

# Marital rape in Bangladesh

*By Reneka Ahmed Antu*

The Government of Bangladesh ratified the CEDAW in 1984 committing itself to progressively advance gender equality. Progress in the implementation of CEDAW can be seen, based on the Global Gender Gap Report 2020 Bangladesh closed 72.6% of its overall gender gap and obtained 50th position out of 153 countries globally. The Global Gender Gap report considers women's progress in the areas of health, education, economy, and politics. This constitutes considerable progress considering that Bangladesh held the 91st position in the 2006 report.

Rights specifically to protect women from violence and to provide equality in family relations are yet to see desired progress. Outdated legislation is still applied in courts today.

While the Bangladesh Penal Code, 1860 under article 375 acknowledging that sexual intercourse against her will and without her consent constitute rape, the same article exempts marital rape if the wife is not under the age of 13 years old. This outdated legislative approach is specifically important since based on 2020 UNICEF report "Ending Child Marriage: A profile of progress in Bangladesh" states that the country is home to 38 million child brides, including currently married girls along with women who were first married in childhood. Of these, 13 million married before age 15."

The marital rape exemption is the legacy of the British colonial rulers when the current Penal Code was enacted 1860. While England itself criminalized marital rape in 1991, the law is still in place in Bangladesh the nineteenth century mindset of European legislatures that upon marriage, a wife became the property.

Globally and in Bangladesh rape is a crime that is severely underreported and conviction rates for alleged offenders are low. Statistics on marital rape are unavailable or unreliable in all countries may it be due to misconceptions and stigma, lack of legislation or the difficulty to prove lack of consent to sexual intercourse even if marital rape is considered a criminal offence.

Legislative- and a mindset change is necessary to provide women with equality within the family. That includes strong legislation and enforcement to prevent underage marriage and to protect women from sexual violence within a marriage. It's essential to unlearn the medieval notion that considers marriage for women as the contract of all-time consent to sexual intercourse.