

We must develop a circle of protection around rape survivors

SALMA ALI

In a highly publicised case earlier this year, the police apprehended a “serial rapist” named Mojnu for the alleged rape of a Dhaka University student. Later he confessed to having raped many others, including homeless women and a disabled person, without any fear of the law enforcement authorities. This begs the question: if our laws were effectively implemented, would so many women have had to suffer such extreme violence, with the perpetrator evading justice for so long?

While the existence of rapists like Mojnu, who commit crimes with impunity, is disheartening for rights activists, the circumstances that led to his arrest can make us take heart. The DU student rape sparked massive protests across Dhaka and shone a light on the lack of justice for rape survivors. These protests are a sure sign of the achievements of the women’s movement—whereas women in the past may have been pressured into keeping their abuse secret, now there is a culture of protest that gives them the courage to come forward and demand justice. This is not just in case of rape, but in cases of sexual harassment and domestic violence as well.

This courage to protest was personified in Nusrat Jahan Rafi, who insisted on filing a case despite resistance from the police, and did everything in her power to make her voice heard. Even when she was dying in an ambulance after being set on fire—the cost of her refusal to stay silent—she gave all the evidence necessary to identify her as a victim and witness to the crime, creating a case against the people who had done this to her. I truly believe that we should have an award in Nusrat’s name to honour others like her who have the courage to stand against injustice, whatever the cost. However, while Nusrat’s attackers have been sentenced within a short time, we must also remember the other families that are waiting for justice.

It is unacceptable that four years have passed since the rape and

murder of Sohagi Jahan Tonu inside Cumilla Cantonment, and the authorities seem nowhere near to solving the case.

While we fight for women’s rights, we end up focusing on what needs to change, but it is important to remember that there have been significant yet underreported milestone achievements such as the women’s coalition that led to the abolition of fatwas, the coordinated effort between the state, civil society and media to root out acid attacks, and the creation of one-stop crisis centres for rape victims. While lack of implementation is one of our biggest concerns, we have many laws, guidelines, policies and other legal frameworks that have come about as a result of the women’s movements. The Domestic Violence (Prevention and Protection) Act, 2010 is a crowning achievement, especially since it includes mental torture and economic abuse. Although there are still many obstacles regarding implementation, the fact that these issues are not only addressed in the law but also are made punishable offences is definitely a victory.

However, the changing mindset of people in our society is maybe one of our biggest achievements. In the past, even women believed that domestic violence was a private issue and husbands can beat their wives now and then. These attitudes are changing; people think it is wrong, even if they don’t believe in legal redress unless there is grievous bodily harm. The recent funeral of a sex worker, which was conducted by an imam with all the holy rites and attended by local administration officials, including the OC, is proof that we are witnessing shifts in our society.

But of course there is still a long way to go. Rape survivors are still victims of trial by society, and they are constantly being questioned—what is their character like? Did they give consent? Did they take money from the rapists? What were they wearing? In some cases, the women themselves are called upon to prove that the rape occurred, and their testimonies are continually doubted. If a rape victim actually survives the rape, she and her entire family are then faced with constant



COLLAGE BY KAZI TAHSSIN AGAZ APURBO

harassment; it is as if the rape survivor is the criminal and not the other way around!

Medical care, psychological support, legal aid and, above all, social support which is required for a person who has faced such severe trauma, are all essential to her return to a normal life. This support was clearly visible for the Kurmitola rape survivor. Many other women, however, do not get the same treatment. This lack of a women-friendly environment is the greatest challenge for survivors of sexual violence. There are many organisations and people, both men and women, coming out to protest for their rights, but having the support to lodge a case is only the first step. From the moment

she reaches the one-stop crisis centre, we need to create a circle of protection around the woman (or girl), starting from counselling, legal aid, speedy trial, and alternative livelihoods in the future—something that unfortunately does not yet exist in full form for the women of Bangladesh. Even more worryingly, the clause in the Child Marriage Restraint Act that allows for child marriage under “special circumstances” puts rape victims at risk by reinforcing the mentality that once a girl has been “dishonoured”, it is better to have her married off than allow society to stigmatise her.

This does not mean the situation is all bad. The upper courts of Bangladesh have, at different points, issued important guidelines for

women-friendly laws. Last year, Justice Enayet Rahim and Justice Mustafizur Rahman also gave six important directives for rape cases in Bangladesh, which are: the completion of trials within 180 days; the formation of a victim security monitoring committee and subsequent steps to ensure accountability; monitoring of all tribunals and lower courts; formulation and implementation of a witness protection law as soon as possible; formation of a monitoring committee in every district to stop violence against women; and monthly reports from these monitoring committees to the Supreme Court, Home Ministry and the Ministry of Law.

However, while these initiatives from the judiciary are commendable, they are meaningless if we cannot deal with our greatest challenge—an increasingly weakened democracy. One of the biggest obstacles to implementation of the law in our country is that “powerful people” consider themselves to be outside the jurisdiction of the law. Crime syndicates are a huge problem because they are sheltered from the law, especially in the cases of forced prostitution and trafficking. Only the middlemen are arrested, as an eyewash for the public, but when political figures like the one we have seen in Cox’s Bazar are involved, there is silence. The lack of implementation of the law is also the result of a lack of separation of powers and structural resistance to change. For example, the Human Rights Commission was meant to be led by an apolitical figure like a retired Chief Justice, Supreme Court judge, or senior human rights activists, but instead, we have government officials or bureaucrats, without the muscle to file cases against members of the government or police. The people who work for the Commission are also from within the government on deputation, and are not able to operate with complete freedom and transparency.

Similarly, the Torture and Custodial Death (Prevention) Act, 2013 received huge pushback from the law enforcement authorities, despite this being a very basic law to

protect human rights in this country. Even the domestic violence act is not being used for its original aim of prevention because the Ministry of Women and Children Affairs failed to appoint Women Affairs Officers with sufficient budgets, training and awareness to deal with women’s issues at the district level.

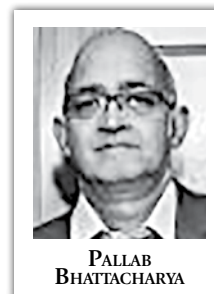
But instead of delving deeper into our problems, which we all know are many, maybe it is better to focus on the solutions. Firstly, providing legal aid to defendants is crucial. Government legal aid is hugely ineffective, and while women’s organisations do get funding from donors, it doesn’t cover the hidden costs of court case management. It can also create a certain level of donor dependency, leading to donor-driven projects that forget the spirit of protest and emancipation that is central to the women’s movement.

Second, it is crucial to have a support system for women that puts them at the centre of all cases and creates a circle of protection around them. To strengthen this we need to ensure speedy trials and witness protection, as well as proper case investigations using updated forensic technologies. More importantly, these investigations must be free from political interference, and the law enforcement authorities should have a trained workforce at all levels.

This support system for women must also include victim protection and compensation. This work should be done via committees under the law that are monitored by the Home Ministry, as well as the Supreme Court, to ensure accountability and transparency. Finally, providing alternative livelihoods—especially to women who have been trafficked, forced into prostitution or saved from child marriage—is crucial, since conservative mindsets mean that many of these women still find it difficult to return to their homes. Economic emancipation can unlock many of the rights of women, and the different ministries must work together to ensure that women are being given the keys.

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What to expect from PM Modi’s Dhaka visit?



ON March 5, India’s External Affairs Ministry made it clear that the visit of Prime Minister Narendra Modi to Bangladesh for “Mujib Borsho” celebration is on. Not that any

clarity was required at least in India. But questions were being whispered in certain quarters in Bangladesh if the Modi visit would indeed go ahead in the backdrop of unease in that country after the communal violence in Delhi over the Citizenship Amendment Act.

There are a number of reasons why Modi should visit Dhaka for the launch of the birth centenary celebration of Bangabandhu Sheikh Mujibur Rahman, the most important being the high stakes in the larger picture of the relations between the two countries which have been shaped by individuals but transcend them. The picture today covers a wide range of areas—political, economic and strategic—since taking a quantum leap since Sheikh Hasina assumed power as prime minister in 2009 and Modi became the chief executive in May 2014.

The last 48 years have, to quote a popular line from Charles Dickens’ *A Tale of Two Cities*, seen the best of times and the worst of times in India-Bangladesh relations, swinging from near stagnancy to unprecedented vibrancy. Even in the darkest patches of ties during the military regime under Ziaur Rahman, some years of HM Ershad and the civilian rule of Khaleda Zia, what has survived is a working relationship even at the worst of times.

New Delhi has always maintained that it is ready to do business with those in power in Bangladesh on any given day. One has to just recall that Prime Minister Atal Bihari Vajpayee had rushed his National Security Adviser Brajesh Mishra to meet the new government in Dhaka after the 2001 parliamentary elections which saw the BNP returning to power. It is a different matter that Khaleda Zia failed to respond to that gesture, leaving the bilateral ties to drift dangerously. That drift was arrested by Sheikh Hasina on coming back to power as she took care not only to address India’s foremost security concerns regarding insurgency



Indian Prime Minister Narendra Modi.

PHOTO: TOLGA AKMEN/AFP

in its north eastern states, but in tandem first with Manmohan Singh as prime minister of a Congress-led dispensation and then with Modi helming a BJP-led government.

Hasina and Modi have invested heavily in the relationship—politically and economically—over the last decade or so. The divergent ideological colours of Awami League and Bharatiya Janata Party have not been allowed to come in the way of burgeoning ties. This showed as much of the bipartisan support Prime Minister Sheikh Hasina enjoys in India as her own ability to not allow the ties to be bedevilled by the traditional perception about the BJP in Bangladesh. Also, Sheikh Hasina has not allowed the ties to be stuck by the unresolved Teesta river water-sharing issue which is of immense importance to vast swathes of Bangladesh.

No less significant was Modi, who worked past his party’s long-held opposition to any swap of territories with Bangladesh to help secure parliamentary nod to implement the landmark land boundary agreement (LBA) in 2015, resolving one of the major irritants in bilateral relations. Many in India had at that time attributed BJP’s about-turn on LBA to Modi’s penchant for springing surprises when it comes to foreign policy. But behind that lies India’s long-term

strategic vision in which Bangladesh occupies a key place.

There were murmurs in Bangladesh whether Modi’s forthcoming visit to Dhaka would be an appropriate move so soon after the violence in Delhi and the concerns over them were raised in that country. There is unanimity in both India and Bangladesh that riots should not have happened. But there are sharp differences between Dhaka and New Delhi over CAA-NRC. Should these differences be held against a prime ministerial visit from India after having been invited by Sheikh Hasina herself? The debate on this would continue even after Modi’s visit. But India-Bangladesh cooperation should continue to grow like it has done even after the controversial remark by Manmohan Singh, known for his careful choice of diction, in 2011, that one-fourth of Bangladesh’s population was “anti-Indian and they are in the clutches, many times of the ISI.”

A key signal sent by both Dhaka and Delhi for Modi’s coming visit is that it is not just for the “Mujib Borsho” event and there will be a “bilateral component” to it, as pointed out by the Indian External Affairs Ministry. During Modi’s stay in Dhaka, the two countries are likely to launch rail and waterways connectivity projects that would not only promote enhancing connectivity

in the Bay of Bengal area but also help position Bangladesh as an important cog in the much bigger Indo-Pacific region promoted by the United States, India and several other countries.

A project is also likely to be initiated to improve the navigability of rivers within Bangladesh that would facilitate easier waterway links between northern and southern parts of the country. Enhancing navigability of rivers in Bangladesh would go a long way in strengthening maritime trade not only with India but also beyond with South East Asian countries. At present, nearly the entire volume of cargo that travels from India to Bangladesh using the riverine route, ends at Narayanganj and Khulna and efforts should be made to expand the network of the inland waterways covering Assam, Tripura and Mizoram and other ports in Bangladesh.

With so much at stake in Bangladesh-India development cooperation, should few incidents, controversial rhetoric, non-resolution of some important issues

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and differences over citizenship issue be allowed to define such a relationship? The ideological differences between the two governments in India and Bangladesh are natural and will remain but the ties should not get stuck in the quagmire.

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CROSSWORD BY THOMAS JOSEPH

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 1 Renown
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 11 Egg outline
 12 Hard to control
 13 Champagne popper
 14 High regard
 15 Co. abbr.
 16 Longings
 17 African scavenger
 19 Singer Tillis
 22 Some sharks
 24 City square
 26 Composer Satie
 27 Makes mistakes
 28 Doctrine
 30 Print units
 31 Decline
 32 Media icon from
- DOWN**
 1 Ellipse points
 2 Stratford’s river
 3 Sousa nickname, with “the”
 4 Yellowstone grazer
 5 Hive head
 6 Open, in a way
 7 Dance and music, e.g.
 8 Color
- 9 Flamenco cry
 10 Trainer’s place
 16 “For sure!”
 18 Connector for a plow team
 19 Mad Hatter’s friend
 20 Poet Pound
 21 Highlands girl
 22 Citi Field team
 23 Open space
 25 Luke’s sister
 29 Bald spot cover
 30 Be a snooper
 33 Printer’s need
 34 Utah team
 36 Trims drastically
 37 Rainbow maker
 38 Scoundrel
 39 Paris pal
 40 DC baseballer
 41 Highway rescue



YESTERDAY’S ANSWERS

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