

Acid Violence against Women: Perspective Bangladesh

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ABSTRACT

This study tries to present the existing acid violence against the women of Bangladesh which has revealed the vulnerability of the women in our society. From birth to death, women become victims of various kinds of discrimination and violence. Acid violence is one of them. This write up is actually aimed at creating and help increasing awareness regarding the violence against women and guiding all from commoners to the policy makers to prevent them from this specific violence. In this connection, this article attempts to search out the ways and means of how the acid violence against women can be combated from the society and the paper at its conclusion suggested some remedial recommendations for adoption.

Keywords: *Violence, Vulnerability, Discrimination, Efforts, Recommendations.*

1. INTRODUCTION

‘Violence against women’ is treated as one of the social and public-health related problems all over the world. Because of affecting the physical and mental condition of women adversely, ‘violence against women’ is a dangerous form of human rights violation. To define ‘violence against women’ broadly, in 1993 the United Nations in the ‘Declaration on the Elimination of Violence Against Women’ has stated that any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Women face various kinds of discrimination and violence from their birth to death. This violence includes child marriage, sexual persecution, rape, forceful impregnation, acid throwing etc.

Acid violence is a particularly vicious and damaging form of violence in Bangladesh where acid is thrown in people’s faces. The overwhelming majority of the victims are women, and many of them are below 18 years of age. The victims are attacked for many reasons. In some cases it is because a young girl or women has spurned the sexual advances of a male or either she or her parents have rejected a proposal of marriage. Recently, however, there have been acid attacks on children, older women and also men. These attacks are often the result of family and land dispute, dowry demands or a desire for revenge.

Acid is highly corrosive chemical has a catastrophic effect on human flesh. It causes the skin tissue to melt, often exposing the bones, sometimes even dissolving the bone. When acid attacks the eyes, it damages them permanently. Many acid attack survivors have lost the use of one or both eyes. But the scars left by acid are not just skin deep. Many survivors suffer from psychological breakdown including identity crisis because of their lost and distorted appearance. Most stop their education or work during the lengthy recovery period or beyond, due to disfigurement. Survivors often face social isolation which further damage their self-esteem and socio-economic status, even position in their own family. An unmarried woman attacked with acid is very unlikely to get married ever. The acid survivor is not the only one affected. Parents, siblings and other relatives often

incur a huge economic, social and psychological burden in caring for the survivor. Instances were reported where families sold their land and assets to pay for medical care. Many are forced to leave their house and village, due to fear of safety, especially for fear of retaliation against legal action. In the cases, where victims are children or adolescents, special physical and psycho-social supports are needed for them as they grow and mature with these incurable scars. In the worst type of acid violence when a daughter is attacked by her father she may completely lose trust in men and in all forms of human relationship including marriage.

Acid throwing, undoubtedly, is a dangerous form of violence against women. Acid violence is also called gender based violence as it reveals the existing gender based discrimination of the society.

2. PERSPECTIVE BANGLADESH

A local young man named Hanif along with his two associates throw acid to Jahanara Begum (pseudonym), a student of class eight while she is sleeping with her husband. As a result, the right side of her face, shoulder and hand are scorched entirely. Jahanara's husband is also severely injured in this incidence. After being rejected from love offer, Hanif attempts twice to throw acid to Jahanara but fails. To save her from the harassment of Hanif, despite Jahanara is married only at the age of 14 to a person of the adjacent village, but nobody can even save her from the situation [1].

This kind of crime (acid throwing) is continually published and read in the newspaper. Though there are a lot of acid violence in many countries of South and South-East Asia, the number of incidences of this violence is one of the highest in Bangladesh. Especially acid violence has become acute in Bangladesh from the middle decade of nineties. The severity of this violence is evident if we look at the recent years' statistics. According to the collected information of Ain O Salish Kendra (ASK), the number of incidences of this crime (acid throwing) were 63, 93, 63, 68, 44, 48 and 17 in 2009, 2010, 2011, 2012, 2013, 2014 and 2015 (January-June) respectively.

Figure 1: Reasons for acid violence and number of cases filed [2]

Cause	Age				Age not Mentioned	Total	Case	Death
	13-18	19-24	25-30	30+				
For Family Dispute	-	-	2	3	-	5	2	1
For not Agreeing to Marry	1	-	-	-	1	2	1	-
For Rejecting Love	3	-	-	-	-	3	-	-
For not getting Money for Intoxication	-	-	-	-	-	1	-	-
For not Agreeing to Revoke Case	-	-	-	-	1	1	-	-
For Resisting Abduction	-	-	-	1	1	1	-	-
Cause Not Mentioned	2	1	1	-	-	4	1	-
Total	6	1	3	4	-	17	4	1

Figure 2: Age group of Acid Survivors - 2014 [3]

Age	Male	Female
Below 18 years	3	11
19-25 years	5	13
26-35 years	5	15
36-45 years	3	05
46-55 years	4	03

Over 55 years	3	0
Total	23	47
Grand Total	70	

Figure 3: Age group of Acid Survivors - 2015 [4]

Age	Male	Female
Below 18 years	1	9
19-25 years	5	10
26-35 years	9	17
36-45 years	3	6
46-55 years	2	8
Over 55 years	4	-
Total	24	50
Grand Total	74	

According to the information of Acid Survivors Foundation, the number of acid throwing is 3,242 (three thousand two hundred and forty two) and 3,584 (three thousand five hundred and eighty four) persons have been affected. Among those, the 15-35 years aged women have been affected mostly. On the other hand, in all incidents the invaders were men.

This information evidently reflects gender inequality and discrimination in society. Often acid attacks are perpetrated against women because they transgress conventional norms that relegate women to subordinate positions. Indeed, a significant portion of attacks occur when a woman exercises decision-making power by rejecting a marriage or "love" proposal. Acid attackers aim for a woman's face in an attempt to destroy what many members of society consider to be one of her most important assets—her beauty. Most acid attacks are perpetrated by the people known to the victims and the attacks are often triggered by refusal to sexual advances or marriage proposals or failure to pay dowry or by land disputes. Historically, a vast majority of attacks are against women, with 99% of the perpetrators being men. In recent years there has been an increase in crimes staged against men too, mostly related to the disputes over land and other property. One fourth of the reported victims are children. There were reports that father showered his own daughter with acid as he wanted a boy child. Sometimes, children get hurt as they stay close to the main targets (mothers).

3. EXISTING LAWS AND STEPS TAKEN

Before 2002, throwing acid and offences related to this were tried normally under the Penal Code, 1860. Under section 326-A of the Penal Code, the punishment of causing grievous hurt in respect of both eyes, head or face by means of corrosive substance was imprisonment for life or death sentence. But lack of clear indication of acid related offence, people started criticizing the existing rule. As a result in 1995 and next in 2000, offences related to acid are included in section 4 of the Suppression of Violence against Women and Children Act, though there was no definition of acid in that Act and for throwing acid, death sentence alongside severe punishment are kept. But the Act fails to play successful role to suppress the acid violence. That is why; necessity of a special law is felt to suppress the acid related offences. In that perspective, the High Court division of the Bangladesh Supreme Court by a Writ Petition (Writ Petition No. 3655/2000) directs the Government to make special rules for controlling the import, production, conduction, storage, sale and use as well as for the treatment, rehabilitation and conferment of legal aid to the depreciated people [5]. On the basis of this direction two Acts named the Acid Control Act and the Acid Offences Prevention Act are enacted for the first time in 2002 to

suppress the acid violence. Later on, the Acid (Import, Production, Conduction, Storage, Sale and Use) Regulation, 2004 and the Regulation of 2008 for the Treatment, Rehabilitation and Conferment of Legal Aid to the Acid Depreciated People are adopted.

3.1 THE ACID CONTROL ACT, 2002

This Act is passed to control the import, production, conduction, storage, sale and use, the suppression of misuse of acid as corrosive substance as well as to treat, rehabilitate and aid the acid victims. This is the first act that defines acid. One of important contributions of this act is to establish a national acid control council which has the following activities-

1. To recommend the import, production, conduction, storage, sale and use of acid.
2. To enact and implement the guiding principles for suppressing the misuse of acid.
3. To enact and implement the guiding principles for the treatment, rehabilitation and conferment of legal aid to the people depreciated by acid.
4. To research on use and misuse of acid.
5. To establish administrative communication and coordination regarding acid.
6. To enact and take steps regarding the proper management of industrial rubbish.
7. To create awareness regarding the severity of misuse of acid and collect money for the treatment, rehabilitation and conferment of legal aid to the people depreciated/affected by acid.

Besides these, this act also makes provision for establishing committee (whose activities is likely Acid Council) in every district. Moreover, for controlling the import and production of acid this act tells about acid license where the Home Ministry has been given all power to give and cancel acid license. According to section 35 of this Act, any offence under this act is cognizable, non-compoundable and non-bailable. Violating the provisions of this act, production, import, conduction, store, sale and use or possession of acid is offence for which the punishment is imprisonment up to ten years but not less than three years and in addition fifty thousand taka fine [6].

3.2 THE ACID OFFENCES PREVENTION ACT, 2002

This act is enacted to suppress the acid offences/crimes strictly. In this Act, definition and extension of acid is fixed like the Suppression of Violence against Women and Children Act, 2000. According to section 2 of the Act, acid means combustible, corrosive and poisonous substance. Under this Act, the maximum punishment of deforming or destroying eye-sight, ear-sight or face, breast or sexual organ by throwing acid is death sentence or life time imprisonment and one lac taka fine. Besides, the punishment of deforming or destroying any other organ of the human body is imprisonment up to fourteen years but not less than seven years and in addition fifty thousand taka fine. Moreover, there is also punishment fixed for attempting or abetting in throwing acid. As safeguard against false case, there is also punishment for filing false case and complaint in this Act. Section 16 deals with the provision for constituting Acid Offences Tribunal to try the offences under this Act [7].

4. LIMITATIONS OF THE EXISTING ACTS

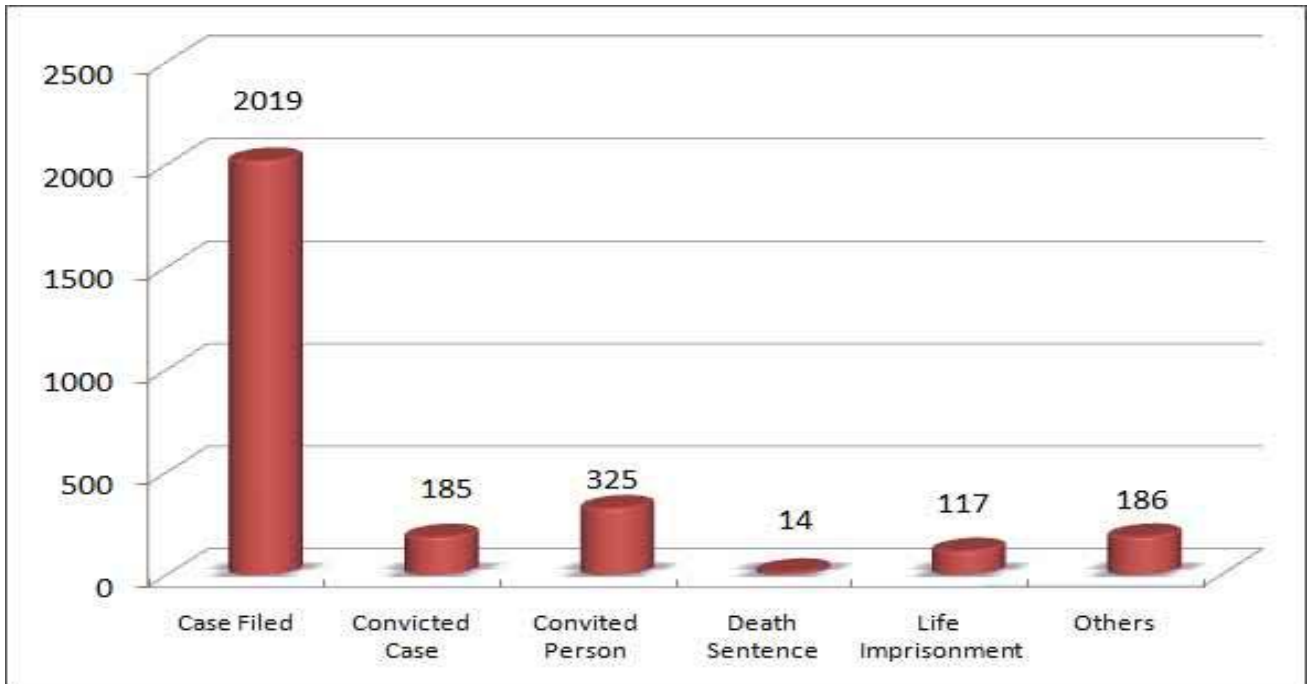
This two Acts undoubtedly are praiseworthy in the existing situation. Now it is a matter of observation, how far these Acts are playing effective role to the practical situation? According to the information of Acid Survivors Foundation, after passing these two Acts, the number of acid throwing has been decreased in to 15-17 percent rate every year and it has been decreased in to 86 percent all together. As for example, in 2002 the number of acid throwing was 496 where in 2014, the number was 70. The following statistics collected from 1999 to 2014 is showing that the number of acid throwing has been decreased in these years.

Figure 4: Acid Attack Statistics [8]

Year	Number of Incidents (Acid Throwing)	Number of Affected People
1999	165	168
2000	240	240
2001	351	352
2002	494	496
2003	417	420
2004	326	333
2005	222	277
2006	183	224
2007	162	199
2008	142	184
2009	129	159
2010	122	160
2011	91	118
2012	71	98
2013	70	86
2014	59	74
2015	59	74
Total	3303	3662

As the statistics has been done on the basis of newspapers reports, so this information seems to be attractive but it is also to be reminded that there are many incidents of acid throwing which do not come to the newspapers. Though the number of incident is decreasing, it cannot be overlooked rather there is a lot of questions regarding the implementation and effectiveness of these Acts. According to the information of Ain O Salish Kendra (ASK), the number of incident was 63 and 48 in 2009 and 2014 respectively but the number of filing case was only 29 and 13 consecutively. According to the statistics of acid offences watch cell of Home Ministry of Bangladesh, till September of 2014, the Police have got one thousand nine hundred and thirty nine (1,939) complaints whereas the police have given final reports in seven hundred seventy two (772) cases and charge sheets in one thousand one hundred and fifty three (1153) cases. Among these (1153) cases still forty four (44) are pending in Acid Offences Tribunal. The most formidable information is that among the cases adjudicated till September, 2014 only the punishment has been given in 177 cases, in five hundred twenty seven (527) cases the accused have been acquitted and only six hundred eight accused have been arrested in respect of 90 FIR. So this information raise two questions- Firstly, how far are these Acts passed in 2002 effective indeed? Secondly, how far is the appointed/designated authority playing effective role to implement these two Acts?

Figure 5: Conviction Status according to Acid Survivors Foundation [9]



If we review the Acid Offences Prevention Act, 2002, it will be evident to us that the way of fixing the punishment for throwing acid is humiliating for the woman. According to section 4, the standard of fixing the punishment is the harmed part of woman body but not the limit of hurt or deformity caused by acid throwing. It is told in section 9 that the depreciated/harmed person will be compensated from the convicted person or from his property and the power of collection of this compensation has been given to the District Collectorate by the Tribunal. But this Act is silent about the procedure of compensating the victim if the convict person does not have any property. Section 11 has created a procedural complexity by conferring the jurisdiction of issuing investigation to the magistrate court and the tribunal at the same time. According to section 11(1), the investigation will be completed within 30 days of receiving the information of crime or of magistrate's order. But the power of extending this time has been given to the tribunal. Though there are provisions for the presence of witnesses under section 21 but there is no specific provision for the protection of the victims and witnesses. As the accused persons are influential in the society so the witnesses keep themselves absent in the court for fear which obstructs the proceedings of the case. Section 14 and 15 reveal that any offence committed under this act is non-bailable. Since getting bail is the right of any person and mostly many inoffensive persons are accused that is why provisions regarding bail should have been adopted to resist the misuse of this Act. This act is also inconsistent with the other laws. Though in the Suppression of Violence against Women and Children Act, 2000, punishment was available for acid throwing but there was no definition of acid; which has been defined in the Suppression of Acid Crime Act, 2002. So if the thrown substance is acid it will come under the Act of 2002 and if it is combustible, corrosive and poisonous it will come under the Act of 2000. Now the question is though the combustible, corrosive and poisonous substances have been treated as acid in the Act of 2002 but nowhere in the Act of 2000, this kind of substances have been named as acid. To try the offences committed under these Acts, two tribunals named the Suppression of Violence against Women and Children Tribunal and the Acid Offences Prevention Tribunal have been constructed. If combustible, corrosive and poisonous substances are acid according to the Act of 2002, then the Acid Offences Prevention Tribunal should have the entire

jurisdiction to try the crime related to this. Until it is done, there is a possibility of clash regarding the jurisdiction between these two tribunals. Though this Act (the Acid Offences Prevention Act, 2002) is a special law but there is no specific time limit fixed for adjudicating the proceeding. As a result, there may be procrastination which reduces the victims' expectation of getting fair trial.

It is also mentionable that besides adopting these two Acts, Bangladesh government has established a National Advisory Council and Human Control Cell under Women and Children affairs ministry. Various human rights organizations and nongovernment organizations such as-Acid Survivors Foundation, Ain O Salish Kendra, Bangladesh Women Council, Bangladesh Women Lawyers Association etc. are also helping for the legal aid, treatment and rehabilitation of the acid victims alongside the government.

5. RECOMMENDATIONS

Ways of combating acid violence is a challenging task that requires financial, moral and political support from all the tiers of the society. Severe acid violence is in existence and is stigmatized as social, human and legal problem as well as a threat for the existence of the women. In truth, acid violence can not be immediately removed from a country such as Bangladesh right immediately because the problem is indissolubly rooted in our society, so following attempts have to be initiated in the first place to combat/eradicate it.

- a) The Court has to be more sensitive in the acid cases, especially to the victims.
- b) The accountability and competence of the public prosecutor and investigation officer will have to be ensured.
- c) The National and District Acid Control Council will have to be more vigilant in performing their duties and responsibilities;
- d) Coordination among the organizations working for acid victims will have to be further strengthened;
- e) The cases filed under the Acid Control Act will have to be adjudicated within a fixed time limit.
- f) Measures will have to be adopted for the protection of victims, complainant and witnesses.
- g) Separate acid related cell will have to be formed in every police station.
- h) Sufficient steps will have to be taken for stopping any kind of compromise between accused and complainant by any of the parties or the third party outside the tribunal. Adhering/concern District, Acid Control Council and Police Station will have to play important role in this regard.
- i) The government has to ascertain sufficient financial assistances so that the complainants can carry on with the cases.
- j) The presence of the witnesses and submission of the evidences in the tribunal will have to be ascertained within fixed time.
- k) The proof of acid assault/attack will have to be evident in the doctors' report and the concern doctor will have to be present in the tribunal at the time of taking evidence.
- l) The government will have to play more effective role to rehabilitate the acid victim women.

Besides implementing these recommendations, the most important thing is to prevent the acid assault/attack in one side and in other side to rehabilitate the acid victims. In these two cases the role of the society is undeniably important along with the steps taken by the government and non-government organizations. This is why; there can be no alternative of a conscious, sensitive and protesting society.

6. CONCLUSIONS

Women have been playing a great role in society from the emergence of civilization. For the greater development of the society, participation of women is very essential. But unfortunately, it is true that women of our society are being oppressed physically, mentally and sexually in all spheres and at all levels in our society. If they face any kind of violence like acid throwing, they would not be able to contribute in total development of the country and as a result, progress of the nations would be hampered. Moreover, women would express their concerns consistently about the lack of a safe environment which leads to violence, abuse and exploitation within the family, community, streets, work places, educational institutions and also in the system of justice. There are many provisions to give punishment for various offences against women. In spite of this, the violence against women is increasing gradually. For this reason we should be conscious about the violence against women with the implementation of law and our attitudes towards women deprivation must be changed. If we consider them as a naturally weak human being or instrument or thing for sexual relations or giving birth child then it is entirely impossible to combat violence against women. So, to stop the violence against women, with the implementation of law, the narrow mindedness of our male dominated society to the women must be changed. It is also important that the affluent, elite countries and international organizations should come forward to help our Government; especially the NGOs along with their ongoing financial support should increase their awareness activities in the rural-based societies where people irrespective of women and men are not sufficiently aware of gender equality.

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