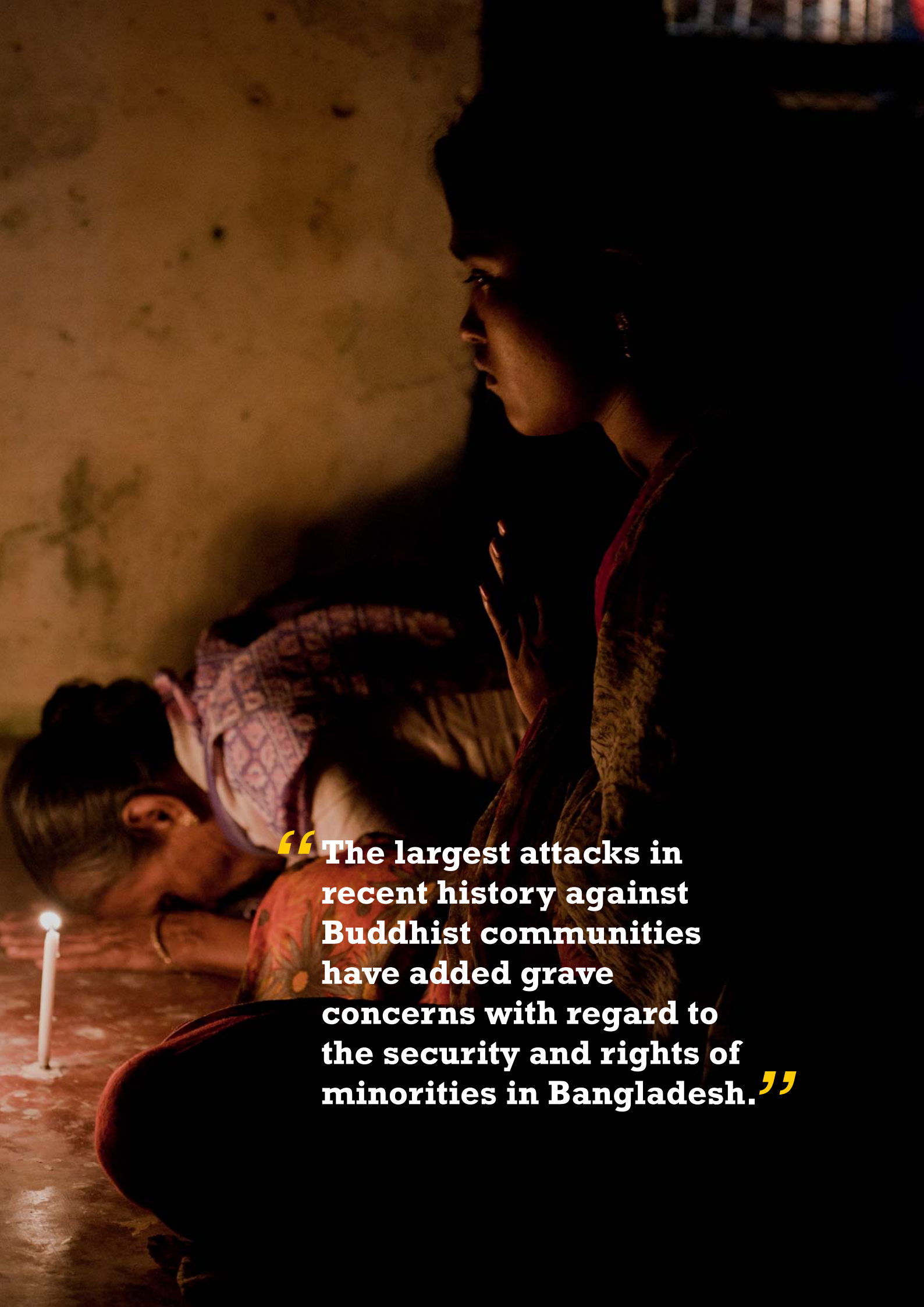




Annual
Human Rights
Report 2012

Bangladesh



“ The largest attacks in recent history against Buddhist communities have added grave concerns with regard to the security and rights of minorities in Bangladesh. ”

Table of Contents

Summary	3
Political Developments in 2012	4
Attacks against Religious Minority Communities	6
Two Questions to... Khushi Kabir (Nijera Kori)	10
The Chittagong Hill Tracts (CHT) and the Accord	11
Attacks against Indigenous Peoples in the CHT	12
Rapes and Killings of Indigenous Women and Children	14
Three Questions to... Iftekhar Zaman (Transparency International, Bangladesh)	15
Sexual Minorities	16
International Monitoring and Participation	18
GHRD Highlights 2012	19
Recommendations	21

Summary

Both the Prime Minister and the Leader of the Opposition have laudably declared their commitment to a peaceful, inclusive society for Bangladesh. Indeed, most Bengali citizens clearly have a wish for the same. However, given a contradictory constitutional combination of secularism with Islam as the state religion, Bangladesh's religious, ethnic and sexual minorities remain vulnerable to violence, discrimination and intimidation. This is reinforced by flawed legal procedures and institutions, corruption, poverty, illiteracy and traditional practices. In 2011-2012, indigenous peoples, Hindus, Buddhists and other minorities continued to have their rights violated and/or property seized by land grabbers, extremists and some political leaders with authorities either directly involved or bribed into looking the other way. Between September and October 2012, the largest attacks in recent history against Buddhist communities have added grave concerns with regard to the security and rights of minorities in Bangladesh. Given credible information supported by both government and non-government sources of the inadequacy of public representatives, officials and law enforcement agencies to take proper action to prevent the carnage, questions have been raised about the credibility of the government's commitment to protect the rights of minorities. The following report is only intended to raise questions based on the evidence in order to ensure a more secure and peaceful Bangladesh for all.

Global Human Rights Defence (GHRD) within the framework of Bangladesh

Committed to the future of the nation, Global Human Rights Defence (GHRD) has monitored human rights for religious and ethnic minorities in Bangladesh since 2003. GHRD recently expanded its target groups to include sexual minorities, as they belong to the most marginalised in Bangladeshi society. The findings in this report are based on fact-finding missions and interviews with civil society leaders, victims, experts, journalists, and lawyers by GHRD and its local partners in Bangladesh between 2011-2012. A substantial amount of documentation, including audio-visuals, official documents and news reports have also been collected, verifying the claims made.

Political Developments in 2012

In 2011, Prime Minister Sheikh Hasina and the ruling party, the Awami League (AL), removed the constitutional provision allowing for elections to be organised under a caretaker government by introducing and passing the 15th amendment. It also bans the military from assuming power. The opposition, the Bangladesh Nationalist Party (BNP), maintains that elections cannot be held unless this amendment is revoked. Tensions escalated when BNP opposition leader Ilias Ali disappeared in April and, blaming the AL government, the BNP announced hartals (strikes) in various districts. Sporadic violence and clashes between rioters and police followed. Civil society seems divided on the issue of the caretaker government. Some claim that there is no need to reinstall an (undemocratic) caretaker government, as there are no indicators that elections would not be held freely and fairly. Others believe that recent political disappearances and corruption scandals have proven democratic elections to be impossible. However, it is important to note that the military-backed caretaker government that was installed in 2007 to oversee the 2008 elections lasted for nearly 2 years, with serious infringements of human rights, including arbitrary arrests, detentions, and many allegations of torture. The reinstallation of a caretaker government to oversee national elections scheduled for 2013 remains a crucial political issue at the end of 2012.



Religious and Ethnic Minorities

In the Islamic state of Bangladesh, GHRD's concern for religious and ethnic minorities has been for the Hindus (10%), Buddhists and Christians (1%) and the indigenous "Jumma" people, particularly in the Chittagong Hill Tracts (CHT). A majority of the indigenous minorities belong to a minority religion as well; thus their minority status and vulnerability is exacerbated.¹ In 1988, Bangladesh introduced "Islam" as the state religion in the Constitution. The 15th Amendment in 2011 did reintroduce the word "secularism" into the constitution; however, "Islam" is still named as the state religion. This Amendment also inserts the wording "the people of Bangladesh shall be known as Bangalees", not recognising the identity of indigenous peoples.²

Hindu Minorities

When the Awami League (AL) won the elections of 2008, it promised to improve human rights for minorities. The promises were reiterated by the government at its Universal Periodic Review, on February 3rd, 2009. Some legal and administrative improvements with regard to the Hindu minority have been made. The Vested Property Return Act was amended in November 2011, to return seized property to Hindus³ but the process of returning the property is yet to start. The Hindu Marriage Registration Bill, 2012 somewhat strengthened the rights of Hindu women. However, civil society leaders are worried that these changes were made too late to survive a potential regime change, and that corruption remains a challenge for implementation.



¹The majority of the 500,000 indigenous "Jumma" in the CHT are Buddhist, followed by Christians, Hindus and Animists.

²GHRD, as well as many national and international organisations, maintain that the Jumma meet the available criteria to identify indigenous peoples. They have a close link to natural resources, a distinct social, economic and political system, a distinct language and culture, and particularly the most crucial element: self-identification (UN Permanent Forum for Indigenous Issues Fact Sheet).

³The Vested Property Act of 1965 was a controversial law that allowed the government to seize the property of "enemies of the state" mainly affecting Hindus. The Vested Property Return is meant to facilitate the return of such property, but has been very difficult to implement. For more information, see Abul Barakat, "An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act", PRIP Trust, Dhaka, 2000.

Attacks against Religious Minority Communities

In 2012, Hindu and Buddhist communities were regularly victims of attacks by organized, large mobs burning down temples and homes, attacking men, women and children. With the authorities either directly involved and/or failing to prevent the violence, minorities are feeling unprotected and insecure about their future. The similarities between the attacks on both Hindu and Buddhist communities are noteworthy. Some of the cases investigated by GHRD are highlighted below.

Hathazari

A Hindu community in Hathazari in the Chittagong District was attacked by mobs on February 9th and 10th. At least 13 temples, as well as Hindu homes and shops, were burnt to ashes, and properties and valuables were looted and vandalised.

Satkhira

In late March, in Satkhira District, local Jamaat-e-Islami leaders mobilised some thousand supporters to 'defend their religion against enemies of Islam' in response to a school play based on a traditional Bengali text, that was then alleged to insult the prophet Mohammad. Fuelled on by imams and a local newspaper, spreading false and inflammatory information,⁴ rioters burned down houses and looted mainly Hindu homes in two villages.⁵ Witnesses have reported that the mob also included activists from the AL, the BNP and the JP (Jatiya Party). Hundreds of Hindus were rendered homeless, and GHRD interviewed one woman who admitted that she was sexually assaulted. Police stood passively by, as the rioters hindered the fire brigades coming to the people's rescue. Despite many prior warnings, no action was taken to prevent the attacks, or to arrest the perpetrators in the immediate aftermath. Rather, the headmaster and school teacher were initially arrested.

Dinajpur

On August 4th, at least 57 Hindus were victims in an attack on a village in Dinajpur, and one woman admitted that she was sexually assaulted. 50 houses were looted by rioters. The incident followed a dispute over construction of a mosque in the Hindu dominated community. Authorities had made a public announcement blaming Hindus for obstructing the construction.

Case examples

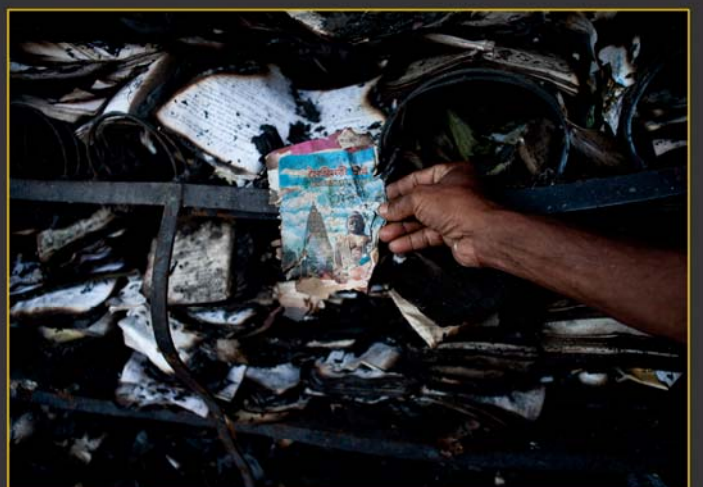


⁴The editor of "Dristipat", a daily newspaper in Satkhira, was arrested on the 29th of April for instigating violence, and the newspaper was closed down.

⁵The attacks in Satkhira District took place in the villages of Fatehpur and Chakdaha from 31 March to 1 April, 2012.

Cox's Bazaar - The Ramu Tragedy

Starting on the evening of 29 September, crowds of some 5,000 agitated mobs attacked and burnt down mainly Buddhist, but also Hindu, temples and houses in Cox's's Bazaar and Patia under Chittagong District, in what some claim are the largest attacks against minorities since the Liberation War of 1971. Starting in Ramu, 12 Buddhist temples were destroyed, 50 houses burnt to ashes and hundreds of houses vandalised. On September 30th, the violence spread to three other locations: Ukhia, Teknaf and Patia. It is alleged to have begun when an altered photo of the Quran was posted on Facebook, and a Buddhist boy was tagged. The image was distributed quickly, followed by rallies under Jamaat-e-Islami slogans. As the violence escalated, Buddhists and Hindus started fleeing their villages. The mobs attacked and torched Buddhist and Hindu temples, homes and shops, beat the men and assaulted women. The fire services and the police followed by Rapid Action Battalion (RAB) and Border Guards Bangladesh (BGB) did not reach Ramu until around 3.30 am, and the devastation was already severe. A Supreme Court Lawyer has filed a writ petition with the High Court questioning the inaction of the police to prevent the massive violence in Cox's Bazaar.



“ We have no aspiration for revenge. Buddhists cannot ask for unhappiness of others. We want peace. We just need to reconstruct our temples and houses. ”

Buddhist monk, Cox's Bazaar



Atrocities in Satkhira and Cox's Bazaar – Analysis

No one questions the devastation in Cox's Bazaar or Satkhira. However, these attacks have aggravated fear of the future among minority communities. Based on the similarities, the question remains who would benefit from these attacks? Ramu did not happen overnight. As GHRD has documented and others have noted, there have been similar attacks almost at a regular rate of every two to three months, since February this year. Several patterns can be identified, comparing all of these incidents, and Satkhira and Cox's Bazaar are strikingly similar. The modus operandi was identical: the attacks were organized and spread from village to village, one after another over a couple of days. The men were beaten, Hindu and Buddhist homes and businesses burnt down, property looted and damaged, temples destroyed, and the women sexually assaulted. (Due to the traditional stigma associated with sexual violence, most women do not dare to report such abuse, so the actual numbers of sexual assaults remains unknown and unreported in the media.) The attacks took place at night, and the attackers were large crowds of thousands of armed young men (age group 18-24) who were brought in to the targeted villages on trucks. The reason given was the "defamation of Islam". Both districts are Jamaat-e-Islami dominated and the violence was fuelled on by extremist propaganda and hate speeches through loudspeakers by imams and local extremist leaders. But there were also allegations of involvement from "mainstream" lawmakers and politicians from both the ruling party (AL) and the opposition (BNP). In Satkhira, police stood passively by, "chatting and smoking cigarettes".⁸ In Ramu, some were even actively involved, helping or protecting the attackers. In Teknaf and Ukhia, they arrived late and with few resources. In all cases, fire brigades were hindered to come to the people's rescue.

“ They came with four police officers who didn't know what to do; they tried to stop it by shooting in the air. ”

Teknaf witness

The area is militarised with BGB (Border Guards Bangladesh), Rapid Action Battalion (RAB), and the Army present, so the reason for this remains unexplainable. Many suspect that the well-planned attacks were orchestrated with a larger motive of ridding the land of minorities. Many of the areas under attack are also near the border, which would enable landgrabbing if the victims flee across the border. The failure to bring the perpetrators to justice, as of this writing, has been noted by the National Human Rights Commission (NHRC) Chairman. Who is truly behind these attacks remains open to question.

⁸Testimony gathered by local partner.

Two Questions to... **Khushi Kabir**



Khushi Kabir is coordinator of Nijera Kori, a renowned organization which has helped organise over 175,000 landless people in Bangladesh. She is also a member of the Chittagong Hill Tracts (CHT) Commission, monitoring the implementation of the CHT Accord.

What are the main issues faced by the Hindu community in Bangladesh today?

“The main issue is land grabbing and the Vested Property Act: that is, the return of the property belonging to Hindus which was confiscated by the government after the war in 1965. Abuse and misuse of this law has been rampant, in contradiction to even the Supreme Court's decisions. The second issue concerns Hindu marriage and divorce rights for women. In Bangladesh, despite the fact that the Constitution guarantees equality to all its citizens, personal law is still governed by religious laws. And unlike other countries like India where there is a large Hindu majority and the traditional Hindu laws have changed, over here it is still very archaic. Hindu women do not inherit any property or have the right to divorce.”

Do you see any risks of violence against minorities in this upcoming election?

“The risk is there, in areas where there is a large proportion of religious minorities, especially the Hindu community. If you can intimidate the Hindu community, then you can undermine that vote bank, and they are approximately 10%. I think that this is something that one definitely should start thinking about, start worrying about.”

The Chittagong Hill Tracts (CHT) and the Accord

Implementation of the 1997 Chittagong Hill Tracts (CHT) Accord was a key election pledge of the AL. Yet crucial clauses of the Accord including demilitarisation and settlement of land disputes remain unresolved to date. The CHT Land Commission has not settled a single land dispute in its three year existence. While the participation of indigenous peoples is crucial to the implementation process, in 2011, the government began to publicly deny the very existence of the indigenous population, and refused them constitutional recognition. On numerous occasions since then, the government violated the indigenous people's right to freedom of assembly and association. In August 2011, police officials beat, assaulted and intimidated 22 Jumma students who were peacefully protesting for constitutional recognition in Khagrachari District.⁹ In May, 2012, a letter was leaked from the Home Ministry ordering districts not to celebrate World Indigenous Day.¹⁰ Following the instructions, police obstructed celebrations in at least two districts, and nine Jumma were injured.



⁹In line with international law (ICCPR, Article 21), Bangladesh's Constitution recognises the right to freedom of assembly, gathering, procession and demonstration.

¹⁰See Annex, 2 "(Translation) Memorandum Home Ministry Confidential Directive (1)" The original (Bengali) document can be found on http://www.ghrd.org/FilesPage/4071/Home_Ministry_Confidential_Directive_Bengali2.pdf



Attacks against Indigenous Peoples in the CHT

Indigenous peoples continued to be dispossessed of their lands by Bengali settlers, with law enforcement agencies protecting the settlers. Investigations of violations against the indigenous peoples remained unaddressed by the National Human Rights Commission (NHRC). The government continued to refuse to ratify the ILO Convention nr 169.

Case examples

Khagrachari

On 17 April 2011, hundreds of Bengali settlers in the presence of security forces committed arson on seven Jumma villages in Khagrachari District. 87 houses and two Buddhist temples were burnt to ashes. At least 12 men and four women were injured.

Rangamati

On 17 February 2011, the police and the Border Guards of Bangladesh (BGB) stood by while Bengali settlers set fire to 23 houses and one school in Jumma villages, injuring two students. GHRD documented that at least one of the complainants received threats to withdraw their case.

On 22 September 2012, 60 people, mostly from the indigenous community, were severely injured in large scale attacks in Rangamati town. According to local witnesses, the violence was pre-planned by groups of Bengali settlers, including members of several political parties. The attacks quickly spread to surrounding localities. However, the police arrested Jumma youth rather than the perpetrators. The damages were widespread and included shops, houses and belongings of the Jumma. The NHRC Chairman has commented that the violence in Rangamati was directly linked to the attacks in Cox's Bazaar.





Rapes and Killings of Indigenous Women and Children

The fear of getting raped by settlers, the police or members of the army is widespread among Jumma women and girls in the CHT. There is no systematic monitoring of sexual violence against indigenous women and girls in the CHT, thus no credible statistics are available. However, local women's organisations reported an "alarming rise" in murder, rape, abductions and sexual violence against indigenous women and children in 2012, by local Bengali settlers and sometimes the police. In addition, GHRD reviewed 11 individual (rape and attempted rape) cases between January and September, 2012. The victims were all women and girls from different indigenous tribes, the majority in Rangamati and Khagrachari District. Around 50% of these cases consisted of victims under the age of 15. One such case took place on August 21, in the rape of an 11-year-old Tripura girl by a police officer in Khagrachari District. When the mother went to file a case, the policeman on duty tried to bribe her to settle the matter. Of these cases, two of the women were killed after the rapes, and two involved gang rapes. Despite police reports being filed in all these cases, the authorities failed to arrest the perpetrators in all but one case: the widely reported and condemned brutal rape-slay of an 11 year old Chakma girl in Longadu in May.



Three Questions to... **Iftekhar Zaman**

Iftekhar Zaman is Executive Director of Transparency International, Bangladesh, and also a Member of the CHT Commission¹¹.

What is the status of corruption today in Bangladesh?

“Corruption remains a major challenge in Bangladesh. In 2010, we conducted a national survey based on experiences of the people. 84% of the people who had any interaction with selected public sector services had been victims of corruption in one way or another. We also found that corruption is increasing. And at the same time, some of the key institutions of democracy, particularly the law enforcement service are reflected more by corruption than other sectors. We also try to assess the economic implication of corruption; studies show that if Bangladesh could have controlled corruption to a moderate level, it could have nearly 3% higher GDP growth rate.”

Why is the government denying the existence of an indigenous population?

“Bangladesh is the largest contributor of troops for UN peacekeeping operations in the world. On the other hand, the UN Department of Peacekeeping Operations has recently been urged that those in security forces who have records of violating indigenous people's rights be prevented from peacekeeping operations. As a reaction to that, a theory came up from some quarters within the government, that if you say that there are no indigenous communities in Bangladesh then you can sell the idea that the Bangladesh military is not violating the rights of the indigenous communities. 'If there are no indigenous communities, how can they then violate their rights?' ”

Do you think Bangladesh needs to return to a secular constitution?

“The return to a secular constitution is definitely an answer, but that may not be the full answer. We have many constitutional and international commitments, we have signed many international treaties, and we have had one of the best democratic constitutions in the world, but there have been systematic violations of those commitments in any case. It is important to restore those secular commitments in the constitution but also to be able to have the political leadership to enforce those commitments, to prevent the culture of impunity and to enforce the law.”

¹¹The CHT Commission is composed of eminent national and international individuals set up to monitor the implementation of the CHT Accord.

Sexual Minorities

“ Sexual orientation is not an issue in Bangladesh ”

Government's official statement in the UPR session, 2009



“ Islam doesn't allow us. I learnt from my family and religious leaders, that there is no scope for Hijras. But I say my prayers, so let's see what happens. It's in the hands of Allah. ”

A Hijra (transgender) person in Dhaka)

Traditional conservatism in Bangladesh frowns on anything overtly sexual, providing little room for sexual diversity. Sexual minorities: (LGBT) Lesbian, Gay, Bisexual, Transgender and Transsexuals are discriminated against in every sphere. In July 2011 the government voted against UN resolution 17/19 proposing a study on discrimination against sexual minorities.¹³ In contrast to these denials, the government has taken practical steps recognizing sexual minorities by receiving and disbursing funds, and by including Hijras (transgender) in the voter list, providing National Identity Cards and including an 'other' option for 'sex' in the passport form. In general however, sexual minorities¹⁴ lack legal recognition and protection and face social marginalization.

¹³<http://arc-international.net/wp-content/uploads/2011/08/HRC-Res-17-191.pdf>

¹⁴Gender and sexual minorities include Hijras, Lesbians, Gays, Bisexuals, Transgenders, Transsexuals, Transvestites and others.

Consensual sexual acts between adults remains criminalised with penalties up to life imprisonment under Section 377 (Section 377 is a holdover from British law, which was imposed in numerous colonies).¹⁵ Fearing persecution, sexual minorities remain largely invisible. Although Section 377 is rarely enforced, it reinforces stigma and public contempt against them, making them vulnerable to discrimination and violence, including torture, (gang) rape, societally forced marriages, discrimination in employment, health, and family life, and restrictions in enjoying freedom of expression, personal liberty, freedom of movement and assembly. Forced marriages are common for both men and women, resulting in “endless suffering”.¹⁶ Section 377 is repeatedly abused by law enforcement agencies to arbitrarily arrest, extort, torture and rape LGBT persons and sex workers from cruising areas. There is no reference to male to male rape (or woman to male) in the Penal Code,¹⁷ and male rape remains a taboo (with consequences for heterosexual men as well). At the same time, there have been some small positive steps forward recently made by the National Human Rights Commission (NHRC) to include LGBT in its scope, taking a “right to health focus.”¹⁸ LGBT issues were also included for the first time in the National Forum UPR report of 2012.



¹⁵Section 377 of THE PENAL CODE, 1860 (ACT NO XLV OF 1860, definition: “Whoever voluntarily has carnal intercourse against the order of the nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.”

¹⁶Quote from interview with a forcefully married gay man in Dhaka

¹⁷Rape is defined in Section 375 of the Penal Code 1860 (Act XLV of 1860) as an act committed by “a man” against a “woman”.

¹⁸Conclusion made during a National Stakeholder Consultation meeting on the human rights of sexual minorities with NHRC Chairman Dr

International Monitoring and Participation

Although civil society is strong, vigorous and open in Bangladesh, the government dismissed some international human rights criticisms as 'unsubstantiated or rejected them as 'anti-national' activities. Currently, the government is taking steps exercising more control over NGOs, including the new draft "Foreign Donation Regulation Act." Although NGOs were able to engage with the government to scrutinise the draft and make recommendations which appeared well-received, concern over possible shrinkage of the space for civil society will remain until the final version of the law comes out. The government continued to restrict access to the CHT region and blacklisted NGOs for allegedly conducting 'suspicious activities'. At least three foreigners were expelled without explanation. Even the CHT Commission, set up to monitor the implementation of the CHT Accord, was denied access to the region in November 2011. The UN Special Rapporteurs for Religious Freedoms and Indigenous Peoples have still not visited Bangladesh.



GHRD Highlights 2012



Fact-Finding and Field Missions

In 2012, GHRD started to include sexual minorities in its scope of operation. Pre-election monitoring and attacks against religious and ethnic minorities were the main priority issues in 2012. GHRD visited Bangladesh in April and October.

International Solidarity Protest in London

GHRD joined Bangladeshi diaspora, human rights and social-religious organisations in a demonstration at the UK Parliament in London in February. The protest was a response to the recent violence committed against minority communities in Hathazari. Members of Parliament responded to the demands and received a written petition. GHRD produced a short video clip of the event.

Link: <http://youtube/WSGD0T6ty6w>

Celebration of International Women's Day

In early March, GHRD supported its local partners in various events, to express solidarity with minority and indigenous women on International Women's Day. Hundreds of women in several districts were involved addressing women's rights in the events including rallies, street dramas, radio programmes and seminars.

Campaign: "Protect the Indigenous Peoples in Bangladesh"

A global petition campaign was organised in collaboration with Jumma Peoples Network-London, Kapaeeng Foundation-Dhaka and CHT Indigenous Jumma Association Australia (CHTIJAA). The petition, calling for constitutional recognition of indigenous peoples and the implementation of the CHT peace accord, obtained 1043 signatures in 51 countries worldwide. To honor World Indigenous Day, it was handed to authorities in Bangladesh, the United Kingdom, Australia and the Netherlands.

Universal Periodic Review (UPR)

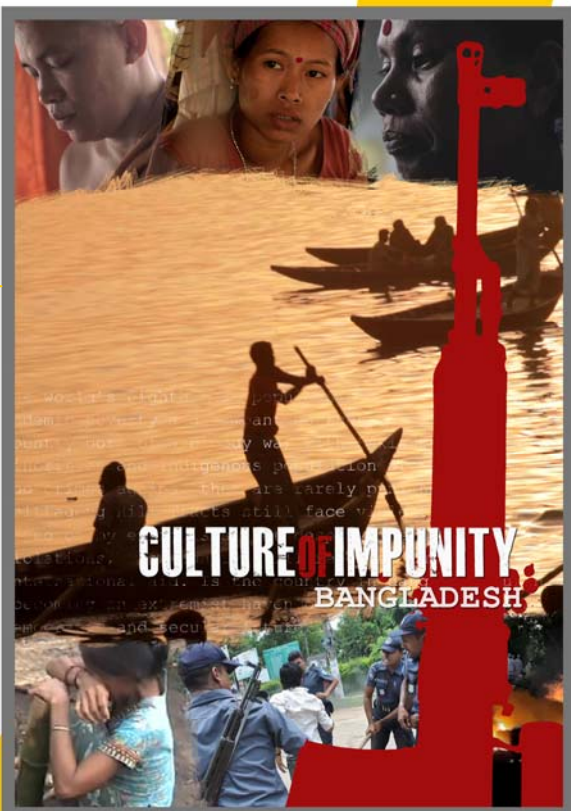
GHRD submitted an individual submission to the Universal Periodic Review, Bangladesh, 16th session to the UN Human Rights Council to be reviewed in Spring, 2013.

Documentary: "Culture of Impunity: Bangladesh"

GHRD provided research to the documentary "Culture of Impunity: Bangladesh", produced and aired by Dutch national broadcaster OHMnet, and distributed internationally.

Advocacy tour: "Extremism in South Asia"

In December, GHRD organised a lobby tour with Bangladeshi and Pakistani speakers, to address the current situation and concerns for minorities in the upcoming elections in 2013. The event started in London, with a seminar at the House of Lords in collaboration with the International Bangladesh Foundation.



Recommendations

Religious minorities

1. Return to the original secular Constitution of 1972 with no reference to any state religion.
2. Conduct independent and impartial judicial investigations into attacks and violations of rights of minorities to stop impunity, irrespective of the identity and status of the perpetrators.
3. Ensure that the mission of the UN Special Rapporteur on Religious Freedoms takes place at the latest before the elections in 2013.
4. Closely monitor implementation of the Vested Property Return Act, and enact the Hindu Marriage Registration Bill.

Ethnic minorities

1. Dismantle all temporary military camps in the CHT and demilitarise the region according to the Accord.
2. Conduct independent judicial investigations into human rights violations (including rape and sexual violence) against indigenous peoples by settlers, police and security forces and ensure commensurate sentences for the guilty to prevent further recurrence. Systematic monitoring of violence against women and a mixed, specially educated police force is needed.
3. Solve the land disputes fairly with full respect to traditional land rights of the indigenous people before undertaking any new land survey, and amend the Land Dispute Settlement Commission Act of 2001 according to the spirit of the Accord.
4. Give constitutional recognition to the indigenous peoples of Bangladesh.
5. Extend an invitation to the UN Special Rapporteur on Indigenous Peoples to visit the Chittagong Hill Tracts.

Sexual minorities

1. Revoke Section 377 and decriminalise sexual practices between consensual adults to combat the reinforced violence and stigma against sexual minorities.
2. Amend the Penal Code, Section 375, so that the crime of rape is defined as gender neutral.

This report was compiled by Global
Human Rights Defence in 2012

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