



ILLUSTRATION: NAHFIA JAHAN MONNI

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Although ASTHA caseworkers conduct regular couple sessions and courtyard meetings to educate people about different forms of gender-based violence, women sometimes share their opinions on this separately. According to an ASTHA caseworker at ASK, women frequently approach her about their painful conjugal lives.

"I remember one woman who had a uterus ailment, so intercourse was excruciating for her. Her husband would not take her to a doctor because he didn't want anybody examining his wife. But he still wanted to have sex every day, even if she was completely unable to respond. He blamed her for not cooperating and ruining their relationship," says Sabita Rani* from Nilganj union of Kalapara. "This woman would ask for ways to be 'cured' and meet her husband's sexual demands in order to protect her marriage."

Speaking to *Star Weekend*, some men of Nilganj Union Parishad area admit

A 2019 study conducted by BRAC's Advocacy for Social Change department found that marital rape is one of the least understood forms of violence against women. Only four percent of the 4,800 people surveyed across all 64 districts of the country consider spousal rape to be a form of violence.

that they didn't know about consent in marital relations. They wanted their wives ready, whenever they wanted.

"Sometimes my wife does not enjoy or is not willing to have intercourse after completing all the household chores, but I never thought it can be rape," says Mobarak Hossain*. "I will try to be careful from now on."

Rights activists have long been advocating against marital rape and women are now more aware of their rights than before. However, criminalising marital rape still has a long way to go in a society where emotional violence is not considered a form of violence by many. Section 375 of the Penal Code does not recognise sexual intercourse forced by a man onto his own wife as rape, unless she is under 13 years of age. Therefore, husbands have no legal obligation to take their wives' consent.

Section 376 also mentions that if a man rapes his own wife, who is under 12 years, the man will be punished for up to two years or fined or both. Under section three of the Domestic Violence Act 2010, if the wife wants, she can take legal steps against her husband. As per chapter two of the Domestic Violence Act, it counts as physical, mental, and psychological abuse if a husband forces his wife into a physical relationship and in the process, causes harm or danger to life, limb, or health, or impairs the development of the victim. This includes assault, criminal intimidation and criminal force, controlling behaviour such as restrictions on mobility, communication, or self-expression. Marital rape is not specifically acknowledged here, but it can still help a woman can seek remedy for her sufferings. It is high time that a more specific law acknowledging marital rape is introduced.

The exemption of marital rape from the definition of rape in law was introduced in the colonial-era Penal Code of 1860. Interestingly, UK itself overturned the exemption of marital rape in its criminal code in 1991, as women rights groups protested the notion that men were entitled to their partner's bodies—but the laws they introduce in our region, still live on. As of 2019, 150 countries have declared marital rape as illegal.

But sadly, criminalisation of marital rape is still a distant dream for Bangladesh as the government is reluctant to illegalise this form of violence. According to Sheepa Hafiza, executive director of ASK, who has been advocating for criminalising marital rape, the government accepted 178 of the 251 recommendations it received from other UN member state during the third Universal Periodic Review (UPR) held in 2018—but criminalisation of marital rape was not one of them. "Although criminalising marital rape was one of these recommendations, the government refused to accept it, as according to them, 'our legal system does not acknowledge this yet'," says Hafiza.

*Respondents' names have been changed to protect their privacy.