



Research Monograph

On

“Exploring the Key Triggers of Domestic Violence in Bangladesh”

**This Research Submitted for the Partial Fulfillment of the award of the degree in
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LETTER OF TRANSMITTAL

To

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Subject: Submission of research paper on **“Exploring the Key Triggers of Domestic Violence in Bangladesh”**

Dear Sir,

It is a great pleasure for me to submit the thesis on **“Exploring the Key Triggers of Domestic Violence in Bangladesh”** While I doing this thesis, I have tried my level best to make this project paper to the latest standard. I think that thesis paper will fulfill your requirement and pleased you. I, therefore, hope that you would be kind enough to go through this thesis paper for evaluation.

I am always be ready for clearance of any part of my thesis.

Thanking you

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CERTIFICATION

This is to certify that the thesis on “**Exploring the Key Triggers of Domestic Violence in Bangladesh**” is done by Anjila Aktar in partial fulfillment of the requirements for the degree of LL.M. (Final) from Sonargaon University, Dhaka. The thesis has been carried out under my guidance and is a record of the bonafide work carried out successfully.

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DECLARATION

I do hereby that this Research Monograph on the “**Exploring the Key Triggers of Domestic Violence in Bangladesh**” have been done by me and this Research is free from all plagiarism and without help of other. I further declare that this monograph is prepared with my own effort and it was not and never submit to any institute for any academic reason.

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Abstract

The marvel of gender-based domestic violence is spreading around the world. Residential viciousness has been straight missing related to each sorts of speedy and long term physical and mental harm to each human being. Family violence has dynamically been recognized not because it were as an issue of human rights but as well as a veritable open prosperity concern. Unfortunately, Bangladesh is one of the poorest countries in the world and it's estimated about the number of victims of domestic violence people. Moreover, Bangladesh had been recognized by UDHR, ICCPR, and ICESCR to protect from gender-based domestic violence and especially CEDAW, DEVAW for preventing women's rights from domestic violence. In our country, we have a special act which is "The Domestic Violence Protection and Prevention Act, 2010" for preventing domestic violence. But there is a question as to how far it has been implemented to protect their rights. When it turns into gender-based household viciousness, it doesn't incorporate as it were ladies. Or maybe it incorporates all human starts counting males, females, children and Transgender. In this research paper, I have tried to examine the scope and limitations of the law to protect individuals from domestic violence to uphold their rights. The notion of gender-based domestic violence is not only limited to the violence that takes place in society but also violence that takes place in their families. It is visible that there has been major development in establishing their rights in many countries. But unfortunately, Bangladesh is struggling to ensure gender-based rights. Other than women, often men are becoming a victim of domestic violence but those incidents remain unreported. Most of the time, Children and transgender are also becoming the victims of domestic violence socially. So, in this research paper, I have attempted to center on the scope of the law, execution of law requirement and the restrictions beneath the law to anticipate domestic violence to guarantee their legitimate Equity.

Keywords: *Gender Neutrality, Gender-based Equal Rights, Domestic violence, Gender Equality.*

Abbreviation

UDHR-Universal Declarations of Human Rights

ICESCR-International Covenant on Economic, Social and Cultural Rights

ICCPR-International Covenant on Civil and Political Rights

DEVAW-Declaration on the Elimination of Violence against Women

CEDAW-Convention on the Elimination of All Forms of Discrimination against Women

Contents

Chapter 1.....	11
Introduction	11
1.1 Purpose of the research:.....	11
1.2 Statement of the problem	11
1.3 Research Objective: This research paper focused on the following purposes:.....	13
1.4 Rationale Significance of the study.....	14
1.5 Literature review.....	14
1.6 Methodology:.....	15
1.7 Scope and Limitation:	16
1.8 Outline of the study	16
1.9 Conclusion.....	17
Chapter 2.....	18
Domestic Violence in Bangladesh	18
2. Introduction	18
2.1 What is domestic violence?	18
2.3 Different types of domestic violence	19
2.3.1 Physical Violence.....	19
2.3.2 Sexual Violence	19
2.3.3 Emotional violence.....	20
2.3.4 Psychological violence	20
2.3.5 Cultural violence	20
2.3.6 Verbal abuse	20
2.3.9 Conclusion:.....	21
Chapter 3.....	22
Legal action against gender-based domestic violence under the law of Bangladesh	22
3. Introduction:	22
3.1 The Constitution of the People’s Republic of Bangladesh.....	22
3.2 The Domestic Violence Protection and Prevention Act of 2010	23
3.3 Acid Control Act, 2002	23
3.4 The Children Act, 2013.....	23
3.5 The Dowry Prohibition Act, 2017	24

3.6 The Child Marriage Restraint Act, 2017	24
3.7 The Penal Code of 1860	24
3.8 The cruelty to women Ordinance 1983	25
3.9 The Rights and Protection of Persons with Disabilities Act, 2013	25
3.10 Conclusion:.....	26
Chapter 4.....	27
An International instrument for preventing domestic violence	27
4. Introduction:	27
4.1 The Charter of the United Nations, 1945:	27
4.2 Universal Declaration of Human Rights, 1948.	27
4.3 Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 (CEDAW):	28
4.4 The UN Declaration on the Elimination of Violence against Women, 1993:.....	29
4.5 The Beijing Declaration and Platform for Action, 1995:	29
4.6 International Covenant on Economic, Social and Cultural Rights, 1966.....	29
4.7 International Covenant on Civil and Political Rights, 1966:.....	30
4.8 The Convention on the Rights of the Child, 1989:	30
4.9 International Convention on the Elimination of all Forms of Racial Discrimination, 1966:	31
4.10 Agreed Conclusions of the Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls, 2013.....	31
4.11 Conclusion:.....	32
Chapter 5.....	33
Gender Based Domestic Violence	33
5. Introduction:	33
5.1 Women.....	33
5.1.2 Spousal violence:	33
5.1.3 The impacts on spousal violence against women in Bangladesh:	34
5.1.4 Some reasons why women are tolerated spousal violence relationships.....	34
5.1.4.1 Sexual violence by husbands:	35
5.1.4.2 Emotional abuse by husbands:	36
5.1.5 Critically analysis on spousal violence against women:.....	36
5.2 Men	41

5.2.1The social and legal effects for preventing domestic violence:.....	41
5.2.2 Crime committed against men in Bangladesh:	42
5.2.2.1 Domestic Violence	42
5.2.2.2. False dowry cases	42
5.2.2.3 False rape and other charges.....	42
5.2.3 Necessity of specific laws for protecting domestic violence against men: The recent case was filed:	43
5.3 Child	44
5.3.1 The current situation of domestic violence of children in Bangladesh:	44
5.3.3 Social and legal effects domestic violence against children:	45
5.3.4.1 India:	46
5.3.4.2 Maldives:.....	46
5.4.1The current situation of transgender in Bangladesh:	47
5.4.2 Comparative analysis with other countries (India and United States of America).....	48
5.4.2.1 India:	48
5.4.2.2 The United States of America (USA):	48
5.4.3 Conclusion:.....	49
Recommendation and Conclusion	50
6. Introduction:	50
6.1 Limitation of law and scope:	50
6.2 recommendation:	51
6.3 Conclusion:.....	52
BIBLOGRAPHY	53
Books:.....	53
Journals:	53
Case Laws.....	54
Articles	54
INTERNATIONAL CONVENTIONS.....	54
ACTS:	55
Websites	56

Chapter 1

Introduction

Violence and badgering, counting gender-based viciousness and badgering (which incorporates sexual badgering), can constitute a genuine infringement of human rights. Within the world of work, different shapes of savagery and badgering cause treacherous hurt to people, working environments and society at expansive. They obstruct improvement extremely, especially by bringing down the aggregation of social and human capital and posturing a colossal boundary to ladies and men in getting to not too bad and profitable work. On the other hand, In Bangladesh, gender-based viciousness and harassment, especially sexual badgering, isn't a modern wonder for sexual orientations. Be that as it may, it has progressively been talked about in open as a major challenge both in their private lives and within the open circle. With more ladies venturing out of the domestic and taking up openings for instruction and work, gender-based viciousness and badgering linger ever bigger.¹

1.1 Purpose of the research:

Since, in these perspectives of Bangladesh still have Prevention Domestic Violence Act, 2010 so, this Act fundamentally bargains with ladies and children. But this Act has lack of adequate implementation .Moreover, there is no mention about transgender and men's rights .So for this reason, there is no Act about the legal action for transgender and men against the domestic violence in our country. So, sometimes they are victimized by domestic violence. If government establishes a new Act, the rights of men and transgender will be ensured.

1.2 Statement of the problem

Human rights are inherent rights that come from birth. No one ever controls it naturally. It is a unique right that is present inside every human being. There are three basic obligations: These are respected, protected and fulfilled and it's a state's general Obligation. So, human rights are violated only when a person's human dignity is divided. We have seen that discrimination started from human civilization. Discrimination has not stopped in the modern generation but is going away.²

¹L Heise ,M Ellsberg, Megan Gottmoeller ,A global overview of gender-based violence, International journal of Gynecology and obstetrics 78,suppl.1(2002)S 5-S14

²Abdullah al Farque , International human rights law, October 2015 page no(23-24)

Concurring to the Charter of the United Nations, 1945 under Article 55(e) indicated the far reaching respect for, and acknowledgment of human rights and basic adaptabilities for all without capability as to race, sex, tongues or religion. Not as it were that, the All-inclusive Statement of Human Rights 1948 which is known as the mother Tradition of Human Rights beneath Article 2 specified nondiscrimination. Encourage, the Universal Contract on Gracious and Political Rights 1966 beneath article 26 and Universal Pledge on Financial, Social and Social Rights 1966 beneath article 2(2) moreover specified that, almost nondiscrimination.

Moreover, the International Convention on the Elimination of all Forms of Racial Discrimination ,1966 provided under Articles 2 and 5 mentioned that everyone can enjoy their rights without discrimination as to race, color, national, ethical origin, equality before the law.

As we can see from all the conventions have said one thing that is non-discrimination. On the other hand, according to articles 3 and 5 of the Universal Declaration of human rights 1948 mentioned that, to protect from torture and inhuman treatment and equal protection of the law. The Constitution is known as the Supreme law of Bangladesh.

We can see in the Constitution that we have some fundamental rights from Articles 26 to 43. The most notable of which article is 27 provided that equality before the law, article 28 stated that, there is no discrimination against any citizens on the ground of sex, caste, religion and place of birth.

Article 29 (2) provided that, every citizen has equal opportunities any employment or office in the service of Republic without discrimination on the ground sex, caste, religion and place of birth. Article 32 which is the right to life and personal liberty and article 42 said that to ensure rights of property. If any one of the articles of these fundamental rights is violated, every citizen can make a writ of the High Court under Article 102. Thus, although articles are inscribed as fundamental rights in the context of the Constitution of Bangladesh, the question of how many fundamental rights are being implemented for gender-based domestic violence people remains a question.³

Gender-based domestic violence is increasing nowadays. Agreeing to the VAW Overview 2015, mutually conducted by UNFPA and the BBS, uncovered that 73% of ever-married ladies in Bangladesh has experienced any kind of viciousness by their current spouse, 55% detailed any sort of savagery within the past 12 months, and 50% detailed physical viciousness in their lifetime. Savagery against ladies impoverishes people, families, communities and governments and diminishes the financial

³The core International Human rights Instruments and their monitoring bodies (<https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>) and The constitution of the people Republic of Bangladesh.

improvement of a country. At the person level, as numerous as 14% of maternal passing are related with GBV and at the national level, the nation loses 2.10% of GDP due to domestic violence (CARE Bangladesh, 2013)⁴

In Bangladesh, gender-based violence comes in numerous shapes: physical mishandle; spouses tossing spouses out of the domestic in residential debate; spouses requesting that their spouses get more share cash from their families, and child marriage, among others. The COVID-19 widespread has as it were expanded the issue, as unemployment and other money related stresses have developed. BRAC recorded a about 31 per cent (8,709) increment in detailed episodes of viciousness against ladies and young ladies in 2020 compared to the same time final year (4,566). In 2018, a piece distributed within The Guardian expressed that one in six men encounters household savagery, but as it were one in 20 tends to report. In 2020, an organization named Bangladesh Men's Rights Foundation (BMRF) overviewed that 80% of hitched men are casualties of mental torment by their spouses (or their family individuals) in our country. Moreover, in 2020, a study found that since of lockdown, most hijras were on edge approximately cash (94%) and nourishment (68%). Another overview related to the impact of lockdown on the hijra community found that almost 82% of respondents had not earned a single penny within the final two weeks; which 59% did not get any back from help software engineers. Around 16% of hijra respondents experienced mental mishandle, but moderately few confronted physical torment and violence⁵

So, we can say that the government should increase their awareness among them. So that, they can be aware of their rights to protect themselves.

1.3 Research Objective: This research paper focused on the following purposes:

1. To know the current situations of their legal rights in Bangladesh
2. The rights have been given in this The Domestic Violence Protection and Prevention Act, 2010 especially for women and children, but how has it been implemented in reality?⁶

⁴ Abdullah Titir ,To end gendered violence, we must look beyond the binary lens, The Daily Stars,4 December,2021

⁵UNFPA supplement, Gender Based Violence and its Impact on Bangladesh's Development ,The Daily Stars ,19 December ,2016 (<https://www.thedailystar.net/round-tables/gender-based-violence-and-its-impact-bangladeshs-development-1331872>)

⁶The Domestic Violence Protection and Prevention Act, 2010

3. To establish a new Act for males to protect their rights.
4. To establish a new Law for transgender to ensure their legal rights.
5. To find out the scope and limitations for establishing their legal rights.
6. To suggest some recommendations for their development in Bangladesh.

1.4 Rationale Significance of the study

This dissertation would be helpful for policy making in our country. The Domestic Violence Protection and Prevention Act of 2010. This Act has some sod off loopholes and a lack of implementations. So, this Act was provided as a signatory state of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979 and the Convention on the Children's Right, 1989 and to establish equal rights for women and children guaranteed in the Constitution of the People's Republic of Bangladesh. We should reform The Domestic violence protection and prevention Act 2010 and establish a new Act for males and transgender to protect their rights in the law with the knowledge of our society based upon our supreme law The Constitution of Bangladesh. This dissertation provides a good idea which is important for public awareness to establish their equal rights. This research creates good information which is related to our society and system. This paper will help people to think in new patterns with the commensurate with this modern time. For this reason, I should say this research provides many solutions in our society which is related to Human Rights which is mandatory for all human beings.

1.5 Literature review

A ton of work has already been done on Gender-based domestic violence in Bangladesh and abroad. A journal is written by Lori Heise, Mary Ellsberg, Megan Gottmoeller in which was a global overview of gender-based violence.⁷

The concept of Gender-based domestic violence comes from &Overview of laws, policies and practices on gender-based violence and harassment in the world of work in Bangladesh Authored by Taslima Yasmin.⁸

⁷L Heise ,M Ellsberg, Megan Gottmoeller ,A global overview of gender-based violence,International journal of Gynecology and obstetrics 78,suppl.1(2002)S 5-S14

To address the main concept of this book which was written by Jeni Klugman based on Gender-based violence and the law .The phenomenon of gender-based violence is pervasive around the world, experienced by three women in their lifetimes. The elimination of such violence has been increasingly recognized as a priority for the international community.⁹

Prof. DrMizanur Rahman wrote a book named Human Rights: Theory, Law and Practice in Bangladesh is focused on human rights that should be mandatory for all gender-based.¹⁰

Abdullah al Farque wrote a book based on international human rights law, in October 2015 and Asif Nazrul wrote on Human Rights November 2019 which is based on international human rights aspects.

I additionally read a journal named a global overview of gender-based violence by Lori Heise, Mary Ellsberg, and MeganGottemoeller. They tended to that an overview of the extent and nature of gender-based violence and its health consequences, particularly on sexual and reproductive health.

I read an article written by Heidi Bart Johnston and RuchiraTabassumNaved that focused on the Spousal Violence in Bangladesh: A Call for a Public Health Response.

My dissertation is different from them because I am trying to find out the legal rights of Gender-based domestic violence based on The Domestic violence protection and prevention Act 2010 which is lack implementations and a bunch of loopholes and established the new Acts for men and transgender to ensure their legal rights for themselves.

1.6 Methodology:

This research paper is based on quantitative and qualitative research, in which the legal protection against gender-based domestic violence in Bangladesh has been critically analyzed. This study is focused on primary and secondary sources regarding the gender's equal rights and applicability of the implemented Acts and established a new Act for gender neutrality rights. So, the primary sources such as observation, case study, interview session and discussion and interpretation of their rights in current situations in Bangladesh.

⁸Taslima Yasmin, Overview of laws, policies and practices on gender-based violence and harassment in the world of work in Bangladesh,4 April,2020

⁹Jeni Klugman Georgetown Gender based violence and the law BACKGROUND PAPER GOVERNANCE and THE LAW,Background paper for World Development Report 2017

¹⁰Prof. DrMizanur Rahman, Human Rights: Theory, Law and Practice in Bangladesh,7th April,2018

Moreover, secondary sources such as Extensive literature inform of books, journal articles, procedures/guidelines and relevant websites are referred to provide insights and information relating to the research topic. Qualitative research such as journal articles and news articles to represent my research paper.

1.7 Scope and Limitation:

My dissertation is limited between Bangladesh and some other countries. This study has some sort of limitations. The limitation of study should be consumed in the light of the following limitations. I have only six months to complete this thesis paper which is a very short time for me. This study has very limited scope and area, limited data, for working broadly by the object. I could not buy enough books and journals because of monetary issues. Even the information or data are not available online about some theoretical work that exists about gender-based domestic violence. There is some theoretical work in this study but not enough practical work. The other countries laws are not so available in our country.

1.8 Outline of the study

Chapter 1: INTRODUCTION

Chapter 2: DOMESTIC VIOLENCE IN BANGLADESH

Chapter 3: LEGAL PROTECTION AGAINST DOMESTIC VIOLENCE UNDER THE LAW OF BANGLADESH

Chapter 4: AN INTERNATIONAL INSTRUMENT FOR PREVENTING DOMESTIC VIOLENCE

Chapter 5: GENDER BASED VIOLENCE

Chapter 6: RECOMMENDATION AND CONCLUSION

1.9 Conclusion

Gender-based domestic violence is the most significant problem in Bangladesh. They all have some of the other rights but unfortunately, the government has failed to give them all the rights under the realization of the law. So, we cannot leave them and lead society towards progress. To lead a good and healthy life with a standard of living, it is very important in our society to have fewer victims of crime, which is impossible. But we can reduce the number of victims in our society. That is why we should find a solution. It is very important to give them equal rights so that they can express their problems and resolve them under legal protection. And we must ensure all basic and human rights for them. If they get all the rights to live a dignified life in our society, then gender-based domestic violence will decrease in society.¹¹

¹¹Gender Based Violence in relation with Sexual & Reproductive Health Rights and Family Planning Services, prothomalo, 25 December, 2021 (<https://en.prothomalo.com/bangladesh/roundtable/violence-against-women-reproductive-health-and-family-planning-services>)

Chapter 2

Domestic Violence in Bangladesh

2. Introduction

Domestic violence (DV) alludes to damaging behavior (physical, sexual, passionate savagery and disregard) that happens inside the private, household circle, by and large between people who are related through blood or closeness. In most settings, intimate partner violence (IPV) is the most sort of residential violence, but in a few social orders, savagery by in-laws can too be the foremost overwhelming shape. The term, household viciousness; ought to be utilized carefully in disarray, since (a) it covers with insinuate partner violence and gender-based savagery and (b) it isn't restricted to ladies. For example, residential savagery moreover incorporates child manhandle and elderly manhandle within the household circle. Lawful definitions of domestic viciousness change among nations, they regularly incorporate savagery against household laborers who live within the same family.¹²

2.1 What is domestic violence?

violence is the deliberateness utilize of physical drive or control, weakened or honest to goodness, against oneself, another person, or against a bunch or community, which either comes almost in or highlights a tall likelihood of coming almost in harm, passing, mental harmed, mal-development, or hardship. On the other hand, private violence against the gender-based caught on to incorporate but not be constrained to physical, sexual and mental brutality happening inside the family, checking battering, sexual misuse of female children inside the family, dowry-related brutality, matrimonial attack, female genital mutilation and other ordinary sharpens damaging to women, non-spousal viciousness and violence related to abuse. Domestic violence happens when one individual tries to coerce or control another individual in a family-like or residential relationship. Domestic violence includes an mishandle of control and can take the frame of physical mishandle, sexual manhandle, passionate or mental manhandle, verbal mishandle, stalking and terrorizing, social and geographic separation, budgetary mishandle, brutality to pets, or harm to property or dangers to be savage in these ways. These all contribute to the abuse, hardship and persecution of ladies in Bangladesh, and are infringement of essential Human Rights.¹³

¹² MD.Abu shahen ,Gender based violence in Bangladesh :A critically analysis ,vol.1, No,2(2021)November

¹³ Ibid footnote 12

2.3 Different types of domestic violence¹⁴

There are nine types of domestic violence which is given below:

2.3.1 Physical Violence

Physical violence happens when somebody employs a portion of their body or an instrument to control a person's activities. Additionally, Physical violence implies any undesirable or antagonistic contact such as hitting, battling, pushing, slapping or tossing objects. Racial or ethnic slurs, irritating comments, dangers of savagery, and any other provocative comments, dialect, or activities moreover abuse this approach and will not be endured. A danger of violence implies a verbal or another expression of an intention to cause physical hurt. People who debilitate savagery or something else lock in in provocative conduct towards associates, clients, sellers, or other people customarily are held at slightest similarly at blame for an following physical quarrel, indeed on the off chance that they don't strike the primary blow or something else start a physical encounter.¹⁵

2.3.2 Sexual Violence

Sexual violence when a person is obliged to unwillingly take part in sexual activity. So, Sexual violence implies to any sexual act or endeavors to induce a sexual act, or undesirable sexual comments or acts to action, that are facilitated against a person's sexuality utilizing imperative by anyone, regardless of their relationship to the casualty, in any setting, checking at residential and work. Attack is the term that's commonly utilized for the essential sort of sexual violence said over (forced/coerced interdenominational). Attack can be characterized as non-consensual sexual penetration, in any case slight, of any part of the body of the casualty with a sexual organ, or the butt-centric or genital opening of the casualty with any dissent or any other part of the body. Assault is committed by oblige, or by the threat of drive or inducing, such as that caused by fear of violence, impelling, detainment, mental mistreatment or misuse of control, against such person or another person, or by taking advantage of a coercive environment, or committed against a person incapable of giving veritable consent. For

¹⁴https://www.gov.nl.ca/vpi/files/nine_types_of_violence.pdf

¹⁵Family Violence Department of Justice Canada's Internet site www.justice.gc.ca/eng/cj-jp/fv-vf/about-apropos.htm

case as Matrimonial Attack, Sexual interdenominational obliged on a woman by her life partner, intentioned against her will¹⁶

2.3.3 Emotional violence

It has included confining a child's developments, denigration, mock, dangers and terrorizing, separation, dismissal and other non-physical shapes of antagonistic treatment. Seeing viciousness can include constraining a child to watch an act of savagery or the accidental seeing of viciousness between two or more other people ¹⁷

2.3.4 Psychological violence

Mental violence (regularly moreover alluded to as enthusiastic violence) alludes to any act or an exclusion that harms the self-esteem, character, or improvement of the person. It incorporates, but isn't restricted to, mortification, debilitating misfortune of care of children, constrained separation from family or companions, undermining to hurt the person or somebody they care around, rehashed shouting or debasement, actuating fear through threatening words or signals, controlling behavior, and the pulverization of belonging¹⁸

2.3.5 Cultural violence

Social violence happens when an person is hurt as a result of hones that are portion of her or his culture, religion or convention. Cases of social viciousness are shown, employing a division of culture into religion and philosophy, craftsmanship and dialect, and experimental and formal science. The hypothesis of social viciousness is at that point related to two fundamental focuses in Gandhism, the conventions of the solidarity of life and solidarity of implies and closes¹⁹

2.3.6 Verbal abuse

Verbal mishandle happens when somebody employments dialect, whether talked or composed, to cause hurt to an person. Verbal mishandle can be boisterous and disagreeable like when the destitute individual berates you for not giving her a taka or when your companion employments forceful outrage and shouting to quiet you. But verbal manhandle is additionally hush, the behavior behind the noiseless treatment, which

¹⁶ Ibid footnote 14

¹⁷ Ibid footnote 14

¹⁸ Ibid footnote 14

¹⁹ ibid

intentionally overlooks desires or communication of another individual and discreetly says, you're not imperative sufficient to recognize²⁰

2.3.7 Financial abuse

Money related mishandle happens when somebody controls an individual's obligation for monetary assets without the person's assent or abuses those assets. Budgetary mishandle includes controlling a victim's capacity to procure, utilize, and keep up budgetary assets. Those who are victimized monetarily may be avoided from working. They moreover may have their possess cash confined or stolen by the abuser. And once in a while do they have total get to cash and other assets? When they do have cash, they frequently need to account for each penny they spend.

Money related manhandle happens when somebody employments cash or property to control or misuse somebody else. It can involve:

- a) Taking someone's cash or property without permission
- b) Withholding or constraining cash to control someone
- c) Influencing somebody to sign documents
- d) Constraining somebody to offer things or alter a will

Most shapes of budgetary manhandle are violations, counting burglary and extortion. Generally, the shapes of monetary manhandle change from circumstance to circumstance. Some of the time an abuser may utilize unobtrusive strategies like control whereas other abusers may be more plain, requesting, and scaring²¹

2.3.9 Conclusion:

The gender-based violence predominant in society is closely connected to family arranging and regenerative wellbeing administrations. We ought to make our activity plans centering on these issues and work in like manner. We may talk from distinctive viewpoints, but our objective of the inquire about is the same. Which is to legitimate activity against gender-based violence from Bangladesh. Additionally, the Bangladesh government is attempting to center on these Gender-based household viciousness issues. So, Individuals from all segments of society ought to come forward together to guarantee sex uniformity and to avoid gender-based violence.²²

²⁰21 <https://www.healthypplace.com/abuse/verbal-abuse/what-is-verbal-abuse>

²²<https://www.verywellmind.com/financial-abuse-4155224toc-what-is-financial-abuse>

²² Ibid footnote 11

Chapter 3

Legal action against gender-based domestic violence under the law of Bangladesh

3. Introduction:

Gender-based violence may be a frame of the violence that each family is uncovered to within the setting of Bangladesh and the amount of this household viciousness is spreading exceptionally quick on lifestyle in Bangladesh. Not only does the government of Bangladesh monitor domestic violence and some general and special laws are enacted for it, but the extent to which it is working on those laws or giving them legal protection remains a kind of lack of implementation. So we know that in Bangladesh domestic violence is a serious problem that cannot be solved by any law because everyone here is afraid to open their mouths, everyone is afraid of losing respect in society or sometimes they don't get proper protection. So, there are some laws in Bangladesh. Although it is possible to prevent domestic violence, it is not possible in every circumstance. In this case, we can see that whenever we look at the general or special laws for legal action, we can see that only women and children are mentioned more and more. Male or transgender individuals are not said here in any way. But we know that anybody can be a casualty of residential viciousness. It may be a female hack, a male hack, a children or transgender hack. So, everybody has risen to rights to urge legitimate assurance.

3.1 The Constitution of the People's Republic of Bangladesh

The introduce of Bangladeshi laws against gender-based viciousness and goading in working situations stems from the Structure itself. Article 28 cherishes the run the show of correspondence and non- isolation, with article 28(2) especially communicating that & women might have rise to rights with men in all circles of the State and open life. In so doing, the drafters of the Structure were careful that a insignificant confirmation of consistency isn't adequate. Subsequently, the Structure stipulates positive isolation toward women. Article 28(4) states that: Nothing in this article ought to expect the State from making exceptional course of action in favor of women or children or for the progress of any in switch region of citizens Article 19(3) as well gives that: The State might endeavor to ensure correspondence of opportunity and bolster of women in all circles of national life, as a vital rule of state approach.²³

²³ The constitution of the people's republic of Bangladesh, 1972

3.2 The Domestic Violence Protection and Prevention Act of 2010

The Domestic Violence (Protection and Prevention) Act, 2010 is the primary law in Bangladesh to particularly address residential violence. Sometime recently 2010, residential viciousness offenses as it were came inside the domain of the Ladies and Children Suppression Avoidance Act on the off chance that they were associated to endowment requests. Under Section 3 of the Domestic Violence Protection and Prevention Act, 2010 characterizes residential violence as any Act of physical manhandle, mental manhandle, sexual manhandle or financial hurt by a individual against a lady or child with whom he encompasses a family Relationship.

But in this Act, there is no mention of male and transgender²⁴

3.3 Acid Control Act, 2002

When acid assaults topped at about 500 detailed cases in 2002 the endless lion's share of which focused on ladies and young ladies, open weight and concerted activism by women's rights organizations and survivors impelled the government to order two laws: The acid Offense control Act, 2002 and the acid Control Act, 2002.²⁵

3.4 The Children Act, 2013

Though Bangladesh has gotten to be a party to the Joined together Countries convention on the Rights of the Child; and While it is convenient and fundamental to supply for a modern law to solidify and reenact the existing Children Act, by revoking it, for the reason of executing the arrangements of the said convention.²⁶

²⁴The Domestic Violence Protection and Prevention Act of 2010

²⁵ Acid Control Act, 2002.

²⁶Dr. NahidFerdousi .The children Act ,2013 ,A milestone of child protection ,24 september,2013
<https://www.thedailystar.net/news/the-children-act-2013-a-milestone-of-child-protection>

3.5 The Dowry Prohibition Act, 2017

Dowry Prohibition Act, 2017. It joins the prior Share Dowry Prohibition Act, 1980 and consequent alterations. The Act lays down 14 years' thorough detainment alongside fines for any person or people who incite any young lady to commit suicide over dowry. It includes a arrangement moreover for a life term of 12 years for hurting a lady over dowry. That the government has taken cognizance of the truth that share could be a genuine social illness that must be handled.²⁷

3.6 The Child Marriage Restraint Act, 2017

The current law in Bangladesh that addresses child marriage is the Child Marriage Restriction Act, 2017 (CMRA) canceling the prior British law of 1929. The Act sets the least age of marriage for a male as 21 a long time and for a female as 18 a long time. Segment 7 of this Act, 2017 given penalty for child marriage²⁸

3.7 The Penal Code of 1860

The Penal Code of 1860 – Bangladesh's key correctional statute, acquired from the colonial period - contains arrangements on ensuring ladies from different shapes of physical and sexual viciousness. In any case, the utilize of the term sexual badgering may be a generally later wonder, which began showing up in scholarly and arrangement talks as examined below.

The definition of assault in segment 375 of the Correctional Code remains in drive. It is characterized as sexual intercut committed by a man with a lady against her will or without her assent. This definition authorizes the conjugal assault of a young lady over the age of 13 beneath the Exemption clause. This states that sexual intercut by a man with his spouse, the spouse not being beneath thirteen a long time of age, isn't assault. Beneath the Corrective Code, the discipline for assault is either life detainment, or detainment for a term which may amplify to 10 a long time, nearby a fine. In cases of marital attack of a youthful woman not underneath 12 a long time antiquated, teach is reduced to a most prominent of two a long time of detainment and a fine. Section 354 of the Corrective Code gives that whoever attacks or employments criminal constrain against any lady,

²⁷Biplobchakrabarty, The dowry provision Act, 2017, 1st February, 2017, <https://www.thedailystar.net/editorial/the-dowry-prohibition-act-2017-1353904>

²⁸The Child Marriage Restraint Act, 2017

plans to shock her humility or knowing that this act will & shock her humility is rebuffed with a most extreme of two a long time of detainment and a fine. Section 509 criminalizes other sexual offenses that don't include physical contact. The segment indicates detainment for up to one year, or a fine, or both, for anybody who extraordinary to offended the humility of any lady articulates any word or sound aiming to be listened by a lady, shows any protest aiming to be seen by a lady, or interferes upon a woman's protection.

The Penal Code moreover indicates disciplines for offenses related to capturing, snatching or compelling a lady into marriage! 15, subjugation or constrained labor (sections 359-374). Be that as it may, these are at times, on the off chance that ever, conjured as they cover with ensuing Acts that criminalize these offenses.²⁹

3.8 The cruelty to women Ordinance 1983

The primary change came within the shape of the Cruelty to Women (Deterrent Punishment) Ordinance, 1983 beneath the military government of the late HM Ershad. It held the Corrective Code's definition of assault but increased the discipline for indicted attackers and for the primary time presented the passing punishment for rape-related offenses. Where the casualty passes on as a result of the assault (i.e. homicidal rape), the discipline was the passing punishment or life detainment. For assault causing appalling harmed or endeavored assault, the discipline was detainment for up to fourteen a long time or life detainment³⁰

3.9 The Rights and Protection of Persons with Disabilities Act, 2013

The Rights and Protection of Persons with Disabilities Act, 2013 (RPPD) asserts the rights of people with incapacities. Area 16 of the Act reveres their right to break even with lawful acknowledgment and get to equity, as well as the proper to be utilized in open and private foundations. Essentially, the Act notices their right to a secure, sound environment, and security from torment. It denies any shape of separation by any person, institution, specialist or organization against any individual with inability boundary to their rights pronounced within the Act.189 Segment 35 indicates that there cannot be any

²⁹The Penal Code of 1860

³⁰The cruelty to women Ordinance 1983

segregation or restriction against any individual with inabilities in terms of work for which they are qualified to apply³¹

3.10 Conclusion:

It is time for Bangladesh to come forward to diminish gender-based domestic violence episodes in lifestyle and any crisis. Bangladesh has got to define particular gender-based domestic violence rules and actualize laws appropriately. Most vitally, it is monstrously critical to acknowledge the patriarchal culture and state of sex imbalance within the nation and to require steps to handle the same effectively.

³¹Taslima Yasmin, Overview of laws, policies and practices on gender-based violence and harassment in the world of work in Bangladesh, 4 April, 2020, Page no -36

Chapter 4

An International instrument for preventing domestic violence

4. Introduction:

The Declaration of Human Rights changes the worldwide viewpoint on human rights. What I am doing to the citizens of my nation, whether I am doing it to them or not, is changing the state of mind of the states. Human rights have ended up the guard dog of each country within the world. The decree proposes that each human being has nobility, break even with and unavoidable rights, this acknowledgment will be the establishment of justice, peace and freedom within the world. There was no official obligations within the corner of this agreement. However it has since made critical commitments to the definition of worldwide settlements, the acknowledgment of human rights in constitutions in different nations, and the establishment of a worldwide culture of human rights. This statement is cited within the decisions of different household and outside courts. It is seen in terms of human rights measures all over the world. There are parcels of traditions to set up human rights, which are given underneath:

4.1 The Charter of the United Nations, 1945:

Concurring to the UN Charter, one of the purposes of the UN is to attain worldwide participation within the advancement and support of regard for human rights and crucial flexibilities for all without refinement as to race, sex, dialect or religion. Article 8 of the Constitution particularly states that, The UN might put no confinements on the qualification of men and ladies to take part in any capacity and beneath conditions of correspondence in its foremost and auxiliary organs. Articles 13, 55 and 76 of the Constitution call for the realization of human rights and crucial flexibilities “for all without refinement as to race, sex, dialect or religion.”³²

4.2 Universal Declaration of Human Rights, 1948: Here is the introduction that, though affirmation of the characteristic respectability and the rise to and essential rights of all people of the human family is the foundation of adaptability, value and peace inside the world.

Agreeing to Article 1 provided that, all human creatures are born free and rise to in nobility and rights. They are invested with reason and soul and ought to act towards one

³²Abdullah al Farque , International human rights law, October 2015 page no(189)

another in a soul of brotherhood. Article 7 said that all are break even with some time recently the law and are entitled without any discrimination to break even with security of the law. All are entitled to break even with security against any segregation in infringement of this Statement and any affectation to such discrimination. The Universal Declaration of Human Rights, 1948 also contains provisions for equality of men and women and prohibition of non-discrimination on the ground of race, sex, language or religion. Although the UDHR did not attempt to mention any particular right of women, Article 26 of it stated that motherhood and childhood should receive special protection from the state.³³

4.3 Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 (CEDAW):

The Government of Bangladesh confirmed the CEDAW on 6 November 1984. Article 11 commits the Part States to kill segregation against ladies within the field of business, and to guarantee the correspondence of ladies and men. As talked about over, the CEDAW Committees Common Proposal No. 19 (1992), entitled Savagery against Ladies confirms that gender-based violence, including sexual badgering, could be a frame of segregation. Commenting on article 11 of CEDAW, which relates to separation against ladies in work, the CEDAW Committee emphasized that correspondence in business can be genuinely impeded when women are subjected to gender-specific viciousness, such as sexual badgering within the workplace.

The Committee depicted a few behaviors or acts which can be categorized as sexual badgering, counting both categories of quid master quo and a unfriendly working environment. Common Proposal No. 35 of the CEDAW Committee prescribes state parties guarantee that all shapes of gender-based savagery against ladies in all circles - which sum to a infringement of their physical, sexual, or mental astuteness - are criminalized. It inclinations them to present without delay, or reinforce, lawful sanctions commensurate with the gravity of the offense, alongside civil remedies³⁴

³³ Universal Declaration of human rights, 1948 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

³⁴Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 (CEDAW) <https://www.un.org/womenwatch/daw/cedaw/>

4.4 The UN Declaration on the Elimination of Violence against Women, 1993:

Concurring to Article 1 of the affirmation characterizes that, violence against women as any act of gender-based violence that comes about in, or is likely to result in, physical, sexual or mental hurt or enduring to ladies, counting dangers of such acts, restraint or subjective hardship of freedom, whether happening in open or in private life. It too incorporates sexual badgering and terrorizing at work, in instructive educate and somewhere else, as portion of violence against women³⁵

4.5 The Beijing Declaration and Platform for Action, 1995:

The Beijing Stage for Activity (PFA) calls on governments and all other concerned parties to create programs and strategies to dispose of all shapes of viciousness against ladies, counting sexual badgering, in all instructive educate, working environments and somewhere else³⁶

4.6 International Covenant on Economic, Social and Cultural Rights, 1966: Concurring to Article 7 the States Parties to the display Contract recognize the proper of everybody to the satisfaction of fair and favorable conditions of work. Article 11 given the fundamental and same rights of uniformity between men and ladies. Article 12 said that, take suitable measures to kill segregation against ladies. Article 13(b) expressed that, fitting measures to dispose of separation against ladies in regions of financial, social life and specific other shapes of the monetary emergency On the other hand, Article 14(g) mentioned that, ensured the neutrality of equal rights between men and women.³⁷

³⁵Taslima Yasmin, Overview of laws, policies and practices on gender-based violence and harassment in the world of work in Bangladesh, 4 April, 2020, Page no -20

³⁶ Ibid footnote 38 page 20

³⁷International Covenant on Economic, Social and Cultural Rights, 1966: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

4.7 International Covenant on Civil and Political Rights, 1966:

Article 6 expressed that each human being has the characteristic right to life. This right should be secured by law. No one might be subjectively denied of his life. Article 7 expressed that No one might be subjected to torment or inhuman, cruel or debasing treatment or discipline. In specific, no one might be subjected without his free assent to restorative or logical experimentation. Besides, Article 16 moreover states that everybody might have the proper to acknowledgment all over as an individual before the law. Article 24 States that, each child might have, without any segregation as to race, color, sex, dialect, religion, national or social root, property or birth, the correct to such measures of assurance as are required by his status as a minor, on the portion of his family, society and the State. On the other hand, in Article 25 and 26 expressed that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.³⁸

4.8 The Convention on the Rights of the Child, 1989:

The best interest of the child is a key principle in the (The Convention on the Rights of the Child, 1989) CRC. So, CRC does not focus on the rights of the child in isolation but contains provisions recognizing the interrelationships between the child, the family and the State.

In article 2 of the convention, states parties accept a commitment to regard and guarantee the rights laid out within the Tradition without separation of any kind. This Article involves a commitment effectively to distinguish person children and gather of children for whom acknowledgment and realization of their rights may request extraordinary measures. Article 4 of the CRC requires that states should attempt all suitable administrative, regulatory and other measures for the execution of the rights recognized within the Convention". Common Comment No. 5 issued by the Committee on the Rights of Child states that when a State approves the CRC, it takes an commitment beneath universal law to execute it³⁹

³⁸International convention on civil and political rights, 1966 <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

³⁹ The Convention on the Rights of the Child, 1989 <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>

4.9 International Convention on the Elimination of all Forms of Racial Discrimination, 1966:

Here is the foremost reason that, The States Parties to this Convention, Considering that the Structure of the Joined together Nations is based on the measures of the regard and correspondence characteristic in all human animals which all Portion States have sworn themselves to require joint and divided movement, in support with the Organization, for the achievement of one of the purposes of the Joined together Nations which is to development and enable all-inclusive respect for and acknowledgment of human rights and basic openings for all, without capability as to race, sex, lingo or religion Moreover, International Convention on the Elimination of all Forms of Racial Discrimination 1966 provided, under Articles 2 and 5 mentioned that everybody can enjoy their rights without discrimination as regards race, color, national, ethical origin, equality before the law.⁴⁰

4.10 Agreed Conclusions of the Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls, 2013:

The Commission on the Status of Women's (CSW) concurred conclusions allude to the got to react to, anticipate and dispose of all forms of separation and savagery, counting sexual badgering within the working environment. In its concurred conclusions on Women's financial strengthening within the changing world of work embraced in 2017, the Commission encouraged governments at all levels to order, fortify and enforce laws and approaches to eliminate all shapes of viciousness and badgering against ladies of all ages within the world of work, within the open and private circles. It moreover encouraged states to supply an implies of viable change in cases of non-compliance. The Commissions concurred conclusions in 2018 emphasized the call for government programs and procedures for anticipating and killing sexual badgering against all ladies and young ladies, counting badgering within the working environment and schools. These conclusions emphasized effectively legal, preventive and protective measures for survivors/victims of sexual harassment or those where at risk of sexual harassment?⁴¹

⁴⁰International Convention on the Elimination of all Forms of Racial Discrimination, 1966 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

⁴¹ Ibid footnote 38 page-21

4.11 Conclusion:

The government should take appropriate steps to prevent human rights violations at the same time, the people of the society should be aware of human rights so that there is no inequality in the society. Because, for people to live with their dignity, they have to fight for their human rights.

Chapter 5

GENDER BASED DOMESTIC VIOLENCE

5. Introduction:

Domestic violence is a dynamic situation that is spreading rapidly across the country and its impact is not small in Bangladesh. In Bangladesh, we usually see that in the case of men and women who are victims of violence against transgender people and children, we can only see remedies for women and children. We have the Prevention of Domestic Violence Act 2010 in Bangladesh.

If we observe the Acts, we will see that the extent of implementation is a big question. Not only that, we can see, for women and children the Prevention of Domestic Violence Act, 2010 has been created. But how much of an implementation of this Act it has been questionable.

5.1 Women

5.1.2 Spousal violence:

Spousal manhandle, moreover alluded to as residential savagery or hint a accomplice viciousness, could be a behavioral cycle that includes enthusiastic, physical, or sexual savagery dispensed on an person in a household setting, such as cohabitation or marriage. Anybody can be a casualty, in any case of race, sex, age, sexual introduction, or financial foundation. Agreeing to the Joined together States Division of Equity, 1.3 million ladies and 835,000 men are casualties of physical savagery by an insinuate accomplice yearly. The results of spousal manhandle amplify past culprits and casualties, influencing their quick family, companions, and communities. Children witness spousal mishandle, neighbors may be pulled into the violence, and the manhandled may pull back from family and companions, and so on. Spousal manhandle goes past the dividers of any one person's domestic. So, Spousal mishandle, a more barely characterized adaptation of household savagery, involves a assortment of instruments utilized by one accomplice to control or control the other accomplice. One accomplice may be the sole abuser, or in a few cases both accomplices effectively mishandle each other in one or more ways. Spousal manhandle can be physical, sexual, or mental in nature⁴²

⁴²Heidi Bart Johnston and RuchiraTabassumNaved Spousal Violence in Bangladesh:
A Call for a Public health Response <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2740706/>

5.1.3 The impacts on spousal violence against women in Bangladesh:

Bangladesh has tall rates of spousal savagery against ladies (SVAW). Agreeing to Naved, Azim, Bhuiya, & Persson (2006), almost two fifths of ever-married, re-productive-aged ladies detailed having ever been physically manhandled by their spouses in country and urban regions of Bangladesh. Almost 50% of rustic ladies and 37% of urban ladies detailed lifetime inside marriage sexual viciousness (Garcia- Moreno et al., 2005). Lifetime passionate manhandle was detailed by 31% of the ladies within the country region and 44% of urban ladies (Garcia-Moreno et al., 2005).

Additionally, the developing body of investigate proposes that spousal savagery is profoundly predominant in Bangladesh. In 2001, almost 60% (59% in an urban range and 60% in a rustic range) of ladies detailed having ever-experienced physical or sexual spousal savagery. Steady with the worldwide slant, the overpowering lion's share of physical and sexual savagery against ladies was executed by spouses, not by other people. Whereas stunning tall, the rates of spousal viciousness reported in Bangladesh isn't abnormal. A later think about from the USA detailed that about half (44%) of more than 3,400 female individuals of a Seattle-based wellbeing agreeable detailed having experienced spousal savagery amid their grown-up lifetime On the other hand Marika (2006) from Australia suggests that. Female self-destructive ideation, which may be caused by household savagery, ought to be recognized as an imperative women's and open wellbeing issue. Boyle, Jones, and Lloyd (2006) contend that emergency physicians. Ought to consider inquiring almost self-destructive ideation in casualties of residential ambush. The discoveries propose that programs tending to SVAW ought to screen physically and/or sincerely mishandled ladies for self-destructive ideation and give the ladies with satisfactory mental wellbeing back. In expansion, ladies endeavoring suicide must be screened for introduction to viciousness and alluded to administrations managing with viciousness against women.⁴³

5.1.4 Some reasons why women are tolerated spousal violence relationships: There are lot of issues arise to tolerate spousal violence into relationship: These are:

⁴³Nazneen Akhtar MS RuchiraTabassumNaved MS, PhD a (Hons Spousal Violence Against Women and Suicidal Ideation in Bangladesh, Volume 18, Issue 6, November-December 2008, Pages 442-452

5.1.4.1 Sexual violence by husbands:

Whereas physical violence is well reported in Bangladesh, a really few thinks about have explored sexual savagery The WHO think about of 2001 found that 37% of ladies within the urban consider location and 50% ladies within the rustic study site detailed having been sexually abused by their spouses at a few point within the past, and 20% of urban and 24% of provincial Bangladeshi ladies detailed having been sexually abused by their spouses within the past year. There's a critical cover between ladies who have experienced physical savagery and sexual viciousness: 48% of provincial ladies and 41% of urban ladies who ever-experienced accomplice viciousness detailed having experienced both.

In reality, no enactment criminalizes sexual savagery inside marriage in Bangladesh, and constrained sex, or assault, inside marriage is predominant, especially among the exceptionally youthful couples. Twenty-four percent of urban ladies and 30% of country ladies detailed that there to begin with sexual involvement was constrained. Ladies matured less than 15 a long time at the time of to begin with sexual experience were more than twice as likely to have constrained to begin with sex compared to ladies who were matured over 18 a long time at to begin with sexual experience. **The recent case was:**

Hashi married her spouse Rubel Hossain, a day worker from Cumilla, at the age of 20. Two a long time afterward, they had their to begin with child, a child named Nirob. Concurring to Hashi brother, things between the couple went from awful to more awful before long after that. She depicted as torment. Rubel arrived and took her back to Comilla. In any case, as it were a day after that, she returned to her motherhouse after Rubel, once once more, got to be rough and mishandled her. One day, Rubel appeared up once more to require her domestic but she denied. At that point a intervention, or what we commonly known as a shalish, was.

Organized, which comprised of a few elderly neighbor's from the region in Korail where her mother and brother live. At this intervention, Hashi told those display that Rubel tormented her frequently, to the point that the torment was terrible for her. She asked the senior citizens to not put weight on her. She is detailed to have said, If you send me back to Comilla with my spouse, he will murder me this time When the intervention begun, Hashi denied to budge from her position. Her family and the local people cleared out her with her spouse and went domestic. That was the final time anybody saw her lively. The following day, her body, as well as the modest body of her three year ancient child, were recuperated from a lake close Korail within the capital Banani zone, weighed down with stones and bricks. Her family affirms that Rubel called Hashi brother, also a day worker, within the morning and told him to recoup their bodies from the lake where he had dumped them.

5.1.4.2 Emotional abuse by husbands:

Physical and sexual viciousness are more promptly quantifiable than passionate manhandle. In any case, comes about of subjective investigate illustrated that emotionally-abusive acts could be more obliterating than physically-abusive acts. The issue of enthusiastic mishandle is complex, and information are rare. In Bangladesh, 44% of urban ladies and 31% of provincial ladies in 2001 detailed ever having experienced passionate abuse-defined as those counting insuperable, mortification, terrorizing and dangers and 29% of urban ladies and 20% of rustic ladies detailed encountering passionate mishandle within the past year. Information collected in Jessore and Sirajganj, in 1993, appeared higher rates of verbal passionate mishandle, with 79% of currently-married ladies in one rustic region and 89% in another provincial region announcing ever having experienced verbal manhandle. Once more, these contrasts in levels of mishandle could be inferable to methodological contrasts and sociocultural varieties among the consider sites.⁴⁴

5.1.5 Critically analysis on spousal violence against women:

We look into our society that, when a man who lived in common zone might beat his companion within the occasion that helpful he comes residential from work and finds that his supper isn't arranged, or she serves him warmed rice from the morning dinner rather than normally cooked rice inside the family. Particularly evening, she ignores to do something, like washing a life partner shirt, or she does not respond quickly adequate when. There he asks her to do something, or he considers she is stillborn careless in caring for the children. Talking back expectations when condemned, taking off household without authorization, and coming up brief to comply the in-laws (concurring with the in-laws) are other common outlines of women spouses' behavior that affects their companions to overcome them. And a few ladies said that they were beaten for giving birth to girls. These cases recommend that there savagery against ladies is seen as advocated (or seen so by men) when ladies come up short to comply to have or conventional part desires. Ladies are required to be hard-working and particular and they are assembled life partners to bear children. In rural Bangladesh (as in another country India) share has progressed into a system of institutionalized shakedown, routinely fueled by violence against young companions. Brutality and perils of empower viciousness in exceptional cases in fact to the point of murder) are utilized to shakedown cash or property from the energetic woman relatives, in a few cases in wealth of what was ensured at the time the marriage was orchestrated. In expansion to blackmail of assets by means of the institution of settlement, men within the think about towns regularly appeared to feel that anything their spouses brought with them at marriage, acquired, earned, procured, or indeed borrowed was legitimately theirs.

⁴⁴ Ibid46

Moreover I went to visit to collect the primary data, case study and interview sessions with domestic violence experts Name: Mr.Dilip Pal (Lawyer at Dhaka Bar Association) at Ain o Salish Kendra (ASK) and also visited Bangladesh Legal Aid and service trust (BLAST) to collect data. ⁴⁵Those are called the Victims Support center. There are some sod off question answering sessions with expert Mr.Dilip pal about domestic violence in which have been given below:

1. What kind of support does your organization? Provide to those who are victims of domestic violence?

Answer:Our organization, Ain o salish Kendra supports many combines. If they think that it can be solved by arbitration then they set the case aside through mediation and if they do not think that the case is bail able then it helps to file a case and if they think that any person cannot stand up then they have been raped. In case we see them there we try to give them counseling where they can stand up and talk to us and sue her husband will not be with them. He will be in another place, we call him half way home and we will give him the treatment he needs

⁴⁵ S. Thureau **, I. Le Blanc-Louvry-, S. Thureau , C. Gricourt, 1 Rue de Germont. 76031 Rouen Cedex, France B. Proust aConjugal violence: A comparison of violence against men by women and women by men S. Thureau et al. / Journal of Forensic and Legal Medicine 31 (2015) 42-46

2. Approximately how many reports of cases come to you every year based on domestic violence?

Answer: Mediation and Rapid Response Unit Period: 01-Jan-2021 To 31-Dec-2021

Type:Complaints Domestic Violence

Total

Name of Violence	Number
A) Economical Torture	1
B) Physical and Psychological Torture By Family (Muslim)	1
C) Physical and Psychological torture by father (1)	1
d)Physical and Psychological torture by husband (76)	76
e) Physical Torture/ Assault/battery (92)	92
f)Psychological Torture (26)	26
Sub Total	197

3. Do you pay the full cost in case of domestic violence, or do the victims also provide something?

Answer:Our organization pays the full cost if the case goes from lower court to high court or appellate division then our organization pays the money. And don't give only in one case which is that when the victim himself goes, the witness has to appear and the money has to be given to him. But if the victim is financially weak then we also provide the money.

4. If you file a case on domestic violence, how long does it take for that case to reach a final decision?

Answer: It is difficult to say how many days the case will end because if any case goes through meditation it will be seen that one party is coming and another party is not coming. Again, if the case ever goes through court proceedings, then we can see that the case takes time. Those of us here who have sued Expert learned Lawyers understand the case and sue. Our Law and Arbitration Center wants us to give them a remedy through speedy trial. We, the expert learned lawyers here, try to find a way to get the case settled quickly.

5. Do the victims who come to sue for domestic violence bring awareness on their own, or through someone else?

Answer: Many of the domestic violence victims who come to us come through social media. Many come through third parties. She told him that I know this company can help you. Many come through his family. They come to our organization following many multi-dimensional ways.

6. What is the education rate of those who come to sue for domestic violence? Don't educate people come more and uneducated people come more to sue for being victims of domestic violence?

Answer: For those who have less formal knowledge, those who have studied up to class one to five, we think the proportion is much higher and 75% comes and those who want to sue a lot of educated people, it is up to them not to go through the mediation of court processing. So they come approximately 15%.

7. When women are victims of domestic violence, what percentage of them are victims of spousal violence? And what percentage are victims of the financial crisis?

Answer: We filed the case based on spousal violence victims are 60% and financial crisis (torture for dowry) 55% in 2021 approximately.

8. What percentage of domestic violence is perpetrated by women inside the family and outside the family?

Answer: Inside the family is 90% victims of domestic violence and outsiders of the family are victims of 10% domestic violence. Because we see that the transport and public toilets in Bangladesh are not women and child friendly.

9. Who are the most victims of domestic violence, married girls or unmarried girls?

Ans: Married girls are more likely to be victims of domestic violence than unmarried girls.

So, these are the question sessions with experts Mr. Dilip Pal based on domestic violence against women.

On the other hand there are a few recently filed cases which I had collected from Ain o salish Kendra which actually showed the current situations in Bangladesh of women: The name of the two parties will not be disclosed so, fact had been given from Ain o salish Kendra because of the privacy.

Fact of case 1: The plaintiff statement is that the plaintiff is a simple, law abiding Bangladeshi citizen and a member of a Muslim family. According to the Muslim law, the plaintiff and the defendant got married on 21/11/2004 in accordance with the rules of the registry cabinet at the rate of tk300000. After the marriage, the defendant started a family with the plaintiff in a rented house in Purandhaka, Dhaka and the marriage was consummated through the establishment of conjugal relationship. After the marriage, the plaintiff and the defendant got married for about 3 years. After 3 years of marriage, the defendant moved abroad (Saudi Arabia). Defendant did not communicate properly with the plaintiff since he went abroad and did not pay the plaintiff. Defendant returned to the country after a year and a half and demanded dowry for business from the plaintiff. The refusal of the plaintiff to pay the dowry caused quarrels and unrest in the family. Due to non-payment of dowry, the respondent was properly compensated. If the plaintiff demands his alimony, the defendant beats the plaintiff. If the defendant continues to be tortured because of the dowry, the plaintiff is compelled to inform his family. The mother of the plaintiff sells her gold items, borrows the money and the rest of the money and gives the defendant about 600000tk to run the drug business. A few days later, the plaintiff came to know that the defendant had borrowed about taka 6, 00,000 / - while doing business. Defendant does not come home from time to time as he is unable to repay the loan. The plaintiff did not properly pay the medical expenses of the plaintiff and their child after the birth of two children and even after they had grown up. When talking to the defendant about these matters, the defendant abuses and beats the plaintiff.

Fact of case 2: The plaintiff is a simple, law abiding Bangladeshi citizen and a member of a Muslim family. In 2014, the plaintiff and the defendant got married through Sharia Martabak through Maulvi. Subsequently, on 10/11/2019, according to the Muslim law, the plaintiff and the defendant got married at the rate of 400000tk after the marriage, the defendant started a family with the plaintiff in a rented house in Dhaka and their marriage was consummated through the establishment of conjugal relationship. After 4 years of marriage, the plaintiff and the defendant got married quite well. Since then, the defendant has been forcibly sent abroad (Saudi Arabia) to work and earn money. The plaintiff

returned to the country after being ill for 3 months and 10 days. The plaintiff comes to the country and goes to the family of the defendant. After the marriage, the plaintiff's sister-in-law does not accept the plaintiff, but the plaintiff's nun beats the defendant plaintiff due to his bad intellect. Defendant did not pay the plaintiff properly. The plaintiff used to work in other people's houses and run the household expenses.

5.2 Men

5.2.1 The social and legal effects for preventing domestic violence:

According to the Bangladesh Manabadhikar Bastabayan Sangstha (BMBS) database, in 2015, at slightest 500 men purportedly quelled by their spouses reached them for lawful counsel to proceed their family life without badgering. The database moreover appears that within the to begin with six months of that year, add up to of 26 men submitted composed affirmations of badgering against their spouses. In 2018, a piece distributed within The Gatekeeper expressed that one in six men encounters household viciousness, but as it were one in 20 tends to report. In 2020, an organization named Bangladesh Men Rights Establishment (BMRF) studied that 80% of hitched men are casualties of mental torment by their spouses (or their family individuals) in our nation. Presently the point of this article is, when we conversation approximately household viciousness, why don't we think that men can too be casualties of household violence. In our patriarchal society, it is regarded despicable. For men to uncover their enduring. The fear of appearing, female or not man sufficient continues. This toxic masculinity eventually affects a man and pushes him to start living in distress, unable to disclose inner feelings to anybody. So, we should adopt adequate measures to avoid such mental ill health. So, what are the preventive measures to protect men against gender based domestic violence.⁴⁶

I interviewed with expert Mr. Dilip pal (Lawyer at Dhaka bar Association), Ain o salish Kendra. He told me:

1. If the Men are not victims of domestic violence then why don't they want to come and the government has no specific laws for them so far then what kind of law or awareness do you think is needed to bring them to justice?

Questions Answer: In our Bangladesh context, the patriarchal society has a lot of empowered women in non-empowerment status. We can see that in case we do not have special law for men in Bangladesh they can sue General Penal Code 1860 but it was made for our women because women could not be covered by the Penal Code. Women were

⁴⁶Arafatullah, Bangladesh: Male victims of domestic violence demand gender-neutral laws, 20.11.2020 <https://www.dw.com/en/bangladesh-domestic-abuse-male-victims/a-55675124>

victims of acid and rape. Although sometimes if a girl commits domestic violence to a man then we have to see that a man must have been a victim of domestic violence in some way before. She may be from her husband house, she may be from her in-laws.

5.2.2 Crime committed against men in Bangladesh:

5.2.2.1 Domestic Violence

Who said that as it were females have to be confront household viciousness in their life? Men as well can confront residential viciousness and they do confront this in their day to day. Life. It is fair that we stand up and battle for the off-base done to ladies and the same goes dismissed for men. A number of residential savagery keeps happening to a man around us which we don't indeed realize.

5.2.2.2. False dowry cases

Typically the foremost basic circumstance these days. Law takes strict activities against the one taking or supporting settlement. This was one of the leading thing done until and unless ladies begun abusing the law in their favor. Ladies these days frequently wrong settlement cases to debilitate her spouse and his family additionally to urge benefits of her conjugal life. The pitiful portion is there are seldom cases where a man can demonstrate his guiltlessness and for the most part is found blameworthy in spite of doing nothing. In spite of the fact that, the law in numerous states have made changes to confirm whether a man is charged of such a case.

5.2.2.3 False rape and other charges

More often than not, in assault cases ladies are considered to be the casualty and there are tall chances of ladies getting the case in favor. In the event that a ladies reports a assault case, the guilty party will instantly be taken into care and will at any rate be looked down in a society as Indian individuals stands for assault casualties. Taking advantage of the solid women's liberation development, there are ladies who report untrue assault cases plans to require exact retribution or any such feelings of resentment etc. and thus many blameless men needs to confront discipline for things they did not do. Moreover, their

entire life may be a pollute. A few indeed incline toward to conclusion up with their life.⁴⁷

5.2.3 Necessity of specific laws for protecting domestic violence against men: The recent case was filed:

29 a long time ago Majed Evena Azad works for a private company in Dhaka, the capital of Bangladesh. He told DW that his spouse had rationally tormented him for a long time, but he couldn't get any offer assistance as the society he lives in does not accept that a lady can torment a man. Azad said that, a couple of days after getting hitched, she begun taking parts of cash from him whereas appearing no intrigued in having a conjugal life with him.⁴⁸

I had met her money related requests for a couple of a long time, Azad said. But, at a few point, he found that she has connections with a few other men like him. At that point, Azad's spouse recorded an untrue case against him beneath the Digital Security Act 2018, after he ceased satisfying her monetary requests. He had to remain in covering up for over a year to dodge capture, but as of late a court ruled that the case against him was created. Mr. Azad had to go through huge mental torment by her. Nobody accepted him when he attempted to urge back from others. Our laws are women-friendly and can easily be utilized to irritate a man, Azan included. So presently we are able watch that presently Azad will get the remedy? What can be done approximately his spouse domestic violence? Yes we are able say that Correctional Code 1860 can sue his spouse. But how appropriate the case will be since the greatest law of Bangladesh is to bargain with ladies and children. So, I think on the off chance that we had a particular law for men, men would get rise to treatment equally.

⁴⁷Md. Fahmedul Islam Dewan/ Contributor 29 November, 2021, How to address domestic violence against men in Bangladesh <https://www.tbsnews.net/thoughts/how-address-domestic-violence-against-men-bangladesh-3>

⁴⁸ Ibid footnote 50

5.3 Child

5.3.1 The current situation of domestic violence of children in Bangladesh:

Concurring to the media observing information from the National girl child Advocacy Forum (NGCAF) Bangladesh, indeed in spite of the fact that assault laws were revised final year to permit passing punishment, a add up to of 813 young lady children were subjected to assault, of whom 110 were gang-raped within the to begin with eight months of 2021. A add up to of 79 young lady children with incapacities were assaulted amid this period, whereas 127 confronted endeavored assault, the report found

Concurring to child rights specialists, what is sadder is that in spite of the fact that Economical Improvement Objectives 16.2 targets finishing manhandle, misuse, trafficking and all shapes of viciousness and torment against children by 2030, we are falling behind day by day. The information from NGCAF too said that a add up to of 193 young ladies were slaughtered, within the to begin with nine months of 2021, due to assault sexual attack and family debate, whereas another 153 young ladies passed on by suicide, and 140 were subjected to trafficking and kidnapping. A add up to of 1,253 young lady children were hitched off some time recently the age of 18 amid the widespread, concurring to a overview of the gathering conducted in 136 unions of Bangladesh from August 2020 to August this year.

On the opposite, data collected by The Everyday Star from 41 upazilas of 13 areas found around 10,741 young ladies and at slightest two boys being wrongfully hitched off amid school closures .The Multiple Indicator Cluster Survey (MICS) 2019, arranged by the Bangladesh Bureau of statistics (BBS) and Unicef through meeting 61,242 families from all 64 areas moreover found that nine out of 10 children experienced a few frame of rough restraining by their caregivers⁴⁹

Again I interviewed questionnaire sessions with expert Mr. Dilip Pal (Lawyer at Dhaka bar Association), Ain o salish Kendra. He answered me

⁴⁹Farzana Islam and Gulshan Ara Akhter, Original Child abuse in Bangladesh, May 2016 · Ibrahim Medical College Journal 9(1):18 DOI:10.3329/imcj.v901.27635

5.3.1 What is the percentage of cases of Domestic Violence against girls and boys and Domestic Violence against boys and girls and from what age do they start to be victims of Domestic Violence?

Ans: Ain o salish Kendra (ASK)

Mediation & Rapid Response Unit Period: 01-Jan-2021 to 31-Dec-2021

New Client Profile by Age and Gender

Age	Child (0-12)	Adolescent (13-17)	Adult (18+)
Female	27	33	628
Male	26	1	9

5.3.2 When a child is a victim of domestic violence, with whom does he come to report or file case?

Ans: When a child comes to sue with someone he feels more comfortable with. It could be his father, maybe his brother, maybe his mother. We have seen a case here where a boy's daughter has been the victim of domestic violence, in which case her father wants to marry her to that boy but she wants to sue, so she has come to our organizations with her brother and sued.

5.3.3 Social and legal effects domestic violence against children:

Violence within the domestic and sexual manhandle in childhood and puberty can have deep rooted wellbeing and advancement impacts, such as misery, low self-esteem, destitute school execution and challenges in psycho-social alteration. Pre-adult young ladies and the impaired are particularly at chance of repetitive SRH issues, such as undesirable pregnancies, hazardous premature births, sexually transmitted contaminations and higher dangers of HIV. Intercessions to anticipate sexual abuse and savagery within the to begin with put and to supply early discovery, care and advising for those who have been subjected to them can make a critical contrast in moderating prompt and long-term hurtful impacts. Juvenile young ladies and youthful ladies are particularly at chance of different shapes of GBV (Sexual orientation based viciousness) counting sexual savagery and trafficking; sexual mishandle, counting inbreeding, assault and destructive hones such as Female genital mutilation or cutting (FGM/C) and constrained marriage. They are at chance at domestic, in school, on the road, in their places of work (e.g., as production line, cultivate and residential laborers) and in refugee/displaced individual camps⁵⁰

⁵⁰ Ibid footnote 52

The recent case was filed:

As her mother works at a piece of clothing plant in Chattagong, Jeba lives with her day laborer father and close relatives in an inaccessible town of Patharghata upazila, beneath Barguna area. Prior this month, Jeba's maternal grandparents took her to their domestic in Bamna upazila of the area. When other family individuals were active working within the paddy field, Jeba's 15 a long time ancient step uncle assaulted her. The following day, when dying did not halt, the grandma called Jeba's father and inquired him to come and take the child to a specialist. When Jeba's father took her to the clinic, the specialist affirmed assault and recommended quick treatment. Jeba's father recorded a case against the culprit with the Bamna Police Station right away. We are presently attempting to capture the charged, indeed in spite of the fact that all the family individuals are departing suddenly, said the officer-in-charge of Bamna Police Station⁵¹

5.3.4 To prevent domestic violence for ensuring educational rights as a fundamental rights in Bangladesh comparative analysis between (India and The Maldives)

5.3.4.1 India:

Agreeing to the Structure of India (Eighty-sixth Amendment) Act, 2002 embedded that in Article 21(A) to supply free and obligatory education of all children within the age bunch of six to fourteen a long time as a Essential Right in such a way as the state may, by law, decide. 12 This correction was set up from the case law which was **"Miss Mohini Jain vs State of Karnataka and Ors on 30 July, 1992 AIR 1858, 1992 SCR (3) 658"**

Incomparable Court division seat chosen this case. Equity comprising of Kuldeep Singh and RM Sahai held that: Right to instruction is the quintessence of the correct to life and specifically streams and interlinks with it, and life living with respect can only be guaranteed when there's a critical part of education". This constitutional commitment came into constrain by passing the Correct of Children to Free and Obligatory Education Act 2009, and it was a noteworthy minute for the children of India.⁵²

5.3.4.2 Maldives:

Article 36 of Maldives constitution 2008 provided that, everyone has the right to education without discrimination of any kind and also stated that, the state should freely offer primary and secondary education.

⁵¹ <https://www.thedailystar.net/news/bangladesh/rights/news/rise-child-abuse-long-way-achieve-sdg-goals-2927416>

⁵² The education act 2009

Moreover, to ensure all the poor children's educational rights, Maldives has prepared an education response plan with support from the Global Partnership. In fact, the internet service provided 5 GB of data to every student. Also, their government is thinking that they will implement a new act so that they can give them proper education even in corona.⁵³

5.4 Transgender (Hijra)

5.4.1 The current situation of transgender in Bangladesh: According to Blast, Europe Union and Christian Aid 2021 mentioned that, Sexual and Gender Based Violence (SGBV) is more acute in these communities compared to the rest of the country due to their social. And economic vulnerability. 76% Transgender(Hijra) pointed that they have faced (SGBV) because of their identity. In fact, 99% Transgender and Hijra people responded that they never get invitation to these development activities and 47% transgender group reported not having access to education at all.

On the other hand, they are excluded from society and at some point in society they live in a place of neglect. Not only are they harassed by the police but they are also generally harassed by the people. Most of the hijra are seen as part of their traditional cultural part of the marriage and dance at the time of childbirth so that they can earn money in fact they beg at the bus stand. Many times it has been seen that they get involved in sex workers because they do not have any opportunity of income because they have no employment in job sectors, they have no treatment, no education system. Not only that, the change in his/her physical condition seems to have taken a big storm in his/her life. No one likes them. The family members, relatives and the whole society push them away and no one wants them in their territorial zone. Even if they live in the country as citizens, they cannot infringe on the rights of any citizen. They are treated as if they were an alien or a zoo animal and also they are perceived as a burden to society. Hijras are being neglected by the society and they are being ridiculed and alienated from the society. In this case, there is no discrimination. Yes, of course. Because, it is destroying their human dignity which directly violates their human rights.⁵⁴

⁵³<http://www.thauleem.net/>

⁵⁴RupalSharma, Inheritance Rights of Transgender A Cry of Humanity, ©2018 IJLMH | Volume 1, Issue 3 | ISSN: 2581-5369

5.4.2 Comparative analysis with other countries (India and United States of America)

5.4.2.1 India:

Even before, the condition of transgender was very miserable. Now the situation is improving because before the Hijras, there was no right to Hindu Succession Act 1956. No rights were mentioned about their rights but recently it was known that those in Uttar Pradesh transgender are getting their rights. For whom a light has been ensured which is called transgender persons (protection of rights) Act 2019 for transgender people in India. Their rights have been guaranteed here and also this specific law has been created for them through violence.⁵⁵In fact ,in this case laws,**National Legal Services Authority Versus Union of India and others Writ Petition (Civil) NO.604 OF 2013**⁵⁶It was held that, Middle and State Governments ought to truly address the issues being confronted by Hijras/Transgender such as residential violence fear, disgrace, sex dysphoria, social weight, misery, self-destructive propensities, social shame, etc.

5.4.2.2 The United States of America (USA):

In the United States of America we usually see that they developed the rights for transgender people. Where they have established education, healthcare rights and said that where they will not only be treated on the basis of gender but will be treated with dignity and no gender identity will prevail here. Civil Rights Act 1961 provided that there are places where sex discrimination and discrimination based on sex orientation and gender identity is prohibited. Not only that, survey in America have shown that when people are asked that, whether Hijras should really be given equal rights, and should prohibit discrimination for them. The maximum people have shown public awareness, which is a very good thing. Not only that, but transgender people will also get employment opportunity under the Equal Employment Opportunity Commission in 2012. The famous case “**Bostock v .Clayton & County, 590 U.S (15 june2020)**”⁵⁷ established that prohibited against the transgender discrimination in employment sectors. At the same time, they will be able to participate in political parties or leadership. For example: In 2020 election, Sarah McBride is becoming the first openly transgender state senator. She is to be elected in the United States of America. So, it has been observed here that, the

⁵⁵ Ibid footnote 58

⁵⁶National Legal Services Authority Versus Union of India and others Writ Petition (Civil) NO.604 OF 2013

⁵⁷Bostock v .Clayton& County, 590 U.S (15 june2020)

developing countries have gradually raised awareness of the discrimination against transgender people and they have taken adequate steps.⁵⁸

5.4.3 Conclusion: So we can say that gender-based domestic violence is not only harming them physically but also emotionally and their lives are coming to an end because they are not able to live a good life in society. Because they may be from family, may be external or may be internal, they are being subjected to various forms of domestic violence.

⁵⁸ <https://www.thoughtco.com/transgender-rights-in-the-united-states-721319>

Chapter 6

Recommendation and Conclusion

6. Introduction:

In the Bangladesh context gender based domestic violence increased day by day so, within this chapter.I have discussed the information on the scope of limitations, implementation of laws, policies and practices by stakeholders to prevent and respond to gender based domestic violence in Bangladesh and by giving the recommendations along with criticism.

6.1 Limitation of law and scope:

We have lot of International Conventions and treaties and domestic Acts for preventing domestic violence. But is that implemented in domestic violence that is a question. All of these Acts based on women and children.

Most of these laws and statutes segregate against women in marriage, separation, maintenance, and child custody(FAO, 2021). The legitimate securities for ladies and young ladies are concordant to other parts of the world as frail application and inclinations of law implementing offices are the nation (Weigard, 2012). Policymakers claimed that frail application of existing laws, delay in legal strategy, need of women's rights awareness, affectability, and delicate frameworks are the major reasons for segregation and savagery within the society of Bangladesh.

But what is the remedy of male and transgender people, those who are getting a victim of domestic violence? What will they do? Because there are no special Acts for them that's why they are suffering a lot to ensure their rights which is called gender neutrality. For a reason, males aren't getting any remedy when they are victims of male domestic violence. On the other hand, transgender peoples aren't getting any remedy when they are victims of domestic violence, and when they are being deprived of their education and property rights.⁵⁹

So, government should take the major steps for women and children for implemented all of this Acts and Established new Acts for male and transgender people for ensuring equality based on gender based domestic violence.

⁵⁹Md. Abu Shahan, Gender-Based Violence In Bangladesh: A Critical Analysis, Volume 1,Issue 2 November (2021),page :127-129,ISSN: 2798-6047,DOI: 10.47540/ijqr.vli2.306

6.2 Recommendation:

After evaluation, we get some Findings which are given below:

1. To implement all Acts which are based on women's and children's.
2. To established some new specific Acts for male and transgender people.
3. To establish a friendly and transportation system to protect victims of domestic violence.
4. To ensure all strict measures by the government against Discriminatory and unequal situation for gender based domestic violence.
5. To establish the uniform family code to get gender equality for women's and Children's.⁶⁰
6. To establish social awareness about gender based domestic violence.

⁶⁰ Speakers say at discussion on CEDAW uniform family code to make way for gender equality, Published on 12:00 AM, November 01, 2018

6.3 Conclusion:

Bangladesh has tried to achieve momentous advance Women's activists in making strides the conditions of ladies and children, activities especially on the ground of instruction, wellbeing, official nourishment, human rights, and other areas of fundamental must needs. They more likely appreciate rights and mentality openings which are playing exceptionally imperative parts in improving their socio- financial status. In spite of the fact that the condition of Bangladesh is still delicate, the government has been still attempting to make strides the living standard of its citizens by killing destitution and starvation through comprehensive programs, especially diminishing the feminization of destitution.

The government took programs to diminish disparities in living benchmarks between men and ladies and diminish the extending sexual orientation crevice in destitution but existing information claimed that ladies and young ladies have been enduring savagery, badgering, and separation made by the sexual orientation crevice and socio-economic delicate condition within the society.

In addition, the conditions of ladies and children of Bangladesh are not very favorable and agreeable since numerous damaging and destructive exercises still exist within the shapes of savagery, badgering, and hardship of human rights. These investigate found that, the predominance of assault and sexual ambush has existed that took numerous lives of ladies and young ladies as well as they take to endeavor to commit suicide. Especially, it is seen that spouse has been overwhelmed and persecuted by spouse or spouses family individuals due to share or claim their rights to dissent against household viciousness counting early marriage child, residential has been oppressed and annoyed within the shapes of assault, torment, mental weight, work burden, and sexually attack. In reality, these powerless circumstances of ladies and of young ladies, children have been focused on to savagery and sexual ambush indoor and open air of the domestic. But tragically, there's no law for male and transgender to guarantee their rights⁶¹

So, government ought to be taken activities for executing the existing laws and the official handle of laws and defensive measures must be straightforward and responsible as well as the attitude of mass individuals must be a positive alter towards women children, male and transgender for ensuring equality and neutrality. When we implement these existing laws very well and establish new laws as well for male and transgender people, then there will be no more violence.

⁶¹ Ibid footnote 61

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