

Unveiling Shadows: Gender-Based Violence in Pakistan

An Overview of Gender-Based Violence Cases - 2023



Special Report

Law & Justice Commission of Pakistan

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Executive Summary

The Law and Justice Commission of Pakistan, in alignment with the Government of Pakistan and the Supreme Court's steadfast commitment to upholding human rights enshrined in the Constitution, presents a comprehensive report on "An Overview of Gender-Based Violence Cases-2023." This report meticulously examines the landscape of Gender-Based Violence (GBV) cases across Pakistan, aiming to shed light on the challenges faced, the progress made, and the necessary steps forward to ensure justice and protection for GBV victims.

Throughout the report, an in-depth analysis is conducted across three key sections. Firstly, the province-wise distribution of GBV cases from January to December 2023 is explored. Significant variations are observed in the number of courts assigned, the institution of new cases, disposal rates, and resulting pendency across different provinces. Notably, Punjab experiences a notable increase in case pendency, leading to a substantial backlog despite significant cases being decided. Conversely, Sindh and Khyber Pakhtunkhwa show more modest increases, while Balochistan and Islamabad present unique trends in case dynamics, underscoring the need for tailored judicial strategies.

Secondly, a breakdown of GBV cases by specific categories such as sexual violence, abduction, gender-based killing, and economic violence is provided. This analysis highlights critical areas for judicial and social intervention, with sexual violence cases showing the highest increase in pendency. Conversely, categories like economic violence show a decrease in pendency, indicating progress in certain areas. These findings emphasize the importance of tailored legal frameworks and targeted interventions to address the distinct characteristics of each category of GBV.

Finally, the outcomes of GBV cases, including conviction and acquittal rates, are scrutinized. Alarming, the overall conviction rate remains low at 5%, with a high acquittal rate of 64%, indicating systemic inefficiencies and the need for procedural reforms. Detailed data from each province reveals consistent patterns of low conviction and high acquittal rates, necessitating a comprehensive review of judicial processes and the implementation of robust accountability mechanisms.

In response to these findings, the report presents an analysis for conducting a thorough review of acquittal cases and recommendations for enhanced trainings for judicial officers and prosecutors, strengthening victim support services, increasing public awareness, improving case management practices, reviewing legislation, ensuring adequate resource allocation, and establishing robust monitoring and accountability systems.

In conclusion, this report serves as a vital tool in understanding the current state of GBV cases in Pakistan and sets the stage for future actions and reforms. The Law and Justice Commission of Pakistan reaffirms its commitment to transparency, accountability, and the protection of human rights for all citizens. The next comprehensive report will be developed at the end of the year, continuing our dedication to creating a more just and equitable society where every individual can live free from fear and violence.

Section-1: Province-wise Details of Cases - January to December, 2023

Following is the province-wise breakdown of Gender-Based Violence (GBV) courts, including the number of cases instituted, decided, and pending.

Province	Number of Courts Assigned to Adjudicate GBV Cases	Previous Pendency	Number of Cases Instituted	Number of Cases Decided	Current Pendency
Punjab	196	16,958	42,990	25,598	34,350
Sindh	27	1,453	1,515	1,473	1,495
Khyber Pakhtunkhwa	105	2,230	1,738	1,421	2,547
Balochistan	150	170	432	428	174
Islamabad	2	1,080	1,720	1,711	1,089
Total	480	21,891	48,395	30,631	39,655

Overview of Findings

- National Overview:** In Pakistan, a total of 480 courts were designated to adjudicate GBV cases in the year 2023. The initial backlog as of January 1st, 2023, stood at 21,891 cases. Throughout the year, 48,395 new cases were instituted, and 30,631 cases were resolved, resulting in an outstanding backlog of 39,655 cases by December 31st, 2023. This indicates a significant increase in case pendency by approximately 81%.
- Punjab:** Punjab had 196 courts assigned to GBV cases. The initial backlog was 16,958 cases. Over the year, 42,990 new cases were instituted, and 25,598 cases were decided, resulting in a remaining backlog of 34,350 cases. This represents an increase of more than 100% in the pendency of GBV cases.
- Sindh:** Sindh had 27 courts assigned to GBV cases. The initial backlog was 1,453 cases. During 2023, 1,515 new cases were instituted, and 1,473 cases were decided, leading to a remaining backlog of 1,495 cases. This reflects a modest 3% increase in case pendency.
- Khyber Pakhtunkhwa:** Khyber Pakhtunkhwa had 105 courts assigned to GBV cases. The initial backlog was 2,230 cases. Throughout the year, 1,738 new cases were instituted, and 1,421 cases were resolved, resulting in a remaining backlog of 2,547 cases. This denotes a 14% increase in case pendency.

- **Balochistan:** Balochistan had 150 courts assigned to GBV cases. The initial backlog was 170 cases. Over the year, 432 new cases were instituted, and 428 cases were resolved, leaving a remaining backlog of 174 cases. This indicates a slight increase of 2% in case pendency.
- **Islamabad:** In Islamabad GBV cases were assigned to 2 courts. The backlog in the start of the year was 1,080 cases. During 2023, 1,720 new cases were instituted, and 1,711 cases were decided, resulting in a remaining backlog of 1,089 cases. This shows a marginal increase of about 1% in case pendency.

Section-2: Category-wise Details of Cases - January to December, 2023

The following is a consolidated statement detailing the categories of GBV cases, including their institution, disposal, and pendency:

Category of Cases	Previous Pendency	Number of Cases Instituted	Number of Cases Decided	Current Pendency	Increase / Decrease Percentage in the Pendency of Cases
Sexual Violence (PPC)	15,943	37,480	21,293	32,130	101%
Abduction, Kidnapping & Selling of Person (PPC)	1,931	4,832	2,992	3,771	95%
Gender-Based Killing (PPC)	1,070	1,188	888	1,370	28%
Gender-Based Hurt (PPC)	1,848	1,998	2,620	1,226	-36%
Offences Relating to Marriage (PPC)	4	902	724	182	4450%
Economic Violence (PPC)	6	23	27	2	-66%
Gender-Based Intimidation/Threatening (PPC)	644	1,126	1,344	426	-33%
Gender-Based Electronic Crimes (PECA)	445	846	743	548	23%
Total	21,891	48,395	30,631	39,655	81%

Points of Attention

From the data presented above, several significant trends and insights can be drawn regarding the pendency and resolution of GBV cases in 2023:

- **Overall Increase in Pendency:** There is an overall increase of 81% in the pendency of GBV cases across all categories. This underscores a growing backlog that the judicial system must address.
- **Sexual Violence:** The category of sexual violence, governed by sections 376, 376(2), 376(3), 376(4), 377, 354, 354-A, and 509 of the Pakistan Penal Code (PPC), has the highest number of pending cases, totaling 32,130. This represents a significant increase in pendency, indicating the highest rate of both institution and disposal of cases within this category.
- **Abduction, Kidnapping, and Selling of Persons:** Under sections 362-374, 365-B, 364-A, 369, and 371-A of the PPC, this category has the second highest number of pending cases at 3,771.
- **Gender-Based Killing:** This category, which includes sections 300-302, 324, and 315 of the PPC, shows an increase in pendency, with a total of 1,370 pending cases.
- **Gender-Based Hurt:** Cases categorized under sections 322, 337-A to 337-Z, and 336-B of the PPC show a significant decrease in pendency, resulting in 1,226 pending cases. This indicates effective case resolution within this category.

- **Offences Relating to Marriage:** Governed by sections 310-A, 498-B, and 498-C of the PPC, this category has seen a substantial increase in pendency, totaling 182 cases.
- **Economic Violence:** Under section 498-A of the PPC, there is a notable decrease in the pendency of cases, leaving only 2 pending cases.
- **Gender-Based Intimidation/Threatening:** Under sections 506 of the PPC, this category experienced a decrease in pendency, with 426 cases remaining.
- **Gender-Based Electronic Crimes:** Governed by sections 3, 4, 11, 12, 14, 17, 18, 19, 19A, 20, 21, 22, and 23 of the Prevention of Electronic Crimes Act (PECA), this category shows an increase in pendency, with 548 cases pending.

Analysis of GBV Cases:

In light of the findings, following is a detailed analysis of the variations in the percentages of different categories of GBV cases. This information requires study on the underlying causes resulting in the significant increase of cases need to be analyzed particularly in cases of sexual violence, offences relating marriage and Abduction, Kidnapping & Selling of persons. The community awareness and education programs may help in reducing such GBV cases.

1. **Sexual Violence Cases:** Throughout the year, there was a significant increase in pending cases, rising by 16,187 cases from 15,943 to 32,130. There is an urgent need to investigate the root causes contributing to the high incidence of sexual violence cases.
2. **Abduction, Kidnapping & Selling of Persons:** The number of these cases increased significantly during the year, rising by 1,840 cases (95%) from 1,931 to 3,771 cases. There is a critical need to investigate the social and economic factors driving this increase and to strengthen preventive measures and enhance investigative techniques to expedite case resolution. Collaboration with relevant agencies is also essential to address the root causes of abduction and human trafficking.
3. **Gender-Based Killing:** There was a modest increase of 300 cases (28%) in this category, rising from 1,070 to 1,370 over the course of the year. It is crucial to analyze the underlying reasons for the significant rise in gender-based killings. Additionally, there is a need to prioritize community awareness and education programs aimed at preventing gender-based violence at its root.
4. **Gender-Based Hurt:** There has been a notable decrease of 622 cases (36%) in this category, declining from 1,848 to 1,226 cases over the year. It is essential to ensure ongoing monitoring and support for victims to sustain this positive trend.
5. **Offences Relating to Marriage:** The number of these cases increased significantly from 4 to 182 cases over the year. There is a critical need to investigate the rise in pending marriage-related offences and identify the key contributing factors. Additionally, it is imperative to strengthen legal

protections and launch awareness campaigns aimed at addressing forced marriages and related issues.

6. **Economic Violence:** There has been a significant decrease of 4 cases, from 6 to 2 cases (66%) over the course of the year. It is crucial for relevant authorities to continue implementing and reinforcing effective measures that contributed to this decline in economic violence cases. Understanding the reasons behind this reduction is essential. It is imperative to prioritize maintaining this trend to prevent any resurgence of such cases.
7. **Gender-Based Intimidation/Threatening:** The number of pending cases in this category decreased by 218 cases (33%), from 644 to 426 cases over the year. It is essential for relevant authorities to promote legal literacy programs aimed at educating the public about the consequences of gender-based intimidation. Additionally, efforts should focus on maintaining and enhancing protections for victims to ensure their safety and willingness to report incidents.
8. **Gender-Based Electronic Crimes:** The number of pending cases in this category rose by 103 cases (23%), increasing from 445 to 548 cases over the year. There is a critical need to analyze the surge in electronic crimes and identify both technological advancements and social factors driving these offenses. Cybercrime units must be fortified and encouraged to bolster collaboration with technology companies for improved tracking and prevention of such crimes. Additionally, there is a pressing need to intensify public awareness campaigns about the legal consequences of electronic crimes and promote preventive measures.

Section-3: Conviction & Acquittal - January to December 2023

The following table provides a comprehensive breakdown of the status of Gender-Based Violence cases tried and decided, including conviction and acquittal rates across various provinces in Pakistan:

Province	Total Number of Cases Tried	Number of Cases Decided	Convicted	Acquitted under s.249-A or 265-K Cr.P.C	Proceedings Stopped under s.249 Cr.P.C	Acquitted After Completion of Trial	Total Acquitted
Punjab	59,948	25,598	1,006	10,790	769	4,874	16,433
Sindh	2,585	1,473	83	158	32	916	1,106
Khyber Pakhtunkhwa	2,924	1,241	88	556	54	181	791
Balochistan	602	427	34	135	8	133	276
Islamabad	2,243	1,556	240	512	73	312	897
Total	68,302	30,295	1,451	12,151	936	6,416	19,503

Province	Compromised	Adjourned Sine Die	Proceedings Initiated under s.512 Cr.P.C	Percentage Conviction	Percentage Acquittal
Punjab	1,907	589	5,097	4%	64%
Sindh	103	31	150	6%	75%
Khyber Pakhtunkhwa	313	21	176	7%	64%
Balochistan	51	32	34	8%	65%
Islamabad	209	28	133	15%	58%
Total	2,583	701	5,590	5%	64%

From the table above, it is clear that the overall conviction rate for Gender-Based Violence (GBV) cases nationwide is alarmingly low at 5%, with an acquittal rate of 64%. Similar trends in conviction and acquittal rates are observed across provinces, underscoring systemic issues that require uniform and comprehensive addressing.

Analysis of Conviction and Acquittal

The analysis of Gender-Based Violence (GBV) cases tried and decided in 2023 reveals significant challenges in achieving justice for victims, characterized by low conviction rates and high acquittal rates, particularly under sections 249A and 265-K of the Criminal Procedure Code (Cr.P.C.). To understand the common factors contributing to these outcomes, it is crucial to conduct a comprehensive examination.

Factors contributing to the low conviction and high acquittal rates may include inadequate evidence handling, procedural lapses, challenges in witness testimony, and inconsistencies in legal application. These issues underscore the urgent need for specialized training for judicial and law enforcement personnel involved in handling GBV cases. Such training should focus on sensitivity, procedural rigor, and evidence collection to strengthen the judicial process.

Furthermore, public awareness campaigns are essential to educate the populace about GBV laws, reporting mechanisms, and the rights of victims. This can help dispel myths, reduce stigma, and encourage more victims to come forward and seek justice.

Additionally, there is a critical need to enhance services for legal assistance and victim protection. This includes improving access to legal aid, providing specialized support services for victims, and ensuring their safety throughout legal proceedings. Strengthening these services can empower victims and improve their trust in the justice system.

In conclusion, addressing the challenges identified in the analysis is crucial for improving victim support, enhancing judicial outcomes, and fostering a more informed societal framework that prioritizes justice and accountability in GBV cases.

Conclusion

The Government of Pakistan and the Supreme Court are deeply committed to safeguarding human rights as enshrined in the Constitution of Pakistan. This commitment includes a resolute focus on addressing the pervasive issue of Gender-Based Violence (GBV). The "Special Report: An Overview of Gender-Based Violence Cases - 2023" provides a comprehensive analysis, underscoring both achievements and ongoing challenges in adjudicating GBV cases across the nation.

The analysis reveals significant variations in the handling of GBV cases across different provinces and categories of violence. These variations highlight the need for tailored interventions to address regional and category-specific issues effectively. The overall low conviction rates and high acquittal rates indicate systemic issues that require urgent attention and reform within the judicial process.

To address these challenges, several key recommendations are proposed. First, it is essential to conduct a detailed review of acquittal reasons to identify and rectify common issues. Enhanced training programs for judicial officers and prosecutors are also necessary to improve the handling of GBV cases, ensuring that they are treated with the seriousness and sensitivity they deserve.

Improving victim support services is crucial for ensuring the safety and continued participation of victims in the judicial process. Public awareness campaigns and community engagement initiatives are needed to shift societal attitudes and support GBV victims. Additionally, enhancing case management practices and introducing technological solutions can expedite the resolution of GBV cases, ensuring timely justice.

A regular review and update of legislation is vital to address emerging trends in GBV and close any legal loopholes. Adequate resource allocation to the judiciary is necessary to handle the volume of GBV cases effectively. Establishing robust monitoring and accountability mechanisms will ensure that case progress is tracked and that all judicial levels are held accountable.

Through these concerted efforts and continued reforms, we can ensure justice for GBV victims, uphold constitutional rights, and promote a safer, more equitable society for all. The commitment to these principles reflects our dedication to human rights and the rule of law, paving the way for a future where every individual can live free from the fear of violence and discrimination.