

Advancing the Criminal Justice System



Panel – I (05.12.2022)

Thematic Discussion

by

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- Safeguarding Victims Rights**
- Protecting Witnesses and Reporting Persons**
- Improving Criminal Investigation Processes**

International Perspective

Adoption of the most vital documents by the General Assembly in its resolution 40/ 34 of 29th November 1985 gives comprehensive explanation of the matter.

“The declaration of basic principle of justice for victims of crime and abuse of power” clearly defined the victims of crime, fair treatment through access to justice, assistance to compensate and victims of abuse of powers.

- The legal basis in Pakistan is combination of different Laws to safeguard the victims' rights.
- The Fundamental Source is the constitution of Islamic Republic of Pakistan, 1973. Important articles of the constitution ensuring fundamental rights are;
 - Article -8 Consistency of Laws with the fundamental rights.
 - Article-9 Security of Person
 - Article-10 Safeguards in arrest and detention

- Article-10A Right to fair trial
- Article- 12 Protection against retrospective punishment
- Article-13 Protection against double punishment and self incrimination
- Article-19 Freedom of Speech
- Article-19A Right to Information

Safeguarding Victims Rights

- The subordinate legislation ensures right of victims and safeguards against abuse of powers which includes;
 - The Prevention of Corruption Act, 1947
 - The Control of Narcotic Substances Act, 1997.
 - The National Accountability Ordinance, 1999.
 - Police Rules, 2002
 - The Witness Protection, Security and Benefit Act, 2017.
 - The Whistleblower Protection and Vigilance Commission Act, 2019.

Safeguarding Victims Rights

The treatment of victim of crime can be discussed as:

- a. Registration of Case
- b. Response of Emergency Services
- c. Training & Resources
- d. Protection and Assistance

Protecting Witnesses and Reporting Persons

- Legislation regarding the witness protection in Pakistan ensure witness protection during the criminal investigations, trials and after the trials.
- Legislative measures adopted through the acts of the parliament at the federation level and the federating units at the provincial level.
- The promulgation of various acts during the recent passed have proved strong desire to protect the witnesses from any potential threats to uphold the principal of fair trial during witness testimony.



Improving Criminal Investigation Processes

The success of criminal justice system primarily depends on fair, efficient, effective and evidence based investigation/policing.

LEAs are working to formulate policies to discourage the coercive methods of investigation.

Capacity Building of workforce of LEAs with specific focus on human rights and dignity of mankind.

Technical training for improving the investigation and prosecution.

Improving Criminal Investigation Processes

Use of ICT and modern investigation techniques to improve criminal investigation process.

Concept of CITs / JITs

Role of supervisory officers and legal advisors for improving the criminal investigation Process.

Consultative decision making bodies for ensuring justice and fair play.



Thanks

