

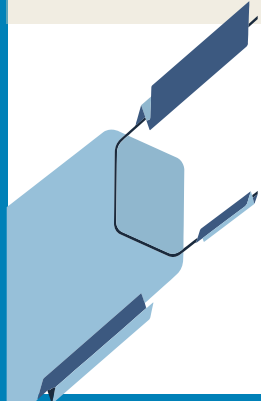
**The Asia Foundation**

# Justice Sector Support Program

*Follow-up Training for Lawyers*

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## Training Objectives

- ❖ Understand the current VAW landscape in Pakistan
- ❖ Explore implementation gaps in VAW laws
- ❖ Discuss ethical and trauma-informed legal practice
- ❖ Review Pakistan's international obligations
- ❖ Promote proactive legal engagement beyond the courtroom.

## What is Violence Against Women (VAW)?

- ❖ **Violence Against Women (VAW)** refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual, psychological, or economic harm or suffering to women. This includes threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.

## Type of VAW

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graph TD; A[Type of VAW] --> B[Physical violence]; A --> C[Sexual violence]; A --> D[Psychological violence]; A --> E[Economic violence]; B --> B1[Hitting]; B --> B2[Slapping]; B --> B3[Acid attacks]; C --> C1[Rape]; C --> C2[Molestation]; C --> C3[Harassment]; D --> D1[Threats]; D --> D2[Insults]; D --> D3[Isolation]; D --> D4[Bullying]; E --> E1[Controlling income]; E --> E2[Denying resources];
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### Physical violence

- Hitting
- Slapping
- Acid attacks

### Sexual violence

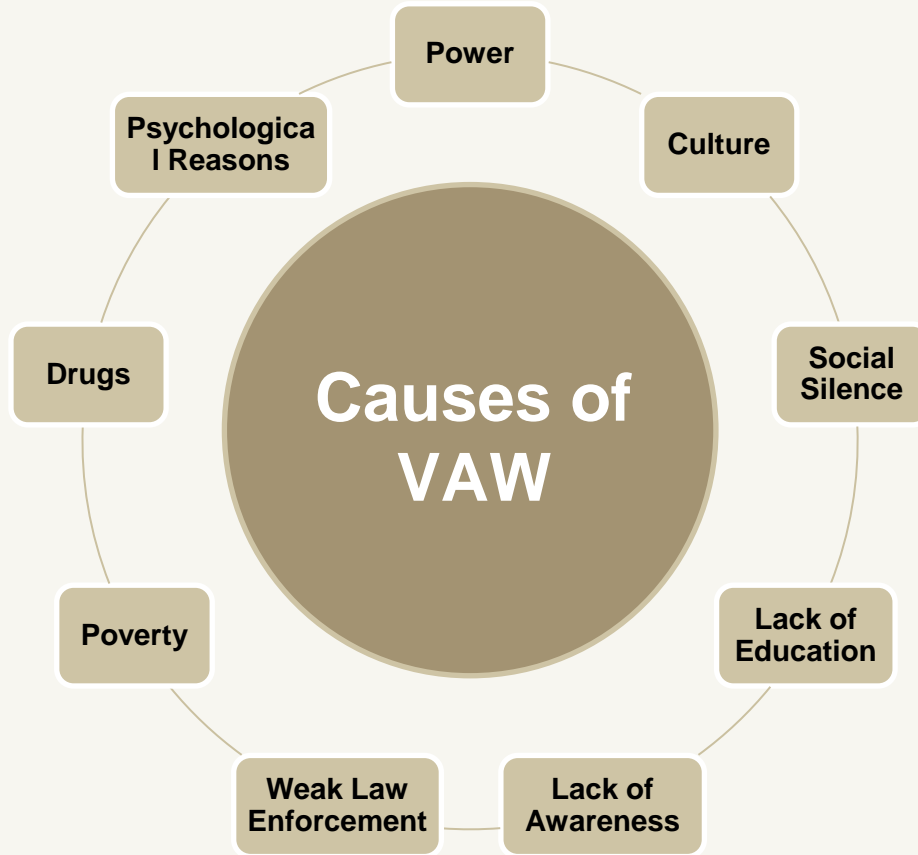
- Rape
- Molestation
- Harassment

### Psychological violence

- Threats
- Insults
- Isolation
- Bullying

### Economic violence

- Controlling income
- Denying resources



## Impact of VAW

- ❖ Physical injuries, trauma, long-term mental health issues
- ❖ Disruption of family structure and children's wellbeing
- ❖ Economic instability for survivors
- ❖ Lower trust in law enforcement and legal systems
- ❖ Weakening of community safety and cohesion

## Situation in Pakistan

- ❖ 1 in 3 women in Pakistan experiences physical or sexual violence in her lifetime.
- ❖ Pakistan's Gender Gap Rankings (out of 148 countries, 2025 report)

Dimension	Rank
Overall Rank	148 <sup>th</sup> (Last)
Economic Participation & Opportunity	147 <sup>th</sup>
Educational Attainment	137 <sup>th</sup>
Health & Survival	131 <sup>st</sup>
Political Empowerment	118 <sup>th</sup>

## Pakistan's International Commitments on VAW

Convention/Commitments	Status	Relevance
CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)	Ratified 1996	Recognizes GBV as a form of discrimination; obligates legal, policy, and institutional measures.
Universal Declaration of Human Rights (UDHR)	Adopted 1948	Upholds rights to life, dignity, and freedom from torture; GBV seen as human rights violation.
ICCPR (International Covenant on Civil and Political Rights)	Signed – 2008 Ratified – 2010	Ensures protection from torture, violence, and ensures equal legal protection.
UN Declaration on the Elimination of Violence Against Women	Endorsed (1993 – Not a treaty)	Urges legal frameworks and survivor support; defines GBV comprehensively.
Beijing Platform for Action	Endorsed – 1995	Commits to eliminate GBV through legal reform, services, and national strategies.

# Legal Framework on VAW in Pakistan

Pakistan has developed a robust legal and policy framework to address various forms of violence against women. This framework includes constitutional guarantees, provisions under the Pakistan Penal Code (PPC), specific VAW-related laws, and international treaty obligations.

## • Constitutional Provisions

The Constitution of Pakistan ensures fundamental rights that serve as the foundation for protecting individuals, particularly women, from VAW:

- **Article 4–** Right of individuals to be dealt with in accordance with law.
- **Article 9–** Security of person.
- **Article 14–** Inviolability of dignity of man and privacy of home.
- **Article 25–** Equality of citizens; prohibits discrimination on the basis of sex.
- **Article 34–** Full participation of women in all spheres of national life.

# Legal Framework on VAW in Pakistan

## Penal Code Provisions (Pakistan Penal Code, 1860)

The PPC criminalizes various forms of gender-based violence, including:

- **Section 375 & 376–** Rape and punishment for rape
- **Section 375A & 376A–** Gang rape and Disclosure of identity of victim of rape, etc.
- **Section 377–** Unnatural offences
- **Section 354–** Assault or criminal force to woman with intent to outrage her modesty
- **Section 354A–** Stripping a woman of her clothes in public
- **Section 509–** Sexual harassment by words, gestures, or acts
- **Section 302, 310A, 338–** Honour killings and related offences
- **Section 498A –** Prohibition of depriving women from inheriting property

# Legal Framework on VAW in Pakistan-Special Laws on VAW

Pakistan has enacted several targeted laws to combat VAW:

- ❖ **The Protection Against Harassment of Women at the Workplace Act, 2010:**  
Establishes mechanisms to file and investigate workplace harassment complaints.
  
- ❖ **Domestic Violence (Prevention and Protection) Acts:**
  - Enacted in all provinces (e.g., Sindh 2013, Balochistan 2014, Punjab 2016, Khyber Pakhtunkhwa 2021, ICT 2020).
  - Provide protection, relief, and rehabilitation for victims of domestic abuse.
  
- ❖ **The Acid Control and Acid Crime Prevention Act, 2011:**  
Regulates acid sales and prescribes strict punishment for acid attacks.
  
- ❖ **The Anti-Rape (Investigation and Trial) Act, 2021**
  - Introduces special gender-sensitive procedures for rape trials.
  - Mandates medico-legal examination within a stipulated time.
  - Establishes special courts and use of modern evidence techniques.

# Legal Framework on VAW in Pakistan-Special Laws on VAW

- ❖ **The Anti-Honour Killing Laws (Criminal Laws Amendment) Act, 2016:**
  - Eliminates forgiveness (waiver of qisas) in honour killing cases.
  - Ensures that perpetrators face mandatory punishment.
- ❖ **The Criminal Law (Amendment) (Offences in the Name or Pretext of Honour) Act, 2016**
  - Similar to the above, strengthens penalties against honour-related crimes.
- ❖ **The Zainab Alert, Response and Recovery Act, 2020**
  - Addresses child abduction and abuse, with a special alert system for missing children.
- ❖ **PECA Act, 2016**
  - addresses GBV by criminalizing cyber harassment, stalking, and the non consensual use of intimate images, thereby protecting women's dignity and privacy in digital spaces.

# Legal Framework on VAW in Pakistan - Procedural Safeguards and Evidence Laws

- ❖ **Qanun-e-Shahadat Order, 1984 (Law of Evidence)**
  - Article 146 prohibits questions in cross-examination that are indecent or scandalous.
- ❖ **Code of Criminal Procedure (CrPC), 1898**
  - Provides procedures for FIR registration, investigation, and trial of offences.

## Religious Teachings on Protection and Justice

- ❖ Islam upholds dignity, safety, and respect for all individuals
- ❖ **The Prophet Muhammad (PBUH) emphasized good treatment of women:**  
“The believers who show the most perfect Faith are those who have the best behavior, and the best of you are those who are the best to their wives”.
- ❖ Religion prohibits any form of injustice, cruelty, or oppression.
- ❖ Sura Al Nisa\*
- ❖ Christianity teaches love and respect for others. "Do unto others as you would have them do unto you" (Luke 6:31).
- ❖ All religions uphold human dignity, justice, and the rejection of violence.

## Roles and Responsibilities of Lawyers

- ❖ Provide competent and diligent legal representation to VAW survivors in both criminal and civil matters.
- ❖ Ensure that survivors understand their legal options and implications of each step taken in the case.
- ❖ Maintain strict confidentiality and protect sensitive survivor information.
- ❖ Prioritize the safety, dignity, and autonomy of the survivor in all legal strategies and decisions.
- ❖ Offer accurate, empathetic, and accessible legal advice, explaining processes in simple, non-technical language.
- ❖ Actively challenge discriminatory attitudes, gender stereotypes, and ensure gender sensitivity in the courtroom.

## Roles and Responsibilities of Lawyers

- ❖ Collaborate with police, NGOs, medical personnel, and psychologists to create a comprehensive support system.
- ❖ Stay updated on VAW laws, court rulings, and advocacy techniques through continuous legal education.
- ❖ Keep clear, accurate, and timely records of case developments while respecting survivor privacy.
- ❖ Facilitate survivor access to justice by removing procedural hurdles and advocating for fast-tracked hearings where appropriate.

# Ethical Considerations for Lawyers in VAW Cases

- ❖ Maintain strict confidentiality of survivor information, respecting their privacy and safety at all stages. Ensure survivors fully understand legal procedures and provide voluntary, informed consent before taking any legal action.
- ❖ Approach survivors with empathy, avoid victim-blaming, and remain sensitive to trauma and psychological distress.
- ❖ Use trauma-informed communication and minimize repeated questioning that could trigger distress or relive abuse.
- ❖ Avoid representing parties with conflicting interests and disclose any potential conflicts transparently.
- ❖ Uphold integrity, impartiality, and professionalism in interactions with the survivor, opposing counsel, and the court.
- ❖ Respect the survivor's decisions throughout the legal process, even when they differ from the lawyer's strategy.

# Step-by-Step Approach for Handling VAW Cases

## ➤ 1. Initial Intake and Survivor Interview

- ❖ Create a safe, private, and non-threatening environment.
- ❖ Build trust and gather basic facts with non-judgmental, open-ended questions.
- ❖ Explain the legal process, rights, and available remedies.
- ❖ Obtain informed consent for further legal action and documentation.

## ➤ 2. Legal Assessment and Strategy

- ❖ Analyze the facts to determine applicable legal provisions under criminal or civil law.
- ❖ Advise the survivor on legal options, including FIR, protection orders, or civil claims.
- ❖ Assess risks (e.g., retaliation, child custody) and develop a survivor centered legal strategy.

# Step-by-Step Approach for Handling VAW Cases

## ➤ 3. Filing of Complaints or FIR

- ❖ Draft and file a First Information Report (FIR) or formal legal complaint, ensuring accuracy and clarity.
- ❖ Coordinate with police for survivor protection where necessary.
- ❖ If police are non-cooperative, seek court orders for FIR registration.

## ➤ 4. Application for Protective Relief

- ❖ File petitions for:
  - Protection orders (under domestic violence laws),
  - Restraining orders,
  - Custody or maintenance in family courts (if applicable).
- ❖ Request immediate interim relief to ensure survivor safety.

# Step-by-Step Approach for Handling VAW Cases

- **5. Evidence Collection and Documentation**
  - ❖ Coordinate with survivor and law enforcement to gather:
    - Medical and forensic reports,
    - Witness statements,
    - Digital or physical evidence (photos, messages, CCTV, etc.).
  - ❖ Ensure proper chain of custody and admissibility.
  
- **6. Pre-Trial Preparation**
  - ❖ Prepare legal arguments, organize evidence, and conduct mock examinations.
  - ❖ Assist survivor in understanding court procedures and preparing for testimony.
  - ❖ File necessary motions (e.g., for closed hearings or anonymity).

# Step-by-Step Approach for Handling VAW Cases

## ➤ 7. Trial Proceedings

- ❖ Represent the survivor in court with professionalism and empathy.
- ❖ Conduct direct and cross-examinations with a trauma-informed approach.
- ❖ Challenge defense tactics that rely on gender stereotypes or character attacks.

## ➤ 8. Post-Trial Follow-Up

- ❖ Inform the survivor of the outcome and legal options for appeal, if necessary.
- ❖ Assist in enforcement of judgments or protective orders.
- ❖ Provide referrals for psychosocial support or rehabilitation services.

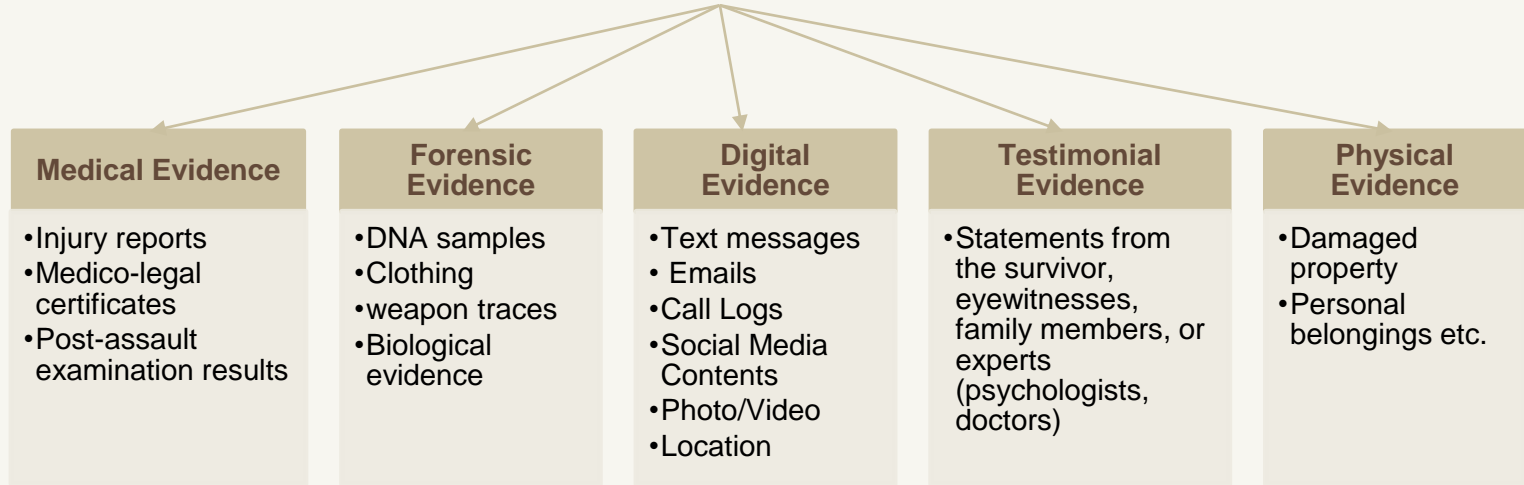
## ➤ 9. Case Closure and Documentation

- ❖ Maintain clear records of proceedings and communications.
- ❖ Conduct an exit interview to provide closure and feedback.
- ❖ Report on case outcomes for internal monitoring (where applicable).

# Evidence Collection and Documentation in VAW Cases

Effective evidence collection is important for building a strong VAW case while safeguarding the survivor's rights and dignity. Lawyers play an instrumental role in guiding, preserving, and presenting evidence in a lawful and trauma informed manner.

## Types of Evidence



## Role of Lawyers in Evidence Collection

- ❖ Help the survivor understand what evidence is relevant and how to preserve it without tampering.
- ❖ Coordinate with police, medical personnel, and forensic experts to ensure timely and proper evidence collection.
- ❖ Verify that the evidence is collected in accordance with law and legal procedures (e.g., no illegal recordings).
- ❖ Request court permission for evidence retrieval (e.g., CCTV footage, electronic records).

## Documentation and Record-Keeping

- ❖ Keep organized files including case history, evidence lists, police reports, court filings, and correspondence.
- ❖ Document the transfer and handling of physical and digital evidence to prevent allegations of tampering.
- ❖ Record interviews accurately with survivor's consent and in safe environments; avoid multiple interviews to prevent re traumatization.
- ❖ Maintain a chronological record of events, evidence collection, and case developments.

## Legal Standards and Best Practices

- ❖ Ensure evidence meets **legal standards of admissibility** under the Qanun-e-Shahadat Order, 1984.
- ❖ Avoid reliance on character evidence or prior sexual history of the survivor (prohibited in VAW cases).
- ❖ Anticipate and preempt common **defense objections** regarding the credibility or delay in reporting.

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- **Case Studies**
  - **Q&A and Wrap-up**

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