

16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

# ‘Misogyny embedded in the legal system has to be addressed’

*Advocate Sultana Kamal is a human rights activist and the founder president of Manabadhikar Shongskriti Foundation (msf). In this interview with Afia Jahin of The Daily Star, she speaks about what perpetuates violence against women in Bangladesh, and the steps that individuals, institutions and the state can take to combat it.*

What are the prime reasons behind the increase in sexual violence against women, especially during the pandemic? Is it the culture of impunity enjoyed by men in power, or our archaic laws? Do you think the state is sufficiently committed to ending violence against women?

There is no doubt that it is generally due to the culture of impunity enjoyed by men connected to power that we have failed to bring down the rate of sexual violence against women, despite so many years of struggle by rights activists. Yes, in some cases it is also the set of archaic laws that is responsible for the failure in ending sexual violence against women. Some of these laws are inherently anti-woman. The reason for the increased rate of such violence during the pandemic is said to be the particular situation of squeezed space between individuals. People were confined to limited physical spaces, where scope for conflicts and confrontations increased significantly. But in my opinion, it is mainly the deeply ingrained misogynistic psyche prevalent in families, defining our personal relationships and interactions based on gender, that triggers an increase in the violent treatment of women in any given situation. We, however, must recognise that the state has taken certain steps to deal with the issue in favour of women from time to time—such as pronouncing policies, making very stringent laws, etc. But the lack of strong political will and sincerity to stand up for women and protect their rights and dignity by the state components—from lawmakers to the implementers at the lowest level—makes us wonder if the state is sufficiently committed to actually ending violence against women. More often than not, state actors send the opposite signal to society regarding their stance on ending sexual violence against women.

In general, victims often cannot go to the local authorities for help, especially in the rural areas. How do you think the existing resources can be strengthened and made more accessible to the female victims of violence, so that they do not necessarily have to physically go somewhere to seek justice?

If we look at our constitution mindfully, we will see that a lot of emphasis has been given on enhancing the standard of life of the rural population. It is not only in terms of economic development. The constitution pledges to strengthen the local government system sufficiently to provide all necessary services to the rural population wherein access to justice has been given a very important place. Establishment of village courts can be one example here. Various recommendations have also been presented by concerned citizen groups to lawmakers throughout the decades, such as conscientisation and education of both the



Sultana Kamal FILE PHOTO: STAR

receivers and givers of justice, reform of legal procedures, building proper institutional facilities (including a competent Alternative Dispute Resolution System) at local levels, etc. In addition, training on gender and children’s rights have been recommended as ways to strengthen existing resources and make justice more accessible to female victims/survivors of sexual violence without them having to physically travel out of their own areas. The problem lies in the weak implementation of these endeavours.

*It was found in 2019 that only three percent of cases relating to violence against women and children result in convictions. How can this poor rate of conviction be improved so that there are more cases where the victims get justice?*

First of all, a strong conviction on the part of relevant institutions to provide justice to

the victims/survivors of sexual violence is necessary. It is also important to strengthen the capacity of these institutions in terms of increasing the number of courts, appointing the required number of judges, and ensuring transparency and honesty in the administration of justice.

*It often seems that our legal system allows victim-blaming. As such, why have we not been able to abolish the Evidence Act? Does it reflect the misogyny embedded in the legal system? Do you think eliminating this act, if it happens at all, will be enough to make sure that victims are not further victimised in court?*

Eliminating the section of this act that is related to proof of sexual violence will definitely be helpful, and a step forward in making the justice system women-friendly. But eliminating the act only will not be enough to make sure that victims/survivors are not further victimised in court. As I said earlier, the misogyny embedded in the legal system has to be addressed to ensure fairness to women seeking justice against sexual violence.

*As with any social issue, violence against women also needs to be combated on the individual level as much as on the national level. But given how deeply entrenched this issue is in our society, what can conscious individuals do to help reduce violence against women? What kind of reforms are needed in the police force and legal system to make sure that victims get justice?*

There has to be a common culture nurtured in society by individuals and conscious citizens so they feel morally duty-bound to speak up against all kinds of violence—particularly violence against women. It has to begin with raising one’s voice against sexual violence in the family, spreading that voice to the societal sphere, and also creating pressure on the state to take all appropriate measures

to protect women in and outside the family, and these efforts have to be constant. Gender equality education and training for all is also required in order to weed out people’s tendencies to allow violence against women. This has to happen at schools, universities, and all state institutions, including law enforcement and judiciary. Legal reform in family laws as well as the Evidence Act is another important area to work on. It is also high time we paid attention to follow the directives given by the High Court to end sexual violence against women in 1999 and 2016.

*How do we make communities more protective of women and girls? What kind of strategies can be adopted to combat violence against women and girls in private and public spaces? Do you think our formal education system can address this issue?*

The present formal education system that we follow is openly discriminating and gender-insensitive. It requires a serious effort to imbibe the principle of equality and equal dignity for women in our social and community psyche—something which has not been given enough importance or attention by the policymakers. Our society is generally aware of women’s rights and empowerment now, but still has problems in accepting women in equal positions as men at home and outside. Rather, there is either an explicit or implicit approval in the community for sexual violence against women—as if in retaliation to the reality of women’s increasing emancipation in every sphere of life. This is seen as a threat by our society, which is informed by patriarchal concepts of women-men relationships. I believe that an appropriate educational and cultural strategy should be considered with high priority to combat violence against women and girls in private and public spaces.

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## Is quality education possible in the affiliated college system?



THE crisis of general higher education in affiliated general colleges has become a cause for concern in Bangladesh. Particularly worrying is the high rate of unemployment among the graduates of affiliated colleges:

according to a recent study by the Bangladesh Institute of Development Studies (BIDS), around 66 percent of graduates from colleges affiliated with the National University are unemployed. Affiliated colleges have lost their credibility as higher education providers to society and the economy at large. When one considers that the affiliated college system of higher education has been working successfully in some South Asian countries, particularly India, one is forced to ask: Why has the system not been working successfully in Bangladesh? How does our system differ from that in other countries?

Prior to the Partition in 1947, the British rulers founded a network of colleges to educate the citizens of the subcontinent, a part of which was Calcutta Presidency College, established in 1817. Following the pattern of the University of London, the British rulers founded three universities, including the University of Calcutta. The Presidency College was the first college affiliated to the University of Calcutta. During British rule, the affiliating colleges were only providing higher education in the subcontinent—there was no concern about the quality of said education. So, the system of affiliated colleges has existed in this region for more than 150 years.

Currently, the University of Calcutta has

160 affiliated colleges and institutions, the University of Delhi has 66 affiliating colleges, the University of Punjab has 85 affiliated colleges, and the Tribhuvan University of Nepal has 600 affiliated colleges. In Bangladesh, the National University has 2,260 colleges across the country affiliated to it, while 15 other public universities collectively have 110 affiliated colleges. The affiliated college system exists in the UK as well. As of 2021, the University of London has 20 affiliated colleges of higher education, while the University of Cambridge has 31 affiliated colleges, among others.

In Bangladesh, the National University is the largest provider of higher education, as with the network of 2,260 colleges, it enrolls approximately 70 percent of the total students at the tertiary level of education.

Last year, six expert committees constituted by the Secondary and Higher Education Division (SHED) investigated the current situation of the affiliated colleges in the country, focusing on these areas: a) access and equity; b) quality and relevance; c) management of colleges; d) financing of colleges; and e) science and information and communication technology in education. After their investigation, they produced six reports highlighting the problems in the current system. Among them, acute shortage of teachers, lack of classrooms, lack of purposely built libraries, inadequate stock of books, and lack of laboratory facilities as well as properly trained assistants are some of the key problems that the committees found in the system. The most stunning revelation was the process through which a college becomes affiliated with a university.

In Bangladesh, an intermediate college is affiliated to the National University as a general higher education college (except professional colleges) after successfully



The National University has 2,260 colleges affiliated to it. FILE PHOTO: STAR

operating as an intermediate college. But after getting affiliated to the university, the college does not rescind its responsibilities of intermediate education. That means a higher education college runs two different streams of education—higher secondary and undergraduate—simultaneously, where a teacher who teaches students of intermediate classes, also teaches undergraduate students. This is one of the fundamental peculiarities in the provisions regarding the affiliation of colleges with the National University.

Because of the coexistence of two different streams of education in a single institution, the status of a college in public policy documents is unclear, and consequently, the status of a teacher from an affiliated college

is unclear, too. To elaborate the matter further, in an affiliated college, a teacher is to teach courses of various types, and there is no scope for specialised teaching as we see in universities, medical colleges, and technical institutions. The ambiguity is also reflected in the public policy relevant to affiliated colleges. As an institution of higher education, the affiliated colleges do not receive increased funding from the government. Even as a regulator of higher education in Bangladesh, the University Grants Commission (UGC) does not have any authority on the affiliated colleges.

Compared to that, in India, an affiliating university integrates a college of higher education by granting the institution the

status of “deemed university” at its inception. And the affiliated colleges never offer intermediate education. Hence, the status of an affiliated college and its teaching staff is clear to the policymakers. In India, the university regulator monitors and supervises the state of higher education in the affiliated colleges, treats the teaching staff the same as the university teaching staff, and provides state grants like it does to public universities.

In sum, the affiliated college system in Bangladesh is completely different from that in India or other countries, even though the roots of these systems are the same. The key weaknesses in the system in Bangladesh are two: Firstly, the size of the network of colleges under one university (National University) is huge; secondly, the coexistence of higher secondary and tertiary educations. Because of the huge number of affiliated colleges, the affiliating university is barely capable of supervising and monitoring the entire network. Secondly, although the National Education Policy, 2010 has recommended making intermediate education an integral part of the secondary education system, it has yet to be implemented. Under the current arrangement of the affiliated college system, we cannot achieve and provide quality higher education. However, there is hope as the government has been working to prepare a strategic plan to make some required reforms of the existing system. The strategic plan has many problems to solve, and we expect that it will address the fundamental structural flaws in the affiliated college system. The policymakers may take a leaf out of the book of the countries who have been successful in implementing this system, and apply the lessons that are relevant to our country.

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Shamsul Arifeen Khan Mamun, PhD, is consultant at College Education Development Project (CEDP).

CROSSWORD BY THOMAS JOSEPH

ACROSS

1 Dole (out)

5 Fathered

10 Church replies

12 Sports setting

13 Makes holy

15 Greek vowel

16 Go bad

17 Dieter's no-no

18 Mail, as payment

20 Tempo

21 Work group

22 Esthete's concern

23 Resort spots

25 Barking beast

28 Pays to play

31 Jealousy's kin

32 Wall Street

type

34 Top card

35 Architect I.M.

36"— had it!"

37 Seizes

40 Heart, for one

41 Plain to see

42 Garden pests

43 Fruit drinks

DOWN

1 Spiked clubs

2 Hams it up

3 Lease signer

4 Print units

5 Homer's son

6 Pitcher's stat

7 Succeed

8 Short play

9 Tries a bite of

11 Letter strokes

14 Melds

19 Like some newspapers

20 Lasagna or linguine

24 Opera's Caruso

25 Manatee

26 Cry from the audience

27 Get even for

29 Ready for print

30 Harsh

33 Takes a breather

35 Sewing aids

38 Craze

39 Director

DuVemay

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TUESDAY'S ANSWERS

A L D A P L E A D

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S P E N T E D D Y

QUOTE

Quote

YUVAL NOAH HARARI

Israeli public intellectual and historian (born February 24, 1976)

It's the oldest trick in the book—divide and rule. The way to power for a dictator is to divide society, to create distrust between citizens because, in order to function, a democracy needs trust between the citizens. I must trust that the other party, my political rivals, I don't agree with them, maybe I even think they are stupid, but I don't think they are evil. I don't think that they want to harm me. That's the basis for democracy. Then even if I lose the election, I'm willing to accept the verdict of the majority of the citizens. But if I think the other party, they are not my rivals, they are my enemies. They want to destroy my way of life. They want to enslave me. Then I will do anything legal or illegal to win the elections. And if I lose, I will not accept the verdict. So in this situation, you can have a civil war or you can have a dictator. A dictator doesn't need trust between citizens. Actually, it's better for a dictator if people fear and hate each other, then they can't unite in order to force the dictator out. Dictatorship, in this sense, is like a weed. It can grow anywhere, but democracy is like a delicate flower. It needs pre-conditions to succeed. And one key prediction is trust between the different segments of society. And what populists do all over the world is the same trick. They locate pre-existing wounds in the community, places where people disagree. And instead of trying to heal the wounds, they stick their fingers into it and try to enlarge it and inflame it as much as possible to destroy the trust between the citizens. And they offer themselves as the leader for one tribe. It's no longer a community; it's now warring tribes, and they place themselves at the head of one tribe promising to defeat the other.