



GBV Trials in Consonance with The Anti-Rape (Investigation and Trial) Act, 2021

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Introduction to Gender-Based Violence and the Act

Gender-Based Violence (GBV) constitutes a grave violation of human rights and personal dignity. The Anti-Rape (Investigation and Trial) Act, 2021 prioritizes survivors through victim-centric provisions. This presentation highlights how the Act centralizes prosecutors in delivering timely and just outcomes in GBV cases.

Objectives of the Anti-Rape Act

- Ensure speedy and transparent justice in rape and sexual violence cases.
- Implement survivor-friendly procedures minimizing trauma during investigation and trial.
- Empower robust prosecutorial involvement from complaint registration through conviction.

Definitions and Scope

The Act defines rape, sexual violence, and victim in alignment with the Pakistan Penal Code and international human rights norms. It covers all genders and holds both public and private actors accountable. The broad scope ensures comprehensive protection against GBV incidents.

Key Investigation Reforms Under the Act

- Formation of Joint Investigation Teams (JITs) for all rape cases enhances coordination.
- Priority is given to forensic evidence collection, including DNA testing.
- Investigating Officers (IOs) of the same gender conduct gender-sensitive investigations.
- Early prosecutor involvement guides legally sound investigations and charge framing.



Prosecutors' Critical Role During Investigation

Prosecutors provide legal oversight ensuring evidential integrity, especially maintaining the chain of custody. They assist IOs in framing accurate charges and critically scrutinize medico-legal and forensic reports to prevent procedural lapses that could undermine prosecution at trial.

Survivor-Centric Safeguards

- Provision of Victim Support Persons under Section 13 supports survivors throughout the process.
- Cross-examination excludes intrusive or humiliating questioning.
- Character evidence of victims is banned, preserving dignity (Section 16(2)).
- Utilization of video link, in-camera hearings, and identity protection measures.



Special GBV Courts and the Trial Process

- Trials progress in designated Special GBV Courts trained in trauma-informed methods.
- Completion mandated within four months from indictment (Section 16).
- Prosecutors maintain procedural pace and integrity to ensure justice is delivered efficiently.

Prosecutors' Responsibilities in Trial Proceedings

- Lead prosecution professionally while maintaining sensitivity to victims.
- Maintain continuous liaison with witnesses and victim support teams for effective testimony.
- Frame legally tenable charges and present compelling evidence.
- Oppose delays or attempts to undermine the trial process.
- Ensure witness protection and prevent secondary victimization.

Evidentiary and Ethical Responsibilities

- Secure admissibility of DNA and digital evidence to strengthen cases.
- Object to irrelevant or prejudicial defense inquiries to protect case integrity.
- Guide courts on legal presumptions such as burden shifting under the Act.
- Uphold fundamental ethical duties: fairness, impartiality, and respect for victim dignity.