

Justice for Rape Survivors: 10-Point Demands

The 'Rape Law Reform Now' campaign was launched in 2018. The primary objective of this campaign was to identify the limitations within the existing legal and institutional frameworks and to formulate reform proposals aimed at preventing rape and ensuring justice for survivors.

As part of this initiative, the Rape Law Reform Coalition was formed with a set of 10-point demands for the amendment of the existing laws on rape prevention. In light of the alarming rise in sexual and gender based violence across the country, and with the goal of ensuring protection for survivors, the Coalition has updated its demands to reflect the contemporary and prevailing context as presented below:

Short-Term Demands

Legal Reform

1. Reform of the existing laws on rape prevention in line with human rights standards:

The existing laws on rape prevention must be reformed to ensure protection and access to justice without discrimination for the survivors (irrespective of gender, sexuality, religion, race, ethnicity, nationality, disability, and age) and to protect everyone's rights through a neutral judicial process. These reforms must align with the fundamental rights recognized in the Constitution of Bangladesh and international human rights laws (such as CEDAW, CRC, ICCPR).

2. Broaden definition of rape to make it non-discriminatory:

The definition of rape must be redefined in a broad and non-discriminatory manner to include all forms of non-consensual penetration, irrespective of the gender of the perpetrator or the survivor, and regardless of marital relationship.

3. Define penetration to cover all forms of rape:

Include a definition of penetration in the existing laws on rape prevention that encompasses the insertion of a sexual organ or any other object into the vagina, anus, or sexual organ- whether internally or externally or into any other part of the body of a rape survivor.

Section 2(JJ) of the Women and Children Repression Prevention (amendment) Ordinance 2025 defines 'sexual intercourse' as the insertion of any part of the penis or any other object into the vagina, anus or mouth of a woman or child for the purpose of gratifying sexual desire. However, the definition is limited to victims identified as 'women or children', thereby excluding individuals of other genders.

4. Ensuring justice for rape survivors with disabilities:

Access to justice for rape survivors with disabilities must be ensured. Necessary amendments should be made to the Evidence Act, 1872, to ensure that persons with speech, hearing, and intellectual disabilities do not face any obstacles during the trial of rape cases due to their disabilities.

5. Enactment of the victim and witness protection Act:

The draft Victim and Witness Protection Bill (first drafted by the Law Commission in 2006 and subsequently reviewed in 2011) must be revised and enacted to reflect current needs. The legislation should ensure that victims and witnesses receive institutional protection, emergency shelter, livelihood assistance, psychosocial support, and where necessary, measures to protect their personal privacy. These protection mechanisms must remain in place until satisfactory alternative security arrangements are established to ensure their safety is not compromised.

The Women and Children Repression Prevention (amendment) Ordinance 2025 includes provisions on the prohibition of identity disclosure of women and children survivors in the media [Section 14(1)]; the use of information technology in recording evidence [Section 24(4)]; protective custody [Section 31]; orders for providing security or protection to the complainant, survivor, or witness [Section 32B(1)]; and compensation for travel and time of witnesses [Section 32B(2)]. However, these provisions concerning the protection of survivors and witnesses are applicable only to cases filed under this specific Ordinance.

6. Proper implementation of the High Court's judgment and the amended law:

(a) Banning the "Two-Finger Test": To ensure the effective implementation of the High Court's directive banning the "Two Finger Test (TFT)" on survivors of sexual and gender-based violence, relevant authorities must adopt necessary strategies. Simultaneously, proper coordination must be ensured among key stakeholders, including health services, the judiciary (judges, prosecutors, and lawyers), and non-governmental organizations.

(b) Prohibition of the use of character evidence of the complainant or survivor in rape cases: It is essential that a clear Practice Direction be issued by the Chief Justice prohibiting the submission of any derogatory or defamatory statements in court toward the complainant or survivor in rape cases. In this regard, the strict application of Sections 146(3) (Questions lawful in cross-examination) and 151 (indecent and scandalous questions) of the Evidence (Amendment) Act, 2022 must be ensured to effectively prevent the use of character evidence.

Short- Term Demands**Institutional Reform****7. Gender sensitivity training for justice sector actors:**

Gender sensitivity training must be provided for judges, lawyers, police, journalists, and social workers to ensure that rape survivors are treated with dignity and sensitivity at every stage of the justice seeking process.

8. Inclusion of consent related content in the educational curriculum:

In order to develop understanding of gender and violence against women, and to transform prevailing negative social norms and practices, information on gender-based violence (particularly rape and various forms of sexual violence), including the concepts of consent and choice, must be incorporated into educational curriculum from the primary level onwards.

Long- Term Demands**Legal Reforms****9. Ensure proportionality of punishment and introduce sentencing guidelines:**

Amend relevant laws to empower judges with judicial discretion in sentencing and formulate necessary sentencing guidelines to ensure proportionality of punishment. These guidelines should ensure that due consideration is given to both mitigating factors (such as the age or mental health of the accused) and aggravating circumstances (such as the use of weapons, force or violence, and causing permanent physical or psychological impairment to the survivor).

10. Establish a state-run compensation fund for rape survivors:

Establish a state-run compensation fund to ensure that rape survivors can access financial reparations as a matter of right, irrespective of whether the perpetrator has been identified, or prosecuted for the offence.



For more information, please scan

Ensuring Justice for Rape Survivors

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