. Today with the help of Acid Survivors Foundations Munira has gone back to her studies.

"Acid might be a cheap commodity that one can get easily, but a human life is not cheap", she says. Meanwhile the attacker who was arrested is still awaiting trial.

Jainab Eva

Eva's brother used to finance her education and this arrangement was not accepted by Eva's sister in law. As a result on 25 August 1998, when 20-year-old Eva was sleeping a group of six or seven people belonging to her sister-in-law's family, allegedly threw acid on her. Eva was transferred from Barisal on a boat and brought to Dhaka with help from the Acid Survivors Project (UNICEF-CIDA), to receive treatment at the Dhaka Medical College

Hospital. She had reconstructive surgery on the eyelid, lip and received skin grafts. She is also undergoing physiotherapy to ease her finger movement. A case has been filed against the alleged culprits. Eva's sister-in-law was arrested but was released on bail. The accused has now filed a false case against Eva and her family accusing them of stealing. They have also constantly threatened them of dire consequence if they do not withdraw the case. Today Eva is a trustee of the Acid Survivors Foundations. She officially inaugurated the Foundation and gave a moving speech. She said "Why is this happening to us?"

Josna

Josna (18) was married to her second cousin. Soon after their marriage her husband started to torture her for dowry and got married to another woman. When Josna learned about the other marriage she started the divorce proceedings. Her husband however did not like this turn of events. And thronged acid on her.

Josna's aunt, who had rushed to protect her, also received acid burns. Josna's husband is still absconding.

Parul

Parul's husband used to stay in Malaysia. Her brother in law took this opportunity and wanted to have an illicit relationship with Parul (21). When she refused one night at around 10pm her brother along with his friends entered her room and threw acid on her body. Parul's face and body were badly burnt. She has undergone the first of a series of reconstructive surgeries at Monowara Hospital. A case has also been filed against her brother-in-law.

Khadija

Khadija's second cousins used to harass her on her way to school. When she complained to her father, he was furious and complained to his cousin. Apart from this there was an ongoing family dispute over some land between the two families. One day when she was sleeping the boy along with his two friends threw acid on her. He has been absconding since then. Two of his accomplices were caught. However, one is out on bail.

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These acid victims were fortunate enough to receive treatment from abroad

Name and age	Case Number and date	Date of Occurrence	Cause of attack	Number of Perpetrators	Sentence Awarded and Date
Nurun Nahar (16)	Boufal Thana No 1-03.08.95	30-07-95	Rejection	5	3 life sentences 2 death sentences 1996
Rina(20)	Sherpur	02-10-96	Dowry	2	2 life sentences imprisonment -1997
Khadeja(17)	Kotuali Comilla No 55 25.08.97	24.08.97	Family Dispute	2	Life sentences Tk 50000 compensation to both 1998
Taslima(3)	Doulotpur Khulna No 7 08.08.96	07.08.96	Rejection	2	14 years Tk 50000 compensation to both 1998
Muslema (16)	Polashbari Gaibandha No 1/71 02.07.97	01.07.97	Rejection	5	50 years conviction and Tk 4,000 fine for 4 (3 types of damages) 1 acquitted-1999
Ruma (15)	Keshorgonj	27.03.96	Rejection	3	45 years imprisonment for 1-14 years for 1998.

Source: Naripokkho (the organization was involved in investigation and trial of these cases, except for Rina)

hospitals and thana (administrative sub-unit of a district) health care complexes. However, lack of adequate facilities and knowledge on how to treat acid burn, often results in severe medical complications.

Passed in the Parliament on 30th January 2000, "The Nari Shishu Nirjaton Daman Act, 2000 (Suppression of Violence against Women & Children, Act, 2000) was brought into force on 14 February

Repression on women and Children (Special Provision) Act, 1995. Moreover, all provisions regarding acid violence as contained in the Penal Code of 1860 (for example, section 326A which pertains by means of corrosive substances) are no longer effective unless boys over 14 years of age or men are affected. The Nari O Shishu Nirjaton Daman Ain, 2000 is intended to address the need for more effective prosecution

victims of various manifestations of violence, including acid throwing.

While prosecution of cases hampered by the lack of witnesses necessary for conviction the perpetrators, NGOs and women's advocacy groups have been instrumental in ensuring that sentences be imposed on offenders.

In all of the following cases cited in newspapers in 1999, the sentences imposed under The Nari O

Religious intolerance in Pakistan

HUMAN RIGHTS FEATURES

THE Islamic Republic of Pakistan remains one of the most glaring examples of religious intolerance in the world. General Pervez Musharraf's military dictatorship, barely a year old, has done little to protect the civil and political rights of non-Muslim minorities. With the continuation of the Blasphemy Laws and the Hudood Ordinances, it is clear that governmental and legal structures elevate Sunni Islam over all other religious beliefs while sanctioning discrimination against non-Muslims and Shiite Muslims. Crimes against religious minorities such as Christians, Hindus, Ahmadis and Shiites persist while Sunni Muslim perpetrators face little or no consequences.

In addition to severely limiting freedom of speech and assembly, blasphemy laws alienate both moderate Muslims and non-Muslims. Section 295C of the Pakistan Penal Code imposes the death penalty on anyone found to have "by words... or visible representation... or by any imputation, innuendo, or insinuation, directly or indirectly, defiled the name of the Holy Prophet Muhammad." In 1991, the maximum prison sentence for outraging the religious feelings of any group was raised from two to ten years. In 1992, Section 123A of the Penal Code was amended to declare any act prejudicial to the ideology of Pakistan a criminal offence.

In July 2000, General Musharraf promulgated an order reviving the Islamic provisions of the country's constitution, further criminalising any person or group whose beliefs deviate from accepted Muslim orthodoxy. Such a stringent policy supported the arrest of scores of members of the Pakistan Muslim League (PML) prior to a rally planned for 8 July 2000. More recently, on 11 January 2001, 17 people were arrested for participating in an anti-"Blasphemy Laws" protest sponsored by the All Faith Spiritual Movement in Karachi. Though three Christian detainees were released six days later, the incident nonetheless demonstrates the methods of punishment and intimidation the government uses to attack the freedom of expression and assembly, particularly in relation to religious issues.

Like the blasphemy laws, the Hudood Ordinances require strict

adherence to Muslim practices and blatantly discriminate against non-Muslims in a court of law. Criminalising extramarital sex, alcohol consumption and gambling, the Hudood Ordinances stipulate that a non-Muslim's evidence is inadmissible in cases liable for Koranic punishment and carries less weight than that of a Muslim in cases liable for "secular punishment." Indeed, in the latter type of cases, the law of evidence specifies that two non-Muslim witnesses are needed in cases where one Muslim is sufficient. Lawyers who represent non-Muslims in cases under these provisions are themselves blacklisted by violent Islamic extremist groups.

Women have particularly suffered under the Hudood Ordinances, as they are frequently (and wrongfully) charged for sexual misconduct such as adultery. Approximately one-third of the women in jails in Lahore, Peshawar, and Mardan in 1998 awaited trial for adultery. Although most women tried under the ordinance are eventually acquitted, they must then endure the stigma of having been under suspicion.

Both the regimes of Prime Minister Sharif and General Musharraf have ignored the recommendations made in 1995 by the UN's Special Rapporteur on Religious Intolerance. The Rapporteur advised that the Government "authorities should check that Hudood ordinances are compatible with human rights and urges that Hudood penalties, because they are exclusively Muslim, should not be applied to non-Muslims." Now, in fact, the Hudood Ordinances are stronger than ever.

Religious minorities are alienated and deprived of equal access to justice in other ways. For instance, if a Muslim kills a non-Muslim, the perpetrator may compensate the victim's family monetarily. If a non-Muslim kills a Muslim, however, the perpetrator faces prison or the death penalty. Sharia courts are also inherently discriminatory against non-Muslims. The Federal Sharia Court (FSC) ensures that all legislative acts and judicial pronouncements, including those of the Supreme Court, are compatible with Islamic law. Additionally, three of the eight appointed members of the court need not even be professional

judges. According to Asma Jehagir, Chairperson of the Human Rights Commission of Pakistan, the structure of the sharia courts is evidence that "The government wants to impose a Taliban-style theocratic rule in Pakistan."

Another area of institutionalised

specific interests of minority groups. Discontent with the segregated electoral system is mounting. As recently as 19 October 2000, religious minority members of the Joint Action Committee for People's Rights staged a hunger strike in Lahore. In solidarity with the strik-



Ahmadis-another victim of religious intolerance in Pakistan

discrimination relates to the electoral system. Minorities can only vote for candidates who do not represent districts or constituencies but whole populations of different minority groups spread across a wide region. Consequently, minority candidates do not represent the

ers, Mr. Farooq Tarq, General Secretary of the Labour Party, denounced the separate electorate as "a scheme of religious apartheid that promoted intolerance and served the purpose of divide and rule."

Not surprisingly, religious minor-

ties generally comprise the poorest sectors of society. As Peter Jacob, executive secretary of Pakistan's National Committee for Justice and Peace, asserts, "Economic and political deprivation is not merely the bottom line but a clearly manifested motive of religious persecution." Most disturbing is the abundance of unpunished harassment and killings suffered by religious groups at the hands of the legal system and other members of the Sunni Muslim majority.

Out of a population of 2-3 million, tens of thousands of Pakistan's Christians live in city slums while sixty percent of them live in rural areas, where they are particularly vulnerable to abuse. In these areas, according to Archbishop Simeon Pereira, who is the most senior representative of the Catholic Church in Pakistan, "Any Muslim who has a grudge against a Christian can accuse him of [blasphemy]." Christians have definitely suffered under the blasphemy laws. In April 1998, Ayub Masih, a Christian man, was sentenced to death for allegedly speaking favourably about Salman Rushdie during a dispute with a Muslim villager. He was the fourth Christian to be sentenced to death in Pakistan in the 1990s. Unable to get Ayub released, Bishop Joseph, a widely respected non-violent activist for minority rights in Pakistan, shot himself in the head.

Churches have been vandalised by Islamic extremists and Christian villages have been looted and burned, leaving thousands homeless. There have also been shocking cases of rape and murder. On their way home from working at a factory, eight Christian women, seven of whom were teenagers, were raped at gunpoint by Muslim men in May 2000. In 1998, four Muslim men raped a seven-year-old Christian girl named Nageena. In both cases, the perpetrators have gone unpunished while the victims and their families have been threatened with facing the "consequences" if they seek justice. Accused by his daughter's attackers, Ghulam Masih, Nageena's father, was put on death row for allegedly killing an old woman in his village.

Besides Christians, other religious groups face cruel and inhumane treatment. Tens of thousands of Hindus serve as bonded labour to powerful landowners, and Hindu

rights activists and community leaders are subject to harassment and arrest by the authorities. The Ahmadis, members of a Muslim sect created in the nineteenth century, are denied rights of expression. By law, they are classified as a non-Muslim minority and are thus forbidden to use Muslim burial grounds. Several Ahmadi mosques remain closed. As recently as 30 October 2000, gunmen opened fire on worshippers coming out of a crowded mosque in Khattiala village in Sialkot district, killing five people.

Tensions with Shiite Muslims also continue. In 1999, the U.S. State Department reported that 300 people were killed in Sunni and Shiite conflicts over the last two years. Sunni perpetrators of violence against Shiites are rarely prosecuted. The prosecutions that do take place precipitate further violence against Shiites as shown in January 1999 when, in response to the conviction of Sunni extremists, motorcycle gunmen opened fire upon a Shiite religious service in Karamdad Qureshi, killing at least sixteen people. Shiite militants are believed to be behind the recent killings of five Sunni Muslims in Karachi on 28 January 2001. The week before, a prominent Shiite Muslim cleric was shot dead outside a Karachi mosque.

Clearly, religious minorities in Pakistan are de facto second-class citizens. In addition to facing direct discrimination in laws such as the Blasphemy Laws and the Hudood Ordinances, in the courts and the electoral system, religious minorities face severe mistreatment from militant members of the Muslim majority. Musharraf's regime has allowed religious intolerance to continue (some argue in order to maintain popular support), and, judging from the general's suspension of democratic institutions in 1999 and the introduction of the perversely named National Accountability Bureau (NAB) Ordinance, the culture of governmental and Sunni Muslim impunity will worsen.

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Women in security and international affairs in Bangladesh

TASNEEM SIDDIQUI

SECURITY and international affairs have always been considered as masculine matters, and women could seldom create space to participate in the discourse. However, in recent times, traditional security studies based upon realist tradition have been challenged by different quarters, both from industrial north and developing south. Feminist academics have also taken active part in this process. Some groups have questioned the legitimacy of the traditional security approach, others have tried to broaden it by incorporating women's experience into the mainstream discourse. In the Bangladeshi context although there remains substantive elements which lead to questioning the present security framework from gender perspective, very little work has been done in this regard.

Concept of security

Traditional security approach has been state-centric. It was solely concerned with the idea of protecting the state. Such an approach focused exclusively on political-military dimensions. Economic relations between states were considered as issue of low politics. The threat of nuclear war and bipolar rivalry of the cold war era mostly shaped such thinking. The US and its NATO allies defined security as a method of nuclear deterrence and power balancing among the two superpowers. But this concept is now under attack. Critics, both from the traditional school (alternative defence school, Third World Security School) and critical security studies (CSS) school have highlighted the deficiencies of this approach. It is more or less agreed at present that military threat is only one among many other kinds of threat that states face. Therefore, to ensure security multiple threat approach has to be considered. In that context, security is a method of protecting people's lives from various forms of threats, both internal and external. Economic vulnerability, ecological threats, natural disasters are important elements that constitute sources of insecurity for peoples. And freedom from those threats is what security is all about. Obviously, some threats are of greater significance than others. It is the people of that country who should have a role in deciding for themselves which threats deserve priority.

Security policy of Bangladesh is based on traditional understanding. A fair share of Bangladesh's budget is, therefore, spent on defence. Military hardware purchase constitutes an important avenue of expenditure. Due to Bangladesh's geo-political situation some analysts have argued that hardware based defence will not be able to meet the perceived external security threats to Bangladesh. In that context the concepts of civilian based defence (CBD) or non-offensive defence systems have been proposed.

Addressing the issue of human security is more relevant in Bangladesh, than that of military security. Eradication of poverty, secured arrangements of food, ensuring reasonable education, health, shelter arrangements are some important elements of human security. In Bangladeshi context if one has to prioritise security considerations then one has to compare the military and non-military dimensions of security needs. In the following section major security threats from gender perspective are identified. In Bangladesh women face multiple insecurities.

Women's security and war

Both in conventional wars and internal conflicts women are affected immensely but traditional security approach seldom pays attention to this issue. The National Organisation for Women in Combat estimated (1990) that women and children constitute 80-90% casualties of conflicts since World War II. Rape has always been used as a weapon of war. War also creates refugee situation where people flee their countries for fear of persecution. 80% of the global refugees are again women and children. The Bosnian war is a classic example of how women are affected by war. Rape, refugee-like condition, extreme physical violence all took place in this case and caused grave insecurity for women. However, repression on women during war varies according to their race, class and religious identities. During the course of War of Liberation of 1971 and also during the CHT conflict, women were particularly targeted and rape was used as a means of war.

Threat to security of women within state boundaries

Within the state boundaries four types of insecurities of women can be identified. The first stems from lack of fulfillment of basic human needs. In various human development reports Bangladesh's position is at the lower end of the rankings. Different sources have established that in all aspects women are at greater risk. In such a context, human development sector certainly deserves greater priority to military expenditure.

Environmental degradation and natural disasters also pose threats to women's security. The increased incidence of arsenic contamination of drinking water has only increased the working hours of women. During natural disasters it is the women and children who constitute the bulk of the affected people. In addition, various forms of internal population displacement (river erosion and development induced) have women specific implications.

In Bangladesh context lack of women's physical security inside the state border is an important area of concern. There is an increasing trend of state failure in providing security of women. They have become vulnerable to various forms of violence and human rights violation, both in urban and rural areas. Rape, gang rape, rape and murder, cruelty related to dowry, domestic violence, physical torture, fatwa, kidnapping, physical and sexual abuse of domestic aides, forced prostitution, death in custody, rape by members of law enforcing agencies are some forms of violence against women. On some occasions instead of protecting the women state functionaries become the violators.

Threat to security of women beyond state boundaries

Trafficking and cross border economic migration are the two most important elements of women's insecurity. The degree of threat, however, varies. Trafficking poses maximum threat to women's insecurity. In recent years an increasing number of women are being trafficked from Bangladesh to neighbouring countries of India, Pakistan and also to the Middle Eastern countries. Bangladesh Women's Lawyers' Association puts the yearly figure of trafficked women and children at 10,000. Although there exists some redress in the form of national laws and institutions to various threats to women's security within state boundaries, the trafficked women and the economic migrants are outside any form of protection structure. Many of them get employed as undocumented migrant workers, some end up in prison, others in brothels and in entertainment industry against their wishes. Along with personal insecurity of women, the issue of trafficking has major ramifications for state to state relations. The traditional border security arrangements are failing to stem the flow of economic migrants and trafficking. Therefore, new regional approaches are being considered to address these.

Threat to security of women both within and beyond state boundaries as consequence of globalisation

The process of globalisation has also created conditions for rethinking the issue of security of women. Under this we will consider two issues, (i) impact of structural adjustment policies and (ii) short term female labour migration.

(i) Structural adjustment policies: Bangladesh was one of the first countries that signed the structural adjustment policy loan (1980). From the mid-1980s various reform measures have been undertaken under the SAP. The government while implementing SAP did not keep any special provision for the most vulnerable groups. Women, and specifically the women headed households, being the poorest of the poor face most severe hardship. The major areas of reform programmes which have adverse impact on women are: privatisation of state-owned enterprises (SOEs), downsizing of SOEs, winding up of SOEs, withdrawal of subsidies to SOEs, withdrawal of subsidies from agricultural inputs, privatisation of agricultural input delivery system, withdrawal of price subsidy to consumers, imposition of users fee for health service, recovery of costs for road construction and maintenance, fiscal contraction policy, indirect taxation system, reduction of protection through tariff, export orientation and devaluation.

(ii) Short-term international labour migration of women: In recent years some major changes in the global economy have taken place. These have resulted in increased demand for female labour in the international labour market. Since 1990s, Bangladeshi women are participating in this labour market in a major way. Globally concerns have been expressed about the level of exploitation and lack of personal security in the countries of employment even when these women are in documented situation. Those in undocumented status are in worse condition. However, the Government of Bangladesh tried to stem the insecurity of women by restricting the flow of their migration through various administrative procedures. A recent study has shown that such restrictions could not be operationalised and could not put a stop to women from migrating. They have created a situation in which most of the female migrants join the international short term labour market as undocumented ones.

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