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We want higher convictions in rape cases

But is death penalty the answer?

IN the wake of protests over the ever-escalating number of rape incidents in the country, the government has decided to amend the Women and Children Repression Prevention Act, 2000, to make death sentence the highest punishment for committing rape. While we appreciate that the government wants to show zero tolerance towards rapists, we are worried that such a move, taken without due critical consideration of the implications, may actually deter suspected criminals from being convicted. The impunity enjoyed by rapists in this country is not due to the fact that Bangladesh does not have a high punishment for rape—currently the highest punishment afforded is life imprisonment—but that rapists are convicted in only three percent of the cases.

Researchers have, in fact, argued that there is an inverse relationship between the severity of punishment and conviction rates—the higher the punishment, the lower the conviction rate, as judges are less willing to pass down harsh verdicts, particularly in rape cases, where it is difficult, in the absence of a witness, to prove without a benefit of the doubt that the survivor was raped. Additionally, archaic rape and evidence laws puts the survivor, rather than the perpetrator, on trial. It is these outdated laws which need to be reformed in line with human rights standards on an urgent basis to ensure protection to victims and survivors of sexual violence.

The Reform Law Reform Coalition, comprising 17 women's and human rights organisations, have identified existing gaps in the legal and institutional framework that prevent justice for rape victims/ survivors, and laid down 10 proposals for reform. These are: Reform rape laws in line with human rights standards; broaden the definition of rape to make it non-discriminatory; define penetration to cover all forms of rape; allow proportionality of punishment and introduce sentencing guidelines; ensure justice process is accessible to rape survivors with disabilities; prohibit use of character evidence against rape survivors; enact Witness Protection Law; establish a state compensation fund for rape survivors; hold gender-sensitisation training for justice sector actors; and introduce consent classes in schools.

We strongly believe that these are the reforms that the government, as well as the protestors, need to focus on. Instituting the death penalty, without addressing any of the root causes of the problem or the gaps in the existing legal framework, will only make it that much more dangerous and difficult for women to pursue and prove cases in court.

We simply cannot afford to be so short-sighted in our demands for justice. If the government wants to show zero tolerance towards rapists, it can do so by ensuring that its administration and law enforcement does not, ever again, provide protection to rapists, and that any allegations of rape in any political party is met with the strictest of measures.

The UN is concerned by the rise in sexual violence

Bangladesh must put a stop to it now

AS protests against rape and other forms of sexual violence rage across the country in response to the recent horrific incidents, including the gang rape of a woman in Noakhali, the UN has also called for justice for the increasing trend of violence against women and children in Bangladesh. The UN Resident Coordinator has highlighted the “social, behavioural and structural misogyny” that has been manifested through the Noakhali incident.

Sexual violence has reached unprecedented levels recently, and time and again, the factors behind it have been identified as the impunity enjoyed by sexual predators. In this backdrop of extreme insecurity that women face, it is difficult to envisage any real development in the country. If we are to realise our goal of greater participation of women in public spheres, women and children have to be safe in both public and private spaces. The UN has strongly recommended urgent reform in the criminal justice system to support and protect victims and witnesses and to speed up the slow trial process. Such recommendations should be heeded if the government is serious about addressing this terrible curse that has afflicted our communities. The government, with the help of non-governmental organisations, rights bodies and the public in general, must make concerted efforts to arrest rapists and mete out punishment regardless of their affiliations to political circles.

That the UN has expressed its concern also indicates that the spate of sexual violence has caught the attention of the international community. Surely, this is not the image of our nation that we wish to be projected to the world. The government has a moral and constitutional obligation to protect all citizens, especially vulnerable groups, which unfortunately include women. It is also in its own interest to project a better image of the country on the international stage.

LETTERS TO THE EDITOR

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Women paving the way

At a time when the nation is enraged over the recent atrocities faced by women, we are proud of Nazma Begum—the Bangladesh Army's first woman brigadier general. This is not the first time she has proven herself in a highly male-dominated profession. She was also the first female field ambulance commander in the Bangladesh army, the first female assistant director of medical services, and the only female in world history to have commanded a level-2 hospital twice. She is a powerful symbol of women empowerment for a society that is yet to break free from the shackles of patriarchy. It gives me tremendous pleasure to know that she has represented our country with dignity and determination.

Ananya Banerjee, Chattogram



BLOWN' IN THE WIND

SHAMSAD MORTUZA

Y OU have near perfect vision, or 20/20 vision, if you can see the letters of an eye-chart from a 20 feet distance. 20/20 is an exciting cricket game if you can add two ounces of cricket with one ounce of baseball and garnish it with pom-poms. The year 2020, however, has been less than perfect or exciting. Thanks to Covid-19, it may very well be a year that we want to forget. Then again, it will be remembered as the year in which 100 percent of our students passed their Higher Secondary Certificate (HSC) exams.

A record total of 1.37 million students will get their grades calculated based on the primary and secondary level public examinations: JSC and SSC. This is a momentous decision which is far from perfect, yet given the circumstances, this will go into history as one of the “abnormal” compromises that was “normalised” by the pandemic-infested 2020.

The Education Minister and his Deputy cited examples of other countries in support of their decision of not holding HSC examinations this year. Almost all countries of the world have either cancelled, postponed or modified their high-stakes examinations. The HSC is by definition a high-stakes examinations. It certifies students with the credentials to move from one level of education to the next (or workforce). While the decision to cancel the examinations six months after its scheduled start will somewhat unburden the parents and students from their current worries, it will trigger new ones. Before getting into the consequences, let me ponder on the decision making process.

UNESCO published a report in April indicating how 188 countries opted to close their academic institutions, affecting the learning of 91.3 percent of total enrolled students, numbered at a whopping 1.58 billion. Our academic institutions adopted a similar measure to secure the health safety of our students. In course of time, private institutions tried to adopt and adapt by espousing technology and switching to online teaching and learning; the public system faltered. The fear over fair assessment and the accessibility to technology are the main culprits for such a hindrance.

The same fear dictated the terms of holding the national-level public examinations. For a country where infrastructure is still at its infancy, holding

on-site exams while maintaining utmost health safety rules was a no-brainer. Spreading the seating arrangement would have meant doubling the number of examination centers, and that too would not have necessarily stopped the parents crowding to the centres or examinees traveling in the public system. Even one casualty in the process would be too many. Ensuring technological accessibility to all candidates for online testing and training all teachers to administer a new form of tests would have required adequate training programmes and

Commerce or Humanities in her HSC. Although the government has assured that they will come up with compatibility formula for these students with changed disciplines, the giant exam machinery is unlikely to be case-sensitive. The hard work of many who were determined to excel will not be rewarded. Conversely, many students who not deserve to pass will get a free pass to move to the next level. The wholesale pass will further attach social stigma to these students for no fault of their own.

The real challenge, however, will be



This year will not see such celebrations from students after the publication of HSC results.

PHOTO: PRABIR DAS

orientations, which we do not have.

The other option could have been assigning grades based on school records (predicted grades of test/pre-test results). In the absence of a monitored continuous assessment, relying on the grades predicted or assigned by teachers would have been risky (given our track-record of nepotism and corruption). The government must have got their cue from the A-level/GCSE fiasco in the UK where a faulty algorithm created inequities in results: the prediction process in the UK has favoured the affluent schools, and the universities in turn are struggling to deal with the grade inflations. Calibrating results based on previous public examinations therefore seem to be an acceptable, if not an ideal, choice.

It will, however, put students with an upward curve in a disadvantageous position. There are many late-bloomers who do better after coming to the higher secondary levels or universities. Their school performance is hardly any indicator of their true potential. There are also the students who change disciplines because of their weakness in certain subjects. A science student who has done poorly in Maths in SSC may switch to

to accommodate these students at the tertiary level. It will be interesting to see how universities decide to give weightage to the aggregated marks. I am sure top institutions will make their admission tests difficult to ensure quality; whereas, the mushrooming private university sector will be thirsting for the student inflow. Those planning to go abroad will not face any new hindrance as most of the overseas universities have their own selection mechanism that requires sitting for aptitude and language proficiency tests in addition to personal statements.

The delay in the decision of cancelling the examinations begs some serious questions. It seems the government waited for long, thinking (even voicing out publicly) that the academic year in universities will begin in June. Since HSC candidates have already missed the 2020 session, they might as well as wait for the next term when the academic year of the public universities would begin in June. They did not consider the fact that many of these students would join the private system or try to go abroad.

According to a 2016 UGC report, the 34 public universities in Bangladesh provided spaces to 264,084 students.

As humanitarian crises escalate, so does child marriage

It's time we reversed this trend

BJORN ANDERSSON and JEAN GOUGH

MONA'S village was located in the far west of Nepal when the devastating 2015 earthquake struck. The temblor damaged her house but more significantly, her father did not return home from his work in India. Her family was left to fend for themselves within their remote and poor Dalit ethnic community. Then, in a further upheaval, Mona received a marriage proposal. She was just 16.

In another trauma-stricken community in South Asia, Rohingya refugee Asmot Ara was barely 14 when she gave birth to her first child. Forced to flee her village amid violence in Myanmar, Asmot travelled alone for days until she arrived at Cox's Bazar in Bangladesh. Now she lives in a makeshift settlement with her husband whom she agreed to marry soon after arriving in the camp when his family promised to take care of her.

Mona and Asmot's stories speak to an observed escalation in child marriage amid humanitarian disasters in several countries across Asia and the Pacific, including South Asia, where one in every three women aged 20-24 is married before the age of 18. Their plight shines a spotlight on restrictive social expectations and barriers that millions of girls face as they become adolescents.

Unfortunately, propelled by the perils of climate change and tensions of an increasingly globalised yet divided world, the frequency and force of disasters like these—one natural, the other man-made—will continue picking up speed. And the far-reaching tentacles of Covid-19—a global pandemic—is further exacerbating and reinforcing such practices.

Beyond their immediate havoc, the fallout from humanitarian crises is treacherous to girls' and women's rights. Besides child marriage, emergencies fuel other harmful practices such as gender-biased sex selection and gender-based violence. All of these share a common thread: the culturally sanctioned and ill-informed social and patriarchal notion

that girls and women hold less value than boys and men.

The current global health and humanitarian crisis of Covid-19 is proving no different. As forecast by the United Nations Population Fund (UNFPA), the pandemic has disrupted efforts to end child marriage and could potentially result in an additional 13 million such unions taking place globally between 2020 and 2030 that could otherwise have been averted.

Lockdowns, school closures and economic downturns linked to Covid-19 are disproportionately affecting girls, with reduced access to sexual and reproductive health services, and rising incidence of harmful practices.

The United Nations Children's Fund (UNICEF) reports that the Covid-19 crisis has plunged an additional 150 million children into poverty globally, whilst a third of the world's school children remain out of school. Both poverty and access to education, coupled with harmful social norms, are key drivers of child marriage. Not surprisingly, emerging anecdotal evidence indicates child marriages are occurring more frequently. And, we can be sure that for every report of violations to girls' rights through harmful practices, far more incidents hide in the shadows, unreported.

Now, Child Marriage in Humanitarian Settings in South Asia, a new report commissioned by UNFPA and UNICEF, confirms earlier indications that humanitarian crises do in fact result in child marriage spikes. Reported cases are only the tip of the iceberg, as referral and support systems are weakened. The report's launch aligns with this year's International Day of the Girl which demonstrates global solidarity towards upholding girls' rights and amplifying their voices.

For many impoverished families with young girls, child marriage may seem the only viable solution to the socio-economic problems compounded by emergencies. But this option represents negative coping strategies. Indeed, the



PHOTO: UNFPA

underlying drivers of child marriage persist and even intensify all the more in disasters.

The report finds that in times of crisis, communities already disposed to this human rights violation are particularly vulnerable to the practice. Behind the guise of keeping girls safe and preserving family honour, is one of the most entrenched and corrosive norms of all: gender discrimination, fuelled by patriarchy and the chauvinistic desire to control adolescent girls' sexuality and reproduction.

However, countries can, and should, seize opportunities to mitigate the situation and safeguard the gains made towards stamping out harmful practices made in recent years.

The report recommends that governments must strengthen laws, policies and programmes all the more and be diligent in monitoring their impact, including in the context of humanitarian response. However, as policy and legal frameworks are strengthened, attention

Colleges under the National University and the Open University offered spaces to another 2,300,053 students, with technical institutes adding another 89,723. In the same year, private universities accommodated 337,157 students. A government should have a 20/20 vision and be mindful of all its stakeholders—not just public ones.

The figures suggest another Achilles Heel of our education system. Even if all institutions admit their full quota, five lakh students will not have a seat in the tertiary system. There should be an immediate strategy to address the issue before the publication of the results. If the country wants to pivot on the demographic dividends, it must have a clear vision to transform this youth force into a workforce. There should be an inventory on the role of higher education. At the same time, there should be alternative measures to give voluntary, entrepreneurial and life skills to these students who would not find a slot in the tertiary system.

The students who have waited almost a year (and continue to wait) must be mentally distraught by now. The admission worry will add to their mental condition. Again, a clear policy on the psychological well-being of these students are required. The government must incentivise the educational institutions to come up with the necessary student support services. Dealing with this new batch will require sensitivity and empathy. The large scale stigma of 100 percent pass will do them a serious disservice. Media can play a positive role in this regard.

The session lag in the public universities has demonstrated its inability to adjust to the new normal. The indecision, caused by a mixture of indifference and ineptitude, deterred the public universities from moving to online teaching. It is imperative that the public system ups its game to tackle the situation.

The private universities, on the other hand, will be self-motivated to attract these students with services lacking in the public system. Many of these universities have been suffering from a serious shortage of students as there has not been any new student in the system for the last three terms. If the government further delays publishing the results, many smaller universities will simply perish. Already many universities have gone for lay-offs, halved their staff salary and curtailed benefits.

The stakes are high. And there is not a single moment to tarry.

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also needs to be paid to the possibility that child marriage may go further “underground”, as social and legal sanctions against the practice may prevent reporting or access to support services.

Efforts to bolster girls' and women's economic and physical security—grounded in gender equality and human rights—should be prioritised, including in disaster response. Support for girls who are married, for example, to remain in school, are critical to both their own long-term wellbeing and eventually that of their children. And, not least, comparative data on child marriage across a range of settings can help organisations and district officials understand its true scale and trend. Governments and civil society should work together to fill this dire gap.

Ultimately, our report indicates that out of crisis may come opportunity. Humanitarian settings could open doors which can be leveraged to enable action against child marriage, with girls empowered to be change agents within their own communities.

In Nepal, for example, more adolescents found their voice to resist marriage after the 2015 earthquakes, when government, UN partners and non-governmental organisations' relief efforts made education and other services more attainable in affected communities. Gender-responsive social protection measures were introduced to increase resources within households and support linkages to referral networks.

In fact, unlike her two sisters, Mona successfully refused the marriage proposal she received after the earthquake destroyed her village. “In my village, most of the girls get married young,” Mona explains. “But I won't do that. I have a dream to be the first Dalit teacher of our village.”

We know what works to end child marriage. For International Day of the Girl tomorrow, let's pledge to stay the course.

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