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Gender-Based Violence and Legal Frameworks for Protection: A Pakistani Perspective

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Abstract: *Gender-Based Violence (GBV) remains a pervasive human rights challenge in Pakistan, deeply rooted in socio-cultural norms and legal inefficiencies. Despite constitutional guarantees and international obligations, legal frameworks often fall short in effectively addressing and preventing GBV. This paper critically analyzes the evolution and implementation of gender-sensitive legislation in Pakistan, including the Domestic Violence Act, the Anti-Rape (Investigation and Trial) Act, and workplace harassment laws. It also examines institutional mechanisms, legal loopholes, and the role of law enforcement. Through a socio-legal lens, the study identifies key challenges in legal protection and proposes policy interventions to strengthen enforcement, awareness, and access to justice. Graphical analyses further highlight trends in GBV incidence and legal case outcomes over the last decade.*

Keywords: *Gender-Based Violence, Legal Protection, Human Rights in Pakistan, Women's Safety.*

Introduction:

Gender-based violence in Pakistan manifests in numerous forms—domestic abuse, sexual harassment, forced marriages, and honor killings—often compounded by legal inaccessibility and societal silence [1]. Although Pakistan is a signatory to international conventions like CEDAW [2], domestic legal implementation remains sporadic and hindered by socio-political inertia [3]. This article explores the legislative trajectory in combating GBV and evaluates the efficacy of protective legal frameworks through case data and policy review.

Historical and Legal Background of GBV in Pakistan:

The trajectory of gender-based violence (GBV) in Pakistan cannot be fully understood without examining its historical and legal foundations. The roots of women's rights in Pakistan are embedded in the country's socio-political evolution and the interplay between religious norms, colonial legacies, and constitutional developments.

Evolution of Gender Rights Post-Independence:

At the time of independence in 1947, the legal system of Pakistan inherited a dual legacy: Islamic principles and British colonial laws. The Constitution of Pakistan, 1973, provides formal guarantees of equality under Article 25, stating:

"All citizens are equal before law and are entitled to equal protection of law."

Despite this constitutional assurance, implementation remained inconsistent. Women's rights were further marginalized during certain political regimes, particularly under General Zia-ul-Haq's Islamization drive in the 1980s. Laws such as the Hudood Ordinances (1979) blurred the lines between secular criminal laws and religious injunctions, often criminalizing victims of rape instead of offering protection [4].

Influence of Religious and Tribal Customs on Legal Interpretations:

Pakistan's pluralistic legal environment, influenced by Sharia law, customary practices (such as JIRGAS and PANCHAYATS), and codified statutes, presents a complex legal landscape for gender justice. These traditional structures often uphold patriarchal norms that prioritize familial honor over individual rights, thereby perpetuating GBV. For instance, honor killings are often resolved through informal settlements, where perpetrators are pardoned under the QISAS AND DIYAT law [4].

Additionally, tribal customs in regions like Balochistan, Khyber Pakhtunkhwa, and parts of Punjab frequently endorse practices such as SWARA and VANI (giving girls in marriage to settle disputes), which contravene basic human rights. Although such practices are illegal, weak enforcement allows them to persist.

Major Legal Reforms Post-2000:

The post-2000 era marked a slow but notable shift in the legal landscape for women in Pakistan. Key legislative milestones include:

Protection of Women (Criminal Laws Amendment) Act, 2006:

This landmark act aimed to rectify the injustices caused by the Hudood Ordinances. It reclassified rape under the Pakistan Penal Code (PPC) rather than under religious laws and set clearer standards for investigation and prosecution [5].

The Criminal Law (Amendment) Act, 2004 & 2011:

Introduced penalties for practices such as honor killings and acid attacks, but challenges in implementation persisted due to judicial discretion and societal pressure.

Domestic Violence Acts (2012 onward):

Various provinces enacted laws to address domestic abuse (e.g., Punjab's 2016 Act), recognizing psychological and emotional harm alongside physical violence. These laws provide for protection orders, shelter homes, and legal aid.

Anti-Rape (Investigation and Trial) Act, 2021:

Aims to make rape trials more survivor-friendly by introducing gender-sensitive investigation protocols, anti-rape crisis cells, and fast-track courts.

Despite these legal reforms, enforcement continues to be hindered by low reporting rates, procedural delays, and lack of sensitization among law enforcement and judiciary.

While Pakistan has made significant legal strides to combat GBV, the historical interplay of religious norms, colonial laws, and patriarchal structures continues to influence implementation. Recognizing these contextual complexities is essential to designing more effective legal and institutional responses to gender-based violence.

Key Legal Frameworks and Their Scope:

In the last two decades, Pakistan has taken important legislative steps to address gender-based violence (GBV), aligning with its obligations under international conventions such as CEDAW. These frameworks seek to recognize and criminalize different forms of GBV, establish institutional mechanisms for victim support, and promote legal redress. However, the scope and enforcement of these laws vary considerably across provinces and between urban and rural contexts.

Domestic Violence (Prevention and Protection) Acts – Provincial Landscape:

Domestic violence laws in Pakistan are enacted at the provincial level following the 18th Constitutional Amendment. Although their scope and definitions vary, all aim to provide protection from physical, emotional, psychological, and economic abuse.

Sindh Domestic Violence (Prevention and Protection) Act, 2013:

One of the earliest and most comprehensive domestic violence laws, it includes provisions for protection orders, residence orders, and monetary relief.

Punjab Protection of Women Against Violence Act, 2016:

Introduced measures such as women protection centers, GPS tracking for offenders, and a dedicated helpline. However, its implementation has faced political resistance from religious groups [6].

Balochistan and Khyber Pakhtunkhwa Acts (2014 and 2021 respectively) These laws cover basic protections but lack budgetary provisions and institutional mechanisms, limiting their practical application.

The Protection Against Harassment of Women at the Workplace Act, 2010:

This federal law marked a major breakthrough in legally recognizing workplace harassment in both public and private sectors [7]. It:

Defines harassment broadly, including unwelcome advances, verbal or written abuse, and hostile environments.

Mandates every organization to establish an internal inquiry committee.

Empowers ombudspersons at the federal and provincial levels to adjudicate complaints.

Despite its progressive features, a **2019 report by the National Commission on the Status of Women (NCSW)** revealed that many institutions had not complied with requirements to form inquiry committees or publicize policies.

Anti-Rape (Investigation and Trial) Act, 2021:

A response to public outcry over high-profile rape cases, this act introduced systemic reforms:

Establishes **anti-rape crisis cells** in hospitals and police stations.

Mandates **gender-sensitive investigation protocols** and allows for **victim anonymity**.

Introduces **special courts for expedited trials**, ideally concluding cases within four months [8].

Real-time implementation has lagged. There is a shortage of trained female investigators, and few anti-rape centers are operational outside major cities.

Enforcement Gaps in Rural vs Urban Areas:

A significant disparity exists in the enforcement and accessibility of legal protections:

Urban Centers: Higher levels of awareness, media coverage, and NGO support have led to relatively better implementation, though stigma and systemic barriers persist.

Rural Areas: Enforcement is limited by a lack of legal infrastructure, dominance of jirgas and panchayats, and patriarchal resistance. Victims often face pressure to reconcile rather than seek justice [9].

For instance, a **2022 Human Rights Commission of Pakistan (HRCP)** study found that over 60% of rural GBV survivors never approached the formal legal system due to fear of reprisal or lack of awareness.

Pakistan's legal framework for addressing GBV is multifaceted and continually evolving. While statutes like the Anti-Rape Act and provincial domestic violence laws provide a strong foundation, their effectiveness is undermined by uneven enforcement, resource constraints, and entrenched cultural norms—particularly in rural areas. Bridging the urban-rural divide and ensuring institutional accountability remain critical for legal protection to translate into real safety for women and gender minorities.

Case Law and Implementation Challenges:

Despite the presence of progressive laws, the gap between legislation and justice delivery in gender-based violence (GBV) cases remains wide in Pakistan. Legal frameworks alone are insufficient without effective enforcement, institutional sensitivity, and victim-centric procedures. This section evaluates the practical hurdles faced by survivors and the systemic issues that hinder effective adjudication of GBV cases.

Analysis of Reported vs Convicted GBV Cases:

There is a stark disparity between the number of GBV cases reported and those resulting in convictions. According to the **Ministry of Human Rights (MoHR)** data from 2020–2023:

Over **30,000 GBV cases** were reported annually across Pakistan.

Less than **10%** reached trial in courts.

Conviction rates remained below **3–5%** on average [10].

These figures are alarming, considering the severity of crimes such as rape, honor killings, acid attacks, and child marriages. For instance, in Punjab alone, between 2018–2022, **only 250 out of 7,000 rape cases** resulted in convictions—a rate of 3.6% [10].

Judicial inefficiencies, delayed proceedings, lack of forensic evidence, and hostile environments for survivors contribute to this justice gap.

Role of Police and Judiciary in GBV Cases:

The police are often the **first point of contact** for GBV survivors, and their behavior can significantly affect case outcomes. However, numerous studies, including by **Rozan (2022)** and **HRCP**, point to recurring issues:

Reluctance to register First Information Reports (FIRs).

Dismissive or intimidating behavior toward victims, especially in rural precincts.

Poor preservation of forensic evidence due to inadequate training or corruption [11].

On the judiciary side:

Male-dominated benches often reflect patriarchal biases.

Survivors face **character assassination** during cross-examinations.

Judges may favor out-of-court settlements, especially in rape and domestic violence cases, citing family reconciliation.

Frequent adjournments and **lack of gender-sensitized courtrooms** discourage victims from continuing litigation.

Barriers to Reporting: Stigma, Access, and Corruption:

The actual incidence of GBV is likely much higher than reported. A **Gallup Pakistan (2021)** survey found that:

Nearly **60% of GBV survivors** never reported their case to any authority.

Among reasons cited: fear of social ostracism, family pressure, and lack of faith in justice system [12].

Other systemic barriers include:

Lack of access to legal aid or female officers in police stations.

Language and literacy barriers, especially in rural women.

Bribes and extortion demanded by officials for FIR registration or case follow-ups.

In cases of sexual violence, victims are often blamed or accused of moral failings. This victim-blaming culture perpetuates silence and shields perpetrators.

Case Precedents and Lessons Learned:

Some landmark judgments offer hope and legal precedence for reforms:

Khadija Siddiqi Case (2017): After surviving a knife attack and facing public vilification, her perseverance led to the attacker's conviction, setting an example for judicial responsiveness.

Mukhtaran Mai Case: Though the eventual acquittals disappointed rights advocates, her activism led to legal reforms and global awareness.

These cases illustrate that public pressure, media advocacy, and civil society mobilization can sometimes override systemic inertia—but such victories remain rare and difficult to replicate.

Case law in GBV reflects a judiciary and police system still grappling with biases, procedural delays, and infrastructural gaps. The journey from reporting to conviction is fraught with trauma, bureaucracy, and systemic neglect. For laws to fulfill their promise, institutional behavior must change—through gender-sensitization training, stricter accountability mechanisms, and a trauma-informed approach to victim handling.

Institutional Support and Role of Civil Society:

Beyond formal legal statutes, institutional support mechanisms and the active involvement of civil society play a pivotal role in combating gender-based violence (GBV) in Pakistan. These structures aim not only to provide legal and psychological support to survivors but also to address systemic inequalities through advocacy, education, and policy lobbying. However, challenges in capacity, funding, and coordination often hinder their effectiveness.

Role of the National Commission on the Status of Women (NCSW):

Established in 2000 under an act of Parliament, the **National Commission on the Status of Women (NCSW)** serves as a statutory body mandated to:

Monitor and review gender-based legislation.

Advise the government on legal reforms for women's rights.

Conduct research and publish data on GBV trends.

Coordinate with provincial women development departments [13].

The **NCSW's Annual Reports** have consistently highlighted underreporting, implementation gaps in GBV laws, and the lack of gender-disaggregated data in government institutions. Their efforts have led to significant recommendations such as:

Gender-sensitization training for police and judiciary.

Proposals to criminalize forced virginity testing (adopted in 2021).

Support for data digitization on GBV cases.

The Commission's impact is limited by its **advisory role**, **lack of enforcement power**, and **budgetary constraints**, particularly at the provincial level.

NGO Legal Aid Services and Women Shelters:

Non-governmental organizations have filled critical service delivery gaps in GBV response:

AGHS Legal Aid Cell, founded by Asma Jahangir, offers free legal support and court representation to women survivors.

Aurat Foundation and **Shirkat Gah** run shelter homes, provide psychosocial counseling, and assist in emergency relocation.

Rozan works on emotional health and gender justice through community-based programs, especially with police and youth [14].

These organizations also facilitate **medico-legal referrals**, **documentation of abuse**, and **FIR registration** support. However, their reach is primarily urban-centric, and they face operational risks, particularly in conservative regions where women's rights are contested.

According to a **2022 Shirkat Gah report**, less than 30% of districts in Pakistan have functional shelter homes, and even fewer provide round-the-clock legal assistance.

Public Awareness and Advocacy Campaigns

Public awareness initiatives are essential for challenging patriarchal norms and encouraging GBV survivors to seek redress. Key campaigns include:

UN Women's "Orange the World" initiative, which partners with local media and influencers to promote anti-violence messages during the 16 Days of Activism.

Ministry of Human Rights' "Zindagi Trust" Campaign, which incorporates GBV awareness into school curricula.

Digital Rights Foundation's Cyber Harassment Helpline, which raises awareness on online abuse and legal recourse [15].

Social media, especially platforms like Twitter and YouTube, have become vital spaces for survivors to share their stories, pressurize authorities, and mobilize public opinion. High-profile GBV cases now often gain traction through digital campaigns before receiving legal attention.

Digital divides and **low literacy rates**, especially among rural women, limit the outreach and effectiveness of such campaigns. There is also a risk of **backlash and trolling** against vocal survivors online.

Institutional and civil society support mechanisms are indispensable in bridging the gap between law and lived reality for GBV survivors. While entities like NCSW and leading NGOs have made significant progress in advocacy, protection, and reform, structural weaknesses—limited geographic reach, lack of coordination, and minimal government support—continue to restrict their potential. A sustainable and nationwide GBV response requires stronger public-private partnerships, greater decentralization of services, and institutional legitimacy backed by state resources.

Policy Recommendations and Way Forward:

Despite notable progress in legislating against gender-based violence (GBV), Pakistan's response remains fragmented and uneven in enforcement. Addressing this challenge requires an integrated, evidence-based approach that combines legal reform, institutional strengthening, and

community-based interventions. This section outlines key policy recommendations to enhance legal protection, improve access to justice, and promote societal transformation.

Need for Legal Harmonization Across Provinces:

One of the most pressing challenges in combating GBV in Pakistan is the lack of **uniform legal standards** across provinces. Following the 18th Constitutional Amendment, provinces were given autonomy to legislate on matters such as domestic violence. As a result:

Punjab and Sindh have relatively comprehensive domestic violence laws.

Balochistan and Khyber Pakhtunkhwa have enacted more limited versions.

Gilgit-Baltistan and Azad Jammu & Kashmir lack formal GBV protection laws altogether [16].

This legal inconsistency hampers victim protection, data collection, and inter-provincial coordination. The federal government, through the Ministry of Human Rights and the Council of Common Interests, should spearhead the **harmonization of GBV laws**, ensuring a **baseline legal framework** that guarantees minimum rights and protection standards across all regions.

Gender-Sensitization Training for Law Enforcement:

Law enforcement remains the first interface for survivors of GBV. However, police attitudes are often marked by disbelief, insensitivity, or outright hostility. Studies show that many officers lack even basic awareness of the legal provisions under GBV laws [17].

Recommendations include:

Mandatory gender-sensitization modules in police training academies.

Collaboration with NGOs like **Rozan** for community-based police engagement.

Performance-based incentives for officers who effectively handle GBV cases.

Training of **female police officers** to lead victim response teams in each district.

Periodic evaluation of police and judicial staff on their GBV case handling can institutionalize accountability and promote behavioral change.

Technology and Legal Helplines for GBV Victims:

In a society where survivors face **mobility restrictions, societal backlash**, and **fear of reprisal**, technology offers a vital lifeline. Digital platforms and helplines can significantly improve access to support and services.

Successful models include:

The Ministry of Human Rights' 1099 Helpline, which offers legal guidance and emergency referrals.

Digital Rights Foundation's Cyber Harassment Helpline, which provides tech-based support to women facing online abuse [18].

Mobile apps like Hamraaz and Meeshaan (pilot initiatives) that allow for discreet complaint registration and service mapping.

The government should scale such initiatives by:

Investing in **provincial-level digital helpdesks** with multilingual capabilities.

Integrating **GIS-based victim service mapping** to connect survivors with local shelters, lawyers, and medical services.

Enhancing **digital literacy** among women, particularly in underserved regions.

Additional Recommendations:

Strengthen Shelter Networks: Expand safe house infrastructure, especially in rural districts, and link shelters to legal and medical support services.
Institutional Funding: Allocate dedicated budgets for GBV response in police, judiciary, and public health sectors.
Monitoring & Evaluation: Establish independent oversight bodies to monitor GBV law implementation, such as judicial watch committees or ombuds offices.
Engage Religious and Community Leaders: To dismantle harmful norms and promote gender equity through culturally contextual advocacy.
The road to eradicating GBV in Pakistan lies not just in enacting progressive laws but in ensuring their **uniform implementation**, **institutional accountability**, and **societal ownership**. By harmonizing legislation, sensitizing enforcement agencies, and leveraging digital technologies, Pakistan can build a responsive justice system that empowers survivors and deters perpetrators. A multi-sectoral, rights-based approach—grounded in local realities and international best practices—is essential to turning legal protections into lived realities.

Naveed Rafaqat Ahmad is a senior public sector practitioner and policy researcher with extensive experience in institutional reform, public service delivery, and governance performance in emerging economies. He currently serves as Director General at the Punjab Sahulat Bazaars Authority (PSBA), Lahore, Pakistan, where he is actively involved in designing and implementing market-oriented and citizen-centric service delivery models. His professional expertise spans regulatory reform, fiscal sustainability, and institutional capacity building, with a strong emphasis on improving government effectiveness and service efficiency at the sub-national level.
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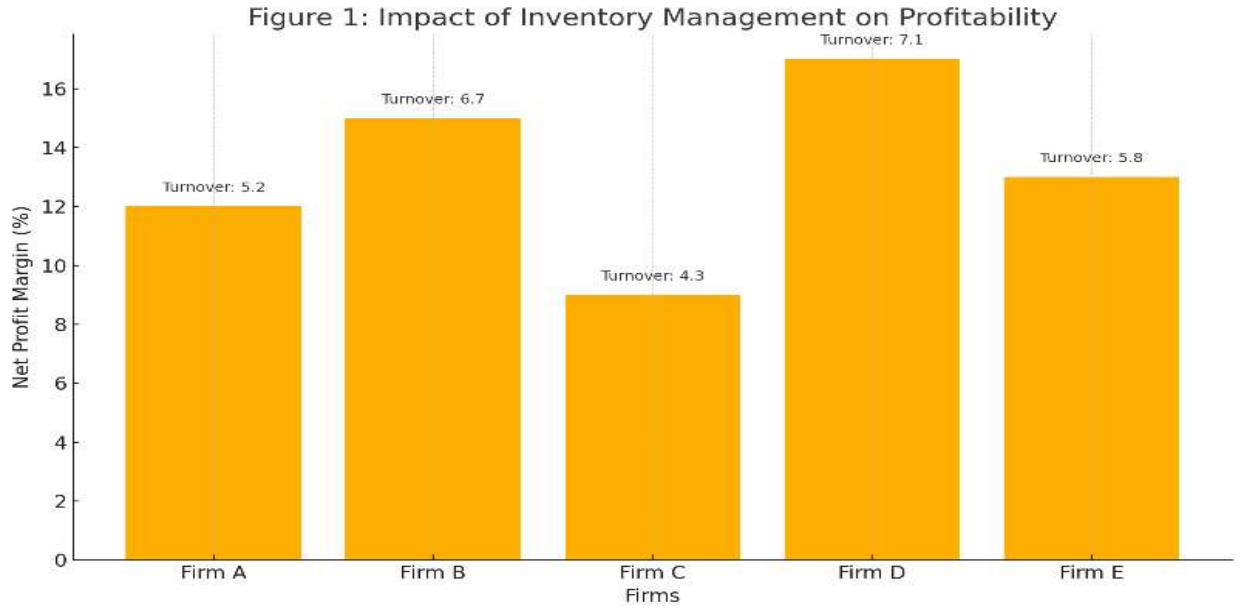
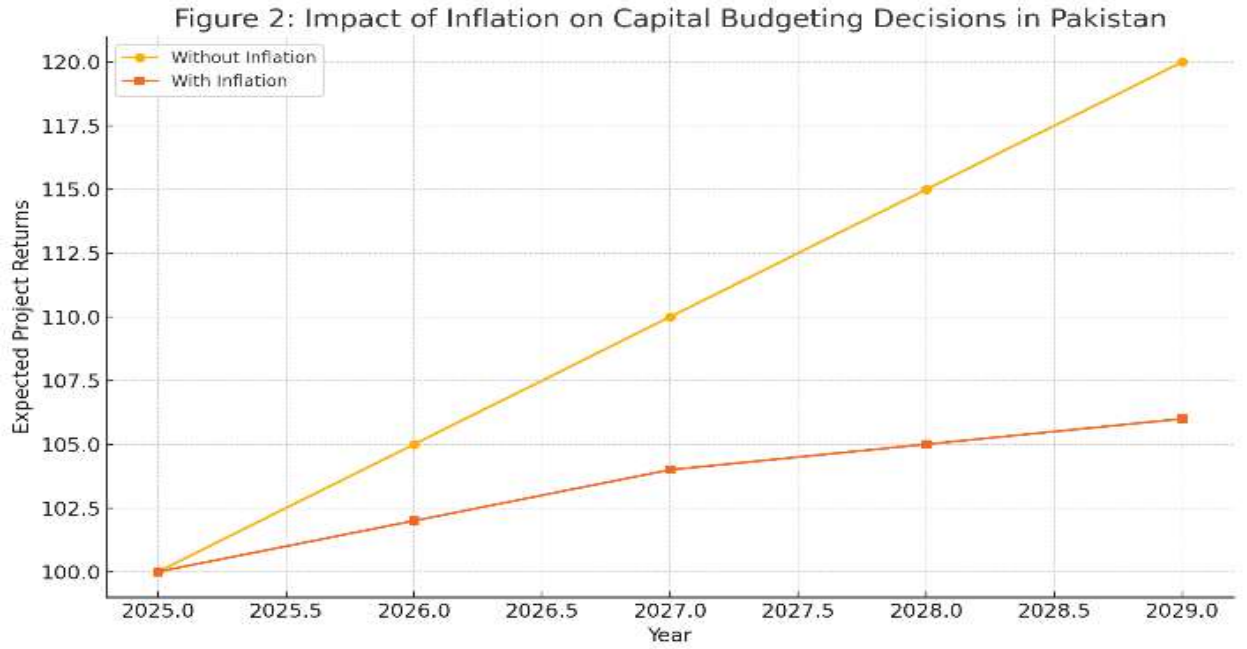
In the context of welfare reform, PSBA's shift towards statutory authority involved significant institutional entrepreneurship. The paper argues that PSBA's success was not merely the result of regulatory changes but of strategic leadership that introduced new governance mechanisms. By redefining how welfare could be distributed without relying on subsidies, PSBA's leadership reshaped the role of the state in market operations, showing that public welfare does not have to depend on perpetual state funding. The leader's innovative approach enabled PSBA to adapt to local needs, providing a more sustainable model of governance.



Types of Gender-Based Violence Reported in Pakistan (2020–2024):

Pie chart displaying distribution: Domestic Violence (40%), Sexual Harassment (25%), Honor Crimes (15%), Rape (10%), Forced Marriages (10%)



Provincial Comparison of Domestic Violence Cases and Legal Action (2020–2024):

Bar chart comparing Punjab, Sindh, KPK, and Balochistan on reported cases and prosecutions

Summary:

This article highlights the legislative and institutional landscape surrounding GBV in Pakistan. While progressive laws have been enacted, the translation of these frameworks into practical protection remains fraught with systemic issues such as weak enforcement, societal stigma, and

institutional inefficiencies. The analysis underscores the need for comprehensive legal reforms, capacity building, and multi-sector collaboration to ensure that gender justice is not merely promised on paper but delivered in reality. Effective implementation, awareness campaigns, and institutional accountability are essential to safeguard the rights and dignity of GBV survivors across Pakistan.

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