

Who defends the rape survivor?

MOYUKH MAHTAB

WE live in a country where women who are survivors of sexual violence not only have to go against the traditional grain of society but the justice and law enforcement systems as well. Our antiquated laws, medical procedures to prove rape, the cruel character shaming and the general social impunity granted to men makes one wonder how brave a woman has to be to even demand justice.

It's been almost a week since newspapers started reporting on the rape at gun point of two university students in a hotel in Banani. We know five men have been accused, that the women have been threatened against going to the police, and that when they did go to the police, their characters were questioned and it took 48 hours to register the case. We know that among the accused is a son of the owner of a leading jewellery brand, who despite being home for days after the case filed, was not interrogated let alone arrested by the police. We know that keeping to the norm in this country, his father defended his actions. By the time the police did raid his home on May 9, a full three days after the case was registered, the accused and his passport were missing.

Yet, social media is full of people defending the rape of these two women as "divine justice" for their supposed transgressions: they should not have gone out to a "party", they should not have been friends with men, and they should have fit the narrow ideals of what the role of women is in a society. I do not know what to say to these people, for despite the reality they witness, they are blind to the concept of consent. But for those, who feel compelled to point out that for now, we should put the word "alleged" before the word rapist, or question why the women waited more than a month before going to the police, please remember the society we live in.

Let us start with why the women

waited a month before going to the police. According to their testimonies, aides to the accused filmed them while they were being raped. They were threatened that the clips would be released on the internet if they did, and also told that because of the power and money of the accused, the police would not be able to do anything to them. These women knew the consequences of going public: that they would be shamed, their characters put to the

Nation Born: The Bangladesh Papers, points out this "Good Girl-Bad Girl Dichotomy" shifts the question of ascertaining the guilt of the accused to "whether the survivor was chaste enough to have made a true accusation." She writes how under Section 155(4) of the Evidence Act 1872, "the victims testimony may be discredited by showing that she was of 'generally immoral character'."

What is heartbreaking is that despite the courage it took for these

definition and medical tests proscribed by our law also means that any delay, even due to unavailability of medical facilities, would essentially make it harder to collect forensic evidence. The laws which lay out the procedure of collection of evidence date back to the colonial period, and as such barbaric procedures such as "the two finger test" to determine if rape had occurred are still used. The two finger test rests on the presence or absence

would technically not be considered as rape. The question of consent, that is whether the woman was in agreement with the sexual act is absent from our laws and our society.

We need a change and our laws need to define rape in terms of consent. For example, the Department of Justice of Canada, defines consent as "the voluntary agreement of the complainant to engage in the sexual activity in question. Conduct short of a

subjected to similar attacks on her character. Since the legal definition of rape rests on the purity of character of the woman, her life is dissected in a patriarchal, unfriendly environment. The initial reluctance and questioning of character when filing cases, as was claimed by the women who were raped in Banani, point to an institutional structure which is far from being gender sensitive. It does not give women a safe space where they can seek refuge and justice, but from the filing of the case to the court proceeding, puts them through the trauma of having to prove that they are not immoral people who somehow "asked for it".

Then comes the "pressure"; from society and from the perpetrators. And if the perpetrators are powerful men, we even see instances where the police officer questions the women if they are filing a case to claim money from the accused. The accused might even go missing just before the police put up a show of action and end up in a different district, where they will not be found.

When women, under these constraints, still appeal to our courts of law to seek justice, it is cruel to start our discussion with questioning whether she is lying or not. We as a society cannot get over the idea that women supposedly have the upper hand or some ulterior motive when reporting sexual violence.

That is not to say that we can bypass the legal requirement of proof when it comes to rape or any other crime. That we are sometimes bound to take a stand speaks of failures of our justice system. We need policy and law reforms. We need cells at police stations and medical facilities where they will be heard and not further abused. We need institutional changes in the way the police act towards the survivors. Till then, the least we can do is not question if these women are speaking the truth.

The writer is a member of the editorial department, *The Daily Star*.



ILLUSTRATION: CATCH NEWS

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stand and that there would be enormous pressure on them and their families. The officer in charge in Banani police station BM Forman Ali, who is now on a five-day-leave, had initially asked if the women were "nortoki" or dancers from the hotel. Why else would women be at a party there? (*Samakal*, 10 May, 2017)

Questioning of the women's character is part of the criminal proceedings of rape cases. As Ishita Dutta in her paper in the book *Of the*

women to finally seek justice, as the head of forensic medicine at DMC who headed the board that examined the women says, it would be difficult to find evidence of rape if the incidents took place over a month ago. But, even if they had gone the next day, what are the chances that justice would be facilitated? It took two examinations before it was officially established that Shohagi Jahan Tonu was indeed raped before she was murdered. The legal

of the hymen – a procedure which is not only medically anachronistic, but also seems to assume only a woman who has never had any sexual relation before can be raped.

Dutta points out how while globally the legal definition of rape has evolved to the establishment of consent, in Bangladeshi law, rape is defined as "forced penetration." That is, even if a person is sexually assaulted, say at gun point, but there was no physical force used on her, it

voluntary agreement ... does not constitute consent". It then sets out the situations which would entail lack of consent such as cases "where the accused induces the complainant ... abusing a position of trust, power or authority". That is, rape would be defined not in terms of whether the woman was physically forced into the act but by whether she voluntarily consented to that act.

If these were not enough barriers, in court, the women are again

The power of thinking small and solar

DR. SEBASTIAN GROH

IS it the time to think big, again? Can only mega projects catch the country's attention and lead Bangladesh to becoming a middle income country? On the road to 2021, the Government of Bangladesh has declared, among many other goals, to reach universal electrification (currently somewhere between 62-75 percent, and a matter of heated debates) and a 10 percent share of renewables in the energy mix (currently less than 3 percent).

So does this mean the days of 'small is beautiful' are over? It certainly should not be the case!

It is important to note here that Bangladesh has been a global role model, showing how an energy transformation is brought about through household-based solar infrastructure initiated in its rural areas. Selling solar home systems through microcredit in the late 90s made Bangladesh an early adopter on a global scale, stepping into unfamiliar territory while electrifying its rural areas. But this first mover behaviour clearly paid off. Today, we count close to 4.2 million installed systems or solar systems in every fifth household in rural areas. At its peak, Bangladesh's solar home system programme sold 2,500 solar systems per day.

However, these days are over. Two major interventions have turned the market inside out. First, the Rural Electrification Board (REB) has

started to massively electrify rural areas through the national grid, powered by fossil fuels. Second, the TR Kabhika project was diversified to solar through which these systems are now being distributed for free. Both continue to have severe adverse effects on the sustainability of the globally recognised solar home system programme. Nonetheless, last month, the REB made headlines with its plan for two mega rural electrification projects in Bangladesh in order to cover the entire countryside at a cost of Tk. 143.55 billion. The plan was put in front of the Planning Commission which, in turn, raised concerns over the high cost of the two projects and REB's implementation capacity.

But should this be the sole focus of our attention? Is it really the time to only think big? Interestingly enough, given the 10 percent or 2,000 MW energy capacity target from renewable sources, despite the rhetoric, approvals, and signed PPAs for mega solar parks, as of today the country only has 167MW in solar PV capacity, out of which 90 percent stems from these small solar home systems! Let us understand these systems better as laid out in the following points.

First, a recent study conducted in rural Bangladesh has in fact shown that that on average, these solar home systems perform significantly better than the national grid in these areas. The better performance is measured through the performance of the electricity service quality, measure



Lack of integrated planning? Three to four electrical infrastructure lie on top of each other, entangled with the solar home systems, while the BDPD grid is being laid out.

along several attributes such as capacity, duration, quality, safety etc. It is time to recognise the role solar home systems have played and will play for this country's development and to stop undervaluing the level of energy access they bring. Recent implementations have shown that we can even interconnect those systems to form microgrids with a greater power supply, as a way to provide electricity both affordable and clean, while also supplying the villagers

with an extra source of income. Those and other on-site solar options are the most expedient among the technical possibilities that fit the bill in meeting the universal access imperative.

Second, the International Energy Agency estimated that approximately 70 percent of the one billion people worldwide lacking access to electricity should have electricity through decentralised systems and only 30 percent through grid extension.

Similarly, the Poor People's Energy Outlook 2017, which was released this week at the Vienna Energy Forum 2017, performed a scenario analysis for Bangladesh. In its findings, the report states that only 34 percent of those households still un- or under-electrified should most economically be electrified using the national grid (2.4 million households). Grid expansion for the remaining 4.8 million would be uneconomical, and they would be best served with

distributed solutions, almost all through stand-alone solutions (4.4 million) and only 5 percent through mini-grids. Current planning targets the complete opposite, going against economic acumen.

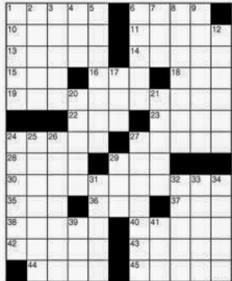
Finally, in my opinion the Planning Commission was right to return the REB offer; however, it should not only have done it on the grounds of costs and institutional capacity but also on the grounds of lack of more integrated planning. Attention should now be on how to avoid such external shocks to the solar home system sector, as well as on how we can target affordable and flexible electrification where people's actual needs are at the centre of our focus. In detail, this requires re-evaluating the role that these allegedly "small" solar home systems can play as a sustainable complimentary option to the national grid. This will enable us to use the existing resources in the best interest of the country and its Vision 2021. Imagine the combined power of more than four million individual solar PV systems put together!

Therefore, I urge the stakeholders to get together and re-evaluate what universal electrification actually means for us (and it is certainly not that everyone has access to a national grid) as well as the means by which to achieve universal electrification by 2021 for Bangladesh.

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CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 Hits with the palm
 - 6 Noggin
 - 10 Advantage
 - 11 Brings in
 - 13 Donald's ex
 - 14 Computer key
 - 15 Tennis court divider
 - 16 Mouse's cousin
 - 18 Large snake
 - 19 Dairy aisle buy
 - 22 Pub quaff
 - 23 Formerly
 - 24 Spiteful
 - 27 Kicked, in a way
 - 28 Massage target
 - 29 Diner dessert
 - 30 Crusty loaf
 - 35 Spinning toy
 - 36 Chest bone
 - 37 Gorilla or gibbon
 - 38 Dwelling
 - 40 Permitted
 - 42 Neck backs
 - 43 Put in office
 - 44 Pitched shelter
 - 45 Fathers
 - 8 Chicago paper
 - 9 Carry out, as a law
 - 12 Declared
 - 17 Yeoman's "yes"
 - 20 Consumed
 - 21 Dead duck
 - 24 Beach robe
 - 25 Circus performer
 - 26 Vatican leader
 - 27 Some pet food
 - 29 Letter after upsilon
 - 31 Wave peak
 - 32 Raring to go
 - 33 Swiftly
 - 34 Shoulder muscles, for short
 - 39 Lair
 - 41 Yale student
- DOWN**
- 1 Gin drink
 - 2 Prying tool
 - 3 Banded quartz
 - 4 Bit of wordplay
 - 5 Glittering
 - 6 Basilbased sauce
 - 7 Contented sound



YESTERDAY'S ANSWER

W I P E B R A D
L I N E R B R I T E S
A D L A I I D E A L
D E A R T H S A L A
E L I R A K E S I N
S Y D N E Y C E N T
E A R T H
F A N S I R O N E R
E P I S O D E E T E
T O T H E A R T H S
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