

| SPOTLIGHT |

Sohagi Jahan Tonu, a student from Comilla's Victoria College, was raped and her dead body was dumped in the bushes on March 20, 2016. The incident happened inside the cantonment area where she lived with her family. Her father discovered her dead body.

That is exactly where this article starts. So a girl gets raped. From that moment till the end of the story, what hurdles will she have to face? How do experiences differ among victims? How does the media treat her? Who gives support? Who are the ones getting legal help?

Who are the ones to disappear?

After Tonu's body was discovered, massive protests broke out all over the city and continued for days. By the fifth day of protests, international media like BBC picked up on what was happening in Bangladesh. Universities across the country joined in solidarity and Shahbagh burned with a fire that simmered for a month, culminating in a hartal during late April. Even our Prime Minister had to take to the podium and reassure the masses that due justice will be done. Such a reaction for any rape from the state premier of the country is almost unheard of in recent memory.

The media provided extensive, back-to-back coverage every day. Other rape cases happening in the country barely get such attention. A look through recent records of media reports shows that of the 1,015 rapes

that were reported online, only 1069 cases were covered.

JUSTICE FOR RAPE - ABSENT?

YEAR	INCIDENCES OF RAPE	CASES FILED	CONVICTIONS
2015	1069	686	54
2016	1015	530	62
2017 SO FAR	90	46	51.1%



DATA COURTESY OF BANGLADESH NATIONAL WOMAN LAWYERS' ASSOCIATION ■ INFOGRAPHIC: SHAER REAZ

that took place last year, barely any of them were provided follow-up coverage. The ones that were pursued are those with related follow-up events happening in the next few days. An example of this is the case of the Garo woman raped in the capital in 2015. The Garo Students' Union kept up demonstrations leading to a few days of media follow-up.

Salma Ali, the executive director of Bangladesh National Woman Lawyers' Association (BNWLA), had an explanation about why most of the rape cases do not get the kind of public support that Tonu did.

"Tonu was a popular college student who had a social network. Her peers took a stand for her, when they saw that the case was about to become invisible, or distorted," she says. Women from lower socioeconomic backgrounds, who are often most vulnerable to rape, do not have such a support network, she adds.

The same goes for social media. No other average rape case finds as much solidarity in the cyber space as Tonu did. An aggressive social media campaign accompanied the protests and a single hashtag - #justicefortonu - caused it to happen.

A search across Facebook shows that the

hashtag appeared in at least 13,200 public posts. That is not even counting the thousands of posts that did not come up while scraping the social networking site because of privacy settings. People were not only posting from Bangladesh but also from all over the world, wherever Bangladeshis live and work.

To put into perspective - the total number of public posts about rape in Bangladesh that are not about Tonu stands only at 20,700. Only this many posts since the inception of Facebook.

"The hashtag gave parallel media coverage, outside established sources," asserts Faheem Hussain, a Bangladeshi professor at State University of New York (Korea campus). Hussain is an expert of new media in Bangladesh and has previously researched the relationship between hashtags and the Shahbagh movement in 2013.

"The hashtag informed the digital natives about what's going on and formed public opinion," he says. "It also put pressure on traditional media to compete to provide coverage on the issue. Otherwise, people would be relying on social media as an alternative source of information", he adds.

The question that arises then is this - why do the other cases not get similar amount of attention online?

Hussain argues that it's because there weren't protests happening in real life, "When a mobilisation has an offline process, only then does it also happen online."

Would mobilisation of the masses help a

RAPE DOES NOT END WITH THE INCIDENT

Very soon it will be a year since Tonu left us. A year since an entire nation stood up to demand justice for this 19-year-old. The anniversary of this monumental case makes it a fitting time to take a look at what happens to a girl after rape.

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PHOTOS: STAR FILE

latter theory provided a visual representation of a bunch of women in Talibani burkas to demonstrate exactly what Tonu should've worn to still be alive. But the largest number of posts simply expressed shock that a hijab-wearing girl too can be raped and killed.

Neither is mainstream media very far behind on being judgmental. "Even the journalists talking to the rape victims are sometimes not trained to deal with rape victims," says Ali, "especially in the villages where most of the journalists are men who are not gender sensitive."

Sometimes the attention itself is the reason why cases are not filed, she argues. "The families of victims are threatened with losing their social standing should such an event come to light."

BNWLA collated media reports of rape and found that only around half of them filed police cases.

"Less than half of the victims file cases. Those statistics suffer from underreporting. A large portion of the rape cases do not even come to the media's notice," according to Ali. The conviction rate too is abysmal. In contrast to the 530 cases filed in 2016, only 62 convictions were handed out. For 2015, the numbers were 686 and 54 respectively.

Who then are the ones not pursuing police cases? Why are victims not seeking justice?

"Most rapes in Dhaka happen in slums but it is very rare for those victims to pursue a case," she says. There have been cases when she herself went to slums to visit victims and offer them protection, but they

While most people in social media were in solidarity with Tonu, some were patronising, and even victim-blaming. The case opened up a pandora's box of discussions about rape, clothing, and character.

refused it in fear of losing their livelihoods. "Where will I live, how will I eat, they ask," adds Ali, "their body is the price they pay to survive."

Plus, nothing about the entire legal process is easy on the victim, who has to prove herself over and over again, says the lawyer. She sheds light on the whole process.

First there are the police, who are often men, and the victim has to narrate all the details to him.

Then there is an invasive forensic procedure which can sometimes also be done by men, because of a lack of females in the force.

When the trial begins, the victim has to remember and explain every single detail, which can be very traumatising for her. This is exacerbated especially during cross-examination, when the defence counsel tries all methods to refute her testimony.

"Even after all this, a case can get hung up because of political pressure or the accused could be freed on bail. This makes a victim rethink the decision to go through the painstaking legal process," Ali concludes.

Among all these processes, experts have time and again cited the forensic tests to be

one of the biggest deterrents.

Evidence of whether a woman has been raped or not is collected, using the "two-finger test". Quoting from a 2010 Human Rights Watch report, in this test, an examiner uses physical inspection to "note the absence or presence of a hymen, and the size and laxity of the vagina."

That the process is traumatising and invasive is proved by the fact that Bangladesh Legal Aid and Services Trust (BLAST) petitioned to get it banned. The petition is in the works in the court right now.

In 2015, a policewoman alleged that she was gang-raped, but the forensic procedure could not establish the fact because she was a mother of one. Citing an article from The Daily Star, the chairman of the forensic department of Dhaka Medical College Hospital (DMCH), Habibuzzaman Chowdhury, was quoted as saying, "Since she is a divorcee and has had a child, it is not possible to determine whether she was gang-raped or not." In short, the test only gives results for a certain type of case, for example, minors. Past research shows that rape survivors have to undergo the two-finger test because not all the forensic laboratories are equipped to perform DNA tests.

The BLAST petition mentions that the test results also provide forensic doctors with information that can make a survivor's sexual history a part of public knowledge.

Meaning, when a doctor does the test, he or she can then talk about a survivor's sexual life in court. The petition wants to ban doctors from doing exactly that.

"Most of the cases end up in out-of-court settlements," says Fahmida Akhter, a lawyer of BNWLA, who deals directly with rape survivors at the One Stop Crisis Centre (OCC) of DMCH. "When a victim is not brought to the OCCs across the country, her chance of getting justice decreases," she claims. These are usually women from the grassroots level, away from urban centres, away from the help of NGOs.

"Even if a victim has the courage to file a case alone, she has to depend on a local public prosecutor," argues Akhter. Rights organisations and lawyer associations play an important role in helping public counsel prepare a case - from investigation to prosecution. Not all public counsels however have been reached by these support networks. Often rape survivors find themselves battling their perpetrators alone, in a misogynistic, underfunded system.

And then there are those moments when, even when a rape victim has everything working in her favour, the case goes nowhere because of legal loopholes. Tonu is the perfect example of this. Even with the whole nation calling for her justice, it has been a year of little progress.

When Tonu's body was first discovered, a murder case was filed, not a lawsuit for rape. Provisions under the Women and Children Repression Prevention Act assure speedy trials and set time limits for investigation. Tonu's case, on the other hand, is bound by no legal obligation to ensure quick justice.

Rape does not end with the incident. The journey after is a rocky road of impunity, legal loopholes and character assassinations. Even if a victim tries to forget, tries to move on, nothing about how society is shaped makes it easy for her. It is up to debate what's more difficult - the act itself, or the life after. ■