



# Standardized Indicators on **Violence** Against Women in Pakistan

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Published: September 2015

This publication is an outcome of the deliberations of the Technical Working Group on VAW Indicators convened by the National Commission on the Status of Women (May 2013- July 2015) and supported by the Gender Equity Programme of the USAID and the Aurat Foundation. The opinions expressed herein are those of the Technical Working Group on VAW Indicators and do not necessarily reflect the views of USAID or other cooperating organizations.

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Recommended citation:

National Commission on the Status of Women (NCSW) 2015. Standardized Indicators on Violence against Women in Pakistan. Islamabad, Pakistan.

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This publication is made possible by the generous support of the American people through the United State Agency for international Development (USAID) under the Gender Equity program of Aurat Foundation. The contents are the responsibility of the author and do not necessarily reflect the views of Aurat Foundation/USAID or the Government of the United States of America.

# Acknowledgements

The Standardized Indicators on Violence against Women in Pakistan would not have been possible without the invaluable support of the members of the Technical Working Group constituted by the NCSW, who gave generously of their time and expertise over almost a year under the guidance of the Chairperson NCSW, Ms. Khawar Mumtaz. Their experience and knowledge of methodology as well as understanding of gender concerns led to rich and interactive consultations and outputs.

Acknowledgement is also due to the Members of the NCSW, and the Chairs and Members of the Provincial Commissions on the Status of Women in Punjab and Khyber Pakhtunkhwa, and the Women Development Departments in Sindh and Baluchistan who participated in and hosted the dissemination meetings to discuss the draft Indicators. The contribution of participants to a national stakeholder consultation in January 2015 is also gratefully acknowledged.

The support of Ms. Simi Kamal and the financial support of the Gender Equity Project (USAID) is gratefully acknowledged as well for the project “Countering GBV through Research, Data Strengthening and Standardization”, which allowed the NCSW to carry out a number of key interventions including research and others to support the standardization of Indicators in the country.

Finally, we would like to thank Ms. Kausar S. Khan, member of the Technical Working Group for her substantive work on sections of this publication, the contributions of Dr. Yasmin Zaidi, consultant for the project, and the Project Team - Ayesha Shaukat, Project Team Lead; Farrah Taufiq, Project Officer and the staff of NCSW who have contributed greatly to this final product.

# Acronyms

|       |  |
|-------|--|
| DHS   | Demographic and Health Survey                      |
| GBV   | Gender Based Violence                              |
| GEP   | Gender Equity Project                              |
| IPV   | Intimate Partner Violence                          |
| NCSW  | National Commission on the Status of Women         |
| MDG   | Millennium Development Goal                        |
| NGO   | Non-governmental Organization                      |
| PCSW  | Provincial Commission on the Status of Women       |
| TWG   | Technical Working Group                            |
| UN    | United Nations                                     |
| USAID | United States Agency for International Development |
| VAW   | Violence Against Women                             |
| VAWG  | Violence Against Women and Girls                   |
| WHO   | The World Health Organization                      |

# Foreword

Violence against Women (VAW) is an area of high priority-for both the National Commission on the Status of Women and the Government of Pakistan. A number of interventions have been initiated and efforts made to support women survivors of violence, indicate the concern of the policy makers and the government towards this issue.

The Commission too has been engaged with the issue over the years. It has drafted legislation, taken up complaints and undertaken research to address various aspects of violence. While reviewing the work done on VAW, the Commission noted that the large volume of work done on the subject in the country on VAW is not comparable and does not provide a comprehensive picture of prevalence, the types of violence and their locations. It was felt that despite attention, serious efforts and research on VAW over the recent years, some key concerns have remain unaddressed: there is a significant data deficit which can aid in building a holistic understanding on the scope and extent of the issue, and on women's experiences of violence. The standardization of Indicators on VAW in line with UN Indicators was therefore initiated.

As an outcome of extensive consultations this publication on standardized indicators with reference to Pakistan promises to serve as a useful resource for all those working on VAW. This could be used by researchers at macro or micro level, and contribute to deeper knowledge and understanding of the phenomenon by being comparable across the country. It is not a comprehensive or exhaustive guide to conducting research on VAW, it defines the Indicators for different types of violence and is meant to stimulate deeper reflection on what VAW data can be collected, on building the pool of information on VAW in Pakistan and guides us on how such data should be interpreted and analyzed. It is expected that the Indicators, over time can help strengthen data collection processes and systems in the country, provide key trends on prevalence as well as inform evidence based policy action, and design of effective policies and VAW prevention and response measures.

I would like to acknowledge Dr. Yasmin Zaidi's effort in leading the process - from conceptualization to planning and executing it. Her experience and knowledge of methodology as well as understanding of gender concerns led to rich and interactive consultations. The project management team, led by Ayesha Shaukat ensured an effective execution of the project. I would also like to acknowledge the support provided by Uzma Quresh (UN Women), who was also involved in the conceptualization of this project. Finally, I would like to thank Simi Kamal, Chief of Party of the USAID and Aurat Foundation's Gender Equity Programme, Abdul Raheem Khan and Zainab Ali Khan for the support given this enterprise which will lead to a better collection and understanding of data on VAW in Pakistan.

Ms. Khawar Mumtaz  
Chairperson

# Introduction

# 1

Violence against women (VAW) in its many pervasive forms is a global phenomenon that has been well documented. In Pakistan too there has been an increasing spotlight on incidents of violence against women. Qualitative studies on VAW reveal a significant pattern of violence within families and communities by a range of perpetrators. These studies have resulted in the development of support mechanisms for women in crisis in Pakistan, such as shelters, helplines, counselling facilities and a demand for exemplary punishment for perpetrators. Recent small scale studies have also highlighted the social and economic costs of VAW, not just to the family but also to the national economy.

Reports by the Gender crime Cell (National Police Bureau), Human Rights Commission of Pakistan and those gleaned from media reports show that VAW is endemic, often takes extreme forms resulting in fatalities, and that perpetrators range from intimate partners and family members to strangers. The statistics from such sources under represent the actual number of cases as they are based only on registered or reported cases. More recently the Pakistan Demographic Health Survey 2012-13 collected data on domestic violence—specifically physical and emotional forms of violence against women—reporting that one in three women were likely to have experienced such spousal violence in their lifetime.

The need for more data on violence against women has been felt globally, resulting in a minimum set of nine Indicators on VAW (Annex 2) that collect data on physical, sexual, psychological and economic violence by an intimate partner and allow cross country comparisons. Data reporting, collection and tracking on standardized Indicators, based on local contexts is now also critical for the Government of Pakistan in order to put in place more effective systems for VAW prevention and response. In Pakistan, studies to assess gender based violence including VAW use a variety of Indicators. Often these do not use standardized definitions and the methodology for collecting data is not robust enough to lend itself to in-country or cross-country comparisons.

The National Commission on the Status of Women identified violence against women (VAW) as a key priority area of its work and has, among other initiatives, focused on developing standardized Indicators for assessing VAW since early 2013. In 2015 the NCSW constituted a multi-stakeholder Technical Working Group (TWG) on Standardised VAW Indicators. This group convened by the Chairperson, National Commission on the Status of Women and comprised 18 members (Annex 1 List of TWG members) with relevant experience and expertise in any aspects of violence against women (VAW/ GBV)<sup>1</sup>. The Technical Working Group was tasked with:

- o developing criteria for the identification of a coherent and consolidated set of Indicators on violence against women
- o Summarize options, and put forward recommendations for a possible set of Indicators to measure the extent, prevalence and incidence of violence against women that are comparable regionally (SAARC) and with the UN requirements.

This publication is a result of the deliberations of the Technical Working Group and the consultative process adopted. The list of Pakistan specific Indicators for VAW was shared with provincial stakeholders in a series of dissemination meetings before being finalized. The publication and the national consultative process has drawn extensively on available resources within Pakistan and globally, such as the UN guidelines to collect data on VAW, the World Health Organisation (WHO) VAW methodology, the World Bank desk review of VAW in South Asia (Bibliography) as well as surveys on VAW conducted in different countries.

## Box 1 Categories of VAW Indicators for Pakistan

1. Physical Violence
2. Harmful Customary Practices\*
3. Psychological Violence
4. Sexual violence
5. Economic Violence
6. Violence against women in the Political Arena\*

This publication is designed as a resource guide for researchers, organizations and individuals working on VAW. It provides a set of six categories of the forms of violence within which specific acts of violence are indicated. These standardized Indicators are the result of a process adopted in Pakistan to translate the global VAW Indicators into a country specific set of Indicators. The specific categories of relevance to Pakistan for VAW Indicators, drawing on the UN Guidelines on VAW Statistics and country and regional studies are noted in Box.1. Categories marked with an asterisk (\*) were added during the stakeholder consultations, as were specific Indicators within in each category.

The subsequent sections include the standardized Pakistan specific Indicators to collect data on VAW, a Conceptual Framework, and Framework of Analysis and Ethical Guidelines for data collection. The annexures contain information on the understanding of VAW reflected in national laws, key terms, and useful web resources and links.

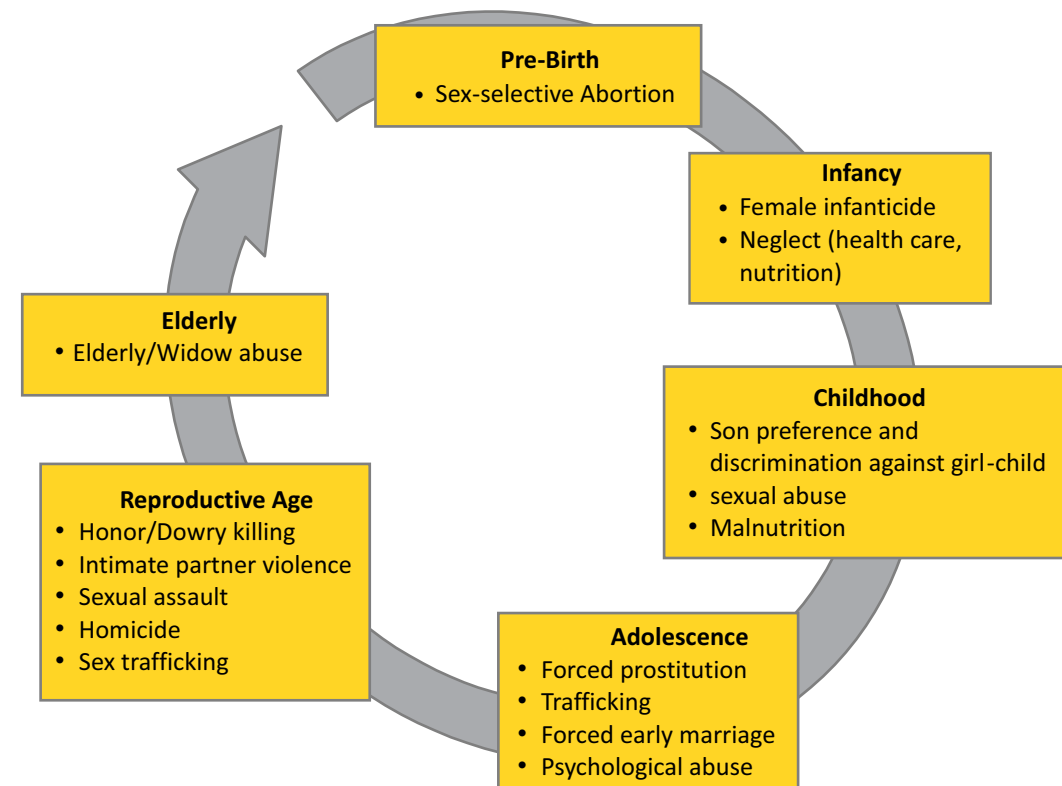
<sup>1</sup> The work of the Technical Working Group was a component of the one year NCSW project supported by the Aurat Foundation Gender Equality Programme and USAID NCSW for Countering GBV through research, data strengthening and standardization of GBV Indicators.

# Understanding Violence against Women

# 2

As a global phenomenon, violence against women has received a lot of attention in the efforts to understand and address the roots and manifestations of the problem. Women are vulnerable to violence from pre-birth (sex selective abortions), through childhood, adolescence and into reproductive age and beyond. Understanding the different forms of violence that women face through their life cycle is important for prevention and services for survivors. Figure 1 depicts some of the forms of violence that girls and women are likely to face at different stages of their life cycle.

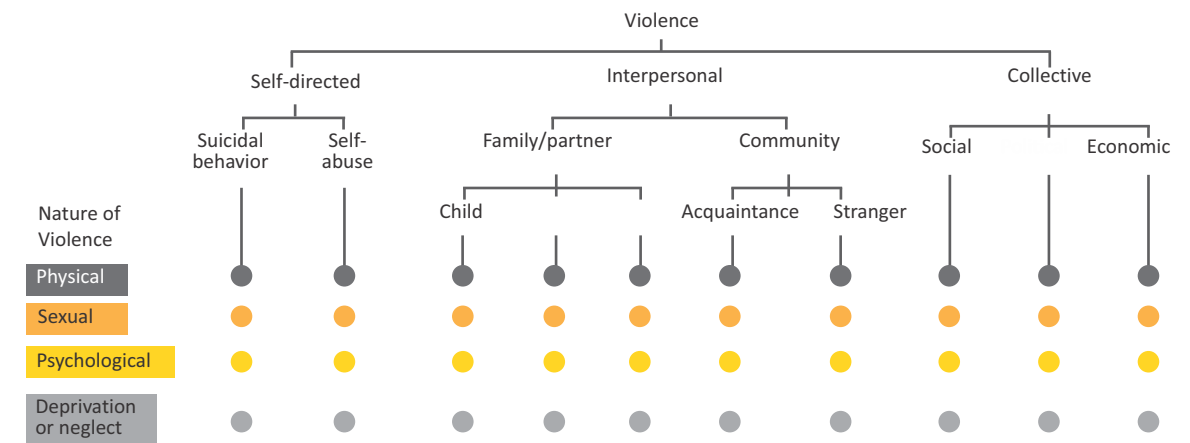
Figure 1: Types of Violence against Women and Girls by Life Cycle Stages



Source: Ellsberg M. and Heise L. 2005:10

The sites of violence can differ, ranging from the home to the school, workplace, community, and public spaces. Violence can either be self-directed (suicidal behavior, self-abuse), interpersonal (partner or family) or collective (social, political, economic). The nature of violence in each of these types of violence can be physical, sexual, and psychological or through deprivation and neglect (Figure 2: A Typology of Violence).

Figure 2: A Typology of Violence



Source: Garcia-Moreno et al 2005:13

Addressing VAW has focused on the interpersonal more than on the collective, and Figure 2 clearly delineates the different levels and forms of violence against women, taking it beyond the personal and interpersonal levels. Violence in one sphere can trigger or exacerbate violence in another e.g. heightened social violence raises the possibility of interpersonal violence. Similarly one type of violence e.g. psychological is associated with other forms of violence such as physical; it can also lead to self-directed violence.

Thus it is become important to understand the underlying factors and the different types of violence within a larger social, political and economic context, as is discussed in the section on Framework of Analysis.



# Standardized Indicators on Violence against Women in Pakistan

# 3

## VAW Definitions and Form

The definition of violence against women used in this publication is noted in the United Nations in the *Declaration on the Elimination of Violence against Women* and has also been used by the Ministry of Law, Justice and Human Rights in Pakistan. It is a comprehensive description, defining “the term “*violence against women*” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>2</sup>

Furthermore, violence against women can be said to include but not be limited to:

(a) *Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

(b) *Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

(c) *Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.* The *Beijing Platform for Action* further specifies that “*acts of violence against women include violation of the human rights of women in situations of armed conflict, such as systematic rape, sexual slavery and forced pregnancy, as well as forced sterilization, coercive/ forced use of contraceptives, female infanticide and prenatal sex selection, and includes acts of violence particular to specific contexts, such as dowry-related violence and female genital mutilation.*”<sup>3</sup>

Violence against women is subsumed within the broader term of gender based violence (GBV), which also includes violence against men and transgenders. Gender based violence against women specifically targets women based on their sex, or affects them more than any other group. GBV is used by the UN and other international organizations, and is often explicitly linked to violence against women. This is reflected in the construction of the global standardized GBV Indicators as the focus remains on violence known to affect women disproportionately. The Indicators can however be adapted to address violence against vulnerable groups other than women. Definitions of each form of VAW are noted in Annex 5 Key VAWG Terminology.

<sup>2</sup>Declaration on the Elimination of Violence against Women, UN Doc A/RES/48/104, Article 1, 20 December 1993.

<sup>3</sup>Declaration on the Elimination of Violence against Women, UN Doc A/RES/48/104, Article 1, 20 December 1993.

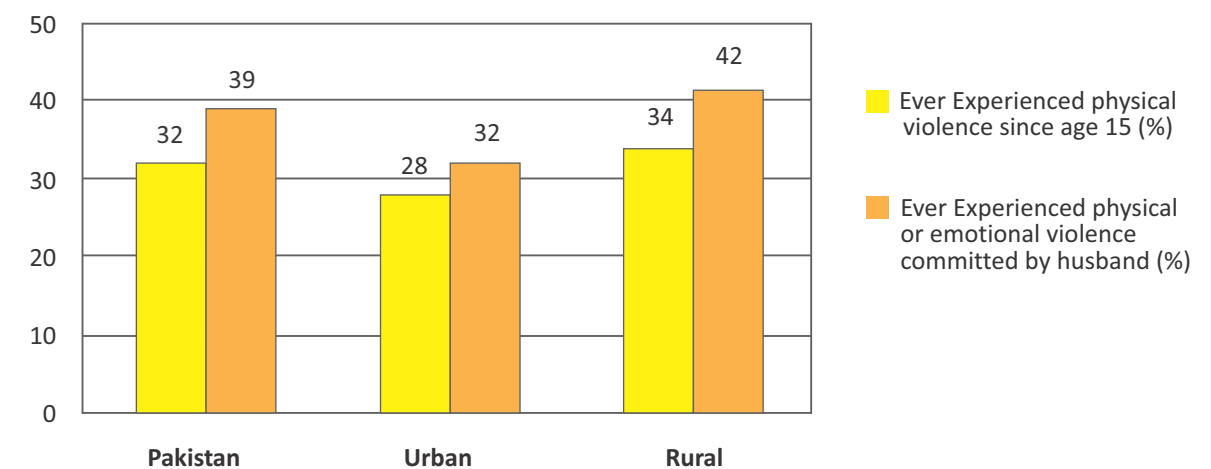
## VAW in Pakistan

In Pakistan, as in the rest of South Asia, women live with the threat of violence throughout their life cycle. Different stages, from childhood to maturity, are marked by vulnerability to different forms of violence. For example, girl children are vulnerable to abuse, infanticide and early marriage. At marriage these young girls and women are subject to spousal violence and domestic abuse perpetrated by in-laws. Such forms of abuse are exacerbated by social norms related to son preference and dowry. Outside the home, women can face harassment, trafficking and custodial violence. It is assumed that younger women experience violence more often than older women, but the data available suggests that the forms may change but that violence persists.<sup>4</sup>

Women's organization and activists in Pakistan have highlighted the many forms and causes of VAW; indeed the hallmark of the women's movement in Pakistan has been the struggle against the entrenched form of violence against women and bias of formal and informal institutions that discriminate against women and grant near impunity to perpetrators of violence. The struggle has resulted in a series of progressive legislation, and amendments to some of the retrogressive laws, and also increased attention to resources to address VAW that include helplines, awareness raising and shelters for survivors of VAW. The categories of VAW defined and addressed in the different laws of Pakistan are noted in Annex 4.

The inclusion of a module on VAW in the Pakistan Demographic and Health Survey (PDHS) 2012/13 has for the first time provided nationally representative data on the prevalence of physical and emotional violence experienced by ever married women ages 15-49. Spousal violence is high, with almost 40% experiencing spousal abuse at some point in their life, whether physical and/or emotional, and one-third of report having experienced some form of physical and/or emotional violence by their husbands in the past 12 months.

Figure 3: Spousal Violence



Source: PDHS 2012-13

Emotional violence is the most commonly reported form of spousal violence (32%). Spousal violence is most common among those with no education and women employed for cash (both 44%) and less common among women with higher education (20%) and from the wealthiest households (24%).

<sup>4</sup>Solotaroff and Pande, 2014.



The administrative records data collected by the Gender Crime Cell (National Police Bureau, Ministry of Interior) from police stations across the country provides an insight into which crimes against women get reported. During the period July 2012 to December 2013, a total of 16,879 cases involving women were reported in 17 categories of violence against women 23% of these were cases of sexual assault.

Qualitative studies and media reports include cases of gang rape, so-called honor killings, forced marriages, acid throwing and dowry related violence. Annual reports produced by the Aurat Foundation and the Human Rights Commission of Pakistan (HRCP) collect the incidents of violence reported in the media as well as administrative records from the police, shelter homes and crisis centers.

### Establishing VAW Indicators for Pakistan

In May 2013, the National Commission on the Status of Women embarked on a consultative process to identify what specific forms of violence were prevalent in Pakistan and sift through these to develop a list of Indicators against which data could be generated and which would facilitate the development of a baseline on VAW.

The baseline would serve not only to support monitoring the impact of interventions to address and reduce VAW, but also to provide data for the SAARC Gender Information Base that has VAW as one of the categories<sup>5</sup> for which region wide data would be collected by all the countries in South Asia. Using standardized Indicators to collect data would assist in providing a more complete picture of the prevalence of violence in the country than the current reliance on media cases (which tend to highlight extreme cases) and administrative records (that only show cases not prevalence).

The NCSW consultations included representatives from the government, academia, researchers, women and human rights organizations and activists. A Technical Working Group of twenty-two individuals met several times between January-May 2015 to finalize the Indicators which were then shared through dissemination forums with provincial stakeholders.

During the entire consultative process there was extended debate on what constitutes violence, whether denial of civic and constitutional rights across a spectrum of social, political and economic rights should be included, and whether types of violence specific to a tribe or ethnic group should be noted separately. The list of Indicators that is presented here does not include the entire spectrum of civil rights. The forms of violence that are restricted to subsets of the population can be included in the category of “other” such as forced religious conversions of young women through marriage. It was also noted in the literature reviews, conducted by the Project team that South Asian as well as African countries which have conducted national surveys on VAW have focused on the set of Indicators recommended by the UN Statistical Division (UNSD) or developed Indicators to collect administrative data from different nodes. In the case of Bangladesh however, it was found that under a dedicated survey on VAW, culturally harmful practices were also added but subsumed under the existing UN defined categories of VAW.

Finally there was a strong recommendation that Indicators of violence against women cannot be studied outside of the context of institutionalized patriarchy in which these are embedded. The role of state institutions in addressing VAW was noted in particular. These recommendations have been addressed to some extent by including a framework of analysis that grounds the Indicators in the particular context and alerts researchers to possible variables to include in the interpretation of the data collected against the VAW Indicators presented here. Thus, while each Indicator measures only the actions that manifest a form of

<sup>5</sup>VAW is one of the three prioritized themes; the other two are health (including HIV/AIDS), and feminization of poverty.

violence it is the additional information about the context in which the violence takes place that helps us to understand it. Such information includes the relationship between the perpetrator and the victim, their socio-economic profile, and the sites of the violence. Data can also be collected on the frequency and severity of the violence, and what actions if any were taken to prevent it, and also to address the needs of the survivor.

The Pakistan specific Indicators, the major categories and the forms of violence within each, are presented in Table 1 below. The additions made by the different stakeholders in Pakistan to the global list of Indicators are noted in italics However, the list is not exhaustive, and there will be forms of violence that are specific to a particular area, clan or community. Such cases can be included in the option “Others” noted at the end of each category of violence. There might also be questions as to why certain Indicators are included and others are not, and indeed such discussions characterized the deliberations of the Technical Working Group and the consultation meetings. The purpose of this particular configuration is to facilitate the collection, analysis, and response to forms of violence, and so assist in the development of a pool of data that is comparable, and allows for comparisons and trends to be assessed.

Standardizing an Indicator implies that GBV is measured along specific actions that constitute a particular form of violence, such that two different studies measuring physical violence will likely use the same definition and measure the frequency and prevalence of the same action, such as beating, slapping etc. When framing questions to capture the Indicator, care should be taken to focus on *the act of violence* so that it can be measured uniformly across all respondents.

**Table 1 List of Standardized Indicators, Categories on VAW in Pakistan**

#### Physical Violence

- Beating
  - Slapping women
  - Hitting women with fists or objects
  - Pushing or shoving or pulling (women’s) hair
  - Hitting women Kicking, biting or dragging her
- Choking, burning or throwing acid or other corrosive substances at her
- Using a knife, gun or other weapon against her
- Forced abortion or forced pregnancy
- Disfigurement (face- nose/ears/ lips, chopping or mutilating genitalia or other body parts)
- Nutritional Deprivation
- Other

#### Harmful Customary Practices

- Honor Killing/ Karo-kari
- Stoning,
- Lashing
- Vani/swara
- Badl-sulh
- Watta Satta
- Marriage to Quran
- Demanding dowry
- Demanding ‘bride price’
- Forced marriages (including early marriages)
- Other

## Sexual Violence

- (a) **Rape:** Refers to engaging in the non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object, including through the use of physical violence and by putting the victim in a situation where she cannot say no or complies because of fear;
- (b) **Attempted rape:** Refers to attempting to have non-consensual sexual intercourse through the use of force or threats;
- (c) **Other sexual acts :**
- Intimate touching without consent
  - Sexual acts other than intercourse obtained through threats to the well-being of family members
  - Sexual acts other than intercourse forced by money
  - Sexual acts other than intercourse obtained through threats of physical violence
  - Use of force or coercion to obtain unwanted sexual acts or any sexual activity that the female partner finds degrading or humiliating (*including marital rape*)
  - Other acts of sexual violence
  - *Trafficking*
  - Kidnapping with intent to abuse sexually
  - *Gang rape*
  - Sexual Harassment (*stalking, verbal abuse*)
  - *Pornography*
  - *Cyber violence and crimes targeting women*

## Psychological Violence

### **Emotional Abuse**

- Belittling , humiliating, insulting her in public or in private
- Deliberately scaring or intimidating her
- Threatening to hurt her or others she cares about
- Threatening her with a knife, gun or other weapon
- *Mocking and Taunting*
- *A feeling of being neglected or unloved*

### **Controlling Behavior**

#### *Restricting Mobility*

- Isolating her by preventing her from seeing family or friends
- Monitoring her whereabouts and social interactions
- Ignoring her or treating her indifferently
- Getting angry if she speaks
- *Making unwarranted accusations of infidelity*
- *Controlling her access to health care/family planning and education*
- *Controlling her access to CNIC*
- *Threatening with divorce*

## Economic Violence

### **Denial of**

- access to financial resources
- access to property, inheritance and durable goods
- access to the labour market and education
- participation in decision-making relevant to economic status.
- control over income/or taking control of her income
- alimony or financial support for the family, thereby exposing her to poverty and hardship

### **Threaten/ Coerce**

- *to deprive her of living / household expenses*
- not comply with economic responsibilities
- *to seek employment*

## Violence Against Women in the Political Arena

### **Denial of participation :**

- *to attend political gatherings*
- *to vote*
- *to contest in elections*
- *to join a political party (or a political party of her choice)*
- *in leadership and decision making at household level/in political institutions/other institutions*

### **Coercion/ Threat of violence**

- *for political participation*
- *vote as predetermined by others*
- *Character assassination of women candidates and active campaigners*
- *use abusive language and behavior to intimidate women in politics*

## Conceptual Framework

# 4

The Indicators on VAW facilitate the collection of data on particular aspects on violence as measured by the acts that constitute such violence, the frequency and the severity of such acts. However such acts do not occur in a vacuum and are embedded in social, political and economic factors at the macro, meso and the micro levels. Understanding contexts allows for a more contextual and nuanced understanding of violence in all its dimensions rather than restricting it to a narrow lens of the act, the victim-survivor and the perpetrator.

The conceptual framework for understanding VAW in Pakistan takes into account the gender norms, the social and economic order, and the political dimensions that influence and shape the experience of VAW in the country. The conceptual model for partner violence presented in Figure 4 is adapted from a generic global model. While the focus is only on partner violence, the model reveals the multiple connections between the three levels- macro, meso and micro, resulting in factors that contribute to or alleviate partner violence. (Annex 3 Conceptual Model VAWG).

Women's lives within the macro social economic context are influenced by the legal and social norms that prevail. In Pakistan the constitutional rights of women are impaired by the interpretation of those rights that draw upon informal norms which can discriminate against women. Similarly the social gender norms are reflected in the informal customary laws and systems that are often at odds with women's formal and constitutional rights. The impunity with which women's rights are transgressed has been a subject of much discussion in the country, and accountability of the State in the protection of rights of its female citizens.

Tolerance of violence in the home e.g. for punishing children, and in the community is indicative of how violence against women is perceived and addressed. High levels of tolerance mean that VAW is accepted as a norm and women themselves are likely to see it in the same light. Acts of violence are not censured and perpetrators operate with impunity. Childhood experiences of household and community violence shape adult behaviors too and these play out in spousal violence and for women, the acceptance of it as a norm.

Humanitarian situations, triggered by natural or other causes, as witnessed in Pakistan in the past decade, result in upsetting the established social arrangements. Patriarchal norms are challenged as neighborhoods and social relations are reconfigured in crisis situations. Small qualitative studies in Pakistan point to the increase in interpersonal and domestic violence against women in these situations, as well as increased vulnerability of women to trafficking and sexual exploitation outside of the domestic sphere.

## Framework of Analysis

# 5

This section draws attention to the production and interpretation of data, both of which hold the key to whether results will influence action and policy. Defining a “framework of analyses” and identifying a “story line” facilitates data generation and interpretation and ultimately knowledge production.

In general, a framework is a real or conceptual structure intended to serve as a support or guide for the building of something that expands the structure into something useful. Simply speaking, a framework is a basic conceptual structure that enables one to know what is desired to be known. Thus, what you wish to know helps develop a framework with which the data can be interpreted and the framework can be more comprehensive than a protocol and more prescriptive than a structure. For example, if you wish to find out about the forms of violence, frequency of violence, intensity of violence, perpetrators, and sites of violence, to name some elements of violence experienced by women, then these elements would be part of the framework of analysis. Therefore when deciding exactly what information is needed and how it will be measured, all the information in the research questions can be mapped out and organized according to how the variables are related to each other.

### *Context – socio-economic, cultural and political*

As noted earlier, VAW does not occur in a vacuum. It is to be found in different settings. For example, it is not confined to the homes women occupy, as they also experience violence in their communities, in public spaces, and in their workplace. Here too a multiplicity prevails – women as industrial workers, women as domestic help, and women in small and large offices, to name some variations of workplace.

Figure 5: Focus of Study



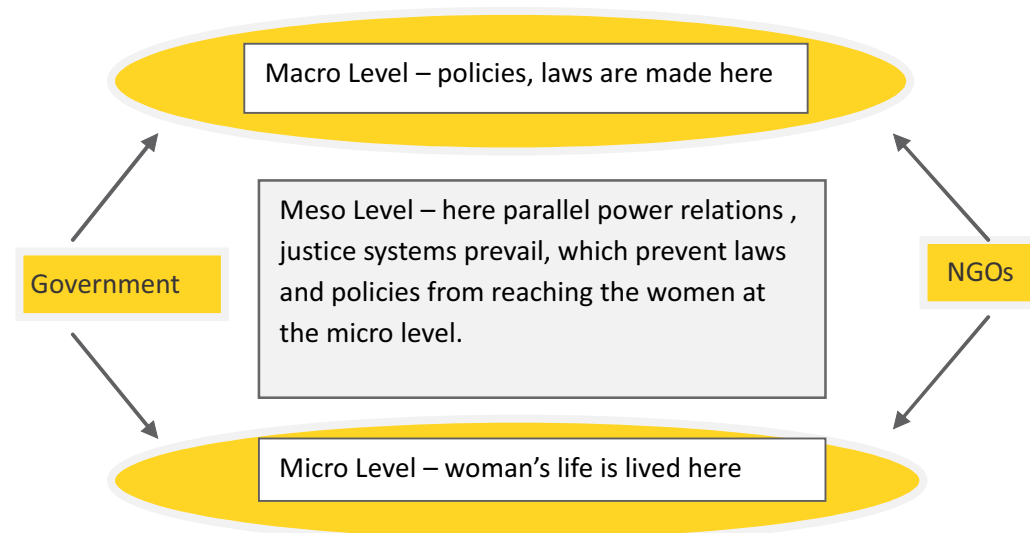
Despite the diversity in women's lived experiences and social positions, the skewed power relations that define their lives foster vulnerability to violence.

Just collecting data is not enough as even if it identifies prevailing conditions, it can fail to dig deep enough and wide enough to uncover power dynamics and reveal where possible actions are needed for ushering the desired change. Capturing data on the socio-economic and cultural context thus is important to substantiate the data on the prevalence of violence. In Pakistan it is important to understand VAW in the context of structural violence as much as at the interpersonal level.

### Structural violence

Data can provide information on various aspects of women's experience of violence. Causes of violence need to be seen at two levels – (a) immediate causes of violence inflicted on women's body and mind, the perpetrators of these acts, and the apparent justifications for these acts. (b) structural violence that include the deeper patriarchal justifications that construct the hegemonic forces of legitimacy, often reflected in the position taken by the state, and the laws that seek to protect women. If violence persists with impunity despite legislation, then structural violence becomes a critical domain for understanding. How data could be collected for this domain remains a challenge. Perhaps qualitative data, using appropriate research methodology<sup>6</sup> needs to be generated so that structural violence could be unveiled for all to see and respond. In order to get closer to the harsh realities of structural violence, a quick review of a framework of a multi

Figure 6: Contextual levels



country study on women's empowerment may be useful<sup>7</sup> It would be important to know whether data on meso-level sources of VAW is collected. This would be a challenge for researchers, and also for those examining available data for evidence to expose the structural sources of violence.

Women experience violence emanating from the meso level. While activists struggle against the powers and mechanisms embedded in the meso levels that defy the law, researchers need to find ways to collect data on meso level factors that perpetuate VAW.

<sup>6</sup>Often qualitative research is equated with its methods such as FGDs (focus group discussions) and in-depth interviews without reference to the research design and methodology e.g. life history, ethnography, grounded theory, phenomenological study, etc.

<sup>7</sup>The framework was part of a multi-country study including Pakistan (2006 – 2010) funded by DFID Women's Empowerment in Muslim Contexts, Democratization from the Inside out.

In recent years there has also been an additional layer of analysis added driven by the forces of globalization that interact with the macro, meso and micro contexts through the economic, political and social spheres, and increasingly through the military, shaping and reengineering social arrangements and relations that may increase women's vulnerability to violence. Research on these interconnections is also needed and important.

### Data

A distinction is made between rumor, opinion, and facts. Data helps establish facts, which can then be used to make policies and programs, and for monitoring change. Robust data is collected methodologically by researchers, and analyzed for use and scrutinized for information for advocacy and action. While data can be gathered about any subject, it most often strives to present conditions of various population groups – example, women, children, elderly, and those living with disabilities to name some.

It is said that demographers and epidemiologists talk about population groups, but never define population. Their assumption is that the data they collect from individual men/women defines the population. Yet, as Kreiger (2012) notes it is the dynamics of social relations in all their complexity that influence the distribution of a particular good e.g. health or personal security, and not just the characteristics of individuals. This is questioned, and a quotation can help comprehend the critique of knowing the population from the data collected from individuals.

“Economic factors in the conservation or waste of health, for example, are not merely the rate of wages; the hours of labor; the hazard of accident, of poisonous substances, or of deleterious dusts; they include also the attitude consciously taken with respect to the question of the relative importance of large capitalistic profits *versus* maintenance of the workers' welfare”.<sup>8</sup>

Women are the population group in the collection of data on VAW focusing on their experience of violence. Following from the quotation above, the central question becomes: is violence our primary focus or is it *which* categories of women experience *what* kind of violence and in *what circumstances*? A comprehensive data set on VAW would include both because it is not just types of violence and its frequency and intensity that will result in actions for mitigating violence; it is important to know the diverse categories to which women belong and be able to identify which group of women are at higher risks of violence. All women do not experience violence; and those violated do not experience all possible forms of violence. There is thus a distribution of forms of violence on women. All women are not of the same socio-economic conditions, and their daily lives are governed by diverse factors that shape their vulnerability to violence, and their ability to resist it.

### Story-line

On their own, statistics are just numbers. They are everywhere in our life, in sports stories, reports on the economy, stock market updates, to name only a handful. To mean anything, their value to the person in the street must be brought to life. A statistical story doesn't just summarise data in words, it tells a story about the data. A statistical story conveys a stronger message that tells readers what happened, who did it, when and where it happened, and hopefully, why and how it happened.<sup>9</sup>

In order to make 'sense' of the available data, a 'story line' is needed. For example, a large data set on violence against women during pregnancy provided information on forms of violence, and various causes of

<sup>8</sup>Sydenstricker (1933:16) cited in Nancy Kreiger 2012:647.

<sup>9</sup>UN ECE (2009:3)



violence, but did not provide a credible answer to a key question: does pregnancy protect women from violence. Inclusion of this question at the research design phase would have generated the data needed.

A 'story line' helps make sense of the data, or one could say it helps interpret the data that has already been organized in tables and graphs. "Stories, after all, make results user-friendly, more conducive to decision-making, and more persuasive"<sup>10</sup>. A story-line can be used by a researcher, and also by those examining the available data. In the latter case, if evidence cannot be garnered from the available data, further research would be needed. Having a 'story line' simply means knowing what you wish to know, and then scrutinizing the data to prove/disprove the story line. There can be more than one story line, and together these could help develop your framework of analysis.

Generating and interpreting the data requires carefully conceptualized story line/s, and a framework of analysis for rendering meaning to the statistics produced and adding to the existing knowledge base. In order to identify their story line and build their own framework the researcher(s) must be aware of their own position and politics on the subject.

<sup>10</sup>Bayer and Taillard. 2013.

# 6

## Ethical Guidelines

This section draws attention to the ethical considerations in research. The foremost concern is protecting the research subject from harm, and as ethics is about the quality of interaction, respecting the dignity of research subject becomes paramount. Besides, protection of the research subject, the research team, it highlights the ethical responsibilities of the institution conducting the research. References to some international guidelines for ensuring ethics in research have been made, and guidelines specifically developed for research on VAW have also been mentioned. Ethical guidelines for social sciences research have also been cited.

### *International guidelines for ethical research*

Following the first formal guideline for the protection of research subjects, the Nuremberg Code developed after World War II in 1949 to protect research subjects from abuse, the Helsinki Declaration on research ethics was formulated by the World Medical Association in 1964.<sup>11</sup> The Council for the Organization of Medical Sciences (CIOMS), a sister organization of the World Health Organization (WHO), also developed guidelines with a special focus on developing countries.<sup>12</sup> The core principles used in the health sector are:

- a) Beneficence – maximizing benefits for the research participant
- b) Non-maleficence (minimizing harm) – follow the do no harm principle; protect from harm, and harm could be act of commission or omission.
- c) Autonomy of person – i.e. respect for person and his/her right to take decision; privacy and confidentiality, and taking informed consent.
- d) Distributive justice – i.e. distribution of resources fairly.

Research on violence against women raises important ethical and methodological challenges in addition to those posed by any research..... It is not an exaggeration to say that the physical safety and psychological well-being of both the respondents and the research team can be put in jeopardy if adequate precautions are not taken.

WHO 2001:6

Other professional groups have also formulated guidelines. International research now requires approval of ethical guidelines by institutional Review Boards (IRBs) or Ethics Review Committees (ERC) before the research can begin. Adherence to these guidelines is considered an essential aspect of research, especially where it involves human subjects. Cognizant of the challenges faced in ensuring protection of the research subjects and the research teams, the WHO addressed the issue through their guidelines that are meant to be used while using WHO questionnaire for data collection on VAW.

<sup>11</sup>WHO, 2001, 79 (4).

<sup>12</sup>CIOMS. 2002

Key ethical issues to integrate into any research design and protocol, distilled from a number of sources for research (see section at on Useful Web Resources) on GBV are summarized below. The main concern centers on the protection of the research subject and the safety of the respondents and the interviewers, as noted in the quotation above.

- a. Confidentiality Protecting confidentiality is essential in ensuring a women subject's safety and data quality.
- b. Safety: The safety of respondents and the research team should guide all project decisions.
- c. Harm related to perpetration disclosure: Ensure that the research does not harm respondents or put them at increased risk of violence. In order to do no harm', data collection should not take precedence over safety of the individual.
- d. Provision of crisis intervention (particularly when interviewing women about experiences of violence.) The study design must include actions aimed at reducing any possible distress caused to the participants by the research. Fieldworkers should be trained to provide information or refer women requesting assistance to available local services and sources of support, in a way that is not potentially dangerous for them in case their husbands or family members find out. Where few resources exist, the study should attempt to create short-term support mechanisms.
- e. Harmful publicity: Researchers and donors have an ethical obligation to help ensure that their findings are properly interpreted and used to advance policy and intervention development.
- f. Methodologically sound: Studies that measure prevalence of VAW (usually population based surveys) need to be methodologically sound and build upon current research experience about how to minimize the under-reporting of violence.
- g. Informed consent: All respondents must participate in the research of their own free will. An individual consent procedure with consent form will give the potential respondent information about the study and will provide her with the opportunity to ask questions and to decide whether or not to participate. Where respondents are not literate oral consent, should be recorded by the interviewer (written down or audiotaped) and women should not be required to sign the informed consent, as this will breach the promise of confidentiality and will reduce disclosure since the respondent might fear that the findings can be traced back to them (potential for violence as well as impact on data quality).
- h. Mechanisms to attend to needs of researchers and fieldworkers: All research team members should be carefully selected and receive specialized training and on-going support. Interviewers may be themselves might feel with and be deeply moved and disturbed by the experiences the respondents share with them. The emotional well-being of the interviewers can be affected that also has a bearing on data quality. Fewer interviews per person and regular de-briefings, and guidance and group support during field work by Supervisors will mitigate such affects.

The recommendations of WHO for ensuring ethical conduct of research in "Putting Women First: Ethical and Safety Recommendations for Research on Domestic Violence against Women",<sup>13</sup> conclude with this significant reminder:

<sup>13</sup>WHO, 2001:29

The special nature of this research topic demands that safety concerns be considered from the very beginning of a study, through its implementation and dissemination. This means that violence research will likely require a longer timeframe and a greater investment of resources to ensure these issues are fully addressed.

Ethical conduct is the responsibility of researchers (including the lead researchers and those collecting data in the field) and the institution within which the researcher is placed. Pressure can be placed on field workers to expedite their work, which undermines their ability to uphold ethical concerns. Utmost care is needed to allow the field workers to work ethically, for it is at this level that interactions with research subjects takes place.

### Conclusion

In Pakistan there are few Institutional Review Boards (IRBs) or Ethics Review Committees (ERC), and these are housed within academic institutions. The research ethics committee of the Pakistan Medical Research Council (PMRC) is possibly available for ethics oversight for research institutions. It is strongly recommended that research on VAW should explore opportunities for either accessing one of the existing ethics review committees, or setting up one as per international guidelines. Research ethics can be reviewed by the research team and adopted with the consensus of all members of the team including the field investigators when none of these options are feasible.



# Annexes 7

## Annex 1

Technical Working group on VAW Indicators

### Members of Technical Working Group (TWG)

#### Developing Standardized Indicators on VAW/GBV

|    |                      |   |
|----|----------------------|---|
| 1  | Ms. Khawar Mumtaz    | Chairperson (NCSW)  |
| 2  | Dr. Yasmin Zaidi     | Coordinator TWG (NCSW)  |
| 3  | Ms. Fauzia Viqar     | Chairperson, Punjab Commission on the Status of Women(PCSW)             |
| 4  | Dr. Aliya H. Khan    | Dean Department of Social Sciences, Quaid a Azam University,            |
| 5  | Ms. Rabia Awan       | Director, Pakistan Bureau of Statistics                                 |
| 6  | Dr. Ayesha Sheraz    | Fellow (Research & Survey), National Institute of Population Studies    |
| 6  | Dr. Zeba Sattar      | Country Director , Population Council                                   |
| 7  | Dr. Saba Gul Khattak | Senior Gender Advisor, World Bank                                       |
| 8  | Dr Khalida Ghaus     | Managing Director, SPDC   |
| 9  | Ms. Kausar S. Khan   | Associate Professor, Agha Khan University and Hospital                  |
| 10 | Dr Ambreen Qayyum    | Assistant Professor, Pakistan Institute of Developm ent Economics(PIDE) |
| 11 | Ms. Farida Shaheed   | Executive Director, Shirkat Gah - Women's Resource Center               |
| 12 | Ms. Seemin Ashfaq    | Research Expert, Population Council                                     |
| 13 | Ms. Humaira Shaikh   | Director Human Rights , Shirkat Gah- Women's resource Center            |
| 14 | Dr. Ifti khar Adil,  | Professor , National University of Science and Technology (NUST)        |
| 15 | Dr. Shujaat Farooq   | Assistant Professor, Pakistan Institute of Development Economics (PIDE) |
| 16 | Dr. Ambreen Ahmed    | Expert Psychiatrist/ Advisor Rozan                                      |
| 17 | Ms. Valerie Khan     | Chairperson, Acid Survivors Foundation                                  |
| 18 | Ms. Simi Kamal       | Chief of Party , GEP-Aurat Foundation                                   |
| 19 | Ms. Ayesha Shaukat   | Project Manager (NCSW)  |
| 20 | Ms. Farrah Taufiq    | Project Officer (NCSW)  |
| 21 | Ms. Saliha Ramay     | Consultant (NCSW)   |

## Annex 2

### UN Indicators of Violence against Women

In 2006, the United Nation's General Assembly requested the Statistical Commission to develop and propose in consultation with the Commission on the Status of Women, a set of possible Indicators on violence against women, building on the work of the Special Rapporteur on violence against women, in order to assist States in assessing the scope, prevalence and incidence of violence against women. To this end, the Friends of the Chair group was established by the Statistical Commission at its thirty-ninth Session (2008). A set of six Indicators were proposed by the Friends of the Chair group and adopted by the Statistical Commission (February 2009). Three additional Indicators (Psychological violence, Economic violence and FGM), were submitted later and adopted as part of the final "core set" to the 42nd session of the Statistical Commission in 2011.

Following the adoption of the core set of statistical Indicators on violence against women by the UNSC, the UN Statistics Division/Economic & Social Affairs, in collaboration with various stakeholders, in 2014, finalized and published the "Guidelines for Producing Statistics on Violence against Women: Statistical Surveys" to facilitate the measurement of the Indicators.

The core set of nine statistical Indicators on VAW are:

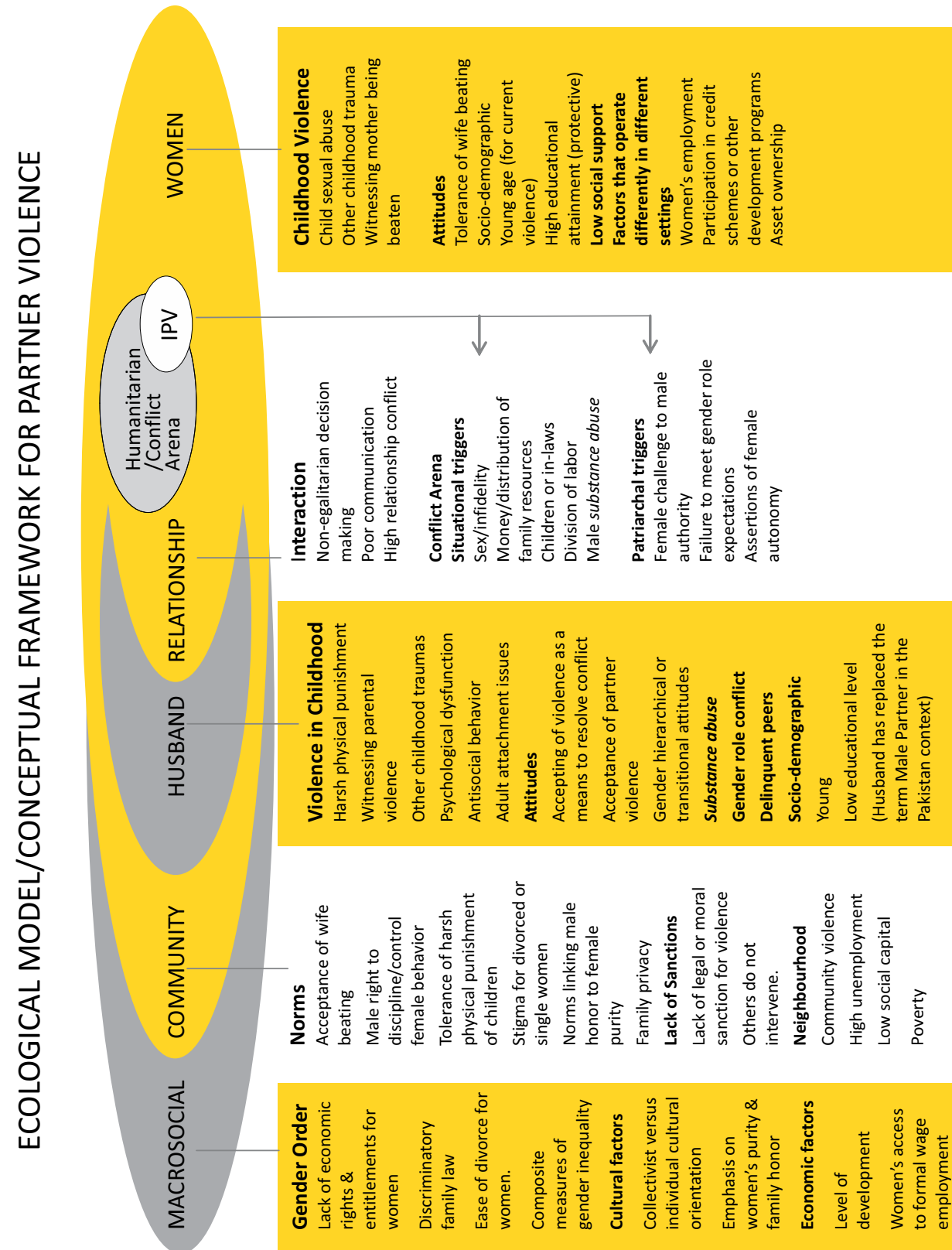
1. Total and age specific rate of women subjected to physical violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency
2. Total and age specific rate of women subjected to physical violence during lifetime by severity of violence, relationship to the perpetrator and frequency
3. Total and age specific rate of women subjected to sexual violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency
4. Total and age specific rate of women subjected to sexual violence during lifetime by severity of violence, relationship to the perpetrator and frequency
5. Total and age specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner in the last 12 months by frequency
6. Total and age specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner during lifetime by frequency
7. Total and age specific rate of ever-partnered women subjected to psychological violence in the past 12 months by the intimate partner
8. Total and age specific rate of ever-partnered women subjected to economic violence in the past 12 months by the intimate partner
9. Total and age specific rate of women subjected to female genital mutilation

These Indicators can be accessed in the following report:

<http://unstats.un.org/unsd/demographic/meetings/vaw/docs/finalreport.pdf>.

## Annex 3

### Conceptual Framework



## Annex 4

### GBV Definitions under Pakistan Law<sup>14</sup>

#### Domestic Violence

Domestic Violence includes but is not limited to, all acts of gender based and other physical or psychological abuse committed by respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship including but not limited to,

- (a) "abet" has same meaning as defined in Pakistan Penal Code (Act XLV of 1860) hereinafter referred to in this section "as the said Code";
- (b) "assault" as defined in section 351 of the said Code;
- (c) "attempt" as defined in section 511 of the said Code to commit any of the offenses enumerated in this section;
- (d) "criminal force" as defined in section 350 of the said Code;
- (e) "criminal intimidation" as defined in section 503 of the said Code;
- (f) "Emotional, psychological and verbal abuse" means a pattern of degrading or humiliating conduct towards the victim, including but not limited to,—
- (f) "Emotional, psychological and verbal abuse" means a pattern of degrading or humiliating conduct towards the victim, including but not limited to,—
- (i) repeated exhibition of obsessive possessiveness or jealousy constituting serious invasion of the victim's privacy, liberty, integrity and security;
- (ii) insults or ridicule;
- (iii) threat to cause physical pain;
- (iv) threat of malicious prosecution;
- (v) blaming a spouse of immorality;
- (vi) threats of divorce;
- (vii) baselessly blaming or imputing insanity, or citing barrenness of a spouse with the intention to marry again; and
- (viii) bringing false allegation upon the character of a female member by any member of the shared household;
- (g) "harassment" means engaging in a pattern of conduct that evokes the fear of harm to the victim and includes, but is not limited to,—
- (i) extending threats through any manner whatsoever or making gestures to intimidate the victim;
- (ii) making obnoxious telephone calls or inducing another person to make such calls to the victim, whether or not conversation ensues; and
- (iii) sending, delivering or causing the delivery of obnoxious or threatening letters, telegrams, packages, facsimiles or electronic messages.
- (h) "hurt" as defined in sections 332, 333, 335, 337, 337B, 337C, 337E, 337J, 337K, 337M of the said Code;
- (i) "mischief" as defined in section 425 of the said Code against the property of the aggrieved person;
- (j) "physical abuse" means any hurt caused by any act or conduct as defined in Section 4(f) of this Act;
- (k) "stalking" includes, but is not limited to,—
- (i) following, pursuing or accosting the aggrieved person against his or her wishes; and
- (ii) watching or loitering outside or near the building or place where the-aggrieved person resides or works or visits frequently.
- (l) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the aggrieved person which may include,—

<sup>14</sup><https://www.humanitarianresponse.info/en/operations/pakistan/document/national-guidelines-gbv-sops-prevention-and-response-gbv-humanitarian>

- (i) compelling the wife to cohabit with anybody other than the husband;
- (ii) any kind of sexual abuse including sexual harassment of a member of the family.
- (m) "trespass" means entry into aggrieved person's residence either temporary or permanent without his or her consent, and includes workplace or frequently other place where the parties do not share the same residence;
- (n) willful or negligent abandonment of the aggrieved person;
- (o) "wrongful confinement" as defined in section 340 of the said Code; and
- (p) "economic abuse" includes deprivation of economic or financial resources or prohibition or restriction to continue access to such resources which the aggrieved person is ordinarily entitled to.

### **Rape**

A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions,

- (i) against her will.
- (ii) without her consent
- (iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt,
- (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or
- (v) With or without her consent when she is under sixteen years of age.

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

### **Sexual Assault**

Section 509 of Pakistan Penal Code defines the sexual assault as follows:

Whoever

- (I) intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman;
  - (ii) Conduct sexual advances, or demand sexual favours or uses verbal or non-verbal communication or physical conduct of the sexual nature which intends to annoy, insult, intimidate or threaten the other person or commit such acts at the premises of workplace, or make submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or make submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection of such behavior with the intention of unreasonably interfering with an individual's work performance or creating an intimidation, hostile or offensive working environment;
- shall be punished with simple imprisonment for a term which may extend to three year, or with fine upto five hundred thousand rupees, or with both.

Explanation: Such behavior might occur in public place, including, but not limited to markets, public transport, streets or parks, or it might occur in private places including, but not limited to workplaces, private gatherings, or homes.

Sexual harassment is defined in Sexual Harassment at Workplace Act 2010 as follows:

"Harassment" means any unwelcome sexual advance, request for sexual favour, or other verbal or written communication or physical conduct of a sexual nature or sexually demanding attitudes, causing interference with the work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.

For attempted rape where penetration has not taken place, Section 511 of Pakistan Penal Code deals with the attempt to any offence, if the punishment for such attempt is not defined in the law. It states as under: "Whoever attempts to commit an offence punishable by this Code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence for a term which may extend to one-half of the longest term of imprisonment provided for that offence or with such fine daman as is provided for the offence, or with both."

### **Physical Assault**

Physical assault is defined in section 351 of Pakistan Penal Code. It states as under:

"Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will-cause any person present to apprehend that he who makes that gesture or preparation it about to use .of criminal force to that person, is said to commit an assault."

Explanation: Mere words do not amount to an assault, but the words which a person uses may give to his gesture or preparation such a meaning as may make those gestures or preparations amount to an assault.

Section 354 & 354- A also describes the crime as "Whoever assaults or uses criminal force to any woman and strips her of her clothes and in that condition, exposes her to the public view, shall be punished with death or with imprisonment for life, and shall also be liable to fine."

### **Psychological Abuse**

Pakistani law does not specifically cater many forms of psychological abuse as an offence. Threats for intimidation, however, are dealt under criminal law. Section 503 defines the criminal intimidation as follows:

"Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation."

Explanation: A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Section 2 (viii) of the Dissolution of Muslim Marriages Act, 1939 provides ground for divorce because of cruel conduct of the husband. The actions mentioned in the ambit of cruel conduct (which does not necessarily have to be physical ill treatment) and the court's decision in their elaboration recognize humiliation, intimidation, threats of physical assault which as per definition given in the SOPs fall in psychological abuse. Courts have granted decrees of dissolution of marriage on the basis psychological abuse by the husband.

### **Economic Abuse**

Economic abuse is not specifically defined in Pakistani law, however, many rights are granted under the law to protect women and children from economic abuse. Many of these laws are the part of the personal laws, especially related to inheritance, property rights, maintenance, dower and other related rights.

Article 38 of the constitution of Pakistan also stresses about the social and economic wellbeing of the people, as a mandatory principle for public policy.

Section 4 (e ) of the bill for Domestic Violence, provided a definition for economic abuse but this law could have not become an act as it was not passed by Senate. The definition under the bill is, “economic abuse includes deprivation of economic or financial resources or prohibition or restriction to continued access to such resources which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including but not limited to household necessities for the aggrieved person and her children, any property jointly or separately owned by the aggrieved person, payment of rental related to the household, and maintenance”.

### **Forced Marriages**

Pakistani law does not penalize the forced marriages, but various judgments delivered by the superior courts declared such force marriages as voidable. Consent is an essential part of marriage and any marriage without the free consent of the parties, deemed to be voidable and is only valid, if the consent is later taken. Pakistani law only penalized the child marriage under the Child Marriages Restraint Act 1929.

Under section 310-A of Pakistan Penal Code (PPC) giving a female in marriage or otherwise as badal-i- sulh ( in compensation for compromise) is a punishable offence with rigorous imprisonment which can extend up to ten years but not less than three years.

Section 365- B of PPC states, “Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and also be liable to fine, and who ever by means of criminal intimidation as defined in this Code or of abuse of authority or any other methods of compulsion induces any woman to go from any place with intent that she may be, or knowing that it is likely what she will be forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid”. In practice this provision is often used by the families against women who contract marriages of choice.

Detention of a woman with criminal intent is also crime. As per section 496- A, PPC whoever takes away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with intent any woman, shall be punished with imprisonment of either description for a term which may extent to seven years.

This is another provision which in practice, instead of protection or prevention of crime against a woman is often used by the woman's family members to obstruct her choice marriage.

Free consent is basic requisite for a valid Muslim marriage and a marriage in which an adult sane party does

not consent, is void. In several decision, Higher Courts in Pakistan have held that a marriage under force, coercion or where consent is obtained through fraud, or misrepresentation is void even if it is registered under the Muslim Family Laws Ordinance, 1961.(one latest Supreme Court decision on this issue is Matloob Hussain v Mst. Shahida PLD 2006 SC 489). Lahore High Court in one renowned case on this issue described consent as conscious expression of one's desire without any external intimidation.

Section 2 (Vii) of the Dissolution of Muslim Marriages, Act 1939 provides that if a female is given in marriage by her father or guardian before she attained the age of 16 years has the option to repudiate her marriage before attaining the age of 18 years, provided the marriage is not consummated. This is generally called exercise of option of puberty.

In Pakistan laws related to matrimonial issues for each religious community are different. These are legislated or otherwise. Under Christian Marriage Act 1872 and Parsi Marriage and Divorce Act, 1936 a marriage without consent of the female falls in the voidable category and can be declared null and void on wife's plaint

### **Female Genital Mutilation (FGM)**

Pakistani law does not specifically deals with the female genital mutilation but deals generally the dismembering or amputation of organs under section 333 of Pakistan Penal Code. The section stipulates: “Whoever dismembers, amputates, severs any limb or organ of the body of another person is said to cause Itlaf-i-udw.”

Punishment for such offence might be up to 10 years imprisonment along with the punishment of qisas and arsh (sharia law).

Section 335 states on the permanent impairing of the functioning, power or capacity of an organ that “Whoever destroys or permanently impairs the functioning, power or capacity of an organ of the body of another person, or causes permanent disfigurement is said to cause itlaf-i-salahiyyat-i-udw”

The issue can also be dealt under section 332 of Pakistan Penal Code, which also deals with the issue of hurt: “Whoever causes pain, harm, disease, infirmity or injury to any person or impairs, disables or dismembers any organ of the body or part thereof of any person without causing his death, is said to cause hurt.”

The following are the kinds of hurt:

- (a) Itlaf-i-udw (loss of organ)
- (b) Itlaf-i-salahiyyat-i-udw (loss of capacity of organ)
- (c) Shajjah (hurt on head or face)
- (d) jurh and (hurt to any body part other than head and face)
- (e) all kinds of other hurts.



## Annex 5

### Key Terminology<sup>15</sup>

There are numerous commonly used terms for referring to violence against women, none universally agreed upon. Many terms, which are based on diverse theoretical perspectives and disciplines, have different meanings in different contexts and countries.

**Violence against women (VAW)** is any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (*UN General Assembly, 1993*)

**Gender-based violence (GBV)** is violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity. (*Council of Europe, 2012*)

**Intimate partner violence (IPV)**<sup>16</sup> refers to behavior by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse, and controlling behaviors. (*WHO 2013*)

**Sexual violence/sexual assault** is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part, or object. (*WHO, 2012*)

**Sexual exploitation** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.<sup>79</sup> (*UN Secretary General, 2003*)

**Sexual harassment** is unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. (*UN Secretary General, 2008*)

**Female genital mutilation/cutting:** all procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. (*WHO 2013*)

**Child marriage:** a formal marriage or informal union before age 18.

#### **Harmful traditional practices:**

Female infanticide and prenatal sex selection, early marriage, dowry -related violence, female genital mutilation/cutting, crimes against women committed in the name of “honour”, and maltreatment of widows, including inciting widows to commit suicide, are forms of violence against women that are considered harmful traditional practices, and may involve both family and community. While data has been gathered on some of these forms, this is not a comprehensive list of such practices. Others (...) include the dedication of young girls to temples, restrictions on a second daughter's right to marry, dietary restrictions for pregnant women, forced feeding and nutritional taboos, marriage to a deceased husband's brother and witch hunts.

*Ending Violence Against Women, From Words To Action.* Study of the Secretary General, United Nations, 2006 (pg. 39)

<sup>15</sup> Reproduced from World Bank Group *Violence Against Women and Girls: A resource Guide* Global Women's Institute George Washington University,

<sup>16</sup> Note: In Pakistan, where the overwhelming majority of women marry at a young age, IPV implies spouse/ husband.

### **Acid Attacks And Stove Burning**

In recent years there has been a growing occurrence of attacks against women using acid.

The main reasons for these acts of violence have reportedly been dowries, refusal of marriage, love, or sexual proposals, or land disputes. While such attacks have been most common in South Asia, they have been reported in a range of geographical locations, including Africa and Europe.

In some countries, particularly in South East Asia, there have been a growing number of incidences in which families harm a woman by burning her and then portray the incident as an accident in order to avoid punishment. While these acts of violence may be inflicted in the name of “honour” or in relation to dowry disputes, they may also be associated with other forms of violence, such as domestic violence, and discrimination against women more generally, such as anger at a woman for failing to give birth to a son.

*Ending Violence Against Women, From Words To Action.* Study of the Secretary General, United Nations, 2006 (pg. 39)

### **Early And Forced Marriages**

Early marriages involve the marriage of a child, i.e. a person below the age of 18. (...) Such marriages take place all over the world, but are most common in sub-Saharan Africa and South Asia, where more than 30 per cent of girls aged 15 to 19 are married. (...)

A forced marriage is one lacking the free and valid consent of at least one of the parties. In its most extreme form, forced marriage can involve threatening behaviour, abduction, imprisonment, physical violence, rape and, in some cases, murder. There has been little research on this form of violence.

*Ending Violence Against Women, From Words To Action.* Study of the Secretary General, United Nations, 2006 (pg. 39-40)

### **Dowry Related Violence**

Violence related to demands for dowry — which is the payment of cash or goods by the bride's family to the groom's family — may lead to women being killed in dowry-related femicide. Dowry murder is a brutal practice involving a woman being killed by her husband or in-laws because her family is unable to meet their demands for her dowry — a payment made to a woman's in-laws upon her engagement or marriage as a gift to her new family. It is not uncommon for dowries to exceed a family's annual income. While cultures throughout the world have dowries or similar payments, dowry murder occurs predominantly in South Asia.

*Ending Violence Against Women, From Words To Action.* Study of the Secretary General, United Nations, 2006 (pg. 39-40)



### Psychological violence

Behaviors that include acts of emotional abuse and controlling behavior, and are associated with an increased risk of physical and sexual violence against female partners. Psychological violence has serious adverse effects on women, even if it does not lead to other forms of violence.

Data collection on psychological violence is often limited to experiences with current and former intimate partners in the past 12 months, owing to issues with reliability of reports

Guidelines for Producing Statistics on Violence against Women— Statistical Surveys, Department of Economic and Social Affairs Statistics Division, United Nations (2014)

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### Some Useful Web Resources

#### **Global Gender Gap Report 2014:**

[http://www3.weforum.org/docs/GGGR14/GGGR\\_CompleteReport\\_2014.pdf](http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf)

#### **UN Women Conducting research, data collection and analysis Virtual Knowledge Center EVAWG**

<http://www.endvawnow.org/en/articles/322-conducting-research-data-collection-and-analysis-.html>

**Mapping Violence against women, a tool to map the prevalence of violence against women** . Aim for human rights / Rights4Change, 2011.

<http://www.rights4change.org/index.php?id=23>

**Partners for Prevention:** [www.PARTNERS4PREVENTION.ORG](http://www.PARTNERS4PREVENTION.ORG) (a joint program of UNDP, UNFPA, UN WOMEN AND UNV for gender-based violence prevention in Asia and the Pacific)