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# Violence Against Women: An Analysis of the Infirm Legal System of Pakistan

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## Abstract

In Pakistan, a woman's life is governed by the rigid norms of her extended family, faith, and tribal community. This paper aims to investigate the philosophy behind gender-based violence, particularly the violence against women and its related customary practices in different areas in Pakistan, in the backdrop of the infirmed legal system of the country. The authors employ descriptive method to scientifically address the concerned issue. The theory of social change, which broadly focuses on the problem, is additionally significant to probe the violence against women in Pakistan. Throughout the country, women are subjected to a wide range of detrimental customs, including forced marriages, religious conversions, and the exchange of women in marriage without their consent. This study looks into why gender-based violence persists in Pakistan, despite the establishment of the state in the name of Islam, a religion that emphasizes women's equality and respect in the society. By examining all relevant aspects, the study concludes that customary laws are dominant over state legislation in protecting women from violence. The study determines that Pakistan's legal system is flawed, with significant gaps that must be filled by well-structured legislation to ensure women's safety from abuse.

**Keywords:** customary laws, gender, legal-system, Pakistan, violence

## Introduction

In Pakistan, gender operates as an organisational principle. The patriarchal culture and domestic violence is a common occurrence as a sign of male supremacy in the country. The social evaluation of gender is encoded by patriarchal ideals anchored in regional traditions and culture (Bhattacharya, 2020; Critelli & Willett, 2013). Due to the gender-based division of labour, a gap exists between men and women in terms of providing for the household's reproductive needs. In such an environment, women typically are unaware of their fundamental legal and human rights, let alone the

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systems, practises, and processes they may access and employ for their advantage. In Pakistan, women navigate a society governed by rigid familial, religious, and tribal traditions. They encounter prejudice and violence frequently, certainly not on a routine basis. Almost every element of their life involves violence against women and discrimination and inequality. In these situations, violence against women is frequently not even recognized as a human rights violation but rather a distinctive aspect of existence. Many women have a constant sense of dread since their lives are assured in exchange for conforming to social expectations and traditions. Because women are viewed as inferior and subordinate in all spheres of life, men are given the authority to dominate them in Pakistan's public and private patriarchal cultures (Davies, [2008](#); Sarfraz et al., [2022](#)).

It is reported that between 80 and 90 percent of homes experience gender violence in Pakistan (Tanoli, [2022](#)). There are many different types of gender violence in Pakistan, including marital violence, which includes beating, kicking, slapping, verbal abuse, rape, and murder, as well as economic and psychological exploitation. Other forms of violence, such as so-called "honour killings", child marriage, nose-cutting, forced marriage, acid attacks, and stove deaths (that are displayed as accidents) exchange marriage – persist due to established norms driven by societal pressure, religious or moral convictions, and degradation (Tanoli, [2022](#)). Many women are discouraged and thus refrain from reporting a crime against them because of fear of mistreatment during police custody.

Pakistan is a multicultural nation with significant social development differences. A woman's level of oppression varies greatly depending on her socioeconomic status, geographic location, and whether she lives in an urban or rural area. Local conventions frequently precede international law in rural and tribal areas, where patriarchal structures are also considerably more potent (Naveed, [2019](#)). Patriarchal power norms are manifested in rigorous standards of conduct, inflexible gender roles, family and lineage connections, and a dominant ideology tying family honour to female virtue. The male population strangely lacks the element of regret or the fear of judicial punishment. The perpetrators of horrible acts always justify their actions through the notions of family honour, religion, or tribal customs. By applying relevant concepts and appropriate methods, the study aims to identify the philosophy behind gender-based violence against women



considering its connection to customary practices within the context of Pakistan's infirmed legal system.

### **Methodology**

Within the context of a qualitative research approach, the authors employ the descriptive method to scientifically address the occurrence of gender-based violence against women in backdrop of a feeble legal system in Pakistan. The theory of social change, which broadly focuses on the problem, is additionally significant to probe the gender-based violence against women in Pakistan. The concept of social change critically emphasizes the intervention of both state and society to address the issue of gender-based violence (Action Aid, Gender and Development Network, [2020](#)). According to this perception, protection of women is the primary responsibility of the state, but coordinated interventions at multiple levels, across sectors and over multiple timeframes are more likely to encounter the various aspects of violence against women, thereby achieving sustained reductions.

### **Rationale**

Literature predominantly focused on gender-based violence, especially concerning women in Pakistan and other relevant data, have been meticulously examined for this research. This study is motivated by the rationale that gender-based violence against women in Pakistan persists despite the country's status as an Islamic Republic created in the name of Islam which emphasizes the principle that women should be treated with respect and equality. Why does violence against women persist in the first place, is the primary question that has been scrutinized. In addition, the research explores whether Pakistani laws effectively safeguard women in all aspects of their lives. Based on in-depth observation and analysis of the available literature, this research argues that while Pakistan has laws against gender-based violence, those laws are inadequate and, therefore, ineffective in guaranteeing women's security and freedom. Furthermore, in Pakistan, where violence against women is prevalent, customary law tends to take precedence over national legislation.

### **Literature Review**

The dominant masculinity is constituted by misogyny, homophobia, racism, prevailing heterosexuality, the prominence of confrontational sport, and the use or threat of force. According to a piece of intellectual work, the

hegemonic masculinity, which is globally predominant, breeds in the society, causes violence against women and trans men, strengthens the male-controlled norms, and leads to gender disparities (Pakistan-Horizon, [2020](#)). At the same time, there are many different types of men, and just as there are many diverse types of women, and there appears to be a proven correlation between conflict or violence and this dominant masculinity. The literature describes aggression among boys and men as culturally approved or perhaps even desirable because of their physique and power (French, [1998](#)). The patriarchal features of this type of masculinity centre on how women are treated. Many cultures have long histories of violence towards women; for instance, in many cultures, the concept of masculinity develops in contradiction to the concept of femininity, leading to the acceptance of violence towards women and children as an acceptable manner of asserting one's authority.

Concerning “violence against women,” it encompasses any incident, whether public or private, where a woman is subjected to psychological, sexual, or physical, sexual abuse or suffering, either through force or arbitrary liberty deprivation. It includes (but is not limited to) sexual abuse, rape, intimidation in educational institutions or at work, forced prostitution, sexual harassment and trafficking in women, sexual, psychological, and physical violence occurring within the general community, such as sexual abuse, rape, intimidation at work, and sexual harassment (The World Bank, [2019](#)). Violence against women has a long and tragic history in human culture, affecting people of diverse backgrounds, nationalities, and faiths.

Many attributes violence against women to inherent sexism, stemming from inherent disparities between men and women. Since the beginning, women have been socialised and conditioned to believe that they are intellectually and physically inferior to males. Similarly, men's inherent belief in their superiority often motivates them to commit acts of violence against women and other marginalised groups (Stamarski & Hing, [2015](#)). There is a direct correlation between violence against women and their social standing. Violence against women is pervasive in patriarchal countries because of their widespread objectification and association with status, wealth, and ownership. There is a direct correlation between the imbalance of power between the sexes and the prevalence of violence against women and girls. Persistent patterns of gender-based violence often develop into habitual practices over time (Bhattacharya, [2020](#)).



Perpetrators with violent tendencies can be provoked into acting out by even the slightest stimuli. Consequently, the woman is questioned whether she is the accused's daughter, sister, or wife, thus becomes the focus of the offender's aggression. Gender-based violence is a significant public health issue that has far-reaching effects on individuals, communities, and nations (Krantz, [2005](#)). Physical and emotional trauma, medical and legal expenditures, lost productivity, and reduced wages, all result from gender-based violence. Nations' health, wealth, and security are all put at risk when people at such a large scale are subjected to such viciousness. Men, women, and children are all vulnerable to this violence.

Gender-based violence, nevertheless, disproportionately affects and endangers women and girls. The escalating assaults on women persist due to society's disturbing acceptance of violence against them. Strangely, the perpetrators of such acts typically exude a sense of superiority and defend their actions with aplomb (Kaur & Garg, [2008](#)). The repercussions of gender-based violence encompass physical and emotional trauma, medical and legal expenses, diminished productivity, and reduced wages, posing a threat to nations' public health, economic well-being, and security, along with the well-being, dignity, health, and human rights of the millions subjected to it.

### **Violence Against Women and the Legal Backdrop of Pakistan**

Pakistan became an independent republic in 1947 with a powerful military bureaucracy but a weak political system. The military regimes have been directly in power from 1958 until 1971, from 1977 until 1988 and from 1999 until 2008 in the country, while indirectly ruling in many other eras. Ayub Khan's military government instituted martial law for ten years beginning in 1958, derailing the political process. However, there was no explicit hostility toward women in this period. The fight for equal rights for women faded from public view, and women's problems fell off the political agenda (Bhattacharya, [2020](#)). The Muslim Family Laws Ordinance of 1961 went into effect at this time, putting some restrictions on polygamy and providing minimal legal protection for married women. Several religious organisations have long argued that these legal restrictions are incompatible with Islam and continue to do so. Although, General Yaya Khan, another military chief replaced General Ayub Khan in 1969 but the country did not witness considerable changes in the policies concerning women's rights. However, the women's rights and their political participation significantly

increased during President and then Prime Minister Zulfikar Ali Bhutto's tenure (1971-1977). The Constitution of 1973 ensured equal rights and opportunities for women. In 1976, women's organisations in Pakistan introduced a Declaration on Women's Rights, reflecting their broadened focus. Then, with the beginning of Islamization of General Zia ul Haq, several anti-women laws were passed that predicated on a conservative reading of religious texts (Perveen, [2016](#)). The Hudood Ordinance of 1979 is an example of a discriminatory law that attempted to enforce Islamic law for offences such as thefts, alcohol consumption, false accusations of zina, and extramarital sex.

The law did not differentiate between zina (extramarital sex) and rape, excluded female witnesses, and mandated the testimony of four male Muslims (Perveen, [2016](#)). When the Law of Evidence (Qanoon-e Shahadat) was enacted in 1984, it further marginalised women by requiring the testimony of two women to refute that of a single male witness. It included enforcing strict clothing regulations for females, discriminating against them in the medical school admissions process, and casting doubt on whether or not women should be allowed to compete in international sporting events. General Zia's tenure was a very dark period, as in a significant step, all political parties and protest activities were outlawed in the country (Imran & Munir, [2018](#)). The Women's Action Forum (WAF), the lobby-pressure group was established in response to the increased attention on women's issues and prejudice.

The women's rights movement celebrated the return of democracy with the success of Benazir Bhutto as an elected prime minister of the country after Zia's regime in 1988. Bhutto was much more receptive to women's political participation. For the Fourth World Conference on Women in Beijing (September 1995), she worked with feminist activists to draft a 20-year National Plan of Action for Women (NPA) to implement the Beijing Platform for Action. Bhutto's terms as a prime minister from 1988 to 1990 and again from 1993 to 1996 were cut short. Under her watch, the NPA did not reach a successful conclusion (Critelli & Willett, [2013](#)). While she was in office, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was approved. However, real progress was slow for women, notably regarding the elimination of the Hudood Laws.

Being a political heir of Zia al Haq, Nawaz Sharif served as prime minister of Pakistan from 1990 to 1993, then from 1997 to 1999, and once

more from 2013 to 2017. The climate became increasingly antagonistic toward women's problems during his tenure, and the achievements accomplished during the Bhutto administration were mainly undone. Significant Islamization of the justice system occurred when, in 1990, the Qisas (retribution) and Diyat (compensation) legislation suggested under Zia in 1984 were enacted. In October 1999, General Pervez Musharraf launched an army coup that deposed the Sharif administration with little pushback from the populace. As part of an enlightened moderate vision for Pakistan, Musharraf publicly declared his support for women and enacted laws to address gender abuse. In 2006, honour killings (murder of women for honour) were officially classified as premeditated murder in Pakistan's Penal Code.

Under Musharraf's leadership, women's political participation, including their parliamentary representation and appointment to the federal cabinet, increased dramatically, and he initiated several measures to advance women's equality further. The most contentious provisions of the Hudood Ordinances were revised and made more palatable by passing the Women's Protection Act in 2006. The requirement that victims of rape present four male testimonies or risk being prosecuted for adultery was removed after the crime was moved to the penal code (Human Rights Watch [HRW], [2006](#)). Advocates for women's rights have continuously demanded the complete abolition of these and similar discriminatory laws. Giving an example of the high profile gang-rape case of "Mukhtaran Mai," Musharraf also tried to illustrate how women exploit the rape card to get a visa or manipulate it as a pretext for asylum seeking in Canada and other western countries.

However, the PPP government, which came to office again in February 2008, quickly announced its intention to pass a national domestic violence act to tackle sexual harassment in the workplace. Domestic Violence (Prevention and Protection) Act of 2012, introduced by Senator Nilofar Bakhtiar in late February 2012, was approved by many voters and all major political parties. Earlier, the Protection from Harassment in the Workplace for Women Act of 2009 was enacted and signed by the national assembly on January 21, 2010. This legislation includes safeguards to prevent sexual harassment of women in public places (Weiss, [2012](#)). The study of legal background concerning women's rights and violence against women identified that policies of the state influence the social cultural environment



of country covering gender-based violence against women. In case of Pakistan, history witnesses the diverse policies adopted by the civilian and military governments towards women in the backdrop of a weak legal system and for that the violence against women remained as a one of crucial problems on the Pakistani society. There are many current examples of violence against women and such trends rapidly going on. According to a report on human rights, various types of violence against women and girls including rape, murder, acid attacks, domestic violence, and forced and child marriage lingered widespread in Pakistan and roughly 1,000 women are being killed only in so-called honour killings every year (HRW, [n.d.](#)). In year of 2023, a large number of the cases of violence against women were reported in Pakistan. A total 10,365 cases of violence against women were reported only in the first four months of 2023 across Punjab, the most populated province of Pakistan (Friday Times, [2023](#)).

### **Customary Practices and Violence Against Women in Pakistan**

Women in Pakistan suffer because of several traditional customs. Women are viewed only as possessions, with specific roles and responsibilities predetermined for them, and they are held as the sole guardians of social status and personal honour. The mistreatment of a newlywed girl, whose worth is determined by the size of her dowry, is one of the most heinous traditions practised in Pakistan. In many of the cases, if the dowry requirements are not entirely met, the bride may face torture and sometimes death. This occurs despite the fact that all Pakistani nationals are regulated under the Dowry and Bridal Gift Restriction Act of 1976. The legal document specifies that the dowry amount must not be more than Rs.5,000. A bride's dowry includes any possessions, she receives from her parent's family during her marriage. Property transferred via the Inheritance Act is not included. More than 2,000 dowry-related death cases were recorded annually in Pakistan between 2010 and 2014. As many as 2.45 women per 100,000 succumb to dowry-related causes. Islam was so effective in wiping out this evil because Islam's religious authorities do not officially authorise the dowry system, many male followers of the faith insist that it was established by the religion's founders and is therefore obligatory for all Muslim males to provide dowry to the newlywed (Bhattacharya, [2020](#)). Despite the prevalence of domestic violence and occurrences of stove killings in Pakistan, dowry-related violence is neither



regarded as a type of violence, nor is it addressed in social sciences studies (Nasrullah, [2009](#)).

Many Muslims in Pakistan believe that a woman's proper place is within the chaardivari (house), and she must wear a full chaadar (scarf) whenever she leaves the house to preserve her honour. Honour killing aims to eliminate the disgrace associated with an adulterous woman and, in some cases, her male accomplice. Society views it as a necessary evil, and the legal system acknowledge the circumstances. According to human rights activists, around one thousand women are killed annually in the name of honour. In Sindh, the practise is known as “Karo-kari”, in Baluchistan, “Siyah-kari”, in Punjab, “Kala-kali, and in the northwest tribal regions, “Tor-tora”. The ambiguous legal standing of honour killings in Pakistan results from the country's two separate justice systems (Patel & Gadit, [2008](#)). On the one hand, there is an expensive and time-consuming institutional legal system of legislative processes and judicial judgments. On the other hand, customary law provides a less formal system of justice by which community elders can decide the matters based on their experience and knowledge and traditional atmosphere. The village or tribal council is often the first level to address cases of honour killing. Cases like these are "settled" by local elders, even in major cities like Karachi (Patel & Gadit, [2008](#)).

Due to the alarming correlation between a woman's worth and her attractiveness, which affects her ability to find a husband and her social standing, acid attacks on women's faces are all too common. Motives for such atrocities range from envy and vengeance to dowry demands and domestic or land disputes. A lady may have been attacked because she turned down her attacker's marriage proposal or because of their former relationship. Since 2007 until 2016, the Acid Survivors Foundation (ASF) has documented 1,108 cases of acid assaults in Pakistan (Tahir, [2022](#)). A significant factor in this brutal crime is the male notion of control over a woman's body. Acid attacks permanently injure women's psyches and self-esteem in a society fixated on a particular type of woman who must be attractive. Attacks render their "commoditization" impossible, rendering them expendable waste in a male-dominated society. Because of extensive corruption, incompetence, lack of training, insensitivity to victims' genders, and a general lack of professionalism, victims often experience administrative and judicial carelessness (Sajid, [2010](#)). The situation is

further complicated because Pakistan has two separate judicial systems. State's official system comprises two branches of regular judiciary like civil, session, high and supreme courts and Sharia courts. Second system is a private judicial system like traditional and tribal elders' panels. Men in some cultures proclaim their intentions to marry a specific woman by firing two shots into the air towards the women's door, a practise known as ghaq (to declare anything known). This practice inflicts harm upon the girl, her family, and jeopardizes her future. It is occasionally employed to exact "badla" (vengeance) on the girl's family by seizing their most valued possession without consent. Forced marriages are widespread in the country in which the majority of the inhabitants adhere to a fundamentalist interpretation of cultural norms.

Islam unequivocally prohibits coerced marriages. No Muslim man is allowed to force a woman into marriage against her will. Thus, Ghag is a horrifying custom that runs against fundamental Islamic principles (Siddique, [2012](#)). According to the Hadith (the tradition of Prophet of Islam), a woman's consent is required for marriage, and neither her parents, nor anyone else may force her to marry against her will. Despite such Islamic conventions, the un-Islamic practise legitimises a man's proclamation of his intention to marry a particular woman (Iqbal, [2022](#)). It is a customized doctrine that gives men (especially paternal cousins), the absolute option to marry respective female cousins, regardless of whether or not they are genetically or otherwise compatible. Ghaq is another evil tradition in Pashtoon society of Pakistan in which a male forcibly demands the hand of a women with her and her parents' consent. The Khyber Pakhtunkhwa's province passed the Elimination of Custom of Ghaq Act of 2013 in order to abolish this barbaric practice (Ashfaq, [2013](#)). Ironically, the act does not apply in the FATA region, where the practise is most common and has devastated the lives of countless young women. Sadly, Ghaq limits women to a negative position in a culture driven by the engrained pattern of rationalising male brutality and atrocities.

When people are subjected to physical, mental, or psychological abuse to force them to abandon their faith, it is called a forced conversion. Abducted people are often subjected to threats and intimidation before deciding between enduring abuse and converting. Girls from minority populations in Pakistan have been abducted, converted, and married off in increasing numbers in recent years. A US-based Sindhi non-profit



organization claims that every year, more than a thousand Hindu girls in the age range of 12 to 28 are kidnapped, converted to Islam, and married off (Eurasian Times Desk , [2020](#)). Powerful landowners, radical religious groups, feckless local courts, and apathetic governments collude to make this arrangement mandatory. Women in Pakistan's prevailing feudal and patriarchal society are vulnerable to being forcibly converted.

### **Where Is the Problem: A Discussion**

The discourse of women's activist groups paints a picture of a politically tense and fluid terrain in which the direction of their movement is influenced by both the immediate circumstances at hand and the larger historical context as a whole. Policymakers in Pakistan have fewer options due to the country's extensive history of autocratic and authoritarian leadership, and the rise of extra-state militancy on both the political and social fronts. Women's movement organisations have established themselves in the protest arena, frequently outside of and in opposition to the state, as a response to ongoing issues with state-society relations, political upheaval, and the practically total breakdown of democratic procedures. The fragmented political field in Pakistan, which includes a culturally diversified political climate and a decentralised allocation of power, makes it easier for women's organisations to exercise their political autonomy. It is a positive development.

In a field controlled by political groups or organisations that limit political opposition, women's groups may feel unable to pursue their feminist goals more overtly, which can be frustrating for them. Some of its achievements can be attributed to the fact that it has very little interaction with other people and is entirely dependent on the government of Pakistan and other political factions, both of which are weak in Pakistan and rarely work to advance the interests of women (United Nations Human Rights, [2014](#)). Giving a forum to women's testimonies of violence and oppression in the context of repressive, authoritarian leadership was the cornerstone of their action, centring on affirmations for women's rights to security. It was clear that implementing antiquated legislation and locking up rape victims, inflicting harsh punishments such as flogging and whipping, threatening to stone women, and enacting laws of evidence that devalued women's court testimony are all examples of crimes committed against women.

In contrast to their contemporaries in other areas of the world, Pakistani women's rights activists could have done more to persuade the human rights movement about the significance of including women's concerns into the agendas of all human rights groups. However, women were among the first to speak out against martial law administration. They played an essential role in establishing the Human Rights Commission of Pakistan in the early to middle 1980s. Activists in Pakistan's movement distinguish themselves from their peers in the rest of the Muslim world because they take a secular rather than an Islamic point of view in their work. It has exceptionally far-reaching ramifications for their line of employment. Maintaining a secular framework amid growing fundamentalism and shrinking room for liberal thought and practise presents a vast "ground reality" challenge for nongovernmental organisations (NGOs) in Pakistan (Jafar, [2007](#)). There have been intense debates regarding the role of Islam in society and the rights and responsibilities of women. The intricate framework of connections between local women's groups and external factors, such as the country's colonial history, the demands of globalisation, and other geopolitical issues, are reflected in discussions regarding secularism, human rights, and feminism. Accusations that feminism and women's activism seek to undermine local culture by spreading western individualism and anti-Islamic values are used to discredit these groups. One such claim is that feminism and women's activism promote anti-Islamic beliefs. History and geography have created the political landscape, and as a result, these allegations continue to echo.

Because of Pakistan's role as a proxy for the United States in its struggle against the Soviet Union in Afghanistan, the Zia dictatorship availed an opportunity to introduce controversial religious laws including strict rules about women to receive support from religious circles (Perveen, [2016](#)). Fears of imperialist expansionism from the West in post 9/11 era further contributed to the rising Talibanization of Pakistani society, including aggressiveness toward women. Thus, American sponsored jihadi activities in that era in the region promoted faith-based feminism in Pakistan. On the other hand, moderate feminism in Pakistan refers to the set of movements pursuing equal political, economic, and social rights for women in the country. It also believes that they are a part of a larger imperialist, US-sponsored, westernised women's rights actions (The Elders, [2015](#)). The allegations of westernisation are used to suggest that feminist politics are "inauthentic" and "irrelevant," from the standpoint of Pakistani feminism.



Local social shifts are sometimes incorrectly labelled as 'westernised,' rather than being recognised as an internal cultural phenomenon rooted in women's experiences.

In this study, the authors assume that inherent gender inequality is one of the reasons for motivation of violence against women. For example, in some of the cases, it is the traditionally inherent disparities that socialize women to believe that they are mentally and physically inferior to males. Similarly, men's imaginary superiority often encourages them to commit crimes and acts of violence against women. The gender-based violence disproportionately affects and endangers women and girls in the society. In such atmosphere, where state has less focus on the increasing problems and crimes against women, more and more assaults occur because the state and society unintentionally allow this atrocious behaviour to prevail, which is unintentionally tolerated and indirectly endorses such violence. This informal acceptance perpetuates violence including sexual harassment of women in private and public places. The policies of the state, especially in an unstable setup with a weak legal system, fail to take effective action against such acts of violence. Therefore, the study underscores the significance of state policies in shaping the socio-cultural environment of a country, emphasizing their profound impact on society. The strong policies can reduce gender-based violence against women but feeble policies or a weak legal system can encourage the violence. In case of Pakistan, history witnesses the diverse policies adopted by the civilian and military governments towards women in the backdrop of a frail legal arrangement and for that the violence against women remained as a one of unresolved crucial problems in the Pakistani society. The old-dated problems such as dowry, honour killing, rape, abduction and forced marriage of women and correlated unlawful customs remain unaddressed in the society.

### **Conclusion**

One of the most pervasive human rights violations worldwide is the gender-based violence against women. Although the feminist movement has developed and progressed, some places continue to be strongly influenced by patriarchal systems that support or participate in such violence. Due to the development of international humanitarian law, gender-based violence is now recognised as a war crime and a crime against humanity. Pakistan's circumstances concerning women's rights and violence against them parallel the challenges faced by women in many other parts of the world.

Even though Pakistan is an Islamic Republic created in the name of the religion that grants women enormous rights in every area of life, gender-based violence against women is still rife there. Women issues in Pakistan such as homicide, kidnapping, forced marriages, acid assaults, enslavement, rape, etc., have never been seen as falling under the purview of international human rights legislation. Pakistani state still sees crimes against women as crimes against people, which fall under domestic law.

The study verified that gender inequality in many of the areas and many sections of the society in Pakistan fosters unfair dominance and supremacy of men and such condition pushes the men to commit crimes against women. This type of society also integrally projects the women to accept brutalities against them as their fate. The state, which intentionally or unintentionally fails to provide solid policies due to various reasons or faces various challenges in implementation of sustained strategies, struggles to address such issues. The case of Pakistan is characterized by weak civilian governments and strong military setups influencing state's affairs throughout its history. Therefore, the country continues perceiving the problems related to gender based violence against women including assault on women, rape, honour killings, forces marriage and abduction of women in the presence of illegal customs.

The problem concerning Pakistan is that despite having some laws against violence against women, the system is so fragile that the law cannot be fully executed. Statistics portray a more conservative picture than the law's seeming progressiveness suggests. The existing domestic and international laws must be examined to determine whether Pakistan's domestic laws comply with international law standards. Nonetheless, the law still has a way to go before it makes a tangible impact on the lives of Pakistani women. Human rights organisations and other members of civil society can play a pivotal role in increasing public pressure on those responsible for violence against women by using the law more effectively.

### **Recommendations**

This section discusses recommendations for the major policy changes, coordination between state and civil society and role of non-governmental organizations to prevent violence against women in the Pakistani society. Side by side the state, civil society and human rights organisations all are



responsible to stop violence against women with a rational approach. Authors present following suggestions in the context:

### ***A Policy Framework***

The existed rules and regulations should be modified, and new laws should be introduced to prevent the violence against women. It is imperative to establish a policy framework that garners consensus from all prominent political parties and remains resilient enough to withstand alterations in government in political orientation.

### ***Dedication of Budget***

Since financial resources are essential, dedication of adequate budget is required for preventive mechanisms at both federal and provincial levels. A committed and recurring budget for avoidance of violence against women and girls and speedy victim/survivor relief demonstrates an active dedication to ending it. The budget could be also allocated for public private partnership programs in the context.

### ***Services at District Level***

There should be “Centres for Prevention from Violence Against Women and Girls” in at district level of every province. A comprehensive service model that offers comfort to victims and survivors. These centres should be consisted of the services such as filing a formal complaint, first aid, police reporting, medical examination, gathering and processing forensic and other types of evidence, psychological assessment, and post-traumatic rehabilitation.

### ***Necessary Training***

It is crucial for professionals in various sectors including health, education, police, judiciary and members of the civil society to receive standardised and accredited training on the topic of violence against women and girls. The comprehensive training covering all aspects of the violence against women can help in reduction of violence against women in the society.

### ***Coordination and Collaboration***

Coordination and collaboration among the different state’s institutions and state and society is very important in handling social problems. The violence against women can be decreased through increasing coordination



and collaboration between government and non-governmental operations, including public-private partnerships.

### ***Rehabilitation Process***

Examining violence against women and girls with a human rights lens transfers prevention from private to public domain, emphasising on the public authorities' responsibilities for victim's rehabilitation and abuser's punishment. In such situation, no authority figure may subjectively avoid punishing a gender-based criminal suspect. Issue of violence against women comes under realm of human rights which expand the scope of state's role and functions of private institutions as well.

### **References**

- Action Aid, Gender and Development Network. (2020). *A theory of change for tackling violence against women and girls*. [https://www.womenindisplacement.org/sites/g/files/tmzbd11471/files/2020-10/theory\\_of\\_change\\_on\\_vawg.pdf](https://www.womenindisplacement.org/sites/g/files/tmzbd11471/files/2020-10/theory_of_change_on_vawg.pdf)
- Ashfaq, M. (2013, January 8). KP assembly bans forced marriage under Ghag. *Dawn*. <https://www.dawn.com/news/777316/kp-assembly-bans-forced-marriage-under-ghag>
- Bhattacharya, S. (2020). Violence on women: An 'acceptable' assertion in Pakistan. *World Affairs Summer*, 24(2), 142–158. <https://www.jstor.org/stable/48629030>
- Critelli, F. M., & Willett, J. (2013). Struggle and hope: Challenging gender violence in Pakistan. *Critical Sociology*, 39(2), 201–221. <https://doi.org/10.1177/0896920512438780>
- Davies, L. (2008). Gender, education, extremism and security. *Compare*, 38(5), 611–625. <https://doi.org/10.1080/03057920802351432>
- Eurasian Times Desk. (2020, January 28). *Hindu girl abducted from wedding in Pakistan; Converted & married-off*. Eurasian Times Desk. <https://eurasianimes.com/hindu-girl-abducted-from-wedding-in-pakistan-converted-married-off/>
- French, S. G., Teays, W., & Purdy, L. M. (1998). *Violence against Women: Philosophical perspectives*. Cornell University Press.
- Friday Times. (2023, July 11). *Punjab records 10,365 cases of violence against women in just four months*. <https://thefridaytimes.com/11-Jul-2023>



- Human Rights Watch. (2006, September 6). *Pakistan: Proposed reforms to hudood laws fall short*. Human Rights Watch. <https://www.hrw.org/news/2006/09/06/pakistan-proposed-reforms-hudood-laws-fall-short>
- Human Rights Watch. (n.d.). *Pakistan events of 2022*. Human Rights Watch. <https://www.hrw.org/world-report/2023/country-chapters/pakistan>.
- Imran, R., & Munir, I. (2018). Defying marginalization: Emergence of women's organizations and the resistance movement in Pakistan: A historical overview. *Journal of International Women's Studies*, 19(6), Article e9.
- Iqbal, M. (2022, December 8). Forced marriages – Reasons and circumstances. *Daily Times*. <https://dailytimes.com.pk/1037140/forced-marriages-reasons-and-circumstances/>
- Jafar, A. (2007). Engaging fundamentalism: The case of women's NGOs in Pakistan. *Social Problems*, 54(3), 256–273.
- Kaur, R., & Garg, S. (2008). Addressing domestic violence against women: An unfinished agenda. *Indian Journal of Community Medicine*, 33(2), 73–76. <https://doi.org/10.4103/0970-0218.40871>
- Krantz, G., & Garcia-Moreno, C. (2005). Violence against women. *Journal of Epidemiology Community Health*, 59(10), 818–21. <https://doi.org/10.1136/jech.2004.022756>
- Nasrullah, M. M. (2009). Newspaper reports: A source of surveillance for burns among women in Pakistan. *Journal of Public Health*, 32(2), 245–249. <https://doi.org/10.1093/pubmed/fdp102>
- Naveed, B. (2019). *Violence against women in Pakistan*. Human Rights Asia. <http://www.humanrights.asia/wp-content/uploads/2019/03/Violence-against-women-in-Pakistan.pdf>
- Pakistan-Horizon. (2020, March 17). *Hegemonic masculinity and its effects: A social stigma*. <https://pakistanhorizon.wordpress.com/2020/03/17/hegemonic-masculinity-and-its-effects-a-social-stigma/>
- Patel, S., & Gadit, A. M. (2008). Karo-Kari: A form of honour killing in Pakistan. *Transcultural Psychiatry*, 45(4), 683–694. <https://doi.org/10.1177/1363461508100790>
- Perveen, A. (2016). The constitution of Pakistan (1973) and women rights: An interpretation. *Pakistan Journal of Gender Studies*, 13(1), 37–52.

- Sajid, I. A., Khan, N. A., & Farid, S. (2010). Violence against women in Pakistan: Constraints in data collection. *Pakistan Journal of Criminology*, 2(2), 93–110.
- Sarfraz, A., Sarfraz, Z., Sarfraz, M., & Qarnain, Z. (2022). Gender-based violence in Pakistan and public health measures: A call to action. *Bulletin of the World Health Organization*, 100(7), 462–464. <https://doi.org/10.2471/BLT.21.287188>
- Siddique, A. (2012, December 9 ). 'Ghagh': The Pashtun custom of men forcing marriage proposals on women. *The Atlantic*. <https://www.theatlantic.com/international/archive/2012/12/ghagh-the-pashtun-custom-of-men-forcing-marriage-proposals-on-women/266059/>.
- Stamarski, C. S., & Hing, L. S. S. (2015). Gender inequalities in the workplace: The effects of organizational structures, processes, practices, and decision makers' sexism. *Frontiers in Psychology*, 6, Article e1400. <https://doi.org/10.3389/fpsyg.2015.01400>
- Tahir, R. (2022, November 20). Acid violence. *The News International*. <https://www.thenews.com.pk/print/1011757-acid-violence>
- Tanoli, S. (2022, August 7). Where Pakistan's domestic violence laws fails. *Tribune*. <https://tribune.com.pk/story/2369842/where-pakistans-domestic-violence-law-fails>
- The Elders. (2015, April 23). *Women's rights in Pakistan: Failed by a culture of intolerance and impunity*. <https://theelders.org/news/women-s-rights-pakistan-failed-culture-intolerance-and-impunity>
- The World Bank. (2019, September 25). *Gender-Based violence (Violence against women and girls)*. <https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls>
- United Nations Human Rights. (2014). *Women's rights are human rights*. <https://www.ohchr.org/sites/default/files/Documents/Events/WHRD/WomenRightsAreHR.pdf>
- Weiss, A. M. (2012). *Moving forward with the legal empowerment of women in Pakistan*. United States Institute of Peace. <https://www.usip.org/sites/default/files/SR305.pdf>

