



FOUNDER EDITOR  
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DHAKA FRIDAY AUGUST 23, 2019, BHADRA 8, 1426 BS

## Rewarding those responsible for Jaha Alam’s plight

*A dangerous precedent set by the ACC*

WE are surprised to learn that eight of the Anti-Corruption Commission officials whose faulty investigations led to Jaha Alam, a jute mill worker, being wrongfully implicated in cases filed over misappropriation of Tk 18.5 crore from Sonali Bank, were promoted and given more serious responsibilities. One wonders how such promotions can take place when the ACC’s own investigation found these officials to be responsible for Jaha Alam’s predicament. The investigation report, placed before the High Court on July 11, mentioned that “the mistake of identifying Jaha Alam as Abu Salek [the actual suspect] happened because of the investigation officials.” The probe found that none of the 12 ACC officials who investigated the case visited Jaha Alam’s house and only relied on the bank officials to find the real accused, which seems to be one of the reasons why they made such a serious mistake.

What was reassuring for us though was the fact that the anti-graft body had shouldered the responsibility of the dangerous mistake its officials had made and launched a re-investigation into the case. However, it makes absolutely no sense as to why the ACC would promote these same officials to higher positions after their negligence was revealed by the media and also by their own investigation. Although the officials’ promotions were due, according to the ACC, rewarding them with promotions at a time when an investigation was still ongoing sets a bad example.

We have learned that the commission has filed departmental cases against these officials and they can still hold their posts while the proceedings are underway. So now we hope that after their internal investigation is over, the commission would take action against these officials under their service rules. Under section 40 of the ACC Service Rule of 2008, these officials could face several penalties, including demotion, postponement of their promotion, forced retirement and even termination.

People hold the ACC in high esteem and thus expect them to be fair in treating their own officials. By rewarding their officials with promotions after they had conducted a faulty probe, which led to an innocent man losing three years of his life in jail, it stands to lose public trust.

## Why is the Khulna bypass in a state of such disrepair?

*Repair work has been long overdue*

THE dilapidated condition of the Khulna bypass road has become a major concern for not only the local residents but also the commuters who take this route to travel to and from Dhaka, Barishal, Bagerhat, Satkhira and other important districts in southern Bangladesh. From potholes of various sizes to waterlogging to the muck that it creates, the poor condition of this road results in 10 to 15 minor accidents, every day.

For various reasons, no renovation or repair work has been undertaken ever since the 2.16 km road was completed in 2013 at a cost of Tk 20.5 crore. What has perhaps aggravated the problem is the involvement of multiple government agencies in the maintenance of the road; Khulna Development Authority (KDA) and Khulna City Corporation (KCC), and Local Government Engineering Department (LGED) are all responsible for certain parts of the road. Unsurprisingly, none of these departments have done anything for its maintenance. While KDA says they have handed over an 800-metre stretch of the road to the KCC in December 2013, the latter says that they had not been informed about the transfer by their estate office until recently. This is just one of many such claims.

In view of the fact that between two and three thousand people use the road on a daily basis, including students of three privately owned educational institutions that are located along its way, it is high time the concerned authorities took this matter seriously and rolled up their sleeves to undertake immediate steps to repair the road. Although KCC has claimed that sand and bricks have been dumped on the road to make it useable, it must be kept in mind that this is just a stopgap measure. KCC also said that renovation will start after a drain is constructed. We hope that KCC stays true to its word and all concerned departments, including KCC, take immediate measures to renovate the road because without this, it will continue to pose grave risk to the people who use it.

## LETTERS TO THE EDITOR

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### Dengue outbreak getting worse

People in our country are getting no relief owing to the dengue epidemic which is only getting worse. Conditions outside the capital have also alarmingly deteriorated. The number of patients admitted to hospitals in rural areas were higher than in the capital, last week.

Most medical centres outside the capital are not even adequately equipped to treat this deluge of patients due to the shortage of manpower. These are leaving patients with fewer options, in turn, creating huge pressure on the hospitals that are tending to dengue cases. The situation has been exacerbated by Dhaka dwellers travelling to different districts during the Eid holidays.

Experts have advised people in remote areas to use mosquito nets along with other preventive measures. Destroying the breeding ground of Aedes mosquitoes is the optimum way to stop the epidemic. Solely relying on the government to bring the situation under control will not help given its severity. Locals should participate by spraying mosquito repellents, keeping their areas clean and by spreading awareness. This has to be turned into a social movement where everyone should take effective measures to control the damage.

Hadiz Zaman, by email

# Justice, where are you?

*Law does not recognise male victims of sexual assault*



SUMAIYA ZAMAN

ONE of my close friends from law school is currently undergoing psychosocial counselling for severe depression. I met him over coffee last week, and asked him about it. He refused to say a word. After my repeated requests, he told me, what I perceive is one of the most horrifying stories I have ever heard: my friend is a rape survivor. He had been “raped” by his grandfather when he was a child. While telling me the story, he broke down in tears, and left me in shock. The trauma has been so severe, that he attempted suicide, but his parents saved him. I told him he should file a case and seek justice, but my friend asked me instead: “where is justice”?

Aside from my friend, there are other men reeling from the same agony as him, who have ended their lives as they could not deal with the same trauma. Earlier this week, a man in Gazipur committed suicide after he was reportedly gang-raped and blackmailed by 10 others. Jamal Uddin, now deceased, son of late Ahad Ali from Telihati Tepirbari village of Sreepur upazila, made headlines after he hanged himself in his house after being sexually abused and blackmailed.

His family members told police that the men were demanding Tk 20,000 from Jamal for a while. As Jamal denied paying them, they took him to Bhrindaban-Badshahnagar forest in the upazila, and the 10 perpetrators abused him sexually and recorded it on a mobile phone. They later told him that if he did not pay Tk 2 lakh within the next day, they would upload the footage on social media. Jamal discussed the situation with his family and locals, who advised him to file a lawsuit, but the terrified young man ended up killing himself. He ended the story of his life without turning the page to see what awaited him in the next chapter.

But what if Jamal had filed a complaint? That decision would have been a brave move by an emotionally

shattered and traumatised man. However, would justice be served? That question needs some analysis from the legal standpoint. Thinking hypothetically, even if he had mustered the courage to report the incident, under which section would he file the case? The man was raped, an offence that falls under section 375 of the Penal Code of Bangladesh. According to section 375: A man is said to commit “rape” if he carries out “sexual

The section clearly states that for an offence of rape to be constituted, the victim has to be a female. Therefore, it follows that, even if Jamal wanted to file a complaint, his petition would have failed, just because he is a man, and according to laws in Bangladesh, men cannot be raped. Although penetration is sufficient to prove rape under section 375, the gender limitation in the definition creates a barrier for men, adolescents and younger boys to



intercourse with a woman” against her will, or without her consent, or with her consent that has been obtained by putting her in fear of death, or hurt, or when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married, or with or without her consent, when she is under 14 years of age.

seek protection under this section. That means, in the eyes of the law in Bangladesh, Jamal was not raped. That also means every male over the age of 16 cannot be raped either. That is because, the Women and Children Repression Prevention Act defines “children” as any person who is not beyond the age of 16 years.

A total of 399 children, including eight male children, were victims of

rape and attempted rape in the last six months of this year, according to Manusher Jonno Foundation (MJF). Of them, 16 victims, including a boy, died after being raped, while 44 children were victims of attempted rape. Additionally, 49 children, including two male children, were subjected to sexual harassment. While girls and women are protected by both the Penal Code of Bangladesh and the Women and Children Repression Prevention Act, little or no protection is being offered to men aged 16 and above, even though they are being subjected to sexual harassment at educational institutions or workplaces. Therefore, it can be said that Jamal would have fallen through the crack in the law, which only seeks to protect rape survivors who are women or children aged below 16. That also means, access to justice to a rape victim is being denied—on the grounds of his gender. Many organisations are working to reduce sexual harassment of women and encouraging them to speak up about sexual assaults. Slowly, some women are speaking up against sexual harassment, while many are still keeping quiet, and are reluctant to file a case. But what about those men—although much lower in number than women—who are struggling with the trauma of being sexually abused? Where will they file a case? Jamal could have filed a case under section 377 of the Penal Code that says whoever voluntarily carries out carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment, and/or a fine.

The entire dilemma lies in the gender-centric legal provisions which fail to provide adequate support to men subjected to sexual abuse. If not under section 377, men can only rely on grievous bodily harm as their last resort, however, that would also not give much respite, as the petition is unlikely to stand out. Although not as frequent as the abuse of women, there still remains countless unreported stories where men (and boys) have been sexually abused by other men. And their voices have been silenced by force or because of fear and shame. Why is that? Till today, we have no answer.

Sumaiya Zaman works at BRAC.

# Solving the climate crisis is beyond governments

CLAUDIA ORTIZ

THROUGHOUT my 10 years working in international development and climate policy, I’ve mostly heard colleagues talk about the private sector as if it was this intangible, multifaceted medusa with its own business lingo that is impossible for us policy experts to tackle: “the ‘private sector’ needs a return on investment in order to act on climate” or “the ‘private sector’ does not have the right incentives, but we need ‘private’ capital to solve this crisis.”

First, we need to untangle who we are talking about when we refer to “the

adaptation, and accessing climate finance, it seems the ball falls into the governments’ court.

We hear the usual refrain: “Governments need to mainstream climate risk into development policies” or “Governments need to act” or “Heads of State need to meet to raise ambition on NDCs [Nationally Determined Contributions that countries made to the Paris Agreement].”

But will government officials shaking hands and signing project proposals magically solve the climate crisis?

Here’s an idea: create a robust business case—whether it is by showing returns

change, economic growth is fuelling more carbon emissions, and the need for climate-resilient development is vital.

Despite a growing economy, according to the International Monetary Fund (IMF), Latin America is growing at a slower rate than previously anticipated and well below growth rates of other regions, largely due to tightening of global financial conditions and lower commodity prices.

Low investment in human capital and entrepreneurship means economic inequality and a vulnerable middle-class continues to be an issue in the region, a region that is already over-dependent on

use non-grant instruments to mitigate emissions or adapt to climate change.

The bleak reality is that we can no longer rely on grant-funded projects to cut down emissions or urgently adapt to the already devastating effects of the climate crisis.

But, remember the “private sector”? What is the contribution of wealthy investors, small entrepreneurs, and banks to this puzzle? Should they care? Is the region ready?

The good news in Latin America is that opportunities for private capital investment, which has significantly grown in recent years (for example, venture capital investment jumped from USD 500 million in 2016 to USD 2 billion in 2018 in the region) is at an all-time high.

There is also a growing sense of business opportunity amongst regional, national and private banks, investors, and entrepreneurs who understand the implications of climate risks in their value chains, operations, and portfolios.

Impact investors are financing reforestation initiatives in Mexico and climate-resilient productive landscapes in Honduras. Banks are developing innovative and flexible financial instruments to support small producers in rural Costa Rica protect their water resources through ecosystem-based adaptation.

Honey and cocoa cooperatives in Guatemala have established climate-resilient value chains by understanding the outstanding risks of climate change to their businesses. UNDP has served as a connector for these partnerships and supported on-the-ground projects which are the vehicles for these fascinating initiatives.

Taking advantage of the NDC and NAP processes, policymakers are approaching businesses, corporations and investors to see how they can contribute to finance the implementation of such plans.

Such is the case of Uruguay, Ecuador and Chile, where UNDP and its partners—including Global Environment Facility (GEF) and Green Climate Fund (GCF)—have been instrumental.

With the Latin America and Caribbean Climate Week (concluding August 23), including the Regional NDC Dialogues organised by UNDP in partnership with UNFCCC, we have another opportunity to welcome the private sector to the discussion table.

Regional and national banks, NGOs, think-tanks and consulting firms will all convene in Salvador de Bahia, Brazil, along with government representatives from across the region, to find ways of working together to fight climate change.

Claudia Ortiz is UNDP Technical Advisor on Climate Change Adaptation.

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The bleak reality is that we can no longer rely on grant-funded projects to cut down emissions or urgently adapt to the already devastating effects of the climate crisis.

PHOTO: AFP

private sector”. Are we talking about multinational corporations, wealthy investors, banks, entrepreneurs?

Secondly, unless we approach these actors with the problem, invite them to the discussion table, and hear them out, we will certainly never know the best way to get their interests aligned with climate solutions.

On the other hand, UN organisation and multilateral climate and environment funds interact almost entirely with public institutions and governments. So, when it comes to raising the bar on contributions to the Paris Agreement, climate change

on investments or economic losses due to inaction—for profit-seeking actors to financially back up an NDC or National Adaptation Plan (NAP) and activate most of the domestic heavy-lifting that is needed to make these plans a reality.

In Latin America, we see an urgent need for public-private collaboration regarding action on climate change. As far as climate justice goes, the region is on par with most African and Asian peers: their contribution to global warming is less than that of USA and Europe.

However, the mega-biodiverse region remains highly vulnerable to climate

natural resources.

This socio-economic situation is further exacerbated by climate change related catastrophic events, changes in rainfall patterns and in temperatures. It is projected that a temperature rise of 2.5 degrees celsius could have a negative impact on the Latin American GDP of 1.5 to 5 percent.

To make matters worse, grant and donor funding from multilateral climate and environmental finance sources are on a downward trajectory in the region, partly due to its “middle income” status; meaning governments are expected to