



Home Office

Country Information and Guidance

Bangladesh: Women

December 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Bangladesh. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

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1.1 Basis of Claim

- 1.1.1 Fear of gender-based persecution (where the type of harm is related to the person's gender) by state and/or non-state actors.
- 1.1.2 A person's gender may also be a contributory factor in relation to other risk categories. Decision makers must therefore also refer to other relevant Bangladesh Country Information and Guidance on the category concerned.

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1.2 Summary of Issues

- ▶ Is the person's account a credible one?
- ▶ Do women in Bangladesh constitute a particular social group (PSG)?
- ▶ Are women in Bangladesh at risk of gender-based persecution?
- ▶ Is there effective protection for women?
- ▶ Is a woman able to internally relocate within Bangladesh to escape that risk?

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1.3 Consideration of Issues

Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's account of their experiences is gender-specific or predominantly gender-specific, and/or the reason for persecution is gender-based, i.e. the applicant fears persecution on account of her gender. The person's account should be reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account all mitigating reasons why a person is inconsistent or unable to provide details of material facts such as age; gender; mental or emotional trauma; fear and/or mistrust of authorities; education, feelings of shame; painful memories, particularly those of a sexual nature, and cultural implications.
 - ▶ See: [Section 2: Information](#)

See also the Asylum Instructions on:

- [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)
- [Gender issues in the asylum claim](#)

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Is the person accepted as being a victim of trafficking?

- 1.3.2 Only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking. Therefore, if it has not already been done, decision makers dealing with the

asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority'.

See also the Asylum Instructions on:

- [Considering Protection \(Asylum\) Claims and Assessing Credibility](#); and
- [Victims of human trafficking: competent authority guidance](#)

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Do women in Bangladesh constitute a particular social group (PSG)?

1.3.3 Women in Bangladesh form a particular social group. This is because they share an immutable (or innate) characteristic – their gender - that cannot be changed; and they form a distinct group in society as evidenced by widespread discrimination in the exercise of their fundamental rights.

1.3.4 Although women in Bangladesh form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their gender.

See also the Asylum Instructions on:

- [Gender issues in the asylum claim](#)

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Are women in Bangladesh at risk of gender-based persecution?

1.3.5 Despite constitutional provisions and domestic laws upholding the rights of women in Bangladesh – including offences related to rape, kidnapping, abduction of women, acid throwing or attempt to cause death or grievous injury because of dowry – discrimination, the level of gender-based violence and sexual harassment remains high. In addition, a significant number of discriminatory laws and provisions remain, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men.

1.3.6 Gender based violence at the hands of family and community members, including torture and murder, is a serious and widespread problem in Bangladesh. An estimated 60 per cent of married women in Bangladesh reported experiencing violence of some sort at the hands of their spouse and/or in-laws. Even with prohibitive laws in place, dowry-related violence is considered to be the root cause of most domestic violence. Rape is the second most commonly acknowledged form of violence against women in Bangladesh and with it carries a huge social stigma with victims seldom seeking legal redress. Acid attacks remain a major form of violence against women, though is less prevalent than in the past. Women have been driven to commit suicide after being subjected to fatwa punishments for immoral or inappropriate behaviour. Women and girls also face early and forced marriage and discrimination in health care, education, and employment. Many women in Bangladesh face multiple and intersecting forms of discrimination, including women with disabilities, indigenous and minority women, and migrant workers.

1.3.7 Being female does not on its own establish a need for international protection. The general level of discrimination against women in Bangladesh does not in itself amount to persecution. Some women may however be able to demonstrate a real risk of gender based persecution on return to Bangladesh. Each case must be determined on its own facts. Decision makers must take particular account of any past persecution or ill-treatment, the likelihood and ability of the actors of persecution to pursue the person on return to Bangladesh. All relevant factors should be taken into account, including the

age, health, educational and economic status, and the individual circumstances of the person.

- ▶ See: [Section 2: Information](#)

See also the Asylum Instruction(s) on:

- [Gender issues in the asylum claim](#)

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Is there effective protection for women?

- 1.3.8 Measures have been put in place by the state, such as telephone hotlines, health care, counselling centres, legal assistance, access to shelters, restraining orders and financial aid to women victims of violence, and active steps have been taken to improve police services when dealing with cases of violence against women. However, a general lack of awareness of relevant legislation, poor implementation by state agents and a reluctance of women to use the justice system as a means to seek redress undermines protection and hampers progression in reforming the deep-rooted patriarchal attitudes towards women, as well as stereotypical views regarding their roles and responsibilities which are among the root causes of violence against women in custody.
- 1.3.9 Notwithstanding the law providing for quicker prosecutions of acid-throwing crimes in special tribunals, a lack of awareness of the law and poor enforcement limited its effect and conviction rates remained low. Under the Domestic Violence (Protection and Prevention) Act, adopted in 2010, women who have experienced domestic violence can submit complaints to the courts or to local protection officers. If the court finds that an incident of domestic violence has occurred or is likely to occur, it can issue orders for the cessation of violence and/or harassment to protect the security of the victim and her right to remain in her place of residence. However, challenges remain in relation to the investigation and prosecution and punishment of perpetrators for acts of violence against women. A lack of women police officers, together with a lack of expertise, adequate mechanisms, facilities and resources to conduct credible investigations particularly in crimes relating to sexual violence is also reported. Corruption persists in the police and judiciary; bribes and/or influence are often required for cases to move through the different stages of the criminal justice system and perpetrators with more connections, power or resources than victims influence the police, stall investigations or harass and pressure victims to drop charges. Limited resources, poor infrastructure and the limited number of trained judges and lawyers have had a negative effect on women's capacity to seek redress through the judicial system. The majority of rape cases are not held in camera. There is no victim and witness protection law in Bangladesh. Victim women and their families are regularly intimidated by the perpetrators and they live under constant risk of becoming victimised again.
- 1.3.10 Limited Government and NGO-run shelters, and seven One Stop Crisis Centres for women do exist, providing medical, psychosocial and legal assistance. The overall quality of services provided in the shelters was considered very poor and some victims are held in detention as a transitory destination for short periods. State-run social assistance programmes were available but lack of awareness, coverage and misuse of funds remained a problem.
- 1.3.11 The Country Guidance case [SA \(Divorced woman – illegitimate child\) Bangladesh CG \[2011\] UKUT 00254\(IAC\)](#), 13 July 2011, found that 'Despite the efforts of the government to improve the situation, due to the disinclination of the police to act upon complaints, women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may

be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts.’

1.3.12 Country information continues to indicate that effective state protection is, in general, unlikely to be available for women fearing gender based violence. However, an assessment of whether a person would be able to access assistance and protection must be carefully considered on its facts. Decision makers must take particular account of past persecution (if any) and past lack of effective protection. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was, while taking into account that in some cases there may be good reason why a woman was unable or unwilling to seek protection from the authorities.

▶ See: [Section 2: Information](#)

See Also:

- [Country Information and Guidance. Bangladesh: Background information including actors of protection and internal relocation](#)

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Is a woman able to internally relocate within Bangladesh to escape that risk?

1.3.13 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Case workers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Factors such as the social positioning in terms of class, ethnicity, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children of the person, should all be considered when determining whether relocation is an option as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

1.3.14 Taking into account the general position of women in Bangladeshi society where they:

- face patriarchal attitudes and deep-rooted stereotypes;
- may not be educated or even literate;
- are vulnerable to abuse and exploitation in the labour market
- may have to depend on relatives for economic support; and
- face safety issues and social constraints in living alone;

then internal relocation may be unduly harsh for women with no support networks and who have no real prospect of securing access to a livelihood.

1.3.15 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Case workers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Factors such as the social positioning in terms of class, ethnicity, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children of the person, should all be considered when determining whether relocation is an option as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

1.3.16 In assessing whether women who are fleeing a risk of serious domestic violence have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres.

1.3.17 In the case of a divorced woman with an illegitimate child, the Country Guidance case [SA](#) found that:

‘The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman’s shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own facts having regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights.’

▶ See [Section 2: Information](#)

See also the Asylum Instruction(s) on:

- [Internal Relocation](#)
- [Gender issues in the asylum claim](#)

See Also:

- [Country Information and Guidance. Bangladesh: Background information including actors of protection and internal relocation](#)

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1.4 Policy Summary

- **Although there have been a number of legislative and other measures undertaken to improve the situation of women in Bangladesh in recent years, gender based violence against women remains a serious problem.**
- **Being female does not on its own establish a need for international protection. The general level of discrimination against women in Bangladesh does not in itself amount to persecution.**
- **Caselaw has established that female victims of gender based violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women. However, each case needs to be carefully considered on its facts**
- **Internal relocation to avoid risk from gender based persecution may be viable in some cases, as long as it would not be unduly harsh to expect the woman to do so. Internal relocation is likely to be unduly harsh for women with no support networks and who have no real prospect of securing access to a livelihood.**

- **A grant of asylum will be appropriate for a woman who fears gender based persecution where she has demonstrated:**
 - **a real risk of continuing hostility such as to raise a real risk of serious harm in her former home area; and**
 - **that she would have no effective protection in her home area against such a risk; and**
 - **an inability to relocate elsewhere in Bangladesh with regard to the available state support, shelters, crisis centres, and family members or friends in other parts of the country and no real prospect of securing access to a livelihood.**
- **Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See also the Asylum Instructions on:

- [Humanitarian Protection](#)
- [Discretionary Leave](#)

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Section 2: Information

Updated: 22 December 2014

2.1 Overview

- 2.1.1 In its Concluding observations, dated 22 March 2011, the Committee on the Elimination of Discrimination against Women (CEDAW) remained concerned at Bangladesh's 'persistence of a significant number of discriminatory laws and provisions, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men'¹ along with the persistence of 'patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men. It is concerned that such attitudes perpetuate discrimination against women and girls and are reflected in their disadvantageous and unequal status in many areas, including in employment, decision-making, marriage and family relations, and the persistence of violence against women.'²
- 2.1.2 The US Department of State noted in its Human Rights report for 2013 that:
'Women do not enjoy the same legal status and rights as men in family, property, and inheritance law. Under traditional Islamic inheritance law, daughters inherit only half of what sons do, and in the absence of sons, they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance law, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death.
'Employment opportunities increased for women, who constituted approximately 80 percent of garment factory workers. Women were occasionally subjected to abuse in factories, including sexual harassment. There were some gender-based wage disparities in the overall economy, but wages of women and men were comparable in the garment sector. Women faced difficulty obtaining access to credit and other economic opportunities, but the government's National Women's Development Policy included commitments to provide opportunities for women in employment and business.'³
- 2.1.3 The April 2014 Report of the Special Rapporteur on violence against women noted that:
'Generally speaking, personal status laws in Bangladesh are discriminatory against women. Polygamy is allowed within both Muslim and Hindu/Buddhist personal laws. Personal laws governing both Christians and Muslims set out unequal divorce criteria for men and women, and laws governing Hindus/Buddhists do not allow divorce to take place. For women subject to any of these laws, maintenance during marriage is subject to the subjective conditions of "chastity" and wives being "dutiful". Only Christian personal laws refer to maintenance after divorce, yet this is reportedly rarely provided in practice. Furthermore, none of the personal laws recognize marital property, regardless of the women's contribution. For Hindu and Buddhist women, there is no mandatory marriage registration, leaving women in a very vulnerable position with regard to proving legitimacy of children, establishing rights to maintenance and/or pension, or for

¹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding observations of the Committee on the Elimination of Discrimination against Women Bangladesh, 22 March 2011, CEDAW/C/BGD/CO/7, paragraph 15, available at: <http://www.refworld.org/docid/4efc90162.html>, date accessed 20 November 2014

² CEDAW, Concluding observations of the Committee on the Elimination of Discrimination against Women Bangladesh, 22 March 2011, CEDAW/C/BGD/CO/7, paragraph 17, available at: <http://www.refworld.org/docid/4efc90162.html>, date accessed 20 November 2014

³ US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220388>, date accessed 20 November 2014

immigration purposes. As a result of these discriminatory laws, many women stay in violent marriages out of fear that their de jure and de facto legal status will be negatively impacted, and also that they will be denied financial support if they are divorced or separated.⁴

- 2.1.4 Unnayan Onneshan, a center for research and action on development, based in Dhaka, Bangladesh, reported in October 2011 on Gender Equality in Bangladesh. In the Executive Summary, the report cited the reasons for gender discrimination:

‘Although there are some initiatives taken by the government to address the problems of gender inequality, the improvement in reducing gender inequality is not satisfactory due to several reasons.

‘Structural and Social Institutions

‘Traditionally, women were often discouraged from participating in public life and were mainly recognised only for their reproductive role. The social forces, which are creating gender differentials, are based on the age-old patriarchal traditions and values that still prevail in most of the parts of Bangladesh. Traditional perceptions about the role of women as home-makers still persist.

‘Lack of Explicit Policy Initiatives

‘There are no effective policies [although the National Women Development Policy is the core policy document in relation to women development and rights⁵] to ensure women’s security at home, educational institutions, road [sic], organizations and the like. Increasing violence against women is now a grave concern. Under these circumstances, parents are more likely to keep their girls inside their home. Hence, they are not able to participate in education, health, employment or other sectors. Therefore, inequality is still persisting.

‘Preoccupied Mind-set

‘There are perceptions that men are better off than women are as far as the ability to work is concerned and only men can look after their parents. That is why girls are subject to discrimination from their births. In addition, son preferences in the traditional Bangladeshi society create gender discrimination. In the case of employment, the employers in Bangladesh still tend to employ men first rather than women.

‘Early Marriage

‘Early marriage of girls is a very common phenomenon in Bangladesh. Early marriage is one of the vital barriers to women’s and girls’ education, health and employment. Early marriage has historically limited young women’s access to education and thereby to employment opportunities as well as creating a vulnerable situation to their health.’⁶

- 2.1.5 Following her mission to Bangladesh in May 2013, the Report of the Special Rapporteur on violence against women, its causes and consequences, dated 1 April 2014, stated ‘Many women in Bangladesh face multiple and intersecting forms of discrimination,

⁴ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraphs 30-31, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 4 December 2014

⁵ Ministry of Finance <http://www.mof.gov.bd/en/>, Budget documents, Gender Budget, Gender Budgeting Report 2014-15, Chapter 5: Ministry of Women and Children Affairs, undated, paragraph 3.2, http://www.mof.gov.bd/en/budget/14_15/gender_budget/en/04_30_MoWCA_English.pdf, date accessed 22 December 2014

⁶ Unnayan Onneshan, Gender Equality in Bangladesh, October 2011, pages 6-7, http://www.unnayan.org/documents/GenderRights/gender_inequality_in_bangladesh.pdf, date accessed 28 November 2014

including women with disabilities, indigenous and minority women, and migrant workers.’⁷

- 2.1.6 The Freedom House report ‘Freedom in the World 2014 – Bangladesh’, covering 2013 events, noted:

‘In rural areas, religious leaders sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes, despite Supreme Court orders calling on the government to stop such practices. Women also face discrimination in health care, education, and employment. In 2013, Islamic clergy and women’s groups remained at loggerheads over implementation of the National Women Development Policy, which holds that women and men should have equal political, social, and economic rights.’⁸

- 2.1.7 As well as some Constitutional provisions and the Penal Code, domestic laws upholding the rights of women in Bangladesh include: the Prevention of Women and Child Repression Act, 2000, The Cruelty to Women (Deterrent Punishment) Ordinance 1983, The Domestic Violence (Protection and Prevention) Act 2010, the Acid Crime Prevention Act 2002, the Acid Control Act 2002, the Suppression of Violence against Women and Children Act 2000, the Family Court Ordinance 1985, the Dowry Prohibition Act 1980, the Muslim Marriages and Divorces Registration Act 1974, the Dissolution of Muslim Marriage Act 1939, Anti-Trafficking Act, 2010, and the Child Marriage Restraint Act 1929.⁹

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2.2 Violence against women

- 2.2.1 The National Human Rights Commission (NHRC) of Bangladesh observed, in its 2013 report on the protection of women’s rights in Bangladesh, that ‘Despite the constitutional principle of equality and having beneficial provision of many laws, discrimination, gender-based violence and sexual harassment continue unabated in Bangladesh.’¹⁰

- 2.2.2 The NHRC report added:

‘The Penal Code of Bangladesh contains provision that protect women from various forms of violence, although it does not specifically define “sexual assault”. However, offences related to rape, kidnapping, abduction of women, acid throwing or attempt to cause death or grievous injury because of dowry, are treated as specific crimes of a serious nature. Apart from the Constitutional provisions and Penal Code, there is some special legislation for the protection of women. For example, the Prevention of Women and Child Repression Act, 2000 was formulated to protect women and children from heinous crimes such as rape, dowry, grievous injury etc. This Act provides for an effective and efficient way of dealing with cases of violence against women such as rape, acid attacks, forced prostitution and trafficking. The law makes provision for the punishment of sexual abuse and sexual harassment. The law also has put restrictions

⁷ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 6, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁸ Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, available at: <http://www.refworld.org/docid/5417f39714.html>, date accessed 21 November 2014

⁹ National Human Rights Commission, Bangladesh, Analysis of Decisions of the Higher Judiciary on Protection of Women’s Rights in Bangladesh, January 2013, page 20, <http://www.nhrc.org.bd/PDF/Study%20reports/Protection%20fo%20Women.pdf>, date accessed 21 November 2014

¹⁰ National Human Rights Commission, Bangladesh, Analysis of Decisions of the Higher Judiciary on Protection of Women’s Rights in Bangladesh, January 2013, page 17, <http://www.nhrc.org.bd/PDF/Study%20reports/Protection%20fo%20Women.pdf>, date accessed 21 November 2014

on the media so that the victims' privacy is protected. The introduction of the concept of safe custody is one of the most important features of the law.'¹¹

2.2.3 The Report of the Special Rapporteur on violence against women, its causes and consequences, dated 1 April 2014, noted that:

'Inequality and power imbalances between men and women are among the root causes of violence against women in the country. This is underpinned by the persistence of patriarchal attitudes towards women, as well as stereotypical views regarding their roles and responsibilities. More than one third of men and women in Bangladesh reportedly believe that wifebeating is justified in specific circumstances. In addition, the misinterpretation of religion is also often used to discriminate and/or justify acts of violence against women.'¹² The report added 'The Special Rapporteur also received information indicating high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk. Persecution of minorities includes rape and sexual assault of women in these communities.'¹³

2.2.4 Odhikar, a human rights non-governmental organisation (NGO), stated:

'Violence against women in Bangladesh is widespread and political influence; administrative failure and lack of social resistance and implementation of laws are the main reasons that lead to the perpetrators going free. Odhikar closely monitors the overall situation of women and girls in Bangladesh and documents the issues relating to violence against women, in particular, dowry violence, rape, acid violence and stalking (sexual harassment). Victims of rape face severe social stigma where in majority cases victims are treated as the guilty party by the police. As a result a majority of victims/their families do not seek justice and try to hide incident. Due to a weak criminal justice system, insensitivity, corruption, wrong postmortem reports the judicial procedure is hindered. [A] deep rooted patriarchal mindset and lack of awareness is behind such violence; however, non implementation of laws are also instigating such violence. The inaction and corruption of law enforcement agencies and their reluctance to investigate or arrest the accused also contribute to the continuing crime of violence against women.'¹⁴

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Domestic violence

2.2.5 The NHRC reported:

'The Domestic Violence (Protection and Prevention) Act adopted in 2010 criminalizes domestic violence. The Act defines domestic violence as physical, emotional, or sexual abuse, as well as financial damage, inflicted on a woman or child by any member of the family. Under the law, physical punishment includes physical damage. Forcing women and children to commit offences or any behaviour with the chance of causing physical damage, will be considered physical torture. The Act mandates the police to ensure

¹¹ National Human Rights Commission, Bangladesh, Analysis of Decisions of the Higher Judiciary on Protection of Women's Rights in Bangladesh, January 2013, pages 18-19, <http://www.nhrc.org.bd/PDF/Study%20reports/Protechtion%20fo%20Women.pdf>, date accessed 21 November 2014

¹² UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 5, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

¹³ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 16, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

¹⁴ Odhikar, Violence against women, undated, <http://odhikar.org/violence-against-women/>, date accessed 21 November 2014

treatment of victims and the right to get legal assistance. Women who have experienced domestic violence can submit complaints to the courts or to local protection officers. If the court finds that an incident of domestic violence has occurred or is likely to occur, it can issue orders for the cessation of violence and/or harassment to protect the security of the victim and her right to remain in her place of residence.’¹⁵

2.2.6 Despite the law, the Report of the Special Rapporteur stated:

‘Domestic violence in all its manifestations is the most pervasive form of violence against women, with an estimated 60 per cent of married women reported having ever experienced violence at the hands of a spouse and/or in-laws. As part of the Demographic and Health Survey that was conducted in 2007, women were asked if they had experienced one of the following forms of physical or sexual violence by their husbands: being pushed, shaken or have something thrown at them; being slapped, having their arms twisted or their hair pulled; being punched with a fist or an object; being kicked, dragged or beaten up; being choked or burned; being threatened with a gun or a knife; or being physically forced to have sexual intercourse. Overall, 24 per cent of respondents reported having experienced some of these forms of violence in the 12 months prior to the survey, with 19 per cent reporting violence of a physical nature and 10 per cent reporting sexual violence.’¹⁶

2.2.7 The legal aid and human rights organisation Ain o Salish Kendra (ASK), recorded 235 incidents of domestic violence between January to June September 2014 comprising: tortured by husband (14); tortured by husband’s family (6); murdered by husband (112); murdered by husband’s family (41); murdered by own relative (8); suicide (54).¹⁷

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Dowry-related domestic violence

2.2.8 Odhikar reported in its Annual Human Rights Report for 2013 that:

‘In Bangladesh, dowry related violence is considered to be the root cause of domestic violence. Women are treated as [a] burden in mainly poor, rural families and thus many parents try to marry off their daughters by giving dowry. Poverty and lack of security contribute to stop a girl’s education at the primary or secondary level. As a result, she is unable to become self sufficient. Parents, however, save money for giving dowry for their daughters’ marriages. However, the demand for dowry does not end at the marriage ceremony. According to the Dowry Prohibition Act of 1980, giving and taking dowry is a punishable offence and according to the section 11 (Ka), (Kha) and (Ga) of the Women and Children Repression Prevention Act 2000 (Amended in 2003) the punishments to such crimes have been mentioned.’¹⁸

2.2.9 The Special Rapporteur’s Report observed:

‘Dowry-related violence and killings reportedly remain prevalent across Bangladesh. During the first eight months of 2013, civil society organizations reported 327 cases of dowry-related violence suffered by women and girls. Of this total, 208 included physical

¹⁵ National Human Rights Commission, Bangladesh, Analysis of Decisions of the Higher Judiciary on Protection of Women’s Rights in Bangladesh, January 2013, pages 19-20, <http://www.nhrc.org.bd/PDF/Study%20reports/Protechtion%20fo%20Women.pdf>, date accessed 21 November 2014

¹⁶ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 7, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

¹⁷ Ain o Salish Kendra (ASK), Incidents of Domestic Violence : Six Month Overview 2014, 1 July 2014 <http://www.askbd.org/ask/2014/07/01/incidents-domestic-violence-six-month-overview-2014/> date accessed 4 December 2014

¹⁸ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 325, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 21 November 2014

abuse, 110 were murder cases, and in 9 cases the victims committed suicide. These cases do not include instances in which women's children or other relatives were the victims of such dowry-related violence. Dowry demands are usually settled at the time of marriage; however, some men and their families continue to make dowry demands throughout the marriage. Women who are unable to satisfy those demands suffer threats of abandonment, beatings, cigarette burns, deprivation of food and medicine, acid attacks and, in some cases, death. The Special Rapporteur was also informed that a majority of the cases on violence against women that are brought to court deal with dowry-related violence.'¹⁹

2.2.10 Odhikar recorded in 2013 that '436 females were subjected to dowry violence. Of these females, 430 were women and six were under aged brides. It has been alleged that among the 430 women victim 154 were killed because of dowry, 261 were abused in various ways for dowry demands and 15 women committed suicide due to dowry related violence. Among the six under aged brides, four were killed and two committed suicide because of dowry'²⁰ The report also provided instances of individual cases of dowry-related violence.²¹ The legal aid and human rights organisation Ain o Salish Kendra (ASK) recorded 229 incidents of dowry related violence between January and 30 September 2014.²²

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Acid attacks

2.2.11 Odhikar reported in its Annual Human Rights Report 2013 that:

'In spite of the Acid Control Act 2002 and Acid Crime Control Act 2002, girls and women are facing acid violence. It is a punishable offence to buy, sell or import acid without a licence; however due to a loose monitoring system, acid can be made readily available and such violence can be perpetrated upon any person. A majority of the acid attacks on women occurs due to refusal of the proposal of love, marriage or sex advances or over land disputes.

'According to information gathered by Odhikar, between January – December 2013, it was reported that 53 persons became victims of acid violence. Of these affected persons, 36 were women, 10 were men, five were girls and two were boys.'²³ The Acid Survivors Foundation recorded 69 incidents of acid attacks in 2013 with 85 survivors; between January and November 2014, 53 acid attacks were recorded 67 survivors.²⁴

2.2.12 The NHRC of Bangladesh reported:

'Acid throwing remains a major form of violence against women. Despite many harsh laws, acid throwing continues to occur unabated. On several occasions, the higher judiciary has made pronouncements against this endemic problem. In *Tayazuddin vs. The State*, the High Court Division, considering the gravity of crime, reached the conclusion that the crime of throwing acid at women (the victim in this case is female) is

¹⁹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 8, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

²⁰ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 326, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/> , date accessed 21 November 2014

²¹ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 327-330, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 21 November 2014

²² Ain o Salish Kendra (ASK), Incidents of Dowry Related Violence Between January and 30 September 2014, 12 October 2014 <http://www.askbd.org/ask/2014/10/12/incidents-dowry-related-violence/> date accessed 4 December 2014

²³ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 331-332, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 21 November 2014

²⁴ Acid Survivors Foundation, Statistics, undated, <http://www.acidsurvivors.org/Statistics>, date accessed 12 December 2014

a crime against humanity and society and held that in the interest of fair play, fair trial and justice, the accused appellants are not entitled to remain free by way of bail.’²⁵

2.2.13 The US Department of State report for 2013, stated that acid attacks were less common than in the past, though remained a serious problem. Notwithstanding the law providing for quicker prosecutions of acid-throwing crimes in special tribunals, a lack of awareness of the law and poor enforcement limited its effect and conviction rates remained low.²⁶

2.2.14 The Acid Survivors Foundation (ASF) reported on its website that it ‘runs a 20-bed hospital fully equipped to provide standard burn care services including plastic and reconstructive surgery in a low resource set up. ASF’s hospital provides comprehensive services including psychological care, legal assistance and financial support for economic rehabilitation.’²⁷ The ASF Annual Report for 2013 noted that during that year, the hospital treated 173 patients, 56 of whom were new to the service.²⁸

2.2.15 The 2013 ASF report noted that:

‘According to the Acid Crime Case Monitoring Cell report of the Police Headquarters, 93 new cases have been filed in 2013 and thus from 2002 to 2013 a total of 1,887 cases have been filed. However out of the total number of cases 1,124 cases meaning 60% of cases filed in the last eleven years are still under trial even though according to the Acid Offences Prevention Act 2002 cases are supposed to be completed within 90 days. Also, among all the cases in which the court has pronounced a verdict, approximately 74% of the accused have been acquitted and only 26% have been convicted. (...) In many cases where judgments have been passed against alleged perpetrators for the death sentence or life imprisonment in district courts, perpetrators receive bail or are acquitted from the high court. These perpetrators return to their communities and lead a normal life and even continue harassing their victims. On the other hand the victims are left without support from law enforcement agencies and are often persuaded by their communities to undertake alternative dispute resolution with the perpetrator. These informal mechanisms leave victims at a loss and they lose faith in the formal justice system. This also sends a bleak message about the implementation of the Acid Acts in society.’²⁹

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Rape

2.2.16 The US Department of State reported ‘The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape’³⁰ unless the victim is aged

²⁵ National Human Rights Commission, Bangladesh, Analysis of Decisions of the Higher Judiciary on Protection of Women’s Rights in Bangladesh, January 2013, pages 24-25, <http://www.nhrc.org.bd/PDF/Study%20reports/Protechtion%20fo%20Women.pdf>, date accessed 21 November 2014

²⁶ US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 20 November 2014

²⁷ Acid Survivors Foundation (ASF), About us, undated, <http://www.acidsurvivors.org/Acid-Survivors-Foundation>, date accessed 24 November 2014

²⁸ ASF, Annual Report 2013, December 2013, page 7, http://www.acidsurvivors.org/images/frontImages/Annual_Report-2013.pdf, date accessed 24 November 2014

²⁹ Acid Survivors Foundation, Annual Report 2013, December 2013, Legal Support Services page 23, http://www.acidsurvivors.org/images/frontImages/Annual_Report-2013.pdf date accessed 4 December 2014

³⁰ US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 20 November 2014

under 13 years old, i.e. a child bride.³¹ The US Department State added that 'Prosecution of rapists was weak and inconsistent.'³² The UN Special Rapporteur's report stated that:

'Rape is currently the second most commonly acknowledged form of violence against women and girls in Bangladesh, yet victims seldom seek legal redress... Rape was raised as a major source of concern among women with whom the Special Rapporteur spoke. In some cases, rape is also used as a weapon to weaken or harm rival communities or groups. The Special Rapporteur heard testimonies of ongoing violence and rape of indigenous women by Bengali settlers in the Chittagong Hill Tracts.'³³ The Special Rapporteur added that 'The rate of rape is higher for minority women in Bangladesh because they are considered "double infidels" for being women and also for being part of a religious minority.'³⁴

2.2.17 Odhikar observed in its Human Rights Report for 2013 that:

'Rape carries with it a social stigma in Bangladesh. If a woman becomes a victim of rape, she and [...] her family usually [sic] try to hide the crime as the victim is labelled "bad" or "immoral" and the family can be excluded from the local society. It is alarming that there are significant numbers of children who are victims of rape and child rape is on the rise. If an incident of rape is revealed, in most probability, it will not be brought before the Court and the "local elites" will try to resolve this matter through abusive village arbitration. If the matter goes to the Court, the victim becomes victimised again as a majority of such cases are not held in camera and the pattern of questions asked by the male Judges during the Court proceedings simply become humiliating.'³⁵

2.2.18 Freedom House reported 'A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most cases from reaching the courts. Police also accept bribes to quash rape cases and rarely enforce existing laws protecting women.'³⁶ Odhikar reported that law enforcement agencies, particularly the police, committed acts of rape and that reporting a rape attack becomes even more difficult if law enforcement authorities themselves are perpetrators.³⁷

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Fatwa violence

2.2.19 The UN Special Rapporteur reported:

'Many women seek redress through the traditional justice system, also known as the salish system. This may result in double victimization for them, as often they obtain little

³¹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 56, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

³² US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 20 November 2014

³³ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraphs 12-13, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

³⁴ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 16, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

³⁵ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 336, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/> , date accessed 21 November 2014

³⁶ Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, available at: <http://www.refworld.org/docid/5417f39714.html>, date accessed 24 November 2014

³⁷ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 39, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/> , date accessed 21 November 2014

or no remedy for violations. In addition, they may be subjected to beating, whipping and stoning following fatwa rulings that are commonly used to subordinate women by punishing behaviour that is deemed inappropriate or immoral. Such punishments have reportedly led many women to commit suicide. According to one NGO, of 21 cases they documented in 2013 of violence against women instigated by salish or fatwa, three cases resulted in suicide. These fatwa rulings included punishments such as lashes, “social boycotting”, and forced marriage/divorce. The Special Rapporteur was informed that the High Court Division has repeatedly ordered a stop to illegal punishments such as whipping, lashing and public humiliations, holding that these types of punishments are cruel, inhumane and degrading. The Court also held that fatwas are not binding and cannot be enforced. However, these punishments still persist and many women have been driven to commit suicide after being subjected to fatwa punishments.’³⁸

2.2.20 The US Department of State cited that ‘Incidents of vigilantism against women occurred, sometimes led by religious leaders enforcing fatwas. According to ASK there were 21 incidents of vigilante violence against women during the year [2013], but only five incidents resulted in police action. The incidents included whipping, beating, and other forms of physical violence.’³⁹ ASK recorded 23 incidents of fatwa or salish between January and September 2014.⁴⁰

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Forced and child marriage

- 2.2.21 Under the Child Marriage Restraint Act 1929, girls are legally entitled to marry at the age of 18 years, boys at 21 years. □⁴¹ The UN Special Rapporteur reported that ‘Bangladesh has one of the highest child marriage rates worldwide.’⁴² Adding: ‘Despite [child marriage] being outlawed through the adoption of the Child Marriage Restraint Act of 1929, early marriage remains a major problem. According to the United Nations Children’s Fund (UNICEF), 66 per cent of Bangladeshi girls are married before the age of 18 and approximately one third of women aged 20 to 24 were married by the age of 15. The Special Rapporteur was informed that in rural areas, some parents feel compelled to marry off their girl children as a “protective measure” against rape, and they resort to obtaining fake birth certificates to escape penalties for violating the law.’⁴³
- 2.2.22 UNICEF noted in June 2010 that ‘The practice of arranging child marriages remains common, especially in rural areas and in urban slums, where many families believe that the onset of puberty signifies readiness for marriage.’⁴⁴ Adding,
- 2.2.23 ‘Despite the cost of dowry, poorer families consider early marriage financially beneficial dowry generally increases as girls become older and more expensive. Early marriage

³⁸ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 15, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

³⁹ US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 20 November 2014

⁴⁰ ASK, Incidents of Fatwa or Salish Between January and 30 September 2014, 12 October 2014, <http://www.askbd.org/ask/2014/10/12/incidents-fatwa-salish-third-quarter-2014/>, date accessed 26 November 2014

⁴¹ Child Marriage Restraint Act 1929 http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=149 Accessed 8 July 2013

⁴² UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 47, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁴³ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 10, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁴⁴ UNICEF, Women and girls in Bangladesh, June 2010, Issues – child marriage, http://www.unicef.org/bangladesh/Women_and_girls_in_Bangladesh.pdf, date accessed 28 November 2014

also relieves families of caring for their daughters, because they live with their husband's family once married. But early marriage threatens girls' education, mobility, health and safety. A child bride usually drops out of school and begins full time work in the home of her husband's parents, where she often lacks bargaining power and may be reduced to the status of a bonded labourer.'⁴⁵

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2.3 Police attitudes and responses to violence against women

2.3.1 The April 2014 report of the Special Rapporteur on violence against women noted that:

'Limited resources, poor infrastructure and the limited number of trained judges and lawyers, among others, have had a negative effect on women's capacity to seek redress through the judicial system. Despite constitutional guarantees with regard to due process, the Special Rapporteur was informed that law enforcement agencies often fail to uphold the relevant legal standards when dealing with cases of violence against women. The existence of parallel legal systems such as the salish further compounds the denial of effective justice.'⁴⁶ Okhikar reported that 'There are also allegations of corruption in the lower judiciary and police administration. There is no victim and witness protection law in Bangladesh. Victim women and their families are regularly intimidated by the perpetrators and they live under constant risk of becoming victimised again'.⁴⁷

2.3.2 The UN Special Rapporteur stated that she was informed that the police:

'... apply a "zero tolerance" policy when dealing with cases of violence against women. The Government has also taken measures to promote gender-sensitive policing and improve victim support services through its Police Reform Programme. In 2009, the first Victim Support Centre was established at Tejgaon Thana Model Police Station. The rehabilitation services are implemented by 10 NGOs who have signed Memoranda of Agreement with the police. The establishment of such a centre within a policing environment has encouraged victims to report crimes to the police in a safe and secure environment, while accessing professional services. The Special Rapporteur was informed by officials in Rangamati that, while attempts to increase the recruitment of female officers have been made, there are currently only 5,000 women out of 14,000 police officers. The Special Rapporteur was concerned to hear male representatives of the police force in Khulna alleging that some victims engage in false reporting of incidents of rape or sexual assault in order to punish partners for refusing to commit to a relationship. She considers that these attitudes perpetuate stereotypes.'⁴⁸

2.3.3 The UN Special Rapporteur added, however, that 'Despite the adoption of relevant legislation, there is a general lack of awareness of such laws, poor implementation by state agents and a reluctance of women to use the justice system as a means to seek redress.'⁴⁹ The report continued that, in Bangladesh:

⁴⁵ UNICEF, Women and girls in Bangladesh, June 2010, Issues – child marriage,

http://www.unicef.org/bangladesh/Women_and_girls_in_Bangladesh.pdf, date accessed 28 November 2014

⁴⁶ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 32, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 4 December 2014

⁴⁷ Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 324 <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/> , date accessed 21 November 2014

⁴⁸ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 64, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁴⁹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 53, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

‘... the main challenges relating to the investigation, prosecution and punishment of perpetrators for acts of violence against women are due to the lack of: coordinated criminal justice response; expertise and adequate mechanisms to conduct credible investigations; comprehensive redress mechanisms; and understanding of the root causes and consequences of violence against women.

‘Corruption was also identified as one of the main obstacles to women’s access to justice, as bribes and/or influence are often required for cases to move through the different stages of the criminal justice system. Victims and their families often have to pay bribes or use political connections to register a complaint before the police and to have investigations conducted. It is not uncommon for perpetrators to have more connections, power or resources than victims, which are deployed to influence the police, stall investigations or harass and pressure victims to drop charges.’⁵⁰

2.3.4 The UN Special Rapporteur’s report continued:

‘There is reportedly also a lack of basic expertise and facilities for the conduct of investigations, particularly in crimes relating to sexual violence. Police officers often fail to collect necessary evidence or deliberately destroy it. While medical examinations are supposed to be completed as soon as possible after an incident of sexual violence is reported, delays are common in conducting medical examinations, preparing the medical reports and submitting them to the competent courts. Furthermore, it is reported that victims have no guarantees that their injuries will be properly documented and reflected in medical examination reports, due to factors such as the patriarchal mindset of the police and doctors; inefficiency; lack of modern facilities; and corruption throughout the process.’⁵¹

2.3.5 Odhikar reported that some law enforcement officers committed rape, adding in its Annual Report for 2013 that ‘Reporting a rape attack becomes even more difficult if law enforcement authorities themselves are perpetrators. As it is, rape is probably the most under reported crime in Bangladesh, thanks to the social stigma attached to it.’ The same source further noted that ‘Lack of implementation of laws, corruption in the law enforcement agencies and police disinterest in domestic violence issues – along with local political patronage – all play a part in protecting perpetrators and denying justice to victims.’⁵²

2.3.6 The 2013 U.S. Department of State report noted that:

‘A UN multi-agency study on violence against women, released on September 10 [2013], surveyed almost 2,400 men between the ages of 18 and 49 in one urban and one rural area of the country. According to the study, 55 percent of urban male respondents and 57 percent of rural respondents reported they themselves had perpetrated physical and/or sexual violence against women. The study concluded that the low prosecution rate of rapists supported a culture of impunity and encouraged further criminal acts of respondents who admitted to perpetrating rape. In total 88 percent of rural respondents and 95 percent of urban respondents reported they faced no legal consequences for rape charges.’⁵³

⁵⁰ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraphs 71-72, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁵¹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 73, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁵² Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraphs 38- 39, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/> , date accessed 21 November 2014

⁵³ US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220388>, date accessed 4 December 2014

2.3.7 The 2013 ASF report noted that:

'In Bangladesh, the legal process surrounding violence against women and girls (VAWG) laws are time consuming, costly, complicated and uncertain, in turn, also hindering prevention efforts for eliminating VAWG and disabling the protection of rights of women who have been victims of violence. Women and marginalized groups rarely choose to interact with the formal courts in Bangladesh due to prohibitive expenses involved in pursuing court cases. Factors such as bribes, corruption, years of backlog and delays, social stigmatization and fear of discrimination are reasons why marginalized groups including women are apprehensive about pursuing legal action. The scenario is similar with survivors of acid violence. (...) The major weaknesses that have been acknowledged by us include: lack of access to legal information and social justice issues, ignorance, inefficiencies and misconduct from relevant duty bearers including law enforcement personnel, PPs [Public Prosecutors], court officials, pending appeals, lack of community support, political influence, mutual agreements between the victim and the perpetrators to resolve cases outside of court, absence of witnesses, absence of victim and witness protection mechanisms.'⁵⁴

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2.4 Single women

2.4.1 UNICEF noted in June 2010 that 'In a strictly patriarchal society like Bangladesh, being without a male protector and provider can render women vulnerable to abuse and isolation from the community.'⁵⁵

2.4.2 The Immigration and Refugee Board of Canada (IRB) reported, in a response dated October 2013, that:

'In correspondence with the Research Directorate, the Director of Research Initiatives Bangladesh, an organization that funds research for poverty alleviation and development in Bangladesh, stated that single, divorced and widowed women in Bangladesh experience "immense difficulties" accessing housing and employment (Research Initiatives Bangladesh 2 Oct. 2013). She also indicated that there are minimal social services available that only benefit widows, elderly and pregnant women (ibid.).

'A professor of anthropology at BRAC University in Dhaka, in correspondence with the Research Directorate, said:

"Access to housing for single women – divorced, widowed, separated or never-married – is much more difficult than it is for single men or married women. Women without 'male guardians' are generally viewed with considerable suspicion, as sexually dangerous and morally lax. Most landlords are incredibly reluctant to rent their houses to single women. Living by oneself opens women up to all kinds of sexual harassment, especially if the women are not from affluent families. (Professor 2 Oct. 2013)

"In terms of employment, she noted that it is more difficult for single women to access work, particularly women from the middle classes (ibid.). She noted that many poor women work under "gruelling, dangerous conditions" in the garment industry or as domestic maids (ibid.). The UN Special Rapporteur noted the "poor working conditions" faced by many women in Bangladesh and said the lack of regulations "increases their vulnerability to abuse and exploitation" (UN 29 Mar. 2013).'

⁵⁴ Acid Survivors Foundation, Annual Report 2013, December 2013, Legal Support Services page 22-3, http://www.acidsurvivors.org/images/frontImages/Annual_Report-2013.pdf date accessed 4 December 2014

⁵⁵ UNICEF, Women and girls in Bangladesh, June 2010, Issues – child marriage, http://www.unicef.org/bangladesh/Women_and_girls_in_Bangladesh.pdf, date accessed 28 November 2014

2.4.3 In terms of women's ability to relocate on their own to other areas of Bangladesh, the Professor of Anthropology stated:

'As in other arenas, single women's relocation to other parts of the country is much more difficult. In the absence of state services, people rely on kinship ties and an active system of social support from the local community to get by. A newly divorced or single woman relocating will have none of the advantages of social ties but all of the disadvantages of being without a male protector. (Professor 2 Oct. 2013).

A visiting scholar at the Center for Women, Gender and Sexuality at Rice University, who was also an associate professor of law at the University of Dhaka, noted that in rural areas of Bangladesh, young women who are unaccompanied by male guardians are "socially ostracised" and that single and divorced women, in general, are looked down upon by society (Visiting Scholar 3 Oct. 2013). She noted that single, divorced, and widowed women in Bangladesh "do not have sufficient resources to build a sustainable life" (ibid.). She further said that if they relocate, it is more difficult for them and they face the possibility of "re-victimization" (ibid.). The AHRC reports that women are not safe walking unaccompanied by a man in most parts of Bangladesh, and that women and girls are "almost regularly" victims of stalking and sexual violence (AHRC 8 Mar. 2012).⁵⁶

2.4.4 Human Rights Watch reported in 2012 on how women interviewed by HRW:

'... described the different ways in which their inferior rights under personal laws contributed to their suffering. Many described being trapped in violent marriages because they feared if they divorced or separated, apart from the overall stigma, they would have nowhere else to go and have little chance of securing "bhoron-poshon" (maintenance). Most women who had divorced or separated from their husbands described their experiences of economic hardship. These included losing homes, living on the street when they had nowhere else to go, begging for food and water, pulling children out of school to work, struggling with ill health, and lacking the resources to deal with any of these problems.'⁵⁷

2.4.5 The April 2014 Report of the Special Rapporteur on violence against women noted that:

'existing schemes aimed at empowering women economically in Bangladesh seem to be tailored to specific sectors traditionally believed to be "suitable" for women, thereby perpetuating gender-biased stereotypes in employment. [...] The Special Rapporteur was informed that women resorting to microcredit loans often face problems with regard to timely repayment, thus increasing their vulnerability to violence: sources indicated that people in charge of granting loans and collecting weekly payments often resort to violence when collecting the loans. [...] Women make up approximately 36 per cent of the formal labour force in Bangladesh. [...] A very high percentage of the informal sector labour force is comprised of women who work mainly as domestic workers, in the shrimp cultivation sector and in the garment factories. [...] Many stakeholders highlighted the poor working conditions under which women work, which are exacerbated by the lack of adequate safeguards in labour laws and regulations and

⁵⁶ Canada: Immigration and Refugee Board of Canada, Bangladesh: Situation and treatment of Hindu Manipuri ethnic minority, including women; ability of women, particularly Manipuri women, to relocate and access housing and employment within Bangladesh (2006-October 2013), 9 October 2013, BGD104622.E, available at: <http://www.refworld.org/docid/542a83614.html>, date accessed 26 November 2014

⁵⁷ Human Rights Watch, "Will I Get My Dues ... Before I Die?" : Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 17 September 2012, III. Impacts of Bangladesh's Discriminatory Personal Laws on Married, Divorced, and Separated Women page 51, <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf> ,

which increase their vulnerability to abuse and exploitation. [...] Sexual harassment at work affects women's efforts to secure livelihoods.'⁵⁸

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2.5 Assistance available to women

2.5.1 The US Department of State reported:

'The government introduced a confidential hotline and opened several crisis centers for victims of domestic violence. Women's rights groups, however, criticized the government for its overall inaction on domestic violence, and data were difficult to obtain. From January through September [2013], the Bangladesh National Women Lawyers' Association (BNWLA) received more than 2,569 reports of violence against women and filed 43 cases related to violence against women. NGOs, with little assistance from the government, funded most efforts to combat domestic violence. Courts sent most victims of domestic violence to shelter homes, such as those run by the BNWLA. In a few cases, the BNWLA sent victims to prison as a transitory destination for short periods. There were some support groups for victims of domestic violence.'⁵⁹

2.5.2 The UN Special Rapporteur reported:

'The Government of Bangladesh co-sponsors two large-scale programmes to address violence against women: a Multi-Sectoral Programme on Violence against Women under the Ministry of Women and Children's Affairs and a Joint United Nations Programme to Address Violence against Women. Under the Multi-Sectoral Programme on Violence against Women, seven One-Stop Crisis Centres have been established in public hospitals where victims receive medical, psychosocial and legal assistance. There is also a National Trauma Counselling Centre and Helpline...

'The Special Rapporteur visited the One-Stop Crisis Centre and shelter run by the Ministry of Women and Children's Affairs in Dhaka. She was informed that women could stay in temporary shelters for a maximum period of six months with two children under 12 years old. The Special Rapporteur, however, received complaints regarding the living conditions, limited freedom of movement and the overall quality of services provided in the shelters. The situation of children living with their mothers in these shelters is of great concern. The Special Rapporteur was informed of cases where children were forced out of school for the entire duration of the mother's stay, without being offered any suitable alternatives.

'In Jessore, the Special Rapporteur visited a shelter run by an NGO. She noted the limited availability of space to accommodate victims of violence and their families. The lack of availability of shelters, both State and non-State, was expressed as a major source of concern by a number of NGOs during the visit.'

'The Special Rapporteur was also concerned with the lack of guidelines to guarantee the protection of victims of violence in safe custody. According to NGO interviewees, in some criminal cases, victims are arrested together with the perpetrators and courts may issue a "safe custody" order through which women are placed in mixed jails. This is also due to the fact that at least 20 districts reportedly do not have shelters, so this form of "safe custody" is often resorted to. Activists indicated that jail officers even make up

⁵⁸ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraphs 38-41, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 24 October 2014

⁵⁹ US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220388>, date accessed 20 November 2014

their own rules regarding the condition of these “safe custody” provisions, including the allocation of rooms and/or the visiting hours.’

‘Protection for victims of acid attacks is covered by the Acid Control Act of 2002, which prescribes, inter alia, the provision of treatment and legal aid to victims of acid crimes, as well as the establishment of a rehabilitation centre for victims. However, in practice, there is only one burn unit located in the capital, which makes it difficult for victims living outside of Dhaka to receive appropriate and timely medical care. Most victims die as a result of septicaemia caused by severe infections. The ones who survive are left with pain, numerous and costly medical procedures, permanent disfigurement and social stigma.’⁶⁰

- 2.5.3 In a 2012 report, Human Rights Watch (HRW) stated that they were informed by the Ministry of Women and Child Affairs that it ‘runs seven shelters – one shelter in each division – for women and children. Each shelter can house 50 women and 100 children for up to six months. While this is positive, the official said that more shelters are needed at the district level...’⁶¹
- 2.5.4 HRW also reported on government social assistance programmes which included ‘cash allowance for “widows, husband-deserted, and destitute women” of 300 takas (US\$4) per month if they meet financial need criteria.’⁶² However, only a small percentage of women were able to access such programmes due to ‘lack of awareness, uneven coverage, and misuse of funds.’⁶³
- 2.5.5 The HRW report added:
‘Another state program that could help divorced or separated women attain economic security is the program for distribution of khas (state-owned) land. This program – established by the 1987 Land Reform Action Program – is intended to benefit landless communities, and female-headed households are eligible. However, activists told Human Rights Watch that the government policy restricts distribution of khas land only to those female-headed households that have a shokkhom purush (an able-bodied male).’⁶⁴
- 2.5.6 HRW reported that ‘While women who are forced out of their marital homes upon separation or divorce often end up staying with relatives or friends, and eventually may secure independent housing, some do live and beg on the streets [...] Women like them might easily face criminal penalties and be detained in “rehabilitation centers.’ In rare cases, some separated or divorced women were housed in one of six ‘vagrant homes’, which are government run under the Vagrants and Shelterless Persons (Rehabilitation) Act of 2011.’⁶⁵

⁶⁰ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 65-69, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁶¹ Human Rights Watch, "Will I Get My Dues ... Before I Die?" : Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 17 September 2012, page 80, <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>, date accessed 26 November 2014

⁶² Human Rights Watch, "Will I Get My Dues ... Before I Die?" : Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 17 September 2012, page 83, <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>, date accessed 26 November 2014

⁶³ Human Rights Watch, "Will I Get My Dues ... Before I Die?" : Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 17 September 2012, page 83, <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>, date accessed 26 November 2014

⁶⁴ Human Rights Watch, "Will I Get My Dues ... Before I Die?" : Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 17 September 2012, page 85, <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>, date accessed 26 November 2014

⁶⁵ Human Rights Watch, "Will I Get My Dues ... Before I Die?" : Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 17 September 2012, pages 81-82, <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>, date accessed 26 November 2014

2.6 Trafficking

2.6.1 The US Department of State reported in its Trafficking in Persons (TiP) Report 2014 that:

'Bangladesh is primarily a source, and, to a lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Some of the Bangladeshi men and women who migrate willingly to the Persian Gulf, Iraq, Iran, Lebanon, Maldives, Malaysia, Singapore, Thailand, Brunei, Sudan, Mauritius, the United States, and Europe for work subsequently face conditions indicative of forced labor.

'Before their departure, many migrant workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) and illegally by unlicensed subagents; this places some migrant workers in a condition that could be viewed as debt bondage. Some recruitment agencies and agents also commit recruitment fraud, including contract switching, in which they promise one type of job and conditions, but then change the job, employer, conditions, or salary after arrival. Domestic workers are predominantly women and particularly vulnerable to abuse. Some women and children from Bangladesh are transported to India and Pakistan, where they are subjected to commercial sexual exploitation and forced labor. The Rohingya community in Bangladesh is especially vulnerable to human trafficking.

'Within the country, some Bangladeshi children and adults are subjected to sex trafficking. Some, predominately in rural areas, are subjected to domestic servitude and forced and bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the terms of employment.'⁶⁶

2.6.2 The UN Special Rapporteur reported:

'Trafficking in persons continues to be a major problem, with Bangladesh being mainly a source country for men, women and children subjected to forced labour and sexual exploitation. Given the reluctance of victims' families to report cases of trafficking, it is difficult to access comprehensive data and statistics on the magnitude of the phenomenon. Estimates from various sources state that over 200,000 women and children have been trafficked during the past decade, with trafficking occurring both internally and across the border with neighbouring countries, under the guise of a better life and job opportunities.'⁶⁷

2.6.3 The TiP 2014 Report noted that:

'Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities investigated and prosecuted more cases under the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA), but continued to convict only a small number of traffickers. Bangladesh lacked a formal referral mechanism and authorities did not adequately train police and other public officials on identifying and assisting victims. While the government implemented stricter criteria in granting licenses to recruitment agents, it continued to allow extremely high and legal recruitment fees.'⁶⁸

⁶⁶ US Department of State, Trafficking in Persons Report 2014, Bangladesh, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226677.htm>, date accessed 22 December 2014

⁶⁷ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 23, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁶⁸ US Department of State, Trafficking in Persons Report 2014, Bangladesh, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226677.htm>, date accessed 22 December 2014

2.6.4 The UN Special Rapporteur reported:

'In an effort to provide better protection for victims of trafficking, the Government signed the SAARC [South Asian Association for Regional Cooperation] Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2002 and recently enacted the Human Trafficking Deterrence and Suppression Act of 2012. In addition, the Ministry of Home Affairs has set up a task force for the rescue, recovery, repatriation and reintegration of victims of trafficking. Although the law provides severe penalties for trafficking, impunity is the norm for traffickers because of a lack of enforcement of the existing laws and policies.'⁶⁹

2.6.5 With regards to the protection of victims of trafficking, the TiP 2014 Report stated:

'The Government of Bangladesh made limited efforts to protect victims of trafficking. The police registered 377 cases involving individual or groups of victims in 2013, compared to 602 in 2012. The government lacked a formal mechanism for authorities to refer identified victims to care, and officials' ability to refer victims depended on their awareness of the PSHTA. Bangladeshi officials collaborated with Indian authorities on the repatriation of Bangladeshi child trafficking victims through a shared standard operating procedure. The government did not fund shelters or other services specifically designed for trafficking victims, but trafficking victims could access non-specialized support services for vulnerable people through nine shelter homes, drop-in centers, and safe homes administered by the Ministry of Social Welfare. Adult victims could leave the shelters on their own without supervision. The government continued to operate shelters in its embassy in Riyadh and consulate in Jeddah for female Bangladeshi workers fleeing abusive employers. The Bangladeshi diplomatic corps lacked the resources in destination countries to adequately assist Bangladeshi labor trafficking victims. When Bangladeshi migrant workers lodged complaints of labor and recruitment violations, including allegations of forced labor, they went through the Bureau for Manpower, Education, and Training. BAIRA had an arbitration process for addressing complaints, which provided victims with remediation, but rewards were often minimal and did not adequately address the illegal activities of some BAIRA-affiliated recruitment agents. In one case during the reporting period, the government worked with NGOs to provide legal services to repatriated victims from Iraq; there was no information on whether law enforcement officials encouraged other victims to participate in investigations and prosecutions of their traffickers. Unregistered Rohingya refugees who were trafficking victims may have been at risk of indefinite detention because of their lack of documentation.'⁷⁰

2.6.6 Reporting on victims of trafficking in Bangladesh, the website 'Your Commonwealth' noted that some trafficked women and children faced problems reintegrating into their families and communities, and faced "defamation, poverty, and psycho-social pressure".⁷¹

See [Assistance available to women](#)

2.6.7 BBC News reported in October 2014 on the trafficking of Bangladeshi men into Thailand.⁷² Reuters reported in November 2014 on the rescue, off the South Asian

⁶⁹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 70, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 21 November 2014

⁷⁰ US Department of State, Trafficking in Persons Report 2014, Bangladesh, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226677.htm>, date accessed 22 December 2014

⁷¹ Your Commonwealth, Asia: "Trafficking threatens human rights of women", 9 October 2014, <http://www.yourcommonwealth.org/2014/10/09/trafficking-threatens-human-rights-of-women/>, date accessed 22 December 2014

⁷² BBC News, Terrified victims of Thai trafficking face uncertain future, 18 October 2014, <http://www.bbc.co.uk/news/world-asia-29673120>, date accessed 22 December 2014

coast, of over 600 trafficking victims from both Bangladesh and Burma, by the Bangladesh authorities.⁷³

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⁷³ Reuters, Bangladesh rescues over 600 trafficking victims, 18 November 2014, <http://www.reuters.com/article/2014/11/18/us-bangladesh-rescue-idUSKCN0J20I320141118>, date accessed 22 December 2014

Annex A: Map

Map of Bangladesh, dated 2004, edited by CPIT to show Sylhet and Rangpur Divisions.⁷⁴



Map No. 3711 Rev. 2 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

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⁷⁴ United Nations Cartographic Section: Bangladesh, Map No. 3711 Rev. 2 United Nations, January 2004.
<http://www.un.org/Depts/Cartographic/map/profile/banglade.pdf>, date accessed 13 October 2014

Annex B: Caselaw

The Country Guidance case SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 00254(IAC), 13 July 2011, stated:

‘(1) There is a high level of domestic violence in Bangladesh. Despite the efforts of the government to improve the situation, due to the disinclination of the police to act upon complaints, women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts.

‘(2) Under Muslim law, as applicable in Bangladesh, the mother, or in her absence her own family members, has the right to custody of an illegitimate child.

‘(3) In custody and contact disputes the decisions of the superior courts in Bangladesh indicate a fairly consistent trend to invoke the principle of the welfare of the child as an overriding factor, permitting departure from the applicable personal law but a mother may be disqualified from custody or contact by established allegations of immorality.

‘(4) The mother of an illegitimate child may face social prejudice and discrimination if her circumstances and the fact of her having had an illegitimate child become known but she is not likely to be at a real risk of serious harm in urban centres by reason of that fact alone.

‘(5) The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman’s shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own facts having regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights.’⁷⁵

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⁷⁵ SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 00254(IAC), 13 July 2011, http://www.bailii.org/uk/cases/UKUT/IAC/2011/00254_ukut_iac_2011_sa_bangladesh_cg.html, date accessed 26 November 2014

Change Record

Version	Date	Change References
1.0	22/12/2014	First version of updated template.

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