



Ain o Salish Kendra (ASK) | Bangladesh Legal Aid and Services Trust (BLAST)| Bangladesh Mahila Parishad (BMP) | BRAC | Manusher Jonno Foundation | Naripokkho

10th October, 2013

Press Release

High Court Issues Rule on the Prohibition of “Two Finger” Test on Women and Girl Survivors of Rape

The High Court today directed the Secretary, Ministry of Health and Family Welfare, Secretary, Ministry of Home Affairs, Director General, Directorate of Health Services, and the Inspector General of Police to show cause in four weeks as to why the so called ‘two-finger test’ undertaken upon women and girl rape complainants should not be declared to be without lawful authority and of no legal effect.

The Court asked the respondents to explain why their failure to prohibit the “two finger test” resulting in discriminatory and arbitrary treatment against women and girls, should not be declared to be a breach of their constitutional duties and a violation of fundamental rights as guaranteed by Articles 27, 28, 31 32 and 35(5) of the Constitution. The Hon’ble Court also issued an interim direction upon the Secretary, Ministry of Health and Family Welfare to set up a Committee with experts on criminal justice, forensic science, public health and women’s rights, to develop a comprehensive guideline for police, physicians and judges of the Nari o Shishu Nirjaton Domon Tribunals regarding examination and treatment of women and girls subjected to rape and sexual violence, and to report to the Hon’ble Court on this within a period of three months.

A Division Bench of the High Court Division of the Supreme Court of Bangladesh, comprising of Mr Justice Mirza Hussain Haider and Mr Justice Khurshid Alam Sarkar, passed the order upon Writ Petition No. 10663/2013 filed in the public interest by six human rights, legal services, women’s rights and development organisations and two experts (Dr. Ruchira Tabassum Naved and Dr. Mobarak Hossain Khan). On behalf the petitioners, it was submitted that the so called “two finger” test has no evidential value or scientific merit. Further, it is humiliating and degrading and violates women and girls’ fundamental rights to equality, and dignity,. Many women reportedly refuse to undergo the test due to its invasive and humiliating nature, and are thus denied justice.

Ayesha Khanam, well known women’s rights activist and President of Mahila Parishad welcomed the order and commented: *“The so called two finger has no scientific value. We must give up these things which are humiliating to women. This matter was also discussed at United Nations”*.

Dr Faustina Pereira of BRAC stated *“This order paves the way to eliminating a most inhuman form of medical examination and is a positive step towards gender friendly medico-legal practice”*.

Sara Hossain, with Barrister Jyotirmoy Barua, Barrister Akmal Hossain, and Advocates Abantee Nurul and Mahjabeen Rabbani moved the petition.

The Rule has been made returnable in four weeks.

For further information please contact:

1. **Mahbuba Akhter**, Assistant Director, Communication and Advocacy, BLAST
Mobile- 01191365001, Email-mahbuba@blast.org.bd
2. **Dilshad Mahmud**, Senior Staff Lawyer, BRAC
Mobile-01674775180, E-mail-dilshad.m@brac.net