



NATIONAL CONFERENCE ON RAPE LAW REFORM

8 December 2018 | Dhaka

A CALL FOR REFORM OF RAPE LAWS TO ENSURE GENDER-EQUALITY, RIGHTS AND JUSTICE

General Issues

1. Reform rape laws in conformity with constitutional guarantees of fundamental rights and international human rights law, and to fulfil the Sustainable Development Goals 5, 10 and 16.
2. Reform rape laws to ensure protection and access to justice without discrimination for all rape victims/ survivors (irrespective of gender, religion, race, ethnicity, disability, gender identity, sexuality).
3. Establish a state-run compensation fund to enable rape victims /survivors to apply for compensation as of right on proof of rape, irrespective of the perpetrator being identified and prosecuted for the offence.
4. Review training modules for police, judges, social workers, lawyers (prosecutors and defence) to include information on gender equality, HC Directives, Ministry of Health Protocol, and social context information on experiences of women and girls in accessing justice, and barriers faced, and responsibilities of duty bearers
5. Undertake regular training programmes for judges, lawyers, forensic doctors, social workers on reformed laws.
6. Incorporate information on violence against women and girls, rape, sexual violence, including the concept of consent and choice, into educational curricula starting at the primary education level, to change people's perceptions of gender and VAWG and break through prevailing misogynistic social norms.
7. Make information about the rights of victims/survivors, witnesses, and the conduct of rape trials and investigations widely available in multiple formats and languages
8. Disseminate relevant information in simple language on rape laws and procedures, particularly High Court Directives in *Naripokkho and others*, and the *Ministry of Health Health Response to Gender Based Violence: Protocol for Health Care Providers* to all concerned (judges, lawyers, police, social workers, legal services organisations)

Review of Penal Code 1860 and Nari o Shishu Nirjaton Domon Ain 2000

9. Redefine rape to ensure that all forms of non-consensual penetration are covered by it, irrespective of gender.
10. Clarify the definition of rape to reflect that consent may be revoked
11. Clarify that the absence of proof of force or physical resistance does not establish consent.



12. Review the definition of 'penetration' to include the use of objects – OR Develop an additional offence of aggravated sexual assault involving non-consensual penetration of persons of any sex or gender with a manipulated object.
13. Clarify the term 'child' under the NSNDA to include male children.
14. Reform rape laws to ensure protection and access to justice without discrimination for all victims of rape (women, children, men, people with disabilities, individuals from Hijra communities, transgendered persons, sex workers).
15. Amend Section 15 of the NSNDA to grant rape victims /survivors the right to compensation from the perpetrator instead of making it conditional upon imposition of fine and judicial discretion.
16. Amend laws to enable judges to exercise discretion in sentencing and formulate necessary sentencing guidelines which ensure proportionality of punishment and take into account mitigating circumstances such as the age or mental health of the accused.

Review of Code of Criminal Procedure 1898

17. Amend Code to ensure persons with speech/ hearing or intellectual disabilities may give evidence in rape trials.

Review of Evidence Act 1872

18. Amend Section 155(4) of the Act to end admissibility of character evidence of complainants in rape trials
19. Ensure that defense lawyers do not ask humiliating or degrading questions during cross-examination of complainants.

Adopt Witness Protection Bill

20. Hold public consultations on the Witness Protection Bill, drafted by the Law Commission in 2006, including in particular the perspectives of individuals facing discrimination due to ethnicity, caste, religion, race, disability
21. Following consultations, enact the Witness Protection Bill, ensuring victims and witnesses the right to institutional protection, emergency shelter, livelihood support, pyscho-social support, and protection of their identity or relocation as required, and that protection is continued until the witness's safety is no longer threatened and satisfactory alternative arrangements are made.