

## The Daily Star

FOUNDER EDITOR: LATE S. M. ALI

### Why did Abontika have to take her own life?

#### We need zero tolerance against sexual violence on campuses

How do women victims of sexual violence process the trauma, not just of the violent act itself, but the systemic attempts to silence them after the act? Fairuz Sadaf Abontika, a law student of Jagannath University (JnU), took her own life, unable to bear the fact that it was she, and not her harasser, who was rebuked when she approached one of the administrators of her university. In a Facebook status just before her death, Abontika wrote that a male classmate, Raihan Siddique Amman, had sexually harassed her and that when she informed Dean Islam, the assistant proctor, he verbally abused her. If she ever committed suicide, she said, those two people would be to blame, adding "this is not suicide, this is murder. Technical murder." Her words could not paint a clearer picture of why she felt compelled to take such a drastic decision.

Following widespread protests at different universities on Saturday, police arrested the student and the assistant proctor in question. The JnU also took administrative action against them and formed a five-member probe committee to investigate the matter. It is sad that a dynamic student like Abontika had to die for these actions to be taken.

Can one really blame Abontika for concluding that there would be no justice for the violence she endured? How many cases of sexual violence in our universities have been properly investigated with due action taken against the perpetrators? How many educational institutions have functional anti-harassment complaints committees in compliance with the 2009 High Court judgement? How many take students' complaints at face value, without asking, "what were you wearing, who were you with, why were you out at that time, etc?"

Time and again, we have seen teachers and administrations downplay the severity of the violence, engage in victim-blaming or actively protect the perpetrators, particularly when they are related to power or money. Our administrators still seem more concerned with policing women's mobility through curfews, rather than cultivating a safe space where there is zero tolerance for sexual violence. Our society has created an impossible situation for women where not only must they live with the spectre of violence at every moment but also accept the inevitability of their perpetrators paying no price for their crimes. We can only imagine the loss of faith in her educational institution, justice system and the country at large that could have led a promising young life to reach such a conclusion.

If we are to stop such injustices and tragedies from taking place in the future, our educational institutions must, at the very least, have fully functional anti-harassment committees that take and resolve cases with the utmost sensitivity and urgency. The perpetrator, not the victim, must be put on the dock.

### Bring child labourers back to school

#### Social issues behind child labour must be addressed

A recent survey titled the Establishment-based Sector-Wise Working Children Survey 2023, conducted by the Bangladesh Bureau of Statistics (BBS), brings to light quite a grim issue: 38,006 children, aged between 5 and 17 years, are working in five hazardous sectors across the country, and 86.2 percent of these children are not engaged in any academic activities. This situation not only constitutes a gross violation of children's rights, but also poses significant risks to their health and impedes their physical and mental growth. Moreover, without access to education, these children will remain limited to menial work without opportunities for skills development.

It is crucial to recognise that child labour is a consequence of poverty, inadequate social safety nets, and a failure to enforce children's and labour rights. Lack of access to and interest in a results-driven education system is also closely linked to the prevalence of child labour. For example, a 2019 study revealed that many children engaged in labour work for more than 42 hours per week, making it nearly impossible to accommodate education. Moreover, in most cases, the income generated from their labour is necessary for the minimum level of sustenance for their families. On the other hand, the absence of monitoring, mechanisms to ensure fair wages, and the prevalence of informal jobs without written contracts contribute to the exploitation of child labourers. Employers find hiring children more lucrative due to their extreme vulnerability, especially when compared to hiring adults.

These working children's reluctance to return to school is also not unfounded. While Bangladesh has made significant strides in ensuring access to primary education across both rural and urban areas, there remains a critical gap in the quality of education. Schools in rural and slum areas—where most child labourers are found—are generally substandard compared to their urban and affluent counterparts. These educational institutions fail to meet the specific needs of these children, and our overall education system lacks adaptation for practical skill development.

Our policymakers need to take a holistic approach to solve this problem. We need education and social safety net policies that target marginalised groups, providing monetary incentives to attend school and incorporating relevant skill development into the curriculum. At the same time, the government must actively monitor and regulate labour rights, especially for children, and ensure safe work opportunities for those in need.

# Dhaka's renewed denial of enforced disappearances



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Bangladesh has once again denied any instances of enforced disappearance, despite facing harsh criticism from human rights activists and calls from leading Western democracies to investigate alleged cases at the United Nations Universal Periodic Review (UPR). Dhaka's response echoes the familiar refrain, "The laws of Bangladesh do not include the term 'enforced disappearances'." This issue drew significant attention and criticism during the fourth UPR held in November 2023.

As the state party under review, Bangladesh, in its response to the report of the Working Group on the Universal Periodic Review, said, "There had been ill-motivated tendency for quite some time to label all cases of missing as 'Enforced Disappearances' with a view to maligning the Government of Bangladesh (GoB)." Additionally, the country emphasised that its criminal laws addressed "kidnapping" or "abduction," which apply to all individuals, including law enforcement officials. The UPR report and the government's response are expected to be presented at the ongoing 55th session of the Human Rights Council.

The government's response suggests that the absence of specific domestic legislation serves as a justification for a crime that, according to international conventions, could constitute a crime against humanity. Questions arise regarding how many of the numerous alleged cases of enforced disappearance have been addressed under provisions related to "kidnapping" or "abduction," particularly involving alleged perpetrators, often members of law enforcement agencies (LEAs). Victims' families continue to lament the lack of cooperation from the police, including the refusal to register cases against LEA members. Utilising legal loopholes to deny enforced disappearance practices before the UN human rights forum further diminishes the hopes of justice for victims' families.

Despite calls to ratify the International Convention for the Protection of All Persons from



SOURCE: GAZETTEREVIEW.COM

Enforced Disappearance (ICPPED), the government's rationale appears feeble. It contends that ratification would necessitate sustained national efforts to develop a coherent legal framework, build institutional capacity within implementation agencies, and achieve consensus among stakeholders. The government asserts that Bangladesh engages constructively with the Working Group on Enforced and Involuntary Disappearances (WGEID).

It is perplexing that a government with a 15-year tenure has failed to acquire the institutional capacity required to fulfil obligations under an international protocol crucial for safeguarding citizens' rights to life and freedom. This is not the first time the government has resisted calls to ratify the ICPPED, despite rights activists advocating for its accession for over a decade, especially following suspicious disappearances of prominent critics bearing hallmarks of enforced

disappearances.

Examining the ICPPED, one can argue that the government's clarification is evasive and intentional, avoiding states of war or public emergencies, justify enforced disappearances. Despite government officials dismissing allegations as false and fabricated, there has been little progress in resolving cases highlighted

acquiescence of the State and to bring those responsible to justice."

The ICPPED unequivocally states that no exceptional circumstances, including states of war or public emergencies, justify enforced disappearances. Despite government officials dismissing allegations as false and fabricated, there has been little progress in resolving cases highlighted

' is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

This definition makes it clear that irrespective of whether the alleged abductors or kidnappers are agents of the state, and whether they are authorised by the state, it is the state's responsibility to consider any such abduction or kidnapping as enforced disappearance. Then again, Article 3 demands, "Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or

by the UN experts' committee. Its annual report of 2023 published on August 8, covering the period between May 13, 2022 and May 12, 2023, showed that 70 cases out of 81 communicated to the government remained outstanding. Such level of engagement cannot be the answer for the WGEID expert group's request for a country visit, which would have allowed them to interact with victims' families and other civil society representatives.

In response to the UPR's 301 recommendations, the Bangladesh government accepted 201 and noted the remainder with some observations. Given that the ICPPED is the only core human rights instrument Bangladesh has not signed, the government's justifications for not joining the treaty and subjecting itself to the treaty body's scrutiny warrant public scrutiny. Without addressing this issue, ending this cruel and inhumane practice will remain elusive.

## PROJECT SYNDICATE

### Indian democracy's moment of truth



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With around 968 million people registered to vote, India's upcoming general election (to be held over several weeks in April and May) will be the largest democratic exercise in human history. Yet, hovering over the occasion are questions about the future of Indian democracy itself.

After a decade of Prime Minister Narendra Modi and his Bharatiya Janata Party (BJP) holding power, the country's democratic culture and institutions have been substantially eroded. BJP rule has featured frequent threats to dissent and a cultural shift away from pluralism. Civil liberties and press freedoms have visibly come under strain, with the party repressing and intimidating political opponents, student protesters, media organisations, individual journalists, and human rights organisations.

Among other things, the authorities have targeted and arrested journalists and activists on charges of sedition, simply because they covered farmers' protests or exposed abuses of power. They have pressured social media platforms and mainstream newspapers to remove critical content. They have shut down social media accounts and internet access in areas where protesters are mobilising. And they have arrested opposition leaders and misused anti-terrorism laws to deny critics' bail.

Meanwhile, minority rights have

been weakened, leading to heightened social and sectarian tensions. By abandoning the commitment to secularism established by Jawaharlal Nehru, India's first prime minister, and rejecting India's pluralist legacy in favour of the doctrine of Hindutva (which seeks to redefine India as a Hindu nation), Modi has allowed discrimination against minorities to intensify.

For example, for the first time in India's history, the 2019 Citizenship Amendment Act introduced religion as a criterion for refugees from neighbouring countries to receive citizenship, explicitly excluding Muslims. This is part of a broader pattern. India's 200 million Muslims—representing 14 percent of the population—have consistently been singled out in the ruling party's targeting of minorities.

Many democratic institutions have also faced significant challenges. The government's efforts to co-opt the Central Bureau of Investigation (CBI), which investigates corruption, have been so successful that the Supreme Court has called the agency a "caged parrot speaking in its master's voice." The BJP regularly dangles the threat of a corruption investigation to coerce vulnerable opposition figures to defect to its side. It is no accident that tax audits and investigations by the (appropriately named) Enforcement Directorate have

almost exclusively targeted opposition leaders and political critics.

Nor has the widely respected Reserve Bank of India (RBI) been spared. Owing to disputes with the government, two RBI governors have departed prematurely, raising concerns about the central bank's independence. The erosion of federalism is also worrying. Over time, the BJP has increasingly centralised power and undermined regional ruling parties by commandeering an ever larger share of the country's tax revenues and installing partisan governors in opposition-ruled states.

Even the Election Commission of India (ECI) has drawn criticism, with some scholars arguing that it is now an agent of the government. That, of course, raises concerns about the integrity of the electoral process and the ECI's adherence to the democratic principles of fairness and equity.

Given all these developments, India no longer stands out as a model democracy. Where once it was admired for its commitment to pluralism, it has since slid down the global democracy rankings. In 2020, it fell from 27th to 53rd position in the Economist Intelligence Unit's Democracy Index, and organisations such as Freedom House and the Varieties of Democracy Institute (V-Dem) have questioned whether it can still be called a democracy at all. V-Dem, for example, describes India as an "electoral autocracy."

By constantly disparaging any disagreement with the government as "anti-national," and any criticism of Hindutva as "anti-Hindu," the BJP has managed to delegitimise opposition to its rule. With a large share of the public coming to believe that dissent runs counter to India's national interest, popular support for repressive

measures has grown.

Hence, in the Pew Research Center's 2023 Global Attitudes Survey, a stunning 85 percent of Indian respondents said that authoritarian rule would be good for the country—the highest such response among the 24 countries surveyed. Equally, the share of Indians who believe that it is essential for opposition parties to be able to operate freely was the third-smallest. Modi and the BJP regularly exploit the public's exasperation with democracy to create the image of a decisive and powerful leader who has the nation's best interests at heart. The implication is that he should be able to operate freely, without any interference from a hostile parliament or judiciary.

This democratic backsliding is the curtain-raiser to India's 2024 general election. In their book *To Kill a Democracy*, Debashish Roy Chowdhury and John Keane describe the BJP's challenges to the judiciary and increasing constraints on press freedom as signs of "Democide." They offer a comprehensive, and very worrying, account of how the country's democratic governance has steadily been eroded. With its relentless efforts to criminalise dissent, undermine free speech, and curb any political opposition, the BJP government represents a grave threat to India's long-term prospects.

And yet, India's democratic spirit remains resilient. Its citizens are highly engaged in political debates and determined to advocate for their rights. This general election offers a major opportunity for nearly a billion Indians to return their country to the path that it proudly followed for nearly three quarters of a century.

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