

Bangladesh

Response to Information Request Number:	BGD01002.ZNK
Date:	June 25, 2001
Subject:	Bangladesh: Information on the Situation of Women Who Have Children Who Are Born Out of Wedlock
From:	INS Resource Information Center
Keywords:	Bangladesh / Abused women / Access to justice / Domestic violence / Violence against women

Query:

The applicant is an abused spouse whose husband has returned to Bangladesh. The applicant remained in the United States and has had a child with another man. While the applicant fears contact with her husband if she returns to Bangladesh, she does not claim that he or his family are in any special position to harm her or to incite others to harm her. What is the general situation in Bangladesh for women who have children who are born out of wedlock?

Response:

In sources available to the RIC within time constraints, there is little information on the situation of women who are parenting out-of-wedlock children in Bangladesh; however, the RIC did find general information on the situation of women in Bangladesh. There is also reporting on cases in which women living in rural areas were punished by village shalish/salish (information below) for pre- or extra-marital relationships or rape in which pregnancy provided proof of the women's immoral acts. Also, various researchers and women's rights practitioners lent their informed opinions on the issues faced by women in Bangladesh who are known or suspected adulterers.

The following information is provided as background on the general situation of women in Bangladesh. According to the US Department of State, laws exist in Bangladesh to protect women from certain forms of discrimination. These laws include The Dowry Prohibition Act of 1980 [much of the violence against women in Bangladesh stems from dowry disputes], and the Cruelty to Women Law of 1983 which has been repealed by the Women and Children Repression Prevention Act of 2000. Enforcement of these laws is weak, however, particularly in rural areas (Country Reports 2000 Feb. 2001, 16). The State Department also reports that statistics on violence against women in Bangladesh are unreliable but spousal abuse is widespread according to recent reports (Country Reports 2000 Feb. 2001, 16).

"In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, and may include humiliating, painful punishments such as whipping. Rejected suitors, angry husbands, or those seeking revenge sometimes throw acid in a woman's face" (Country Reports 2000 Feb. 2001, 6). Acid attacks in particular are on the rise in Bangladesh, up from 80 total reported attacks in 1996, to 168 in 1999. In 1998, most victims of acid throwing were young women and girls aged 12-25 from poor families, although there have been recent reports of attacks on men and elderly women. Most perpetrators of acid throwing are young men. "Bangladesh has laws that stipulate death penalty and a minimum seven years in prison for acid throwing crimes but the success rate in arresting and prosecuting acid throwers is very low" (The

Times of India 20 Sept. 2000).

Specific to the situation of women who have children out of wedlock in Bangladesh, the RIC did find reporting on cases in which women and girls as young as 13 who became pregnant due to an extra- or pre- marital relationship or rape were accused of zina (adultery) and sentenced by shalish (or salish, a centuries-old alternative dispute resolution or trial held by village elders). Punishments meted out in these cases included but were not limited to caning, stoning, and burning at the stake. Intervention by women's rights groups and the police preempted punishment in some cases (AI Oct. 1994; AI 1994; AI 1995; AI 1996). According to a representative of Ain O Salish Kendro (ASK), a Dhaka-based legal aid and human rights organization, a prevalent but not widely reported form of punishment for women and girls who become pregnant out-of-wedlock is ostracization of the "offender" and her entire family. "In such cases, the whole village boycotts the family. The family is barred from contact with others; they are disallowed from shopping in the local village, or seeking any assistance, even food and water, from neighbours or relatives" (25 June 2001). For more information on shalish, please see the section on women in the Canadian DIRB's 1997 report "Bangladesh: Human Rights Situation," found on REFWORLD.

"...[P]re- and extra-marital acts of sexual intercourse occur in rural Bangladesh. Women are often accused by influential males of being a 'bad woman' or 'prostitute,' and lashed or fined for collaboration in pre- or extra-marital acts of sexual intercourse, in the name of shalish (trial) for involvement in zina (illicit sex). They may even be forced to leave the area of their residence. On the other hand, males are often not criticised or punished for pre- or extra-marital acts of sexual intercourse. Rather, the parents of the girls are often advised to remain quiet" (ICDDR,B 2000, 8).

Researchers who specialize in the status of women in Bangladesh and/or in issues pertaining to refugee women provided the following information to the RIC. A Research Fellow at Harvard University stated that the safety of a woman in Bangladesh who has a child out of wedlock depends primarily on the woman's religion, and secondarily on her economic status. If the woman is Muslim, the very existence of the child proves the mother's adultery, which is considered a "venal sin" in Bangladesh where societal attitudes are by and large "shaped...by religious beliefs and tenets" and where "the Muslim clergy is playing a far more dominant role in shaping public attitudes than in the past" (9 June 2001). In contrast to countries such as Saudi Arabia and Pakistan, where "such a woman would be imprisoned and ostracised," in Bangladesh the situation depends on the woman's "immediate family and on her class background" (Research Fellow 9 June 2001). A married woman who bears a child out of wedlock would be in danger of reprisal from her husband or the husband's family unless her own family is supportive and able to offer her protection. If her family is willing and able to protect her, she may "have the possibility of gaining sanctuary for herself and her child" (Research Fellow 9 June 2001). This researcher added, however, that returning to Bangladesh with a child born out of wedlock would be "an enormous physical and social risk for [a] woman to take" (Research Fellow 9 June 2001).

Similarly, an educator in Norway who has been active in gender and refugee work for 30 years stated that safety in Bangladesh for a woman who has borne a child out of wedlock would depend on the woman's "resourcefulness," e.g. her level of education, money, support network, family support, etc. (11 June 2001). If she has access to financial, social, and/or familial support, she may be safe. If she is "poor and dependant," she may face great difficulty in Bangladesh (11 June 2001).

Following are the views of a Lecturer in Applied Social Sciences at the University of Bradford (England): "The woman and her child's chances of survival are low...[because] the woman has caused great dishonour to her and the husband's family and usually her relatives would [sic] contrive her death;...usually [a woman in these circumstances] has a fatal accident. In rural areas they would not even have pretence of such niceties and she and her child would simply be murdered and the police would not interfere in a family

matter, particularly as it is an issue of honour" (11 June 2001). The ASK representative stated that while such "accidents" are less prevalent in Bangladesh than in Pakistan, there are some cases in which there is a very real possibility that a woman could face such an accident (25 June 2001).

A representative of Tahirih Justice Center in Falls Church, VA, reiterated that the status of women in Bangladesh is very low and stated that having children out of wedlock is against Islamic law. She felt that it was a "safe assumption" that a woman formerly abused by her spouse who returned to Bangladesh with an out-of-wedlock child would have difficulty in Bangladesh (11 June 2001).

The ASK representative stated the following: [A woman in Bangladesh who has an illegitimate child] "could face two types of problems: legal and social. On the legal side, should be prepared to face divorce proceedings. Socially, she and the child and her immediate family would most probably be treated as social outcasts..., [possibly] depending on the woman's social status or monetary condition. She will be worst off if she comes from a middle or lower middle income group. They are most vulnerable to societal pressures and bear the brunt for failing to keep up a social facade. But if she is from a higher income group or has influential relatives, she may be left well alone. In case of a remarriage, however, she may face fresh legal and social problems, since (...assuming she is Muslim) according to Muslim law, she may lose custody of her child/children (if she had any), particularly if that child was a boy and beyond the age of seven years, and the person [the woman] would choose to remarry was not a blood relative of the child" (14, 25 June 2001).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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Attachments:

THE TIMES OF INDIA. 20 September 2000. "Acid Attacks on Women on the Rise in Bangladesh." [Internet] URL : <http://www.timesofindia.com/200900/20nbrs18.htm> [Accessed on 19 June 2001].

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