FATWA VIOLENCE AGAINST WOMEN: A BANGLADESH PERSPECTIVE

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‘Fatwa’ violence against women:
A Bangladesh perspective

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1. Introduction

Violence against women and girls continues to be a global epidemic that kills, tortures, and maims – physically, psychologically, sexually and economically.1 Even though most societies proscribe violence against women, the reality is that violations against women’s human rights are often sanctioned under the garb of cultural practices and norms, or through misinterpretation of religious tenets.2 The condition of women in Bangladesh is not an exception to this. For decades, they have been kept oppressed by religious fanaticism, superstition, oppression and various discrimination.3 Particularly, the condition of rural women is more convoluted. In addition to the agonies generally suffered by them only because they are women, they are often victims of ‘fatwa’ violence. Fatwa or Islamic religious edicts which do very often result in extra-judicial punishment are continued to be used as a major tool of violating women’s rights in Bangladesh.

For the purpose of this write-up, the term ‘fatwa violence’ includes violence against women (including girls) which has been constituted in the form of fatwa issued in rural areas through shalish,4 by Muslim clerics using religion. However,

1 Domestic Violence Against Women and Girls 2000, A Digest builds on research carried out by the UNICEF, p- 2.
2 Id.


4 Shalish is an institution which goes back to traditional form of dispute resolution through; It consists of local elders (usually the local elites including village elders, school master, Imam and so on) seeking compromise solution in local disputes on family or inheritance matters…..They have clearly no authority to try criminal cases. See also, Amnesty International, Bangladesh: Fundamental
these practices are not unique to Muslims alone or to Bangladesh. The Hindu village ‘panchayets’ in many villages of India and tribal regions of Pakistan-Afghanistan border are infamous for having a parallel quasi-judicial system based on local customs and practice. Fatwa was in practice even in Roman reign, in ancient England. Since ancient times, its practice shows that mainly the vulnerable segments, particularly the women, are the victims of fatwa. It has also been issued against potential authors, poets, novelists, or even against scientists. Whenever their work or creation challenges the traditional social norms, they became the target of fatwa. While recognizing that other forms of fatwa violence are equally worthy of attention, this write-up does not look at the fatwa issued against other classes of people rather against the rural women only. It does not cover the origin of fatwa, how it is in practice in different society crossing the border of Bangladesh. In other words, this article exclusively covers the fatwa instigated violence constituted against the rural women in Bangladesh.

This write-up attempts to set out the magnitude of violence occurred in the name of fatwa against women, and its impact on women’s rights. Fatwa have been used to persecute women by-passing the established court system. Focusing on this fact, this research work studies the factors that allow fatwa and comes up with an integrated policy responses to eliminate this social evil.

2. Fatwa violence against women: A synopsis

Every year, a significant number of women are subjected to fatwa instigated violence in Bangladesh. This section ventures to give a brief idea about the term fatwa and how it constitutes violence against women. It also explores how this extra-judicial punishment violates existing laws and women’s rights including fundamental rights enshrined in our constitution.


5 Adnan Karim, ‘Fatwa: to be or not to be, that is the question’, Law Chronicles Online, http://lawchroniclesonline.blogspot.com/2011/04
6 Dr. Mohammed Hannan, Bangladeshe Fatowar Itihas, (Bangladesh Nari Progati Sangha 1998), at 9
2.1. Fatwa: an explanatory note

‘Fatwa’ is an Arabic word which literally means ‘legal opinion’. Fatwa is the formal opinion of a Mufti (jurisconsult) upon the legal issues involved in a factual situation. The Mufti has to be a “competent legal scholar”. Thus, in Islamic law, for an opinion to be appropriately termed as ‘fatwa’, it must come from a Mufti - a consulting canon-lawyer in Islam, who upon application gives fatwa or legal opinion on points of canon-law (Encyclopedia Britannica). Fatwa was developed early in Islam to interpret difficult questions not addressed by prevailing law. The word is derived from the root fata, or fatah, which means youth, newness, clarification, explanation.

If the true essence of fatwa is examined, it is to be understood that the fatwa which is in practice in our country is not ‘fatwa’ in any sense; rather disguised as religious edicts, it is often abused as a tool for torturing and suppressing women. In Bangladesh, fatwa is issued through shalish usually to punish women for so-called anti-social or immoral activities that may include their involvement in extra marital affairs, premarital pregnancy, oral divorce, etc. They are penalized by adopting different disgraceful and humiliating methods often amounting to a kind of violence.

Fatwa, in itself, is not abusive to Muslim society but it is the misinterpretation and misuse of the term and its misconceived practice that are dangerous to the society. When it is used for imposing extra-judicial punishment, at times cruel and in-human, against innocent victims, it does not any more remain as only a religious phenomenon; it then crosses the religious boundary and raises questions as to its social and legal stand.

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7 Bangla Academy Arabic to Bengali Dictionary, (Dhaka 1993), at 1868.
8 Fatwas Against Women in Bangladesh, Published by Women Living Under Muslim Laws 1996, p- 11.
9 Adnan Karim, op cit no 5.
10 http://www.positivearticles.com/Article/Fatwa/44174
11 Sharmeen A. Farouk, ‘Violence against women: A statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them’ (2005). ------
12 Barrister Tureen Afroz, , op cit no 3.
2.2. Magnitude of the problem: an analysis

Fatwa is neither uncommon nor a recent phenomenon in Bangladesh. Since independence, Bangladesh has witnessed several cases of priests at mosques issuing fatwa trying to deliver informal justice on various issues but the rate of reported violent acts through fatwa against women has risen at an alarming rate, especially, since the early 1990’s.\(^{13}\) From 1990, fatwa being issued by rural clerics resulting in corporal punishment against women and men drew increasing attention from the media and human rights organizations nationally and internationally. The suicide of Nurjahana in remote Chatokchhara, Sylhet, following the execution of a fatwa requiring her to stand waist deep in a pit and be pelted with stones by fellow villagers including her own family, catalyzed a national response. Nurjahan’s death was rapidly followed by several other egregious cases of what increasingly came to be known as ‘fatwa violence’.\(^{14}\)

People were shocked to hear about one Noorjahana, but there are still millions of Noorjahanas in rural Bangladesh whose plight and torture never get reported in the newspapers.\(^{15}\) They get systematically tortured, punished and humiliated without taking much recourse to the justice system. The following Table (Table-1) shows the poor number of incidents where the victim seeks justice against the violence occurred against them.

Table-1 (Year wise incidents of fatwa violence, 2000-2010)

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of cases</td>
<td>31</td>
<td>45</td>
<td>32</td>
<td>46</td>
<td>37</td>
<td>46</td>
<td>39</td>
<td>35</td>
<td>20</td>
<td>35</td>
<td>22</td>
</tr>
<tr>
<td>Cases filed</td>
<td>-</td>
<td>7</td>
<td>9</td>
<td>5</td>
<td>2</td>
<td>-</td>
<td>8</td>
<td>4</td>
<td>6</td>
<td>13</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Resource Center, BNWLA for 2000-2004,\(^{16}\) Ain-O-Shalish Kendra (ASK) Documentation unit for 2005-2010.\(^{17}\)


\(^{14}\) Id.

\(^{15}\) Barrister Tureen Afroz, op cit no 3.

\(^{16}\) Sharmeen A. Farouk, op cit no 11.
Table-2 (A statistical overview of different forms of fatwa violence, 2006-2010)\textsuperscript{18}

<table>
<thead>
<tr>
<th>Reasons of Fatwa</th>
<th>Forms of punishment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hilla</td>
<td>Lashes</td>
</tr>
<tr>
<td>Rape</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Premarital pregnancy</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>Allegation of immoral Character</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>Extra-marital relations</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>Illegal/sexual relations</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>Love affairs</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>Oral divorce</td>
<td>32</td>
<td>3</td>
</tr>
</tbody>
</table>

Table-2 shows that the kind of offences for which women have been subjected to fatwa are prominently ‘oral divorce’ and then, having love affairs, rape, premarital pregnancy or extra-marital relations, etc. But the offences for which they received this punishment are not described as offence under any law in force in Bangladesh. For example, fatwa issued against women for zina or adultery but under our national law a women can not even be prosecuted for adultery.\textsuperscript{19}

\textsuperscript{18} This Table is a result of an analysis done on the data compiled by Ask in its annual Human Rights Report titled Human Rights in Bangladesh for 2006, 2007, 2008, 2009. Manobadhiker Bangladesh 2010, at 172.
\textsuperscript{19} The Penal Code, 1860, s 497.
The forms of punishments inflicted by fatwa are imposed in the name of ‘shariat’ law. Thus, hilla marriage is the most practiced form of fatwa in matter of oral divorce (see Table 2). In Bangladesh, the Muslim Personal Law (Shariat) Application Act, 1937 provides that Shariat Law may be applied for Muslim females relating to their marriage, dissolution of marriage, etc. as mentioned in section 2 of the Act. But these issues are applicable subject to the provisions of the Muslim Family Laws Ordinance, 1961 and the Muslim Marriages and Divorces (Registration) Act, 1974 as these two laws regulate the procedure relating to Muslim marriages and divorces. These laws neither contain any provision allowing a private person such as Mufti, Moulana or Imam to administer marriages or divorces on behalf of the concerned authority nor anything for hilla marriage. So when a woman is compelled to perform hilla marriage, it is an offence as it goes contrary to existing laws.\(^{20}\) Besides, the form of punishment by fatwa is not sanctioned by any law in force in Bangladesh.

In our country, only the Supreme Court, Courts established under the Code of Criminal Procedure and those constituted under special laws can adjudicate on offences\(^{21}\) and can impose penalties. To the extent that traditional dispute resolution or alternative dispute resolution takes place, it is also required to be carried out in accordance with law and this cannot involve the imposition of penalties for conduct not recognized as offence under Bangladesh law.\(^{22}\) So imposition of this extra-judicial punishment is itself an offence punishable under various laws including the Penal Code, 1860 and Prevention of Repression Against Women and Children Act, 2000 (amended in 2003), etc.

Moreover, fatwa amounts to a clear violation of the fundamental rights of women as guaranteed by Articles 31, 32 and 35 of the Constitution of Bangladesh. The combined effect of these articles explicit that no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law; no person shall be convicted of any offence except for violation of a law in force at the time of commission of the act charged as offence and he shall not be subjected to torture or cruel, inhuman or degrading punishment or treatment. Hence, the victims are not treated in accordance with law. They often undergo a cruel, inhuman punishment for an offence not termed as an offence under their national law which is a clear contravention of article 35 of our constitution.

\(^{20}\) BLAST and Others V. Bangladesh and others [2010] (HCD).

\(^{21}\) Id.

\(^{22}\) Id.
Fatwa violence still continues. Want of authority of the fatwa giver, violation of victim’s fundamental rights, contravention of existing laws and many other disabling factors can not stop fatwa still today.

3. Combating Fatwa violence: obligations of the state

States have concrete and clear obligations to address violence against women, whether committed by state agents or by non-state actors. States have an obligation to act with due diligence to prevent violence against women, to protect them, to hold perpetrators accountable and to provide justice and remedies to victims.23

Bangladesh has an obligation under international law to prevent, prohibit and punish torture and other cruel, inhuman or degrading treatment or punishment. It is also under an obligation to end discrimination against women as discrimination is the root of all forms of violence against women. These obligations are contained in a number of international treaties binding on Bangladesh, such as, the International Covenant on Civil and Political Rights (ICCPR) provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;24 whereas, Articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) states that States must prevent acts of torture and other ill-treatment.

In 1984, Bangladesh ratified the Convention on Elimination of all forms of Discrimination against Women, 1979, commonly known as CEDAW. While the Convention does not specifically address violence, then CEDAW Committee, through its General Recommendation No. 19, addressed the concept of violence and its relationship to the obligations set out in the Convention, specifying responsibilities of State Parties with regard to violence against women. By ratifying the Convention, the Bangladesh Government binds itself to implementing its provisions which provide that state-parties should ensure in


24 ICCPR, Article 7.
every sphere of life, that women enjoy all the human rights and fundamental freedoms.\textsuperscript{25}

Bangladesh is a signatory to the \textit{Charter of the United Nations}. Hence, Bangladesh is under an obligation to promote universal respect for all, to ensure ‘gender equality’ and to combat ‘discrimination against women’, pursuant to Articles 55(c) and 56 of the \textit{Charter of the United Nations}.\textsuperscript{26}

Bangladesh has endorsed the Platform for Action (PFA) of the Fourth World Conference of Women held in Beijing in 1995 without any reservations\textsuperscript{27} and since then, the Government of Bangladesh has identified violence against women as a priority issue. Bangladesh placed its commitment to ensure its implementation at national level.

In the national context, article 27 of the \textit{Constitution of Bangladesh} guarantees equal protection of the law for all of its citizens, including women. Article 28 of the Constitution expressly prohibits discrimination amongst citizen on grounds of religion, race, caste, sex or place of birth. A combined study of these articles obviously leads one to conclude that women in Bangladesh are guaranteed equality with respect to men before the law in every matter except for those covered by the personal laws.\textsuperscript{28}

\section*{4. Strategies and interventions: an integrated approach}

Fatwa violence against women continues unabated in Bangladesh. Reasons for such continuance include, among others, lack of political will, denial by the Government authorities, corruption and impunity.\textsuperscript{29} Huge procedural gaps in the state interventions to prevent such violence, weaknesses in the legal

\textsuperscript{25} Barrister Tureen Afroz, \textit{op cit no} 3.
\textsuperscript{26} Id.
\textsuperscript{27} \textit{op cit no} 16, p-28
\textsuperscript{28} Barrister Tureen Afroz, , \textit{op cit no} 3. The Muslim Personal Law (Shariat) \textit{Application Act, 1937}, S 2 provides that Shariat Law will be applicable to Muslim females relating to certain issues enshrined therein.
\textsuperscript{29} Mid-term Assessment and Report on the Universal Periodic Review: Bangladesh, ( Reporting Period: February 04,2009-February 03,2011), jointly submitted by the Odhikar and International Federation for Human Rights (FIDH), pp-5-6
framework, lack of gender sensitivity in the administration and poor law and order situation also play active role in rising violence against women.\textsuperscript{30} Above all, the discriminatory socio-cultural attitudes and economic inequalities act as a root cause for all kinds of gender-based violence. Considering the cause-factors, its elimination requires a comprehensive and integrated response by all the stakeholders including the women, local community, civil society, state machineries and so on.

An effective strategy is one that is designed to be culture and region-specific, providing victim-survivors easy access to wide-ranging services, involving the community and individual stakeholder in the design of interventions.\textsuperscript{31} This section of the article attempts to formulate a framework for coordinated action at the policy and program level. By focusing on the stakeholders and by highlighting the responsibility of the victim segment, the local community, the civil society, the state and the international organizations, this framework points to relevant areas of action. These areas are not mutually exclusive rather interventions may overlap several areas at once.

**Women:** To stop fatwa violence, the combat must start from the women themselves. As their life and dignity are at stake, they should be made the most significant actor in this struggle. The traditional socio-cultural practices with repressive and negligent attitudes towards women, the concepts of patriarchy and masculinity largely contribute to the ongoing violence against them. Even worse is the women’s lack of awareness about their rights irrespective of their educational or social status. Thereby, the only way to counter this is to create greater awareness amongst the general people that would shift attitude towards women recognizing their capacity and rights; to empower the women through education, employment and legal literacy and finally to motivate them to face this violence by strong organization. It is always the best way to fight collectively instead of fighting individually. If the fatwa affected women including the others stand united, obviously fatwa can be countered and stopped. A strong victim women’s organization can protest practice of *hilla* or other unethical activities by so-called religious preachers; can take the rape or other criminal cases before court; can make the victims feel they are not alone and helpless and this feelings fuel them to stand against the wrong done against them. When the collective

\textsuperscript{30} Dr. Mahbuba Nasreen, ‘Elimination of violence against women in Bangladesh’, (Daily Star, November 26, 2010).

\textsuperscript{31} op cit no 1, p-14.
strength of the affected people is stronger than that of the fatwa giver, certainly it will lessen the extent of the incidents of fatwa violence.

**Local Community:** Local community is the most important factor while taking different strategies to combat fatwa violence. Fatwa is passed in public through *shalish* but the people attending the *shalish* hardly protest the *shalish* verdict though most of the time it amounts to extra-judicial punishment having no legal stands. One reason is that, they do not even know that fatwa is not law, not to mention who has the authority to issue it. In others, declaring them in the name of religion persuades many people to support it. Their lack of knowledge on Islamic law and its confined interpretation facilitate the local elites to continue with this evil. Hence, every strategy must emphasize enlightenment of the entire society to the crimes instigated by fatwa. Community information and education regarding the nature and unacceptability of fatwa violence should be developed. Community elders and religious leaders have the responsibility to demonstrate leadership in this area. Religious leaders should be encouraged to re-examine doctrines and cultural practices that lead to the subordination of women and violation of their rights. They should play strong role in developing newer form of cultural norms that respect women and promote their safety and dignity. Creating awareness about the impact of fatwa violence on communities conveys the importance of preventing such violence against women.

**Civil society:** Civil society can act as a pressure group to make government work positively in fatwa violence issue. A large number of national and international NGOs are presently working in Bangladesh. Many of them are involved in gender-specific programs to benefit women. Several NGOs including the Women’s activists are playing crucial roles in implementing PFA, CEDAW, MDG, through acting as a pressure groups. They have undertaken various programs to strengthen the capacity building of women and of state interventions to combat violence against women.

The media plays key role in both influencing and changing social norms and behavior. It can help to reverse social attitudes that tolerate violence against women by questioning patterns of violent behavior accepted by families and societies. It is seen that mainly the print media is very conscious of the issue of

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32 Millennium Development Goal (MDG) pledges explicitly to combat all forms of violence against women to implement the *CEDAW*. 2015 is fixed as timeline to achieve MDG goals.
33 *op cit no 1*, p-16.
fatwa violence in Bangladesh. Role of electronic media in this field is not satisfactory. But, most of the people in rural areas are illiterate and they don’t have adequate access to newspapers or other printed information. It is easy to communicate them any information through electronic media. Hence, a conscious effort to make media professionals aware of the issues can play an important role in addressing ‘fatwa’ violence. Alternative media channels such as theatre groups, puppeteers, musicians and performers of all sorts, who have acceptability to the rural people, have a role to play in raising public awareness against the issue.

Academia and research organizations should address the chronic lack of statistics on fatwa violence that acts as a barrier to policy change on this issue. Reliable data on the magnitude, consequences, and the economic and health costs of gender-based violence will help to place the issue on the policymakers’ radar screen. Researchers need to identify best practices in prevention and treatment, and evaluate them for effectiveness. Greater collaboration is required between research and academic institutes, women’s organizations, and NGOs when conducting qualitative research to deepen understanding of the causes and consequences of fatwa violence on women. Such research needs to be fed back to the community so that it can lead to awareness and transformation.

**The State Machinery:** Bangladesh is party to almost all core human rights treaties\(^3^4\) including the *CEDAW, its Optional Protocol* and other relevant human rights treaties and removed reservations to *CEDAW*\(^3^5\) which constitute measures to address violence against women. Similarly, the inclusion of the principle of equality of men and women in the constitution, in accordance with international standards, enhances the framework to combat violence against women. Bangladesh, in addition to general criminal laws, enacts a number of special laws to cover different forms of violence against women, such as *Domestic Violence (Prevention and Protection) Act, 2010*; *the Prevention of Repression Against Women and Children Act, 2000*(amended in 2003) etc. Though there is no specific law covering fatwa violence, the existing legislations are of well use to combat this.

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35 While ratifying the *CEDAW*, Bangladesh made reservations to Arts.2, 13(a), 16(1)(c),16(1)(f). Later, it removed reservation from Arts. 13(a), 16(1)f), and still maintains reservation to Arts. 2 & 16(1)(c).
The Government has undertaken policy measures to implement the *Beijing Platform for Action. The National Policy for the Advancement of Women and the National Action Plan for the Advancement of Women* are two significant initiatives of which principal focus is to eliminate gender disparities in the areas of law, economics, society and the family.\(^{36}\) Bangladesh established *One-Stop Crisis Centers (OCCs)* in all six Divisions for victims of violence. These centers provide victims with emergency medical treatment, police assistance, legal aid and shelter facilities. Non-governmental organizations are working closely with the Government in raising awareness on preventing violence against women.\(^{37}\)

But the reality is that violence against women in Bangladesh is widespread. Unfortunately, Governments, of past and present, even though being aware of such cruel and inhuman activities carried on in the name of religion and fatwa, have never taken any strong action to prohibit such activities. It is really frustrating that the role of all the Governments has been limited only to post-incidence consequences like visit to the victim and providing consolation to the family. Besides, extreme reluctance to lift the reservation on Article 2 of *CEDAW* shows a lack of commitment to improve the situation and status of the women in Bangladesh.

In a landmark judgment in 2001, the High Court Division banned fatwa altogether which was challenged by an appeal. Again, in 2009, a writ was filed by five leading women’s rights organizations challenging the state’s failure to address extra-judicial punishments imposed by *Shalishes*. The High Court Division issued its judgment in 2010, criticizing the Bangladesh government for not protecting its citizens, especially women, from cruel, inhuman, and degrading treatment or punishment. Saying that the punishments contravened constitutional guarantees of the rights to life and liberty, the court directed the government to investigate and prosecute those responsible and to take preventive steps with awareness campaigns in schools, colleges, and madrasas. In the following year, the Court further directed the government to publicize with urgency, through electronic and print media, that extrajudicial punishments are unconstitutional and punishable offences.\(^{38}\) It restated that no punishment, including physical violence and/or mental torture in any form can be imposed on

\(^{36}\) *op cit no 33*, p-4.

\(^{37}\) *Id.*

anybody in pursuance of fatwa. It held that fatwa can be issued only by “properly educated persons” and clarified that even where issued, they are not binding and cannot be enforced.\footnote{Id.} This verdict demonstrates the positive approach by the judiciary and undoubtedly one step forward to fight fatwa violence.

Although the judgment by the Supreme Court appeared promising, women’s rights activists in Bangladesh remain skeptical. Together with Human Rights Watch, ASK, BLAST and Nijera Kori, BRAC has compiled a list of actions for the government to follow to facilitate the execution of the Supreme Court’s judgment. It includes implementing awareness campaigns, establishing 24 hour help-lines, improving access to safe shelters, providing psychological support and legal services, and finally monitoring investigations and prosecutions to ensure perpetrators of extrajudicial punishments are being held accountable.\footnote{Cori Fleser, ‘Fatwa’ Violence Against Women Continues’, August, 2011, http://blog.bracusa.org/2011/08/fatwa-violence-against-women-continues.html.}

Considering the actions recommended by the higher judiciary and the leading women’s organizations, this write-up comes up with the following action plans:

- Government should immediately withdraw the reservation on Art.2 and 16.1 (c) of \textit{CEDAW} and implement \textit{CEDAW} obligations by adopting relevant policy and strategy.
- It must take steps to incorporate all signed and ratified international human rights instruments into municipal laws. In line with this, Government should reform all discriminatory personal laws.
- It must not confine itself to the enactment of the laws only but also stress its proper execution by bringing the perpetrators under the purview of law, by providing the victims with necessary assistance including adequate compensation and protection and by presenting a safe environment for the victim survivors.
- A systematic effort has to be made that must not only cover the protection from but also prevention of fatwa violence. It can generate massive awareness against the fatwa violence which includes educating everyone in schools, colleges, and madrasas about the fact that punishments under the garb of fatwa are illegal and to regularly publicize these messages
through print and electronic media. To this end, Government can work in close collaboration with the NGOs working in this field.

- The Supreme Court in a ruling in 2010 ruled that fatwa can be issued by ‘properly educated persons’ only but is silent to define the properly educated persons. As such, it makes room for the abusive use of this power. Hence, to avoid this misunderstanding, government can form a formal body with the authority of issuing fatwa. With proper authority vested in a body, such arbitrary misuse of fatwa may cease.

- A systematic data collection mechanism on violence against women should be developed. An accurate and systematic reporting of violence incidents by governmental and non-governmental organizations can contribute to develop an effective strategy in this issue. Police, One-Stop Crisis Center, local government and NGOs can maintain computerized database on the violence including fatwa violence. A routine community based prevalence Studies on this issue by state and the NGOs can do much in this field.

**International Organizations:** International organizations such as the United Nations, its bodies and specialized agencies have placed the issue of violence against women on their agendas. By advocating with national governments, and by supporting programs run by both governmental and non-governmental organizations, these organizations can play critical role to prevent and reduce fatwa instigated violence against women in Bangladesh. For example, the Universal Periodic Review (UPR)\footnote{Bangladesh’s first UPR took place on February 3, 2009 and the second will be held after four years.} under the auspices of Human Rights Council, CEDAW sub-committee,\footnote{CEDAW sub-committee in co-operation with others has undertaken a series of awareness raising program in Bangladesh on the issue of violence against women.} etc. are working to improve human rights including women’s rights situations in Bangladesh.

### 5. Conclusion

Since 2000 to 2011 more than 500 women have been subjected to fatwa instigated violence in Bangladesh,\footnote{500 women fatwa victims in Bangladesh in past 10 years, Deccan Herald, February 14, 2011, www.ndtv.com/article/world/} which unveils the fact that a decade preceding and a
decade after the declaration of fatwa as illegal, violence instigated by the so-called religious decrees continues with the same force. Although, significant work has been undertaken by States, NGOs, Women’s groups and the judiciary to address fatwa violence, at the same time, much more remains to be done. The measures taken proved inadequate to control the violence against women as those do not have any measure to eradicate cause of violence. No law of the land has ever described the way to prevent the cause of violence; there are only laws to punish the actors of the punishable acts. So, a comprehensive and integrated approach guided by the concept of prevention, protection, early intervention by the states, accountability is vital in resisting fatwa violence. The 2011-2012 Progress of the World’s Women report produced by UN Women speaks to the efficacy of “well-functioning legal and justice systems” as “vital mechanisms” through which women can access their rights.\(^{44}\) To develop this mechanism, the government needs to play an integral role in this process. In November 2010, Bangladesh was elected to the board of the international agency UN Women, assuming a new role in the international arena on women's rights.\(^{45}\) With this new role, Bangladesh should ramp up its efforts to protect women from all kinds of violence in country.

\(^{44}\) op cit no 40.
\(^{45}\) op cit no 38.