



From Enactment to Implementation:

A Roadmap for Addressing Domestic Violence in Sindh through Implementation of the Domestic Violence

(Prevention and Protection)
Act 2013 and Rules 2016

Barrister Rida Tahir



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The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 (amended in 2023) for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has constituted the SHRC under Section 3 (1) of the Act on 9th May 2013. The SHRC is currently headed by the Chairperson, Mr. Iqbal Ahmed Detho.

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Preface

Dear Readers,

In our pursuit of a more equitable world for all women, children and vulnerable persons, tackling domestic violence stands as a cornerstone of progress to uphold gender equality. While significant strides have been made, there remains much work to be done to ensure that every person in Pakistan can enjoy the rights, resources, and protection to achieve their full potential.



As we embark on the journey of addressing one of the most pressing issues in our society, I am honored to present to you our latest endeavor, the policy brief titled "From Enactment to Implementation: A Roadmap for Addressing Domestic Violence in Sindh through implementation of the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016." I must acknowledge the efforts of Barrister Rida Tahir, for developing this comprehensive roadmap.

Domestic violence remains a grave concern across Pakistan, casting a dark shadow on the fabric of our society. Despite the commendable strides made with the enactment of the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016 in Sindh Province, we find ourselves at a critical juncture, where collective action is imperative to effect meaningful change in our society.

This document is not merely a compilation of recommendations, it serves as a beacon of hope in the shape of a road map for those who have endured the pain and anguish of domestic violence, offering tangible solutions to address the root causes and systemic barriers that perpetuate this cycle of abuse.

In this spirit, the Sindh Human Rights Commission (SHRC) presents a comprehensive roadmap for action, encompassing legislative reforms, capacity-building initiatives, and targeted interventions aimed at eradicating domestic violence from our communities. But our efforts cannot succeed in isolation; they require the unwavering support and collaboration of stakeholders, including the relevant government departments across the Criminal Justice System (CJS).

To policymakers, law enforcement agencies, civil society organizations, and the general public, I extend a heartfelt plea to stand in solidarity with the SHRC, to heed the call for change, and to lend your voices to the chorus of hope and advocacy.

Together, let us embark on this noble endeavor with courage, compassion, and conviction. Let us reaffirm our commitment to the fundamental principles of human rights and dignity, and let us pave the way for a brighter, more inclusive future for all in Sindh by tackling VAWC in all its forms.

With profound gratitude and unwavering determination,

Iqbal Ahmed Detho

Chairperson,
Sindh Human Rights Commission

Message by the Minister, Women Development Department, Government of Sindh



The Women Development Department (WDD) of Sindh stands resolute in its commitment to fostering a society where women and girls can flourish free from violence and discrimination. Domestic violence represents a grave violation of fundamental human rights, and we acknowledge the crucial role we play in confronting this complex issue.

The Sindh Human Rights Commission's insightful policy brief, "From Enactment to Implementation: Recommendations for Addressing Domestic Violence in Sindh," offers valuable insights and a clear roadmap for strengthening our collective response.

The WDD will actively pursuing initiatives that resonate with the recommendations outlined in this roadmap, as per its mandate. Public awareness campaigns will be developed to educate communities about the DV Act 2013, victims' rights, and available support services. These campaigns will utilize various media channels and leverage collaboration with civil society organizations to reach a wider audience, particularly in rural areas.

Furthermore, the WDD is committed to empowering women through skill development programs and economic opportunities. This not only enhances their financial independence but also augments their confidence and ability to seek help if they face domestic violence. Recognizing the crucial need for victim support, the WDD is working towards establishing and strengthening safe shelters, legal aid, and counseling services.

Collaboration remains paramount in tackling domestic violence. The WDD actively partners with relevant government departments, civil society organizations, and the legal fraternity to ensure a comprehensive and coordinated approach. Eradicating domestic violence requires sustained effort and a commitment from all stakeholders.

Shaheena Sher Ali
Minister,
Women Development Department
Government of Sindh

Message from the Inspector General of Police, Sindh.



Domestic violence is a grave and pervasive issue that affects the lives of countless individuals and families across the world. It is a violation of human rights that inflicts deep physical, emotional, and psychological harm on victims. The Sindh Police, as a primary institution responsible for maintaining law and order, recognizes its pivotal role in combating this menace and ensuring justice and protection for all individuals in Sindh.

The Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016 provide a robust legal framework aimed at safeguarding victims and ensuring their access to justice. However, the effective implementation of the law becomes challenging due to limited knowledge amongst elements of Criminal Justice System and public awareness & societal stigma, which results in underreporting of cases.

To address these barriers, the Sindh Police has undertaken several critical initiatives. Key among these initiatives is the establishment of Women and Children Police Stations (WCPSs), Women and Children Protection Cells (WCPCs), One Stop Protection Centers (OSPCs) and Gender Protection Units (GPUs) in Sindh along with the efficient and expeditious access to remedy through the Madadgar 15 Police Helpline.

These specialized units, staffed with sensitized female officers, provide a gender-sensitive response to domestic violence cases, creating a supportive and safe environment for victims to report abuse. Since 2020, a total of 5,513 cases have been reported to our WCPCs. This data highlights the significant trust of the People on Sindh Police to address domestic violence cases comprehensively.

Training and capacity building are also fundamental to our strategy. The Sindh Police, in collaboration with the Sindh Judicial Academy, the Police Training Academy and the Sindh Human Rights Commission (SHRC) has conducted extensive training programs for officers and judicial personnel. These programs focus on gender sensitivity, the dynamics of domestic violence, and the impact of patriarchal norms, equipping our officers with the skills and empathy required to handle these cases effectively.

Public awareness campaigns are another cornerstone of our approach. By educating the public about the law and the rights of victims / survivors, we aim to dismantle societal norms that perpetuate violence and encourage reporting.

The SHRC's recommendations for a multi-pronged approach align closely with our ongoing initiatives. We are committed to establishing WCPCs, OSPCs and GPUs across 30 districts, providing comprehensive support to victims, including legal aid, medical assistance, and psychological counseling.

We recognize that addressing domestic violence requires a collaborative and holistic approach, involving legislative bodies, civil society organizations, and the community at large. Together, we can curb domestic violence, ensuring that every individual in Sindh can live in a peaceful way with dignity and respect.

As our Motto states, we at the Sindh Police are Proud to Serve.

Mr. Ghulam Nabi Memon
Inspector General of Police, Sindh

Message from the Secretary, Human Rights Department, Government of Sindh



Sindh's comprehensive legal framework for addressing domestic violence, anchored by the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016, underscores the government's commitment to safeguard the rights of women, children, and vulnerable individuals. Recognizing the urgent need to combat domestic violence and its profound impact on individuals, families, and communities. The Human Rights Department of the Government of Sindh is committed to transforming these laws into concrete actions rather than mere theoretical concepts.

The roadmap outlined here provides a strategic framework for a multi-stakeholder approach to strengthen implementation efforts. While the legal foundation is strong, identified gaps hinder its full effectiveness. The Human Rights Department is resolute in its commitment to prevent and mitigate domestic violence through specific measures, as per its mandate.

Central to this strategy is enhancing enforcement mechanisms to ensure comprehensive implementation of the law across the province, promoting public awareness of victims' rights, and enhancing access to essential support services. Equally critical is equipping law enforcement and judicial personnel with the requisite knowledge and sensitivity to handle domestic violence cases effectively.

The Human Rights Department of Sindh endorses the roadmap as a pivotal step towards addressing and combating domestic violence in our society. This roadmap outlines crucial strategies and initiatives aimed at enhancing the protection of vulnerable individuals, particularly women, children and the elderly, who are affected by domestic violence.

The Human Rights Department of Sindh affirms its commitment to ensuring that the rights enshrined in the law are effectively upheld and that concrete measures are implemented to prevent and respond to instances of domestic violence across the province. We encourage all stakeholders to join us in this collective effort to create a safer and more equitable environment for all.

Ms. Tahseen Fatima

Secretary,
Human Rights Department,
Government of Sindh

Message from the Secretary, Law, Parliamentary Affairs & Criminal Prosecution Department



Sindh has a robust legal system framework for addressing domestic violence in the shape of the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016. The law envisages various protection mechanisms and systems for protecting the rights of women, children and vulnerable individuals.

The Sindh government fully recognizes the urgency of addressing domestic violence and its devastating consequences on individuals, families, and communities. We are committed to ensuring that the Act and Rules are not merely words on paper but translated into tangible action.

This roadmap provides a valuable framework for strengthening a multi-stakeholder approach. While the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016 establish a legal foundation for protecting victims and holding perpetrators accountable, a few implementation gaps hinder its full effectiveness. The Sindh government is committed to prevent and gradually eliminate domestic violence, taking concrete steps to addressing them in the shape of this roadmap.

This roadmap emphasizes the need for a multi-pronged approach, including strengthening enforcement mechanisms to ensure the law is effectively implemented across the province, raising public awareness on the rights of the aggrieved persons, and available support services. Further, equipping law enforcement and judicial personnel with the knowledge and sensitivity to handle domestic violence cases effectively are essential.

The recommendations outlined in this brief offer a clear roadmap for achieving these goals. The Sindh government welcomes this valuable contribution and is actively working on initiatives that align with these recommendations.

Eradicating domestic violence requires a united front. I call upon all stakeholders – government departments, law enforcement, judiciary, civil society organizations, and the public – to take responsibility and collaborate in building a future where everyone feels safe and respected within their homes.

Mr. Ali Ahmed Baloch

Secretary,
Law, Parliamentary Affairs & Criminal Prosecution Department,
Government of Sindh

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Acronyms and Abbreviations

ARCC	Anti-Rape Crises Cells
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CJS	Criminal Justice System
CPO	Central Police Office
CPU	Child Protection Unit
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRPD	Convention on the Rights of Persons with Disabilities
DIG	Deputy Inspector General of Police
DV Act 2013	Domestic Violence (Prevention and Protection) Act 2013
DV Rules 2016	Domestic Violence (Prevention and Protection) Rules 2016
FHD	Female Help Desks
FIR	First Information Report
GBV	Gender-Based Violence
GPU	Gender Protection Unit
HRD	Human Rights Department
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
LAJA 2020	Legal Aid and Justice Authority Act 2020
MLO	Medico-Legal Officer
OSPC	One-Stop Protection Centre
PBC	Pakistan Bar Council
SGBV	Sexual and Gender-Based Violence
SCPA	Sindh Child Protection Authority
SHRC	Sindh Human Rights Commission

SPHRA 2011	Sindh Protection of Human Rights Act 2011
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
VAWG	Violence Against Women and Girls
WCC	Women Complaint Cells
WCPC	Women and Child Protection Cell
WCPS	Women and Children Police Station
WDD	Women Development Department
WDDF 1996	Women In Distress And Detention Fund Act 1996
WWD	Women With Different abilities

1. Executive Summary

The Sindh Human Rights Commission (SHRC) tackles the persistent issue of domestic violence in Sindh province, through the roadmap “From Enactment to Implementation: Recommendations for Addressing Domestic Violence in Sindh.” This publication, part of the Sindh Human Rights Commission’s research products, aims to promote and protect human rights, particularly those relating to life, liberty, equality, and dignity, as mandated under the Sindh Protection of Human Rights Act 2011.

The roadmap embarks on a meticulous examination of the multifaceted dimensions of domestic violence, starting with an in-depth analysis of the legal frameworks and definitions governing such violence within the context of Sindh, Pakistan. Delving deeper, the report elucidates the socio-economic contexts and theoretical perspectives that underlie and perpetuate domestic violence, shedding light on the entrenched patriarchal norms that contribute to its prevalence.

Despite being shrouded in significant underreporting, the prevalence of domestic violence in Sindh emerges as an alarming reality, necessitating urgent and decisive action. The roadmap exposes the pervasive nature of domestic violence and its far-reaching consequences on individuals, families, and communities across the province. It underscores the critical imperative for establishing accurate data collection mechanisms and implementing comprehensive intervention strategies to effectively address this pressing issue.

Although the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016 are comprehensive, the roadmap delves into the challenges hindering their effective implementation. It analyzes the legal framework established by the law, outlining how it offers protection measures for victims/survivors/aggrieved persons and facilitates access to justice. While the brief acknowledges successful applications of the DV Act 2013 and Rules 2016, including landmark convictions in the courts, it also recognizes ongoing hurdles. These hurdles include limited public awareness about the law and victims’ rights, and the persistent social stigma surrounding the issue.

To address these critical concerns, the SHRC proposes a multi-pronged approach. The roadmap emphasizes the importance of capacity building through training programs for police officers, prosecutors, lawyers and judges, equipping them with the necessary skills and sensitivity to handle these often-complex cases. Public awareness campaigns are also recommended to educate the general public about the DV Act, victims’ rights, and available support services. Moreover, the brief includes comprehensive recommendations for legislative bodies, administrative departments, civil society organizations, and academia, outlining a roadmap to eliminate domestic violence in Sindh.

The roadmap presents a set of meticulously crafted recommendations tailored to the diverse array of stakeholders within Sindh. By fostering heightened awareness, facilitating knowledge dissemination, and fostering a culture of accountability, Sindh can pave the way for significant progress in creating a safer and more equitable society for all its inhabitants.

In conclusion, the roadmap emphasizes the interconnectedness of the issue of domestic violence with broader societal structures and calls for a concerted effort to dismantle the underlying systems of oppression. By heeding the proposed recommendations and prioritizing the holistic well-being of all individuals, Sindh can chart a transformative path towards a future devoid of violence and discrimination, where all individuals can fulfil their potential.

2. Methodology

The Roadmap for Tackling Domestic Violence in Sindh Province has been thoughtfully designed using a structured approach, ensuring adherence to ethical principles crucial for this endeavor.

An adaptive and systematic methodology was employed to draft this roadmap, aimed at understanding the current implementation status of the DV Act 2013 and Rules 2016. For this purpose, a mixed-methods research was conducted into the concept of domestic violence and the socio-economic realities in which it is embedded globally, regionally, in Pakistan and then particularly in the Sindh Province.

The exploration of domestic violence encompasses understanding its nature, prevalence, and impact, as well as developing tailored data collection instruments to capture quantitative and qualitative dimensions.

A comprehensive review of secondary data from various sources including CSOs, domestic violence reports, scholarly journals, and studies was conducted to identify initial insights and gaps in the implementation of the law. The literature review was focused on research generated during the time-period 2000- 2024 to capture the evolving nature of the complex crime of domestic violence and the socio-economic realities in which it is embedded in Sindh Province.

In the next step, it was crucial to understand and capture the global, regional and provincial data on the prevalence of domestic violence. For this purpose, a review of reports on domestic violence ranging from the time period 2000- 2024 was conducted. This data was analyzed, and a comparative analysis was conducted to outline the prevalence of domestic violence during this time-period. The latest data of 2024 has been outlined in the study.

It was essential to differentiate between the data that is gathered and reported through surveys and the updated (May 2024) official data on the cases which were reported to the criminal justice system (CJS) through complaints registered with the police and the number of cases disposed of and are pending in the courts. Therefore, data- collection instruments were developed to gather the data through letters and telephonic communication was conducted to ensure continuous collaboration and data enrichment. This data was further analyzed to gauge the percentage of cases that were decided by the Courts, percentage of cases that are pending (and yet to be decided) since the enactment of DV Act in 2013 as well as the conviction rate on domestic violence in Sindh with the number of Protection Orders, Residence Orders, Custody Orders, Monetary Relief Orders that were passed by the Courts in Sindh.

Thereafter, the publicly available case law from the trial courts in Sindh, Sindh High Court, Federal Shariat Court and the Supreme Court of Pakistan were analyzed to understand how the courts have interpreted the law and the directions that have been passed for the implementation of the law and their status of compliance.

Subsequently, further consultation was sought with stakeholders, particularly the lawyers, police, prosecution and judiciary, to gain a nuanced understanding of the legal frameworks, enforcement challenges, and available support systems. Eight key informant interviews were conducted among diverse stakeholders to capture multifaceted perspectives on the implementation of the law.

In the next step, an analysis of Pakistan's international law obligations was conducted, and the latest state party reports submitted under the seven UN Core Conventions (CERD, UNCRC, CEDAW, ICESCR, ICCPR, UNCAT and CRPD) ratified by Pakistan. Subsequently, an analysis of Concluding

observations by the UN Treaty Body Monitoring Committees to which Pakistan is a State party, was conducted to make recommendations and improving the legal and social protection response towards instances of domestic violence in line with the international obligations of Pakistan.

Recommendations for the way forward prioritizes evidence-based policymaking and stakeholder engagement, aiming to address additional gaps identified during the consultation process. The exploration of domestic violence encompasses understanding its nature, prevalence, and impact. Themes emerge from the data, informing subsequent analyses aimed at providing a holistic understanding of the issue to make effective recommendations and proposed amendments in the law to close the gaps which hinder the protection of survivors/victims of domestic violence.

This adaptive methodology ensured that the study remains responsive to the dynamic socio-cultural context of Sindh, fostering informed interventions and policies to combat domestic violence.



Introduction

3. Introduction

After the 18th amendment to the Constitution in 2010 devolved substantial powers from the federal government to the provinces, Sindh province has led the way in enactment of progressive legislation to promote the rights of women, girl and vulnerable persons. Sindh was the first province in Pakistan to enact a law on preventing domestic violence. Balochistan enacted the Balochistan Domestic Violence (Prevention and Protection) Act, 2014. Punjab enacted the Punjab Protection of Women Against Violence Act in 2016 and the Punjab Women Protection Authority Act 2017. Khyber Pakhtunkhwa enacted the Domestic Violence against Women (Prevention and Protection) Act 2021. Currently, there is no specific legislation in place to address domestic violence within the Islamabad Capital Territory (ICT) even though significant efforts were made for enactment.

The Constitution of Pakistan, 1973, contains several provisions about gender equality and the mainstreaming of women into the public and political life of the country. The rights to life and the inviolable dignity of a person are recognized in Articles 9 and 14 of the Constitution. Further, Article 25 grants equality to all in Pakistan and Article 26 of the Constitution, 1973, grants the equal rights to access public spaces and both Articles (25 and 26) make the provision for affirmative action for women and children.

Moreover, Article 32 contains specific provisions for the representation of women in local government, while Article 34 mandates the state to implement measures facilitating women's participation in all aspects of life and social engagements. Additionally, Article 35 emphasizes the state's responsibility to safeguard marriage, family, mother, and children.

Domestic violence represents a significant barrier to achieving gender equality in developing nations like Pakistan. Conducting a comprehensive analysis is imperative to understand the prevalence and root causes of this issue. This study endeavors to empirically investigate the implementation of the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016 to protect women from violence in Sindh province, the second most populous region in the country.

Domestic violence is a multifaceted issue with numerous interconnected aspects. In 2022, Sindh experienced its most catastrophic monsoon season. The flooding resulted many casualties and the destruction of essential infrastructure. The COVID-19 pandemic, coupled with complex humanitarian crises and ongoing climate change, poses a threat to reversing the strides made toward gender equality, exposing their fragility.

The pandemic and humanitarian crises have not only revealed but exacerbated existing gender disparities across various domains. It has underscored the urgency of addressing the disproportionate burden of unpaid care work on women, the enduring crisis of violence against girls and women, and the underrepresentation of women in leadership roles.

Women have been exiting the labor force at disproportionately high rates compared to men, with uncertain prospects for return. Educational disruptions have impacted children and adolescents globally, particularly jeopardizing the schooling and access to necessary programs for adolescent girls entering an evolving workforce.

Many girls lack critical health services and face heightened risks of child marriage and early pregnancy. Economic and social stressors, compounded by quarantine measures and increased family and domestic responsibilities, have significantly strained girls and women, exacerbating stress levels. GBV has surged, placing further strain on prevention and response services and compromising the safety of girls and women across diverse settings, including their own homes.

Numerous gender barriers have been pinpointed as obstructing efforts towards gender-equitable programming. Particularly affected are individuals constrained by entrenched social, cultural, and traditional norms, as well as limitations in the availability, accessibility, affordability, and suitability of services, structures, and mechanisms at the community, district, and provincial levels. These challenges are intertwined with issues related to social norms and the absence of access to pertinent services or resources. Key social norms perpetuating the marginalization of women, adolescent girls, and transgender individuals include limitations on mobility, inadequate allocation of resources, and the normalization of abusive behaviors.

Therefore, when considering domestic violence in the Sindh Province, it is useful to ask two questions: firstly, what exactly is domestic violence, and secondly, how and when is it justiciable/ cognizable offence? This roadmap will address both questions.

To answer the first, the roadmap examines influential theoretical approaches to domestic violence and the socio-economic context in which it is embedded in the Sindh, Pakistan. To answer the second, it provides an overview of the constitutional guarantees, national and provincial legal framework and the international commitments that set the foundation for the pursuit of justice against domestic violence through the survivor support institutions and judicial system of Pakistan.

Further, the roadmap examines the pathways through which a complainant/victim/survivor/ can seek redressal and the legal routes available for access to justice. Finally, it provides recommendations for the effective implementation of the law.

4. Understanding Domestic Violence

Domestic violence, also known as spousal abuse or intimate partner violence (IPV), encompasses a pattern of behaviors aimed at gaining or maintaining power and control over an intimate partner or vulnerable person in the household.¹ It can take many forms, such as physical, sexual, emotional, economic, or psychological actions or threats that influence the other person. This can involve frightening, intimidating, manipulating, hurting, humiliating, blaming, injuring, or otherwise harming someone.²

Victims/survivors of domestic violence can be anyone, irrespective of their age, race, gender, faith, or socioeconomic status. Domestic violence can extend to children, other relatives, or other household members.³ Nevertheless, it is important to outline that women and girls are more vulnerable to domestic violence due to their weaker economic and educational position in the patriarchal society.

Patriarchal values are embedded in the Pakistani society which determines the subordinated position of women.⁴ It is important to understand that domestic violence is often rationalized through gender norms, which are societal expectations regarding the appropriate behaviors and duties of men and women.⁵ These cultural constructs reinforce traits such as aggression, power, emotional restraint, and dominance in males. Consequently, they foster a societal approval of male dominance and control, perpetuating a cycle of violence.⁶

Patriarchal dominance over women and girls is enforced through institutionalized regulations that impose restrictive codes of conduct, gender segregation, and an ideology linking family honor to female virtue.⁷ Various harmful customary practices, often defended as cultural traditions and justified with religious connotations, perpetuate the subordination of women. These include domestic violence but are not limited to it. It also contributes towards other forms of Violence Against Women (VAW), such as honor killings, rape and sexual assault, sexual harassment, acid attacks, burning, abduction, dowry-related murders, early and child forced marriages, custodial abuse, and torture.⁸

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In developing countries, such as Pakistan, the social causes of domestic violence also stem from economic backwardness, insufficient protection or implementation of the laws, low educational level which further contributes towards VAW.⁹

Barrister Zahrah Sehr Vayani, a lawyer who has been providing legal assistance in domestic violence cases highlighted that once a case of domestic violence is registered, the family members try to compound the matter due to the so-called 'family honor'. In her opinion, once a medical report outlines injuries arising from domestic violence, the case should become non-compoundable. This can be achieved through amendments in the law.¹⁰

Advocate Mahajabeen Thinwari, Legal Consultant at the SHRC, who has been providing free legal aid and representation in cases of violence against women highlighted that the implementation of the DV Act 2013 is challenging due to the "intense social and family pressure, due to which female applicants are very hesitant to take action."¹¹

It is important to outline that women living in rural areas in Sindh are particularly vulnerable to violence because of their relatively weaker social position and lack of social protection and awareness about their legal rights.¹² This combined with the lack of access to healthcare facilities, especially in the wake of the recent floods, exacerbates their difficulties.¹³

Typically, domestic violence manifests as a repetitive pattern of abusive behavior directed towards an intimate partner. The abuser seeks to exert dominance and control over the victim.¹⁴ These incidents are seldom isolated occurrences but tend to escalate in frequency and severity over time. Unfortunately, domestic violence can lead to severe physical and emotional harm or even death if left unaddressed.¹⁵

The Power & Control wheel serves as a valuable tool for comprehending the comprehensive pattern of abusive and violent behaviors utilized by an abuser to establish and perpetuate control over their partner or other household victims. Frequently, instances of violence are intertwined with various forms of abuse outlined in the wheel, illustrating how they often co-occur within the dynamics of abusive relationships.

9. Rabbani, F., Qureshi, F. & Rizvi, N. (2008). Perspectives on domestic violence: case study from Karachi, Pakistan. *EMHJ - Eastern Mediterranean Health Journal*, 14 (2), 415-426, 2008 <https://iris.who.int/handle/10665/117454> (accessed 7 April 2024).

10. Interview with Barrister Zahrah Sehr Vayani, a lawyer who has been providing legal assistance in domestic violence cases dated 20.05.2024 on her experience of litigating cases of domestic violence in Sindh.

11. Interview with Advocate Mahajabeen Thinwari, Legal Consultant at SHRC dated 20.05.2024 on her experience of litigating cases of domestic violence in Sindh.

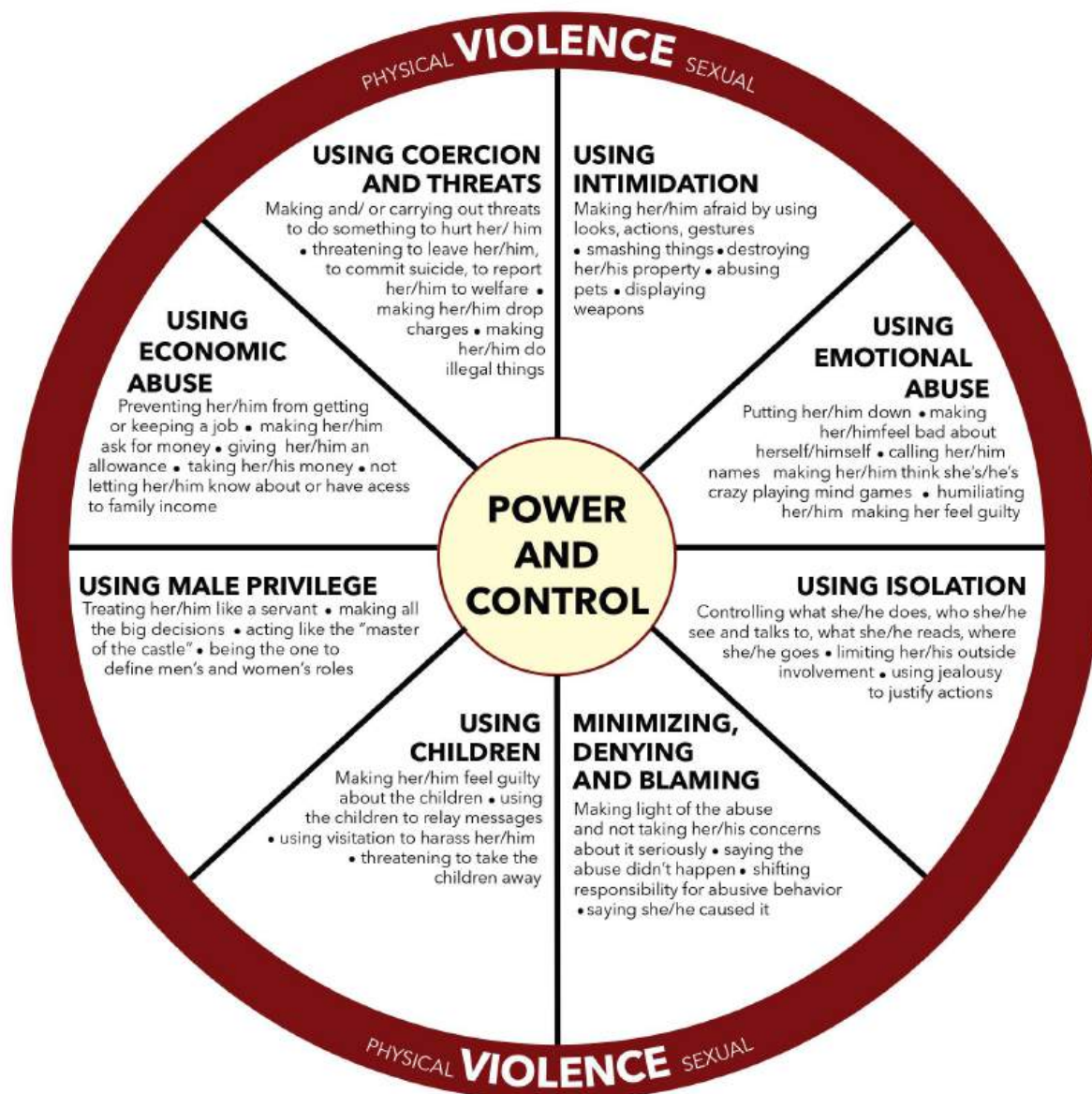
12. Zakar, R., Zakar, M.Z. & Abbas, S. Domestic Violence Against Rural Women in Pakistan: An Issue of Health and Human Rights. *J Fam Viol* 31, 15–25 (2016). <https://doi.org/10.1007/s10896-015-9742-6> (accessed 24 April 2024).

13. Dawn, 'Women farm workers continue to face discrimination, marginalisation on large scale, says NCHR leader' (17.09.2023) <https://www.dawn.com/news/1776277> (accessed 9 April 2024).

14. Anne L. Ganley, 'Understanding Domestic Violence' <https://www.familyjusticecenter.org/resources/understanding-domestic-violence-chapter-1/> (accessed 9 April 2024).

15. United Nations, 'What is Domestic Abuse?' <https://www.un.org/en/coronavirus/what-is-domestic-abuse> (accessed 24 April 2024).

Figure 1: Power and Control Wheel, Developed by Domestic Abuse Intervention Project, Duluth, MN, <https://www.theduluthmodel.org/>.



Domestic violence negatively effects the victims/survivors. It significantly undermines their overall well-being and impedes their full integration into society. Its repercussions extend beyond individual victim/survivor to affect their families, communities, and the broader nation.¹⁶ The effects of domestic violence on the victim/survivor, their family and dependents, the perpetrators and the society at large have been reflected in the table below:

16. Helen Tauchen and Ann Dryden Witte, 'The Dynamics of Domestic Violence', The American Economic Review Vol. 85, No. 2, Papers and Proceedings of the Hundredth and Seventh Annual Meeting of the American Economic Association Washington, DC, January 6-8, 1995 (May, 1995), pp. 414-418 (5 pages) <https://www.jstor.org/stable/2117958> (accessed 9 April 2024).

Table 1: The effects of Domestic Violence.

The effects of domestic violence on:			
Victim/Survivor	Victim/Survivors' family and dependants	Perpetrators	Society
<p>Physical: injury, disability, sexual and reproductive health problems (contracting sexually transmitted diseases), death.</p> <p>Emotional and psychological: anxiety, fear, depression.</p> <p>Economic and social: rejection, ostracism and social stigma at community level, etc.</p>	<p>Divorce, or broken families, jeopardized family's economic and emotional development, collateral effects on children who witness violence at home (emotional and behavioural disturbances, e.g. withdrawal, low self-esteem, nightmares, self-blame, etc).</p>	<p>Sanctioning by community, facing arrest and imprisonment; legal restrictions on seeing their families, divorce, or the break-up of their families, etc.</p>	<p>Burden on health and judicial systems, hindrance to economic stability and growth through victim's lost productivity, breakdown of trust in social relationships, etc.</p>

Source: The data was collected and formulated into a table format by the author: Minnesota Advocates for Human Rights; available from <http://www.stopvaw.org>.

5. Prevalence of Domestic Violence in Sindh

This Section will outline the prevalence of domestic violence at the global, regional, country and province level.

5.1 Global

Globally, about 1 in 3 (30%) of women worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.¹⁷ In South Asia specifically, the prevalence of lifetime intimate partner violence is 35% higher than the global average.¹⁸

5.2 Pakistan

Domestic violence remains significantly underreported, compounded by a scarcity of dependable data. The lack of a cohesive system for data collection and representation makes it challenging to ascertain the true extent of occurrences nationwide. Nevertheless, according to available data, about 90% of women have experienced some form of domestic violence, at the hands of their husbands or families across the country. The most common forms of domestic abuse include shouting or yelling (76%), slapping (52%), threatening (49%), pushing (47%), punching (40%) and kicking (40%). It was also revealed that 47% of married women have experienced sexual abuse, particularly domestic rape. However, only 0.4% of women take their cases to courts whereas 50% of women who experience domestic violence do not respond in any way and suffer silently.¹⁹

It is important to highlight that in a study conducted across Pakistan, 100% of men respondents admitted to verbal abuse, 33% to physical abuse and 78% to sexual abuse of their wives.²⁰

However, these statistics fail to fully capture the true scope of the issue. It's alarming to note that a large number of Pakistani women who have endured violence refrain from seeking assistance or disclosing their experiences to anyone.²¹

In 2024, Pakistan ranked 145 out of 146 countries in the World Economic Forums' global gender gap report of 2024.²² This represents a decline from its previous position of 142nd in 2023, highlighting growing challenges in achieving gender parity.

17. World Health Organization, 'Violence against women: Key facts' (World Health Organization, 25 March 2024) <https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=Estimates%20published%20by%20WHO%20indicate,violence%20is%20intimate%20partner%20violence> (accessed 24 April 2024).

18. Rida Tahir, '3 ways to tackle gender-based violence in South Asian communities' (World Economic Forum, 15 August 2023) <https://www.weforum.org/agenda/2023/08/3-ways-tackle-gender-based-violence-south-asian-communities/> (accessed 24 April 2024).

19. UNODC. Gender and Pandemic: Urgent Call for Action. Available at https://www.unodc.org/documents/pakistan/Advocacy_Brief_4_Gender_COVID-19-Punjab.pdf (accessed 9 April 2024).

20. Shaikh MA (2000). Domestic violence against women—perspective from Pakistan. *Journal of the Pakistan Medical Association* (accessed 9 April 2024).

21. UNFPA Pakistan, 'Gender-based Violence' (UNFPA Pakistan) <https://pakistan.unfpa.org/en/topics/gender-based-violence-6> (accessed 24 April 2024).

22. World Economic Forum, 'Global Gender Gap Report', 2024 Available at [WEF_GGGR_2024.pdf](https://www.weforum.org/reports/global-gender-gap-report-2024) (weforum.org) (accessed 14th June 2024).

5.3 Sindh Province

In Sindh Province specifically, 350 cases of domestic violence were reported in 2022, this went down to 346 in 2023, according to the 2023 data released by SSDO.²³ As per the available data, a case of domestic violence was reported approximately every day in 2023.

Further, in a study conducted in Karachi in 2008, all women (100%) reported being abused verbally and 58% reported psychological abuse (such as suspected or actual infidelity by the husband, etc.). Physical violence was reported by 76% of women. It ranged from slapping, pulling hair, pushing or shoving, grabbing, hitting with an object, etc. Physical injury during pregnancy was also reported. Overall, 12% of women reported some form of sexual abuse. 39% women suffered some form of economic control.²⁴

However, as mentioned above, many cases of domestic violence are not formally reported to the CJS stakeholders.

Section 4 (of the SPHRA 2011 gives the SHRC the powers to: "(i) inquire, suo moto or on a petition presented to it by a victim or any person on his behalf, into complaint of – (a) violation of human rights or abetment thereof." Since its establishment in 2013, the SHRC has received a total of 104 complaints pertaining to domestic violence. The SHRC took suo-moto notice of 18 cases. Of the total 122 cases, 105 have been disposed of whereas 17 are currently pending.

In the latest (2022) 'Crimes Figures for Sindh' report released by the Sindh Police, 189 cases in the category of "assault on others" were reported. There is no publicly available separate category on the number of cases reported under domestic violence.²⁵

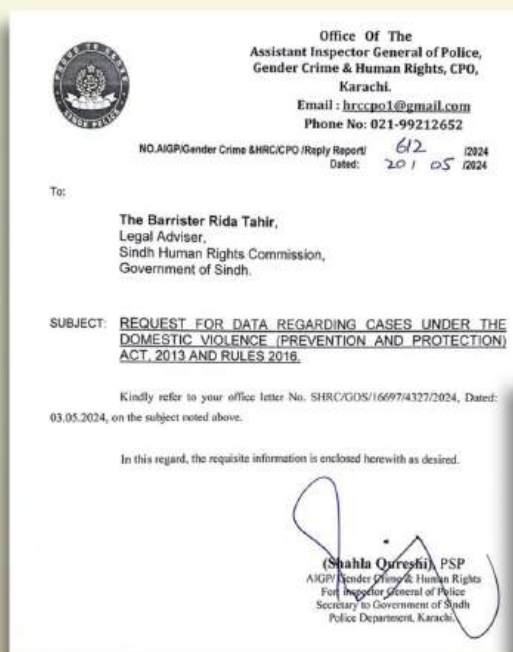
However, in order to ascertain the accurate data on the number of cases reported to the Sindh Police, the SHRC wrote a letter to the IGP Sindh requesting the data. As per the letter received vide reference no.AIGP/Gender Crime &HRCICPO /Reply Report/612/2024 by the Sindh Police, a total of 5513 cases of Domestic Violence were reported to WCPC since 2020. Of these, 128 were reported in 2020, 314 in 2021, 1749 in 2022, 1831 in 2023 and 1491 in January-May 2024. This shows an upward trajectory in the reporting of the case of domestic violence in the Sindh Province. This data does not necessarily show that the instances of domestic violence has increased in the society, but that the reporting has been increased owing to an increase in the trust of the institution of police and a mechanism for the aggrieved person to seek justice. Nevertheless, it must be highlighted that during the time-period of January 2023 till March 2024, only 5 FIRs were registered under the DV Act 2013.

23. SSDO, Violence Against, 'Women in Sindh 2023 Factsheet' https://res.cloudinary.com/dct4km8qs/image/upload/v1709911613/Violence_Against_Women_in_Sindh_Final_00e91281e1.pdf (accessed 26 April 2024)

24. Rabbani, F., Qureshi, F. & Rizvi, N. (2008). Perspectives on domestic violence: case study from Karachi, Pakistan. *EMHJ-Eastern Mediterranean Health Journal*, 14 (2), 415-426, 2008 <https://iris.who.int/handle/10665/117454> (accessed 27 April 2024).

25. Sindh Police, 'Crime Figure Sindh For The Year 2022 (1-01-2022 to 31-07-2022)' [https://www.sindhpolice.gov.pk/announcements/Crime_statistics/2022/Crime%20Figure%20Sindh%20For%20The%20Year%202022%20\(1-01-2022%20to%2031-07-2022\).pdf](https://www.sindhpolice.gov.pk/announcements/Crime_statistics/2022/Crime%20Figure%20Sindh%20For%20The%20Year%202022%20(1-01-2022%20to%2031-07-2022).pdf) (accessed 24 April 2024).

Figure 2: The SHRC obtained data on cases under DV Act, 2013 and Rules 2016 from the Sindh Police Department.



COMPILAN RECEIVED THROUGH MOBILE APPLICATION (WCPC) IT SINDH POLICE CPO

WCPC Cases Registered In 16-10-2020 To 17-05-2024

S.No	Categories	2020	2021	2022	2023	2024	Total
1	Domestic Violence	128	314	1749	1831	1491	5513
2	Harassment	60	136	752	703	620	2271
3	Red Alert	14	39	313	183	89	638
4	Human Trafficking	0	0	2	7	2	11
GrandTotal		202	489	2816	2724	2202	8433

Figure based on information received from office of the Director IT CPO Sindh

Walk-In at WCPC:

This mode caters to individuals who prefer in-person assistance. Victims and their representatives can visit the WCPC office to report issues, seek guidance, and receive direct support from trained staff.

Toll-Free 1715 (Proposed):

The proposed toll-free number 1715 aims to offer a direct line for emergency and non-emergency reports. This mode ensures that help is available to those who may not have access to the internet or prefer to speak to someone directly.

Performance (2020-2024):

Since its inception in 2020, the WCPC software has successfully managed and registered numerous cases across its various categories. Below is the performance data from October 16, 2020, to May 17, 2024:

S.No	Categories	2020	2021	2022	2023	2024	Total
1	Domestic Violence	128	314	1749	1831	1491	5513
2	Harassment	60	136	752	703	620	2271
3	Red Alert	14	39	313	183	89	638
4	Human Trafficking	0	0	2	7	2	11
GRAND TOTAL		202	489	2816	2724	2202	8433

Figure based on information received from office of the Director IT CPO Sindh

This software has proven to be an essential tool in enhancing the safety and protection of women and children, demonstrating significant impact and effectiveness over the past four years.

Complain received through Mobile Application (WCPC) IT Sindh Police CPO

Women and Child Protection Cell Software

The WCPC software, launched in 2020, is a comprehensive tool designed to address and manage cases related to women and children's safety. It is structured to handle four main areas of concern and provides multiple modes for lodging complaints and seeking help.

Heads of Complaint:

Domestic Violence:

This module deals with cases of physical, emotional, and psychological abuse within the home. It allows victims or their representatives to report incidents of domestic violence, seek legal assistance, and access support services.

Harassment:

This section addresses various forms of harassment, including workplace harassment, street harassment, and online harassment. The software facilitates reporting, investigation, and resolution of harassment cases to ensure a safe environment for women and children.

Red Alert:

The Red Alert feature is designed for emergency situations that require immediate intervention. It can be used to send out urgent alerts to law enforcement and protection agencies, ensuring a rapid response to crises such as kidnapping, severe abuse, or imminent threats to safety.

Human Trafficking:

This module focuses on identifying, reporting, and combating human trafficking. It provides tools for victims to report trafficking activities and for law enforcement to track, investigate, and dismantle trafficking networks.

Modes of Application:

Mobile Application:

The mobile app allows users to easily report incidents, access information, and receive updates on their cases. It ensures that help is just a tap away, providing a user-friendly interface for quick and discreet reporting.

Web-Based Online Complaint:

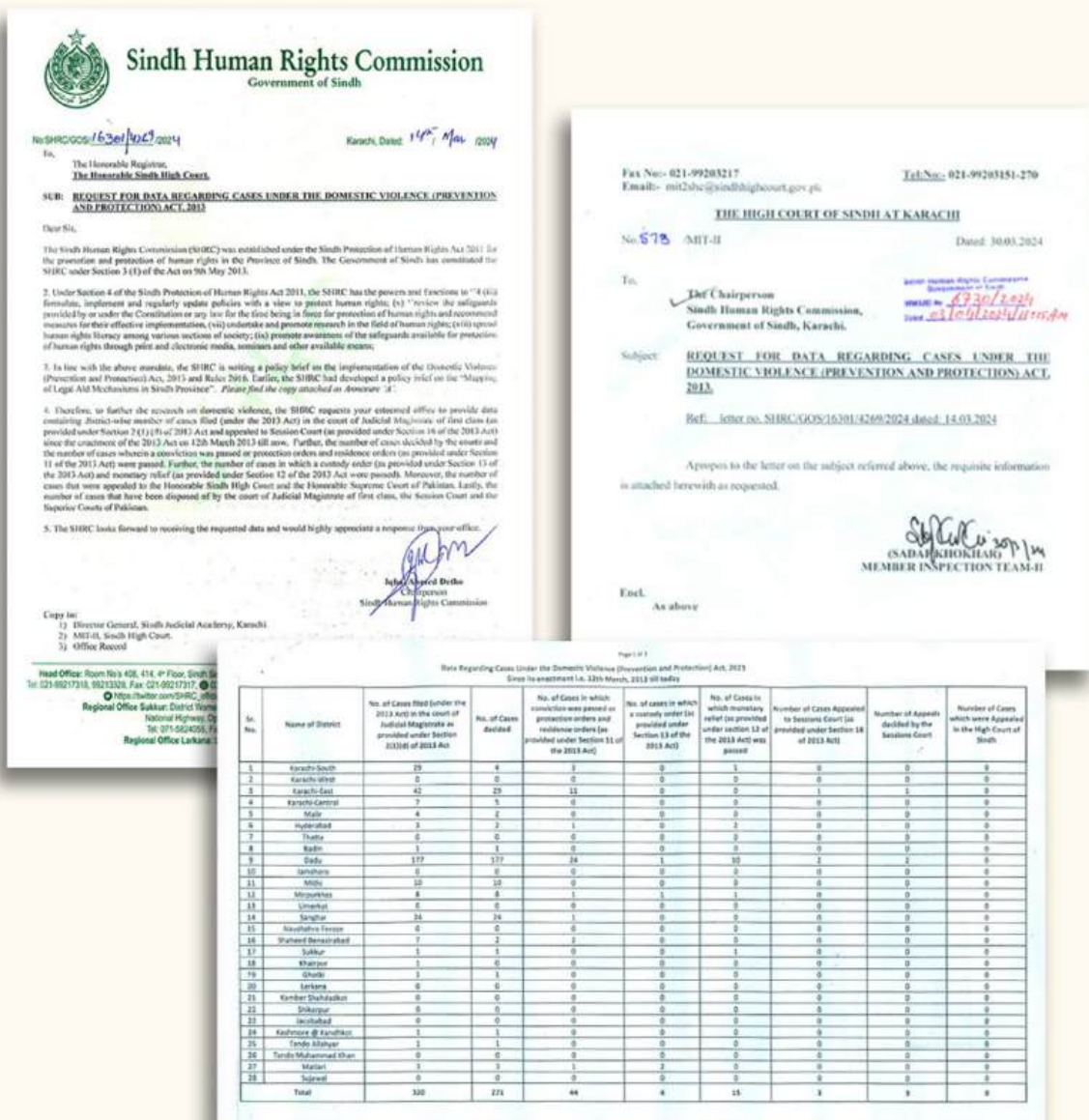
The web portal offers a platform for users to file complaints online. It is accessible from any device with internet access, providing a convenient option for those who prefer or require online interaction.

The AIGP, Gender Crime and Human Rights, Ms Shehla Qureshi explained that the aggrieved persons can report their cases to the Sindh Police through various channels, such as WCPCs, WCPS, their helpline and even through WhatsApp. After a complaint is received, the police lodges an FIR (provided that the aggrieved person is forthcoming), provides assistance in medico-legal examination and refers the cases for provision of free legal aid and advice to the aggrieved person.

As per the data received by the Sindh High Court (upon request by the SHRC), it was revealed that a total of 320 cases have been filed under the DV Act 2013 since its enactment in 2013.

The data provided by the SHC was analyzed by the SHRC. It was noted that 85% of the cases were decided by the Courts (Judicial Magistrates of First Class) whereas 15 % of the cases are pending (and yet to be decided) since the enactment of DV Act in 2013. In the decided cases, convictions were passed in 16% of the cases. Similarly, Protection Orders and Residence Orders were also passed in 16% of the decided cases. Moreover, Custody Orders were passed in 1.5% of the decided cases. Monetary Relief was passed in 5.5% of the cases decided by the Courts. Of the decided cases, 1% of the cases were appealed to the Sessions Court and were decided by them. None of the cases were further appealed to the SHC.

Figure 3: The Sindh High Court shared District-wise data regarding cases under DV Act, 2013 and Rules 2016 with the SHRC upon request.





**The DV
Act 2013**

6. The Domestic Violence (Prevention and Protection) Act 2013

The Domestic Violence (Prevention and Protection) Act 2013 (DV Act 2013) was passed by the Provincial Assembly of Sindh on 8th March 2013 and assented to by the Governor of Sindh on 12th March 2013. As per the preamble for the Act, it was enacted "... to institutionalize measures which prevent and protect women, children and any vulnerable person from domestic violence..."

The DV Act 2013 is a comprehensive law that provides grievance redressal mechanisms and sets up institutions to protect the rights of women, children and other vulnerable persons. In 2016, the government of Sindh framed (as empowered under Section 29 of the DV Act 2016) rules titled 'Domestic Violence (Prevention and Protection) Rules 2016'.

The DV Act 2013 defines an "aggrieved person" under Section 2(1)(a) as "any woman, child or any vulnerable person who is or has been in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent".

A "vulnerable person" has been defined in Section 2 (1) (s) as " a person who is vulnerable due to old age, mental illness or handicap or physical disability or for other special reason."

This is a comprehensive definition, which provides protection to a person who may be 'vulnerable' due to " other special reason". The term "vulnerable" is often used to describe segments of the population which are or should be the recipients of extra care and attention. This includes pregnant women and girls, people with a disability and physical and mental impairment or those suffering from other health risks. ²⁶

A "child" has been described under Section 2 (1) (b) as "any person under the age of eighteen years living in a domestic relationship with the respondent and includes any adopted, step or foster child;" The definition of "child" is in line with Pakistan's international law commitments, including the UNCRC, which defines a "child" as a person below the age of 18 under Article 1.

Moreover, Section 2 (1) (e) defines a "domestic relationship" as "a relationship between persons who live or have at any point of time lived together in a household when they are related by consanguinity, marriage, kinship, adoption, or are family members living together".

A household has been defined under Section 2 (1) (h) as "where the aggrieved person lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent or owned and tenanted by either of them, any such household in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has right, title, interest in such a shared household."

Domestic Violence has been defined in Section 5 of the DV Act 2013 as including but not limited to "all acts of gender based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship.

26. Alexander H. E. Morawa, 'Vulnerability as a Concept of International Human Rights Law' *Journal of International Relations and Development* (June 2003), Columbia Law School https://ciaotest.cc.columbia.edu/olj/jird/jird_jun03_moa01.pdf (accessed 25 April 2024).

Figure 4: Definition of domestic violence under the law.



The inclusion of the term 'gender-based abuse' within the DV Act 2013 is a good step as it increases the scope and ambit of the complex crime of domestic violence. Gender-based abuse is a broad and inclusive term and refers to any type of abuse/violence "directed at an "individual based on their gender." It is rooted in gender inequality, the abuse of power and harmful norms.²⁷

Due to the broad definition provided in the law, this would then also include unfortunate offences where the perpetrator commits an act of gender-based abuse in the context of domestic violence by cutting "off the tip of her nose with a pair of scissors" (see Morris Bhatti below, where the nose of the victim was cut off by her husband/abuser).

In *Morris Bhatti v. the State* (2008 M LD 866 [Karachi]), the SHC stated that there: In the F.I.R. also section 334 of the Pakistan Penal Code, 1860 (P.P.C.) has been incorrectly applied "...seems to be due to lack of legal knowledge.. The correct section applicable in the case will be 336, P.P.C. Cutting of nose, even a part of it, clearly causes permanent disfigurement which according to section 335, P.P.C. comes within the purview of "Itlaf-i-Udw" and the offence is punishable under section 336, P.P.C., inter alia, with imprisonment up to 10 years." The court further stated that: "the violence committed by the applicant is also a worst type of domestic violence."

27. Wilson Center, 'What is Gender-Based Violence?' <https://gbv.wilsoncenter.org/what-gender-based-violence> (accessed 24 April 2024).

It is important to understand that the DV Act 2013 also provides references to the offences which are already stipulated (and criminalized) in the PPC 1860. The offences which are already present in the PPC and referenced in the DV Act 2013 are reflected in the table below:

Table 2: List of offences already stipulated and criminalized in the PPC 1860 and referenced under of The DV Act 2013.

Section reference in the DV Act 2013	Name of Offence	Corresponding Section in the PPC 1860
5 (a)	abet	as defined in PPC
5 (b)	assault	section 351
5 (c)	attempt	section 511
5 (d)	criminal force	section 350
5 (e)	criminal intimidation	section 503
5 (g)	harassment	section 509
5 (h)	hurt	sections 332, 333, 335, 336A, 337, 337B, 337C, 337E, 337J, 337K, 337L
5 (i)	mischief	section 425 of the PPC against the property of the aggrieved person
5 (n)	wrongful confinement	section 340

As per Section 6. (1) of the DV Act 2013, the offences under section 5 (a), (b), (c), (d), (e), (g), (h) (i) and (n) shall be punishable as provided under the PPC 1860.

A broad category of offences of the PPC is cross-referenced into the DV Act 2013, Section 335 of the PPC titled 'Itlaf-i-salahiyat-i-udw', which states that: "Whoever destroys or permanently impairs the functioning, power or capacity of an organ of the body of another person, or causes permanent disfigurement is said to cause itlaf-i-salahiyat-i-udw" (see the Morris Bhatti case above) is also mentioned.

It is argued that the inclusion of the word 'gender-based abuse' into Section 5 of the DV Act 2013 highlights that various sections which correspond to the gravity of the offence of domestic violence can be included, which also includes various harmful traditional and cultural practices committed against women and girls in a domestic relationship (as defined in Section 2 (1) (h) of the DV Act 2013). Examples of such practice include: *juth* (a harmful practice where the perpetrator, usually the husband, cuts the nose of a woman/girl as a sanction reacting to the transgression of social and moral norms) and *tazleel* (contemptuous and humiliating treatment of a person as a sanction for transgression of social and moral norms) and may include cutting the hair of a woman/girl as a form of punishment.

It is important to mention that the Morris Bhatti case was decided by the SHC in 2008 whereas the DV Act was enacted in 2013. However, the inclusion of the word 'gender-based abuse' in the special law (and reference to a majority of sections of the PPC) highlights the intention of the legislative to include all forms of gender-based abuse' committed in the context of a domestic relationship as 'domestic violence'.

The reference to PPC sections in the DV Act 2013 also provides the pathway to the victim/survivor to report the offence directly to the police. This means that the police can also lodge an FIR under the DV Act 2013 by including the cognizable offences mentioned in the DV ACT 2013 into the FIR. According to the data received by the AIGP Gender and Human Rights, during the time-period of January 2023 till March 2024, only 5 FIRs were registered under the DV Act 2013.

Cognizable offenses are those for which the police have the authority to make arrests without a warrant from the magistrate.²⁸ For example, the police may arrest without warrant for the offence of 'Hurt for extorting confession, etc' provided in Section 337K of PPC (mentioned in 5 (h) of the DV Act 2013). Further, the offence under Section 337K PPC is a not-bailable offence, but it is compoundable.

On the other hand, **non-cognizable offenses** are those for which a police officer cannot make an arrest without a warrant, and an investigation cannot be initiated without court orders.

As per Section 149 of the CrPC, the police are mandated to 'prevent cognizable offences'. It provides that every "police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent the commission of any cognizable offence."

The process that police must follow in cognizable cases is stipulated in Section 154 CrPC. In Haider Ali v. DPO Chakwal (2015 SCMR 1724), the Supreme Court of Pakistan stated at paragraph 2 that: "We were perplexed to note that the police failed to register the FIR on the complaint being filed, even though the provisions of section 154, Cr.PC. do not provide them any discretion in deciding whether or not they can register a FIR. Numerous judgments of this Court have also reaffirmed this principle.

The process where the offence is non-cognizable is provided in Section 155 CrPC. It states: " (1) When information is given to an officer incharge of a police station of the commission within the limits of such station of a noncognizable offence, he shall enter in a book to, be kept as aforesaid the substance of such information and refer the information the Magistrate.

(2) Investigation into non-cognizable cases: No police-officer shall investigate a noncognizable case without the order of a Magistrate of the First or Second Class having power to try such case [or send the same for trial to the Court of Session]."

Therefore, even where a non-cognizable offence is provided under the DV Act 2013 and reported to the police, it is the responsibility of the officer incharge of a police station to enter the offence in a book to and refer the information the Magistrate for further process.

Therefore, direct complaint to police is one of the pathways that the victim/survivor is empowered to (and may choose to follow) for taking an action against domestic violence. However, Mr. Muhammad Anwar Mahar, the District Public Prosecutor informed that implementation of the DV Act 2013 remains a challenge. Despite many protection mechanisms, in terms of registration of FIR provided to the aggrieved person, it is not often registered. The reason remains unawareness of both the police and the public, who are unaware of the different reporting pathways available to them. He added that, police response is not victim friendly.

More information on the other pathways available to the victim, such as petition to the court, complaint to the protection committee or *suomotoinquiry* (Section 18 (e) of DV Act 2013) by the commission on domestic violence (as provided under the DV ACT 2013 and Rules 2016) is provided below.

28. Courting the Law, 'Offences: Basic Concepts' (June 30, 2016) <https://courtingthelaw.com/2016/06/30/commentary/offences-basic-concepts/> (accessed 24 April 2024).

Additionally, new offences have been introduced and defined in the DV Act 2013, these include the following:

Table 3: List of new offences introduced by the DV Act 2013.

Other new offences introduced by the DV Act 2013

Section reference in the DV Act 2013	Name of New Offences	Definition of New Offences
5 (f)	Emotional, psychological and verbal abuse	a pattern of degrading or humiliating conduct towards the victim, including but not limited to – (i) obsessive possessiveness or jealousy constituting serious invasion of the victim’s privacy, liberty, integrity and security; (ii) insults or ridicule; (iii) threat to cause physical pain; (iv) threat of malicious prosecution; (v) blaming a spouse of immorality; (vi) threats of divorce; (vii) baselessly blaming or imputing insanity, or citing barrenness of a spouse with the intention to marry again; (viii) bringing false allegation upon the character of a female member by any member of the shared household; and (ix) wilful or negligent abandonment of the aggrieved person;
As per Section 6 (2), Emotional, psychological and verbal abuse shall be punishable with imprisonment of minimum six months or with fine to be paid as compensation to the aggrieved person which shall not be less than ten thousand rupees or with both.		
5 (k)	Stalking	includes, but is not limited to – (i) accosting the aggrieved person against his or her wishes; and (ii) watching or loitering outside or near the building or place where the-aggrieved person resides or works or visits frequently;
As per Section 6 (3), whosoever stalks a person under section 5(k) shall be punished with simple imprisonment of not less than one year or with fine to be paid as compensation to the aggrieved party which shall not be less than twenty thousand rupees or with both.		
5 (l)	Sexual Abuse	includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the aggrieved person which may include – (i) compelling the wife to cohabit with anybody other than the husband; (ii) any kind of sexual abuse including sexual harassment of a member of the family;
As per Section 6 (4) the offence of sexual abuse shall be punishable with imprisonment of either description not less than two years or with compensation to the aggrieved party which shall not be less than fifty thousand rupees or with both.		
5 (m)	Trespass	means entry into aggrieved person’s residence either temporary or permanent without his or her consent, and includes workplace or frequently other place where the parties do not share the same residence;
As per Section 6 (5), the offence of trespass shall be punishable with imprisonments for either description for a term not less than one month or with fine or with both.		
5 (o)	Economic Abuse	includes deprivation of economic or financial resources or prohibition or restriction to continue access to such resources which the aggrieved person is ordinarily entitled to.
As per Section 6 (6) Any person who commits the offence of economic abuse shall be liable to pay compensation under section 12(1)(a) (i.e., “ compensation to the aggrieved person for suffering as a consequence of economic abuse to be determined by the court”)		

It is crucial to emphasize that in Pakistan, marital rape is criminalized as a punishable offense under Section 375 of the PPC. Additionally, the same section specifies that sexual intercourse with any girl under the age of 16 is deemed as rape, regardless of whether it was consensual or not. Furthermore, Pakistani law addresses the sexual abuse of children through Section 377-A of the Pakistan Penal Code 1860.

Police may register an FIR in cases of domestic violence by mentioning consignable offences such as, Section 337K of PPC (mentioned in 5 (h) of the DV Act 2013) read with the new offences introduced in the DV Act 2013, such as a stalking, trespass, sexual abuse, depending on the circumstances and the facts of the case.

6.1 The Courts (Jurisdiction, Process and Powers)

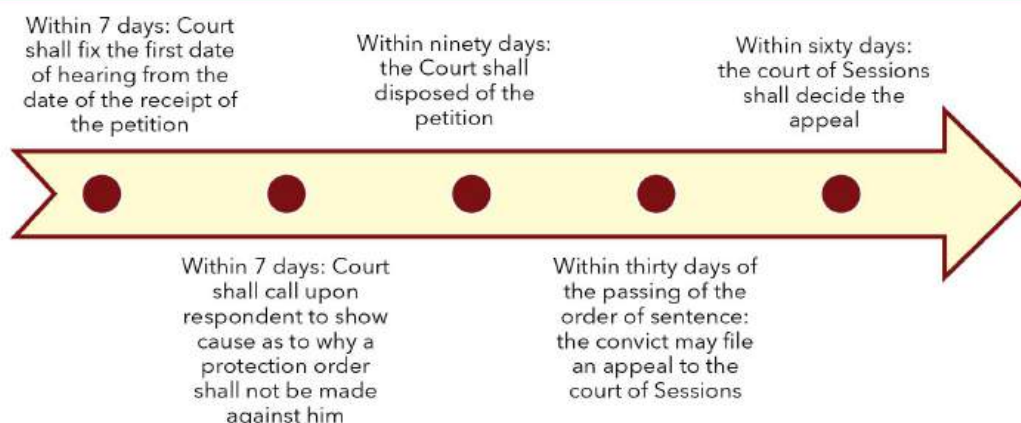
The law also allows the aggrieved person to directly access the courts to empower survivors/victims of domestic violence and to ensure that they have a viable pathway to seek justice and protection outside of the traditional police-centric approach, which may not always be effective or supportive in addressing the needs of victims.

The law acknowledges that in many cases, victims of domestic violence may not receive adequate support from the police due to various factors, including patriarchal norms and biases (see below on how the duties of the protection officer also includes assisting the aggrieved person in filing a petition in the court). See Annexure 'A' as an example of draft petition to the courts.

The method of filing a petition has been mentioned in Section 7 of the DV Act 2013.

An aggrieved person (or other person authorized by the aggrieved person in their behalf or an informer) may present a petition to the Court. The DV Act 2013 specifies in Section 2(1)(d) that the court before which such a petition is to be filed is the court of **Judicial Magistrate of First Class**. The Court process has been depicted in the table below:

Figure 5: Process of Court as specified in the DV Act 2013.



Advocate Behzad Akber, LAS Litigation Associate highlighted that many gaps at the admission stage of the petition hinder the implementation of the law. He highlighted that the Court does not fix the first date of hearing within 7 days from the date of the receipt of the petition, instead this is extended up to two weeks. He also explained that the respondent does not respond after the Court issues a show cause notice for weeks and rather than taking an action, the Court continues to issue several show cause notices until the respondent responds.

Further, he informed that the petition is not disposed within 90 days, and it takes months before a case is decided.²⁹

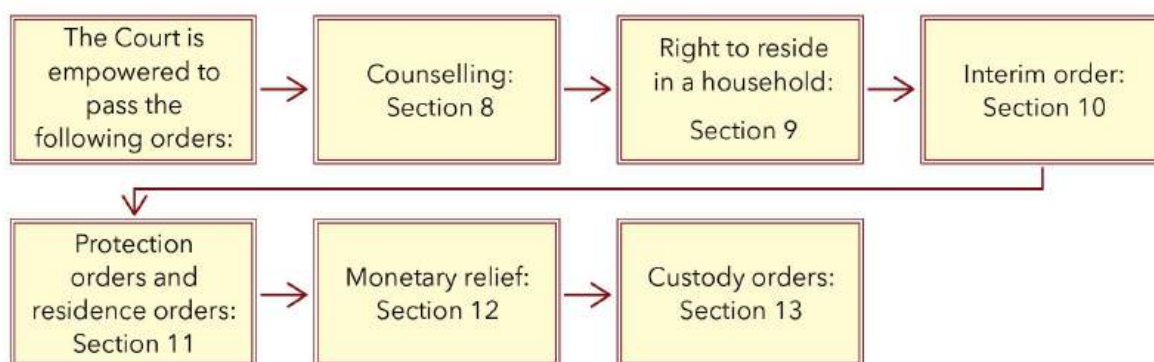
The Court is empowered pass an order for 'interim order' at any time and stage of the petition as it deems 'just and proper; under Section 10. Further, the Court is also empowered to pass 'protection orders' and 'residence orders' under Section 11.

Section 12 empowers the court too pass interim order directing the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person. This can be ordered at any stage of the trial. Further, under Section 13, the court may, at any stage of the petition for protection order or for any other relief under this Act grant temporary custody of an aggrieved person who is –

- “(a) a child to a person under the Guardians and Wards Act 1890 (VIII of 1890); and
- (b) an adult to a service provider or some other person in accordance with the will of the aggrieved person”

According to Section 14 (1), the interim order made under section 10 and the protection order made under section 11 shall remain in force until the aggrieved person applies for discharge of such order. Section 15 provides for remedies where a protection order or of the interim protection has been breached. It states: “ (1) A breach of protection order, or of the interim protection order, by the respondent shall be an offence and shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to twenty thousand rupees, or with both.”

Figure 6: Powers of the Court as specified in the DV Act 2013.



Under the DV Act 2013, a victim/survivor/complainant does not need to appoint separate lawyers or file a separate petition/case/application for a remedy through a civil court and criminal court. The DV Act 2013 is extremely comprehensive. The victim/survivor/complainant can apply for a protection order as well as a residence orders under Section 11 along with an interim order directing the respondent to pay monetary relief to meet the expenses incurred and losses suffered by him/her. Further, under Section 12 (1)(e), the victim/survivor/complainant can also apply for maintenance for themselves as well their children.

29. Interview with Advocate Behzad Akber, LAS Litigation Associate dated 20.05.2024 on his experience of litigating cases of domestic violence in Sindh.

Table 4: Comprehensive list of Powers of the Court as specified in the DV Act 2013.

The Court is empowered to pass the following orders:

Counselling	Right to reside in a household	Interim Order	Protection Order	Residence Order	Monetary Relief	Custody Orders
Section 8	Section 9	Section 10	Section 11 (1)	Section 11 (2)	Section 12	Section 13
The court, at any stage of the proceedings may direct the respondent or as the case may be, aggrieved person to undergo mandatory counseling with an appropriate service provider.	The aggrieved person shall not be evicted from the household without consent, whether or not he or she has any right, title or beneficial interest in the same.	The court may pass such interim order at any time and stage of the petition as it deems just and proper If the court is satisfied that a petition prima facie discloses that the respondent has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, it may issue order on the basis of an affidavit of Power to grant interim order. The aggrieved person or any other evidence or material, before the court as prescribed under sections 11, 12 and 13 against the respondent.	The court on being satisfied that domestic violence has prima facie taken place may pass a protection order in favour of the aggrieved person and prohibit the respondent from (a) committing any act of domestic violence; (b) aiding or abetting in the commission of acts of domestic violence; (c) entering the place of employment of the aggrieved person or their educational institution (if they are a child) or any other place frequented by the aggrieved person; (d) attempting to communicate in any form, whatsoever with the aggrieved person, including personal, oral or written, electronic or telephonic or mobile phone contact; (e) causing violence to the dependants, other relatives or any person who gives the aggrieved person assistance against domestic violence; and (f) committing any other act as specified in the protection order;	In addition to Protection Order, the court on being satisfied that domestic violence has taken place may pass a residence order to – (a) restrain the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the household; (b) restrain the respondent or any of his relatives from entering the household; and (c) direct the respondent to secure alternative accommodation for the aggrieved person or if the circumstances so require to pay rent for the same. The court may impose any additional conditions or pass any other direction which it may deem reasonably necessary to protect and provide for the safety of the aggrieved person or any child of such aggrieved person.	The court may, at any stage of the trial of a petition filed by the aggrieved person, pass interim order directing the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and such relief may include, but is not limited to – (a) compensation to the aggrieved person for suffering as a consequence of economic abuse to be determined by the court; (b) loss of earning; (c) medical expense; (d) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and (e) the maintenance for the aggrieved person as well her children, if any, including an order under or in addition to an order of maintenance under family laws.	The court may, at any stage of the petition for protection order or for any other relief under this Act grant temporary custody of an aggrieved person who is – (a) a child to a person under the Guardians and Wards Act 1890 (VIII of 1890); and (b) an adult to a service provider or some other person in accordance with the will of the aggrieved person: Provided that in any case where a complaint of sexual abuse of a child has been made and the court is prima facie satisfied that such allegation is true, the court shall grant custody of the aggrieved child to the nonrespondent parent or guardian or the person making an application on his or her behalf.

As per the data received by SHC (upon request by the SHRC), it was revealed that a total of 320 cases have been filed under the DV Act 2013 since its enactment in 2013. Of these, 271 have been decided. Protection Orders, Residence Orders and Convictions were passed in 44 of the cases. Moreover, Custody Orders were passed in 4 cases. Monetary Relief was passed in 15 cases by the Courts of the Judicial Magistrates of First Class. Of these, 3 cases were appealed to the Sessions Court and were decided by them. None of the cases were appealed to the SHC.

Table 5: District-wise data of Sindh regarding cases under DV Act 2013 and Rules 2016.

Page 1 of 1
Data Regarding Cases Under the Domestic Violence (Prevention and Protection) Act, 2013
Since its enactment i.e. 12th March, 2013 till today

Sr. No.	Name of District	No. of Cases filed (under the 2013 Act) in the court of Judicial Magistrate as provided under Section 2(1)(d) of 2013 Act	No. of Cases decided	No. of Cases in which conviction was passed or protection orders and residence orders (as provided under Section 11 of the 2013 Act)	No. of cases in which a custody order (as provided under Section 13 of the 2013 Act)	No. of Cases in which monetary relief (as provided under section 12 of the 2013 Act) was passed	Number of Cases Appealed to Sessions Court (as provided under Section 16 of 2013 Act)	Number of Appeals decided by the Sessions Court	Number of Cases which were Appealed in the High Court of Sindh
1	Karachi-South	29	4	3	0	1	0	0	0
2	Karachi-West	0	0	0	0	0	0	0	0
3	Karachi-East	42	29	11	0	0	1	1	0
4	Karachi-Central	7	5	0	0	0	0	0	0
5	Malir	4	2	0	0	0	0	0	0
6	Hyderabad	3	2	1	0	2	0	0	0
7	Thatta	0	0	0	0	0	0	0	0
8	Badin	1	1	0	0	0	0	0	0
9	Dadu	177	177	24	1	10	2	2	0
10	Jamshoro	0	0	0	0	0	0	0	0
11	Mithi	10	10	0	0	0	0	0	0
12	Mirpurkhas	8	8	1	1	1	0	0	0
13	Umerkot	0	0	0	0	0	0	0	0
14	Sanghar	24	24	1	0	0	0	0	0
15	Naushahro Feroze	0	0	0	0	0	0	0	0
16	Shaheed Benazirabad	7	2	2	0	0	0	0	0
17	Sukkur	1	1	0	0	1	0	0	0
18	Khairpur	1	0	0	0	0	0	0	0
19	Ghotki	1	1	0	0	0	0	0	0
20	Larkana	0	0	0	0	0	0	0	0
21	Kamber Shahdadkot	0	0	0	0	0	0	0	0
22	Shikarpur	0	0	0	0	0	0	0	0
23	Jacobabad	0	0	0	0	0	0	0	0
24	Kashmore @ Kandhkot	1	1	0	0	0	0	0	0
25	Tando Allahyar	1	1	0	0	0	0	0	0
26	Tando Muhammad Khan	0	0	0	0	0	0	0	0
27	Matiari	3	3	1	2	0	0	0	0
28	Sujawal	0	0	0	0	0	0	0	0
	Total	320	271	44	4	15	3	3	0

Mr. Shahid Shafique, a District and Session Judge and the Senior Faculty member at the Sindh Judicial Academy highlighted that there is a low conviction rate in domestic violence cases because the witnesses become hostile due to fear, threat and pressure of their own family members. Additionally, due to delays in the trial process, victims/survivors lose interest in pursuing their cases in the Courts.³⁰

Mr. Muhammad Anwar Mahar, the District Public Prosecutor informed that, there are many protection mechanisms available but the support to the victims is not being provided during trials. Police response and court proceedings are not victim friendly. He added that, in terms of court environment, video-link evidence can be helpful to protect the victim from intimidation. Additionally, he highlighted that the prosecution of domestic violence can only be strengthened if rehabilitation mechanisms, such as shelters home are available.³¹

30. Interview with Mr. Shahid Shafique, a retired Additional District and Session Judge and the Senior Faculty member at the Sindh Judicial Academy dated 20.05.2024.

31. Interview with Mr. Muhammad Anwar Mahar, the District Public Prosecutor, dated 22.05.2024.

6.2 Protection Committees

Section 17 empowers the government to constitute 'Protection Committees'. The formation of the Protection Committee has been described in Section 17 (2) has been depicted in the table below:

Figure 7: Formation and members of the Protection Committee.




As per the rules of business of Sindh Government, 1986, the WDD is the administrative department of Domestic Violence Prevention and Protection Act, 2013. In the above given illustration, as per the current DV rules, Social Welfare Officer is the Convener of the Women Protection Committee but it should be rectified by Deputy Commissioner as the convener.

The duties and functions of Protection Committee have been stipulated in Section 18 and include the following:

- inform the aggrieved person of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;
- assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence;
- if necessary, and with the consent of the aggrieved person, assist the aggrieved person in relocating to a safer place acceptable to the aggrieved person, which may include the house of any relative or family friend or other safe place or if any, established by a service provider;
- assist the aggrieved person in the preparation of and filing of any petition or report under this Act, the Code or any other law for the time being in force;

- e) keep official record of the incidents of domestic violence in its area of jurisdiction, whether on the basis of information received or *suomotoinquiry*, irrespective of whether or not action is taken under this Act. Such record shall include –
- (i) the first information received about the incident of domestic violence;
 - (ii) the assistance, if any, offered or provided by the Protection Committee to the aggrieved person;
 - (iii) where applicable the reason for not taking action under this Act when an incident was brought to the notice of the Protection Committee;
 - (iv) where applicable, the reason for the aggrieved person's refusal to take assistance from the Protection Committee;
 - (v) the names and contact details of the service provider, if any, from whom the aggrieved person sought help;
 - (vi) maintenance of the record of applications, protection orders and the service providers operating in the area of jurisdiction; and
 - (vii) perform any other duties that may be assigned to the Protection Committee under this Act or the rules made there under.



**The Domestic
Violence
(Prevention
and Protection)
Rules 2016:**

7. The Domestic Violence (Prevention and Protection) Rules 2016

The rules spanning across 16 pages were notified on 22nd March 2016 by the government of Sindh as empowered under Section 29 of the DV Act 2016. They came into force at once, as per Section 1(3) of the DV Rules 2016. The Rules further define the composition, tenure and functions of the provincial and district level committees and protection officers provided by the law. Additionally, in Chapter II, the rules stipulate the establishment and functioning of the 'Commission on Domestic Violence' (Section 3(1)).

7.1 The Commission on Domestic Violence:

Rule 3 (2) provides that the Commission on domestic violence shall consist of 16 members and one chairperson. The chairperson shall be the minister of the WDD.

Following is the composition of the Commission as provided under rule 3(5):

- (i) The Secretary of the WDD
- (ii) The Additional Secretary of WDD who shall be the secretary of the Commission
- (iii) Six ex-officio members who shall be representatives of the provincial departments of Law, Finance, Social Welfare, Home, Human Rights, and Health, not below the rank of Deputy Secretary and who shall not have the right to vote
- (iv) Chairperson, Sindh Human Rights Commission
- (v) Chairperson, Sindh Commission on the Status of Women
- (vi) Two members of civil society
- (vii) Two members of the legal fraternity one of whom shall be nominated by the Sindh Bar Council
- (viii) Two members from the media

It has also been mandated that at least half of the members of the Commission on Domestic Violence shall be women.

As per Rule 9, the WDD shall have the administrative and financial responsibility of the Commission. Further, there shall be a separate desk and office for record keeping within the WDD at Karachi.

The roles and responsibilities of the Commission on Domestic Violence have been provided under Rule 10 as identified by Section 4(2) of the DV Act 2013. They include the following:

- a) review from time to time the existing provisions of the law on domestic violence and suggest amendments therein, if any;
- b) call for specific studies or investigation into specific incidents of domestic violence;
- c) look into complaints and take suo-moto notice of the matters relating to domestic violence and the implementation of the law, and;
- d) participate and advise on the planning process for securing a safe environment free of domestic violence;

- e) mobilize grants from domestic and international sources in order to meet any of its obligations and for the performing of its functions.

Under Rule 11 a **sub-committee** consisting of five persons has been made responsible for overseeing the implementation of the decisions and recommendations of the Commission.

As per Rule 12 (7), the Commission may call for information or report from the government civil society organizations and autonomous or concerned bodies into complaints of violation of woman's rights and in this regard the Commission shall have the powers vested in the civil court under the Code of Civil Procedure 1908, for ensuring the attendance of any person and compelling the production of documents.

Additionally, as per Rule 11, all provincial, executive authorities and departments have been mandated to assist the Commission in the performance of its functions.

In order to remove the confusion among the stakeholders regarding the functions of this administrative redressal mechanism i.e. 'Commission on Domestic Violence', maybe renamed as 'Provincial Committee on Domestic Violence'.

7.2 Duties of the Protection Officers

The Protection Officers may assist the aggrieved person in preparing her/his petition and forwarding the same to the concerned magistrate, where the aggrieved person is unable to read or write, the protection officer shall read over the petition and explain it to him/her.

The protection officer may also seek immediate assistance of the police to accompany him/her (protection officer) or the service provider to the place of occurrence of domestic violence and record the domestic incidents report and present the same to the magistrate without any delay as provided under Rule 33.

Certain other duties of the protection officer have been mentioned in Rule 34 which include conducting a home visit of the shared household premises of the aggrieved person and make inquiry if the court requires clarification in regard to granting expert interim relief to the aggrieved person under the domestic violence law, restore the possession of the personal effects including gifts and jewelry of the aggrieved person, assist the aggrieved person to regain custody of children and secure rights to visit them under his or her supervision as may be directed by the court, and take the assistance of the police if required in confiscating any weapon involved in the alleged domestic violence.

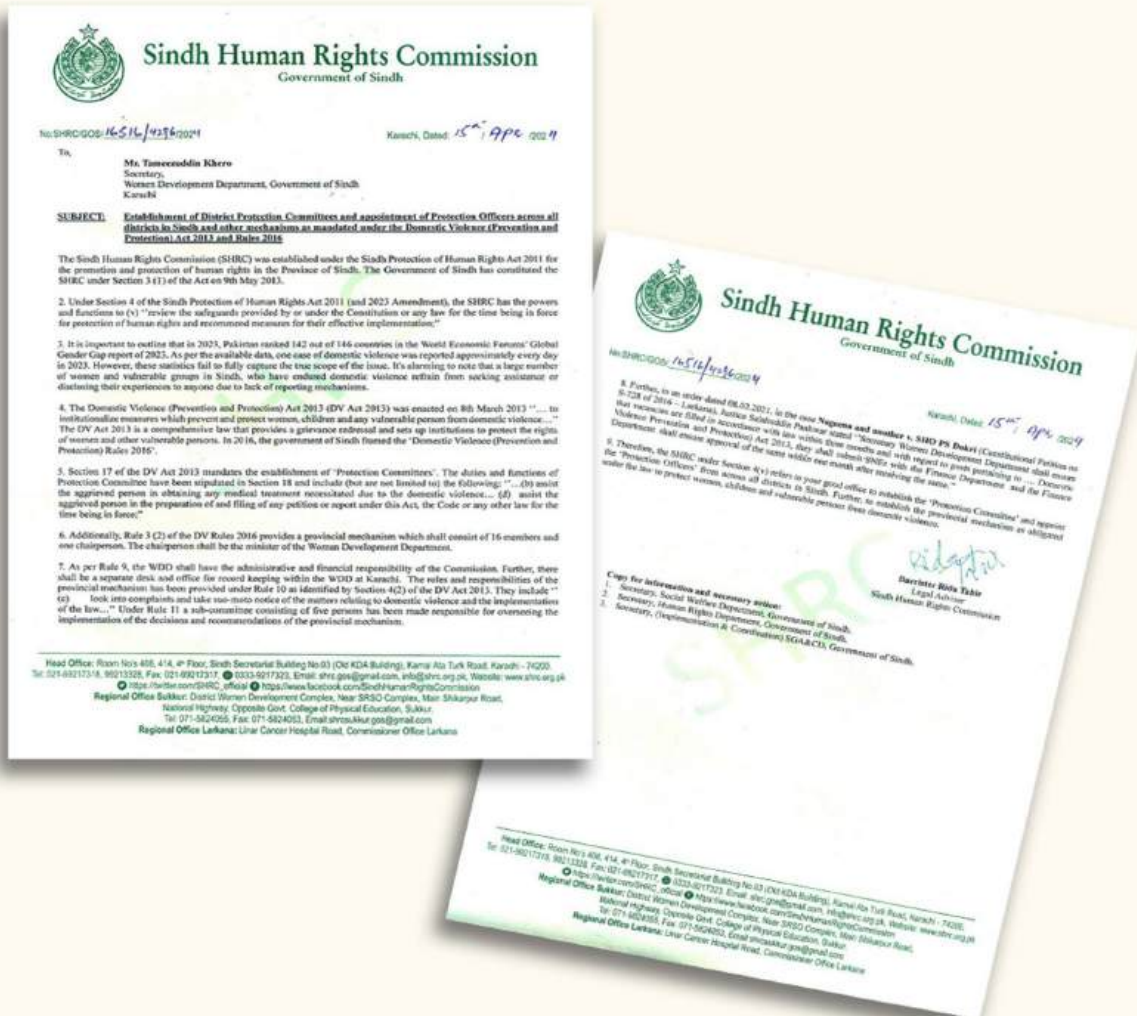
Under Rule 38, an aggrieved person may also report a breach of protection order or an interim order to the protection officer who shall forward a copy of such complaint with a copy of the protection order of which a breach is alleged to have taken place to the concerned magistrate for appropriate orders. It is to be noted that the aggrieved person may also make a complaint of breach of protection order or interim order directly to the magistrate or the police if he or she chooses to do so.

7.3 SHRC Efforts for the Activation of the Commission on Domestic Violence, Protection Committees and to the Protection Officers

Even though vast powers have been granted to the Commission of Domestic Violence, Protection Committees and to the Protection Officers for the protection of the aggrieved persons, these

protection mechanisms have not been implemented. The SHRC has the powers and functions to (v) "review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation;" under Section 4(v) of the SPHRA 2011. Therefore, in exercise of its mandate, the SHRC wrote a letter to the Secretary, WDD on 15th April 2023 vide reference no. SHRC/GOS16516/4286/2024 for the activation of these mechanisms under Section 4(v) of the SPHRA 2011.

Figure 8: SHRC's letter to the Secretary, WDD, for the activation of Protection Committee and appointment of Protection Officers.



7.4 Shelter to the aggrieved person

The procedure for shelter of the grieved person has been provided under Rule 39. Upon a request being made by the aggrieved person the protection officer or a service provider may make a request to a person in charge for shelter home in writing. If an aggrieved person so desires the shelter home shall not disclose the identity of the grieved person in the shelter home. It is important to note that in the case of *Rehmat Bibi v. SHO, Karan Sharif (PLD 2016 Sindh 268)* directions were issued to the Province of Sindh and IGP Sindh to set up safe houses for the victim/survivors.

7.5 Medical facility to the aggrieved person

This has been provided under Rule 40. The aggrieved person or the protection officer may make a request to a person in charge of a medical facility in writing. When a protection officer makes such a request it shall be accompanied by a copy of the domestic incident report. However, the medical facility shall not refuse medical assistance to an aggrieved person for not having lodged a domestic incident report prior to making a request for medical assistance or examination to the medical facility. The medical facility has also been mandated to supply a copy of the medical examination report to the aggrieved person free of cost.

7.6 SHRC Efforts for the Implementation of the Sindh Medicolegal Act 2023

The Sindh Medicolegal Act 2023 (2023 Act) was enacted on 24th August 2023 "... to provide for the regulation Medicolegal system including administration, and all Medicolegal examinations and postmortems conducted in the Province of Sindh".

It is important to highlight that Medicolegal services are the essential link between medicine and the law, ensuring that justice prevails in various legal matters. Further, in cases of Sexual and Gender-based Violence (SGBV), medicolegal services play a key role for the access to justice for the victim/survivor/aggrieved persons. Currently, the conviction rate in these offences remains critically low. A staggering 88 percent of the accused in rape cases since January 2021 have been acquitted, as per data shared by the Sindh prosecutor general's office.

Therefore, the SHRC wrote a letter to the Secretary, Health Department dated 17th April, 2024 vide reference No.SHRC/GOS/16524/4302/2024 and provided the recommendations to establish/notify the 'Sindh Medicolegal Advisory Board', 'Sindh Medicolegal Directorate', Sindh Institute of Forensic Medicine' and the Rules to carry put the purposes of the Sindh Medicolegal Act 2023 (2023 Act).

Under Section 3 of the 2023 Act, the establishment of the 'Sindh Medicolegal Advisory Board' has been mandated. This is vital as the Advisory Board has the powers and functions to consider the matters of policy, procedure, quality and accountability and to approve the

standards of the medico-legal examinations, as provided under Section 4 of the 2023 Act.

Further, Section 6 mandates the establishment of the 'Sindh Medicolegal Directorate' for the provision of medicolegal services in the Province of Sindh, including the administration, supervision and technical control as well as technical guidance with 'checks and balances'.

Moreover, under Section 27 of the 2023 Act, the establishment of the 'Sindh Institute of Forensic Medicine' under the Sindh Medicolegal Directorate has been mandated with any public sector Medical University for the purposed of awarding diplomas for courses

including (but not limited to) development of specific courses for investigating officers and prosecutors and training and refresher courses to the medicolegal and mortuary assistants.

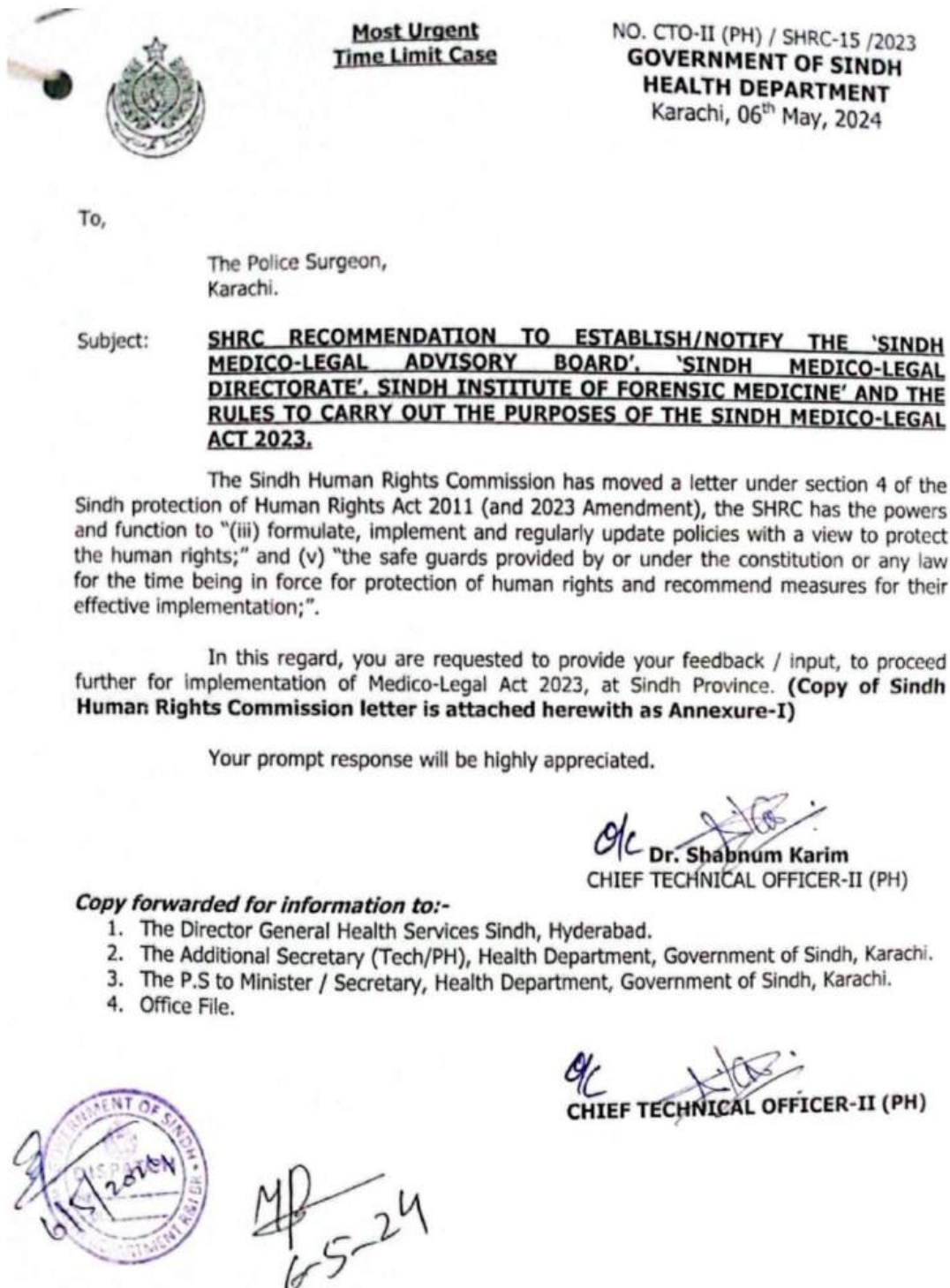
Lastly, under Section 20 of the 2023 Act, the power to make rules has been provided to carry out the purposes of the 2023 Act. Formulation of the rules is crucial for the overall implementation of the law.

The 2023 Act has a clear nexus with the DV Act 2013, as provision of healthcare to the victim/survivor is essential for their well-being while medico-legal examination also plays a critical role as evidence during the court trial.

Figure 9: SHRC's a letter to the Secretary, Health Department for the implementation of the Sindh Medicolegal Act, 2023.



Figure 10: The Health Department wrote a letter to the Police Surgeon to carry out the commitments of Sindh Medicolegal Act, 2023 based on the SHRS's letter.



8. Federal and Provincial Laws with a clear nexus with the DV Act 2013

Other laws (federal and provincial) that have a clear nexus with the DV Act 2013 for the protection of women and children are provided in the table below:

Table 6: List of laws (provincial and federal) in connection with the DV Act 2013.	
National	
The Divorce Act, 1869	
The Christian Marriage Act, 1872	
The Guardians and Wards Act, 1890	
The Dissolution of Muslim Marriages Act 1939	
The Muslim Family Laws Ordinance, 1961	
The (West Pakistan) Muslim Personal Law (Shariat) Application Act 1962	
The (West Pakistan) Family Courts Act 1964	
The Dowry and Bridal Gift (Restriction) Act, 1976	
The Criminal Law (Amendment) Act, 2004 (Honor Killing) and the Criminal Law (Amendment) Offences in the Name or Pretext of Honor Act, 2016	
The Protection against Harassment of Women at the Workplace Act, 2010 (Amendment 2022)	
The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011	
The Acid Control and Acid Crime Prevention Act, 2011 (Criminal Law Second Amendment Act, 2011)	
The Criminal Law (Amendment) (Offences Relating to Rape) Act 2016	
The Criminal Law (Second Amendment) Act, 2016 (Criminalizing Child Sexual Abuse)	
The Prevention of Electronic Crimes Act, 2016 (Amendment 2023)	
The Prevention of Trafficking in Persons Act, 2018	
The Zainab Alert, Recovery and Response Act, 2020	
The Anti-Rape (Investigation and Trial) Act 2021	
The Criminal Law (Amendment) Act 2021	
The Muslim Family Laws (Amendment) Act, 2021	
Provincial	
The Sindh Children Act, 1955	
The Sindh Child Protection Authority Act 2011 (Amendment 2021)	
The Sindh HIV and Aids Control Treatment and Protection Act, 2013	
The Sindh Witness Protection Act, 2013	
The Sindh Child Marriages Restraint Act, 2013	
The Sindh Bonded Labour System (Abolition) Act, 2015	

The Sindh Prohibition of Corporal Punishment Act, 2016

The Sindh Empowerment of Persons with Disabilities Act 2018

The Sindh Maternity Benefits Act, 2018

The Sindh Home-Based Workers Act, 2018

The Sindh Women Agriculture Worker's Act, 2019

The Sindh Reproductive Healthcare Rights Act 2019 (Amendment 2022)

The Sindh Medicolegal Act 2023

The Sindh Protection and Promotion of Breast-Feeding and Young Child Nutrition Act 2023



**Protection
Mechanisms**

9. Protection mechanisms for the aggrieved person

The section outlines the available protection mechanisms for victims/survivors of domestic violence.

9.1 Free legal aid mechanisms for the aggrieved person:

The legal aid framework in Pakistan operates at multiple administrative levels, including federal, provincial, divisional, and district levels, guided by national and provincial legislation, policies, and executive orders.

In Sindh Province, several legal aid mechanisms/procedures/windows have been established at the provincial, divisional and district level.

Free Legal Aid Provided by SHRC: The SHRC plays an important role in supporting the legal obligation of providing free legal aid to women and girls and cases pertaining to human rights issues. SHRC has a dedicated team of lawyers across Sindh who provide free legal support and representations after referral of the cases. The SHRC has established a formal referral mechanism with the Sindh Police for the provision of free legal aid, advice and representation in cases pertaining to VAWC and other human rights issues.

Figure 11: The SHRC letter to the IGP, Sindh, to establish a referral mechanism with the Sindh Police for providing free legal aid, advice, and representation in VAWC and other human rights cases.



Steering Committee for legal aid and assistance to the vulnerable and marginalised: This Committee provides legal aid to the marginalised and vulnerable members of the society in Sindh Province. It has been formed under the administration of the Human Rights Department (HRD), Government of Sindh. As per the data provided by the implementing partners in 2023 to the HRD, free legal aid was provided in 37 domestic violence cases.

District Legal Empowerment Committee (Constitution & Functions) Rules 2011 (DLEC Rules 2011): The DLEC Rules 2011 were notified by the Law & Justice Commission of Pakistan in exercise of powers conferred by Section 9 (1) of the Law & Justice Commission of Pakistan Ordinance (XIV of 1979). Under Rule 2 (c) of the DLEC, a "Deserving Litigant" is defined as a litigation who is "unable to obtain legal aid or assistance for protecting his genuine legal rights or interests, involved in litigation, on account of his limited financial resources." The DLEC is constituted by the Law and Justice Commission of Pakistan with the concurrence of the concerned High Court and the Provincial Government. The District & Sessions Judge serves as the chairperson of the DLEC.

The Pakistan Bar Council Free Legal Aid Rules 1999 (PBC Rules 1999): The PBC Rules 1999 were notified by the Pakistan Bar Council, in exercise of its powers conferred by Section 13(1)(a) and (n) of the Legal Practitioners & Bar Councils Act, 1973 (Act XXXV of 1973). Under Rule 2 (2) "Poor", "destitute", "orphan", "widow", "indigent" and "deserving" means a person who is entitled to Zakat or his financial position and income resources are not sufficient to bear the expenses for engaging an Advocate to prosecute, defend and protect his legal rights in genuine litigation.

Section 161 A of the Code of Criminal Procedure, 1898: Legal Representation of Victim of Rape, Etc. According to this Section, where an offence under section 354A (Assault or use of criminal force to woman and stripping her of her clothes), section 376 (rape), section 377 (unnatural offences) or section 377B (sexual abuse) of the Pakistan Penal Code, 1860 (Act XLV of 1860) has been committed or attempted to be committed, the police officer after recording the information under section 154 shall inform the victim, against whom such offences have been committed or attempted to be committed, of his right to legal representation. Further, if the victim under sub-section (1) requires free legal aid the police officer shall provide him the list of lawyers maintained by the Provincial Bar Councils for this purpose. In *Salman Akram Raja and another vs. Government of Punjab* (PLJ 2013 SC 107), the Supreme Court of Pakistan recommended that every police station that receives rape complaints should involve "...reputable civil society organizations for the purpose of legal aid and counseling. A list of such organizations may be provided by bodies such as the National Commission on the Status of Women. Each Police Station to maintain a register of such organization. On receipt of information regarding the commission of rape, the Investigating Officer (IO)/Station House Officer (SHO) should inform such organizations at the earliest."

Women in Distress and Detention Fund Act 1996 (WDDF 1996): The WDDF was established under the Women in Distress and Detention Fund Act, 1996 (XV of 1996). The objects of this Fund were to provide financial and legal assistance to the women in distress or detention. "Women in distress and detention" had been defined as "a female or a class of females in need of financial assistance to elevate her or their miseries due to detention litigation or for similar connected matters." It was applicable across Pakistan" under Section 2 (c) of the Act. However, it was repealed under Section 26 titled 'repeal and savings of the LAJA 2020. All funds and accounts constituted and maintained under the repealed WDDF 1996 Act are to be deemed to be in continuation of the corresponding funds and accounts constituted or maintained under LAJA 2020.

Legal Aid and Justice Authority Act 2020 (LAJA): LAJA was recently enacted in 2020 by the parliament of Pakistan. It is applicable across Pakistan. According to this Act, legal, financial and other assistance for the purpose of safeguarding access to justice to the poor and vulnerable is to be conducted through the Legal Aid and Justice Authority (LAJA) and its offices, in criminal cases. According to Section 1 (a), an "applicant" means any person who- "(i) makes an application for

legal aid under this Act or on whose behalf such an application is made; or (ii) is of unsound mind or lunatic or minor". Under Section 1 (i), "legal aid" is defined as the "the provision of assistance, to a person who is unable to afford legal assistance, representation and access to justice".

9.2 Institutional protection mechanisms for the aggrieved person

In addition to these legal aid mechanisms, various institutional protection mechanisms operate at the district level to enhance access to justice and encourage reporting to the criminal justice system (CJS). These mechanisms and referral pathways are available to a complainant/survivor/ victim when accessing the CJS in Sindh. In a state of vulnerability, it is often difficult for a complainant to realize which one of the above should be their first point of contact with the CJS:

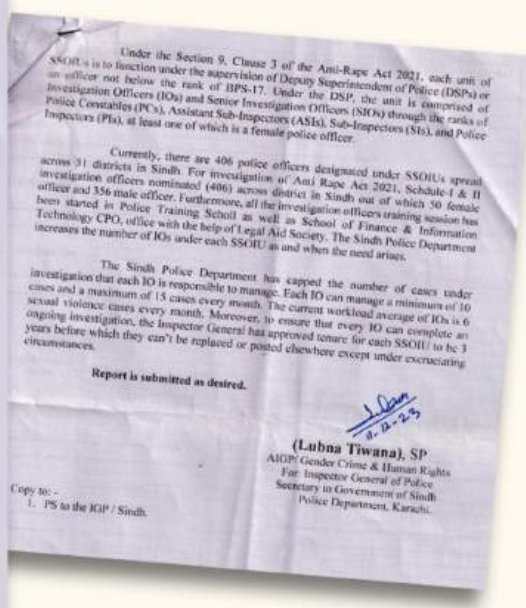
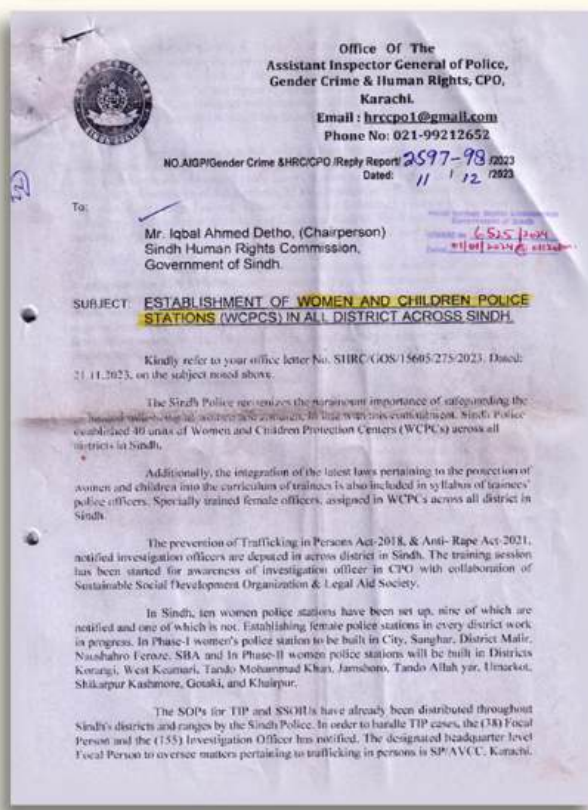
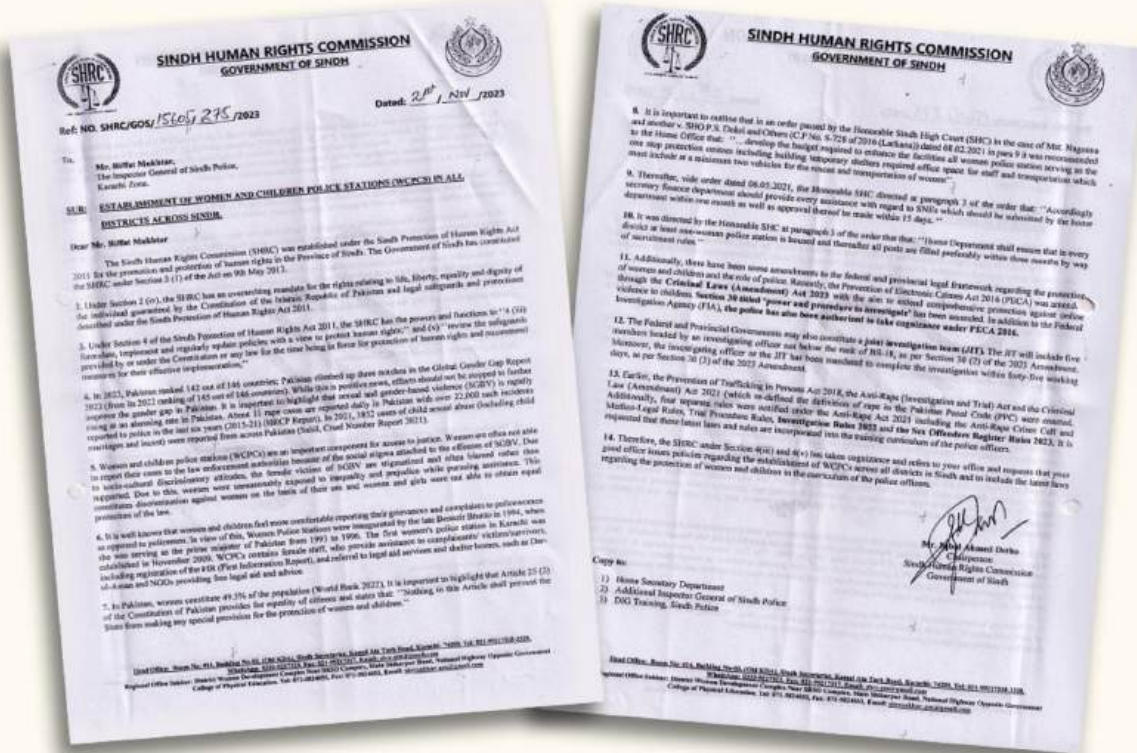
Human Rights Cell, Sindh Police: In 2019, a Human Rights Cell was established by the Sindh Police. The human rights cell is a specialized unit which operates as a supervisory body responsible for focusing on issues of human rights. The cell functions under the command of DIG (headquarters). There are three major sections within the cell, addressing the issues of minorities, women and children.³²

Women and Children Police Stations (WCPSs): The WCPS were first established in 1994 as female survivors are often reluctant to approach male police officers. WCPSs contain female staff, who provide assistance to complainants/ victims/survivors, including registration of the FIR and referral to legal aid services and shelter homes, such as Dar-ul-Aman and NGOs providing free legal aid and advice.³³

32. Dawn News (2019), 'Sindh police sets up human rights cell'. Available at <https://www.dawn.com/news/1502421> (accessed 2 November 2023)

33. Dawn News (2009), 'Women police station opened in Karachi'. Available at <https://www.dawn.com/news/879284/women-police-station-opened-in-karachi> (accessed 2 November 2023)

Figure 12: The SHRC wrote multiple letters to the Sindh Police for the establishment of women and police stations in all districts of Sindh.



Sindh Human Rights Commission
GOVERNMENT OF SINDH

Date: 02.07.2024

To: The Deputy Inspector General of Police Hyderabad Range.

SUBJECT: ESTABLISHMENT OF WOMEN AND CHILDREN POLICE STATIONS (WCPS) IN ALL DISTRICTS ACROSS SINDH PROVINCE DISTRICT

The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has consented the SHRC under Section 3 (1) of the Act on 06 May 2011. Under Section 2 (4), the SHRC has an overarching mandate for the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and legal safeguards and protect defined under the Sindh Protection of Human Rights Act 2011.

1. The SHRC under section 4 (2) of Sindh Protection of Human Rights Act 2011 and recommendations under letter No. SHRC/GOS/1805/273/2023 dated 21st December, 2023 to the Inspector General of Police, Sindh, Karachi regarding the establishment of Women and Children Police Stations (WCPS) in all districts across Sindh.

2. In response to the above letter, the AIGP, Gender Crime & Human Rights for the Inspector General of Police, Sindh, Karachi replied under letter No. AIGP/GCR/SHRC/2023/159 dated 13th December 2023 that ten Women Police Stations have been set up in Sindh, with nine of them being notified, and one in progress. The existing Women Police Stations are listed in District Central, South, East, Tandil Altabaq, Hyderabad, Malir, Larkana, Shaheed Benazirabad, Mirpurkhas, and Unkarke.

3. The SHRC has identified an operational Women Police Station in District Dada, but it has not yet been notified. The concern department, the establishment and formal notification of Women Police Stations are crucial for ensuring gender-sensitive law enforcement, especially in safeguarding the rights of women, girls, and marginalized individuals. This is particularly crucial in addressing pressing issues such as child marriage, sexual abuse, harassment, and trafficking. District Dada is identified as one of the most vulnerable districts for women and children, grappling with a complex set of challenges deeply rooted in gender-based violence, domestic violence, rape, and child abuse. These alarming issues necessitate an environment where the safety and well-being of women and children are under significant threat, making the prompt official recognition and support of the Women Police Station imperative for effectively mitigating these risks and ensuring the safety and well-being of the community.

Sindh Human Rights Commission
GOVERNMENT OF SINDH

Date: 02.07.2024

To: The Deputy Inspector General of Police, Karachi

SUBJECT: REQUEST FOR ESTABLISHMENT OF WOMEN AND CHILDREN POLICE STATIONS (WCPS) IN SUKKUR AND GHOTKI

The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has consented the SHRC under Section 3 (1) of the Act on 06 May 2011. Under Section 2 (4), the SHRC has an overarching mandate for the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and legal safeguards and protect defined under the Sindh Protection of Human Rights Act 2011.

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Sindh Human Rights Commission
Government of Sindh

Date: 18.02.2024

To: Mr. Iqbal Ahmed Detho, The Inspector General of Police, Sindh, Government of Sindh, Karachi

SUBJECT: REQUEST FOR ESTABLISHMENT OF WOMEN AND CHILDREN POLICE STATIONS (WCPS) IN SUKKUR AND GHOTKI

The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has consented the SHRC under Section 3 (1) of the Act on 06 May 2011. Under Section 2 (4), the SHRC has an overarching mandate for the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and legal safeguards and protect defined under the Sindh Protection of Human Rights Act 2011.

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Office of the Assistant Inspector General of Police, Gender Crime & Human Rights, CPO, Karachi.

Email: hrcpo1@gmail.com
Phone No: 021-99218652
NO AIGP/Gender Crime SHRC/CPO Reply Report 1/24-05/2024
Date: 01.03.2024

To: Mr. Iqbal Ahmed Detho, (Chairperson) Sindh Human Rights Commission, Government of Sindh.

SUBJECT: REQUEST FOR ESTABLISHMENT OF WOMEN AND CHILDREN POLICE STATIONS (WCPS) IN SUKKUR AND GHOTKI

Kindly refer to your office letter No. SHRC/GOS/1638/4171/2024, Dated: 18.02.2024, on the subject noted above.

The Sindh Police recognizes the paramount importance of safeguarding the rights and well-being of women and children. In line with this commitment, Sindh Police established 40 units of Women and Children Protection Cells (WCPCs) across all districts in Sindh.

Furthermore, Home Department vide notification No. PCH-1110-06/2018 (7) dated 06-08-2018, has established 1072 Women and Children Police Stations. Notification is enclosed.

In Sindh, ten women police stations have been set up, seven of which are notified and three of which are not. Establishing Women police stations in every district work is in progress. In Phase-I women's police stations to be built in City-Sanghar, District Malir, Naushahero Feroze, SIDA and In Phase-II women's police stations will be built in Districts Kohistan, West Keamari, Tandil Muhammad Khan, Jamshoro, Tandil Altabaq, Unkarke, Shaikapur, Kashmore, Ghoski and Khatwar. In Phase-III women's police stations will be operated in Districts Central, South, East, Hyderabad, Mirpurkhas, Larkana, and Sukkur.

Report is submitted as desired.

(Shahla Qureshi), PSP
AIGP, Gender Crime & Human Rights
For Inspector General of Police,
Secretary to Government of Sindh,
Police Department, Karachi.

NOTIFICATION

TO: Mr. Iqbal Ahmed Detho, (Chairperson) Sindh Human Rights Commission, Government of Sindh.

SUBJECT: REQUEST FOR ESTABLISHMENT OF WOMEN AND CHILDREN POLICE STATIONS (WCPS) IN SUKKUR AND GHOTKI

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Report is submitted as desired.

(Shahla Qureshi), PSP
AIGP, Gender Crime & Human Rights
For Inspector General of Police,
Secretary to Government of Sindh,
Police Department, Karachi.

Sl. No.	District	Phase-I	Phase-II	Location
1	Hyderabad	1	1	Hyderabad
2	Malir	1	1	Malir
3	Unkarke	1	1	Unkarke
4	Shaikapur	1	1	Shaikapur
5	Kashmore	1	1	Kashmore
6	Ghoski	1	1	Ghoski
7	Khatwar	1	1	Khatwar
8	City-Sanghar	1	1	City-Sanghar
9	Malir	1	1	Malir
10	Unkarke	1	1	Unkarke
11	Shaikapur	1	1	Shaikapur
12	Kashmore	1	1	Kashmore
13	Ghoski	1	1	Ghoski
14	Khatwar	1	1	Khatwar
15	City-Sanghar	1	1	City-Sanghar
16	Malir	1	1	Malir
17	Unkarke	1	1	Unkarke
18	Shaikapur	1	1	Shaikapur
19	Kashmore	1	1	Kashmore
20	Ghoski	1	1	Ghoski
21	Khatwar	1	1	Khatwar
22	City-Sanghar	1	1	City-Sanghar
23	Malir	1	1	Malir
24	Unkarke	1	1	Unkarke
25	Shaikapur	1	1	Shaikapur
26	Kashmore	1	1	Kashmore
27	Ghoski	1	1	Ghoski
28	Khatwar	1	1	Khatwar
29	City-Sanghar	1	1	City-Sanghar
30	Malir	1	1	Malir
31	Unkarke	1	1	Unkarke
32	Shaikapur	1	1	Shaikapur
33	Kashmore	1	1	Kashmore
34	Ghoski	1	1	Ghoski
35	Khatwar	1	1	Khatwar
36	City-Sanghar	1	1	City-Sanghar
37	Malir	1	1	Malir
38	Unkarke	1	1	Unkarke
39	Shaikapur	1	1	Shaikapur
40	Kashmore	1	1	Kashmore

The SHRC under section 4 (v) of the SPHRA 2011 issued recommendations in a letter dated 21, November 2023 (Ref: SHRC/GOS/15605/275/2023) to IGP, Sindh Police Sindh, Karachi, urging the establishment of Women and Children Police Stations (WCPCs) across all districts of Sindh.

In response, the Assistant Inspector General of Police (AIGP) for Gender Crime & Human Rights, on behalf of the IGP, Sindh, replied in a letter dated 11, December 2023 (Ref: AIGP/Gender Crime & HRC CPO Reply Report/2597-98/2023), informing that ten WCPS have been established in Sindh, with nine already operational and one in progress.

In correspondence dated January 2nd, 2024 (Ref: SHRC/GOS/15863/4171/2024), the SHRC urged the Deputy Inspector General of Police (DIGP), Hyderabad, to establish and notify WCPCS in Dadu district. Subsequently, on March 18th, 2024 (Ref:SHRC/GOS/16328/4171/2024), similar requests were made for Sukkur and Ghotki districts.

In response to the letters of SHRC, the AIGP for Gender Crime & Human Rights provided updates in a letter dated 26, March 2024 (Ref: AIGP/Gender Crime & HRC/CPO/Reply Report/424-25/2024). The report highlighted the establishment of 40 units of WCPCs across all districts in Sindh. Additionally, the Home Department, through notification No. POL-I/HD/-06/2018 (7) dated 28, March 2018, officially notified the establishment of eight Women and Children Police Stations in specific districts:

- 3 in Karachi Range
- 1 in Hyderabad Range
- 2 in Mirpurkhas Range
- 1 in Shaheed Benazirabad Range
- 1 in Larkana Range

The letter further provided information on the ongoing progress in establishing WCPS in every district in Sindh. Phase-I entails the construction of women's police stations in Sanghar, District Malir, Naushahro Feroze, and Shaheed Benazirabad. Phase-II will witness the establishment of WCPS in Korangi, West Keamari, Tando Mohammad Khan, Jamshoro, Tando Allahyar, Umarmkot, Shikarpur, Kashmore, Ghotki, and Khairpur. Phase-III will involve upgrading WCPS in Districts Central, South, East (in Karachi) Hyderabad, Mirpurkhas, Larkana, and Sukkur.

In addition to the establishment of WCPCS, the letter provided assurances regarding the construction of One Stop Protection Centers (OSPCs) across 24 districts of Sindh. This initiative will be executed in two phases, with plans for the upgrading of seven existing OSPCs.

Women and Children Protection Cells: These Cells function as facilitation centers for aggrieved women and children. They first came into being in 2017 whereby the first facility was established in the Deputy Inspector General's Office, Hyderabad Range. WCPCs were notified across Sindh on 02.08.2021 vide notification number: ADDL: IGP/PCA/WCPC/2021 by the Additional Inspector General of Police. The Cells cannot register an FIR, which starts the court process. They can only provide referral services and engage in an attempt to resolve disputes/cases. In many cases, which are not heinous in nature but are minor disputes of civil law nature, complainants and applicants prefer to resolve the cases with the help of the in-charges of the WCPCs rather than lodging an FIR and invoking the jurisdiction of the courts. Examples of such cases include disputes over dowry, maintenance, and bridal gifts.

Female Help Desks (FHD): These are also known as Women Support Desks, Women Help Desks, and Violence against Women Desks and have been established across the province. These operate as designated desks under the supervision of female police officers, who provide support and

facilitation in the lodging of complaints and the FIR. Research has indicated that they have been successful in encouraging women and children to report crimes. Since FHD are based inside the police stations, they have the power to register an FIR.

Gender Protection Unit (GPU): It has been established by the Sindh Police in Karachi (East District). It is a specialized unit which operates as a supervisory body responsible for focusing on issues of gender rights, including women, children and trans individuals.

One-Stop Protection Centre (OSPC): This was a Pilot Project established by the Sindh Police at the Women Police Station in district South, Karachi. The OSPC places legal and police services within proximity to one another.

Anti-Rape Crisis Cells (ARCC): The first ARCC was established in Karachi under Section 4 of the recently enacted Anti-Rape (Investigation and Trial) Act 2021. The ARCCs will be established in public hospitals with adequate medical facilities across the country. The ARCC will also provide an expedited medicolegal examination, collection, and gathering of evidence, forensic analysis or examination, and registration of FIR by the police.

Women Complaint Cells, WDD: These have been established at Sanghar, Kamber, Kashmore, Jamshoro, Khairpur, Shikarpur, Badin, Ghotki, Naushero Feroze, Thatta, T.A. Yar, Umerkot, Tharparkar, Dadu & Matiari by the Women Development Department (WDD) in order to protect and promote the right of women and girls.

Sindh Child Protection Unit (SCPU): Under Section 16. (1) of the Sindh Child Protection Authority Act 2011 (Amendment 2021), the establishment of a child protection unit has been mandated. It provides that: "The Authority may establish a child protection unit for district level (3) The unit shall exercise such powers and perform functions as may be prescribed by rules." In the recent 2021 Amendment, new powers and functions have been stipulated, which include: "(q-i) to facilitate and ensure the registration of a First Incident Report (F.I.R.) with the police or any law enforcement agency in relation to any child in need of special protection measures who is reported to the Authority as missing or abducted, within four hours of the child being reported missing or abducted." Further, the functions of the SCPU have also been provided under Rule 17 of the Sindh Child Protection Authority Rules 2016. It includes: "(a) liaise with child protection community structures and support, as far as possible. initiate for the prevention of abuse, neglect and exploitation of children, (b) receive register, refer where possible, manage and monitor cases of children in need of special protection measures accordance with applicable minimum standards. and procedures prescribed by the Authority (c) perform all other acts and duties as may be delegated by the Authority under the Act" As per data received by the SHRC from the Sindh Child Protection Authority (SCPA), they have been established across all districts of Sindh. Additionally, the SCPA has also established a helpline called "Sindh Child Helpline", which functions 24/7 and responds to people seeking help from all the districts of Sindh on its number "1121".

Minority Facilitation Centers (Minority Affairs Department, Government of Sindh): In 2016, the Minority Affairs Department established five Minority Facilitation Centers in all the divisional headquarters of Sindh province. An 18-grade officer of the Department acts as the incharge of each Center to hear grievances from the general public as well as people belonging to minority communities and to take steps for their redressals.³⁴

34. Daily Times (2016), 'Sindh establishes 5 facilitation centers for minorities'. Available at <https://dailytimes.com.pk/60032/sindh-establishes-5-facilitation-centers-for-minorities/> (accessed 22.3.2024)

10. Helplines for Provision of Referral Services, Protection and Legal Aid

Helplines can play a key role in enhancing access to referral services for legal aid, protection, information on shelter services, etc. In the Sindh Province, the following helplines are available for increasing access to justice for the victims/survivors/ aggrieved persons:

Table 7: List of Helplines/ referral services for legal aid, protection, information.

Name of Organization/Institution	Contact Details
Sindh Human Rights Commission	021-99217318/ 99213329
Sindh Commission on the Status of Women	021-99211110
Sindh Child Protection Authority	1121
Women Development Department Sindh	1094
Minorities Affairs Department	021-99206184
FIA Cyber Crime	1991
Sindh Police Helpline	15
Women Police Helpline	1213
Inspector General of Police Sindh Complaint Cell	1715
Citizens Police Liaison Committee	1102
Sindh Legal Advisory Call Center	0800-70806

11. Capacity Building and Gender Sensitization Trainings Conducted by the SHRC

Capacity building and gender sensitization trainings are essential for police and judiciary personnel in the effort to combat domestic violence effectively. The SHRC is empowered under Section 4(viii) and (ix) to spread human rights literacy among various sections of society and promote awareness of the safeguards available for protection of human rights through print and electronic media, seminars and other available means.

Moreover, it is also an obligation under Section 3 (b) of the DV Act 2013, which states: “ the Government officers, the police and the members of the judicial service are given periodic sensitization and awareness training on the issues addressed by this Act” to ensure effective implementation of the Act.

Therefore, the SHRC arranged a series of training programmed for the police force and the judiciary. The trainings were conducted by the SHRC in collaboration with the Sindh Judicial Academy (SJA) for training of the judges and with the Police Training Academy for trainings for the police force. The details regarding the trainings are provided in the tables below:

Table 8: List of Trainings given by the SHRC to Police Force and Newly Appointed Civil Judges & Judicial Magistrates.

Capacity Building and Gender Sensitization Trainings for the Police Force					
S/NO	Date	Name Of Training	Total Participants	Male	Female
1	15 to 17 May 2023	03 Days Training Human Rights Laws Training For Police Inspectors	26	25	1
2	28 to 29 Nov 2023	Human Rights Laws 02 Days Training Of Trainers (TOT)	30	29	1
3	29 to 30 Jan 2024	Human Rights Laws Education & Training 02-Days Training For Probationary Law Inspectors	27	25	2
4	31 jan to 01 Feb 2024	Human Rights Laws Education & Training 02-Days Training For Probationary Law Inspectors	32	30	2
5	04 to 05 Mar 2024	Human Rights Laws Education & Training 02-Days Training For Probationary Inspectors Law & Inspectors Investigation	33	33	0

Capacity Building and Gender Sensitization Trainings for the Judiciary

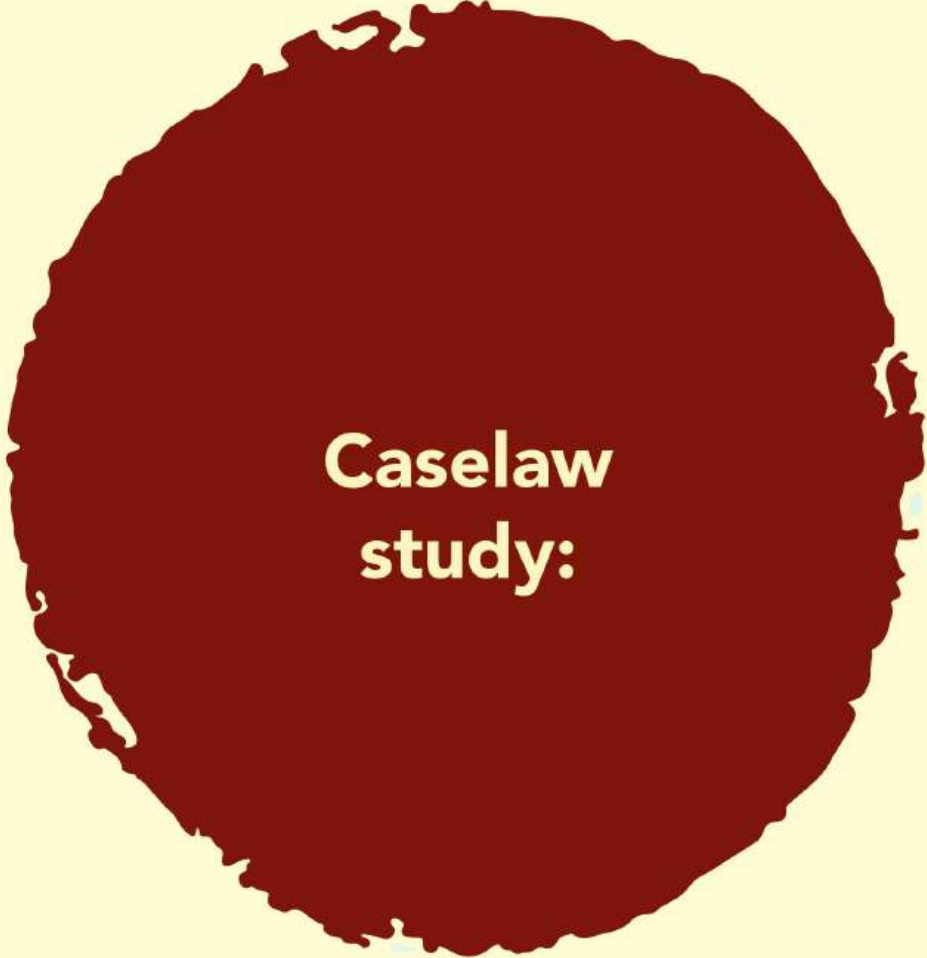
S/NO	Date	Name Of Training	Total Participants	Male	Female
1	17 to 22 June 2023	06 Days Training Human Rights Education And Training For Newly Appointed Civil Judges & Judicial Magistrates	45	39	6
2	16 To 17 October 2023	02 Days Training Human Rights Education And Training For Newly Appointed Civil Judges & Judicial Magistrates	45	40	5

Figure 13: Snapshots of Police Trainings by the SHRC.



Figure 14: Snapshots of trainings of Newly Appointed Civil Judges & Judicial Magistrates by the SHRC.





**Caselaw
study:**

12. Case law study

The section highlights significant convictions made by lower courts, demonstrating some advancement in implementing the DV Act 2013 and Rules 2016. Further, the rulings by the SHC highlight the gaps in the implementation of the law while providing directions for its effective implementation. Furthermore, a progressive ruling from the FSC emphasizes that no religious justification permits domestic violence. Moreover, the Supreme Court's verdict underscores that perpetrators of domestic violence bear a substantial burden to provide satisfactory explanations for their actions.

12.1 Lower Courts

The First Conviction under the DV Act 2013:

While the DV Act was enacted in 2013, the first known conviction under the law took place after four years, through a judgement of the Magistrate of First Class on February 23, 2019. The convict (petitioner's husband) was sentenced under the DV Act 2013 to six months' imprisonment and ordered to pay Rs45,000 in compensation to the victim/petitioner.³⁵

The convict was found guilty of "physical abuse" as well as "emotional, psychological and verbal" abuse. Even though the law specifies that any trial under the act must be concluded within 90 days, this trial went on for almost two years.

The primary reasons for the delays were the adjournments requested by the counsel representing the accused and the delayed response from the medico-legal department in providing a witness for testimony.

Additionally, a significant factor contributing to the conviction was the presence of compelling medical evidence. Shortly after the assault that forced the survivor to leave her home, she underwent a medical examination conducted by a doctor who generated a medico-legal report. This report served as crucial evidence, especially considering the absence of witnesses willing to testify to the violent incident itself, which is often the case in instances of domestic violence.

Elderly woman's four sons directed to bear medical expenses:

The victim/petitioner, a woman in her late 60s had been married for 35 years with four adult male children. She had been suffering physical abuse by her husband, who was also addicted to substance abuse. She was facing verbal insults over trivial matters since her marriage. Her four sons would also subject her to physical abuse and verbal insults when she complained to them about her husband's maltreatment.³⁶

The victim filed a petition before the Judicial Magistrate-II (Central) under the DV Act 2013, requesting the court to direct her husband and four sons to pay her maintenance.

35. Dawn, 'Getting the Law to Work' (Published March 30, 2019) <https://www.dawn.com/news/1472785> (accessed 24 April 2024).

36. The News International, 'Court directs elderly woman's four sons to bear expenses of her health issues' (Published October 15, 2023) <https://www.thenews.com.pk/print/1119310-court-directs-elderly-woman-s-four-sons-to-bear-expenses-of-her-health-issues> (accessed 24 January 2024).

The magistrate directed the applicant's four sons to deposit interim maintenance at Rs2,500 per month in favor of their mother with the Nazir of the court on or before 14th of every month till the final disposal of the case.

The First Marital Rape Conviction in Sindh:

In a judgment dated 15.01.2024 by the Additional Sessions Judge (South), the convict was punished under Section 377 (unnatural offences) of the PPC, to three-year rigorous imprisonment and a fine of Rs 30,000.³⁷

Section 377 of the PPC states that: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life...". It was introduced in the penal code in 1861, during the British rule of the Sub-continent. Modeled on the Buggery Act 1533 in England, it criminalized sexual activities "against the order of nature". The Section pertaining to rape in the penal code is 375. Therefore, the case also highlights the reluctance of the Criminal Justice System (CJS) actors to acknowledge marital rape under Section 375, as it would challenge the patriarchal norms in the country.

Nevertheless, the conviction leaves room for progress in the Sindh Province and across Pakistan. It is essential to point out that this case was not filed under the DV Act 2013 but is crucial to mention here as it is a case of marital rape. It must also be noted that Section 5 (l) of the DV Act 2013 also defines (see above) 'Sexual Abuse'. Therefore, the judgement is a step in the right direction. This judgement establishes intimate partner violence as a crime and reinforces women's sexual autonomy within marriages in Pakistan.

Police directed by court not to let son evict parents from house:

An elderly couple filed a direct complaint with the Judicial Magistrate (West) against their son under the DV Act 2013 seeking a residence and protection order. The couple stated that they had been enduring unrelenting abuse at the hands of his son, who had been mentally and physical torturing them for the past several years.³⁸

After hearing and perusal of the inquiry report, the Court granted the request of the couple and directed the police to provide protection and restrain the respondent from dispossessing the couple from the house.

Court cognizance for emotional, psychological and verbal abuse:

On 19.09.2022, the VIII Civil Judge and Judicial Magistrate, Karachi South passed the Order. Through this Order, the Court took cognizance of the offence of DV under Sections 5(b) (assault, as defined in section 351 of the PPC), (f) (emotional, psychological and verbal abuse), (g) (harassment as defined in section 509 of the PPC), (j) (physical abuse), (o) (economic abuse) and Section 6 (punishment for the offences) of the DV Act 2013.

The VIII Judicial Civil Judge and Judicial Magistrate also registered the case and required the Respondents No.1-4 (ex-husband, brother-in-law, mother-in-law and sister-in-law of the Petitioner) to furnish solvent surety in the sum of PKR Rs.10, 000/- and Personal Recognizance bond (PR bond)

37. The News International, 'Man jailed for three years for marital rape' (Published January 20, 2024) <https://www.thenews.com.pk/print/1149492-man-jailed-for-three-years-for-marital-rape> (accessed 24 April 2024).

38. The News International, 'Police told not to let abusive son evict parents from their own house' (Published October 01, 2023) <https://www.thenews.com.pk/print/1114925-police-told-not-to-let-abusive-son-evict-parents-from-their-own-house> (accessed 24 April 2024).

of the same amount till the next date of hearing (05. 10. 22). In case of failure, the Respondent No. 1-4 will be remanded in judicial custody for want of surety.

The brief facts of the case are that the Survivor/Petitioner had been subjected to various repeated acts of DV (emotional, psychological and verbal, physical and economic abuse along with assault and harassment) throughout her marriage period of over six (6) years by the Respondent no. 1-4.

The Petition was filed in the Court on 13.04.2022. Nevertheless, upon receiving the notices from the Court, the Respondent no.1 pronounced divorce to the Petitioner in order to abuse her emotionally and psychologically. At the same time, he refused to provide maintenance to her. This was also mentioned in paragraph 6 of the order. "... after filing of the instant complain, the Respondent no.1 has pronounced divorce to the petitioner, it reflects conduct of the Respondents towards the petitioner (sic)".

12.2 Sindh High Court

In **Nageena and another v. SHO PS Dokri** (Constitutional Petition no S-728 of 2016 – Larkana), Justice Salahuddin Panhwar passed an order dated 24. 02.2020.

In paragraph 4 of the judgement, he stated: " Since, in every district, safe houses are established therefore, the quarter (s) concerned will consider use of such places for victims of domestic as well as children, least as a temporary place of safety/security".

While in paragraph 5 it was stated that: " I would add that nothing can be expected if the places are without managers), therefore, it is expected that all officers shall be posed at...Safe Houses within a week as well difficulties regarding use and access, shall be ensured to be no more complained about. Meanwhile, in pursuant to order of this court within the ambit of Domestic Violence (Protection and Prevention) Act 2013, accordingly Chief Secretary Sindh shall ensure that sufficient staff is posted as well Deputy Commissioners are directed to provide running expenses with regard to safe houses. Besides Chief Secretary Sindh shall ensure that all recruitments in Social Welfare Department and Women Development Department are made on urgent basis and may be appointed on contract basis, if permissible."

On paragraph 7 it was stated that: " Chief Secretary Sindh shall ensure that all working women hostels are shifted under the domain of Women Development Department."

In paragraph 8 it was stated that "Learned District and Sessions Judges shall depute a magistrate who shall make surprise visits to Working Women Hostels with the assistance of Deputy Commissioners) and submit report with regard to present status and occupation with the clarity whether working women hostels are used by working women or otherwise?. This exercise shall be completed within ten days with report."

In an order dated 08.02.2021, in the same case Justice Salahuddin Panhwar stated "Secretary Women Development Department shall ensure that vacancies are filled in accordance with law within three months and with regard to posts pertaining to Domestic Violence Prevention and Protection) Act 2013, they shall submit SNEs with the Finance Department and the Finance Department shall ensure approval of the same within one month after receiving the same."

In Paragraph 8, he provided the direction to "Develop the budget required to enhance the facilities all women police station serving as the one stop protection centers, including building. temporary shelters required office space for staff and transportation which must include at a minimum two vehicle for the rescue and transportation of women but appears to have not been complied /

attended. Accordingly, Home Secretary shall ensure such budget is allocated and posts are filled in case SNEs are not approved with regard to women police station they shall resubmit to Finance department and Finance department shall approve the same within one month after receiving the same”.

In order dated 03.05.2021 in the same case, he stated in paragraph 5 that: “ now Daru Amans are under the domain of Women Development Department. Domestic Violence (Prevention and Protection) Act 2013 which reflects appointment of women protection officers and psychologist in every district separately and those psychologists shall be at the disposal of concerned Magistrate and officers of Women Development Department and SSP. Needless to mention that any psychologists appointed and posted in Civil Hospitals would not be considered, as having been appointed under the Domestic Violence (Prevention and Protection) Act 2013 therefore, directions were issued for approval of SNEs.

In order dated 06.05.2021 in the same case, it was stated in paragraph 3 that “Home Department shall ensure that in every district at least one women police station is housed and thereafter all posts be filled preferably within three months by way of recruitment rules.”

Regarding women working hostels, it was it was stated in paragraph 5 that: “court has already directed that all women working hostel shall be handed over to the Women Development Department. Such directions were also issued by this court in order dated 26.09.2016.” Further, he added that: “Male police constable should be limited to outside only so as to avoid any misuse by the male staff... direction to the DIG, Special Security Unit (SU) Sindh who shall depute lady police constables/commandos round the clock in the four Darul Amans and ensure safety of inmates.”

In paragraph 8, he stated that “ ...It is pertinent to mention here that in view of population there should be Darul Aman in every district..” It is added that since Darul Aman is considered as a temporary place of 'Amann/security hence this should also provide vocational training to the women nestled there so as to enable them to achieve financial independence.”

In paragraph 10, it was stated: AIGP Sindh is hereby directed to ensure that CCTV(s) installed in front of Darul Aman(s) and safe houses to ensure safety of the inmates therein as well as Secretary Women Development Department shall ensure that CCTV are installed inside the Darul Amans.”

“The Magistrates shall ensure what the object of the Act demands of them i.e. not only wiping tears of the cheeks of aggrieved but restoring what is snatched or attempted to be snatched of them while making them a victim of 'domestic violence'.” Justice Salahuddin Panhwar (Hina v. Province of Sindh)

In **Hina vs Province of Sindh** (PLD 2019, Sindh 363) Justice Salahuddin Panhwar of the SHC stated the following in paragraph 2: “... it is material to add here that 'domestic violence', targeting the weakest of society i.e women and infirm old (parents), has been increasing abnormally. The aggrieved, normally, resorts to constitutional jurisdiction when there is no efficacious remedy available at door- step.”

In paragraph 5 it was stated: “ I would add that since the `state' has been given the ultimate status of 'guardian' therefore, if there is any such infringements then it is the state which should be available

thereby assuring temporary arrangement coupled with a complete mechanism. However, presently I could not lay my hands on any legislation which deals with situation arising out of proposition-1. The position, being so, requires a little more from the 'State' to do legislation which (legislation) is believed to protect a right or to prevent an infringement thereof. "

In paragraph 8 it was stated: " . In view of paragraph No.5, copy shall be provided to Advocate General Sindh with regard to legislation on this issue if any, as well as issue notice to Attorney-General of Pakistan. The Chief Secretary Sindh shall submit report with regard to Legislation for the protection of housewives as well temporary gap-arrangement of immediate shelter/safety of such women. Needless to add that if there is no legislation, the quarter concerned is hoped to process for proper legislation in this regard by adopting proper procedure, so required for such purpose. "

He further stated: " 8. However, since the law itself has vested jurisdiction in the Courts therefore, which seems to be not being exercised perhaps because of reason of non- compliance of section 3 supra, therefore, learned M.I.T of this Court shall ensure that such Act is circulated to all Magistrates who shall ensure compliance when any person falling within the category of that Act approaches them; they shall be provided protection. Learned Magistrates would be competent to pass further orders with regard to monetary aid and with regard to restraining eviction. Besides, IGP Sindh is hereby directed to ensure that complaint of harassment in above categories shall be referred to concerned Magistrate.

9. I would further add that normally the victims of 'domestic violence' do not find any immediate reliefs but remain dependant upon others (not morally and legally obliged to maintain) or in shelter house (s) therefore, legislatures did address such situation. One of the aims of the Act is also to ensure immediate interim relief to an aggrieved from being dispossessed/removed from household but also:

- a) compensation to the aggrieved person for suffering as a consequence of economic abuse to be determined by the court;
- b) loss of earning;
- c) medical expense;
- d) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
- e) the maintenance for the aggrieved person as well her children, if any, including an order under or in addition to an order of maintenance under family laws.

couple with direction to respondent to:

pay monetary relief to the person aggrieved within the period specified, as directed in accordance with law.

Therefore, the Magisterial Court (s), the law hopes, shall feel courageous in dealing with such situation (s) by passing interim order (s) but on being satisfied of prima facie substance.

10. The Bars Association (s) are houses of those, believed to be well versed, hence it is also hoped that the Bar Association (s) shall also provide necessary knowledge about the scope and object of the Act by arranging the Seminar(s) etc inviting Judges for participation too.

In paragraph 12, it was stated: " The Chief Secretary Sindh shall submit report with regard to sections 3, 4, 17, 18 and 21 of the Domestic Violence (Prevention and Protection) Act 2013 and ensure that Commission and Committees are notified within a month; wide publicity shall be given regarding this Act. As well Advocate General Sindh shall submit whether Rules under the Act have been framed or not. "

“Learned A.G. Sindh contends that earlier seventeen 17 safe houses were established, which figure has risen upto 29 (safe houses) in the Province at present; in cabinet meeting Rupees five million for each safe house has been allocated and accordingly Rupees 145 million is allocated for all 29 safe houses, same shall be at the disposal of the Deputy Commissioners. He further contends that every district committee will comprise of representatives of every department relating to women under the Deputy Commissioners and temporary shelter will be provided to women/vulnerable persons. The efforts are worth appreciating, however, it is believed that every single penny shall be guarded jealously and it shall be ensured that deserved receive their ‘due’ without any loss of time and things shall not be on papers and figures but shall, hopefully, satisfy their purposes and objectives. All the ends shall ensure their active participation and fruits, hopefully, shall appear in days. ”

Justice Panhwar then referred the following excerpts of his judgment which was passed in order dated 14.02.2019 passed in CP Nos.S-277 and 258 of 2019:

“ At this juncture representative of Women Development Department contends that pursuant to above referred orders, Commission on domestic violence has been notified on 16.03.2018, accordingly 29 posts of Protection Officers are to be created under the SNE and 4 posts are created at present, further Finance Department has advised for creation of remaining 25 posts in SNE 2019-2020, such SNE has been submitted. It is admitted that for the last years of promulgation of Domestic Violence (Prevention and Protection) Act 2013, same is not implemented due to various hurdles, notes submitted further show that Committees as per

Since Child Protection Authority, Social Welfare Department, Women Development Department, Commission on Status of Women are working in same field separately with separate budget and with separate workforce, thus judicial propriety demands SOPs and mechanism for effective delivery of all the departments jointly hence Mr. Tauha Farooqui, Secretary, Social Welfare Department, Government of Sindh, Ms. Anjum Iqbal, Additional Secretary Women Development Department and Chairman, Commission on Status of Women, Director General Child Protection Authority shall submit such mechanism after due consultation and deliberation thereby assuring complete implementation of Domestic Violence (Prevention and Protection) Act, 2013 and Sindh Child Protection Authority Act 2011 and other relevant laws in field. Besides, complete details of orphans houses/places owned by the government or any Scheme shall be submitted before next date of hearing.

It would be pertinent to mention here that since the scope of the Act is much wider and prima facie is aimed to ensure immediate rescue and assistance to an aggrieved (as defined in the Act) therefore, in every single district, committees are required to be formulated hence a mechanism of ambulance/rescue service shall be provided with toll-free number accessible to everyone. The manner in which the Act itself has insisted about composition of the ‘Protection Committee’ (Section 17(2)) is self sufficient to indicate that required objective would not be achieved unless special task force is created with special training in that field to deal with women, children and destitute persons, therefore, it is hoped that this aspect shall be considered by the quarter concerned. Such force shall be provided rescue vehicles having sufficient space with capability to rescue the victim of domestic violence, in every district. It is pertinent to mention that a psychologist including Protection Officers and other posts in each districts shall be filled within three months, same is demand of the Act.

Hence, campaign shall be launched by all departments by taking steps on emergency basis in every district by using social as well electronic and print Media by including it in public interest Seminars. As well District Judges shall be taken onboard. The campaign must not only make the people aware about the objective of the Act but should also make it known to people that the doors of the Courts of Magistrate shall always be open to an aggrieved or an informant for immediate rescue/help, as provided by Section 7 of the Act and even no formality to approach concerned police station is needed. Worth to add here that resort to any other available legal remedy shall never be taken as

a bar to what the Act itself provides to an aggrieved (Section 27 of the Act). The Magistrates shall ensure what the objective of the Act demands of them i.e not only wiping the tears of the cheeks of aggrieved but restoring what is snatched or attempted to be snatched of them while making them a victim of 'domestic violence'. Learned Prosecutor General Sindh shall ensure that Prosecutors are assigned to assist the applicants and Courts accordingly.

Besides, learned MIT was directed to circulate Domestic Violence (Prevention and Protection) Act 2013 to all Magistrates, accordingly report shall be submitted quarterly with regard to cases of domestic violence and action taken thereon.

Finally, Justice Panhwar disposed of Constitutional Petition No.S-331/2019 and Constitutional Petition No.S-1957/2018 in terms of order dated 07.02.2019 regarding maintenance to be adjudicated by family court.

He directed in paragraph 14 that the " Office shall not entertain any petition regarding domestic violence, as such Act provides alternative and efficacious remedy by approaching concerned Magistrate. Learned MIT shall ensure compliance of section 11 of the Act in its letter and spirit. Concerned Magistrates shall receive harassment applications and entertain the same as well shall update the same in workflow management web portal. "

In **Munir Hussain v. The State** (2022 PCr. LJ Note 111 Sindh), the order was authored by Justice Abdul Maalik Gaddi of the SHC. The case pertained to sections 337-A(iii), 337-A(i) and 337-L (2) of the PPC. The applicant remained unsuccessful in obtaining his release on bail from the trial Court hence filed for a bail application before the SHC.

At paragraph 7, " This incident appears to be of domestic violence, in which a husband caused injuries to his wife on nose which is the vital part of the body. The incidents of domestic violence are being increased in our society day by day, which are to be curbed with iron hands."

He dismissed the bail application while holding that it merits no consideration.

In **Sunila Mushtaq v. Babar Hussain** (2023 P Cr. L J 1787), Justice Khadim Hussain M. Shaikh of the SHC authored the judgement.

This was an appeal against the judgment passed by 21st Judicial Magistrate at Karachi West for offences under sections 509, 506/2, PPC. read with section 5(f)(j) and (k) of the DV Act 2013.

Briefly, the facts of the case are that the appellant had filed a complaint alleging therein that the respondents, who are her close relatives, misbehaved with her and used filthy language and extended threats of dire consequences to her; they further tried to turn out her from the house along with her children and they were continuously harassing, pressurizing and torturing her by physical violence through different means. The learned trial Court took cognizance of the case and issued process against the respondents, who in response thereof, joined the trial.

It was stated in paragraph 10 of the judgment that the applicant had '...claimed to have been caused physical violence to her by the respondents by maltreating her, but she had neither produced any evidence to show that she had received any injury nor did she produce any medical certificate. Apart from the above material discrepancies and infirmities in the prosecution case, rendering it doubtful, there were many other material contradictions, infirmities, dishonest improvements and admissions of the PWs made during the trial, which need not to be discussed here just to save the time and space; undisputedly there is dispute on the property between the parties... the matter was purely of civil nature, but the complainant by filing the subject direct complaint had attempted to convert the civil dispute into a criminal case; there was absolutely no evidence worth consideration to establish any accusations against the respondents; the learned 21st Judicial Magistrate at Karachi West,

after evaluating the evidence brought on record, recorded the acquittal of the respondents, rightly so, as the complainant had miserably failed to prove her case against the respondents beyond the reasonable doubt. It is reiterated that the principles for appreciation of evidence in appeal against the acquittal are now well settled, for, an accused is presumed to be innocent and if after trial, he is acquitted, he earns double presumption of innocence and acquittal judgment or order normally does not call for any interference unless it is found arbitrary, capricious, fanciful, artificial, shocking and ridiculous and while evaluating the evidence, difference is to be maintained in an appeal from conviction and an acquittal appeal and in the latter case the interference is to be made only when there is non-reading and gross mis-reading of the evidence, resulting the miscarriage of justice and on perusal of the evidence no other decision can be given except that the accused is guilty.

In this case, it is also important to highlight that the appeal against the trial court lies with the Session Court not the High Court. Further, in the Munir Hussain case, the case was filed under the PPC provisions whereas the Sunila Mushtaq case was directly petitioned to the Trial Court under the DV Act 2013. Moreover, in the Munir Hussain case, while the FIR was lodged with a delay, there was a medical report to confirm the injuries. However, in the Sunila Mushtaq case, the applicant had failed to produce any witnesses or evidence to support her case.

12.3 Federal Shariat Court of Pakistan (FSC)

On the 29 November 2022, the Federal Shariat Court of Pakistan (FSC) delivered its landmark judgement in Muhammad Ibrahim Khan v. Province of Punjab (Shariat Petition No. 03/I of 2016, linked with three cases), which held that the Punjab Protection of Women against Violence Act 2016 was in line with the teachings of the Holy Quran and Sunnah of the Holy Prophet (PBUH).³⁹

While this ruling focuses on the domestic violence law in Punjab, its implications are broader. It serves as a crucial precedent highlighting that domestic violence finds no place within the principles of Islam.

For example, in paragraph 9 of the judgment it is stated that : " The Holy Quran directs to settle the matrimonial disputes in a reasonable manner...Islam does not allow any kind of violence even if a matrimonial dispute reaches an unpleasant end i.e. divorce."

"Islam is very particular to protect the honor and dignity of every woman in a society. In Islam one of the very strong ways to protect the honor and dignity of women in a society is through the strict enforcement of Qazf laws. Islam categorizes Qazf as one of the major crimes in its criminal justice system."

Moreover, in paragraph 18 it was stated that: " In Islam, male and female are equal before the law and this Islamic concept of equality of male and female is duly enshrined in the Constitution of the Islamic Republic of Pakistan 1973. According to Islamic injunctions men and women are equal in the eyes of law."

Further, in paragraph 22 it was stated that: "...there remains no ambiguity that domestic violence is forbidden in Islam. A man cannot abuse his female relative under any pretext in any form... The home environment is to serve as a protective citadel for women and not a place of abuse and cruelty according to the Injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (SAW)."

39. Rida Tahir, 'Pakistan's Federal Shariat Court Affirms that the Punjab Protection of Women Against Violence Act 2016 Aligns with Islamic Injunctions' (Published Feb 2, 2023) <https://ohrh.law.ox.ac.uk/pakistans-federal-shariat-court-affirms-that-the-punjab-protection-of-women-against-violence-act-2016-aligns-with-islamic-injunctions/> (accessed 24 April 2024).

It was clearly highlighted in paragraph 25 that: "According to the Sunnah and the Ahadith of the Prophet (SAW) domestic violence is not permissible in Islam."

Importantly, the court also determined "whether making any male person to wear a GPS tracker is against the injunctions of Islam?". It was decided by the FSC that: "...we are of the view that there is nothing un-Islamic in using the wrist bracelets GPS Tracker to keep an alleged perpetrator away from whom the aggrieved person who is under eminent and grave threat to her body and also to keep such a person under surveillance in order to protect the life and dignity of an aggrieved woman. The use of new and latest technology to protect the life of any person is very much in accordance with the Shariah, rather it is the preferable course to adopt, because giving protection to life of any person is one of the primary goals of Shariah, hence adopting any means possible and available are permissible according to the injunctions of Islam. "

There is a widespread misconception that religion condones domestic violence. Therefore, this judgment serves as a crucial precedent that there is no place for domestic violence in Islam.

12.4 Supreme Court

In **Shaukat Hussain v. The State** (2022 SCMR 1358), it was alleged that the appellant, suspecting illicit liaison, strangled his wife inside his home. Even though the appellant was acquitted from the charge (under Section 302 (b) of the PPC), due to contradictions in medical report and the testimony of witnesses, it was stated in paragraph 4 of the judgement that: "In incidents of domestic violence more so in the event of homicidal death of a wife in the house of her husband a heavy onus is cast upon the latter to satisfactorily explain circumstances leading to the tragedy." This was considered especially in light of Article 122 of the Qanun-e-Shahadat Order, 1984 which is titled 'Burden of proving fact especially within knowledge' and states that 'When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.'

This case sets an important precedent that, in incidents of domestic violence (more so in the event of homicidal death of a wife in the house of her husband), a heavy onus is cast upon the offender to satisfactorily explain circumstances leading to the tragedy.



**International
law:**

13. International law Obligations

Domestic violence is recognized in international law as a violation of human rights. The right to life, liberty and the security of person is central to the Universal Declaration of Human Rights (UDHR), a milestone document in the history of human rights. The UDHR was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations.

Article 3 of the UDHR states that: "Everyone has the right to life, liberty and the security of person." Moreover, Article 7 states that "All are equal before the law and are entitled without any discrimination to equal protection of the law."

Moreover, Article 16 (1) states that: "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution."

Furthermore, Article 25 (2) states that : "Motherhood and childhood are entitled to special care and assistance."

While initially non-binding on member states, the UDHR has garnered extensive acceptance as a delineation of fundamental human rights principles. Consequently, it has been acknowledged as a binding articulation of customary law and an authoritative elucidation of the UN Charter itself.⁴⁰

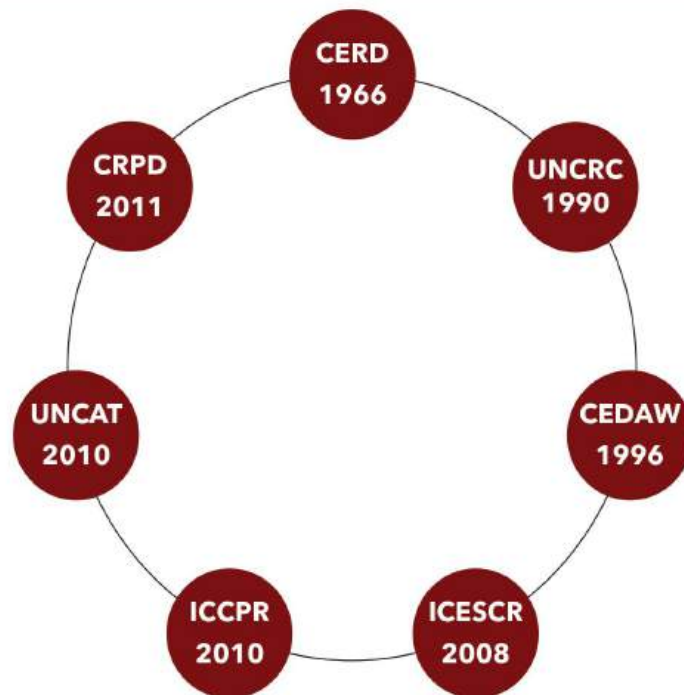
Pakistan has ratified seven of the nine core human rights treaties and has international obligations to protect women from SGBV.

Expanding upon the accomplishments of the UDHR, the **International Covenant on Civil and Political Rights** (ICCPR), and the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) came into effect in 1976. These two Covenants have further elaborated upon many of the rights already outlined in the UDHR, rendering them practically obligatory for States that have ratified them. Pakistan ratified ICESCR in 2008 and ICCPR in 2012.⁴¹

40. Antonio Augusto Cancado Trindade, "Universal Declaration of Human Rights," Audiovisual Library of International Law, <http://untreaty.un.org/cod/avl/ha/udhr/udhr.html> ("The Universal Declaration, moreover, is today widely recognized as an authoritative interpretation of human rights provisions of the Charter of the United Nations itself, heralding the transformation of the social and international order to secure the enjoyment of the proclaimed rights."). (accessed 30 August 2023)

41. United Nations Treaty Database, 'Ratification Status for Pakistan'. Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PAK&Lang=EN (accessed 30 August 2023)

Figure 15: Year of ratification of respective conventions by Pakistan



ICCPR protects the right to life (Article 6) and the right to liberty and security of person (Article 9). Further, Article 23 (1) states that: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." Article 23 (4) of ICCPR provides that: "States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution..."

Further, violence against women is a violation of the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, as protected by UDHR Article 5 and ICCPR Article 7.

Pakistan's submitted its state party's report under ICCPR on 19 October 2015. The Concluding observations were received on 27 July, 2017. The following was stated by the ICCPR Committee regarding 'Violence against women and domestic violence':

" 13. The Committee is concerned that, despite efforts made by the State party, violence against women is still prevalent... It is further concerned by the very low level of reporting of violence against women, including domestic violence; the lack of prompt and effective investigation of such cases; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims (arts. 2, 3, 6, 7, 24 and 26)."

ICESCR provides the right to the highest standard of physical and mental health (Article 12) and the right to equal protection under the law (Article 14).

Pakistan submitted its initial State party report on 16 October 2015. The Concluding observations were received on 23 June 2017. The following was stated by the ICESCR Committee regarding 'Violence against women and domestic violence': "59. The Committee is concerned that, despite many efforts made by the State party, various forms of violence against women, including so-called honour killings, acid attacks and gang rapes, continue to occur. It is also concerned at the very low level of reporting of domestic violence and other forms of violence against women and the very small number of shelters for victims of such violence (arts. 3 and 10)."

The following recommendations were provided by the ICESCR Committee: " 60. (d) Ensure that women and girls are aware of their rights under the Covenant, that victims of domestic violence and other forms of violence can freely report their cases to the police and that they are treated with respect; also ensure that victims get all the necessary legal, medical, financial and psychological support, including through the establishment of sufficient numbers of counselling centres and shelters throughout the State party; (e) Promote as far as possible the presence of women police officers to deal with complaints of gender-based violence."

It is crucial to highlight that the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** specifically came into force to protect the right of women and the **United Nations Convention on the Rights of the Child (UNCRC)** to protect the rights of the child. They strengthen and reaffirm the rights articulated in the UDHR. Pakistan ratified UNCRC in 1990 and CEDAW in 1996.⁴²

CEDAW is an international instrument specifically designed to eradicate all manifestations of discrimination against women and advance global gender equality efforts.⁴³

Article 1 of CEDAW describes discrimination against women as :“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Article 2 of CEDAW states that: “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person...”

Under Article 21 of CEDAW, the CEDAW Committee “may make suggestions and general recommendations based on the examination of reports and information received from the states parties.”

General recommendations do not require ratification by states parties as they are not treaties. While they are not strictly legally binding, they are regarded as authoritative interpretations of the legal obligations undertaken by states parties.

42. United Nations Treaty Database, 'Ratification Status for Pakistan'. Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PAK&Lang=EN (accessed 30 August 2023)

43. United Nations, 'Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)' <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (accessed 30 August 2023)

The CEDAW Committee's General Recommendation No. 19⁴⁴ (Violence Against Women) is a detailed review of VAW within the human rights framework and identifies all acts of gender-based violence as forms of discrimination. Recommendation 19 also specifically addressed domestic violence as a form of discrimination against women, stating:

" 23. The Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality." The Committee gave the following specific recommendations:

"Measures that are necessary to overcome family violence should include: Criminal penalties where necessary and civil remedies in case of domestic violence;

Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes;

Rehabilitation programmes for perpetrators of domestic violence;"

In General recommendation No. 28⁴⁵ on the core obligations of States parties under article 2 of CEDAW, it was stated that: "Where discrimination against women also constitutes an abuse of other human rights, such as the right to life and physical integrity in, for example, cases of domestic and other forms of violence, States parties are obliged to initiate criminal proceedings, bring the perpetrator(s) to trial and impose appropriate penal sanctions."

In General recommendation No. 33 on women's access to justice⁴⁶, the following recommendation was given: " In cases of violence against women, ensure access to financial aid, crisis centres, shelters, hotlines and medical, psychosocial and counselling services;"

The CEDAW committee also reviews periodic reports submitted by state parties and issues recommendations and general comments on the implementation of the convention.

Pakistan's submitted its latest State party's report on 9 October 2018. The Concluding observations by the CEDAW Committee were received on 17 March 2020. The following was stated by the CEDAW Committee regarding 'domestic violence':

(a) Adopt legislation to criminalize all forms of gender-based violence against women, including domestic violence and marital rape, without exemptions;

(b) Adopt a national plan of action to combat all forms of gender-based violence against women, with a particular focus on domestic violence;

(c) Introduce systematic capacity-building for judges, prosecutors, police officers and other law

44. Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993) (accessed 30 August 2023)

45. General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/2010/47/GC.2 (Dec. 16, 2010) (accessed 30 August 2023)

46. General Recommendation No. 33 on Women's Access to Justice, UN Doc. CEDAW/C/GC/33, 23 July 2015. (accessed 30 August 2023)

enforcement officials on the strict application of criminal law provisions for gender-based violence against women and on gender-sensitive investigation procedures, and introduce mandatory training for medical personnel;

(d) Ensure the availability of inclusive and accessible shelters for women who are victims of violence throughout its territory and strengthen medical and psychological support services as well as legal counselling and rehabilitation services, for victims, by providing adequate funding, training staff and regularly monitoring those services;

(e) Systematically collect and analyse data on all forms of gender-based violence against women, disaggregated by age, region, disability and relationship between the victim and perpetrator, as well as data on the number of protection orders issued, on prosecutions and on the sentences imposed on perpetrators, and include such data in the next periodic report.”

The UNCRC advocates for the safeguarding of children against domestic violence. It applies the four general principles of the Convention to the issue of protection of children, namely protection from discrimination (Article 2), ensuring the best interests of the child (Article 3 (1)),¹⁵ upholding the right to life, survival and development (Article 6). The UNCRC also requires States parties to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37 (a)).

Specifically, Article 19 of the UNCRC states that the States Parties shall take all appropriate “legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

The includes protective measures which” include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

It is argued that while ‘domestic abuse’ does not appear in Article 19, the definition of abuse used is broad, encompassing the direct and indirect abuse of children that may take place in context of domestic abuse.⁴⁷

In 2019, a joint general recommendation No. 31 of the CEDAW Committee and

General comment No. 18 of the UNCRC Committee on harmful practices was released.⁴⁸

It was stated that: “ It is also important to recall that the Committees are concerned that the practices are also used to justify gender-based violence as a form of “protection” or control of women and children in the home... Child marriage also contributes to...forced exclusion from school and an increased risk of domestic violence.”

Pakistan submitted its fifth periodic State party report on 23 May 2014. The Concluding observations by the UNCRC Committee were received on 10 July 2016. The following was stated by the Committee regarding domestic violence: “18. The Committee remains extremely concerned about: (a) Serious

47. Fiona Morrison & Claire Houghton, ‘Children’s human rights in the contexts of domestic abuse and COVID-19’ <https://dspace.stir.ac.uk/retrieve/29a9db94-7f34-48e0-b17c-2e68e84334be/Morrison-Houghton-IJHR-2022.pdf> (accessed 30 August 2023)

48. CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, 8 May 2019 (accessed 30 August 2023)

discrimination against girls in the State party and the persistent gender disparity in infant mortality rates and school enrolment rates, the persistence of early marriages and exchanges of girls for debt settlement, as well as domestic violence targeting girls.”

Pakistan ratified **International Convention on the Elimination of All Forms of Racial Discrimination** (CERD) in 1966 and the **Convention on the Rights of Persons with Disabilities** (CRPD) in 2011.

CRPD and CERD and play a significant role because they address forms of discrimination that have long-lasting and detrimental effects on individuals and societies. By promoting equality and protecting the rights of marginalized groups, these conventions contribute to building more inclusive and just societies.

The primary purpose of CRPD, as provided in Article 1 is “ to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”

People with disabilities, regardless of gender, are especially susceptible to various forms of physical, mental, and emotional domestic violence.⁴⁹ However, there exists a distinct intersectionality between violence targeting women and disability, potentially exacerbating the incidence of violence endured by women and girls with disabilities. A global study found that girls and young women with disabilities experience up to 10 times more violence than those without disabilities.⁵⁰ Women with disabilities face a heightened risk of experiencing domestic violence compared to those without disabilities, often stemming from unequal power dynamics between abusers and individuals with disabilities. Factors such as dependency, isolation, communication barriers, and power imbalances contribute to their vulnerability to various forms of abuse.⁵¹

As per Article 4 (1) (g), States are obligated ‘to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes’.

Article 6 of the CRPD emphasizes the recognition of the unique challenges faced by women and girls with disabilities, who are often subjected to multiple forms of discrimination. States Parties are mandated to implement measures to ensure that women and girls with disabilities can fully and equally enjoy all human rights and fundamental freedoms.

Additionally, States Parties are required to undertake appropriate actions to facilitate the complete development, progress, and empowerment of women, thereby enabling them to exercise and enjoy the human rights and fundamental freedoms outlined in CRPD.

Further, Article 7 of CRPD underscores the obligation of States Parties to guarantee that children with disabilities can fully enjoy all human rights and fundamental freedoms, equally with other children. It mandates that in all actions concerning children with disabilities, the best interests of the child must be a primary consideration.

49. World Bank Group, ‘Brief on Violence Against Women and Girls with Disabilities’ (World Bank Group, December 2019) <https://documents1.worldbank.org/curated/en/864511600841231218/pdf/Brief-on-Violence-Against-Women-and-Girls-with-Disabilities.pdf> accessed 27 April 2024.

50. Ozemela, L., Ortiz, D., and Urban, A-M. 2019. Violence Against Women and Girls with Disabilities, Latin America and the Caribbean. Policy Brief N IDB-PB-302. Gender and Diversity Division, Inter-American Development Bank. accessed 27 April 2024.

51. World Bank Group, ‘Brief on Violence Against Women and Girls with Disabilities’ (World Bank Group, December 2019) <https://documents1.worldbank.org/curated/en/864511600841231218/pdf/Brief-on-Violence-Against-Women-and-Girls-with-Disabilities.pdf> accessed 27 April 2024.


While Article 13 provides for access to justice, Article 14 provides for the liberty and security of people with disabilities. Article 16 is titled 'Freedom from exploitation, violence and abuse' and provides that "1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects."

Article 23 (1) specifically provides that "States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others".

The primary purpose of CERD is to eliminating racial discrimination in all its forms Article 5 of CERD provides that States Parties undertake "to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (b) The right to security of person and protection by the State against violence or bodily harm..."

The aforementioned international obligations place a responsibility on Pakistan to enact, enforce and implement laws, policies, and programs aimed at preventing and addressing domestic violence, providing support services to survivors, and promoting gender equality and human rights for all.

Although treaties do not become enforceable automatically in Pakistan's domestic law simply by ratification, their ratification by the government creates long lasting and legally binding obligations on the State of Pakistan that are enforceable under international law.



**Proposed
Amendments and
Recommendations:
A Roadmap to
Address Domestic
Violence in Sindh**

14. Proposed Recommendations for Amendments in the DV Act 2013 and Rules 2016

The DV Act 2013 was passed by the provincial assembly of Sindh as the first ever law addressing domestic violence in the country. This law is extremely comprehensive and provides for both criminal and civil remedies.

Nevertheless, in the years since its passage there have been many challenges in its implementation as outlined in this road map. It is pertinent to mention that this law does not remain completely unimplemented (as shown by this road map) and many protection mechanisms are currently functioning to protect the rights of the aggrieved persons. The capacity building and gender sensitization trainings of the various CJS actors, such as the lawyers, prosecution, police and judiciary by the SHRC has been helpful in raising awareness and resulted in a few criminal cases coming forward. This has particularly resulted in lawyers and judges being able to identify that civil remedies can be used in addition to the criminal remedies under this special law.

Certain areas of its implementation have also resulted in helping the state identify where the law needs improvements for its effective implementation to make sure that no aggrieved person is left behind in pursuit of justice against domestic violence. These are provided in the shape of proposed amendments below.

This is especially true with regards to the Commission on Domestic Violence and the duties, powers and functions of the protection officers as they have been notified but were not efficiently operational due to on ground realities which are necessary for the support of victims and survivors of domestic violence.

As outlined in this road map, on-ground experience in dealing and responding to domestic violence cases has allowed for reflections on the law and recognize that there need to be some key changes in the legislation in order to ensure better implementation of the law.

Thus, in light of these challenges the following proposed amendments are being provided to ensure a comprehensive and holistic law so that no person has to suffer when they are facing an instance of domestic violence and that the full support of the state is provided to the aggrieved person. The proposed amendments to the legislation are reflected in the table below:

Table 9: Proposed Recommendations for Amendments in the DV Act 2013 and Rules 2016.

Concerned Area	Recommendation	Proposed Amendment
The Commission on Domestic Violence	The SHRC has the powers and functions to Inquire, suo-moto or on a Petition by victim or any person on his/her behalf into complaint of Violation of Human Rights, a provided under the SPHRA 2011.	1. In Section 4 (b) and (c) of the DV Act 2013 and Chapter II of the DV Rules 2016, 'Establishment and Functioning of the Commission on Domestic Violence', particularly rule Rule 10 (c) and (d) to instead refer the cases of domestic violence to the SHRC for investigation, inquiry or suo-moto investigation into specific incidence of domestic violence,

	<p>The functions of the Commission on Domestic Violence outlined in Rule 10 (c) and (d) are duplicative because similar powers and functions are already provided under the SPHRA 2011. Instead of creating a parallel structure, the already existing legal framework must be utilized more effectively.</p>	<p>2. It is also pertinent to mention the powers and functions of Sindh Commission on Status of Women, 2015, Section 12 lacks the redressal of individual and collective grievances which may be amended to enable the SCSW to take cognizance of such cases. Until then, the SHRC is empowered as an umbrella body to provide redressal as per its mandate for the protection of women, girls and vulnerable persons.</p>
Demand of Dowry	<p>This is not included in the DV Act 2013, hence it should be added to protect against direct or indirect demand of dowry on the bride, her family or relatives.</p>	<p>Under Section 5 (f) of the DV Act 2013, a new sub-clause (x) included to include "direct or indirect demand of dowry on the bride, her family or relatives".</p>
Whether the offences are cognizable, bailable and compoundable.	<p>DV Act 2013 does not make it explicitly clear that the offences are cognizable, hence sometimes results in police's refusal to lodge FIR in cases. Further, the law is silent regarding bail and whether the offences are compoundable. Hence, the law should be amended to provide clarity.</p>	<p>After Section 6 of the DV Act 2013, sub-section (7) should be added to state that the offences given in the act are cognizable. Further clarity should be provided on bail and compoundable nature of the offences.</p>
Heinous offences are not categorized as non-compoundable	<p>Further, certain heinous offences especially, 5 (l) "sexual abuse" must be cognizable, non-compoundable and non-bailable as there are heinous offences and rape (S.375 of PPC) is itself a non-compoundable offence.</p>	<p>Amend Section 5(l) "sexual abuse" of the DV Act 2013 to categorize it as a non-compoundable offence.</p>
Complaint to Police	<p>Currently, law does not explicitly state the police can register an FIR. Therefore, the law should be amended to provide clarity.</p>	<p>Add Section 7A to include a new section detailing the process to be followed where the police register an FIR under the DV Act 2013. The following will be added: " Any person may file an FIR of domestic violence under the Act at a police station which has jurisdiction of the offence". Alternatively, Section 7 (3) can also be amended to state: "or report from police" after the word " On receipt of petition from an aggrieved party".</p>

15. Recommendations: A Roadmap to Address Domestic Violence in Sindh

Collaboration across various departments is crucial for effectively addressing domestic violence and implementing the DV Act 2014 and Rules 2016. Section 3 (c) of the DV Act 2013 states that: " effective protocols are formulated by the concerned Ministries and Departments dealing with health, education, employment, law and social welfare to address the issue of domestic violence and that the same are periodically revised." Moreover, Section 4 (iii) of the SPHRA 2011 gives the SHRC the power and function to: " formulate, implement and regularly update policies with a view to protect human rights;"

The following recommendations serve as a roadmap for preventing and gradually eliminating domestic violence in Sindh Province:

Legislative Bodies:

- Consider the proposed amendments suggested in the DV Act 2013 and Rules 2016 provided by the SHRC to close the gaps that result in the legislation and efficient protection of the aggrieved persons from domestic violence.
- There should be a statutory law for the establishment of Safe Houses, Dar-ul-Amans and such related shelters for women and children. Currently, there is a lack of comprehensive legislation on shelter homes in the Sindh Province. In *Hina vs Province of Sindh* (PLD 2019, Sindh 363), the Honorable SHC stated that: "The Chief Secretary Sindh shall submit report with regard to Legislation for the protection of housewives as well temporary gap-arrangement of immediate shelter/safety of such women. Needless to add that if there is no legislation, the quarter concerned is hoped to process for proper legislation in this regard by adopting proper procedure, so required for such purpose. "
- In many cases, women who are economically empowered are more confident in acting against domestic violence at the household. However, workplace harassment can limit the economic empowerment of women and cause physical and, resulting in their marginalization. To address workplace harassment effectively and empower women economically, it's essential to enact legislation in Sindh province, specifically targeting this issue post the 18th amendment to the Constitution. Collaborate with relevant departments for consultation, such as the SHRC, Labour Department, and other pertinent stakeholders. By drafting comprehensive laws on workplace harassment, the economic empowerment of women can be enhanced.
- The relevant Standing Committees and other structures of Provincial Assembly should engage with administrative departments for the implementation of relevant laws and exercise post legislative scrutiny to assess the implementation status.
- Enact a law for the establishment of a legal aid agency/authority in Sindh for the provision of free legal aid and representation to safeguard the legal rights of the populace. The SHRC has written a policy brief titled 'Mapping of Legal Aid Mechanisms in Sindh Province' which will be useful in enactment of the law.

Women Development Department (WDD):

- Notify the 'Protection Committees' in each district of Sindh Province, as provided under Section 17 of the DV Act 2013 so that the aggrieved persons could be assisted in obtaining any medical treatment necessitated due to the domestic violence or in the preparation of and filing of any petition or report under this Act, the Code or any other law for the time being in force, etc. Further, appoint members of the Protection Committees as provided under Rule 20 of the DV Rules 2016.
- Notify the 'Commission on Domestic Violence' as provided under Section 4 of the DV Act 2013 and Rule 3 (2) of the DV Rules 2016, which shall consist of 16 members and one chairperson. As per the DV Rules 2016, the chairperson shall be the minister of the WDD. The roles and responsibilities of the Commission on Domestic Violence have been provided under Rule 10 as identified by Section 4(2) of the DV Act 2013.
- Appoint the Sub-committee (Under Rule 11), consisting of five persons, which will be responsible for overseeing the implementation of the decisions and recommendations of the Commission on Domestic Violence'. Additionally, establish a separate desk and office for record keeping within the WDD at Karachi, as per Rule 9, the WDD shall have the administrative and financial responsibility of the Commission.
- Section 3 (a) of the DV Act 2013 states: "Government shall ensure that - (a) this Act and the contents thereof receive wide publicity through electronic and print media in Urdu and local languages". To fulfil this, WDD can launch comprehensive media campaigns across various platforms, including television, radio, newspapers, and online outlets. Develop engaging content such as advertisements, documentaries, and infographics to raise awareness about domestic violence, its impacts, and available support services.
- Darul Amans are under the domain of WDD. DV Act 2013 which reflects appointment of women protection officers and psychologist in every district separately and those psychologists shall be at the disposal of concerned Magistrate and officers of Women Development Department and SSP (as directed by the SHC in order dated 03.05.2021 in Nageena and another v. SHO PS Dokri). Further, ensure that the underconstruction darul amans at district Jacobabad and Mirpurkhas are made functional through allocation of necessary resources. It is pertinent to mention that there is no founding law for Darul Amans in Sindh. Therefore, such shelters i.e. safe houses, darul amans and women shelters be brought under statutory law.
- There should be Darul Aman in every district. " It is added that since Darul Aman is considered as a temporary place of 'Amann/security hence this should also provide vocational training to the women nestled there so as to enable them to achieve financial independence" (as directed by the SHC in order dated 06.05.2021 in Nageena and another v. SHO PS Dokri).
- The Court has directed the AIGP Sindh to ensure that CCTV(s) installed in front of Darul Aman(s) and safe houses to ensure safety of the inmates therein as well as Secretary Women Development Department shall ensure that CCTV are installed inside the Darul Amans " (as directed by the SHC in order dated 06.05.2021 in Nageena and another v. SHO PS Dokri).

Health Department:

- The Health Department, Government of Sindh should immediately formulate the rules of implementation of the Sindh Medicolegal Act 2023 as provided under Section 20 of the 2023 Act. Formulation of the rules is crucial for the overall implementation of the law.
- Constitute the Sindh Medicolegal Advisory Board as provided under Section 3 of the Sindh Medicolegal Act 2023 to consider the matters of policy, procedure, quality and accountability (Section 4 (a)) and approve standards of medico legal examinations (Section 4(b)). This is crucial in cases of domestic violence.

- Establish the Sindh Medicolegal Directorate as provided under Section 6 of the Sindh Medicolegal Act 2023. This also has the core function under Section 7(m) to conduct the training for all medical practitioners on domestic violence, child, elder, disabled and trans-person abuse sexual, gender-based violence.
- The Rules for the Sindh Reproductive Healthcare Rights Act 2019 (Amendment 2022) are pending and need to be formulated per Section 8 of the aforementioned Act for its effective functioning.
- Increase the number of Female Medico-Legal Officers (FMLO) and establish Special rooms to be set up in all government hospitals for victims to be examined and questioned in privacy (Salman Akram Raja vs Government of Punjab 2013 SCMR 203 – while this case pertained to sexual violence, the directions provided by the SC are also relevant in cases of domestic violence).
- Establish Comprehensive Screening Protocols: Implement routine screening for domestic violence during healthcare visits, ensuring early identification and intervention.
- Offer specialized training programs for healthcare professionals to enhance their skills in recognizing signs of domestic violence, responding appropriately, and providing support to victims.
- Foster partnerships with local domestic violence shelters, support organizations, and law enforcement agencies to create a seamless referral process for victims to access needed services and support.
- Develop integrated care models that incorporate mental health support, trauma-informed care, and social services to address the complex needs of domestic violence survivors.
- Ensure that services are culturally sensitive and responsive to the diverse needs of all individuals, including those from marginalized communities.

Social Welfare Department:

- Extend protection to child who are facing domestic violence. Under Section 10 of the SCPAA 2011 (and 2021 Amendment), the SCPA is mandated ' to ensure the rights of the children in need of special protection measures', which includes a child who "c (i) is victim of violence, abuse and exploitations". Abuse was defined in the 2021 Amendment as "(a-i) "abuse" means the child abuse and includes physical, psychological or sexual violence, exploitation, comprising economic exploitation and sexual exploitation, including child marriage, child trafficking or exploitive, domestic or commercial child labor, corporal punishment, injury and maltreatment;"
- Strengthen the child protection institutions for the admission, care, protection and rehabilitation of child requiring special protection measures (such as those facing domestic violence).
- Organize regular training sessions throughout the year to ensure ongoing professional development and skill enhancement for Child Protection Officers.

Education Department:

- Develop and implement age-appropriate curriculum (such as life skills-based curriculum) on healthy relationships, consent, conflict resolution, and domestic violence prevention from elementary through high school levels.
- Explore the role of technology and innovation in preventing and addressing domestic violence, such as mobile apps for safety planning, online support groups, and digital resources for survivors.

- Explore the role of technology and innovation in preventing and addressing domestic violence, such as mobile apps for safety planning, online support groups, and digital resources for survivors.
- Create safe and supportive school environments where students feel comfortable reporting concerns about domestic violence and where confidentiality and privacy are respected.

Labour Department:

- To empower women economically, a strategic focus should be placed on increasing women's labor force participation (LFP) through targeted interventions. This includes providing skill-development trainings tailored to women's needs and aspirations, building robust social networks that offer support and mentorship opportunities.
- Ensure implementation of the Sindh Maternity Benefits Act, 2018 particularly 'Mandatory maternal leave' and 'Additional maternity leave' under Sections 3 and 4. Moreover the establishment of 'Day Care Facility' a mandated under Section 10 of the Act will ensure accessible and quality childcare services to alleviate caregiving burdens of women.
- Collaborate with the SHRC and legislative bodies for enacting comprehensive laws on workplace harassment post the 18th Amendment to the Constitution. In the interim, it's essential to implement existing legislation such as the Protection against Harassment of Women at the Workplace Act 2010, along with any subsequent amendments including the 2022 Amendment. This proactive approach ensures that women are protected from harassment in the workplace while efforts are underway to strengthen legal frameworks for their continued safety and empowerment.

Finance Department:

- Secretary of the WDD shall ensure that vacancies are filled in accordance with the DV Act 2013 and Rules 2016. WDD shall submit Schedule for New Employment (SNEs) with the Finance Department and the Finance Department shall ensure approval of the same (as directed in the SHC Order dated 08.02.2021 in Nageena and another v. SHO PS Dokri).
- "Develop the budget required to enhance the facilities all women police station serving as the one stop protection centers, including building. temporary shelters required office space for staff and transportation which must include at a minimum two vehicle for the rescue and transportation of women but appears to have not been complied / attended. Accordingly, Home Secretary shall ensure such budget is allocated and posts are filled incase SNEs are not approved with regard to women police station they shall resubmit to Finance department and Finance department shall approve the same within one month after receiving the same"
(as directed by the SHC in order dated 03.05.2021 in Nageena and another v. SHO PS Dokri)

Police:

- Build a strong referral mechanism in cases of VAWG with the SHRC for free legal aid and representation.
- Establish women police stations and one-stop protection centers (OSPC) in all districts of Sindh on a priority basis. Women police stations and OSPCs play a crucial role in providing a gender-sensitive response to domestic violence cases, empowering survivors, and promoting gender equality within patriarchal societies. Female staff at these stations/centers are often

better equipped to understand the experiences and needs of female survivors of domestic violence. They can provide a more empathetic and supportive response, creating a safer environment for victims to report abuse.

- Every Police Station shall have available round the clock a lady police official/ officer not below the rank of Head Constable. Further, the statement of victim shall be recorded in private, however, the presence of family members while recording statement may be permitted with a view to make the victim comfortable. ((Salman Akram Raja vs Government of Punjab 2013 SCMR 203 – while this case pertained to sexual violence, the directions provided by the SC are also relevant in cases of domestic violence).
- Provide comprehensive training for police officers on the latest enactment/amendments on pro-women law and on gender sensitivity, domestic violence dynamics, and the impact of patriarchal norms. The trainings should emphasize empathy, understanding power dynamics, and recognizing signs of abuse.
- The Court has directed the AIGP Sindh to ensure that CCTV(s) installed in front of Darul Aman(s) and safe houses to ensure safety of the inmates therein as well as Secretary Women Development Department shall ensure that CCTV are installed inside the Darul Amans " (as directed by the SHC in order dated 06.05.2021 in Nageena and another v. SHO PS Dokri).
- In the Dar-ul-Amans, male police constable should be limited to outside only so as to avoid any misuse by the male staff. The SHC gave directions to the DIG, Special Security Unit (SU) Sindh to depute lady police constables/commandos round the clock in the four Darul Amans and ensure safety of inmates (as directed by the SHC in order dated 06.05.2021 in Nageena and another v. SHO PS Dokri).
- Police Department should refer domestic violence cases to the concerned Magistrates (as directed by the SHC in Hina v. Province of Sindh - PLD 2019, Sindh 363)

Judiciary:

- As provided under Section 7(4) of the DV Act 2013, expedite the cases pertaining to domestic violence and dispose of the cases within a period of ninety days. Fast-track procedures for domestic violence cases to ensure timely access to justice for survivors. Expedited hearings and case management can prevent further harm to survivors and increase accountability for perpetrators.
- Provide mandatory gender sensitivity training for judges, court staff, and legal professionals. This training should focus on understanding patriarchal norms, recognizing the dynamics of domestic violence, and the importance of providing a supportive and non-discriminatory environment for survivors.
- Training of the Judiciary specifically on gender sensitive and appropriate language when authoring judgements.
- Courts should offer alternative testimony procedures, such as testimony via video link or written statements, to minimize survivors' exposure to the perpetrator and reduce re-traumatization.
- Courts should prioritize confidentiality and privacy to protect survivors' identities and minimize exposure to public scrutiny. This may involve closed hearings, restricted access to case information, and measures to prevent unauthorized disclosure of sensitive details.
- Regularly monitor and evaluate the effectiveness of judicial responses to domestic violence cases. Collect data on case outcomes, access to justice, and survivor satisfaction to identify areas for improvement and inform policy reforms.
- Regularly publicize cases successfully investigated and prosecuted for awareness and training

purposes in collaboration Sindh Judicial Academy and the Law, Parliamentary Affair and Criminal Prosecution Department.

Federal Investigation Agency (FIA):

- Explore the role of technology and innovation in preventing and addressing domestic violence, such as mobile apps for safety planning, online support groups, and digital resources for survivors.
- Section 30 of PECA titled 'power and procedure to investigate' was amended through the Criminal Laws (Amendment) Act 2023. In addition to the FIA, the police have also been authorized to take cognizance under PECA. In that case, the police are bound to refer the matter relating to the offence under PECA immediately to the FIA, for 'technical opinion and investigation'.
- Collaborate with the Sindh Police other government agencies, civil society organizations, and media outlets to raise awareness about domestic violence and its various forms. Through public awareness campaigns, workshops, and seminars, FIA can educate communities about their rights, available support services, and legal avenues for recourse.

Media:

- Media can play an important role in raising awareness, challenging harmful attitudes, and promoting support for survivors/victims/aggrieved persons.
- Develop a media strategy for news and entertainment media for the prevention of violence against women (particularly domestic violence). This also includes developing a media campaign on promoting gender equality and challenging patriarchal norms that perpetuate domestic violence. This must be done in collaboration with the Sindh Information and Archive Department and the Pakistan Electronic Media Regulatory Authority (PEMRA).
- The Media should adopt sensitive reporting. Journalists should report on domestic violence cases with sensitivity and respect for survivors' privacy and dignity. They must avoid sensationalizing or victim-blaming language that can further stigmatize survivors or deter them from seeking help.
- Utilize various media platforms, including television, radio, social media, and print media, to disseminate information about warning signs, available support services, and legal rights.
- Provide information about available resources and support services (such as hotlines, shelters, counseling services, and legal aid) for survivors of domestic violence, including hotlines, shelters, counseling services, and legal aid.
- Invite experts in gender studies, psychology, law enforcement, and survivor advocacy to provide informed commentary and analysis on domestic violence issues. This can help contextualize the problem, debunk myths, and provide practical guidance for survivors and their communities.
- Recognize the cultural context of patriarchal societies when reporting on domestic violence, while also challenging harmful cultural norms and practices that perpetuate gender-based violence. Collaborate with local community leaders, activists, and survivors to ensure that messaging is culturally sensitive and inclusive.

Academia:

- Academia can contribute significantly to the collective effort to eliminate domestic violence and create safer and more supportive communities for all individuals. Academia plays a crucial role in researching, educating, and advocating for strategies to eliminate domestic violence:
- Academic institutions should allocate funding and resources for research on domestic violence. Collaborations between researchers, practitioners, and community organizations can help in designing effective interventions and policies.
- Encourage interdisciplinary studies that explore the complex factors contributing to domestic violence, including psychological, sociological, economic, and cultural aspects. Collaboration between disciplines such as psychology, sociology, law, public health, and gender studies can provide comprehensive insights.
- Apply an intersectional approach to research and practice, recognizing that individuals may face multiple forms of oppression and discrimination based on factors such as race, class, gender identity, sexual orientation, and immigration status.

Civil Society Organizations:

- Collaborate with government departments to develop and implement policies, programs, and services for survivors to address domestic violence. Collaboration is key to effectively addressing domestic violence.
- Engage with community leaders, religious institutions, and local authorities to raise awareness about domestic violence and mobilize grassroots support for prevention and intervention efforts. Collaborate on community-based initiatives and outreach programs.
- Collaborate with the SHRC for conducting capacity-building workshops for CJS stakeholders working on domestic violence issues, including healthcare providers, law enforcement officers, social workers, and legal professionals.
- Establish information sharing and referral networks among civil society organizations to facilitate seamless access to services for survivors. Share information about available resources, support programs, and referral pathways to ensure survivors receive comprehensive and timely assistance.
- Collaborate on research initiatives to better understand the prevalence, causes, and consequences of domestic violence, as well as the effectiveness of interventions. Pool data, expertise, and resources to conduct rigorous research studies and generate evidence-based recommendations for policy and practice.

16. Conclusion

Domestic violence remains a significant barrier to achieving gender equality and safeguarding fundamental human rights in Sindh. This policy brief has examined the legal frameworks, socio-economic realities, and international obligations surrounding this issue. The alarming prevalence of domestic violence demands a comprehensive and coordinated response. While the enactment of the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016 marked a significant step forward, the critical challenge lies in its effective implementation. This policy brief has identified key areas for improvement, outlining a roadmap for strengthening enforcement mechanisms, raising public awareness, and building the capacity of essential actors. The SHRC urges all stakeholders to embrace these recommendations and work collaboratively towards a society free from domestic violence.

Annexures:

IN THE COURT OF _____ CIVIL AND JUDICIAL MAGISTRATE

AT KARACHI (_____)

Petition No. _____

ABC DEF

House No.ABC , 123 Coloney,

Sector A,

Karachi.

.....PETITIONER

VERSUS

1. GHI JKL

Son of XYZ

House No. 123, ABC Coloney,

Sector A,

Karachi.

2. MNO PQR

Wife of XYZ

House No. 123, ABC Coloney,

Sector A,

Karachi.

3. SHO MEHMOODABAD POLICE STATION

4. SSP EAST KARACHI

.....RESPONDENTS

APPLICATION SECTIONS 5(b)(d) (e)(f)(h)(j) (k), 6, 7, 9, 10,11 and 12 OF THE DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT 2013

That the Petitioner most respectfully submits as under:

- 3) That the Petitioner is an aggrieved person in terms of Section 2(1)(a) of the Domestic Violence (Prevention and Protection) Act, 2013 ("**the Act**") as the Petitioner has been subjected to repeated acts of domestic violence throughout her marriage period of over eleven (11) years by her husband being the Respondent in terms of Section 2(1)(P) of the Act.
- 4) That the Petitioner has been in a domestic relationship with the Respondent in terms of Section 2(1) (e) of the Act by virtue of her marriage with the Respondent, and was living in a domestic household with the Respondent.
- 5) That the Respondent married the Petitioner around eleven (11) years ago, based on a fraud and misrepresentation by the Respondent. Few days after the marriage, the Petitioner realized that the Respondent was a chronic alcohol and drug addict, to an extent that he became an alcohol abuser. It is also pertinent to mention here that the Nikkahnama is in custody of the Respondent, and the Respondent did not even provide a copy of the same to the Petitioner.
- 6) That out of the said wedlock, three children were born to the Petitioner. It is pertinent to mention here that the Petitioner has always been a loving and caring mother, however the Respondent has deserted the Petitioner and kept the children, and the Respondent does not allow the minors to meet the Petitioner, which amounts to cruelty.
- 7) That currently the Petitioner is being forced to live at her parent's house at the address given above, since the Respondent has forcefully removed the Petitioner from his house and threatened to kill her if she comes back near his house.
- 8) That throughout the marriage of around Eleven (11) years, the Respondent No.1 and her entire family including the Respondent No.2 has been extremely cruel, and abusive towards the Petitioner, and the whole area is witness to such gruesome violence by the Respondents No.1 and 2 towards the Petitioner.
- 9) That the acts of cruelty committed by the Respondent No.1 are encouraged and abetted by the Respondent No.2, who was always against the Petitioner's marriage and wanted her son to get married to her relative.
- 10) That the Petitioner remained silent throughout the years, and suffered beatings and abuses only for sake of her children, however the Respondent recently crossed all limits of humanity when the Respondent dragged the Petitioner out of his house and deserted her few months ago the whole family of the Respondent started beating the Petitioner in the area, and such horrific incident was witnessed by the people living in the area.
- 11) That the Petitioner has approached the Police Station several times, however the Petitioner's father-in-law being a counselor twice from his area used his influence against the Petitioner to ensure that no complaint or FIR is lodged against the Respondent No.1 and 2.
- 12) That lastly on 17.02.2022, the Respondent No.1 called the Petitioner to his house, where the Respondent No.1 threatened the Petitioner and started beating the Petitioner, due to which the Petitioner suffered serious injuries.

- 13) That due to the injuries, the Petitioner immediately went to JMPC for her treatment and examination, and was issued a medical report dated 17.02.2022. It is pertinent to mention here that the Petitioner also took pictures of her injuries.
- 14) (Copy of Medical Report dated 17.02.2022, and colored pictures are attached herewith as Annexure "A to A__")**
- 15) The Petitioner approached the concerned Police Station on 17.02.2022, complaining about the said incident, where the Police Station issued a ML Letter, thereafter the Petitioner went to JPMC and had herself examined on 19.02.2022.
- 16) (Copy of ML Letter dated 17.02.2022 and the Medical Report dated 19.02.2022 is attached herewith as Annexure B and B1")**
- 17) That despite the fact that the such injuries clearly constitute cognizable criminal offense liable to be booked in the FIR, the Police refused to lodged the FIR in collusion with the Respondent No. 1 and 2.

PRAYER:

It is most respectfully prayed that this Court may be pleased to take cognizance of the said offense under the Act and punish the Respondent No.1 and 2. Further, it is prayed to the honorable court to pass an order for the following :

- (a) prohibiting the Respondents from committing any act of domestic violence;
- (b) prohibiting the Respondents from aiding or abetting in the commission of acts of domestic violence;
- (c) prohibiting the Respondents from causing violence to the dependants, other relatives or any person who gives the aggrieved person assistance against domestic violence; and
- (d) restrain the Respondents from dispossessing or in any other manner disturbing the possession of the aggrieved person from the household;
- (e) Monetary relief for the medical expense for the Petitioner as a result of suffering domestic violence
- (f) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person
- (g) the maintenance for the petitioner as well her children

Karachi

Dated __.__.2022

ADVOCATE FOR THE PETITIONER

IN THE COURT OF _____ CIVIL AND JUDICIAL MAGISTRATE

AT KARACHI (_____)

Petition No. _____

.....Petitioner

Versus

.....Respondents

APPLICATION SEEKING PROTECTION ORDER UNDER SECTION 10 & 11 OF THE DOMESTIC
VIOLENCE (PREVENTION AND PROTECTION) ACT, 2013

It is most humbly and most respectfully submitted that this Honourable Court may be pleased to pass an interim order in the Petitioners Application under Section 10 of the abovementioned Act. It is further prayed that this Honourable Court be pleased to pass an order for the protection of the Petitioner directing the relevant Station House Officer to provide protection to the Petitioner; pass a residence order to prevent the Petitioner from being illegally dispossessed; and direct the respondent submit a bond of surety of a minimum of PKR 35,000/- for compliance of the same under Section 11 of the abovementioned Act in order to safeguard her life, dignity, property, and security.

This prayer is made in the interest of justice.

Dated:

ADVOCATE FOR THE PETITIONER

IN THE COURT OF _____ CIVIL AND JUDICIAL MAGISTRATE

AT KARACHI (_____)

Petition No. _____

.....Petitioner

Versus

.....Respondents

AFFADAVIT IN SUPPORT OF APPLICATION SEEKING ISSUANCE OF SHOW CAUSE NOTICE TO
RESPONDENT NO. 1 UNDER SECTION 7(3) OF THE DOMESTIC VIOLENCE (PREVENTION AND
PROTECTION) ACT, 2013

I, _____ w/o _____ am the Petitioner, resident of House No. ABC, 123 Street, Phase VII-
Extension, DHA, Karachi, currently residing at Street _____, Phase ____, DHA, Karachi, do solemnly
affirm and swear on oath as under:

1. That I am the Petitioner in this matter and I am fully conversant with the facts and circumstances of this case.
2. That the accompanying application has been drafted under my instructions and its contents may be read as part of this affidavit for the sake of brevity.
3. That me and my children have suffered severe domestic violence for many years. It is submitted that [insert facts]
4. That it is submitted that I fear for my safety and protection. It is submitted that due to these fears I have secured alternative accommodation in my parents house, however, I do not feel safe from the Respondents attempting to trespass and violate my safety and security and

have made multiples attempts at my life, including but not limited to causing me grievous bodily harm.

5. That it is most humbly and most respectfully submitted that I request this court to retrain the Respondents and any of their accomplices, spouse or other relatives from harming and hurting me, entering my household and/or otherwise dispossessing me or in any other manner disturbing the possession of the alternative accommodation that I have secured, may their actions be through intimidation or harassment or any other means.
6. That whatever is stated by me is true and correct to the best of my knowledge, information and belief.

DEPONENT

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 19TH MARCH, 2013.**

NO.PAS/Legis-B-19/2013- The Domestic Violence (Prevention and Protection) Bill, 2013 having been passed by the Provincial Assembly of Sindh on 8th March, 2013 and assented to by the Governor of Sindh on 12th March, 2013 is hereby published as an Act of the Legislature of Sindh.

THE DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT, 2013

SINDH ACT NO. XX OF 2013.

**AN
ACT**

to make provisions for protection against domestic violence.

WHEREAS it is expedient to institutionalize measures which prevent and protect women, children and any vulnerable person from domestic violence and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

1. (1) This Act may be called the Domestic Violence (Prevention and Protection) Act, 2013.
- (2) It extends to the whole of the Province of Sindh.
- (3) It shall come into force at once.

**Short title,
extent and
commencement.**

2.(1) In this Act, unless there is anything repugnant in the subject or context,-

Definitions.

- (a) "aggrieved person" means any woman, child or any vulnerable person who is or has been in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;
- (b) "child" means any person under the age of eighteen years living in a domestic relationship with the respondent and includes any adopted, step or foster child;
- (c) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (d) "court" means the court of Judicial Magistrate of first class;
- (e) "domestic relationship" means a relationship between persons who live, or have at any point of time lived together in a household when they are related by Consanguinity, marriage, kinship, adoption, or are family members living together;

- (f) "domestic violence" has the same meaning as assigned to it in section 5;
- (g) "Government" means the Government of Sindh;
- (h) "household" means a household where the aggrieved person lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent or owned and tenanted by either of them, any such household in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has right, title, interest in such a shared household;
- (i) "informer" means a person who has credible information that an offence is being committed under this Act and who has no interest adverse to the aggrieved person or to the accused;
- (j) "monetary relief" means a monetary relief which a court may order under section 12;
- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by the rules made under this Act;
- (m) "Protection Committee" means a Committee constituted under section 17;
- (n) "Protection Officer" means an officer appointed by Government under section 21;
- (o) "Protection order" means an order passed in terms of section 11;
- (p) "respondent" means a person who is or has been in a domestic relationship with the aggrieved person and against whom relief has been sought under this Act;
- (q) "residence order" means an order granted in terms of section 11;
- (r) "service provider" means any such government facility or registered voluntary organization established for the protection of aggrieved person providing legal, medical, financial or any other assistance;
- (s) "vulnerable person" means a person who is vulnerable due to old age, mental illness or handicap or physical disability

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or for other special reason.

(2) Words and phrases not defined in this Act shall have the same meaning as assigned to them in the Pakistan Penal Code, 1898 (Act XLV of 1898) and the Code of Criminal Procedure, 1860, (Act V of 1860).

3. Government shall ensure that -

- (a) this Act and the contents thereof receive wide publicity through electronic and print media in Urdu and local languages;
- (b) the Government officers, the police and the members of the judicial service are given periodic sensitization and awareness training on the issues addressed by this Act; and
- (c) effective protocols are formulated by the concerned Ministries and Departments dealing with health, education, employment, law and social welfare to address the issue of domestic violence and that the same are periodically revised.

Government to ensure effective implementation of the Act.

4. (1) Government shall constitute a Commission which shall consist of a Chairperson and such number of members as may be prescribed.

Constitution of Commission.

(2) The Commission shall -

- (a) review from time to time the existing provisions of the law on domestic violence and suggest amendments therein, if any;
- (b) call for specific studies or investigation into specific incidence of domestic violence;
- (c) look into complaints and take suo motu notice of matters relating to domestic violence and the non-implementation of the law; and
- (d) participate and advise on the planning process for securing a safe environment free of domestic violence.

5. Domestic Violence includes but is not limited to, all acts of gender based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship including but not limited to -

Domestic Violence.

- (a) "abet" as defined in Pakistan Penal Code (Act XLV of 1860) hereinafter referred to in this section as the said Code;
- (b) "assault" as defined in section 351 of the said Code;
- (c) "attempt" as defined in section 511 of the said Code to

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commit any of the offenses enumerated in this section;

- (d) "criminal force" as defined in section 350 of the said Code;
- (e) "criminal intimidation" as defined in section 503 of the said Code;
- (f) "Emotional, psychological and verbal abuse" means a pattern of degrading or humiliating conduct towards the victim, including but not limited to -
- (i) obsessive possessiveness or jealousy constituting serious invasion of the victim's privacy, liberty, integrity and security;
- (ii) insults or ridicule;
- (iii) threat to cause physical pain;
- (iv) threat of malicious prosecution;
- (v) blaming a spouse of immorality;
- (vi) threats of divorce;
- (vii) baselessly blaming or imputing insanity, or citing barrenness of a spouse with the intention to marry again;
- (viii) bringing false allegation upon the character of a female member by any member of the shared household; and
- (ix) willful or negligent abandonment of the aggrieved person;
- (g) "harassment" as defined in section 509 of the said Code;
- (h) "hurt" as defined in sections 332, 333, 335, 336A, 337, 337B, 337C, 337E, 337J, 337K, 337L of the said Code;
- (i) "mischief" as defined in section 425 of the said Code against the property of the aggrieved person;
- (j) "physical abuse" means any hurt caused by any act or

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conduct as defined in section 5(f) of this Act;

- (k) "stalking" includes, but is not limited to -
- (i) accosting the aggrieved person against his or her wishes; and
- (ii) watching or loitering outside or near the building or place where the aggrieved person resides or works or visits frequently;
- (l) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the aggrieved person which may include -
- (i) compelling the wife to cohabit with anybody other than the husband;
- (ii) any kind of sexual abuse including sexual harassment of a member of the family;
- (m) "trespass" means entry into aggrieved person's residence either temporary or permanent without his or her consent, and includes workplace or frequently other place where the parties do not share the same residence;
- (n) "wrongful confinement" as defined in section 340 of the said Code; and
- (o) "economic abuse" includes deprivation of economic or financial resources or prohibition or restriction to continue access to such resources which the aggrieved person is ordinarily entitled to.

6. (1) The offences under section 5 (a), (b), (c), (d), (e), (g), (h) (i) and (n) shall be punishable as provided under the Pakistan Penal Code, 1860.

Punishment.

(2) The offences under section 5(f) shall be punishable with imprisonment of minimum six months or with fine to be paid as compensation to the aggrieved person which shall not be less than ten thousand rupees or with both.

(3) Whoever stalks a person under section 5(k) shall be punished with simple imprisonment of not less than one year or with fine to be paid as compensation to the aggrieved party which shall not be less than twenty thousand rupees or with both.

(4) The offences under section 5(l) shall be punishable with imprisonment of either description not less than two years or with compensation to the aggrieved party which shall not be less than fifty thousand rupees or with both.

(5) The offences under section 5(m) shall be punishable with

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imprisonment for either description for a term not less than one month or with fine or with both.

(6) Any person who commits the offences under section 5(o) shall be liable to pay compensation under section 12(1)(a).

7. (1) An aggrieved person or other person authorized by the aggrieved person in this behalf or informer may present a petition to the Court within whose jurisdiction - **Petition to the Court.**

- (i) the aggrieved person resides or carries on business; and
- (ii) the last place where the respondent and aggrieved person last resided together.

(2) The court shall fix the first date of hearing, which shall not exceed seven days from the date of the receipt of the petition by the court.

(3) On receipt of petition from an aggrieved party, the court shall, with or without issuing an interim order, issue a notice upon the person complained against calling upon him to show cause within seven days of receipt of notice as to why a protection order shall not be made against him for committing an act or acts of domestic violence as alleged in the petition.

(4) The petition made under sub-section (1) shall be disposed of within a period of ninety days and any adjournment given during the hearing of the petition shall be granted for reasons to be recorded in writing by the Court.

8. (1) The court, at any stage of the proceedings under this Act, may direct the respondent or as the case may be, aggrieved person to undergo mandatory counseling with an appropriate service provider. **Counseling.**

(2) Where the court has issued any direction under sub-section (1), it shall fix the next date of hearing of the case within a period not exceeding thirty days.

9. (1) Notwithstanding anything contained in any other law for the time being in force, the aggrieved person shall not be evicted from the household without consent, whether or not he or she has any right, title or beneficial interest in the same. **Right to reside in a household.**

(2) The aggrieved person shall not be evicted from the household or any part of it by the respondent save in accordance with law.

10. (1) In any proceeding under this Act, the court may pass such interim order at any time and stage of the petition as it deems just and proper. **Power to grant interim order.**

(2) If the court is satisfied that a petition *prima facie* discloses that the respondent has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, it may issue order on the basis of an affidavit of

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the aggrieved person or any other evidence or material, before the court as prescribed under sections 11, 12 and 13 against the respondent.

11. (1) The court on being satisfied that domestic violence has *prima facie* taken place may pass a protection order in favour of the aggrieved person and prohibit the respondent from - **Passing of protection orders and residence orders.**

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the aggrieved person is a child, his or her educational institution or any other place frequented by the aggrieved person;
- (d) attempting to communicate in any form, whatsoever with the aggrieved person, including personal, oral or written, electronic or telephonic or mobile phone contact;
- (e) causing violence to the dependants, other relatives or any person who gives the aggrieved person assistance against domestic violence; and
- (f) committing any other act as specified in the protection order;

(2) In addition to the order under sub-section (1), or otherwise, the court on being satisfied that domestic violence has taken place may pass a residence order to -

- (a) restrain the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the household;
- (b) restrain the respondent or any of his relatives from entering the household; and
- (c) direct the respondent to secure alternative accommodation for the aggrieved person or if the circumstances so require to pay rent for the same.

(3) The court may impose any additional conditions or pass any other direction which it may deem reasonably necessary to protect and provide for the safety of the aggrieved person or any child of such aggrieved person.

(4) The court may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.

(5) While making an order under sub-sections (1), (2) or (3), the court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist the aggrieved person or the person making an application on his or her behalf in the implementation of the order.

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(6) While making an order under sub-section (2), the court may impose on the respondent obligations relating to the discharge of rent or other payments, having regard to the financial needs and resources of the parties.

(7) The court may direct the officer in charge of the police station in whose jurisdiction the court has been approached to assist in the implementation of the protection order.

(8) The court may direct the respondent to return the possession to the aggrieved person of any property, valuables or documents to which the aggrieved person is entitled.

(9) The court shall in all cases where it has passed any order under this section, order that a copy of such order, shall be given to the parties to the application, the officer in charge of the police station in the jurisdiction of which the court has been approached as well as to the service provider located within the local limits of the jurisdiction of the court.

12. (1) The court may, at any stage of the trial of a petition filed by the aggrieved person, pass interim order directing the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and such relief may include, but is not limited to - **Monetary relief.**

- (a) compensation to the aggrieved person for suffering as a consequence of economic abuse to be determined by the court;
- (b) loss of earning;
- (c) medical expense;
- (d) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
- (e) the maintenance for the aggrieved person as well her children, if any, including an order under or in addition to an order of maintenance under family laws.

(2) The respondent shall pay monetary relief to the person aggrieved within the period specified in the order made in terms of sub-section (1) and in accordance with terms thereof.

(3) The court may, upon failure on part of the respondent to make payment in terms of the order under sub-section (2) direct an employer or debtor, of the respondent, to directly pay the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

13. The court may, at any stage of the petition for protection order or for any other relief under this Act grant temporary custody of an aggrieved person who is - **Custody orders.**

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- (a) a child to a person under the Guardians and Wards Act 1890 (VIII of 1890); and
- (b) an adult to a service provider or some other person in accordance with the will of the aggrieved person.

Provided that in any case where a complaint of sexual abuse of a child has been made and the court is *prima facie* satisfied that such allegation is true, the court shall grant custody of the aggrieved child to the non-respondent parent or guardian or the person making an application on his or her behalf.

14. (1) The interim order made under section 10 and the protection order made under section 11 shall remain in force until the aggrieved person applies for discharge of such order. **Duration and alteration of interim, protection and residence orders.**

(2) If the court on receipt of an application at any stage from the aggrieved person or the respondent is satisfied that there is a change in the circumstances requiring alteration, modification or recalling of any order made under this Act, it may, for reasons to be recorded in writing pass such order, as it may deem appropriate.

(3) The residence order shall remain in force until such time it is altered.

(4) Nothing contained in sub-sections (1) and (2) shall prevent an aggrieved person from making a fresh application after the previous order has been discharged.

15. (1) A breach of protection order, or of the interim protection order, by the respondent shall be an offence and shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to twenty thousand rupees, or with both. **Penalty for breach of an interim or protection order by the respondent.**

(2) Notwithstanding anything contained in the Code the offence under this section shall be cognizable, bailable and compoundable.

16. Any person convicted by a court under sub-section (1) of section 15, may file an appeal to the court of Sessions within thirty days of the passing of the order of sentence and the court of sessions shall decide the appeal within sixty days. **Appeal.**

17. (1) Government shall, by notification in the official Gazette, constitute Protection Committees for the purposes of this Act. **Protection Committee.**

(2) A Protection Committee shall comprise a Social Welfare Officer who shall be the convener, medical practitioner, a psychologist, psycho-social worker and an official appointed by the court, a female police officer not below the rank of Sub-Inspector and two women members from civil society and the Protection Officer who shall also act as the Secretary of the Protection Committee.

18. The Protection Committee may -

- (a) inform the aggrieved person of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;

Duties and functions of Protection Committee.

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- (b) assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence;
- (c) if necessary, and with the consent of the aggrieved person, assist the aggrieved person in relocating to a safer place acceptable to the aggrieved person, which may include the house of any relative or family friend or other safe place or if any, established by a service provider;
- (d) assist the aggrieved person in the preparation of and filing of any petition or report under this Act, the Code or any other law for the time being in force;
- (e) keep official record of the incidents of domestic violence in its area of jurisdiction, whether on the basis of information received or suo motu inquiry, irrespective of whether or not action is taken under this Act. Such record shall include -
 - (i) the first information received about the incident of domestic violence;
 - (ii) the assistance, if any, offered or provided by the Protection Committee to the aggrieved person;
 - (iii) where applicable the reason for not taking action under this Act when an incident was brought to the notice of the Protection Committee;
 - (iv) where applicable, the reason for the aggrieved person's refusal to take assistance from the Protection Committee;
 - (v) the names and contact details of the service provider, if any, from whom the aggrieved person sought help;
 - (vi) maintenance of the record of applications, protection orders and the service providers operating in the area of jurisdiction; and
 - (vii) perform any other duties that may be assigned to the Protection Committee under this Act or the rules made there under.

19.(1) Members of the Protection Committee shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

(2) The Protection Committee may file an application for obtaining a protection order under section 11, if so desired by the aggrieved person.

(3) The Protection Committee may procure the assistance of any person or authority, and any person or authority so requested by the

Powers, privileges and immunities of Protection Committee.

10

Protection Committee, shall be under legal obligation to provide the desired assistance to the Protection Committee.

20. The Protection Committee may delegate any of its functions and powers to any of its member or members.

Delegation of functions and powers.

21.(1) Government shall, by notification in the official Gazette, appoint a gazetted officer to act as Protection Officer, for the purposes of this Act.

Protection Officer.

(2) The Protection Officer shall possess such qualifications and experience as may be prescribed under the rules.

22. It shall be the duty of the Protection Officer -

Duties of Protection Officer.

- (a) to make a domestic incident report to the Protection Committee, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the Protection Committee within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- (b) to make an application in such form and in such manner as may be prescribed to the court, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- (c) to ensure that the aggrieved person is provided legal aid;
- (d) to maintain a list of all service providers providing legal aid or counseling, shelter homes and medical facilities in a local area within the jurisdiction of the court;
- (e) to make available a safe place of residence, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the Protection Committee;
- (f) to get the aggrieved person medically examined, if he or she has sustained bodily injuries and forward a copy of the medical report to the Protection Committee having jurisdiction in the area where the domestic violence is alleged to have been taken place;
- (g) to ensure that the order for monetary relief under section 12 is complied with and executed in accordance with the procedure prescribed; and
- (h) to perform such other duties as may be prescribed.

23.(1) In any proceeding under this Act, the court may secure the services of a service provider.

Assistance of service provider.

(2) Service provider shall have all the privileges and immunities enjoyed by the Protection Committee.

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24. A service provider shall have the power to –

**Powers of
service provider.**

- (a) record the domestic incident in a prescribed form if the aggrieved person so desires, and forward a copy thereof to the Protection Officer having jurisdiction in the area where the domestic violence took place;
- (b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer within the local limits of which the domestic violence took place;
- (c) ensure that the aggrieved person is provided shelter in a safe place of residence, if he or she so requires and forward a report of the lodging of the aggrieved person in a safe place of residence to the Protection Committee within the local limits of the place where the domestic violence took place; and
- (d) provide the aggrieved person with any aid or assistance if he or she may so require.

25. Save as otherwise provided in this Act, all proceedings taken and offences committed under the provisions of this Act, shall be governed by the Code.

Procedure.

26. No suit, prosecution or other legal proceedings shall lie against any Protection Committee, Protection Officer or service provider for anything which is done in good faith or purported to be done under this Act.

**Protection of
actions taken in
good faith.**

27. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

**Act not in
derogation of
any other law.**

28. Chapter XXXII of the Code shall apply to an order passed under sections 10, 11, 12 and 13.

Revision.

29. Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

**Power to make
rules.**

30. If any difficulty arises in giving effect to any provision of this Act, Government may make an order not inconsistent with the provisions of this Act to remove the said difficulty.

**Removal of
difficulties.**

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**

EXTRAORDINARY

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The Sindh Government Gazette

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KARACHI MONDAY APRIL 11, 2016

PART-I

WOMEN DEVELOPMENT DEPARTMENT
Karachi dated the 22nd March, 2016

NO. SO(WD)/WDD-2-100/2016. In exercise of the powers conferred by section 29 of the Domestic Violence (Prevention and Protection) Act, 2013, the Government of Sindh is pleased to make the following rules namely:-

1. Short title and commencement.-(1) These rules may be called the Domestic Violence (Prevention and Protection) Rules 2016.

(2) They shall extend to the whole Province of Sindh.

(3) They shall come into force at once.

Chapter I

2. Definitions - in these rules, unless the context otherwise requires,-

(a) "Act" means the Domestic Violence (Prevention and Protection) Act, 2013;

(b) "Complaint" means any allegation made orally or in writing by any person to the Protection Officer;

(c) "Counsellor" means a member of a service provider competent to give counselling under sub-section 8 of the Act;

(d) "Rules" means The Domestic Violence (Prevention and Protection) Rules 2016

(e) "Section" means a section of the Act;

(f) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

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Chapter II:
Establishment and Functioning of the Commission on Domestic Violence

3. (1) The Provincial Government of Sindh shall constitute a Commission to be known as the Domestic Violence Commission (hereby referred to as "the Commission"), which shall be established in Karachi to exercise the powers conferred upon, and to perform the functions assigned to it, as per Section 4 of the Act.
- (2) The Commission shall consist of sixteen (16) members and shall include one (1) Chairperson and fifteen (15) Members.
- (3) The Secretariat of the Commission shall lie with the Women Development Department.
- (4) The Chairperson shall be the Minister of the Women Development Department.
- (5) The Members of the Commission shall include:
 - (i) The Secretary of the Women Development Department.
 - (ii) The Additional Secretary of the Women Development Department, who shall be the Secretary of the Commission.
 - (iii) Six (6) ex-officio members who shall be representatives of the Provincial Departments of Law, Finance, Social Welfare, Home, Human Rights and Health, not below the rank of Deputy-Secretary, and who shall not have the right to vote.
 - (iv) Chairperson, Sindh Commission of Human Rights.
 - (v) Chairperson, Sindh Commission on the Status of Women.
 - (vi) Two members of civil society.
 - (vii) Two members of the legal fraternity, one of whom shall be nominated by the Sindh Bar Council.
 - (viii) Two members of the media.
- (6) Delegation of representation by the Commission: - The ex-officio members of the Commission may nominate and delegate their representatives to attend Commission meetings.
- (7) If due to any circumstances, the Women Development Department is unable to take charge of the Commission, the Chief Minister may notify another Provincial Department to responsibility over the Secretariat of the Commission.
4. Appointment of Members of the Commission: - (1) The Women Development Department, Chairperson of the Sindh Commission of Human Rights and Chairperson Sindh Commission on the Status of Women shall compile a list of candidates fulfilling the qualifications identified in Rule 5 and present them to the Chief Minister.
5. Qualification of members: - (1) The ex-officio members and their delegated representatives shall not be below the rank of Deputy Secretary.
- (2) Members from civil society shall have at least ten (10) years of experience working on women's rights and issues.
- (3) The member nominated by the Sindh Bar Council shall have at least ten (10) years experience working on human rights cases and cases involving women's issues.
- (4) The member of the legal fraternity not nominated by the Sindh Bar Council shall have at least ten (10) years experience working in women's rights.

- (3) Members from the media shall have at least ten (10) years experience working, reporting or researching on women's rights and issues.
 - (6) Members of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).
- Provided that at least half of the members shall be women.
6. Term of Office of Member of the Commission: - (1) A person appointed as a Member of the Commission shall hold office for a term of three years from the date on which he or she enters upon his or her office. The term of the office may be extended only once.
- *1. The Member may resign his or her office in writing under his or her hand addressed to Chairperson of the Commission and on acceptance of such resignation; such vacancy shall be filled within thirty days for the unexpired term of the member.
7. Removal of Chairperson and Members: - The Chairperson and Members may be removed from office by the Chief Minister if he or she, as the case may be,
 - (a) is, after proper inquiry, found guilty of misconduct;
 - (b) is adjudged an insolvent;
 - (c) is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;
 - (d) does not attend two (2) consecutive meetings without a justifiable reason; and
 - (e) has, on conviction of any offence involving moral turpitude, been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release.
- Explanation-I "Misconduct" shall include behavior which is found to be discriminatory or biased against women.
- Explanation-II An inquiry shall be carried out into any charge of 'misconduct' by 2 members of the Commission and 1 independent member.
8. Acting Chairperson: - By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the Chief Minister shall appoint another woman from amongst the members of the Commission to act as Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.
9. Secretariat of the Commission: - (1) The Secretariat of the Commission shall lie with the Women Development Department at Karachi.
- (2) The Women Development Department shall have the administrative and financial responsibility of the Commission.
- (3) There shall be a separate desk and office for record keeping within the Women Development Department at Karachi.
- (4) Extra staff may be hired by the Women Development Department when and if deemed necessary.
10. Role and Responsibilities of the Commission: - The roles and responsibilities of the Commission as identified by Section 4(2) of the Act include:
 - (a) review from time to time the existing provisions of the law on domestic violence and suggest amendments therein, if any;

- (b) call for specific studies or investigation into specific incidence of domestic violence;
- (c) look into complaints and take suo moto notice of matters relating to domestic violence and the non-implementation of the law; and
- (d) participate and advise on the planning process for securing a safe environment free of domestic violence.
- (e) mobilize grants from domestic and international sources in order to meet any of its obligations and for the performing of its functions.
11. Appointment of a Sub Committee: - (1) There shall be a Sub Committee appointed consisting of five persons which shall be responsible to oversee the implementation of the decisions and recommendations of the Commission.
- (2) The Sub Committee shall set its own process and procedures with approval of the Commission.
- (3) The Commission may establish such other Committees from amongst its members as it deems fit and may refer to them any matter for consideration and report. Any such Committee shall be time barred. The Commission may, if it considers necessary, report to the Sub Committee, or any other Committee any person possessing special knowledge and expertise on the relevant subject.
12. Functioning of the Commission: - (1) The Commission shall meet at least quarterly at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.
- (2) All decisions of the Commission shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by the Chairperson.
- (3) The quorum for the meeting of the Commission shall not be less than one third of the total voting strength of the Commission.
- (4) The decisions of the Commission shall be taken by the majority of the members present. In case of a tie, the Chairperson shall have the casting vote.
- (5) No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.
- (6) In case of an emergency, the Sub Committee shall meet and respond as the situation may require. If deemed necessary, the Sub Committee may convene a meeting of the entire Commission.
- (7) While inquiring into complaints of violations of women's rights, the Commission may call for information or report from the Government, civil society organizations and autonomous or concerned bodies; and in this regard the Commission shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.
13. Annual Report of the Commission: - (1) The Commission shall prepare its Annual Report and it shall be presented to the Chief Minister and concerned Department. The Annual report shall include an account of its performance and utilization of funds.
- (2) The Annual Report of the Commission shall be laid and discussed in the Provincial Assembly.
14. Assistance to the Commission: - All Provincial executive authorities and departments shall assist the Commission in the performance of its functions.

Chapter III
Appointment of Protection Officer

- Appointment of Protection Officer: - (1) The Women Development Department shall appoint a gazetted officer not below the rank of BPS-17 as a Protection Officer in each district of Sindh, as per Section 2(1) of the Act, to perform duties and functions for the purposes of this Act.
- (2) The post shall be advertised through the newspaper.
 - (3) Preference shall be given to females.
 - (4) The appointment of the officer shall be notified through the Official Gazette.
 - (5) The Government through the Women Development Department, shall provide necessary office assistance to the Protection Officer for the efficient discharge of his or her functions under the Act and these rules.
16. Qualifications of the Protection Officer: - (1) The Protection Officer shall be a gazetted officer not below BPS-17.
- (2) The Protection Officer shall have at least 3 years experience in the social and welfare sector with a degree in law, social work, social sciences, psychology or gender, preferably with experience on working on issues relating to violence against women.
 - (3) If for any reason whatsoever a person identified in the sub-sections (1) to (2) are not available in a district, the Domestic Violence Commission through its Sub Committee may appoint any other person in their place on the basis of a majority vote.
17. Duties of the Protection Officer: - The duties of the Protection Officer are defined in Section 22 of the Act:
 - (a) to make a domestic incident report to the Protection Committee, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the Protection Committee within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
 - (b) to make an application in such form and in such manner as may be prescribed to the court, if the aggrieved person so desires, claiming relief for issuance of a protection order;
 - (c) to ensure that the aggrieved person is provided legal aid;
 - (d) to maintain a list of all service providers providing legal aid or counseling, shelter homes and medical facilities in a local area within the jurisdiction of the court;
 - (e) to make available a safe place of residence, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the Protection Committee;
 - (f) to get the aggrieved person medically examined, if he or she has sustained bodily injuries and forward a copy of the medical report to the Protection Committee having jurisdiction in the area where the domestic violence is alleged to have been taken place;

- (g) to ensure that the order for monetary relief under section 12 is complied with and executed in accordance with the procedure prescribed; and
(h) to perform such other duties as may be prescribed.

- 18. Reports of the Protection Officer.** - (1) The Protection Officer shall submit a written quarterly report to the Protection Committee established under Section 17 (1) of the Act.
(2) The Report shall contain details of every incident of domestic violence the Protection Officer investigated or was made aware of and his response and current status of the incident.

**Chapter IV
Establishment of Protection Committees**

- 19. Establishment of Protection Committees** (1) The Government through the Women Development Department shall establish Protection Committees (hereby referred to as "the Committee") in every district of Sindh under Section 17 (1) of the Act. The Protection Committees shall be constituted by notification in the Official Gazette.

- (2) The Members of the Protection Committee in each district, as identified in Section 17(2) of the Act shall comprise of a:

- (i) Women Development Department official, who shall be the Secretary;
- (ii) Social Welfare Officer, who shall be the Convener;
- (iii) Medical Practitioner;
- (iv) Psychologist;
- (v) Psycho-social worker;
- (vi) Official appointed by the court;
- (vii) Female police officer not below the rank of Sub-Inspector;
- (viii) Two women members from civil society; and
- (ix) Protection Officer.

- (3) If for any reason whatsoever a person identified in the sub-section (1) is not available in a district, the Women Development Department in consultation with the Domestic Violence Commission through its Sub-Committee may appoint any other person in their place on the basis of a majority vote.

- 20. Appointment of Members of the Protection Committees.** - (1) The Women Development Department, through its district offices shall compile a list of persons with the relevant qualifications for Members of the Committee as specified by Section 21 of this Act.

Explanation: Members of the Committee shall include all members with the exception of the Protection Officer who shall be appointed as per the procedure identified in Section 14 of the Rules.

- (2) The Commission shall finalize the Members of the Committees from the list identified by the Women Development Department.
(3) The Minister Women Development Department shall notify the Protection Committees.

- 21. Qualification of members.** - (1) All Members, with the exception of the Women Development Department Officer, Social Welfare Officer and Police Officer, shall have at least ten (10) years' experience working on social and women's issues.

- (2) Any gazetted officer shall not be below the rank of BPS-17.
- (3) The Women Development Department and Social Welfare Officer shall not be below the rank of BPS-17.
- (4) The police officer shall not be below the rank of DSP.
- (5) In case of non-availability of required qualifications, the Women Development Department in consultation with the Sub Committee of the Commission may make recommendations on the qualifications of alternative members;
- (6) Members of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

- 22. Term of Office of Member of the Commission.** - (1) A person appointed as a Member of the Committee shall hold office for a term of three years from the date on which he or she enters upon his or her office. The term of the office may be extended only once.

- (2) The Member may resign his or her office in writing under his or her hand addressed to Chairperson of the Committee and on acceptance of such resignation such vacancy shall be filled within thirty days for the unexpired term of the member.

- 23. Role and Responsibilities of the Protection Committee.** - (1) The role and responsibility of the Committees as identified by Section 18 of the Act include:

- a) inform the aggrieved person of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;
- b) assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence;
- c) if necessary, and with the consent of the aggrieved person, assist the aggrieved person in relocating to a safer place acceptable to the aggrieved person, which may include the house of any relative or family friend or other safe place or if any, established by a service provider;
- d) assist the aggrieved person in the preparation of and filing of any petition or report under this Act, the Code or any other law for the time being in force;

- (e) keep official record of the incidents of domestic violence in its area of jurisdiction, whether on the basis of information received or suo moto inquiry, irrespective of whether or not action is taken under this Act. Such record shall include -

- (i) the first information received about the incident of domestic violence;
- (ii) the assistance, if any, offered or provided by the Protection Committee to the aggrieved person;
- (iii) where applicable the reason for not taking action under this Act when an incident was brought to the notice of the Protection Committee;
- (iv) where applicable, the reason for the aggrieved person's refusal to take assistance from the Protection Committee;
- (v) the names and contact details of the service provider, if any, from whom the aggrieved person sought help;
- (vi) maintenance of the record of applications, protection orders and the service providers operating in the area of jurisdiction; and
- (vii) perform any other duties that may be assigned to the Protection Committee under this Act or the rules made there under.

- 24. Functioning of the Committee.** - (1) The Committee in its first meeting which shall be convened by the Convener, shall appoint through a simple majority vote, a Chairperson.

- (2) The Committee shall meet quarterly at such times and at such place as the Chairperson may decide.
- (3) The convener may call additional meetings with the permission of the Chairperson if and when required.
- (4) In addition to discussing any cases of domestic violence the Committee may be handling, the committee shall also evaluate its work, process and the situation of domestic violence in its district;
- (5) All decisions of the Committee shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by the Chairperson.
- (6) The quorum for the meeting of the Committee shall not be less than one third of the total voting strength of the Committee.
- (7) The decisions of the Committee shall be taken by the majority of the members present. In case of a tie, the Chairperson of the meeting shall have the casting vote.
- (8) No act or proceeding of the Committee shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Committee.
- (9) In case of an emergency, the Protection Officer shall call an emergency meeting to shall meet and decide as the situation may require. If deemed necessary, the Committee may appoint a smaller sub-committee to respond to the situation at hand. Any such sub-committee shall be time-barred.

- (d) While inquiring into complaints of violations of women's rights, the Committee may call for information or report from the Government, civil society organizations and autonomous or concerned bodies, and in this regard the Committee shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.

- 25. Removal of Chairperson and Members.** - The Chairperson and Members may be removed from office if he or she, as the case may be,

- (a) is, after proper inquiry, found guilty of misconduct;
- (b) is adjudged as insolvent;
- (c) is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;
- (d) Does not attend two (2) consecutive meetings without a justifiable reason; and
- (e) Has, on conviction of any offence involving moral turpitude, been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release.

Explanation: "Misconduct" shall include behavior which is found to be discriminatory or biased against women.

Explanation: An inquiry shall be carried out into any charge of "misconduct" by 2 members of the Commission and 1 independent member.

- 26. Acting Chairperson.** - By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the Commission shall appoint another person from amongst the members of the Committee to act as Chairperson for a period not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

- 27. Secretariat of the Committee.** - (1) The Secretariat of the Committee shall lie with each District Women Development Department.

- (2) The District Women Development Departments shall have the administrative and financial responsibility of the Committee.
- (3) There shall be a separate desk, office for record and staff keeping within the district offices of the Women Development Department.
- (4) Extra staff may be hired for the offices by the Women Development Department when and if deemed necessary.

Provided that for any reason the Women Development Department is unable to hold a Secretariat of a Committee, the Chief Minister may appoint another provincial department to hold the Secretariat and report to the Secretary, Women Development Department.

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21. **Reporting of the Committees.** - (1) The Committees shall prepare and send a quarterly report to the Commission.

(2) The Committees shall prepare and present an Annual Report and shall be presented to the Commission and concerned Department. The Annual report shall include an account of its performance and utilization of funds.

29. **Assistance to the Committees.** - All Provincial executive authorities and Departments shall assist the Committees in the performance of its functions.

Chapter V
Miscellaneous

30. **Information to Protection Officers.** - (1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed may give information about it to the Protection Officer having jurisdiction in the area either orally or in writing.

(2) In case the information is given to the Protection Officer under sub-section (1) orally, he or she shall cause it to be reduced into writing and shall ensure that the same is read out, understood and signed by the person giving such information and in case the informer is not in a position to furnish written information the Protection Officer shall keep a confidential record of the identity of the person giving such information.

(3) The Protection Officer shall give a copy of the information recorded by him immediately to the informant free of cost.

31. **Domestic incident reports.** - (1) Upon receipt of a complaint of domestic violence, the Protection Officer shall prepare a domestic incident report in the form prescribed as FORM 1 and submit the same to the Magistrate and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction of which the domestic violence alleged to have been committed has taken place and to the service providers in that area.

(2) Upon a request of any aggrieved person, a service provider may record a domestic incident report and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence is alleged to have taken place.

32. **Petitions to the Magistrate.** - (1) An aggrieved person shall prepare a written petition to submit to the concerned Magistrate.

(2) An aggrieved person may seek the assistance of the Protection Officers in preparing her or his petition and forwarding the same to the concerned Magistrate.

(3) In case the aggrieved person is illiterate, the Protection Officer shall read over the petition and explain to her or him the contents thereof.

(4) The petitions under section 7 of the Act shall be dealt with and the orders enforced in the same manner laid down under the Code of Criminal Procedure, 1999.

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33. **Action to be taken in cases of emergency.** - If the Protection Officer or a service provider receives reliable information through any mode of communication including e-mail, telephone call or otherwise from the aggrieved person, an informer or from any person who has reason to believe that an act of domestic violence is being or is likely to be committed and in a such an emergency situation, the Protection Officer or the service provider, as the case may be, shall seek immediate assistance of the police who shall accompany the Protection Officer or the service provider, as the case may be, to the place of occurrence and record the domestic incident report and present the same to the Magistrate without any delay for seeking appropriate orders under the Act.

34. **Certain other duties of the Protection Officers.** - (1) The Protection Officer, if directed to do so in writing, by the Magistrate shall-

(a) conduct a home visit of the shared household premises and make preliminary enquiry if the court requires clarification, in regard to granting ex-parte interim relief to the aggrieved person under the Act and pass an order for such home visit;

(b) after making appropriate enquiry, file a report on the emoluments, assets, bank accounts or any other documents as may be directed by the court;

(c) resolve the possession of the personal effects including gifts and jewelry of the aggrieved person and the shared household to the aggrieved person;

(d) assist the aggrieved person to regain custody of children and secure rights to visit them under his or her supervision as may be directed by the court;

(e) assist the court in enforcement of orders in the proceedings under the Act in the manner directed by the Magistrate, including orders under section 10, section 11, section 12, section 13 or section 14 in such manner as may be directed by the court;

(f) take the assistance of the police, if required, in confiscating any weapon involved in the alleged domestic violence.

(2) The Protection Officer shall also perform such other duties as may be assigned to him by the Government or the Magistrate in giving effect to the provisions of the Act and these rules from time to time.

(3) The Magistrate may, in addition to the orders for effective relief in any case, also issue directions relating general practice for better handling of the cases, to the Protection Officers within his jurisdiction and the Protection Officers shall be bound to carry out the same.

35. **Means of service of notices.** - (1) The notice for appearance in respect of the proceedings under the Act shall contain the names of the person alleged to have committed domestic violence, the nature of domestic violence and such details which may facilitate the identification of person concerned.

(2) The Court may issue notices as per the Civil Procedure Code 1908 and the Code of Criminal Procedure 1898 by all three modes at once, namely, through Bailiff, posting and publication all at once and if notice is served by any of these modes, the notice shall be deemed to have been served.

(3) The notice may be served at the place of residence of the accused or where he or she is gainfully employed.

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(b) In addition to the procedure prescribed under the Civil Procedure Code 1908 and Code of Criminal Procedure 1898, the court may direct any other steps necessary with a view to expediting the proceedings to adhere to the time limit provided in the Act.

(3) On statements on the date fixed for appearance of the respondent, or a report of the person authorized to serve the notices under the Act, that service has been effected appropriate orders shall be passed by the court on any pending application for interim relief, after hearing the complainant or the respondent, or both.

(4) When a protection order is passed restraining the respondent from entering the shared household or the respondent is ordered to stay away or not to contact the aggrieved person, no action of the aggrieved person including an invitation by the aggrieved person shall be considered as waiving the restraint imposed on the respondent, by the order of the court, unless such protection order is duly modified in accordance with the Act.

36. **Appointment of Counselors.** - (1) A person from the list of available Counselors forwarded by the Protection Officer, shall be appointed as a Counselor, under intimation to the aggrieved person.

(2) The following persons shall not be eligible to be appointed as Counselors in any proceedings, namely:-

(i) any person who is interested or connected with the subject matter of the dispute or is related to any one of the parties or to those who represent them unless such objection is waived by all the parties in writing,

(ii) any legal practitioner who has appeared for the respondent in the case or any other suit or proceedings connected therewith.

(3) The Counselors shall as far as possible be women.

37. **Procedure to be followed by Counselors.** - (1) The Counselor shall work under the general supervision of the court or the Protection Officer or both.

(2) The Counselor shall convene a meeting at a place convenient to the aggrieved person or both the parties.

(3) The factors warranting counseling shall include the factor that the respondent shall furnish an undertaking that he would refrain from causing such domestic violence as complained by the aggrieved person and in appropriate cases an undertaking that he will not try to meet, or communicate in any manner through letter or telephone, electronic mail or through any medium except in the counseling proceedings before the counselor or as permissibly by law or order of a court of competent jurisdiction.

(4) The Counselor shall conduct the counseling proceedings bearing in mind that that the counseling shall be in the nature of getting an assurance, that the incidence of domestic violence shall not get repeated.

(5) The respondent shall not be allowed to plead any counter justification for the alleged act of domestic violence in counseling and the fact that any such justification for the act of domestic violence by the respondent is not allowed to be a part of the Counseling proceeding should be made known to the respondent before the proceeding begin.

(6) The respondent shall furnish an undertaking to the Counselor that he would refrain from causing such domestic violence as complained by the aggrieved person and in appropriate cases an undertaking that he will not try to meet, or communicate in any manner through letter or telephone, e-mail, or through any

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other medium except in the counseling proceedings before the Counselor.

(1) If the aggrieved person so desires, the Counselor shall make efforts of arriving at a settlement of the matter.

(2) The limited scope of the efforts of the Counselor shall be to arrive at the understanding of the grievances of the aggrieved person and the best possible redressal of her or his grievances and the efforts shall be to focus on evolving remedies or measures for such redressal.

(3) The Counselor shall strive to arrive at a settlement of the dispute by suggesting measures for redressal of grievances of the aggrieved person by taking into account the measures or remedies suggested by the parties for counselling and reformulating the terms for the settlement, wherever required.

(4) The Counselor shall not be bound by the provisions of the Law of Evidence 1984 or the Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1898, and his or her action shall be guided by the principles of fairness and justice and aimed at finding way to bring an end domestic violence to the satisfaction of the aggrieved person and in making such an effort the Counselor shall give due regard to the wishes and sensibilities of the aggrieved person.

(5) The Counselor shall submit his or her report to the Magistrate as expeditiously as possible for appropriate action.

(6) In the event the Counselor arrives at a resolution of the dispute, she or he shall record the terms of settlement and get the same endorsed by the parties.

(7) The court may, on being satisfied about the efficacy of the solution and after making a preliminary enquiry from the parties and after recording reasons for such satisfaction, which may include undertaking by the respondents to refrain from repeating acts of domestic violence, admitted to have been committed by the respondents, accept the terms with or without conditions.

(8) The court shall, on being so satisfied with the report of counseling, pass an order, recording the terms of the settlement or an order modifying the terms of the settlement on being so requested by the aggrieved person, with the informed and voluntary consent of the parties.

(9) In cases, where a settlement cannot be arrived at in the counseling proceedings, the Counselor shall report the failure of such proceedings to the Court and the court shall proceed with the case in accordance with the provisions of the Act.

(10) The record of proceedings shall not be deemed to be material on record in the case on the basis of which any inference may be drawn or an order may be passed solely based on it.

(11) The Court shall pass an order, only after being satisfied that the application for such an order is not vitiated by force, fraud or coercion or any other factor and the reasons for such satisfaction shall be recorded in writing in the order, which may include any undertaking or surety given by the respondent.

38. **Breach of Protection Orders.** - (1) An aggrieved person may report a breach of protection order or an interim protection order to the Protection Officer.

(2) Every report referred to in sub-section (1) shall be in writing by the aggrieved person or informer and duly signed by him or her.

(3) The Protection Officer shall forward a copy of such complaint with a copy of the protection order of which a breach is alleged to have taken place to the concerned Magistrate for appropriate orders.

(4) The Aggrieved person may, if she or he so desires, make a complaint of breach of protection order or interim protection order directly to the Magistrate or the Police, if she or he so chooses.

(5) If, at any time after a protection order has been breached, the aggrieved person seeks his assistance, the protection officer shall immediately requisitise her or him by seeking help from the local police station and assist the aggrieved person to lodge a report to the local police authorities in appropriate cases.

(6) When charges are framed under sections 5 or 15 of this Act, or any other offence not summarily triable, the Court may separate the proceedings for such offences to be tried in the manner prescribed under Code of Criminal Procedure, 1989 and proceed to summarily try the offence of the breach of Protection Order under section 15.

(7) Any resistance to the enforcement of the orders of the Court under the Act by the respondent or any other person purporting to act on his behalf shall be deemed to be a breach of protection order or an interim protection order covered under the Act.

(8) A breach of a protection order or an interim protection order shall immediately be reported to the local police station having territorial jurisdiction and shall be dealt with as a cognizable offence.

(9) While enlarging the person on bail arrested under the Act, the Court may, by order, impose the following conditions to protect the aggrieved person and to ensure the presence of the accused before the court, which may include-

(a) an order restraining the accused from threatening to commit or committing an act of domestic violence;

(b) an order preventing the accused from harassing, telephoning or making any contact with the aggrieved person;

(c) an order directing the accused to vacate and stay away from the residence of the aggrieved person or any place she is likely to visit;

(d) an order prohibiting the possession or use of firearm or any other dangerous weapon;

(e) an order prohibiting the consumption of alcohol or other drugs;

(f) any other order required for protection, safety and adequate relief to the aggrieved person.

39. Shelter to the aggrieved person- (1) On a request being made by the aggrieved person, the Protection Officer or a service provider may make a request to the person in charge of a shelter home in writing.

(2) When a Protection Officer makes a request referred to in sub-section (1), it shall be accompanied by a copy of the domestic incident report registered by the Protection Officer.

Provided that shelter home shall not refuse shelter to an aggrieved person under the Act, for her not having lodged a domestic incident report, prior to the making of request for shelter in the shelter home.

(3) If the aggrieved person so desires, the shelter home shall not disclose the identity of the aggrieved person in the shelter home or communicate the same to the person complained against.

40. Medical Facility to the aggrieved person- (1) The aggrieved person or the Protection Officer or the service provider may make a request to a person in charge of a medical facility in writing.

(2) When a Protection Officer makes such a request, it shall be accompanied by a copy of the domestic incident report.

Provided that the medical facility shall not refuse medical assistance to an aggrieved person under the Act, for the not lodging a domestic incident report, prior to making a request for medical assistance or examination to the medical facility.

(3) If no domestic incident report has been made, the person-in-charge of the medical facility shall make a domestic incident report and forward the same to the local Protection Officer.

(4) The medical facility shall supply a copy of its medical examination report to the aggrieved person free of cost.

ALJAZ AHMED/MANGI
Secretary to Government of Sindh

FORM NO. I

Form and manner - Domestic Incident Report under Sindh Domestic
Violence (Prevention and Protection) Act 2013

1. Name of the complainant/aggrieved person
2. Address
3. Mode of transmission of complaint
Oral/verbal _____ Writing _____
4. Nature of complaint (brief gist)
(Enclosed copy of the complaint)
5. Name/Address of the respondent
6. Person to whom information first communicated.
7. Report recorded by:- protection officer/ service provider _____
8. Designation /address

(Signature/thump impression of complainant)

(Counter signature of SP/PO)

Complaint Received by:

1. Name/designation of Protection Officer
2. Address
3. Whether the complaint is covered under Section 5 of the Act.
Yes _____ No _____

Signature of Protection Officer

Copy forwarded to:-

1. Local police station
2. Service provider
3. Complainant
4. Magistrate

Karachi: Printed at the Sindh Government Press
11-4-2016



Sindh Human Rights Commission
Government of Sindh

INWARD No. 6896/2024

Dated 28/06/2024 @ 12:15 PM.

No.

SO-(WD) 1-10/2024/433

GOVERNMENT OF SINDH
WOMEN DEVELOPMENT DEPARTMENT

Dated, 27 June, 2024

To,

✓ Barrister Rida Tahir,
Legal Adviser,
Sindh Human Rights Commission.

SUBJECT: ESTABLISHMENT OF DISTRICT PROTECTION COMMITTEE AND APPOINTMENT OF PROTECTION OFFICERS ACROSS ALL DISTRICTS IN SINDH AND OTHER MECHANISMS AS MANDATED UNDER THE DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT 2013 AND RULES 2016

I am directed to refer to the letter No. SHRC/GOS/16516/4296/2024 dated, 15-04-2024, on the subject cited above. In the mentioned letter, it was requested to apprise the Sindh Human Rights Commission of the steps being taken to implement the provisions of the above-mentioned Act particularly i.e. Establishment of Protection Committees, Appointment of District Protection Officer and Installation of other Mechanisms under the Domestic Violence (Prevention and Protection) Act 2013 and Rules 2016.

In this regard, kindly find attached all necessary documents for your information and perusal.

Enclosures attached


Section Officer (WD)

Copy forwarded for information to:-

1. The P.S to Minister, Women Development Department.
2. The P.A to Secretary, Social Welfare Department.
3. The P.A to Secretary, Human Rights Department.
4. The P.A to Secretary, (Implementation & Coordination) SGA&CD.
5. The P.A to Secretary, Women Development Department.



ANNEX-8F/D 01
NO. SO (WD)/WDD/2-100/2016 /762
GOVERNMENT OF SINDH
WOMEN DEVELOPMENT DEPARTMENT
Karachi dated 19th September, 2018

The Deputy Commissioner, *all*

Subject: APPOINTMENT OF MEMBERS OF THE PROTECTION COMMITTEE UNDER SECTION 19 OF DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) RULES, 2016

I am directed to refer to the subject noted above and to state that under section 19 of Domestic Violence (Prevention and Protection) Rules, 2016, a Protection Committee shall be constituted by Women Development Department and under section 20 of the aforesaid Rules, the Women Development Department through its district offices shall compile a list of persons with the relevant qualification. The members of the Protection Committee in each district shall comprise as under:

1. Medical Practitioner (having at least ten (10) years' experience working on social and women's issues)
2. Psychologist (having at least ten (10) years' experience working on social and women's issues)
3. Psycho-Social Worker (having at least ten (10) years' experience working on social and women's issues)
4. Official appointed by the Court (having at least ten (10) years' experience working on social and women's issues)
5. Female Police Officer (not below the rank of Sub Inspector)
6. Two women members from Civil Society (having at least ten (10) years' experience working on social and women's issues)

2. Since our District Office is not functioning in your District, it is therefore, requested to please compile a list of persons in your district with the relevant qualification and send to this office at an early date, so that District Protection Committee could be notified.

5/9/18
Q
(QAZI ABID ALI)
SECTION OFFICER (WD)
For Secretary to Govt. of Sindh

A copy is forwarded to:

1. PS to Minister to Women Development Department
2. PS to Secretary Women Development Department.

District Protection Committee Under Domestic Violence Act, 2013.

SR #	Nominations Received
1.	Mirpurkhas
2.	Matiari
3.	Jamshoro
4.	Khairpur
5.	Larkana
6.	Hyderabad
7.	Sukkur
8.	Shikarpur
9.	Shaheed Benazirabad
10.	Naushahro Feroze
11.	Qambar Shahdadkot
12.	Sanghar
13.	Jacobabad
14.	Badin
15.	Tando Muhammad Khan

District Protection Committee Under Domestic Violence Act, 2013.

SR #	Nominations Still not Received
1.	Dadu
2.	Ghotki
3.	Umerkot
4.	Sujawal
5.	Thatta
6.	Tando Allahyar
7.	Kashmore
8.	Malir, Karachi
9.	West, Karachi
10.	South, Karachi
11.	North, Karachi
12.	East, Karachi
13.	Korangi, Karachi
14.	Tharparkar



Head Office Karachi:

Room No. 408, 414, 4th Floor, Sindh Secretariat,
Building No. 03 (Old KDA Building),
Kamal Ata Turk Road, Karachi -74200

- ☎ 021-99217318, 021-99213328
- ☎ 021-99217317
- ☎ 0333-9217323
- ✉ info@shrc.org.pk
- 🌐 www.shrc.org.pk
- ✂ SHRC_offical
- 📘 SindhHumanRightsCommission

Regional Office Sukkur:

Sukkur District Women Development Complex,
Near SRSO Complex, Main Shikarpur Road
National Highway, Opposite Govt. College
of Physical Education Sukkur

- ☎ 071-5824055
- ☎ 071-5824053
- ✉ shrcsukkur.gos@gmail.com

Regional Office Larkana:

Room No. 5 & 6, 3rd Floor,
Commissioner Office, Larkana

- ☎ 074-9410352

SOHRIS

State of Human Rights in Sindh
www.sohris.com