

Pakistan: Domestic violence

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SINDH is facing a domestic violence epidemic, and yet hardly any woman in the province has benefited from the passage of the Domestic Violence Prevention and Protection Act.

Sindhi media does little to publicise domestic violence cases or highlight the law's provisions, for lack of resources or interest. And without a standard operating procedure or consistent mechanism for delivering results, Sindhi women afflicted by domestic violence are falling through the cracks of bureaucracy, police and legal procedure — if they go to the police in the first place.

In rural Sindh, women who suffer domestic violence believing that going to the police bring a bad name to the family. Instead, they return to their parents' houses, and their fathers and brothers set the terms for her return to her husband, including a demand for no more violence. The collective pressure of the biradari, or kin system, ensures those terms are obeyed when she returns. The police are not seen as a safe, protective entity; they only extort money from victims or dismiss the crimes as 'family matters'.

In February of this year, a man was convicted, fined and imprisoned for the first time under the law for subjecting his former wife for physical, sexual and mental abuse — six years after the anti domestic violence law was passed. The trial lasted almost two years despite the law promising conclusion within 90 days. As Sara Malkani, the survivor's lawyer, wrote in Dawn, the police did not register the FIR against the perpetrator; the survivor had to bring her petition directly to the magistrate.

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The Sindh Domestic Violence Act calls for protection officers to be appointed to a domestic violence victim, but this never happens. The victim obtained a protection order but the police ignored it. The survivor was lucky that crucial medical evidence was collected and allowed as evidence against the perpetrator, as there were no witnesses. Luckier still the judge did not consider her case a 'family matter', but heard it and sentenced the perpetrator to a jail term and imposed a fine.

This month Justice Salahuddin Panhwar of the Sindh High Court took formal notice of the law's ineffectiveness. He observed that multiple departments for women's protection including the Sindh Commission for the Status of Women, the Sindh Social Welfare Department, and the Women's Development department are all working separately instead of in tandem. The solution, says Justice Panhwar, is to publicise the domestic violence law, to train the police, judiciary and other relevant actors, and to create one autonomous department to deal with the issue.

Punjab built a model Violence Against Women Centre in Multan to support women through this traumatic process. The VAWC, inaugurated in 2017, was a one-stop centre which brought under one roof all the services women must access when seeking redress for domestic violence. But after the change in government in 2018, the VAWC was defunded. This is the problem with this sort of special project model, so heavily dependent on funds and political patronage: as soon as the government changes hands, the funds dry up, the project slows, then sputters to a stop.

For Sindh, the answer lies not in a one-stop centre, but in diffusing services across the province and linking them to a central coordination effort to streamline and regularise the handling of domestic violence cases across many districts. This is reform at the level which needs it the most: building institutional capacity to handle the procedural and legal aspects of domestic violence cases across Sindh, no matter who is in power at the provincial level.

There is some progress on this front: the Sindh Police have been constantly interacting with the Women's Action Forum for their recommendations; a WhatsApp channel has been set up linking the three commissions and key civil society organisations in order to better handle reported cases; and the IG Sindh is also in the process of setting up a human rights cell to deal with domestic violence cases. The Sindh government should also appoint a domestic violence commissioner, an independent watchperson to monitor the effectiveness of the police and other institutions dealing with these crimes.

Sindhi women do not see themselves as victims but as strong women who stand up against domestic violence by themselves without the authorities' help. But as citizens of this nation they have the right to all the assistance of the state, and the state must do its part by helping, not hindering domestic violence survivors who choose to file a formal complaint against their assailants.

The fight against domestic violence must not be a political project, but a provincial responsibility, and a national imperative. We need to take it seriously to help women cross the bridge from victimhood to survivorhood not just in their own minds, but culturally, socially and legally, and stay there.

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P.S.

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