

16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

Refusing to Conform in Digital Spaces



SHOSHI (not her real name) runs an online business on Facebook. This means having to deal with unwanted messages from men

on a regular basis. Sometimes, these even include pornographic videos. A university student and young entrepreneur, Shoshi spends much of her time online, communicating with friends, staying abreast of news and views, and even making it a point to write positive comments on public posts which receive a lot of negative comments.

Once, when Shoshi congratulated a celebrity on her maternity photo shoot post, a man sent her a private message, saying that such photo shoots were vulgar. Then he began to send her pictures of himself, followed by images and videos of his genitals. Shoshi's own photos have been used to create fake social media profiles. When she wrote an article on the importance of financial independence for women before marriage, she was attacked in the comments section for spreading "filth." She even received messages through an anonymous app from people at her university, saying that she should wear more decent clothes, or else...

These are just some stories, of only one woman. Research in the Bangladesh context has found that over 70 percent of women are subjected to online harassment, with the majority of them aged between 18 and 30 years. Receiving abusive comments and profane messages, offensive images and videos, and having one's photos distorted and distributed or used to create fake social media profiles are a part of everyday life online for women and girls. Revenge pornography—disclosing private sexual images without consent—and photographs and videos of rape are used to harass or intimidate women into entering or continuing relationships, or for blackmail.

From catcalls on the street to molestation in public—and private—places, sexual harassment of women has been widespread in physical spaces. With the development of communication technologies, the internet and social media, this has spilled over to virtual spaces as well. A range of research on cyberbullying, cyber-aggression and cyber-hate has found that women are subject to substantially more online hate than men. The nature of harassment is also different, with men experiencing more name-calling and physical threats, while women are more likely to experience severe forms of sexual harassment. Such research argues that the gendered hate online is in fact rooted in traditional misogynistic discourses, which insist on the inferiority of women, the "natural" dominance of men, and on restoring women and men to "their places."

Gendered online harassment is essentially offline misogyny moved to a new medium. It tends to rely on "hyperbolic and sexualised derision, and it commonly includes charges of unintelligence, hysteria, and ugliness in combination with threats and/or fantasies of violent sex acts which are often framed as 'correctives,'" according to Dr Emma Jane of the University of New South Wales in Australia, whose work focuses on the social implications of emerging technologies. Online harassment comes with additional challenges, such as its rapid spread, long lifespan and potentially anonymous nature. The anonymity factor also causes an "online disinhibition effect" among harassers, enabling them to disassociate their "real" identities from their online actions and act in more negative ways online than they would in real life.

The truly insidious thing about gender-based harassment is that it conveys a message to women as a group, reminding them of their "rightful place" in the social hierarchy. As a result, women may feel that they don't belong in the public sphere, and become more cautious about or even withdraw from expressing their opinions and participating in public debates. According to Dr Barbara Perry,

director of the Centre on Hate, Bias and Extremism at Ontario Tech University in Canada, group-based harassment—for example, against sexual and other minorities—has wider consequences and is more painful, because it affects not only the direct victim, but also the wider community sharing the victim's identity traits, even those who have no personal experiences with

women what they should wear, say, write, do, think; they send lewd pictures, make sexual propositions. Classmates and friends comment on pictures saying they're "hot" or send messages saying they're feeling "horny," asking to have sex. One woman interviewed for this article said that receiving messages with sexual innuendoes, propositions and vulgar pictures from strangers

and other animals. While women in T-shirts or sleeveless blouses are referred to as "naked," women in burqas are asked to wear loose-fitting ones which do not reveal the shape of their bodies. A woman I spoke to for this piece, who maintains *purdah* and niqab, said that her pictures were circulated by men wanting to know if she's "sexy," "hot or not," asking her friends to share "hot pictures" of her.

Shame, anger, fear, insecurity, distrust of men, trauma—these are some of the emotions felt by women subjected to such violence. Some women remove men from their friend lists, and even start to avoid men in the real world. Some stop posting pictures and comments, or withdraw from social media altogether. Some women overcome their trauma, but others continue to live with the consequences, such as emotional distress, self-censorship, withdrawal from social media and other online spaces, and even self-harm and suicidal ideation.

Women who face online sexual violence often don't seek legal redress, fearing social stigma and further harassment by law enforcement agencies. Those who wish to take action are often discouraged by their families, friends, teachers and employers. One woman interviewed for this article said that she had screenshots and voice messages as proof of harassment by a university batch-mate, but when she complained to her teachers, they asked her to pray, wear *purdah*, and forgive her harasser, because "forgiveness is a virtue."

How long can we allow this to continue? Online sexual harassment must be recognised as a form of violence, against which action must be taken, and where the perpetrators and not the victims are blamed and shamed. Education programmes and digital literacy are the key here, with young people being provided knowledge not only on ICT, but on online safety and etiquette, cybercrimes and their consequences, and technologies of power as well. Legal mechanisms need to be strengthened towards creating awareness, prevention and consequences of cybercrimes. The legal process must be made more accessible and secure for survivors. Acknowledging online harassment as violence is the first step towards ensuring that justice is done for crimes which leave no physical bruises, but which can change people's lives forever.

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The abuse that women face online in Bangladesh is a form of gendered violence, and is no less traumatising than abuse in real life.

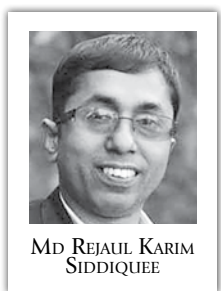
GRAPHIC: ZARIF FAIZ

harassment or hate speech. "Technology violence" is a term that has been coined by Dr Jenny Ostini and Susan Hopkins of the University of Southern Queensland in Australia to highlight the ways in which technology is used to assert control and power where, essentially, only the method is different from traditional forms of violence. Although this notion is yet to be widely accepted in our society, online sexual harassment or "technology-facilitated sexual violence and harassment" leaves women feeling no less violated. We have all experienced this violence in some form or another. Strange men send messages telling

is disgusting, but getting them from known people is traumatising. Multiple research work on online sexual harassment of female academics and journalists indicate that women who speak out are under threat of being attacked, and that harassment is a means to silence them. Whether women are politically vocal, socially active, or just personally present on social media, the nature of online abuse against them is rooted in deep misogyny. Their appearance, clothing and character are attacked; they are labelled as "sluts" and "prostitutes"; body parts such as breasts and hips are commented on; they are threatened with rape, often by dogs

Sometimes, former romantic partners expose private moments of relationships that have ended in order to ruin women's reputations. Tania (not her real name) had made several attempts to break up with her boyfriend but in vain. When she was finally able to do so, within minutes of the break-up, her personal photos were shared in social media groups, leaving her and her family feeling ashamed and helpless. When she went back to university a week later, things seemed normal enough, but behind her back, people were pointing at "that girl." Her family would not allow her to take legal action, but have been consulting a psychiatrist to help her deal with the trauma.

Let people with disabilities into our judicial service



SUDIP Das, a person with visual disability, has always aspired to join the judicial service of the country. He obtained LLB (Honours)

degree in 2014 and LLM in 2016, from the Department of Law at Chittagong University, and since then has been diligently trying to enter the judicial service. He attempted to take four successive—11th to 14th—Bangladesh Judicial Service (BJS) examinations, regulated by the Bangladesh Judicial Service Commission (BJSC). Because of his visual impairment, he asked for permission to bring a scribe into the exam hall to be able to take the recruitment test. Not once did he get the permission. In his latest attempt, Sudip applied to take part in the 14th BJS exams, but his application was rejected by the BJSC on September 19, 2021. On September 25, the day of the test, Sudip entered the exam hall and then walked out in silent protest against the discriminatory recruitment process of the BJSC.

According to various reports, as well as the experiences of individuals with some form of disability and the organisations that advocate for them, there is a crisis in Bangladesh regarding the employment of people with disabilities. Despite strong legal protection in place, a large number of young people with disabilities are unemployed even after completing higher studies from universities. The stigma of unemployment, combined with that of having a disability, has jeopardised and dehumanised the lives of youths with disabilities in the country. As Bangladesh, along with the rest of the world, observes the International Day of Persons with Disabilities today (December 3), this article intends to review the existing legal framework related to employment and their implementation status.

According to the constitution of the country, existing laws and various international human rights instruments, the recruitment process of government and non-government organisations should be inclusive of persons with disabilities, based on the principle of non-discrimination. Article 29 (1) of Bangladesh Constitution guarantees equal opportunity for all citizens regarding employment or office

in the service of the Republic. Any action or inaction of the government or any law that may exclude people with disabilities from employment opportunities is unconstitutional.

In addition, Bangladesh is party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). As a ratifying state, Bangladesh is responsible for taking appropriate measures to eliminate discrimination on the basis of disability by government and non-government organisations in accordance with Article 4 of the CRPD. The country is also responsible to eliminate discrimination on the basis of disability from the overall recruitment process, per Article 27 of the CRPD.

In compliance with the UN convention, the Bangladesh government has enacted the Rights and Protection of Persons with Disabilities Act, 2013 (RPPDA). Pursuant to Section 16 (1) (i) of

the existing laws of Bangladesh, any recruitment system should be accessible to and inclusive of people with all kinds of disabilities.

According to Section 2 (20) of the RPPDA, discrimination means treating people with disabilities differently—and unfairly—compared to people without disabilities. Unfair treatment constitutes depriving a person with a disability, acting in a biased manner, or refusing to provide any privileges or benefits due to their disability, or providing less privileges or any other benefits prescribed by the government. Section 36 (1) of the act expressly prohibits discrimination based on disabilities.

Sub-rule 4 under Rule 5 of the Bangladesh Judicial Service (Formation, Appointment in the Service and Temporary Dismissal, Dismissal and Removal) Rules, 2007, and Article 10 of the Entry to the Bangladesh Judicial Service Order, 2007, refer to the health

examination, then it would be appropriate to make a decision based on the advice from the National Coordination Committee.

Taking all these regulations and the law into account, legally the BJSC was obligated to make arrangements so Sudip could take the recruitment test, including a scribe. Whether or not he would be appointed to the service could have been decided after his performance in the test and his review by the Medical Board and the National Coordination Committee. Failing to do so, the BJSC violated provisions of the constitution and the RPPDA, and the CRPD mandates. Such failure, coupled

with excessive use of authority and unlawful practices by an organisation that is responsible for regulating the recruitment of judges in the country, is detrimental for the rule of law and good governance in the state.

People with visual disabilities have been regularly participating in different recruitment processes in the country, including the Bangladesh Civil Service (BCS) exams, with the help of scribes. Why would they not be given the same opportunity in our judicial service? Sudip Das filed a writ petition with the High Court, seeking justice; unfortunately, the court recently dismissed his application. We hope he will get

justice from the Appellate Division.

People with visual disabilities in other countries—including Pakistan and Kenya—have been successfully serving as judges in the High Courts and the subordinate courts. The judiciary of Bangladesh is strong and is becoming increasingly modern. I expect that the existing barriers to the recruitment of people with visual disabilities into our judiciary will be removed, keeping pace with the modern world. In order to achieve that, necessary legislative reforms should be undertaken on an immediate basis.

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With the right tools, people with visual disabilities can make valuable contributions to our growth as a nation.


FILE PHOTO: AFP

this act, every person with disability shall have the right to employment in public and private sectors. In other words, the recruitment process in all organisations should be such that people with all types of disabilities can participate in said process. Recruiters cannot put any condition in place that may exclude applicants with disabilities from the recruitment process at any stage. Meanwhile, according to Section 16 (1) (m) of the RPPDA, individuals with disabilities have the right to reasonable accommodation at work. Section 35 of the same act states that a person with a disability shall not be deprived or discriminated against or barred from engaging in any suitable work on ground of disability, subject to eligibility. According to

qualifications of a candidate and are relevant only for those applicants who pass preliminary, written test and viva-voce stages. The authority to certify after this health examination is also in the hands of the medical board constituted by the director general of health services. The BJSC does not have the authority to disqualify a candidate due to health reasons before the health examination.

The National Coordination Committee constituted under the RPPDA has the sole authority to issue directives in case any question arises as to which job would be best suited for which type of disability. Therefore, if a candidate with visual disabilities passes all the assessment stages and becomes eligible for the

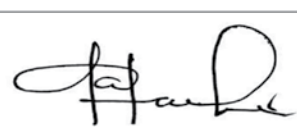
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যশোর বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়ের প্যানেল আইনজীবী নিয়োগের শর্তাবলীঃ

ক্রমিক নং	বিবরণ/শর্তাবলী	মন্তব্য
০১.	আবেদনকারীর নাম, পিতা/স্বামী/মাতার নাম, স্থায়ী/বর্তমান ঠিকানা, মোবাইল নম্বর ও বয়স ইত্যাদি উল্লেখ পূর্বক পূর্ণাঙ্গ জীবন বৃত্তান্ত।	
০২.	আবেদনকারী আইনজীবীকে চাকা/যশোরে স্থায়ীভাবে বসবাসরত হতে হবে।	
০৩.	আবেদনের সাথে সদ্যতোলা দুই কপি পাসপোর্ট সাইজের ছবি, জাতীয় পরিচয় পত্র ও সকল শিক্ষাগত যোগ্যতার সত্যায়িত কপি জমা দিতে হবে।	
০৪.	বাংলাদেশ বার কাউন্সিলের সদস্য, পেশাগত সনদ এবং অভিজ্ঞতার সনদের সত্যায়িত কপি জমা দিতে হবে। সদস্যকে সংশ্লিষ্ট বারের নিয়মিত সদস্য হতে হবে।	
০৫.	(ক) বাংলাদেশ সুপ্রিম কোর্টের আইনজীবী হিসাবে ০৭ (সাত) বছর, তন্মধ্যে হাইকোর্ট বিভাগে ০৫ (পাঁচ) বছর এবং আপীল বিভাগে ০২ (দুই) বছরের অভিজ্ঞতা থাকতে হবে। একই সাথে একক ভাবে/যৌথভাবে ৫০ (পঞ্চাশ) টি মামলা পরিচালনা ও নিষ্পত্তির অভিজ্ঞতা থাকতে হবে অথবা (খ) জেলা দায়রা ও জজ আদালতে আইনজীবী হিসাবে কমপক্ষে ১৫ (পনের) বছরের অভিজ্ঞতা থাকতে হবে। একই সাথে ১০০ (একশ) টি মামলা পরিচালনা ও নিষ্পত্তির অভিজ্ঞতা থাকতে হবে।	
০৬.	আবেদনের সাথে মামলার ধরন অনুযায়ী খরচ ও সম্মানীর হার তালিকা আকারে আলাদাভাবে উল্লেখ করতে হবে (শুধুমাত্র মহামান্য হাইকোর্ট ও সুপ্রিম কোর্টের ক্ষেত্রে)।	
০৭.	অন্য কোন প্রতিষ্ঠানের প্যানেল আইনজীবী হিসাবে নিয়োগ প্রাপ্ত থাকলে তা উল্লেখ করতে হবে।	
০৮.	প্যানেল আইনজীবী হিসাবে ০৫ (পাঁচ) বছরের জন্য নিয়োগ প্রদান করা হবে।	
০৯.	কোন আইনজীবী অব্যাহতি নিতে চাইলে সে ক্ষেত্রে ৬০ (ষাট) দিন পূর্বে আবেদন করতে হবে।	
১০.	বিজ্ঞপ্তি প্রকাশের ৩০ (ত্রিশ) দিনের মধ্যে রেজিস্ট্রার, যশোর বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়, আমবট তলা, যশোর-৭৪০৮ বরাবর আবেদন পত্র পৌঁছাতে হবে।	
১১.	কোন কারণ দর্শানো ব্যতিরেকে কর্তৃপক্ষ যে কোন আবেদন গ্রহণ বা বাতিল করার অধিকার সংরক্ষণ করে। প্যানেল আইনজীবী নিয়োগের বিষয়ে কর্তৃপক্ষের সিদ্ধান্তই চূড়ান্ত বলে গণ্য হবে।	


 প্রকৌশলী মোঃ আহসান হাবীব
 রেজিস্ট্রার
 যশোর বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়।

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