**Our domestic violence dilemma**

Eman Omar

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Against the backdrop of Pakistan’s chaotic political climate that depicts the nation’s political leaders playing a game of musical chairs – while exhibiting a sense of misplaced bravado – Pakistani women desperately look for solutions to a disturbing spike in domestic violence cases.

The police have diverted their focus towards defusing riots that break out in defence of politicians who routinely circumvent the law, making it clear that addressing gender-based crimes is not their top priority.

The lack of interest displayed by the police in registering FIRs of domestic violence is a primary reason why women are wary of approaching them. When women gather the strength to reach out to the police, they are turned away and instructed to reconcile with their abusers. They are told that the incident is a ‘personal matter’ and ‘beating’ is part and parcel of marriage.

The police’s refusal to register FIRs in domestic violence cases highlights the values of the patriarchal society we live in, which places men in venerable posts to deal with women’s issues, which they sweep under the rug. In 2021, the United Nations Office of Drugs and Crime found that only 10 per cent of women in Pakistan reported incidents of domestic abuse to law-enforcement agencies. These figures may deceivingly suggest that the incidence of domestic violence is low in Pakistan – but this is far from true.

On March 7, 2023 the National Commission on Human Rights of Pakistan (NCHR), in collaboration with UN Women, launched a policy brief on domestic violence that concluded that 90 per cent of women in Pakistan have reported being victims of domestic abuse at least once in their lifetime. During the meeting, Minister for Climate Change Senator Sherry Rehman referred to this as an “urgent matter” and said that this data was just the tip of the iceberg. She highlighted that “while 90 per cent of women claim to have faced some form of domestic violence or the other, 50 per cent do not report it at all due to the social and cultural barriers.”

The NCHR brief also highlighted that domestic violence greatly increased during the Covid-19 lockdowns with as many as 10,000–11,000 cases recorded by Aurat Foundation, SSDO and NADRA.

Coupled with this, socio-economic barriers also create hurdles between women and their journey to justice. The fear of being cut-off economically deters women from separating from their abusers (UN Women, 2019). Additionally, the stigma attached to being a divorced woman in Pakistan makes women vulnerable to being ostracized by society, including experiencing social isolation by families and friends. In many cases, they have to suffer physical, emotional and verbal abuse from their families.

Not all is bleak though.

Pakistan guarantees women protection against domestic violence including mental, physical and sexual abuse through legislation specifically tailored to domestic violence. The Punjab Protection of Women of Violence Act was passed in 2016 but was neither notified nor implemented across the province for six years – till 2022. Sindh and Khyber Pakhtunkhwa have similar legislation in force. The two provinces, unlike Punjab, have crucially criminalized domestic violence.

Despite the law being enacted in Sindh six years ago, only two cases have been prosecuted under it so far. These acts also highlight that the state is responsible for creating awareness among vulnerable groups and other stakeholders such as the police and the judiciary about domestic violence and how to tackle it. Despite the existence of the law, major stakeholders including the police and judiciary have not been educated or trained to tackle these matters.

The existing sections of the Pakistan Penal Code including Sections 352, 354, 358 and 509 criminalize using physical force on and violating the modesty of a woman. Yet, despite the Penal Code criminalizing violence and despite a second layer of protection being offered to women through the domestic violence acts, there is a severe lack of implementation of the laws, and domestic violence remains widely rampant. It is clear that simply enacting legislation to criminalize domestic violence is not enough. Without proper implementation and training that surround the law, the legislation is completely fruitless.

The failure to provide protection to women has led to a need for community-led initiatives. One such organization that helps victims of domestic violence is ‘She-her Foundation.’ It is a Lahore-based, public-interest litigation firm that extends pro-bono legal services to underprivileged women and minorities who are at the receiving end of domestic violence and are unaware of the laws that exist to protect them.

In a documentary for BBC Urdu titled ‘Domestic Violence: Why will the police not register an FIR?’, the CEO of She-Her Foundation, Aaminah Qadir, highlights the types of domestic violence that is prevalent in households: forced abortions, physical and sexual abuse, etc. This violence is not perpetuated only by their intimate partners but also from family members such as parents or in-laws.

She-her advocates that to achieve public safety, the state and civil society must join forces to introduce reforms within the public sector. This includes hiring female officers to register domestic violence cases and sensitizing them to register offences – even between spouses. Such steps will empower victims to be more forthcoming in reporting injustices and are critical to ensuring that women are provided protection through the criminal justice system.

Pakistan’s domestic violence dilemma is far from resolved. In 2020, efforts were placed to pass an act to provide protections to victims of domestic violence in Islamabad. The bill was met with extreme resistance from the Council of Islamic Ideology that deemed it to be un-Islamic. Objections were raised and it was said that the religion allows a woman to be lightly beaten. The bill thus still remains pending.

In 2022, Pakistan was ranked 141 out of 156 countries in the Global Gender Gap Index. The spotlight on the six-year duration it took for the domestic violence law to be notified in Punjab is evidence of the state’s lacklustre approach to extending protection to vulnerable groups.

Laws must be strengthened and implemented to protect and empower more women. This will encourage them to enter into and remain in the workforce. Critically, this will reduce the piercing gender gap in the country. Perhaps, even an FIR or two might then be registered for victims of domestic violence.

The writer is a freelance contributor.