

## Legal Failures and Social Realities: Why Domestic Violence Persists Despite Statutory Protections in Pakistan's Legal System

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### ABSTRACT

Although in Pakistan, statutory safeguards against domestic violence are gathering momentum in federal and provincial acts in Islamabad Capital Territory (ICT), Sindh, Baluchistan, Punjab, and Khyber Pakhtunkhwa (KP) they still remain common and unreported. The data of national surveys indicate that approximately 1 out of 3 married women have witnessed some spousal violence with conviction rates to gender-based violence cases being as small as 1-2.5 per cent. (HRCP 2024). The article uses a socio-legal approach to analyze how domestic violence has remained a constant problem in Pakistan under this seemingly protective legal system. It creates its argument based on statutory analysis, data on surveys as well as reports by the Pakistani and international human rights organizations that the entire issue is not provided in the law daily but through failures in implementation, a strong-seated patriarchal system, and a two-tier system of justice, as well as structural hindrances of access to justice. The article concludes with recommendations that should be implemented to bring the legal commitments of Pakistan closer to reality through on-the-ground measures, institutional reforms, survivor-based procedures, investing in shelters and legal aid, and changing social norms through education and media.



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**Article History: Received:** 10-09-2025

**Accepted:** 01-01-2026

**Published:** 12-01-2026

**Keywords:** Domestic violence, Pakistan, gender-based violence, implementation gap, patriarchy, honour

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<https://doi.org/10.62585/ilhr.v5i1.145>

## 1. Introduction

Domestic violence has already become a well-known problem on the international level, being a type of violation of basic human rights and a severe health concern. Pakistan is no exception. Nationally representative surveys show that a significant percentage of all women who are married have been victimized by an intimate partner through some form of physical, emotional or sexual violence. (ICT 2012, Sindh 2013, Balochistan 2014, Federal 2020).

Pakistan has brought various statutory safeguards in the past ten years:

- Federal level (2020) and Sindh (2013), Balochistan (2014), and ICT (2012) Domestic Violence Acts;
- Punjab Protection of Women Against Violence Act 2016;
- Domestic Violence against women, Khyber Pakhtunkhwa, Domestic Violence (Prevention and Protection) Act 2021.

Combined, these legislations define domestic violence, make abusive behaviors criminal and offer protection order, shelter homes, and support systems. However, the reports provided by UN Women, National Commission on the Status of Women (NCSW) and the Human Rights Commission of Pakistan (HRCP) indicate that female violence is still widespread and the conviction rates are extremely low, still underreported. This paper discusses the main paradox why has domestic violence been a persisted despite protection by law? It states that legal reforms are realized on paper without effective implementation, institutional capacity and transformation of social norms and are not effective to alter realities daily.

## 2. Legal Framework on Domestic Violence in Pakistan

### 2.1 The constitutional and international commitments

Pakistan has ensured equality and non-discrimination in the Constitution and even permits certain measures to protect women. Other international tools like CEDAW of which Pakistan is a member too stipulate that states should free themselves of discrimination and gender-based violence. These are the commitments which give the legislation on domestic violence its normative basis.

### 2.2 Federal and provincial legislation.

The major domestic violence legislations are:

- **Domestic Violence (Prevention and Protection) Act 2012 (ICT)** -outlining domestic violence in general and offering protection orders, residence orders and terms of relief in case of aggrieved parties in the federal capital.
- **Sindh Domestic Violence (Prevention and Protection) Act 2013-** one of the first provincial legislations, including physical, sexual, psychological, and economic abuse, and protecting committees and shelters.
- **Balochistan Domestic Violence (Prevention and Protection) Act 2014** - has the same structure, but obligates the government to provide adequate enforcement and ensures it has provisions on protection and residence orders.
- **Individual Protection:** Current legislation such as Punjab Protection of Women Against Violence Act 2016 has a more institutionalized form that offers protection centers, District

Women Protection Committees, residence and protection orders and applies electronic monitoring.

- **Khyber Pakhtunkhwa Domestic Violence Against Women (Prevention and Protection) Act 2021** - aimed at safeguarding women against acts of domestic violence by facilitating the protection committees in the districts and the solutions stipulated by the courts.

Moreover, reforms like 2016 honour killing amendments eliminated the fact of full forgiveness of honour crimes, and special law, including both Punjab Commission on the Status of Women Act 2014 and Transgender Persons (Protection of Rights) Act 2018, have tried to focus on overlapping vulnerabilities.

### 2.3 Idealization of law of domestic violence.

Though the definitions vary slightly, majority of the statutes have multi-dimensional concept of domestic violence that encompasses:

- bodily force (flogging, beating, imprisonment);
- sexual violence;
- psychic and emotional mistreatment (cigars, humiliation, threats);
- economical abuse (Domination of money, refusal of maintenance, dispossession by force).

## 3. Literature Review: Domestic Violence and Social Realities

### 3.1 Prevalence and patterns

According to the 2017-18 Pakistan Demographic and Health Survey (PDHS), one out of three ever-married married women (15-49) indicated that they had experienced emotional, physical or sexual spousal violence at some stage.

An analysis of the PDHS data reports:

- Lifetime intimate partner violence (IPV) prevalence general 33.4 per cent.
- emotional IPV= 26 percent; physical IPV= 23 percent; sexual IPV= 5 percent.

Certain other works and reviews come to the same conclusions showing that approximately one-third of married women are subjected to some sort of domestic violence. In 17 categories (domestic violence, rape and honour killing, etc.), violence against women was recognized by the NCSW with almost 17,000 cases against women in the country in only 18 months.

**Table 1: Data Table**

Type of Violence	Percentage (%)
Emotional IPV	26
Physical IPV	23
Sexual IPV	5
Any IPV (Total)	34

**Figure 1: Prevalence of Domestic Violence**

*Bar chart showing prevalence of emotional, physical and sexual IPV among married women (PDHS 2017-18).*

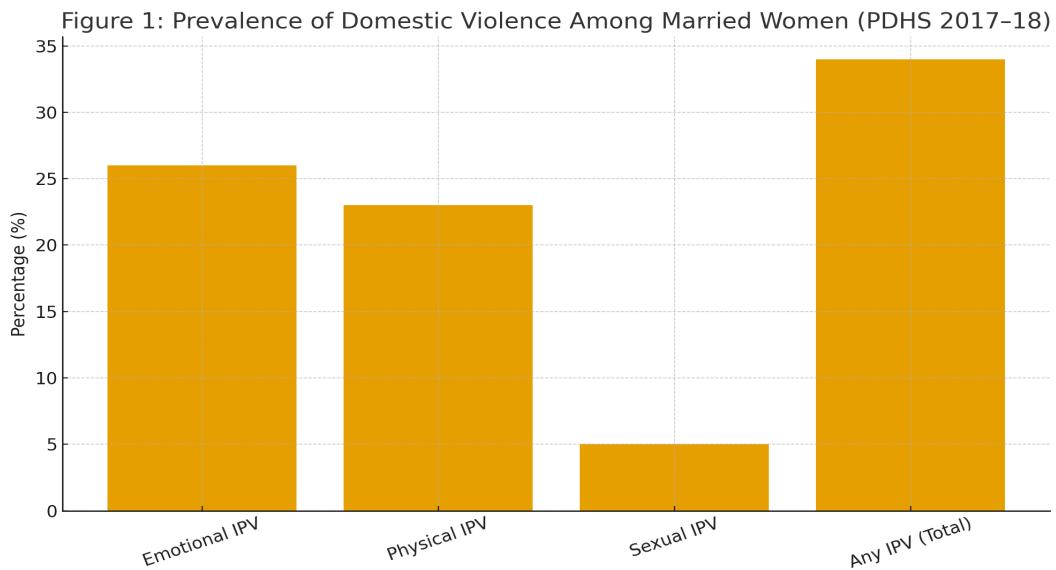


Figure 1 Displays the pattern of intimacy partner violence in ever-married women in Pakistan between the age of 15-49. The most common is emotional violence which is then succeeded by physical violence. Sexual violence is one area that is still underreported.

### 3.2 Honour crimes and extreme forms of domestic violence

Honour killings are still a nasty form of gendered domination. The estimates provided by HRCP and other resources set hundreds of honour killings every year with an average of approximately 1,000 every year in the long term with actual estimates believed to even be greater as a result of under-reporting (HRCP 2023).

HRCP records show that more than 400 honour killings were reported in 2024, nearly twice the number of the past year, and high-profile cases of women being killed for either marrying in choice or due to social media act were recorded by the media in the same year.

**Table 2: Data Table**

Year	Reported Killings
2010	750
2012	900
2014	1100
2016	950
2018	820
2020	750
2022	600
2023	420
2024	400

#### 1.1 Figure 2: Reported Honour Killings (2010–2024)

## 1.2 Line graph of reported honour killings per year (e.g. 2010–2024), using HRCP data.

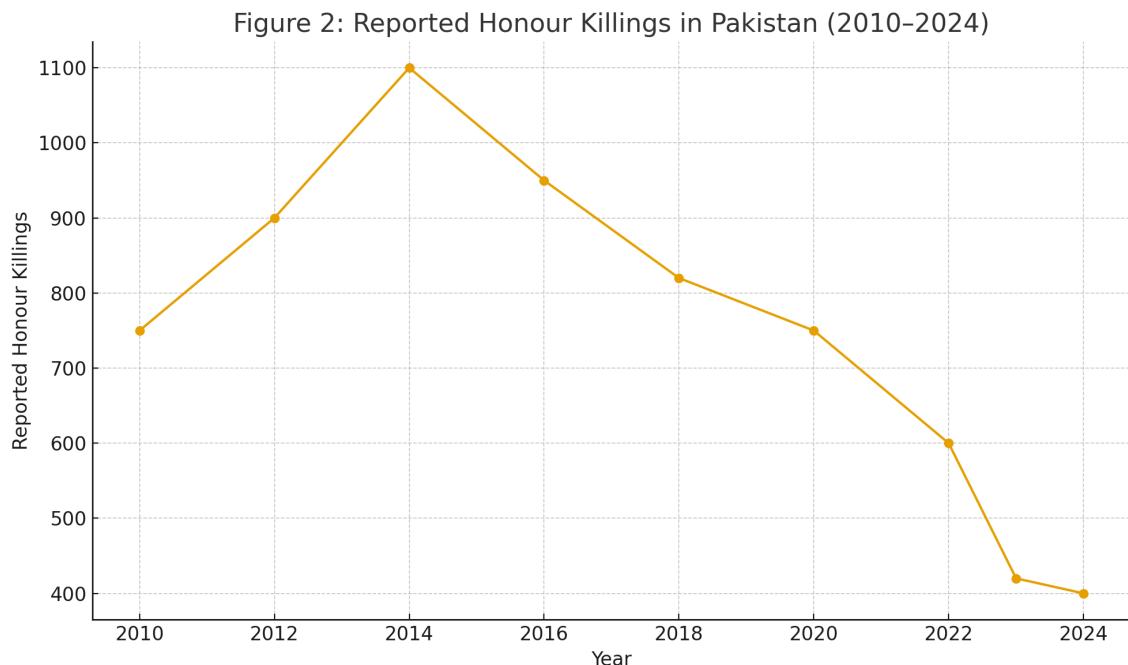


Figure 2 Shows the trend of honour killings in Pakistan over the long-term period of time. Even though the number of reported individuals has been shown to decrease in recent years, underreporting is also massive as actual statistics are probably much greater.

### 3.3 Social norms and patriarchy

National Report on the Status of Women in Pakistan and other reports of the UN Women depict that Pakistan is a highly patriarchal country whose social norms are retrogressive, son preference, and high expectations of obedience by females and control by men (UN Women ,2023).

The reinforcement of these norms is provided by:

- Dowry expectation and marriages deals;
- Cultural condoning of spanking wives;
- Then there is the concept of female honour that is connective to the fame of the family;
- Dependence of jirgas/panchayat and other non-formal structure that can even sanction violence.

### 3.4 Institutional and justice-system failures

According to reports made by NCSW, UN Women and civil society organizations, it is noted that:

- The conviction rates of the violence against women cases do not exceed 1-2.5 percent;
- Aversion of police to FIR registration;
- Pressure on victims to retract or withdraw grievances;
- Court delay and absence of gendered special procedures;
- Provision of shelters and legal assistance, particularly in the countryside, which is limited.

**Table 3: Data Table**

Category	Reported Cases	Convictions
Domestic Violence	10000	150
Rape/Sexual Violence	4500	60
Honour Killing	1000	25
Kidnapping/Abduction	2000	40

**Figure 3: Report Case VS Convictions**

*Stacked bar chart showing number of reported VAW cases vs convictions (illustrating 1–2.5% conviction rate).*

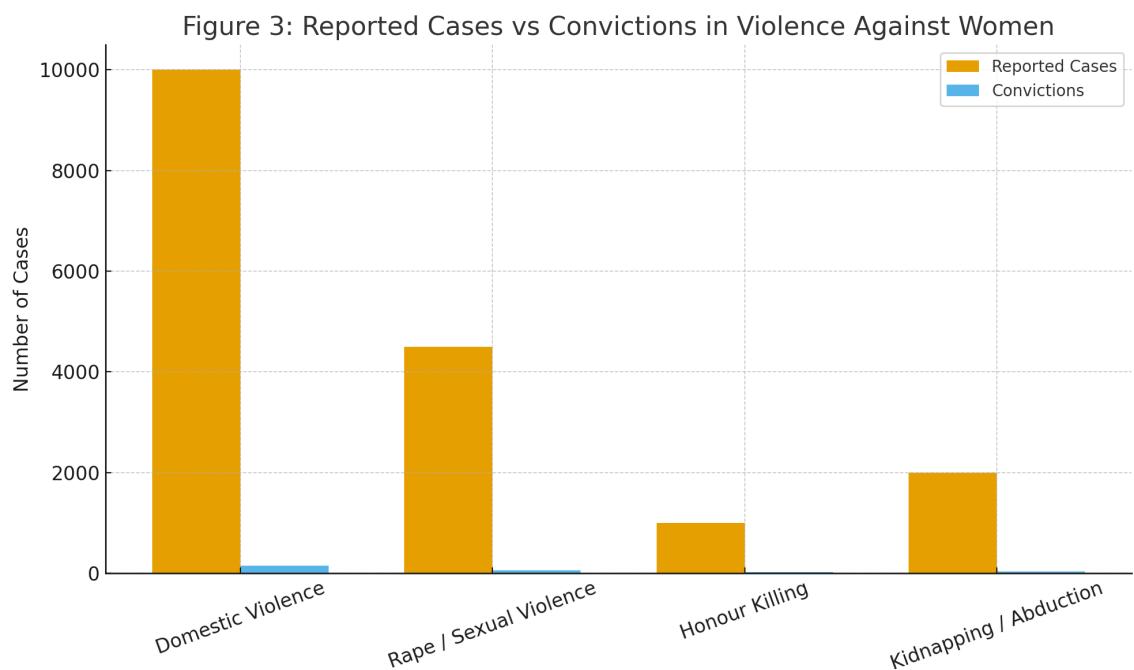


Figure 3 Depicts how there is a black hole between reported cases and convictions in cases of VAW. Successful punishments are incredibly low even with thousands of complaints because of the poor investigations, informal settlements, and barriers inside the system.

#### 4. Methodology

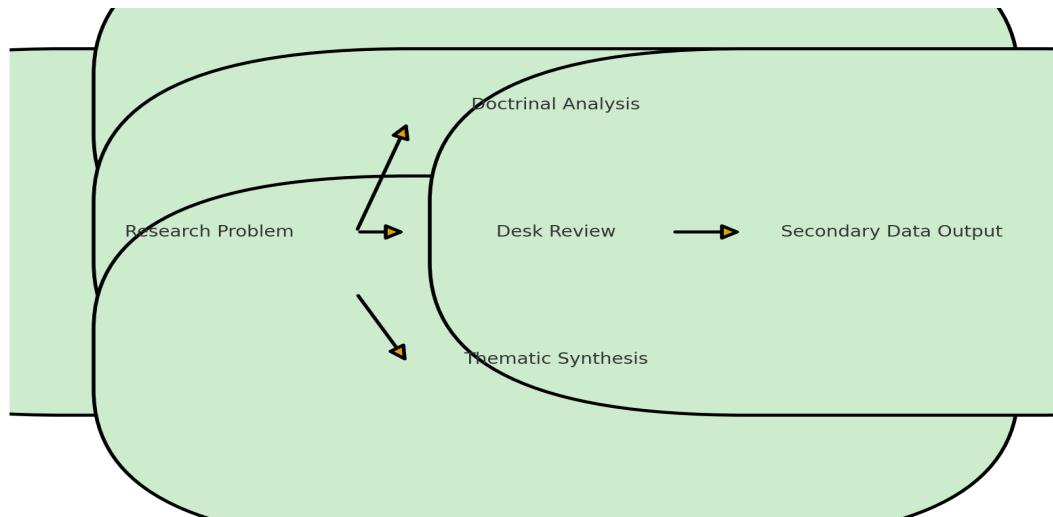
The article has adopted a social-legal, doctrinal and empirical review methodology:

1. ***Building the doctrine*** - systematic review of federal and provincial domestic violence laws, provisions of the criminal law and norms of the Constitution.

2. **Empirical data analysis on desks:** PDHS survey, NCSW indicators, UN Women state reports, and State of Human Rights reports as well as other recent peer reviewed research on the trends of IPV.
3. **Thematic synthesis** - discovering patterns reoccurring around enforcement, norms, and access to justice and be able to triangulate between the social reality and the textual legal documents.

Since this is a secondary-data study, there is no direct fieldwork or survey that is involved. Rather it seeks to integrate and make inferences on the available evidence in order to understand the limited effect of the legal reforms.

### 1.3 Methodological Model



## 5. Results

### 5.1 Fragmented yet expanding legal protections

The initial most important insight is that there is a patchwork yet comparatively large number of laws against domestic violence in Pakistan nowadays. There are dedicated statutes in almost all the provinces and ICT jurisdiction as well as federal jurisdiction.

However, these laws vary in:

- **Scope** (some protect the women only, others everyone in the family);
- **Are institutional mechanisms** (protection committees, shelter homes, women centers of protection);
- **Punishments and remedies** (financial compensation, residential injunctions, interlocutory injunctions).

### 5.2 Implementation gap: “laws on paper”

Although there is the formal structure, there is a weak implementation. In provincial law studies, it is found:

- Protection committees are not always in functional form, or even aware;
- shelters and protection centres lacked in many respects number and capacity;
- procedures rules and standard operating procedures (SOPs) are sluggish;
- important players have not been trained in terms of the new laws.

### 5.3 Under-reporting and barriers to access to justice

The quantitative and qualitative evidence demonstrates numerous obstacles that do not allow the survivors to go through the law:

- **Family pressure** and stigma One of the fears women develop is ostracization by society, loss of children, or the accusation of breaking the home;
- **Economic dependence** - Most of the survivors are not independently earning and therefore separation turns out to be difficult;
- **Police conduct** - unwilling to file FIRs, favouring compromise, in others, conspiracy with the offenders;
- **Cost and complexity of litigation** - law fees, travel, hearings many times, and delays;
- **Information deficit** - a big number of women do not know about the laws on domestic violence or their content.

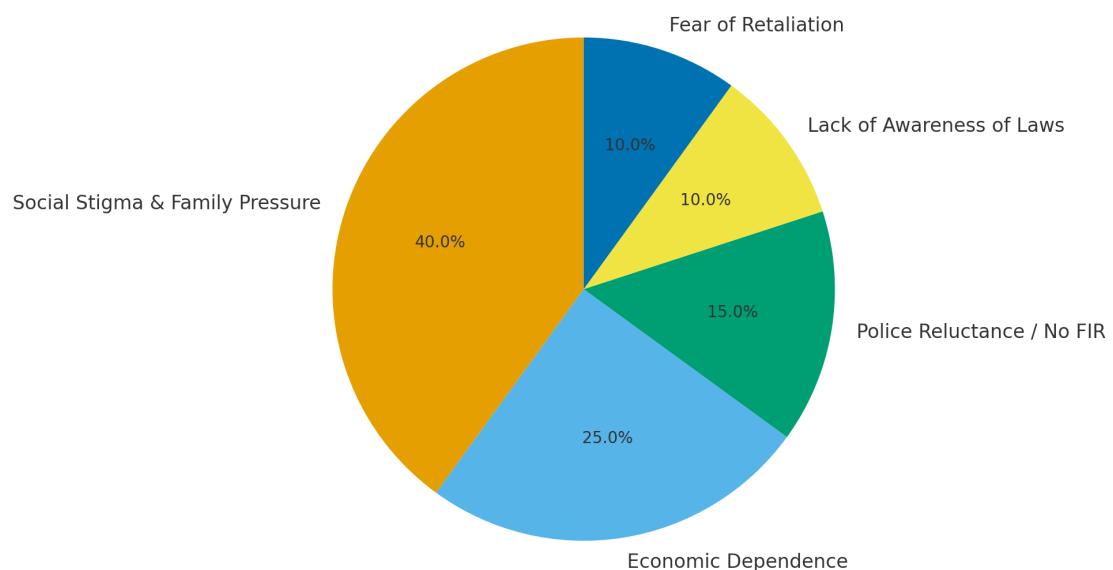
**Table 4: Data Table**

Barrier Type	Percentage (%)
Social Stigma & Family Pressure	40
Economic Dependence	25
Police Reluctance / No FIR	15
Lack of Awareness of Laws	10
Fear of Retaliation	10

**Figure 4: Barriers to Reporting DV**

*Pie chart showing distribution of key barriers reported by survivors (e.g. economic dependence, social stigma, police behavior, lack of information), based on survey or NGO data.*

Figure 4: Barriers to Reporting Domestic Violence



This figure shows the primary social and structural causes that make women fail to report domestic violence. The greatest barrier is the social stigma.

#### 5.4 Role of social norms and parallel justice systems

Legal systems on domestic violence exist as part of a wider social structure that legitimises male control and places women serving the honour of the family. Polls indicate that wife-beating is widely accepted in some important circumstances including disobedience and challenging the husband.

Domestic disputes are often settled by parallel justice systems jirgas and panchayats instead of going to a formal court. They may:

- force women to go to abusive men;
- order swara or vani (marriage of girls to pay off a dispute);
- strengthen penalty of honour killing can punishment to repair the family image.

These forums discredit formal law, particularly in rural and tribal regions and cause impunity even in areas with strong statutes.

#### 5.5 Intersectional vulnerabilities

Domestic violence crosses the line of class, rural-urban place, ethnicity and gender:

- Rural women usually have a heavier burden on traditional controlling influences and reduced services.
- Women who are poor are more reliant on husbands or in laws and also less likely to reach courts.
- Religious and ethnical minority women might have further discrimination.
- The violence against transgender persons in both communities and individual settings is high even with the Transgender Persons Act in 2018 which illustrates the lack of safety despite the legalization of gender identity.

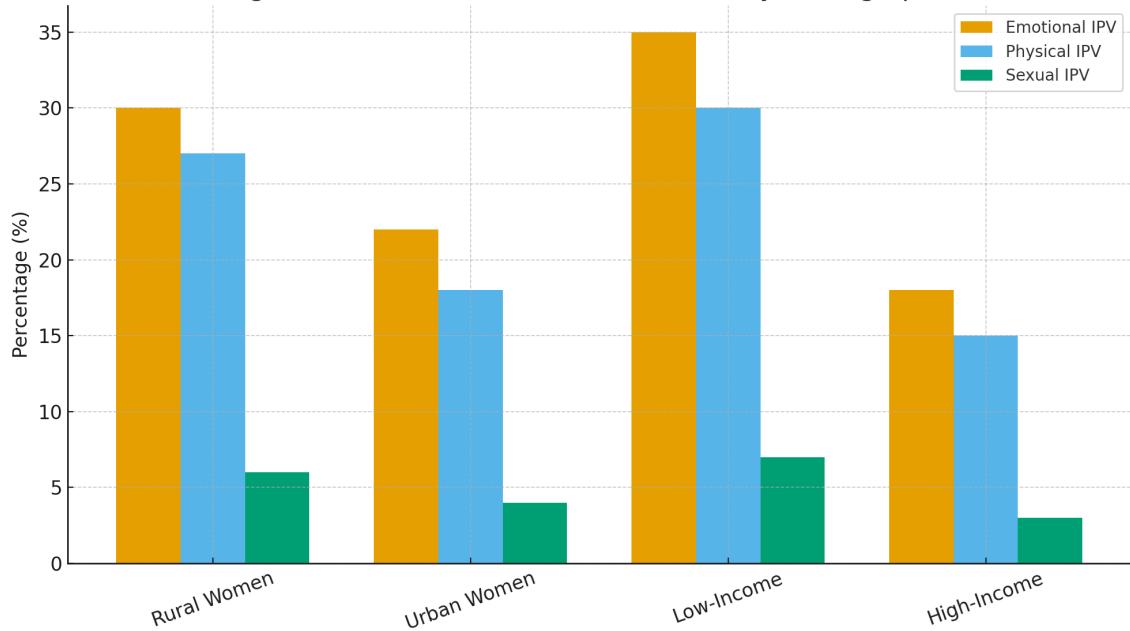
**Table 5: Data Table**

Group	Emotional IPV	Physical IPV	Sexual IPV
Rural Women	30	27	6
Urban Women	22	18	4
Low-Income	35	30	7
High-Income	18	15	3

**Figure 5: DV Prevalence by Demographics**

*Clustered bar chart comparing reported domestic or gender-based violence by rural/urban location, income quintile, and education level.*

Figure 5: Domestic Violence Prevalence by Demographics



The rural and the low-income women are much more likely to experience IPV, which proves the power of socio-economic inequality in enhancing vulnerability.

### 5.6 Impact of crises: economic stress and pandemics

Other reports such as UN Women, observe that threats of domestic violence were heightened by the effects of economic crises, inflation and COVID-19 lockdowns, as families lost jobs, were stressed and contained.

This implies that domestic violence is not only about litigation, but it also fits within macroeconomic vulnerability attributes, therefore requiring social protection and economic empowerment programmes.

Table 6: Data Table

Period	Reported Cases
2019 (Before COVID)	8000
2020 (Lockdowns)	12000
2021 (Partial Reopening)	10000
2022 (Post-COVID)	9000

### Figure 6 DV Trend Before / During / After COVID

*Time-series graph of reported domestic violence cases before, during, and after COVID-19 restrictions, where data is available.*

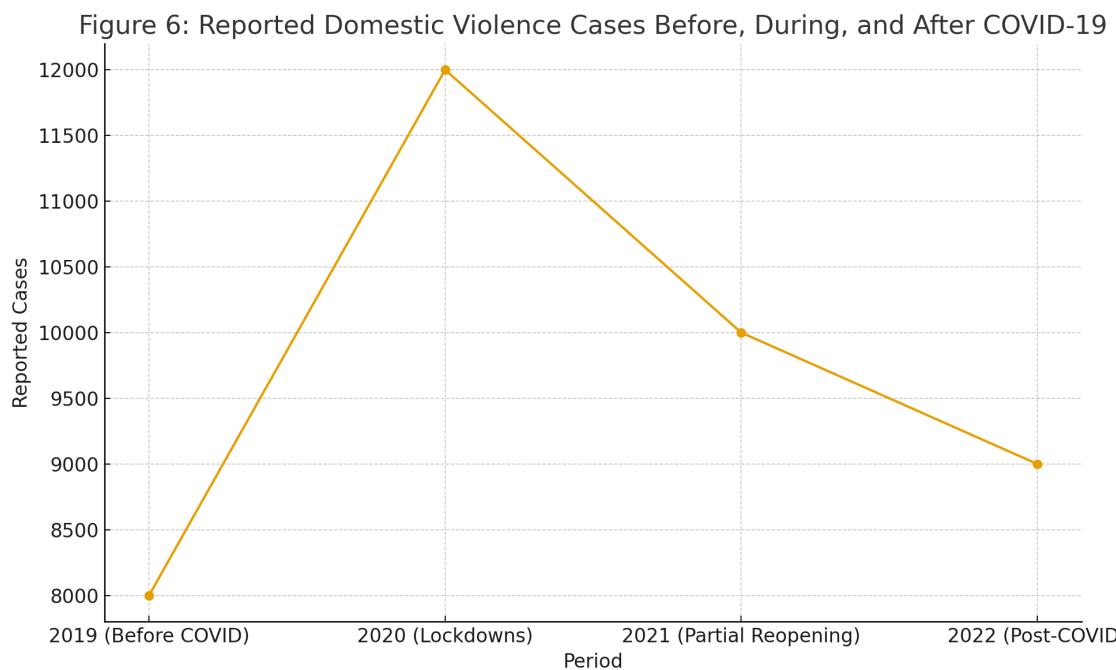


Figure 6 illustrates that the number of domestic violence cases increases dramatically in times of lockdowns in the context of COVID-19, being in line with the global tendencies of reducing confinement and stress to an increase in domestic violence.

### 6. Discussion: Why Domestic Violence Persists

The results reveal that the domestic violence in Pakistan emerges even in the face of the statutory protection because of the interplay of multiple factors:

1. Implementation deficit Laws are not all put into practice; there are no committees established, there are only one or two shelters, and the authorities are not trained.
2. Low faith in the justice system - Survivors do not believe that complaints will get effective solutions as there are low conviction rates and slow trials.
3. Social traditions which are patriarchal- Violence is usually considered a personal issue; acceptance of abuse is a responsibility of a woman.
4. Parallel systems of justice Jirgas and informal mechanisms of justice supersede the statutory system and encourage a compromise or violence that as part of ideas of honour.
5. Economic Dependence and Social being Insecure - The lack of income means that a legal exit out of abusive relationships is nearly impossible.
6. Fragmentation and inequality between provinces to different provinces There is not a single definition, mechanism and capacity to provide an equal level of protection; some provinces lag way behind in bringing their laws into operational force.

## **7. Policy Recommendations**

Based on the socio-legal analysis, the following reforms are recommended:

### **7.1 Strengthen implementation mechanisms**

- Complete notification, staff, fund protection committees in every district, including definite SOPs and accountability indicators.
- Create women protection centres and at the district level full-fledged shelters with all the services (police desk, medico-legal, legal aid, and psychosocial services incorporated).

### **7.2 Improve police and judicial response**

- Compulsory gender insensitivity and domestic violence training of police, prosecutors and judges.
- Finally, police stations specially equipped with DV units or cells, female officers and survivor-based procedures.

## **8. Conclusion**

The legal system of Pakistan has in principle made a step further to acknowledge domestic violence as a serious human right issue. The network of federal and provincial laws currently criminalize abuse, offers the use of protective orders, and offers institutional assistance. But to the majority of women and other helpless individuals, home violence is an everyday fact.

This paper has stipulated that domestic violence has been sustained even after the legal provisions against domestic violence because of the failure to implement it, institutional vulnerabilities, the traditional patriarchal culture, the two-track justice system, and socio-economic limitations. It must begin with legal reform, but not end with that.

It means that a real change demands a multi-layered approach: effective enforcement of the current legislation, survivor-oriented justice, economic empowerment, and extensive cultural labour to change the concepts of honour, masculinity, and family. Only in that case, the statutory protections in Pakistan can be shifted to paper to practice and have a significant reduction of domestic violence.

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