



## THE PARADIGM OF VIOLENCE AGAINST WOMEN IN PAKISTAN: A CONFLICT BETWEEN LAW, CULTURE AND RELIGION

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### **Abstract:**

The issue of violence against women, deeply ingrained into the culture of Pakistan, has recently caught the attention of the increasingly active and effective civil society in the country. Both national and international organizations continue to work towards alleviating the issue at large. However, a major barrier towards tackling the issue at hand is the overlapping nature of the culture and religion that has put forth the topic of violence against women as a taboo in the society. Religious misinterpretations alongside cultural norms and the ineffective implementation of laws have led to a weak status of women in Pakistan where it is difficult for women to voice their opinions or claim their rights.

**Keywords:** violence against women, culture, religion

### **1. Introduction**

The historic belief of men being physiologically stronger than women helped allocate gender roles in societies, which granted an upper-hand to men while assigning domestic work to women. The prevalent divisions of labour made women appear as a weaker sex, hence subjecting them to different forms of violence, perpetuated in many societies to this day. Transnational ideas such as human rights have attempted to tackle such violence against women. The difficulty in implementing such western concepts, however, is that they may tend to overstep the bounds of the eastern cultural context and norms.

Violence against women (VAW) occurs most often in the form of 'intimate partner violence', which not only includes physical or sexual violence, but also the psychological abuse inflicted upon them. This issue is not specific to any nation or state,

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instead is a universal concern that has been acknowledged by human rights activists and feminists in recent years. Gender based violence (GBV) is an issue that persists globally, and even though much work has been done to tackle this predicament, it still exists in societies at large. It is estimated that 35% of women worldwide have experienced physical or sexual violence at least once in their lifetime [1]. The issue of violence against women however is predominantly prevalent in the Middle East and North Africa, with above average levels of violence [2]. Whereas culture may be a strong aspect of the existing high level of violence against women in the Middle East, another factor escalating the occurrence of violence against women may be the crises faced in the region, specifically the war in Iraq and the on-going Syrian crisis. There is in fact evidence of families resorting to negative coping mechanisms in the Syria Crisis, which specifically targets women and girls, including early marriages and survival sex [2]. Caseworkers working for Oxfam in Syria noted the exploitation of Syrian women refugees by landlords, who are offered free accommodation or money in exchange for sexual favours. This demonstrates the vulnerability of women, especially in the female-headed households [2].

This research paper overviews the context of Pakistan in terms of violence against women, and highlights the intricate link between the law, culture and religion of the country. While law is indispensable for the deterrence of crime, it alone can not eradicate malicious acts such as violence against women from the society. Raising awareness to transform a society is equally important, which includes not only women empowerment and granting women their rights, but also taking men on board by sensitizing them against violent behaviours towards women. Apart from the government, the civil society plays a large part in bridging the gap between legislation and social practices of the country. Awareness regarding religion is also vital in the context of Pakistan, as much of the religious content is misinterpreted due to the established cultural norms that overlap with religious practices.

## **2. Context of Pakistan**

Pakistan is the sixth most populous country in the world, with an estimated population of 188 million and women constitute almost half the population of the country. The country has adopted a number of key international commitments to gender equality and women's human rights. Prominent among these are The Beijing Platform for Action, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Millennium Declaration and the eight Millennium Development Goals 2015 have now been replaced with the recently adopted 17 UN Sustainable Development Goals (SDGs) 2016 to 2030. The SDGs include a commitment to a number of social issues faced in Pakistan, including gender equality. Despite these

commitments, Pakistan's ranking on gender equality remains one of the lowest in the world.

Despite the agreement of different international treaties, Pakistan ranked 144 out of 145 when measured for the overall gender gap in the Global Gender Gap Report 2015, and has stayed at the bottom position since 2006 [3]. What brings the country to the lowest position is the inequality in economic participation and opportunity, followed by a gender imbalance in the access to education and health. The country however ranks much better when measured for the gender gap in political empowerment, as the ratio of seats reserved in the parliament and political parties for women has increased in the past few years. Even though the statistics provided by the Gender Gap Report portray the poor condition of women in Pakistan, the report still lacks information regarding violence against women, which is rather imperative in defining the wellbeing of women.

While the culture in most rural areas of Pakistan confines women within the four walls of the house in order to guard their safety and respect in the society, the safety of women however is not guaranteed even when surrounded by their own family members. There are still cases reported of violence, including rape, by family members such as uncle, brother-in-law or father-in-law. Common practices include domestic violence, early forced marriages, honour killings, acid attacks, and murder. As reported by the Human Rights Commission of Pakistan, in 2014 alone, a total of 104 women were burned in acid attacks, incidents of gas leakage and stove burning, and 837 women were killed in the name of honour [4]. Moreover, there were 368 incidents of domestic violence reported in the media in the same year, with husbands as the most common perpetrators. According to the Punjab police crime statistics, in the province of Punjab alone, there have been 1516 rape cases and 106 gang-rape cases registered just in the first six months of 2016 [5]. The high rates of crime against women illustrate a weak judicial system in Pakistan, despite the numerous efforts gone into the creation and implementation of women protection bills.

According to the Punjab Gender Parity Report 2016, there has been an increase in reporting violence against women by twenty percent each year from 2012 to 2015 [6]. An increase in reporting however does not necessarily symbolize a rise in the crime, rather may reflect an increase in the registration of complaints due to improved access and resources available to women and girls or through women empowerment. Regardless of what the reason may be, the responsibility lies on the government to improve the country's law and order situation and ensure that strict action is taken against the offenders of violence against women in order to bring a halt to the increasing rates of reported violence.

### 3. Laws in Pakistan

There have been quite a few bills passed regarding protection of women in Pakistan. The [Pakistan Penal Code 1860](#) addresses a number of forms of violence against women, including assault, rape, criminally detaining or intimidating women, and insulting women's modesty. The Protection of Women (Criminal Laws Amendment) Act 2006 made amendments to many of the punishments of adultery introduced by the *Hudood Ordinances* (Islamic laws) in 1979. This Act passed by the Pakistan parliament was however heavily criticized for being in contradiction with the Islamic teachings. Under the *Hudood Ordinances*, a woman reporting a rape case needs to provide four male witnesses as per the law stated in the Quran, to avoid false accusations made. This specific law was created fourteen hundred years ago, long before science and technology gave birth to the concept of DNA. Today, DNA evidence plays a big role in sexual assault cases to help determine the offender. The Islamic concept of providing witnesses for rape hence needs to be moulded according to mechanisms available at this point in time.

Other relevant laws passed include the Acid Control and Acid Crime Prevention Act 2011, under which the use of acid to deface or hurt women was criminalised. Forced marriages and the practice of marrying women to the Holy Quran were also criminalised under the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011. Furthermore, in 2013, the Sindh Assembly passed a the Domestic Violence (Prevention and Protection) Bill 2013, which stated punishments for those found guilty of domestic violence against the vulnerable groups especially women and children. Recently, the Punjab government passed the Protection of Women against Violence Act 2016, which was widely condemned by some of the most prominent religious leaders across the country who considered it as an anti-men law and believed that the bill passed would lead to the weakening of the family structure and chaos in the society.

It is hence apparent that drafting and passing a law protecting women is not the only challenge faced in the patriarchal society of Pakistan, but the acceptance and implementation of national laws and policies is another much greater struggle met by the society. With a rather weak and male dominated judicial system, the issue of violence against women has been taken up by the civil society of Pakistan in recent years, with national and international non-governmental organizations (NGOs) working together to alleviate the malicious practice of injustice to women caused by violence, whether physical or psychological.

#### 4. Violence against Women in the Islamic Context

What makes the topic of violence against women a taboo in Pakistan is the perplexity between its culture and religion. As an Islamic state following the Shariah law (law according to the Quran and Sunnah of Prophet Muhammad), the country has always struggled to provide laws favourable to the vulnerable groups, which not only includes women but also the religious or ethnic minorities. The issue of domestic violence is somewhat justified by quoting the Holy Quran, which includes the following statement in Chapter 4, verse 34:

*“Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband’s] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.” (4:34)*

A direct quote from the holy book of Islam leaves no room for an argument, as it is a book believed to be unchanged since the time it was revealed and compiled fourteen hundred years ago; a book considered to be a word from God for all Muslims to follow till the end of time. The Quran however also commands the believer to reason with the message it holds and to understand the true meaning behind each verse. Even though the holy book is considered to be timeless, its revelation fourteen hundred years ago with specific messages targeted for the people of that time makes it necessary for the reader today to capture the symbolic meaning held in each verse.

To understand each verse in the Quran, it is necessary to first comprehend the context in which it was revealed. Since the Quran was revealed in the Arabic language, the translation to any other language may not be an exact depiction of the true message, as linguistics differs to make each language unique. Thus, to apprehend the above quoted verse, the Arabic language must be studied carefully. The phrase *“wadribu hunna”* in the Quran is what has been translated to ‘strike them’. The root of the word ‘wadribu’ comes from ‘daraba’, a word that has been used in a number of times in the Quran with different meanings, varying from ‘tap’ to ‘walk in stride’ to ‘strike at something’ to ‘set a clear example’. As stated by Ahmed Ali in his book ‘Al-Quran: a contemporary translation’, one of the key rules of understanding words of the Quran is to investigate their usage in other places [7]. The word ‘daraba’ has been used in a number of places in the Quran to mean ‘set forth’, ‘sets up for you’ or ‘makes known to you’, such as in the following verses:

*“And Allah sets forth parables for mankind...” (24:35)*

*“Allah sets forth an example for those disbelievers...” (66:10)*

Interestingly, the use of the word ‘*daraba*’ to mean ‘hit’ or ‘strike’ is only found in the verse related to the treatment of wives. This hence could be regarded as a misinterpretation of the Quran since the word otherwise has a consistent meaning throughout the holy book. In fact, whenever the imperative verb ‘*idrib*’ (from the noun *daraba*) is used in the Quran to denote ‘strike’, whether idiomatically or otherwise, the Quran always qualifies it by making it clear by stating what object to use to strike with, and/or what part of the body or object to strike [8]. For example:

*“And [recall] when Moses prayed for water for his people, so We said, ‘Strike with your staff the stone’...” (2:60)*

*“Then We inspired to Moses, ‘Strike with your staff the sea’...” (26:63)*

*“And take in your hand a bunch [of grass] and strike with it...” (38:44)*

The word ‘*daraba*’ in verse 4:34 however does not specify what object to use to strike with or what part of the body to strike. Religious scholars usually define it as ‘light tapping’, but that again is a perception of the scholarly men. A detailed study of the consistence use of the Arabic word under discussion would thus interpret the verse as ‘set forth an example’ which could mean giving a final warning to the disobedient wife, which could ultimately lead to separation. However, if the wife comes back to being dutiful towards her husband, the Quran asks the husband to forgo any negative feelings towards her, which clearly encourages a forgiving attitude between spouses. Violence of any kind, whether physical or psychological, is in no way sanctioned by Islam. The kind treatment of wives by Prophet Muhammad is an indeed example set for the Muslims to follow. Moreover, the Quran specifically points out at many places the kind treatment towards wives in different circumstances, such as during their menstrual cycles or even when divorcing them. As the holy book quotes:

*“...And live with them (women) in kindness...” (4:19)*

## 5. Conclusion

The civil society of Pakistan has indeed played a major role in empowering women across the country that has helped women to claim their rights and also to avoid different types of violence against them. However, this transformation has been a fairly lengthy process and trivial in terms of its effect due to the vast impediments that exist in overcoming the deeply-rooted issue of violence against women in Pakistan.

Brining about a transformational change in the attitudes and beliefs of people in Pakistan is perhaps the key to establishing equality across gender. Teaching the true meaning of Quran could erase the misunderstandings that have subsisted in the society since decades due to a few male religious scholars that have conveniently interpreted the Quranic message according to their personal will and understanding. This matter could be taken up by the dynamic civil society in the country since it has a wide national outreach. Whereas challenging the religious scholars might draw criticism towards the civil society, especially towards the international NGOs that in the past have been blamed for promoting a 'western agenda', the struggle however may be worth it. Reasoning with the teachings of Islam may be the solution to many of the issues pertaining in the society that are resultant of the existing cultural norms. Campaigns and projects carried out by the development sector can indeed bring about a long-term effect by also incorporating the religious aspect, as the misinterpretation stands as a big hurdle between women and their human as well as Islamic rights. This change however is not attainable in a short span of time; rather it requires vigorous work over time to successfully elevate the status of women in Pakistan.

It is imperative to carry out further research on Islam for interpreting Quran in today's context (*Ijtihad*<sup>ii</sup>) and to develop a cadre of female religious scholars in the country who can advocate for women's Islamic rights. Research funds must also be made available to sensitize the influential figures of the society, such as religious scholars and local leaders, who tend to be particularly authoritative in the rural areas. The solution hence lies in a multi-thronged approach to curb violence against women. With successful implementation of laws and a transition of the rigid cultural and religious mindset, a change is inevitable. Collaboration between the government and civil society is thus crucial to successfully curb violence against women from the society.

Ensuring a safer environment for women will not only benefit the women of Pakistan, but ultimately the economy. As the great Noble Laureate Amartya Sen argued in his book 'Development as Freedom', the wellbeing of women resides in different

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<sup>ii</sup> An Islamic legal term referring to independent reasoning or original interpretation of problems not precisely covered by the [Quran](#), *Hadith* (traditions concerning the Prophet's life and utterances), and [Ijma](#) (scholarly consensus).

factors including women's ownership of their rights that comes from freedom, and freedom is not only the principal mean but also the primary end to development [9]. When this phenomenon is understood and acknowledged by the society, perhaps a change will then be viable, and a ray of hope will emerge.

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