



## **Rights Groups Challenge Colonial and Discriminatory Character Evidence Rules**

The High Court Division of the Supreme Court of Bangladesh today, adjourned the hearing of a challenging Section 155 (4) and Section 146 (3) of the Evidence Act, 1872 which enable defence lawyers to question women and girls who are complainants in cases of rape about their character and prior sexual history with the accused (without prior permission of the court) and with persons other than the accused.

The High Court adjourned the matter following the submission by the Attorney General of Bangladesh that a draft bill has already been prepared by the Law Ministry proposing repeal section 155(4) of the Evidence Act. The Court passed an order for the matter to be listed for hearing again on 4th January and for the Government to submit a progress report by then regarding the progress with respect to repeal of Section 155(4) of the Evidence Act, 1872.

A Division Bench presided over by Mr. Justice M. Enayetur Rahim and Mr. Justice Md. Mostafizur Rahman passed the order. Senior Advocate Mr. Z. I. Khan Panna, Sara Hossain and Aynunnahar Siddiqa, appeared for the Petitioners, with SM Rezaul Karim, Sharmin Akter and Shahinuzzaman. The Attorney General, AM, Mr Amin Uddin appeared for the state. The petition was filed by three rights organizations, Bangladesh Legal Aid & Services Trust (BLAST), Ain o Shalish Kendra (ASK) and Naripokkho .

Barrister Sara Hossain on behalf of BLAST noted *'Laws grossly discriminate against women and girls and allow questioning of their character and sexual history have no place in the 21<sup>st</sup> century. To ensure rape survivors rights to justice, character evidence laws need to be repealed immediately.'*

Ms. Shireen Huq on behalf of Naripokkho notes *'That the respondent has assured the court that a draft repealing Section 155 (4) is ready should be a matter of great satisfaction. However, this draft has been ready for some time. Yet we have not seen any sign of action on the part of the Ministry. The repeal of section 155 (4) is long overdue. We are hoping for positive results.'*

Nina Goswami on behalf of Ain o shalish Kendra notes *'I believe the amendment of the Evidence Act will bring an end of the practice of questioning about character of a rape survivors and also*

*practice of victim blaming. I wish the success of the legal movement in protecting the human rights of women.'*

For further information, contact

Mahbuba Akhter, Deputy Director (Advocacy) BLAST

M: 01776060113, E: [mahbuba@blast.org.bd](mailto:mahbuba@blast.org.bd)

Abu Ahmed Faizul Kabir, Senior Coordinator, Ain o Salish Kendra

M: 01712207150, E: [srcoordinator-an@askbd.org](mailto:srcoordinator-an@askbd.org)