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GAP ANALYSIS REPORT

FROM MISSING EVIDENCE TO FRAGILE EVIDENCE

INVESTIGATION AND PROSECUTION OF RAPE CASES IN SINDH

2021 - 2024


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Gap Analysis on Investigation and Prosecution of Rape Cases in Sindh, 2021–2024

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ABBREVIATIONS

ABBREVIATION	FULL TERM
ARCC	Anti-Rape Crisis Cell
CJS	Criminal Justice System
CRPC	Code of Criminal Procedure
DNA	Deoxyribonucleic Acid
FIR	First Information Report
GBV	Gender-Based Violence
IO	Investigating Officer
LAS	Legal Aid Society
MLO	Medico-Legal Officer
NCSW	National Commission on the Status of Women
PPC	Pakistan Penal Code 1860
SC	Supreme Court of Pakistan
SHC	Sindh High Court
SOP	Standard Operating Procedure
SSOIUS	Specialised Sexual Offence Investigation Units
WAR	War Against Rape

MESSAGE FROM **CHIEF EXECUTIVE OFFICER,** LEGAL AID SOCIETY

When the Legal Aid Society published its first Gap Analysis on Investigation and Prosecution of Rape Cases in Sindh in 2021, the conviction rate stood at 5%. Four years on, it stands at 22%. That is the result of legislative reform, institutional capacity building, and the work of practitioners across the criminal justice system who chose to do better.

But progress in conviction rates does not yet mean progress for survivors. A case that takes 14.8 months on average to conclude — far exceeding the four-month statutory mandate — is not an abstraction. It is a survivor who must remain visible in a system that was not designed with her in mind, for longer than she can often sustain. It is a family navigating financial pressure, social exposure, and the repeated trauma of re-entering a process that keeps her vulnerable and protects very little. When survivors turn hostile — and this report shows that 58% of complainants resiled — we must resist the instinct to read that as failure of will, compromise, or a case built on lies. It is, far too often, the predictable consequence of a burden the system failed to carry for her.

This is the shift this report documents: from missing evidence to fragile evidence. Cases are entering the system earlier and with more documentation than before. What remains is the harder work — ensuring that evidence is handled, documented, argued, and adjudicated with the rigour that justice requires and that survivors deserve. The gap is no longer at the point of entry. It is at the point of outcome.

The legal framework we have is largely adequate. What is needed now is the institutional will and operational discipline to implement it — across investigation, medico-legal practice, prosecution, and the bench. This report offers a clear account of where that implementation is falling short and what a path forward looks like. It is intended for every actor in the criminal justice system, for policymakers, and for all those who believe that a functioning justice system is not only a legal obligation but a social one.

The task ahead is not to rebuild what we have. It is to make it work — consistently, rigorously, and with the survivor at its centre.

Barrister Haya Emaan Zahid
Chief Executive Officer
Legal Aid Society

EXECUTIVE SUMMARY

Conviction rates in Sindh have risen from 5% in 2020 to 13% in 2024 — a real and significant improvement. But 87% of rape cases still do not result in conviction. The central finding of this study is a shift in the nature of that failure: cases no longer collapse primarily because evidence is missing. They collapse because the evidence that exists is fragile — poorly documented, inconsistently preserved, and unable to survive adversarial scrutiny at trial.

The conviction rate for rape in Sindh has risen from approximately 5% in 2020 to 13% in 2024; data for 2025 indicates a further increase to 22%, although the latter remains outside the primary scope of this research. This is a real and significant improvement. It is the direct result of the sustained focus on the criminal justice system's response to rape over the past four years — including the establishment of Gender Based Violence courts, the notification and operationalisation of Specialised Sexual Offence Investigation Units, the training of investigators, prosecutors, medico-legal officers and judges, and the legal reforms introduced under the Anti-Rape (Investigation and Trial) Act 2021 and the Criminal Law (Amendment) Act 2021.

However, conviction rates rising from 5% to 13% until 2024 also means that 87% of rape cases in Sindh still do not result in conviction. This study examines why.

The most dramatic single improvement is at the reporting stage. The average time between an incident and FIR registration has fallen from 39 days to 5.2 days. This matters, reflecting greater public awareness, better access to police mechanisms, and increased willingness of survivors to engage with the justice system, and perhaps greater trust. But this improvement has not carried through the rest of the process. Investigation timelines remain unchanged since 2021. Trial duration has reduced by only eight days over four years, from 292 days to 284 days. The 90-day statutory target for GBV court trials is not being met. The judicial phase accounts for 87% of total case duration.

Our previous gap analysis, conducted in 2021, found that cases were failing primarily because evidence was absent — delayed medico-legal examinations, missing forensic reports, incomplete investigations. This study documents a qualitative shift in that pattern. Evidence is now more frequently present — on file, formally collected, apparently complete. But it is structurally fragile. Chain-of-custody documentation is incomplete. Digital evidence is not collected despite being directly relevant. Forensic sampling is formulaic. Expert testimony weakens under cross-examination not because the science is wrong but because it is under-explained. The solitary statement of the victim — which superior court jurisprudence has long affirmed is sufficient for conviction if credible and consistent — remains the primary evidentiary pillar in most of these cases. But it is rarely built around with the corroborative layering, pre-trial preparation, and victim protection mechanisms that would allow it to survive the adversarial pressure brought to bear on it.

The result is that cases fail not at the investigative stage but in the courtroom — when these weaknesses are exposed, when witnesses retract under pressure that the system has done nothing to mitigate, and when the absence of any formal victim support mechanism means the justice process depends entirely on a survivor's willingness to re-engage with a process that has offered them little reason to do so.

Compromise remains the single most powerful driver of acquittal. Rape is a non-compoundable offence. Parties cannot legally settle. In practice, they do — but not through formal withdrawal but through destruction of the case in court. Complainants disown the FIR, deny earlier statements, or express forgiveness in open court. This study documents a recognisable five-stage compromise pathway that runs from informal settlement attempts through to courtroom retraction. What is striking is not that this happens — it has always happened — but that cases are rarely built in anticipation of it.

In the majority of successful cases succeed, the pattern is consistent: the evidence comes together. The survivor's statement withstands cross-examination. It is often corroborated by forensic evidence, digital material, eyewitness testimony, or recovery evidence. The judge engages systematically with the defence arguments and explains why the evidence satisfies the criminal standard. In a smaller number of cases, conviction rested on the solitary statement of the survivor alone — consistent, credible, and unshaken under cross-examination. That too is sufficient, and the law has said so for decades. That is what conviction looks like in this dataset. It does not require exceptional facts — it requires a properly constructed prosecution.

KEY FINDINGS

01	Conviction rates have risen from 5% (2020) to 13% (2024) — and preliminary data suggests a further rise to 22% in 2025, though this falls outside the scope of this study. These are real improvements. But even at 22%, the overwhelming majority of rape cases in Sindh still do not result in conviction.
02	Reporting delays have collapsed from 39 days to 5.2 days. This is the most measurable dividend of the post-2021 reforms.
03	Investigation timelines are essentially unchanged at approximately 1.75 months, against a 14-day statutory limit.
04	Trial duration has reduced by only 8 days over four years. The 90-day statutory target for GBV courts is not being met.
05	The nature of evidentiary failure has shifted — from missing evidence (2021) to fragile evidence (2024).
06	Compromise dynamics — FIR disavowal, hostile retraction, marriage as resolution — remain the dominant driver of acquittal. Cases are rarely built to survive this.
07	The legal framework is adequate. The challenge is operational: consistent, competent application of that framework across the justice chain.

1. INTRODUCTION AND CONTEXT

1.1. The 2021 Baseline and What Has Changed Since

Sexual violence remains severely underreported in Pakistan. Nationwide, analysis of data conducted by a civil society organisation from 2015 to 2020 found a conviction rate of 0.3% — 77 convictions across over 22,000 rape cases, with Sindh recording only six[5] — a figure that almost certainly represents only a fraction of actual incidents, given the well-documented barriers of stigma, distrust, and the fear of a process described by many survivors as more painful than the original abuse.

Legal Aid Society's 2021 gap analysis[6] examined over 50 concluded rape and sodomy case files from Sindh's district courts and established a baseline. Rape trials averaged 16.8 months from FIR to verdict — more than five times the three-month statutory target. The study identified systemic failings at every stage: delayed and incomplete medico-legal examinations; forensic samples that were never collected, degraded, or lost; investigations built almost entirely on the survivor's statement with little else; coordination failures between police and prosecutors; heavy reliance on the medical report as the primary corroborating evidence without any real attempt to build a broader evidentiary base[7]. Cases were failing because the investigative and prosecutorial infrastructure to support them was not in place.

Since 2021, a significant package of institutional reform has been implemented. At the federal level, the Anti-Rape (Investigation and Trial) Act 2021[8] and the Criminal Law (Amendment) Act 2021[9] introduced new mechanisms: specialised anti-rape courts targeting trial completion within four months, Anti-Rape Crisis Cells mandated to ensure medico-legal examination, special prosecutors, a national sex offender registry, and penalties for official negligence in handling rape cases[10]. The definition of rape was expanded[11]. In January 2021, the Supreme Court declared the two-finger virginity test unconstitutional[12] — ending a practice that had contaminated both medico-legal reports and judicial reasoning for decades.

In Sindh specifically, 27 dedicated **Gender-Based Violence courts** were established — the highest number of any province. Specialised Sexual Offence Investigation Units (SSOIUs) were notified in June 2021. Judges, prosecutors, investigating officers, and medico-legal staff all received focused training based on the findings of the 2021 gap analysis. An assessment by the National Commission on the Status of Women and Legal Aid Society found that all GBV courts had been provided with at least basic protective infrastructure — screens, waiting rooms, and video-link facilities and a User Satisfaction. Survey conducted by LAS also demonstrated increased preference of GBV Courts by beneficiaries[13]. The institutional apparatus for a different kind of justice system response had, in other words, been built.

The question this study asks is: has it worked? The conviction rate rising from 5% in 2020 to 22% in 2025 is an encouraging answer, but only a partial one. This study examines 46 concluded cases to

understand what is driving both conviction and acquittal in this changed institutional environment — and where the remaining cases continue to fail.

1.2. What This Study Sets Out to Do

This study is a follow-up to the 2021 gap analysis, using the same analytical framework. Its purpose is to assess what has changed since 2021, what has not, and what the patterns in both conviction and acquittal cases tell us about where reform efforts need to focus next.

There are 2 primary objectives of the study: to identify the systemic gaps that continue to drive acquittal in rape prosecutions in Sindh — and to be specific about what they are and where they lie; and to identify the patterns that characterise successful prosecutions, so that these can be used as benchmarks for reform.

The answer this study arrives at is that there has been some significant progress, but the nature of the failure has shifted, and the reforms needed to address it must shift accordingly. Thus, while acknowledging the progress, the prognosis is neither wholly pessimistic nor prematurely optimistic. Progress is real. But the journey ahead requires institutional effort and commitment.

1.3. Methodology and Sample

This study uses a mixed-methods approach[14]: quantitative cascade analysis of procedural timelines, combined with qualitative review of case files, court records, medico-legal reports, and judgments. The two strands are integrated through triangulation — the quantitative findings establish where delays and discontinuities occur, and the qualitative analysis explains why they occur and what they mean for case outcomes.

The cascade formula used is: Tr + Ti + Tj (Tc + Td) = To, where Tr is average reporting time (incident to FIR);

- Ti is average investigation time (FIR to challan submission under Section 173 CrPC);
- Tc is the pre-trial period from challan submission to framing of charge;
- Td is trial duration from framing of charge to verdict; and
- To is total case duration.

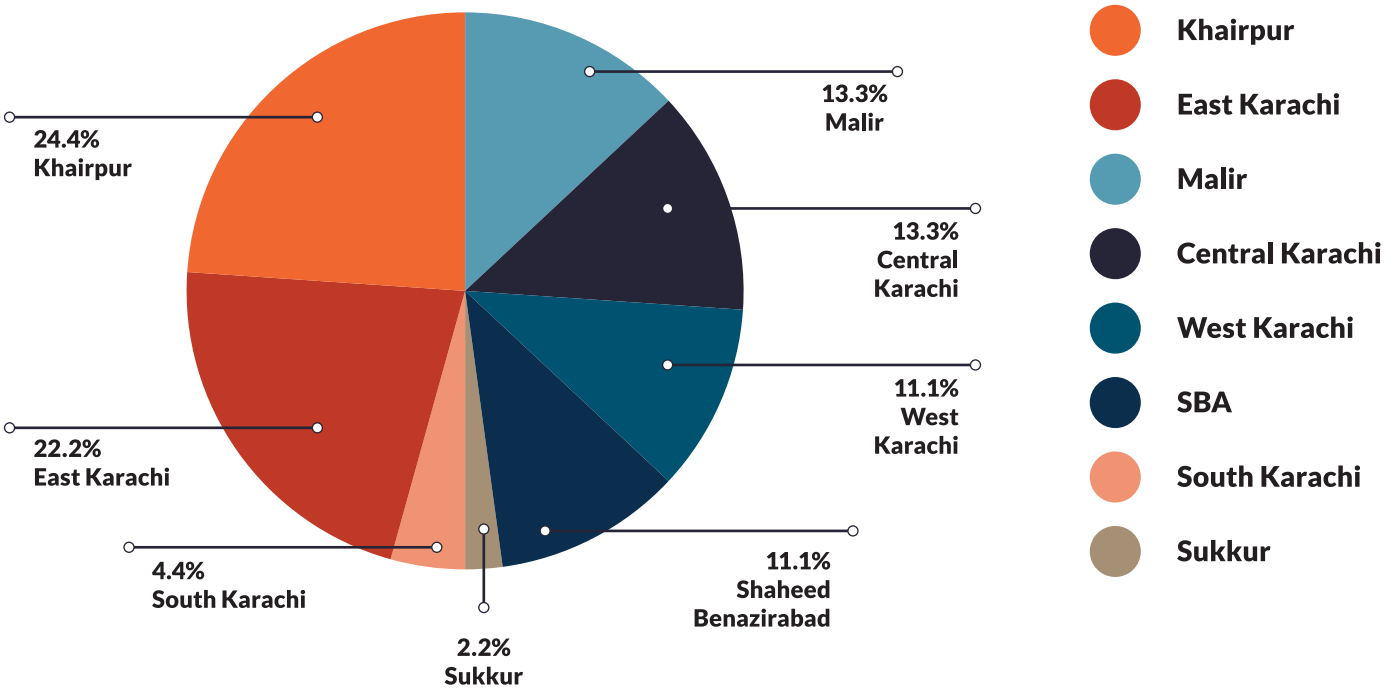
This is the same framework used in the 2021 analysis, enabling direct comparison.

1. Ebrahim, Z. T. (2021, September 12). Law: Protecting women from violence. Dawn. https://www.dawn.com/news/1645879
2. Zia, M., David, S. O., & Randhawa, S. (2021). Gap analysis on investigation and prosecution of rape and sodomy cases (Sindh). Karachi: Legal Aid Society
3. Ibid
4. Anti-Rape (Investigation and Trial) Act 2021, Ministry of Law and Justice, Government of Pakistan. (2022). The Pakistan Code, www.pakistancode.gov.pk
5. Criminal Law (Amendment) Act, 2021, Ministry of Law and Justice Government of Pakistan. (2021). The Pakistan Code, www.pakistancode.gov.pk
6. Anti-Rape (Investigation and Trial) Act 2021, Ministry of Law and Justice, Government of Pakistan. (2022). The Pakistan Code, www.pakistancode.gov.pk
7. Criminal Law (Amendment) Act, 2021, Ministry of Law and Justice Government of Pakistan. (2021). The Pakistan Code, www.pakistancode.gov.pk

Sample:

46 case files — 19 convictions and 27 acquittals — from eight districts of Sindh: Karachi East, Karachi West, Karachi South, Karachi Central, Malir, Khairpur, Shaheed Benazirabad, and Sukkur.

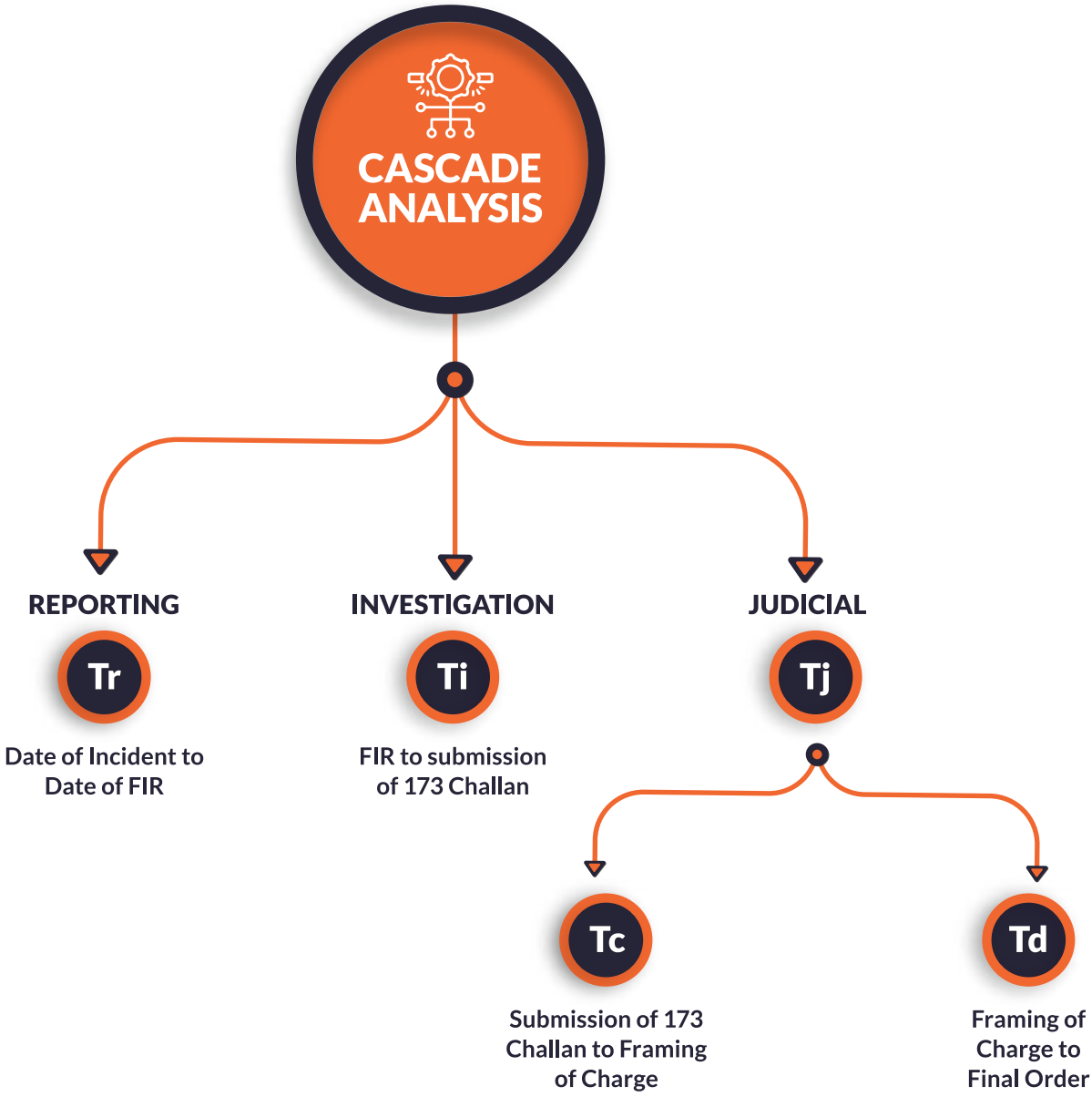
Cases were drawn from the District and Sessions Courts in coordination with the Office of the Prosecutor General Sindh and District Public Prosecutors. Cases tried before Anti-Terrorism Courts were excluded — those courts operate under distinct procedural rules and their inclusion would not provide a reliable picture of ordinary trial court functioning. All cases have been assigned codes (LAS #1 to LAS #46) in compliance with Section 376A PPC.



1.4. Design Choices, Assumptions, and Limitations

Unlike the 2021 analysis, which examined only acquittals, this study deliberately includes conviction cases. The 19:27 conviction-to-acquittal ratio overrepresents convictions relative to the actual system-wide rate of approximately 13%. This is intentional: the conviction cases allow us to identify what a well-constructed prosecution looks like in practice, and to use those patterns as the basis for recommendations. Readers should understand that the sample is structured for analytical comparison, not as a statistically representative snapshot of overall system performance.

8. Atif Zareef v. The State (PLD 2021 SC 550)
9. Legal Aid Society. (2021). LAS newsletter: Reshaping challenges in accessing justice in Pakistan (July–December 2021, Issue 17). https://www.las.org.pk/media/pdfs/content/LAS_Jul-Dec2021_Newsletter-17.pdf
10. Greene, J. C., Caracelli, V. J., & Graham, W. F. (1989). Toward a conceptual framework for mixed-method evaluation designs. Educational Evaluation and Policy Analysis, 11(3), 255–274. https://doi.org/10.2307/1163620



Several important limitations require transparency:

- **Selection bias.** Case files were made available through LAS lawyers working in close coordination with public prosecutors. The sample is not random. Files made available may skew toward better-documented cases, which should be kept in mind when interpreting findings on documentation quality.
- **Incomplete records.** All case files exist in hard copy only and are not digitised. Many were incomplete or missing critical documents. In several instances, researchers could not analyse particular case components due to missing material, and relied instead on available testimonies, court orders, or partial records.
- **Data saturation.** The initial target was 50 files (25 convictions, 25 acquittals). By the 40th file, no new thematic categories were emerging. The final sample of 46 reflects this saturation point plus additional files already in process at the time.

- **No survivor interviews.** This study analyses case files, not survivor experiences directly. The full breadth of barriers to engagement, the psychological impact on survivors, and the reasons for disengagement cannot be captured through case file analysis alone.
- **Research team positionality.** The team brings direct experience of litigation and advocacy in Sindh's justice system. Underlying assumptions have been disclosed transparently in the analytical framework, and were subject to peer review.

2. MEASURING DELAY AND CASE FLOW

2.1. Overview

Across all 46 cases, average total duration from incident to verdict was approximately 14.8 months. Average procedural duration — investigation plus trial — was 14.4 months. This is a modest reduction from the 16.8 months documented in the 2021 study, and it masks significant variation: the fastest investigation in the dataset concluded in 11 days (LAS #22); the slowest extended to 9.2 months (LAS #8). The cascade analysis that follows disaggregates where this time is spent.

2.2. Reporting Stage: 5.2 Days

This is the most significant improvement documented in this study. The average time between incident and FIR registration fell from 39 days in the **2021 study to 5.2 days in this dataset** — a reduction of nearly 34 days. Reporting time now accounts for just 1.2% of total case duration. This is a direct and measurable consequence of greater awareness, improved access to police mechanisms, and increased responsiveness at the entry point of the justice system. It demonstrates that when institutional focus is sustained, entry-point reforms at the point of entry do produce results.

2.3. Investigation Stage: 1.75 Months

Section 173 CrPC requires the investigating officer to submit a challan within 14 days of FIR registration. In this dataset, investigations averaged nearly two months — a figure essentially unchanged from the 1.6 months recorded in the 2021 study.

This stagnation is significant. Five years of institutional reform, new investigation units, and focused training have not reduced investigation timelines. Individual steps within the investigation — recording statements, conducting medico-legal examinations, collecting and submitting forensic samples — are often completed within days. The cumulative delay arises from coordination gaps between agencies, scheduling constraints, limited forensic laboratory capacity, and administrative requirements between institutional actors. Each handover in the process introduces waiting time that is not captured in any single step but accumulates substantially across the full investigation.

TIMELINE OF RAPE CASES (2021-2024) IN SINDH, PAKISTAN

DATE OF INCIDENT — **5.2 Days** — AVERAGE DELAY IN FIR

DATE OF FIR — **1.75 Months** (53 Days) — AVERAGE INVESTIGATION TIME

SUBMISSION OF CHALLAN — **3.58 Months** (109 Days) — AVERAGE TIME FROM CHALLAN TO FRAMING OF CHARGE

FRAMING OF CHARGE — **9.33 Months** (284 Days) — AVERAGE TIME SPENT IN TRIAL

DATE OF FINAL ORDER

A CASE TAKES **14.8 Months** ON AVERAGE TILL THE CONCLUSION OF TRIAL

INVESTIGATION

REPORTING STAGE ACCOUNTS FOR 1.2% OF TOTAL TIME

FIR to Medico-Lega Examination: 3.2 days

FIR to Victim's 161 Statement: 5.8 days

FIR to Accused's 161 Statement: 11.2 days

FIR to Victim's 164 Statement before Magistrate: 19.5 days

FIR to Final Challan: 114.8 days

FIR to Interim Challan: 30.4 days

FIR to Framing of Charge: 162 days (=5.3 months)

INVESTIGATION STAGE CONSUMES 11% OF TOTAL TIME

REASONS OF ADJOURNMENTS

- 38% Absence of IOs
- 7% Absence of Accused
- 20% Absence of Prosecution witness
- 7% Absence of Defence counsel
- 4% Absence of Prosecutor
- 1% Absence of M.L.O
- 4% Absence of Judge
- 19% Miscellaneous Reasons

TRIAL:

TRIAL STAGE CONSUMES 72% OF TOTAL JUDICIAL TIME

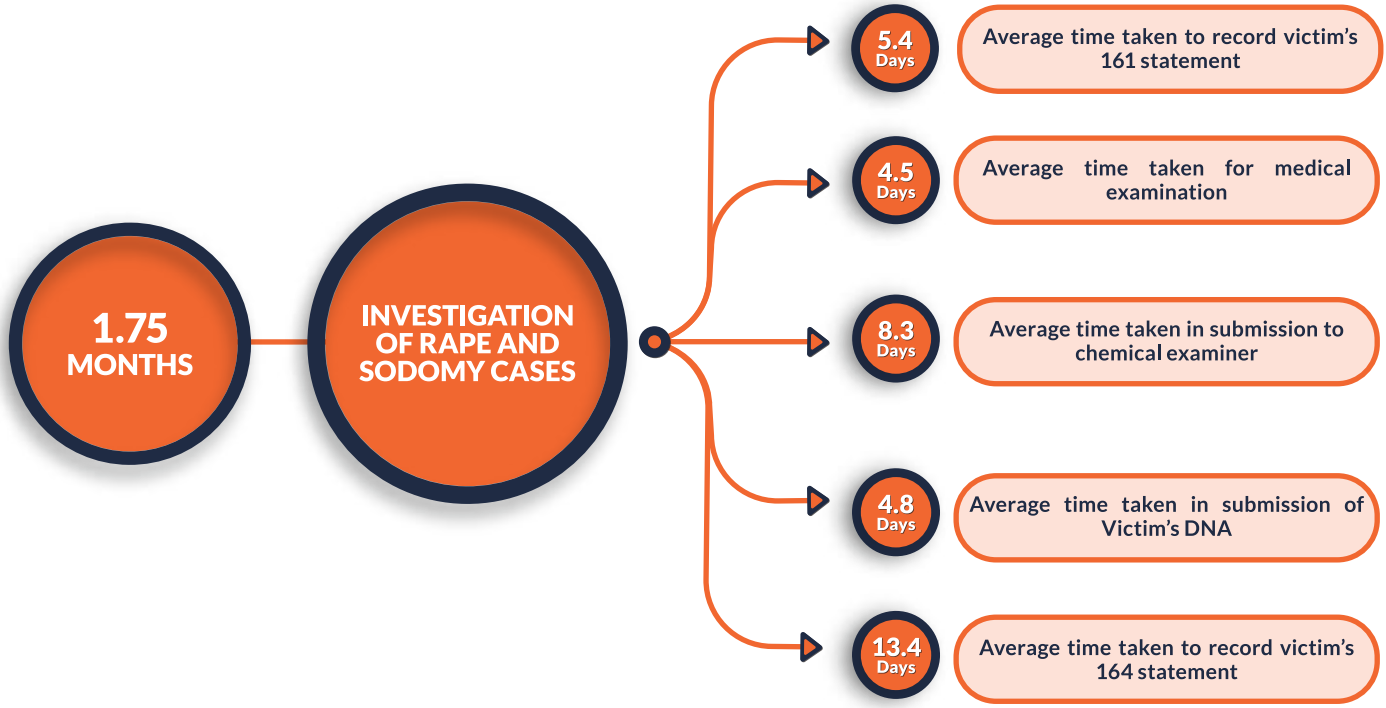
Average Number of Hearings till conclusion of trial: 22
Average Number of Adjournments: 14

RECORDED REASONS OF ACQUITTAL

- 52% cases prosecution witnesses resiled
- 58% cases victim/ complainant resiled
- 22% cases out-of-court settlements

- Inconclusive medical evidence
- Inadequate digital evidence
- Inconsistencies in victim/ complainant statements
- Absence of victim/ complainant from trial of hearing

It is worth noting that investigation time accounts for only 11.8% of total case duration. The more important point is that investigative gaps — chain-of-custody failures, incomplete documentation, digital evidence not collected — set the trajectory for the rest of the case. What is missing at the investigation stage cannot generally be recovered at trial.



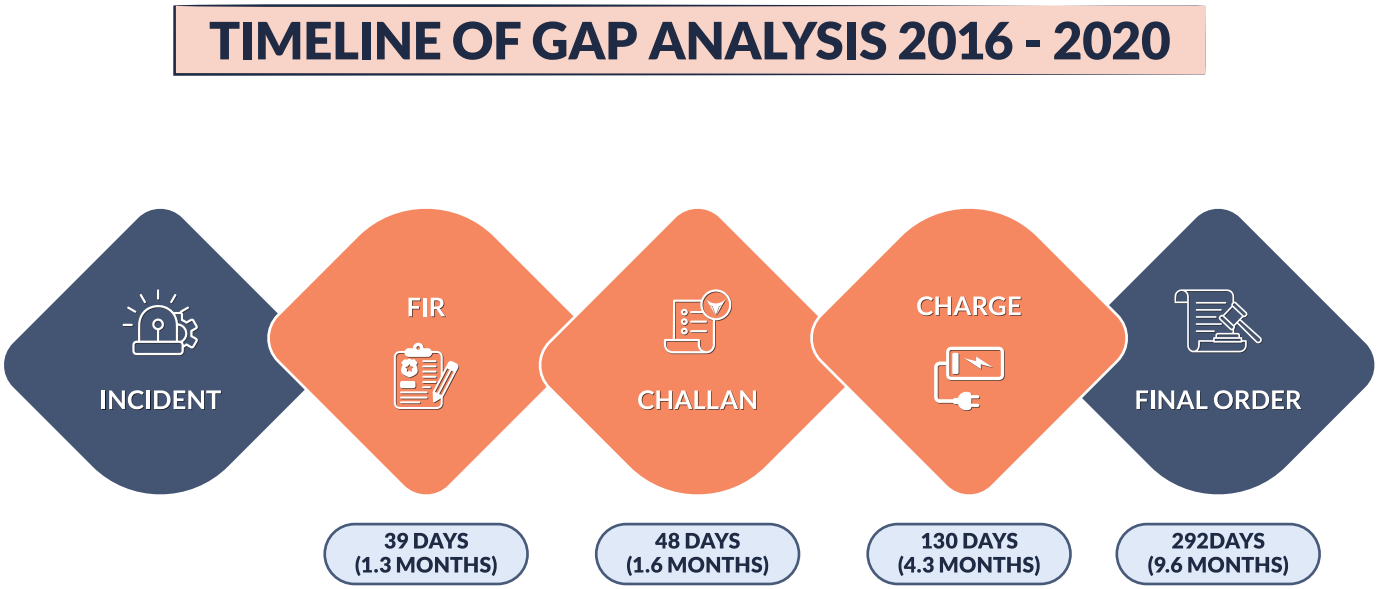
2.4. Trial Stage: 12 Months and 3 Weeks

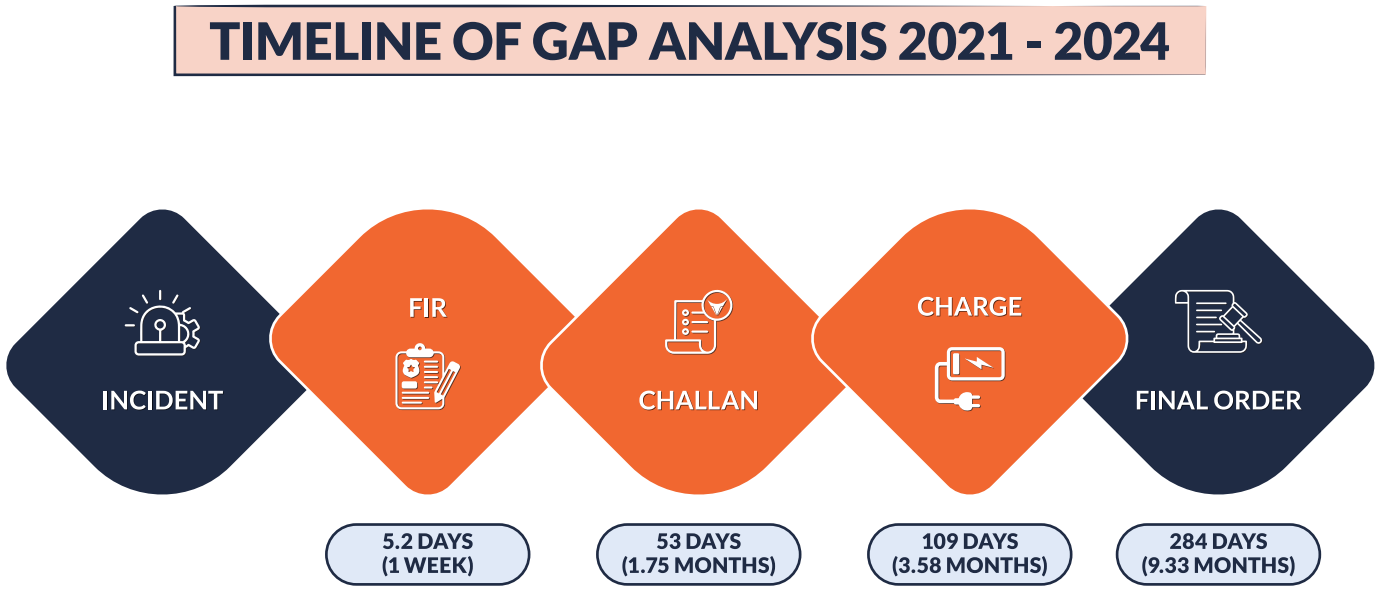
The trial stage is the primary bottleneck, and it has shown only marginal improvement over four years. From challan submission to framing of charge averages 3.6 months — 28% of judicial time spent before the substantive trial even begins. From framing of charge to verdict averages 9.3 months, three times the 90-day statutory target under Section 344A CrPC. Total judicial time from challan to verdict averages over 12 months, accounting for 87.3% of total case duration.

Despite the establishment of specialised GBV courts, the Anti-Rape Act's direction to conclude trials expeditiously and preferably within four months, and four years of institutional reform, the average rape trial in Sindh is still taking over a year from the time a case reaches court. That is three times what the law requires. The 90-day target is aspirational, not operational.

This finding also challenges a common assumption. Delays in rape prosecutions are often attributed primarily to police inaction or investigative failure. This dataset shows the opposite: investigation accounts for approximately 12% of total case duration. The overwhelming share of delay — over 87% — occurs within the court process. Court backlogs, serial adjournments, heavy dockets, and inadequate case management are the dominant drivers of delay. Until these are addressed, improvements at earlier stages will not produce timely justice for survivors.

2.5. Comparison with 2021 Findings





The data provides a clear picture. Entry-point reforms and raising public awareness and trust seems to have worked evident through the drastically reduced reporting time. Every other stage is essentially stagnant. The improvement in total case duration from 511 to 450 days is almost entirely attributable to the reduction in reporting time. Modest changes can be seen at the pre-trial stage i.e. the challan stage, reflecting progress in magistrate performance and where GBV Courts are now finalising the challan. Investigation, and trial timelines have barely moved.

This stagnation at the trial stage is particularly concerning because of the continued pressure and exposure of the survivor, complainant and witnesses to the accused. Every month a case spends in court is another month during which compromise pressure can build, witnesses can be approached, survivors can be worn down, and the investigation record — already fragile — can be further destabilised. In Pakistan, the evidence demonstrates that prolonged trials do not simply delay justice. They actively undermine the evidentiary foundations of the prosecution case.

STAGE	2016 - 2020	2021 - 2024	CHANGE	ASSESSMENT
Reporting (Tr)	39 days	5.2 days	-21 days	**Major improvement**
Investigation (Ti)	48 days	53 days	+0.15 months	**No improvement**
Pre-trial (Tc)	~130 days	~109 days	-21 days	**Modest**
Trial (Td)	292 days	284 days	-8 days	**Marginal**
Total duration (To)	511 days	450 days	-61 days	**Slight improvement**

3. WHY CASES FAIL: THE ARCHITECTURE OF ACQUITTAL

Cases in this dataset do not collapse because of a single fatal defect. They collapse through an accumulation of smaller weaknesses — each predictable, many preventable — that converge to produce reasonable doubt.

The 2024 acquittal case files reveal distinct progress in the collection of evidence – it is more frequently on file than in 2021. Medico-legal reports exist. Forensic samples were collected. In some cases, Section 164 CrPC statements were recorded. The problem is that this evidence — when tested — does not meet the required standards.

Chain-of-custody documentation is challenged successfully. The FIR is disowned. Witnesses turn hostile. Digital evidence that would have objectively corroborated the timeline was never collected. Expert testimony weakens under sustained cross-examination because prosecutors and medico-legal officers did not prepare together. Judges, applying the single-doubt rule, find enough gaps to extend the benefit of doubt. The prosecution case, which looked complete on paper, proves unable to survive trial.

Three shifts characterise the evolution of failure from 2021 to 2024. These are identified briefly below before a more detailed discussion later in this study.

From delay to chain-of-custody as the critical forensic vulnerability. In 2021, the primary issue was the late dispatch of samples to chemical examiners. In 2024, the recurring issue is of the integrity of the chain itself — who seized, who sealed, whether the mashir was genuinely present, whether memos were properly prepared. Evidence exists on file but cannot withstand adversarial scrutiny because the procedural record holding it together has gaps.

From analogue investigation to a digital evidence gap. The cases in this dataset frequently involve WhatsApp communications, call data, recorded video material, and CCTV-covered locations. Digital evidence, while identified, is not collected. Phones are not seized. CDRs are not obtained. CCTV is not retrieved. In cases where consent is disputed — primarily acquaintance rape — this gap is often the difference between a defensible case and an indefensible one.

From overt settlement to evidentiary sabotage. Rape is non-compoundable. Parties cannot formally settle. They have found a more effective substitute: attacking the evidentiary record from within. The FIR was not read, names were inserted, papers were blank. This is not simply a retraction — it is an attempt to dismantle the foundation of the prosecution rather than merely withdraw from it. The practical effect, as this study documents, is often the same as formal compounding — but without the legal possibility of the prosecution responding to it as such.

3.1. FIR Integrity and the Compromise Pathway

The First Information Report (FIR) sets the criminal justice process in motion. Once registered, it starts the investigation and forms the foundation on which further evidence is gathered and assessed. While also identified as an issue in the 2021 report, in 2024, FIR integrity has become the most widely exploited vulnerability in the prosecution case.

Rape is a non-compoundable offence under Section 376 PPC read with Section 345 CrPC. Parties cannot legally withdraw or compromise the case. The data reveals that illegal compromises continue to happen at a large scale, using a workaround: instead of withdrawing formally, the complainant attacks the FIR itself — claiming it was not read to them, that they signed blank papers without knowing the intention of the police, that the police inserted names. Thus, there is no formal withdrawal of the case and the case collapses due to a courtroom narrative of fabrication, which achieves the same practical result. There have been no safeguards put in place by the police to avoid this exact gap.

In **LAS #38**, the victim stated in court that the police officer did not read the FIR to her and only took her signature, and that she had not nominated the accused. During cross-examination, she acknowledged that she had in fact nominated the accused in earlier proceedings — but admitted she had 'patched up' outside court. The court held that once the FIR was disowned and witnesses turned hostile, the prosecution was 'bulldozed.' In **LAS #42**, the complainant denied lodging the FIR entirely, stated she had no objection to acquittal, and the mashirs claimed they had signed blank papers and memos were not prepared in their presence. In **LAS #26**, the victim stated police had inserted the accused's names; her father confirmed he had forgiven them. In each case, the case collapsed not because the allegation was disproved but because the prosecution's own witnesses dismantled it.

What emerges across the dataset is a recognisable compromise pathway. The pathway is not identical in every case, but these patterns are consistent enough to be predictable — and predictability means they should be anticipated.

PATHWAY	PATTERN	EXAMPLE CASES
01. **Informal negotiation**	Relatives approach for faisla (compromise) shortly after the incident, pushing for an informal compromise even before registration of the FIR, appealing to social practices and mindsets. This creates delay and narrows the medico-legal window before formal steps are taken.	LAS #29
02. **Cross-examination probing**	Defence routinely puts it to the victim and her family that they have 'patched up outside court' in court. Even where denied, the repeated suggestion plants doubt in the incident having occurred or the interest of the complainant to pursue the case.	LAS #18, #3
03. **FIR disowned**	The complainant states the FIR was not read to her, names were inserted by police, or papers were blank. The case is attacked from within.	LAS #28, #19, #43

PATHWAY	PATTERN	EXAMPLE CASES
04. Marriage as a potential resolution	The accused sometimes marries the survivor after FIR registration. The case is reframed as consensual. Prosecution loses its foundation.	LAS #28
05. Forgiveness expressed in court	No-objection certificates are filed. The complainant states she has forgiven the accused or has no further interest in prosecution.	LAS #8, #28,

There is a judicial dimension to this problem that must also be highlighted. Legally, the FIR is not substantive evidence, but merely a document initiating investigation and its contents are not 'proof' of any kind. However, as seen in several of the acquittal judgments in this dataset, the courts treated an FIR disavowal as effectively fatal to the case — without systematically assessing the rest of evidence even medical report, the forensic findings, the Section 164 statement, or other corroborative material on record. The result is that a legal mechanism that was meant to protect parties from informal pressure is being used by parties under informal pressure to destroy cases that the law is meant to prosecute.

Without building evidence in layers and anticipating hostility, compromise pressure converts into hostility, hostility converts into doubt, and doubt converts into acquittal. This sequence is predictable. Cases must be structured from the outset to survive it.

3.2. The Digital Evidence Gap

The failure to collect digital evidence has arisen substantial challenges in post-2021 investigative development documented in this study. It is not a new problem — the 2021 gap analysis noted its absence — but the magnitude of its impact has grown as the cases themselves have become more digitally connected.

Several of the cases involve WhatsApp messages, coordination calls, video recordings, threats sent through messaging platforms, or incidents occurring in locations with CCTV coverage. In LAS #10, the incident occurred at an estate agency in a populated locality. The survivor's college had CCTV at its main gate. The Investigating Officer admitted in court that he had not collected any footage. The survivor had also stated that the accused had messaged her prior to the incident and deleted messages from her phone — the IO confirmed he had neither seized the phone, conducted forensic extraction, nor obtained Call Data Records. In LAS #26, the allegation involved the accused recording a video and threatening the victim with its circulation. The mobile phone was never taken into custody. A USB drive allegedly containing video footage was produced in court but treated as doubtful because the original device had not been seized and no forensic extraction had been conducted.

A distinct pattern is evidenced: digital evidence is recognised as relevant — and even critical — yet it was not collected. When questioned, Investigation Officers acknowledge its relevance. This is not a

capacity problem in the sense of lacking technical ability. It is a problem of procedural habit. Investigation templates and standard operating procedures have not kept pace with the evidentiary landscape of modern rape prosecutions.

The absence of chain of custody protocols for digital evidence is predicted to be a major area of concern in the cases currently under investigation. These protocols must be developed and implemented urgently.

Two structural gaps compound this problem. First, there are currently no provincial forensic laboratories equipped to validate digital evidence. This must be remedied at the provincial level. Second, the distinction between PECA offences and digital evidence in non-PECA criminal cases — including rape — must be made explicit in police procedure. At present, digital evidence from rape investigations is being routed to the National Cyber Crime Investigations Agency (NCCIA), whose mandate is cyber crime, not sexual violence cases. NCCIA is already overburdened, and delays in returning findings are disrupting prosecutions. The solution is not to send more to NCCIA. The solution is to build provincial digital forensic capacity and develop clear inter-agency protocols that keep digital evidence in rape cases within the criminal justice chain, not the cyber crime chain.

This gap is of particular importance in acquaintance rape cases i.e. rape committed by someone the victim knows—such as a friend, date, classmate, or colleague, which now form a significant proportion of the dataset. In these cases, consent is typically the central and most important dispute. Two opposing perspectives are given: the survivor alleging coercion, often commencing prior to the actual offence itself, and the defence asserting a narrative of prior acquaintance or voluntary participation. Digital records — messages, metadata, call logs, geolocation data — can objectively establish context, demonstrate threats, and provide corroboration that does not depend on testimonial credibility. Without them, the case is structurally exposed.

3.3. Forensic Fragility: Chain-of-Custody and Medico-Legal Weaknesses

The collection and submission of medico-legal evidence have visibly increased — a real improvement from 2021. The challenge has now shifted to its quality. The dataset shows that while the evidence is present on file, it is often insufficient to be defended in court.

Chain-of-custody has become the primary area of contention at trial. Courts, led by defence attacks, now assess not just the content of forensic findings but the procedural record surrounding them: who sealed the sample, when it was transported, whether the *mashir* was genuinely present, whether memos were properly prepared. In **LAS #42**, mashirs stated in court that they had signed blank papers and memos were not prepared in their presence — directly undermining the seizure memo, which is the first link in the evidentiary chain. Once that link is questioned, everything built on top of it becomes suspect. In **LAS #09,** the prosecution could not clearly establish who had handed over the victim's clothes to the chemical examiner, when they were sealed, or how they were transported. In **LAS #40**, semen was detected and intercourse medically indicated, but there was no

conclusive DNA matching linking the material to the accused. The court extended benefit of doubt on the question of attribution — not occurrence. The doubt was about who, not what.

There are four recurring weaknesses in medico-legal evidence emerging from the dataset:

i. Delays in examination — and why delay is never neutral

Delay in presenting the survivor for examination, and in forwarding samples to the chemical examiner, remains a persistent problem. But the damage delay causes is not simply biological — degraded samples, lost semen traces. It is also judicial. In this dataset, delay consistently functions as a multiplier of suspicion, regardless of how well it is explained.

In **LAS #37**, delay between the offence and formal reporting was treated as casting doubt on spontaneity — rather than being contextually evaluated against the social dynamics that routinely precede formal reporting. In **LAS #29**, informal faisla attempts preceded FIR registration. The delay was framed as suspicious rather than as the predictable product of a family attempting settlement before involving the police. In **LAS #38**, where the victim later disowned the FIR, the absence of immediate medico-legal corroboration left the prosecution without independent reinforcement at the critical moment.

Delay also interacts directly with compromise dynamics. Where families attempt settlement before FIR registration or before the survivor is presented for examination, the biological evidence window narrows. When settlement fails and prosecution proceeds, the forensic opportunity has already diminished. When hostility later emerges, the absence of strong medical corroboration amplifies judicial doubt. Delay is structurally linked to the compromise pathway — it is not a standalone procedural problem.

This reasoning pattern persists despite clear superior court guidance that delay, by itself, is not fatal if reasonably explained. The issue is that courts are not applying that standard consistently, and prosecutors are not pressing them to do so.

ii. Incomplete and formulaic sampling

In most cases, forensic collection was limited to vaginal swabs and clothing — usually the shalwar and undergarments — submitted for chemical examination. Environmental or trace sampling was rarely pursued: no condoms, no bedding, no floor coverings, no objects handled at the scene. Such material can establish placement of the accused or victim at the scene and provide corroboration independent of testimony — particularly important in acquaintance rape cases where the fact of contact may not be disputed but the circumstances are.

The practical effect is a binary forensic framework: semen is either detected or it is not. Where semen is absent — due to delay, washing, condom use, or non-ejaculatory rape including digital or oral penetration — there is no alternate forensic pathway. This is particularly damaging in

acquaintance-based cases, where oral testimony is already contested and independent corroboration becomes critical to withstanding cross-examination and the weight of compromise pressure.

iii. Injury-centric reasoning persists: the continued expectation of marks of violence

The Supreme Court has repeatedly held, including recently in Abdul Ghani v. State (2022 SCMR 544), that marks of violence are not an essential ingredient of proving rape, and that various circumstances may lead to an absence of physical resistance or visible marks. And yet, in case after case in this dataset, courts are still looking for injury — and where they do not find it, they treat that absence as evidence that rape did not occur, or that the survivor consented. This is legally wrong, but it keeps happening.

Virginity-based reasoning has not disappeared. It has evolved. It now manifests as a broader presumption that rape must involve visible violence, torn clothing, audible resistance, and immediate reporting. That is not the law. It is not medical science. But it shapes how evidence is evaluated at trial level.

In **LAS #04**, the court treated the absence of physical injury as evidence that the survivor had not been coerced. In **LAS #37**, the phrase "no marks of violence" in the medico-legal report became the deciding factor — even though submission under fear, acquaintance-based rape, and non-violent penetration are all well-recognised scenarios that produce no observable injury. In **LAS #10**, the court had fresh hymenal tear, congestion, bleeding, and DNA evidence on record — and still placed greater weight on intact clothing. In **LAS #44**, the expectation that a rape victim would ordinarily sustain marks of violence was treated almost as an evidentiary standard. In **LAS #39** (involving a minor), absence of marks was noted as something "typically expected."

The medico-legal report contributes to this issue. It records findings descriptively but does not explain them. It does not say: absence of injury is normal in these circumstances. It does not say: submission under threat does not leave marks. It does not say: slight penetration is sufficient to constitute rape and may produce minimal trauma. That explanatory language — which would close the gap between what the science shows and what the court assumes — is simply not there. And without it, old assumptions fill the space.

iv. Expert testimony that weakens under cross-examination

This is where the medico-legal failure is most consequential — and most preventable. The science in many of these cases is sound. The problem is how it is explained in court, and how little preparation goes into that explanation.

LAS #40 illustrates this precisely. The medico-legal and forensic record was not empty. The examination indicated sexual intercourse. DNA analysis linked the biological material to the accused.

The science supported both occurrence and attribution. What weakened the case was not thelaboratory result — it was how the findings were articulated and defended in court.

The defence lawyer did not challenge the DNA findings directly. Instead, they fragmented the medical conclusions through targeted questioning: was the hymenal tear definitively "fresh" or might it be old? Was active bleeding present at the time of examination? Were any external injuries visible? Could the doctor state with certainty that force had been used? Each question exploits the inherent caution of medical science. A doctor can say a tear appears recent — but cannot assign an exact hour. A doctor can confirm congestion or tenderness — but not quantify "force" in legal terms. These are scientifically appropriate limits. But when the MLO answers cautiously — "it is possible," "I cannot say for certain," "there could be other explanations" — those medically honest answers are reframed by the defence as uncertainty about whether rape occurred at all. The science was not disproved. It was under-explained.

What should have been clarified — and was not — is straightforward:

- Slight penetration is sufficient for rape and may not produce dramatic injury.
- Genital tissue can tear without heavy bleeding.
- Absence of external bruising does not negate internal trauma.
- Medical science cannot timestamp injury with precision — that is a limitation of science, not evidence of fabrication.
- The presence of intercourse combined with DNA linkage materially strengthens attribution regardless of the absence of visible violence.

Because these principles were not put to the court, the defence converted scientific caution into reasonable doubt.

The biological basics also need to be stated explicitly in court, and they were not in any of the cases reviewed. Washing or bathing after an assault removes semen from the body. Semen degrades rapidly with time, urination, or cleaning. Absence of semen does not mean intercourse did not occur. Presence of semen proves intercourse — not force. Courts left without this explanation are forced to fill the gap themselves, often incorrectly.

In **LAS #37,** the phrase "no marks of violence" became pivotal because the MLO did not proactively clarify that visible bruising is not required for rape. In **LAS #39,** judicial reasoning noted the absence of marks as something "typically expected" — indicating that the medical testimony had not contextualised this at all.

Across the dataset, in none of the reviewed cases is there any indication that prosecutors and medico-legal officers prepared together before trial. No expert was briefed on likely defence strategies. No scientific terminology was simplified for judicial clarity. No anticipatory explanation of probability, injury dynamics, or biological timelines was offered before cross-examination began.

The prosecutor did not re-examine the MLO to rehabilitate answers after cross-examination introduced doubt. In the majority of cases, defence lawyers filled that vacuum entirely. What was solid medical evidence became, in the judgment, "inconclusive" or "not sufficient to establish" — not because the science was weak, but because no one defended it.

3.4. Absence of Circumstantial Corroboration

Superior court jurisprudence is settled: a conviction for rape may rest on the solitary statement of the victim/survivor if it is credible and confidence-inspiring. Corroboration is a rule of prudence, not a legal requirement. The difficulty in this dataset is not that courts are applying a corroboration requirement they should not — it is that where corroborative avenues exist and are not pursued, their absence amplifies doubt when testimonial credibility later weakens, especially when the complainant/victim wishes to withdraw or jeopardize their case due to out of court compromise.

In LAS #20, the alleged offence occurred in a densely populated residential area. The IO inspected the site ten days later. No statements were recorded from independent residents. In LAS #22, the incident occurred in a populated colony with no neighbour statements on record. In LAS #09, the commercial area surrounding the clinic where the alleged attempt occurred, and no one even spoke to neighbours or any others present in the area to identify potential witnesses. In each case, once the survivor's testimony weakened — through compromise pressure, hostile retraction, or cross-examination — there was nothing independent to sustain the prosecution case. The investigation had built no secondary evidentiary layer.

It must be recognised that this is a hard standard to meet with private persons being unwilling to record statements and appear in court. However, legally, they may be compelled to do so and at the very least initial statements may be recorded. Also, the specifics of who was present at the crime scene must be recorded rather than being left vague and identified as a mob or villagers etc. Neighbour statements, shop owner accounts, early disclosure records, conduct evidence — these are available in many cases and are simply not documented or pursued. Their absence is a habit of investigation, not an inherent limitation of the evidence.

3.5. Prosecutorial Strategy Failures

The principal finding on prosecutorial failure is a shift in its character since 2021. The 2021 gap analysis located the primary cause of acquittal in investigative failure — cases entering trial with limited evidence. The 2024 dataset shows that the locus of failure has moved. Cases increasingly reach trial with material on file — medical reports, DNA analysis, Section 164 statements — but without an integrated evidentiary strategy capable of surviving predictable adversarial attack, which falls within the domain of the prosecution. The primary issues relating to this are identified below.

i. Passive challan scrutiny.

The Sindh Criminal Prosecution Service Act 2009 gives prosecutors the authority to scrutinise the challan and return it for further investigation where material deficiencies exist. This power is precisely designed to prevent cases from reaching trial with foreseeable gaps. In **LAS #40,** multiple deficiencies were apparent before trial — a missing Section 164 statement, absent forensic reports, no site sketch, unattested roznamcha entries. The case proceeded. Courts subsequently relied on those deficiencies to extend benefit of doubt. Prosecutors report that they complete a challan scrutiny form (which was found in some of the files in the dataset) which is sent back to the police, however, there is no requirement for the police to amend the challan accordingly and the prosecution is time bound to proceed with the case even if deficiencies are not addressed. Challan scrutiny, as evidenced in this dataset, thus, functioned as procedural completion, not evidentiary quality control.

ii. Failure to anticipate and manage witness retraction.

Retraction and out of court compromise is foreseeable – in fact, it is expected. Where the accused is a family member or acquaintance **(LAS #28)**, where marriage is proposed as a resolution **(LAS #04)**, where the case involves a prominent local figure or community pressure (**LAS #42, #38)** — these are all predictable retraction risk factors. They should initiate a prosecution strategy built from the outset to survive an inevitable compromise and attempted destruction of the case. In practice, once retraction occurs, prosecutorial response is typically limited to formally declaring the witness hostile — which is the minimum required by law, but not a strategy. Recording of 164 statements are not pursued as required under the law. Prior statements under Sections 161 and 164 CrPC are not systematically used to challenge or clarify contradictions. Forensic material or circumstantial evidence is not repositioned as the primary evidentiary anchor. The Qanun-e-Shahadat Order permits reliance on credible portions of hostile testimony — but this requires precision in deployment that the trial records in this dataset rarely demonstrate.

iii. Mismanagement of Section 164 CrPC statements.

The Section 164 statement is specifically designed to address the retraction or rather 'disowning' problem — an early, judicially supervised, now video-recordable account that can be relied upon if the witness later resiles. Three failures recur in this dataset. First, non-recording: in **LAS #39** and **#40**, no Section 164 statements were recorded despite serious allegations. In **LAS #07**, the victim refused to record a statement, and no structured alternative was pursued. Second, the law requires the 164 statements to be recorded on camera. If this is being done so, it is not evident in case files, nor has there been any request submitted by the prosecution or recording presented in court. This section was specifically included to counter this issue of retraction and safeguard the original statement of the survivor to refer back to when needed. Third - and more significant - even where Section 164 statements exist, they are frequently not operationalised at trial. The recording magistrate is not consistently produced as a prosecution witness to reinforce the voluntariness of

the statement. Prior versions are not systematically put to hostile witnesses to highlight the contradictions between the original and recanted accounts. The statement exists as a document on file; the prosecution does not function as the litigation safeguard it was designed to be.

iv. Absence of a coherent prosecution theory.

Across the acquittal cases, a recurring pattern that is observed is the absence of an integrated prosecution narrative or strategy that links chronology, conduct, forensic findings, digital corroboration, and witness testimony into a coherent case. Cases are structured as a sequence of individual pieces of evidence — the statement, the medical report, the challan — rather than as a theory of what happened, how it can be proven, and which piece of evidence performs which evidentiary function. Thus, when either one part of the evidence chain weakens, or if a complaint/victim recants or a witness disowns their statement or testimony, there is no overarching structure to sustain the case. The requirement of an unbroken chain of evidence particularly in circumstantial evidence has been highlighted time and again by the superior courts. Several acquittal judgments note missing dates and times, unexplained delays, identical timestamps across documents, and chronological gaps — all of which are symptoms of the absence of proactive chronological reconstruction rather than inherent features of the evidence.

v. Failure to rebut rape myth reasoning.

Despite settled precedent — that resistance is not a legal requirement, that marks of violence are not a requirement for rape, that submission under fear is not consent, that delayed reporting does not indicate fabrication — these principles are not being consistently cited and argued by prosecutors when courts apply the inverse assumptions. In **LAS #04, #44,** and **#39**, courts placed weight on absence of hue and cry, intact clothing, and absence of injury. The trial records do not show prosecutors citing Abdul Ghani v. State or other binding authority to counter these inferences. Where prosecutors do not challenge these assumptions, they enter judicial reasoning by default.

3.6. Judicial Reasoning Contradictions and Challenges

The legal standards governing rape cases are clearly established. Penetration to any extent completes the offence (Abdul Ghani v. The State, 2022 SCMR 544). Consent must be free and voluntary — the Supreme Court has held that "a mere act of helpless resignation in the face of inevitable compulsion, acquiescence, non-resistance, or passive giving in, when volitional faculty is either clouded by fear or vitiated by duress, cannot be deemed to be 'consent' as understood in law" (Rao Harnarian Singh v. The State, AIR 1958 Punj 123, applied in Yasir Ayyaz and others v. The State, PLD 2019 Lahore 366). Submission under fear, coercion, or threat is not consent (Nawab v. The State, PLD 1959 W.P. Lahore 38; Kamran and another v. The State, PLD 2022 Lahore 645). Resistance is not a statutory element. Marks of violence are not a prerequisite — as the Court recognised in Mukhtar Ali v. The State (1984 P Cr. LJ 1438), rape can be committed without physical marks of violence by putting the victim in fear of death or hurt. Delayed reporting does not indicate

fabrication — "delay in reporting a sexual assault to the police is therefore not very material" (Irfan Ali Sher v. The State, PLD 2020 SC 295), and where delay is logically accounted for by trauma, shame, or social pressure it does not vitiate credibility (Zulfiqar Ali v. The State, 2012 YLR 847). These principles are affirmed repeatedly in superior court jurisprudence. The concern in this dataset is not the absence of applicable law — it is its inconsistent application at trial level.

In several of the acquittal judgments, credibility assessment is being conducted through behavioural expectations rather than through the statutory inquiry into whether consent was free and voluntary. In **LAS #10**, the complainant's failure to jump from a motorcycle or raise an alarm in a populated area was treated as evidence of voluntary accompaniment — non-resistance was effectively equated with consent. Yet the Court in Kamran and another v. The State (PLD 2022 Lahore 645) has explicitly held that "immediate control over the victim's body by pressing her mouth took away the senses immediately and fearful can hardly gave any time to respond" — precisely the dynamic that courts at trial level continue to overlook. In **LAS #44**, the absence of neighbour intervention in adjacent houses rendered the allegation "improbable." In **LAS #04**, the absence of hue and cry in the presence of children was relied upon to question credibility. The Court in Tasawar Hussain and Others v. The State (1968 P Cr. LJ 1743) addressed this directly, recognising that a victim may remain entirely silent even in public spaces where she is "overawed" by the accused and fears for her life. These are classic rape myth inferences, all of which have been rejected in superior court jurisprudence, appearing in trial-level reasoning without apparent prosecutorial challenge.

Delay in reporting is also being treated inconsistently. Binding precedent requires delay to be evaluated contextually — assessed against the social and familial dynamics that typically produce delayed disclosure — not treated as a presumptive indicator of fabrication. The Supreme Court in Zahid and another v. The State (2020 SCMR 590) held that delay grounded in the fear of social stigma and the violation of honour "could prey on the minds of a victim and her family and deter them to go to the police." In Yasir Ayyaz and others v. The State (PLD 2019 Lahore 366), the Court held that in rape cases "delay cannot be received as a silence fraught with mischief" where trauma and threat explain the silence. In **LAS #05, #09, #27,** and **#39**, delay appears in judicial reasoning as a factor of doubt without the structured assessment this precedent requires: identifying the explanation offered on the record, assessing its plausibility in the context of sexual violence dynamics, and explaining why it was or was not accepted.

Forensic evidence is being interpreted inconsistently in both directions. In LAS #10, DNA inclusion was given less weight than intact clothing. In LAS #39, a negative DNA result was treated as proof that the accused was innocent — without asking why the DNA might be absent. Delay in collecting the sample, use of a condom, or the fact that rape does not always involve ejaculation are all recognised explanations for a negative result. None of these were considered. Neither approach reflects the structured forensic analysis that binding precedent requires. The Supreme Court has been explicit: "DNA test is not a condition precedent for conviction in rape cases and the courts

should not insist upon it in each and every case, as doing so would amount to adding a condition not prescribed by law" (Farooq Ahmad v. The State, PLD 2020 SC 313). DNA is corroborative, not constitutive, of guilt — "its absence, contamination, or negative result does not establish innocence, nor does it defeat an otherwise credible prosecution case" (Farooq Ahmad v. The State, PLD 2020 SC 313; Irfan Ali Sher v. The State, PLD 2020 SC 295). Crucially, the Supreme Court has warned that where a negative result is caused by delay, improper sealing, or contamination, "the failure of science, especially where caused by human or systemic error, cannot be allowed to eclipse the substance of justice" (Abdul Ghani v. The State, 2022 SCMR 544). The distinction that courts must apply is between absence of proof and proof of absence — a negative DNA report does not establish that the accused did not commit the offence; it establishes only that a biological link could not be scientifically confirmed. Courts need to approach forensic results with the calibrated assessment the science and the precedent both require.

Finally, once witnesses turn hostile — as in **LAS #27, #35, #38, #40,** and **#43** — courts are frequently extending the benefit of doubt without systematically reassessing the broader evidentiary record. This is not the correct legal approach. The fate of the prosecution case cannot be pinned down solely to the current stance of witnesses if other unimpeachable sources of evidence exist (Abdul Ghani v. The State, 2022 SCMR 544). Rape is a non-compoundable offence. The Supreme Court has held that compromise in such cases "is not permissible" and that any written compromise, no-objection certificate, or affidavit of settlement is a legal nullity that cannot form the basis for acquittal (Salman Akram Raja and another v. Government of Punjab, 2013 SCMR 203). The State remains the primary prosecutor even after a complainant retreats — and the court's duty is to consider all aspects of the case, including prior statements recorded under Section 164 CrPC and clinical findings, before extending any benefit to the accused. In practice, however, once a complainant retracts in open court, it appears to function as a signal to both the prosecution and the court that the case is over — even where that is not the legal position, and even where the precedent squarely says otherwise.

3.7. What Has Changed Since 2021

In 2021, cases were failing before they even reached trial. Evidence was missing. Medical examinations were delayed or not done. Documentation was incomplete. The investigation itself was the problem.

By 2024, that has considerably changed. This is **real** progress and it should be recognised as such. Evidence is now more consistently on file. Medical reports exist. Forensic samples are being collected. Chain-of-custody documentation, while still imperfect, is more commonly present than it was. The basic investigative steps that were identified as failing in 2021 are being taken more regularly — a direct result of the training, institutional reform, and evidence-based capacity building that has taken place over the past four years. The conviction rate rising from 5% to 13% in 2024 and preliminary data suggesting a further rise to 22% by 2025, is not a coincidence. It reflects the fact that these improvements are producing results.

But cases are still failing — just at a different point and for different reasons. And in some ways, this is the harder problem to solve. It is easier to identify that a medical examination did not happen than to identify that a prosecutor did not prepare an expert witness adequately. It is easier to see that a forensic report is missing than to see that a judge applied an assumption the law does not permit.

The problem has moved from the investigation stage to the courtroom. Evidence that exists on paper is not surviving trial. The prosecution is not always prepared for what the defence will do. Courts are not consistently applying the legal principles that superior courts have firmly established. Cases that should result in conviction are resulting in acquittal — not because the allegation was unproven, but because the evidence was not defended and the law was not applied.

The shift between 2021 and 2024 can be put simply. Before, the evidence was not there. Now, the evidence is there. The next step is ensuring it is used properly.

4. WHY CASES SUCCEED: DRIVERS OF CONVICTION

Successful rape prosecutions in this dataset are not characterised by exceptional or dramatic evidence. They are characterised by evidence that is complete, coherent, and capable of withstanding cross-examination. The same legal framework applies in every case. What distinguishes the conviction cases is how that framework is used.

4.1. The Solitary Statement That Withstands Cross-Examination

The most consistent driver of conviction in this dataset — consistent with superior court precedent for decades — is the survivor's statement that remains coherent, credible, and materially uncontradicted under cross-examination. This finding is not new. Our previous studies and the precedents they drew on have consistently affirmed that the solitary statement of the prosecutrix, if it is natural, consistent, and unwavering, is sufficient for conviction. What is instructive about this dataset is the how — the specific features of these statements that courts identify as reliable.

Cross-examination in all these cases attempted to expose inconsistencies, highlight omissions from earlier statements, and question behaviour before and after the incident. Where this produced no material contradiction in the core account — identification of the accused, the occurrence of the sexual act, the absence of consent — courts treated the testimony as reliable. Non-material contradictions, including minor discrepancies on peripheral details, were explicitly acknowledged in several judgments as natural variations in recollection rather than indicators of fabrication. This is a departure from patterns documented in the 2021 study, and in the acquittal dataset, where courts were more readily treating minor inconsistencies as credibility-destroying.

In **LAS #41** (rape of a nine-year-old by a neighbour), the defence lawyer challenged delayed medical examination, absence of torn clothing, and disposal of the child's clothes. Cross-examination produced no contradiction on the essential elements. The court characterised the testimony as

'trustworthy and confidence-inspiring' and relied on it as the primary foundation for conviction. In **LAS #21** (attempted sexual assault in a church), defence challenged absence of injuries and suggested coaching — but the victim answered cross-examination confidently and without material contradiction. In **LAS #33** (rape by father of a ten-year-old), the child narrated events 'in a mature and natural manner'; no material contradiction emerged between court testimony and earlier recorded statements.

What these cases also reveal is that the capacity to maintain a consistent account under cross-examination is not simply a function of the survivor's character or resilience. It reflects, in part, how the case was prepared — whether the survivor received any support or information about what the process would involve, and whether the prosecutor or private lawyer understood the case well enough to protect the essential elements of the testimony during examination-in-chief.

4.2. Evidentiary Convergence

Where multiple sources of evidence independently support the same factual narrative, the prosecution case becomes significantly more resilient. Each strand performs a distinct function: the statement establishes the occurrence; the medical examination confirms sexual activity; forensic analysis links biological material to the accused; investigative documentation establishes the sequence of events. When these align, the defence must undermine several tracks simultaneously rather than attacking a single source.

In **LAS #3** (abduction and rape of an eleven-year-old), eyewitness testimony supported the abduction account, medical examination revealed findings consistent with assault, and DNA linked biological material to the accused. The court noted explicitly that convergence of testimonial, medical, and forensic evidence produced a consistent and credible narrative. In **LAS #35** (gang-rape prosecution), the victim's account was corroborated by family testimony, medical evidence, and investigative records documenting arrests at locations she had identified. The court acknowledged chain-of-custody procedural weaknesses — but held that those weaknesses did not undermine the core narrative, precisely because the narrative was supported by multiple independent sources, not a single strand. The gaps existed, but they did not matter enough to change the outcome.

This is a critical point because investigations are rarely perfect. There will almost always be some weakness - a documentation gap, a delay, a missing form. When the entire case depends on one piece of evidence, any weakness in that piece can bring everything down. When the case is built on multiple independent sources that all point in the same direction, a weakness in one does not collapse the rest. The court can acknowledge the problem and still convict. When multiple sources reinforce the same account, courts are more willing to treat irregularities as non-determinative. Building evidentiary redundancy into a case is therefore not merely best practice — it is a structural protection against the inevitability of some investigative imperfection.

4.3. Digital Evidence as Independent Corroboration

In the small number of conviction cases where digital evidence was collected and presented, its impact was extremely significant. In **LAS #12,** a teenage girl had recorded her father sexually assaulting her on a mobile phone. The video was seized, preserved, and produced at trial alongside her testimony and forensic findings. This direct documentary evidence of the act itself dramatically reduced the scope for fabrication arguments. In **LAS #13,** call data records placed the accused's phone at the location of the offence on the relevant day — objectively corroborating the survivor's account of the accused's presence without depending on testimonial credibility.

These cases illustrate what is possible when digital evidence is treated as a standard component of rape investigation rather than an exceptional one. CDRs, messaging records, and CCTV footage do not replace survivor testimony — but they anchor it in objective, non-testimonial material that is resistant to the credibility attacks that are central to every rape defence. Their absence in the acquittal cases becomes even more critical by comparison.

4.4. DNA Anchoring Identity

DNA is the most powerful evidentiary element in this conviction dataset — not because it proves rape, but because it resolves the question of identity in a way that oral testimony alone cannot. In **LAS #33** (rape by father of a ten-year-old), DNA matched the accused despite absence of significant external injuries — an argument the defence had used to cast doubt and were ignored by the Court. In **LAS #21,** DNA linked the accused to seminal material despite chain-of-custody challenges raised by the defence. In **LAS #35,** DNA identified one accused from recovered clothing despite delays in sample submission.

The pattern across these conviction cases is not simply that DNA was present — in several acquittal cases it was also present. The distinction is whether DNA findings were integrated into the prosecution theory as a central evidentiary pillar, and whether their limitations (which are real and forensically significant) were anticipated and addressed rather than left for defence cross-examination to exploit. In the conviction cases, these were used as part of the prosecutorial strategy and presented to highlight or support specific points across the chain of evidence, rather than stand alone pieces of evidence.

4.5. Structured Judicial Reasoning

Conviction judgments in this dataset are distinguished not only by stronger evidence but by more structured judicial analysis of it. In **LAS #35,** the judgment explicitly addressed alleged inconsistencies, investigative lapses, and chain-of-custody challenges individually — explaining in each case why the prosecution narrative remained intact. In LAS #30 (attempted rape of a five-year-old), the court mapped the accused's conduct directly onto the legal elements of attempt,

providing a reasoned explanation for why conduct that did not result in penetration still constituted criminal liability. This structured analysis allows courts to distinguish between peripheral imperfection and material doubt — a distinction that is absent from many of the acquittal judgments and the opportunity to explain why earlier precedents and set legal principles are not being followed.

4.6. Judicial Rejection of Compromise

A notable and important feature of the conviction cases is judicial refusal to treat compromise as a basis for terminating prosecution. In **LAS #21,** the victim's parents indicated willingness to accept acquittal; the court rejected the request and adjudicated on the merits. In **LAS #15** (rape by father), the victim expressed a desire to pardon the accused; the court proceeded with conviction, holding that the gravity of the offence required adjudication independent of familial forgiveness. These are not exceptional judicial acts — they are the legally correct position. Rape is a state-prosecuted offence; compromise has no legal effect. What these cases demonstrate is that when courts apply this principle consistently, convictions follow even where testimonial support has been withdrawn.

4.7. What Distinguishes Conviction from Acquittal

FACTOR	CONVICTION PATTERN	ACQUITTAL PATTERN
Survivor testimony	Consistent; survives cross-examination on core elements; non-material contradictions acknowledged as natural	Weakens, retracts, or produces material contradictions on identification or occurrence
Evidence structure	Multiple independent sources converge on the same narrative; each performs a distinct evidentiary function	Single fragile track — usually the statement alone — without redundancy to absorb testimonial collapse
DNA	Anchors identity; integrated as a central evidentiary pillar; limitations anticipated and addressed	Absent due to investigative failure, or present but compromised by chain-of-custody gaps, or treated as dispositive in both directions
Digital evidence	Objectively corroborates timeline, location, or occurrence; not dependent on testimonial credibility	Rarely collected; phones not seized, CDRs not obtained, CCTV not retrieved despite clear relevance
Delay in reporting	Contextually evaluated; explained through social dynamics of stigma, fear, and compromise pressure	Treated as presumptively suspicious; used to infer fabrication without structured assessment of the explanation on record
Compromise pressure	Court rejects compromise; adjudicates on evidence; non-compoundable character of offence operationally applied	Retraction collapses testimony; prosecution recedes; compromise achieves through evidentiary sabotage what it cannot achieve through formal settlement

FACTOR	CONVICTION PATTERN	ACQUITTAL PATTERN
Judicial reasoning	Systematic engagement with defence arguments and evidence; structured explanation of how the standard of proof is met	Fragmented reasoning; isolated weaknesses treated as determinative; rape myth assumptions not challenged or corrected
Forensic interpretation	Scientific findings integrated into the prosecution narrative; limitations acknowledged and contextualised proactively	Scientific limitations misread as exculpatory inference; chain-of-custody not defended; adverse results not challenged on methodology

5. VICTIM SUPPORT AND PROTECTION: THE MISSING INFRASTRUCTURE

The legal framework for victim protection in rape cases in Pakistan is, on paper, comprehensive. The Anti-Rape (Investigation and Trial) Act 2021 and its Rules introduced a suite of mandatory protections: in-camera proceedings to shield survivors from public exposure; screens or video-link technology to prevent direct confrontation with the accused; separate waiting areas for survivors and their families at court; the appointment of dedicated female support officers; and the video-recording and preservation of Section 164 CrPC statements specifically to protect against later retraction and disputes over voluntariness. Anti-Rape Crisis Cells (ARCCs) were established to ensure medico-legal examination within six hours of reporting and to provide coordinated psychological and legal support from the moment a case enters the system. GBV courts were designed with all of this in mind — not just as specialist forums for hearing cases, but as survivor-centred spaces where women and children would be protected throughout the process. Pakistan's Constitution guarantees dignity under Article 14 and equality under Article 25. These are not aspirational commitments. They are legal requirements.

This study finds them almost entirely absent from the case files reviewed. Court records in this dataset rarely indicate the presence of counselling services, victim support officers, or any mechanism to assist survivors in navigating proceedings. No applications or reports were found where the prosecution had requested that testimony be given over video link. No transcripts or recordings of Section 164 statements were presented in court — nor was there any indication in the files that their video-recording had been requested, supervised, or preserved as the law requires. There is no record of ARCCs being activated to provide psychological or legal support at any stage. Judgments do not reflect any court-level inquiry into whether witnesses who retracted their statements might have done so under intimidation, family pressure, or compromise. In several cases, complainants expressed in open court that they had no objection to acquittal, or that they had forgiven the accused — and the record shows no inquiry into whether those expressions were freely made or the product of external pressure. This matters because the law is explicit: rape is non-compoundable. A no-objection certificate or expression of forgiveness has no legal effect.

Courts are required to look beyond it. In this dataset, they frequently did not.

The only protective measure appearing with some regularity is clearing of the courtroom when a child victim testifies. In LAS #22 (seven-year-old victim) and LAS #24 (eleven-year-old victim), the courtroom was cleared before the competency assessment and testimony were recorded. This is a step in the right direction. But it is isolated and incomplete. There is no indication in either case that the child received psychological support before or after testifying, that questioning was adapted to the child's age and developmental level, or that any safeguard beyond the courtroom clearance was applied. Clearing the room is the minimum while the law envisions much more.

The Survivor's Experience

This study analyses case files. It cannot fully capture what it means to be a rape survivor navigating a 14.8-month legal process in the circumstances this dataset documents. But the files make the structural picture clear enough. Survivors face repeated court appearances over an average of fifteen months. They face adversarial cross-examination designed to challenge every aspect of their account — often invoking assumptions about resistance, injury, and behaviour that the law has rejected but that courts have not consistently displaced. They frequently face the accused in the same courtroom without any physical barrier, support person, or protective mechanism. Many have experienced compromise pressure from family members, and the justice system offers them no institutional support in resisting it. Some face a direct choice between pursuing a prosecution and preserving their economic security, family relationships, or social standing.

The five-stage compromise pathway documented in Section 3.1 may, in part, a rational response to this institutional vacuum. When the justice system requires survivors to return to court month after month without support, without protection, without anyone explaining what will happen next — while the accused or his family apply sustained pressure outside court — withdrawal becomes the rational choice. The law prohibits it. But the law provides no counterweight to the pressure that produces it.

This is not a welfare issue that sits alongside the prosecution reform agenda. It is central to it. Survivor participation is the foundation on which most rape prosecutions rest. The solitary statement of the prosecutrix, consistent and confidence-inspiring, is what convicts. When that testimony collapses — because the survivor was worn down, pressured, or simply given no reason to keep going — the prosecution collapses with it. Victim support is not an add-on. It is a precondition for conviction.

6. RECOMMENDATIONS

The central finding of this study is that the challenge is no longer primarily legislative or infrastructural. The legal framework governing rape prosecutions in Sindh is adequate. The institutional structures — GBV courts, SSOIUs, special prosecutors — have been established. The gap is operational: consistent, competent, coordinated application of the framework across the justice chain. The recommendations below are designed to address that gap directly. Each recommendation is grounded in the specific failure patterns documented in this study, and each identifies the responsible institution.

6.1. Police Investigation

Mandatory digital evidence checklist within 72 hours of FIR

Every rape investigation should require the IO to complete a standardised digital evidence checklist within 72 hours of FIR registration, documenting: whether the mobile phones of the complainant and accused have been seized; whether CDRs have been requisitioned; whether CCTV from the incident location and surrounding areas has been requested; and whether messaging platform data has been preserved or forensic extraction requested. This checklist should be annexed to the challan. Its absence should constitute grounds for return under the Sindh Criminal Prosecution Service Act 2009. This recommendation responds directly to the failure pattern documented in **LAS #10, #09,** and **#26.**

Standardised chain-of-custody seizure form

An updated and standardised evidence seizure and transfer form should be mandatory for all sexual offence investigations. The form should record: the identity of every person who handles forensic material; the time and condition of sealing; the date and method of laboratory submission; and mashir identification and attendance. This documentation should be verified by a supervising officer before challan submission. This addresses the failure pattern documented in **LAS #42, #09,** and **#40.**

Pre-challan supervisory review with signed certification

A senior officer should conduct a mandatory review of every rape investigation file before challan submission. The review should confirm completion of medico-legal examination; forensic sample collection, sealing, and dispatch documentation; site documentation including plans and scene photographs; witness statements including independent witnesses where they exist; and digital evidence steps. This review should be recorded in a signed supervisor's certificate annexed to the challan. The purpose is to transform investigation from a procedural formality into an evidence-building process with institutional accountability attached.

Mandatory SSOIU training — integrated, not ad hoc

Mandatory SSOIU training — integrated, not ad hoc

Officers assigned to SSOIUs should undergo mandatory training integrated into formal police training academies rather than delivered through ad hoc workshops. This training should cover: trauma-informed interviewing; digital evidence preservation protocols; chain-of-custody requirements; expanded forensic sampling; and the legal evidentiary requirements in sexual offence prosecutions. Training should be refreshed annually and completion documented in the officer's record.

First response sequencing: FIR and medical examination

Survivors do not always know whether to go to the police or a hospital first, and the sequencing matters for evidence. A clear protocol is needed. If a survivor approaches the police first, the FIR should be registered immediately and she should then be referred for medical examination without delay. If she approaches a healthcare facility first, medical care and examination should begin immediately — it should not be delayed pending FIR registration. These two steps serve different purposes and neither should wait on the other. This protocol should be included in SSOIU SOPs and communicated to hospital staff and first responders.

Accountability for investigative failure

The same investigative lapses — broken chain of custody, missing Section 164 statements, digital evidence not collected, formulaic sampling — appear repeatedly across this dataset. They appear in cases from different districts, different years, and different investigating officers. This is not individual failure. It is systemic. And it will continue until there are consequences for it. Investigations that result in avoidable acquittals due to documented procedural lapses should trigger a mandatory supervisory review. Where that review establishes systemic negligence, departmental action should follow. An annual acquittal review mechanism — examining a sample of acquittal judgments to identify recurring investigative failures — should be institutionalised as a performance accountability measure for SSOIUs.

6.2. Medico-Legal Officers

Guidelines for medical examination of rape cases must be notified

A standardised Guidelines must be notified explaining processes, protocols of examinations, recording findings, which must be in line with survivor needs.

Updated and immediate interim medical report

The interim medical report must be issued by the medico-legal officer at the time of initial examination — based on what is observed clinically — without waiting for laboratory results. Laboratory results can takes days or weeks. The initial clinical assessment — documenting injuries, hymenal condition, signs of trauma, and a preliminary clinical opinion on consistency with the alleged act — provides a contemporaneous record that is harder to challenge than a later consolidated report. Delays in issuing any opinion weaken the prosecution's ability to establish a timeline and leave the case without any independent medical anchor in the critical early period.

Standardised report template with built-in legal contextualisation

Medico-legal reports in sexual offence cases should include a mandatory standard section clarifying: that absence of visible injury does not negate rape; that slight penetration completes the offence; that fear-based compliance may leave no physical marks; that hymenal condition is not indicative of consent or sexual history; and that submission under threat is not consent. This language should be pre-printed in the report template so that it appears in every case rather than depending on the individual MLO to include it. This is the most efficient single intervention to close the interpretive space that injury-centric reasoning currently occupies in acquittal judgments.

Mandatory pre-trial preparation session with prosecutors

A preparation session between the prosecutor and the medico-legal officer should be required before every sexual offence trial. This session should: identify the specific cross-examination questions likely to be raised regarding timing, semen viability, healing timelines, and the limits of medical inference; prepare structured explanations in accessible language; and distinguish between what the science can and cannot establish. This addresses the pattern documented in **LAS #40, #37, #04,** and **#10** — where scientifically sound findings were fragmented under cross-examination not because the science was wrong but because it had not been prepared for the courtroom.

Expanded forensic sampling protocol

Forensic collection should move beyond the formulaic approach — vaginal swabs and one outer garment — to include, where clinically indicated and feasible: undergarments; environmental samples from the scene; trace evidence from objects handled; anal swabs; nail scrapings; and control samples for comparative DNA analysis. Where a decision is made not to collect a particular sample type, the reason should be documented explicitly in the report. Anti-Rape Crisis Cells should have standardised procedures for secure storage, documentation, and transfer of all forensic material.

6.3. Special Prosecutors

Hostility preparedness memo before every trial

For every sexual offence case where the accused is known to the complainant, the prosecutor should prepare a Risk Memo before trial. This memo should identify: the assessed risk level for witness retraction, based on the specific circumstances of the case (familial relationship, marriage as proposed resolution, visible community pressure, prior faisla attempts); the prior statements available under Sections 161 and 164 CrPC and their content; the corroborative evidence capable of sustaining the prosecution independently if live testimony collapses; and the specific strategy for activating prior statements and reconstructing the prosecution narrative if retraction occurs. The memo should be filed and reviewed by the supervising prosecutor.

Section 164 — mandatory video recording and activation at trial

Prosecutors should require, as a condition of challan acceptance, that Section 164 statements in rape cases are video-recorded and preserved as part of the evidentiary file — as the Anti-Rape Act 2021 envisages. Where no Section 164 statement has been recorded in a rape case, the challan should not be accepted without written justification from the IO and a notation in the prosecution file of the alternative strategy being deployed. Where Section 164 statements exist and are challenged at trial, prosecutors should systematically: produce the recording magistrate as a prosecution witness to reinforce voluntariness; put prior versions to hostile witnesses to crystallise contradictions on record; and use consistency between the FIR, the 164 statement, and in-court testimony to bolster credibility before the inconsistency is introduced by the defence.

Challan scrutiny as evidentiary quality control

The scrutiny power under the Sindh Criminal Prosecution Service Act 2009 should be operationalised as genuine evidentiary quality control, not procedural completion. Prosecutors should be required to certify in writing that they have reviewed the investigation file and confirmed the presence of: a forensic report with clear chain-of-custody documentation; a Section 164 statement or written justification for its absence; site documentation including a sketch; witness statements including independent witnesses where available; and a digital evidence checklist. Where critical elements are absent, the challan should be returned with a written specification of deficiencies and a time-bound requirement for rectification.

Forensic litigation training — practical and case-study based

Prosecutors handling sexual offence cases should receive dedicated training in: DNA interpretation and the meaning of random match probability; chain-of-custody rehabilitation under cross-examination; forensic evidence integration into closing arguments; and the application of

binding precedent — particularly Abdul Ghani v. State (2022 SCMR 544) on injury not being a prerequisite — to counter rape myth reasoning when it emerges during trial. Training should be practical and case-study based, using examples from this dataset. It should be delivered as a formal programme, not an occasional workshop.

6.4. GBV Court Judges

Structured continuing education on consent-centred adjudication

Continuing judicial education for GBV court judges should include modules specifically addressing the patterns identified in this dataset. These should cover: consent analysis under Section 375 PPC; the distinction between submission, compliance, coercion and consent; the irrelevance of resistance as a statutory element; contextual evaluation of reporting delay in sexual violence cases; and the proper scope and limits of forensic evidence. Training should use case studies from this dataset — including examples of the specific rape myth reasoning patterns documented in **LAS #10, #44, #04,** and **#39** — to make the discussion concrete and directly applicable to the judgments these courts are producing.

Requirement to address full evidentiary record before extending benefit of doubt

Where witnesses turn hostile in a sexual offence case, judgments should demonstrate engagement with the full evidentiary record - including Section 164 statements, forensic findings, and corroborative material — before benefit of doubt is extended. This does not alter the standard of proof. It ensures that the standard is applied to the complete record rather than to the truncated record that remains after testimonial collapse. Courts should be required to record in the judgment whether they considered whether a retraction may have been linked to compromise pressure, intimidation, or coercion. This makes visible what currently operates as an invisible driver of acquittal.

Case management and survivor protection

GBV courts require dedicated scheduling capacity, tracking mechanisms for the 90-day trial target, and institutional authority to address serial adjournments — not as a matter of judicial discretion but as a mandatory case management requirement. Courts should consistently operationalise the survivor protection provisions of the Anti-Rape Act 2021: in-camera proceedings where the circumstances warrant; structured questioning approaches for child witnesses; and deployment of Section 540 CrPC to summon essential corroborative evidence where the prosecution record is evidently incomplete.

Sentencing proportionality

This study does not recommend reducing penalties for rape, which carry a mandatory minimum for

good reason. However, inflexible sentencing structures in borderline cases can create judicial hesitation — where a judge who is not fully satisfied with the evidence, but not fully satisfied of innocence either, acquits rather than impose a sentence that feels disproportionate to the specific facts. This is a real dynamic and it affects conviction rates. Sentencing provisions should be reviewed to introduce calibrated judicial discretion within defined limits, enabling proportionality between offence gravity and punishment while maintaining deterrence. This is a legislative matter but one that merits attention alongside the operational reforms recommended in this study.

6.5. Cross-Institutional Coordination and Data

Many of the failures documented in this study do not originate within a single institution. They arise from the absence of coordination between institutions operating in sequence. Evidence weakened during investigation is not corrected at prosecution scrutiny. Forensic findings not prepared for trial are not anticipated by the court. Chain-of-custody vulnerabilities not addressed before challan submission become acquittal-generating gaps under cross-examination. The system's handover points are where evidence is lost.

Regular pre-trial coordination meetings

Coordination meetings between investigators, prosecutors, and forensic institutions should be established as a standard requirement for sexual offence cases — not occasional workshops but structured periodic meetings with defined responsibilities for identifying and addressing evidentiary gaps.

Joint training programmes

Multi-sectoral training sessions as joint training programmes are important to increase shared understanding of evidentiary requirements across the justice chain: what the prosecutor needs from the investigation; what the court needs from the prosecution; what the medico-legal report must contain for forensic evidence to survive adversarial scrutiny.

Quarterly data publication

Quarterly publication of data challan return rates by district; GBV court trial durations by district; conviction and acquittal rates by district; and — where the record permits — reasons for acquittal are recommended by the Prosecutor General's office. This data infrastructure is essential for performance monitoring, accountability, and evidence-based resource allocation.

An annual acquittal audit

Reviewing a sample of acquittal judgments from GBV courts across Sindh to identify recurring patterns of investigative, prosecutorial, and judicial failure should be institutionalised. Using the

methodology of this study, the findings should be tracked systematically and addressed as a regular performance accountability mechanism, not identified every five years through a gap analysis.

A case tracking system

A tracking system to analyze investigation quality, prosecution file readiness, trial timelines, and verdict outcomes would enable the kind of systematic institutional accountability that this sector currently lacks.

6.6. Victim Support

Victim support officers should be assigned to each GBV court. Their role should include: providing survivors with information about the court process before each stage; accompanying them during testimony; and actively monitoring for signs of intimidation, coercion, or compromise pressure. Where signs of pressure are visible, this should be brought to the court's attention and recorded.

Counselling services should be available from FIR registration through verdict, not only at the trial stage. The compromise pathway documented in this study begins well before trial — often at the same time as or immediately after the FIR is registered. Support that begins only at the courtroom stage misses the most critical window of vulnerability.

Survivors should receive structured information about the process at every stage — what will happen next, when the next hearing is, what their rights are, who they can contact. Currently, no such mechanism exists. A simple case tracking and communication system — even SMS-based updates on hearing dates and case status — would reduce the disengagement that feeds into hostile retraction. Survivors who do not understand what is happening and feel no institutional connection to the process are far more vulnerable to compromise pressure.

The infrastructure recommendations in this section apply equally to survivors with disabilities. Police stations, courts, and examination facilities should be physically accessible. Sign language interpreters and assistive communication tools should be available where needed. Questioning approaches for survivors with cognitive or communication disabilities should be adapted accordingly. These are not exceptional cases — they require the same survivor-centred response as every other case, adapted to the specific needs of the individual.

These are not luxuries. As this study documents, the absence of victim support is one of the structural drivers of the compromise pathway that produces the majority of acquittals. Investment in victim support is investment in evidentiary integrity.

7. CONCLUSION

The trajectory of rape prosecutions in Sindh between 2021 and 2024 reflects incremental but real progress. Conviction rates have tripled. Reporting delays have collapsed. Forensic evidence and DNA analysis appear in the evidentiary record more frequently than in 2021. Judges in conviction cases show a more structured approach to evaluating evidence and a greater willingness to reject compromise as a basis for terminating prosecution. These are significant changes. They demonstrate that sustained institutional focus, evidence-based training, and legal reform, when implemented together, do produce results.

The core finding of this study is nonetheless that the nature of failure has changed more than its frequency. Cases no longer fail primarily because the evidence is not there. They fail because the evidence that is there cannot be defended. Chain-of-custody documentation is challenged successfully because it is incomplete. Digital evidence that could anchor the prosecution case objectively is not collected. Expert testimony fragments under cross-examination because prosecutors and medico-legal officers have not prepared together. The 164 statement, designed precisely to protect the prosecution against retraction, sits on file but is not activated. The compromise pathway — predictable, documented, structurally enabled by the absence of victim support — converts testimonial collapse into acquittal while the law prohibiting compromise sits un-operationalised.

The legal framework is adequate. It has been in place, largely intact, for the duration of the period this study examines. The challenge is entirely operational: ensuring that what the law requires is actually done, that what the training programmes have taught is actually practised, and that the institutional architecture that has been built is functioning as it was designed to function.

This is achievable. The conviction cases in this dataset demonstrate it. They are not exceptional cases with overwhelming evidence. They are cases where investigators collected the evidence thoroughly, prosecutors built a coherent case around it, medico-legal officers explained the science in terms the court could evaluate, and judges applied settled legal principles systematically.

Where evidence it does not converge, the justice system continues to convert credible allegations into reasonable doubt. Closing that gap requires simultaneous improvement across the justice chain — investigation, medico-legal documentation, prosecutorial strategy, judicial adjudication, and victim support.

The shift from missing evidence to fragile evidence means the reform agenda must also shift — from building infrastructure to ensuring that the infrastructure that now exists is used competently, consistently, and in a manner that actually delivers justice for survivors of rape.

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