

A Critical Discussion on Policy Practice on Gender-based Violence in Bangladesh

Sayema Khatun*

Abstract: Despite the spectacular success of Bangladesh in closing the gender gap in statistical representation, the ground level real scenario of women's life is inflicted with never-ending numerous extreme forms of violence. I have made an effort to inquire of this paradox through anthropology. Reviewing the policy on gender-based violence and questioned the existing tendency in the practice of the Government, non-government entities engaging with the concept of culture I attempted to understand what perpetuates and regenerate violence in numerous forms and sought an answer beyond legal framework and existing policy measures.

Discussing the Policy Brief on Gender-based Violence

Last year I attended a policy brief on gender-based violence (GBV) presented at the General Economics Division, Planning Commission of Bangladesh funded by UNFPA (2019) clearly showing gender-based violence data contrasting with the policy implication expected in spite of having fairly an impressive list of law reforms, policy measures, support services and budget allocation.¹ The study reports from Government bodies like BDHS 2014, VAW Report 2015, BMMS 2016, SVRS 2018, and MoWCA report 2019 and transnational agencies as UN Bodies (Imtiaz: 2019). The GBV data presented by BBS, BMP and other organizations indicates the policy implication expected was quite opposite to the real situation we live. The apparent failure of all these policy measures and programs adopted to prevent, diminish and eliminate GBV, ensure security for women and achieve gender parity is perplexing. Participating academicians (including myself), bureaucrats, non-government organizations (NGOs), policy practitioners and activists sought the answer to why the desired outcome of policy could not be achieved in spite of series of policy reforms.²

* Associate Professor, Department of Anthropology, Jahangirnagar University, Savar, Dhaka 1342
Email: sayemakhatun@yahoo.com

¹ A list of enacted law and legal provisions to prevent GBV by the GOB is as follows:

Women and Children Repression Prevention Act, 2000, Dowry Prohibition Act, 1980, Acid Control Act, 2002, Acid Crime Prevention Act, 2002, Domestic Violence (Prevention and Protection) Act, 2010, Prevention and Suppression of Human Trafficking Act, 2012, Pornography Control Act, 2012, Hindu Marriage Registration Act, 2012, Deoxyribonucleic Acid (DNA) Act, 2014, Child Marriage Restraint Act, 2017 and Child Day Care Centre Act, 2018 (draft). Special provisions have been incorporated in the National Women Development Policy 2011 and National Children Policy 2011 to prevent violence against women and children and to ensure supports for the victims. The High Court Division of the Supreme Court of Bangladesh has given a set of directives on 14 May 2009 for action in cases of sexual harassment of women in all academic institutions, workplaces. Steps are being taken to implement the directives of the Court. The section 509 of the Penal Code has been included in the schedule of Mobile Court Act, 2009 to take immediate action against the perpetrators of sexual harassment. All extra judicial punishments including Fatwas are now banned as illegal as the declaration of the High Court Division (Imtiaz: 2019), end of two-finger test and rape law reform (2020).

² Policy brief on Gender-based violence, Project, Strengthening Capacity of the General Economics Division (GED) to Integrate Population and Development Issues into Plans and Policies Project, Funded by UNFPA, Bangladesh, General Economics Division, Planning Commission, UNFPA on 21 November 2019.

Gender-based violence (GBV) is a systemic and organized crime that takes place within a support system favoring violence against women inbuilt in our patriarchal structure of the society includes but not limited to marital and domestic violence, sexual harassment and abuse, rape, sex trafficking, institutional abuse. In spite of constitutional guarantee of gender-equity³, adoption of international human rights protocols as Convention of the Elimination of All Forms of Discrimination against Women (CEADAW, 1986), and National Women Policy (2008, revised in 2011), strong legal provision, thoughtfully devised progressive policy, the affirmative action program, and victim support service offered by the Government, the rise, intensity, extent and atrocious nature of gender-based violence (GBV) in Bangladesh right at this moment is gravely disturbing. With this concern, I am attempting to move toward a solution through anthropology of policy, relatively new domain of anthropology in the context of Bangladesh, which inquires, how do policies 'work' as instruments of governance, and why do they sometimes fail to function as intended (Shore & Wright: 1997).

I would like to begin my inquiry on the policy preventing gender-based violence with the questions put forward by British anthropologists Cris Shore and Susan Wright back in 1997: How do policies construct their subjects as objects of power, and what new kinds of subjectivity or identity are being created in the modern world? How are major shifts in discourse made authoritative and how it is devised in policy-making process to get desired outcome? Funded by and engaging with the transnational non-state agencies and non-government organizations (NGO) (UN Women, UNFPA, UNDP for example), the government of Bangladesh (GOB) is currently pushed forward for legal and public policy framework dealing the crisis of violence against women (VAW)⁴ adopting human rights approach bringing "home"/"private" world into the public judicial system and also intervening harmful traditional values, beliefs and practices that tolerate or allow violence to happen:

"Laws and policies can provide the foundation for a coordinated and comprehensive approach to violence against women (VAW). While a historic number of laws and policies against violence are now in place, implementation is still lagging behind. Measures to strengthen effective implementation should include training of officials who handle cases of violence against women, the establishment of mechanisms for monitoring and impact evaluation as well as accountability and better coordination. Committing adequate human and financial resources is also essential".

- UN Women: 2020

This clearly demands for and laid out an action plan for intervention of state in citizen's home and family what is assumed to be "private" and thus independent of state's business. As a signatory of CEADAW, GOB is mandated to bring its laws and policies

³ The constitutional provisions in articles 19 (3), 28(1), 28(2), 28 (3), 29(1), 29(2) and 65(I) guarantee equal rights of women with men in state and all walks of public life. Ensuring equal opportunity and human dignity for all citizens irrespective of gender founded upon democratic principles become the responsibility of the state apparatus. The Constitution has also ingrained the principle of affirmative action in the article 65(2) as in South Africa, Namibia, Uganda, Argentina, and Tanzania, for fifty reserved seat for women representation in the parliament (Ali, Md. Osman: 2016).

⁴ GBV and VAW are almost interchangeably used in policy documents.

into alignment with international human rights standards and protocols. The right-based agencies believe that laws and policies, accompanied by complementary strategies, awareness programs, can play a positive role for long-term impact in social and cultural behavior. It can be expected that, the existence of laws and policies may hold the message of no tolerance to VAW and women's right to live a life free of violence (ibid: 2020). Government of Bangladesh is also mandated to follow the sustainable development goals (SDGs) designed by UN. In order to achieve SDG 5 for gender equality⁵, structural local and global obstacles have to be eliminated.

The year 2019 ended with the good news of being a topmost gender equal country in South Asia closing the World Economic Forum's Global Gender Gap Index, 2018 by closing 48% of its overall gender gap with economic, education, health and political indicators and achieving milestones. Jumping 25 notches last year, Bangladesh has retained the second position among the most gender equal countries in Asia on World Economic Forum gender gap index this year (December 18, 2019). This is not only a self-celebratory occasion, but also appreciated by the UN bodies, INGOs.⁶

SOUTH ASIA		
Country	Overall rank	Overall score
Bangladesh	48	0.721
Sri Lanka	100	0.676
Nepal	105	0.671
India	108	0.665
Maldives	113	0.662
Bhutan	122	0.638
Pakistan	148	0.550

Source: <https://bdnews24.com/economy/2018/12/18/bangladesh-retains-second-place-in-asia-on-world-economic-forum-gender-gap-index>

Nevertheless, the lived reality of the women regarding violence against women (VAW) or gender-based violence (GBV) paradoxically contradicts with this narratives of great achievement showed in statistical presentation. This contradiction provokes me for carrying out further investigation.

⁵ SGD 5: gender parity: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

⁶ As an example, in the section of gender equality and women's empowerment of country profile of USAID mentioned "Bangladesh has made remarkable progress in the last 20 years in improving the lives of women and girls. Maternal mortality rates are falling, fertility rate is declining, and there is greater gender parity in school enrolment. At the same time, 82 percent of married women suffer gender-based violence and pervasive sexual violence prevents women from achieving their full potential" (USAID: 2020).

Arguing on Limitation of Policy Practice

Policy has been considered as strong and effective weapon for combating GBV and laid out as the strategic plan for protection of women and having been placed as a safeguard for women safety and security.⁷ However, the policy world is dominated by hegemonic male presence in bureaucratic space and often keeps women's voice unheard and experience marginalized. I shall begin my investigation beginning with critiquing the policy practitioners' perspective basically built on spectacular violence as an event, its statistical presentation, emergency response measures and mobilizing legal apparatus leaving out dynamics of power and politics. In order to do so, I invoke feminist social thought on gender-based violence questioning the very nature of the nation-state as modern, secular, rational and nevertheless, masculine, and its relation to women as citizen that shapes policy formulation.

As I mentioned earlier, transnational agencies are actively influencing and pushing for the adoption of advanced normative frameworks on ending violence against women and girls partnering with the Government of Bangladesh (GoB) and women's advocates for their implementation through the adoption, strengthening and implementation of national laws, policies and strategies (UN Women: 2020). Ministry of Women and Children affairs (MoWCA) has also put out a comprehensive national review report for implementing Beijing Declaration 1995 (2019). Passing and implementing effective laws and policy has been regarded as milestones toward achieving gender parity making "personal" as "political", especially gender-based violence has long been considered in the realm of "personal"/"private" and henceforth, not to be considered as political agenda (UN Women: 2020) and not worthy of state intervention. It took many years of activism to put forth GBV into the agenda of political program and thus in the legal system and public policy framework. Agency of state and political organizations has been considered as the intervention to the "private space"/ "home"/"family" considered as independent of the realm of public/state/politics/Legal system, whereas transnational organizations like UN bodies and NGOs envision laws and policies as foundation of a coordinated and comprehensive approach against violence against women (VAW). While they express satisfaction in achieving progressive laws and policies put into place, finds drawback only in implementation of legal framework basically blaming socio-cultural practices and in my view, falling into the pitfall of top-down approach.

⁷ "When brought into alignment with international human rights standards, such as those contained in the convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Laws and policies can often play a positive role in changing attitudes and behaviors in the long term, especially when they are accompanied by complementary strategies such as awareness-raising on ending violence. Once laws are in place, they convey a strong message that violence against women is not tolerated and that it is the right of every woman to live free of violence." (UN Women, 2020) leaving

I identify the limitations of this policy making process yet persist as:

1. Heavily relies on numbers and statistics and lack of qualitative analysis for budget and time-framed projects
2. Focuses on post-rape, post-violence measures, instead of preventive measures
3. Dominated by legal approach
4. Based on victim-perpetrator relation ignoring complex agency in male-female relation and nuance understanding of femininity and masculinity
5. Focus on violence, ignores peace-building frameworks and sustenance of harmony.
6. Finally, silent on compromised democratic practice and restoration of democratic institutions and value. Politics and power relation in policy process, pervasive corruption, culture of impunity has not been taken into account.

In this context, I would like to proceed with my arguments as following:

A. That policy is both as political technology for governance and cultural agent (Shore & Wright: 1997) need to be recognized situating in the power-relation at the field.

B. Apparently neutral statistical and numerical GBV data limits our ability to view the complex nature of GBV, if not historically and culturally contextualized and not presenting with supporting narratives bearing the nuance of the quality of women's life.

C. Vernacularizing policy and rethinking beyond law is required to make real change.

Before diving into my arguments on the limitation on GBV policy practice, we need to have a brief survey of the current situation as presented below.

Spectrum and Magnitude of GBV/VAW in Numbers

Some examples of frequent news headlines found in national dailies in Bangladesh from a year span are as follows: "Rape victims doubled in 2019: ASK" (The Daily Star: 31 December 2019), "Gazipur woman blackmailed, raped for 13 years" (Dhaka Tribute: 23 October 2020), a child bride (13) died 34 days after marriage, 23 Rape attempts had been made, 16 of those had been against children, 5 had been sexually assaulted including 3 children reports Bangla Tribune (Nov 3, 2020).

Bangladesh Mahila Parishad (BMP) reports that, during October 2020 alone 436 women and girls had been tortured of which 216 were raped, 44 gang raped of which 101 are children and 25 children were gang raped. BMP reported, the number of events of violence against women were 3,918 last year, but in the halfway of this year it came alarmingly to 2,083. 217 women were assaulted in September, highest in any single month since 2010 (October 2019). The alarming numbers of rape has become as high as 5,000 in last 10 months, as reported human rights activist Sultana Kamal (Nov 2019). BMP estimated that 731 women and children were raped in the first six months of 2019. In comparison to 2018, 942 in total similar cases were recorded in the whole year. 'Voice of Female Worker' reported of 26,752 dead bodies of women workers have arrived in Bangladesh from abroad in last 10 years facing sheer mental, physical torture and sexual abuse (Nov. 2019).

Nusrat Jahan, 18, had been murdered in April 2019, setting fire pouring kerosene on her in the roof of a madrasa in Feni who refused to withdraw her complaint of attempted rape against the principal of the institution. Sparking of public outrage and mass protest brought Prime Minister Sheikh Hasina into take vow to bring the killers into justice. Principle with his 15 associates had been sentenced to death in October 2019. Ayesha Khanam, director of Bangladesh Mahila Parishad said, "This verdict has set an example. It shows that with utmost sincerity we can ensure justice within our existing system." Government instructed 27,000 educational institutions to form committees to prevent sexual assaults after this incident.

In first six months of last year, the number of children sexual abuse and rape has doubled up and reached the number for the whole year of 2018, reports the international rural women day celebration national committee (October 2019). In their finding, 75% of the children have been abused by the close relative, neighbors and acquaintances are the perpetrators at home, school, on the way to school and their familiar settings. Tamanna Rahman, member of the committee provided a statistics collecting reporting in national dailies of 572 children have been sexually abused including 75 boys in this six months in the country and 23 children have been killed after that. Rape and sexual abuse of young boys in Madrasa and other places are relatively a new revelation for us while the media is hesitant to call it rape, using an alternative Bengali word *balatkar*. While I was working on this article, an 8-year-old class three student in Faridpur died after rape in his madrasa at the end of this year (December 25, 2019). Sexual abuse and rape of boys has yet to include in our conceptual framework in legal and policy measures. The abused children are mostly come from lower class and are silenced for honor of the family.

National girlchild advocacy forum research released that, (Islam, Udisa, Bangla Tribune: December 18, 2019), about 60% adolescent girls experience sexual harassment in the public space having causal relation with child marriage. They surveyed 392 female of 12-35 of age. 59.45% women experienced sexual harassment at the age 11-17 at public space that includes physical contacts. Dhaka Metropolitan Police is receiving 10-12 online harassment complaints every day, 90% of them are pre-teen and teenage girls (Nazmul Islam, Deputy Commissioner of DMP).

It is obvious that, the actual events of GBV are way too high than those had been reported. Many more cases go unreported for fear of being blamed, stigmatized, ostracized or disowned by the family. Jinat Ara Haque, Executive director of a women organization WE CAN said in the policy dialogue at planning ministry (21 Nov 2019) that, only 3% of the real incidents got reported.

Understanding Gender-based Violence to Intervene Policy

I would like to draw the conceptual framework and methodological tools from my discipline to deal with this pervasive crisis. I would situate my discussion within a tradition of mobilizing anthropological theory and method wherein we "use the knowledge, skills, and perspective of their discipline to help solve human problems and facilitate change" (Chambers: 1985, 8). The problem identified by the community, gender-based violence in this case, has been placed at the center of the analysis. Anthropological works with the question of how people are affected by gender-based violence and the ways that the local and global structures impact those experience has

been expanding and anthropologists squarely recognize gender-based violence as socio-political problem to be intervened with transformative device. Anthropology begins with recognizing the diverse array of culture for which solutions also need to be contextual and diverse. Using its central tenets, holistic and comparative approach toward culture, anthropology offers ethnographic intimacy of the issue.

Through ethnographic intimacy, "putting people first", participating, living, working directly with the affected people, entering into the world, consciously place their experience at the forefront of our knowledge base by actively participating in the resolution of a social problem, anthropologists enable the policy world to envision the crux of the matter. While observing individual experience of violence, their methods and tools allow us to view the incidents as the manifestation of structures and institutions (interpenetrating class, gender race, ethnicity, religion and caste) that potentially create and maintain violence while finding the points to intervene.

Beginning from American Anthropologists Michelle Zimbalist Rosaldo and Louise Lamphere's ground-breaking book *Woman, Culture and Society* (1974), anthropology of gender-based violence has taken its shape by a number of works, as Peggy Reeves Sandy's work on socio-cultural aspects of rape in 1982 and later in 1992 the edited volume *Sanctions and Sanctuary: Cultural Perspectives on the beating of Wives*, for example. A rich spectrum of work probed many directions, among which, the relationship of gender-based violence with the state has been critically examined. In *Human Rights & Gender Violence, Translating International Law into Local Justice* Sally Engle Merry (2006) examined the local cultural practices and stressed to translate and vernacularize international law into local context. Plesset's rich ethnographic analysis situated in a domestic violence shelter (2006), presents how the institutions play as an intermediate agents between state and domestic society. Alcalde examines women's experience with domestic violence in the context of Peru (2010) and how it actually intersects with the structure of inequality and violence imposed by the state itself. McClusky demonstrated the power of participant observation-based research to bring the voices of the women suffered violence out and heard. Jennifer R. Wies and Hillary J. Haldane's compilation of *Anthropology at the Front Lines of Gender-based Violence* (2011) scrutinized the roles played by the frontline workers in global effort in battling gender-based violence. Parson's ethnography of social suffering in Chile (2013) challenged the mechanisms through which state reproduces the matrix allow gender-based violence to happen and reproduce. For this article, I am especially indebted to their more recent collection of ethnographies from around the world *Applying Anthropology to Gender-based Violence, Global Responses, Local Practice* (Wies & Haldane, 2015) for making my argument in the context of Bangladesh. This is a project to directly link anthropological theory and methods to applied and practical solutions for addressing gender-based violence in myriad forms. I endorse the assertion of Ainoon Naher, as she goes, "GBV against women occurs in the context of men's social power and position, and as a result of structural violence, which entails processes, policies, and politics that systemically produce and reproduce social and economic inequities that determine who will be at risk for assaults and who will be shielded from them." (Naher: 2018).

Following Wies and Haldane, while situating cases of abuse and building conversation around it in a local context, role of history, structure and power can be exposed at the

same vein, viewing the case as really real, happening within asymmetrical power relationship (i.e., *byata chele/meyechele*, *bhodroluk/chotolok*, husband/wife, *pahari/bangali*, garments worker/manager, domestic help/master, employer/employee), fixed by structures, historically produced and consciously engaged that allow a person or group to inflict violence against another. We can apply the core method of anthropology, participant observation, doing anthropology at the frontline of gender-based violence context and use the power of "imponderabilia of everyday life" (Malinowski: 1922) attending the economic, social, civil, legal, spiritual, educational and kin-based systems of people's lives at the ground without divorcing the act of violence from the other structures in one's life without reducing them merely victim/perpetrators of violence producing heterogeneous account of violence considering the standpoint of their interlocutors (*ibid*: 2015).

This is particularly useful to understand the limitation of universal human rights frameworks as well and find the alternatives, practical approaches for improving the delivery of services to the victims and action-oriented foundation for transdisciplinary collaboration. Recognition and articulation of a theoretical shift is needed in conceptualizing gender-based violence, exploring the new avenues of multi-disciplinary framework and mixed methods from the disciplines like psychology, criminology, legal studies, and sociology to influence, shape, and change gender-based violence intervention systems and policy domains. In this transdisciplinary conversation and collaborations, anthropology is richly equipped to offer a greater awareness of cultural differences through documenting the local lived experiences into policy discourse getting it out of the box of graphs, tables and numerical presentation.

Playing out of the gendered script of the nation-state through the engagement of state and non-state actors has been drawn into attention by the anthropologists for last half century to grasp gender-based violence. When an activist feminist anthropologist, such as Sabur, seeks to hold state responsible after the criminal offence as gang rape committed, restoring justice for the violated women through legal apparatus is clearly the major concern, precisely that means putting the rapists into the quick trial and ensure punishment (Sabur, Seuty: October 7, 2020). Furthering her concern, I would like to push deeper into the context to unpack the rape-culture in which such spectacular violence as gang rape can take place that never be understood as the discourse of crime and punishment only. Nevertheless, state never acts as a gender-neutral entity, rather, imagination of hegemonic masculinity and subjugated femininity has been inbuilt in the very formation of nation-state.

The statistical data shows that the perpetrators are in the most cases are not the strangers and even the intimate ones (Gavey 2005, Gelles & Straus 1988, Price 2002). The violence caused by the intimate one takes place at home. The recent researches on domestic violence and the women's testimonies shows us that home is often the place of masculine dominion where men demands women's unpaid labor and service often translate into wife-beating, child-abuse, female domestic servant abuse and can be a place of terror for women and children. Women are often blamed for not to be able to maintain the ideals of home. Women also internalized her role and blame themselves for failing to make the ideal home. Home, designating as autonomous private space, the domestic violence cannot be intervened by the state agencies, needs expanded discussion.

Analysis of predominating feature of the perpetrators/offenders brings the people connecting with power and influence such as local gangs, police, political leaders, school-college-madrasa teachers, transport workers, student and youth member of ruling party which links to impunity. It has become very difficult to file cases or take the perpetrators to court when connected with the power-nexus. Scholars, activists, and law professionals (Hamida Hossain, Ain o Salish Kendro, Sheerin Huq, Naripokkho, for example) points to the normalization of violence and culture of fear and impunity for escalating unchecked rape incidents. The problematic role of police station, law enforcement agency, medical-legal practitioners with connection of the influential offenders create an evil nexus that has become extremely difficult to challenge.

Limitation of Statistical Data presentation and Judicial Measures

Statistics only can count the manifestation of violence a when reported, leaving the everyday life women move through threat of violence and possibility of being domestically and sexually abused, raped, violated and harmed in numerous forms and extents. GBV often is very intimate and personal in nature hurting at the core of women's dignity and honor as human being. The intervention programs tend to depend on the statistical and numerical presentation for measuring, planning, and especially for budget allocation. Quantifying the quality of women's life blocks us to grasp the complexity and depth of the problem, indicators used to understand quality of women's condition are insufficient. Neither presenting isolated, abstract and decontextualized data removing analyzing overarching critique of culture nor providing a cross-sectional view of ground can sufficiently (Adelman 2004, 49) attack the problem. Women development approach mostly focus on the economic side as we see in the calculation of cost of gender-based violence to convince development partners to invest and allocate budget. While the economic calculation allows us to measure the consequence of GBV tangibly, it cannot help us to grasp the intangible aspect of GBV and its grave consequence on human life.

It took decades of struggle to define sexual abuse and rape as punishable offence under law. The feminist legal activists have called for the reformation of the very definition of rape as forced penetration where consent for sexual act has become the central consideration. Some feminists, as Brownmiller, (1975) argued rape as simply an expression of general male aggression and violence against women, and others have argued for more specific cause and effect in legal system authorizing male violence against women (Das 2005, Smart 1995). The way legal system functioning in the courtroom situation unfold the idea of good and bad women interpenetrating the category of class, ethnicity, religion and caste having serious impact on the legal decisions on rape. A rape trial, thus, has become the stage for the gendered script of the nation-state has been played out where women are implicitly treated as the property of men whose property- rights have been violated through rape, not as the offence against women. Rape Law Reform Coalition has been initiated programs to reform legal framework for prevention of rape in all its spectrums including marital rape⁸. In spite of enormous

⁸ "Most such women are unable to seek redress due to the continued prevalence of gender discriminatory laws -- in particular section 375 of the Bangladesh Penal Code 1860 -- that create an exception to the definition of rape, in cases of marriage, where the wife is aged below 13," The Coalition also calls for immediate repeal of the exception to section 375 of the Bangladesh Penal Code which clearly deprives

significance of effective and powerful law reform, we need to be aware that, judicial procedure can only redress the aftermath of violence, such as rape. Preventing rape in real life and everyday fear of rape in everywoman's mind cannot be addressed if we focus on preventive measures that can contribute eliminating the pre-conditions of rape exist structurally in the society placing our full attention to the very norms and culture that underpin ideologies reproduce and perpetuate rape culture in which consciously or unconsciously, we all participate.

The national conference on rape law reform last year organized by BLAST, has been came up with the specific challenges in existing legal framework to deal with rape cases and set a milestone toward achieving justice for rape survivors. They have elaborately discussed the obstacle to access legal system to punish the criminal by the victim and explained elaborately why rape survivors remain out of court, out of court settlement. Among the important issues includes, two finger test, DNA test, abolition of witness law section 155 (4), under the Evidence Act 1872, defining marital Rape, camera trial, redefining the existing definition of rape, financial constrain and Settlement outside court, power nexus of the police and perpetrator. Making rape in part of masculinity and passive victimhood as femininity hold the root cause of rape culture that must be contested in all its manifestation and unfolding. Women's representation only as victim is problematic in designing intervention program.

Rethinking Beyond Law

As a practicing anthropologist, my attention goes beyond legal framework. I focus on the patriarchal misogynist culture from which sexual violence arises and perpetuates. With few exceptions, the mainstream body of modern Bangla literature and media representation which dominate and manufacture consent, create meaning of human life, shape consciousness have been created by the dominant Bengali male elite that create, and perpetuate women subordination normalize gender-based violence, blame and shame the victim. Compounding problem of societal norm and expectation, where a rape victim is often viewed as a person without honor and stigmatized by the community. The reason of the high number of rape cases that stay out of the court and either try to mitigate through settlement or just keep silence is the culture of shaming and blaming the victim, instead of the perpetrators.

How agency and subjectivity of women can be at the heart of intervention program? Mapping structural vulnerability, policy and educational intervention redefines the many treatments toward women which had been culturally acceptable and establish as punishable criminal offense. Contradictions of rights-in-practice is huge. Human rights discourse offers a powerful opening for women and families when combined with increased access to state-based forms of justice though, this empowering potential is limited by social and economic vulnerability and discrepancies between rights-based subjectivities and pre-existing understandings of self (W & H:179). Women often adopt micro-strategies of resistance to negotiate their positioning with the household and to temporarily escape violence, and mostly remain unable to truly challenge their treatment

married women of their fundamental rights to protection from sexual violence," reads the release (The Daily Star: November 6, 2020).

and uproot their subordinate position. To make women's rights interventions fully effective, it needs to be accompanied by structural changes. As sexual intimacy generates complex emotions, a definition of domestic violence that includes everything from beating to harsh words spoken can lead to a decline in the possibility of intimacy itself. These scholars suggest a community-based pedagogical model of intervention in many cases rather than a punitive model of controlling violence (Das: 2013).

The inbuilt misogynic culture and mind-set have never disappeared through the policy adopted from outside. Often, this developmental approach has been considered as “western” and thus outside of our culture. Ideal of gender parity often associated with western value of human rights and appear to be conflicting to our own culture and religious practice. Integrating vernacular rhetoric and concept of equality, instead of imitating and implanting western notions, has seldom been explored. Without making gender parity vernacular and homegrown, sustainable policy outcome cannot be achieved.

Acknowledgement

I especially thank Mr. Ahsan to invite me as a discussant at the policy brief at the Project, Strengthening Capacity of the General Economics Division (GED) to Integrate Population and Development Issues into Plans and Policies Project, Funded by UNFPA, Bangladesh, General Economics Division, Planning Commission, UNFPA, 21 November 2019. I am indebted to Dr. Shamsul Alam, Member (Senior Secretary), General Economics Division (GED), Planning Commission, honorable chief Mr. Md. Mafidul Islam, General Economics Division (GED), Planning Commission, honorable joint chief, General Economics Division, Planning Commission, Mr. Khandker Ahsan Hossain, my learned colleague Keynote speaker Professor Sayed Saikh Imtiaz, my colleague and fellow discussant Ms. Jinat Ara Executive Coordinator, We Can, and all the distinguished delegates and participants from related Ministries/ Divisions/ Directorate/Agencies/ NGOs. I also thank Bangladesh Labor Foundation, Ain o Salish Kendro and Kormojibi Nari for their invitation as the keynote speaker on Sexual harassment, and rape and providing me the data and resources.

Reference

- Chambers, Erve. 1985. *Applied Anthropology: A Practical Guide*. Englewood Cliffs, NJ: Prentice-Hall, Inc
- Ali, Md. Osman (October 1, 2016) *Constitution and Gender Rights*, in The Independent, Dhaka, <http://www.theindependentbd.com/printversion/details/62146> , accessed November 16, 2020
- Brownmiller, Susan (1984) *Against our will, Men, Women and Rape*- Fawcett Books, New York
- Choudhury, D., Forum on Women in Security and International Affairs (Bangladesh), & Bangladesh Freedom Foundation. (2005). *Sexual harassment of Bangladeshi women at workplace*. Dhaka: Forum on Women in Security and International Affairs.
- Choudhury, D., Forum on Women in Security and International Affairs (Bangladesh), & Bangladesh Freedom Foundation. (2005). *Sexual harassment of Bangladeshi women at workplace*. Dhaka: Forum on Women in Security and International Affairs.
- Das, V. (2013). Violence, Crisis, and the Everyday. *International Journal of Middle East Studies*, 45(4), 798-800. Retrieved October 26, 2020, from <http://www.jstor.org/stable/43304015>

- Dhaka Tribune Desk Report (November 3, 2020) Bangladesh saw 216 Rapes in October, retrieved from https://www.dhakatribune.com/bangladesh/2020/11/03/bangladesh-saw-216-rapes-in-october?fbclid=IwAR2ytVXGWqMKCrFaUMKpGRUTcjm9gaJtl_wyuNxjHOYeFto34Na2Vlc2np0, accessed on Nov 5, 2020
- Feminist Dictionary (1980), New York
- <https://bangladesh.unfpa.org/en/news/enhancing-monitoring-and-reporting-gender-equity-based-global-practices>
- https://www.banglatribune.com/others/news/599383/বয়ঃসন্ধিকালে-যৌন-হয়রানি-শিকার-৬০-শতাংশ-বাড়ছে?fbclid=IwAR3eWKbYHHAcWO5TnFi2CIMA1txRXoFMU-ey5mxAYmC_Y7kM2PdMy6zeiVk
- <https://www.blast.org.bd/content/publications/BLAST-RLR-Conference-Report.pdf>
- <https://www.deshrupantor.com/capital/2019/10/14/173992>
- https://www.deshrupantor.com/capital/2019/11/25/182902?fbclid=IwAR1nXecMedJHxrNNgdYfz-gF-YfuHqKZI_cQQRmQUU9L4-IHziJONanx8j8
- https://www.deshrupantor.com/capital/2019/11/25/182902?fbclid=IwAR1nXecMedJHxrNNgdYfz-gF-YfuHqKZI_cQQRmQUU9L4-IHziJONanx8j8
- <https://www.dhakatribune.com/bangladesh/2019/07/01/shishu-adhikar-forum-child-rape-incidents-rise-sharply>
- <https://www.dw.com/en/bangladesh-shocked-by-rise-in-sex-crimes-child-rape/a-49539423>
- https://www.ittefaq.com.bd/wholecountry/116772/ফরিদপুরে-বলাৎকারের-শিকার-মাদাসা-ছাত্রের-মৃত্যু?fbclid=IwAR3sJRFdvskWFmk-V4fCwhsX2r03-alEpYMRxw-Jq-LWudfKTY6PO_4D04
- <https://www.reuters.com/article/us-bangladesh-harassment/bangladesh-sentences-16-to-death-for-killing-teenager-in-harassment-case-idUSKBN1X30MQ>
- <https://www.reuters.com/article/us-bangladesh-harassment/bangladesh-sentences-16-to-death-for-killing-teenager-in-harassment-case-idUSKBN1X30MQ>
- <https://www.thedailystar.net/country/731-women-raped-in-bangladesh-in-6-months-1768477>
- Huda, Taqbir (July 26, 2017) Why is marital rape still legal in Bangladesh? Dhaka: The Daily Star, <https://www.thedailystar.net/opinion/society/why-marital-rape-still-legal-bangladesh-1438600>, accessed on Nov 2, 2020
- Human Rights Watch (July 3, 2020) Submission to the UN special rapporteur on violence against women, its causes and consequences regarding Covid-19 and the increase of domestic violence against women retrieved from <https://www.hrw.org/news/2020/07/03/submission-un-special-rapporteur-violence-against-women-its-causes-and-consequences>, accessed on Nov 3, 2020
- Jeremy Posadas. (2017). Teaching the Cause of Rape Culture: Toxic Masculinity. *Journal of Feminist Studies in Religion*, 33(1), 177-179. doi:10.2979/jfemistudreli.33.1.23
- LEWIN, E., & SILVERSTEIN, L. (Eds.). (2016). *Mapping Feminist Anthropology in the Twenty-First Century*. New Brunswick, New Jersey; London: Rutgers University Press. Retrieved November 9, 2020, from <http://www.jstor.org/stable/j.ctt1c99btf>
- Merry, S. E. (2006). Human rights and gender violence: translating international law into local justice. University of Chicago Press.
- MoWCA (JULY 22, 2019) Comprehensive National Review Report, for Beijing + 25 Implementation of the Beijing Declaration and Platform for Action 1995, Bangladesh, accessed on 14 November 2020, pp. 45-51, https://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/99b35321_5385_4e92_95f5_c3f10096c151/Beijing%2025%20Report-FINAL_22-07-2019.pdf

- Naher, Ainoon, (January 12, 2018) *The Current Status of Gender-Based Violence at the Workplace in Bangladesh, with Focus on the RMG sector*. FNV Mondiaal, Bangladesh, FNV.
- Naher, Ainoon, *The Current Status of Gender-Based Violence at the Workplace in Bangladesh, with Focus on the RMG sector*. (January 12, 2018). FNV Mondiaal, Bangladesh, FNV.
- Rosaldo, Michelle Zimbalist and Lamphere, Louise (1974) *Woman, Culture and Society*, Stanford: Stanford University Press
- Sabur, Seuty (2020) Rape, Scopophilia and our collective rage, Dhaka: The Daily Star, retrieved from <https://www.thedailystar.net/opinion/news/rape-scopophilia-and-our-collective-rage-1973633>, accessed on 3 Nov. 2020
- Saikh, Imtiaz (December 23, 2019), Policy Brief, paper presented in the discussion on Policy Brief on Gender based Violence: A challenge for reaching SDGs, Project, Strengthening Capacity of the General Economics Division (GED) to Integrate Population and Development Issues into Plans and Policies Project, Funded by UNFPA, Bangladesh (Unpublished).
- Shore, C., Wright, Susan, & European Association of Social Anthropologists. (1997). *Anthropology of policy: critical perspectives on governance and power*. Routledge.
- Siddiqi, D. M. (2003). The sexual harassment of industrial workers: strategies for intervention in the workplace and beyond. *CPD-UNFPA publication series no*, 26, 40.
- Star Online Report (Oct 26, 2020) 63% men agree beating their wives is justified if denied sex: Study, Dhaka: The Daily Star, <https://www.thedailystar.net/country/news/63-men-agree-beating-their-wives-justified-if-denied-sex-study-1986329>, accessed on 1 Nov. 2020
- UN National Assembly (2014) Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Rashida Manjoo (A/HRC/26/38) Retrieved from <https://www.unwomen.org/en/docs/2014/5/special-rapporteur-on-violence-against-women-a-hrc-26-38>, accessed on Nov 4, 2020
- UN Women (2020) *Passing and Implementing Strong Laws and Policies*, <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/passing-strong-laws-and-policies>, accessed on 26 Oct 2020
- USAID (March 16, 2020) Gender Equality and Women's empowerment, <https://www.usaid.gov/bangladesh/gender-equality-and-womens-empowerment>, accessed 26 October, 2020
- Wies, Jennifer R, & Haldane, Hillary J. (2015). *Applying anthropology to gender-based violence*. Lanham, Boulder, New York, London: Lexington Books.
- সায়মা খাতুন (২০১৫) মুক্তিযুদ্ধের *His-Story*, ইজ্জত ও লজ্জা, পাবলিক নৃবিজ্ঞান, রেহনুমা আহমেদ (সম্পাদনা) ঢুক, ঢাকা
- সায়মা খাতুন (২০১৮) # মি টু বাংলাদেশ ২০১৮ এবং ফিরে দেখা জাহাঙ্গীরনগরের ধর্ষণবিরোধী আন্দোলন ১৯৯৮, রোকেয়া কবির (সম্পাদনা) নারী ও প্রগতি, বর্ষ ১৪ সংখ্যা ২৮, নারী প্রগতি সংঘ, ঢাকা

