
Civil Society Referral Network Meeting - Lahore

Activity Report

28 October 2010

WAR AGAINST RAPE (WAR)

Civil Society Referral Network Meeting (Lahore) – National Consultation on Sexual Assault
Documentation Protocols (SADPs)

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Civil Society Referral Network Meeting (Lahore) – National Consultation on Sexual Assault
Documentation Protocols (SADPs)

Activity: Civil Society Referral Network Meeting (Lahore) – National Consultation on Sexual Assault
Documentation Protocols (SADPs)

Date of Execution: 28 October 2010

Time: 03:00 pm – 07:00 pm (4 Hours)

Venue: Moghul Hall, Avari Hotel, Lahore

Facilitators

Ali Bilgrami
Sarah Zaman

Report Writer
Director

OVERVIEW

**War Against Rape
(WAR) KHI.**

War Against Rape (WAR) is a registered non-profit and non-governmental organization (NGO) working in the areas of service delivery and advocacy in Karachi since 1989. It takes a holistic approach towards addressing the issue of sexual violence and is currently implementing two large-scale projects that include service provision such as free legal aid, psychotherapeutic counseling, and advocacy for state-sponsored support for survivors.

**Rape Survivors
Support Programme
(RSSP)**

WAR's Services are extended through the *Legal Aid* program, which is complemented by the *Rape Survivors Support Programme (RSSP)* that has the overall objective of 'addressing the issues of rape and all other forms of sexual violence against women and children through lobbying for good governance, adoption of preventive measures and provision of rights-based rehabilitative services at the state level, through raising awareness and active intervention by working with all relevant stakeholders'.

**Civil Society Referral
Network Meeting
(CSRNM)**

The civil society referral network meetings are a component of WAR's RSSP. From 2009 to 2011, WAR will host 12 CSRNMs in three major cities of Pakistan (Karachi, Lahore and Islamabad), for the purpose of increasing survivor support within the Development Sector by establishing a referral-based network. The support network will address rehabilitation needs of survivors, offer legal aid, and advocate efficient State-sponsored services.

Objectives

Project Specific:

Increase and strengthen availability and accessibility of existing support services for rape survivors in the civil society and government sectors, including NGOs/CBOs and various State departments.

Meeting Specific:

Present the Sexual Assault Documentation Protocols (SADPs) formulated by WAR to legal experts, members of civil society, gynecologists, medico-legal officers and legislators for their expert opinion on its:

1. content
2. practicality
3. implementation strategy

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Expected Results	(1) Participants understand the need for the proposed SADPs (2) Recommendations are generated to improve the proposed SADPs (3) A way forward is discussed for the implementation of the proposed SADPs
Target Group(s)	Civil society organizations working on medico-legal issues or interacting with the medico-legal department, legal experts, Medico-legal Officers, gynecologists, medical doctors, legislators and media
Overview of Medico-legal Sector in Lahore	There are 14 Medico-legal Centres in Lahore which provide Medico-legal examination services to rape survivors. 6 of these hospitals are rural health centres and the rest are teaching hospitals and other hospitals. There are 28 women Medico-legal officers who work in 8 hours shifts in these hospitals so that a WMLO is present at all times. The ML sector is directed by the health department of Government of Punjab. The Surgeon Medico-legal (SMLO) Punjab heads the ML department.

OUTPUT(S)

Following recommendations were generated during the meeting regarding SADPs:

- (1) All the forms should be merged into one single form, divided into sections.
- (2) This documentation should be minimized to
- (3) Change I.O to S.I.O and add S.I and A.S.I in row 9 of Form 3/Page 1/Row 9.
- (4) Add “Passed Stool” in Form 3/Page 2/Row 9.
- (5) Add “Did assailant urinate on the patient” and add sites in Form 3.
- (6) In Page 1 of Form 3 “Examined in presence of (Witness) should be removed to allow privacy to the witness should he or she not wish further legal involvement.
- (7) In Page 2 of Form 3 “Describe pertinent data of the assault...” should be removed as it might be beneficial for the survivor to give such details at the time of lodging FIR for she would be given advice and guidance by her lawyer and may be the police. If her statement taken at this point differs from FIR which is possible considering the effects of rape trauma it will adversely affect the case.
- (8) In Page 2 of Form 3 “Attempted Penetration...” section should be removed because it requires additional legislation in rape laws as relevant section 354(a) of PPC is very tough to establish. It has many requirements to fulfill regarding the physical state of survivor during the assault and level of penetration. Authorities on such cases state that only final/last position before penetration is considered as attempted rape.
- (9) Add “Any other marks” in Form 5.
- (10) In Lahore, like Karachi, MLOs are not responsible for treatment so Form 6 should be made referral based. As soon as the MLE is done the WMLO should refer survivors for treatment.

Following recommendations were generated during the meeting regarding Medico-legal Sector:

- (a) Trainings and refresher courses should be arranged for MLOs on regular basis
- (b) Clear instructions and standard operation procedures (SOPs) should be displayed at the Medico-legal centres and distributed amongst the MLOs

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- (c) Video evidence should be arranged for MLEs of children to prevent retraumatization. It is a worldwide practice and it is admissible in the court of law.
- (d) A reference number system should be implemented for follow up and monitoring for treatment of survivors.
- (e) Through forming hospital-based committees it would be possible for the gynecologists and other doctors to either conduct or give their expert opinion in rape cases. This way they won't have to go to the court.

Following additional points were raised and discussed during the meeting:

- If the survivor is a child, a pediatrician should be involved in MLE with his/her guardian's consent and in case the survivor is a woman, a gynecologist should be involved in the MLE so that comprehensive medical care is provided to the victim. Though there was a difference of opinion on this point as some participants believed that gynecologists will not be interested in being involved with ML cases as they already have heavy workload. It was recommended that if such a strategy is adopted they should be given proper motivational benefits such as research/project grants and/or training programmes for MLOs to run.
- While discussing the status and function of women police officers it was suggested by the participants that instead of having few women police stations two women police officers should be posted in each police station who would respond to cases of violence against women so that rape survivors can easily approach them and record their complaints.
- There is corruption in medico-legal sector. They take monetary benefits for not conducting the MLE properly and ignore evidence. MLOs sometimes are coerced and they give reports under political, administrative and social pressure.
- While discussing the importance of consent it was shared by a participant that according to Police rules rape cases cannot be registered without taking consent from the victim. Also that the consent is taken before a magistrate. This is also a requirement by law in MLEs.
- While discussing FIRs and MLEs a participant posed the question that can MLEs be conducted without having an FIR lodged? Participants from legal fraternity responded that it is possible according to law but this is not the practice.

FOLLOW UP ACTIONS

- SADPs and the recommendations generated in this meeting will be taken to Islamabad for further consultation and input.
- After receiving and documenting recommendations generated at these consultations, WAR will submit the SADP along with relevant consultation documents in a State-actor Meeting to the Minister for Health, Sindh, for his consideration and approval.
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LEARNINGS

- WMLOs are usually hesitant attend court hearings because courts are not woman friendly.
- While discussing Medico-legal certificates, a participant stated that studies have shown that in cases of penetrative sexual assault hymen repairs itself almost to its original form. Hence the presence of hymen does not exclude sexual assault/penetration in case of delayed MLE.

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Also the absence of hymen does not disprove anything as for that there could be many explanations.

- While discussing the role of investigation officer a participant stated that usually the investigation officer takes underage children for a consenting party whereas it is clearly defined in law that under the age of 16 a child cannot give consent or consent is immaterial.
- WAR Lahore shared that the Health Department of Punjab has made standard operating procedures (SOPs) for the medico-legal department but the MLOs do not have these SOPs. It is recommended that WAR Karachi should coordinate with Health Department Sindh to find out if they have a similar document for MLCs.
- WAR Lahore also shared that the WMLOs on duty sit in the emergency rooms of the hospitals and they also take care of the emergency cases that may come in. Due to the heavy workload if a victim comes in at the time of shift change there is confusion among the WMLOs on taking up the case.
- Due to legibility issues, Medico-legal Certificates/Reports in Lahore are now typed and computerized by the orders of Lahore High Court.
- A defense lawyer present in the meeting stated that including too much information in the SADP would give more opportunity to the defense to find holes in the survivor's claim. Information at this stage should be minimal and effective.
- He also stated that the MLE cannot be done without the consent of the victim and the written order of the Magistrate as per Police Rules.
- Chemical examiner's lab in Punjab is under process of improvement. Their PC-I for DNA analysis has been approved. Although there is only one qualified chemical examiner in Punjab.

ANNEXURE

Annex 1 List of Participants

Annex 2 Pictures

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ANNEX 1

LIST OF PARTICIPANTS

Name	Organization
Mehboob Ahmed Khan	HRCP
Misbah Kokab	Legal Fraternity
Saadia Salahuddin	The News
Zaynab Aftab	Private
Ayesha Jahangir	The Express Tribune
Shabana Naz	Shirkat Gah
Asima Manzoor	Shirkat Gah
Saleha Javed	An Alliance Against Sexual Violence
Atif Adnan	SAHIL
Ayesha Javed	PML
Xari Jalil	Pakistan Today
Shamsa Ali	APWA Punjab
Nabeela Shaheen	Aurat Foundation
Naureen Zelma	Aurat Foundation
Dr. Naeem Zafar	PAHCHAAN
Shamim Malik	Supreme Court Bar Association
Fakhira Tahreem	Daily Jung Lahore

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ANNEX 2

PICTURES



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