

**VIOLENCE AGAINST WOMEN IN SINDH A DEADLY
PHENOMENON
(A CRITICAL STUDY)**



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Forwarding Sheet:

“The research paper entitled as ‘Violence against Women in Sindh a Deadly Phenomenon: A Critical Study’, submitted by Mr Farhan Ahmed Shah, for the partial fulfilment of the requirement of the degree of BALLB has been completed under my guidance and supervision. I am contented and greatly satisfied with the quality of student’s research work and therefore recommend its submission.”



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Violence Against Women In Sindh:

Abstract:

This research focuses on identifying the violence against women in Sindh which is also a national wide issue in Pakistan perpetuated to unequal power distribution among men and women.

The violence against women in Sindh is reasonably common phenomena not only in Sindh but whole of the subcontinent region there may be several reasons and causes which promotes such acts of violence the fact that there are many laws passed by provincial assembly as well as national assembly which were actually legislated for protection of women from violence and prevention of the violence against women.

The ways in which women are being victimized to the extent of violence such as domestic violence, rapes (marital rapes), acid throwing, honor killing, kidnapping, forced marriages, selling of girls to settle down disputes among tribes and families, and the abduction and forced conversion of minor Hindu girls to Islam and making them to get marry to much older Muslim men usually those men are found to be married prior.

However the conviction rate in Pakistan for crimes against women is very low with the fact that the provincial and federal governments has approved some acts and policies to encounter the such violence and prevent its happening but it seems that those policies and laws are failing to provide protection to the women eventually failed to prevent the violence against women which is also the violation of basic/fundamental rights of women provided by the constitution.

It was also identified that the most of the women in Sindh specially belonging to the rural areas of Sindh does not have any idea about such laws and polices made by the government to give

equal rights and opportunities to both genders the mindset of the rural area women is that women are not equal nor above the men which is the main cause for women which is preventing them to counter such violence.

Introduction:

Violence against women is ongoing issue of Pakistan but mainly of serious nature in Sindh yet it is not a new phenomenon, it is continuously hunting the innocents lives of women in Sindh, In a country where women are still considered as the burden to the whole family despite the fact that most of the women in Sindh contribute in the development of the economic and financial conditions of the family by her skills and hard work. In Sindh especially in the rural areas women are considered as the second class citizens who even cannot enjoy the very basic rights which are guaranteed by the constitution itself and also sharia.

Violence against women is a common practice in Sindh and most of the parts of the Pakistan as well, it is the outcome of gender inequality and the perception that the women are the second class citizens of the state, in rural sindh they are just substitute to the servants and additionally a children producing machines despite of the many services are received From women still they are subject to the heinous and unlawful violence and torture.

However up to some extent the violence against women is the product of culture, custom and traditions where it is observed that the societal norms and principles believes only in men as the leader and a man has authority to decide the past, present and future of the women like the practice of the honor killing (karro-Kaari) is a pure traditional practice of violence in which thousands of women are scarified in the name of honor till now yet no sign of regret can be seen in the face of killer and also society accepts such violence and justify it. Not only physical

violence like beating, slapping, hitting, killing but also mental abuse, psychological abuse and emotional abuse is faced by women in sindh every single day of life.

Every year in the province hundreds of the women are subject to the violence such as rape, murder, forced marriages, forced conversion of the religion, kidnapping, abduction and many more forms can be identified and due to the low conviction rate in such violence every year the number of illegal practices against women are increasing day by day and legal justice system is continuously failing to provide justice to the victims, because of no financial, legal and social support to fight against violence women of the sindh end up to compromise their lives and become the victim of such violence throughout the life every day and even they become used to it.

Research questions:

How and why this violence is practiced against women in sindh, and its causes?

What does Pakistani law says about violence against women?

How can we prevent this violence?

Objectives of research:

To thoroughly study and understand the use of violence against women in sindh.

To find out the root causes of this violence.

To study the behavior of courts in cases of violence against women through past decisions and precedents.

To study the laws against women violence in sindh.

To find out the remedies to stop violence against women.

Research design:

The research on violence against women in Sindh is a qualitative research and critical in nature purely done through the literature survey from the online websites, articles of renowned publishers, books and it is wholly in descriptive form.

Literature review:

For the purpose of research various books, articles, reports have been studied thoroughly such as : gender based violence in Pakistan: a scoping study (2011, Parveen) , kari nahi shaheed aurtain (not kaari but martyred women) (2009, : Rabeea Hadi & Wasim Wahga.) which is about the deadly culture of honor killing in the name of family's honor , violence against women case studies from Bangladesh, India and Pakistan (1999, city press) and reports by the human rights commission of Pakistan (HRCP) had been reviewed.

Internet and legal websites have been also used for the study of literature and prior research done relating to the violence against women in Sindh.

Acts passed by the legislative bodies of province and federation in order to fight the violence against women such as the domestic violence (prevention and protection) act, 2013, Sindh child marriage restrain act 2003, protection against harassment of women at workplace act 2010.

Definition of violence:

From the available literary sources there is no law or any official statement or any act which has defined violence although an international organization named world health organization (WHO) has defined it as:

“the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development or deprivation”.

Another act passed by provincial assembly of Punjab has defined it as: “violence means any offence committed against the human body of the aggrieved person including abetment of an offence, domestic violence, psychological abuse, economical abuse, stalking or cyber-crime”.

From the above two definitions it can be concluded that the violence is an act which causes any person, hurt or injury to his/her reputation, body, or mental condition, the definition of violence is broad in nature and includes many offences or acts from harassment to the rape and murder all the crimes against humanity are included in violence, hence some people believe that only physical force is sufficient to constitute a violence and psychological and mental abuses are excluded from the violence however most of the countries believes in the definition of the world health organization (WHO,2015).

Types of Violence:

Honor Killing:

Honor killing or locally termed as “karo-kari” which means black man (karo) and black woman (kari) it is kind of tradition and custom in some parts of Pakistan but mostly in province Sindh and specifically in upper division Sindh (Larkana, sukkur, kashmore, Jacobabad, shikarpur, ghotki etc.) so basically it is a tradition among the people of sindh which is to kill and humiliate the man (karo) and female (kari) who has been accused of adultery or been found in sexual relationship with other person other than husband/wife.

Approximately more than 500 cases occur every year and causing death of 1600 and more. Although the karo-kari tradition has been originated from the province balochistan it started in sindh from when people from balochistan started to migrate to different parts of sindh specially in upper sindh due to the favorable conditions and slowly and gradually they spread to dwell all over the sindh and customs and traditions merged with the prior customs and traditions of sindh.

Honor killing is the current issue going on in sindh from centuries and still hunting the innocent lives of women which is in my opinion a heinous crime against women as in this type of violence the most suffered gender is female gender so to understand this deadly phenomena first of all we have to understand its deadly procedure: if a woman or man or being caught or just been accused of adultery or any alleged sexual relationship or in case where woman is unmarried and if she marries a man of her own choice or even shows desire to marry a man of her own choice specially out of her tribe or caste then she will be declared as “kari” and the person to whom she had married or wanted to marry that man will be termed as “karo” and meeting of relative elders will be called and in that meeting the fate of both woman and man will be decided and the

order of their killing will be issued and they both will be killed but in more than 50% cases man will pay some amount of money to woman's family and sword of death will be avoided by man but woman will be killed or married off to a much older person of nearest village/town by doing this their family think that their honor has been restored. In some cases "sang" can be demanded from the man which means the accused man (karo) has to make his sister or closest young unmarried relative girl to marry the brother or closest relative married or unmarried of accused girl (kaari) .

In whole scenario the most effected and victim gender is woman from either side from killing to handing over the women for the crimes committed by male member the tribe or caste that is the main cause of gender inequality which is not letting the society to grow in sense of education and morality as in this society only man is considered as human and women are treated as animal and sometimes even worse than the animals.

This phenomena is mostly taking place in uneducated and illiterate families and backward areas and after killing the woman in the name of honor they walk with their heads up and with pride as they have conquered the precious piece of land it clearly shows the dark face of patriarchal society where woman is only considered as object and currency unit as women has no right to live or even breath without the permission of men.

In honor killing women are killed brutally with objects like knives, swords, axes, and women are cut through faces and now days gun is often used to kill a woman in name of honor but the traditional way of killing is to use axe and cut the legs, arms, and head from the body. Usually we have observed the more respect for the religion as compare to the customs and traditions but in this case people call themselves as non-believers but refuse to set themselves back from this

brutal crime as it is also forbidden in any religion of the world specifically in Islam the religion of peace.

The very reason of honor killing is feudal system present in the roots of the sindhi society where the feudal lord interferes in every aspect of life of the every individual of the society specially in villages where people cannot breath without the permission of feudal. Mostly the killings occur after the decision by these feudal lords. Where feudal lord the most influential and powerful person of the region do a "FAISLA"(similar to jirga) and can declare any man and woman "KARO-KARI" and issue the orders to kill them , these killings occurs mostly before the sunrise only cries and gunshots can be heard by the villagers and neighbors and these feudal lords also give the shelters and safe heaven to the killers and if police arrests someone accused of honor killing these feudal lords use their influence and set the accused free from the charge of murder and honor killing.

According to a report submitted to the home department by sindh police a total of 91 cases of honor killing were reported in the province between January and September 2018 in which 112 people were killed. Being a resident of rural sindh region Larkana I have also witnessed many cases of violence against women specially the cases of honor killing where the only crime of girls were to choose a life partner of their own choice which is in fact guaranteed by our constitution and sharia. According to the above mentioned police reports submitted to the home department also suggests that the highest number of honor killings reported in Larkana numbered 52 cases where 46 women and 17 man were killed in the name of so called honor.

(The Express Tribune,2019)

Illustration-1

As we can see in the recent case in Khairpur district honor killing of 13 years old Ramsha wassan where she eloped with her relative Izhar wassan on January 19th. Izhar's paternal uncle intervened and brought back Ramsha to her father's house and it was decided that the matter will be settled by the elders of the wassan tribe however before the matter can be solved Zulfiqar wassan Alias Zulfu another relative of the Ramsha trespassed the house and gunned down Ramsha in the head this incident caught eye of the mainstream media and even discussed in the platform of provincial assembly of sindh, due to anger from the civil society, public and various human rights activists zulfiqar were arrested after many days.(Khan,2019).

Illustration-2

In another case where a police officer named Rahamtullah Gopang stormed into his uncle's flate and shot down his 65 years old uncle along with his daughter in sukkur meanwhile gopang confessed to kill his uncle and cousin , gopang claimed that his marriage had been arranged with his cousin and he has doubts about her character. When Gopang fired gun on his fiancé she was cooking in kitchen and his uncle was preparing to offer the prayer.(Pakistan Today,2019)

Causes of honor killing:

In the above case we can conclude that merely on basis of doubts women are being killed in the name of honor even her father has no say regarding her character. This society believes that so called honor above the law and most importantly above the innocent lives of the women in sindh. So coming to the conclusion the main reasons which are found to be the cause of honor killings are:

- 1- If a man (husband) wishing to marry to another woman then he will try to put serious accusations on his wife to get rid of her and the sword of honor will be hanged upon her unless she consents his husband to marry or otherwise she will be killed in the name of honor merely on the unproved allegations and without any conclusive evidences.
- 2- Secondly and most common cause behind honor killing of women is if she marries or even shows desire to marry a man outside of her tribe or caste, it will be understood by her family that she has brought shame to the family and her character will be assassinated along with her and she will be punished only by death and the surprising thing is that society will encourage the killing and will become the example for the other girls of the family and society.
- 3- Other cause is if a woman is talking to a stranger irrespective of what she is talking or what matter it could be, if she talks to stranger whether through electronic communication or directly if she found to be in communication with a man other than of her family or relative then also she would be labeled as "KAARI" and will be killed in the name of honor.

So the above reasons are the main driving forces which leads to the heinous crime of honor killing but there are plenty of more to it such as if a woman wears makeup without any

occasion or if a woman goes outside of the house without the permission of any male member of the family than it can also cause her death in the shape of honor killing.

So the analysis of data and the available literature it can be said that culture and tradition plays crucial role but its more about the one gender superiority and dominance in sindh it is desire of every man to dominate the woman around him such as sister, wife, daughter and even mother sometimes it is the lust of power which makes man blind and without any reasoning he believes that little freedom of woman will be threat to his dominance over woman and he becomes afraid of losing his control over the opposite gender and because of lawlessness in sindh he does not fear the law and its punishments and continue the killings of innocent souls as it is his absolute fundamental right. (Salman Ali, 2018)

Child Marriage:

Child marriage can be defined as the marriage which involves the persons under the age of 18 years in whole world it is considered as the violation of basic human rights of both genders but mostly it effects the one gender (female child) however it is widely practiced in almost all regions of the Sindh it is considered as the customary and traditional practice.

Child marriage is hugely effecting the lives of the people of the sindh specially the little girls who even are not able to consent the marriage or have no idea about the marriage and its consequences. According to the Pakistan demographic health survey (PDHS) 72 percent of girls and 25 percent of boys are the victims of this deadly and depriving practice.

Despite of the laws which are present for the protection of girls from this deadly practice and for the prevention for this offence the practice of child marriages continuing to hunt the many innocent lives and their dreams.

Recently the law which was proposed and passed by the provincial government of the Sindh for the prevention of the child marriage named as Sindh Child Marriage Restrain Act 2014 which states that “child marriage or early child marriage is a marriage below the age of 18 years and whoever performs or facilitate any child marriage will be punished with rigorous imprisonment which is not less than 3 years, the same punishment will be awarded to a nikkah registrar the one who registers the marriage.

Although no one has taken this law very serious even most of the people doesn't know about this law specially the people of rural sindh even police of the rural areas of the sindh has no idea about the law regarding child marriage.

According to a non-governmental organization for child protection named “SAHIL” reported that sindh has the highest rate of child marriages between 2012 to 2016 counting 274 cases relating to the offences regarding child marriage hence the conviction rate is very low e.g. out of 274 cases only two conviction has taken place.

Mostly girl child are forcibly married through a tradition called “VANNI” where young girls are forced to marry a much older man as a part of punishment for crime committed by her father, brother, cousin or any close male relative which make child girls vulnerable to the domestic violence, sexual abuse, and many other health issues and challenges.

(Mughal,2018)(Dawn,2014).

Illustration-3

This is a case of 12 year aged minor girl named hawwa when her parents arranged her marriage to a four time older man resident of ahmadpur lama, district raheemyaar khan in return of the 13 lacks after the marriage as usual she has to face the inhuman and degrading treatment at her in laws ,after some time when the treatment was unbearable to her she decided to run away from her in laws to her father's house situated in umerkot , when she reached umerkot her in laws asked her father to send her back, at first her father refused to send her to her in laws and when her in law approached the influential person of the region (feudal lord) then her father become bound to send her back to her in laws because of the financially poor conditions they did not afford to refuse the words of feudal lord as they were also receiving the threats in case of rejection so hawwa's father decided to send her back to her in laws after they sent hawwa back after very short time period hawwa was found dead and according to her in laws the death caused by electric shock in July 2012.(Jamal Z.2012)

Illustration-4

Haniffan a minor girl aged 13 years when her parents forcibly married her to mahar family of the district dahrki, after some time of marriage she was accused of adultery with one of the her husband's relative and eventually killed in the name of honor . And to burry up the case they started to threaten the family of hawwa and then offered them some amount of money which was accepted by the deceased family as the mahar family was very influential they paid them amount to keep them silent and not to file the murder case against them.

From above two illustrations many other same nature cases we can conclude that how easy it is to kill a minor little girl in the name of honor or the reasons may vary. (jamal.Z 2012).

Illustration-5

The incident which was which was experienced by me when I was in class 10th in my neighborhood where a man belonging to the chandio tribe married a minor girl from other cast soomro for the rupees 80000- just to allege his cousin of adultery with that minor girl the newlywed bride, following the accusations of adultery he then killed both his cousin and wife labeling them as ‘KARO-KAARI’ after the killings it was found that the allegation were baseless and false he did this just because to acquire the land which his cousin has inherited but as usual he got away with the killings and nobody has filed case against him.(Shah,2016)

Causes of Child Marriages:

- 1- So talking about the child marriages the first and basic cause is lack of education among the families as the matter of fact it observed that the all cases relating to the child marriage has occurred in the families which are uneducated have no idea and awareness about the consequences of child marriage as it leaves children vulnerable to the domestic violence, sexual abuse’ deprivation from many rights such as right to education, and many health issues.
- 2- Secondly poverty is the other major cause, poor parents think that they can afford to bear the expenses of girl child and by getting them marry they will also demand some amount of money for their survival and the survival of their remaining family. Apparently it can be called marriage but in real it will be not wrong to term it as the trade, the trade of their own daughter by selling daughter in return of some amount of money.
- 3- Thirdly and most surprising cause is that the parent think they are protecting the sexuality of their daughter by marrying her of at early age so that she can be protected from committing any sin regarding her sexuality despite the fact that after marriage she will be

vulnerable to sexual abuse and many health risk as these young girls become pregnant has no strength to carry a child and most of them die during the labor pain.

- 4- The fourth and last reason for this heinous practice is inadequate laws, despite the fact that laws has been made in this regard but these laws are continuing to be failed to protect the children from this activity because of its implementations it is found very difficult for the government to enforce these laws as earlier I have mentioned the conviction rate is extremely low equal to none.

So these violence are used for person gains and many other reasons as I have mentioned above, because it is easy to kill and humiliate the minor girl which can be bought in exchange of money and after killing them they have not to face any trial or difficulty they are killing minor girls even not considering them as humans but only objects which can money buy and after using it for their purposes they can easily throw them by accusing them of adultery and then killing them in the name of honor this activity in my opinion purely due to the gender inequality in our society where one gender is extra dominant while other is extra submissive.

(Tunio,2017)(Women,2018).

Forced conversion of religion:

Forced conversion of religion is the one of the many issues religious minorities are facing in Pakistan especially in the rural areas of the sindh. In sindh now days it has become very common that every single day a minor Hindu girl has been forcibly abducted, converted to Islam and first thing after this conversion is marriage of that newly forced converted Hindu girl with much older Muslim man who has already been married.

Before the partition of Pakistan in Sindh the relations between the people regarding the religious believes were very good and they had good things to say about each other if we recall the history of religious tolerance in Sindh it has been observed that the Hindu and Muslim communities of Sindh had lived with peace and harmony for the years and the common example for which the Sindh was famous which my grandfather told me about that in earlier time before the partition the expenses of a Muslim marriage were carried by neighboring Hindus and the expenses of marriage of Hindu family were born by Muslims, it was not only restricted to the marriages but other ritual ceremonies such as funerals, and religious festivals such as Holi, Diwali, Eid were celebrated together with respect and harmony.

According to a report by Asian Human Rights Commission at least 1000 Pakistani Hindu girls are forced into Muslim marriages and made to convert to Islam annually. And according to another report by Movement for Solidarity and Peace, in Pakistan an estimate 1000 Christian and Hindu girls are forced to convert and marry Muslim men every year. Remembering the words of the father of the nation Quaid I Azam Muhammad Ali Jinnah where he addressed the people of Pakistan on the event after independence where he said that religious minorities should have freedom to live their life as they want and practice their faith by quoting "in Pakistan everyone is free to go to their temples, churches, mosques and respective religious place". But when we see today's Pakistan it's in contradiction with that words of the Quaid where Pakistani minorities specially in Sindh are migrating to the neighboring countries and those who could not afford to migrate are being forcibly converted. According to a report by Dawn News 5000 Hindus are migrating to India every year, so that is the reason in the change of Pakistan's demography day by day the population of religious minorities are going down and down.

(Asian News,2017)(Imtiaz S,2017).

Illustration-6

Anjali kumar meghwar ,who was abducted from the court yard of her home and then converted to Islam in 2014 at the time of abduction she was only 12 years of age, after the conversion she was made to marry her abductor ‘‘RiazSiyal’’ nikkah and marriage were performed at bharchundi shareef shrine in dahrki the city now famous for these kind of forced conversions after the complaints came from the family of Anjali sindh high court took the notice of the incident and at first sindh high court did not accepted the legality of the marriage and ordered the authorities to keep Anjali in government shelter home (DarulAman) later issued an order legitimizing the marriage and allowing Siyal to take her as wife, despite the certificate of the birth and school enrollment record Anjali were only 12 years of age which make minor in the eye of sharia and law passed by sindh provincial assembly ‘‘Sindh child marriage restrain act 2013’’ but the fear of the religious extremist groups of the country and feudal lords court and government ignored the serious issue which left the question mark on the credibility of the high court.

The south Asia partnership-Pakistan (SAP-PK) released a report in collaboration with the Aurat Foundation in July 2015 stating that at least 1000 girls are forcibly converted to Islam every year.

Despite the thousands of the cases has been reported in many decades still government has yet to legislate and pass bill regarding to the forced conversion of religion of its minorities but there has been several attempts to pass the such law in fact in previous tenure of the government of the province the bill was passed with required majority and sent to governor for the final assent but the governor rejected it on the reservations of the religious political party leader Sirajul Haqq, Haqq stated that the law was against the sharia and injunctions of the Islam and he also

threatened the provincial government to call the protest country wide against the law and government. So after the reservations of Haqq provincial government stepped back because of the fear of unrest among the religious minorities and religious groups and struck down the law.(Veengas,2017)(Chaudhry,2017).

Illustration-7

In recent case where on the occasion of Holi march 2019, Reena Meghwar 12 years of age and Raveena Meghwar 14 years of age were kidnapped from their respective house in dahrki district Ghotki of the sindh after the kidnapping the family of the abducted girls registered First Information Report (F.I.R) stating that the girls were under aged on march 20, 2019. On march 21 the minor girls Reena and Raveena along with two older Muslim men and a religious clerk called the media and in front of the media they were seem to be reciting the holy "KALMA" and asserting that they have embraced the Islam and married to the men of their choices through the instrument of "NIKKAH" and addressing the media that they have left home with their own wish and are happy because they have fallen in love the men they have married however the facial expressions of the both girls were telling the another story as that can been clearly seen through their way of talking and the men they married off were previously married, however observing the legal aspects of the case it is illegal to involve the persons in marriage who are under the age of 18 years according to the sharia law and Sindh child marriage restrain act 2013 which also states the punishment for the nikkah registrar who had registered such marriage and according to the section 275 of the Pakistan penal code where it is clearly mentioned that whoever founds to be in sexual intercourse with the women under the age of 16 years has said to be committed RAPE however like other previous cases of this nature it is also expected that the

court will rule in the favor of abductors as behind the kidnappers there are very much influential religious leadership who are famous for converting minor girls and marrying them off to the older Muslim men who can be married before.

In this whole process from abducting to conversion and then marrying them off to the Muslim men most of the people are justifying the offence by stating that the abducted girls has eloped with their respected consents and ever one has right to choose the religion of his/her own choice and choice of man she wants to marry but the issue of law is that the person who is under the age of 18 years Is not illegible for the consent in any matters and contrary to this the hypocrisy of our society come in front when the Muslim mature aged girl wants to marry the person of her own choice then the whole society and the family of the eloped Muslim girl will label he as ‘KAARI’ and will kill her in the name of honor.

By observing the facts and issues through the available literature and person experience being the resident of rural sindh in my opinion the problem is with the society and if society doesn't change its mindset regarding the concerning issue no law can prevent such heinous crimes as we can see in the cases of child marriages and honor killing where laws has been made for preventing the such crime but law also seems to be failing when it comes to the humanity shamed custom, traditions, and culture of the society. Government must address the issues and start the campaign against such violence in strongly possible way to eliminate such crime from the society.(Rehman,2019).

Rape:

According to the section 375, a man is said to be committed rape who has sexual intercourse with a woman under circumstances falling under any of the following description;

- 1- Against her will.
- 2- Without her consent.
- 3- With her consent when the consent has been obtained by putting her in fear of death or hurt.
- 4- With her consent when the man knows that he is not married to her and the consent is given because she believes that the man is another man to whom she is or believes herself to be married.
- 5- With or without the consent when she is under the age of 18 years.

Further it is provided that penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Rape is the most inhuman and degrading behavior as compare to the other violence against women, it is the most heinous crime among the other crimes as it is the show of dominance and power of man over woman on the basis of physical power against the will and consent of woman it make any rape victim believe that how powerless she is and the worst part it is in society of sindh region it is a taboo even to talk about it as it will be considered as the fault from the woman's side and nobody will come to rescue her not even her own family due to the compulsion and restrictions of society on woman the parents of victim are often seemed to be hide this heinous offence so nobody will get to know about the crime as the people will further

degrade and humiliate the victim and her family. The victim has to face further harsh and difficult situations such that nobody will be willing to marry her after knowing the fact she has been raped but to the contrary the accused rapist will not face the heat of the society and will enjoy all the freedom despite the fact that he has raped a woman he will not be answerable to the society or law no one will condemn him of the heinous crime the situation will be like the society will be questioning the character of the woman by saying that fault will be on the side of woman there will be something wrong with the dressing or attitude of the woman, and the rapist will be roaming freely without any shame of doing something wrong and will be in the hunt of another weak and innocent girl.(Pakistan Penal Code,2016)(Ahmar,2017).

Illustration-8

In the slum area of the korangi town of the Pakistan's largest city Karachi where a six year old named Sawera were abducted from outside of her home the kidnapper later raped her and tried to kill her as the serious and grave injury was inflicted on her throat but luckily and fortunately she survived, the unidentified kidnapper and rapist left her in sewerage drain believing that she is dead , however no action has been taken till now and her father said to media that he has hope of justice because of the poor background of the family as it is very difficult in sindh to get justice belonging to the poor family.

Similar to the above case the case of Sara a 4 year old child girl, where she was raped by her brother Kamran after rapping her Kamran hole down her eye and also broke her limbs but this was the only case till now where rapist got 20 year imprisonment sentence in recent years.

Most of the rape cases go unreported as it is a taboo even to talk about it, and the sad part about it that it damages the reputation of the victim instead of the culprit. Most of the parents fear to

report such cases as it will be difficult for them to live in the society and face the questions of relative and neighbors about the character of victim. And importantly the fear that nobody will be willing to marry a rape victim the rape cases remain unreported. (Korai, 2017)

Illustration-9

In 2007 Kainat Soomro at the age of 13 years was abducted from her home in the city of mehar and was gang raped by four men, according to her she was abducted when she stopped at shop to buy the toys for her niece after four days of continuous being gang raped she managed to escape away from the kidnappers, after her return she was determined as ‘KAARI’ by the local tribunal and village elders also ruled that she should be killed after the ruling of the elders one of her rapist claimed that he has married Kainat through nikkah and court also ruled in the favor of the rapist. after few days Kainat’s brother were also killed after the ruling of the court for defending her sister, later kainat along with her family shifted to Karachi as it was very difficult for them to live in that environment where everyone was wishing to see her dead in the name of honor.

Cases like these leaves great negative impact on the society and in some cases a rape victim become insane or any psychological disorder has been found in the victim which effects and damages status of women in the society and further weakens the already weak gender and dominance of man holds strong. On other hand the conviction rate in the rape cases is also very low due to the requirements of law and lack of the protection of the witnesses in most of the cases the victim is found to be the minor or under the age of 18 years as it can be understood that the girl under the age of 18 years will be the soft, perfect and less risked target for the frustrated and ill minded man. A study was conducted by the organization for the protection of rights of the children named ‘Sahil’ which revealed that the everyday more than 10 girl children are been

sexually abused in Pakistan mostly Sindh further the organization claimed that 2127 cases of child sexual abuse were reported during January to June 2016.

It is observed that most of the rape cases end up in the killing of victim and if the accuse has relation with the influential person (Feudal Lord) then the victim will be killed according the tradition of Honor Killing which is very common practice in Rural Sindh.

Poverty and illiteracy are the major causes of rape as the sexual frustration and lack of education among the men make them to think of the rape and knowing the fact that in our society it will not damage their reputation and honor but will only bring the shame to the victim and her family according to the norms of the society and the situation of law order is equal to the law of the Jungle due to the social compulsion and restriction on the woman majority of the rape cases are settled outside of the court because in the court proceedings it is common that rape victim will be degraded and defamed.(Soomro,2018)

Harassment of women (at work place):

Harassment or sexual harassment is “unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or create a hostile work environment for women” according to the “protection against harassment of women at work place act 2010.

In 2010 federal government enforced the “protection against harassment of women at work place act 2010” proposed to create and provide safe, peaceful and comfortable environment for the working women which was aimed to strike the environment of hostile and offensive nature and provide safe and decent working environment of the women.

In sindh where it is even near to impossible for the women to even step out outside of the house without the permission, somehow they manage to convince their parents (guardian) that they should allow her give her opportunity to study and work or get a job in repudiated institution and when they get into the institution they have to face another violence “harassment or sexual harassment” in my opinion it is the main cause which is becoming the hurdle in women empowerment and gender equality even the first lady prime minister of the Islamic world had faced harassment in the shape of receiving the serious, bogus and indecent allegations regarding her character by the leaders of opposition parties.(yousafzai,2018)

Illustration-10

In february 2016 Dr Navin G.Haider a senior Female lecturer at Karachi University alleged Professor Sahar Ansari of harassment who is a prominent literary figure of Pakistan aged above 76 years. According to the Navin the series of harassment incidents started when Ansari shook her hand using the benefit of the occasion of friendship day in Feb 2016, she stated that Ansari

deliberately hold her hand for long duration of time and beyond the normal hand shake duration which made her uncomfortable then she started to avoid him.

About the other incident which took place on march 2016, she stated that she was going towards the office of the head of the Pakistan study center and Ansari was also coming back from the head office, according to Navin as she saw him coming, she moved a side and were waiting for him to pass the entrance door and when he came near to her, he held her shoulders and pushed her back against the table and said ‘‘why are you hesitant’’ for this behavior from Ansari, Navin was horrified and scared and started to yell at him loudly by saying ‘‘what are you doing, are you mad, do you have no shame’’ and pushed him back and ran out of the room. After the incident Navin complained to the Vice Chancellor and demanded strict action against Ansari. And VC formed a three member committee But after the two months of inquiry headed by Dr Rahila Anjum , Ansari was declared innocent by the committee.

However Navin then approached the provincial ombudsman in accordance with the ‘‘protection against harassment of women at workplace act 2010’’ and on August 2017 the provincial ombudsman rejected the inquiry report of the committee which was previously formed by the VC of Karachi university and directed the vice chancellor to form another inquiry committee under the protection against harassment of women at workplace act 2010.

On the provincial ombudsman’s directives the VC formed a committee comprising of 3 members namely: professor Nasreen Aslam Shah the chairperson of center of excellence for women’s study, Ashraf Ali the deputy registrar of Karachi University, and Dr Jameel Hassan Kazmi the president of Karachi University’s teachers’ society.

After the committee was formed both Navin and Ansari were called before the committee with respective available witnesses and evidences, however Navin produced some reasonable evidences and 6 to 8 witnesses, while Ansari appeared alone with no evidences and witnesses, before the committee he stated that "I am 76 years of age and famous literary figure, people love my work and want photographs with me and sometime hug me so I don't found hugging and hand shaking as offensive and harassment further he also stated I don't care about the decision of the committee as I have option to go to the court against the decision and Navin. However the witnesses which were brought by Navin also admitted to be the victim of harassment by Dr Sahar Ansari some of them were female students and some were faculty members of the Karachi University.

After the completion of inquiry report the committee found Dr Sahar Ansari guilty of sexually harassing the fellow Karachi University's lecturer and students and committee also recommended that Ansari should be barred from being part of the academic and literary activities of University.

The data from the Sindh's ombudsman for the protection against harassment of women at work place shows the 134 cases were registered in 2016 and the numbers of cases being reported are increasing every year. Before 2010 there were no such law against the harassment of women, women had face the harassment on their own and no institution or any government authorized official were appointed to whom such complaints can be made.

Recently Supreme Court told the provincial ombudsman of Sindh that the action has been taken in only 8 cases out of 350 cases of harassment of women which is also alarming sign and leaves the question mark on the enforcement of such laws. The law enforcement agencies must make

efforts to encounter the such offences not only in the work places but also at other places which are becoming the houses of such offenses against women as the women of sindh cannot freely walk on the roads and streets safely without being harassed, from school girls to the professors of the university harassment is committed all over the province as the society sill did not recognize the harassment as offence. So the awareness regarding the harassment should be the best way to tackle the issue, government must take certain meásures against the harassment and legislate the more laws like Protection Against harassment of women at work place act 2010, which can surely change the mindset of the society regarding the seriousness of the concerning offense.

Victims of harassment suffered in silence through the past years before the legislation of the “protection against harassment of women at work place act 2010” and offender remained unpunished and working women avoided to register such complaints due to its impact on the family and fear of losing the job.(Ilyas,2018).

Recommendations and possible practical solutions:

Violence against women is not the issue of today or recent past but form many centuries from the diversion of society matriarchal to patriarchal violence against women existed in every kind of society but some of the regions of the world had overcame up to some extent we can see the example of the Europe where lot of improvement can be seen through the centuries but still it cannot be said that those regions has completely removed the violence against women in the society but it can be seen through observations that those regions had done lot of efforts to fight violence against women and prevent it from happening.

Through the literature survey and available literary material following may be the possible and practical solutions which may overcome the violence against women:

1-protection of victim:

Protection of victim is very important step in order to fight against the violence and very first thing which need to be done after the violence or offence against women has took place, due to the lack of the protection of victim and witnesses most of the women fear from reporting such violence and if woman reports the violence happened to her then she continuously receives the threats to her body, property, and even reputation and character and again due to the lack of protection surrenders her courage and take back the case which is also alarming for the rest of the women of the society however if a women after receiving threats still stands against the violence and its accused then she has to suffer the injuries to her character and her close relatives and family members will also pressurize her to withdraw the case and despite the threats, blackmailing, and family pressure if she still stands tall against the offender then in most of the cases whether she will be killed, raped, or forced to leave the city where she resides. So the basic step one can take in order to stop such violence is to provide protection to the victim and the first thing which can be done in order to stop the violence against women is giving protection to the victim and witnesses as well, through this measure women can be encouraged to report the violence and also it will encourage the other women who are suffering similar violence but out of fear are unable to report it, so laws regarding the protection of victims and witnesses must be made and to be enforced immediately in order to fight and restrict such crimes against women.

2-role of police:

The role of police in violence against women is very crucial and important yet failed to provide safety and do justice to their duties by providing speedy justice to justice to victim, many of the victims asserted that police is not taking such violence against women seriously as I have concluded earlier that most of the police officers mainly below the rank of house station officer

(SHO) do not know the about the laws which has recently passed by the legislative bodies and do not have knowledge about the seriousness of such violence and in spite of doing their duties to help and protect the victim they start to blackmail the victim and convince her to withdraw the case in favor of the accused so in order to improve the role of police in such cases governmental authorities need to educate and aware the police about the seriousness and its impacts on the society so that police can be able to recognize such violence as heinous and do their duty accordingly.

3-education and awareness of women:

The education factor is the most important factor in any society's growth and ability to fight the crimes and violence. And the violence against women in sindh can only be encountered through educating the women and men as education is the tool to bring out the evil from any society through education the awareness of rights of every individual will be acknowledged, as in sindh the literacy rate is very low as compare to the other provinces except balochistan, as in sindh women do not know about their basic and fundamental rights provided by constitution they even think that the domestic violence is natural and it is okay for a husband to beat his wife and has control over her. So through the education, awareness can be spread among the women and special schools must be established to educate the women about their basic rights guaranteed by constitution and at least they can distinguish between right and wrong.

4-society's attitude towards women:

There many tradition and custom which need to be receive the attention such as in sindh there is tradition of marrying a girl to other tribe as a punishment or compensation on the order of fuddle lord the mind set of society has been developed according to such tradition and custom

throughout centuries government must criminalize such tradition which are against the principles of humanity same as the act was passed which criminalize the tradition honor killing karokari which was a good step of the government fight violence against women ,so there are many tradition similar to the karokari which need be countered and awareness about such tradition must be addressed to the society and its negative impact on the coming generation there many NGO which are active with regard to the fight violence against the women by preáching its negative effects but people of sindh don't take that seriously that's why government must come up with new laws and awareness polices regarding the violence against women

5 Improvements in laws and its enforcement

There are many laws and acts passed by the national and provincial assembly such as sindh child marriage restrain act 2013 ,the domestic violence (prevention and protection) any many more for the protection of women from violence but the issue and question mark arise when we talk about its enforcement the laws which are made for the prevention of such violence against the women are of no use if these are not properly enforced ,there should be separate courts to deal with the matters regarding the violence against the women similar to the anti-terrorism court for the cases of terror the court shall be established as anti-violence court which will deal with the cases of violence against the women separately and rapidly that's the way where we can eliminate such violence very quickly and effectively if the conviction rate will increase that automatically the occurrence of these crime against women will decrease and make society of sindh a better place for women

More is required, not only to the extent of paper work but to transform mind set of the society towards women, not by only criminalizing the violent tradition against women it cannot abolish

the such violence but there is need to change the perspective of society regarding women and enforce the laws effectively which are meant to be for protection of women from violence and its prevention.

Conclusion:

The purpose of this study was to conduct the extensive research on violence against women in Sindh and to present the results in a comprehensive and issues of the research investigated through books, articles, and other online sources. Through this research the main purpose was to find out the nature and extent of violence against women with its various kinds and main reasons which result in these heinous crimes against women, and what marks it leaves on the society, at last but not the least to observe the loopholes in our legal justice system which is consecutively failing to provide protection and justice to the victim. At the end the brief recommendations and solutions are made for practical steps to ensure the legal protection of women against violence.

References

- Ahmar, T. (2017, april 10). Pakistan no country for women. *Herald*.
- Chaudhry, K. (2017, september 01). Sindh rejects law against forced conversions. *Asian News*.
- Iliyas, F. (2018, january 29). *Dawn News*.
- Imtiaz, S. (2017, August 14). Hindu today Muslim tomorrow. *The Atlantic*.
- Jamal, Z. (2012, april 09). To be women in pakistan:six stories of abuse. *The Atlantic*.
- Khan, M. H. (2019, February 17). *Dawn News*.
- Korai, S. (2017, April 18). *NewsLens Pakistan*.
- Mughal, B. K. (2018, january 18). Pakistan is failing its child brides. *Herald*.
- Rehman, Z. U. (2019, March 31). *The News*.
- Shah, N. (2016). *Honor unmasked*. Sindh: Oxford university press.
- Tunio, H. (2017, may 23). despite laws child marriage continues unbated in sindh. *The Express Tribune*.
- Veengas. (2017, january 14). Bring back Our girls : pakistan's hindus struggle against forced conversion. *The Wire*.
- Women, U. (n.d.). *legislation on violence against women and girls* . Retrieved may 2019, from UN-Women: <http://asiapacific.unwomen.org/en/countries/pakistan/evaw-pakistan/legislation-on-vaw>
- Yousafzai, A. (2018, january 29). *The News*.

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