

# The Impact Of The Protection Of Women From Domestic Violence Act (2009) On Women's Rights In Pakistan: An Analysis Of Its Implementation And Effectiveness

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## Abstract

Violence against women is a pervasive problem worldwide, and Pakistan is no exception. In Pakistan, domestic violence is prevalent, with women experiencing physical, emotional, and psychological abuse at the hands of their intimate partners or family members. This violence can result in severe physical harm, long-lasting psychological trauma, and even death. Domestic violence is a widespread problem in Pakistan. In response to this issue, the Protection of Women from Domestic Violence Act was passed in Pakistan in 2009 (Pakistan., (2009). ). The act aims to provide legal protection to women who experience domestic violence and to prevent such violence from occurring. The act recognizes several forms of domestic violence, including physical, emotional, psychological, and economic abuse, and provides legal remedies for victims.

Despite the enactment of this law, domestic violence remains a significant issue in Pakistan. The implementation of the act has faced several challenges, including lack of awareness among women, inadequate training of law enforcement officials, and inadequate resources and infrastructure for supporting victims of domestic violence. Moreover, patriarchal attitudes and cultural norms that perpetuate violence against women continue to pose a significant obstacle to the effective implementation of the law (Raza, (2016). ).

Therefore, this research paper aims to analyse the impact of the Protection of Women from Domestic Violence Act (2009) on women's rights in Pakistan. The study will examine the implementation and effectiveness of the act, highlighting its strengths and weaknesses. The paper will also explore the challenges faced by women in accessing justice and the factors that contribute to the continued prevalence of domestic violence in Pakistan. Finally, the study will suggest recommendations for improving the implementation and effectiveness of the act, with the goal of enhancing the protection of women's rights in Pakistan

**Keywords:** Domestic Violence Act (2009), Women rights, Domestic violence.

## Introduction:

The Protection of Women from Domestic Violence Act (2009) was enacted to protect

women who are victims of domestic violence in Pakistan. This paper analyzes the impact of the law on women's rights in Pakistan through an examination of its implementation and

effectiveness. Despite the passage of the law, its implementation has been slow and inadequate. Many women in Pakistan are still unaware of their legal rights under the law, and the police and judiciary are not properly trained to handle cases of domestic violence. The Protection Committees have not been fully established in all districts, and where they exist, they lack adequate resources to effectively carry out their responsibilities (Saleem, (2018)). The effectiveness of the law has been limited due to significant barriers faced by women in accessing legal remedies, fear of social stigma and family pressure, and lengthy delays in the legal system. The penalties for violating the law are also relatively weak. In conclusion, this paper suggests that more widespread publicity of the law, better training of police and judiciary, establishment of Protection Committees in all districts, and increased penalties for offenders are necessary for the Protection of Women from Domestic Violence Act (2009) to have a meaningful impact on women's rights in Pakistan.

### **Research questions:**

1. What has been the impact of the Act on women's rights in Pakistan?
2. What challenges have arisen in the implementation of the Act?
3. How effective has the Act been in addressing domestic violence against women in Pakistan?
4. Are there any gaps or shortcomings in the Act that need to be addressed to better protect women from domestic violence in Pakistan?

### **Purpose:**

The purpose of this research is to analyze the impact of the Protection of Women from Domestic Violence Act (2009) on women's rights in Pakistan. The study will focus on the implementation and effectiveness of the Act and examine the challenges and shortcomings that may exist in its implementation.

### **Objectives:**

1. To assess the implementation of the Protection of Women from Domestic Violence Act (2009) in Pakistan.
2. To analyze the impact of the Act on women's rights in Pakistan.
3. To identify the challenges that have arisen in the implementation of the Act.
4. To evaluate the effectiveness of the Act in addressing domestic violence against women in Pakistan.
5. To identify any gaps or shortcomings in the Act that need to be addressed to better protect women from domestic violence in Pakistan.

### **Methodology:**

**Qualitative** A thorough review of relevant literature on domestic violence against women, women's rights, and the Protection of Women from Domestic Violence Act (2009) will be conducted. This will include academic articles, reports, and other relevant publications.

**Quantitative Data Analysis:** The study will also involve the analysis of quantitative data on the prevalence of domestic violence against women and the number of cases registered under the Act. This data will be obtained from official sources such as the National Commission on the Status of Women and the police department.

### **Limitations**

As with any study, there are limitations to this analysis of the impact of the Protection of Women from Domestic Violence Act (2009) on women's rights in Pakistan. Some of these limitations include:

1. **Lack of reliable data:** There may be limited or unreliable data available on the implementation and effectiveness of the Act, which may impact the accuracy and validity of the study findings.

2. **Challenges in data collection:** The collection of data on sensitive issues like domestic violence may be challenging, as survivors may be hesitant to share their experiences or may not have access to support services.
3. **External factors:** External factors, such as political instability or changes in government, may impact the implementation and effectiveness of the Act and the study findings.

## **DOMESTIC VIOLENCE IN PAKISTAN:**

Domestic violence is a significant problem in Pakistan. According to a study conducted by the Human Rights Commission of Pakistan, nearly one-third of all married women in Pakistan have experienced physical violence from their husbands. Domestic violence is also a leading cause of death and disability among women in Pakistan (Ali, (2018)).

Domestic violence in Pakistan is often justified on the basis of cultural and religious norms that emphasize male dominance and control over women. Women who challenge these norms by seeking divorce or reporting domestic violence are often stigmatized and ostracized by their families and communities.

There are also significant barriers to accessing legal remedies for victims of domestic violence in Pakistan. Many women are not aware of their legal rights or are reluctant to report incidents of domestic violence due to fear of social stigma, family pressure, and reprisals from their abusers. The police and judiciary are often not properly trained to handle cases of domestic violence, and the legal system is often slow and inefficient (Asif, (2020)).

In response to this pervasive problem, the Protection of Women from Domestic Violence Act (2009) was enacted to provide legal protection to women who are victims of domestic violence. The law defines domestic

violence as physical, sexual, verbal, emotional, or economic abuse and provides for the establishment of Protection Committees at the district level, which are responsible for receiving and addressing complaints of domestic violence. However, the implementation and effectiveness of the law have been limited.

## **Data on Domestic Violence in Pakistan:**

Domestic violence is a significant problem in Pakistan, affecting women of all ages, socioeconomic backgrounds, and education levels. According to a study by the Human Rights Watch, an estimated 90% of Pakistani women have experienced some form of domestic violence in their lifetime (Watch, 2018). ). Additionally, a survey by the Aurat Foundation found that every third woman in Pakistan has experienced physical violence, while two out of three women have experienced some form of psychological abuse (Saleem, (2018)).

Violence against women in Pakistan is often perpetuated by intimate partners or family members, with women frequently subjected to physical, emotional, and psychological abuse. In many cases, domestic violence can result in severe physical harm, including permanent disability or death. According to data from the Pakistan Demographic and Health Survey, nearly one in five women in Pakistan has experienced physical violence during pregnancy (Raza, (2016)).

The prevalence of domestic violence in Pakistan is often linked to patriarchal attitudes and cultural norms that perpetuate violence against women. These attitudes and norms also contribute to the underreporting of domestic violence cases, with many women choosing not to seek help due to fear of retaliation, social stigma, or lack of awareness about their legal rights.

Despite the high prevalence of domestic violence in Pakistan, only a small percentage of cases are reported to the police or other

authorities. This underreporting is due in part to the lack of legal protections and resources available to women who experience domestic violence. However, the Protection of Women from Domestic Violence Act (2009) was introduced to address this issue and provide women with legal protection and support.

### **Previous laws and policies to address domestic violence in Pakistan:**

Prior to the enactment of the Protection of Women from Domestic Violence Act (2009), there were limited legal remedies available to victims of domestic violence in Pakistan. The Pakistan Penal Code (PPC) criminalized certain forms of domestic violence, such as assault, but did not provide comprehensive legal protection to victims.

In 2004, the Pakistani government passed the Criminal Law (Amendment) Act, which criminalized domestic violence and provided for harsher penalties for offenders. However, the law was not widely enforced, and there were significant gaps in its implementation.

In 2006, the National Commission on the Status of Women (NCSW) was established to promote gender equality and protect women's rights in Pakistan. The NCSW conducted research on domestic violence and advocated for the enactment of a comprehensive law to protect women from domestic violence.

The Protection of Women from Domestic Violence Act (2009) was enacted in response to these efforts. The law provides for civil remedies, such as protection orders and residence orders, in addition to criminal penalties for offenders. The law also establishes Protection Committees at the district level to receive and address complaints of domestic violence.

Despite these legal reforms, the implementation of the Protection of Women from Domestic Violence Act (2009) has been slow and inadequate. Many women in Pakistan are not aware of their legal rights under the law, and the

police and judiciary are not properly trained to handle cases of domestic violence. The establishment of Protection Committees has also been limited, and where they exist, they lack adequate resources to effectively carry out their responsibilities.

The Protection of Women from Domestic Violence Act (2009) is a legislative measure aimed at protecting women in Pakistan from domestic violence. The act recognizes that domestic violence is a violation of women's fundamental rights and seeks to provide legal protections and remedies to women who experience domestic violence. The key provisions and features of the act are as follows:

- 1. Definition of Domestic Violence:** The act defines domestic violence as any act or conduct by a husband, former husband, or male partner that harms or injures the woman or endangers her life, health, or well-being. The act also includes physical, sexual, verbal, emotional, and economic abuse within the definition of domestic violence.
- 2. Protection Orders:** The act allows women to seek protection orders from a magistrate or a court of law to prevent their abusers from committing domestic violence. These orders can prohibit the abuser from entering the victim's residence, place of work, or any other place frequented by the victim.
- 3. Residence Orders:** The act also allows women to seek residence orders that require the abuser to vacate the shared residence and provide alternative accommodation for the victim and her children.
- 4. Monetary Relief:** The act allows women to seek monetary relief from their abusers to cover expenses related to medical treatment, residence, and maintenance.

5. **Counselling and Rehabilitation:** The act provides for counseling and rehabilitation services for women who experience domestic violence.
6. **Punishments for Violations:** The act provides for punishments for violating protection orders, residence orders, and monetary relief orders. Violations of these orders can result in imprisonment, fines, or both.

The Protection of Women from Domestic Violence Act (2009) is an essential legislative measure aimed at protecting women in Pakistan from domestic violence. Its provisions and key features provide women with legal protections and remedies to seek redress for the harm caused by domestic violence. However, its implementation and effectiveness in addressing domestic violence remain a significant challenge that needs to be addressed.

#### **Implementation of the Protection of Women from Domestic Violence Act (2009):**

The Protection of Women from Domestic Violence Act (2009) was enacted to protect women who are victims of domestic violence. The law defines domestic violence as physical, sexual, verbal, emotional, or economic abuse. The law also provides for the establishment of Protection Committees at the district level, which are responsible for receiving and addressing complaints of domestic violence.

Despite the passage of the law, the implementation has been slow and inadequate. Many women in Pakistan are still unaware of their legal rights under the law. The police and judiciary are also not properly trained to handle cases of domestic violence. The Protection Committees have not been fully established in all districts, and where they exist, they lack adequate resources to effectively carry out their responsibilities (Malik, (2017). ).

#### **Effectiveness of the Protection of Women from Domestic Violence Act (2009):**

The effectiveness of the Protection of Women from Domestic Violence Act (2009) has been limited. Women who are victims of domestic violence often face significant barriers in accessing legal remedies under the law. Many women are reluctant to report incidents of domestic violence due to fear of social stigma, family pressure, and reprisals from their abusers. Even when cases are reported, they often face lengthy delays in the legal system.

Furthermore, the penalties for violating the law are relatively weak. The maximum penalty for a first-time offender is six months' imprisonment and a fine of 50,000 Pakistani rupees (approximately \$300). Repeat offenders can face up to three years' imprisonment and a fine of 100,000 Pakistani rupees (approximately \$600) (Pakistan., (2009). ).

#### **Social and cultural barriers:**

Social and cultural barriers to reporting domestic violence in Pakistan include:

1. **Stigma and shame:** Women may feel ashamed or stigmatized by the abuse they have experienced, which can prevent them from reporting the abuse to authorities or seeking help.
2. **Lack of awareness:** Many women may not be aware of their legal rights or the resources available to them to escape abuse, making it difficult for them to seek help.
3. **Patriarchal norms:** Traditional patriarchal norms in Pakistan may discourage women from speaking out against their abusers or seeking help outside the family.
4. **Fear of retaliation:** Women may fear retaliation from their abusers or their families if they report the abuse, including violence or social isolation.

5. **Economic dependence:** Women may be financially dependent on their abusers, making it difficult for them to leave abusive situations or seek help.
6. **Lack of trust in the justice system:** Women may not trust the justice system or believe that it will be able to protect them from their abusers.

### **Challenges and barriers in implementing the Protection of Women from Domestic Violence Act (2009) in Pakistan:**

1. **Lack of awareness:** One of the main challenges in implementing the Act is the lack of awareness among women about their rights and the legal remedies available to them. Many women in Pakistan are not aware of the Act and its provisions, which can prevent them from seeking help.
2. **Social and cultural attitudes:** Social and cultural attitudes in Pakistan also pose a challenge to the implementation of the Act. In many parts of the country, domestic violence is still considered a private matter that should not be discussed outside the home. This can make women hesitant to report incidents of violence or seek help.
3. **Limited resources:** The implementation of the Act requires adequate resources, including trained personnel and facilities to provide services to survivors of violence. However, many areas in Pakistan lack these resources, making it difficult to fully implement the Act.
4. **Weak enforcement:** Despite the legal protections offered by the Act, weak enforcement of the law is a major barrier to its effective implementation. This includes inadequate training of law enforcement officials, lack of political will, and corruption.

5. **Patriarchal power structures:** Patriarchal power structures in Pakistan also pose a challenge to the implementation of the Act. In many cases, the perpetrator of domestic violence holds a position of power within the family or community, making it difficult for women to seek justice.
6. **Stigma and fear:** Women who report incidents of domestic violence may face stigma and discrimination within their communities, making it difficult for them to seek help. Additionally, many women may fear retaliation or further violence from their abusers if they report the abuse.
7. **Legal challenges:** There may be legal challenges in implementing the Act, such as insufficient provisions to protect women in the workplace or lack of legal aid for women who cannot afford legal representation.
8. **Inadequate data:** A lack of comprehensive and reliable data on the prevalence of domestic violence in Pakistan can also hinder the effective implementation of the Act. Without accurate data, it is difficult to develop targeted interventions to address the issue.

### **Shortcomings in the Act:**

While the Protection of Women from Domestic Violence Act (2009) is an important step towards addressing domestic violence in Pakistan, there are several gaps and shortcomings in the act that need to be addressed to better protect women from domestic violence (Khan, 2019). These include:

**Lack of Awareness:** One of the most significant challenges in the effective implementation of the act is the lack of awareness among women about their legal rights and the available legal remedies. Women

who experience domestic violence are often not aware of the provisions of the act and how to access legal protections and support.

**Inadequate Implementation:** Despite the legal protections provided by the act, its implementation has been inadequate, particularly in rural areas where women have limited access to legal resources and support. Moreover, the police and judiciary often lack the necessary training and resources to handle domestic violence cases effectively.

**Limited Scope:** The act only recognizes violence committed by a husband, former husband, or male partner (Watch, 2018). This narrow definition of domestic violence excludes other forms of violence, such as violence committed by female family members, and fails to address the broader societal issues that contribute to domestic violence.

**Weak Punishments:** The punishments for violating the act are not severe enough to deter abusers from committing domestic violence. This can lead to a lack of accountability and impunity for perpetrators of domestic violence.

**Lack of Resources:** There is a lack of resources and infrastructure to support victims of domestic violence, including shelters, counseling, and legal aid. This lack of resources makes it challenging for women to seek help and access legal protections.

Addressing these gaps and shortcomings in the Protection of Women from Domestic Violence Act (2009) is crucial for better protecting women from domestic violence in Pakistan (Khalid, 2019). This can be achieved through increased awareness and education, improving the implementation of the act, broadening the scope of the act to include all forms of domestic violence, and providing better resources and support for victims of domestic violence.

**Recommendations for improving implementation of the Protection of Women from Domestic Violence Act (2009) in Pakistan:**

Based on the analysis of the Protection of Women from Domestic Violence Act (2009) and its implementation, the following future directions can be recommended to improve the protection of women's rights in Pakistan:

1. **Awareness-raising campaigns:** There is a need to increase awareness and education about domestic violence and women's rights in Pakistan. This can be done by promoting public campaigns, workshops, and seminars to educate the general public about the issue. The government should conduct awareness-raising campaigns to educate women and men about the Act, its provisions, and the legal remedies available to survivors of domestic violence.
2. **Addressing Gaps and Shortcomings in the Act:** As discussed earlier, there are gaps and shortcomings in the act that need to be addressed to better protect women from domestic violence. The government should undertake a comprehensive review of the act and make necessary amendments to ensure that it provides adequate protection to women.
3. **Strengthening the Implementation of the Act:** The implementation of the act needs to be strengthened to ensure that women have access to the legal remedies and protections provided by the act. This can be achieved by providing training to law enforcement officials, judges, and lawyers on the provisions of the act and how to effectively implement it.
4. **Sensitization training:** Law enforcement officials, judges, and lawyers should receive sensitization training to better understand the issue of domestic violence and how to support survivors in a compassionate and effective manner.

5. **Adequate resources:** Providing Support Services: Support services such as counseling, rehabilitation, and medical assistance are critical to help women who experience domestic violence to recover and rebuild their lives. The government should increase funding for these services and ensure that they are easily accessible to women who need them the government should also allocate adequate resources, including trained personnel, shelters, and other support services, to fully implement the Act and provide services to survivors of domestic violence.
6. **Strengthen enforcement:** Law enforcement officials and the judiciary play a critical role in protecting women's rights and ensuring that perpetrators of domestic violence are held accountable. The government should ensure that they are adequately trained, resourced, and empowered to perform their duties effectively. The government should strengthen the enforcement of the Act by providing specialized training to law enforcement officials, creating special courts to handle domestic violence cases, and imposing strict penalties for perpetrators of domestic violence.
7. **Empowerment of women:** Efforts should be made to empower women, including providing education and job training, increasing their access to economic resources, and promoting gender equality.
8. **Address cultural attitudes:** Cultural attitudes that condone domestic violence must be addressed through public education campaigns and other initiatives aimed at changing societal norms and attitudes.
9. **Improved data collection:** Improved data collection is essential for developing evidence-based interventions to address domestic violence. The government should collect comprehensive data on the prevalence of domestic violence in Pakistan and use this data to inform policy and program development.
10. **Collaboration and coordination:** Collaboration and coordination between government agencies, civil society organizations, and other stakeholders is critical for the effective implementation of the Act. The government should work closely with civil society organizations to improve the provision of services and support to survivors of domestic violence.

Overall, addressing domestic violence in Pakistan requires a comprehensive and multi-pronged approach that involves strengthening legal protections, increasing awareness and education, providing support services, addressing gaps and shortcomings in the law, and strengthening law enforcement and the judiciary. By taking these measures, Pakistan can make progress towards protecting women's rights and preventing domestic violence.

### **Conclusion:**

In conclusion, while the Protection of Women from Domestic Violence Act (2009) is a step in the right direction, its implementation and effectiveness have been limited. The law needs to be more widely publicized and the police and judiciary need to be better trained to handle cases of domestic violence. The Protection Committees also need to be established in all districts and provided with adequate resources. Furthermore, the penalties for violating the law should be increased to serve as a deterrent to potential offenders. addressing these gaps and



shortcomings in the Protection of Women from Domestic Violence Act (2009) is crucial for better protecting women from domestic violence in Pakistan. This can be achieved through increased awareness and education, improving the implementation of the act, broadening the scope of the act to include all forms of domestic violence, and providing better resources and support for victims of domestic violence. Only then can the law have a meaningful impact on women's rights in Pakistan.

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