

Domestic Violence against Women in Bangladesh: Analysis from a Socio-legal Perspective

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Abstract: In Bangladesh, the patriarchal capitalism puts women in such a position within their communities that they always remain subordinate under male domination and in many cases this is reflected through violence (Hadi, 2009). Thus a woman commonly has risk of experiencing domestic violence within her family and it is not very surprising that the husband is more likely to assault and/or batter his wife if she fails to meet his dowry demands or to perform household work. Given the scale of the human rights violation against women within family this article concentrates on the socio-legal concerns of domestic violence problem in Bangladesh. The study in the beginning focuses on the socio-economic cost due to domestic violence in Bangladesh and then finds out the domestic violence prevention mechanisms through national law and international human rights obligations of the state.

Introduction

Violence against women (VAW), materialization of a historic unequal power relation between sexes, is a form of discrimination and mistreatment of women which results in physical, psychological, and socioeconomic costs to women and society as well. Termed as a global epidemic, VAW is as much fatal as any serious diseases or accidents that causes deaths of women of reproductive ages (World Bank, 1993); and is one of the most disgraceful expressions of human rights violation across the world. WHO multi-country study (10 countries including Bangladesh) demonstrates that most of the women in the study areas experience physical and sexual spousal violence in their lifetime, ranged from 15% to 71% (WHO, 2005). In Bangladesh, VAW is a very common practice which denies women's equal opportunity, security, self-esteem, and dignity in the family and in the society as a whole.

Being in a patriarchal society, powerlessness and vulnerability is associated with women's lives where they are dominated and subjugated by the men. In Bangladesh, women face various forms of violence, ranging from wife abuse to rape, dowry killings, acid throwing, sexual harassment, and sexual slavery through trafficking in women (Zaman, 1999), among which domestic violence is widely prevalent both in urban and rural areas as an everyday matter of women's lives. Deeply rooted subordinate positions of women allow men to dominate and control not only their families and resources (Schuler et al., 1998 stated in Hossain, 2007) but also lives of women. Consequently, societal norms and traditional values associated with gender roles and supremacy within households and society tend to trigger, dictate and provoke domestic violence against women in Bangladesh (Koenig et al., 2003).

UN Secretary-General (Annan, 1999) in a video conference on violence against women stated that this violence knows no boundaries of geography, culture or wealth and as long as it continues, we

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cannot claim to be making real progress towards equality, development and peace in the world. Thus, it is highly appreciable to adopt effective strategies for the prevention of violence which involve public awareness campaigns and community-based networks to combat violence and support victims. However, Bangladesh Government has recently passed the Domestic Violence (Prevention and Protection) Act of 2010 for the protection of women and children from family violence and discrimination. However, we observe that in spite of having many legal protections of women in the society, this form of violence is still continuing and in some cases are increasing day-by-day as evidenced by the recent magnitude of eve teasing and acid abuse. In this context, our aim in this article is to disclose the socio-economic factors and effects of the domestic violence occurring in the community of Bangladesh and to look for national and international legal protection for the victims; and finally, some interventions are recommended to be taken in compliance with national and international legal instruments.

'Domestic Violence': Definition and Forms

Domestic violence is purposeful, and is commonly used as a form of control, the assertion of one member above the others. However, this violence grows out of inequality within marriage and reinforces male dominance and female subordination within the home and outside it (Yllö, 2005). Various researchers, advocates, and theorists who have studied and worked with women subjected to abuse have catalogued many types of abuses as domestic violence. Domestic violence is defined as a pattern of behavior in a relationship by which the batterer attempts to control his victim through a variety of tactics These tactics may include fear and intimidation, any kind of abuse, destruction of property and pets, isolation and imprisonment, economic abuse, and rigid expectations of sex roles (Postmus, 2000 cited in Johnson, 2008).

UNICEF (2008) includes different forms of abuse and exploitation in defining domestic violence perpetrated by intimate partners and other family members- "*Physical abuse* such as slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon, and murder. It also includes traditional practices harmful to women such as female genital mutilation in African society or honor killings as well as *sexual abuse* such as coerced sex through threats, intimidation or physical force, forcing unwanted sexual acts or forcing sex with others. *Psychological abuse* which includes behaviour that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation. *Economic abuse* includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care, employment, etc". (ibid, 2008)

However, in a recent study (Centre for Policy Dialogue, 2009) it has been observed that mainly four types of domestic violence, i.e. physical, psychological, economic and sexual abuse and violence 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 victims reported economic violence and 84 per cent reported psychological violence committed by their husbands.

Magnitude and socioeconomic costs of domestic violence in Bangladesh:

Several studies have indicated that domestic violence against women, especially violence perpetrated by a woman's husband, is a serious problem in Bangladesh (Bhuiya et al., 2003). For instance, a study by Khanom (1999) shows that most of the violence is done by husband (46.48%). Although domestic violence includes child abuse, parent abuse and in-law abuse committed by male aggressors on female victims, available information from research indicated that the "most common type of violence in Bangladesh against women is domestic violence perpetrated by intimate partners or ex partners" (Heise et al., 1994).

Most of the women in Bangladesh experience DV in their lives which takes different forms of abuses, i.e. physical (slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, murder), psychological (threats of abandonment or abuse, to take away custody of the children, verbal aggression and humiliation, threats of killings), sexual abuse (coerced sex through threats, intimidation, forcing unwanted sexual acts), economic (denial of funds, refusal to contribute financially, denial of food and basic needs, controlling access to health care and employment) etc. In Bangladesh, though the magnitude of some of the DVAW is highly alarming, till now there is no organized information on the extent, nature and context of DV.

Women experiencing DV or living with its consequences are under-reported because in most cases violence is considered as personal or family matter. Moreover, the way of treating women socially is not gender-sensitive, and sometimes the fears of increasing sufferings or vulnerability by the victim reduce the number of violence to be reported and even expressed to others. A significant number of DV in Bangladesh is under-reported due to social stigma; women are accused of provoking the violence by their disobedience, failure as a wife, or infidelity; in fact, they have to consider the trade-offs between sufferings of violence and losing reputation in the society which contributes to the fewer reporting of the DV in Bangladesh. Though, women report about DV only when it becomes a serious problem or threats to life. The magnitude is so high that Bangladesh ranked second in 2002 (The Independent, 2002) and fourth (Daily Star, 2003) in 2003 in the world in terms of different forms of violence against women; and sixty-five percent of Bangladeshi men perceived wife beating as justified (stated in Immigration and Refugee Board of Canada, 2004). Odhikar, a human rights coalition group in Bangladesh, reported that at the first nine month of 2003, in Bangladesh 278 women were victims of dowry related violence among those 184 were killed, 20 committed suicide, 67 were physically tortured, 11 sustained injuries from acid attacks and 2 were divorced (ibid, 2004). Farouk (2005) in her paper prepared for the Expert Group Meeting of UN Division for the Advancement of Women summarized the DV reports from 9 leading daily newspapers and observed that number of DV has increased from 530 in 2001 to 1164 cases in 2004; moreover, in 2000

Bangladesh ranked first in wife-beating. According to recent research by International Center for Diarrhoeal Disease Research-Bangladesh (2006), "60 per cent of women in Bangladesh experience some form of domestic violence during their lives. One Stop Crisis Centre, a Bangladesh based NGO that supports women victims of violence, reveals that almost 70 per cent of sexual abuse suffered by women occurs within their own homes. An estimated 200 women are murdered each year in Bangladesh when their families cannot pay their dowry, says Oxfam Australia".

Physical abuse or beating wives by husbands is almost a universal form of domestic violence against women. Worldwide 10-70% of women found being physically violated by their intimate partners in their lives (Ahmed, 2005). Bhuyia et al. (2003) in their study demonstrated that around seven in ten (66.8%) women were vulnerable to abusive words against them and their parents by their husbands; and most of the women were physically abused by their husbands and were seriously injured to consult a healthcare provider.

DVAW is now seriously undertaken by national and international bodies due to its direct adverse consequences to women's physical, mental, sexual and reproductive health as well as socioeconomic consequences. Spousal violence against women is an everyday matter which results in problems both for society and for the women.

Violence in marriage or within families is perceived as the most undesirable situation for women because at home where they should have security and worthy position, instead they are usually in threats of possible intentional attacks by the closest ones which consequently have physical impact as well as mental tolls. Female homicides, maternal mortality, injuries, pain, dizziness, memory loss, problems with walking and carrying out daily activities are the direct health problems for women in Bangladesh caused from physical violence. Most of the physically violated women suffer injuries as a result of this violence. Spousal violence injuries adversely affect the health of women which sometime even causes death of many women. A study by Paltiel (1987) observed that almost half household deaths of women in Bangladesh occur for serious beating by husband (stated in Ahmed 2005). Moreover, domestic violence carries a risk of death instigating the idea of the meaninglessness of life which encourage women to kill themselves. Physically and/or sexually violated women face different reproductive health problems, such as pelvic pain, reproductive tract infections, symptoms of irritable bowel syndrome, gynecological problems at the time of pregnancy, miscarriage and low birth weight babies, low rate of contraceptive use, even abusive husbands suffer from sexually transmitted diseases (STD) that ultimately makes women vulnerable to STDs as well as fear, anxiety, fatigue, posttraumatic stress disorder, sleeping and eating disturbances are the common psychological problems suffered by abused women (Fikreeu and Bhatti, 1999).

Though an economic cost of DV is important for the community it is not well addressed in analysis especially in developing countries. The US Centers for Disease Control and Prevention identified direct and indirect costs of DV including healthcare, judicial, and social services, and value of loss of

productivity from work and the lifetime earnings for DV deaths; and found that in 1995 DV costs \$4 billion for healthcare services in US (Morrison et al., 2007). In Bangladesh, there is still a gap in estimating the economic costs of DV.

Factors contributing to DVAW:

Many researchers and theorists discovering the factors associated to violence against women focus on the ecological approach which covers factors of individual, partner, and social context. In Bangladesh, marital violence against women are also linked to women's individual attributes like age, education, economic autonomy, empowerment, previous victimization and history of violence in parental family. Partner's attributes includes age, education, employment, use of alcohol and drugs, history of violence in parental family, level of communication with her. The social factors are level of economic inequality between men and women, level of female autonomy, attitudes towards gender roles and violence against women, the extent of extended family, neighbours and friends intervention in domestic violence incidents and some measure of social capital (Ahmed, 2005; Koenig et al., 2003; Morrison et al., 2007; Naved and Persson, 2005).

Women in Bangladesh face violence for very trivial matters. In most cases, they suffer without any reason which is the definite demonstration of subordinate position of women in the patriarchal society. From the reasons which are identified through different qualitative and quantitative research we can see how women are positioned in the marital relations or in the family where she spends or want to spend all of her energy and resources. In a study, it is revealed that the most frequently-mentioned reasons for violence included questioning the husband in day-to-day matters, failure of the wife to perform household work satisfactorily, economic hardship of the family, failure of the wife to take proper care of the children, not conforming to veil or other expected behavior, inability to bring money from parental home, not taking good care of in-laws and relatives, and husband's frustrations in relation to his various activities even dark complexion of children (Bhuyia et al., 2003).

Women are even violated by the husband and in-laws if she is incapable of giving birth to a child or a son. In this stage, she usually faces humiliation, verbal abuse, mental or physical torture, force to conceive again and again until a male child is born, or husband divorces her or marries again (Hossain, 2007). Another most common reason in Bangladesh that initiates violence against women and many women are giving their lives from either homicides or suicides is the increasing prevalence of dowry for which is strictly prohibited. But due to socioeconomic hardships and treating women as the economic burden to the in-laws or husbands' family, dowry is widely prevalent among all social sections in different names. In addition, covetous nature of men and society perpetuating dowry and violating wives for not getting the expected dowry causes many deaths of women.

However, in most cases women live with the abusive husband and in-laws by considering their socioeconomic dependence on men. To consider leaving the husband in the face of violence may induce sufferings for children, no place to go- place at paternal home lost at the time of marriage,

and social stigma to broken marriage which Bhuyia et al. (2003) termed as an interplay of economic and cultural factors in perpetuating violence against women. Moreover, in Bangladesh, through the gender socialization, women come to see dependence and deprivation relative to male family members as natural, a logic that encourages them to accept the violent behaviour against them (Schuler et al., 1998). Institutionalized social norm make women perceive violence as justified, and as they do not have any places to go they have to believe that violence is the only destiny of women, which they cannot escape until death.

In Bangladesh, different social and behavioural traits like age, education, socioeconomic status, family pattern, religion etc. are associated with domestic violence. Research reveals that wife's age and marital duration are associated with violence; younger women are more at risk of domestic violence than the older women (Schuler et al, 1998; Koenig et al. 2003), and longer the marital partnership lesser the violence. Consequently, child marriage, which is very common in rural areas, contributes to the high rate of the continuation of DV. Increased education of both spouses is linked to lesser risks of women to be violated within marriage.

Men from low socioeconomic levels have greater probability of perpetrating violence against wife. Slum dwellers, alcohol and drug users, STDs infected men are more violent to their wives. In some cases, witnesses of violent behaviour at parental home increased the likelihood of being violated or perpetrating violence. Naved and Persson (2005) revealed that husband's violent behaviour is associated with the history of abuse of husband's mother by his father and the women who has witnessed the violent behaviour of her father against her mother in the parental house increases her chance to be violated by her partner; and in this case she accepts it as a common fate of all women in the society.

Though general assumption that women's increasing roles to market economy increase women's autonomy and empower them in the family and society, researchers found that women's economic independence and autonomy trigger new forms of violence in response to general social reaction against their violation of traditional patriarchal social norms, control of assets and earnings, their protest of unfair exploitation and discrimination (Schuler et al., 1998; Farouk, 2005).

In Bangladesh, due to existing socioeconomic and political systems domestic violence against women is not only manifestation of gender inequality, but also serves to continue this and as a result DV is accepted and tolerated here; and once a woman is victimized by DV, her probability to be victimized again is very high. Discriminatory and exploitative inheritance system and marital laws are two crucial facts in social and state systems rooted in traditions and culture which obstruct women's well being at every stage of life. In practice, patrilineal inheritance and ownership system in Bangladesh perpetuating the male domination in interpersonal and social relationships which trigger and perpetuate the abuse of women. This unequal property right of women ultimately results in discrimination and exploitation in nearly all aspects of life which is legitimized and reinforced by the

existing socioeconomic system and increases women's powerlessness and vulnerability to the male member of the family which causes DV for lifelong (Zaman, 1999).

Another important system is unequal rights of women in marital life which attributes at the time of marriage, and women remain vulnerable in marital life. One aspect is unilateral divorce right of husband which they enjoy without any complicated legal system, as a result Muslim men use their divorce rights as weapon of DV against their wives; and most of the women are in a threat of divorce in their marital lives. On the other hand, for a long time Muslim women did not have divorce rights within marriage, in contemporary situation though women can exercise their divorce right, but in practice it is not so easy as man's right. A woman seeking a divorce has to go through extensive and complicated legal procedures, and suffers social stigma and often insurmountable difficulties in earning a living after divorce (Zaman, 1999). Indeed, these circumstances oblige women to stay with husband after being violated; and be violated again.

Domestic violence, women's rights and International human rights framework:

International human rights frameworks provide several provisions to protect women from any kind of violation and exploitation derived within and beyond personal life. Notably, equal rights of men and women have been laid down in the national and international human rights treaties. The Universal Declaration of Human Rights 1948 followed by the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) in the first instance provide the initial basis for equal right to men and women. Next to these, the Convention to Eliminate Discrimination against Women (CEDAW) ultimately holds ratifying states accountable for insuring that women's rights are protected under the ICCPR and the ICESCR. Additionally, this convention provides a framework in which ratifying states are held accountable to change cultural norms that oppress women and to enact women-sensitive policies (Freeman, 1993).

In 1992, General Recommendation No. 19 was added to CEDAW, which more explicitly addresses the issue of violence against women by stating that gender-based violence is discriminatory (CEDAW, 1992). The recommendation also notes that previous state reports to the committee did not "adequately reflect the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms" (ibid, 1992). As a result of this deficit, the committee proposed General Recommendation No. 19 to provide a more specific linking of violence against women and discrimination so that state parties would address the issue of VAW in their reviews and report to the committee (Morgaine, 2007).

Subsequently, a new addition was developed, 'the Declaration on the Elimination of Violence against Women 1993' at World Conference on Human Rights in Vienna. The declaration was developed through input from three regional nongovernmental caucuses and preparatory conferences held in Africa, Latin America and the Caribbean, and Asia (ibid, 2007). This convention defines violence against women as physical, sexual, and/or psychological violence within the family,

the community, and/or any violence that is condoned by the state. Some examples included in the definition are marital rape and spousal abuse, sexual harassment, and so on. Although non-binding, the declaration has been viewed as a significant step in the attempt to universalize concern about violence against women.

Combating domestic violence in Bangladesh:

The extent and magnitude of the problem of domestic violence in Bangladesh requires identifying the priority areas for intervention. As stated before, at least half of women in Bangladesh experience domestic violence at least once in their lives. But, there are unfortunately no adequate support groups for victims of domestic violence.

The studies mentioned earlier also clearly portray the violation of women's rights in different forms within their families. Nationwide efforts in this regard are expected to be initiated to combat domestic violence. Legal and other initiatives such as imposing punishments on the perpetrators as well as responses to create awareness and motivational programs are highly encouraged.

Formal protection through national laws?

Though domestic violence is not specifically mentioned in the 1979 CEDAW, General Recommendation 19 states that violence against women is a form of discrimination that inhibits a woman's ability to enjoy rights and freedoms on a basis of equality with men. It asks that governments take this into consideration when reviewing their laws and policies (CEDAW Committee, 1992). As a state party of CEDAW, thus, Bangladesh has the legal obligation to comply with the provisions contained in the convention. Though motivational programs with a view to enhancing social awareness in matters relating to women's human rights have been in action, there were no special laws on domestic violence against women. In connection with that there have been calls for a full-fledged legal enactment from the non-governmental organizations and civil societies to safeguard the rights of women from the adverse effects of domestic violence. Women's rights groups specifically criticized the government for its inaction on the issue, which was widespread and increased during last year. In October, 2010 subsequently parliament passed the Domestic Violence (Protection and Prevention) Bill, that came into force in December of the same year which criminalized domestic violence.

Salient features of the law

The Act in the beginning defines "domestic violence" in article 3 as "abuse in physical, psychological, economical and sexual nature against one person by any other person with whom that person is, or has been, in family relationship, irrespective of the physical location where that act takes place". The key features of the Act are summarized below:

Who can seek protection under the Act

- a. Any woman or children who is or has been at risk of being subjected to domestic violence.
- b. Any victim who is or has been a family relationship with the respondent.
- c. Any handicapped adult who is or has been subjected to domestic violence. Any person can file a complaint on their behalf.

Against whom can a complaint be filed?

- a. Any adult person who has been in a family relationship with the victim
- b. Relatives of the husband or intimate male partner including his male and female relatives.

Forum of relief (Article 4, 5 & 6):

- a. For the purpose of this Act after receiving a complaint a Police Officer, Enforcement Officer or Service Providers shall inform the victim about the availability of the services including medical and legal aid services.
- b. Upon receiving complaint the first class Magistrate shall grant an interim Protection Order or any other order under this Act.
- c. Multiplicity of forum reliefs can be sought in other legal proceedings such as petition for divorce, maintenance.

Court's power to pass protection order:

The Court may pass a decree of compensation ascertainment of victim's injury or damage or loss as a result of domestic violence. The court may also pass at any stage of proceedings for a protection order or for any other relief under this Act, a temporary custody of children of the victim will grant to the victim or the applicant.

Consequences of breach of Protection Order (Articles 30 & 31):

- a. Breach of protection order deemed is a punishable offence though cognizable and bail able.
- b. First contravenes: imprisonment six months or fine up to taka ten thousand or both or engaging in a service benefiting to the community for a period.
- c. Subsequent contravention-imprisonment up to twenty four months and fine up to taka one lac or both or engaging in a service benefiting to the community for a period

After the passage of the bill, critics expressed doubts about its effectiveness since the Act can hardly be implemented without community participation and other logistic support. Mazumder (2010) comments,

To ensure proper enforcement of the law immediate initiatives needed to board creating a social safety net based on community participation that includes supports like counseling and legal aid as protective measures. As long as the question of victim witness protection is involved, to deal with incidences of domestic violence, in particular to execute the Residence Order stipulated in Article 15 of the said law there is no alternative of community intervention -

the efficiency of the community based legal institutions should be enhanced and public confidence into the Local Justice System should be restored.

The proper implementation of the recent Act nonetheless requires better logistics and resource mobilization also. Article 8 of the Act states that the Order Enforcement Officer shall arrange shelter for the victim. But the traditional shelter homes provided by NGOs and Government do not have the proper empowerment programs for the victim. Experiences show that such confinement within the home for a certain period in the name of shelter creates threat to social integration Program, while initiatives are being taken to integrate the survivors to the mainstream of the society (ibid). In this regard the stakeholders need to be prompt to utilize the maximum resources effectively in applying the law in the ground.

Conclusion

Domestic violence in Bangladesh is a major concern of development interventions as well as in human rights perspectives. The paper confirms that since DVAW impediments women's well being and over all development, i.e. it has direct consequences for women's health-physical, mental, sexual and reproductive as well as economic costs, and afterwards adverse effects on psychological development of children. A coordinated effort for practical and efficient interventions need to be made to eliminate this problem where men's supremacy over women needs to be challenged. To eradicate violence against women and help women to achieve lives of equality and dignity, it is necessary to provide them adequate redress and support from the stakeholders. In this regard this socio-legal analysis suggests a comprehensive intervention where protective and preventive measures would be devised to address the problem which will help in changing the patriarchal mindset and behaviour against wife or women.

In Bangladesh most of the women experience domestic violence at the hands of an intimate partner or family member in her lifetime. Acid burning, dowry deaths are not very uncommon in this context. To combat against this violation, the present law should be well implemented. However, despite the deployment of strong laws to deal with the problem, DVAW is increasing. Social awareness raising efforts need to be introduced. Educational programs should focus on patriarchal social norms that perpetuate DV. Increased research on DV can also contribute in addressing the problem identifying crucial factors of interventions. Rehman Sobhan opined that,

“to reduce the costs of domestic violence and in fact to eliminate it from our society, both the civil society and the government have to play their due roles. The civil society organisations have to identify and put forward the best possible agenda to eliminate the *mastans* from the bed rooms. And it is possible with the commitment and cooperation from the government and civil society that can make people aware of the adverse effects of domestic violence upon the family and society” (Centre for Policy Dialogue, 2009).

Simultaneously, media has a prominent role to play in preventing the violence. Electronic and print media both need to cover both extreme and general cases and present it in an objective manner.

It appears finally from the findings that higher educational efforts and priority to empowerment of the women, along with the proper implementation of the women sensitive legislation are more likely to

contribute to protect women from domestic violence in the family. Otherwise it is hardly possible to ensure women's independence in society and to give them equal power within families.

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