

Notification of 3 Year Mandatory Tenure of SSOIUs: Improved Police Response to Investigation in SGBV Cases

~ Ms. Rida Tahir

A high attrition rate of sexual violence (SV) with a low conviction rate continues to remain a consistent menace across Pakistan. In 2021, a total of 3852 cases of child sexual abuse were reported across the country. The cases of sexual abuse increased by more than 30% as compared to the year 2020 and of the total of reported cases, 84% were registered with the police. Despite an increase in the reporting of SV cases, the conviction rate remains as low as 3%.¹

Multiple factors contribute to low conviction rates in SV cases such as delayed and faulty investigation by the police failing to establish credible, convincing and cogent evidence against the accused. As a result, the prosecution fails to prove its case against the accused.

As per Section 173 CrPC, an interim or final challan must be submitted to the court within 14 days. However, where the investigation has not been completed within a period of 14 days from the date of recording of the first information report (FIR) under Section 154, special permission must be sought to continue the investigation beyond the mandated fourteen days. Nevertheless, according to a Gap Analysis on Investigation And Prosecution of Rape and Sodomy Cases conducted by LAS, it takes the police 1.6 months (on average) to conclude their investigation and submit a final challan which is then carried forward by the prosecutor in framing the charge.

To prevent out-of-court settlements, it is important that the 161 CrPC statement of the



1. Report: Conviction rate in rape cases under 3% in Pakistan. Available at: <https://www.globalvillagespace.com/conviction-rate-in-rape-cases-under-3-in-pakistan-report/>;

victim, survivor, or complainant is recorded at the earliest. Further, 164 CrPC statement of the survivor and prosecution witnesses should be recorded before the magistrate at the earliest. If the victim, survivor, or complainant is untraceable or turns hostile, their statements may be used for continued prosecution of the case. Case law by the high courts and the Supreme Court of Pakistan has placed great emphasis on the solitary statement of the victim (2021 Y L R 380 – Sindh High Court). It has also been held that a conviction is possible based on the strong solidarity statement of the victim or survivor (2022 SCMR 50 – Supreme Court of Pakistan & PLD 2021 Supreme Court 550). Unfortunately, the aforementioned gap analysis reveals that, in 50% of the cases, the police did not present the victim in front of the magistrate to record a statement. According to the gap analysis, the average timeline for recording of the statement was 15.9 days, which is the total time period allotted to the police to complete the investigation.

In order to improve the responses by the Criminal Justice System (CJS) actors, the Government of Pakistan enacted the Anti-Rape (Investigation & Trial) Act 2021 (Anti-Rape Act) to provide expeditious redressal of rape and sexual abuse crimes in respect of women and children through special investigation teams and special Courts providing for efficacious procedures, speedy trials and evidence.²

Article 9 (1) of the Anti-Rape Act states “For the purposes of investigation under this Act, special sexual offences investigation units (SSOIs) shall be established in every district by the provincial governments.” The SSOIs can be defined as a specialized cadre of Investigation Officers (IOs). They hold special jurisdiction to investigate SGBV offenses under their designated police stations. These offenses include (but are not limited to): 292B (child pornography), 292C (punishment for child pornography), 354 (assault or criminal force to woman with intent to outrage her modesty) of the Pakistan Penal Code (PPC) 1860 (Act XLV of 1860). Additionally, the

offenses committed under Schedule II of the Anti-Rape Act 2021 are to be investigated by the SSOIs under the supervision of a DSP (or an officer not below the rank of BPS-17). These offenses include (but are not limited to): 375 (rape), 377 (unnatural offences), 377A (sexual abuse) of the PPC.

The Act mandates that SSOI should be those police officers who have received training in the investigation of sexual offenses. It also states that preferably one member of the SSOI shall be a female police officer.³

While the changes outlined above are revolutionary, missing from the Anti-Rape Act was a stipulation to set minimum tenures for the SSOIs. IOs tend to be frequently transferred which results in the investigation of SGBV cases being delayed. However, due to the complex nature of SGBV offenses, the IO must establish a rapport with the victim, survivor, or complainant so that a complete and accurate investigation can be conducted. Additionally, IOs need to provide their testimony at the evidence stage of the trial. Frequent transfers delay the proceedings of the case as the IO has to travel from a different jurisdiction to the Court holding jurisdiction where the offense occurred. Trained SSOIs not only reduce the delays during the investigation but also after the investigation is concluded, preventing the case from prolonging more than the stipulated time of 4 months under the Anti-Rape Act 2021. Moreover, the investigation should be completed by the same IO, as opposed to being conducted in piece-meals by two or more completely different IOs to successfully prosecute the offender, as outlined above.

Implementing revolutionary changes in the CJS requires a multi-layered and multi-departmental approach of the government and civil society organizations. Therefore, in order to achieve a multi-departmental approach to the prevention of SV crimes and to improve the experience of the victim and survivor of SV, a Multi Sectoral-Coordination Committee (MSCC) was formed to implement the roadmap proposed in the Sexual Violence

2. Preamble to the Anti-Rape (Investigation & Trial) Act 2021

3. Section 9(2) of the Anti-Rape (Investigation & Trial) Act 2021

Response Framework (SVRF).

The MSCC was formed under the chairmanship of the Chief Secretary, Sindh. Technical Working Group II (TWG II) titled 'Assessment of SGBV Processes' under the Chairpersonship of Ms. Shahla Qureshi, AIGP Gender Crime & Human Enquiry Cell has brought a revolutionary change within the CJS. Through TWG II under the MSCC, LAS has been successful in advocating for setting a mandatory tenure period of three years of SSIUOs. This was notified via notification number 12631-42/E-II/SI dated 08.09.2022, passed by AIGP Establishment for the IGP, Sindh Police. As per the notification, a total of 382 SSIUOs are spread across 30 districts in Sindh. Of these 382 SSIUOs, 335 are male police officers, while the rest of the 48 IOs are female police officers. 347 of these 382 IOs have been provided initial training by the Sindh Police Training Department on SGBV-related laws and case management processes. The Sindh Police Department has also capped the number of cases under investigation that each IO is responsible to manage. Each IO can manage a minimum of 10 cases and a maximum of 15 cases every month. The current workload average of IOs is 6 SV cases every month.

It is often claimed that Pakistan is an



extensively legislated country with little to no implementation of the enactments. When the Anti-Rape Act was enacted, similar concerns were being raised across the country. While it is accurate to suggest that some provisions of the Anti-Rape Act remain to be implemented (such as the establishment of Anti-Rape Crises Cells (ARCCs) under Article 4 of the Act), it is also correct that progressive implementation of the Act is under-way. These progressive steps highlight that there is a light at the end of the tunnel.

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