



Date: 20 August 2017

Press Release

“Use of character evidence in rape trials to be repealed immediately for better legal redress of rape survivors”

On 20 August, 2017 at 3.00 p.m. at Azimur Rahman Hall, Daily Star Bhaban, Bangladesh Legal Aid and Services Trust (BLAST) with the support of SHOKHI project organized a consultation meeting on the use of character evidence in rape prosecutions in Bangladesh. The speakers unanimously agreed to the demand to repeal the discriminatory provision, Section 155 (4) Evidence Act, and urged the government to take necessary initiative in this regard.

Justice (Retd.), Appellate Division, Nizamul Haque said “We are all agreed on the fact that S.155 (4) should be repealed. The Judges in Court can play a vital role to protect a rape survivor from being asked humiliating questions during rape trials.”

While discussing about the way forward Nurunnahar Osmani, member, National Human Rights Commission said, “The issue of consent should be the main concern in rape trials. Adducing character evidence in courts in such trials is completely irrelevant.

Lutfa Begum, retired district Judge, Nari O Shishu Nirjaton Domon Tribunal said, “Section 155 (4) of Evidence Act is one of the main reasons why perpetrators of rape can evade justice. Questioning of past sexual history of the rape survivor cannot be relevant in determining whether the offence of rape has been committed.”

Advocate Ali Asgar Swapan, Special Public Prosecutor, Nari o Shishu Nirjaton Domon Tribunal 5, Dhaka said in his speech that “The use of character evidence is visible in all violence against women related cases including dowry cases which hampers the course of justice.”

Ms. Fatama Sultana Suvra, Assistant Professor, Department of Anthropology, Jagannath University, said in her speech that, “ Rape laws in Bangladesh discriminates against women and the fact that a woman can be questioned about her character is a violation of her Constitutional rights as under our Constitution treats men and women as equal. Such laws are based on a colonial mindset that women cannot exercise her sexuality unless she is of immoral character.”



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

Dr. Dina M Siddiqi, Anthropology Department, University of BRAC emphasize on the need for a reform of the current definition of rape and the need for courts to take the issue of consent into consideration.

The aims and objectives were set by Advocate Sultana Kamal, eminent human rights activist, former advisor of the caretaker government, current Chairperson of Amrai Pari Paribarik Nirjaton Protirodh Jot and Barrister Sara Hossain, Honorary Executive Director of Bangladesh Legal Aid and Services Trust (BLAST). The event was chaired by Justice (Retd.) Nizamul Haque. Barrister Nawmi Naz Chowdhury, coordinator (Research and Documentation) presented a power point presentation on use of character evidence in rape prosecutions in Bangladesh along with the status of use of character evidence in other countries.

The SHOKHI project under BLAST's leadership with the joint collaboration of Amrai Pari Paribarik Nirjaton Protirodh 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 live with 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 and on the basis of the research report a Policy Brief has been prepared by BLAST to amend the said Act.

For further information please contact:

Mahbuba Akhter,

Deputy Director (Advocacy and Communication), BLAST

Email: mahbuba@blast.org.bd