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## Gender-Based violence in Pakistan: Incidences, Emerging Statutes, Intrusions & Factual Strategies

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### Abstract:

This article discovers by facilitating a brief recognition of Gender-based violence (hereinafter GBV) and its impact in society as breach of human rights which administration is abandoning for years. It's a misery for our country to lack in making good policies regarding gender disputes and social rights related to human beings. The article reconnoitres different behaviours in which women are being victimized, degree of violence, its effect on victims and society at large. The current investigation will also covers adequacy of prevailing laws for women's safety; acquiescence by Government and to what extent Pakistan fulfils its legal pledge related to CEDAW? Moreover flaw existing in CEDAW and Pakistan's current debate in parliament to have new regulations in this sphere is also being discussed. In the end, suggestions and recommendations are made for Government, United Nations and Global Community for applied purpose through which women can be provided legal safeguard.

**Keywords:** CEDAW, Commission on Status of Women, Gender-based Violence, Human rights apparatus, Special Rapporteur on violence against women

### INTRODUCTION:

For the Balanced order of global sphere, the presence of female gender is very significant but woman are in bitter menace in their surroundings where they should be anodyne one. Tarar et al., (2017) stated that Domestic violence (hereinafter, DV) is recognized as cruelty from husband and wife pounding. DV considered as "the variety of sexually, mentally and bodily intimidating acts cast-off towards young and teenage females by existing or previous male intimate cohorts" (World Health Organization [WHO], 2003). It is deed of brutality in adjacent relation as husband and wife in the domestic sphere; it involves jolting, drumming, piercing and cuffing (Siemieniuk et al., 2010). Woman faces many hurdles to report cases like behaviour of police which is very helpless regarding lodging FIRs, moreover doctors with lack of training to provide the accurate medial reports (Burney, 1999 Jilani & Ahmed, 2004;). Furthermore, in assault and rape cases if they get failed to prove is likely to bear more violence (Burney, 1999 Critelli, 2012).

Drastic changings has been witnessed to handle GBV cases and the purpose might be that majority of countries around globe signed UN convention regarding violence. Our country is party to "The Convention on the Elimination of All Forms of Discrimination against Women" (hereinafter, CEDAW) and "The Declaration on the Elimination of Violence against Women" (hereinafter, DEVAW). It is resolution which tailored out for States to delicacy handle the domestic abuse and to make it defilement of human rights (hereinafter HR) issue and to make local statutes according to universal standards (UN special report, 1996). According to Para 1 of General Recommendation (hereinafter GR) No. 19, gender abuse is one of category of discrimination, which restrains females' knack to relish freedoms on basis of equivalence with men (UN, CEDAW [Eleventh session] 1992).

However CEDAW does not evidently denote gender abuse against females but while deducing CEDAW and its growths in intercontinental law, it means and embraces violence as violence against HR precisely against female (Lawyers Collective Women's Rights Initiative, India 2013). The GR 19 construes the word "discrimination" by way of GB in Article 1 of convention (Eleventh session, 1992).

#### **Pakistan's Condition about DV:**

Pakistan was given consent to CEDAW in 1996. A compliance data was to be submitted to UN in a year, nevertheless it couldn't be possible alongside with other periodic surveys within calculated timeframe (UN, CEDAW, 2005). The major survey was based on "Collective primary, secondary and third annual reports of Pakistan" which shelters the entire gap till December 2004 and many years has been taken by the Ministry of Women Development (hereinafter MoWD) to gathered national and regional data. Finally, on 7<sup>th</sup> feb 2005 after many contemplations and debates, the report got acceptable by National Assembly (hereinafter NA) in conference. Fourth national periodic report 2009 noted many undertakings of Administration to embolden equality, eliminate biasness and to regulator gender abuse while making statutes on women's rights. Another dreary zone of CEDAW implementation was that our country was not ready to endorse "The Optional Protocol (hereinafter OP) to CEDAW" which delivers valuable apparatuses to impose rights (OPCEDAW, 2000).

The Constitution 1973 delivers "the ideologies of non-discrimination and fairness" on basis of sex under Article 25. Though, no description has been made of "discrimination against women and viciousness against females". National Commission on the Status of Women (hereinafter NCSW) and MoWD are dual significant frames which are working for the rights while no. of other NGOs are there which are pushing the management to take early strategies in this perspective. DVPPA 2009 got approved by NA to defend and deliver assistance to the victims but then again the condition was so disgruntled due to obstruction by "Council of Islamic Ideology (hereinafter CII)". Statistics shows that around 65,316 cases of abuse have been witnessed during 2008-2011 (Zia & Butt, 2012). Back in 1990s, Pakistan tried its level hard to drag the attention of motivational and noble persons of society towards this lingering issue. Pakistan being party to no. of international conventions from 1990 to 1995 tried its level hard to cope up human rights issues at their best regarding child and women issues at national and international level.

#### **Constitution and Domestic violence (Prevention & Protection Act) 2009:**

Under constitution 1973 every person is safeguarded for equal rights and their protection with any discrimination on basis of gender, caste and creed. Pakistani courts are open to entertain all the matters of infringement of rights. In August 2009, the NA passed "The domestic violence prevention & protection Act (hereinafter DVPP 2009) and in 2012 it got passed by the Parliament. The DVPPA 2009 is all gender friendly law unlike legislation made by its neighbour India (Qureshi, 2012). The statement that domestic violence embraces those actions "committed by an accused/Respondent against women, children..." gives an impression that here word used "accused" means and includes male gender (Sec. 4 of DVPPA 2009). The Act of 28-clauses provides monetary relief, custody orders, interim orders, protection orders and residency order in favour of victims (sec.10-13 of DVPP2009). This Act also helps to give punishment in form of fines that would not be less than one hundred thousand (100,000) and in case of violation of orders for second time it would be extent to two hundred thousand (200,000). Moreover the jail terms for violated protection order would be extent to six months and for second time it would be not less than 2 years (sec. 13 of DVPP 2009). Act also covers sections which state that benches must have their verdicts concerning gender abuse cases in calculated time of 90 days (sec. 5 of DVPP 2009).

This above mentioned bill was originated by the two lady members of the NA. Hashmi (2009) states that MOWD with the partnership of MOHR was given the mission of examining the initial proposed draft and also the main noticing thing is NCSW was given the task to analysis the provisions of the statute and suggest the amendment if needed which makes it clear that the basic purpose of its enactment to give maximum protection to women (Aurat foundation, 2011). Eviction of victim from house without lawful excuse and to be residing in house is declared as prime right under concern act. It is to develop more interest for readers while witnessing the protection committee clauses which talks about complete panel of agency body namely; "medical doctor, lady police officer, psycho-social employee, an officer selected by court of law, females not less than two from society with great reputation and the Protection Officer". The government must commit to monitor the laws on an annual basis to make their implementation and to figure out that what legal techniques should be taken to bring the change through deterrent theory of punishments (Khan & Hussain, 2008).

#### **General Recommendation (GR) 19 and provinces in Pakistan:**

The closing comment Passages like 22 & 23 of CEDAW commission has observed numerous reasons related to violence exclusively diverse nature of customs of VAW such as DA, slaughtering on name of honor, adverse effect of Qisas acts and limited statistics about VAW in republic reports (1997-2004). Notwithstanding

administration took step to stop violence towards gender, still womenfolk are dispossessed to access resources and being an identical citizen of Pakistan. (Aurat Foundation, 2009). A survey in 2009 stated 8548 cases which are connected to DA with respective provinces (WHO, 2019). The report clarifies as, Punjab: 5722 Sindh: 1762 KPK: 655 Baluchistan: 237 Islamabad: 172 correspondingly broadcasted reports and police registers got filled with such cases as well (Aurat Foundation, 2010). From period of 2008-2009, the no. of cases has been increased from 7571 to 8548 and in period of 10 years they are increasing impossible to flout (Hafeez, 2021). As per official data, 8/9 pointers namely child abuse (1,920 cases), child labor (117 cases), child marriages (32 cases), domestic violence (1,422 cases), violence against women (9,401 cases), rape (4, 321), kidnapping (15,714 cases) and honor killing (2,556 cases) had great existence throughout state (Imran, 2021). Moreover unavailable statics shows the reason of lower reported cases in KPK and balochistan (Aurat Foundation, 2020).

HRCF (2020) fired the media with dilemma of women in their recent report related to increasing ratio of DV in Pakistan specifically during (covid-19) pandemic (Agha, 2020). The management tried its level best to confine VAW by initiating Gender Sensitizat Drill. Police teaching curriculum on gender and violence against women got approved by the Police Training and Management Board (hereinafter PTMB) in 2006 to be established as segment of the central program being taught in police academies and institutes throughout Pakistan (National Police Buera, 2006). Right now, in 3 provinces the above training has been started after passing their respective laws like in Sindh 2013, Baluchistan 2014 and Punjab 2016 (shah 2021). KPK assemble is about to pass bill in 2019 which is varied drafts of previous proposals set by the government in 2014 and 2015. Currently, KPK is the region which is not having law specifically on DV and the reason is no. of criticisms followed by certain sectors out of which major changes has been implemented in present bill as compared to earlier drafts (shah, 2021). Federal government tried to list DV law in federal as well as Islamabad however it is still to be passed by assemble. Not only KPK government even NA is facing many hurdles to get a bill passed for Islamabad federal territory as according to Mazari (2021) it was shocking how DV bill 2020 has been overlooked from agenda in assembly. Moreover recommendations have been sent by CII, being a main advisory body to president, NA, PA and governors, to amend various clauses of bill 2021 specifically which contravenes Islamic injunctions.

Gillani (2021), being senator argued that this bill took months to get passed from NA firstly and here in senate government got defeated by one vote so the bill referred to standing committee for further discussion. The report of standing committee gave various amendments to draft to be referred again to NA. Awan (2021) states that now bill is asset of NA for future proceedings. The punishment fixed for violence with imprisonment of 3 years and minimum 6 months plus fine is around one hundred and thousand to be awarded as reparation to victim. According to Sherani (2021), being chairman of CII, allowed slightly beating of wife whenever needed terrified many HR activist. Bari (2021) states that to allow beating by husband is totally unconstitutional and will push Pakistan more into obliviousness. Another and obvious reason not to get this bill passed by parliament is Pakistan is also facing Gender-disaggregated data as country report admitted this fact as well. HRCF in its report said Figures have to be disaggregated with respect to age and gender to have better assess needs (HRCF 2020). To collect data on individual basis is also one of way to gathered it like it has already been done by KPK with help of HRCF and NGOs but our government refused to collect such kind of data which is biggest negligence at part of administration.

We cannot say that Pakistan even didn't work for women's right at all, there are laws which protect gender based violence like harassment law, laws related to insulting which deals under section 509 of PPC and laws against acid flinging under criminal law act 2011. Dual responsibility is towards MoHR to look after the matters done by MoWD precisely observing and broadcasted on CEDAW. Provincial government consecrated with emergency centres for women's protection via 18<sup>th</sup> amendment. Conversely out of many twelve such epicentres were denied to be espoused by the local Punjab province and substituted them with "crisis support desks" that only deals with the recommendation apparatus. Furthermore other provinces have the same situation that only supposed to adopt such centres but botched to give satisfactory and appropriate fiscal distributions to them and exposed it in this way that how less importance it is for the Management.

#### **Government, CSO Appliances and Schedules:**

Pakistan tried its level best to submit the chapter on "**Institutional Mechanisms for its implementation in Pakistan**" and later on submitted report as well through Beijing platform. This platform also helps to review 25 years assessment for Action plan which was held in 64<sup>th</sup> session in March (UN [UN-WOMEN], 2020). Moreover MoWD was to follow up various action plans after Beijing committee and to established coast-to-coast core commissions and Pivotal Point. Other major task was also to make committees in every province "Woman's Development Departments (WDDs)". However MoWD became redundant in 18<sup>th</sup> Constitutional Amendment (2010) and its many tasks was surrogate to (MOHR). NSCW is a body which was created for the purpose is too dominant to the ideologies of gender equivalence and authorization as preserved in the Constitution (NCSW, 2009). Hence, Ms. Nelofer bukhtiar being current chairman of NCSW tried helping level best to cop up these GB

violence issues NCSW tried to submit its report in 2005 related to issue of standardized Indicators VAW in Pakistan with help of guidelines for researchers and activists (Ellsberg & Heise, 2005). Henceforward, the NCSW is missing with mandate, supremacies, importance and aid. In 1996 NPA got happened and ended in 1998, during that period Pakistan being developing country faced many hurdles like, the periodic report application was sternly inscribed, insufficient to meet necessities, wanting in qualitative certainty and lacking in suggestions that commission of SOW totally precluded and resumed it to federal and the reason was incessant management policy variations and sackings. Furthermore, many NGO's and woman right's activists organizations somehow managed to get the access to such report already having knowledge about rejection of it previously. Lastly Pakistan succumbed its "joint Original, Additional and Third Episodic" report to UN in 2005. Nonetheless the MoWD requested limited activists and NGOs. Henceforth, most of the work has been done by NGOs and another shadow report was also prepared by them, but its first report got late to be submitted. Now a days Govt. introduces DV app and helpdesk by calling 1099 to end violence cases and speedy notice of this kind of violence in society (MOHR, 2020).

### CONCLUSION & RECOMMENDATIONS:

Our government looks detached regarding issues to gender based violence even the no. of cases has been reported on daily basis in this regard. According to HRCP's report almost eight women got raped every twenty four nationwide along with seventy to ninety five percent cases of domestic violence. Outcome of deep ingrained and widespread bias against women, our justice system is totally helpless to provide impartiality and redress for sufferers of GBV. Dupes when get suffered with injury, they use to witness influenced legal system, loathsome departments, clumsy DAs, dubious adjudicators and unskilled medical staff. The terrible flat of health services in Pakistan is a symbol of municipal's nonexistence interest to knob the wrongdoing of DV. Afresh law on DV is supposed to get passed from parliament of Pakistan in 2021 which is biggest ladder in this masculine society. Pakistan being Islamic republic should take a keen interest to eliminate GBV in its intercontinental and constitutional law, and masculinity discrimination in criminal legal organization should be detached as well. The imprint of "DV" should have same meaning crossways borders and this resolution can get its way through incorporation of word DV word in constitutions around the globe. This should be solitary duty of NCSW/PCSW's and WDD's to take the status of women so high that she should be considered as strongest part of society as compared to considered her as feeble. This motive can only be achieved if Pakistan not only considered to make provisions regarding equality, safeguards and FR in constitution but also should play its pro-vital character as signatory to CEDAW. Some more recommendations are here to target this widespread ailment in virile minds;

- Solidest Law should be ratified which outlaw all kinds DV against women which includes and means battery, mugging, acid scalds, involuntary abortions, prohibited detentions and sexual stabbing, by husbands and other relatives. Element of gender equality and non – discrimination should have in minds of legislatures related to amount of Diyat. Screening (camera recordings) process should be done by benches hold DV and rape trial to avoid disgrace attached to rape.
- Working committees should be constituted to go through with various reports, commendations and submissions for CEDAW at national and province level. The matters bases on violence should be quickly responded by NCSW Instead of MoHR. In police rules clauses related to settlement of issues should be amended. Appointment of female medico legal doctors should ensure along with trained laboratory staff. Parliamentary committees (senate) should facilitate government to get pass all the bills related to recognition of woman in this partial society instead vanishing those progressive law.
- Country's response towards DV should be property taken into consideration by UN and WHO. Federal and provincial government should also help state to provide exact data related to violence on annually basis so that international community should take prodigious actions to heal up this sensitized issue.

### References:

Agha,R.J.,(2020). Domestic violence during Covid-19 <https://www.thenews.com.pk/print/652780-domestic-violence-during-covid-19>

ANI, (2021) HRCP report rings alarm over plight of women in Pakistan <https://www.aninews.in/news/world/asia/hrcp-report-rings-alarm-over-plight-of-women-in-pakistan20210706202836/>

Aurat Foundation, (2011). Gender-based violence in Pakistan: A Scoping Study, Gender Equality Program. p. 2-3

<https://www.humanitarianlibrary.org/sites/default/files/2014/02/GENDER%20BASED%20VIOLENC%20-%20R%20PARVEEN%20%282%29.pdf>

Awan, B. (2021). Twitter reacts to Domestic Violence Bill under review by CII, Many took to social media and expressed their concerns over the recent development <https://tribune.com.pk/story/2309072/twitter-reacts-to-domestic-violence-bill-under-review-by-cii>

Bari,F. (2017). Talk on gender equality and role of women

[https://www.business-standard.com/article/international/pakistan-s-islamic-council-halts-legislation-on-domestic-violence-bill-121071000094\\_1.html](https://www.business-standard.com/article/international/pakistan-s-islamic-council-halts-legislation-on-domestic-violence-bill-121071000094_1.html)

Burney,S. Crime or Custom. Violence against Women in Pakistan. (2001) (Oxford University Press 2001) ISBN 019 579549 0

Darisuren, A., & Fortuna, S., (2009). Domestic Violence Legislation and its Implementation, An analysis for ASEAN countries based on international standards and good practices. <https://www.refworld.org/pdfid/4c299f652.pdf>

Ellsberg M, and Heise L. (2005). Researching Violence Against Women: A Practical Guide for Researchers and Activists. Washington DC: World Health Organization, <https://www.who.int/reproductivehealth/publications/violence/9241546476/en/>

Imran,M.(2021). Report on violence against women statistics <https://www.thenews.com.pk/print/801343-report-on-violence-against-women-statistics-in-2020>

Koenig,M.A.,Lutalo,T., Zhao,F., Nalugoda,F., Wabwire-Mangen,F.,Kiwanuka, N., Wagman,J., Serwadda,D., Wawer,M., & Gray,R. (2003). Domestic Violence In Rural Uganda: Evidence From Community-Based Study. [www.who.int/bulletin/Koenig0103.pdf](http://www.who.int/bulletin/Koenig0103.pdf)

Mazari, S. (2021). Govt recommends referring domestic violence bill to Council of Islamic Ideology, The Domestic Violence (Prevention and Protection) Bill, 2021 <https://www.dawn.com/news/1633531>

Qureshi,S.N. (2012). Legislative Initiative in the Area of Domestic Violence in Pakistan: Gender Approach to the Core Provisions of the Domestic Violence (Prevention and Protection) Act 2009',

Shah, W. A. (2021). View from the courtroom: KP domestic violence bill a diluted version of previous drafts. Dawn, <https://www.dawn.com/news/1601824>

Siemieniuk, R. A. C.; Krentz, H. B.; Gish, J. A.; Gill, M. J.(2010). Domestic Violence Screening: Prevalence and Outcomes in a Canadian HIV Population. <http://www.ncbi.nlm.nih.gov/pubmed/21138382>

Tarar,G.M., Safdar,S., Hassan,S.M. (2017) Violence against Women in Pakistan: Prevalence, Legislation, Interventions & Realities' Pakistan Journal of Criminology Vol. 9

United Nations, (1992). Committee on the Elimination of Discrimination against women, 'violence against women,' General Recommendation No. 19 (Eleventh session, 1992), CEDAW/C. <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

United Nations, (1996). Model legislation on domestic violence, UN special report on violence against women, 1996, <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/0a7aa1c3f8de6f9a802566d700530914>

United Nations, (2005). Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, combined initial, second and third periodic reports of Pakistan. <https://www.refworld.org/publisher,CEDAW,,PAK,,,0.html>

Warraich,S. (2020). Locked down and vulnerable <https://www.thenews.com.pk/tns/detail/678152-locked-down-and-vulnerable>

Zia, M., Butt, R. (2012). Pakistan NGO Alternative Report on CEDAW  
[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PAK/INT\\_CEDAW\\_NGO\\_PAK\\_](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PAK/INT_CEDAW_NGO_PAK_)