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PRESS RELEASE

## 100 Experts Demand Change in Medical Evidence Laws and Justice For Rape Victims

The so-called two-finger test used by Bangladesh doctors in their examination of rape victims must be stopped, speakers said at a Conference in Dhaka today organized by Bangladesh Legal Aid and Services Trust (BLAST) and supported by the Growing up Safe and Healthy (SAFE) Project.

BLAST, icddr,b, Marie Stopes Clinic, We Can Campaign, Nari Moitree and Population Council jointly organised the conference titled "Collection of Medical Evidence in Rape Cases: Practices, Procedures and Policies". The conference called for a ban on the use of 'two-finger test' as a method of medical evidence collection. This test is used to assess whether a woman who is alleging rape is 'habituated to sex' and whether her hymen is broken. *'The two-finger test is demeaning and does not provide any evidence that is relevant to proving the offence'*, said over a 100 experts including doctors, lawyers, police, women's rights activists in their joint statement at the Conference.

The Conference speakers said whether a woman has previously had sexual relations is not relevant to the question of rape. The actual issue is whether she consented or not. In addition, the Courts have clarified that partial intercourse is sufficient to establish rape. So the two-finger test is irrelevant.

The Chief Guest, Dr Shirin Sharmin Chowdhury, Hon'ble State Minister, Ministry of Women & Children's Affairs welcomed the coordinated demands based on practical experiences of all the actors involved. She stated that "All rape survivors have the right to justice. Rape is a grave crime and its impact and trauma on women needs to be considered." Recognising the success of OCCs in providing support and acting as the first point of contact to victim's of rape, she revealed the state's decision to develop OCCs in 40 districts and 20 upazilas.

Sara Hossain, Honorary Executive Director, BLAST gave an overview of medical evidence collection in rape cases in Bangladesh. While recommending the review and reform of rape laws to make them more gender-sensitive and victim-friendly, she stated that, "Sexual history of the victim is not legally relevant to whether sexual assault or rape has occurred, and the law needs to change to reflect this."

Ayesha Khanam, President, Bangladesh Mohila Porishad, said that "Our culture and attitudes along with lengthy, complex and gender-insensitive processes are the barriers to justice. We never hear what the accused was wearing and only focus on women's clothes and behaviour."

Nirupa Dewan, Member, National Human Rights Commission, endorsed the recommendation calling for abolition of the 'two-finger test' stating that it violates human rights. She also said that "we need to end the culture of impunity for violence against women."

Dr. Ruchira Tabassum Naved, Scientist, icddr,b, Principal Investigator, SAFE Project, outlined the future course of action to be taken with respect to reforming rape laws and said that "The definition of



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rape needs to be revisited so that consent is the only relevant criterion and expanded to include sexual assault, marital rape and not focus solely on penetrative sex."

"The two-finger test focuses on the victim's past sexual history NOT her past sexual assault history, it invalidates the woman's experience" said Fatama Suvra, Lecturer, Jagannath University.

Dr Habibuzzaman Choudhury, Departmental Head, Forensic Medicine, Suhrawardy Medical College & Hospital presented the obstacles faced by medical experts in collecting medico legal evidence in rape cases, and recommended that **"The two-finger test should be abolished- we need to amend the medical evidence collection form accordingly."**

Ayesha Siddika, Additional Deputy Police Commissioner, Dhaka Metropolitan Police discussed issues regarding investigations and institutional barriers to evidence collection. She highlighted the shortfalls of the 'two-finger test' stating that the, "Use of the term 'habituated to sex' is problematic, particularly in cases of married women, and persons who've previously had relations with the rapist"

The Conference called for urgent steps to be taken to ensure compliance with the government guidelines on medical tests in rape cases; review and revision of the 2002 Health Ministry Circular; amendment of the Medical Evidence Form to requires full informed consent of the victim and omit the two-finger test; amendment of relevant laws such as the Evidence Act, Penal Code and Suppression of Violence Against Women & Children Act to replace the definition of rape with sexual assault; framing of Rules under the SVAW Act and improved access to DNA tests in such cases.

Concluding the discussions, Conference Chair Dr. Ubaidur Rahman said, "We can run a pilot study using a revised medical evidence form, excluding the 'two-finger test'.

Other speakers included Rita Das Roy, Nari Pokkho, Taposhi Rabeya, BLAST and Shahanoor Akhter Chowdhury, SAFE Project. The Conference was moderated by Muminun Nessa Shikha, Victim Support Specialist, Police Reform Programme - UNDP.

During the program, Mahbuba Akhter, Communications Coordinator, BLAST facilitated a talk show "Justice Dialogue" including guests Dr. Md. Abul Manzur, Head, Forensic Department, MAG Usmani Medical College Hospital, Sylhet, THA Dr. Sunil Kumat Chowdhury of Faridpur, Fatema Suvra, Lecturer, Jagannath University, Astt Police Commissioner, Marin Sultana.

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