



## Policy Brief

### DOMESTIC VIOLENCE AGAINST WOMEN IN PAKISTAN

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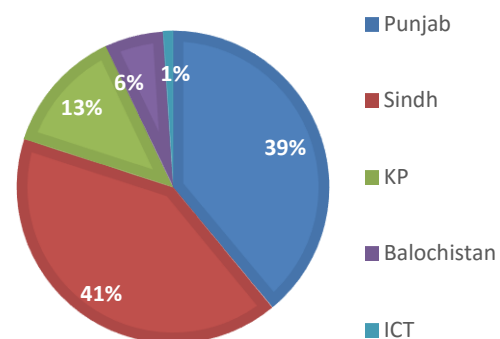
#### Executive Summary

Pakistan was ranked as the third most dangerous country for women in the world (TrustLaw, 2011). A major reason for this is the alarmingly high rates of domestic violence in the country. Although efforts to combat domestic violence have been made like the Domestic Violence (Prevention and Protection) Act 2012 and the Punjab Protection of Women against Violence Act, they are yet to yield substantial results. This policy brief unpacks domestic violence against women and explains the physical and psychological impact it has. It addresses the causes of domestic violence, mainly patriarchy, lack of awareness and institutional inefficiencies. The two main policies aimed at combating this problem are analyzed and recommendations are made accordingly including training of police, awareness campaigns and rehabilitation of victims.

#### Prevalence

From 2008 till 2014, there was a 33 percent increase in cases of violence against women (Hadi & Ullah, 2015). The largest number of cases of domestic violence reported were in Sindh, followed by Punjab, as shown in Figure 1. However, the low percentages in Khyber Pakhtunkhwa and Balochistan are not necessarily due to low rates of domestic violence, but may indicate a lack of reporting because of cultural, judicial and institutional barriers. According to a survey, the husband, father and brother of the victim are most often the perpetrators of violence (Human Rights Commission of Pakistan, 2014). However, the mother and in-laws have also been reported to be involved in acts of domestic violence (Human Rights Commission of Pakistan, 2014). The actual

FIGURE.1 PERCENTAGE SHARE OF PROVINCES IN DOMESTIC VIOLENCE



(Source: Hadi & Ullah, 2015)

number of domestic violence cases are estimated to be much higher than reported. Owing to the perceived private nature of the problem and institutional challenges

discussed below, a large portion of the cases go unreported.

## Implications

Domestic violence in Pakistan has targeted not only women but also men and children. The physical and psychological harm inflicted on the victim puts his or her health and in extreme cases, life, at risk. It has long lasting psychological effects such as depression and low self-esteem, which further compromise the victim's ability to acquire a basic standard of well-being (Hadi & Ullah, 2015). Furthermore, the impact of this crime extends beyond the immediate victim. In a study by Rutgers WPF, 75 percent of the respondents' children witness abuse by their husbands. This can have a long lasting psychological and behavioral impact on them (Rutgers WPF, 2013).

## Factors Involved

### Patriarchal Culture

The patriarchal nature of the Pakistani society, which fosters a safe space for such ideas to perpetuate. For example, it is considered the right of the husband to beat his wife if he deems it is needed (Hadi &

Ullah, 2015). Figure.2 shows some of the excuses for perpetuating domestic violence.

Strictly prescribed gender roles of women, such as cooking, bearing and raising children, result in violent outcomes in case the women deviates from these prescribed tasks.

### Religious Factors

The patriarchal culture is strengthened by the misguided support of some religious leaders, who use Islam as a tool to keep women at a subservient position (Nasir, 2006). These leaders play an important role in validating the use of violence against women by presenting religious texts taken out of context to support their arguments.

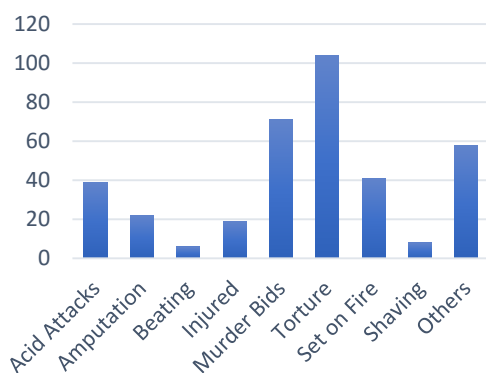
### Lack of Awareness

In many areas of Pakistan, women are unaware of the laws and rights granted to them by the constitution. This leads to them being isolated from the system on the assumption that there is no other option than to suffer in their homes (Hadi & Ullah, 2015). Low education levels results in them being economically dependent on the male members of the household as they do not have the required skill set to support themselves.

### Institutional Barriers

Those seeking justice are unable to get adequate support from state institutions. Lack of cooperation of police in registering FIRs for domestic violence, inadequate healthcare and shelter support for the victims and costly and time consuming judicial procedures are some of the barriers that the women face (Immigration and Refugee Board of Canada, 2013). These discourage women from

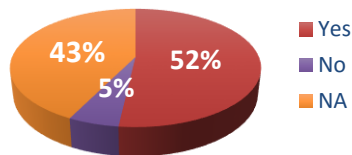
**FIGURE.2 FORMS OF DOMESTIC VIOLENCE**



(Source: Human Rights Commission of Pakistan, 2014)

seeking help (see Figure.3), which makes them vulnerable to domestic violence.

**FIGURE.3 PERCENTAGE OF FIRS REGISTERED**



(Source: Human Rights Commission of Pakistan, 2014)

## Current Policies

As domestic violence is a grave concern in Pakistan, the government has made certain efforts to curb it.

### i) Domestic Violence (Prevention and Protection) Act 2012

The Domestic Violence (Prevention and Protection) Act 2012 declares that a hearing date must be set within seven days of receiving the complaint and the case be dealt with within ninety days. The convicted felon faces a minimum of six months jail time and a Rs. 100,000 fine (Farrulsaqlain, n.d.).

### ii) The Punjab Protection of Women against Violence Act

The Punjab Protection of Women against Violence Act (PPWVA) includes protection against physical and mental domestic violence, harassment, economic abuse and cybercrimes (Nabeel, Qamar, & Malik, 2016). It also entails the establishment of Violence against Women Centers and District Women Protection Committees aimed at providing judicial and healthcare assistance.

### iii) Shelter homes

Special shelter homes established by the government provide protection to victims and a safe space for dispute resolution.

Although these efforts are welcoming but they still lack effectiveness due to the cultural and societal barriers that remain unaddressed.

## Critique of Policies

### Loopholes

#### i) Criminalization

Section 9 of the Prevention and Protection Act implies that the offender will only receive a warning for the first time the offense has been committed while he/she will be punished only the second time the crime is committed (Directorate of Human Rights Khyber Pakhtunkhwa, 2017). This sets a dangerous precedent as it shows a degree of tolerance for domestic violence and undermines the aim of this act.

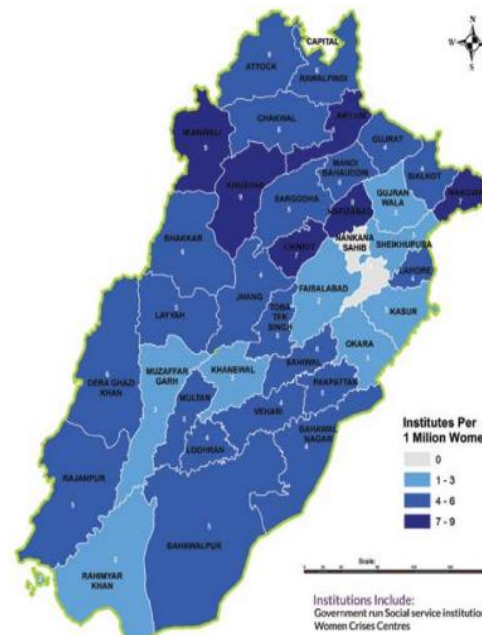
#### ii) Definition of Domestic Violence

In PPWVA, the definition of domestic violence excludes women who are abused by relatives, who are not related by blood, living in the same household (Nabeel, Qamar, & Malik, 2016). This excludes a major section of the perpetrators of domestic violence i.e. the in-laws and hence, limits the scope of this policy (Human Rights Commission of Pakistan, 2014).

#### iii) Definition of Dependent Children

The definition of dependent children excludes girls entirely, along with boys over 12 years and children with special needs (Nabeel, Qamar, & Malik, 2016). This definition is problematic since it makes these children ineligible for staying with their mothers (domestic violence victims) in government shelter homes and hence,

**FIGURE.4 GOVERNMENT RUN SOCIAL SERVICE INSTITUTIONS PER 1 MILLION WOMEN (2014-15)**



(Source: Punjab Commission on the Status of Women, 2016)

discourage women from seeking help for the sake of their children.

iv) **Time Frame**

The time frame given to address cases is unnecessarily long, putting the victim at a greater risk. This is because women are often in close vicinity to the defendant, and are also mostly dependent on the male members of the household, both for finances and mobility. A longer time period can also be used to pressurize the victims to withdraw their complaints.

**Issues with implementation**

i) **Infrastructure**

The infrastructure that the government has provided to protect women who have suffered through domestic violence is insufficient to meet the demand. The Punjab Gender Parity Report pointed out and as Figure.4 demonstrates, “with over 17,000

women currently residing in social service institutions in Punjab, existing facilities are insufficient to meet the needs in each district” (Punjab Commission on the Status of Women, 2016). Inadequate state support makes attaining justice much harder for the victim.

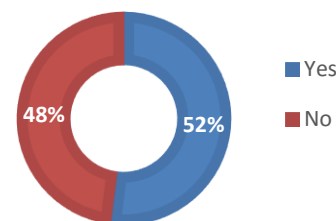
ii) **Behavior of Police**

The police often considers domestic violence as a family matter which can be resolved privately. Such non-serious and rigid attitude discourages women from pursuing their grievances through the legal channel (Immigration and Refugee Board of Canada, 2013).

iii) **Health Care Support**

In a survey, 48 percent of respondents had not received medical care following domestic abuse (see Figure.5) (Human Rights Commission of Pakistan, 2014). According to another survey carried by Rutgers WPF, 63 percent of the respondents did not seek medical help, out of which 35 percent said they were not allowed to do so and 20 percent said medical facilities were not available or accessible (Rutgers WPF, 2013).

**FIGURE.5 PROPORTION OF VICTIMS WHO RECEIVED MEDICAL CARE**



(Source: Human Rights Commission of Pakistan, 2014)

**Cultural Considerations**

These acts largely ignore the cultural context within which they operate. A study reported that a large section of women think that

certain reasons are acceptable and justified for being abused by their husbands (Rutgers WPF, 2013). 43 percent of respondents in a survey said that the husbands had the right to beat their wives if they were disobedient (Rutgers WPF, 2013). In another survey by Aware Girls, 21.4 percent respondents said that husband could beat their wives if she went outside the house without his permission (Aware Girls & Young Feminists Movement, 2014). This highlights a serious problem with the prevailing mindset of the society which can be changed through education and procedural solutions.

## Recommendations

### Policy Amendments

#### i) Criminalizing Domestic Violence

Domestic violence should immediately be declared a criminal act, like it was declared in Sindh, to establish the seriousness of the crime and the state's intolerance against all those committing it.

#### ii) Inclusion of Relatives not related by Blood

The definition of domestic violence should include abuse by relatives not related by blood living in the same household to reach out to a large number of victims, since a significant portion of domestic violence is carried out by the in-laws (Human Rights Commission of Pakistan, 2014).

#### iii) Age Limit of Dependent Children

The age limit of the children eligible to stay with their mothers in protection centers should be changed to under 18 years, so they can still be nurtured by their mothers regardless of domestic conflicts.

#### iv) Reducing the Time Frame

The time to address cases of domestic violence should be reduced in order to ensure safety of the victim and timely justice. This will also help in the process of rehabilitation of the victim.

### Improving Implementation

#### i) Police Training

Police should be trained to deal with domestic violence cases. For example, they should be educated about what constitutes domestic violence, trained to be gender-sensitive while addressing complaints and responsive while registering FIRs. Also, additional women helpdesks should be established in police stations.

#### ii) Awareness

Educational and awareness programs should be introduced to raise the issue of domestic violence among men and women that would address what it is, the factors involved and how to respond in such situations. This can be done through free confidential counselling, pamphlets and workshops conducted by professionals.

#### iii) Gaining Support of Religious Leaders

Religious scholars should be brought on board to condemn domestic violence and should educate their students against such crimes.

#### iv) Improving Healthcare and Rehabilitation

Health professionals should be trained to recognize signs of domestic violence and made aware of the legal procedures to follow after receiving such cases. Health and economic support should be provided to victims, and psychological treatment be

made mandatory for convicts of domestic violence. More women protection shelters should be established to address the need of such institutions.

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