

WOMEN AND LAW

Addressing the root causes of
VIOLENCE AGAINST WOMEN

Comprehensive measures that challenge patriarchal structures, promote gender equality, and empower women economically and socially are essential for reducing violence and ensuring that legal protections are not only theoretical but also practically effective.

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The Constitution of the People's Republic of Bangladesh enshrines the principles of freedom, justice, and equality, affirming that all individuals are equal before the law and entitled to equal protection under it. Furthermore, the Constitution upholds the principle of non-discrimination, with a specific commitment to ensuring gender equality. Thus, the country's core objective is to establish a society free from exploitation, where the rule of law, fundamental human rights, and political, economic, and social equity are guaranteed for all citizens.

Despite the constitutional commitment and the existence of numerous laws aimed at combating discrimination and violence against women, incidents of such violence in Bangladesh continue to rise at an alarming rate. Ain o Salish Kendra's (ASK) most recent data reveals alarming statistics about the prevalence of violence against women in Bangladesh. Between January and September 2023, 158 women were murdered as a result of violence. According to the non-governmental organisation Light House, a staggering 9,764 women fell victim to violence over a one-year period. This figure includes 4,360 cases of rape and 450 murders following rape. In total,

17,027 incidents of violence against women were reported during this period. These figures not only underscore the urgent need for stronger enforcement of existing laws but also highlight the deeply entrenched societal issues contributing to the patterns of violence. This piece aims to highlight that, in addition to legal shortcomings, there are several other critical factors that contribute to the persistence of violence against women, a grave violation of human rights which need to be addressed.

One of the most significant contributors is the social norms and cultural attitudes that perpetuate gender inequality. These traditional beliefs often position women as subordinate to men, fostering an environment where violence is normalised or even justified. Social norms that promote male dominance and control over women such as those linked to dowry practices, the expectation of women's submission, and the tolerance of domestic abuse create a backdrop in which violence against women is not only accepted but, in some cases, expected. In Bangladesh, the financial dependency of women on men and the social perception of male superiority contribute significantly to the prevalence of violence against women too. These cultural and economic factors create an environment

in which women's rights and safety are continually undermined, even in the face of stringent laws. Thus, while legal reform is important, it is equally crucial to address these underlying societal issues. Comprehensive measures that challenge patriarchal structures, promote gender equality, and empower women economically and socially are essential for reducing violence and ensuring that legal protections are not only theoretical but also practically effective.

Education plays a crucial role in shaping attitudes. Teaching children from a young age about mutual respect, equality, and non-violence is essential to breaking the cycle of intergenerational abuse. Schools should incorporate programs on healthy relationships, gender equality, and conflict resolution, equipping future generations with the knowledge and skills to promote respect and prevent violence. To ensure the effective prevention and response to violence, local monitoring bodies should be established in each union or district. These bodies would be responsible for receiving complaints, providing support to victims, and ensuring that perpetrators are held accountable. They should have the authority to initiate investigations and take action to address complaints, ensuring that no act of violence goes unaccounted for. The government, civil society organisations, and communities must work together to address both the symptoms and root causes of gender-based violence.

A major cause underlying gender-based violence is gender-based discrimination. In this context, it is important for us to discuss anew the draft Anti-Discrimination Act 2022.

The bill's reactive nature was underscored by experts as one of its main problems. The usefulness of the law in preventing discrimination in the first place was evidently limited because it intended to take effect only after a discriminatory act has taken place. The draft did not deal with the underlying causes of discrimination or take preventive steps to stop it. The bill thus ran the risk of being only a cosmetic tool given the underlying structural and societal problems remained unaddressed. This is high time we enacted an effective law to prevent discrimination which would eventually help effectively combat violence against women in Bangladesh.

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LAW LESSONS

Should Bangladesh go for "Green tribunals"?

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Bangladesh has long been prone to the adverse impacts of climate change coupled with environmental degradation and pollution due to the ineffectiveness of the enforcement mechanisms available for environment conservation. In this regard, the case of India instructive. India promulgated the National Green Tribunal Act (NGTA) 2010 establishing National Green Tribunals (NGTs) for the speedy and efficient disposal of cases related to the protection and conservation of the environment, natural resources and wildlife.

Environment adjudication in Bangladesh is dealt with by two laws: the Bangladesh Environment Conservation Act (BECA) 1995 and the Environment Court Act (ECA) 2010. The ECA does not entail any expertise that one needs to be appointed in the environment courts in Bangladesh whereas, section 4 of the NTGA provides for such provisions given the scientific and technical nature of environmental violations.

The environment courts, constituted under the ECA, fall short on the question of enforcement. For instance, sections 15 and 16 of the BECA provide that the court can impose a maximum fine of taka ten lac (with or without other punishments)



for both natural and juristic persons irrespective of the gravity of offences. In a bid to ensure compliance with the judicial decisions, section 26 of the NGTA (India), however, provides that non-compliance with any direction of the NGT or any of its judgments will result in imprisonment for three years or a fine, which may extend to 10 to 25 crore rupees or both. The emphasis on compliance along with punitive measures is indeed crucial.

Section 4 of the ECA provides that the environment court shall be composed of one Joint District Judge. In reality, s/he plays the role of a part-time judge in the environment courts alongside being a full-time civil court judge with a huge backlog of cases in the civil courts. In contrast, the NGT (India) provides in section 5(3) that the Chairperson and other judicial and expert members of the tribunal are not allowed to hold any other offices during their appointment which makes the NGT judges much more efficient.

The procedural limitation is minimal in the NGTA (India) as it provides in sections 19(1) and 19(3) that the tribunal is not bound by the procedure laid down in the Bharatiya Nagarik Suraksha Sanhita 2023 (The Indian Code of Criminal Procedure) or rules of evidence contained in the Bharatiya Sakhya Adhiniyam 2023 (Indian Evidence Act). In the context of Bangladesh, however, section 14(1) and 14(6) of the ECA have provided for the application of CPC 1908 and CrPC 1898 in the trial and disposal of environmental suits and cases. The NGT works on internationally recognised principles such as the "polluter pays principle" and "sustainable development" as per section 20

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As a result of armed conflicts, communities are left to bear the environmental and human costs of war long after the conflicts end. These impacts, often unseen and unmeasured, deprive future generations of a sustainable environment, healthy food sources, and safe water supplies.

LAWS OF WAR

The neglected environmental aspect of armed conflicts

SHAIKH SHOHAG HOSSAIN

It is important to recognise the hidden costs that armed conflicts inflict upon the environment and the communities living in the affected areas. While the loss of human lives and destruction of infrastructures are painfully evident, the environmental devastation result in long-term damage to ecosystems, health, and livelihoods too, that often go unacknowledged.

When conflicts erupt, they do not just affect combatants and civilians directly involved; they also leave scars on the environment that indirectly affect future generations. The destruction of natural resources, pollution of water supplies, deforestation, soil erosion, and biodiversity losses are some of the irreversible impacts of war on the environment. Environmental exploitation during conflict frequently manifests in the form of scorched earth tactics, uncontrolled waste disposal, and unrestricted mining. These activities not only damage the local ecosystem but also have a significant influence on the communities that rely on these resources for survival.

International law offers some protection to the environment during armed conflicts. Additional Protocol I of the Geneva Conventions explicitly prohibits methods of warfare that may cause "widespread, long-term, and severe" damage to the environment. Additionally, the United Nations Environment Programme has highlighted the need for accountability for environmental destruction during wartime. Despite these provisions, enforcement remains challenging, and many conflicts continue to devastate ecosystems with impunity. Efforts by the International Law Commission to draft principles on protecting the environment in relation to armed conflicts are a hopeful step. However, since these are without binding authority, such initiatives remain largely symbolic.

One of the most pressing examples of environmental exploitation in conflict zones is the ongoing situation in Palestine. Decades of conflict have left Palestine's environment in a state of ruin, impacting everything from agricultural lands to access to clean

water. The Israeli-Palestinian war has led to restrictions on Palestinian access to essential water resources, leaving many communities with grossly limited or contaminated water supplies. The destruction of olive groves and agricultural lands not only disrupts the market economy but also erodes the land, making it difficult for communities to cultivate crops or sustain livestock.

Moreover, pollutants from destroyed infrastructure, discarded ammunition, and military equipment have contaminated Palestinian soil and water sources. According to the UNEP, such environmental degradation disproportionately affects Palestinians, who rely heavily on agriculture and limited natural resources. This ongoing environmental impact represents a form of structural violence, as it continues to undermine the livelihoods and health of Palestinian civilians, especially those in Gaza, where environmental destruction has exacerbated living conditions to critical levels.

Other conflicting regions suffer similarly. In Iraq, years of conflict have turned the Tigris and Euphrates rivers, once lifelines for agriculture and drinking water, into polluted channels. In the Democratic Republic of the Congo, conflict-driven mineral extraction has resulted in severe deforestation and habitat loss, threatening biodiversity and

the health of communities. Syria's once-fertile lands are now barren, with soils and water sources contaminated by extensive bombings, pushing countless farmers into poverty.

In each of these cases, communities are left to bear the environmental and human costs of war long after the conflicts end. These impacts, often unseen and unmeasured, deprive future generations of sustainable environment, healthy food sources, and safe water supplies. To address these issues, there must be an international commitment to uphold and strengthen legal protections for the environment during armed conflict. Expanding the scope of the Geneva Conventions and ensuring accountability for environmental harm can offer some relief. An international mechanism for investigating and prosecuting environmental war crimes could act as a deterrent too.

Moreover, rebuilding efforts should prioritise environmental rehabilitation as a critical aspect of post-conflict recovery. The restoration of ecosystems, cleaning of polluted water sources, and reforestation efforts can help communities regain their self-sufficiency and rebuild livelihoods disrupted by conflict.

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of the NGTA (India), which are absent in our law. Another strength of the NGT is that it promotes ADR mechanisms and out of court settlement procedures.

Even though the NGTA (India) is not free from criticism and shortcomings, its successes outweigh its limitations. Some limitations include having no fixed formula for calculating the compensation, lack of judicial independence as the rules of the NGTA (India) allow bureaucrats to be appointed in the tribunal, lack of resources for the judges of the tribunals and insufficient number of benches. Despite the shortcomings, according to reports, around 36,356 cases have been filed and only 2,404 cases stand pending before the NGT. Bangladesh can take lessons from India and establish an improved version of green tribunals and a new Act.

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