**Anti-rape crises cells: rules and beyond**

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The Ministry of Law and Justice (MoLJ) has recently notified the Anti-Rape (Crises Cell and Medico-Legal) Rules 2022 under the Anti-Rape (Investigation and Trial) Act 2021.

Let us travel through time and understand the intend behind the Anti-Rape Act itself before we devolve into detailed discussion regarding the rules. In September 2020, a woman was raped in front of her children by two men on the Lahore-Sialkot motorway. This case highlighted the inefficient and delayed response by the Criminal Justice System (CJS) stakeholders and the lack of protective measures provided to victims/survivors of sexual violence. In this backdrop, the Anti-Rape Act was enacted by the parliament of Pakistan. The Anti-Rape Act introduced several changes into the law.

One of these changes was the introduction of Anti-Rape Crisis Cells (ARCCs). These cells are essential for the provision of efficient and expeditious response to a victim/survivor of sexual violence. The power, duties and functions of the ARCCs are mentioned under Section 5 of the Anti-Rape Act. It states that the ARCC shall without any delay ensure the following, “namely: (a) conduct of a medico-legal examination without any delay; (b) securing, collection and gathering of such evidence as may be expedient; (c) conduct of a forensic analysis or examination; (d) registration of an first information report (FIR) by the police; and (e) performing of any other action as may be necessary.”

However, the absence of rules regarding the working mechanism of the ARCCs meant that the cells were unable to function. Their lack of functionality continued to re-victimize the survivor/victim of sexual violence as s/ he navigated the CJS for the registration of FIR and Medico-legal Examination (MLE) at various multiple locations in a state of vulnerability as opposed to a multi-coordinated centre where all assistance could be provided under one roof in a survivor-centric manner.

The ARCC and Medico-Legal Rules are extremely detailed and extensive. The MoLJ has made a tremendous effort in drafting the rules. In Schedule B, they provide for guidelines for sensitive methods of conducting the physical examination of the victim/survivor of sexual violence. This includes using an empathetic tone and demeanour and not indulging in any kind of victim blaming. Moreover, a list of sign language is also to be maintained in ARCCs to facilitate persons with disabilities.

Further, the rules state that a dedicated ambulance shall be made available at the ARCCs. New and clean clothing will be available as replacement for those taken away for evidence/forensics purposes. After the medico-legal examination, the victim will be allowed to shower/wash up using toiletries present at the ARCC. Basic amenities such as a refrigerator for storage of samples, separate clean and functional bathroom for the victim and the staff along with one drying cupboard for clothes of the victim should be present in each ARCC.

Moreover, it is mandated that there shall be a room for examining minors. It shall be a child friendly room with brightly lit/ calming colour paint on at least one of the walls, toys (especially clean stuff/plush toys) for minor victims to play with.

Further, where a victim arrives at the ARCC at night and does not have a safe place to stay, they may be allowed to stay the night at the ARCC until arrangements are made for them at dar-ul-amans or other government facilities.

Additionally, each Medico-Legal Officer (MLO) will be assisted by female nurses (trained in examination of sexual assault), who will be available twenty-four hours in three shifts. At least 20 sexual assault kits shall be present at each ARCC. Each sexual assault kit will have written and detailed instructions with diagrams on how to use the sexual assault kit for the examiner, printed in Urdu and English. The sexual assault kit will have two forms for documentation purposes which shall include details of the procedure conducted, time, injuries sustained, and details of all evidence obtained.

The act stipulates that the ARCCs will be established in public hospitals. However, public hospitals were not purposely built to house ARCCs even in provincial capital cities like Karachi and Lahore, so one can forget that the same facilities will be available in the rural areas in Pakistan. The establishment, construction, and renovation of ARCCs will require massive budgetary allowances.

Since the cells are called Anti-Rape Crises Cells, the use of the word ‘rape’ with the cells will hinder individuals from reporting their cases or obtaining help as there will be no confidentiality when the victim/survivor enters the ARCCs. The word ‘protection centre’ would have been a more appropriate choice.

The rules speak of a telephone at the reception desk at the ARCCs to take distress calls but fails to mention a multi-coordinated helpline across ARCCs in a province. The absence of a helpline will hinder the victims/survivors of information on the nearest ARCCs.

Additionally, the ARCCs fail to follow a one-stop multi-coordinated centre in its true spirt as even though the rules mention that emergency contraceptive pills (ECPS) may be administered if a rape victim has come within 72 hours from the commission of a crime, it fails to mention follow-up referrals for safe abortion services.

The ARCCs will also fail to provide protection to victims/survivors of domestic violence, female genital mutilation/cutting, acid attacks, women and girls at the risk of honour killing, etc.

One of the angles is that each province has different capacities and bureaucratic hurdles. For example, each province has different resources. In the Sindh context, there is a shortage of medico-legal cadres and female nurses. Additionally, resources such as ambulances, motor vehicles, sexual assault kits would require adequate budgetary allocations. It will be essential to depute appropriate human resources, sensitisation of duty bearers and building their capacity.

There will need to be appropriate standard operating procedures drafted along with trainings on the rules. Linkages will have to be built between ARCCs and Special Sexual Offences Investigation Units (SSOIUs) for sensitive investigation by the police following medical examinations at the ARCCs.

There is no doubt that the rules are an excellent effort, they were much needed. But the important question is: will they ever be implemented in their true letter and spirit? Let's take the example of the province of Sindh. It is considered an ‘overly legislated province’ with no implementation of the laws that are enacted. With no implementation of the rules, they will just be a piece of paper, which will never serve the outcome of providing protection to the victims and survivors of sexual and gender-based violence.

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