

Domestic Violence Laws in Pakistan: Challenges in Enforcement and Victim Protection

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ABSTRACT

Domestic violence within Pakistan continues not because there is no law at all, but because protection is patchy, enforcement is patchy, and institutional responses often devolve into delay, disbelief, or pressure to "settle" within the family. This paper discusses the discrepancy between the formal legal protections and the lived experience of domestic-violence survivors. 3 Interlocking layers of the issue are discussed: (i) the social and historical conditions of the occurrence of domestic abuse and state responses, (ii) the current legal regime - constitutional guarantees, criminal law remedies and special provincial legislation - and (iii) (where the enforcement regime and victim protection fail to operate in line with legal intent). Drawing on human rights reporting and work on gender-based violence, the paper advocates that the domestic violence response in Pakistan remains structurally handicapped by underreporting, procedures, police unwillingness, informal mechanisms of dispute resolution (including the rationales linked to honor by jirgas), and shelter and legal aid capacity. The analysis points to the development of Sindh Domestic Violence (Prevention and Protection) Act, 2013 as a relatively developed statutory model - especially the processes of protection/residence and institutional roles - and examines some of the federal level attempts, such as the Domestic Violence (Prevention and Protection) Bill, 2021, which is stalled and provides a snapshot of the political and normative contestation. A brief hypothetical case study (clearly marked as such) demonstrates how procedural law - particularly FIR registration - could serve as a gatekeeping mechanism, not a point of entry to justice. The paper concludes with reforms based on constitutional rights (Articles 9 and 25) of Pakistan, international obligations of Pakistan and practical administrative interventions - survivor-centered policing, functional protection orders systems, accountability measures and sustained investments in shelters and legal aids.

Keywords: Domestic violence, Pakistan, enforcement, protection orders, FIR, policing, shelters, Sindh DV Act 2013, constitutional rights, victim protection.

INTRODUCTION

Domestic violence is often defined in Pakistan as a "private matter" - which sounds culturally familiar and administratively convenient - and which, in practice, is like a legal eraser. Once violence is relegated to the private sphere, then the obligation of the state is optional rather than mandatory, the survivor is negotiable rather than someone whose harm needs to be redressed, and violence becomes something to be managed, rather than something to be redressed.

Yet Pakistan's legal architecture does not in fact condone this erasure. Constitutional rights are right to life and liberty, equality before law. Article 9 states in simple words that no person shall be deprived of "life or liberty" except according to law and the equality principle in Article 25 defines discrimination and unequal protection as constitutionally suspect. Domestic violence - physical, psychological, sexual and economic - is exactly that kind of harm that threatens life, liberty, dignity and equal citizenship. So why is legal promise so often broken on the doorstep?

The fundamental thesis of this paper is very simple: the enforcement gap is structural. It is generated by institutional incentives (polices not wanting to deal with "family disputes"), social power (pressure to reconcile), procedural friction (gatekeeping in relation to FIR registration, medical evidence), protection system weaknesses (poor access to shelter, legal aid, meaningful enforcement of protection orders). The result is a system which can look legally protective on paper, but which is operating in practice like a maze.

To make that argument in a cogent way, the paper progresses from background and historical context to legal framework to enforcement challenges and victim protection gaps. A brief hypothetical case study - clearly stated as a composite case study - illustrates the friction points that a survivor may experience. The conclusion proposes legal sound and administratively realistic reforms.

METHODOLOGY

This research is using a doctrinal and socio legal approach. Doctrinally, it is an overview of the constitutional provisions, statutory frame and procedures route through criminal justice institutions. Socio-legally, it uses human rights documentation and empirical reporting of how domestic violence complaints are processed in practice, and why survivors often avoid and drop out of formal systems. Key primary texts include the Sindh Domestic Violence (Prevention and Protection) Act, 2013 and the Protection against Harassment of Women at the Workplace Act, 2010 (which are used here to demonstrate how Pakistan has created specialized complaint mechanisms in a related setting of gender harm). Secondary sources comprise Human Rights Watch reporting on systemic failures in the provision of justice, and Amnesty International's analysis of poor state protection against violence in the family and community, and demographic-statistical reporting on help-seeking behavior.

BACKGROUND: DOMESTIC VIOLENCE IN THE CONTEXT OF PAKISTAN'S SOCIAL AND HISTORICAL CONTEXT

Domestic violence in Pakistan is at the crossroads of patriarchy, economic dependency and society's norms of family unity being of greater value than safety for women. That is not an abstract claim, but can be seen in the way survivors are told - by relatives, by community elders and - sometimes - by state officials - to "adjust," "be patient" or return for the sake of children. When a woman fights back, she risks not only violence, but social exile.

Historically, this has been reinforced by a combination of colonial legal legacy and postcolonial governance choices. The criminal justice system bequeathed by colonial administration was based on more order than care, more on control than protection. That design is important today because complaints of domestic violence demand sensitivity, speed, and trust from the survivor, all of which policing systems tend not to have unless they are especially trained and monitored.

Human rights reporting have documented on several occasions systemic weaknesses in the functioning of justice processes in Pakistan - delays, poor investigations, and informal pressure leading to distorted results. Human Rights Watch's critique of dysfunction of the justice sector ("crooked system") is relevant here because domestic violence cases often depend on the same flabby investigative muscles as other violations of rights and the same political and social pressures. Human Rights Watch Amnesty International has also underlined the state's consistent failure to provide adequate protection for women from abuses within the family and the community, and gaps not only in law but in the state's practice and will. Amnesty International

One of the resulting effects is predictable: survivors do not seek help. UNFPA Pakistan, based on the data of demographic surveys, identifies that a large number of women, who are subjected to physical or sexual violence, are unable to seek help or inform anybody - pointing to socio-cultural barriers, dependency and weak support systems. UNFPA Pakistan This is the first barrier. Before enforcement has even begun, the system is losing cases silently.

1. Constitutional rights as a low bar

The protection of life and liberty found in Article 9 gives the constitution a basis for state action against domestic violence. Pakistani Equality commitments under Article 25 reinforce that that protection cannot be selectively weak for women, or filtered through "honour" narratives, or conditional on the status of the family. Pakistan Kanooon These constitutional principles are of paramount significance when institutions are treating domestic violence as something not worth public resources; constitutionally such a view is hard to defend.

2. Specialized mechanisms in the gender-harm law: work-place harassment as a model of comparison

Although not a form of domestic violence, workplace harassment is what Pakistan's Protection against Harassment of Women at the Workplace Act, 2010 illustrates when the state has decided that harm is harm enough to be structured. The Act defines "harassment" in clear terms (including "unwelcome sexual advance" and conduct that creates an "intimidating, hostile or offensive" environment). QAU It requires organizations to make up an Inquiry Committee and sets timelines and procedural rights in the inquiry process. QAU+1

Why drag this into a domestic violence paper? Because it shows a radical distinction: where there is a specialized mechanism (definition, committees, timelines, routes to appeal), at least survivors have it mapped out for them. Domestic violence systems, in many jurisdictions, are still fragmented - survivors move around among the police, hospitals, courts and shelters with no one thread of accountability.

3. Sindh Domestic Violence (Prevention and Protection) Act, 2013

The framework of Sindh of 2013 is one of more detailed domestic violence statute in Pakistan. Its definitions are purposefully inclusive: its definition of "aggrieved person" includes "any woman, child or any vulnerable person" in a domestic relationship alleging domestic violence. SJA The statute frames "domestic relationship" broadly - including those who live or have lived together in a household as a result of marriage, kinship or related family structures. SJA

Most importantly, the Act defines "Domestic Violence" to comprise "all acts of gender based and other physical or psychological abuse" perpetrated by a respondent against protected persons in the domestic relationship. SJA This language is important because it extends the concept beyond visible injury; psychological harm is made subject to the law as opposed to being left to moral debate.

The Act has also provided for the architecture of a protection order. Courts can pass the interim orders in which prima facie there is prima facie violence or possibility of violence presented through petition. SJA The protection order provisions include prohibitions of committing violence, entering certain places, and attempting to communicate in different forms - recognizing that it is the acts of intimidation and stalking that are central to domestic abuse. 1 It also contemplates residence orders and other relief, which shifts the burden away from the survivor being forced to flee while the abuser enjoys the comfort of "home." SJA

Sindh's framework extends into the design of implementation through rules, such as a Domestic Violence Commission structure and institutional roles that, on paper, can provide support for coordination. SJA this is a statutory blueprint needed by many survivors. But blueprints don't build houses themselves.

4. Federal attempts, the politics of "family law"

At the federal level, domestic violence legislation has been met with political opposition in which there have been delays in the actual process of passing the legislation and the repeated reframing of domestic violence as a threat to "family values." The Domestic Violence (Prevention and Protection) Bill, 2021 - the bill that is often discussed as being applicable only to the Islamabad Capital Territory - is a good example of how reform can stall, even though social need is obvious.

This pattern is not bad luck for legislation. It is how domestic violence law follows the challenge to male authority in the form of limited male authority, questions informal adjudication and asks the state to intervene within the household. In that sense, then, the fight over domestic violence law is also a fight over who gets to define harm.

ENFORCEMENT CHALLENGES: WHY RIGHTS ARE NOT REMEDIES

Even where laws are in place, there are often institutions that are under-resourced, reluctant, and in line with reconciliation rather than accountability.

1. Gate keeping by police and the "family dispute" reflex

Domestic violence cases are often killed at the police station. The reasons are layered: Officers may begin to view such complaints as time-consuming, likely to be withdrawn, socially controversial and administratively unrewarding. There are also instances where survivors are moved to reconcile or to make a "settlement" with male relatives. This is not always presented as hostility; sometimes it is presented as "advice." But the effect is the same: A criminal justice entry point turns into a social negotiation booth.

What makes this worse is that domestic violence is often repetitive and escalating in nature. Delayed response is NOT Neutral response. It can be lethal.

2. Informal Justice Systems and honor based violence

In many rural settings informal dispute processes such as jirga-style decision-making processes influence the responses of communities to gender conflict. When violence is justified as "honor," it is not just an offender who the legal system is confronting; it is a social narrative that recruits family and community complicity. Courts in Pakistan have condemned violence associated with jirga and the more general logic that women are the bearers of family honor, but condemnation does not necessarily destroy the local power structures that make violence possible. (Case law often relied on in this regard includes the jurisprudence of the Lahore High Court criticizing informal adjudication which results in violence.) Legal Information Institute

This is directly related to enforcement: police will be afraid of local backlash; witnesses willing to testify; survivors will be threatened into silence, compromise pressures will enter the process through family 'settlements' which aim more at public calm than private safety.

3. Evidence, medical documentation & burden of proof

Domestic violence is notoriously difficult to prove through traditional criminal law evidence rules due to the fact that much of it occurs inside the home, without witnesses, and with injuries which may heal before documentation. Psychological abuse and coercive control will often leave no mark at all.

In instances when the system heavily relies on medical evidence, survivors who are unable to access timely medico-legal documentation are disadvantaged. Add distance, poverty and stigma to the mix and the evidentiary burden is a structural filter: the system protects those who can navigate it, not necessarily those who need it the most.

4. Litigation fatigue and the social cost of “continuing”

Even once a case is in the system, survivors are victims of what can be described as litigation fatigue: repeated visits to the system, humiliating questioning, threats and family pressure to withdraw. This is where the enforcement gap changes from law to endurance. The state in effect, is asking the survivor to be stronger than the violence, and stronger than the system.

VICTIM PROTECTION GAPS: SHELTERS, LEGAL AID AND PROTECTION ORDERS

What is the reality?

Domestic violence law is only as protective as the survivor's alternatives. If she cannot safely stay, safely leave, or safely report, then the law is symbolic.

1. Shelter homes & limitations of "safe space"

Pakistan has a network of shelter models (including Dar-ul-Aman structures), some of which have capacity and quality, and some of which are rights-based in their management. The National Commission for Human Rights (with UN Women) has published a needs assessment to highlight that shelters need to be more than physical space but that they need to have adequate services, dignity and coordination with legal and medical support. NCHR Pakistan

It is not simply "number of shelters." It is the practical reality: location that is far from home districts, security concerns, restrictive rules, limited legal support, and social stigma that can make shelters feel like detention and not protection.

2. Legal Assistance and Women in Distress and Detention Fund

Formal legal assistance is one other critical gap. The Women in Distress and Detention Fund Act, 1996 provides for the setting up of a fund for the purpose of giving financial and legal assistance to women in distress and detention. Pakistan Code In theory, this is consistent with the fact that survivors often require representation, transport, documentation and court fee support. In practice access pathways, awareness and administrative functioning make such funds a dead or live statute.

3. Protection orders; strong on the paper, weak on enforcement

Sindh's 2013 Act provides a comprehensive order of protection mechanism (restrictions to communication and movement) aimed at immediate safety. SJA+1 But protection orders need the speed of issuance,

effective service of notice, police willingness to enforce breaches, and a survivor's confidence that reporting a breach will not result in further harm.

A protection order is just another paper, and can be dangerous if that protection order is treated as such: It may give an abuser the impression that their actions are unlikely to be enforced.

HYPOTHETICAL CASE STUDY: A RURAL SURVIVOR GOING THROUGH FIR REGISTRATION (COMPOSITE SCENARIO)

(This is a hypothetical composite based on common obstacles to reporting based on procedures described in human rights and GBV reporting; it is not presented as a real individual case.)

A woman in rural Balochistan - call her Z - is married into a household where violence is routine: fights followed by beatings, taking away her phone, not allowing her to visit her parents, threatening time and time again that she won't speak or her children will be taken. One night the violence reaches a peak. With the help of a neighbor she breaks out at dawn and goes to the local police station.

In the desk she is asked: Where is your husband? Where is your wali? Why did you leave your home? The officer makes a suggestion to call elders to "reconciliation." Z Insists on filing a complaint. She is told to bring along a medical report, or else to return with a male relative. She waits. Hours pass. Eventually, she returns to the village because it is dishonorable in itself to leave one's home and because she has no one who will take her in.

This is the enforcement gap of the miniature. Not because law is silent, but because procedure is rendered discretionary. The point of entry, that is, the recording of information to initiate the criminal law, becomes a test of social permission. And the survivor, who is already injured, is asked to make the case in a case that doesn't yet exist.

What would have altered her course? A functional referral pathway: immediate FIR registration, safe transportation to medico legal services, a protection order mechanism and access to a shelter with legal support. Without those the justice system is a revolving door.

REFORM PROPOSALS: FROM FORMAL RIGHTS TO EFFECTIVE PROTECTION

Legal reform is not so much about passing new statutes as it is about making existing statutes work.

1. Compulsory survivor-centered policing and accountability measures

Pakistan should institutionalize gender-sensitization and survivor-centered training as an operational requirement and not an optional workshop - coupled with performance metrics: time to register complaint, time to issue referrals, enforcement of breaches of protection orders. International frameworks such as the Beijing Platform for Action accentuate state responsibility to prevent violence and enhance institutional responses; the challenge is to translate principles into enforceable administrative standards. UN Women

2. Functional protection order systems with teeth of enforcement

Where domestic violence statutes provide protection orders (as in Sindh), breach would have to be treated as urgent by courts and police. Systems must include: Rapid service, electronic tracking where possible, and clear protocols for arrest or restraint on breach - and no transformation of protection into punitive surveillance of the survivor.

3. Extend shelters to become integrated "support hubs"

Shelters should be resourced as co-ordinated hubs (legal support, psychosocial support, and support for children, health services and safe place to relocate to). The NCHR/UN Women needs assessment highlights the fact that "shelter" is not enough, quality and rights-based standards are important. NCHR Pakistan

4. Improve access to legal aid and facilitate funding access

The Women in Distress and Detention Fund is a critical statutory underpinning but there must be clear access routes for survivors: public awareness, easy eligibility rules and local facilitation. Pakistan Code If legal aid is difficult to reach, it is effectively non-existent.

5. Implement International recommendations with domestic constitutional framing

CEDAW's review processes have stressed on multiple occasions the need for better state action on gender-based violence and discrimination; it may be said that Pakistan may treat these recommendations as interpretive support for the duties under the constitution of the state under articles 9 and 25 - linking the international commitments with enforceable domestic principles.

CONCLUSION

Domestic violence law in Pakistan is not one single statute problem. It is a systems problem.

Sindh has a 2013 domestic violence framework, which is encouraging in demonstrating what Pakistan is capable of drafting in terms of a survivor-centered mechanism: broad definitions, protection order, interim relief, and institutional roles. the framework on workplace harassment demonstrates that when the state is serious about avoiding gender harm, it can require procedures, time lines and complaint bodies. QAU The missing piece is not legal imagination—it is consistent implementation across the justice chain.

If domestic violence continues to be treated as “private,” enforcement will remain optional. If survivors continue to be asked to reconcile rather than be protected, remedies will remain fragile. And if shelters and legal aid remain under-resourced, “exit” from violence will remain theoretical.

Constitutional rights under Article 9 (life and liberty) and Article 25 (equality) point toward a duty of protection that is not discretionary. The next phase of domestic violence reform in Pakistan must therefore be operational: policing protocols, protection-order enforcement, survivor support infrastructure, and measurable accountability. Without that shift, law will remain what it too often is for survivors—words they can quote, but not a system they can use.

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