

UMME WARA

**B**Y resolution 54/134 of 17 December 1999, the United Nations General Assembly designated 25 November as the International Day for the Elimination of Violence against Women, and invited governments, international organizations and NGOs to organise activities designed to raise public awareness of the problem on that day. Women's activists have marked 25 November as a day against violence since 1981. On 20 December 1993 the General Assembly, by resolution 48/104, adopted the Declaration on the Elimination of Violence against Women. This date came from the brutal assassination in 1960, of the three Mirabal sisters, political activists in the Dominican Republic, on orders of Dominican ruler Rafael Trujillo (1930-1961). The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Referring to this definition, the UN mainly focused on "intimate partner violence" and "sexual violence" against women as two most common phenomena. Intimate partner violence refers to behavior by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviors. Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object. Recent global prevalence figures indicate that 35% of women worldwide have experienced either intimate partner violence or non-partner sexual violence in their lifetime and 38% of murders of women are committed by an intimate partner. Violence can result in physical, mental, sexual, reproductive health and other health problems, and may increase vulnerability to HIV. Population-level surveys based on reports from victims provide the most accurate estimates of the prevalence of intimate partner violence and sexual violence in non-conflict

settings. The first report of the "WHO Multi-country study on women's health and domestic violence against women" (2005) in 10 mainly developing countries found that, among women aged 15-49: between 15% of women in Japan and 71% of women in Ethiopia reported physical and/or sexual violence by an intimate partner in their lifetime; between 0.3-11.5% of women reported experiencing sexual violence by a non-partner since the age of 15 years; the first sexual experience for many women was reported as forced - 17% in rural Tanzania, 24% in rural Peru, and 30% in rural Bangladesh.

Factors found to be associated with intimate partner and sexual violence occur within individuals, families and communities and wider society. Some factors are associated with being a perpetrator of violence, some are associated with experiencing violence and some are associated with both. Risk factors for both intimate partner and sexual violence include lower levels of education, exposure to child maltreatment, witnessing family violence, antisocial personality disorder, harmful use of alcohol, having multiple partners or suspected by their partners of infidelity and attitudes that are accepting of violence and gender inequality.

Intimate partner and sexual violence have serious short- and long-term physical, mental, sexual and reproductive health problems for survivors and for their children, and lead to high social and economic costs. Violence against women can have fatal results like homicide or suicide and it can also lead to injuries, with 42% of women who experience intimate partner reporting an injury as consequences of this violence. Intimate partner violence and sexual violence can lead to unintended preg-

HUMAN RIGHTS  
RIGHTS  
RIGHTS ADVOCACY

# End violence against women

**NO  
Violence  
AGAINST WOMEN**

nancies, induced abortions, gynecological problems, and sexually transmitted infections, including HIV. The 2013 analysis found that women who had been physically or sexually abused were 1.5 times more likely to have a sexually transmitted infection and, in some regions, HIV, compared to women who have not experienced partner violence. They are also twice as likely to have an abortion. Intimate partner violence in pregnancy also increases the likelihood of miscarriage, stillbirth, pre-term delivery and low birth weight babies. These forms of violence can lead to depression, post-traumatic stress disorder, sleep difficulties, eating disorders, emotional distress and suicide attempts. The same study found that women who have experienced intimate partner violence were

almost twice as likely to experience depression and problem drinking. The rate was even higher for women who had experienced non partner sexual violence.

Violence against women has been criminalised in Bangladesh by enacting various laws which call for harsh punishments. For example, the Prevention of Women and Children Repression Act 2000 provides for a sentence of death or life imprisonment and financial penalty to a husband or any of his relatives who cause or attempt to cause death or grievous injury to a wife on account of dowry. But do provisions like this can prevent violence against women in male predominant reality of Bangladesh? The offenders and the victims even do not know that there are laws in Bangladesh where they can get punishment or redress from. Whatever is the cause of violence, offenders deserve punishment but it comes to prevention of violence against women, more awareness program, educational and media initiatives are

needed. Regarding implementation of laws, ineffective and inadequate mechanisms is a bar in context of Bangladesh. For example: The Domestic Violence (Protection) and Prevention Act, 2010 enables any victim to lodge complaint with a judicial or metropolitan magistrate seeking protection from such violence where as the reality is adequate enforcement officers have not been appointed for every upazila, police station, district and metropolitan area as stipulated in the act. Besides, delays in court proceedings, influential power of the accused, and corruption in the law enforcement agencies are impediments to the elimination of crime and violence against women. Statistics from Ain o Salish Kendra

(ASK) can give an idea of failure of these laws in Bangladesh. From January-September 2013, 868 women and 102 minor were raped where 207 incidents were of gang rape and 482 cases are filed so far. Regarding violence on domestic worker, out of 61 cases only 18 cases are filed so far where 25 of these cases of violence were inflicted on workers aged between 13 and 18. For dowry cases, out of 265 incidents 128 died due to excessive physical torture and violence and 111 cases are filed so far. This statistics shows the degree of violence and the influence of law and order on these issues.

Likewise, international instruments are also not being able to prevent violence against women so far. Bangladesh at first reserved Articles 13(a), 16 (1) (c) and (f), and Article 2, which requires examination of constitutions, laws, and policies and the enactment of a legislative and administrative framework to implement the Convention. However, the government of Bangladesh proceeded to submit reports, including information required by Article 2, and to nominate experts. While a reservation to Article 2 is clearly contrary to the object and purpose of the Convention, neither the Committee nor the State party has belabored the issue. Bangladesh withdrew the reservations to Articles 13(a) and 16 (1)(f) in 1997 but has not withdrawn the Article 2 or 16 (1)(c) reservation. Article 2 reservations frequently are linked to other reservations, as Article 2 refers to the basic constitutional, legal, and policy infrastructure that must be examined and changed to implement CEDAW.

The truth is culture influences society as well as laws because culture is being established over years' practices. The society of this country still believes on male superiority and female inferiority, still believes on dowry not dower, believes on existence of Jannah under husband's feet! So to end the violence against women, we need to start from the root level educating families and especially the children who are the future of Bangladesh. Laws are necessary to fight over discrimination and violence but we will have to prepare the country as well as the future generation that we have to win over all the discriminations and inequalities posed against women all over the world.

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## LAWWATCH



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**W**E are living in a cyber world having enormous benefits of science and technology. We cannot think even a single day without dependence thereof. The vast improvements in the field of medicine, treatment, mechanisation, transportation, railway, modern ocean liner, jet plane, and motor vehicle have made our lives more comfortable and luxurious. The invention of computer, internet and lastly mobile phone have truly revolutionised the world in regards to how we engage in business, recreate, socialise, educate ourselves and communicate with each other. But nowadays miscreants make our lives hell using these gifts of science deliberately.

Cyber crime means an unlawful act wherein the computer is either a tool or a target or both. Virtually, there is no distinction between cyber crime and conventional crime. The distinction lies in the involvement or use of the medium. In case of cyber crime there should be an involve-

## Curbing cyber crime

ment at any stage of the virtual cyber space medium and it is absent in the crime of conventional nature. In 1820, Joseph-Marie Jacquard, a textile manufacturer of France, produced a loom that allowed the repetition of a series of steps in the weaving of special fabrics. This resulted in a fear amongst Jacquard's employees that their traditional employment and livelihood were being threatened. They committed acts of sabotage to discourage Jacquard from further use of the new technology. This is the first recorded cyber crime in the world.

In Bangladesh, cyber crime incidents took place first on 23 August 2004 by sending E-mail to the Daily 'Prothom Alo' threatening to kill Sheikh Hasina, the then leader of the opposition in the Parliament and two days later another

email was sent to the Bangladesh Police Headquarters threatening Khaleda Zia, the then Prime Minister, her elder son and some members of the Parliament. The most committed cyber crimes worldwide are -Cyber Pornography, Piracy, Hacking, Virus or Worm Attack, Spam, Cyber Terrorism, Financial Crime, Sale of Illegal Articles, Online Gambling, Intellectual Property Crime, Email Spoofing, Forgery, Cyber Defamation, Cyber Stalking, E-Mail Bombing, Data Diddling, Salami Attacks, Denial of Service Attack, Logic Bomb, Trojan Attack, Web Jacking Etc.

**Legal response to cyber crime in Bangladesh**  
In order to facilitate e-commerce and encourage the growth of information technology, the ICT Act, 2006 was enacted making provisions with a maximum punishment of 10 years imprisonment or fine up to taka 10 million or with both.

However, recently our Parliament amended the ICT Act 2006, raising penalties for cyber crimes setting a minimum

of 7 years imprisonment and a maximum of 14 years or a fine of Tk. 1 crore or both. The bill made offences under sections 54, 56, 57 and 61 of the ICT Act, 2006 cognizable and non-bail able, empowering law enforcers to arrest anyone accused of violating the law without a warrant, by invoking section 54 of the Code of Criminal Procedure. All such offences were non-cognizable in the ICT Act, 2006. However, all concerned apprehend of the misuse of the power by the police. The ICT Act, 2006 as amended in 2013 is obviously a brilliant achievement of Bangladesh in the field of cyber law. Critics point out that still there remain certain specific limitations of the said Act as under.

(1)The Act remains silent about various intellectual property rights like copy right, trade mark and patent right of e-information and data.

(2)The enactment has a major effect on e-commerce and m-commerce in Bangladesh. But it keeps itself mum as to electronic payment of any transaction.

(3)The legislation was initially supposed to be applied to crimes committed all over the world; but nobody knows how this can be achieved in practice.

(4)Spamming has become a peril in the west as such they have made anti spamming provisions in cyber law. However, there is no anti spamming provision in our Act.

(5)Domain name is the major issue which relates to the internet world thoroughly. But the ICT

Act, 2006 does not define 'domain name' and the rights and liabilities relating to this.

(6)The Act does not address any crime committed through using mobile phones.

(7)This law made e-mails as evidence, conflicting with the country's Evidence Act that does not recognize as e-mails as evidence.

We hope our government would take proper initiative to get rid of the problems for ensuring a cyber crime free peaceful society.

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## LAW NEWS

### How aid restrictions impact Rohingyas

**L**IMITED humanitarian access continues to have an adverse effect on the lives of hundreds of thousands of Rohingya refugees in southeastern Bangladesh. Aid workers and activists say Rohingya communities fear that what little support they have might disappear as a result of threats made by the Bangladeshi government to further limit humanitarian activities. "When we hear the humanitarians might leave I feel really bad. Whatever [medical] treatment and support we get, we wouldn't get it anymore," said Munrul Indrus, a Rohingya employee of an international humanitarian organization in the Cox's Bazar area, who declined to give his real name. "At least now we have a latrine and running water and some [medical] treatment - none of those would be there anymore," he told IRIN.

According to the UN Refugee Agency (UNHCR), there are more than 200,000 Rohingyas in Bangladesh, of whom only 30,000 are documented and living in two government camps assisted by the agency, both within 2km of Myanmar. The vast majority live in informal settlements or towns and cities with scant or no assistance. UNHCR is only allowed to assist those who registered before 1992, when the process was discontinued by the government, leaving most Rohingya - an ethnic, linguistic and religious minority who fled en masse from neighbouring Myanmar decades ago - undocumented. Under Myanmar law, the Rohingya are considered stateless. This leaves the hundreds of thousands who arrived subsequently in Bangladesh without access to documentation or registration, and living in what Médecins Sans Frontières (MSF) describes as "deplorable conditions," in their latest activity report.

#### Violence against women a major concern

"When one of the local men broke into my house and started to rape me, all of my neighbours knew it, but they didn't do anything because they know there is no justice system for refugees," said Binara Salil (not her real name), 38, a Rohingya mother of three who lives in a UNHCR-administered camp.

She reported the rape to the camp administration and the UNHCR immediately afterwards, but it was two to three months before a security guard was stationed temporarily at her home, and the perpetrator was never punished. Experts also point to growing violence against the Rohingyas, stressing the need for access to justice.

The environment around some of the Rohingya settlements has become more aggressive recently, "with fights breaking out and an increase in violence against women," Melanie Teff, a senior advocate for Refugees International, told IRIN from London. "Without registration or any legal status in Bangladesh, refugees who fall victim to such violence have no legal recourse," she said.

#### Desperate situations call for desperate measures

Without food aid, unregistered people are forced into illegal activities to survive.

"We have latrines and water, but people also need housing and food. As we don't have it, we have to go find work to pay for it," said Indrus. In January 2013, the UNHCR released a statement saying that "people [living outside the official camp] have found informal ways to survive without government or UNHCR support."

But such coping methods can also put people in danger of abuse and arrest. "Whenever we leave our homes to seek work, there are now two check posts even before we reach the first town. If we get caught, the police ask us for money or send us to jail," said Indrus.

In Bangladesh, one of the most densely populated countries in the world, "strong competition over work, living space and resources is inevitable at a local level [and] the stateless Rohingya are left highly vulnerable," MSF reported in 2010.

## RIGHTS INVESTIGATION

### Malnourished right to nutrition



security. Between 2000 and 2007, Bangladesh was largely self-sufficient in terms of production of rice. However, improvements in caloric availability have not translated into positive effects on maternal health and child nutrition. Low dietary diversity and lack of equitable distribution of food manifest as vitamin and mineral deficiencies and maternal and child malnutrition.

Available statistics on nutrition sound very bleak. It reveals that almost 36 percent of children under-five are

underweight and 41 percent of all children in the same age

group shows stunting in consequence of malnutrition. When we have such a vast number of malnourished or undernourished children we are looking to a stunted future. So many babies with impaired physical and mental faculties conjure up the image of nearly half of the adult population being at a debilitating disadvantage to contribute to the nation's future.

As it has been estimated, at least 4.9 lakh litres of milk goes sour or sells for throwaway prices on a hartal day, as leading dairy producers Milk Vita, Brac and Pran have stopped buying and transporting milk fearing shutdown violence. According to an estimate of Bangladesh Milk Producers' Cooperative Union Ltd, that owns Milk Vita, at least 1.5 lakh dairy farmers with unsold milk and around 5,000 transporters without pay have to go through untold hardship during the politically troubled times.

Who are the ultimate sufferers? This affects millions of consumers including children, senior citizens and ailing people, who remain deprived of essential nutrition of milk. Children and mothers from extreme poor households not only suffer from low income in a Hartal day, but forced also to compromise quality and quantity of food items largely due to scarcity of food in the local market.

To conclude, Children having nutritious food are likely to do well in the school. The first 1,000 days [from the day a woman becomes pregnant to the time that child turns two] is the most critical period to build the nutrition profile of a child. Both parties in power and parties engaged in demonstrations have responsibilities towards children and mother. What are the political parties aiming for while depriving them from essential nutrition?

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OLI MD. ABDULLAH CHOWDHURY

**M**ANY children in Bangladesh are suffering from malnutrition. In the prevailing nutritional status, it was surprising to see the front-page news (The Daily Star/ November 13, 2013) related to sufferings of milkmen forced to sell their milk in many locations due to unavailability of transport amidst Hartal. Researchers have long been drawing attention towards malnutrition of children. Recent increases in violent political programme have taken its toll on children in a number of ways. While many children suffered injuries recently by mistakenly picking crude bombs left by political hooligans in the street, children from underprivileged communities suffer in other means too.

The right to adequate nutrition is established in numerous international instruments, from the Universal Declaration of Human Rights (UDHR) to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). It has been stated in Article 24 of the CRC that states must take appropriate measures to diminish infant and child mortality and combat disease and malnutrition through, among other things, the provision of adequate nutritious foods and clean drinking water. Article 12 of CEDAW also requires states to ensure appropriate services in connection with pregnancy as well as adequate nutrition during pregnancy and lactation. All major human rights conventions together with these two major instruments establish a web of nutrition, health, social and economic human rights protections that oblige governments to ensure the right of every woman, child and person to adequate nutrition.

However, caloric availability does not guarantee food

SOURCE: IRINNEWS.ORG.