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**HAUT COMMISSARIAT DES NATIONS UNIES**  
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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on violence against women, its causes and consequences; the Working Group on the issue of discrimination against women in law and in practice; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.**

REFERENCE: AL G/SO 214 (33-27) G/SO 214 (89-15)  
BGD 3/2012

26 March 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women, its causes and consequences; Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; and Special Rapporteur on extrajudicial, summary or arbitrary executions-pursuant to Human Rights Council resolution 16/7, 15/23, and 17/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding two cases of domestic violence leading to death perpetrated against **Ms. Akhi Shutrothor**, and **Ms. Mosammat Sabina Akhter** for non-payment of dowry.

According to information received:

Akhi Shutrothor (aged 20) from the Maijhail Mistripara village of Belkuchi Upazilla of Sirajganj district, married Ashim Shutrothor from Maijhail Mistripara village of Belkuchi Upazilla on 27 June 2010. It is reported that at the time of the marriage, Akhi's family gave 25'000 taka and two carats of gold ornaments to her husband as dowry and assured him that they would give him 10'000 taka more. However, Akhi's family was facing financial constraints due to loans taken for her marriage and the delivery of her son, which cost 35'000 taka to Bipul Kumar Shutrothor, her elder brother. It is further reported that since the marriage, Ashim allegedly beat his wife and repeatedly reminded her to pay the rest of the dowry.

On 21 December 2011, it is reported that Akhi went to sleep at around 12:30 a.m. and when their child started crying, her husband called her but she did not wake up. At around 1:30 a.m., Bipul, Akhi's elder brother was informed by Polash, Akhi's brother-in-law, that his sister was dead. Akhi's family reached her in-laws house at around 3:00 a.m. and found Akhi's body lying on her bed. It is also reported that her left toe showed signs of injuries and her body had marks. The

next day, Dr. Robiul Islam, Residential Medical Officer from Sirajganj Sadar Hospital, examined Akhi's body and indicated in the post-mortem report that she had died by suffocation.

Bipul Kumar Shutroddhor, Akhi's elder brother, filed a case in Belkuchi Police Station of Sirajganj against 12 people from Ashim's family, including his father, mother, brother, and other relatives. The case is numbered 10, dated 21/12/2011, under sections 302/34/109 of the Penal Code. It is reported that the main accused, the husband of the victim has absconded.

In a separate incident, Mosammat Sabina Akhter (aged 21) of Nichunpur village of Gopalpur Upazilla in Tangail district, had been married to Arif Hossain, from Shotturbari village of Ghatail Upazilla, for two years before she was allegedly killed. It is reported that a dowry of 60'000 taka was to be given to the groom on the day of the marriage, but Mohammad Sobhan, Sabina's father, only gave 15'000 taka. It is reported that in order to provide for his daughter's marriage, Mohammad Sobhan took a loan of 10'000 taka. It is further reported that Sabina was repeatedly beaten by her husband who continued asking for the payment of the dowry. At a result of this violence, she took refuge in her father's home.

Two weeks before Sabina's death, she and her son went back to live with her husband following assurances by her father-in-law that the situation would change. Nevertheless, a week after her return home, Mohammad Ujjol Mia, Sabina's brother was informed that she was gravely ill, after having been beaten again by her husband who claimed the remaining 35'000 taka of the dowry. It is further alleged that her father tried to take her daughter away for medical treatment but the husband's in-laws did not allow it.

On 6 October 2011, Sabina's father went to complain to Ghatail Police Station and he rescued his daughter from her in-laws home. On the same day, she was admitted to the Gopalpur Upazilla Health Complex and on 7 October 2011, she was transferred to the Mymensingh Medical College Hospital. It is reported that there were black bruises below the left eye and injury marks on her body, nose and face.

Sabina allegedly told her brother that her husband, father-in-law and mother-in-law punched and kicked her. When she was screaming in pain, her mother-in-law gave her a medicine which led to chest burning. Sabina died at around 2:30 p.m. on 9 October 2011 from her injuries as a result of the beatings she suffered at the hands of her husband and her parents in law.

Sabina's father filed a case of murder as a plaintiff against Sabina's husband and her in-laws at Ghatail Police Station. The case was numbered-08; dated-06/10/2011 under section 11 (kha)/30 of the Nari O Shishu Nirjaton Domon Ain, 2000 (Amended/03). Police officers arrested Sabina's husband; the mother and father-in-law absconded.

Concern is expressed that these cases are not isolated incidents and that violence against women and girls leading at times to death for dowry payment is considered a widespread occurrence the country.

Without implying any determination on the facts of the case, we take this opportunity to recall the fundamental principles set forth in articles 3 and 6 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), acceded by Bangladesh on 6 September 2000. Both provide that every individual has the right to life and security of the person that this right shall be protected by law and that no-one shall be arbitrarily deprived of his or her life. We would also like to refer your Excellency's Government to the Convention on the Elimination of Discrimination against Women ratified by Bangladesh on 6 November 1984 according to which States Parties agree to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (article 5 (a)). The Committee on the Elimination of Discrimination against Women (CEDAW), in its general recommendation No. 19 (1992), considers that "traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as (...) dowry deaths" and notes that "such prejudices and practices may justify gender-based violence as a form of protection or control of women".

In addition, we would wish to recall article 3 (a, b, c, d, e, h) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, including the right to life; the right to equality; the right to liberty and security of person; the right to equal protection under the law; the right to be free from all forms of discrimination; the right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. Furthermore, article 4 (c & d) highlights that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we wish to recall that CEDAW in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women whether perpetrated by a State official or a

private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that “under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.

Finally, we would like to refer Your Excellency’s Government to the Bengali Dowry Prohibition Act adopted in 1980 which makes giving, taking or demanding dowry a punishable offence. The Dowry Prohibition (Amendment) Ordinance 1984 also stipulates that no dowry should be accepted from both parties to a marriage. If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he/she shall be punished with imprisonment for a minimum period of one year and a maximum of five years, or with fine, or with both.

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of these cases accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the death of Ms. Akhi Shutrothor and Ms. Mosammat Sabina Akhter. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please indicate what measures have been taken by your Excellency’s Government with a view to eradicate dowry-related attacks and killings in the country.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Rashida Manjoo

Special Rapporteur on violence against women, its causes and  
consequences

Kamala Chandrakirana  
Chairperson-Rapporteur of the Working Group on the issue of  
discrimination against women in law and in practice

Christof Heyns  
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