

What are the legal and ethical guidelines for investigating gender-based crimes? Explain answer with suitable examples.

### The Prelude to the discussion:

Investigation is a scientific method to inquiry about the real offender who committed crime. In the contemporary era, a number of advanced methods are being practice across the world, to resolve the both cognizable and non-cognizable crimes in effective and efficient way. This technique is not limited to find other crimes in society, however, it is equally important and equally play a significant role to examine the cases related to gender-based violence.



## Case study: Pakistan

### Sialkot Motorway

Raped case was resolved  
by using the methods  
of forensic investigation  
techniques.

## Brief History of investigation System:

### → Before 13 century:

Before 13 century there was no ethical guidelines to resolve the cases via using investigation techniques.

### Development in investigation system after 13 century:

→ The King of England introduced legal  
justice system, which considers as  
the basis of investigation system.

## 15 and 16 century development:

wound technique was used to identify and trace the offender.

## Development of Investigation System in 19th century in USA and British:

→ Sir Robert (British)

→ August Villmer (America)

Both modified the technique of investigation in their countries after urbanization.

## Modern Development in Investigation System:

- Forensic investigation system
- Intelligence operation
- Data based investigation



## What is Investigation:

Investigation is a process through which the law and enforcement detects and inquires about the real offender.

(Criminology dictionary)

## Hans gross definition:

Scientific inquiry into the commission of crime step by step.

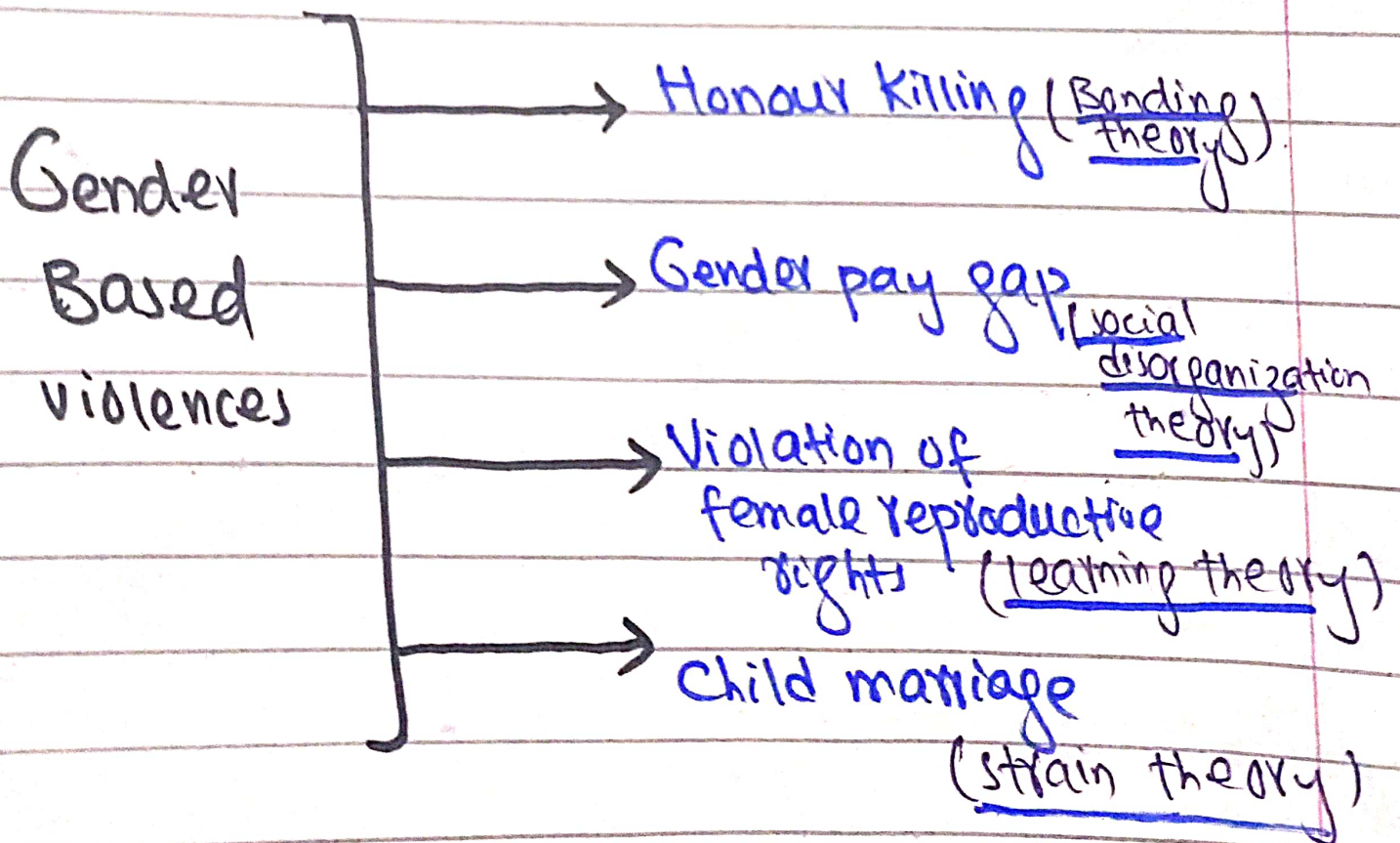
## Objective of Investigation:

- to detect the nature of crime
- to find the offender
- to save the physical evidence
- to recover the stolen property.

## What are gender based violence:

The violence mainly taken against the marginalized group of the society, including women, children, transgender, etc.

## Types of gender-based violence:





## Status of Pakistan in Gender-based violence:

→ Justice index: 126<sup>th</sup>/150 countries

→ Women empowerment  
in politics index: 95<sup>th</sup> rank

The status of women in Pakistan is too much deteriorating. They are facing multiple challenges, including rap, force marriage, discrimination, etc.

## Case study:

AY300 Raja: 2020  
forced marriage case  
in Sindh high court.

## Case study:

### Parveen Rahman:

Killed in 2013, got justice  
in 2020.

## Legal and Ethical guidelines for investigating gender based crimes:

(i)

→ Fair and free justice and investigation.

A fair and free trial is the basic  
right of oppressed. Hence, the  
first guideline is to provide fair  
justice and investigation.

## Case study:

Zainab Khan case  
in KANUN.



→

(ii)

→ Protection of the gender against the offender:

Sometimes the offender belongs to a rich family. Hence, the evidence from the crime scenes are removed. Additionally, they force the victim family to draw their case. Hence, the second guideline is to provide shelter during investigation.

(iii)

→ Protection of the victims identity:

Protection of the victims identity is very fundamental guideline, before proceeding investigation. Because victim should rehabilitate and should incorporate in society after justice.



(iv)

→ Giving legal and medical aid to the victim:

The legal and medical are also an essential fundamental of ethical guideline. As there are some instances, where due to lack of legal knowledge and lack of health facilities, the oppressed feel a lot of problems.

Example: Sindh,  
Balochistan  
Area

(v)

→ During investigation the rights of the eye witness should be protected:

In under developing nations, the eye witness mainly face a lot

of pressure from the outsiders. Hence, mainly, people avoid to part of investigation process. Due to such behaviour the gender based cases remain unsolved. Hence, during and after investigation the protection of eye witness should be considered in ethical guidelines

(vi)

→ Presenting the recovered evidence from the crime location should present in court with honesty and integrity:

A plethora of instances observed, where the recovered evidences are replaced during court process, resulting in unfair decision. Hence, the ethical guideline is that investigating officer evaluate all the evidence before presenting in court.



## Case study:

Natasha car  
accident case  
in Lahore 2024

## Final Remarks:

Gender based investigation is a sophisticated method. However, this method will only count better if it opts the ethical and moral guidelines before investigating any gender-based crime.

Investigation is an inquiry  
which helps to reach  
and to provide legal  
action against the offender.

— Latin Magazine

Hence, the words of the latin Magazine  
should be add before conducting  
any inquiry and investigation.