

Safe Home, Safe Societies: Preventing Violence against Women in the Chittagong Hill Tracts (CHT)

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Introduction

The CHT has been a conflict zone for a long time. The non realization of all the provisions of the CHT Accord reached between the Government of Bangladesh and the Parbottyo Chattogram Jana Shanghiti Samiti (PCJSS) has resulted in a failure to bring peace and stability to a region which is still ridden by old problems as much as they are acquiring new dimensions.

The population of the CHT, according to the 2001 census, stands at 1.06 million, which is 0.14 percent of the national population of 129.25 million.¹ Over a period of 50 years, the density of population in the area has gone up from 22 per sq. km. in 1951 to 78 in 2001, marking an increase of 354.54 percent. In 1991, the CHT had a population of 0.97 million, of which the Hill people constituted 0.50 million and the Bengalis 0.47 million (Cited in Mohsin 2003). According to the last census (2001), the total number of indigenous people in the country was 1.41 million, while the population of Bangladesh was 129.25 million. The population of Bangladesh increased to 142.6 million in 2007 (BBS, 2008). Another estimate says that the population in the CHT increased to 1.333 million in the 2001 census due to an increasing number of people returning from the neighboring states of India and from other regions of the country.² The ratio of Bangali and indigenous population is approximately 50-50 on average, but in some regions the ratio of Bengali settlements to indigenous populations are as high as 70-30.

The demographic pressure of Bangladesh have led to continuous land encroachment over property that has been both privately owned by indigenous people as well as bestowed through customary rights. The institutions such as the Land Commission set up to resolve the land issue have remained weak, unrepresentative of indigenous voice and debates surrounding them unresolved. On the other hand the internal political dissension and the changing dynamics of society and market have brought in added dimensions of exploitation that has left a once remote part of the country unprepared and vulnerable. It is in this context that I shall discuss the problems of Violence against Women in the CHT.

Prevalence and Nature of Gender based Violence in the Hill Tracts

According to data produced by the Malay Foundation in 2012, out of all the reports on

¹ No census has taken place since 2001 for which it is not possible to get updated disaggregated data on population based on various ethnic groups.

² Other estimates may be found in ADB, Technical Assistance to Bangladesh for the CHT Region Development Plan, A Report, 1999, <http://www.adb.org/Documents/TARs/BAN/R11-00.pdf> accessed on 24 August 2007.

Human Rights received by them from March to April 2012, violence against women figured the highest i.e. 39%, land related issues came the second amounting 22%. From May to July, 2012, violence against women registered 20%, while land related issues amounted to 23% and in the period between August and October 2012, VAW figures rose to 35%.

On the other hand the Bangladesh Legal Aid and Services Trust through using the Right to Information Act acquired the following information related to cases of violence against indigenous women and children from the Home Ministry for the period 1st January 2010 to 31st December 2011.

Laws under which cases filed	Bandarban	Khagrachhari	Rangamati
Nari o Sishu Nirjaton Domon Ain 2000 dhara 9 Rape	4	11	3
Joutuk Nirodh Ain 1980 Dhara 11 Dowry	2	1	-
Nari o Sishu Nirjaton Domon Ain 2000 dhara 11, Sexual harassment	8	5	6
Trafficking related	-	-	2
Acid Nikhep	-	-	-
Others	8	-	6
Total	22	17	17

In the above cases charge sheet has been prepared for 14 cases in Bandarban, 12 in Khagrachhari, and 14 in Rangamati.. Report has been filed 5 each in Bandarban and Khagrachhari and 3 in Rangamati. 2 cases have been heard in Bandarban and 4 in Rangamati. Verdict has been given in two cases in Bandarban and 2 in Rangamati but in the accused has not been punished in any of these cases.

Furthermore the International CHT Commission has been collecting details of cases of VAW from the three districts of the Hill Tracts for the year 2011. In total, 18 cases of violence against women and children have been collected so far. A cursory look at these cases tells us about the root causes, nature and challenges of such incidents. I will enumerate two such cases without revealing the names and places of these incidents and then try to outline some of the characteristics.

Case 1

Description of the incident: The victim lived with her husband and children in Naikhayangchhari upazilla. They had a piece of paddy land that is two and half kilometers away from their village. They went to the area almost every day. They had a temporary farm house there, where they stayed for a short period if they had a work load. It was February 9, 2011. The accused and four other Bengalis were felling trees at around 3 pm in a hill just above the paddy land. The Bengalis were throwing their trees into the paddy land causing damage to their harvest. When they protested, it turned into a quarrel. But nothing happened that day. The victim's husband went to the forest interior to collect trees the following day. She with her three-year-old daughter and young brother-in-law were working at the farm. The quarrel started again when the accused like the previous day were felling down the trees. During this time the accused, with one of his companion, came to attack her. They held tight the victim's face and forcibly took her inside the room and raped her. This time the three other accused Bangalis detained her daughter and her brother-in-law outside the room. The rapists then came to the courtyard and discussed with the others about their next course of action. One of the perpetrators said, "Kill her." In the mean time she came to the courtyard to see her daughter and brother-in-law. Then, taking a chopper from one his companions he struck her head. She saved her head but it hit her hand and she was severely injured. She started crying out loud. Her cries brought in more people. Seeing them, the accused ran away. The villagers called her husband., who took his wounded wife to the health complex.

Action taken

Legal steps were taken. The husband of the victim filed a case against five persons at the local police station under section 9 (30) of Women and Children Repression Prevention Act.

Case 2

Description of the incident: The husband of the victim narrates the incident: "Our paddy land is about two kilometers away from our house. It was 1.10.2011, Saturday. It rained heavily almost all day. Most of the people couldn't go outside due to heavy rainfall. But I still had to go to work. Keeping our two adolescent children at home, my wife came to me with lunch. Spending some time with me she started for home. I returned home at about 4pm and saw that my wife still hadn't arrived. The family members had thought that she has been working with me so they didn't bother to look for her. But then we all become worried and tried to trace her. Finally, in the evening our neighbors found her dead body beheaded under a bridge near to our place. Her two ears were also separated from the body."

It was deduced that the killers snatched away her golden necklace and ear rings. Her ears were injured. Her garments were loosened when she was found. "It seemed to me that

she was raped before she was slaughtered”, the local UP Chairman said. He also informed that a murder case had been filed with the Sadar police station accusing a resident of the village. Quoting the local Adivasis, who went to adjacent area of where the incident took place, he said that four Bangali laborers went to the area that day. Among them all but one returned home within 10 am. He was seen working for a long time. The locals saw him in wet clothes and behaving abnormal that day. Another local, said, “We came to know from different sources that one of four laborers went in hiding in an unidentified place for unknown reason. So, it is almost sure that one among the four laborers committed the crime. And the nature of the killing indicates that it was not possible for a man to commit such crime without anyone’s help.”

Administrative action: The day after the killing, the victim’s husband, filed a murder case. Police took the accused of the case, from local army camp and sent him to court. The case is under investigation now.

Analysis of the recent trends in VAW

Land related problems: Many of the cases of violence have to do with land-related issues. Since more and more land is being forcibly transacted from indigenous people, the relations between communities are getting from bad to worse. Continuing land encroachment has brought the two communities together as hostile neighbors where old enmities and feuds have served as daily fodder for a simmering violence waiting to erupt.

Encroachment of the labor market: Many of the acts of violation are committed not by land owners themselves, but by the laborers employed by them. The intrusion of a Bengali labor force in the hills is a consequence of both Bengali settlements as well a marketization of the economy.

Remote area: Many of the crimes committed occur in remote areas, or where women are left alone without the protection of family and neighbors. This is further aggravated by the changing landscape of new settlements mushrooming sporadically and often disturbing traditional networks and social relations.

Effects of Urbanization: Slow but steady urbanization have brought changes in the world view of young indigenous women and children, especially those living in towns. More and more women are being lured by the urban-based work force which pays hard cash and hence provides an alternative to poverty. They therefore seized at any opportunity without preparation or thinking of the consequences.(RIB, 2011)

Challenges

Lack of Adequate and Impartial Investigations: Generally speaking there is a tendency not to report cases of violence against women, due to a widespread feeling that the police will not respond effectively. Even where they are reported, the proceedings may

ultimately not make much headway, given lack of police cooperation (widely perceived to be due to their complicity with the perpetrators). In the CHT, in cases of Bengali/Pahari violence, particularly where Pahari women are the victims, there is a widespread perception that the police, security forces and the medical authorities do not respond impartially and effectively in conducting investigations, and that in many cases they are actively complicit in covering up evidence.

Lack of Access to Judicial Remedies: With regard to cases of violence, the Special Tribunal on Violence against Women and Children is being established in the CHT, This will hopefully help to accelerate the justice procedures.

In addition, the lack of any translation facilities (and of women translators) inhibits many women and girls from clearly articulating their complaints of violence. Given the relative infrequency of such cases occurring between indigenous communities (or possibly of such cases being reported), most such prosecutions involve an alleged perpetrator who is a non-indigenous person.

The state system is nevertheless an added option for many in cases of violence, with many women reporting who prefer to take complaints to the Nari Nirjaton Cells rather than the Karbari or Headman whose processes they claim are not gender-sensitive enough. There is however ongoing debates especially with regard to the Prevention of Domestic Violence Act and Family Court Ordinance whether it should be relevant for indigenous women or not. It would seem that as citizens of the country all women should stand to benefit from any law that prevents violence. However, there should perhaps be steps taken to help make traditional systems of justice more gender-sensitive.

Lack of Social Support: The absence of social support means that in cases of violence against indigenous communities, particularly in the CHT – whether perpetrated by non-state or state actors – women are left more vulnerable and exposed by virtue of having to remain in their homesteads, while men are able to flee the village and go into hiding. In cases of violence against women, the need for solidarity from civil society is particularly urgent – and not often adequately met, particularly in the context of tight surveillance by the security forces of civil society actors and their initiatives to provide such support. Despite these constraints, several indigenous women's organizations have started, in collaboration with wider national networks to provide such support

Recommendations

Neighborhood or hill watch committees

Due to the remoteness of areas in the CHT where violence against women often takes place, it is necessary for communities to pool their resources together and organize something like Hill Watch Committees who will from time to time keep an eye on things. The Government should also think of expanding mobile coverage in the CHT and social support services should think of taking help of the community radio system and design a way to report crimes effectively.

Information

Information with regard to educational and job opportunities for women should be circulated so that they don't easily fall prey to the machinations of vested interest groups and parties looking out to exploit them. This can be done through different schools, colleges and also through community radio.

Domestic violence

Although domestic violence cases are under reported now, proper channels need to be developed through which women will feel safe and protected enough to call for help. Counseling service system needs to be stepped up and counseling for both victim and perpetrator is often needed. Since in the CHT there is a rich tradition of informal justice around the Karbari-Headman system, efforts need to be made to make it more gender-sensitive and also maybe have a women volunteer force attached to it.

Child protection strategies

Many of the victims of violence are children. In cases of child rape, it is almost always seen that the child had been left alone or unprotected. In the Hills women go out to work as frequently as men sometimes, since fetching water, or bringing in food from jhum land necessitates traveling distances. Organizations working in this area should take up child protection strategies and make sure they cover remote areas.

Revisiting and re-building social capital

Legal empowerment strategies

Finally there is a dearth of legal awareness among women in the hills. Although there exists organizations who are involved in this sphere, there should be effort to expand their services as well as seek more innovative ways to make such lessons, meaningful and relevant to their daily lives.

Finally, it has been mentioned before that the CHT like any other society is undergoing change, but since this is an area which possess laws and customs that are different from the rest of Bangladesh, that have generated a particular kind of social relations, it is necessary to revisit those customs and traditions and decide which aspects are to be treasured and valued and which ones need to be changed so that society can move forward. But needless to say that such change should be internally generated and in a participatory manner.

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