

Barriers to Obtaining Legal Remedies for Domestic Violence: A Case Study of the 2010 Domestic Violence (Prevention and Protection) Act

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Abstract: Domestic violence, especially abuse against wives or female cohabitants, is a serious problem in many countries, including Bangladesh. More than half of Bangladeshi women suffer physical abuse in their own homes, which is shocking. But Bangladesh's legal system has always been more sensitive to violence outside of the home than to violence inside the home. Women who have been victims of domestic violence face several challenges while seeking justice in civil court. When they try to report such incidents, they often get pushback from friends, family, and law enforcement officers. Even though different laws have been passed over time, including a new comprehensive law on domestic violence, none of them have been able to solve the problem. They haven't been able to cut down on domestic abuse or speed up the court system. The objectives of this study are to find out how women who have been abused by their husbands use legal services to deal with their problems, as well as how non-government organisations help them with civil legal matters. The study also looks at the problems associated with putting laws into place in Bangladesh to protect women from domestic violence. The discussion in this article is based on a combination of primary and secondary data sources, as well as qualitative research conducted in the Dhaka Metropolitan Area of Bangladesh. By using purposive sampling methods, twenty people seeking civil legal aid were selected for interviews.

Keywords: Access to the judiciary, constitutional guarantees, domestic violence, legal aid, and protection orders.

1. Introduction

Domestic violence is commonly recognised as a complex socioeconomic problem.¹ It is a complicated and multifaceted issue that has been widely researched in a wide range of fields, including sociology, psychology, criminal justice, public health, law, and social work.² Domestic violence, particularly violence against a wife or female cohabitant, is a serious social issue in most nations, including Bangladesh. In our traditional social framework, domestic violence was seen as a private matter that never received public attention. Domestic violence among

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¹ MS Heo, "Globally Agreed upon, Locally Troubled: The Construction of Anti-Violence Legislation, Human Rights Discourse, and Domestic Violence in South Korea" (dissertation Ohio State University 2008).

² CR Drum, "Power, legitimating, and drawing distinctions: Rendering of 'public' and 'private' in United States domestic violence policymaking" (Dissertation 2004)

intimate partners within the home is the most invisible and challenging area of public policy to address.³ According to Nussbaum, any act of gender-based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether it occurs in public or private life, is domestic violence.⁴ Bangladesh has approved and ratified a number of international treaties and conventions designed to protect women from violence. The Constitution of 1972 also guarantees the fundamental rights of women. Prior to the passage of the Domestic Violence (Prevention and Protection) Act of 2010, no Bangladeshi legislation addressed domestic violence, despite its pervasiveness in all sectors of society.

Domestic abuse continues to be a significant factor impeding women's ability to enjoy basic freedoms and is a grave violation of human rights. During the early 1990s, the global community recognised the prevention and protection of women from violence in intimate partner and family relationships as a crucial human rights concern.⁵ Historically, domestic violence was regarded as less serious than that committed in public.⁶ There is an alarming amount of domestic violence around the world, and it has become a major issue for national and international public policy.⁷ Nearly one in every two Bangladeshi women faces physical violence at home.⁸ It is an accepted aspect of family life in Bangladesh. In 2011, a survey conducted by the Bangladesh Bureau of Statistics and the United Nations Population Fund (UNFPA) revealed that up to 87% of married women in Bangladesh were victims of domestic violence; nine out of ten husbands subjected their wives to physical, psychological, financial, and sexual abuse.⁹ This indicates that women are not safe in their own homes, as they are more likely to be murdered by their partners or family members in their own homes than anywhere else.¹⁰ Numerous victims of relationship or spouse abuse do not report their experiences to authorities or even counselling organisations.¹¹ Domestic abuse is typically

³ N Meyer-Emerick, "Policymakers, practitioners, citizens perceptions of the violence against women Act of 1994" (2021) Administration and Society, Sage Publications. 33(6).

⁴ MC Nussbaum, "Creating capabilities: The human development approach" (2011).

⁵ T. Ignjatovic and V. Macanovic, 'Challenges in the Implementation of the Law on the Prevention of Domestic Violence in Serbia' (2018) 21(1) Temida 41-66.

⁶ SE Merry, Gender Violence a Cultural Perspective (Wiley-Blackwell 2011).

⁷ R de Silva de Alwis, "Domestic Violence Lawmaking in Asia: Some Innovative Trends in Feminist Lawmaking" (2012) 29 UCLA Pacific Basin Law Journal.

⁸ EH Chowdhury, "Rethinking Patriarchy, Culture and Masculinity: Transnational Narratives of Gender Violence and Human Rights Advocacy" (2015) 16 Journal of International Women's Studies 98.

⁹ AR Khan, "A chronicle of the global movement to combat violence against women: The role of the second-wave feminist movement and the United Nations: The perspective of Bangladesh" (2015) 16 Journal of International Women's Studies 213.

¹⁰ Human Rights Principles" (2011) 33 Human Rights Quarterly 790.

¹¹ M. Harless Sarah, "From the Bedroom to the Courtroom: The Impact of Domestic Violence Law on Marital Rape Victims" (2003) 35 Rutgers LJ 305.

viewed as a private and normal matter. A large number of incidents remain unreported and hidden behind closed doors.¹²

Domestic violence is underreported in Bangladesh and around the world. Today, women who wish to report domestic violence may encounter overburdened prosecutors, reluctant friends and family, and sometimes unfriendly law enforcement authorities. While domestic violence laws are meant to protect women from all types of physical, emotional, sexual, and economic abuse, they may end up harming women by preventing them from obtaining legal assistance unless they are experiencing life-threatening or catastrophic injuries.¹³ Domestic violence survivors and their children often face significant civil law needs that are not being met. In spite of abundant evidence demonstrating that legal aid can enhance outcomes, nearly half of those seeking legal aid are denied due to a lack of funds.

This article examines the research and data regarding the obstacles the victim encounters in obtaining legal aid under this statute. The research is notable because victims explain their contacts with the legal system, including issues and future possibilities. Policymakers may be able to use this information to strengthen laws in the future. Women who used civil legal services and lawyers backed by NGOs, as well as service provider activists, are interviewed regarding their impressions of access, procedure, and outcome-related issues. Twenty respondents from various strata were recruited for a questionnaire interview using qualitative methods of purposive sampling. Purposive sampling is a sort of non-probability sampling that is most useful when studying a specific cultural domain with the assistance of qualified specialists.¹⁴ Twenty respondents from various categories were picked on purpose. The data were obtained between September and November of 2021. Among the twenty interviewees, ten were victim women seeking assistance from NGO-based legal support services; five were legal services provider activists and lawyers; three were victims' family members; one was a protection officer; and one was a police officer. The participants' ages ranged from 30 to 49 years old. Eight of the ten female victims were between the ages of 30 and 39, while two were between the ages of 40 and 49.

2. Laws, Policies, and Constitutional Guarantees Regarding Violence Against Women in Bangladesh

Since its independence, Bangladesh has enacted a number of laws that have had an influence on women's lives, either directly or indirectly. Many of these laws

¹² PK Thapa, "An Analytical study on Domestic Violence Law Nepalese Perspectives" (2016) Tribhuvan University (dissertation 2016).

¹³ Sarah (n 11).

¹⁴ MD Tongco, "Purposive Sampling as a Tool for Informant Selection" (2007) 5 Ethnobotany Research and Applications 147.

have been changed as a result of pressure from women's organisations, with the goal of making them more relevant and effective. However, the state's approach to gender inequality has been criticised for demonstrating both progress and failures in favouring women-friendly legislation. Scholars contend that Bangladesh's legal structure fosters profoundly embedded gender stereotypes, roles, and connections, thereby contributing to women's subjugation. Bangladesh has attempted to improve women's positions and combat gender-based violence through legal reforms. The government of Bangladesh has enacted a number of laws to protect women and combat discrimination, including the Dowry Prohibition Act of 1980, the Woman and Children Repression Prevention Act of 2000, and the Acid Crime Prevention Act of 2002.¹⁵ To address violence against women, Bangladesh has enacted a number of laws, regulations, and constitutional safeguards. Article 28 of the Bangladesh Constitution ensures equality and non-discrimination, and Article 28(2) clearly states that women have equal rights with men in all spheres of state and public life. The Women and Children Repression Prevention Act (Nari O Shishu Nirjatan Daman Ain) of 2000 criminalised several types of abuse against women, including trafficking, kidnapping, rape, sexual assault, and dowry violence. The Act created independent tribunals in each district to handle these offences in accordance with the Code of Criminal Procedure. The Multi-Sectoral Programme on Violence Against Women (MSPVAW) began in 2004 and is scheduled to continue until June 2021. It resulted in the creation of critical institutions such as National DNA Laboratories, One-Stop Crisis Centres (OCCs), a National Trauma Counselling Centre, a National Centre on Gender-Based Violence, and a 24-hour National Helpline Centre. The Supreme Court's High Court Division issued guidelines on sexual harassment in 2009, emphasising the necessity for a legislative framework to tackle this issue. Until appropriate laws could be implemented, these directives issued explicit guidance to corporations and educational institutions.

However, each of these pieces of legislation falls short of adequately addressing the numerous forms of domestic violence. Despite the prevalence of domestic violence in Bangladesh, the legal structure in place prior to the passage of the DVPPA did not allow any meaningful recourse for domestic violence victims. Before the 2010 Domestic Violence (Prevention and Protection) Act, domestic violence victims had little access to legal remedies. However, none of this VAW legislation adequately addresses domestic violence in Bangladesh. This paper provides background information on domestic violence and an overview of the legislation enacted by the government to address it. This study looks at how this law's legal help isn't enough and suggests a number of public policy solutions to these deep-seated socioeconomic problems. Prior to the passage of the Domestic Violence Prevention and Protection Act (DVPPA), women in situations of dowry-

¹⁵ M Jahan, "How Legal Change Happened through Effective Policy Advocacy in Bangladesh: Adoption of the Domestic Violence Law" (2017) 23 *Asian Journal of Women's Studies* 401.

related torture could pursue criminal punishment under the Dowry Prohibition Act. Despite current legislative efforts to prevent domestic violence, the incidence of such crimes in Bangladesh has been growing. Because the long-held assumption that domestic violence is a private problem has silenced countless victims throughout the years, official figures barely capture a portion of the real instances.¹⁶ Numerous scholars, however, have seen a persistent and broad acceptance of violence by Bangladeshi males towards their female partners.¹⁷ It is clear that just enacting rules does not guarantee a reduction in violence or adequate case registration. Furthermore, there are differences in how police record offences under various law sections, which vary depending on local and regional contexts. Other significant measures include the Persons with Disabilities Act 2013, the Domestic Workers Protection and Welfare Policy 2015, the National Women Development Policy 2011, the National Health Policy 2011, the 7th Five-Year Plan 2016-2020, and the National Action Plan on Violence Against Women 2013-2025. These policies and programmes aim to eradicate discrimination and abuse against women and address gender disparity.

Despite these legal and policy measures, difficulties remain. All of those policies and laws fall short of addressing domestic abuse, and victims frequently encounter hurdles to pursuing legal remedies. More extensive and targeted measures, as well as public policy solutions, are required to address the underlying socioeconomic issues that contribute to violence against women in Bangladesh. Prior to the passage of the Domestic Violence Prevention and Protection Act (DVPPA), women in situations of dowry-related torture could pursue criminal punishment for domestic abuse under the Bangladesh Penal Code or the Dowry Prohibition Act. The Domestic Violence (Prevention and Protection) Act was introduced in 2010 as Bangladesh's first legislation addressing domestic abuse. Despite current legislative efforts to prevent dowry and domestic violence, the incidence of such crimes in Bangladesh has been growing. Because the long-held assumption that domestic violence is a private problem has silenced countless victims throughout the years, official figures barely capture a portion of the real instances.¹⁸ It is clear that just enacting rules does not guarantee a reduction in violence or adequate case registration. Furthermore, there are differences in how police record offences under various law sections, which vary depending on local and regional contexts.

¹⁶ RT Naved and others, 'Physical violence by husbands: magnitude, disclosure, and help-seeking behavior of women in Bangladesh' (2006) 62 *Social Science & Medicine* 2917-2929.

¹⁷ SR Schuler and F Islam, 'Women's acceptance of intimate partner violence within marriage in rural Bangladesh' (2008) 39(1) *Studies in Family Planning* 49-58.

¹⁸ Khan (n 9).

3. The Domestic Violence (Prevention and Protection) Act

Initially, domestic violence was seen as a private, familial matter.¹⁹ It became an issue of public concern necessitating government intervention upon the inception of the women's movement. In the 1970s, the effort to eradicate domestic abuse gained pace. Domestic violence garnered official attention in the 1970s, and the public grew more aware of the standing of women in society and the prevalence and severity of domestic abuse.²⁰ Dobash and Dobash state domestic violence became a political problem immediately as the government began managing public morality, social concerns, and fear of crime.²¹ Society assumed that the matter would be settled at home by the husband and wife, and if this was not the case, the victims were encouraged to seek assistance from the community.²² According to Daniels, before domestic abuse legislation was implemented, the legal systems of a number of nations considered wife bashing an acceptable form of husband control.²³ Several nations, including the United States, had prohibited wife beating by the 1920s.²⁴

Bangladesh had a variety of laws against violence against women prior to the passage of the Domestic Abuse Act, but none particularly addressed domestic abuse. Prior to 2010, domestic abuse was never addressed by government policy.²⁵ The Domestic Violence (Prevention and Protection) Act was enacted in Bangladesh in 2010 and implemented in 2013. The DVPPA aims to provide survivors of domestic abuse with comprehensive assistance, protect their rights, and facilitate their access to safety, justice, and empowerment.

Survivors of domestic violence can petition the court for protection orders that prohibit the abuser from contacting or approaching the survivor and provide urgent safety. The law recognises the importance of custody and visitation rights for domestic violence survivors and their children. It enables victims to seek assistance from court-based agencies for custody, maintenance, and paternity matters. Survivors of domestic violence may be eligible for assistance with housing acquisition and maintenance. The law recognises the significance of survivors and their children residing in stable, secure homes. The law emphasises the need for

¹⁹ Sarah (n 11).

²⁰ EB Rodrigues, "The Role of Police and Courts in the Implementation of Domestic Violence Policy in Brazil" (dissertation2015)

²¹ RE Dobash and RP Dobash, *Violence against Wives* (Open Books 1980)

²² J Fagan, *The criminalization of domestic violence: Promises and limits* (Washington D.C. National Institute of Justice 1996)

²³ DM Romain, "Examining the Processes of Social Construction on Decision-Making in Domestic Violence Probation Review Hearings" (UWM Digital Commons) <[https://dc.uwm.edu/ etd/1686 />](https://dc.uwm.edu/etd/1686/>)> accessed October 25, 2022

²⁴ C Hanna, "Domestic Violence" (Encyclopedia of Crime and Justice2002) <[http://www. encyclopedia.com/topic/Domestic_violence.aspx>](http://www.encyclopedia.com/topic/Domestic_violence.aspx>)> accessed 5 June 2023.

²⁵ FE Ahmed, "The Compassionate Courtroom: Feminist Governance, Discourse, and Islam in a Bangladeshi Shalish" (2013) 25 *Feminist Formations* 157

legal aid services to address the civil legal needs of domestic violence survivors and their children. Legal aid can aid survivors in obtaining protection orders, gaining custody of their children, navigating divorce proceedings, and addressing other legal issues.

The law recognises that many survivors of domestic violence may not recognise their problems as legal or seek legal aid. Efforts are being made to strengthen survivors' access to legal aid services and increase awareness of existing legal protections. This law provides special protection and aid to victims of domestic violence, including residency, protection, custody, support, and compensation. The law recognises and mandates the prevention of domestic violence.²⁶ This statute establishes protection, residence, compensation, child custody, and all judicial decisions. This law mandates that the Court rule on all applications within sixty days after notification. Due to unforeseen events, the court may extend the time to 15 days and then 7 days.²⁷ If the competent court fails to render a decision before the final deadline, the Appellate Court may transfer the case to another relevant court, which would prolong the pending phase.²⁸

The statute imposes requirements on domestic abuse protection officials, support services, and police officers. Each police station must contain a domestic violence and family-related unit with at least one officer. The police must also welcome victims of domestic violence and honour their right to file complaints in private. Prior to this law, domestic violence victims had to complete their paperwork in public at the police station, making it more difficult for women to acknowledge personal attacks. Women who experienced domestic violence were either too ashamed to report it to the authorities or feared reprisal, divorce, or the loss of their children if they did.

This law stipulates that a Judicial Magistrate or a Metropolitan Magistrate must hear petitions, trials, and hearings and make compensation orders. She can enter the shared residence with a court order and an enforcement officer to confiscate personal goods, medical, educational, and professional records, a passport, cash, jewellery, a mobile phone, bank account information, income tax papers, and other documents and assets. The law gives rights and remedies to domestic violence victims, however many do not get them. Many individuals are unaware that domestic abuse victims have legal remedies. The law also stipulates the duties of the protection officer, support services, and police officers in cases of domestic abuse. Prior to the enactment of this law, domestic violence victims had to file their cases in the presence of others at the police station, making it extremely difficult

²⁶ S Naveed and DK Butt, "Causes and consequences of child marriages in South Asia: Pakistan's perspective" (2015) *South Asian Studies*30(2)

²⁷ BNWLA (Bangladesh National Woman Lawyers' Association), "Ending Impunity Monitoring Report for the Implementation of the Domestic Violence (Prevention and Protection) Act 2010" (2013) Dhaka: BNWLA.

²⁸ Jahan (n 15).

for women to confess intimate assaults. To underscore its commitment to the Act's execution, the Ministry of Women and Children Affairs established the National Helpline Centre for Violence Against Women and Children for Bangladeshi women's and children's victims in order to give prompt support to victims and link them to relevant agencies.

4. Legal Aid for Domestic Abuse Victims

Legal services under the domestic violence law play an essential role in reducing domestic violence worldwide by facilitating survivors' access to safety and security.²⁹ A well-known study analysing the decline of domestic violence in the 1990s in the United States identified the increased availability of legal services as a significant contributor to this positive trend.³⁰ In many countries, legal services designed to assist survivors of domestic violence in obtaining protection orders were the most effective at preventing violence. When survivors received legal assistance in obtaining civil protection orders, violence and tension decreased significantly over time. A study shows, protection orders played a crucial role in preventing insecurity in Nepal due to domestic violence.³¹

This study examines both the positive impact and the obstacles encountered during the domestic violence laws implementation process. According to studies, individuals who have access to legal representation and legal aid are less likely to receive default judgements in debt collection cases. Legal aid can also assist domestic violence survivors in retaining or acquiring housing, significantly increasing their likelihood of residing in a secure environment. Domestic violence legislation is significant because it recognises domestic violence as an issue for the first time. It requires great courage and conviction on the part of a victim of domestic abuse to come forward with a complaint. The survivors are aware of their persecution, and that is why they come fearlessly and file complaints. The 2010 Domestic Violence Law has benefited victimised women in numerous ways. Despite the lack of sufficient data regarding the filing of cases under this law since its passage in 2013, it has provided detailed guidelines that indirectly contribute to the reduction of domestic violence. Nongovernmental organisations (NGOs) in Bangladesh play a crucial role in assisting domestic violence survivors with legal matters. This study interviewed 20 survivors in the Mohammadpur Thana areas of Dhaka who had contacted NGOs for organised legal support services and lodged complaints. Twelve victims initially sought assistance from the NGOs. During these interviews, survivors were asked why they approached NGOs rather than filing a case directly under the 2010 Domestic Violence Act. Their response suggested they were uncertain as to whether they would receive adequate support

²⁹ C Chiappetta, 'Reducing Domestic Violence and Improving Outcomes for Children: Funding Civil Legal Aid to Maximize Impact' (2019) 57 Family Court Review 465-477.

³⁰ Ibid.

³¹ Thapa (n 12).

for their family abuse problems. They anticipated that by submitting a complaint to the NGO, their husbands would be compelled to engage in a process of mutual resolution that would be facilitated by the assistance of the NGO.

During an interview with Taposhi Rabeya, a research officer of an NGO, she highlighted the challenges faced in addressing the issue of wife abuse prior to the activation of the new DVPPA rule. She mentioned that victims' lawyers would often resort to filing cases under the Dowry Prohibition Act, even when the abuse was unrelated to dowry demands. Taposhi acknowledged the lack of other applicable laws to address verbal or physical abuse within the home. She emphasised that the DVPPA has effectively bridged this gap by providing a much-needed legal framework to tackle domestic abuse. The presence of non-governmental organisations (NGOs) providing legal aid has become an important resource for survivors, providing them with alternatives and assistance outside the formal legal system.

In the interview, a lawyer representing a victim who filed divorce and child custody orders in the Family Court of Bangladesh shared their client's experience. They explained that the client was also a victim of domestic abuse by her husband and in-laws. The client's husband had extramarital affairs and verbally abused his wife, threatening to evict her from their home without any financial support. The lawyer emphasised the importance of handling domestic violence cases in family court, as it would encourage more victims to seek legal support to secure their residence, maintenance, and custody orders. The lawyer expressed hope that if such cases could be dealt with in family court, victims would be more willing to come forward, knowing that they would not risk being homeless due to the legal proceedings initiated against their husbands. The lawyer expressed optimism that the DVPPA would soon become popular among victims, highlighting its potential positive impact on addressing their needs. She also proposed the inclusion and coordination of the activities of the family court in the prosecution process. According to her suggestion, this collaborative approach would enable victims who hesitate to approach the civil court to file complaints with the family court instead. If the family court identifies any instances of abuse, they could then transfer the case to the civil court, which could issue rulings to prevent divorce proceedings until the domestic abuse case is resolved.

5. Challenges in Obtaining Legal Support under the Domestic Violence Law

The justice delivery system in Bangladesh is delayed, as are all other laws. Not only are the DVPPA's loopholes to blame, but so is our traditional legal system, which prevents the victim from providing a fast verdict. The law faces many challenges in practise. Both victims and their lawyers showed their apathy towards filing a case under this law due to its loopholes. The difference can be made by

enhancing the implementation provisions. The allocation of resources and heightened sensitivity must also be accompanied by state assistance. The DVPPA suggests rapid discussions on accelerated implementation and justice within 60 days. This research did not find a judgement under this legislation until the year 2020. Lack of information, understanding, and apathy on the part of lawyers, victims, and service providers prolong certain cases. The legal process is as slow as it is in all situations. As the purpose of this statute is protection rather than punishment, the majority of cases end in divorce or mutual settlement. A study from India reveals that a lack of knowledge and awareness among victims and service providers is a major cause of non-implementation.³² Certain service providers and protection officers were unable to reply to the victim's initial information report due to the increasing workload. Most complaints used to be settled mutually rather than through formal procedures. A couple of studies in Bangladesh also found the same barriers to getting legal support.³³ Families and friends insist on settling domestic violence incidences mutually in Bangladesh too. Victims are fully reliant on service providers since they are unaware of the appropriate legal standards. Domestic violence charges can be hard to prove in court. Even after filing a complaint under the law against domestic violence, some victims refuse to help the police. Most of the time, people want to save their marriage by talking to each other. Twelve people said they knew about domestic abuse and the laws that protect people from it. The criminal justice system's harsh response could make people less likely to report crimes like domestic abuse. Advocates and people who work to stop domestic violence say that the police, protection officers, and courts should be trained to take domestic abuse as seriously as they do other crimes.

The DVPP Act of 2010 gives rights and remedies to domestic violence victims; however, many do not get them. Many individuals are unaware that domestic abuse victims have legal remedies. The law also stipulates the duties of the protection officer, support services, and police officers in cases of domestic abuse. Prior to the enactment of this Act, domestic violence victims had to file their cases in the presence of others at the police station, making it extremely difficult for women to confess intimate assaults. To underscore its commitment to the Act's execution, the Ministry of Women's Affairs established the Domestic Violence Committee, which oversees the Act's implementation. On June 19, 2012, the Ministry of Women and Children Affairs established the National Helpline Centre for Violence Against Women and Children for Bangladeshi women and children's victims in order to give prompt support to victims and link them to relevant

³² D Carpenter and V Polly, "Protecting Women from Domestic Violence in Assam, India? Evaluating Section 498-a, the Indian Penal Code (IPC), 1983 Vs the Protection of Women from Domestic Violence Act (PWDVA), 2005" (2016) *Journal of international women's studies* 18 (1).

³³ Tulshi Kumar Das, Md Fakhrul Alam, Rituparna Bhattacharyya, and Amina Pervin, 'Causes and contexts of domestic violence: Tales of help-seeking married women in Sylhet, Bangladesh' (2015) 9 *Asian Social Work and Policy Review* 163.

agencies.³⁴ With the assistance of international donor agencies and the United Nations, the government provides training to police officers, judges, attorneys, and support offices. The adoption of the Domestic Violence Act indicates the nation's commitment to preventing domestic violence.

The DVPPA was needed because previous laws against violence against women weren't working. But the way the DVPPA is being used raises questions about how well it will work. Many of its supporters said it was a toothless bill that was weaker than the current Dowry Prohibition Act in Bangladesh. Laws against violence against women haven't helped women get justice in the past because the Act was abused, and law enforcement wasn't doing its job. A report from the police and prisons says that both victims and police have broken the law on dowry violence.³⁵ But there are no statistics to help us figure out how big this problem is. Also, the DVPP Act has been criticised for being hard to understand and for making it impossible to stop a divorce or annulment after a lawsuit has been filed under it. In the Act, for example, verbal and emotional abuse are both named. So, mental and verbal attacks could be taken the wrong way.

Non-government Organisations like BLAST (Bangladesh Legal Aid and Services Trust), BNWLA (Bangladesh National Women's Lawyers Association), We Can Bangladesh, and ASK (Ain o Shalish Kendra) have been helping victims of domestic violence for decades by saying that legal help is a public duty. They provide low-income customers who seek civil legal assistance with free legal services. Even though there are efforts to help women with low or moderate incomes get civil legal services, most women don't have enough help to handle their own cases. Due to poor services and high costs, a lot of women who have suffered minor injuries have chosen not to get legal help. During interviews with women's advocates, it was found that over half of domestic violence cases were denied legal assistance due to a lack of resources and appropriate consequences. About 1500 women are helped each year by the BNWLA Legal Support Programme, which mainly helps domestic abuse victims with their civil legal problems. These women are especially at risk for long-term abuse because they don't have a lot of legal options and depend on their abuser for money.

Both victims and advocates are concerned about the DVPPA's strength and efficacy. There is uncertainty about the scope of this law's support and its actual application. Some victims' lawyers have even labelled it a toothless law. As a result, many victims choose to file lawsuits under the Dowry Prohibition Act, which has more specific measures, including arrest orders and non-bailable arrest warrants. The DVPPA has also been criticised for ignoring male and child victims of domestic violence. Laws addressing violence against women have frequently failed to achieve justice in the past owing to misapplication or inadequate police

³⁴ Khan (n 9).

³⁵ Naveed and Butt (n 26).

enforcement. Furthermore, the DVPPA has received criticism for being unclear and difficult to comprehend. For example, the term of verbal and emotional abuse under the Act is subject to different interpretations, leading to uncertainty over what constitutes mental and verbal abuse. There have been complaints that the DVPPA creates difficulties for people who want to report incidences of domestic abuse.

6. Conclusion

This study highlights the complex decision-making processes that victims of domestic violence in Bangladesh face. The non-governmental organisation's legal aid has become an important resource for survivors. They provide them with alternatives and assistance outside of the formal legal system. The opinions of domestic abuse victims are crucial to this process, as they do not receive adequate protection under this landmark legislation. The harsh reality of the DVPPA is that this landmark legislation does not adequately protect domestic violence victims. When a woman files a complaint under this law, her spouse often threatens to divorce her or sends her a letter of divorce. This law is weaker than the Violence Against Women Act and the Dowry Violence Act as a result of the protracted procedure for law enforcement and the absence of punishment provisions. The use of civil legal services is complicated by a constant and pervasive lack of resources to address the problems and a lack of service coordination, making it difficult for a woman to obtain the assistance she needs to resolve domestic violence-related issues.

Although domestic violence is not a new phenomenon in Bangladesh, there is limited information from credible sources regarding the precise number of incidents, and few cases have been reported and investigated. Clearly, collaboration with survivors and service providers is insufficient. Both service providers and victims must receive training in awareness and sensitivity. Few service providers should be accountable for the enforcement of the laws. Additionally, service provider coordination must be strengthened. A reasonable response to each complaint and a willingness to assist may result in greater participation on both sides.

Domestic violence in Bangladesh necessitates social awareness, economic and psychological support, rehabilitation, and stringent legal enforcement. A large-scale awareness and intervention campaign can improve DVPPA implementation. The DVPPA has a broader scope than any other Bangladeshi law prohibiting violence against women. Instead of simply punishing perpetrators, it strives to protect women in every aspect of family life. These narratives show the delicate interactions of all parties and how they solve difficulties with limited resources. Conducting additional research and enhancing the data administration capacity of legal protection, protection orders, shelters, rehabilitation clinics, and women's empowerment in order to close these gaps.