

Violence against Women in Pakistan: Prevalence, Legislation, Interventions & Realities

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Abstract

Violence against women is a global human rights issue and irrespective of economic, social, religious or cultural groups; it is widespread in all countries. In Pakistan, high-profile cases and the staggering statistics of violence against women present a bleak picture for women. Like other developing and developed countries, in last few decades, Pakistan has adopted many legislative measures and intervention strategies to combat violence against women and to ensure women's rights. This paper is based on a cross-sectional study conducted in the Punjab, Pakistan to explore the voices of women victims of violence. Semi-structured interview schedule was developed to conduct in-depth interviews of women victims of violence residing in Dar-ul-Aman, established by the Directorate of Social Welfare, Government of Punjab, Pakistan. The research concluded that Pakistani women are facing direct, indirect or structural and cultural violence, but violence against women is considered a private matter and tends to be underreported. Due to the religious and cultural notions of honour, fate and patience; violence against women is rationalized/normalized and women were often ignorant of the fact that such violence is a crime. To provide real intervention, it is direly needed to enact new laws and properly implement the existing laws. Moreover, strict measures should be taken against the informal criminal justice system like *Jirga* and *Panchayat*; involved in gender-biased practices in Pakistan.

Key Words: Women Rights, Violence, Laws, Implementation, Violation, Feminist Analysis

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Introduction

Violence against women has serious effects on women's basic rights to life, security and health and women victims of violence are among the most vulnerable members of our societies. Specially, in the cases of domestic violence, the victims are often economically dependent and emotionally involved with the individuals who abuse them. This fact has major implications for the approaches for dealing with it and the dynamics of abuse (Heise, Ellsberg, & Gottemoeller, 1999; Sen, 1996).

The United Nations Declaration on the Elimination of Violence Against Women-Article 1 (1993) defined violence against women as, *"an act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life"*. World Health Organization (WHO)(1997) defined the term violence against women as, *"the range of sexually, psychologically, and physically coercive acts used against women"*.

In Pakistan, gender-based violence has a variety of forms, some are more culturally specific as exchange marriage, child marriage, forced marriage, honour killings, selling women in marriage, acid attacks, stove deaths, nose cutting, trafficking of women and abuse that perpetrates in police custody. Other forms of violence are common across cultures as rape, emotional and economic abuse, marital violence, slapping, murder, kicking, hitting, and psychological or verbal abuse (Human Rights Commission Pakistan, 2016; Amnesty International, 2002; Jilani & Ahmed, 2004; Coomaraswamy, 2005). Khan (2006) also reported that Pakistani women have to face biases, prejudices and discrimination against them, these pre-birth and post birth gender biases includes: the preference of son, protection and coercion of female sexuality, a lax attitude towards male sexuality, an obsession with girl's virginity (not for sons) at the time of marriage, the desire for daughter to marry at an early age, intra-family marriages, parental control over daughter's marital rights, custom for heavy dowry for girls, an obsession with chastity and fidelity of wife (and not for husband) etc.

The preponderance of the cases of violence against women are not reported in Pakistan due to the concept of honour and other

multiple factors, hence, it is very difficult to estimate the exact figures (Burney, 1999; Khan & Hussain, 2008). Research studies confirmed that gender violence is widespread in Pakistan but the government usually does not collect data about these incidents. Even the incidents of most of stove burnings, murder and acid throwing are not recorded at all by the authorities or recorded as accidents. The victims of gender violence do not seek help; therefore, it is difficult to collect data about violence against women. However, non-governmental organizations are trying to maintain their record to fill this void (Andersson et al., 2009; Cooraswamy, 2005). Some studies estimated that gender-based violence is prevailing in as many as 80% to 90% of Pakistani household and violence is not restricted to illiterate and poor (Burney, 1999; Jilani & Ahmed, 2004; Critelli, 2012).

Like other South Asian cultures, in Pakistan, gender-prejudiced criminal justice system, fear of stigmatization in the community, fear of damaging the family honour, fear of losing family support and children, lack of institutional and legal support and gender-prejudiced criminal justice system are the main reasons for the under-reporting of domestic abuse (Garcia-Moreno et al 2006; Ellsberg et al., 2008; Andersson et. al., 2010; Pillai, 2001; Khan & Hussain, 2008; Perveen, 2010a; The Express Tribune, 2016; Pakistani Women's Human Rights Organization, 2017).

Literature Review

Over the last few decades, many preventive and curative measures have been adopted by developing and developed countries to address violence against women, especially intimate partner or domestic violence. Some countries have introduced legal and judicial reforms to criminalize sexual, physical and psychological abuse against women, either within the family or in society more generally. Some countries have experimented with supporting their legal system by establishing domestic courts and training police officers, lawyers, court officials and advisors (World Health Organization, 2005).

Human rights activists, researchers, policy makers and feminist organizations are also primarily concerned to violence against women and have developed consensus in the form of Beijing conferences and Convention on the Elimination of all Forms of

Discrimination Against Women (CEDAW) to describe the causes and effects of physical, psycho-social and sexual violence against women and their efforts are increasingly having results. They also provided shelter, lobbies for legal reforms for battered women and have challenged the extensive beliefs and attitudes that maintain violence against women in societies (Khan, 2000; Levy, 2008).

Pakistan government has also established shelter homes in all provinces for relief of distressed and disadvantaged women to provide immediate psycho-social counseling, medical, lodging and boarding facilities with marketable skill training. In Pakistan, shelter homes are also called Dar-ul-Aman, "house of peace" and first shelter home was established in 1973 (Eshraghi, 2006). Ministry of Social Welfare and Bait-ul-Mall (Directorate of Social Welfare, 2005, p.1) defined shelter home as, "*a place where we provide temporary shelter, free legal aid, medical relief and psycho-social counseling services to women in distress*".

Reform in police practice is the most frequent form of intervention against domestic violence. Many countries introduced police training and concluded that only police training was found ineffective to address violence against women so they changed their emphasis to change polices and laws. However, obligatory arrest laws were having different impact of arrest in different communities, specially the areas with intense poverty, which raised questions about the wisdom of such laws (World Health Organization, 2005).

In Pakistan, the cases of violence against women are frequent and go unpunished. Pakistan's police officers are known to exploit and rape women victims of violence in their custody. Furthermore, women also face illegal detention and torture in police stations so women victims of violence hesitate to go to all male police stations. To address such issues, the government has established women police stations in some cities (Burney, 1999; Patel, 2010).

Another approach to deter violence against women is the civil law approach. Some communities are using this approach in which the court issues orders to prohibit a man to abuse or contact the victim, to get treatment for substance abuse, to leave home or to pay maintenance or child support. Many researchers also supported these findings and said that court orders can be helpful to improve a victim's self-esteem level but cannot effect on the perpetrators with

serious criminal record (Littel, Malefyt, & Walker, 1998). According to Ouattara, Sen and Thomson (1998), for effective women's rights provision, a review of existing traditional laws should be carried out and the assessment should monitor the positive and negative effects of traditional practices and customs by involving girls and women who are affected by these laws. They also emphasized to abandon archaic laws by adopting practices according to the needs of modern society and by facilitating the process of radical change.

Pakistan is the signatory of Convention on Elimination of all Form of Discrimination against women (CEDAW) and is required to submit regular progress reports to United Nation's Committee about National Plan of Action's progress. Constitution of Pakistan (1973) also ensures women rights and it has been recognized that in all societies, women's development is determined by their legal status. Pakistan has legislation about age of marriage, consent to marriage, right to select marital partner, right to divorce and marital dissolution. Government has done amendments in old laws and enacted new laws but *Jirga* and *Panchayat* system is serving as a parallel legal system and heinous cultural practices of *Sawara*, *Karokari* and *Vani* are rampant. Women have to face religious extremism and violence against them due to patriarchal understanding of culture and religion. Hashmi (2009) also reported that the National Assembly has passed bill to address violence against women and some women friendly laws already exist but legal enactments can only be effective through its implementation.

Despite having some controversial, anti-women enactments like *Hudood Ordinance 1979* and *Qisas & Diyat Laws*, Pakistan promulgated many laws to ensure women's rights. Major pro-women laws are Child Marriage Restraint Act 1929, The Muslim Family Laws Ordinance 1961, The Pakistan Citizenship Act, 1951 (partially amended in 2001), Amendments in Family Courts Act 2002, The Criminal Law (Amendment) Act 2004, Protection of Women (Criminal Laws Amendment) Act 2006, Criminal Law (Amendment) Act 2010 (on sexual harassment), The Guardians and Wards Act 1890, The Foreign Marriages Act 1903, The Dissolution of Muslim Marriages Act 1939, Dowry and Bridal Gifts (Restriction) Act, 1976, Dowry and Bridal Gifts (Restriction) Rules 1976, *Qanun-e-Shahadat Order 1984* (Law of Evidence). Another positive

development in Pakistan's legal system is the adoption of Protection against Sexual Harassment at Workplace Act 2009 and amendment of Pakistan Penal Code (Human Rights Commission Pakistan, 2016; Sustainable Development Policy Institute, 2017; Pakistani Women's Human Rights Organization, 2017).

Health care setting is an important place for intervention of women victims of violence as it can identify the victims and can provide necessary services. According to the United Kingdom Country Information and Guidance Report for women (2016), Pakistan has limited treatment facilities for the victims of acid violence. Patel (2010) reported, "*domestic violence is a health care problem of epidemic proportions*". She also reported that medical report is required to file an FIR (First Investigation Report) with the police but this takes at least a week.

Methodology

The research data was collected from women residing in *Dar-ul-Aman* (Shelter Homes) established by the Social Welfare and *Bait-ul-Mal* Department, Government of the Punjab. The Punjab is administratively divided in nine divisions and thirty six districts (Government of Punjab, 2014) and *Dar-ul-Aman* (Shelter Homes) have been established in all districts. The proportionate stratified sampling technique was adopted in this study to have a more representative sample. The information about the population of all *DarulAman* was obtained from the Directorate of Social Welfare & *Bait-ul-Mal*, Punjab. The sample size was 500 and the respondents (residents) were selected by using simple random sampling techniques during the interview process in different shelter homes of the Punjab. Primary data was generated through one-to-one interaction with research respondents. The nature of data was quantitative and qualitative. To gain an overview of the whole of the culture and context under study, semi-structured interview schedule was developed to conduct face-to-face in-depth interviews. The data were then interpreted through descriptive statistics to draw the accurate findings. Moreover, narrative analysis technique was also utilized to generalize social explanations.

Results & Discussion

In this research, in-depth interviews explored the stories of extraordinary physical, emotional and cultural violence which were

difficult to hear and painful to speak. As far as the demographic information is concerned, the majority of the respondents were below thirty years of age. All the respondents were Pakistani nationals. The majority of the respondents (99.6%) were Muslim. Three fourth of the respondents (75.8%) were married and only 13.0% were unmarried. Majority of the respondents (61.8%) were illiterate while only 21.6 % had primary level education. Almost three fourth (74 %) of the respondents were from rural areas. More than half (58.4%) respondents had joint family system and 56.2% respondents preferred nuclear family system for females. All the respondents were having patriarchal family system. Moreover, 70.8 % of the respondents were from the lower class and more than one fourth (28.4%) were from the middle class.

This study shows high prevalence of violence in Pakistani society. According to the findings 90.2% of the respondents experienced violence before joining shelter homes. The respondents were asked about the perpetrators of violence and the results indicated that 80.6% of the respondents did not experience violence by their fathers and 15.8% of the respondents experienced physical violence perpetrated by their fathers. It was also alarming that 0.4% of the respondents experienced physical, psychological and sexual violence by their father. The majority (94 %) of the respondents did not experience violence by their mothers while the rest of them experienced physical and psychological violence perpetrated by their mothers.

More than three fourth (76%) of the respondents did not experience violence by their brothers while 18% of the respondents experienced physical violence and 3.4% experienced physical and psychological violence perpetrated by a brother. Some respondents (0.8%) experienced a brother's sexual violence and 0.6% of the respondents experienced a brother's physical, psychological and sexual violence. Majority of the respondents (96.2%) did not experience violence perpetrated by a sister and rest of them experienced a sister's physical and psychological violence.

The main perpetrators of violence were the victims' husbands. The study findings indicated that only 32.6% of the respondents did not experience their husband's violence and among them 13% were unmarried. So it can be concluded that only 19.6% of the married respondents did not experience their husbands' violence. According

to the results, more than one fourth (30%) of the respondents experienced physical and psychological violence, 22.8% experienced husbands' physical violence and 11.6% of the respondents reported physical, psychological and sexual violence perpetrated by their husbands while 0.4% experienced sexual violence only. There was also a burnt respondent who was a victim of acid attack and many women with severe marks and injuries from physical violence.

Some respondent (3.2%) experienced their father in law's physical violence and 2.6% experienced psychological violence only. There were also 0.4 % of the respondents who experienced their father in law's psychological and sexual violence. Only 5.2% of the respondents experienced their mother in law's psychological violence, 1% experienced physical violence and only 0.8% of the respondents experienced physical and psychological violence. Furthermore, only 0.2% respondents experienced psychological violence perpetrated by their children and 0.4 % of the respondents experienced their neighbour's psychological violence.

Majority of the respondents were aware of women's legal rights as about three fourth (71.8%) of the respondents were to some extent aware of women's legal rights, 17.8% were unaware of women's rights. It is important to point out that the women in shelters are those who were courageous enough to resist negative societal values and most of them have knowledge of their legal rights. Their presence in shelters was a proof that they tried to access their legal rights and most of the women use shelters to get safe access to legal rights which is not possible while being fully in society. The research findings indicated that three fourth (77.4%) of the respondents tried to access their legal rights and they used shelters to get divorced, to have a love marriage and to protect themselves from the consequences of a love marriage while only 4.8% (24) of the respondents did not try to access their legal rights.

According to the research findings, 92.4% of the respondents shared that women's problems within the family were not reported to the authorities. Among them 34% claimed that it was due to our concept of 'honour'. More than one fourth (28.8%) of the respondents shared that it was considered a private matter, 21.8% said it was due to the culture, which restricts women in the home and discourages women's reporting of family issues. Some

respondents (5.4%) pointed out that the problem is with police culture and the response of other authorities. They also shared that the police department is there to enforce the law but the staff and location are not helpful for women so women avoid reporting abuse. Some respondents pointed out that in some cases the policemen sexually exploited the women because they thought that the woman had no family support. Some respondents also shared that when they used to attend their court proceedings with policemen, who were supposed to provide the residents a safe transit from the shelter to the court but the behaviour of policemen was exploitive.

Some respondents who were in the shelters after their forced marriage shared that they resisted a lot to avoid forced marriage but were not succeed due to social and family pressure. There were also seven divorced women who left their homes after forced marriage and were able to get divorced by court order. They were completing their *Iddat* to remarry. Until this period expires, it is not permissible for her to go elsewhere or to remarry. The act of passing this period is called *Iddat*. The women who were passing their *Iddat* were fearful about the family's reaction after leaving the shelters and they explained that they may have to face honour killing or any other type of violence from their family as a reaction of their divorce because they got their religious and legal right of divorce through court which was insulting for their families. Some respondents also emphasized to make people aware about legal and religious rights and pointed out that Islam gives the right to select the life partner but our culture resisted to access such rights.

A thirty eight years old respondent quoted;

"I tried at my level best to tolerate a violent husband but when his violence reached at extreme level I told my parents and relatives but unfortunately no one helped me and all the people just advised me to compromise for the future of children and parent's honour. Due to negative image of Punjab Police; I was not able to get legal aid...for my parents societal values were important then my sufferings and marks of domestic violence.....I left them all".

A thirty eight years old acid victim shared that her husband tried to kill her to remarry. She filed an FIR against her husband but

due to non-cooperative behavior of judicial machinery and absence of social and financial support, she had to withdraw.

Some respondents (twenty one) faced violence because of “*Watta Satta*” (exchange marriage) related issues. Among them, five married respondents were in the shelter due to “*Wata Satta*” related family clashes and they were demanding divorce to remarry and there were four respondents (three married and one divorced) who were having forced marriage as an exchange of their brother’s marriage so they were in shelter to get divorce to remarry.

Thirteen respondents were having love marriage against the consent of their families and were have to get shelter to protect themselves from honour killing and fake police cases. A twenty three years old respondent was having court marriage but her family filed fake police cases against groom’s family. As the result, the groom and some male members of his family were in jail and the girl was in shelter to protect herself.

Some women were in shelter due to rampant cultural practices of “*Vani*”. Plett (2005) described “*Vani*” as; “*Vani is a tribal custom in which blood feuds are settled with forced marriages. The bride spends her life paying for the crime of her male relatives*”. The respondents emphasized to stop such practices by implementing the laws enacted to stop such practices.

Conclusions

Pakistan is a patriarchal Muslim society with a high prevalence of violence against women. Although women do participate in national development, yet many are deprived of their rights and are vulnerable to domestic violence, lack of authority, and limited access to public resources, religious and legal rights, education and employment due to the conservative attitudes of the people and their seclusion due to the *pardah* (veil) system. Pakistani women face direct, indirect or structural and cultural violence, but domestic violence against women is considered a private matter and tends to be under-reported. Due to the religious and cultural notions of honour, fate and patience, violence against women is rationalized and women are often ignorant of the fact that such violence is a crime. Women victims of violence are generally advised to maintain harmony in family relations at any cost. The state has enacted laws to combat violence against women and has also established shelter homes

in all provinces for the relief of distressed and disadvantaged women but legal protection after leaving a shelter to prevent honour killing is missing. The police department is there to enforce the laws but the staff and location of the police stations are not helpful, hence, women avoid reporting abuse. Moreover, due to non-cooperative behaviour of judicial machinery and negative image of Punjab Police, the women victims of violence are unable to access their legal rights.

Recommendations

- It is recommended that people be made aware of their religious and legal rights related to the selection of a life partner. The government and law enforcement agencies should ensure that persons involved in marriage registration are working in accordance with the state laws. *Mullahs* and *Khateeb*s (religious leaders) should also highlight the teachings of Islam and the Prophet Muhammad (Peace be upon him) about women's rights in their sermons and addresses to *Jumma* congregations.
- It is direly needed that the rampant cultural practices of "Vani", "Watta Satta" and honour killing be stopped by enacting new laws and properly implementing the existing laws.
- Strict measures should be taken against the informal criminal justice system, such as *Jirga* and *Panchayat*; involved in gender-biased practices.
- All stakeholders, including police, the judiciary and policy makers, should be sensitized about gender issues, specifically about violence against women, in order to provide real interventions.
- The media, government and NGOs should launch awareness campaigns about women's legal and political rights, employment, education, marriage consent and participation in household decisions.

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