



# Domestic violence still pervasive

A.B.M SHAMSUD DOZA

ALTHOUGH Bangladesh has attained remarkable success in increasing literacy rates for women, and decreasing the maternal and child mortality rate, violence against women is still very high in our society among which domestic violence is widely prevalent in both urban and rural areas as an every day matter of women lives. A study by ICDDR, B in 2006, indicated that 60% of violence suffered by women occurs within their home. The 5th Bangladesh Demographic and Health Survey, (BDHS) 2007 showed 53% of women experienced sexual or physical violence from husbands. Being vulnerable in a patriarchal society, women face various types of domestic violence in Bangladesh. In a recent study (Centre for Policy Dialogue, 2009) it has been observed that mainly four types of domestic violence occur, i.e. physical, psychological, economic and sexual abuse and violence; all are prevalent throughout Bangladesh. Most of the victims (93%) reported in the study that they had experienced physical violence; only 13 per cent reported of having experience of sexual violence, 91 per cent of victims reported economic violence and 84 per cent reported psychological violence committed by their husbands.

Occurrence of domestic violence varies little in terms of urban-rural divide. A ICDDR,B study shows that among ever-married women, 40% of those in the urban area and 42% in the rural area reported physical violence by their husband (ICDDR,B,2006). However, sexual violence by husband is more prevalent in rural areas (50%) than urban areas (37%), according to the study.

We often focus on grave social and health impact of domestic violence as it creates social instability, insecurity and gender disparity. But the economic impact is also immense, which remains unseen most of the time. A CARE study shows that domestic violence costs 2.05 percent loss of Bangladesh's Gross Domestic Product (GDP) worth around Tk 15 crore annually.

The amount is equal to the sum spent by the government in the health and nutrition sector, said the study conducted on 483 such women victims from January to June in 2010 in 24 villages of Dinajpur, Tangail and Sunamganj.

Most domestic violence involves male anger directed against their women partners. Cross-cultural studies of wife abuse have found that nearly a fifth of peasant and small-scale societies are essentially free of family violence. The existence of such cultures proves that male violence against women is not the inevitable result of male biology or sexuality, but more a matter of how society views masculinity.

The causes of domestic violence identified range from sexual inequality within a patriarchal system, poverty and a lack of understanding of women's rights to, alarmingly, corruption within the justice system. Many cases of domestic violence go unreported; the majority of them are not brought to court; few are awarded convictions.

The WHO Multi-country Study on Women's Health and Domestic Violence against Women (2005) showed that less than 1% of physically abused women reported the matter.

It is a matter of concern that a culture of acceptance, even, has grown and is being transmitted from generation to generation to the point of being institutionalised. A study of BNWLA shows that 30 percent of women think that husbands have the "right" to inflict physical violence upon their wives.

"Women are usually taught to stay mum when their husbands are violent towards them," stated Advocate Sultana Kamal, Chairperson of We Can End Violence Alliance and former advisor to the Caretaker Government of Bangladesh.

"Domestic violence against women is acceptable in our society and unless we do something to change this attitude, the situation will not change," she said.

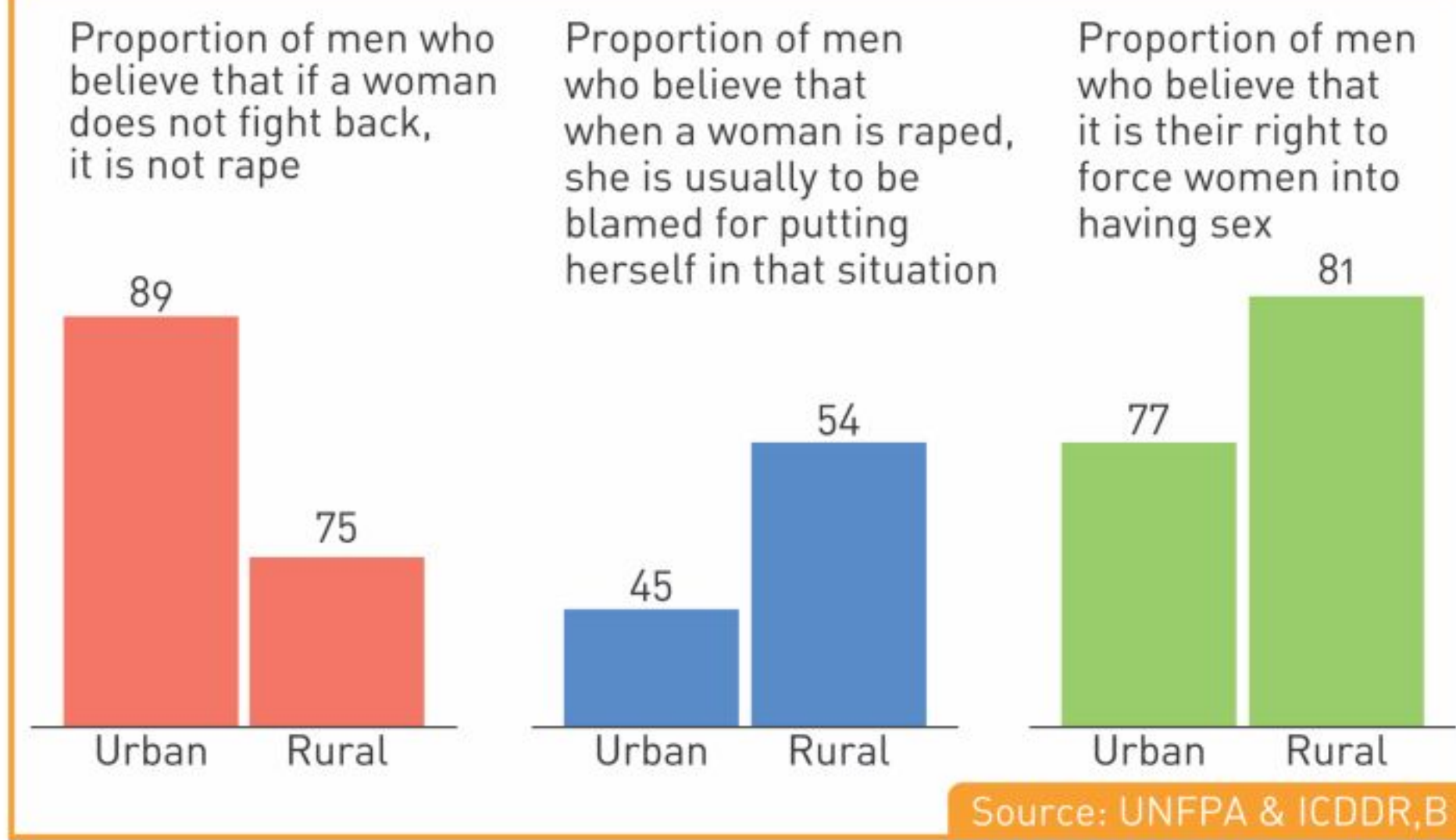
The Bangladesh government passed the Domestic Violence (Prevention and Protection) Act 2010 in Jatio Sangsad on October 5, 2010. But the government is yet to frame a set of rules necessary for its effective implementation.

Anwar Sadat, Metropolitan Magistrate in CMM Court, Dhaka says that if the rules are set then law enforcing agencies will have clear directives. "In the mean time, we would not sit idle. In the first three months of this year, we have successfully solved 11 cases among 20 filed."

Manusher Jonno Foundation Executive Director Shaheen Anam says it is encouraging to know that victims can avail compensation and they cannot be evicted by their husbands or in-laws under the act.

Awareness needs to be raised among people to make the law socially acceptable and to encourage victims to register their complaints, she emphasizes.

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## With assistance, we can take dramatic turnaround

SHEIKH HAFIZUR RAHMAN and FARHANA HELAL MEHTAB

VIOLENCE against women is a century-old social menace. Recently, we have been witnessing brutal, cruel and inhuman violence against women one after another, shocking our conscience. Remember the 14-year old school girl of Tangail, who experienced such a forcible violation that she used to scream at the sight of any male person while lying in her bed at Dhaka Medical College Hospital? Can you imagine the notoriety and cruelty of the incident when a six-year-old-girl was raped and strangled to death, though the girl probably did not understand the meaning of rape?

In most of the cases we ultimately cannot ensure justice for the girls who have encountered different types of physical violence and mental torments. Particularly, in rape cases, most of the alleged offenders in one way or other escape punishment. Rather, the victims are subjected to huge harassment. The accusatorial criminal justice system, examination of rape-victim by a male doctor, investigation of a rape-case by a male police officer, perfunctory functions of the public prosecutors are mainly responsible for the humiliating and ignominious harassment of the rape-victims. It is said that a girl is first raped physically, she is second time raped in the court by the male advocates and third time she is raped by the society. Apprehending the unbearable harassment and social stigma, many girls have committed suicide.

In the cases of eve-teasing, acid-throwing or rape or any other similar offences, the perpetrators should be arrested immediately and be kept within the iron walls. They should be given exemplary punishment within a short time. That means police investigation into the alleged offence, giving police report, trial of the accused and awarding exemplary punishment—all these must be done within 2/3 months. But unfortunately, police do not arrest the alleged offenders when they use power, money, political or other influence to evade arrest. There are allegations that when any rape-victim goes to any police station either the concerned police officer does not put due importance to the case or he makes the case weak (remember that the police officer is a part of patriarchy!) There are allegations that sometimes police officers, in collusion with the malefactors, cook up the case and make the victim look like she was a prostitute. Some criminal lawyers are also alleged to do the same thing. Even in cases when the perpetrators are arrested, charge-

sheeted and put to trial it may not be possible to subject the alleged offender to exemplary punishment due to: (i) lack of evidence as 'alamats' of rape have not been duly preserved; and (ii) burden of proof.

Under the existing system, one of the cardinal principles of criminal justice is that the alleged offence must be proved to have been committed beyond any reasonable doubt. The age-old principle reads: "No innocent person be convicted, let hundreds guilty be acquitted". But there is a recent shift of this principle which the learned Judges of the International Crimes Tribunal-2 have mentioned in their recent judgment in the case of Quader Molla. Referring to the Indian Supreme Court the learned Tribunal Judges said that, "A judge does not preside over a criminal trial, merely to see that no innocent man is pun-



ished. A judge also presides to see that a guilty man does not escape." But development of the new principle is in its formative stage and the regular criminal courts in Bangladesh are still predominantly regulated by the age-old principle. The courts want to see that the alleged offence has been proved by the prosecution beyond any reasonable doubt and the burden of proof lies with the prosecution or the person who makes the allegation meaning the rape-victim or victim of any other violent crime. In most of the cases the public prosecutors and police officers do not put their sincere effort to prove the incident of rape beyond reasonable doubt. Exposing another reality of the story will be outrageous as poor and marginalized rape-victims cannot afford a

'strong and efficient' lawyer. The rapists come out of the gallows, putting the rape-victim in a condition of 'life or death'.

It is to be noted that in Bangladesh in an average the conviction rate is not more than 15-20 percent. In Japan the conviction rate is 99.7%, in USA 88%, in UK 81%, in neighbouring India it is 41.7%. The low conviction rate in Bangladesh encourages commission of crime. These writers firmly believe that the public prosecutors' and police' sincere efforts can ensure punishment of the culprits in most of the criminal cases. Particularly, where the women are victims of violence, responsible state departments should take effective and prompt actions to bring the perpetrators to justice.

The most unfortunate thing in rape-cases is that the burden of proof lies with the victim. The victim has to prove how she

sumed to be guilty and it will be non-bailable offence. The alleged man has to prove that he is innocent. It is to be mentioned that some civil law countries like France and Italy follow this principle.

In the context of the rape-incidents becoming endemic and criminal justice system's inefficacy to ensure exemplary punishment for the perpetrators, we propose the following recommendations to be taken into consideration by the policy-makers, women and people in general:

I. From now on the alleged offender in a rape case has to prove that he is innocent. The policy-makers have to take proper measures for amendment of the principle and criminal law.

II. Rape-victims are to be examined by female doctors and their cases are to be investigated by female police officers.

III. Rape-victim-centre should be established in every thana complex comprising doctors, psychiatrists, female police officers, social welfare officers with logistics and necessary support system.

IV. The women travelling early in the morning and night for going to their working place or for study or other necessary purposes should keep a rape-kit which will help them in identifying and punishing the perpetrators once they become victim.

V. Some necessary 'biological-education' should be given to the girls and boys in schools.

VI. Police officers, public prosecutors, doctors, judicial officers and social welfare officers should be specially trained to motivate them so that they work promptly and effectively to ensure punishment of the perpetrators when any woman becomes victim of a violent crime.

How can we claim ourselves civilized if thousands of women are subjected to cruel and inhuman physical torture and mental torments? One of the unflinching tests of measuring civilized standard of any society is the way women are treated there. Putting women in a secured and dignified position indicates high civilized standard of a society. Law and its proper implementation can ensure punishments of the malefactors and minimize the frequency of violent-crimes against women. But placing women in a secured and respectful position is a far wider task which requires all the social institutions to set in action.

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# What men think!

TAMANNA KHAN

WHEN Delhi's streets were flooded with protests of rape, a reporter of The Guardian, a UK based newspaper, talking to random men in Goa, which brought out disturbing mindset of India men towards women. Alarming viewpoints such as men has right to rape 'sexy' women and woman should not come out in the evening even came up in that informal discussion.

Across the border, in Bangladesh, a 2011 study carried out by ICDDR,B and funded by UNFPA, titled "Men's Attitudes and practices regarding Gender and Violence against women in Bangladesh" brought out and equally worrisome picture.

The study was carried out on 1254 men in an urban site and 1146 men in a rural site, with the majority of the sampled men were married men between the ages of 18 -49. The

majority of the men (57 percent of the urban men and 80 percent of rural men interviewed) did not complete secondary education.

To understand their concept regarding gender and gender equality, men were asked to agree or disagree on a scale of five to statements on women's role in the home, responsibility for pregnancy, men's reputation and so on. Interestingly, the pattern of gender attitude was similar in both rural and urban site. It was seen that among Bangladeshi

men, masculinity is linked to toughness, honour, sexual prowess and dominance, all of which promote violence against women and girls. Sexual violence was found to be rooted in the ideologies of male sexual entitlement. The majority of men surveyed believed that 'women cannot refuse sex with their husbands, that 'men need sex more than women do' and that 'women who have been raped are in part to blame.'

Factors such as education, socio-economic status and experience of childhood abuse influenced men's perception of gender equitability. In fact, men's experience of abuse and violence during childhood increased the likelihood of perpetrating intimate partner violence. Similarly, men with secondary and higher education are half as likely to perpetrate physical or sexual violence against an intimate partner. In urban areas, work related stress was another factor associated with violence perpetration. On the other hand dowry demand in marriage in rural areas was one of the main causes of violence against women.

Impunity enjoyed by sex crime perpetrators was highlighted in the report as majority of the men who committed the crime did not experience legal consequence or worry about possible repercussion. Less than 10 percent of men who had raped a woman faced any legal consequences for their actions.

Disturbingly, sex offenders seem to start off at a very early age. The report revealed that nearly half of all men who reported using sexual violence first forced a woman into sex when they were below the age of nineteen. Also men who experienced abuse as children are significantly more likely to perpetrate violence against women in later life. The study also suggests the need for programmes and policy steps required to address these concerns and thus prevent violence against women.

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## VIOLENT CRIMES AGAINST WOMEN

# Offender has to prove he is innocent