



## Patriarchy and the Rights of Rape Victims: Law and Practice

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**Abstract.** Rape is one of the most heinous forms of violence against women around the world. People are getting more civilized and educated but this gruesome crime is increasing in an alarming rate. Moreover, it is the least reported crime in the world and sadly Bangladesh is no exception. This social misdeed is creating a society that disregards women and children's rights and safety. As an effect, victims are blamed in most cases and rapist get away through the loophole of the law. Thus, there is an unending suffering of victims and their families are humiliated or disgraced in the society. The purpose of this research is to show how the rights of rape victims are protected in Bangladesh. This paper is also going to manifest in what extent those provisions are applicable in a practical way. This study also evaluated various Bangladeshi laws and tried to find out the barriers to execute them. The paper has identified many loopholes in the existing legal system and provided recommendations to stop this despicable social illness.

**Keywords:** Rapists, Child rape, Government, Suicide, Patriarchy

**Abstrak.** *Pemeriksaan adalah salah satu bentuk kekerasan paling keji terhadap perempuan di seluruh dunia. Orang-orang menjadi lebih beradab dan berpendidikan tetapi kejahatan mengerikan ini meningkat dengan kecepatan yang mengkhawatirkan. Selain itu, ini adalah kejahatan yang paling sedikit dilaporkan di dunia dan sayangnya Bangladesh tidak terkecuali. Kejahatan sosial ini menciptakan masyarakat yang mengabaikan hak dan keamanan perempuan dan anak-anak. Akibatnya, korban disalahkan dalam banyak kasus dan pemerkosa lolos melalui celah hukum. Dengan demikian, tidak ada habisnya penderitaan para korban dan keluarganya yang direndahkan atau dipermalukan di masyarakat. Tujuan dari penelitian ini adalah untuk menunjukkan bagaimana hak-hak korban pemerkosaan dilindungi di Bangladesh. Makalah ini juga akan memantapkan sejauh mana ketentuan tersebut dapat diterapkan secara praktis. Studi ini juga mengevaluasi berbagai undang-undang Bangladesh dan mencoba mencari tahu hambatan untuk mengeksekusinya. Makalah ini telah mengidentifikasi banyak celah dalam sistem hukum yang ada dan memberikan rekomendasi untuk menghentikan penyakit sosial yang tercela ini.*

**Kata kunci:** *Pemerkosa, pemerkosaan anak, pemerintah, bunuh diri, patriarki*

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## 1. Introduction

The term “Rape” is a small word that comprises only four letters but the effect is even bigger. The Bengali meaning of this word is “*dhorsbon*”. In a country like Bangladesh, it is one of the prohibited words. Day by day it is turning into a social pandemic. Rape is a type of sexual assault in which one or more individual forces sexual contact on another individual without consent. It is an unlawful sexual activity. The definition of rape has been stated in Penal Code, 1860. Section 375 of the Act mentioned five circumstances to define a crime as Rape. If any person performs any act among those five, he is said to commit rape. The definition is as follows:

A man is said to have committed “rape” who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions. First, against her will. Second, without her consent. Third, with her consent when her consent has been obtained by threatening to kill or hurt her. Fourth, with her consent when the man knows that he is not her husband and she gives her consent thinking that he is the man to whom she believes she is lawfully married. Finally, having sexual intercourse with a girl under 14 years of age is also considered rape.

The starting point of rape law in Bangladesh is section 375 of the Penal Code 1860, passed during the British colonial era. As a product of its time, section 375 of the Code narrowly defines rape to be a gender specific crime.<sup>1</sup> Bangladesh got its independence in 1971 and it made its own constitution in the year 1974. The Constitution ensures equality and non-discrimination as fundamental rights.<sup>2</sup> Under it, rape law has been reformed thrice by three different governments as part of their valuable efforts of introducing legislation on violence against women. In Bangladesh, the rape related provisions are mainly included in two acts. These acts are: (a) The Penal Code, 1860 (b) The Women & Children Repression Prevention Act 2000.

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<sup>1</sup> Taqbir Huda. *The colonial legacy of rape laws*. 2022. Available at: <https://www.thedailystar.net/opinion/law/news/the-colonial-legacy-rape-laws-1832800>.

<sup>2</sup> People's republic of Bangladesh. *The constitution of people's republic of Bangladesh*. 1974. Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>.

### 1.1. Problem Statement

“Dhorshita” this is the word that a girl gets stamped with, when she is raped. So here, all the social attention, hatred, negative comments are only for victims rather than the rapists. As a result of this situation, victims choose to stay silent on this matter. Moreover, they hardly have support of their family. Even sometimes the scenario is- their own family blame them for it. They taunt them. This makes their life more miserable. In Bangladesh and most Asian countries, the victim is often blamed to get raped. The people here held the victim liable for causing its own suffering. Thereby, rights of victims are hardly protected. These social circumstances violate victim’s right. At the same time, rapists roam freely using social position and political power. The power of money often saves them. As a result, instead of being protected, the rights of victims are violated. Moreover, there are many kinds of myth which are generally made of some social presumption. Some of them has been created from social culture and some are just made up stories by media. The society is fond of carrying those beliefs. Another important thing is the “rape culture”. It believes that victims play a significant role for getting raped. Trivializing sexual assault by saying “Boys will be boys”, sexually explicit jokes are part of this culture. Furthermore, Gratuitous gendered violence in movies and television and defining manhood as dominant and sexually aggressive adds something more to this superstition. This culture forces everyone to assume only promiscuous women get raped. “Rape culture” is all about some social nonsense which do not allow rape to be seen as a sexual assault.<sup>3</sup>

After that, there are loopholes in the present provisions regarding rape. Rapists use those loopholes and get away. The definition of rape is still 150 years old.<sup>4</sup> Also there, rape within marriages is not recognized. So according to this, a married

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<sup>3</sup> Rape Crisis England & Wales (RCEW). *Myths vs Realities*. 2017. Available at: <https://rapecrisis.org.uk/get-informed/about-sexual-violence/myths-vs-realities/>. See also, Safri, Tanishka S. "Prevalence of rape myths in contemporary India." *International Journal of Research* 3 (2015): 147-152; Barn, Ravinder, and Ráchael A. Powers. "Rape myth acceptance in contemporary times: A comparative study of university students in India and the United Kingdom." *Journal of interpersonal violence* 36, no. 7-8 (2021): 3514-3535; Qureshi, Hanif, Teresa C. Kulig, Francis T. Cullen, and Bonnie S. Fisher. "Rape myth acceptance among college students in India: Prevalence and predictors in a changing context." *Deviant Behavior* 42, no. 8 (2021): 1043-1066.

<sup>4</sup> Taqbir Huda. *The colonial legacy of rape laws*. 2022. Available at: <https://www.thedailystar.net/opinion/law/news/the-colonial-legacy-rape-laws-1832800>.

woman cannot ask for legal help if she is raped by her own husband.<sup>5</sup> Rather the society would laugh her off if she does so. However, this definition does not support enough to provide legal assistance to women who have been victims of such incident. So, criminal can easily escape by using these grounds. Even till this time, no noteworthy example of victim being punished can be found. Most of the time, justice is denied because of lack of evidence. A delay in somebody reporting a rape can cause difficulties. This delay makes it difficult to secure forensic evidence, such as semen, and any physical injuries such as bruises or scratches may have healed or faded.

Earlier, the rape laws in the country were dominated by the regressive laws passed in the British colonial era. The punishment for rape as stipulated in section 376 of Penal Code, 1860 ranged from a term of ten years with a maximum life imprisonment and fine. Only in extreme cases where the victim died as a consequence of committing rape, the defendant would have been convicted with death penalty. But now government assumes that imposing death penalty for rapists will drastically lessen the commission of crime due to the fear of extreme punishment. Therefore, it is a timely initiative for Bangladesh to walk in this line considering the uncontrollable rate at which rape is increasing. However, there are also a number of other valid reasons which are also liable to make the country unable to uproot this jeopardy. These include questioning on the basis of character of the rape victim, lack of victim protection measures, reluctance of police officers to file the case, lack of evidence, victim humiliation, political backing and of course a lengthy trial often resulting in the case being settled.<sup>6</sup>

## 2. Methodology

The objective of this study is to discuss rape related provisions of Bangladesh and examine if these laws are actually in practice. This study is carried out on qualitative and analytical research methods using secondary data source. Different

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<sup>5</sup> Kohinur Khyum Tithila. *Marital rape, hardly considered a crime*. 2020. Available at: <https://www.dhakatribune.com/bangladesh/2020/11/25/marital-rape-hardly-considered-a-crime>.

<sup>6</sup> Barrister Sayeera Tashfia Awwal & Barrister Sayeera Tashfia Awwal. *On 'Death Penalty' and the need for other reforms in rape laws*. 2020. Available at: <https://www.thedailystar.net/law-our-rights/news/death-penalty-and-the-need-other-reforms-rape-laws-1980881>.

legal papers, books, reviews, reports, and various publications have been obtained from the secondary data sources. However, by using these methods of study, the author has tried to highlight the present scenario of rape laws and rape victims in Bangladesh. On the other hand, the author has compared the legal system of other countries related to rape and used the comparative analysis approach in this case.

### **3. Results and discussion**

#### **3.1. Rape and The Rape Victims in Bangladesh**

Nowadays, we hear so many news related to rape that we get confused which one should we mourn first. Situation like this makes us scared & worried. But this is not quite new. For instance, in year 1995, a 14-year-old girl named Yeasmin used to work as domestic help in Dhaka. On the way to Dinajpur from Dhaka, three police officers of Bangladesh Police Force offered her to help and drive her safely in their van. Undoubtedly, that girl accepted the offer as they are known as our protectors. Little did she know that she will be raped and murdered by those three protectors. Even after all these years, examples like this are not hard to find.

The physical wounds after rape are visible and can be cured. But the mental injury leaves a permanent mark that can neither be seen nor be cured like physical one. The trauma after rape can destroy that victim. The wound is deeper. This trauma leads to fear, shame, loneliness, nightmares and so many unpleasant things. The victim and her close people become the sufferer of it. No place in the world seems safe to her.

In a patriarch country like Bangladesh “victim blaming” is a common scenario. The dull-headed narrow-minded people often allege women’s clothes, frank behavior, staying outside of home for getting raped. According to them, by these things women intentionally provoke men to reach to them. These people don’t even bother to understand it’s about one’s intention to rape. When the intention is bad, no dress can make it pure, be it a burqa or a jean or a veil. Those people cannot even justify child rape on the basis of these reasons. No reason can justify rape. By putting a wall of those disgraceful statements, they simply add more suffering for victims. This needs to be stopped. So, this is the common scenario a rape victim goes through in Bangladesh.

### 3.2. Rape Victim's Rights in Law Versus in Reality

According to a report by Dhaka Tribune, Bangladesh saw 1093 rape cases in 10 months in year 2020.<sup>7</sup> If the rights of the victim would have been protected and laws were enforced against rapists, this would not be the case. So, in reality the law is not enforced properly. From examination to trial, in this whole process the victim is harassed brutally. Because of this fear, many rape cases remain unreported.

A most notable report of sexual harassment occurred in Feni district, Sonagazi upazila, year 2019. Nusrat, a student of Sonagazi Islamia Senior Fazil Madrasa in Feni's Sonagazi upazila, was set ablaze on April 6 allegedly for refusing to withdraw a case filed against the madrasa Principal Siraj Ud Doula for sexually harassing her on March 27. Later she died at Dhaka Medical College Hospital on April 10. Principal Siraj Ud Doula had given the order to kill. She had filed a sexual harassment complaint against the Principal of her Madrasa, she gave her statement lying on the hospital bed. In her statement, she mentioned the name of the culprit specifically. Also, she said to the Magistrate recording her statement, that she will fight till her last breath. The brave girl did that and left a remark. After a fast-tracked trial at the women and children repression prevention tribunal in Feni, all sixteen, including former members of the school's administration (teachers and pupils) found guilty were sentenced to death.<sup>8</sup> This was just an exception that happens only 0.99% of the time. Because of lack of law enforcement, rapists do not fear to commit crime. There is hardly any remarkable punishment enforced against rape. Rather more rape cases are getting added continuously.

A vast number of such crimes are hidden. Considering the fact that sexual violence is still treated as a taboo in Bangladesh and that the girl victims are held socially responsible for the violence they undergo; it is rational to infer that the actual number is far higher. The insufficiency of evidence, incompetency of the investigating officer, lack of coordination with prosecutors, inadequacy on part of the prosecution, delay in trial, reluctance of witnesses to testify, numerous adjournments, pending status of cases for a lengthy period, are some of the root

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<sup>7</sup> Shohel Mamun. *Bangladesh saw 1,093 rapes in 10 months this year*. 2020. Available at: <https://www.dhakatribune.com/bangladesh/nation/2020/11/25/mahila-parishad-1-093-rape-incidents-in-10-months-this-year>.

<sup>8</sup> M Moneruzzaman & Md Nazmul Hoque. *3 Years of Nusrat Murder Case*. 2022. Available at: <https://www.newagebd.net/article/167734/family-unhappy-as-death-reference-not-heard-in-3-years>.

causes that lead to low rate of accusation and lack of justice. All these contribute to making the victims lose confidence in the justice system. In many cases, victims and the families do not dare to report because somehow, they get sure justice will nowhere to be seen. As part of national measures, all these issues need to be properly addressed.

The number of child rape is increasing on an alarming rate as well. On July 5, 2019, a seven-year-old child, whose body was found in an under-construction building at Dhaka's Wari was raped before murder. Test results and other examinations confirm that the victim, Samia Afrin Sayma, was raped and then strangled with a rope. Sayma was found dead on the eighth floor of the building where a construction work was going on. As she was missing for hours, her parents, who are residents of the same building, conducted a search inside the unfinished flat and found the body. Later it was found that, the culprit was one of the neighbors of Saima's family.<sup>9</sup>

Examples like this are not less. It is rapidly on the rise. Rape is deprivation of women's rights. Physical and emotional torture during or after the incident of rape hamper their rights and dignity. According to a Bangladeshi human rights organization, Odhikar, just 963 rape incidents where women were victims were reported between 2016 and 2019. Both sets of numbers surely underreport rape cases in Bangladesh, given many women remain fearful to report their rapes. Due to the concerning rate of rape cases in Bangladesh, the United Nations has recently showed serious concerns and has strongly suggested the country to reform its inactive, careless criminal justice system.<sup>10</sup>

Section 376 of the Penal Code, 1860 states about the punishment of a rapist. It states life imprisonment as a punishment for rape. Moreover, section 9 of The Women & Children Repression Prevention Act 2000 includes having sexual intercourse by giving false promise of getting married.

That is how the rape laws in Bangladesh tried to protect rape victim's right. The Bangladesh government has now taken new measures to use the death penalty as punishment for rape, after widespread protests in response to several recent

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<sup>9</sup> The Daily Star. (Jul 6, 2019). *Wari child raped before murder*. Available at: <https://www.thedailystar.net/city/child-murdered-in-dhaka-wari-6-held-1767457>.

<sup>10</sup> Shuva Das. *Rape in Bangladesh: An Epidemic Turn of Sexual Violence*. 2021. [Online] Available at: <https://hir.harvard.edu/rape-in-bangladesh-an-epidemic-turn-of-sexual-violence/>

gang rape cases.<sup>11</sup> But capital punishment cannot be a solution to rape. It is also nowhere to be seen protecting victim's rights. Rather it can encourage the culprit to murder their victims to avoid the risk of getting arrested.

### 3.3. Present Scenario

As a developing country, Bangladesh is supposed to head towards new dimension day by day. With a promise to build a 'Digital Bangladesh', Govt. is adding new touch of technology in every sector as days are passing. But it is a matter of great regret that Govt. has failed to make this country a safer place for women. Even now so many unbelievable incidents are occurring that gives us goosebumps. Social media & the daily newspaper are great example of that. In a very recent incident happened at Narsingdi Railway Station where a woman was physically abused because of wearing a sleeveless top, has raised a question again regarding women's safety. A bunch of people has tried to put off her clothes in front of the crowd. Astonishingly, the most disgusting matter was, among them who tried hard to pull that girl's cloth was a woman. The crowd of people at the station did nothing but just stare. This whole clip got viral on social media.<sup>12</sup> The young woman did not file any police complaint. As a reason of unwilling to file complaint she mentioned that she had to attend an exam in Dhaka at 10 am that day. However, after four days of this nuisance police have detained a man who is said to be a local. Legal steps are being taken against him.<sup>13</sup> This event is a proof that a woman's dignity can be hampered at anywhere and anytime. Mahila Parishad, a women's' rights organization, made a report based on news published in 14 national dailies in year 2021. Around 942 women were raped from January to December in 2021. But within January to April of year 2022, the number of rape incident reached 731. The total number of violence against women were 3,918 last year, but in the halfway of this year raised to 2,083 which is frightening.

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<sup>11</sup> Barrister Sayeera Tashfia Awwal & Barrister Sayeera Tashfia Awwal. *On 'Death Penalty' and the need for other reforms in rape laws.* 2020. Available at: <https://www.thedailystar.net/law-our-rights/news/death-penalty-and-the-need-other-reforms-rape-laws-1980881>

<sup>12</sup> Shamima Rita. *Woman assaulted over her outfit in Narsingdi station.* 2022. Available at: <https://www.dhakatribune.com/nation/2022/05/20/woman-assaulted-over-her-outfit-in-narshingdi-station>.

<sup>13</sup> Narsingdi. *Man detained over attack on woman at Narsingdi Railway Station for her outfit.* 2022. Available at: <https://bdnews24.com/bangladesh/2022/05/22/man-detained-over-attack-on-woman-at-narsingdi-railway-station-for-her-outfit>.

Of the rape victims, 113 were gang-raped and 26 were murdered after the rape. Besides, at least 123 others were made victim of rape attempt and 70 were harassed sexually the report says. The organization states that the culture of impunity, which has been continuing in the country over the years, is the reason behind the rise of the rape incident. It also added that only in this country the burden of proving rape is upon the victim, whereas in other countries it is the liability of the accused to prove whether he is a rapist or not.<sup>14</sup>

### **3.4. Legal Framework Concerning Rape in Bangladesh**

#### ***3.4.1. The Penal Code, 1860***

Rape culture affects every woman. The rape of one woman is an insult, trauma, terror to all women. It forces girls to limit their behavior. In short, it cuts off their wings. Article 32 of the Constitution of Bangladesh states that no person shall be deprived of life and personal liberty save in accordance with law (1972). The present judicial practice has added the right to life with human dignity. So now it's just not a matter of mere existence. Physical and emotional torture during or after the incident of rape hamper that dignity. The main provision that is directly related to rape punishment, belongs to The Penal Code.

Section 376 of The Penal Code states about the punishment of a rapist. It provides that-

Whoever commits rape shall be punished with [imprisonment] for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

#### ***3.4.2. The Women & Child Repression Prevention Act, 2000***

Again, a careful reading of section 9 of The Women & Children Repression Prevention Act 2000 says that a fraudulent promise to marry to induce consent in sexual intercourse can be criminalized as rape. Section 9 states that if a man obtains

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<sup>14</sup> Mahila Parishad. *731 women raped in 6 months.* 2022. Available at: <https://www.thedailystar.net/country/731-women-raped-in-bangladesh-in-6-months-1768477>.

consent from a woman by fraud would be said to commit a false staging of marriage, or promise of rape.

### **3.4.3. The Evidence Act, 1872**

The following act carries provision related to rape. Section 114A emphasizes on the word ‘consent’. Under this act if it appears to the court that a woman did not provide her consent during a sexual intercourse, the court shall presume that it was without her consent. So, here the rape within marriage can be included. Somehow it gives us relief that at least, here the word consent has been prioritized. However, here remains a “But” again. Section 155(4) of the Evidence Act, 1872 allows questioning the character of rape victims to challenge her integrity.<sup>15</sup> There is no rape shield law to protect victim from this severe disgrace. It seems like the law prioritize victim’s identity than the rapists. The social arrangements of Bangladesh at least indicates that. Nevertheless, it is a matter of relief that perhaps this act is going to be amended soon. An amendment cannot just happen overnight. It needs to go through long process and struggle. Hopefully, it will create a safe trial system for women.<sup>16</sup>

### **3.5. Rape Punishments in Other Countries: A Comparison**

Apart from Bangladesh, there are some countries too which added death penalty as an absolute solution to rape. A report by The Times of India shows rape provisions and punishments of some other countries.

In 2018, India approved death penalty for raping girls under age 12. This decision was announced in response to nationwide outrage over a series of rape cases. Under Pakistan Penal Code, offenders involved in gang rape can be sentenced to either death or life imprisonment. In Saudi Arabia, rape is a criminal offence under Sharia law there. It involves penalties like flogging and execution. At least 150 execution took place there because of rape.

In United Arab Emirates, under their law, coerced sex is punishable by death. The law states that coercion is presumed if the victim is below age 14 during that time. In China, the country's criminal law states that anyone who rapes a woman

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<sup>15</sup> The Daily Star. (Jul 6, 2019). *Wari child raped before murder*. Available at: <https://www.thedailystar.net/city/child-murdered-in-dhaka-wari-6-held-1767457>.

<sup>16</sup> Taqbir Huda. *The long road to the repeal of Section 155(4): Will questions about a rape survivor’s ‘character’ finally be banned in court?*. 2022. Available at: <https://www.thedailystar.net/opinion/justice-practice/news/the-long-road-the-repeal-section-1554-will-questions-about-rape-survivors-character-finally-be-2123791>.

below age 14 is punished death penalty if the victim dies or have serious injury. This is also applicable if the victim is raped in public or commits multiple rape.

At first, the very noteworthy criticism is there are loopholes in the definition of Rape. This is not yet been updated. Since Penal Code is a procedural law, provisions here needed to be upgraded with years. The law mentioned about only women and there is no mention about female children, transgender. Furthermore, rape within marriage has not been defined here. Deceitful promises to marry are high in number in our society, but nothing is addressed in the provisions of the Penal Code 1860. Deceitful cohabitation is addressed but does not mention anything regarding rape. The definition of rape also allows rape with child bride of 13 years which possesses contradiction with the Child Marriage Restraint Act 2017 which is also contradictory with several international instruments.

The judicial system of Bangladesh is ineffective and fragile. The Women and Child Repression Prevention Act, 2000 provides specific time limitations for investigation, trial and disposal of the rape cases. But these are not enforced properly. Even no action is taken against police when they extend the duration deliberately. A prescribed time is placed to investigate and dispose of rape cases within 180 days which are never followed in practice. When the rape survivors ask for justice before the courts, rapists belonging from influential backgrounds may use their political power to force the victims to withdraw their cases. The burden of proof always lies upon plaintiff. But that should not have been the case. Because it is not a crime which can be committed publicly. So, it becomes quite troublesome to prove for the victim. As a result, now according to Women & Child Repression Prevention Act it's upon the accused to prove him not guilty.<sup>17</sup>

Another serious problem can be mentioned is that the desire and practice of family members to take part in informal shalish. Because they are afraid of the humiliation. That victim becomes a burden on them. So, somehow, they want to give marry of the rape victim to the rapist and walk away from it. This is a shortcut solution to them. How ridiculous! Some victims and their families even report about the police. They accuse them for being irresponsible towards their duties. Police mostly do that because of having connections with the influential accused.

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<sup>17</sup> Md Humayoun Kabir, Md Abu Sayeed Munna, Md Abu Hanif Al Kamal, and Toyfiquz Zaman. "Rape in Bangladesh: A Heinous Crime Tough to Prove." *The International Journal of Social Sciences and Humanities Invention* 4, no. 7 (2017): 3640-3644; See also, Jahan, Monira Nazmi. "Analyzing Child Rape in Bangladesh: A Socio-Legal Perspective." *International Annals of Criminology* 58, no. 1 (2020): 19-38.

In some cases, there is a lack of enough training of relevant personnel for which procedural barriers in rape cases is a very mention worthy scenario. An effective enforcement of these provisions and ensuring proper compliance with procedures should be considered while pursuing legal reform. Medical reports play a vital role in rape cases. Vagueness of these reports hinder the way to necessary. Otherwise it creates obstacles like delay in justice. This can also intimidate witness by perpetrators. Now it is the time for Government to make a change in the provisions of law to hold the inquiry by judiciary. It should have been done earlier.

Based on the findings, these recommendations have been suggested. This is not must that the rape victims must be women always. Even men or transgender can fall a victim to it. So, while defining rape only “WOMEN” should not be used. Only death penalty cannot be an absolute solution to this crime. Before ensuring punishment against criminal, judiciary must protect the victim’s right with the help of legislation. For this, a proper legislation is needed to be formed. Furthermore, rape survivors need a discrimination free transparent definition. Survivors should be given a witness protection system as their lives remain at a stake. Their rights to be compensated should be state’s liability. The judiciary has to keep in mind that during trial, the victim is not harassed by irrelevant questions regarding her character and life style. It is often said as ‘a rape victim face thousands time rape in the court. Thinking of narrow-minded people have to be changed. That’s why psycho social counselling support to the perpetrators and the society is very necessary. So, counselling method should be applied towards people to protect women in the society. In year 2018, Bangladesh Legal Aid and Service Trust (BLAST) started a rape law reform campaign. As part of this campaign, they hold a series of expert consultation seminars and meetings with relevant stakeholders, such as lawyers, academics, judges, law enforcement officers and activists. They are working on how to reform rape related provision in order to protect victim’s rights.<sup>18</sup> Govt. should put their higher attention towards it.

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<sup>18</sup> BLAST. *Rape Law Reform Now Campaign*. 2018. Available at: <https://www.blast.org.bd/rapelawreform>.

#### **4. Conclusion**

All in all, it can be said that, in this country of patriarchy, rape is often used as a tool to suppress women. Men rape women because of power. They consider women as weaker gender. So, they commit rape to prove their superiority. Each and every stages of this rape trial procedure promotes patriarchy. A woman's dignity possesses no value in existence of patriarchy. Even if, enacting the laws, there is a drop of gender biasness. The laws need to be amended in order to bring in contemporary and certainty with the human rights' instruments and international standards. Public awareness is necessary to protect the society from rape incidents and the punishment process should be transparent to give protection to the women. Victim's right to seek justice is not ensured in Bangladesh and the rapists do not fear to commit this offence for the inequality in the society. With ensuring equal rights in case of Education & Work, women should also be treated equally when it is the matter of justice.

The death penalty for single perpetrator is introduced by Women and Children Repression Prevention (Amendment) Ordinance 2020, but provision of death penalty is not a solution. Death penalty was already there as punishment for rape in previous years. So, it can be said that it was not new rather reintroduced. For the non-implications of the law and loopholes in the procedural barrier is a reason to increase rape in the society. To stand a rape free society, institutional reform is necessary as well as criminal justice system. During the long judicial steps, most of the time, victims lose their interest to run cases and criminals are acquitted using power and illegal money. Death penalty does not bring any changes in victim's life or protection of rights. Moreover, the judges are burdened by so many cases that they are not capable to give in 180 days. So, the government should take initiatives to invest in the judiciary to increase the number of courts and judges. It is high time to move our concentration towards protecting victim's rights instead of raising questions about their credibility, character and dignity. Society should unmask the rapists. We should keep that in mind that rapists are not made in just a day. They are the product of moving patriarch-based society.

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