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Law and Order Situation and Gender-based Violence Bangladeshi Perspective

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Introduction

As we have entered the new millennium, the rights and status of women in society have gained paramount worldwide concern among policy makers and civil society alike. Meanwhile the integration of women to the mainstream development process has pushed women's issues from the private sphere of life to the public. However the question remains whether the process has helped to reduce repression against women or opened up new avenues for exploitation. While domestic violence against women has always been a general feature of the social structure of both rich and poor nations, women's increased participation in outside activities has endangered her external security as well. Incidents of rape, gang rape, acid throwing, sexual harassment and violence at the work place, eve teasing and the like, have not only increased recently, but have also turned much more ominous. We already know that gender-based violence is deeply associated with the existing patriarchal social structure, which is also manifested and reproduced in the legal system of the nation-states.

Nevertheless, the recent upsurge in gender-based violence poses the question as to whether the increase is only a demonstration of the existing patriarchal societal structure or whether other factors too are at play. It may be presumed that the increase in the incidents of gender-based violence might be linked to other factors such as the rapid deterioration of law and order situation or problems of governance and the like.

Objectives of the Study

As a topic of research, the author decided to primarily focus on whether there exists any linkage between the increase in gender-based violence and the law and order situation. It must be clarified that the author does not intend to view the issue as a separate entity, excluding the existing patriarchal system. Rather the objective is to explore whether women's increased activities in the public sphere have jeopardised her basic security at the external environment and if so, how this has taken shape.

There are also several other objectives in carrying out research on the proposed topic apart from the general objective of establishing a relationship between the continuous deterioration of the law and order situation and gender-based violence. The study aims to focus on the role of the law enforcing agencies vis-à-vis women security. It also attempts to look into the social response to the role of irresponsible acts of the law enforcing agencies. More specifically, this paper attempts to:

- provide a basic outline regarding the number, extent and types of gender-based violence relating to the law and order situation of Bangladesh, the author's home country;
- point out the perception of the general public regarding the state of law and order situation, increasing violence, specifically gender-based violence;
- look into the existing legal framework and make probable suggestions for revision/enactment of new law;

- draw out from discussions with experts in this field measures to raise the concern of the state machinery to prevent such acts of violence, raise social consciousness and to bring out specific recommendations for the improvement of the law and order condition of the country;
- investigate as to why repeated incidents of violence against women are carried out in spite of extensive media exposure.

Research Methodology

Phases of the Study

While conducting the entire research, the author divided the period of study into several phases. In the first phase the author consulted with women activists on how to conduct the study and its plausibility. The author carried out archival research during the second phase of the study and consulted with the supervisor to determine the questionnaire. In the third phase, the author conducted field visits and completed the write up in the last phase.

Variable Identification

The arguments of this study have been developed by examining both a set of internal and external variables. The internal variables are those which directly influence the framework of relationship between the law and order situation and gender-based violence. Examples of such variables include the members of the law enforcing agencies, the victims and the perpetrators. The author identifies as external variables the broader context that determines the nature and characteristics of the internal variables. Thus the societal characteristics of Bangladesh along with the pattern of behaviour and activities of different sections of the society have been considered as the set of external variables.

Preparation of Questionnaire

When preparing the questionnaire, the first target was to identify the perception of the general public regarding law and order situation in our country and second their perception on gender-based violence and its relationship with the overall condition of the law and order situation. As a first step the author prepared a set of “test questionnaire”, comprising fifteen questions, to determine the sensitivity and understanding of the general public to these issues. Evaluating the preliminary response, several questions were eliminated after extensive consultation with the author’s supervisor to ascertain a plausible conclusion on the matter. The questionnaire has been added at the end of the work in the Appendix 3.

Sources of Information and Collection of Data

The study is based on both primary and secondary sources of information. The primary source comprises mainly interviews from a cross-section of society. The author, along with assistants, interviewed 180 people in the Dhaka City, the Narayanganj City and a village named Begunbari at Savar, near Dhaka. The interviewees were selected randomly. However as one of the aims of the study is to outline the gender perspective regarding the existing law and order situation of the

country, the greater number of the interviewees were female. A limited number of males were also interviewed to compare and contrast their perspectives regarding the impact of law and order situation upon women, with that of the former group. The following areas were considered when conducting interviews:

- a. Religious Representation: Interviews in the city of Narayanganj were conducted mainly in Hindu dominated areas to ensure the inclusion of the viewpoints of the largest religious minority group in Bangladesh.
- b. Politico-ideological Orientation: Based on the trends of the results of the last national election (1996), the areas were selected on basis of politico-ideological perception of its population. Thus varying perception between government party supporters and opposition party supporters could be identified.
- c. Urban-Rural Representation: Inclusion of the perspectives of both the urban and rural areas was also an important criterion.

In total, 180 people were interviewed in the areas of Dhaka city, the Narayanganj city and a village named Begunbari at Savar, near Dhaka. In the city, 80 people were interviewed on a random basis. Another 100 people were interviewed in Narayanganj and in Begunbari, exactly 50 in each area.

The secondary sources constituted mainly of reports on gender-based violence published in different newspapers; the reports of human rights organisations on both gender-based violence and law and order situation and the established scholarships available in Bangladesh on gender-based violence. To find out the necessary materials in this regard the author also carried out an archival research. The national newspapers scanned for the purpose of the research included The Daily Star, Dainik Prothom Alo, Dainik Janakantha, Dainik Bhorer Kagoj, The Independent and the Weekly 2000. Human rights reports published by the Ain O Salish Kendra and Odhikar, two of the leading human rights organisations of Bangladesh, were also consulted.

Organisation of Materials

This introductory section contains the research methodology, problems of data collection and other related issues. Apart from the introductory, there are seven more sections in the study. Section 2 deals with definitional issues like that of gender-based violence, the recognition of the issue within the broader framework of human rights etc. In Section 3 the paper tries to illustrate a South Asian view regarding gender-based violence. In this connection, country reports of India, Nepal and Pakistan have been discussed to examine the condition of women in those countries. The fourth Section attempts to represent the major focus point, i.e. the status, position and security of women in Bangladesh with respect to the country's law and order situation. This is a more descriptive section where the reasons behind women's marginalisation in society, women's standing vis-à-vis men in receiving equal opportunities in society and the existing legal safeguards available for women in Bangladesh are discussed. The state of law and order situation

has also been presented to establish the relationship between the law and order situation and gender-based violence.

In Section 5, the findings of the study are discussed. The nature and intensity of gender-based violence based on both secondary and primary materials constitute the major discourse of this section. Section 6 contains remarks of the author derived from the study. The final section while highlighting some recommendations that could help alter the prevailing situation in line with the entire study then draws the conclusion of the study. The author ends up with identifying some areas for further research on the topic.

Limitations and Problems of Research

Inadequate Scholarship

One of the major problems that the author encountered was the lack of adequate scholarship in the area of research. Though a good number of organisations in Bangladesh are working on women's issues, like the Women For Women, Nari Shanghati etc. the author could find only a limited number of systemic research work on the issue of gender-based violence in Bangladesh. Most of the research works done so far on women's issues are mainly related to economic, social or legal issues. The issue of gender-based violence has been a matter of concern mainly from the 1980s. However, several research works done in Bangladesh have been particularly helpful in conducting the research. These works are¹ :

- Akanda, Latifa and Ishrat Shamim; *Women and Violence: A Comparative Study on the Rural and Urban Violence against Women in Bangladesh*; November 1984, published by the Women For Women (WFW);
- Jahangir, Borhanuddin Khan; and Zarina Rahman Khan (eds.); *Bangladeshe Nari Nirjaton (Violence against Women in Bangladesh)*; 1987 published by the Samaj Nirikkhan Kendra;
- Jahan, Roushan; *Hidden Danger: Women and Family Violence in Bangladesh*; 1994; published by the WFW; and
- Jahan, Roushan and Mahmuda Islam; *Violence against Women in Bangladesh: Analysis and Action*; 1997, published by the WFW.

Problems of Data Collection

a. Psychological barriers of the interviewees: The sensitivity of the research topic often created various forms of psychological barriers among the interviewees. In general, the people seemed quite hesitant to give their impressions about local violence and terrorism. The author had the impression that the extent of terror had already created a sort of mental block among the people. Female interviewees were particularly to talk about sexual harassment for obvious social reasons along with the fear of local terrorists. Thus, finding out accurate information to portray the reality of gender-based violence caused by the deteriorating law and order situation was often very difficult.

The issue of gender-based violence is also particularly sensitive in a predominantly Muslim country like ours where education does not play a major role. Physical violence perpetrated by

husbands towards wives or fathers towards daughters is accepted as normal by society. Therefore, almost all the respondents answered the question whether they had ever been victims of physical violence, in the negative. This question was then rephrased to, what do you understand by “gender-based violence”.

While carrying out this research, I encountered a derogatory attitude in the male interviewees who simply could not understand the reasons for conducting a study particularly for women. They considered it both a waste of time and money to discuss such issue. We were even threatened and advised to leave the place at Begunbari, Savar and were accused of asking people questions on sensitive and ‘private’ issues.

b. Political bias: Sometimes the extent of political commitment of a respondent affected the objectivity of his/her answers. The author tried to overcome this difficulty by maintaining a more or less equal representation regarding the nature of political commitment of the respondents.

Gender-based Violence: Some Theoretical Considerations

The social construction of “womanhood”, i.e. the gender role of women has historically defined women’s role in a given society, which usually connotes a derogatory and negative position of women. While men and women are biologically different, their social roles are constructed based on this biological difference. The prescribed roles of women which are perceived as being entirely “women’s work” support and reinforce women’s domestication through various rituals and cultural practices. Women are, therefore seldom treated as “human beings” and do not receive equal treatment in society as men do.

The nature of gender-based violence may be multifaceted and multi-dimensional. Gender-based abuse and discrimination is often sanctioned or tolerated by society that perceives it as a means of teaching “unruly” wives or daughters to be obedient. The occurrence of gender-based violence does not depend on the level of advancement of a particular society but exists in all types of societies, be it industrial, non-industrial or even post-industrial. It is only the intensity and the number that varies in this respect. Sexual abuse, rape, marital rape, infanticide and discrimination at the workplace due to gender – all are general features faced by women everywhere in the world. The perpetrators of such acts are however not social outcasts, but near and dear ones. On the other hand, as women are generally treated like “properties” of a family or community, dishonouring a woman is equated to dishonouring the family she belongs to. Therefore, women may face violence both from her internal and external domain.

Gender-based Violence: Definition

It is not easy to define the term “gender-based violence”. Physical abuse against women is often justified by society itself where it is identified as a question of male dignity. Rape is often used as a method and tool to torture and uproot certain groups of people from a designated area. We have seen the purposeful use of rape as a military weapon to oust Muslims from Bosnia Herzegovina, where there were reports of rapists being recruited by the Serbs. Women are subject to mandated virginity tests, forced prostitution, abortion and genital mutilation. While, the term “violence” is often equated with physical violence, gender-based violence may take various forms like physical, sexual and psychological. The term encompasses a broader sense, which includes all forms of violence carried out against women. In this respect, the Asia-Pacific forum on Women, Law and Development (APWLD) has defined gender-based violence to be any act “involving use of force/coercion with an intent of perpetuation/promotion of hierarchical gender-relations in all social structures: family, community, work place and society”.²

However, the most comprehensive definition is the one adopted by the Declaration on the Elimination of Violence against Women at the General Assembly of the UN (Resolution 48/104), which from the very outset crosses the threshold between private and public violence. It declares:

““Violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.³

The Declaration, in Article 2, proceeds to define the issue more concretely: “Violence against women shall be understood to encompass, but not be limited to, the following:

(a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female

genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”⁴

Gender-based Violence and the United Nations:

Violence against women has been a global phenomenon from time immemorial varying only in terms of severity and manifestations. It is a gross violation of the human rights of women and has gained such importance through the constant lobbying of women activists’ worldwide. With the recognition of women’s unpaid contribution in the economy and the need to incorporate women’s perspectives in development planning, women’s issues gradually came to the forefront of decision-making procedure.

The Universal Declaration of Human Rights in 1948 already contained the principle of equality of the human race, but largely failed to achieve it due to the deeply embodied unequal relationship between men and women starting from the cultural-social to all other spheres of human life. In paragraph 11 of the Forward Looking Strategies (FLS) for the Advancement of Women, taken up at the Third World Conference on Women and Development at Nairobi in 1985, the term equality was defined as –

“Equality is both a goal and a means whereby individuals are accorded equal treatment under the law and equal opportunities to enjoy their rights and to develop their potential talents and skills so that they can participate in national political, social and cultural development, both as beneficiaries and as active agents. For women in particular, equality means the realisation of rights that have been denied as a result of cultural, institutional, behavioural and attitudinal discrimination”.⁵

The issue of gender-based violence has also been a “taboo” subject for discussion at any level and even among women themselves. Although issues like wife battering-burning, female foeticide and infanticide, rape, incest, trafficking and forced prostitution of women and girl children are human rights violations they were taken up by the United Nations at the policy level much later. Even the FLS of the Nairobi Conference pronounced very little about gender-based violence. However, the FLS made a significant connection between gender-based violence at the personal level and the use of violence in international relations between states by saying “violence against women exists in various forms in everyday life in all societies. ... Such violence is a major obstacle to the achievement of peace and other objectives of the (United Nations) Decade (for Women)”.⁶

The magnitude of the issue was undertaken within the UN system and soon after the Nairobi Conference, the subject became one of the priority issues on the agenda of the intergovernmental Commission on the Status of Women and in the work of the Division for the Advancement of Women. The first concrete outcome of the effort was a comprehensive book, Violence against Women in the Family, published in 1980. This work was in fact followed by another work by the

Commission on the Status of Women to the UN Economic and Social Council in 1988 on Efforts to Eradicate Violence against Women within the Family and the Society. Throughout the 1980s, attention on the issue of gender-based violence was being rapidly drawn at the level of policy planners and the issue was picked up both at the UN General Assembly and the Security Council. The first General Assembly resolution that directly concerned the issue was taken up in 1985 on an initiative of the Seventh UN Congress on the Prevention of Crime and the Treatment of the Offenders. The Resolution 40/36, which highlighted the issue of “Domestic Violence”, pronounced about “battered family members” and the “offenders”.

However, the most significant progress in this respect was defining the scope of gender-based violence in 1993.

Historically, the rape of women in war has drawn occasional attention by the international community. The incident of rape during war is usually considered an inevitable by-product of a larger phenomenon. Thus, although reports of mass rape of women in Bosnia Herzegovina were revealing to the international community, it was still argued whether rape and other forms of sexual abuses during wartime fall within the broader jurisdiction of universal human rights. The UN Security Council, on the other hand, took a significant step by recognising wartime rape as a criminal offence. The Security Council on December 18, 1992, at the Resolution 798, unanimously condemned the rape of women in wartime. Rape of women has always been a general feature of wars but was seldom taken into cognisance by any international body. In May 1993, the Council also decided to establish an international tribunal to try the violators of human rights, including those who committed massive, organised and systemic detention and rape of women.

Table 1: Selected Conventions Pertaining to Women's Issues			
Adopted	Convention (till 1993)	In Force	Ratification
1949	Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others	1951	68
1951	Equal Remuneration for Men and Women Workers for Work of Equal Value	1953	120
1952	Convention on the Political Rights of Women	1954	104
1958	Discrimination in Respect of Employment and Occupation	1960	118
1960	International Convention against Discrimination in Education	1962	82
1962	Convention on Consent to Marriage, Minimum Age of Marriage, and Registration of Marriages	1964	41
1979	Convention on the Elimination of All Forms of Discrimination against Women	1981	131
1981	Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities	1982	20

Women and Gender-based Violence in South Asia

South Asia is the home to 1.2 billion people, which is one-fifth of humanity, with a growth rate of 2.1 percent yearly. The population has more than doubled in the last three decades, from 563 million in 1960 to 1191 million in 1993. It has been projected that the population would double in the next 25 years. Apart from being identified as the most populous region in the world, South Asia has also been identified as the poorest region where 40 per cent of the world's absolute poor live. According to the World Bank's estimation, over 500 million people survive below the absolute poverty line, where even their basic human needs are overlooked. The per capita GNP of South Asia, which was \$309 in 1993, stands lowest among all other regions in the world. While South Asia and East Asia had roughly the same nominal per capita income three decades ago, the latter, excluding China, has now 27 times greater number than South Asia. At the same time, South Asia's share in global income is only 1.3 per cent.

This region is also characterised as one where adult literacy rate is the lowest, which is 48 per cent and contains 46 per cent of the world's total illiterate persons. The negative attributes prevalent in South Asia do not end here. It is the most malnourished region of the world where half of the children are underweight, compared with 30 per cent in Sub-Saharan Africa. About 260 million people lack access to rudimentary health facilities, 337 million lack safe drinking water, 830 million have no access to basic sanitation facilities and over 400 million people go hungry everyday. In this context it is ironic that South Asia is the most militarised region in the world. The region has two of the largest armies of the world between the perpetual enemies India and Pakistan. The nuclear tests of last year, both by India and Pakistan, and the recent military crisis over the Kashmir issue in Kargil have again intensified the arms race between them. It is the only region where expenditure on defence as proportion of GNP has increased since 1987. In such an impoverished and conflict ridden region, it would be pertinent to examine the situations of marginalised and oppressed social groups like women.

Women in South Asia

“To be women in this region (South Asia) is to be a non-person” – this is the picture of womenfolk in South Asia depicted by Dr. Mahbub ul Haq in the “Human Development in South Asia, 1997”.⁸ South Asia is a region where even the global biological pattern of men-women ratio, which implies that if both sexes receive similar nutritional and health care, women outlive men, has been overturned. While it is natural that women live longer than men do, there is an overall ratio of 106 women to 100 men globally. But in South Asia, the men outnumber the women, where there are only 94 women to every 100 men. While according to the global trend, the number of men and women population should have been 614 and 649 millions respectively, the actual numbers in South Asia are 616 and 575 respectively. If we take an in-depth look towards the country-wise figure, the situation in Pakistan is most serious than the other countries of the region where there are only 93 women compared with every 100 men. The ratio of women-men population is nearly equal in Sri Lanka and Maldives while the ratio of women for every 100 men is 94 in India and Bangladesh, and 96 in Nepal. Dr. Haq has shown that thus 74 million women are missing in South Asia, for whom there exists indifference at the policy-making level of the countries in the region.

The socio-economic status of women in South Asia is deplorable where women's basic needs are

also at stake. In South Asia, one-third of the adult women receives some education and only half of the female population is enrolled at the primary, secondary or tertiary level. Women in the subcontinent are also deprived from the nutritional point of view since they are often fed last in the household. At the same time, they carry the greatest burden of the workload. There is no exception of this rule for a girl child though her brother is never asked to work with her.

The average fertility rate per married woman in South Asia is still very high, at 4.2. Married women are often burdened with unwanted pregnancies since only 39 per cent of married couples use any form of contraception. In South Asia, only 36 per cent of the women are economically active, compared to the 50 per cent of the developing world. Women earn only one-fifth of the total income. Women's rate of participation in politics is also very low where, on the contrary to the general picture, several women politicians have reached the acme of political power in several South Asian countries. In the sub-continent, women's share in the parliament is only 7 per cent while the rate is lower in case of participation in the administrative and managerial positions, which is only 3 per cent.

According to the UNDP report, Sri Lanka ranks as the best country in terms of investing in women's capabilities and in making various opportunities available to them. It is only in Sri Lanka that the South Asian demographic characteristic of men outnumbering women is reversed. In Sri Lanka, life expectancy is 106 per cent of male life expectancy, female literacy rate is 86 per cent and female economic activity rate is 36 per cent though in decision-making procedure women are far behind men. Women's share in the national parliament is only 5 per cent, at the cabinet level it is only 3 per cent and in the top administrative and managerial positions, the share amounts to only 17 per cent.

In most gender-related human development indicators, Pakistan ranks the lowest in the subcontinent with female literacy being 23 percent, female participation in economic activities 16 percent, women's participation in top administrative and managerial jobs 3 per cent, and women's participation in national parliament only 1.6 per cent. In Pakistan, discrimination based on sex is guaranteed by the constitution itself.

Gender-based violence in South Asia

It can be inferred from the above discussion that under the prevailing gender discrimination in South Asia, it is the women who are the most disadvantageous group in the region. It is the only region where a prevalence of women in the state power hierarchy exists amidst low rate of women's participation in politics. The four major countries of the sub-continent, Bangladesh, India, Pakistan and Sri Lanka, both have and are experiencing elected female heads of the state not only for one or two terms but for several terms. But this has in no way improved the lot of womenfolk of their countries. Dr. Haq has correctly identified that being a woman Prime Minister or President does not solve the basic unequal status of women in South Asia. At this point, it would be pertinent to discuss the condition of women in India, Nepal and Pakistan with regard to gender-based violence.

Gender-based Violence: India

India, the biggest democracy in the subcontinent, experiences 11 per one lakh population crime rate. The total number of cases of violence against women reported in 1996 was 1,05,439 against 1,05,413 of 1995. The breakdown of cases of violence against women in 1996 follows:

Table 2: Violence against Women in India		
Type of Incidents	1995	1996
Rape	12,922	12,385
Kidnapping and Abduction	13,540	13,369
Dowry Deaths	5,151	5,101
Torture	28,835	30,086
Molestation	26,134	24,019
Sexual Harassment	10,943	11,900
Importation of Girls	191	172
Sati Prevention Act	2	2
Immoral Traffic (Prevention) Act	6,756	5,678
Indecent Representation of Women	939	659
Total	105,413	105,439

In 1990, the number of cases reported was 68,317, which reveals that the increase in the number of crimes reported in 1996 was as high as 54.2 per cent when compared with 1990. The rate of increase was perceived to be synonymous with the increasing rate of women's participation in "activities outside the home, influence of indecent representation of women in the mass media, globalisation etc. and also because of greater awareness, police sensitivity and public concern".

Gender-based Violence in Nepal

In a seminar organised by Women For Women, Dhaka in December 1997, Dr. Jyoti Tulad Har from Nepal presented the state of women in Nepal with regard to gender-based violence, based on a survey conducted in 1997. The study identified the following as gender-based violence in the context of Nepal:

- Domestic violence;
- Sexual slavery, prostitution and international trafficking of women;
- Incest;
- Violation of reproductive rights of women;
- Rape;
- Sexual harassment/ sex discrimination;
- Medical abuse;
- Abuse of women with physical and mental disabilities;
- Culture bound practices harmful to women;
- Ritual abuse within religious cults;
- Marital rape;
- Pornography and abuse of women in media;
- Abuse of women in refugee and relocation camps;
- Custodial abuse;
- Female feticide;
- Dowry related violence and murder;

Nepal being a patriarchal society, the women are often victims of indiscriminate violence generated by male members of the society. About 95 per cent of the respondents of the study reported having first hand knowledge of violent incidents against women. Among the high-risk group were commercial sex workers, who had all experienced incidences of violence first hand. About 60 per cent of the respondents reported domestic violence to be a daily occurrence while 55 per cent reported to be weekly, 64 per cent monthly and 88 per cent reported it to be an occasional incident.

The most common form of violence perpetrated against women was identified as physical beating as 82 per cent of the respondents opined so. Among other types of physical violence carried out against women were assault (66 per cent), rape (30 per cent), forced prostitution (28 per cent), abortion (13 per cent), sexual abuse (13 per cent) and untouchability (21 per cent). Mental torture accounted to be the highest- 61 per cent-among the different forms of psychological violence perpetrated against women. Among other forms of psychological violence, 32 per cent reported emotional torture, 31 per cent sexual harassment in public places and 17 per cent reported sexual harassment in the work place. Torture in police custody was reported as being most frequent by respondents in the two districts of Nuwakot and Kanchanpur to be 28 per cent and 25 per cent respectively. Seventy-seven per cent of the perpetrators of violence were reported as being from within the family and only 23 per cent from outside.

Gender-based Violence – Pakistan

Pakistan is a signatory to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and thereby, is committed to eliminate all discriminatory practices against women. However, after one year of the ratification of the CEDAW, the Amnesty International issued a report on the condition of women in Pakistan and carrying out the responsibilities under the Convention titled as “Pakistan: Women’s human rights remain a dead letter”.¹⁰ In the report, the Amnesty International highlighted the forms of discrimination and violence that are carried out against women in Pakistan.

According to the findings of the women’s rights group of Pakistan, 70 per cent women in Pakistan are subject to domestic violence. A non-governmental organisation, War Against Rape (WAR), reported that in the last three months of 1997, 58 women approached the police surgeon’s office at Karachi with the allegation of being raped. Another non-governmental organisation monitoring Lahore-based newspapers, recorded 717 incidents of rape only in the Lahore city and its hinterland in 1997. Sixty-five per cent of the victims were minor girls and almost 30 per cent of the victims were gang raped. Between January 1997 to February 1998, some 1,130 women had been murdered, raped, abducted or subjected to severe forms of violence, compared to 75 such cases the corresponding earlier period. These figures included an average of more than 10 women being raped every month in the city of Multan alone. That NGO, in its report concluded that the country-wide incidents of rape, including unreported cases in 1997 saw “at least eight women ... criminally raped every 24 hours, more than two of them by gangs and more than five of them were minor”. “Bride burning”, one of the most inhuman forms of violence against women in South Asia, accounts for more than a dozen deaths of women every year in Pakistan. The victims’ husbands or in-laws mainly perpetrate these acts. The reason for such burning, range from punishing women for not obeying their husbands and elders of the

family, the inability to produce a male heir , or failure to bring larger dowry.

Women in Pakistan are also victimised if the family believes the woman has done anything to violate the sanctity or honour of the family. Accordingly women are seldom permitted to get married according to their own choices and/ or to marry outside of their respective tribes. Those women who dare to marry according to their choices are often threatened or even killed by their families. In this respect, the marriage between a Pashtun woman Rifat Afridi and a Mohajir, Kunwar Ahsan is worth mentioning The Pashtun tribe called for the death of the couple for they charged that Rifat had gone against the will of her father and had thereby dishonoured the family. Ironically, Rifat's own father supported the verdict of death on the grounds that she had dishonoured the family and the tribe.

In 1994 the Government of Pakistan set up a "Commission of Inquiry for Women", headed by a Supreme Court judge and consisting of human rights lawyers, Islamic scholars and legislators to review the existing laws that perpetuate discrimination against women and prevent them attaining equality vis-à-vis men. The recommendations of the Commission were unheeded by the government for a long period. However, in September 1998, the cell set up in the Ministry of Women's Development released a set of recommendations to the government of Pakistan, which included the recommendations of the Commission and held that an intensive programme to lobby its implementation would be launched by the end of 1999.

State and Gender in Bangladesh

The State and Law and Order Situation: A Preliminary Analysis

In a country like Bangladesh, where criminal acts and terrorism are intimately linked to the political process and vested interests of business and other influential groups, any attempt to measure and outline the law and order situation creates controversy. This occurs because political and other interests cast doubt even over the actual happening of a criminal or terrorist act making it difficult to apprehend the situation from an objective point of view. Moreover, there is no established or recognised yardstick to determine the deterioration or improvement of law and order situation.

Therefore in this section, the author has based the arguments mainly on the daily coverage of the reputed and circulated national dailies and information on incidents reported to the law enforcing agencies, mainly the police. But it cannot be claimed that even the newspapers portray the situation with neutrality.

However, the reports do give us a broad outline providing a preliminary base of understanding and arguments. In this connection, first of all we might attempt to comprehend the state of current law and order situation on basis of the table (Table-3) shown below:

Type of Crime	January-May 1998	January-May 1999
Clashes	8,672	8,963
Women Repression	6,151	7,470
Murder	2,449	2,991
Rape	2,449	2,991
Robbery	1,447	1,629
Snatching	1,106	1,302
Abduction	1,009	1,060
Dacoity	852	837
Attack on Police	247	317
Acid Throwing	116	107
Ransom	66	77

During the last national election almost all the political parties in their manifestos recognised the need to improve law and order situation and establish the rule of law in every sphere of life. The ruling party, Awami League in its manifesto promised the following:

- a) eliminate “*mastaani*” i.e. hijacking and organised violence by terrorist groups;
- b) ensure fair and free justice to all by separating the judiciary from the executive service;
- c) not to interfere in the judicial process;

d) repeal or totally abolish all the “black laws” like the emergency law, the “Special Power Act” and oppressive laws like the section 54 etc, which might encourage abuse of power by the law enforcement agencies demonstrated by arbitrary arrest and preventive detention.

But in practice it was a different story.

The Current Scenario of Law and order Situation in Bangladesh:

A Brief Overview

Over the last decade or so, there has been a massive deterioration as far as the security of the general public is concerned. A more sinister dimension of the scenario has been that, the law enforcers have themselves turned into fierce violators of the law. According to human rights monitors, the number of people who died in police custody from January to September 1996 was 23.¹² In June 1997, a man was arrested for attempting to enter the grounds of the Prime Minister’s office in Dhaka and was later beaten to death by the police. In 1998, the number of people who died in police custody was six, according to the government sources.

On July 23, the police arrested a university student Shamim Reza Rubel on charges of possessing illegal arms. Five days after he was released from the police station, he died of massive injury, which he sustained during his stay in the police station. The concerned authorities charged 13 people for the murder twelve of who were police officers, but the trial is still going on. Moreover, the family members of Rubel at several news conferences had complained that the police were harassing them.

Another important characteristic was political violence both by the ruling party and the opposition.

The scenario had not changed in 1999. Due to the continuous deterioration in the situation, the government has taken several measures to improve the state of law and order situation. The Home Minister was removed from his office and replaced by another on 11 March 1999. The police brought down a highly trained and indeed expensive “Dog Squad” from abroad to hunt down den of terrorists—but so far, there has been very little to be hopeful about. Especially during the last Eid, largest religious festival in Bangladesh, incidents like snatching purses of women, hijacking, *chaandabaji* (organised and forceful snatching of money from business groups) become a general feature of the law and order situation. It was alleged that during the last Eid, a new dimension was added to *chaandabaji*, where police officers were involved in forcefully charging large amounts of money from large vehicles carrying goods.¹³

Deterioration of Law & Order Situation: Some Prevailing Features

Many observers feel the breakdown in the law and order situation is linked to the alleged patronisation of terrorism by political parties and law enforcing agencies. More specifically the use of terrorists to serve political purpose and the alleged mutually beneficial relationship between law enforcing agencies and the terrorists have led to this scenario. Political activists carrying arms in broad daylight in front of law-enforcing officers is a common sight, especially

during *hartal* days. Numerous pictures of people carrying firearms have been published in national dailies. On 14 December 1999, one of the most wanted terrorists of the city, was arrested by the police from the Dhaka city Mayor's office. But many national dailies claimed that he was released at once on the insistence of the Mayor himself. Terrorist attacks on political rallies and meetings have now become a common occurrence. The most recent attack occurred when Kader Siddiqui, who was expelled from the ruling party Awami League, launched a new political party.

Also the number of deaths during police custody is increasing day by day, a reflection of human rights violation by law enforcing agencies themselves. 12 people died in police custody in 1999 and 11 people died in jail custody.

Terrorism has even entrenched itself in educational institutions with student politics establishing strong links with the general trend of *Mastani*. The tradition of meritorious students getting involved in politics is now merely a myth with politics being controlled by lower calibre students often identified as trouble makers.

The terror that has been unleashed in our country also has a psychosocial dimension. Insane brutality and attempts to demonstrate 'heroism' in imitation of Hindi and Bengali action movies have added to the severity of terror and crime especially in urban areas. The unfolding story of politically patronised criminals like Ershad Shikdar of Khulna clearly exemplifies this process, which in fact started taking shape from the post-1971 period.

Fundamentalist forces are also more active now like in the period of the liberation war. Though the number of seats in parliament held by the major fundamentalist party Jamaat-E-Islami has sharply fallen from 1991's national election to 1996's election, the overall influence of fundamentalism is still very much alive. This is mainly due to its realignment with the major opposition political parties and the activities of the student fraction of the party.

"*Hartal*" or strikes originally perceived as a means to fight for democracy has now been turned into a tool of terror and violence. From this year, authorities have begun to monitor the number of deaths during hartals with the number of deaths for 1999 being 32.

State of Women in Bangladesh

"Equality of sexes" is confined to mere jargon in Bangladesh where even basic needs of the common people are not met. In the ever-deteriorating condition in the social, economic and political sectors, women's conditions are also jeopardised although there are laws to provide and safeguard their interests. However, these laws exist only on "paper" due to the fundamental "depositioning" of women's status in Bangladesh. Let us consider several statistics that reveal the situation of women in Bangladesh.

As has been discussed before, Bangladesh is no exception to the "missing women" trend prevalent in South Asia. According to natural norms, women have an in-built biological advantage over men. And this natural advantage maintains that the women population should exceed the male population according to a ratio of 106:100. In Bangladesh, the media portrays

the picture, as fifty-fifty, but the reality is far more precarious. Here, there exists 106 male population vis-à-vis every 100 female population in the country. In terms of more appropriate calculation, women are 48.58 per cent of the total population of Bangladesh.

According to the biological norms female children too have more capacity to sustain during infant age than male children do. In Bangladesh, the patriarchal societal structure-which neglects rearing practices and treatment of illnesses of the female child, has contributed to upset the global trend. The rate of infant mortality was 84.2 per cent for female children and 95 per cent for male children during the year 1996-97.¹⁴ It is therefore, evident that discriminatory policies in terms of gender starts from the very beginning of a woman's life.

In case of female life expectancy, Bangladesh is one of the few countries where female life expectancy rate is less than that of men. According to BBS 1996, women's life expectancy in Bangladesh is 58.6 years compared to 59.1 years for men.¹⁵

While the literacy rate in Bangladesh is generally very low, here again women comprise the disadvantageous group. According to the Statistical Year Book, Bangladesh Bureau of Statistics, 1997, female literacy is 38.1 per cent compared with 55.6 per cent male literacy. However, at the primary level the rate of literacy is quite high, as the Government gives monetary and other incentives to female students to encourage their enrolment. However generally after the completion of eighth grade, the rate of drop out of female students increases drastically. According to the Bangladesh Bureau of Statistics, only 0.85 per cent female students complete their graduation.¹⁶

Sixty-two per cent women are economically active in Bangladesh, which is not only the highest rate in South Asia but also ranks above the average of 50 per cent for developing countries.¹⁷ We saw an immense increase in the number of female labour force in Bangladesh after the 1985-86 period. Considering the number of female labour force was only 3.2 million of a total of 30.9 million labour force in 1985-86, it has increased to 21 million of a total 50.7 million in 1990.¹⁸ The reason for women's increased participation in the labour force can be inferred from the acknowledgement of women's unpaid contribution to the economic activities. Women in Bangladesh have always been responsible to provide assistance in the household activities. Generally works of women in all areas involve preparing and processing foods and managing household works. The life for working-women, however, is much more difficult since these works are considered as "women's work" and they are not spared from performing these "usual tasks" after returning from office. In the rural areas, women are involved in works like taking care of domestic animals, poultry, husking crops and so on. From the 70s decade, women's silent contributions, which were generally overlooked, started to draw the attention of policy planners and were considered as part and parcel of economic activities. Moreover, with the increase of garment industries in the country, the number of women in the formal labour market has increased.

The increased number of women's participation in the labour market does not indicate the elimination of discrimination against women in the economic sector. Despite a high increase of women in the labour market, again women are faced with discrimination because of their gender and paid less than their male counterparts who perform the same amount of work. The wage rate

of day labourers averages 46 taka for men but stands at only 26 taka for women.¹⁹ Due to women's acute economic need and vulnerable social standings, it becomes easier for the employers to exploit women labourers. According to the UNDP report, a female worker in Bangladesh receives only 42 per cent of wage of a male worker.

In Bangladesh, occupational promotion is also very difficult even for highly educated women. Women are usually encouraged to choose so-called "feminised" occupations like teaching. In case of administrative jobs, three-fourth of the women work at the level of third-grade officers according to the statistics of 1992.²⁰ One positive aspect is the reservation of 11 per cent of top civil service jobs for women. At the same time, there are not enough women available to fill the higher administrative posts designated only for women.

After the election of 1990, both the Prime Minister and the Leader of the Opposition have been women in Bangladesh. However this does not indicate a high rate of women's participation in politics. Women's participation in the high decision-making bodies of political parties is very low. There are only three women in the Presidium Council of the ruling party, the Awami League whereas, in the fifteen-member national committee of the Bangladesh National Party (BNP), the leading opposition party, there is only one woman, who is the chairperson and the leader of the opposition in the parliament. Among the thirty-member central committee of the Jatiya Party, there is only one member, who is the wife of the party's chairperson. Besides the Prime Minister, there are four female ministers in the cabinet. In the last Union Council election, 102 women competed among 4,271 for the chairman's post and twenty of them were elected. 110 women among 38,484 were elected as general members.

Legal and Administrative Arrangements Available for Women in Bangladesh:

Constitution of Bangladesh and the Rights of Women

The Constitution of Bangladesh, endorsed in 1972, has undergone various amendments but firmly declares the equality of man and woman in terms of rights and laws enacted in it. In this respect, it is noteworthy to identify some of the special characteristics of the constitution with regard to the women of Bangladesh. The rights of the people of Bangladesh, as stipulated in the constitution, are applicable equally towards all the male and female citizens of the country. The constitution identifies the unequal status of women at the social arena and also advises the state to take appropriate measures to eliminate discriminations against women vis-à-vis men. In other words the constitution of Bangladesh guarantees various rights to Bangladeshi women through the following specific articles.

Article 9: "The State shall encourage local government institutions composed of representatives of the areas concerned and in such institutions special representative should be given as far as possible, to peasant, workers and women".

According to Article 10, "steps shall be taken to ensure participation of women in all sphere of national life".

Article 11: “The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed”.

Article 15: “It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens (a) the provision of the basic necessities of life, including food, clothing, shelter, education and medical care; (b) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work; (c) the right to reasonable rest, recreation and leisure; and (d) the right to social security, that is to say to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases.

Article 17 states that the State shall adopt effective measures for the purpose of – (a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; and (c) removing illiteracy within such time as may be determined by law.

Article 26 of the Part III of the Constitution, which deals with Fundamental Rights states, (1) All existing laws inconsistent with the provisions of this Part shall, to the extent of such inconsistency, become void on the commencement of this Constitution; (2) The State shall not make any law inconsistent with any provisions of this Part, and any law so made shall, to the extent of such inconsistency, be void; and (3) Nothing in this article shall apply to any amendment of this Constitution made under Article 142.

Article 27 states, “All citizens are equal before the law and are entitled to equal protection of the law”.

Article 28 states:

- (1) The State shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth.
- (2) Women shall have equal rights with men in all spheres of the State and of public life.
- (3) No citizen shall, only on grounds of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
- (4) Nothing in this Article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

Article 29 of the Constitution ensures equality of opportunity for all citizens in respect of employment or office in the service of the Republic and prohibits any discrimination against any citizen on ground of sex in matters of such employment. The Article keeps a clause whereby it

allows reservation of any class of employment or office for one particular sex on the ground that is considered by its nature to be unsuited to members of the opposite sex. However, Clause 3 of the same Article is a safety net, which states that, “Nothing in this Article shall apply to any amendment of this Constitution made under Article 142, which deals with the power to amend any provision of the Constitution”.

According to the Constitution, a woman may be elected as a Member of Parliament by directly competing in the national election with her male counterpart or being indirectly elected on the vote of the 300 Members of the Parliament as one of the 30 seats reserved specially for women representatives. In the 1972’ Constitution, the number of seats reserved for women was 15, which was reserved for a period of ten years. By the Second Proclamation Order No. IV of 1978, the Parliament of 1978, raised the number to 30 seats and enhanced the period of ten years to fifteen years. Again, by the Constitution Act, 1990, that is the Tenth Amendment, this provision of indirect election of women in the reserved seats was extended for another ten years.

Women’s Status under Personal Law

Personal law means the law that governs the personal life of a person, e.g. an individual’s marriage, divorce, custody and guardianship of children and of their property inheritance, maintenance, etc. In Bangladesh, there are different kinds of law according to different religions, such as the Personal Laws of the Muslims, Hindus and Christians. Very little change has been made so far in the personal laws of both Muslim and Hindu.

Moreover, no attempt has been taken so far to examine whether personal laws of different religions, open grounds for differential treatments for men and women thereby contradicting the laws of equality enacted in the Constitution under the provisions of Articles 26, 27 and 28.

a) *Muslim Personal Law*: Muslim Personal Law is known as *Shariah Law* which has originated from the Quran and Sunnah, based on Hadith. The Muslim Personal Law (Shariat) Application Act 1937, initiated by the British rulers in the then Indian sub-continent, became operative for the Bangladeshi Muslims by the Laws Continuance Enforcement Order. Section 2 of the Act states that “Notwithstanding any custom or usage to the contrary, in all questions regarding interstate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including *talaq, ila, ziha, lian, khula* and *Mubara’at*, maintenance, dower, guardianship, gifts, trust and trust properties and *wakfs* (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat)”.

According to Advocate Sigma Huda, although this law contradicts the Articles 26, 27 and 28 of the Constitution of Bangladesh, it is somehow protected under Article 41 of the Constitution which guarantees the right and freedom to profess, practice or propagate an individual religion.²¹

Under Muslim law, divorce is the unilateral right of a man and a woman can exercise this right only if she is delegated the power to do so. Little change has been brought about in the

Dissolution of Muslim Marriages Act 1939 except for the Muslim Family Laws Ordinance of 1961. According to Muslim Inheritance Law, a Muslim female is entitled to inherit property in four capacities—as a wife, a daughter, mother and sister.

b) *Hindu and Christian Personal Laws*: In Bangladesh, the Hindu women are still governed by the ancient Shastric law. The laws enacted during the colonial period are still applicable to the Hindus of Bangladesh and were never revised in the post-independence period. The specific laws concerned are Hindu Widows Remarriage Act 1856, Hindu Women's Right to Property Act of 1937 and the Hindu women's Right to Separate Residence and Maintenance Act of 1946. Hindu women in Bangladesh do not enjoy the right to divorce as per law but can retain the right to live separately. Hindu law does not make marriage registrations compulsory. However Hindu women's inheritance of property is very restricted.

The marriage of Christians is regulated by the Christian Marriages Act, 1972. According to the law, marriages of Christians have to be registered under the provisions of the Act. While a Christian male holds the right to divorce his wife through the relevant court on the only ground of adultery, a Christian wife can perform the right on seven but difficult grounds including adultery. It is noteworthy here that only the Christian marriage law interdicts polygamy whereas both the Muslim and Hindu Marriage law permit it.

Laws Protecting Women against Violence

Several laws have been enacted to protect the security of the womenfolk. Some of these laws follow:

- Muslim Family Laws Ordinance, 1961 (repealed in 1986);
- Muslim Marriages and Divorces (Registration) Act, 1974;
- Dowry Prohibition Act 1980 (repealed in 1986);
- The Family Courts Act of 1985;
- Cruelty to Women (Deterrent Punishment) Ordinance, 1983;
- Repression against Women and Children (Special Provisions) Ordinance 1995, a repealed version of the earlier Ordinance; and
- Repression against Women and Children Bill, 1998, which is again a repealed version of the earlier Ordinance.

The draft Suppression of Violence against Women and Children Bill, 1998, however has raised tremendous controversy among women activists. The *Sammilito Nari Samaj* (United Women's Forum), a coalition of women's activists formed in 1995, has expressed its reservations over some of the sections of the Bill, which is yet to be passed in the national parliament. The major concern has been the incorporation of terrorist activities in to the bill, which was supposedly

aimed to provide protection to women and children against violence. The inclusion of such a clause actually puts to question the overall direction of the Bill. Moreover, the bill contains some procedural lacunae e.g. in case of definition of terms like “rape”, “offences” etc. Another major concern is to provide legal sanction for the practice of placing women in “safe custody” without prior consent of the person concerned. However, “there was a total consensus within the women’s and human rights organisations, irrespective of their political beliefs, on the issue of elimination all the sections from the Bill that related to the terrorism activities.”²² However, the government has completely rejected the plea to amend the Bill and is preparing to place it in parliament to pass as a law.

National and International Initiatives for Women’s Development

Apart from enclosing articles of equality of women in the Constitution and enacting different laws, the government has taken several other steps to ensure the development of women. One of these is the setting up of a Central Cell in the Ministry of Women and Children Affairs for the prevention of repression and violence against women. The government has also formed committees at the district, thana and union levels to serve the purpose. It has set up a 15-member Inter Ministerial Committee headed by the Minister for Women and Children Affairs. The responsibility of the committee is to monitor and review the activities of the Central Cell and take remedial measures against gender-based violence.

Table 4: Allocations for Women's Sector in Bangladesh Five Year Plan (in million Taka)²³

Expenditure Plan	First Plan and Second Interim Plan 1973-80	Second Five Year Plan 1980-85	Third Five Year Plan 1985-90	Forth Five Year Plan 1990-95
Total Plan Size	84,160	160,600	386,000	672,300
Share of Women in Five Year Plan Allocation (%)	0.35	0.56	0.13	0.13
Government (1989) Expenditure as % of GDP	14.9	-	-	-

The government had declared a “National Policy for Women’s Advancement” on International Women’s Day in 1997. The policy was aimed at guaranteeing and realising the goals of equality through various means. Hence it offered a comprehensive framework to ensure women’s development. Although the policy had its loopholes, there was no doubt of the goodwill on part of the government at least at the policy level.

In the Fifth Five-Year Plan, covering the period 1997 to 2002, the government has recognised the need to eliminate discriminatory laws, rules, regulations and practices governing the family, social, cultural, economic and political aspects of life. Nevertheless, the budgetary allocations for women’s development remain insignificant.

In September 1997, the Local Government Representation Act, 1997 was adopted. This provides for the direct election of women to three reserved seats at the local tier of administration. The law generated tremendous enthusiasm among the women especially in the rural areas. However, it did not ensure women's proper emancipation due to the in-built social declassification of women. Most of the elected women members have raised complaints of being denied the opportunity to exert their rights at the workplace.

Bangladesh ratified the United Nations Convention of the Elimination of all forms of Discrimination Against Women (UNCEDAW) in 1984 with reservation to four important articles. According to the Article 18 of the CEDAW, state parties have to submit within a year of ratification and thereafter, at least every four years, reports on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect.

In 1994, the government completed drafting the Third and Fourth Periodic Report and submitted it to the UN Committee for the Elimination of all forms of Discrimination against Women in June 1997. The government in the report has acknowledged the existence of different forms of discrimination against women and problems regarding the implementation of the existing legal provisions. It has, however, identified the existing social and cultural practice and personal laws based on religion.

The women's organisations, however, have always expressed their grave concern about the presence of personal laws based on various religions in Bangladesh. They have avowed their firm position on the introduction of a "uniform family code" applicable to all nationals of Bangladesh irrespective of religion. The probable negative impact such a law could have on Muslim religious sentiment, the possibility of losing the vote-bank and strong opposition from the religion-based political parties, have so far restrained any government to pursue the adoption of such a law. The CEDAW Committee has, in its response, raised concern on the issues of continued violence against women in Bangladesh and has urged the government to take appropriate measures to curb gender-based violence.

Gender-based Violence in Bangladesh: Trends and Typology

Trends and Typology of Gender-based Violence

Gender-based violence is merely a reflection of the persisting unequal relationship between the two sexes, which is accepted as almost a practical norm in our society. In the prevailing patriarchal societal structure, social customs, traditions and institutional regulations tend to marginalize the position, rights and status of women and even undermine their security. Therefore, the discriminatory practices, which uphold male supremacy over female, have become an established rule and women have to comply with it without any question. Women therefore, traditionally remained in the interior, devoid of their basic rights and became accustomed to the situation. One major implication of this process of being accustomed is that issues relating to gender-based violence are seldom made public or reported outside the interior of a house. Moreover society, including women began to label any woman who dared to question the authority of men to exert control over women as "bad women". At the same time, as women are generally considered as "property" of men, the outcry of violence against women remained confined to the "private sphere" of life.

Therefore, while we proceed to any discussion regarding gender-based violence, we should always keep in view this general framework of women's status in traditional society. Gender-based violence exists in Bangladesh in all of its visible and invisible forms. Rape, marital rape, child rape, gang rape, murder, trafficking of women and girl children, repression of women to simple nutritional deprivation are some of the different forms of violence that are perpetrated against women. Women are merely seen as objects of repression and women aged eight to even fifty are not spared. The fear of rape while in police custody appears to have become a new concern for women. This indicates that women are not even safe in the hands of the members of law enforcing agencies. Also in Bangladesh marriage is perceived as a personal contract where the consent of the bride regarding sex is totally ignored. Therefore, the issue of "marital rape" is considered a taboo subject in society, although it can cause severe mental and physical harm to the woman. A classification of existing patterns of gender-based violence in Bangladesh may be categorised as follows:

- o Sexual harassment including incest;
- o Different forms of rape- involving cases like marital rape, child rape, gang rape and custodial rape;
- o Murder - including murder due to fatwa, dowry, marriage and divorce and through acid throwing etc;
- o Abuse of women through fatwa;
- o Infanticide;
- o Dowry;
- o Acid throwing.

In a society where violence against women is seen as a accepted practice, the question may be raised as to why violence against women has now become a major social issue in the country. First the rising recognition of "women's rights as human rights" in the international arena and the freedom of press which ensured easy accessibility to both print and electronic media have helped

raising awareness on this issue in Bangladesh. At the same time, women are now involved in economic activities to meet the needs of the family. From the viewpoint of a patriarchal society, working women are perceived to be "easily accessible" and thus, it is easy to perpetrate different forms of violence against them than those who remain inside of a house.

The rapid deterioration of law and order situation makes the situation even more vulnerable for not only the working women but also for those who remain inside a house. In the absence of law and order, it becomes easier for a perpetrator to get away easily even after committing heinous acts like murder, rape or acid throwing. While women already belong to a vulnerable section of society, under this circumstance they become doubly vulnerable. More importantly, in a male dominated society, any act of violation against a woman, is considered to be a "shame" for the woman rather than for the perpetrator who committed the crime.

Another important issue concerns the business of women's body, i.e. the "sex industry", which is one of the most profitable businesses in the world. With globalisation this business is no longer confined to the boundaries of one country. Women of Third World countries, who live miserable lives under poor economic conditions, are easily turned into products of such business and hence, the concern for rise in the business of women trafficking. As shown in the report of Coalition Against Trafficking in Women, presented in the Beijing Conference, 1995, the number of women trafficked from Bangladesh to Pakistan in the ten-year period proceeding September 1995 was 200,000. The monthly average of women trafficked were between 200 to 400. The women who live in the rural areas, especially in the border areas are the most vulnerable to trafficking.

The Women's movement in Bangladesh has also made it possible to raise awareness on the issues of gender-based violence and transform it from the "private sphere" to the "public ". Thus, we see that with the social and cultural transformations, violence against women has indeed turned into a broader issue of social concern and inevitably calls into question the state of law and order situation in our country.

In this section the research findings, based on both primary and secondary sources are discussed.

Findings from Primary Sources

The primary source was collected through personal interviews conducted by the author in three places as already mentioned. It was based on a questionnaire consisting of 10 questions. The findings of the study are given below.

The Concept of Violence:

Majority of the respondents said that any activity that aims to infringe the rights of other people can be termed as "violence". This broader definition of violence included murder, rape, hijacking and snatching to all other illegal means through which one violates another person's rights. Some also defined the term as any activity that violates the existing peaceful condition. It can be deduced from the responses, that all had a clear understanding of the term. The respondents of Begunbari village, however, considered theft of cattle as a serious problem of the area, along with robbery and stealing and termed these as major sources of violence in the area.

The Concept of Violence against Women:

While I have found the common attitude of people, including both male and female, somewhat negative towards gender issues, all the respondents showed clear understanding on the issue of gender-based violence, though the level of understanding varied from place to place. One respondent said the term "violence against women" indicates any activity that is perpetrated against the will of a woman. Thus, the basic point made by majority of the respondents was that any action perpetrated on a woman without her consent is a violation of her right and henceforth can be termed as "violence against women".

The respondents of Begunbari village however answered somewhat conservatively on the issue. According to them, wife battering was permissible and they did not consider it a violation. If a woman failed to undertake household responsibilities properly, the respondents thought that the husband had every right either to scold or beat the wife. What they identified as severe gender-based violence was eve teasing, particularly the harassment of school going girls. Due to the persisting problem of harassment to the school going girls, the parents are forced to discontinue the education of young girls and opt for the only escape root, as they termed it, get their young girls married. Therefore, the usual age of marriage of women in the village is only fifteen.

Violating Women's Security:

On the point of what violates the security of women, a range of issues came forth from the respondents. The majority, however, mentioned that the incidents of rape and acid throwing endanger security of women in a broader sense. Among other issues, economic insecurity of women, women's subordinate position in the family and in the society, domestic violence, dowry, and religious reasons were identified as violating the security of women. Other important issues that the respondents thought as infringing women's security were the impediments embodied in the current structure of laws regarding women, the unwillingness to try and punish the offenders, the inefficiency of the law enforcing agencies and their alleged affiliation with the criminals.

Violation of Human Rights of Women:

In the test questionnaire, there was a question that asked what was the act that most violates the human rights of women. Majority of the respondents failed to understand and answer accordingly. Therefore, the author identified several particular issues to make the question more comprehensible. The issues identified were:

- o Rape
- o Murder
- o Acid Throwing
- o Fatwa
- o Dowry
- o Women's low status in the family and the society

Among the total 135 respondents, 28 per cent identified "rape" as the most heinous crime against the human rights of women. The reasoning for recognising it as a basic violation was the negative attitude of society and even that of family members to accept the victim. The major comment made by the respondents was "a raped woman has to lead a life like a dead person". In fact, many of the respondents mentioned the inability of the present societal structure to hate the perpetrators but rather disgraced the victim as being responsible for the crime especially in cases

of rape.

Nineteen per cent of the respondents then identified the tradition of dowry as violating the human rights of women. In fact, the respondents of the Begunbari village have identified the issue of dowry to be one of the major problems of the village. In this village, no marriage can take place without the delivery of a certain amount of cash money and gold ornaments. Twenty per cent of all respondents identified the low position of women in the family and the society as that which violated the human rights of women the most. It was interesting to find out that in the Dhaka city area, 19 per cent of the respondents favoured this answer while in Narayanganj it was 23 per cent and 18 per in Begunbari .

The next issue selected by the respondents was acid throwing. Seventeen per cent of the respondents identified it as a perilous issue since the victim has no other viable option but to carry the disfigured appearance throughout her entire life. Fewer respondents picked up murder and fatwa as a violation of women's human rights.

The respondents of the Dhaka city identified rape (27 per cent) and acid throwing (23 per cent) as two major problems that affects the human rights of women. In Narayanganj, rape (28 per cent) and women's low status in the family and the society (23 per cent) and in Begunbari, acid throwing (30 per cent) and rape (21 per cent) emerged as major issues of concern of the people.

The State of Law and Order Situation at Present:

In this category, the author identified five possible states of law and order situation to find out the popular view and asked the reasons for identifying so. The categorisation was as follows:

- o Very Good
- o Good
- o Satisfactory
- o Bad
- o Very Bad/Unbearable

Among the total 135 respondents, 45 persons (33 per cent) identified the present law and order situation as unbearable, 37 persons (27 per cent) termed it bad, 32 persons (24 per cent) termed it satisfactory, 14 persons (10 per cent) termed it good and 2 persons termed it to be very good.

More than 50 per cent respondents of the Dhaka city that is 27 persons described the present state of law and order situation to be completely unbearable. None of the city respondents identified the situation to be either good or very good. Eighteen persons (36 per cent) termed it to be very bad while the rest, which is only 5 persons (10 per cent), termed the situation to be satisfactory.

In Narayanganj, the majority of the respondents, which is 40 per cent, described the present condition of law and order situation to be satisfactory while 35 per cent considered it totally unbearable. Twenty-eight persons considered the situation bad while only one person termed the situation as good. In Begunbari, however, the majority thought the situation of current law and order situation as good. This position was supported by 38 per cent of the respondents. Thirty-one per cent of the respondents considered the situation as satisfactory while 18 per cent thought it bad and 9 per cent thought the situation unbearable. Only two persons of the respondents in the village termed the law and order situation as very good.

In another question it was asked what were the areas of the country that the respondents thought to be safe in terms of law and order situation and in this respect, what was the status of the human rights of women. Some of the respondents clearly identified the names of several cities, which they considered to be totally unsafe in terms of law and order situation and human rights of women. These cities were Barisal, Khulna, Chuadanga, Chittagong, Jessore and bordering cities. However, the city dwellers identified the remote areas of the country as unsafe in terms of law and order. Some identified slums, village areas to be specifically bad in terms of law and order situation. Other respondents considered village areas to be safe in terms of both law and order situation and gender-based violence, as there was an accountability mechanism in the rural areas initiated by the elderly people. The primary reasons identified by the respondents for the decline in law and order situation were the lack of an efficient law enforcing agency to protect the public and political use of law enforcing agencies for their own interests.

Another question asked whether there was any specific period when the law and order situation turned excessively bad, and if so, how women were affected under such extreme situation. Exactly half of the respondents (50 per cent) from the Dhaka City area replied the condition of law and order situation is always bad and women's human rights are affected simultaneously. Twelve per cent of the respondents however, mentioned that there was no specific period that can be determined as an extreme situation in terms of law and order situation. On the other hand, 16 per cent said the law and order situation turns bad in times of religious or other types of festivals and another 16 per cent identified the period through October to December as particularly bad in terms of law and order situation. One has mentioned particularly the summer time and another the time of national elections when the law and order situation is extremely bad. With regard to answering the associated part of the question, everyone held that women's human rights could be jeopardised with the smallest indication in the deterioration of law and order situation. One, however, has particularly mentioned the 31st night when right to free movement is severely affected.

The respondents from Narayanganj held that there was no specific period when the law and order situation turns out to be specifically bad. The respondents of the Begunbari village however, mentioned that during the time of Ramadan the incidents of cattle theft increase in a massive scale. But the respondents of these two areas held that the condition of women's human rights remains negative at all times.

Women's Safety Outside after Sunset

The next query was under the present circumstances, whether it was possible for a woman to go outside after sunset. The majority of the respondents answered in the negative. Among the 135 respondents, 84 per cent answered that they never feel safe to go outside alone after sunset. Therefore, whatever work they have to do, they try to complete it before dark. The rest, however, said that though they consider the situation satisfactory, they prefer not to step outside alone after sunset. Among the respondents of the Dhaka city, 90 per cent considered it to be totally unsafe while the rest identified it to be satisfactory. Those who considered the situation after sunset as satisfactory, pointed out busy places of the city and some government protected areas like the cantonment areas as safe even after the sunset for women.

Most of the respondents, however, said that even in broad daylight it is not safe for women to roam around the city. They also said people seldom come forward to help another in problematic situations. At the same time, if a lone woman is harassed outside, the society tends to blame the woman for not having someone with her. The majority of the respondents also highlighted the failure of the law enforcing agencies, especially police to ensure protection for women.

Relationship Between the Deteriorating Law and Order Situation and Security of Women

The majority of the respondents have clearly pointed out a direct relationship between the deterioration of law and order situation and security of women. In fact, almost 90 per cent of the respondents have identified the deterioration of law and order situation to be one of the major sources of increased violence against women. The degree of relationship, however, varied from respondent to respondent.

Most of the respondents held the view that the deteriorating conditions of law and order affects the women folk the most. People, who want to perpetrate gender-based violence, find the atmosphere most conducive to do so. Moreover, women's outside activities also had to be compromised due to the deteriorating situation. Women become particularly victims of incidents like rape, acid throwing, incest, eve teasing and so on. Some mentioned that the impact of these incidents might have long term impact on a woman's life, which in turn might affect the rearing practice of her future children. Some of the respondents also mentioned that with the break up of the social chain system, our traditional respect for women and elderly people have declined. This also gives rise to sexual harassment towards

women at the work place, along with subtle discrimination in the working atmosphere. Some of the respondents, however, mentioned that the existing situation for women might not change due to the overall decline in the law and order situation and women might be subjected to the same amount of violence as men.

Women's Status at the Policy Making Level and Priority on Women's Issues

The last question asked from the respondents was whether a woman, who is at the highest level of policy making, should consider ensuring the security of women as her first priority. The majority (60 per cent) of the respondents of Dhaka mentioned that ensuring the security of women should receive highest priority of women but none of the two subsequent regimes, both headed by a woman, had done so. Only one mentioned that the issue of women's security was partially met while two respondents mentioned that the issue was fully materialised. Twelve per cent of the respondents mentioned that as women belong to a vulnerable group, the issue of women's security should get highest priority under every regime, whether a male or female heads it. One respondent mentioned that the issue of security is important for both women and men and one mentioned that the issue of security depends on the overall condition of the security of the country.

The respondents of the Begunbari village overwhelmingly mentioned that the government was doing a god job in looking after women's issues particularly providing financial help to women. In this respect, they mentioned the government's effort to introduce Vulnerable Group Feeding (VGF) card, a system that was initiated by the government during the 1998's flood to deliver food to the most destitute people, and the system of Elderly People's Allowance. But with respect

to ensure women's security, the respondents failed to identify any positive steps. The same happened in the case of the respondents of Narayanganj, who said there was no relationship between having a woman as the head of the state and improvement of women's security.

Violence Against Women: Data Collected from Secondary Sources

Repression of women in Bangladesh is increasing day by day and it is difficult to comprehend the actual situation of women with regard to gender-based violence. At the same time, data regarding cases of violence against women in our country are also very controversial. The prime sources of data are the newspapers especially those published in Bengali as vernacular newspapers provide a detailed coverage on news items coming from rural areas and situations covering law and order situations and gender-based violence. Nevertheless, as not all the reports concerning either law and order situation or violence against women are reported to police or covered by the media, there is a tremendous controversy about the actual number of occurrences and the number of incidents reported in newspapers. On the other hand, when we look at the statistics, we see a tremendous increase both in the number occurrences of violence against women and the deterioration of law and order situation. In this connection, some argue that due to the relative media freedom under a democratic regime and increase in public awareness on the issues of violence against women, these incidents are reported more in newspapers now-a-days. On the other hand, it can be safely argued that the censorship that was imposed during the autocratic regime was directed only against the reporting of sensitive political issues and was seldom directed against publishing of incidents of violence against women. Apart from these arguments, as has already been pointed out that there exists discrepancies in terms of reporting of incidents, which not only depend on the type of newspapers (e.g. whether vernacular or not), but also on the nature of grassroots affiliation of newspapers.

Violence Against Women: 1995-97

The author would now like to present several statistics relating to gender-based violence, collected from various sources. Barrister Amirul Islam, Vice President of Bangladesh Bar Council has provided some statistics from the police report on cases of rape, acid throwing, heinous hurt, torture and oppression by other means on women. The total number of women victimised from the above mentioned incidents was 3646 in 1996 and 5834 in 1997. According to police sources, the incidents of rape were 525 in 1996, which which doubled in 1997 to 1336. In case of incidents of acid throwing, the number increased from 66 in 1996 to 117 in 1997. The incidents of women trafficking also rose to 103n in 1997 from 77 in 1996. All the numbers clearly indicate the sharp rise of incidents of gender-based violence yearly.

A human rights organisation Ain O Salish Kendra (ASK) has compiled cases of violence against women from nine daily newspapers of the country. The categories of violence that were covered in the study were rape, dowry, fatwa, acid burn, domestic violence and suicide.

Incidents of Rape

Amongst different forms of violence against women, rape was the most frequently reported incident during 1995 to 1997. The table shows that the incidents of rape had increased from 38.2 per cent of the total reports in 1995 to 49 per cent in 1997. If we look at the number, it had increased from 240 in 1995 to 753 in 1997, which shows more than a two hundred per cent increase in the number of incidents in only a three-year period. In 1997, 255 women were gang-

raped.

Violence Perpetrated by the Law Enforcing Agencies: Case of Yasmeen

On 24 August, 1995, some local people and some workers of BRAC, an NGO, found the corpse of a young girl, named Yasmeen Akhter on the Dinajpur-Thakurgaon highway, which is in the northern part of the country. The fourteen-year-old teenager was given a lift in a police van and later raped by police and left as dead on the street.

A local person discovered Yasmeen's body and the incident became public. Soon after the incident was revealed, Police invented several stories regarding the incident to detract the course of events. They issued a statement that Yasmeen died while she tried to jump out from the van and that she was a prostitute. However, nothing could conceal the truth and the local people and the human rights organisations took up the issue. Following tremendous public protest, police opened fire on the local people on 27 August in which seven people died and over hundred people injured. However, later three accused police officers were suspended and charged. A judicial inquiry submitted its report to the government in October but it was not made public.

Custodial Rape: The Case of Seema

Seema Chowdhury, an 18-year-old garment factory worker died in safe custody under mysterious circumstances on February 7, 1997. She was reportedly raped by four policemen on 9 October 1996 but the accused were acquitted by a trial court on 14 July 1997 "for lack of evidence". Two inquiries into her death instituted by the government and by the parliament have been disappointing.

Seema was reportedly walking with her boyfriend, Abdul Hafiz, in the afternoon of 8 October 1996 towards the village of Majidapura near the city of Chittagong. Police personnel passing by arrested both under section 54 of the Code of Criminal Procedure, which allows the police to arrest nine categories of criminal suspects without an order from a magistrate, and without a warrant of arrest. Police took both of them to the nearby Moghdi police camp and they were kept there until the afternoon of 9 October and were not produced before a court even though Bangladesh's Constitution requires any detainees to be seen by the court within 24 hours of their arrest. The couple was then transferred to Rauzan thana (police station) where they were held in separate rooms. Abdul Hafiz was sent to a cell and Seema was 'detained' in the office of the Officer-in-Charge (OC) of the police station. The OC claims that he had left at midnight, leaving his key with the duty officer Uttam Kumar Majumdar and that three other policemen entered the room after he left. Seema later recalled how the policemen on the night of 9 October forced her to drink a glass of what she thought was "muddy water". She became dizzy, and in that condition, the four policemen raped her. She was taken to the Chittagong Medical College Hospital for check up where a medical board disclosed that she had been raped.

Due to repeated appeals by human rights organisations, she was kept in the safe custody at the Chittagong Jail. Seema remained in detention without access to a lawyer or visits by her friends and her mother. She was later diagnosed as having gastric ulcer and lung infection. Under these circumstances, she became severely ill and on 7 February, she was taken to the Chittagong Medical Hospital in a rickshaw van where the doctors declared she was dead. The doctors identified typhoid to be the reason of her death after conducting an autopsy. However, though according to rituals of Islam religion, a Muslim's body must be interred, the authorities

immediately burned Seema's body without handing it over to her family.

Custodial Rape:

The abuse of women while in safe custody by members of the law enforcing agencies, especially police has become a situation like "out of the frying pan and into the fire". In 1997, members of the law enforcement agencies had committed 14 such crimes.

Violence against Women: 1998

According to Barrister Amirul Islam's source, the number of repressive activities against women stood at 7387 in 1998. The incidents of rape were 2959, which had doubled since the previous year. The number of incidents of acid throwing and women trafficking were 130 and 112 respectively.²⁶

Odhikar, a human rights organisation, has revealed data on violence against women in 1998 in four specific areas - rape, 'custodial rape' or rape in police custody, violence related to dowry demands and acid throwing on women. According to the findings of Odhikar, the reported incidents of violence against women in 1998 are as follow:

Table 6: Violence against Women in 1998

Rape by Police	Rape	Dowry Deaths	Acid Throwing
16	961	83	101

Incidents of Rape

Odhikar documented a total of 961 cases of rape committed against women throughout the country from January 1 to 31 December 1998. According to Odhikar's report, 733 incidents of rape were reported during the same period in 1997. Odhikar has also identified that the age group that was most violated was from six to eleven years. 187 female children of this age group were raped while 164 cases involved victims of twelve to fifteen age group in 1998. 1998 also saw two terrible incidents of rape. In one incident a minor girl of only eight years was raped in the police control room at the Chief Metropolitan Magistrates Court building while in the other female students of a university were raped by their classmates in broad daylight.

Jahangir Nagar Incident

One of the most shocking incidents that occurred in 1998 were the rape cases that rocked the Jahangir Nagar University, Savar, Dhaka, considered to be one of the highest educational institutions of the country. Thirteen students, all leaders or activists of the Bangladesh Chattra League, the student fraction of the ruling Awami League, were accused of committing rape and other forms of sexual violence against female students of the university. According to the Fact Finding Committee Report, 177 students were raped in twenty different areas on the campus but none had the courage to reveal it due to threats of further incidents of harassment. According to the report, "many of them were raped several times, some were gang-raped and some were even forced to leave the campus after the incidents". Among the alleged thirteen students, six accused abettors were acquitted due to lack of evidence while seven were finally accused of committing rape. But unfortunately, the university authority could not pursue the issue firmly enough to set any exemplary punishment against the perpetrators. The Syndicate of the university expelled one of the accused for life and the other six received various punishments involving expulsion for either two or three years. At the same time, another accused rapist received a suspended

expulsion for one year while two of them were served with warning notices. The revelation of the rape incidents in the Jahangir Nagar university gave rise to wide spread discussions on the security of women and on the need of setting up exemplary punishments to prevent any such occurrence in the future. However, the Jahangir Nagar university authorities refused to file criminal cases against the accused, though some teachers of the university favoured this option. The Vice Chancellor of the university rather held that the victims were free to file charges against the alleged perpetrators.

Custodial Rape

The Odhikar documented 16 incidents of police rape in 1998. Among the victims, two were as young as ten years while the majority of the victims were in their early teens. According to the findings of the organisation, the crimes were committed not only by the police constables but also by army personnel from the Bangladesh Rifles .

Acid Throwing:

The incidents of acid throwing, according to the Odhikar findings had decreased to 101 in 1998, from 110 in 1997.

Violence Against Women in 1999

As the findings of 1999 goes, the year has surpassed every aspect in the area of gender-based violence. According to again Barrister Amirul Islam's findings, the total number of gender-based violence, comprising rape acid throwing, heinous hurt, torture and oppression by other means on women stood up at 4125 till June 1999. The incidents of rape were 1639 (until June), acid throwing 62 (until June) and incidents of women trafficking 46 (until September) 1999.²⁷ According to data published by the Bangladesh Manobadhikar Shamannya Parishad on 11 December 1999, the eve of International Human Rights Day, from 1 January to 8 December 1999, 781 incidents of rape, 183 incidents of acid throwing, 23 incidents of fatwa and 152 incidents of dowry-related death had taken place. During the same period of eleven months and eight days, 810 incidents of rape, 173 incidents of acid throwing and 153 incidents of dowry-related deaths took place.²⁸

The Naripakkha, a women's organisation stated that a total of 629 women were killed, 268 committed suicide and 337 others were harassed and tortured during the ten-month period of 1999 from January to October.

The report published by the Documentation Unit of Odhikar, however, shows little change in the situation of women with regard to gender-based violence except for a massive increase in the number of acid throwing incidents than the previous year. According to Odhikar, reported incidents of violence in 1999 were as follows:

Table 7: Violence Against Women-1999²⁹

Rape	Rape by Police	Dowry Deaths	Acid Throwing
842	10	96	178

Odhikar documented 842 cases of rape from 1 January to 31 December 1999. It has also identified that the age group most violated was from six to fifteen years. In October alone fourteen female children, aged between six to ten years and eleven female children aged between

eleven to fifteen years were raped. According to Odhikar findings, ten women were violated by members of the law enforcing agencies in 1999. One of the victims was as young as only eight years of age while the majority of the victims were between the ages of ten and fifteen.

The incidents of acid throwing have increased in 1999 despite tremendous efforts taken both by the government and the non-governmental agencies. While in 1998 the incidents of acid throwing were documented as 101, the incidents rose to 178 in 1999. The majority of the victims fell belonged to the eleven-fifteen and sixteen-twenty year old age group. The major reasons for perpetrating such heinous acts against women were identified as jealousy, refusal of advances and revenge after an argument. The incidents of dowry deaths were recorded as 96 in 1999, where the victims were all housewives. As the report goes, there were four incidents where the victims were only sixteen years old, while in Bangladesh, according to law, the age of marriage for a woman is determined to be above eighteen year.

1999 is also marked by the forced eviction of sex workers from the Tanbazaar and Nimtoli brothels of Narayanganj, a port city adjacent to Dhaka. The government's eviction of sex workers at midnight on 24 July on the grounds of polluting the environment of the adjacent areas, was termed as an example of "state-sponsored terrorism". Although the government had promised to ensure proper rehabilitation of the sex workers, so far nothing concrete has been initiated. Leaders of a coalition of 86 human rights organisations have urged the government to publish official reports on the eviction of sex workers and termed the eviction as a "major human rights violation".

Relationship between Law and Order Situation and Gender-based Violence:

A comparison of statistical data of the past few years has shown that both the rate and intensity of gender-based violence and records of crime is increasing. The findings of the study also shows that the total number of incidents reported had nearly doubled from 628 in 1995 to 1,533 in 1997. While in 1995 the occurrence and percentage of public violence, i.e. rape, fatwa and acid burn were 298 incidents and 47.45 respectively, the same had increased to 911 incidents and 59.33. During this period, though the incidents of domestic violence and dowry have increased in number, the percentage in comparison with the total number of incidents have fallen sharply. While the percentage of domestic violence was 32.32 in 1995, it had fallen to 9.53 in 1996 and again increased to 15.26 of the total occurrence in 1997. The case of dowry related incidents are somewhat different. It was 19.7 per cent in 1995 of the total number of incidents and fell to 13.34 per cent in 1996 and again fell to 11.54 per cent of the total occurrence in 1997.

The findings of the study indicate that a woman's safety is in jeopardy outside her home. Newspapers and human rights organisations have increasingly highlighted the absence of proper law enforcement that has aggravated the existing law and order situation and gender-based violence. The issue of growing insecurity of women in society is directly linked to broader phenomena including the existing law and order situation and the misuse of power through various channels. The deterioration of the system however, can be traced to the mass use of weapons during the Bangladesh liberation war of nine months. This usage of these weapons in a large scale and the failure of the authorities to recover most of them gave ample opportunities to the miscreants to misuse them accordingly.

The patronisation of terrorists by political parties to perpetrate violence against opponents, the

increasing inclusion of non-politicians in politics, decaying trends moral values, the absence and inexperience with democratic norms and practices, the absence of accountability of our institutions-have equally contributed to the diminishing state of the society. The general public can seldom trust government institutions and the law enforcement agencies of the country, particularly the police force. We inherited our institutions, their patterns of operations from the British Empire. The primary purpose of the police force during the British Empire, was to suppress the opposition. But this legacy was inherited by the subsequent regimes, both in Pakistan and Bangladesh and the police force continues to be a source of fear and domination. Since there was no conscious effort to break this legacy of domination the basic understanding that law-enforcing agencies should serve the people rather than dominate them was absent from the very beginning. It is the same case with the defence forces, which is perceived, as an alienated "force" with immense power to do anything against the people. In other words the police and defence forces fail to function as a "social service mechanism". This alienation has resulted in the following:

- a) regimes continued to use the police force to serve their vested political interests;
- b) members of the police were accordingly given enough space and opportunities to demonstrate their macho chauvinism.
- c) as the process continued, people genuinely wanting to serve the people lost interest in joining the police and instead notorious, arrogant people with lower merit and qualifications joined it. Humayun Azad, a famous essayist, once commented, "now-a-days, only the most ill-featured and notorious boys of the community join the police"; and
- d) as members of the police force also realised their value with regard to the regime in power, they became an unaccountable source of power.

These in turn, lead to massive corruption, the psychology of macho chauvinism and the ultimate alienation of police from the masses. These combined factors also shape the relationship between the police and vulnerable groups including women into one of the oppressor and the oppressed. In this respect, we can cite some examples. In the first case when several policemen raped and murdered a minor girl, Yasmeen in 1995, the then government in power, headed by a woman tried to protect those who committed the crime. The government tried its best to cover the actual incident by issuing false press releases, which was later uncovered. The then leader of the opposition, who was also a woman, expressed her sympathy on the issue, visited the place several times and joined the masses in the struggle to establish the truth. In 1996 when the then leader of the opposition became the head of the state, another girl was raped and died in the safe custody. This time, the government maintained a silence from the beginning but later formed several judicial enquiry teams, the results of which were regarded as controversial by the human rights activists.

Therefore, the increase in both the occurrence and intensity in gender-based violence with regard to the deteriorating law and order situation can be linked to the broader issue of misuse of power by government institutions. This involves the bureaucracy, the political party in power and police aided by terrorism and money. All these issues are interlinked and the pattern of linkage can be delineated through the following circular chart:

These channels, as is shown in the figure, are interlinked and influence each other and thus,

manipulate the overall functioning of the system. In such a condition, the accountability of the institutions is largely absent, and it is the vulnerable group that becomes affected by the massive deregulation of the whole system. Moreover, the decaying trends of moral values over the years have added to the total deterioration of our social system. Therefore, while the administrative system has turned out to be highly corrupt, the political culture too has been affected negatively. As a result the general law and order situation has deteriorated and vulnerable groups, especially women have been badly affected. The intensity and occurrence of violence like rape, gang rape, rape in police custody, acid throwing against women were not so frequent in the recent past. Nevertheless, we can categorise several understandings that are related with the growing gender-based violence and the rapid deterioration of law and order situation in the society:

- o Growing acceptance of violence by society.
- o Upholding the prevailing gender ideology under which men dominate and control women and reproduction of such ideology through popular culture in the mass media.
- o The easy availability of fire arms, acids, and other deadly weapons.
- o Increasing exposure to violence through the print and electronic media.
- o Direct and indirect patronisation of terrorists by political parties and the use of weapons during political processions and hartals.
- o Increase in the number of the unemployed, who become easy targets of political parties as recruits for "party cadre" positions.
- o Manipulation of the facts of crime by law enforcing agencies, specially police.
- o The absence of proper enforcement of law and delay in the legal process.

The manifestations of the social malaise against women are taking outrageous forms day by day. As the traditional subordinate position of women embodied in our societal structure has enforced women's disgraced status, so has the continuous deterioration in the law and order situation, which has particular linkage with politics had a negative impact on the security of women. The research findings of this study also reveals that women are the most affected social group under the deteriorating law and order situation of the country. Women's right to free movement, sexual harassment at the work place, harassment and violence at the market places - all are jeopardised under such condition. The linkage between the growing disorder in the law and order situation and its negative impact on gender-based violence was revealed in an incident where a woman was abused on 31st night of 1999 in the Dhaka University campus area in the presence of police. The major accused in the incident was a member of the student forum of the ruling party and it was alleged that the police force had deliberately left out his name in the list of suspects. Therefore, we can perceive a chain of vested interests that exists between the ruling party and members of the law enforcing agency- primarily the police force. The general public thus has lost faith in this institution, which is perceived as being totally corrupt, and the overall system has endangered vulnerable groups, especially women.

Violence against women is not a new phenomenon of society, but it is the newer dimensions of this violence that has made the issue so important for the future of humankind. The study on "Law and Order Situation and Gender-based Violence: Bangladesh Perspective" shows that women's insecurity in Bangladesh not only arises from structural variables like patriarchy and religious conservatism but also from other variables like the existing law and order situation of the country. The law and order situation has not only deteriorated in the recent past but has also made life insecure for vulnerable social groups like women.

The recent incidents of Yasmeen's and Seema's rape cases and events like the abuse of a woman on 31st night highlight the link between the severe deterioration in the overall law and order situation of the country and issues of gender-based violence. On one hand it shows the opening of a new area of initiating violence against women in the existing patriarchal society, which itself generates and perpetuates violence against women through various other means. On the other hand, as it has been pointed out in the previous section, the reproduction of the system and the co-relation between and among its components have contaminated the entire system. What the need of the hour is the political will to combat terrorism, check the flow of black money in politics and take political decisions on basis of political unanimity

The media also has a greater, in fact one of the most responsible roles to play in this context. Human rights groups, women's organisations and civil society have appreciated the unanimous decision taken by the media not to publish any photographs of victims of gender-based violence. But the publication of the photo of the woman abused on 31st night in several national newspapers was an example of sheer irresponsibility.

On the other hand many of the leading national dailies, especially the vernacular newspapers, now provide a separate page for women's issues, their pains and problems. The media, should thus carry out its future activities to promote the general understanding of gender issues and issues regarding gender-based violence.

The government both in cases of gender-based violence and persons allied with illegal activities should enforce exemplary punishment for the accused. Only through this harsh awakening of society, can the awareness of the general people be aroused. In this connection, it is also important to retrieve traditional values.

Above all the concept that "women's rights are human rights" should not be limited to mere jargon only.

Recommendations

Violence against women is a global phenomenon from time immemorial, which does not depend on the level of development or even on the level of affluence of the society, but varies in terms of severity and manifestations. It is a gross violation of the human rights of women and has gained importance through the constant lobbying of women activists worldwide. With the recognition of women's unpaid contribution to the economy and the need to incorporate women's perspectives in development planning, women's issues were gradually placed in the forefront of decision-making procedures.

Along with the changes in the concept of women's status world wide, the Bangladeshi society started to feel the impact of change. Several laws have been enacted with the aim to improve women's lot, but seldom have the reforms in these laws helped to serve women's cause.

Any recommendations made specially relating to gender-based violence and law and order should be a concerted effort to combat both law and order situation and gender-based violence.

Specific recommendations at the Decision Making Level

At the decision making level, the government should undertake several concrete measures, along with strict implementation of laws to protect women's security and improve the condition of law and order situation.

- The government should take up measures to appoint two separate Ombudsmen, one to oversee the law and order situation and another to oversee the issue of gender-based violence. The persons chosen should be acceptable to all have no political affiliation. Their duties should include collecting information on existing law and order situation and incidents of gender-based violence on a monthly basis; identifying the general pattern and trends of incidents; identifying the sources of illegal arms in the country and suggesting measures to combat each of the issues.
- The offices of the Ombudsmen should assist in forming a "Data Bank on Gender-based Violence" and another "Data Bank on Law and Order Situation" at the national level with analysis and description of events. The offices should publish monthly data of the collected information in the mass media, along with the full socio-economic account of both the victim and the accused. But they should do so without disclosing the victim's identification in both cases of gender-based violence and people affected by deteriorating condition of law and order. The follow-ups of each and every incident should be published accordingly.
- The government should set up a co-ordination committee, comprising members of the civil society, human rights activists, legal activists and others, to assist the office of the Ombudsmen to oversee overall activities and monitor the general situation.
- Appropriate institutional reform plans to break the past legacy.
- The government should also take measures to decentralise administration and ensure the independence of judiciary, to establish accountability of all the components of law enforcing agencies.
- Ensuring gender-sensitive training programmes for all government officials including decision-makers, members of the Parliaments and members of the law enforcing agencies, especially police.
- Women's issues, particularly gender-based violence should be incorporated in the high school level of study to remove gender biases from a young age. The Education Board should eliminate role stereotypes from textbooks and change the traditional role models.
- Mobile petrol consisting of members of the law enforcing agencies should be set up to oversee the deterioration in the law and order situation and gender-based violence in any area.
- The government, co-ordinating with NGOs should set up a "Cell to Protect Women against Violence" at the grassroots level to collect and disseminate information; initiate gender-sensitive programmes to raise awareness on the issue and help eradicate violence against women.

- Economic independence is a necessary precondition for self-reliance- therefore, self-sustaining and self-generating economic activities targeted towards women should be and must be encouraged by the government.
- The government should make legal aid available to all-from rural to urban area; provide economic assistance to the victim where necessary and ensure speedy free, and fair trial of the cases.
- There should be a Cell for Protecting Women against Violence at every police station where cases of violence against women would be reported. Such a Cell can also assist the work of the office of the Ombudsman.
- The victims of gender-based violence should be provided immediate medical facilities and treated by female medical staffs.
- Counselling and registration of marriages should be ensured and supervised thoroughly by the governmental authority. Active cell to be set up especially in rural areas to monitor incidents of dowry.
- The government should actively ensure increasing women's participation in technical areas.
- There should be a Gender Code and a Central Cell for Women in both public and private offices, conducted predominantly by women, to look after their problems and other related issues in the offices.

Specific Recommendation For the Police Force

The government should take some immediate measures to restore the faith and confidence of the general public in the law-enforcing agency, especially the police. In this context the followings measures can be pursued.

- Brilliant students should be encouraged and given preference when it came to recruitment to the police force
- Past record of the potential recruits should be carefully assessed by a committee of representatives from the civil society.
- The police force must be disjointed from vested interests of the government sectors. To ensure this a proper accountability mechanism for the police force must be developed. The members of civil society, including leading authors, poets, university teachers, and local community- all should be involved in this process.

For the Community

The gradual erosion in our moral values through which we have learned to respect our elders has affected the overall check and balance mechanism that used to control the spread of violence, corruption and other vices. The society used to try the accused for crimes committed in the community through the process of "Shalish" (a sort of "local court", managed by the senior and learned people of the community), involving the accused, victim and their families. The disappearance of such social safety mechanism has affected the community as a whole and its ultimate effect has given rise to the total disappearance in accountability from the lower tier of the society. Therefore, if we want to recommend any measures with respect to gender-based violence and law and order situation, there should be a clear and defined role for the community.

- There should develop a community protection mechanism for women and a mechanism

to encounter illegal activities taking place in the community. The elderly and learned people of the community should take up the responsibility to manage the affairs of the community. Such a mechanism should be totally free from any political affiliation.

- The community should collect information on gender-based violence taking place in the community. There should be a liaison between each community and the offices of both the Ombudsmen can interact with each other to improve law and order situation and curb gender-based violence.
- There should be a women's forum in the community to look after women's issues and specially incidents of violence against women in the community.
- The learned people should make interpretation of religious verses so that chances of misinterpretation of religion are reduced.

For Women Activists and Human Rights Organisations

- Women and human rights activists should act as "watch dogs" to monitor the overall situation; prepare their own reports regarding the issues and present it to the offices of the Ombudsmen and suggest measures that would assist to improve the existing situation.

For the Victims

- The traditional attitude of society regarding the victims of violence should be changed through gender-sensitive programmes in the mass media.
- The victims must be encouraged to "break the silence" of violence perpetrated against them. The family of the victims must immediately assist the victim to overcome the situation.
- The most important step with regard to gender-based violence should be to initiate exemplary punishment of the accused.

7.6 Future Areas of Research

While conducting this research work, the author observed that there are various under explored and less noticed areas regarding gender based violence in Bangladesh. Substantive research works in these areas may further elucidate the pattern of relationship between various types and forms of gender based violence with that of the entire law and order system of our country.

While this research concentrated mainly on identifying a general pattern, more sector specific intensive research works will undoubtedly construct a more distinct picture of the entire scenario.

Some of these areas are mentioned below:

1. Exploring the causal connection between deterioration of law and order situation and increase in workplace harassment/violence against women.
2. The role of women's participation in law and order institutions and in defence forces in resisting gender based violence.
3. The security of women migrant workers, both inside and outside the country.
4. The perceptions of women belonging to minority groups regarding law and order institutes and law and order situation of the country.
5. The role of women's participation in grass root level political institutions, in resisting gender based violence.