Fighting Domestic Violence - Pakistan

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# 1. Legal provisions

## 1.1 What are the relevant statutes and codes?

The legislation in Pakistan must be based on the foundations of Sharia.[1] The following laws are relevant to crimes of domestic violence in Pakistan:[2]

Anti-Rape Act 2016

Anti-Honor Killing Act 2016

Punjab Protection of Women against Violence Act 2016

Punjab Marriage Restraint Amendment Act 2015

Sindh Child Marriage Restraint Act 2014

Domestic Violence Prevention and Protection Act, Sindh (2013) and Baluchistan (2014)

Khyber Pakhtunkhwa Deserving Widows and Special Persons Act 2014

Elimination of Custom of Ghag Act 2013 (Khyber Pakhtunkhwa)

Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 (pertaining to forced marriages and inheritance deprivation in the name of custom)

Women in Distress and Detention Fund (Amendment) Act 2011

Right to Ownership (Women) Act 2011

Acid Control and Acid Crime Prevention Act 2011

Protection Against Harassment of Women at the Workplace Act 2010 (AJK 2011, Punjab 2012, Gilgit-Baltistan, 2013)

Women Protection Act 2006

In December 2006, the Protection of Women (Criminal Laws Amendment) Act was passed containing several clauses in the Pakistan Penal Code and the Criminal Procedure Code regarding sexual assaults on women and some modifications were made to the Zina Offense as well. In 2001, Section 174-A was added to the Criminal Procedure Code in an attempt to curb dowry-related violence.[3]

In August 2009, the National Assembly of Pakistan passed the Domestic Violence Bill that lays down provisions for the protection of and monetary compensation for victims and punishment in the form of fines or jail time for those who violate protection orders.[4]

## 1.2 What is the controlling case law?

In the country guidance case of *SM* (lone women — ostracism),[5] the upper tribunal held that, apart from the guidance given in *SM* with regard to lone female heads of a family, the existing country guidance in *SN* and *HM* (divorced women — risk on return)[6] and in *KA and Others* (domestic violence risk on return)[7] remains valid.

Although the law protects women, in practice, this is not systematically enforced because of deep-rooted social, cultural and economic barriers and prejudices. A woman's status — and, therefore, her ability to exercise her social, economic and human rights — varies according to her social position in terms of class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status and number of children. Women face direct, cultural and structural violence through a deeply entrenched system of patriarchy in all tiers of public and private life.

The [Islamic laws](https://www.justice.gov/eoir/page/file/1250691/download?1502386956=&amp;response-content-disposition=inline;+filename=Domestic_Violence_Against_Women_Empirica.pdf&amp;Expires=1604421907&amp;Signature=QfHaf-Jp~ZahUVgeplKQKx~lo0ytDLBIb0USBqoxxs07TY9bKt7i5KdaDZyNmh79LuB-LKu1c0gNPATnE63AOQHdPMW1zQh9M8mt6spdBVG0VcHQsgRBhO5NffYkKXYK824Zup~7Uy9nhZ79xcHsIOm5fOtwe30spehovDTql~fLNW5PAy8wnIRzK1cIXpVxtq2mVyJqF0I-XSlG2AXnDynqui0oirKIFe-gC4eP0Nm5OW-~basDadVi9iYqA1giseKmfI1Mt3envAmUfVlLNHPvLS82ZqEAffUPGI3bwprJL~RcDzgMndkSPkHOQCri8oapE34pc0Lu25cA8HZpuw__&amp;Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA) on women's rights give a broader framework that needs to be utilized in order to maintain the status of domestic violence against women.[8]

## 1.3 What are the specific parts of the court system that address domestic violence?

The Constitution of Pakistan and different laws prohibit discrimination based on gender but often lack proper enforcement by the authorities.[9]

The Constitution of Pakistan in several articles guarantees gender equality. For instance, Article 25 states: "All citizens are equal before law and are entitled to equal protection of law" and Article 27 states: "There shall be no discrimination on the basis of sex alone."

At the global level, Pakistan has signed several international commitments to protect basic human rights and ensure gender equality. These include:

United Nations Universal Declaration of Human Rights

Forward-looking Strategies for the Advancement of Women (Nairobi, 1985)

Programme of Action agreed at the International Conference on Population and Development (Cairo, 1994)

Education for All (Jometien, 1990 and Delhi, 1993)

United Nations Conference on Environment and Development (Rio de Janeiro; 1992)

World Summit on Social Development (Copenhagen, 1995)

Platform for Action signed at the Fourth World Conference on Women (Beijing, 1995)

UN Convention on the Rights of the Child

Pakistan has acceded to the Convention on the Elimination of All Forms of Discrimination against Women ((CEDAW) 1993)[10]

## 1.4 What are potential causes of action?

In Pakistan domestic violence includes the following:

intimate partner violence

honor killings

dowry

However, in practice, not all cases of domestic violence are reported. There are many reasons behind not registering the cases, as many of the victims are wary about the public perception and pressures of "honor" and fear, as well as the so-called reputation of their family. Generally, the police and judges are also reluctant to register cases involving women and consider them as family matters or problems that can be solved at the family level.[11]

It is important to note that an accused found guilty of committing acts of domestic violence will only receive a warning not to do certain acts based on the protection orders. The accused will not be subject to penalties for committing an act of violence. However, penalties for violation of protection orders include imprisonment of six months to one year and a fine of PKR 100,000 for the first breach, and a prison term of one to two years and/or a fine of not less than PKR 200,000 for the second and succeeding offenses.[12]

# 2. Introduction: framework guiding domestic violence law

## 2.1 Are there civil and criminal legal remedies for domestic violence victims?

According to a study carried out in 2009 by Human Rights Watch, it is estimated that between 70 and 90% of women in Pakistan have suffered some form of abuse. The majority of the victims of violence have no legal recourse. Law enforcement authorities do not view domestic violence as a crime and usually refuse to register any cases brought to them.[13]

## 2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

N/A

## 2.3 Has your country signed and ratified the Council of Europe's Istanbul Convention (2011) preventing and combating violence against women and domestic violence (CETS No. 210)?

No.[14]

## 2.4 If it has ratified the Istanbul Convention, how has this convention been implemented into national law?

N/A

## 2.5 If it has not ratified or signed the Istanbul Convention, is it envisaged that your country will do so?

The country is working on putting measures in place. It appears that Pakistan is slowly progressing toward implementing measures to help protect women against the common types of violence in the area of domestic violence, such as rape, honor killings, acid attacks, etc.

## 2.6 If it has ratified the 1979 Convention, how has the recommendations part of General Comment No. 35 been implemented into national law?

N/A

## 2.7 If the 1979 Convention has not been ratified or signed, is it envisaged that your country will do so?

The 1979 Convention (CEDAW), which has been ratified by the government of Pakistan, obliges the state to take effective measures for curbing sex discrimination and the abuse/exploitation of women. In addition, Article 2 of CEDAW obliges the member states to take effective measures, both legislative and administrative, to end discrimination against women in all forms. Article 11 specifically calls for eliminating discrimination against women in the field of employment, thereby ensuring the right to work, free choice of joining a profession or employment, promotion, job security, equal remuneration, social security and other services and benefits.[15]

# 3. Similarities and differences in terminology

## 3.1 Domestic violence

Domestic violence[16] is defined broadly in each of the relevant laws. It includes physical, sexual, emotional, psychological, verbal and economic abuse. Additionally, it covers domestic relationships, including one's spouse, siblings, parents, etc.[17]

Domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Domestic violence is a pattern of abusive behavior characterized by the intent to gain or maintain power and control over an intimate partner or other family members.

The abuse can be established over time and, in most cases, it begins subtly with insults, a shove or by alienating the survivor from family and friends. With time, the abusive behavior can be more frequent and severe. One in every four women and one out of every seven men have experienced severe physical violence from an intimate partner at some point in their lifetimes.

Domestic violence can take many forms, such as:

Physical: Any use of force that causes pain or injury, such as hitting, kicking or slapping.

Sexual: Abuse can include sexual harassment, sexual assault or manipulating a person into having sex by using guilt or threats.

Emotional and/or verbal: Constant criticism, threatening to hurt loved ones or harassment at school or in the workplace.

Economic: Controlling a person's income or financial assistance, misusing one's credit or making it difficult for a person get or maintain a job.

Psychological: Minimizing or blaming a person for the abuse, intimidation and/or threats or destroying property.

Domestic violence is characterized by violent actions or threats of violent actions, including behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound a partner. Domestic violence is the most commonly used term for this kind of violence, but it is also known as intimate partner violence, family violence or battering. These definitions vary between states, countries and organizations, but they are all based on the same premise — the abuse of power and control in familial, cohabiting or intimate relationships.

## 3.2 Stalking

No definition found.

## 3.3 Harassment

No definition found.

## 3.4 Victim

No definition found.

## 3.5 Abuser

No definition found.

## 3.6 Civil protection order

No definition found.

## 3.7 Causes of action

No definition found.

## 3.8 Marital rape

No definition found.

## 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

The following acts are commonly described in Pakistani society:[18]

acid throwing

bride burnings/"stove deaths"

dowry death

honor killing

female genital mutilation

femicide and infanticide

foot binding

forced abortion

forced marriage

forced pregnancy

forced prostitution

human trafficking

murder of pregnant women

sati/burning alive

violence against prostitutes

sexual violence

sexual assault

campus sexual assault

rape/gang rape

sexual slavery

# 4. Protection for domestic violence victims and relief granted

## 4.1 Civil protection orders

## 4.1.1 Are there civil protection orders available to victims of domestic abuse?

Yes. The Punjab Protection of Women against Violence Act 2016 allows victims of domestic violence to obtain protection orders to order the accused not to have any communication and stay a specific distance away from the victim, surrender any firearms and refrain from attempting to cause harm to her.[19]

The Ministry of Women Development set up 10 crisis centers to help the victims of domestic violence and raise people's awareness level on this issue. In 2011, the Senate of Pakistan passed the Acid Control and Acid Crime Prevention Bill to repress acid attacks in the country; it also passed the Prevention of Anti-Women Practices Bill.[20]

Domestic violence issues are not specifically covered in the Pakistan Penal Code, however, there are several sections covering issues regarding miscarriage, abandonment of children under 12 years old, causing hurt, wrongful confinement and restraint. Laws on sexual violence come under the umbrella of the Hudood Ordinances 1979. In spite of this, women are more victimized than ever and can rarely seek relief under these laws. In December 2006, the Protection of Women (Criminal Laws Amendment) Act was passed containing several clauses in the Pakistan Penal Code and the Criminal Procedure Code regarding sexual assaults on women and some modifications were made to the Zina Offense as well. In 2001, Section 174-A was added to the Criminal Procedure Code in an attempt to curb dowry-related violence.[21]

In August 2009, the National Assembly of Pakistan passed the Domestic Violence Bill that lays down provisions for the protection of and monetary compensation for victims and punishment in the form of fines or jail time for those who violate protection orders.[22]

Under the Domestic Violence Prevention and Protection Act, the penalties of violation of a protection order include imprisonment of six month to one year and a fine of PKR 100,000 for the first breach.[23]

## 4.1.2 Who can petition for civil protection orders?

Advocacy groups are well aware of the plight of the majority of Pakistani women —owing to their disadvantaged position in society, arguably, the major cause of gender oppression — and have been persistently demanding, lobbying and striving for legislation that provides protection to victims of abuse.[24]

## 4.1.3 Are there temporary custody of a child or child support orders?

Under the Domestic Violence Prevention and Protection Act 2009, the definition of the scope is fairly wide, it extends protection against domestic violence to children and other vulnerable persons and thereby ensures a safe domestic environment. It falls in line with the constitutional provisions that empower the state to make special measures and undertake affirmative action for the protection of women and children.[25]

## 4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

An accused found guilty of committing the act of domestic violence will only receive a warning not to do certain acts based on the protection orders.[26]

In the Punjab Protection of Women against Violence Act of 2016, the court can pass residence orders to ensure that the accused or members of his family do not evict the victim from her marital home. If the victim wishes, she can be relocated to the Dar-ul-Aman or another location of her preference, if she fears violence from the accused person or his family.[27]

## 4.1.5 Are there any other types of emergency, preventive and civil protection orders?

In the context of Pakistan, any legislation that attempts to make domestic violence against women directly an offense, would possibly not make its way through the country's parliament, given its male-dominated membership.[28]

However, the Punjab Protection of Women against Violence Act provides for the setting up of violence against women centers, which will provide all essential services to ensure the speedy reporting of crimes, registration of cases, timely medical examinations and collection of forensic and other evidence. Services provided for survivors of violence include counseling, medical care, legal aid, coordination with local law enforcement agencies and temporary shelter at Dar-ul-Aman.[29]

## 4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

These orders can be requested through the courts. For example, a civil court in Karachi issued a restraining order in a case registered under the Sindh Domestic Violence Act 2013 and barred the husband, accused of physically assaulting his wife, from entering his wife's workplace and household. The court provided security to the petitioner and issued a bond from the accused for preventing the commission of domestic violence.

Victims of domestic violence can approach a court themselves, or through the women protection officers, to obtain interim, protection, residence or monetary orders to prevent further violence, retain the right to reside in the marital home and obtain maintenance from the accused. The court will define the period of validity of an order.[30]

## 4.1.7 Are there different types of civil protection orders, e.g., for a short- term period?

The court will set the period of an order on a case-by-case basis.

## 4.1.8 Are ex parte orders permitted without the aggressor being present?

The victim can approach a court without the aggressor being present.

## 4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

A court can pass residence orders to ensure that the accused or members of his family do not evict the victim from her marital home. If the victim wishes, she can be relocated to the Dar-ul-Aman or another location of her preference, if she fears violence from the accused person or his family.[31]

## 4.1.10 How long do the orders last?

The court will set the period of an order on a case-by-case basis.

## 4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information, e.g., police reports, convictions, etc.

<https://www.dw.com/en/violence-against-women-on-the-rise-in-pakistan/a-50550672>

<https://www.dw.com/en/pakistan-honor-killings-haunting-young-women/a-45985192>

<https://de.reuters.com/article/us-pakistan-women-court-idUSKCN1TK2X2>

<http://hrcp-web.org/publication/book-genre/annual-reports/>

## 4.2 Steps for receiving a protective order

## 4.2.1 What documentation is needed to obtain a civil protection order?

No information is available.

## 4.2.2 Does the victim need to attend a hearing?

No information is available.

## 4.2.3 Can you request remedies?

The Pakistani government is currently setting up violence against women centers, which will provide all essential services to ensure the speedy reporting of crimes, registration of cases, timely medical examinations and collection of forensic and other evidence. Services provided for survivors of violence include counseling, medical care, legal aid, coordination with local law enforcement agencies and temporary shelter at Dar-ul-Aman.[32]

## 4.2.4 Are there time limits?

No.

## 4.2.5 Are there different rules in emergencies?

No information is available.

## 4.3 Judicial discretion

## 4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

In 1999, Human Rights Watch found that rather than responding actively to violations of women's rights to life, to security of the person and to be free of discrimination, the government has acted, through its police, medico-legal, prosecutorial and judicial systems, to block access to redress and justice for female victims of violence.[33]

In 2019, Pakistan planned to set up more than 1,000 courts dedicated to tackling violence against women, seeking to tackle a problem activists say the criminal justice system has long neglected.[34]

The new courts will operate in existing courthouses, but will hold domestic violence hearings separately from other cases to enable victims to testify in confidence. A pilot court was opened in 2017 in Punjab, Pakistan's most populous province.[35]

## 4.3.2 Are there age limits on who can obtain orders?

No information is available.

## 4.4 Restitution and remedies available to victims

## 4.4.1 Can victims obtain reimbursement for costs and restitution paid?

Monetary orders direct the accused person to pay monetary relief to the victim to meet expenses incurred, e.g., loss of earning, medical expenses and any other harm suffered. Monetary orders can also include maintenance for a specified period.[36]

## 4.4.2 Can they recover wages and profits lost?

Please see Section 4.4.1.

## 4.4.3 Is a separate civil process required?

All of these processes are handled by the same protection and court.

# 5. Prosecutorial considerations

## 5.1 Police procedures

## 5.1.1 When do the police get involved in domestic disputes or legal actions?

The police do not get involved in domestic disputes very often, there are many barriers between women and the police in Pakistan and domestic violence goes unreported in the majority of cases. Unfortunately, affected women have no access to lodge a first information report, as there are only nine female police stations and seven complaint units in the whole country. Three complaint units in Islamabad have been established since September 2010 in collaboration with the National Police Bureau and German Technical Cooperation.

The majority of women are not aware of female police stations and complaint units.Other women do have some access to general police stations but they are ignored because of political and male dominance factors. Sometimes they are victimized and raped because of political activities and even in police custody.

According to Amnesty International (1999), Human Rights Watch (2003) and the Human Rights Commission of Pakistan (2003), women are raped in police stations and many incidents go unreported. In addition, in some cases, the police torture women from opposition political parties, allegedly on the orders of the government.[37]

According to a representative of the Human Rights Commission of Pakistan, it is "very difficult" to lodge a complaint at a police station because police officers do not take domestic violence victims seriously and, in the view of the Human Rights Commission, police believe that husbands have the right to beat their wives. In addition, according to Country Reports 2011 "abused women usually were returned to their abusive family members."

## 5.1.2 What circumstances effect law firm involvement?

No information is available.

## 5.2 Standard of proof

## 5.2.1 Is proof required by any legal means?

No information is available.

## 5.2.2 Are there any requirements regarding evidence and documents?

Medico-legal evidence is available but not required. As many police officers in Pakistan do not view domestic violence as a criminal matter, victims are often not referred to medico-legal examinations for evidence gathering. Police typically ask victims to reconcile with their abusers, as they deem domestic violence a "private matter."

In rape cases, Pakistani courts generally require "positive proof of penetration" and physical evidence, such as genital injuries, to corroborate the victim's testimony as to the nonconsensual nature of the intercourse. This renders utterly indispensable a timely and meticulous medico-legal examination of victims as well as a sophisticated understanding of its merits and limitations on the part of the courts.

In many cases of sexual assault, medical evidence may provide the only corroboration of the complainant's case, confirming not only the fact that sexual contact or intercourse took place — and with a particular individual — but also that such contact took place without the complainant's consent. Although medical evidence cannot in and of itself prove a lack of consent, it can be strongly suggestive that sexual contact or intercourse was the result of assault and not agreement.

Medical evidence also plays a critical role in domestic violence cases: a medico-legal doctor's evaluation of the nature and extent of the injuries determines the legal classification of incidents of domestic abuse and, consequently, the seriousness of the charges. However, concerns about the medico-legal system in the context of domestic violence remain largely theoretical because, in the overwhelming majority of cases, the police simply do not conceive of domestic violence as a criminal matter, nor do they refer victims for medico-legal evaluations.[38]

Under the Pakistani Criminal Procedure Code, when women come to the police station to file complaints against their abusers, police enforcement agencies have the responsibility of detailing the nature of the crime, requesting a medico-legal exam, escorting the survivor to that exam and delivering all results and evidence to the prosecutor. However, cases are rarely handled in this manner. Instead, police officers usually advise survivors to reconcile with their abusers. Survivors are informed that filing a complaint would bring dishonor to their family and such familial issues should be settled in the privacy of one's home, without intervention by the state.[39]

## 5.2.3 Is proof "beyond a reasonable doubt" required?

In terms of evidentiary standards, a woman must prove rape beyond a reasonable doubt, but her alleged rapist is given the benefit of the doubt. If she is unable to meet this burden of proof, her insufficient rape claim constitutes prima facie evidence of adultery.[40]

## 5.2.4 Is the standard of proof different for ex parte orders?

No information is available.

## 5.3 Affirmative defenses

## 5.3.1 Are affirmative defenses available to the accused?

No information is available.

## 5.3.2 Is willful intent required?

No information is available.

## 5.3.3 Are false accusations punishable for the victim?

Victims can be accused of adultery in situations where they are not married to their abuser/rapist, this is because "sexual relations" between parties who are unmarried are considered "fornication" and are deemed an offense under the Protection of Women (Criminal Laws Amendment) 2006 Act. This offense is punishable by imprisonment for up to five years and a fine not exceeding PKR 10,000. An accusation of adultery must be lodged directly with the court. It is considered an offense to make false accusations of adultery and fornication.[41]

Victims are often stigmatized and blamed for the gender-based violence that they have experienced, and have often been labeled as the "false accuser."[42]

## 5.3.4 How is consent discussed in the law?

Islam does not force women to marry without their consent. The woman's consent is essential to accept a marriage proposal to accept a marriage proposal, and the man must promise to give an amount of money to the woman who he is going to marry and this money is called mahr.[43] This is not the legal definition of consent in Pakistan, but could provide some additional context as Islamic law heavily influences Pakistan. Many online sources point to the "age of consent" instead of consent as a whole.

## 5.3.5 Is self-defense or insanity a defense?

No information is available.

## 5.4 Witness status

## 5.4.1 What is a witness's duty to testify honestly and completely?

In its July 2017 report, the UN Committee on Economic, Social and Cultural Rights expressed its concern:

The Qanun-e-Shahadat Order (Law of Evidence) 1984, stipulates that the value of women's court testimony is half that of a male witness. It is also concerned that women are facing difficulties in seeking judicial remedies because law enforcement officials and judges lack awareness of women's rights, because women lack awareness of their own rights and of the judicial procedures to claim those rights, because women do not trust the justice system and because there is insufficient free legal assistance.[44]

## 5.4.2 Who may abstain from testifying in certain situations?

Please refer to Section 5.4.1.

## 5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

Please refer to Section 5.4.1.

## 5.4.4 What is the impact of domestic violence on witnesses who are children?

Please refer to Section 5.4.1.

## 5.4.5 Can children be called upon to testify?

Please refer to Section 5.4.1.

## 5.4.6 What is the effect of a child victim on the charges against the offender?

Please refer to Section 5.4.1.

## 5.5 Penalties and sentencing; penalty enhancements

## 5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

Qisas and Diyat refer to forms of punishment for the perpetrator for committing these violent crimes, namely physical retribution and compensation, respectively. The survivor or her heirs can either pardon the offender or request Qisas or Diyat. Unfortunately, not only are many women persuaded by the police and the judges to drop their charges, but many of their family members also force them to return to their husbands in order to avoid any family dishonor. Thus, the legal system is essential to protecting women's fundamental rights because their families often disregard these rights. However, survivors are further oppressed whenjudges disregard instances of violence as private and domestic disputes. In some cases, the state may invoke taz'ir punishment, also known as imprisonment, even after a settlement has already been reached. However, this punishment is purely at the discretion of the judge. Thus, these cases are again frequently dismissed as the male-biased judicial system does not recognize domestic violence as a crime and the international community fails to take any action.[45]

## 5.5.2 Are there criminal penalties?

Yes, but these are not always enforced. First-time domestic violence offenders are expected to face up to one year in prison and repeat offenders will face up to two years of incarceration. These may seem like light sentences in many instances, but they are a step in the right direction.[46]

In Pakistan, domestic violence is not considered a crime under any specific law. Its different aspects are considered under different laws. As domestic violence ranges from minor injuries to causing death, all the laws related to injury and the death penalty are crucial. In 1979, the Hudood Laws were enforced as part of the "Islamization processes" of General Muhammad Zia-ul-Haq in Pakistan. These laws also included the Zina (rape) Ordinance and the Qazaf (allegation of adultery on the spouse) Ordinance (1979). Different categories of crimes and punishments ranging from criminal intimidation to murder are also available in the Pakistan Penal Code of 1860, but at this stage both parties would have already decided to go their separate ways. When the parties go to a police station for registering cases against each other, then it is presumed that they are no longer in a spousal relationship, and it is a sign of enmity and an end of all negotiation and mediation.[47]

## 5.5.3 What is the result of a violation of an existing order for protection?

No information is available.

## 5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

Protection officers will be liable to inform the defendant whenever a complaint is received. Resisting protection officers will be punishable by up to six months imprisonment and a fine of up to PKR 500,000.

The defendant will be liable to bear all the expenses of the complainant in case the court orders it. If the defendant refuses to pay, then the court can order the payment to be deducted from their salary, if applicable. Defendants can be cuffed with GPS tracking bracelets, if ordered by the court. Those attempting to remove or tamper with the tracking bracelets will be jailed for up to one year and fined between PKR 50,000 and PKR 200,000. Defendants will not be allowed to apply for an arms license or procure weapons, and weapons already registered in their name will have to be submitted in court.[48]

The Human Rights Commission of Pakistan report said prosecution rates for domestic violence and sexual offenses were low, with women frequently afraid to report the crimes or being intimidated into withdrawing complaints. It recorded more than 900 rapes and sexual assaults in 2015, 279 instances of domestic violence, 143 of burning, 833 kidnappings and 777 suicides and attempted suicides. The Human Rights Commission of Pakistan reported 987 honor crimes in 2015, with 1,096 female victims and 88 male victims, including an unknown number of children.[49]

## 5.6 Post-release restrictions

## 5.6.1 Does the law notify the victim of the offender's release from custody?

No information is available.

# 6. Special issues

## 6.1 Battered woman syndrome

## 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered Woman Syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

It does not appear that battered woman syndrome is recognized in Pakistan nor can it be used as evidence to defend the battered woman's crimes.

## 6.2 Domestic violence in the workplace

## 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

As a general comment, it is documented that many women in Pakistan are hesitant to report domestic violence, as they fear it will affect how they are viewed in society. This keeps them trapped and they're less likely to report domestic violence in the workplace.[50]

It appears the manager/employer is responsible for managing any domestic violence in the workplace and ensuring The Protection Against Harassment of Women at the Workplace Act 2010 is followed.[51]

## 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

The full responsibility for protecting women against harassment has been laid on the management of an organization, indicating that an employer is responsible for implementing the relevant provisions of The Protection Against Harassment of Women at the Workplace Act. According to Section 11, employers are responsible for the effective incorporation of the Code of Conduct for protection against harassment as part of their management policy to form an inquiry committee referred to in Section 3, and to designate a competent authority referred to in Section 4.

The employer's responsibility does not end with the display of the Code of Conduct and formation of an inquiry committee; it also extends to making temporary adjustments so as to ensure that the accused and the complainant do not have any interaction with each other during the investigation period.[52]

## 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

This decision would be up to the employer of the company.[53]

## 6.3 Immigration

## 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents from using immigration laws to perpetrate domestic violence against their spouse?

No information is available.

## 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?

No information is available.

## 6.3.3 Does domestic violence law discuss asylum accessibility?

No information is available.

## 6.4 Armed forces

## 6.4.1 Can a victim seek a military protective order if the abuser is in active military?

No information is available.

## 6.5 Child custody and child/spousal support

## 6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

No information is available.

## 6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

No information is available.

## 6.6 Housing rights of domestic violence victims

## 6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

The [Punjab Protection of Women against Violence Act 2016](https://www.refworld.org/docid/45d314242.html) suggests that women's housing rights will be protected. This can only be true if the act is enforced. The act includes a "residence order" that states the following:

This order will ensure that the aggrieved is not evicted from the house and that she may be relocated to a shelter home or an alternate accommodation according to her wishes. The alternate accommodation or rent for it will be provided by the perpetrator.[54]

## 6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

No information is available.

## 6.6.3 Can an order exclude the abuser from the residence?

Please see Section 6.6.1.

## 6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

No information is available.

# 7. Endnotes

[1]    [https://vfast.org/journals/index.php/VTESS/article/view/205/296](http://citeseerx.ist.psu.edu/viewdoc/download)

[2]    [https://www.justice.gov/eoir/page/file/1250691/download](https://www.dw.com/en/pakistan-honor-killings-haunting-young-women/a-45985192), page 17, section 3.2.1.

[3]    [https://vfast.org/journals/index.php/VTESS/article/view/205/296](https://www.justice.gov/eoir/page/file/1250691/download)

[4]    [https://vfast.org/journals/index.php/VTESS/article/view/205/296](https://treaties.un.org/Pages/ViewDetails.aspx)

[5]    Pakistan CG [2016] UKUT 67 (IAC), 2 February 2016.

[6]    Pakistan CG [2004] UKIAT 00283.

[7]    Pakistan CG [2010] UKUT 216 (IAC).

[8]    Pertanika J. Soc. Sci. & Hum. 25 (3): 1401 - 1418 (2017) 1405 women in Muslim societies.

[9]    [https://www.af.org.pk/](https://www.af.org.pk/Acts_Fed_Provincial/Sindh_Acts_since_2002/Sindh%20%202013/The%20Domestic%20Violence%20%28Prevention%20and%20Protection%29%20Act%2C%202013.pdf?1502386956=&amp;response-content-disposition=inline;+filename=Domestic_Violence_Against_Women_Empirica.pdf&amp;Expires=1604421907&amp;Signature=QfHaf-Jp~ZahUVgeplKQKx~lo0ytDLBIb0USBqoxxs07TY9bKt7i5KdaDZyNmh79LuB-LKu1c0gNPATnE63AOQHdPMW1zQh9M8mt6spdBVG0VcHQsgRBhO5NffYkKXYK824Zup~7Uy9nhZ79xcHsIOm5fOtwe30spehovDTql~fLNW5PAy8wnIRzK1cIXpVxtq2mVyJqF0I-XSlG2AXnDynqui0oirKIFe-gC4eP0Nm5OW-~basDadVi9iYqA1giseKmfI1Mt3envAmUfVlLNHPvLS82ZqEAffUPGI3bwprJL~RcDzgMndkSPkHOQCri8oapE34pc0Lu25cA8HZpuw__&amp;Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA)

[10]    <https://www.justice.gov/eoir/page/file/1250691/download>

[11]    [https://pcsw.punjab.gov.pk](https://pcsw.punjab.gov.pk/Punjab%20Protection%20of%20Women%20against%20Violence%20Act%2C%202016?1502386956=&amp;response-content-disposition=inline;+filename=Domestic_Violence_Against_Women_Empirica.pdf&amp;Expires=1604421907&amp;Signature=QfHaf-Jp~ZahUVgeplKQKx~lo0ytDLBIb0USBqoxxs07TY9bKt7i5KdaDZyNmh79LuB-LKu1c0gNPATnE63AOQHdPMW1zQh9M8mt6spdBVG0VcHQsgRBhO5NffYkKXYK824Zup~7Uy9nhZ79xcHsIOm5fOtwe30spehovDTql~fLNW5PAy8wnIRzK1cIXpVxtq2mVyJqF0I-XSlG2AXnDynqui0oirKIFe-gC4eP0Nm5OW-~basDadVi9iYqA1giseKmfI1Mt3envAmUfVlLNHPvLS82ZqEAffUPGI3bwprJL~RcDzgMndkSPkHOQCri8oapE34pc0Lu25cA8HZpuw__&amp;Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA)

[12]    [http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.729.5300&rep=rep1&type=pdf](https://vfast.org/journals/index.php/VTESS/article/view/205/296?doi=10.1.1.729.5300&amp;rep=rep1&amp;type=pdf)

[13]    <http://www.humanrights.kp.gov.pk/sites/default/files/articles/Domestic%20Violence%20in%20Pakistan.pdf>

[14]    [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures](https://pdfs.semanticscholar.org/f592/d26355001faf3122c3d814242fc75a005d58.pdf)

[15]    [https://pcsw.punjab.gov.pk](https://pcsw.punjab.gov.pk/Punjab%20Protection%20of%20Women%20against%20Violence%20Act%2C%202016?1353100223=&amp;response-content-disposition=inline;+filename=Women_status_in_Pakistan_under_customs_a.pdf&amp;Expires=1604427132&amp;Signature=P8lReBVeieI3A7r5KIna8PUmwRIp1yzok6TUsVBLoO2tF8CO2QiExGjAOtuvE4UpW1Ul0JrweZT~TGM0E~fXxmdvNgbMjBeDkvAPtRk6-upS0kjHZBi2Qe4cyrVJoL1US99oESUCZ-rWKT6dHvzUgzEuKpRXbt6yc2N7WXW-2Bu7yH1xBR9QpgdQSGnULiFnj01zvNgp0sIrf8TNHWsQjFq3d39s-NMqJMnniaUlGOSiK5vkx3Ac6ukmq6oBCbbbpCSIRox0UBbwCPnBHANTIWkndTCCd61t8685OsGN3G3O2FBUmL848CwhqUOEjJoPOzLuDkboF-KUnhqVEX1vxQ__&amp;Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA)

[16]    [http://www.humanrights.kp.gov.pk/sites/default/files/articles/Domestic%20Violence%20in%20Pakistan.pdf](https://books.google.com/books)

[17]    <https://images.dawn.com/news/1182318>

[18]    [http://www.humanrights.kp.gov.pk/sites/default/files/articles/Domestic%20Violence%20in%20Pakistan.pdf](https://www.dawn.com/news/1241626)

[19]    <http://hrcp-web.org/publication/book-genre/annual-reports/>

[20]    <https://vc.bridgew.edu/cgi/viewcontent.cgi>

[22]    <https://vfast.org/journals/index.php/VTESS/article/view/205/296>

[23]    <https://sahsol.lums.edu.pk/law-journal/protection-against-harassment-women-workplace-act-2010-legislative-review>

[24]    [https://www.thenews.com.pk/latest/195270-Pakistans-first-Violence-Against-Women-Center-inaugurated-in-Multan?doi=10.1.1.729.5300&rep=rep1&type=pdf](https://www.thenews.com.pk/latest/195270-Pakistans-first-Violence-Against-Women-Center-inaugurated-in-Multan?doi=10.1.1.729.5300&amp;rep=rep1&amp;type=pdf)

[25]    [brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?doi=10.1.1.729.5300&rep=rep1&type=pdf](https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?doi=10.1.1.729.5300&amp;rep=rep1&amp;type=pdf)

[26]    [http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.729.5300&rep=rep1&type=pdf](http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.729.5300&amp;rep=rep1&amp;type=pdf)

[27]    [https://blogs.worldbank.org/endpovertyinsouthasia/addressing-violence-against-women-pakistan-time-act-now?doi=10.1.1.729.5300&rep=rep1&type=pdf](https://blogs.worldbank.org/endpovertyinsouthasia/addressing-violence-against-women-pakistan-time-act-now?doi=10.1.1.729.5300&amp;rep=rep1&amp;type=pdf)

[28]    <https://sahsol.lums.edu.pk/law-journal/protection-against-harassment-women-workplace-act-2010-legislative-review>

[29]    [http://citeseerx.ist.psu.edu](http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.729.5300&amp;rep=rep1&amp;type=pdf)

[30]    [https://pcsw.punjab.gov.pk](https://pcsw.punjab.gov.pk/Punjab%20Protection%20of%20Women%20against%20Violence%20Act%2C%202016)

[31]    <http://citeseerx.ist.psu.edu/viewdoc/download>

[32]    <https://vfast.org/journals/index.php/VTESS/article/view/205/296>

[33]    [https://www.researchgate.net/](https://www.researchgate.net/profile/Qaisar_Mahmood3/publication/283504089_Perception_of_sexual_Harassment_at_workplace_knowledge_and_attitude_of_working_women_towards_workplace_Harassment_Act_2010/links/563ba59008ae45b5d286968c.pdf)

[34]    <https://de.reuters.com/article/us-pakistan-women-court-idUSKCN1TK2X2>

[35]    <https://de.reuters.com/article/us-pakistan-women-court-idUSKCN1TK2X2>

[36]    [https://pcsw.punjab.gov.pk](https://pcsw.punjab.gov.pk/Punjab%20Protection%20of%20Women%20against%20Violence%20Act%2C%202016)

[37]   <https://d1wqtxts1xzle7.cloudfront.net/54111063/Domestic_Violence_against_Women_Empirical_Evidence_from_Pakistan.pdf>

[38]    [Violence Against Women in Pakistan: Role of Police and Media](https://efile.fara.gov/docs/6839-Informational-Materials-20200730-2.pdf#page=17)

[39]    [The State Response to Violence Against Women](https://www.unafei.or.jp/publications/pdf/RS_No69/No69_16PA_Khan.pdf) (under section "Medico-legal Examinations")

[40]    [Domestic Violence in Pakistan: The Tension Between Intervention & Sovereign Autonomy in Human Rights Law](https://www.refworld.org/docid/51222ba42.html?article=1337&amp;context=bjil)

[41]    [Domestic Violence in Pakistan: The Tension Between Intervention & Sovereign Autonomy in Human Rights Law](https://d1wqtxts1xzle7.cloudfront.net/30198112/0501003.pdf?article=1337&amp;context=bjil) (page 19)

[42]    [Pakistan: Women fearing gender-based violence](https://www.hrw.org/reports/1999/pakistan/Pakhtml-06.htm) (page 31)

[43]    [Pakistan: Domestic violence, including effectiveness of the Protection of Women (Criminal Laws Amendment) Act, 2006](https://www.refworld.org/docid/51222ba42.html)

[44]    [Domestic Violence Against Women: Empirical Evidence from Pakistan](http://citeseerx.ist.psu.edu/viewdoc/download?1502386956=&amp;response-content-disposition=inline;+filename=Domestic_Violence_Against_Women_Empirica.pdf&amp;Expires=1606329994&amp;Signature=AdIw~zHYUxzu-vRbduKQFMHC~WL4zMvAPCEYlGo-e7KTFz-GOazgoF6ZDqxK2ZxhnXBb9LIoy7e0K91z6SvbJCPh5mgDOptBpRHADvxjFhlGjW5rEQ3hD~WBT2~Z6sJjuWdg1LrExfPb4GymT-7GGVTSThHRtgSLegizl6qk3EQE3eC85HL96zh7bP8PztqxKWtbsIQIVkGBAwQtRtyF5CaYrX9RSnVVKFEmQn9sn7JIa1K~KRm2-pMYEY7-y2vY41W2SoWahhsZewyhDjdr1PT3MBqhXNZ7hRqOB8PsUhh19YjkKkMswT1583h5x0UOCgTXzaui-TZwwEyi1mIWaQ__&amp;Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA) (page 5)

[45]    [Pakistan: Women fearing gender-based violence](https://vfast.org/journals/index.php/VTESS/article/view/205/296) (pages 44-45)

[46]    [Domestic Violence in Pakistan: The Tension Between Intervention & Sovereign Autonomy in Human Rights Law](http://www.humanrights.kp.gov.pk/sites/default/files/articles/Domestic%20Violence%20in%20Pakistan.pdf?article=1337&amp;context=bjil) (pages 26-27)

[47]    [Pakistan's Game-Changing Law Protects Women Against Violence](https://www.globalcitizen.org/en/content/pakistan-law-women-violence-honourkilling/#:~:text=Domestic%20violence%20offenders%20are%20expected,better%20than%20sending%20no%20message.)

[48]    [Country Report - Pakistan](https://tribune.com.pk/story/2261415/court-issues-restraining-order) (pages 6)

[49]    [Punjab Assembly Passes Protection of Women Against Violence Bill](https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi)

[50]    [http://www.humanrights.kp.gov.pk/sites/default/files/articles/Domestic%20Violence%20in%20Pakistan.pdf](http://citeseerx.ist.psu.edu/viewdoc/download)

[51]    <http://citeseerx.ist.psu.edu/viewdoc/download>

[52]    [Domestic Violence against Women Empirical Evidence from Pakistan](https://d1wqtxts1xzle7.cloudfront.net/54111063/Domestic_Violence_against_Women_Empirical_Evidence_from_Pakistan.pdf#:~:text=workforce%20in%20Pakistan.-,The%20Protection%20against%20Harassment%20of%20Women%20at%20the%20Workplace%20Act,right%20to%20work%20in%20Pakistan)

[53]    [Protection against harassment women workplace act 2010](https://sahsol.lums.edu.pk/law-journal/protection-against-harassment-women-workplace-act-2010-legislative-review#:~:text=workforce%20in%20Pakistan.-,The%20Protection%20against%20Harassment%20of%20Women%20at%20the%20Workplace%20Act,right%20to%20work%20in%20Pakistan)

[54]    [https://www.unafei.or.jp](https://www.unafei.or.jp/publications/pdf/RS_No69/No69_16PA_Khan.pdf#:~:text=workforce%20in%20Pakistan.-,The%20Protection%20against%20Harassment%20of%20Women%20at%20the%20Workplace%20Act,right%20to%20work%20in%20Pakistan)

[55]    [https://pcsw.punjab.gov.pk/](https://pcsw.punjab.gov.pk/Punjab%20Protection%20of%20Women%20against%20Violence%20Act%2C%202016)

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