

## Violence against Women in Bangladesh: An Overview

Fardaus Ara\*

Professor, Department of Public Administration, University of Rajshahi, Bangladesh

\*Corresponding Author: Fardaus Ara, Professor, Department of Public Administration, University of Rajshahi, Bangladesh, Email: dipty777@yahoo.co.in

### ABSTRACT

Violence against women is an alarming issue worldwide. In Bangladesh, women are easy targets of violence because of the patriarchal social system, economic backwardness, traditional norms and values and religious misinterpretation. The government of Bangladesh has revised the existing laws and adopted new strategies to combat violence against women. However, violence against women remains an alarming issue due to loopholes in the laws. In addition, corruption, lack of awareness, traditional mind-sets of people exacerbate the problem. This paper aims to explore the current status of violence against women in Bangladesh and describes the laws and strategies adopted by the government of Bangladesh to combat violence against women based on secondary materials like books, articles, reports, newspapers etc. Finally, the study suggests some policy recommendations to deal with the issue of violence.

**Keywords:** Bangladesh, government, laws, strategy, violence, women

### INTRODUCTION

Violence against women becomes a universal epidemic. It can be physical, psychological, or sexual in nature depending on history, culture, background, and experience and may take place in all geographic regions, in the home as well as in public and private institutions, including the workplace, schools, universities, and state institutions. Violence against women may take different forms; it causes great suffering for women and their families. Violence is often viewed as a sign of the historically uneven power relationship between men and women that are considered the 'norm' in a society (Blanchfield, Margesson, Salaam-Blyther, Serafino, and Wyler, 2011, p.ii; Habib, 2009, p. 1). Violence against women and girls is one of the most organized and prevalent crimes against human rights. A 2013 global review states that 35% of women worldwide have experienced either physical and/or sexual violence from their partner or outsiders (UN Women, 2016). Bangladesh is no exception. In recent times, the country has witnessed an alarming rise in violence against women. Eliminating such violence requires intensive efforts by all stakeholders of society. This study seeks to explore the current state of violence against women in Bangladesh. In addition, it aims to find out the available legislative measures to combat violence against women and girls in Bangladesh. Furthermore, it

attempts to provide some recommendations to deal with the issue of violence.

### DATA COLLECTION METHOD

The study is desk-bound in nature i.e. it is based on secondary information. Data for the study were collected from relevant books, journal articles, organizational reports, working papers, government documents, international reports, and reports of NGOs working on women issues. Additionally, relevant information was collected from the Internet.

### DEFINITION OF VIOLENCE AGAINST WOMEN

The term violence against women refers to a wide array of acts, including murder, rape, sexual and/or physical assault, emotional exploitation, battering, stalking, prostitution, genital mutilation, sexual harassment, and pornography. There is disagreement among scholars on how to define violence against women. The major debate concerns whether to consider emotional abuse as violence or strictly confine the word 'violence' to physical acts that adversely affect women. Researchers in the field of Sociology and Criminology like Gelles and Straus define violence as 'any act that is performed with the intention, or perceived intention of doing physical pain or harm to another person.' The National Research Council (NRC) report (1993) describes violence against women as 'the behavior by persons against

persons that purposefully threatens, attempts, or actually causes physical injury. The definition excluded from its definition of violence psychological acts like verbal abuse, harassment, or humiliation (National Research Council, 1996, pp. 9-10).

Quite the reverse, researchers in fields like Psychology, mental health, and social work consider a wider range of emotional acts as violence. The Committee on Family Violence of the National Institute of Mental Health (1992) defines violence against women as the 'actions that are physically and psychologically detrimental or that likely to cause physical injury and may also involve sexual oppression or assaults, physical intimidation, threats to kill or to harm, restriction to normal activities or freedom, and denying access to resources. Likewise, the Task Force on Male Violence against Women of the American Psychological Association (1994) describes violence as any 'physical, visual, verbal, or sexual acts that a woman or a girl experience in the form of threat, invasion, or assault and that may hurt her or degrade her and/or take off her ability to control communication whether intimate or otherwise with another person' (ibid).

The UN General Assembly provided a broad definition of violence against women in 1993 encompassing both physical and psychological aspects of violence against women. The UN Resolution on the Elimination of Violence Against Women describes violence against women as 'any act of gender-based violence that causes or is likely to cause, physical, sexual, or psychological harm or distress to women, including threats of such acts, intimidation or arbitrary deprivation of freedom, in public and/or private life' (Blanchfield et al., 2011, p. 2).

The Fourth World Conference on Women (1995) defines violence against women as any act of gender-based violence that causes or may likely cause physical, sexual or psychological harm suffering to women. Additionally, violence includes threats of such acts, coercion or arbitrary denial of liberty, whether taking place in public or private life. It also includes a violation of the human rights of women in situations of armed conflict (United Nations [UN] 1995, pp. 48-49). Thus, violence against women can be defined as those acts that cause sufferings to women in any way.

### FORMS OF VIOLENCE AGAINST WOMEN

Violence against women takes many different forms: physical, sexual, psychological/

emotional, economic abuse and exploitation that may occur at different settings ranging from the private, public or even across countries. However, violence against women may be divided into two main categories, physical and psychological/emotional.

#### *Physical Violence*

Physical violence refers to any undesirable physical contact made by a person with a woman/girl resulting harm, injury, and/or embarrassments such as slapping, kicking, restraining, beating, and choking (Calub, 2015, p. 1). The forms of physical violence a woman may encounter include battering, rape, sexual abuse and harassment, dowry-related violence, female infanticide, honor killing, acid-throwing, stalking, female genital mutilation/cutting, human trafficking, and other forms of exploitation.

#### *Psychological Violence*

Psychological/emotional violence are those acts that damage one's dignity, provoke fear, and/or causes trauma on another person. The different types of psychological violence are verbal abuse that is offensive, embarrassing, or threatening (for example, name-calling, false accusations, lying etc.) and social abuse (acts resulting in the isolation and alienation of a woman from her friends or family or any other actions to make her inferior due to her gender or her socio-economic background (Calub, 2015, p. 3). Violence against women takes place in the family, in the community, and even conducted by the state. Furthermore, violence may occur at a transnational level. For example, trafficking of women from one country to another.

#### *Violence against women in the Family*

The kinds of violence a woman may be subjected to in the family across her life cycle starts before her birth and continue till death and may be physical, emotional or sexual. Usually, violence acts like battering, marital rape, sexual violence, dowry-related violence, female infanticide, sexual abuse, female genital mutilation/cutting, early marriage, forced marriage, non-spousal violence, violence perpetrated against domestic workers and others may take place against women in the family. However, intimate partner violence remains the most common type of violence encountered by women worldwide. The prevalence of different forms of violence against women in intimate relationships is known as domestic violence that refers to a variety of sexually, emotionally and

physically coercive acts used against women by an intimate partner, without her consent. For instance, physical violence includes deliberately using physical force, intimidation or weapon to harm or injure the woman; sexual violence refers to unwanted sexual contact, forcing a woman to participate in a sexual act without her permission and psychological violence refers to controlling, alienating, humiliating or embarrassing a woman (National Research Council, 1996, pp. 13-15; UN2006, pp.42-43).

### *Violence against Women in the Community*

Physical, sexual and psychological violence can take place against women in the community, in workplaces, educational institutions, hospitals, in religious and other social institutions and on public transport. Forms of violence against women and girls in the general community include Femicide (a sex-based hate crime or the intentional killing of women or girls), sexual violence including rape, sexual harassment, trafficking in women and forced prostitution. Femicide occurs everywhere, but the scale varies across countries. Despite women being more at risk of violence from their intimate partners than from other people, sexual violence by non-partners is common in many settings. Sexual violence by non-partners refers to violence by a relative, friend, acquaintance, neighbor, work colleague or stranger. Women have experienced various forms of sexual violence from non-partners, including unwanted sexual touching, attempt to rape and rape (UN 2006, p. 47).

### *Violence against women Conducted by the State*

The state can perpetrate physical, sexual and psychological violence against women either through its agents (members of the legislative, executive and judicial branches, law enforcement officials, social security officials, prison guards, officials in places of detention, immigration officials and military and security forces) or public policy. State agents may commit violence on the streets and in custodial settings and include acts of sexual violence including rape, sexual harassment and molestation. Some such acts may constitute torture or cruel, inhuman or degrading treatment or punishment. A state may also perpetrate violence against women through its laws and policies. Examples of such laws and policies include those that criminalize women's consensual sexual behavior as a means to control women; policies on forced sterilization, forced pregnancy and forced abortion; policies

on protective custody of women that effectively imprison them (UN 2006, p.51).

### **Violence against Women in Bangladesh: Current Scenario**

One of the root causes of violence against women in Bangladesh is disparity and power imbalances between men and women. This is strengthened due to the patriarchal stereotypical attitudes regarding their roles and responsibilities. More than one-third of men and women in Bangladesh apparently accept wife-beating as the rights of husbands. Furthermore, religious misinterpretation is frequently used to discriminate and/or justify acts of violence against women. In Bangladesh, violence takes place in the home, in the workplace and also in public spaces (Ministry of Women and Children Affairs [MOWCA], 2014, p. 24).

Different types of violence i.e. domestic violence (dowry related violence, child marriage, marital rape or violence, verbal abuse, harassment, humiliation and physical torture), acid violence, death, rape followed by death, forced or induced abortion, forced prostitution, sexual harassment, violence at workplace, trafficking, and eve-teasing take place. Poor women searching for jobs are easy prey of traffickers due to unawareness and/or lack of legal or other protection. In addition, poor women seeking employment or willing to migrate for better income fall victim to traffickers and are trafficked within or outside the country and face various inhuman treatment including violation of human rights in the form of extortion, sexual exploitation etc. Furthermore, new forms of violence are emerging due to the use of social media, mobile phones and other new technologies (ibid).

A study by Bangladesh National Women Lawyers' Association (2014) revealed that the incidents of violence against women and children in Bangladesh have witnessed an increase of 11% than the previous year. The report says a total of 5,256 women were victims to different forms of violence, including sexual harassment, stalking, rape, fatwa, acid violence, trafficking, domestic violence, dowry, abduction and community violence. In 2014, a total of 789 women and girls were raped, 293 became victims of sexual harassment, 1,005 of domestic violence, 1,463 of community violence, 58 experienced acid attacks, 307 became victims of dowry, 37 fell victim to fatwa, 108 were murdered, raped and victimized and 1,196 were abducted and trafficked (Bilkis, 2015, p. 2).

Bangladesh Bureau of Statistics [BBS] (2015) reports that almost two-thirds (72.6%) of married women in Bangladesh have experienced one or more forms of violence by their husbands at least once in their life time. Additionally, 55.4% of the ever-married women were subject to controlling behavior while 49.6% suffered physical violence. Emotional violence, sexual violence and economic violence were experienced by 28.7%, 27.3% and 11.4% of women respectively. On the other hand, 27.8% of women were victims of physical violence by someone other than the husband (non-partner). The percentage was highest among adolescents (30.9%) in case of non-partner physical violence. Furthermore, 3% of women experienced non-partner sexual violence during their lifetime. In spite of high rates of partner violence, majority women (72.7%) never shared their experience to others due to concern about family honor, fear of the offenders and shame or embarrassment. However, a few of the victims reported the incident to a formal authority, like police, medical practitioners, religious or community leader (BBS, 2016, pp. xviii-xix).

*Ain o Salish Kendro* (ASK) claims that between January-September 2019, a total of 1,115 women were raped, 57 murders conducted after rape, and 178 attempts were made to rape; 225 incidents of sexual harassment against women took place; 297 women were victims of domestic violence and among them, 152 were killed by their husbands; 44 women were tortured and 70 tortured to death due to dowry related violence; 12 attacks were made using acid on women (ASK, 2019).

The availability and growing access to the internet have brought threats and led to increased cyber violence against two men in the absence of adequate legal protections. As of December 2017, the Cyber Help Desk, working under the Information and Communication Technology Division received more than 17,000 complaints, 70% from women. Digitally manipulated images with pornographic materials were used to harass, defame or blackmail female victims. Sometimes, their social media accounts were hacked (MOWCA, 2019, p. 42)

Furthermore, Bangladesh is one of the source countries as well as transit points for human trafficking. Among the trafficking victims, the women and the children are in the most vulnerable position. Human rights groups in Bangladesh claims that between 10,000 and

20,000 women and girls are trafficked yearly to India, Pakistan, Bahrain, Kuwait, and the United Arab Emirates from this country (Ashraf, 2018, p. 64).

### Legislative Measures to Combat Violence against Women in Bangladesh

The government of Bangladesh has committed to protect and promote the rights of women through its ratification of several international human rights treaties, conventions and action plans to guarantee the right and privileges of women in society: the Universal Declaration of Human Rights (1948); the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); the Convention on All Forms of Discrimination Against Women [CEDAW] (1984); the Convention on the Rights of the Child (1993); the Declaration on Violence Against Women (1993); the Vienna Declaration and the Programme of Action of the World Conference on Human Rights (1993); the Programme of Action of the International Conference on Population and Development (1994); UN WorldConferences on Women (1975, 1980, 1985 and 1995) and the South Asian Association for Regional Cooperation Convention on Preventing and Combating the Trafficking in Women adopted in 2002 (BBS, 2013, p. 2).

Article 10, 27, 28 and 29 of the Bangladesh Constitution ensure equality of opportunity for all citizens. Article 34 of the Constitution adopted in 1972, and amended in 2014, prohibits all forms of forced labor and declares any violation of this provision as a punishable offence. Article 35 of the Constitution adopted in 1972, and amended in 2014, bans torture, cruelty, or degrading punishment or treatment to any person.

The government of Bangladesh has adopted and revised a number of laws to deal with violence as a criminal offence (UN Women, 2016). The Penal Code of 1860 includes punishment provisions for acts of violence like wrongful confinement, kidnapping, rape, abortion, throwing corrosive substances, injury and grievous hurt, etc. against women. Nevertheless, trials were performed following the traditional way of investigation, arrest, charge sheet, the framing of charges, etc., that was a lengthy process and wasted time and money of the survivor. Consequently, justice delayed and often many people stopped appearing in the court. Moreover, threats from the perpetrator and/or police paid by the perpetrator to threaten the family of the complainant felt afraid to



continue the case. Therefore, the need for special Tribunals was recognized with time limits fixed for investigation and trial (Odhikar, 2012, p. 15).

Prevention of Cruelty against Women and Children Act, 2000 (also referred to as the Prevention of Women and Child Repression Act, 2000), amended in 2003 was formulated to protect women and children. The Act has provision for punishment for sexual abuse and harassment. The law also ensures the victim's privacy in the media. In addition, the law arranges safe custody for the victims. This Act declares capital punishment in cases of rape, and grievous injuries. The special features of the Act are speedy investigation and trial of cases under special tribunals and all crimes under the ambit of the law are non-bailable, with a few exceptions. In addition, a summary tribunal titled 'Women and Children Repression Tribunal' would be formed for every district town to complete the trial process within 180 days; The investigation should be completed within 60 days of the order by a magistrate or filing of the case; a rapist must bear the maintenance cost of a child born as consequence of rape (MOWCA, 2014, p. 26; UN Women, 2016).

Acid Control Act, 2002 and Acid Crime Prevention Acts, 2002 restrict import and sale of acid in open markets. Some special attributes of the laws are formation of a national acid control council fund; creation of a rehabilitation centre for victims of acid crimes; treatment and provision of legal aid for victims of acid crimes; temporary cancellation of acid selling licenses; capital punishment of the acid thrower and penalty of up to Tk one lakh; trial in special tribunals; judgment in the absence of the criminal (MOWCA, 2014, p. 26; Odhikar, 2012, pp. 17-18).

The Labor Code, 2006 (revised in 2013) includes essential provisions banning discrimination based on sex and disability, including equal pay for equal work. The amended legislation does not, however, contain any measures to combat sexual harassment of women, who make up the vast majority of employees in the ready-made garment industry. Amendments to Bangladesh's labor law make some improvements but are still far from safeguarding the rights of workers and meeting international standards (Human Rights Watch, 2013; MOWCA, 2014, p. 26)

The High Court provides guidance on how to address issues of sexual harassment for

employers and educational institutions. The High Court also ruled in 2010 that any physical, psychological or sexual harassment of women, girls and children at work, educational institutions and other public places, including streets, is a criminal offence punishable by fines and/or imprisonment (MOWCA, 2014, p. 26).

Domestic Violence (Prevention and Protection) Act, 2010 describes domestic violence as physical, psychological, sexual or economic abuse against a woman or a child of a family by any other person of that family. This includes clauses to provide victim protection while staying at home. The Act regulates the duties and responsibilities of police, enforcement agencies, and service providers; victim's rights and remedies; the disposal of application, trial, and appeal and punishment. The rules of procedure to implement the Act were passed in 2013. However, actions are yet the necessity to ensure full-scale training for all involved like the judiciary, police and others in addition to allocating sufficient budget for human resources and other expenditure (MOWCA, 2014, p. 26; Odhikar, 2012, pp. 18-19).

In May 2011, the Appellate Division of Supreme Court declared the imposition of 'fatwas' illegal. The government of Bangladesh has revised the Early Marriage Restraint Act, 1929 and gives instructions to all marriage registrars to check birth registration certificates and/or national ID cards if any girl or boy wish to get married on their own (MOWCA, 2014, p. 26).

The Dowry Prohibition Act enacted in 1980 forbids all kinds of dowry and makes it punishable by fine, up to one year's imprisonment or both. However, in many cases, the suspects are not brought to justice for various reasons, including threats to the victim or her family, bribing of police officers, or lack of forensic evidence. Victims are also persuaded to reach a compromise with the perpetrator (Manjoo, 2014, p. 14).

The government of Bangladesh legislated Bangladesh Digital Security Act, 2018 and the ICT Division established a Cyber Help Desk (MOWCA, 2019, p. 43) to deal with cyber violence against women.

Moreover, the government of Bangladesh has signed the SAARC [South Asian Association for Regional Cooperation] Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2002. To implement the Prevention and Suppression of Human

## Violence against Women in Bangladesh: An Overview

Trafficking Act 2012, the Prevention and Suppression of Human Trafficking Rules 2017 have been formulated in collaboration with civil society. However, Due to the low conviction rate, Bangladesh remained on the Tier 2<sup>1</sup> watch list of the US Department of State's annual Trafficking in Persons report (UN Women, 2016; United States Department of State, 2018).

### CONCLUSIONS AND RECOMMENDATIONS

Violence against women is deeply engrained in Bangladeshi society due to traditional attitudes, customs and norms towards women at all levels of society. It is a severe problem that affects the lives of women to a greater extent. Several strategies and programs are initiated by the government to deal with the issue. Nevertheless, the extent of violence against women is still high. Violent acts and offences against women are reported everyday in the newspapers. The government of Bangladesh has adopted a 'National Plan of Action' to implement National Women Development Policy 2011; the Seventh National Five Year Plan (2016-2020) to implement the government's Vision 2021, which includes the promotion of women's rights; and the National Action Plan to Prevent Violence against Women and Children (2013-2025).

The government has initiated the Police Reform Program to ensure gender-sensitive policing and improve victim support services. A multi-sectoral program on violence against women is undertaken by the Ministry of Women and Children's Affairs to address violence against women. Nine One-Stop Crisis Centres have been established in public hospitals where victims receive medical, psychosocial and legal assistance. There is also a National Trauma Counselling Centre and Helpline (109) for the victims of violence.

However, it is the reality that due to loopholes in the laws women are deprived of justice. Many times the criminals are influential that make justice difficult especially if the victims are poor or helpless. Furthermore, lack of awareness regarding legal rights, corruption, inadequate investigation, lack of evidence, ambiguity in the language of the laws, and fear to complain to the police restrict the full enforcement and

implementation of laws. Moreover, the time-consuming process involved in litigation discourages many victims from seeking redress through formal proceedings. The following recommendations can be taken into consideration to control and prevent violence against women:

- Government of Bangladesh need to withdraw reservations on article 2 and 16 of CEDAW and fully implement all other international treaties.
- Reforming and strengthening existing legislation and regulatory provisions to prevent violence against women. The government must introduce new laws and provisions if there is a necessity;
- Establishing specialized courts and arrange gender-sensitive training for the judiciary and police to ensure women's access to justice ;
- Establishing and strengthened shelters, helplines, health services, legal service, counselling, housing services, education and skills training programs for the survivors of violence;
- Organizing awareness-raising activities for the general public through mass media in the community to educate and change the mindsets of people;
- Introducing gender concept in the curriculum and impart training to the students in all educational institutions on violence against women, aware them about the laws and regulations, provisions of punishment and available services;
- Ensure that all law enforcement agencies are well trained and well-equipped to deal with issues of violence;
- Adopt appropriate steps for speedy and efficient management of trials and cases;
- Safeguard the safety and privacy of the victims and their families at all stages of the trial process;
- Joint collaboration among the government agencies, NGOs and other stakeholders to create consciousness among people and prevent violence against women.

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<sup>1</sup>Tier 2 refers to the countries that fail to fully meet minimum standards for the elimination of trafficking as stipulated in the US Trafficking Victims Protection Act's (TVPA), but are making substantial efforts to bring themselves into compliance with those standards.

## Violence against Women in Bangladesh: An Overview

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