



Press Release

05 June, 2016

Research report dissemination event on “The Use of Character Evidence in Rape Prosecutions in Bangladesh”

Today 05 June, 2016 on 3.00 p.m. at Bangla Academy, Bangladesh Legal Aid and Services Trust (BLAST) with the support of the SHOKHI project launched a report titled ‘সতীরই কেবলধর্ষণহয়’ written by Fatama Sultana Suvra, Assistant Professor, Department of Anthropology, Jagannath University. It focuses discussions on a colonial era law - Section 155 (4) of the Evidence Act, 1872 - which sanctions the use of character evidence of a woman or girl who complains of rape. The dissemination event aimed to present the research findings, develop a strategy for disseminating the research findings and recommendations, discuss existing law and practice, and identify strategies of response.

The SHOKHI project under BLAST’s leadership with the joint collaboration of AmraiPariParibarikNirjatonProtirodh Jot, Bangladesh Women’s Health Coalition and Marie Stopes Bangladesh, working for the women living in 15 slums of Mohammadpur ,Mohakahali and Mirpur area to increase their social and economic empowerment, so that that they can livewith dignity, a secure and healthy life in slums, workplace and in their family. The SHOKHI project is aiming to increase women’s participation in decision making and to increase their freedom of expression, freedom of movement and finding the solution through discussions, so that they can fight against the existing social, economic and legal barriers. This project is also working to ensure women’s legal rights and access to justice. As a part of this initiative a comparative research was conducted, to stop the use of character evidence of women in rape cases under section 155(4) of the Evidence Act,1872.

The countries in the Indian subcontinent follow the penal code of 1860 which came into force during the British colonial rule. In Bangladesh the existing legal framework support is very limited and outdated for a rape victim. Now, more than 150 years later, Based on an archaic law from 1872, rape victims who have already undergone a horrific experience, have to endure further emotional distress and humiliation. Victims are not allowed to focus on recovering their physical and mental well-being. Instead, they must immediately undergo the critical eyes of society and the court.

Despite a special law, with fast-track procedures and harsh penalties for rape, the right of access to justice of survivors is routinely denied. As in all countries, women and girls face serious stigma after experiencing sexual violence. When they seek redress through the legal system, adversarial court proceedings and a lack of institutional support serve as obstacles to their securing justice. The right of the defense to impeach the survivor’s character and question her about her personal history is one of the more serious barriers in the law, and has no place in our legal system.



বাংলাদেশ লিগ্যাল এইড এন্ড সার্ভিসেস ট্রাস্ট (ব্লাস্ট) Bangladesh Legal Aid and Services Trust (BLAST)

Advocate Sultana Kamal, Chairperson of AmraiPariParibarikNirjatonProtirodh Jot said in her speech, “When someone is raped, the court can give permission for the character of the rape survivor to be questioned. This provision of the law must be changed.”

Ms. Fatama Sultana Suvra, highlighted some parts of her research report. In her speech she said, “Section 155(4) of the Evidence Act implies that a woman of immoral character cannot be raped. Under this law the accused is not on trial, it is rather the victim who is on trial. This law was based on Victorian concepts of morality.”

Ms. Ella de-Voogd, First Secretary, Sexual and Reproductive Health and Rights, Embassy of the Kingdom of the Netherlands said in her speech, “In order to ensure gender equality and meet Bangladesh’s CEDAW obligations, Bangladesh needs to address violence against women and the use of character evidence in rape cases. The embassy of the Kingdom of the Netherlands is happy to support the work of SHOHKI and this new ground breaking research.”

In response to a question from the audience, Sara Hossain, Honorary Executive Director, BLAST said in her speech, “If a woman wishes to make an application for divorce under Christian laws, then in addition to adultery the woman has to also prove some other allegation. However, in the case of the husband, merely an allegation of adultery will be sufficient.”

Justice ATM FazleKabir, Member, Law Commission, said in his speech “The Law Commission has recommended that s. 155(4) of the Evidence Act should be repealed. Under sections 151 and 152 of the Evidence Act, judges have the power to decide what questions they will allow. The court can utilise this power in order to prevent lawyers from raising questions as to a woman’s character in rape cases. Judges need to be more sensitised on this matter.”

Ms. Ayesha Khanam, President, Bangladesh MahilaParishad, said in her speech “We often give the quote that no one is born as a woman, we are born as a human, but society, religion, and the law creates “women” as sub-human.”

Advocate Ali AsgarSwapan, Special Public Prosecutor, Nari o ShishuNirjatonDomon Tribunal 5, Dhaka said in his speech that “Women are raped three times, when she is attacked, during the medical exam and then at court. Immediate remedies are required.”

For Further Information:

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