



Australian Government
Refugee Review Tribunal

Country Advice

Bangladesh

Bangladesh – BGD37885 – Women –
Sharia Law – Religious violence – Islamist
groups – State protection – Police – Rapid
Action Battalion
23 December 2010

1. What is the current political/social/religious situation in Bangladesh, in particular for women?

Women experience both social and legal discrimination in Bangladesh. Domestic violence is prevalent and reported to be inadequately addressed in the justice system. Women lag behind men in literacy and as a result are underrepresented both in the country's government and in the wider workforce.¹ Women also experience violent punishments as a result of fatwas issued by village elders and clerics for perceived religious transgressions.

The 2010 United States Department of State (USDOS) report notes that Bangladesh has laws in place to specifically deal with violence and discrimination against women, though these laws are weakly enforced. The laws:

...provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty.²

The Bangladeshi parliament passed the *Domestic Violence (Prevention and Protection) Act 2010* on 5 October 2010 but the laws are yet to come into effect. The Act will enable victims to lodge a complaint and receive protection against domestic violence. Domestic violence is defined in the Act as:

...any physical and mental torture, sexual harassment and psychological harassment of a woman or child by any member of the family. Any action that causes or likely to cause damage to the life, health, security or any organ of the body of a woman or child.³

The constitution guarantees that women will have the same access as men in 'all spheres of state and of public life', though this stipulation is not reflected in some laws and not observed socially.⁴ Aspects of family law are contained in separate Acts that pertain to

¹ Islam, N. & Sultana, N. 2006, 'The Status of Women in Bangladesh: Is the Situation Really Encouraging?', *Research Journal of Social Sciences* <http://www.insinet.net/rjss/2006/56-65.pdf> vol.1, no.1, pp. 56-65 – Accessed 22 August 2007 – Attachment 1

² US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2.

³ Shahiduzzaman, 2010, 'Repression against women on rise in Bangladesh', *New Age Newspaper*, 25 November – Attachment 3.

⁴ UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August – Attachment 4.

different religions, and often this means that religious traditions that treat women differently (and unequally) to men are upheld in law. For Muslims, for example, issues relating to marriage, divorce and inheritance are contained within the *Muslim Family Law Ordinance 1961*, which allows for different treatment of the sexes in certain circumstances.⁵

Violence against women is widespread and common in Bangladesh. The 2010 USDOS report cites a study indicating that at least 50 per cent of Bangladeshi women experience domestic violence at least once in their lives.⁶ A significant portion of domestic violence against women is related to disputes over dowries, though spousal infidelity and rejection of marriage proposals are also reasons cited in the report. The violence includes acid attacks, where acid is thrown on the face and body of the victim causing deformity or blindness.⁷ Amnesty International reports that from January to October 2009 police received at least 3,413 complaints of beating and other abuse of women over dowry disputes. Amnesty International notes that many of these known cases resulted in conviction of the perpetrator. Women's rights groups, however, state that the number of women experiencing such violence is actually much higher as many incidents go unreported.⁸

2. If a woman refuses to marry/pray/wear the hijab, what are the consequences in the family and wider community?

No information was found regarding women who refuse to pray; however, there are reports of women being subjected to violence or harassment if they refuse to marry or wear the hijab.

The 2010 USDOS report cites incidences of acid attacks in Bangladesh against women who have refused marriage proposals.⁹ Acid attacks are reported to have been perpetrated against women as a means of 'revenge and in order to destroy her future marriage prospects'.¹⁰ The number of acid attacks reported to police amounted to 64 in 2009 and 73 the previous year.¹¹

A USDOS report notes that marriages in Bangladesh are usually arranged by relatives, and young women can often become victims of forced marriage. Societal pressure, poverty, illiteracy and family status can all be contributing factors for forced marriages,

⁵ *The Muslim Family Laws Ordinance 1961* (Bangladesh), http://supremecourt.gov.bd/act_files/act_305.html – Accessed 20 December 2010 – Attachment 5.

⁶ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2.

⁷ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2.

⁸ Amnesty International 2010, *Amnesty International Annual Report 2010 – Bangladesh* – Attachment 6.

⁹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2.

¹⁰ 'Introduction – Act of Violence against Children', undated, *Odhikar* website, <http://www.odhikar.org/report/pdf/child.pdf> – Accessed 20 December 2010 – Attachment 7.

¹¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2; 'Human Rights Report 2008: Odhikar report of Bangladesh', 2009, *Odhikar* website, 15 January, [http://www.odhikar.org/report/pdf/Odhikar Annual Human Rights Report %202008.pdf](http://www.odhikar.org/report/pdf/Odhikar%20Annual%20Human%20Rights%20Report%202008.pdf) – Accessed 20 December 2010 – Attachment 8.

and these pressures are exacerbated in rural areas. This indicates that there may be little chance for young women to refuse to marry in Bangladesh.¹²

While it is illegal in Bangladesh to force women to wear a hijab either in the workplace, at school or in the community, there are reports that women have been harassed or arrested for not wearing a hijab. In March 2010, 19 women were arrested in Rangpur, in northern Bangladesh, for not wearing a veil. The High Court subsequently prohibited police officers from arresting women for not wearing hijabs and legal action was taken against those involved in detaining the women. It is reported that in response to the High Court decision, police have arrested women not wearing hijabs under charges of ‘prostitution’ or ‘participating in illicit activities’.¹³

A report was located noting that banned Islamist militant group, Jamaat-ul-Mujahideen, made threats in 2005 that any woman moving around in public without a burqa would be killed.¹⁴ The group was reportedly involved in bombings throughout Bangladesh before the threats were made. It is unclear whether the threats were carried out; however, the report illustrated the possibility of threats to women not wearing Islamic covering from militant Islamic groups operating in the country.¹⁵

Recent legal rulings in Bangladesh stipulate that women cannot be forced to wear a hijab in the workplace, at school or in the community. The rulings are as follows:

- In March 2010, the High Court in Bangladesh ruled that police cannot ‘hassle’ women who do not wear a veil.¹⁶
- In April 2010, the court banned employers from forcing female workers to wear a hijab in the workplace.¹⁷
- In August 2010, the Ministry of Education released a circular instructing schools not to force female students to wear religious dress.¹⁸

¹² ‘Forced Marriage in Bangladesh’, undated, *Embassy of the United States, Dhaka Bangladesh*, http://dhaka.usembassy.gov/forced_marriage_definitions.html - Accessed 22 December 2010 – Attachment 9.

¹³ ‘Women detained for not wearing veil in Bangladesh’, 2010, *Weekly Blitz*, 3 March, <http://www.weeklyblitz.net/568/women-detained-for-not-wearing-veil-in-bangladesh> – Accessed 15 December 2010 – Attachment 10; ‘HC asks Rangpur DC to probe veil issue’, 2010, *The Daily Star*, 6 April, <http://www.thedailystar.net/newDesign/news-details.php?nid=133226> – Accessed 15 December 2010 – Attachment 11.

¹⁴ Ahmed, N. ‘Islamists demand Bangladeshi women wear veil’, 2005, *Alertnet*, 9 December, <http://www.alertnet.org/thenews/newsdesk/DHA303995.htm> – Accessed 15 December 2010 – Attachment 12.

¹⁵ ‘Top Bangladeshi militant remanded’ 2006, *BBC News*, 21 March, http://news.bbc.co.uk/2/hi/south_asia/4829268.stm – Accessed 15 December 2010 – Attachment 13.

¹⁶ Barton, C. ‘“Forced veiling” debate divides Bangladeshi women’, 2010, *Agence France Presse*, 15 September, <http://news.theage.com.au/breaking-news-world/veil-debate-divides-bangladesh-20100916-15dtl.html> – Accessed 15 December 2010 – Attachment 14; ‘Women detained for not wearing veil in Bangladesh’, 2010, *Weekly Blitz*, 3 March, <http://www.weeklyblitz.net/568/women-detained-for-not-wearing-veil-in-bangladesh> – Accessed 15 December 2010. – Attachment 10.

¹⁷ Barton, C. ‘“Forced veiling” debate divides Bangladeshi women’, 2010, *Agence France Presse*, 15 September, <http://news.theage.com.au/breaking-news-world/veil-debate-divides-bangladesh-20100916-15dtl.html> – Accessed 15 December 2010 – Attachment 14

¹⁸ ‘Don’t force girl students to wear veil: Education Ministry’, 2010, *The Daily Star*, 25 August, http://www.thedailystar.net/newDesign/latest_news.php?nid=25500 – Accessed 15 December 2010 – Attachment 15.

- In September 2010, the High Court ruled that ‘attempts to coerce or impose a dress code on women clearly amount to a form of sexual harassment’.¹⁹

Application of the High Court rulings, however, is limited. A report from *IRIN News* notes that ‘a weak judicial system’ and ‘deep-rooted social traditions’ are obstacles to ensuring the principles enshrined in the rulings are observed in the community. A chairperson of Ain o Salish Kendra, a local aid and human rights organisation, is quoted in the report as stating:

‘It’s very difficult to enforce a law in Bangladesh. The state is very weak. There’s always this sense in the community that they know what’s best and they’re taking up what they consider to be moral issues.’²⁰

3. What happens if a woman refuses to follow Sharia practices, and is known for not ‘liking’ Sharia?

No information was found regarding women who do not ‘like’ Sharia or refuse to follow Sharia law in Bangladesh. There are reports, however, that fatwas (illegal religious edicts concerning Sharia) are being used in some communities to assert control over those perceived as not adhering to religious strictures. It is possible that this includes women who refuse to follow certain Sharia practices. Incidences of fatwas being issued against women in Bangladesh have been reported.

Bangladesh is governed by a secular government and its constitution allows for freedom of religion. Sharia law is not implemented formally and not imposed on non-Muslims, though certain aspects of it are recognised in Bangladeshi law. Parts of civil law, such as marriage, divorce and inheritance are enshrined in the *Muslim Family Law Ordinance 1961*, which applies to members of the Muslim community. Those who are not Muslim follow a separate set of family laws that pertain to their religion.²¹ As such, there are aspects of Sharia law that are codified within the Bangladeshi legal system and it may be difficult for a woman to refuse to follow such practices.

The 2010 *International Religious Freedom Report* notes that fatwas were banned in a High Court ruling in 2001. This has not stopped religious leaders at the village level making ‘declarations’ that they call fatwas in individual cases, however, and this sometimes results in ‘extrajudicial punishments, often against women, for perceived moral transgressions’. The report further states that ‘vigilantism against women accused of moral transgressions occurred in rural areas, often under a fatwa, and included punishments such as whipping’.²² It is likely the rejection of Sharia by a woman would not be received well by local religious leaders and could be reason for issuance of a fatwa, or result in extrajudicial punishment, though reports describing such a specific incident were not located.

¹⁹ Barton, C. ‘‘Forced veiling’ debate divides Bangladeshi women’, 2010, *Agence France Presse*, 15 September, <http://news.theage.com.au/breaking-news-world/veil-debate-divides-bangladesh-20100916-15dtl.html> – Accessed 15 December 2010 – Attachment 14

²⁰ ‘BANGLADESH: Killing women in the name of religion’, 2010, *Integrated Regional Information Network (IRIN)*, 13 August, <http://www.irinnews.org/Report.aspx?ReportId=90160> – Accessed 20 December 2010 – Attachment 16.

²¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2.

²² US Department of State 2010, *International Religious Freedom Report 2010*, 17 November – Attachment 17.

Villages in Bangladesh are reported to use a local ruling council called a *shalish* to enforce aspects of Sharia law. The shalish is a panel of influential members of the community that help resolve local issues. Often religious leaders who sit on shalish panels use the shalish as a means of imposing Sharia, as well as resolving issues of social acceptability.²³ The punishments that shalish panels enforce include whippings and beatings and are delivered despite a High Court ruling that such punishments are illegal²⁴. A report from *IRIN News* quotes a coordinator of a non-government organisation in Bangladesh as stating:

‘It [the shalish] is commonly practised as a means of control over people who they feel need to be controlled. So it’s used by the powerful male elites in the villages over what they feel is behaviour that could lead to a lack of control.’²⁵

Similarly, a chairperson of a human rights organisation notes in the same report that women are often disadvantaged by religious punishments enforced by the shalish. He states ‘[i]f the woman doesn’t find support then she tends to give in to whatever is being done to her and take the punishment’.²⁶

4. Is the treatment any different for a woman who has subsequently married and is relatively wealthy?

No information was found that indicates women who are married and wealthy would be treated differently within their community if they refuse to follow Sharia or adhere to religious traditions. Gender-based violence and discrimination against women in Bangladesh is widespread and common across different socio-economic groups for both married and single women. While discrimination against women is officially prohibited under the Bangladeshi Constitution, it is still widespread and domestic violence is an issue about which ‘there is least social awareness or outcry in Bangladesh’.²⁷

Women at all levels of Bangladesh society experience discrimination and violence. The prevalence of both gender-based violence in the community and violence against women in the family encompasses different ages, classes, locations, ethnicities and religions.²⁸ The ability of women to control or even gain access to financial assets is limited, and Islamic traditions dictate that female relatives inherit only half the amount of assets than

²³ Golub, S. ‘Non-state Justice Systems in Bangladesh and the Philippines’ 2003, *Governance and Social Development Resource Centre*, <http://gsdrc.ids.ac.uk/docs/open/DS34.pdf> – Accessed 20 December 2010 – Attachment 18; ‘BANGLADESH: Killing women in the name of religion’, 2010, *Integrated Regional Information Network (IRIN)*, 13 August, <http://www.irinnews.org/Report.aspx?ReportId=90160> – Accessed 20 December 2010 – Attachment 16.

²⁴ ‘Bangladesh bans religious punishments’, 2010, *Agence France Presse*, 10 July, <http://www.google.com/hostednews/afp/article/ALEqM5jHCWrc5LUwhO0JNtPARKWtI7YUDw> – Accessed 20 December 2010 – Attachment 19.

²⁵ ‘BANGLADESH: Killing women in the name of religion’, 2010, *Integrated Regional Information Network (IRIN)*, 13 August, <http://www.irinnews.org/Report.aspx?ReportId=90160> – Accessed 20 December 2010 – Attachment 16.

²⁶ ‘BANGLADESH: Killing women in the name of religion’, 2010, *Integrated Regional Information Network (IRIN)*, 13 August, <http://www.irinnews.org/Report.aspx?ReportId=90160> – Accessed 20 December 2010 – Attachment 16.

²⁷ UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August – Attachment 4.

²⁸ Islam, N. & Sultana, N. 2006, ‘The Status of Women in Bangladesh: Is the Situation Really Encouraging?’, *Research Journal of Social Sciences*, vol. 1, no. 1, pp. 56-65 – Attachment 1; UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August – Attachment 4.

that their male relatives.²⁹ The commonplace nature of domestic violence and the patriarchal treatment of wealth and inheritance in Bangladesh likely render a woman's wealth irrelevant in terms of her risk of being subjected to discrimination or violence.

A 2004 study of socioeconomic factors' impact on domestic violence against rural Bangladeshi women has found, however, that married women in households of lower socio-economic status are at a significantly higher risk of being victims of domestic violence.³⁰

The patriarchal nature of Bangladesh society has meant that women become victims of violence from not only their husbands, but also their husbands' families. Women are dependent on men throughout their lives, from their fathers, through to husbands, brothers and sons.³¹ When women marry, their husbands often create a separate household for their new nuclear family, but the husband remains under the control of his father and the wife under the control of her mother-in-law.³² This results in the reduction of mobility and autonomy for the wife, who can also find herself the victim of domestic violence perpetrated by her in-laws.³³ In this case, it is unlikely that marriage would reduce discrimination or violence against a woman in Bangladesh, and may in fact increase it in some circumstances.

5. How effective/interested are the police and the Rapid Action Battalion in protecting women from religious violence?

The Human Rights Watch director Brad Adams used the phrase 'religious violence' in a 2005 Human Rights Watch news release relating to the Bangladesh government's treatment of members of the Ahmadiyya community. The quote in the Human Rights Watch news release is as follows:

'It's a dangerous moment in Bangladesh when the government becomes complicit in religious violence,' said Brad Adams, executive director of Human Rights Watch's Asia Division. 'The authorities have emboldened extremists by failing to prosecute those engaged in anti-Ahmadi violence and by banning Ahmadiyya publications.'³⁴

This reference applies to the position of Ahmadis and is not directly applicable to the circumstances of women generally.

²⁹ 'Gender Equality and Social Institutions in Bangladesh', undated, *OECD: Social Institutions & Gender Index*, <http://genderindex.org/country/bangladesh> - Accessed 22 December 2010 – Attachment 21.

³⁰ Bates, L. M., Schuler, S. R., Islam, F. & Islam M. K., 'Socioeconomic Factors and Processes Associated With Domestic Violence in Rural Bangladesh', *International Family Planning Perspectives*, vol. 30, no. 4 – Attachment 20.

³¹ 'Gender Equality and Social Institutions in Bangladesh', undated, *OECD: Social Institutions & Gender Index*, <http://genderindex.org/country/bangladesh> - Accessed 22 December 2010 – Attachment 21.

³² 'Bangladesh Cultural Overview', undated, *AsiaRecipe.com*, <http://asiarecipe.com/banculture.html> – Accessed 22 December 2010 – Attachment 22.

³³ Balk, D. 1997, 'Change Comes Slowly for Women in Rural Bangladesh', *Asia-Pacific Population & Policy*, No. 41 – Attachment 23; UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August – Attachment 4

³⁴ Human Rights Watch 2005, 'Bangladesh: Government Fails to Act Against Religious Violence', 16 June <http://www.hrw.org/en/news/2005/06/15/bangladesh-government-fails-act-against-religious-violence> – Accessed 14 December 2010 – Attachment 24.

Both the police and RAB (Rapid Action Battalion) are components of Bangladesh's internal security system.³⁵ Generally, however, the effectiveness/interest of protection provided by the police and RAB discriminates against people who are poor or politically weak, and it could be argued that women are in this category. As a result protection cannot be guaranteed for individuals lacking the ability to pay bribes or wield political influence. Law enforcement in Bangladesh is compromised by corruption, intimidation and political interference.

In its 2009 human rights report the US State Department reported that there was 'widespread police corruption' in Bangladesh as well as 'severe lack of training and discipline'.³⁶ The Asian Human Rights Commission (AHRC) noted in 2010 that police conduct investigations using 'using primitive methods without acceptable levels of professionalism and efficiency or credibility'.³⁷ In a 2009 report, the AHRC outlines levels of corruption that exist in the investigative process:

Different forms of corruption can be found at most stages of criminal investigations. The police play a key role in corruption in investigative and trial cases. It is difficult to lodge a complaint in a criminal case in a police station. It is also difficult to file a complaint case before the cognizance magistrate courts. Political leaders and other actors with vested interests try to influence the filing or lodging of criminal cases. False cases are often instigated by rival groups. The police often refuse to record cases on political grounds. They tend to distort the circumstantial and physical evidence portion of the First Instance Report (F.I.R.)

Strong persuasion is required to have immediate police action launched after a case is lodged. Bribes for court staff are an inevitable expectation for services rendered at all stages from the filing to the disposal of a criminal case. The Officer-In-Charge of a police station plays a vital role in the investigation and its supervision. Investigative Officers (I.O.) have been found reluctant to arrest the offenders in cognizable cases if not persuaded to do so. The I.O. seldom visits places where crimes have been committed and often threaten to falsely implicate persons unless they are paid off. Witness statements are generally not properly recorded. Vital incriminating and evidentiary elements are purposely omitted. The power of arrest without a warrant is grossly abused by the police. Police remand has become a profitable business, while torture is reported as being endemic during remand. The police are reluctant to conduct identification parades. Allegations abound concerning the manipulation/falsification of laboratory reports, post-mortem reports and other medical information.³⁸

A 2008 article, published by the Asian Legal Resource Centre, indicates that police may thwart an investigation unless they have a personal interest in the outcome or if a victim is poor and unable to pay a bribe:

³⁵ UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August, pp.36/para. 8.01 – Attachment 4.

³⁶ US Department of State 2010, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2009 – Bangladesh*, 11 March – Attachment 2.

³⁷ Asian Human Rights Commission 2010, 'Incapability of the Judiciary to Provide Justice in Criminal Cases' in *The State of Human Rights in Bangladesh in 2010*, <http://www.humanrights.asia/resources/hrreport/2010/AHRC-SPR-001-2010.pdf> – Accessed 15 December 2010 – Attachment 25.

³⁸ Asian Human Rights Commission 2009, 'IX. Summary of the ALRC's research on politics – Corruption Nexus in Bangladesh: An Empirical Study on Impacts on Judicial Governance' in *The State of Human Rights in Bangladesh in 2009* <http://material.ahrchk.net/hrreport/2009/AHRC-SPR-001-2009-Bangladesh-HRReport2009.pdf> – Accessed 9 July 2010 – Attachment 26.

...lodging complaints with police stations is oftentimes difficult for the poor and politically weak, especially if the complaints relate to wealthy and politically connected persons. The offenders or persons in league with them will invariably make arrangements with the police, even before a complaint is made, to block the victim...

CR cases [those on the Complainant Register] are fraught with difficulties, as the police will usually thwart the investigation unless they have no personal interests in the outcome and the victim is now prepared to pay more than the other party to succeed. They may issue a final report, closing the inquiry without trial, or issue a report that will not stand up in court.³⁹

Protection against domestic violence

The 2010 UK Home Office report states that citizens wishing to report crimes or make complaints to the police face several hurdles, including fear of reprisal from the perpetrator. Cases involving domestic violence are often considered private matters and not accepted by police.⁴⁰

The 2010 USDOS report cited an incident where a woman was a victim of an acid attack by a man after she refused his marriage proposal. The police officer she reported the crime to took 'refreshments' from the husband before 'attempting to convince the victim to drop her case'.⁴¹

Rapid Action Battalion (RAB)

The RAB was established in March 2004 as a special anti-crime strike force to deal with armed criminal organisations.⁴² The RAB website states that its mission is to 'Prevent crime and apprehend criminals'.⁴³ RAB's main tasks as outlined on its website are:

1. Internal security duties.
2. Recovery of unauthorized arms, ammunitions, explosives and such other articles.
3. Apprehension of armed gangs of criminals.
4. Assisting other law enforcing agencies for maintaining law and order
5. Intelligence gathering in respect of crimes and criminal activities (sic)
6. Investigation of any offence on the direction of the government.
7. Such other duties as the government may, from time to time, assign.⁴⁴

6. Deleted.

³⁹ Ashrafuzzaman, Md. 2008, 'The disposable prosecutors of Bangladesh', *Focus: prosecutions in Asia*, Vol. 7, No. 1, March, pp.59-65 <http://www.article2.org/pdf/v07n01.pdf> – Accessed 6 July 2010 – Attachment 27.

⁴⁰ UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August – Attachment 4

⁴¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Bangladesh*, 11 March – Attachment 2.

⁴² UK Home Office 2010, *Country of Origin Information Report: Bangladesh*, 20 August, pp.36-37/para. 8.04 – Attachment 4.

⁴³ 'Mission, Motto and Capabilities' (undated), Rapid Action Battalion (RAB) website http://www.rab.gov.bd/about_us.php?page=3 – Accessed 14 December 2010 – Attachment 28.

⁴⁴ 'Mission, Motto and Capabilities' (undated), Rapid Action Battalion (RAB) website http://www.rab.gov.bd/about_us.php?page=3 – Accessed 14 December 2010 – Attachment 28.

Attachments

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