NON-COMPLIANCE OF LAWS ON DOMESTIC VIOLENCE AGAINST WOMEN IN DISTRICT SWAT, KHYBER PAKHTUNKHWA

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Abstract

Women's safety and their political, social, and financial fame in Pakistan are undermined through hardened social biasness, discriminatory legislation, and unresponsive kingdom institutions; their lives and livelihoods also are threatened through violent extremism. Violence in opposition to girls is an inherited exercise strictly observed throughout Swat. Predominantly inhabited through Pashtun population, humans of this vicinity, proportion many traits with the relaxation of the Pashtun society. Social shape of the vicinity is exactly customary alongside inflexible traces of Pashtunwali and Deobandi sect of Islam. Operating independently those codes of existence overlap every different in lots of components and decide unique position/sphere of affect for each the genders. There had been different factors that have an effect on girls' schooling. Based on findings, it become advocated that terrible mind-set closer to lady schooling have to be discouraged thru mass media. Early marriage way of life have to be banned. Secondary schooling have to be made free, and a unique software of scholarships have to be lunched for lady students. School homes have to be built on possible and appropriate locations have to be arranged.

Introduction

Women in our society are difficulty to home violence, torture, and aggression. Domestic violence in opposition to girls (DVW) has been described in one of a kind phrases in step with societal and cultural contexts and needs. However, World Health Organization (WHO) describes it as "a number sexual, mental and bodily acts of violence in opposition to younger girls and youth through male companions who've been near or had been with them withinside the shape of conduct control, financial abuse or stress and social isolation; bodily abuse withinside the shape of abuse, slapping or slapping, and sexual abuse withinside the shape of compelled sex" (Ellsberg, 2005).

Violence against women before Islamic Period

In pre-Islamic Arabia violence towards girls commenced at start withinside the shape of girl infanticide. Islam prohibited the exercise of girl infanticide. Not best did the Quran limit this exercise, however it additionally mocks folks who view the start of a woman baby with contempt. (Quran 16:58-59).

Islam's mandate of equality among men and women necessitates that each one types of violence towards girls be eradicated, for as long as girls go through abuses, girls can not obtain their complete capacity as unfastened and identical individuals of society. Islam condemns all types of violence towards girls. The simple Islamic premise of equality among men and women can not be accomplished as long as

violence towards girls persists. Islam's function on home violence is drawn from the Qur'an, prophetic exercise (sunnah), and historic and modern-day felony verdicts (fatwas).

The Qur'an and prophetic exercise actually illustrate the connection among spouses. The Qur'an says the connection is primarily based totally on tranquility, unconditional love, tenderness, protection, encouragement, peace, kindness, comfort, justice, and mercy.

The Teaching of the Holy Quran

Islam protects ladies in sturdy phrases and has denigrated the difficulty of honor killing. This reality is clear from the lessons of the Holy Quran. The Holy Quran embodies the phrases of Allah, and people who do now no longer perform the dispensation of the kingdom in step with the Holy Quran are non-believers. How the Holy Quran prohibits honor killing is clear from the subsequent provisions of the Holy Quran.

The Qur'an teaches us that Adam and Eve have been constituted of the equal soul; each similarly guilty, similarly accountable and similarly valued. As Muslims, we consider that each one humans are born in a natural kingdom as women and men and that we ought to attempt to hold this purity thru faith, in addition to desirable intentions and deeds. Men and ladies are of the equal family, and as such have comparable rights and duties, and their Lord guarantees them withinside the Glorious Qur'an: "Never will I waste the paintings of a employee amongst you, whether or not male or female, certainly considered one among you being from the other." [Al-Qur'an 3:195].

The best student of Islam become a woman; Aisha (RA). The individual who cherished the Prophet (saw) the maximum become a woman; Fatima (RA). The first individual to embody Islam become a woman; Khadija (RA).

Women empowerment through Islam

Islam has supplied numerous rights to ladies in numerous domain names of life. The honour killing in opposition to ladies is devoted due to the susceptible function of ladies in society. Islam has empowered ladies via way of means of offering them numerous rights and that they have additionally been an extended manner to deter honour killings in opposition to ladies. Islam has supplied rights to ladies on the political, social, and financial degrees and has empowered ladies in society (Oh, 2001).

Violence against women in Pakistan

Violence towards ladies is as massive problem in Pakistan as it's far throughout the globe. Violence on ladies has been found in our society considering the fact that instances immemorial. The ethics, values, morals, lifestyle of the society has been framed in this kind of manner or we are able to say established in this kind of manner in an effort to sell exploitation of this phase that is in fact the foundation of the society. Subsequent governments, media, political events and NGO's; all aren't handiest turning into vocal for the 'safety of ladies's rights' and towards the ever-so-increasing towards ladies' however also are relentlessly striving for 'powerful legislation', in particular, towards home violence (Gavino, 2008).

This motivational goal is commendable, and high-quality efforts are wanted on this respect. Whereas on the only hand, they're elevating voices towards violence on ladies, and severe worries are being proven over this problem; however, on the alternative hand, the nearby context isn't always being considered withinside the manner of coverage making. The sociofinancial dynamics, non secular and cultural identity, in addition to social and ethical values are being neglected through coverage makers, which ends withinside the implementation gap. Numerous underlying elements which might be propagating violence also are now no longer being accounted for. Non-inclusion of all stakeholders is likewise a primary barrier toward attaining any sustainable solutions (Babur, 2007).

Causes of Violence against women in District Swat

Women are constantly taken into consideration as vulnerable and worthless character in Pakistan mainly in District Swat. The accurate spouse is a self-sacrificing character who suffers with out criticism all of the miseries imposed on her via way of means of her husband and in laws. First of all ladies are unaware and uneducated. They do now no longer recognize their rights to lifestyles even fundamental rights and that they

do now no longer combat for his or her rights. So human beings take advantage of them without difficulty. When ladies undergo all in their exploitation over them then it's far usually running. Men stay dominantly withinside the society. They do now no longer need girl get any distinguished and excessive seat or trendy or end up same or dominant over them. The bad belief of the police has often; led human beings to take the regulation into their very own hands, main to greater violence and crook calculate that they could without difficulty escape from this deed via the assist of police or every other forceful character (Chaudary Sharif, 2004).

Generally the police station refuse to sign up such kind of lawsuits from the girl and rather ladies are requested to simply accept reconciliation and with draw the instances, a lot in order that even kingdom ladies's shelters additionally recommend the girl to simply accept reconciliation. Mostly the ladies are even blind to their fundamental rights. A newspaper survey in 2000 mentioned that nearly 90% of ladies did now no longer understand that that they'd any rights at all. In such instances if there's any violence towards them even then they don't record it to anyone. Poverty and the more serious monetary situation are the motives at the back of the home troubles which occasionally begin with violence and come to be in separations and occasionally in divorces. Possessive mother-in-regulation's who don't need to proportion her son's interest together along with her daughter-in-regulation and she or he don't recollect her as her very own daughter, in addition in a few instances or conditions daughter-in-regulation additionally have the identical behavior, together along with her-inlaws, which might also additionally purpose violence towards them. In the male ruled society if at any time a small misbehavior withinside the a part of ladies is performed it isn't always tolerated and is taken into consideration as shame and chance to the honour of men, or society, so the end result is violence towards ladies.

Forms of Violence against Women in Swat

No doubt that violence against women is a bitter reality of every society across the Pakistan! In the Swat context as well, this is an issue of grave concern. News of innumerable horrifying instances surface the media time and again. And it is a fact that a major proportion of the instances remains unreported. The most common forms of violence against women in Swat include:

- Denial of basic human rights
- Low level of respect in society
- Domestic brawls over petty issues
- Use of abusive language/behavior
- Public humiliation
- Physical beatings
- Burning with kerosene oil
- Marrying without consent
- Child-marriages
- Marrying older men for the sake of money
- Honor-killings/karokari
- Marriages to the Qur'an
- Deprivation from inheritance
- No right to ownership of money and property
- Forced pregnancy/abortion
- Pre-natal sex selection
- Defamation through media (especially social media)
- Trafficking/pornography/forced prostitution.

A long list of injustices carried out against women in Swati society can be made indeed. Although sad to admit, yet this remains an often denied, ugly face of the society, and all segments of society need to vocally express genuine concerns and grief over it.

These sorts of violence are all undoubtedly against basic concepts of humanity and social justice, as well as religious teachings of Islam; the dominant religion practiced in Pakistan. There can be no justification for these heinous crimes, whatsoever. Accurate facts and figures are also not available through any reliable sources (Afsaneh, 2015).

Most of the cases go unreported. When such incidents are reported, the blame is put on women, one way or the other, and they become

subject to utter humiliation and disrespect. Their own immediate families as well as their community refuse to support them in majority of such cases. Men are seldom given their due share of the blame and are rarely ever brought to justice.

The Constitution of Pakistan 1973

The Constitution of Pakistan provides supportive platform to achieve women rights and women empowerment goals as it does not discriminate between men and women. The Constitution of Pakistan has significant human rights content, while human rights concepts can be found from the preamble onwards; there is also a separate chapter on fundamental rights of citizens. A brief overview of relevant constitutional provisions is given below:

Article 3 calls upon the State to eliminate all forms of exploitation.

Article 4 provides for the right of individuals to enjoy the protection of law and to be treated in accordance with the law. This applies to the citizens as well as "to every other person for the time being within Pakistan". This article also clearly states that certain rights cannot be suspended.

Article 8 provides that existing law or practice, inconsistent with or in derogation of the fundamental rights, shall be void. It further prohibits the State from enacting any law or policy, in conflict with Fundamental Rights except "any law relating to members of the Armed Forces, or of the police charged with maintenance of public order for the purpose of ensuring the proper discharge of their duties.

Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone.

Article 26 and 27 provide for equal access to public places and equality of employment in the public and private sectors.

Articles 11 and 37 (g) prohibit trafficking in human beings as well as prostitution.

Article 32 makes special provisions for the representation of women in the Local Government.

Article 34 directs the State to take appropriate measures to enable women to participate in all spheres of national life and community activities. In addition Articles 25(3) & 26(2) allow the state to make special provisions for the protection of women and children.

Article 35 asks the State to protect the marriage, the family, the mother and the child. Ÿ Article 37 (e) directs the State to make provisions for securing just and humane conditions of work and ensuring that children and women are not employed in vocations unsuited to their age or sex, and for ensuring maternity benefits for women in employment. (The wording of the provision is archaic compared to present thinking on women's rights but the maternity benefit mentioned in the provision is available to and exercised by women as a matter of right. The issue of women not being employed in "vocations unsuited to their age or sex" was inserted as a guarantee against exploitation and was appropriate for the time and context in which the Constitution was drafted. However it has not been used to hinder the entry of women in nontraditional areas/ fields of work as is evidenced by the increasing numbers of women entering the uniformed services - the police, army, air force etc).

Articles 51 and 106 provide for the reservation of seats for women in the legislatures

Specific Legislation against Certain Offenses

Women's empowerment" refers to the process of women gaining power and control over their own lives. It constitutes an essential a part of the efforts to result in identical possibilities for males and females and includes consciousness raising. constructing self-consciousness. increasing alternatives, growing get admission to to and manipulate over assets and movements to convert the systems and establishments which enhance and perpetuate gender discrimination and inequality. Women Empowerment is expected withinside the wider framework of girls's rights and it's far an important element of sustainable improvement and poverty eradication.

It is a system that leads girls to comprehend their complete potential, their rights to have get admission to to possibilities, assets and alternatives with the liberty of selection making each inside and out of doors home. Studies have proven direct relation amongst girls's elevated get admission to to education, employment, political, monetary and herbal assets and discount in poverty and starvation and higher maternal and infant health. Therefore, on the way to obtain a sustainable boom and improvement, it's far essential that girls empowerment efforts are mainstreamed throughout all sectors and in any respect stages such as policies, strategies, systems, projects, system and budgetary allocations.

The National Commission at the Status of Women reviews that Pakistan is doing little to convey justice to perpetrators. If the own circle of relatives of the sufferer forgives the offender, then the offender can be let out no matter clean violation of Pakistani law. Oftentimes, households who're stuck in an honor killing case come from rural regions wherein households should paintings collectively in a village at the every day to live. When an honor killing occurs, the own circle of relatives of the sufferer are notably probably to forgive the offender primarily based totally on what elders of the village propose them to do (Muhammad, 2012).

Laws are failed to deal with violence against women in District Swat

At least 158 countries have passed laws on domestic violence, and 141 have laws on sexual harassment in employment. However, even when laws exist, this does not mean they are always complying with international standards and recommendations or are implemented and enforced. In 2020, Kuwait and Madagascar comprehensive introduced specific and legislation on domestic violence for the first time. The legislative history on women's rights issues has all those dark, grey, and bright patches. There have been repeated attempts and continued efforts by women and men parliamentarians for reform of existing laws and new positive legislation for women. The efforts went along determined struggle by women's rights groups and activists for long years against discriminatory laws and customary practices (The World's Women, 2015).

Marital Status of violence against women in District Swat

Most of the violence against women victims and/or survivors from District Swat 56% were married, 65% were unmarried and there was no information about the marital status of 37 victims and or survivors. The data, as was the case from other regions, did not talk about the occurrence of abuses in connection with polygamy and harmful cultural practices embodied in the institution of marriage like vanni, swara etc.

Threat to the lives of human rights defenders is common in Khyber Pakhtunkhwa (KP) province especially in District Swat region and they are routinely criticized for their work to further the rights of women and accused of promoting a western agenda. Reportedly, during a sermon on 7 May 2015, a politically influential religious cleric, Maulvi from district Swat in KP province warned female NGO workers against entering in various areas of Swat and threatened to forcibly marry violators to locals. He went on to declare that NGO workers would be prevented from trying to influence local women in the name of empowerment, decreed education employment for women un-Islamic and stated that honor killings were local custom and religious practice. Such statements have led to amongst human rights defenders, particularly women. The provincial government had not taken any steps to protect human rights activists and rights groups working in KP especially in Swat whose lives and safety were threatened. This is particularly concerning as the region is rampant with violations of women and girls' rights and NGOs working there urgently need the encouragement, support and protection of the government.

Age Groups of Violence against women in District Swat

Civil Society corporations operating in KPK and Swat, which include the Pakhtunkhwa Civil Society Network (PCSN) and Tribal NGOs Consortium (TNC) coalitions, got here collectively to explicit their deep challenge approximately the threats and lethal violence inflicted upon human rights defenders. These corporations which might be contributors of the End Violence in opposition to Women and Girls (EVAW/G) Alliance KP have created a Charter

of Demands calling upon the authorities to take pressing measures to make certain the protection of human rights defenders, specifically women, operating withinside the region, which include criminalizing intimidation, threats and assaults upon human rights employees and statements or decrees encouraging real violence in opposition to activists.

Forced and Early Marriage of Women and Girls in District Swat

Forced marriage is when at least one party is forced to consent to marriage. It is a violation of human rights. An overwhelming majority of marriages in district Swat are endogamous. Guardians mostly fathers, brothers, and uncles traditionally exercise the exclusive right to select marriage partners for their children, particularly girls, and their decisions are final. Around 99 percent of women do not have the freedom to choose their spouse, in District Swat. Where a marriage is registered, guardians may deliberately omit the bride's rights. Girls and women who defy their family's wishes are at risk of being killed.

Section 365B of the PPC criminalizes the abduction or kidnapping of a woman when it is likely she will be compelled to marry or seduced to illicit intercourse. PPC Section 496A refers to detaining a woman with criminal intent for illicit intercourse. In practice, the police seem to prefer the charges under Sections 365B and 496A. Still, criminal law cannot be the sole tool to eliminate forced marriages. The State must address cultural, economic, and social norms that interact to place girls and women at risk of early and forced marriage (Convention on the Elimination of All Forms of Discrimination against Women, 1979).

5.13 Child Marriages in District Swat

Child marriage is a shape of compelled marriage due to the fact youngsters can not provide consent. District Swat permit women as younger as sixteen years to marry and doesn't preserve the minimal age for boys at 18 years. Art. sixteen(2) of the Convention at the Elimination of All Forms of Discrimination in opposition to Women (CEDAW) publicizes that the "betrothal and the wedding of a infant shall don't

have any criminal effect." Child marriages additionally deny women the possibility to wholesome improvement and education. They additionally reveal women to extended threat of fitness headaches because of early being pregnant and home violence (The Child Marriage Restraint Act, 1929). Implementation of infant marriage legal guidelines stays tough because of numerous reasons, including "conventional norms, low quotes of beginning and marriage registration, and weaknesses withinside the police investigations and the judicial process. "Data compiled through for the Protection of the Rights of the Child from numerous newspapers screen that women go through the maximum while as compared to boys from dangerous conventional practices in District Karak."(Zahid, 2011).

5.15 Violence and Honor killing in District Swat

Given that the district of Swat is rural in nature. there's the more probability of the difficulty of violence in opposition to ladies to emerge. The presence of violence in opposition to ladies is greater glaring because of the reality that there are a few regions which might be past the attain of the regulation enforcement agencies, and in which the conservative and conventional thoughts have swaved people. According to one of the reviews of Human Rights Commission of Pakistan. The yr 2016 changed into greater deadly with regards to the difficulty of honor killing withinside the usa. The district Swat changed into additionally in limelight because of the instances of honor killing withinside the usa. In latest years, the usa have witnessed a upward push in honor killing. In this specific incident a ladies changed into gunned down through her relative for having set up illicit relations.

Conclusion

The look at changed into useful in assessing the kingdom of ladies in District Swat and understanding their perceptions approximately their rights. It additionally proved a catalyst to locating out the reasons of violence towards ladies in Swat society and what ladies consider it and the way they could address this problem. I even have given thorough suggestions, withinside the end, to be followed with the aid

of using the humans of District Swat, the kingdom/authorities and with the aid of using personal businesses which make the look at extra meaningful. The look at is a contribution in the direction of the removal of discrimination towards ladies withinside the shape of home violence. The entire state of affairs results in the belief that violence towards ladies exists in one-of-a-kind paperwork in District Swat and in any respect stages of society.

The principal purpose at the back of this kind of sizeable incidence of violence is the patriarchal way of life practised during the province specifically District Swat below look at. Culture, norms, traditions or even the translation of faith outline electricity members of the family inside own circle of relatives systems and dictate men's dominance over ladies in all components of life. Male dominance prevails withinside the society in any respect stages; but their "honour" fails to in shape their masculinity in all different subjects and stays notably delicate, without difficulty compromised with the aid of using and notably established upon their ladies's modesty and sexuality. Some elements that beef up such an orthodox outlook are the extent and pleasant of education, get right of entry to to police stations and different facilities, feudal attitude and rituals, misinterpretation of faith, etc. Furthermore, what's extra, ironic is that each one organs of the crook justice machine of the us of a actually have a bias towards ladies and oftentimes, ladies face discrimination, abuse and harassment on the palms of those establishments and law which suggests non-compliance of legal guidelines on home violence towards ladies .

There were a few enhancements these days and the kingdom attempts to deal with those problems via a parliamentary approach, but implementation lags at the back of the bills, giving manner to persevered acts of violence. Media has been highlighted as gambling on the only hand as an agent of alternate and on the opposite as a way of violence relying upon the content material shown. Similarly, civil society is likewise a good deal favored in addition to closely criticized. Nevertheless, it changed into agreed that they do now no longer feed violence and, at worse, fail to deliver a holistic and sustained alternate withinside the society.

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