

The background of the cover features a close-up, artistic photograph of several books and stacks of papers. The books have various colored spines, including blue and black, and their pages are visible, showing a range of colors from cream to yellow. The papers are stacked in a way that creates a sense of depth and texture. The overall lighting is dramatic, with strong highlights and deep shadows, giving the scene a scholarly and professional feel.

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THE SURGE OF DOMESTIC VIOLENCE DURING THE COVID-19 PANDEMIC

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Domestic violence -a social degradation is taking such a terrible turn since the emergence of global pandemic-COVID-19 that even the fastest growth of cancer cells is slowing down. Only the victimized family knows how a family is being reduced to dust due to domestic violence. However, this research has been undertaken to explore the connection between lockdown measures due to the COVID-19 pandemic and the growing domestic violence incidence behind closed doors and why it is critical to prevent the violence. The paper has been made on both qualitative and analytical research methods by using the secondary sources of data. In the paper, the author have tried to address the most vulnerable community to domestic violence, pandemic threats to the victim, different Bangladeshi laws, and international treaties to combat the issue, the obstacles to implementing these legislations, and the government services available to the victim during the pandemic. This paper has also discussed the findings and suggested a few recommendations to follow by the Government, social agencies, and people from many different organizations to stop domestic violence and save the victims from its curses.

INTRODUCTION

Violence is inescapable and omnipresent, part of everyday life for most women and children as well men. Once, women could not get out of their cocoons because of religious taboo. When this barrier is dismantled through global modernization, a new challenge has been put on the road to women – Domestic Violence. It refers in general to aggression between the family members inside the home. However, Section 3 of the Domestic Violence (Prevention and Protection) Act 2010 stipulates, "domestic violence is physical, psychological, sexual or economic abuse against a woman or a child of a family by any other person of that family with whom the victim is, or has been, in family relationship."¹ According to the U.S. Department of Justice, 95% of assaults had been done against women by their spouses.² Women are common victims of domestic violence in different manners.

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¹ Domestic Violence (Prevention and Protection) Act, 2010, s 3.

² Prevent Child Abuse America, 'The Relationship between Domestic Violence and Child Abuse' <https://vawnet.org/sites/default/files/assets/files/2016-10/PCAA_DVandChild.pdf> accessed 20 June 2020

There is a strong prediction about domestic violence that it will never end. Even in the mid-1800s, it was rampant in our society. Since then, it has been growing day by day, and also in this challenging phase of COVID-19 around the world, it has an incredible surge. The WHO study shows that COVID-19 is an infectious disease recently reported. It is described as a global health crisis and the biggest challenge we've been facing since the Second World War.³ Since its emergence in the last year, the virus has spread to every continent. After that, many countries put strict mobility restrictions to slow down its wave but unfortunately fueled the current domestic violence crisis. Because of those limitations, people lose their jobs and income every day without knowing when they will be back to work. Also, the ILO claimed that 25 million employment could be lost.⁴ Therefore, facing many problems that, in many cases, lead to domestic violence. Regardless of race, sex, religion, and financial status, people of every stratum are being affected in the home by their intimate family members.

METHODOLOGY

The purpose of this study is to find out how domestic violence in the home has been triggered by this COVID-19 pandemic and to examine the legal phenomena available to protect them. This study is carried out on qualitative and analytical research methods using secondary data sources. Different legal papers, books, reviews, reports, and various publications have been obtained from the secondary data sources. However, by using these methods of study, the author have tried to examine the current domestic violence situation in Bangladesh by recognizing the most frequent victims of the violence during the pandemic and the legal and other governmental facilities available to protect them. On the other hand, the author have compared the legal system of other countries related to domestic violence and used the comparative analysis approach in this case.

DOMESTIC VIOLENCE

Domestic violence is not a new concern. It was always a fact in the Bangladeshi family and remained a tabuistic subject until quite recently.⁵ Even before the emergence of COVID-19 Pandemic, it existed and considered one of the grave human rights violations. In the past 12 months before the pandemic, 243 million women and girls worldwide have been sexually and physically assaulted by an intimate

³ World Health Organization, 'Global Research on Coronavirus Diseases (COVID-19)' (2020) <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov>> accessed 26 June 2020

⁴ UNDP, 'COVID-19 Pandemic Response' (2020) <<https://www.bd.undp.org/content/bangladesh/en/home/coronavirus.html>> accessed 20 July 2020

⁵ Huda, Shahanaz, "*A Child of One's Own*", 3rd edition, Bangladesh Shishu Adhikar Forum, 2008

partner.⁶ And one in three women worldwide, often from an intimate partner, experience physical or sexual abuse throughout their lives.⁷

In Bangladesh, the victim faces different kinds of violence in the home, such as physical, psychological, sexual, and economical. As per the Bangladeshi law on domestic violence, physical abuse involves any behavior, including assault and criminal intimidation that is hazardous to life, limbs or heat, or affects the victim's health or development. Psychological abuse involves some form of insult, mockery, humiliation, threats of any nature, harassment, behavioral restraints, such as mobility, contact or self-expression restrictions. Sexual abuse involves any kind of sexual behavior that abuses, humiliates, degrades the victim's dignity in any other way. In addition, economic abuse includes any conduct that deprives the victim of financial support, food or essential needs, legal rights to stridhan or dower, or any property belonging to the victim, health control, employment, etc.⁸

THE PRESENT SCENARIO OF DOMESTIC VIOLENCE IN BANGLADESH DURING COVID-19

We have recently seen that, after the emergence of a novel coronavirus last December, the Chinese Government declared the national lockout measures in Wuhan, China. Following that, nearly every country, including Bangladesh, has adopted the World Health Organization suggested measures that indicate complete isolation from social interaction and confinement at home to calm the spread of the virus. Even a new slogan had gone viral "stay home, stay safe." But, in some cases, the real scenario in the home is miserable. Now every community is forced by the Government to stay in their own homes. As we have stated above, many people are becoming jobless. This unpleasant situation is increasing economic distresses that are likely to cause more frustration and anger, especially in developing countries like Bangladesh, where they are already full of poverty and illiteracy, ultimately results in domestic abuse in the home. During the lockdown, though it becomes hard for everyone to confine at home for the long term, it becomes a predestined misfortune for domestic violence victims. Arpita Das, Coordinator of the Manusher Jonno Foundation (MJF) in Bangladesh, has said that the survivor of domestic abuse blames the lockdown for their condition because the offenders relieved

⁶ UN Women, 'Violence against women and girls: the shadow pandemic' (2020) <<https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>> accessed 19th June 2020

⁷ World Health Organization, 'Violence against women?' <https://www.who.int/health-topics/violence-against-women#tab=tab_1> accessed 20th June 2020

⁸ Ibid 1.

their frustration by torturing their wives who lose their jobs as a result of the blockade.⁹ Besides, alcohol consumption is another pre-determined factor of domestic abuse. Now people drink more within their boundaries due to the closing up of bars, restaurants, and pubs.¹⁰

However, in this situation, the tragic domestic abuse scenario is underlined below:

Domestic Violence against Women

Women are the most common victim of domestic Violence in Bangladesh. If I say every woman at least once in their lives may be exploited by their family member. And in our country Bangladesh, women become victims of domestic violence, mostly as physical Violence, dowry-related Violence, acid throwing by family members, murder, etc. It was found that the effects of domestic abuse surpassed the clear cases of physical injury and mental health problems and showed signs of impacting reproductive health issues.¹¹ However, since the COVID-19 came up, women are trapped in the house with their abuser. Much more, it limits their ability to resist violence and place them in an environment where they cannot even avail themselves of sufficient assistance.¹²

Domestic Violence against Child

Children are considered as a source of happiness in a family. However, often, children face domestic violence from their dear ones. However, child abuse refers to deliberately causing harm to a child.¹³ They are also a victim at home which is approximately 30 to 60 percent.¹⁴ Recent national studies have shown that children are frequently assaulted by such 50% of men who often assault their wives.¹⁵ US children experience severe violence over 10% at home by their parents in a given year.¹⁶ However, in

⁹ Manusher Jonno Foundation (MJF), 'Violence Against Women and Children: COVID-19 A Telephone Survey: Initiative of Manusher Jonno Foundation (2020) < http://www.manusherjonno.org/latest_stories/amid-lockdown-4249-women-and-456-children-became-victims-of-domestic-violence-in-april-mjf/> accessed 25th June 2020

¹⁰ Global Economic and Market Research Team, 'An Early Look at how the Coronavirus is Affecting Household Spending' (2020) <<https://www.commbank.com.au/guidance/business/an-early-look-at-how-the-coronavirus-is-affecting-household-spen-202003.html>> accessed 29 June 2020

¹¹ Awan Afiaz, 'Intimate partner violence (IPV) with miscarriages, stillbirths and abortions: Identifying vulnerable households for women in Bangladesh' (2020) PLoS ONE 15(7).

¹² Andrew M. Campbell, 'An increasing risk of family violence during the Covid-19 pandemic: 2 Strengthening community collaborations to save lives' (2020) FSIR 100089 1–3.

¹³ Prevent Child Abuse America, 'The Relationship between Domestic Violence and Child Abuse, (1996) <https://vawnet.org/sites/default/files/assets/files/2016-10/PCAA_DVandChild.pdf> accessed 4th July 2020

¹⁴ Linda Cahill & Peter Sherman, 'Child Abuse and Domestic Violence' (2006) 'Pediatrics in Review' 27 (9) 339-34

¹⁵ Human Rights Library, 'Stop Violence Against Women: Domestic Violence and Children' (2003) <<http://hrlibrary.umn.edu/svaw/domestic/link/children.htm>> accessed 9th July 2020

¹⁶ Kristin L. Anderson, Debra Umberson & Sinikka Elliott, Handbook of family communication (2004) 629.

households that experience 50 or more domestic violence episodes, nearly 100% of children are physically abused by their fathers and 30% by their mothers.¹⁷ Yet, people are at home during the lockdown for long periods, which let the spike in domestic violence incidents against the child. Many children have been pushed into potentially dangerous home conditions for weeks or months due to school closures across the country.¹⁸ It seems like children are not safe even at home, which used to be the safest place for any children.

Domestic Violence against Men

There are men victims also present in our society. They are exploited by the female partners both physically and mentally. But they do not report the violence because of the assumption that the police will not respond, and that is why men do not even talk about their problems.¹⁹ Men are socialized to bury issues under a private veil, including being the object of abuse from female partners.²⁰ However, they are physically healthy, but they cannot be told that they are only abusers, not the victims. According to the Laroche (2005) report, 77% of the female partner of 83% of men were unilaterally terrorized, which cause, feared for their life to those males. For this reason, men keep shut their mouths and do not disclose it to anyone. Though violence against men can be a felony, regulation differs between courts. Bangladesh's legislative body has put a lot of effort into this matter but ignored a considerable part of it: male abuse. The Acts enacted by the National Parliament of Bangladesh are focused only on the abuses which occur to women and children. All around the world, adult male abuse also takes place in domestic environments. Laws regarding domestic abuse in Bangladesh fail to provide punishment and remedy for domestic adult male abuse. They can only find justice through the Penal Code, 1860, which creates a great inequality between women and men.

Domestic Violence against Health Workers

Health workers are commonly abused in the workplace but now since the COVID-19 emerged, they are abused at home by their husbands, relatives or family members. Because of the pandemic, they now have an added responsibility for not returning home on time, resulting in domestic violence.

¹⁷ Ibid 8.

¹⁸ Save the Children, 'COVID-19: Millions of Children in Lockdown in Asia at Risk of Domestic Violence' 29th April 2020<<https://www.savethechildren.net/news/covid-19-millions-children-lockdown-asia-risk-domesti-cviolence>> accessed 13th July 2020.

¹⁹ Babette C. Drijber, Udo J. L. Reijnders & Manon Ceelen, 'Male Victims of Domestic Violence' (2012) [Journal of Family Violence' 28, 173-178

²⁰ Todd k. Shackelford (ed), The SAGE Handbook of Domestic violence (2013)

Moreover, there is a rumor that the health workers are spreading the virus as they have to deal with many patients.²¹ By making these excuses, the perpetrator abuses them physically or verbally.

IMPACT OF DOMESTIC VIOLENCE ON THE SOCIETY IN BANGLADESH

Domestic violence sees no status of any individual. As it is a social headache, everyone in society somehow falls in its clutches. Though it directly affects the victim, its adverse outcome is not confined within the victim. Children, elders, aiders, relatives, neighbors, and all other members of society seek to intervene or help the victims go through domestic violence either physically, mentally, psychologically, or in different ways. Even the abuser himself may suffer through its adverse consequences. For instance, a Bangladeshi man killed his wife and live-streamed it on Facebook. And after committing the crime, he turned himself in to local police.²² On the other side, since the COVID-19 came, there has been unrest among the people around. People have become mentally weak with mounting fears regarding uncertain life, infringement on personal freedoms, growing stresses of financial destruction, restrictive mobility, conflicting messages from authorities, which undoubtedly contribute to widespread emotional distress. Between these, domestic violence is like 'sprinkling salt on the cut wound.'

In some cases, the factors mentioned earlier created by the pandemic affect people. Even the normal one becomes aggressive instantly, resulting in domestic violence turning into domestic homicide, which is one of the gravest demonstrations of family violence and intimate partner. For example, a Colombian man's aggression went too far that he shot dead his wife, her sister, and mother inside their home. However, earlier the pandemic, domestic violence was suppressed with society's help. Many things were available widely that the survivors need like medical assistance, mental health support, and social support through friends, relatives, or neighbors. Even they could go to the police station and make a complaint against the abuser. By making excuses for dropping their children at school or buying food or employment, they could find a way to keep safe themselves and even approach free counseling. Thus, they found space to breathe, but it is now restrictive as the health sector, social sector, and legal sector are being overwhelmed and radically shifted to serve the Pandemic. Many social services have been mashed up and diverted to respond to the noble

²¹ Mamun, M. A., Akter, T., Zohra, F., Sakib, N., Bhuiyan, A. K. M. I., Banik, P. C., & Muhit, M, 'Prevalence and risk factors of COVID-19 suicidal behavior in Bangladeshi population: are healthcare professionals at greater risk?' (2020) *Heliyon*, 6(10)

²² Arafatul Islam, 'COVID-19 lockdown increases domestic violence in Bangladesh' (2020) <<https://www.dw.com/en/covid-19-lockdown-increases-domestic-violence-in-bangladesh/>> accessed 17th June 2020

coronavirus and its ill impact. Maintaining the social distance, many social organizations step back to give physical assistance to domestic abuse victims. The services required for women and child intending their safety or security are reducing now being under-resourced. And due to the pandemic, many domestic violence shelters are being shattered with fewer workers. Many are deterring themselves from taking new victims due to the fear of being infected with the old victims. Thus, the pandemic has created a crucial situation that let the survivors being dramatically cut off from social or institutional help.

LEGAL FRAMEWORK CONCERNING DOMESTIC VIOLATION IN BANGLADESH

National Legislations

Domestic abuse is a dominant social evil among us, and so legal support is vital to limit its source. Because of this, our nation Bangladesh has enacted various statutory provisions to protect victims of domestic violence. However, these laws are summarized below:

The Constitution of the People's Republic of Bangladesh, 1972:

A Democratic Socialist State, free of exploitation, which would guarantee the rule of law, fundamental human and freedom rights, freedom and justice, political, economic, and social rights for all citizens, has been committed to this Constitution.²³ Though it does not directly specify the domestic violence provisions, the fundamental rights of equality before the law, equal protection of the law, and equal treatment under law shall be interpreted to include provisions for protecting women from any kind of violence. Article-17 notes that men and women shall be granted equal access to free and compulsory education up to the law-decided level.²⁴ Article-27 addresses equal rights and equal treatment before the law of all people, and the principle of non-discrimination on the grounds of sex and women's rights in the various spheres of state and public life are described in the Article-28.²⁵ Regarding jobs or the office at the Republic's service, Article-29(1) points out that equal opportunities exist for all people. However, Article-65(3) specifies that 50 seats are solely reserved for women in compliance with the statute concerning female representation in policy processes.²⁶

²³ Mahmudul Islam, 'Constitutional Law of Bangladesh' (2nd Edition, Mullick Brothers, Dhaka, 2012).

²⁴ The Constitution of the People's Republic of Bangladesh, 1972, Article 17

²⁵ Ibid 27-28

²⁶ Ibid 29 & 65(3)

In *Bangladesh National Women Lawyers Association V. Bangladesh*, it was held that fundamental rights in chapter III are sufficient to embrace all elements of gender equality, including sexual harassment or abuse of women.²⁷

Women and Children (Repression and Prevention) Act, 2000:

Section 4 of the Act expressly set out the punishment of 3 years to death and a fine from fifty thousand to one lac for the offenses of domestic abuse against women and children caused by the inflammatory substance. And **Under Section 11**, for causing death or attempts to cause death, causing hurt or attempt to cause hurt to the women for dowry, the husband, the father, mother, relative or any other person on his behalf shall be punished with transportation for life and with imprisonment up to 14 years and with fine.²⁸ This is seen in a landmark case between the *State vs. Md Sadequl Islam Tushar and others*, where the tribunal convicted and sentenced the offender to death under section 11 of this Act.²⁹

Dowry Prohibition Act, 2018

In Bangladesh, we have two legislation, Dowry Prohibition Act 2018 and Women & Children (Repression and Prevention) Act, 2000, to prohibit dowry-related offences. The offence under the Act of 2018 is triable in Magistrate court. In contrast, the offence under the Act of 2000 is triable by the Special Tribunal known as Nari o Shishu Nirjatan Daman Tribunal. **Under sections 3 and 4** of the Act, the perpetrator may face up to five years of imprisonment or maximum taka 50,000 or both.³⁰

Penal Code, 1860:

This law provides a safety net for women and harsh punishments for the perpetrators. In this way, it has stated provisions for the prevention of Violence and Violence against women under section 286 (negligent conduct for explosive substance), 312-338(offence related to miscarriage and others), 509(word, gesture or act intended to insult the modesty of a woman).³¹ In *Queen Empress v. Ademma*, it was held that, section 312 also applied to the pregnant woman herself, who causes her

²⁷ Bangladesh National Women Lawyers Association (BNWLA) Vs. Bangladesh and Others, 14 BLC (2009) 694

²⁸ Women and Children (Repression and Prevention) Act, 2000 Section 4, 11.

²⁹ State vs Md Sadequl Islam Tushar and others, 2009, 38 CLC (AD)

³⁰ Dowry Prohibition Act, 2018

³¹ Penal Code, 1860

own miscarriage shall be punished under this section.³² In another case of *Md Sharif vs. State*, it was held that uttering any word or making any sound or gesture or exhibiting any object, intending to insult the modesty of a woman, be punished under section 509.³³

Domestic Violence (Prevention and Protection) Act, 2010:

Upon application of the victim, the Act specifies that the court can grant certain kinds of orders (section 10–17)—interim and permanent security order, residential order, maintenance order, and child custody order. It further specified that violation of the security order provided for in this Act is considered a punishable crime by cognizance and bailable under (Sections 30 & 31), and penalties are levied for a first contravention is six months imprisonment or a fine up to 10 thousand taka or both. Then, in case of a subsequent breach, imprisonment is up to 24 months and fines up to 1 lakh or both.³⁴ Under this Act, BLAST, ASK, and BNWLA has submitted cases, but they have done so personally.³⁵

International Instruments

Domestic violence is also recognized in international law as a violation of human rights. In 1948, the **Universal Declaration of Human Rights (UDHR)** was adopted by the United Nations general assembly. However, **Article 3** of this instrument ensured the right to life, liberty and security of a person which is reaffirmed by the **International Covenant on Civil and Political Rights (1966)** that protects the right to life under Article 6 and the right to liberty and security of the person under Article 9. Article 7 also specified that nobody is tortured or subjected to cruelty, inhumanity or degradation. Besides, the International Covenant on Economic, social and cultural Rights also recognized the right to equal protection under the law and the freedom to the highest standard of physical and mental health.³⁶ On the other hand, the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** under Article 2 mainly focus on condemning discrimination against women in all its forms.³⁷

³² Queen Empress v. Ademma, (1886) I.L.R. 9,369

³³ Md Sharif vs State, (1957) 09 D.L.R. (SC) 127

³⁴ Ibid 1, 9

³⁵ BLAST & others VS Bangladesh, Reg. No: 19/2012

³⁶ Universal Declaration of Human Rights, 1948

³⁷ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

The following table is the summary of the Bangladeshi national legislation and international human rights treaties with the related section for domestic violence:

ACT	RELEVANT SECTION/ARTICLE
The Constitution of the People's Republic of Bangladesh, 1972	Article 17, 27, 28, 29, 65
Women and Children (Repression and Prevention) Act, 2000	Section 4 & 11
Dowry Prohibition Act, 2018	Section 3 & 4
Penal Code, 1860	Section 286, 312-338 & 509
Domestic Violence (Prevention and Protection) Act, 2010	Section 10-17, 30 & 31
Universal Declaration of Human Rights, 1948	Article 3
International Covenant on Civil and Political Rights (1966)	Article 6, 7 & 9
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Article 2

EVALUATION OF THE RELEVANT LAWS IN BANGLADESH

All laws are well designed for their enforcement. The tribunal under 'Nari O Shishu Nirjatan Daman Ain 2000' is for quick access and quick enforcement of punishments. But the real scenario is different in the court. The victims don't get any solution day after day, month after month. Even during the proceedings, they face harassment in various ways. Moreover, the victims are less likely to file cases of abuse before this tribunal because it is challenging to lodge complaints and judge's apathy in violent cases that deem lighter than serious crimes such as dowry death and rape cases. Many cases are not lodged for an emotional connection with family or fear of losing them, fear of life, future threat, loss of dear one's life or body part, etc. Simultaneously, the perpetrators who are not punished normalize and encourage violence, therefore making it a societal norm. So that proper compliance lacks behind

here. On the other hand, the Domestic Violence Act is done for the well-being of the public of the country, but adequate enforcement of such law is not seen. The Act specifies that the victims are entitled to urgent medical and legal help in compliance with the Legal Aid Act 2000 and other relief programs, such as divorce and maintenance³⁸. However, Rehunma Binte Mamun argued that if the married couple ends their marriage because of a complaint under this law, indeed, this law cannot give her any protection.³⁹ In countries like Bangladesh, where power sometimes maintains the rules, often people with no powerful connection slip over on the first stage of a case. In compliance with the Act, the police officer is given the power to deal with domestic abuse. Still, it is unlikely the victims can seek assistance because the officers have a mistrust of the people. The Government of our country has the power to appoint superior compliance officers to administer the Act. Still, nothing about the legislation indicates that police officers would be guided on domestic abuse issues. Another shortcoming of the Act is that it does not cover the violence against men who are frequently targeted by domestic violence. Also, filing of any case by men victim is scarce in our country. Even there are no such laws or Acts that supports domestic violence against them. Again, rape is termed only against females in the Code of Criminal Procedure, but there are no definitions of male rape anywhere in Bangladesh as if there are no rapes are committed against any male. I think it is high time to enact a new act on men abuse. The victims are also allowed by the Act to seek a protective order against their spouse for as long may be needed, ask him to leave the residence for the victim's sole enjoyment, and make him pay for the victim's expenses related to the abuse among other things. But it does not provide for any punishment for the offense. Furthermore, it fails to provide counseling for the accused, whether first-time or repeated, and some process to tackle retaliation and repetition by the perpetrators. After reviewing in greater detail, the prosecution and procedures of this legislation in the last five years, Shahnaz Huda has listed ten of the main barriers to the success of the Act on Domestic Violence, namely the lack of national recognition, weak investment by the Government, inadequate access to legal services, vulnerability and economic insecurity, insufficient social security networks, lack of reliable statistics on domestic abuse, ineffective family violence against children, lack of counseling, a limited legal term, misunderstanding regards to offenses and penalties.⁴⁰ There are laws

³⁸ Legal Aid Act, 2000

³⁹ Rehunma Binte Mamun, 'Implementation Challenges of the Domestic Violence Law' The Daily Star (Bangladesh 14 January 2020)

⁴⁰ Shahnaz Huda, 'Five Years After Bangladesh's Domestic Violence (Prevention and Protection) Act 2010: Is It helping Survivors? A Study by Bangladesh National Woman Lawyers' Association (BNWLA) and Plan International for the Protecting Human Rights (OHP) Program' (2016)

<<https://www.planusa.org/docs/phr-domestic-violence-2016.pdf>> accessed 26th July 2020

for children, but in my opinion, there is hardly any child seek for legal help against domestic violence they face. Many children are not even aware of their rights against such violence or do not even know what domestic violence is. A major study of more than 900 children at battered women's shelters found that nearly 70% of the children were themselves victims of physical abuse or neglect.⁴¹ A recent study revealed that their husbands murdered 107 women from January to June 2020, but only 74 cases are reported.⁴² Further, Manusher Jonno foundation by a survey disclosed that 4705 women and children recorded domestic violence incidents in the same month of June 2020.⁴³

DOMESTIC VIOLENCE LAWS IN OTHER COUNTRIES

The legal safeguards applicable to domestic violence in other countries are discussed below:

1. France

French Parliament passed a bill in 2020 that allows doctors or other medical professionals to break medical confidentiality. Whenever they find that patients are in immediate danger due to domestic violence and cannot protect themselves because the abuser has psyche-sensitive control over them, they can inform a prosecutor's office even without their consent.⁴⁴ Under their Penal Code, in case of harassment of a spouse or partner that rendered the victim incapacitated for work or was done in the presence of a minor will be punished by up to 5 years in jail and a fine of 75,000 euros. If it caused the victim to commit or attempt suicide, they would be punished up to 10 years in prison and a fine of 150,000 euros.⁴⁵

2. United States

The Congress passed Violence Against Women Act (VAWA) in 1994, setting up a national hotline and allocating considerable resources to many forms of projects and services to combat violence against women. Under the Act, the court shall order restitution in compliance with the Statute to

⁴¹ Linda Cahill & Peter Sherman, 'Domestic Violence and Co-occurrence with Child Abuse and Neglect – Resolution' (2006) <<https://preventchildabuse.org/resource/domestic-violence-and-co-occurrence-with-child-abuse-and-neglect-resolution/>> accessed 22th July 2020

⁴² Ain o Salish Kendra, 'Violence Against Women- Domestic Violence (January to June)' (2020) <<http://www.askbd.org/ask/2020/07/06/violence-against-women-domestic-violence-jan-june-2020/>> accessed 15th July 2020

⁴³ Manusher Jonno Foundation (MJF), 'Violence against Women and Children: COVID 19 A Telephone Survey: Initiative of Manusher Jonno Foundation Survey Period: June' (2020) <<http://www.manusherjonno.org/wp-content/uploads/2020/03/Final-Report-of-Telephone-Survey-on-VAW-June-2020.pdf>> accessed 20th July 2020

⁴⁴ Nicolas Boring, 'Global Legal Monitor' (2020) <<https://www.loc.gov/law/foreign-news/article/france-parliament-adopts-law-against-domestic-violence/>> accessed 15th August 2020

⁴⁵ Penal Code, 1791

compensate the full losses to the claimant, which include medical and psychological treatment costs, physical therapy, transportation, accommodation, childcare costs, income loss, civil protection order expense, and any other losses the victim incurred as a result of the offense.⁴⁶

3. India

The Indian legislation of Protection of Women from Domestic Violence Act, 2005, offers civil and criminal legal services for domestic abuse victims. The Commission mandates a broad range of advertising media to raise public awareness, including information on the interpersonal cycle for abuse, home-scaling interventions, helplines, etc. This Act reinforces women's right to request relief through a safeguard ordinance, a monetary relief order, custody orders, a residence order, a punitive compensation order, and levied sanctions if a perpetrator breaks a civil decree. However, this statute safeguards women married to men and covers women in live-in relationships. It also introduced the residence's right, which prevents women from being forced out of their marital homes.⁴⁷ According to their Penal Code, Section 498A of the Act safeguards women from their husband or husband's relative's cruelty.⁴⁸ The Dowry Prohibition Act in India punishes dowry-related offences. Under this rule, they can be jailed for six months or fined up to Rs 5000 if someone takes, offers, or even demands dowry.⁴⁹

4. United Kingdom

Domestic Violence, Crime and Victims Act (2004) is the primary law on family abuse activity in the UK. It expands the protection provided by civil law to domestic abuse victims with a maximum sentence of 5 years. The Act further extends the provision of injunctions to spouses of the same sex and those who do not live together or have had a substantial period of a sexual partnership. It also requires a mandatory multi-agency investigation of the murder of domestic homicide, in the case of a death of a relative, intimate partner or a member of the same household by any person above the age of 16 years.⁵⁰

⁴⁶ Violence Against Women Act, (VAWA) 1994

⁴⁷ The Protection of Women from Domestic violence Act, 2005

⁴⁸ Indian Penal Code, 1860

⁴⁹ Dowry Prohibition Act 2018

⁵⁰ Domestic Violence, Crime and Victims Act, 2004

5. Australia

In Australia, the Commonwealth and the states and territories share responsibility for the legislative system to combat domestic abuse. In compliance with the **Family Law Act 1975**, the Commonwealth provides rules that encompass certain facets of domestic abuse, notably regarding injunctions for the safety of spouses or children at risk of domestic violence.⁵¹ But the vast majority of domestic abuse cases are protected by state and municipal legislation and legal systems that are in force in all Australian states or territories, allowing tribunals to give restraining orders to defend the perpetrator or others who are at risk of domestic abuse such as, in New South Wales- the **Crime (Domestic and Personal Violence) Act 2007**, in South Australia- **Domestic Violence act 1994**, in Western Australia- **Restraining Orders Act 1997**, in Queensland- **Domestic and Family Violence Protection Act 1989**.

From the above legal framework, it has been observed that all the countries, France, Australia, UK, USA, India defined domestic violence as physical, sexual, emotional, psychological, and economical. This is also the same in the law of our country Bangladesh. Some commonalities have been observed between Australia, UK, USA, India, and Bangladesh in the area of restraining orders, victim support, custody order, and monetary relief order. However, in India, the legislation protects the women who are married to men and the women who are in live-in relationships, and in USA, it recognizes an intimate partner as a spouse, a former spouse, a person who shares a child in common with the victim or a person who cohabits or cohabited with the victim. In contrast, in our country, domestic violence law only covers the women in the family relationship. But in terms of punishment, Bangladesh probably has one of the most stringent regulations of domestic violence. The Bangladesh Law (the Prevention of Oppression against Women and Children Act, 2000) imposed severe punishment for various kinds of crimes related to domestic violence. On the other hand, the penalties for dowry-related offences are the highest in our country than other Dowry law. And in France, the provisions of the domestic violence bill 2020 are unique and effective, which is not seen in our country. This law has been passed during the Corona period. Even there is a law against harassment, which also provides severe punishment but, in our country, the punishment for harassment is very little, and enforcement is rarely seen. In other countries, there is no specific court for the offences of domestic violence. These are triable in the regular courts, whereas, in our country, Bangladesh, there is a special tribunal composed under the provision of Women and Children (Repression and Prevention) Act, 2000. But

⁵¹ Family Law Act, 1975

according to the provisions of the Domestic Violence (Protection and Prevention) Act 2010, there is no separate court for domestic violence. However, the Special Court is appreciable here because the nature of domestic abuse is so delicate and confidential.

PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE IN BANGLADESH

In Bangladesh, both the government and non-government sectors offer domestic violence victims services, including shelter homes, victim assistance centers, one-stop crisis centers, and national helplines. Domestic violence victims may call or send a text message to 109 for support or call the 24-hour emergency helpline 999.⁵² But the irony is that all these programs are dispersed during the pandemic. Even Bangladesh did not implement any emergency measures to tackle the situation. However, due to the lack of awareness, these services are not known to the general public. Also, the service providers in our country are not well qualified, for which neither the support programs nor the law does ultimately benefit the survivor.

PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE IN OTHER COUNTRIES

In France, legal access to security mechanism is open to the victims of domestic violence. After a motion from the victim, the family court may issue an emergency security order where the victim or her children have an imminent risk. And this order can last for up to four months.⁵³ However, the Government every three years adopt new strategies to strengthen the regulations on domestic violence. An inter-ministerial mission creates a gender-based database, encourages implementing acceptable practices to end violence, and facilitates professional training. The French Government also ratified the International Convention of Istanbul, which is the broadest international treaty to resolve this severe human rights violation.⁵⁴ Some successful free helpline services and women's shelters are also available to provide victims with multilingual assistance, such as the Violence Femmes Info helpline (3919).⁵⁵ Since the court process was dispersed during the pandemic, victims could seek

⁵² BRAC, 'National Helpline Centre for Violence against Women and Children in Bangladesh' (2012) <<http://blog.brac.net/national-helpline-centre-for-violence-against-women-and-children-in-bangladesh/>> accessed on 27th July 2020

⁵³ Catherine Blaya, 'National Report France, 'Mapping the legislation and assessing the impact of protection orders in the European Members States (POEMS)' (2015), <<http://poems-project.com/wp-content/uploads/2015/02/France.pdf>> accessed 1st September 2020

⁵⁴ Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (2014)

⁵⁵ European Institute for Gender Equality, 'Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support' (2012), <[Violence-against-Women-Victim-Support-Report.pdf](#)> accessed 3rd august 2020

help from this helpline. The French Government has announced to pay for 20,000 nights in hotel rooms and open pop-up counseling centers at supermarkets to assist them. It has also introduced an initiative for new hotlines and resource platforms, along with code words to tell pharmacy workers and instructed the police to be on high alert during the lockdown for domestic violence.⁵⁶

On the other hand, the Australian government council adopted the fourth action program (2010-2022) to mitigate domestic violence and family violence in Australia, emphasizing primary prevention and the safety of women and their children affected. Furthermore, with the details about Australian domestic violence legislation, the Government has established a family safety pack that includes emergency contacts in Australia. Several Crisis line numbers provide assistance and support to the men, women and children. However, the Australian Government assisted the victims in several ways during the pandemic scenario. It launched an AUD 150 million package for domestic and family abuse victims. Besides, to ensure that services remain available during the pandemic, a COVID-19 family and domestic abuse task force have been set up. The law requires the court to enforce electronic surveillance on offenders and increases access to restraining orders with applications now being submitted electronically. With the penalty raised from \$6000 to \$10,000, a new offence for violation of a domestic violence restraining order came into effect.⁵⁷

FINDINGS

The research has shown that women and men are being subjected to various forms of violence in their family day after day. But so far, no law has been enacted to protect men. Even the existing domestic Violence Act, 2010, does not contain anything about men. Moreover, they have been harassed to make a report against domestic violence and be considered a laughing stock towards people. Most of the women and children are found to have been forced to live with the perpetrators being helpless due to the lack of adequate shelters, being oppressed by various social stigma, or being burdened towards their own families. We just make law, but we cannot implement the law. Despite the existing laws against domestic violence, the country just reported the rising number of incidences. Many people even don't know about these regulatory measures. And in many cases, even if domestic violence is registered, it does not go to the court for trial. Most of the women and children who live in a rural or

⁵⁶ Amanda Taub, 'A New Covid-19 Crisis: Domestic Abuse Rises Worldwide' (The New York Times 2020) <<https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>> accessed 27th June 2020

⁵⁷ Briana Shepherd, 'Coronavirus pressures see extra focus placed on family and domestic violence' (ABC 2020) <<https://www.abc.net.au/news/2020-04-09/coronavirus-family-and-domestic-violence-fears-grow/12136652>> accessed 27th June 2020

remote area or have no access to phone or internet or phone possession are limited to men has become more vulnerable to domestic violence during the lockdown. Despite being known to the rising domestic violence trend, the Government did not take any precautionary measures for domestic violence victims before announcing the long-term lockdown. In France, they have introduced a bill on domestic violence, giving medical professionals the power to recognize the victims. Also, they review their strategy for the implementation of the law. And their family court can provide an emergency security order. In Australia, they have taken measures for the court's electronic process during an emergency in the state. They also offer counseling services to the male victim, which is very rare in our country.

RECOMMENDATIONS

Based on findings, these recommendations have been given: Either a separate law on domestic violence should be enacted for men or the existing law be amended to include men. Along with adequate shelters for domestic violence victims, the Government should provide free training in various types of agricultural work or sewing or other productive work to have the courage to turn around and raise their children, if any. The Government needs to emphasize the active implementation of existing law and urge the law enforcement authorities not to take domestic violence lightly. And in this case, if the Government monitors their progress in suppressing domestic violence through monthly reports, the rate will come down even more. In case of emergency, the court can proceed with the trial electronically. The court can also provide emergency security order. Mandatory training must be provided through workshops regarding recognizing symptoms of violence and how to report it appropriately. Special measures need to be taken to reach those living in remote areas, have no mobile phone access and have minimal internet access. And in this case, the Government must create awareness among them through various campaigns or regular community meetings to check up and encourage them to seek justice for themselves and those victimized. Local governments need to be more powerful. They should promote victims to ensure their constitutional rights as well as human rights. And in this case, the domestic violence committee should have been formed at the district, thana, union Parishad level to prevent victim's oppression by taking safety measures. Sometimes minds cannot be changed by laws, but religious belief can. And in this case, what needs to be done is that the religious leaders should come forward. For instance, in Muslims' case, they can discuss domestic violence in every Friday prayers where most worshipers are present. In this way, if the leaders of every religion talk about domestic violence and their religious discourse, I think it may positively impact

many. And finally, our community needs to change the stigma surrounding domestic violence by stopping the cycle of victim-blaming. Thus, the heinous crime of domestic violence may be reduced from our society.

CONCLUSION

Nelson Mandela said, *'To deny people their human rights is to challenge their very humanity.'* Domestic violence is a public issue, and it is a public concern that affects all segments of society. Moreover, during the COVID-19 pandemic, it has turned into a carcinogenic disorder. Therefore, it is high time to start protecting victims. The Government, law enforcement authorities, social agencies and people from many different organizations must work together to not have to live their lives being domestic violence victims. On the other hand, this problem will never end with one single slogan 'Say NO to Domestic Violence.' We all should have to focus on its effectiveness. In addition, in every single family, sensibility and humanity have to be practiced from the very beginning. The most convenient way to exonerate oneself of accountability is by outsourcing honor to women and others. Additionally, we should stop holding the victim responsible for the violence. Only then, the upsurge percentage of domestic violence may be ceased to exist.