[**Empowering women**](https://www.dawn.com/news/1634359/empowering-women)

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THE Anti-Rape (Investigation and Trial) Bill, 2020, opens up many avenues of hope for victims of rape. It is an all-encompassing law emphasising anti-rape crisis cells, legal assistance, victim protection and special committees, in order to ensure speedy justice. However, complex problems require complex solutions and an upstream approach.

Our criminal justice system is based on the English common law, and is ‘adversarial’ in nature. As opposed to inquisitorial law, adversarial law requires evidence to conform to a number of rules and restrictions in order to be admissible. This poses a colossal challenge to investigation and trial in cases such as sexual assaults. A multi-sectoral approach, like the one envisioned in the bill, is essential but it is not without its challenges.

The provisions of the bill suggest that the gaping holes in the adversarial criminal justice system which causes delays and costs to the victim, might be plugged if efficient and effective methods are employed. From the first point of contact in crisis cells to prosecution and finally to the courts, the bill defines a protected path for the victims. It also gives clear guidance about the timelines to be met and the processes to be carried out.

The first point of contact for the surviving victim is the police. Globally, anti-rape crisis centres function in three main expert domains. One is forensics, the other is evidence collection and the third is aftercare needs. It is absolutely necessary for all domains to accomplish their respective functions and meet their targets simultaneously. However, there are many stumbling blocks along the way.

Providing safe spaces to women is a collective responsibility.

The moment a victim alleging rape approaches the police, the issue of consent is immediately brought into question. More often than not, the victim knows the perpetrator from somewhere and has previously had an unpleasant, though non-violent, encounter with him but has been advised by others to ignore it. This leads the police to suspect that the girl/woman is on consensual terms with the perpetrator. The latter could be a close relative or the girl’s teacher, doctor, driver, class fellow or neighbour — someone who is known to the victim and her family. This makes it difficult for the girl to keep her distance from him.

At the other end, instead of calling out the person harassing her, our conservative culture blames the girl for ‘encouraging advances’. This can result in her being banned from going out altogether in addition to being blamed for the unwanted advances of the harasser. Often girls overlook and ignore such advances out of fear that if they complain they will be blamed and not allowed outside. At the same time, they are brought up to believe that ‘men will be men’ and it is better to ignore them. The perpetrators take complete advantage of this enforced modesty and increase the level of harassment. It is a common finding in many investigations that the perpetrator randomly took a picture of his victim and blackmailed her. The girl tends to be silent until the perpetrator, on seeing no reaction, threatens to blackmail her.

If the girl being harassed seeks a trusted family member’s help, the cycle of exploitation stops right there and the perpetrator moves to the next target. However, if the girl cannot approach her family who she thinks will not trust her and, instead, blame her, she will end up getting trapped in a seemingly endless cycle of exploitation. It is at this point that she will feel compelled to approach the police, another trauma as she has to face multiple challenges in recoun­ting her ordeal. It is an immense chal­le­n­­ge for the police as well who have to connect the dots and dig out the facts.

It is then the need of the hour, for male family members espe­ci­al­­ly, to trust female relations and give them the confidence to say no to any form of harassment and exploitation they may face.

On the preventive side, small interventions at the community level can bring about big changes. Providing safe spaces to girls and women inside and outside their home is a collective social responsibility. Public spaces are taken over by men; most women try to be invisible in a public space to feel safe. Most public spaces are no-go areas for women after sunset. Fearing harassment and possible assault, parents in a Bangladesh village were not sending their girls to school. UNWOMEN helped the community identify the problem; it turned out that the area was too dimly lit and had heavy vegetation and the girls did not feel secure in this environment. The path was cleared and light posts were installed along the way. Girls got their security, freedom and education back.

Clearly, it requires society as a whole to rise up to the challenge and everyone to do their bit to fix the problem.

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