



SOUTH ASIAN MOVEMENT FOR ACCESSING JUSTICE:

Call to Action on Ending Sexual Violence in South Asia

April 2025

The South Asian Movement for Accessing Justice (SAMAJ) is a coalition of organisations that work to end sexual violence across countries in South Asia. These organisations have come together to amplify the voices of victims/survivors and share from their years of experience in supporting victims/survivors secure better access to justice. The organisations' work includes a focus on women and girls from disadvantaged communities such as Dalits, Adivasi/tribal or Indigenous, religious minority or minority language communities and those with physical and intellectual disabilities, who face more discrimination in accessing justice as a result of these intersections.

Based on the experiences of SAMAJ members and Equality Now's and Dignity Alliance International's report, Sexual Violence in South Asia: Legal and Other Barriers to Justice for Survivors, the members of SAMAJ have put forward a call to the governments of Bangladesh, Bhutan, India, Nepal, Sri Lanka and the Maldives to take urgent action to end sexual violence against women and girls and ensure access to justice for victim/survivors of sexual violence.

1. ADDRESS PROTECTION GAPS IN THE LAW

- **Expand the definition of rape** in Bangladesh and Nepal and for other countries where applicable so that all forms of penetration of a sexual nature are covered within the definition of rape, including oral, anal and vaginal penetration by any organs or objects.
- In Bangladesh, Bhutan, Sri Lanka, Nepal and the Maldives, **ensure that the definition of sexual violence covers all forms of sexual acts** committed without the victim's voluntary and willing consent examined in a broad range of coercive circumstances, including by recognising situations where the survivor/victim is incapable of giving true consent, such as in the context of a power differential.
- **Remove discriminatory or burdensome evidence requirements** applicable in law, including by explicitly prohibiting the introduction of evidence relating to the past sexual history of the survivor¹ and amending laws which require a number of different types of evidence. Such a requirement, which focuses on the quantity of evidence rather than the quality, puts an unjustified burden on the prosecution and supports impunity. This is particularly the case with respect to requirements in the Maldives.
- **Explicitly criminalise marital rape** in all circumstances in Bangladesh, India and Sri Lanka. Bhutan and Nepal should ensure that the penalties for marital rape are commensurate with applicable penalties for other forms of rape.
- **Enact, where applicable, comprehensive special laws for the protection of victims/survivors from socially excluded communities** and address gaps in existing sexual violence prevention legislation to recognise and address the increased vulnerabilities of marginalised communities/groups. For instance, in India, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act criminalises atrocities against Scheduled Castes and Scheduled Tribes. Under this Act, any form of sexual violence against women and girls from Scheduled Castes and Scheduled Tribes communities perpetrated with the knowledge of their caste or tribal identity is recognised and criminalised as a caste-based atrocity and incurs special measures to improve access to justice in such cases. In Nepal, the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act prohibits caste-based discrimination but does not contain similar provisions to those under Indian law to specifically address instances of caste-based sexual violence or rape.
- **Include specific mechanisms in all six countries for addressing sexual violence in conflict or significant social upheaval** to ensure appropriate accountability and speedy resolution of cases.
- **Provide victim and witness protection** for rape survivors while pursuing the criminal justice process by putting in place/ensuring implementation of laws and policies on victim and witness protection. For instance, in India, the Witness Protection Scheme, 2018 was developed to address the vulnerabilities faced by witnesses, however its implementation would benefit from a specific law that mandates it.

¹ Already addressed in India and Bangladesh

2. IMPROVE POLICE RESPONSES TO CASES OF SEXUAL VIOLENCE

- **Hold police officers accountable who refuse to register complaints, tamper with evidence, pressure survivors or victims'/survivors' families to compromise or in any way obstruct justice** in sexual violence cases. In India, an amendment was introduced in the law in 2013 to include criminal penalties for police officers who refuse to file a First Information Report in rape cases, although this amendment has not been fully or comprehensively implemented.
- **Increase training and capacity building for gender sensitisation of police officials** to prevent secondary victimisation of survivors:
 - ◇ Increase diversity of the workforce in terms of ethnicity, language, religion and caste.
 - ◇ Set standards in training by partnering with more specialist women's rights organisations.
 - ◇ Promote specialisation within police units, for example, by providing training to police officers to specifically deal with gender-based violence against women and children.
 - ◇ Establish women's and children's desks in all police stations and appoint dedicated senior police personnel to handle cases related to women and children and ensure their welfare.

The Philippines offers the example that its Magna Carta of Women requires that all government personnel involved in the protection and defence of women against gender-based violence receive mandatory training in human rights and gender sensitivity. South Asian countries could learn from this good practice and implement it across the countries.

- **Provide secure avenues for confidential reporting of police misconduct and other barriers** faced by survivors, ensuring that their experiences are documented and addressed.

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3. ENSURE SURVIVOR-FRIENDLY MEDICAL EXAMINATIONS IN RAPE CASES

- **Implement in Bhutan, Nepal, Sri Lanka and the Maldives nationwide bans against the two-finger test.** Additionally, **enforce the existing bans in Bangladesh and India** while issuing directives to all hospitals and healthcare providers to raise awareness of them. In India, while there are guidelines issued by the Ministry of Health, these still need to be adopted by state governments. The existing ban on the two-finger test in Bangladesh and India must become part of the medical curriculum and processes must be amended to implement the ban more strictly, with repercussions for those violating it.
- **Conduct appropriate post-rape forensic medical examination in a timely and sensitive manner** and provide medical care and counselling services to survivors through hospitals without insisting on prior registration of a police complaint.
- **Allocate sustained resources for forensic evidence collection and testing:**
 - ◇ Increase the number of labs and DNA-testing centres.
 - ◇ Improve the infrastructure of labs and similar spaces for conducting tests within hospitals to make them more survivor-friendly.
 - ◇ Recruit and increase the number of technicians/practitioners, ensuring that women technicians/practitioners are recruited in numbers proportionate to the percentage of women survivors/victims to ensure same-sex examination if requested.
- **Train medical professionals on the appropriate protocols for the conduct of medical examinations in rape cases:**
 - ◇ Ensure they are aware of any national guidelines applicable to such examinations.
 - ◇ Impart training and skills to practitioners to specialise in gender-based violence.

Some countries such as the United States and Canada have introduced forensic nurses who are trained to handle sexual violence cases sensitively. This has proven to have several benefits including improved evidence gathering. South Asian countries must initiate a similar cadre of nurses based on the learnings from these countries.

Implement in Bhutan, Nepal, Sri Lanka and the Maldives nationwide bans against the two-finger test and enforce the existing bans in Bangladesh and India.

4. IMPROVE CRIMINAL JUSTICE PROCEDURES AND TRIALS OF SEXUAL OFFENCES

- **Ensure that all forms of sexual violence offences are investigated and prosecuted as a priority**, including sexual violence offences committed during conflict or significant civil unrest.
- **Ensure the criminal justice system, including forensic services, is designed to deliver a victim-centred, perpetrator-focused, gender-sensitive service throughout the investigation, prosecution and adjudication** of sexual violence crimes and to make sure cases are fast-tracked. This might be through the establishment and proper resourcing of specialised police, prosecutors and courts or through prioritisation through regular courts, with professional protocols and continuing training and certification of specialisations for all actors.
- **Establish child-friendly criminal justice procedures** and personnel trained in long-term age-appropriate trauma care and reasonable and procedural accommodations for people with disabilities and survivors/victims of sexual violence, both in line with international standards. Offer long-term support, particularly to children, women and girls with disabilities, and survivors/victims of sexual violence, to enable their full re-integration into normal life.
- **Institute better mechanisms to monitor the diligence and performance of public prosecutors:**
 - ◇ Efforts must be directed towards designing and carrying out regular assessments in compliance with UN Rule of Law indicators to evaluate the quality and performance including timely action of public prosecutors.
- **Institute effective mechanisms to compel attendance of witnesses** such as investigation officers and medical officers, for example by issuing non-bailable warrants in the event of failing to appear before the court.
- **Ensure that survivors/victims of sexual violence are sufficiently supported** throughout legal proceedings with:
 - ◇ Provision of free legal assistance/support under legal aid, with specific provisions for mandatory legal support in cases of rape of children.
 - ◇ Information about the criminal justice process and their rights under the law and regular updates on progress throughout the proceedings. For example, in India, the State Legal Services Authority has a scheme for Para-Legal Volunteers which aims at imparting legal training for volunteers from the community who act as intermediaries between lay people and legal service institutions. Where they are present, they keep the survivors/victims updated on the progress of their cases.
- **Ensure that legal aid is adequately advertised in communities** and that mobile legal aid units are deployed particularly among rural and marginalised populations who may not be aware of their legal rights or the support available to them.

5. DESIGN AND FUND HOLISTIC INTERVENTIONS TO IMPROVE ACCESS TO JUSTICE FOR SURVIVORS

- **Create Survivors'/Victims' Compensation Funds for payment of compensation by the State** and allow survivors/victims to apply for interim compensation without having to wait for a conviction. Currently, laws imposing responsibility on the State to pay compensation (as opposed to the perpetrator), ensuring at least a portion of the compensation is payable immediately upon filing the criminal complaint are only enacted in India and Sri Lanka.
- **Establish appropriately resourced “one-stop” support services** that are reasonably geographically and physically accessible to all survivors/victims.
- **Ensure that stringent action is taken against any persons**, including perpetrators of rape, community members or members of informal dispute resolution bodies such as caste panchayats, tribal councils and shalishes **who threaten, pressure or force rape survivors/victims or their families into extra-legal settlements in rape cases**, a frequently reported occurrence in Bangladesh, Nepal and India. For example, in Nepal, an Ordinance passed in December 2020 makes it a criminal offence to force mediation or reconciliation between rape survivors/victims and perpetrators or their families. This is a welcome measure and an official recognition by the government of the widespread nature of such mediation practices in rape cases. Only its strict enforcement, which is currently not the case, is required in order to end such mediations in rape cases.
- **Ensure efficient multi-sectoral response to provide holistic support services** to survivors/victims:
 - ◇ Promote regular broad consultation and collaboration with and between all relevant sectors/agencies addressing violence against women and girls.
 - ◇ Promote provisions for long-term trauma-informed mental health care.
- **Increase allocation of resources** towards sexual violence prevention and response programmes:
 - ◇ Ensure that funding for sexual violence prevention and response initiatives is sustainable and allocated in a way that supports both immediate needs and long-term strategies.
 - ◇ Emphasise the active participation of civil society and specialist gender advocates in policy planning and budgetary processes as a means of learning about the needs of women and girls survivors/victims of sexual violence and aim to include them in the designing of laws, policies and budgets to positively impact their lives.
 - ◇ Implement broad and holistic education and awareness-raising programmes regarding human and women’s rights, including awareness of laws, procedures and services with respect to sexual violence, as well as programmes aimed to modify discriminatory social and cultural patterns of behaviour, including through targeting stereotyped gender roles and promoting non-violent masculinities. Integrate compulsory sex and relationship education in the school curriculum in an early, age-appropriate way. These must be culturally sensitive and linguistically appropriate to reach diverse communities effectively.

6. MONITORING, EVALUATION AND DATA COLLECTION TO COMBAT SEXUAL VIOLENCE

- **Establish independent oversight bodies to conduct timely evaluations** into the conduct and outcome of rape cases, also informed by survivor/victim experience, with a view to improving access to justice for rape crimes:
 - ◇ Ensure that the results of these evaluations are freely available and in a timely way.
 - ◇ Conduct prompt analysis of the outcomes to provide recommendations for law, and policy and practice reforms and ensure their implementation.
- **Improve data collection on rates of reporting, prosecution and convictions in sexual violence cases** (particularly in the Maldives):
 - ◇ Set standards for timely gender-responsive data collection, monitoring and evaluation.
 - ◇ Ensure that data is broadly available and disaggregated based on the sex, age, caste, tribe, ethnicity and religion of the survivor. Currently, with the exception of India, none of the six countries included in the study maintains disaggregated data on caste/ethnicity.

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ABOUT SAMAJ

The South Asian Movement for Accessing Justice (SAMAJ) is a regional coalition of 17 individuals and organisations from Bangladesh, India, Sri Lanka, Nepal, and the Maldives, united in their mission to end sexual violence and strengthen access to justice for survivors in the region. Formed in 2024, SAMAJ aims to respond to the legal and systemic barriers to justice in South Asia, by fostering collective, cross-border action to drive meaningful legal and policy change.

SAMAJ works to address deep-rooted legal inequalities by advocating for comprehensive legal reform, ensuring survivor-centred responses, and promoting the inclusion of marginalised communities in South Asia. Through collaborative research, shared advocacy, and strategic partnerships, SAMAJ is creating a unified platform for knowledge exchange, policy influence, and survivor-led change across the region.

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