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COMBATING DOMESTIC VIOLENCE IN BANGLADESH: LAW, POLICY AND OTHER RELEVANT CONSIDERATIONS

DR. ZAKIA AFRIN*

INTRODUCTION

In 2011, an incident involving Professor Rumana Manzur of Dhaka University brought the topic of domestic violence in Bangladesh into main stream discussions. Professor Manzur's husband of ten years, Hasan Syeed Sumon, had tried to gauge out both of her eyes by using his fingers, bit her nose and left her severely injured while they fought in her father's residence in Dhaka.¹ This incident shocked the whole country as well as diasporas abroad and forced the society to address the legal and societal loopholes to effectively combat this issue. Bangladesh has displayed an understanding of and respect for women's rights in Bangladeshi society. Since the 1980s, the country has enacted special laws protecting women against violence.² It has been led by female heads of state since 1991, over 25 years, and has made significant progress in terms of gender development.³ Despite this understanding, most of the

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1. See *Rumana Returns, Sees Nothing*, DAILY STAR, June 21, 2011, <http://www.thedailystar.net/news-detail-190903>.

2. See, e.g., Dowry Prohibition Act, 1980 (Act No. XXXV of 1980) (mandating harsh punishments for dowry related offenses) (Bangl.), available at http://bdlaws.minlaw.gov.bd/pdf_part.php?id=607.

3. In 2011, Bangladesh was ranked 69 out of 134 countries in the world in the global gender gap index prepared by the World Economic Forum, ranked 1st for enrollment of girls in primary education and 11th in terms of political participation. WORLD ECONOMIC FORUM, THE GLOBAL GENDER GAP REPORT 2011 (2011), available at <http://reports.weforum.org/global-gender-gap-2011/>.

comments in news outlets raised questions about Professor Manzur's infidelity within her marriage as if to investigate 'whether she deserved it'. This incident broke at least two conventional attitudes towards domestic violence: society became aware of the fact that it can happen to the most privileged and the highest educated women and learned that popular sentiments have not caught up with the law over many issues. For Bangladesh, the problem of domestic violence thus needs a two-pronged response: legal enforcement and a community wide awareness campaign. This article analyzes the Domestic Violence Prevention and Protection Act of 2010 and recommends a holistic approach in eradicating domestic violence in Bangladesh. This article will first review domestic violence legislation under international law. Next, this article will review domestic violence legislation in Bangladesh, focusing on the Domestic Violence Prevention and Protection Act of 2010. Finally, this article will offer recommendations on combating the issue of domestic violence and furthering women's rights in Bangladesh.

Only a naïve observer of world events would think domestic violence exists in any particular kind of society. It is a problem pervasive in all different types of societies around the world. For example, in U.S. occupied Iraq, a country at war, reports indicated that incidents of domestic violence against women rose.⁴ In Japan, a country at peace, the majority of women, 59%, reported being abused.⁵ In the U.S., allegedly the most developed country in the world, domestic violence service providers served more than 71,818 victims in a single day in 2015.⁶ Bangladesh, a developing country, is similarly no stranger in this area. In a survey on domestic violence against women, administered by the Bangladesh Bureau of Statistics, as many as 87% of currently married women reported ever experiencing violence of any type by their current husband and 77% reported facing violence of any type during the past twelve months from

4. *Violence Against Women in Iraq Factsheet*, UN INTER-AGENCY INFORMATION AND ANALYSIS UNIT (Nov. 2010), available at <http://www.refworld.org/pdfid/4cf4a67d2.pdf>, cited in Zakia Afrin, *Domestic Violence and the Need for an International Legal Response*, in INTERNATIONAL CRIMINAL LAW AND HUMAN RIGHTS (Manoj Kumar Sinha ed., Manak Publications 2010).

5. U.N. Int'l Child. Emergency Fund [UNICEF], Innocenti Research Centre, *Domestic Violence against Women and Girls*, Innocenti Digest No. 6 (June 2000), <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>, cited in Zakia Afrin, *Domestic Violence and the Need for an International Legal Response*, in INTERNATIONAL CRIMINAL LAW AND HUMAN RIGHTS (Manoj Kumar Sinha ed., Manak Publications 2010).

6. NATIONAL NETWORK TO END DOMESTIC VIOLENCE, *DOMESTIC VIOLENCE COUNTS 2015* (2015), available at http://nnev.org/downloads/Census/DVCounts2015/DVCounts15_NatlSummary.pdf.

the survey time.⁷ Further, 65% of married women reported experiencing physical violence by their current husbands during their lifetime. The survey found that 36.5% of women reported sexual violence by their husbands and indicated that women between the ages of 20-34 were more vulnerable to sexual abuse than any other age groups.⁸ An astounding 80% of women reported psychological abuse within the marriage, whereas only 50% reported economic abuse.⁹ One-third of all participants reported abuse by in-laws and close relatives within the marriage.¹⁰ Although this government survey is not perfect, it arguably identifies the problem better than any other data. An independent human rights organization tallied the number of women murdered by their husbands at 191 in 2016.¹¹ The legal response, discussed below, and the culture of tolerance that still exists make this problem a particularly challenging one for Bangladesh. In 2010, the Government enacted a new domestic violence law to add to the existing criminal law and special laws for the protection of women and children, which strengthened the legal structure against this cruel reality. Bangladesh has made progress in areas of women's participation in its society that would be unthinkable in many other Muslim majority countries.¹² Yet, as evident from the official statistics and daily logs of violence in the media outlets, combating domestic violence seems to be a far cry in the Bangladeshi society.

I. DOMESTIC VIOLENCE LEGISLATION: INTERNATIONAL LAW

While international law has prescribed prevention and protection of women from various forms of violence all along, it has always failed to mandate specific actions from States.¹³ Despite the Universal Declaration of Human Rights (UDHR) prescribing human rights for all,¹⁴ it was not until 1993 that women's rights were finally recognized as human rights. The Declaration on the Elimination of Violence against Women

7. Alamgir Hossen, *Measuring Gender Based Violence: Results of the Violence Against Women Survey in Bangladesh*, (Sept. 2014), available at https://unstats.un.org/unsd/gender/Mexico_Nov2014/Session%203%20Bangladesh%20paper.pdf.

8. *Id.*

9. *Id.*

10. *Id.*

11. AIN O SALISH KENDRA (ASK), *VIOLENCE AGAINST WOMEN-DOMESTIC VIOLENCE: JANUARY-DECEMBER 2016*, available at <http://www.askbd.org/ask/2017/01/08/domestic-violence-january-december-2016/>.

12. Bettina Wassener, *Success in a Land Known for Disasters*, N.Y. TIMES, Apr. 9, 2012, <http://www.nytimes.com/2012/04/10/world/asia/success-in-a-land-known-for-disasters.html>.

13. Zakia Afrin, *Domestic Violence*, *supra* note 4, at 365.

14. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

recognized the “urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings.”¹⁵ It stipulates for states to “exercise due diligence to prevent, investigate, and in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or private persons.”¹⁶ A group of scholars argue that domestic violence should be regarded as torture under international law. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”¹⁷ The proactive regulations found within the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) have inspired different regions to develop their own instruments to combat violence against women.¹⁸ The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and The African Convention on Human and People’s Rights both mandate State parties to protect women’s rights as prescribed by international law.¹⁹ These international conventions and treaties have increased global awareness on the issue of domestic violence. The United Nations (UN) has even taken notice of domestic violence as a growing problem in the world as evidenced through recent UN Conference Documents.²⁰ Perhaps the most significant document emerged from the UN Secretary General’s office in 2006. It recognizes the prevalence of intimate partner violence, prescribes obligations for states to act against such behavior and suggests the UN take a “stronger, better coordinated and more visible leadership role to address violence against women.”²¹ This discussion points out a gap in current international laws where the obligation to address domestic violence rests solely on a nation’s will.

Also, there is no universally accepted definition of domestic violence under international law. The definition put forth by the United Nations

15. Declaration on the Elimination of Violence against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (Dec. 20, 1993).

16. *Id.*

17. International Covenant on Civil and Political Rights, art. 7, Dec. 16, 1966, 999 U.N.T.S. 171.

18. Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW]; see Overview of the Convention, UN WOMEN, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>, for further information on other instruments by states for protecting women’s rights.

19. Zakia Afrin, *Domestic Violence*, *supra* note 4, at 365.

20. *Id.*

21. U.N. Secretary-General, Ending Violence against Women: From Words to Action: Study of the Secretary-General (Oct. 9, 2006), <http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-exeE-use.pdf>.

International Children's Emergency Fund (UNICEF) seems to capture broader issues as well as specific ones. It includes:

[V]iolence perpetrated by intimate partners and other family members, and manifested through:

Physical abuse such as slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon, and murder.²²

Sexual abuse such as coerced sex through threats, intimidation or physical force, forcing unwanted sexual acts or forcing sex with others.

Psychological abuse which includes behavior that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation.

Economic abuse includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care, employment etc.²³

This definition is comprehensive and takes into consideration all aspects of violence.

II. DOMESTIC VIOLENCE LEGISLATION: BANGLADESH

On paper, the first impression one may have on legal protection for women in Bangladesh is 'adequate'. The Constitution promises a secular, socialist society free from exploitation "in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens."²⁴ It declares the principle of non-discrimination on the basis of sex²⁵ and spells out the rights of women as equal to those of men in all spheres of the state and

22. It also includes traditional practices harmful to women such as female genital mutilation and wife inheritance (the practice of passing a widow, and her property, to her dead husband's brother).

23. UNICEF, Domestic Violence, *supra* note 5.

24. CONSTITUTION OF BANGLADESH, Nov. 4, 1972, available at http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24547.

25. *Id.* art. 28(1).

public life.²⁶ As evident from statistical reports on violence against married women,²⁷ dowry²⁸ is one of the major reasons for violence towards a woman. Bangladesh has enacted the Dowry Prohibition Act of 1980,²⁹ which proposes punishment of up to five years and fines for giving, taking or abating the giving or taking of dowry.³⁰ The punishment also applies to demanding dowry from the bride's family.³¹ The Prevention of Oppression against Women and Children Act of 2000³² and the latest Domestic Violence (Prevention and Protection) Act of 2010³³ provide for an exemplary safety net for women and harsh punishment for perpetrators. Punishments for acts of domestic violence are guided by the country's Penal Code of 1860, which, although ancient, is still current law. Factually, Bangladesh is one of the very few countries in the world with a Muslim majority that considers domestic violence a crime (in most cases) and does not offer leniency for honor killings or impunity for rapes that result in marriages between the victim and perpetrator.³⁴ The enactment of the Domestic Violence (Prevention and Protection) Act in 2010, which specifically addresses domestic violence and provides legal resource to victims in Bangladesh is an achievement in itself. However, this law is not without its shortcomings.

26. *Id.* art. 28(2).

27. SHAHNAZ HUDA, FIVE YEARS AFTER BANGLADESH'S DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT 2010: IS IT HELPING SURVIVORS? A STUDY BY BANGLADESH NATIONAL WOMAN LAWYERS' ASSOCIATION (BNWLA) AND PLAN INTERNATIONAL FOR THE PROTECTING HUMAN RIGHTS (PHP) PROGRAM (2016), available at <https://www.planusa.org/docs/phr-domestic-violence-2016.pdf>.

28. According to the Dowry Prohibition Act of 1980, the term 'dowry' means "any property or valuable security given or agreed to be given either directly or indirectly: (a) by one party to a marriage to the other party to the marriage; or (b) by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person; before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mehr in the case of persons to whom the Muslim Personal Law (Shariat) applies. Dowry Prohibition Act, 1980 (Act. No. XXV/1980) § 2 (Bang.), available at http://bdlaws.minlaw.gov.bd/pdf_part.php?act_name=&vol=&id=607.

29. *See id.* §§ 3, 4 (specifying punishment for demanding, receiving and giving dowry).

30. *Id.* § 3.

31. *Id.* § 4.

32. The Prevention of Oppression against Women and Children Act, 2000 (Act No. VIII/2000) (Bang.).

33. Domestic Violence (Prevention and Protection) Act, 2010 (Act No. 58/2010) (Bang.), available at http://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/203db6dc_7c82_4aa0_98a6_8672334b235c/Domestic%20Violence%20Act%20English.pdf.

34. This author surveyed 22 countries with a Muslim majority in Asia, Middle East and Central Asia only to find a lack of legal accountability in cases of domestic violence. For the complete list, see Zakia Afrin, Claremont Lincoln University Conference Proceedings: Muslim Perspectives on Peacebuilding—Family, Community and Interfaith Conflict Resolution (Oct. 12–13, 2012).

The Domestic Violence (Prevention and Protection) Act begins by reiterating the commitment of Bangladesh as a signatory of both CEDAW (1979)³⁵ and the Convention on the Rights of the Child (1989)³⁶ and the provision in the Bangladesh Constitution guaranteeing the equal treatment of men and women. It goes on to define key concepts before laying down the rules. Domestic violence is defined in broad terms as, “physical abuse, psychological abuse, sexual abuse or economic abuse against a woman or a child of a family by any other person of that family with whom victim is or has been in a family relation.”³⁷ Each of the components of the definition of domestic violence are similarly defined quite broadly. Physical abuse is defined as, “any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb or health or impair the health or development of the victim and includes assault, criminal intimidation and criminal force.”³⁸ Psychological abuse includes insults, ridicule, humiliation, insults or threats of any nature, harassment, and controlling behavior such as restrictions on mobility, communications or self-expression.³⁹ Perhaps the most progressive part of the Act is the inclusion of sexual abuse within the definition of domestic violence and defining the term as, “any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the victim.”⁴⁰ While this is a boost for advocates urging to address sexual coercions within marital relationships, the definition of sexual abuse under the Act falls way short of a legal definition meant to result in orders. The definition uses broad terms such as, ‘abuse’, ‘humiliation’, ‘degrading’ and ‘dignity’. These terms are open to interpretation and can be very subjective. As a result, it creates a heavy burden on the person alleging the crime to convince a judge that the actions amounted to sexual abuse. It could be argued that the inclusion of sexual abuse within the definition opens the doors to complaints regarding marital rape. Although, marital rape is not expressly included in the Act, it seems too early to reach the conclusion that marital rape may not be covered under the definition of ‘sexual abuse’ in the absence of any such cases before a court. Due to the subjective nature of the definition of sexual abuse under the Act, acts of

35. The Government of Bangladesh ratified CEDAW in 1984 with reservations to Articles 2, 13(a), 16.1(c) and 16.1(f). Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

36. The Government of Bangladesh ratified the Convention on the Rights of the Child in 1990. Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

37. Domestic Violence (Prevention and Protection) Act, § 3.

38. *Id.* § 3(a).

39. *Id.* § 3(b).

40. *Id.* § 3(c).

sexual abuse may be argued broadly or narrowly depending on the judge's discretion.

Under the Act, the definition of domestic violence also includes economic abuse. The Act provides a detailed explanation of what constitutes economic abuse.⁴¹ It includes the "deprivation of all or any economic and financial resources or property to which the victim is entitled under any law or custom," preventing "use [of] the articles of daily necessities to the victim," "deprivation or prohibiting the victim from applying legal rights to her Stridhan⁴² or dower or alimony," "transferring without consent of the victim or prohibiting the victim from applying legal rights to any assets," and "deprivation or prohibiting the victim from applying legal rights to continued access to resources or facilities which the victim is entitled to use or enjoy by virtue of the family relationship."⁴³

It is important to point out that this law only aspires to protect women and children from domestic violence as the definition of a victim excludes men. As domestic violence statistics point out, men are not exempt from abuse in the family. Referring to women and children as needing protection only fuels the assumption that marriage is not an equal platform to begin with.

As relief, the Act provides that victims will receive information about the availability of services including medical and legal aid services, an interim protection order signed by a first-class magistrate and will be able to proceed with other reliefs such as divorce and maintenance from different forums.⁴⁴

This provision allows victims to seek a protective order against their spouse for as long as may be needed, ask him to leave the residence to the sole enjoyment of the victim and make him pay for the victim's expenses related to the abuse, among other things.⁴⁵ It does not provide for any punishment for the offense or create a category for the same, leaving the matter to be prosecuted through previously existing options.⁴⁶

41. *Id.* § 3(d).

42. The term 'Stridhan' refers to gifts made to a Hindu woman by her family during marriage and other times. See Mahua Zahar, *Hindu Women's Property Rights: Bangladesh Perspective*, XI BRAC UNIV. J. 79–86 (2016), available at http://dspace.bracu.ac.bd:8080/xmlui/bitstream/handle/10361/6781/BRAC%20U%20Journal%202016_Mahua%20Zahur.pdf?sequence=1.

43. Domestic Violence (Prevention and Protection) Act, § 3(d).

44. *Id.* § 13.

45. *Id.* §§ 10, 14–16.

46. See Zakia Afrin, *Domestic Violence*, *supra* note 4, at 365.

The Act has many shortcomings related to the handling of domestic violence complaints. The police, in terms of both first contact with the victim and following up through the completion of the process, have been given pivotal roles.⁴⁷ The Government has the power to appoint special enforcement officers for the implementations of these provisions, yet nothing in the Act suggests that the officers would be provided training to deal with domestic violence issues or be gender sensitive in their approaches. Non-governmental organizations are given certain authority to handle victims' complaints and medical exams, however, the police are bestowed with the ultimate responsibility for carrying out the letter of the law. Considering the distrust of police among regular citizens, history of abuse of power and practice of bribery, it is highly unlikely that victims will reach out for help.⁴⁸

According to the Act, the victim has the right to reside in the shared residence and file the petition at any of the following places: where the applicant resides, where the respondent resides, where domestic violence occurred or where the applicant temporarily resides.⁴⁹ Once the court makes a prima facie determination of domestic violence, it may order a temporary protection order for the victim and, simultaneously, a show of cause notice for the respondent, requiring a reply within seven days as to why a permanent protection order should not be issued against him.⁵⁰ After giving both parties an opportunity to be heard, the court may issue a protection order for the victim that includes a restraining order against the respondent. Such a restraining order may mandate the respondent to not commit or abet acts of domestic violence and may prohibit him from entering the victim's place of employment and other places she ordinarily visits, making any form of contact with the victims and from causing violence to the dependents of the victim, among other things.⁵¹ The court may also make orders regarding the residence such as allowing the vic-

47. Domestic Violence (Prevention and Protection) Act, §§ 5–7.

48. Distrust in police runs deep in the Bangladeshi society due to large numbers of extrajudicial killings in recent years, history of bribery and coercion of the police. The complicated relationship has been well documented in academic, research based and media publications. For a detailed account see: U.S. DEP'T OF STATE, BANGLADESH 2016 HUMAN RIGHTS REPORT (2016), available at <https://www.state.gov/documents/organization/265744.pdf>; AIN O SALISH KENDRA, ANNUAL REPORT 2015 (2015), available at http://www.askbd.org/ask/wp-content/uploads/2017/03/Annual_Report_2015.pdf; Mahfuzul I. Khondaker et al., *Perceptions of the Police in Two nations: An Exploratory Study of Policing Views among Bangladeshi and U.S. College Students*, 1 ASIAN J. HUMAN. & SOC. SCI. (2013), available at <http://ajhss.org/pdfs-1/Perceptions%20of%20the%20Police%20in%20Two%20Nations...pdf>; *People Still Distrust Police: Official*, BD NEWS 24 (Sept. 3, 2008), <http://bdnews24.com/bangladesh/2008/03/09/people-still-distrust-police-official>.

49. Domestic Violence (Prevention and Protection) Act, §§ 10–13.

50. *Id.*

51. *Id.* § 14.

tim the exclusive use of the previously shared residence if there is no safe shelter or housing options available to the victim.⁵² The victim is entitled to seek compensation and receive damages wherever appropriate for personal, financial psychological and emotional injury.⁵³

The focus of the Act seems to be the recognition of domestic violence as an acute problem in Bangladesh and the prescription of preventive measures. It is certainly not perfect and far from adequate. Yet, this is an important step towards receiving international attention that portrays Bangladesh as a secular progressive country and puts it in a different category than most Muslim majority nations. Bangladesh is in a unique position in today's world to demonstrate that Islam, in itself, does not turn a society into lawless and discriminatory. With powerful leadership and profound civil society engagement, Bangladesh can become exemplary for other nations.

III. THE WAY FORWARD

There is no easy solution to a complex issue like domestic violence. This problem is tied to the overall concept of gender equity in Bangladesh. Enacting the 2010 Act is only one piece of the puzzle, a significant one. Whereas it recognizes violence within home and family relations as breach of peace and suggests legal remedies for them, like many previous ones it may be reduced to mere suggestion if proper monitoring mechanism is not implemented. After an in depth look at the prosecution and practices around this legislation over the past five years, Dr. Shahnaz Huda has laid down ten of the most significant issues impeding the success of the Domestic Violence (Prevention and Protection) Act: lack of national awareness, dearth of community investment, limited access to legal services, poverty and economic insecurity, inadequate social safety nets, absence of accurate domestic violence data, inadequate provision for domestic violence against children, no provision for counseling, limited legal terminology, confusion regarding offenses and punishments.⁵⁴ Together with strengthening the legal remedy, this article would like to propose general recommendations to address the structural violence against women that goes to the heart of inequality and all forms of violence against women.

1. It is very important to sustain the secularity of the state. Civil society must be careful about fostering democratic rule in Bangladesh and dis-

52. *Id.* § 15.

53. *Id.* § 16.

54. SHAHNAZ HUDA, *supra* note 27, at 11.

courage any authoritarian take over. There is not a single example in the world where citizens' basic rights are respected in the absence of elected government officials, let alone non-discrimination towards women. Keeping religion and authoritarian rule away from state regulations is at the heart of combating domestic violence in Bangladesh.

2. Having discussed the importance of a secular state, in a country with an ill-educated Muslim majority, Islam must not be avoided in women's rights awareness education. The more educated elite stay away from social reforms based on religion, the better the opportunity for pseudo-religious scholars to poison the minds of youngsters. As we move ahead with technological advances, harmful messages become easier to deliver. It is high time to take Islamic education seriously and focus on the aspects that will foster ensuring human rights for all.⁵⁵

3. Bangladesh has been a resource poor country since birth and with a population of 150 million people, the competition for education, employment and meeting basic daily needs is fierce between the genders. In this backdrop, projecting domestic violence as a women's issue only contributes to alienate the other half. Rather, it must be discussed as a societal problem and specific focus should be on how this can affect children who witness acts of domestic violence. One of the leading human rights activists, advocate Sultana Kamal noted that 69% of children do not react when they witness domestic violence and are more likely to accept this as normal behavior within marital relationships.⁵⁶ Researchers have been studying Adverse Childhood Experiences (ACE) in many countries and came up with conclusions that relate ACE with the mental and physical well-being of adults⁵⁷ In the Bangladeshi context, the maltreatment of children at home and their experiences of domestic violence must be taken seriously as it adds to domestic violence and, in many cases, a dysfunctional society.

55. For example, consider the different interpretations of the Quran regarding a husband's right of correction of his wife as described in Chapter 4, Verse 34 of the Quran. Depending on which interpretation is followed, it may mean that a husband has the right to beat his wife, merely pretend to beat his wife or the right to isolate himself from his wife. For a complete discussion on the different interpretations of the Quran, see Zakia Afrin, *Domestic Violence*, *supra* note 4.

56. CENTER FOR POLICY DIALOGUE, REPORT NO. 97, DOMESTIC VIOLENCE IN BANGLADESH: COST ESTIMATES AND MEASURES TO ADDRESS THE ATTENDANT PROBLEMS, 6 (Jan. 2009), available at http://www.cpd.org.bd/pub_attach/DR97.pdf.

57. *Adverse Childhood Experiences (ACEs)*, CENTERS FOR DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/ace/index.htm> (last visited June, 1, 2017).

4. According to UNICEF,⁵⁸ currently 52% of Bangladeshi girls are married before turning 18. The recent passage of the Child Marriage Restraint Act 2017 sets the age for marriage at 18 for girls and 21 for boys and allows for special circumstances when they can be married off by parents or legal guardians before the minimum age. Childhood marriages are linked to lifelong suffering for women, including domestic violence, lack of education and professional opportunities and pregnancy related complications, among other things. It is imperative to look at the impact of this new legislation and whether it can effectively address those issues. Further, the *special circumstances* allowing for marriage before the minimum age must be revisited and repealed.⁵⁹ On the same note, addressing religious minority women's family law rights to ensure they are offered equal access to divorce, inheritance and custody matters including others is an important step towards addressing structural violence within the family against women.⁶⁰

5. The need for reforming the penal code with provisions that resemble a modern society in 2017 rather than one in 1860 can never be understated. As mentioned previously, special legislation protecting women from violence in general has been enacted. However, the basic definitions of criminal acts and corresponding punishments are still based on the Penal Code of 1860. Thus, the Penal Code must be updated.

IV. CONCLUSION

Law commanding a change of behavior rarely succeeds without community acceptance. Even after criminalizing underage marriages, Bangladesh still has one of the highest rates of early marriages in the world.⁶¹ The punishment for acid related violence could rise to the death penalty, yet this crime is still far from being reduced. Seeking and transferring dowry has been criminalized since the 1980s, yet this remains a common practice. These outstanding issues demonstrate the gap between

58. UNICEF, *THE STATE OF THE WORLD'S CHILDREN 2016*, (June 2016), available at https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf#page=140.

59. For further discussion on the "special circumstances" within the Child Marriage Restraint Act, see Rohini Alamgir & Afrose Jahan Chaity, *Child Marriage Restraint Act 2017 to Practice No Restraint*, DHAKA TRIBUNE, Feb. 28, 2017, <http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/>.

60. In Bangladesh, Hindus and Buddhists are the major minority population and ancient religious law does not offer provision of divorce for men and women belonging to these communities. For a detailed discussion of the personal laws of minority groups, see SHAHNAZ HUDA, *COMBATING GENDER INJUSTICE: HINDU LAW IN BANGLADESH*, (S. Asian Inst. of Advanced Legal & Hum. Rts. Stud. 2011).

61. Angus Crawford, *Child Marriages Blight Bangladesh*, BBC NEWS, Apr. 22, 2012, <http://www.bbc.co.uk/news/magazine-17779413>.

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the law and order. This divide can only be minimized by effective community participation. The leadership of women's organizations in fostering the enactment of the Domestic Violence (Prevention and Protection) Act should be refocused on community awareness campaigns. A change in attitude must come from within, not merely by enforcing new regulations.