



## Empowering Women for Gender Justice, Eliminating Gender Based Violence against Women

Pakistan has been ranked as the third most dangerous place in the world for women. Gender Based Violence (GBV) in Pakistan has its roots in a patriarchal social structure under which women are considered inferior to men and are viewed as property. Illiteracy, ignorance and blind faith in clergy provide a fertile ground for the maintenance of the status quo, and encourages this extreme form of patriarchal society. This issue is further compounded by discriminatory legislation and a dysfunctional criminal justice system. Acts of violence committed against women including, inter alia, sexual violence, intimate partner or spousal abuse (domestic violence), sexual harassment, harmful traditional practices (forced marriage, vanni, karo kari), and other discriminatory practices based on gender all fall within the ambit of GBV. Over 10,000 cases of GBV were reported in Pakistan in 2014. According to official figures released by the Ministry of Human Rights, 8,648 human rights violations were reported in the country between January 2012 and September 15, 2015. These included 90 incidents of acid burning, 72 of burning, 535 cases of violence against women, 860 honor killings and 344 rape/gang rapes, 268 sexual assault/harassment, and 481 of domestic violence.

Pakistan has signed several international instruments to stop gender-based violence. These include:

1. Convention to End all Forms of Discrimination Against Women (CEDAW),
2. Beijing Platform for Action, 1995,
3. Millennium Development Goals (MDGs),
4. At the domestic level the commitments include:
5. Articles of the Constitution of the Islamic Republic of Pakistan
6. National Plan of Action (NPA) 1998
7. National Policy on Development and Empowerment of Women 2001
8. National Strategic Framework for Family Protection.

### Constitutional Provisions

The Constitution of Pakistan has several provisions for the protection and uplift of women.

**Article 3** calls upon the State to eliminate all forms of exploitation.

**Article 4** provides for the right of individuals to enjoy the protection of law and to be treated in accordance with the law. This article also clearly states that certain rights cannot be suspended.

**Article 8** provides that any existing law or practice, inconsistent with or in derogation of the fundamental rights, shall be void. It further prohibits the State from enacting any law or policy, in conflict with Fundamental Rights except “any law relating to members of the Armed Force, or of the police charged with maintenance of public order for the purpose of ensuring the proper discharge of their duties.”

**Article 25** ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone.

**Article 26 and 27** provide for equal access to public places and equality of employment.

**Articles 11 and 37 (g)** prohibits trafficking in human beings as well as prostitution.

**Article 32** makes special provisions for the representation of women in the Local Government.

**Article 34** directs the State to take appropriate measures to enable women to participate in all spheres of national life and community activities.

**In addition Articles 25(3) & 26(2)** allow the state to make special provisions for the protection of women and children.

**Article 35** asks the State to protect the marriage, the family, the mother and the child.

**Article 37 (e)** directs the State to make provisions for securing just and humane conditions of work and ensuring that children and women are not employed

in vocations unsuited to their age or sex, and for ensuring maternity benefits for women in employment .

**Articles 51 and 106** provide for the reservation of seats for women in the legislatures.

There are a number of provisions for the protection and uplift of women but women in Pakistan are still suffering from discrimination in society. This is mainly due to lack of support structures addressing the needs of women. Such support structure includes facilities such as free legal and medical aid at the state level and presence of adequate number of shelter homes with all basic facilities for reintegration of victims in society. Lack of provision of one window services in cases of violence makes women suffer in distress. Traditions and customs may deprive women to marry out of choice, deprive them of their share of inheritance and may even take their lives in the name of honor.

In recent years Pakistan has taken a significant number of steps to counter GBV through adopting legislation on the subject. However, the laws lack implementing measures and do not offer sufficient safeguards. Shelter homes for women facing violence have also been established in Pakistan but many of these lack basic facilities and are very few in number compared to the women who are seeking refuge. Reportedly, patterns of abuse have also emerged at these shelter homes where women found their movements strictly restricted and were also pressured to return to their abusers.

The Government has established police stations for women staffed by female police officers to offer victims of violence a safe place to register complaints and file charges. However, there are very few in number and are often under staffed.

Furthermore, the police often lack the expertise to handle GBV cases. Evidence collection after rape cases is particularly poor which often results in the perpetrator going free. Since 2006, National Police Academy's curriculum includes a training module to increase gender sensitivity. This by itself is insufficient if it is not coupled with accountability for failure to investigate crime.

The Ministry of Women Development (MoWD) and the National Commission on the Status of Women (NCSW), are responsible for the formulation of policies to eliminate GBV. In 2006, the Gender Crime Cell was set up in the National Police Bureau to collect data on cases of GBV, and provide policy advice to the Government on particular cases. The Criminal Law (Amendment) Act 2004 of the Pakistan Penal Code (PPC) outlawed karo kari, siyah kari and

similar other customs, however, the law leaves space for gender biases, which results in lenient sentences and the protection of perpetrators from maximum penalties. An estimated 70 per cent of perpetrators go unpunished. The Qisas and Diyat Ordinances are applied to negotiate compensation with the perpetrator. Furthermore, the police have in some cases been reported to be complicit with perpetrators of honor crimes.

The Protection of Women (Criminal Law Amendment) Act 2006 has amended law governing rape in Pakistan. However, the law is poorly implemented and reportedly, police has also been implicated in some cases. It has been reported that police have sometimes abused or threatened victims, especially in cases where they have received bribes.

The Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011 is considered ambiguous and there is a lack of clarity surrounding its application amongst police officers and public prosecutors. Furthermore, the law does not allow an arrest without a warrant or a court order. A study conducted by Aurat Foundation in 2011 revealed that most police officers and lawyers were unaware of the existence of the AWP Act 2011 and that no trainings had been held for law enforcement officials.

The Domestic Violence (Prevention and Protection) Bill 2009 was unfortunately not passed by the Senate, accentuating the difficulty surrounding passing legislation related to women. Balochistan, Sindh and Punjab have all passed laws against domestic violence, including other pro-women legislation such as the Punjab Women Protection Authority Act 2017, the Sindh Commission on the Status of Women Act 2015, and the Sindh Child Marriages Restraint Act 2013.

However, laws by themselves cannot successfully safeguard rights. The frighteningly high official figures released by the Ministry of Human rights is testament to that. Laws have to be accompanied with implementing measures and for most of the pro-women laws promulgated, the implementing and monitoring mechanisms are still pending

## Why Women Suffer from Violence in Pakistan

Women in Pakistan are excluded from economic, social and political arenas. This is partly due to the prevalence of discriminatory legislation. Other factors behind this exclusion include patriarchal values; traditional and cultural norms, lack of economic

independence, limited or lack of access to education under-representation of women in decision-making positions and women's lack of knowledge of their legal rights. The belief of male superiority over women is inculcated from a very young age. The continued social exclusion of women is also an outcome of the low investments in the human capital of women at household and national levels.

## Existing Gaps in Economic participation

In accessing decent jobs, Women in Pakistan experience greater challenges than men. It is

reflected by higher unemployment rates among women. Indicators that track the gender dimensions of unemployment and underemployment are therefore important in monitoring

the inclusion of women in both the formal and informal labour market. While there has been a slight increase in female presence in the formal sector, the informal sector remains dominated by women due to historically high levels of female illiteracy and gender segregated roles in the economy. Most women are therefore dependent on fields such as small-scale trading and agricultural production. For women, control over land, access to credit, technologies and extension of technical capacity are important to provide them some relief economically.

## Existing Gaps in Social participation

The improved access of women and girls to social services such as education, health, water and sanitation and energy sources are key determinants of their ability to be able to engage in productive opportunities and to secure their overall well-being. Additional areas that need to be addressed include sexual and reproductive health, women's nutritional status, access to antenatal health services and emergency treatment for maternal health. Most deaths are due to poverty, shortage of qualified health personnel, inadequate health facilities, illiteracy and lack of knowledge on the importance of pre-natal care.

## Existing Gaps in Political participation

The lack of effective participation of women in decision-making at all levels, from household to

community and national, is a major gap and a hurdle in achieving gender equality and women's empowerment. Their participation influences the extent to which gender equality concerns and women's specific issues are mainstreamed in the national development agenda, including poverty reduction strategies and resource allocation mechanisms. Therefore, assessing women's power to influence policymaking, legislation enactment, institutional setting, planning, and resource allocation is a key indicator and is an issue which needs to be addressed.

## Conclusion:

Having a society free from gender based violence is not without taking into account the role of women. Women should not be treated as objects whose existence is defined by their relationship to men. Rather, they should be treated as entities in their own right as human beings having the right to live, work, contribute and earn. The reality is this that women are as capable as men in any task not involving excessive physical activity unless the men of Pakistan do not react against the patriarchal patterns of society. Gender inequality between men and women is a product of society's patriarchal attitude and has nothing to do with knowing or thinking powers of women. Violence against women sustains its momentum because of gender inequality. Illiteracy, ignorance and poverty are also very much related with violence against women. There is a strong and urgent need for mobilizing and adequately utilizing all allied sectors of society for formulating policy and programs.

## Recommendations:

Violence against women is perpetrated when legislation, law enforcement and judicial systems condone or do not recognize domestic violence as a crime.

## Recommendations for Policy Makers:

Basic objective of any legislation is to provide justice. Our laws, especially the laws pertaining to women, despite being in place fail to deliver justice due to lack of proper implementation. Procedural technicalities along with inefficiency and unwillingness of the implementers are one of the basic reasons for the failure of state in provision of prompt Justice to the victims of violence. It is imperative that these technicalities may be simplified

and effective measure may be taken for reducing the inefficiency and lack of will of the implementers.

1. Discriminatory laws should be abolished and effective legislation be enacted because in presence of discriminatory laws violence against women cannot be combated effectively.
2. There is an immediate need for enactment of law to prevent Domestic Violence.
3. It is an established fact that adverse sufferers of poverty are women. Women have limited access to health, education and have no social standing even in their respective social milieu. Some steps have been taken by the government for the socio-economic uplift of the women but more measures need to be taken in this regard by bringing the informal sector of employment within the preview of labor laws and providing effective social safety net where needed.
4. Provide support for education in the fundamental rights and empowerment of women and girls by taking measures for free and compulsory education and making schools in areas easily accessible for them.
5. Programs and policies aimed at improving the economic independence of women should be framed and implemented in all provinces of the country;

## Government Officers and Judiciary

1. Create one window facilities which include provision of medical doctor, police officer, lawyer, psychologists and temporary homes.
2. Delayed trials and prolonged litigations seriously harm the justice system. A victim seeking fair trial faces innumerable hurdle like delays, perjury, and non-availability of witnesses etc.
3. The Investigation Authorities and the forensic laboratories need to be equipped with the technology needed for investigation.
4. Take measures to combat impunity with regard to violence against women and girls, in particular by closely monitoring all case proceedings relating to VAW.
5. Devise trainings for police officers and judicial staff in matters relating to violence against women and girls and its causes and consequences.

## Recommendations for CSOs and Media:

1. Enhancing awareness regarding VAW mainstreaming of the gender issues through integration into all sectors of national development.
2. Though the representation of women on different political platforms has increased significantly during the last decade but there is still a need to sensitize women and men especially the ones in important positions to realize their responsibility and play a positive role in securing justice and equality for the women folk.
3. There is a dire need to change the prevalent stereotypes regarding male and female in our society. Such stereotype images need to be erased from the memory of our generations.
4. Both community and service providers should be educated and trained to treat both male and female as human being equal in capacity and maturity deserving equal opportunities and equal respect.
5. Support those who are threatened or who are the victims of specific and targeted repression, harassment or violence.
6. Developing community networks in order to provide care and support to people who are victims of violence.
7. Promote and support policies and campaigns to raise awareness of gender equality and to combat violence against women, especially campaigns to raise awareness specifically targeting men and boys.
8. Support campaigns in the field of awareness-raising and communication, focusing on gender equality and measures to combat violence against women and girls through the elimination of the gender stereotyping which contributes to violence against women and girls.