

HUMAN RIGHTS *monitor*

# Domestic violence: Need for legal and social services

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**D**OMESTIC violence on women is a serious social problem that is prevalent in both rich and poor countries. The difference between them lies in the existence of social institutions that help victims in rich countries, whereas in poor countries, ordinarily victims may have to deal with such incidents themselves. There are few and far well funded social welfare agencies to come to their rescue in poor countries, almost none in rural areas.

## What is domestic violence

Domestic violence is, by definition, occurs between people in the home. It occurs between people who live together or are related to each other. Consequently repeat victimisation is likely to occur on women by husbands, parents or relatives.

Domestic violence on women is a serious violation not only of human rights but also of personal security. Human rights activists see domestic violence as rooted in discrimination against women and a manifestation of "unequal power relationship" between men and women in society.

The UN Development Fund for Women (UNIFEM) notes: " Abusive husbands, male relatives, traffickers and armed combatants abuse women and use violence to assert their power."

It is a widely-held belief in male-dominated society where women are considered as "second class citizens and in rural areas, many men consider that "bread earners" have a right to perpetrate violence on women who are dependent on them. It represents an unequal economic relationship where women are not allowed or permitted to work in public place and are, therefore, solely dependent for their living on men.

Human rights activists believe that women aged from 14-30 years old are at greater risk of violence than older women.

## Impact on victims

At its most, domestic violence may

lead to deaths of women. While spousal relationships continue to make up the majority of domestic violence incidents, parents or elderly relations also are often involved in inflicting bodily harm on women for "honour" of their family name.

Often, the gravity of domestic violence incidents are influenced by situational factors, such as, injuries of the victim, the use of weapon, and the seriousness of harm on their persons.

In the aftermath of domestic violence, women often talk about fear, the injury and the psychological trauma knowing the fact that it was her husband or parent or brother or near relatives who perpetrate violence on them.

Domestic violence has serious consequences for victims, their families and their communities. The consequences of such a widespread social problem are varied, ranging from the emotional, psychological, and physical costs to the victims and family members, through to social and economic costs to entire society.

Children who witness domestic violence can experience a range of emotional and behavioural problems including poor school performance, post-traumatic issues and adult criminal behaviour. That means children are badly affected by domestic violence incidents throughout their life.

**Not all incidents are reported**  
Social scientists believe that women do not report all violent related incidents for preservation of their dignity and personal honour. They tolerate abuse or violent incidents silently and do not disclose even to their parents. Many women consider it as a social stigma and often blame themselves or feel guilty for such situation to occur.

Another important aspect of domestic violence is that victims do not want offenders charged or do not want to take action, once the situation cools down. Such tolerance in fact aggravates the situation because husbands consider such incidents not reporting as a "licence" to do more violent incidents on their partners. Domestic violence often takes



place on the issue of dowry. Married women are being harassed or abused for dowry by their inconsiderate husbands or in-laws and victims do not want to disclose the incidents to their parents because given their parental stressful economic situation, their parents will not be able to accommodate to or oblige with dowry.

## What society can do for domestic violence victims

The safety of victims is crucial importance. Therefore, victims must get first

safety shelter and thereafter access to other services. Since complex social and health issues are involved in domestic violence, assistance must come from social welfare agencies, although serious incident may be reported to police.

Law enforcing agencies must take seriously reported cases of domestic violence on women. Police agencies must adopt policies that promote arrest as the primary intervention.

Social welfare agencies, both governmental and non-

governmental, may provide safe and well-equipped shelters, and relief support for girls and women subjected to violence, as well as medical, psychological and other counseling services at free or low-cost legal aid where it is needed.

Although it is a criminal assault, its impact is far more psychologically damaging than that of other crimes on victims. Post-traumatic effects may linger on some women for life.

Society must clearly regard domestic violence incidents as totally unacceptable and society must provide specific shame on and deterrence to perpetrators. Social welfare agencies may organize and fund information campaigns and educational and training programmes in order to sensitive men to the detrimental effects on women by violent incidents.

They may provide rehabilitation programme for perpetrators so as to prevent such recurrence of violence ( In Fiji, there is a programme especially geared for perpetrators for their rehabilitation, teaching and encouraging them to respect women's personal dignity and security).

Media may raise awareness of responsibility in promoting non-stereotyped images of women as well as in eliminating patters of media presentation that generate violence. They may also raise awareness of the people about causes and effects of violence against women and in stimulating public debate on the social problem.

The government, local governments (Union councils and Upazila parishads), community organizations, non-government organizations, legal aid agencies, private sectors, particularly enterprises and mass media have significant role to play in eliminating domestic violence on women.

## Role of authorities

The governments have a particular responsibility to protect their citizens, especially vulnerable and weak citizens such as women and elderly.

The government may lend their strong support and provide adequate funds to community organizations

(there are several good and well-run community welfare organizations in Bangladesh) to provide shelters and other facilities to victims. The authorities must promote the fundamental role of social welfare agencies in the field of information and education related to abuse.

A special court can issue a "civil order" to protect the victims so that perpetrators cannot be near to victims for a time depending on the seriousness of injury to victims. The order is symbolic in that it identifies the perpetrator of domestic violence.

Women legal services must receive funds to protect victims from further abuse. Often justice system fails poor women.

## Conclusion

It seems lack of resources is the single greatest obstacle to providing adequate services to victims. Some social activists believe more than twenty times as much public money is allocated to sports institutions than to addressing the human rights scandal of domestic violence and assault on women.

The provision of services in response to domestic violence such as, alternative safe accommodation, counseling victims must be in place. In other words, services must be readily available, accessible, acceptable and appropriate to women victims.

Domestic violence is a black mark on the entire society. Many human rights activists believe that poverty, gender-based prejudices and patriarchal society account for the prevalence of domestic violence on women.

Elizabeth Stanton (1815-1902) in a letter to her friend wrote: " Women's degradation is a man's idea...Our religion, laws, customs, are founded on the belief that woman was made for man". This widely held belief in most men must be revised and eliminated from societal values and understanding as the first step of removing the social problem of domestic violence.

The author is former Bangladesh Ambassador to the UN, Geneva.

LAW *campaign*



## The World Day Against Death Penalty 2005

The WCADP organizes the World Day against the Death Penalty annually to mobilize people around the world to take action against the death penalty. This year, on 10 October, the day was dedicated to abolition in Africa.

Also Amnesty International (AI) is a member of the World Coalition against the Death Penalty (WCADP) - a coalition of over 38 human rights organizations, bar associations, trade unions and local and regional authorities campaigning for the universal abolition of the death penalty. A majority of African countries are no longer using capital punishment, but the abolition must be extended to the whole continent.

Africa is on its way to universal abolition of the death penalty. Of the 53 countries on the continent, 12 have permanently abolished the death penalty, and 20 other countries are no longer carrying out executions. Thus a majority of African countries have abandoned using this cruel, inhuman and degrading punishment.

The campaign call upon to use all available means in order to extend abolition of the death penalty to the whole continent, by supporting an immediate end to the few executions still practised and the commutation of all death sentences, by



A woman in Katsina Central Prison, Nigeria, who is facing the death penalty for having an abortion

securing the abolition of the death penalty under each national legislation, by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and by furthering and supporting initiatives in this direction by the African Union and the United Nations.

Following the example of values espoused by Nelson Mandela, of the Statute of the International Criminal Tribunal for Rwanda and the Statute of the Special Court for Sierra Leone which exclude capital punishment for perpetrators of the most serious crimes and remembering that several African countries have never applied the death penalty, they believe that the moment has come for all of Africa to incorporate the right to life into the national penal code of each African country by abolishing the death penalty.

Source: Amnesty International

RIGHTS *corner*



## Cell for women workers rights

Overall situation of women labor in Bangladesh is something very disquieting and distressful as well. The women workers are not paid their entitled wages and often their skills are used exploited. They are overburdened with extra work, and often abused sexually as well as physically. They work in pressurized and unhealthy condition. As a consequence these ill paid women laborers remain hostage to the wishes of their employer-

- both in formal and non-formal industrial sectors.
- Empower women with basic labor laws.
- Assist women workers through legal support in ensuring their rights as women workers.
- Range of services
- Organizes women workers countrywide to raise awareness about their labour rights.
- Promote sustainable women workers organizations.



ers. They are deprived of monetary benefit and given the dignity of labourers. With view to assist this women, this cell has designed their strategy and works directly with women labors in formal/non-formal sectors and raise their awareness on human rights issues, like maternity benefit rights, minimum wages rights, rights of forming women trade unions, occupational health security and safety rights. The main target group of this cell are the low-paid women workers in garments industries, brick breaking, rice boiling factories, buri factories, cottage industries earth digging and the domestic workers. The aim of this cell is to organize women workers of formal/non-formal industrial sectors and empower them through raising awareness about their legal wage rights and their status in the working place.

## Key Functions of this cell

- = Strive to secure economic rights of the women laborers

- Assist the Association to develop capacity to bargain with concerned stakeholders to ensure equal wages safety rights and extend support services.
- Legal advocacy for recognition of women workers dignity in the society.
- Linking and networking with national and international organizations.
- Research and publications.

This cell also provides legal services for these working women through BNWLA's Legal Aid Cell. Besides this cell has developed networking with different NGOs and organizations who are working in similar sectors and also organizing meeting, seminar, workshops. The cell conducts studies and researches, holds dialogue with different stakeholders, factory owners and concerned authorities on their working rights

Source: Bangladesh National Women's Lawyers Association (BNWLA).

LAW *week*



## Militants hole up in CHT to evade arrest

The border near Bandarban has been sealed off while strict security measures are in force after the law enforcers came to know of militants' dens and training camps in the hilly district. In the face of the recent countrywide crackdown, the religious extremists have started to hole up in the remote border areas of Bandarban, said sources. Hiding in inaccessible Naikkhongchhari and Alikadam upazila, they are organising themselves in collusion with Myanmar insurgents belonging to Rohingya Solidarity Organisation (RSO) and Arakan Rohingya Nationalist Organisation (ARNO), added the sources. - *The Daily Star, October 10.*

## ACC catches customs staff taking bribe

A team of the Anti-Corruption Commission (ACC) caught a customs staff at Chittagong Port in the act of taking bribe from the clients. The authorities suspended him along with two other employees immediately. The suspended customs staff are Samirul Haque, office superintendent, Niamat Ali, appraiser, and Moshir Rahman, a sepo of the Chittagong Customs House. The ACC team on the first day of its anticorruption drive at the port and customs house found Samirul Haque clearing the clients' bills of entry, taking Tk 200 to Tk 500 against each bill, said an ACC source. The ACC team challenged Samirul, who immediately denied any wrongdoing, but when the team asked about Tk 13,750 he had in his drawer, Samirul could not give a satisfactory answer. Samirul was then taken to the commissioner of the customs house. The commissioner after an instant enquiry found two others involved in the bribery. The three were suspended immediately, said the ACC source. - *The Daily Star, October 10.*

## Over 10,000 communal tortures in govt's 4yr

More than ten thousand incidents of communal torture took place in the last four years of coalition rule, but police did not properly record even one tenth of them, a white-paper of Ekatturer Ghatok Dalal Nirmul Committee revealed. The unprecedented torture of religious minority and ethnic sects, which began centring the 2001 general elections, has not stopped even after 1,500 days," reads the 2,760-page white paper. "We have been able to record less than one tenth of such incidents," Shahriar Kabir, who edited the white paper published in three parts, said, adding that people did not disclose many of the incidents fearing further torture and harassment. Binodibhari Chowdhury, an associate of Masterda Suryasen and advisor of the Nirmul Committee, announced the white paper, which carries newspaper reports, editorials, columns, articles and opinion on repression of minorities that has taken place since the caretaker government took over on July 13, 2001 and 46 months from the coalition government's taking office. A selection of 2,786 reports have been compiled in the first two parts while the third part carries headlines of 4,092 reports published in 16 newspapers published from Dhaka. - *The Daily Star, October 11.*

## The first 2 charge sheets submitted

The first two charge sheets in the Dhaka serial blast cases were submitted against Jama'atul Mujahideen Bangladesh (JMB) Ameer Abdur Rahman's younger brother Ataur Rahman and six others. The Criminal Investigation Department (CID) submitted the charge sheets of two cases filed with Sabujbagh Police Station to the Court of Chief Metropolitan Magistrate, Dhaka. The first case was filed under the Arms Act and the other one under the Explosive Substances Act. Other accused are AHM Shamim, 23, Zakaria alias Jewel, 21, Nur Azam Siddique alias Yeasir, 27, Belal Hossain alias Tamim, 21, Aleya Ferdous, 27, and Akramul Islam, 23. All of them except Ataur were arrested earlier and gave confessional statements to magistrates on different dates. In the charge sheets, the investigation officers (IOs) said the main objective behind the blasts was to establish Islamic law in the country. - *Prothom Alo, October 11.*

## Moudud admits failure to form HR commission, separate judiciary

Law, Justice and Parliamentary Affairs Minister Moudud Ahmed admitted that the government is yet to succeed in forming a human rights commission and separating the judiciary. He however said he is 'very hopeful' that these two major steps needed to put democracy on a firm footing and ensure law and order will be taken in the next one year. Addressing a press briefing at his ministry on the occasion of completion of four years of the BNP-led coalition government, Moudud said the issue of separation of the judiciary is now lying with the Supreme Court. The formation of Judicial Service Commission is a big step towards separation of the judiciary, he said. Twenty-five assistant judges have already been appointed through this commission and 140 others are in the process of appointment.

The minister said an interim arrangement to replace the civil judiciary by the judicial magistracy is needed in the process of separating the judiciary. "We are checking how these have been done in India, Pakistan and other countries." Asked about failure of a committee formed in 2003 to give a report as yet on the formation of a human rights commission, he said the issue is under consideration. - *The Daily Star, October 12.*

## Lack of free flow of information creates room for graft

Speakers at a dialogue in the city said people are in the dark about government functioning due to the lack of free flow of information, which creates room for corruption. They stressed effective functioning of the Jatiya Sangsad to ensure the government's accountability and provide adequate information to the people about it. The government as well as corporate bodies are subject to very weak accounting control and do not face any serious scrutiny by the legislature, or by legal or audit authorities, speakers said, suggesting the enactment of a Right to Information Act. Senior leaders of the government and the opposition as well as lawmakers of both sides spoke at the dialogue titled "The role of lawmakers in ensuring right to information for all". The All-Party Parliamentary Group (APPG)

and Manusher Jonno, jointly organised the dialogue held at the CIRDP auditorium. - *The Daily Star, October 12.*

## HC asks cops not to arrest chief whip's sons

A vacation bench of the High Court (HC) yesterday ordered police not to harass or arrest two sons of Chief Whip Khandaker Delwar Hossain in the extortion cases pending with the Speedy Trial Tribunal, Dhaka. The interim order of the court came upon petitions filed by Abdul Hamid Dublu and Akhter Hamid Paban, who surrendered before it seeking anticipatory bail in the extortion cases pending with the tribunal. Dublu and Paban are now facing four extortion cases filed by shop owners and landowners of Motaleb Plaza shopping complex at Paribagh in the city. The court also ordered hearing of the petitions in a regular bench when it reopens on October 17. Advocate Habibul Islam Bhuiyan appeared for Dublu and Paban while Deputy Attorney General Golam Mohammad Chowdhury Alal stood for the government. - *UNB, Dhaka, October 12.*

## Ecneec refers two projects to ACC for investigation

The government has decided to place two projects -- on electricity supply to 16 towns and the construction of Mymensingh Bypass -- under investigation of the Anti-corruption Commission (ACC) for over expenditure of Tk 280 crore and other irregularities. The decision was taken by the Executive Committee of the National Economic Council (Ecneec) at a meeting chaired by Finance Minister M Saifur Rahman. After the meeting, Saifur said money taken from one project has been spent for another without approval of the proper authorities. "We have set up the ACC...They have got experts and now they will investigate the irregularities," he told reporters.

Saifur said the government hopes the ACC will be able to find out how much money was involved in the corruption. After the investigation the government will act on the findings and take action against those involved in the irregularities, he added. The Power Development Board (PDB) project for supplying electricity to 16 towns was approved in May 1999 by the Ecneec with an estimated expenditure of Tk 225.55 crore. In May 2005 a revised proposal was placed, showing an additional expenditure of Tk 270 crore, which increased the total project cost to Tk 495.92 crore. The Ecneec approved the revised expenditure after the money was spent, but formed an investigation committee to look into the source of the additional money spent in the project and if that amount was spent in line with set rules. - *The Daily Star, October 13.*

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