**Special Protection Measures & GBV Courts**

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On October 17, 2020 the Lahore High Court released a notification on guidelines to be followed in letter and spirit in gender-based violence courts. The notification outlined measures that would ensure that gender-based violence (GBV) trials are conducted in a gender-sensitive manner, while simultaneously pointing towards the inadequacy of the current system where there exist hardly any measures that effectively address the needs of the victim. Such inadequacies are also reflected in the socio-economic indices such as the Global Gender Parity Index. As per the report published by the World Economic Forum (WEF), Pakistan experienced a drastic decrease in its Gender Parity Index ranking from 112 in 2006 to 151 in 2020. This also constitutes a 37-point reduction in the health and survival component over the same time period. Analysed closely, this decrease corresponds to an alarming rise of GBV in Pakistan.

While the law on paper guarantees fairness and due process, victims of gender and sexual-based violence suffer from a host of social and cultural constraints which compromise their safe and easy access to justice. Victims and families are afraid to come forward because of patriarchal notions of honour and shame. Women are often not believed by the police when they report crimes of sexual violence. For the few cases that make it to a criminal trial, the legal process itself can be a source of re-traumatisation due to the misogyny of actors in the justice system, lengthy trial times, repeated exposure to the accused during trial, and an overall environment that holds female victims of sexual and gender-based crimes responsible for the violence enacted on their bodies.

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The perpetuation of victim-blaming severely hinders the provision of protection to the victim which is why many countries have enacted “Special Protection Measures” to ensure that victims are not re-traumatised by the legal process meant to deliver them justice. Such measures include fast-track courts in which cases are resolved quickly; physical separation between victim and accused during testimony; and in-camera depositions, to name a few. It has been found that such measures positively enable the victim’s participation in the legal process which in turn makes the prosecution of GBV and sexual violence (SV) cases more efficient as the victim feels more comfortable, confident and safe in testifying. The absence of these measures, however, aggravates the rate of acquittal or promotes premature attrition that may be due to out-of-court settlements and/ or witness or victim resiling. Unsurprisingly. Pakistan finds itself at the disposal of these very apprehensions with a less than 3 percent rate of conviction across the country and a relatively high likelihood of either the victim/ complainant or witness resiling or out-of-court settlements.

[Lost in love](https://nation.com.pk/12-Feb-2021/lost-in-love)

While the overall picture is grim, Sindh has been making efforts to recognise gender-based violence as a serious crime and improve prosecution and conviction rates in such crimes. For instance, the Sindh Domestic Violence (Prevention and Protection Act) 2013, the Criminal Law (Amendment) (Offence Relating to Rape) Act 2016 and the notification of 27 GBV courts across the country have paved path towards the enforcement of protection mechanisms. But despite great strides on paper, much of the efforts are still at the discretion of individual judges trying the case. This is why one sees isolated efforts such as in the District East Karachi GBV Court where the Senior District Session Judge is working in collaboration with the Legal Aid Society, an NGO supporting state actors in improving their response to sexual and gender-based violence, for construction of separate waiting rooms for the rape and sodomy victims right outside the congested space of the courtroom.

There is a dire need for measures that allocate room for Special Protection Measures such as SOPs (Standard Operating Procedures) reinforcing these mechanisms on a national level. As the Human Rights Watch points out, “GBV is both a cause and a consequence of gender inequalities”. Perhaps a coordinated effort to implement special protection measures is one of the ways Pakistan can improve its ranking on the Gender Parity Index.