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Identifying factors of sexual violence against women and protection of their rights in Bangladesh

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Title: Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh

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Abstract

Sexual violence against women is considered a gender specific human rights violation, and is a form of discrimination that continues women's subordination and patriarchal structures throughout all levels of society. Recognizing the high number of sexual violence against women, there is increasing emphasis on addressing the rights of women in Bangladesh. Following this, the purpose of this paper is to identify the factors of sexual violence against women in Bangladesh. Moreover, the study outlines the barriers of women to access in the current justice system. Finally, the paper demonstrates the social and psychological impact of the victims of sexual violence. To conduct this study, I have reviewed relevant articles, books, statistics, reports and other related literature situated within the framework of my subject. In order to analyze the data, I employed qualitative methods and thematic analysis techniques and I applied a radical feminists' theoretical lens. Among the main findings, the study finds that patriarchal social structure, forced marriage, cultural practice, barriers in access to justice are the main factors of sexual violence in Bangladesh.

Key words: *Women. Violence, justice, rights, patriarchy*

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Abstract

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INTRODUCTION AND BACKGROUND

Sexual violence against women and girls is not confined to any icular political or economic system, but it prevalent in every society in the world. It cuts across boundaries of wealth, race, and culture and an expression of historically and culturally specific values and standards which are today still executed through many social and political institutions that stimulate discrimination against women and girls. According to United Nations (2014), up to 7 in

10 women around the world experience physical and/or sexual violence at some point in their lifetime. Rates of sexual violence are difficult to establish because in many societies sexual violence remains an issue of deep shame for women and often their families. According to the World Health Organization (2014), the proportion of women suffering sexual violence by non-ners after the age of 15 varies from less than 1 percent in Ethiopia and Bangladesh to between 10 and 12 percent in Peru, Samoa and the United Republic of Tanzania.

Along with other forms of violence against women, sexual violence against women is a widespread and grave problem in Bangladesh. According to a report of 'Odhikar' in 2012, about 760 women including children were raped of which 188 were gang-raped while 69 were killed after rape. A total of 479 girls and women were victims of sexual harassment among which 18 committed suicides, three were stabbed to death, 24 were injured, 15 were assaulted, 69 were victims of attempted rape and 350 were sexually harassed in various ways. The study released by the Bangladesh National Woman Lawyers' Association (BNWLA) found that 91 percent of Bangladesh's women and girls are victims of sexual harassment at some point in their lives, and 87 percent of girls' ages 10 to 18 years have been victims of sexual harassment (Weisfeld-Adams, 2008; Bakker, 2013; Pradhan, 2013). Huq (2012) observes that the number of incidents of sexual harassment continues to increase in Bangladesh and still many remain underreported.

Given the context, the first women's rights to equality were guaranteed in the Constitution in 1972 that states that all citizens are equal before the law and are entitled to receive equal protection of law (Momen and Chowdhury, 1995; Ameen, 1995). Since the independence of the country in 1971, the Bangladeshi Government has enacted several legal instruments including the Cruelty to Women (Deterrent Punishment) Ordinance in 1983, National Policy for the Advancement of Women in 1997, Prevention of Repression of Women

and Children Act of 2000 (Bhuiya and Sharmin, 2003; Hasan, 2002) and also ratified several international legal instruments including the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel (Naripokkho, 2009). In addition, in a 2009 judgment, the Supreme Court of Bangladesh High Court Division sought to address sexual harassment by creating guidelines for the prevention and punishment of sexual harassment in the workplace and in educational institutions (Pradhan, 2013).

In spite of the declaration of equality in the Constitution regarding their rights as citizens and the development of the National Policies, women and girls are deprived of many rights such as the right to social security, freedom of expression, as well as rights to education, health, nutrition, and shelter (Mohila Porishad, 2002; Ammen, 2005; Chowdhury, 2003). In most cases, women are also deprived of participation in any decision-making process in family, political, economic and cultural contexts. Bari(2016) argues that with respect to the family, women have little say in such decisions as children's education, marriage, divorce and guardianship of the child, their own reproductive rights and even with respect to choosing a job (Human Rights Development Association, 2000).

Pertinent to the above discussion, the reasons for selecting sexual violence against women as an issue to investigate in the study are manifold. Firstly, social practice in Bangladesh undermines women's basic human rights and as a result, women cannot participate in the economic, social, cultural, civil and political arenas on equal terms with men (Bangladesh Mahila Parishad, 2016). Secondly, despite the above number of national and international obligations, several

reports note with concern that the rate of violence and more specifically sexual violence against women has not declined significantly (Chowdhury, 2007; Odhikar, 2011). In this light, my present study addresses the factors of sexual violence against women.

OBJECTIVES

The main objective of the paper is to identify the factors of sexual violence against women in Bangladesh. Besides, the paper demonstrate the patterns of sexual violence against women in Bangladesh. In addition, the paper outlines the barriers of the victim to access in the justice system. Finally, I demonstrate the social and psychological impact of sexual violence on women in Bangladesh.

METHODOLOGY

To conduct this study, I have collected data from secondary sources which has been obtained from books, journals, articles, newspapers, legal documents and online sources. The main resources of secondary data are the reports of the key national human rights organizations of Bangladesh including Ain-O-Salish Kendra (ASK), Bangladesh National Women Lawyer Association (BNWLA), Bangladesh Legal Aid and Service Trust (BLAST), Bangladesh Mohila Parishad, Bangladesh Human Right Association, Bangladesh Institute of Labour Studies (BILS) and government organization like National Human Rights Commission of Bangladesh (NHRC) and The Bangladesh Bureau of Statistics (BBS).

To begin the procedure, I formally applied to each organization and waited for their permission. When I received approval from each respective organization, I went to that individual organization in-person. Upon arrival at each organization, I communicated with documentation officers and sometimes research officers to describe the purpose of my study. In most cases, I was guided to the library or document section of the organization where I collected the relevant documents accordingly. Apart from that, I managed to photocopy all the required

documents from other organizations. I was only allowed to collect information from each organization for a specified duration, no more than five days. However, I received a membership card from the Bangladesh Institute of Development Studies (BIDS) for a period of two years, and consequently, I was permitted to access their library documents for the purpose of my study.

I have selected the documents as source of data because a number of studies in Bangladesh have used data from secondary sources and organizations. While reviewed the sources of data, I found the study of Bari and Mahtab (2017) has used data from secondary sources, such as organizational statistics and reports to find out the gaps of existing laws of sexual violence. Bari and mahtab (2017) has also highlighted the statistics of rape, received from the national human rights organization named Ain O Salish Kendra. Similarly, the research study of Mia (2013) on 'Use of medical evidences on rape cases' used data from the secondary sources such as Police statistics of Bangladesh and NGO statistics. The cases which were registered on violence against women (VAW) were taken for the study. Furthermore, as source of data, Hossain (2017) has mainly conducted content analysis of newspaper reports. He analyzed the legal content of sexual violence to identify the gaps of law and showed that the sections of the Evidence Act and Penal Code of Bangladesh have failed to give adequate protection to the women victims. His analysis was based on the legal provisions of Bangladesh; however, he has compared the rape shield laws of Australia, Canada, United States of America (USA), United Kingdom (UK), South Africa, Scotland, Singapore and India with the Bangladeshi laws. On the other hand, Dutta (2015) has reviewed the statistics of the organization, Ain O Salish Kendra (ASK), which used newspaper reports to construct rape statistics. The report indicated that in 2013, out of 998 reported incidents of rape, only 553 complaints were filed. The study also

identified that a large numbers of women refuse to go to courts due to a number of social, legal and institutional factors.

Then I used thematic analysis technique to analyze the data. Through a thematic analysis, I constructed many sub- themes across the data set in excel sheet. The sub-themes allowed me to accurately determine the relationships between concepts and compare the data with each other. Then I linked and compared various concepts to construct themes. This process allowed me to make this successful classification by coding and categorizing the different thematic levels and finally I have constructed six themes described in the analysis chapter.

LITERATURE REVIEW

In today's developed countries, by and large, women enjoy the same legal rights as men. However, this has not always been the case. Even more recently, in most countries, women were considered the property of men and had no inherent rights of their own (Banner, 1980). They usually could not own property or sign contracts, they had no control over their own body, they could not vote, they had no legal rights, and they had no proper access to education (Austin, 1978; Berman, 1987) under the patriarchal nature of the society (Boserup, 1970). Despite the remarkable progress made in the struggle for gender equality, women still face violence, discrimination, and oppression to equal icipation in society.

However, the phenomenon of sexual violence is not a new either in Bangladesh or in South Asia (Nahar, 2015). If we look back to history, in the South Asian region, violence against women has assumed multi-dimensional forms, such as trafficking of women and girls, domestic violence, sexual abuse, violence at a workplace, forced prostitution, child abuse (BIDS, 2008). Here, I start the literature review by documenting the sexual violence against women from the historical to present perspective in Bangladesh. After that, the literature review focuses on

different forms of sexual violence against women in Bangladesh in order to reflect the situation. The final section includes the overview of the in national legal instruments Here, I explore how women's rights are explained under the human rights issue in a broader perspective under those legal instruments with a focus on sexual violence against women.

Situation of Sexual Violence against Women in Bangladesh: The large body of literature contends that Bangladesh turns into the vulnerable sexual violence prone societies. In 1990, there were no reported cases of rape (Crime Index of Bangladesh, 2008). In 1991, reported rape cases were 427 (Daily Prothom Alo, 2004). In the early of the 21st century, police statistics in Bangladesh show that rape is the second most commonly reported form of violence against women (Police statistics, 2016). Johan (1983) first drew attention to the need for research on violence against women in Bangladesh and she particularly explored the situation of sexual violence in Bangladesh. She was followed by, Akanda and Shamim (1985), Islam and Begum (1985), Shamim (1987) all of whom focused the sexual violence against women in Bangladesh. However, a study done by the Ain o Salish Kendra (2010), explore some myths 1) Rapist are known by their physical characteristics 2) Rape incident happen in the private place 3) Rape incident occurs in the midnight 4) Women are responsible for being rape 5) A specific age (15-20) women being rape than other women (Ain-o-Salish Kendra, 2010).

Furthermore, Huq (2012) argues that the number of incidents of sexual harassment continues to increase in Bangladesh but because of the great extent of underreporting, it is difficult to determine if the problem is getting worse or if, due to efforts of raising awareness, reporting is increasing (Huq, 2012; BNWLA, 2012). I explore from the study report released by the Bangladesh National Woman Lawyers' Association (BNWLA) assert that 91 percent of

Bangladesh's women and girls are victims of sexual harassment at some point in their lives, and 87 percent of girls ages 10 to 18 years have been victims of sexual harassment (Bakker, 2013).

While I was looking for the situation of married women, The Bangladesh Bureau of Statistics (BBS) had reported that in 2011, 87 percent of married women had experienced physical violence at the hands of their husbands; almost as many (80 percent) experienced psychological violence and more than one-third of women experienced sexual violence. The report of BBS clarifies certain common types of violence such as sexual, emotional, economic and controllable behavior marked a slight fall in 2015 compared to 2011 (The Financial Express, 2016; Huda, 2016). I also uncover some interesting perceptions from the Police Headquarter Baseline Survey in 2012 which finds that 34% of women believed that a husband has the right to beat his wife and those who justify violence because of 'she disobeys the husband' is the highest (74%) than any of the reasons and 36% of the women are victims of physical abuse when she refuses to have a sexual intercourse with her husband (Huda, 2016).

Likewise, the literature explores that eve teasing or sexual harassment, another form of sexual violence, has become a common phenomenon in Bangladesh for the last two decades (Hoque, 2013). According to a research report of Bangladesh National women Lawyer Association, 91.3% women are victim of eve teasing with various forms, out of these 87% incidents go to the age level of 10 to 18 years; 60% women are eve-teased by cell phone call and obscene messages. 10.8% of the women of sexual violence through internet pornography (BNWLA, 2010). Following this, I uncover from the literature that Bangladesh did not have any legal provision to address the sexual offence of eve teasing before 2009. As a result it was not considered as a crime in Bangladesh. To prevent this complexity specifically regarding sexual harassment, the Bangladesh High Court ruled in 2009 that sexual harassment in the workplace

and in educational institutions is a crime and put forth guidelines for prevention and prosecution until the appropriate law is enacted. This allowed enforcement of the ruling until the framing and promulgation of the law through parliament (as of 2012, no law has been passed). Similar to CEDAW's definition of sexual harassment, the guidelines in this court ruling further elaborate on what sexual harassment is (Bakker, 2013).

Additionally, while I tend to find the factors of sexual violence in Bangladesh, many researchers focus on the ecological approach which covers factors of individual, ner, and social context (Ahmed, 2005; Ullah, 2002). In Bangladesh, sexual violence against women is also linked to women's individual attributes like age, education, economic autonomy, empowerment, previous victimization and history of violence in parental family (Ameen, 2005; Ali, 2004). The social factors are level of economic inequality between men and women, level of female autonomy, attitudes towards gender roles and violence against women (Ahmed, 2005; Koenig et al., 2003; Morrison et al., 2007; Naved and Persson, 2005). Moreover, Zaman (1999) noted that the deeply rooted subordinate positions of women allow men to dominate and control not only their families and resources in Bangladesh.

Domestic Legal Instruments on Sexual Violence against Women: This section discusses the national laws, instruments, and reports that address violence against women or are relevant to sexual harassment. Firstly, I expose that sexual violence against women and girls in South Asia plays out in a historical, social, and political context where structures and functioning of government, social institutions, and the law all may contribute to its persistence (Bhuya, 2003). All eight countries in South Asia have specific constitutional and legal provisions addressing gender equality and have signed the Convention on the Elimination of All Forms of Discrimination against Women (Ahmed, 2005). Despite having this constitutional and legal

protection, the legal system has significant obstacles to reform and women's access to the justice system is inadequate.

While focusing my attention to Bangladesh, I explore that Bakker (2013), Hadi (2009) and Arif (2017) argues that in the past four decades, the country of Bangladesh has passed several laws and has had High Court rulings to address the widespread problem of sexual violence against women titled: Dowry Prohibition Act 1980, Prevention of Cruelty to Women and Children Act 2000, Acid Crime Control Act 2002, Domestic Violence Act 2010, and most recently the National Women's Development Policy 2011. Pervin (2016) points out that The Penal Code, 1860 is the main criminal code of Bangladesh and it is based on the penal code of the British Indian Empire enacted in 1860, whereas, Ahmed (2016) outlines that The Penal Code contains provisions for acts amounting to violence against women, such as wrongful confinement, abduction, kidnapping, rape, causing miscarriage, throwing corrosive substances, hurt and grievous hurt, etc.

On the other hand, BLAST (2009) identifies that according to the provisions of the Penal Code, the trials took place as per the normal mandates of investigation, arrest, charge sheet, framing of charges and process a very long time. However, Banglapedia (2012) asserts that The Penal Code of Bangladesh contains provisions that protect women from various forms of violence, although it does not specifically define 'sexual assault'. Furthermore, BLAST (2009) argues that The Prevention of Women and Child Repression Act, 2000 provides for effective way of dealing with cases of violence against women such as rape, forced prostitution and trafficking and makes provision for the punishment of sexual abuse and sexual harassment (Odhikar, 2012). However, it has caused some controversy due to the fact that it has also failed to address all the forms that violence against women including economic and psychological

forms of violence and sexual harassment (New Age, 2015) and lack of awareness and weak enforcement of these laws has limited their effectiveness (Odhikar, 2010).

In light of the above discussion, it is evident that women in Bangladesh face a number of unique challenges. The discussion of the literature indicates that the universal dignity and human rights are still far away from women in Bangladesh. Moreover, the literature explores that sexual violence against women and girls has not declined significantly though a number of laws have already been enacted. However, it is noticeably revealed that scarcity of scholarly quality works on finding the gap of women rights' law in Bangladesh is evident. I explore several gaps in literature in my study. While some of the literature explains the nature of sexual violence against women, the deficiency of literature on exploring the determinant factor of sexual violence in Bangladesh is evident. Finally, I could not find many scholarly writings on historical perspectives of violence against women in Bangladesh and there is a gap of literature that particularly outlines the analysis of legal instruments regarding sexual offense in Bangladesh.

THEORETICAL FRAMEWORK

This section presents the theoretical framework employed in this study and how I have used to make sense of the justifications of using the theory radical feminism for identifying the factors of sexual violence against women in Bangladesh. I begin with a brief overview of the theory of radical feminism, followed by a consideration of the oppression of women in society. In so doing, I am using radical feminism as a theory because radical feminists associate women's difference from men and focus on the body and issues of sexuality, violence against women. Radical feminists note that there are significant and irreducible biological differences between men and women (Ros, 2002). First and foremost is the difference in reproductive capacity; women can bear children, whereas men cannot. While early radical feminists see women's

capacity to bear children as a possible obstacle to their full liberation, later radical feminists celebrate women's reproductive capacity (Nancy, 1990). Moreover, radical feminists associate women's difference from men with more than simply the capacity to bear children; radical feminists focus on the body and issues of sexuality, violence against women, and women's health, as well as reproduction. As I demonstrate that despite existing legal instruments why sexual victimization against women exists and continue to rise high, I connect my study with the argument of some radical feminists who believe that patriarchal social structure, unequal gender division, weak legal and criminal justice policy leads to sexual violence against women.

Under the discussion, a radical feminist organization NCITE! (2003) argued that everyone should produce responses against gender violence and it is also important that we should develop strategies that challenge the criminal justice system. In effect, the strategies will provide safety for survivors of sexual and domestic violence. Critiquing the exiting legal policy, they also pointed out that law-and-order approaches to violence are ill suited to the needs of a diverse range of marginalized women (Martin, 1982, Currie & MacLean, 1992; DeKeseredy & MacLeod, 1997). Furthermore, Radical Feminist philosophy of law also states certain basic criticisms of traditional views of the nature of law, of patriarchal assumptions as reflected in law, and of the problems that women have in securing equal justice under law (Smith, 1993). They believe that all existing institutions, political, legal, economic, social, cultural, and medical, need to be reformed. In addition, radical feminists think that patriarchal power is not merely located in political and legal institutions (McLaren, 2002; Allen, 2007).

Following these critiques of patriarchal system, my argument under the current project extends with the notion that the current legal structure of Bangladesh has failed to protect women's rights and prevent violence against woman. The first women's rights to equality in

Bangladesh were guaranteed in the Constitution in 1972 that states that all citizens are equal before the law and are entitled to receive equal protection of the law (Bhuiya and Sharmin, 2003); however the state has failed to meet the obligation. After that, the social practice in Bangladesh undermines women's basic human rights and as a result, women cannot develop to their rights or participate in the economic, social, cultural, civil and political arenas on equal terms with men (Bangladesh Mahila Parishad, 2016). I outline here that the discrimination against women has been situated within the patriarchal social structure of Bangladesh historically and that remained outside of our attention.

However, Radical feminism has been subjected to a lot of criticisms. Firstly, some authors argue that Radical Feminism tends to overlook the fact that the general position of women in society has changed over time and explained in terms of wider economic and political changes in society (Martin, 1982). Furthermore, Socialist Feminists do not see women as a "sex class", nor do they see all men as "the class enemy" and state all male-female relationships are characterized by oppression and exploitation (Friedman, 1963).

Despite these limitations, I employ the lens of radical feminism in my study because it allows me to identify the factors of sexual violence from a gender dimension and criticize the justice system of Bangladesh as a patriarchal institution that contribute to the subordination of women. Countering those limitations, many radical thinkers argue that the social system is in the hands of the male owners and producers, and they operate for the benefit of a patriarchal society (MacKinnon, 1987). They maintain that all women are exploited by all men; that men, whatever their status or class, are always in the role of the oppressor and women always in the role of the oppressed; that it is in the interests of men to maintain this system of patriarchy (Amy, 2007). In

this connection, in my current study, the above argument will help me to make an analysis in identifying the factors of sexual violence in light of this above theoretical lens.

ANALYSIS

Here, I explore the factors of sexual violence against women in Bangladesh. I also analyze how women in Bangladesh are becoming victim of sexual violence. Side by side, I have discussed the social and psychological victimization of women after becoming victims of sexual violence and present the dominant concerns regarding the limitations of the criminal justice system and outline how it hinders women rights in Bangladesh. In doing so, I identify the problems and challenges of the in legal instruments and criminal justice system. These challenges of the justice system provide an understanding of what justice means to victim/survivors of sexual violence in Bangladesh and the implications of the present criminal justice system under the current legal framework.

Patriarchal Domination: Patriarchal domination creates more space for sexual violence in most cultures around the world. To this point, Alim (2011) noted that sexual violence perpetrated against women and girls in Bangladesh is a direct result of a patriarchal culture and religious norms that degrade the value of women and girls. As a recent BRAC's Research and Evaluation Division (RED) paper states, gender discrimination leading to gender violence is deeply embedded in Bangladeshi social structure; all Bangladeshi social institutions permit, even encourage the demonstration of unequal power relations between the sexes. Similarly, sexual violence against women in Bangladesh is in many extents culturally accepted, tolerated (Alim, 2011).

Moreover, I identify that sexual violence against women is considered as a gender specific human rights violation, and is a form of discrimination against women and it enforces

women's subordination and patriarchal structures throughout all levels of society (Farouk, 2005). To this point, Saha (2013) illustrates that sexual violence against women is not only rooted in gender norms; the society's gender norms are also constructed through sexual violence against women. Khan (2015) argues that the low status of women in comparison to men - economically, socially, culturally and politically both constitutes and enables the further denial of human rights in gender-specific ways, often at the hands of family members, male and female. Thus, sexual violence against women both reflects and determines gendered social structures (Saha, 2013).

In this point, thinkers of radical feminism argue that men's power over women is not confined to the sphere of politics, law, and the economy, but permeates every aspect of life, including knowledge construction (MacKinnon, 1987). Patriarchy, the systematic domination of women by men, is the fundamental characteristic of social organization for radical feminism. Radical feminists do believe, like liberal feminists, that women need to have equal access to resources and opportunities in order to overcome their subordination (Segal, 2000). The feminist anti-rape theory argues that rape is located in patriarchal systems that allow for the empowerment of men and the oppression of women (Chasteen, 2001; Jewkes, 2005; Moffett, 2006; Ward, 1995). To this regard, Chasteen (2001) noted: "men who rape are from every strata of society, sharing only the desire to dominate and control women through violence". Rape not only derives from gender inequality, but also serves as a tool to solidify men's power by installing fear in women and limiting women's movement and agency (Baron & Straus, 1987; Dosekun, 2007; Ward, 1995). In addition, it has been argued that rape is a way in which men establish power in relation to each other by using violence against women as the tool to construct this power (Dosekun, 2007; Jewkes, 2005).

The Practice of Forced Marriage: Forced marriage is another major cause of sexual violence in Bangladesh. In Bangladeshi society, family is the breeding grounds for some of the most persistent discrimination against women, such as sexual subordination of women, restriction of the mobility of women and different access to resources within the family. Culture itself supports the forced marriage (Wright, 2000). As a result, traditionally the society of Bangladesh accepts the domination of men over the women, which, in my opinion is a major cause of their vulnerability to sexual violence. Due to the practice of forced marriage, women become victims of forced sexual intercourse by their husband. This discussion explores that, in the patriarchal society all is about power and helps to understand the forced marriage through the patriarchal discourses of sexual violence in contemporary Bangladesh.

The Early Marriage Practice: According to some **cultural and religious beliefs**, drivers of child marriage include **poverty**, parents' **desire to secure economic and social security** for their daughters. For example, according to the report of Bangladesh Bureau of Statistics (2011), Bangladesh continues to have one of the highest child marriage rates worldwide and the highest rate of marriage involving girls under 15. 52% of girls are married by their 18th birthday, and 18% by the age of 15 (Malik, 2010). Furthermore, I find from the discussion of Taniya (2011) that early marriages, especially without the consent of the girl, are intended for several reasons, such as to guarantee financially well-established husbands, relieve her family from taking responsibility and ensuring a long cycle of fertility to produce a number of sons (Taniya, 2003).

While looking for the marriage law of Bangladesh I explore from the literature of Jahan (1994) and Human Rights Development Association (2000) that in Bangladesh, under the Child Marriage Restraint Act 1929, a girl cannot be married until the age of 18 and boys not before 21. This indicates that the contradictory legal ages of marriage for girls and boys are very

discriminatory (Jahan, 1994, Human Rights Development Association, 2000). In connection with early marriage, sexual violence is particularly problematic in Bangladesh which has been revealed by a survey conducted by Naogaon Human Rights Development Associations (NHRDA) in Bangladesh. The study explores that 84% percent of the cases, torture against wife was committed for forced sexual intercourse.

Legalizing Marital Rape: Marital rape, which is treated as a form of domestic as well as sexual violence and is more often experienced by women, is the act of sexual intercourse with one's spouse without the consent of the other spouse (Saxena, 2010). According to the Penal Code, 1860, marital rape, refers to sexual intercourse between a man and a woman, who are treated and accepted as husband and wife legally, where the woman does not give her consent for such intercourse (National Human Right Commission, 2015; The Penal Code, 1860; BNWLA, 2006). Though sexual intercourse within the marital framework is regarded as a right of the spouses, committing the act without the spouse's consent is now widely recognized as a crime by the law and society around the world (Saxena, 2010). However, the exception to section 375 of the Penal Code (1860) clearly states that "Sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape". As per this section, if the wife is under 13 years of age, only in that case will sexual intercourse by the husband with or without her consent constitute the offense of rape (Plan Bangladesh, 2016). Therefore, if the wife's age is not less than 13 years and her husband compels her to have sexual intercourse with him, it will not amount to a rape (Ahmed, 2017).

Following my analysis in these issues, I explore that according to the traditional view of Bangladeshi society, one cannot be held guilty of raping his wife because her consent to marriage constitutes consent to sexual intercourse with him which the law cannot be revoked

during continuance of the marriage (BNWLA, 2006; Ali, 2004; Mahila Porishad, 2012). Most of the citizens of the country believe that all other persons except the husband are liable for punishment for having sexual intercourse with a woman without her consent (Kumari, 1999).

To this extent, the theoretical lens of Radical Feminism states that sexual violence committed by men is to a large extent rooted in ideologies of male sexual entitlement and these belief systems grant women extremely few legitimate options to refuse sexual advances (Sen, 1999). To elaborate further, Sandy (1981) contends that societies where the ideology of male superiority is strong— emphasizing dominance, physical strength and male honour – rape is more obvious (Sanday, 1981). To argue more, I find under the current state of domestic law, it is difficult to protect married women from sexual violence in Bangladesh. As a result, articulating clear and effective global standards of law for addressing sexual violence against women would provide an important step to fight against sexual violence against women.

Trafficking of Women for Sexual Abuse: The discussion of human trafficking as a gendered issue has been explained in many academic arenas since long (Farr, 2005; Kingshott, 2016). Although the victim of human trafficking is both the male and female, however, human trafficking is mostly considered a gender-based phenomenon (Zimmerman, 2005; Russell, 2014), therefore disproportionately impacting the lives of women and girls, particularly, trafficking victims of Bangladesh consist of women and children where the main objective of human trafficking is engaging with forced labor and sexual exploitation (Chowdhury, 2013; Biswas, 2015). Many girls are trafficked into sexual exploitation or bonded labor and taken with their parents' consent, having been deceived by stories of well-paid jobs or marriages (Rahman, 2011; UNICEF, 2014). In consequence, the women become the victim of sexual abuse, imprisoned by the police and as such have to lead a miserable life in a foreign country (UNODC, 2015). Several

articles mention that the reasons of women trafficking are manifolds, while the ‘push and pull’ factors have identified that that women and girls particularly vulnerable to becoming trafficking victims (Ebbe & Das, 2008; Territo & Kirkham, 2010). These factors consist of, but not limited to, the system of patriarchy, violence against women, the feminization of poverty and migration, globalization and the capitalist market system, as well as the practice of consumerism and Commodification (Flowers, 2001; UNODC, 2015). Additionally, the large number of literature contends that poor women and children are the key target group of trafficking, because of their marginalization, limited economic resources, and predominance in the "invisible" informal sector (Shamim, 2001; Sarker and Pandey, 2015).

To this point, if I see the phenomena of sexual abuse through the lens of Radical Feminsim, Kathleen Barry (1995), argues that sexual exploitation in consequence of women trafficking is a political condition and is the impact of patriarchy in society (Santos, Gomes and Daurte, 2012). However, for radical feminists, trafficking and prostitution are difficult to differentiate; both are conceptualized as the ‘foundation’ of a global system of male violence (Sullivan, 2012). Radical feminism's main point of argument is that the social system is in the hands of the male owners and producers, and they operate for the benefit of a patriarchal society (Freedman, 2007).

Sexual Violence in Households: Number of literature shows that sexual violence in households exists in many countries. In Bangladesh, the number of domestic workers stands at 2 million, out of which 4, 20,000 are children and 83 per cent of these workers are female (Khan, 2016). As said by Ain o Salish Kendra (ASK), in last decade, 1,070 housemaids were assaulted in overall Bangladesh and within 2015 alone, there were 63 cases of domestic workers of being abused, among them 32 were found dead due to physical assault or rape (Azad, 2016). Leading to this

situation, in most instances, perpetrators are male head of the house or his son or perhaps even a visiting male relative or friend. Consequently, these sexual abuses also result in pregnancy (Save the Children, 2009). In such cases, it is not feasible for the violated child to return to her family because of the apparent disgrace she has brought on the employer, her family and herself (Karim and Islam, 2007).

Barriers in Access to the Justice System: The challenges of women seeking justice for the offense of sexual violence (BNWLA, 2003; BNWLA, 2006; BLAST, 2012; Bari, 2017) are major reason for the frequent sexual violence in Bangladesh. To this point, Hussain (2016) argues that in Bangladesh, a victimized woman usually tries to avoid the legal process as she becomes more stigmatized by the society and she is afraid of filing complaints; fearing negligence and harassment in a police station, courts, and society. Mohila Porishad (2016) explores that the members of the police do not cooperate with the victim of sexual offenses in most case. On the other hand, Mia (2013) explores that in cases of sexual violence the police often advise the victim to submit a medical document. However, Nahar (2015) reveals that the offender may manage the police, the medical officer or witness to provide false evidence. Khan(2015) and Sheikh(2017) illustrates that the existing legal process is elaborate, time-consuming, expensive and often discourages women from taking legal action and enforcing their rights in the court. As a result of the harassment and complexities of the court procedure, survivors are often compelled to accept out of court settlements (Sourav, 2017).

Here, I agree with this conception of the feminist radical theorists' where they address the legal system should identify violence against women as a form of sex discrimination and the law should recognize that individual acts of violence and discrimination against women (Sally, 2010; Issac, 2014). Furthermore, sexual violence often deprive women of their sense of control,

autonomy, self-respect, and personal privacy and the legal system should seek to restore and reinforce those qualities while avoiding measures that re-victimize the victim (Goodmark, 2009). The current domestic legal instruments do not contain an effective articulation of this right, and still has not adopted the effective global standards in international law for addressing such violence would help to reflect women's rights properly (Sally, 2005).

Social and Psychological Sufferings of the Victims: Victims of sexual violence face multiple social and psychological challenges. Clarke (2016) told that rape and sexual violence are attacks on a woman's body and dignity; such assaults have profound psychological, medical, economic, and social ramifications that plague survivors and their families for the rest of their lives. In Bangladesh the rape victim and their family faces different types of negative discourse. Victims and their family members refrain from filing case with the police as the culprits belong to the elite section of the society (Hasan, 2000). After the incident of rape, a rape victim observes every relation and communication around her re-defined and distorted through different activities. Sometimes, the victim is abducted by the rapist in order to keep family members away from the law enforcement agency. Studies have indicated a relationship between high levels of gender prejudice and stereotyping and high levels of victim blame (Lonsway, 2001; Pedersen, 1994). The social stigma resulting from sexual abuse is higher in Asian cultures where anything with sexual connotations is highly stigmatized (Ward, 1990). This kind of harassment put huge psychological pressure to women. I find from the literature that a school girl commits suicide in Narayanganj, due to the unbearable shame and negative attitude from the family members, community and society after being gang raped (Ittefaque, 2009). Furthermore, rapist set free and the victim to be whipped 20 times (Bhorer Kagoj, 2011). Rape victims whipped and driven away from the family and raped in again in Hathazari in Bangladesh (Sangbad, 2006). This is some

example in Bangladesh, how a rape victim and his family suffer after being victim. As consequences, the society also believes in many extents that women rape victims are responsible for being victim of rape.

SUMMARY AND CONCLUSION

The above discussion in analysis has given me an insight on understanding about the nature and scope of the phenomenon; the factor sexual violence; victims' experiences and risk for sexual assault; the physical and psychological consequences of the abuse; offenders'; necessary legal reforms to reduce rape and sexual assault. In so doing, this study has identified several factors on sexual violence prevailing in our society. First, the findings of this study suggest that the patriarchal nature of Bangladeshi society acts as a major factor for the victimization of women. Furthermore, this study demonstrated that victims of sexual violence are marginalized, powerless, and are victimized by the society and the community as well. Additionally, the findings indicate that victims face secondary victimization in the criminal justice system, family, hospital and even in the court. Furthermore, the analysis part explores that marital rape is not recognized as sexual violence under the current legal framework of Bangladesh.

Throughout the analysis part, the study has also identified the problems and challenges of the justice system that has produced a number of barriers for the victims of sexual violence. From a victim/survivor perspective, in many ways the current legal instruments produces the gender inequality, humiliating and degrading treatment; and made it tough for the women to access in the justice system. Finally, the study confirms that a coordinated effort for practical and efficient interventions needs to be made to eliminate sexual violence against women in Bangladesh and to ensure women rights in Bangladesh. To eradicate sexual violence against women and help

women to achieve lives of equality and dignity, it is imperative to change the patriarchal structure of the society. To challenge patriarchy World Health Organization (2009) highlighted that community interventions can change individuals and whole communities, by addressing gender norms and attitudes. They can include methods to empower women economically and to enlist men as partners against gender-based violence. Besides, media interventions and public awareness campaigns may use mass media to challenge gender norms and attitudes and try to raise awareness throughout society of violent behaviour towards women and how to prevent it. Side by side, government interventions to promote gender equality, such as laws and policies can also play an important role in the primary prevention of violence. In this regard, the development of international and national legal frameworks that promote gender equality can play an important role in preventing violence against women (World Health Organization, 2009). To prevent violence against women in India, Saravanan (2002) recommended that the community (i.e., social, economic, religious, and cultural institutions) should come out from the practice of male control over women's sexuality, mobility and labour. According to Wahed and Bhuiya (2007) developing community-based networks for coordinating services and programmes is important in raising awareness of violence and providing support to victims. Community-based educational activities may improve knowledge about women's legal and social rights and empower them to seek help for abuse (Wahed and Bhuiya, 2007). To combat violence against women Khan and Begum (2007) suggested that the legal instruments of Bangladesh require vast reform to ensure gender equality. (Khan and Begum, 2017).

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- Patriarchal domination creates more space for sexual violence in most cultures around the world.
- Forced marriage is another major cause of sexual violence in Bangladesh.
- Trafficking of Women for Sexual Abuse is widespread in Bangladesh.
- Gender equality should be ensured to stand against sexual violence against women in Bangladesh.

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