

<https://www.thedailystar.net/news/law-our-rights/blast-holds-expert-consultation-seminar-pre-trial-barriers-faced-rape-victims-1618327>

# The Daily Star

Home Law & Our Rights

09:09 PM, August 09, 2018 / LAST MODIFIED: 09:35 PM, August 09, 2018

## BLAST holds expert consultation seminar on pre-trial barriers faced by rape victims



On 28 July 2018, Bangladesh Legal Aid and Services Trust (BLAST) hosted a seminar titled “Addressing Procedural and Pre-Trial Barriers to Seeking Justice for Rape” in CIRDP Auditorium. This seminar is the first in a series of four expert consultation seminars to be organised by BLAST on review and proposed reform of the laws on rape between July and September, which will ultimately lead to a national law conference at the end of the year. The focus of this seminar was to identify and highlight the precise obstacles faced by rape victims/survivors which prevent most of them from reaching the Court. It also sought to illustrate

the distinct and crucial roles of the police, the Victim Support Centre (VSC), One-Stop Crisis Centre (OCC) and forensic doctors in aiding a rape victim/survivor.

The welcome address was given by Sara Hossain, Advocate, Supreme Court of Bangladesh and Honorary Executive Director, BLAST. She explained that the discussion on pre-trial barriers will be divided into two areas, first with respect to filing the first information report (F.I.R.) at a police station and/or making a complaint before a Court and second, collecting medical evidence. Special emphasis will be placed on the experience of women and girls who face multifaceted discrimination, not only on grounds of gender, but also that of religion, ethnicity, sexuality or disability.

The event was chaired by Rita Das Roy, Member, Naripokkho and Former Project Director, Monitoring State Intervention to Combat Violence Against Women, Naripokkho.

In the first half of the seminar, Research Specialists of BLAST, Taqbir Huda and Barrister Abdullah Anbar Anan Titir conducted a presentation titled ‘Pre-Trial Hurdles of Rape Victims: BLAST Experiences’. Their presentation was based on eight recent rape case studies which illustrated that the main pre-trial barriers faced by rape victims include family reluctance to take legal action due to social stigma, violent suppression from influential community leaders, inclination toward resolving the matter through informal shalish/out of court settlements, and failure on part of law enforcement agencies to properly discharge their duties. Barrister Titir explained that these case studies were based primarily on interviews with BLAST paralegals who are based inside three major slums inside Dhaka city (to provide accessible legal services to slum inhabitants) and review of BLAST case records. Mr. Huda emphasised on the importance of the eighteen directives recently issued by the High Court in a PIL filed by BLAST, Naripokkho and others in response to a rape incident in Dhaka. These directives, if followed and implemented properly, would go a long way in tackling the pre-trial barriers faced by rape victims, he said.

The first panel discussion was titled ‘The Role of Police, VSC, and OCC’ and had the following expert panelists: Dr. Abul Hossen, Project Director, Multi-Sectoral Programme on Violence against Women, Ministry of Women and Children Affairs (MOWCA), Farida Yeasmin, Deputy Police Commissioner, VSC, Women Support and Investigation Division, Dhaka Metropolitan Police (DMP) and Fahmida Akhter Rinki, Law Officer, OCC.

Ms. Yeasmin stated that 52 to 55 percent of the cases that come to the VSC are cases regarding violence against women, of which a significant number covers rape cases. Most of the perpetrators in rape cases are above the age of 40 and in over 90% of cases, the perpetrators are known to the victim.

Ms. Rinki emphasised the importance of an FIR in initiating a rape case but noted with regret that often times victims, owing to the sheer trauma and shock, become unable or unwilling to describe the incident openly to the police.

Mr. Hossen stated that one of the main hurdles is the destruction (willing or unwilling) of the evidences, such as the clothes worn by the victim during the incident. He mentioned how victims are usually unaware of their evidentiary value and therefore they usually either wash them or throw them away.

The second half of the seminar was commenced with a presentation by Dr. Shireen Shahjahan Nawmi, Research Associate, BRAC. The presentation was titled ‘Socio-Economic Challenges of a Rape Victim: Findings from BRAC Case Studies’. She focused on the socio-economic barriers that rape victims face in accessing justice, especially if they belong to a marginalised community. She recommended establishing grassroots-level committees to monitor rape incidents in local communities and strongly encouraged collaboration between these committees, NGOs and the local government to facilitate the filing of rape complaints and the initiation of rape cases with a view to preventing out-of-court settlements.

This was followed by the second panel discussion titled ‘Collecting Medico-Legal Evidence in Rape Cases’, where Dr. Gulshan Ara Akhter, Professor, Forensic Department, Ibrahim Medical College and Dr. Ayesha Afroz Chowdhury, Gender NGO and Stakeholder Participation Unit, Ministry of Health and Family Welfare (MOHFW) were present as expert panel discussants.

Professor Akhter explained the importance of conducting the medico-legal examination of rape victims as soon as possible and the crucial need to preserve evidences (such as DNA samples on her clothes) that could be used for DNA tests to identify the rapist. She clarified that the occurrence of rape is established in Court, and evidences collected by forensic department can attest to the occurrence of forcible vaginal penetration after examining a victim of rape.

Dr. Chowdhury identified psychosocial counselling, legal support for victims/survivors of GBV, medico-legal examinations as the three services that are most essential to the process of securing justice for rape victims.

Expert participants included legal academics, forensic specialists, women's rights activists, paralegals, personnel from DMP, VSC and OCC, representatives of various NGOs such as UNFPA, Supporting People and Rebuilding Community (SPARC), Bandhu Social Welfare Society, Naripokkho, Nijera Kori, Kapaeeng Foundation and Dalit Women Forum etc. journalists from Prothom Alo and Dhaka Tribune and most importantly Change Makers working at the Community Level.

***The event covered by Manik Biswas, Advocacy Officer, BLAST and Mahpara Sanjana Khan, Intern, BLAST.***