

RAPE LAW REFORM NOW: 10-POINT DEMAND

The Rape Law Reform Now campaign started in 2018. It aims to identify gaps in the legal and institutional framework that prevent justice for rape victims/ survivors, and to formulate reform proposals. The Rape Law Reform Coalition, with 17 organisations was established to demand these reforms. In solidarity with the anti-rape protests that are taking place across the country, we, members of the Rape Law Reform Coalition, have issued a 10-point demand on justice for rape.

Legal Reform

- 1. Reform rape laws in line with human rights standards:** Reform rape laws in conformity with constitutional guarantees of fundamental rights and international human rights law (including CEDAW, CRC and the ICCPR) to ensure protection and access to justice without discrimination for all rape victims/ survivors (irrespective of sex, gender, gender identity, sexuality, religion, race, ethnicity, nationality, disability, age and nationality) and uphold safeguards on fair trial for those accused.
- 2. Broaden definition of rape to make it non-discriminatory:** Redefine rape to cover all forms of non-consensual penetration, irrespective of gender of the perpetrator or the victim/ survivor.
- 3. Define penetration to cover all forms of rape:** Add a definition of 'penetration' for the purposes of determining rape, to include penetration by the use of objects or any other part of the perpetrator's body.
- 4. Allow proportionality of punishment and introduce sentencing guidelines:** Amend laws to enable judges to exercise discretion in sentencing and formulate necessary sentencing guidelines which ensure proportionality of punishment and take into account both mitigating circumstances (such as the age or mental health of the accused) and aggravating circumstances (such as the use of weapon, force or violence and causing permanent physical or mental impairment of the victim/ survivor).
- 5. Ensure justice process is accessible to rape survivors with disabilities:** Modernise the Evidence Act 1872 to ensure persons with speech, hearing or intellectual disabilities are able to testify without facing any procedural barriers due to their disability during rape trials.
- 6. Prohibit use of character evidence against rape survivors:** Amend Section 155(4) and other relevant sections of the Evidence Act to end admissibility of character evidence of complainants in rape trials. Such reform should also ensure judges are duty bound to ensure that defense lawyers do not ask humiliating or degrading questions during cross-examination of complainants.
- 7. Enact Witness Protection Law:** Adopt a Victim and Witness Protection Act (building on the draft prepared by the Law Commission in 2006/ 2011), for institutional protection, emergency shelter, livelihood support, psycho-social support, and protection of identity or relocation as required, of victims/ witnesses and ensure protection is continued until the victim and witness's safety is no longer threatened and satisfactory alternative arrangements have been made.
- 8. Establish a state compensation fund for rape survivors:** Establish a state-run compensation fund to enable rape victims/ survivors to apply for compensation as of right, irrespective of whether the perpetrator can or has been identified and/or prosecuted for the offence.

Institutional Reform

- 9. Hold gender-sensitisation training for justice sector actors:** Conduct trainings for police, lawyers (prosecutors and defense), judges and social workers so rape survivors are treated with gender responsiveness and sensitivity when reporting a rape, and during investigation and prosecution.
- 10. Introduce consent classes in schools:** Introduce lessons on capacity and consent into educational curricula, to change prevailing misogynistic social norms which undermine the right to choose

Rape Law Reform Coalition comprises of seventeen (17) member organisations - Acid Survivors Foundation, Action Aid, Ain O Salish Kendra, Bangladesh Mahila Parishad, Bangladesh Legal Aid and Services Trust (Secretariat) Bangladesh Women Lawyers' Association, Bandhu Social Welfare Society, BRAC, Care Bangladesh, Justice for All Now (JANO), Bangladesh, ICDDR,B, Manusher Jonno Foundation, Naripokkho, Women with Disabilities Development Foundation, We Can, Women for Women and Young Women's Christian Association