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Press Release

Police stations to record complaints filed regarding incidents of rape and sexual violence without delay and discrimination

On April 18, 2018, a High Court Bench comprising the Honorable Justice Farah Mahbub and Justice Qazi Md. Isarul Huq Akand, in disposing of a Rule, issued directions to ensure justice, and protection for women survivors of rape in its judgment in the public interest case (Writ Petition No. 5541/2015) filed jointly by Bangladesh Legal Aid and Services Trust (BLAST), Naripokkho, Bangladesh Mohila Parishad (BMP), Jatiyo Adivasi Parishad (JAP) and Ain-o-Shalish Kendra (ASK) on 25 May 2015, in connection to the incident of a woman being dragged into a microbus and raped in Dhaka on 21 May 2015 while she was waiting for a bus, whose subsequent complaint was not filed by the police, nor her medical examination conducted, in a timely manner.

The 18 directions are as follows:

1. Every information relating to the commission of a cognizable offence, including rape, sexual assault and other similar offences, shall immediately be reduced to writing by the Officer-in-Charge of a police station irrespective of the place of occurrence without any discrimination whatsoever and without causing any delay.
2. Also, a designated website should be developed enabling the informant to register his/her complaint online.
3. The statute should be amended to include a specific provision dealing with the refusal or failure of a police officer to register such cases without sufficient cause.
4. Every police station must have around the clock female police officer, not below the rank of a Constable. On receipt of information on an offence of rape or sexual assault, the duty officer recording the information shall call the female police officer present at the police station and make the victim and her family members comfortable.
5. The identity of the victim should be kept confidential at all stages.
6. There should be a visible list of female social workers who may be of assistance at all police stations.
7. The statements of the victim should be recorded in the presence of a lawyer, a person nominated by her, a social worker, or a protection officer.
8. The victim should be made aware of her right to protection from the State and should be given any information she requests on the matter.
9. The duty officer immediately upon receipt of the information shall inform the Victim Support Centre.
10. Interpretation services should be provided where necessary especially for women or girls with disabilities who are victims of rape or sexual assault.
11. After reducing the information into writing, the Investigating Officer along with the female police official available, shall escort the victim for medical examination without causing delay.
12. The Victim Support Centre should be discreet and should at all times have all the facilities required for the recovery of the victim.
13. In all rape cases or cases of sexual assault, chemical/DNA tests are required to be conducted mandatorily.

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14. The DNA and other samples should be sent to the concerned Forensic Science Lab or DNA Profiling Centres within 48 (forty-eight) hours of the alleged occurrence.
15. Any failure of duty on the part of the investigating agency in collecting the report or causing the victim to be taken to the nearest hospital for medical examination would be a punishable offence.
16. The investigating officer shall endeavour to complete the investigation at the earliest.
17. There should be wider dissemination of the national line number of violence against women, girls or children, namely 10921, through visual, audio as well as in the print media including designated websites.
18. In addition to the above, to establish an office in every Metropolitan City for the purpose of providing the necessary security, medical, chemical and counselling assistance and secured protection for the victim.

On 21 May 2015, a salesgirl of a clothing shop in the Jamuna Future Park was dragged into a microbus and brutally raped by five men for over an hour, while waiting for a bus at the Kuril Bishwo Road area, and then left lying on Josimuddin road in Uttara. After seeking help from several police stations, the family of the victim was finally able to file a case on Friday, the day after the incident, at the Bhatara police station. Current law at the time required the medical examination of a victim of sexual assault to be completed as fast as possible, but in this case, the victim was sent to Dhaka Medical College for a medical examination on 23 May 2015, three days after the incident took place.

In light of this, BLAST, Naripokkho, BMP, JAP and ASK jointly filed a writ in the public interest (Writ Petition No. 5541/2015), alleging that the concerned authorities had violated their constitutional duties in delaying to take quick and effective measures to file the woman's complaint and send her to a Victim Support Centre or One-stop Crisis Centre, and in delaying to take the necessary steps to arrange her medical examination.

On 25 May 2015, a division bench of the Honorable High Court (HC) issued a Rule as to why the authorities responsible should not be prosecuted for the delay in accepting the case and in dispatching the woman for a medical examination, and why the victim should not be compensated. In addition, the court instructed the IGP and the Police Commissioner to issue a circular in all police stations under the Dhaka Metropolitan Police, prohibiting discrimination against women victims of sexual assault on the ground of religion, caste, gender, caste, birthplace, etc when providing services, and directing that complaints of rape cases be filed in a timely manner.

In disposing of the writ the HC bench of Justice Farah Mahbub and Justice Qazi Md Isarul Huq Akand issued a summary judgment on 18 February 2017; the full judgment was published on 18 April 2018.

In this context, Kamrun Nahar, Member, Naripokkho, said that *"It is the responsibility of the government to give protection to and safeguard the rights of every citizen of the country. We hope that the government will accord maximum attention to establishing the rule of law and will take effective steps immediately to implement the verdict so that no such incident of sexual violence can take place in the future."*

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Ayesha Khanom, President, BMP said that *“This judgment is a positive and welcome step towards ensuring legal assistance for women, girls and young women who are victims of sexual assault, rape and gang rape. We hope that the concerned administration will follow the main principles and directions in this judgement. We hope that a gender-sensitive medico-legal system will play a key role in helping women who are victims of sexual assault.”*

The president of Jatiya Adivasi Parishad Rabindranath Saren said *“The verdict of this case is undoubtedly an exemplary verdict for the protection of indigenous women and women of all walks of life. I demand immediate enforcement of the verdict of this case. I strongly urge to implement the judgment of this case. Beside this also need to set an example by punishing who have proved guilty in this case.”*

Advocate Sara Hossain, Advocate ZI Khan Panna, Advocate Masuda Rehana Rozi, Advocate Sharmin Akhter represented the petitioners in the case, while the State was represented by the Deputy Attorney General Amatul Karim, A G Nusrat Jahan and A A G Bilkis Fatema.

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