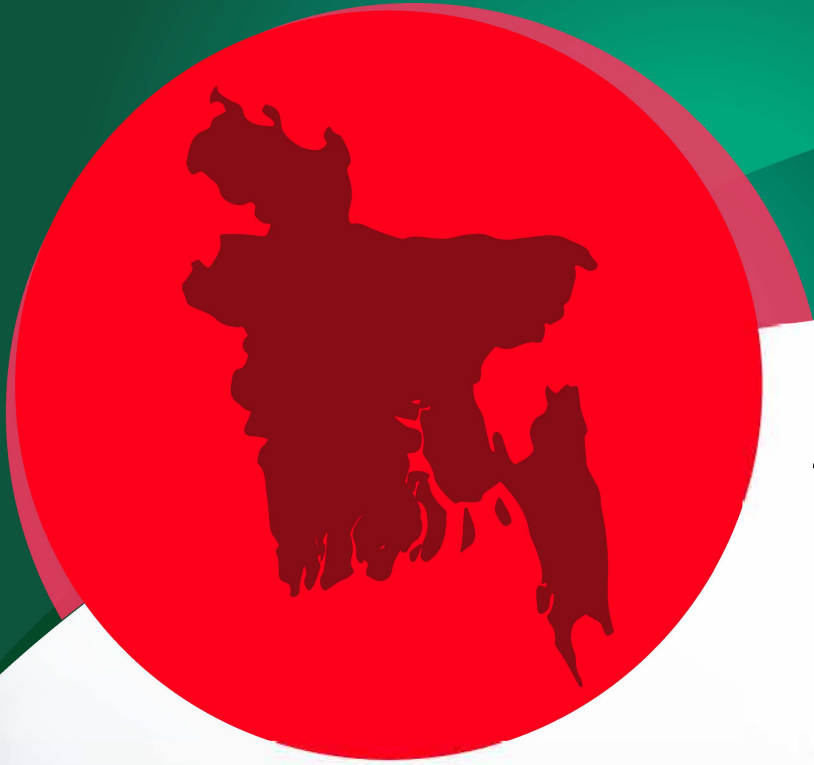


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Compromising Cases: An Examination of Dispute Resolution through Special Tribunals for Women and Children in Bangladesh

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Abstract

The Government of Bangladesh, recognizing the crucial role access to justice plays in combating pervasive violence against women and children, enacted the Anti-Women and Child Oppression Act in 2000. The Act establishes special tribunals with exclusive jurisdiction over all cases brought under it in each of Bangladesh's sixty-four districts. The punishments are formidable, including life imprisonment for rape or attack with a corrosive substance. All of the offences are considered crimes against the State, meaning that the victim is legally barred from dropping charges in exchange for a settlement.

In practice, about 90% of the cases end in compromise. To circumvent the legal ban, the victim may agree to testify that no incident occurred, leaving the prosecutor almost completely void of credible evidence against the accused. Further, the financial resources and human capital the State commits to these cases detract from other cases where there is a greater chance of conviction. The Bangladesh legal community is divided on why compromises occur, but tend to strongly believe that either a) the victims harass the accused or b) the accused pressure the victims.

Empirical research conducted for this paper has focused on how the ban on compromise manifests in the tribunals, concentrating on the reasons for compromises and the impact that they have on the rule of law. The research was conducted through observing trials and interviewing judges, prosecutors, defense lawyers, NGO lawyers, petitioners, the accused, and victims.

The research revealed two significant nuances in the reasons for compromises that have significant policy implications. The first is that the victims do not always file cases they intend to compromise out of spite, but rather use the strength of the Act in a desperate attempt to compel a scorned lover to take responsibility for his financial obligations. While the practice serves an essential social function, its value is reduced by the legal ban on human rights based mediators who could assist the parties in reaching a just and sustainable solution. As a result, some women agree to return to an abusive husband or marry their rapist out of belief it will offer financial security. The second is that a judge may also compel parties to settle, especially if s/he believes the victim is financially destitute. This has many negative consequences, including widening the equality divide between rich and poor, increasing men's vulnerability to extortion through false accusations, and eroding the deterrent power of the Act.

This paper demonstrates how inadequate social services and limited opportunities for women in Bangladesh, particularly those who are survivors of violent crime, has resulted in unregulated adaptations to the Act that are eclipsing its intended purpose.

1 Introduction

The people of Bangladesh, particularly women and children, traditionally have no viable legal recourse when they are victims of crimes or deprived of their fundamental rights. The formal justice system is expensive, complex, and time consuming, making it inaccessible to the vast majority of its citizens. Similarly, the local justice system, which is typically controlled by the male village elders, tends to protect the status of the male social elite rather than the rights of women or the poor. To complicate matters further, women in rural villages are typically

dependent on their husbands for financial support, which leaves them almost no means by which to escape from dangerous domestic situations.

In 2000 the Government of Bangladesh enacted the Nari-o-Shishu Nirjatan Daman Ain (in English "*the Anti Women and Children Oppression Act*") in order to "*prevent rigidly the offences relating to Woman and Child Persecution.*"¹ The Act establishes special tribunals, known as Nari-o-Shishu tribunals, with exclusive jurisdiction over all cases brought under it in each of Bangladesh's sixty-four districts. Punishments under the Act are

formidable, including the death penalty and mandatory life imprisonment. All of the offences included in the Act² are considered crimes against the State, and are thus not legally permitted to be compromised out of court.

Contrary to the interests of the Government, which include punishing wrongdoers and preventing future incidents of violence against women and children, few of the cases filed in the tribunals result in conviction. Research by GIZ, the federal agency of Germany that provides economic and development assistance around the world, revealed that between 2001 and 2007 the Nari-o-Shishu tribunals disposed of 2,000 cases, only 200 of which ended in conviction (10%) (Yasmin and Huq 2008). Even more concerning, statistics from the government run One Stop Crisis Centers (O.C.C.), which provide free medical care, legal services, and temporary shelter to survivors, reveals that only 33 of the 2,076 cases that have been resolved since its inception ended in conviction (1.6%, Network for Improved Policing in South Asia 2012).

Most of the cases that do not result in conviction are actually compromised between the parties, despite the legal ban. For example, compromise was used to resolve 1,896 of the cases at the O.C.C. (90%, Network for Improved Policing in South Asia 2012). Similarly, judges and public prosecutor interviewed unanimously estimated that at least 90% of the cases in the tribunals are resolved through compromise.

The ban on compromise can be easily circumvented if the alleged victim testifies that no incident took place, or that the accused was not responsible for the crime, in exchange for a financial settlement or a promise to cease the abhorrent behavior. The accused, who is almost always placed in pre-trial detention after a mere accusation³ and faces overwhelming legal fees in order to file a bail application⁴ is typically willing to compromise in order to end the ordeal, even if he is innocent. While the State may continue to prosecute the case, it is difficult, if not impossible, to prove criminal culpability when the victim recants on her story. This is especially true in a country like Bangladesh where forensic evidence is not commonly used. There are also judges and public prosecutors who allow victims to testify that an out of court compromise has been reached and it is no longer necessary to proceed with the case.⁵ These cases are then treated as acquittals.

The public, particularly the legal community, tend to be split in their belief on why cases compromise. One view, which is held strongly by lawyers from many legal aid NGOs, is that women do not want to proceed with cases because they are threatened by the accused. They cite examples where a poor girl is hospitalized after being brutally assaulted, but disappears the moment she is discharged. On the other end of the spectrum is the view held by almost all defense lawyers, that the alleged vic-

tims are bringing false and vexatious cases to exploit men. They frequently point to examples where a woman is unable to produce evidence, such as a medical certificate, to substantiate her allegations and demands large sums for the case to be settled. This paper uses case studies to demonstrate that there is a third reason why compromise is prevalent: the alleged victims, commonly acting on the suggestion of a lawyer or judge, use the tribunals to compel a person, typically a (ex) husband or the father of her child, to meet his financial obligations. This does not mean that victims are not fearful of the perpetrator or that allegations are never fabricated; rather it means that there is an additional, overlapping force that requires due policy consideration.

This paper is divided into five sections. Following this introduction is section two, which contains the research methodology. Section three then explains why women are drawn to the tribunals in order to obtain social and financial security. Section four exposes how the current unregulated use of compromise deteriorates the rule of law and leaves both victims and the accused vulnerable to abuse. Section five concludes by cautioning that compromise will continue to be pervasive in the tribunals as long as poverty and patriarchy are prevalent and recommends that the ban on compromise be modified to allow greater conformity with established human rights based principles and strengthen the rule of law.

2 Methodology

The primary methodology used in this study was participant observation in the formal courts of Bangladesh. A total of thirty-four days were spent in court during the course of the research period. Trials were observed in a variety of locations to gain an understanding of how the size of the district and philosophies of the judges and public prosecutors influence the proceedings. The locations selected were Barisal, Chittagong, Dhaka, Khulna, Madaripur, Rangamati, and Sirajganj.⁶ Whenever possible, interviews were conducted with judges and public prosecutors of the tribunals and courts visited. Informal interviews were held with defense lawyers, representatives from legal aid NGOs, petitioners, victims, and the accused.

Two NGOs also provided the opportunity to travel to villages in Khulna, Madaripur, and Sirajganj, to speak with people who were affected by the Nari-o-Shishu tribunals away from the court setting. All of the subjects were pre-selected by the NGO, and the staff sought their preliminary permission. Those who agreed were again told of the voluntary nature of their participation and informed consent was obtained both prior to and after the interview.

The names of those who were willing to share their experiences or allow their work to be observed have been excluded or changed due to concerns of retribution. In addition, the locations have also been omitted because there is only one tribunal in many of the districts that were observed.

3 Motivation to Compromise Cases through the Tribunals

Bangladesh is permeated by a strong patriarchal culture that subjects countless women to a lifetime of discrimination, neglect, and violence in all facets of their public and private lives (Kabeer 2003, Naripokkho 2011). To quote the government, “*Women’s social vulnerability is all-pervasive and endemic. Discrimination against women at the social level are reflected in their confinement within the homestead, lack of mobility in the public space, women’s early marriage, etc. Women have weak protection socially and legally in the event of break-up of marriages. They face high levels of vulnerability such as losing honour, high degree of divorce and abandonment*” (Government of Bangladesh 2005). Domestic violence is also rampant (BBS 2005, Schuler and Islam 2008, WHO 2005)⁷ and generally accepted by society (Begum 2005, UNICEF 2009).⁸ This section demonstrates how poverty and a strong patriarchal society makes manipulating the Nari-o-Shishu tribunals an alluring option for women who have been abandoned, neglected, or mistreated by the person responsible for their social and financial well-being.

3.1 Unable to Return to the Natal Home

In Bangladesh it is not uncommon for families to arrange a marriage for their daughters because they simply cannot afford to continue to provide support for basic necessities. A 2008 study on why female victims of domestic violence did not return to their natal home collected the following comments from victims and their families:

- A forty-year-old farmer’s wife stated “*No way to go back and stay in one’s father house. What would a woman eat after going back to her parents? They have trouble enough providing for themselves. That’s why a woman stays in her husband’s home no matter what he does to her.*”
- A mother explained that her daughter, who was regularly tortured by her husband, lived with her for 15 days every month. She wishes her daughter could live with her full time, but she cannot afford it (Schuler, Bates and Islam 2008).

3.2 Dearth of Social Services:

In theory the Government of Bangladesh offers around thirty social safety net programs to support its most vul-

nerable citizens, including poor women. The programs include a 100-day employment guarantee scheme, a food for work program, and a vulnerable group feeding program (UNDP 2009). In practice, only 23% of the country’s poorest 10% actually receive any social services (Human Rights Watch 2012). Reasons why the intended recipients are not receiving social services include that they are required to pay a bribe above their financial means, that corrupt politicians see that the services go to their families and friends, or eligible women are unaware of the services (Human Rights Watch 2012, Kabir 2012). Additionally, the services offered reportedly fail to meet the medical, legal, and social needs of female victims of violent crime (Chowdhury 2007).⁹

3.3 Ineffective Family Courts

The government also attempts to provide judicial remedies for financially destitute women through the family courts.¹⁰ In practice, the courts work well to meet people’s needs when there are two parties willing to resolve the issues, but are ineffective when the divorce is contested.¹¹ The following case study, provided by a family court judge, illustrates that the family courts fail to provide for the administration of justice when one of the parties is uncooperative. The judge picked a case that happened to appear on his docket the day of the interview to emphasize that the narrative is typical.

Case Study #1

The petitioner/wife filed a case in 2008 requesting that she receive *dower* (financial compensation promised to the bride at the time of marriage) and maintenance. The respondent/husband refused to answer her *plaint* (the document that sets out the issue at hand and what she was requesting as compensation). After two years of silence from the respondent/husband, the judge issued an order that the husband pay a 3,000 taka (\approx \$40 USD) fine and allowed the wife to file the case *ex-parte* (without a respondent). The husband appealed, and the case was put on hold while the district judge decided whether the order should stand. In 2011, the district judge ruled that the husband did not need to pay the fine, but permitted the case to proceed *ex-parte*. The case is ongoing, and the wife has yet to obtain any financial relief for either herself or their two children.¹²

3.4 Weak Domestic Violence Legislation

In 2010 the Government enacted the Domestic Violence (Protection & Prevention) Act to protect women and children from physical, sexual, economic and psychological abuse. Under the Act, the court is authorized to award a victim of domestic violence with just and reasonable monetary compensation for personal injury (including psychological), property damage, and financial loss.¹³ Unfortunately, the Act is not yet being used. As of October 19, 2011 only four cases had been filed under it,¹⁴ which is reportedly due to a combination of a limited education campaign about its existence and relatively weak penalties against the perpetrator.

3.5 Remedies through the Nari-o-Shishu Tribunals

In comparison to the other options, filing a case under the Nari-o-Shishu Act provides the greatest protection and leverage to the alleged victim for the reasons set out in the introduction. Although the Act allows for financial compensation for the victim, such as making the State responsible for child support from a child proven to be born of rape,¹⁵ compromise is still an appealing option for most petitioners because it provides the alleged victim a quick remedy to their often urgent situation and relief is not dependent on establishing proof beyond a reasonable doubt. Following are two case studies which are representative of the women and girls with whom I spoke. The first demonstrates how destitute women and girls sometimes exaggerate or fabricate the allegations in order to compel a compromise. The second explains why compromise is often preferred by alleged victims, even when they have a valid claim under the Act.

Case Study #2

In the following case study, the alleged victim is put in the precarious situation of deciding whether to bring a false case under the Act in order to obtain financial support. By choosing to lie under oath, and technically manipulate the judicial system for her own personal gain, she has indicated a lack of respect for the rule of law. Further, it requires the State divert resources from other cases that could lead to a criminal conviction, thus deteriorating its power, both actual and perceived, to prosecute cases. While her action of knowingly bringing a false case is technically a crime which carries with it a sentence of seven years of imprisonment,¹⁶ the reasons for her actions invoke a sense of understanding that makes punishment seem

inappropriate. Rather, it is the State that appears culpable for failing to provide a means of redress for her dire situation.

Fatima was raised in a very poor family and when she was fourteen years old her family could no longer afford to feed or clothe her. Her father arranged for her to marry the inspector of the postal department, a forty-five year old man who was a friend of his brother, and she was sent to live with him and his family. After just a few months, he was no longer interested in Fatima. He would say to her “*when I married you, you were beautiful, but you are not beautiful anymore.*” She was kept in his home, but he would not visit, and she felt very lonely. The situation kept getting worse and she begged her family to take her home. Her family said that they were unable to afford to take her back, and that she should try to save the marriage by having a child. She soon became pregnant, which pleased her husband until she delivered a daughter, not a son. He refused to pay the medical expenses and kicked his wife and daughter out of the house immediately following the birth. Fatima had no choice but to move home, but her family is unable to support her. The family often goes to bed hungry and she cannot buy her baby medicine. She tried to file a case in the family court, but her husband did not appear for over a year. Her lawyer suggested that she bring a case for torture for dowry under the Nari-o-Shishu Act. She knows that she should not bring the case because her husband never physically tortured her nor demanded dowry, but she is not sure how else she can get him to take financial responsibility for her and her daughter.¹⁷

Case Study #3

In the next case study, the alleged victim uses the accusation of rape in an attempt to reconcile her relationship with a scorned lover and father of her child. It is important to note that while the allegation meets the definition of rape under the Act,¹⁸ the petitioner only intends to characterize the incident as such until she is able to compromise. Once a compromise is reached, she will likely take the stand and recant her previous accusation under oath. This could decrease the credibility of other women who choose to come forward as rape survivors, making the justice system even more unavailable to them. It also depletes judicial and prosecutorial resources that could have been devoted to cases that had a better chance of leading to conviction. Similarly to the previous case study, however, the story is one of desperation rather than malice.

Rafia was spending a lot of time with a man from the neighborhood, and upon his promise to marry her, agreed to enter into a sexual relationship with him. They had not yet married when she conceived a child. Her boyfriend denied paternity the moment he learned of the pregnancy. Rafia, not knowing how she would pay the bills to support herself and her child, threatened to file a rape case against him unless he agreed to marry her. At first he agreed, but then he absconded before the marriage took place. A local NGO attempted to assist her with compromising the case, but the boyfriend did not appear. They then advised her to file a rape case against him, which she did. Despite their now strained relationship, she is clear that she does not want him to serve time in prison, but rather to marry her and take personal and financial responsibility for her child. She is concerned that if they do not marry, she will never find anyone to support her or her child.¹⁹

4 Negative Consequence of Compromise

While compromising a case can theoretically help financially destitute and socially vulnerable women and girls, the absence of human rights based interventions resulting from the legal ban can result in the alleged victim being compelled to return to a dangerous living situation and denied a fair trial. It also leaves her no recourse if the accused fails to meet the terms of the non-binding agreement. Not only do these problems affect individuals, but they promulgate a weak rule of law.

4.1 Dangerous Living Situations

Of particular concern from a human rights perspective are compromises that require the alleged victim to begin or return to a conjugal life with the accused. There were several observed examples where the alleged victim, with obvious emotional distress, would testify that an incident did not occur, the accused was not the perpetrator, or that she had reached a compromise. In one poignant example a woman sobbed as she testified that she had reached a compromise with the man who allegedly raped her: he would pay an undisclosed amount of money and they would marry.²⁰ Equally alarming are the cases where women return to their abusive husbands. The abuse is likely to continue, if not intensify, once the couple is reunited considering that the perpetrator is more likely to have become

angered, rather than rehabilitated, during his stay in pre-trial detention.

4.2 Right to a Fair Trial

Well-meaning judges in five districts self-reported that they encourage parties to compromise when they believe the victim would benefit more from a financial settlement than having the perpetrator sentenced to a hefty prison sentence. While their intentions are noble, in practice, the judges are in essence creating two justice systems: one where women who appear to have financial resources are able to pursue criminal sanctions and another where the poor are compelled to compromise. In doing so, clear messages are sent to society, including wrong-doers, that the State prioritizes the safety of the wealthy over the poor and that a crime against a poor woman is less serious than a wealthy one. As way of illustration, the following interaction was transcribed in a tribunal on March 30, 2011:

Judge: “You married him, now you don’t want to marry him, isn’t there a chance of reconciliation?”

Alleged victim [crying]: “No, please don’t send me back. They all beat me up. I am happy in my father’s home and I do not want to go back. Please, I will withdraw the case, but do not make me compromise.”

Accused [from the lock-up in the back of the courtroom]: “We tried to mediate, but she refused.”

Judge: “Where is her father? Bring her father in.”

Father enters

Judge to the father: “Are they paying maintenance?”

Father: “No”

Judge to the father: “If you want mediation the court can help.”

Judge to the alleged victim: “Once you pass a certain period there is no way back, are you sure you want to move forward, think twice.”

Alleged victim: “I am sure I want to move forward.”

Judge: “Most of these cases can be resolved through mediation, are you sure?”

Alleged victim: “I want justice.”

Judge: “If it is possible to live together this lawyer can help you figure it out, but if you don’t want to, that is ok. I will give you more time to think about it.”

Alleged victim leaves the courtroom and is brought back about ten minutes later by an assistant to the court clerk.

Judge: “How long do you think you need to think about whether you want mediation? 15 days? Is that enough?”

Alleged victim: “Yes”

Judge: “Ok, see you in 15 days.”

4.3 Sustainability of Compromised Resolutions

Another danger of compromise in the tribunals is that the parties have not had the benefit of human rights based mediation, a process by which an un-biased mediator aids the disputing parties to reach a mutually agreeable solution in-line with established human rights based principles, such as gender equality (UN General Assembly 1948, Articles 1 and 2) and freedom of choice in marriage (UN General Assembly 1948, Articles 16.2). Failing to make, and memorialize, a mutually agreeable solution that protects the rights of both parties makes the compromise unlikely to be honored after the threat of pre-trial detention and high legal costs has subsided. The following case study demonstrates how compromises which are designed to meet the needs of financially destitute women are not always able to offer her the protections she needs and desires.

Case Study #4

When Rashida was eleven years old, she was grabbed by the throat, abducted, and raped. She told her mother, who took her to the hospital and filed a case with the police. After a few months, her family, worried about their daughter's future, compromised the case with the perpetrator: the two would marry. Rashida and her husband lived together for several years and had two children, who Rashida made clear that she adores. A few years ago the husband left without warning and has not looked after them since. She has heard rumors that he has married again. It is hard for her to support her children without his assistance. She feels desperate, but is convinced that the justice system cannot improve her situation.²¹

5 Conclusion

This paper demonstrates that extreme poverty and a patriarchal society in Bangladesh severely restrict options for women and girls, particularly those who have been victims of violent crime, to realize social and financial security. One of the main reasons is that they frequently lack the luxury to bypass a compromise in order to pursue punitive sanctions against the perpetrator. They are also typically unable to access necessities, such as food and shelter, unless they utilize the threat of pre-trial detention and high legal fees to secure their financial well-being.

Additionally, it shows that the Nari-o-Shishu Act, in its current form, is falling short of its intended purpose.

Alleged victims are purposely not proceeding with legitimate criminal cases or knowingly exaggerating allegations, often due to encouragement or pressure from judges, in order to obtain their notion of justice which typically conflicts with the State's goal of prosecuting the accused. As a result, scarce judicial resources are being diverted from administering the Act to supporting an unregulated and often biased means of conflict resolution that has repeatedly put the safety of women and children in jeopardy and facilitated the extortion of countless men who are legally innocent. Further, it makes the formal justice system, particularly the tribunals, increasingly inaccessible to future survivors because witnesses are losing credibility, backlogs caused by a plethora of unintended cases are causing insurmountable delays, and society's respect for the Act is being replaced by an understanding that it can be easily manipulated for one's personal gain.

One option to address these problems would be for the State to amend the Act to allow, if not provide, human rights based mediation and counseling to interested parties. Around the world human rights based mediation is gaining popularity as a means to resolve various types of disputes because it is typically more satisfying for the accused, victims, and society than the formal justice system (United Nations Office on Drugs and Crime 2011). Legal aid NGOs in Bangladesh, including Ain-o-Shalish Kendra, the Bangladesh Legal Aid and Services Trust, and the Madaripur Legal Aid Association, have had great success with human rights based mediation, but avoid it in any instance when a case has been filed under the Act due to the legal ban. Allowing human rights based mediation for cases filed under the Act could provide greater oversight of coercion and assist parties who opt to compromise to develop agreements that are just, safe, and sustainable. Implementation of the Act would also improve by reducing the number of cases that are filed with the intent to compromise, thus a) reducing the number of witnesses who do not tell the truth (or the whole truth) under oath to secure a compromise and b) increasing the judicial resources devoted to cases that are more likely to end in conviction. The role of judge as adjudicator would also be clarified, reducing the likelihood of paternalistic pressure to compromise.

Human rights based mediation in the tribunals is not appropriate in all cases, however. There are many perpetrators of truly heinous crimes who inflict terror upon their victims with virtual impunity because the victims are too poor to pursue criminal sanctions. There are also innocent men who are extorted into large financial settlements in order to avoid legal fees and time in prisons. Human rights based mediation can therefore be used as a way to improve a damaged system, but not as a means to fix it. The only effective remedy for preventing the current manipulations of justice is to address the root causes, mainly a dearth of

social services, lack of social mobility for women, a culture that tolerates violence against women and children, and limited civil remedies for divorce/child support. Until these issues are resolved, the need for financial and social security will continue to trump respect for the rule of law, and will manifest through compromising cases in the Nari-o-Shishu tribunals, whether or not the victim or the State would like to pursue criminal sanctions.

Endnotes

1. Preamble
2. The Act does not actually cover all incidents of Violence against Women. Most notably, murder, grievous hurt, and simple hurt can only be tried by the tribunal if one of four conditions are met: 1) it resulted from a rape or attempted rape; 2) if it was motivated to compel dowry from a woman; 3) the offence was committed with a “*combustible, erosive or poisonous substance*” or 4) if it was inflicted on a child for the purpose of begging or selling limbs. In its 2005 Poverty Reduction Strategy Paper, the government stated that it planned to include domestic violence in the Act, but to date that amendment has yet to be made.
3. Of the 73 men accused men interviewed, 71 served time in pre-trial detention (97%).
4. Although Bangladesh technically runs a legal aid scheme for indigent clients, only 1 of the 73 accused surveyed received a free lawyer from the State. Those who were able to pay were charged between 3,000 and 15,000 taka to begin the case and 500–5,000 taka per appearance, which is well beyond the reach of the vast majority of citizens. According to the World Bank, in 2010, 76.54% of the population lived on less than \$2 USD a day, about 140 taka.
5. It is not clear how the judges and prosecutors are able to do this. Even the head of the bar association in one of the districts where cases were acquitted if victims testified that a compromise had been reached was unclear how this was permitted, but credited it to both a lack of oversight and a desire of supervising judges to compromise cases.
6. It should be noted that neither Barisal nor Rangamati had a dedicated tribunal at the time of the visit.
7. BBS (2005) estimated that 75% of women in Bangladesh had experienced both physical and sexual violence; Schuler and Islam (2008) found that 67% of the respondents reported they had been beaten by their husbands; WHO (2005) found that 53% of the women in urban areas and 62% in the rural areas had been subjected to physical or sexual violence by a partner.
8. Begum (2005) found that 77% of Bangladeshi female respondents reported that they believed that a husband had the right to beat his wife; UNICEF (2009) found that 41% of female respondents aged 15–19 reported that a husband is justified in hitting or beating his wife under certain circumstances.
9. While crisis centers and shelter homes have been established throughout Bangladesh, the need still outweighs the demand. For example, the One Stop Crisis Centers referenced earlier are only able to provide shelter for a few days and most facilities have only eight beds. Similarly, the GOB established a Victim Support Centers in 2009 to provide shelter and coordinate medical and legal assistance for women and children who have been victims of domestic violence, trafficking, acid burns, sexual harassment, and rape, but between 2009 and 2010 the centers saw only 828 alleged victims and offered each up to five days of protection. There are also shelter homes established by NGOs around the country, but even one of the most well-known is only able to help about fifteen women a year
10. The Family Court Ordinance, Ordinance No. XVIII of 1985, Bangladesh, at Article 5.
11. Human Rights Watch, *Supra* Note 16 (at page 8: “*Family courts have primary responsibility for enforcing Bangladesh’s personal laws, but are plagued with procedural and administrative problems. Lawyers, former judges, and activists told Human Rights Watch that enforcement of court orders can take years, and is often riddled with problems around summons and notice procedures and processes for executing court decrees.*”
12. Interview on September 11, 2011.
13. Domestic Violence (Protection and Prevention) Act, 2010. [Best current English summary available retrieved on Feb. 26, 2012 from www.bdtips.com/ArticleBody.php?ArticleID=5106#2nd]
14. Proper Implementation Stressed *The Daily Star*, (2011, October 19). Retrieved from www.thedailystar.net/newDesign/news-details.php?nid=207072
15. Nari O Shishu Nirjaton Daman Ain. Act N. VIII of 2000, amended 2003, Bangladesh. Section 13 (c)
16. *Id.* at Section 17
17. Interview on April 20, 2011.
18. Section 9 of the Act defines rape to include consensual sexual relations with a woman if the consent was obtained through fraud, such as an unrealized promise to marry
19. Interview on April 13, 2011.
20. Court observation on March 7, 2011.

21. Interview on April 4, 2011.

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