

**WOMEN ACCESS TO JUSTICE IN PAKISTAN; EXTRAPOLATING  
ABUSES AND BARRIERS**

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**ABSTRACT**

*Pakistan has aimed to ameliorate the status of its women by passing different laws and bills to protect women from prejudice and immoral behavior. On the contrary the emerging reality in Pakistan is alarming bells of abuses and discrimination against women by the absolute denial of justice. This research set forth to provide overview of all challenges that women face for their access to justice. This research includes mosaic barriers of inclusive nature catching the aspects of social element to legal element and further leads to the complete abnegation of access to justice for women. The major reasons of motley nature found were lack of knowledge, cultural deep rooted misogyny especially in rural areas, patriarchy, deliberate attempt not to seek justice fearing for victim blaming or loss of modesty and technical procedures of criminal justice system. There must be a comprehensive training to provide facilitation to women at police stations, promoting the use of alternative dispute resolution forums and also to establish infrastructure for women which includes facilitation points in all formal institutions. This piece of study is stressing the impediments of legal and social nature regarding the women access to justice in Pakistan. The gist of study is circumscribed to the extent of stressing barriers for women to get justice, development of justice and policy making by the adoption of affirmative actions by the government of Pakistan.*

**Keywords:** Women; Justice; Pakistan; Extrapolating

**INTRODUCTION**

Abnegation of access to women justice regards the complete injustice and failure of the equality of law. As the prevalent situation in Pakistan depicts the whole saga of abuses and discrimination as it comes to providing justice to women. In recent passing years new Bills<sup>1</sup> passed that formally protect women rights in Pakistan, but still there are certain challenges causing failure in access to justice. The gender inequality is not new to a country like Pakistan on the contrary all rich and poor countries are alike when it comes to justice for women (World Economic Forum, 2020). In accordance with the UN Women

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<sup>1</sup> Prevention of Anti- women practices, Bill, 2011  
Acid Control and Acid crimes prevention, Bill, 2011  
The women in distress and detention fund, Bill, 2011

Report, women are still deprived of justice and congeries of barriers of social and legal nature explicates the account of failing women (Braun et al., 2012). Most of the laws that exist on paper for the protection of woman does not meet the requisite of social justice that incorporates the concern of equality of law pragmatically.

The manuscript debunks the corruption of the justice chain, how the crime against women goes unreported and even if reported to the police, their indifference and paying no heed to the reported crime alarms the concerns of prejudice and injustice against women (Braun et al., 2012). The reality is that women in Pakistani culture are marginalized, unable to receive legal counsel, and even unaware of their legal rights. Illustrating the difficulties women confront in accessing justice is essential if women are to be able to rely on it safely and freely in a society that supports the administration of justice for women by offering free legal assistance. This study identifies the gaps and weak points that prevent women from accessing justice by conducting an in-depth policy and legal examination of those barriers.

There are number of examples still occur in which women are discriminated, ridiculed and victimized for seeking help from law and legal institutions. According to the 2016 World Justice Project Report, which assesses gender equality across 113 nations, Pakistan came in at number 81. (Santi Deliani Rahmawati, 2020). To better understand the barriers and challenges that women encounter in the struggle of their lives to obtain access to justice, various socio-legal variables of the situation of women's access to justice in Pakistan need to be addressed. All the women who encounter barriers to accessing justice can benefit from this study. The study's goal is to highlight women's concerns regarding obstacles they encounter while accessing legal institutions. These obstacles are all influenced by the various facets of present culture. Women access to justice is not easy as it seems to be because they belong to the lowest social economic group of our society which is known as male dominant society. Women of our society face harassment, sexually abused, violence, Rape or also more and more but the need of time is to spread awareness and knowledge for not to be depressed in case of any wrongful act. There is a need to propose ways to improve women access to justice in Pakistan (Andersson et al., 2009). The study makes a number of recommendations to improve women approach to legal institutions and also to encourage those who suffer and offer direction for future research.

The objective of this Research is of three folds; One of the most important aim for this research is to understand the barriers that women face in majority and consequently leads to the negation of justice, problems women face to approach legal system, legal institutions and law enforcement agencies in Pakistan and to stress the enactment of the smooth procedure for women to speedy justice. The research questions of this particular research are following;

- What are the socio-legal barriers that women face for their access to justice in Pakistan?
- How to overcome those barriers by adopting affirmative actions to fulfill the gap into the abysses of discrimination in order to get access to justice for women?

The research encapsulates three portions. The first portion of study would explicate all the possible impediments of socio-legal natures and their possible reasons. The second portion would elaborate the existing laws to protect women from the prejudices and possible affirmative action by the government to ameliorate the status of failed justice for women. The third portion of study would be about the extrapolation of research. Analytical and empirical research is adopted in this study. The data is collected through the research articles, newspaper articles, journals and the reports from the UN women in the pursuit of justice. The manuscript employs a qualitative methodology for the research and studies the main challenges that women face in having an approach towards justice in Pakistan.

## **SOCIO-LEGAL BARRIERS TO PROCURE JUSTICE ACCESS**

Pakistan ranked second last on gender equality index in accordance with the recent global gender parity index (World Global Forum, 2022). This recent report on gender parity enumerates the great concern of prejudice and discrimination of women. The report raises questions over the existing laws and bills for the protection of women and how these laws are failing women. Pakistan, being a patriarchal cultural state<sup>2</sup>, if woman may find audacity to report any abuse or violence against her, the cultural dogmas make woman reluctant to report the crime. For being women, it is very difficult for her to get justice by crossing all the impediments of socio-legal nature. Even society acts as a barrier for her when it comes to accessing justice for woman (Qaisrani & POLICY, 2018). The capacity for women in a country like Pakistan to get access to justice is also underlying. The women face misogyny,<sup>3</sup> abuse and discrimination when she engages herself with different branches of law. All other generic factors of lack of education, no safe environment at institutional level and lack economic sources exacerbate the situations and all the experience ends in the complete abnegation of access to justice for women (Braun et al., 2012). This portion deals with some common barriers of social and legal nature.

## **SOCIAL NATURE BARRIERS**

### **DEFICIENT AWARENESS**

Women are neglected population in Pakistan in every field especially in education. This leads to the paramount of illiteracy rate of women further damaging the awareness of their rights in case of contravention. Lack of literacy rate<sup>4</sup> regards the injustices which women face in order to get justice over any abuse or domestic violence. It also accounts the less opportunities for women in employment and equals to the complete dependence over the male member of family. The capacity to get justice access decelerates gradually (Saleemi, 2021).

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<sup>2</sup> A patriarchal society is a male dominated society in which men have more power over women in each segment of their lives (Lewis, 2019).

<sup>3</sup> According to Webster dictionary misogyny stands for hatred against women.

<sup>4</sup> Literacy rate of women is directly proportional to the awareness of their legal rights (Braun et al., 2012).

## **CULTURAL MISOGYNY**

In accordance with the Webster dictionary misogyny refers to the culture that elevates hatred against women. The cultural misogyny amounts the aversion and prejudice against women in a society. Pakistan in 2018 ranked sixth on the list of countries most devastated for women accounting the concerns of hatred and violence against women. In Pakistan, it's very common for women to face emotional and physical abuse from her marital partner. A highlighted recent rape of a woman commuting from Lahore to Gujranwala, in front of her young children she was brutally raped and the response from the high police official of "Victim blaming" clearly indicates the cultural misogyny against women. Despite being a patriarchal state, woman is always marginalized and face conglomeration of barriers when it comes to get justice. Misogyny constitutes itself as a barrier for women in order to get justice, who gets terrified of being sanctioned by the dependent male partner if she goes to report any crime. She mostly ridiculed and ignored by the society and institutions in most of the cases if she procures the audacity to report crime (Rehman, 2021).

## **WOMEN'S RELIANCE OVER MALE**

In some countries including Pakistan women lack the autonomy outside of the household and unable to approach justice system due to the complete dependence over the male relative or partner of a family. This factor of reliance is also present worldwide. In accordance with the household survey of 30 countries, in more than 15 countries married women have no say even in everyday household decisions (Braun et al., 2012). In Pakistan males holds the dominant position in most cases and support women financially on the contrary mostly women are the household wives and accountable for the daily household chores, childbearing, in rural areas performing agricultural work and nurturing the whole family (Mehmood, 2002). The recent study extrapolated that in Pakistan half of the women are not empowered and indulged in household duties. The condition is almost better in urban areas of Punjab, KPK, while in Baluchistan situation is far worst due to its backwardness. On the contrary in rural areas women are more vulnerable to violence and domestic abuses due to the dependence over males and lack of education. Many offences go unreported. Their conditions could be better by enhancing awareness through elevation of education. No doubt education could be an enabler to raise the autonomy of women (Lassi & Ali, 2021).

## **SOCIAL SANCTION IN CASE OF SEXUAL AND DOMESTIC ABUSE**

In cases of sexual and domestic abuse the process of approaching formal justice system for women is disturbed through the social sanctions. Women have to face the stigmatization for the offence. The irony is that women are more ridiculed and stigmatized than the perpetrators of the crime. Mostly women are sanctioned and reprimanded to report such nature of crimes by their families and relatives (Braun et al., 2012). Socio-cultural impact is the humongous of all the social barriers abnegating the access for women justice in Pakistan. Sexual abuse of varied nature and domestic abuse are the least reported crimes in Pakistan due to the very social sanctions (Sarah Zaman & Foundation, 2012). In accordance with the recent report the abuse of sexual and domestic are ameliorated in Pakistan at alarming rate. Beside abuses of sexual and domestic nature suicide cases of victimized women are also

aggravated in Pakistan. Social sanctions in reporting the crimes of such horrific nature are widespread and contemplate the notions of honor for males. The male members of family refused to give their rights, be it father, brother or husband. They control their emancipation in order to get justice access and leave them cornered due to the very notion of honor deterioration. In most cases women in consternation refused to file the FIR because of the social, political and family pressure (Aurat Foundation, 2020a).

### **LEGAL NATURE BARRIERS**

To reach the justice system in many developing countries for women including Pakistan is very constricted. Notwithstanding, with the help of cosmopolitan institutional support many developing projects of construction of special court, mobile courts to provide free aid to women and other projects of such nature were provided. All the institutions lack the capacity to provide the speedy justice to women. Justice is a concern of later stage even women access to the institutions of justice includes element of decadence. With the lack capacity of institutions other factors of gender discrimination, misogyny, low time and money and lack of education exacerbate the abnegation of access for women. The conglomeration of social and institutional impediments creates problems to the access of justice for women (Braun et al., 2012).

### **INSTITUTIONAL BARRIERS**

#### **POLICE**

Mostly all the cases against violence of women are dropped at the inquisitive stage. The investigation of police in cases against the violence of women is far satisfactory. The investigation includes the element of decadence from the very inception of registering FIR (Braun et al., 2012). One study finds that women during the initiation of case bear abuse and discrimination by the police officials. Yet no single officer has been criminalized for such prejudices against women. The presence of female police official at the time of registering FIR is compulsory but pragmatically nothing of this sort is concerned due to lack of female staff in police institution. Women have to face the male officers who are the product of the patriarch society. Gender sensitization should be the part of police training and no police officer should forget that misogyny is a badge of shame and incompetency (Andersson et al., 2009). The police resistance is very common to register a FIR in a case of violence against women (Qaisrani & POLICY, 2018). The police enjoy a great deal of discretion at the handling of cases concerning the abuses against women, violence against women and of harassment nature. The police tend to meditate the matter of such nature accounting women concern on the very factum that the issue is of personal nature and should not be brought in police station. It's a clear form of discrimination on the hand of police. Especially in rape cases where the forensic evidence is required, the medico-legal (MLOs) are very in less numbers and their training against the rape victims is very prejudiced. It has all the impact on the forensic report and the judge is bound to acquit the accused on the corollary of very such forensic evidence (Santi Deliani Rahmawati, 2020).

The discretion of police is barred at the stage of registering FIR, but police enjoy a deal of discretion at the disposal of case at the investigation stage. The

reason of disposal could be any of these, lack of evidence, misrepresentation of facts but in most cases the biasness of police could be easily traced and their misogynistic approach could easily be seen. In rape cases or if the victim is of old age or a divorcee, the police seems always ready to make an inference of innocence about the accused by stating, reputable and innocent of a person is accused. When police tries to meditate the cases of rape or abuse in the premises of police station, delay occurs consequently which in later stages becomes the reason for the acquittal of accused (P. A. Ali & Gavino, 2008) (Sarah Zaman & Foundation, 2012).

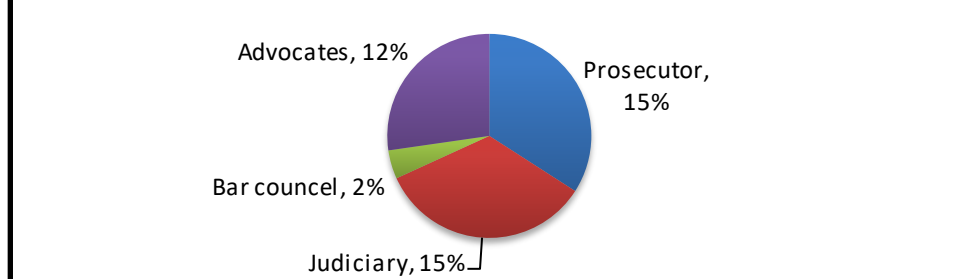
This institution of police is full of prejudices and discrimination in handling the cases of violence against women. The corruption, meditation, victim blaming, apathy and mediocre level investigation of cases of women abuses are all elements incorporated deeply in it. A case was highlighted in the province of Sindh of a victim of 12 years minor girl; she got pregnant by the accused and threatened not to tell anyone. Later on she was admitted to hospital and borne a baby. After revelation of the entire instance it was found that the police refused to register FIR against the accused initially but later due to pressure of neighbors and media they registered FIR (Aurat Foundation, 2020b).

### **PROSECUTORS**

In Pakistan there are more male prosecutors and lawyers than female prosecutors. One study extrapolated that women feel more confident to pursue case through female prosecutors or lawyers. The reason behind feeling complacency lies in the nature of cases including sexual and domestic abuse, the female lawyer would easily comprehend the nature of case. In some areas it was observed that some female lawyers go to the extent of providing free services to female clients of downtrodden, therefore more female lawyers are needed as they ease difficulties that women face in seeking legal services. One study also explicate that even female lawyers in thus profession also face discrimination from their male counterparts (Andersson et al., 2009). According to the Gender Gap report of 2020 Pakistan ranked 151 out of 153 countries (World Economic Forum, 2020). Notwithstanding, the constitution of Pakistan provides the elimination of gender discrimination (Constitution of Pakistan 1973, 2012) but all the figures depicting the picture of discrimination are grotesquely sad. The legal profession is considered as a male dominant profession, with the less numbers of female lawyers would aggravate the already broken justice chain for women. A chart is used to illustrate the gender disparity in these categories within the legal profession.

### **Category Wise Comparison in Numbers**

## CATEGORY-WISE BREAKDOWN OF REPRESENTATION OF WOMEN LEGAL PROFESSION

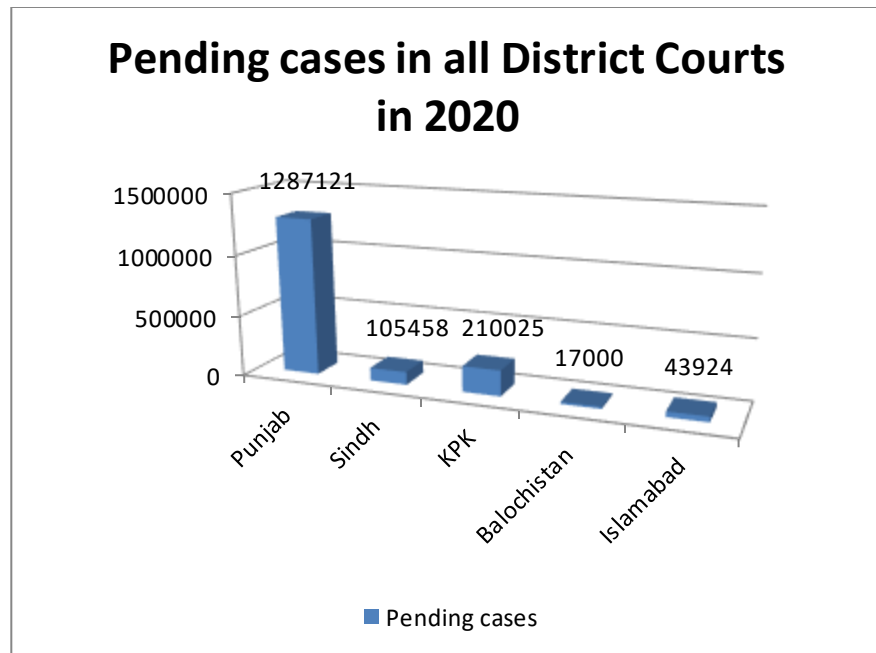


The state of women's Representation in Law 2020 (Report, 2020).

It would make sure the blockage of justice access to women (Riaz, 2020). In order to smooth the access of justice for women, this institution of criminal justice system must be considered seriously. As the cases of violence and sexual abuses are at rampage in Pakistan so the concerned authorities must through policy and its implementation ameliorate representation of female lawyers in Pakistan. It would be done by reducing the discrimination against female lawyers in Pakistan and encouraging fresh coming females to adopt this profession (Atencio, 2017).

### COURTS

The access to justice for woman is a broken path to take. Women are prevented to go to courts and even if some find audacity to seek justice from court, they find justice at a great discount. They demand the enforcement of their rights but all the exertion go in vain. Yet women in Pakistan can't afford to give up their exertion in courts (Rehman, 2021). The prevalent mentality runs across the criminal justice system is that if woman is being raped she would shut her mouth because opening of such incident would perish her modesty. The woman has to testify in front of all irrelevant people in the courtroom about the cases of rape and sexual abuse. This is very difficult for woman to counter such level experience. The cases which are conducted in the chambers (In camera proceedings) the woman has to face the accused there, which is also a dreadful experience for her (Sarah Zaman & Foundation, 2012). The numbers of female judges are too low as compared to the male judges depicting the clear form of discrimination in the field of criminal justice system (Riaz, 2020). Two-third of cases reaches court of such nature of violence and sexual abuse in courts, in which half of them disposed of before reaching the trial stage (Braun et al., 2012). The courts in Pakistan are failing women in order to provide justice and reducing the violence against them (Shapland et al., 1985) (Dawn, 2022). The court proceedings in rape cases and sexually abused cases are corrupted through inadequate delays and procrastinations. National judicial policy making committee in Pakistan has issued the data on the pending cases in all courts of Pakistan. More than 2 million cases are pending in the Supreme Court, Federal Sharia Court, high courts and district judiciary.



An evaluation of pending cases in the judiciary of Pakistan (S. Ali & Hassan, 2022).

According to that data provided by the law and justice commission of Pakistan about 1287121 cases were pending in District Judiciary Punjab. Comparatively the list of the pending cases in 2020 is higher than the previous reports provided by the law and justice commission of Pakistan in 2018, 2017, 2016 and 2015 (S. Ali & Hassan, 2022).

The women have to pay the heavy cost of time, huge money and difficulties of motley nature in order to get justice. Even some male judges are also the product of misogynistic society and biased in their approach in order to decide the case of involving women (Anderson, 2003). Even in rape cases the previous sexual history of victim is not barred by the judges in order to decide the case. All these practices make difficult for women to get the justice access. There are no mobile courts in Pakistan, as in many countries, in order to meet the challenges women face, mobile courts are being established to reach easily and to get legal justice (Gaston, E., & Luccaro, T. 2014). As most of courts and police offices are located in urban areas and out of reach to women in rural areas, are the foundational issues as narrated by Mukhtaran Mai (T. S. Ali et al., 2020).

#### **ATTRITION OF JUSTICE CHAIN**

The justice chain starting from the crime which mostly goes unreported to the cases which ended in courts only very few cases results in the conviction of the accused. The whole justice chain is corrupted through the attrition. Nearly half of the cases are dropped at the investigation stages, mostly cases are not reported as crime due to social sanctions of society and in most cases police failed to bring the real perpetrators of the crime to the scene. The police investigation is also corrupted through involvement of meditation practices which make very difficult for women to get the justice access. Even the prosecution of the rape and sexual cases, more than half of the cases are



dropped before going to the trial stage. All the justice chain is corrupted with the attrition phenomenon (Braun et al., 2012).

It is breathtaking on account that the recurrent emergence of rape cases in Pakistan and the victims ending up humiliated by the norms of our judicial system. Whenever a pathetic incident happens in some area or town, most of the cases go unreported due to the patriarch nature based society and those victims which show audacity to report a case they become the scapegoat on account of loopholes of our judicial system. In our judicial system from substantial to procedural laws, deficiencies are there leading to the mere impediment for the desperate women from getting a justice. Practices, which endorse the victim blaming, maneuvering, coercion, humiliation, character assassination are still at a premium, on the contrary the just equitable measures accounting the loopholes and barricades in our society and institutions are at a great discount. The whole criminal justice system is suffering with the element of attrition when it comes to provide justice especially to women (Psychology & 2007, n.d.).

The cases of violence against women are widespread even in the offices of lawyers. Take this case for example, on April 6, 1999; twenty-nine year old Saima; she was executed in her lawyer's office located in Lahore, Pakistan. Saima had reluctantly agreed to an accord with her mother and her attorney. Mrs. Sarwar, Saima's mother had brought with her a gunman who completed the task without much fuss. Saima's father and her maternal uncle were also accomplices to the murder. In spite of the relentless press attention, nobody was arrested. At the time of the murder, Saima's father was the president of his hometown chamber of commerce and a model citizen. Saima was killed because she was alleged to have brought shame to her family and tradition (Jafri, 2003). So, the list goes on like this. Even recently in the days of COVID-19, the violence against women was accrued at alarming rate worldwide and especially in Pakistan. There is a dire need to do more in order to provide justice to the marginalized women of society through the adoption of positive steps incorporating the concerns relating to the problems women faced in their path to broken justice system (Aurat Foundation, 2020b).

These problems result out of high levels of low-reporting and attrition, which means that only half of the cases that initiated in the formal system ever results in a court decision or fair outcome for women. Many rape offences, honor killings, domestic abuses go unreported and even if reported, it ends in complete denial of justice for women due to the presence of discriminatory laws (Braun et al., 2012). The next portion discusses the positive steps taken by the government to protect the women rights in the pursuit of justice.

#### **AFFIRMATIVE ACTIONS AGAINST BARRIERS AND ABUSE**

*“When a State makes little or no effort to stop a certain form of private violence, it tacitly condones that violence. This complicity transforms what would otherwise be wholly private conduct into a constructive act of the State (Ross, 2018).”* This portion of study is a conclusive one extrapolating the findings of this piece of study. The chapter has the discussion of the results and recommendations crediting the recurrent injustices to women. The result

of this research has a commotion that in our society consisting of patriarch nature, women face many prejudices in every aspect of their life. The women face impediments in their way to justice from the very start no matter either she is victim or accused. In both cases she has to face humiliations in her way to get justice. The time has changed; we can't elevate society until women have their equal footing with men in every aspect of life in order to provide confidence in them to raise their concerns of deprived rights. It is worth mentioning here in rape cases; women get all the blame and it is very sad to point here, the terminology in Pakistan is used "Victim blaming" in case of horrible offence, women get victim blaming in the name of justice and her identity is being disclosed by the officials constituting double jeopardy for her.<sup>5</sup> It has to be changed by the enactment of laws by the government at national level to reduce this trend of victim blaming. The double jeopardy happens in the form of when victim's identity is being disclosed by the law enforcement agencies. All this perspective is depicting the horrible picture in which women face all type of hurdles in her way to justice (Rehman, 2021).

### **RAPIDLY EVOLVING JUSTICE SYSTEM**

As the landscape of criminal justice system in Pakistan is rapidly evolving. The legal profession is a case in point. Women still face unique challenges practicing law and pursuing justice in Pakistan, yet their numbers in the profession continue to grow which would create a little ease for women to get justice access. In 2019, a conference of women judges, co-organized by The Asia Foundation in the province of Punjab, attended by the 400 female judges. At the same time, new forums for women's access to justice have appeared on the scene. A nationwide system of dedicated courts, for example, has now been established to provide the justice system and make sure their access feasible (Syed et al., 2021). Through international laws in which Pakistan is a signatory the level of discrimination and their failed access to justice system has been reduced (Abbasi, 2016). As the number of female staff is burgeoning in the criminal justice system to bridge the gender gap in Pakistan, depicting hope to reduce the prejudices against women in their deteriorated access to justice system. The path to failed access to justice would be better by strengthening of nationalized justice system (Braun et al., 2012).

Another positive step toward change is the alternative dispute resolution (ADR) instead of the court proceedings combined with inadequate delays due to large number of pending cases. An alternative to traditional approach of justice system acts as a catalyst for the attraction of women practitioners. A large portion of disputes referred to ADR involve women related issues such as marriage, and domestic abuse and this trend would be very beneficial to the speedy access to justice for women. The Asia Foundation's project controlling the Alternative Dispute Resolution for Equitable Access to Justice in Pakistan includes ADR training for women, in the profession of law, and in their communities (Syed et al., 2021).

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<sup>5</sup> Recently in motorway incident of rape, the identity of the rape victim is being maintained. (Rehman, 2021)

## EVOLUTION OF LAWS FOR PROTECTION OF WOMEN RIGHTS

As with the development of justice the time period of 2004-2011 had been very significant in the context of legislation and women rights issues (Mirza et al., 2011). Certain discriminatory laws amended by the government of Pakistan.<sup>6</sup> As with the promulgation of protection of women (Criminal laws Amendment), 2006, laws which were discriminatory in the Pakistan Penal Code, 1860 were amended in order to reduce the inequality between gender. List of the insertion of new sections in Pakistan Penal Code, 1860 through the Protection of women Act, 2006 is followed;

- Section 365B. Kidnapping, abducting or inducing woman to compel for marriage etc.
- Section 367A. Kidnapping or abducting in order to subject person to unnatural lust.
- Section 371A & B. Selling and buying person for purposes of prostitution, etc.
- Section 375 & 376. Rape law and inserting rigorous punishment.
- Section 493A. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.
- Section 496A, B & C. detaining of woman with criminal intent, fornication and punishment.
- Section 203 A, B & C. Complaint in case of *Zina*, *Qazf* and fornication.

The purpose of the Women Protection (Amendment), 2006 bill was to bring the discriminatory laws on the offences of (*Zina and Qazf*) Hudood Ordinance, 1979 in conformity with the injunctions of Islam. These two offences are not being defined and described for their punishment in Quran, thus employed under the category of *Tazir*. It is for the state to insert the laws with the definition and prescribe its punishment. Through this bill the offences of *Zina* and *Qazf* in the (Hudood Ordinance of 7 and 8, 1979) had been inserted in the Pakistan Penal Code, 1860 properly. These two Ordinances of *Zina* and *Qazf* were subjected to the broad level of criticism being discriminatory especially against women. As in accordance with the ordinances if the prosecution for rape against male failed but sexual activity confirmed through pregnancy, otherwise female would be punished for *Zina*, not as Hadd, failed to provide four eye-witnesses. On the contrary in *Tazir*, her complaint is considered as confession (Mirza et al., 2011)(Government of Pakistan, 2006).

As with the recent amendment in the Criminal law (offences in the name of pretext of Honor) Act, 2016, certain changes were made in order to protect the women from the tyranny of discriminatory laws. As in case of honor killing offence, in which the perpetrator of the crime procured forgiveness, through other family member or being Wali waived off the right, for the offence and avoided punishment or legally pardoned had been repealed by the government.

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<sup>6</sup> The Criminal law (Amendment) Act, 2004 (on honor crimes)  
Protection of women (Criminal laws Amendment) Act, 2006  
Criminal law (Amendment) Act, 2010 (on sexual harassment) `1`  
Prevention of Anti-women Practices Act, (Criminal laws Amendment) 2011  
The Acid control and Acid prevention Act, 2011  
The women in distress and detention Fund (Amendment) Act, 2011

With the development of justice system and through the female activists raising awareness regarding the discriminatory laws, these triumphs have been achieved and exertions have been put by the government of Pakistan. As Imran Khan narrated on television speech, *“if the west is ahead of us today, it is because their laws are not discriminatory. This will be our guiding principle (Stone, 2018).”*

The discrimination in marriage, inheritance and child custody rights still exist. As in family laws, where a woman has to request a divorce, on the contrary man can simply grant one. This is also clear form of discrimination against women rights (Darling, 2018). For cyber harassment, in 2016 Prevention of Electronic Crimes Act, criminalized the harassment on electronic media and regarded as an offence. With the presence of all these laws, yet Pakistan struggles to provide equal justice to women. The justice chain is corrupted through the presence of odd “customary laws” where if crime is reported by women, it would bring shame to the family. Women still experience blockage to the access of justice through the enforcement of the laws. Police officials lack the training to deal with the technical offences, no female officers especially in rural areas, social stigma and failure to prioritize collecting evidence, still prevalent in Pakistan (Stone, 2018).

With all this development of laws for the protection of women rights, still Pakistan has to go far ahead in order to alleviate the socio-legal barriers which women face in their access to justice. In all the legal institutions, there are no facilitation units to ease the hurdles women face through the lengthy and tough procedures of criminal justice system (World Justice Project, 2020). The attrition process must be protected from the corruption. The state laws make sure the justice access to women not only in papers but pragmatically too. The justice must be done.

## **POLICY RECOMMENDATIONS**

The policy recommendations are worth mentioning here to speed up the justice system for women. As laws and treatise are also there in Pakistan to provide speedy justice to women. But through these policies government would be able to reduce the discrimination and prejudices faced by women in the process of justice system.

- Access to justice is not limited to the criminal justice system; it requires holistic approach to address gender inequalities present in Pakistan. In order to curb violence against women requires an exertion to vanquish the abysses of discrimination rooted in the norms of society through ameliorating awareness in females of their rights and increasing the number of females in the legal institutions for creating a safe environment for deprived women.
- The state should make sure the compliance of the human rights standards extending to all justice practices and shun the practices of non-state legal systems that violate the human rights by creating hurdles in the access of justice for women.
- Reforms should be incorporated accounting the concern of women justice access into the curriculum of the education sector by including topics on human rights and gender equality.

- As there are no mobile courts<sup>7</sup> in Pakistan, in most of the developing countries mobile courts are being established to ease the access of justice for women (Braun et al., 2012), steps should be taken to make sure the conception and implementation of mobile and special chambers to provide justice to women.
- The requisite for smoothing justice system for women lies in the elimination of the barriers that lead to the miscarriage of justice. Women may be more confident in coming forth with their cases if they can approach females, instead of males, at the service institutions. Steps should be taken to reduce the gender gap at the institutions of justice system.
- The Punjab government's initiative of establishing special courts for addressing the cases of abuses in Lahore is laudable. Such type of initiatives would be nationalized in order to provide access to justice system especially in rural areas. Furthermore, the judicial system should be made affordable for women in terms of time and money so that its access is based on equality.
- Establishing of special courts and police stations in rural areas as in Pakistan, mostly abuses happen in rural areas and justice is out of reach to the women residing in those remote and secluded areas.
- Implementation of laws and policies would make sure in order to provide justice to women. As mere laws on paper would do no help to reducing the failed access to justice in Pakistan. Accountable mechanism should be established for the institutions of justice, for those who would not comply would have to face the wrath of law.
- There is also a need of monolithic political will and commitment to comply with the agreements, policies and laws and ensure speedy service delivery that would help in regaining the trust and confidence in the institutions of justice established to provide justice access to women.
- In order to bring social change in civil society, media could be used as significant tool to spread awareness amongst the people of society. Steps should be taken to make sure the implementation of media use to reduce the discrimination against women.
- There is a dire need to expand focus of gender empowerment and special jobs to be created on female quota in the institutions of justice to provide free legal aid to the female victims of society

## CONCLUSION

The grass root problem lies behind the failed access to justice system for women in the barriers of socio-legal nature. These impediments hinder the access of justice to women. The significant need of the hour is, to take this matter seriously by the stakeholders to facilitate the women in their broken path to justice system. The reason of the attrition of cases at the initial stages where the cases go unreported lies in the lack of awareness due to the low level of education especially in rural areas, women are unable to comprehend the rights ascribed to them. Steps on the behalf of federal and provincial governments should be taken to enhance the special courts in rural areas and the implementation of the mobile courts in remote areas of Pakistan. The

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<sup>7</sup> Formal courts that conduct business in locations other than their home offices, usually in remote areas where justice access is not available. As in Eastern Republic of Congo mobile courts have been established (Braun et al., 2012).

discrimination in the legal profession against females should be avoided through enactment, as it would raise the confidence of women to report the silenced crimes against them. Other forums of alternative justice system should be introduced to provide the speedy access to justice for women. Affirmative actions by the government of Pakistan should be taken to provide the justice access to women.

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