

Legal response to sexual violence in Pakistan: Challenges in enforcement and access to justice



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March 2026

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About Equality Now

Equality Now is a worldwide human rights organisation dedicated to securing the legal and systemic change needed to end discrimination against all women and girls, everywhere in the world. Since its inception in 1992, it has played a role in reforming 130 discriminatory laws globally, positively impacting the lives of hundreds of millions of women and girls, their communities and nations, both now and for generations to come.

Working with partners at national, regional and global levels, Equality Now draws on deep legal expertise and a diverse range of social, political and cultural perspectives to continue to lead the way in steering, shaping and driving the change needed to achieve enduring gender equality, to the benefit of all.

Acknowledgements

Equality Now wishes to thank Sahar Bandial as the lead researcher and writer of this report and all those organisations and individuals who contributed to its preparation, including those who shared their valuable insight through interviews and those who attended the validation meeting and offered their considerable expertise. We also extend our appreciation to colleagues across Equality Now whose collaboration and commitment made this report possible.

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Glossary

ARCC	Anti-Rape Crisis Cell
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
Challan	Police report submitted to the court
Complainant	Someone who brings the case to the police, who need not be the victim, but could be a family member or other interested party
CrPC	Code of Criminal Procedure, 1898
CSJ	Centre for Social Justice
CSU	Police Crime Scene Unit
Dar-ul-Aman	<i>Government-run shelter</i>
DIG	Deputy Inspector General Police
FIR	First Information Report
GBV	Gender-Based Violence
Habeas Corpus	Judicial order that mandates that a person detained or in unlawful custody must be brought before a court or judge to explain the basis of detention and to ensure a fair trial
IO	Investigating Officer
IG	Inspector General, Police
Izzat	Honour
Jirga	A traditional/customary forum of dispute-resolution/ decision-making comprising the elders of a community
KP	Khyber Pukhtunkhwa Province
Khidmat Counter	Police facilitation desk
LJCP	Law and Justice Commission of Pakistan
Maalkhana	Property/evidence room
MLE	Medico-legal examination
Nikkah	Islamic marriage contract
Panchayat	Quasi-judicial bodies comprising dominant individuals of a community
PDHS	Pakistan Demographic and Health Survey
PFSA	Punjab Forensic Science Agency
PPC	Pakistan Penal Code, 1860
SAECKS	Sexual Assault Evidence Collection Kits
Sanad-e-Islam	An (unofficial) traditional form of certification used in Islam
SHO	Station House Officer
SP	Superintendent of Police
SSOIU	Special Sexual Offences Investigating Unit
Tahafaz Markaz	A police run protection centre that provides a range of services including shelter, income support and medical support
UNICEF	United Nations Children's Fund
WMLO	Woman medico-legal officer

Executive summary

This report analyses the gaps in the laws and policies on rape and assesses the role and response of the criminal justice system in addressing the issue of rape against women and girls in Pakistan. It is aimed at supplementing Equality Now and Dignity Alliance International's 2021 report¹ which found that rape laws across six South Asian countries² effectively denied justice to survivors of sexual violence due to protection gaps in the laws, as well as severe barriers to accessing justice and implementation gaps within the criminal justice system. It is hoped that this report will support civil society in advocating for comprehensive action from the government to holistically address sexual violence and intersecting discrimination faced by women and girls in Pakistan.

Pakistan currently ranks last among 148 countries in the World Economic Forum's Global Gender Gap Index (2025)³ on account of the prevalence of various intersectional forms of discrimination, including, in part, the failure of the legal system to protect and provide justice to countless victims of sexual violence.

Intersectionalities of class and religion compound the experience of violence and discrimination suffered by minoritised women in Pakistan. Studies carried out by non-governmental organisations report that women from the Hindu and Christian communities are particularly vulnerable to sexual harassment, abduction, forced religious conversion and forced conversion through child marriages. Similarly, women with disabilities also suffer from layers of exclusion and discrimination and are said to be three times more likely to experience sexual violence,⁴ although disaggregated data on sexual abuse is almost entirely missing.

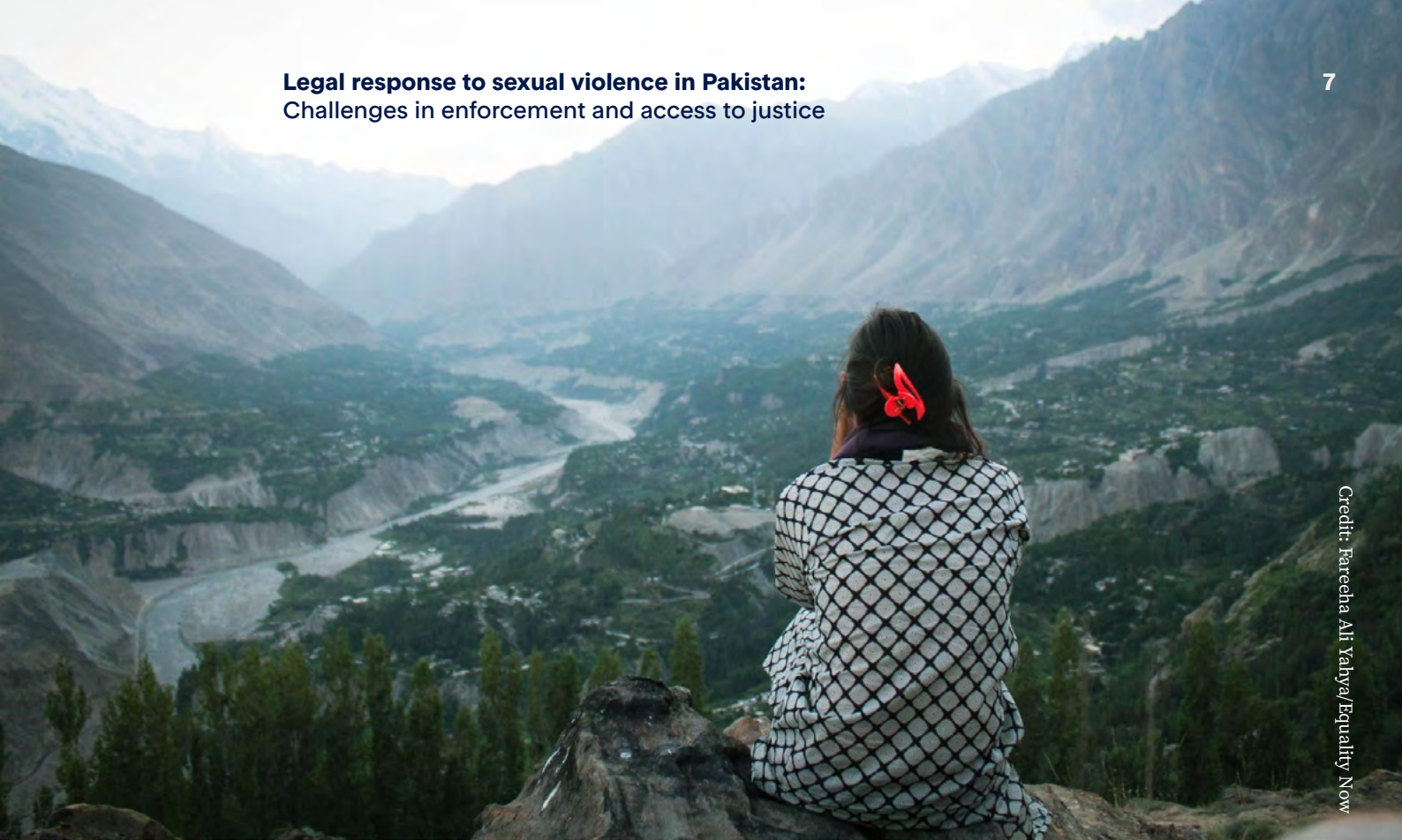
In the last decade, the law governing sexual violence, and in particular rape, has been amended to add more nuance to the definition of rape, prescribe harsher penalties and stipulate procedural protections. However, the expanded definition of rape has not been fully grasped or understood by actors across the criminal justice system, which has affected its ability to provide access to justice to victims of sexual violence.

1 <https://equalitynow.org/resource/reports/sexualviolencesouthasia/> Please also see 2024 update: <https://equalitynow.org/resource/reports/sexual-violence-in-south-asia-legal-and-other-barriers-to-justice-for-survivors/>

2 Bangladesh, Bhutan, India, Maldives, Nepal, Sri Lanka

3 The Dawn, 2025, "Pakistan hits rock bottom in WEF's global gender gap report out of 148 countries," 12 June, <https://www.dawn.com/news/1916743> World Economic Forum, Global Gender Gap Report 2025, available at: <https://www.weforum.org/publications/global-gender-gap-report-2025/>

4 Shababeh, L, 2023, An ugly crime <https://pakistan.unfpa.org/en/news/ugly-crime-oped-unfpa-pakistan-representative-dr-luay-shabaneh>



Key findings

Lack of understanding regarding the expanded definition of rape: Even though the definition of rape under Pakistani law has greatly expanded following amendments in 2021 to the Pakistan Penal Code, 1860, its understanding and implementation across criminal justice actors remains limited.

Legal inconsistencies in the law regarding the lawful age of marriage: While child marriage restraint laws prescribe a minimum age of marriage for girls, the legal system continues to recognise underage/child marriages as lawful on the basis of the legal principle that a female child who has reached puberty, even where she is below the legally mandated minimum age of marriage, has the capacity to provide consent to marriage.

Failure to prosecute marital rape: Although the definition of rape allows room for prosecution of marital rape, in recent decisions, courts have treated marriage as an exception to rape. Such cases are mostly underreported and, where complaints have been filed, they have in general been prosecuted under Section 377 of the Pakistan Penal Code, 1860, which covers unnatural sexual intercourse/sodomy and carries a much lower penalty.

Mediated access to the criminal justice system: Survivors' access and approach to the criminal justice system is often mediated through male family members on account of cultural factors or lack of information. As a consequence, survivors often do not have the complete autonomy to determine whether or not to pursue cases.

Burdensome evidentiary requirements: Even though judicial pronouncements have continued to emphasise that the sole testimony of the victim is sufficient to secure a conviction, trial courts continue to seek/demand additional circumstantial or ocular evidence in cases of sexual violence. Further, while judicial pronouncements and recent statutory provisions clarify that marks of violence or resistance on a survivor's body are irrelevant to the determination of consent, criminal justice actors largely continue to rely on their presence as the primary indicators of rape. Judicial decisions are premised on standardised victim-response to sexual violence, without consideration or understanding of the range of ways rape victims may behave.

Narrow investigative lens: The police and prosecution departments operate from a narrow investigative lens, focusing almost solely on securing medical evidence, to the exclusion of various other forensic evidence available at the crime scene.

Limited accountability of investigating officers: There is across-the-board consensus that the investigation in cases of sexual violence is extremely weak. Lack of capacity and training of investigating officers, coupled with limited accountability, means that gaps in investigation are not filled.

Ineffective prosecution: There is an absence of coordination between public prosecutors and the police. Public prosecutors do not effectively exercise their statutory duty to scrutinise police reports or guide the investigating officers in the collection of evidence.

Lack of trained medico-legal officers: There is a shortage of female medico-legal officers, which often contributes to delays. Gaps in training and capacity-building for medico-legal officers often result in important pieces of information/evidence being missed. Further, despite the banning of the two-finger test, irrelevant conclusions regarding the survivor's virginity (or otherwise) continue to be made.

Long delays: One of the major barriers to accessing justice identified by survivors is long delays in police investigation, medical examination, prosecution and trial of rape cases, which reportedly may take 2–3 years to conclude.

Out of court settlement/compromises: Although rape is a non-compoundable offence which does not permit out-of-court settlements or compromise amongst the parties, such arrangements are common. In the absence of witness protection programmes, such settlements often manifest in the form of witnesses recanting their previous statements or turning hostile.

Low conviction rates: The conviction rate in rape cases stands at a dismal 0.5%, resulting in impunity for perpetrators of rape across the region.

Overburdened forensic agencies: There is a lack of sufficient nationwide forensic science capacity. Forensic

science facilities situated in two provincial capitals are overburdened and often take several months before reporting on a sample.

Lack of support services for survivors: Victim/witness protection schemes, although instituted in the law, remain unimplemented. There is a shortage of shelters, and those which are operational fall far short of acceptable standards, thereby leaving victims vulnerable to violence and threats from perpetrators and/or their families. Legal provisions regarding the grant of legal aid to survivors remain unimplemented. The general Code of Criminal Procedure, 1898 and more specifically the Anti-Rape (Investigation and Trial) Act, 2021 provide for the payment of compensation to a survivor, but this is not being enforced.

Non-implementation of facilitative procedures: Amendments to the Code of Criminal Procedure, 1898 promulgated in 2016 and more specific provisions instituted through the Anti-Rape (Investigation and Trial) Act, 2021 to aid a survivor's path through the criminal justice system, either remain unimplemented or are not being consistently implemented. These include measures regarding the recording of a survivor's statement in the presence of a female police officer (or female family member), who is also required to accompany a survivor for medico-legal examination; appointment of independent support advisers to accompany the survivor to court proceedings; the functioning of Anti-Rape Crisis Cells; the establishment and effective functioning of Special Sexual Offences Investigating Units (SSOIU); the use of screens and video-links during trial; prohibition on questions during trial regarding a survivor's character; and conclusion of trial within specific time periods.

Intersectional discrimination against the most marginalised: Survivors of sexual violence from minority communities in Pakistan face specific barriers to accessing justice across the criminal justice system in addition to sex discrimination.

Methodology

This report provides a general overview of, and analyses the protection gaps in, the laws related to rape in Pakistan. It also analyses how these laws have been put into practice and identifies the gaps in implementation and the barriers to accessing justice within the criminal justice system faced by rape survivors, including women from minoritised communities. The methodology consisted of in-depth desk research on applicable laws, as well as existing reports and studies published by international and national human rights agencies, academic journals, non-governmental organisations and community-based organisations, followed by stakeholder interviews and an extended meeting with practitioners and other experts or advocates in the field of sexual violence to verify its findings. Most secondary data sources on the subject focus on the provinces of Punjab and Sindh, with limited analysis available on the workings of the criminal justice system in sexual violence cases in Balochistan and Khyber Pakhtunkhwa (KP).

Terminology

The terms “survivor” and “victim” have been used in this report to refer to any person who alleges or has been subjected to sexual violence, whether or not they engage with the criminal justice process, with the term “victim” being used particularly in reference to legal standards. When referring to an individual, the safest approach is to use the terminology that person prefers.

The term “stakeholders” as used in this report refers to lawyers, representatives of non-governmental organisations and other professionals who provide services to survivors of sexual violence or advocate for their rights.

Legal structure

Pakistan is a federal republic comprising the provinces of Balochistan, Khyber Pukhtunkhwa (KP), Punjab and Sindh. The Federal Legislature legislates on matters listed as federal subjects in the Constitution, which include criminal law and procedure and the law of evidence, which are applicable across Pakistan. Both policing and health are provincial subjects. Each province, therefore, has its own police force, healthcare, and prosecution department.

Prevalence of sexual violence against women and girls in Pakistan

Pakistan currently ranks last among 148 countries in the World Economic Forum's Global Gender Gap Index (2025),⁵ on account of the prevalence of various intersectional forms of discrimination, including, in part, the failure of the legal system to protect and provide justice to countless victims of sexual violence.

Table 1. Reported rape cases in Pakistan

Year	Number of reported cases	Source
2024	5339	Sustainable Social Development Organisation ⁶
2023	7010	Sustainable Social Development Organisation ⁷

Notwithstanding the officially reported figures for rape, there is recognition that the majority of such cases remain unreported, putting the actual incidence of sexual violence at a much higher and unascertained rate.⁸

One in six women in Pakistan is married off in childhood, such that the country is host to more than 19 million child brides.

Table 2. Reported child rape cases in Pakistan

Year	Number of reported cases	Source
2024	1288	Sahil ⁹
2023	1219	Sahil ¹⁰

Table 2 does not capture child rape in underage marriages (see discussion on rape in child marriages below). UNICEF reports that one in six women in Pakistan is married off in childhood, such that the country is host to more than 19 million child brides.¹¹

⁵ World Economic Forum, Global Gender Gap Report 2025, available at: <https://www.weforum.org/publications/global-gender-gap-report-2025/>

⁶ SSDO, 2025, Mapping Gender Based Violence in Pakistan: Provincial Analysis of Rape, Kidnapping, Domestic Violence and Honour Killing, http://res.cloudinary.com/dct4km8qs/image/upload/v1742800758/Provincial_Analysis_of_GBV_in_Pakistan_2024_c260ce0463.pdf

⁷ SSDO, 2024, Mapping Gender Based Violence in Pakistan: District Level Analysis of Rape, Kidnapping, Domestic Violence and Honour Killing, https://res.cloudinary.com/dct4km8qs/image/upload/v1727457761/Mapping_Gender_Based_Violence_in_Pakistan_District_Level_Analysis_of_Rape_Kidnapping_and_Honor_Killings_561d571699.pdf

⁸ *Supra. n. 6.*

⁹ Sahil, 2024, Cruel Number 2024: A Compilation of Statistics on Child Sexual Abuse Cases in Pakistan, <https://sahil.org/cruel-numbers/>. It is important to point out that the report records separate statistics for child rape and sodomy, probably in accordance with the earlier peno-vaginal definition of rape. The report also records separate statistics for child gang rape/gang sodomy. The statistics on child rape, sodomy, gang rape and gang sodomy have been combined to reach the figure of 1288. <https://sahil.org/cruel-numbers/>

¹⁰ Sahil, 2023, Cruel Number 2023: A Compilation of Statistics on Child Sexual Abuse Cases in Pakistan, <https://sahil.org/wp-content/uploads/2024/03/Cruel-Numbers-2023-Finalll.pdf>

¹¹ UNICEF, 2024, Breaking tradition to end child marriage in Pakistan's remote village, <https://www.unwomen.org/en/news-stories/feature-story/2024/11/breaking-tradition-to-end-child-marriage-in-pakistans-remote-village>

Marital rape

The definition of rape in the Pakistan Penal Code, 1860 provides scope for the prosecution of marital rape. However, cultural notions regarding the marital relationship and women's place in it, coupled with concerns of privacy and honour, mean that the offence remains underreported or is generally not prosecuted.

Statistics on the prevalence of marital rape are therefore hard to come by. However, according to the Pakistan Demographic and Health Survey 2017-18, 5% percent of women have experienced spousal sexual violence.¹²

5% percent of women have experienced spousal sexual violence.

Patterns of sexual violence against women and girls from marginalised communities

No official statistics on the incidence of sexual violence against women from marginalised communities in Pakistan are available. Studies carried out by non-governmental organisations and think tanks report that women from the Hindu and Christian minority communities are particularly vulnerable to sexual harassment, abduction, forced religious conversion and forced conversions through child marriages. In a survey of 1000 Hindu and Christian women in Punjab and Sindh, undertaken for a study published in 2012, 14% reported first-hand knowledge of abductions of minority women, 8% reported knowledge of cases of forced conversion, and 3% reported knowledge of cases of trafficking of minoritised women.¹³

Forced conversion, including through child marriages, remain a significant challenge for minoritised women in Pakistan and often plays out in the following way: A

minor girl or a woman is abducted, through pressure or force, is converted to Islam, married to a Muslim man and under duress is compelled to make a statement before a court of law regarding her consent to conversion and marriage. Where any minor girl abducted has attained puberty, the court, in reliance upon Islamic law (and in disregard of legal prescriptions on the minimum age of marriage), often accepts such a statement, granting its approval, and thereby legal cover, to both the conversion and the marriage. Courts, however, retain the discretion to declare such marriages void where the surrounding facts indicate some element of coercion. (See discussion on Child Marriage and Sexual Violence below.) According to the All Pakistan Parliamentary Group for the Pakistani Minorities, around 1000 women from religious minority communities are subjected to forced conversion and forced marriage every year.¹⁴ Based on data collected from mainstream and social media, court orders and police

¹² Ibid. Also cited in UNFPA Pakistan, <https://pakistan.unfpa.org/en/topics/gender-based-violence-6>

¹³ Jennifer Jag Jivan and Peter Jacob, 2012, *Life on the Margins; A study on the minority women in Pakistan*, https://www.europarl.europa.eu/meet-docs/2009_2014/documents/droi/dv/811_lifemargins_/811_lifemargins_en.pdf

¹⁴ All Pakistan Parliamentary Group for the Pakistani Minorities Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan 2021 <https://appgfreedomofreligionorbelief.org/media/APPG-Pakistan-Minorities-Report.pdf>



Credit: Dave Primov/iStock

reports, the Centre for Social Justice (CSJ) identified 162 forced conversion cases of minor girls during 2013-2020 from the Christian and Hindu communities. 88 were from the Hindu community, 72 from the Christian community, one from the Sikh community, and one from the Kaalash community. According to the CSJ 75 (46.3%) of the cases related to girls under 18 years of age; 32.7% of the victims were aged between 11-15 years, and in 37% of cases, age was not mentioned.¹⁵ Sexual relations within a forced marital relationship effectively constitute rape.

Attempts in the past to legislate on forced conversions have been met with strong opposition and have eventually been abandoned.¹⁶

“A [Christian] woman, named Saima Akmal, above forty years of age, a mother to three children. She was a polio worker. One day, she never returned from the polio drive. After considerable time had passed, her husband went to the local police station. The next day, the police from the nearby station communicated to the husband on WhatsApp that his wife had submitted an application that she had converted to Islam and that she no longer wanted to stay with the husband and sought protection from him. ... the husband filed a habeas corpus petition [before the Sindh High Court]. ... We met with the woman [at the police station], in the

presence of a heavy contingent of police officers. She was veiled and just kept repeating that she had converted and would not return to her husband. ... The High Court sent the woman to the Dar-ul-Aman and directed the District Commissioner, who happened to be a Christian as well, to oversee the matter and determine whether there was any element of coercion present. We eventually found out that a policeman, who was a member of the security mobile that was assigned to the polio team, had abducted the woman, raped her and videographed her, and under coercion and duress had her sign a sanad-e-Islam that she had converted to Islam. ... It took 4-5 months to recover the woman. ... During this time, an application was also submitted allegedly on behalf of the woman that her three children be handed over to her, since she had converted to Islam her children should be raised as Muslims. We successfully got that application dismissed. ...

What is particularly problematic in such cases is that the issue of religion takes centre stage and the matter of commission of the rape offence etc becomes secondary ... A cover is put on the commission of the actual offence; attention of government departments, the courts, the litigators, the litigants is averted from the actual offence. The entire focus is on her conversion.” **Lawyer and minority rights activist**

¹⁵ Ibid. pp. 24 - 25.

¹⁶ The Dawn, 2021, Parliamentary panel rejects anti-forced conversion bill amid protest by minorities' lawmakers, 13 October, <https://www.dawn.com/news/1651813>

The Express Tribune, 2019, Bill against forced conversion” 15 October, <https://tribune.com.pk/story/2079363/bill-forced-conversion>

Applicable international human rights standards

International legal human rights standards establish the right of all women and girls to live a life free from violence, including sexual violence. Pakistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996, which, together with General Recommendations 19 and 35 of the Committee on the Elimination of Discrimination against Women (CEDAW Committee), requires all States Parties to “repeal all national penal provisions which constitute discrimination against women”.¹⁷ This standard also applies to repealing any discriminatory laws under which sexual violence is prosecuted and punished. Being able to live a life free from sexual violence is also necessary to meet the obligations set out in the United Nations 2030 Agenda for Sustainable Development (the SDGs), particularly Goal 5: Achieving Gender Equality and Goal 16: Peace, Justice and Strong Institutions.

The CEDAW Committee’s jurisprudence establishes that the definition of sexual crimes, including rape, should be based on the lack of freely given consent and take into account coercive circumstances. As established in the case of *Karen Tayag Vertido v The Philippines*, the Committee asserted that States should remove the criterion of violence from the definition of rape and should enact a definition which: a. requires the existence of “unequivocal and voluntary agreement” and requires proof by the

accused of steps taken to ascertain whether the survivor was consenting; or b. requires that the act take place in “coercive circumstances” and includes a broad range of coercive circumstances.¹⁸

Examples of a broad range of coercive circumstances which may exist and where consent would be immaterial include intimidation or fraud,¹⁹ as well as sexual assault by an individual in a position of authority (for example, in a correctional facility or in a school setting) or by individuals in certain professional relationships to the victim, such as an ongoing psychotherapist-patient relationship.

In addition to having comprehensive and non-discriminatory legislation on sexual violence, States are required to “[e]nsure effective access of victims to courts and tribunals; ensure authorities adequately respond to all cases of violence against women, including by applying criminal law and as appropriate *ex-officio* prosecution to bring the alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and imposing adequate penalties”.²⁰ In this regard, the CEDAW Committee has stated that six components — justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems — are necessary to ensure access to justice.²¹

17 Article 2, <https://www.ohchr.org/sites/default/files/cedaw.pdf>

18 *Karen Tayag Vertido v. The Philippines*, CEDAW, Communication No.18/2008, UN Doc CEDAW/C/46/D/18/2008 (2010), para 8.9(b)(ii), <https://docs.un.org/en/CEDAW/C/46/D/18/2008>

19 *Ibid.*

20 CEDAW General Recommendation No. 35, para 44, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>

21 Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 on Women’s Access to Justice, 2015, CEDAW/C/GC/33, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F33&Lang=en



Protection gaps in sexual violence laws and practice

a. “Honour”

According to the UN Women Guidelines,²² legislation should include a definition of sexual assault which is not framed as a crime of honour or morality. Laws that focus on breach of honour rather than coercion result in the denial of justice to the victim. They create a hierarchy of more or less “worthy” survivors, perpetuate the notion of women as bearers of the “morality” of a society and foster an environment where women’s bodies and lives are controlled, and the blame for sexual violence is transferred onto the victim.²³

Laws that focus on breach of honour rather than coercion result in the denial of justice to the victim.

However, the legal system in Pakistan conceptualises sexual violence committed against women through the lens of honour. The Pakistan Penal Code, 1860 (PPC) retains the colonial offence of assault of a woman “with the intent to outrage her modesty”.²⁴ Even though the PPC does not define rape as an “affront to honour”, the superior courts of Pakistan have continually interpreted rape as an offence against a woman’s honour in several verdicts.

Rape is often expressed in the local language as “*izzat par hamlā*” or “*izzat loot lena*”, which respectively translate into “an attack on honour” or “loss of honour”. The concept of honour in Pakistani society is not personal, but collective. Rape is viewed as an attack on/affront to the collective honour of the victim and her family. The decision whether or not to seek justice against such an attack/affront is often not the victim’s, but that of her family²⁵ and it has been observed that most rape complaints are registered by family member(s) of the victim.²⁶ Registering a complaint of rape with the police and pursuing it in a court of law in effect amounts to a public announcement of the fact of

22 https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/12/UNW_Legislation-Handbook%20pdf.pdf

23 See Equality Now, 2017, *The World’s Shame: The Global Rape Epidemic, How Laws Around the World are Failing to protect Women and Girls from Sexual Violence*, https://www.equalitynow.org/the_world_s_shame_the_global_rape_epidemic_how_laws_around_the_world_are_failing_to_protect_women_and_girls_from_sexual_violence

24 Section 354, Pakistan Penal Code 1860, <https://pakistancode.gov.pk/english/UY2Fqa1w1-apaUY2Fqa-apaUY2Npa5lo-sg-jjjjjjjjjjjj>

25 Centre for Human Rights, 2018, *Accountability for Rape, Case Study of Lodhran, University College Lahore* <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/RapeReport/CSOs/097-pakistan-2.pdf>

26 *Ibid.*

rape and the loss of honour, so the family will first reach a consensus on whether legal recourse is a viable route for the victim. The perception that women from respectable families would cover up such incidents continues to persist in society. The under-reporting in cases of rape must be seen in this context.²⁷

b. Types of penetration covered by the definition of rape

Until recently, the definition of rape in Section 375, PPC had remained centred on peno-vaginal penetration. Other forms of sexual penetration through objects or other bodily parts, whether consensual or not, could be prosecuted under Section 377, PPC entitled “Unnatural Offences”. The Criminal Laws (Amendment) Act, 2021 significantly expanded the definition of rape in Section 375, PPC beyond peno-vaginal penetration to include all forms of penetration of bodily orifices of a sexual nature (including the vagina, mouth, urethra or anus) by a bodily part or an object. The broadening of the definition of rape to include all forms of sexual penetration has brought Pakistani law in line with international standards.

“In terms of understanding what the [expanded definition of rape in the] law actually means, at the basic level, it is going to be your SHO [Station House Office] or IO [Investigating Officer] who will be interpreting the law and see how it fits and I do not think they’re understanding what the entire range of the law is. ... I do not think even the judges understand what the full meaning is. ... I know that there have been trainings, I do not know the extent to which the police have been trained about this new law, but I know the judges have been trained. But if ever it will take a long time for it to be properly understood.” **Lawyer**

“The new definition of rape – with the expanded actus reus – has not sunk in to the mindset of police or judges. Our understanding is still centred on the earlier peno-vaginal penetration. We have no capacity to enforce this expanded definition. More resources, training and expertise are required. ... The scope of conduct has been greatly expanded. We are already dealing with so many cases.” **High Court Judge**

c. Incest

Incest is not recognised as a separate criminal offence in Pakistan, but is prosecuted under provisions of the PPC that deal with rape, sexual abuse and the seduction of a child. Courts have generally considered the commission of sexual abuse in a “sacred relationship” as an aggravating factor in sentencing the accused.²⁸ Other judicial verdicts display a sense of disbelief regarding the incidence of incest in an Islamic society, where familial relationships hold a particular sanctity.²⁹ On account of the social taboo attached to incest, the incidence of the offence remains underreported. According to an activist, “because incest is often not understood or recognised as a problem in Pakistan, families and survivors are often forced to maintain a shroud of secrecy so as to be accepted by society”.³⁰ Legal recognition of incest as a distinct criminal offence would add clarity to the law, with the potential effect of encouraging reporting.

“Even women within the police cadre discourage women from registering such cases. ... The community, media and police were discouraging the woman who wanted to register a FIR against her own son who had raped his 17-year-old sister at gunpoint and he had repeatedly been raping her... because the police felt this would create a bad name for the family.” **Programme Manager, NGO**

27 UN Women, 2022, A Study of Capturing The Journeys of GBV Survivors through the Justice System of Punjab, https://pakistan.unwomen.org/sites/default/files/2023-07/gbv_survivors_report_2022_final_10_march_2023.pdf

28 2017 PCrLJ Lahore High Court 1664 Khurshheed Ahmad v The State; PLD 1981 FSC 317 Muhammad Latif v The State, 1981; 2012 YLR 847 Federal-Shariat-Court Zulfiqar Ali v The State

Also see Rasheed, S. and Zaman, S., 2011, With an End in Sight: Incest in Pakistan – A Legal & sociocultural Analysis, https://www.academia.edu/9655145/With_an_End_in_Sight_Incest_in_Pakistan_A_Legal_and_Socio_cultural_Analysis

29 Masood Aziz v The State, 1989 where the court observed, “Pakistani society is not so demoralised that an incident as such could have occurred”

30 Rasheed, S. and Zaman, 2011, *supra* n. 28

A recent judgment of the Supreme Court of Pakistan overturned a conviction of rape (under Section 375 PPC) to one of fornication (Section 496-B PPC),³⁷ where the defendant had been sentenced to “suffer rigorous imprisonment for a period of 20 years” and also directed to pay an amount of PKR.500,000 (approximately USD 1800) as compensation to the victim. The victim, who was also impregnated as a result of the rape, was questioned by the Court as to why she did not physically resist the perpetrator and why neighbours did not hear any cry for help. The Court expressed its failure to understand how she could have been raped but not have any visible physical marks on her body indicating a struggle. The victim took seven months to report to the police and the Court and this delay further raised doubts as to the victim’s genuine claim. Compounding this discriminatory line of questioning, the Court even provided the option for the prosecution of the victim under the offence of illicit intercourse with consent, under section 496-B PPC, subject to a penalty of imprisonment of 5 years and a fine. Apart from the possibility of conviction, the decision in effect labelled the victim an adulteress. The Court demonstrated a clear lack of gender sensitivity and understanding as to the concept of consent and that a victim’s silence or non-resistance does not mean consent. The Court converted the conviction of rape to fornication, despite a clear prohibition in the law against doing so.³⁸

e. Proof of physical resistance

Physical resistance and opposition on the part of the victim may or may not be present in cases of sexual violence. It is possible, and even likely, that a victim may not be able to resist her perpetrator during a sexual assault for a range of reasons, including fear for her life. A victim’s response to sexual assault does not follow a standardised format. A lack of evident physical injuries on the victim’s body, therefore, cannot be deemed to prove that the act was not against the victim’s will.

The second proviso to Section 375, PPC, inserted through the amendment in 2021, unequivocally provides that the

failure or inability of the victim to physically resist a sexual act does not imply consent on her/his part. However, judgments passed before and after the promulgation of the 2021 amendment continue to lay great emphasis on the presence of “marks of violence” on the victim’s body as corroborative evidence to determine the absence of consent.³⁹ The case law, however, is not entirely consistent. Courts have, in other instances, held that marks of violence are not necessary to establish rape⁴⁰ and “[a]n act of helpless resignation in the face of inevitable compulsion, acquiescence, non-resistance, or passive giving in, when volitional faculties is [sic] either clouded by fear or vitiated by duress, cannot be deemed to be consented as understood in the law.”⁴¹

In practice, there is much scepticism by law enforcement whether rape has occurred if there has not been considerable physical violence, and this is one of the first barriers victims/survivors must overcome, even to register a case.

“There are false cases. That is a reality. A lot of Section 375 cases emerge from consensual relationships.... The cases constitute 70-80% of rape complaints. These are not real cases.

...Real cases of rape are only 9-10%. Such cases are very violent, these often entail death or severe injuries or gross exploitation....I am not saying that we can rule out the possibility [of rape in cases where there is no evidence of violence]” Superintendent of Police

37 Criminal Petition No. 90-L OF 2019, Hassan Khan v The State (On appeal against the judgment dated 18.12.2018 of the Lahore High Court, Lahore in Cr. Appeal No. 71971/2017). Date of hearing 2/12/2025, https://www.supremecourt.gov.pk/downloads_judgements/crl.p._90_L_2019.pdf

38 Section 5A, Offence of Zina (Enforcement of Hudood) Ordinance, 1979:

5A. No case to be converted, lodged or registered under certain provisions. No complaint of zina under section 5 read with section 203A of the Code of Criminal Procedure, 1898 and no case where an allegation of rape is made shall at any stage be converted into a complaint of fornication under section 468B of the Pakistan Penal Code (Act XLV of 1860) and no complaint of fornication shall at any stage be converted into a complaint of zina under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979) or an offence of similar nature under any other law for the time being in force. For link to the PPC, see *supra* n. 24

39 2021 P.Cr.L.J 1209 Islamabad High Court Muhammad Atiq v The State; 2024 MLD 1047 Sindh High Court Kamran alias Kami v The State; 2024 SCP 226 Muhammad Imran v The State

40 2011 SCMR 1665 Habibullah v The State; PLD 2010 SC 47 Shakeel v The State; and 2024 SCP 226 Muhammad Imran v The State (dissenting note J Ayesha Malik)

41 PLD 2019 Lahore High Court 366 Yasir Ayaz v The State, citing AIR 1958 Punj. 123 Rao Harnian Singh v The State

f. Marital rape

When the rape law was amended in Pakistan in 2006, the marital rape exception was removed from the definition of rape.⁴² In principle, marital rape may be prosecuted as rape under Pakistani criminal law and be subject to the same penalty as non-marital rape.⁴³ However, embedded cultural beliefs presume persistent consent to sexual intercourse in a marriage. Such beliefs, coupled with the social taboo against reporting such incidents of “domestic abuse”, mean that hardly any cases of marital rape are brought forward.

In a recent judgment, the Lahore High Court held that non-consensual sex during the persistence of a marriage “may be considered immoral or inappropriate under religious or social norms”, but does not constitute rape “as the essential ingredients of the offence are not disclosed”.⁴⁴ Without legal ground, this ruling in effect inserts a “marriage exception” to the understanding of rape. In other cases, courts have prosecuted non-consensual penetrative sexual acts involving the anus or objects in a marital relationship not as rape as defined in Section 375, PPC, but under Section 377, PPC as “carnal intercourse against nature”,⁴⁵ suggesting an offence against morality rather than an offence against the victim.

A presumption of ongoing consent in a marital relationship violates a woman’s right to her autonomy, security and bodily integrity, particularly where domestic violence has been established.

A presumption of ongoing consent in a marital relationship violates a woman’s right to her autonomy, security and bodily integrity, particularly where domestic violence has been established. In its fifth periodic review of Pakistan in 2020, the CEDAW Committee recommended that Pakistan adopt explicit legal provisions to criminalise marital rape without exemption.⁴⁶ More explicit recognition of marital rape as a distinct offence may be necessary to encourage the required mindset change in society and in the legal system.

“... In our existing resources compare a case of rape in the context of a consensual sexual relationship and rape of someone by a complete stranger. ... I think the latter are more deserving of the State’s protection. ... We have to prioritise them. ... For me marital rape is not priority. It may not be for the next 10 years. ... if your husband is not a good man, then leave him.” **Superintendent of Police**

g. Child marriage and sexual violence

The Child Marriage Restraint Acts stipulates the minimum age for marriage for women in Punjab,⁴⁷ Sindh, Balochistan and the Islamabad Capital Territory as 18 years and in KP as 16 years. The Hindu Marriage Act, 2017 stipulates the minimum age of marriage as 18 years, while the Christian Marriage Act, 1872 permits child marriages (of parties below the age of 18 years) upon the fulfilment of certain procedural requirements (for example, with permission of her father, although the absence of such consent would not invalidate the marriage).⁴⁸ Pursuant to the definition of rape in Section 375, PPC, penetrative or oral sexual activity with a person under the age of 16 years is treated as constructive rape, regardless of whether such activity was apparently consensual in nature,⁴⁹ while sexual activity with a minor, short of penetration, is classified as sexual abuse under Section 377A, PPC.

42 Prior to the removal of the offence of rape from the PPC and its legislation into the Zina Ordinance (Enforcement of Hudood), 1979 Section 375, PPC had a marital rape exception. The Zina Ordinance maintained such an exception in Section 6, which defined the offence of *zina-bil-jabr*. When pursuant to the Women Protection Act, 2006 Section 375 was re-legislated into the PPC, such language and therefore the marital rape exception was removed. The recently amended definition of rape under the Criminal Law (Amendment) Act, 2021 does not have a marital rape exception.

43 Sahar Bandial, 2024, Marital Law, The Dawn, 12th February, <https://www.dawn.com/news/1813475>

44 2025 LHC 7342 W.P No. 39/2025, Jameel Ahmed v The State, <https://sys.lhc.gov.pk/appjudgments/2025LHC7342.pdf>

45 See Ibid; Also see, Iqra Manzoor, 2025, Brutality behind closed doors: Man faces trial for ‘marital rape’ 13 June, <https://voicepk.net/2025/06/brutality-behind-closed-doors-a-man-faces-trials-for-marital-rape/>

46 Committee on the Elimination of Discrimination against Women, Concluding observations on the fifth periodic report of Pakistan <https://docs.un.org/en/CEDAW/C/PAK/CO/5>

47 In a recent judgment in the W.P. No 3279/2023 Azka Wahid v Province of Punjab, the Lahore High Court held that the differential in the legally prescribed minimum age for marriage for men (18 years) and women (16 years) as discriminatory and unlawful and direct the Punjab government to pass legislation that would effectually raise the minimum age of marriage for women to 18 years. The Punjab Government has not so far implemented the decision of the High Court.

48 2024 PCrLJ 2058 Lahore High Court Nasreen Bibi v SHO. However, an amendment to the Christian Marriage Act, 1872 raised the minimum age of marriage for Christians in the Islamabad Capital Territory to 18 years.

49 PLD 2022 Lahore High Court 645 Kamran v The State

Pakistani courts have consistently held that under Islamic law, a female child, upon reaching puberty, attains the legal capacity to consent to a marriage, even though she may not have reached the legally prescribed minimum age for marriage.

However, when such sexual activity takes place in the context of a Muslim marriage where the child bride/wife is below the age of 16 years, the courts often treat the sexual activity as lawful, provided that the child bride/wife has reached puberty and is apparently a consenting party to the marriage.⁵⁰ This is because Pakistani courts have consistently held that under Islamic law, a female child, upon reaching puberty, attains the legal capacity to consent to a marriage, even though she may not have reached the legally prescribed minimum age for marriage. On the other hand, courts have also continued to decry the practice of child marriages as amounting to a violation of the fundamental rights of a female child, in particular the rights to life, dignity and equality before the law.⁵¹ The courts have rejected challenges to the child marriage restraint laws on the basis of repugnancy with Islam, recognising the State's entitlement to set a minimum legal age for marriage.⁵² Further, judgments also maintain that valid marital consent⁵³ and a healthy marriage⁵⁴ require full moral, intellectual and legal capacity, freedom from coercion, and awareness of the responsibilities and consequences of marriage, meaning that simply reaching puberty and sanity is insufficient; to

attain capacity for marriage, the person must be capable of making a responsible decision. The Islamabad High Court has held that any invitation or enticement provided to a child to engage in sexual conduct, even under the cloak of marriage, would fall within the definition of sexual abuse in terms of Section 377A, PPC. But such judgments must be seen as more of an anomaly in the settled line of precedent.⁵⁵ The law and practice surrounding the rape of "married" children is therefore complex and full of contradictions.⁵⁶

In many cases of interfaith (and often forced) marriages, a minor Hindu/Christian girl, having attained puberty, is generally deemed as having the capacity to consent to a marriage with a Muslim man. The law, therefore, essentially provides legal cover for forced conversion and forced marriage. The courts, in principle, retain the discretion to consider both the moral and intellectual development of a pubertal child to determine capacity, and to ascertain whether such statements are made with free and informed consent. Where evidence indicates the likelihood of coercion, courts have placed girls from minority communities in shelters as the trial proceeds. Where coercion is established, the courts can, in principle, declare the marriage void, though such an approach is rarely adopted in practice.

"The only plausible interpretation of Section 377A and Section 375 of the Pakistan Penal Code is that any sexual conduct with a girl under 18 [years] classifies as sexual abuse and penetrative sexual intercourse with a girl under 16 [years] classifies as rape. ... At one end you claim an act is an offence and has penal consequences, but then you do not question the legality of a so-called nikkah [of a minor] under which such [sexual] acts are performed. ... The courts are making the law redundant." **Lawyer and Minority Rights' Activist**

50 PLD 2013 Lahore High Court 243 Allah Nawaz v SHO; 2021 PCrLJ 794 Sindh High Court Mehak Kumari v Province of Sindh

51 PLD 2020 Lahore High Court 811 Tahira Bibi v SHO. 2023 LHC 4435 Shahid Imran v The State.

52 PLD 2022 Federal Shariat Court (FSC) 1 Farooq Omar Bhoja v. Federation of Pakistan and PLD 2023 Federal Shariat Court (FSC) 265 Ali Azhar v. Province of Sindh

53 PCrLJ 2012 Federal Shariat Court (FSC) 11 Muhammad Aslam v. The State.

54 PLD 2022 Federal Shariat Court (FSC) 1 Farooq Omar Bhoja v. Federation of Pakistan

55 See PLD 2022 Islamabad High Court 228 Mumtaz Bibi v Qasim

56 There are also reported cases of self-initiated child marriages, arranged by adolescent girls with older men to escape their abusive family home environment. This is in the absence of effective social/child protection mechanisms.

Evidentiary burdens

a. Past sexual history

The UN Women Guidelines provide that States should prohibit the introduction of a survivor's sexual history as evidence in sexual violence proceedings. Laws which allow the introduction of a victim's sexual history are based on patriarchal assumptions that only "chaste" and "moral" women can be raped. They contribute to the impunity of perpetrators and lead to the re-victimisation of survivors who are subjected to traumatic and degrading cross-examinations in court.⁵⁷ Since consent can only be evaluated according to the circumstances prevailing with respect to the alleged offence, evidence of past sexual history should be irrelevant in a rape trial.

Laws which allow the introduction of a victim's sexual history are based on patriarchal assumptions that only "chaste" and "moral" women can be raped.

In 2016, an amendment to the evidence law in Pakistan in effect disallowed defence counsel from adopting a line of questioning during cross-examination in a rape trial to disparage the character and thereby discredit the testimony of a rape survivor.⁵⁸ More recently, the Anti-Rape (Investigation and Trial) Act, 2021 unequivocally declared evidence to show that the victim is generally of "immoral" character as inadmissible in a sexual offence trial. Recent judgments have also emphasised the irrelevance of the past sexual history or character of a survivor in determining the commission of the offence of rape and have held that, in fact, such a line of questioning violates the survivor's right to dignity. Pakistani courts have, as a consequence, categorically prohibited the use of two-finger testing/virginity testing in the medico-legal examination of survivors of sexual violence, which has been primarily employed to draw inferences about a survivor's past sexual experiences. The courts have held that the practice of two-

finger tests violates a survivor's right to dignity and privacy and amounts to gender-based discrimination.

However, in practice, such a line of questioning about past sexual history still continues to be addressed to the victim during trial.

"Medico-legal officers in Karachi continue to make observations regarding the woman's sexual history, particularly the status of the hymen as "old-torn" or "old-torn healed". **Litigation Manager, Civil Society Organisation**

"In cross-examination the lawyers ask irrelevant questions regarding the character or past behaviour and ask questions in a very aggressive way. ... sometimes the cross-examination stretches on for three hearings. And we do not see judges putting a stop to that." **Lawyer**

b. Relying on the testimony of the survivor

The superior courts of Pakistan have held that the sole testimony of a sexual violence survivor is sufficient to secure a conviction, provided that the same is confidence-inspiring.⁵⁹ However, this principle is not consistently applied by judges at the trial court level.

"This principle that the Supreme Court talks about that the sole testimony of the victim is sufficient, that has not reached the local magistrate or session judge." **Superintendent of Police**

57 BLAST, 2019, Between virtue and immorality: Why character evidence must be prohibited in rape cases, <https://www.blast.org.bd/content/publications/Rape-Law-Reform-Between-Virtue-and-Immorality.pdf>

58 The Criminal Law (Offences Relating to Rape) Amendment Act, 2016 omitted Section 151(4) from the Qanun-e-Shahadat Order, 1984. https://www.na.gov.pk/uploads/documents/1475761256_380.pdf

59 2022 SCMR 544. Abdul Ghani vs The State. 2022; SCMR 50 Zahid vs The State; 2021 SCMR 2002; Manzoor Ahmed and others vs The State; PLD 2021 Supreme Court 550, Atif Zareef v The State



Credit: Dave Primov/iStock

c. Limitation periods and adverse inference based on delay in reporting

Short limitation periods during which rape cases may be brought forward for trial impede access to justice for survivors who, given their particular trauma and the sociocultural context in which they operate, cannot always report an incident promptly. Child victims may, in particular, find it difficult to raise a complaint before they reach the age of majority. In relation to both adults and children, given the various factors which contribute to delays in reporting, laws should not impose any limitation period within which the rape complaint needs to be filed.⁶⁰

Pakistani law does not specifically prescribe a limitation period within which a complaint against an act of sexual violence has to be filed. The Islamabad High Court has recently held that “[a]ny delay in reporting of an offence of sexual abuse, if not accompanied by facts and circumstances that create reasonable doubt about the occurrence itself, will not create a presumption that the complaint was false in view of a natural inclination of victims of sexual abuse to never

report the offence at all.”⁶¹ Several other judgments have held that delay in reporting an offence of sexual violence is of no consequence, given the particular trauma suffered by the victim and the fact that in such cases, the survivor and her family’s reputation and honour are often at stake.⁶² However, if the court requests an explanation for the delay in reporting an incident of sexual violence and such explanation does not satisfy the courts, the delay has been interpreted in several cases as indicating a “possibility of deliberation, consultation and concoction”,⁶³ thereby casting doubt on the survivor’s account and testimony. The case law on the issue is not entirely consistent.⁶⁴

“It is important to note that an unexplained delay in registering a FIR [First Information Report] is always harmful in a criminal case. Where there is other evidence to prove the commission of rape, then the delay may be covered up. ... However, let’s say a survivor files a complaint 10 days after the commission of a sexual offence, major evidence (DNA etc) will be lost by then. The law only helps those who are vigilant.” **High Court Judge**

60 See UN Special Rapporteur on violence against women, its causes and consequences, Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention, (2021) <https://docs.un.org/en/A/HRC/47/26> & Equality Now, 2020, Rape as a Grave and Systematic Human Rights Violation and Gender-based Violence against Women: Expert Group Meeting Report 2020, https://www.equalitynow.org/rape_human_rights_violation_gbv_sr_egm_2020

61 Criminal Appeal No.294 of 2022 Islamabad High Court Shahzad Ahmed Vs. The State and another

62 2020 SCMR 590 Zahid v. the State; 1981 SCMR 448 Hamid Khan v. the State; 1999 SCMR 1102 Mehboob Ahmad v The State; 2025 PCrLJ 589 Lahore High Court Abdul Basit v The State; 2022 PCrLJ 1396 Iftikhar Ali v The State

63 2023 PCrLJ 1546 Lahore High Court Fida Hussain v The State (delay of 4 days); 2024 MLD 1563 Lahore High Court Amjad Ali v The State (delay 5 days); 2024 SCP 226 Muhammad Imran v The State

64 *Supra. n. 37*

d. Offence of “false accusation”

Pursuant to Section 22 of the Anti-Rape (Investigation and Trial) Act, 2021 false information given to a public servant regarding the commission of a sexual offence with the purpose of annoying or injuring any person is subject to the penalty of imprisonment, which may extend to three years and a fine. The offence under Section 22 of the Anti-Rape (Investigation and Trial) Act, 2021 may only be prosecuted upon the direction/findings of the High Court and not through the filing of an FIR.⁶⁵ Prior to the promulgation of the Anti-Rape (Investigation and Trial) Act, 2021 provision of false testimony would be dealt with under general criminal offences applicable to all crimes, without specifically including a provision on false cases in sexual violence legislation. The prevalence of the notion that women commonly falsely report rape can make it difficult for victims to report incidents of sexual violence, as they fear not being believed by criminal justice actors. That a sexual violence crime cannot be proved does not mean that the accusation was false. Similarly, the fact that the victim changed her version of events does not mean that her accusation is false. Prosecutors should not routinely or casually prosecute under Section 22. In the exceptional cases where prosecutions need to be initiated, the potential impact of such prosecutions should be fully taken into account, and measures (such as refraining from the publicity of such prosecutions) need to be taken to ensure that the prosecution does not discourage survivors from coming forward.

e. Provision of compensation to victims

Section 17 of the Anti-Rape (Investigation and Trial) Act, 2021 specifically provides for the payment of compensation from the convicted rapist to the survivor of sexual violence, in addition to the penalty payment prescribed in the law. However, as of December 2025, there have been no reported judgments on the provision of such compensation to survivors of sexual violence. Nevertheless, the courts have acknowledged the right of illegitimate children, born as a result of rape, to claim compensation from their convicted rapist fathers in respect of mental suffering.⁶⁶

“With regard to the payment of compensation to victims of rape, the Code of Criminal Procedure (in S. 545) already granted courts this power. I have not seen in any case in which the courts have awarded costs or compensation to the victim, even after a conviction. ... I have applied to courts for payment of compensation to victims. The judge’s attitude is that we have convicted the accused and that in itself is favour enough”. **Litigation Manager, Civil Society Organisation**

⁶⁵ 2025 LHC 4030 *Syed Rizwan Haider v A.S.J* clarified that in exceptional cases where prosecutions need to be initiated, the potential impact of such prosecutions should be fully taken into account, and measures (such as refraining from publicising them) should be taken to ensure that the prosecutions do.

⁶⁶ 2015 LHC 4524; Criminal appeal No. 2066 of 2012 *Nadeem Masood v The State*; <https://sahsol.lums.edu.pk/node/12808>. In other cases the courts have also awarded meagre compensation under section 544-A Cr.P.C. See PLD 2015 Lah. 512 *Safdar Ali alias Soni v The State*, 2017 YLR Islamabad 2031 *Wishal Masih v The State*

Barriers to accessing justice within the criminal justice system

While the substantive law governing sexual offences in Pakistan has gradually moved in line with international standards, its implementation on the ground is marred by capacity and resource constraints, knowledge gaps and sociocultural and patriarchal biases. The national level conviction rate in cases of rape stands at a dismal 0.5%.⁶⁷ According to the Law and Justice Commission of Pakistan (LJCP), the high acquittal rates in sexual violence cases tried in 2023 can be attributed to:

“inadequate evidence handling, procedural lapses, challenges in witness testimony and inconsistencies in legal application. These issues underscore the urgent need for specialised training for judicial and law enforcement personnel involved in handling GBV cases. Such training should focus on sensitivity, procedural rigour and evidence collection to strengthen the judicial process.”⁶⁸

The LJCP has also emphasised the critical need to ensure victim protection by improving access to legal aid, providing specialised support services for victims and ensuring their safety throughout the legal proceedings in order to address the issue of witness withdrawal.⁶⁹

proceedings drudge along are all obstacles to reporting as well as explanations for the delay in reporting the crime... Victims of rape report the crime not with the confidence that society will not judge them, but despite the judgment of society that they will be made to embrace. In view of such prevalent social ethos, delay in reporting such crime cannot be seen as an irrational human reaction to a grisly act.”

Justice Babar Sattar, Islamabad High Court, Criminal Appeal No.294 of 2022 Shahzad Ahmed Vs. The State and another

Moreover, although recent amendments to the rape laws in Pakistan have placed strong emphasis on gender sensitisation of procedure and criminal justice actors to support women generally, there has been absolutely no recognition of the necessity to adapt and amend the law to ensure greater access to justice for women with disabilities, who are survivors of sexual violence.

In the words of Syeda Imtiaz Fatima, a woman with disabilities, she has little choice but to remain silent in the face of sexual abuse:

“Disabled women face many problems, but one of the most pressing issues is the lack of wheelchair ramps, which is not only inconvenient for us, it channels harassment towards us. ... When people offer help by physically supporting us, they often cross boundaries through inappropriate touching. But when we, as disabled individuals who cannot protect ourselves, speak up and complain, we are blamed instead. They say, ‘We were only trying to help and now you’re accusing us’. In such a situation, what choice do we have but to silently endure it.”⁷⁰

The reporting of rape in Pakistan is similarly low due to the fear of stigmatisation and retaliation as well as due to a lack of trust in the legal system to produce just results efficiently. Reporting the crime and testifying to the acts of the rapist can entail reliving the trauma multiple times. ... In such circumstances, social stigma, the fear of being shamed and chastised by the society that indulges in victim-shaming, the fear of sullyng the honour of the family and concerns revolving around revictimisation and/or lack of support from law enforcement agencies as the investigation and trial

⁶⁷ *Supra. n. 6*

⁶⁸ Law and Justice Commission of Pakistan, 2023, Unveiling Shadows: An Overview of Gender-Based Violence Cases, <https://www.ljcp.gov.pk/Publications>

⁶⁹ *Ibid.*

⁷⁰ Dawar, K., 2025, Beyond Vulnerable: How disabled persons face an alarming risk of sexual assault, 15 May, <https://voicepk.net/2025/05/beyond-vulnerable-how-disabled-persons-face-an-alarming-risk-of-sexual-assault/>

I. Police lapses in filing/registration of rape cases

(i) Delay in registration of the complaint

A study conducted in 2018 revealed that, on average, it takes 13 days for a complainant/victim to register a complaint of rape (also referred to as the First Information Report or FIR) with the police in South Punjab.⁷¹ More recent studies, conducted after the promulgation of the Anti-Rape (Investigation and Trial) Act, 2021, report a much shorter average duration of three days for registration of a FIR in rape cases in Islamabad Capital Territory.⁷² There is some consensus on the improved police responsiveness in complaints of gender-based violence generally through, for instance, prompt registration of the FIR, at least in Punjab and Sindh.⁷³ However, in some instances, complainants have to exert influence and connections over a period of several months to merely register a complaint of rape.⁷⁴ A single day's delay in the registration of an FIR can undermine a victim's case during trial.

The delay in registration of the FIR must be seen against the backdrop of the culture of disbelief regarding the commission of sexual violence prevalent amongst the police cadre responsible for registration of cases/complaints.

The delay in registration of the FIR must be seen against the backdrop of the culture of disbelief regarding the commission of sexual violence prevalent amongst the police cadre responsible for registration of cases/complaints. Studies have suggested that most police officers, including female police officers, reportedly believe that complaints of sexual violence brought before them are false.⁷⁵ There is a belief that cases where the victim has suffered obvious physical violence are genuine,⁷⁶ such that complaints of rape in such instances are more frequently registered.⁷⁷ Excerpts from an interview with a female police officer from Punjab highlight the problem:

“more than 90% cases are fake, fabricated and planted. There should be ways to prevent the registration of false cases. A woman comes to register a case and says she has been raped over a period of time. She could not report [earlier she says] because she feared him [the perpetrator]. This is not understandable. If she could come now and report, why didn't she come earlier? First, rape can happen under duress, but what about repeated cases? It's not possible. Such rape cases are planted, they only waste the police's time.”⁷⁸

However, in an interview conducted for the purpose of this study, a female police officer reported that because of the State's emphasis on taking prompt action in sexual violence cases and for fear of rebuke, the police do not hesitate to register complaints of rape in cases which are, according to them, apparently false.⁷⁹

71 These statistics are based on a case-study conducted in District Lodhran in South Punjab. See *supra*. n. 25

72 Legal Aid Society, 2022, Gap Analysis of Investigation and Prosecution of Rape and Sodomy Cases in Islamabad Capital Territory” - <https://www.las.org.pk/media/pdfs/rpandp/GAP-Analysis-ICT.pdf>

73 Legal Aid Society, 2020, Gap analysis of Service Providers for Gender-Based Violence in Punjab and Sindh, <https://www.las.org.pk/media/pdfs/rpandp/Gap-Analysis-of-Service-Providers-for-Gender-Based-Violence-in-Punjab-and-Sindh.pdf>

74 *Ibid.*

75 *Supra*. n. 27

76 Shirkat Gah, 2023, Sexual Offences, Police Investigation & Prosecution in Punjab - A Policy Brief <https://shirkatgah.org/reports-and-policy-briefs/#>

77 *Supra*. n. 27

78 *Supra*. n. 27

79 Interview of Superintendent Police conducted on 29.06.2025, Lahore

“The attitude of the police depends on the age of the victim also. Where the victim is a young girl, the police demonstrate more keenness in registering the complaint or responding. As the age of the victim increases ..., we observe that the police begin to doubt her account, that maybe she is lying, maybe she was involved, maybe it’s a false allegation.” **Programme Manager, NGO**

“Senior Officers are often oblivious to what happens in a police station, or they are too busy to pay attention. If they come and see how difficult it is to register a FIR in a police station without offering money.... If you just note the number of calls made to the 15 Helpline by a girl to complain about sexual violence compared to the number of FIRs registered for such offence, this will help you understand the ground reality.” **Litigation Manager, Civil Society Organisation**

In many cases, the police register the FIR after the completion of the medico-legal examination (MLE) of the victim to ensure (i) that medical evidence is not lost and (ii) that “false” accusations are sifted out, usually decided to be false if there is no physical evidence.⁸⁰ The requirement to conduct an MLE of a rape victim prior to the registration of the FIR is not prescribed in any law, but the MLE’s absence without justification can cause undue delays.

*“They [**the police**] tell the families that before we can do anything you have to go get a medico-legal report and in rape cases it is important that you collect the physical evidence and so it is important that they do get the medico-legal report done as soon as possible. The attitude of the police often is that they tell the family to go, but they are not going to provide any kind of guidance; they’re not going to provide any proper support. They [**the families**] have to arrange all of this themselves. These kinds of things act as deterrents.”* **Lawyer**

80 Legal Aid Society, 2022, Assessing the Implementation of DNA Standard Operating Procedures by Sindh Police Department,” <https://www.las.org.pk/media/pdfs/rpandp/DNA-SOPs-Report.pdf> : “Delay in registration of FIR also occurs because the victim is often first taken for a MLE for fear of loss of medical evidence. However, with varying degrees of overlapping answers, 38% of the respondents believe it should be registered after the medico-legal examination (MLE) is conducted while 16% believe it should be registered once the MLE report is received.”

Credit: Azeem Aslam/iStock



(ii) Failure to comply with the requirements of Section 154, CrPC

Pursuant to the provisos to Section 154 of the CrPC, where a victim of rape (and other specified offences) complains of the offence to the police, the FIR is to be registered in the presence of a female police officer or a female family member of the victim and, where the emotional state of the victim so demands, at her residence. According to reports, the police are not complying with this provision of the law.⁸¹ A police officer interviewed for the purpose of this study confirmed that this finding still represents current practice.

“Women constitute less than 2% of the police force. Just consider where all this 2% female police force can be employed...” **Superintendent Police**

(iii) Failure to accurately record the complainant’s/victim’s account

The FIR is meant to record the occurrence of events, as experienced by the complainant/victim, that would constitute the commission of a crime. It need not provide a specific description of a crime scene.⁸² Police officers have not had appropriate training in drafting FIRs and lack an appreciation and understanding of the consequences of not accurately depicting the circumstances of the sexual violence. The drafting of FIRs by the police subsequently creates the risk that contradictions in the complainant/victim statements will arise when the complainant/victim later recalls events.⁸³ These contradictions can then be exploited by the defence to discredit the testimony of the complainant/victim or other witnesses during cross-examination, thereby forming the basis of acquittals. If complainants/victims are also illiterate and unable to read the contents of the FIR (which is often not read back to them by the police), this exacerbates the risk of such contradictions.⁸⁴

Furthermore, in summarising the complainant’s/victim’s account, the police often miss critical details, such as whether the perpetrator used a condom or the location of ejaculation.⁸⁵ The failure to record these details also risks

overlooking material evidence. In addition, explicit terms such as “rape” are at times described/expressed as “sexual abuse” in FIRs, which fails to capture the gravity of the incident being reported.⁸⁶

(iv) Lack of understanding of the importance of the statement recorded under Section 161 CrPC

Section 161, CrPC empowers the police to question any person who may be acquainted with the facts of a case and may reduce such examination into writing. The police are reportedly commonly unaware of the importance of the witness statement recorded under Section 161 CrPC, which is often referred to by the defence to point out contradictions in the victim’s/witness’s testimony and undermine the prosecution’s case.⁸⁷ The police often record the 161 statement in a casual manner, following a pre-set format and without noting down essential details in the actual words of the victim/witness.⁸⁸ It is important that the police be informed of the importance of the 161 statement and the need to record it accurately and meticulously.

81 *Supra. n. 25*

82 Legal Aid Society, 2023, Challenges for Successful Outcomes in Rape Trials, https://www.las.org.pk/media/pdfs/rpandp/Challenges_for_Successful_Outcomes.pdf

83 *Ibid.*

84 *Supra. n. 72*

85 *Supra. n. 82*

86 *Supra. n. 82*

87 *Supra. n. 72*

88 *Supra. n. 82*

II. Delays in investigation, prosecution and adjudication

(i) Delays in police investigation

Pursuant to Section 173 CrPC, an investigating officer must submit a police report or *challan* to the Magistrate providing details of the investigation undertaken with respect to an offence within a period of 14 days from registration of the FIR. Where an investigating officer fails to complete the investigation within the prescribed time period, he/she may submit an interim report/*challan*, leaving it to the court's discretion as to whether to proceed on the basis of the same or to grant an extension of time.

The legally stipulated time period for submitting the final *challan* is rarely met. It is reported that in Sindh, it takes the police on average 1.6 months to conclude their investigation and submit a final *challan* in rape cases.⁸⁹ The police in the Islamabad Capital Territory take even longer (3.1 months) to investigate and prepare a final *challan* in rape and sodomy cases, which is received by the magistrate with a further delay of 1.5 months.⁹⁰ The delay in submission of the final *challan* is linked to delayed and weak prosecutorial scrutiny (see discussion below) and delayed forensic reports (see discussion below), and is often used by the defence as a ground for an application for bail or discharge.

"We have no expectation of any help from the police. They have behaved in a very rude and dismissive manner to our complaints. They have refused to respond to our requests for investigation and updates on the status of the investigation. ... When we registered the FIR [against the gang rape of my minor child] the police did not come to the place of occurrence for about one week and no investigation was undertaken. I had to run after the Investigating Officer to visit the place of occurrence....The police officers do not pick up my calls. When I visit the relevant DIG [Deputy Inspector General] or other officers, I am made to sit outside for hours and then am merely told to return after a few days." **Father of minor rape victim**

(ii) Delays in conducting the medical examination/receiving medico-legal reports

Timely medical examination of the rape victim and the accused (under arrest) is critical for securing essential medical evidence and is therefore central to an effective investigation. Pursuant to Sections 164A and 53A CrPC, such medical examination should be undertaken without delay and, in the case of the accused, without his/her consent if need be and, where necessary, through the use of force. In the case of a female victim, the medical examination is to be undertaken by a woman medico-legal officer (WMLO).

"The law requires that only a woman can perform the medico-legal examination of a female victim. Tell me which lady doctor will be available at the hospital in the middle of the night... sometimes the dead bodies of little girls keep lying for over two days waiting for the lady doctor. There is no separate cadre for medico-legal officers. ... Medico-legal should be recognised as a special cadre and a special allowance should be provided to medico-legal officers. ... these officers have to wait for hours in court." **DIG Punjab Police**

Section 164B, CrPC further stipulates that in cases of rape, DNA samples must be collected from the victim (with consent) and the accused during the course of medico-legal examination.⁹¹ Ideally, the victim of rape should be examined on the same day to ensure that medical evidence is not lost. While a forensic medical examination is important for collecting vital corroborating evidence, this should not be mandated on people who have not consented to it, for a variety of reasons, including fear or shame. Instead, the importance of collecting medical evidence after a sexual assault to support their case should be explained to victims. In practice, many female victims are not informed of the need or importance of a medico-legal examination and may, to their eventual detriment, refuse it,⁹² nor are they provided with any written guidance on how to preserve important medical evidence (for instance by not changing or washing their clothes, or taking a shower).⁹³

According to a study of rape cases conducted in 2018 in Lodhran District, Punjab, despite legal prescriptions,

⁸⁹ *Supra.* n. 80

⁹⁰ *Supra.* n. 72

⁹¹ In case reported as 2013 SCMR 203 Salman Akram Raja v The State, the Supreme directed that the administration of DNA tests and preservation of DNA evidence should be made mandatory in rape cases.

⁹² *Supra.* n. 27

⁹³ *Supra.* n. 80

medical examination of the victim was not conducted in the majority of cases, with DNA collection being undertaken in far fewer cases. This study also revealed that the average duration between registration of the FIR and medical examination is 25 days.⁹⁴ A more recent study of rape cases in Islamabad reports an average duration of 7.7 days in the medical examination and collection of the victim's DNA, with a further average delay of 15.3 days for submission of the samples for forensic analysis.⁹⁵

The reasons for such delay are manifold and range from shortages and poor capacity of WMLOs to poor knowledge of the law among investigating officers. It is reported that some police officers in Punjab require a judicial order from the magistrate before they have the victim medically examined, although no law prescribes such a practice. Where cases are reported after the courts' working hours, the unavailability of the magistrate often causes a delay in the medical examination of the victim.⁹⁶

(iii) Delays in rape trials

The law stipulates timelines for the completion of trials in rape cases. Section 344A, CrPC provides that a rape trial must be concluded within three months of the court taking cognisance of the case. Section 16 of the Anti-Rape (Investigation and Trial) Act, 2021 stipulates a time period of four months for the conclusion of a rape trial. Notwithstanding these inconsistencies in the law, these prescribed timelines are far from the lived reality of rape trials.

The reported average duration of a rape trial varies. Some studies report that a rape trial takes 2–3 years to conclude,⁹⁷ an average duration also experienced by legal practitioners who were interviewed for the purpose of this study. Other studies have found that rape trials in Sindh conclude within an average of 9.6 months, with time spent in trial accounting for 92% of the delay in conclusion of a rape case.⁹⁸ Studies conducted in Punjab report an average time period of 8.3 months for the conclusion of a rape trial.⁹⁹ In the Islamabad Capital Territory, rape trials conclude within

a shorter duration of three months.¹⁰⁰

The financial costs of delay, including victims' lawyer fees (hired by victims sometimes to support a more efficient prosecution), transportation, lodging and illegal tipping (to the police, court clerks and other court staff to facilitate basic tasks) are borne entirely by the complainant/victim¹⁰¹ and are hardly ever paid back as costs by the courts.

"In Karachi, Sindh, the GBV courts are dealing with rape cases relatively quicker. From the time of charge to judgment, in my observation it takes 1.5-2 years. This is much shorter than it was three years ago. ... The time taken from commencement of investigation [by the police] to the framing of charges [by the court] is 3-6 months." **Lawyer**

"It is very difficult for a survivor or victim to regularly follow up on a case which has been in trial for over 1.5-2 years after an incident. Normally they give up. We have to convince them not to. Then a lot of pressure comes on them from various quarters." **Litigation Manager, NGO**¹⁰²

The delay in the conclusion of the trial is, in part, caused by the failure of the provincial forensic agencies to furnish timely results. Given the prosecution's heavy reliance on medical evidence, such as DNA, the trial often cannot proceed till the reports of the medical examination of the victim and/or accused are returned from the forensic science agency. The vast majority of rape complaints do not proceed to trial.¹⁰³ Most police officers and public prosecutors in Punjab complain about delays in receiving reports from the Punjab Forensic Science Agency (PFSA).¹⁰⁴ In a study of rape cases in the Islamabad Capital Territory, it was reported that, on average, forensic reports in rape and sodomy cases are returned two months after submission.¹⁰⁵ Although a forensic science lab has been established in KP, due to the lack of technical expertise, evidence collected in rape cases (and other cases) has to be sent for analysis to the PFSA situated in Lahore.¹⁰⁶

94 *Supra n. 25*

95 *Supra n. 72*

96 Shirkat Gah, 2023, Gender Based violence: Medico-Legal & Forensic Work in Punjab - A policy Brief" <https://shirkatgah.org/reports-and-policy-briefs/#>

97 *Supra n. 27*

98 From a study conducted in select districts of Sindh *Supra n. 82*

99 *Supra n. 25*

100 *Supra n. 72*

101 *Supra n. 27*

102 The time duration of 1.5-2 years for conclusion of trial was also confirmed in interactions with a Superintendent of Police for this study

103 *Supra n. 80* reports that from 2017 to 2021, only 4% of rape cases proceeded to trial in Sindh.

104 *Supra n. 76*

105 *Supra n. 72*

106 Personal communication with a Programme Manager from a NGO for this study

The practice of continuous adjournments by counsel also contributes greatly to the problem of delay.¹⁰⁷

Rule 5 of the Anti-Rape (Trial Procedure) Rules, 2022 provides that a court may only grant two adjournments to the parties (or their counsel) during the trial of a case, one of which shall be upon payment of costs by the person seeking the adjournment. Discussions with legal practitioners for this report revealed that this provision remains unimplemented, but that, in any case, it is a wholly impractical prescription.

“There are two issues with PFSA. The lab is based in Lahore. If a rape occurs in Rajanpur [South Punjab] the police often have to drive all the way to Lahore with the victim and the accused to get the DNA, to get the matching done. ... The lab cannot be decentralised ... In Crime Scene Investigation there are only 10 cars available. Unless someone makes a call the CSI unit will not go to the crime scene ... sometimes the dead body keeps lying for over two days.” **DIG, Punjab Police**

“Once the swabs are taken, they are sent to the Punjab Forensic Science Lab. The [samples] are added to the queue at the Lab. ... The police have physical remand of the accused for only 14 days. What does the police question the accused about – the DNA report is not provided within this time. ... Sometimes the report takes 9-10 months to come. The police continue to send them reminders. Sometimes they don’t have kits. Sometimes they have too much workload.” **Superintendent Police**

The process is lengthy and expensive. The fees for these are paid by the complainant/victim... The results at times take years to come. ... There are no SOPs for sending the swabs to the lab in Punjab and 100% chance of tampering.”

Programme Manager, NGO

107 Adjournments could be for a variety of reasons, including strike called by the local bar, unavailability of the lawyer, or un-preparedness of the lawyer.

III. Effectiveness of fast-track/special courts for rape trials

In 2019, the Supreme Court's National Judicial Policy Making Committee approved the establishment of Gender-Based Violence Courts (GBV Courts) in all districts to provide a supportive court environment for female victims of violence and ensure speedy justice. The GBV courts were established under the Anti-Rape (Investigation and Trial) Act 2021 and, pursuant to Section 3 thereof, were deemed to operate as "Special Courts".¹⁰⁸ In 2023, a total of 480 existing courts were designated to adjudicate GBV cases across Pakistan. 48,395 new cases of GBV were instituted before the GBV courts in 2023.¹⁰⁹ The GBV courts were intended to have the capacity to adopt/implement such measures that would ease the rigour and trauma of trial for a rape victim and witnesses, including conducting trial in-camera or through video link and use of screens to shield the victim or witnesses from having to confront the accused.¹¹⁰

There have been varying reports on the effectiveness of GBV Courts. A study of the model GBV Court at the Lahore Judicial Complex (which was established in 2017), conducted in 2018, revealed a conviction rate of 16% in GBV cases, much higher than that observed in regular courts.¹¹¹ A User Satisfaction Survey for GBV Courts in two districts of Sindh in 2022, undertaken after the introduction of screens and waiting rooms in the courts, demonstrated a 14% increase in the satisfaction level of end users in comparison to regular criminal courts.¹¹² GBV courts in KP are reportedly functional, and judges

presiding over them demonstrate greater knowledge of and sensitivity for GBV cases.¹¹³

However, not all GBV courts possess the capacity, physical or technological, to offer the special protective measures. Such capacity is often confined to the GBV courts in urban centres.¹¹⁴ Even where such capacity exists, the use of special protective measures is at the discretion of the judge.¹¹⁵ Furthermore, despite the provision of training to judges of GBV courts and the take-up of protective measures, the judicial approach (with some exceptions) in GBV courts has generally not moved on from the traditional focus on the past sexual history of a victim and the presence of marks of violence as relevant to the determination of consent in a rape case,¹¹⁶ with many judges allowing questions about a victim's character and past behaviour during cross-examination.¹¹⁷

There is a consistent criticism that GBV/Special Courts do not exclusively deal with GBV cases and also hear all other criminal matters, which means the backlog does not get as reduced as it might. In addition, the court remains a very public place in which victims of sexual violence do not feel comfortable.

Anti-Rape Crisis Cells

In order to tackle the issue of delay, Section 5 of the Anti-Rape (Investigation and Trial) Act, 2021 provided for the establishment of Anti-Rape Crisis Cells (ARCCs) throughout the country, which are to function as a one-stop shop where a victim can register an FIR and undergo medico-

108 Section 3 of the Anti-Rape (Investigation and Trial) Act 2021 provides that the Federal may establish Special Courts to try scheduled offences which include rape and sexual abuse. <https://pakistancode.gov.pk/english/UY2Fqajw1-apaUY2Fqa-apaUY2Npa5hm-sg-jjjjjjjjjjjjjj>. Also see *supra*. n. 82

109 *Supra* n. 68

110 See Section 352, CrPC, 1898 and Section 12 of the Anti-Rape (Investigation and Trial) Act, 2021

111 *Supra*. n. 73

112 *Supra*. n. 82

113 Personal communication with a Programme Manager from a NGO for this study

114 A Superintendent of Police reported that GBV courts in smaller cities are not implementing the directive regarding use of screens.

115 *Supra*. n. 82

116 *Supra*. n. 73

117 Personal communication with a lawyer for this study

legal examination. ARCCs have been established in Lahore, Bahawalpur, Multan, Karachi, Peshawar, Islamabad and Rawalpindi. Legal practitioners from Karachi interviewed for the purpose of this study reported that notification of ARCCs has had a positive impact on the timely collection of evidence. The ARCCs in Punjab and KP reportedly exist only on paper.¹¹⁸

The ARCC, notified at a government hospital in Lahore, while providing medical aid, care, and medical-legal examination services to survivors, reportedly does not provide the full range of services envisaged by the law. There is no provision for registration of an FIR at the ARCC. Any case that comes to the ARCC is referred to

the designated Police Khidmat Counter at the hospital, which then facilitates the registration of the FIR by the complainant/victim at the relevant police station having jurisdiction over the matter. No standard operating procedures (SOPs) have yet been developed in Punjab to guide and institutionalise coordination between the ARCCs' police, medico-legal and other relevant departments, such as the prosecution.

118 DIG, Punjab Police; Programme Manager, NGO

Credit: Fareeha Ali Yahya/Equality Now



IV. Lack of knowledge, capacity and resources

(i) The police

(a) Non-implementation of the Anti-Rape (Investigation and Trial) Act, 2021

Amendments promulgated in 2021 not only changed the substantive law of rape (see discussion in the laws section), but also altered the requisite procedures for the investigation of complaints of rape and other sexual offences. Pursuant to Section 9 of the Anti-Rape (Investigation and Trial) Act, 2021 the investigation of scheduled offences, which include rape and sexual abuse, is to be undertaken by the Special Sexual Offences Investigation Units (SSOIs), to be established in every district, comprising police officers who have received training on sexual offences and to include one female police officer. This remains largely unimplemented.

Most police officials in Punjab reportedly remain unaware of the amendments to the definition of rape in Section 375, PPC.¹¹⁹ Interviews with police officials and legal practitioners conducted for the purpose of this report confirm that the expanded *actus reus* of rape under the amended definition has not been grasped by the police, who as first points of contact, are responsible for setting the criminal justice system into action. Police trainings are far from regular. Police officers receive formal training roughly every 10-12 years upon their promotion, which does not always cover recent legal precedents. The onus therefore falls upon the Deputy Inspector General, Police of a district or the Station House Officer of a police station to inform the officers under them of changes in the law, thereby leading to ad-hocism.¹²⁰

examination is not conducted in time, or swabs are not taken.” High Court Judge

“If a policeman has [years] of training in investigation, we designate such a person to be a member of the SSIU. He receives training during his time in the field. ... Crime Scene Investigation Units have their own training. ... what is the point of making units and mandating their training? ... You have to understand why training for SSIU is not so important. We only assign such an officer to investigate the offence who has experience in investigating rape and other sexual offences, who knows how to handle the victim. ... He knows what goes in that case file. He already is a specialised person. ... The Investigating Officer (IO), to the extent our resources permit, is already a trained person. ... However, if you say that we should send the IOs to school or the academy to receive such training, those are not viable in the long run.” Superintendent Police

On the procedural side, the notification and employment of SSOIs in the investigation of scheduled offences are far from uniform. In 2022, the Lahore High Court strongly condemned the failure to implement the Anti-Rape (Investigation and Trial) Act, 2021, particularly the failure to employ SSOIs in the investigation of scheduled offences. The police informed the Court that implementing Section 9 of the Act would require an initial allocation of Rs 4.9 billion (17.31 million USD) and Rs 2.58 billion (8.83 million USD) in annual recurring expenditures, funding that the Punjab police lacked. The Court held:

“To protect the women in the country against sexual assault, strict implementation of the current law is the first and foremost requirement rather than promulgation [of] the new laws, because non-implementation of laws already enacted is the actual fault line and major hindrance in realising the purpose of law. Lack of implementation of legislative measures and non-compliance of judicial prescriptions provided for the investigation and trial of rape cases is a major hindrance in providing justice to rape victims. ... The real issue is with the implementation of the laws. What is needed is the will to implement the laws.”¹²¹

Subsequent decisions of the Lahore High Court have underscored the critical importance of the SSOIs in effectively addressing sexual offences through specialised

“The SSOIs are not being implemented. The investigation involves the preparation of police diaries, in which the daily progress in a case must be reported. The SSIU must comprise three members. The daily entry and update in the diary must be signed by all three members of the SSIU. This practice of collective investigation and updating is not being followed by the SSIU. ... The training of SSIU is lacking. It is shocking to learn that some members of the SSOIs are not even aware of what DNA is. The mandate of Sections 164A and 164B of the CrPC is not followed, as the medical

119 Shirkat Gah, 2023, Anti-Rape Investigation and Trial Act, 2021 A Policy Brief, <https://shirkatgah.org/reports-and-policy-briefs/#>

120 *Supra*. n. 82

121 PLD 2022 Lahore High Court 263 Yasir v The State

expertise and dedicated resources¹²² and in reducing delays.¹²³ Whether the introduction of the SSOIUs has had these intended impacts is yet to be determined.

While SSOIUs have been established in Punjab¹²⁴ and Sindh,¹²⁵ it is reported that they are not functioning in accordance with Section 9 of the Anti-Rape (Investigation and Trial) Act, 2021. Due to the shortage of female police staff (particularly in non-urban areas), SSOIUs may not, even though mandated by Section 9, have female representation.¹²⁶

The composition of SSOIUs across districts in Punjab remains far from uniform in terms of the seniority and specialisation of the designated officers.¹²⁷ In non-urban districts, the members of the SSIOU have reportedly not received requisite training.¹²⁸ A full bench of the Lahore High Court is (as of February 2026) seized of a case regarding the non-implementation of the Anti-Rape (Investigation and Trial) Act, 2021, including the issue of formation and functioning of the SSOIU.¹²⁹ Even in Sindh and KP, criticisms persist regarding the level of skill of designated SSOU officers and the lack of accountability of Investigating Officers.

“Investigating Officers are overworked and underpaid. ... They are not properly trained and have a patriarchal mindset. There is a specific lens through which they see things.” **Women Protection Officer, Punjab**

(b) Narrow investigatory lens

Police investigations in rape cases remain focused on medical evidence, such as DNA, to the exclusion of other forensic evidence such as saliva, bite marks, sweat, finger nails and hair that may be present on the victim’s or accused’s bodies.¹³⁰ Furthermore, investigating officers often do not collect non-forensic evidence, including trace evidence, toxicology, digital evidence and pattern imprints.¹³¹ This narrow focus on medical evidence may be a consequence of both a lack of knowledge and/or a lack of capacity. Whatever the reason, it prevents investigating officers from harnessing the full range of evidence to conduct an effective and complete investigation.

“Even though DNA evidence is only corroborative in nature, it is treated as the gold standard of evidence. ... Poor investigation is the weakest link. Investigating officers do not know how to collect evidence. There is a lack of expertise. They are unaware of the importance of other corroborative evidence, such as epithelial swabs (skin), hair and even bed sheets. There is also a lack of resources – the police do not have basic equipment like blue light or microscopic technology.” **High Court Judge**

(c) Lack of resources to ensure proper collection and preservation of evidence

There is consensus that the police in Sindh lack the resources to ensure proper and secure collection of forensic evidence from the crime scene, including gloves, swabs, packing material and generator-supported freezers for evidence storage at the police stations.¹³² Such capacity constraints create risks of damage to essential DNA evidence and may raise questions regarding the safe chain of custody of forensic evidence¹³³ that the prosecution may have to establish during trial.

122 2024 PCrLJ 1881 Lahore High Court Mst. Yasmeen versus Dr. Fahad Ahmad;

123 2024 PCrLJ 1783 Lahore High Court Sumaira versus The State

124 According to The Dawn, as of January 2025, the Punjab Police Investigation Department has trained 1,450 police officers to run the Special Sexual Offences Investigation Units (SSOIUs). See “Punjab police launch units to investigate sexual crimes under anti-rape act,” The Dawn, 15 January, 2025 <https://www.dawn.com/news/1885310>

125 The Dawn, 2023, Special police units notified to investigate rape cases, SHC told, 14th September, <https://www.dawn.com/news/1775759> It is pointed out that information regarding whether SSOIUs have been formed in the Balochistan and KPK provinces is not available.

126 *Supra. n. 76*

127 *Supra. n. 76*

128 Interview, Superintendent of Police, Lahore 29 June, 2025/Personal communication with a Superintendent of Police for this study

129 The Dawn, 2025, “LHC summons AGP again for assistance in case over implementation of Anti-Rape Act”, 7 April, <https://www.dawn.com/news/1902687>

130 *Supra. n. 82 and supra. n. 72*

131 *Supra. n. 82*

132 *Supra. n. 80*

133 *Supra. n. 72*

Furthermore, the non-availability of Police Crime Scene Units (CSUs)¹³⁴ in every district undermines the timely preservation and collection of physical evidence and its submission onwards to the relevant forensic agency.¹³⁵ Such units are mostly available only in urban centres, so that it may take up to a few hours for a CSU to reach a crime scene in a rural district.¹³⁶ Where CSUs are not available, police officers with no specific skills in the collection, packing, and storage of uncontaminated evidence/samples will undertake these tasks. Similarly, because forensic science labs are mostly based in urban centres, transporting evidence collected in rural settings to the labs often carries the risk of damage or tampering. The excessive delay in reporting by forensic agencies further undermines the police investigation process.¹³⁷

(ii) Medico-legal officers

(a) Shortage of trained WMLOs

There is a reported shortage of WMLOs in both Punjab and Sindh. Victims in rural areas may often have to travel to a different district in search of a WMLO to conduct a medico-legal examination.¹³⁸ Where a sexual violence offence is reported at night, the police will often have to wait until the following morning for the availability of a WMLO to have a medico-legal examination conducted.¹³⁹ At times, a doctor who is neither qualified nor identified as a designated medico-legal officer may undertake a medico-legal examination on account of the non-availability of WMLOs.¹⁴⁰ The shortage of WMLOs causes undue delays and risks loss of important medical evidence.

Pursuant to the notification of the Primary and Secondary Healthcare Department, Government of Punjab, all WMLOs must undergo one-month practical training before undertaking medico-legal work. None of the WMLOs interviewed for a study conducted in Punjab in 2020-2021 had completed the mandatory training course.¹⁴¹ Data submitted by the Punjab Primary and Secondary

Healthcare Department before the Lahore High Court in 2021 revealed that only 10.45% of medico-legal officers in Punjab had completed the requisite qualifications to carry out medico-legal work.¹⁴² WMLOs themselves admit that the forensic science course taught as part of their medical degree does not sufficiently equip them with the knowledge required for conducting medico-legal examinations.¹⁴³

Even where the Sindh High Court specifically directed the provincial government to disseminate information on the defined SOPs for conducting medico-legal examination, a substantial proportion of police report the non-receipt of the SOPs.¹⁴⁴ Guidelines for conducting medico-legal examination in cases of sexual violence, issued by the Government of Punjab in 2020, were reportedly never shared with WMLOs. The 2020 Guidelines were later struck down by the Lahore High Court¹⁴⁵ and, despite the court's directions, new guidelines have not been issued to date.¹⁴⁶

The categorisation of a victim as a virgin or non-virgin feeds into embedded social biases, which presume that a non-virgin woman is more likely to have consented to the sexual activity.

Many WMLOs remain unaware of recent legal developments. A review of medico-legal reports indicates that WMLOs continue to comment on the sexual history of the victim by making observations regarding the presence or absence of the hymen or an assessment of whether the victim is a virgin or not.¹⁴⁷ The categorisation of a victim as a virgin or non-virgin feeds into embedded social biases, which presume that a non-virgin woman is more likely

134 Mobile vehicles with particular evidence collection facilities that are sent to the crime scene

135 Crime Scene Units are specialised teams within police force that focus on the scientific and systematic investigation of crime scenes. They are responsible for the collection, preservation and analysis of physical evidence to support criminal investigations. These units work in conjunction with forensic science laboratories to ensure the integrity of evidence for legal proceedings.

136 *Supra*. n. 80

137 *Supra*. n. 76

138 *Supra* n. 25

139 *Supra*. n. 80

140 *Supra*. n. 80

141 *Supra* n. 76. Also see *supra*. n. 73

142 WP 17716/2021 Muhammad Nasir v Justice of Peace cited in *Shirkat Gah*, 2023 *supra* n. 96

143 *Supra*. n. 96

144 The Sindh High Court made such directions in case reported as 2021 SHC KHI 984 Kainat Soomro v Province of Sindh. 1/3rd of the police officers interviewed in a study conducted in Sindh reported non-receipt of the SOPs. See *supra*. n. 80

145 2021 PCrLJ 205 Lahore High Court Sadaf Aziz v The State

146 *Supra*. n. 96

147 *Supra*. n. 27 and *supra*. n. 72

to have consented to the sexual activity. In an interview conducted for the purpose of this report, a Professor of Forensic Science at a medical university shared the view that during the course of medico-legal examination of a woman, a medico-legal officer could determine whether the sexual encounter was in the nature of a fornication or adultery (i.e., it was consensual) or whether it was in fact rape.

Going beyond their mandate to collect medical evidence only, WMLOS are reported to “try to cross-examine the survivor if her description of the incident varies from the information recorded in the police FIR, often using details narrated to the MLO that were not, and are not required to be, recorded in the FIR” since, in the words of one WMLO, “We have to ask these details because women lie”.¹⁴⁸ Furthermore, the medico-legal examination attaches unjustified importance to the presence of semen stains, even though, pursuant to the law, the prosecution is to prove penetration and not necessarily ejaculation. Where such stains are absent, the medico-legal officer often concludes that no rape occurred.¹⁴⁹

(b) Lack of resources

WMLOs in Punjab report a lack of infrastructure and resources to effectively carry out their work.¹⁵⁰ There is a reported shortage of Sexual Assault Evidence Collection Kits (SAECKs) provided by the Punjab Forensic Science Agency (PFSA), along with guidelines for collecting, preserving, and transporting forensic evidence. Since 2020, the distribution of SAECKs by the PFSA has been reported to have been discontinued.¹⁵¹ In a case before the Lahore High Court, the PFSA reported that in 2019 SAECKs were used in less than 9% of cases submitted to

the PFSA and that, on account of the lack of equipment in many cases, medico-legal officers make use of non-sterile objects such as matchsticks, ice-cream sticks, broomsticks and twigs to collect evidence from a survivor’s vagina or rectum.¹⁵²

Medico-legal officers also complain of being overburdened and undercompensated, having to deal with regular medical work in addition to medico-legal examinations that are often to be performed at odd hours.¹⁵³ It is also reported that police officers in charge of an investigation often have to bear the cost of the investigation, including the DNA test, from their own pocket.¹⁵⁴

(iii) Prosecution

Independent public prosecution departments have been established through statutes in all provinces of Pakistan.¹⁵⁵ Pursuant to these statutes, public prosecutors occupy a critical position in the investigation and prosecution of criminal offences. Public prosecutors are responsible for scrutinising police reports/*challans* and may return them to the investigating officers for the addition or deletion of penal sections¹⁵⁶ or for the correction of deficiencies, including directions for more effective investigation. Public prosecutors are further empowered to issue general guidelines to police officers regarding any matter necessary to ensure the effective investigation of cases.

However, public prosecutors reportedly fail to perform their critical role in the investigative process. This may be on account of several reasons:

148 *Supra n. 96*

149 *Supra n. 25*

150 *Supra n. 96*

151 *Supra n. 96*

152 2020 PcrLJ 914 Lahore High Court Muhammad Ayaz Shamas v The State

153 *Supra n. 96*

154 *Supra n. 76*

155 See Balochistan Prosecution Service Constitution, Functions & Powers) Act, 2003, Khyber Pakhtunkhwa (KPK) Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2005; Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006; Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009

156 2012 PCRLJ Lahore High Court 1823 Nadeem v District Public Prosecutor

(a) Shortage of public prosecutors

There is a reported shortage of public prosecutors in Punjab, who, in addition to scrutinising police reports, are overstretched with duties in multiple courts.¹⁵⁷

Section 7 of the Anti-Rape (Investigation and Trial) Act, 2021 provides for the appointment of special prosecutors, who are to receive special training to prosecute scheduled offences, which include rape and sexual abuse. GBV/special prosecutors have reportedly only been appointed in Sindh and apparently are “better able to research, understand and strategise for their cases”.¹⁵⁸ The Government of Punjab has undertaken efforts to organise specialised training of public prosecutors on rape laws, but overall, it appears that Section 7 of the Anti-Rape (Investigation and Trial) Act, 2021 remains unimplemented.

(b) Absence of requisite details in the challan

The *challans* submitted by the police for scrutiny often lack the details of the investigative process and of the facts surrounding the offence required by the prosecution to assess the substantive and procedural strengths and weaknesses of the case and to determine next steps. Often, the *challan* merely reproduces the contents of the FIR and the witness statements.¹⁵⁹

(c) Absence of a coordination mechanism between the police and the prosecution

In principle, investigating officers must, from the initiation of the investigative process, coordinate with and seek guidance from public prosecutors. However, in most instances, investigating officers contact public prosecutors only at the time of submission of police reports/*challans*¹⁶⁰ when evidence collection has been completed, and there remains little time (under Section 173 CrPC discussed above) for additional and improved investigation. At such a point in time, any benefit that may be gained from prosecutorial scrutiny has been lost.

The onus is equally on the prosecution to ensure coordination with the police. As per the Punjab SOPs on Police Prosecution Cooperation,¹⁶¹ it is the statutory duty of a police officer to forward a copy of each FIR registered to the relevant District Public Prosecutor, who is responsible for determining the line of inquiry in a case, which is meant to guide the investigation. The District Prosecutor may inquire from a police officer whether a particular line of enquiry was followed and/or whether the police complied with the prosecutorial advice.¹⁶² Furthermore, the District Public Prosecutor is duty-bound to assist the investigating officer in preparing the *challan*, keeping in mind the substantive, procedural and evidential requirements of the case.

157 *Supra* n. 76

158 *Supra* n. 82

159 *Supra* n. 76

160 *Supra* n. 76

161 “Standard Operation Procedures on Police Prosecution Cooperation in the Province of Punjab”, 2024 <https://equalitynow.org/wp-content/uploads/2026/03/Standard-Operating-Procedures-for-Policy-Prosecution-Co-operation-in-the-Province-of-Punjab-in-all-kinds-of-Offences-English.pdf> and “Standard Operating Procedures for Coordination between the Police Department and the Prosecution Service of Sindh,” promulgated under Rule 25.14(1) of the Police Rules, 1934, https://sja.gos.pk/assets/presentations/2022/12_14Jan/PoliceProsecution_toolkit_rsil_3june.pdf

162 *Supra* n. 82

It has been reported that the public prosecution department neither understands nor seeks to play its obligated role.¹⁶³ Instead, “[t]he police and prosecution work in silos in sequential order (the police investigate, then the prosecution starts looking at the case) rather than working jointly as a team”.¹⁶⁴ In KP, public prosecutors reportedly lack knowledge of pro-women laws and victim-centred procedures.¹⁶⁵

There have been conversations to integrate and harmonise the information systems of the police and prosecution departments in Punjab, but no progress on this front has been reported thus far.¹⁶⁶

“The prosecutor is an important link between the court and the police. But the prosecutor does not ask the police any questions. ... The role of the prosecution is that once the police file comes, it must scrutinise whether the correct section of the PPC has been added. ... The question is when a rape file comes before the prosecution, are they reading it from the point of view of conviction? If there is any victim blaming in the file which has been missed by the IO [and other police officers] ... are they reporting on it? There is a big gap. I believe the training of the prosecution is very weak. You can literally get any challan passed by the prosecution.”
Superintendent of Police

(d) Lack of coordination between the prosecution and medico-legal officers

The medico-legal report is critical evidence upon which the outcome of a rape trial may turn. There is an absence of communication and coordination between medico-legal officers and public prosecutors. Often, public prosecutors are unable to even understand the medical terminology and conclusions drawn in a medico-legal report.

Often, public prosecutors are unable to even understand the medical terminology and conclusions drawn in a medico-legal report.

Given the importance of DNA and other forensic evidence, there should be regular coordination between the two. Medico-legal reports are often detailed with medical terminology and outcomes which are not necessarily understood by the prosecution.¹⁶⁷ The Police Surgeon in Karachi emphasises the need for the prosecution to remain in regular contact with medico-legal officers and ask them relevant questions to understand the medico-legal report and its impact on their case and to accordingly develop their case/trial strategy.¹⁶⁸

(iv) Judges

Although there is some criticism that judges lack knowledge of recent amendments in the rape laws,¹⁶⁹ reports point to the positive impact training programmes on gender-based violence laws conducted by provincial judicial academies have had in addressing the knowledge gap and possibly pushing a shift in mindsets.

A study of recent judgments demonstrates that courts place less emphasis on the previous sexual history and character of a victim in determining the issue of consent and thereby the commission of rape. Terms often used earlier to describe the victim as a “woman of easy virtue”/ “woman of loose morals”/ “woman habituated to sex” are reportedly no longer observed in judgments.¹⁷⁰ This observation was confirmed by judges and legal practitioners interviewed for this study. The change in judicial language indicates that judges who deem evidence regarding a victim’s character inadmissible are knowledgeable about and implementing recent legislation and precedent.¹⁷¹ It is, however,

163 *Supra. n. 82*

164 *Supra. n. 82*

165 Blue Veins, 2018, A research on identification of gaps in existing response services to gender-based violence in Khyber Pakhtunkhwa, Pakistan, <https://www.blueveins.org/assets/pdf/publications/10.%20A%20STUDY%20FOCUSING%20ON%20IDENTIFICATION%20OF%20GAPS%20IN%20EXISTING%20RESPONSE%20TO%20GENDER%20BASE%20VIOLENCE%20SERVICES%20IN%20KHYBER%20PAKHTUNKHWA,%20PAKISTAN.pdf>

166 See *supra. n. 161* <https://equalitynow.org/wp-content/uploads/2026/03/Standard-Operating-Procedures-for-Policy-Prosecution-Co-operation-in-the-Province-of-Punjab-in-all-kinds-of-Offences-English.pdf>

167 *Supra. n. 82*

168 *Supra. n. 82*

169 *Supra. n. 27*

170 Legal Aid Society, 2021, Gap Analysis On Investigation And Prosecution Of Rape And Sodomy Cases, <https://www.las.org.pk/media/pdfs/rpandp/Gap-Analysis-on-Investigation-and-Prosecution-of-Rape-and-Sodomy-Cases-R.pdf>

171 Despite judgments to the contrary, the tendency to blame the victims, however, still persists. For example, in an additional note to the majority SC judgment in the case of Noor Mukadam, Justice Baqar Najafi while concluding his judgment wrote that the murder case was “a direct result of a vice

important to point out that arguments that the victim may have consented to sex/sexual activity based on her past behaviour and ‘immorality’ continue to be arguments put forward before the courts,¹⁷² which do not always intervene to stop it.

Furthermore, it is reported that judges in Sindh have become “more receptive to gender-based violence and rape cases, often employing discretion to minimise victim trauma and adopting more gender-sensitive language and methodology”¹⁷³ in dealing with such cases.

On other legal fronts, however, judges continue to reinforce rape myths, undermining the successful prosecution of rape cases. Despite settled precedent that the sole testimony of the rape victim, if confidence-inspiring, is sufficient to secure a conviction, trial judges reportedly often call for witness testimony to corroborate the account of the victim¹⁷⁴ or search for signs of violence to establish a lack of consent.¹⁷⁵ Police officers interviewed for this study confirmed this finding.

V. Failure to keep the survivor informed

Victims often remain in the dark about the progress of their complaints. Police officers fail to provide victims with pertinent information or documents, including copies of FIRs or updates regarding the progress of the investigation. Survivors also report that public prosecutors assigned to prosecute their case do not inform them of the status of their case or relevant interim decisions that may be detrimental to their interests.

VI. Secondary victimisation during the trial

Even though recent amendments to the law have declared any evidence regarding the previous sexual history or character of the rape victim as inadmissible, defence counsel continue to raise such questions during cross-examination. Not all trial judges make use of their powers under the evidence laws to prohibit this line of questioning.¹⁷⁶ Often, a survivor may have to confront attacks on her character and morality in court during trial, often in a room full of strangers.¹⁷⁷ Recounting details of the sexual assault and rape suffered by her may, in itself, be re-traumatising for the survivor. As explained above, although recent amendments to the law provide for the use of special protection measures, their adoption, especially in non-urban areas, is far from uniform. This may be due to a lack of resources or to differences among judges in how they exercise their discretion.

Even though recent amendments to the law have declared any evidence regarding the previous sexual history or character of the rape victim as inadmissible, defence counsel continue to raise such questions during cross-examination.

spreading in the upper society,” which he described as the concept of a “living relationship”. He stated that such arrangements defy “the law of the land” as well as Islamic teachings. He added that the younger generation should take lessons from the consequences seen in this case and that the matter was one for social reformers to examine.

¹⁷² *Supra. n. 170*

¹⁷³ *Supra. n. 82*

¹⁷⁴ *Supra. n. 25*

¹⁷⁵ *Supra. n. 25* Also see *supra. n. 170*

¹⁷⁶ Articles 144 – 146 and Article 148, Qanun-e-Shahadat Order, 1984, <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa-5plaw%3D%3D-sg-jjjjjjjjjjjj>

¹⁷⁷ *Supra. n. 27*

VII. Ever-increasing penalties for rape are not the solution

Amendments to the PPC promulgated over the last decade have increased the penalties applicable in rape cases. The Criminal Law (Offences Relating to Rape) Act, 2016 amended Section 376 PPC to provide that rape of a minor, rape of a person with disabilities and custodial rape committed by a police officer or jail officer shall be punishable with imprisonment for life or the death penalty, at the discretion of the judge. The Criminal Law (Offences Relating to Rape) Act, 2021 further amended Section 376 to increase the maximum penalty to imprisonment for the remainder of natural life in general cases of rape. While punishment should match the severity of the crime and not lead to effective impunity, prescribing stricter penalties for offences does not automatically result in deterrence. What is required instead is strict enforcement of existing laws to ensure certainty of punishments. In some instances, the severity of penalties prescribed for sexual abuse may contribute to the low conviction rate in such cases, with judges wary of handing out harsh sentences in a criminal justice system where the investigation does not often meet the requisite standards.

“Some of the penalties for [rape and sexual violence] have maybe become too high. And I think that is a bit of a problem because I feel like the courts are unwilling to enforce such high penalties. ... For example the sexual abuse of minors, before 2018 there was a maximum penalty of seven years and now been it has amended... in 2018 the amendment made it a minimum penalty of 14 years. And the offence is covering a whole range of molestation, from minor to major including voyeurism ... and for example in a case of minor sexual abuse, the court felt that giving a minimum penalty of 14 years would be too much. Even I am reluctant to ask for that high a penalty. Of course it is a crime which must be punished but to impose a minimum mandatory penalty which is that high would be problematic.” **Lawyer**

VIII. Extra legal settlement/compromises

Under Pakistani law, rape is a non-compoundable offence, such that it cannot be resolved through a settlement or compromise between the parties. Despite the law, a major proportion of rape cases in Pakistan are settled out of court, whereby the survivor agrees not to pursue the criminal case. In such instances, the victim or witnesses either fail to turn up in court or retract their earlier statements and/or give contradictory evidence, rendering a conviction nearly impossible. As a result, many cases of rape do not even reach the trial court and those that do often end up in compromise. Police officers, prosecutors and judges are often complicit in such settlements, either by actively encouraging them or by inaction that allows them to take effect. The police often push for a compromise at the police station before the registration of an FIR, by scaring the complainant/victim with the prospect of long delays, shame or cost.¹⁷⁸ The culture of disbelief, especially in cases involving family members, coupled with the delay in filing the FIR, also pushes the complainant/victim towards compromise.

The trial courts do not delve deeper into the compromise/recantation to question why a victim or witness who had otherwise diligently pursued a case would suddenly step back during trial and they ignore what may very well be instances of criminal intimidation.

In a study of rape cases conducted in Sindh in 2021, 57% of victims had turned hostile to the prosecution case, suggesting that an out-of-court settlement had been reached.¹⁷⁹ A similar study conducted in Islamabad in 2022 reported that 76% of all rape and sodomy cases concluded in confirmed or presumed compromise or out-of-court settlements.¹⁸⁰ The courts often conclude such cases as “compromised”, or dispose of them on the basis of the hostility or non-seriousness of the rape

178 *Supra.* n. 82

179 *Supra.* n. 82

180 *Supra.* n. 72

complainant/victim. The trial courts do not delve deeper into the compromise/recantation to question why a victim or witness who had otherwise diligently pursued a case would suddenly step back during trial,¹⁸¹ and they ignore what may very well be instances of criminal intimidation.

A victim or witness may recant their testimony due to the physical, emotional and financial cost of criminal investigation and lengthy trials or on account of social pressure or intimidation.¹⁸² Since rape is an offence against the state, public prosecutors can, in principle, continue with the prosecution in the event the victim and/or witnesses turn hostile. However, in general prosecutors appear to give up on such cases “once the victim/complainant resiles or compromises and makes no efforts to proceed seriously under the justification that the complainant no longer wishes to pursue the case”.¹⁸³ While recognising the non-compoundable nature of the offence of rape, even the superior courts of Pakistan continue to grant legal cover to such unlawful compromises.¹⁸⁴

Notwithstanding the above, Section 164 CrPC empowers a Magistrate to record the statement of a witness or victim at any time before the commencement of the trial. The 164 statements may be admitted in evidence where the accused has been provided an opportunity to cross-examine the witness making such a statement. The public prosecution can play its role to ensure that the 164 statement of a victim or witness captures every detail of the incident, is electronically recorded (as per the mandate of Section 14 of the Anti-Rape (Investigation and Trial) Act, 2021) and is subject to cross-examination there and then (so as to be admissible in evidence).¹⁸⁵ Where such 164 statements exist, the prosecution may, in reliance on the latter, continue pursuing the case despite the withdrawal/recanting of the victim or the witnesses, although this hardly ever happens.¹⁸⁶

“I have observed out-of-court settlements in around 20-30% rape cases. I was dealing with a case in which a nine-year-old was raped by an influential pir [spiritual guide] with connections with a political party in interior Sindh. CCTV footage was also available in that case as evidence. We proceeded with the case for around a year and a half. In the end the matter was settled through a compromise. The victim’s family was so poor that they could not even afford to come to court. ... Since rape is a non-compoundable offence the settlement often happens outside of court. What generally happens is that the victim or her family come to court and state that the incident did not occur in the manner the police have recorded it in the FIR. ... ” **Litigation Manager, NGO**

“Even though the offence of rape is non-compoundable, settlements are quite common. These may be made on account of pressure or promise of money. In practice what we see is that these entail either a statement of exoneration by the victim or the resiling of witnesses. Where the witnesses resile there is nothing that prosecution can do. This is the biggest handicap that the prosecution has to face. ... We see the role of extra-judicial bodies such as panchayats in securing settlement in sexual violence cases in tribal and rural areas.” **High Court Judge**

(i) Role of extra-judicial/traditional dispute resolution mechanisms

Extra-judicial traditional dispute-resolution bodies, such as *panchayats* or *jirgas*, exist across Pakistan’s provinces. These bodies have often served as forums where family disputes (such as property or even cases of murder) are settled by offering a female into a forced marriage as a form of settlement. At other instances, cases of rape have been settled upon an order of a *panchayat* or *jirga* through the offering of some form of compensation by the rapist, which may be monetary in nature or entail the handing over of a girl child from the rapist’s family to the accused’s family.¹⁸⁷

181 *Supra. n. 72*

182 *Supra. n. 82*

183 *Supra. n. 72*

184 See 2025 PCrLJ 256 Sindh High Court Aslam alias Ghaloo v The State 2022 PCrLJ 580 Peshawar High Court Saqib Khan v The State

185 *Supra. n. 82*

186 *Supra. n. 82*

187 National Commission on the Status of Women, 2016, Women, Violence and Jirgas, Consensus and Impunity in Pakistan, [https://af.org.pk/gep/images/publications/Research%20Studies%20\(Gender%20Based%20Violence\)/NB%20NCSW%20JIRGAS.pdf](https://af.org.pk/gep/images/publications/Research%20Studies%20(Gender%20Based%20Violence)/NB%20NCSW%20JIRGAS.pdf)

In 2019, the Supreme Court of Pakistan declared the assumption of judicial functions by *jirga* and *panchayats* to settle criminal or civil disputes as amounting to a violation of the constitutional guarantees of due process of law and of Pakistan's international obligations under the International Covenant on Civil and Political Rights and CEDAW.¹⁸⁸

Following the Supreme Court's decision in 2019, reports on *panchayat/jirga*-directed compromises in rape cases are rare. However, given the general underreporting in sexual violence cases, the possibility of such occurrences cannot entirely be ruled out.

(ii) Bribery and corruption

According to the Transparency International National Corruption Perception survey 2023, the Pakistani police is viewed as the most corrupt sector (33%), followed by the judiciary (13%) and the health sector (11%).¹⁸⁹ Victims often report dismissiveness and high-handedness on the part of the police along with demands for bribes¹⁹⁰ and, as mentioned above, "facilitation" fees. Where the accused are well-connected or influential, the police have been documented to have created hurdles in the very registration of the FIR against them.¹⁹¹ This is particularly true in rural settings with entrenched feudal structures and power dynamics.¹⁹² There are reports that public prosecutors also demand gratification for approving *challans* or even advising the police to cancel the FIR or discharge the accused.¹⁹³

IX. Lack of support services for survivors

The Anti-Rape (Investigation and Trial) Act, 2021 proposes a comprehensive scheme of victim support and protection. However, such a scheme of protection remains largely unimplemented, leaving victims to fight their cases alone, often without any financial assistance.

(i) Lack of adequate victim/witness protection mechanisms: Failure to ensure the safety of survivors

The Anti-Rape (Investigation and Trial) Act, 2021 empowers the State to institute a mechanism for victim/witness protection through measures including concealment of the victim's identity, relocation and provision of special security, shelter and financial assistance.¹⁹⁴ Although earlier legislation already criminalised the disclosure of the identity of the rape victim,¹⁹⁵ such disclosures are often made. The provincial governments have, from 2013–2021, passed witness protection legislation, none of which has been effectively implemented. The absence of witness protection measures leaves victims/witnesses vulnerable to intimidation and threats, leading to out-of-court settlements and witness/victim recanting.

(ii) Lack of shelters

The lack of sufficient and safe shelter homes to house survivors renders them more vulnerable to threats and violence. A national study of government-run shelters across the country revealed a deficiency in security, non-availability of medical and legal aid or expert counselling services and a general feeling of unsafety amongst the residents.¹⁹⁶ Other studies report that the staff at shelter homes compel female residents to meet their families and place restrictions on their mobility.¹⁹⁷

188 PLD 2019 Supreme Court 219 National Commission on the Status of Women v The Government of Pakistan

189 Transparency International, 2023, National Corruption Perception Survey, 2023 [https://transparency.org.pk/NCPS_REPORTS/NCPS-2023/National-Corruption-Perception-Survey-2023-Report-TI-Pakistan.pdf#:~:text=At%20national%20level%2C%20\(62%25\)%20of%20Pakistanis%20consider,exacerbation%20of%20climate%20change%20effects%20in%20Pakistan.&text=TI%20Pakistan%20National%20Corruption%20Perception%20Survey%202023,exacerbation%20of%20climate%20change%20effects%20on%20Pakistan.](https://transparency.org.pk/NCPS_REPORTS/NCPS-2023/National-Corruption-Perception-Survey-2023-Report-TI-Pakistan.pdf#:~:text=At%20national%20level%2C%20(62%25)%20of%20Pakistanis%20consider,exacerbation%20of%20climate%20change%20effects%20in%20Pakistan.&text=TI%20Pakistan%20National%20Corruption%20Perception%20Survey%202023,exacerbation%20of%20climate%20change%20effects%20on%20Pakistan.)

190 *Supra. n. 73*

191 *Supra. n. 27*

192 See Human Rights Watch, 2016, The Crooked System Police Abuse and Reform in Pakistan, where Human Rights Watch examined two cases in which *hari* women in Umerkot and Mehar districts in rural Sindh reported being raped by individuals who had the protection of their landowners. In both cases, the police failed to take prompt action and investigate the complaints. Landlord involved; instead of helping false cases https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf

193 *Supra. n. 76*

194 Section 8 Anti-Rape (Investigation and Trial) Act, 2021, <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5hm-sg-jjjjjjjjjjjj>

195 Section 376A, PPC introduced through the Criminal Law (Offences Relating to Rape) Amendment, 2016. https://www.na.gov.pk/uploads/documents/1475761256_380.pdf

196 NCHR, 2023, More Than Shelter Needs Assessments of Dar ul Amans & Shelters in Pakistan,

https://asiapacific.unwomen.org/sites/default/files/2023-12/more_than_shelter_report_-_final_dec_2023.pdf. Also see case reported as 2024 LHC 4742 Lahore High Court HRC v Government of Punjab

197 *Supra. n. 73* Also see *supra. n. 27*

(iii) Failure to provide legal aid

Section 20, read with Section 6, of the Anti-Rape (Investigation and Trial) Act, 2021 provides for the establishment of a fund to, in part, finance the provision of legal aid to victims of sexual violence. No such fund has been formed thus far. Neither has any panel of *pro bono* lawyers been approved or notified for each district as provided for in the law.¹⁹⁸ Legislation for the provision of legal aid exists at the provincial¹⁹⁹ and federal levels, but remains unimplemented. In fact, funds dedicated by the state to provide legal aid to women in the past remained unutilised.²⁰⁰ Some lawyers provide *pro bono* assistance on an ad hoc basis, but no comprehensive database of lawyers or organisations providing such services exists.²⁰¹

(iv) Failure to provide psychosocial care

The Anti-Rape (Investigation and Trial) Act, 2021 recognises the need to provide psychological support to a victim and stipulates that independent support advisers be appointed, who may be psychologists, doctors, lawyers, para-legal workers, female health workers, or social workers, to reduce the risk of duress or victimisation during trial. According to information gained from legal practitioners, this provision remains unimplemented. No other programmes for the socio-psychological support and counselling of victims exist. The fact that government-run shelters also do not provide counselling services means that victims are often left without essential support. There are reports that some ARCCs do offer psychological support to victims.²⁰² According to a survey of GBV survivors in KP, service providers lack empathy for and recognition of the psychological trauma suffered by them.²⁰³

(v) Denial of compensation

Section 17 of the Anti-Rape (Investigation and Trial) Act, 2021 empowers the trial court to order payment of compensation to the rape victim from the perpetrator in addition to a fine, but reportedly this is not being enforced by the courts. Section 17 is not a novel provision. Pursuant to Section 544-A, CrPC, the trial court already had the power to order payment of compensation to rape victims. However, the courts have rarely used such power.²⁰⁴ Given the mental, financial and social costs incurred by a rape victim in pursuing her case, coupled with the lack of legal aid structures, the provision of adequate financial compensation in such cases is essential.

“Legislation on the protection of women against violence provides for measures to rescue a woman. Each department appears to be operating on an ad hoc basis. MOUs, SOPs passed on an ad hoc basis by the Women Protection Authority, the Police or Prosecution are of no value. Things need to be institutionalised. All departments must be brought together to work in sync. Measures being adopted on an ad-hoc basis must be incorporated in the Police, Prosecution and Health Department Manuals.” **Women Protection Officer, Lahore**

198 *Supra n. 119*

199 With the exception of the province of Balochistan.

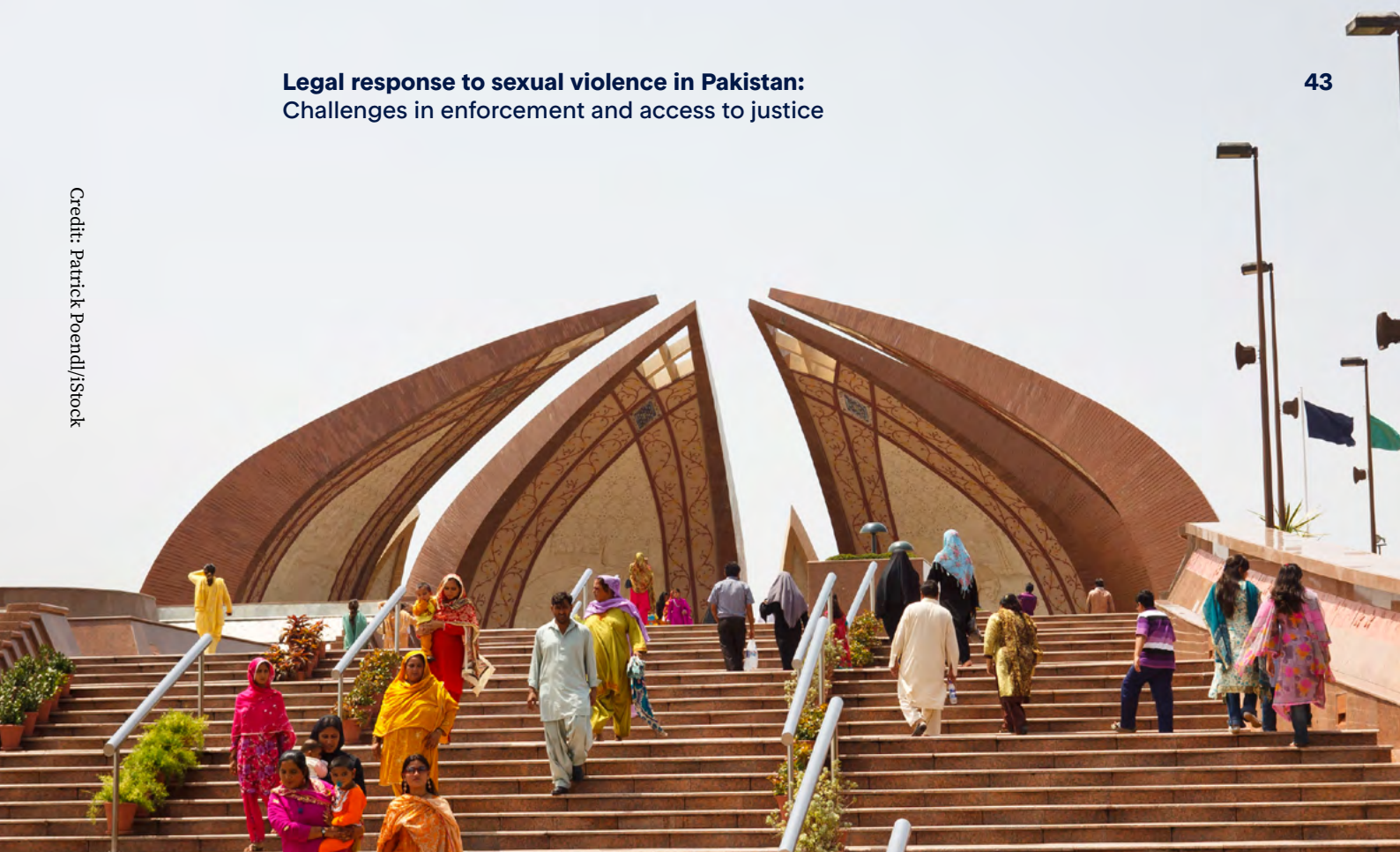
200 *Supra n. 73*

201 *Supra n. 73*

202 Press Information Department, 2024, First Anti-Rape Crises Cell of Islamabad established in PIMS”, 15 January, https://pid.gov.pk/site/press_detail/24362.

203 *Supra n. 165*

204 PLD 2015 Lah 512 Lahore High Court Safdar Ali alias Soni v The State



Recommendations

For the ministry of law and justice:

- 1) **Ensure that the definitions of sexual violence** cover all forms of sexual acts committed without the victim's voluntary, genuine and willing consent and in a broad range of coercive circumstances, including by recognising situations where the victim is incapable of giving consent, such as in a correctional facility or in a school setting.
- 2) **Explicitly criminalise incest and marital rape** in the penal code: ensure that penalties are commensurate with applicable penalties for other forms of rape, and undertake efforts to counter social taboos against reporting and registration of cases.
- 3) **Ensure that the Anti-Rape (Investigation and Trial) Act, 2021 covers all types of victims**, so that special protective measures introduced thereunder ensure justice is available to all.
- 4) **Ensure that laws and policies make special provision for rape victims with disabilities** in line with the Convention on the Rights of Persons with Disabilities.
- 5) **Harmonise all relevant laws to set the legal age of marriage for both men and women as 18 years**, with penalties under both the Child Marriage Restraint laws and the Penal Code.
- 6) **Regulate religious conversions** through legally prescribed mechanisms and penalties for forced conversions.

- 7) **Ensure implementation of processes and procedures introduced under the Anti-Rape (Investigation and Trial) Act, 2021**, including the establishment of the Anti-Rape Crisis Cells, along with standard operating procedures, the compilation and maintenance of a sex offenders' database, provision of legal aid, victim and witness protection, psycho-social support, appointment of independent support advisors and use of screens/video-link during trial.
- 8) **Conduct a timely evaluation on the enforcement of laws** as an attempt to investigate low rates of conviction in rape cases:
 - ◆ Ensure that the results of the evaluation are available publicly.
 - ◆ Foster mechanisms based on the outcome of the evaluation to provide recommendations for law and policy reforms.
- 9) **Improve legal literacy** and empower the public, particularly women and girls, to understand their rights, improve awareness of laws related to sexual violence, available remedies and methods to preserve evidence prior to reporting.
- 10) **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* and *jirgas*, who threaten, pressure or force rape survivors or their families into extra-legal settlements in rape cases. Although Pakistani law on the illegality of such bodies/mechanisms is clear, strict enforcement is required in order to end such mediations in rape cases.
- 11) **Ensure that survivors of sexual violence, particularly child survivors of rape, are sufficiently supported throughout the legal proceedings with:**
 - ◆ Provision of free legal aid.
 - ◆ Provision of psycho-social support.
 - ◆ The notification of independent support advisors, who must operate as an independent cadre of officials focused on the needs of the survivor and their families.
- 12) **Create Victims' Compensation Funds for payment of compensation by the State to rape victims** and allow victims to apply for interim compensation without having to wait for a conviction.

For the Judiciary/judicial academies:

- 13) Provide training for judges** on sexual violence legislation, including recent legal updates; international standards, particularly with reference to marginalised groups such as women and girls with disabilities; evidential procedures and standards, to not automatically draw negative inferences with respect to any delay in reporting, and to follow settled precedence on the sufficiency of the sole credible testimony of the rape victim; the meaning of consent and the absence of necessity to prove resistance through physical marks of violence; excluding questions in court on past sexual history; challenging common rape myths and gender stereotypes and barring them from court proceedings; ensuring penalties given are commensurate with the gravity of the crime, including for incest and marital rape.
- 14) Proactively address delays in the trial process and ensure that trials are completed speedily in rape cases.** The timelines for completion of rape trials should be realistic. Completion of the trial within the provided timeline should be considered a key performance indicator in judges' and public prosecutors' performance evaluations. Consider the designation of separate courts to prioritise sexual violence cases.

For the Social Welfare Department:

- 15) Ensure the provision of safe shelters** that provide survivors not only with residence but also with emotional and psychological support and means of rehabilitation.

For the Public Prosecution Department:²⁰⁵

- 16) Ensure that survivors and their families are informed about the criminal justice process and their rights under the law and are updated regularly on progress throughout the proceedings.**
- ◆ **Institute and implement mechanisms to improve the coordination between police departments and public prosecutors** to ensure more effective investigation, collection of evidence and prosecution, including through:
 - ▶ The establishment of centralised online information portals, which can be simultaneously accessible to both the prosecution and the police (as has been done in Punjab).
 - ▶ The introduction of measures to monitor the diligence and performance of public prosecutors, linked to their performance appraisals, with penalties for non-compliance with the law or for negligence.

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For the Ministry of Interiors/Home Departments (provinces):

- 17) **Establish women's and children's desks in all police stations** and ensure there is an adequate number of female police officers representing different ethnicities, languages and castes, who are specifically trained in rape and gender-based violence offences across the country.
- 18) **Increase training and capacity building for gender sensitisation of police officials** at all levels to ensure a comprehensive understanding of sexual violence (including marital rape and incest) and how to respond to survivors of sexual violence and prevent secondary victimisation of survivors, with the active participation of specialist women's rights organisations, including:
 - ◆ Promoting specialisation within police units, for example, by providing training to police officers to specifically deal with gender-based violence against women and children.
 - ◆ Instituting mechanisms for the evaluation of police officers with regard to their understanding and knowledge of sexual violence.
- 19) **Prescribe minimum educational qualifications for Investigating Officers**, including regular mandatory training in recordings of FIRs and investigating sexual offences and gender-based violence against women and children, with evaluations with regard to their knowledge and its application to sexual violence/GBV linked to their performance appraisals.
- 20) **Establish a Police Tahafaz Markaz** (a protection centre that provides a range of services including shelter, income support and medical support)²⁰⁶ in all districts to provide special assistance to girls and to women in all their diversity, particularly those from marginalised groups. This should be supported by a specialised unit (SSOIU) within the police with the knowledge of updated information on sexual violence/GBV.
- 21) **Develop and disseminate standard operating procedures (SOPs) for the collection of evidence by the police.** Such SOPs must emphasise the range of evidence to be collected from the crime scene (including fingerprints, hair, saliva or other trace evidence or epithelial cells) and from the survivor's body (including clothing, semen, bite marks, hair, sweat, nails or other traces of the perpetrator).
- 22) **Allocate sustained resources for forensic evidence collection and testing:**
 - ◆ Increase the number of forensic science labs and DNA-testing centres to ensure access and availability nationwide.
 - ◆ Ensure that investigation officers are provided with appropriate equipment for collecting evidence.
 - ◆ Increase the number of available Crime Scene Units.

²⁰⁶ Central Police Office: IG Punjab Dr. Usman Anwar presided over the performance review meeting of Tahaffuz markaz, <https://equalitynow.org/wp-content/uploads/2026/03/Central-Police-Office-IG-Punjab-Dr-Usman-Anwar-Presided-over-the-Performance-Review-Meeting-of-Tahaffuz-Markaz-English.pdf>

- 23) **Establish a separate DNA Fund**, where required, with well-defined processes for requests/reimbursements to the police officers.
- 24) **Conduct appropriate rape forensic medical examination in a timely and sensitive way** and provide medical care and counselling services to survivors through hospitals without insisting on prior registration of a police complaint.
- 25) **Hold police officers accountable** who refuse to register complaints, tamper with evidence, pressure survivors or their families to compromise, fail to comply with mandatory provisions regarding the recording of witness statements, do not properly conduct an investigation, or in any way obstruct justice in sexual violence cases.

For the Ministry of National Health Services, Regulations and Coordination/Provincial Health Departments:

- 26) **Institute a mechanism of coordination between public prosecutors and medico-legal officers** to facilitate a better understanding of evidence collection and the value of medical evidence.
- 27) **Develop/update standard operating procedures on the medico-legal examination of rape victims**, which take account of their particular vulnerabilities and make specific provision for the examination of transgenders, children and women/girls with disabilities.
- 28) **Train medico-legal officers on the appropriate protocols for the conduct of medical examinations in rape cases:**
 - ◆ Increase the number of female medico-legal officers and ensure all medico-legal officers are adequately and appropriately trained periodically and with updated information to undertake medico-legal examinations, on national guidelines, standard operating procedures, documentation requirements for conducting a medical examination, myths and stereotypes regarding rape.
 - ◆ Ensure medico-legal officers are aware of any national guidelines applicable for such examinations, including the concomitant irrelevance of any observations on the virginity or otherwise of a survivor.
 - ◆ Ensure that medico-legal officers are provided with the requisite kits for undertaking medico-legal examinations.
 - ◆ Ensure that medico-legal officers are aware of the importance of collecting medical evidence in a timely way and do not impose arbitrary requirements such as the registration of a FIR or a magistrate's order before conducting an exam.
 - ◆ Ensure that medico-legal officers understand that their role is not to make any judgment about a victim's sexual history or any conclusion regarding whether the sexual act was consensual or not.

- ◆ Establish a separate cadre of medico-legal officers who are especially trained to deal with cases of gender-based violence.

For the Ministry of Human Rights/Women Development Departments:

29) Ensure efficient multi-sectoral response to provide holistic support services to survivors:

- ◆ Promote broad consultation with all relevant sectors/agencies addressing violence against women and girls.
- ◆ Promote survivor-centred principles and human rights standards for safety and offender accountability among all stakeholders, including law enforcement, healthcare, the judiciary, and other government officials, to ensure an effective response to individual cases and to support policy-making.
- ◆ Provide information, resources and support services, including trauma-informed psycho-social support, to victims of sexual violence, recognising the long-term impacts of trauma on survivors and their family members.

To the Ministry of Education:

- 30) **Integrate compulsory sex and relationship education** in the school curriculum in an early, age-appropriate way in order to educate the next generation on respect for all people and their bodily integrity.
- 31) **Implement education and awareness-raising programmes**, which also target men and boys, regarding human and women's rights, as well as programmes aimed at modifying discriminatory social and cultural patterns of behaviour, including through targeting stereotyped gender roles and promoting non-violent masculinities.

Disclaimer

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Scan to read our previous update,
*Exploring legal aid mechanisms for
survivors of sexual violence: Lessons from
South Asia*, launched in April 2025:



Scan to read our previous update, *Sexual
violence in South Asia: Legal and other
barriers to justice for survivors – 2024
update*, launched in June 2024:



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