

How Pakistan Failed Its Women; A Socio-Legal Analysis of Public's Perception Regarding the Factors that Influence Perpetuation of Violence against Women

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Abstract: *This study intends to analyze the socio-legal factors that influence the perpetuation of violence against women and identify what can be done to curtail this issue. For this purpose, an online cross-sectional descriptive survey was conducted on Pakistani citizens through the snowball sampling technique. A total number of n=385 respondents (174 males and 211 females) participated in this study. Adapted items were validated using Chronbach Alpha 0.83 value and results were analyzed through frequency and percentage and Pearson correlation coefficient $p < 0.05$ was applied to check the direction, magnitude and consistency between social factors, legal factors and perpetuation of violence against women to answer research questions of the study. Acquired responses indicated a significant positive relationship between social and legal factors in perpetuating violence against women in Pakistan. Hence this study concluded that the explanation of violence against women is a phenomenon that results due to both social and legal factors.*

Key Words: Women, Pakistan, Social Factors and Legal Factors, VAW

Introduction

Historically, violence against women (VAW) has been observed as a manifestation of unequal power relations between men and women. This has been resulted in the domination of men over women and discernment against women and also considered a hindrance to women's empowerment over the globe (Jeasmeen, 2014). According to the United Nations declaration (1993) on the eradication of VAW, women are probably observed as unsafe even in the perceived safest place i.e. within their homes. For most women, a place that is entitled as "home" is the place where they go through overwhelming waves of terror and violence by someone who is close to them and someone they can trust (Kaur, 2010). If we want to understand the main cause of violence against women it can be seen during the process of socialization in which gender-based stereotypes treat the male child as 'Superordinate' and the female child as "Subordinate" and parents socialize their children accordingly (Akanle & Busari, 2015).

To give details of this, Akanle (2011) said that this social construction of super-ordination and subordination signifies the concept of

masculinity and femininity in patriarchal societies to which the overwhelming world belongs. Therefore, this paradigm gives an explanation of the socialization process which pitches females; the silent majority at getting end right from infancy to maturity. Hence, it is appropriate to notice that the social separation of men and women into two dialectic segregations is the locus of VAW which can be sociologically decoded. A person's access to justice and prestige is nothing but associated with the gender of that person. Factually, in the last four decades, gender has become the main point of concern among researchers and scholars. Prior studies of Wickramsinghe, Dissanayake, and Lokuhetty (2021) demonstrated the conditions in which violence against women occurs. From the smallest social unit i.e. families to employability, even in legal setups, there are examples where men are prioritized and women are totally ignored. Women are undergoing discrimination from ancient societies as they had not been given the right to education and the right to join administration procedures and they were not treated in a meritocracy.

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In developing countries like Pakistan gender-based violence is considered a product of numerous factors such as low literacy rate, lack of awareness, misogyny, and increasing poverty in the country. Though, recent violence against women cases fingered the state's complicity in its inability to protect its women ([The Diplomat, 2021](#)).

Problem Statement and Significance of the Study

World's economic forum's global gender gap (2021) ranked Pakistan 153rd out of 156 countries and 151st out of 153 in the previous year 2020. Likewise, Pakistan was considered the sixth most dangerous country for women in the Thomas Reuter Foundation poll during the year 2018. While the Human Rights Commission Pakistan has reported a rapid increase in domestic and online violence complaints in 2020 representing the increased vulnerability of women during COVID-19 whereas about 430 honour killing cases were reported during the year 2020 in which 363 victims were females. Furthermore, in the first four months of 2021 Punjab police have registered 53 gang rape cases in Punjab province alone ([The Diplomat, 2021](#)).

Besides these statistics another highly reported case of 27-year-old women who were tortured and in the end murdered, apparently by Zahir Jaffer, son of a business tycoon, at his residence in an elite zone in Islamabad. When security guards have informed his parents they called the therapy workers for a team rather than calling the police. At first, none of them called the police and when they did, it was too late. After arresting Zahir Jaffer, his parents, and their domestic workers they were sent to jail and besides passing four months, a clear verdict has not been announced in this case. This situation has increased uncertainty among the public about the law and justice system of Pakistan ([Lucman, 2021](#)).

Despite all these facts, those who are sitting in holding offices have a different perception of the plight of women. In April 2021, when Prime Minister Imran Khan was asked about the rise in sexual assault cases in Pakistan during an interview on BBC, he replied that women must cover themselves to prevent inclination in society which was later highly criticized by human rights groups, as a result, Khan was called a "Rape Apologist".

In another interview on national television called sexual assault has a product of obscenity. All these statements have shocked people who are trying to handle VAW cases on regular basis. Many people criticize it because according to them

these comments are encouraging a culture of silence among women and said that "we cannot have state representatives victim-blaming, which is a norm". As a result, a common perception about the state has been built among people who say that; women have equal rights as men and the state is responsible for protecting the rights of all but the state is complicit. Hence, there is a need to conduct a study that covers not only the legal aspects of VAW but also covers the social factors lying behind the increasing number of VAW women in Pakistan.

Research Questions

Following are the research questions of the study;

- 1- What are the socio-legal factors of violence against women in Punjab-Pakistan?
- 2- How violence against women in Pakistan can be curtailed?

Literature Review and Theoretical Underpinnings

Different theories have been utilized for explaining the experience and dimensions of violence against women. According to social structure theory gender and power, relations are key aspects of violence against women in society. These aspects are comprised of patriarchal grounds for normalization and contribute to violence against women ([Okenwa-Emegwa, Lawoko & Jansson, 2016](#)). Patriarchy generally refers to the planned and systematic domination of men in social institutions of society. VAW has always been attracted by feminists i.e. radical Marxist and socialist feminist approaches ([Dim & Elabor-Idemudia, 2021](#)). Former discusses violence in terms of the patriarchal system as a basic foundation of women's oppression and disadvantaged position in society (Duode & Tapp, 2014). While another theory of Albert Bandura (1977), [McLeod \(2016\)](#) implied the idea that behaviour is socially learned, applying this theory to the aggressive behaviour paradigm violence is learned through role models present in our families which is also reinforced in childhood and later become a part of adulthood and in life afterwards in response to a stressful situation or in a mechanism of conflict resolution ([Hyde-Nolan & Juliao, 2012](#)).

After doing an in-depth analysis, researchers found two distinct but interlinked factors associated with an increase in violence against women. These factors are explained below:

Social Factors and Violence against Women

Globally women are subjected to violence in the form of physical, psychological, and sexual violence not only from their life partners but also from non-partner that cuts across lines of economic stability, social class, and culture of a particular society. Statistics of violence against women by a non-partner are estimated to be 35% and it reaches 70% at some points. VAW is not also a manifestation of violation of women's rights and abduction of the fundamental freedom of women. Because it affects not only the physical health of the women but also affects reproductive health (Rizvi *et al.*, 2019).

According to a report by the Human Rights Commission of Pakistan (2018) intimate partner violence is hardly considered a crime socially unless it comes in the form of murder or an attempt to murder; examples can be taken in terms of analyzing the burst of kitchen stove or planning an accident to murder the targeted one. It is difficult to measure the extent and magnitude of violence through social factors that are contributing to violence cases. In this way, Ali *et al.* (2020) demonstrated VAW in terms of socio-cultural factors and family structures around different territorial locations in semi-periphery countries. Because in these countries there is a high influence of patriarchy in all aspects of the life of human actors and social values are the strongest in every matter.

In a country like Pakistan, gender ideologies are constructed in the light of traditional roots and social values related to production and reproduction taken to mirror the masculine and feminine roles of a human actor. Where men have the status of superordinate (breadwinner) and women are subordinate. Hence, VAW is considered to be a private matter for both males and females.

Law and Violence against Women

Yeasmeen (2014) observed "VAW" in terms of the historical manifestation of unequal power relations between men and women which has been resulted in the domination of men over women and discrimination of women by the men that have prevented the empowerment of women. Scholars and researchers Akanle and Busari (2015) demonstrated various factors behind VAW such as inadequate laws and the unstable legal status of women as a basic reason for all types of violence around the globe. In neighbouring countries e.g. India, women have been significantly observed as neglected human

beings in-laws related to divorce, child custody and inheritance because they all are in favour of men.

This has resulted in increased violence cases against women. Not only do women feel deprived due to these laws but also law enforcement agencies are less concerned about women and their issues because they always guard their male counterparts. In overwhelming cases, it has been seen that perpetrators of violence (male) are treated less prosecuted and punished leniently. This tends towards the breakdown of women's will and they submit themselves before male dominant society (Khurram, 2017). Another study conducted by Menjivar and Walsh (2016) explained VAW in two interrelated contexts in which laws intended to protect women fail them; the social environment and the legal context in which the law is enacted. Menjivar and Walsh placed their examination within the context in which people who commit violent actions are those who formulate and implement laws.

Because we underscore these phenomena lawmakers are also a member of a society in which laws are broken they live in the same context and they have the same attitude towards understanding the meaning of violence, particularly the violent attempts, faced by women.

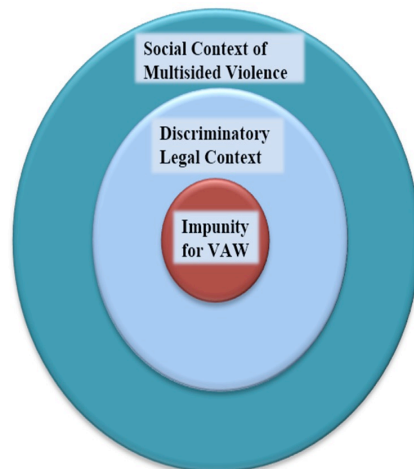


Figure 1: Circle of Violence against Women With Respect to Social and Legal Factors

Material and Methods

Data and Sampling Procedure

Cross-sectional online survey research was conducted in Pakistan. Researchers decided to conduct this study online by following the snowball sampling technique, aligned with the prior online research (Ashraf *et al.*, 2021). The data collection procedure was dependent upon the

author's social capital with local citizens of Pakistan. Before starting the complete process of data collection a single page draft placard was disseminated on WhatsApp, Instagram, and Facebook and Twitter groups. The placard was comprised of a brief introduction of the research and also contains a necessary detail about the objectives, methods and background of the study they were ensured about the secrecy of their personal information and were guided about the steps for filling the online questionnaire with the link given at the end of the placard. The inclusion criteria for this research are based on the following assumptions; i.e. must have Pakistani nationality and must have an age span above 18 years.

Measures

Citizens reported their responses on the increasing perpetration of violence against women cases in Pakistan through dual factors such as social factors and legal factors. For this purpose, the researchers divided the questionnaire into three distinct parts. The first part of the questionnaire was based on the information of the respondents about their socio-economic status and demographic characteristics. The second part was comprised of the social factors that are contributing to increasing violence against women and the third part was based on the legal factors that are

underlying the perpetuation of violence cases. Respondent's socio-economic status and demographic information were gathered through their age, gender, qualification, parental education, place of residence, and family income: retrieved from Pakistan Social and Living Standard Measurement Index (PSLSM; 2013-14).

While socio-legal factors were measured through the adapted and moulded 25 items from a prior study by Akinade, Adewuyi, and Sulaiman (2010). These items were previously validated on twelve men and thirteen women with an internal 0.83 validity. Whereas in the end, respondents were asked to rank each variable they consider responsible for the perpetuation of VAW. Hence, due to these facts, these items were significant to measure the socio-legal aspects of increasing violence against women cases in Pakistan.

Data Analysis

For coding, recoding, and generating the results researchers used a statistical package for social sciences version 22 (SPSS). The socio-demographic profile of the respondents was presented through frequency and percentage and to check the direction, magnitude, and direction of a relationship between social and legal aspects of the perpetuation of violence against women (social+ legal=perpetuation of VAW) Pearson correlation coefficient was applied to the responses with 95% confidence level.

Results

Table 1. Socio-Demographic Profile of the Respondents

Items	Categories	F (%)
Age	18-25	89(23.1)
	26-33	133(34.5)
	34-40	112(29)
	>40	51(13.2)
Gender	Male	174(45.1)
	Female	211(54.8)
Qualification	Bachelors	55(14.2)
	Graduation	181(47)
	Post-Graduation	98(25.4)
	Above	51(13.2)
Place of residence	Rural	91(23.6)
	Urban	294(76.3)
Monthly family income	<20,000PKR	42(10.9)
	20,000PKR-40,000PKR	111(28.3)
	40,000PKR-60,000PKR	131(34)
	>60,000PKR	101(26.2)
Occupation	Unemployed	122(31.6)
	Government employee	148(38.4)
	Semi-Government employee	46(11.9)
	Private employee	69(17.9)
Family Type	Extended family	135(35)
	Joint family	90(23.3)

Items	Categories	F (%)
	Nuclear	160(41.5)

N=385, f=frequency, %=percentage

Table no. 1 summarizes the socio-demographic profile of the respondents. Of $n=385$ respondents ($n=133$; 34.5%) reported their age span from 26-33 year while ($n=211$; 54.8%) were females who had participated in this study. Among them, about ($n=181$; 47%) said that they had completed their graduation and ($n=294$; 76.3%) said that they

belong to urban areas. Whereas ($n=131$; 34%) mentioned their monthly family income from 40,000PKR-60,000PKR and ($n=148$; 38.4%) had reported that they were working in the government sector and when they were asked to mention their family type ($n=160$; 41.5%) most of them were from the nuclear family system.

Table 2. Correlation Matrix

Variables	M	SD	1	2	3
Social factors	45.1	8.12	1	.606** .000	.304** .000
Legal factors	30.8	6.03		1	.477** .000
Perpetuation of VAW	6.50	1.89			1

*N=385, M=Mean, SD=Standard Deviation, **=0.01*

The above-mentioned table 2 summarizes the relationship between social and legal factors associated with the perpetuation of violence against women in Pakistan. Values of social factors show a positive correlation at 0.606**, 0.304** and 0.477** with violence against women. Whereas, there is also a significant relationship between social and legal factors with the perpetuation of violence against women which means the perpetuation of violence is not the result of legal factors but also the result of social factors.

Discussion

Violence against women is so common practice that negates equal opportunities for women, self-esteem, protection and dignity not only in the public sphere but also in the private sphere as a whole (Khatun & Rahman, 2012). This study is significant because violence against women has put the position of women in a critical condition around the globe. After all, women are suffering from violence in a dual form i.e. social factors and legal factors. The present study has been conducted to examine the socio-legal aspects of violence against women in Pakistan and the relationship between these two factors towards VAW.

The findings of the study indicated a clear relationship between social and legal factors associated with the perpetuation of violence against women in our country (Ali *et al.*, 2020) detailed findings of social factors highlight that among all social factors contributing to VAW some of them i.e. threat of kidnapping, having scarcity of witnesses of violence, threatening

victims and their families for reporting a case, and giving them instructions of keeping it secret, victims silence, people to corroborate violence are also afraid to do this in favour of the victim, culprits of violence move freely in the community without any guilt, intake of drugs, failure of victims to report a first investigation report (FIR) against the culprit, having weak emotional ties with parents, illicit alcohol consumption and lack of interaction in public were the main determinants of the increasing perpetration of violence against women in Pakistan. These results are in line with the findings of Madhani *et al.* (2017) who stated that women usually do not report their violence because they are afraid of violence exaggerated upon reporting.

Whereas, findings on the relationship between legal factors and perpetuation of violence against women place limelight on some legal factors such as legislators are not interested in making laws on violence against women, inefficient training of legal officials for handling violence cases and rape cases because laws on rape and violence are obsolete and present laws are not imposing adequate deterrence on culprits. These are similar to the findings of Zia (2014). It has also been a highlight that investigation of VAW is usually protracted in our country and when is traced, the failure of police to properly record-keeping claims on perpetrators. Furthermore, the prosecution also discontinues in the mid-way because of external pressures, poor penal deterrence to the culprit, lenient prosecution by the police, and ineffective investigation are the things that are playing a role combining complex in increasing violence cases in our country. These are consistent with the findings of a study

conducted in Guatemala, [Ruiz-Navarro \(2016\)](#) which stated that "women bodies are not battlefield" law enforcement agencies are not performing their role according to their agenda and as a result, by modelling the laziness of legal officials culprits become more vulnerable to commit violence without any deterrence.

Conclusion

This study concluded that the perpetuation of violence against women is the consequence of setting social and legal factors that are being practised in Pakistan. There is a necessity to empower women to stand up for their socio-legal rights. More exhaustive research needs to be conducted to reduce the perpetuation of violence and culprits. The results of this study have practical implications as described below.

[World Health Organization \(2021\)](#) Up to 852 million women having the age span of 15 years and above are estimated to experience physical/sexual/intimate partner violence and in the present time more probable type of violence is non-partner sexual violence. Can say that VAW is now becoming an enormous public health concern all over the globe because it exists in various forms but exist in almost all types of societies. This results in high human suffering and has significant socio-legal costs. These high statistics should advance consciousness and a sense of urgency for all leaders to take important actions. The commitments made by the legal authorities to address all sorts of VAW are needed to be put into action and enhanced if we want to achieve the sustainable development goals of 2030. The distinctions observed in the forms of violence within and among countries highlighted the fact that VAW is not inevitable and preventable. These variations shed light on the importance of implementing existing policies and programs that combat this issue with respect to socio-cultural and legal context.

To curb the spread of violence against women preventive programs must be in a holistic approach. It involves the culprits, their victims, religious scholars, survivors, lawmakers, law execution organizations, various governmental and non-governmental agencies, and civil societies. They should go forward with pioneering, legal, and situational referrals towards anticipation and expression of solidarity and

reintegration of victims. Pakistan should control and implement the protocol of the National Commission on Human Rights in Pakistan

Preventive programs should focus on promoting gender equality and legal assistance and social equities. It should also be concerned about changing the perception of people regarding gender norms and institutions that focus on and perpetuate VAW. Though, preventive programs for intimate partner violence but these are needed to be tested at a broader level and scaled up when it is appropriate.

Therefore, VAW should be addressed as multilevel. For instance; by challenging the existing social norms that encourage masculinities centred on supremacy and control over women and that condone VAW. Similarly, there must be a reform in discriminatory family laws against women; there must be programs that strengthen women's economic stability. Furthermore, an individual-level assessment of strategies related to attitudes that justify VAW and support gender-related stereotypical roles within the family system.

Additionally, society should exhibit zero-tolerance for VAW by engaging violent, intolerant attitudes and an increased level of understanding. The victims should be advocated by both governmental and non-governmental organizational members with ample time to prosecute their issues in legal courts and fight for the rights of victims and improved legal reforms i.e. improvement in outmoded laws. Furthermore, these organizations should be assisted to pledge strategic litigation procedures. However, a public-based awareness of violence should be disseminated among local citizens. This can be in the form of developing media messages to dispel myths about violence, a program related to introduction to sexuality education should be started as a part of the formal curriculum in schools; for changing the negative attitude of men towards women, praising the assets of gender equality and instituting positive attitude change on VAW preventive programs. Likewise, citizens should be guided to avoid doing violent acts in front of children because exposure to violence in childhood can provoke children to follow the same patterns in their later life.

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