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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK, NEW YORK

In the Matter of:		
Catherine CLIENT	File Nos.:	A 000-000-000 (Lead)
Elizabeth CHILD		A 111-111-111
Carla CHILD		A 222-222-222
In removal proceedings		

Immigration Judge Wiseman Individual Hearing: January 1, 20XX, 1:30 p.m.

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Ex. CC	Anita Raj & Jay Silverman, "Violence Against Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence," Violence Against Women, Vol. 8, No. 3, March 2002, pp. 367-98	**259**
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COUNTRY CONDITIONS CORROBORATING MS. CLIENT'S APPLICATION

Violence Against Women in Bangladesh

Ex. JJ Sharmeen A. Farouk, *Violence against women: A statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them*, Bangladesh National Women Lawyers Association (BNWLA), United Nations Division for the Advancement of Women, Economic Commission for Europe (ECE), and World Health Organization (WHO) (2005), *available at* http://www.un.org/womenwatch/daw/egm/vaw-stat-2005/docs/expert-papers/Farouk.pdf **293**

- In this report, Sharmeen Farouk of the Bangladesh National Women Lawyers Association describes the challenges faced by abused women in Bangladesh. She particularly describes patriarchal values that characterize family interactions, writing that "women are considered as men's property, their sexual activity, income and labor being systematically controlled by the men in their family" (p. 2). Police in Bangladesh are reluctant to get involved in cases of domestic violence, as it is seen as a private matter. As a result, most women are hesitant to report abuse to the police, knowing that the corrupt legal system is stacked against them.

Ex. KK U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *2015 Human Rights Report: Bangladesh* (2015), *available at* http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252959 **307**

- "The law prohibits rape and physical spousal abuse. Marital rape is not a crime. Gender-based violence remained a serious challenge. The Bangladesh Bureau of Statistics' *Report on Violence Against Women Survey 2011* stated that 26 percent of women were victims of spousal rape by their current husband at some point in their lives…. According to human rights monitors, many victims did not report rapes due to lack of access to legal services, social stigma, or fear of further harassment and the legal requirement to furnish witnesses." (p. 9)

Ex. LL Human Rights Watch, *Will I Get My Dues…Before I Die? Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce* (2012), *available at* https://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf (Excerpt) **322**

- "Women interviewed by Human Rights Watch…described being trapped in violent marriages because they feared if they divorced or separated, apart from the overall stigma, they would have nowhere else to go and have little chance of securing "bhoron-poshon" (maintenance). Most women who had divorced or separated from their husbands described their experiences of economic hardship. (p. 51)

- "The 2007 Bangladesh Demographic and Health Survey found that 53 percent of married women surveyed reported that their husbands had sexually or physically abused them. One in five married women aged 15-24 reported married sexual violence." (p. 52)

Ex. MM Alamgir Hossen, *Measuring Gender-based violence: Results of the Violence Against Women (VAW) Survey in Bangladesh*, Bangladesh Bureau of Statistics (2014), ava*ilable at* http://unstats.un.org/unsd/gender/Mexico_Nov2014/Session%203%20Bangladesh%20paper.pdf **357**

- "Sixty-five percent of married women reported that they have experienced physical violence committed by their current husbands during their lifetime. About half of married women experienced such violence in the past 12 months which implies that the recent incidence is also high…. More than 50% of women received medical treatment consequences of physical violence. About one third of women did not seek for medical attention in fear of their husbands or not permitted by their husband. Fear of stigma also hindered to seek for medical treatment due to domestic violence as almost 9% of women cited 'social prestige' as reason for not having sought for medical treatment… More than one-third (36.5%) of women experienced sexual violence perpetrated by their current husbands in their lifetime." (p. 6)

Domestic Violence Survivors' Barriers to Receiving Legal Protection

Ex. NN Bangladesh National Woman Lawyers' Association, *Annual Report 2013-2014* (2014), *available at* http://www.mediafire.com/download/b9kfpv4jjc78vyk/bnwla13-14.pdf (Excerpt) **374**

- "However, rape has the lowest conviction rate at just 29 percent, pointing to the difficulty of securing evidence and battling an often corrupt system. Despite many successes, BNWLA's legal service delivery program – and more broadly, the legal empowerment approach – faces a number of challenges (i.e. lack of enforcement mechanism for NGO shalish mediation, threat to clients, biases of local government officials, etc.)" (p. 12)

- "The formal justice system in Bangladesh faces multiple challenges. It lacks capacity, some of its procedures are complex, some of the laws under which it operates are outdated and at present there are too few incentives to resolve cases speedily. Furthermore, the current structure of the system does not encourage coordination and cooperation between justice sector institutions, even though they rely heavily on each other to carry out their various functions. These factors combine to cause a slow rate of disposal which has in turn led to a large backlog of cases. This makes justice less accessible and less affordable than it should be, reducing citizens' confidence in the system's ability to deliver an acceptable level of service. Vulnerable groups, including women…face particular difficulty in accessing timely and affordable justice." (p. 22)

Ex. OO Rashida Majoo, *Report of the Special Rapporteur on violence against women, its causes and consequences,* Human Rights Council, United Nations General Assembly (2014) **393**

- "As a result of…discriminatory laws, many women stay in violent marriages out of fear that their de jure and de facto legal status will be negatively impacted, and also that they will be denied financial support if they are divorced or separated." (p. 9)

- "Despite the adoption of relevant legislation, there is a general lack of awareness of such laws, poor implementation by state agents, and a reluctance of women to use the justice system as a means to seek redress." (p. 14)

- "[T]he Special Rapporteur was concerned that marital rape is only recognized as an offence under the Penal Code if the child bride is younger than 13 years old." (p. 14).

Ex. PP Bangladesh National Woman Lawyers' Association, *Ending Impunity: Monitoring Report for the Implementation of the Domestic Violence (Prevention and Protection) Act 2010* (2013), *available at* http://www.wecan-bd.org/Publication/DV%20related%20others%20report/BNWLA_Ending%20Impunity%20_%20Monitoring%20Report_Final.pdf **416**

- "Insensitive treatment of women and girls by police is a significant obstacle to full implementation of the DVPPA. Police frequently believe that domestic violence is a private matter that is beyond the control of the State. Consequently, police fail to take complaints of domestic violence seriously. Based on interview responses, only 10% of officers interviewed had a good level of understanding on how to deal with a domestic violence victim[.]" (p. 24)

- "First, in Bangladeshi culture, domestic violence is viewed as a private matter that should stay within the family. Consequently, few women talk about instances of domestic violence with anyone outside her family or make a report of abuse to the Court. This culture of silence surrounding the issue of domestic violence is one of the major barriers to using the [Domestic Violence (Prevention and Protection) Act of 2010] DVPPA to provide relief for victims of violence…. Another challenge in implementation is that even when a woman does come forward to report domestic violence, police and judicial personnel are either not aware of or do not fully understand provisions of the DVPPA…. As a result, the DVPPA is largely symbolic and is not able to actually reduce domestic violence." (p. 29-30)

Ex. QQ Sara Hossain & Hana Shams Ahmed, *When it Also Happens At Home*, Forum: A monthly publication of The Daily Star (2009), *available at* http://archive.thedailystar.net/forum/2009/may/happens.htm **504**

- "But, unfortunately, the law enforcement agencies are often very reluctant to treat such acts as criminal offences when they occur within the domestic sphere, where both the victim and the perpetrator are members of the same family…. We have focused a lot on stranger violence, we haven't really focused on violence that comes from a member of the family. These are also very difficult to confront in the society which is very family-oriented."

- "The existing law already criminalises many acts that routinely occur in cases of domestic violence. But because some of the acts are carried out by a close family member, the police don't take it seriously and won't treat it as a criminal offence."

- "The stigma on speaking out against domestic violence means that those from the most privileged classes are often most reluctant to talk about it. Because the notion of "honour" (ijjot) is so prevalent in the middle class and much beyond that, it's much harder for them to talk about what happened to them."

Corruption in the Legal System

Ex. RR Immigration and Refugee Board of Canada, *Bangladesh: Domestic violence, including legislation, state protection, and services available to victims* (2011), *available at:* https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/07/BGD103807.E.pdf **509**

- "The 2010 National Household Survey conducted by Transparency International Bangladesh found that 75.6 percent of rural households and 58 percent of urban ones were forced to pay bribes to the police in order to receive services (Dec. 2010, 11). Further, Freedom House states that police "rarely enforce existing laws protecting women" and that they accept bribes to disregard rape cases (2011)." (p. 3)

- The study also found that police were not sensitive to the needs and care of survivors of rape, displaying a lack of sympathy, blaming the victim, and emphasizing the shame brought to the woman's family (ibid., ii)." (p. 3)

Ex. SS Farzana Nawaz, *Overview of corruption within the justice sector and law enforcement agencies in Bangladesh*, Transparency International (2012), *available at* http://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh/downloadasset/2800 **515**

- "Among the households who received services from the judiciary, 59.6% had to pay a bribe." (p. 2)

- "79.6% of households who received services from law enforcement agencies were subjected to corruption and harassment…. Of the households who received services from law enforcement agencies, 68.1% of them were compelled to pay a bribe." (p. 6)

- "[I]n Bangladesh there is a long tradition of the elected government using the police force as a tool to maintain and control their power in the political arena. Postings, promotions and transfers are frequently used to adjust police force assignments to coincide with the plans of the political bosses." (p. 6)

OTHER DOCUMENTS

Ex. TT Certificate of Service **524**