

**COMBATING VIOLENCE AGAINST WOMEN IN PAKISTAN:  
LEGAL FRAMEWORK AND POLICY RECOMMENDATIONS**

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**Abstract:**

*Women are the most vulnerable segment of those societies, where education is not the first priority, where injustice is a daily norm and where societal taboos are more important than reformation, and Pakistan is not an exception to that. On daily basis, there have been numerous cases which arise due to cruelty and violence against girls of tender age as well as, mature women in our society. From the face of it, it seems as if the State has turned blind eye towards the issue of violence against women, whereas the reality is different. This research work will explore the causes and impacts of violence against women in Pakistan and also list down the applicable laws and legal framework within the State. It will further discuss the institutions playing their role in policy making and at the end will provide few recommendations as a way forward.*

**Key words:** elimination, violence, women, Pakistan, laws

**Introduction:**

It is stated that, “violence against women is not cultural rather it is criminal” and a crime should not go unpunished. The society which provides equal opportunities to all genders, in terms of opportunity to grow, earn, learn and prosper economically, socially, psychologically, emotionally and mentally, is the society where collective power of everyone is harnessed, irrespective of gender and a society which promotes potential of everyone without any bias and progresses towards equality, equity and tranquility. Pakistan, unfortunately, is having some serious issues regarding gender mainstreaming and gender equality. It is partly due to lack of education and awareness and mainly due to male domination in almost every aspect of social and political life, as well as, unwillingness from majority of the women to challenge the status quo. The State has opted many reforms pertaining to human rights issues and promotion of gender mainstreaming during the past few decades, yet the picture is bleak. The violence issues on daily basis are on rise despite the availability of numerous laws and institutions working to curb the same. Starting from the Constitution of Pakistan to Pakistan Penal Code 1860, we have abundance of laws and regulations ensuring gender equality and prohibiting every sort of violence against women, yet the issue continues. This piece of work will try to explore the causes in this regard and also provide some recommendations to the stake holders, including but not limited to women, institutions and policy makers at the end.

**Research Methodology:**

This is qualitative research and is based upon data analysis and is analytical and interpretative in nature. The reliance has been put on reports, published articles and different laws. Materials have been taken from different primary and secondary sources and these have been mentioned in the list of references.

### **Violence and Harassment against Women: *the Issue***

It is important to understand at the very outset that the violence or harassment against women does not only mean the physical violence, as it may be in any form including but not limited to psychological, emotional, mental, domestic, financial and/or sexual abuse. According to WHO report (2024) around 30% of all women in their lifetime, have been once or more than once, subjected to either sexual or physical abuse. This violence has many negative impacts on women's health, physical and mental wellbeing, as well as, reproductive capabilities in the future. For some, even the controlling behavior by the partner also includes into the ambit of violence. The Protection against Harassment of Women at Workplace Act 2010 has provided a detailed definition of harassment, which includes any unwelcoming sexual advance, requests for sexual favors, verbal or written communications or physical conduct of sexual nature, sexually demeaning attitudes interfering in performance of work, creation of hostile or offensive work environment or attempt to punish the woman where she refuses to comply with such attempts or these things are made a condition for the employment. This definition is very wide and includes all the direct and indirect instances into the harassment. The Punjab Protection of Violence against Women Act 2016 and the Domestic Violence (Prevention and Protection) Act 2012 provide a loose and wide definition of violence against women, which include domestic violence, economic abuse, psychological abuse, emotional and sexual abuse, to name a few.

#### **Literature Review:**

Report by WHO & UN-Pakistan (n.d.) states that gender based violence is the most wide spread human rights violation issue across the globe, which endangers physical integrity as well as emotional well-being of the victim. It ranges from human trafficking, honor killing, child abuse, physical abuse, rape and many more. The United Nation's Declaration on the Elimination of Violence against Women (VAW) defines violence against women as, "*any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life*". The report also discusses the gender based violence issue as developmental issue for a state, as it undermines the victim's participation at every level within the system. Whereas gender based violence is defined by HRCP (2010) as, "*violence involving men and women in which the female is usually the victim; and which is derived from unequal power relationship between men and women*". Velzeboes, M (2003), states that globally one out of every three women suffers from any sort of violence in her lifetime. The Istanbul Convention (Article 3 (b)) defines domestic violence through a bit wider concept, stating that all acts of physical, sexual, psychological and economic, within the family or domestic unit or between partners both former or current, and it is immaterial that the perpetrator is sharing the same residence or not.

Wassan, R.M et al (2021) are of the view that the violence against women has become so grave and rampant that its sociopolitical and legal issues need to be tackled through joint efforts from all the stakeholders, including but not limited to, civil society, researchers, policy makers and law enforcers. Further, the solution for this is women empowerment through women education, encouraging policies and support from all corners. As per Baden and Reeves (2000) gender discrimination is systematic and favorable treatment towards individuals based upon their gender and one strata is discriminated in this regard and that strata is women, who are denied of their basic rights and opportunities. Hadi (2017) is of the view that majority of the gender based violence cases are not reported in Pakistani society due to patriarchal gender based social structure, yet the civil society, advocacy groups and media report cases, which shows the intensified situation in this regard. Brohi (2016) is of the view that patriarchal and

male dominated societal norms are among the major causes of violence against women in societies like Pakistan.

**Causes and Consequences of Violence against Women:**

Falak, N. (2022) has discussed many causes of violence against women in Pakistan, which include precisely following:-

1. Poverty is one of the major causes of domestic violence against women, especially in rural and less developed areas of Pakistan.
2. Low literacy rate is another pressing issue in this regard. As it is a general issue throughout the country, yet the situation is very alarming in far flung areas and rural areas, especially for girls whose education has never been a priority for majority of the families due to poverty and cultural taboos.
3. Dowry and inheritance issues are not to be ignored in this regard, as where a female is married with no or less dowry, she becomes more prone to violence from the in-laws and same also goes with the inheritance matters, where even her own brothers and close relatives start psychological, mental and in many cases physical violence upon the one who claims her legitimate inheritance from the family property.
4. Unemployment of husband, also contributes to the situation, as where he is unable to meet the day to day expenses of household, he starts bad behavior with the spouse and issue is aggravated on the day to day basis.
5. Child marriages.
6. Social customs and taboos, attached with status of women. These may include customs like vanni, swara, watta sutta etc.
7. Patriarchy and birth of daughters is also a big issue.

Falak, N. (2022) has also discussed use of drugs, migration to cities and misinterpretation of religious texts as other causes of violence against women. The ultimate consequences due to the violence are in the shape of shattered family life, psychological issues, mental trauma, child birth issues leading to death in maternity and/or infirmity in the child for life, increased divorce rates, developmental issues in the woman and her children (if any) and other numerous socio-economic setbacks to the woman and her family in the longer run. While gender-based violence appears to be a priority on the development agenda, in practice, this is not matched by actions and funding in Pakistan (USAID Report, 2011).

**Laws and legislations dealing with Women Rights and Violence/ Harassment:**

There have been many laws, rules and legal frameworks in Pakistan to curb the issue. The government has made many policies too. The following legal instruments are worth noting in this regard (UN Women, 2024):-

1. Constitution of Pakistan 1973
2. The Punjab Maternity Benefits Ordinance 1958
3. Women in Distress and Detention Fund Act 1996
4. The Zainab Alert, Response and Recovery Act 2020
5. Protection Against Harassment of Women at Workplace Act 2010
6. The Punjab Enforcement of Women's Property Rights Act 2021
7. The Domestic Violence (Prevention and Protection) Act 2012
8. The National Commission on the Status of Women Act 2012
9. Punjab Commission on the Status of Women Act 2014
10. Punjab Fair Representation of Women Act 2014

11. Punjab Protection of Violence Against Women Act 2016
12. Punjab Family Courts Amendment Act 2015
13. Dissolution of Muslim Marriages Act 1939
14. Pakistan Penal Code 1860
15. Punjab Free and Compulsory Education Act 2014
16. Pakistan's International Commitments

### **Constitution of Pakistan 1973:**

The supreme law of land is constitution, which is the custodian as well as, provider of the fundamental rights and equalities among all citizens. It ensures elimination of all forms of exploitations (Article 3); equal protection of laws (Article 4); no deprivation of life or liberty except in accordance with law (Article 9); prohibition of slavery and forced labor (Article 11); protection of dignity of man (Article 14); equality before law (Article 25); free and compulsory education (Article 25-A); non-discrimination in respect of access to public places (Article 26); non-discrimination in appointments to service of Pakistan (Article 27); special representation of women in local government institutions (Article 32); full participation of women in national life (Article 34); protection of marriage, family, mother and child (Article 35); employment of women and children in unsuited places etc. (Article 37) and reservation of seats in assemblies (Articles 51 and 106).

### **The Punjab Maternity Benefits Ordinance 1958**

This Ordinance protects women's rights during maternity months and sets a six week period after delivery to not to be engaged in employment. The law also talks of maternity benefits and complaint procedure, in case of violation by the employer.

### **Women in Distress and Detention Fund Act 1996**

This law has established a fund to help those women in need and distress due to imprisonment and litigation expenses.

### **The Zainab Alert, Response and Recovery Act 2020**

After the famous Zainab case, this Act was introduced to protect abducted girls under the age of eighteen through activation of alerts and emphasis on coordination among PTA and PEMRA regarding broadcasting. The Act also establishes a helpline in this regard and police is made bound to report such FIR within two hours of the incident.

### **Protection against Harassment of Women at Workplace Act 2010**

The Act provides legal framework to protect women at their workplaces through complete system of addressing complaints, defining what harassment means, constitution of inquiry committee, imposition of penalties, removal from service, appeal mechanism to the relevant Ombudsman and representation to the President (in case of Federal) or Governor (in case of Provincial).

### **The Punjab Enforcement of Women's Property Rights Act 2021**

This Act has been introduced to protect women against illegal deprivation of their property rights and a complaint is to be made to the Ombudsperson, who shall decide the matter and send to relevant court for final disposal, except where a case is pending in competent court regarding property rights.

### **The Domestic Violence (Prevention and Protection) Act 2012**

The Act is there to protect the women, old persons, vulnerable and children from domestic violence, which may include emotional, psychological abuses, sexual and economic abuses and alike. The aggrieved person can file complaint in the magisterial court. The Act also gives number of rights to the

aggrieved person including but not limited to the right to reside in the same house, right to get protective orders, right to temporary custody, right to monetary relief etc.

#### **The National Commission on the Status of Women Act 2012**

This Commission is entitled to examine women related policies, laws, rules and play its role in women development and gender equality.

#### **Punjab Commission on the Status of Women Act 2014**

This is at the provincial level, with almost same role given to National Commission at national level.

#### **Punjab Fair Representation of Women Act 2014**

The Act emphasizes on the increase of representation of women in the statutory bodies of different public bodies and their role in governance positions.

#### **Punjab Protection of Violence against Women Act 2016**

The Act deals with all kinds of violence, whether it be sexual, physical, domestic or psychological abuses. It also caters the stalking and cyber-crimes against women. Protection centers and shelter homes are established by the government for legal aid, rehabilitation and support. Women Protection Officers are also important in this regard along with a complaint mechanism in family court against person committing violence for orders like protection order, monetary order and/or residence order. An authority with the name of Punjab Women Protection Authority has also been established under the Punjab Women Protection Authority Act 2017 to carry out different tasks as enshrined in the Act.

#### **Punjab Family Courts Amendment Act 2015**

These courts can now deal with personal properties belonging to women and children, along with other matters arising out of nikah nama (marriage contract). Court can pass interim orders as well as, obtain evidences of income and assets from relevant quarters.

#### **Dissolution of Muslim Marriages Act 1939**

Section 2 (ix) (a) deals with the cruelty and habitual assault by the husband. The section also provides a wider definition of cruelty, as including a non-physical ill treatment. She is entitled to obtain a decree for dissolution of her marriage tie, on this ground.

#### **Pakistan Penal Code 1860**

There are many provisions in PPC, which provide specific protections to women like sections 310A, 336A, 338, 338B, 354, 354A, 364A, 365B, 371A, 371B, 374, 375, 377, 377A, 493A, 496A, 498A, 498B, 498C and 509.

#### **Pakistan's International Commitments**

Pakistan has ratified seven out of nine major UN instruments in this regard, which directly or indirectly make it obligated to ensure protection against violence in any form. These include, International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1966); Convention on the Rights of Child (CRC, 1990); Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW, 1996); International Covenant on Economic, Social and Cultural Rights (ICESCR, 2008); International Covenant on Civil and Political Rights (ICCPR, 2010); Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (CAT, 2010); Convention on the Rights of Persons with Disabilities (CRPD, 2011); Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC, 2011) and Optional Protocol to the Convention on the Rights of Child on the Involvement of Child in Armed Conflict (CRC-OP-AC 2016). Therefore, Pakistan is obliged to enact enabling legislations in this regard.

#### **National Policies:**

Government has taken many initiatives through different policies like

1. The National Policy for Development and Empowerment of Women
2. The National Policy on Violence Against Women

The law enforcement agencies can play a vital role in combating violence against women, ensure safety of the victims and holding perpetrators accountable. They can also ensure different measures to prevent future incidents. These agencies include Police, Federal Investigation Agency, Women Protection Cells, District Administration, Special Investigation Units as well as, Judiciary. The important other stakeholders can be civil society, NGOs and educational institutions, which can raise awareness among masses in this regard. There have been many community led initiatives for women empowerment and handling such women specific issues like, Dastak, Aurat Foundation, Rozan, Bedari, Kashf Foundation etc. these and many others have been playing important role in promoting and advocating gender equality and gender sensitivity through different initiatives, partnerships and vocational training programs.

**Social Protection Support System: Key Stakeholders**

There is a dire need to build trust and confidence among different stakeholders in this very intricate issue as the survivors of gender based violence and victims of harassment need special care and handling, in order to avoid future mental trauma and psychological and emotional issues erupting at later stages. Here the role of law enforcement agencies like Police, FIA and Special Investigation Units becomes more critical and crucial. Further, Women Protection Cells and District Administration can also play their positive and most important role regarding gathering of data, providing support services and implementing protective measures. The community policing programs increasing gender sensitivity, engaging community leaders and promoting gender advocacy through regular interactions between civil society, administration and law enforcement agencies are vital. Educational institutions especially for girls, can be instrumental by devising such lectures and trainings, which help in disseminating pertinent and relevant information to the girls, resulting in awareness and sensitization of the issue in hand.

**Policy Recommendations:**

Following measures are recommended and needed to tackle the menace of violence against women:-

1. It is recommended to provide all sort of protection and support to the victims, the support may include, but not limited to medical support, psychological support, financial and emotional support and the institutional support. Here institutional support means, the support of all the institutions involved like police, administrative, judicial and legal support.
2. The criminal system of the country must be a proactive one, which means there should be no delays in prosecutions and arrest of the perpetrators and punishments must be at par with the legal rules of the State. The criminal system must also ensure the protection of victim during and after the trial of the perpetrator. Further, there is dire need to ensure that the victim is not stigmatized.
3. The telephone hotline and help desks at police stations must be established, with proper monitoring and ensuring maintenance of secrecy of the victim. In this regard, a proper training and education of staff dealing with these issues at the police station as well as, on phone, is mandatory.
4. The shelter homes must be well protected and taken care off. The staff must be considerate and polite to the victims and their families.

5. Heavy structural reforms are mandatory along-with in-service training of all the staff of stakeholders. In this regard, interagency cooperation, public private partnership and sensitization of civil society through rigorous educational programs is need of time. The police, being usually the first point of contact for the victims, needs to be having standard operating system guidelines, throughout the country, with proper gender sensitive training to treat the victim, at the very outset. The government must make it compulsory for the police to display and provide all the relevant laws, list of rights and options for starting legal proceedings, as well as, legal aid options and medical and/or psychological assistance available for her.
6. The judicial system must accommodate such rules which are gender sensitive and gender inclusive. The principles of equality, confidentiality and protection of victim must be adhered to, at all levels of judicial proceedings. The judicial officers and other staff of the court must be given proper training to handle gender based violence and deal with the victim. The inclusion of more female judges into such courts, can be a good option in this regard. The court atmosphere must be conducive and sensitive towards the girl victims.
7. A mass-based gender sensitive advocacy strategy must be implemented by taking a holistic approach taking on board all the stakeholders like students, media, law makers, law enforcers, educational institutions, teachers, civil society, health professionals and community leaders (Wassan, R.M et al, 2021).
8. There is need to research and explore the areas like conflict and crisis related gender based violence, sexual harassment, women trafficking, stigmatization of disabled women, forced and under-aged marriages, economic abuses, dowry related issues and honor killings in Pakistan (USAID, 2011)
9. The framework for dealing with the issue should be of three fold based on prevention, protection and support. Only then proper evaluation of implementation can be done (WHO & UN-Pakistan (n.d.)).
10. State must follow the principle of zero tolerance against the culprits and ensure swift, just and confidential response to the victim.
11. The human rights framework must be stringent along-with principles of justice and equality. This is only possible if there is political will and sincere leadership is available.
12. There is a dire need for structural and procedural reform in almost all relevant institutions to make them more gender sensitive and proactive.
13. The violence against women education should be included in all institutions and outreach programs for rural and far flung areas be started immediately, in order to sensitize and educate the people.
14. The inter-agency collaboration and communication systems and procedures must be strengthened.
15. Gender crimes cells and special courts can also be established for speedy and swift justice.
16. There is a dire need for behavioral change among masses, which can be done through education, media campaign and sending positive messages in this regard. This will change the male perception towards the issue (Punjab Commission on Status of Women)
17. There is a need to address all those social, political, cultural and societal norms which support the domestic violence and it can be done through more male involvement in the gender sensitive and gender support programs at all levels.

18. It is also recommended to make policies and laws regarding misuse of such pro-women, anti-violence laws and those dealing with harassment issues too. As, abuse of any law for ulterior motives should also be treated as a [heinous] crime.

### **Conclusion**

One of the most important contributions of Islam regarding women rights, in the Arab peninsula at that time, was right to life given to her, a life full of respect, dignity, economic and social autonomy as well as, right to choose her life partner. It is sad to note that all those rights bestowed by Islam more than 1400 years ago, have been forgotten and put behind by the so called, Islamic society prevailing in our homeland. A society, which does not support its vulnerable strata, actually hinders its own progress in terms of economy, technology and socio-political progress. As, violation of such rights and violence, hinders the participation of half of the population of the country, into the national and international life, resulting into the less workforce and less progression opportunities for the nation, resulting into poor economy, poor social and political structures, poor human rights outlook at international level. Pakistan has numerous laws and policies, as discussed at length in this piece of research, yet the situation is not good. There are reported incidents on daily basis, which show that these laws and policies are toothless for the culprits. The issue is imminent and grave, it's all around us, no girl, woman or professional female feels safe. If the abundance of laws and policies is the answer to any problem, then Pakistan must be the safest state on the globe. Then where the problem lies? This is what should be answered. The problem is the will of the state and society to implement those laws and policies, with zero tolerance, without discrimination and setting examples through stringent and strict punishments. There must be no political pressure upon any officer dealing with the case in such matters. It is state which must come forward with all its might and strength, otherwise after every new incident, a new law or policy will be enacted, making things more complicated. This "will" must be a common will of all, this must be of the institutions involved at every level; people involved at the helm of the affairs and of every member of the society at collective of individual level and this can only be achieved if proper awareness through education is done to change the mindset and perceptions of the whole society. Breaking the cultural norms and societal barriers is not an easy task. Change does not come at once, it takes time and small steps towards progress, one by one, can do the difference. Only theoretical discussions and law making on yearly basis, along-with signing and ratifying international obligations will not suffice, practical steps in the right direction are mandatory. State has started taking initiatives, now it's high time for the society to support and come forward against every injustice and incident of violence taking place around them, in their families, working space or within any circle of influence; it is high time to rise against the gender based discrimination and violence, individually and collectively. It's never too late to mend.

### **REFERENCES:**

- Baden, S., & Reeves, H. (2000). *Gender and development: Concepts and Definitions*: Bridge.
- Brohi, N. (2016). *Women, Violence and Jirgas*. Islamabad, Pakistan.
- Constitution of Pakistan, 1973
- Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (CAT, 2010)
- Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW, 1996)
- Convention on the Rights of Child (CRC, 1990)



- Convention on the Rights of Persons with Disabilities (CRPD, 2011)
- Falak, N. (2022). Causes and Effects of Domestic Violence against Women in Pakistan: An Analytical Study. *Sustainable Business and Society in Emerging Economies*, 4 (2), 619-626.
- Hadi, A. (2017). Patriarchy and gender-based violence in Pakistan. *European Journal of Social Science Education and Research*, 4(4), 297-304.
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1966)
- International Covenant on Civil and Political Rights (ICCPR, 2010)
- International Covenant on Economic, Social and Cultural Rights (ICESCR, 2008)
- Istanbul Convention 2014 (entry into force)
- Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC, 2011)
- Optional Protocol to the Convention on the Rights of Child on the Involvement of Child in Armed Conflict (CRC-OP-AC 2016).
- Pakistan Penal Code 1860
- Protection against Harassment of Women at Workplace Act 2010
- Punjab Commission on Status of Women (n.d.) Gender Based Violence in Punjab: Policy Brief. Available at <https://pcsw.punjab.gov.pk/system/files/gender.pdf>
- Punjab Commission on the Status of Women Act 2014
- Punjab Fair Representation of Women Act 2014
- Punjab Family Courts Amendment Act 2015
- Punjab Free and Compulsory Education Act 2014
- Punjab Protection of Violence against Women Act 2016
- The Domestic Violence (Prevention and Protection) Act 2012
- The National Commission on the Status of Women Act 2012
- The Punjab Enforcement of Women's Property Rights Act 2021
- The Punjab Maternity Benefits Ordinance 1958
- The United Nations Declaration on the Elimination of Violence against Women (VAW) 1993.
- The Zainab Alert, Response and Recovery Act 2020
- UN Women (2024). The Elimination of Violence against Women and Girls: Rise Together- Empowering Women and Promoting Gender Mainstreaming.
- United Nations Population Fund (1998), Gender Theme Group.
- USAID Report (2011). Gender Based Violence in Pakistan: A Scoping Study. Aurat Publication and Information Services Foundation.
- Velzeboes, M (2003), "Violence against Women: The Health Sector Responds" The Pan American Health Organization.
- Wassan, R.M et al (2021). Violence against Women in Pakistan: Causes, Consequences and the Way Forward. *International Research Journal of Arts and Humanities (IRJAH)* Vol.49, No. 49, 2021
- WHO & UN-Pakistan (n.d.). Gender Based Violence in Pakistan: Response in the Perspective of Health Sector Devolution. Retrieved from [https://applications.emro.who.int/dsaf/emrpub\\_2012\\_en\\_858.pdf](https://applications.emro.who.int/dsaf/emrpub_2012_en_858.pdf).
- Women in Distress and Detention Fund Act 1996
- World Health Organization Report (2024). Violence against Women, Retrieved from <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

