



Home Office

Country Policy and Information Note

Bangladesh: Women fearing gender based violence

Version 2.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

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1. Introduction

1.1 Basis of claim

1.1.1 A woman fearing gender-based violence from non-state actors amounting to persecution and/or serious harm.

1.2 Points to note

1.2.1 Gender-based violence could include, but is not limited to: domestic violence, rape, acid attacks, fatwa-instigated violence, dowry-related violence, sexual harassment and forced marriage.

1.2.2 For further guidance on assessing gender issues see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

2.2.1 Women form a particular social group (PSG) in Bangladesh within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 In the Country Guidance case [SA \(Divorced woman – illegitimate child\) Bangladesh CG \[2011\] UKUT 00254 \(IAC\) 11 July 2011](#), heard 29 and 30 September 2010, the Upper Tribunal accepted that women who can show a real risk of domestic violence on return to Bangladesh may be able to show a risk of serious harm for a Refugee Convention reason, i.e. membership of a particular social group, namely women in Bangladesh, on account of the fact she would not be able to obtain an effective measure of state protection by reason of the fact that she was a woman (paragraph 74).

2.2.3 Although women in Bangladesh form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the

particular person will face a real risk of persecution on account of their membership of such a group.

- 2.2.4 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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2.3 Assessment of risk

- 2.3.1 Constitutional provisions and domestic laws aim to uphold the rights of women, together with protections against gender-based violence. This includes offences related to domestic abuse, rape (although not marital rape), acid attacks and dowry-related violence. However, levels of discrimination and violence against women remains high (see [Legal context](#) and [Sexual and gender-based violence](#)).
- 2.3.2 Gender based violence against women and girls, including domestic abuse, rape, fatwa-instigated violence, dowry-related violence and sexual harassment in private and public spaces, is widespread and compounded by patriarchal attitudes and gender stereotypes (see [Sexual and gender-based violence](#)).
- 2.3.3 Women face widespread societal prejudice and discriminatory laws and provisions remain – including those relating to marriage, divorce, custody and inheritance – that deny women equal rights with men. Women are also discriminated against with regards to employment, education and healthcare (see [Position of women in society](#), [Legal context](#), [Employment and education](#), and [Health care](#)).
- 2.3.4 Around two thirds of women are reported to be victims of some form of gender-based violence. Over 72% of ever-married women experienced one or more forms of domestic abuse by their husbands, with dowry-related disputes the most common form of domestic abuse. Women from lower socio-economic levels of society are worst affected, and violence against women disproportionately affects single, divorced, indigenous or stateless women. The perpetrators of domestic abuse are husbands, other family members and members of the community (see [Sexual and gender-based violence](#), [Single and divorced women](#) and [Disadvantaged groups of women](#)).
- 2.3.5 In regard to mothers of illegitimate children, in [SA](#) the Upper Tribunal held:
- ‘Under Muslim law, as applicable in Bangladesh, the mother, or in her absence her own family members, has the right to custody of an illegitimate child.
- ‘In custody and contact disputes the decisions of the superior courts in Bangladesh indicate a fairly consistent trend to invoke the principle of the welfare of the child as an overriding factor, permitting departure from the applicable personal law but a mother may be disqualified from custody or contact by established allegations of immorality.
- ‘The mother of an illegitimate child may face social prejudice and discrimination if her circumstances and the fact of her having had an illegitimate child become known but she is not likely to be at a real risk of

serious harm in urban centres by reason of that fact alone' (paragraphs 110b to 110d). (See [Single and divorced women](#)).

- 2.3.6 Not all women are at risk of gender-based violence and being female does not on its own establish a need for international protection. However, women who fear gender-based violence may be at risk of persecution for a Convention reason.
- 2.3.7 In general, the level of societal discrimination is not sufficiently serious by its nature and repetition that it will reach the high threshold of being persecutory or otherwise inhuman or degrading treatment.
- 2.3.8 However, decision makers must consider whether there are particular factors relevant to the specific woman which might make discriminatory treatment serious by its nature and repetition. For example, the cumulative effects of restrictions in the participation of women in the work force; social stigma against single women, particularly single mothers; discrimination due to unequal legal rights compared with men; and the difficulties women face accessing state protection.
- 2.3.9 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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2.4 Protection

- 2.4.1 Where the woman's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.4.2 In the Country Guidance case [SA \(Divorced woman – illegitimate child\) Bangladesh CG \[2011\] UKUT 00254 \(IAC\) 11 July 2011](#), heard 29 and 30 September 2010, the Upper Tribunal held that:

'There is a high level of domestic violence in Bangladesh. Despite the efforts of the government to improve the situation, due to the disinclination of the police to act upon complaints, women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts' (paragraph 110a).
- 2.4.3 Since the promulgation of [SA](#), laws aimed at protecting women continue to remain largely unimplemented due to stereotypes and gender bias, lack of gender sensitivity on the part of law enforcement officials, lack of expertise, facilities, resources and witness protection, as well as corruption and the lack of training and capacity among judges and lawyers (see [Implementation of the law](#)).
- 2.4.4 Although legal aid is available to women, generally women do not or cannot access the police or obtain support from the authorities, often because of social or cultural reasons; stigma; police reluctance; fear that police will return women to abusive relatives; a lack of access to services; and/or a fear of police harassment (see [Access to justice and the police](#) and [Legal aid](#)).

- 2.4.5 The number and capacity of legal aid services and shelter homes are inadequate compared to the need (see [Support centres and shelters](#)).
- 2.4.6 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#). Also see the Country Policy and Information Note on [Bangladesh: Background information, including actors of protection and internal relocation](#).

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2.5 Internal relocation

- 2.5.1 Where the person's fear is of persecution and/or serious harm by non-state actors, decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.2 In [SA](#) the Upper Tribunal held that:

'The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman's shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own facts having regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights' (paragraph 110e).
- 2.5.3 Since [SA](#), state-run and non-state-run shelters for women continue to run though they are limited in number and capacity in comparison to their need (see [Support centres and shelters](#)).
- 2.5.4 Internal relocation may be reasonable in some cases but depends on the facts of the case.
- 2.5.5 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#). Also see the Country Policy and Information Note on [Bangladesh: Background information, including actors of protection and internal relocation](#).

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2.6 Certification

- 2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Updated 12 January 2018

3. Legal context

3.1 Protections

- 3.1.1 The Constitution provides for equality of all citizens and states ‘All citizens are equal before law and are entitled to equal protection of law.’ The Constitution specifically prohibits discrimination on the basis of sex and states ‘Women shall have equal rights with men in all spheres of the State and of public life.’ Equal rights for education and employment are also provided for¹.
- 3.1.2 Sexual crimes are addressed in the Penal Code of 1860. Section 375 of the Penal Code defines ‘rape’ as sexual intercourse taking place without the will or consent of, or by obtaining consent with false promises, with any women under the age of 14. Marital rape is not criminalised providing the wife is aged over 13 years².
- 3.1.3 Bangladesh is a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979³. As well as some Constitutional provisions and the Penal Code, domestic laws and provisions upholding the rights of women in Bangladesh, both generally and regarding violence against women specifically, include: the Human Trafficking Deterrence and Suppression Act 2012; the Hindu Marriage Registration Act 2012; the National Women’s Development Policy 2011; the Domestic Violence (Prevention and Protection) Act 2010; the Citizenship Amendment Act 2009; the Acid Crime Prevention and Acid Crime Control Acts 2002; the Prevention of Women and Children Repression Act 2000; the Suppression of Violence against Women and Children Act 2000; and the Dowry Prohibition Act 1980⁴. The draft Dowry Prohibition Act 2017 was approved by the Cabinet in January 2017 and included punishment provisions for inciting suicide⁵ (see [Dowry-related violence](#)).
- 3.1.4 In its Concluding observations on the eighth periodic report of Bangladesh, dated November 2016, the UN Committee on the Elimination of

¹ The Constitution of the People’s Republic of Bangladesh, 1971, Articles 27-29, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367. Accessed: 6 October 2017

² The Penal Code 1860, Section 375, http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11§ions_id=3231. Accessed: 6 October 2017

³ Government of Bangladesh, ‘Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh’ [received 10 July 2017], (paragraph 27), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

⁴ UN Human Rights Council, ‘Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo’ Mission to Bangladesh (20–29 May 2013), (paragraphs 50, 54, 57), 1 April 2014, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-38-Add2_en.doc. Accessed: 6 October 2017

⁵ Bdnews24, ‘New dowry prohibition law keeps 14-year jail term for inciting suicide’, 30 January 2017, <https://bdnews24.com/bangladesh/2017/01/30/new-dowry-prohibition-law-keeps-14-year-jail-term-for-inciting-suicide>. Accessed: 10 November 2017

Discrimination against Women (CEDAW) welcomed legislative reforms, and efforts to improve institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including:

- The Amendment to the Labour Act (2013), which increased the maternity leave to 6 months;
- The Persons with Disabilities Rights and Protection Act (2013), which also provides for the rights of women with disabilities;
- The Prevention and Suppression of Human Trafficking Act (2012);
- The Seventh National Five Year Plan (2016-2020) to implement the Government's Vision 2021, which includes the promotion of women's rights;
- The Domestic Workers Protection and Welfare Policy, which provides legal protection, including access to social benefits, maternity leave and establishes the minimum age of employment in domestic work at 14 years, in 2015;
- The Gender Equity Strategy, in 2014;
- The Climate Change and Gender Action Plan, in 2013;
- The National Action Plan for Implementation of the National Women Development Policy, in 2013;
- The National Action Plan to Prevent Violence against Women and Children (2013-2025);
- The Domestic Violence (Prevention and Protection) Rules, in 2013;
- The National Plan of Action on Combatting Human Trafficking (2012-2014);
- The National Action Plan for Adolescent Sexual and Reproductive Health (2011-2016)⁶.

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3.2 Restrictions

- 3.2.1 The US Department of State's Country Report on Human Rights Practices for 2016 (USSD Report 2016) noted that enforcement of laws aimed at prohibiting certain forms of discrimination against women was weak and, despite the Constitution providing for equality, '... women do not enjoy the same legal status and rights as men in family, property, and inheritance law.' The report added 'Laws regarding marriage, divorce, custody, and inheritance differed according to an individual's religion and were often discriminatory toward women and girls.'⁷

⁶ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraphs 4-5), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁷ US Department of State, 'Country Report on Human Rights Practices for 2016', (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

3.2.2 CEDAW noted 'with concern' that:

'... many discriminatory laws and provisions remain in the national legislation, such as different definitions of a girl child and boy child in various acts, restrictive scope of marital rape in the criminal code, and the lack of jurisdiction of special tribunals for violence against women to hear cases of discrimination against women. It is also concerned that the personal status laws of the State party regulating marriage, divorce, inheritance, guardianship and custodial rights within various religious groups continue to discriminate against women and girls and that the State party is yet to consider adopting a unified family code. It is further concerned about the State party's failure to adopt the long-awaited Anti-Discrimination Bill and about the lack of implementation of the provisions of the Constitution and existing laws on the women's and girls' rights due in part to prevailing patriarchal attitudes in the State party.'⁸

See also [Marriage, divorce and inheritance](#) and [Implementation of the law](#).

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4. Social and economic rights and attitudes

4.1 Overview

4.1.1 In a total population of 157,826,578 (July 2017 estimate), 80,067,308 were women⁹. In 2016, 20% of parliamentary seats were held by women; 42% of adult women (aged 25 and over) had reached a secondary level of education compared to 44.3% of their male counterparts¹⁰. An estimated 69.9% of women were literate compared to 75.6% of men¹¹. For every 100,000 live births, 176 women died from pregnancy related causes; 83 out of every 1,000 births are born to adolescent (aged 15-19) women. Female participation in the labour market was 43.1% compared to 81% of men¹².

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4.2 Position of women in society

4.2.1 CEDAW expressed its concern at '... the persistent patriarchal attitudes and discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It is also concerned about the limited efforts made by the State party to eliminate such stereotypes which constitute

⁸ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraph 10), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁹ CIA World Factbook, 'South Asia: Bangladesh', (People and society), updated 27 September 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 9 October 2017

¹⁰ United Nations Development Programme (UNDP), '2016 Human Development Report; Human Development Indicators: Bangladesh', (Gender), 21 March 2017, <http://hdr.undp.org/en/countries/profiles/BGD>. Accessed: 9 October 2017

¹¹ CIA World Factbook, 'South Asia: Bangladesh', (People and society), updated 27 September 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 9 October 2017

¹² United Nations Development Programme (UNDP), '2016 Human Development Report; Human Development Indicators: Bangladesh', (Gender), 21 March 2017, <http://hdr.undp.org/en/countries/profiles/BGD>. Accessed: 9 October 2017

serious barriers to women's equal enjoyment with men of their human rights and their equal participation in all spheres of their life.' CEDAW added that rural women in particular had limited access to education, health, social services, land ownership and/or inheritance¹³.

- 4.2.2 A representative from Boys of Bangladesh, an LGBT rights group, consulted during the Home Office Fact Finding Mission (FFM) to Bangladesh in May 2017, told the delegation that there was an expectation on women and girls to marry after graduation and they would face family pressure to do this. An official from the National Human Rights Commission said that marriage was seen as the 'main source of social acceptance' for women¹⁴.
- 4.2.3 Australia's Department of Foreign Affairs and Trade (DFAT) Country Information Report on Bangladesh, dated July 2016, noted 'No legal or other restrictions prevent women from voting or otherwise participating in public life... Bangladesh has also had two female Prime Ministers, Khaleda Zia and Sheikh Hasina, although this is not representative of the position of women generally in Bangladeshi society.'¹⁵

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4.3 Disadvantaged groups of women

4.3.1 CEDAW expressed concern that:

'... disadvantaged groups of women and girls, including Dalit women, women with disabilities, elderly women, Rohingya refugee women and women of ethnic minorities face multiple intersecting forms of discrimination due to their gender, health, indigenous identity, caste and socio-economic status. The Committee is in particular concerned about: (a) The sexual and gender based violence against ethnic minority women for land grabbing purposes and the militarization of indigenous areas, particularly in the Chittagong Hill Tracts; (b) Lack of access to education, health, public facilities for women with disabilities and elderly women; (c) Abductions, sexual harassment, rape, intimidation and lack of access to public services and resources for Dalit women; and (d) Lack of access to education, employment and freedom of movement as well as increased rates of trafficking of Rohingya women and girls, especially those who are unregistered.'¹⁶

¹³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraphs 16 and 38), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

¹⁴ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (page 118 and paragraph 10.1.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

¹⁵ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Bangladesh', (paragraph 3.68), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 9 October 2017

¹⁶ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraph 40), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

- 4.3.2 The Bangladesh Bureau of Statistics (BBS) 'Report on Violence Against Women Survey 2015' noted that the Women's Development Policy (WDP) 2011 '... did not incorporate issues of communal violence perpetrated against indigenous women and the legal protection measures against this.'¹⁷
- 4.3.3 The General Secretary of the Bangladesh Indigenous People's Forum, consulted during the Home Office Fact Finding Mission (FFM) to Bangladesh in May 2017, told FFM delegates that the rights of indigenous peoples were not protected, adding that they were affected by low educational attainment and lack of access to health services as well as exclusion from certain employment such as the police or army¹⁸.

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4.4 Employment and education

- 4.4.1 In its report on the implementation of the International Covenant on Economic, Social and Cultural Rights (CESCR), the Government of Bangladesh (GoB) stated:

'In the public-sector employment, women and men receive equal remuneration for similar works and their performance is assessed on the basis of same criteria and standard. Retirement benefits and medical support are also same for both women and men. Women are allowed six month paid maternity leave. In private sector, gender differences exist in terms of wages rates. The GoB, therefore, emphasizes enforcement of labour laws and is motivating employers to ensure equal pay and benefits for women.'¹⁹

- 4.4.2 The USSD Report 2016 noted

'The lower-wage garment sector has traditionally offered employment opportunities for women. Women represented the majority of garment sector workers, making up approximately 56 percent of the total RMG [readymade garment] workforce according to official statistics although statistics varied widely due to a lack of data. The ILO estimates that women make up 65 percent of the RMG workforce. Despite representing a majority of total workers, women were generally underrepresented in supervisory and management positions. Women were subjected to abuse in factories, including sexual harassment. There were gender-based wage disparities in the overall economy, including in the garment sector.'²⁰

¹⁷ Bangladesh Bureau of Statistics (BBS), 'Report on Violence Against Women Survey 2015', (page 8), August 2016, <http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/vaw%20survey/bangladesh%20vaw%20survey%202015.pdf>. Accessed: 9 October 2017

¹⁸ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (paragraphs 8.2.1-8.2.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

¹⁹ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 64), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

²⁰ US Department of State, 'Country Report on Human Rights Practices for 2016', (Section 7d), 3

4.4.3 DFAT noted:

‘The emergence of the ready-made garment industry has been a force for far-reaching social change: approximately 80 per cent of Bangladesh’s 4.4 million garment workers are women, challenging longstanding social norms that limited women’s participation in the formal economy. A considerable number of women now occupy positions in the civil service, judiciary, police, military, and local government institutions, and there are currently 70 women in Bangladesh’s Parliament (out of 350 members).’²¹

4.4.4 CEDAW reported that the participation rate of women in the formal economy was low, and the wage gap between women and men in most sectors continued. In addition, CEDAW noted ‘... women, in general, are underrepresented in the parliament, judiciary, administration and in the private sector.’ CEDAW also expressed concern at ‘... the absence of information on the numbers of women, including minority women in the local governments, foreign services and academia, in particular at the decision-making levels.’²²

4.4.5 Whilst commending the GoB for achieving gender parity in primary and secondary education, CEDAW expressed its concern at ‘The number of girls dropping by half between the primary and secondary level of education due to child marriage, sexual harassment and early pregnancy, the low value placed on girls’ education, poverty and long distance to schools in rural and marginalized communities.’²³

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4.5 Health care

4.5.1 Access to healthcare facilities was greater for women living in urban areas, or from higher socio-economic backgrounds, than those from rural areas^{24 25}.

4.5.2 A joint NGO submission to the UN Human Rights Committee noted:

March 2017,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

²¹ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report – Bangladesh’, (paragraph 3.68), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 9 October 2017

²² UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (paragraphs 22 and 30), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

²³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (paragraph 28a), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

²⁴ Sheikh, T., Uddin, N., and Khan, J.R., ‘A comprehensive analysis of trends and determinants of HIV/AIDS knowledge among the Bangladeshi women based on Bangladesh Demographic and Health Surveys, 2007–2014’, 28 September 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5618732/>. Accessed: 10 January 2018

²⁵ Asian Development Bank, ‘Making Health Care Affordable for the Urban Poor in Bangladesh’, 23 February 2017, <https://www.adb.org/results/making-health-care-affordable-urban-poor-bangladesh>. Accessed: 10 January 2018

'In public hospitals across Bangladesh, 'trauma counselling' does not exist as a service. The National Institute of Mental Health and Research, established in Dhaka about a decade ago, and the Bangabandhu Sheikh Mujib Medical University (BSMMU) in Dhaka, are the only two institutions known to provide some form of trauma counselling for victims of violence and attacks. However, trauma counselling is not part of mainstream healthcare provided in public hospitals, leaving victims of sexual, domestic, acid violence or torture without needed support.'²⁶

4.5.3 CEDAW stated that it remained deeply concerned at

'... the high levels of maternal mortality often due to child marriages and subsequent early pregnancies as well as about the criminalization of abortion which forces women and girls to resort to unsafe abortion. The Committee notes that abortion is not criminalized in case of risk to the life of the pregnant woman and "menstrual regulation". However, it notes that this exception is rarely applied and is concerned about the lack of access to modern contraception for adolescent girls and unmarried women, as well as the lack of information on sexual and reproductive health and rights. Furthermore, the Committee is concerned that women and girls living with HIV/AIDs and women in prostitution have limited access to health services due to stigmatization and social ostracism.'²⁷

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4.6 Marriage, divorce and inheritance

4.6.1 The right to marriage is governed by both personal laws and statutory laws. Statutory laws predominantly apply where the parties to a marriage profess different religions²⁸. The Special Rapporteur on violence against women reported in 2014 that personal status and family law '...continue to discriminate against women and girls with respect to marriage, divorce, separation, guardianship, maintenance, adoption and succession.'²⁹ DFAT noted that the extent of inequalities in regards to family, property and inheritance law largely depended on a woman's religion³⁰.

²⁶ OMCT - World Organisation Against Torture, 'Joint NGO Alternative Report on Bangladesh to the United Nations Human Rights Committee 119th Session to be held 6-29 March 2017', (paragraph 14), 24 February 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccr_report.pdf. Accessed: 11 October 2017

²⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraph 34), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

²⁸ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 141), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

²⁹ UN Human Rights Council, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo' Mission to Bangladesh (20–29 May 2013), (paragraph 29), 1 April 2014, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-38-Add2_en.doc. Accessed: 6 October 2017

³⁰ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Bangladesh', (paragraph 3.70), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 9 October 2017

- 4.6.2 The key codified laws governing marriage and divorce in Bangladesh include, for Muslims: the Muslim Family Laws Ordinance (1961), the Dissolution of Muslim Marriages Act (1939) and the Muslim Marriages and Divorces (Registration) Act (1974); for Hindus and Buddhists: the Hindu Married Women's Right to Separate Residence and Maintenance Act (1946); and for Christians: the Christian Marriage Act (1872) and the Divorce Act (1869)³¹.
- 4.6.3 In a January 2016 report on early and forced marriage, UK-based lawyer Shabina Begum stated that under the Child Marriage Restraint Act 2012, the minimum age for marriage is 21 years for men and 18 years for women. The report added:
- 'It should be noted that there are several existing personal laws which are not congruous to this definition. The Special Marriage Act 1872 sets the age of a girl for marriage at 14 years, the Muslim Family Laws Ordinance 1961 (while amending the Child Marriage Restraint Act, 1929) sets the age of marriage of a girl at 16 years, the Christian Marriage Act 1872 refers to any person under the age of 21 years as a minor and the Hindu Marriage Registration Act 2012 is silent about the minimum age of marriage.'³²
- For information on child marriage see [Early and forced marriage](#).
- 4.6.4 The GoB CESC report provided an overview under which marriage law was applied. The report noted:
- 'According to Islamic law, marriage is a civil contract between men and women of marriageable age as prescribed by the law. Under Muslim law if any adult sane person does not consent to marriage or the consent is obtained by coercion or fraud, there will be no marriage at all. In Bangladesh, a Muslim marriage has to be registered. Offer and acceptance in front of the adult and sane witnesses are the pre-requisite of a Muslim marriage in Bangladesh... Polygamy is prohibited without the prior permission of the existing wife.'³³
- 4.6.5 The GoB CESC report stated as regards Christians 'According to the Christian Marriage Act, 1872; marriage between the Christians can only be solemnized after a notice in writing to the Minister of Religion/Registrar and submission of a declaration of belief and before at least two witnesses. Registration of Christian marriage is compulsory.'³⁴

³¹ UN Human Rights Council, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo' Mission to Bangladesh (20–29 May 2013), (footnote 25), 1 April 2014, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-38-Add2_en.doc. Accessed: 6 October 2017

³² Begum, S., 'Ending Early and Forced Marriage: Bangladesh and UK Perspective' (p4), January 2016, <http://www.ohchr.org/Documents/Issues/Women/WRGS/Earlyforcedmarriage/SG/ShabinaBegum.pdf>. Accessed: 10 October 2017

³³ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraphs 142 and 151), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

³⁴ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16

4.6.6 Adding for Hindus that:

'Among the Hindus, marriage is governed by the Hindu personal law. However, the Hindu Widows Re-Marriage Act, 1856 provides that no marriage contracted between Hindus will be invalid and the issue of no such marriage will be illegitimate only because the woman had been previously married or betrothed to another person who was dead at the time of such marriage. The Hindu Marriage Registration Act, 2012 has made provisions for registration of Hindu marriages, albeit on optional basis.'³⁵

Under the Hindu Marriage Registration Act, the minimum age for marriage is 18 years for a woman and 21 years for a man³⁶, although the Child Marriage Restraint Act 2017 appears to apply to all Bangladeshis irrespective of religion³⁷. (see [Early and forced marriage](#)).

4.6.7 For interfaith marriages, the GoB CESCR report noted:

'In Bangladesh, marriage between persons professing different religions (interfaith marriage) is permissible in law. The Special Marriage Act, 1872 provides that marriages may be solemnized under this law between persons of different religious faiths. Under the Special Marriage Act, 1872, marriage may be solemnized between persons either of whom may be a Hindu, Sikh, Buddhist or Jain, or a person who does not profess the Christian, Hindu, Muslim, Jewish, Buddhist, Sikh or Jain faiths.'³⁸

4.6.8 There were no provisions for divorce under Hindu personal law, although, according to a Dhaka Court Judge, the [Divorce Act, 1869](#), provides for the dissolution, nullity and legal separation of marriage, and is applicable to all citizens of Bangladesh^{39 40}.

4.6.9 CEDAW noted that there was '... no legal regime recognizing, defining, or setting out rules for control over marital property during marriage or the

and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 143), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

³⁵ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 144), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

³⁶ The Hindu, 'Hindu Marriage Act in Bangladesh', 20 September 2012, <http://www.thehindu.com/news/international/hindu-marriage-act-in-bangladesh/article3915752.ece>. Accessed: 10 October 2017

³⁷ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 146), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

³⁸ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 145), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

³⁹ Banglanews24, 'Overview of Divorce Law in Bangladesh', 11 January 2015, <http://www.banglanews24.com/open-forum/article/34317/Overview-of-Divorce-Law-in-Bangladesh>. Accessed: 10 October 2017

⁴⁰ Law Journal Bangladesh, 'Protection of Right to Divorce for Hindu Woman', Vol. 6, Jan - Jun, 2017, published 9 March 2017, <http://www.lawjournalbd.com/2017/03/protection-of-right-to-divorce-for-hindu-woman/>. Accessed: 10 October 2017

division of marital property on an equal basis between spouses upon divorce.⁴¹

- 4.6.10 The USSD Report 2016 noted 'Under traditional Islamic inheritance law, daughters inherit only half of what sons do. Under Hindu inheritance law, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death.'⁴²

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4.7 Single and divorced women

- 4.7.1 Several sources, consulted during the Home Office Fact Finding Mission (FFM) to Bangladesh in May 2017, noted that it was difficult for single women to relocate, rent a property alone or find employment. ASK stated 'There are big problems with the social acceptance of single women, even for educated women who are working. There are also financial constraints. To live without male support is almost impossible. Bangladesh is a very family-orientated society. Even educated women are afraid to leave their families.' The sources indicated there may be exceptions in terms of access to employment for wealthy professional women, or those with family support, but that that renting a property alone would be difficult⁴³.
- 4.7.2 Mohammed Asaduzzaman Sayem of the UK Bangladesh Education Trust (UKBET) told the Home Office FFM delegation that it was extremely rare for women to have children outside of marriage; the National Human Rights Commission (NHRC) stated that to have a child outside of marriage would be unacceptable to family and society; although sex before marriage was not illegal, it was particularly frowned upon for women⁴⁴. The NGO, Hope for the Destitute Women and Children (HDWC), stated that pregnancy outside of marriage was considered a sin, and carried a stigma for both the mother and child, whatever her social situation. HDWC stated that single mothers, and their families, were ostracised by society⁴⁵.
- 4.7.3 The Dhaka Tribune reported on 14 May 2017 that an increasing number of women in Dhaka were filing for divorce. The report noted 'According to Dhaka North City Corporation (DNCC) and Dhaka South City Corporation (DSCC) data, around 67% of the divorce notices issued from 2011 to 2016

⁴¹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraph 42), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁴² US Department of State, 'Country Report on Human Rights Practices for 2016', (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁴³ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (paragraph 10.1.3, pages 66 and 90), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

⁴⁴ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (pages 84 and 90), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

⁴⁵ Hope for the Destitute Women and Children, 'What we do', undated, <http://www.hdwc.com.bd/what-we-do/>. Accessed: 30 November 2017

were by women.’ Of the 33,166 divorce notices issued in 2011-2016, 18,181 were filed by women. Salma Ali, executive director of Bangladesh National Women Lawyers’ Association (BNWLA), stated that women were becoming more self-sufficient, allowing them greater opportunity to leave abusive marriages. Despite the rise, ‘divorce is still heavily frowned up[on] in our society’, Ali told the Tribune⁴⁶.

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5. Sexual and gender-based violence

5.1 Overview

5.1.1 CEDAW noted with concern that, despite the GoB’s adoption of Domestic Violence Prevention and Protection Rules and the National Action Plan to Prevent Violence against Women and Children, ‘Gender based violence against women and girls, including domestic violence, rape, fatwa-instigated violence, dowry related violence and sexual harassment of women and girls in private and public spaces, continue to take place...’⁴⁷ The USSD Report 2016 noted that ‘Gender-based violence remained a serious challenge.’⁴⁸

5.1.2 The Bangladesh Rural Advancement Committee (BRAC), and non-governmental development organisation, reported on incidents of violence against women in Bangladesh between January and December 2016. BRAC noted that its ‘... community empowerment program (CEP) identifies and reports incidents of violence against women from 55 districts of Bangladesh. This is done through its network of 12,350 ward-level and women-led institutions called Polli Shomaj. The victim or victims’ family, neighbours, and Polli Shomaj members send reports to BRAC head office, and maintain a database.’ The report noted:

‘Violence against women in different ways has been a common weapon to control women and this is becoming a common practice under patriarchal culture. The BRAC report shows that a total of 7,489 women and girls have been experienced violence last year [2016]. Every day on an average, 20 women and girls became victims of violence. Most frequently reported type of violence are (highest to lowest): physical violence (67 per cent), sexual (19 per cent) and mental/psychological (14 per cent). Most frequent form of violence is physical torture (4,344) of total reported incidence followed by rape and gang rape (874), suicide (835), murder (481) and attempted rape (310). 82 per cent violence occurred in domestic sphere and 18 per cent in public sphere.’⁴⁹

⁴⁶ Dhaka Tribune, ‘Divorce rising in Dhaka as women seek way out of troubled marriages’, 14 May 2017, <http://www.dhakatribune.com/bangladesh/dhaka/2017/05/14/divorce-rising-dhaka-women/>. Accessed: 6 October 2017

⁴⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (paragraph 18a), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁴⁸ US Department of State, ‘Country Report on Human Rights Practices for 2016’, (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁴⁹ BRAC, ‘7,489 incidents of violence against women in 2016’, 15 March 2017,

- 5.1.3 Ain o Salish Kendra (ASK), a legal aid and human rights organisation based in Dhaka, cited various forms of violence against women that occurred in 2016, including: sexual harassment, dowry related violence, fatwa and extra-judicial court instigated violence, rape, acid attacks and domestic violence⁵⁰. Despite laws aimed at curbing gender-based violence, according to a joint NGO submission to the UN Human Rights Committee '[I]n practice women continue to face gender-based violence, including sexual harassment, without adequate protection by State authorities.'⁵¹
- See [Legal context](#) and [Implementation of the law](#).
- 5.1.4 According to sources consulted by DFAT, sexual and other forms of violence disproportionately affected single, divorced, indigenous or stateless women⁵². Violence against women, particularly domestic abuse, was most common amongst women from the lower socio-economic sections of society^{53 54 55}. A 2015 survey on violence against women in Bangladesh found nearly two out of every three women were victims of some form of violence⁵⁶.
- 5.1.5 CEDAW expressed its concern that '... women domestic workers in the State party are subjected to violence, abuse, food deprivation and even murder. It is also concerned that such crimes remain unreported and that the victims have limited access to justice and redress.'⁵⁷

<https://www.brac.net/latest-news/item/1031-7489-incidents-of-violence-against-women-in-2016>.

Accessed: 9 October 2017

⁵⁰ Ain o Salish Kendra (ASK), 'Human Rights Situation in Bangladesh 2016 : An Analysis by Ain o Salish Kendra (ASK)', (page 8),

http://docs.google.com/viewerng/viewer?url=http://www.askbd.org/ask/wp-content/uploads/2017/03/Final-hr_Situation_bd_2016.pdf. Accessed: 9 October 2017

⁵¹ OMCT - World Organisation Against Torture, 'Joint NGO Alternative Report on Bangladesh to the United Nations Human Rights Committee 119th Session to be held 6-29 March 2017', (paragraph 11), 24 February 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccr_report.pdf. Accessed: 11 October 2017

⁵² Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Bangladesh', (paragraph 3.70), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 9 October 2017

⁵³ Das, T. K., Bhattacharyya, R., et al, 'Domestic Violence in Sylhet, Bangladesh: Analysing the Experiences of Abused Women', (page 111), February 2016,

<http://journals.sagepub.com/doi/pdf/10.1177/0049085715618561>. Accessed: 13 November 2017

⁵⁴ Khan, N.T., et al, 'Violence against women in Bangladesh', Delta Medical College Journal, Volume 5, No.1, 2017, <https://www.banglajol.info/index.php/DMCJ/article/view/31432/21154>. Accessed: 1 December 2017

⁵⁵ Odhikar, 'Statement in Commemoration of the International Day for the Elimination of Violence against Women, 25 November 2017', 24 November 2017, http://odhikar.org/wp-content/uploads/2017/11/Statement_VAW_25-November-2017.pdf. Accessed: 1 December 2017

⁵⁶ Bangladesh Bureau of Statistics, Statistics and Informatics Division, Ministry of Planning, Government of the People's Republic of Bangladesh, 2016, 'Report on Violence Against Women Survey 2015', (page xviii), August 2016, <http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/vaw%20survey/bangladesh%20vaw%20survey%202015.pdf>.

Accessed: 9 October 2017

⁵⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraph 32), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

- 5.1.6 The Citizens' Initiatives on CEDAW – Bangladesh (CIC-BD) Alternative Report stated 'Social norms are still tolerant of VAW [Violence against Women]. The traditional beliefs are ingrained within the community, law enforcement authorities and the judiciary, making law enforcement difficult.' The same source cautioned 'Data related to VAW is inadequate, the collection methodology is weak and there is no comprehensive data base. Only cases launched with police are recorded and maintained.'⁵⁸
- 5.1.7 An October 2017 Asia Foundation report on the state of conflict and violence in Bangladesh recorded that 'Violence against women and girls is common in Bangladesh. Women and girls face various forms of gender-based violence, including domestic violence, physical and psychological abuse, dowry-related violence, rape, and early marriage. Deeply rooted patriarchal social norms and traditional practices and a weak and corrupt criminal justice system enable such violence.'⁵⁹

See [Implementation of the law](#) and [Access to justice and the police](#)

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5.2 Domestic abuse

- 5.2.1 The Bangladesh Bureau of Statistics (BBS) Report on Violence Against Women Survey 2015 found that 72.6% of ever-married women experienced one or more forms of violence (physical, sexual, economic, and emotional abuse, and controlling behaviour) by their husband at least once in their lifetime. Most women did not report incidents of violence for reasons including family honour, fear of the perpetrator and shame or embarrassment. The report noted that in comparison to 2011, the 2015 survey showed a lower occurrence of all forms violence (aside from physical violence) though accepted this could be due methodological differences rather than a true reduction in violence against women⁶⁰.
- 5.2.2 ASK told the FFT delegation that 'In 2015 the Bangladesh Bureau of Statistics reported that 74 per cent of women faced or were likely to face violation from an intimate partner at least once in their lifetime'⁶¹.
- 5.2.3 UKBET told the FFM delegation that some women, particularly from conservative-religious backgrounds, were reluctant to report cases of domestic violence to the police for fear they would be left without a husband

⁵⁸ Citizens Initiatives on CEDAW, Bangladesh 2016, 'Alternative Report', (page 9), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

⁵⁹ Asia Foundation, 'The State of Conflict and Violence in Asia – Bangladesh', (page 34), 18 October 2017, https://asiafoundation.org/wp-content/uploads/2017/10/Bangladesh-StateofConflictand_Violence.pdf. Accessed: 11 January 2018

⁶⁰ Bangladesh Bureau of Statistics, 'Report on Violence Against Women (VAW) Survey 2015', (pages xviii-xix), August 2016, <http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/vaw%20survey/bangladesh%20vaw%20survey%202015.pdf>. Accessed: 13 November 2017

⁶¹ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (page 63), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

and there were no social security systems in place to support single or divorced women⁶². (See [Social security](#)).

- 5.2.4 Between January and December 2016, based on media reports, ASK recorded 394 incidents of domestic violence against women including abuse, torture and murder by either husbands, in-laws or their own family members⁶³. Most perpetrators of domestic abuse were husbands, or other persons known to the victim including in-laws and neighbours^{64 65 66}.

See also [Access to justice and the police](#).

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5.3 Acid attacks

- 5.3.1 The USSD Report 2016 stated:

‘Acid attacks, although less common than in the past, remained a serious problem. Assailants threw acid in the faces of victims – usually women – leaving them disfigured and often blind. Acid attacks were often related to a woman’s refusal to accept a marriage proposal or in connection with land disputes. A prominent local NGO reported 36 acid attacks harming 42 victims from January through September. In January, a court in Sylhet sentenced Muhammed Laike Ahmed to 14 years in prison for throwing acid on a teenage girl in 2012 after she spurned his numerous proposals.

‘The law seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. The Commerce Ministry restricted acid sales to buyers registered with relevant trade organizations; however, the government did not enforce the restrictions universally. To facilitate speedier prosecution of acid-throwing cases, the law provides special tribunals and generally does not allow bail. According to the Acid Survivors Foundation, the special tribunals were not effective, and conviction rates remained low.’⁶⁷

⁶² UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (page 84), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

⁶³ Ain o Salish Kendra, ‘Domestic Violence Incidents of Abuse, Torture and Murder of Women’, January-December 2016, 8 January 2017 http://www.askbd.org/ask/wp-content/uploads/2017/01/domestic_violence_december_2016.pdf. Accessed: 13 November 2017

⁶⁴ BRAC, ‘7,489 incidents of violence against women in 2016’, 15 March 2017, <https://www.brac.net/latest-news/item/1031-7489-incidents-of-violence-against-women-in-2016>. Accessed: 9 October 2017

⁶⁵ Khan, N.T., et al, ‘Violence against women in Bangladesh’, Delta Medical College Journal, Volume 5, No.1, 2017, <https://www.banglajol.info/index.php/DMCJ/article/view/31432/21154>. Accessed: 1 December 2017

⁶⁶ Ain o Salish Kendra, ‘Domestic Violence Incidents of Abuse, Torture and Murder of Women’, January-December 2016, 8 January 2017, http://www.askbd.org/ask/wp-content/uploads/2017/01/domestic_violence_december_2016.pdf Accessed: 13 November 2017

⁶⁷ US Department of State, ‘Country Report on Human Rights Practices for 2016’, (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

5.3.2 The National Human Rights Commission (NHRC) of Bangladesh, and a human rights organisation, both told the FFM delegation that acid attacks against women had decreased⁶⁸.

5.3.3 According to statistics provided by the Acid Survivors Foundation, an NGO based in Dhaka, the number of acid attacks has steadily declined since 2002, when 494 acid attacks were recorded. The number of attacks documented in 2015 and 2016 respectively were 59 and 44. Up to November 2017, 38 acid attacks were recorded, affecting 47 people⁶⁹.

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5.4 Rape

5.4.1 CEDAW noted that 'Marital rape is not criminalized in the State party unless the victim is a child bride below the age of 13 years.'⁷⁰

5.4.2 The USSD Report 2016 stated:

'According to human rights monitors, many victims did not report rapes due to lack of access to legal services, social stigma, or fear of further harassment and the legal requirement to furnish witnesses. As a result, the prosecution of rapists was weak and inconsistent. Media reported that between 2001 and 2015, 22,386 women and children received treatment for rape and other violence at the government-run One Stop Crisis Centers located at 10 government hospitals. Of these, 5,003 cases were filed, resulting in 820 verdicts, and punishment for only 101 perpetrators.'⁷¹

5.4.3 Amnesty International noted in its annual human rights report for 2016/17 that, according to human rights groups, rape conviction rates were extremely low, mainly due to untimely and ineffective investigations. The report noted that 'Many women and girls were reluctant to report rape to the authorities, for fear of being stigmatized and subjected to police harassment.'⁷²

5.4.4 During the Home Office FFM, ASK commented that rape victims and their families faced stigma and discrimination, adding that most rapes were against children. Sources indicated that rape was used as a 'weapon' to

⁶⁸ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (paragraph 10.4.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

⁶⁹ Acid Survivors Foundation, 'Statistics: Acid Attack Statistics (1999 – 2016) and Acid Attack Statistics 2017', <http://www.acidsurvivors.org/Statistics>. Accessed: 12 January 2018

⁷⁰ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (paragraph 18d), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁷¹ US Department of State, 'Country Report on Human Rights Practices for 2016', (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁷² Amnesty International, 'Amnesty International Report 2016/17 – Bangladesh', (Violence against women and girls), 22 February 2017, <https://www.amnesty.org/en/countries/asia-and-the-pacific/bangladesh/report-bangladesh/>. Accessed: 5 December 2017

bring shame on the family honour, and sometimes resulted in the victim being ostracised⁷³.

5.4.5 Odhikar provided statistics on reported rapes between January 2007 and December 2017. Odhikar recorded 13,003 rapes, nearly half of which were against children. During the same period, Odhikar noted 85 rapes were committed by law enforcement agencies⁷⁴. According to ASK statistics, 659 cases of rape, and 65 attempted rapes, were reported by the media between January and December 2016. Over half of the rape cases were against children⁷⁵. The number of reported rapes recorded by ASK increased in 2017; between January and October 2017, 774 (685 rapes and 89 attempted rapes) were documented⁷⁶. ASK statistics included allegations of rape against law enforcement officials^{77 78}. Rape was likely to be hugely under-reported⁷⁹.

5.4.6 The USSD Report 2016 noted:

‘In August [2016], following advocacy by Bangladesh Legal Aid and Services Trust (BLAST) and other human rights groups, the High Court Division of the Supreme Court directed forensics experts to submit their opinions on the so-called “two-finger” rape test. During the test, a doctor assesses whether a woman has had sexual intercourse by inserting two fingers into her vagina to determine her “vaginal laxity” by checking for presence of the hymen. Human rights organizations and the broader medical community contend that the test is unscientific, has no forensic value, and retraumatizes survivors. Human rights organizations viewed the directive as a sign of progress toward ending the practice. Despite recent development of The National Action Plan to Prevent Violence Against Women and Girls (2013-2025), human rights monitors, including CIC-BD, noted concern about the plan’s limited focus on prevention and resource allocation. In consultation

⁷³ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (page 62 and paragraph 10.4.1), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>.

Accessed: 10 November 2017

⁷⁴ Odhikar, ‘Statistics on violence against women: Rape from 2001-2017 (January-December)’, <http://odhikar.org/statistics/statistics-on-violence-against-women/>. Accessed: 12 January 2018

⁷⁵ Ain o Salish Kendra, ‘Violence Against Women – Rape: January-December 2016’, 8 January 2017, <http://www.askbd.org/ask/2017/01/08/violence-women-rape-january-december-2016/>. Accessed: 5 December 2017

⁷⁶ Ain o Salish Kendra, ‘Violence Against Women – Rape: January-October 2017’, 296 November 2017, <http://www.askbd.org/ask/2017/11/29/violence-women-rape-january-october-2017/>. Accessed: 5 December 2017

⁷⁷ Ain o Salish Kendra, ‘Violence Against Women – Rape: January-December 2016’, 8 January 2017, <http://www.askbd.org/ask/2017/01/08/violence-women-rape-january-december-2016/>. Accessed: 5 December 2017

⁷⁸ Ain o Salish Kendra, ‘Violence Against Women – Rape: January-October 2017’, 296 November 2017, <http://www.askbd.org/ask/2017/11/29/violence-women-rape-january-october-2017/>. Accessed: 5 December 2017

⁷⁹ Asia Foundation, ‘The State of Conflict and Violence in Asia – Bangladesh’, (page 34), 18 October 2017, https://asiafoundation.org/wp-content/uploads/2017/10/Bangladesh-StateofConflictand_Violence.pdf. Accessed: 11 January 2018

with NGOs, the government established a committee to implement the plan.⁸⁰

- 5.4.7 According to Odhikar, in a statement commemorating the International Day for the Elimination of Violence against Women, November 2017, 'In most of the [rape] cases the perpetrators are influential or have political connection with the ruling party -and thus they can influence police and due to the ineffective criminal justice system, many victims do not get justice.'⁸¹

See also [Access to justice and the police](#) and [Support centres and shelters](#)

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5.5 Fatwa-instigated violence

- 5.5.1 According to the CIC-BD Alternative Report:

'The rural community in the country relies more on alternative dispute resolution (ADR) system for settling issues of private sphere. The Fatwas that are issued by local religious leaders often discriminate against women. Although proclamation of Fatwas is illegal and nobody is compelled to obey the Fatwa, there has not been any law to prevent them. Law enforcement on the perpetrators of Fatwa and conviction for Fatwa instigated violence has been ineffective.'⁸²

- 5.5.2 The CIC-BD Alternative Report added 'Incidents of fatwa instigated violence have not ceased, as law enforcement agencies do not take action when powerful local persons are involved.'⁸³

- 5.5.3 According to the USSD Report 2016:

'A Supreme Court Appellate Division ruling allows the use of fatwas (religious edicts) only to settle religious matters; fatwas may not be invoked to justify punishment, nor may they supersede secular law. Islamic tradition dictates that only those religious scholars with expertise in Islamic law may declare a fatwa. Despite these restrictions, village religious leaders sometimes made such declarations. The declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions. In August, following advocacy from BLAST, the Ministry of Local Government, Rural Development, and Cooperatives ordered district commissioners to mandate local councils to prevent extrajudicial punishments in their areas.

⁸⁰ US Department of State, 'Country Report on Human Rights Practices for 2016', (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁸¹ Odhikar, 'Statement in Commemoration of the International Day for the Elimination of Violence against Women, 25 November 2017', (page 1), 24 November 2017, http://odhikar.org/wp-content/uploads/2017/11/Statement_VAW_25-November-2017.pdf. Accessed: 1 December 2017

⁸² Citizens Initiatives on CEDAW, Bangladesh 2016, 'Alternative Report', (pages 6), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

⁸³ Citizens Initiatives on CEDAW, Bangladesh 2016, 'Alternative Report', (page 9), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

'Incidents of vigilantism against women occurred, sometimes led by religious leaders enforcing fatwas. The incidents included whipping, beating, and other forms of physical violence. In August, media reported that a local council member in Rangpur named Aktar Hossain directed that a local woman and man be punished for an "extramarital affair" that occurred when the man broke into the woman's house while her husband was gone. Without hearing testimony from the woman, the council member determined that she be caned 101 times by her husband before 400 assembled villagers while the council member caned the man 20 times.'⁸⁴

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5.6 Dowry-related violence

- 5.6.1 Despite laws banning dowry⁸⁵, a joint NGO submission to the UN Human Rights Committee stated '... dowry practice remains deeply rooted in Bangladeshi society and continues to result in the abuse and death of women each year. Many girls, the victims of child marriages, become victims of dowry-related violence. Dowry has become a serious social ailment, affecting women, girls, and their families from all sectors of society.'⁸⁶
- 5.6.2 In a statement commemorating the International Day for the Elimination of Violence against Women, November 2017, Odhikar stated that dowry-disputes were one of the major causes of domestic violence⁸⁷. During the Home Office FFM, lawyers cited dowry disputes, for example non-payment of dowry, as a possible reason for gender-based violence and suicides⁸⁸.
- 5.6.3 The joint NGO submission added 'From May 2013 to December 2016, Odhikar documented 889 cases of girls and women being subjected to dowry-related violence. Among the 889 victims, 450 were killed, 405 were physically abused in various ways for dowry-related demands, and 34 women committed suicide due to dowry-related violence.'⁸⁹ ASK recorded (from media reports) 239 dowry-related incidents between January and December 2016, which resulted in 130 deaths, including 4 suicides⁹⁰.

⁸⁴ US Department of State, 'Country Report on Human Rights Practices for 2016', (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁸⁵ Dowry – an amount of property or money brought by a bride to her husband on their marriage

⁸⁶ OMCT - World Organisation Against Torture, 'Joint NGO Alternative Report on Bangladesh to the United Nations Human Rights Committee 119th Session to be held 6-29 March 2017', (paragraph 10), 24 February 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf. Accessed: 11 October 2017

⁸⁷ Odhikar, 'Statement in Commemoration of the International Day for the Elimination of Violence against Women, 25 November 2017', 24 November 2017, http://odhikar.org/wp-content/uploads/2017/11/Statement_VAW_25-November-2017.pdf. Accessed: 1 December 2017

⁸⁸ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (page 80), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 10 November 2017

⁸⁹ OMCT - World Organisation Against Torture, 'Joint NGO Alternative Report on Bangladesh to the United Nations Human Rights Committee 119th Session to be held 6-29 March 2017', (para 10), 24 February 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf. Accessed: 11 October 2017

⁹⁰ Ain o Salish Kendra, 'Violence Against Women – Dowry: January-December 2016', 8 January

Odhikar recorded 256 incidents of dowry violence in 2017 including 118 deaths and 11 suicides⁹¹. Cases of dowry violence were likely underreported⁹².

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5.7 Sexual harassment

5.7.1 There was no legislation criminalising sexual harassment against women and girls in the work place or in schools⁹³, and, despite a 2009 High Court guideline aimed at prohibiting sexual harassment in educational institutions and workplaces⁹⁴, this remained largely unimplemented⁹⁵. Following research in 2014 on women in the police force, the Commonwealth Human Rights Initiative (CHRI) found that sexual harassment against women police officers by their male counterparts was widespread⁹⁶.

5.7.2 The USSD Report 2016 also noted:

‘The Bangladesh National Woman Lawyers’ Association noted in June that harassment remained a problem and monitoring and enforcement of the guidelines were poor, which sometimes prevented girls from attending school or work. The formation of complaints committees and the installation of complaints boxes at educational institutions and workplaces required by the Court’s directive were rarely enforced, according to the CIC-BD Alternative Report. Between January and June, ASK documented 148 cases of sexual harassment against women with three victims committing suicide. According to NGOs and media reports, cyber sexual harassment is also a growing problem.

‘Women faced sexual harassment at work, as well as difficulties in being promoted in factory jobs, obtaining access to credit, and other economic opportunities.’⁹⁷

2017, <http://www.askbd.org/ask/2017/01/08/dowry-january-december-2016/>. Accessed: 10 November 2017

⁹¹ Odhikar, ‘Dowry related violence against women from 2001 – 2017’, January 2018, http://odhikar.org/wp-content/uploads/2018/01/Statistics_Dowry_2001-2017.pdf. Accessed: 11 January 2018

⁹² New Age, ‘When marriage is for money’ (Opinion), 9 March 2017, <http://www.newagebd.net/article/10775/>. Accessed: 10 November 2017

⁹³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (paragraph 18c), 18 November 2016, CEDAW/C/BGD/CO/8, available at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁹⁴ US Department of State, ‘Country Report on Human Rights Practices for 2016’, (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁹⁵ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (paras 28a and 30b), 18 November 2016, CEDAW/C/BGD/CO/8, at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

⁹⁶ Commonwealth Human Rights Initiative, ‘Rough Roads to Equality: Women Police in Bangladesh’, (page 34), 14 March 2016, http://www.humanrightsinitiative.org/download/1454305341Rough%20Road%20to%20Equality_Bangladesh%20Police_08-01-16-Final.pdf. Accessed: 5 December 2017

⁹⁷ US Department of State, ‘Country Report on Human Rights Practices for 2016’, (Section 6), 3 March 2017,

- 5.7.3 The Dhaka Tribune cited a study by the NGO Action Aid Bangladesh on violence and women and girls in public places. The Action Aid perception survey was undertaken at the beginning of 2016 based on a sample of 400 to establish whether public services were gender responsive in terms of policy and practice. The study found that various forms of harassment – including rude behaviour, inappropriate remarks, touching, and catcalling – were routine behaviours in the 5 public service areas the study focussed on – police, city corporation, public transportation, markets and hospitals. According to the study, ‘... none of the services have any specific provisions to address violence against women. And in most cases, the harassment goes unreported and unaddressed and unreported.’⁹⁸
- 5.7.4 Odhikar recorded 370 cases of sexual harassment/stalking in 2016 and 349 cases in 2017⁹⁹.

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5.8 Early and forced marriage

- 5.8.1 Bangladesh has the highest rate of child marriage in South Asia, and one of the highest rates in the world, with 52% of girls married before the age of 18, and 18% married before age 15¹⁰⁰. Under the Child Marriage Restraint Act, 2017, the minimum age for marriage in Bangladesh is 21 years for men and 18 years for women¹⁰¹. However, the Act allows girls under the age of 18 to marry under ‘special circumstances’, with permission from their parents and a court. There is no minimum age for such a marriage¹⁰². The Act does not explicitly define what the ‘special circumstances’ might be but were considered in the ‘best interest of the underage female or male’. The child is not required to give their consent^{103 104}.
- 5.8.2 ASK told the Home Office FFM delegation that, whilst forced marriage per se was not recognised in Bangladesh and therefore there were no statistics, child marriage was a form of forced marriage as children could not give

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

⁹⁸ The Dhaka Tribune, ‘Report: Sexual harassment is commonplace in the public sector’, 16 July 2017, <http://www.dhakatribune.com/bangladesh/law-rights/2017/07/16/sexual-harassment-common-public-sector/>. Accessed: 21 November 2017

⁹⁹ Odhikar, ‘Sexual Harassment / Stalking: January 2010 - December 2017’, January 2018, http://odhikar.org/wp-content/uploads/2018/01/Statistics_Stalking_2010-2017.pdf. Accessed: 11 January 2018

¹⁰⁰ UNICEF, ‘State of the World’s Children 2016’, (page 150), June 2016, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf. Accessed: 10 October 2017

¹⁰¹ Government of Bangladesh, ‘Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh’ [received 10 July 2017], (paragraph 146), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_q1723264.pdf. Accessed: 10 October 2017

¹⁰² Human Rights Watch, ‘Bangladesh: Legalizing Child Marriage Threatens Girls’ Safety’, 2 March 2017, <https://www.hrw.org/news/2017/03/02/bangladesh-legalizing-child-marriage-threatens-girls-safety>. Accessed: 10 October 2017

¹⁰³ Girls Not Brides, ‘Child marriage around the world: Bangladesh’, undated, <https://www.girlsnotbrides.org/child-marriage/bangladesh/>. Accessed: 10 October 2017

¹⁰⁴ Al Jazeera, ‘The dangers of the new child marriage law in Bangladesh’, 4 March 2017, <http://www.aljazeera.com/indepth/opinion/2017/03/risks-child-marriage-law-bangladesh-170304092243563.html>. Accessed: 10 October 2017

informed consent. Sources told the FFM delegation that forced marriage was common; an official from the NHRC added that it occurred particularly amongst conservative Muslim families¹⁰⁵. In contrast, DFAT noted that whilst Bangladesh has the highest rate of child marriage in South Asia, it was told by credible sources that forced marriage was rare, mostly occurring in poor, rural areas¹⁰⁶.

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6. State treatment and attitudes

6.1 Provisions aimed at protecting women

6.1.1 The GoB CESC report noted that the Supreme Court of Bangladesh issued certain directives in 2008 on public and private sector employers instructing them to form a female-headed complaint committee at every workplace to investigate allegations of sexual harassment of women. The report noted:

‘Following the judgment, the Ministry of Law, Justice and Parliamentary Affairs, Ministry of Education and Ministry of Children and Women Affairs (MOWCA) have formed complain committees and also sent notification to respective authorities to take necessary action in this regard. Bangladesh Police has also formed antisexual harassment committee. In the RMG sector, Bangladesh Garments Manufacturers Employees Association (BGMEA) have formed anti- sexual harassment committees centrally and notified the enlisted garments factories to comply with the directives of the Supreme Court. Bangladesh Bar Council and Bangladesh Knit Wear Manufacturers’ and Exporters Association (BKMEA) had also formed complaint committee and notified their existing members to formulate a complaint committee at their respective work places.’¹⁰⁷

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6.2 Implementation of the law

6.2.1 Despite the enactment of laws aimed at protecting women, a joint NGO submission to the UN Human Rights Committee stated the laws remained largely unimplemented and cited the reasons were due to ‘... corruption in police investigations, inefficient prosecutorial systems, absence of modern forensic medicine infrastructures, delay in criminal justice system, non-judicial mind-set of the judges, lack of public awareness, and impunity to the perpetrators having ruling political party affiliation.’¹⁰⁸

¹⁰⁵ Home Office, Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017, September 2017, (pages 64-65, 89, 97),

<https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>.

Accessed: 22 September 2017

¹⁰⁶ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report – Bangladesh’, (paragraph 3.74), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>.

Accessed: 9 October 2017

¹⁰⁷ Government of Bangladesh, ‘Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh’ [received 10 July 2017], (paragraph 78), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_g1723264.pdf. Accessed: 10 October 2017

¹⁰⁸ OMCT - World Organisation Against Torture, ‘Joint NGO Alternative Report on Bangladesh to the

- 6.2.2 CEDAW noted with concern that ‘Existing rules, policies and plans addressing gender-based violence against women are rarely implemented due to stereotypes and gender bias, and lack of gender sensitivity on the part of law enforcement officials, and lack of capacity among judges and lawyers.’¹⁰⁹
- 6.2.3 The Action Aid perception survey on violence and women and girls in public places, undertaken at the beginning of 2016, stated that women were “mentally and physically tortured” in police stations, with inappropriate remarks and being touched the most common forms of harassment. The report found that ‘Among the respondents, 5% said police officers keep them waiting for a long time because they are women and do not know the ‘technique’ to offer bribes to get the job done.’¹¹⁰

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6.3 Access to justice and the police

- 6.3.1 The UN Special Rapporteur on violence against women, its causes and consequences, noted in her report, following a visit to Bangladesh in May 2013, that:

‘The right of access to justice and justice itself is problematic on many levels. The judicial system is faced with many challenges that have a negative impact on ensuring equal access to justice. Limited resources, poor infrastructure and the limited number of trained judges and lawyers, among others, have had a negative effect on women’s capacity to seek redress through the judicial system. Despite constitutional guarantees with regard to due process, the Special Rapporteur was informed that law enforcement agencies often fail to uphold the relevant legal standards when dealing with cases of violence against women. The existence of parallel legal systems such as the salish [Shalish, a traditional justice system] further compounds the denial of effective justice.’¹¹¹

- 6.3.2 The Special Rapporteur continued:

‘In Bangladesh, the main challenges relating to the investigation, prosecution and punishment of perpetrators for acts of violence against women are due to the lack of: coordinated criminal justice response; expertise and adequate mechanisms to conduct credible investigations; comprehensive redress mechanisms; and understanding of the root causes and consequences of violence against women.

United Nations Human Rights Committee 119th Session to be held 6-29 March 2017’, (paragraph 8), 24 February 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccr_report.pdf. Accessed: 11 October 2017

¹⁰⁹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (para 18b), 18 November 2016, CEDAW/C/BGD/CO/8, at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

¹¹⁰ The Dhaka Tribune, ‘Report: Sexual harassment is commonplace in the public sector’, 16 July 2017, <http://www.dhakatribune.com/bangladesh/law-rights/2017/07/16/sexual-harassment-common-public-sector/>. Accessed: 21 November 2017

¹¹¹ UN Human Rights Council, ‘Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to Bangladesh (20–29 May 2013)’, (paragraph 32), 1 April 2014, A/HRC/26/38/Add.2, available at: <http://www.refworld.org/docid/539831154.html>. Accessed: 13 November 2017

‘Corruption was also identified as one of the main obstacles to women’s access to justice, as bribes and/or influence are often required for cases to move through the different stages of the criminal justice system. Victims and their families often have to pay bribes or use political connections to register a complaint before the police and to have investigations conducted. It is not uncommon for perpetrators to have more connections, power or resources than victims, which are deployed to influence the police, stall investigations or harass and pressure victims to drop charges.

‘There is reportedly also a lack of basic expertise and facilities for the conduct of investigations, particularly in crimes relating to sexual violence. Police officers often fail to collect necessary evidence or deliberately destroy it. While medical examinations are supposed to be completed as soon as possible after an incident of sexual violence is reported, delays are common in conducting medical examinations, preparing the medical reports and submitting them to the competent courts. Furthermore, it is reported that victims have no guarantees that their injuries will be properly documented and reflected in medical examination reports, due to factors such as the patriarchal mindset of the police and doctors; inefficiency; lack of modern facilities; and corruption throughout the process.’¹¹²

- 6.3.3 An official from DFID told the Home Office FFM delegation that the traditional justice system, Shalish, was often biased against women, although guidance introduced by NGOs had sought to ensure due process and enhance women’s participation¹¹³. However, mandatory representation of women in Village Courts ensured female victims had their voices heard¹¹⁴. For further information on Shalish and Village Courts see the [Country Policy and Information Note Bangladesh: Background information, including actors of protection and internal relocation](#).
- 6.3.4 In 2016 CEDAW noted with concern ‘... the lack of access to justice for women, especially women and girls in marginalized and disadvantaged situations, due to their lack of awareness, legal illiteracy, costly legal procedures and the lack of capacity building programmes for judicial and law-enforcement officials as well as stigmatization of women seeking justice.’¹¹⁵
- 6.3.5 The CIC-BD Alternative Report noted ‘The process of accessing justice is complicated, costly and lengthy and women continue to face barriers in

¹¹² UN Human Rights Council, ‘Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to Bangladesh (20–29 May 2013)’, (paragraphs 71-73), 1 April 2014, A/HRC/26/38/Add.2, available at: <http://www.refworld.org/docid/539831154.html>. Accessed: 13 November 2017

¹¹³ Home Office, Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017, September 2017, (page 57), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

¹¹⁴ United Nations Development Programme (UNDP), ‘A major victory for village courts’, 18 September 2013, <http://www.bd.undp.org/content/bangladesh/en/home/presscenter/articles/2013/09/18/a-major-victory-for-village-courts.html>. Accessed: 12 September 2017

¹¹⁵ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (para 12), 18 November 2016, CEDAW/C/BGD/CO/8, at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

gaining access to justice. The lengthy and complicated process makes enforcement of laws difficult.¹¹⁶

6.3.6 Furthermore, the same source indicated that:

‘There is a growing tendency of killing women and girls after sexual violence and rape, which clearly questions the execution of laws and state responses of power and authority to such brutal act on women’s lives. A culture of impunity is visible. The shame and psycho-social stigma that survivors of rape suffer is another form of re-victimization. Due to social taboos and fear of reprisals, the victims or their families do not come forward to report these crimes. That reinforces less reporting of the cases as well.’¹¹⁷

6.3.7 The March 2017 Human Rights Committee Concluding observations on the initial country report found that ‘While noting the existence of laws and national action plans to prevent violence against women, the Committee is concerned at the lack of consistent implementation of these laws, in particular in light of the reportedly high rates of domestic and sexual violence against women and girls in the State party.’¹¹⁸

6.3.8 The official from DFID told the Home Office FFM delegation that there were female lawyers and female police officers. The official added, however, that the officer assigned to a case was decided by the Officer in Charge of a police station and thus it was not necessarily possible for a woman to request a female officer to deal with her case. According to the official, DFID supported the Police Reform Project, which saw an increase in female police officers from 1.87% in 2008 to 6.04% in 2014¹¹⁹.

6.3.9 ASK told the FFM delegation that law enforcement agencies were generally not gender-sensitive. ASK stated that ‘Model’ police stations were deemed to have an operational ‘women’s desk’ but normal police stations did not have any such arrangement for women¹²⁰. A representative from the legal aid service, BLAST, told the FFM delegation that there were no women’s desks at police stations and that he’d heard reports that women complainants had been turned away from ‘model’ police stations¹²¹. Several sources consulted

¹¹⁶ Citizens Initiatives on CEDAW, Bangladesh 2016, ‘Alternative Report’, (page 9), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

¹¹⁷ Citizens Initiatives on CEDAW, Bangladesh 2016, ‘Alternative Report’, (page 10), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

¹¹⁸ UN Human Rights Committee, ‘Bangladesh: Human Rights Committee Concluding observations on the initial country report’, (paragraph 17), 29 March 2017, <http://www.omct.org/reports-and-publications/bangladesh/2017/03/d24275/>. Accessed: 3 January 2018

¹¹⁹ Home Office, Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017, September 2017, (page 56), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

¹²⁰ Home Office, Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017, September 2017, (page 64), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

¹²¹ Home Office, Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017, September 2017, (page 125), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

during the FFM stated that generally women could not access the police or obtain support from the authorities, often because of social or cultural reasons; police reluctance; or fear that police would return women to abusive relatives¹²².

6.3.10 An October 2017 Asia Foundation report on the state of conflict and violence in Bangladesh recorded that ‘The Bangladesh police recorded over 21,000 cases of violence against women and children in 2015, making it the most prevalent violent crime in Bangladesh.’¹²³

6.3.11 Odhikar reported in its November 2017 monthly monitoring report that:

‘Women are becoming victims of such violence due to non-implementation of laws, a prevailing culture of impunity in the government, lack of victims and witnesses protection, criminalisation and corruption in the law enforcement agencies, supremacy of socially and politically influential persons, poor economic conditions of women, weak administration; and also due to lack of awareness in society. In most cases victims are not getting justice due to a prevailing culture of impunity, which instigates more such crimes and encourages potential perpetrators. As a result, such violence is increasing’¹²⁴

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7. Assistance available to women

7.1 Legal aid

7.1.1 In 2016 CEDAW stated ‘While noting that the State party established a Legal Aid Fund for persons in need, the Committee is concerned that the Fund is largely inaccessible for women and girls without sufficient means.’¹²⁵

7.1.2 Several sources told the Home Office FFM delegation that the Government provided legal aid (although not everybody was eligible) and that many NGOs had legal aid functions¹²⁶. The Bangladesh Legal Aid Services Trust (BLAST) and Ain o Salish Kendra (ASK) provided legal aid to vulnerable groups, including women¹²⁷. An official from the Department for International Development (DFID) told the FFM delegation that most legal aid cases dealt with by NGOs concern family dispute issues such as marriage, child

¹²² Home Office, Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017, September 2017, (paragraph 10.6.2), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

¹²³ Asia Foundation, ‘The State of Conflict and Violence in Asia – Bangladesh’, (page 34), 18 October 2017, https://asiafoundation.org/wp-content/uploads/2017/10/Bangladesh-StateofConflictand_Violence.pdf. Accessed: 11 January 2018

¹²⁴ Odhikar, ‘Human Rights Monitoring Report November 1 – 30 2017’, (p29, para 27), 1 December 2017, http://odhikar.org/wp-content/uploads/2017/12/human-rights-monitoring-report-November-2017_Eng.pdf. Accessed: 11 January 2018

¹²⁵ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the eighth periodic report of Bangladesh’, (para 12), 18 November 2016, CEDAW/C/BGD/CO/8, at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

¹²⁶ Home Office, ‘Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017’, September 2017, (paragraph 4.4.1), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

¹²⁷ BLAST, ‘What we do’, undated, <https://www.blast.org.bd/whatwedo>; ASK, ‘About us – Litigation’, undated, <http://www.askbd.org/ask/about-us/#07>. Accessed: 27 November 2017

custody, maintenance of wife and children; gender based violence (GBV) and remand prisoners. The DFID official added that most people using legal aid in these contexts were women and girls¹²⁸.

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7.2 Support centres and shelters

- 7.2.1 The CIC-BD Alternative Report noted that ‘The Victim Support Centre (VSC) in Dhaka city provides assistance (legal support, medication, counseling, and emergency shelter) to women and children in cooperation with ten NGOs. Another VSC started functioning in 2011 in Rangamati district in cooperation with five NGOs.’ The same report stated ‘The Multi-Sectoral Program on Violence Against Women (MSP-VAW) under the Ministry of Women and Children’s Affairs (MOWCA) runs eight One-stop Crisis Centers (OCCs) at the division levels and sixty One-stop Crisis Cells (OCCs) to provide information and referral services to the victims of VAW.’¹²⁹
- 7.2.2 According to the USSD Report 2016 there were ‘... 68 hospital-based crisis centers for survivors of domestic violence at the divisional, district, and sub-district levels where domestic violence survivors receive health care, police assistance, legal advice, and psychosocial counseling.’ The report also noted that the government operated a confidential helpline to report abuse¹³⁰ although, according to the Bangladesh Bureau of Statistics (BBS), ‘Report on Violence Against Women Survey 2015’, only 2.4 percent of women and girls knew about it¹³¹.
- 7.2.3 The CIC-BD Alternative Report reported that the number and capacity of legal aid services and shelter homes were inadequate compared to the need and were unsustainable given their reliance on project funding¹³². Sources, including ASK, told the FFM delegation that, compared to the need, there were not enough government or NGO-run shelters for women, particularly in rural areas, and that their handling processes and management were poor¹³³. NGOs told DFAT that there was an inadequate number of shelters

¹²⁸ Home Office, ‘Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017’, September 2017, (page 56), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 22 September 2017

¹²⁹ Citizens Initiatives on CEDAW, Bangladesh 2016, ‘Alternative Report’, (page 8), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

¹³⁰ US Department of State, ‘Country Report on Human Rights Practices for 2016’, (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 6 October 2017

¹³¹ Bangladesh Bureau of Statistics (BBS), ‘Report on Violence Against Women Survey 2015’, (page xxxii), August 2016, <http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/vaw%20survey/bangladesh%20vaw%20survey%202015.pdf>. Accessed: 9 October 2017

¹³² Citizens Initiatives on CEDAW, Bangladesh 2016, ‘Alternative Report’, (page 9), January 2017, <http://www.mahilaparishad.org/wp-content/uploads/2017/01/Bangladesh-CEDAW-Alternative-report-2016-3.pdf>. Accessed: 23 October 2017

¹³³ Home Office, ‘Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017’, September 2017, (pages 64 and 98), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 27 November 2017

despite the government's commitment to address the shortfall¹³⁴. An official from the NHRC, consulted during the FFM, opined that if women went to shelters away from their communities they would find it difficult to reintegrate back into those communities due to social stigma¹³⁵.

- 7.2.4 ASK provided emergency support accommodation for women and girls fearing gender-based violence (GBV)^{136 137}. ASK noted that 'Clients can usually stay in the Halfway Home for 10-15 days. During this time ASK arranges long-term shelter for clients and/or refers them to other partner organizations for further support and follow-up. If clients cannot be referred to other organizations for long-term shelter, their stay can be extended at ASK up to six months to one year.'¹³⁸
- 7.2.5 The women's human rights organisation, Bangladesh Mahila Parishad (BMP), provided shelter and support to women fearing GBV in its rehabilitation centre, Rokeya Sadan, Dhaka¹³⁹. Hope for the Destitute Women and Children in Dhaka provided temporary shelter and support for destitute pregnant mothers and their children for up to 6 months¹⁴⁰.

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7.3 Social security

- 7.3.1 The GoB CESC report noted that the State had set up several projects aimed at the socio-economic development and social security of widows and destitute women. The report stated during 2016-2017 the total allowance per head per month was 500 taka, adding that 1,150,000 women were enlisted on the programme¹⁴¹. However, CEDAW noted with concern that '... women and girls, especially those who belong to disadvantaged and marginalized communities, [...] reportedly have limited access to social security benefits and programmes.'¹⁴²

¹³⁴ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Bangladesh', (paragraph 3.76), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 9 October 2017

¹³⁵ Home Office, 'Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017', September 2017, (page 88), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 27 November 2017

¹³⁶ ASK, 'Halfway Home', undated, <http://www.askbd.org/ask/about-us/#09>. Accessed: 27 November 2017

¹³⁷ Home Office, 'Report of a Home Office Fact-Finding Mission: Bangladesh, conducted 14-26 May 2017', September 2017, (page 63), <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 27 November 2017

¹³⁸ ASK, 'Halfway Home', undated, <http://www.askbd.org/ask/about-us/#09>. Accessed: 27 November 2017

¹³⁹ Bangladesh Mahila Parishad, 'Rokeya Sadan', undated, <http://mahilaparishad.org/rokeya-sadan/>. Accessed: 27 November 2017

¹⁴⁰ Hope for the Destitute Women and Children, 'What we do', undated, <http://www.hdwc.com.bd/what-we-do/>. Accessed: 30 November 2017

¹⁴¹ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraphs 126-127), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_q1723264.pdf. Accessed: 10 October 2017

¹⁴² UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the eighth periodic report of Bangladesh', (para 36), 18 November 2016,

7.3.2 The GoB CESCR report noted that the State had established 74 Child Day Care Centres for children of low income working women¹⁴³.

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CEDAW/C/BGD/CO/8, at: <http://www.refworld.org/docid/583864444.html>. Accessed: 5 October 2017

¹⁴³ Government of Bangladesh, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial reports of States parties due in 2000; Bangladesh' [received 10 July 2017], (paragraph 121), 4 August 2017, available at: http://www.ecoi.net/file_upload/1930_1504789330_q1723264.pdf. Accessed: 10 October 2017

Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **26 January 2018**

Changes from last version of this note

Updated Guidance and COI.

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