

# **WOMEN'S VOICE AND LEADERSHIP**

## PAKISTAN

# **Policy Analysis of Domestic Violence Legislation in Two Districts of Sindh and Punjab**

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## **SYNOPSIS**

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The current patriarchal context of Pakistan perpetuates gender-based violence like domestic violence through gender norms and disparities whereby women are economically dis-empowered and expected to limit themselves to the private sphere. In this regard, in Pakistan, only 22.8% women form part of the labour force with women being over-represented in informal economy, devoid of employment protections and social security. Lapse of the 2020 Anti-Rape Ordinances with little movement to promulgate the ordinances into law and recent opposition to the domestic violence bill point towards a climate of insecurity for women with legal protections either virtually non-existent or not gender responsive. In this regard, the Policy Analysis of Domestic Violence Legislation in Punjab and Sindh seeks to investigate the absent policy considerations in implementation of the Provincial Laws. This exploration has been premised on information from stakeholders and literature review to analyze and formulate concrete policy recommendations and immediate actions for civil society partners and relevant stakeholders.

Information from stakeholders has been sought from one district in each province of Punjab and Sindh. In Punjab, Multan is the only district where the Punjab Violence against Women Act 2016 is not only applicable, but also has the necessary institutional set up to properly gauge policy considerations regarding implementation of the law. In Sindh, the first conviction under the Sindh Domestic Violence (Prevention and Protection Act 2013) was recorded in Karachi; hence, the mentioned districts have been chosen for collecting information from stakeholders.

Furthermore, the Policy Analysis Study is based on the framework of prevention, protection and prosecution as envisaged in the Istanbul Convention.

Information gathering for the policy analysis consisted of an in-depth Literature Review followed by the Focus Group Discussions (FGDs) and Key Informant Interviews (KIs). Based on the

Literature Review, FGD guide was formulated, whereby 02 FGDs were conducted 01 in Punjab (Multan district) and 01 in Sindh (Karachi district).

The FGDs were conducted with trial court lawyers to document trial court experience in accessing justice for victims of domestic violence. Efforts were made to only include trial court lawyers with specific experience of dealing with cases of domestic violence within their respective districts in order to generate robust policy analysis. A gender conscious approach was adopted to ensure that women trial court lawyers with experience in dealing with cases of domestic violence are made part of the FGDs to ensure a fruitful and concrete discussion. The FGD with trial court lawyers in Multan included 03 women and 02 men, whereas the FGD with trial court lawyers in Karachi included 02 women and 03 men.

Stakeholders for the in-depth interviews included justice-sector stakeholders, government representatives, civil society representatives and litigants to gain necessary insights for a coherent policy analysis outlining all facets of the implementation of the domestic violence legislation in Punjab and Sindh.

## Key Highlights of the Study - Sindh (Karachi)

### Prevention

1. Insufficient programs for perpetrators of domestic violence to capacitate perpetrators with skills regarding non-violent behaviours and communication;
2. Limited gender transformative approaches to prevent domestic violence by government and civil society organisations;
3. Scarce efforts to transform educational curriculum to promote gender equality and equity in order to prevent domestic violence;

4. Poor level of awareness of domestic violence legislation in Sindh amongst justice sector stakeholders is a point of major concern for implementation of the law;
5. Inefficient approach to capacity development of justice sector stakeholders regarding domestic violence legislation in Sindh.

### Protection

1. Poor mechanism to protect confidentiality of survivors of domestic violence in media reporting;
2. Insufficient Standard Operating Procedures (SOPs) to protect confidentiality of survivors of domestic violence accessing protection services (governmental and non-governmental);
3. Scarce protection mechanisms under the Sindh Domestic Violence law by the government;
4. Inadequate shelter homes, protection centres and provisions for survivors;
5. Fragmented and multiple helplines for survivors instead of one dedicated helpline for 24 hours without costs;
6. Weak protection mechanisms for women with multiple vulnerabilities.

### Prosecution

1. Non-recognizability of the offence of domestic violence leading to petition in court instead of FIRs;
2. Overall confusion regarding procedure to be followed in domestic violence cases;
3. Insufficient protection for women who are removed from the definition of 'domestic relationship' as a consequence of their complaint;
4. Less political will to institutionalise mechanisms for facilitating survivors of domestic violence during prosecution;
5. Less co-operation and gender sensitivity of

law enforcement agencies to implement protection orders passed by the court;

6. Poor gender sensitisation of justice sector stakeholders to deal with cases of domestic violence;
7. Insufficient data evidence and mechanism to track implementation and conviction rate under domestic violence legislation in Sindh.

Concrete recommendations and immediate action points have been summarised based on the major highlights above to provide strategic direction to civil society organisations in Sindh working on the issue of domestic violence. Major policy recommendations include.

1. Legal review of the Sindh Domestic Violence (Prevention and Protection) Act 2013 to address gaps hindering proper implementation;
2. Harnessing political will for establishment of protection mechanisms under the law and facilitating institutional strengthening to provide necessary services to survivors;
3. Lobbying and advocacy for necessary budgetary allocations for institutions to implement the law;
4. Enhancing capacity of justice sector stakeholders regarding implementation of the law and gender sensitivity;
5. Fostering public-private partnerships to raise awareness of the law through communications campaigns;
6. Institutionalising a mechanism with Sindh Commission on the Status of Women to monitor implementation of the law.

### Key Highlights of the Study- Punjab (Multan)

#### Prevention

1. Fragmented approach to awareness raising regarding the law and Violence Against Women Centre;
2. Insufficient institutionalised program for perpetrators of domestic violence other than counselling and conciliatory proceedings;

3. Poor SOPs for media for gender sensitive reporting of Gender Based Violence (GBV) and domestic violence;
4. Fragmented approach to awareness raising initiatives with justice sector stakeholders;
5. Inadequate gender sensitised discourse drawing on perspectives from religion and Council of Islamic Ideology regarding domestic violence.

### Protection

1. Poor application of the law to other districts of Punjab;
2. Less protection to women who are divorced as a consequence of seeking protection mechanisms;
3. Dismal efforts for accessibility of Centre for Women with Disabilities;
4. Poor medical services, other than first aid, for survivors of domestic violence.

### Prosecution

1. Unawareness regarding procedure in domestic violence cases under the Act;
2. Law leading to retaliation (divorce/separation) against women in Pakistan's social context;
3. Inefficient appointment of medical and forensic technician at Violence Against Women Centre;
4. Insufficient special protections and facilitation to women from vulnerable groups;
5. Less cohesion between family laws and Punjab Violence against Women Act 2016 to benefit survivors;
6. Poor gender sensitivity of justice sector stakeholders;
7. Scarce Rules under the 2016 Act to streamline prosecution procedure and institutional framework;
8. Inadequate mechanism to track implementation under domestic violence legislation in Punjab.

immediate actions for civil society organisations working in Punjab to implement in order to facilitate implementation of domestic violence legislation in the province. Major policy recommendations include.

1. Legal review of the Punjab Violence against Women Act 2016, to address gaps hindering proper implementation;
2. Drafting and notification of Rules under the 2016 Act, to facilitate implementation;
3. Lobbying and advocacy for replication of Violence Against Women Centre model in other districts coupled with necessary budgetary allocations;
4. Increased capacity of justice sector stakeholders regarding implementation of the law and gender sensitivity;
5. Fostering public-private partnerships to raise awareness of the law through communications campaigns;
6. Institutionalising a mechanism with Punjab Commission on the Status of Women to monitor implementation of the law.

The contrast in implementation of domestic violence laws in Punjab and Sindh points out the good practice adopted by Punjab in taking an institutional approach to domestic violence cases with establishing the Violence Against Women Centre. The good practice gleaned from experiences in Sindh is the increasing pro-active approach undertaken by lawyers and other justice-sector stakeholders to utilise Sindh's domestic violence legislation for the benefit of survivors.

The above highlights have been explored to formulate concrete recommendations and