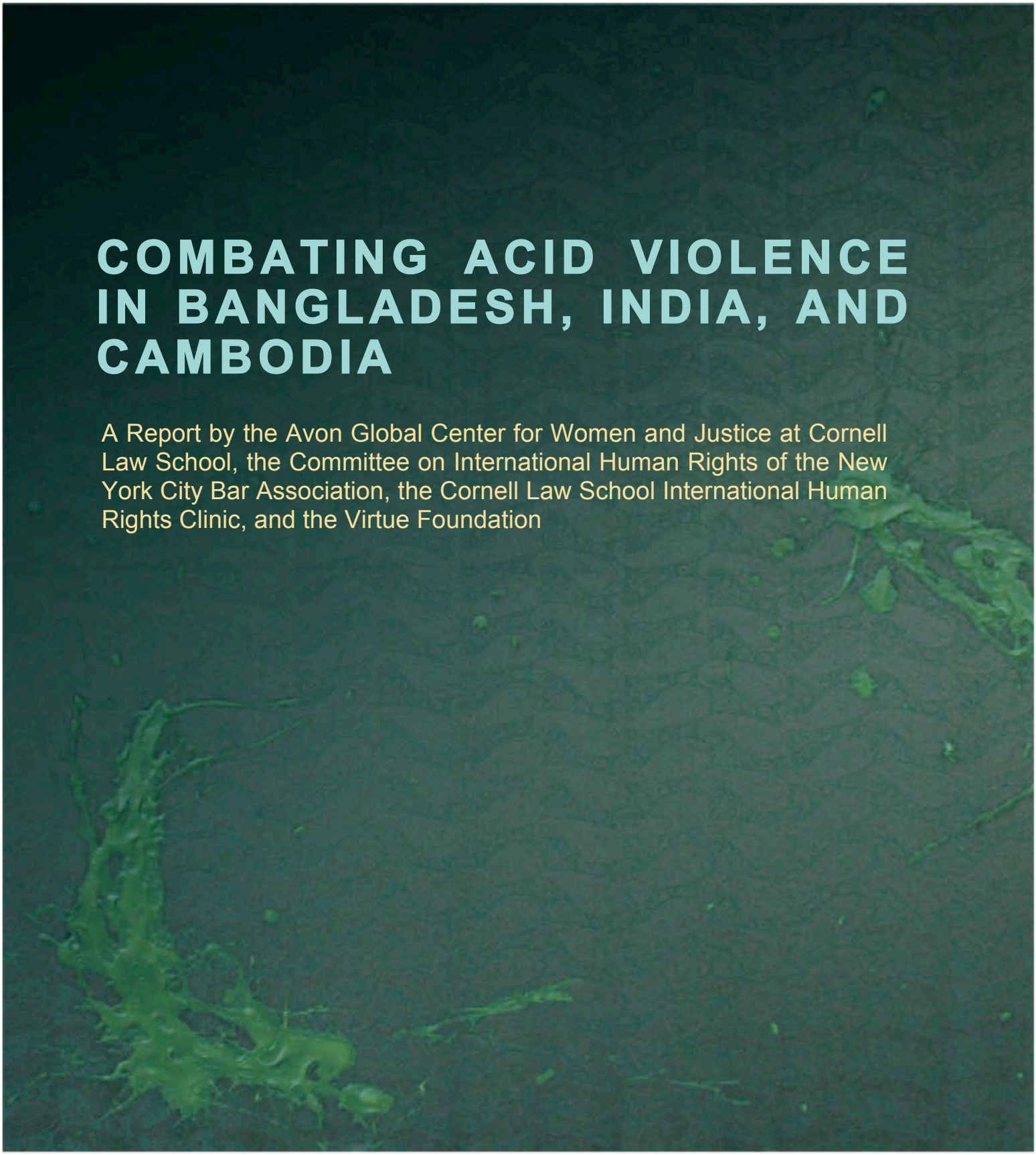

COMBATING ACID VIOLENCE IN BANGLADESH, INDIA, AND CAMBODIA

A Report by the Avon Global Center for Women and Justice at Cornell Law School, the Committee on International Human Rights of the New York City Bar Association, the Cornell Law School International Human Rights Clinic, and the Virtue Foundation

AVON Global Center for Women and Justice at Cornell Law School
NEW YORK CITY BAR
Cornell University Law School
Virtue foundation

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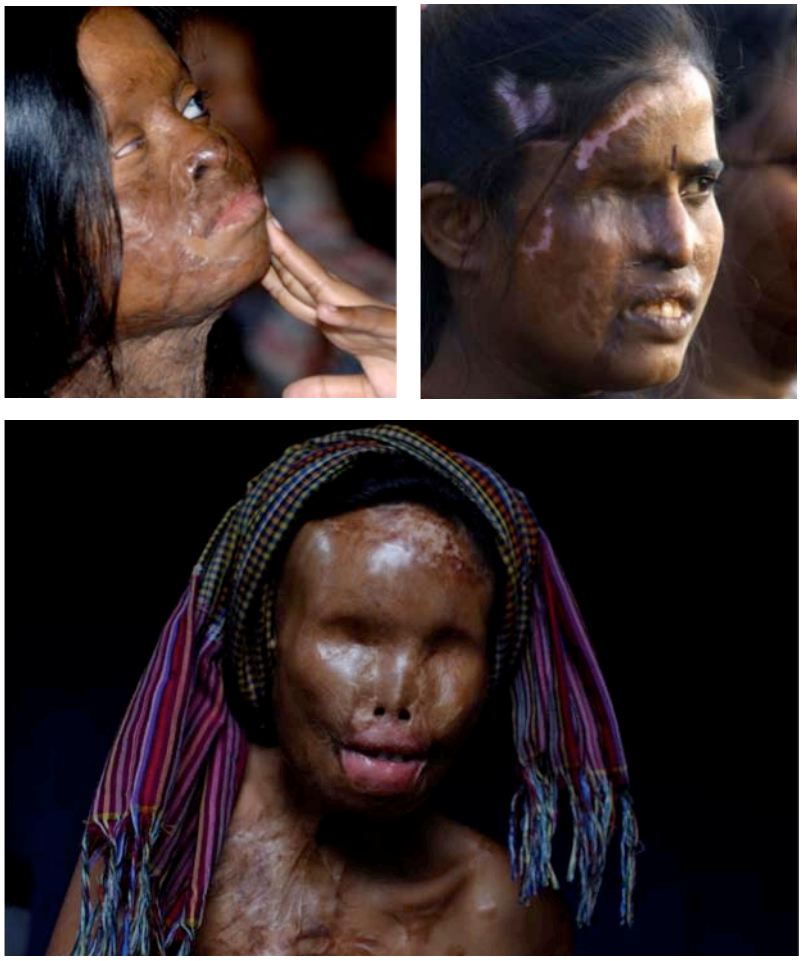

Acid violence survivor in Bangladesh (top left) (photo by Farjana Khan Godhuly/AFP/Getty Images); Acid violence survivor in India (top right) (photo by Indranil Mukherjee/AFP/Getty Images); Acid violence survivor in Cambodia (bottom) (photo by Paula Bronstein/Getty Images News/Getty Images)

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Avon Global Center for Women and Justice at Cornell Law School

The Avon Global Center for Women and Justice at Cornell Law School works with judges, legal professionals, governmental and non-governmental organizations to improve access to justice in an effort to eliminate violence against women and girls. More information about the Avon Global Center can be found at: www.womenandjustice.org.

New York City Bar Association

The New York City Bar Association was founded in 1870, and since then has been dedicated to maintaining high ethical standards of the profession, promoting reform of the law, and providing service to the profession and public. The Association continues to work for legal and social reform, while implementing innovative means to help the disadvantaged and protect the public's welfare. More information about the Association can be found at: www.abcny.org.

The Cornell International Human Rights Clinic

The Cornell International Human Rights Clinic works on a wide array of human rights projects, ranging from the development of materials for use in training foreign judges to filing briefs before U.S. and international courts. Through the International Human Rights Clinic, Cornell Law students have helped strengthen the rule of law and legal processes in communities throughout the world. The Clinic provides legal research and assistance to international non-governmental organizations.
More information about the Clinic can be found at:
www.lawschool.cornell.edu/academics/clinicalprogram/int-human-rights/index.cfm.

Virtue Foundation

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This Report was made possible by the generous support of the Avon Foundation for Women. This Report was researched by the faculty and staff of the Avon Global Center for Women and Justice, students from the Cornell Law School International Human Rights Clinic, and members of the Committee on International Human Rights of the New York City Bar Association and does not necessarily reflect the views of the individual members of the Avon Global Center for Women and Justice's Steering Committee, the Avon Foundation, or the Avon Corporation.

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Foreword

Feminist research and women's activism of the past three decades have shattered the common understanding that violence against women is a natural aspect of gender relations and of no concern to law and public scrutiny. The 1993 Vienna World Conference on Human Rights officially acknowledged that all forms of violence against women are human rights violations and that States have a due diligence obligation to prevent such violence from occurring, to protect victims, to punish perpetrators, and to provide compensation to those who have suffered from it. Since then, the silence surrounding violence has been broken, and the diverse forms of abuse to which women are subjected have gained greater visibility and public attention.

Combating Acid Violence in Bangladesh, India, and Cambodia is another invaluable contribution towards this end as it exposes one of the most heinous forms of violence which has devastating and lifelong consequences for the women who experience it. This Report is the first comprehensive, comparative study of acid violence that examines the underlying causes, its consequences, and the multiple barriers to justice for its victims. Acid attacks, like other forms of violence against women, are not random or natural phenomena. Rather, they are social phenomena deeply embedded in a gender order that has historically privileged patriarchal control over women and justified the use of violence to "keep women in their places."

In many countries, women are victims of acid attacks when they allegedly or actually transgress hegemonic gender norms and roles that discriminate against women and keep them in subordinated positions. This Report, utilizing an international human rights framework, demonstrates that acid violence is a form of gender-based violence and discrimination prohibited under international law, including the "Women's Bill of Rights," *i.e.,* the Convention on the Elimination of All Forms of Discrimination Against Women.

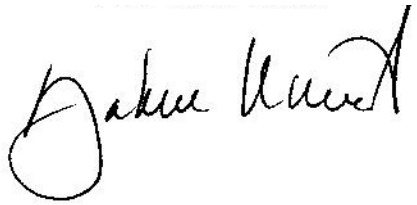
Through an in-depth study of three countries, the authors of the Report argue that the due diligence standard can be a powerful tool for state and non-state actors to prevent and adequately respond to acid violence with the aim of combating it. In this respect, they identify key ways in which acid violence can be addressed by governments and corporations. Acid is easily and cheaply available, and access to justice eludes many victims in countries, such as Bangladesh, India, and Cambodia, where acid attacks are prevalent. To combat acid violence, governments should limit the availability of acid, appropriately punish perpetrators, provide adequate redress to victims, and support women's empowerment to enhance their self-confidence and ability to sustain independent livelihoods.

Bangladesh is the only country of those studied that has adopted specific laws criminalizing acid violence and requiring business users of acid to obtain licenses. Full and effective implementation of the law, however, is still needed.

Although Cambodia has proposed such legislation, it has not yet adopted it. However, India has rejected the need for additional laws to curb the easy availability of acid.

The important role that non-state actors, particularly those in the private sector, can play in ending human rights abuses is increasingly recognized by the international community. The U.N. Special Representative on business and human rights, John Ruggie, recently incorporated due diligence standards into his proposed framework for delineating the obligations of businesses to minimize the negative human rights impacts of their activities. This Report adopts this framework and calls upon corporations that produce, distribute, and use acid for industrial purposes to take efforts to curb illegitimate uses of acid.

It is my hope that this Report will lead to a renewed global effort to eradicate acid violence and improve women's access to justice. Violence against women not only presents a threat to the human rights of individual women, but also impoverishes the society that tolerates it and delegitimizes the state that overlooks it. Advocates and policymakers alike can use this comparative analysis as a tool for achieving meaningful legal and policy reform with the goal of ending this horrific form of gender-based violence and discrimination.



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Summary

Acid violence[1] involves intentional acts of violence in which perpetrators throw, spray, or pour acid onto victims' faces and bodies. This Report examines acid violence in Bangladesh, India, and Cambodia from an international human rights perspective. Using this framework, it identifies the causes of acid violence and suggests practical solutions to address them. Acid violence is prevalent in these countries because of three related factors: gender inequality and discrimination, the easy availability of acid, and impunity for acid attack perpetrators.

Acid violence is gender-based violence that reflects and perpetuates the inequality of women in society and as such is prohibited by international law. To eradicate acid violence, governments must address its root causes—inequality and discrimination against women. In the short-term, governments should take the following actions to address acid violence: (1) enact laws that adequately punish perpetrators of attacks and limit the easy availability of acid, (2) enforce and implement those laws, and (3) provide redress to victims, including compensation for healthcare costs. Bangladesh is the only country among the three countries studied to adopt specific criminal laws and procedures relating to acid attacks and to enact particular laws to curb the easy availability of acid. Neither Cambodia nor India has adopted such legislation. Since Bangladesh adopted those laws in 2002, the rate of acid violence has decreased by 15% to 20% each year, while acid attacks continue to rise in Cambodia and India.

Acid attacks occur at higher rates in locations where factories use acid in their manufacturing processes. Together with governments, businesses and other industrial users of acid can play an important role in curbing the criminal use of acid. Businesses that produce, distribute, or otherwise use acid must ensure that their activities do not have negative human rights impacts. Companies can contribute to combating acid violence by, among other things, adopting procedures to ensure the proper safekeeping and labeling of acid containers and supporting government and industry efforts to regulate its transfer and proper disposal.

Chapter 1: Acid Violence in Bangladesh, India, and Cambodia

Acid attacks occur throughout the world, including in the United States. However, Bangladesh, Cambodia, and India have some of the highest recorded incidence of acid violence. According to Acid Survivors Foundation (ASF) Bangladesh, there have been 3,000 reported acid attack victims in the country since 1999. A search of Indian newspapers found 153 reported cases of acid violence from January 2002 to October 2010. According to data gathered by the Cambodian Acid Survivors Charity on people treated in hospitals for acid attacks, there have been 271 acid violence victims between 1985 and June 2010 in Cambodia. Governments in these countries do not keep official statistics of acid attacks, and there are likely many more attacks than these figures reveal.

Perpetrators of acid attacks intend to disfigure and cause extreme physical and mental suffering to victims. Perpetrators usually attack victims with hydrochloric, sulfuric, or nitric acid, which quickly burns through flesh and bone. Acid attacks occur in private and public spaces. Attackers throw acid through open home windows at night or from moving motorcycles in markets in broad daylight. Acid violence has devastating health consequences for victims. Short-term effects include immense physical pain, while long-term effects can include blindness, loss of facial features, and severe mental suffering. As a result of their physical deformities and accompanying disabilities, acid violence survivors are often marginalized in society.

Unlike the widely publicized cases in which Taliban members attacked two randomly selected schoolgirls in Afghanistan,[2] most acid attacks are perpetrated in Bangladesh, India, and Cambodia against victims the perpetrators know. The significant majority of acid violence victims in India and Bangladesh are women attacked for transgressing traditional gender roles that place them in subordinated positions. In Cambodia, women are often targets of acid violence largely because of their socio-economic insecurity.

Acid attacks occur at high rates in Bangladesh, India, and Cambodia because the acid used to perpetrate attacks—such as sulfuric acid and nitric acid—is cheap and easily available. Neither India nor Cambodia has enacted laws to regulate the easy availability of acid or criminal laws to adequately punish perpetrators of attacks. On the other hand, Bangladesh enacted two laws in 2002—one that heightens criminal penalties and improves criminal procedures and another that attempts to decrease the availability of acid. Acid attacks are on the rise in India and Cambodia, but have decreased by 15% to 20% in Bangladesh each year after the country adopted specific laws to address acid violence.

With the aim of contributing to efforts to design effective laws and policies to combat acid violence, Chapter 1 provides a detailed analysis of acid attack perpetrators, motives, victims, and the impact of attacks on victims in Bangladesh, India, and Cambodia.

Chapter 2: Acid Violence is Gender-Based Violence Prohibited by International Law

Bangladesh, India, and Cambodia have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).[3] Gender-based violence, which is violence that is directed against a woman because she is a woman or that affects women disproportionately, is a form of discrimination prohibited by CEDAW.[4] Gender-based violence reflects and perpetuates gender inequality and discrimination. Although it is also reprehensible when acid violence occurs against men and boys, acid violence is gender-based violence because it impacts women disproportionately.

Acid violence reflects gender inequality and discrimination in society. Often acid attacks are perpetrated against women because they transgress gender norms that relegate women to subordinate positions. Indeed, a significant portion of attacks in India and Bangladesh occur when a woman exercises decision-making power by rejecting a suitor's marriage or love proposal. Acid attackers aim for a woman's face in an attempt to destroy what many members of society consider to be one of her most important assets—her beauty.

In Cambodia, women commonly attack other women. In these cases, the victim is typically the perpetrator's or partner's wife or mistress. Even in acid attack cases perpetrated by women, gender inequality is a factor. In a society in which women are often socially and economically insecure without a male provider, women may attack their husband's or partner's wife or mistress to break up the relationship by disfiguring the victims and thereby securing their social and economic position. Even when more personal motives (*e.g.*, jealousy or vengeance) are present, the perpetrator's knowledge that punishment is unlikely helps to perpetuate the practice.

Acid violence perpetuates gender inequality and discrimination. Acid violence survivors face marginalization from society after the attack. Additionally, acid violence creates fear among women in society. Some women may feel that they would be attacked if they failed to conform to traditional subordinate gender roles and that the perpetrator would not be punished.

Chapters 3 & 4: States' Due Diligence Obligation & Evaluating Bangladesh, India, and Cambodia's Efforts to Combat Acid Violence

International human rights law requires governments to act affirmatively and with due diligence to protect human rights and adequately respond to human rights violations. Due diligence imposes upon governments the obligations to enact legislation designed to combat acid violence, ensure effective implementation of laws, and provide redress to victims. To varying degrees, the Bangladeshi, Indian, and Cambodian governments have undertaken efforts to combat acid violence, but all should take further steps to adequately address it.

Enacting Effective Laws to Combat Acid Violence

The duty to prevent human rights violations includes an obligation to enact legislation designed to curb acid violence. States should enact laws that provide for appropriate criminal remedies and criminal procedures to ensure that perpetrators are brought to justice. Additionally, to combat acid violence, it is essential for governments to enact laws to limit the easy availability of acid. Notably, acid attacks decreased in Bangladesh with the adoption of a law requiring the licensing of all acid producers, importers, distributers, and users. Neither India nor Cambodia has adopted legislation to appropriately penalize perpetrators and to regulate the handling of acid. To its credit, the Cambodian government has included acid regulation and criminal sanctions in a draft law to

combat acid violence. Although the Indian government initially rejected the need for any legislation to address acid violence, a government-appointed expert committee recently stated that it would propose amendments to the Indian Penal Code to allow for higher prison terms and monetary fines against acid attackers. However, the government has not suggested that it will adopt any regulations to limit the easy availability of acid for the purpose of preventing acid attacks.

Ensuring Implementation of Laws Designed to Combat Acid Violence

States should not only enact targeted legislation and policies to address acid violence, but should also ensure effective implementation of those laws and policies. In order to implement such criminal laws effectively, governments should: (1) conduct appropriate investigations of acid attacks; (2) protect victims from threats that could undermine those investigations; and (3) prosecute and punish perpetrators of acid attacks. In Bangladesh, India, and Cambodia, the criminal justice systems not only fail to adequately prosecute and punish perpetrators of all crimes, but acid attack victims in each of these countries also face unique challenges in accessing justice. Additionally, in Bangladesh, the police do not adequately enforce the law requiring users to obtain licenses. As a result, many users, including businesses, use acid without obtaining licenses.

Providing Victim Redress

A State's due diligence obligation includes providing redress to victims for the human rights violations they have suffered. Redress can include rehabilitation of victims and monetary compensation. Many acid violence survivors must undergo numerous complicated surgical procedures. These medical procedures are very costly and require specialized expertise and facilities. Governments should provide adequate healthcare in government facilities to victims, and, where this is not available, the government should pay the expenses for necessary treatment at private health facilities. Few healthcare professionals in government facilities in Bangladesh, India, and Cambodia are trained in proper first aid response to acid burns, and few specialized facilities to adequately treat acid burns are available in government hospitals. Additionally, redress for acid attack victims should include compensation if they are unable to work. Most survivors in these countries do not receive adequate healthcare or monetary compensation from their governments.

Chapter 5: Companies' Due Diligence Responsibility to Combat Acid Violence

Evidence shows that acid attacks occur at increased rates in areas where acid is widely used for industrial or other business purposes. Companies produce, distribute, sell, and use acid in manufacturing processes. As noted above, one of the reasons for the prevalence of acid attacks in Bangladesh, India, and Cambodia is the cheap and easy availability of acid. Even when governments fail to regulate the sale and use of acid, businesses should adhere to emerging

international standards and exercise due diligence to minimize the negative human rights impacts of their business activities. Companies can contribute to combating intentional acid attacks by, among other things, adopting polices for the safekeeping and proper labeling of acid and by supporting government and industry efforts to regulate the proper use and disposal of acid.

Chapter 6: Conclusion and Recommendations

To eradicate acid violence, governments must address its root causes: gender inequality and discrimination, the availability of acid, and the impunity of perpetrators. Below we provide concrete recommendations that governments and corporations can immediately undertake in an effort to combat acid violence.

Governments: In furtherance of their duty to exercise due diligence to prevent acid violence, governments should:

- Enact criminal laws that specifically address acid violence and effectively regulate the production, distribution, use, sale, and handling of acid;
- Effectively enforce and implement laws designed to deter acid violence; and
- Provide redress to victims, including compensation for healthcare costs.

Companies: In furtherance of their emerging duty to exercise due diligence to minimize the negative human rights impacts of their activities, companies that produce, distribute, use, or otherwise handle acid should:

- Assess the ways in which they can reduce the negative human rights impacts of their activities; and
- Support industry and government efforts to regulate the safe-handling, storage, labeling, transfer, and disposal of acid by manufacturers, distributors, and other business and individual users of acid in order to deter the unauthorized use of acid.

Methodology

In researching this Report, its contributors conducted in-country fact-finding interviews in Bangladesh, India, and Cambodia; desk research; and an analysis of news stories and cases from India.

Interviews in Bangladesh, India, and Cambodia

Avon Global Center for Women and Justice faculty and staff and Cornell Law School International Human Rights Clinic students conducted fieldwork in Bangladesh (December 2009), India (January 2010), and Cambodia (March 2010). Judge Janet Bond Arterton, United States District Court Judge for the District of Connecticut, was a member of the Cambodian fact-finding delegation. In these countries, more than 150 individuals from relevant organizations and government agencies were interviewed, including government officials, police officers, public prosecutors, judges, lawyers, doctors, social workers, human rights activists, healthcare workers, scholars, and journalists.

Desk Research

Prior to and after the fieldwork, members of the Committee on International Human Rights of the New York City Bar Association, Cornell Law School International Human Rights Clinic students, and Avon Global Center staff conducted extensive desk research on the nature and scope of the problem of acid violence, actions that the studied countries have taken to address it, and applicable international human rights law. In conducting general and comparative background research, international treaties, declarations, and court decisions from international and foreign tribunals; regional conventions and regional human rights court decisions; reports of international human rights monitoring bodies and experts, including the U.N. Secretary-General and Special Rapporteurs; and academic journals and treatises from many countries were referenced. In conducting research specific to each country, country reports submitted to international human rights bodies, newspaper reports, shadow letters, court decisions, treatises, journal articles, reports, and statistical data were consulted. In addition to legal materials, social science, health, and history-related books and journals were reviewed.

Analysis of Indian Court Cases and News Stories

Given the dearth of statistical information on acid attacks in India, Avon Global Center faculty and staff conducted an analysis of news reports to estimate, among other things, the gender of the perpetrators, motives, and the location of attacks. Faculty and staff conducted searches for acid attacks in Access World Database, which contains the following newspapers reporting on India: Accord Fintech; Asian News International; Assam Tribune; BBC Selected Newspaper Articles: India; BBC Selected Wire Articles: India; Bharat Chronicle; Business Line; Business Today More; DLA AM; The Economic Times; Financial Express;

The Hindu; Hindustan Times; HT Syndication; HT Syndication: Columnists; India Business Insight; India PR Wire; Indian Express; Indian Trading Floor; Indo-Asian News Service; Mail Today; Medianama; MINT; New Indian Express; NewsWing; The Pioneer; Pluggd.in; Star of Mysore; TendersInfo; The Times of India; and United News of India. This database covers newspapers from January 2002 to December 2010. After removing duplicate news stories, faculty and staff found 153 reported acid attack cases during the time period.

Additionally, Avon Global Center faculty and staff searched two Indian case law databases, Indiankanoon.com and Manupatra, and found 85 cases of acid attacks from 1967 to 2010 that were prosecuted in Indian courts. Faculty and staff then conducted additional research to determine, among other things, the gender of perpetrators and the motives for attacks.

Chapter 1

Acid Violence in Bangladesh, India, and Cambodia

Shanti (Mysore, India)

Shanti married her husband when she was 14 years old. Her husband abused her and continuously harassed her and her family for additional dowry, even though she provided income for the family and gave birth to two children. After 14 years of her husband's abuse, she and her children moved out of the marital home. Her husband apologized for his behavior, promised to change, and persuaded her to return to him. When she returned, however, her husband began harassing her for dowry again. Shanti felt that her husband was "troubled" by the fact that she had been living independently of him. On the morning of October 10, 2001, when Shanti brought her husband his morning cup of coffee, he threw acid at her, covering her face and neck.

First, Shanti was taken to a local government hospital. The hospital refused to treat Shanti because her injuries were related to a "police case" and the hospital did not want to get involved in a legal matter. She then went to another hospital where she stayed for 19 days and received only minimal "treatment"—medical staff rubbed ointments on her burn wounds that caused further damage. Only after a private hospital admitted her did a surgeon remove the burned skin. In order to finance her treatment at the private hospital, Shanti had to sell many pieces of her jewelry. As a consequence of the attack, Shanti lost vision in one eye. Acid also dissolved one of her earlobes, seeped into her inner ears, and left her completely deaf in one ear.

The police came to speak to Shanti one week after the attack; however, her trial began three years later. The authorities charged her husband under Section 326 of the Indian Penal Code for "voluntarily causing grievous hurt by dangerous weapons or means."[5] When Shanti appeared in court, the judge told her to cover her face because he could not bear to look at her. The court ultimately convicted her husband and sentenced him to 6 years in prison and a Rs. 8,000 ($177 USD) fine.

The attack drastically altered the socio-economic standing of Shanti's family. Shanti could no longer rent a home in a middle-class neighborhood. She applied for government subsidized housing but did not receive an answer from the government. Although she received government compensation of Rs. 2 lakhs (Rs. 200,000 or $4,522 USD), she remains deeply in debt, and her monthly medical expenses continue to exceed Rs. 1,000 ($22 USD). She has had trouble maintaining steady employment, and the stress and trauma of being an acid violence survivor has led to the development of a heart condition.[6]

Acid violence involves intentional acts of violence in which perpetrators throw, spray, or pour acid onto the victims' faces and bodies, often intending to permanently disfigure and cause extreme physical and mental suffering to victims. Acid attacks cause immediate damage, disfigurement, pain, and long-lasting medical complications for victims. At first contact, acid feels like water on the body, but within seconds, it causes a burning sensation that quickly becomes increasingly intense.[7] If not washed off immediately with water, acid can melt away a victim's skin and flesh, going as far as dissolving bones.[8] When thrown at the face, acid quickly burns and destroys victims' eyes, eyelids, ears, lips, noses, and mouths.[9] Acid burn victims are found crying in agony until the acid is washed away.[10] It takes five seconds of contact to cause superficial burns and 30 seconds to result in full-thickness burns.[11] Victims suffer the most physical pain from superficial wounds rather than deeper burns, as deeper wounds burn off the nerve cells.[12] The acid continues to destroy the skin tissue until it is inactivated or neutralized by water.[13] The burned skin dies, turning black and leathery, and severe scarring results.[14] After the attacks, victims are at risk of breathing failure due to the inhalation of acid vapors which cause either a poisonous reaction or swelling in the lungs.[15] In the weeks or even months after the attack, acid burn victims may suffer from infections, which can also cause death if not treated with proper cleaning techniques and antibiotics.[16]

Victims must endure painful surgical procedures just to prevent further harm and suffering.[17] As mentioned, if not washed off immediately, acid continues to burn the skin, and may eventually cause skeletal damage[18] and organ failure.[19] If the dead skin is not removed from an acid violence victims' body within four or five days, the new skin may grow to cause further facial deformities.[20] If there is burned skin tissue around the neck and armpit areas, it must be removed to facilitate movement. After a while, some skin may grow back and grow over eyelids or nostrils of victims, or pull on existing skin resulting in the formation of lumps.[21] To avoid severe pain and further disabilities, acid burn victims—especially children whose bodies are still growing—need staged surgeries and constant physical therapy to ensure that scarred tissue remains elastic and does not harm other parts of the body.[22]

Acid violence occurs in many countries, including Uganda,[23] Ethiopia,[24] and the United States.[25] However, a significant number of attacks occur in South and Southeast Asian countries, where the cheap and easy availability of acid gives access to a dangerous weapon.[26] Indeed, Bangladesh, India, and Cambodia have some of the highest incidence of acid violence in the world. Acid attack victims are primarily women, and perpetrators' motives are often tied to gender inequality and discrimination. Acid violence is not a new phenomenon in this region—the first recorded acid attacks occurred in 1967 in Bangladesh and in India[27]—but incidents have increased since then. In an effort to design effective laws to combat acid attacks in Bangladesh, India, and Cambodia, it is important

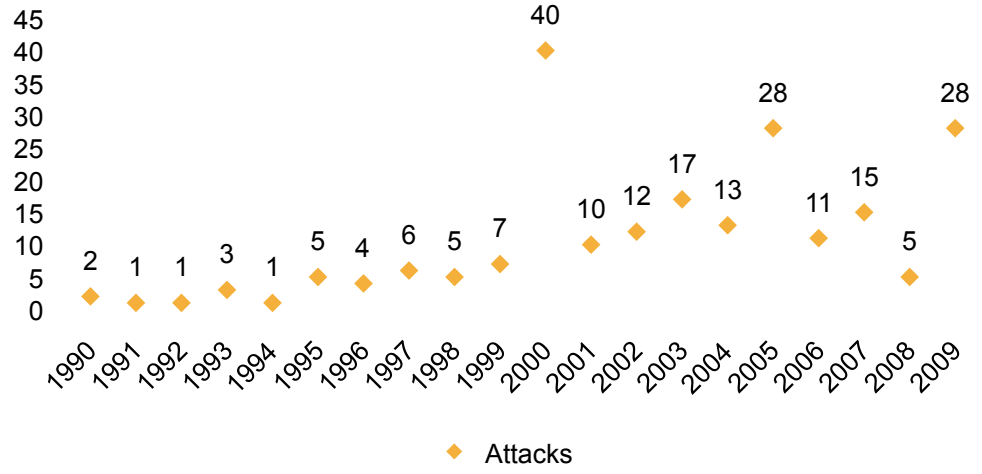
to understand the nature and scope of the problem of acid violence in these countries.

Acid Attack Trends in Bangladesh, India, and Cambodia

None of the studied countries maintain national statistics on acid attacks. In Bangladesh and Cambodia, non-governmental organizations (NGOs) have gathered national statistics from news reports and hospital records. As no national statistics are available for acid attacks in India, we conducted an electronic database search of Indian newspapers.

According to Acid Survivors Foundation (ASF) Bangladesh, there have been 3,000 reported acid attack victims in the country since 1999.[28] A review of Indian newspapers found 153 reported acid violence cases from January 2002 to October 2010. This number, however, likely under-represents the true scope of acid violence in India because not all attacks are reported in the print media. Indeed, the Campaign and Struggle Against Acid Attacks on Women (CSAAAW) found that there were 68 reported acid attacks between 1999 and 2008 in the State of Karnataka alone, suggesting that the national number is much higher than 153 for the period from January 2002 to October 2010.[29] According to data gathered by the Cambodian Acid Survivors Charity (CASC) on people treated in hospitals for acid burns, there have been 271 acid violence victims between 1985 and June 2010 in Cambodia.[30] The Cambodian statistics may also under-represent the true magnitude of the problems since many victims never seek treatment for their burns.

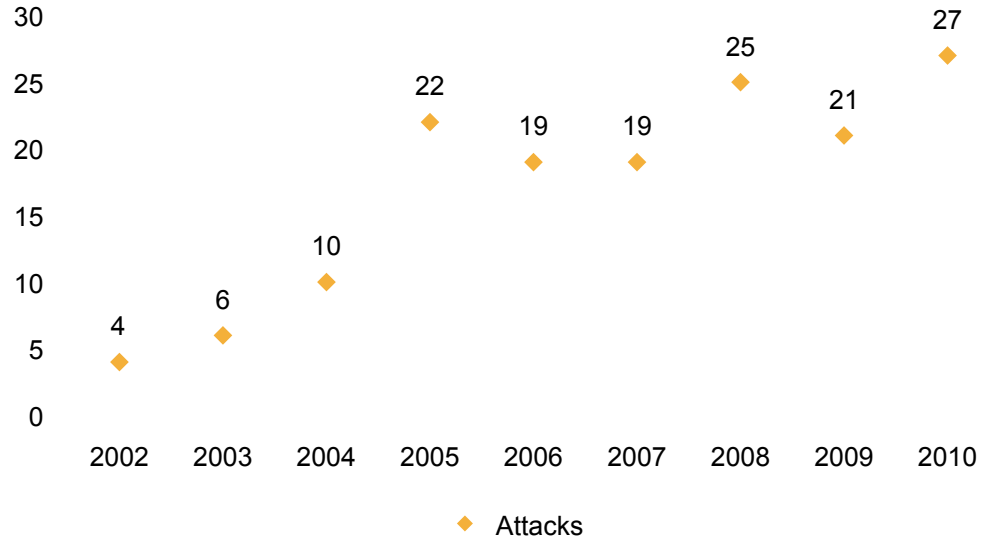
Cambodia Acid Attack Trends (1990–2009)[31]



Prior to the period between 1999 and 2000, the number of reported acid attacks in Cambodia remained relatively low. Then, there was a sharp increase in reported acid attacks in 2000 after the much-publicized acid attack on Cambodian singer Tat Marina on December 5, 1999.[32] The increased number of reported attacks may be the result of copycat crimes.[33] In 2010, acid attacks

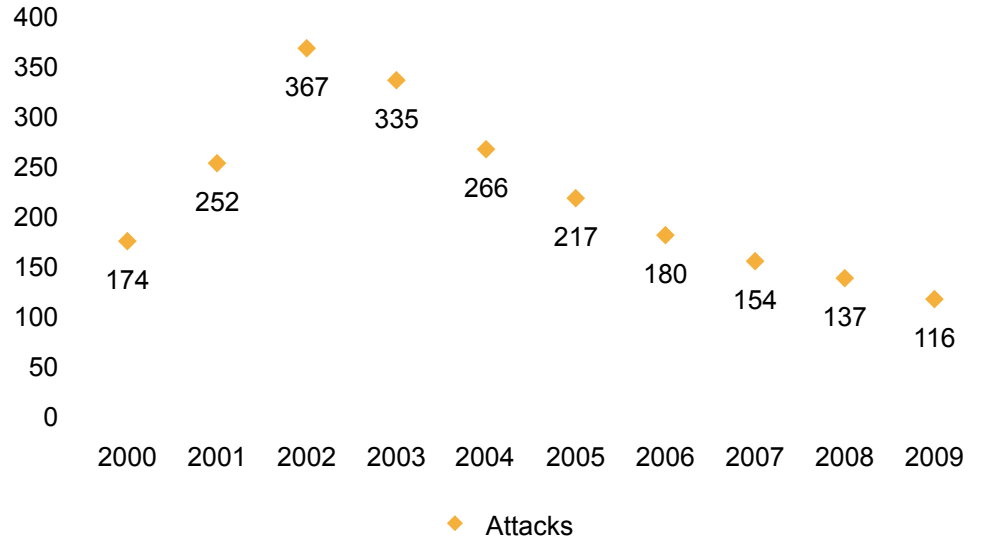
continued to occur at an alarming rate.[34] As discussed in greater detail in Chapter 4, Cambodia has not yet adopted criminal laws that specifically address acid violence or laws that are aimed at reducing the easy availability of acid.

India Acid Attack Trends (2002–2010)



The chart showing trends in India was developed using newspaper reports of acid attacks between 2002 and 2010. The number of reported acid attacks is likely much lower than the actual number of attacks, but it appears that the incidents of acid attacks are increasing in India as well. As described in Chapter 4, India's penal code does not allow for adequate criminal punishments for perpetrators of acid attacks and there are no laws that are specifically aimed at reducing the availability of acid to deter acid attackers.

Bangladesh Acid Attack Trends (2000–2009)[35]



Among the three studied countries, Bangladesh is the only country that has enacted specific legislation to enhance penalties on perpetrators of acid attacks and to regulate acid sales and distribution. Since enacting this legislation in 2002 together with criminal legislation, the number of reported acid attacks in Bangladesh has steadily decreased by 15% to 20% each year.[36] The government and civil society also undertook large-scale public awareness campaigns when these laws were enacted.[37] The decreasing trends in Bangladesh are in contrast to increasing trends in Cambodia and India where no such laws exist.

Cheap and Easy Availability of Acid

Acid is used as a weapon in the studied countries in part because concentrated acid is cheap and easily available. For example, a bottle of sulfuric acid sells in Dhaka, Bangladesh for as little as Tk. 15 ($0.15 USD).[38] A liter of the same in Phnom Penh, Cambodia sells for about 3,000 Riels ($0.72 USD), and battery acid costs only 500 Riels ($0.12 USD).[39] In India, a liter of hydrochloric acid costs between Rs. 16 and Rs. 25 ($0.37 to $0.57 USD).[40]

Furthermore, in India and Cambodia, there are no legal restrictions imposed on buying or selling acid. Thus, anyone can legally purchase acid over the counter in pharmacies, automobile repair shops, goldsmith shops, and open-air markets.[41] In contrast, in Bangladesh, only licensed users can legally purchase acid.[42] Although this law makes it more difficult for some perpetrators to obtain acid, the law has not been fully implemented and, as such, many non-licensed individuals can still purchase acid.[43]

The acids used by perpetrators to commit attacks include hydrochloric, sulfuric, and nitric acids and are the same substances used in industrial applications by many businesses in all three countries as discussed in detail in Chapter 5.[44] Moreover, many Indians use acid at home as a common cleaning agent.[45] In Cambodia, battery acid is used in homes to produce electricity,[46] and hydrochloric acid is used to polish jewelry.[47]

Victims

Age

Intended victims of acid violence are often young people under the age of 25. In Bangladesh, a recent study found that nearly 60% of victims were between 10 and 19 years old.[48] Of the Indian news reports reviewed that included the victims' ages, in nearly 34% of cases, victims were between 18 and 29 years old.[49] Furthermore, in 14% of cases, victims were between three months and 17 years old and included children who were unintended victims. A study in Cambodia of 63 victims found that the average age of female victims was 24 and the average age of male victims was 29 years old.[50]

Socio-economic status

The only research found examining trends of victims' socio-economic status was conducted in Bangladesh in 2010. By reviewing 90 acid attack victims who sought treatment at hospitals, researchers found that the victims are more likely to be from lower socio-economic classes.[51] In fact, more than 60% of the victims' families studied made less than Tk. 5,000 per month ($71 USD).[52] However, there are also well-documented cases of victims from middle-class families. For example, an employer attacked Haadiyaa, a middle-class 19 year-old girl, in Bangalore, India.[53] Another victim in Mysore, India was a gynecologist.[54] Thus, even if the great majority of the victims are from lower socio-economic classes, acid attacks occur against members of all classes.

Gender

In all three countries, a majority of reported victims of acid violence are women and girls.[55] However, it appears that the gender disparity is greater in Bangladesh and India than in Cambodia. There are several studies conducted in Bangladesh confirming that the significant majority of victims of acid violence are women. In one study in Bangladesh analyzing victims from May 1999 to 2009, 68% were women and girls.[56] Another study found that 90% of victims in Bangladesh in 2005 were women and girls.[57] A third study of victims admitted to hospitals in Dhaka from December 1996 to July 2000 revealed that nearly 73% were women.[58] A study of Indian news reports determined that 72% of cases reported from January 2002 to October 2010 included at least one female victim. In contrast, in Cambodia, only 52% of reported acid burn victims between 1985 and 2010 were women and girls.[59]

Unintended Victims

A significant number of acid violence victims are not intended targets, but are burned because they are near intended victims when perpetrators throw acid at their intended targets. As noted below, a large percentage of acid attacks occur at night and in private homes in Bangladesh. Relatives of intended victims who are sleeping in the same bed are often doused with acid. For instance, on October 29, 2009, Shila and Shimuli, two sisters from a village in the district of Kushtia in western Bangladesh, were attacked while they were sleeping.[60] Shimuli's 21-month-old daughter Jyoti was also burned while she was sleeping in the same room as her mother.[61] In another case in Bangladesh, acid splashed on several men and children when they were standing next to the targeted woman-victim.[62]

In Cambodia, such cases of unintended victims resulting from "missed targets" or from others being near the victim comprise 12% of all acid violence survivors and include mostly children.[63] As noted above, two men riding on a motorcycle attacked a victim and her three children.[64] In India, nearly 5% of the 153 acid attack cases studied included unintended victims.

Perpetrators

In Bangladesh and India, perpetrators are almost always men. In our study of news reports in India from January 2002 to October 2010, we found that 88% of cases included at least one male perpetrator. In Bangladesh, a study of 90 victims found that nearly 65% of perpetrators in those cases were rejected suitors (presumably men) and nearly 15% were husbands.[65] This suggests that men are acid attack perpetrators in Bangladesh in at least 80% of cases. In contrast, in Cambodia, it appears that women may commit acid attacks as often as do men.[66] A review of 44 cases reported in newspapers found that women perpetrated nearly half of those attacks.[67]

Location of Attacks

Acid attacks occur in public and private places. A recent study of 90 victims of attacks in Bangladesh found that 80% of the attacks occurred in the victims' homes and 93% occurred at night.[68] Often, perpetrators will pour or throw acid through an open window directly onto their victims.[69] Additionally, in some rural locations, there are no toilets inside homes, and perpetrators ambush victims while they are on their way to outside toilets.[70]

Attacks documented in India have more often occurred in public places. In research of news stories, nearly 61% of reported attacks had occurred in public spaces, such as roads, bus stands, trains, schools, and colleges. Similarly, of the attacks documented in Karnataka, India, 80% occurred in public places.[71] For example, one student reported that she was attacked with acid at a busy bus stop by a boy whose marriage proposals and advances she had rejected several times.[72]

In Cambodia, acid attacks occurred both in public places[73] and in homes,[74] but the exact breakdown between the two locations is not available. Attackers often perpetrate acid attacks on motorcycles, a common mode of transportation in Cambodia that facilitates a perpetrator's easy escape.[75] For example, 27 year-old former karaoke singer Sem Chanthy was attacked when two men rode a motorcycle into her house and poured a liter of acid on her.[76]

Attacks can be easily perpetrated in public places for a number of reasons. Acid does not look like a weapon; thus an attacker can approach a victim with what seems like a water bottle in hand.[77] The attack itself is perpetrated quietly because acid throwing does not make a sound, and it takes some time before the victim registers what has happened.[78] Indeed, in many cases, victims initially think that perpetrators doused them with hot water before recognizing that the burning sensation is not water but acid.[79] In public places, perpetrators can also throw acid at the victim from a distance, from a motorcycle or other moving vehicle, and quickly escape from the crime scene.[80]

Intent and Motives

Acid attack perpetrators do not usually intend to kill their victims, but to cause long-lasting physical damage and emotional trauma.[81] Such attackers commonly aim at the face, neck, and upper-body.[82] In some cases, perpetrators throw acid at sexual and reproductive areas of the body—including the breasts, buttocks, and vagina.[83] Even if the perpetrator does not intend to cause death, the injuries sustained by the victim may still result in death.[84] Indeed, even if the attacker intends to disfigure the victim, for example, as retaliation for rejecting a marriage proposal or to create an unexpected burden for the victim's family as revenge against the family, the victim may nonetheless die due to severe wounds inflicted during the acid attack. On the other hand, there are also cases in which the perpetrator has forced the victim to drink acid—suggesting that the perpetrator intended to kill the victim.[85] Chapter 2 describes the motives for acid attacks in Bangladesh, India, and Cambodia and explains why, in the vast majority of cases, acid violence is a form of gender-based violence and discrimination prohibited under international law.

Chapter 2

Acid Violence is Gender-Based Violence Prohibited by International Law

Acid violence constitutes gender-based violence, a form of discrimination under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).[86] The Committee on the Elimination of all forms of Discrimination Against Women (CEDAW Committee), which monitors State compliance with the treaty, describes gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately."[87] The CEDAW Committee has further noted that gender-based violence both results from and perpetuates traditional discriminatory attitudes that confine women to stereotypical, subordinate roles and positions.[88] Bangladesh, India, and Cambodia have ratified CEDAW[89] and are thus obligated to combat all forms of discrimination against women, including acid violence.

Below we describe how (a) acid violence disproportionately affects women, (b) results from discrimination, and (c) perpetuates inequality and discrimination against women. Because acid violence is a form of discrimination prohibited by international human rights law, as further described in Chapter 3, States have an obligation to act with due diligence to prevent and adequately respond to acid attacks.

Acid Violence Disproportionately Affects Women

As described in Chapter 1, the majority of victims in the countries studied are women. In Bangladesh, studies suggest that 68% to 90% of the acid burn victims are female.[90] Our study of newspaper stories from India shows that 72% of reported victims are female. In Cambodia, a slight majority (52%) of the victims are women and girls.[91] Even in cases in which women commit acid attacks against other women—a common occurrence in Cambodia—acid violence is gender-based violence. The underlying gender inequality and discrimination, not the gender of the perpetrators, are the relevant factors in determining whether or not violence is considered gender-based.

Acid Violence Results from Gender Discrimination and Inequality

Although acid violence occurs in many countries, it is particularly prevalent in the studied countries.[92] Acid attacks occur where there is significant gender discrimination. Bangladesh, India, and Cambodia rank very low on the Global Gender Gap Index, which measures national economic, educational, health and political equality between men and women.[93] In 2009, Bangladesh, India, and Cambodia ranked 93rd, 114th, and 104th, respectively, out of 134 countries included in the Global Gender Gap Index.[94] A strong societal preference for sons is another indicator of the undervaluation of women relative to men. In 2006, 25.6% of ever-married Indian women age 15 to 49 expressed a preference to

have more sons than daughters.[95] Similarly, in 2008, Bangladesh was found to have the highest ratio of son preference of all South Asian countries.[96] On the other hand, expressed preference for male children exists but tends to be moderate in Cambodia.[97]

Perpetrators often intend to destroy what society considers to be one of the most valuable traits of a woman—her beauty. One author who interviewed rejected suitors who perpetrated acid attacks in Bangladesh noted that perpetrators mean to "punish" women for being "proud" of their attractive features.[98] In addition, some perpetrators also intend to burden an entire family by attacking the female family member given that the victim will be considered unmarriageable and must thereafter be supported by her family.

India and Bangladesh were once part of a single territory controlled by the British prior to 1947 and, as a result, share a similar cultural history.[99] In contrast, Cambodia does not share the same history. Traditionally, Cambodia has had a matriarchal society in which suitors provided gifts to brides' families, and polygamy is increasingly practiced due, in part, to the shortage of men caused by decades of war and genocide.[100]

Even though the patterns of such inequality may differ in each country, most acid attacks that target women are carried out because of discriminatory attitudes in society against women. Below we discuss the most common reasons for acid attacks in Bangladesh, India, and Cambodia and explain how each type of attack reflects gender discrimination and inequality.

Rejection of love, marriage, or sex proposals in Bangladesh and India

Shruthi (Bangalore, India)

Shruthi was an energetic 10th grader who had recently moved to Bangalore, India. Shruthi's 16-year-old neighbor Rajesh expressed his infatuation with her by continuously displaying his affection and proposing to her several times. Shruthi refused his advances and marriage proposals. Shruthi told her parents about Rajesh's actions, and after Shruthi's parents spoke to Rajesh, he promised not to harass Shruthi anymore. However, Rajesh's promises were empty. The harassment continued until one day Shruthi angrily asked Rajesh to stop bothering her. He finally stopped, and Shruthi did not see him for several months.

Rajesh reappeared, approaching Shruthi while she was on the way to take a bus home after her computer class. Rajesh proposed to Shruthi again, and again she refused to marry him. After her refusal, she turned around and walked away. A few seconds later, he ran up to her, grabbed her from behind, and threw acid at her face and upper body.

The attack occurred in front of a crowded bus stop during the daytime, but

Shruthi recounted how no one attempted to assist her except for one bystander who covered her with his jacket and brought her to a hospital.

The pain from the burns caused Shruthi to lose consciousness at the hospital. She could not recollect what first aid treatment she received. As a result of the burns on her face, she lost vision in one eye. She was unable to contact her family until days later when she regained consciousness, made a complaint with the police, and the police contacted her family on her behalf. After receiving treatment at a government hospital, she spent three months at Rashika Hospital for additional treatment. During this time, she received 32 painful surgeries to restore the parts of her face damaged by the acid.

Shruthi's attack received a lot of media attention, making headlines in the news for nearly one month. Her attack helped regenerate the public's interest in acid violence, as well as public health and gender-related issues, in the region. Television stations and newspapers showed before- and after-pictures of her in print and on-air, which helped to rally public outcry against acid violence and support for her cause. Shruthi believes the media coverage helped to expedite her trial and allowed her case to be heard by a "fast-track" court. She testified in court three times, and in the end the attacker received a 7-year prison sentence and a Rs. 5,000 ($100 USD) fine.[101]

ASF Bangladesh states that rejection of love, marriage, or sex proposals motivated 17% of the attacks in the country from May 1999 to December 2009.[102] Another study of 90 victims from January 2000 to June 2005 in Bangladesh, however, found that rejected suitors perpetrated nearly 56% of attacks studied.[103] A study of Indian news reports, from January 2002 to October 2010 uncovered that victims' rejected love or marriage proposals motivated attacks in 35% of the 110 news stories providing a motive for the attack. Additionally, a report written by a leading organization in India working on acid violence, the Campaign and Struggle Against Acid Attacks on Women (CSAAAW), found that sexual harassment or assault in response to a woman or girl refusing such advances or demanding that the violence stop often precede such attacks.[104]

Acid violence targeting women because they reject marriage, love, or sex proposals implicates a number of gender-based discriminatory attitudes. First, it reflects the attitude that women are possessions. Indeed, victims in India report that, immediately prior to their attacks, the attacker said that if he could not posses her, then no one else could.[105] Experts we interviewed in Bangladesh similarly observed that attackers in these cases think that if they cannot "have" the victim, then no one else should "have" her.[106] This attitude suggests that these attackers view women as their property, particularly after attackers have decided to marry or become romantically involved with them. Another discriminatory attitude underlying these motives is that women are viewed as

dishonoring men by not obeying their wishes. Traditionally, in these countries, only men have decision-making authority, and women must obey men's decisions. A woman's failure to submit to a man may be seen as damaging to the man's reputation and honor.[107] A woman who does not follow a man's decision may be attacked because the attack serves to restore the man's honor and social position. As one commentator in Bangladesh explained: by "changing the woman's face, the attacker seeks to save or restore his own."[108]

Dowry-related and other marital disputes in India, Bangladesh, and Cambodia

Swapna (Karnataka, India)

Swapna, a bus driver's eldest daughter, married her father's co-worker at age 19. For dowry, Swapna and her family gave her husband Rs. 40,000 ($850 USD) and some gold, but her husband asked for more. Her parents were unable to fulfill the dowry demands. Swapna's husband and mother-in-law began abusing Swapna, and on one occasion placed hot irons on the palms of her hands. One night, Swapna's husband fed her sleeping pills, and after she fell asleep he poured acid on her. She was able to protect her face from the acid, but she suffered burns on her chest and stomach.[109]

In Bangladesh, India, and Cambodia, domestic violence is widespread,[110] and husbands perpetrate a significant portion of acid attacks against their wives. One study of acid attacks in Bangladesh reported that victims' husbands perpetrated nearly 17% of cases studied.[111] Another study found that acid attacks occurred between spouses in 10% of cases reported in Bangladesh in 2009.[112] In India, several women have also claimed that their husbands attacked them with acid.[113] Furthermore, a study of news reports in Cambodia suggests that, in many cases, acid violence is perpetrated against a spouse,[114] and perpetrators have cited "hate and jealousy" or "suspicion of engaging in an extramarital affair" as reasons for acid attacks against their victims.[115]

The discriminatory attitude that underlies many of these attacks is that a wife should not be autonomous or have decision-making power over her own resources.[116] For example, attacks have occurred in Bangladesh when a wife refused to give her salary to her husband[117] or in Cambodia when a wife initiated divorce proceedings.[118]

In India and Bangladesh, a wife's parents' refusal to give more money for dowry is frequently cited as a reason for acid attacks perpetrated by the husband or the husband's family. Dowry is a practice in which the bride's family is required to give money or expensive gifts to the groom and his family.[119] Although it is outlawed in both India[120] and Bangladesh,[121] it is widely practiced in both countries.[122] In Bangladesh, demands for dowry were cited in 15% of the attacks studied by ASF.[123] In one case in India, Harvinder Singh went to the home of his

wife's father, where his wife was living at the time.[124] He had a one-liter can filled with acid in his hand.[125] He first asked his wife, Satinder Kaur, for money.[126] When Satinder refused Singh's demands, he poured the can of acid on her.[127] Other members of Satinder's family tried to stop the attack, and Harvinder threw acid at them as well.[128] Satinder died the following day.[129]

The institution of dowry as practiced today[130] perpetuates the notion that women are economic burdens. A husband typically attacks his wife after her family refuses to give him money or additional money.[131] The husband may attack his wife either as a form of punishment inflicted on her for being "worthless" to him, or as revenge on the wife's family to whom the survivor will often return, burdening the family with high medical expenses and other financial needs.[132]

Land or business disputes with the victim's family in India and Bangladesh

Perpetrators motivated by land or business disputes may attack their opponents' wives or daughters rather than their opponents themselves because of the view that attacking the female family member will harm the entire family. Land disputes are one of the leading motives for attacks in Bangladesh, a country in which land is scarce and coveted.[133] According to the ASF, it was the reported motive of 39% of reported acid attacks from May 1999 to 2009.[134] In a study of newspaper stories from India, of the reports that identified motive, nearly 20% of the attacks were between unrelated people because of business disputes, sales disputes, land disputes, or revenge between families. In contrast, reported acid attacks in Cambodia have rarely occurred over land disputes, as there has been only one reported case in which a person was attacked in a land dispute between 1985 and 2009.[135] Business disputes in Cambodia, however, have been reported as more common motives for acid attacks.[136]

In land disputes, a family member often attacks a woman or girl family member of an opponent's family because she is most vulnerable and because harm to her means that she will likely become a burden to her family.[137] The notion that women are property underlies these motives as well as the view that attacking an unmarried daughter might impose greater financial burdens on the family, as the daughter will be viewed as unmarriageable and therefore an encumbrance.[138]

Women's socio-economic insecurity in Cambodia

Yem & Sophan (Cambodia)

In 2004, Yem's abusive husband began to have an affair. One day, intending to move into Yem's house, her husband's mistress followed him home from the tea stand. Yem paid the mistress two dollars to leave her house. The mistress left her belongings and walked out, but she returned again one week later. Yem paid her another dollar to leave. This time, the mistress took Yem's dollar, went to the local market, and purchased a bottle of acid. Late that night, the mistress crept into Yem's house and attacked Yem with acid while she was breastfeeding her 6-

week-old baby Sophan.

Yem did not have access to running water or knowledge about proper medical care. As a result, the acid remained on their skin for four days. The acid burned deeper and caused Yem and baby Sophan to suffer from further physical damage and excruciating pain. Yem experienced burns on over 30% of her body, and Sophan lost vision in one eye. Expensive medical procedures restored partial vision to Sophan, but the attacker destroyed her chances of living a normal life in Cambodia.[139]

Often, wives attack their husband's mistresses or mistresses attack their partner's wives in Cambodia.[140] According to CASC, these cases, which are reportedly caused by "extramarital affairs or hate and jealousy," make up nearly 40% of reported acid attacks in Cambodia.[141] According to another study conducted by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), a wife attacked her husband's suspected mistress or second wife in nearly 30% of 44 acid violence cases reported in the media from November 1999 to November 2002.[142] In one case, a mother ordered her 13-year-old son to throw acid on her husband's mistress who was 8 months pregnant at the time of the attack.[143]

Women who perpetrate attacks against other women often do so as a way to force their husbands or partners to leave their mistresses or otherwise end their affairs.[144] One underlying cause of these attacks is women's social and economic dependence on men. Women who attack other women may be doing so to protect their economic security and social standing in a society in which women have fewer opportunities to support themselves and their families than do men. Women become targets of attacks in part due to their economic insecurity and relatively inferior socio-economic positions in society.

In addition, many men were killed during the decades-long war and genocide. As a result, women head between 25% and 30% of Cambodian households.[145] Furthermore, although illegal, polygamy has become more widely practiced in Cambodia.[146] This may exacerbate the economic strain placed on families, the competition among women for marriage and economic security, and may further deepen gender discrimination and the unequal power relations between men and women.

Acid Violence Perpetuates Gender Discrimination and Inequality

Acid violence not only reflects gender discrimination and inequality but also perpetuates it. Society shuns survivors whose faces have been severely burned. Shanti, whose story is told in Chapter 1, covers her face when she goes outside of her house to avoid stares and comments from onlookers. In Bangladesh, many people consider victims' scarred faces to be a bad omen.[147] One woman in Bangladesh said that she is shunned from weddings and that pregnant women avoid her for fear that her presence would cause their babies to be born deformed.[148] Moreover, one commentator in Bangladesh noted that in a society where many "girls grow up to get married," a girl's value is often measured in terms of her ability to marry and marry well.[149] Thus, destroying a young girl's marriage prospects by disfiguring her can amount to ending her life by making her worthless in society's eyes.[150]

In all three countries, acid violence victims are often perceived to have committed an immoral act, such as having an extramarital affair.[151] As a result of this alleged or real social transgression, others in their communities may view them as outcasts and even believe that they deserved their fates.[152] One expert in Bangladesh noted that "[a]fter an attack, if you talk to neighbors, they will say, 'Why was this particular woman [attacked]? There must have been problems with her.'"[153] In Cambodia, second wives or mistresses are generally scorned by society, and the fate of being attacked with acid is seen as a result of misdeeds in past lives.[154] Thus, acid violence victims almost always face social stigma after the attack.[155]

Acid attacks are interpersonal acts of violence and are rarely specifically motivated by a desire to promote fear among other women. Nonetheless, individual incidents of acid attacks may make women fearful of transgressing social norms that keep them in subordinated positions. Acid violence has the effect of signaling, not only to victims, but also to all women in a society in which such violence widely occurs, that they must not counter prevailing gender norms.

Acid violence is a form of gender-based violence and discrimination under international law. Thus, governments have an obligation to exercise due diligence to prevent and adequately respond to acid attacks.

Chapter 3

States' Due Diligence Obligation to Combat Acid Violence

In elaborating on States' obligations to combat gender-based violence, the former United Nations Special Rapporteur on Violence Against Women, Dr. Yakin Ertürk, found that States must act with due diligence to prevent violations of human rights, including those committed by private, non-state actors.[156] According to the Special Rapporteur, the State's due diligence obligation includes the duty to prevent, protect, investigate, prosecute, punish, and provide redress to victims.[157] The CEDAW Committee has also recognized that states must act with due diligence to prevent violations of human rights.[158] Below we elaborate the content of a State's due diligence obligation. In Chapter 4, we assess Bangladesh, India, and Cambodia's responses to the problem of acid violence in light of international human rights standards.

Enacting Effective Laws to Combat Acid Violence

The duty to prevent human rights violations includes an obligation to enact legislation designed to ensure that women are free from gender-based violence.[159] In *A.T. v. Hungary*, the CEDAW Committee found that Hungary violated its obligations under CEDAW by failing to enact legislation designed to combat domestic violence and sexual harassment, and to provide "protection or exclusion orders or shelters exist[ing] for the immediate protection" of victims of domestic violence.[160] Thus, to comply with CEDAW, States should enact legislation that specifically targets violence against women rather than resort to generally applicable criminal laws.[161] Legislation and policies should also address the underlying causes of violence.[162]

One of the reasons acid violence occurs is the cheap and easy availability of acid. The State's due diligence obligation to prevent acid violence includes regulating the sale and use of acid as well as enacting criminal laws to adequately punish perpetrators. Bangladesh enacted two specific pieces of legislation in 2002 to address acid violence: the Acid Crime Control Act (ACCA) and the Acid Control Act (ACA). The ACCA heightened criminal penalties and tightened criminal procedures for acid violence cases, and the ACA creates a licensing regime that regulates the sale, storage, distribution, and use of acid. Since the government passed these laws in 2002, acid attacks have been steadily decreasing by 15% to 20% each year.[163]

Although Bangladesh's two acid violence laws were adopted in 2002, heightened penalties for perpetrating acid attacks had been in effect since 1984. In that year, Bangladesh adopted a new section of its penal code (Section 326A), allowing judges to impose the death penalty if the victim had been blinded or her head or face was permanently disfigured.[164] However, despite the adoption of the death penalty for acid violence in 1984, the number of acid attacks reported in Bangladesh continued to increase until 2002.[165]

Enacting the Acid Control Act in 2002 marked the first time that Bangladesh took steps to regulate and monitor the use, sale, purchase, storage, transportation, import, and export of acid, and to punish unauthorized sales.[166] The significant decrease in acid attacks after 2002 is related to the introduction of acid regulations, changes to the criminal justice system, and increased public awareness of criminal punishment and consequences for acid attack victims.[167] This decrease in attacks occurred despite problems with enforcement of the acid regulations that are discussed in Chapter 4.[168]

States committed to decreasing the rate of acid attacks should enact laws regulating the handling of acid. These regulations may include the following:

- Requiring licensing of producers, importers, distributers, and other business users of acid;
- Requiring businesses to adopt internal safe handling procedures designed to reduce, among other things, opportunities for the theft of acid by employees;
- Requiring the storage and sale of acid in labeled containers indicating the nature of the content, cautioning users about its dangerousness, and warning them of the penalties associated with misuse of acid; and
- Banning the use of concentrated forms of acid for household purposes where less potentially harmful alternatives are available.

Ensuring Implementation of Laws Designed to Combat Acid Violence

Not only must States enact targeted legislation and policies to address acid violence, but they must also ensure effective implementation of those laws and policies. In *Yildrim v. Austria*[169] and *Goekce v. Austria*,[170] the CEDAW Committee concluded that, although Austria had established a comprehensive framework to address domestic violence, the State failed to satisfy its due diligence obligation of protection with respect to these two victims. The abused victims' murders directly resulted from the state authorities' failure to respond in a timely and appropriate fashion to a situation they knew or should have known to be extremely dangerous.[171]

In order to effectively implement laws, States must: (1) conduct appropriate investigations, (2) protect victims from threats that could undermine those investigations, and (3) prosecute and punish perpetrators of acid attacks.

Duty to Investigate

The State's due diligence obligation to protect individuals from violence encompasses the duty to conduct serious, impartial, prompt, and effective investigations.[172] According to the Inter-American Court of Human Rights, deficiencies in investigations "often prevent and/or obstruct further efforts to identify, prosecute and punish those responsible."[173] The Inter-American Court of Human Rights recently affirmed that the State has a heightened duty of care in

investigating matters concerning violence against women.[174] A State's commitment to serious and effective investigations reiterates the condemnation of violence against women by society and ensures women's trust in the authorities' ability and dedication to protect them from violence.[175]

Duty to Protect Victims

A State's due diligence obligation includes the obligation to protect the victim from threats and harm by the perpetrator.[176] This duty has been recognized as owed to the victim, but could also be extended to include the victim's family or witnesses in a criminal case against the perpetrator.

Duty to Prosecute and Punish Perpetrators

The duty to prosecute and punish perpetrators of violence is an essential part of the State's obligation to act with due diligence to protect women from violence.[177] The duty to adequately prosecute and punish may include creating specialized investigatory or prosecutorial units,[178] implementing witness and victim protection programs designed, in part, to safeguard the availability of essential testimonial evidence,[179] and ensuring that law enforcement procedures and personnel adapt to the specific issues and problems related to gender-based violence.[180]

Providing Redress to Victims

A State's due diligence obligation includes the duty to provide redress to victims for the violations suffered. Appropriate remedies can take the forms of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.[181] Compensation covers awarding monetary damages proportional to the gravity of the violation.[182] Rehabilitation includes medical and psychological care as well as legal and social services.[183]

Remedies for acid attack victims are essential and should include providing adequate healthcare in government facilities, and, where public healthcare is not available, the government should pay the expenses for treatment at private health facilities.[184] Additionally, healthcare professionals who first respond to acid attack victims must be trained in the proper first aid response. Moreover, the multiple and complex surgeries survivors require are very costly, and governments should provide the specialized expertise, facilities, and resources for necessary procedures. Finally, acid attack survivors should receive compensation if they are unable to work for health reasons or because of the discriminatory attitudes of potential employers.[185]

Chapter 4

Evaluating Bangladesh, India, and Cambodia's Efforts to Combat Acid Violence

This Chapter examines the extent to which Bangladesh, India, and Cambodia have satisfied their due diligence obligations to: (1) enact legislation to adequately punish perpetrators of acid violence and adopt regulations aimed at curbing the easy availability of acid, (2) implement those laws and regulations, and (3) provide redress to survivors.

Bangladesh

Nila (Sirajgang, Bangladesh)

Nila from Sirajgang (70 miles northwest of Dhaka), Bangladesh was only 16 when her parents arranged her marriage with Akbar Hossain, a migrant worker who had just returned from Saudi Arabia. Nila and her husband often argued, especially when she said that she wanted to visit her parents, pursue her studies, or stay in Bangladesh rather than move to Saudi Arabia. On February 19, 2008, after one such argument, Nila's husband became very upset and left the house. Nila suspects that he went to the market and bought acid. That night, while Nila was sleeping, her husband poured acid on her face, hands, and upper body.

Nila was admitted to Dhaka Medical College Hospital (DMCH) about 20 hours after the attack. By that time, her face and eyes were already badly damaged. After receiving an initial treatment at DMCH 35 hours after the attack, Nila was transferred to the Acid Survivors Foundation (ASF) hospital. On February 23rd, she received thick skin grafts on her face, neck, upper left chest, and back. Both of her ears, however, had to be removed. Then, on April 2nd, she received reconstructive surgery to widen the opening of her mouth. Nila returned to her parents' home in Sirajgang after five months of treatment.

Nila's father filed a complaint against Akbar Hossain and other suspects immediately after the attack occurred, and an indictment against Akbar Hossain was issued two months later. Nila submitted a petition to have the other suspects included in the indictment, but the court rejected her motion. Upon returning to Sirajgang, Nila reported to the police that her in-laws pressured her to withdraw the case and threatened to abduct her brothers. To our knowledge at the time of this writing, Nila's husband was missing, and her case was still pending trial.[186]

Enacting Effective Laws to Combat Acid Violence

Bangladesh has enacted specific legislation to combat acid violence. In 2002, Bangladesh enacted two comprehensive laws—the Acid Crime Control Act (ACCA) and the Acid Control Act (ACA).[187] The ACCA heightens penalties and creates special court procedures for acid attack cases.[188] Key provisions of the ACCA were already in effect prior to its adoption.[189] On the other hand, through the ACA, the Bangladeshi government, for the first time, regulates and monitors the use, sale, purchase, storage, transportation, import, and export of acid in Bangladesh.[190] Enacting these laws signals a strong commitment on the part of the Bangladeshi government to eradicate acid violence. Below is a description of the laws and critiques that have been advanced on certain aspects of the laws. This discussion may be particularly informative to India, Cambodia, and other countries contemplating enacting legislation to specifically address acid violence.

Key Provisions of the Acid Crime Control Act (ACCA)

Penalties. The ACCA allows courts to impose the death penalty for acid attacks. The level of punishment is tied to the parts of the body affected. If the victim dies or loses sight or hearing, or if the victim's face, breasts, or sexual organs are damaged, the attacker faces the death penalty or life imprisonment, as well as a fine of up to Tk. 100,000 ($1,450 USD).[191] If the attack maims any other part of the body, the attacker faces between 7 and 14 years of imprisonment as well as a fine of up to Tk. 50,000 ($700 USD).[192]

The ACCA provisions that link the level of punishment to the body part that has been injured have been criticized for objectifying victims.[193] By more severely punishing attacks targeting the face or genitals, for example, the law conveys the notion that some parts of a person's body—notably the face and reproductive organs—are more valuable and worthy of protection than others.[194] Some experts also criticize the law for authorizing judges to issue the death penalty. For instance, critics point out that capital punishment may deter victims from seeking redress[195] and that the death penalty causes serious procedural delays.[196]

Attempted Attacks. Throwing acid or attempting to throw acid without causing either physical or mental suffering is also punishable, and a sentence between 3 and 7 years and a fine of up to Tk. 50,000 ($700 USD) can be imposed.[197]

Aiding and Abetting. Aiding and abetting the commission of an acid attack or an attempted attack gives rise to the same liability as the commission of the attack itself.[198]

Investigation and Case Handling Procedures. Police must investigate acid attacks within 30 days, but can be given up to a 60-day extension. If the investigation has not been completed within the designated timeframe, courts may request that the police department designate another investigating officer to complete the investigation within the proscribed time period and may also take

measures against the investigating officer.[199] If a judge suspects that the investigating officer has submitted a final report in order to exempt an accused or has deliberately failed to produce evidence and interrogate important witnesses to prove the offense, the court is empowered to direct the superior officer to take measures against the investigating officer.[200]

Bail. Acid throwing is a cognizable, non-compoundable, and non-bailable offense.[201] However, if the lower court or the Appellate Division finds that the police report gives reasonable grounds to believe that the person is not implicated in the offense, then the court may release the accused on bail.[202]

Acid Crime Tribunals. The ACCA requires the creation of acid crime tribunals in each district.[203] Under Section 16 of the Act, the acid crime tribunals have exclusive jurisdiction over acid attack cases regardless of the victims' sex.[204] In addition, Section 16(3) mandates the completion of trial proceedings within 90 days from the date of receipt of the case for trial.[205] If the proceedings are not completed within this period, the tribunal may release the accused on bail.[206]

Key Provisions of the Acid Control Act (ACA)

National Level Entity. The ACA creates a National Acid Control Council (NACC).[207] The law requires that the NACC: (a) institute policies relating to the trade of acid; (b) enact policies to prevent the misuse of acid; (c) enact policies to favor the treatment and rehabilitation of victims; (d) adopt measures to raise public awareness of the dangers of acid; (e) collect data regarding the use and misuse of acid; (f) coordinate the work of the various ministries with respect to acid regulation; and (g) institute policies relating to proper acid waste management.[208] The Home Minister chairs the Council. Members also include the Minister for Women and Children Affairs, secretaries from the Ministries of Commerce, Industry, Home Affairs, Health, Women and Children Affairs, civil society representatives, and professional associations representing acid-using industries, such as the garment and jewelry industries.[209] A recent amendment to the ACA added other representatives from high-level ministries to the Council.[210]

District Level Entities. District committees are responsible for implementing the national guidelines and enacting local measures to further regulate acid. The Deputy Commissioner chairs the District committee; members include the district's Superintendent of Police, the Civil Surgeon (head of the district health department), the director of the district department of women affairs, the director of the district social welfare services, the district public prosecutors, NGO representatives, and, sometimes, acid users associations.[211]

Fund. The ACA mandates the creation of National Acid Control Council funds and district committee funds to finance awareness-raising campaigns and provide assistance to acid survivors for treatment, rehabilitation, and legal aid.[212]

Acid Regulation. The Act punishes the unlicensed production, import, transport, storage, sale, and use of acid by a prison term of 3 to 10 years, and a fine of up to Tk. 50,000 ($700 USD).[213] It establishes the central government as the licensing authority for import licenses and the deputy commissioner as the licensing authority for transport, storage, seller, and user licenses.[214] It also requires license holders to keep informational records relating to all acid use.[215]

Ensuring Implementation of Laws Designed to Combat Acid Violence

Bangladesh's criminal justice system faces a number of challenges generally. Corruption is rampant at all levels, and there are resource constraints, which include an inadequate number of police officers and judges. As compared to the other countries, there are far fewer police officers in Bangladesh per capita. There are approximately 124,366 police officers in Bangladesh—about one police officer for every 1,138 inhabitants.[216] By comparison, there is about one police officer for every 325 inhabitants in the United States.[217] These and other general systemic problems are compounded by the special difficulties associated with acid attack cases.

Investigation

The Bangladeshi government faces investigatory challenges that include difficulties in implementing the ACA's regulatory provisions. Although the ACA requires producers, importers, transporters, and users of acid to obtain licenses, it appears that very few of these people obtain such licenses. For example, in Bogra, of the estimated 2,500 to 2,800 acid users, only 31 have licenses, while 20 applications were currently pending at the end of 2009.[218] In another location, Satkhira, a district in southwestern Bangladesh where the incidence of acid attacks is among the highest in the country, of the 90 to 100 shops that sell acid in Satkhira city, only five sellers have a license.[219] The widespread failure to comply with the license requirement is attributed to the lack of knowledge about the law and the reluctance to pay the application fee of Tk. 5,000 (about $75 USD), which exceeds the monthly income of the average goldsmith.[220] The police also fail to check that all users of acid are licensed. Indeed, the Inspector General, head of the Bangladeshi police, recognized that, in practice, the police rarely visited workshops and markets to check licenses and volumes of sales.[221]

In addition to the implementation challenges under the ACA, criminal provisions of the ACCA are not adequately implemented to bring perpetrators of acid violence to justice. The strength of a court case against an alleged perpetrator of acid violence under the ACCA turns on the care with which police conduct an investigation.[222] Once an attack occurs in Bangladesh, victims and their families may be required to pay bribes to file a complaint, known as a first information report (FIR).[223] In fact, Transparency International found that 6% of households in Bangladesh reported that they had to pay an average Tk. 4,000 ($60 USD) bribe to be able to file an FIR.[224] Police may also refuse to accept a complaint

because they have received a bribe from the perpetrator.[225] For instance, Nahar's mother was not able to file an FIR until three days after the attack because the police would not accept a complaint without an accompanying medical certificate.[226] Nahar's family believes that the police used this pretext to refuse to investigate the case because the perpetrator had bribed and threatened the officers.[227] Because of police refusal to timely accept the FIR, the perpetrator was able to flee to India.[228]

To obtain a strong charge sheet, which is required to bring charges in court against the perpetrator, victims may also have to pay bribes.[229] Alternatively, the police may submit a final report that denies that the crime occurred when they have been bribed by the perpetrator. In Reshma's case, for instance, witnesses reported that the District Superintendent, after accepting Reshma's FIR, had drinks with the perpetrator, Ayub, and then visited the victim's house to insist that she withdraw her complaint.[230] He argued that she had no chance of winning the case because she was poor and Ayub's family was powerful.[231] The officer advised her to settle for a cash payment and consider marrying Ayub "for her own safety."[232] In September 2009, the police submitted a final report and effectively exonerated Ayub despite overwhelming evidence implicating him as the attacker.[233] Indeed, between 2002 and 2009, the police recommended that alleged perpetrators should not be criminally charged in nearly 50% of the reported acid attacks (34 of 73 reported cases) in Bogra.[234]

Many police officers lack the training to conduct adequate investigations in acid attack cases. During the investigation phase, the police should request the medical certificate from the treating physician, interrogate witnesses, collect real evidence—such as the acid container, burnt clothes, and furniture—and send evidence to the police laboratory in Dhaka to determine whether and what type of acid the attacker used.[235] Often, however, essential information, including the identity of the perpetrator or accomplices, the source of the acid, real and physical evidence—such as clothing and used acid containers—and time and place of the event, is missing from the charge sheet.[236] Although selling acid may be illegal in some cases, police often fail to inquire about the actions of acid sellers.[237] Moreover, there is only one police laboratory in Dhaka for the entire country of Bangladesh, and evidence analysis may take several weeks, further delaying the investigation process.[238]

There is a perceived or real lack of gender sensitivity of many police officers, which also impedes the effectiveness of investigations. In an attempt to address gender insensitivity among police officers, the Bangladeshi government instituted a Victim Support Centre in February 2009 through the Police Reform Program.[239] The Centre's goal is to "remove social and cultural barriers and enhance accessibility to report crimes against women and children."[240] The Victim Support Centre is located within the *upazila/thana* (subdistrict) police station of Tejgaon in Dhaka City, and is staffed by female police officers.[241] It serves as an interface between governmental and nongovernmental services, providing

women-victims with support, legal advice, and protection.[242] The Ministry of Women and Children Affairs has also appointed a female officer to act as correspondent for women's affairs in each *upazila*/*thana*.[243]

Protection

The police have failed to adequately protect individuals who complained about threats prior to the acid attack. A study of 90 victims in Bangladesh found that perpetrators threatened 91% of victims prior to the attack, and over 50% of victims filed a complaint with the police prior to the attack.[244] Even after the attack, there are cases in which perpetrators threaten victims with further harm if the victims pursue criminal cases against the perpetrators. For example, in Wazed's case, the perpetrator and the man who sold him acid were arrested, but an accomplice was still at large, threatening to harm Wazed's family if they did not drop the charges.[245] In another case from a village near Chittagong, Sameron, 50, and her granddaughter Monira, 8, claimed that the perpetrators who attacked them with acid received bail and later threatened them.[246]

Perpetrators also often threaten to harm witnesses if witnesses testify against them. The absence of government victim and witness protection is unanimously pointed out as "one of the main obstacles to getting justice" in Bangladesh.[247] In Reshma's case, the perpetrator and his partisans threatened Reshma's life and warned witnesses not to testify.[248] Reshma sought protection from the district police, but none was given.[249]

Prosecution and Punishment

Effectively prosecuting and punishing perpetrators of acid attacks is an important component of preventing future attacks. As discussed above, the strength of the police investigation and of the prosecutor's preparation for trial have a serious impact on whether or not a perpetrator of an acid attack will be convicted. From 2000 to 2009, there were 2,198 reported acid attacks in Bangladesh; however, during that same period, there were only 439 convictions.[250] Thus, less than one in five acid attack perpetrators in Bangladesh have been convicted of their crimes.[251]

The ACCA includes several provisions to ensure more effective prosecutions, including requiring speedy investigations and trials, holding the accused in custody during investigation, and imposing heightened penalties as compared to other criminal acts. The ACCA's mandated 90-day deadline for trial completion in acid cases, however, is rarely respected.[252] Moreover, this deadline does not apply to appellate procedures. As a result, it is not uncommon for acid cases to be pending 5 to 10 years after the attack.[253]

Moreover, the ACCA's provisions that require speedy investigations and trials and heightened penalties in acid attack cases as compared to other criminal cases have had unintended consequences. The improved procedures in acid attack cases have created incentives for people to use the ACCA to frame others

as acid attack perpetrators. In this type of case, commonly referred to as a "false case," a husband, father, or other male relative will pour acid on his wife or daughter and blame the attack on someone else, usually someone with whom the perpetrator has a land-related or personal dispute.[254] A false accusation may be either a strategic move carried out to harass or gain an advantage over a rival, or merely an act of anger or revenge.[255] There seems to be consensus that the problem of fabricated, "false cases" is fairly sizable. According to the Bogra District Additional Superintendent of Police, 25% of cases of acid attacks are fabricated.[256] To address the growing trend in false accusations, Bangladesh recently passed an amendment to increase the punishment for falsely accusing someone of committing an acid attack.[257]

Providing Victim Redress

The ACA creates a fund designed to, among other things, "help victims of acid throwing for their treatment, rehabilitation, and legal aid."[258] The law further provides that each district must organize and gather an acid control council, but only 10 of 64 districts have active councils.[259] One district council has recently distributed Tk. 100,000 ($1,500 USD) to 20 survivors—out of the 130 acid survivors counted in Bogra—and now seeks to establish a permanent fund for acid victims.[260] It appears that some—but not all—survivors have received compensation; however, the amount is inadequate to cover lost income and healthcare costs.

In addition to covering essential healthcare costs, the government is obligated to ensure that public healthcare professionals have a basic level of training to provide first-aid treatment for acid attacks. One medical expert in Bangladesh notes a lack of basic first-aid knowledge on treating acid wounds within some parts of the medical community. [261] In fact, in one study in Bangladesh, of 158 acid attack victims studied, 71.5% had grossly infected wounds suggesting improper treatment.[262] Additionally, medical examiners in local hospitals and rural health facilities do not always properly identify acid burns due to: (1) inadequate training, (2) proper first-aid administration that dilutes the acid and its effects, and (3) bribes or threats from perpetrators to falsify reports.[263] To address this lack of knowledge and training about proper first-aid treatment and burn identification, ASF started the "Essential Burn Care" campaign, in partnership with the British charity Interburns and the Ministry of Health, and a team of doctors trained by Interburns is scheduled to travel to 11 districts initially to hold one-day training programs, each program being attended by 10 doctors and 15 nurses.[264]

India

Enacting Effective Laws to Combat Acid Violence

Both the Law Commission of India[265] and the National Commission for Women (NCW)[266] have supported enacting amendments to the Indian Penal Code (IPC) and Indian Evidence Code to address acid violence. However, in a public interest litigation court filing in April 2010 before the Supreme Court of India, the government stated that the "existing legislations are sufficient to deal with the offense of acid attack."[267] The government has recently reversed its position, at least with respect to the adoption of criminal provisions. An expert committee headed by the home minister of India is supposed to recommend the adoption of amendments to the IPC to address acid violence.[268] Legislation to combat acid violence has also been proposed in the State of Andra Pradesh, but has not been enacted yet.[269]

Although the drafts produced by the Law Commission and the NCW are slightly different, they address the same major shortcomings in existing laws. Below we examine key provisions of the Law Commission and NCW draft bills and explain why they should be adopted.

New penal code section to address acid violence

Both the Law Commission and NCW drafts propose adding a new section to the IPC that addresses acid attacks. Under the proposed new section, anyone who throws or administers acid on another person with intent or knowledge that it will cause harm to *any* part of the victim's body can be charged.[270] Under existing laws, there is confusion about whether a perpetrator should be charged with causing "hurt" (IPC Section 324) or "grievous hurt" (IPC Section 326). A charge for "grievous hurt" carries with it a potential sentence of life imprisonment but a charge of "hurt" carries only a maximum penalty of three years. Section 320 defines "grievous hurt" as emasculation of the victim's reproductive and sexual organs, permanent privation of the hearing of either ear, privation of any member or joint, the destruction or permanent impairing of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or a tooth, and any hurt that endangers life or which causes the sufferer to be during the space of 20 days in severe bodily pain, or unable to follow [her or his] ordinary pursuits.[271]

The definition of "grievous hurt" does not account for the specific circumstances of acid attacks. First, perpetrators who do not harm the specific body parts included in the definition of "grievous hurt" may not be given higher sentences. For example, a perpetrator who blinds his victim(s) might only be charged with causing "hurt" and receive a maximum 3-year sentence. Second, the definition does not account for the social discrimination and stigma that acid violence survivors endure, or the economic difficulties that acid survivors experience.

Whether to charge an alleged acid attacker under the "hurt" or "grievous" hurt section is a heavily litigated issue.[272] The new proposed provision to the IPC reduces confusion for investigating officers as to which section should be used to charge an accused, allowing for the uniform legal treatment of acid violence attacks.[273] Additionally, the advocate who brought the public interest litigation to the Supreme Court on this issue pointed out that a section in the IPC that specifically targets acid attacks would draw the public's attention to the seriousness of the crime.[274]

New penal code section to address attempted acid attacks

Both the Law Commission and NCW propose adding a new section to the IPC that will make liable any individual who throws or administers acid to a person with the *intent* of causing harm.[275] Punishing perpetrators who throw acid but miss their targets or use diluted acid sends a strong message that the government will not tolerate this type of violence and may deter unsuccessful perpetrators from a second attempt.

Increases maximum and minimum sentences for acid crimes

Both the Law Commission and NCW recommend giving judges discretion to sentence acid attack perpetrators to a minimum of 10 years and a maximum of life imprisonment.[276] Indeed, one expert notes that, in most cases, perpetrators' sentences are between 7 and 10 years, and the time the perpetrator actually serves is usually less.[277] Indeed, higher penalties seem to have had a deterrent effect on acid violence in Karnataka. After the case in which a judge imposed a life sentence for an acid attack, there was a subsequent decrease in such attacks.[278]

Imposes increased fines against perpetrators

Both the Law Commission and NCW bills propose increasing fines against acid violence perpetrators. The Law Commission bill proposes a maximum fine of Rs. 10 lakhs ($21,400 USD),[279] which is double the maximum fine proposed by the NCW. The Law Commission draft suggests that any fine collected should be given directly to the acid attack victim. The relatively high fines reflect the severe impact of acid throwing on victims and also recognize the high expenses victims and their families must incur.

Addresses evidentiary issues particular to acid violence

Acid attacks happen very quickly, at night, or from a distance. As a result, there are often few witnesses. Even when there are witnesses, perpetrators often threaten them to prevent them from testifying at trial or recounting previous testimony. The weapon, including both the acid and the container, is rarely found or collected. To address these evidentiary problems often encountered by prosecutors, the NCW bill suggests an amendment to the Indian Evidence Act that allows the statement of victims to be sufficient to convict a perpetrator.[280]

The Law Commission bill addresses another evidentiary issue encountered in acid violence cases: proving knowledge and intent to cause harm. The Law Commission proposes an amendment to the Indian Evidence Act that would allow prosecutors to establish that throwing acid on or administering acid to another person is "*prima facie* evidence" of the intent to cause grievous hurt to the victim.[281] This section places the burden of proof on the defendant to demonstrate that he had no intention of causing any harm to the victim. This provision would therefore remove a major obstacle to bringing perpetrators to justice. In cases in which victims die, perpetrators often argue that they did not intend to kill the victim, but only to cause harm and, thus, should not face the higher penalties associated with murder.[282] Courts interpret intent to mean a deliberate and premeditated act on the part of the accused with the aim of causing the victim's death. The suggested amendment to the Indian Evidence Act would allow perpetrators to be charged with murder for killing their victims with acid in appropriate circumstances.

Compensates acid violence victims

The Law Commission's proposed bill suggests that the Indian legislature should adopt the Criminal Injuries Compensation Act that will provide interim and final relief to victims of certain acts of gender violence such as rape, sexual harassment, and acid attacks.[283] The Law Commission's proposal seeks to provide both interim and continuous compensation to the victim, and to the victim's legal guardian and dependants, if any.[284] In determining the amount of compensation available to a victim, the Law Commission of India suggests adopting a matrix modeled after the one in the United Kingdom's Criminal Injuries Compensation Act to determine the amount awarded to a victim based on the cause and nature of the injuries sustained.[285]

Creates a victim's assistance board

The NCW proposed bill would establish a National Acid Attack Victim's Assistance Board composed of lawyers, activists, and advocates.[286] This government entity would monitor the legal, medical, and financial assistance the government renders to acid violence victims. The Victim's Assistance Board would also have the power to monitor acid violence victims' medical treatment, monitor and arrange for legal support services to acid violence victims, formulate and recommend to government agencies rehabilitation plans for each victim, aid the government in devising strategies to regulate the control and sale of acid, and raise awareness about acid violence.[287] Furthermore, the Victim's Assistance Board would be tasked with processing claims for financial relief made by victims, their caretakers, or their dependants.[288]

By instituting policies governing victim compensation, victims' abilities to obtain redress will no longer depend on the outcome of court cases or *ad-hoc* government policies. While legal and structural changes to the criminal justice system are important when it comes to fighting acid violence, such changes must

occur in conjunction with social and cultural changes. The Victim's Assistance Board creates a mechanism through which stakeholders can give the government input on how best to tackle this issue. The Board, through its monitoring duties, would ensure that government hospitals, police officers, and public prosecutors fulfill the State's due diligence obligations to assist acid violence victims. Given the difficulties acid violence victims have in interacting with the healthcare system and the criminal justice system, acid violence victims would benefit from having advocates from the Victim's Assistance Board lobbying on their behalf.

Ensuring Implementation of Laws Designed to Combat Acid Violence

As noted, there is currently no law in effect specifically addressing acid violence. For the reasons noted above, the design and structure of existing laws are not adequate to combat acid violence. As in the Bangladeshi criminal justice system, there are endemic problems, including corruption and a lack of resources, in the Indian system inhibiting appropriate investigation of crimes, protection of victims, and punishment of perpetrators.

One problem that affects acid attack prosecutions is the lack of adequate numbers of judges in India. An estimate puts the judge-to-person ratio in India at 12.5 judges per one million people.[289] The ratio in India is lower than that of other countries; in the United States there are 107 judges per one million people; in Canada there are 75 judges per one million; and in Britain there are 51 judges per one million.[290] In India, it may take many years for courts to hear and decide cases. Such delays tend to hurt prosecutions' cases, as victims and witnesses lose interest and as physical evidence deteriorates or disappears.[291] Indeed, 41.8% of IPC cases reported resulted in convictions,[292] a figure much lower than the 90% or more conviction rate in criminal cases of countries such as the United Kingdom, the United States, France, Japan, and Singapore. Below we discuss specific concerns faced by acid attack victims in their interactions with the criminal justice system.

Investigation

Acid victims note that they are reluctant to report acid attacks to the police because they fear harassment and ridicule from police officers.[293] Some police officers espouse blatantly sexist views. For instance, an advocate recounted that one police officer, when asked why he felt that certain women are attacked with acid, answered: "These women dress up like boys. What do they expect?"[294] Additionally, officers may frame acid violence investigations in terms of a woman's sexual history and questions of morality.[295] For example, an investigating officer blamed one victim for the acid attack against her, saying that she instigated the crime by engaging in a series of "affairs" with co-workers, which led to one of the co-workers throwing acid at her.[296] The Delhi Deputy Commissioner of Police, who believes that acid violence is a form of gender-

based violence, agrees on the need to more broadly "sensitize the police force" to the specific issues faced by acid attack victims.[297]

Additionally, some police officers are susceptible to corruption. Indeed, several acid attack victims reported that their attackers bribed the police with money in order to influence investigations. For example, Jacquiline Asha claims her attacker gave the police a bribe; thereafter she faced threats from the officers to withdraw the case.[298]

Protection

There are several documented cases in which acid attack victims have received inadequate police protection even when they have complained of harassment by their perpetrators prior to the attack. For instance, acid violence victim Shri Mahaveer Singh filed a police complaint stating that a man was harassing her and threatening to kill her, abduct her, and throw acid on her if she did not marry him.[299] Her father requested that police protect his daughter from harm and included the name and description of the man harassing Shri in his complaint.[300] The police failed to take any action to protect her, and two years later the harasser threw acid at Shri.[301] A subsequent National Human Rights Commission investigation found the police to be negligent in failing to protect Shri and deemed their negligence the proximate cause of the acid burn injuries Shri suffered.[302] In Dr. Mahalakshmi's case, the police ridiculed her unmarried status when she filed complaints of harassment against the man who later attacked her with acid.[303]

Prosecution and Punishment

Perpetrators of acid attacks are not effectively prosecuted. Given their extensive caseloads and lack of training, public prosecutors do not have the time or resources to properly investigate and prosecute cases.[304] For instance, Gita was unconscious for several days after the attack against her and could not give a statement to the police.[305] Since then she has attempted several times to meet with the public prosecutor, but he has refused to meet with her.[306] One High Court Chief Justice urged more cooperation between victims and prosecutors and allowing victims an opportunity to play a more active role in prosecutions.[307]

The role of judges is crucial to ensuring that acid attack perpetrators are adequately punished. Gender insensitivity and other structural problems within the Indian judiciary present challenges for the punishment of acid attack perpetrators. In one case, for example, the judge hearing an acid attack case asked the survivor to cover her face when she appeared in court.[308] In cases in which judges have imposed stiff punishments on acid attackers, it appears that, in assessing the harm to the victim, judges have given great weight to the fact that the victim has lost her chance to be married and to be a mother.[309] Thus, if a judge believes that the perpetrator has prevented a woman from satisfying her

traditional role as mother or wife, then the perpetrator is likely to receive a higher sentence.

Providing Redress to Victims

The Karnataka High Court in a public interest litigation case, ordered the Karnataka state government to give each acid attack victim Rs. 2 lakhs ($4,522 USD). Further, health officials in Karnataka suggested that they would be willing to compensate victims for additional medical expenses.[310] However, there is no central government scheme to provide compensation. The Minister for Health and Family Welfare, Dinesh Trivedi, recently proposed that acid attack victims receive free healthcare and insurance, but no concrete steps have been taken to adopt this proposal.[311]

Victims in India report unacceptable treatment in government hospitals. In one case, after acid survivor Shanti was admitted to a government hospital with massive burns, she received only an energy drink at the first hospital she visited.[312] Upon her transfer to a second government hospital, she received an improper treatment regimen of ointments for 18 days.[313] Only after she was transferred to a private hospital was the dead skin appropriately removed.[314]

The unacceptable quality of treatment can be attributed in part to the lack of facilities for proper care. Most government hospitals in India, like those in the other countries studied, do not have plastic surgeons or medical facilities necessary to conduct necessary procedures for acid survivors.[315] For instance, in Bangalore, India, the Burn Center at the primary public hospital has 60 beds for a region with a population of over 12 million people.[316] In addition, there is a shortage of plastic surgeons in the country. According to one medical expert, there are only around 2,500 plastic surgeons in a country of one billion people.[317] Even if there were more trained professionals, hospitals do not have the facilities and equipment to support them.[318]

In addition to the lack of adequate facilities, government hospitals in India have routinely denied admission and treatment to acid attacks victims. According to CSAAAW, in the State of Karnataka, India, hospitals denied admission to 80% of the acid attack victims they studied.[319] In other cases, despite admitting victims to government facilities, health professionals may refuse to treat them.[320]

Cambodia

Ruas Romdual (Siem Reap, Cambodia)

Ruas Romdual, a 37 year-old widow and sole provider of four children, was working as a cook in a restaurant in Siem Reap province when her brother-in-law attacked her with acid in 2009. Months before the attack, her sister had come to her for help to reclaim her 2 year-old daughter, whom the sister's husband had trafficked. Ruas Romdual encouraged her sister to file a

complaint with the police. The police gave her sister a summons to give to her husband to come to the police station to explain the charges, but her husband tore up the summons. Then, Ruas Romdual decided to call her brother-in-law and beg him to return her niece to her sister.

Three months later, her sister ran away from home seeking shelter with Ruas Romdual, and did not return to her husband. Her brother-in-law came to find out where she and her sister were living. On January 17, 2009, he came through the back door of the restaurant where Ruas Romdual and her sister were working. He walked towards Ruas Romdual saying, “Oh Sister?” and threw the bottle of acid onto her body and face. She believes that her brother-in-law attacked her because he was afraid that she would file a complaint with the police.

Ruas Romdual suffered severe burns on her face, eyes, hands, and back. Specialized surgeons had to graft skin from her leg onto her face, because pieces of skin on her face had fallen off. She also lost sight in one eye. When the acid was first thrown on her, she did not recognize that it was acid. She thought it was extremely hot water. Fortunately, the owner of the restaurant knew the proper first-aid methods to treat acid burns, putting water on her face and body and bringing her to the Siem Reap hospital immediately. At the hospital, however, the doctor gave her a “serum” to treat her wounds, put a “spray” on her eyes, and charged her $100 USD.

Due to the financial burden of medical costs, Ruas Romdual left the hospital after one day and stayed home for the next four months without proper treatment. Although she took medications for pain, she did not clean her wounds or go out in public during that time. She was afraid that others would find out about the acid attack, and she told her children not to tell anyone.

Four months later, a neighbor asked her son about the attack, and her son told the neighbor what happened to his mother. The neighbor suggested that Ruas Romdual go to the Children’s Surgical Center (CSC) in Phnom Penh. It was only then that she went to CSC to receive proper treatment, including two skin grafts to repair her face. By the time she sought treatment at CSC, however, she could not turn her head due to the heavy scar tissue around her neck.

The perpetrator is still at large and continues to threaten Ruas Romdual. On the day of the attack, when she was admitted into the Siem Reap hospital, the perpetrator came to the hospital in order to take his wife, Ruas Romdual’s sister, with him. When Ruas Romdual saw the perpetrator, she asked the police to arrest him, shouting “this is the perpetrator that thr[e]w acid [on] me, you can catch him now!” The police replied that they could not arrest him because she did not have evidence. She told the police: “The evidence is with me! I have [evidence]! See my body!” Despite her scarred appearance and accusations, the police did not arrest her perpetrator.

After escaping the police, the perpetrator threatened Ruas Romdual's sister, demanding that she come back, and that if she did not return, he would burn down the house in which she and her sister lived. With the help of the Cambodian Acid Survivor's Charity (CASC), she filed a complaint to the court in July 2009. Now, there are two charges pending against the perpetrator—first, for selling and trafficking his daughter, and second, for attacking Ruas Romdual with acid. The police have not yet interviewed Ruas Romdual about what happened. She explains that the police have not opened an investigation because she has not offered a bribe.

The perpetrator has since moved to Battambong province and continues to threaten Ruas Romdual and her sister from there. She is not hopeful that the system will bring her justice because she does not have enough money to pay the police. All of the witnesses to the acid attack, including her sister, are afraid of reprisal and refuse to testify against the perpetrator. She still lives in fear that the perpetrator will threaten her again. She has nightmares every night and has trouble sleeping. She lost her job and is afraid of returning to any kind of work. She hopes to work in the future in a rural area as an animal feeder. She now depends solely on her children to provide for her, and the oldest child, 15, works as a cook to support the family.[321]

Enacting Effective Laws to Combat Acid Violence

The Cambodian government, led by the Ministry of Interior, is currently drafting specific acid violence legislation. In response to an alarming number of attacks in January 2010, a special taskforce was created in February 2010 to address the problem of acid violence and to draft a new law to combat acid violence.[322]

The government publicly released a draft of the legislation in March 2010. That draft includes a number of critical provisions. Recognizing the devastating and lifelong impact of acid attacks, perpetrators who disable victims for life will receive 30 years imprisonment, and perpetrators who kill victims will receive the "strictest level of imprisonment."[323] Currently, acid violence is charged as a misdemeanor offense;[324] typically an acid attack is charged as "battery with injury"[325] which carries a minimum 2-month and maximum 10-year prison sentence.[326] This provision does not account for the gravity of injury caused by acid—a punch, for example, is charged under the same provision as an acid attack.[327] The new draft legislation specific to acid violence appears to address this shortcoming.

Most importantly, the acid violence draft legislation seeks to regulate the import, production, sale, storage, and use of acid.[328] It requires acid users (corporate and individual) to obtain licenses, to comply with certain safety standards, and to use acid only to the extent necessary in the production process.[329] Enacting this legislation will show a strong government commitment to eradicate acid violence.

According to recent news reports, however, the Cambodian draft bill has been delayed.[330]

Ensuring Implementation of Laws Designed to Combat Acid Violence

Investigation

The police in Cambodia appear to lack the proper training to investigate acid attacks.[331] The training needed for proper investigation includes data and evidence collection, gender awareness, and investigatory techniques for gender-based violence.[332] In Ruas Romdual's case, for example, she had identified the perpetrator in the presence of the police officer, but the officer told her he could not arrest him because he did not have evidence of the attack. Instead of arresting Ruas Romdual's perpetrator, the police officer told her to bring to them the empty bottle of acid with her as evidence of the attack.[333] The reality is that most police officers do not have the incentives or the resources to pursue cases and conduct extensive investigations.[334] Thus, according to one human rights lawyer, when police hear about an acid attack:

> They react, but it depends on the case. If you're poor, then the police do not care. And they do not act on it. If there's no benefit to them, they won't investigate. This is a general issue of corruption of all cases. If you have no money, then police will just put it at the bottom of the pile.[1]

Protection

As in Bangladesh and India, perpetrators commonly threaten acid attack victims before and after victims file a complaint with the police. After Ruas Romdual's brother-in-law attacked her, Ruas Romdual's sister took care of her at her home for four months.[335] During this period, the perpetrator came by her house to threaten that if her sister did not come back to him, he would burn the house down.[336] Although her sister is a key witness in her case, she refused to cooperate in the case, fearing reprisal, or due to a lack of confidence in and distrust of the legal system.[337] In another case, two sisters, 17 and 18 years old who were attacked with acid by two men on motorcycles, have been afraid to file a complaint in court because they fear retaliation from their perpetrators.[338] They have been receiving threatening phone calls from unidentified males.[339] The lack of established victim and witness protection may discourage victims from filing a case against their perpetrators.

Prosecution and Punishment

Corruption and lack of resources can lead to inadequate prosecutions against perpetrators, as can the out-of-pocket costs that victims themselves incur in bringing perpetrators to justice. Victims must obtain, at their own cost, a medical certificate to establish probable cause and meet evidentiary requirements to build

a case against the perpetrator.[340] Although medical certificates should be free to victims,[341] reports indicate that the medical examination to obtain a forensic medical certificate costs between 8,000 Riels ($2 USD) to 108,000 Riels ($25 USD), which is a significant sum for most Cambodians.[342] Furthermore, victims must often pay for transportation and other indirect costs to obtain the forensic medical examination, which can often be prohibitive.[343] In addition, the medical examination form that must be submitted in acid attack cases may not be suitable for such cases as the form is structured to record sexual abuse.[344]

Finally, there is a general perception that when perpetrators are in powerful positions, they will not be prosecuted and punished for their actions. There are two highly publicized cases in which perpetrators in positions of power were not brought to justice for their crimes.[345] Even though it has been more than a decade since Tat Marina's case, the details of the acid attack are still clear in many Cambodians' minds. According to their accounts, Tat Marina was a 16 year-old girl who was taken as the mistress of a powerful man. The man's wife and her bodyguards pinned Tat Marina down in broad daylight and attacked her with several liters of acid.[346] Even with 20 witnesses at the crime scene willing to testify against the perpetrators, the attackers were never arrested.[347] According to the local newspapers, the person who arranged the attack is Khun Sophal, wife of Svay Sitha, who is the current Secretary of State of the Council of Ministers.[348] No case has ever been brought against her, and, despite an arrest warrant issued against Khun Sophal in 1999, the warrant remains outstanding and has most likely expired under Cambodia's 10-year statute of limitations period.[349]

The second well-known case is that of Chea Ratha, the former deputy chief of police, who attacked another woman with acid with the help of accomplices.[350] The trial court found Chea Ratha and her accomplices not guilty and released them.[351] The trial court decision was widely perceived as a sham, which gave Chea Ratha the opportunity to flee.[352] However, an appeals court reversed the trial court decision and sentenced Chea Ratha and her accomplices to 18 years in prison, but the perpetrators are still missing. The Supreme Court recently upheld the appeals court's decision.[353] The courts' effective silence in the Tat Marina case and dismissal and ineffectual convictions in the Chea Ratha case send a message to the public that acid attacks can be carried out with impunity by perpetrators in powerful positions.[354]

All actors in the criminal justice system—police officers, prosecutors, and court officials—have a key role in ensuring effective punishment of perpetrators. Significant steps need to be taken by the criminal justice system in Cambodia in order to serve this goal.

Providing Victim Redress

The government does not have a plan in place that would compensate survivors. In some cases, the court will order perpetrators to compensate their victims.[355] However, to enforce a court award, victims must initiate a civil process at their own expense.[356] If the perpetrator does not pay, the court can order a prison sentence of a maximum of two years to compel the payment.[357] However, in most cases, the convicted offenders would rather incur an additional custodial sentence than pay victims because they cannot or do not want to make the payment.[358] According to judges and prosecutors, only three to five convicted offenders per year pay compensation to victims.[359]

Acid violence survivors do not have access to adequate healthcare. Experts in Cambodia have also reported that most private medical hospitals have limited or no training on how to treat acid burns, and many times private clinics have given victims the wrong treatment after an acid attack.[360] Government hospitals do not have burn centers at all.[361] As a result, non-governmental organizations currently provide medical care for most acid attack victims in Cambodia.[362] Because of the lack of medical facilities and skills to treat acid burns in Cambodia, most victims who have financial means to access healthcare travel to Vietnam to receive treatment.[363]

As described above, survivors may require dozens of restorative surgeries months after the attack. Because government hospitals typically do not provide these surgeries, victims and their families, to the extent they can afford it, must go to private clinics and incur extraordinary costs. For example, one survivor in Cambodia noted that he had to spend 7 months in a private medical clinic, where he spent $4,900 USD on medical fees and was forced to sell his family home to pay for the treatment.[364]

Many survivors who cannot afford the expensive private medical treatments may go to local traditional healers or untrained medical personnel and receive improper care that worsens their conditions.[365] In all three countries there are cases in which healers have worsened victims' wounds by putting oil instead of water on them.[366] In one case, the victim, Yi, resorted to advice from her neighbor who told her to smear white buffalo manure over her wounds so that it would heal.[367] Yi also did not take a shower for two years, and waited one and a half years before she had enough money to receive plastic surgery to repair her left eyelid at the Kampong Cham provincial hospital.[368]

Conclusion

A State's due diligence obligation to combat acid attacks includes enacting effective legislation and implementing such laws by ensuring adequate police investigations, protecting victims, and punishing perpetrators. Bangladesh is the only country that has satisfied its due diligence obligation to enact specific laws to combat acid violence. Although both governments are considering it, neither

India nor Cambodia has adopted such legislation. In Cambodia and India, acid attack perpetrators can be charged under existing criminal laws, but the penalties provided in such laws are not consistent with the severe impact acid attacks can have on victims.

Additionally, while there are structural problems with implementation of criminal laws in all three countries, acid attack victims face additional hurdles. Because existing laws are not properly enforced and implemented, widespread impunity exists towards perpetrators in all three countries. Moreover, a significant number of victims receive no compensation for healthcare and other costs, and many others face significant challenges in accessing adequate first aid and long-term healthcare. Although all three governments have made some progress in meeting due diligence obligations to combat acid violence, significant steps remain.

Chapter 5

Companies' Due Diligence Responsibility to Combat Acid Violence

The Special Representative of the Secretary-General on the issue of human rights and transnational corporations, John Ruggie, has emphasized that companies have an obligation to act with due diligence to prevent violations of international human rights law.[369] This due diligence obligation "describes the steps a company must take to become aware of, prevent and address adverse human rights impacts."[370] Specifically, "[c]ompanies must take proactive steps to understand how [their] existing and proposed activities may affect human rights."[371] Even when operating in contexts in which governments have not adopted laws to protect citizens' human rights, businesses are not free of a responsibility to act.[372]

According to Special Representative Ruggie, businesses should consider three factors in determining human rights impacts of their activities: (1) the country context and the specific human rights challenges that exist in that context; (2) the impact that their own activities may have within the country context as producers and service providers; and (3) whether they might contribute to abuse through the relationships connected to their activities, such as with business partners, suppliers, State agencies, and other non-State actors.[373] Principle 2 of the *U.N. Global Compact*, reflecting this concern, makes clear that companies should not be complicit in human rights abuses.[374]

The *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights* proposed by the U.N. Economic and Social Council also provide that "[w]ithin their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfillment of, respect, ensure respect of and protect human rights recognized in international as well as national law . . . ."[375]

Acid violence is a form of gender-based violence and discrimination prohibited by international human rights law.[376] States are obligated to act affirmatively and diligently to prevent acid attacks.[377] One major factor that contributes to the high rate of acid attacks in countries such as Bangladesh, India, and Cambodia is the cheap and easy availability of the types of acid used to perpetrate attacks.[378] Companies (both foreign and domestic) that operate in Bangladesh, India, and Cambodia should recognize acid violence as a human rights challenge in those contexts.

Additionally, companies that operate in Bangladesh, India, and Cambodia should examine their own roles and relationships in making acid easily accessible in these countries. For example, acid is produced and distributed by corporations in enormous quantities. In 2000, U.S. corporations produced 44 million tons of

sulfuric acid, an acid commonly used in attacks, which is more than any other chemical produced in the United States.[379] Additionally, local and multinational corporations import acid into these countries. Acids used in attacks are the same used by businesses in manufacturing processes.[380] For instance, in Cambodia, acid is commonly used to dye garments, tan leather, cure rubber, and purify gold.[381] Furthermore, foreign and transnational businesses import products manufactured using acid. For example, Bangladesh's garment industry uses acid, and Bangladesh is a major exporter of cotton garments.[382]

Evidence suggests a correlation between legitimate business uses of acid and the incidence of acid attacks. In Bangladesh, for example, the incidence of acid violence is highest in districts where the acid-using garment and jewelry industries are prevalent.[383] Similarly, in Pakistan, acid attacks occur at high rates along the "Cotton Belt" of Pakistan, that is, in Southern Punjab and Upper Sindh (central area), where the cotton and garment industries are concentrated and acid is used in production. Indeed, acid attackers perpetrated 77% of all reported attacks in Pakistan's "core" cotton zone areas of the Punjab region.[384] Additionally, although acid burn incidents have been recorded in 21 different provinces in Cambodia, the largest number of reported incidents—40.7% of the total—occurred in Kampong Cham, where most people work with acid on rubber plantations.[385] Thus, acid is likely easier to access in places where acid-using industries are concentrated.

Corporations in other industries have already recognized their obligation to exercise due diligence in ensuring that corporate business practices are not leading to violations of international human rights laws. For example, as described in the box below, General Electric took a number of actions to ensure that the ultrasound machines it sold in India were not being used to identify the gender of a fetus for the purposes of performing illegal sex-selective abortions.

General Electric (GE) Acts to Minimize the Negative Human Rights Impacts of its Products

The Pre-Natal Diagnostic Techniques Act (PNDT Act) adopted by India in 1994 prohibits sex-selective abortions. The law requires practitioners to register and obtain certification from the government, requires manufacturers of ultrasound machines to confirm that their customers have a valid certificate, and requires such manufacturers to report non-compliant customers to the government. Despite this law, ultrasound machines were still being widely used to identify the gender of the fetus for the purpose of facilitating a sex-selective abortion.

Recognizing that medical professionals were using its ultrasound technology to enable illegal sex-selective abortions in India, GE took proactive measures to protect its reputation and to respect human rights. GE instituted a multi-pronged response beyond the actions called for in government legislation, which included: (a) implementing rigorous internal controls; (b) working with the national

government and promoting industry best practices; and (c) raising public awareness of female feticide.

The company implemented a stringent sales review process, including regular auditing, rigorous sales screening, and tracking of ultrasound machine sales. All ultrasound machines were also labeled with a visible sticker stating that the law prohibits female feticide and sex-selective abortions. In addition to standard contract terms stating that illegal use of the ultrasound technology is prohibited, all contracts specified that the machines should not be used to determine and communicate the sex of the fetus to their patients. GE also implemented a training program for its sales personnel so that they could instruct end-users about the ramifications of using the technology in violation of the PNDT Act. Additionally, sales personnel were advised to terminate any sales discussions or contracts if they become suspicious that the customer would misuse the technology in violation of the PNDT Act.

GE engaged with local civil society organizations working to prevent female feticide to learn about their concerns, to inform them about GE's activities in combating misuse of ultrasound technology, and to actively participate in the discussion on female feticide prevention. In addition to such internal checks and measures, GE also engaged in a nationwide publicity campaign against female feticide, raising awareness of the issue and distributing informational posters to its customers and end-users of the ultrasound technology. GE took responsible steps to ensure that its company practices were working toward combating the unintended negative consequences of its products and services.[386]

Even when governments have failed to appropriately regulate acid, companies should adopt policies and procedures to minimize the negative human rights impacts of their activities. Companies that produce or sell acid locally should adopt different policies and procedures to minimize the illegal uses of acid than foreign companies who export acid or import products produced by local industries using acid.

Below we highlight examples of steps that businesses at different levels can take to reduce the intentional misuse of acid:

- Companies that use acid in their manufacturing process should establish procedures to ensure that acid is properly handled, stored, and disposed to avoid acid theft.
- Companies that distribute acid to individual end-users should ensure that acid containers are labeled to notify users that they contain a dangerous substance and the legal consequences of its misuse.
- Companies that import products manufactured using acid from countries with high rates of acid attacks should verify that companies within their

supply chain follow safe handling, storage, labeling, transfer, and disposal procedures and comply with all existing local laws regulating acid.

- Companies that produce and distribute acid in countries with high rates of acid attacks should ensure that their distributors are following safe handling, storage, labeling, transfer, and disposal procedures.

Corporations can play an important role in combating acid violence. Evidence shows that acid attacks occur at increased rates in areas where acid is widely used for industrial or other business purposes. Corporations that produce, distribute, or otherwise use acid should ensure that their activities do not have negative human rights impacts even when governments fail to act. Companies are in the best position to know their uses and handling of acid and should assess the ways they can reduce the negative human rights impacts of their activities. By adopting policies—such as safe handling and labeling of acid—designed to deter intentional acts of violence, companies can also contribute to reducing the number of accidental burns, which is a significant problem in countries like Cambodia.[387] Finally, all companies that produce, distribute, use, or otherwise handle acid should support industry and government efforts to regulate the safe handling, storage, labeling, transfer and disposal of acid by manufacturers, distributors, other businesses, and individual users of acid in order to deter the unauthorized use of acid.

Chapter 6

Conclusion and Recommendations

Acid attacks are intentional acts of violence in which perpetrators throw, spray, or pour hydrochloric, sulfuric, or nitric acid onto victims' faces and bodies. Acid violence has devastating health consequences for victims. Short-term effects include immense pain and long-term effects can include blindness and loss of facial features.

Acid violence is a prohibited form of gender-based violence under international law that both reflects discrimination against women and perpetuates it. Many perpetrators in Bangladesh and India attack women who have allegedly or actually transgressed subordinated gender roles by refusing to accept marriage, love, or sex proposals. In Cambodia, women are often perpetrators of acid violence against other women. In all three countries, acid attack survivors often face discrimination and marginalization in society.

Because acid violence is a form of discrimination prohibited by international law, governments must act with due diligence to combat it. Acid attacks are prevalent in countries such as Bangladesh, India, and Cambodia where acid is cheap and easily available. One important way to combat acid violence is to limit the easy availability of acid. In an effort to limit its availability, Bangladesh adopted a law that requires business users of acid to obtain licenses. Even though this law has not been fully implemented or enforced, the rate of acid attacks decreased in Bangladesh approximately 15% to 20% each year since the law's adoption in 2002. Cambodia is considering similar legislation, but no similar proposals are being considered in India, and the rates of attacks continue to rise in both Cambodia and India.

To combat acid violence, governments must end the widespread impunity perpetrators enjoy by effectively implementing laws that provide for perpetrators' prosecution and punishment. Bangladesh has enacted criminal legislation improving criminal procedures in acid attack cases and heightening criminal penalties. However, India and Cambodia have not adopted laws that provide for adequate punishments for acid attackers. In all three countries, acid survivors face a number of obstacles to obtaining adequate healthcare and justice. Thus, when acid attacks do occur, governments should provide compensation to victims for healthcare and other essential needs.

Companies can also play an important role in combating acid violence. Evidence shows that acid attacks occur at increased rates in areas where acid is widely used for industrial or other business purposes. Companies that produce, distribute, or otherwise use acid should ensure that their activities do not have negative human rights impacts. Companies and other businesses should assess the ways they can reduce the negative human rights impacts of their activities. For example, corporations and businesses that use acid in their manufacturing

can deter acid violence by adopting procedures to ensure that acid is not stolen from them. Businesses that distribute acid to individual users can place warning labels on acid advising users of its harmful effects and the legal penalties that may ensue from its misuse.

Recommendations

To eradicate acid violence, governments must address its root causes: gender inequality and discrimination, the availability of acid, and the impunity of perpetrators. Below we provide concrete recommendations that governments and corporations can immediately undertake in an effort to combat acid violence.

Governments: In furtherance of their duty to exercise due diligence to prevent acid violence, governments should:

- Enact criminal laws that specifically address acid violence and effectively regulate the production, distribution, use, sale, and handling of acid;
- Effectively enforce and implement laws designed to deter acid violence; and
- Provide victim redress, including compensation for healthcare costs.

Companies: In furtherance of their emerging duty to exercise due diligence to minimize the negative human rights impacts of their activities, companies that produce, distribute, use, or otherwise handle acid should:

- Assess the ways in which they can reduce the negative human rights impacts of their activities; and
- Support industry and government efforts to regulate the safe-handling, storage, labeling, transfer and disposal of acid by manufacturers, distributors, and other business and individual users of acid in order to deter the unauthorized use of acid.

Acknowledgements

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We are grateful to the Acid Survivors Foundation (ASF) Bangladesh and Cynthia Farid in Dhaka, Bangladesh; the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Dr. Kek Pung, Nina Roy, Brian Rohan, and Hagar Cambodia (caretakers of Yem and Sophan) in Phnom Penh, Cambodia; the Campaign and Struggle Against Acid Attacks on Women (CSAAAW) in Bangalore, India; Acid Survivors Foundation (ASF) Pakistan in Islamabad, Pakistan; and the Acid Survivors Trust International (ASTI) in London, U.K. We appreciate the assistance of the Resource Team and Members, Solution Exchange for Gender Community—an initiative of UN agencies in India—who shared their insights in a discussion by KRITI Team with Gender Community on "Accessing Justice for Victims of Acid Violence." We would like to especially thank Judge Janet Bond Arterton, U.S. District Court Judge for the District of Connecticut, Kim Azzarelli, and Dr. Ebby Elahi for significant contributions to this Report.

Endnotes

Summary

[1] The terms "acid violence" and "acid attacks" are used interchangeably in this Report. "Acid attacks" refer to specific incidents usually involving throwing acid at one or more individuals who are the intended victims of the attacks. "Acid violence" is a broader term that includes acts such as forcing a victim to ingest acid. Acid violence is also sometimes referred to as "vitriolage."
[2] *See Acid Attack Keeps Afghan Girls Away from School: Men on motorcycles splattered 15 students, teachers with acid in Kandahar*, MSNBC, Nov. 14, 2008, *available at* http://www.msnbc.msn.com/id/27713077/ (last visited Jan. 2, 2011).
[3] Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* Dec. 18, 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46 at 193, U.N. Doc. A/34/46 (1979) [hereinafter CEDAW]. CEDAW was ratified by Bangladesh on Nov. 6, 1984, by India on July 9, 1993, and by Cambodia on Oct. 15, 1992. *See* United Nations Treaty Collection Databases, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#1 (last visited Jan. 2, 2011).
[4] *Id*. at art. 1; Comm. on the Elimination of Discrimination Against Women (CEDAW Committee), *General Recommendation No. 19 – Violence Against Women,* ¶ 7, 11th Sess., U.N. Doc. A/47/38 (Jan. 29, 1992) [hereinafter CEDAW Committee *General Recommendation No. 19 – Violence Against Women*].

Chapter 1: Acid Violence in Bangladesh, India, and Cambodia

[5] INDIA PEN. CODE, No. 45 of 1860, § 326; *see* CAMPAIGN AND STRUGGLE AGAINST ACID ATTACKS ON WOMEN (CSAAAW), BURNT NOT DEFEATED 21–22 (2007) [hereinafter BURNT NOT DEFEATED].
[6] BURNT NOT DEFEATED, *supra* note 5.
[7] *See* Md. Shahidul Bari & Md. Iqbal Mahmud Choudhury, *Acid Burns in Bangladesh*, 14 ANNALS OF BURNS & FIRE DISASTERS 115, 115 (2001).
[8] CAMBODIAN LEAGUE FOR THE PROMOTION & DEFENSE OF HUMAN RIGHTS (LICADHO), LIVING IN THE SHADOWS: ACID ATTACKS IN CAMBODIA 10 (2003) [hereinafter LIVING IN THE SHADOWS].
[9] *See* LAW COMMISSION OF INDIA, REPORT SUBMITTED TO THE HON'BLE SUPREME COURT OF INDIA FOR ITS CONSIDERATION IN THE PENDING PROCEEDINGS FILED BY ONE LAXMI IN W.P (CRL.) NO. 129 OF 2006 ON "THE INCLUSION OF ACID ATTACKS AS SPECIAL OFFENSES IN THE INDIAN PENAL CODE AND A LAW FOR COMPENSATION FOR VICTIMS OF CRIME" 10 (2009) (No. 226), *available at* http://lawcommissionofindia.nic.in/reports/report226.pdf [hereinafter LAW COMMISSION OF INDIA REPORT]; Bari & Choudhury, *supra* note 7, at 122.
[10] *See* Bari & Choudhury, *supra* note 7, at 115.
[11] *See id*. at 120.
[12] Interview with Dr. Satish, Specialist in Reconstructive Surgery, Apollo Private Hospital, in Mysore, India (Jan. 15, 2010) (on file with Avon Global Center).
[13] *See* Bari & Choudhury, *supra* note 7, at 118.
[14] *Id*. at 115; A. Faga et al., *Sulphuric Acid Burned Women in Bangladesh: a Social and Medical Problem*, 26 BURNS 701, 707 (2000); LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 10.
[15] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 10; LIVING IN THE SHADOWS, *supra* note 8, at 10; Sulfuric Acid Facts, Occupational Illnesses and Injuries, http://www.epi.state.nc.us/epi/oii/sulfuricacid/ (last visited Aug. 19, 2010).
[16] *Id.* at 12.
[17] Interview with Dr. Satish, *supra* note 12.
[18] *See, e.g.*, Interview with Dr. Satish, *supra* note 12.
[19] *See, e.g.*, *Acid Attack Victim Succumbs to Burns*, HINDU, Apr. 12, 2010, http://www.hindu.com/2010/04/12/stories/2010041262981000.htm (last visited Aug. 23, 2010).
[20] Interview with Dr. Satish, *supra* note 12.
[21] *Id.*
[22] *See* CAMBODIAN ACID SURVIVORS CHARITY (CASC), BREAKING THE SILENCE: ADDRESSING ACID ATTACKS IN CAMBODIA 5, 29 (2010) [hereinafter BREAKING THE SILENCE]; Interview with Ziad Samman, Coordinator, Sophea Chhun, Program Manager, Dr. Horng Lairapo, Medical & Legal Manager, & Pin Domnang, Unit Coordinator & Administrative Manager, Cambodian Acid Survivors Charity (CASC), in Phnom Penh, Cambodia (Mar. 22, 2010).
[23] ACID SURVIVORS TRUST INTERNATIONAL (ASTI), ANNUAL REVIEW 2008 at 18 (2008).
[24] *See* Amber Henshaw, *Acid Attack on Woman Shocks Ethiopia*, BBC NEWS, Mar. 28, 2007, *available at* http://news.bbc.co.uk/2/hi/africa/6498641.stm (last visited Aug. 11, 2010).
[25] Gaillan Jarocki, *Four Acid Attacks in Chicago This Year*, EXAMINER, June 16, 2010, *available at* http://wwww.examiner.com/x-19453-Cook-County-Nonpartisan-Examiner~y2010m6d16-Four-acid-attacks-in-Chicago-this-year (last visited Aug. 11, 2010).
[26] *See* Scott Carney, *Acid Attack in India Prompts Protest*, NAT'L PUB. RADIO (NPR), Aug. 22, 2007, http://www.npr.org/templates/story/story.php?storyId=13760338 ("Acid violence seems to be almost unique to South Asia, with most incidents occurring in Bangladesh, India and Pakistan. Part of the reason is that acid is cheap and widely available."). In Pakistan, the Human Rights Commission of Pakistan (HRCP) recorded 46

acid attacks and 58 victims in 2002 and found that acid violence was increasing in 2004. HUMAN RIGHTS COMMISSION OF PAKISTAN (HRCP), STATE OF HUMAN RIGHTS IN 2008 (2008). In Vietnam, the Burn Unit at Cho Ray Hospital in Ho Chi Minh City treated 114 acid burn victims between 1994 and June 1997. JOANNA BOURKE-MARTIGNONI, WORLD ORGANIZATION AGAINST TORTURE (OMCT), IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN BY VIETNAM 21 (2001). In Nepal, women's rights organizations reported dozens of attacks in the eastern part of the country between 2004 and 2007. Manoj Shrestha, *Acid Attacks: Men are Waging Chemical Warfare on Women and Getting Away with It*, NEPALI TIMES, May 18–24, 2007, *available at* http://www.nepalitimes.com/issue/349/Nation/13549 (last visited Aug. 11, 2010). Acid attacks have also been reported in Laos and Sri Lanka. *See, e.g.*, Jordan Swanson, *Acid Attacks: Bangladesh's Efforts to Stop the Violence*, 3 INT'L HEALTH 1, 2 (2002), http://www.hcs.harvard.edu/~epihc/currentissue/spring2002/swanson.php (last visited Aug. 11, 2010) (finding acid attacks reported in Laos); *PC's Wife Killed in Acid Attack*, ISLAND NEWS, Mar. 20, 2010, (reporting an acid attack death in Sri Lanka), *available at* http://www.island.lk/2010/03/20/news7.html (last visited Aug. 11, 2010).

[27] *See* Sudershan Kumar v. The State of Delhi, 1974 A.I.R. 2328; United Nations Population Fund, *Working to End Acid Attacks in Bangladesh by 2015*, http://www.unfpa.org/public/site/global/lang/en/pid/3917 (last visited Nov. 8, 2010); ODHIKAR ANNUAL ACTIVITY REPORT 13 (2007), *available at* http://www.odhikar.org/report/pdf/activity_report_2007.pdf.

[28] Acid Survivors Foundation (ASF), Statistics, http://www.acidsurvivors.org/statistics.html.

[29] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 7.

[30] CAMBODIAN ACID SURVIVORS CHARITY (CASC), APRIL–JUNE 2010, QUARTERLY REPORT 4 (2010).

[31] BREAKING THE SILENCE, *supra* note 22, at 42 (2010).

[32] *See, e.g.*, Jeff Smith & Kay Kimsong, *Acid-Laced Vengeance*, CAMBODIA DAILY, Feb. 5–6, 2000, (discussing the attack, its consequences, and barriers to justice for Tat Marina), *available at* http://www.camnet.com.kh/cambodia.daily/selected_features/acid_laced_vengeance.htm (last visited Jan. 2, 2011).

[33] LIVING IN THE SHADOWS, *supra* note 8, at 6.

[34] *See, e.g.,* Seth Mydans, *In Scarred Land, A Haven for Victims of Acid Burns*, N.Y. TIMES, Aug. 23, 2010 (discussing the increasing rates in reported attacks in Cambodia in 2010), *available at* http://www.nytimes.com/2010/08/24/world/asia/24cambo.html (last visited Dec. 29, 2010).

[35] Acid Survivors Foundation (ASF), Statistics, *supra* note 28.

[36] *See* Table 1, *supra*. Acid Survivors Foundation (ASF), Statistics, *supra* note 28.

[37] *See* Acid Survivors Foundation (ASF), Statistics, *supra* note 28; e-mail from Dr. Saira Rahman Khan, Assistant Professor of Law, BRAC University, and member, ODHIKAR, to Jocelyn Getgen Kestenbaum, Program Director, Virtue Foundation (Dec. 20, 2010, 12:03:09 AM EST) (on file with Avon Global Center).

[38] *See* Elora Halim Chowdhury, *Negotiating State and NGO Politics in Bangladesh: Women Mobilize Against Acid Violence*, 13 VIOLENCE AGAINST WOMEN 857, 862 (2007).

[39] LIVING IN THE SHADOWS, *supra* note 8, at 3.

[40] S. Bagashree & M.V. Chandrashekhar, *The 'Acid Test': Will Government Regulate Sale of Deadly Chemicals?*, HINDU, Feb. 5, 2007, *available at* http://www.hindu.com/2007/02/05/stories/2007020519590100.htm (last visited Aug. 23, 2010).

[41] For India, see BURNT NOT DEFEATED, *supra* note 5, at 14. For Cambodia, see Mom Kunthear, *Officials Mull Stiff Penalty for Acid Attacks*, PHNOM PENH POST, Mar. 22, 2010, *available at* http://khmernz.blogspot.com/2010/03/officials-mull-stiff-penalties-for-acid.html (last visited Aug. 10, 2010).

[42] Bangl. Acid Control Act (ACA), Ch. 4, No. 1 of 2002.

[43] *See* ODHIKAR, HUMAN RIGHTS REPORT 2009: ODHIKAR REPORT ON BANGLADESH 49 (2010) ("Acid is frequently sold, ignoring the law (the Acid Control Act, 2002) and without license."), *available at* http://www.odhikar.org/documents/2009/English_report/HRR_2009.pdf [hereinafter ODHIKAR REPORT 2009]; *Acid Attacks Continue Despite New Laws*, IRIN ASIA, Jan. 5, 2009, *available at* http://www.irinnews.org/Report.aspx?ReportId=82194 (last visited Aug. 10, 2010).

[44] *See* Chapter 5, *infra*.

[45] *See* Nick Schifrin, *Acid Attacks on Rise in South Asia*, ABC NEWS INTERNATIONAL, Apr. 16, 2008 ("Many Indians use [acid] to clean their kitchens and bathrooms instead of bleach, and that's why it has become a weapon."), *available at* http://abcnews.go.com/International/story?id=4665251&page=1 (last visited Aug. 10, 2010).

[46] *See* UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), CAMBODIA, RESIDENTIAL ENERGY DEMAND IN RURAL CAMBODIA: AN EMPIRICAL STUDY FOR KAMPONG SPEU AND SVAY RIENG 15 (2008) ("In the absence of grid supply, rural households . . . satisfy their lighting needs using lead acid batteries and kerosene.").

[47] LIVING IN THE SHADOWS, *supra* note 8, at 3.

[48] *See* Farzana Zafreen et al., *Socio-Demographic Characteristics of Acid Victims in Bangladesh*, 6 J. ARMED FORCES MED. COLLEGE BANGLADESH 12, 14 (2010).

[49] We found 153 cases of acid attacks reported in newspapers in India from January 2002 to October 2010. Of these news reports, approximately 60% identified the victim's age.

[50] *See* LIVING IN THE SHADOWS, *supra* note 8, at 6.

[51] *See* Zafreen et al., *supra* note 48, at 14.

[52] *See id*.

[53] BURNT NOT DEFEATED, *supra* note 5, at 18.

[54] *Id* at 21.

[55] CAMBODIAN ACID SURVIVORS CHARITY (CASC), ANNUAL REPORT 4 (2009) [hereinafter CASC ANNUAL REPORT 2009]; BURNT NOT DEFEATED, *supra* note 5, at 11; LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 7; Acid Survivors Foundation (ASF), Statistics, *supra* note 28 (last visited Aug. 10, 2010).
[56] ACID SURVIVORS FOUNDATION, BANGLADESH, ANNUAL REPORT 2009 at 15 (2009), *available at* http://www.acidsurvivors.org/AR_2009.pdf [hereinafter ASF ANNUAL REPORT 2009].
[57] *See* Zafreen et al., *supra* note 48, at 14.
[58] Bari & Choudhury, *supra* note 7.
[59] CASC ANNUAL REPORT 2009, *supra* note 55, at 4.
[60] ODHIKAR REPORT 2009, *supra* note 43, at 49.
[61] *Id*. at 49.
[62] *See* Interview with Dr. Biswajit, Acid Survivors Foundation (ASF) Bangladesh, in Dhaka, Bangladesh (Dec. 7, 2009) (on file with Avon Global Center).
[63] BREAKING THE SILENCE, *supra* note 22, at 43.
[64] *Id*. at 38, *Appendix One: Case Study # 2*.
[65] *See* Zafreen et al., *supra* note 48, at 12.
[66] *See* BREAKING THE SILENCE, *supra* note 22, at 3.
[67] *See* LIVING IN THE SHADOWS, *supra* note 8, at 7.
[68] *See* Zafreen et al., *supra* note 48, at 14.
[69] *See* Interview with Dr. Biswajit, *supra* note 62.
[70] Interview with Md. Mahbubul Haque, Trustee & Director, Policy Research Center, in Dhaka, Bangladesh (Dec. 10, 2009) (on file with Avon Global Center).
[71] BURNT NOT DEFEATED, *supra* note 5, at 31.
[72] *Id*. at 22–23.
[73] *See, e.g.*, Meas Sokchea, *Chea Ratha Acquitted of Charges in Acid Attack,* PHNOM PENH POST, Sept. 1, 2009, *available at* http://khmernz.blogspot.com/2009/09/chea-ratha-acquitted-of-charges-in-acid.html (last visited Jan. 2, 2010); Tep Nimol & Mom Kunthear, *Four Hurt in Takeo Acid Attack,* PHNOM PENH POST, Dec. 21, 2009 (describing an attack in which two young women were at the Phnom Penh market when two men, wearing masks and helmets, pulled alongside them and poured acid over their heads, faces, and bodies), *available at* http://khmernz.blogspot.com/2009/12/four-hurt-in-takeo-acid-attack.html (last visited Jan. 5, 2010).
[74] Mom Kunthear & Tep Nimol, *Two More Acid Attacks Reported as Devastating Trend Continues,* PHNOM PENH POST, Feb.1, 2010 (describing an attack in which two men rode a motorcycle into the victim's house and attacked her with acid), *available at* http://khmernz.blogspot.com/2010/02/two-more-acid-attacks-reported-as.html (last visited Jan. 5, 2010).
[75] *See* Nimol & Kunthear, *supra* note 73; Kunthear & Nimol, *supra* note 74.
[76] *See* Kunthear & Nimol, *supra* note 74.
[77] *See* BREAKING THE SILENCE, *supra* note 22, at 39, *Appendix One: Case Study #3*.
[78] NGO Roundtable Discussion hosted by the Cambodian League for the Promotion & Defense of Human Rights (LICADHO), in Phnom Penh, Cambodia (Mar. 23, 2010) [hereinafter NGO Roundtable Discussion hosted by LICADHO] (statement by Sophea Chhun) ("And they can't detect you as well because it can be perpetrated quietly. Victims don't even know that it's acid. They think it is just water. A knife or gun is obvious. It is not so obvious with acid—there's no screaming until feeling the pain. It makes it easy for perpetrators to do it and run away.") (on file with Avon Global Center).
[79] *See* NGO Roundtable Discussion hosted by LICADHO, *supra* note 78 (statement by Sophea Chhun).
[80] Interview with Ziad Samman, Sophea Chhun, Dr. Horng Lairapo, & Pin Domnang, *supra* note 22.
[81] *See, e.g.*, LIVING IN THE SHADOWS, *supra* note 8, at 1 (noting that acid attackers want to commit a crime worse than murder and make their victims suffer forever).
[82] *See* A. Burd & K. Ahmed, *The Acute Management of Acid Assault Burns: A Pragmatic Approach*, 43 INDIAN J. PLAST. SURG. 29, 29 (2010); Kate Wesson, *A Situational Assessment Study of Acid Violence in Bangladesh*, 12 DEV. IN PRACTICE 96, 96 (2002); *see also* LIVING IN THE SHADOWS, *supra* note 8, at 10.
[83] *See, e.g.*, Bari & Choudhury, *supra* note 7, at 118 (finding that perpetrators in Bangladesh aimed at the "lower part of the trunk, buttocks, perineal region, and genitalia after [victim's] refusal of an indecent proposal"); Faga et al., *supra* note 14, at 704 (2000) (studying a cohort of 38 acid burn victims and noting that injury to breasts was found in 21% of patients and injury to the genital area was found in 5% of patients).
[84] For example, of the 65 women who were victims of acid violence in Karnataka between 1999 and 2008, 9 (about 14%) died. S. Anand et al., *'Fair Sex', Fair Game,* TEHELKA, Feb. 9, 2008, *available at* http://www.tehelka.com/story_main37.asp?filename=Ne090208fair_game.asp (last visited Jan. 5, 2010).
[85] *See, e.g.*, ACID SURVIVORS FOUNDATION (ASF) BANGLADESH: ANNUAL REPORT 2006 at 14–15 (2006) [hereinafter ASF ANNUAL REPORT 2006].

Chapter 2: Acid Violence is Gender-Based Violence Prohibited by International Law

[86] *See* CEDAW, *supra* note 3, at art. 1; CEDAW Committee *General Recommendation No. 19–Violence Against Women, supra* note 4, at ¶ 6.
[87] CEDAW Committee *General Recommendation No. 19–Violence Against Women, supra* note 4, at ¶ 6. We note that, although CEDAW recognizes gender-based violence as something that occurs only to women, it is increasingly being recognized that men can also be subject to violence because of their gender. *See, e.g.*, JUDY A. BENJAMIN & KHADIJA FANCY, WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN, UNICEF, THE

GENDER DIMENSION OF INTERNAL DISPLACEMENT 14 (1998), *available at* http://www.forcedmigration.org/sphere/pdf/watsan/WCRWC/unicef_idpgender_1998.pdf; INSTRAW, PARTNERS IN CHANGE: WORKING WITH MEN TO END GENDER-BASED VIOLENCE (2002); HUMAN RIGHTS WATCH, THE WAR WITHIN THE WAR: SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN EASTERN CONGO (2002), *available at* http://www.hrw.org/sites/default/files/reports/congo0602.pdf; JEANNE WARD, REPRODUCTIVE HEALTH FOR REFUGEES CONSORTIUM, IF NOT NOW, WHEN: ADDRESSING GENDER-BASED VIOLENCE IN REFUGEE, INTERNALLY DISPLACED, AND POST-CONFLICT SETTINGS (2002), *available at* http://www.rhrc.org/resources/ifnotnow.pdf; R. Charli Carpenter, *Recognizing Gender-Based Violence Against Civilian Men and Boys in Conflict Situations*, 37 Security Dialogue 83 (2006), *available at* http://sdi.sagepub.com/content/37/1/83.full.pdf+html.

[88] *See* CEDAW Committee *General Recommendation No. 19–Violence Against Women, supra* note 4, at ¶ 11 (remarking that "[t]raditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, *acid attacks* and female circumcision.") [emphasis added].

[89] *See* United Nations Treaty Collection Database, *supra* note 3.

[90] *See* ACID SURVIVORS FOUNDATION, BANGLADESH, ANNUAL REPORT 2009, *supra* note 56; Bari & Choudhury, *supra* note 7; Zafreen et al., *supra* note 48, at 14.

[91] CAMBODIAN ACID SURVIVORS CHARITY (CASC), APRIL–JUNE 2010, QUARTERLY REPORT 4 (2010).

[92] *See supra* Chapter 1.

[93] *See* WORLD ECON. FORUM, THE GLOBAL GENDER GAP REPORT 2009 (2009), *available at* http://www.weforum.org/pdf/gendergap/report2009.pdf [hereinafter GLOBAL GENDER GAP REPORT].

[94] *See* GLOBAL GENDER GAP REPORT, *supra* note 93, at 9 tbl. 3a.

[95] INT'L INST. FOR POP. SCIENCES & MACRO INT'L, *Ch. 4: Fertility & Fertility Preferences, in* NATIONAL FAMILY HEALTH SURVEY 2005–06: INDIA 77, 104 tbl. 4.17.1 (2007) [hereinafter INT'L INST. FOR POP. SCIENCES & MACRO INT'L, *Ch. 4: Fertility & Fertility Preferences*]. Among ever-married Indian men ages 15 to 49, 23.6% wanted more sons than daughters, and 30.6% did not want any daughters. *Id.* at 105 tbl. 4.17.2.

[96] *See* Kana Fuse, U.S. Agency for Int'l Dev. (USAID), *Cross-National Variation in Attitudinal Measures of Gender Preference for Children: An Examination of Demographic and Health Surveys from 40 Countries* 11 (DHS Working Paper No. 44, 2008).

[97] *See* Jane E. Miller & Yana V. Rodgers, *Mother's Education and Children's Nutritional Status: New Evidence from Cambodia*, 26 ASIAN DEV. REV. 131, 132 (2009) (citing D. Filmer et al., *Development, Modernization, and Son Preference in Fertility Decisions* (World Bank, Policy Research Working Paper No. 4716, 2008)).

[98] Interview with Md. Mahbubul Haque, Trustee & Director, Policy Research Center, *supra* note 70.

[99] *See* BURTON STEIN, A HISTORY OF INDIA (David Arnold ed., 2nd ed. 2010).

[100] *See* Melanie Walsh, INSTITUT D'ETUDES INTERNATIONALES DE MONTREAL and LICADHO, REPORT ON THE STATUS OF CAMBODIA WOMEN: DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FOR SEXUAL EXPLOITATION 8 (2007), *available at* http://www.ieim.uqam.ca/IMG/pdf/Walsh_Cambodia_women-2.pdf.

[101] BURNT NOT DEFEATED, *supra* note 5, at 22–23.

[102] ACID SURVIVORS FOUNDATION, ANNUAL REPORT 2009, *supra* note 56, at 16.

[103] *See* Zafreen et al., *supra* note 48, at 14.

[104] *See* BURNT NOT DEFEATED, *supra* note 5, at 30.

[105] *Id.* at 35.

[106] *See, e.g.*, Interview with Rehana Rahman, Samina Afrin, Jahanara Ansar, Masreen Awal Mintoo, Women Entrepreneurs Association of Bangladesh (WEAB), & Cynthia Farid, Program Officer, ABA Rule of Law Initiative, in Dhaka, Bangladesh (Dec. 10, 2009) (on file with Avon Global Center).

[107] *See* Interview with Dr. Ferdous Jahan, Lecturer, BRAC University, in Dhaka, Bangladesh (Dec. 12, 2009) (on file with author) (explaining that in Bangladesh it is "the man's responsibility to make decisions"); Shireen J. Jejeebhoy & Zeba A. Sathar, *Women's Autonomy in India and Pakistan: The Influence of Religion and Region*, 27 POP. & DEV. REV. 687, 707 (2001) (finding that decision-making ability and autonomy is highly constrained in north and south India); U.S. AGENCY FOR INT'L DEV. (USAID) CAMBODIA, GENDER ANALYSIS & ASSESSMENT VOL. 1: GENDER ANALYSIS 17 (2006) (explaining that traditional views of gender roles hinder women's decision-making ability, but that gender roles are nonetheless in flux in post-conflict Cambodia).

[108] Interview with Hasibur Rahman Bilu, Reporter, Daily Star, in Bogra, Bangladesh (Dec. 9, 2009) (on file with Avon Global Center).

[109] BURNT NOT DEFEATED, *supra* note 5, at 24.

[110] Domestic or intimate partner violence, sometimes related to dowry, is endemic; it is almost perceived to be an inherent part of a woman's lot in Bangladesh. *See, e.g.*, Interview with Dr. Biswajit, *supra* note 62; Interview with Dr. Saira Rahman Khan, BRAC University & ODHIKAR, & Taskin Fahmina, ODHIKAR, in Dhaka, Bangladesh (Dec. 13, 2009) (on file with Avon Global Center). In Cambodia, 3 out of 5 husbands beat their wives. CAMBODIAN LEAGUE FOR THE PROMOTION & DEFENSE OF HUMAN RIGHTS (LICADHO) & UNIVERSITE DU QUEBEC A MONTREAL, REPORT ON THE STATUS OF CAMBODIAN WOMEN § 3.3.1 (2007) [hereinafter REPORT ON THE STATUS OF CAMBODIAN WOMEN]. In India, 41% of crimes against women in 2007 were in the category of "cruelty by husbands or relatives." NATIONAL CRIME RECORDS BUREAU, *Charts, in* CRIME IN INDIA (2007).

[111] *See* Zafreen et al., *supra* note 48, at 14.

[112] Acid Survivors Foundation (ASF), Statistics, *supra* note 28 (last visited Aug. 11, 2010).

[113] *See, e.g.*, BURNT NOT DEFEATED, *supra* note 5, at 21, 24 (recounting Shanti and Swapna's stories).

[114] *See, e.g.*, LIVING IN THE SHADOWS, *supra* note 8, at 7.

[115] *See* BREAKING THE SILENCE, *supra* note 22, at 43.

[116] *See* BURNT NOT DEFEATED, *supra* note 5, at 15 (describing acid violence in India as a weapon used "to negate a woman's right to exercise her choice, her assertion of independence through an act of refusal"); for

Bangladesh, see Johann Hari, *Dare We Stand Up for Muslim Women?*, INDEPENDENT, Oct. 23, 2008 (recounting how Shahnaz, age 21, was attacked by her husband because she refused to stop going to school), *available at* http://www.independent.co.uk/opinion/commentators/johann-hari/johann-hari-dare-we-stand-up-for-muslim-women-969631.html (last visited Aug. 17, 2010); LIVING IN THE SHADOWS, *supra*, note 8, at 7 (noting that a common motivation in Cambodia is husbands "punishing" their wives for something they have done).

[117] *See, e.g.*, Jessica Salter, *The Lives and Faces Rebuilt After Acid Attacks*, TELEGRAPH, June 5, 2009, *available at* http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/5454220/The-lives-and-faces-rebuilt-after-acid-attacks.html (last visited Jan. 5, 2010).

[118] *See, e.g.*, LIVING IN THE SHADOWS, *supra* note 8, at 2.

[119] Nidhi Gupta, *Women's Human Rights and the Practice of Dowry in India: Adapting a Global Discourse to Local Demands*, 48 J. LEGAL PLURALISM 85, 103 (2003), *available at* http://www.jlp.bham.ac.uk/volumes/48/gupta-art.pdf.

[120] Nidhi Gupta, *supra* note 119, at 104–05.

[121] Bangl. Dowry Prohibition Act No. 35 of 1980.

[122] *See* Nidhi Gupta, *supra* note 119; Farah Deeba Chowdhury, *Dowry, Women, and Law in Bangladesh*, 24 Int. J. Law Policy Family, 198 (2010). In Cambodia, dowry was not cited as a motive for attacks. There, unlike in India and Bangladesh, the parents of the bride do not pay a dowry. Instead, the groom pays a brideprice similar to a dowry to the bride's parents. *See* Barbara Cooke & Sean Sheehan, CAMBODIA (CULTURES OF THE WORLD) (2nd ed. 2010).

[123] Acid Survivors Foundation (ASF), Statistics, *supra* note 28.

[124] *See* Harvinder Singh v. State of Punjab (Punjab Haryana H.C. 2009), *available at* http://indiankanoon.org/doc/1713021/ (last visited Aug. 23, 2010).

[125] *See id.*

[126] *See id*.

[127] *See id*.

[128] *See id*.

[129] *See id*.

[130] *See, e.g.*, Mudita Rastogi & Paul Therly, *Dowry and Its Link to Violence Against Women in India: Feminist Psychological Perspectives*, 7 TRAUMA, VIOLENCE, & ABUSE 66, 67 (2006) (explaining that dowry shifted from being a gift to the bride and a kind of property specific to women to being considered as the groom's entitlement and a compensation for the "financial burden" the bride represents for her in-laws); Padma Srinivasan & Gary R. Lee, *The Dowry System in Northern India: Women's Attitudes and Social Change,* 66 J. MARRIAGE & FAM. 1108, 1108 (2004) ("The modern Indian dowry system has its roots in the traditional upper-caste practices of *kanyadhan* (literal meaning: gift of the virgin bride), *varadakshina* (voluntary gifts given by the bride's father to the groom), and *stridhan* (voluntary gifts given by relatives and friends to the bride). Traditionally, although these gifts could be significant, they were often small tokens of good wishes. More recently, however, the dowry has come to involve a substantial transfer of wealth from the bride's family to the groom's, and has become a major factor in marriage negotiations.").

[131] Dr. Khan pointed out that, in these cases, a husband's requests of money from his wife's family that took place *during* the marriage also qualified as demands for dowry (thus falling under the prohibition of dowry) rather than extortion. Interview with Dr. Saira Rahman Khan & Taskin Fahmina, *supra* note 110 (statement by Dr. Saira Rahman Khan).

[132] *See, e.g.,* Interview with Mitu, Light House, in Bogra, Bangladesh (Dec. 8, 2010) (on file with Avon Global Center).

[133] Bangladesh is the 8th densest country in the world, with 1,023 people per square kilometer. *Current World Population*, NATIONS ONLINE (August 2008), http://www.nationsonline.org/oneworld/world_population.htm (last visited Nov. 8, 2010). As a result, land is scarce and coveted. *See* Interview with Md. Mahbubul Haque, *supra* note 70; interview with Dr. Ferdous Jahan, *supra* note 107.

[134] Acid Survivors Foundation (ASF), Statistics, *supra* note 28.

[135] BREAKING THE SILENCE, *supra* note 22, at 43.

[136] Four percent of total reported acid attacks were categorized as business disputes. CAMBODIA ACID SURVIVORS CHARITY (CASC), REPORTING ACID VIOLENCE IN CAMBODIA—STATISTICS ON CAUSES OF ATTACK (1985-2009) 8 (2010).

[137] Interview with Hasibur Rahman Bilu, *supra* note 108; interview with Dr. Ferdous Jahan, *supra* note 107.

[138] Interview with Md. Mahbubul Haque, *supra* note 70.

[139] *See* Virtue Foundation, Initiatives: Yem and Baby Sophan, http://www.virtuefoundation.org/cms/front_content.php?idart=269 (last visited Jan. 2, 2011).

[140] *See* LIVING IN THE SHADOWS, *supra* note 8, at 7.

[141] BREAKING THE SILENCE, *supra* note 22, at 43.

[142] LIVING IN THE SHADOWS, *supra* note 8, at 7.

[143] *Id*. at 3.

[144] *Id*. at 7; BREAKING THE SILENCE, *supra* note 22, at 4.

[145] MELANIE WALSH, *supra* note 100, at 8.

[146] *See* OECD Social Institutions & Gender Index, Gender Equality and Social Institutions in Cambodia, *available at* http://genderindex.org/country/cambodia (last visited Dec. 7, 2010).

[147] Interview with Rehana Rahman, Samina Afrin, Jahanara Ansar, Masreen Awal Mintoo & Cynthia Farid, *supra* note 106 (statement by Cynthia Farid).

[148] *See* ABC AUSTRALIA, *A Brave Face*, Aug. 25, 2009, *transcript and video available at* http://www.journeyman.tv/?lid=59829&tmpl=transcript (last visited Jan. 5, 2010).

[149] Interview with Rehana Rahman, Samina Afrin, Jahanara Ansar, Masreen Awal Mintoo & Cynthia Farid, *supra* note 106 (statement by Cynthia Farid) ("A lot of the women here, they grow up with the desire to get married.").
[150] *Id*. (statement by Cynthia Farid).
[151] *See* NGO Roundtable Discussion hosted by LICADHO, *supra* note 78; interview with Usha, Campaign and Struggle Against Acid Attacks on Women (CSAAAW), in Bangalore, India (Jan. 19, 2010) (on file with Avon Global Center); interview with Md. Mahbubul Haque, *supra* note 70.
[152] *See* Interview with Md. Mahbubul Haque, *supra* note 70; interview with Usha, *supra* note 151; CAMBODIAN ACID SURVIVORS CHARITY (CASC), BREAKING THE SILENCE, *supra* note 22, at 34.
[153] Interview with Md. Mahbubul Haque, *supra,* note 70.
[154] Interview with Anonymous, NGO, in Phnom Penh, Cambodia (Mar. 23, 2010) (on file with Avon Global Center) ("Many people are prejudiced against the mistress; many believe she deserves the attack."); *see also* Jeff Smith & Kay Kimsong, *Acid-Laced Vengeance,* CAMBODIA DAILY WEEKEND, Feb. 5–6, 2000, *available at* http://www.camnet.com.kh/cambodia.daily/selected_features/acid_laced_vengeance.htm (last visited Jan. 5, 2010).
[155] NGO Roundtable Discussion hosted by LICADHO, *supra* note 78 (statement by Emilita Santos Goddard).

Chapter 3: States' Due Diligence Obligation to Combat Acid Violence

[156] The Special Rapporteur on Violence Against Women, its Causes and Consequences, Yakin Ertürk, *Report on The Due Diligence Standard as a Tool for the Elimination of Violence Against Women*, ¶ 20, *delivered to the Economic and Social Council Commission on Human Right*s, U.N. Doc. E/CN.4/2006/61 (Jan. 20, 2006) [hereinafter Special Rapporteur on Violence Against Women, Yakin Erturk].
[157] Special Rapporteur on Violence Against Women, Yakin Erturk, *supra* note 156, at ¶ 35.
[158] *See* CEDAW Committee *General Recommendation No. 19–Violence Against Women*, *supra* note 4, at ¶ 9.
[159] *See id.* at ¶¶ 9, 24.
[160] CEDAW Committee, Comm. 2/2003, A.T. v. Hungary*,* ¶ 9.3, A/60/38 (Part I) (Jan. 26, 2005).
[161] *See* Special Rapporteur on Violence Against Women, Yakin Erturk, *supra* note 156, at ¶ 38.
[162] *See id.* at ¶¶ 16, 102.
[163] *See* Acid Survivors Foundation, Statistics, *supra* note 28.
[164] Bangl. Pen. Code, No. XLV of 1860 § 326 A.
[165] Acid Survivors Foundation (ASF), Statistics, *supra* note 28.
[166] Bangl. Acid Control Act (ACA), *supra* note 42.
[167] *See* Acid Survivors Foundation (ASF), Statistics, *supra* note 28; e-mail from Dr. Saira Rahman Khan, *supra* note 37.
[168] For a detailed discussion of the various implementation problems surrounding the Bangladesh Acid Control Act, *see* Chapter 4, *infra*.
[169] CEDAW Committee, Comm. 6 /2005, Yildrim v. Austria, CEDAW/C/39/D/6/2005 (Aug. 6, 2007).
[170] CEDAW Committee, Comm. 5/2005, Goekce v. Austria, CEDAW/C/39/D/5/2005 (Aug. 6, 2007).
[171] *See* CEDAW Committee, Comm. 6 /2005, Yildrim v. Austria, *supra* note 169, at ¶ 12.1.4.; CEDAW Committee, Comm. 5/2005, Goekce v. Austria, *supra* note 170, at ¶ 12.1.6.
[172] *See, e.g.*, Velasquez Rodriguez v. Honduras, Inter-Am. Ct. H. R. (Ser. C) No. 4, at ¶ 177 (Jul. 29, 1998); González et. al. ("Campo Algodonero") v. The United States of Mexico, Inter-Am. Ct. H. R., (Ser. C) No. 205, at ¶ 289 (Nov. 16, 2009); Opuz v. Turkey, App. 33401/02, ¶ 161 (Eur. Ct. H. R., June 9, 2009); Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, Part. II.3.b, U.N. GAOR, 60th Sess., 64th plen. mtg., U.N. Doc. A/RES/60/147 (Dec. 16, 2005) [hereinafter Basic Principles and Guidelines on the Right to a Remedy and Reparation].
[173] Inter-American Court of Human Rights, *The Situation of the Rights of Women in Ciudad Juárez, Mexico: The Right to Be Free from Violence and Discrimination*, OEA/Ser.L/V/II.117, Doc. 44, March 7, 2003, ¶ 137.
[174] *See* González et al. ("Campo Algodonero") v. The United States of Mexico, *supra* note 172, at ¶ 293.
[175] *See id.* (analogizing its approach to violence against women with the European Court of Human Rights' approach to racial violence).
[176] Special Rapporteur on Violence Against Women, Yakin Erturk, *supra* note 156, at ¶ 20.
[177] *Id*. at ¶ 50.
[178] *Id*.
[179] *Id*.
[180] *Id*.
[181] Basic Principles and Guidelines on the Right to a Remedy and Reparation, *supra* note 172, at ¶ 18. For a discussion of the right to reparation for women subjected to violence, *see* The Special Rapporteur on Violence Against Women, Its Causes and Consequences, Rashida Manjoo, *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, *delivered to the Human Rights Council*, U.N. Doc. No. A/HRC/14/22 (Apr. 23, 2010), *available at* http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.pdf.
[182] Basic Principles and Guidelines on the Right to a Remedy and Reparation, *supra* note 172, at ¶ 20.
[183] *Id*. at ¶ 21.

[184] In addition to providing healthcare as a form of reparations, States have independent obligations under human rights law to guarantee the right to health. *See, e.g.*, International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. Res. 2200A (XXI), art. 11, U.N. Doc. A/6316 (Dec. 16, 1966).
[185] *See, e.g.*, BREAKING THE SILENCE, *supra* note 22 (discussing how Kan Chetchea, an acid attack survivor, and his family have no source of income and rely on other family members to provide food); Tanbira Talukder, *Acid Throwing–A Serious Human Rights Violation in Bangladesh*, MUKTO-MONA (discussing the limited employment opportunities for acid attack survivors), http://www.mukto-mona.com/Articles/talukder/acid_throwings_BD.htm (last visited Aug. 19, 2010); REPORT OF THE LAW COMMISSION OF INDIA ON "THE INCLUSION OF ACID ATTACKS AS SPECIAL OFFENSES IN THE INDIAN PENAL CODE AND A LAW FOR COMPENSATION FOR VICTIMS OF CRIME," *supra* note 9, at 4.

Chapter 4: Evaluating Bangladesh, India, and Cambodia's Efforts to Combat Acid Violence

[186] *See* ACID SURVIVORS TRUST INTERNATIONAL (ASTI), ANNUAL REPORT 2008 at 16 (2008); *see* Taskin Fahmina, *Violence Against Women in Bangladesh: Role of Women Human Rights Defenders*, NEW AGE, July 21, 2009, *available at* http://www.newagebd.com/2009/jul/21/oped.html (last visited Aug. 20, 2010); Mahbuba Zannat, *Dream Burnt by Acid*, DAILY STAR, Mar. 2, 2008, *available at* http://www.thedailystar.net/pf_story.php?nid=25732 (last visited Aug. 20, 2010). Nila's name has also been spelled "Neela."
[187] Bangl. Acid Control Act (ACA), *supra* note 42; Bangl. Acid Crime Control Act (ACCA), No. 2 of 2002, § 4 & 5(a) (Md. Ibrahim Sarker trans. 2008).
[188] Bangl. Acid Crime Control Act (ACCA), *supra* note 187, § 4 & 5(a).
[189] Bangl. Acid Control Act (ACA), *supra* note 42; Bangl. Acid Crime Control Act (ACCA), *supra* note 187, at § 4 & 5(a).
[190] Bangl. Acid Control Act (ACA), *supra* note 42.
[191] Bangl. Acid Crime Control Act (ACCA), *supra* note 187, at § 4 & 5(a).
[192] *Id.* at § 5(b).
[193] Interview with Dr. Saira Rahman Khan & Taskin Fahmina, *supra* note 110.
[194] *Id*.
[195] *See, e.g.*, Salma Ali, Executive Director, Bangladesh National Women Lawyers Association (BNWLA), Expert Paper on Legal Reforms, Different Areas of Laws, Assessment of the Effectiveness of Particular Legal Framework/Provisions, Lesson Learned & Highlighted Promising Practices in Bangladesh, 4, EGM/GPLHP/2009/EP.16 (May 11, 2009) (discussing the way in which women are often reluctant to file charges for crimes such as dowry-related violent crimes because the death penalty is too severe).
[196] When an Acid Crime Control tribunal pronounces a sentence of death, the sentence cannot be carried out unless the High Court division first affirms it on the basis of the proceeding's files. Bangl. Acid Crime Control Act (ACCA), *supra* note 187, at § 27. The ACCA only addresses lower court procedures and in the higher courts there is a massive backlog of cases as discussed *infra*.
[197] Bangl. Acid Crime Control Act (ACCA), *supra* note 187, at § 6.
[198] *Id.* at § 7.
[199] *Id.* at § 11.
[200] *Id.* at § 13.
[201] *Id.* at § 14.
[202] *Id.* at § 15(2).
[203] *Id.* at § 23.
[204] *Id.* at § 16.
[205] *Id*.
[206] *Id*.
[207] Bangl. Acid Control Act (ACA), *supra* note 42, at Ch. II.
[208] *Id.* at § 5.
[209] *Id.* at § 4.
[210] *Electoral Roll Ordinance Okayed*, THE DAILY STAR, Jul. 22, 2010, *available at* http://www.thedailystar.net/2007/07/22/d70722012213.htm (last visited Dec. 26, 2010).
[211] Bangl. Acid Control Act (ACA), *supra* note 42, at §7–8. *See also* interview with Md. Harun or-Rashid, Executive Director, Light House, in Bogra, Bangladesh (Dec. 8, 2009) (on file with Avon Global Center).
[212] Bangl. Acid Control Act (ACA), *supra* note 42, at Ch. III.
[213] *Id.* at § 36.
[214] *Id.* at § 16.
[215] *Id.* at § 22.
[216] *See* Bangladesh Police, http://www.police.gov.bd/index5.php?category=151 & http://www.police.gov.bd/index5.php?category=152 (last visited Jan. 5, 2010).
[217] Nationmaster, Police by Country, United States, http://www.nationmaster.com/graph/cri_pol-crime-police (last visited Jan. 5, 2010) (number achieved by dividing the estimated population of the United States by the number of police in the country).
[218] Interview with Md. Harun or-Rashid, *supra* note 211; interview with Hasibur Rahman Bilu, *supra* note 108.
[219] *See* Fahmina, *supra* note 186.

[220] Interview with Hasibur Rahman Bilu, *supra* note 108. However, another interviewee stated that the license application fee was relatively low compared to the average trade license fee. Interview with Dr. Faustina Pereira, *infra* note 254.
[221] Interview with Nur Muhammad, Inspector General, Bangladesh Police Force, in Dhaka, Bangladesh (Dec. 15 2009) (on file with Avon Global Center).
[222] *See, e.g.*, Interview with Ahsan Habib Sohel & Amirul Haque, Staff Lawyers, Acid Survivors Foundation (ASF) Bangladesh, in Dhaka, Bangladesh (Dec. 6, 2009) (on file with Avon Global Center).
[223] Interview with Md. Mahbubul Haque, *supra* note 70. Interviewees routinely referred to corruption when talking about barriers to justice. They automatically respond to questions about obstacles within the justice system with "corruption" and "bribes." It seems such an integral part of the system that people *anticipate* that public officials in general—and police officers in particular—will request a bribe. Thus, individuals may pay bribe money even without officers asking for it. *See id.*
[224] TRANSPARENCY INT'L BANGLADESH, NATIONAL HOUSEHOLD SURVEY 2007 ON CORRUPTION IN BANGLADESH 35–36 (2008), *available at* http://www.ti-bangladesh.org/research/HHSurvey07full180608.pdf.
[225] *See* Elora Halim Chowdhury, *supra* note 38, at 859.
[226] *See id*.
[227] *See id*.
[228] *See id.*
[229] *See* Interview with Dr. Saira Rahman Khan & Taskin Fahmina, *supra* note 110 (statement by Taskin Fahmina).
[230] *Bangladesh: Police Pressure the Victim of an Acid Attack to Withdraw her Case and Marry her Attacker,* ASIAN HUMAN RIGHTS COMM'N, Oct. 30, 2009, http://www.ahrchk.net/ua/mainfile.php/2009/3300 (last visited Aug. 23, 2010).
[231] *Id*.
[232] *Id*.
[233] *Id*.
[234] LIGHT HOUSE, SITUATION ANALYSIS ON ACID ATTACK (2009).
[235] Interview with Mostafizur Rahman, Assistant Superintendent of Police, Bogra District Policy Station, in Bogra, Bangladesh (Dec. 8, 2009) (on file with Avon Global Center).
[236] Interview with Ahsan Habib Sohel & Amirul Haque, *supra* note 222.
[237] *Compare* Interview with Md. Mahbubul Haque, *supra* note 70 (explaining that the investigation exclusively focused on the identification of the perpetrator); Interview with Mostafizur Rahman, *supra* note 235 (stating that identification of the acid provider was one of the investigators' priorities).
[238] Interview with Mostafizur Rahman, *supra* note 235.
[239] Police Reform Programme, Victim Support Centre, http://www.prp.org.bd/menuvsc.htm (last visited Aug. 22, 2010).
[240] *Id*.
[241] *Id*.
[242] *Id*.
[243] Interview with Dr. Shirin Sharmin Chaudhury, Minister, Women & Children's Affairs, in Dhaka, Bangladesh (Dec. 13, 2009) (on file with Avon Global Center).
[244] *See* Zafreen et al., *supra* note 48, at 12.
[245] *See* Fahmina, *supra* note 186.
[246] *See id*.
[247] *See, e.g.*, Interview with Dr. Salma Ali, Executive Director, Rehana Sultana, Director of Legal Aid, & Towhida Kohnder, Bangladesh National Woman Lawyers Association (BNWLA), in Dhaka, Bangladesh (Dec. 14, 2009) (statement by Rehana Sultana) (on file with Avon Global Center).
[248] *Bangladesh: Police Pressure the Victim of an Acid Attack to Withdraw her Case and Marry her Attacker, supra* note 230.
[249] *Id.*
[250] Acid Survivors Foundation (ASF), Statistics, *supra* note 28 (last visited Nov. 8, 2010).
[251] *Id*.
[252] Interview with Dr. Saira Rahman Khan & Taskin Fahmina, *supra* note 110 (statement by Dr. Saira Rahman Khan).
[253] *See* Interview with Monira Rahman, Executive Director, Acid Survivors Foundation (ASF) Bangladesh, in Dhaka, Bangladesh (Dec. 6, 2009) (on file with Avon Global Center) (discussing a case pending for 10 years); interview with Adv. Nina Goswami, Mediation & Rapid Response Unit, ASK, in Dhaka, Bangladesh (Dec. 15, 2009) (on file with Avon Global Center) (discussing appeals on orders to accept final reports pending for 5 to 6 years).
[254] *See* Interview with Mostafizur Rahman, *supra* note 235; Interview with Md. Mahbubul Haque, Trustee & Director, Policy Research Center, *supra* note 70; Interview with Dr. Saira Rahman, & Taskin Fahmina, *supra* note 110. These interviewees referred to these cases as instances of "self-inflicted injury." Yet, they also mentioned that when the victim pours acid on herself, she often does so at the demand or under the influence of her husband. *See* Interview with Dr. Faustina Pereira, Director of Human Rights and Legal Services, BRAC, in Dhaka, Bangladesh (Dec. 13, 2009) (on file with Avon Global Center) (describing a case in which the legal aid staff discovered that a survivor who had come to BRAC and accused a person had in fact been instructed to do so by her father who had poured acid on her to get back at the falsely accused person).
[255] *See id*.
[256] Interview with Mostafizur Rahman, *supra* note 235.

[257] *7-year jail for filing false case*, THE DAILY STAR, Jul. 14, 2010, *available at* http://www.thedailystar.net/story.php?nid=146735 (last visited Dec. 26, 2010).
[258] Bangl. Acid Control Act (ACA), *supra* note 42, at § 10.
[259] Interview with Dr. Saira Rahman Khan & Taskin Fahmina, *supra* note 110.
[260] Interview with Md. Harun or-Rashid, *supra* note 211.
[261] Interview with Medical Officer, Bogra District Hospital, in Bogra, Bangladesh (Dec. 9, 2009) (on file with Avon Global Center).
[262] *See, e.g.*, Bari & Choudhury, *supra* note 7, at 120 (out of the 158 patients who acid attack victims who presented, 113 (71.5%) had grossly infected wounds).
[263] E-mail from Dr. Saira Rahman Khan, *supra* note 37.
[264] Interview with Dr. Palash Karmaker, Medical Manager, Acid Survivors Foundation (ASF) Bangladesh, in Dhaka, Bangladesh (Dec. 7, 2009) (on file with Avon Global Center).
[265] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 43.
[266] Both the Law Commission of India and the National Commission for Women recommend adding a section 326 A to the Indian Penal Code and a section 114 B to the Indian Evidence Code. LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 43–44; NATIONAL COMMISSION FOR WOMEN, PREVENTION OF OFFENCES (BY ACIDS) ACT 2008–DRAFT BILL 15–16 (2008), *available at* http://ncw.nic.in/pdffiles/offences_by_acids.pdf (last visited Aug. 24, 2010).
[267] Dhananjay Mahapatra, *Existing Laws Sufficient to Deal with Acid Attack*, TIMES OF INDIA NEW DELHI EDITION, Apr. 15, 2010, at 10, *available at* http://timesofindia.indiatimes.com/india/No-change-in-law-needed-to-make-acid-attack-a-heinous-offence-Centre/articleshow/5804710.cms (last visited Aug. 24, 2010).
[268] *See 10 years jail and Rs 10 lakh fine recommended for acid attackers*, STATESMAN, Nov. 29, 2010, 2010 WLNR 23720992.
[269] *State Pushes for Acid Attack Act*, DECCAN CHRONICLE, Apr. 14, 2010, at 3, *available at* http://www.deccanchronicle.com/hyderabad/state-pushes-acid-attack-act-000 (last visited Aug. 24, 2010).
[270] *See* INDIA PEN. CODE 326 A (proposed), NATIONAL COMMISSION FOR WOMEN, PREVENTION OF OFFENCES (BY ACIDS) ACT 2008–DRAFT BILL, *supra* note 266, at 15–16; INDIA PEN. CODE 326 A (proposed), LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 43.
[271] INDIA PEN. CODE, No. 45 of 1860 at § 320.
[272] *Id.* at §§ 324, 326. *See, e.g.*, Sangeeta Kumari v. State of Jharkhand and Anr. (2003) CriLJ 1734 (2004) *available at* http://www.indiankanoon.org/doc/1701808/; Shri Pradeep Mashelka S/O Krishna Mashelkar v. State (2005), *available at* http://www.indiankanoon.org/doc/492852/; Kapoor Singh Rana v. State of Delhi (2005) 126 DLT 367 (2006), *available at* http://www.indiankanoon.org/doc/1040721/; State of Karnataka v. Joseph Rodrigues (2006), *available at* http://www.indiankanoon.org/doc/73735/; Radhey Shyam vs. State of U.P. (2008) INSC (1972), *available at* http://www.indiankanoon.org/doc/1114512/; Hanif Laskar & Anr. v. The State Of West Bengal (2008), *available at* http://www.indiankanoon.org/doc/1361032/; Vijayan v. State of Kerala (2008), *available at* http://www.indiankanoon.org/doc/132928/; Charan Singh And Others v. State Of Punjab (2010).
[273] *See* Telephone interview with Aparna Bhatt, Supreme Court Advocate (Jan. 20, 2010) (on file with Avon Global Center).
[274] *Id.*
[275] Both the Law Commission of India and the National Commission for Women recommend adding a section 326 A to the Indian Penal Code. LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 43–44; NATIONAL COMMISSION FOR WOMEN, PREVENTION OF OFFENCES (BY ACIDS) ACT 2008–DRAFT BILL, *supra* note 266, at 15.
[276] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 42; NATIONAL COMMISSION FOR WOMEN, PREVENTION OF OFFENCES (BY ACIDS) ACT 2008–DRAFT BILL, *supra* note 266, at 15.
[277] Dhananjay Mahapatra, *No Change in Law Needed to Make Acid Attack a Heinous Offence: Centre*, TIMES OF INDIA, Apr. 15 2010, *available at* http://timesofindia.indiatimes.com/india/No-change-in-law-needed-to-make-acid-attack-a-heinous-offence-Centre/articleshow/5804710.cms (last visited Aug. 24, 2010).
[278] Sheela Ramanathan, Advocating for Victims of Acid Attacks through Public Interest Litigation at Cornell Law School, Women and Global Justice Speaker Series (April 27, 2010).
[279] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 42.
[280] NATIONAL COMMISSION FOR WOMEN, PREVENTION OF OFFENCES (BY ACIDS) ACT 2008–DRAFT BILL, *supra* note 266, at 15–16.
[281] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 43–44.
[282] *See, e.g.*, Sudershan Kumar v. The State of Delhi (1974) AIR 2328, *available at* http://indiankanoon.org/doc/1146434/; Gulab Saheblal Shaikh v. The State Of Maharashtra (1997) BomCR Cri (1998), *available at* http://indiankanoon.org/doc/1834621/; Mst. Umrao v. State of Rajasthan (2001) (2) WLN 170 (2002), *available at* http://www.indiankanoon.org/doc/1474214/; Veerla Satyanarayana v. State of A.P. (2002) (2) ALD Cri 637, *available at* http://www.indiankanoon.org/doc/1220757/; Sukumuran v. State of Kerala (2003) CriLJ 1462 (2004), *available at* http://www.indiankanoon.org/doc/1129677/; Dharampal And Ors. v. Delhi (2004) 114 DLT 245 *available at* http://www.indiankanoon.org/doc/1467647/; Ram Niwas v. State (2009), *available at* http://www.indiankanoon.org/doc/121777/; Kulwant Singh Alias Bittoo v. State (2009), *available at* http://www.indiankanoon.org/doc/1738871/.
[283] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 44.
[284] *Id.* at 37–39.
[285] *Id.* at 39–42.
[286] NATIONAL COMMISSION FOR WOMEN, PREVENTION OF OFFENCES (BY ACIDS) ACT 2008–DRAFT BILL, *supra* note 266, at 5–8.

[287] *Id*.
[288] *Id*. at 9.
[289] PRS LEGISLATIVE RESEARCH, VITAL STATS: PENDANCY OF CASES IN INDIAN COURTS 2 (Center for Policy Research 2009), *available at* http://www.prsindia.org/administrator/uploads/general/1251796330~~Vital%20Stats%20-%20Pendency%20of%20Cases%20in%20Indian%20Courts%2026Aug2009%20v10.pdf.
[290] COMMITTEE ON REFORMS OF CRIMINAL JUSTICE SYSTEM, GOV'T OF INDIA, MINISTRY OF HOME AFFAIRS, REPORT VOL. I ("MAILMATH COMMITTEE REPORT") 18–19 (2003), *available at* http://indialawyers.files.wordpress.com/2009/12/criminal_justice_system.pdf [hereinafter MAILMATH COMMITTEE REPORT].
[291] *See* Interview with Judge Subhash B. Adi, High Court of Karnataka, in Bangalore, India (Jan. 20, 2010) (on file with Avon Global Center).
[292] *See* MAILMATH COMMITTEE REPORT, *supra* note 290, at 12–13.
[293] *See* BURNT NOT DEFEATED, *supra* note 5, at 46.
[294] Interview with Usha, *supra* note 151.
[295] *See* BURNT NOT DEFEATED, *supra* note 5, at 47.
[296] *Id*. at 48.
[297] E-mail message from Sagar Preet Hooda, Deputy Commissioner of Police, Delhi Police, May 2010, in response to a query posted by the KRITI Team on the Resource Team and Members, Solution Exchange for Gender Community - an initiative of UN agencies in India.
[298] BURNT NOT DEFEATED, *supra* note 5, at 50.
[299] National Human Rights Commission (NHRC), *Action Details, File Number 719/30/98-99*, 14 September 1998 (on file with Avon Global Center) [hereinafter NHRC Action Details File Number 719/30/98-99].
[300] *Id*.
[301] *Id*.
[302] *Id*.
[303] BURNT NOT DEFEATED, *supra* note 5, at 46.
[304] *See* Interview with Sheela Ramanathan, Campaign and Struggle Against Acid Attacks on Women (CSAAAW) & Human Rights Law Network (HRLN) of Bangalore, in Mysore, India (Jan. 18, 2010) (on file with Avon Global Center).
[305] Interview with Usha, *supra* note 151.
[306] *Id*.
[307] Telephone interview with Justice Bannurathum, Chief Justice of Kerala High Court (Jan. 19, 2010) (on file with Avon Global Center).
[308] BURNT NOT DEFEATED, *supra* note 5, at 22–23.
[309] *Id*. at 58.
[310] *See* Interview with Dr. Ramesh, Deputy Director, Department of Health, State of Karnataka, in Bangalore, India (Jan. 20, 2010) (on file with Avon Global Center).
[311] Aarti Dhar, *Free Treatment Proposed for Acid Attack Victims*, HINDU, Nov. 24, 2010, 2010 WLNR 23353857.
[312] BURNT NOT DEFEATED, *supra* note 5, at 22–23.
[313] *Id*.
[314] *Id*.
[315] *Id*.
[316] *See* Interview with Dr. Satish, *supra* note 12.
[317] *Id*.
[318] *Id*.
[319] BURNT NOT DEFEATED, *supra* note 5, at 39.
[320] *Id*. at 21–22.
[321] BREAKING THE SILENCE, *supra* note 22, at 39, *Appendix One: Case Study #3*; Guy Delauney, *Cambodia's Acid Attack Victims Appeal for Justice,* BBC NEWS, Mar. 22, 2010, *available at* http://news.bbc.co.uk/2/hi/asia-pacific/8576195.stm (last visited Aug. 25, 2010).
[322] There were a total of 10 acid attacks in January 2010. Mom Kunthear, *Officials Mull Stiff Penalties for Acid Attacks,* PHNOM PENH POST, Mar. 22, 2010, *available at* http://khmernz.blogspot.com/2010/03/officials-mull-stiff-penalties-for-acid.html (last visited Aug. 25, 2010).
[323] LAW ON USE AND CONTROL OF ACID—DRAFT BILL, art. 16 (Mar. 3, 2010) (translated and on file with Avon Global Center).
[324] *See* NGO Roundtable Discussion hosted by LICADHO, *supra* note 78.
[325] UNTAC Law of 1992, art. 41 (Cambodia). "Battery with Injury" is defined as: "1. Anyone who voluntarily strikes another resulting in injury leading to permanent or temporary disability lasting more than six months is guilty of battery and shall be liable to punishment of one to five years in prison. 2. If the disability lasts less than six months, the offence shall be punished by a term of imprisonment of six months to two years. 3. If there is no disability, the punishment shall be a term of imprisonment of two months to one year. 4. If any weapon is used, the period of imprisonment shall be doubled." *Id.*
[326] *Id*.
[327] Interview with Anonymous, NGO, in Phnom Penh, Cambodia (Mar. 23, 2010) (on file with Avon Global Center).
[328] LAW ON USE AND CONTROL OF ACID—DRAFT BILL, *supra* note 323, at art. 3 & 16.
[329] *Id*. at art. 3, 10 & 16.

[330] Mom Kunthear, *Panel Puts Off Delivery of Draft Acid Law*, PHNOM PENH POST, July 13, 2010, *available at* http://momkunthear.blogspot.com/2010/07/panel-puts-off-delivery-of-draft-acid.html (last visited Dec. 28, 2010).
[331] NGO Roundtable Discussion hosted by LICADHO, *supra* note 78.
[332] *Id*.
[333] BREAKING THE SILENCE, *supra* note 22, at 40, *Appendix One: Case Study #3*.
[334] *See* NGO Roundtable Discussion hosted by LICADHO, *supra* note 78.
[335] BREAKING THE SILENCE, *supra* note 22, at 40, *Appendix One: Case Study #3*.
[336] *Id*.
[337] *Id*.
[338] *Id*.
[339] *Id*. at 40, *Appendix One: Case Study #4*.
[340] Interview with Brian Rohan, Land & Livelihood Specialist, Program on Rights and Justice, American Bar Association (ABA) Rule of Law Initiative, Ly Ping, Lawyer, & Phanna Sok, Firm Assistant, Samreth Law Group, in Phnom Penh, Cambodia (Mar. 24, 2010) (on file with Avon Global Center).
[341] Minister of Women's Affairs Dr. Ing Kantha Phavi was surprised to hear that some victims reported fees associated with medical certificates and insisted that the medical certificates should be free for victims. *See* Interview with Dr. Ing Kantha Phavi, Minister, Muserref Tansiverdi, Legal Advisor, Hor Malin, Undersecretary of State, Dr. Khieu Serey Vuthea, Director General, & Ms. Sakhoeurn Savady, Deputy General Director of Social Development, Ministry of Women's Affairs, in Phnom Penh, Cambodia (Mar. 25, 2010) (on file with Avon Global Center).
[342] Interview with Rany Pen, Program Analyst & Dorine van der Keur, Int'l Coordinator, Access to Justice Project, United Nations Development Programme (UNDP), in Phnom Penh, Cambodia (Mar. 25, 2010) (on file with Avon Global Center) (noting that a medical certificate costs about 8,000 Riels); Interview with Ziad Samman, Sophea Chhun, Dr. Horng Lairapo, & Pin Domnang, *supra* note 22.
[343] Interview with Jolanda van Westering & Ana Janet Sunga, Child Protection Specialists, United Nations Children's Fund (UNICEF), in Phnom Penh, Cambodia (Mar. 25, 2010) (on file with Avon Global Center).
[344] *Id.* (explaining that the medical examination form has a picture of the human body on it which would not be relevant to the examination of acid violence victims).
[345] *See* NGO Roundtable Discussion hosted by LICADHO, *supra* note 78; Interview with Ouk Kimleng, Legal Director & Run Saray, Executive Director, Legal Aid Cambodia, in Phnom Penh, Cambodia (Mar. 23, 2010) (on file with Avon Global Center).
[346] *See id*. (statement by Dr. Kek Pung).
[347] *See id*.
[348] Cat Barton & Sam Rith, *Finding Face: Tat Marina Moves On,* PHNOM PENH POST, Mar. 27, 2009, *available at* http://www.phnompenhpost.com/index.php/2009032725046/National-news/Finding-face-Tat-Marina-moves-on.html?Itemid= (last visited Jan. 5, 2010).
[349] *Id*.
[350] *Supreme Court Upholds Acid Attack Verdict,* KI-MEDIA, Oct. 7, 2010, http://ki-media.blogspot.com/2010/10/supreme-court-upholds-acid-attack.html (last visited Dec. 26, 2010).
[351] *Id.*
[352] *See* Informal interview with Dr. Kek Pung, President, Cambodian League for the Promotion & Defense of Human Rights (LICADHO), in Phnom Penh, Cambodia (Mar. 21, 2010) (on file with Avon Global Center); Interview with Ziad Samman , Sophea Chhun, Dr. Horng Lairapo, & Pin Domnang, *supra* note 22 ("Chea Ratha—they let her go. They gave her a month to let her dodge before they convicted her in absentia. She is probably hiding somewhere in Cambodia with the protection of her buddies.").
[353] Chun Sakada, *Supreme Court Upholds Acid Attack Verdict,* KI-MEDIA, Oct. 7, 2010, *available at* http://ki-media.blogspot.com/2010/10/supreme-court-upholds-acid-attack.html (last visited Dec. 28, 2010).
[354] NGO Roundtable Discussion hosted by LICADHO, *supra* note 78 (statement by Dr. Kek Pung).
[355] MINISTRY OF JUSTICE & UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) CAMBODIA, PATHWAYS TO JUSTICE: ACCESS TO JUSTICE WITH A FOCUS ON POOR, WOMEN AND INDIGENOUS PEOPLES 85 (2005) [hereinafter PATHWAYS TO JUSTICE].
[356] *Id*. at 85.
[357] *Id*.
[358] *Id*.
[359] *Id*.
[360] *See* Interview with Ziad Samman, Sophea Chhun, Dr. Horng Lairapo, & Pin Domnang, *supra* note 22.
[361] *See* Brooke Lewis & Mom Kunthear, *Activists Seek Aid for Acid Victims,* PHNOM PENH POST, Mar. 24, 2010, *available at* http://khmernz.blogspot.com/2010/03/activists-seek-aid-for-acid-victims.html (last visited Jan. 5, 2010).
[362] Lewis & Kunthear, *Activists Seek Aid for Acid Victims, supra* note 361.
[363] *See, e.g.*, Tep Nimol & Mom Kunthear, *Victim of Acid Attack Returns After Treatment in Vietnam,* PHNOM PENH POST, Jan. 18, 2010, *available at* http://khmernz.blogspot.com/2010/01/victim-of-acid-attack-returns-after.html (last visited Jan. 5, 2010); Tep Nimol & Zela Chin, *Teen Starlet Victim of Acid Attack in Capital,* PHNOM PENH POST, Dec. 16, 2009 (describing how victims of two separate attacks received treatment in Vietnam for their injuries), *available at* http://khmernz.blogspot.com/2009/12/teen-starlet-victim-of-acid-attack-in.html (last visited Jan. 5, 2010).
[364] BREAKING THE SILENCE, *supra* note 22, at 38, *Appendix One: Case Study #1*.
[365] *See* LIVING IN THE SHADOWS, *supra* note 8, at 10.

[366] *See* Interview with Ziad Samman, Sophea Chhun, Dr. Horng Lairapo, & Pin Domnang, *supra* note 22; LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 8–9; A. Faga et al., *supra* note 14, at 704.
[367] Simon Marks & Phorn Bopha, *Rubber and Acid, a Devastating Combination in Kompong Cham,* CAMBODIA DAILY, July 2009, *available at* http://www.camnet.com.kh/cambodia.daily/story_month/Jul-09.htm (last visited Jan. 5, 2010).
[368] *Id*. at 367.

Chapter 5: Companies' Due Diligence Responsibility to Combat Acid Violence

[369] The Special Representative of the Secretary-General, John Ruggie, *Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, "Protect, Respect and Remedy: a Framework for Business and Human Rights*," ¶¶ 55–56, *delivered to the Human Rights Council, Eighth Session*, A/HRC/8/5 (Apr. 7, 2008) ("The corporate responsibility to respect [human rights] exists independently of States' duties. . . .To discharge the responsibility to respect requires due diligence.") [hereinafter Special Representative John Ruggie, *Protect, Respect and Remedy*]. *See also id*. at ¶ 23 ("What is required is due diligence – a process whereby companies not only ensure compliance with national laws but also manage the risk of human rights harm with a view to avoiding it").
[370] Special Representative John Ruggie, *Protect, Respect and Remedy*, *supra* note 369, at ¶ 56.
[371] *Id*. at ¶ 61.
[372] *Id*. at ¶ 23 (citing INTERNATIONAL ORGANISATION OF EMPLOYERS, INTERNATIONAL CHAMBER OF COMMERCE, BUSINESS AND INDUSTRY ADVISORY COMMITTEE TO THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD), BUSINESS AND HUMAN RIGHTS: THE ROLE OF GOVERNMENT IN WEAK GOVERNANCE ZONES para. 15 (2006), *available at* http://www.reports-and-materials.org/Role-of-Business-in-Weak Governance-Zones-Dec-2006.pdf.).
[373] *Id*. at ¶ 55.
[374] U.N. Global Compact, Principle Two, at http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/Principle2.html (last visited Jan. 5, 2010). The U.N. Global Compact is a "strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment, and anti-corruption." Overview of the U.N. Global Compact, http://www.unglobalcompact.org/AboutTheGC/index.html (last visited Dec. 13, 2010).
[375] U.N. Econ. & Soc. Council [ECOSOC], Sub-Comm. on the Promotion & Prot. of Human Rights, *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights,* ¶ 1, U.N. Doc. E/CN.4/Sub.2/2003/12/Rev/2 (Aug. 26, 2003).
[376] *See* Chapter 2, *supra*.
[377] *See* Chapter 3, *supra*.
[378] *See* Scott Carney, *supra* note 26.
[379] *See* Chemical Industry, The Titi Tudorancea Bulletin (Oct. 3, 2010), http://www.tititudorancea.com/z/chemical_industry.htm (last visited Dec. 26, 2010).
[380] LAW COMMISSION OF INDIA REPORT, *supra* note 9, at 7; LIVING IN THE SHADOWS, *supra* note 8, at 3 (finding that perpetrators in Cambodia have used each of these types of acid, although attackers most commonly use either sulfuric or nitric acid); Bari & Choudhury, *supra* note 7, at 115 (citing tannic acid and formic acid in addition to the other common types of acid used in acid burn injuries in Bangladesh).
[381] Purifying gold and dyeing garments is common practice in all three countries. For India, see BURNT NOT DEFEATED, *supra* note 5, at 13–14. For Bangladesh, see Saira Rahman, *Shattered Reflections–Acid Violence and the Law in Bangladesh*, HUMAN RIGHTS SOLIDARITY, Aug. 22, 2005, *available at* http://www.hrsolidarity.net/mainfile.php/2005vol15no03/2429/ (last visited Aug. 10, 2010). For Cambodia, where curing rubber is common, see BREAKING THE SILENCE, *supra* note 22, at 15; LIVING IN THE SHADOWS, *supra*, note 8, at 3.
[382] *See* Hildegunn Kyvik Nordås, WTO Discussion Paper 5, *The Global Textile and Clothing Industry post the Agreement on Textiles and Clothing*, *available at* http://www.wto.org/english/res_e/booksp_e/discussion_papers5_e.pdf.
[383] *See* Md. Mahbubul Haque, Impunity and Acid Violence against Women in Bangladesh: Case Studies in Satkhira and Sirajgong Districts 12 (2005) (unpublished M.A. thesis, Mahidol University), *available at* http://mulinet10.li.mahidol.ac.th/e-thesis/4737344.pdf.
[384] *See* ACID SURVIVORS FOUNDATION (ASF) PAKISTAN, SITUATIONAL ANALYSIS REPORT 13 (2009) (charting the reported attacks by region and finding the highest prevalence in Bahawalpur (19%), Multan (17%), Muzzafargarh (16%), Lodhran (8%), and Rahimyar Khan (7%)); Imran Sharif Chaudhry et al., *Economic Analysis of Competing Crops with Special Reference to Cotton Production in Pakistan: The Case of Multan and Bahawalpur Regions*, 29 PAK. J. SOC. SCIENCES 51, 52 tbl. 1 (2009) (stating that Bahawalpur, Multan, Muzzafargarh, Lodhran, and Rahimyar Khan regions belongs to the "core" cotton zone of Pakistan).
[385] BREAKING THE SILENCE, *supra* note 22, at 45. Phnom Penh, the capital of Cambodia, has recorded the second-highest incidence of acid burns, amounting to 16% of the total.
[386] BUSINESS LEADERS INITIATIVE ON HUMAN RIGHTS, THE MILLENNIUM DEVELOPMENT GOALS AND HUMAN RIGHTS: COMPANIES TAKING A RIGHTS-AWARE APPROACH TO DEVELOPMENT, 47-52 (2010) *available at* http://www.hks.harvard.edu/m-rcbg/CSRI/publications/report_44.pdf.
[387] BREAKING THE SILENCE, *supra* note 22, at 45, *Appendix Two: Statistics*.

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