

## Abusing the abused

Rape victims deserve better from the police

WHERE are all the orders and instructions and directives of the authorities that lay down specifics of how women victims, particularly those that have suffered sexual abuse and violence, should be treated and how their cases should be handled? Those fiats, we are sorry to say, are being observed in their violation.

In a recent instance in Cox's Bazar, which once again exposes breaches of even the normal police practice, the complainant of a rape case and members of her family were confined in the police station for four days, and asked to pay Tk 1 lakh for their release. They were also, allegedly, forced to give false statements against their own family members, and released after paying Tk 16,000. The report published in this paper yesterday informs us that even the victim was confined and put under duress to change her statement. The irony of all this is that the man accused of the rape is at large. Predictably, of course, the police have a different version. According to them, the allegations are false and they have unearthed the truth. We wonder what allegation are the police talking about? Is it about whether rape was committed or that the identity of the accused is wrong? But that is quite another matter. We want to ask whether it is within police power to confine plaintiffs or victims of rape for the sake of investigating a complaint. It is not only a matter of law but also of that of simple human psychology and empathy. As it is, a victim of abuse, a child in this case, suffers indelible trauma and the police, by their thoughtless, insensitive, and certainly unlawful actions, add to that trauma. Yes, the truth must be unearthed, but the way the investigating officer has gone about it is the most abhorrent way of doing it. We would hope that the police authorities would take cognisance of this, and redress this atrocious aberration of police behaviour.

## Myanmar's real intent now transparent

Rohingya repatriation in jeopardy

THE foreign minister is absolutely right when he says the repatriation of Rohingyas depends entirely on Myanmar. Mere expression of willingness by Myanmar to take back the refugees is not enough. Demonstrative actions must follow quickly on the part of Myanmar. Regrettably, with every passing day the prospect of the Rohingyas going back to their own country is becoming bleaker. With the expulsion of the majority of the Rohingyas two years ago, Myanmar has put its final touches to their plans to divest the entire eastern Rakhine of the minority Rohingyas. The destruction of Rohingya villages and the Myanmar army setting up bases in this area only show that Myanmar is not prepared for the repatriation which Bangladesh hopes would start before September.

It has been quite apparent from the beginning, when the final push against the Rohingyas commenced in June 2017, and given the circumstances under which a nearly million Rohingyas had to leave and take shelter in Bangladesh, the issue of their going back was the last thing in the minds of the rulers in Naypyidaw. Expulsion of the Rohingyas was not an accident, as the foreign minister has described the development in Rakhine, but a well-planned and deliberate act.

It seems the agreement between the two neighbours was a ploy by Myanmar to buy time in order to finalise their plans of depopulating the region. The renewed persecution of the Rohingyas in the pretext of anti-insurgency operation against the Arakan army, since January this year, has reconfirmed the fact. Bangladesh has been repeatedly calling upon the international community, particularly Myanmar's two big neighbours, to take a more active and robust position on the issue and prevail upon the Myanmar authorities to take back the refugees. Merely wanting something to happen is meaningless unless that is supported by substantive action. Concrete actions are needed also by the UN to convince the Myanmar government that genocidal acts will not pay in the long run.

# Desperate times, desperate beatings?

Mob violence is the tip of a larger iceberg of public discontent



BADIUZZAMAN BAY

AS of July 23, seven people died and at least 35 were injured in mob beatings sparked off by a rumour about human heads being collected—yes, you heard it right—for the construction of Padma Bridge, the dream project of the Awami League government. So far, at least 17 districts have reported mob lynchings in this connection. However, statistics from Ain o Salish Kendra (ASK) remind us that Bangladesh's brush with such violence is neither new nor infrequent nor even totally unaccepted. According to ASK, between 2011 and June of 2019, some 826 people were killed in mob beatings across the country. During this period, the highest number of killings was recorded in 2015, when as many as 135 died, while Dhaka was witness to the highest number of deaths (350). As bodies pile up in an unceasing affront to our criminal justice system

To understand the gravity of this loss, one only needs to take a look at any of the video clips that are now circulating through the social media, showing the lynching of Taslima Begum Renu in Badda, on July 20. It was nauseating to watch as an angry crowd gathered to "punish" the single mother-of-two for her rumoured attempt to kidnap a child. Only, she didn't do it. But at that rare empowering moment in their life, those people were judge, jury and executioner at the same time. And the world was suddenly reduced to a choice between a weapon and a shield. Renu had neither. She stared vacantly, not even trying to protest or claim her innocence, as the mob in their hysterical fury beat her to death. What's even more disturbing is that these people, and those who were standing close by, watching and prodding them, betrayed no sense of understanding the rudiments of humanity and the respect that each human life deserves. In their mind, they were doing the "right" thing.

In our society, we call this "mob justice," the dispensation of justice by the people. Swift and

fit that description in one way or another. They are as troubled by their fading life prospects, if not as publicly violent, and it is because of this that such wanton act of vigilantism continues to enjoy some degree of social acceptance. There is a palpable sense of despair everywhere. People are hurting, thanks to the lack of security, lack of political stability, and lack of better living and career opportunities in the country. The feeling of desperation has reached a stage that even in our own backyard, in the so-called educated circles, an increasing number of people are explicitly or implicitly voicing support for the "shoot, shovel and shut up" approach to dealing with criminals. After the recent spike in mob beatings, there has been no shortage of social media comments from people supporting such methods. You have most likely come across comments such as "why can't they beat the rapists to death?", "why can't they beat the corrupt officials/politicians to death?", or "why did they beat someone just on the basis of a rumour?" (the underlying message being, be sure of someone's crime first before beating him/her to a pulp). One well-known law professor and public affairs commentator, after condemning mob attacks on the defenceless and innocents, said: "But I never saw a mob armed with guns, machetes or knives, confronting or at least chasing a criminal."

However, what these purveyors of justice see as righteous is, in fact, self-righteous, and through their selective support or opposition they tend to relativise the universally accepted concept of justice. We cannot possibly condemn violence on a certain people while condoning or making excuses for such atrocities on another, however deserving of punishment they maybe. This is not justice—it's what justice looks like when it is privatised, and leased out to the most dominant groups in society. But how do we check such thoughts and impulses born of desperation which seems to have invaded the deepest reaches of our existence?

So far, we have been going about it the wrong way, and are responding to the wrong set of questions. Forget about the claims by politicians. Reactions from the police authorities, who you would normally expect to be more reasonable, ranged from exasperating to disturbing. They stressed the fact that none of the mob-lynching victims were child-lifters—which isn't the point here. They parroted a familiar political theory about rumours being spread by the opponents of the government to undermine its *unnayaner agrojatra*—a well-worn rhetoric that has all but lost its relevance. They claimed that none of those arrested in mob beating cases were supporters of the ruling party—which would have made better sense had the claim been made by a spokesperson of the ruling party. They issued a stern warning against spreading rumours and urged the people not to take the law into their own hands—which signals an ignorance of how/when rumour spreads and the psychology behind mob violence. Plus, one may ask, how can the police ask people to stop what a columnist called "public cross-fire" when they have failed to set a policy of zero-tolerance against extrajudicial killings for their own members?

Mob violence is the tip of a larger iceberg of public discontent, and to address that, we should start asking the right questions and addressing them one by one. Restoring the people's confidence in the criminal justice system is the first step in that direction.

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PHOTO: STAR ONLINE GRAPHICS

and other constituted authorities, we're once again faced with a question that never ceases to haunt us: stripped of rules, social order and common sense, who are we, really?

A 2011 film called *Perfect Sense* flirts with the idea of what human beings will be like if they are stripped down to their bare humanity. It shows that the human race across the globe has begun to lose their sensory perceptions one by one. First, they lose their sense of smell. Then they lose their sense of taste, and then hearing. Finally, they lose their sight. The movie is basically a reimagining of life without these basic senses, but it stops short of showing what we would do without another sense which is every bit as essential: the common sense. We do get a hint every now and then though, from real-life situations, most notably from the recent spate of mob beatings which can be construed as a collective loss of common sense followed by a collective descent into hysteria.

ruthless, it involves an act of violence which in all its permutations is understood to be a response to the failure of the existing legal system. This may be one reason but it doesn't capture the full picture. It doesn't, for example, explain the actions of what amounts to be little more than a bloodthirsty lynch mob. What can possibly trigger such mass hysteria that comes with no prescient warnings and fades as quickly as it takes hold? To understand that, we should first recognise that mob justice is never about justice. It's never about what the victim did, or whether the punishment was deserved. Mob justice is more about the mob in question, their deep-seated fears, their fading life prospects, the feelings of insecurity and impotency that come creeping in, fundamentally altering their outlook on life, and all the pent-up anger that, justified or not, needs a violent release—and who better to direct that release to than some unknown, unprotected stranger on the street?

Unfortunately, most ordinary people today would

# Changing the narrative of rape

SHOKO ISHIKAWA

IN recent months, the national media has consistently drawn our attention to a crime that scourge our society: rape against women and children. We are aware that in 2018 alone, 496 rape cases against children were counted (BSAF data on Child Rights Violation 2018). On average, nearly 13 women and girls were raped in Bangladesh every day in the first four months of 2019.

We do also know that the number of rapes is much higher than what is actually reported.

While we welcome the fact that these crimes are widely condemned, we also recognise that they are hardly framed as a systemic form of women and children's rights violations. We rarely reflect on the reasons why, as of today, one out of three women still suffer violence in the world, and why the situation seems to be getting worse in some parts of the world. We do not talk enough about how rape is pervasive and normalised by a sexist and unequal society that values women less and does not put enough attention to women and girls' rights and safety; how patriarchy systematically drives rape and other forms of violence against women; how male dominance, entitlement and eagerness of reinforcing their power is what is at the base of a "culture of rape".

The word "rape" derives from the Latin *rapere*, meaning "to steal, seize, or carry away." Accordingly, early laws against rape conceptualised the crime as an offence against a man, be it the husband or father, whose "property" has been violated. It took years for the law to be amended to focus on the real victim, the woman, and yet globally we are very far from providing an adequate and survivor-centred legal protection system. Today, in many countries, a rapist can go free by simply marrying the victim.

When we look at the Bangladesh legal system, rape is framed in the context of morality, honour and modesty of a woman. Furthermore, survivors often face bias and discrimination in the justice system. For example, in the current legal system, the Evidence Act makes admissible in court the consideration of the character of the victim, specifically her immorality, thereby reinforcing rigid gender norms that blame and humiliate

women, and also lead to impunity. The treatment of female survivors in the justice system reflects general societal views, where a 2011 UN study found that 54 percent of rural men and 45 percent of urban men believe that a woman had to be blamed for putting herself in that situation. And even when survivors do report the crime, the conviction rate in cases filed under the provisions of the Women and Children Repression Prevention Act 2000, is extremely



worrying: only 0.3 percent in 2018.

As a result, we should not be surprised that only 2.6 percent of women took any legal action for partner physical or sexual violence.

As UN Women, we believe it is our duty to stress that rape involves and concerns the society as a whole, not simply the perpetrator and the survivor. It is our mandate to promote positive gender social norms and a more just and equal society. To do that, it is critical to inspire change by questioning our internal beliefs and misconceptions on the role and position of women and men in society.

Patriarchy and social norms have programmed women to be passive, to be polite, quiet and accommodating towards male violence and discrimination. This is also among the reasons why rape is widely unreported. There is a general stigma and shame attached to it, and often daughters are convinced by their family to stay silent to avoid bringing shame to the family. Sometimes they try to report, like in the case of Nusrat, but they are not believed and rather

humiliated, harassed and tragically killed.

What we need to stress is that rape is as much a crime as an expression of male's entitlement in a patriarchal and misogynistic society. The 2011 UN study shows that in Bangladesh, the most common motivation for sexual violence was the belief that sex is a man's entitlement (77 percent of urban and 81 percent of rural men). About 29-35 percent of men surveyed sexually abused women to take out their anger or to punish them, showing how rape is not always a matter of sex but rather of power. Our position is that we cannot fight rape through criminal punishment alone. We

need to go deeper and frame rape within male entitlement and gender inequality, and as such, recognise and internalise that we cannot stop rape if we do not dismantle patriarchy, reconstruct notions of masculinity and break gender stereotypes.

As such, we would like to call upon women and men to take a stand against the culture of rape and promote more gender equal roles. Parents can teach children about consent and the true meaning of it. We can challenge the

conventional definition of masculinity, by contesting the notion that sexual harassment and assault is simply caused by "boys being boys". Gender equality should be promoted in schools together with sex and sexuality education. Critical is to resist victim blaming and work together to amend the current legislation that is still discriminatory towards women. We all have a role to play, by avoiding being bystanders and calling out sexist jokes or language that perpetuates a rape culture and by creating a safer environment for women and men.

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## LETTERS TO THE EDITOR

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### What mob lynching tells us

Recently, we have seen a series of mob beatings that, in some cases, have led to the loss of innocent lives. But why are we seeing people behave like this?

One reason is that people have lost faith in our justice system. And who can blame them? After all, how often have we seen the rich and powerful abuse the justice system? When the justice system is used to commit or maintain societal injustice, society disintegrates in many ways. This is just one example of that, and we have seen similar things happening throughout history.

What is especially sad is that we seem to have forgotten about this as a country.

On the other hand, when people regularly see the government arbitrarily resorting to the use of force, they grow accustomed to the idea that using force, when one sees fit, is justified. Let's assume for a second that the victims of the recent mob beatings were guilty, should that justify beating them to death? No. Then why is it that people seem to believe otherwise? It is because they have seen such use of force, primarily by the government, including at times when it had no moral right to use force. We must recognise and address these problems in order to bring an end to this cycle of violence.

Khondker Hossain, Gulshan