



# **GAP ANALYSIS OF SERVICE PROVIDERS**

FOR GENDER-BASED VIOLENCE  
IN PUNJAB AND SINDH



# COPYRIGHT

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**Author:** [Nazish Brohi](#)

 Legal Aid Society  
Spanish Homes Apartment,  
Mezzanine Floor, Plot A-13,  
Phase – 1, D.H.A.,  
Karachi, Pakistan

 (92) 021 – 35390132 – 33

 Fax: (92) 021 – 99266015

 [hr@lao.org.pk](mailto:hr@lao.org.pk), [info@lao.org.pk](mailto:info@lao.org.pk)

 [www.las.org.pk](http://www.las.org.pk)

 [LegalAidSocietyPakistan](https://www.facebook.com/LegalAidSocietyPakistan)

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# LIST OF ACRONYMS

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CBO	Community Based Organization
CEDAW	<b>Convention on the Elimination of All Forms of Discrimination Against Women</b>
CrPC	Criminal Procedure Code
DIG	Deputy Inspector General
DLEC	District Legal Empowerment Committee
DNA	Deoxyribonucleic Acid
DPO	District Police Officer
FATA	Federally Administered Tribal Areas
FGD	Focus Group Discussion
FIR	First Information Report
FSA	Forensic Science Agency
GBV	Gender Based Violence
LAS	Legal Aid Society
LHW	Lady Health Worker
MLO	Medico-Legal Officer
NGO	Non-Governmental Organization
NIC	National Identity Card
PCSW	<b>Punjab Commission on The Status of Women</b>
PDHS	Pakistan Demographic Household Survey
SBA	Shaheed Benazirabad
SBCCW	<b>Shaheed Benazir Bhutto Human Rights Crisis Center for Women</b>
SCSW	<b>Sindh Commission on The Status of Women</b>
SOP	Standard Operating Procedure
SPO	Strengthening Participatory Organization
SRU	Strategic Reforms Unit
VAW	Violence Against Women
WDD	Women Development Department
WPA	Women Protection Authority

# EXECUTIVE SUMMARY

Pakistan has remedied many prior legal obstructions faced by women in their fight for justice, and initiated many attempts at institutional reform. Despite improving the situation, these measures have not translated into structural change and deficits in the administration of justice continues.

Efforts for implementation of pro-women laws bring into focus the asymmetry of the system, which continues to undermine and restrict survivors' ability to access protection, redress and justice. Impunity for violence against women survive these legal changes because of the social and systemic legitimacy accorded to gendered regimes of power, even as laws challenge their legality.

As a result, the very institutions that are meant to protect women and safeguard their rights and interests in cases of violation end up failing women and in some cases, harming them instead.

**This study focuses on service providers meant to assist women survivors of violence, to identify which gaps exist in both, their knowledge and their services, by examining the practical, systemic and structural hurdles which pre-empt the gains that should have accrued after changes in laws and after the establishment of these services. The study summarily reviews the police, the medico-legal system, public prosecutors and the judiciary as the scaffolding of the criminal justice system. It also reviews ancillary essential services outside the justice system in specific shelters, providers of legal aid, crisis centers and helplines.**

The qualitative study methodology significantly departed from what was originally envisioned. The outbreak of the Covid-19 pandemic necessitated re-steering it midway. Instead of conducting extensive focus group discussions in different cities, interviews were conducted on the phone, and many senior politicians and government officials had to be dropped because they were occupied with tasks in the official Covid-19 response. In lieu, more civil society interviews were conducted, as well as an extensive literature review and it draws on the author's past experiences in working on the issue. The key informant interviews span past and present leaders of apex women's organizations, leaders of the women's movements, lawyers, doctors, researchers, as well as staff of service providers, and some survivors of violence. The study shows that service institutions are not fully responsive to needs of survivors for broadly three reasons:

**1** An inadequate understanding and knowledge base, which does not factor in differentiated needs of survivors of different forms of violence. There is little understanding that their experience of violence and efforts to access service providers are mediated by their class, ethnicity and language, religion and location. Service providers often do not take into account that turning to the formal system is the last resort after women have exhausted hidden community-based mechanisms which may not be fair and just as per human rights standards but provide women localized relief; or that when they turn to the formal system or towards external assistance, they often mask the nature of their grievance, hence the diverted reporting.

There is no recognition that the very act of reporting is an act of resistance which ruptures all prior community support. Service providers tend to overlook how structures are resistant to change; as a result, women survivors are fighting not just their case but multiple battles simultaneously.

**2** There are significant gaps in services offered that inhibit women from turning to providers and make them unviable such as lack of availability, and when available, a lack of accessibility. In Pakistan's particular context, services can be present and reachable, yet remain unapproachable for women, and the report tracks how and why. It also considers the impact comprehensiveness and compliance with laws, procedures and requirements have on making options feasible for them. Women who have escaped or experienced violence and are living with intense trauma cannot negotiate logistic hurdles through alienating systems systems.

**3** The study reflects on how service providers are constrained by their own institutional contexts. It overviews trends and practices that have over time congealed and ossified into structural barriers that at times re-victimize women survivors of violence. But the study also attempts to show how systems are porous, and change is not only possible, but has also been brought about within these institutions over time. It underscores, therefore, the importance of pushing for change by showing the institutional structures gradually yield.

The underlying principles which have shaped the study are that crisis response systems for women survivors of violence must be survivor-centric, placing primacy on what the needs, wants and interest of the survivor are, overall other expediencies. These systems should be grounded in the rights-based approach which discards all notions of women being seen as pitiable beneficiaries of the charity, or as 'perfect victims' who must conform to stereotypes of victimhood bereft of agency.

The report brings the identified findings together by categorizing the gaps into four overarching themes: i) The missing tiers in crisis response mechanisms, ii) Implementation issues, iii) Systemic obstructions and iv) The lack of alternatives women survivors of violence face.

At its end, the report tentatively suggests future directions which may offer gateways for redress. It offers four tiers of suggestions, a) The minimum standards all service providers should achieve and benchmark, b) Institutional recommendations suggested for each service provider, c) Areas requiring further research to better explicate contexts, and d) New areas to explore through dialogue and discussion with stakeholders.



**BACKGROUND:  
GENDER-BASED  
VIOLENCE IN  
PAKISTAN**

**2**

Sonia, a teenager, was gang-raped by two policemen in Muzaffargarh; the police station refused to lodge her complaint FIR against them. She self-immolated and died the next day from the severity of her burns<sup>1</sup>. In 2015, she was one of three women who publicly burnt themselves after the police dismissed their complaints of sexual violence<sup>2</sup>.

In January 2020, Salma went before a judge to declare her free-will marriage in Sehwan, Sindh. She said the Judge asked female constables to leave so he could ask her in privacy if she felt pressured into marriage, and raped her once she was alone with him<sup>3</sup>. He refused to get a DNA test done after her medical exam verified the rape<sup>4</sup>. Eventually, Salma retracted her statement, women's rights activist says she was pressured and intimidated into doing so.

16 women escaped from a Dar-ul-Aman shelter in Quetta in 2011 by breaking the windows and climbing out of them since the shelter worked as a sub-jail and imprisoned women inside, often in degrading conditions<sup>5</sup>.

Zara, a teenager was kidnapped and raped by her forty-year-old neighbour and was recovered from his house after 3 days. The medico-legal examiner conducted a two-finger test and announced to her family that she was not a virgin. Instead of the rape, the focus became her old relationship and she had to flee from her family and country<sup>6</sup>.

The very institutions that are meant to protect women and safeguard their rights and interests in cases of violation end up failing women and harming them instead.

The above-mentioned cases are extreme examples. Even when women are not physically harmed, everyday prejudices, biases,

inefficiencies, incompetence and apathy from service providers routinely obstruct and frustrate women survivors of violence. And there are countless such survivors; violence against women is endemic in Pakistan.

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<sup>1</sup>“Pakistan girl self-immolates after police refuse to act on gang-rape claim,” The National, October 14, 2015, <https://www.thenational.ae/world/pakistan-girl-self-immolates-after-police-refuse-to-act-on-gang-rape-claim-1.44265>

<sup>2</sup>“Rape victim dies after setting self on fire outside Muzaffargarh police station” The Express Tribune, October 13, 2015, <https://tribune.com.pk/story/972221/rape-victim-dies-after-setting-self-on-fire-outside-muzaffargarh-police-station> and Ashraf Javed, “When solace lies in self-immolation,” The Nation, June 29, 2015, <https://nation.com.pk/29-Jun-2015/when-solace-lies-in-self-immolation>

<sup>3</sup>Hamid Shiekh, “SHC suspends judicial magistrate for allegedly raping woman in his chambers,” The News, January 18, 2020, <https://www.thenews.com.pk/latest/600602-shc-suspends-judicial-magistrate-for-allegedly-raping-woman-in-his-chambers>

<sup>4</sup>Staff report, “Judge accused of rape refuses DNA testing from labs in Pakistan,” The Express Tribune, February 22, 2020, <https://tribune.com.pk/story/2161791/1-judge-accused-rape-refuses-dna-testing-labs-pakistan>

<sup>5</sup>Fauzia Viqar, “All that’s wrong with women’s shelters,” The News, August 14, 2011, <https://jang.com.pk/thenews/aug2011-weekly/nos-14-08-2011/dia.htm#2>

<sup>6</sup>Sabrina Rose Bhatti, “The two-finger test continues to traumatize rape survivors in Pakistan,” Dawn, April 7, 2020, <https://images.dawn.com/news/1184919>

Punjab Police data shows 533 rape cases and 21 gang rape cases were reported in the province in just one month, from January to February 2020<sup>7</sup>. Punjab police reports recorded in the period 2013-2014, each day an average of 66 women were murdered or attempted to be murdered, 8 raped, 11 battered and assaulted, and 32 women are abducted. According to the most recent Gender Parity Report of the Punjab Commission on the Status of Women (PCSW), in one year there were over 900 cases of domestic violence reported, which included over 400 murders, 141 attempted murders and 361 cases of physical abuse including beating<sup>8</sup>.

According to statistics released by the Sindh Police, in the year ending January 2020, 108 people were killed for honour including women, separately 132 women were killed in various crimes, 95 cases of rape were registered by women and there were 128 cases of physical torture against women<sup>9</sup>.

Government of Pakistan's latest Pakistan Demographic and Health Survey, PDHS 2017-18<sup>10</sup> acknowledges and quantifies violence against women. It finds that over 1 in 4 married women have faced physical violence (28%), and 15% have experienced it in the past year. For 80% of married women, the perpetrator is the current husband. By expanding spousal violence to include sexual and emotional violence in addition to physical abuse, the figures rise to one-third of the married women demographic. It notes regional variations, from 18% in Sindh to 66% in erstwhile FATA.

Importantly, the PDHS 2017-18 finds 56% of women who experienced physical or sexual

violence never sought help nor told anyone. Only three out of every ten married women sought help to stop violence. This corroborates the widespread assumption among women's rights advocates that the majority of the violence women face never gets reported or even disclosed, and that the VAW response system is still not being accessed or reaching out to the women who need it. The survey notes that the most common sources women reach out to for help are their own family (76%) or their husband's family (36%).

**Throughout this gap analysis research, this remained a recurrent theme with experts – that we need to probe ways of engaging and increasing responsiveness of women's first resort support systems which they reach out to formal institutions when things have escalated to life or death situations.**

The victims who did reach out to formal institutions consistently reported that the entire formal system, from police to medico-legal officers to public prosecutors to the judiciary, did not display any concern about their trauma, regarded their complaints as routine and domestic violence as standard behaviour rather than a serious crime. The conviction rate for cases of violence against women is less than 3% across the country.

Years of legislative changes, broad reform initiatives, funded window projects, awareness programs, sensitivity trainings, conference attendance, ratification of international instruments, signatures acknowledging state obligations, and civil society interactions have opened inroads for engaging the system on

<sup>7</sup>Punjab Police data, <https://punjabpolice.gov.pk/crimestatistics>

<sup>8</sup>Punjab Commission on Status of Women, Punjab Gender Parity Report 2018, (Lahore: Punjab Commission on Status of Women, 2018), [https://pcsw.punjab.gov.pk/system/files/PGPR-2018\\_0.pdf](https://pcsw.punjab.gov.pk/system/files/PGPR-2018_0.pdf)

<sup>9</sup>Staff report, "108 women 'killed for honour' in Sindh last year; police report," Daily Times, February 1, 2020, <https://dailytimes.com.pk/550152/108-women-killed-for-honour-in-sindh-last-year-police-report/>

<sup>10</sup>National Institute of Population Studies, 2017-18 Pakistan Demographic and Health Survey: Key Findings, (National Institute of Population Studies, 2018), [https://www.nips.org.pk/abstract\\_files/PDHS%202017-18%20-%20Key%20Findings.pdf](https://www.nips.org.pk/abstract_files/PDHS%202017-18%20-%20Key%20Findings.pdf)

women's rights agendas. Progress remains uneven and contradictory. In places, visionary leadership has created a forward surge; in others, 'gender' and 'empowerment' have become politically correct terminologies but the promise of transformation has leached. However, change is possible and even inevitable. Many more progressive laws are now in place compared to two decades ago. Social consensus is also changing, and there are few who now defend physical violence against women as a cultural right, compared to many almost two decades ago.

This report is part of the effort of pushing through further change to make the system responsive for women survivors of violence. It focuses on service providers meant to assist women survivors of violence, to identify which gaps exist in services and knowledge that either inhibit women from reaching out for help, or those which frustrate and defeat women's search for justice.

Many legal correctives have been introduced through a spate of women-enabling laws. Their implementation remains weak and uneven. Institutions for system surveillance and redress have been instituted. And each such institution has its own set of tribulations.

Punjab experienced a surge in women-responsive architecture once its Commission on Women was instituted in 2014 and its first Chairperson appointed. It set up a Gender Management Information System, established the 24-hour Women's Helpline service '1043' and worked closely with the provincial police to act on GBV cases – including having access to police communication and alert network. However, after the change of the political provincial government, the chairperson

was removed from office in mid-2019, and the post remains vacant to date. Another overarching body has been set up, the Punjab Women Protection Authority (WPA), which subsumes all previous initiatives. The WPA is currently functioning without any budget and the head of the institution asks people through her personal network to donate money for work and funds running expenses out of her pocket.

**Impunity for violence against women survives these changes because of the legitimacy accorded to gendered regimes of power, even as laws challenge their legality.**

Sindh lags behind its response infrastructure partly because of time lag – the Sindh Commission on the Status of Women (SCSW) was established and its first chairperson appointed as late as 2017, even though the Act for its establishment was passed in 2015. Its Chair still does not have financial autonomy, leaving the Commission dependent for budgetary approvals and allocations.

Despite remedying the legal obstructions faced by women in their fight for justice, and despite many attempts at regulatory and institutional reform, discussions indicate that these have not translated into change at an operational level and deficits in the administration of justice continue. Efforts towards implementation of pro-women laws bring into focus the asymmetry of the system which continues to undermine and restrict survivors' ability to access protection, redress and justice.



**RATIONALE AND  
INTRODUCTION**

**3**

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This report is an attempt to break through the catchall phrase ‘lack of implementation’, and examine what practical, systemic and structural hurdles pre-empt gains that should have accrued after changes in laws and after establishment of service points for women survivors of violence.

It branches off from an initiative to map the service providers in Sindh and Punjab, to better understand why the intended impact of service providers remain elusive. The study is an effort to plug knowledge gaps and reflect on institutional inadequacies to identify strategic areas for intervention in order to improve services and make them survivor-centric.

It builds on existing literature. There is already much documentation in development sector reports and research by feminist writers that collates the history, operating procedures and processes and amenities data for service providers, disparate as it is.

This report focuses on identifying gaps in understanding as well as in services. It does not intend to reiterate the basics of gender awareness in terms of kinds of violence women face and associated myths, roles and expectations or chronicle discriminations and their impact. Instead, it looks into the blinkered understanding of violence that impedes specifically the efforts to institutionally address VAW.

In assessing services for survivors of violence, it analyses services first in aggregate, and second, by examining each service provider separately to highlight their limitations and gaps. It moves on to converging identified gaps by looking at which tiers are missing in the response architecture; implementation issues; systemic obstructions and structural obstacles. In the end, it tentatively suggests future directions for resolving the identified gaps.

The underlying principles which have shaped the study are that crisis response systems for women survivors of violence must be survivor-centric, placing primacy on what the needs, wants and interests of the survivor are, overall other expediencies. And they should be grounded in the rights-based approach that discards all notions of women being seen as pitiable beneficiaries of the charity or as ‘perfect victims’ who must conform to stereotypes of victimhood bereft of agency.



**METHODOLOGY  
AND LIMITATIONS**

**4**

The research process started with a desk review of available literature on the current state, availability and accessibility of services, along with a review of news sources to assess what recent changes have been introduced.

Among the primary data sources analyzed was the database developed by LAS/Oxfam for the directory of service providers in Punjab and Sindh and is foundational to this report. The questionnaire used is attached as Annexure A. The questionnaires were filled by responding institutions. The dataset has been used in this report.

The indicators correspond with the questionnaire in tracking availability, affordability, accessibility, comprehensiveness and compliance of service providers. In interviews and discussions with survivors and GBV experts that happened while the data was being collected, it became apparent that another additional measure of 'approachability' should be factored with; assessing the impact of an institution's reputation and whether accessing it will have consequences for the reputation of the woman in question. This indicator does not reflect in the database and was added in hindsight.

The survey was meant to be followed with extensive engagement with experts through focus group discussions, both with government officials as well as with women's rights activists, practitioners and advocates, to be followed up with in-person key informant interviews. The tool for key informant interviews is attached as Annexure B.

It also intended to interview women survivors of violence who used or attempted to use the services to be analyzed. The list of those interviewed as key informants is attached as Annexure C.

The study methodology significantly departed from what was originally envisioned. The outbreak of the Covid-19 pandemic required re-steering it midway. It was supposed to extensively conduct focus group discussions in both Punjab and Sindh, with government officials, service providers, civil society activists and experts, as well as with survivors. Such outreach was not possible amid a pandemic. Plans to Sukkur, Lahore and Rawalpindi had to be called off. It became unsafe to meet experts in either group setting for FGDs as well as in-person for key informant interviews. After one focus group discussion in Hyderabad and interviews with survivors at the Panah shelter, the rest of the interviews were conducted over the telephone and through Skype. It also required changing the planned list of experts to be interviewed since senior politicians became busy with the Anti-Coronavirus initiatives as provincial and national governments went into emergency response mode.

After conducting two difficult interviews with survivors in Punjab over the phone, other survivor interviews were discontinued because of their discomfort. It was unfair to expect women to narrate traumatic experiences to an unseen person on the phone, and their answers were understandably monosyllabic and not forthcoming.

The author attempted to draw on her two decades of experience working on issues of women's rights, including with service providers, community-based organizations and government officials across rural and urban Pakistan. It led to extensive, deeply nuanced phone interviews with activists, practitioners and advocates that extended beyond the initial questionnaire.

The initial methodology proposed that the main findings of the Gap Assessment would be brought into a larger group discussion with LAS

and relevant field experts to develop strategies and recommendations to address the identified gaps. Instead, the interviews with experts followed up with post-analysis conversations to share findings and solicit feedback on emerging suggestions for future directions. The suggestions are described as tentative and not solidified into recommendations so they can in the future be placed before experts and stakeholders for further discussion before they are shaped into doable, responsive and nuanced recommendations.





**KNOWLEDGE GAPS  
IN UNDERSTANDING  
THE NEED FOR  
SERVICES**

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This section outlines some shortfalls in the understanding of service provisioning for survivors of violence. It does not delineate the myths and misunderstandings about the violence itself, but instead focuses on issues that render the service delivery infrastructure inadequate for women's lived realities.

The chapter identifies conceptual gaps or gaps in understanding that limit the intended impact of service providers who do not take these into account. A more attuned grasp of these may therefore contour a more receptive response system.

## 5.1. SURVIVORS OF DIFFERENT FORMS OF GBV HAVE DIFFERENTIATED NEEDS

There are many different forms of violence that women face. This study focuses on the most prevalent forms in Pakistan for which women seek external support. The kind of violence inflicted shapes the reactions and options for women survivors. There are, of course, exceptions to all the generalizations outlined below. However, these generalizations are useful to understand what kind of service is more important at which point.

The most common cases at shelters, for instance, are women being persecuted by families for marrying or intending to marry someone of their own choice; the free-will marriage cases. This does not mean it is the most prevalent form of GBV, but that women exercising agency for marriage need shelter the most. They are at threat of being killed for 'honor' and the family is always the aggressor, so they cannot turn to family and community support. Even many of the domestic violence claims emerge through free-will marriage cases, because married women in abusive relationships find the strength and ability to leave after they find another person they want to be with. At shelters, unmarried women stay till marriage and living arrangements can be made by the person they eloped with. Already-married women stay longer since they first need to get divorced, which takes three to four months, and then be remarried – they usually need a place for shelter in the interim. Most shelter staff corroborate this including, Zar Bano, the manager of Panah shelter in Karachi.

Gulnar, who worked in The Dastak shelter in Lahore for seven years says, "I dealt with over three hundred cases a year. Almost 90% of these were of free-will marriages."

Domestic violence, which here indicates violence within the marital home – whether by husband or in-laws, may be extremely common – as cited earlier, the PDHS finds over 1 of every 4 ever-married women have faced violence within their marriages. However, they usually do not come to shelters unless the violence becomes life-threatening. Natal families or extended families often step in to either convince her to return to the marital home, or allow her to come back and live in the natal home.

Activist Arfana Mallah points out there is no gray area in domestic violence. The woman is victimized, and there is bodily proof, so families generally accept her back. Its where they exercise sexual and bodily rights that they reject the woman and throw her out.

Women facing domestic violence who do come to shelters frequently return to abusive homes when they realize they have few survival options, unless they have other avenues of support. Domestic violence cases also frequently are not reported to the police either, unless the family decides to declare enmity against the woman's marital family and want them imprisoned. When the police are called it is frequently an emergency situation in which the woman, her children or her family members are attacked or threatened, but the women usually want the police to simply make the violence stop. The most commonly used and required service provider for responding to domestic violence is the health system – Hospitals, clinics and LHWs (Lady Health Workers).

The health system is the most effective outreach for connecting with women in violent homes.

Acid attack and burn cases highlight the need to understand how health security and physical security are intertwined. According to Justice Majida Rizvi, in a recent acid attack case in Ghotki in upper Sindh, the woman in question was brought to Karachi by women's rights activists because there were no other burn treatment centers nearby. After she was treated for three weeks, she was discharged from the hospital but had nowhere to go, so had to return home.

Reliance on the police is very high in rape cases. Unlike free-will marriages where women want to exit their condition but not necessarily punish the other side, in rape cases there is a struggle for justice and for the perpetrator to be punished.

Experiences and observations by experts suggest the likelihood of a victim reporting rape is significantly higher if the perpetrator is a stranger, and significantly lower if family or other men known to the victim are the perpetrators.

While the police usually do not attempt any mediation in rape cases, lawyer Sara Malkani points out, "Rape cases have more corruption, more money changes hands, more of power politics and power play."

Most families do not throw rape victims out on the streets and so they do not usually need shelter, unless the rapists are powerful and politically connected and the victim's family is weaker. In those cases, if the victim's family persists with a police case, the entire family may need shelter and have to leave their area. The Karachi chapter of Women's Action Forum (WAF) has dealt with cases where they had to shelter, house, feed and clothe a victim's family for months on end since they would be killed if they returned to their village.

A similar comparison of differing needs depending on the form of violence faced could be developed for all forms of GBV so that service providers are more attuned to specific needs of survivors they deal with.



## 5.2. DIVERTED REPORTING

The literature on sexual violence in Pakistan does not mention diverted reporting, hence an introductory concept in this report. It explains how the outrage at sexual violence manifests in demands for justice, but under the guise of different claims.

The phenomenon became apparent through the observations and fieldwork of this report's author, further validated by discussions the author had with women's rights activists, researchers and advocates, police officers, shelter staff and community leaders over many years. It has not been reflected in documented and published research yet. It may partly explain the relatively low reported incidence of sexual violence. It also unearths how cases proceed in different contexts, and perhaps allow better targeting of information and options for justice for women survivors who cannot have crimes against them recognized or articulated.

'Diverted reporting' is used here to explicate the phenomenon where sexual violence against women is buried under other reported crimes, either deliberately, or by the escalation of the nature of the case. In the context of the stigma associated with being a victim of sexual violence, by the time the crime is reported to authorities, in many instances the case takes on another form which is ostensibly not about sexual violence.

### IN MANY CASES IT IS:

Disguised as another crime, such as accusing rape perpetrators of breaking and entering, theft, abduction or attempt to murder. Families and survivors want to see perpetrators brought to justice, but without revealing the sexual violence, which carries stigma and shame for the victim and victim's families. As a result, they allege a crime has been committed which is different from the crime that has actually been perpetrated. The charges they level cannot be proven, and proof of the actual crime does not get documented

Mutates into other crimes'. By the time it reaches authorities, it has escalated and intensified into more suffering such as a victim's suicide, or families and clans have attempted to inflict counter-violence on their own through honour killing or revenge killing of the perpetrator by the victim's family, or onset of violent family or tribal feuds. Often the original crime of sexual violence gets blurred out by follow-on violence.

This can also draw attention towards community-based and other informal mechanisms for handling sexual violence and what communities consider as its redress. Police officers are already well aware of the phenomenon of 'intiqaami karwai', where FIRs and legal cases are registered in revenge as a form of one-upping the other.

Diverted reporting needs closer study and needs to be understood and detected by law enforcement officers. Recognizing diversionary tactics can help signal original crimes for investigation and present a fuller understanding of how violence operates and is processed within communities."

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## 5.3. INTERSECTIONS OF AGE/CLASS/ LOCALE/ RELIGION

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Women's access to GBV service providers and their experience is mediated by a host of dynamics which include class, religion, language or ethnicity and location, of both, the victim as well as of the perpetrator.

These factors influence whether women are aware of the services, if they believe they will get help or not, and in turn such an understanding should inform outreach efforts. The rural/ urban divide is one such factor. Activists and grassroots practitioners underscore that urban realities are different from rural ones. In rural Pakistan strong tribal and kinship networks encompass all social interactions, precluding trust in impersonal institutions – the state and civil society often have only marginal relevance in the private sphere. The notions of entitlement and protection, both are rooted in who and where one belongs – village, clan or tribe, and not on ideas of citizenship. Social interaction is segregated and limited by family, kinship, tribe and ethnicity.

"These crisis centers and all don't exist in the spectrum of options for these women, even if they exist in brick and mortar form," says Haseen Musarrat, an activist of WAF Hyderabad. "Women who don't go to neighbors of other ethnicities, how will they cross districts and go to random people they have never seen and tell them personal traumas?"

Women generally will not leave their villages to travel hundreds of kilometers to lodge complaints to people who they do not know. Nor will they call a helpline number and share their problems on the phone with someone they cannot see. Beyond the literacy and technology channel, this is frequently an issue of not trusting others with who they have no connection with.

Technical Lead at LAS, Jawziya F. Zaman reflects on this issue, stating "The state provides resources in a cultural vacuum. There is no grappling with the reality that women don't trust the state..... more importantly, [the state must] invest in non-formal systems that women feel most comfortable with."

There is little understanding of what community-based safety nets exist for women survivors of violence and how they experience those. Women's rights advocates say there is a need for researching rural women's coping mechanisms which remain hidden from the urban, government-facing institution-centric and interventionist search for solutions.

"We have not engaged or even experimented with linking to organic, localized approaches outside of the gaze of the state," observes Amar Sindhu, a women's rights activist and academic.

In one such exploration, Afiya Zia looks at the localized, community form of safe houses, often offered by large landowners in Sindh to women threatened with honor killing. Living in the home of local landed leadership extends to women a kind of protection. In one case traced by Zia, the landlord prevents the cycle of revenge killings by marrying women off to a third person, who is neither the person her family chooses, nor the person she has chosen for herself, and as a result, is allowed to live and is not killed.<sup>11</sup> Since the use of such coping mechanisms are rarely reported as they do not make it to the formal system, they are invisible in published literature and no data is available on their prevalence and usage.

A study of intersectionality would be useful in deepening understanding. The age of the victim of GBV has a bearing beyond legality and impacts the way family and wider society responds. If the crime has been inflicted on a girl 14 years old or younger, there is often immediate media attention, assistance and support from family, protection-related institutions and from the police. This is primarily because children and girls often suffer severe bodily injuries in rape cases and require medical assistance and because they are viewed sympathetically as victims. Congruently, questions around the agency don't arise. No one generally questions whether their consent was involved, or if they encouraged or tempted the aggressor, the usual forms of judgment where women are concerned. Sexual violence against older, unmarried girls and women is the least likely reported bracket of sexual violence because of the associated stigma and shame

for the survivor and her family – it increases gossip and judgment that she may have been at fault and the act consensual, and it lessens the probability of marriage offers.

Religious affiliation of survivors can also have bearings on how violence is experienced and the kind of responses it leads to. Some women's rights activists point out that while the Hindu community is very active on the issue of forced conversions and women and girls needing protection against it, they are not willing to confront the issues of violence within their own community, which is high. The Hindu Marriage Act in Pakistan does not allow for divorce<sup>12</sup>, and the overall community is unwilling to change it, while some Hindi women activists have pressed for reform. Among Christians, Pastor Ghazala from Karachi points out that she does not find much support when she identified unfair practices within the various Christian communities. "I have been fighting against the corruption in the Church of England association, but my own community doesn't support me because I am highlighting internal problems. Even Muslim civil society does not support me because they feel Christians are discriminated and suffer enough, so they don't want to be the ones identifying the problems within them, they think it will sound like persecution. So I stand alone."

The issue of conversions for marriage has become a problematic trend over the years. In most of the cases, it is young, underage Hindu girls being married to Muslim men, and getting converted to Islam by local religious clerics or 'Pirs'.

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<sup>11</sup>Afiya Shehrbano Zia, "Can Rescue Narratives Save Lives? Honor Killing in Pakistan," *Signs: Journal of Women in Culture and Society* 44, no. 2 (Winter 2019)

<sup>12</sup>[http://www.na.gov.pk/uploads/documents/1489555920\\_681.pdf](http://www.na.gov.pk/uploads/documents/1489555920_681.pdf)

## The issue is complex for various reasons:

**i** in most cases, the girls were not forced into marriage and were willing, but too young to realize the implications of their decision, and often have second thoughts and change their minds,

**ii** they could legally not decide to marry since they were underage – most cases have occurred in Sindh, where the legal age of marriage is 18,

**iii** the conversions themselves – the girls are too young to make this decision, and most conversions are assisted and presided over by two prominent Pirs of Sindh, indicating that it maybe an organized effort.

Girls' families point out they are underage so marriage is not permissible, that parents are still their legal guardians and they should be handed back to their families. At times the girls want to return to their families, or at times, they refuse and want to stay with the person they married. These girls are usually sent by courts to shelters, to give them time to think it through, and in cases, to live at the shelters till they cross 18 years of age and are considered marriageable, and only then can they go to their husbands. And in other cases, where hordes of clerics, religious leaders and their followers have arrived in courts to witness the case being heard, there has been enormous tension and threat of violence, the courts have handed the girls over to their husbands. Police and shelters have to arrange full security in

such cases, on the way to courts and back, but also at the shelter, for fear of attacks.

Uzma Noorani, who has dealt with forced conversion cases at her shelter, Panah, points out the complexity of such cases. "Security is a huge concern; we cannot let these girls meet anyone because the court instructs us to make sure she is not pressurized by either side. These girls are too young to make such decisions, they get confused and regret things later. When their cases get extensively reported, the courts become a battleground, they bring their supporters en masse and judges panic and get intimidated. Media should report on the issue of forced conversions without zooming in on any one particular case that is in process."

Impunity for perpetrators can also vary according to the class and privilege of perpetrators. Anecdotally, there are more working-class men imprisoned for VAW than men from the upper classes and those with strong political connections.

Class and status differentials between victims and aggressors often impact how the police processes cases. It also changes the probability that the case will be registered or even disclosed by the victim, and affects her options – if the aggressor is from a dominant tribe or politically powerful family, for instance, then the victim will usually flee to another jurisdiction for registering complaint and finding shelter.

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## 5.4. RISKS OF USING SERVICES FOR SURVIVORS

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Women face not only the risk of GBV but a secondary risk of attempting to redress GBV. Taking a stand is an act of agency that jeopardizes them above and beyond the initial violence inflicted on them.

Turning to the state or formal system is always the last resort<sup>13</sup>. All women's rights activists say that when women approach the formal system for help, it is mostly because the problem is acute, has escalated, and other forms of seeking resolution have exhausted. Otherwise they try to resolve it within their families and communities, even though those forums and mechanisms are not well understood by outsiders.

Instead of lessening, women's vulnerability increases once they report the violence. Filing complaint and lodging an FIR is seen as an act of resistance, an announcement of intent to fight back to get justice.

In many cases however, this process is not followed by the police placing perpetrators under arrest, or if they do, bail is often granted. That makes women vulnerable to harassment, intimidation and even revenge attacks as retribution for complaining, or open to coercive pressurizing by middlemen. Usually, it is not possible for women to arrange their own security nor does the police provide it without an order by a magistrate.

In a 2019 case from Ghotki a woman was attacked and disfigured with acid. She filed a formal complaint after which she was abducted by the perpetrator. Women's rights activists point out a few days later the perpetrator himself brought her to the police station, where the woman changed her statement and said the person who she accused was not guilty and she was confused about who attacked her.

Activist and academic Amar Sindhu explains, "Often it is expedient to not file an FIR or a survival strategy to retract a complaint, because at least the violence stops. We deal with such cases all the time. We must understand that the security threats for women multiply exponentially after they file a complaint."

Women risk alienation by their own communities. Traditionally, women faced an ultimatum: their appeal for protection could either be based on their membership of the community or be based on their citizenship of the state – both were mutually exclusive<sup>14</sup>. The community/ family/ tribe/ clan would try to protect women as long as they did not approach state institutions. If they did, the community blocked them out. Conversely, as long as women stayed within the ambit of community membership, the state did not concern itself with their protection – such as from harmful customary practices<sup>15</sup>. This has lessened as the state presence and outreach has grown into peripheries. However, the stigma of approaching state institutions and the perception of it being a betrayal of the community has lingered on.

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<sup>13</sup>Rozina Karmaliani, Nargis Asad, Kausar Khan, Sohail Bawani, Tazeen Saeed Ali, Nicola Jones, Taveeshi Gupta, Anita Allana, Hussain Maqbool and David Walker, "Understanding Intimate Partner Violence in Pakistan through a Male lens" Overseas Development Institute, March 2017 <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11398.pdf>

<sup>14</sup>Nazish Brohi, "Time Out of Joint," Dawn, March 8, 2016, <https://www.dawn.com/news/1244223>

<sup>15</sup>Nazish Brohi, "Gendered Peripheries: Structuring the nation, the state and consensus in Pakistan." In Development Challenges Confronting Pakistan, edited by Anita Weiss and Saba G. Khattak Sterling: Kumarian Press, 2013

A study of nearly 8,000 women survivors of violence in Pakistan corroborated that women who reported risked their reputation, brought dishonour upon the family, made matters worse resulting in divorce and loss of their children. It is important to note the perceptions shared by women survivors of violence<sup>16</sup>, some of which are reproduced below:

“There is no one to report to. And what’s the use? We have to go back and live in the same place. It would only aggravate the situation and cause disgrace,” said a woman from Punjab.

“Women don’t have any money and the police ask for bribes,” from a women’s focus group in KP.

“It is of no use because the police would call our men, they would bribe the police to remove the case and then taunt and abuse us for the rest of our lives,” from a women’s focus group in Punjab.

The study of survivors concluded, “There are strong disincentives to reporting violence in Pakistan, which are well known to women. Until better systems for dealing with reported cases are in place, domestic violence will continue to be a hidden scourge.”



<sup>16</sup>Neil Andersson, Anne Cockcroft, Umaira Ansari, Khalid Omer, Noor M. Ansari, Amir Khan and Ubaidullah Chaudhry, “Barriers to disclosing and reporting violence among women in Pakistan: Findings from a national household survey and focus group discussions,” *Journal of Interpersonal Violence*, 25 no. 11, 2010.

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## 5.5. RISKS OF FACILITATING SURVIVORS

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Almost all women’s rights activists have stories of how facilitating and helping women survivors can absorb and drain you. Everyone has a ‘that one case’ story, where activists embroiled in all the struggles survivors face, to the point of their own lives being completely disrupted and taken over. At some point, many activists have housed survivors in their homes. In absence of caseworkers, activists of WAF Karachi frequently accompanied women survivors through case procedures, whether courts of police stations or medico-legal examinations, arranged for their food and clothes, taken care of their families, raised funds for them and so on.

Activist of WAF Karachi, Farieha Aziz says, “A single case is enough to drown activists for weeks, it takes over their entire life. In an inter-city case, which many of them are, this means running for doctors and medicine and lawyers and police, while trying to coordinate requirements across the country or province.”

The risks associated with GBV lie not only for survivors and victims but also for those who attempt to help and support them. Though the threat is not as severe as the ones faced by survivors of GBV, they can still be prohibitive. While there has been some global attention paid to threats to human rights defenders, there is no such focus on what is faced specifically by women’s rights defenders.

The prominent leaders of WAF Hyderabad have faced anonymous threats, online hate campaigns and slanderous campaigns in the print media. Across Pakistan, women’s rights advocates have dealt with character-assassination attempts, been accused of being home-breakers, western agents, accused of cultural treason and of hawking imaginary grievances for foreign funding.

A protocol common among all shelters is to inform the local police station whenever a new woman comes to stay at the shelter. It is partly a precaution for ensuring she has not committed a crime and is not a fugitive from the law. But equally, it is a measure to ensure that no shelter staff member is accused of abduction and forcible confinement of the woman by her family members.

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## 5.6. SOCIAL STRUCTURES RESIST CHANGE

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Demanding change from state institutions is comparatively easier than catalyzing social change. Cities and big towns live on an axis different to rural Pakistan, women’s rights advocates say.

Sidra Iqbal points towards the politics of location: “The further an area is from provincial capitals, the lesser the state’s and NGOs ability to monitor, implement and influence – the further an area, the more weightage given to local power wielders and customs.”

This bears out observations of researchers, that at the peripheries, the center becomes marginal. Structures however still are not impervious, but change happens at a slower pace.

The hold of customs and conventions is stronger and notions of social justice at times at odds with state laws.

Even in urban areas, social change is not in sync with economic change. While women have more exposure and access to facilities in cities, conventional thinking still privileges maintaining family units despite the harm they may incur in cases of domestic violence. The stigma around women's sexuality and its assertion still lead to collective regulation of their bodies through forced marriages, forced prevention of marriages and the silencing around rape and issues of consent. Women cannot still openly share experiences of sexual harassment without being shamed, despite legal changes. They are still considered to 'belong' or decision-making authority over their body belongs to the men of the family.

Legal changes have created a dissonance between state laws and society's laws, and turning to the former over the latter often results in severance of all social ties for women.

Women's rights are often mediated through the need for community approval. At times, women's bodies are the sites of community negotiations over marriage, bodily autonomy, the extent to which girls may get educated, job options and so on.

Gulnar, who previously headed the Dastak shelter in Lahore explains, "We don't take community influentials into account during trials because they are outside the legal system and have no direct bearing on laws and judicial structure. But they matter, they influence and shape cases. We have no way of understanding, in legal terms, that honor killing for instance, is a collective crime, that both the man and the woman are at threat from any member of tribe or clan – how do you get protection or restraining order against a whole tribe? Anyone can kill her at any time, even years later, in another location or city, even after they're married with kids."

Activist Arfana Mallah concurs. "we act like the case is contained between the perpetrator and victim. How do we reflect our specific reality in legal redress? We use the 1890 penal code which is or was the register of British society. We went straight from tribal code to penal code, no transition period, no mid-way laws. We need something in between, but we don't know what that should be."

The current legal system is not equipped to grapple with crimes that cannot be pegged onto single perpetrators. On the other hand, collective responsibility is a problematic idea and has been responsible for creating grave issues and human rights violations wherever it was used, such as in erstwhile FATA. More research is required on the interface between laws and formal legal rights on the one hand, and the actual economic, social and political conditions for their realization on the other.



**QUALITY OF  
SERVICES:  
AGGREGATE  
ASSESSMENT**

**6**

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This chapter reflects on the quality of services available for survivors of gender-based violence with reference to crisis centers, helplines, shelters, police stations, medico-legal services and civil society assistance.

It provides an aggregate look at the facilities across the focus districts of Sindh and Punjab.

In determining how to gauge quality, the literature review, interviews with experts and activists who assist women survivors, the experience of the researcher, as well as testimonials of survivors were used to hone in on factors that inhibited or could inhibit women approaching service providers, and on factors which frustrate the aim of quality care as analyzed by experts.

# THE FINDINGS COALESCED INTO FIVE MEASURES<sup>17</sup>:



a) Availability, where it overviews whether services exist and are available locally, and where inter-district travel is required.



b) Accessibility, which looks at whether women survivors can physically approach service providers, in terms of whether they can enter the facility if they do not have their identity documents – which they frequently don't if they have fled in distress situations; whether the facility can be reached with public transport as they mostly do not have their own private transport; round the clock availability or whether the service can be accessed only during work hours; and whether the facility has disability access.



d) Comprehensiveness of service points, where it considers whether the service has a referral mechanism or whether survivors will have to make an effort to locate each point of care separately; and whether the facility maintains contact and has a follow up mechanism.

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<sup>17</sup>These indicators are adapted by the author for Pakistan's specific GBV context, and are not a standard measure – for instance, perceptions of cost, reputation of service provider and stigma associated with its use do not feature in any global set of standardized indicators. Some of the characteristics such as Availability and Accessibility have already been used in the Module on Essential Services Package for Women and Girls Subject to Violence – Core Elements and Quality Guidelines, developed by UNFPA.



c) Approachability, which relates to perceptions. Here it looks at what and how much is known about the facility, including public perceptions of affordability and anticipated corruption, whether the perception of service charges prevent women survivors from seeking relief; and the status and reputation of service providers in the community which inhibit women from going to them.



e) Compliance with existing regulatory procedures, which considers whether Standard Operating Procedures (SOPs) are in place and being followed, and whether staff is trained and equipped to deal with the nature of cases.

Here it is important to note that accessibility and affordability are the main concerns brought up by survivors, and comprehensiveness of service and compliance are the main issues raised by experts and survivor's rights advocates. Both sets raised the issue of availability. The differentiation is understandable because survivors are often concerned with their individual case and what enables or inhibits them from utilizing service providers, whereas experts and advocates can assess the cumulative issues arising from a range of cases that impact the system itself and how to make standardized systems more survivor-centric.

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## 6.1. AVAILABILITY

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Police stations and district courts are present in every district of both provinces, and with police stations, frequently more than one in each. The carving out of more districts reduces the size of districts and enables the creation of police stations and district courts, making them more physically accessible for locals by reducing logistic arrangements required such as transport costs.

Punjab has women police officers posted in most of the police stations – according to the head of WPA, Kaneez Fatima, coverage is in upwards of 80% of districts. The missing ones will be covered by 2021. In Sindh, the coverage is patchy. Women police are present in some regular police stations in Hyderabad and Shaheed Benazirabad (SBA) but not at others<sup>18</sup>. In Matiari, Dadu and Kambar Shahdadkot, women are present in the Women and Child Protection Cells, but not at the main precinct stations - they refer all women-specific cases to the protection cell.

MLO services in Sindh are few – numerous posts remain vacant and the government struggles to hire women MLOs in non-urban districts of the province. Even in Punjab, where there are women appointed as MLOs in every district, there is some evidence of non-availability. In the study of Lodhran district, researchers cite an example of a rape victim from Hafizabad who was sent to Gujrat district because of

unavailability of MLO, but was refused an examination because of jurisdictional issues and had to appeal to the Office of the Surgeon Medico-Legal Punjab and was granted an examination after several days of delay which impacted the value of the evidence generated. The study notes, “It is unclear, whether majority of the victims retain the courage to persist in their attempts to report and seek justice.”<sup>19</sup>

The availability of shelters varies widely between Punjab and Sindh. Punjab has comprehensive coverage with one government-run Dar-ul-Aman in each of its 35 districts, whereas Sindh has 4 Dar-ul-Amans despite having 29 districts. However, according to experts, the shelters in Sindh have relatively low occupancy despite being few in number. The ones in Punjab have reportedly high occupancy. This is based on testimonies, there is no compiled data of occupancy and frequency and duration of their use. There are a handful of private shelters as well, scattered across provinces.

The presence of crisis centers, referral points, NGOs and legal aid organizations is very uneven. The urban and peri-urban districts find a high concentration – in Punjab this includes Lahore and districts of central Punjab, while southern districts of the province remain under-served. In Sindh, this includes Karachi and Hyderabad – there is a difference also between upper and lower regions of the province, with more non-governmental services in lower Sindh and very few women-centric rights-based organizations in upper Sindh.

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<sup>18</sup>In Hyderabad, women police are present in the police stations of Maki Shah, Baldia, Hali Road, Tando Jam, City/ Fort and Husri, in addition to the Women’s Police station. They are not present in Hasanabad, GOR Colony, Budhani, Chalgari, Hatri and Phulahi. In SBA, women police are present in the police stations of Sakrand, the police facilitation center, the DIG complaint cell, the SSP complaint cell in addition to the Women and Children complaint cell. They are not present in precinct stations of Daur, Ali Abad, Bachalpur, Daulatpur, Gupchani, Jam Dattar, Kandah, Kazi Ahmed and Mirzapur.

<sup>19</sup>Bokhari and Saadat, “Accountability for Rape: A Case Study of Lodhran”

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## 6.2. ACCESSIBILITY

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### ENTRY REQUIREMENTS:

One impediment is the need for having NIC (national identity cards) to even enter premises of many service providers. This check was instituted in many places as a security measure – the computerized NICs were introduced in 2001 and became a common screening device in the context of the War on Terror and widespread terrorist attacks that swept across Pakistan. The NIC requirement is common in large or densely populated cities where police officials, NGO offices and government institutions were frequently targeted, but not in rural areas and towns of Sindh, where security remained relatively better and the areas were generally not targeted by militants.

Women were among the last segment of society to get NICs made, after efforts of women's rights groups to get them registered. Many women now have the cards but often not their possession – frequently they are kept by the head of households. Women in crises often are not able to retrieve their identity cards, and may not be able to even enter some institutions because of it.

The data collected for the directory show that in the bigger cities of Sindh such as Hyderabad and Umerkot, most service providers require NICs to be shown, except hospitals and clinics. In smaller towns like Kambar Shahdadkot, Dadu and Matiari, there is less anonymity, the

surveillance regimes are lax and very few institutions ask for NICs.

In Punjab, all service providers who answered the question in the survey responded affirmatively, that they had a NIC requirement for entrance. The majority of the service providers, however, chose not to answer the question.

### AVAILABILITY AFTER-HOURS:

Working hours are generally not well defined in Pakistan. In the private sector, they are supposed to be 9 am to 5 pm but frequently end up being 10 am to 6 pm. In government offices, it is usually 9 am to 4 pm, though frequently no staff is available till 10 am. Hospitals are usually open from 8 am to 7 pm, but that may not be for all services. Clinic time varies depending on availability of their doctors, some work only in day time, some are evening clinics. Medico-legal officers usually work government timings, though most government hospitals say they have MLOs available on call for serious cases.

Most state-run service points in Sindh's districts are accessible through a designated contact point even after working hours. Additionally, all non-state service providers say one designated person remains available after hours.

In Punjab's non-state sector, it varies between organizations. Dastak, a shelter in Lahore, and Sahil, a child support organization, remain available after hours through a designated contact person. Other organizations such as Shirkatgah and Aurat Foundation are not accessible after working hours, though they are legal aid service providers.

Usually, no service providers except the police and hospital emergency services are available on Sundays and public holidays. There have been many cases narrated by women’s rights activists of Women’s Action Forum where survivors have to be brought to shelter on public holidays or need medico-legal examinations, and this remains a challenge which they usually resolve by using personal networks.

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## 6.3. APPROACHABILITY

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### AFFORDABILITY/ PERCEPTIONS OF COST:

Almost all the service providers in Punjab and Sindh provide services to survivors free of cost, with the caveat of differences in legal aid service provision. While most services are not charged, this is clearly not well advertised, since survivors frequently believe that they will not be able to afford to pay for services.

Extensive engagement with survivors who do not reach out to the formal system shows that they know that police services are free but feel they will have to pay bribes which they cannot afford. They are mostly not aware that other services are available free of charge or at low cost. As an illustration, in a focus group discussion on marital violence, women survivors told the Aga Khan University research team that approaching the judicial system was a ‘waste of money’, and rather than locate and pay lawyers, they “prefer to settle matters within the village<sup>20</sup>.”

In both provinces, all police-related services (police stations, complaint cells, human rights cells, women police stations) are formally free for all citizens, including women.

There is, however, a difference between the de stem and the de facto, or how survivors and their families experience it who speak about different policemen demanding bribes for different things and having to pay the amounts if they wanted their work done, even if it was above board and legitimate and part of police duties. Almost none of the survivors are aware of redress mechanisms and existing ways of complaining about police bribery demands to authorities.

In both provinces, all government-run as well as private shelters provide free services for women survivors of violence. There is not even a token amount charged. The free services include accommodation and food and basic necessities.

Discussions with related experts show that survivors do not ever claim facing demands for bribes for stay at shelters. Anecdotally, some survivors at Dar-ul-Amans say they have occasionally paid money on the side for ‘favors’ such as the use of mobile phones or being allowed to meet a visitor outside regular timings, but not for any basic services.

In Punjab, some state-owned hospitals and those under public/private partnership in Gujrat, Sialkot and Lahore charge for services, but it is a low cost, subsidized amount.

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<sup>20</sup>Karmaliani et al, “Understanding Intimate Partner Violence in Pakistan through a Male lens”

In Sindh, all government hospitals and basic health units provide services either completely free of cost, or for token amounts, which may be as low and affordable as twenty rupees. This frequently does not include medicines or even medical equipment – people have to buy syringes for injections or bottles for drips or prescription medicine, though they are available for subsidized, low amounts.

The only service for which there is some formal payment involved in places is legal aid. While they provide free legal aid, all legal aid organizations ask the clients to cover court costs. A few organizations also cover court costs from organizational funds if clients are unable to cover the costs themselves<sup>21</sup>.

### **THE REPUTATION OF SERVICE PROVIDER:**

Women are often held back from approaching service providers because of how service providers are perceived in the community, and in case of ill-repute, the carryover of stigma against women who access the services.

A survivor of violence told an Agha Khan University research team, “A lot of women have told us that the women in the police service are the most verbally abusive. The person in-charge of the shelter home has said to a woman that you have had a second marriage, so now we can’t do anything for you except tell you to have a third marriage or die in the current marriage.”<sup>22</sup>

Shelters, specifically Dar-ul-Amans have in the past been considered immoral places by local communities. This is partly due to providing a safe space for women who exercise bodily agency – whether choosing to leave home to marry a person of their choice, or walking out of abusive homes. They are traditionally seen as places where ‘bad’ women go. The other reason may also be that in the past, there have been scandals associated with a few Dar-ul-Amans, including women who said they are being forced into prostitution. There have been no such claims in the recent past, and even when these allegations were raised, whether they were true or not, they were not conclusively proven. But perceptions have lingered. None of the shelters have initiated image building, confidence building or outreach campaigns.

Police stations are also traditionally considered a site where ‘respectable women’ are not supposed to go. Across Sindh and Punjab, there are testimonials that the police’s attitudes towards women have improved in the recent past – this may be related to the various gender trainings, modules in police academies, exposure, media presence or other unexplored reasons, but in any case, the improvement of attitudes is experienced more in senior officers than in lower cadre staff in police stations. At the thaana level, the behavior and personal biases of staff impact their interactions with women. In the past, through the 1980s and the 1990s, there were many cases of custodial rapes, where women were raped inside police stations. This has mostly stopped now, after a procedural change whereby women cannot be

<sup>21</sup>Namely Pirbhat Women Development Society, Sindh Suhai Sath, United Human Rights council, and the CPU Matiari as well as the Matiari Safe House.

<sup>22</sup>Karmaliani et al, “Understanding Intimate Partner Violence in Pakistan through a Male lens”.

kept inside a police station overnight and must be sent to a Dar-ul-Aman. But perceptions may have lingered. This may also relate to suspicions about women accessing the formal system and being considered an affront to community and family protection systems (explained earlier in the section on 'risks for survivors')

In both provinces, the police have now started public confidence and image building measures such as setting up free medical checkup camps, advertising helplines and maintaining social media presence. There is no assessment of how far-reaching or effective these are.

Hospitals generally do not carry such labels, barriers and judgments inhibiting access – they are among the sites women can most easily access. Though there are still reported isolated instances of women not being allowed to go to hospitals in general, there are very low barriers to going to hospitals – the only reputation that matters is if doctors are considered good and helpful or not.

The helplines and crisis centers are relatively new phenomenon and have not developed negative reputations – women do not reach out to them frequently because either they do not know about them or think they will have to pay money to go to them.

## 6.4.COMPREHENSIVENESS

### REFERRAL SERVICES AND FOLLOW-UP MECHANISMS:

Government response agencies in Sindh say they have instituted formal referral systems, namely the Child Protection Units, District Complaint Cells, Women Complaint Cells, safe houses, police helplines, and police stations. There is mixed corroborative evidence on this. The referrals seem to be partial – for instance, the police will refer to the relevant department, or complaint cell, refer to a hospital or MLO if required and refer women to shelters, at times even providing them transport to go there – but survivors and women's rights advocates point out that they never inform women about their right to legal aid and how to access it and do not refer them to lawyers as they should be doing. The police do not have compiled lists of local lawyers providing legal aid. Referral to lawyers depends on the discretion and interest of the police officer, not on instituted pathways.

Some of the larger NGOs in Sindh have formal referral systems such as HRCP and the DCHD in Hyderabad, LAS and Aurat Foundation in SBA, Sami Foundation in Umerkot and Pirbhat in Kambar Shahdadkot. Almost all other NGOs, CBOs and activists say that they use informal networks for referrals and use their personal contact network to address women's requirements on a case to case basis.

In Punjab, The Child Protection and Welfare Bureau seems to be run on ad hoc procedures.

In Rawalpindi and Lahore, they have informal, personal referral methods whereas in Sialkot and Faisalabad they have formal referral systems in place. Similarly, in Rawalpindi and Lahore, they do not have an instituted follow up mechanism whereas in Sialkot and Faisalabad, they have an established follow up procedure.

In Punjab, the police have introduced a centrally networked system across state-run service providers, with the DIG office being its main hub. The DIG office also runs its own helpline. Once a case of violence is registered, it alerts the system. The outreach nodes are the newly instituted women Help Desks at all police stations. They are meant to have lists of lawyers available and share the names, even if they do not connect them directly. It is not known if this is being practiced yet or not.

The police in Punjab seems to not have streamlined functioning yet. They have Khidmat Centers, which are police stations designated as 'Juvenile and Women Facilitation Centers'. The Khidmat Centers in Lahore and Kasur have a formal referral system, whereas Khidmat Centers in Gujrat and Rawalpindi have an informal one based on personal interest and networks of police officers. The Khidmat Centers in Kasur, Lahore and Gujrat state they follow up cases through a mechanism, whereas the Rawalpindi Khidmat Center does not.

Punjab also has designated Model Police Stations. In Sialkot and Kasur, they have a formally instituted referral system but no follow up mechanism. There are separate Women Police Stations. The one in Lahore has a formal referral system in place, the one in Faisalabad

has no referral system and the one in Rawalpindi has an informal one based on personal networks. Neither of these has follow up mechanisms. The regular police stations in Gujrat and Kasur have formal referral mechanisms but no follow up mechanisms.

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## 6.5. COMPLIANCE

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### **FOLLOWING SOPS:**

The Dar-ul-Amans and other shelters have established Standard Operating Procedures (SOPs) which are known to the shelter staff, and are posted on the administrating Social Welfare Department's website. They were developed as part of the 'Reforming Shelters' initiative where women's rights organizations with expertise in working with survivors of violence engaged with the government and revised rules and procedures. They seem to be followed in terms of security protocols but the rest of implementation in terms of standardization and quality is somewhat uneven across the 35 shelters in Punjab. According to the Punjab Women Protection Authority, the first priority was to set up Dar-ul-Amans in every district. The government allocation per woman in the shelter was also increased through the Punjab Commission on Status of Women to allow a better standard of food and provision of basic necessities, and staff allocations were budgeted for each shelter. The next step now will be to conduct trainings and ensure the even application of SOPs. WPA is working towards having district coordinators in each district and responsibilities will include ensuring

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Dar-ul-Aman compliance – at the moment, it does not have the budget to do so. It also intends to develop four Violence Against Women Centers in conjunction with Dar-ul-Amans, which will have separate SOPs (see section on crisis centers)

In Punjab, the Shaheed Benazir Bhutto crisis centers are in Rawalpindi, Lahore, Faisalabad and Sialkot. They all have referral systems in place and have a follow up mechanism. The crisis centers in Sindh don't have established protocols because they are not fully functional yet. The SCSW aims to lobby for merging the crisis centers with the newly instituted safe houses and developing combined SOPs. (See section on crisis centers)

The police have established laws, rules and procedures, which are standardized and applicable throughout the provinces. In Punjab, the bigger cities in the central area have more oversight, are better monitored, hence have more even application of SOPs, for instance in Lahore, Faisalabad and Rawalpindi. Districts further from the center, like Bhakkar, Layyah, Rajanpur, Dera Ghazi Khan and Muzaffargarh need more vigilant monitoring of police performance. According to women's rights activists, some of these distant districts have the highest incidence of violence against women, and high levels of police apathy. They point out that lower cadre police officers drawn from and serving in their home districts are often embedded in tribal and community values. Unless there are particularly horrendous forms of violence against women, mediate to 'patch things up' and tell women to 'let bygones be bygones' (sula safai) to keep

cases out of the formal system even when cases are non-compoundable. The Punjab DIG's office has set up a helpline which also allows registration of complaints against police officers, though generally, people are not aware of this feature. According to Kaneez Fatima who heads the WPA, the DIG is quick to take action on complaints, though it is not known if any police officer has been penalized for treatment of VAW cases.

There is evidence that the applicability of SOPs is uneven in Sindh police. Women's rights experts and advocates found that in some police stations, policemen below officer grade did not know of new laws and could not recall changes in law even when they have been gazetted such as the changes introduced by the anti-rape law in 2016, and the domestic violence law, yet all of them know the changes in the honor killing law and were strict about its implementation. More detailed research would help explicate why, where and how the differences in implementation emerge. In another example of variance, every police station in the focus districts in Sindh admitted they register women's complaints through a 'kacha parcha', an informal recount of problem, before filing the formal FIR. A situational analysis on gender-based violence in Sindh by SPO notes, "Police stations do not register many cases as this increases their workload if all the FIRs are registered. The police department deliberately discourages the reporting of GBV cases so that they claim a lower crime rate in the area of jurisdiction."<sup>23</sup>

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<sup>23</sup>Situational Analysis: State of Gender-Based Violence Response Services – Sindh, Strengthening Participatory Organization, SPO, 2017

Interviews with women's rights activists and advocates show that police accept compromises between victims and perpetrators even for non-compoundable cases where such agreements are against the law.

This underscores the need for formally instituted autonomous arbitration mechanisms where the police cannot exercise its discretion to allow crimes against the state to be settled out of court in preemption of the law.

Most legal aid organizations do not have established, written SOPs and instead have a working model and understanding of how cases should proceed. In both provinces, they state they have experience of tackling women and children's cases and have built up a working understanding. Though there is no established protocol for legal aid organizations, they are generally meant to be designed around survivor-centric principles. Over half the legal aid providing organizations in Sindh have as well as male ones. In both provinces, all legal aid organizations welcome walk-in cases, in addition to the ones referred to them.

#### **TRAINED FOR THE JOB:**

Every police station in the focus districts of Sindh says their policemen have been trained in tackling gender-based violence cases and know how to conduct crime scene investigations. Except in Dadu, every police station states they proactively seek testimonies to support victims.

However, the Chairperson SCSW disputes this. And victim testimonies show otherwise. According to them, the police frequently disbelieves their version, does not look for corroborating evidence and at best, summon the people the survivors' families identify for testimonies. In cases of domestic violence, survivors say at best the police try to intimidate the perpetrator by slapping them around or detaining in the police station lockup or threatening them to send them to prison, but eventually support a compromise and tell women to return home because it won't happen again. In rape cases, the police do not push for any compromise, but activists point out that investigations are often flawed, evidence and testimony collection incomplete and procedures compromised, because of which cases cannot go to trial or are dismissed by courts.

In Punjab, they have been appointed in the majority of police stations. However, they have been trained in police procedures but not in gender sensitivity according to the head of WPA. There is no independent verification from survivors nor have any evaluations been conducted yet of their performance.

Almost all medico-legal officers in Punjab and Sindh are ordinary medical officers and not specialists in forensic medicine. There is no specific curriculum or professional development courses for them and the only training most MLOs have is for conducting post-mortems.

In Punjab, there are no established protocols for GBV examinations beyond filling out proforma forms; some hospitals and MLOs are still using the old one page form, whereas others are using the newer 9 page form introduced in 2013. Sindh, according to SPO's situational analysis, does not even have that – there is no standardized documentation format. The only previous exposure to MLO related areas of study is "Through the general academic training received when becoming a doctor, usually during a course on forensic medicine taken in the third year."<sup>24</sup>



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<sup>24</sup>Ibid.



**QUALITY OF  
SERVICES:  
INSTITUTIONAL  
ASSESSMENT**

**7**

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This section briefly assesses the service providers for survivors of violence within their own institutional context. So where the previous section examined ease of access and responsiveness across the width of services, this section offers a closer look at the context of the service providers. It specifically looks at:

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| <b>I. THE POLICE</b>            | <b>V. HELPLINES/ REFERRAL SYSTEMS</b> |
| <b>II. MEDICO-LEGAL SYSTEMS</b> | <b>VI. LEGAL AID PROVISION</b>        |
| <b>III. SHELTERS</b>            | <b>VII. PROSECUTORIAL SERVICES</b>    |
| <b>IV. CRISIS CENTERS</b>       | <b>VIII. THE JUDICIARY</b>            |

This chapter does not provide a historical overview of the institutions, or it is staffing, capacity or budgetary issues except in how they impact GBV cases. It offers a brief summation of the most relevant issues that impact survivors, with the caveat that each institution is a complex matrix, shaped not only by governing procedures but by the specific context they operate in. As such, each is an important area requiring a study with delineation of their gendered effects on survivors.

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## 7.1. THE POLICE

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The problems in the police regarding handling issues of GBV are well established.

A major issue consistently reported across all provinces is the registration of FIRs depends on the discretion of police officers. In law, the police are supposed to register an FIR on every crime complaint, and then begin to investigate its veracity.

In effect, what happens instead is that police file a 'kacha parcha', an informal complaint used as a screening device, after which complaints are investigated to see which case merits a formal FIR.

Women's rights lawyers, advocates, activists and survivors narrate how filing of the FIR remains one of the biggest hurdles, and frequently they have to approach senior officers and use contacts to get a case registered, while it is meant to be an automatic process. In one victim testimony, it took a father three months and running around between three police stations before his thirteen-year-old child's rape FIR was registered, that too after LAS intervened.

As an illustration of how macro issues identified through this study operate at the ground level, consider the example of rape cases in Lodhran in two years studied by University College Lahore.

They find, on average it took a rape survivor 13 days to register an FIR after the 2016 anti-rape law was passed (reduced from the 19 days it took before the 2016 law). It took an average of 25 days after the FIR was registered to get a medical examination. These police procedural delays are largely responsible for the majority of medical examination reports remaining inconclusive.<sup>25</sup>

Tanwir et al find that police biases damage GBV cases at every level of procedure, resulting in "A fragmented case-flow process, delaying evidence collection, and allowing for the tampering of evidence, all of which diminish the sanctity of the evidence in the eyes of the court."<sup>26</sup>

In Punjab, data gathered by the previous government's Strategic Reforms Unit (SRU) showed less than half of 36,000 cases of crimes against women actually went to court.<sup>27</sup> Others fell off the grid because of case retraction, family pressures, police behaviour, faulty investigations and flawed evidence collection. One research using SRU data notes, "Police officers and family members appear to be enforcing social norms to ensure that women do not oppose patriarchal rules."<sup>28</sup>

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<sup>25</sup>Fatima Bokhari and Sevim Saadat, "Accountability for Rape: A Case Study of Lodhran," (Lahore: Center for Human Rights University College Lahore, 2019), 22 [http://www.ucl.edu.pk/AFR-Study\(final\).pdf](http://www.ucl.edu.pk/AFR-Study(final).pdf)

<sup>26</sup>Maryam Tanwir, Shailaja Fennell, Hafsah Rehman Lak and Salman Sufi, "Not Accepting Abuse as the Norm: Local Forms of Institutional Reform to Improve Reporting on Domestic Violence in Punjab," *Journal of International Women's Studies* 20, no. 7, Aug 2019, 139 <https://vc.bridgew.edu/cgi/viewcontent.cgi?article=2162&context=jjws>

<sup>27</sup>Ibid, 140.

<sup>28</sup>Ibid.

The push for enforcement of norms over enforcement of laws is evident in the evidence of 'razinamas', unofficial agreements and out-of-court settlements reached between two conflicting parties after which the case is retracted or dismissed. In a survey in Sindh conducted for SPO's situational analysis, every single police station in the focus areas of Sindh said they accept 'razinamas',<sup>29</sup> whether the crime was compoundable or not.

Tanwir, Fennell, Lak and Sufi found police in Punjab coerced women to accept these reconciliation pacts particularly "In situations where victims are obstructed from registering a FIR and where the medical examination procedure is subject to long delays resulting in very poor evidence," finding that razinamas are readily accepted because "VAW cases are not regarded as crimes, but as an easy opportunity for seeking remedies for on-going family and local rivalries and feuds."<sup>30</sup>

The manager of Panah shelter, Zar Bano, who deals mostly with free-will marriage or domestic violence cases notes, "The problems with the police are primarily their impeding registration of the FIR – if and when the FIR is lodged, the system kicks in and case procedures move forward."

Senior level police officials acknowledge the issues of policing on GBV and have introduced initiatives to address them. The police force in both provinces, Punjab and Sindh, have made systemic changes in the law enforcement system, partly to minimize arbitrariness and exercise of discretion in FIR registration.

In Punjab, most police stations are now electronically linked through a hub at the DIG office. In early 2018, a GBV cell was formed under SSP Investigations at the Investigations headquarters. Two women police officers of the GBV team are deputed into each police station headed by a woman Investigation Officer, and according to the head of the Women Protection Authority, covering roughly 90% of police divisions. The Women Help Desk in every police station is plugged into the DIG office hub, which also has a helpline for citizens. The DIG himself is a Board Member of the Punjab Women Protection Authority. According to officials, this allows coordination and oversight on VAW cases.

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<sup>29</sup> Aurat Foundation and Strengthening Participatory Organizations, "Situational Analysis: State of Gender-Based Violence Response Services – Sindh"

<sup>30</sup> Ibid.

In Sindh, the police have made a central human rights cell and a women and child protection unit that are connected to women and child protection cells in districts. These cells are meant to alert the system when cases emerge and to provide local facilitation. All complaints are registered on the network and followed through to minimize chances of attrition of cases.

A WhatsApp group has been formed by the police which includes the Chair of the SCSW, leading women's rights activists and civil society representatives. This enables activists to point towards cases as they emerge and the police take notice and action. According to high level police officers, this is so successful that it has become a deterrent to lower cadre police staff, stopping them from dismissing cases. "They tell each other to take the case seriously otherwise it will end up on the Whatsapp group and they will get in trouble for not giving it due attention," according to AIG Police Abdul Khaliq Shiekh.<sup>31</sup>

In Punjab and Sindh, women in leadership positions working on GBV in various capacities say that police response to cases of violence against women has improved in the past decade, and police officials take action whenever they are contacted.

The current Chair of the SCSW Nuzhat Shirin, and the previous Chair of the Punjab Commission on Status of Women, Fauzia Viqar, as well as the previous chairpersons of the National Commission on Status of Women, Khawar Mumtaz and Anis Haroon, alliterate the changes in police responsiveness. This is also corroborated by on ground activists of WAF Hyderabad. They all find the police immediately agree to look into the referred case, file the complaint, arrest the accused, in some cases, initiate contact with activists for help, facilitate transport and shelter for the survivor. In Karachi and Lahore when emergency UAN helpline numbers are called, lawyers attest the police arrive on the crime scene fairly quickly.

However, in both provinces, there is countering evidence in the follow up of cases. Investigations falter as evidence collection procedures are not followed or evidence is compromised, DNA tests are not conducted and forensic know-how is not applied to GBV cases, inquiries and search for supporting evidence is not carried out, perpetrators cannot be apprehended, investigators doubt survivor's version and decide not to proceed, and the procedures still hinge on forcing confessions which are later dismissed by the courts.

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<sup>31</sup> Abdul Khaliq Shaikh. "Gender Responsive Policing." Presentation at Gender and Shadow Pandemic - Reporting and Underreporting of SGBV: Gender Responsive Policing. By UNODC Country Office Pakistan, UN Women and UNFPA June 18, 2020.

Cases are frequently converted to the 'C' class.<sup>32</sup> Complaints against Investigating Officers on grounds of being hostile to a victim can take between two to four months before being processed.

The victims and their families still testify to the dismissiveness, high-handedness and bribery demands of policemen. Survivors continue to experience the police as judgmental, harsh, indifferent and obstructive, as documented in the interviews carried out at the Panah shelter, and in cases undertaken by LAS and from Dastak shelter.

These contradictions can offer varied conclusions requiring further research to determine which is a more appropriate causation:

**A)** Senior police officials have become more receptive, trained and more attuned to gender concerns – these are the police officers contacted by women in leadership positions. Whereas common people interact with junior policemen, to whom this change has not filtered down to and they remain hostile to women's concerns. There is anecdotal evidence that this divide also corresponds with recruitment mechanisms in the police.

**B)** The change is not towards gender issues as a whole, but an acceptance of women in positions of authority, power and influence. The police are simply attentive on cases where higher-ups intervene, even if in these cases, the higher-ups are prominent women working in different state and non-state capacities and positions – who were traditionally dismissed.

**C)** The police force is overall more attuned and sensitized to GBV but doesn't have the capacity, skills and resources to see the cases through and cannot ensure strong investigations that result in convictions.

Further research is required to trace, track and identify points of attrition. The term attrition refers to the process by which cases fail to proceed through the justice system - cases that are discontinued, fail to reach trial and/or result in a conviction and why cases fall off the grid of the formal system.

<sup>32</sup> Cases can be set aside by invoking 'A', 'B' or 'C' class. A class are where FIR is true and correct but the accused is either unknown or untraceable, case can be set aside until accused is arrested. B class is where FIR is considered false, and magistrates can direct SHOs to initiate proceedings for wrong or maliciously given information. C class is where the FIR is considered neither true nor false and case is disposed off as a non-cognizable offense.

There have been previous attempts at instituting change which has fallen by the wayside. One illustrative case is of dedicated women police stations. Set up in 1994 to serve women complainants, after over twenty-five years, women police stations have not been able to bring about any change for women and have been unable to secure a strong role for themselves. It is a well-intentioned idea that sounded conceptually progressive but has yielded no results. Women officers lack authority, responsibility, capacity, training, weapons.

In Sindh, there are 12 women police stations, which do not have proper furniture or even telephone lines and computers. In Punjab, one police officer pointed out most of them do not even know how to drive and need male officers to chauffeur them around. They are not taken seriously by either local communities or by the police force itself. The alternate model of inducting women into regular police stations has created more impact and delivered results for facilitating women complainants. This seems to be working in Punjab, though the women officers need more capacity building.

However, the difference in the nascent initiatives is that unlike the previous attempts, these have been spearheaded by the police force itself. While many of them are funded by various donor agencies and bilateral programs, the design, leadership and ownership have come from police chiefs. This may create the staying power and commitment required to see them through to fruition.

By all accounts, the Women Protection Cells instituted in DPO offices are a major step forward. The Inspector Generals of both,

Punjab and Sindh have introduced complaints cells and helplines where citizens can lodge complaints about police excesses, extortion, bribery demands, and lax and illegal actions. In both provinces, common citizens seem to be unaware of these. While IG offices present data of the number of calls received, the facilities are not well advertised and communicated, and most survivors have no knowledge of the redress possibilities.

There is an important legislative introduction of an accountability tool for the police in cases of rape. The Amendments to the Criminal Procedure Code (CrPC) – Anti-Rape Law 2016 states that negligence or partisan enabling of attrition by the police is now a punishable offence.<sup>33</sup> The law amends the Pakistan Criminal Procedure Code to include the following two clauses:

Whoever being a public servant, entrusted with the investigation of a case, fails to carry out the investigation properly or diligently or fails to pursue the case in any court of law properly and in breach of his duties shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Whoever intentionally hampers, misleads, jeopardises or defeats an investigation, inquiry or prosecution, or issues a false or defective report in a case under any law for the time being in force, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

<sup>33</sup> [http://www.na.gov.pk/uploads/documents/1475761256\\_380.pdf](http://www.na.gov.pk/uploads/documents/1475761256_380.pdf)

Holding the police to account for its professional failing is critical in increasing state responsiveness towards women survivors of violence. Despite it being a potent tool, there is no data available on whether these clauses have been used to prosecute police officers or on the result of such attempts.

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## 7.2. MEDICO-LEGAL OFFICERS

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Medico-legal examinations are required to establish that violence was inflicted on the body. This is required in all rape cases, as well as if physical violence is alleged in cases of domestic violence. In domestic violence, older reports of doctors in private hospitals can be used if doctors are willing to testify that they believe the injuries they treated were due to deliberate physical violence. In rape cases, the Medico-Legal Officer's assessment is required. These examinations have to be carried out at tertiary government hospitals, where MLOs are deputed. This poses a significant obstruction especially for women in rural areas who need to travel many miles for accessing these considering the condition of women who needed such an examination would be in.

While pointing out the shortage and capacity gaps of MLOs, some experts also contextualize it by identifying the stresses MLOs work under. The examinations have to be done in addition to post-mortems, they have to attend court hearings to corroborate their findings and stand up to cross-examination, given the state of court proceedings, they have to wait for hours and face delays, stand up to political pressures and aggression by perpetrators, as well as deal with the stigma of being corpse cutters (laashein kaatney walay).

A 2019 law<sup>34</sup> in Sindh mandates every hospital to treat and stabilize injured persons without diverting to government hospitals with MLOs in emergency 'police cases' for the purpose of preventable death or aggravation of the emergency medical condition. So while GBV victims can possibly seek treatment at any hospital if it qualifies as an emergency case, the investigation and police reports for legal casework must be routed through the MLO.

The SPO report quotes the Police Surgeon Office Sindh to state that Sindh does not have any standardized examination and documentation protocols for conducting and documenting medico-legal tests on survivors of violence. The report points out that the Sindh Health Policy 2005 identified the need to reform medico-legal and allied services and outlined eight intervening implementation modalities, noting "It is unclear to what extent these have been implemented."<sup>35</sup>

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<sup>34</sup>Sindh Injured Persons Compulsory Medical Treatment (Amal Umer) Act 2019  
<http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.VIII%20of%202019.pdf>

<sup>35</sup>Aurat Foundation and Strengthening Participatory Organizations, "Situational Analysis: State of Gender-Based Violence Response Services – Sindh"

There is a persistent problem of shortage of MLOs in Sindh. There are hardly any women MLOs – even in Karachi city, the Police Surgeon said there are only three women MLOs for the entire city at the time of writing of this report, of whom one is on leave, while there are six other such sanctioned posts lying vacant<sup>36</sup>. Women and their attendants have to wait several days before getting a woman to examine them.

The Chairperson of the Sindh Commission on Women, Nuzhat Shirin adds, “Where MLOs have been hired and trained, they do not get posted to vacant slots because bureaucrats openly demand bribes for posting them to appropriate job openings.”

Government officials claim the staff shortage is because there are no incentives for qualified medical officers to serve in far off and backward, under-developed districts for long time periods, whereas qualified professionals prefer to work in city centers, therefore many posts lie vacant. The Chair SCSW contests this. She states that women who have been appointed are not being given a posting because they cannot pay money for bribes, and the shortage of human resources is an excuse.

The proposed gender equality policy of the Sindh government<sup>37</sup> acknowledges the shortage of women MLOs, and the dearth of training, equipment and other resources and the lack of standard operating procedures. The proposed gender equality policy of Sindh notes “Due to difficulties in accessing DNA testing services, the chain of custody of medical evidence is affected, often proving detrimental in court.

Medico-legal and forensic doctors, prosecution and the police seldom interact (except a few hours prior to court appearance).”

In Punjab, staff shortage is not the issue – there are two MLOs in every district hospital, one man and one woman who are to remain available on call. Punjab has a more streamlined pay structure in the medico-legal system with set fee for post-mortem and MLO reports. The problem in Punjab is the capacity gap.

Fouzia Saeed in an interview with the author based on her research for on dynamics of rape cases in South Punjab finds that women MLOs have no training and no capacity to investigate GBV cases, and in her interactions with them, they openly acknowledged it.

She shared that they didn’t know anything except the two-finger test, about how a violently ruptured hymen should be identified or what to look for if a married woman was raped – in one sodomy case, they conducted a vaginal examination and declared no rape had taken place. Women MLOs were given rape kits by the government but did not use them because they were not trained to and so did not know how to. Saeed found even male MLOs did not have technical medical knowledge and often sweepers were assigned the task of conducting autopsies whereas MLOs only did the paperwork. This issue was raised by the Pakistan Medical and Dental Council (PMDC) in a meeting of the Senate Standing Committee on National Health Services drawing to attention the dearth of MLOs and sweepers substituting for them, but the debate became confined to the controversy of using the word ‘bhangi’.<sup>38</sup>

<sup>36</sup>“Karachi faces acute shortage of lady MLOs,” Dawn, June 26, 2019, <https://www.dawn.com/news/1490426>

<sup>37</sup>[Draft, Sara Zaman, Proposed Gender Equality and Women’s Empowerment (GEWE) Policy 2020, Govt of Sindh]

<sup>38</sup>Ikran Junaidi, “Bhungees and sweepers’: PMDC forced to eat derogatory words used for forensic staff,” Dawn August 8, 2015, <https://www.dawn.com/news/1199182>

The study of rape cases in Lodhran, Punjab, points towards another issue. It found a number of cases where the doctor who conducted the medical examination are not available by the time the cases go to trial and therefore cannot corroborate evidence in the cross-examination, and a different doctor attends the trial. This is because MLOs are mandated by the government to work in rural or remote areas for 6 months, after which they leave for other locations and frequently exit the service or transfer to other departments. As a result, there is a complete turnover twice a year.<sup>39</sup>

While MLOs approaches remain rudimentary and inadequate, the country's forensic infrastructure has improved.

Punjab set up the country's first comprehensive forensic laboratory and the Punjab Forensic Science Agency, which starting from 2012 dealt with forensic investigations of cases. It has crime and death scene analyses capacity, DNA and serology, computer forensics, trace evidence and toxicology among others. It now has nine regional offices in various districts of Punjab and conducts trainings for law enforcement agencies. From across the country, forensic examination cases were sent to the Punjab FSA for its expertise.

However, a recent study found inefficient collection of data marred the results at the FSA – in 2014, of the nearly 10,000 cases received at the Agency, in 84% of cases, the DNA did not match<sup>40</sup>. Forensic scientists attribute it to delays and contamination of clothing worn by the victim at the time of the assault.

The Sindh government set up a DNA testing facility in Liaquat University of Medical and Health Sciences in Jamshoro in 2015. After a change of law-making DNA testing in rape cases mandatory through the Code of Criminal Procedure (Sindh Amendment) Act, 2017, on the directives of the Supreme Court a forensic science agency and comprehensive forensic DNA and serology laboratory was set up at the Panjwani Centre for Molecular Medicine and Drug Research at the University of Karachi. It became functional towards the end of 2019 and started training law enforcement officials. There is no evidence yet of linkages between forensic agencies and improved effectiveness of medico-legal processes.

In Punjab province, Punjab Forensic Science Agency (PFSA) Act was passed in October 2007 for the establishment of the Forensic Science Agency which ultimately led to the establishment of the Punjab Forensic Science Agency in 2012 having fourteen departments under one roof. The departments include audio video analysis, computer forensic unit, crime and death scene, DNA and serology, forensic photography, narcotics, toxicology, trace evidence, polygraph, firearm and tool marks, latent fingerprints, pathology and questioned documents (Punjab Forensic Science Agency, n.d.). In Sindh province, Sindh Forensic Science Agency act was passed in August 2017 but so far no laboratory has been established. DNA testing facility available in Jamshoro, Sindh which provides research as well as forensic DNA testing. Besides this, the government of Sindh is making efforts for the establishment of a Forensic DNA testing laboratory at Karachi University.

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<sup>39</sup>Bokhari and Saadat, "Accountability for Rape: A Case Study for Lodhran,"

<sup>40</sup>Tanwir et al, "Not Accepting Abuse as the Norm: Local Forms of Institutional Reform to Improve Reporting on Domestic Violence in Punjab" 140

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## 7.3. SHELTERS

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Dar-ul-Aman shelters, meaning ‘abode of peace’, were set up by the government, which offer women three months of stay free of cost, extendable in some circumstances.

Dar-ul-Amans have been a considerable focus of women’s rights organizations, which have studied, analyzed, pointed flaws, developed SOPs, funded, built their capacity and trained them. The problem remains mostly in implementing and standardizing across districts. There are also few private shelters and a few running under public/ private partnerships.

Punjab has the strongest response infrastructure for shelter in the country. There is an operational Dar-ul-Aman shelter in every district, with a total of 35 such shelters run by the government. The SOPs for these shelters were designed by ShirkatGah and are responsive to women’s needs and sensitivities involved. The financial allocation per woman given by the government has been significantly increased and the Dar-ul-Amans now have viable budgetary allocations for running expenses. The address, name of a contact person and contact number is available for each shelter on the PCSW website. Remarkably, the PCSW carried out a detailed service audit of Dar-ul-Amans in Punjab in 2016, identified all key shortcomings, from negative staff attitudes to weak coordination links, and from operational issues like forcing women to meet families and denying residents mobility and freedoms, and worked for their redress<sup>41</sup>.

The model shelter for Punjab is a privately run enterprise in Lahore, Dastak, which practices and promotes women-friendly and survivor-centric policies.

According to the Head of WPA, all Dar-ul-Amans will be uplifted and eventually provide other crisis services, though the initial focus will be to convert 4 of them into one-stop models.

In Sindh, there are four government shelters, Dar-ul-Amans in the entire province, of which three are run by the social welfare department in Sukkur, Larkana and Hyderabad, and one in Karachi named Panah, run on the public/ private partnership model. One shelter in Shaheed Benazirabad is non-functional. The ones in Sukkur and Hyderabad have twenty-five rooms each, which can run on single or double occupancy both, and Panah in Karachi can accommodate over 70 persons. There is no information available about utilization rates and usage patterns. The SCSW website has no information on how to locate or contact them. No such information on access is available on the Sindh WDD website either, which only has scanned the SOPs of Dar-ul-Amans in its listing of acts and laws.

Additionally, there are three other privately run shelters in the province, one of which lies in a focus district, Hyderabad, called ABAD – and two others in Karachi. Panah is the model shelter for Sindh, practicing women-friendly, survivor-centric policies.

According to the Chairperson SCSW, all Dar-ul-Aman staff need gender training and capacity building, except the one in Karachi. She points out they are understaffed and have sub-standard facilities including furniture.

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<sup>41</sup>Punjab Commission on Status of Women, Sheltering Women From Harm – Dar-Ul-Amans Of Punjab – Achievements & Challenges 2016, (Lahore: Punjab Commission on Status of Women, 2016)  
<https://pcsw.punjab.gov.pk/system/files/ShelteringWomenfromHarmDarulAmansofPunjabAchievementsandChallenges2016.pdf>

The mobility of women, once they enter the shelter, has been a longstanding debate. There is no open door policy at state-run Dar-ul-Amans and residents can only leave for either medical treatment or court proceedings under escort. Women's rights advocates say this reduces the shelter to a sub-jail and inhibits women from going to the shelters in the first place since they get confined to them. On the other hand, officials point out the serious security concerns the women face, including honor killings, and that shelter administration have a responsibility for their protection.

This mirrors wider debates in society over freedoms versus security and the need to find a tenuous balance. Zar Bano, the manager of Panah, the shelter run under public/private partnership says they have a clash of perspectives with the police. "They tell us to make sure we keep the women here because of investigation or next court hearing. We have to refuse; we cannot forcefully confine anyone against their will. We explain to her why she should stay, it's in her best interest, but the rest is up to her." Legal Aid Society's feedback loop from a range of lawyers points out that court orders also protect women from family pressures. The families of survivors often go to shelters to aggressively claim the women be handed back to them. The court orders also function as a legal buffer, as Jawziya F. Zaman stated, "In some cases, it serves as a shield between a survivor and her abusive family."

The CEDAW shadow report 2020 notes, "Women require court referrals to be admitted in Sindh. In Punjab, women are admitted without court referrals but made court dependent within 24 hours..... Court dependency increases the risk of violence due to the publically announced release date. After several women were killed or injured, women started leaving a few days earlier than the court order, putting them in violation of the law."<sup>42</sup> The report also raises the issue of exploitation of shelter residents, citing the case of the superintendent of the Lahore shelter complaining that she was being pressured to marry off under-aged orphaned girls to senior officials, after which she was suspended from her job. There is no information about an independent investigation having been conducted. Although this instance is an anomaly now, such issues were common in state-run shelters a few decades ago but have largely been curbed.

There is mixed anecdotal evidence about the usage rationing at much below capacity. While accounts from Punjab point towards overcrowding in some of them, accounts from Sindh veer towards their under-utilization and functioning below capacity. There is no research available that establishes how extensively they are being used, by whom, length of stay and where women move onto.

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<sup>42</sup>Unmet Promises, Alternative CEDAW Report 2020 on Pakistan's Fifth Periodic Report, Farida Shaheed, Sohail Warraich, Maryam Ahmad, Hafsa Khan, [https://www.ecoi.net/en/file/local/2023281/INT\\_CEDAW\\_CSS\\_PAK\\_41115\\_E.pdf](https://www.ecoi.net/en/file/local/2023281/INT_CEDAW_CSS_PAK_41115_E.pdf)

## 7.4. CRISIS CENTERS

While shelters provide short term solutions, they are generally not equipped to deal with emergencies. For that, the federal government initiated crisis centers (Shaheed Benazir Crisis Centers for Women - SBCCW) which were intended to house women for 2-3 days to provide assistance in emergencies before moving onto shelters. They were meant to be open and functioning 24/7.

After the 18th amendment, these were devolved to provincial control and led to some disputes where the provinces did not want to absorb or fund them. Provincial governments gradually budgeted for and incorporated them. In the interim, the crisis centers unraveled since the staff deputed to work in crisis centers reverted to their home departments, staff allowances and assets were surrendered to other departments.

There are 12 SBCCWs in Punjab – in Bahawalpur, Dera Ghazi Khan, Faisalabad, Muzaffargarh, Khushab, Lahore, Multan, Rawalpindi, Sahiwal, Mianwali, Sialkot and Vehari.

Sindh has now accepted the four crisis centers, in Karachi, Shaheed Benazirabad,

Jacobabad and Hyderabad, run by the Sindh WDD, but they are not functional because of lack of budget and resources. The SCSW declared they were practically non-functional, and suggests consolidating them with shelters as safe houses<sup>43</sup>.

Based on court instructions in a court judgment, the Sindh government proposed a mechanism to establish emergency safety refuges for women victims of sexual and domestic violence, family feuds, tribal clashes and intended honor killings, for an interim stay before being routed to Dar-ul-Amans. It demarcated space for them in all 29 districts of the province and suggested placing budgetary allocations under the Deputy Commissioner of the district, making district administration responsible for coordination with police, judiciary, hospitals and NGOs. The government appealed to the Sindh High Court to allow changing the name from 'safe houses' to 'Apna Ghar'. The courts turned down the name change request but urged the government to complete the establishment of the safe houses in compliance with the directives of the court<sup>44</sup>. According to the proposed Sindh Gender Policy Report the standard operating procedures of safe houses are in process of development.

The crisis centers continue to be dogged by problems – in many centers, there is no lawyer for legal aid available, and women survivors have to keep coming in person to get updates about whether one has been made available or not, such as the case with the Lahore center<sup>45</sup>. Most women's rights advocates say that

<sup>43</sup> Staff report, "SCSW suggests 'safe houses' for needy women," Dawn, March 3, 2019, <https://www.dawn.com/news/1467226>

<sup>44</sup> Staff report, "SHC restrains provincial government from changing 'Safe House' name," Business Recorder, December 21, 2018, [https://fp.brecorder.com/2018/12/201812214\\_33053/](https://fp.brecorder.com/2018/12/201812214_33053/)

<sup>45</sup> Staff report, "Crisis Center for women without a lawyer," The News, January 12, 2020, <https://www.thenews.com.pk/print/597355-crisis-centre-for-women-without-a-lawyer>

though the SBCCWs could have a significant role if they were functional and proactive, currently these centers have a negligible impact and women’s rights activists circumvent them by separately arranging shelter at Dar-ul-Aman, lawyers and health facilities for GBV survivors through their personal networks. The consensus among experts is that crisis centers have made no difference or had any discernable effect so far

There are varying opinions on what should be done about these centers. Some suggest it is important that they be overhauled and revamped to serve the purpose they were designed for, as venues for emergency assistance. Others suggest they should be restructured to fulfill other needs of women survivors of violence – some suggestions include converting them to safe houses where women can keep children; accommodations for honour crimes cases where women can live with husbands in the duration of court cases; be made into women’s hostels; be made into community centers for women; or be expanded into under-one-roof all services inclusive model for survivors.

## 7.5. HELPLINES/ REFERRAL SYSTEMS

There have been a several helplines set up in Pakistan in the recent past. To an extent, it seems like a workable idea – according to PTA (Pakistan Telecommunication Authority), over

80% of the country’s population has access to a mobile phone<sup>46</sup>, verified by the PDHS Survey 2017-18, which says as many households have a mobile phone as electricity, showing the pervasiveness of the technology.

There are however observations that many women do not have independent access to mobile phones and especially in rural Sindh, their access to cellular technology is mediated by men of their households.

Further, in discussions with human rights and women’s rights activists, it seems that some of these helplines may not be getting a high volume of calls since they are not widely advertised and their numbers are not generally recalled by people.

While the helplines are useful points for accessing information, women in emergencies are less likely to, i) know about such a service, b) reach out to them in crises, as they prefer to turn to those they know personally and can trust, unless it’s a dangerous situation, in which case they call the police. Helplines are usually initially called by other people on behalf of the survivor. According to the Chairperson SCSW, the call attendants are not properly qualified and at best, refer the caller to an in-house psychologist, and have no lawyers available for legal counseling. This may not hold for all the helplines.

In Sindh, there are several helpline/referral services, many of which have overlapping mandates and the same areas of work, indicating lack of systems integration of response and inefficiency of replication:

<sup>46</sup> Pakistan Telecommunication Authority, <https://www.pta.gov.pk/en/telecom-indicators>

- The Sindh Human Rights department has a 24 hour, 7 days a week helpline for reporting any human rights violation - **0800-00011**
- The Sindh Chief Minister Public Complaint Cell operates round the clock 7 days a week for the public to lodge any complaint - **080091915**
- The Inspector General of Police has a helpline offering emergency assistance, advice and policing services for all cases, housed in the Central Police Office in Karachi – **9110**
- The official police helpline is called Madadgar15, to provide citizens composite services including ambulance and fire brigade services, complaints against police, reporting theft, as well as assistance in all complaints by women and by children - **15**
- The Women Development Department operates a helpline ‘**1094**’ providing women survivors of violence with instant assistance, legal advice, assessment for medical assistance and referral to other service providers, which is, according to LAS findings, largely non-functional
- The Government of Sindh Law Department in collaboration with LAS has a toll free 24 hour Legal Advisory Call Center helpline providing legal advice on both civil and criminal matters and referral service connecting to Dar-ul-Amans and Child Protection Units - ‘**0800-70806**’
- There is also a 24 hour GBV helpline ‘**1098**’ run by Madadgar, a legal aid NGO, providing in-house assistance as well as a referral service to women survivors of violence, with the same name as the official police helpline service
- The CPLC – Citizen Police Liason Committee operates a generic UAN helpline ‘**1102**’ but have a dedicated Women complaint cell for registering all crimes women face including domestic violence, with a direct number - **021-3566222**

In Punjab, the PCSW set up a helpline in 2014 with the number '1043'. It had a dual focus – processing and referring cases, and providing information, backed up by a number of lawyers. The Punjab PCSW helpline gets significant traffic and is followed up with police response. In the past, they also published their call data annually, in terms of the number and nature of calls and action taken.

Most of the calls on the helpline were requests for some kind of information. According to PCSW<sup>47</sup> data, between 2014 and 2018, it received 1775 complaints, of which 937 were resolved. It received an additional amount of 75,128 queries about different issues related to women and GBV. There were also 330,000 'awareness calls'. It was not set up as a direct redress mechanism but intended to work as a 'repository of information' and also a point to lodge not only personal grievances but also complaints against government officials, including the police. The helpline is connected to a Management Information System and database that links to other government departments including the deputy commissioner's office for real time monitoring. The government system in Punjab is streamlined and all women related complaints are diverted to the PCSW helpline and all government websites link or redirect women related queries to the PCSW website, including by the WDD and Punjab police.

The Chairperson of Punjab's WPA, Kaneez Fatima points out the importance of having a single, connected, instantly recognizable and memorable number which women can recall. Given the dearth of information and outreach in Pakistan, she maintains helplines are an important idea for disseminating information and for providing referrals, though they are not well known and widely used.

In addition to the helplines and referral services in Punjab and Sindh, the federal Ministry of Human Rights has also set up its own helpline, '1099'. It claims to have over two hundred lawyers associated with it. According to the federal Minister for Human Rights Shireen Mazari, the helpline 1099 received 380,000 calls. Approximately 36000 calls were eligible for free legal advice & referral for a redress of human rights violations<sup>48</sup>. Additionally, the federal government has set up 'Pakistan Citizen Portal' online, which has received and processed over eight thousand complaints, and women can bring forward their grievances for redress at both these platforms.

There has been no comprehensive audit of these facilities together to assess if they are replicating, substituting or strengthening each other or if they are being used in varying ways. As an illustration, the Sindh Minister for Women Development Shehla Raza announced that Women Protection Units have been established by the WDD in 16 districts of Sindh, and over thirty cases are reported in the centers every month<sup>49</sup>. This is separate from the Women Protection Cells set up by the police, who also have cases being reported every month.

<sup>47</sup>Punjab Commission on Status of Women, Best Practices: Punjab's Women Helpline 1043, (Lahore: Punjab Commission on Status of Women, 2018) [https://pcsw.punjab.gov.pk/system/files/Punjab\\_Women's\\_Helpline.pdf](https://pcsw.punjab.gov.pk/system/files/Punjab_Women's_Helpline.pdf)

<sup>48</sup>"Message from Dr. Shireen M. Mazari Federal Minister for Human Rights on International Human Rights Day, 10 December, 2019" Press Information Department, PR No. 64, Press Information Department, [http://pid.gov.pk/site/press\\_detail/12508](http://pid.gov.pk/site/press_detail/12508)

<sup>49</sup>Staff report, "Efforts afoot to empower women, says Shehla," The Frontier Post, July 26, 2019, <https://thefrontierpost.com/efforts-afoot-to-empower-women-says-shehla/>

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## 7.6. LEGAL AID

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The CEDAW shadow report 2020, 'Unmet Promises', points out that the Criminal Procedure Code (CrPC Section 161-A) entitles victims of all kinds of sexual assault to free legal aid, but this is not actually provided automatically. The Report notes that there was a 46 million rupee fund set up and allocated, the 'Women in Distress and Detention Fund', but none of it was utilized, and asks what impedes its utilization.<sup>50</sup> Currently, the federal Ministry of Human Rights houses the aforementioned fund, but has no information on its allocation and usage. Its website link for the fund states it will be 'Updated soon'. In the section on institutional development on the ministry's website, there is an announcement that the Fund was set up in 1996 but remained non-operational, and that the Board of Governors of the Fund was changed in July 2019<sup>51</sup>.

In January 2020, the federal government passed the Legal Aid and Justice Authority Act 2020, setting up a Justice Authority which includes in its powers and functions to, "Design and establish an effective mechanism for provision, monitoring and evaluation of legal aid<sup>52</sup>." In its Statement of Objectives and Reasons, it states, "The Bill gives priority to disadvantaged women and children, especially in matters of sexual offences." It is too soon to assess any progress since this report is being written three months later, during which there was the Covid-19 outbreak.

According to lawyer Sara Malkani, very few legal aid avenues are available across Sindh province, except in a few pockets. Lawyers sometimes do pro bono cases but they are arbitrary decisions, not a systematic pledge that they have to do X number of free cases per year – neither are there are incentives for them to do so.

There is no state-mandated legal requirement that individual lawyers take on a certain number of pro bono cases per year to maintain their practicing license. There is a severe unavailability of pro bono lawyers, or at least of knowledge of pro bono lawyers.

Mostly, assistance depends on personal networks, and whether people connected to the survivor know of the LAS legal aid clinics.

In Punjab, there is significant regional variation, with areas of central Punjab well serviced and urban cities like Lahore have clusters of services. The southern regions of the province have a very low prevalence of most kinds of assistance, especially legal aid. Those are also the areas with the highest prevalence of violence against women according to experts, and the province is so large that travel to urban city centers is logistically unfeasible. The experts and stakeholders say a comprehensive database that provides such information of what is available where would be a critically important value addition.

The proposed Gender Equality Policy Sindh 2020 briefly reviews efforts made for the provision of legal aid and points out their inadequacy. The Sindh Law Department constituted District Legal Empowerment Committees (DLECs) in 2011 and District Criminal Justice Coordination

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<sup>50</sup>Unmet Promises, Alternate CEDAW Report 2020, [https://www.ecoi.net/en/file/local/2023281/INT\\_CEDAW\\_CSS\\_PAK\\_41115\\_E.pdf](https://www.ecoi.net/en/file/local/2023281/INT_CEDAW_CSS_PAK_41115_E.pdf)

<sup>51</sup>Ministry of Human Rights, "Key Achievements of Ministry of Human Rights August 2018 – 2019," Ministry of Human Rights, Government of Pakistan <http://www.mohr.gov.pk/Detail/MmY4YmZhNzctMjE0My000TJhLWFLYjQtZWYyYzZM2YjM3ZmUx>

<sup>52</sup>Legal Aid and Justice Authority Act 2019, [http://www.na.gov.pk/uploads/documents/1556805586\\_201.pdf](http://www.na.gov.pk/uploads/documents/1556805586_201.pdf)

Committees (DCJCC) in 2018 to identify and support cases that require legal aid, and to arrange lawyers' fees and representation for such candidates. The Gender Policy notes, "Evidence suggest that although the DLECs were announced many years ago, there is delayed disbursement of funds; low budget utilization (9% in Sindh in 2016); absence of selection criteria for civil society members; lack of awareness about DLECS and their functions/functioning; lengthy selection processes; only 5% of women accessing legal aid funds; non-compliance of DLEC monthly meeting and absence of oversight and performance reviews; and difficulties arranging good lawyers due to low fees."<sup>53</sup>

## 7.7. PUBLIC PROSECUTORS

The main role of public prosecutors is to prosecute criminals on behalf of the state and get convictions. The case against perpetrators in court, once it goes to trial, is fought by public prosecutors and they represent complainants and the state – if complainants get their own lawyers, they must work alongside the public prosecutor. The low rate of convictions in all cases of all forms of violence against women is therefore tied to the state of prosecutorial services in the country. In Pakistan, the establishment of prosecution services as distinct from magistracy and police is a relatively new development. It was done in Punjab in 2005 and in Sindh in 2006, though in Sindh it was ineffective till a law amended the regulation of prosecutor's office in 2009. The prosecutor's office and public prosecution has

still not grown into a strong arm of the state and remains beset by legal and institutional hurdles.

Women's rights advocates and lawyers in both, Punjab and Sindh, point mainly to 2 issues that impede effective prosecution:

- i) the lack of strained, skilled prosecutors, and
- ii) the complete absence of coordination with the police.

Lawyer Habib Jiskani highlighted in an interview that there is no induction course or mandatory training for lawyers appointed as public prosecutors. Unlike the focus given on gender training for the police or the judiciary, they have no training academy, prosecutors remain neglected and are generally local lawyers with a few years of practice, no gender sensitivity or technical skills like cross-examination.

However, he notes it is still an improvement over the previous system because prosecutors are present in every court in every case, know the records and try to improve conviction rates.

Cases move to trial on the basis of the 'challan', the report filed by the police within 14 days of the recording of the FIR under Section 173 of the Criminal Procedure Code, which is a case brief of sorts. The challan is submitted by the police to the public prosecutor for scrutiny before the prosecutor forwards it to the court. Prosecutors are meant to assess the report and return it to the police's investigating officers for adding information like further testimonies, evidence, eye witness accounts, ask for medico-legal if not done to correct and strengthen the case. That rarely happens, since there is no compulsion for the investigating

<sup>53</sup> Sara Zaman, Proposed Gender Equality and Women's Empowerment (GEWE) Policy 2020, (Draft version) Government of Sindh (unpublished)

officer to comply with the prosecutor's suggestions.

Ayesha Hamid in her study of public prosecution notes, "It is not binding on the police to remove such defects and there are, in practice, no penalties or consequences, for the failure of the police to do so. It depends on the discretion of each Prosecutor whether or not he chooses to offer such advice and its 'usefulness' depends on whether the IO chooses to be guided by it ..... This leads to a situation in which, more often than not, the Prosecutor is a 'post office' ..... The Court frames charges against the accused on the basis of said report and the trial commences."<sup>54</sup>

The prosecutor can also separately submit a case assessment to the court by examining the evidence and assessing applicability of offences outlined in the challan. That does not happen either. Lawyers point out that apart from prosecutors' lack of capacity, they are not motivated to make this effort because their assessment is not binding on the court. The PILDAT report on prosecutorial services explains the problem this creates. "In practice, Prosecutors are loathed to submit a negative report as the Court may put the accused on trial anyway and then the Prosecutor is in the unenviable position of prosecuting a case where he is on record as stating that there is no case or a weak case."<sup>55</sup>

A senior police official from Sindh in an interview pointed towards more structural problems. He stated that while the police investigators and prosecutors never sit together to strategize and collaborate unless it is a high profile political case, coordination

between the two will not be enough to fix issues. In other countries, the prosecution has to decide whether proceeding to trial is worth the time or is in the public interest, based on the weight of evidence, otherwise, they move to plea bargain options and settlements. In Pakistan the system does not allow for such judgment to be exercised.

"Once the challan is presented and accused arrested, it has to proceed to trial, even if the case is flimsy. That's why conviction rates remain low. There needs to be a monitoring committee that oversees and decides which cases should not be tried, otherwise the courts remain weighed down. Women's violence cases enter an overburdened, apathetic system which sees them as additional burdens," explained one senior police officer. Conviction rates cannot be improved without an integrationist approach, he explained

Ayesha Hamid verifies this assessment by looking at cases in Punjab in 2014. Around 122,000 cases were disposed of by courts for lack of evidence which should not have gone to court in the first place. She shows how a total of 1067 public prosecutors handled 712,888 cases in the year, bringing average workload to 668 cases, showing that prosecutors are inundated and unable to prepare to give cases due attention.<sup>56</sup>

In the recent past, there have been some efforts to build capacity of prosecutorial services as a part of criminal justice system reform. International aid organizations, bi-laterals and UN agencies have initiated projects, though no qualitative impact can be gauged yet.

<sup>54</sup>Ayesha Hamid, Prosecution Services in Punjab and Sindh, PILDAT, October 2015, 17  
[http://www.millat.com/wp-content/uploads/pdf/democracy/ProsecutionServicesinPunjabandSindh\\_PositionPaper.pdf](http://www.millat.com/wp-content/uploads/pdf/democracy/ProsecutionServicesinPunjabandSindh_PositionPaper.pdf)

<sup>55</sup>Ibid, 20

<sup>56</sup>Ayesha Hamid, "Prosecution Services in Punjab and Sindh"

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## 7.8. JUDICIARY

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In October 2017, the first GBV court was established at the Lahore Judicial Complex on the initiative of the Lahore High Court. It created a protected environment by allowing women to record statements in separate rooms through video links, where witnesses can come forward without fear and harassment, and be heard by judges trained in gender sensitivity at the Punjab Judicial Academy. The GBV court has a 16% conviction rate on GBV cases, which is significantly higher than that of regular courts.<sup>57</sup>

However, an assessment of the GBV court by the PCSW shows that though the response structure has been overhauled and improved the experience for survivors, much of the same conventional thinking and perspectives still persist. Court verdicts in rape cases still focus on previous sexual activity and the absence of a hymen to factor in possibility of a consensual act, still link lack of injuries and marks of violence as indicative of consent, and still find marriage between the rape perpetrator and victim as a settlement or resolution of the case and declare – the assessment report notes, “Social order is deemed to have been restored.”<sup>58</sup>

In June 2019 all high courts were directed by the Chief Justice of Pakistan to set up GBV courts. The National Judicial Policy Making Committee outlined the mechanisms and processes to be followed. It was also announced that training on GBV laws will be imparted to district and sessions judges and

additional district and sessions judges in every district of the country. The purpose was to promote understanding of the linkage between GBV, laws and protection. The Punjab Judicial Academy has consequently organized training workshops in collaboration with Asian Development Bank and Law and Justice Commission of Pakistan.<sup>59</sup>

These are important steps forward. But the past record does not inspire much confidence. While this study is a macro overview, the issue can best be illustrated by zooming in to how the system works in the capillaries. Take the case of Lodhran, Punjab, where in a comprehensive study, researchers analyzed all reported rape cases in a two-year-period<sup>60</sup>. They found, on average, a rape case took 560 days from the time of registration to its decision in court, even though the anti-rape law of 2016<sup>61</sup> requires all rape cases to be decided within 90 days.

The Lodhran study highlighted other ways in which judgements do not reflect changes in laws. So while the law now bars reflecting on ‘bad character’ of victim prior to the crime, previous sexual history of victim was relied on in 63 rape case judgements in 2 years. Several judgments still rely on the idea that “Rape can only be found where a victim was a virgin prior to rape – to be assessed by the two-finger test,” which works against married women, and despite there being no link between rape and virginity, yet in practice, such presumption works against the victim, and in favour of the accused. As of March 2020, the two-finger test has been challenged by women’s rights activists in Lahore High Court and has been

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<sup>57</sup> Sohail Warraich, “Special Mechanisms to address violence against women in Punjab: A case of model gender based violence court in Lahore and violence against women center in Multan” (Lahore: ShirkatGah, 2020), [http://shirkatgah.org/shirkat/wp-content/uploads/2020/02/PCSW\\_SAW-Study\\_Print-version\\_Ff.pdf](http://shirkatgah.org/shirkat/wp-content/uploads/2020/02/PCSW_SAW-Study_Print-version_Ff.pdf)

<sup>58</sup> Ibid

<sup>59</sup> Punjab Judicial Academy, “3-Day Workshop on Gender Based Violence (GBV) Cases” July 20, 2019, [http://www.pja.gov.pk/gbv\\_news\\_1](http://www.pja.gov.pk/gbv_news_1)

<sup>60</sup> Bokhari and Saadat, “Accountability for Rape: A Case Study of Lodhran”

<sup>61</sup> Section 344A of Criminal Law Amendment (Offences Relating to Rape) Act of 2016

placed before a woman judge, Justice Ayesha Malik<sup>62</sup>. At the time of writing this report, the hearings are underway.

Activists and practitioners note that gender trainings have limited impact unless there is a follow up mechanism that ensures or at least surveys whether the new concepts are being translated into action. Farieha Aziz of Women's Action Forum finds that there is no substantive change in judgments yet. Lawyer Sara Malkani, who managed to get the first conviction under the Sindh domestic violence law points out that the judge who gave the judgment remarked he thought the law is wrong and that men should not be locked up for hitting their wives, but since that is what the law now was, he had no choice but to give the verdict in favor of the woman.

The Lodhran study which tracked rape cases over a two year period, including their progress through trial courts concludes, "The existing burden and standard of proof required of victims are variable, unclear and disproportionately high – and most of all, does not correspond to the reality of rape. The study reveals that the presence of transformative legal provisions in the absence of sufficient awareness raising and training of judges and other actors, is unlikely to trickle down to the trial court and shift the status quo for victims of rape<sup>63</sup>."

Attrition is a well-known phenomenon in VAW cases. While many cases fail to reach trial, many fall through during the trial and cannot result in a conviction, frequently by design. The victim retracts the case or witnesses resile because an out of court settlement has been reached, mostly through informal systems like Jirga or Panchayat. Judges allow this to happen without contesting it, and without carrying the case to completion.

Informal agreements are often reached between perpetrators and the woman's family, and she does not have much of a choice as it is frequently under duress. Lawyers and activists suggest that this should not be allowed before the verdict is secured as a way of buffering women from pressured agreement.

WAF activist Arfana Mallah also noted the inadequacy of the judicial system in an interview. "We don't have any exemplary case laws; we have very few cases to demand precedence from, no milestones even in honor killing cases. In the courts, nothing matters except the legality of the case in terms of legal technicalities. All emotions, suffering, fears, outrage, trauma, none of it matters except the CrPC citation number. There are exceptions though, such as a judgment given by Justice Salahudin Panhwar where he said he would hold the entire qabeela (tribe) responsible. We need to figure out how to address social structures within the legal system."

The Sindh Domestic Violence (Prevention and Protection) Act is a case in point.<sup>64</sup> Passed in 2013, it took nearly six years to get a single conviction under it.

The previous Chairperson of the National Commission on Status of Women, Khawar Mumtaz points to the circularity of the arguments. "Cases unravel in court," she points out. "Investigation procedures are flawed, or at least the courts say we cannot convict because we haven't been given enough evidence to convict. The police blame courts for getting stuck on minor issues and ignoring compromises and informal settlements made outside courts. The courts blame the police for placing shoddy evidence and case work before them. Meanwhile, survivors of violence cannot understand any of this, all they know is that the system works against them."

<sup>62</sup>Wajih Ahmed Shiekh, "Petition seeks to end virginity test on rape complainants," Dawn, March 13, 2020, <https://www.dawn.com/news/1540463>

<sup>63</sup>Bokhari and Saadat, "Accountability for Rape: A Case Study of Lodhran"

<sup>64</sup> <http://www.pas.gov.pk/index.php/acts/details/en/19/215>



**CONVERGING  
THE GAPS**

| **8**

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This section consolidates the institutional problem mapping of the previous chapter as well as the issues identified through the aggregate analysis to identify which gaps emerge through the review process. The gaps are clubbed into the following categories:

- Missing tiers in crisis response architecture;
- Lags in implementation; and
- Systemic problems

Each subset of issues is followed by tentative ideas towards redress.

The report steps away from arbitrary authorial solutions and does not propose any specific steps as recommendations, instead, points out directions that can collectively be explored. It suggests that these ideas can be placed before experts and stakeholders, including survivors of violence themselves, for discussions on whether they are viable and how best to translate these into actionable points.

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## 8.1. MISSING TIERS IN CRISIS RESPONSE ARCHITECTURE

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### **LACK OF CASEWORKERS AND INADEQUACY OF VOLUNTEERISM**

Activists say women in crises need someone to help them and be with them every step of the way. They cannot understand the language of FIRs and laws even if they are literate, and they are usually not in a state of mind to function independently and demand their entitlements from service providers. Supporting even a single case consumes women's rights advocates entire lives for weeks, and often requires intra-province coordination. They point out that the volunteerism model does not work in Pakistan's context because activists have to deal with their own financial burdens. In Sindh, the Domestic Violence Act 2013 envisions protection committees, which have yet to be formed.

### **LACK OF RETRIEVAL SYSTEM TO REMOVE WOMEN FROM LIFE-THREATENING DOMESTIC SITUATIONS**

In situations of domestic violence, forced marriage, forced prevention of marriage, physical abuse and forced confinement, women are frequently in grave danger and cannot approach police stations, and possibly are unable to call helplines either, or may not know about them. There is frequently a relative or sibling or friend who attempts to smuggle her out. From discussions with activists, in Sindh it seems sometimes police officials are willing to extend the assistance of sending a police mobile and officer to rescue a woman and bring

her to the police station if they trust the person informing them. This is based on case to case discretion. In Punjab, recent regulations allow anyone to go and lodge a complain on a woman's behalf at a police station. Rescue 15 can also rescue women and extract them from such situations, but there is little documented evidence to show whether they are doing so in practice.

It may be worth exploring if caseworkers could be introduced into the official government system. Caseworkers could facilitate and accompany women through the various steps including medico-legal examinations, be present at challan, explain the legalese to the women complainants, guide and facilitate them through various technical procedures, be the intermediary for extracting women from harmful situations and ensure protection. Caseworkers are a part of response architecture in many countries, and it may be a useful concept for Pakistan.

There are various possibilities for this: from utilizing existing social welfare officers, bringing in a new cadre through the Women Development Departments, or to have them appointed by the courts and reporting to the courts.

There is a preceding idea that may be utilized. The Sindh Domestic Violence (Prevention and Protection) Act 2013 envisioned appointment of Protection Officers in each of 29 districts whose functions were to include ensuring for the survivor legal aid, protection orders, facilitation of medico-legal examination and shelter. The Sindh High Court noted that as of March 2019, only 4 such posts had been created.

The law also mandated the creation of Protection Committees meant to facilitate medical and legal aid and maintain an official record of incidents. None of these have been created in the interim 6 years. Justice Salahuddin Panhwar has urged their actualization<sup>65</sup>.

Depending upon a larger conversation between various stakeholders, the role of protection officers for domestic violence could be expanded into being caseworkers for all forms of violence against women.

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## 8.2. IMPLEMENTATION ISSUES

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### **NO ACCOUNTABILITY FOR LACK OF IMPLEMENTATION**

Experts point out that decades of deference to higher-ups, whether its senior bureaucrats, politicians, ministers or the military have ingrained into lower service cadres to not do anything they may have to answer for – as a result, they stall even routine job-related tasks unless instructed to ‘from above’. In a recent example of an acid attack victim’s case, after weeks Justice Majida Rizvi had to personally intervene to get the MLO in question to release the medico-legal report, which is otherwise part of the MLO’s basic job. Police have started a grievance registration procedure whereby people can complain. Politicians are answerable at polls. But there is no equivalent way of ensuring the laws and court judgments that have been passed are implemented, barring repeatedly petitioning courts for intervening in the executive.

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<sup>65</sup> Mst. Maya Ghina Ashfaq Khan D/o Ashfaq Ahmed Khan VS Province of Sindh & Others CP NO.S-2658 of 2018

## **ANSWERABILITY IS ONLY TO SENIORS AND NOT TO STAKEHOLDERS**

There are no regular, autonomous third-party monitoring mechanisms to ensure service providers are meeting requirements at satisfactory levels. For instance, while all police stations say they provide a referral service, survivors may get a referral for a medical but are not told about their entitlement to legal aid or given contacts for such organizations or pro bono lawyers. These need to move beyond impact assessment and monitoring and evaluation reports funded by donors and create an intrinsic, institutionalized check and balance system.

### **CAPACITY DEFICITS WHICH MANIFEST IN MANY WAYS:**

Professionally, for example, the MLOs have no training and expertise or links to forensic agencies.

Change is resisted. Sidra Iqbal who has trained Punjab police for two decades, says gender trainings participation is just to tick the attendance box as there is no mechanism for ensuring what they hear translates to active learning and is being applied in their work

There is a dearth of people, as many posts lie vacant. The Public Service Commission does not advertise the posts, while the Commission says that when they advertise, no one applies, so budget requisitions are not made. But the Chair of the SCSW points out even sanctioned, budgeted posts lie vacant – even the SCSW has 22 vacant posts

It may be useful to explore different mechanisms for creating accountability towards stakeholders and not just towards

seniors who write performance reports. Such checks on the system could include using provisions introduced in the The Criminal Law (Amendment) (Offences Relating to Rape) Act 2016 for police officers,<sup>66</sup> or developing autonomous third-party monitoring mechanisms, or institutionalizing through existing means like developing vigilance committees for the provincial commissions on the status of women, or the Women Protection Authority in the case of Punjab.

## **8.3. SYSTEMIC OBSTRUCTIONS**

### **BUREAUCRATIC INERTIA**

Women in positions of power frequently point out that the default setting for the opaque state machinery is to stall any change through blocking paperwork even after decisions are made. Tracing back problems leads to circular reasoning: services like crisis centers say they don't have the resources (money or people) because finance departments don't release their budgets. Finance departments say its because their existing budgets remain unspent and lapse, so it makes no sense to increase their allocation and give them more. To which service providers say it is because their annual budgets are released so late in the third quarter when there is no time to utilize budget and remains unspent, so it lapses. The budget release is such a problem that Nuzhat Shirin, the SCSW Chairperson says women staffers at crisis centers bring a table and chairs from their own houses. Kaneez Fatima who heads WPA has been using her personal money for running expenses of the WPA office because their budgets are not released to them. Women

<sup>66</sup> [http://www.na.gov.pk/uploads/documents/1475761256\\_380.pdf](http://www.na.gov.pk/uploads/documents/1475761256_380.pdf)

parliamentarians and heads of semi-autonomous government agencies say even after approvals for change are given, the decision in question remains unimplemented. According to them, this is because there is no public accountability of bureaucracies.

## **CORRUPTION**

While corruption is endemic, it has particular implications for addressing gender-based violence. Survivors, activists and advocates working with women point out that police demands for bribery are ubiquitous. They demand money not just for doing unlawful things, but even for routine, legal and procedural things, unless called by powerful 'higher-ups'. In countless accounts, money often exchanges hands to weaken women's case in favor of the perpetrator – reports are not filed, FIRs and MLO reports are changed, evidence is tampered with or delayed till it becomes irrelevant, witnesses turn hostile or retract statements and so on. The Chairperson SCSW is vocal about how many pro-women initiatives are stalled because of demands for bribery for even legal, routine matters. While redress initiatives have been introduced such as DIG complaint cells and older ones exist such as the federal ombudsman's office (Wafaqi Mohtasib Secretariat), these are little known and utilized.

## **FUNDING LIMITATIONS**

There is a significant dearth of funding to work on VAW related issues at the ground level to assist survivors, and is mostly directed at advocacy. Local philanthropists are not interested in supporting women's decision-making about their lives and bodies, and intervene mostly on charitable causes like donating food or sewing machines. Most governments move forward only when compelled by international obligations and supported by international donors. Women's movements have been able to push reforms through by focusing on legislative change but implementation issues are in various forms and too diffused for targeted campaigns to work. The support of international donors and INGOs is also erratic – there is no institutional funding for women's rights organizations, especially those outside urban capitals. Resources shifted away from service provision towards awareness and advocacy – activists point out there are discussions through seminars and online campaigns, or capacity building workshops for responders, but when actual cases of violence happen, there is no money, no resources, no organization and its always activists running around using their own money and using their private networks to find relief for survivors.

To break out of this systemic closed circuit, case-specific vigilance and accountability is required. It may be possible to explore the kind of case tracking systems instituted in the lower as well as the higher judiciary for example.

The courts have started maintaining pendency profiles of the number of new cases brought in per month, the numbers resolved and so on. It has brought a degree of transparency and increased effectiveness to see how cases get processed. If all VAW cases can be centrally monitored, for instance through the WPA in Punjab and the SCSW in Sindh, it may be useful to develop a similar case tracking system, which would have the additional benefit of ensuring coordination throughout the response architecture.

While it is difficult to procure funding for individual casework, it may be easier to solicit funding for such systems development, as most donors are willing to support development of systems.

Another suggestion is to strengthen and publicize the role of the ombudsperson and publicize its purpose. Women survivors of violence and even women's rights advocates are mostly unaware of existing procedures of accountability whereby mechanisms exist for reporting unprofessionalism of government employees. In cases of bribery demands or refusal to function as per mandate, these can be utilized. The anti-rape law amendments of 2016 specifically make police officers answerable and introduces penalties for inaction. Developing test cases of holding officials to account could provide a precedence; deterrence for officers and an example of a way forward for activists and advocates.

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## 8.4. LACK OF ALTERNATIVES

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Staying in abusive marriages or returning to violent homes is often a rational decision for women since they don't have workable choices. Many of them are poor and even the ones who are not mostly, do not have independent means of earning – they have nowhere to go after the three months at a shelter, low levels of education, no professional work experience, no livelihood means of earning an amount with which they can live on their own with dignity, no support systems as they alienate families and communities by opting for a divorce, no way of keeping and sustaining their children. They know that leaving an abusive home to go back to parents or to go to a shelter is just an interim measure, not a solution, but there are no solutions. If a woman leaves her husband without the support of her natal family, unless she is wealthy and educated, there are very few options for her to survive and to manage her children.

Gulnar explains, "We have to understand that divorce is not always the best option even in abusive relationships and need to find other forms of deterrence and mitigation. Even if we help in the initial stage, later on, she is the one who has to find a way to survive. Without welfare or single parent benefits and all of that. We have to create options which make sense within their world."

These observations are further substantiated by Zakar, Zakar and Kramer, who find in their research on women's coping strategies against spousal violence in Pakistan, that very few women sought help from formal institutions because while they wanted the violence to stop, they did not want to divorce their husbands. Noting that women are aware of their structural limitations and vulnerabilities, and tracing the combination of emotion-focused and problem-focused strategies they used to reduce violence, the article argues against quick fixes: "Pakistani women alone cannot effectively resist violence while living under a harshly patriarchal regime, where violence against women is embedded in the social, political, and legal structures of society."<sup>67</sup>

Police officials also say that they mediate in domestic violence so she can return, as they know there are no other realistic options for her

Sidra, who worked for War Against Rape and managed 26 Dar-ul-Amans in Punjab, agrees. "Having a home of their own is critical. If she leaves home without another home to go to, her life becomes a series of abuse, rape, violence, at the hand of any and every man, not just her husband. Shelters are a reprieve but no solution. All the trainings in the world but they are still judgmental and think she is a fallen woman to have left home. We need to rethink options. Why do we remove the woman from the home? Remove the man. Let the state take care of him, not her – send him for behavioral change psychology, to rehab, to a residential clinic or some such."

The head of Panah shelter, Uzma Noorani, and the chief of Punjab's Women Protection Authority also highlight the need for safe, secure, women-only accommodation. Uzma Noorani points out that frequently young women approach her shelter not as an escape from any grievous violence but because they do not want to live with the strictures their families place on them. "The value system has fundamentally changed between generations. These young women want to work, earn, be independent and make their own choices in life. They want to escape from rigid family norms. And they have the right to do that. But a shelter is not the place for that. They come to the shelter, but what they need is affordable, safe housing, maybe in a gated community or women-only enclave."

It may be useful to explore longer term options for women, including subsidized low-cost housing. Every single women's rights advocate and feminist activist makes the case for providing women affordable and secure housing as a passport out of abusive homes, relationships and communities. The current government has spoken of the need of low-income housing. Though there has been no stated inclusion and outreach for women, but it may be possible to lobby for reserving some such housing, whether communal or family quarters, for single women and divorced women and their children.

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<sup>67</sup>Rubeena Zakar, Muhammad Zakar, Alexander Krämer, "Voices of Strength and Struggle: Women's Coping Strategies against Spousal Violence in Pakistan," *Journal of Interpersonal Violence* 27 no. 16, November 2012



**FUTURE  
DIRECTIONS**

**9**

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The report attempts to identify future directions for addressing the identified gaps, but these should be considered tentative, more of probes than recommendations. It suggests that the report's findings and suggested directions are placed before experts and stakeholders for more discussion before they are shaped into doable, responsive and nuanced recommendations.

Based on a summary review of aspects that impact gender-based violence and women survivors the most, the report places four tiers of suggestions;

- i.) The minimum standards all service providers should benchmark,
- ii.) Institutional recommendations suggested for each service provider,
- iii.) Areas requiring further research to better explicate contexts, and
- iv.) New areas to explore through dialogue and discussion with stakeholders

The suggested directions do not attempt to rectify every problem with every institution, since that would require a systematic evaluation. Instead, it identifies which gaps impinge directly and substantively on survivor's experience of response mechanisms, and how best to mitigate those.

# TIER 1

All service providers should, at the minimum, ensure:

Accessibility	Allow exceptions for women to enter premises without CNICs, after physical security checks by other women if required.
	Use premises that are serviced by at least some form of public transport.
	Depute a person who can be contacted on telephone after-hours for emergency assistance.
Approachability	Initiate some form of local outreach/ confidence-building to build public trust.
	Have a minimum level of gender training of all staff who have public/ survivor interface.
Comprehensiveness	Have at least an informal referral mechanism to direct women where to go for whatever else kind of assistance is needed, if a formal referral procedure not in place. Police must have and share the local list of pro bono lawyers.
Compliance	Ensure they fulfil and implement basic minimum standards of care written in SOPs, and develop SOPs where lacking.

## TIER 2

### Suggestions for institutions

Institution	Problem Identified	Directions to move forward
<b>POLICE</b>	Little know-how on investigating VAW and depend on confessions, all querying is done in ' <i>thaana</i> ' and not on-site of crime scene	Technical capacity-building on investigation skills, evidence collection including forensics & understanding of medico-legal requirements
	Critical time delays; from registering FIRs to coordinating medico-legal, to gathering evidence/ testimonies to submitting challan	Develop a time-sensitive online case tracking system that flags pendency and delays
	Police's experiential understanding of VAW diverges from legal definition, personal biases come in to preserve family & community status quo and lower their workload	Gender trainings, awareness of new laws, understanding of women's bodily agency and rights, specially for non-rankers & lower cadre
	Instead of filing FIR as first incident report as per law, police write a ' <i>parcha</i> ' which they investigate and then decide whether to allow filing FIR or not, and allow/ enable ' <i>razinama</i> ' and other settlements	Eliminate the ' <i>kacha parcha</i> ' practice and reiterate mandatory filing of FIR, allow ' <i>razinama</i> '/ out of court settlement only after the verdict to eliminate pressure on survivor
	Reputation for bribery inhibits women from approaching ' <i>thaana</i> '	Publicize helpline including lodging complaints about ' <i>thaana</i> ' staff and bribery demands

Institution	Problem Identified	Directions to move forward
<b>DAR-UL-AMANS</b>	Uneven availability in Sindh; women assume they have to pay or are unaware they exist; shelters often have bad reputations as places for immoral women; low utilization	Balance out availability instead of clustering services; conduct publicity campaigns to increase awareness of shelter and counter negative image; compile utilization data
	SOPs are made but not followed, such as counselors not available, staff not gender sensitized and judgmental and pressurize women to return home	Ensure compliance, increase monitoring including in far away districts, conduct gender trainings and refresher trainings
	Uneven quality of services on premises because of financial constraints	Monitor timely release of budgets and reduce red tape, increase oversight
<b>MEDICO-LEGAL OFFICERS</b>	Unavailability in Sindh because of staff shortage or corruption, no incentives to work outside cities	Fulfill vacant posts urgently, conduct targeted surveillance, introduce accountability measures
	Lack of professional know-how and expertise, unfamiliarity with new technologies including forensics	Increase capacity and skills, conduct training, update form templates, coordinate with police
<b>PUBLIC PROSECUTORS</b>	Low qualification criteria, no gender sensitivity, no expertise in GBV cases, no training platform	Engage provincial prosecution authorities to incorporate induction training and gender sensitization; consider specialist GBV prosecutors
	Minimal non-binding pre-trial role, no coordination with police and no streamlined working with the judiciary	Revisit prosecution rules and procedures to see how to increase the effectiveness

Institution	Problem Identified	Directions to move forward
<b>JUDICIARY</b>	District courts not familiar with new laws. Not sensitized to gendered implications of evidentiary burden. Low understanding of collective nature of VAW crimes	Work with judicial academies, district courts and bar associations to increase fluency with new laws, precedence cases and gender politics
	Significant attrition levels which judges accept, often knowing there are out of court agreements, including through resiling witnesses. Low conviction rates on GBV cases	Monitor GBV courts in their procedures, the time span of cases, arguments and verdicts for gender analysis and maintain outcomes database. Try determining attrition rates
<b>HELPLINES/ REFERRALS</b>	In Punjab, these seem to be working well but publishing of its data has been discontinued	Continue previous PCSW data-driven publications under WPA
	Over 15 different helplines in Sindh, with only 1 or 2 working round the clock. Most are not well known or recognized. Overlapping mandate, needs streamlining	Conduct dialogues between different stakeholders about combining efforts and increasing breadth of coverage rather than replicating coverage
<b>LEGAL AID</b>	Laws and policies are in place for free legal aid provision, some are very new and not yet implemented. Budgetary support not yet clear	Work with law departments and recently instituted Justice Authority for expanding breadth of coverage of legal aid providers
	Dearth of lawyers practicing pro bono, more so in under-developed areas	Explore financial incentives for young lawyers to build profiles through pro bono work. Support law students specializing in public interest litigation

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## TIER 3

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### Areas requiring further research

Women's first resort support systems and community-based mechanisms for addressing violence against women, whether in sync with women's rights frameworks or not.

Case studies of diverted reporting to understand how it works.

The interface between formal and informal justice system and informal, community-based justice systems specifically in GBV cases.

The sociology of implementation to understand how change actually happens, or why it does not.

Patterns and points of attrition of cases of GBV through the criminal justice system.

Utilization of service providers, patterns, trends and demographics.

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## TIER 4

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Further ideas to discuss and build upon

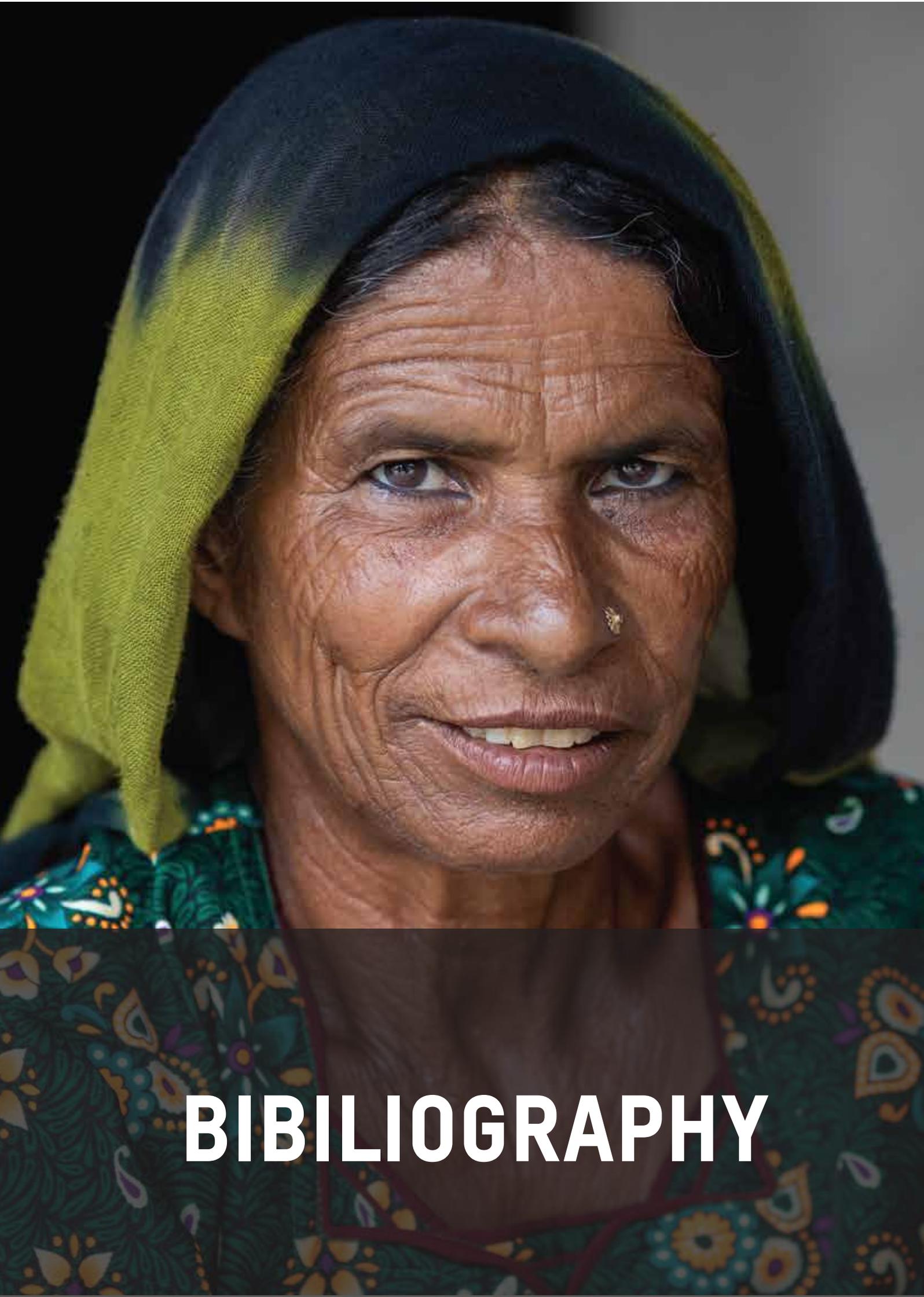
Introduce the idea of caseworkers/protection officers/case coordinators within the system, housed in any of the various agencies involved, to track, facilitate and accompany case and ensure case progression.

Explore mechanisms for downward accountability through test cases or institutionalizing vigilance committees or third-party monitoring, or by strengthening oversight in WPA and SCSW, or by bringing cases of non-compliance to ombudspersons – or any combination thereof.

Experiment with online case tracking system to maintain pendency profile, case progression and resolution/ conviction status.

Consider advocacy for safe, secure, subsidized housing for women as part of the current government's push for low-income housing.

Initiate conversation on compensation paid by the state to women survivors of violence. It has pros and cons, and associated controversies globally. But considering women's financial status, and the fact that families go into debt for years to fight cases, it possibly yield benefits for women.



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**ANNEXURES**

**| 10**

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# ANNEXURE A

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Toolkit for: [Interviewing Sector Experts](#)

## A. IN GROUP SETTINGS - FGD B. IN ONE-ON-ONE SETTING - KII

### THE INTRODUCTION WILL INCLUDE:

Introduction and background of researcher.

**Brief synopsis:** Purpose of project and its donors.

A disclosure that the researcher is being paid to conduct gathering/ interview even though the respondent/ group is expected to participate voluntarily. The template of development sector research is not set by the researcher.

Explain about intended beneficiaries and impact of research.

The respondent can choose to be named if cited or choose to be referred to by post/ position or choose to be indicated only by the sector of work. Her/ his choice will be respected.

It may not be possible to directly attribute the comment/ insight of every respondent and may be lumped together with the group in the report.

Give respondent/ group the chance to refuse to continue with the interview or agree to stay on while accepting the terms.

## **NOTE:**

The questions are deliberately kept to the minimum because all respondents will be sector experts and have much to say on each issue, often discuss things at length and in nuance, and branch off into their own observations and experiences which are important to capture.

It is designed for each KII to take approximately 45 minutes, and for each FGD to take 120-150 minutes.

## **QUESTIONS:**

1. Are there more support resources for women survivors of violence (WVAW) now than there were 20 years ago? Which support services have seen growth/ mushrooming? Which ones have not?
2. What is your assessment of the police and medico-legal departments with regard to VAW cases? What is the grass-root/ field experience at the thaana level? What is the experience of interaction in the upper level of hierarchy/ policy level?
3. What is your assessment of the quality of services available concerning:
  - Shelters
  - Crisis center
  - Helplines
  - Legal aid organizations
4. Why are some services under-utilized/ function below capacity (shelters, helplines, counselling)?
5. What are some of the biggest issues WVAW now faces? What issues have been resolved and which are the bottlenecks that remain?
6. What are some of the ways these can be resolved?

### Separate into matters to be resolved through:

- i) Tangible interventions (money, budget, staff, structure, technical support/ expertise, research, coordination bodies etc)
- ii) Attitudinal change (political will, changing hearts and minds, patriarchy, moral codes, awareness, education, exposure etc.)

*\*\*\* Steer discussion towards the first category*

7. What measures/ recommendations can you think of that have not been tested? Or ones you think could work even if they have been tried before – please explain why they didn't work and what could be done to make them work.

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## ANNEXURE B

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**Tool for:** [Interviewing Women Survivors of Violence](#)

A conscious effort will be made to minimize any risk the respondents could face by agreeing to be part of the study, with the understanding that women in crises face particular threats to their safety by talking to others.

Before the start of the interview, the respondent is told:

- Participation is voluntary. She can choose to refuse the interview even if the appointment has been confirmed by intermediaries, without facing any consequences.
- No documentation method that can identify her will be used (no photographs or video recording or audio recording). Only handwritten notes.
- A copy of the handwritten notes can be kept by the respondent if she likes (through photocopying, facility if available nearby, or mobile phone camera shots)
- Confidentiality and security. No identification, ID card number or address will be asked for. Respondent will be told she can choose how to be named in records, by real name or can give an alias/ fake name if she prefers to do so. No means of verification will be used.

During the introduction, the researcher will:

- ▶ Explain the purpose of the study
- ▶ Communicate that there is no compensation for participating in it
- ▶ Explain that respondents will not directly benefit from participating
- ▶ Inform that while findings will be published, no information that can identify respondents will be included

The questionnaire is meant to serve as a guide. It is open-ended, and follow up questions can branch off, or follow on questions dropped or reformulated as per the case.

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## **QUESTIONS:**

1. Did you attempt to resolve your crisis through other means before approaching the authorities/ the formal system? What influenced your decision to reach out to the formal system?
2. Which public or private institutions have you accessed/ tried to access?
3. What enabled or disabled you from reaching out?
4. Did it offer you whatever support you expected? What problems did you face?
5. What were they not able to do? Did they refer you to others who could?
6. Did you try accessing/ access to other institutions later? What was your experience there?
7. How did you find out about which support institution to avail? Did you approach it on your own?
8. Have you been able to share your story with other women? Why do you think women don't approach official/ non-governmental organizations for help? What could be done to enable them?
9. If you were to design your own support service, what would you put in that it currently not there?
10. What are your plans?

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## ANNEXURE C

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### LIST OF KEY INFORMANT INTERVIEWS

- Kaneez Fatima, Chairperson, Punjab's Women Protection Authority
- Nuzhat Shireen, Chairperson, Sindh Commission on Status of Women
- Anis Haroon, Ex-Chairperson of National Commission on Status of women, currently Sindh Member, National Commission on Human Rights
- Khawar Mumtaz, Ex-Chairperson of National Commission on Status of Women
- Fauzia Viqar, Ex-Chairperson Punjab Commission on Status of Women
- 2 Police officers from Punjab (name withheld on request)
- 2 Police officers from Sindh (name withheld on request)
- Fouzia Saeed, feminist author, activist
- Gulnar Tabassum, previously head of Dastak shelter, presently ShirkatGah
- Farzana Bari, ex-Director, Gender Studies Center, Quaid-e-Azam University, consultant
- Rubina Shah, previously head of Dar-ul-Aman, Punjab
- Saliha Ramay, women's rights advocate
- Sidra Iqbal, women's rights advocate, previously managed Darul Amans across Punjab
- Dr. Shaheen Shakir, Medical practitioner
- Dr. Aliya Batul, Medical practitioner
- Uzma Noorani, Director, Panah shelter and HRCP
- Zar Bano, Manager, Panah Shelter
- Sara Zaman, women's rights activist, researcher, previously head of War Against Rape
- Haseen Musarrat, women's rights organizer and activist
- Arfana Mallah, academic, feminist activist
- Amar Sindhu, academic, feminist activist
- Sara Malkani, Lawyer
- Maliha Zia, Lawyer
- Habib Jiskani, Lawyer
- Farieha Aziz, women's rights activist
- Survivors of violence in Sindh (name withheld on request)
- 3 survivors of violence in Punjab (name withheld on request)



**HEAD OFFICE**

Spanish Homes,  
Mezzanine Floor,  
Plot No. 13/A  
DHA, Phase 1, Karachi

**PHONE**

+92-021-35390133,  
+92-021-35390135  
Fax +92-21-99266015  
SLACC 0800-70806

**FACEBOOK**

@LegalAidSocietyPakistan

**WEBSITE**

[www.las.org.pk](http://www.las.org.pk)

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