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## The Rise of Violence and Inequality against women during Covid-19 Pandemic in Bangladesh and Barriers to Legal Protection

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*This research addresses the surge of Gender-based violence against women in Bangladesh during the Covid-19 outbreak. By emphasizing the structural barriers to justice accessibility and the hardships victims have in receiving legal assistance and protection from the law. At the time of the hardest hit during the coronavirus pandemic, the court services were temporarily shut down. This made access to urgent legal support more difficult for the survivors of victims of gender-based violence as the level of violence against women and girls increased during Covid-19. This research aims to analyze statutory provisions regarding inequality and violence against women of Bangladesh and the effectiveness of their implementation in the situation of Corona Virus Pandemic, to identify the areas that need to be developed to provide legal support to the victims of violence during lockdown and dimensions of government responsiveness in this specific section of progressive social policies. A combination of qualitative method and empirical research methods have been adopted for this study. Mainly secondary data have been consulted for this Study to analyze the instruments regarding Gender-based violence against women and implementation, social phenomenon, and effectiveness of the laws to reduce gender crimes against women in the coronavirus pandemic. This study also aims to find out the factors which facilitate the rise of the level of violence against women, to identify the barriers to access justice and the way out for the victims of violence during Covid-19.*

**Keywords:** *violence against women, covid-19, factors, access to justice, Bangladesh.*

## INTRODUCTION

Violence can be referred to as an extreme form of aggression. When any act of violence is carried out against a person only on basis of the gender identity or sexual orientation of the person is Gender-Based Violence. “Gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.”<sup>1</sup> Women had been suffering from violence from time immemorial because of inequality and imbalance of power as well as subordinate position in society.<sup>2</sup> Due to the situation of the Covid-19 Pandemic inequality and violence against women have increased significantly in Bangladesh.<sup>3</sup> This increased rate of abuse against women has been declared a ‘Shadow Pandemic’ abreast of Covid-19 by the United Nations.<sup>4</sup> The international legal framework on gender-based violence has addressed violence against women and girls as a serious issue globally.<sup>5</sup> The most international instrument has recognized gender-based violence against women as a human rights violation. Likewise, the Constitution of the People’s Republic of Bangladesh has ensured ‘equality and non-discrimination under Article 28.’<sup>6</sup>

Article 28(2)<sup>7</sup> specifically states that “women shall have equal rights with men in all spheres of the State and of public life”. But as a matter of fact, women are being subjected to inequality and discrimination by way of physical, verbal, psychological, sexual, and socio-economic violence by people with patriarchal and Gender biased mindsets in Bangladesh. Alongside this agitating number of gender-based violence, the Covid-19 Pandemic gave rise to the occurrence all over the world along with Bangladesh.<sup>8</sup> In order to tackle violence against women, the government

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<sup>1</sup> Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) [2014] art 3

<sup>2</sup> Radhika Coomaraswamy, ‘Special Rapporteur on Violence against Women, Its Causes and Consequences (*The Commission of Human Rights, 1994-2003*)’ 1 <<http://www.awf.or.jp/e4/un-01.html>> accessed 01 August 2022

<sup>3</sup> *Ibid*

<sup>4</sup> ‘COVID-19 And Ending Violence Against Women and Girls’ (*UN Women, 2020*) <<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Issue-brief-COVID-19-and-ending-violence-against-women-and-girls-en.pdf>> accessed 25 July 2022

<sup>5</sup> *Ibid*

<sup>6</sup> Constitution of the People’s Republic of Bangladesh, art 28

<sup>7</sup> Constitution of the People’s Republic of Bangladesh, art 28(2)

<sup>8</sup> UN Women, ‘Prevention: Violence against Women and Girls & COVID-19’ (*UN Women, 2020*) <<https://www.unwomen.org/en/digital-library/publications/2020/05/brief-prevention-violence-against-women-and-girls-and-covid-19>> accessed 01 August 2022

of Bangladesh enacted many special laws, and established courts and special tribunals but the justice system of Bangladesh fails to provide access to justice to the victims of gendering crime.<sup>9</sup> Moreover in the Covid-19 situation accessibility and availability of justice have been restricted due to lockdown and other socio-economic effects. Is it the systematic difficulties that gave rise to the growth of inequality and gender-based violence against women in covid-19? Why the victims of violence of gender crimes in Bangladesh are facing more challenges in the Covid-19 Pandemic to access legal recourse despite legislation specially enacted by the government to combat inequalities and violence against women?

### **FACTORS FACILITATING VIOLENCE AGAINST WOMEN IN BANGLADESH (PRE-PANDEMIC)**

In the perspective of Bangladesh, Gender-based violence cannot be explained by a single factor rather a myriad of factors contributes to it. When these factors are interplayed, collectively it lies at the root of the problem. The following Four types of factors can be identified regarding gender-based violence against women in Bangladesh, they are following:

**Cultural Factors:** The persistent patriarchal attitudes and discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society are one of the vital cultural factors behind the causes of violence against women in Bangladesh.<sup>10</sup> The limited efforts made by the State party is also a matter of concern to eliminate such stereotypes as it constitutes serious barriers for women regarding equal enjoyment of their human rights and their equal participation with men in all spheres of their life.<sup>11</sup> Practices of discriminatory customary norms<sup>12</sup> and misinterpretation of religion are often used to justify acts of violence against women for which discrimination and inequality remain against women and girls in Bangladesh.<sup>13</sup>

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<sup>9</sup> *Ibid*

<sup>10</sup> Dr Kaniz Siddique, 'Domestic Violence Against Women- Cost to the Nation' (*Care Bangladesh*, 2011) <[https://www.carebangladesh.org/publication/Publication\\_5421518.pdf](https://www.carebangladesh.org/publication/Publication_5421518.pdf)> accessed 30 May 2022

<sup>11</sup> Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Germany' (2017) 20 United Nations Digital Library para 16

<sup>12</sup> *Ibid*

<sup>13</sup> Kristin E Vander Ende & Ors, 'Community Economic Status and Intimate Partner Violence Against Women in Bangladesh: Compositional or Contextual Effects?' (2015) 6 *Violence Against Women* 21

**Legal Factors:** The catch regarding legal factors is that the government of Bangladesh enacted many laws to combat violence against women but they are of no use. Though such important protections are provided for victims and criminalized the breach of protection orders the embodiment of these plans and laws is falling drastically short.<sup>14</sup> Therefore mere declaration in books only, criminalizing such acts fails to provide protection to women and girls who can be and who have been the victim of violence. There are so many wonderful things you will see in the national action plan, but when looking at it in the field, it isn't happening.<sup>15</sup>

**Economic Factors:** Social norms in Bangladesh continue to prescribe roles, rights, and responsibilities according to gender. A noteworthy phenomenon in a patriarchal society is the distribution of roles on basis of gender.<sup>16</sup> Where men are the breadwinner and manage the household along with raising children falls on part of women but in the case of decision making their opinion had been insignificant. This kind of role distribution had been practised for decades. They had been deprived of access to resources and assets, and heavy domestic workloads and poor knowledge and skills had made women economically dependent on men.<sup>17</sup> Before marriage women mostly depend on their father, following this when she is married she depends on her husband for decision-making and financial and social welfare.<sup>18</sup> This results in a significant increase in vulnerability to poverty, exploitation, and social isolation, especially for poor women when they lose their husbands or get divorced.<sup>19</sup>

**Political Factors:** This conflict between modernity and tradition is also exemplified by the role of women's political participation in redefining public and private spaces. In Bangladesh, earlier some forms of violence such as an intimate partner or other forms of violence were considered a private matter but as women move into leadership positions those are brought into public

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<sup>14</sup> Lisa M Bates & Ors, 'Socioeconomic Factors and Processes Associated with Domestic Violence in Rural Bangladesh' (2004) 30(4) Guttmacher Institute <<http://www.jstor.com/stable/1566493>> accessed 01 August 2022

<sup>15</sup> *Ibid*

<sup>16</sup> Sohela Nazneen, 'The Women's Movement in Bangladesh: A Short History and Current Debates' [2017] FES Bangladesh Country Study

<sup>17</sup> Kazi Nazrul Fattah & Suborna Camellia, 'Gender Norms and Beliefs, and Men's Violence Against Women in Rural Bangladesh' (2020) 35(3-4) Journal of Interpersonal Violence 771-793

<sup>18</sup> *Ibid*

<sup>19</sup> World Bank Group, 'Allowances for the Widow, Deserted and Destitute Women' [2019] World Bank Group 2

debate. Therefore, women experience higher self-esteem and are more valued by their households.<sup>20</sup>

## **FACTORS GIVING RISE TO VIOLENCE AGAINST WOMEN DURING THE COVID-19 PANDEMIC**

Globally, the average possibility for women to experience violence by an intimate partner in their lifetime is 30 percent.<sup>21</sup> Worldwide for every additional three months of lockdown, the Covid-19 pandemic has caused 15 million additional GBV cases. This figure is based on a 20 percent increase in violence during lockdowns.<sup>22</sup> The compounding effects of lockdowns and broader pandemic conditions are facilitating violence against women grossly in every sphere of their life and reducing victims' ability to report incidents or to seek help.<sup>23</sup> Violence against women avails to increase during emergency events and disease outbreaks, in this way the effects of the Covid-19 pandemic on violence fit into a larger pattern.<sup>24</sup>

The Coronavirus in the year 2020 has infected the entire world and has enhanced its impact on physical or medical, social, and legal consequences as well. Due to Covid-19 violence and offences have increased at a concerning rate especially the women victims of gender crime. In Bangladesh among all kinds of violence, the rate of domestic violence has increased the most due to the Covid-19 Pandemic.<sup>25</sup> The avenues contributing to more violence and less support during the Covid-19 pandemic are<sup>26</sup> - increased exposure to perpetrators due to lockdown

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<sup>20</sup> International Knowledge Network for Women in Politics, 'Opportunities and Challenges of Women's Political Participation in India' (*iknowpolitics*, 11 October 2013) <<https://www.iknowpolitics.org/en/knowledge-library/case-study/opportunities-and-challenges-womens-political-participation-india>> accessed 15 May 2021

<sup>21</sup> 'Violence against women' (*World Health Organization*, 9 March 2021) <<https://www.who.int/news-room/factsheets/detail/violence-against-women>> accessed 01 August 2022

<sup>22</sup> UNFPA, 'Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-Based Violence, Femal Genital Mutilation and Child Marriage' (*UNFPA*, April 2020) <[https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19\\_impact\\_brief\\_for\\_UNFPA\\_24\\_April\\_2020\\_1.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf)> accessed 02 August 2022

<sup>23</sup> *Ibid*

<sup>24</sup> Erica Fraser, 'VAWG Helpdesk Research Report' (2020) <<https://www.sddirect.org.uk/media/1881/vawg-helpdesk-284-covid-19-and-vawg.pdf>> accessed 03 August 2022

<sup>25</sup> Ain o Salish Kendra, 'Violence Against Women- Domestic Violence Survey' (*Askbd*, 2020) <<http://www.askbd.org/ask/2020/08/08/violence-against-women-domestic-violence-jan-july-2020/>> accessed 20 May 2021

<sup>26</sup> *Ibid*

orders and care responsibilities, triggering stressful environments for perpetrators, and reduced support services. There are a number of factors that contribute to the increase in violence women experience during public health crises all over the world. In Bangladesh, the following factors are influencing most of the violence carried out against women -

- *Lockdown increases exposure to perpetrators:* Lockdowns due to Covid-19 Pandemic limits the ability to leave home which is giving rise to women's exposure to perpetrators. The government of Bangladesh imposed stay-at-home order throughout the country from March 2020 to prevent the spread of coronavirus. This situation limits the ability of women to escape domestic violence. Especially Intimate partner violence is randomly occurring among spouses or cohabitators. Notably due to the lockdown many new cases have arisen i.e., women who never experienced violence by their intimate partner, have been subjected to violence which is mostly taking place within the home.<sup>27</sup>

Alongside, domestic violence is a common phenomenon in the society of Bangladesh where many children witnessed their mother to be the victim of domestic violence.<sup>28</sup> It is the predictor of a man committing violence against his wife.<sup>29</sup> In the pre-pandemic situation due to the workload of the workplace, many of such occurrences just managed to escape but due to the lockdown, the seed during their childhood influenced violence against women which is giving rise to new cases. In childhood who witnessed intimate partner violence among their guardian might have experienced behavioural or emotional problems, potentially leading to increased disciplinary measures at school and in extreme cases dropping out.<sup>30</sup> This is one of the most important factors which is causing an increase in violence against women in Bangladesh gradually in the Pandemic.

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<sup>27</sup> 'Preventing intimate partner and sexual violence against women Taking action and generating evidence' (World Health Organisation, 2010) 12

<[https://apps.who.int/iris/bitstream/handle/10665/44350/9789241564007\\_eng.pdf;jsessionid=21A6506762A6F4562206CAF8CE5CD41C?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/44350/9789241564007_eng.pdf;jsessionid=21A6506762A6F4562206CAF8CE5CD41C?sequence=1)> accessed 03 August 2022

<sup>28</sup> *Ibid*

<sup>29</sup> International Knowledge Network for Women in Politics (n 21)

<sup>30</sup> *Ibid* 5

- *Closures of Educational institutes causing child marriage:* Under lockdown measures of the Bangladesh government children are stuck in their homes which is causing a negative impact on their emotional and mental health. In addition to that closure of all educational institute are leaving long-term effects on young girls. As schools and colleges are closed since March 2020 due to Covid-19, the guardians are rushing for their girl's marriage, especially in rural areas. The tendency of child marriage is found to be higher among poor people. In South Asia, child marriage is most prevalent among poor families.<sup>31</sup> Bangladesh has the highest rate of child marriage – nearly 40 percent of girls get married under the age of 15<sup>32</sup> even in the pre-pandemic situation. Globally, 15 million girls are married before they step to the age of 18 every year.<sup>33</sup> Girls married before age 18 are at a higher risk to experience domestic violence.<sup>34</sup> As rates of child marriage rise due to school closures, the number of domestic violence and intimate partner violence are also increasing in Bangladesh. Low educational attainment works as one of the main predictors of whether a woman will experience GBV in her lifetime.<sup>35</sup> The pandemic situation is causing an increase in child marriage in Bangladesh due to school closures and side by side it is also increasing the possibility of experiencing VAW even for girls who are not married underage.
- *Risk disproportionately increased against women in the health sector:* Globally, 70 percent of health care and social sector workers are women.<sup>36</sup> Due to the coronavirus outbreak, so many deaths occurred in many places in Bangladesh. High utilization of healthcare services required women serving in the health sector to look after violent patients who are disproportionately male.<sup>37</sup> According to the report of the World Health Organization

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<sup>31</sup> 'Child marriage is a violation of human rights, but is all too common' (UNICEF, May 2022) <<https://data.unicef.org/topic/child-protection/child-marriage/>> accessed 27 April 2021

<sup>32</sup> Rita Cardozo & Richard Corbett, 'Progress and Prospects' (European Union: *The European Community in Search of a Future*, 2015) <[www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR.pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR.pdf)> accessed 04 August 2022

<sup>33</sup> *Ibid*

<sup>34</sup> 'Child marriage around the world' (World Health Organisation) <<https://www.who.int/en/news-room/fact-sheets/detail/violence-against-women>> accessed 21 May 2021

<sup>35</sup> *Ibid*

<sup>36</sup> Protecting Sexual and Gender Equality, 'COVID-19: A gender lens: Protecting sexual and reproductive health and rights, and promoting gender equality' (ReliefWeb, March 2020) <<https://reliefweb.int/report/world/covid-19-gender-lens-protecting-sexual-and-reproductive-health-and-rights-and-promoting>> accessed 18 May 2021

<sup>37</sup> *Ibid*

(WTO) between 8 percent and 38 percent of health workers suffer physical violence typically at the hands of patients or visitors at some point during their careers.<sup>38</sup> Unknown medical risks have been created under the high-stress environment of the Covid-19 pandemic especially in 2020 as there were no cures or vaccines. A higher probability occurs that healthcare workers are facing increasingly desperate patients and family members, exposing them to a greater risk of violence. Disproportionately women are at greater risk of violence serving on the front lines of the fight against the pandemic places.<sup>39</sup>

- *Additional stress at home:* Women are disproportionately bearing the burden of unpaid care work in the home in addition to their role as formal caretakers. It was found by an April survey done by UN Women in Asia and the Pacific found that during the Covid-19 pandemic, women in all eight countries including Bangladesh, the amount of time they used to spend caring for others at home increased away more.<sup>40</sup> When a family member becomes sick, women in Bangladesh are more often tasked with nursing them back to health following the previous culture. Women are at greater risk of contracting the virus because of the unequal amount of time spent caring for sick family members. Thus, Paid and unpaid care work expose women in Bangladesh to virus-related health risks and violence.
- *More time online:* The amount of time women spend online has increased due to the transition to remote work and learning. Although digital violence is an emerging area of study, preliminary information on online and information and communications technologies (ICT) facilitated by VAW suggests that women and girls are at higher risk to experience cyber harassment because of the stereotype and gender-biased mindset of most people of Bangladesh. During the Covid-19 pandemic, much of life has transitioned online in regions where the Internet is accessible. More Internet usage may therefore lead

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<sup>38</sup> 'Violence against health workers' (World Health Organisation)

<[https://www.who.int/violence\\_injury\\_prevention/violence/workplace/en/](https://www.who.int/violence_injury_prevention/violence/workplace/en/)> accessed 18 May 2021

<sup>39</sup> *Ibid*

<sup>40</sup> 'Surveys show that COVID-19 has gendered effects in Asia and the Pacific' (UN Women, 29 April 2020)

<<https://data.unwomen.org/resources/surveys-show-covid-19-has-gendered-effects-asia-and-pacific>> accessed 10 May 2021

to more opportunities for women to experience digital violence such as unsolicited pictures, sexist comments, physical threats, and stalking.<sup>41</sup>

- *The added stress of the pandemic - triggers for perpetrators:* Women of Bangladesh are at greater risk during the Covid-19 pandemic due to amplified financial stresses which are triggers for violence. In addition to more frequent exposure to violence against women in Bangladesh from lockdowns, care responsibilities and increased Internet use have been increased. These factors have the potential to induce long-term effects on raising rates of violence targeting women.
- *Financial crises due to Covid-19:* The Covid-19 pandemic has strained the world's economy as unemployment figures rise worldwide unquestionably. The private sector of Bangladesh faced a downfall due to the lockdown, as a consequence, many people lost their jobs. The pandemic's economic impact imposed financial stress that may further increase the incidence of VAW in both the short and long term. Due to job loss, many people faced financial crises where livelihood became difficult. Job loss leads to financial and psychological stress.<sup>42</sup> Unemployment is causing strain which leads to increased violence against women by introducing uncertainty and shifting power imbalances within the household. In a developing country like Bangladesh where the rate of proper education is still low, the household's financial situation easily provokes assertion of power through violence.<sup>43</sup> This negative economic outlook has the potential to significantly increase rates of violence against women in Bangladesh because poverty is one of the main predictors of gender-based violence against women.<sup>44</sup> Any increase in poverty will be long-lasting and therefore may have long-term negative effects all over the country on the incidence of violence against women.<sup>45</sup>

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<sup>41</sup> 'Online and ICT-facilitated violence against women and girls during COVID-19' (UN Women) <<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19-en.pdf?la=en&vs=2519>> accessed 04 August 2022

<sup>42</sup> Violence against health workers (n 39)

<sup>43</sup> COVID-19 And Ending Violence Against Women and Girls (n 5)

<sup>44</sup> 'Women And Poverty' (UN Women) <<https://www.unwomen.org/en/news/in-focus/end-violence-against-women/2014/poverty#:~:text=Poverty%20can%20increase%20violence.,living%20in%20the%20wealthiest%20quintile>> accessed 25 July 2022

<sup>45</sup> *Ibid*

- *Financial dependency*: Many working women of Bangladesh lost their jobs as well due to the Covid-19 economic collapse which tends to be concentrated in the informal and service sectors that are hard hit by the pandemic, they may become more financially dependent on male partners or family members.<sup>46</sup> Economic bargaining power within a relationship often plays a role in women's ability to leave an abuser. Financial dependency and losing economic empowerment, which is at a point may lead to a long-run increase in rates of violence against women in Bangladesh.

## RECENT SCENARIO OF GENDER-BASED VIOLENCE AGAINST WOMEN IN BANGLADESH

### *Table-1: Incidents of violence took place in Bangladesh against women*

Source: *Ain o Salish Kendra (ASK)*

In comparison to the last few years, the incidents of Sexual Harassment, Molestation, and violence caused for dowry have increased in 2020 of the influencing factors of the Covid-19 pandemic. More significantly the number of Domestic violence and child marriage is much higher than in previous years.

According to the survey of Ain o Salish Kendra, 160 reported cases of rapes took place in about the last three months of 2020 after the passage of the amendment of *Nari O Shishu Nirjatan Daman Ain 2000*, and 84 cases of rape were recorded in January 2021 alone. Alongside the survey report of Ain o Salish Kendra increased incidence of domestic violence was reported by various surveys and reports rights organizations. As per the statistics of Ain O Salish Kendra, 554 women were victims of domestic violence of which 367 died and 90 committed suicide. 218 women were subjected to violence for the dowry of which 89 died as a result of the abuse and 18 committed suicides during the Covid-19 Pandemic.

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<sup>46</sup> Shailey Hingorani, 'Commentary: Isolated with your abuser? Why family violence seems to be on the rise during COVID-19 outbreak' (*Channel News Asia*, 26 March 2020)

<<https://www.channelnewsasia.com/news/commentary/coronavirus-covid-19-family-violence-abuse-women-self-isolation-12575026>> accessed 16 May 2021

Year	Rape	Gang Rape	Attempt to Rape	Sexual Harassment	Molestation	Dowry related Violence	Domestic violence	Child Marriage
2020	769	129	196	167	288	305	465	309
2019	1192	201	225	80	146	286	395	178
2018	697	182	128	71	164	206	373	189
2017	969	224	180	93	80	221	346	207
2016	840	166	165	120	68	193	305	201
2015	808	199	142	103	44	271	289	243
2014	666	174	115	116	40	329	268	288
2013	696	185	153	154	41	265	203	324
2012	508	157	133	205	280	278	295	307
2011	635	165	144	169	37	306	266	343

**Table-2: Data underscoring gender-based violence is rising with COVID-19**

A rise of Gender-based violence in Bangladesh amid the ongoing Covid-19 pandemic.

Months	Number of Child Marriages prevented by Polli Shomaj in 2019	Number of Child Marriages prevented by Polli Shomaj in 2020
January- March	96	79
April-June	109	75
July-September	166	492
Total	371	646

Source: Human Rights and Legal Aid Services – BRAC

BRAC's 410 Human Rights and Legal Aid Clinics received a total of 25,607 complaints across the country between January and October 2020. More than 25,000 Complaints of Gender-Based Violence were Received by BRAC Legal Aid Services in Bangladesh in the First Ten Months of 2020. Among all these complaints, 15,047 cases were resolved by alternative dispute resolution; 3,239 survivors were provided with legal counsel, and 1,724 complaints led to civil and criminal cases being filed. In addition to that around \$USD 4 million in maintenance and dower was recovered for survivors.

Polli Shomaj works to stop violence and help women understand their rights. They are active in 54 out of 64 districts in Bangladesh and. BRAC's community-based women's groups, data from Polli Shomaj reported a 24% rise in incidents of violence against women in Bangladesh in 2020 compared to 2019. To Submit to Child Marriage amid COVID-19, greater Pressure on teenage girls in Bangladesh is observed. Polli Shomaj reported that in the first 10 months of 2020 the number of child marriages grew by 68%, compared to the same period in 2019.

During the same period, there was also a 72% rise in the number of child marriages prevented by the women's groups. Bangladesh Bureau of Statistics reported incidence of child marriage

has increased by 13% during the COVID pandemic, which is recorded as the highest rate of child marriage in Bangladesh in the past 25 years. Rates of Child marriage have significantly increased during May, June, July, August and September in 2020. With COVID-19 widespread in the third quarter of 2020, the number of child marriages prevented was 219% higher than in the same period in 2019. From the first quarter of 2020 to the third quarter of 2020 the number of child marriages prevented rose by 571%.

### **SYSTEMATIC BARRIERS TO ACCESS TO JUSTICE IN PANDEMIC**

Despite of establishment of courts and special tribunals to address and facilitate Gender-based Violence against women, the justice system of Bangladesh fails to provide access to justice to the victims of gendering crime. Due to lockdown measures women are subjected to physical restrictions, and increased vulnerability because of the Pandemic women in Bangladesh are particularly suffering from a lack of access to income, healthcare, and access to legal support. In addition to the pre-pandemic barriers, the victims are facing more difficulties to get access to the justice system of Bangladesh.

In the following situation, survivors of violence are facing additional barriers in the Pandemic to get accessibility to justice and legal support –

- *Closure of courts due to Covid-19:* To prevent the spread of coronavirus the courts of Bangladesh have been ordered to remain closed. Such closure of courts has created the maximum level of barrier to access to the existing justice system for the survivors of violence in the Pandemic.
- *Failure in investigation and negligence by police:* In most cases when victims report the violence they experienced after an assault, from a police officer they frequently face obstruction.<sup>47</sup> Refusal to file reports, disbelief, and corruption, negligence towards investigations ranges for such ignoring behaviour of the police. Police are rarely trusted by the victims that they will get protected by police or rule of law will be upheld by them.

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<sup>47</sup> 'Interview with Kamrun Nahar & Shireen Huq, director of Naripokkho' (*Human Rights Watch*, 3 February 2020) <[https://www.hrw.org/sites/default/files/media\\_2020/10/bangladesh1020\\_web.pdf](https://www.hrw.org/sites/default/files/media_2020/10/bangladesh1020_web.pdf)> accessed 18 May 2021

Due to the lockdown moving from one place to another place for purpose of investigation has become more difficult for police because of the fear of infection of coronavirus.

- *Lack of response and biasness:* According to the concluding observation in the report of the CEDAW Committee on Bangladesh's compliance with the Convention on the Elimination of All Forms of Discrimination against Women, it was found that existing policies, rules, and plans addressing gender-based violence against women are rarely been implemented due to gender bias and stereotypes and lack of gender sensitivity on the part of law enforcement officials.<sup>48</sup> The pandemic situation has made the victim women and girls more helpless than the pre-pandemic situation due to the lockdown providing only limited means of communication.<sup>49</sup>
- *Negligence and Corruption:* The way of handling a complaint by police plays a significant role to determine whether the victim of violence will be ultimately able to obtain legal recourse or not. Due to inefficiency and corruption, many cases drop, remain unsolved, stay, and resulted in acquittal. In this regard, the role of a police officer plays an important role.<sup>50</sup> Negligence on part of the police is often experienced by the survivors in form of disbelief and ignorance. Especially if the complainant wants to file a report against her husband or a member of her in-law's family, the police deny the complaint. Another common occurrence is that, if the police accept the complaint, the husband or the perpetrator bribes the police, and the case is reversed. Therefore, these barriers to access to justice discourage the victims of violence as if they file any complaint, they might easily get rid of the police but later grave danger occurs for the lives of the victims. In such cases, in the strict lockdown, the victims do not have any other place to go. To maintain the safety measures for the prevention of coronavirus, the cost of public transport has been doubled. So if the victim tries to move to another place to escape from the offender, they again face financial challenges.

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<sup>48</sup> CEDAW Committee, 'Concluding observations on the eight periodic report of Bangladesh' [2016] CEDAW/C/BGD/CO/8 Para 18(b)

<sup>49</sup> *Ibid*

<sup>50</sup> Taslima Yasmin, 'Implementation Status of the Acid Offences Prevention Act 2002 and the Acid Control Act 2002 in Bangladesh' (*Old Acid Survivors*, 2014)

<[www.old.acidsurvivors.org/images/frontImages/Implementation\\_status\\_of\\_Two\\_Acid\\_Acts.pdf](http://www.old.acidsurvivors.org/images/frontImages/Implementation_status_of_Two_Acid_Acts.pdf)> accessed 07 April 2021

- *Lack of access to information:* In most cases, the victims of domestic violence are women of poor families who are financially dependent on their husbands or in-laws. So, it is not possible for them to file a case against their husband. On the other hand, most such women are not aware of the facility of legal aid. The Pandemic restricted movement of women and girls into their own houses. Therefore, those who have been subjected to domestic violence have no way to get any legal support. Also, a large number of women who have been subjected to violence do not have a mobile phone or any other device to communicate about the violence with any other person. Also, cannot find any other way to get information about obtaining legal support.
- *Case backlogs and delay in justice:* The legislation of Bangladesh enshrined gender-based violence and includes a stipulation to ensure cases are completed in a timely manner.<sup>51</sup> But a reverse scenario is seen in practice where cases often go on for years. Because of repeated delays in court proceedings, many survivors withdraw their complaints as they cannot bear the cost of litigation. Along with legal fees, the cost of travel bribes is being demanded very often by the officials. Continuing to pursue a legal case for years on end might be too dangerous especially for victims of gender-based violence in the pandemic situation without protection measures or safe shelter.

## CONCLUDING REMARKS

The global health crisis of Covid-19 has affected the lives of men and women differently all over the world. As a developing country, it is challenging to tackle all forms of violence taking place against women on basis of their sex which has significantly increased due to the Covid-19 Pandemic in Bangladesh. As the Pandemic has made the situation more difficult for women fearing and experiencing gender-based violence, the existing laws and policies should be accordingly implemented to provide protection and legal support. The legislative body of Bangladesh has enacted many important laws and policies to provide legal protection to the survivors of violence of different forms. But factors like corruption, stereotype gender bias, negligence of law enforcement agencies, lack of proper training in handling cases of gender

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<sup>51</sup> Prevention of Women and Children Repression Act 2000, s 20(3)

crimes against women and girls, lack of measures of witness protection, and lack of social awareness create a bar for the victims of gender crimes to access to the justice system. Against availability and accessibility also comes into question who seeks justice before the court.

To ensure justice effective measures need to be taken to remove all the barriers to access to justice. Though the government has taken many important steps for the protection of women and girls it is not possible to reduce the rate of gender crime without the collaboration and support of legal personnel at every stage and without social awareness. Gender bias mentality is a form of the social disease which is a bar to the development of any nation. Even so many laws could not reduce the increasing rate of gender crimes taking place in the pandemic because only enactment of laws is not enough. Some provision of laws needs to be restructured; some should be enacted and existing legal frameworks are required to be enforced and implemented. To tackle the increased amount of violence in the Covid-19 Pandemic greater protection need to be provided to the victims of violence. In this regard, individuals in every sphere of the country and government should fight neck by neck.