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LEGAL SAFEGUARDS FOR VICTIMIZED WOMEN IN BANGLADESH: AN EMPIRICAL STUDY

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Abstract: *In Bangladesh, the ratio of the number of women is much higher than the number of men. The Government has enacted various laws which are especially for women and the penalties which have been incorporated under the laws are also severe. But the rate of victimization is increasing day by day due to lack of proper application of laws and adequate monitoring of the concerned authorities. It is a matter of great concern that most of the occurrences of victimization of women begin at home by their family members or intimate partners and extends to the society afterwards. Women are victimized by different crimes especially sexual abuse, physical assault, mental harassment, persecution, violation of conjugal rights and violation of personal rights i.e. non-payment of dowry, maintenance etc. These are here considered as social crime because of anti-social nature and place of occurrence. The offences are also punishable under different social legislations. As the offences are criminal in nature, and sometimes these are considered also as civil wrongs, both the penalty and compensation could be inflicted by ensuring legal safeguard. In this study, various cases have been analyzed as enlisted in Victim Support Center (VSC) guided by Dhaka Metropolitan Police (DMP). Each of the cases was analyzed in social crime perspective for identifying the causes of victimization with proper recommendations. Finally, it has been observed that there are a lot of laws for protecting the rights of the victimized women, but the outcome level is not satisfactory.*

This paper identifies and analyses the causes for the victimization with a way of solution in reducing the rate of victimization by ensuring legal safeguards in the context of social crime in Bangladesh. It reveals that the number of victimized women from rural area is greater than urban region. It explores that the primary reasons of victimization are dowry, illiteracy, lack of economic independence and income, child marriage and lack of security for women. It also maintains that the consequences of victimization are significantly higher than the other crimes as it causes physical disability, psychological disorder, financial insolvency, emotional disorder and social condemnation that make a negative impact on rest of the life of the victims and their family members simultaneously.

Keywords: *Social crime, Victimization of women, Legal safeguard.*

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Introduction

Women in Bangladesh are subject to various forms of violence because socioeconomic and class-based discrimination, coupled with gender relations, place them in subordinate positions in all aspects of life (Mahtab, 2012). The legal framework appears ineffective in combating patriarchal practices and dominance because of lack of proper application, loopholes and corruption. Thus, women continue to face various forms of violence, harassment and degradation. A large number of women are victimized by social crime especially in domestic violence every year in Bangladesh, mainly over dowry demands by their husbands and in-laws. The general trend of unwillingness to address the issue of domestic violence is very much common in our country what is considered as non-reported crime and the main reason is that domestic violence is a far more deep-rooted and sensitive issue for Bangladeshi society than violence by the police or violence in public spaces, since it raises the question of the abuse of the patriarchal power structure within the family (CPD, 2009). Women are, thus, the largely silent victims and witnesses to domestic violence, rape and other heinous acts and their silence made even more profound due to the social stigma attached to some of the acts of violence they face. Women are discriminated against in public life and within the family. They are sometimes labeled the 'poorest of the poor' due to their low economic status, especially if they are poor women who have been abandoned by their husbands or are poor widows (Bhuiya, 2003).

This paper aims to ascertain the relevant information related to various types, nature, and intensity of violence against women as well as the consequences that causing the physical injury and mental trauma of the victims after having victimized. It also attempts to analyze the phenomenon of women victimization and gain insight into the situations that women face regularly in their daily life. The present study, therefore, attempts to explore the contemporary scenario of the victimization of women in Bangladesh and seeks to identify the proper steps that have to be made by the different level of stakeholders to evacuate those social crimes.

Objectives of the Study

The prime objective of the study is to explore the present trends and major socio-economic factors of the victimization of women in Bangladesh. However, the other specific objectives of the study are as follows:

1. To inquire the factors contributing to victimization of women in terms of their age, sex and social status;

2. To explore the legal safeguards to ensure protection of women's rights;
3. To find out the loopholes and way of solution that may help the victim how to rehabilitate themselves into society;
4. To suggest various ways that may help the victimized women to protect themselves from re-victimization.

Methodology of the Study

In this study, I followed both the qualitative and quantitative method to fulfill my work. Basically, *qualitative method* was chosen to explore the causes of victimization and re-victimization and to promote understanding of how and why such type of victimization was occurred, not just of what occurred. The study was started on the basis of the secondary data; case study has been conducted as primary data and finally observation has been made to identify the factors of victimization. Through data collection, attempts were adopted to find how the women are victimized and the laws are applied and interpreted differently in practice than in theory, and to identify solutions needed to reduce the rate of victimization and re-victimization of women in Bangladesh. For the purpose of the study, relevant cases have been collected personally from the enlisted victims who came to Victim Support Centre (VSC) of Dhaka Metropolitan Police (DMP) and have been analyzed to identify the main trends on the issue. Purposefully fifty victims have been selected; among them four victims have been finalized for the case study which have been discussed somewhere of bellow.

Conception of Crime in Social Perspective

Crime in social perspective is such type of behavior or activity which is anti-social in nature. It is always not considered as an offence against state, sometimes it can be categorized in social perspective. "Crimes are the activities which threaten social order, offend morality, and endanger person or property. For example, accepting a bribe (or corruption) is illegal, but, in reality it is a normal activity indulged in by a large number of people, including the rulers of a country. Similarly, accepting dowry may be seen as a crime by virtue of the Anti-Dowry Act, making it illegal, or, it may be seen as part and parcel of sanctioned social behavior of people in the society" (Nisbet, 1970).

Social Crimes against Women under Special Laws

Crime appears to be a major social, economic, and political issue of today's Bangladesh characterized by hydra-headedness and continuous increased

crime rates (Sarker, 2013). Social crimes are those which are committed under social legislation such as the Dowry Prohibition Act, 1980, the Child Marriage Restraint Act, 1929, the Prevention of Women and Child Repression Act, 2000, the Family Courts Ordinance, 1985. There are various types of crime; some are violent personal crimes those are different from crimes against property. Moreover, a few personal crimes are directly involved with society and it has a social impact. In this article, my aims to discuss the crimes those are especially involved with women and its social effects are much wider than the crimes against state. Social crimes have two dimensions; one is civil and another is criminal. In legal perspective, for civil wrong victims may file a civil suit against the offender. On the other hand, for criminal offence they may also lodge criminal case against the offender. The list of the social crimes under different laws is as follows:

- I) *Dowry violence*: In Bangladesh, the custom of dowry is connected to severe forms of violence, including murder. Physical torture and mental harassment is a form of domestic violence in which bride is physically assaulted at home by her husband or any member of husband's family due to unhappiness over the dowry provided by the victims' family. Already the Government has enacted the Dowry Prohibition Act in 1980 which provides penalty for giving or taking dowry or demanding dowry. Under this Act, if any person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to five years and shall not be less than one year, or with fine, or with both.
- II) *Oppression against women*: Oppression against women means discriminating women on the ground of sex. It also includes physical and psychological torture that causes to physical injury, psychological disorder and post traumatic disorder etc. The Nari O Shishu Nirjatan Daman Ain, 2000 and its amendment in 2003 provides special provisions to control violence against women and also provides legal safeguard for oppressed women in case of sexual harassment and abuse, human trafficking, rape, acid attacks, and forced prostitution.
- III) *Disputes under Family laws*: The Family Courts Ordinance 1985 extends to whole of Bangladesh except the hill districts of Rangamati, Khagrachhari and Bandarban. This law provides that all courts of Assistant Judges shall be Family Courts. Basically Family Courts shall have special jurisdiction to try and dispose of matters relating to

marriage, conjugal relations, dower, maintenance, guardianship and custody of children.

IV) *Trafficking*: In Bangladesh, women and children are the main targets of trafficking. Women and children are often trafficked for the purpose of sexual exploitation, mostly for the growing sex industry in cities and urban areas around the world. Bangladesh is a source and transit country for men, women, and children. Both internal and cross-border trafficking exists in Bangladesh. The Human trafficking Deterrence and Suppression Act 2012 provides a maximum penalty of up to seven years or fifteen thousand taka or both for forced prostitution and its abetment. Besides, the Nari O Shishu Nirjatan Daman Ain, 2000 amended in 2003 provides severe punishment which may extend to death penalty or imprisonment for life or rigorous imprisonment for a term which may extend up to twenty years but not less than ten years.

V) *Sexual violence*: It means any sexual act which is done by coercion and without consent of the victim. It causes various offences like rape, trafficking, degradation etc. Sometimes it is also considered a crime against humanity as it is mentioned in Resolution No-1820(2008) of the UN Security Council.

Process of Victimization of Women in Bangladesh

Here process means how the victims are being victimized in their surrounding arena. According to the criminologist, two theories are common and very much related to the process actually how the victims are frequently victimized in society; one is 'Lifestyle' theory and another is 'Routine Activity' theory.

The different fields of criminology have focused on the relation between criminal offending and criminal victimization. In 20th century, many scholars examined the crime as more than just the behavior of an offender. It is also viewed that the rate of crime has been gradually increasing only for 'system' involving not only an offender but also a target or victim, as well as a time/place that facilitates the offender to target the victims (Wilcox, 2010).

Lifestyle Theory

In criminology, it is observed that lifestyle theory focuses on 'how' a victim is victimized by maintaining their own choices and 'in where' victims are

persecuted frequently. It signifies that the victim herself is also part of process of victimization in social situation that refer to the peer group, friends, social world and environment and also play a vital role as a contributing factor. “Criminologist Larry Siegel holds that such things as an all-male peer group, urban environments, weapons-carrying and excessive partying are all tightly correlated with becoming victims of crime” (Siegel, 2006).

Routine Activity Theory

Routine activity theory is one of the most important theories of “environmental criminology”. This theory has been developed by Marcus Felson and Lawrence E. Cohen. In 2011, a factsheet has been prepared by State of New South Wales (NSW) through the Department of Attorney General and Justice, where it was stated that “a crime occurs when the following three necessary elements come together in any given spaces and time: a) an accessible target; b) the absence of capable guardians that could intervene; c) the presence of a motivated offender” (NSW, 2011).

a) *An accessible target*

An accessible target means a target that can easily be reached to fulfill the intention of criminal. It includes a person, an object or a place. It is also part of criminal opportunity theory which denotes the situation that play as a pull factor to commit a crime (e.g. a person is more probable to be victimized in a recreational area than in his safe and sound or secured home).

b) *Absence of a capable guardian that could intervene*

The common perception of the offender is that most of the guardians are very much interested in protecting against crime. In this sense, capable guardian is not merely indicated as a ‘human element’, but also included Police patrols, security guards, door staff, vigilant staff and co-workers, friends, neighbors. Guardians also perform significant managerial functions in the course of their daily routine actions (NSW, 2011).

c) *A motivated offender*

This is the main theory of ‘environmental criminology’ which assumes that motivated offenders are likely to be more belligerent and commit crime against suitable targets when there is no capable guardian. It looks at crime from an offender’s point of view. It is the offender’s appraisal of circumstances that determines whether a crime will occur or not.

Motivated offenders are not only capable of committing any criminal activity but are enthusiastic to do so (NSW, 2011).

Legal Safeguards for Victimized Women

The Penal Code of Bangladesh contains a few provisions that protect women from various forms of violence and persecution, although it does not specifically define 'sexual assault'. However, offences related to rape, kidnapping, abduction of women, acid throwing or attempt to cause death or grievous injury because of dowry are treated as specific crimes of serious nature (Faruque, 2013). Apart from the Penal Code which prescribes capital punishment for the perpetrators, the government promulgated a number of laws reflecting the provisions of the Penal Code with some modifications necessary to address the specific crimes, including the following:

- a) Dowry Prohibition Act 1980 and its amendment in 1986 make dowry practice a punishable offence by fine and imprisonment.
- b) Prevention of Women and Child Repression Act 2000 amended in 2003 which is called Nari-O-Shisho Nirjaton Domon Ain, provides protection for the victim in the cases of violence against women such as trafficking and kidnapping of woman and child, rape, sexual oppression, acid attacks, dowry, and forced prostitution.
- c) The Suppression of Immoral Traffic Act 1933 provides for detention of women under 18 years of age if found in a place where prostitution is being carried out.
- d) The Family Court Ordinance 1985 provides for the exclusive jurisdiction of the court on matters relating to marriage, dowry, maintenance and guardianship, and custody of children.
- e) Domestic Violence (Prevention and Protection) Act, 2010 provides the legal protection of women enormously. Under this Act, abused women will be entitle shelter, medical facilities; even women will get compensation as per order of court.

Besides the above laws, the government created a permanent Law Commission to review all laws related to protection of women's rights and to provide recommendations wherever required. There are many other laws on protection of women's rights. Some of the laws are directly related to violence against women and some are indirectly related to violence against women but are conducive to upholding the rights and privileges of women

(Faruque, 2013). Supreme Court has already given some guidelines to be followed by universities to protect women-students from sexual harassment. Moreover, some non-governmental organizations (NGOs) have been working to uphold women's rights.

Present Conditions about Victimization of Women in Bangladesh

The Crime Index (2007) revealed that approximately 80 people become victim of various Crime per hour, a number of 699762 persons are become victim in 2007 (Faruque & Khatun, 2007). According to the statistics of the Police Headquarter, the number of incidents of women oppression including those of rape, killing, abduction and sexual harassment reached 12904 in 2009, 16212 in 2010 and 1631 in 2013 (Bangladesh Police, 2013). Bangladesh National Women Lawyer's Association (BNWLA) has revealed on its report "Violence against women in Bangladesh 2010-2011" that a total number of 2960 women become victim of different types of violence including stalking, dowry, rape, trafficking, and domestic violence which has 1725 in 2010 (BNWLA, 2012).

As per UNICEF report, based on data collected from 2005 to 2013, titled "Hidden in plain sight," "In this region [South Asia], sexual abuse is most common in Bangladesh". The report said that the adolescent Bangladeshi victims are less likely to report the matter than adults, with more than four in ten girls convinced that wife-beating is sometimes justifiable. UNICEF study has found that in Bangladesh, one in every five girls aged between 15 and 19 is sexually abused by her husband or partner. The rate of adolescent girls who ever experienced physical and/or sexual violence is 47 percent in Bangladesh. The rate of women aged 20 to 49 years who ever experienced such violence is even higher in the country, close to 50 percent (UNICEF, 2014).

Various Organizations Working for Victimized Women in Bangladesh

Women's right is not a new concept in 21st century. Various Government Organizations (GOs) and Non-government organizations (NGOs) are working for ensuring women rights. Even on 8th March has been observed as Women's day in the whole world.

Different Ministry of Government like Ministry of Education, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Home Affairs, Ministry of Women and Child affairs have been working for rights of women.

The few of steps have been discussed as bellow:

- a) In Bangladesh, Ministry of Women and Child Affairs is the leading ministry which has been implementing a project named Multi-Sectoral Projects on Violence Against Women (VAW) through financial assistance with NORAD including setting up of One-Stop- Crises Centre (OSCC) in the Six Divisional level Medical College Hospitals. This project deals with especially for Acid and Rape victims to make possible quick exploration and necessary medical and legal services.
- c) The other project is implementing to stop Gender Based Violence (GBV) through the economic support of UNFPA. The main objective of this project is to organize communities to end gender-based violence and to bring a change mind-set of male members and in-laws towards gender based violence.

Some NGOs in collaboration with the Ministry of Women and Children Affairs are also involved in the grassroots level to reduce violence against women through training, awareness rising, advocacy and motivation campaign etc. These are as follows:

- a) *Ain o Salish Kendra (ASK)*: It was established in 1986 which has been working for ensuring human rights and providing legal aid to victimized women and children. Initially it provides legal services within Dhaka city, now it extends its activities to all over the country by giving legal aid, mediation, investigation, advocacy, and Public Interest Litigation (PIL). The cardinal objective of the organization is to uphold the rule of law, democracy, human rights, equity and justice (ASK).
- b) *Bangladesh National Women Lawyers' Association (BNWLA)*: This organization was established in 1979 as a lawyer's association based in Dhaka, Bangladesh. Its main goal is "to create equal opportunities and equal rights for every woman and child in the country." Especially, BNWLA promotes the rights and status of women lawyers along with fighting for access to justice for all victimized women and children particularly for the most underprivileged women and children in Bangladesh (BNWLA).
- c) *Bangladesh Legal Aid and Service Trust (BLAST)*: It is one of the principal legal services organizations in Bangladesh, which facilitate the disadvantaged women and children to access to legal aid across the field,

from the subordinate court to the higher court. This organization is very much popular to file Public Interest Litigation (PIL) in different important issues especially to establish the rights of the aggrieved person (women, men and children) who are living in poverty or facing discrimination. It also provides advice, legal aid in different cases which are connected to civil, criminal, and family matters. It also focuses on constitutional rights and remedies, judicial remedies alongside alternative dispute resolution wherever suitable. It also conducts legal training, mediation, and litigation through BLAST's head office and nineteen unit offices all over Bangladesh (BLAST).

Case Study

Case No-01

a) Case Acquaintance

Rabeya, a garment worker came from the disadvantaged family and she was unable to obtain High Secondary School Certificate (HSC) because of Poverty. She was enlisted as General Dairy no 687 and VSC (Victim Support Centre) allegation no 109. She has been treated as “Victim of Domestic Violence” in VSC.

b) Background of Victimization

During her job in garment, she fell into love with Sharif Khan another garment worker in the same factory. They got married with family consent. But eventually they were not happy in their conjugal life because Sharif (offender) did not provide maintenance (Nafaqa) Rabeya (victim) properly. If victim demanded maintenance, the offender used to beating her and demanded money as dowry from the victim. She also gave him money and if she refused to give money, the offender started to torture her. He got second marriage without the permission of her 1st wife i.e., the victim. His second wife and mother-in-law also used to torture the victim both physically and mentally. The offender took almost 5 or 6 lack taka from the victim and her brother at different times by signing stamp. Now victim is in very worse situation and the offender has is insensitive about her sufferings. As she explained:

“Before marriage, he presented himself a very good person to me but after marriage with the passage of time, he was changing day by day. After someday of our marriage, he claims dowry from my family and hurried to do so. Now he appears to me a very hatred person and greedy. If I am able to

provide money, he is satisfied and if not, he becomes furious, and he along with his second wife started to torture me”.

c) Description of Torture

Offender always tortured victim without any reason. He always misbehaved with the victim. On November 30, the victim went to the offender's second wife's house. After reaching there, at one stage of their conversation, they started to quarrel with each other and then started fighting. At that moment, the offender came and started to beat her up. He used to assault her on the way to home and even after reaching home his cruelty did not end. He hurt her with a big stone causing grievous injury in her head and still she is suffering from severe pain. As she mentioned:

I was puzzled to see the cruelty of my husband. He started to beating and in filthy diatribe to me by the provocation of first wife. During such type of cruelty, he assaults me with a piece of stone which injured my head grievously. I was crying but he didn't hear to me.

d) Physical Condition of Victim

The present physical situation of Victim is not so good. She is suffering from various diseases such as headache, bodily pain, acidity etc. She is regularly taking medicine from VSC according to the doctor advice. Now Rabeya is anxious and worried.

e) Mental Condition of Victim

Rabeya thinks that she has mental strength to overcome the situation but appears anxious about her future. She looks like not normal and confident in nature. Rabeya maintains good relationship with her colleague in factory as well as with her neighborhood. She gained positive strengths got out of the trauma of the fear of sharif's second wife's behavior and oppression. She wants to get rid of this situation as soon as possible. She said:

My heart and soul want to get relief from this hectic condition and return to normal life. I always bear a great anxiety and uncertainty in my mind to return in normal life. I feel nervous before Sharif's wife. She (Sharif's wife) looks an angry women and talking with me without any symbol of smile. I spend all the days and nights with a deep fear and concern.

f) Socio-Economic Condition of Victim

Rabeya's economic condition is not good. Her husband does not do work properly. Rabeya's family member is 07. It is near impossible to bear 8

member's family's expenses by eight thousands taka. That's why, her family live hand to mouth. They live in two rooms only. However, Rabeya always try to maintain cleanness. In addition, she is aware about her children's education. As she said:

We are very poor. My husband does not give single money to me. I am a garment worker but it is very tough for me to look after my parents and full fill the demands of my husband at my low income. The condition of my parents' family is also very poor. My father was died three months ago and my uncles are not interested to hear my problem and they always ignore our family. I have two sisters who already have got married and two younger brothers one of them are twelve years and another is sixteen years.

Case No-02

a) Case Acquaintance

Taslima, a domestic maid in Dhaka city living in a small ten-shed room with her husband and two daughters in Jurayen. Hailing from Gaibandha, Taslima got married Jakaria when she was 12 years old. She has two daughters; 10 years and 6 years old respectively. Her General dairy no is 118 in Mohammadpur Thana and VSC (Victim Support Centre) allegation no is 109. She was enlisted as a "Victim of Domestic Violence" in VSC.

b) Background of Victimization

At the age of 12, she got married forcibly by the parents. Her husband was a criminal and drug addicted for a long time. Victim worked in swing factory. Her husband quarreled with her every day. Her husband is was a hawker. She is unhappy in her conjugal life. Her husband always tortured her physically and mentally. On the day of occurrence, her husband demanded money from the victim after coming back from out. When victim refuses to provide money then offender became aggressive and seriously injured her noose, head and body and she was hospitalized by the help of neighbor. As she mentioned:

My parents forced me to get married Jakaria twelve years ago. Very beginning of conjugal life he was very much aware and sincere about his duty. But day by day he became addicted. My husband always demanded money, when I refused to provide the same; he said that if you don't give me money you will not get a chance to continue your job. After my refusal, he was punching in my noose for several times. He assaulted in my head and

whole body, after that I became senseless. Then, one of my neighbors got admitted me in Metropolitan Hospital.

c) Physical Condition of Victim

Physical condition of Taslima is not good enough and improving gradually. Due to illness she feels very weak and unable to work properly. Her husband is not providing any medical cost.

I have been suffering for physical injuries and diseases for more than two weeks. She said that what a luck I have been possessing and also mentioned that my husband is a addicted person, he does not look after me and don't provide any medical cost. Moreover, he used to force me to give taka for addiction and related need. Presently I am suffering for pain in the backside of my front gold and headache.

d) Mental Condition of Victim

Taslima's mental condition was not good enough and she was worried for her two daughters. Her husband being drug addicted always tortured her mentally as well as physically. She didn't continue her conjugal life. At last her husband tried to kill her. She was crying during interview and informed that:

My husband tried to kill me. Allah gives my life again for my two daughters. My husband always blames me without any reason. He also got another marriage without my permission. He also threatened me not to say anything regarding the matter. When I said something, he assaulted me physically. That's why I closed myself to comment anything.

Victim was very depressed and emotionally weak. She has been suffering mental depression from a long time.

e) Socio-Economic Condition of Victim

Taslima was a member of poor family. She just finished her Primary education and worked in swing factory for ten years. Her income was eight thousand taka. Her husband's monthly income was ten thousand taka. Her husband did not give any cost of maintenance (Nafaqa) to carry on their family and daughter. She has two daughters who lived in her parents' house. Aklima had to bear all the cost of maintenance for her daughter. Her elder daughter was a bright student and she got golden A plus (Golden GPA 5) in PSC examination. Taslima is hopeful about her daughters and for them, she wants to live.

Case No-3*a) Case Acquaintance*

Manjida Nur, a 36 years old lady who completed graduation from Dhaka University. This is a dowry related case.

b) Background of Having Victimized

She got married at first in 1999. In that family she has two children. Her husband lived in Japan. But five years later she divorced her husband due absence of communication with her and his personal attitude. At the end of 2004, she got married with a person, previously known to her and she continued the relation till 2006 without hazardous situation. From December, 2007, her conjugal life has not been going well. Then she went to an NGO named BNWLA for getting some advices and legal assistance. Her problem was minimized for few years under their supervision. After few days her problem was started again and continued till now. As she stated:

My husband is drug addicted; he always forced her to bring money from her father's house. In the meantime he compelled me to sell my flat. Nevertheless, he didn't stop physical torturing rather it was increasing.

On 22nd December 2013, she came to BNWLA office, as her husband made a chaotic situation in her parents' house. After that she was sent to VSC, and her two children were under the custody of BNWLA.

c) Physical and Mental Condition of the Victim

Her physical condition is well but mental condition is not very well. She was suffering from emotional abuse. As she stated:

I have been suffering for such type of painful situation for more than five years. Several times I tried to give him divorce and tried to file a case but I have been failed due to his muscle power. He makes the life of my children life in trouble. I am worried how I may relieve myself from such type of chaotic situation.

d) Socio-Economic Condition of Victim

As her father's economic condition is well, she has no economic problem. She is member of solvent family with land property in Dhaka city. She has also got mentionable amount of land from her father's house as an inheritor.

Besides, she has a shelter in her parent's house. She is well educated, and full of confidence.

Case No-4

a) Case Acquaintance

Rumpa Akter, daughter of Raju Ahmed is 18 years old. She has successfully completed Higher Secondary School Certificate (HSC) with good grade point. Her Police Station GD NO is 1005 and VGD No- 343. This is a domestic violence case on ground of physical torture by husband blaming her as an illegitimate child.

b) Background of Having Victimized

She is an illegitimate child. Though her mother got pregnant by her father, he didn't recognize her mother as a wife. That's why, after delivery, her mother keep her in front of her father's office. Then, her grand mother (paternal side) took her custody till she was 10years old. In the mean time, her father was mentally disordered due to overall condition. After that, her paternal uncle took her responsibility. But the problem started when her aunt didn't tolerate her presence in their family. Then her uncle arranged her marriage with her cousin without her consent. After few days of publication of her HSC result, she was forcibly sent to her husband's house. After that she was tortured by her husband who is drug addicted. As she said

He tortured several times in a day. Even he sold my gold ornaments and mobile phone. When I stood against his physical torture, he crossed the limit and severely attacked that was very cruel. Now I have been very much injured.

Then, on 20th December 2013, she escaped from her husband's house and came to Shahbag Police Station. Finally, she was sent to Victim Support Center on the next day.

c) Physical and Mental condition of the victim

Her physical condition is not very good. After having primary treatment she has been kept under the supervision of doctors of Mary Stopes Clinic, as it is a supportive organization of VSC.

Her mental condition is not very good and she has been suffering from mental distress, anxiety and fear. As she said:

I have been shocked, why such occurrence has been happened in my life. But I want to build up my carrier. I want to get some assistance and shelter.

d) Socio-economic condition of victim

She is under vulnerable condition as she has no parents. Even she has no proper assistance and guidance. Her life is under risk. She expects to complete graduation to establish her own life.

Findings of the Study

After analyzing the various cases I have got various findings which are divided into two dimensions; one is causes of victimization of women and another is consequence of victimization. Details have been given bellow:

1. Causes of Victimization of Women

Since the women are victimized by various types of offences like domestic violence, early forced marriage, physical torture etc, the causes of victimization are also different. All the causes have been identified in aspect of socio-economic situation of the victim. The few are given bellow:

- a) *Dowry*: It is the root cause of all domestic violence and cause to commit others crime e.g. dissolution of marriage, violation of conjugal rights, verbal abuse, physical torture and ending in death for many. Though the Dowry Prohibition Act (1980) has been enacted to control the offence, but dowry transactions continue to increase and have become a socially legitimate part of marriage negotiations.
- b) *Lack of Education*: This is the major factor in case of maid servant case. It makes the women dependent on male in our society. Lack of education makes women more vulnerable. They have to face lot of difficulties at the time of their job especially in case of social security.
- c) *Lack of Economic Independence and Income*: In male dominant society, women are not independent to take any decision to get involved themselves in different job. They could not engage themselves with job for various social barriers. It made women dependent on husband and forced to stay in violent relationships. It is also to be noted that their inheritance rights to family assets are discriminatory.
- d) *Poverty*: The prime financial cause of family violence is poverty. The poverty is the cause of different violence like torturing to wife and domestic servants. Kabeer (1989) also stated violence both systematic

and random, is part of the condition of poverty in as much as poverty is associated with relative powerlessness, and the poor are least able to defend themselves or to remove themselves from threatening situations.

- e) *Child Marriage*: In the rural areas, the rate of child forced marriage continues to be widespread despite the existence of the Child Marriage Restraint Act, 1983. In illiterate society, a girl child is deemed a burden to poor parents. After getting married, she becomes early pregnant which causes early death.
- f) *Lack of Security for Women*: Here security means social security of women considering their job place, traveling, housing and finally in their educational institution. Though law enforcement authorities are responsible to look after the matter, but they are unable to protect themselves due to shortage of manpower and official barriers.

2. Consequences of being victimized

Over the past few years, crime has gradually been increased all over Bangladesh with its horrific physical, psychological and social consequences on victim. Approximately 19 crimes were committed in every hour, and in every 3 minutes 35 seconds each crime were reported to police (Faruque & khatun, 2007). Police statistics of the last ten years show that crime is increasing in Bangladesh and the number of committed crime of last ten years (2002-2012) were 1614448. It indicated that the highest number of crime (183407) are committed in 2012, where 127616 crime committed in 2002, 125639 in 2003, 119323 in 2004, 123033 in 2005, 130578 in 2006, 157200 in 2007, 157979 in 2008, 157108 in 2009, 162898 in 2010, 169667 in 2011, 183407 crime committed in 2012 (Bangladesh Police Report, 2013). Violence against women in social crime perspective has numerous types of consequences which include physical, psychological, social, economic and mental. The different types of effects are as bellow:

- a) *Physical Consequences*: Family violence consequences physical injury which affect on women either short or long-term physical disability that may cause to death. A number of different physical and psychological symptoms and severe illness is related to violence: pelvic infections, abortions, sterility, chronic pains, gastrointestinal diseases and symptoms characterized as post traumatic stress syndrome, including depression and suicide attempts.

- b) *Psychological Consequences*: In the case of torture, victims are psychologically disordered which may extend to stress, post traumatic disorder (PTD).
- c) *Economic Consequences*: In all types of violence, victims have medical expenses to recover the situation. Besides, in the case of victim of acid burn, rape, custodial and community violence; they go down their employment or source of livelihood. They have been denied to avail shelter or economic support by their families.
- d) *Emotional consequence*: The victims of domestic violence are emotionally disordered which make a negative impact on their subsequent life.
- e) *Social consequences*: In the cases of acid burn, rape, custodial violence, community violence, they could not lead their life easily in community. They have to face lot of barriers like rejection from family/society and deprivation from education, social condemnation (shame and dishonor).

Recommendations

In my observations and findings, to reduce the rate of victimization of women in the context of Bangladesh especially in social perspective, the following recommendations may be suggested:

- It is to be mentioned here that only legislation and law enforcement agency could not prevent the incident of crime and protect the women. It needs to increase social awareness and change in the attitude of people, so that proper respect and equal status have been ensured for women.
- In the case of social crime, especially rape victims and victims of sexual harassment are not reporting the crime due to social insecurity. It would be more effective if law enforcement agencies take adequate steps to make the crime reported and ensure the victims to get the criminal under punishment.
- The Government has to establish a monitoring cell under Ministry of Women and Child Affairs to take quick legal action against the perpetrators.
- The Government should work to ensure transparent trial to protection of the victimized women and girls, including the provision of appropriate support services, and bring all perpetrators of violence against women to justice.

- Political shelter has to be eliminated to ensure the punishment of the criminals where they use the politics as their safe haven.
- Community involvement is a must to reduce the rate of social crime.
- Simultaneously both the punishment and compensation have to ensure to make the victims socially reintegrate.
- Families should pay attention to address the needs of victimized women, particularly young girls to protect themselves from revitalization. In this regards, social attitudes need to change.
- Finally, comprehensive adequate planning must be taken through involving both GOs-NGOs in national arena.

Besides the above steps, the following basic needs and services can play vital role to reintegrate the victims into the society:

Advocacy: This is an effective process for restoration of victims in the society. This process helps the victim to take positive decision and set their mind properly. This can be done under various institutions like Victim Support Center (VSC), Bangladesh National Women and Lawyers Association (BNWLA), Ain O Salish Kendra (ASK), HRLAS wing of BRAC etc.

Counseling: Counseling is also a process which helps the victim to forget the past painful memory and restoration in society after victimization. It is done by various voluntary groups who have much more social skill, knowledge and values. It is a formal process unlike an advocacy which is done by group work, case work and community work.

Restoration: This is done by maintaining alternative process other than the regular judicial process. It includes mediation, conciliation and arbitration. This process helps the victim to avail compensation and ensuring restorative justice. This is a scientific process where various effective stages have to be maintained like psychosocial study, diagnosis and treatment.

Conclusion

In Bangladesh, social crime is a major concern in human rights perspectives. In the majority of the cases of the victimized women, the actual perpetrators do not come under punishment, rather than the women who have already been victimized are punished by village arbitration council. Since social

crime impediments women's well being and over all development, e.g. 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, that's why, 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. Moreover, a comprehensive intervention has to be taken where protective and preventive measures would be devised to address the problem which will help in changing the patriarchal mindset and behavior against wife or women.

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