

## Rape survivors must have a right to compensation

*It is the state's responsibility to ensure this*

WITH the ever-increasing rape incidents taking place all across the country, discussions have been going on about how we can stop this heinous crime and ensure justice for rape survivors. However, the issue that is getting little or no attention of the concerned authorities is the need for compensating the rape survivors. While prosecuting the rapists is essential, it is also important to ensure compensation for the survivors of rape and other gender-based violence, as pointed out by the speakers at a webinar, jointly organised by Bangladesh Legal Aids and Services Trust (BLAST), UN Women and *The Daily Star* on December 2.

According to the 1993 UN Declaration on elimination of violence against women, gender-based violence must be eliminated in four stages—through preventing violence, protecting the survivors, ensuring justice, and redress through compensation. While we are lagging behind in all the four stages, we have done practically nothing to ensure redress for survivors of rape and other gender-based violence through compensation. The issue of compensation has hardly been discussed in our laws.

Under the Women and Children Repression Act 2020, a survivor can receive compensation against 10 offences, which range from Tk 10,000 to Tk one lakh, fixed by the court. The problem is, there are no specific guidelines on how the payment will be given to the victims. So, even if rapists are fined along with punishment, the amount goes to the state, not to the survivors. Therefore, we need specific guidelines on how the rape survivors will receive compensation. And in cases where the perpetrators do not have the ability to pay, the state must take the responsibility to compensate the victims.

In Bangladesh, only a handful of cases are filed against the rapists because of the legal process being extremely patriarchal, which further traumatises the victims and also because of the disadvantageous social position of the victims. The survivors who file cases even after facing so many hurdles and excruciating experiences, hardly get justice. A study has found that only three percent of all cases that are filed in connection with rape end in conviction. While this is the situation of conviction rate in rape cases, it is understandable why the issue of compensation is not getting due attention.

In order to stop the prevailing rape culture in our society and ensure justice for the rape survivors, the state must take responsibility. It is the obligation of every state to make sure that the rights of victims of rape and other gender-based violence are fully protected. Bangladesh is a party to various international treaties and laws, including the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), which advocate for compensating the rape survivors along with prosecuting the rapists. We hope our state will give due importance to the issue.

## Don't forget children with special needs

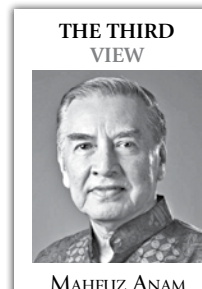
*Why is their education being ignored?*

ON the occasion of this year's International Day of Persons with Disabilities, it is essential to remember the added problems that persons with disabilities are facing due to the coronavirus pandemic, and try to address them. Among them is the hardship being faced by thousands of students with disabilities either in mainstream or in special schools.

Around eight months have passed since schools were declared closed by the government in response to the pandemic. While the government has taken some small steps to aid students continue on with their studies—or at least stay connected in some way—none of these measures have taken children with special needs into account.

According to the Directorate of Primary Education, the number of students with disabilities at primary schools and madrasas last year was 1,24,056. And in secondary school the number was 65,985. One of the stop-gap measures taken during these last few months has been the holding of online classes and lessons aired on BTV. And although it has been problematic to some degree among all students, it has been particularly unhelpful for children with special needs as each of them may have a different set of needs. This means that children with special needs may have gone nearly the whole period of school shutdown being completely cut off from their studies—unless their parents made some special arrangements. As experts have repeatedly reminded us during this whole period, being disconnected from their studies entirely for such a long time will have numerous long term negative effects on children—both on their education as well as their psyche. And it is completely unfair for children with special needs to have this extra burden added onto them.

It is understandable that the government could not initially take any special steps for them, as the scenario was completely new and there was very little reaction time. But it is not acceptable to be so oblivious to their plight for eight long months. Many of these children are now at risk of dropping out and the government, therefore, must address their needs immediately. A couple of ways the government can improve the situation is by hiring sign language interpreters and adding subtitles to TV classes. Consulting and collaborating with schools and institutions that cater to these children can also generate ways to get children with special needs back on track with their studies. Taking ideas from other countries that are much more responsive to such children will bring in new and innovative solutions to these education gaps. We hope the government will not shy away from addressing the needs of special students on a broader and more permanent basis.



THE THIRD VIEW

MAHFUIZ ANAM

WINSTON Churchill's comment in November, 1947 that "democracy is the worst form of government except for all those other forms that have been tried before" remains as

pertinent today as it was when he stated it in the immediate post war period. The fight against fascism in the Second World War led to a vigorous, enthused and genuine commitment to democracy that was soon to be, first diluted and later perverted, by the Cold War. As the ideological battle captured the centre stage ethical and moral ones—like democracy and removal of inequality—retreated into the background and later was all but forgotten.

An important side effect of the global conflagration was the triggering of the decolonisation process. Where the colonial powers dithered—like the French and the Dutch in the Indo-China arms struggle ensued and where the process was by consent, like in our subcontinent—the transfer of power was

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peaceful, although the human cost of partition was incalculable.

Compared to many other decolonised countries, the partitioned South Asia got off to a democratic start. Pakistan stumbled for its internal weaknesses while India and Sri Lanka moved on. As its eastern part, Pakistan's overall failure, especially its military dictatorships, deeply constrained our development and affected us in every way till we chalked out our own future in 1971, in search of freedom, democracy, and cultural and economic advancement.

Next year, we will be celebrating 50 years of that search in which we seem to have done brilliantly in the economic front. For us to have moved away from the "Basket case" imagery to that of a



ANDREW SHENG

DO more, talk less is the advice given by Kevin Rudd, former Australian Prime Minister, to current Australian prime minister Scott Morrison, on his war of words with China. How do you tell politicians

to shut up? As Fu Manchu might say, you are free to criticise your best customer but they are free not to buy from you. Fair, dinkum?

The world is a downright mess because the elites told the masses that with freedom, democracy and globalisation, life will be better tomorrow. Tomorrow came and the middle classes (most of us) felt that our living standards are going down, jobs are being lost and we got sold a load of myths. So the middle class voted for change, but the elites like

*The world is insecure today because the rich minority has a majority complex that it is their incumbent right to rule. On the other hand, the rising majority has a minority complex that the rich will not treat them as equals. This tense conversation between the incumbent powers and the rising powers is only just beginning.*

Hillary Clinton had the cheek to call them "deplorables". Well, we got Trump for four years, and we are in a bigger mess than ever.

Global strategist Ian Bremmer thinks that Trump is not the problem, he is only a symptom, not the cause of global troubles. He blames four underlying big causes as: American middle class wanting change, becoming anti-immigration, not wanting to be involved in foreign wars, and finally, technology creating social bubbles that cause more polarisation within society, not just in America, but everywhere. Nice words, but action on any single one issue might take a decade at

# 'How Democracies Die'

*There is much to learn from this book*

"model of development" is a leap of immense consequence, not only because it made those who stigmatised us so look like fools, but also because it brought a desperately needed self-confidence that is a crucial pre-condition for a country like ours to overcome the development challenges that we face.

Economic development aside, freedom and democracy were the other two dreams of our independence struggle. How have we done here? The first shock

but equally destructive. Democracies may die at the hands not of generals but of elected leaders. "The electoral road to breakdown of democracy is dangerously deceptive" the authors say, and "unlike in the case of brutal coups in which leaders are killed in a violent change of power and constitutions are suspended or used in their emergency mode, on the electoral road... there are no tanks on the streets... Elected autocrats maintain a veneer of democracy while eviscerating its

of opponents, including media.

Each of these indicators can be elaborated and traces of their existence found in many of our countries. Sudden amendment to change the caretaker system of election can definitely be termed as changing the rules of the game. Castigating political opponents as "enemies" is an attempt to delegitimise opponents. Nothing can exemplify attempt to curtail civil liberties and media freedom more than the Digital Security Act that has been enacted.

The authors write: "How do elected authoritarians shatter the democratic institutions? Some do it in one swoop. But more often assault on democracy begins slowly. It takes place piecemeal. It is imperceptible. Each individual step seems minor—none appears to threaten democracy. Enjoy a veneer of legality. They are approved by the parliament or ruled constitutional by the supreme court. Many are adopted under the guise of achieving a laudable public goal".

The authors offer an interesting illustration of death of democracy by comparing it to a football game. Before the game starts your need to "capture" the referee, then the lines men, and finally you change the goal posts. After all that have a game of "fair play".

So is democracy dead or dying in Bangladesh? The answer will differ and, as it is our lot to be extreme, some will say it has never been as vibrant as now and for others is it not only dead but buried deep. We think this can be said with certainty, that it is not in any healthy condition. The soul of democracy is freedom of speech and freedom of assembly, both of which presently exists only in our dreams. The time tested system of check and balance in governance is now a system of "cheque and bank balance". Parliament, which is constitutionally tasked to make laws, makes those that shackle rather than those that free. The justice system, the ultimate refuge of those who seek freedom and justice, stands as a mute spectator as people die in police custody and disappear.

To repeat, democracy is not always killed by a bullet, it can also be killed by a wrongly placed ballot. No, our democracy is not dead, it is Covid infected. It cannot breathe.

Post script: A warrant was issued last Wednesday against a Baul singer, Rita, under the Digital Security Act for hurting "religious sentiment". She was participating in a "Pala Gaan", a traditional form of musical debate centring on spiritual topics using symbolism and metaphors. It has existed as a highly intellectually stimulating musical form for centuries in rural Bangladesh in which village poets exhibit their creativity and linguistic excellence. This one warrant and subsequent legal entanglement risk the destruction of this art form through such intimidations. There has been a silent assault on Sufi and Lalou music that is gradually throttling our literary and artistic creativity.

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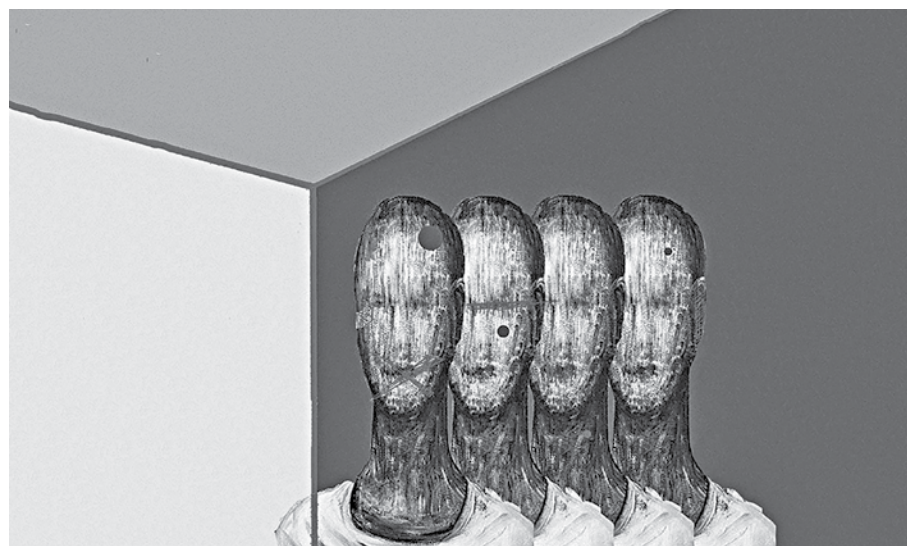


ILLUSTRATION: KAZI TAHSIN AGAZ APURBO

substance." "Many governments' efforts to subvert democracy are 'legal' in the sense that they are approved by the legislature or accepted by the courts. They may even be portrayed as attempts to improve democracy, making the judiciary more efficient, combatting corruption or cleaning up the electoral process".

"Because there is no single moment—no coup, declaration of martial law, or suspension of the constitution—in which the regime obviously 'crosses the line' into dictatorship, nothing may set off a society's alarm bell. Those who denounce the government abuse may be dismissed as exaggerating or crying wolf. Democracy's erosion is, for many, almost imperceptible."

The above quotes from the book are not only brilliant and incisive but also relevant for many countries, including ours. The authors cite numerous examples from South America, including Venezuela and Peru, and from former members of the Soviet Union like Hungary, Poland and the Czech republic. We note populism stimulated authoritarian tendencies in Italy, France and especially in the US under Donald Trump.

From a wide range of examples, the authors formulate four indicators of how elected authoritarians subvert the very process through which they came to power. They are:

1. Rejection of democratic rules of the game.
2. Denial of legitimacy of political opponents.
3. Tolerance or encouragement of violence.
4. Readiness to curtail civil liberties

## Do more, talk less

least to solve.

Bremmer's thinking represents much of what is flawed with neoliberal Western logic that dominates the world today. Don't look at symptoms, look for the cause, fix them, and the world will be fine. This linear approach misses the systemic whole where the symptoms are entangled outcomes of complex interactions between the individual and the system. Democracy cannot fix its own structural problems, because if it cannot democratically agree on the cause, it cannot implement the right solutions. Indeed, electing someone who will be blocked democratically to act itself slows the reforms. The populists have already agreed that the neoliberal elites are the problem, which is why Biden needs all the help he can get to heal his own country, let alone the world.

Trump's place in history proves this point. He was not only the symptom, but the driver at a critical point in world history, changing the course and discourse of America, whether you like it or not.



less and do more.

Thanks to Trump, the ugly reality of buying electoral democracy has been exposed for the whole world to see. The 2020 US presidential elections cost USD 14 billion, equivalent to the GDP of the Republic of Congo with 84 million people. How many fledgling democracies in the world can afford USD 300 million in election advertising alone for the Senate seats in Georgia, with a population of 10.6 million? Implementing democracy is expensive business.

The global system has changed because America, Europe, Australia included, assumed that when the rest of the world becomes richer, they will want to become like them and play by their rules. As America has found out at bitter cost, she cannot enforce her rules on the Middle East, let alone elsewhere, because each country eventually will have to sort out their own problems in manners that Americans may not like. The legitimacy of every regime depends ultimately not on the form of democracy but whether it delivers what its citizens legitimately want and deserve, which will be very different at different times and stages of development.

Individuals can and do make a difference, but their ability to do so comes from awakening a common cause.

As a human being, Trump lacks all the empathy, social graces and qualities you normally associate with top leaders. But 73 million and 47 percent of the American voters stood by him irrespective of these personal flaws, because to them, he delivered change (never mind the train-wreck), tried on immigration, withdrew from foreign wars, and exploited the Twitter technology to connect directly with them. He did something but talked too much. To succeed, Biden will have to talk

In blunt terms, if democracy demands that every adult in the world has a vote, the one billion votes in the rich Eurocentric countries would be in the minority. They would be out-voted by the six billion rest of the world, which is why they do not want to relinquish their majority voting power in the IMF and the World Bank. The world is insecure today because the rich minority has a majority complex that it is their incumbent right to rule. On the other hand, the rising majority has a minority complex that the rich will not treat them as equals.

This tense conversation between the incumbent powers and the rising powers is only just beginning.

However, at a higher moral plane, the issue is not between the haves and have-nots, but between the "I's" and the "We's". Trump is the quintessential narcissistic "I" who cares mostly about himself, his family and power. Rabbi Jonathan Sacks, who unfortunately died last month, argued in his new book *Morality: Restoring the Common Good in Divided Times* that "Societal freedom cannot be sustained by market economics and liberal democratic politics alone. It needs a third element, morality, a concern for the welfare of others, an active commitment to justice and compassion, a willingness to ask not just what is good for me, but what is good for "all of us together". It is about "Us", not "Me"; about "We", not "I."

Thus, the current war of words is mostly about the egoistical "I". In any divorce, "I" may be right, but both parties lose. We all live in one planet, burning slowly but surely because of excess consumption and exploitation. Australia and China are amongst the largest carbon-emission offenders in the world, one on per capita basis and the other on total. If both would worry less about the "I" face, and act more to work together on climate change, the whole world, "We", would be the beneficiary.

In short, talk less, do more. Fair, dinkum?

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